

**GLENORCHY PLANNING AUTHORITY
AGENDA
MONDAY, 21 AUGUST 2017**



GLENORCHY CITY COUNCIL

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

Chairperson: Commissioner Sue Smith

Hour: 3.00 p.m.

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1. PLANNING AUTHORITY DECLARATION
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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 24 July 2017 be confirmed.

That the minutes of the Glenorchy Planning Authority Meeting held on 10 August 2017 be confirmed.

5. AMENDMENT PLAM-17/01
SECTION 39 REPORT TO TPC - MERITS OF REPRESENTATIONS
36 CADBURY ROAD, CLAREMONT (LOTS 1 AND 2)
CORRECTION TO TABLE E13.1 LOCAL HERITAGE PLACES

Author: Strategic Planner (Lyndal Byrne)

Qualified Person: Strategic Planner (Lyndal Byrne)

Property ID: 3284010

REPORT SUMMARY:

Amendment:	PLAM-17/01
Applicant:	Glenorchy City Council
Owner:	MLW Holdings II Pty Ltd
Proposal:	To correct a typographical error to the title information of 1/36 and 2/36 Cadbury Road, Claremont in Table E13.1 Heritage Places of the Historic Heritage Code to the Glenorchy Interim Planning Scheme 2015.
Report Purpose:	To consider the merits of representations received during the public exhibition period for the draft Amendment PLAM-17/01 to the Glenorchy Interim Planning Scheme 2015 and their effect on the proposal.
Representations:	10 received: nine objections one 'no objection'
Recommendation:	Approval.

REPORT IN DETAIL:

INTRODUCTION:

The draft amendment to the Glenorchy Interim Planning Scheme 2015 (GIPS 2015) was publicly notified from 21 June 2017 until 19 July 2017.

The public notification involved advertisements in the Mercury on 21 June 2017 and 24 June 2017 (a Saturday) and a mail out of letters to all owners and occupiers of land adjacent to or opposite the site.

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

BACKGROUND:

The draft amendment seeks to correct a typographical error to the title information of 1/36 and 2/36 Cadbury Road, Claremont in Table E13.1 Heritage Places of the Historic Heritage Code (the Code) to the GIPS 2015.

During the translation of the Glenorchy Planning Scheme 1992 to the GIPS 2015, title information for 1/36 and 2/36 Cadbury Road, Claremont was erroneously transcribed into Table E13.1 of the Code, leaving part of the site (Lot 2) unprotected – see **Figure 1**.

The draft amendment seeks to reaffirm the heritage status that applied to the whole site under the previous planning scheme and which was approved under planning scheme amendment PLAM-11/08 on 9 March 2013. (Refer to **Attachment 1** – Delegated Report on the initiation of the draft amendment)

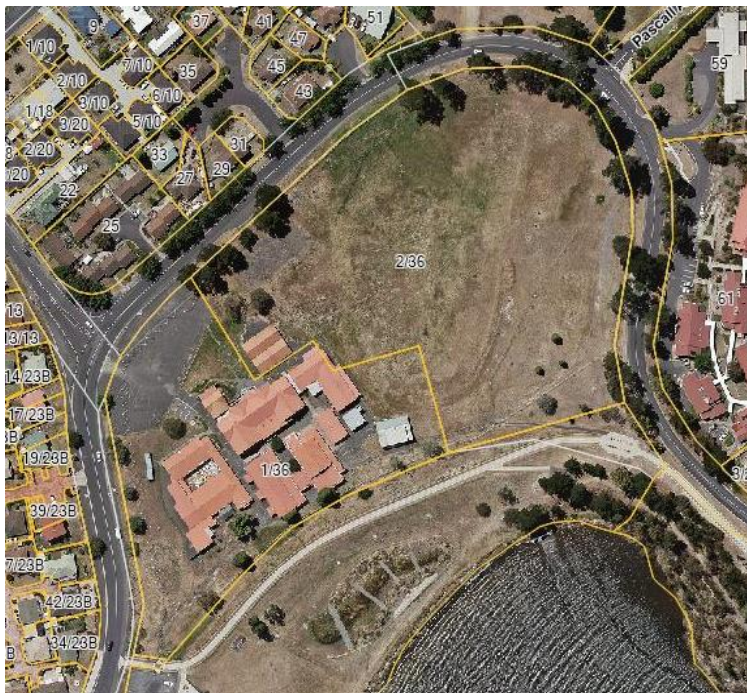


Figure 1 – Aerial image showing Lots 1 and 2.

STATUTORY REQUIREMENTS:

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

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

The 35 day statutory period to provide a report to the TPC ends on 23 August 2017.

REPRESENTATIONS:

Nine representations objecting to the amendment were received during the public notification period.

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

Ground 1 – Heritage Controls should not apply to a vacant lot

The representations submit that it is inappropriate to apply heritage controls to a vacant lot, and that the site 'has been confirmed as not being in the schedule of sites with any archaeological values'.

Opinion on Merit and Need for Modification

Planning Scheme Amendment PLAM - 11/08, approved on 9 March 2013, covered the entire site (now known as Lot 1 and Lot 2, 36 Cadbury Road).

While the school complex (including the principal extant historic 1924-1926 Claremont Primary School building) is predominantly located on Lot 1, Lot 2 constitutes other values not only relating to the setting of the school, but also its historical association with the Cadbury company and the potential location (or partial location) of 'Ashburton' a 19th Century farm and farmhouse (also known as Rust's Farm). In the GIPS 2015 'Place' is defined as:

... a site, area, landscape, building or other work, group of buildings or other works, with any associated views, spaces, and surroundings such as historic plantings or landscaping features, or evidence of past land use.

More specifically in relation to Lot 2, the attributes include:

- The curtilage or setting of the former school. As a first principle, and most commonly, heritage curtilages comprise the boundary of the property containing the heritage item. As set out in this proposed Amendment, Council's assertion is that this constitutes the entire former school property as listed in PLAM 11/08 (and now incorporating Lots 1 and 2/36 Cadbury Road).

For the majority of Places, a reduced curtilage is often only considered when a development proposal is submitted (i.e., in the land use planning context, when a valid, place specific planning permit application is lodged) and found to be appropriately responsive to the identified value/s and otherwise satisfactory in regards to the applicable Performance Criteria in the planning scheme of the day.

The ability to holistically consider the land comprising the former school property and to assess how new development will respond to the heritage values, therefore, provides the foundation for the listing of the Place in its entirety (i.e., including Lot 2).

- The mature Monterey pine trees (*Pinus radiata*) which follow the curve of Cadbury Road north east of the former school entrance around the perimeter of Lot 2 (approximately 350 linear metres) are significant. These trees constitute the western-most end of an extant avenue of trees that defined the landscaped approaches to the heritage-listed Cadbury Factory. Conifers were commonly planted in urban and rural Tasmania as boundary markers and windbreaks in the first half of the 20th century and demonstrate early to mid-20th century landscaping philosophies and practices. The pine trees at 2/36 Cadbury Road form part of the setting of the school. They also serve to demonstrate and emphasise the significant spatial and historical link with the Cadbury Company and the role it played in the establishment of the school, the Cadbury estate and factory in a garden setting, and in defining the early character of Claremont as it transitioned from a rural setting to suburb.
- Lot 2 is also understood to potentially correspond to the site of (or partially the site of) a 19th century farm and farmhouse known as 'Ashburton' (also locally referred to as Rust's Farm) that was later used by the Army as the Remount (where horses for the Light Horse and Artillery were trained) and as the gatehouse to the Claremont Army Camp. The potential, therefore, exists for evidence of past land use to be located (or partially located) within the bounds of the Lot in subsurface archaeological contexts.

While there is provision within the Historic Heritage Code to specifically list a Place as 'a Place of Archaeological Potential', this is generally only applied where a Place is exclusively characterised by archaeological values. This is not the case at the former Claremont Primary School site which is characterised by a variety of attributes. The archaeological potential of the Place is, therefore, appropriately categorised within the definition, as part of the Heritage Place.

The land comprising the entire former school site (including Lot 2) contains heritage values.

The role these values play in shaping the development outcomes of the site is properly to be determined at the planning permit application stage when all the attributes of the land are considered and assessed in the context of a development proposal.

In consideration of the above, it is recommended that no changes be made to the amendment.

Ground 2 – By approving the Strata Subdivision, Council intended to separate the balance from the heritage site.

The representations claim that Council's decision to approve the 2-lot strata subdivision was a 'conscious decision' to excluded Lot 2 from the heritage register.

Opinion on Merit and Need for Modification

The Strata-subdivision was approved by Council in November 2013 and registered with the Titles Office on 27 February 2014. The GPS 1992 was in operation at this time and identified the site by address only (36 Cadbury Road, Claremont).

A planning scheme amendment would have been required to change the address details in the planning scheme if Council's intent was to remove the heritage controls from Lot 2. Such an amendment should have been initiated in early 2014. However as it was not Council's intent to remove heritage controls from part of the site, an amendment was not initiated.

It is recommended that no changes be made to the amendment.

Ground 3 – Evidence indicates it is not an administrative error

The representations claim there is evidence to indicate that the title details in the Code are not an administrative error; however no evidence was included with the representations.

Opinion on Merit and Need for Modification

As no evidence has been provided to demonstrate this ground, Council officers cannot respond to this matter, and this claim cannot be given determining weight.

It is recommended that no changes be made to the amendment.

Ground 4 – Amendment prejudices the redevelopment of the site

The representations indicate that the amendment will delay development of the site and is prejudicial to the owner.

Opinion on Merit and Need for Modification

Discussions on redevelopment options for the site between Council officers and the owner began in March 2013. The presence of heritage values across the whole site was raised with the owner at this time, and at numerous subsequent times.

At no stage has any ‘show stopping’ heritage issue with the site – particularly the area now included in Lot 2 – been presented to the owner. Council officers’ intent has been to interpret the applicable planning scheme requirements and assist the owner in determining what is necessary to satisfy the provisions of the scheme in preparing a planning permit application.

While several concept plans have been lodged, and Council officers have provided feedback on the proposed plans, a formal application is yet to be lodged for either site. As Council’s officers have believed that the entire site was covered by the heritage controls – until the typographical error was realised on 4 April 2017 – and consistent advice as to heritage values have been provided to the owner, Council officers do not believe that the amendment will delay the lodging of a planning permit application.

It is recommended that no changes be made to the amendment.

PLANNING AUTHORITY'S RECOMMENDATIONS ON THE DRAFT AMENDMENT

That the draft amendment be submitted to the Tasmanian Planning Commission in the form which was publicly notified, without change.

Recommendation:

That Council report in the above terms to the Tasmanian Planning Commission about draft Amendment application PLAM-17/01 to the Glenorchy Interim Planning Scheme 2015 under s. 39, former provisions, of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1  Delegated Report to initiate the Amendment

6. PROPOSED USE AND DEVELOPMENT - ADDITIONS AND ALTERATIONS RESIDENTIAL (SINGLE DWELLING) RELYING ON PERFORMANCE CRITERIA - 5 CONTINENTAL ROAD, GLENORCHY

Author: Planning Officer (Angela Dionysopoulos)
 Qualified Person: Acting Senior Statutory Planner (Sylvia Jeffreys)
 Property ID: 5363492

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-132
<i>Applicant:</i>	Longview Design & Drafting
<i>Owner:</i>	A B Eisenhuth
<i>Zone:</i>	Inner Residential
<i>Use Class</i>	Residential (single dwelling)
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	11.4.2 Setbacks and building envelope (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	23 August 2017
<i>Existing Land Use:</i>	Residential (single dwelling)
<i>Proposal In Brief:</i>	Additions and alterations (Residential) relying on performance criteria
<i>Representations:</i>	1
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The application is seeking a permit for an existing, unapproved development. The development consists of a garage and roofed deck. Figure 1 shows the location of the unapproved structures for which planning approval is sought.

