

GLENORCHY PLANNING AUTHORITY

AGENDA

MONDAY, 18 JANUARY 2016



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman K. Johnston

Hour: 3.00 p.m.

TABLE OF CONTENTS:

1.	PLANNING AUTHORITY DECLARATION	3
2.	APOLOGIES/LEAVE OF ABSENCE	3
3.	PECUNIARY INTERESTS.....	3
4.	CONFIRMATION OF MINUTES	3
5.	PROPOSED USE AND DEVELOPMENT - TELECOMMUNICATIONS FACILITY, FENCE, EQUIPMENT SHELTER AND WORKS - 29 MERTON STREET, GLENORCHY	4

6.	PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO SPORTS AND RECREATION (TENANCY 002C) WITH PARKING DISCRETION - CENTRO GLENORTHY - 2 COOPER STREET, GLENORCHY.....	27
7.	S.56 AMENDMENT TO PERMIT - SUBDIVISION CREATING 19 LOTS PLUS BALANCE - 191 BLACKSNAKE ROAD, GRANTON.....	45
	CLOSED TO MEMBERS OF THE PUBLIC	48
8.	APPEALS REPORT	48

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 14 December 2015 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - TELECOMMUNICATIONS FACILITY, FENCE, EQUIPMENT SHELTER AND WORKS - 29 MERTON STREET, GLENORCHY
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Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 2623746

REPORT SUMMARY:

Application No.:	PLN-15-235
Applicant:	Service Stream Limited
Owner:	M A Miteff and J S Miteff
Zone:	Environmental Management
Use Class	Utilities
Application Status:	Discretionary
Discretions:	• 29.9 Use Table • E14.7.2 Appearance of Buildings and Works within Scenic Landscape Areas • E19.7.2 Visual Amenity (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension of time granted until 18 Jan 2016
Existing Land Use:	Single Dwelling
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The application proposes a telecommunications tower on private land at the edge of a forested hill in Glenorchy. The proposal comprises a tower, an equipment shelter, a fence and underground cabling.

The proposed tower would have a height of 25m with a triangular headframe comprising six 2.53m long panel antennas which extends the height to a maximum of 26.3m. The equipment shelter would comprise a metal shed (3.2m L x 2.8m W x 2.995m H) within a compound 10 L x 6m W enclosed by a wire mesh fence 2.4m in height. Finishes are proposed in natural and muted colours. Access would be over an existing 3m wide track from Merton Street.

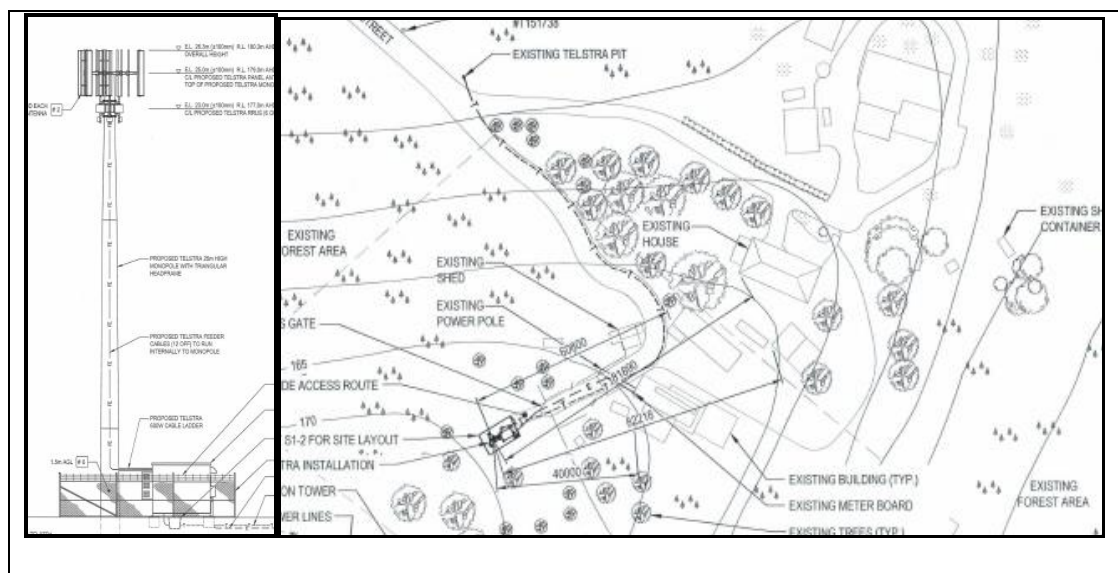


Figure1: Proposed Telecommunications Facility

SITE and LOCALITY

The subject property is situated in an elevated position on the urban fringe of Glenorchy. The property is one of several large private lots on a foothill of Mount Wellington outside Wellington Park. The property is known as 29 Merton Street, Glenorchy and is described in CT 143740/1.

The property has a rectangular shape with an area of 1.81ha and is occupied by a single dwelling and several outbuildings. The property falls steeply towards the east and south. Access is from the southern end of Merton Street over an existing driveway. The property is heavily vegetated in the southern half of the property. The area around the house is mostly cleared with the exception of an occasional tree. There is an electricity transmission line easement that runs over the southern corner of the subject property. A tower for the high voltage electricity lines contained in the easement is located approximately 40m uphill of the proposed telecommunications facility.

The subject property adjoins six other properties, of which four contain single dwellings and two are vacant. The nearest neighbouring dwelling at 31 Merton Street would be approximately 77m away from the proposed telecommunications tower.

The subject property is highlighted in Figure 2.



Figure 2: Subject Property

The site of the proposed tower would be approximately 40m uphill from the nearest part of the house on the same property and in an existing clearing. The site would be at the end of an existing access track and would be screened by trees in front of the proposed tower.

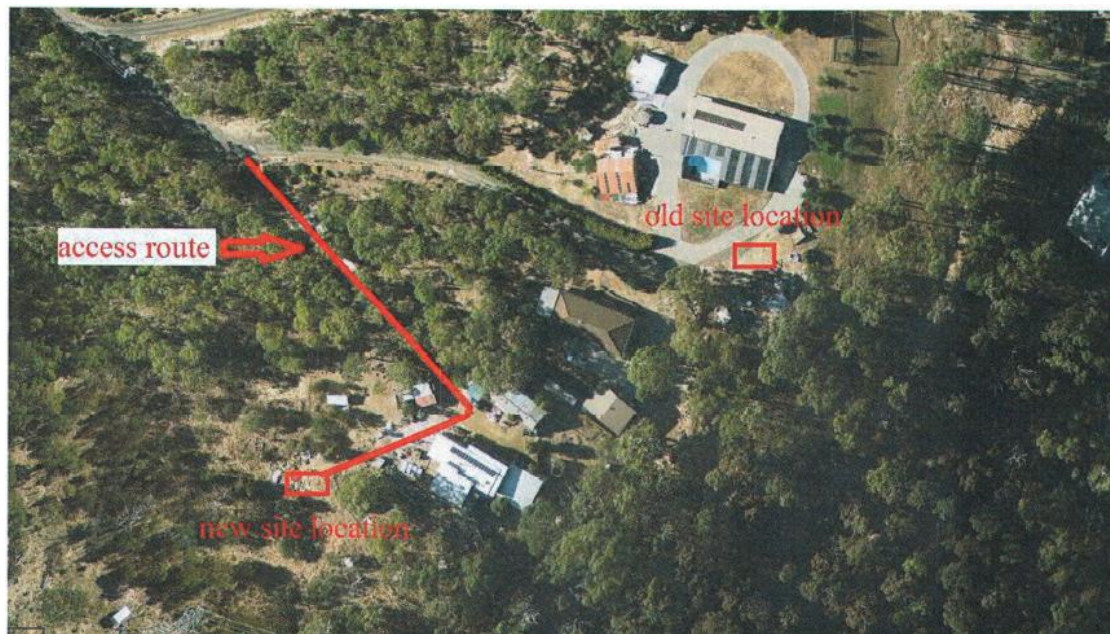


Figure 3: Proposed Site – Servicestream, October 2015 (Figure 5)

