

**GLENORCHY PLANNING AUTHORITY
AGENDA
MONDAY, 21 JANUARY 2019**



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

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

David Ronaldson
Acting General Manager

16 January 2019

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

Chairperson: Alderman K. Johnston

Hour: 5.00 p.m.

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 - THREE MULTIPLE DWELLINGS (ONE EXISTING AND TWO NEW) - 20 BIMBURRA ROAD, GLENORCHY	4
6.	AMENDMENT PLS43A-18/01 - S.39 & S.43F (6) REPORT TO TPC - CONSIDERATION OF REPRESENTATIONS ON DRAFT AMENDMENT TO REZONE 115 ALLUNGA ROAD, CHIGWELL TO A GENERAL RESIDENTIAL ZONE COMBINED WITH A 3 LOT SUBDIVISION AT 115 ALLUNGA ROAD AND 131A ALLUNGA ROAD, CHIGWELL.....	43

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 10 December 2018 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - THREE MULTIPLE DWELLINGS (ONE EXISTING AND TWO NEW) - 20 BIMBURRA ROAD, GLENORCHY

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5355767

REPORT SUMMARY:

Application No.:	PLN-18-279
Applicant:	Another Perspective Drafting Design
Owner:	K W Hendy
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	Clause 10.4.2 Setbacks and building envelope for all dwellings, Clause 10.4.3 Site coverage and private open space for all dwellings, Clause 10.4.4 Sunlight and overshadowing for all dwellings and Clause E9.7.2 Development for sensitive use in proximity to use with potential to cause environmental harm (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension of time until 22 Jan 2019
Existing Land Use:	Single Dwelling

Proposal In Brief:	Three Multiple Dwellings (one existing and two new)
Representations:	5
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal is for the construction of two additional dwellings on a site occupied by a single dwelling. The proposed dwellings will be conjoined, single storey, with an open plan living area, two bedrooms and amenities.

The dwellings will be setback 21m from the south-east front boundary, 7.299m from the north-east side boundary, 1.5m from the south-west side boundary, and 3.8m (deck for Unit 3) from the north-west rear boundary. The building will have a maximum height of 5.055m and will be constructed with brick and light weight cladding, aluminium windows, Colorbond roofing and timber decking. Six parking spaces will be provided, comprising single garage and a parking space for the existing dwelling, and two car parking spaces for each new dwelling. The car parking for each dwelling is designed to be “jockey” parking. Vehicular access will be provided by widening the existing access with a passing bay in the eastern corner of the site (figure 1).

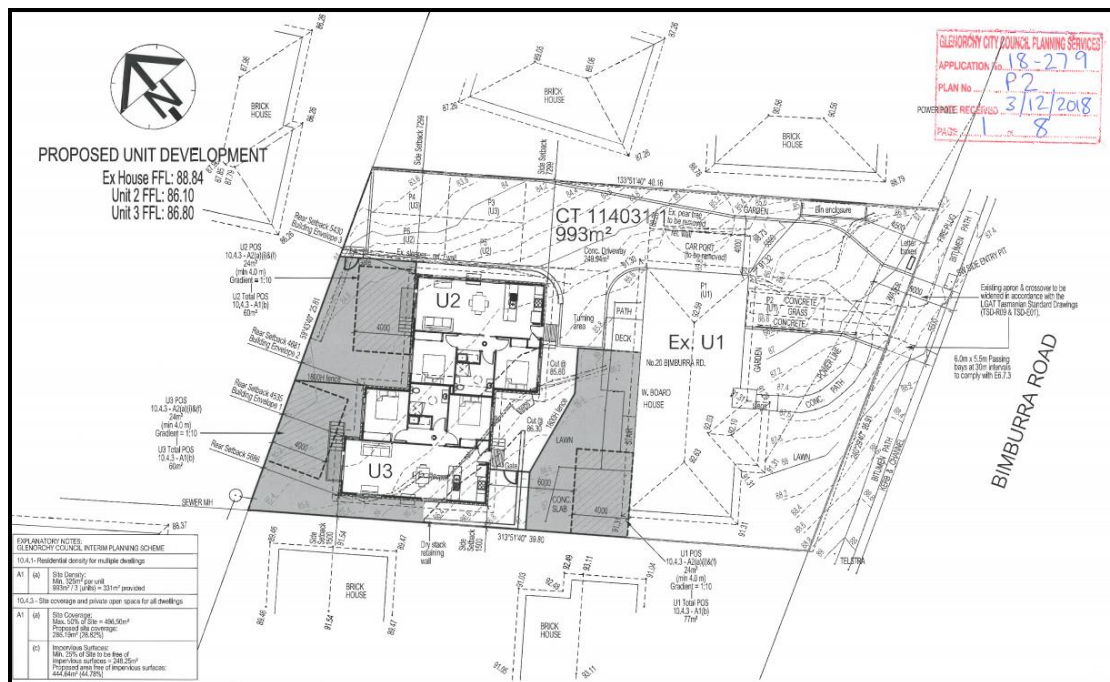


Figure 1: Site Plan for 20 Bimburra Road, Glenorchy.