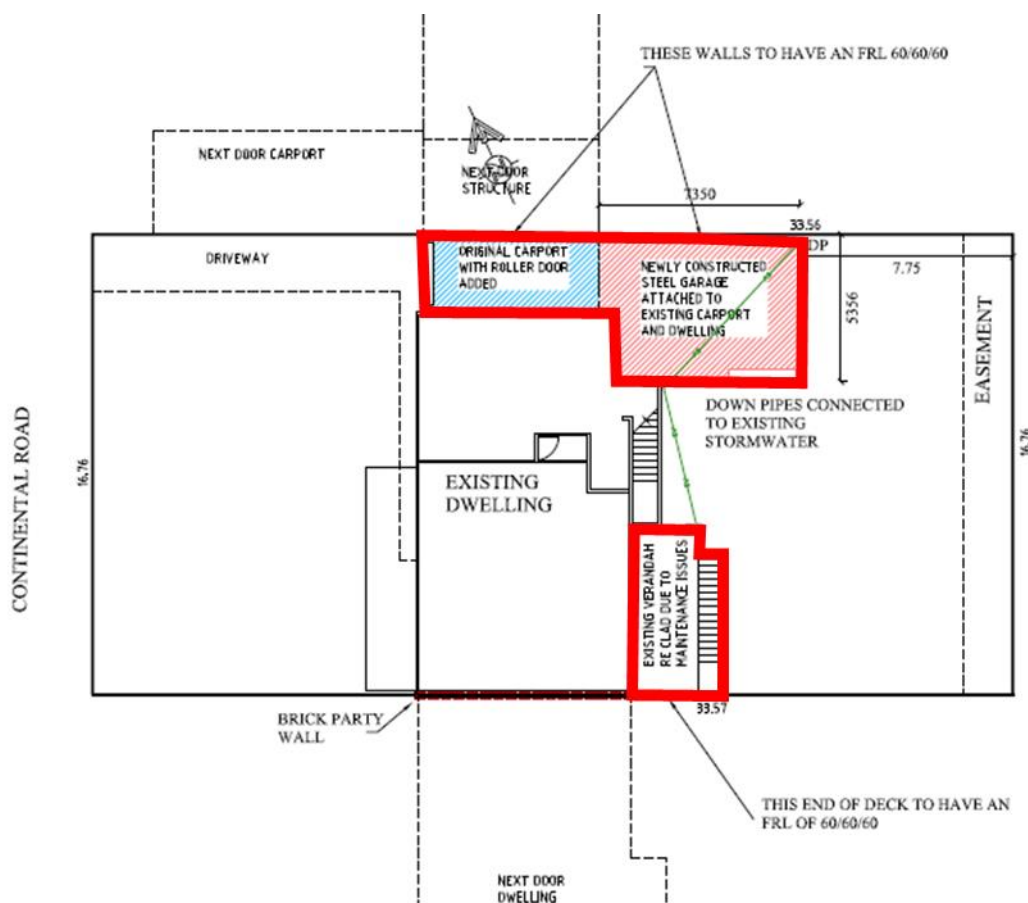


Figure 1. Screenshot of the proposed site plan showing the location of unapproved structures (red outline added) – submitted with the subject planning permit application

The proposed garage comprises a previously constructed carport and recent addition, located adjacent to the north-eastern side boundary and adjoining the existing dwelling. The garage is set back approximately 12m from the frontage and has a width of approximately 2.8m facing the frontage. The width at the rear of the garage is 5.356 and the proposed total length is approximately 13.75m, located within approximately 0.2m of the north-east side boundary. The height of the proposed garage addition is 2.7m.

A previously constructed, roofed deck adjoining the south-west side boundary is proposed. The proposed deck has maximum horizontal dimensions of 3.224m x 6.026m, and a floor level of more than 1m above natural ground level. The proposed roofed area has a width of approximately 2.35m adjoining the south-west side boundary; a height of 3.6m with no setback at the side boundary; and a maximum total height of 4.8m.

The proposed cladding includes a permanently fixed screen with a transparency of less than 25% extending from the floor to the roof of the deck, on the side facing the adjacent lot.

Partial demolition of a boundary wall and excavation to a depth of approximately 1m in the vicinity of the south-west side boundary were also undertaken and form part of the proposal.

SITE and LOCALITY

The site (Figure 2) is a lot of approximately 567m² with an east to north-easterly slope ranging from approximately 1 in 9 at the front of the lot to approximately 1 in 6 at the rear. The site is located amongst single residential dwellings, and adjoins Glenorchy Primary School at the rear boundary. A large development comprising 28 multiple dwellings for community housing is located opposite the subject site on Continental Road.



Figure 2. Aerial photograph of the subject site (highlighted) and surrounds - Council database 2015

ZONE

The site is located wholly in the Inner Residential zone (Figure 3).

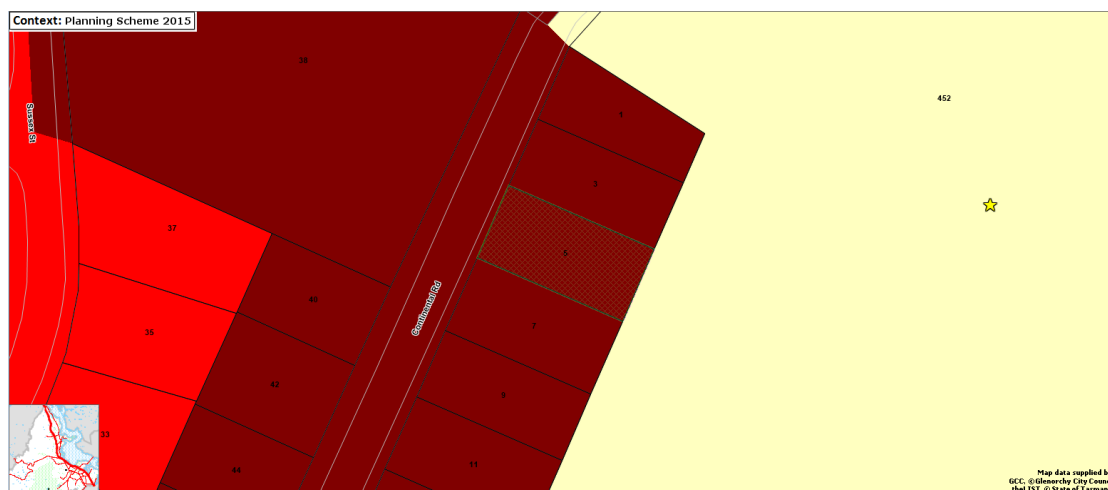


Figure 3. The site is located in the Inner Residential zone (maroon), adjacent to a Community Purpose zone (light yellow) – Glenorchy Interim Planning Scheme 2015

BACKGROUND

A-N7168 1957 building plans.

A review of Council records did not identify any approvals for the previously constructed, roofed deck or carport.

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

5.5 Maintenance and Repair of Buildings

Clause 5.5 of the Scheme provides an exemption from requiring a planning permit for:

- *Maintenance and repair of buildings including repainting, re-cladding and re-roofing whether using similar or different materials provided this does not contravene a condition of an existing permit which applies to a site; and*
- *Re-cladding and re-roofing using different materials or painting of previously unpainted surfaces provided this does not involve a place or precinct listed in a heritage code that is part of this planning scheme.*

A review of Council records did not identify any approvals for the previously constructed, roofed deck or carport, which were completed prior to the recent additions and re-cladding. The whole of the deck structure requires planning approval, and the current cladding of the existing, unapproved structure is considered to form part the structure for which approval is sought. Therefore the development is not considered to constitute maintenance and repair, or re-cladding and re-roofing, and is not exempt from requiring a planning permit.

5.9 Demolition of exempt buildings

The demolition in whole or in part of a building, the erection of which would be exempt under this planning scheme, is exempted from requiring a planning permit. However, the wall demolition is not exempt because it would have been discretionary for the following reasons.

The proposed demolition is of a wall forming part of the dwelling, with no side boundary setback, and a total length of greater than 9m. Standard *11.4.2 Setbacks and building envelope* requires that a dwelling must only have a setback within 1.5 m of a side boundary if it:

- (i) *does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or*
- (ii) *does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).*

The wall extended beyond the existing building on the adjoining lot, and exceeded 9m. The construction of the wall would have relied on performance criteria to meet the *11.4.2 Setbacks and building envelope* standard, and would not have been exempt from requiring a planning permit. Therefore the proposed demolition is not exempt.

Limited Exemptions

The total floor area of the proposed structures is approximately 76m² and the structures are not considered to be minor; therefore the limited exemptions do not apply. The limited exemptions are as follows.

6.1 Minor Structures and Outbuildings

Clause 6.1 provides an exemption from requiring a planning permit for the construction, placement or demolition of minor outbuildings or structures if, amongst other criteria, the combined total area of such buildings or structures does not exceed 20m². The exemption does not apply.

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

No Specific Area Plan applies. The E6.0 Parking and Access Code and E7.0 Stormwater Management Code apply and therefore prevail over the zone provisions, where there is any conflict.

Use Class Description (Table 8.2):

The use class is **Residential** which means 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):

Outbuilding means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed. The subject development does not comprise an outbuilding as it is not detached from the dwelling.

Part C: Special Provisions

9.4 Demolition

Clause 9.4 provides that, unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority, having regard to:

- (a) *the purpose of the applicable zone;*
- (b) *any relevant local area objective or desired future character statement of the applicable zone;*

(c) the purpose of any applicable code; and

(d) the purpose of any applicable specific area plan.

The proposed works include demolition of a boundary wall. The demolition forms part of this application, which includes other development works, and is recommended for approval as part of that development. Separate approval of the demolition is not required.

Part D: Zones

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

Zone Purpose Statements

The purpose of the Inner Residential zone is to:

- provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height;
- provide for compatible non-residential uses that primarily serve the local community;
- encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors; and
- provide for a change in character from single dwellings on larger lots to alternative forms of housing such as terrace housing and apartments at greater density and with improved public open space amenity, whilst protecting amenity for existing nearby development.

There is no proposed change to the use or dwelling type. The existing Residential use for a single dwelling is located adjoining a school facility and respects the existing variation and pattern in lot sizes, setback and height, and is compatible with the zone purpose.

Use Table

The Residential (single dwelling) use class usually does not require a permit in the Inner Residential zone. However, the application is discretionary owing to reliance on performance criteria that relate to setbacks and building envelope.

Use Standards

The use standards in Clause 11.3 pertain to non-residential use, visitor accommodation and local shops, and do not apply to the proposal.

Development Standards for Buildings or Works**11.4.2 Setbacks and building envelope (A3)**

Acceptable Solution A3 requires dwellings to have a setback within 1.5m of a side boundary only if the dwelling does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or does not exceed a total length of 9 m. The carport and garage addition are located adjoining the side boundary, have a total length of approximately 13.65m, and extend beyond an existing building located on the boundary of the adjoining lot.