ZONE

The subject property is situated within the Environmental Management Zone in 'teal' framed by the General Residential Zone in red and the Low Density Residential Zone 'light coral'.

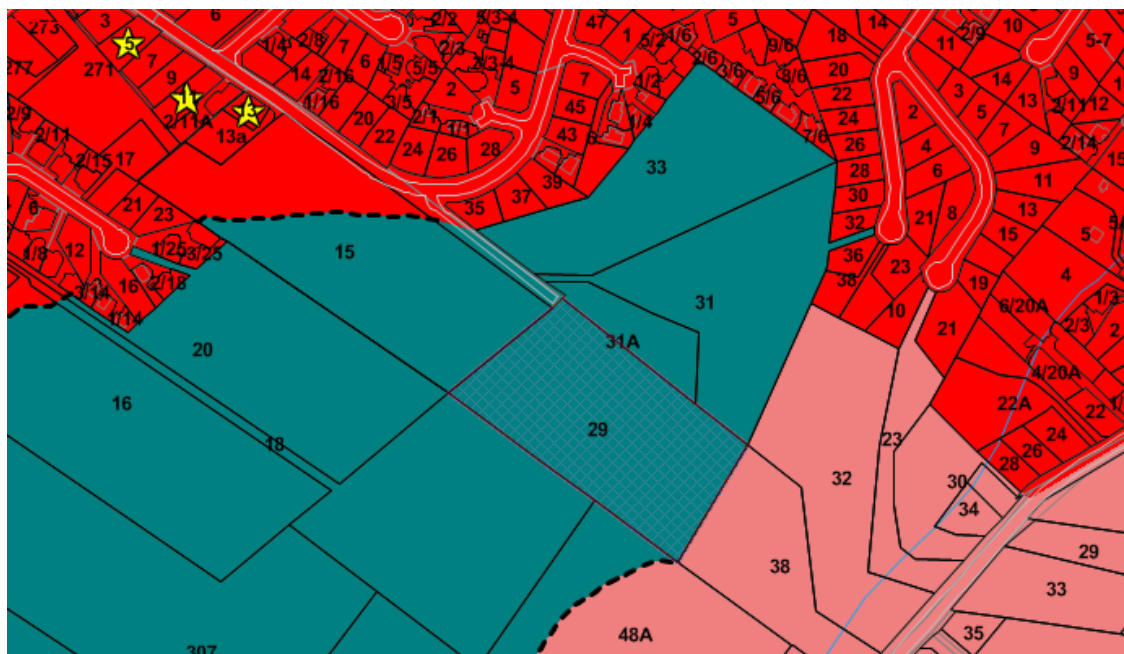


Figure 4: Zoning Map - GIPS 2015

BACKGROUND

Application

This application follows an earlier application (PLN-14-070) on a neighbouring site at 31A Merton Street, which received considerable community opposition. Council approved the application, but the decision was later appealed. During the appeals proceedings the telecommunications company negotiated a new location uphill from the original location on a separate title, which is the property of the current application at 29 Merton Street. The new location could not be dealt with through the Tribunal proceedings as it required a new application. The Tribunal's decision in relation to the earlier application was to 'set aside Council's decision to approve the development application' and 'not issue a permit'.

Community Consultation

The telecommunications provider has sent 45 letters to residences within 200m of the proposed tower prior to lodging this application. The letter explained the application and received one submission which was addressed by the service provider.

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?)

This proposal is for a Telecommunications Facility to which the following applies:

- E19.0 Telecommunications Code
- E8.0 Electricity Transmission Infrastructure Protection Code
- E14.0 Scenic Landscapes Code

Use Class Description (Table 8.2):

The use is classified **Utilities** in Table 8.2 Use Classes and is defined as use of land for utilities and infrastructure including:

- (a) telecommunications;
- (b) electricity generation;
- (c) transmitting or distributing gas, oil, or power;
- (d) transport networks;
- (e) collecting, treating, transmitting, storing or distributing water; or
- (f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.

Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir.

Part C: Special Provisions

There are no Special Provisions applicable.

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 Statement

The purpose of the zone in 29.1.1 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

It is considered that the proposal is in accordance with the above intent, as it would not impact on any natural values other than visual amenity. It is not proposed to remove any vegetation.

Use Table

The use class Utilities is discretionary in 29.2 Use Table and in Clauses 8.8.1 (a) and (b) in relation to a discretionary use and reliance on a Performance Criteria.

Discretions

29.9 Use Table

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

E19.7.2 Visual Amenity

Use Standards

There are no use standards applicable for this proposal in 29.3 Use Standards as the standards only relate to reserved land.

Development Standards for Buildings & Works

The Development Standards in 29.4 are not applicable in this instance, as the standards are provided for in the Telecommunications Code. The provisions in the code prevail over any provisions in a zone if there is a conflict pursuant to Clause 7.3.4 in regards to the operation of codes.

Part E: Codes

The following codes of the Scheme are indicated for this proposal:

E1.0 Bushfire-Prone Areas Code

This code is not applicable under clause E1.2 as the proposed development is not for a habitable building.

E6.0 Parking and Access Code

There is no requirement for the provision of vehicle parking spaces for the use class Utility.

E8.0 Electricity Transmission Infrastructure Protection Code

The Electricity Transmission Infrastructure Protection Code is applicable. The proposal can be conditioned on advice from TasNetworks to comply with the relevant Acceptable Solution in Clause E8.7.1 - A1 Development Within the Electricity Transmission Corridor. The conditions would ensure the proposal is outside the inner protection area, as shown on the submitted plans.