A Traffic Impact Statement (TIS) by Milan Prodanovic was submitted by the applicant on 3 December 2018. The report provides an assessment primarily relating to the increase in vehicle movements. However, it also addresses the vehicular passing bay and on-site turning.

The proposal will rely on performance criteria for Clause 10.4.2 for setbacks and building envelope for all dwellings, Clause 10.4.3 for site coverage and private open space for all dwellings, Clause 10.4.4 for sunlight and overshadowing for all dwellings and Clause E9.7.2 for development for sensitive use in proximity to use with potential to cause environmental harm (Tolosa Street Quarry).

SITE and LOCALITY

The subject site is located on the north-west side of Bimburra Road, approximately 22m to the south-west of the intersection with Grace Court, Glenorchy.

The property has a frontage of 25.91m, an average depth of 40m, and a total area of 993m². The site has a moderate slope and falls toward the north, with an average gradient of 1 in 7. The land has a single dwelling on the front portion of the site with minimal vegetation. The existing vehicular access is located near the middle of the frontage with access to a single garage underneath the dwelling.

The site is located within a General Residential zone with a mix of single dwellings and multiple dwellings (figure 2). The property is in close proximity to the Low Density Residential zone to the south.



Figure 2: Aerial photo of 20 Bimburra Road, Glenorchy.

ZONE

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

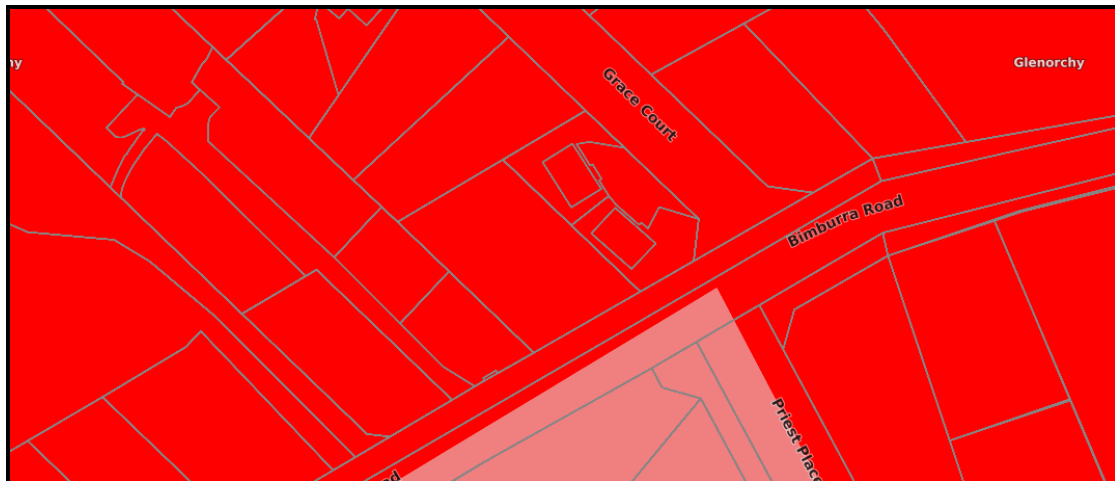


Figure 3: General Residential zone over 20 Bimburra Road, Glenorchy.

BACKGROUND

There is no background relevant to this 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 SAP or code provisions override the zone provisions in this assessment.

Use Class Description (Table 8.2):

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

The definition of Residential use class states:

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

Other relevant definitions (Clause 4.1):

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

means 2 or more dwellings on a site.

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

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

- Clause 10.4.2 A3 Setbacks and building envelope for all dwellings (for Unit 3)
- Clause 10.4.3 A2 Site coverage and private open space for all dwellings (for width and access to private open space via the deck for Unit 3)
- Clause 10.4.4 A1 Sunlight and overshadowing for all dwellings (for the window angle of Units 2 and 3)
- Clause E9.7.2 A1 Development for sensitive use in proximity to use with potential to cause environmental harm (for Units 2 and 3)

Part C: Special Provisions

No Special Provisions apply.

Part D: Zones

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

Zone Purpose Statements

The General Residential zone purpose statements in Clause 10.1.1 are as follows:

10.1.1.1

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

10.1.1.2

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

10.1.1.3

To provide for the efficient utilisation of services.

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

Use Table

The proposed use of 'Multiple Dwellings' is permitted, in accordance with the use table in Clause 10.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses 10.4.2, 10.4.3, 10.4.4 and E9.7.2.

Use Standards

The use standards set out in Clause 10.3 are not applicable to this application.

Development Standards for Residential Buildings & Works

Clause 10.4.2 – Standard A3, Setbacks and building envelope for all dwellings

The deck for Unit 3 will be setback a minimum of 3.8m and the dwelling will be setback 4.535m from the north-west rear boundary. The proposed deck for Unit 3 would require a minimum setback of 4m and the dwelling would require a setback of 5.854m from the north-west rear boundary, to be in accordance with Clause 10.4.2 – Standard A3. The proposal is considered in accordance with the performance criteria in Clause 10.4.2 – P3 as follows:

The siting and scale of a dwelling must:

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

The subject site has two multiple dwellings in close proximity, that adjoin the south-west side boundary that may be potentially impacted by loss of sunlight. The proposed development is single storey, with one corner partially excavated to minimise the height of the structure. The proposal complies with side boundary setback directly adjoining the dwellings. The design has been angled with a low roofline along the south-west side boundary where the floor level would be lowered. This will reduce the potential for overshadowing for the two neighbouring dwellings. The design and height of the proposal means that the adjoining dwellings and private open space to the south-west will receive direct sunlight during the day on the shortest day of the year. Therefore, the living areas and private open space for the adjoining site will receive more than 3 hours of sunlight between 9am and 3pm on the Winter Solstice.