The acceptable solution also requires a maximum height above natural ground level of 3m at the side boundary. The proposed roofed deck has a height of 3.6m above natural ground level, adjacent to the south-west side boundary. The proposal relies on Performance Criterion P3 for compliance with the standard.

Performance Criterion P3 requires that 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*

The existing, conjoined dwelling currently overshadows the south-east facing rooms at the northern end of the neighbouring dwelling. The proposed deck extends the roofline of the existing dwelling by approximately 2.35m, which is expected to have a small additional impact. However, the affected rooms appear to be a bedroom and bathroom, which are not relevant to compliance with the performance criteria. In addition, the floor level of the adjoining dwelling is higher than that of the subject, which further reduces the impact of overshadowing caused by the proposed structure.

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

The neighbouring property to the south-west of the subject site has an ample area of approximately 184m² of private open space. The private open space is considered to receive plenty of sunlight for the majority of the day. Some overshadowing of the space is caused by the existing dwelling on the subject site, primarily during the early afternoon. The proposed deck extends the roofline of the existing dwelling by approximately 2.35m, which is expected have a small additional impact. However, a large area of the neighbouring private open space would be unaffected by the proposed structure.

(iii) *overshadowing of an adjoining vacant lot; or*

There is no adjoining vacant lot.

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

The apparent scale of the proposed garage when viewed from adjoining lots is reduced by a large proportion of the building being positioned between existing building elements. In addition, the proposed garage has a modest height of 2.4m.

The roofline of the proposed deck forms a subservient extension of the roofline of the existing dwelling, and the deck itself has a modest width of 3.224m (including the adjoining stairs). In addition, the sole representation received did not identify the scale, bulk or proportions of the dwelling as being of concern. The proposed deck is therefore not considered to cause unreasonable loss of amenity as a result of visual impacts caused by its apparent size.

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

The development is directly adjacent to the existing dwelling at 3 Continental Road. This is compatible with the prevailing separation between dwellings in the area. The existing dwelling is directly adjacent to the dwellings on either side at 3 and 7 Continental Road, as are a number of dwellings on adjacent lots, including 13 and 15 Continental Road, and 1 and 3 Continental Road. The proposal satisfies the Performance Criterion and complies with the standard.

The proposal complies with the acceptable solutions for all the remaining applicable zone standards, as detailed at Appendix A.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

The proposal complies with the relevant standards of the Parking and Access Code, as detailed at Appendix B.

E7.0 Stormwater Management Code

The proposal complies with the relevant standards of the Stormwater Management Code, as detailed at Appendix C.

PART F: Specific Area Plans

No Specific Area Plan applies to the site.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has reviewed the proposal and made the following comments. No conditions are recommended.

E6.0 Parking and Access Code

This code applies to all use and development.

There are no traffic or parking issues associated with this application.

E7.0 Stormwater Management Code

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

A condition is recommended that stormwater from all new impervious surfaces must be disposed of by gravity to public stormwater infrastructure, to meet the requirements of the acceptable solution of E7.7.1 Stormwater Drainage and Disposal.

There are no other applicable standards of the stormwater management code.

Other

E3.0 Landslide Code

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

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

There are no 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.

EXTERNAL REFERRALS

TasWater

TasWater has reviewed the proposal and does not object nor impose any conditions.

REPRESENTATIONS

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

1. Demolition

The representor states that a block wall located on the boundary between 5 and 7 Continental Road was demolished without permission and replaced with a timber structure. They would like the block wall to be reinstated.

Planner's Comment:

The application is seeking approval of development undertaken without prior planning approval, along with associated remediation works. The already completed demolition works form part of the application assessment in accordance with clause 9.4.1, which provides for demolition to be approved as part of another development.

With regard to reinstatement of a block wall, the planning authority does not have jurisdiction to specify construction materials, other than as required to meet the standards of the Scheme.

A dispute between private parties regarding the selection of materials for a boundary wall is a civil matter and can only be settled either directly between the disputing parties, or via the civil court.

2. Fire rating

The representor states that they are concerned about the fire rating of the new timber structure on the boundary between 5 and 7 Continental Road.

Planner's Comment:

The proposal specifies that the new boundary wall is to have a Fire Resistance Level (FRL) of 60/60/60. Fire rating requirements are governed by the Building Code of Australia and are not a planning issue that can be considered under the Scheme. Advice to the applicant as part of the permit is recommended, stating that the permit does not address fire rating requirements, and advising the applicant to consult an accredited Building Surveyor in this regard.

3. Privacy

The representor states that they are concerned about the impact on privacy of the demolition of the block wall.

Planner's Comment:

The 11.4.6 Privacy standard pertains to structures with a floor level more than 1m above natural ground level, and shared driveways. It is not an applicable standard in relation to demolition works.

The standard does apply to the deck for which approval is sought. However, as detailed in Appendix A, screening is proposed which meets Acceptable Solution A1. A condition of permit is recommended to clarify the extent of the screening required, and to require ongoing compliance.

Council does not have discretion under the Scheme to refuse a proposal that complies with an acceptable solution. Clause 8.10.1 *Determining Applications* provides that in determining an application for any permit the planning authority must take into consideration any representations received, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised. The proposal does not involve the exercise of a discretion in relation to the privacy standards. The representor's concern regarding privacy is therefore not a matter that can be considered in determining the application.

4. Fencing to be made good

The representor requests that the fencing attached to the development is to be made good.

Planner's Comment:

Repair of boundary fences is governed by the *Boundary Fences Act 1908* and is not a planning issue that can be considered under the Scheme.

Advice to the applicant as part of the permit is recommended, advising the applicant to consult an accredited Structural Engineer in relation to the structural soundness of the development and any attached fencing or party walls.

5. Building debris

The representor states that debris from the works remains on their land, and requests for it to be removed.

Planner's Comment:

The *Building Act 2016* governs nuisance arising from building works. Debris from the execution of building works is not a planning matter that can be considered under the Scheme.

6. Excavation

The representor expresses concerns regarding the structural soundness of the party wall, following excavations undertaken at the boundary.

Planner's Comment:

The structural soundness of buildings is governed by the Building Code of Australia and the *Building Act 2016* and is not a planning issue that can be considered under the Scheme.

It is standard practice to include advice regarding other approvals that may be required.

7. Transfer of conditions

The representor states that the requested conditions (above) be transferred to any new owner of the subject site in the case of sale of the property.

Planner's Comment:

Any permit granted runs with the land, in accordance with the *Land Use Planning and Approvals Act 1993*, and is applicable to each successor.

CONCLUSION

The proposal relies on performance criteria for compliance with the setbacks and building envelope standard. The proposal is assessed as satisfying the performance criteria and complies with the standard. The proposal is assessed as complying with all other use and development standards in the Inner Residential zone, as well as all the relevant standards of the Parking and Access Code and Stormwater Management code. The application was publicly advertised for the statutory 14-day period and one representation was received. The issues raised in the representation were considered as part of the assessment of the proposal. It is concluded that the proposal is consistent with the requirements of the Scheme and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of Additions and alterations (Residential) relying on performance criteria at 5 Continental Road, Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-132 and Drawing No. P1 submitted on 16 May 2017, except as otherwise required by this permit.

2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. The wall adjoining the side boundary at the southern end of the deck must screen the full width of the deck and adjacent stairs (being 3.224m wide as shown on page 2 of the plans) to a height of at least 1.7m above the finished floor level with a uniform transparency of not more than 25%. The wall must be retained for the life of the deck.

Engineering

4. All runoff from impervious areas must be retained within site boundaries and all internal hydraulic service works required for the development 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.

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.

Fire Rating Level

The approved plans indicate that the end of the deck adjoining the boundary with 7 Continental Road will have a Fire Rating Level (FRL) of 60/60/60. Please be aware that this planning permit does not specify or approve any FRL requirements under the Building Code of Australia. You should consult with an accredited Building Surveyor regarding compliance with any fire rating requirements for the development.

APPENDIX A

11.0 Inner Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
11.4 Development Standards for Buildings and Works			
11.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than 200m ² and not more than 400m ² .	Not applicable.	NA
11.4.2 Setbacks and building envelope	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) at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback from the frontage of any existing dwelling on the site; (b) 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.	The addition is located wholly behind the existing dwelling.	Yes
	A2 A garage or carport must have a setback from a frontage of at least: (a) 4m, or alternatively 1m 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) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	The existing carport has a frontage setback of approximately 12.4m.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	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 11.4.2A, 11.4.2B, 11.4.2C and 11.4.2D) determined by: (i) a distance equal to the permitted frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 3m from the rear boundary; to a building height of not more than 9.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	The combined carport and garage addition have a total length of approximately 13.75m and are located adjoining the side boundary. In addition, the re-clad, roofed deck has a height of 3.6m above natural ground level, adjacent to the south-west side boundary.	No
11.4.3 Site coverage and private open space	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 50m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and	The proposal results in a site coverage of approximately 193m², or approximately 34% of the site. Approximately 28% of the site area remains free of impervious surfaces.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(c) a site area of which at least 25% of the site area is free from impervious surfaces. A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 3 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.	The private open space is non-compliant owing to not being directly accessible from a habitable room. However, the subject development does not have any impact on the location of the previously approved private open space, and does not cause any new discretion in relation to the private open space. Therefore, although the standard applies, the application is considered compliant.	Yes

Standard	Acceptable Solution	Proposed	Complies?
11.4.4 Sunlight and overshadowing	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 and 30 degrees east of north (see Diagram 11.4.4A).	Not applicable. No change to the windows of the habitable rooms is proposed.	NA
	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 11.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 11.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	Not applicable.	NA
	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 11.4.3, must be in accordance with (a) or (b), unless excluded by (c):	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(a) The multiple dwelling is contained within a line projecting (see Diagram 11.4.4C): (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.		
11.4.5 Width of openings for garages and carports	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.	NA
11.4.6 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 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side or rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the boundary; and	The development includes recladding of an existing deck with a floor height of more than 1m above natural ground level. A permanently fixed screen to the height of the deck's roof is provided on the side facing the south-west side boundary. A condition of permit is recommended to clarify the extent of the screening required.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(b) 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 or rear boundary; and (ii) 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 (iii) 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 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	Not applicable. No change to existing windows or glazed doors is identified as part of the proposal.	NA

Standard	Acceptable Solution	Proposed	Complies?
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	Not applicable.	NA
11.4.7 Frontage Fences	A1 A fence (including a free-standing wall) within 3 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) 1.5 m, if any part of the fence that is within 3m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	Not applicable. No frontage fencing is proposed.	NA
11.4.8 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:	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(i) has a setback of at least 3 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 1.2m above the finished surface level of the storage area.		
11.4.9 Non-dwelling development	A1 Non-dwelling development must comply with all of the following acceptable solutions as if it were a dwelling: (a) 11.4.2 A1 and A3; (b) 11.4.3 A1 (a) and (c); (c) 11.4.7 A1.	Not applicable.	NA
	A2 Non-residential garages and carports must comply with all of the following acceptable solutions as if they were ancillary to a dwelling: (a) 11.4.2 A2; (b) 11.4.5 A1.	Not applicable.	NA
	A3 Outdoor storage areas must comply with all of the following (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped area.	Not applicable.	NA

