

GLENORCHY PLANNING AUTHORITY AGENDA

MONDAY, 16 APRIL 2018



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

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

A handwritten signature in blue ink, likely belonging to Tony McMullen.

Tony McMullen
General Manager

11 April 2018

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

Chairperson: Alderman K. Johnston

Hour: 5.00 p.m.

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

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

**5. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLINGS
(1 NEW AND 1 EXISTING) - 26 SIXTH AVENUE, WEST MOONAH**

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 544520

REPORT SUMMARY:

Application No.:	PLN-17-379
Applicant:	Creative Homes Hobart
Owner:	T D Cooper
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	Clause 10.4.2 Setbacks and building envelope, Clause 10.4.3 Site coverage and private open space for all dwellings, Clause 5.6.2 Road accesses and junctions and Clause E6.7.1 Number of vehicular accesses (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension of time until 17 Apr 2018
Existing Land Use:	Single dwelling
Proposal In Brief:	Two Multiple Dwellings (1 new and 1 existing)
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal is for the construction of an additional dwelling on the property. The proposed building will be two-storey with a bedroom, living areas, laundry and double garage on the lower level and three bedrooms, amenities and a rumpus room on the upper level.

The building will be located between the existing dwelling and the eastern side boundary with a separate vehicular access via Sixth Avenue (figure 1).

The proposed dwelling will be 4.5m from the southern front boundary, 1.999m from the northern side boundary, 2.391m from the eastern side boundary.

The proposed dwellings would be a combination of brick veneer and lightweight cladding, with aluminium windows and Colorbond roofing.

The proposal provides for two car parking spaces for the existing dwelling, one in the single garage and one on the driveway.

The proposal would be reliant on performance criteria for Clause 10.4.2 for setbacks and building envelope, Clause 10.4.3 for Site coverage and private open space for all dwellings, Clause E5.6.2 for road accesses and junctions and Clause E6.7.1 for number of vehicular accesses.

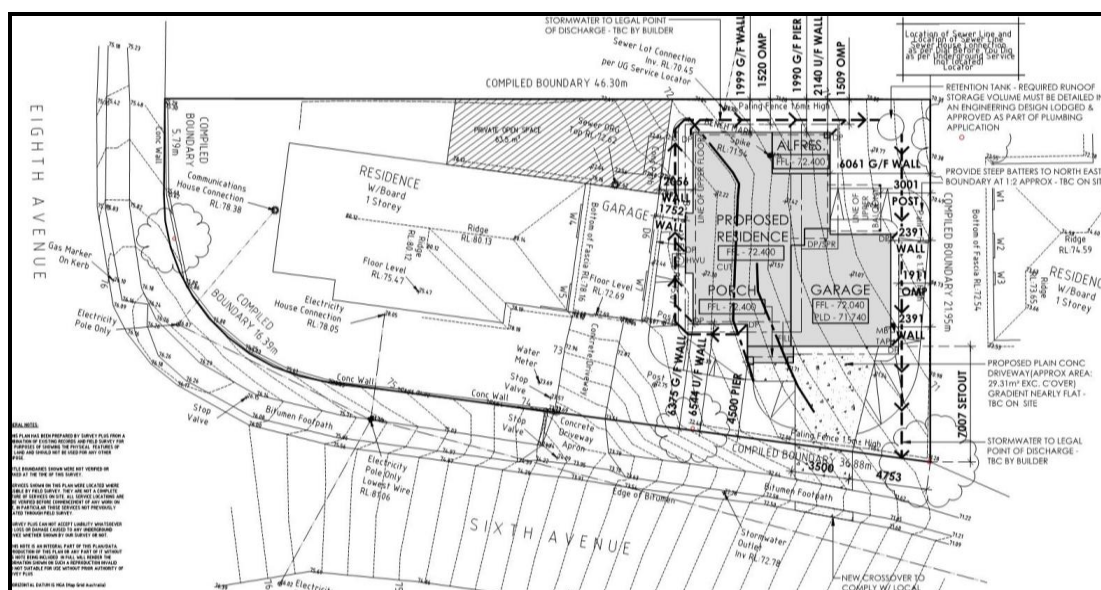


Figure 1: Site plan of 26 Sixth Avenue, West Moonah.

SITE and LOCALITY

The subject site is located on the north-east corner of Sixth Avenue and Eighth Avenue, West Moonah. The property has a combined frontage of approximately 59m, an average depth of 19.5m, and a total area of 857m².

The site has a moderate slope of 1 in 8.5, falling toward the north-east. The land has an existing dwelling located near the T-Section with a driveway part way along the boundary with Sixth Avenue.

The site is located within a General Residential area with a mix of single dwellings and multiple dwellings. The property is within the General Residential zone (figure 2).



Figure 2: Aerial photo of 26 Sixth Avenue, West Moonah and surrounds.

ZONE

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

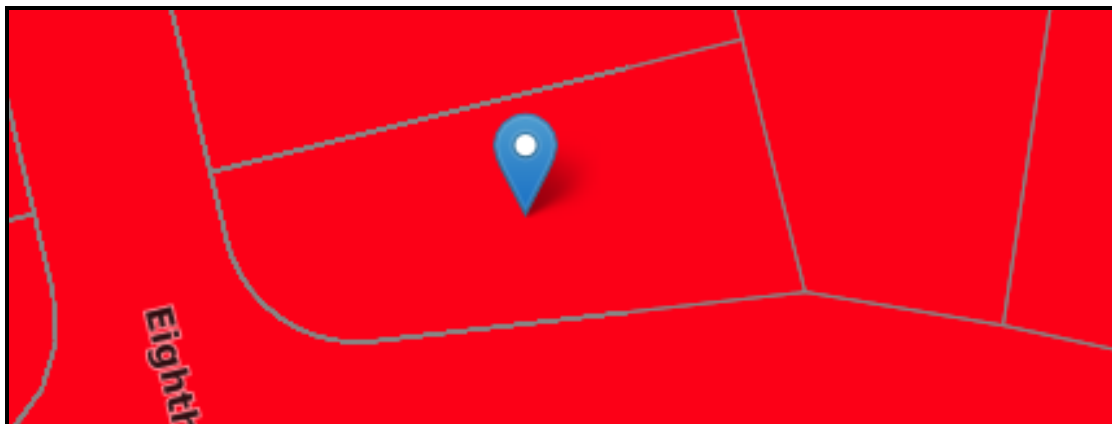


Figure 3: General Residential Zone over 26 Sixth Avenue, West Moonah.

BACKGROUND

No background on file relevant to the assessment.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

No SAP or Code provisions conflict with zone provisions in this assessment.

Use Class Description (Table 8.2):

The use of Multiple Dwelling is listed within the Residential use class description of the Glenorchy Interim Planning Scheme 2015.

The definition of Residential use class states:

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

Other relevant definitions (Clause 4.1):

The use of a multiple dwellings is defined as the following in Clause 4.1 of the Glenorchy Interim Planning Scheme 2015:

means 2 or more dwellings on a site.

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

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

- 10.4.2 A3 Setbacks and building envelopes for all dwellings (northern setback)

- 10.4.3 A2 Site coverage and private open space for all dwellings (access via garage)
- E5.6.2 A2 Road accesses and junctions (increase in accesses)
- E6.7.1 A1 Number of vehicular accesses (increase in accesses)

Part C: Special Provisions

No special provisions apply.

Part D: Zones

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

Zone Purpose Statements

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

10.1.1.1

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

10.1.1.2

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

10.1.1.3

To provide for the efficient utilisation of services.

The proposed multiple dwellings would be consistent with the residential uses for the zone and would assist with accommodating a range of dwelling types. The proposal would efficiently utilise existing infrastructure. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 10.1.1 of the Scheme.

Use Table

The proposed use of 'Multiple Dwellings' is permitted in accordance with the use table in Clause 10.2 of the Scheme. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses 10.4.2, 10.4.3, E5.6.2 and E6.7.1.

Use Standards

The use standards set out in Clause 10.3 of the Glenorchy Interim Planning Scheme 2015 are not applicable to this application.

Development Standards for Residential Buildings & Works

Clause 10.4.2 – Standard A3, Setbacks and building envelope

The proposed dwelling would have a setback of 1.999m from the northern side boundary. The proposed dwelling would require a minimum setback of 4.5m from the northern side boundary, to be in accordance with Clause 10.4.2 – Standard A3. The proposal is considered in accordance with the performance criteria:

The siting and scale of a dwelling must:

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

The proposal is similar in bulk and scale to surrounding one and two-storey dwellings. The maximum wall height would be 7.5m and the design has been stepped so that the second storey is toward the middle of the site. In addition, the building has been located to the south of the neighbouring property and this would minimise the potential for overshadowing. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance.

Clause 10.4.3 – Standard A2, Site coverage and private open space for all dwellings

The plans show that the private open space for the proposed dwelling will be accessed via the garage. The proposed private open space will require direct access from a habitable room other than a bedroom, to be in accordance with Clause 10.4.3 (c) – Standard A2. The proposal is considered in accordance with the performance criteria:

A dwelling must have private open space that:

- (a) *includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play that is:*
 - (i) *conveniently located in relation to a living area of the dwelling; and*
 - (ii) *orientated to take advantage of sunlight;**unless the projected requirements of the occupants are considered to be satisfied by communal open space or public open space in close proximity.*

The proposed dwelling will have a reasonable amount of private open space at ground level. However, the design would not provide for direct access from a habitable room. The proposal provides for areas that are capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play, with reasonable access between the living area and private open space via a

garage. A second storey deck with an area of 10.8m² would also be provided. The private open space would have reasonable access to sunlight during the day. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

Clause 10.4.6 – Standard A1, Privacy for all dwellings

The proposal will a permanently fixed screen to a height of at least 1.7m above the floor level of the lower level deck on the northern side, in accordance with Clause 10.4.6 – Standard A1. A condition has been recommended to ensure ongoing compliance.

The second storey bedroom windows would be offset more than 1.5m on the eastern side and comply with the acceptable solution in Clause 10.4.6 – Standard A2.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E2.0 Potentially Contaminated Land Code

Clause E2.5 – Standard A1, Use Standards

The applicant submitted a Soil Contamination Assessment Report, completed by Environmental Management & Consulting PTY LTD (em&c) on 27th November 2017 demonstrating that the land is not contaminated. Therefore, the proposal would be exempt from this Code.

E5.0 Roads and Rail Code

Clause E5.6.2 – Standard A2, Road accesses and junctions

The proposal would provide two vehicular accesses via Sixth Avenue, one existing and one new.

The proposal is required to have a maximum of one vehicular access to be in accordance Clause E5.6.2 – Standard A2. The proposal is considered in accordance with the performance criteria:

For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

Council's Development Engineer was supportive of the proposal on the basis that the proposed access and the road had been designed to accommodate the increase in traffic. The additional access would be located at a similar interval and would not impact on the efficiency of the road. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and the proposal complies with the standard.

E6.0 Parking and Access Code

Clause E6.6.1 – Standard A1, Number of Car Parking Spaces

The proposal provides a total four car parking spaces for two multiple dwellings. Therefore, the proposal is in accordance with Clause E6.6.1 – standard A1.

Clause E6.7.1 – Standard A1, Number of Vehicle Accesses

The proposal would provide two vehicular accesses via Sixth Avenue, one existing and one new.

The proposal is required to have a maximum of one vehicular access to be in accordance Clause E6.7.1 – Standard A1. The proposal is considered in accordance with the performance criteria:

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

- (a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;*
- (b) whether the additional access points can be provided without compromising any of the following:*
 - (i) pedestrian safety, amenity and convenience;*
 - (ii) traffic safety;*
 - (iii) residential amenity on adjoining land;*
 - (iv) streetscape;*
 - (v) cultural heritage values if the site is subject to the Local Historic Heritage Code;*
 - (vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.*

The proposed accesses would be located along the secondary frontage and will be at similar intervals to the surrounding properties. The additional access would be located to minimise the loss of on-street parking and would not compromise pedestrian safety. The second access is not considered to unreasonably interfere with traffic or the residential amenity of the surrounding area. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and the proposal complies with the standard.

E7.0 Stormwater Management Code

The proposal is not exempt under Clause E7.4 of the Scheme. However, the proposal complies with the acceptable solutions of the standards in Section E7.0. The applicant will provide the capacity for onsite storage of stormwater to reduce the flow to be consistent with previous levels. Conditions are recommended.

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

Development Engineer

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

Traffic, Access & Parking

The development proposes to provide 2 access points; the existing vehicular access onto the site will be retained and serve the existing dwelling while the new dwelling will be accessed via the new proposed vehicular crossing onto the proposed garage. The fall toward the east is considered steep, the driveway must comply with AS2890.1:2004 and satisfy Council's requirements. This will be conditioned in the Permit. It is 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; and the 100mm stormwater kerb connection is available off the Sixth Avenue frontage. Council policy states 1 stormwater connection per lot; new connection may be required to be able to drain the entire site. All stormwater from the new development must be able to drain via gravity to the Stormwater system; and not onto other neighbouring property. This will be conditioned if approved.

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.

Environmental Health

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

A Soil Contamination Assessment Report, completed by Environmental Management & Consulting PTY LTD (em&c) on 27th November 2017 was submitted to Council to prove compliance with exemption E2.4.3 of the Glenorchy Interim Planning Scheme 2015 (The Scheme).

The below results summary has been extracted from the em&c report:

- *No reported exceedances of the NEPM low density residential land use assessment criteria*
- *No reported exceedance of:*
 - *NEPM residential & public open space land use ecological screening levels*
 - *NEPM residential and open space land use ecological investigation levels with one exception:*
 - ❖ *Exceedance of zinc in one surface sample collected on 1/11/2017*
 - ❖ *Sample location was resampled on 16/11/2017 with no exceedance*
 - ❖ *Additional soil samples were collected and analysed for zinc on 16/11/2017 to allow for defensible statistical analysis into the distribution of zinc in shallow soil across the site. These sample results reported no exceedance.*
 - ❖ *95% upper confidence limit for zinc concentration in soil across the site was calculated to be below NEPM criteria*

The report goes on to conclude that the proposed low-density residential sub-division of 26 Sixth Avenue, West Moonah is suitable for the intended use and that there is not an unacceptable level of risk to either human health or to the environment, within the context of the proposed residential land use.

The above stated report therefore confirms that the potentially contaminating activity previously located on the site did not impact the site and therefore the development is exempt under Section E2.4.3 of The Scheme.

Environmental Health has no recommended conditions to apply to this permit.

Waste Management Officer

The proposal was referred to Council's Waste Services Co-ordinator who provided the following:

Waste Services to the proposed multiple dwelling development at 26 Sixth Ave West Moonah would be Council's standard bin service collected fortnightly.

- *The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for recycling to each of the dwelling, collected fortnightly.*
- *Please note that this property would have a total of four (4) bins, two (2) Waste bins and two (2) Recycling Bins.*
- *This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.*
- *All bins are to be placed on the kerbside for collection.*

- *Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.*

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

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

1. Setback

The representor states that the proposal will be located close to the neighbouring property on the eastern side and this will impact on amenity.

Planner's Comment:

This issue has been previously addressed under the heading Development Standards for Residential Buildings & Works, Clause 10.4.2 – Standard A3, Setbacks and building envelope. However, the proposal complies with the setback requirements for the eastern side in accordance with the standard.

2. Privacy

The representor states that the upper level deck on the eastern side will impact on privacy for the neighbouring dwelling to the east.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. This is because the deck will be set back 3.001m and complies with the privacy standard.

3. Stormwater

The representor states that the subject site does not have a connection to Council's stormwater main and this will impact on stormwater runoff.

Planner's Comment:

This issue has been previously addressed under the heading E7.0 Stormwater Management Code and comments from Council's Development Engineer. In addition, stormwater runoff is controlled under the Urban Drainage Act.

4. Retaining wall

The representor states that there is an existing retaining wall on the eastern boundary that will be impacted on by the steep batters and stormwater runoff.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. However, the structural integrity of the development will be assessed separately under in accordance with the Building Act 2016 and all stormwater runoff must be contained within the site, as per the Urban Drainage Act.

CONCLUSION

The proposal is relying on the performance criteria to comply with the acceptable standards of the Scheme in relation to; setbacks and building envelope for all dwellings; site coverage and private open space for all dwellings; existing road accesses, junctions and number of vehicular accesses.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

The proposal is assessed as complying with all other use and development standards in the General Residential zone, as well as the relevant standards of the Road and Railways Access Code, Parking and Access Code and Stormwater Management Code.

The application was publicly advertised for the statutory 14-day period and one representation was received raising concerns regarding the setback, privacy, stormwater and retaining wall.

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

Recommendation:

That a permit be granted for the proposed use and development of Two Multiple Dwellings (1 new and 1 existing) at 26 Sixth Avenue West Moonah subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-379 and Drawing No. P5 pages 1-6 of 7 submitted on 2 March 2018, 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. A privacy screen/wall to a height of 1.7 m from finished floor level must be constructed on the northern elevation (shown as rear elevation on the plan) of the ground floor deck for the proposed dwelling prior to building approval. The privacy screen/wall must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent overlooking. The privacy screen must remain in-situ, for the life of the use.

Engineering

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

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

5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. All stormwater runoff must be contained within the site and drained to Council's approved Stormwater outlet. All internal hydraulic service works required for the development must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains must be undertaken by Council at the developer's cost. To install a new connection, the developer is required to contact Council's Development Engineer on (03) 62166439 to organise for Council to provide a quote to perform the stormwater connection works prior to the issuing of a Building Permit Approval or the commencement of works on site, (whichever occurs first).
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. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
 - a) Be constructed to a sealed finish and the finished gradient shall not exceed the maximum gradient of 25%;

- b) Vertical alignment shall include transition curves (or straight sections) to the Australian Standard, Parking facilities - Part 1: Off-Street Car parking AS 2890.1 - 2004, Clause 2.5.3 (d) at all grade changes greater than 12.5%;
- c) All runoff from paved and driveway areas must be discharged into Council's stormwater system;
- d) The gradient of any parking areas must not exceed 5%; and
- e) Minimum carriageway width is to be no less than 3.0 metres.

To comply with the above requirements, the developer must submit engineering drawings to the satisfaction of Council's Development Engineer prior to the issuing of the Building Permit. All works required by this condition must be installed prior to the occupancy of the proposed dwelling.

- 8. Barrier compliant with the Australian Standard AS 1170.1 must be installed to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit. All works required by this condition must be installed prior to the occupancy of the proposed dwelling.
- 9. The development must comply with Council's Stormwater Runoff Management Policy, the Stormwater detention for a 1 in 20 year ARI storm event must be provided on site. Any system proposed to retain the required runoff storage volume must be detailed in an engineering design lodged and approved as part of the plumbing application, and to be designed, constructed and maintained to the satisfaction of Council's Plumbing Surveyor.
- 10. New vehicle crossing(s) with a 3.6-metre wide concrete driveway apron must be constructed in accordance with standard drawing SD-1003 between the kerb and the property boundary and to the satisfaction of Council's Development Engineer prior to the occupancy of the proposed dwelling. The detail design must be submitted and approved prior to the issuing of a Building permit.

Advice: A Property Access Works Application must be completed prior to any work being undertaken. The application is available from Council's planning department or available from Council's website at:

<https://www.gcc.tas.gov.au/residents/living-in-glenorchy/driveways>

Advice to Applicant

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

Underground Services

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 2016 are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 62166800.

APPENDIX 1**10.0 General Residential Zone.**

Standard	Acceptable Solution	Proposed	Complies?
10.3 Use Standards			
10.3.1 Non-Residential Use	A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	Not applicable.	N/A
	A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAm _{ax}) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	Not applicable.	N/A

	A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.	Not applicable.	N/A
	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (c) 9.00 am to 12 noon Saturdays; (d) nil on Sundays and Public Holidays.	Not applicable.	N/A
10.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m ² .	Not applicable.	N/A
10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m ² .	Not applicable.	N/A

10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings.	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Complies. The proposal will have a minimum of 428.5m per dwelling.	Yes
10.4.2 Setbacks and building envelopes for all dwellings:	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	Complies. The proposal will have a setback of 4.5m from the secondary front boundary.	Yes
	A2 A garage or carport must have a setback from a primary frontage of at least:	Complies. The proposed garage will have a setback of 5.8m from the frontage.	Yes

	(a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.		
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	The proposal will have a setback of 1.999m from the northern side boundary. Compliance would require a minimum setback of 4.8m from the northern side boundary. Therefore the proposal relies on performance criteria.	No Refer to discussion in the report.

10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	Complies. The proposal will have a site coverage of 38.6%. Both dwellings will have at least 70m ² . The site will have a minimum of 55.9% free from impervious surfaces.	Yes
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and	The proposed dwelling will have access to private open space via a garage. Compliance will require access via a habitable room other than a bedroom. Therefore the proposal relies on performance criteria.	No Refer to discussion in the report.

	(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight overshadowing dwelling	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Complies.	Yes
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):	Complies.	Yes

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

10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Complies.	Yes
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	Complies.	N/A
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door:	Complies. The second storey bedroom windows are within 3m of the side boundary, but comply with (b)(i).	Yes

	(i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or	Not applicable.	N/A

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

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

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	N/A
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	N/A
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Not applicable.	N/A

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

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

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

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

Standard	Acceptable Solution	Proposed	Complies?
	Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not applicable.	N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	The proposal will provide two vehicle accesses. Compliance will require a maximum of one car parking. Therefore the proposal relies on performance criteria.	No Refer to discussion in the report.
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.	Complies.	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.	Complies.	Yes
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
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.	Complies.	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.	Not applicable.	N/A
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Not applicable.	N/A
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b)	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) be located within 30 m of the main entrance to the building.		
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Not applicable.	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.	Not applicable.	N/A
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not applicable.	N/A
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not applicable.	N/A

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

APPENDIX 4**E7.0 Stormwater Management Code**

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

Standard	Acceptable Solution	Proposed	Complies?
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Not applicable.	N/A

Attachments/Annexures

- 1  Attachment - 26 Sixth Avenue, West Moonah

6. PROPOSED USE AND DEVELOPMENT - TWO ADDITIONAL WAREHOUSES (STORAGE) - 6 WHITESTONE DRIVE, GRANTON

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 1777938

REPORT SUMMARY:

Application No.:	PLN-18-001
Applicant:	P Muskett
Owner:	A J & M H Walter
Zone:	Light Industrial
Use Class	Storage
Application Status:	Discretionary
Discretions:	Clause 24.3.1 for Hours of Operation, Clause 24.4.3 Design, Clause 24.4.4 Passive Surveillance, Clause E3.7.1 Building and works, other than minor extensions and Clause E5.5.1 Existing road accesses and junctions (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	17 Apr 2018
Existing Land Use:	Four Warehouses (Storage)
Proposal In Brief:	Two additional Warehouses (Storage)
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal is for two warehouses in addition to the existing four warehouses. The proposed fifth warehouse will have a total floor area of 200.1m² (182.6m² storage and 17.5m² ancillary office) including the mezzanine. The proposed sixth warehouse will have a total floor area of 544m² (523.1m² storage and 20.9m² ancillary office).

The existing four warehouses each have a total floor of 248m (238m² storage and 10m² ancillary office).

The fifth warehouse will have a maximum height of 7.6m, and would be 0m from the eastern side boundary, and 0.4m from the southern rear boundary, 57.9m from the northern front boundary and 51m from the western side boundary. The sixth warehouse will have a maximum height of 7.6m, and would be 19.9m from the eastern side boundary, and 1.5m from the southern rear boundary, 55m from the northern front boundary and 1m from the western side boundary (Figure 1).

The buildings will include a loading and unloading areas. Car parking will be provided as follows:

- Warehouse 1 – 3 car parking spaces
- Warehouse 2 – 3 car parking spaces
- Warehouse 3 – 3 car parking spaces
- Warehouse 4 – 3 car parking spaces
- Warehouse 5 – 3 car parking spaces
- Warehouse 6 – 6 car parking spaces
- Shared – 2 Accessible spaces

The proposed hours of operation for the Storage would be the following:

Monday to Friday	6:30am to 10pm
Saturday	7:30am to 6pm
Sundays	7:30am to 6pm
Public Holidays	7:30am to 6pm

The proposal would be reliant on performance criteria for Clause 24.3.1 for Hours of Operation, Clause 24.4.4 for passive surveillance, Clause 24.4.3 for design, Clause E3.7.1 for building and works, other than minor extensions and Clause E5.5.1 for existing road accesses and junctions.

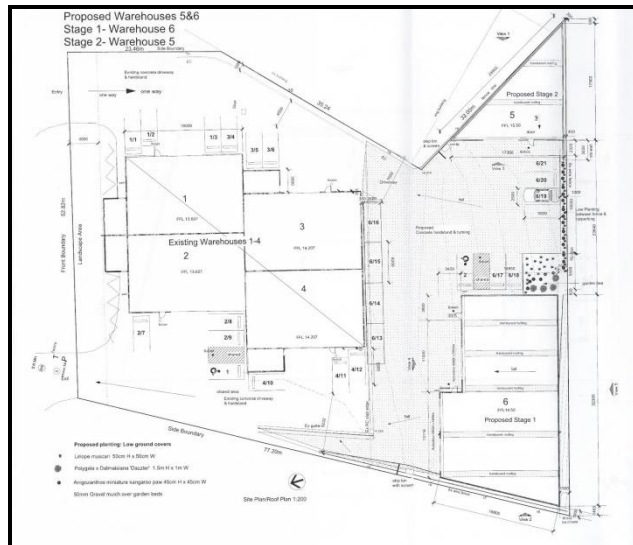


Figure 1: Site plan of 6 Whitestone Drive, Granton.

SITE and LOCALITY

The subject site is located on the southern side of Whitestone Drive approximately 231m from the T-Section with Main Road, Granton.

The property has a frontage of approximately 52.82m, an average depth of 75m, and a total area of 4259m².

The site has a moderate slope and falls toward the north, with an average gradient of 1 in 25. The property consists of one large building consisting of four warehouses near the middle of the site. An area of approximately 4.5m wide is landscaped along the front boundary. The remainder of the site has been sealed.

The site is located within the Light Industrial zone and is surrounded by a combination of uses within the Light Industrial zone to the north, east and west. The Open Space zone adjoins the southern side, with the Rural Living zone and General Residential zone further south (figure 2).



Figure 2: Aerial photo of 6 Whitestone Drive, Granton.

ZONE

The subject property is within the Light Industrial Zone under the Glenorchy Interim Planning Scheme 2015 (figure 3).

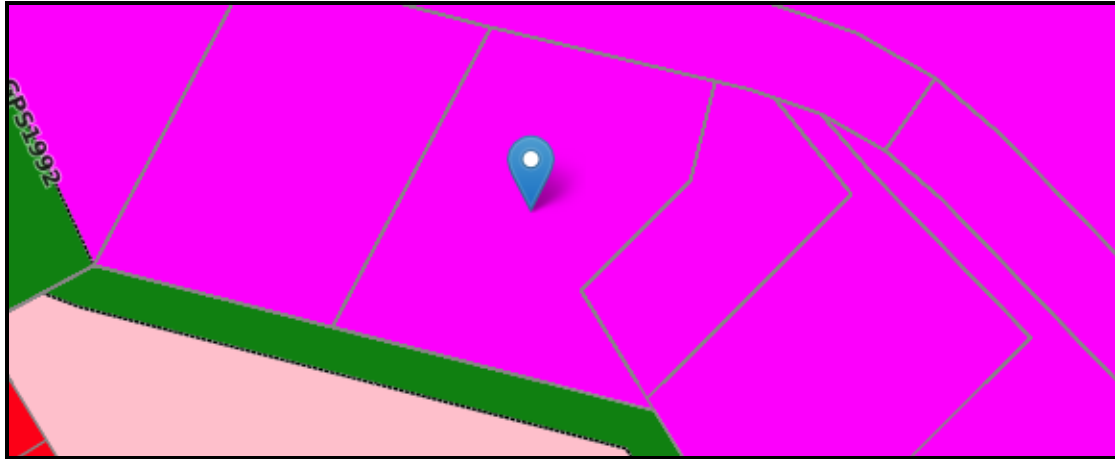


Figure 3: Light Industrial Zone over 6 Whitestone Drive, Granton.

BACKGROUND

A previous permit PLN-06-03973-01 was approved on 30 June 2006 for four warehouses and required a total of 20 car parking spaces including 3 accessible car spaces. The approved hours of operation are as follows:

Monday to Friday	6:30am to 10pm
Saturday	7:30am to 6pm
Sundays	7:30am to 6pm

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

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

Use Class Description (Table 8.2):

The individual use is Warehouse, which is listed within the use class of Storage.

The definition of Storage use class states:

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

Other relevant definitions (Clause 4.1):

Nil.

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

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

- 24.3.1 A1 Hours of Operation (Monday to Sunday and Public Holidays)
- 24.4.3 A1 Design (buildings)
- 24.4.4 A1 Passive Surveillance (building)
- E3.7.1 A1 Building and works, other than minor extensions (building and works)
- E5.5.1 A3 Existing road accesses and junctions (second access)

Part C: Special Provisions

No special provisions apply.

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

The Light Industrial zone purpose statements in Clause 24.1.1 of the Scheme are 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 change of use to Storage (Warehouse) would provide for storage and distribution of goods and materials with minimal impact on amenities or other uses. The proposal would promote the efficient use of existing industrial land and minimise land use conflict in order to protect industrial viability. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 24.1.1 of the Scheme.

Use Table

The proposed use of 'Warehouse' is permitted and the existing use of 'Warehouse' is permitted, in accordance with the use table in Clause 24.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses 24.3.1, 24.4.3, 24.4.4, E3.7.1 and E5.5.1.