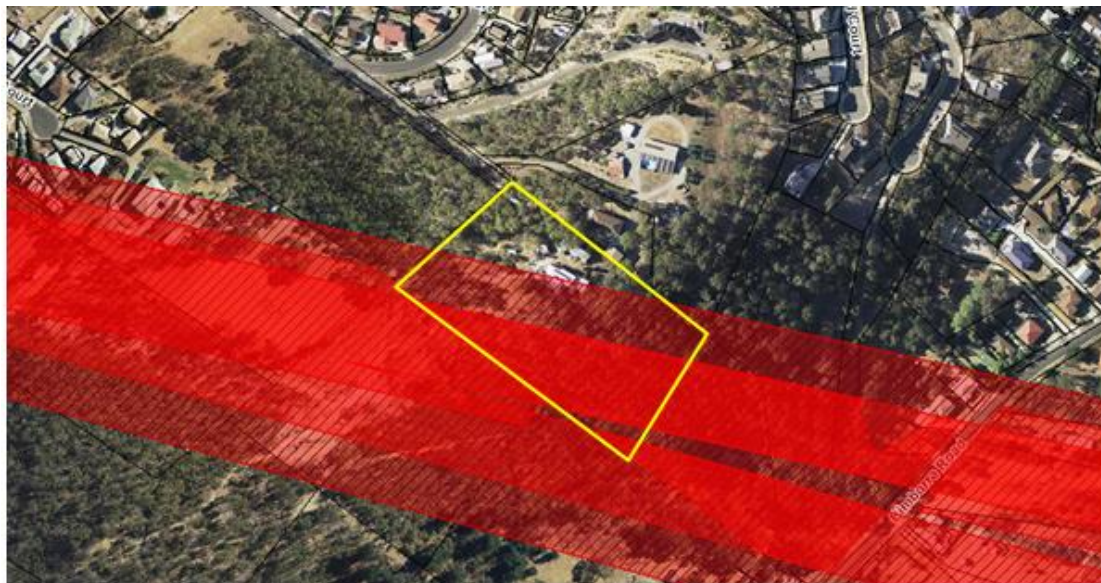


Figure 5: Map E8 Electricity Transmission Infrastructure Protection – LIST map

E9.0 Attenuation Code

The mapping system indicates that the Attenuation Code might apply as the subject land is in proximity to a quarry at 361 Tolosa Street. The shortest distance between the boundary of the subject land and the boundary of the quarry land is approximately 496m². However, the code only applies to a sensitive use such as residential use, for example.

E10.0 Biodiversity Code

The mapping system indicates that the Biodiversity Code might apply. This code applies to development involving clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area. This application does not include the removal of vegetation. Therefore, the code is not applicable.

E14.0 Scenic Landscapes Code

The location of the proposed Telecommunications Facility lies within an area to which the Scenic Landscape Code is applicable as shown in Figure 5.

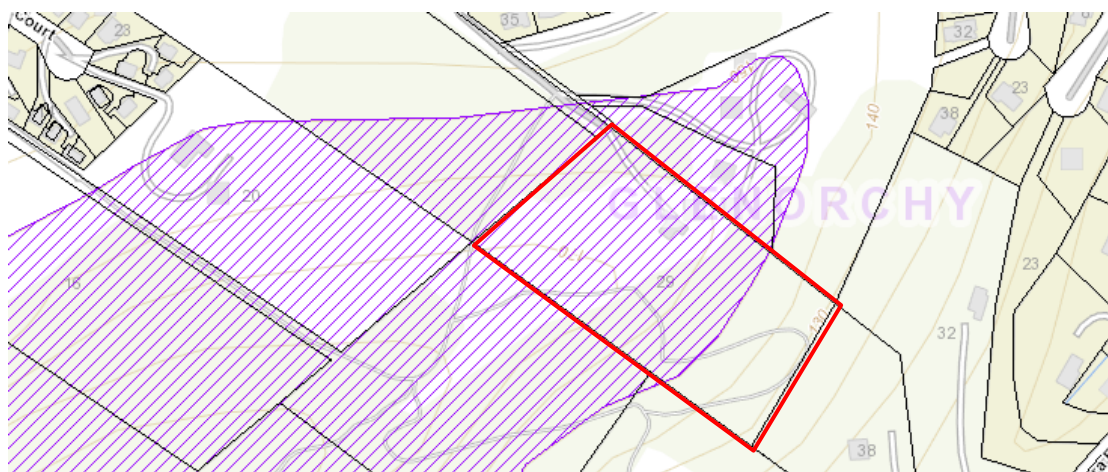


Figure 6: Map E14 Scenic Landscapes – LIST MAP

The proposed telecommunications tower does not comply with the Acceptable Solution in E14.7.2 Appearance of Buildings and Works within the Scenic Landscape Area., which is as follows:

14.7.2 Appearance of Buildings and Works within Scenic Landscape Areas

Objective: To ensure that buildings and works do not cause an unreasonable change to, or have an unreasonable adverse impact on, the scenic landscape value of Scenic Landscape Areas.	
Acceptable Solutions	Performance Criteria
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.	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 definition of buildings includes structures/service installations so the standard above is applicable. The proposed tower would be visible from public spaces owing to its height and would exceed the height of the existing buildings on site. Nevertheless, it is considered that the structure is in accordance with the Performance Criteria, as it would be of a colour that blends with the landscape. The proposed tower would be steel and the equipment shelter would be a 'eucalyptus' green. The proposed tower requires a certain height which can't be minimised, nonetheless the bulk is minimised through slimline construction, which in turn reduces mass and visibility. In addition, the location of the proposed tower takes advantage of existing vegetation to reduce visual impact. Therefore, the proposal is considered in accordance with the Performance Criteria above.

Telecommunications Code

The code contains Development Standards in regards to Shared Use, Visual Amenity (including height), Environmental Values, Access, and Agricultural Land. These issues are addressed in the attached appendix.

In summary the application satisfies the Acceptable Solution for:

Shared Use and Co-location

- Any new tower must be capable of having antennas re-arranged or added to for which there is capacity according to the application.

Visual Amenity – Height

- There is a height maximum of 60m. The proposed height is well below 60m at 25m, with the antennas extending to 26.3m.

Environmental Values

- The proposed telecommunications facility would not be located in any formal conservation reserve. It is also noted that there would be no vegetation removal.

Access

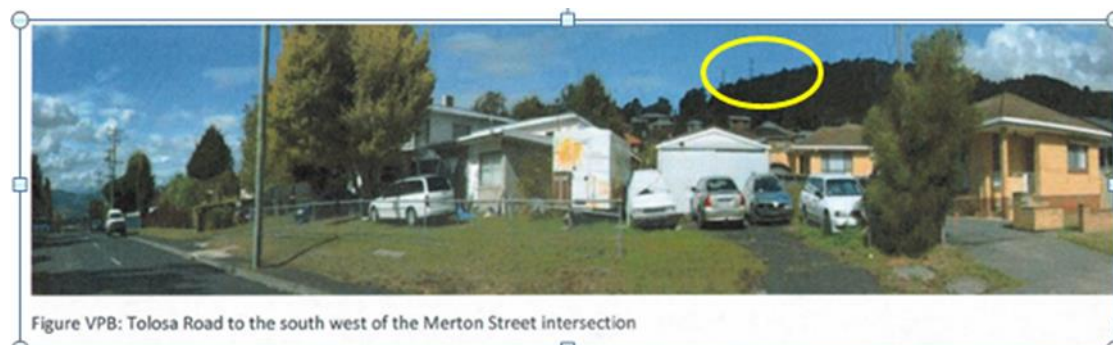
- The proposed telecommunications facility would not impede the movement of vehicles or other modes of transport.

