

GLENORCHY PLANNING AUTHORITY AGENDA

MONDAY, 16 JULY 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

10 July 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 12 June 2018 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - SINGLE DWELLING - 12 MCLEAN COURT ROSETTA

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3077126

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-352
<i>Applicant:</i>	L A Cameron
<i>Owner:</i>	L A Cameron
<i>Zone:</i>	Environmental Management
<i>Use Class</i>	Residential
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	29.2 Use Table 29.4.3 A1 Design (Siting) 29.4.3 A3 Design (Fill and Excavation) E6.7.3 A1 Vehicular Passing Areas Along an Access E7.7.1 A1 Stormwater Drainage and Disposal E10.7.1 A1 Building and Works (Biodiversity Code) E14.7.1 A1 Removal of Bushland within Scenic Landscape Areas E14.7.2 A1 Appearance of Buildings and Works within Scenic Landscape Areas (The proposal meets all other applicable standards as demonstrated in the attached appendices)

Level 2 Activity?	No
42 Days Expires:	18 Jan 2018
Existing Land Use:	
Proposal In Brief:	Single dwelling
Representations:	2
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application proposes a new dwelling and a garage near the top of a local hill. The proposed dwelling would be single storey of timber construction, with fibre cement cladding and an iron skillion roof. The floor plan provides for four bedrooms and open plan living. There would be a 3m wide deck wrapping around the northeast corner, with access from the living areas. The maximum height of the proposed dwelling would be 5.5m. There would be a detached double garage located 12.5m from the dwelling. The application includes vegetation removal for bushfire management. Access would be from Mclean Court with a driveway along the northwest boundary, approximately 600m in length, connecting to a section of an existing fire trail within the top portion of the driveway. The first portion of the driveway comprises a 30m long existing concrete section over which there is a right-of-way.

The proposed dwelling is shown in Figure 1 below.

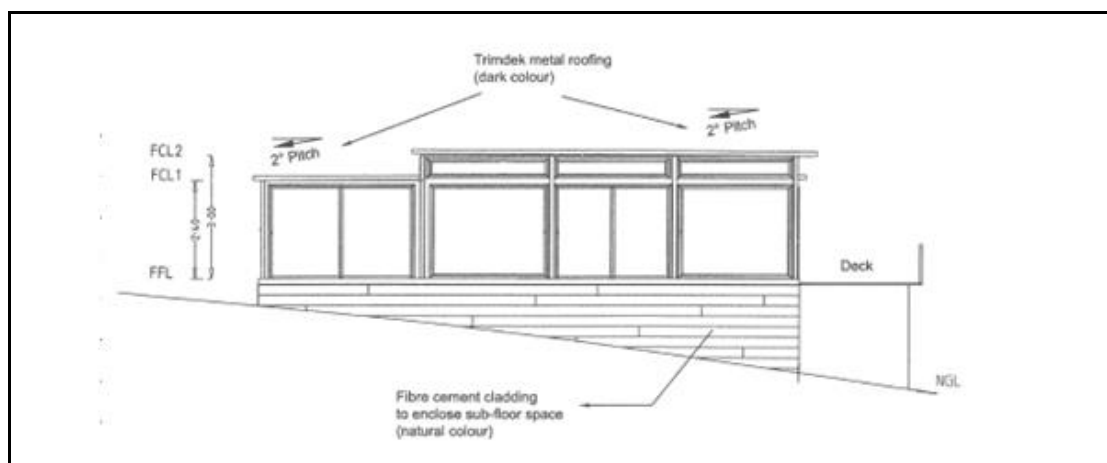


Figure 1: Proposal Plan - Don Cameron

SITE and LOCALITY

The subject property is known as 12 Mclean Court, Rosetta and is described in CT160865/2. The land comprises a portion of a local hill east of Marys Hope Road. The property has access near the end of the cul-de-sac, over which there is a shared right-of-way with 12A McLean Court and 14 Mclean Court. The property has an irregular shape and an area of 8.758ha and is largely forested. There are two telecommunications facilities on the land and a portion of a fire trail. The property is otherwise vacant. The property adjoins several other residential properties at the foot of the hill, which are developed with single dwellings. A Council reserve called NR Pierce Reserve is located along the rear of the property. The property is shown in Figure 2 below.

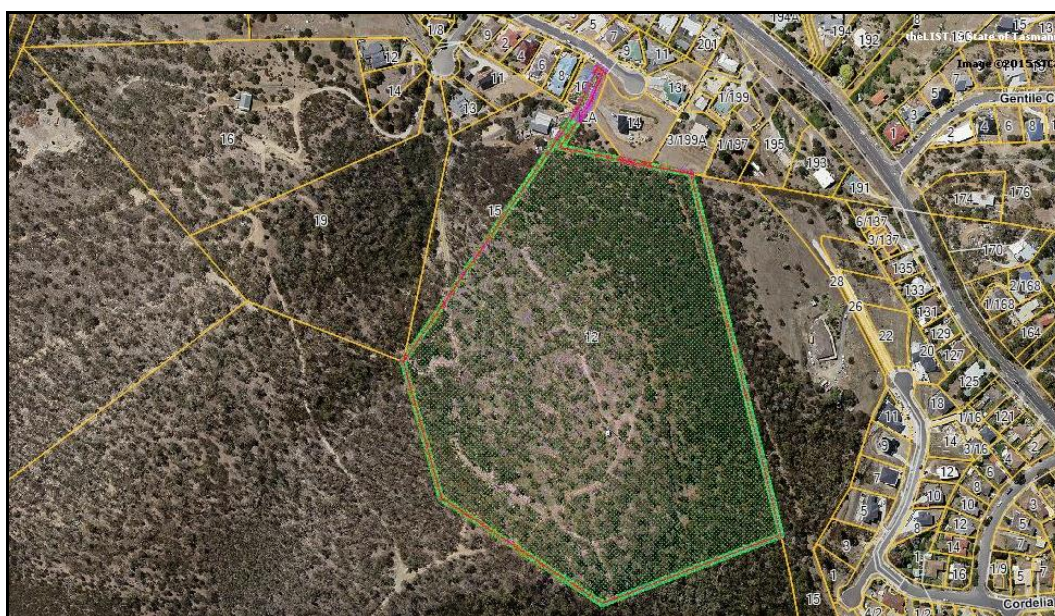


Figure 2: Subject Site - Council Database 2016

The dwelling site is proposed near the top of the hill, with the driveway traversing along the northwest boundary. An area of bushland requires clearing for bushfire hazard management. The site around the dwelling requires complete clearing of 1624m² for a bushfire hazard management area, with further clearing of the understorey of 825m² required for an additional portion of the hazard management area.

The site plan is shown in Figure 3 below.

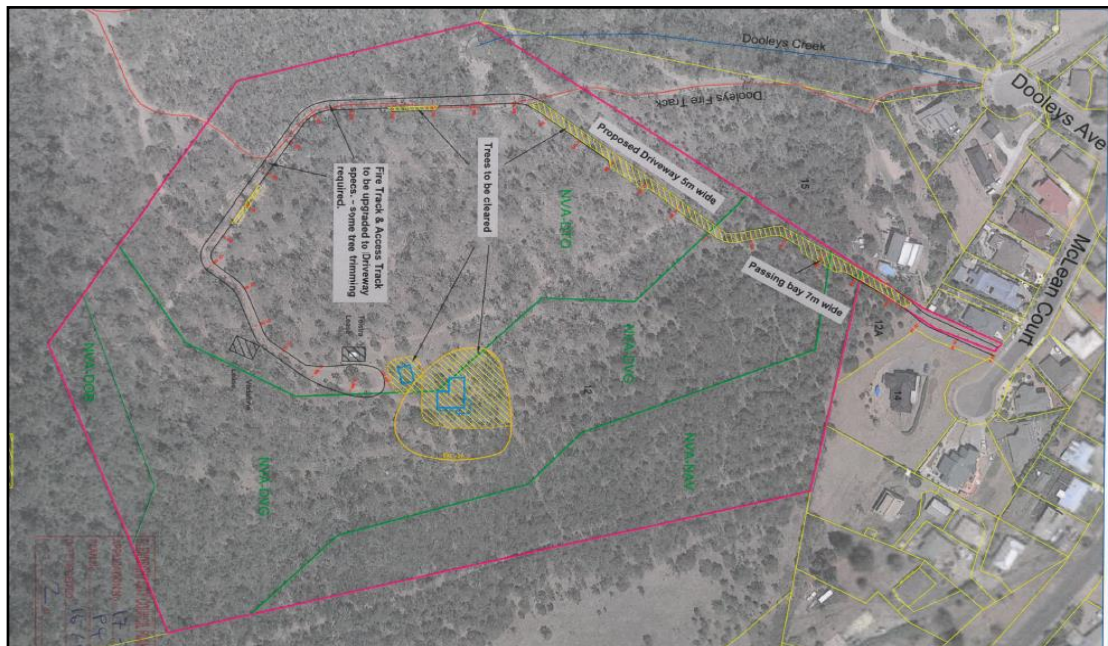


Figure 1: Site Plan - Don Cameron

The locality is characterised by treed hills in the foreground of the Mt. Wellington Ranges, with residential development on the fringe. The foothill appears in a natural undeveloped state and is visually in the foreground of other natural and vegetated areas. The hill is seen from many vantage points in the Municipality, in particular from the Brooker Highway, MONA, Elwick Racecourse and Berriedale. The surroundings are shown in Figure 4 below.



Figure 4: Location of proposed dwelling – Council Database: Image JMG-0054JPG

ZONE

The subject property lies within the Environmental Management Zone and adjoins Environmental Living Zone and the General Residential Zone as shown in Figure 5 below.

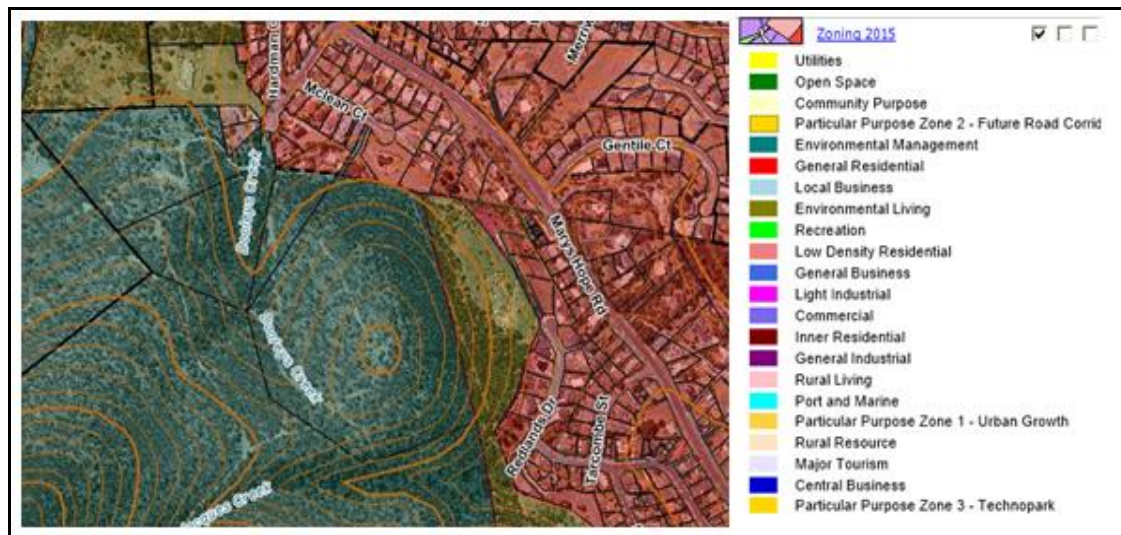


Figure 5: Zoning Map - GIPS 2015

BACKGROUND

Application

The application was supported by the following documents:

- Bushfire Assessment Report and Management Plan (Bruce Haywood dated 1 May 2018)
- Landscape Impact Assessment Report (Bruce Hayward dated 28/03/18)
- Flora and Fauna Assessment Report (Mark Wapstra dated 15/06/17)
- Preliminary Engineering Drawings (JMG dated 24 and 25/02/17)
- Statement by the Applicant (Don Cameron dated 16/05/18)

Permits

The following applications were determined for the site:

- DA 153-96 - Single Dwelling – Refused 06/08/1996

The above proposal was for a 'dome house' located at the end of the driveway loop, which is the summit. At the time 12A Mclean Court was still attached to the property and the area was still available for a dwelling.

