

GLENORCHY PLANNING AUTHORITY

AGENDA

MONDAY, 16 OCTOBER 2017



GLENORCHY CITY COUNCIL

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

Chairperson: Commissioner Sue Smith

Hour: 3.00 p.m.

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1. PLANNING AUTHORITY DECLARATION

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 18 September 2017 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - SIX MULTIPLE DWELLINGS (RESIDENTIAL) RELYING ON PERFORMANCE CRITERIA - 34A, 34B AND 34C CARNEGIE STREET, CLAREMONT

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3024868

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-157
<i>Applicant:</i>	C L Andrews & Associates Pty Ltd
<i>Owner:</i>	M W Jones and T Wright
<i>Zone:</i>	General Residential
<i>Use Class:</i>	Multiple Dwelling Units
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	10.4.6 A2 Privacy for all dwellings E.5.1A3 Existing Road Accesses and Junctions E6.7.3 A1 Vehicular Passing Areas Along an Access (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	16 Oct 2017 extension of time granted
<i>Existing Land Use:</i>	Vacant
<i>Proposal In Brief:</i>	Multiple dwellings (6) (Residential) relying on performance criteria
<i>Representations:</i>	4
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The application is for six dwellings at a vacant site within the General Residential Zone. It is intended to stage the proposed development in three stages. The arrangement of the dwellings would be three on either side of a central driveway. The proposal provides for fourteen parking spaces altogether, two for each dwelling and two visitor spaces. A portion of the driveway that services the dwellings would be over an existing 'Right of Way'. Works would be necessary within the 'right of way' for upgrades to achieve the required standard to service the proposed development. The proposed layout is shown in Figure 1 below.



Figure 1: Proposal Plan – Andrews & Associates PTY. LTD.

The dwellings would be built into a slope so as to be partially double storey. Units 1-3 would have two bedrooms and open plan living on the ground floor and a third bedroom, rumpus room and integrated single garage underneath. Units 4-6 would have a similar design, except that there would be no garages. Each dwelling would have an area of private outdoor space, directly accessible from a living room or rumpus room which is reasonably level. The design of all dwellings is similar and is shown in Figure 2 below.

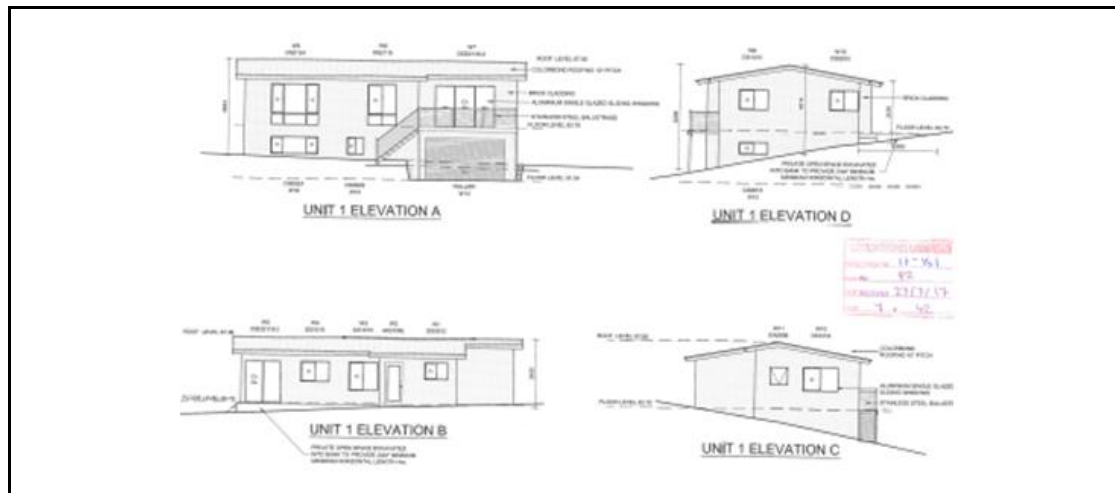


Figure 2: Proposed Elevations - Andrews & Associates PTY. LTD

SITE and LOCALITY

The subject property is located on the western side of Carnegie Street. The property is known as 34A Carnegie Street, however the neighbouring properties at 32B and 32C Carnegie Street form part of the proposal because the application includes works over a shared 'Right of Way'. Therefore, the following titles are affected CT 158746/2; CT145182/48; and CT145182/49. The property is shown in Figure 3 below.



Figure 3: Subject Property - Council Database 2016

The property at 34A Carnegie Street is an internal lot, situated behind a row of dwellings fronting Carnegie Street. The property has an irregular shape of 3332m² with eastern aspect on the side of a small hill. The lot has a moderate to steep slope. The property is vacant, with no standing vegetation. There is an existing driveway over the access strips of 32B and 32C Carnegie Street, which are also internal lots.