Agricultural Land

- The location of the proposed telecommunications facility would not impact on prime agricultural land.

The proposal relies on the Performance Criteria in relation to E19.7.2 Visual Amenity.

The application contains photographs from an environmental consulting firm showing the nearby electricity transmission tower, to illustrate any potential visual impact, as well as a statement. The statement concludes that there would be a 'low-negligible' impact because nearby residences would not be able to see the tower and further away locations to the north-east would see the tower at a distance and at a lower level than the existing nearby electricity transmission tower. The illustration below shows the view from Tolosa Street.



The standard for Visual Amenity is in Clause E19.7.2 and is as follows:

E19.7.2 Visual Amenity	
Objective:	
To minimise detrimental impact upon the visual amenity of a locality by reducing prominence of telecommunications infrastructure.	
Acceptable Solutions	Performance Criteria
A1 The location of telecommunications infrastructure must comply with all of the following: (a) be within existing utility corridors and sites and use existing infrastructure; (b) be externally finished and maintained in a neutral colour that minimises visual intrusiveness; (c) not: (i) be located on skylines that can be seen in silhouette; (ii) be aligned diagonally to the principal slope of a hill; (iii) cross at a low point of a saddle between hills; (iv) be located around the base of a hill; (v) be along the edge of an existing clearing; (vi) be artificially lit unless required for air navigation safety; (vii) be used for signage purposes, other than necessary warning and equipment information, (d) aerial telecommunication lines or additional supporting structures are erected and operated in residential and commercial areas only where overhead cables exist; (e) equipment housing and other visually intrusive infrastructure is screened from public view.	P1 The location of telecommunications infrastructure not complying with A1 must ensure any detrimental impact upon visual amenity is minimised by reducing the prominence of telecommunications infrastructure, and important public views such as vistas to significant public buildings, streetscapes and heritage areas are protected.

Comment:

The proposal does not comply with the Acceptable Solution in E19.7.2 Visual Amenity in regards to its location outside an existing utility corridor and in relation to the tower being seen as a silhouette.

Nevertheless, it is considered that the proposed location of the telecommunications tower is in close proximity to an existing utility corridor for electricity and close to an existing electricity transmission tower. This would reduce visual impact because both towers would be concentrated in one area.

The proposed telecommunications tower would be seen as a silhouette from a north-easterly viewpoint, such as from Tolosa Street, because it would be situated on a ridgeline of a foothill of Mount Wellington. The view from Tolosa Street, in the vicinity of the intersection with Merton Street, would be a distant view with forest in the foreground, so as to screen a large portion of the tower. The view towards Mount Wellington would not be significantly affected as the tower would be seen against the background of the top portion of the foothill. The proposed tower would be steel which is considered of a neutral colour that minimises visual intrusiveness.



Figure7: Location in the landscape context looking towards Mt. Wellington – Council Database 2013

Overall, it is assessed that the proposal satisfies the Performance Criteria as the prominence of the tower is reduced through its location near an existing tower, through utilisation of existing screening vegetation and neutral colours.

PART F: Specific Area Plans

There is no Specific Area Plan applicable.

INTERNAL REFERRALS

Development Engineer

Traffic, Access & Parking

Access to the site is available from Merton Street via a Council maintained access driveway. Although the access driveway is not constructed to current Council standards, it provides access to only four properties and is considered adequate to support any additional traffic generated by the proposed development.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

Other*Geoscience issues*

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

Flooding/Inundation issues

There are no flooding issues identified through Council records that affect this development.

Environmental Health Officer

Environmental Health has reviewed the report by Service Stream dated October 2015 for this site. The report states how the proposal meets the requirements of the Telecommunications Act 1997 and the Telecommunications Code of Practice 1997.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency responsible for protecting the health and safety of Australians in relation to radiation and potential health effects. ARPANSA scientists review current and new peer reviewed scientific research, international scientific bodies' recommendations, such as the World Health Organisation (WHO), community concern about radiation and international best practice. ARPANSA's role is to protect the health of all Australians, including the elderly, infirm, children and pregnant women from the adverse effects of all types of radiation. The maximum cumulative electromagnetic energy (EME) allowed by ARPANSA is set below the level where health effects are known to exist; and are further reduced by a significant safety margin to factor in a "precautionary approach". The maximum public exposure limit of 100% is allowed by the Australian Federal Government and is deemed safe exposure by ARPANSA. This is further supported by the Tasmanian Planning Tribunal's position on compliance with Australian Safety Standards for EME.

Counter intuitively the maximum level of EME exposure from an installation does not occur immediately beneath it. EME levels are measured in concentric 360° bands from the installation. Maximum exposure levels of EME are usually found 200m to 300m from the tower. The EME level predictions for the site assume worst case scenario when operating at full power. The installation is designed and certified by qualified professionals in accordance with all relevant Australian Standards. Further, equipment is designed to minimise amounts of energy both used and emitted.

The maximum level of EME calculated for the proposed system is 0.91% (i.e. less than 1%) of the public exposure limit.

Noise generated by the facility once constructed will be associated with the air conditioning unit attached to the equipment shelter. This unit emits noise similar to a domestic air conditioner. The report by Service Stream dated October 2015 states that the operational noise levels from the facility would not be noticeable outside of the immediately area surrounding the facility. Due to the site separation between the facility and residential premises it is not expected that the noise will impact on surrounding residence.

The proposed installation meets all State and Federal requirements. Environmental Health has recommended standard conditions.

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.

Other

TasNetworks

TasNetwork's Land Use Planner provided the following comments:

"As discussed, this one is a close call and is made on the assumption that the tower line is indicated on the site plan accurately and our scaling from the proposal plans is accurate.

We have been able to review the attached information and can provide the following advice in relation to this application:

- The tower is proposed to be 26.3 metres in height; however, the information provided does not indicate a distance relative to the closest transmission tower, conductors or easement for these assets. Assuming the tower line is shown in the correct position on the proposal plan and scaling is correct, the tower is proposed for location about 36.0m from TasNetworks' conductors for this transmission asset (see attachment).
- The proposed tower should be a minimum distance from TasNetworks' assets such that if it falls it poses no threat to the nearby electricity transmission infrastructure. Provided the telecommunications tower height is not increased above that proposed (26.3m), and the telecommunications tower is located as indicated by TasNetworks estimated distance (at least 36m from the transmission assets, making it 1.37 x the height – see attachment) TasNetworks has no objection to the proposal proceeding.
- It is requested that a condition of approval be included in any permit issued that requires the following to be provided, prior to commencement of construction:
 - An accurate site plan indicating the distance of the proposed telecommunications tower relative to TasNetworks infrastructure and easement. This plan should also indicate the wayleave easement over this property.
 - If the height of the proposed tower is increased, or the location moves closer to TasNetworks' assets (outside the assumptions above), TasNetworks should be consulted so advice regarding impact on its assets near the proposal can be taken into account.