The building will be located on a site with a moderate slope and will be similar to the visual scale and bulk of surrounding residential development in the area. The surrounding dwellings are a mix of one and two storey buildings and the proposal will be single storey. The proposed distances of separation are in keeping with the surrounding distances between dwellings. Therefore, it is considered that reliance on the performance criteria is acceptable in this instance.

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

The plans show the private open space for proposed Unit 3 will be accessed via a deck and will have a minimum width of 3.8m. The proposed private open space will require direct access from a habitable room other than a bedroom and have a minimum width of 4m, to be in accordance with Clause 10.4.3 (b) and (c) – Standard A2. The proposal is considered in accordance with the performance criteria in Clause 10.4.3 – P2 as follows:

A dwelling must have private open space that:

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

Unit 3 will have a reasonable amount of private open space. However, the design would not provide for direct access from a habitable room. The proposal provides for areas that are capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play, with reasonable access between the living area and private open space. The private open space would have reasonable access to sunlight during the day. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

Clause 10.4.4 – Standard A1, Sunlight and overshadowing for all dwellings

The proposed windows for Unit 2 and 3 to a habitable room other than a bedroom would be located at an angle of 43 degrees to east of north. The proposed window to a habitable room (other than a bedroom) would require an orientation between 30 degrees west of north and 30 degrees east of north, to be in accordance with Clause 10.4.4 – Standard A1. The proposal is considered in accordance with the performance criteria in Clause 10.4.4 – P1 as follows:

A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

The windows of the proposed dwellings for the main living area would face north-east and north-west, overlooking the private open space. The dwellings have been designed to provide a suitable distance from the boundaries to minimise potential overshadowing from neighbouring buildings. The windows would have access to a reasonable level of sunlight during the day due to the setback of the building and slope of the land. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

Clause 10.4.6 – Standard A1, Privacy for all dwellings

The proposal will have a permanently fixed screen to a height of at least 1.7m above the floor level of the landing on the north-west façade (north-west elevation) for Unit 3, in accordance with Clause 10.4.6 – Standard A1. Therefore, the proposal complies with the acceptable solution and a condition has been recommended.

Clause 10.4.8 – Standard A1, Waste storage for all multiple dwellings

The proposal was referred to Council's Waste Management Officer who stated that each dwelling will be provided with individual bins. The issue was discussed with the applicant who agreed to remove the communal storage area from the plans, in accordance with Clause 10.4.8 – Standard A1. Therefore, the proposal complies with the acceptable solution and a condition has been recommended.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code*Clause E5.5.1 – Standard A3, Existing road accesses and junctions*

The TIS prepared by Milan Prodanovic states the proposed development will increase the traffic use of the driveway “by around 12 vehicles” per day. Therefore, the proposal is in accordance with Clause E5.5.1 – Standard A3.

E6.0 Parking and Access Code*Clause E6.6.1 – Standard A1, Number of Car Parking Spaces*

The proposal provides six car parking spaces for three multiple dwellings. Therefore, the proposal is in accordance with Clause E6.6.1 – standard A1.

Clause E6.7.3 – Standard A1, Vehicular Passing Areas Along an Access

The TIS prepared by Milan Prodanovic states “the geometric characteristics of the driveway without any passing bays are more than sufficient to accommodate this low hourly traffic volume”. In any event, the driveway to kerb is more than 30m in length and the proposal provides a passing bay 6m long and 5.5m wide at the kerb. Therefore, the proposal is in accordance with Clause E6.6.1 – standard A1.

Clause E6.7.4 – Standard A1, On-site Turning

The TIS prepared by Milan Prodanovic states “that carried only 400 vehicles/day, far less than the 6,000 vehicles” per day as required by the Scheme. However, turning has been provided for the parking spaces to the rear of the site for Units 2 and 3. Therefore, the proposal is in accordance with Clause E6.6.1 – standard A1.

Clause E6.7.5 – Standard A1, Layout of Parking Areas

The proposal provides six car parking spaces to be designed and constructed in compliance with the section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking. In addition, the parking spaces have been assessed under AS 2890.1 in the TIS prepared by Milan Prodanovic and dated 3 December 2018. Therefore, the proposal is in accordance with Clause E6.6.1 – standard A1.