The locality is characterised by residential development, as well as undeveloped land in the vicinity of a small hill. The property adjoins six properties. The properties to the east contain a row of houses facing Carnegie Street, with backyards adjoining the common boundary. The property adjoining to the south and west comprise vacant land with a few scattered trees. On the northern side there is an access strip adjoining the common property with a house situated further to the west. There is a small portion of public road extending between the properties at 34 and 32 Carnegie Street, followed by a private driveway.

ZONE

The subject property lies within the General Residential Zone. The neighbouring properties in locality are also situated within the General Residential Zone as shown in red in Figure 3 below.

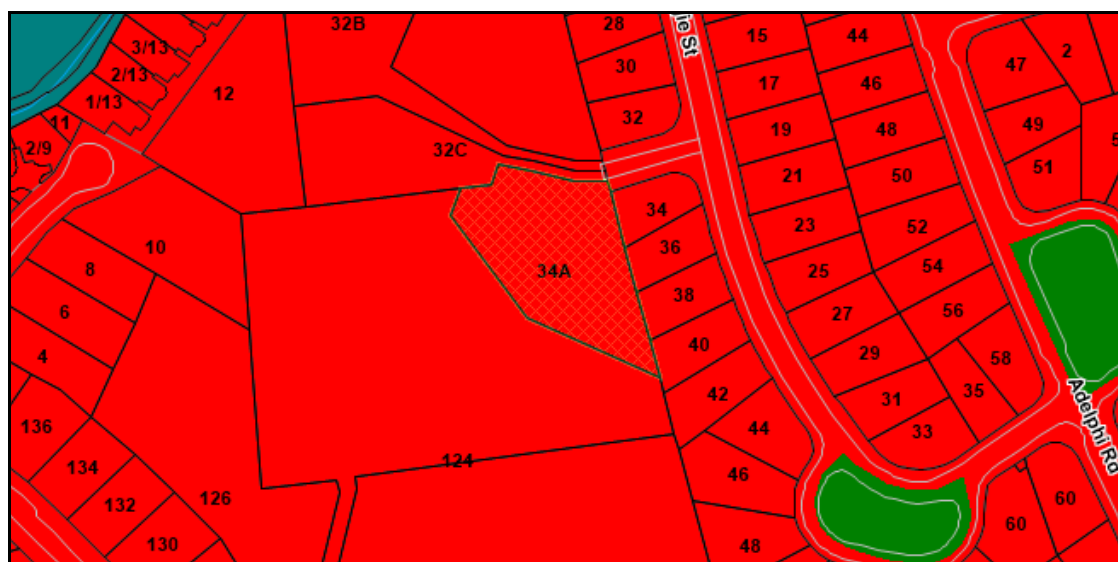


Figure 4: Zoning Map - GIPS 2016

BACKGROUND

Application

The application involves adjacent land over which there is a 'Right of Way'. Therefore, the land at 32B and 32C Carnegie Street is also part of the application. Council received confirmation that the respective land owners have been notified, in accordance with Section 52 of the *Land Use Planning and Approvals Act 1993*. In addition, the Applicant also signed a declaration to this effect as part of the application.

Titles

The property at 34A Carnegie Street has a 'Right of Way' over the access strips of the neighbouring properties at 34B and 34C Carnegie Street, whilst the neighbouring properties have a right of way in turn over a 3.6m wide strip of 34A Carnegie Street.

The title plan that shows the 'Right of Way' is SP145182, which in turn refers to a historic plan for 34A Carnegie Street, which is SP140064 where the right of way is listed. The land shown in SP140064 is a large area prior to subdivision and includes the land at the current addresses of 124, 126 and 128-138 Branscombe Road, 4-12 Bateman Court, 16, 18, 32 A, 32B and 32C Carnegie Street. The property at the rear at 124 Branscombe Road (CT158746/1) also has a right of way over the 34A Carnegie at the north-western corner, connecting to the top of the private driveway. Figure 3 shows the title plans for SP145182 and SP158746.