Use Standards

Clause 24.3.1 – Standard A1, Hours of Operation

The proposed use will be within 69m of the General Residential Zone in the Scheme. The proposed hours of operation would be:

Monday to Friday	6:30am to 10pm
Saturday	7:30am to 6pm
Sundays	7:30am to 6pm
Public Holidays	7:30am to 6pm

The proposal would require hours of operation between 7am and 7pm Mondays to Fridays, between 9am and 5pm Saturdays and nil on Sundays and Public Holidays,

to be in accordance with Clause 24.3.1 – Standard A1. The proposal is considered in accordance with the performance criteria:

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 proposal will be located within an existing industrial area and would be primarily used for storage. The proposed hours of operation are similar to the existing approved hours on site. The use would be similar to surrounding businesses and in close proximity to Main Road. The buildings have been designed to be located along the rear boundary to reduce the potential for noise impacting the residential zone which is approximately 68m from the subject site. In addition, the adjoining Open Space zone provides a buffer with the Rural Living zone residing between this area and the residential zone. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance. The proposal complies with the standard.

Clause 24.3.2, Noise

The proposal complies with the acceptable solutions for Clause 24.3.2 – Standards A1. A condition has been recommended in accordance with the Scheme to ensure ongoing compliance.

Development Standards for Buildings or Works

Clause 24.4.3 Design

The proposal will have windows and door openings for 24.5% of the western side of Warehouse 5, 33.5% of the northern side of Warehouse 6 and 0% on the eastern side of Warehouse 6.

The proposed Warehouse 6 will have a single expanse of wall extending 100% of the length of the facade on the eastern side.

The proposal will require any single expanse of blank wall in the ground level front façade or facades facing a public space to be no greater than 50% of the length of the façade in accordance with the acceptable solution Clause 24.4.3 – Standard A1(c). The proposal is considered in accordance with the performance criteria:

Building design must enhance the streetscape by satisfying all of the following:

- (a) provide the main access to the building in a way that is visible from the street or other public space boundary;*
- (b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;*
- (c) treat very large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;*
- (d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is limited when viewed from the street;*

- (e) *ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;*
- (f) *only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;*
- (g) *be consistent with any Desired Future Character Statements provided for the area.*

The proposed main entrances for the additional warehouses will be visible from a shared car parking area. The façade would be mainly viewed by passing traffic and has limited access to the public with the main car parking area and buildings located to the rear of the site. Therefore, the proposal will have minimal impact on the existing streetscape. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance.

Clause 24.4.4 Passive Surveillance

The proposed Warehouse 6 will have a single expanse of wall extending 100% of the length of the facade on the eastern side.

The proposal will require a facade to provide windows and door openings at ground floor level in the front façade which amount to no less than 20 % and the proposal will require a facade to 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 % to be in accordance with the acceptable solution Clause 24.4.4 – Standard A1. The proposal is considered in accordance with the performance criteria:

Building design must provide for passive surveillance of public spaces by satisfying all of the following:

- (a) *provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;*
- (b) *locate windows to adequately overlook the street and adjoining public spaces;*
- (c) *incorporate windows and doors for ground floor offices to look upon public access to the building;*
- (d) *locate external lighting to illuminate any entrapment spaces around the building site;*
- (e) *design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;*
- (f) *provide for sight lines to other buildings and public spaces.*

The proposal will provide passive surveillance from the adjoining warehouses. In addition the parking area has been designed to be open with clear views to public space. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance. The proposal complies with the standard.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E3.0 Landslide Code

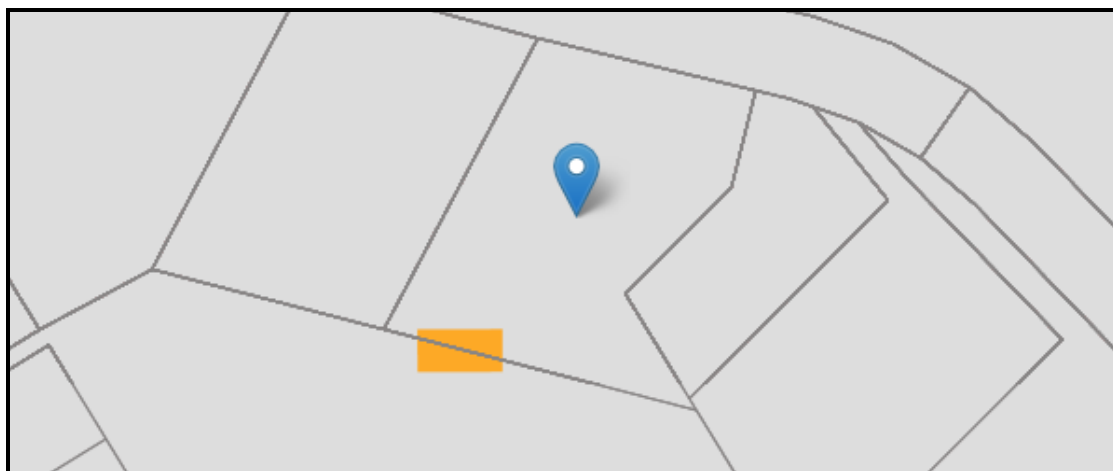


Figure 4: Landslide Code Overlay over part of 6 Whitestone Drive, Granton.

Clause E3.7.1 – Standard A1, Buildings and Works, other than Minor Extensions

The proposal will include new buildings and works in a medium landslide area.

The proposal will require buildings and works, other than minor extensions to be located outside the medium landslide area to be in accordance with Clause E3.7.1 – Standard A1. The proposal is considered in accordance with the performance criteria:

Buildings and works must satisfy all of the following:

- (a) *no part of the buildings and works is in a High Landslide Hazard Area;*
- (b) *the landslide risk associated with the buildings and works is either:*
 - (i) *acceptable risk; or*
 - (ii) *capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.*

Council's Development Engineer was supportive of the proposal on the basis that the proposal will be located in a medium risk area. In addition, an existing covenant on the certificate of title requires earthworks to be undertaken in accordance with the Australian Standard. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

E5.0 Roads and Rail Code

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

The proposal would increase the traffic movements per day by more than 20%. The proposal would require traffic movements to increase no more than 20% or 40 vehicle movements per day to be in accordance Clause E5.5.1 – Standard A1. The proposal is considered in accordance with the performance criteria:

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

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

Council's Development Engineer was supportive of the proposal on the basis that the existing access and road had been designed to accommodate the increase in traffic. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and the proposal complies with the standard.

E6.0 Parking and Access Code

Clause E6.6.1 – Standard A1, Number of Car Parking Spaces

The proposal would provide a total of twenty-three (twenty-one plus two accessible spaces) car parking spaces for six warehouses. The car parking will be allocated as follows:

- Warehouse 1 – 3 car parking spaces
- Warehouse 2 – 3 car parking spaces
- Warehouse 3 – 3 car parking spaces
- Warehouse 4 – 3 car parking spaces
- Warehouse 5 – 3 car parking spaces
- Warehouse 6 – 6 car parking spaces
- Shared – 2 Accessible spaces

Therefore, the proposal would in accordance with Clause E6.6.1 – standard A1 in the Scheme.

Clause E6.6.2 – Standard A1, Number of Accessible Car Parking Spaces for People with a Disability

Two shared accessible car parking spaces will be provided to comply with the Scheme. A condition has been recommended.

E7.0 Stormwater Management Code

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

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

Development Engineer

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

Traffic, Access & Parking

The site can be accessed off the existing vehicular accesses onto the site. The driveway proposed generally complies with AS2890.1:2004 as shown on the P2 plan received by Council dated 9/2/2018. The total number of parking spaces proposed is 23 spaces including 2 accessible parking spaces. This therefore triggers the surplus of 2 spaces of 10% of the required number. The surplus is considered acceptable given the scheme's focus is more on the shortfalls rather than the surplus. In additions, this surplus may be able to accommodate the use of the site in the near future. It is 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; and the stormwater connection is available off the street frontage. The stormwater report submitted to Council was accepted as part of the application.

Other

Geoscience issues

Part of the lot at the rear where the warehouse no.6 will be located, is identified as subject to a 'Medium Hazard' as per the Dept. of Premier & Cabinet / Mineral Resources Tasmania MRT Hazard Maps for susceptibility to landslide. Due to the 'Medium Hazard' a detailed Geotechnical Report was not required to be submitted with the application, however the applicant may wish to seek advice from an suitably qualified Engineer that the proposed development will not cause any undue risk to land stability or the occupants as a result of the works. Further information can also be found at the following website:

http://www.dpac.tas.gov.au/divisions/local_government/osem/mitigating_natural_hazards

Flooding/Inundation issues

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

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

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

1. Appearance

The representor states that the additional warehouses will be tilt up concrete panels near the boundary will have an unsightly appearance from the neighbouring property to the south.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. The proposal will be located within the Light Industrial zone and adjoins the Open Space zone. Therefore, no standards apply for the appearance of the buildings facing the southern boundary.

2. Noise

The representor states that traffic and the reversing of vehicles would create noise that will impact on the amenity of the adjoining property to the south.

Planner's Comment:

This issue has been previously addressed under the heading Use Standards, Clause 24.3.1 – Standard A1, Hours of Operation. The additional warehouses will be designed and located so that only car parking adjoining the boundary will be adjacent the neighbouring outbuilding. The solid concrete panelling and structures will assist in mitigating the noise from the site. It is unlikely that the use will create excessive noise. However, in the event that this may occur a condition has been recommended.

3. Light

The representor states that light from the additional warehouses and parking areas will impact on the amenity of the adjoining neighbour to the south.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. However, the proposal will be designed to minimise the potential impact with the buildings located on the southern boundary. The height and length of the structures together will assist in reducing light to the south of the property.

CONCLUSION

The proposal is relying on the performance criteria to comply with the acceptable standards of the Scheme in relation to; use and hours of operation, design, passive surveillance building, works, other than minor extensions, existing road accesses and junctions.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

The proposal is assessed as complying with all other use and development standards in the Light Industrial zone, as well as the relevant standards of the Landslide Code, Road and Railway Assets Code, Parking and Access Code and Stormwater Management Code.

The application was publicly advertised for the statutory 14-day period and one representations was received raising concerns regarding the appearance, noise and light.

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

Recommendation:

That a permit be granted for the proposed use and development of Two additional Warehouses (Storage) at 6 Whitestone Drive Granton subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-18-001 and Drawing No. P1 pages 2-5 of 6 submitted on 12 January 2018, and Drawing No. P2 submitted on 9 February 2018, 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 Warehouse use must operate only between the hours of 6.30am to 10.00pm Monday to Friday, 7.30am to 6.00pm Saturday to Sunday inclusive, and Public Holidays.
4. Noise emissions measured at the boundary of a residential zone must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
 - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
 - (c) 65dB(A) (LAmix) at any time.

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

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

Engineering

5. Prior to the issuing of a Building Approval or the commencement of works on site, (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of and to be approved by the Council's Development Engineer.

The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties. The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with. *Advice:* For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Primary Industries, Parks Waters and Environment. These are available from Council or online at www.derwentestuary.org.au

6. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
7. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains shall be undertaken by Council at the developer's cost.
8. 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. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
 - a) Be constructed to a sealed finished;
 - b) Twenty three (23) clearly marked car parking spaces must be provided in accordance with the approved plan received by Council and kept available for these purposes at all times;
 - c) Of the proposed number of car parking spaces, two (2) accessible parking spaces must be provided, clearly line-marked and kept available for these purposes at all times;
 - d) All runoff from paved and driveway areas must be discharged into Council's stormwater system;
 - e) Be incorporated the WSUD and landscaping into the parking areas of the development;
 - f) Be clearly line-marked or physically separated to each space in accordance with the approved plan;

- g) Landscaping of parking and circulation areas must be provided and must be no less than 5 percent of the area of the car park;
- h) Car parking lighting must be provided and activated for the proposed carpark used outside daylight hours in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces;
- i) The gradient of any parking areas must not exceed 5%; and
- j) Minimum carriageway width is to be no less than 3.0 metres.

To comply with the above requirements, the developer must submit engineering drawings to the satisfaction of Council's Development Engineer prior to the issuing of the Building Permit or the commencement of the works (whichever occurs first). All works required by this condition must be installed prior to the occupancy of the warehouses.

9. The development must comply with Council's Stormwater Runoff Management Policy, the Stormwater detention for a 1 in 20 year ARI storm event must be provided on site. Any system proposed to retain the required runoff storage volume must be detailed in an engineering design lodged and approved as part of the plumbing application, and to be designed, constructed and maintained to the satisfaction of Council's Plumbing Surveyor.

Advice to Applicant

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

Underground Services

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 2016 are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 62166800.

APPENDIX 1**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 hour so of operation will be between the hours of 6.30am to 10.00pm Monday to Friday, 7.30am to 6.00pm Saturday to Sunday inclusive, and Public Holidays. Therefore the proposal relies on performance criteria.	No 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) (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.	Complies. A condition has been recommended.	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.	Not applicable.	N/A
24.3.3 External Lighting	A1 External lighting within 50 m of a residential zone must comply with all of the following: (a) be turned off between 10:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.	Not applicable.	N/A
24.3.4 Commercial Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 7.00 am to 7.00 pm Mondays to Saturdays inclusive; (b) 9 am to 5.00 pm Sundays and public holidays.	Complies.	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 applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
24.4 Development Standards for Buildings and Works			
24.4.1 Building Height	A1 Building height must be no more than: 9m.	Complies.	Yes
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	Not applicable.	N/A
24.4.2 Setback	A1 Building setback from frontage must be parallel to the frontage and must be no 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:	The proposal would have a windows and door openings for 24.5% on the western side of Warehouse 5, 33.5% on the northern side of	No

Standard	Acceptable Solution	Proposed	Complies?
	(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.	Warehouse 6 and 0% on the eastern side of Warehouse 6. The proposed Warehouse 6 will have a single expanse of wall extending 100% of the length of the facade on the eastern side. The proposal will require facades to 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. The proposal will require any single expanse of blank wall in the ground level front façade or facades facing a public space is not greater than 50% of the length of the façade. Therefore the proposal relies on performance criteria.	Refer to discussion in the report.
	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:	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
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; (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.	The proposed Warehouse 6 will have a single expanse of wall extending 100% of the length of the facade on the eastern side. The proposal will require a facade to provide windows and door openings at ground floor level in the front façade which amount to no less than 20 %. The proposal will require a facade to 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 %. Therefore the proposal relies on performance criteria.	No Refer to discussion in the report.
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

Standard	Acceptable Solution	Proposed	Complies?
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 10m.	Not applicable.	N/A
24.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	Not applicable.	N/A
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**E3.0 Landslide Code**

Standard	Acceptable Solution	Proposed	Complies?
3.6 Use Standards			
E3.6.1 Hazardous Use	A1 Hazardous use relates to an alteration or intensification of an approved use.	Not applicable.	N/A
	A2 No Acceptable Solution	Not applicable.	N/A
E3.6.2 Vulnerable Use	A1 Vulnerable use is for visitor accommodation	Not applicable.	N/A
	A2 No Acceptable Solution.	Not applicable.	N/A
3.7 Development Standards for Buildings and Works			
E3.7.1 Building Works, other than Minor Extensions	A1 No Acceptable Solution.	The proposal involves building works in a medium landslide hazard area. Compliance would require building works to be outside the medium landslide hazard area. Therefore the proposal relies on performance criteria.	No Refer to discussion in the report.

Standard	Acceptable Solution	Proposed	Complies?
E3.7.2 Minor Extensions	A1 Buildings and works for minor extension must comply with the following: (a) Be in a Medium Landslide Hazard Area	Not applicable.	N/A
E3.7.3 Major Works	A1 No Acceptable Solutions	Not applicable.	N/A

APPENDIX 3**E5 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	N/A
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	N/A
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	The proposal will provide an increase of more than 20% for vehicle traffic movements. Compliance will require an increase of no more than 20% or 40 vehicle movements per day, whichever is the greater. Therefore the proposal relies on performance criteria.	Performance criteria Refer to discussion in the report.

Standard	Acceptable Solution	Proposed	Complies?
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	N/A
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not applicable.	N/A
	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: (iii) the existing building; or (iv) an immediately adjacent building.	Not applicable.	N/A
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Complies.	Yes

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

APPENDIX 4**E6.0 Parking and Access Code**

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	Complies. Conditions have been recommended.	Yes
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	Complies.	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.	Complies.	Yes
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not applicable.	N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Not applicable.	N/A
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;	Not applicable.	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.	Complies.	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.	Complies.	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.	Complies.	Yes
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Complies.	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.	Complies. A condition has been recommended.	Yes
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Complies.	Yes
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.	Not applicable.	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.	Not applicable.	N/A
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not applicable.	N/A
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	Complies.	Yes
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Complies.	Yes

APPENDIX 3**E7.0 Stormwater Management Code**

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

Standard	Acceptable Solution	Proposed	Complies?
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Not applicable.	N/A

Attachments/Annexures

- 1  Attachment - 6 Whitestone Drive, Granton

**7. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLINGS
(2) - 239 TOLOSA STREET, GLENORCHY**

Author: Planning Officer (Bhavna Gungabison)

Qualified Person: Planning Officer (Bhavna Gungabison)

Property ID: 5399049

REPORT SUMMARY:

Application No.:	PLN-17-348
Applicant:	R & M Jackson Architectural Design & Drafting
Owner:	Z Baltic
Zone:	General Residential
Use Class:	Residential
Application Status:	Discretionary
Discretions:	10.4.2 Setbacks and building envelope 10.4.3 Site coverage and private open space (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	18 Apr 2018
Existing Land Use:	Residential (single dwelling)
Proposal In Brief:	Multiple dwellings (2)
Representations:	2 (1 withdrawn)
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

An application was received for the demolition of the existing single storey dwelling at 239 Tolosa Street and the construction of two double storey villa units on the lot. A new driveway is proposed along the north eastern boundary. Each unit would comprise three bedrooms and a double garage.

Proposed unit 1 has a floor area of 118m², consisting of a double garage on the ground level with opening facing the north-eastern side boundary, entrance with internal staircase leading to the upper level, laundry and an access to the 24m² private open space. The upper level consists of an open plan kitchen, dining and living area, three bedrooms, an ensuite and toilet. Unit 1 has a setback of 4.5m from the frontage, 5.7m from the eastern side boundary and a minimum of 1m from the western boundary. The maximum height of the unit is 5.5m.

Proposed unit 2 has a floor area of 134.25m², consisting of a double garage on the ground level with opening facing the frontage, entrance with internal staircase leading to the upper level, a toilet and access to the private open space. The upper level comprises of an open plan kitchen, living and dining area, three bedrooms, an ensuite and toilet. The proposed unit 2 has a deck on the upper level facing the frontage with a 1.89m wide corner along the eastern boundary. Unit 2 has a setback of 3m from the south-eastern side boundary, a minimum of 5.14m from the rear boundary, 1.5m from the south-western boundary. The private open space is located on the south-eastern corner of the lot which extends to the south-western corner. The maximum height of the unit is 5.6m.

Unit 2 is setback 6m away from Unit 1 on site, with a freestone eco wall and hedge fence separating both dwellings. Each unit is to have separate waste bin storage area.

SITE and LOCALITY

The subject site is located on the southeast side of Tolosa Street, directly opposite the Dominic Early Learning Centre on 204A Tolosa Street. The subject site has a total area of 749m², with a frontage of 18.29 metres and a depth of 42.67 metres.

The site has a gentle slope with an existing dwelling on the front portion of the lot and does not contain any significant vegetation.

The adjoining properties consist of a mix of single dwellings and multiple dwellings.

The rear of the property is adjacent to a multiple dwelling development of 15 dwellings. The property along the western boundary has been developed to accommodate 2 dwellings on site, while the site to the east consists of a single dwelling with associated outbuilding.



Figure 1: An aerial view of the subject site and surrounding developments.

ZONE

The property falls under the General Residential Zone. There is a community purpose zone on the opposite side of Tolosa Street.

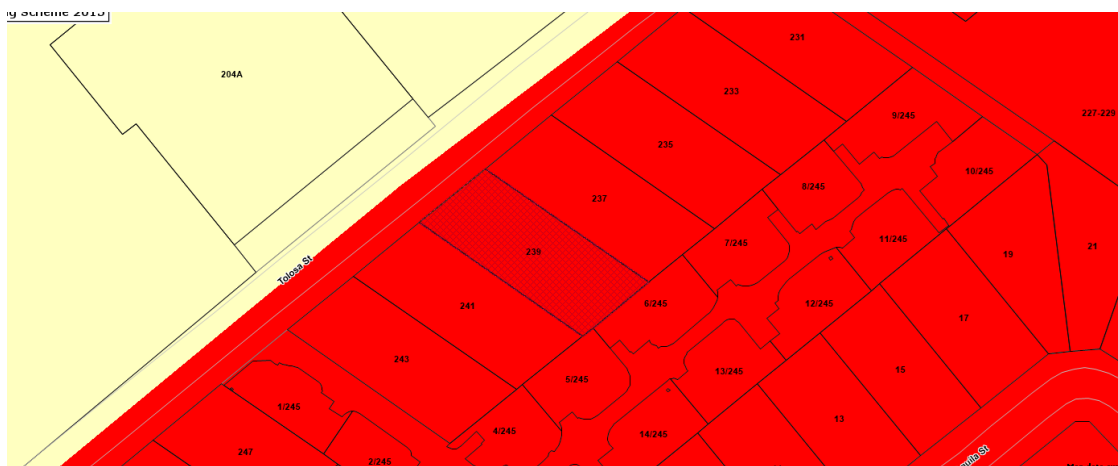


Figure 2: A snapshot of the relevant zoning for the subject site (Red- General Residential Zone, light yellow – community purpose zone).

BACKGROUND

No background information is available.

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 conflict between SAP, Code and Zone provision.

Use Class Description (Table 8.2):

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

Other relevant definitions (Clause 4.1):

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

Building envelope means the three-dimensional space within which buildings are to occur.

Demolition means the intentional damaging, destruction or removal of any building or works in whole or in part.

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

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

Multiple dwellings mean 2 or more dwellings on a site.

Part C: Special Provisions

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

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 application proposes demolition of the existing house for the construction of the proposed multiple dwellings. The house is not heritage listed and is not in breach of any applicable codes. The demolition would form part of the proposed multiple dwelling development and therefore meets the objectives and requirements of the special provision.

Part D: Zones

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

Zone Purpose Statements

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

Comment:

The proposed multiple dwellings would be consistent with the residential uses for the zone and would assist with accommodating a range of dwelling types. The proposal would efficiently utilise existing infrastructure. Therefore the proposal is considered to be in accordance with the zone purpose statement in Clause 10.1.1 of the Scheme.

Use Table

The proposal fits in the residential use class in Table 10.2. Multiple dwellings are a permitted use. However, the application relies on performance criteria to meet the standard of the zoning for setbacks and private open space. Therefore, the proposal is dealt with as a discretionary application.

Use Standards

Use standards relates to non-residential use, therefore not applicable during the assessment of this proposal.

Development Standards for Residential Buildings & Works

10.4.2 Setbacks and building envelope for all dwellings

Acceptable Solution A3 requires:

Dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:

(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:

(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and

(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and

(b) only have a setback within 1.5 m of a side boundary if the dwelling:

(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or

(ii) does not exceed a total length of 9 m or one third the length of the side boundary (whichever is the lesser).

Comments:

Proposed Unit 1 has a height of 4.36m for part of the dwelling, visible from the western and southern elevation, with a setback of only a metre from the western side boundary. In order to fit within the building envelope, a setback of 1.3m is required. As a result, the proposal relies on performance criteria P3.

In order to satisfy the performance criteria P3, the siting and scale of a dwelling must:

(a) not cause unreasonable loss of amenity by:

(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or

(ii) overshadowing the private open space of a dwelling on an adjoining lot; or

(iii) overshadowing of an adjoining vacant lot; or

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

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

Comment:

Shadow diagrams below demonstrate the extent of the potential shadow cast from the proposal onto the adjoining lot at 241 Tolosa Street during June Solstice.

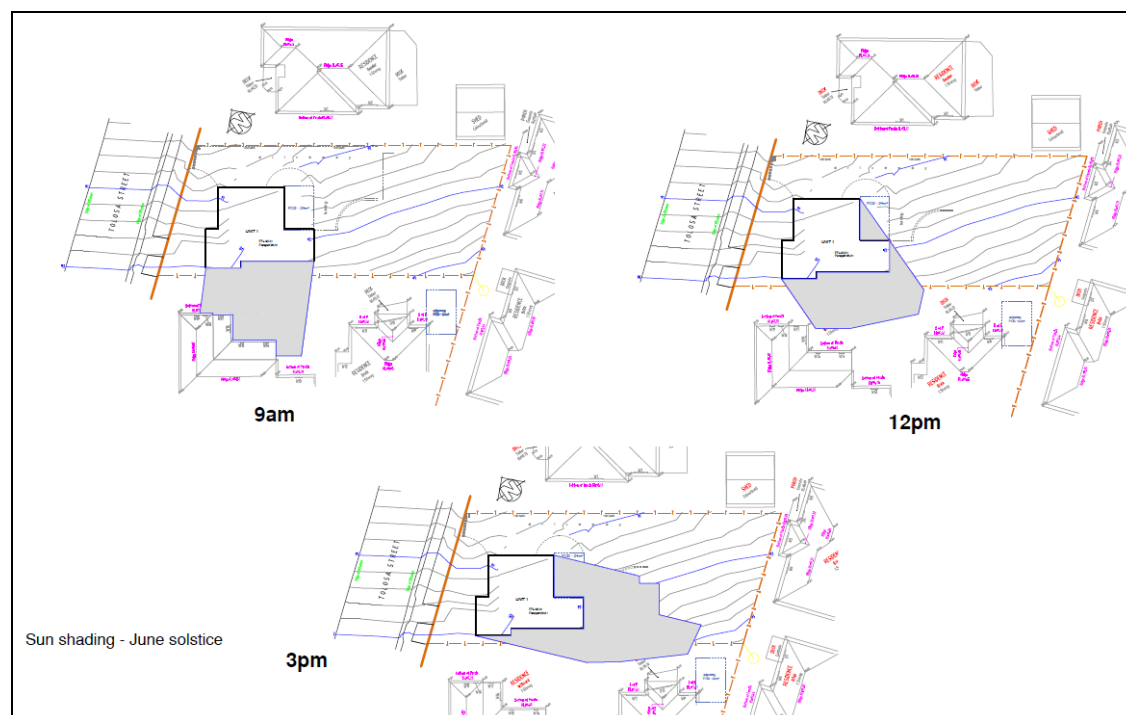


Figure 3: A shadow diagram showing potential shadow cast from the proposed Unit 1 onto the adjoining lot on the 21st of June.

At 9am, much of the concrete driveway of the neighbouring lot will be in shadow from the proposal. By 12 noon the neighbouring dwelling will no longer be in shadow from the proposal, although some shadow will be cast onto the concrete driveway. The shadow diagram for 3pm shows minimal shadow cast onto the neighbouring lot from the proposal. The shadow diagrams indicate that the proposal would not cause an unreasonable loss of sunlight to the dwelling on an adjoining lot and would be receiving at least three hours of sunlight on the 21 June. The private open space of dwelling 1 on the adjoining lot is located to the side of the dwelling and will therefore not be affected by the development.

Moreover, the closest part of a building is the corner of the north-western elevation of Unit 1, which is 1m from the boundary over a 4.5m wide section. The discretion is very minor, more precisely 0.36m and the neighbouring property at 241 Tolosa Street has a large concrete driveway in the area next to the side boundary discretion. The proposal would not cause considerable adverse impacts in terms visual bulk and has similar side setbacks to 241 Tolosa Street.

The proposal is considered to satisfy the performance criteria and comply with the standard of the zone.

10.4.3 Site coverage and private open space for all dwellings

The acceptable solution A2 requires a dwelling to have a private open space which is directly accessible from, and adjacent to, a habitable room (other than a bedroom). Given the private open space of the proposed Units 1 and 2 can be accessed only through ground level non-habitable rooms, the performance criteria P2 applies.

The performance criteria P2 requires a dwelling must have private open space that:

- (a) *includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:*
 - (i) *conveniently located in relation to a living area of the dwelling; and*
 - (ii) *orientated to take advantage of sunlight.*

Comment:

The private open space for Unit 1 can be accessed through the garage and entrance pathway directly accessible from the living area. The space is conveniently located for entertainment and recreational purposes and would have adequate access to sunlight. The same applies to Unit 2 and additionally, a deck directly accessible from the dining area is available, which is north facing and would be an extension of the dwelling for outdoor relaxation and dining.

The proposal is considered to satisfy the performance criteria and comply with the zone standards.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Asset Code

The proposal involves a new vehicle crossing through Tolosa Street, therefore the road and railway assets code applies. The proposal complies with all acceptable solutions of the code. Proposal has been referred to the Development Engineer for comments in the referrals section.

E6.0 Parking and Access Code

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

Proposal has been referred to Development Engineer who is in favour of the development and has provided comments in the referrals section below.

E7.0 Stormwater Management Code

The proposal is not exempt under Clause E7.4 of the Glenorchy Interim Planning Scheme 2015. The proposal has been referred to the Development Engineer, who has provided comments in the referrals section below.

E9.0 Attenuation Code

The subject site is located approximately 780m from the quarry located at 361 Tolosa Street. The allowed activity for the quarry is crushing and screening which under table E9.1, an attenuation distance of 750m is required.

Additionally, the subject site is located approximately 590m from the waste disposal site located at 26A Jackson Street. The attenuation distance for this activity under Table E9.1 is 500m.

Given the subject site is located more than 750m from the quarry and more than 500m from the waste disposal site, the attenuation code does not apply.

PART F: Specific Area Plans

No SAP applies for this site.