The application was refused on the grounds that it contravened the intent of the Landscape and Conservation Zone which was the equivalent zone in the former planning scheme. It was considered that the dwelling would intrude upon the natural character of the higher slopes and the skyline and that there was sufficient cleared area available at lower levels. In addition, there were doubts that firefighting services could have been provided to the location.

- DA-113-98 – Single Dwelling – Approved 04/08/98

The above permit approved a dwelling west of the summit and 60m below the summit with clearing of a 40m radius and a further area for a fuel modified zone in which trees would have been retained.

- DA 206-98 – Subdivision creating three lots- approved 10/12/1998

This approval was essentially a 1 Lot subdivision as the three lots were required to be adhered due to inadequate water pressure. This resulted in 14 Mclean Court being subdivided off the land at 12 Mclean Court. The decision was subsequently appealed against on the basis that Council did not approve three lots as applied for. The Tribunal dismissed the appeal and affirmed Council's decision.

- PLN-10-232 – One lot plus balance subdivision – Approved 16/09/2010

The above permit created 12A Mclean Court.

- PLN-16-114 – Telecommunications Facility (Telstra) – Approved 05/09/16

The above permit relied on the fire track off Dooleys Avenue for access.

- BP17/0368 - Telecommunications Tower (Voda Phone)

The above permit relied on the fire track off Dooleys Road for access.

- PLASP-17/007 - Amendment to sealed plan 160865/1 & 2

The petition deleted a right-of-way for the Water Authority

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
- E10.0 Biodiversity Code
- E14.0 Scenic Landscape Code

Use Class Description

The application is for a Single Dwelling which falls under the use class Residential (Single Dwelling). The use is defined in Table 8.2 Use Classes 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:

Single dwelling

Means a dwelling on a lot on which no other dwelling is situated, or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.

Dwelling

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

Outbuilding

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

Discretionary Use or Development

The application is discretionary under Clause 8.8 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 (a) as the use is discretionary and (b) above as it relies on Performance Criteria because it does not meet the following acceptable solutions:

- 29.2 Use Table
- 29.4.3 A1 Design (Siting)
- 29.4.3 A3 Design (Fill and Excavation)
- E6.7.3 A1 Vehicular Passing Areas Along an Access
- E7.7.1 A1 Stormwater Drainage and Disposal
- E10.7.1 A1 Building and Works (Biodiversity Code)
- E14.7.1 A1 Removal of Bushland within Scenic Landscape Areas
- E14.7.2 A1 Appearance of Buildings and Works within Scenic Landscape Areas

Part C: Special Provisions

Nil.

Part D: Zones

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

Zone Purpose Statements

The zone purpose statement for the Environmental Management Zone is set out in 10.1.1.1 and is as follows:

- *To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.*
- *To only allow for complementary use or development where consistent with any strategies for protection and management.*
- *To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland and foreshore areas.*
- *To recognise and protect highly significant natural values on private land.*
- *To protect natural values in un-developed areas of the coast.*

Comment

The proposal is considered in accordance with the above purpose. The proposal demonstrates that vegetation clearance would be minimised, so as not to detract from the conservation status of the overall biodiversity values on the property. The application also demonstrates that it would protect scenic landscape values of the property by retaining screening vegetation and vegetation on the skyline. This is in accordance with the purpose of the zone. For further comments please refer to a later section of this report addressing the Scenic Landscape and Biodiversity Codes.

Use Table

The use class Residential (Single Dwelling) is discretionary in 29.2 Use Table if on land other than public land.

Use Standards

There are no applicable use standards as the only standard is for reserved land which does not apply.

Development Standards for Residential Buildings & Works

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

29.4.3 A1 Design (Siting)

The application does not accord with the Acceptable Solution in 29.4.3 Design with respect to vegetation clearing and location on a skyline or ridgeline. Therefore, the application relies on the related Performance Criteria which is as follows:

29.4.3 Design

The location of buildings and works must satisfy all of the following:

(a) be located in an area requiring the clearing of native vegetation only if:

- (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;*
- (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;*
- (iii) the location of clearing has the least environmental impact;*

(b) be located on a skyline or ridgeline only if:

- (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;*
 - (ii) there is no significant impact on the rural landscape;*
 - (iii) building height is minimised;*
 - (iv) any screening vegetation is maintained.*
- (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.*

Comment

It is considered that the proposal accords with the above Performance Criteria. There are no sites on the property that are completely cleared. The applicant provided a map showing site constraints both in terms of slope and vegetation to justify the building site. Slope would not necessarily prevent a dwelling being situated near the access leg at the front of the property, although the land is relatively steep with a grade of approximately 1:3. A driveway could be constructed to serve the front of the lot, as demonstrate with the submitted plans. In addition, there are other dwellings in the vicinity of this location built on a similar slope, demonstrating that buildings can be constructed on land with a similar slope. Building at the front of the lot would have the additional advantage of benefiting from bushfire hazard management of the lot in front, so as to reduce the amount of clearing. This would also allow connecting to services at the frontage. Nevertheless, it is accepted that the vegetation is sparser near the top of the hill and clearing would therefore be minimised in terms of the number of trees requiring removal for a building site and bushfire hazard management. The amount of vegetation removal would be the minimum required for bushfire hazard management. The Landscape Impact Assessment Report submitted by the applicant demonstrates that any impact would be low and that screening vegetation would be retained.

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

29.4.3 A3 Design (Fill and Excavation)

The application does not accord with the Acceptable Solution with respect to excavation. The proposal requires excavation of more than 1m in depth at certain locations for the driveway. Therefore, the proposal relies on the related Performance Criteria as follows:

29.4.3 P3 Design

Fill and excavation must satisfy all of the following:

- (a) there is no adverse impact on natural values;*
- (b) does not detract from the landscape character of the area;*
- (c) does not impact upon the privacy for adjoining properties;*
- (d) does not affect land stability on the lot or adjoining land.*

Comment

The proposed dwelling would not require any significant excavation other than a hole for the supporting piers. Likewise most of the driveway would require a level change of less than 1m, except for the first 240m of the driveway that would require excavation between 1.107m and 3.803m in depth, according to the preliminary engineering drawing. The remainder of the driveway would require less than 1m depth of excavation. It is considered that the excavation would not be visible from public view, as the driveway would be screened by vegetation and would traverse at the back of the hill. The driveway has already been cleared and is not currently visible, although the correct grading has not yet occurred. The excavations would therefore not detract from the landscape character. In terms of natural values, the trees lost to the driveway would represent an acceptable impact, so as not to detract from the conservation status of the overall biodiversity values on the property. According to Council's engineering assessment, the proposed excavations would not affect land stability on the neighbouring land, where the driveway runs along the common boundary with 15 Mclean Court. A condition for adequate batter slopes is recommended to ensure stability.

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

Part E: Codes**E1.0 Bushfire-Prone Areas**

This code does not apply to dwellings because it only applies to vulnerable uses.

Vulnerable uses are a Custodial Facility, Educational and Occasional Care, Hospital Services, Respite Centre, Residential Aged Care Home, Retirement Home and Group Home, as defined in clause E1.3 of the Scheme.

Bushfire hazard management for dwellings is assessed as part of the Building Permit application process. Nevertheless, the applicant was asked to submit a bushfire hazard assessment, to demonstrate that vegetation clearing would be limited to the minimum required for hazard management.

E0.6 Parking and Access Code

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

E6.7.3 Vehicular Passing Areas Along an Access

The proposal does not accord with the Acceptable Solution in E6.7.3 A1 with respect to providing a passing bay every 30m. Therefore, the application relies on the related Performance Criteria as follows:

E6.7.3 P1 Vehicular Passing Areas Along an Access

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

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

Comment

The property has an access handle of approximately 80m, adjacent to a shorter access handle of the neighbouring property. The neighbouring property at 12A Mclean Court has a concrete driveway of approximately 30m over which there is a right-of-way. A third property at 14 Mclean Court has an extension to that driveway to an existing dwelling. The access arrangements are shown in Figure 6 below.



Figure 6: Access Arrangements – Council Database 2016

The application proposes an approximately 600m long driveway along the northwest boundary from Mclean Court, to the top of the hill with passing bays at intervals of 90m. The first passing bay would be located at the top of the access handle.

The application was referred to Council's Development Technical Officer who assessed that the proposal, in terms of passing bays, would not create any issues in terms of traffic efficiency and safety.

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

For further comments please refer to the Development engineering assessment under the Referrals section later in this report.

E7.0 Stormwater Management Code

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

E7.7.1 P1 Stormwater Drainage and Disposal

The proposal does not accord with the Acceptable Solution in E7.7.1 A1 with respect to stormwater disposal to public stormwater infrastructure. Therefore, the application relies on the related Performance Criteria as follows:

E7.7.1 P1 Stormwater Drainage and Disposal

Stormwater from new impervious surfaces must be managed by any of the following:

- (a) *disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles*
- (b) *collected for re-use on the site;*

- (c) *disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.*

Comment

The proposed dwelling would be a significant distance from the road so that there would be reliance on water tanks to deal with the stormwater. The driveway would have culverts where stormwater would dissipate at culvert outlets. In addition, the lower part of the driveway would be drained to an approved stormwater system.

The application was referred to Council's Development Technical Officer who is satisfied that stormwater disposal satisfies the above criteria, subject to recommended conditions.

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

For further comments please refer to the Development engineering assessment under the Referrals section later in this report.

E10.0 Biodiversity Code

The biodiversity overlay covers the subject property as shown in Figure 7 below.