E7.0 Stormwater Management Code

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

E9.0 Attenuation Code

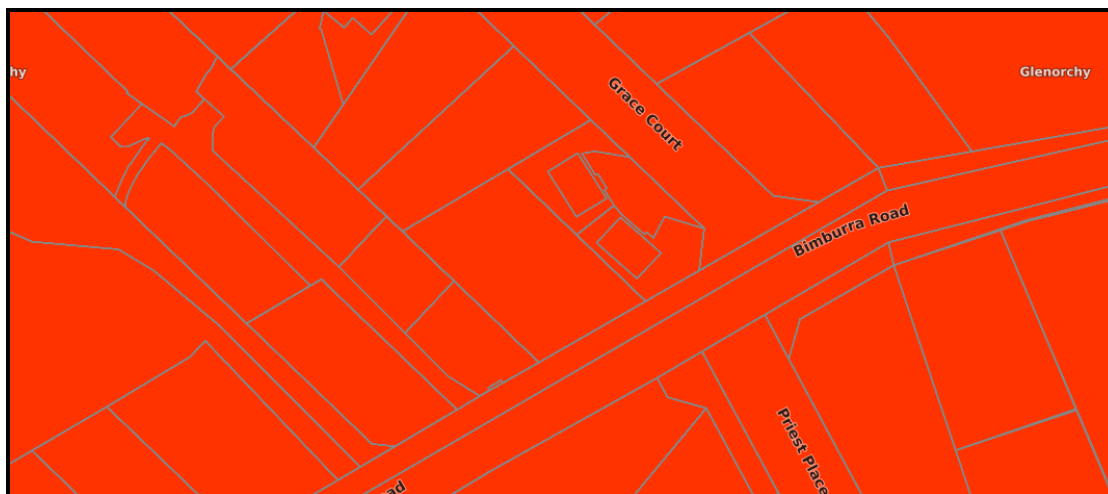


Figure 3: Attenuation Code over 40 Donald Court, Glenorchy.

Clause E9.7.2 – Standard A1, Development for sensitive use in proximity to use with potential to cause environmental harm

The proposed use of multiple dwellings is located within the Attenuation Overlay. The proposal would be required to be outside the Attenuation Overlay, to be in accordance with Clause E9.7.2 – Standard A1. The proposal is considered in accordance with the performance criteria in Clause E9.7.2 – P1 as follows:

Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:

- (a) the nature of the use with potential to cause environmental harm; including:*
 - (i) operational characteristics;*
 - (ii) scale and intensity;*
 - (iii) degree of hazard or pollution that may emitted from the activity;*
- (b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;*
- (c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions*

The existing lot falls within the Attenuation Overlay for the quarry at 361 Tolosa Street, Glenorchy. No issues have arisen from the surrounding residential area in relation to the quarry. The use of multiple dwellings would be similar to the surrounding sensitive uses and would be located in an area where the proposed use would not have an unreasonable impact. In addition, an Environmental Protection Notice (No. 9126/1) regulates operations of the quarry.

Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

Development Engineer

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

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 road and railway assets code satisfy the acceptable solution in that the proposed development generated traffic increase is less than the 40 vehicle movements and not greater than 20%.

E6.0 Parking and Access Code

This code applies to all use and development.

The additional traffic movements generated by the development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety. A Council recorded traffic count in Bimburra Road is average 570 per day.

Access to the development is from Bimburra Road. A passing bay is required to be provided to satisfy clause E6.7.3 Vehicular Passing Areas Along an Access of GIPS and recommended this be included as a condition of approval.

The proposed development satisfies the Acceptable Solution of clause E6.7.4 On-Site Turning in that Bimburra Road carries only approximately 400 vehicles/day, far less than the 6,000 vehicles/day.

A representation raised concerns that the proposed "jockey" parking arrangement will increase the demand for limited on street parking and general layout of parking. This "jockey" parking arrangement will be associated and managed by individual units and not within common area where a vehicle has the potential of being parked in.

The layout of parking areas will be required to be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking that is the relevant standard when addressing access and carparking. Securely fixed wheel stops or kerbing to proposed car parking spaces P4 & P6 is recommended to be a condition of approval to prevent damage to fences or landscaped areas.

Another representation raised concerns about the potential of a retaining wall along the boundary to support the driveway and parking areas and the possibility of an area to be difficult to maintain if any retaining wall was constructed inside the property boundary. Any retaining wall necessary will be subsequently regulated under the building code and is not a planning related matter for this application.

E7.0 Stormwater Management Code

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

The applicant has demonstrated compliance with the acceptable solution of E7.7.1 Stormwater Drainage and Disposal of GIPS that Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. A condition that all stormwater from impervious areas be directed to Councils infrastructure is recommended to satisfy the acceptable solution of clause E7.7.1 Stormwater Drainage and Disposal.

The stormwater main at the rear of the development is only 100mm diameter and it is marginal if this has capacity to cater for minor (up to 1 in 20 ARI) storm events due to the increase in impervious area created by the additional dwelling units.

The applicant is proposing stormwater detention so that stormwater from the site does not exceed what currently exists for the undeveloped site and therefore will not create additional stormwater loading on Council infrastructure once the site is developed. This is considered to satisfy the acceptable solution of clause E7.7.1 A3 (b) Stormwater Drainage and Disposal of the Glenorchy Interim Planning Scheme 2015. A condition is recommended that this stormwater detention be provided prior to a Certificate of Occupancy being issued for the additional dwelling units.

A representation has been received raising concerns about stormwater runoff from the property during heavy rainfalls, groundwater seepage and with the sealed parking area not being suitably drained. If the application is approved, it will be necessary for the proposed development to be approved through a subsequent building approval process. All private internal stormwater runoff from impervious areas will be required to be directed to public stormwater infrastructure to not create a nuisance on any adjoining downstream property. Any groundwater seepage is not applicable to this planning application; however any groundwater downstream should be improved by the proposed development.