INTERNAL REFERRALS**Development Engineer****E5.0 Road and Railway Assets Code**

This Code applies to use or development of land:

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

The proposed development is located in a predominately residential area, and as such movements into and out of the subject site will not be seen as an uncommon event by other motorists.

The additional traffic movements generated by the development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety.

E6.0 Parking and Access Code

This code applies to all use and development.

Access to the development is from Tolosa Street via a new proposed access. It is recommended a condition of approval be that the redundant access be reinstated prior to construction of the new access.

A Passing bay is required at the road frontage with Tolosa Street in accordance with the acceptable solution of the Glenorchy Interim Planning Scheme 2015 clause E6.7.3. Adequate on-site turning is provided so that vehicles can exit the site in a forward direction to comply with the acceptable solution of clause E6.7.4 of GIPS.

Parking is proposed within double garages for each unit with adequate manoeuvring and size to comply with the Australian Standard AS2890.1 and enable vehicles to enter and exit in a forward direction.

E7.0 Stormwater Management Code

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

A condition that all stormwater from impervious areas be directed to Councils infrastructure is recommended to satisfy the acceptable solution of clause E7.7.1 Stormwater Drainage and Disposal.

Other

E3.0 Landslide Code

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

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

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

E15.0 Inundation Prone Areas Code

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

Waste Management Officer

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

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

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

The application was advertised twice for the statutory 14-day period.

The primary set of plans was advertised for a 14-day statutory period between 31/01/2018 to 14/02/2018, with 2 representation(s) being received.

The primary set of plans was amended to address the main issues and the new set of plans was re-advertised between 21/03/2018 to 6/04/2018.

The issues raised during the first advertising period are as follows:

1. Potential Overshadowing by Unit 2

The representor states that the proposed Unit 2 will cause a loss of amenity by blocking the sun to the private open space.

Planner's Comment:

The plans were amended to increase the rear setback from 1.175m to 5.1m in order to fit within the building envelope as a result, the representors were satisfied with the alterations and the representation was withdrawn during the second advertising period.

2. Potential loss of privacy

A representor states that the proposed Unit 2 is adjacent to their private outdoor space. The first floor windows will look directly into the private outdoor space and the living room of the adjoining lot. The development is also seen as bulky and will encroach on the Mountain View the residence currently has.

Planner's Comment:

The objective of the privacy standard is to reduce the potential for loss of privacy for dwellings. The primary set of plans was amended, taking those concerns into consideration. The amended plans are assessed as complying with the privacy standard.

It is noted that the proposed Unit 2 is separated by 3m to the south-eastern side boundary. The privacy requirement for acceptable separation distance of windows to a habitable room with a floor level of more than 1m above natural ground level is 3m. The same distance requirements apply for a deck located more than 1m above natural ground level. The proposal complies with the acceptable solution of the standard.

Moreover, the plans showing the sight lines submitted as additional documentation shown as Figure 4 below, demonstrates that the line of sight for both sitting and standing is above the roof line, which means there will be limited potential for overlooking into the living room of the adjoining property.

Given the land sloping from east to west, development on 239 Tolosa Street will always be on a higher plain than 237 Tolosa Street. The proposed Unit 2 fits within the building envelope and meets all the setback requirements.

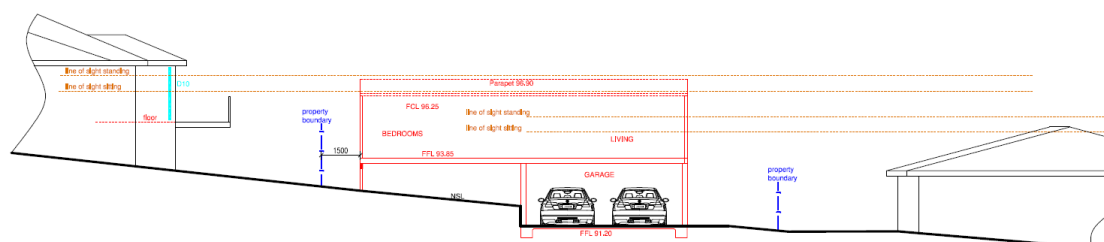


Figure 4: line of sight diagram.

3. Driveway

The representor states that the new driveway will cause a huge impact on traffic, roadside parking and safety hazard.

Planner's Comment:

The existing vehicle crossing has been conditioned to be reinstated which means there would be only one vehicle crossing for the two dwelling development. The highlighted issue therefore is not a planning issue that can be considered as part of this application.

CONCLUSION

The proposal relies on performance criteria to comply with the setbacks and building envelope standard and the site coverage and private open space standard. The proposal is assessed as satisfying the performance criteria and complies with the applicable standards. The proposal is assessed as complying with all other use and development standards in the General Residential zone, as well as the applicable standards of the Road and Railway Assets Code, the Parking and Access Code and the Stormwater Management Code. The application was publicly advertised for the statutory 14-day period and two representations were received. Several issues were raised and addressed through the assessment of the application. Amended plans were also submitted to address some of the early concerns. The proposal was then re-advertised for another 14 day period, during this time one of the representations was withdrawn.

It is concluded that the proposal is consistent with the Glenorchy Interim Planning Scheme's zone purpose statements and is deemed satisfactory for approval.

Recommendation:

That a permit be granted for the proposed use and development of Multiple dwellings (2) at 239 Tolosa Street Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-348 and Drawing No. P1 pages 1 and 8 of 13 submitted on 22/11/2018, Drawing No. P2 pages 5, 6 and 12 of 16 submitted on 6/3/18 and Drawing No. P3 submitted on 8/03/2018, 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. A plan and/ or details showing the design, materials, finishes and colours of fences defining the areas of private outdoor space required for each "dwelling unit", must be submitted with the building application and approved by Council's Senior Statutory Planner. The fences are to be erected prior to the first occupation of any building.

Engineering

4. 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.
5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. A stormwater connection must be constructed to Council's existing stormwater infrastructure prior to Building Approval, by Council at the developer's cost from a design provided by the applicant and approved by Council's Development Engineer.
7. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition, finished levels and stormwater treatment details, must be submitted with the Building Application for approval by Council's Development Engineer.
8. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to occupancy of a second dwelling. All runoff from paved and driveway areas must be retained within site boundaries and discharged into Council's stormwater system. Construction details must generally be in accordance with Council's standard requirements.

The driveway, parking and manoeuvring areas must be kept clear of obstructions, such as service authority infrastructure, letterboxes or bin enclosures, so that vehicle paths are not restricted.

9. Four (4) clearly marked car parking spaces must be provided and kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking.
10. The redundant access and associated crossover must be reinstated to the approval of Council's Development Engineer prior to construction of the new access. Any driveway / crossover work within Council's road reservation must be carried out by a Council approved contractor and all work must be reinstated to match the existing adjacent footpath/nature strip profile. A Property Access Works Application must be completed prior to any work being undertaken. The application is available from Council's planning department or available from Council's website at:
<https://www.gcc.tas.gov.au/residents/living-in-glenorchy/driveways>
11. 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.

Advice to Applicant

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

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

All development applications that result in an increase in the impervious area of the site, and therefore the peak stormwater discharge rate may require an On-Site Detention System (OSD) in accordance with Council stormwater runoff management policy. The proposed OSD must provide a runoff storage volume equivalent to the difference between the allowable site discharge and the anticipated maximum discharge over the period of the design storm. An OSD proposal must be submitted with the Plumbing Permit Application and detailed in a hydraulic design for assessment and approval by Council's Plumbing Permit Authority. Water Sensitive Urban Design (WSUD) elements are encouraged. If the developer has any enquiries relating to acceptable methods of providing On-site detention, they should contact Council's Plumbing Surveyor on (03) 6216 6800.

Other Permits

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

APPENDIX

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	The site area is 749m ² and therefore each unit has an area of 374.5m ² which meets the requirements.	Yes
10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or	The development has a setback of 4.5m from the frontage	Yes

	(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	The garage for unit 1 is setback 4.5m from the frontage and the upper level of the dwelling is located above the garage. Therefore meets requirement (b)	Yes
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m	Unit 1 is setback only 1m from the side boundary instead of 1.3. The discretion is minor and has been discussed in the report. Unit 2 complies with the building envelope requirement.	Unit 1- No – see report Unit 2 - Complies

	from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (ii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (iii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	The proposed dwellings have a site coverage of only 34% with more than 25% of the site being free from impervious surfaces.	Yes
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or	Both Unit 1 and 2 have their private open space on the lower level that cannot be directly accessed from the living area. Compliance with performance criteria has been discussed in the report	No – see report

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

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

10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Garage within 12m of the primary frontage does not face the frontage.	NA
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	Unit 2 consist of a balcony along the eastern and northern elevation which is 3m away from the side boundary.	Yes

	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	Unit 1 consist of a window along the southern elevation with only 1m setback however window does not pertain to a habitable room but instead to a bathroom. Windows for both unit 1 and 2 more precisely along the south elevation which are more than 1m above natural ground level, have a sill height of 1.7m above floor level.	Yes
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple	Windows of habitable rooms facing the shared driveway is located approximately 2.5m above the shared driveway and has a horizontal distance of more than 1m	Yes

	dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.		
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	No fence is proposed	NA
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and	Each unit have separate storage areas for the waste and recycling bins	Yes

	(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.		
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E5 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.		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.	Not an applicable standard.	
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not an applicable standard.	
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	Not an applicable standard.	

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

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

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

Standard	Acceptable Solution	Proposed	Complies?
	Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not an applicable standard.	
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		Yes

Standard	Acceptable Solution	Proposed	Complies?
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		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.	Not an applicable standard.	
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.		Yes - conditioned
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following;		Yes - conditioned

Standard	Acceptable Solution	Proposed	Complies?
	(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.		
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Not an applicable standard.	
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Not an applicable standard.	
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not an applicable standard.	

Standard	Acceptable Solution	Proposed	Complies?
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.		
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not an applicable standard.	
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not an applicable standard.	
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 :	Not an applicable standard.	

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

APPENDIX**E7.0 Stormwater Management Code**

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes - conditioned
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	Not an applicable standard.	
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.		Yes – (Advice clause)
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		Yes

Attachments/Annexures

- 1  Attachment - 239 Tolosa Street, Glenorchy

**8. PLANNING SCHEME AMENDMENT: PLAM-17/02
TO APPLY A SPECIFIC AREA PLAN TO 651-655 MAIN ROAD,
BERRIEDALE AND ADJOINING LAND WITHIN THE DERWENT
RIVER (MONA SPECIFIC AREA PLAN) - 651-655 MAIN ROAD,
BERRIEDALE
S.39 REPORT TO TPC - MERITS OF REPRESENTATIONS**

Author: Strategic Planner (Lyndal Byrne)

Qualified Person: Strategic Planner (Lyndal Byrne)

Property ID: 2250425

REPORT SUMMARY:

Amendment	PLAM-17/02
Applicant:	Ireneinc Planning
Owner:	Claremont Partners (Tas) Pty Ltd and the Crown
Proposal:	Major Tourism Zone and Environmental Management Zone
Report Purpose:	To consider the merits of representations received during the public exhibition period for draft Amendment PLAM-17/02 to the Glenorchy Interim Planning Scheme 2015 and their effect on the proposal. Council's assessment must be provided to the Tasmanian Planning Commission under Section 39 former provisions, of the <i>Land Use Planning and Approvals Act 1993</i> (LUPAA)
Representations:	6 received: 5 objecting, one 'no objection'
Recommendation:	Council forward the amendment to the TPC with changes, as outlined in this Report

REPORT IN DETAIL:**INTRODUCTION:**

The draft amendment to the Glenorchy Interim Planning Scheme 2015, was publicly notified from 24 January 2018 until 23 February 2018.

The public notification involved advertisements in the Mercury on 24 January 2018 and 27 January 2018 (a Saturday) and a mail-out of letters to all owners and occupiers of land adjacent to or opposite the site.

Six representations were received during the exhibition period, five objecting to the amendment (including one from the applicant) and one (from TasWater) indicating no objection. This report examines the merits of those representations.

BACKGROUND:*Overview of the draft amendment*

The amendment seeks to apply the MONA Specific Area Plan (MONA SAP) over the subject site, delete the Desired Future Character Statements from Clause 30.1.3 of the Major Tourism Zone and delete the notation to the Desired Future Character Statements (DDO1) from planning scheme maps.

The provisions of the MONA SAP, primarily 'open up' use and development opportunities within the Environmental Management Zone by extending the uses allowed in the Major Tourism Zone (with some modifications) to cover an area of the river 55m from the boundary of 651-655 Main Road, Berriedale.

Key elements of the MONA SAP are:

- Identifying use and development objectives for the site and promoting quality design outcomes in the Plan Purpose Statements.
- Providing a no-permit-required pathway for temporary structures, such as art installations, that are not catered for under the exemption provisions of the Glenorchy Interim Planning Scheme 2015 (GIPS 2015).
- Including height provisions that override the provisions within the underlying zones and enable significantly higher buildings to be considered.
- Including provisions for buildings and works that override the provisions in the Waterway and Coastal Protection Code and the Inundation Prone Areas Code, and enable temporary art installations, art works or structures for occasional events to be constructed without a planning permit. These provisions are also designed to enable the potential future hotel to cantilever over the river, a design and use that would be prohibited under the Inundation Prone Areas Code.

While a key objective of the MONA SAP is to facilitate the potential MONA hotel, the proposal is not a combined planning permit application and planning scheme amendment. This is due to statutory limitations under the *Historic Cultural Heritage Act 1993*. Should the amendment be approved, a separate application for the hotel proposal would need to be lodged and considered by the planning authority; such an application is likely to be discretionary and would be subject to a public notification process.

Initiation of the amendment

Council, at its Glenorchy Planning Authority meeting on 15 January 2018, determined to initiate and certify the draft amendment and place it on public exhibition for 28 days. (The Report can be viewed at:
http://glenorchy.infocouncil.biz/Open/2018/01/PA_15012018_AGN.PDF)

STATUTORY REQUIREMENTS:

In respect to the draft amendment, section 39(2), former provisions of LUPAA, provides that a planning authority must, not later than 35 days after the exhibition period of a draft amendment or such further period as the Commission allows, forward to the Commission a report comprising:

- (a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
- (b) *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to –*
 - (i) *the need for modification of the draft amendment in the light of that representation; and*
 - (ii) *the impact of that representation on the draft amendment as a whole; and*
- (c) *such recommendations in relation to the draft amendment as the authority considers necessary.*

The TPC has granted an extension to the 35 day timeframe to consider representations received until 17 April 2018.

REPRESENTATIONS:

Six representations were received during the public notification period, including one indicating 'no objection' from Taswater.

The grounds of the representations are summarised below with officer comment provided as to the merits of each ground and the need for modification.

Details on the matters raised by each representor and corresponding reference to the ground as discussed in this report are included in **Attachment 1 – Summary of representations**.

A copy of the modified draft amendment, with track changes showing the modifications recommended in this report is included in **Attachment 2 – Modified MONA SAP**.

▪ **Ground 1 – Height controls and assessment**

Issues around height control and how to assess an appropriate height was raised in several representations.

Representor No 4 raised concerns about the broad visual impacts of a potentially 60m high building (as indicated in the Consultant's Report) which could not be managed through performance criteria alone, and recommending that a maximum height, along with the requirement that the building should not be individually prominent, should be prescribed.

Representor No 5 considers that the provisions under the current zoning give regard to intensity, scale, form, and maintaining the natural treed skyline and should be retained. They argue that enabling significantly higher buildings to be considered when there are already existing provisions aimed at achieving desired outcomes seems detrimental and counterproductive to planning and policies.

Representor No 6 (the applicant) questioned the use of the term 'responsive' in Clause F11.6.1 Building P1 (b), and that the need to provide a Visual Impact Assessment analysing views to and from the site is too onerous. They claim that their Urban Design Assessment has already used public vantage points to identify that if the hotel is located at the eastern end of the site it will have limited impacts on the surrounds.

Opinion on Merit & Need for Modification

The exhibited provisions of the MONA SAP were designed to give flexibility to an applicant to apply for a building that has potential to be significantly prominent in both the Glenorchy and Greater Hobart context.

While the provisions for assessment of taller buildings and structures in most planning schemes require a proposal to 'minimise visual impacts', 'be compatible with scale and height of surrounding buildings' or 'not have an unreasonable impact on the landscape', the MONA SAP is seeking the opportunity to construct a building which may do the opposite (an '*unapologetically prominent landmark*' – p.34 Consultant's Report).

However the Planning Authority must ensure that natural justice is awarded to *all* of its community members and has a duty to act fairly in enabling the community (and the Planning Authority itself) to consider what work has been undertaken to measure the impacts of a potentially substantial development.

Performance criteria are considered the most appropriate measure to consider a development's response to the surrounding area. Performance criteria are, by their nature, subjective: they seek to identify a number of tests to ensure a project will meet a goal (the objective of the applicable standard). The inclusion of a maximum height can therefore prevent the achievement of that goal.

Inclusion of a maximum height can also create a potentially misleading 'default' height that can be relied upon by developers as satisfying the objective.

Further, to analyse and determine a maximum height would require significant additional work to be undertaken by Council. It is therefore recommended that no changes to the amendment occur in respect to the inclusion of a maximum height.

Limiting the buildings' 'prominence' and/or retaining the existing scheme controls for development may prevent any larger development being constructed on the site. The Planning Authority has indicated support for a larger scale building by placing the amendment on exhibition, however, the representations demonstrate that the community expect the impact of a potential hotel to be modified by a pre-cautionary approach. Therefore it is recommended that F11.6.1 Building height P1 (b) (ii) is modified to ensure key views and vistas are not unreasonably interrupted by the development and that a new subclause be included at F11.6.1 Building height P1 (b) (iv) requiring the proposal to demonstrate how it positively interacts with the surrounding landscape. It is considered that these changes still afford flexibility to the proponent to achieve a landmark building, but by strengthening the performance criteria visual impacts are given appropriate weight. In this regard, the provision of a Visual Impact Assessment is essential to provide the community (and the Planning Authority) with the opportunity to consider an expert assessment of the visual impacts of the proposal.

Representor No 6 did not support the use of the word 'responsive' claiming it was not clear what would be required and was also concerned about the extent of the views to be considered. It is recommended that the deletion of the word 'responsive' and instead requiring that views are not unreasonably interrupted, and for it to be demonstrated how the proposal interacts positively with the surrounding landscape, will make the requirements clear.

The extent of views required has been taken from the existing Desired Future Character Statements [30.1.3 (e)] which encourages development to retain and frame *key views and vistas from and through the site to the Derwent River and foreshore, Meehan Range, Wellington Range, Goat Hills, Mount Faulkner, Dogshear Point and Mount Dromedary* and are considered appropriate given the potential scale of the hotel, so no change to the amendment is recommended in response to this issue.

While Representor No 6 has argued that the Urban Design Assessment submitted with the amendment request, suggests the eastern end of the site may be appropriate for taller buildings (and that this is supported through the Plan Purpose Statements) it is not an assessment of any building - that assessment must be required at the lodgement of an application.

The applicants have proposed 10m as the acceptable solution height, therefore anything above that height is deemed to potentially have an amenity impact and must be appropriately assessed.

While Representor No 6 considers the requirement for a Visual Impact Assessment for *all* development over 10m is onerous, it would require significant and expensive work for Council to undertake an analysis to determine where the next 'cut off' points would be for buildings of various height to only respond to views from certain locations. If the applicant wishes to provide this work, the Planning Authority could request the TPC to provide further time to consider it and whether the amendment should be modified.

In the absence of such work, 10m is the acceptable height, and anything above that would need to be assessed through the provision of a Visual Impact Assessment which can respond to future needs and site conditions. No changes are recommended in response to this issue.

The recommended changes in respect to the matters raised about height controls are that the amendment be modified by rewording F11.6.1 Building height P1 (b) (ii) and including a new subclause at F11.6.1 Building height P1 (b) (iv) as discussed above and shown in **Attachment 2 – Modified MONA SAP**.

▪ **Ground 2 – Bulk and Scale**

Representor No 2 indicated that, given the prominence of Elliss Point, being very central to a wide amphitheatre of view, the development standards should include restrictions relating to building size, location, footprint and bulk.

Opinion on Merit & Need for Modification

Buildings of architectural excellence can generate positive outcomes, however the subject site is visually prominent and any development has the potential to have a significant impact on the landscape.

The applicant has indicated that the proposed hotel would present as an '*unapologetically prominent landmark*' (p.34 Consultants' Report) and there is potential for a visually prominent building, even one of significant architectural merit, to polarise community views.

The Planning Authority is tasked with considering planning controls that enable an innovative and bold development advocated by the proponent, yet still ensure development is respectful of the scenic values of the site and its prominence on the peninsula, as enjoyed by the wider community.

It is recommended that the exhibited height controls at Clause F11.6.1 are strengthened to provide further guidance in considering design, not merely height, (changes to title of the standard and introductory wording of A1 and P1 to refer to 'development') and that an additional subclause [Clause F11.6.1 P1 (b) (iii)] requiring it to be demonstrated that the development minimises unreasonable visual impacts on and off the site, caused by finishes and material, building bulk, scale and massing, be included.

It is recommended that the amendment is modified by amending Clause F11.6.1 as discussed above and as shown in **Attachment 2 – Modified MONA SAP**.

▪ **Ground 3 – Impact assessment on adjoining zones required**

Representor No 3 considers that the proposal does not provide for an impact assessment on adjoining zones and uses which defeats the purpose of zoning and is pre-emptive.

Opinion on Merit & Need for Modification

The MONA SAP does have the effect of ‘opening up’ use and development options within the area covered by the Environmental Management Zone, whereas the range of uses permissible under the MONA SAP and the Major Tourism Zone are very similar.

However, given the relatively isolated nature of the site, on a peninsula, with few abutting properties, the range of uses is considered appropriate. The amenity of the adjoining General Residential Zone is considered to be well protected under the use standards of the MONA SAP, and the potential for conflict between permissible uses in the abutting Local Business Zone, Recreation Zone, Environmental Management Zone and Utilities Zone are considered to be minimal [noting that any sensitive uses on the site will need to address the provisions of the Attenuation Code in respect to the adjoining sewage treatment plant].

It is recommended that no changes be made to the amendment in respect to this concern.

▪ **Ground 4 – ‘Overhanging’ public land and extent of the MONA SAP**

Several concerns were raised about allowing a private development to overhang public ‘land’ (the Derwent River).

Representors 4 and 5 raised concerns about allowing the MONA SAP to extend over public land claiming that MONA activities should be confined to MONA land. The concerns highlight the potential of the proposal to alienate part of this public waterway through visual impact, shading of vegetation, restriction to boat access and enjoyment.

The Representors consider that this is a dangerous precedent which could lead to similar development impacts on foreshores and waterways in other places.

Representors 3 and 5 felt that an Environmental Management Plan should be required as part of the consideration of allowing the MONA SAP to be extended to cover Crown Land.

Opinion on Merit & Need for Modification

The area covered by the MONA SAP within the Environmental Management Zone is owned and managed by the Crown. The Crown must give its consent to any use or development proposed in that area before a planning permit application can be considered.

It is noted that the Crown granted consent for the amendment to be lodged in the form submitted by the applicant, and did not provide a representation when notified of the exhibition of the amendment (which included changes recommended by Council).

It is considered that the Crown would ensure that any proposal would meet appropriate environmental management standards before providing its consent.

Further, the provisions of MONA SAP (F11.6.2 Setback P3) require development, excluding temporary development, to demonstrate that it will have no direct impact on environmental values, or potential to spread weeds, contaminated water runoff or sediment – these aspects are the key issues considered under an Environmental Management Plan, so requiring a separate Environmental Management Plan is not considered warranted.

The MONA SAP includes provisions to ensure there is no direct impact on environmental values [F11.6.2 Setback P3 (a)], which could potentially include an assessment of impact of reduced access to sunlight.

With respect to the potential of the proposed hotel to alienate this section of the Derwent River (through visual impact and restriction to boat access and enjoyment), it is not possible to determine whether this will occur until an application is formally lodged. However it is acknowledged that it is at the planning scheme amendment stage where provisions must be established to ensure that any future development can be appropriately controlled and respects community values.

It is considered that the provisions of the MONA SAP would ensure these potential impacts are appropriately considered. Impacts on public enjoyment of the area would be assessed by the provisions relating to views to the site from the Derwent River and foreshore [modified Clause F11.6.1 Building Height and Design P1 (b) ii)]. It is also noted one of the Plan Purpose Statements is to *'provide public access points to the foreshore* [Clause F11.1.1 (c)] and any development must demonstrate under Clause F11.6.1 Building Height and Design P1 a) and (b)(i) how a proposal is consistent with and meets the Plan Purpose Statements.

It is recommended that no changes be made to the amendment in respect to these concerns.

- **Ground 5 – Impacts on Waterways and Coastal Protection Area and Foreshore**

Representor No 3 raised concerns that the proposal does not conform with codes concerning environmental impacts on waterways and coastal protection.

Representor No 4 was also concerned about the proposal's impact on the foreshore and Representor No 5 considered that it would be ill-conceived to consider locating an oversized building / structure on a sensitive area currently protected by Environmental Management Zone provisions, the Waterway and Coastal Protection Code and the Inundation Prone Areas Code. Representor No 5 considers it is not appropriate to override these provisions which are designed to protect and manage sensitive areas of natural and environmental significance, especially given it is unclear what impacts the proposal would have on biodiversity (local birdlife and habitat for aquatic plants and animals).

Opinion on Merit & Need for Modification

The MONA SAP was drafted to allow for temporary works to occur in areas where these Codes would apply, with the new applicable standard drafted to provide for site specific performance criteria to assess development should the proposed buildings and works be permanent. The new standards are based on the existing provisions under the GIPS 2015 Waterway and Coastal Protection Code – but tailored to the site (i.e. references to streams and wetlands have been removed).

It is considered that the draft MONA SAP (Clause F11.6.4 Buildings and Works within a Waterway and Coastal Protection Area) appropriately address development within a Waterway and Coastal Protection Area.

With respect to impacts on the foreshore, should the amendment be approved, and an application for the proposed hotel lodged with Council, it would need to be assessed against the provisions of the MONA SAP. If the project is assessed as having direct impacts on environmental values on the foreshore, the proposal may need to be redesigned (Clause F11.6.2 Setback P3). It is considered that the provisions of the draft MONA SAP would ensure environmental values are adequately protected.

It is recommended that no change be made to the amendment in respect to these concerns.

- **Ground 6 – focus should be on 'no permit required uses' along the foreshore**

Representor No 5 considers that MONA ought to be focusing on the 'No Permit Required' uses under the '*Natural and cultural values management*' use class when considering the space along the foreshore and Derwent River, and that they have an obligation to use land to protect, conserve or manage ecological systems, habitat, species, cultural sites or landscapes.

Opinion on Merit & Need for Modification

The applicant will need to consider which uses they apply for.

The applicant will be required to comply with the provisions of the *Environmental Protection and Biodiversity Conservation Act 1999*, and the *Aboriginal Heritage Act 1975*, in order to protect any of these values which might be impacted under a proposed development.

It is recommended that no change is made to the amendment in respect to this concern.

▪ **Ground 7 – Should amenity consideration be limited to public spaces?**

Representor No 5 indicated that MONA has an obligation to ensure that detrimental impact on the amenity of all surrounding zones, ie community users of adjacent spaces and zones, is minimised.

Representor No 6 claims that the need to ensure pedestrian spaces have a high level of amenity in respect to sunlight, views and wind conditions [Clause F11.6.1 Building Height and Design P1 (c)] can potentially be inconsistent with some of the MONA experiences (ie the stairs from the jetty are intended to be confronting). They request this be limited to public spaces only.

Opinion on Merit & Need for Modification

MONA's desire to create confronting experiences is acknowledged. However consideration must be given to the potential for a significantly large building to create undesirable impacts off site – which is primarily public land and reserves. While residential zones are protected in the amendment provisions, public land to the north of the site and impacts on the river should also be protected. Council as Planning Authority represents the community and must consider the impacts of users of recreation spaces not seeking the 'MONA experience'.

It is recommended that Clause F11.6.1 Building Height and Design P1 (c) be modified to require that development not create unacceptable wind conditions or overshadowing on adjoining land.

It is recommended that, in response to the Representatives' concerns, the amendment be modified as discussed above and as shown in **Attachment 2 – Modified MONA SAP**.

▪ **Ground 8 – Proposal does not comply with Glenorchy City Council Strategic Plan 2016 - 2025**

Representors No 3 and 4 felt the amendment did not comply with Council's Strategic Plan – as it does not '*Enhance protect and celebrate the Derwent Foreshore*.'

Opinion on Merit & Need for Modification

The provisions of the MONA SAP encourage development to be setback from the foreshore, unless it is temporary. Otherwise development becomes discretionary and must avoid or mitigate impacts on environmental values.

The provisions for temporary art works are considered to provide opportunities to enhance and potentially 'celebrate' the foreshore. The provisions are also considered to provide an appropriate level of protection to the foreshore, while still allowing for development opportunities. The proposal is therefore considered to promote the objectives of the Strategic Plan.

It is recommended that no change be made to the amendment in response to these concerns.

▪ **Ground 9 – Proposal is inconsistent with Objectives of LUPAA**

Representor No 4 argues that the proposed hotel, potentially overhanging the foreshore, will have unavoidable impacts on native vegetation and therefore be inconsistent with Schedule 1 (a) of LUPAA:

to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.

Opinion on Merit & Need for Modification

The MONA SAP includes provisions to ensure there is no direct impact on environmental values [F11.6.2 Setback P3 (a)], which requires consideration of impacts on vegetation which could include reduced access to sunlight.

It is recommended that no change be made to the amendment in response to this concern.