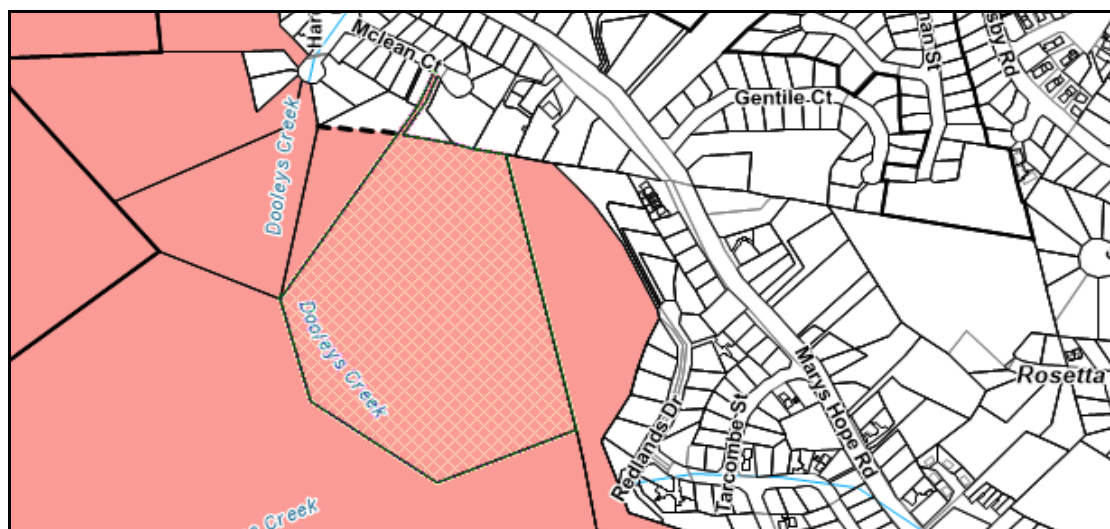


Figure 7: Biodiversity Overlay - GIPS 2015

The proposal does not meet the exemptions in E10.4 Development Exempt from this Code, which otherwise allows for clearance and disturbance of less than 750m² per title, including any previously cleared land. The proposal is for clearance of approximately 1624m² of vegetation for bushfire hazard management. Therefore, the proposal relies on the following Performance Criteria:

E10.7.1 Building and Works

The proposal does not meet the Acceptable Solution in E10.7.1 A1 Building and Works because there is no building area the title plan. Therefore, the proposal relies on the related Performance Criteria in E10.7.1 P1 Building and Works. An evaluation against the Performance Criteria can be found in the assessment by Council's Environment Coordinator under the Referrals section later in this report.

In summary, two main vegetation communities were identified within the dwelling site, bushfire hazard management areas and driveway location. They are *Eucalyptus tenuiramis* forest and woodland on sediments (DTO), which has a high priority biodiversity value and *Eucalyptus viminalis* grassy forest and woodland (DVG) which is not classified as threatened under the *Nature Conservation Act 2002*. Overall, it is assessed that with strict conditions, the impact on the high priority vegetation can be minimised, so as not to detract from the conservation status of the overall biodiversity values on the property.

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

E11.0 Waterway and Coastal Protection Code

The Waterway and Coastal Protection overlay covers a portion of the property as shown in Figure 8 below. However, the proposed works would be outside the overlay so that the code does not apply.



Figure 8: Waterway and Coastal Protection Overlay – GIPS 2015

Scenic Landscapes Code

The Scenic Landscape overlay covers the whole property as shown in Figure 8 below.



Figure 9: Scenic Landscape Overlay – GIPS 2015

The proposal relies on the following Performance Criteria:

E14.7.1 A1 Removal of Bushland within Scenic Landscape Areas

The proposal does not meet the Acceptable Solution in E14.7.1 A1, with respect to the extent of the clearing and the elevation. The application proposes to clear an area of approximately 1624m² for bushfire hazard management which extends up to 4m from the summit. The Acceptable Solution is as follows:

E14.7.1 A1 Removal of Bushland within Scenic Landscape Areas

Removal or disturbance of bushland must comply with both of the following:

- (a) *be on land no less than 50 m (in elevation) from a skyline;*
- (b) *be no more than 500 m² in extent.*

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

E14.7.1 P1 Removal of Bushland within Scenic Landscape Areas

Removal or disturbance of bushland must be minimised and must satisfy both of the following:

- (a) *result in only negligible change to the silhouette of skylines;*
- (b) *maintain scenic landscape value.*

Comment

The property occupies a portion of a forested foothill of Mt. Wellington. The foothill appears in a natural undeveloped state and is seen in the foreground of other natural and vegetated areas, so that clearing in certain areas could potentially affect scenic landscape values. The applicant submitted a Landscape Impact Assessment Report to demonstrate that any clearing required for bushfire hazard management would maintain scenic landscape values.

The site of the proposed dwelling is within a relatively sparsely vegetated area near the top of a hill. The area has already been partially cleared and is also naturally sparser vegetated as shown in Figure 10 below:

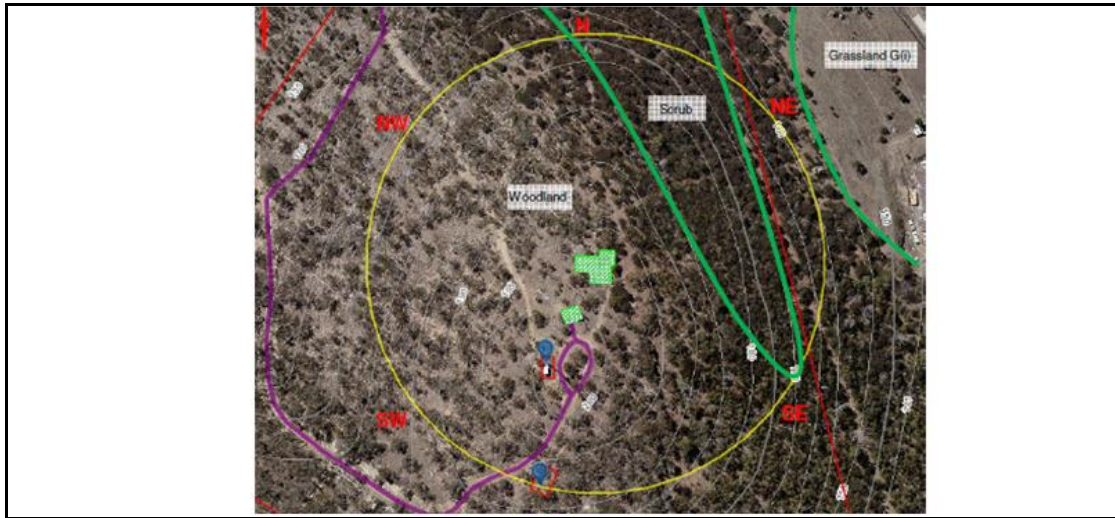


Figure 10: Location of Dwelling, Garage and Driveway – Bruce Haywood

The area to be cleared is between 8m and 19m out from the dwelling footprint. In addition, there would be a portion of the hazard management area in which native trees would be retained, but where minimum fuel conditions would be maintained by removing understorey. The proposed dwelling would have a Bushfire Attack Level (BAL) of 29. The hazard management areas are shown in Figure 11 below.

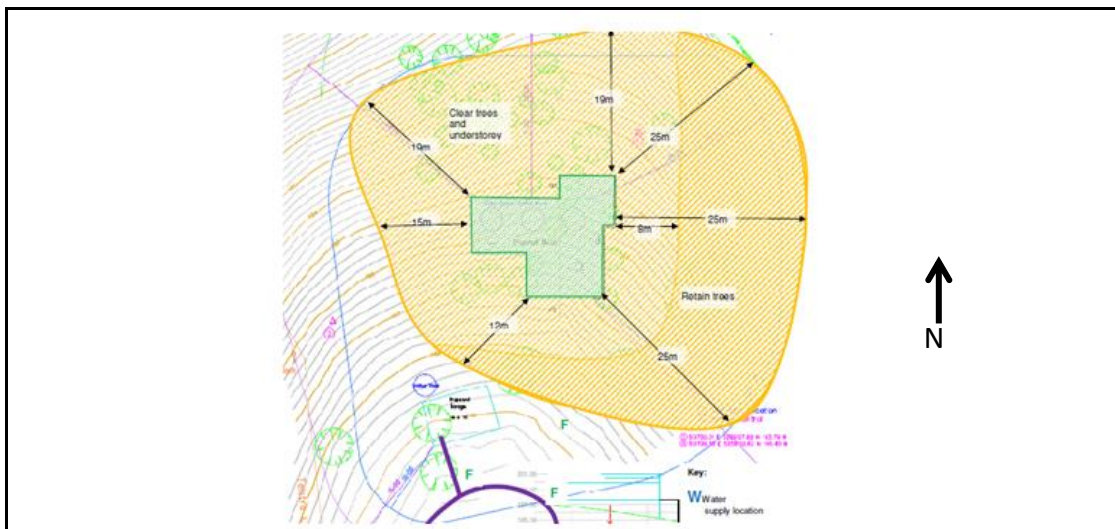


Figure 11: Attachment 7 Bushfire Hazard Management Plan & Hazard Management Area -Bruce Haywood

The dwelling would be sited between contour 194.6m and 197.2m, with total clearing required between contours 191.6m and 198.2m. The highest point is approximately 201m AHD where the turning circle is located, near one of the phone towers.

Under the Performance Criteria, clearing must be minimised and scenic landscape values maintained. The applicant responded to both issues by providing a plan showing site constraints and by submitting a formal Landscape Impact Assessment Report. In terms of bushfire hazard management, the proposed areas are the minimum required.

According to the applicant, slope is a significant constraint in locating the dwelling in any alternative location, such as in closer proximity to the road, for example. In addition, vegetation clearance would be minimised in the proposed location because vegetation is already sparse at that site. Visual impact would be minimised according to the Landscape Impact Assessment Report, which concluded that any visual impact would be 'inevident'. 'Inevident' means that the development would be unable to be discerned by the casual viewer.

The report states that prior to the installation of the telecommunications towers the scenic quality of the property would have been regarded as high, but is only considered moderate now due to the visual impact of the towers (2018 p.4). Table 2 of the report relates to a series of photomontages within the report and provides analyses of any visual impacts in terms of public sensitivity and Landscape Management Objective (LMO). The LMO classification has three classes, as explained within the report, which are dominant, apparent and inevident.

From locations such as from the Brooker Highway, MONA and Elwick Racecourse the visual impact was considered 'inevident'. From Marys Hope Road and Branscombe Road the LMO was 'inevident but temporarily 'apparent''. To illustrate the potential impact, a series of photomontages were included in the report and are reproduced below in Figure12.