Other

E3.0 Landslide Code

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

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

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

E15.0 Inundation Prone Areas Code

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

Environmental Health

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

Due to the distance from the quarry and the fact that the proposed development it is not encroaching on the location and operation of the quarry I believe Performance Criteria P1 of E9.7.2 of The Glenorchy Interim Planning Scheme 2015 is met and therefore Environmental Health wouldn't have any proposed conditions to apply.

Waste Management Officer

The proposal was referred to Council's Waste Management Officer who provided the following:

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

- *The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for recycling to each of the dwelling, collected fortnightly.*
- *Please note that this property would have a total of six (6) bins, three (3) Waste bins and three (3) Recycling Bins.*
- *This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.*
- *All bins are to be placed on the kerbside for collection.*
- *Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.*

EXTERNAL REFERRALS

TasWater

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

The following comments were provided in relation to capacity of the existing sewer main:

The existing sewerage system can cope with the very minor hydraulic load generated by the proposed development. TasWater is responsible for managing water and sewerage system hydraulic capacity as a consequence of the Water and Sewerage Industry Act 2008 wherein the objective of the Act is to protect the long-term interests of customers and to provide for the safe, environmentally responsible, efficient and sustainable provision of reliable and secure water services and sewerage services to the Tasmanian community.

REPRESENTATIONS

The application was advertised for the statutory period from 12/12/2018 to 6/01/2019 with five representations being received. The issues raised are as follows:

1. Loss of Amenity

The representors state that the multiple dwellings to the north-east would not be in keeping with the single-family dwellings and detached units in a quiet residential area where the road ends in a cul-de-sac.

Planner's Comment:

The proposal is for residential (multiple dwellings) which is a permitted use in the zone in accordance with the Glenorchy Interim Planning Scheme 2015.

2. Loss of Privacy

The representors state that the proposal would impact on the privacy of the neighbouring dwellings to the north, north-west and south-west. In particular, the kitchen, living rooms, bedroom, bathroom and backyard. Concern was also raised in relation to vehicle headlights shining into the neighbouring dwelling and to the north of the site.

Planner's Comment:

The proposal complies with the acceptable solution for privacy in Clause 10.4.6 Privacy for dwellings, by providing screening along the north-west façade of the deck for Unit 3. A condition has been included to ensure the screen remains in place. The shared driveway and parking spaces comply with the acceptable solution for Clause 10.4.6. In addition, the proposed development will be single storey with a low roofline and will be partially excavated in one corner to lower the floor level and height. Therefore, the proposal complies with the privacy standards in the Scheme.

3. Loss of Views

The representor states that the multiple dwellings to the north-east would impact on the views from the neighbouring dwellings.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application.

4. Loss of Sunlight

The representors state that the multiple dwellings to the north-east would impact on the morning sun for the closest neighbouring dwelling. Concern was also raised that the development would overshadow the neighbouring dwelling directly north of the site. However, there would be no shadows to the north.

Planner's Comment:

This issue has been previously addressed under the heading "Clause 10.4.2 – Standard A3, Setback". As discussed, there will be minimal overshadowing of the two multiple dwellings to the south-east during the Winter Solstice which is considered reasonable.

5. Intensity of Use

The representors state that the multiple dwellings to the north-east would impact on the residential amenity of the neighbouring dwellings. In particular, with increased number of bedrooms, noise and activity. The land size is too small to accommodate three dwellings.

Planner's Comment:

The proposal complies with the acceptable solution for density in Clause 10.4.1 Residential density for multiple dwellings with an area of 331m² per dwelling. Unfortunately, the number of bedrooms, noise and activities are not a planning issue that can be considered as part of this application.

6. Parking and Traffic

The representors state that the multiple dwellings to the north-east would impact on the available on-street parking. In particular, the use of "jockey parking" will increase the demand for on-street parking where there is significant use of the parking on the street. The difficulty with turning for Park 5 and 6 will also increase the demand for on-street parking. It is unlikely that the parking spaces P4 and P6 will be used because of the inconvenience of being parked in. In addition, the parking spaces have been located too close to the fence and there is potential for vehicles to go through the fence.

Planner's Comment:

The parking layout, turning and driveway areas comply with the acceptable solutions in Code E6.0 of the Scheme. Therefore, the design of the parking area meets the requirements for the Standard and is considered reasonable.

7. Stormwater Runoff

The representors state that the properties to the north and north-east receive substantial water runoff during a heavy rainfall and the sealed parking area would not be suitably drained.

Planner's Comment:

The proposed development and sealed areas satisfy the acceptable solution of the Stormwater Management Code that requires drainage of impervious surfaces to public stormwater infrastructure. In addition, as part of the Building Permit Application, the proposal is required to meet the current standards in accordance with the *Building Act 2016*.

8. Sewerage Capacity

The representor states that the sewer main would not have capacity to accommodate the development.

Planner's Comment:

The *Water and Sewerage Industry Act 2008* is the relevant legislation for assessing the connection to the sewer and no issues were raised regarding the capacity of the existing sewer main. The application was referred to Tas Water who are supportive of the proposal subject to conditions.