APPENDIX B**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.	Two car parking spaces are required. Two spaces are provided.	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.	NA
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	Not applicable.	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.	Not applicable.	NA
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	No change is proposed to the single existing vehicle access.	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.	Not applicable. No change is proposed to the single existing vehicle access.	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; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(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.	The access serves a single dwelling.	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.	Not applicable. No change to car parking spaces, access aisles, circulation roadways or ramps is proposed.	NA
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.	Not applicable. No change to car parking spaces or vehicle circulation roadways is proposed.	NA
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.	NA

Standard	Acceptable Solution	Proposed	Complies?
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.	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
	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.	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

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

APPENDIX C

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.	Council's Development Engineer has reviewed the proposal and does not object on this basis.	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 m²; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	Not applicable.	NA
	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.	Council's Development Engineer has reviewed the proposal and does not object on this basis.	Yes
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Council's Development Engineer has reviewed the proposal and does not object on this basis.	Yes

Attachments/Annexures

- 1 [5](#) Continental Road, Glenorchy

**7. PROPOSED USE AND DEVELOPMENT - ADDITIONAL DWELLING
(ONE EXISTING AND ONE NEW) RELYING ON PERFORMANCE
CRITERIA - 13 HUMPHREY STREET, GLENORCHY**

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 5376226

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-168
<i>Applicant:</i>	D G Clark
<i>Owner:</i>	D G Clark
<i>Zone:</i>	Inner Residential
<i>Use Class</i>	Residential (multiple dwellings)
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	11.4.2 A3 Setbacks and building envelope 11.4.3 P2 Site coverage and private open space E6.7.1 P1 Number of Vehicular Accesses (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	22 Aug 2017
<i>Existing Land Use:</i>	Single Dwelling
<i>Proposal In Brief:</i>	Additional dwelling (one existing and one new) relying on performance criteria
<i>Representations:</i>	1
<i>Recommendation:</i>	Approval, subject to condition

REPORT IN DETAIL:**PROPOSAL**

The application proposes a dwelling at the rear of an existing house. The proposed dwelling would be a single storey two bedroom residence with integrated single garage. The building would be constructed from brick with an iron hipped roof. There would be an area of private outdoor space on the northern side for the proposed dwelling. The application includes a second driveway with two parking spaces and a reversing bay, as well as landscaping. The proposal intends to retain an existing driveway and parking area. The proposal is shown in Figure1 below.

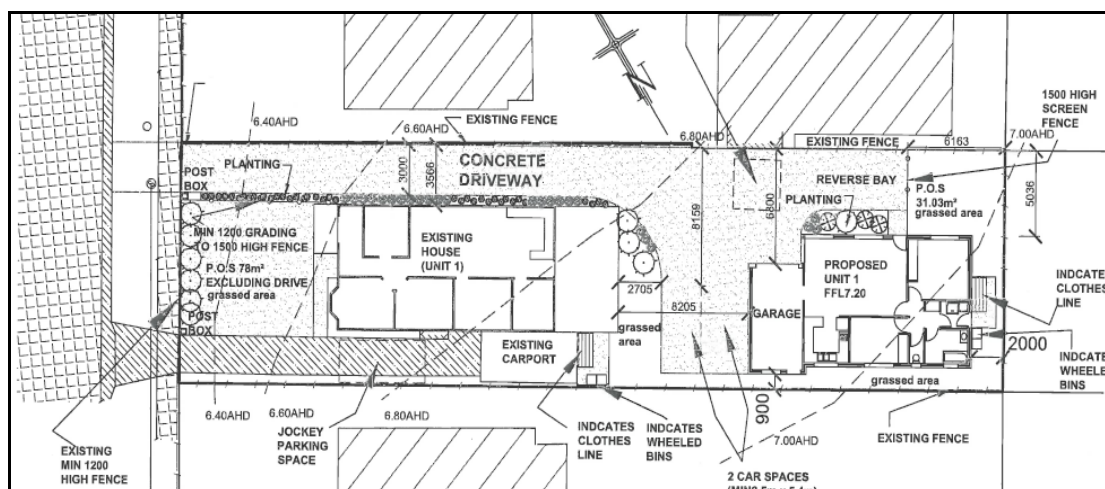


Figure 1: Proposal Plans - Skizze Building Design

SITE and LOCALITY

The subject property is located on the eastern side of Humphrey Street. The site is rectangular in shape and has an area of 726m². An existing three bedroom dwelling occupies the property. There is also an existing carport and driveway along the southern boundary. The existing driveway is less than 2.8m wide. The property adjoins three residential properties; two with single dwellings and one with two units. The property at the rear has two outbuildings on the common boundary. The front dwelling of the property to the north has a bedroom window in the vicinity of the proposed driveway. The site is shown in Figure 2.



Figure 2: Subject Site- Council Database 2016

ZONE

The subject property lies within the Inner Residential Zone in 'maroon'. The neighbouring properties are also situated within the Inner Residential Zone. The zoning is shown in Figure 3 below.



Figure 3: Zoning Map – GIPS 2015

BACKGROUND

There is no background information relevant to this assessment.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

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

- E6.0 Access and Parking Code
- E7.0 Stormwater Management Code

Use Class Description (Table 8.2):

The application proposes a second dwelling on site which falls under the use class Residential (Multiple Dwellings) as defined in Table 8.2 as follows:

Residential

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

Other relevant definitions (Clause 4.1):

The following definition applies:

Multiple Dwelling

means 2 or more dwellings on a site.

8.8 Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

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

- *11.4.2 A3 Setbacks and building envelope*
- *11.4.3 P2 Site coverage and private open space*
- *E6.7.1 P1 Number of Vehicular Accesses*

Part C: Special Provisions

Nil.

Part D: Zones

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

Zone Purpose Statements

The purpose of the Inner Residential Zone set out in 11.0 is as follows:

- *To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.*
- *To provide for compatible non-residential uses that primarily serve the local community.*
- *To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*
- *To provide for a change in character from single dwellings on larger lots to alternative forms of housing such as terrace housing and apartments at greater density and with improved public open space amenity, whilst protecting amenity for existing nearby development.*

Comment

It is considered that the proposal meets the purpose of the zone, as it would provide for an alternative housing type to the predominant single dwelling development in the area. The proposal would represent a higher density development within walking distance of the Glenorchy CBD.

Use Table

The use class Residential (Multiple Dwellings) is permitted in 11.2 Use Table. However, the application is discretionary pursuant to subclause 8.8.1 (b), owing to the reliance of the proposal on the performance criteria of an applicable standard.

Use Standards

The standards in Clause 11.3 Use Standards specifically relate to non-residential use, visitor accommodation and local shops and are therefore not applicable to this proposal.

Development Standards for Residential Buildings & Works

11.4.2 Setbacks and Building Envelopes

The proposal has a rear setback of 2m where the Acceptable Solution requires 3m. In addition the proposed garage component has a side setback of 0.9m where the Acceptable Solution is 1.5m, as the cumulative length of buildings within the setback is more than 9m.

Therefore, the proposal does not accord with the Acceptable Solutions in 11.4.2 A3 and relies on the related Performance Criteria which is as follows:

11.4.2 P3 Setbacks and Building Envelope

The siting and scale of a dwelling must:

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

Comment

The rear boundary adjoins a residential property that has a large backyard and two outbuildings on the common boundary. The neighbouring property to the south also has a large backyard adjoining the common boundary. Therefore, the proposed setbacks would not cause any unreasonable amenity impacts by way of loss of sunlight and overshadowing. In terms of visual bulk, the proposed dwelling would have a maximum height of 4.368m which would be a height that would not cause any unreasonable visual impact due to scale. In terms of separation, the distance with the neighbouring dwelling at the rear would be larger than six metres.

11.4.3 Site coverage and private open space

The proposal would have private outdoor space for the existing dwelling that is not directly accessible from a living area because it would be accessed through a hallway, from the front door.

In addition, there would also be an area of open space at the rear; however that space does not meet the requirements because it is not wide enough. The proposal does not meet the Acceptable Solution in 11.4.A2 (c) which is as follows:

A dwelling must have an area of private open space that:

- (c) is directly accessible from and adjacent to, a habitable room (other than a bedroom);*

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

11.4.3 P2 Site coverage and private open space

A dwelling must have private open space that:

- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play that is:*

- (i) conveniently located in relation to a living area of the dwelling; and*
- (ii) orientated to take advantage of sunlight;*

unless the projected requirements of the occupants are considered to be satisfied by communal open space or public open space in close proximity.

Comment

It is considered that the proposal meets the above criteria. The proposed outdoor space would be located to take full advantage of sunlight and would also be sufficiently large and well in excess of the minimum requirements of 24m² to cater for outdoor use. Whilst the private outdoor space is not located directly adjacent to a living area, it would still be reasonably conveniently located in terms of a short and direct route from the living areas. In addition, the location of the additional outdoor space at the rear would also be conveniently located in terms of operational considerations, being next to the laundry. Overall it is considered that the private outdoor space provision would accord with the Performance Criteria and would be suitable for outdoor recreation and operational needs which are the objective of the standard. A condition for landscaping is recommended to ensure privacy to the outdoor space is maintained.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Parking and Access Code

The proposal provides for four carparking spaces, which complies with the Acceptable Solution. The proposal also accords with all other Acceptable Solutions of this code except for E6.7.1 A1 Number of Vehicular Accesses. The proposal therefore relies on the related Performance Criteria as follows:

E6.7.1 P1 Number of Vehicular Accesses

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

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

Comment

The second driveway is proposed because the existing driveway cannot achieve the minimum required width. The existing driveway is 2.65m wide.

The proposed driveway would be located along the northeast boundary and would be approximately 32m long and 3m wide. The driveway would serve a parking area and garage at the rear of the existing dwelling. The neighbouring property contains a dwelling with bedroom windows facing the common boundary at a distance of 1.5m from the boundary.

Issues relating to traffic safety and residential amenity have been raised in a representation. Council's Development Technical Officer is satisfied that the proposal accords with the applicable standards in terms of pedestrian and traffic safety. In addition, the loss of on-street parking can also be accommodated in accordance with the above Performance Criteria. For further comments please refer to the engineering assessment under the Referrals section later in this report.

In terms of residential amenity, the representation is concerned about noise and light intrusion from vehicles to an adjacent bedroom window, because of the location of the proposed driveway.

The neighbouring dwelling along the northeast boundary is approximately 1.5m away from the common boundary and there is a fence between the two properties. The fence is approximately 1.6m high in the vicinity of the window. There is also some vegetation on the neighbour's property prior the window.

In terms of location of the driveway, it is considered that any driveway could be located along a boundary as there is no separation distance required. It is the setback distance of a dwelling from a boundary that provides the necessary separation. In this instance, the neighbouring dwelling has a setback of at least 1.5m which allows for the normal separation distance. Nevertheless, it is considered that the fence could be extended in the critical area to mitigate any adverse impacts.

A condition to this effect is recommended. Given the existing setback and the recommended condition, it is considered that the proposed driveway meets the Performance Criteria in terms of amenity. All other points of the Performance Criteria are also satisfactory and are addressed in the engineering assessment.

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Engineering

E6.0 Parking and Access Code

This code applies to all use and development.

The applicant is proposing an additional vehicular access to the proposed additional dwelling. This is due to the existing access being 2.65 meters wide in the vicinity of a chimney and not meeting the minimum driveway width of 3.0 meters required by the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004.

To meet minimum sight lines for pedestrian safety as required under clause 3.2.4 sight distance at access driveway exists of this Australian Standard, it is recommended a condition that the footpath be moved to the kerb to provide the sight triangle for pedestrian safety when vehicles are exiting the site.