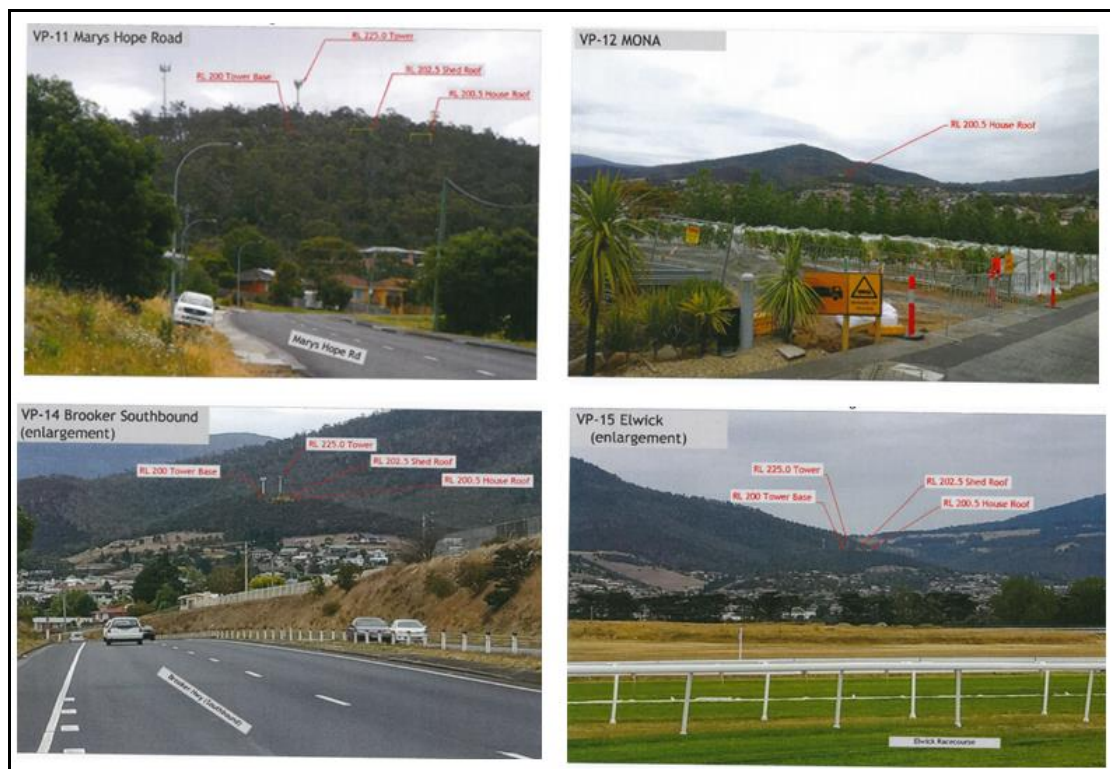


Figure 12: Photomontages - Bruce Haywood

The report strongly relies on the trees to be retained within a portion of the hazard management area to the east, as shown on the Bushfire Hazard Management Plan. The Landscape Impact Assessment Report contains Line of Sight Profiles that show the elevation of the proposed dwelling relative to vegetation to be retained, in terms of distance away from the dwelling and height relative to the dwelling. The Line of Sight Profiles appear consistent with the Bushfire Management Plan. According to these profiles, the vegetation in front of the dwelling is critical to the extent of screening retained for the dwelling and the cleared area. The vegetation behind is critical in preserving the skyline. An example is shown in Figure 13 below.

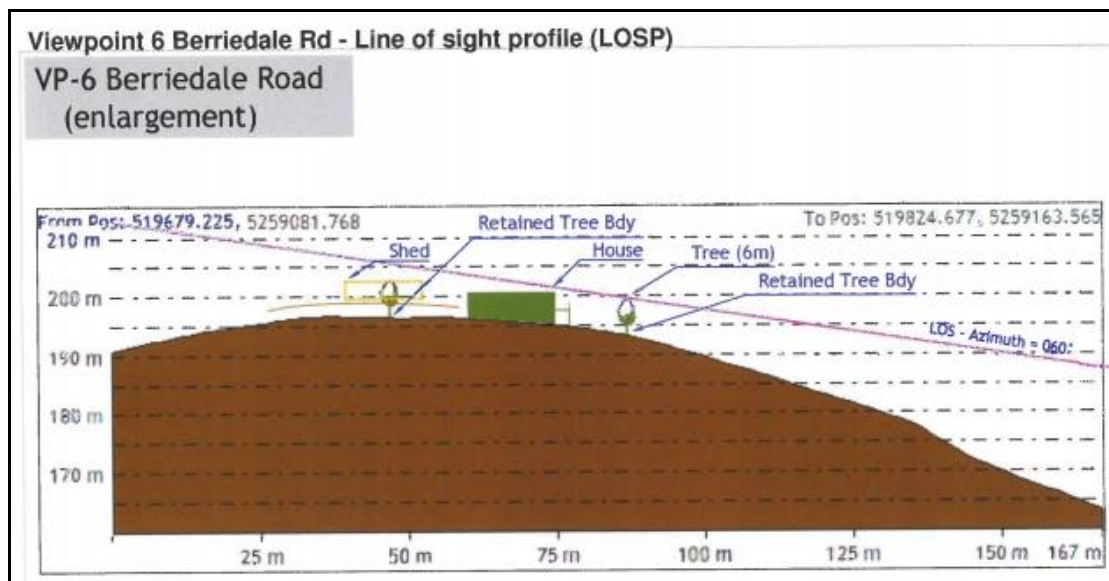


Figure 13: Line of Sight Profile – Bruce Haywood

The vegetation relied on for screening also requires retaining from a biodiversity point of view.

In addition to the Landscape Impact Assessment Report, the property was viewed by Council staff from several vantage points and a site inspection was undertaken on 12/06/18. The site was marked out to show the house site and the bushfire management areas. Most of the area requiring clearing was already cleared, save for a few mature trees. The cleared area cannot be seen from various vantage points and seems to demonstrate that there would not be any significant visual impact arising from the proposal. There be would little additional clearing required, mainly of the understorey of the hazard management area to the east and of some mature trees close to the dwelling site. There appears to be no effect on the skyline at present. The area of the proposed driveway has already been cleared and graded and is not visible in the landscape as it traverses around the back of the hill.

In light of the circumstance of the site to be cleared, the application demonstrates that it meets the Performance Criteria. The removal of bushland for this proposal would have no detrimental impact on the skyline and would maintain scenic landscape values, subject to recommended conditions. Conditions are recommended to ensure that all the trees nominated on the bushfire management plan for retention are preserved, as well as all trees outside the bushfire hazard management area.

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

E14.7.2 A1 Appearance of Buildings and Works within Scenic Landscape Areas

The proposal does not meet the Acceptable Solution E14.7.2 A1 Appearance of Buildings and Works within Scenic Landscape Areas as the building would be visible from a public place and would not be an addition to any existing dwelling. Therefore the proposal relies on the Performance Criteria as follows:

E14.7.2P1 Appearance of Buildings and Works within Scenic Landscape Areas

Buildings visible from public spaces must maintain scenic landscape value by satisfying one or more of the following, as necessary:

- (a) have external finishes that are non-reflective and coloured to blend with the landscape;*
- (b) be designed to:*
 - (i) incorporate low roof lines that follow the natural form of the land;*
 - (ii) minimise visual impact in height and bulk;*
 - (iii) minimise cut and fill;*
- (c) be located below skylines;*
- (d) be located to take advantage of any existing native vegetation or exotic vegetation for visual screening purposes.*

Comment

The location of the proposed dwelling is near the top of the hill and is likely to be visible from some public locations, although it is intended to take advantage of native vegetation for screening. The applicant submitted a colour scheme with a dark green colour (Taubmans™ Highlander LRV 19.3) for the walls and the roof, which is considered to blend with the environment. The form of the proposed dwelling would have a low roofline and the dwelling would minimise visual impact in terms of bulk and height. The dwelling would be of modest proportions, with a maximum height of 5.5m and dimensions of 13m x 16m. The garage would have the following dimensions: 3m H x 9m L x 6m W and would also be green. A condition for the colour scheme is recommended.

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

E23.0 On-Site Wastewater Management Code

The proposed dwelling would rely on an on-site wastewater management system; however this code is not applicable because an exemption applies.

The application is exempt from this code because the area of the subject land exceeds 5000m² and is able to accommodate a circle with a diameter of 50m. The land has an area of 8.758ha. The exemption is as follows:

E23.4 Use and Development Exempt from this Code

Residential development on sites greater than 5,000 m² is exempt from this code except if any of the following applies:

- (a) development is for multiple dwellings;*
- (b) any part of the site is below 3 m AHD;*
- (c) the site cannot accommodate an inscribed circle with a diameter of 50 m.*

It is noted that any on-site waste water management system would have to be located within an area that requires clearing for bushfire management, in order to ensure not further clearing would be required. A condition to this effect is recommended.

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Development Engineer

E6.0 Parking and Access Code

This code applies to all use and development.

The proposed spacing of vehicular passing areas is not in accordance with minimum spacing to satisfy the acceptable solution of clause E6.7.3 (Vehicular passing areas along an access), instead passing areas are proposed at 90 metre intervals in accordance with the guidelines for development in bushfire prone areas maximum spacing of passing bays for an access. It is considered that safe passing opportunities are available to meet the performance criteria of this clause, due to the access servicing only one dwelling and good sightlines are available. The first passing bay at the kerb is not considered to be necessary, as the proposed development is not expected to interfere with the flow of traffic if vehicles are required to use the end of Mclean Court for passing from/to the proposed development.

The driveways and parking areas are considered to meet the requirements of clause E6.7.6 (surface treatment of parking areas). It is recommended this be conditioned to satisfy the acceptable solution of this clause, the recommendations of the bush fire management report and the engineering plans submitted with the development application.

The first, approximately 30 meters, of driveway from Mclean Court is within an existing Right Of Way (ROW) and the applicant proposes to use an existing section of concrete driveway servicing 14 Mclean Court. The longitudinal grade of this section of driveway exceeds the maximum gradient of 25% of the applicable standard AS2890.1, Off street car parking. However, there is a note in section 2.6.2 of AS2890.1 which recognises that this may not be a practical limit in some instances with hilly terrain. This statement gives latitude to increase the grade of domestic driveways if it can be designed to be safe and sustainable. The note is part of the Australian Standard.

The grade of this section is up to around 30%, it is a straight section of concrete sealed driveway with good sight distance that has been servicing 14 Mclean Court for some time. Considering vehicles will always use this section of driveway in a forward direction it is expected this existing section of driveway can safely support vehicular access to an additional dwelling.

The grade of this existing section of steeper driveway has been confirmed by the bush fire assessor as being suitable for access by fire fighting vehicles.

Council received a representation outlining concerns with the additional use of this existing section of concrete driveway and potential damage. This section of driveway is within an existing Right Of Way (ROW) registered on the title allowing the applicant of 12 Mclean Court (and 12A Mclean Court) the legal right to pass over the area identified on the title. There is no mechanism for Council to require upgrading of the existing concrete access, unless the access is deficient in terms of surfacing and/or it does not meet the requirements of the Australian Standard. Any upgrading or maintenance of the existing access within the ROW will be required to be an agreement between the property owners using the access.

Relatively significant excavation works around four meters deep is proposed for the access driveway internally, in the vicinity of chainage 150, to be able to achieve acceptable longitudinal grades. Due to this being excavation some distance away from adjoining land, it is not expected to affect land stability, providing the excavation is adequately battered. A condition of approval is recommended that the batter slopes be at a minimum in accordance with IPWEA standard drawing TSD-R01v1, after assessment of the excavation and soil type.

E7.0 Stormwater Management Code

The applicant is proposing water tanks for to store potable water from roofed areas of the proposed house. It is considered that the lot is large enough that any overflow will not create a nuisance or any adverse effects on adjoining properties and is considered to satisfy the performance criteria of clause E7.7.1 Stormwater Drainage and Disposal.

The access towards the entry with Mclean Court will require drainage from the new access to an existing stormwater connection and not concentrate stormwater flows on adjoining properties. It is recommended that plans be provided to Council's Development Engineer as a condition of approval, prior to building approval to demonstrate how this will be achieved.

Council received a representation after a recent storm event concentrated stormwater runoff onto 14 Mclean Court from upstream land at 12 and 12A Mclean Court. Council will be issuing a notice to rectify the nuisance created by the concentration of water in addition to including a condition of approval that stormwater drainage from the access be adequately contained within the lot boundaries and not create a nuisance on adjoining properties and that plans addressing this be provided for the approval of Council's Development Engineer, prior to building approval.