9. Waste

The representor states that the bin enclosure will be located closer than 5.5m to a neighbouring dwelling and would create noise and odour.

Planner's Comment:

This issue has been previously addressed under the heading "*Clause 10.4.8 – Standard A1, Waste storage for all multiple dwellings*". As discussed, each dwelling will have separate bins and a condition has been recommended.

10. Retaining Wall

The representor states that the driveway will require a retaining wall up to 1m in height above natural ground level between the existing dwelling and the neighbouring dwelling to the north-east and this will not be properly retained.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. However, the structural integrity of the development will be assessed separately in accordance with the *Building Act 2016*.

11. Boundary Fence

The representor states that the boundary fence is in a poor state of repair and needs to be replaced.

Planner's Comment:

This matter is legislated by the *Boundary Fences Act 1908*. Therefore, this issue is not a planning issue that can be considered as part of this application.

CONCLUSION

The proposal is relying on performance criteria to comply with the applicable standards of the Scheme in relation to; setbacks and building envelope for all dwellings, site coverage and private open space for all dwellings, sunlight and overshadowing for all dwellings, waste storage for multiple dwellings and development for sensitive use in proximity to use with potential to cause environmental harm.

The proposal is assessed as satisfying the relevant performance criteria and complies with the applicable standards.

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

The application was publicly advertised for the statutory period and five representations were received. The representations raised issues regarding loss of amenity, loss of privacy, loss of views, loss of sunlight, intensity of use, parking and traffic.

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

Recommendation:

That a permit be granted for the proposed use and development of Three Multiple Dwellings (one existing and two new) at 20 Bimburra Road Glenorchy subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-279 and Drawing No. P2 submitted on 3 December 2018, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2018/01819-GCC, dated 27 November 2018, form part of this permit.
3. A privacy screen/wall to a height of 1.7 m from finished floor level must be constructed between the north-west façade (north-west elevation) of the landing for Unit 3 and the rear boundary. The privacy screen/wall must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent direct overlooking of the adjacent lot. The privacy screen must remain in-situ, for the duration of the use.

4. The communal waste storage (bin enclosure) shown on the Site Analysis Plan (P2, page 1 of 8) and the Landscaping Plan (P2, 8 of 8) does not form part of this permit and must not be shown on plans submitted for a Building Permit Application.
5. Each dwelling must have a storage area for waste a recycling bins of at least 1.5m to be located in an area for the exclusive use of that dwelling, excluding the area in front of the dwelling.

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. Six (6) clearly marked car parking spaces must be provided prior to use 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 carparking space P4 and P6 to the satisfaction of Council to prevent damage to fences or landscaped areas and installed prior to use.
9. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition and finished levels, must be submitted with the Building Application for approval by Council's Development Engineer.
10. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to occupancy. 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.

11. A passing bay of minimum width 5.5m and minimum length 6m, excluding tapers, must be provided at the road frontage of the driveway with Bimburra Road. The minimum width of the internal driveway must be minimum 3.0m wide. The passing bay, driveway, parking and manoeuvring areas must be kept clear of obstructions, such as service authority infrastructure, letterboxes or bin enclosures, so that vehicle manoeuvring paths are not restricted.
12. The existing vehicle crossing must be widened to cater for the 5.5m wide passing bay. The vehicle crossing must be constructed in accordance with standard drawing SD-1003 between the kerb and the property boundary. Work within Council's road reservation must be carried out by a Council approved contractor and all work must be reinstated to match the existing adjacent footpath/nature strip profile. An inspection must be undertaken by a Council Inspector, prior to the placement of any concrete. Please phone 62 166 426 to arrange a suitable time for the inspection to occur with adequate prior notice. Appropriate traffic control and safety fencing must be provided to ensure public safety is not compromised during the works. The works must not take longer than 48 hours to complete and be made available for safe pedestrian use.
13. Due to Council's receiving underground stormwater infrastructure being undersized for the increase in impervious area, adequate on-site stormwater detention must be provided so that stormwater discharged from the site does not exceed the pre-development stormwater runoff for 1 in 20 ARI (5% AEP) storm events. A detailed design must be submitted with the Building Application prepared by a qualified professional engineer for approval by Council's Development Engineer and completed prior to a Certificate of Occupancy being issued for the additional dwelling units.
14. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.

Advice to Applicant

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

Underground 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.