The new access will remove one on-street carparking space which is not expected to have any significant impacts to the availability on-street carparking. The additional access will provide a whole carparking space between the access points and considered to satisfy the Performance Criteria of clause E6.7.1 Number of vehicular Accesses.

The applicant is proposing four car parking spaces and this satisfies the acceptable solution of Clause E6.6.1 of the Glenorchy Interim Planning Scheme 2015.

There are no other traffic or parking issues that are expected to occur as a result of this application.

E7.0 Stormwater Management Code

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

It is recommended a condition that stormwater from all new impervious surfaces must be disposed of by gravity to public stormwater infrastructure, to meet the requirements of the acceptable solution of E7.7.1 Stormwater Drainage and Disposal.

There are no other applicable standards of the stormwater management code.

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

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

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

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

E15.0 Inundation Prone Areas Code

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

Waste Management

Waste Services to the proposed multiple dwelling development at 13 Humphrey Street Glenorchy would be Council's standard bin service collected fortnightly.

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

EXTERNAL REFERRALS**TasWater**

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

REPRESENTATIONS

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

1. Driveway – Amenity Impacts

The representor states that the new second driveway would run adjacent to the representor's bedroom window and that the property should utilise the existing driveway to service the second dwelling.

Planner's Comment:

This issue has been previously addressed under the heading Parking and Access Code.

2. Safety - Second Driveway

The representor states that a second driveway would exacerbate difficulty getting out of the neighbouring driveway, in particular during the soccer season when there are lots of cars parked in the street. In addition, any additional driveway would impact on pedestrian safety and other road users.

Planner's Comment:

This issue has been previously addressed in the engineering assessment under the header Development Engineer.

CONCLUSION

The application is for a second dwelling at the rear of an existing house. The property is located within the Inner Residential Zone where the use of Residential (multiple dwellings) is normally permitted.

However the application invokes discretions in relation to setbacks, access to private outdoor space and a second driveway. These discretions were assessed within the report and were found to meet the related performance criteria.

The application was advertised for the statutory 14-day period, during which one representation was received. The representation raised concerns about driveway amenity impacts and safety issues. These concerns were addressed within the report. Conditions are recommended to reduce amenity impacts and to improve safety.

Overall, 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 Additional dwelling (one existing and one new) relying on performance criteria at 13 Humphrey Street, Glenorchy, subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-168 and Drawing No. P1 submitted on 19/06/17, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. The driveway on the northeast boundary must be screened by way of extending the height of the common fence in the vicinity of the neighbouring bedroom window to a height of 1.8m prior to a Certificate of Occupancy.

The screening is to be at the applicant's expense and is intended to minimise any impacts from vehicle noise and light intrusion. The screening must be to the satisfaction of Council's Senior Statutory Planner and must be in place for the life of the development.

4. The Private Outdoor Space for the existing dwelling must be screened from the street by landscaping as shown on the endorsed plans. The landscaping must comprise vegetation with a minimum planting height of 1m and a mature height of 1.8m. All landscaping must be completed prior to the Certificate of Occupancy and must then be maintained for the life of the development to the satisfaction of Council's Senior Statutory Planner.
5. Any windows of the existing dwelling facing the new driveway must be screened by vegetation from the driveway or alternatively have obscured glazing extending to a height of 1.7m prior to a Certificate of Occupancy. This requirement must be in place for the life of the development and to the satisfaction of Council's Senior Statutory Planner.

Engineering

6. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
7. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
8. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition and finished levels, must be submitted with the Building Application for approval by Council's Development Engineer.
9. To meet minimum sight lines for pedestrian safety as required under clause 3.2.4 sight distance at access driveway exists of the Australian Standard, Off-Street Car parking, AS 2890.1 – 2004; the footpath must be moved away from the front boundary to the kerb to provide the sight triangle for pedestrian safety when vehicles are exiting the site. This new footpath must be constructed in concrete to Council standards and fully funded by the developer. The redundant asphalt footpath must be removed and reinstated to the approval of Council's Development Engineer.
10. The proposed parking and driveway area must be constructed to a sealed finish and must generally comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Detailed drawings showing the driveway areas mains, surface drainage collection, pavement composition and finished levels must be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and submitted prior to the issuing of the Building Permit and be approved by Council's Development Engineer.

11. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains shall be undertaken by Council at the developer's cost.
12. Four (4) 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 the satisfaction of Council to prevent damage to fences or landscaped areas.
13. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to occupancy of the second dwelling unit. 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.
14. Any driveway / crossover work within Council's road reservation must be carried out by a Council approved contractor and all work must be reinstated to match the existing adjacent footpath/nature strip profile. A Property Access Works Application must be completed prior to any work being undertaken. The application is available from Council's planning department or available from Council's website at:
<http://gcc.tas.gov.au/content/Driveways.GCC?ActiveID=1304>
15. 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.

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.

Waste Management

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

- The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for recycling to each of the dwelling, collected fortnightly.

- Please note that this property would have a total of four (4) bins, two (2) Waste bins and two (2) Recycling Bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.
- All bins are to be placed on the kerbside for collection.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

APPENDIX

11.0 Inner Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
11.4 Development Standards for Buildings and Works			
11.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than 200m ² and not more than 400m ² .	Land 726m ² / 2 = 363m ²	Yes
11.4.2 Setbacks and building envelope	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) at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback from the frontage of any existing dwelling on the site; (b) 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.	Existing 8m	Yes
	A2 A garage or carport must have a setback from a frontage of at least: (a) 4m, or alternatively 1m behind the façade of the dwelling; or	Not in proximity to frontage	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(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) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.		
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to diagrams 11.4.2A, 11.4.2B, 11.4.2C and 11.4.2D) determined by: (i) a distance equal to the permitted frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 3m from the rear boundary; to a building height of not more than 9.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	1. Front setback: more than 3m 2. Rear: 2m 3. Side North: 5.036m 4. Side South: Garage 0.9m 5. Side South: Dwelling 1.5m	1. Yes 2. Discretion 3. Yes 4. Discretion 5. Yes

Standard	Acceptable Solution	Proposed	Complies?
11.4.3 Site coverage and private open space	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 50m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	(a) Proposed dwelling 105.47m² + existing dwelling 164m² = 269.47 / 726m² = 37% (b) More than 50m² (c) More than 25%	(a) Yes (b) Yes (c) yes
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 3 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	(a) Existing dwelling: 78m² and proposed dwelling 31.03m² (b) Existing dwelling 4m and proposed dwelling 3m (c) Existing dwelling has access from front door. Proposed dwelling has access from living area. (d) Existing dwelling to the east and proposed dwelling to the north (e) Existing dwelling POS located within frontage 20° west of north	(a) Yes (b) Yes (c) Discretion (d) Yes (e) Yes

Standard	Acceptable Solution	Proposed	Complies?
	(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (d) 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 (e) has a gradient not steeper than 1 in 10; and (f) is not used for vehicle access or parking.		
11.4.4 Sunlight and overshadowing	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 and 30 degrees east of north (see Diagram 11.4.4A).	Yes living area windows facing north	Yes
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 11.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 11.4.4B): (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.	Proposed dwelling is to the east separated by 8.205m	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 11.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 11.4.4C): (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:	Proposed dwelling not to the north of the existing dwelling	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
11.4.5 Width of openings for garages and carports	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).	There is no garage encroaching within 12m	Yes
11.4.6 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 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side or rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the boundary; and (b) 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.	There is no deck or balcony proposed above 1m NGL.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	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 or rear boundary; and (ii) 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 (iii) 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 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	No windows more than 1m above NGL	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	1m with vegetation screening along the driveway	Yes
11.4.7 Frontage Fences	A1 A fence (including a free-standing wall) within 3 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) 1.5 m, if any part of the fence that is within 3m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	NA	

Standard	Acceptable Solution	Proposed	Complies?
11.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 3 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 1.2m above the finished surface level of the storage area.	(a) Bins to be stored at each dwelling	Yes

E6.0 Parking and Access Code

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	Four	Yes
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	Not an applicable standard.	
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	Not an applicable standard.	
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not an applicable standard.	

Standard	Acceptable Solution	Proposed	Complies?
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.		Discretion see report
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		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; (d) be at intervals of no more than 30 m along the access.	Conditioned	Yes
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:		Yes

Standard	Acceptable Solution	Proposed	Complies?
	(a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		
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.	Conditioned	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.	Conditioned	Yes
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Not an applicable standard.	
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Not an applicable standard.	
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following:	Not an applicable standard.	

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

Standard	Acceptable Solution	Proposed	Complies?
	(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.		
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Conditioned	Yes

Attachments/Annexures

- 1  13 Humphrey Street, Glenorchy

8. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLINGS (RESIDENTIAL) RELYING ON PERFORMANCE CRITERIA - 59A, 61, 63 AND 65 TOLOSA STREET, GLENORCHY

Author: Planning Officer (Peter Coney)

Qualified Person: Planning Officer (Peter Coney)

Property ID: 5398126

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-155
<i>Applicant:</i>	Pinnacle Drafting & Design
<i>Owner:</i>	Clementine (Tas) Pty Ltd
<i>Zone:</i>	Inner Residential
<i>Use Class</i>	Residential
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	11.4.2 (P3) Setbacks and Building Envelope. 11.4.3 (P1) Site Coverage and Private Open Space. 11.4.3 (P2) Site Coverage and Private Open Space. 11.4.4 (P1) Sunlight and overshadowing. 11.4.4 (P2) Sunlight and overshadowing. 11.4.4 (P3) Sunlight and overshadowing. 11.4.6 (P3) Privacy for all dwellings. 11.4.8 (P1) Waste Storage for multiple dwellings. E5.6.2 (P2) Road Accesses and Junctions E6.6.1 (P1) Number of Car Parking Spaces. E6.7.12 (P1) Siting of Car Parking. (The proposal meets all other applicable standards as demonstrated in the attached appendices)

Level 2 Activity?	No
42 Days Expires:	22 Aug 2017
Existing Land Use:	Single dwelling (Residential)
Proposal In Brief:	Multiple dwellings (Residential) relying on performance criteria
Representations:	1
Recommendation:	Approval subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal is for the development of 13 dwellings on the land at 59A, 61, 63 and 65 Tolosa Street. The proposal, in addition to the development, will also require the adhesion of the existing lots. Of the proposed multiple dwellings, four are existing single dwellings. The additional nine are to be constructed at the rear of the lot to be adhered.

All of the existing and proposed dwellings have two bedrooms or more. For each of the dwellings, two (2) car parking spaces are required, though U10, U12 and U13 each would have one car parking space only. In addition there is a requirement for three (3) visitor car parking spaces. The proposal provides for only one (1) visitor car parking space.

The proposal complies with all of the relevant acceptable solutions, as outlined in the appendices to this report, except where reliant on the performance criteria for 11.4.2 (P3) Setbacks and Building Envelope, 11.4.3 (P1) Site Coverage and Private Open Space, 11.4.3 (P2) Site Coverage and Private Open Space, 11.4.4 (P1) Sunlight and overshadowing, 11.4.4 (P2) Sunlight and overshadowing, 11.4.4 (P3) Sunlight and overshadowing, 11.4.6 (P3) Privacy for all dwellings 11.4.8 Waste storage for multiple dwellings, E5.6.2 (P2) Road Accesses and Junctions, E6.6.1 number of car parking spaces and E6.7.12 Siting of car parking. How the proposal satisfies the objective of the standards through the performance criteria is outlined in the body of this report.