With respect to future applications of this nature, to more accurately determine the impact of proposals like this on transmission assets, information indicating distances relative to the transmission line easement, towers and conductors would be of great assistance". Conditions are recommended in this regard.

Tasmania Fire Service

The application was referred to Tasmania Fire Service although the Bushfire Code is not applicable to this application. The referral was intended to notify the organisation that there is a telecommunications facility proposed for this location. No comments were received or necessary.

REPRESENTATIONS

The application was advertised for the statutory 14-day period from 02/12/15 to 15/12/15 with one anonymous representation being received. The issues raised are as follows:

1. Health

Concerns were raised that there may be detrimental results to the representor's family.

Planner Comment

The representation did not say in what way the family might be affected, but it is assumed that the issue relates to health. The application was referred to Council's Environmental Health Section, which commented that that any electromagnetic radiation would be a small fraction (less than 1%) of the maximum levels allowable and complies with the regulations administered by the Australian Government.

2. Property Values

Concerns were raised that the proposed telecommunications facility would reduce interest in the representor's property if it were for sale in the future and might dissuade potential buyers.

Planner's Comment:

There was no address included in the representation so that it would be unclear what the proximity of the telecommunications facility would be. However, the issue of property values is not a valid planning issue.

CONCLUSION

The application is for a Telecommunications Facility with a 25m high monopole on a private property with associated infrastructure and works. The site is located approximately 40m uphill from an existing dwelling on the same property and approximately 77m away from the nearest neighbouring dwelling downslope. This location was negotiated as a result of Tribunal proceedings for an application on the neighbouring land. A fresh application is required as the location is on a different property and has a new site context.

This application is discretionary for the use, appearance within scenic landscape area and visual amenity. It is considered that the proposal complies with the performance criteria in relation to each issue. The discretions basically all relate to visual impact. It is considered that the proposed telecommunications tower would not be very visible against the background of the foothill of Mt. Wellington, but would be seen in profile from Tolosa Street, near the intersection with Merton Street. Nevertheless, the view of the tower from Tolosa Street would not be dominant as the tower would be partially screened with vegetation and would be located near an existing electricity transmission tower.

The application was advertised for the statutory 14-day period. One anonymous representation was received. The issues of concern were not very clear but are assumed to relate to potential health impacts and property values. These issues have no planning merit, as the Scheme does not contain related standards. Nevertheless, the application was referred to Council's Environmental Health section which commented that the Australian Government administers regulation for the safety of electromagnetic radiation. The proposal will operate well within the relevant limits.

There are special conditions recommended on the advice of TasNetworks to ensure that there is sufficient separation from the nearby electricity transmission infrastructure in the event that the tower should fall.

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 Telecommunications Facility, Fence, Equipment Shelter and Works at 29 Merton Street Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-15-235 and Drawing No. P2 submitted on 20 November 2015 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. External finishes of the tower and equipment shelter must be in a neutral colour that minimises visual intrusiveness.
4. There must be no clearance, conversion or disturbance of native vegetation without separate approval.

TasNetworks

5. The site plan submitted in association with a Building Permit Application must show the distance between the telecommunications tower and TasNetworks infrastructure and easement. This plan must also indicate the wayleave easement over the subject property. The separation distance must be sufficient to ensure the nearby electricity transmission infrastructure would not be threatened in the event that the tower should fall and must be to the satisfaction of TasNetworks.
6. The height of the telecommunications tower with antennas must not exceed 26.3m, which includes any future antennas and must be no closer than 36m from the transmission assets without the written consent of TasNetworks.

Engineering

7. 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.
8. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
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.

Environmental Health

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

11. Equipment and machinery associated with the development of the site must only be operated during the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 6.00pm
Sunday and Public Holidays	10.00am to 6.00pm

E19 Telecommunications Code

Standard	Acceptable Solution	Proposed	Complies?
E19.7 Development Standards.			
E19.7.1 Shared Use and Co-Location	A1 A new antenna must be located on an existing tower.		NA
	A2 A new tower or mast must be structurally and technically designed to accommodate comparable additional users, including by the rearrangement of existing antenna and the mounting of antenna at different heights.	The proposed tower would have capacity for additional antennas	Complies
E19.7.2 Visual Amenity	A1 The location of telecommunications infrastructure must comply with all of the following: (a) be within existing utility corridors and sites and use existing infrastructure; (b) be externally finished and maintained in a neutral colour that minimises visual intrusiveness; (c) not: (i) be located on skylines that can be seen in silhouette; (ii) be aligned diagonally to the principal slope of a hill; (iii) cross at a low point of a saddle between hills; (iv) be located around the base of a hill;	See report	Discretion

Standard	Acceptable Solution	Proposed	Complies?
	(v) be along the edge of an existing clearing; (vi) be artificially lit unless required for air navigation safety; (vii) be used for signage purposes, other than necessary warning and equipment information, (d) aerial telecommunication lines or additional supporting structures are erected and operated in residential and commercial areas only where overhead cables exist; (e) equipment housing and other visually intrusive infrastructure is screened from public view.		
	A2 Height above natural ground level must be no more than: (a) 60 metres in the <u>Environmental Management</u>, Rural Resource and Significant Agriculture Zones; (b) 45 metres in the General Industrial or Port and Marine Zone; (c) 40 metres in the Central Business, Commercial, Environmental Living, General Business, Major Tourism, Rural Living and Utilities Zones; (d) 20 metres in the Community Purpose, General Residential, Inner Residential, Light Industrial, Local Business, Low Density Residential, Recreation, Urban Mixed Use and Village Zones	The proposed tower is located within the Environmental Management zone and would have a maximum height of 25m and 26.3m to the top of the antennas.	Yes.
E19.7.3 Environmental Values	A1 Telecommunications infrastructure must not be located in an area of environmental significance.	The proposed tower would not be located in any formal conservation area. No vegetation removal is proposed.	Yes.

Standard	Acceptable Solution	Proposed	Complies?
E19.7.4 Access	A1 Telecommunications infrastructure must not impede movement of vehicular and other modes of transport.	The proposed tower would not be near an existing access.	Yes
E19.7.5 Significant Agricultural Land	A1 Telecommunications infrastructure within the Significant Agriculture Zone must be placed on or within 2 metres of property boundaries or fence lines.	Class 6 The proposed location is not on prime agricultural land.	Yes

E14.7 Scenic Landscape 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.	There would be no disturbance of bushland.	Yes.
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.	See Report	Discretion
	A2 Works must not be visible from public spaces.	There would be only minor earthworks, which would not be visible from outside the property	Yes

Attachments/Annexures

- 1** Attachment 1 - 29 Merton Street - Advertised Plans
- 2** Attachment 2 - 29 Merton Street - Map
- 3** Attachment 3 - 29 Merton Street - TasWater Response

6. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO SPORTS AND RECREATION (TENANCY 002C) WITH PARKING DISCRETION - CENTRO GLENORTHY - 2 COOPER STREET, GLENORCHY

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 2831537

REPORT SUMMARY:

Application No.:	PLN-15-265
Applicant:	A Frank
Owner:	The Trust Company (Australia) Limited
Zone:	Central Business
Use Class	Sports and Recreation
Application Status:	Discretionary
Discretions:	22.2 Use Table E6.61 – A1 Number of Car Parking Spaces (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	21 Jan 2016
Existing Land Use:	Shop (General Retail and Hire)
Proposal In Brief:	Change of Use to Sports and Recreation (tenancy 002C) with parking discretion.
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The application is for a change of use to Sports and Recreation for a temporary fitness centre and involves the conversion of a 308m² shop tenancy (tenancy 002C) at Centro shopping centre. It is proposed to use the tenancy at the shopping centre for up to six months, until a permanent premise elsewhere is ready to use, after building alterations and refurbishments. The tenancy at the shopping centre is a former shop at the back of a major store and is accessed externally from Cooper Street, not along the internal thoroughfare. The proposed use of Sports and Recreation has a higher parking requirement than the previous shop, which invokes a 'discretion' and is also a discretionary use.