Other Permits

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

APPENDIX 1**10.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
10.3 Use Standards			
10.3.1 Non-Residential Use	A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	Not applicable.	N/A
	A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAmix) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	Not applicable.	N/A
	A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.	Not applicable.	N/A

	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.	Not applicable.	N/A
10.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m ² .	Not applicable.	N/A
10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m ² .	Not applicable.	N/A
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Complies. The site area will be 331m ² per dwelling.	Yes

10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	Complies.	Yes
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	Not applicable. The garage is existing.	N/A
	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	The proposed Unit 3 will be set back a minimum of 3.8m for the deck and 4.535m for the dwelling from the north-west rear boundary. Compliance will require a setback of 4m for the deck and 5.854m for the dwelling. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

	boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (ii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (iii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m ² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	Complies.	Yes
	A2 A dwelling must have an area of private open space that: (d) is in one location and is at least: (i) 24 m ² ; or (ii) 12 m ² , if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (e) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (f) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and	The proposal provides private open space access via a deck and with a minimum width of 3.8m. Compliance will require direct access via a habitable room other than a bedroom and a minimum width of 4m. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

	(g) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (h) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (i) has a gradient not steeper than 1 in 10; and (j) is not used for vehicle access or parking.		
10.4.4 Sunlight and overshadowing of all 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).	The proposed windows to a habitable room other and a bedroom will be located at an angle of 43 degrees to the east of north for Units 2 and 3. Compliance will require the window to a habitable room (other than a bedroom) to have an orientation between 30 degrees west of north and 30 degrees east of north. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
	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	Complies.	Yes

	(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	Complies.	Yes
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Not applicable.	N/A
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace,	Complies. Screening is provided for the deck at Unit 3.	Yes

	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. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	Complies. The living room window for Unit 3 with a floor level greater than 1m, will have a minimum window sill height of 1.7m from floor level.	Yes
	A3	Complies.	Yes

	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.		
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	Not applicable.	N/A
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.	The proposed waste storage will be provided in a communal storage area within 2m of a neighbouring dwelling. Compliance will require a communal waste storage area to be at least 5.5m from a dwelling. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

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

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

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

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

APPENDIX 3

E6.0 Parking and Access Code

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	Complies. The proposal provides a total of six car parking spaces on site, two for each dwelling.	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 applicable.	N/A
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not applicable.	N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Complies.	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.	Complies.	Yes
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;	Complies. A TIS has been provided.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(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.	Complies. A TIS has been provided.	Yes
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.	Complies. A TIS has been provided.	Yes – conditioned.
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Complies.	Yes – conditioned.
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Not applicable.	N/A
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Not applicable.	N/A
E6.7.9	A1	Not applicable.	N/A

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

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

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

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

APPENDIX 5

E9.0 Attenuation Code

Standard	Acceptable Solution	Proposed	Complies?
9.6 Use Standards			
E9.6.1 Use with Potential to Cause Environmental Harm	A1 Use with potential to cause environmental harm has a separation distance no less than the minimum attenuation distance listed in Tables E9.1 or E9.2.	Not applicable.	N/A
E9.7 Development Standards			
E9.7.1 Development for Use with Potential to Cause Environmental Harm	A1 Development for use with potential to cause environmental harm has a separation distance no less than the minimum attenuation distance listed in Tables E9.1 or E9.2.	Not applicable.	N/A
E9.7.2 Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm	A1 No acceptable solution	The proposed dwelling will be located within the Attenuation overlay. Compliance will require the dwelling to be located outside the Attenuation overlay. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

Attachments/Annexures

1 20 Bimburra Road, Glenorchy



**6. AMENDMENT PLS43A-18/01 - S.39 & S.43F (6) REPORT TO TPC
- CONSIDERATION OF REPRESENTATIONS ON DRAFT
AMENDMENT TO REZONE 115 ALLUNGA ROAD, CHIGWELL TO
A GENERAL RESIDENTIAL ZONE COMBINED WITH A 3 LOT
SUBDIVISION AT 115 ALLUNGA ROAD AND 131A ALLUNGA
ROAD, CHIGWELL**

Author: Strategic Planner (Lyndal Byrne)
Planning Officer (Bhavna Gungabison)

Qualified Person: Strategic Planner (Lyndal Byrne)

Property ID: 3312245

REPORT SUMMARY:

Amendment:	PLS43A-18/01
Applicant	JMG Engineers and Planners
Owner	Wilson Homes Tasmania Pty Ltd & Roman Catholic Church Trust Corporation of the Archdiocese of Hobart and Glenorchy City Council
Proposal	To rezone land to a General Residential Zone and include school as a discretionary use in that zone, combined with a planning permit for a 3-lot subdivision.
Report Purpose:	To consider the merits of representations received during the public exhibition period and their effect on the proposal. Council's assessment must be provided the Tasmanian Planning Commission (TPC) under S.39 & S.43F (6), former provisions, of the <i>Land Use Planning and Approvals Act 1993</i> (LUPAA).
Representations:	2 (including a letter of 'no objection' from TasWater)
Recommendation:	Endorse this report as the Planning Authority's response under S39, former provisions, of LUPAA and forward it, along with the representations, to the TPC.

REPORT IN DETAIL:**INTRODUCTION:**

The draft amendment, planning permit application and permit for PLS43A-18/01 to the Glenorchy Interim Planning Scheme 2015, were publicly notified from 21 November 2018 until 19 December 2018.

The public notification involved advertisements in the Mercury on Wednesday 21 November 2018 and Saturday 24 November 2018 and a mailout of letters to all owners and occupiers of land adjacent to the site.

Two representations were received during the exhibition period. One of the representations was a letter of 'no objection' from TasWater. This report examines the merits of the representations.

BACKGROUND:

The subject land is identified in Figure 1.