SITE and LOCALITY

The subject site is located on the eastern side of Tolosa Street approximately 50m from the intersection with Clydesdale Avenue. The site has a minimal grade of approximately 2% falling to the north east.

The locality is a mixture of single and multiple dwellings, and is characterised by proximity to the OneCare development at 59C Tolosa Street.



Figure 1. Aerial view of the site (marked yellow) and immediate surrounds. – LISTmap.

ZONE

The subject site is located in the Inner Residential zone. The site adjoins lots within the same zone on all sides. Properties in the immediate locality also are zoned Inner Residential.

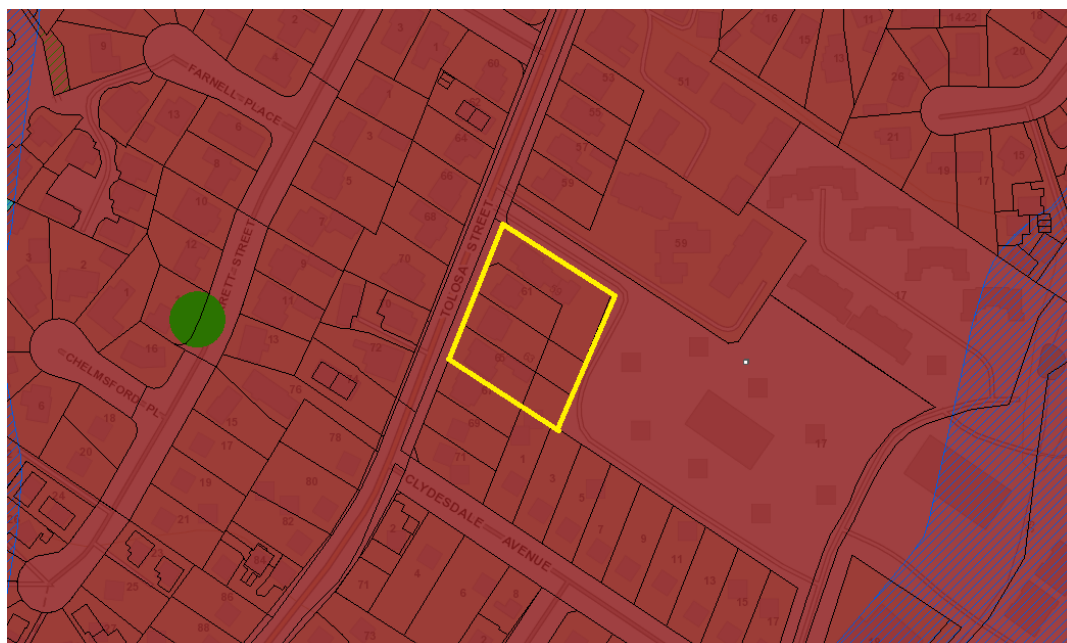


Figure 2. Graphic of the zoning for the site and immediate surrounds, indicating the Inner Residential zone (Maroon). – LISTmap.

BACKGROUND

There is no background information on file relevant to the assessment of 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 overrides zone provisions.

Use Class Description (Table 8.2):

Residential: means the use of land for self contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, 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):

Amenity: means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

Applicable standard: means as defined in subclause 7.5.2, which is a standard in a zone, specific area plan or code, is an applicable standard if:

- (a) the proposed use or development will be on a site within a zone or the area to which a specific plan relates, or is a use or development to which the code applies; and
- (b) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

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

Finished ground level: when used in respect of a development means the level of a site at any point after the development has been completed.

Natural ground level: means the natural level of a site at any point.

Multiple dwellings: means 2 or more dwellings on a site.

setback: means the distance from any lot boundary to a building on the lot.

Site area per dwelling: means the area of the site (excluding any access strip) divided by the number of dwellings.

Standard: means, in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

11.1.1 Zone Purpose Statements

11.1.1.1

To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

11.1.1.2

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

11.1.1.3

To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.

11.1.1.4

To provide for a change in character from single dwellings on larger lots to alternative forms of housing such as terrace housing and apartments at greater density and with improved public open space amenity, whilst protecting amenity for existing nearby development.

Comment

The proposal is for the provision of residential uses with a range of dwelling types. The site is located in proximity to key services for residential uses. The proposal is considered consistent with the purpose of the zone.

11.2 Use Table

A Residential use (except if no permit required), is permitted within the Inner Residential zone. The proposal however is discretionary, owing to relying on performance criteria to comply with an applicable standard.

11.3 Use Standards

The use standards of the Inner Residential zone relate to non-residential use and are not applicable to the assessment of this application.

11.4 Development Standards for Buildings & Works

The proposed development complies with all relevant development standards for Buildings and works, as demonstrated in Appendix 1, except where it relies on the performance criteria for 11.4.2 (P3) Setbacks and Building Envelope, 11.4.3 (P1) Site Coverage and Private Open Space, 11.4.3 (P2) Site Coverage and Private Open Space, 11.4.4 (P1) Sunlight and overshadowing, 11.4.4 (P2) Sunlight and overshadowing, 11.4.4 (P3) Sunlight and overshadowing, 11.4.6 (P3) Privacy for all dwellings and 11.4.8 (P1) Waste Storage for multiple dwellings.

11.4.2 (P3) Setbacks and Building Envelope.

The proposed dwellings identified on the plans as U6, U7, U8 and U9 are not contained within an envelope in accordance with Diagram 11.4.2A (see figures 3, 4 and 5). This is owed to the height of these dwellings at 3m from the rear boundary, being approximately 5m, and for 'U6', a max height of 6.3m within 3m of the side boundary (see Figure 4).

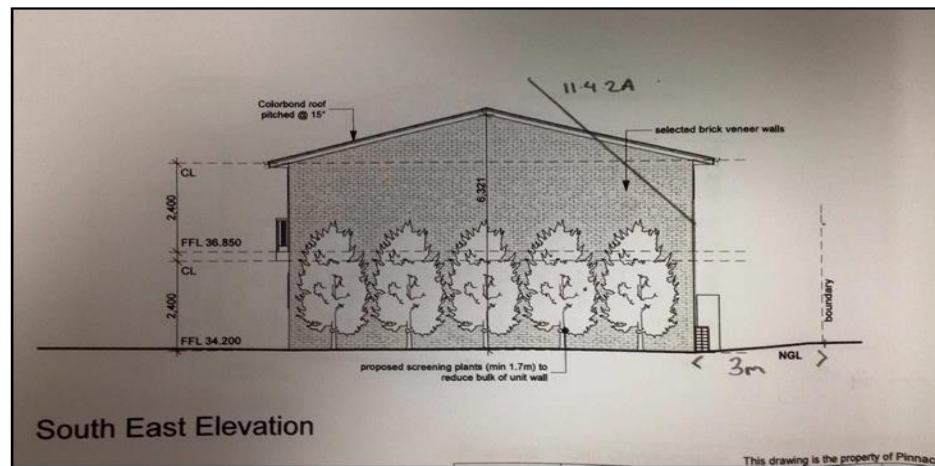


Figure 3. Graphic indicating approximate extent of protrusion from the building envelope, (U9) as defined by diagram 11.4.2A and relative to the rear boundary (note this is the south west elevation).

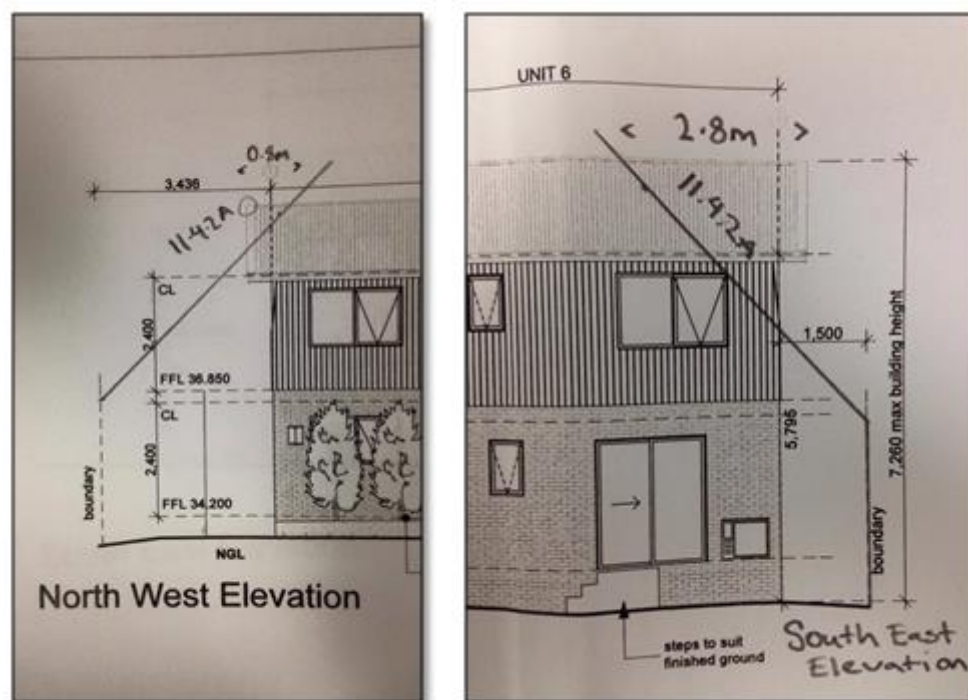


Figure 4. Graphics indicating approximate extent of protrusion from the building envelope (U6), as defined by diagram 11.4.2A, and relative to the northern boundary, when viewed from the north west and from the south east.

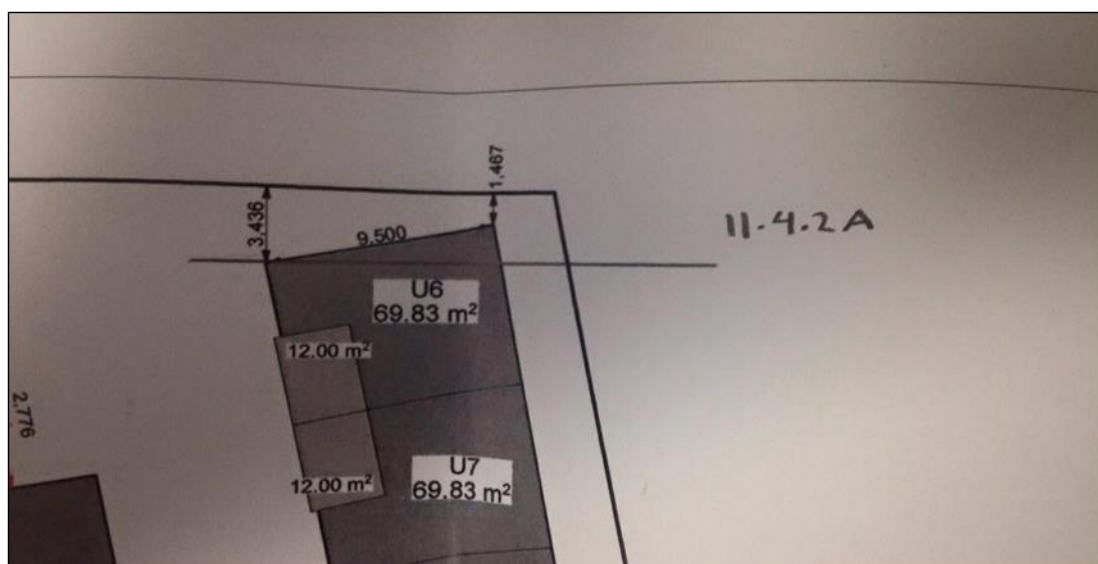


Figure 5. Graphic indicating approximate extent of protrusion from the building envelope (U6), as defined by figure 11.4.2A and relative to the northern boundary.