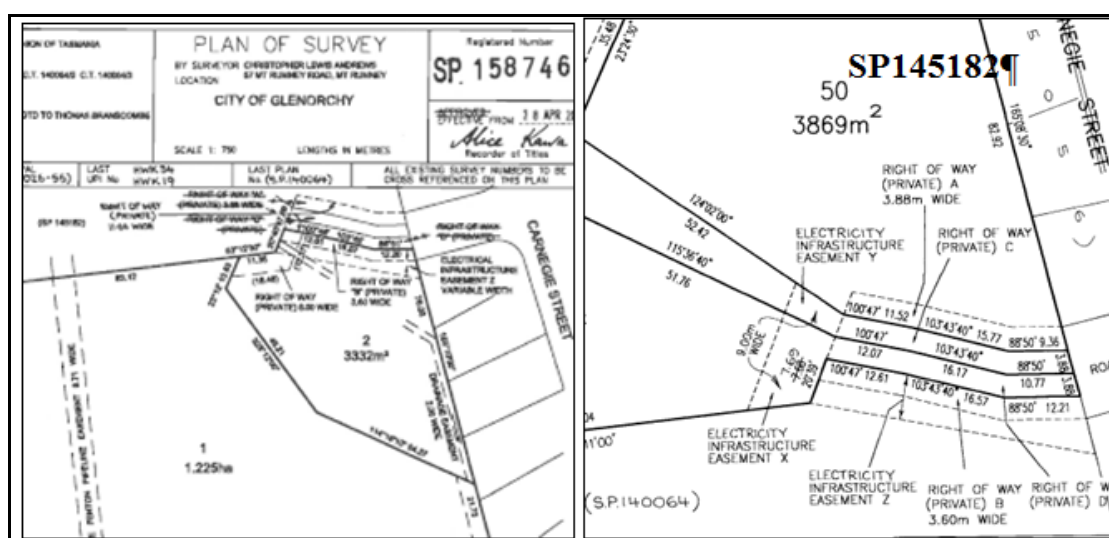


Figure 5: Right of Way – Sealed Plans 158746 and 145182 (Lot 2 is 34A Carnegie Street)

Right of Way

The application relies on a 'right of way' for access, which would require upgrade works. The *Conveyancing and Law of Property Act 1884* in Schedule 8 defines the rights of carriage way as follows:

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorized by him, to go, pass, and repass at all times and for all purposes with or without animals or vehicles or both to and from the said dominant tenement or any such part thereof.

Council received representation concerned that no permission was sought from the owners of the dominant tenement (the land on each title which is burdened by the right of way) for the proposal. In terms of any planning permit, only notification is required under Section 52 of the *Land Use Planning and Approvals Act 1993*, which has occurred. Therefore, the Applicant fulfilled the obligations of the Act and nothing further is required for the Planning Authority to determine the planning permit application in this regard.

In terms of carrying out works on site, the issue of permission, management and maintenance of the works is a matter between the affected parties. The access would require upgrading to meet certain requirements so that there would be works within the 'Right of Way'. In order to provide some general information, a paragraph of legal advice which was on file is reproduced below. Council received a legal opinion on a different matter concerned with works within a 'Right of Way'. This opinion contains the following paragraph:

The first thing to state is that, as a matter of law, any person who has the benefit of a right-of-carriageway is entitled to remake, to maintain it, and to reconstruct it at their expense. No permission is required from other users of that right-of-carriageway or from an underlying land owner whose land is burdened by the right-of-carriageway. The only requirement for permission is a requirement for permission by way of a permit from the Council if the development works within the right-of-carriageway require the developer to obtain a permit.

Simmons Wolfhagen 09/04/2009 ref 8 90147jpt

Given the above, it appears that some rights exist for the applicant. However, each landowner would have to rely on their own legal advice, in particular with regards to the scope of the works, as permission to do any works is outside the considerations of this planning permit application.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil

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

No Specific Area Plan applies.

The following codes apply and prevail over the relevant Zone provisions if there is any conflict.

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

Use Class Description (Table 8.2):

The application proposes six dwellings which fall under the use class Residential (Multiple Dwellings) as 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 (Clause 4.1):

The following definitions in 4.1 are relevant:

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 (Clause 8.8)

The application is discretionary under Clause 8.8 as follows:

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

- the use is within a use class specified in the applicable Use Table as being a use which is discretionary;*
- the use or development complies with each applicable standard but relies upon a performance criterion to do so; or*
- it is discretionary under any other provision of the planning scheme,*
- 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:

- 10.4.6 A2 Privacy for all dwellings

- E.5.1A3 Existing Road Accesses and Junctions
- E6.7.3 A1 Vehicular Passing Areas Along an Access traffic

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. The proposal would provide an alternative dwelling type to the predominant single dwelling type within the locality and therefore satisfies the zone purpose.

Use Table

The use class Residential (Multiple Dwellings) is otherwise classified as *permitted*. However, the application is discretionary pursuant to subclause 8.8.1 (b), owing to the reliance of the proposal on the Performance Criteria of an applicable standard.

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

10.4.6 A2 Privacy for all dwellings

The proposal does not meet the Acceptable Solution in A2 in regards to window separation and offsets from a dwelling opposite, which requires separation of 6m or an offset of at least 1.5m from the edge of the window. In addition, separation from a window to the neighbouring private outdoor space of 6m is also required.