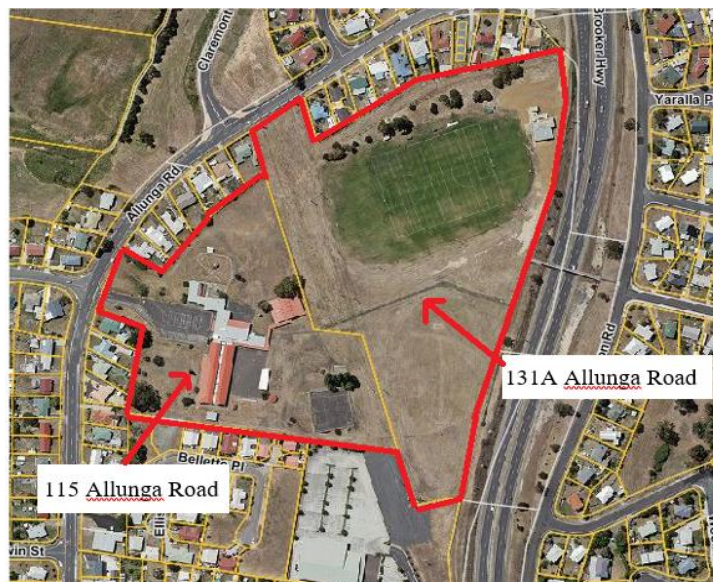


Figure 1 – Subject land

The draft amendment seeks to rezone 115 Allunga Road from a Community Purpose Zone to a General Residential Zone. The draft amendment also adds a qualification to Clause 10.2 – Use Table of the General Residential Zone for the 'discretionary' use of Educational and Occasional Care to allow a secondary school, which will assist in the continued operation of the St Francis Hobart Flexible Learning Centre.

The proposed planning permit provides for a 3-lot subdivision plus road over 115 Allunga Road, with easements over Council owned land at 131A Allunga Road, Chigwell. It should be noted that Council land is not proposed to be rezoned or subdivided and only forms part of the application to enable sewer and stormwater connections.

At its meeting of 15 October 2018, the Glenorchy Planning Authority determined to initiate and certify the draft amendment, grant a planning permit for the planning permit application and place the proposal on public exhibition for 28 days.

A copy of the certified amendment, planning permit and plans is included in **Attachment 1**.

STATUTORY REQUIREMENTS:

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

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

In respect to the planning permit application and decision on that application, section 43F(6), former provisions, of LUPAA, requires that:

When the planning authority forwards to the Commission a report in accordance with section 39(2), it must forward to the Commission –

- (a) *a copy of each representation received by the planning authority in relation to the application for the permit or the planning authority's decision under sub-section 1(b), or where it has received no such representation, a statement to that effect; and*
- (b) *a statement of its opinion as to the merit of each representation including, in particular, its views as to the need for modification of the planning authority's decision in the light of that representation; and*
- (c) *such recommendations in relation to the planning authority's decision as the planning authority considers necessary.*

REPRESENTATIONS:

Two representations were received during the public notification period. A summary of the representations is included in **Attachment 2**.

The representation from TasWater indicates no objection, noting that TasWater conditions are included on the planning permit.

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

■ **Ground 1 – Rezoning will affect available open space at 115**

Allunga Road

The owner of 113 Allunga Road has put in an objection for rezoning of 115 Allunga Road to General Residential zone on the following basis:

- The proposed amendment will cause the area over 113 Allunga Road, back fence (115 Allunga Road) to no longer be available for open space, currently used by families and kids in the area for outdoor recreation and sports like football and cricket.

Opinion on Merit & Need for Modification

As shown in Figure 2 below, 113 Allunga Road is located next to the entrance of 115 Allunga Road and shares the rear boundary with the subject site. The section referred to as open space by the representor is a privately-owned property, with a learning centre(school) on-site. 115 Allunga Road consists of a playground to the rear which is associated with the learning centre and has no designated open space for public use.

The availability of public open space within 500m of the proposed subdivision has been addressed in detail in the combined planning scheme amendment and three lots subdivision report

Please find link to the report below:

http://glenorchy.infocouncil.biz/Open/2018/10/PA_15102018_AGN.PDF

As a summary, the locality comprises of two open spaces within 500m of the site which are at a walking distance and easily accessible.

131A Allunga Road is located approximately 220m north of 113 Allunga Road. the site is a sports ground owned by Council which is publicly available and is approximately 5.278 hectares. The size of the land allows opportunity for multiple activities pertaining to passive recreation, sports and recreation.

The second open space is located at the end of Karambi Street. The space is a public reserve, with a community garden and approximately 230m from 113 Allunga Road.



Figure 2: Aerial view of the site and closest public open space location.

Given the availability of easily accessible public open spaces within 200-230m of 113 Allunga Road, the representation does not hold considerable merits.

It is therefore recommended that the draft amendment and planning permit be submitted to the Tasmanian Planning Commission in the form which was publicly notified, without change.

Recommendation:

That the Planning Authority report in the above terms to the Tasmanian Planning Commission about combined draft Amendment and planning permit application PLS43A-18/01 to the Glenorchy Interim Planning Scheme 2015, under S. 39 and S.43F (6), former provisions, of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1 Attachment 1 - 115 & 131A Allunga Road, Chigwell



- 2 Attachment 2 - 115 & 131A Allunga Road, Chigwell