No other clauses of the stormwater management code are applicable to this application.

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

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

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

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

E15.0 Inundation Prone Areas Code

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

Environment***Comments***

The proposed single dwelling is located within the Biodiversity Protection Area on this property. A Natural Values Assessment of part of 12 Mclean Court was completed by Mark Wapstra on the 12th June 2017.

Vegetation

The Wapstra (2017) assessment found that the TASVEG 3.0 mapping for the property was slightly incorrect showing the *Eucalytus tenuiramis* forest and woodland on sediments (DTO) community to cover a larger area to the east than it actually does. DTO is threatened under Schedule 3a of the *Tasmanian Nature Conservation Act 2002* and as such is considered a high priority biodiversity value under the Glenorchy Interim Planning Scheme 2015. *Eucalyptus viminalis* grassy forest and woodland (DVG) is also present within the proposed dwelling location. However it is not classified as threatened under Schedule 3A of the *Tasmanian Nature Conservation Act 2002*.

Vegetation in both communities will need to be cleared for the proposed driveway, for passing bays to be installed on the existing fire track and access track and for the proposed house and garage site. There is clearance proposed within the DTO community area and within the DVG area around the house site. I disagree with aspects of the Wapstra 2017 report which states that there will be no impact to the threatened vegetation community.

Threatened Flora/Fauna

No threatened flora or fauna were found on the property.

E10.0 Biodiversity Code

Performance Criteria P1 for E10.7.1 Buildings and Works state that:

Clearance and conversion or disturbance must satisfy the following:

- (a) *if low priority biodiversity values:*
 - (i) *development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;*
 - (ii) *impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;*
- (b) *if moderate priority biodiversity values:*
 - (i) *development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;*
 - (ii) *impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;*
 - (iii) *remaining moderate priority biodiversity values on the site are retained ed through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;*
 - (iv) *residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and any relevant Council policy.*
- (c) *if high priority biodiversity values:*
 - (i) *development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;*
 - (ii) *impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;*
 - (iii) *remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values.*
 - (iv) *special circumstances exist;*

- (v) *residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and any relevant Council policy.*
- (vi) *clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity values in the vicinity of the development.*

After reviewing the Natural Values Assessment by Wapstra (2017) and after visiting and assessing the site myself in June 2018, I am confident that impact to the high priority values of the DTO community can be minimised and will not detract from the conservation status of the overall biodiversity values on the property. There will be minor impact to both communities DTO and DVG, this is largely as a result of the Bushfire Hazard Management Area. Council will need to ensure adequate conditions are in place to ensure the proposal meets E10.7.1 (c) (iii), as recommended.

EXTERNAL REFERRALS

TasWater

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

TasWater was asked about whether it was mandatory to connect to the services at the road frontage or whether there was a set distance after which there was no requirement to do so. The proposed dwelling would be situated at a considerable distance from the road frontage. A response was received to the effect that there was no requirement for connecting to services, although service charges would apply regardless.

Tasmania Fire Service

The application was referred to the Tasmania Fire Service to ensure that the areas nominated for vegetation clearing and management will be sufficient in size for the requirements of any Building Permit application. The comments from the Tasmania Fire Service have included the following:

Hazard management areas suitable for BAL-29 complies with the Deemed-to-Satisfy requirements for habitable buildings on pre-existing lots (if the title were created with a BHMP under the Bushfire-Prone Areas Code, BAL-19 would be the DTS requirement).

REPRESENTATIONS

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

1. Stormwater

The representor states that the proposed driveway works, which have already been completed caused flooding to the property to the east of the access handle, as a result of the excavation and civil works. There is no stormwater drainage for the driveway currently and the representors are hoping that there will be engineering recommendations to address the issue. According to the representation, the Council already attended for sandbagging.

Planner's Comment:

This issue has been previously addressed under the heading Referrals-Development Engineer. In summary, conditions are recommended to ensure stormwater is adequately dealt with. In addition, the owner of the land is required to rectify a nuisance created by the concentration of water to the neighbouring property from the last storm event separate to this application.

2. Driveway Damage

The representor states that heavy construction vehicles would cause damage to the driveway that is not designed for heavy vehicles. There is an existing shared driveway of two separate cement slabs that serves the three properties, where there are reciprocal right-of-ways. If the driveway was damaged, then there would be no access to the representor's property.

Planner's Comment

This issue has been previously addressed under the heading Referrals-Development Engineer. In summary, there is no mechanism for Council to require upgrading of the existing concrete access, unless the access is deficient in terms of surfacing and/or it does not meet the requirements of the Australian Standard. Any upgrading or maintenance of the existing access within the ROW will be required to be an agreement between the property owners using the access.

3. Driveway Condition

The representors state that the driveway was not usable at times because there was mud, dirt and rocks remaining after works had been done at the subject property. The condition of the driveway did result in vehicles skidding, so that there was no safe access to the representor's property. The dirt and mud was also tracked onto the road. The driveway had to be cleaned by the representors with a pressure cleaner. The representors want to ensure that the driveway is properly maintained every day, so that it is in a usable and clean condition.

Planner's Comment

An engineering condition for soil and water management is recommended to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system.

4. Passing Bay

The representors state that the driveway was constructed by the previous owner for 14 Mclean Court and was not designed for any additional traffic from 12 and 12A Mclean Court. There are currently no provisions for multiple vehicles to use the driveway simultaneously and it was not feasible to reverse due to the gradient to allow for vehicles to pass.

Planner's Comment

This issue has been previously addressed under the heading Referrals: Development Engineer with respect to passing bays. In summary, the proposed intervals of passing bays every 90m is adequate. The first passing bay at the kerb is not considered necessary as a result of low traffic at the end of the cul-de-sac. In addition, there would be good sightlines available between the road and the first passing bay at the top of the access strip. Therefore, there is not expected to be any safety issues arising in this regard.

CONCLUSION

The application proposes a new dwelling and a garage near the top of a local hill, which requires 1624m² clearing of native vegetation for bushfire hazard management, as well as some additional understorey clearance. The proposed dwelling would be relatively low with a maximum height of 5.5m and would have a dark green colour. The use of a single dwelling is discretionary within Environmental Management Zone. The application also invokes a number of other discretions as outlined within the report, primarily relating to the location of the dwelling and impacts from vegetation clearing. The two main issues for consideration relate to biodiversity impacts and landscape impacts.

The applicant submitted a Landscape Impact Assessment and a Flora and Fauna Assessment, both of which were found to be satisfactory. The main reasons why the application is considered satisfactory is that vegetation clearance would be minimised, screening retained and there would be no detrimental impacts on biodiversity values.

There are also discretions in relation to the intervals of passing bays and stormwater drainage. Both discretions are satisfactory as they meet the criteria of each of the related performance criteria.

The application was advertised for the statutory time period during which two representations were received. The issues raised concern stormwater, driveway damage, driveway condition and passing bays. These issues were addressed within the report and conditions are recommended where applicable.

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 Single dwelling at 12 Mclean Court Rosetta subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-352 and Drawing No. P1 submitted on 28/11/17 pages 2-6 (site plan, floor plan, elevations); Drawing No. P3 submitted on 10/04/18 pages 7 and 8 (engineering drawings); Drawing No P4 submitted on 15/05/18 pages 1-6 (various); and Drawing No P5 submitted on 11/06/18 page 1 (driveway details); except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2018/00627-GCC dated 26/04/18, form part of this permit.
3. Any on-site waste water management system must be located within an area that requires clearing for bushfire management, as outlined within the submitted bushfire report and management plan in Attachment 7 by Bruce Haywood, dated 01/05/18. No additional clearing must occur to accommodate any on-site waste water management system. Plans submitted in association with any Plumbing Permit application must show the location of any waste water management system in accordance with these requirements, to the satisfaction of Council's Senior Statutory Planner.
4. All external walls and roofs must be painted or clad in dark green, similar to the colour Taubmans™ Highlander with a light reflectance value of 19.3% in order to blend with the landscape. Any plans submitted with a building permit application must stipulate the colour scheme to the satisfaction of Council's Senior Statutory Planner.

Engineering

5. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
6. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.

7. Driveways, car parking, turning and passing areas must be completed prior to occupancy of the dwelling. Construction details must generally be in accordance with plans J161285CH C01 and C02 submitted with the development application and must comply with the following;
 - (a) Two (2) car parking spaces must be provided and kept available for these purposes at all times;
 - (b) Be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking;
 - (c) Have a load capacity of minimum 20 tonnes;
 - (d) Have a minimum horizontal clearance of 0.5 meters from the edge of the carriageway;
 - (e) Be constructed with an approved durable all-weather pavement with sections above 17% imperviously sealed;
 - (f) Have a turning area for fire appliances provided by a turning circle with a minimum inner radius of 10 meters;
 - (g) Have passing bays 20 meters long (excluding tapers) at maximum 90 meter intervals, with the following dimensions: 6m wide and 20m long.
 - (h) Batter slopes must generally be in accordance with Table 1 shown on IPWEA standard drawing TSD-R01v1 and not affect land stability on the lot or adjoining land.
8. Plans must be provided to Council's Development Engineer prior to building approval, that show how stormwater run-off associated with the driveway from approximately Chainage 10 to Chainage 180 will be drained/directed to an approved Council stormwater system to not create a nuisance on any adjoining properties. All drainage works must be completed prior to driveway construction.
9. 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.

Environment

10. No felling, lopping, ringbarking or otherwise injuring or destroying any of the mature Eucalyptus species trees identified outside of the Hazard Management Area (in the Bushfire Hazard Management Plan by Bruce Haywood dated 1 May 2018) is to take place without further written approval from the Senior Statutory Planner.
11. The tree retention area labelled 'Retain Trees' as shown in Attachment 7 of the Bushfire Hazard Management Plan is to be permanently marked on the ground with non-combustible survey pegs or the like to clearly show in perpetuity the tree retention area as approved.

12. The Bushfire Hazard Management Area shown in Attachment 7 of the Bushfire Hazard Management Plan is to be marked on the site with permanent non-combustible markers, such as survey pegs to show the extent of the hazard management area and ensure the remainder of the trees on the property are conserved.
13. Prior to commencement of works, primary treatment of all weeds in the construction footprint and hazard management areas must be undertaken as environmental weeds declared under the Weed Management Act 1999 are present on the site.
14. To prevent weeds spreading from the site the following must be adhered to:
 - (a) Weed plant material or soil containing their seed must not be removed from the site (unless approval is obtained from State Government in accordance with the *Weed Management Act 1999*;
 - (b) Weed plant material and topsoil containing their seed must not be stored or moved into areas containing weed-free native vegetation;
 - (c) Appropriate hygiene measures must be undertaken prior to any machinery entering and leaving the site. (As per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment);
 - (d) Any imported fill materials must be sourced from quarries able to provide documentation as to the weeds present on the source site, in order to minimise introduction of new weeds and pathogens to the area.
15. The owner's must enter into a Part 5 Agreement with and to the satisfaction of the Environment Coordinator to retain and protect the vegetation and habitat values outside the fire protection zones, prior to the issue of a building permit and prior to any vegetation removal. The Part 5 Agreement must
 - (a) Verify the extent of the conservation zone, which is to encompass all native vegetation outside the bushfire hazard management area;
 - (b) Provide for the protection for all native vegetation and habitat values within the conservation zone; and
 - (c) All costs associated with drafting and registering the Part 5 Agreement on the title is to be borne by the applicant.