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

10.4.6 P2 Privacy for all dwellings

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

- (a) window or glazed door, to a habitable room of another dwelling; and*
- (b) the private open space of another dwelling; and*
- (c) an adjoining vacant residential lot.*

Comment:

The proposed dwellings are arranged in two rows of three, aligned from north to south. The row on the western side is stepped so that there is only a small overlap of the dwellings in front of one another.

Units 4 to 6, to the east, have a separation of more than 6m and comply with the Acceptable Solution.

Units 1 to 3 have a separation of less than 6m from neighbouring private outdoor space and between opposite windows. The windows of these dwellings are not 1.5m offset.

The separation between windows and private outdoor space of Unit 1 and Unit 2 is 3.18m and between Unit 2 and Unit 3 is 3m. The facing windows of Unit 1 and Unit 2 are offset by 0.2m, so that the western edge and the eastern edge of the windows are opposite. The windows for Unit 2 and Unit 3 have no offset, so that the western edge and the eastern edge of the windows are opposite. The windows do not have a sill height of 1.7m or any screening. Only the south facing windows of Unit 1 and Unit 2 have a floor level of more than 1m above NGL, whilst the facing windows have a floor level of less than 1m above NGL.

The south windows of Unit 1 and Unit 2 are bedroom windows, which would overlook the neighbouring private outdoor space and part of the window opposite despite the stepped alignment. As such, it is recommended that these windows be screened to a height of 1.7m above floor level. A condition to this effect is recommended.

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

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

E.5.1A3 Existing Road Accesses and Junctions

The proposal does not meet the Acceptable Solution in E5.5.1 A3 which is as follows:

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

The proposal therefore relies on the related Performance Criteria as follows:

E.5.1P3 Existing Road Accesses and Junctions

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

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

Comment

The application includes a Traffic Impact Assessment (TIA). According to the TIA, traffic generation would be 5 trips per dwelling (30 vehicle movements) per day, which is more than 20% increase in the Acceptable Solution E5.5.1 A1 above. The TIA addressed the Performance Criteria and concluded that: 'The traffic generated will not have any significant adverse impacts on traffic efficiency of the access and its junction with Carnegie Street'. Traffic would also be compatible with the existing traffic in the surrounding road network. Council's Engineering Assessment, which is included later in this report, agrees with the conclusion of the TIA and the proposal is assessed as in accordance with the above Performance Criteria.

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

E5.6.4 A1 Sight Distances at Accesses, Junctions and Level Crossings

A representation raised concerns about sight distances, which are regulated in Road and Railway Assets Code in standard E5.6.4 Sight distance at accesses, junctions and level crossings.

The proposal is assessed as meeting the Acceptable Solution in E5.6.4 A1, which complies and there is no discretion. For further comments, please refer to Engineering Assessment later in this report and to the attached Appendix.

E6.0 Access and Parking Code

E6.6.1 Number of Car Parking Spaces

The proposal provides for fourteen car parking spaces which complies with the Acceptable Solution in E6.1 Number of Car Parking Spaces Required. Therefore, there is no discretion in this regard.

E6.7.3 Vehicular Passing Areas Along an Access

The proposal does not meet the Acceptable Solution in E6.7.3A1 Vehicular Passing Areas Along an Access, which is as follows:

Vehicular passing areas must:

- (a) be provided if any of the following applies to an access:*
 - (i) it serves more than 5 car parking spaces;*
 - (ii) is more than 30 m long;*
 - (iii) it meets a road serving more than 6000 vehicles per day;*
- (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;*
- (c) have the first passing area constructed at the kerb;*
- (d) be at intervals of no more than 30 m along the access*

There are two driveways as part of this proposal; one is the internal driveway and the other is the driveway connecting from the road to the main body of the lot. Both are more than 30m in length. Carnegie Street is carrying less than 6000 vehicles per day. The internal driveway provides passing bays that meet the Acceptable Solution in E6.7 A1; however the proposal relies on the related Performance Criteria for the driveway over the 'Right of Way'. The Performance Criteria is 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 Traffic Impact Assessment (TIA) addressed the above Performance Criteria and concluded that there would be excellent sight distances available and there would be very low traffic as there would be only 3 vehicles per hour approximately during peak periods as the proposal is for a residential use. Council's Engineering Assessment, which is included later in this report, agrees with the conclusion of the TIA and the proposal is assessed as in accordance with the above Performance Criteria.

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

Other Standards

The proposal accords with all other Acceptable Solutions relating to traffic, parking and access in of the E5.0 Road and Railway Assets Code and the E6.0 Access and Parking Code as demonstrated in the attached Appendix.

E7.0 Stormwater Management Code

The proposal accords with all relevant Acceptable Solutions of the Stormwater Management Code as demonstrated in the attached Appendix, so that there is no discretion. Of particular relevance in respect to concerns raised by representations is the standard in E7.7.1A1 Stormwater Drainage and Disposal that is as follows:

- *Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure*

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

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS**Development Engineer*****Comments***

The application is for six multiple dwellings.