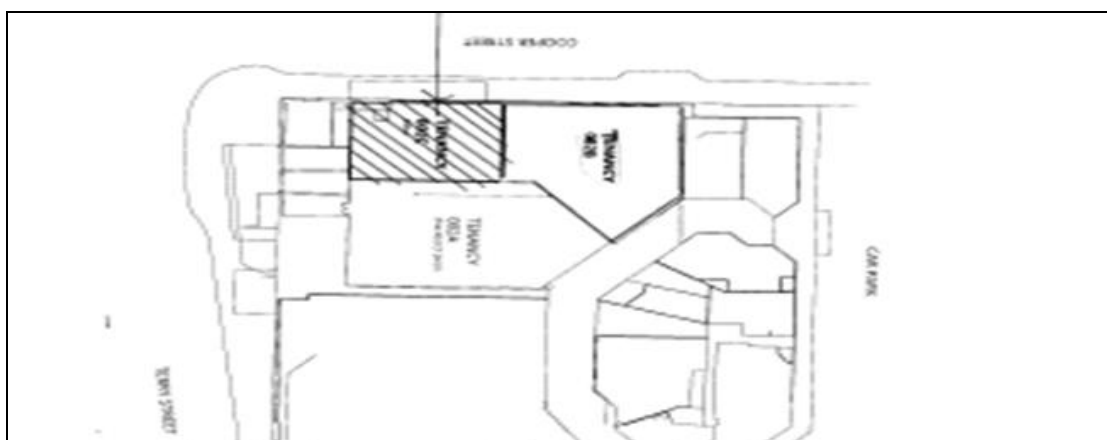


Figure 1: Subject Tenancy - Ralph Marcus

SITE and LOCALITY

The subject property is located in the Glenorchy central business district. The site is known as 2 Cooper Street, Glenorchy, described in CT142212/8, and contains Centro Shopping Centre. The site is bounded by Terry Street, Cooper Street, Eady Street and Barry Street.



Figure 2: Subject Property - GCC Database 2013

ZONE

The subject property is located within the Central Business Zone shown in 'medium blue' in Figure 3.

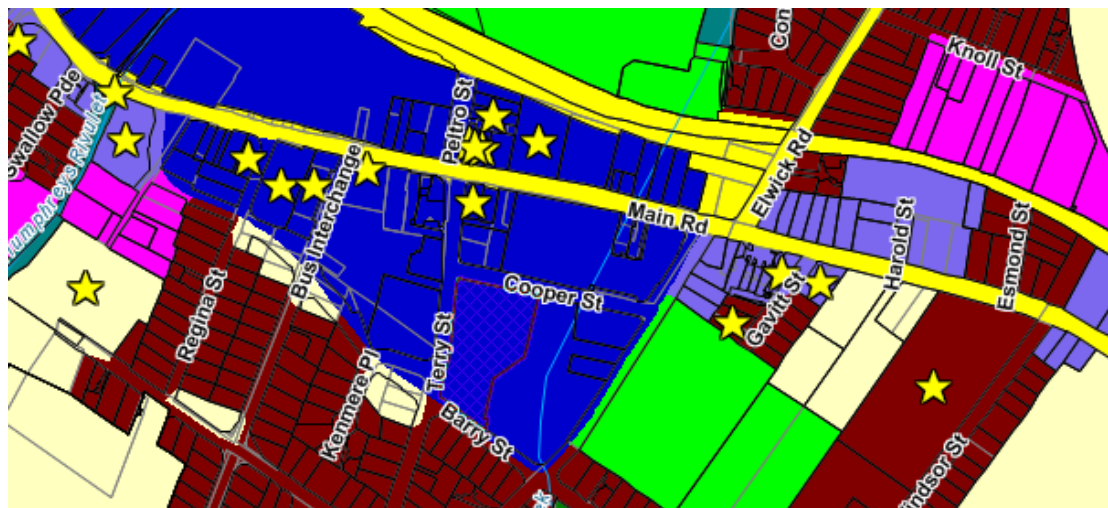


Figure 3: Zoning Map - GIPS 2015

The opposite area along Cooper Street is also zoned Central Business, with no residential areas nearby.

BACKGROUND

The following permits were granted:

- BP No. 4072 - Shopping Centre Purity Development – Building Approval 11/08/81

The complex required the provision of 405, of which 404 spaces were provided according to a letter on file dated 04/03/82.

- PLN-07-04703-01 – Alteration and additions to shopping centre

This permit did not include additional retail space; the additions were for new entrances so that no new parking was required.

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?)

The following Special Area Plan is applicable:

- F9 Glenorchy Activity Centre Urban Design Specific Area Plan

The following codes are applicable:

- F9 Glenorchy Activity Centre Urban Design Specific Area Plan
- E6 Parking and Access Code

Use Class Description (Table 8.2):

The use is classed **Sports and Recreation – Fitness Centre**. The use is defined in Table 8.2 Use Classes of the Scheme as use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground.

Other relevant definitions (Clause 4.1):

Nil.

Part C: Special Provisions

Nil.

Part D: Zones

The land is within the Central Business Zone and the following scheme zone purpose statements, use table, use standards and/or development standards apply to this proposal:

Zone Purpose Statement

The purpose of the Central Business Zone is set forth in 22.1 of the Scheme and is as follows:

- To provide for business, civic and cultural, community, food, hotel, professional, retail and tourist functions within a major centre serving the region or sub-region.

- To maintain and strengthen the principal activity centre providing for a wide range of services and facilities to serve the surrounding subregion, with a strong focus on the retail and commercial sector.
- To facilitate high density residential development and visitor accommodation within the activity centre above ground level and surrounding the core commercial activity centre.
- To ensure development is highly accessible by public transport, walking and cycling.
- To maintain and strengthen Hobart's Central Business District and immediate surrounds including, the waterfront, as the primary activity centre for Tasmania, the Southern Region and the Greater Hobart metropolitan area with a comprehensive range of and highest order of retail, commercial, administrative, community, cultural, employment areas and nodes, and entertainment activities provided.
- To provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.

Comment

The use of Sports and Recreation – Fitness Centre is discretionary within the zone, but the use is not considered contrary to the above intent, in this instance. Whilst the zone prioritises commercial uses, the location external to the shopping centre and the temporary nature of the proposed fitness centre would not detract from the retail areas. Therefore, the proposed use is considered acceptable at this location.