Advice: The Part 5 Agreement must be accompanied by a completed Notification of Agreement under the *Land Use Planning and Approvals Act 1993* form, which is available from the Lands Titles Office. This Planning Permit does not become valid until the Agreement is executed.

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.

Onsite Domestic Wastewater Management

The applicant must obtain from Council, a Plumbing Permit for an Onsite Wastewater Management System, prior to any works being commenced on the site. The Application for a Plumbing Permit is to contain plans and specifications demonstrating that the proposed design complies with the relevant provisions of AS/NZS 1547.2012- Onsite Domestic Wastewater Management.

APPENDIX**29.0 Environmental Management**

Standard	Acceptable Solution	Proposed	Complies?
29.3 Use Standards			
29.3.1 Use Standards for Reserved Land	A1 Use is undertaken in accordance with a reserve management plan.	Not reserved land	NA
29.4 Development Standards for Buildings and Works			
29.4.1 Building Height	A1 Building height comply with any of the following: (a) as proscribed in an applicable reserve management plan;	4.7m	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(b) be no more than 7.5 m.		
28.4.2 Setback	A1 Building setback from frontage must comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m.	250m	Yes
	A2 Building setback from side and rear boundaries must comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m. (c)	At least 83m	Yes
	A3 Buildings and works must be setback from land zoned Environmental Living no less than 30 m.	83m	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A4 Building setback for buildings for sensitive use (including residential use) must comply with all of the following. (a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m; (b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.	Not near Rural Resource Zone or Significant Agriculture	NA
	A5 This clause does not apply in this planning scheme.		
29.4.3 Design	A1 The location of buildings and works must comply with any of the following: (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline; (b) be located within a building area, if provided on the title; (c) be an addition or alteration to an existing building;	The application is for a new building that requires clearing of native vegetation and would be located in close proximity to the ridgeline. There is no building area on the title. For further details see report.	Discretion

Standard	Acceptable Solution	Proposed	Complies?
	(d) as prescribed in an applicable reserve management plan.		
	A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.	The applicant provided a colour scheme for the walls and roof of the garage and dwelling that is Taubmans™ Highlander with LRV of 19.3%	Yes
	A3 Fill and excavation must comply with all of the following: (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access.	The applicant provided a statement (16/05/18) indication that a portion of the driveway would require excavation of slightly more than 1m. For further details see report	Discretion

APPENDIX**E14 Scenic Landscapes Code**

Standard	Acceptable Solution	Proposed	Complies?
E14.7 Development Standards			
E14.7.1 Removal of Bushland within Scenic Landscape Areas.	A1 Removal or disturbance of bushland must comply with both of the following: (a) be on land no less than 50 m (in elevation) from a skyline; (b) be no more than 500 m² in extent.	The proposal seeks to clear as follows: • Trees and understory 1624m² • Retain trees and clear understorey 825m² • The building site is 4m from the skyline. For further details please see report	Discretion

Standard	Acceptable Solution	Proposed	Complies?
E14.7.2 Appearance of Buildings and Works within Scenic Landscape Areas	A1 Buildings must comply with one of the following: (a) not be visible from public spaces; (b) be an addition or alteration to an existing building that; (i) increases the gross floor area by no more than 25%; (ii) does not increase the building height; (iii) provides external finishes the same or similar to existing.	The proposal is for a new building visible from public spaces. For further details please see report.	Discretion
	A2 Works must not be visible from public spaces.	The works associated with the driveway would not be visible from public spaces as the driveway would traverse around the back of the hill.	Yes

E5 Road and Railway Assets Code

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

Standard	Acceptable Solution	Proposed	Complies?
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	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.	
E5.6.2 Road accesses and	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.	

Standard	Acceptable Solution	Proposed	Complies?
junctions	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.

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 - conditioned
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.	

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.	Not an applicable standard.	
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		
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	A1 Design of vehicle access points must comply with all of the		Yes

Standard	Acceptable Solution	Proposed	Complies?
Accesses	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.		
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;		Yes – Performance criteria satisfied

Standard	Acceptable Solution	Proposed	Complies?
	(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.	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	A1 Parking spaces and vehicle circulation roadways must be in		

Standard	Acceptable Solution	Proposed	Complies?
Parking Areas	accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.		Yes - conditioned
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	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	A1 The design of motorcycle parking areas must comply with all of	Not an applicable standard.	

Standard	Acceptable Solution	Proposed	Complies?
Parking Areas	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.		
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	A1 For all new buildings where the use requires the provision of		

Standard	Acceptable Solution	Proposed	Complies?
Bicycle End of Trip Facilities	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; (b) the use is not primarily dependent on outward delivery of goods from the site.	Not an applicable standard.	

Monday 16 July 2018

Glenorchy Planning Authority Meeting Agenda

Standard	Acceptable Solution	Proposed	Complies?
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		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:	Not an applicable standard.	

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

Attachments/Annexures

- 1**  Attachment - PLN-17-352 - 12 McLean Court Rosetta

**6. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLINGS
(4) - 8 JASANDA DRIVE MONTROSE**

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 7820802

REPORT SUMMARY:

Application No.:	PLN-18-090
Applicant:	Morrison & Breytenbach Architects
Owner:	J G Nelson
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	10.4.2 A3 Setbacks and building envelopes for all dwellings 10.4.3 A1 Site coverage and private open space for all dwellings 10.4.3 A2 Site coverage and private open space for all dwellings E6.6.1 A2 Number of Car Parking Spaces E6.7.3 A1 Vehicular Passing Areas Along an Access (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	16 July 2018
Existing Land Use:	Vacant

Proposal In Brief:	Multiple Dwellings (4)
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application proposes four dwellings on a steep vacant internal lot. Three of the dwellings would be conjoined, whilst the fourth would be freestanding. All of the dwellings would be partially triple storey, but are built into the slope in a staggered fashion so as to have a relatively modest maximum height. The maximum height for the conjoined dwellings would be 8.208m and that of the free standing dwelling would be 7.054m. The dwellings would be constructed from brick and cement sheeting and would have near flat iron roofs. The colour scheme is white and grey for the walls and charcoal for the roofs. The dwellings are shown in Figure 1 and 2 below:

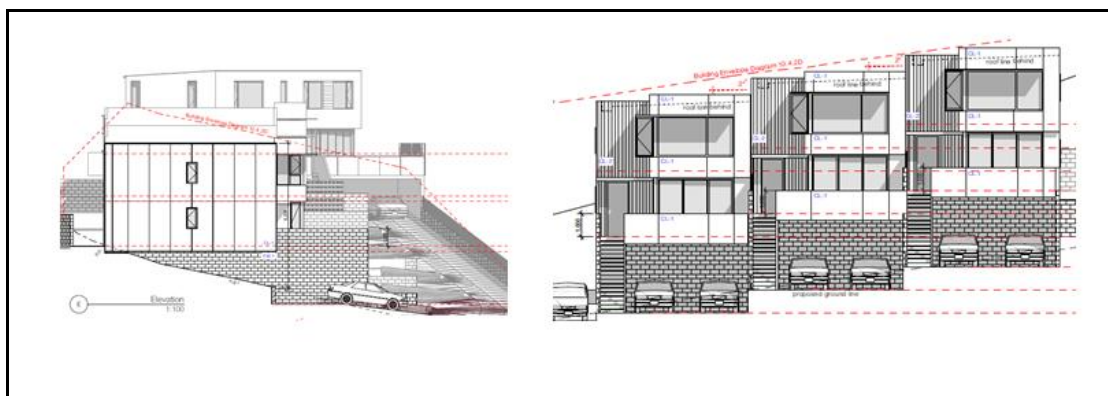


Figure 1: Conjoined Dwellings – Morrison & Breytenbach Architects

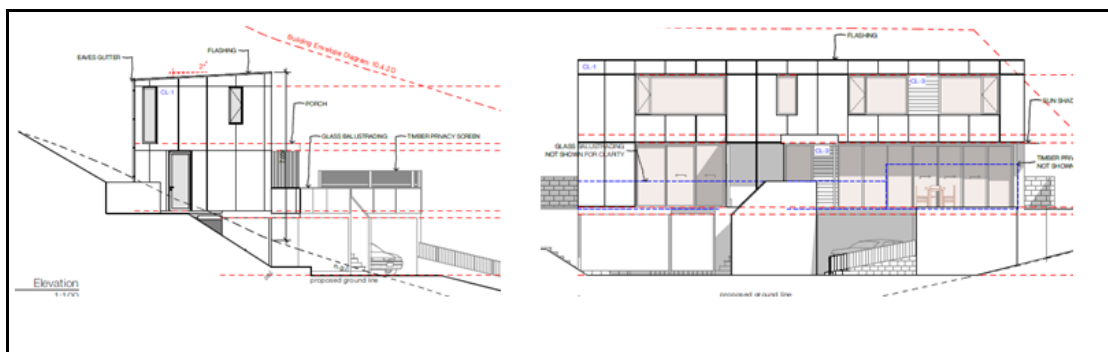


Figure 2: Freestanding Dwelling - Morrison & Breytenbach Architects

The conjoined dwellings would have open plan living areas on the first floor and three bedrooms each on the second floor. There would be three double carports on the ground floor with a deck each on the roof. The decks would have an area of 3.4m x 5.2m with access from the living areas. Each dwelling would also have a patio to the rear, at the edge of a retaining wall.

The freestanding dwelling would have living areas on the first floor and three bedrooms on the second. There would be a carport at basement level, with a deck above. The carport would be on the northern boundary for a section of 6.5m and would have a privacy screen of 1.7m in height. The dwelling would be sited at an angle to the northern boundary where the closest corner has a setback of 2.137m for a height of 7.214m. There would be one window facing the side boundary, which is more than 3m away. There would be a deck on the roof of the carport that would have an area of 27m², which can accommodate a rectangle of 4m x 5m. The carport would provide for two parking spaces.

The driveway extends along the northern boundary, with a total length of approximately 50m. The driveway within the access handle of the lot is to be 3m wide for a length of approximately 40m. The site would provide for a total of ten car parking spaces.

The application is discretionary for relying on the performance criteria for the building envelope, private outdoor space, a parking surplus and passing bay standards.

SITE and LOCALITY

The site is known as 8 Jasanda Drive, Montrose and is described in CT100366/11. The property is located on the western side of the road, south of the intersection with Pitcairn Street. The lot is an internal lot, with an area of 1985m², an average gradient of 1:4 and is vacant. There are a few remaining native trees on site, which are mainly sheoaks and wattles. The lot shares a boundary with five other lots of which four contain a single dwelling each and the fifth lot, which shares the rear boundary is vacant. The lot that adjoins the rear is covered in dense bushland.

The property is shown in Figure 3 below.