E5.0 Road and Railway Assets Code

This Code applies to use or development of land:

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

The Traffic Impact Assessment (TIA) has concluded the surrounding road network is able to adequately absorb the relatively low amount of traffic generated by the proposed development, noting particularly that the peak hour flow increases in Carnegie Street and connecting roads is likely to be in the order of three vehicles per hour during peak periods.

The TIA also assesses road safety performance of the road network and does not indicate that there are any current road safety deficiencies that might be exacerbated by the proposed development.

Adequate sight distance is available at the access/intersection to Carnegie Street in relation to the prevailing vehicle speeds and speed limit of 50-km/h.

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

E6.0 Parking and Access Code

This code applies to all use and development.

Fourteen (14) car parking spaces are proposed to be provided and this satisfies the parking provision of the Acceptable Solution A1 of Clause E6.6.1 of the Glenorchy Interim Planning Scheme 2015 (GIPS).

The applicant provided a Traffic Impact Assessment (TIA) that addressed the requirements of the Scheme and other traffic engineering issues and concluded the proposed development is supported on traffic grounds. The report and findings from the TIA are supported by Council's Traffic Engineer and addresses the Acceptable Solution of Glenorchy Interim Planning Scheme 2015.

Adequate on-site turning is provided so that vehicles can exit the site in a forward direction and adequate passing areas are proposed internally at key locations and comply with the Glenorchy Interim Planning Scheme 2015 clause 6.7.4.

Currently 32A, 32B & 32C are accessed via an unsealed driveway which is shared between the three properties. This access has grades up to 25% that is the maximum desirable grade for a residential domestic driveway. A domestic driveway is defined as serving not more than three dwellings however, with the inclusion of the following recommendations, it is considered the shared access will be safe and sustainable.

- The access to the development within the shared Right Of Way (ROW) is recommended to be upgraded with an approved impervious surface treatment. The minimum width of the access is recommended to be in accordance with the findings of the TIA of 3.0 metres. Passing bays 6.0 metres long and 5.5 metres wide (excluding tapers) at maximum 30 metre intervals. GIPS requires the first passing bay constructed at the kerb however, in this arrangement to access Council road, it is at the end of a Council maintained road and there is no kerb within the access handle to the shared ROW.

The existing Council maintained access handle to the ROW is a straight section approximately 35 metres long x approximately 5.0 metres wide. This area of Council road is considered adequate to allow for vehicle passing. The length of driveway to service the proposed development from the end of the Council maintained section of road to the proposed development access is approximately 30 metres long. It is considered reasonable with the findings of the TIA that no passing bay within this area is required and the performance criteria of clause E6.7.3 can be satisfied, considering this section of access has excellent sight distance in both directions along the full length of the access and that vehicle movements are expected to be significantly lower than 30 vehicle movements per hour to justify a passing bay (estimated to be approximately 5 vehicles per hour during peak periods when considering the existing residential dwellings west of the site).

- It is recommended that due to the anticipated increase in foot traffic, a separate stairway/walkway minimum 1.0m wide is recommended to be provided for safety where the longitudinal driveway/access grades are in excess of 16% (1 in 6.25) and it is recommended the design and construction comply with AS 1657-2013 (Design and construction of walkways and stairways).

A representation raised safety concerns regarding the steepness of the access road within the ROW. It is considered the access will not exceed the maximum desirable grade of 25% for an access regulated under AS2890.1 Off Street Car parking. With the addition of a separate footpath and stairs for foot traffic and excellent sight distance, it is considered this will be an acceptable safety risk.

A representation raised concerns about increase in water run-off. All new impervious surfaces will be required to be directed to internal underground stormwater and connected to Council infrastructure as required by the Urban Drainage Act 2013. Water run-off onto adjacent downstream properties will not be exceeded for certain storm events, once construction of the proposed development is completed and is not considered to be of concern.

A representation also raised concerns about additional vehicles contributing towards deterioration of Carnegie Street road pavement, existing potholes and the capability of the network to carry extra traffic. It is considered the additional traffic that would be generated as a result of the proposed dwellings would not make any significant contribution to reducing the design life of the road pavement. However, some increase in deterioration of the local road pavement may occur as a result of the proposed development. This is considered to be the responsibility of Council to increase maintenance intervention levels as a result of increase in demand on road pavements within a growing city. The TIA submitted with the Planning Permit Application determined that there are no pre-existing road safety deficiencies in the surrounding transport network that might be exacerbated by traffic generated by the proposed development.