▪ **Ground 10 – Proposal is inconsistent with State Coastal Policy**

Representor No 4 is concerned that the proposed hotel would be inconsistent with several provisions of the State Coastal Policy as:

- It will not be '*sensitive to the natural and aesthetic qualities of the coastal environment*' because of the high visual impacts.
- Although it may be dependent on a coastal location, it is not necessary that it overhangs the foreshore vegetation and river.
- It alienates an area of the River Derwent and diminishes the amenity for those using the adjacent part of the river for recreation.

Opinion on Merit & Need for Modification

It is acknowledged that the amendment has been proposed to enable a hotel that cantilevers over the water, however the hotel is yet to be approved and will need to be assessed in respect to its impacts on environmental values and visual impacts under Clauses F11.6.1 Building Height and Design, F11.6.2 Setback P3 and F11.6.4 Buildings and Works within a Waterway and Coastal Protection Area.

It is recommended that no change be made to the amendment in response to this concern.

- **Ground 11 – Inconsistent with STRULS**

Representor No 4 considers the amendment will facilitate a development that will be inconsistent with the *Southern Tasmania Regional Land Use Strategy 2010 – 2035* (STRULS) as the proposal would have:

- Unacceptable impacts on the 'scenic...values of the regions coast'.
- Significant negative impacts on heritage buildings.

Opinion on Merit & Need for Modification

It is acknowledged that the amendment has been proposed to enable a large hotel development (the applicant estimates a height of 60m), however the hotel is yet to be approved and will need to be assessed in respect to its visual impacts and impacts on heritage (by Heritage Tasmania as the heritage values on the site are listed on the State Heritage Register).

It is recommended that no change be made to the amendment in response to this concern.

- **Ground 12 – Inconsistent with the GIPS 2015**

Representor 4 raised concerns that the proposed hotel will not be consistent with the intent and objectives of the GIPS 2015. The representor considers overriding the Environmental Management Zone to enable a proposed hotel to 'overhang' public land, is inconsistent with how the GIPS 2015 currently addresses public land.

Further, it is not sufficient to claim the proposal will comply with the Scheme, because it would be subject to public consultation if over 10m in height.

Opinion on Merit & Need for Modification

The requirement for any amendment to be consistent with the objectives of the planning scheme can allow for development that may be greater than or different to what would previously have been permissible to be considered. The new provisions can be consistent with the scheme by *respecting* the current objectives without having to *reflect* them.

While it is acknowledged that the provisions of the MONA SAP allow for higher development than could be currently considered in the Environmental Management Zone, any proposal must still demonstrate that it is responsive to views, would not have direct impacts on natural values and minimises negative amenity impacts, and this is considered to be consistent with the intent of the planning scheme.

It is recommended that no change be made to the amendment in response to this concern.

- **Ground 13 – Impact on Aboriginal sites/heritage**

Representors 3 and 5 raised concerns that the amendment did not address the issue of impact on Aboriginal sites, including Frying Pan Island.

Opinion on Merit & Need for Modification

The draft amendment was referred to Aboriginal Heritage Tasmania who noted that there are several Aboriginal heritage sites on the subject land (noting that Frying Pan Island is not covered by the MONA SAP).

Aboriginal heritage is specifically regulated under the *Aboriginal Heritage Act 1975*, not the *Land Use Planning and Approvals Act 1993*. Should a development application be sought which impacts on an Aboriginal heritage site, a separate permit under the *Aboriginal Heritage Act 1975* would be required.

It is recommended that no change be made to the amendment in response to this concern.

- **Ground 14 – Heritage**

Representors No 3 and 4 raised concerns that the proposal has the potential to impact on heritage values and does not address heritage issues or comply with heritage and cultural codes.

Opinion on Merit & Need for Modification

Specific Area Plans only override other provisions of the planning scheme 'to the extent of any inconsistency' [Clause 7.4.2 of GIPS 2015]. There are no provisions in the draft MONA SAP which seek to replace/override the provisions of E13.0 Historic Heritage Code, so the Code will still be applied, where relevant, to a planning permit application.

It is also noted that the heritage sites on the property [the Courtyard House, Round House (both designed by Roy Grounds) and original dwelling] are listed on the Tasmanian Heritage Register. Any works that impact these areas will need to be assessed by Heritage Tasmania.

It is recommended that no change is made to the amendment in response to this concern.

- **Ground 15 – Purpose Statements do not reflect primary purpose – to build a hotel/casino**

Representor No 4 notes the Plan Purpose Statements emphasise the non-commercial artistic, architectural and public amenity purposes of the site, but that they should identify the primary purpose of facilitating a very large and high hotel including a casino to boost the income and profitability of MONA.

Opinion on Merit & Need for Modification

The financial outcomes of proposed hotel development are not a relevant planning consideration. Further, if the Plan Purpose Statements were modified to identify the objective of facilitating a hotel of a certain proportion or scale, this could unduly influence decision making under F11.6.1 Building Height and Design, which requires consideration to be given to the Plan Purpose Statements when considering development height.

It is recommended that no changes be made to the amendment in response to this concern.

▪ **Ground 16 – Plan Purpose Statements should encourage foreshore access.**

Representor No 5 considers that the Plan Purpose Statements should be expanded to preserve the existing DD01 Moorilla Estate Desired Future Character statement *(f) Foreshore access around the headland is encouraged*. Access must remain on the foreshore and must not protrude out over or on the River Derwent or Berriedale Bay.

Opinion on Merit & Need for Modification

The exhibited MONA SAP includes the Plan Purpose Statement: *Provide public access points to the foreshore*. Under Clause F11.6.2 Setback P3, development must be consistent with the Plan Purpose Statements. Development will need to be designed to ensure that a level of access to the foreshore is maintained. Noting that the existing desired future character statements only ‘encourages’ foreshore access, it is considered that the exhibited Plan Purpose Statements are appropriate.

It is recommended that no change is made to the amendment in respect to this concern.

▪ **Ground 17 – Contradiction between temporary and permanent use and development**

Representor No 5 considered that the temporary nature of the art installations appears contradictory to the MONA SAP which also seeks to facilitate permanent use and development.

Opinion on Merit & Need for Modification

The MONA SAP provides for both temporary and permanent structures. It is considered that facilitating both is appropriate and does not contradict the intent of the MONA SAP.

It is recommended that no change is made to the amendment in respect to this concern.

▪ **Ground 18 – Definition of MONA**

Representor No 6 considers that the definition should be expanded to include affiliated cultural and philanthropic activities of MONA (ie *MONA: Means Museum of Old and New Art and its affiliated cultural and affiliated philanthropic activities*)

Opinion on Merit & Need for Modification

The inclusion of a definition for MONA was to provide clarity on MONA as an acronym. While the representor's request would expand the definition to identify the broader business operations of the site, this could have a negative impact by alienating uses generally considered part of the site - the winery, restaurant and market - which would not commonly be considered as 'affiliated cultural and philanthropic activities'. The expansion of the definition is not supported.

However, in order to ensure the provisions in the planning control remain clear and certain, it is recommended, that reference to MONA under the definition for 'Temporary', and applicable standard F11.5.1 Discretionary Use be deleted.

The term 'Temporary' is used to define which uses in the *Community meeting and entertainment* use class would be considered 'No Permit Required'.

The qualification for the use is clear (it is only *for temporary art installations, art works or occasional events associated with or ancillary to an existing use*) however, to ensure the reference to 'MONA activities' does not create confusion as to the extent of activities that are considered temporary, it is recommended that that term 'MONA activities' be replaced with 'art works'. This is consistent with the Plan Purpose Statements.

Clause F11.5.1 Discretionary Use, only assess discretionary uses, therefore reference to uses associated with MONA in the objective – primarily permitted uses – is superfluous. It is recommended that the term 'associated with MONA' be deleted.

It is recommended that the amendment be modified in response to these concerns, by making the changes discussed above to Clauses F11.3 Definition of Terms and F11.5.1 Discretionary Use as shown in **Attachment 2 – Modified MONA SAP**.

- **Ground 19 – Temporary use definition is too vague**

Representor No 5 raised concerns with the proposed definition for 'Temporary', claiming it is too broad, poorly defined, will open up opportunities for various interpretations, and is contradictory (for instance how can any structure be erected without requiring vegetation removal, soil disturbance or excavation?). The representor also recommended that a reference to 'riverbed' should be included; and it should be limited to 2-4 weeks (a year is too long for temporary works).

Opinion on Merit & Need for Modification

It is considered that there is no contradiction in the definition, for example a temporary structure may be erected on a gravel or paved area and not disturb the soil.

It is difficult to limit a temporary structure to a timeframe and still facilitate a range of art structure on the site, hence the focus on impacts to land is used to determine if the nature of the works is temporary. However the definition should be extended to include the riverbed.

It is recommended that the amendment be modified in response to this concern by including the term 'riverbed' in the definition of Temporary as follows: *'Temporary developments are to be demountable; not require any vegetation removal, excavation, or soil disturbance, or have structural requirements that disturb the land, riverbed or coast'* – Refer to **Attachment 2 – Modified MONA SAP**.

▪ **Ground 20 – Definition for 'Occasional event' is not supported**

Representor No 5 considers that the proposed definition for 'Occasional event' is poorly defined, as no timeframes are proposed. There are concerns that 10-50 different 'occasional events' could each be held eight times a year – which would have significant cumulative impacts on residents, the local area and Berriedale Bay.

Representor No 5 also recommends that 'Community meeting and entertainment' uses should be removed from 'No Permit Required', as such occasional events risk not being properly assessed in term of noise, traffic generation, etc.

Representor No 6 considers that the definition is not appropriate as it would be inconsistent with GIPS 2015 and the State Planning Provisions, and may be potentially more restrictive for development opportunities on the site.

Opinion on Merit & Need for Modification

As the 'No Permit Required' status of *Community meeting and entertainment* uses, only relate to temporary or occasional uses, the status is considered reasonable, and no changes are recommended in response to this matter.

The introduction of a definition was considered to be beneficial to both Council and the applicant in determining an 'occasional' event. It is acknowledged that there are a number of difficulties in defining 'occasional' from a planning perspective, so it is considered appropriate to delete the definition and consider each request on its merits.

It is recommended that the amendment be modified in response to these concerns by deleting the definition of 'occasional event' as shown in **Attachment 2 – Modified MONA SAP**.

▪ **Ground 21 – Hotel Industry should be a Discretionary use**

Representor No 5 considers Hotel Industry should be a Discretionary rather than Permitted Use.

Opinion on Merit & Need for Modification

A *Hotel Industry* is considered to be consistent with the intent of the Major Tourism Zone, however it is noted that a *Hotel Industry* use class is prohibited within the Environmental Management Zone under the GIPS 2015. The applicable standards for buildings and works will make any hotel proposal occurring within 20m of, or within, the area covered by the Environmental Management Zone discretionary – with respect to development.

It is recommended that no change be made to the amendment in response to this concern.

- **Ground 22 – Changes to Port and Shipping qualification will allow a range of facilities to be added.**

Representor No 5 considers that the change to the qualification for Port and Shipping from '*only if existing facility*' to '*only if for loading and unloading of passengers and associated facilities*' would allow for a range of facilities.

Opinion on Merit & Need for Modification

The intent of the revised qualification is to allow for loading and unloading of passengers, and facilities associated with the loading/unloading passengers. It is considered the qualification is appropriate, and would not allow for other types of uses in the *Port and shipping* use class to be considered.

It is recommended that no change is made to the amendment in response to this concern.

- **Ground 23 – Business and professional services should be permissible**

Representor No 6 considers that the scale of potential new office space required to support the hotel may not be considered as directly associated with and subservient to a use on the site, and there may be some other possible uses (e.g. a spa) that might not be included within another permissible use classes on site (i.e. *Sports and recreation*; *General retail and hire*; or even a *Tourism operation*).

Further, they argue that if changes were made to the performance criteria in draft clause F11.5.1 Discretionary Use P1 (d), in order to ensure that any *Business and professional services* would not compromise the role of existing activity centres, this should allow for these uses to be considered.

Opinion on Merit & Need for Modification

The applicant (Representor No 6) did not provide an analysis on the impacts to Council's existing activity centres of allowing *Business and professional services* uses on the site as part of the submitted application or in response to an additional information request.

It is not appropriate that this analysis occur during the assessment of a development application, as the broader impacts on traffic generation on local area networks and potential amenity impacts have not been fully considered. It is noted that office uses and potentially day spas, if they can be demonstrated to be directly associated with and a subservient part of another use on the same site, such as the hotel, can be categorised into the same use class and could be considered on the site.

The underlying zoning of the land is for tourism purposes not business purposes, and adequate justification has not been provided as to why such uses should be independently permissible on the site.

It is recommended that no change is made to the amendment in response to this issue.

▪ **Ground 24 – Noise**

Representor 5 raised the issue of Noise but did not expand on this matter.

Opinion on Merit & Need for Modification

As there is no noise standard in the Environmental Management Zone, the MONA SAP contains an applicable standard on noise. This will ensure that any noise created within the area of the MONA SAP that applies to the Environmental Management Zone can be regulated. The standard is the same as the noise standard in the Major Tourism Zone, and is therefore considered appropriate.

It is recommended that no changes are made to the amendment in response to this concern.

▪ **Ground 25 – Regulation of hours of operation**

While Representor No 5 raised this issue, they did not provide any details as to their concerns.

Representor No 6 argues that as the GIPS 2015 defines 'site' as 'the lot or lots on which a use or development is located or proposed to be located,' the wording of F11.5.3 Hours of operation A1 ('*use of the site within 50m of a residential zone...*') will mean that any use, regardless of whether it is in excess of 50m from a residential zone, will become discretionary.

Opinion on Merit & Need for Modification

As there is no standard on hours of operation in the Environmental Management Zone, the MONA SAP contains an applicable standard to regulate hours. This will ensure that operation of uses within the area of the MONA SAP that applies to the Environmental Management Zone can be regulated.

The standard is a modified version of that within the Major Tourism Zone (it allows for uses to operate from 7am to 9pm every day; whereas the existing standard in the Major Tourism Zone restricts hours to 5pm on a Sunday and Public Holidays).

The applicant's submitted version included the term: '*uses located on the site within 50m of a residential zone*' this was altered for exhibition to '*use of the site within 50m of a residential zone*'.

It is noted that both versions use the term 'site', which is not used in the performance criteria or in the similar standards applied in other zones under the GIPS 2015.

For consistency in interpretation, it is recommended that the amendment is modified by deleting the term 'on the site' from the objective of F11.5.3 Hours of Operation and from A1, and that A1 be reworded to: '*uses located within 50 m of a residential zone...*' Refer to **Attachment 2 – Modified MONA SAP**.

▪ **Ground 26 – Regulation of Stormwater**

Representor No 5 raised the issue of regulation of stormwater.

Opinion on Merit & Need for Modification

The provisions of a Specific Area Plan override the provisions of the underlying zone or applicable code to the extent of any inconsistency (Clause 7.4.2, GIPS 2015). As there are no provisions on stormwater in the MONA SAP, any development application will need to address the standards of the Stormwater Management Code (E7.0 Stormwater Management Code).

It is noted that once the GIPS 2015 is converted to the new State Planning Scheme, which does not include a Stormwater Code, further information can be sought to determine if a proposal appropriately deals with stormwater management.

It is recommended that no changes be made to the amendment in response to this concern.

▪ **Ground 27 – Regulation of Buildings and works**

Representor No 5 identified a concern regarding the regulation of buildings and works in waterway and coastal protection areas and inundation prone areas, but did not provide any further information as to what would be required.

Opinion on Merit & Need for Modification

As it is unclear what the specific concern is, officers cannot provide a response on this matter.

It is recommended that no change is made to the amendment in response to this concern.

- **Ground 28 – Meaning of riverscape**

Representor No 6 considers that reference to ‘riverscape’ in the objective of Clause F11.6.2 (*‘to ensure that building setback contributes positively to the streetscape and **riverscape** and does not result in unreasonable impact on environmental values or the amenity of the adjoining land*’) is unclear.

Opinion on Merit & Need for Modification

The term has been used to identify that the standard relates to setback from all of the edges of the site. If it was to be removed, the reference to ‘streetscape’ should also be removed, otherwise the objective becomes meaningless. Officers have no objection to modifying the objective if it improves clarity.

It is recommended that the amendment be modified by replace the term ‘streetscape and riverscape’ with the term ‘its surrounds’ in the objective of Clause F11.6.2 - **refer to Attachment 2 – Modified MONA SAP.**

- **Ground 29 – Subdivision**

Representor No 6 considers that exhibited Clause F11.7.1 Subdivision, except within an Inundation Prone Area or a Waterway and Coastal Protection Area, will prevent subdivision (should it be desired) of the proposed hotel if it is constructed over the water.

Opinion on Merit & Need for Modification

It is acknowledged that if the MONA SAP allows a potential hotel to be constructed ‘over’ Inundation Prone Areas, it should also allow for that development to be subdivided.

The applicant’s (Representor No 6) revised subdivision provision does ensure that the relevant provisions in the Codes (to minimise impacts on natural values) are carried over into the MONA SAP, without preventing future subdivision options.

It is recommended that the amendment be modified by removing the limitation from Clause F11.7.1 that it does not apply to areas affected by an Inundation Prone Area or a Waterway and Coastal Protection area, and identifying in the objective and performance criteria of the standard that subdivision must demonstrate that it will minimise impacts on natural values – as shown in **Attachment 2 - Modified MONA SAP.**

- **Ground 30 – Unaware of impacts on residents across the river**

Representor No 4 was concerned that there was no information as to the impacts on residents across the river in Clarence City Council.

Opinion on Merit & Need for Modification

Council notified Clarence City Council of the amendment, however it did not make a representation.

It is recommended that no change is made to the amendment in respect to this concern.

▪ **Ground 31 – Inadequate timeframes for consultation**

Representor No 5 considered timeframes for consultation inadequate.

Opinion on Merit & Need for Modification

The amendment was advertised for 28 days, consistent with the requirements of S38, former provisions, of LUPAA.

This matter is not one which can be considered in respect to the amendment per se, as it involves a criticism of the provisions of LUPAA.

No change to the amendment is recommended in respect to this concern.

WHERE TO FROM HERE

The Planning Authority must provide a copy of all the representations, and its report as to the merit of those representations and whether any changes to the amendment should be made, to the TPC.

The TPC will then invite all representors, should they wish to be heard, to attend a hearing on the amendment.

The TPC will then make a decision on the amendment. The TPC can decide, if it considers changes are required, to have the amendment re-exhibited.

Recommendation:

That Council report in the above terms to the Tasmanian Planning Commission about the draft Amendment application PLAM-17/02 to the Glenorchy Interim Planning Scheme 2015, under s. 39, former provisions, of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1  Attachment 1 - Summary of Representations
- 2  Attachment 2 - Modified MONA SAP

9. PROPOSED USE AND DEVELOPMENT - ADDITIONS TO MUSEUM OF OLD AND NEW ART - SOLSTICE CHAMBER AND THE CONFESSIONAL - 651-655 MAIN ROAD, BERRIEDALE AND BERRIEDALE AND FORESHORE RESERVE: 671 MAIN ROAD, BERRIEDALE

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 2250425

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-344
<i>Applicant:</i>	Ireneinc Planning
<i>Owner:</i>	Claremont Partners (Tas) Pty Ltd
	Moorilla Estate
<i>Zone:</i>	Major Tourism
<i>Use Class:</i>	Community Meeting and Entertainment
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	30.4.3 P1 Design
	30.4.4 A1 Landscaping
	E6.6.1 A1 Number of Car Parking Spaces
	E11.7.1 A1 Buildings and Works
	Section 36 of the Historic Cultural Heritage Act
	(The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	16 April 2018
<i>Existing Land Use:</i>	Various but related uses are Museum and Vehicle Parking
<i>Proposal In Brief:</i>	Additions to Museum of Old and New Art - Solstice Chamber and The Confessional

Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application proposes a museum extension at the Museum of Old and New Art (MONA) for additional exhibition space. The proposed extension is located primarily underground; north of the existing museum, south of the winery building, between the artwork 'Skyspace' and the tennis court. The proposed extension connects to the existing main gallery space at Basement Level 1 and then to the new lobby space of the Turrell Pavilion. There would be five features visible above ground. The aboveground structures would be part of the buildings to be known as Solstice, Devine Comedy and Confessional. The proposal is shown in Figure 1 below.

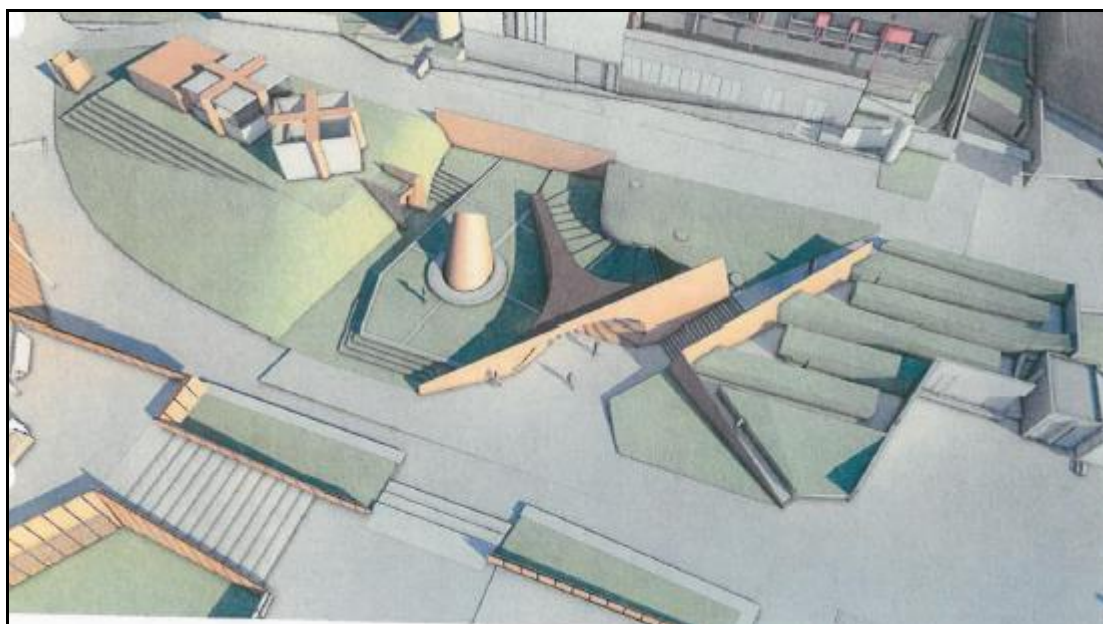


Figure 1: Proposal Plans - Fender Katsalidis Architects

The proposal includes the removal of a heritage listed tree and landscaping. The proposed works would result in the loss of twenty-five car parking spaces. This application does not include any new parking spaces, but relies on capacity of existing parking in the vicinity, in particular on the overflow car park within the adjacent Council reserve. This creates a parking-space shortfall, which is accommodated within spare capacity of existing parking areas, alternative transport modes and reduced demand because visitors to the new exhibition space are already on site.

SITE and LOCALITY

The subject property, which contains MONA is known as 651-655 Main Road, Berriedale or Moorilla Estate and comprises three titles CT164039/1, CT61366/3, and CT 61366/4.

Council land, adjacent to the MONA property, was formally of this application because the application seeks to rely on car parking on the Council owned land. The Council owned land is at 671 Main Road, Berriedale and is contained in CT139511/1.

The MONA property has a long driveway, approximately 450m in length, between vineyards, that leads to the main hub of the site where there are various buildings. There is a large museum building, a restaurant, a winery, a concert stage, a large art installation, two houses, a historic library, a chapel, seven guest pavilions and an machinery shed. There are three car parking areas within the MONA site; one near the round house, one near the machinery shed and one to the south of the winery. There are also a few parking spaces opposite the Claudio Alcorso pavilion. The Council owned land contains various community facilities, such as a tennis court, bowling greens, BMX tracks and sewage treatment plant. There is also an unsealed car park within the reserve with access from MONA to cater for overflow parking. A further area on Council owned land, near the art installation 'car crash', is also utilised for informal parking and was previously used as helicopter landing pad. The site layout is shown in Figure 2 below.

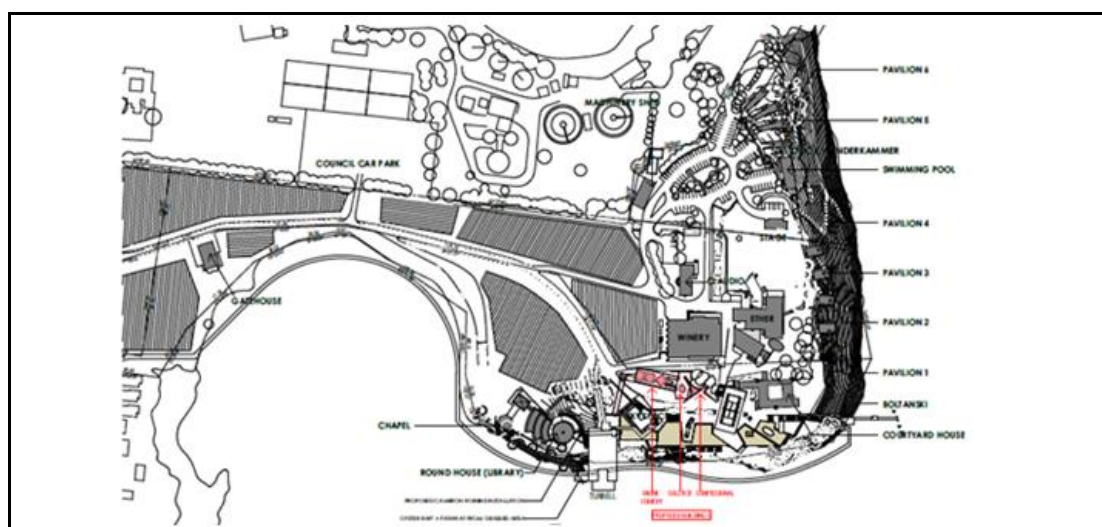


Figure 2: Site Layout - Fender Katsalidis Architects

The site is also shown in an aerial photograph in Figure 3 below with the relevant areas identified in red.



Figure 3: Subject Site - Council Database 2016

The site of the proposed works would be, north of the existing museum, south of the winery, west of the tennis court and east of the 'Skyspace' installation at MONA. The site of the works is shown in Figure 4 below.



Figure 4: Site of Proposed Works - Based on Council Database 2016

The proposed works are also illustrated on the submitted site plan and are shown in Figure 5 below.

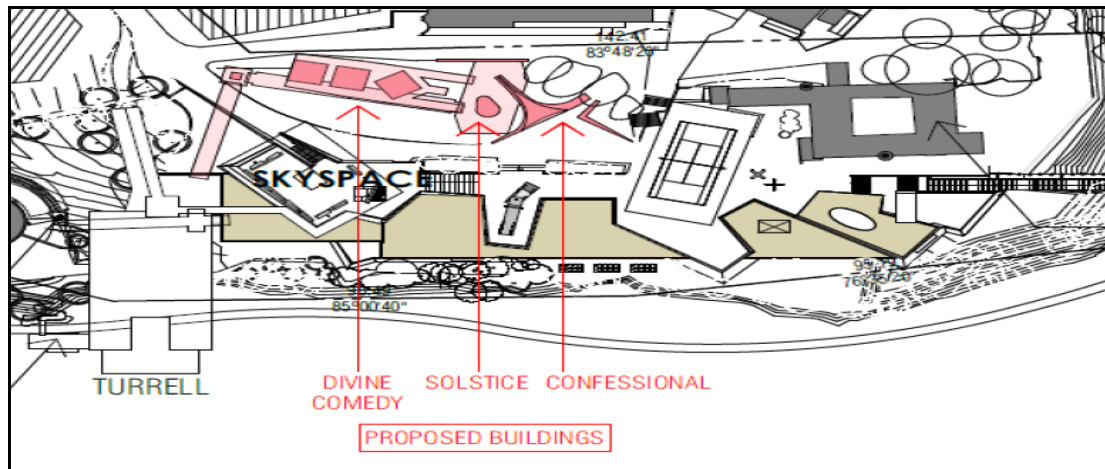


Figure 5: Proposal Plan - Fender Katsalidis Architects

ZONE

The proposed development is contained within the Major Tourism Zone. The Council owned reserve lies within the Recreation Zone, Open Space Zone and Environmental Management Zone. However, the portion of land of the overflow carpark next to the tennis courts, which lies entirely within the Recreation Zone. The star denotes heritage listing of Moorilla Estate. The zoning is shown in Figure 6 below.