Use Table

The use is classed Sports and Recreation is a 'discretionary' use within the Central Business Zone and invokes a parking discretion. Therefore, the application is discretionary pursuant to subclause 8.8.1 (a) and (b), owing to the discretionary use and reliance of the proposal on the performance criteria of an applicable standard.

Discretions

- 22.2 Use Table
- E6.61 – A1 Number of Car Parking Spaces

Use Standards

The use standards relate to hours of operations, noise, external lighting and commercial vehicle movements. The proposal is in accordance the acceptable solutions of these standards, as demonstrated in the attached appendix.

The proposed operating hours are:

- Weekdays 7:00am to 6:00pm
- Saturdays 7:00am to 6:00pm
- Sundays 9:00 am to 12:30pm

Development Standards for Buildings or Works

These standards are not applicable as there would be no development.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

The provisions for car parking are set out in Table E6.1 Number of Car Parking Spaces Required, where the relevant section is as follows:

Use Class: Sports and Recreation

Fitness centre	4.5	for each 100m ² of floor area
----------------	-----	--

The previous use was 'shop', which falls under the use class General Retail and Hire, where the requirements are as follows:

Use Class: General Retail and Hire

General retail and hire, except as otherwise specified in this table.	1	for each 30m ² of floor area.
---	---	--

The subject tenancy has an area of 308m² which requires the provision of 14 spaces, where the previous requirement for the shop area was 10 spaces. Therefore, there is a difference of an additional 4 spaces, which will not be provided. The proposal relies on the performance criteria.

The Performance Criteria is set out in E6.6- P1 Use Standard and is as follows:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users ...

The Development Engineer has assessed the shortfall against the Performance Criteria and recommended a restrictive condition for the use to operate for six month only as proposed by the applicant. Therefore any shortfall would only be of a temporary nature.

PART F: Specific Area Plans

F9 Glenorchy Activity Centre Urban Design Specific Area Plan

The following use standard in the Glenorchy Activity Centre Urban Design Specific Area Plan is applicable:

F9.6.1 Ground Floor Use

Objective:	
To ensure that uses at ground floor level create active frontages those attract pedestrian activity and contribute to the liveliness, vitality and security of adjoining streets and other public spaces.	
Acceptable Solutions	Performance Criteria
A1 Except for minimal interruptions necessary to provide access to foyers, arcades, tenancies, parking or servicing, including for residential uses on upper levels, building uses at ground floor level must be for retail, business, community or other non-residential purposes.	P1 No performance criteria.

It is considered that the proposed use for Sports and Recreation – Fitness Centre complies with the above use standard, as the use is for a non-residential use. Whilst the zone prioritises commercial uses, the location external to the shopping centre and the temporary nature of the proposed fitness centre would not detract from the retail areas.

F9.7 Development Standards for Buildings and Works

The development standards are not applicable as there is no building works proposed.

INTERNAL REFERRALS**Development Engineer***Traffic, Access & Parking*

The application is for the Change of Use to Sports and Recreation would require 14 parking spaces. The tenancy is part of the Centro Shopping Centre and there is excess of 350 existing car parking spaces on site. The previous use of the tenancy was approved with a requirement for 10 parking spaces included in the existing shopping centre car park. This change of use results in a shortfall of 4 parking spaces.

The application is only for a period of six months while another permanent site currently undergoing refurbishment is completed. The applicant has provided this information and the approval is conditioned for a six month time period. Due to the temporary time frame of the application and the extensive amount of parking available on the total site it is considered the parking shortfall is acceptable and satisfies the Performance Criteria of the Parking and Access Code E6.0, clause 6.6.1 Number of Car Parking Spaces. This is based on an assessment of a surplus of total car parking for the total site.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

Other

Geoscience issues

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

Flooding/Inundation issues

There are no flooding issues identified through Council records that affect this development.

Environmental Health

The proposed site to be occupied is located approximately 120 meters from the border of the closest residential zone. Therefore, the Acceptable Solutions for Standards 22.3.1 hours of operation, 22.3.4 commercial vehicle movements and 22.3.2 for noise have been complied with. Any noise concerns received by Council can be dealt with under the Environmental Management Pollution Control Act 1994.

There are no proposed building works to be undertaken for this development.

The site is proposed to be used as an interim measure for 3-6 months while construction of an alternative site occurs.

Hours of operation requested by the applicants are recommended to be applied as a condition of permit.

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.

REPRESENTATIONS

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

CONCLUSION

The application proposes a change of use from a shop to a fitness centre at Centro shopping centre, for temporary operations for up to six months. The new use is classed Sports and Recreation and requires an additional four parking spaces, which will not be provided, thus incurring a 'discretion' for this amount. The shortfall would be only of a temporary nature and was assessed by the Development Engineer as acceptable. A special condition is recommended for the use only to operate for six months in line with the applicant's confirmation in this regard.

There were no representations received.

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 Planning Scheme 1992, subject to the recommended conditions.

Recommendation:

That a permit be granted for the proposed use and development of Change of Use to Sports and Recreation (tenancy 002C) with parking discretion. at Centro Glenorchy 2 Cooper Street Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-15-265 and Drawing No. P1 submitted on 4 December 2015, 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.

Engineering

3. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
4. A total of Ten (10) clearly marked car parking spaces for the development application is to be available as part of the total site parking.
5. The approval for the Change of Use to Sports and Recreation for the tenancy is for a period of six (6) months only from the date of approval of the application.
6. 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 relocation of internal stormwater and sewerage lines required as a result of the development are required to be approved and constructed in accordance with an issued Plumbing Permit to the requirements of Council's Plumbing Surveyor.

Environmental Health:

7. Noise emissions measured at the boundary of a residential zone must not exceed the following:
 - 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
 - 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
 - 65dB(A) (LAmx) at any time.
8. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.

9. Hours of operation of a use within 50 m of a residential zone must be within:
 - (a) 7.00 am to 6.00 pm Mondays to Saturdays inclusive;
 - (b) 9.00 am to 12.30 pm Sundays and Public Holidays.except for office and administrative tasks.

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
E6.0 Parking and Access Code - 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.	10 parking spaces from previous approved use. Shortfall of 4 parking spaces satisfies PC based on an assessment of a surplus of total car parking for the total site.	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.	Existing access parking spaces not changed.	Yes.
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	Existing motorcycle parking spaces not changed.	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.	Existing bicycle parking spaces not changed.	NA.
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.	Existing access not changed.	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.	Existing access points not changed.	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 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;	Existing vehicular passing within carpark not changed.	Yes

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.	Existing on-site parking can turn on-site and exit in forward direction.	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.	Layout complies with AS/NZS 2890.1	Yes
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Existing concrete or asphalt parking areas on site.	Yes.