Owing to these protrusions from the building envelope, the proposal is reliant on the performance criteria of the standard which require;

The siting and scale of a dwelling must:

- (a) *not cause unreasonable loss of amenity by:*
 - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
 - (ii) *overshadowing the private open space of a dwelling on an adjoining lot; or*
 - (iii) *overshadowing of an adjoining vacant lot; or*
 - (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*

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

Comment

With regard to protrusions beyond the building envelope defined by the rear boundary, for (a) (i), (ii) and (iii), there is no reduction in sunlight to the habitable rooms or private open space of a dwelling on an adjoining lot. This is because the boundary adjoins the driveway of OneCare.

With regard to (iv), the visual impacts when viewed from an adjoining lot (59C Tolosa) will be moderate, though not considered unreasonable. This is because the protrusion is no greater than 1.5m (see figure 3), and this extends for only a portion (28m) along the total boundary (59m) shared by the same adjoining lot.

For that section of dwelling U6 which protrudes from the envelope determined by the northern side boundary (see figure 4), this portion of the lot adjoins the access strip for 59C Tolosa Street, and so (a) (i),(ii) and (iii) are not considered relevant. As well, for (iv) any visual impact is considered minimal as the protrusion is for a relatively small portion of the site which otherwise complies with the envelope. As well, the proposal includes vegetation to disrupt the expanse of wall of the dwelling, which is considered to reduce the apparent visual bulk when viewed from the north east.

With regard to (b), it is considered that as the development at 59C Tolosa Street has an access way and some landscaping, this will provide a practical separation between buildings of approximately 9m. This is considered compatible with other dwelling separation in the area.

The proposal is assessed as complying with the standard.

11.4.3 (P1) Site Coverage and Private Open Space.

The proposed dwelling identified as U6 has a total area of private open space of 49m². The proposed dwellings identified as U7, U8 and U9 have each a total area of 34m². These areas are all less than the 50m² required to meet the acceptable solution. The proposal therefore is reliant on the performance criteria which require;

Dwellings must have:

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

Comment

For the dwelling U6, the shortfall is 1m². This is considered minor, and the area of 49m² is sufficient enough in size and proximity to the living area to comply.

With regard to the proposed unit entitlement for the dwellings U7, U8 and U9, the outdoor area equates to 20% of the total area and is considered appropriate, satisfying (a)(i) and (ii). With regard to (b), the proposed outdoor space which consists of pervious surfaces equates to 22m². This is considered to be a reasonable space for planting of gardens and landscaping.

The proposal is assessed as complying with the standard.

11.4.3 (P2) Site Coverage and Private Open Space.

The proposed dwellings identified as U7, U8 and U9 each have a principle area of private open space which is 22m². This area is less than 24m², and so the proposal does not satisfy part (a)(i) of the acceptable solution.

The private open space areas for the dwellings identified as U1, U2 and U3 are not directly accessible from and adjacent to a habitable room other than a bedroom. The proposal therefore does not satisfy part (c) of the acceptable solution

The dwellings U6, U7, U8, U9, U10 and U11 would only receive 2.5hrs of sunlight to 50% of the area of principal private open space between 9am and 1130am, measurable at the winter solstice. The proposal therefore does not satisfy part (d) of the acceptable solution.

The dwelling U2 also has its private open space orientated in excess of 30° east of north. The proposal therefore does not comply with the acceptable solution part (e).

The proposal is therefore reliant on the performance criteria which require;

A dwelling must have private open space that:

(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play that is:

- (i) conveniently located in relation to a living area of the dwelling; and*
- (ii) orientated to take advantage of sunlight;*

unless the projected requirements of the occupants are considered to be satisfied by communal open space or public open space in close proximity

Comment

For dwellings U6, U7, U8, U9, U10 and U11, the private open space is directly accessible from a living area through large sliding doors. This is considered to serve as an extension of the dwelling satisfying (a)(i). These areas are also orientated to take advantage of sunlight by facing predominately east, satisfying (a)(ii).

For dwellings U1, U2 and U3, the private open space, though not directly accessible, is conveniently located. For U1 there is a distance of only 9m from the kitchen (separated by one door only).

For U2 there is a distance of only 7m (separated by a door and gate only) and for U3 there is a distance to the principal private open space of approximately 5m from the lounge room (separated by two doors and a gate).

Though the separation between living area and principal private open space for U3 presents some inconvenience by way of multiple doors, the total private open space available to that dwelling is also accessible from the kitchen/dining area (one door only). This is considered as presenting a whole area (90m²), capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play which is conveniently located in relation to multiple living areas.

For dwellings U1 and U2, with regard to (a)(ii), the private open space is orientated predominately to the north west, taking advantage of midday and afternoon sunlight. With regard to U3 the private open space is orientated to the west, though is of a dimension large enough to receive sunlight to 50% of that total area between 1100am and 0300pm

The proposal is assessed to comply with the standard.

11.4.4 (P1) Sunlight and overshadowing

The proposed dwellings U6, U7, U8, U9, U11 and U12 each have windows to habitable rooms which do not comply with the acceptable solution, as they are orientated in excess of 30° east or west of north.

The proposal therefore is reliant on the performance criteria which require;

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

Comment

For U6, U7, U8, U9 and U11, the proposed windows which face approximately 20° south of east are considered to be orientated to allow sunlight to enter the respective rooms in the morning. It is noted that the additional upstairs living area for U6, U7, U8 and U9 also have windows orientated predominately to the west, which will allow sunlight to enter those living areas during the afternoon, and so collectively there will be additional sunlight in either living area of those dwellings.

For the dwelling U12, the proposed windows face approximately 70° west of north. It is considered that this living area will allow sunlight to enter that room during the afternoon.

The proposal is assessed to comply with the standard.

11.4.4 (P2) Sunlight and overshadowing

The proposed dwelling U9 is predominately to the north of the window to a habitable room of U10. U9 is not contained within an envelope in accordance with diagram 11.4.4B (see Figure 6) nor does it comply with part (b) or (c) of the acceptable solution. The proposal therefore is reliant on the performance criteria which require.

A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling on the same site, that faces between 30 degrees west of north and 30 degrees east of north (see diagram 11.4.4A).

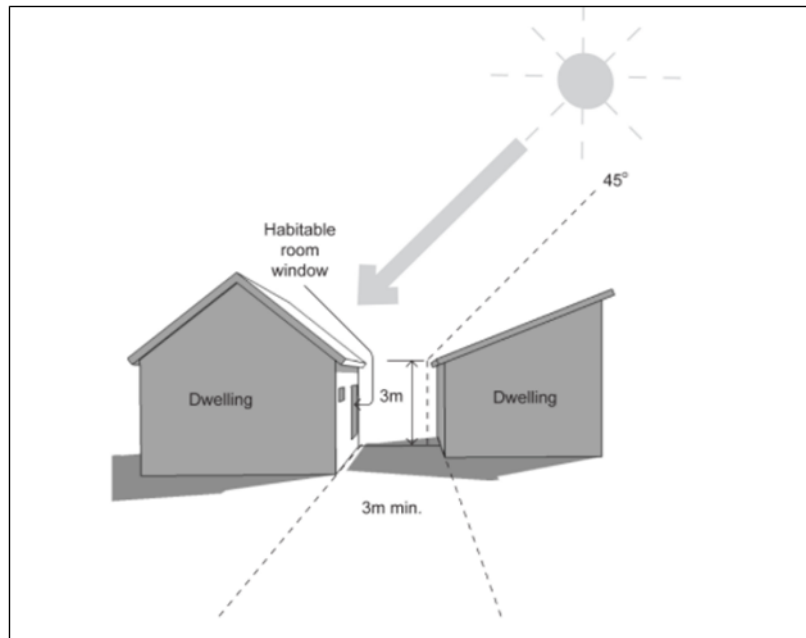


Figure 6. Extract from the Glenorchy Interim Planning Scheme 2015, referred to as Diagram 11.4.4b.

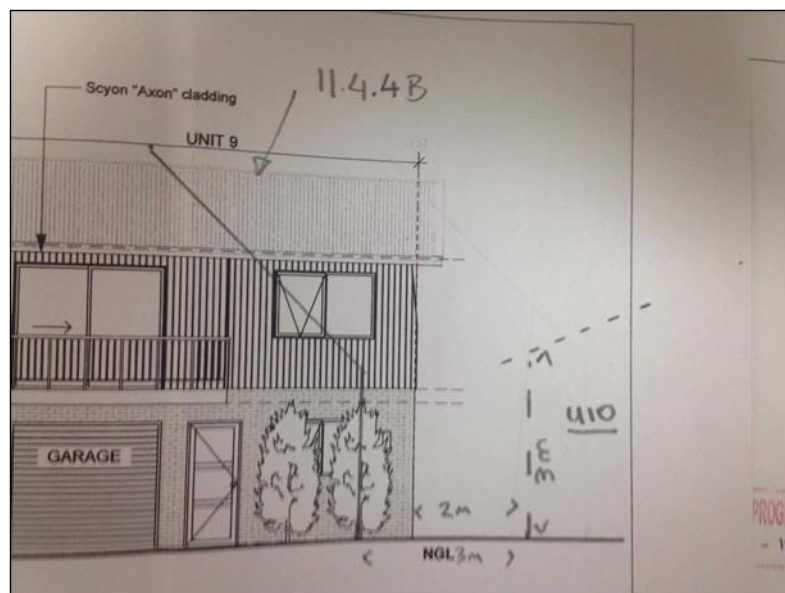


Figure 7. Graphic indicating envelope defined by 11.4.4B with the outline of the proposed location of 'U10' shown (dashed lines).

Comment

It is considered that the dwelling U9 will heavily overshadow the windows on the northern side of the dwelling identified as U10, measurable at the winter solstice. However, U10 will, owing to its open plan internal layout, still have access to adequate sunlight from the east, and this is considered to contribute to the amenity of that internal area. In addition, a condition is recommended that vegetation along the south west wall of U9 be deciduous, so as to allow increased sunlight to enter that dwelling during winter, when overshadowing is at its greatest.

The proposal is considered to comply with the standard subject to conditions.

11.4.4 (P3) Sunlight and overshadowing

The proposed dwellings U6 through to U10 are to the north of dwellings U7 through to U11 respectively. None of the dwellings U6 through to U10 are contained within a line in accordance with diagram 11.4.4C (see Figure 8). It is measurable that these dwellings will cause 50% of the private open space of these dwellings to receive less than 3 hours of sunlight between 9.00am and 3.00pm.