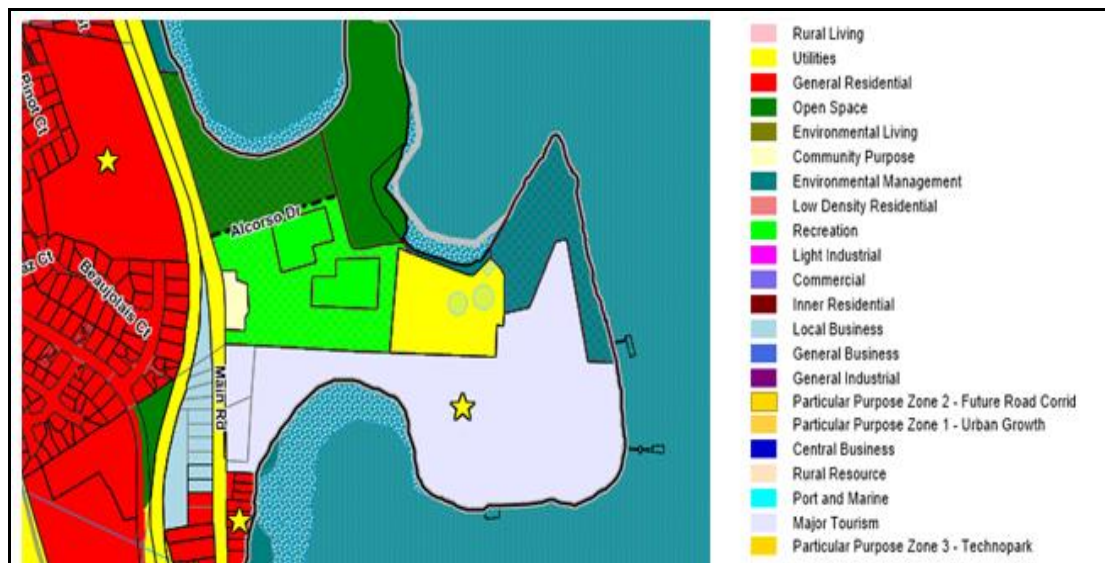


Figure 6: Zoning Map - GIPS 2015

BACKGROUND

Application

The following supporting information was submitted with the application:

- Planning Submission 21/11/17 (IreneInc dated 16/11/17)
- Land Titles 21/11/17
- Heritage Impact Statement 21/11/17 (Paul Johnston Architects dated 19/10/17)
- Preliminary Geotechnical Report 21/11/17 (Pitt & Sherry dated 29/09/17)
- Services Report 21/11/17 (JMG October 2017)
- Traffic Impact Assessment (amended version) 08/03/18 (Howarth Fisher and Associates dated February 2018)
- Bulk Earthworks Plan 08/03/18 (JMG dated 07/03/18)
- Plans P1 received on 21/11/17 (Fender Katsalidis Architects)

Permits

Numerous planning permits have been granted for Moorilla Estate on which MONA is located. The permits which established the main buildings and those which are relevant to this application are listed as follows:

655-655 Main Rd – MONA

Museum

- Planning Permit PLN-06-03732-01 - Museum of Antiquities - Approved 27/03/06.
The above permit established the original museum (MONA).
- PLN-16-023 and amendments - Extension to Museum – Approved 21/03/16
The above permit extended the original museum to allow for the James Turrell gallery. This permit states the latest parking total for the MONA site. The permit condition required an additional ten (10) parking spaces to be provided over the existing one-hundred-and-fifty-five (155) spaces required by various permits. The parking layout is shown in Figure 7 below and was submitted as part of this permit. The parking layout shows one hundred and sixty five spaces (165) within the MONA site.

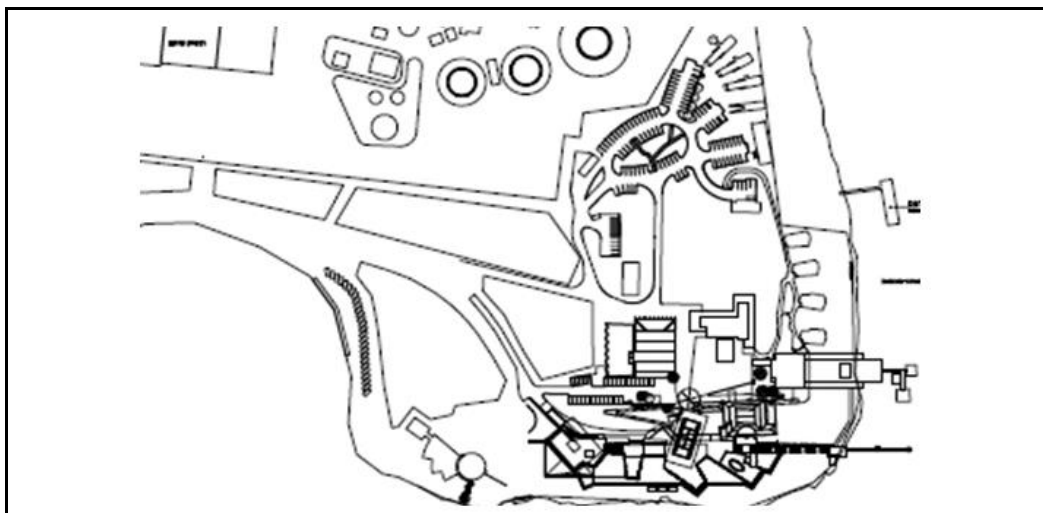


Figure 7: Existing parking layout for 165 spaces - Howarth Fisher and Associates 16/02/16

- BP17/0566 - Stair Walkway – Notifiable Works 16/11/2017
This permit allowed for the DDA compliant pathway to be constructed, which is shown on the proposal plans.

Restaurant/Function Centre

- PLN-03-02125 - Demolition and Construction of New Function Centre, Restaurant and Brewery – 17/11/03

Winery Building

- PLN-08-0258 Redevelopment of the existing winery buildings, including a wine bar - Approved 09/12/08.

671 Main Road – Council Reserve

Car Park

- PLN-11-007 and amendments - Construction of carpark – Approved on 21/03/11

This permit allowed for a car park within Council's reserve, adjacent to the tennis courts. The land is subject to a lease. The Council's planning report for PLN-11-007 states that this application was for an overflow car park for MONA staff and visitors. The use was classed separately from the museum under the use class Car Park within the former Open Space Zone. A condition required one hundred and sixty four (164) spaces, which included three (3) accessible spaces.

This condition is part of the car park permit and is not tied to any of the planning permits for the MONA site, although the parking availability within this car park can be taken into account when varying the specified number of parking spaces within the Acceptable Solution.

The car park permit was amended (PLN-11-007.02) to allow for a re-arrangement of the layout in order to increase parking spaces from one-hundred-and-sixty-four (164) to one hundred and ninety (190). The carpark will be sealed as required by condition and the works are yet to be completed. The amendment was approved on the 03/08/17, with the intention of replacing lost parking as a result of the development proposed in this application .

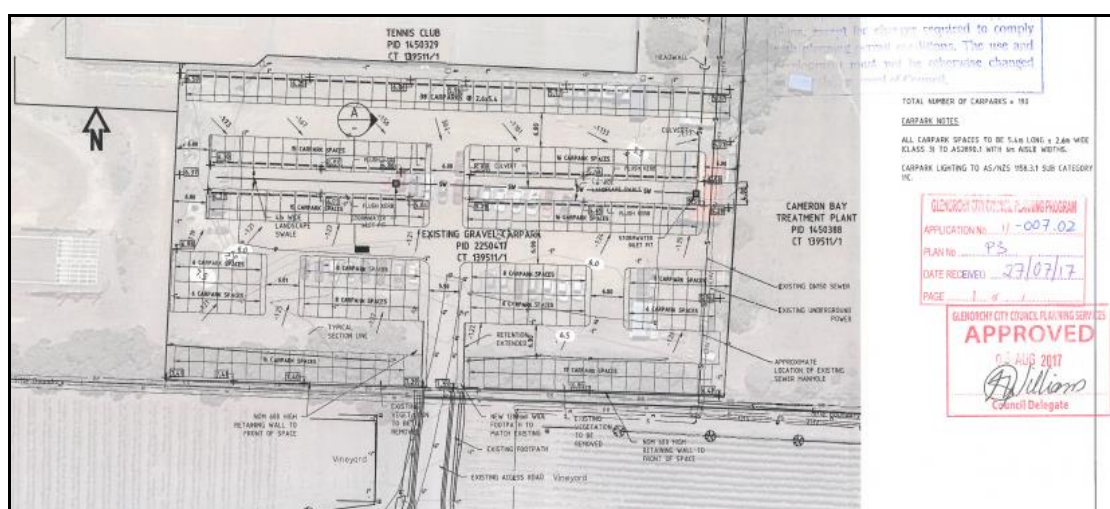


Figure 8: Approved Car Park with 190 spaces - PLN-11-007.02 – JMG 2017

Helicopter Land Pad

- PLN-14-170 - New Tourism Facility (Helicopter Flights) and shelter - Approved 28/10/14

A helicopter landing pad was approved within Council's reserve, in an area east of the sewage treatment plant and had some informal parking associated with the use of the helicopter flight operations, but not for the general operations of MONA.

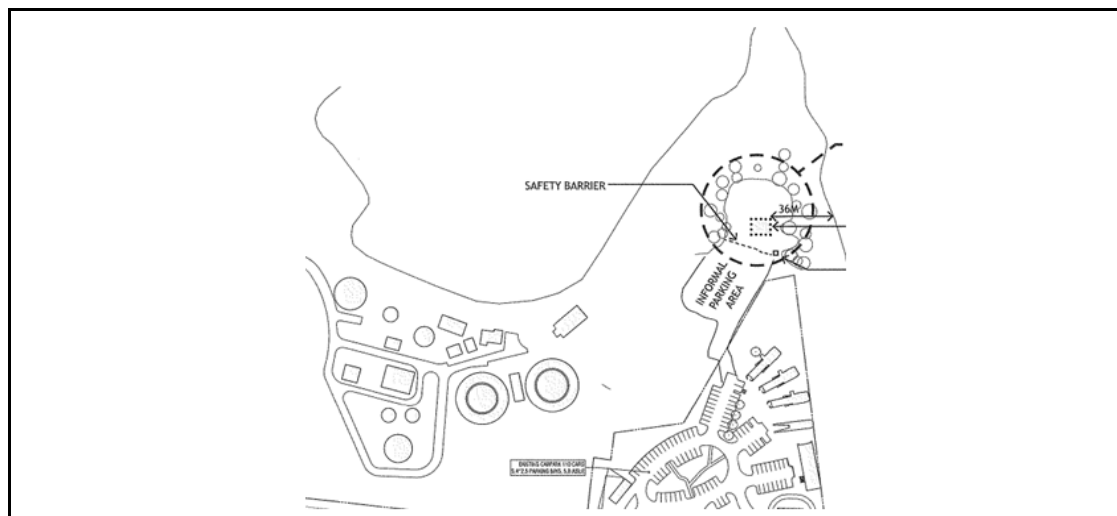


Figure 9: PLN-14-170 Approved Plan

666 Main Rd - Granada Tavern

- PLN-04-0259.01 - Additions to dining area; new motel accommodation and internal alterations – Approved 07/09/04

This permit requires the provision of two hundred and thirty seven (237) parking spaces for the site.

Lease

Council's Manager Property and Assets commented (13/12/17) that there was a ten year lease with an option of a further ten years of the overflow car park within Councils' reserve at 671 Main Road and adjacent to the tennis courts.

There was a Licence Agreement for the Council owned land in relation to the 'helicopter landing pad' and a 'worm chapel' in planning permits PLN-14-170 and PLN-14-150 on electronic file. The agreement expired on 30 January 2017. Therefore, this area of land is currently not formally available to MONA for parking.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

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

Nil.

Limited Exemptions

Nil.

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

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

- E6.0 Access and Parking Code
- E7.0 Stormwater Management Code
- E11.0 Waterway and Coastal Protection Code

Use Class Description (Table 8.2):

The proposed use is in association with the existing museum and art gallery which falls under the use category of Community Meeting and Entertainment in Table 8.2 Use Classes which is as follow:

Community meeting and entertainment

use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, church, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre.

It is noted the proposed use was not classed a Tourist Operation because Community Meeting and Entertainment most specifically describes the use proposed as per 8.2.3 of the Scheme.

Other relevant definitions:

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

Museum

means use of land to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.

Public art gallery

means use of land to display works of art including ceramics, furniture, glass, paintings, sculptures and textiles, which land is maintained at the public expense, under public control and open to the public generally.

Sensitive use

means a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

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

- 30.4.3 A1 Design (no acceptable solution - desired future character statement)
- 30.4.4 A1 Landscaping (no acceptable solution)
- E6.6.1 A1 Number of Car Parking Spaces
- E11.7.1 A1 Buildings and Works (Waterway and Coastal Protection Code)

Other discretion

- Section 36 of the *Historic Cultural Heritage Act 1995*

Part C: Special Provisions

Nil.

Part D: Zones

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

Zone Purpose Statements***Major Tourism Zone***

The zone purpose statement is in 30.1.1 of the Scheme and is as follows:

To provide for major tourist sites, including those located outside activity centres.

To encourage a range of tourist facilities including the provision of large scale mixed use developments particularly in areas near major tourist attractions.

To ensure development is of an appropriate scale and intensity for the location and minimises impacts on the surrounding urban or rural activities and cultural and natural attractions.

To ensure that any commercial uses support the tourist purpose of the site and do not adversely impact on existing activity centres.

Comment

The proposed museum extension would be in accordance with the purpose of the Major Tourism Zone. The existing MONA site is a major tourist drawcard, although the museum itself does not fall under the use class of tourist operation because there is a more specific use class. This is not to say that operations on-site are not in keeping with a major tourist site. The proposed extensions are considered of a scale and intensity which is complementary to the existing site, in particular as the new buildings would be located within existing developed areas of the site. The height of the proposed buildings would be significantly lower than existing buildings located behind, so that the buildings would not be dominant in the profile of the landscape. An aerial view looking towards the site is provided in Figure 9 below.



Figure 10: Areal View of MONA - Council Database16/03/13

Therefore, it is assessed that the proposal meets the zone purpose for the Major Tourism Zone.

Recreational Zone

The zone purpose statement of the Recreation Zone is in 18.1 of the Scheme and is as follows:

- *To provide for a range of active and organised recreational use or development and complementary uses that do not impact adversely on the recreational use of the land.*
- *To encourage open space networks that are linked through the provision of walking and cycle trails.*

Comment

The application suggests that twenty seven parking spaces be attributed to this proposal. The use of the car park in itself would not have any adverse impact on the purpose of the Recreational Zone, although the parking would be in connection with MONA rather than any recreational activity taking place on the reserve. Therefore, the use of the parking area is not strictly complementary to the existing recreational activities, but does not adversely impact on those activities. Given, that the overflow carpark is within council-owned land, it is recommended that it should only be considered in terms of spare capacity rather than creating a reliance to satisfy permit conditions. This would mean that the car park would not be contrary to the zone purpose above, as the potential for it to return to serve recreational activities would not be affected by expectations upon lease expiry. Therefore, there would be no change with respect to the zone purpose.

Use Table

Major Tourism Zone

The use of Community Meeting and Entertainment is permitted in 30.2 Use Table.

Recreation Zone

The use of Community Meeting and Entertainment would be discretionary in 18.2 Use Table.

Use Standards

Major Tourism Zone

There are use standards for discretionary use, noise and hours of operations. The use class Community Meeting and Entertainment is 'permitted' within the Major Tourism Zone so that the standard in 30.3.1 Discretionary Use is not applicable. In terms of the other use standards, the proposal is expected to comply with noise limits and operating hours would not change.

Recreation Zone

The application suggests accommodating some parking spaces formally within the overflow carpark located within the Recreation Zone. However, it is not recommended to tie any parking spaces on Council land to this proposal, so that the provisions of the Recreation Zone would not apply. Furthermore, to do so would not be in keeping with the Performance Criteria in 18.3.5 P1 Discretionary Use, which is as follows:

18.3.5 P1 Discretionary Use

Discretionary use must complement and enhance the use of the land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use.

Comment

The permitted and no permit required uses are for Natural and Cultural Values Management, Passive Recreation, Sports and Recreation and Utilities. Any formal use of the carpark would not be connected with any of these activities and would therefore not constitute a facility that supports those uses, which in turn would not satisfy the Performance Criteria above. The use and development of the carpark has already been approved as a standalone carpark and is not tied to any permits on Moorilla Estate. As such, the car park could revert to serving recreational activities again in the future, if so intended, and would then be in accordance with the Performance Criteria. Since the overflow car park would only be considered in terms of spare capacity and not as a permit requirement the use standard in Clause 18.3.5 Discretionary Use is not applicable.

Development Standards for Buildings or Works**Major Tourism Zone**

The proposal accords with all Acceptable Solutions of the development standards in 30.4 of the Scheme as demonstrated within the attached Appendix, except for the following:

30.4.3 Design

There is no Acceptable Solution in 30.4.3 A1 so that the proposal relies on the following Performance Criteria:

30.4.3 P1 Design

The design of development must comply with all applicable desired future character statements.

The desired Future Character Statements applicable to Moorilla Estate are in Clause 30.1.3 and are as follows:

Desired Future Character Statements	Implementation Strategy
(a) Development respects the landform and landscape setting of peninsula, headland, vineyard approach, treed escarpment and river in its built form and siting.	(a) Development standards for buildings and works.
(b) The prevalent development typology is buildings in space. Built form is characterised by contemporary design, including materials and finishes.	(b) Development standards for buildings and works.

(c) Development creates rich, coherent and linked semi-public spaces that are welcoming, vibrant, safe and walkable	(c) Development standards for buildings and works.
(d) Development is accessed by way of a range of transport modes to minimise traffic and parking impacts on the adjoining area.	(d) Development standards for buildings and works.
(e) Development retains and frames key views and vistas from and through the site to the Derwent River and foreshore, Meehan Range, Wellington Range, Goat Hills, Mount Faulkner, Dogshear Point and Mount Dromedary.	(e) Development standards for buildings and works.
(f) Foreshore access around the headland is encouraged.	(f) Development standards for buildings and works.
(g) Environmental impacts on surrounding land are carefully managed.	(g) Development standards for buildings and works.

Comment

The proposal is in accordance with the Future Character Statement for the following reasons:

- *As discussed with reference to the zone purpose, the proposed extensions would not be dominant in the profile of the landscape as the buildings would be located in front of a higher building. Therefore, the proposal would respect the landscape setting and is in accordance with (a) above.*
- *The proposed buildings would be contemporary in design as illustrated in the proposal plans and therefore satisfy (b) above.*
- *The proposal includes a landscape plan with a new walkway providing a new connection between the winery and the entry to the museum which is safe, walkable and attractive, which satisfies (c) above.*
- *There would be no change in terms of traffic and parking impacts, as no additional parking will be provided within the site so that the proposal is in accordance with (d) above.*
- *Important views from and to the site would be maintained because the above ground portion of the new buildings would not interrupt views because of the low height and location in front of a larger building, which satisfies (e) above.*
- *No new foreshore access is created and the location of the proposal is away from the foreshore, therefore the proposal would not be contrary to (f) above.*
- *There would not be any environmental impacts if soil and water management is implemented as required by condition, which satisfies (g) above.*

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

30.4.4 Landscaping

There is no Acceptable Solution in 30.4.3 A1 so that the proposal relies on the following Performance Criteria:

30.4.3 P1 Landscaping

A landscaping plan, prepared by a suitably qualified landscape architect demonstrates to the satisfaction of the planning authority that publicly accessible spaces between buildings are landscaped to a high standard and integrate with other spaces, with a shared palette of paving materials, lighting and the like throughout.

Comment

The application includes a landscaping plan designed by Landscape Architect that links the proposed buildings with the other attractions within the site. The landscape plan includes ramping and steps in accordance with the Disability Discrimination Act 1992 (DDA) as noted on the plan.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6 Parking and Access Code

The application is supported by a Traffic Impact Assessment by Howarth Fisher and Associates dated 25/02/2018 as amended and received on 07/03/18.

The car parking requirement of the Scheme is set out in Clause E6.6.1 Number of Car Parking Spaces, which refers to table E6.1 and is as follows:

Use Class: Community meeting & entertainment

Land Use	Rate (spaces)	Car parking measure
Exhibition centre, library, museum or public art gallery	1	for each 20m ² of floor area

The proposed museum additions would have an area of 1865m², which would require the provision of ninety-four (94) spaces in accordance with the above rate. It is not proposed to provide any new parking. In addition, there would be a loss of twenty-five (25) existing spaces so that there would be a total shortfall of one hundred and nineteen (119) spaces under the Acceptable Solution in E6.6.1 A1.

The existing parking layout within MONA accommodates one hundred and-sixty five spaces (165), which were required under multiple permits and conditioned for the total amount in the permit for the Turrell Ganzfeld Pavillion. Twenty five (25) spaces will be lost, so that the new layout will have one hundred and-forty (140) spaces.

The leased land within Council's reserve with the overflow car park will provide for one hundred and ninety (190) spaces, once it is sealed. Currently, there are one-hundred and thirty seven (137) spaces marked with spot markers within the unsealed car park.

The permit for the overflow car park originally approved one hundred and sixty four spaces (164) and was later amended for a new parking layout to increase parking capacity to one hundred and ninety (190) spaces, in order to makeup for the spaces lost as part of this application.

These spaces are not attributed to any developments by MONA as part of planning conditions, but can be taken into consideration for parking discretions. The application suggests that the lost parking be relocated to the overflow car park and tied to the permit for this application, however this is not recommended. The overflow car park should not be tied to any permits for developments on the MONA site so as not create reliance on the overflow car park to satisfy permit conditions. An advice clause to this effect is recommended.

Overall there would be a total of three hundred and thirty (330) spaces available with the leased overflow car park and the parking at Moorilla Estate.

In addition, to the formal parking areas, visitors also utilise informal parking at two locations. A further area within Council's reserve is also being used for parking which is located near the art installation 'car crash', this area is referred to in the TIA as unsealed car park and provides for one-hundred-and-twenty-four (124) parking spaces. The parking area at the Granada Tavern, which is opposite the entrance to the MONA site, is also used and has two hundred and three (203) spaces, according to the TIA, although the permit requirement is two hundred and thirty-seven (237) spaces. The TIA includes a parking survey with occupancy rates of these areas and also lists a number of sustainable transport options, which lower parking demand for the site generally.

MONA operates a bus service and a ferry service from the Hobart waterfront. A further bus service operates between MONA and the airport. According to the TIA, there will be a second boat operating from November 2018 with 30 minute frequencies at peak times. In addition, there will be two water taxi services by 'motocafis' with capacity for twenty-five people.

Whilst the TIA provides a comprehensive analysis of the parking availability and demand, in terms of this application, it is argued that little additional parking would be required. According to the TIA, visitors are already on-site and would simply view the additional exhibits within the new space as part of their tour. Therefore, the only additional demand generated by this application would arise from additional staff employed to run the exhibition so that the demand is for two (2) additional spaces. This would result in a shortfall of twenty-seven (27) spaces together with the lost spaces, which could be accommodated within the existing parking arrangements, in particular, since there will be twenty six (26) more spaces within the overflow car park.

The application was assessed by Council's Transport Engineer as detailed later in this report under the header Referrals, who found the parking arrangements acceptable.

In terms of the *Scheme* requirements the following Performance Criteria must be satisfied:

E6.6.1 Number of Car Parking Spaces

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

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

Comment

In terms of the Acceptable Solution there would be a shortfall of one hundred and nineteen (119) spaces, although it is argued there would only be extra demand for twenty seven spaces (27), being staff car parking and lost spaces. It is argued that these can be accommodated within the capacity of existing arrangements. The Transport Engineer agrees and details are provided later in this report. Based on the engineering report and the context of the site, the proposal accords with the Performance Criteria above for the following reasons:

- This application would generate little additional demand because visitors are already on site to view the museum, which accords with (a) above.
- There is an overflow car park available within Council's reserve with spare capacity. This carpark will provide for one-hundred-and-ninety (190) spaces and is subject to a Council lease, which satisfies (b) above.
- There is a bus stop located within approximately 50m from the entry of the site which satisfies (c) above.
- There is sustainable transport available by MONA operated ferries and buses which satisfies (d) and (e) above.
- There is reduction in parking demand for parking due to visitors viewing multiple attractions on-site during their stay in accordance with (f) above which is the main reason for a reduced demand for this application.

Overall, the parking arrangements are considered satisfactory and further details are provided within the assessment of the Transport Engineer later in this report.

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

E7.0 Stormwater Management Code

Performance Criteria

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

E13 Heritage Code

The property is listed on the Tasmanian Heritage Register as shown in Table E13.1 Berriedale of the Heritage Code as follows:

REF_No.	THR_No.	Heritage Listed Certificate of Title	Extent	Particular Exempt Development	Property Name	UNIT_NO	Street_No	Street	Suburb	General Description
0233	7088	61366/4, 61366/4, 61366/3, 61366/3, 164039/1, 164039/1			Moorilla/ MONA		651-655	Main Road	Berriedale	Courtyard House, Round House (both designed by Roy Grounds) and original dwelling.

The Tasmanian Heritage Council (THC) issued a Notice of Interest under the *Historic Cultural Heritage Act 1995*, please see Referrals section later in this report.

The Heritage Code is not applicable for a place listed on the Tasmanian Heritage Register, pursuant to E13.2 Application. Nevertheless, the heritage listing invokes a discretion under s36 of the *Historic Cultural Heritage Act 1995*.

For further details, please see comments from the THC in the Referrals section of this report.

E9.0 Attenuation Code

The reference overlay indicates that the location of the proposal lies within the attenuation distance from the neighbouring sewerage treatment plant. However, the proposed use does not fall within the definition of a 'sensitive use' so that the code does not apply.

E11.0 Waterway and Coastal Protection Code

The Waterway and Coastal Protection Code (WCPC) applies to a small section of the southern part of building site and is shown in Figure 11 below.



Figure 11: Waterway and Coastal Protection Code – GIPS 2015

The proposal cannot comply with the Acceptable Solution in E11.7.1 as there is no building envelope on the title of the property. Therefore, the proposal relies on the Performance Criteria as follows:

E11.7.1 P1 Buildings and Works (WCPC)

Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- (a) avoid or mitigate impact on natural values;*
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;*
- (c) avoid or mitigate impacts on riparian or littoral vegetation;*
- (d) maintain natural streambank and streambed condition, (where it exists);*
- (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- (f) avoid significantly impeding natural flow and drainage;*
- (g) maintain fish passage (where applicable);*

- (h) *avoid landfilling of wetlands;*
- (i) *works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.*

Comment

The proposal would not impact on any riparian vegetation or natural streambank. The proposed works would be located within a built environment. Any sediment transfers and soil erosion would have to be controlled through a Soil and Water Management Plan recommended as part of standard permit conditions.

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

Inundation Prone Areas Code

The site lies outside the overlay for Inundation Prone Areas that covers small areas of the property and is therefore not applicable.

Coastal Erosion Hazard Code

The site lies outside the overlay for Coastal Erosion Hazard Areas that covers small areas of the property and is therefore not applicable.

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Transport Engineer

Proposed Development

The proposed development will form part of the existing Museum of Old and New Art (MONA) development. The proposed development comprises a new underground tunnel exhibition space associated with the MONA museum to be known as the Solstice Chamber, which has a total floor area of approximately 1865m².

The proposed development is for additional gallery space to the north of the main MONA building. The gallery space has been purpose built to accommodate specific gallery spaces for artworks by Oliver Beer and Alfredo Jaar.

Traffic Generation

The TIA states that the development is an extension of exhibition space and therefore it is not envisaged that there will be any new trips generated by the increased exhibition space being proposed as part of this development.

The report anticipates that all the people visiting the proposed new exhibition space will be visiting Mona and the surrounding facilities anyway. Consequently, the report notes that the new Solstice Chamber exhibition space would not in itself generate any new trips (except for staff trips).

The TIA also states that the new Solstice Chamber will result in the requirement of four additional staff and therefore the only additional trips will be generated by the increased staffing levels.

The report indicates that based on the advice from MONA, they have recently provide a staff bus (inmate bus) to provide staff with a sustainable mode of transport to access the site. The report, then, estimates that with the assumption of 50% of staff use public transport for their commute, the proposed development will generate only 4 additional trips per day.

I concur that this traffic generation estimation is appropriate for the case of the proposed development and the traffic generated by the proposed development will not have any significant adverse impacts on the surrounding road network in terms of traffic efficiency or road safety.

Access

The report states that available sight distance at the Main Road access driveway of MONA is greater than 250 metres towards the north and the south.

The TIA, then, refers to the table E5.1 of the Glenorchy Interim Planning Scheme and states that the minimum safe intersection sight distance for a road with a posted speed limit of 60 km/hr is 105 meters. The report, finally, concludes that the proposed access location meets the minimum required sight distances in both directions.

I concur that adequate sight distances are available at the Main Road access driveway of MONA.

Parking

Based on the requirements of the *Glenorchy Interim Planning Scheme 2015*, the parking requirement for Community Meeting and Entertainment use is 1 parking space for each 20m² of floor area. Considering the proposed 1865m² extension of the existing exhibition spaces of the museum, there will be a requirement of 94 additional parking spaces to be provided to the previously approved development.

In this regard, the TIA argues that the purpose of the new Solstice Chamber is to provide increased space for exhibits which will not result in any extra parking demand in itself. The report indicates that the only anticipated parking demand will arise from the requirement of four additional staff. The report also notes that with the assumption of 50% of the staff will drive and 50% obtain lifts, take the bus, walk or cycle to the site, there will be a total requirement of two parking space associated with the Solstice Chamber development.

I agree that the provision of 2 car parking spaces is adequate for the proposed development.

The TIA also states that the construction of the Solstice Chamber will result in the temporary loss of 27 staff spaces (associated with the temporary construction site) and the permanent loss of 25 spaces associated with the construction of the Solstice Chamber.

To assess the impact of this loss of parking spaces, the TIA undertook a parking occupancy survey in the MONA site and the nearby parking areas. Based on advice from MONA, Sunday is the busiest day, closely followed by Saturdays while the busiest weekday is on Friday. As a result, the TIA conducted two parking surveys; one on Friday 2nd February and one on Sunday 4th February 2018.

The report also notes that hourly surveys commenced at 8am and finished at 6pm on each day and registration numbers were undertaken in order that an assessment of turnover rates could be made. The data was interrogated to determine occupancy rates, maximum capacity, peak parking accumulation and turnover.