A representor was also concerned about the possible extensive excavation of the site and possible earth movement. Any concerns about stability is not considered to be a planning related issue and will be addressed during the building approval process, where soil testing of the site is undertaken to determine and address soil stability of any new dwelling/s.

E7.0 Stormwater Management Code

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

There are no GCC stormwater mains affected by this application. A DN150 stormwater connection is available at the low point of the lot.

Water sensitive urban design principles (stormwater treatment via bio-retention basin/swales) are required to satisfy Glenorchy Interim Planning Scheme 2015 of Clause E7.1 A2 and Clause E.6.7.8 Landscaping of Parking Areas. It is recommended that conditions of approval include these requirements to be later approved by Council's Development Engineer prior to building approval.

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 are no waterways and coastal protection issues identified that affect this application

E15.0 Inundation Prone Areas Code

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

Waste Management Officer

Comments:

Waste services would be Council's shared bin service, collected weekly. The wheelie bins should be stored in a bin enclosure within the property boundary and are not to be taken to individual dwellings. All wheelie bins should be placed on the existing kerbside in Carnegie Street for collection. A condition for a bin enclosure and an advice clause outlining level of waste service is recommended.

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 4 representation(s) being received. The issues raised are as follows:

1. Right of way

The representors states that:

- Ongoing maintenance of the 'right of way' would be an increased burden and that there are no legal documents in place in regards to responsibilities for maintaining the right of way.
- On several occasions there was an approach for negotiations about upgrade works, which was declined each time. It is assumed that consent from all affected parties would be required.
- The measurements of the 'right of way' shown on the proposal plans differ to what is shown on the title.

Planner's Comment:

In terms of carrying out works on site, the issue of permission, management and maintenance of the works is a matter between the affected parties and is outside the consideration for determining this application. Further comments in this regards have already been provided elsewhere in this report. In terms of the width of the 'Right of Way', each portion is 3.6m wide on the title and is shown correctly on the proposal plans.

2. Private Road Construction

The representor states that:

- The private road would not be wide enough for passing
- There would be no footpaths or lighting which would affect pedestrian safety
- There would be a crossover kerb that we would need to pass to get to our property
- The driveway is steeper than the required gradient

Planner's Comment:

The driveway meets all of the required standards. There is discretion in regards to the passing bays as the proposal relies on the Performance Criteria to comply. However, the proposal meets the Performance Criteria because there are sufficient sight distances available and because there are not a high number of vehicular movements, as discussed earlier in this report.

In terms of a footpath, there will be a requirement for a footpath because of the steepness of the grade of the driveway within the 'Right of Way'. Lighting would also be required.

In regards to any crossover kerb, there will be a difference in surface treatments between the driveway serving the proposed development and the remainder of the driveway within the 'Right of Way', however there will be no crossover kerb between the two sections.

3. Runoff

The representors states that:

- Existing runoff can be extensive during heavy rain for the properties downhill of the proposed development. We are concerned that additional roadways, paths and driveways will increase the amount of runoff.

Planner's Comment

Any development must dispose of stormwater from new impervious surfaces by gravity to public stormwater infrastructure. The proposal meets the standard in this regards as discussed elsewhere in this report.

4. Land Stability

The representor states that:

- Extensive excavation works would be required due to the steepness of the land, as an example the property at 18 Carnegie Street looks like a 'mining site'. We feel earth movement could result in unknown damage to neighbouring properties.

Planner's Comment

The Engineering Assessment earlier in this report explains that any earthworks would be controlled as part of any Building Permit Application process.

5. Parking

The representor states that:

- The provision of two parking spaces for visitors would not be sufficient and that there would be no capacity within the small section of public road, off Carnegie Street.
- Concentration of parking as a result of limited visitor parking at the site in Carnegie Street near the access road so that there would be limited visibility when coming from Boxhill Road as there is a slight incline.

Planner's Comment:

The proposal meets the parking standard for visitor parking and the proposal meets the standard for sight distances as discussed elsewhere in this report.

6. Traffic

The representor states that:

- The road access is not capable of carrying extra traffic. In addition, more traffic would create congestion in Carnegie Street.

Planner's Comment:

The applicant has submitted a Traffic Impact Assessment that demonstrates that the existing access and the affected road network have sufficient capacity for the demand generated by the proposal. Council's Engineering Assessment is in agreement. The issue is further discussed elsewhere in this report.

7. Waste Management

The representor states that:

- The bin storage areas are shown on the plan but it is not clear where the bins will be collected from, the access road would not be suitable for bin placement.

Planner's Comment:

The bins will be placed along Carnegie Street. There will be shared bins so as to reduce the number of bins. The issue is further discussed in an earlier section of this report.