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Existing parking areas and constructed car parking areas.	NA
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Existing parking areas and constructed car parking areas.	NA
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 applicable.	NA
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following: (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Not applicable.	NA

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		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.	Not applicable.	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.	Not applicable.	
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	Not applicable.	
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Existing vehicle access points.	Yes

F9 Glenorchy Activity Centre Urban Design Specific Area Plan

Standard	Acceptable Solution	Proposed	Complies?
F9.6 Use Standards			
F9.6.1 Ground Floor Use	A1 Except for minimal interruptions necessary to provide access to foyers, arcades, tenancies, parking or servicing, including for residential uses on upper levels, building uses at ground floor level must be for retail, business, community or other non-residential purposes.		Complies see report
F9.7 Development Standards for Buildings and Works – Not applicable as there is no development			
Standard	Acceptable Solution	Proposed	Complies
Use Standards 22.3			
22.3.1 Hours of Operation	A1 Hours of operation of a use within 50 m of a residential zone must be within: (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and Public Holidays. except for office and administrative tasks.	Site located greater than 50 meters from closest residential zone therefore Acceptable Solution does not apply. Hours of operation applied for by applicants recommended to be placed as condition of permit.	Yes.
22.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between	Site located approximately 120 meters from closest residential zone therefore Acceptable Solution complied with. Recommended to be placed as condition of permit.	Yes

Standard	Acceptable Solution	Proposed	Complies
	the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAmax) at any time Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.		
22.3.3 External Lighting	A1 External lighting within 50 m of a residential zone must comply with all of the following: (a) be turned off between 11:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.		NA

Attachments/Annexures

- 1** Attachment - Glenorchy Centro - 2 Cooper Street, Glenorchy

7. S.56 AMENDMENT TO PERMIT - SUBDIVISION CREATING 19 LOTS PLUS BALANCE - 191 BLACKSNAKE ROAD, GRANTON

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5302649

REPORT SUMMARY:

Original DA No:	PLN-05-03237.03
S.56 Applicant Name:	Peter Binny Surveyors
Date S.56 Application Lodged:	26/11/2015
Is the Applicant the Owner?	No
Original DA – P or D?	D
No. of Reps to Original DA:	3

REPORT IN DETAIL:

PROPOSED AMENDMENT(S):

Application is made to amend Planning Permit PLN-05-03237.01 pursuant to Section 56 of the Land Use Planning and Approvals Act 1993.

The amendment seeks the following change to condition no 27:

A long-term reflectorized “no road” sign and barrier and turning facility, to the requirements of Council’s Development Engineer, shall be constructed at the end of the roadway on the western side of the subdivision to prevent any interconnection of vehicular traffic with the adjoining land on the western side. Upon sealing of the plans of subdivision for Stage 1 of PLN 03-01948.01 (Lots 15-19), this installed long-term reflectorized “no road” sign and barrier is to be removed to allow vehicular access to the end of the public road extension.

The original condition stated the following:

A long-term reflectorized “no-road” sign and barrier and turning facility, to the requirements of Council’s Development Engineer, shall be constructed at the end of the roadway on the western side of the subdivision to prevent any interconnection of vehicular traffic with the adjoining land on the western side.

BACKGROUND:

The applicant has two permits for the subdivision of land at Black Snake Road. Permit PLN-03-01948-01 was approved on 29 November 2005 for a 19 lot subdivision, and permit PLN-05-03237.01 was approved on 25 July 2005 for 19 lots plus balance. The latter permit was subject to an appeal with the Resource Management Planning and Appeal Tribunal, and is the subject of the section 56 application.

During the advertisement representations raised concerns relating to traffic, the state of the existing roads. These issues were address with a list of conditions placed on the permit. The subdivision has been making slow process, and it was recently discovered that conditions on the two permits were in conflict.

After considerable discussion a potential solution was reached to allow the next stage of the subdivision to occur (PLN-03-01948 – Stage 1). This would involve amending condition no. 27 in permit PLN-05—03237.01 to allow the “no road” sign and barrier to be moved to the end of the road for each stage. Until stage 4 when the intersection between Granton Heights and Black Snake Road would require upgrading as per PLN-03-014948-01 condition no. 11.

APPRAISAL:**Will the proposed amendment cause an increase in detriment to any person?**

The minor amendment would continue to prevent the road being used as a thoroughfare until the intersection between Granton Heights and Black Snake Road would be upgraded.

The minor amendment is not considered to adversely impact on the amenity of the area and would not cause any increase in detriment to any person. The proposed minor alterations to the location of the “no road” sign and barrier is considered to accord with the rural living standards, and parking and access standards of the Glenorchy Interim Planning Scheme 2015.

Will the proposed amendment change the effect of any condition required by the Appeal Tribunal?

The application was subject to any appeal to the Resource Management and Planning Appeal Tribunal.

As discussed, the original application was subject to an appeal. Concerns were raised regarding traffic, and the road. The condition was placed on the permit to prevent the road (Gilles Road) connecting to Black Snake Road until the works had been completed for the upgrade between Granton Heights and Black Snake Road.

This amendment would continue to prevent a road connection until the upgrade has been completed in PLN-03-014948-01 – Stage 4. Therefore the effect of the condition remains the same.

Does the proposed amendment represent more than a minor change to the description of the use or development?

The proposed minor amendment for the “no road” sign and barrier would not result in any change to the proposed use as approved by Planning Permit PLN-05-03237.01 approved on 25 July 2005, and amended on 26 June 2008.

REFERRALS:

Development Engineer:

Council’s Development Engineer had considerable involvement in discussions to resolve the conflict between the two permits, and drafted the amended condition. The proposed amendment to permit PLN-05-03237.01 is supported as per the drafted condition.

External Referrals:

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

DISCUSSION:

There are no planning issues which arise from the proposed amendment. The amendment would result in minor changes that would not affect the overall design.

The minor amendment accords with the rural living, and parking and access standards of the Glenorchy Interim Planning Scheme 2015.

Council’s Development Engineer was supportive of the proposal and recommend changes to the engineering condition no. 27 of the permit.

The amendment sought under Section 56 of the Land Use Planning and Approvals Act 1993 is not considered to adversely impact on the amenity of the area and is accordingly recommended for approval subject to Section 56 (3) of the Act.

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 the permit for the proposed use and development of Subdivision creating 19 lots plus balance at 191 Black Snake Road Granton (Application No. PLN-05-03237.03) be amended as detailed below pursuant to Section 56 of the Land Use Planning & Approvals Act 1993:

Alter condition 27 to read:

27. A long-term reflectorized “no road” sign and barrier and turning facility, to the requirements of Council’s Development Engineer, shall be constructed at the end of the roadway on the western side of the subdivision to prevent any interconnection of vehicular traffic with the adjoining land on the western side. Upon sealing of the plans of subdivision for Stage 1 of PLN 03-01948.01 (Lots 15-19), this installed long-term reflectorized “no road” sign and barrier is to be removed to allow vehicular access to the end of the public road extension.

Attachments/Annexures

- 1 Attachment – 191 Blacksnake Road, Granton

CLOSED TO MEMBERS OF THE PUBLIC

8. APPEALS REPORT

This item is to be considered at a closed meeting of the Glenorchy Planning Authority by authority of the Local Government (Meeting Procedures) Regulations 2015 Section 15(4).