Overall, there are (330) car parking spaces provided within the MONA site with an additional 124 informal spaces near the art installation 'car crash'. There will be 190 spaces in the overflow car park (leased from Council). The results of the parking surveys show that peak parking demand typically occurs during the lunchtime period. The highest percentage demand during the whole day occurs in the formalised Mona carpark. In addition, the majority of visitors who park in the Mona on-site carparks stay for between 1-2 hours and of these vehicles parked on site 50% stay less than 3 hours, resulting in a high turnover of spaces. The TIA states that whilst people may stay longer to look at the Solstice development, it is not expected that the length of the whole trip will vary significantly (e.g. many returning guests would possibly spending more time in the Solstice Chamber and less time looking at the exhibits and the museum which they would have already seen).

A careful consideration to the results of the parking surveys also show that during the peak parking demand (i.e. 1pm) on Friday 2nd February and Sunday 4th February 2018, there were 29 and 36 parking spaces available respectively within the MONA site. This finding can be result in the conclusion that the required 2 additional car parking spaces (as a result of the proposed development) and the permanent loss of 25 spaces associated with the construction of the Solstice Chamber can be accommodated in the available car parking areas within the MONA site.

In terms of the temporary loss of 27 staff parking spaces (for use by the contractor), the TIA states that MONA has informal agreements in place with Granada Tavern to utilise their parking areas. The report, then, indicates that the supply of parking, at the Granada Tavern Bistro and at the Caravan Park, could be potentially used for parking during the construction phase of the development.

Based on the aforementioned points, I agree with the conclusion that the parking demand generated by the proposed development can be accommodated in the available carparking supply without any serious impact on the road network. However, any increase in parking demand in the future needs to be addressed through other practical measures (e.g. extension of the unsealed car park).

Conclusion

Overall, 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 additions to MONA at 651-655 Main Road, Berriedale on traffic engineering or road safety grounds.

Development Engineer

Traffic, Access & Parking

No additional parking space proposed on-site. Please refer to Transport Engineer for further details.

The concept plan for new parking arrangement can be found in the TIA received by Council drawing no. C3 *Modified parallel parking bays*.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application; and the stormwater plan is provided in the Services report. It is proposed that run-off water will be directed to the upgraded to 300mm uPVC pipe to the existing 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.

Property

Council's Manager Property and Assets commented (13/12/17) that there was a ten year lease of the overflow car park located within Council's reserve with an option of a further ten years. Council's Manager Property and Assets commented that permanent parking tied to a Part 5 Agreement would be a lasting encumbrance of the land which was not desirable. In particular, as the land was noted of strategic importance under the *Glenorchy Open Space Strategy* and the *Glenorchy Open Space Strategy Locality Analysis 2015*.

EXTERNAL REFERRALS

TasWater

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

Environmental Protection Authority

The application was not referred to the EPA that requires referrals for proposals exceeding 5000m² of excavation materials. A bulk earthworks plan was submitted to demonstrate the works would result in 4680m³ of excavation including 2200m³ rock excavations.

Tasmanian Heritage Council

The Tasmanian Heritage Council (THC) has made the following decision:

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with Development application PLN-17-344 subject to the following condition:

- 1. Works within the Tree Protection Zone (TPZ), of the Monterey Pines (*Pinus Radiata*) identified on the landscaping plan to be retained, must be undertaken under the supervision of an attendant suitably qualified project arborist. The project arborist must ensure that all works within the TPZ will have negligible detrimental impact to the health of those trees.**

Reason for condition

To ensure that those trees are maintained as evidence of the former windbreak planted by Claudio Alcorso.

Advice

It is recommended that, in the interest of promoting the long term health of the remaining trees, those trees be monitored upon completion of works and have their health checked regularly as part of the management of the landscape.

The decision from the THC must be included in any permit.

REPRESENTATIONS

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

1. Impact on Public Open Space

The representation states that the use of public open space within the Council reserve by MONA is unfair to the public that wants to enjoy the foreshore reserve, especially since not everyone benefits from MONA because exhibits are not family friendly. In addition, parking and the future caravan park result in fragmentation of the open space.

Planner's Comment:

Public open space within the reserve is important; this has been recognised within the Glenorchy Open Space Strategy. The overflow car park is subject to a lease but would not be tied to any planning permits for development at the MONA site. The car park is designed to accommodate overflow parking from the MONA site and is leased for this purpose, but reliance on this carpark is not implied by permit conditions.

Therefore, should the need arise for the carpark to serve recreational activities within the reserve upon lease expiry, then there will be no expectation of the parking being designated for any other development. Therefore, the land could be still available for public purposes in the future.

2. Traffic Impact Assessment

The representation states that there are flaws and inconsistencies within the Traffic Impact Assessment (TIA). In particular, the representation questions the parking survey that was not conducted during the busiest time i.e on a Friday instead of Sunday and in April instead of January.

Planner's Comment

The parking survey within the TIA was conducted on Friday 2 February 2018 and Sunday the 4th of February 2018. The timing would have been determined by the application process, but would be representative of the general situation. The TIA was amended which could be the explanation for the difference in the time of year.

3. Accessible Parking

The representation states that accessible parking would be displaced by the proposal and that there should be no loss if there was a variation to parking.

Planner's Comment

The MONA site has one-hundred and sixty seven (167) parking spaces, which would require that four (4) accessible spaces be retained and must be in accordance with the relevant Australian Standard. The TIA states that (5) accessible spaces have been located in the vicinity of the museum. In addition, there will be three (3) accessible spaces within the overflow car park.

4. Bank Erosion from Wake Wash

The representation states that additional ferry trips cited within the TIA would increase the amount of wake wash generated by the fast moving ferries and increase erosion of the neighbouring Frying Pan Island, which is heritage listed.

Planning Comment

Any wake wash generated by boats and ferries is not regulated by the planning scheme and is therefore not a consideration for determining this application.

5. Commencement of Construction

The representation states that construction has already commenced, which should not have occurred until approval is granted and fines should be imposed.

Planner's Comment

There are construction activities occurring to finalise works of the Turret Pavillion and works with respect to a stair walkway that is shown on the landscaping plan of this proposal. The walkway was approved with a building permit BP17/0566, although it is part of the overall landscaping works for this proposal, because it represents minor works. Therefore, there were no unapproved works carried out on site.

6. Loss of Amenity

The representation states that ongoing construction activities at MONA results in unreasonable amenity impacts to local residents. According to the representation, the cranes on the skyline are an eyesore and construction activities impact on the ambience of the place. For the last seven years construction activities have disturbed the peace and locals are tired of it. Any benefits to the community do not make up for the loss of amenity.

Planner's Comment

Construction activities in general would affect people in the vicinity of any building site. However, the planning scheme does not regulate construction activity so that this issue is outside the considerations for this application. Construction hours are regulated under the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

CONCLUSION

The application proposes a museum extension at the Museum of Old and New Art (MONA) for additional exhibition space of 1865m².

The application invokes four discretions with respect to design, landscaping, watercourse protection, heritage and number of car parking spaces.

The proposed design is in accordance with the Future Character Statement, in particular as would respect the landform and is of a contemporary design. Landscaping would be of a high standard and includes links between the main buildings, which also meets the requirements. In terms of watercourse protection, there would be no impacts on the River Derwent. A condition is recommended for soil and water management.

The proposal includes the removal of a heritage tree. The application was referred to the Tasmanian Heritage Council, which made a decision to grant approval for the removal of that tree. The decision with conditions and advice must form part of this permit.

The discretion for a parking shortfall of one hundred and nineteen spaces is the most significant of the discretions. However, the main reason additional parking is not considered necessary is that the additional exhibition space itself would not create more parking demand as visitors are already on site would just view the additional exhibition. In addition, there are also plans to increase capacity and frequency of alternative sustainable transport modes. The situation at MONA's site is unique because the site is relatively isolated so that people would have already arrived by car or alternative transport, rather than on foot. In addition, the significant scope of alternative transport provided by the operator of the site is exceptional. Therefore, it is considered that in this instance a large parking discretion would be acceptable based on the submitted Traffic Impact Assessment, the site context and the circumstances of the proposed museum extension. The application was referred to Council's Transport Engineer who concurs with the TIA and is in support of the discretion. The shortfall meets the standard through the Performance Criteria as outlined within the report.

Council received one representation during the public exhibition of the application. Concerns were raised about the loss of public open space, accuracy of the traffic impact assessment, accessible parking, river bank erosion, construction activities, and loss of amenity from continuous construction. These issues were addressed within the report and do not carry determining weight. Some of the issues are satisfactory dealt with such as parking, accessible spaces and open space, whilst loss of amenity arising from construction activities and erosion potential of the river bank from wake wash are outside the scope of this assessment.

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

Recommendation:

That a permit be granted for the proposed use and development of Additions to Museum of Old and New Art - Solstice Chamber and The Confessional at 651-655 Main Road Berriedale and Berriedale Foreshore Reserve and at 671 Main Road Berriedale subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-344 and Drawing No. P1 submitted on 21/11/17, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

3. Any conditions and/or advice as determined by the Tasmanian Heritage Council and set out in the attached Appendix B form part of this permit.
4. Car parking for one hundred and forty spaces (140) must be retained within the boundaries of Moorilla Estate and kept available for parking at all times.

Engineering

5. Prior to the issuing of a Building Approval or the commencement of works on site, (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of and to be approved by the Council's Development Engineer.

The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties. The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

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

6. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
7. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains shall be undertaken by Council at the developer's cost.
8. The design and construction of the driveway, parking, access and turning areas must generally comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site.

Advice to Applicant

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

Other Permits

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

Other Services

The designer 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.

Car Parking

Car parking within the title areas of Moorilla Estate is for one-hundred-and-forty spaces (140) spaces. Car parking for the overflow car park within Council's reserve is for one-hundred-and-ninety (190) spaces approved with planning permit PLN-11-007.02 once the parking area is sealed. The car parking within the overflow car park is not tied to any permits granted for developments on Moorilla Estate, but its availability has been considered in granting discretions. Therefore, reliance on this parking area may not be indefinite, as the land is Council owned and any use of the overflow car park is dependent on lease arrangements.

APPENDIX

30.0 Major Tourism Zone

Standard	Acceptable Solution	Proposed	Complies?
30.3 Use Standards			
30.3.1 Discretionary Use	A1 No Acceptable Solution	The use of Community Meeting and Entertainment is a permitted use within the Major Tourism Zone.	NA
30.3.2 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) (LAm _{ax}) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise	Not noise generating activity	Yes

Standard	Acceptable Solution	Proposed	Complies?
	levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.		
30.3.3 Hours of Operation	A1 Hours of operation of a use within 50 m of a residential zone must be within: (a) 7.00 am to 9.00 pm Mondays to Saturdays inclusive; (b) 9.00 am to 5.00 pm Sundays and Public Holidays; except for office and administrative tasks.	The site of the proposal is not within 50m of any residential zone so that no restriction of operating hours applies. The museum operating hours are Wednesdays to Monday as follows: • Summer 10am to 6pm • Winter 10am to 5pm	NA
30.4 Development Standards for Buildings and Works			
30.4.1 Building Height	A1 Building height must be no more than: 10 m.	The highest building (Confessional) would be 6.985m above natural ground level	Yes
30.4.2 Setback	A1 Building setback from frontage must be no less than: 10m.	The building site is more than 400m from the frontage.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A2 Building setback from a residential zone must be no less than: (a) 5 m; (b) half the height of the wall, whichever is the greater.	The building site is more than 370m from the nearest residential zone.	Yes
	A3 Building setback for buildings for sensitive use (including residential use and visitor accommodation) must comply with all of the following: (a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m; (b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.	The site is not located near any of these zones.	Yes.
	A4 Buildings and works must be setback from land zoned Environmental Management no less than 20 m.	The nearest Environmental Management Zone is to the south over the water and is approximately 40m away.	Yes

Standard	Acceptable Solution	Proposed	Complies?
30.4.3 Design	A1 No Acceptable Solution	See report	Discretion
30.4.4 Landscaping	A1 No Acceptable Solution	See Report	Discretion

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.	See report	No Discretion
E6.6.2 Number of Accessible Car	A1 Car parking spaces provided for people with a disability must:		Yes – No change

Standard	Acceptable Solution	Proposed	Complies?
Parking Spaces for People with a Disability	(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.		
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		NA – no additional car parking proposed, therefore not trigger the new motorcycle parking spaces.
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		Yes provided
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		NA
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;		NA

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.		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
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
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		NA
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.		NA

Standard	Acceptable Solution	Proposed	Complies?
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		NA
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.		NA
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
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.		Yes

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

E7.0 Stormwater Management Code

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

Monday, 16 April 2018

Glenorchy Planning Authority Meeting Agenda

Standard	Acceptable Solution	Proposed	Complies?
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		N/A

Attachments/Annexures

- 1  651-655 Main Road, Berriedale and Berriedale and Foreshore Reserve: 671 Main Road, Berriedale

**10. PROPOSED USE AND DEVELOPMENT - 1 LOT SUBDIVISION
AND 19 DWELLING UNITS RELYING ON PERFORMANCE
CRITERIA - 56A CLYDESDALE AVENUE, GLENORCHY**

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3288636

REPORT SUMMARY:

Application No.:	PLN-16-293
Applicant:	Philp Lighton Architects Pty Ltd
Owner:	Symic Developments Pty Ltd
Zone:	Inner Residential
Use Class:	Subdivision
Application Status:	Discretionary
Discretions:	10.4.2 A3 Setbacks and building envelopes for all dwellings 9.7 Subdivision 10.6.1 A2 Lot Design 10.6.3 A1 Ways and Public Open Space E2.5 A1 Use Standards E2.6.1 A1 Subdivision E2.6.2 Excavation E5.5.1 A3 Existing road accesses and junctions (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	16/04/2018

Existing Land Use:	Manufacturing and processing (non-conforming)
Proposal In Brief:	1 lot subdivision & 19 dwelling units relying on performance criteria
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application proposes subdivision to create one new lot and nineteen dwellings with a private road to be situated on the new lot. The proposed site layout is shown in Figure 1 below.

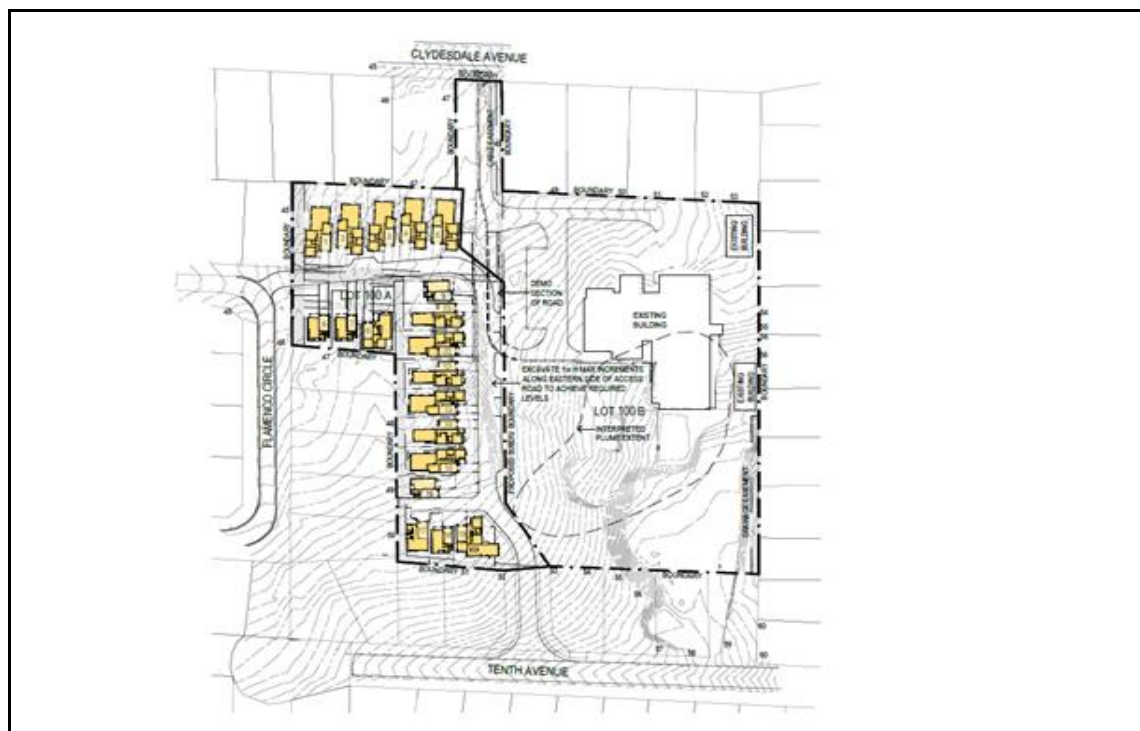


Figure 1: Proposed Site Plan - Philp Leighton Architects

The proposed subdivision would create one new lot and retain a balance lot within the General Residential Zone. The proposed lot would have an irregular shape with an area of 6650m² and two accesses, one from Tenth Avenue and one from Flamenco Place. The balance would have an area of 1.2ha and would retain access off Clydesdale Avenue.

The balance contains an existing non-conforming industrial use, which would continue. As a result of the longstanding operation of the industrial use the site is partially contaminated.

The proposed dwellings would be a mix of dwelling types comprising single and double storey dwellings. There would be fifteen single storey dwellings and four double storey dwellings. Each of the dwellings would provide for private outdoor space (POS) of at least 24m² in one place and at least 60m² in total. The POS areas are generally located at the rear of each dwelling, with the exception of six dwellings where POS is located at the front due to the northerly aspect of these dwellings. The application proposes a total of forty-three parking spaces, two each for sixteen dwellings, one each for three dwellings and eight parallel spaces within the private road.

- Type A2 x 1: Single storey; brick, timber, metal, fibre cement cladding; gable roof; two bedrooms; open plan living; integrated single garage; max height 4.065m; POS at front.
- Type A3 x 1: Single storey; L-shaped; brick, timber, fibre cement cladding; gable roof; three bedrooms; open plan living; integrated single garage; max height 3.9m; POS at side.
- Type B2 x 3: Single storey, rectangular, brick, timber, metal, fibres cement cladding; two bedrooms; open plan living; single garage attached to side; max height 4m; POS at rear.
- Type B3 x 8: Single storey; brick, timber, fibre cement cladding; skillion roof; three bedrooms; open plan living; integrated single garage; max height 3.6m; POS at rear.
- Type C2/C3/D2 x 5: Double storey; brick, timber, textured finish cladding; skillion roof; three bedrooms on first floor with terrace; open plan living on ground floor;; integrated single garage; max height 6.3m; POS at front.

SITE and LOCALITY

The subject property is located between Clydesdale Avenue and Tenth Avenue in Glenorchy. The property is largely internal, has an area of 1.866ha and is occupied by a large industrial building and several outbuildings. There is also an existing driveway and parking area. The site has frontage to Clydesdale Avenue, Tenth Avenue and Flamenco Court.

The site is shown in Figure 2 below.



Figure 2: Subject Site - Council Database 2016

The locality is characterised by predominantly single dwelling development, interspersed by some multiple dwelling development. The proposed dwellings would adjoin the backyard of single dwellings, except for one property in Flamenco Place where a dwelling would adjoin the side boundary.

ZONE

The subject property lies within the General Residential Zone, which also applies to the surrounding properties. The zoning map is shown in Figure 3 below.

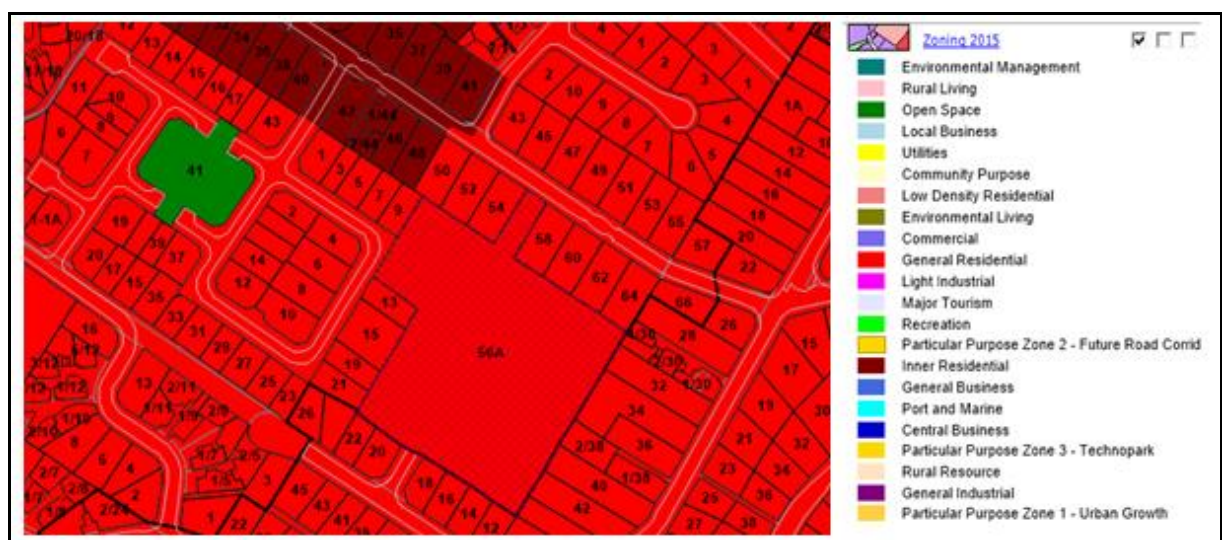


Figure 3: Zoning Map - GIPS 2015

BACKGROUND

Supporting Documents

The application includes the following supporting documents:

- Architectural plans by Philp Leighton Architects: P3 received on 05/05/17
- Subdivision plan by Rogerson and Birch: P1 received on 23/12/16
- Engineering drawings including concept servicing plan, concept driveway plan, concept driveway long section, concept driveway cross section 1 and 2 by Gandy and Roberts: P2 received on 31/03/17
- Traffic Impact Assessment by Milan Prodanovic dated December 2016
- Stormwater Analysis by Gandy and Roberts dated 01/05/17
- Non-Statutory Environmental Audit Report by Blue Sphere dated 18/12/17
- Groundwater Quality Management Plan–V3 by Geo Environmental Solutions dated February 2018
- Letter by Blue Sphere dated 31/01/18
- Letter by Blue Sphere dated 13/02/18
- Title information

Permits

The following permits were granted for the site:

- PLN-15-026 - Additions to Limited Impact Industry – Approved 04/03/15
This application was assessed under a Specified Departure in Schedule 7 of the previous Scheme the *Glenorchy Planning Scheme 1992*. The Specified Departure is as follows:

S7.3. Notwithstanding any other provisions of this Scheme, the land described as 56B Clydesdale Avenue, Glenorchy may continue to be used and developed as a permitted (P) use for activities relating to the employment, training and/or care of disabled or disadvantaged people, including activities of a Limited Impact Industrial nature.

The above explains the existing non-conforming use rights for the site

- PLASP-12/006 - Amendment to SP 64407 & 21319 & 2658 at 56A & 56B Clydesdale Avenue Glenorchy 08/06/2012
The above amendment to sealed plan deleted a right-of-way
- PLN-14-009 – Demolition of existing buildings (56A Clydesdale Ave) – Approved 16/01/14
- PLN-10-091 and amendment - Subdivision creating forty two (42) lots plus balance – Approved 31/03/2010
The above permit approved the layout shown in Figure 4 below, which resulted in the title plan SP167026, which is the current title. Figure 4 illustrates the original area of the land and the extent of works completed under that permit. The subdivision permit included strict environmental conditions.



Figure 4: Subdivision Plan PLN-10-091 and Title Plan SP167026

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

General Exemptions

Nil.

Limited Exemptions

Nil.

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

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

- E2.0 Potentially Contaminated Land Code
- E6.0 Access and Parking Code
- E7.0 Stormwater Management Code
- E15.0 Inundation Prone Areas Code

Use Class Description

The application proposes nineteen dwellings on a vacant lot which fall under the use class Residential (Multiple Dwellings) as defined in Table 8.2 as follows:

Residential

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

Other relevant definitions

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

Multiple Dwelling

means 2 or more dwellings on a site.

Dwelling

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

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.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

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

- 10.4.2 A3 Setbacks and building envelopes for all dwellings (Unit 5 and 8)
- 9.7 Subdivision (development of subdivision)
- 10.6.1 A2 Lot Design (subject to codes)
- 10.6.3 A1 Ways and Public Open Space (no Acceptable Solution)
- E2.5 A1 Use Standards (Potentially Contaminated Land Code)
- E2.6.1 A1 Subdivision (Potentially Contaminated Land Code)
- E2.6.2 Excavation (Potentially Contaminated Land Code)
- E5.5.1 A3 Existing road accesses and junctions (increase more than 20% or 40 vehicle movements)

Part C: Special Provisions

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

Changes to an Existing Non-conforming Use

The subject property contains an existing non-conforming use formally classed a Limited Impact Industry. The equivalent use under the Glenorchy Interim Planning Scheme 2015 is Manufacturing and Processing. There is no change or intensification associated with this use and it would keep operating on the balance lot, therefore clause 9.1 Changes to an Existing Non-conforming Use is not applicable to this application.

Subdivision

The application includes subdivision, which is a discretionary development in clause 9.7, which is as follows:

9.7 Subdivision

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

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

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

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

Part D: Zones

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

Zone Purpose Statements

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

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

Comment

The proposal accords with the above purpose statement as it is for residential development and would provide for a range of dwelling types. The proposed dwellings would have various configurations, sizes and finishes. The land will be fully serviced as part subdivision requirements and is an infill development, within an urbanised area so that infrastructure is available. Therefore, the proposal is in accordance with the zone purpose statement.

Use Table

The use class Residential (Multiple Dwellings) is *permitted* in Use Table 10.2.

Use Standards

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

Development Standards for Residential Buildings & Works

The proposal accords with all Development Standards as demonstrated in the attached Appendix, except as follows:

Setbacks and building envelope for all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.2 A3 with respect to the building envelope as follows:

- Unit 5 would be located 0.9m from the side boundary shared with Oak enterprises, near the access.

- Unit 8 would be located 1m from the side boundary, instead of 1.5m required by the Acceptable Solution (the rear wall faces the side boundary)

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

10.4.2 P3 Setbacks and building envelope for all dwellings

The siting and scale of a dwelling must:

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

Comment

Unit 5

The setback discretion of 0.6m for Unit 5 would have no amenity impacts on the neighbouring property because the area opposite is occupied by a commercial driveway. Therefore the proposal accords with the above Performance Criteria.

Unit 8

The boundary is not aligned with the 7.2m wide rear wall of Unit 8 so that the setback varies between 1m and 1.5m. Whilst the rear wall of the dwelling is facing the boundary, in terms of the site this boundary is a side boundary. This dwelling has the private outdoor space at the front, which explains the proximity to the boundary. The dwelling has a gable roof, so that the rear wall varies in height from 2.4m to 4.05m. The neighbouring dwelling at 13 Flamenco Place has the backyard in the opposite area to the southwest. Given the low height of the proposed dwelling, any additional shadows to the neighbouring property would be relatively short so as not to result in any unreasonable overshadowing or loss of sunlight. In addition, the orientation of the neighbouring POS is to the southwest; so that any shadows would pass after 1pm. The low height would also ensure that there would not be any significant visual impacts. Therefore the proposal accords with the above Performance Criteria.

The proposal complies with the standard through the Performance Criteria.

Development Standards for Subdivisions

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

Lot Design

The application does not accord with the Acceptable Solution in 10.6.0 A2 (a) with respect to being subject to codes. The property is subject to the E2.0 Potentially Contaminated Land Code and is discretionary under that code. The property is also subject to the E15.0 Inundation Prone Areas Code; however it complies with the Acceptable Solution with respect to riverine flood risk. Therefore, the proposal relies on the Performance Criteria only for potentially contaminated land. The Performance Criteria is as follows:

10.6.1 P2 Lot Design

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

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

Comment

The proposal meets the relevant criteria above in terms of accommodating residential use and development and meeting the applicable standard of the code. The application was referred to Council's Acting Coordinator Environmental Health Services, who assessed that the new lot would be suitable for residential development and meets the Performance Criteria of the use standard E2.5 Use Standard. The balance lot is to retain the existing non-conforming use and is not intended for residential development. Therefore, the proposal is in accordance with the Performance Criteria above with respect to Lot Design.

The proposal complies with the standard through the Performance Criteria.

Ways and Public Open Space

There is no Acceptable Solution in 10.6.3 A1 Ways and Public Open Space. Therefore, the proposal relies on the related Performance Criteria. The Performance Criteria in 10.6.3 P1 has a number of criteria relating to the arrangement of ways and public open space which are not applicable in this instance; however the Performance Criteria includes the following:

10.6.3 P1 Ways and Public Open Space

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

Council's *Subdivisions - Public Open Space Acquisitions and Contributions Policy Manual Number: 18-4* does not require the provision of public open space in this instance. The relevant clause is as follows:

Council will not require provision of public open space or a contribution of cash in lieu where:

- (a) *one (1) lot is being subdivided from an existing residential lot for a purpose other than multiple dwelling unit development; or*
- (b) *fully developed public open space exists within 500 metres walking distance of any lot, unless the acquisition of land will provide more convenient access to that open space.*

Comment

The proposal does not accord with the exemption in clause (a) above of the Council policy because the proposal seeks to create a new lot for multiple dwellings. However, the proposal accords with clause (b) above because there is a park within 500m walking distance of the site, in Flamenco Place. The park is shown on the zoning map in Figure 3 earlier in this report within the Open Space Zone in dark green.