CONCLUSION

The application is for six dwellings on a vacant site within the General Residential Zone. The use falls under the use class Residential (Multiple Dwellings) which is otherwise permitted within the zone. However, the application is discretionary as it relies on Performance Criteria to comply with some applicable standards. The proposal invokes discretions in relation to separation of dwellings; passing bays within a 'Right of Way'; and a traffic increase of more than 20%. These discretions are assessed as meeting the relevant Performance Criteria as detailed within the report and the proposal therefore complies.

The application was advertised for the statutory 14-day period and four representations were received. The issues raised were as follows: Right of Way; private road construction; runoff; land stability; parking; and waste management.

Each of the concerns is addressed within the report and conditions are recommended in regard to some of the concerns.

Overall, the proposal is acceptable and meets all relevant standards.

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 Six Multiple Dwellings (Residential) relying on performance criteria at 34A, 34B and 34C Carnegie Street, Claremont, subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-157 and Drawing No. P2 submitted on 27/07/17 pages 1-42 and Drawing P3 submitted on 17/08/17 page1, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

3. The development must only occur in the following stages, as shown on the approved plans:
 - Stage 1: Unit 1
 - Stage 2: Unit 2 and 6
 - Stage 3: Unit 3, 4 and 5
4. The south windows of bedrooms 1 of Unit 1 and Unit 2 must be screened or made opaque to a height of 1.7 above floor level to prevent overlooking of neighbouring windows and private outdoor space. This requirement must be shown on plans submitted in association with a building permit application and must then be installed prior to occupancy and further remain for the life of the use.
5. Private outdoor space of at least 24m², with a minimum width of 4m and a maximum grade of 1:10 must be provided for each dwelling as shown in the approved plan.

Engineering

6. 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.
7. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
8. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition, finished levels and stormwater treatment details, must be submitted with the Building Permit Application for approval by Council's Development Engineer. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.
9. Internal driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to completion of each stage and prior to occupancy of any dwelling within each stage. All runoff from paved and driveway areas must be retained within site boundaries and discharged into Council's stormwater system. Construction details must generally be in accordance with Council's standard requirements. The driveway, parking and manoeuvring areas must be kept clear of obstructions, such as service authority infrastructure, letterboxes or bin enclosures, so that vehicle paths are not restricted.

10. The access strip to the development, within the shared Right Of Way (ROW), must be upgraded prior to a certificate of occupancy being issued for dwellings in Stage 2, with an approved impervious surface treatment, with the minimum width of the access strip being 3.0 metres. The access strip must include stairway/walkway, minimum 1.0m wide. The stairway/walkway must be provided for longitudinal driveway/access grades in excess of 16% (1 in 6.25) and must comply with AS 1657-2013 (Design and construction of walkways and stairways).
11. Fourteen (14) clearly marked car parking spaces must be provided and kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking. In areas set aside for car parking, securely fixed wheel stops or kerbing must be provided to the satisfaction of Council to prevent damage to fences or landscaped areas. A minimum of two (2) car parking spaces must be provided for Stage 1, seven (7) at completion of Stage 2; and the remaining five (5) at the completion of Stage 3. All car parking spaces must be completed prior to a Certificate of Occupancy being issued for each dwelling contained in each stage.
12. Barriers compliant with the Australian Standard AS 1170.1 must be installed to prevent vehicles running off the edge of a carriageway, parking area, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater. Barriers must not limit the width of the driveway access or parking and turning areas approved under this permit. All works required by this condition must be installed prior to the occupancy of each dwelling within the relevant stage.
13. Lighting must be provided for the carpark and walkways in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and completed prior to occupancy of any of the dwelling units within stage 2 or 3.
14. Landscaping must be provided for no less than 5% of the area of the carpark area to improve visual amenity. The landscaping must be incorporated into the development and be approved by Council's Development Engineer prior to a certificate of occupancy being issued for stage 2.
15. Water sensitive urban design principles for the treatment of stormwater discharging from the development must be incorporated into the development. Detailed plans showing this requirement must be submitted and be approved by Council's Development Engineer prior to building approval and must be completed prior to a Certificate of Occupancy for Stage 2.

Waste Management

16. The wheelie bins must be stored in a bin enclosure within the property boundary and are not to be taken to individual dwellings. The design for the bin enclosure must comply with the following:
 - (a) it must be built on a flat surface with a concrete base/pad and surround of a brick or painted block enclosure or other suitable material to Council's approval,
 - (b) it must have concrete at the entrance to the bin enclosure;
 - (c) it must suit 4 x 240L wheelie bins of size 1100 height x 600mm wide x 800mm deep and must allow for 500mm space in between each bin;

- (d) recommended minimum height of the enclosure is 1200mm and minimum recommended depth is 930mm;
 - (e) the front of the enclosure should face the internal access driveway, and be left open throughout the length of the bin enclosure to enable the bins to be removed, and returned in a safe and efficient manner;
 - (f) there must be no lip on the concrete slab of the bin enclosure;
 - (g) the bin enclosure must be shown on the building plans.
17. The bin enclosure must be constructed prior to occupancy of the dwellings to the satisfaction of Council's Waste Services Co-ordinator.
18. Wheelie bins must not be placed on the 'Right of Way' for collection or within the road section leading off Carnegie Street proper, to the right of way.