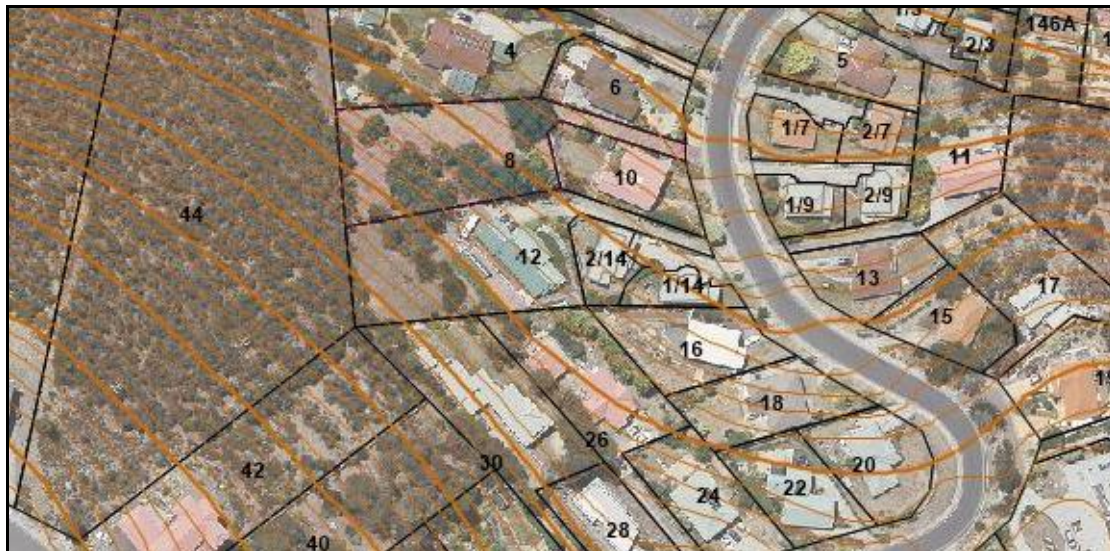


Figure 3: Subject Site: 8 Jasanda Drive, Montrose - Council Database 2016

The site layout shows the buildings at an angle to the boundaries, so that only the south corner of the conjoined dwellings and the north corner of the freestanding dwelling would be in close proximity to a boundary.

The neighbouring property to the south is occupied by a dwelling roughly aligned with the conjoined dwellings, but at an angle. This dwelling has a parking area and a double garage in the area opposite the proposed dwellings, so that the neighbouring dwelling is approximately 10m away from the common boundary. The front wall of the dwelling is slightly forward, relative to the east wall of the proposed dwellings.

The property to the north has a dwelling slightly forward of the proposed freestanding dwelling approximately 10m from the common boundary with a pergola approximately 4.7m from the common boundary. There is also vegetation on the boundary. This property has a large backyard mainly back in line from the front windows of the proposed freestanding dwelling. There is vegetation along the common boundary and the neighbouring backyard.

The proposed site layout is shown in Figure 4 below.

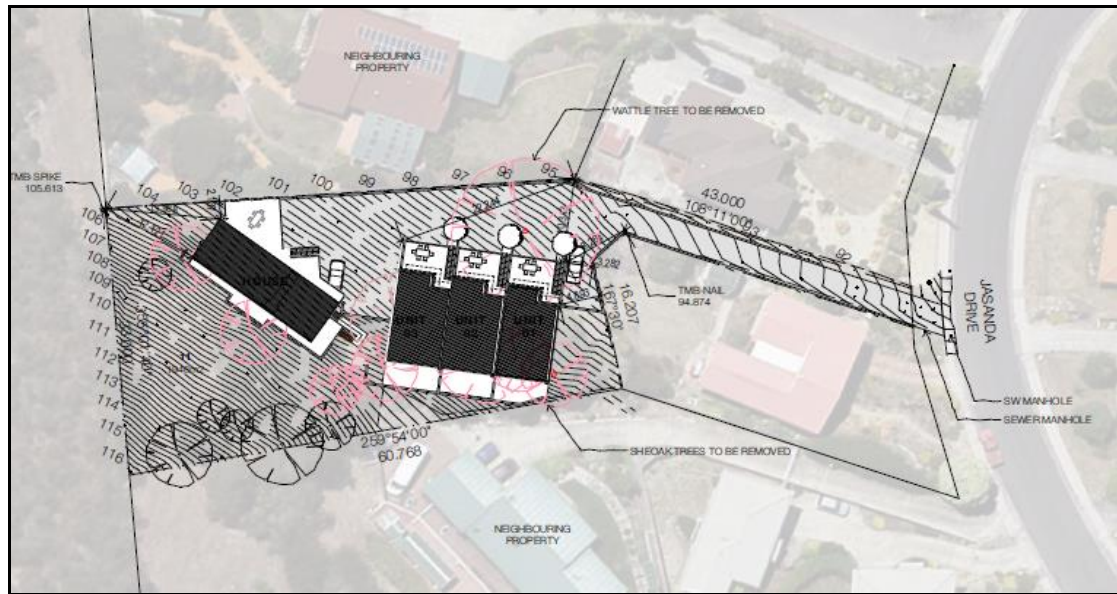


Figure 4: Site Plan of the Proposal - Morrison & Breytenbach Architects

ZONE

The subject property lies within the General Residential Zone in red and adjoins the Low Density Residential Zone in coral to the north and to the west as shown in Figure 5 below.



Figure 5: Zoning Map - GIPS 2015

BACKGROUND

The application is supported by a Bushfire Hazard Assessment Report & Bushfire Management Plan (Rebecca Green & Associates 12 April 2018), demonstrating the bushfire hazard management can be provided within the boundaries of the property.

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

Use Class Description (Table 8.2):

The application is for four Multiple Dwellings which fall under the use class Residential. The use is defined in Table 8.2 Use Classes 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.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

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

- 10.4.2 A3 Setbacks and building envelopes for all dwellings
- 10.4.3 A1 Site coverage and private open space for all dwellings (total POS not 60m²)
- 10.4.3 A2 Site coverage and private open space for all dwellings (POS area and width)
- E6.6.1 P2 Number of Car Parking Spaces (1 surplus)
- E6.7.3 A1 Vehicular Passing Areas Along an Access (not every 30m)

Part C: Special Provisions

Nil.

Part D: Zones

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

Zone Purpose Statements

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

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

Comment

The proposal accords with the above purpose as it is for residential development utilising serviced land. In addition, the application is for multiple dwellings which represent an alternative housing type to the single dwellings in the area.

Use Table

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

Use Standards

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

Development Standards for Residential Buildings & Works

10.4.2 A3 Setbacks and building envelopes for all dwellings

The proposal does not meet the Acceptable Solution in 10.4.2 A3 with respect to the Building Envelope. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.2 P3 Setbacks and building envelopes for all dwellings

The siting and scale of a dwelling must:

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

Comment

The conjoined dwellings largely comply with the building envelope of the Acceptable Solution in 10.4.2 A3, in particular along the south elevation that adjoins the neighbouring property. Whilst the building would be relatively large, a significant portion would be below natural ground level. In addition, the design takes into account the slope so that the dwellings are stepped into the slope. The only corner outside the building envelope is the northeast corner of Unit 1 that is 3.282m away from the common boundary with 6 Jasanda Drive, instead of 4.5m as in diagram 10.4.2D. This invokes a discretion.

Unit 1 is at an angle to the boundary so that a small portion of the corner is in proximity to the common boundary. The corner relates to the carport and would have a maximum height of 3.5m. The property at 6 Jasanda Drive has a parking area and a shed in the area opposite, the dwelling is between 10m and 21m from the common boundary. The applicant also provided shadow diagrams that indicate that the shadows would not affect 6 Jasanda Drive prior to 3:00pm on June 21. Given the distance away from the common boundary of the neighbouring dwelling and that there would be no unreasonable overshadowing, it is considered that the conjoined dwellings accord with the Performance Criteria above.

The freestanding dwelling is also outside the building envelope on the north corner, where it is 2.137m from the northern boundary for a wall height of 7.214m. The dwelling is at an angle to the boundary, so that the setback increases to 6m for the northwest elevation. The neighbouring dwelling at 4 Jasanda Drive has a backyard in the vicinity and vegetation along the boundary. The neighbouring property is directly to the north so that there would be no overshadowing from the proposed dwelling. In any event the neighbouring dwelling is at a distance of approximately 10m from the common boundary. It is not considered that there would be any significant visual impact as there would be considerable separation between the two dwellings. Other properties along the street have similar side boundary setbacks, so that the proposed setback is considered compatible with the prevailing setbacks. Therefore, the freestanding dwelling is also considered in accordance with the Performance Criteria above.

It is noted, that the free standing dwelling would have a carport located on the common boundary with 4 Jasanda Drive. The carport accords with the building envelope in the Acceptable Solution in 10.4.2 A3. The carport would be 6.2m long and would have a maximum height of 2.4m.

Overall, the proposed dwellings meet the standard through the Performance Criteria.

10.4.3 A1 Site coverage and private open space for all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.3 A1 (b) with respect to providing 60m² of private outdoor space associated with each dwelling. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.3 P1 Site coverage and private open space for all dwellings

Dwellings must have:

- (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:*
 - (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and*
 - (ii) operational needs, such as clothes drying and storage; and*
- (b) reasonable space for the planting of gardens and landscaping.*

Comment

All of the dwellings would be level with the ground at the rear and would therefore not have a finished floor level entirely more than 1.8m above the finished ground level. Therefore, each dwelling must have 60m² of private outdoor space (POS) associated with each dwelling to comply with the Acceptable Solution. Each dwelling is to have approximately 35m² of POS. There would be a significant amount of additional impervious free area available on the property, but not accessible from each dwelling because of retaining walls and the slope. The additional area would be suitable for some landscaping, although the area needs to be carefully managed to reduce bushfire hazard. Each dwelling would have an area for clothes drying and entertainment sufficient for the occupants needs.

Therefore, it is considered that the proposal meets standard through the Performance Criteria.

10.4.3 A2 Site coverage and private open space for all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.3 A2 with regard to the area and dimensions of the private outdoor space (POS). Therefore, the proposal relies on the related Performance Criteria, which is as follows:

10.4.3 P2 Site coverage and private open space for all dwellings

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 conjoined dwellings would have a deck each on the roof of the carport and a rear patio that is enclosed by walls on three sides. Both areas are accessible from the living areas on the first floor. The decks would each have an area of 17.68m², with a minimum dimension of 3.4m and would be orientated northwards. The patios would have an area of 18.3m², except for Unit 1 that would have an area of 17.68m². Each patio would have a minimum dimension of 3m and would be orientated southwards.

The free standing dwelling would also have a north facing deck on the roof of a carport of 24.8m², with a minimum dimension of 3m widening to 6m. There would also be a patio 2m x 5m bordered by a retaining wall at the rear. Both areas are accessible from the living areas of the proposed dwellings.

The Acceptable Solution requires an area of 24m² for POS, with a minimum width of 4m. There is a lesser requirement if the finished floor level is entirely 1.8m above the finished ground level. In this instance, the finished ground level at the rear is level with the first floor for both the conjoined dwellings and the freestanding dwelling, so that the larger requirement is applicable. Therefore, the proposal invokes a discretion as it does not meet the Acceptable Solution in 10.4.3 A2.