The proposal complies with the standard through the Performance Criteria.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E2.0 Potentially Contaminated Land Code

The subject land is known to be contaminated so that the Potentially Contaminated Land Code is applicable. The proposal does not meet the Acceptable Solution in E2.5 A1 Use Standards, E2.6.1 A1 Subdivision, and E2.6.2 A1 Excavation. Therefore, the proposal relies on each of the Performance Criteria as follows:

E2.5 A1 Use Standards

Land is suitable for the intended use, having regard to:

- (a) *an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*
- (b) *an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or*
- (c) *a plan to manage contamination and associated risk to human health or the environment that includes:*
 - (i) *an environmental site assessment;*
 - (ii) *any specific remediation and protection measures required to be implemented before any use commences; and*

- (iii) *a statement that the land is suitable for the intended use.*

E2.6.1 A1 Subdivision

Subdivision does not adversely impact on health and the environment and is suitable for its intended use, having regard to:

- (a) *an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*
- (b) *an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or*
- (c) *a plan to manage contamination and associated risk to human health and the environment that includes:*
 - (i) *an environmental site assessment;*
 - (ii) *any specific remediation and protection measures required to be implemented before any use or development commences; and*
 - (iii) *a statement that the land is suitable for the intended use or development.*

E2.6.2 A1 Excavation

Excavation does not adversely impact on health and the environment, having regard to:

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

Comment

The application was referred to Council's Acting Coordinator Environmental Health Services, who is satisfied that the proposal accords with the above Performance Criteria, subject to conditions. Therefore, the proposal complies with the standard through the Performance Criteria. For further details please refer to the Environmental Assessment under the Referrals section later in this report.

E5.0 Road and Railway Assets Code

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

Existing road accesses and junctions

The proposal does not accord with the Acceptable Solution in E5.5.1 A3 because traffic using existing access would increase by more than 20% or 40 vehicle movements per day. Therefore, the proposal relies on the related Performance Criteria as follows:

E5.5.1 P3 Existing road accesses and junctions

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

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

Comment

The application is supported by a Traffic Impact Assessment (TIA). Council's Transport Engineer reviewed the TIA and is satisfied that the proposal meets the above Performance Criteria. For further comments please refer to the Engineering Assessment under the Referral section later in this report.

E6.0 Parking and Access Code

The requirements for car parking are set forth in Table E6.1 Number of Car Parking Spaces, where the relevant section is as follows:

Use Class: Residential

Land Use	Rate (spaces)	Car parking measure
Multiple dwelling containing 2 or more bedrooms (including all rooms capable of being used as a bedroom)	2	for each dwelling and: 1 dedicated visitor parking space per 4 dwellings (rounded up to the nearest whole number or if on an internal lot or located at the head of a cul-de-sac, 1 dedicated space per 3 dwellings (rounded up to the nearest whole number)

According to the Traffic Impact Assessment, the application proposes a total of forty-three parking spaces, two each for sixteen dwellings, one each for three dwellings and eight parallel spaces within the private road. This would result in one parking space surplus one space, which is less 10% so that the proposal accords with the Acceptable Solution in E6.6.1 Number of Car Parking Spaces.

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

E7.0 Stormwater Management Code

The application was referred to Council's Hydraulics' Engineer, who recommended extensive conditions to ensure the proposal accords with the Acceptable Solutions of the Stormwater Management Code and in particular in regards to the design of a major stormwater drainage system to accommodate a storm with an ARI of 100 years as required by the Acceptable Solution in E.7.7.1 A4 Stormwater Drainage and Disposal. For further details, please refer to the Hydraulics Assessment under the Referrals section later in this report.

E15.0 Inundation Prone Areas Code

The subject site lies within an Inundation Prone Area so that this code applies. The proposal demonstrates accordance with the relevant Acceptable Solution in E15.7.4 A1 Riverine Inundation Hazard Areas, which requires the following:

A new habitable building must have a floor level no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm.

The application was referred to Councils' Hydraulics Engineer, who is satisfied that the proposal accords with the above Acceptable Solution, subject to conditions. For further details please refer to Hydraulics Assessment under the header Referrals later in this report.

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Transport Engineer

I have reviewed the proposed 1 lot subdivision & 19 dwelling units at 56A Clydesdale Avenue, Glenorchy. The application documentation included a Traffic Impact Assessment (TIA) prepared by Milan Prodanovic (dated December 2016).

Proposed Development

The subject site is located at 56A Clydesdale Avenue, Glenorchy. The development proposal for the property is the construction of 19 residential units. Ten of the units will have three bedrooms and nine of the units will have two bedrooms.

Each unit will be provided with one garage car parking space and all except three units will also have a second parking space in a jockey position in the driveway to each unit. There will be a further 8 car parking spaces on the site, located in parallel parking positions along the site access road.

Vehicle access to and from the units will be via an internal site access road. The northern end of this internal road will junction with Flamenco Circle which in turn junctions with Clydesdale Avenue and the western end will junction with Tenth Avenue.

Traffic Generation

The TIS states that in order to determine the traffic generation by the proposed development, adjusted traffic generation rates from the New South Wales *RTA Guide to Traffic Generating Developments (2002)* was used to provide an estimate of trip generation to the proposed development. The report indicates that based on the updated 'Technical Direction' to the Guide (dated August 2013), the trip generation for residential dwellings in regional areas of New South Wales is 7.4 trips per dwelling per day.

The TIA argues that surveys in the built-up areas of Tasmania over a number of years and in many different suburban residential environments have found that typically trip generation rates for houses in suburban areas are 8.0 trips per dwelling per day with small residential units generating around 4 trips per unit per day and larger units generating around 6 trips per unit per day. The report then states that it is expected the traffic generation rate for the proposed unit development will be around 5.5 - 6.0 vehicles per unit per day.

Applying this trip generation rate to the proposed 19 units, the report indicates that the units can be expected to generate around 110 vehicle movements per day and around 11 vehicles per hour during peak traffic periods, based on the peak hour traffic being the typical 10% of the daily traffic volume.

I concur that this traffic generation estimation is appropriate for the case of the proposed development.

The TIA, then, states that the traffic volume on Clydesdale Avenue is currently approaching 6,000 vehicles per day with the morning peak hour volume is approximately 246 vehicles per hour. The report then indicates that the expected future traffic volumes at the site access road junctions during peak traffic periods will be a small fraction of this maximum traffic volume and therefore will not cause any operational traffic problems.

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.

Access

The TIA assessed the available sight distances at the junction of the development site access road with Flamenco Circle and Tenth Avenue.

The TIA states that the available sight distances to and from all turning vehicles at the proposed access road junction with Flamenco Circle are around 80m along both approaches. The report also indicates that vehicles have speed of less than 30km/h at this section of Flamenco Circle due to negotiating a tight bend. The report then states that the required sight distance for such low speeds is less than 40m based on the Australian Standard 2890.1 and therefore, the sight distances at this access point will be more than required.

In addition, the TIA states that the available sight distances along Tenth Avenue are around 55m to the north (i.e. to the end of the road) and at least 130m to the south. The report also notes that vehicles from the north would approach from a stationary position while approach vehicle speeds from the south would be around 45km/h. The report then indicates that the required sight distance for an approach speed of 45km/h is around 70m for a public road junction but only 35m for an access driveway. The report finally concludes that the sight distances at this location are more than required.

I agree that adequate sight distances are available at the access driveways of the proposed development.

Parking

Based on the *Glenorchy Interim Planning Scheme 2015*, the parking requirement for Residential use (multiple dwelling containing 2 or more bedrooms) is 2 spaces for each dwelling and 1 dedicated visitor parking space per 4 dwellings. With the consideration of 19 units with 2 or more bedrooms, the total parking requirement for the proposed development is 38 car parking spaces and 5 visitor parking spaces.

The TIS states that most of the residential units will have two parking spaces at each unit, while three units will have one garage parking space. The report also indicates that additional parallel parking spaces will be provided along the access road, in close proximity to these three units, within a maximum 30-40m walking distance from the units.

It should be noted that there will be 8 parallel car parking spaces along the site access road. While three of them will be utilised by the residential units, the remaining spaces will be used as visitor parking spaces.

I agree with the conclusion that the proposed parking provision is considered adequate for the proposed development.

Conclusion

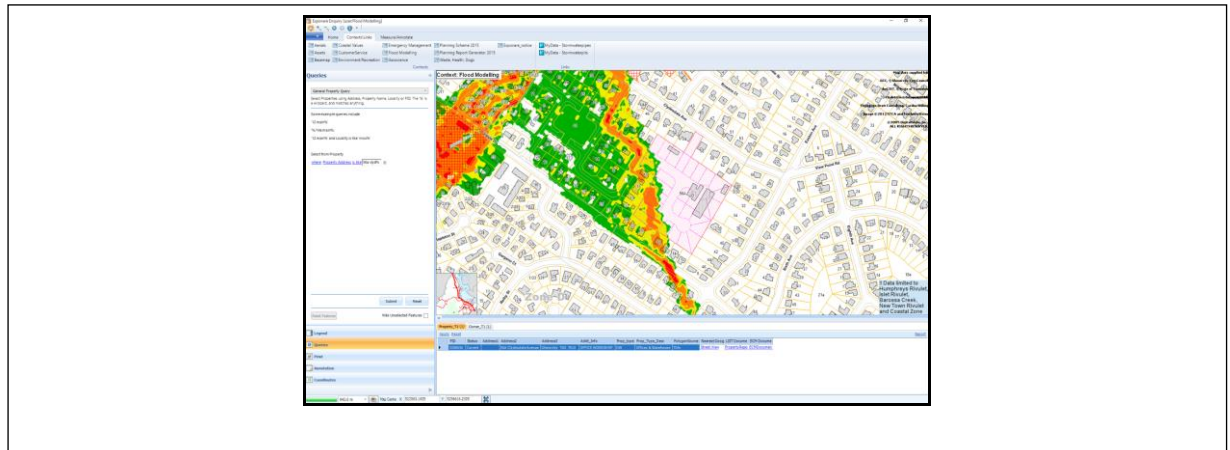
Overall, as the proposed development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety, I have no objection to the development of the proposed 1 lot subdivision & 19 dwelling units at 56A Clydesdale Avenue, Glenorchy on traffic engineering or road safety grounds.

Hydraulics Engineer

Inundation Prone Area Code

The flood risk analysis conducted by BMT WBM in 2013, for the Humphreys Rivulet and Barossa Creek catchment, identified that the western side of the site may be subject to flood due to its location, situated in a natural gully.

Subsequently the Inundation Prone Area Code of the Glenorchy Interim Planning Scheme is applied (refer to the 1% AEP Flood Risk Hazard map enclosed below).

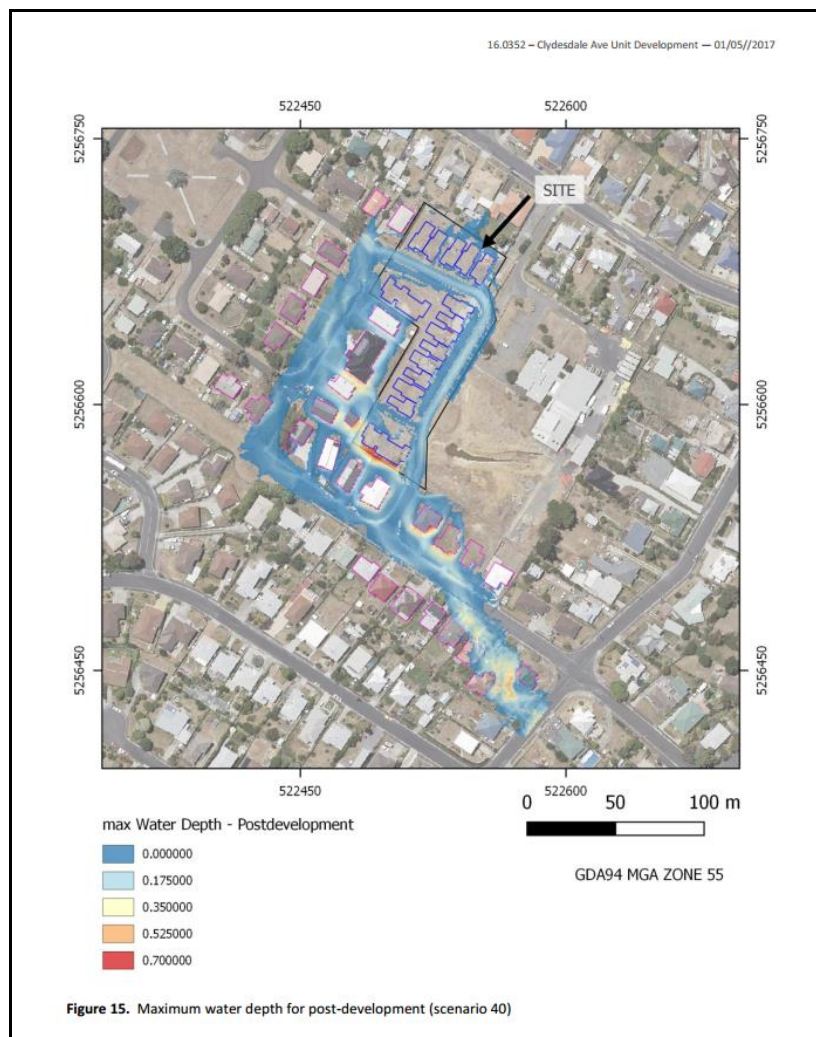


To identify the site-specific flood inundation level and associated flood risk specific to this property, a report named 'Clydesdale Ave Units Development Stormwater Analysis' was prepared by Jessie Wang from Gandy and Roberts Consulting Engineers on behalf of the applicant.

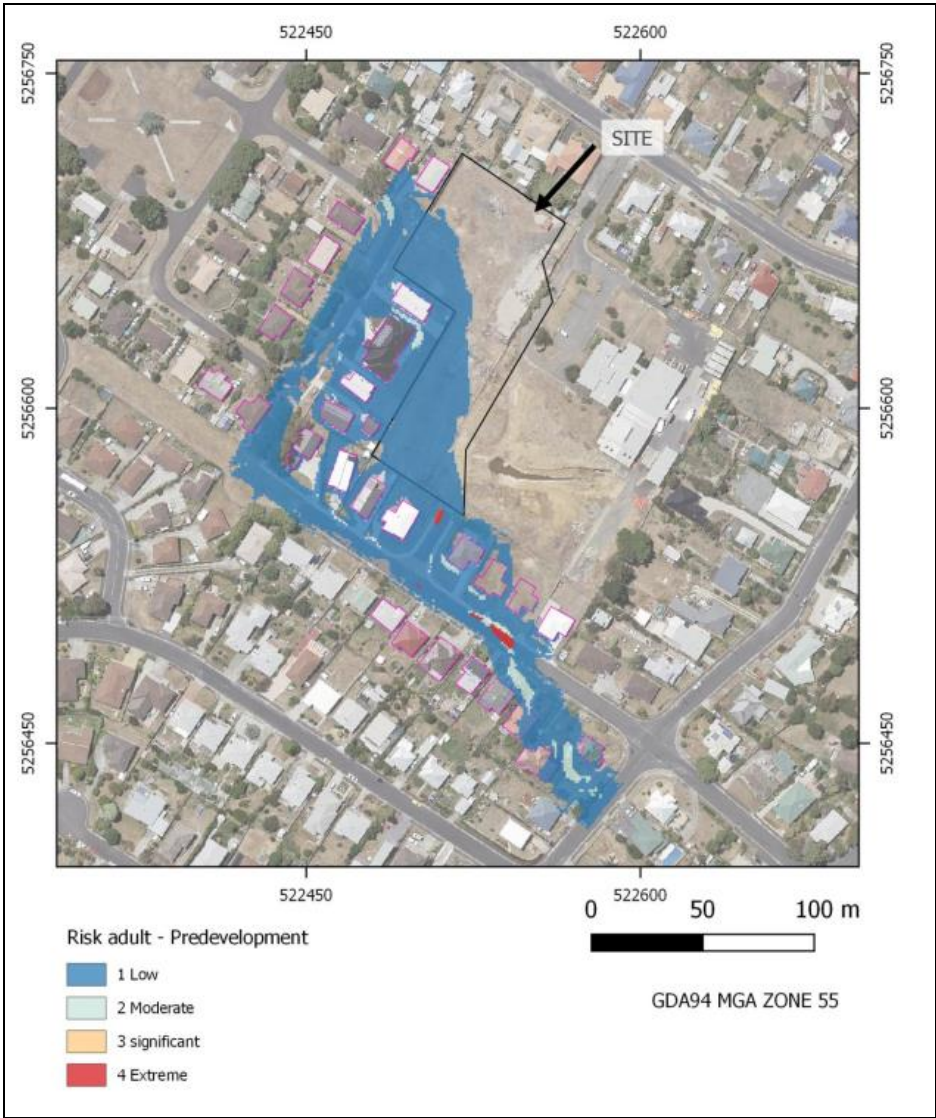
In this report, the maximum water elevations and the maximum inundation level during a 1% Annual Exceedance Probability (AEP) flood for both pre- and post-development scenarios were determined, using local rainfall data extracted from 2016 IFD chart, with 16% increase to address the potential impact from climate change. It also assessed the flood risk during 1% AEP flood for both pre- and post-development scenarios.

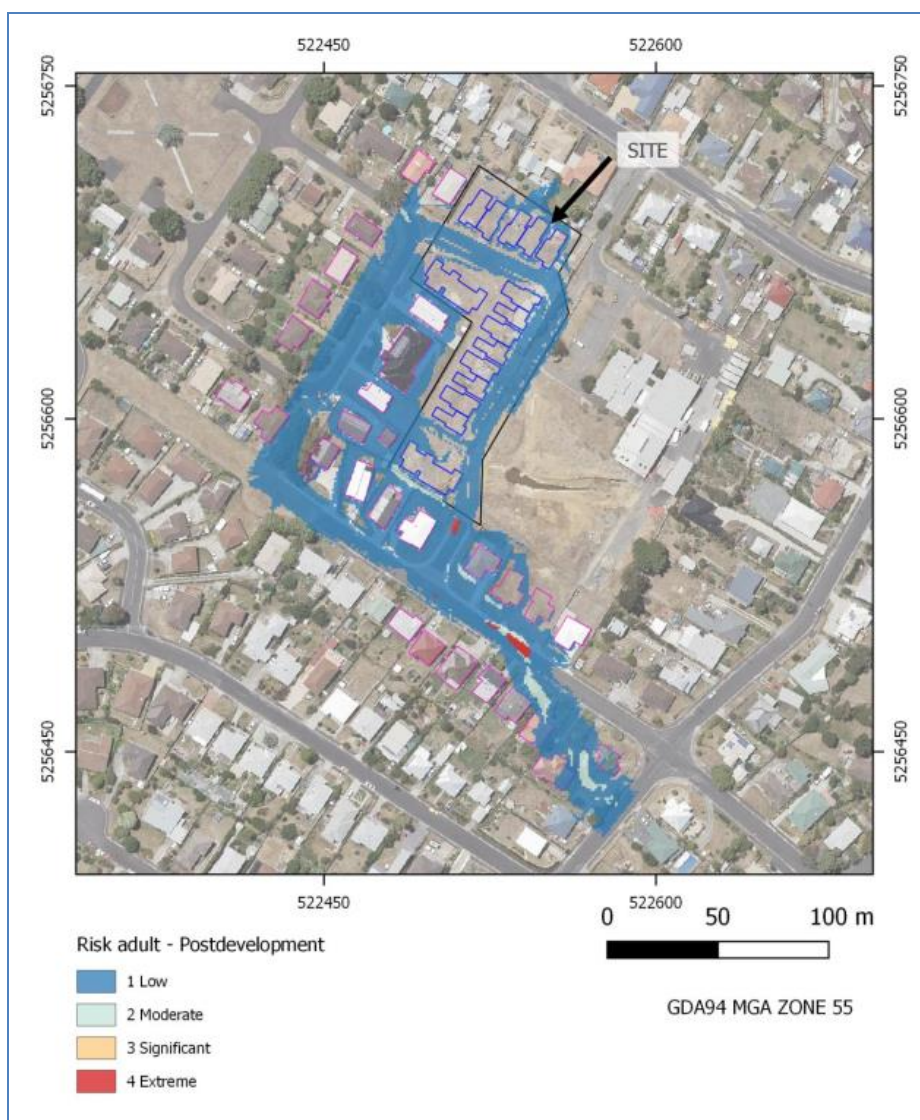
The study determined that the 1% AEP critical event would be a 30 mins storm, and the peak overland flow would be up to 4.5 m³/s occurring in a 30 min 1% AEP event.

The two-dimensional computer modelling result from HEC-RAS presented in the report, indicates that the proposed development and its dwelling sites would be subject to flooding caused by overland flows in the 1% AEP event (refer to Figure 15, Page 26 of the Report).



The flood risk (hazard) assessment results show, in both pre- and post-development scenarios, most inundated areas are defined as 'Low Hazard Area'. By comparing the pre- and post-development Hazard Maps extracted from the report, the report suggests that "the development works would convey overland flow through the site safely, with some minor reduction in risk to some downslope properties".





The report has the Finished Floor Level (FFL) for the units' habitable areas proposed based on the 2D model maximum water elevation around the lowest opening plus free board.

Proposed Habitable Finished Floor Levels for Unit 1 to 19 extracted from Appendix I of the report are presented below:

Unit number	Max. water level near entry (m AHD)	Max. velocity with 2 m of entry (m/s)	Freeboard (m)	Habitable FFL (m AHD)	Garage FFL based on civil concept design (m AHD)	Level difference between unit and garage (m)
1	46.06	0.30	0.055	46.36	46.36	0.00
2	46.39	0.30	0.055	46.45	46.45	0.00
3	47.16	0.30	0.055	47.25	47.25	0.00
4	47.43	0.50	0.063	47.55	47.55	0.00
5	48.24	2.50	0.369	48.61	47.90	0.71
6	46.18	0.50	0.063	46.48	46.48	0.00
7	46.76	0.50	0.063	47.06	47.06	0.00
8	46.99	0.50	0.063	47.29	47.29	0.00
9	48.95	1.00	0.101	49.05	49.05	0.00
10	48.95	0.60	0.068	49.15	49.15	0.00
11	49.26	0.60	0.068	49.45	49.45	0.00
12	49.35	0.60	0.068	49.55	49.55	0.00
13	49.61	0.60	0.068	49.80	49.80	0.00
14	49.65	0.60	0.068	49.90	49.90	0.00
15	50.11	0.60	0.068	50.25	50.25	0.00
16	50.24	1.30	0.136	50.40	50.40	0.00
17	50.77	1.30	0.136	50.91	50.40	0.51
18	51.01	1.30	0.136	51.15	50.90	0.25
19	51.68	1.30	0.136	51.82	51.10	0.72

I concur with the results mentioned above, including the inundation levels presented in the column named 'Max. water level near entry (m AHD)', and agree with that the defined risk levels to users of the site as well as to nearby properties. Setting the Habitable FFL no less than the values presented in the table above, is acceptable. Consequently the Performance Criteria P1 of E15.7.4 of the Inundation Prone Areas Code can be met.

Note that a number of the proposed units would have 'habitable FFL' with less than 300mm freeboard above the 'Max. water level near entry levels'. According to Section 53 of the Building Regulation 2016, minimum 300mm freeboard is required for habitable rooms when the building is within the "Riverine Hazard Area". This means that some of the proposed Habitable FFLs may need to be increased to comply with the Building Regulations at the time of application for a building permit (despite the current proposed Habitable FFLs satisfying the Performance Criteria P1 of E15.7.4 of the Inundation Prone Areas Code).

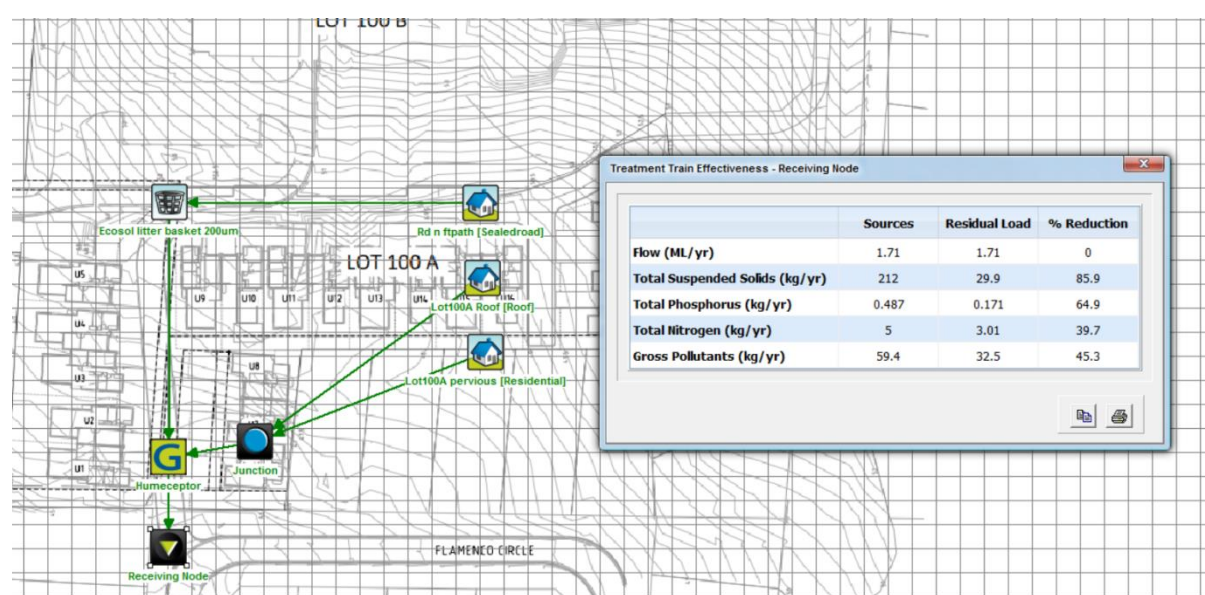
Stormwater Management Code

Given the amount of additional impervious area and parking spots increased onsite as the consequence of the development, it is determined that the Stormwater Management Code of the Scheme applies to this development.

The submitted drawing indicates that the applicant proposes to include proprietary WSUD products such as Ecosol Litter Baskets and Humeceptor to reduce stormwater pollutant exports.

The MUSIC modelling result shows that, after applying the elements mentioned above, approximately 85.9% of Total Suspended Solids (TSS), 64.9% of Total Phosphorus (TP), 39.7 % of Total Nitrogen (TN) and 45.3% of Gross Pollutants generated from the site could be removed before discharge into the downstream stormwater system.

The MUSIC modelling results presented below were extracted from the document named '16.0352 MUSIC model output' submitted on 16th May 2017, as part of the response to the further information request from Council.



The modelling results show that the TSS and TP removal rates meet the pollutant removal targets suggested by the Tasmanian State Stormwater Policy. However, the TN removal rate is 39.7% which is lower than the target (45%). It is determined that the concept design shows that the development can feasibly achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 of the Stormwater Management Code, however alternative WSUD products are required. The developer was advised to review the proprietary WSUD products selected for the site and to incorporate alternative products, in order to meet the overall 80% of TSS, 45% of TP, and 45% of TN removal targets.

In addition, it is acknowledged that WSUD elements require regular maintenance to ensure that the designed performance can be achieved and retained in the longer term. Therefore a maintenance schedule, outlining the maintenance measures and frequency, for each incorporated WSUD element, is required to be prepared by a suitably qualified person and submitted to the Council to form part of the planning approval.

In summary, I have no objection to this development from a hydraulic engineering view point, subject to the recommended conditions being met.

Development Engineer**Comments**

The application is for a 1 lot subdivision and 19 dwellings.

E5.0 Road and Railway Assets Code

This Code applies to use or development of land:

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

The Traffic Impact Assessment (TIA) has concluded the surrounding road network is able to adequately absorb the relatively low amount of traffic generated by the proposed development and does not indicate that there are any current road safety deficiencies that might be exacerbated by the proposed development.

The proposed development is located in a predominately residential area, and as such movements into and out of the subject site will not be seen as an uncommon event by other motorists.

Please refer to Council's Traffic Engineer report for further details.

E6.0 Parking and Access Code

This code applies to all use and development.

Forty Three (43) car parking spaces are proposed to be provided and this satisfies the parking provision of the Acceptable Solution A1 of Clause E6.6.1 of the Glenorchy Interim Planning Scheme 2015 (GIPS).

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

The internal access road is proposed to be 5.8 meters wide (including kerb lip). This satisfies clause E6.7.3 Vehicular Passing Areas along an Access of the Glenorchy Interim Planning Scheme 2015.

There are no access issues associated with the proposed location of existing and proposed new accesses. Please refer to Council's Traffic Engineer report for further discussion on this.

E7.0 Stormwater Management Code

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

A new stormwater connection will be required to GCC stormwater mains for proposed lot 100A by Council at the developers cost and a condition of approval has been recommended. The balance of the proposed subdivision (lot 100B) appears to be connected to Council's underground stormwater infrastructure. It is recommended evidence be provided as a condition of approval that the existing internal infrastructure is wholly contained within the proposed new lot boundaries.

Water sensitive urban design principles (stormwater treatment) to satisfy Glenorchy Interim Planning Scheme 2015 Clause E7.1 A2 is recommended a condition of approval by Councils Hydraulics Engineer and that this be approved by Councils Hydraulics engineer prior to building approval. Please refer to the Hydraulic Engineer's report for further details.

Other*E3.0 Landslide Code*

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

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

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

E15.0 Inundation Prone Areas Code

Refer Hydraulic Engineers report.

Environmental Health Officer

This is a known contaminated site with a current Investigation Notice 9618/1 (issued under 74E of the Environmental Management and Pollution Control Act 1994) placed on it from the Environmental Protection Authority (EPA). The site has been subject to at least eleven different reports from contaminated land assessors, culminating in the BlueSphere report, cited below. The contamination is related to the previous uses of the land.

There is a contamination plume on the land which originates from near the Main Store building upslope on the eastern side of the block and extends downhill to the west on the proposed Stage 2 land. This problem was first noticed in December 2011, when discoloured orange liquid was seen bubbling out of the ground.