Advice to Applicant

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

Waste Management

Six dwellings are eligible for a total of four (4) wheelie bins, two x 240L waste wheelie bins and two x 240L recycling bins collected weekly to be shared by all the six (6) dwellings. Collection of bins will be from the kerbside in Carnegie Street proper.

Other Permits

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

Other Services

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

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 3332m ² /6 = 555m 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	Internal lot	NA

	(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	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	Setback from lot in front 6.852m Setback East: 7.167m Setback Northwest: 4.205m	Yes

	(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	Site coverage: less than 50% POS: Min of 90m ² (Unit 2) Impervious surfaces less than 75%	Yes
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or	Each unit has a minimum area of POS of 4m x 8m, which is directly accessible from the dining room for Units 1-3 and from a rumpus room for Units 4-6.	Yes

	(ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.	The areas nominated for POS would have a grade less than 1:10. The POS areas for Units 1-3 would be orientated to the west, whilst the POS areas for Units 3-6 would be orientated towards the east. Shadow diagrams were submitted to demonstrate that the areas receive at least 3 hours of sunlight to 50% of the area on June 21.	
10.4.4 Sunlight overshadowing of all dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Living room windows are orientated to north	Yes

	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (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.	The arrangement of the units is in two rows, with three units each. The rows are aligned from north to south so that two units of each row would have another unit to the north. Nevertheless, the proposed arrangement allows for either large separation or stepped alignment. Separations between Units 5 and 6 is 7.357m and that for Units 4 and 5 is 9.508m, which complies. Units 1, 2 and 3 are stepped back so that most of the north wall does not have a wall opposite. In addition, there would be at least 3m separation for those units.	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):	Unit 1 and Unit 2 are to the north of neighbouring POS. Unit 1 would have 3.08m separation from the POS of Unit 2. However, the height is more than 3m above NGL, at variable height with a maximum of 4m, so as not to meet (a) (ii). Unit 2 would have 3m separation from the POS of Unit 3. However, the height	Yes

	(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.	is more than 3m above NGL, at variable height with a maximum of 4m so as not to meet (a) (ii). Shadow diagrams were submitted for June 21 which show that more than 50% of the POS of Unit 2 and Unit 3 would receive more than 3hours of sunshine between 9:00am and 3:00pm on that day, which accords with (b)	
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).	Internal lot not within 12m	NA
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:	All units have decks which have at least 11m separation from the neighbouring unit, which accords with (c).	Yes

	(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 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.	Units 4, 5 and 6 Windows between Unit 4 and Unit 5 and between Unit 5 and Unit 6 have separations of 7.357m and 9.508m, which accords with (iii). Units, 1, 2 and 3 Separation between Unit 1 and Unit 2 is 3.08m and between Unit 2 and Unit 3 is 3m. These units are stepped back so that there is little overlap. Facing windows for Unit 1 and Unit 2 are offset by 0.2m, so that the western edge and the eastern edge of the windows are opposite.	Discretion

	(b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	Facing windows for Unit 2 and Unit 3 are offset by 0m, so that the western edge and the eastern edge of the windows are opposite. The windows do not have a sill height of 1.7m or any screen.	
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	The shared driveway and shared parking areas are 2.5m away from a window.	Yes

10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (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).	Fences would not be within 4.5m of a frontage, as the lot is internal, only side fences are 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 m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.	Each unit has its own bin storage; however Waste Management requires a bin enclosure so that bins can be shared, which is conditioned.	Yes

APPENDIX**E5 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard	
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard	
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.		No – P3 Performance Criteria addressed in Traffic Impact Assessment. Discretion

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

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

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

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

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

Standard	Acceptable Solution	Proposed	Complies?
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		No – Performance criteria addressed Discretion
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		Yes
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.		Yes - conditioned

Standard	Acceptable Solution	Proposed	Complies?
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.		Yes - conditioned
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		Yes - conditioned
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.		Yes - conditioned
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not an applicable standard	

Standard	Acceptable Solution	Proposed	Complies?
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Not an applicable standard	
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	Not an applicable standard	
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not an applicable standard	
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not an applicable standard	
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless:	Not an applicable standard	

Standard	Acceptable Solution	Proposed	Complies?
	(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.		
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		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.		Yes - conditioned
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	Not an applicable standard	
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Not an applicable standard	

Attachments/Annexures

- 1  34A, 34B and 34C Carnegie Street, Claremont