Nevertheless, it is considered that the provision of POS would be sufficient in this instance. In terms of area, there would be a total of approximately 35m² for each dwelling, with the provision of decks and patios. Each of the decks would provide an extension to the living areas, whilst the patios would provide a service area for operational needs. The decks would be orientated to northwards to take advantage of sunlight and would be conveniently located adjacent to the living areas, which satisfies the Performance Criteria. In terms of minimum dimension, it is considered that each of the areas would be sufficiently wide for the intended purpose.

Overall, the proposed POS meets the standard through the Performance Criteria

Part E: Codes

The following codes of the Scheme apply to this proposal:

E1.0 Bushfire-Prone Areas Code

The site is located within a bushfire prone area. However, the code only applies to subdivisions and vulnerable uses or hazardous uses in E1.2 Application of this Code and not to single dwellings. The applicant has provided a bushfire management plan to show that the land can accommodate the proposal and can provide for bushfire hazard management within the boundaries of the property.

E6.0 Access and Parking Code

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

E6.6.1 Number of Car Parking Spaces

The proposal does not accord with the acceptable Solution in E6.6.1 A1 with respect to the number of car parking spaces. The application proposes ten spaces whereas the Acceptable Solution requires nine spaces. Therefore, the proposal relies on the related Performance Criteria for the surplus as follows:

E6.6.1 P2 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

There would be a surplus of one space, which is more than 10% for a requirement of nine spaces, so that the parking provision invokes a discretion. The additional space would not adversely impact on the site as it is not heritage listed and there are no significant trees on site. Given that the site is steep with a long driveway, an additional space within the site would reduce the need to rely on additional on-street parking and make it easier for visitors to the site, as it would save a walk up from the road.

Therefore, it is considered that the proposal meets standard through the Performance Criteria.

E6.7.3 Vehicular Passing Areas Along an Access

The proposal does not accord with the Acceptable Solution in E6.7.3 A1 with respect to passing bays. The proposal would not have a passing bay for 37m, whereas the Acceptable Solution requires one for every 30m. Therefore, the proposal relies on the related Performance Criteria as follows:

E6.7.3 P1 Vehicular Passing Areas Along an Access

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

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

Comment

The property has an access handle of approximately 37m with enough room to accommodate a 3m wide driveway, which would serve four dwellings. However, the width of the access handle limits the scope of providing a passing area at intervals of 30m within the handle. Therefore, the proposal relies on the Performance Criteria above.

The application was referred to Council's Development Engineer, who assessed the access to be safe and is in accordance with all of the Performance Criteria.

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

E7.0 Stormwater Management Code

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

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Development Engineer

Comments

The development application seeks an approval for four (4) multiple dwellings units on a vacant site.

Traffic, Access & Parking

The site can be accessed from the Jasanda Drive frontage with existing vehicular access onto the site. The driveway is steep but will comply with AS2890.1:2004 with maximum gradients of 25% as shown on the P2 plan received by Council. It is therefore considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected. The width of the access does not allow for the construction of a passing bay at the street frontage (E6 7.3), but ample space is available at the western end of the driveway to enable sufficient sight distance and a safe exit from the site.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application; and the stormwater connection is available in Jasanda Drive.

Other

Geoscience issues

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

Flooding/Inundation issues

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

Waste Management

Waste Services 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 eight (8) bins, four (4) Waste bins and four (4) Recycling Bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.
- All bins are to be placed on the kerbside for collection.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

The application was advertised for the statutory 14-day period with one representation being received.

1. Density

The representation states that the representors are already adjacent to a property containing two units and that there are another two properties across the street, which also contain two units each. The addition of a further four units on the adjacent property, as a result of this proposal is considered excessive according to the representation and should be considered from a planning perspective. The number of dwellings would increase noise, in particular from increased traffic.

Planner's Comment

The planning scheme regulates density as a way to control the number of dwellings within an area. This proposal has a lesser density than the maximum allowable with one dwelling per 486m², where the maximum is one dwelling per 325m² of the land area of each property in the General Residential Zone. Therefore, the proposal complies with clause 10.4.1 A1 Residential Density for Multiple Dwellings and there is no discretion in this regard. It is also noted that the application was referred to the Council's Development Engineer, who assessed that the traffic volume would not create any safety issues.

2. Overlooking

The representation states that there might be overlooking from the rear windows of the conjoined units and vice versa, given the proximity of the dwellings to the boundary.

Planner's Comment

Overlooking is a planning consideration under the standard 10.4.6 Privacy for All Dwellings. Under the standard, a window to a habitable room that has a floor level more than 1m above natural ground level must be setback from a boundary at least 3m, or must be offset by at least 1.5m. Whilst there may be some overlooking of the neighbouring backyard, this is considered reasonable because the proposal complies with this standard and there is no discretion. It is also noted that the neighbouring property to the south has the main windows forward of the proposed units and has a garage adjacent to the proposed dwellings. Also, the windows facing the neighbouring property would be bedroom windows only, as the living room windows would be located below natural ground level. Further reducing overlooking, is a condition which is recommended for screening vegetation on the common boundary to reduce any visual impact, which would at the same time address privacy concerns. Overall, it is considered that privacy would not be unreasonably affected and the proposal complies with all requirements in this regard.

3. Property Values

The representation states that the value of their property would be considerably negatively impacted on as a result of this proposal.

Planner's Comment

Property values are not a planning consideration.

CONCLUSION

The application is for four dwelling units on an internal lot. Three dwellings would be conjoined and a fourth would be freestanding. The use of residential (multiple dwellings) is permitted within the General Residential Zone. The proposal relies on Performance Criteria with respect to the building envelope, private outdoor space, a parking surplus and provision of a passing bay. These discretions were addressed in detail within the report and are assessed as meeting the standard through the Performance Criteria.

The application was on public exhibition for the statutory time period during which one representation was received. The issues raised relate to density, overlooking and property values. These issues were addressed in the assessment and do not relate to any discretionary aspect of the proposal. Nevertheless, a condition is recommended for screening vegetation along the southern boundary at the back of the conjoined dwellings, which would provide more screening.

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

Recommendation:

That a permit be granted for the proposed use and development of Multiple Dwellings (at 8 Jasanda Drive Montrose subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-090 and Drawing No. P1 submitted on 03/05/18 (page 15 - site elevations); Drawing No. P 2 submitted on 18/05/18 (pages 1-10); Drawing No. P3 submitted on 31/05/18 (site plan); Drawing No. P4 submitted on 26/06/18 (second floor plan); except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2018/00735-GCC, dated 06/06/18, form part of this permit.
3. Bushfire hazard management must not be reliant on vegetation management on adjoining properties, in accordance with the Bushfire Hazard Assessment Report & Bushfire Management Plan (Rebecca Green & Associates 12 April 2018).
4. The deck of the freestanding dwelling must be screened along the northern boundary, as shown on the approved plan, prior to a Certificate of Occupancy and must then remain for the duration of the use to the satisfaction of Council's Senior Statutory Planner.
5. Screening vegetation must be planted along the southern boundary adjacent to the patios of dwellings 1-3, extending over a length of 15m, to reduce visual impact. The vegetation must comprise of fire resistant plants (see Tasmania Fire Service website for the publication *Fire Resistant Garden Plants for the Urban Fringe and Rural Areas*). The plants must be placed to form a continuous screen with a mature height of at least 3m and must have a planting height of no less than 0.5m. The landscaping must be completed prior to the issue of a Certificate of Occupancy to the satisfaction of Council's Senior Statutory Planner and must then remain for the duration of the use approved herewith.

Engineering

6. Prior to the issuing of a Building Approval or the commencement of works on site, including demolition or the issuing of approved engineering drawings 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.

7. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
8. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains shall be undertaken by Council at the developer's cost.
9. Structural engineering certification must be submitted to the Development Engineer for all proposed retaining structures, prior to the issuing of a Building Permit or the commencement of works (whichever occurs first).
10. 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. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to service mains, surface drainage collection, pavement composition and finished levels must be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway, access and parking must comply with the following:-
 - (a) Be constructed to a sealed finish and the finished gradient must not exceed the maximum gradient of 20%;
 - (b) Vertical alignment must include transition curves (or straight sections) to the Australian Standard, Clause 2.5.3 (d) for all grade changes greater than 12.5%;

- (c) Ten (10) clearly marked car parking spaces must be provided in accordance with the approved plan 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) The gradient of any parking areas must not exceed 5%; and
- (f) Minimum carriageway width is to be no less than 3.0 metres.
- (g) Lighting must be provided for the proposed car park in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and completed prior to the commencement of use as approved.

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

11. The development must incorporate Water Sensitive Urban Design Principles. These Principles must be in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania or The Model for Urban Stormwater Improvement Conceptualisation (MUSIC). The design must be submitted with the building permit application, to the satisfaction of Council's Development Engineer. All works required by this condition must be installed prior to the occupancy of the first dwelling.
12. 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.

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.

On-site Detention System

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

Waste Services will 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 eight (8) bins, four (4) Waste bins and four (4) Recycling Bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.
- All bins are to be placed on the kerbside for collection.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

APPENDIX

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Land 1947m ² / 4= 486.75m ²	Yes
10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the	Internal Lot	NA

	dwelling 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.	Internal Lot	NA
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground	See report	Discretion

	level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (ii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (iii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		
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.	(a) Site coverage 22.58%/complies (b) More than 60m²/discretion (c) Impervious free 46.88%/complies	Discretion
	A2 A dwelling must have an area of private open space that: (d) is in one location and is at least: (i) 24 m²; or	See report	Discretion

	(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 (e) 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 (f) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (g) 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 (h) 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 (i) has a gradient not steeper than 1 in 10; and (j) is not used for vehicle access or parking.		
10.4.4 Sunlight and overshadowing of all	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	Living room windows	Yes

dwellings	Diagram 10.4.4A).		
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 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.	Not to the north	Yes
	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.		
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Not within 12m	Yes
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with	The decks of the three adjoining dwellings are adjacent but separated by a stairway and a 2m high wall	Yes

	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.		
	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	The closest windows are two bedroom windows of Unit1 and a bedroom window of the freestanding dwelling which are at least 3m from the respective side boundaries.	Yes

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

	(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).	None proposed	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 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	Each unit would store the bins in the garage	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.		NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.		Y

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.		NA
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.		NA
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.		NA

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		NA
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.		Y
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.		NA
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		NA

E6.0 Parking and Access Code

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			

Standard	Acceptable Solution	Proposed	Complies?
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.	10 spaces, one surplus With the length of the access and its steep gradient visitor parking should not be reliant on On-street parking. The additional parking space could negate difficult pedestrian access.	Discretion
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.		NA
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		NA

Standard	Acceptable Solution	Proposed	Complies?
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		NA
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		Y
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		NA
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an	Width of access restricts the construction of a passing bay. The access length is 37m. but clear site from the western end of the driveway will prevent any	Discretion

Standard	Acceptable Solution	Proposed	Complies?
	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.	unreasonable interference with traffic flow to and from the site.	
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.		Y
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.		Y
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		Y

Standard	Acceptable Solution	Proposed	Complies?
	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.	Conditioned	N
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.		
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;		NA

Standard	Acceptable Solution	Proposed	Complies?
	(a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.		
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		NA
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.		NA
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.		Y
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;		

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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.		

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.		Y
	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 m²; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	Conditioned	N
	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.	Conditioned	N

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

Attachments/Annexures

- 1**  Attachment - PLN-18-090 - 8 Jasanda Drive Montrose