The image below shows the location of the contamination plume and is indicated by dark hatching in the centre of the image. The red line indicates the boundary of the proposed Stage 1 subdivision area. The black rectangle inside the hatched area shows where the discoloured orange liquid was pooling. This image is from page 64 of the BlueSphere Environmental Non-Statutory Environmental Audit Report Stage 1 of 56A Clydesdale Avenue, Glenorchy, Tasmania, dated 18 December 2017.



The source of the liquid was unknown for some time, with a full understanding of the site and the contamination taking six years to investigate. The seepage originates from the area near the current workshop and is due to historical leakage from the storage of chemicals on site, including methylated spirits, turpentine, white spirits, kerosene and linseed oil. The contamination plume is undergoing natural microbial degradation and there is low seepage velocity of groundwater. A by-product of the degradation of ethanol is methane gas. This is being monitored and managed and this requirement forms part of the Investigation Notice 9618/1.

A number of critical documents have been reviewed and considered for this development application. This includes:

1. BlueSphere *Environmental Non-Statutory Environmental Audit Report Stage 1 of 56A Clydesdale Avenue, Glenorchy, Tasmania*, dated 18 December 2017 (2063 pages). This report is written by an Environmental Auditor recognised as an accredited Site Contamination Practitioner, the highest level of professional qualification and experience in Australia in the assessment of contaminated land. This report was requested by Council officers to evaluate any health risks to ensure that the land was suitable for residential use.

2. Geo-Environmental Solutions *Groundwater Quality Management Plan V3 56A Clydesdale Avenue Glenorchy*, dated February 2018 (21 pages). This is a current management plan for any residual groundwater contamination and a requirement of the Action plan (see point 3). It is a requirement of the Action Plan for the Environmental Protection Authorities (EPA) Investigation Notice 9618/1. The purpose of the plan is to “continue to monitor groundwater contamination on Stage 2 under the revised groundwater quality management plan (GQMP) to confirm that groundwater plumes present on the proposed Stage 2 area remain confined within its boundary and will not migrate onto the proposed Stage 1 area and to monitor progress of expected attenuation of groundwater contamination.” (p 2-3 BlueSphere Action Plan).
3. BlueSphere Action Plan – *Investigation Notice No. 9618/1 Condition RP2(1)* dated 31 January 2018. The Action Plan is a requirement of the Investigation Notice (No. 9618/1), dated 23 May 2017, issued by EPA Tasmania under section 74C of the Environmental Management and Pollution Control Act 1994. The Action Plan states (p 1-2):
The Action Plan divides the site into two main portions referred to as Stage 1 and Stage 2. The latter comprises the eastern portion of the Site which is currently leased to Oak Industries Pty Ltd (Oak) for commercial usage. The balance of the Site is referred to as the Stage 1 portion which is devoid of buildings and is currently unused. BlueSphere understands that Symic intends to develop the Stage 1 portion for residential use.

A representative of the applicant states that any plans to further remediate the proposed Stage 2 area are contingent on the subdivision and land sale in the proposed Stage 1 area. This same report states (p 3) that “Stage 2 is unlikely to be suitable for some alternative uses (e.g. residential use), unless appropriate remedial action is undertaken.”

BlueSphere have advised that the proposed Stage 1 is suitable for residential use in this same letter:

It is understood that Council has requested that Stage 1 and 2 be suitable for unconditional residential use. The non-statutory environmental audit report states that Stage 1 is suitable for residential use but provides a recommendation that an appropriate GQMP (groundwater quality management plan) be maintained on Stage 2. A primary purpose of the GQMP is to confirm that groundwater plumes present on Stage 2 remain confined to within its boundary and will not migrate onto Stage 2. In BlueSphere’s experience, it is not uncommon for residential developments to be subject to contamination management conditions as an outcome of an environmental audit, and for these conditions to be acceptable to the responsible planning authority. It is important that such conditions are sufficiently clear, implementable and incorporate sufficient safeguards. In BlueSphere’s opinion, the continued implementation of an appropriate GQMP for Stage 2 should be able to meet these requirements and therefore provide Council with sufficient comfort.

The Potentially Contaminated Land Code (Glenorchy Interim Planning Scheme 2015) E2.6.1 Development Standards Performance Criteria requires that:

Subdivision does not adversely impact on health and the environment and is suitable for its intended use... (with) a plan to manage contamination and associated risk to human health and the environment that includes:

- (i) an environmental site assessment;*
- (ii) any specific remediation and protection measures required to be implemented before any use or development commences; and*
- (iii) a statement that the land is suitable for the intended use or development.”*

Parts i - iii of the Potentially Contaminated Land Code E2.6.1 are satisfactorily addressed by the BlueSphere reports. The contamination plume is undergoing natural degradation and is deemed by the Environmental Auditor to be far enough away from the proposed Stage 1 area of the subdivision to be manageable.

There is a recognised use, having non-conforming use rights, of the proposed Stage 2 area of the subdivision for commercial purposes. The Environmental Auditor has confirmed that the proposed Stage 1 area meets the requirements for residential use and conditions are recommended to ensure the contamination on the proposed Stage 2 area remains monitored and reported on, thereby allowing for regulatory follow-up by Council or the EPA should it be required. Symic Development Pty Ltd will be responsible for the ongoing maintenance and monitoring of the proposed Stage 2 (email, PhilipLighton Architects, 22/02/2018). Further, the EPA's Investigation Notice 9618/1 cites Symic Developments Pty Ltd (ACN 612 577 796) as the legal entity responsible for the contaminated site, bound despite any subsequent disposal of the land.

The two proposed subdivision areas meet the planning scheme requirements of the Contaminated Land Code Performance Criteria and the subdivision is recommended for approval with conditions.

Conditions are recommended accordingly.

Waste Management Services

Waste Services to the proposed 1 lot subdivision and 19 multiple dwelling development at 56A Clydesdale Ave Glenorchy would be Council's standard bin service collected fortnightly.

- The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for Recycling to each of the proposed dwelling units, collected fortnightly.
- Please note that the proposed dwelling unit development would have a total of thirty-eight (38) bins.
- For new properties and subdivisions to have a waste service all new road construction must ensure that continuous forward movement for a waste collection vehicle is available.
- Turning heads of cul-de-sacs shall be a minimum of 18 metre diameter inside the kerb to allow for the turning of a heavy rigid vehicle.
- Road pavements in the development are to be designed and constructed to accommodate the collection vehicle (Gross Vehicle Mass of 22.5 tonne).

- The placement of bins at the kerbside for collection is not to obstruct the accessibility of the footpath which must be designed and constructed to accommodate the placement of wheelie bins as well as meeting the minimum accessible footpath width of 1.8 metre.
- A level surface clear of the road pavement is to be provided for bin collection points. Allow a 2.2 metre length on the bin collection points per waste and recycling bin, this includes a bin to bin spacing of 1 metre. This will provide sufficient spacing for the waste collector to pick up and put down bins without interfering with adjacent bins.
- The spacing for bins at bin collection points is to be calculated on the basis of 0.6m per bin, 1m between bins and where adjacent to a vertical obstruction (such as light/power pole, bus stop, tree etc.), 1m from such obstruction. This will provide sufficient spacing for the waste collector to pick up and put down bins without interfering with adjacent bins (driver will not arrange or move bins).
- Bin collection points are to allow for clearance of the canopy of trees when they reach maturity.
- In an area with an overhead obstruction such as tree canopy a minimum height of 5.0 metres needs to be allowed for Council's collection vehicle including access to the lifting arm
- Bin collection points are to be in a single line positioned such that they are on the left hand side of the collection vehicle. Bins need to be accessible by the collection vehicle (the driver will not leave vehicle to arrange or move bins) and without the vehicle having to reverse.
- Bin collection points are not to be located within the turnaround areas of a site.
- Any obstructions (letter boxes, poles, trees) are to be a minimum of 1.0 metre from the bin collection area.
- The placement of bins within the property either for storage or placement for collection must not impede access for a person with a disability.
- The traffic flow for the collection vehicles will be to enter into the internal road from Tenth Ave and exit into Flamenco Circle.
- Collection vehicles are not allowed to reverse within the site, nor reverse in or out of the site.
- All bins are to be placed on the kerbside for collection.
- Please note all wheelie bins from Units 1-5 will need to be placed on the kerbside on the opposite side of the internal road outside Units 6, 7, 8.
- Wheelie bins from Units 17,18 and 19 will need to be placed on the kerbside in the internal road from Tenth Ave, not directly outside the units.

Risk Management

Prior to the waste collection services being provided to the site or prior to occupancy of any of the dwellings, whichever occurs first, the body corporate/owner shall enter into an agreement with Council pursuant to indemnify Council and its waste management contractor from any claim for damages and/or wear and tear arising from waste collection trucks accessing the property.

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

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

CONCLUSION

The application proposes subdivision to create one new lot and nineteen dwellings with a private road to be situated on the new lot. The application is discretionary for building envelopes, subdivision development, lot design, public open space, potentially contaminated land and use of existing access in terms of traffic volume. These discretions are assessed as satisfying each of the relevant performance criteria as outlined within the report. The proposal therefore meets each of the standards through the Performance Criteria.

The most significant discretion is in relation to potentially contaminated land from a longstanding industrial use on site. The new lot to be created by subdivision and the subsequent development must be satisfactory with regards to residential use. The applicant was required to provide an extensive environmental assessment to demonstrate that the land was suitable for its intended use. The application was referred to Council's Acting Coordinator Environmental Health Services, who is satisfied that the proposal accords with the applicable Performance Criteria, subject to conditions.

The application will a Part 5 Agreements in regards to a maintenance system of water sensitive urban design elements.

The application was on public exhibition for the statutory time period and there were no representations received in response.

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

Recommendation:

That a permit be granted for the proposed use and development of 1 lot subdivision and 19 dwelling units relying on performance criteria at 56A Clydesdale Avenue Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-293 and Drawing No. P1 submitted on 23/12/16 (subdivision plan and architectural drawings), P2 received on 31/03/17 (engineering plans), and P3 submitted on 05/05/17 (site plans), 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. A screen of at least 1.7m in height must be erected to separate any portion of the shared driveway within 2.5m of a window of a habitable room. The screen must be installed no less than 1m away from the window alternatively screening landscaping may be planted instead. The screens or landscaping must be in place in front of Unit 2 and Unit 3 to shield the bedroom windows from light intrusions of the adjacent passing bay and must be in place prior to the issue of a certificate of occupancy to the satisfaction of Council's Senior Statutory Planner and must then be maintained for the life of the development.
4. Private outdoor space adjacent to a living area and of at least 24m² with a minimum width of 4m must be levelled prior to a Certificate of Occupancy to achieve a gradient not steeper than 1 in 10 to the satisfaction of Council's Senior Statutory Planner.

Hydraulics

5. All the habitable rooms for the proposed dwellings must be built with finished floor levels (FFL) no less than the corresponding Habitable FFLs presented below, which was extracted from Appendix I of the 'Clydesdale Ave Units Development Stormwater Analysis' report dated 1st May 2017, submitted as part of the application;

Unit number	Max. water level near entry (m AHD)	Habitable FFL (m AHD)	Garage FFL based on civil concept design (m AHD)	Level difference between unit and garage (m)
1	46.06	46.36	46.36	0.00
2	46.39	46.45	46.45	0.00
3	47.16	47.25	47.25	0.00
4	47.43	47.55	47.55	0.00
5	48.24	48.61	47.90	0.71
6	46.18	46.48	46.48	0.00
7	46.76	47.06	47.06	0.00
8	46.99	47.29	47.29	0.00
9	48.95	49.05	49.05	0.00
10	48.95	49.15	49.15	0.00
11	49.26	49.45	49.45	0.00
12	49.35	49.55	49.55	0.00
13	49.61	49.80	49.80	0.00
14	49.65	49.90	49.90	0.00
15	50.11	50.25	50.25	0.00
16	50.24	50.40	50.40	0.00
17	50.77	50.91	50.40	0.51
18	51.01	51.15	50.90	0.25
19	51.68	51.82	51.10	0.72

Advice: Note that a number of 'habitable FFL' have less than 300mm freeboard above the 'Max. water level near entry levels'. According to Section 53 of the Building Regulation 2016, minimum 300mm freeboard is required for habitable rooms when building within the Riverine Hazard Area. The applicant should be aware that these proposed Habitable FFLs may need to be increased to comply with the Building Regulation when applying for the Building Permits.

6. The development must incorporate a Water Sensitive Urban Design (WSUD) treatment train, under the 'Future Fully Developed Scenario', to meet the 80%, 45% and 45% reduction of the average annual load of total suspended solid (TSS), total phosphorus (TP), and total nitrogen (TN) respectively. Prior to submitting a building application, the applicant must provide a detailed design and supporting calculation, prepared by a suitably qualified person and to the Council Hydraulics Engineer's satisfaction, to demonstrate that the designed WSUD treatment train is able to meet the pollutant reduction targets mentioned above. All WSUD elements are required to achieve the designed pollutant removal rates, and must be implemented by the applicant prior to the issue of the certificate of occupancy.
7. Prior to the commencement of works, a WSUD Maintenance Scheme must be submitted for approval, to the satisfaction of Council's Hydraulic Engineer, defining the maintenance method and frequency for each WSUD elements incorporated in the treatment train. The future body corporate managing the site must comply with the WSUD Maintenance Scheme once it is accepted by the Council, and any changes to this Scheme must first be approved by Council.

Upon approval of the WSUD Maintenance Scheme, the applicant must enter into a registered agreement with Council, at the sole expense of the applicant, pursuant to Part 5 of the Land Use Planning and Approvals Act 1993, for the area which is subject to this permit.

The Part 5 agreement shall require the owner and all successors in title to covenant and agree with the Council:

- (a) All works outlined in the WSUD maintenance Scheme submitted by the applicant and approved by Council's Hydraulics Engineer, including the maintenance method and frequency for individual Water Sensitive Urban Design (WSUD) elements, must be implemented and managed by the owner and all successors in title at their sole expense;
- (b) Keep the maintenance records in an accessible form (either printed or electronic) for five years from the date of the work was carried out to prove that the maintenance of each WSUD elements have been conducted in accordance with the WSUD Maintenance Scheme;
- (c) Repair and replace all the WSUD elements at the sole expense of the owner and its successors in title so that it functions (removing pollutants from stormwater runoff) in a safe and efficient manner;
- (d) Permit the Council from time to time and upon giving reasonable notice (but in the case of an emergency, at any time and without notice) to enter and inspect the WSUD elements for compliance with the requirements of this agreement;
- (e) Comply with the terms of any written notice issued by the Council in respect of the requirements of this agreement within the time stated in the notice;

- (f) In the event that Owner fails to comply with its obligations under this Agreement, Council may arrange for its employees, agents or contractors to enter upon the Land and undertake all works necessary to ensure that the obligations of this Agreement are met and all required works are performed in full;
- (g) The reasonable costs of all works undertaken pursuant to the clause above (including GST) will constitute a debt due and owing to the Council immediately upon demand, by the owner of the land upon which such works were undertaken and, if not paid to Council within 14 days of receipt of a demand for payment by Council, are recoverable by Council in a court of competent jurisdiction along with interest calculated;
- (h) All debts due and payable to Council will accrue interest at the Interest Rate compounding monthly until the relevant debt and all accrued interest is paid to Council in full.

Engineering

- 8. 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.
- 9. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
- 10. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection and pavement composition showing finished levels, must be submitted with the Building Application for approval by Council's Development Engineer. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains shall be undertaken by Council at the developer's cost.
- 11. Road pavements of the development are to be designed and constructed to accommodate the collection vehicle (Gross Vehicle Mass of 22.5 tonne).
- 12. Prior to the sealing of the Final Plan of Survey for the subdivision, a stormwater connection must be constructed to Council's existing underground stormwater infrastructure, by Council at the developer's cost from a design provided by the applicant and approved by Council's Development Engineer.
- 13. Private sewer, stormwater and water services/connections are to be entirely separate to each lot in order to ensure that the service connections are contained entirely within the new lots served. A detailed services plan showing existing and proposed private services, Council mains and access to all lots on the site. On-site evidence must be provided to confirm existing internal private underground infrastructure is contained within the new lot boundaries associated with the existing structure on Lot 100 B (balance lot).

14. Forty Three (43) clearly marked car parking spaces must be provided and kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking.
15. Three (3) dedicated motorcycle parking spaces must be provided and shall be clearly marked (delineated) in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking Clause 2.4.7.
16. Internal driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to occupancy of any dwelling. All runoff from paved and driveway areas must be retained within site boundaries and discharged into Council's stormwater system. Construction details must generally be in accordance with Council's standard requirements. The driveway, parking and manoeuvring areas must be kept clear of obstructions, such as service authority infrastructure, letterboxes or bin enclosures, so that vehicle paths are not restricted.
17. Lighting must be provided for the visitor car parking and common ground/s in accordance with Australian Standard AS 1158.3.1. The lighting must be completed and operational prior to occupancy of any of the dwellings. The operation costs of the lighting shall be managed by an active body corporate.
18. Landscaping must be provided within common ground at no less than 5% of the area of the carpark to improve visual amenity. The landscaping must be incorporated into the development and be approved by Council's Development Engineer prior to a certificate of occupancy being issued and then maintained for the life of the use approved.
19. Any driveway / crossover work within Council's road reservation must be carried out by a Council approved contractor and all work must be reinstated to match the existing adjacent footpath/nature strip profile. A Property Access Works Application must be completed prior to any work being undertaken. The application is available from Council's planning department or available from Council's website at: <https://www.gcc.tas.gov.au/residents/living-in-glenorchy/driveways>
10. An original and two copies of each of the Plan of Survey and Schedule of Easements must be submitted to Council for sealing of the subdivision.

Environmental Health

- 21 The Action Plan – Investigation Notice No. 9618/1 by BlueSphere (dated 31 January 2018) must be complied with. This includes:

Stage	Action	Detail	Date to be completed by
Stage 1	Groundwater Extraction	In the event groundwater is to be extracted from Stage 1 for a Protected environmental value (e.g. irrigation), advice including testing must be sought from a suitably qualified person to ensure the Groundwater is suitable for the intended use.	Prior to extraction of groundwater from Stage 1
Stage 1	Decommissioning of monitoring wells	Groundwater monitoring wells present on Stage 1 must be decommissioned in accordance with the requirements of "Minimum Construction requirements for Water Bores in Australia", published by The National Uniform Drillers Licensing Committee, 3 rd Edition (or subsequent versions thereof).	Within 12 months from cessation of use of wells

Stage 2	Revision of existing Groundwater Quality Management Plan (GQMP)	The existing GQMP should be revised in light of the findings of the Contaminated Land Auditor's report (BlueSphere 2017a). Continue to monitor groundwater contamination on Stage 2 under the revised GQMP to confirm that groundwater plumes present on Stage 2 remain confined within its boundary and will not migrate onto Stage 1 and to monitor progress of expected attenuation of groundwater contamination. The GQMP must be prepared in accordance with EPA Victoria Publication 840.2 (The Clean up and Management of Polluted Groundwater), or subsequent revisions thereof. The GQMP must be reviewed by a suitably qualified person. Groundwater monitoring under the GQMP must also be conducted and reported by a suitably qualified person. Any decision to cease the implementation of the GQMP must be undertaken in a manner consistent with EPA Victoria Publication 840.2 (or subsequent revisions thereof).	Monitoring must continue in Accordance with the revised GQMP: <i>Geo-Environmental Solutions Groundwater Quality Management Plan V3, 56A Clydesdale Avenue Glenorchy, dated February 2018</i> Or subsequent versions thereof.
Stage 2	Implementation Environmental Management Plan for management of methane gas	The existing EMP (Environmental Management Plan) for Stage 2, as prepared by BlueSphere (2017c), must be implemented. It must be reviewed periodically in accordance with the Environmental Management Plan (EMP).	Ongoing, as long as required.
Stage 2	Assessment of site suitability for its intended use, if the site is to be used for another purpose	Due to the presence of methane in portions of the subsurface of Stage 2 (primarily as a result of the biodegradation of ethanol), as well as the presence of groundwater contamination and potentially soil contamination, Stage 2 is unlikely to be suitable for some alternative uses (e.g. residential use), unless appropriate remedial action is undertaken. Assessment of site suitability for any alternative land use must be completed by a suitably qualified person. It is possible that some removal of residual subsurface methane as well as the clean-up of contaminated groundwater and soil may be required to render the site suitable for its intended use. The assessment of remedial works must be completed with due consideration of requirements provided by EPA Tasmania and Glenorchy City Council.	Before the commencement of an Alternative land use.

22. The Geo-Environmental Solutions Groundwater Quality Management Plan V3 56A Clydesdale Avenue Glenorchy, dated February 2018 (21 pages) must be complied with fully, within the specified timeframes contained in the document.

- (a) Any cessation of groundwater monitoring in the Stage 2 area must receive written approval from an Environmental Auditor, as accredited in part “b” of this condition. A copy of the approval must be forwarded to the Glenorchy Planning Authority within 14 days of its issue and before any works to decommission groundwater monitoring is commenced. The approval is to provide assurance that there is no ongoing health or environmental risk to the Stage 1 residential area from any contamination on the Stage 2 land and that any residual contamination is not a health or environmental risk to residential land and homes in Stage 1.
- (b) For the purposes of this Permit and section 4.8 Reporting Requirements, Geo-Environmental Solutions Groundwater Quality Management Plan V3 56A Clydesdale Avenue Glenorchy, dated February 2018, a “suitably qualified person (third party)” is one whom is recognised as an Environmental Auditor accredited under the following legislation:
- New South Wales – Contaminated Land Management Act 1997
 - South Australia – Environment Protection Act 1993,
 - Victoria – Environment Protection Act 1970,
 - Western Australia – Contaminated Sites Act 2003,
 - Queensland – Contaminated Land Auditors under the Environmental Protection Act 1994,
 - Or a person certified under the Site Contamination Practitioners Australia (SCP Australia) Scheme.

This report must be submitted to Glenorchy City Council and is to be submitted at the same time as it is submitted to the Environmental Protection Authority; and no later than 60 days following the monitoring event/s.

23. Any samples required to be obtained under this Permit must be tested in a laboratory accredited by the National Association of Testing Authorities (NATA), or a laboratory approved in writing by the Director of the Environmental Protection Authority.

Advice to Applicant:

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

Other Permits

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

Other Services

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

On-site Detention

All development applications that result in an increase in the impervious area of the site, and therefore the peak stormwater discharge rate may require an On-Site Detention System (OSD) in accordance with Council stormwater runoff management policy. The proposed OSD must provide a runoff storage volume equivalent to the difference between the allowable site discharge and the anticipated maximum discharge over the period of the design storm. An OSD proposal must be submitted with the Plumbing Permit Application and detailed in a hydraulic design for assessment and approval by Council's Plumbing Permit Authority. Water Sensitive Urban Design (WSUD) elements are encouraged. If the developer has any enquiries relating to acceptable methods of providing On-site detention, they should contact Council's Plumbing Surveyor on (03) 6216 6800.

Waste Management

Prior to the waste collection services being provided to the site or prior to occupancy of any of the dwellings, whichever occurs first, the body corporate/owner shall enter into an agreement with Council to indemnify Council and its waste management contractor from any claim for damages and/or wear and tear arising from waste collection trucks accessing the property.

Waste management collection must be in accordance with Council's Waste Services Policy.

APPENDIX**10.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
10.3 Use Standards			
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	The new lot would have an area of 6650m ² , which divided into 19 = 350m ²	Yes
10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or	Flamenco Circle Frontage: 5m Tenth Avenue: Not adjacent to the road Private road: not applicable	Yes

	(b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	Not facing the frontage	NA
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps,	1. Frontage Setback: 5m-complies 2. Side setback NW (1) : Min.1m Unit 8 - discretion	Discretionary

	porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	3. Side setback NW (2): Min. 3m Unit 17 - complies 4. Internal setback SW: Units 17, 18, 19: 4.5m - complies 5. Side setback SE: Min. 4m - complies 6. Side setback: NE: 0.9m (Unit 5) – discretion 	
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves	(a) Site coverage 1919m² = 29% (b) At least 60m² (c) At least 25%	Yes

	up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.		
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and	Each dwelling would have 24m² POS directly accessible from a living area with a minimum width of 4m and will be levelled to have a grade no steeper than 1:10. POS is generally located at the rear of each dwelling, facing northeast or north west. The exceptions are Units 6, 7, 8, 17, 18 and 19 that have POS located at the front and northeast facing. This would comply with the intent of criterion (h) although the frontage is from a private road.	Yes

	(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight and overshadowing of all dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	All dwelling have at least one window from a living area that meets the requirement	Yes
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and	Units 1-5 have at least 4m separation between Kitchen/living room windows. Unit 19 has a bedroom window facing the adjoining dwelling to the NW.	Yes

	(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.	Only Unit 16 is to the northeast of the POS of Unit 18 but is separated by 5m. All other dwellings have the same alignment as neighbouring dwellings, so as not to be to the north of POS.	Yes

	(b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	No garage is facing the frontage and or located within 12m	NA
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m	Only units 17 and 18 would have a deck, which would be on the second floor. <u>Unit 17</u> would have a balcony at the front, on the second floor 3m away from the common boundary with 21 Flamenco Place, which is compliant. It is noted that the view on the other side would also be restricted as the deck adjoins a wall. <u>Unit 18</u> would also have a balcony on the second floor, which would be separated	Yes

	from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	from Unit 7 by 1.8m. Unit 18 has a blank wall and the balcony is stepped back from the front alignment. On the other side there is a wall. The balcony is not adjacent to neighbouring POS.	
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door:	Only units 17 and 18 have windows of habitable rooms with floor levels more than 1m above NGL. Unit 17 has a blank wall facing the side boundary. Unit 17 and 18 have a setback of 4.5m at the rear. Both dwellings have blank side walls.	Yes

	(i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	Unit2 and Unit three would have a bedroom window facing a passing bay that is less than 2.5m from the shared driveway, i.e 1.2m and 2m respectively. A condition for a screen is recommended, so that the proposal would comply.	Yes
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or	None proposed	NA

	(b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).		
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.	Bin storage would be at each dwelling	Yes.
10.6 Development Standards for Subdivision			
10.6.1 Lot Design	A1 The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities.	Lot 1: 6650m ² (designated for multiple dwellings) Balance: 1.2ha	Yes

	Ordinary lot (i.e. not otherwise specified below) Min 450m ² Max 1000m ² . Maximum does not include any fee simple access strip and any balance lots or lots designated for multiple dwellings, retirement villages or residential aged care facilities, or non-residential uses		
	A2 The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities: (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north; (f) is 10 m x 15 m in size.	The proposal can provide for a building area much greater than the minimum of 10m x 15m. The proposal includes a dwelling proposal for 19 dwellings that is clear of easements and satisfactory in terms of setbacks. However, the land is subject to the Potentially Contaminated Land Code and the Inundation Prone Areas Code so that it does not meet (b).	Discretion
	A3 The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.	Frontage: 23m	Yes

	All lots, unless otherwise specified below. 15m		
	A4 No lot is an internal lot.	Not internal lot	Yes
	A5 Subdivision is for no more than 3 lots.	1 Lot	Yes
10.6.2 Roads	A1 The subdivision includes no new road.	Private Road	NA
10.6.3 Ways and Public Open Space	A1 No Acceptable Solution.	No Acceptable Solution	Discretion
10.6.4 Services	A1 Each lot must be connected to a reticulated potable water supply.	Conditioned: TasWater	Yes
	A2 Each lot must be connected to a reticulated sewerage system.	Conditioned TasWater	Yes
	A3 Each lot must be connected to a stormwater system able to service the building area by gravity.	Conditioned: Council	Yes
	A4 The subdivision includes no new road.	Private Road	No

APPENDIX**E2.0 Potentially Contaminated Land Code**

Standard	Acceptable Solution	Proposed	Complies?
E2.5 Use Standards			
E2.5 Use Standards	A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.	No approval by Director	Discretion
E2.6 Development Standards			
E2.6.1 Subdivision	A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on health or the environment and is suitable for its intended use.	No approval from the Director	Discretion

Standard	Acceptable Solution	Proposed	Complies?
E2.6.2 Excavation	A1 No acceptable solution.		Discretion

E5.0 Road and Railway Assets Code

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

Standard	Acceptable Solution	Proposed	Complies?
	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.		Discretionary No – P3 Performance Criteria addressed in Traffic Impact Assessment. Refer traffic engineer report.
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard	
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not an applicable standard	

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

E6.0 Parking and Access Code

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

Standard	Acceptable Solution	Proposed	Complies?
	be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not an applicable standard	
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		Yes - conditioned
E6.7.3 Vehicular Passing Areas	A1 Vehicular passing areas must:		Yes

Standard	Acceptable Solution	Proposed	Complies?
Along an Access	(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.		
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		Yes
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.		Yes - conditioned
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;		Yes - conditioned

Standard	Acceptable Solution	Proposed	Complies?
	(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.		
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		Yes - conditioned
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.		Yes - conditioned
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not an applicable standard	
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2;	Not an applicable standard	

Standard	Acceptable Solution	Proposed	Complies?
	(b) be located within 30 m of the main entrance to the building.		
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not an applicable standard	
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not an applicable standard	
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site;	Not an applicable standard	

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

E7.0 Stormwater Management Code

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes - conditioned
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.		Yes – conditioned – Refer Hydraulic Engineers Report
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	Not an applicable standard	
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		Yes – conditioned – Refer Hydraulic Engineers Report

E15.0 Inundation Prone Areas Code

Complies with relevant Acceptable solutions, please refer to Hydraulics assessment within the report.

Attachments/Annexures

- 1  Attachment - 56A Clydesdale Avenue, Glenorchy