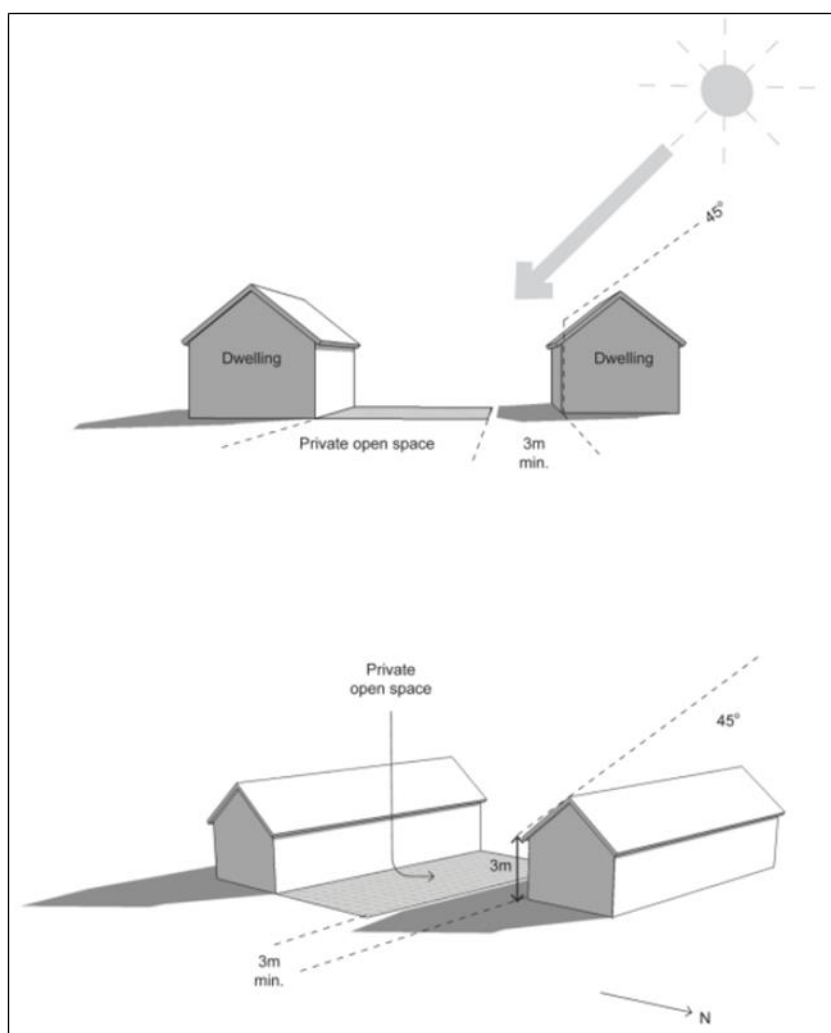


Figure 8. Extract from the Glenorchy Interim Planning Scheme referred to as diagram 11.4.4C

The proposal therefore is reliant on the performance criteria which require;

A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of 11.4.3.

Comment

It is considered that as the private open space of each of the dwellings U7 through to U11 are able to receive sunlight to 50% of the area for a duration of 2.5hrs, the difference of half an hour is not unreasonable, and these outdoor areas are still available for the enjoyment future occupants.

The proposal is assessed to comply with the standard.

11.4.6 (P3) Privacy for all dwellings

The proposed habitable room windows for dwellings U5-U9, and U11-U13 are all within 2.5m of a shared driveway. The proposal therefore is reliant on the performance criteria which require;

A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

Comment

The windows for each of the dwellings which are within 2.5m of a shared driveway are proposed to be screened to minimise the detrimental impacts of vehicle light intrusion into that habitable room. This screening is to be achieved by vegetation of a minimum height of 1.7m.

The proposal is assessed to comply with the standard subject to recommended conditions.

11.4.8 (P1) Waste Storage for multiple dwellings

The proposal is for a shared bin enclosure dwellings U6-U9 to use a shared enclosure, and individual areas for U1-U5 and for U10 –U13. The area identified on the site plan as being a communal storage area is not 5.5m from any dwelling on the same site (U6), therefore the proposal is reliant on the performance criteria which require

A multiple dwelling development must provide storage, for waste and recycling bins, that is:

- (a) capable of storing the number of bins required for the site; and*
- (b) screened from the frontage and dwellings; and*
- (c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.*

Comment

The proposed dimensions of the shared enclosure are considered to be large enough to store the number of bins required for the site (see waste referral). The separation distance of >3m from the nearest dwelling is considered adequate to minimise impacts caused by odours and noise, because of vegetative screening and masonry construction. A condition to this effect is recommended.

The proposal is considered to comply with the standard subject to recommended conditions.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Rail Asset Code

The proposal is for a total of three accesses. This is because of the proposed adhesion of the existing lots. The proposal includes a total of three accesses to Tolosa Street providing both entry and exit to the site. In respect to this, the redevelopment of the existing two accesses would be replaced by a new access which requires assessment against the development standards for the Road and Railway Assets code.

Pursuant to Clause E5.6.2 Road Accesses and Junctions, the proposal does not comply with the acceptable solution because there would be three accesses, and so is reliant on the performance criteria which require;

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

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

The proposal has been referred to Council's Transport Engineer who is in support of the proposal and has made comments in the referrals section of this report. In brief, the applicant has submitted a Traffic Impact Assessment (TIA) which has been considered by Council's Transport Engineer. With regard to the findings of this TIA, and the nature of Tolosa Street affording good site lines, the provision of a third combined access is able to satisfy the performance criteria.

The proposal therefore is assessed by Council's Transport Engineer as being compliant with the standard.

E6.0 Parking and Access Code

The Parking and Access code is an applicable code to all use and development.

The proposal has been referred to Council's Development Technical Officer, and Council's Transport Engineer who are in support of the proposal and has made comments in the referrals section of this report. In summary, the proposal is for a total of twenty three (23) car parking spaces and one (1) motorcycle parking space to be provided on site.

The proposal provides sufficient motorcycle parking to meet the acceptable solution of the standard E6.6.3 *Number of Motorcycle parking spaces*.

The proposal has a shortfall of six (6) car parking spaces, this is a number which does not meet the acceptable solution of the standard E6.6.1 *Number of Car parking spaces*.

In addition, the siting of two car parking spaces or U2 and U3 are forward of the building line does not meet the acceptable solution for E6.7.12 *Siting of car parking*.

The proposal therefore is reliant on the performance criteria for the standard E6.6.1 *Number of Car parking spaces* and E6.7.12 (P1) *Siting of Car Parking*.

E6.6.1 Number of Car parking spaces

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

- (a) Car parking demand;*
- (b) The availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*

- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.*

Comment

The proposal has been referred to Council's Transport Engineer who is in support of the proposal and has made comment in the referrals section of this report. In brief, it is considered by Council's Transport Engineer that the provision of twenty three (23) car parking spaces is sufficient to meet the demand, and this is owed to the availability of public and other modes of transport, as well as on street car parking. Primarily, it is anticipated that vehicle ownership (in accordance with guidelines issued by the Roads and Maritime Service NSW) for a medium density development, will create a demand for nineteen (19) spaces for the entire site, and this is accommodated within the proposed twenty three (23) spaces.

The proposal therefore is assessed by Council's Transport Engineer as compliant with the standard.

E6.7.12 Siting of Car Parking

The proposal is for two car parking spaces to sited forward of the building line of the dwellings U2 and U3. The proposal therefore is reliant on the performance criteria which require;

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 may be located in front of the building line where topographical or other site constraints dictate that this is the only practical solution because of one or more of the following:

- (a) there is a lack of space behind the building line to enable compliance with A1;*
- (b) it is not reasonably possible to provide vehicular access to the side or rear of the property;*
- (c) the gradient between the front and the rear of existing or proposed buildings is more than 1 in 5;*
- (d) the length of access or shared access required to service the car parking would constitute more than 75% of the depth of the relevant lot;*

- (e) *the access driveway cannot be located at least 2.5 m from a habitable room window of a building defined as a residential building in the Building Code of Australia;*
- (f) *the provision of the parking behind the building line would result in the loss of landscaped open space and gardens essential to the values or character of a Heritage Place or Precinct listed in the Heritage Code in this planning scheme;*
- (g) *the provision of the parking behind the building line would result in the loss directly or indirectly of one or more significant trees listed in the Significant Trees Code in this planning scheme,*

and only if designed and located to satisfy all of the following:

- (i) *does not visually dominate the site;*
- (ii) *maintains streetscape character and amenity;*
- (iii) *does not result in a poor quality of visual or audio amenity for the occupants of immediately adjoining properties, having regard to the nature of the zone in which the site is located and its preferred uses;*
- (iv) *allows passive surveillance of the street.*

Comment

It is considered that the provision of two car parking spaces forward of the building line is necessary to provide a sufficient number of spaces for the site, to meet the likely demand of users. This is in accordance with (a), where the rear of the site is lacking in space to provide further parking, owed primarily to the space being positively used for landscaping, other car parking, and private open space for the dwellings. It is considered that the siting of this car parking satisfies parts (i) through to (iv), and this is owed to proposed landscaping of these areas, as well as a new frontage fence. These measures are considered to have a positive visual amenity outcome, though still affording good passive surveillance of the street.

The proposal is assessed to comply with the standard.

E7.0 Stormwater Management Code

The proposal has been referred to Council's Development Technical Officer and Hydraulic Engineer who have made comment in the referrals section of this report.

In summary, the proposal is for new impervious surfaces to be drained by gravity to existing stormwater infrastructure and this stormwater is to be treated to a quality in accordance with the requirements of the principles of Water Sensitive Urban Design.

Therefore the proposal complies with the acceptable solutions of the applicable standard.

E15.0 Inundation Prone Areas Code

The Inundation Prone Areas Code is an applicable code owing to the land being subject to minor flooding (up to 0.1m) in 1% AEP events.

The proposal has been referred to Council's Hydraulic Engineer who has made comment in the referrals section of this report. In brief, the proposal is considered to comply with each of the acceptable solutions of the applicable standards of the Inundation Prone Areas code, subject to the recommended conditions. Particularly, this relates to the finished floor level for habitable rooms being conditioned to be 300mm plus the 1% Annual Exceedance Probability.

The proposal therefore is assessed as compliant with the provisions of the Inundation Prone Areas Code.

INTERNAL REFERRALS

Development Engineer

The proposal has been referred to Council's Development Technical Officer who has made the following comments

Comments

E6.0 Parking and Access Code

This code applies to all use and development.

Twenty Three (23) car parking spaces are proposed to be provided which is a shortfall of six (6) spaces required to satisfy the parking provision of the Acceptable Solution A1 of Clause E6.6.1 of the Glenorchy Interim Planning Scheme 2015, which requires a total of 29 spaces.

The applicant provided a Traffic Impact Statement (TIS) that addressed the requirements of the Scheme and other traffic engineering issues. The TIS concludes that the shortfall can be readily accommodated on-street and due to the close proximity of public transport. The findings from the TIS are supported by Council's Traffic Engineer and considered to address the performance criteria and recommends the proposed shortfall in car parking be approved.

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

Two of the accesses provided are tandem or "jockey" style of parking arrangement. These parking spaces are proposed to be associated with individual units and are considered to be acceptable and satisfy the acceptable solution of clause E6.7.4 On-site turning.

One on-site motorcycle parking space is proposed to be conditioned to satisfy the acceptable solution of clause E6.6.3 Number of Motorcycle Parking Spaces.

No changes are proposed to existing access arrangements.

E7.0 Stormwater Management Code

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

Refer Hydraulic Engineer referral.

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.

Hydraulic Engineer

The proposal has been referred to Council's Hydraulic Engineer who has made the following comments

The development, situated at 59a, 61, 63 & 65 Tolosa Street, Glenorchy, consists of nine new dwelling proposed at the rear of the lots, and three existing dwellings retained on the frontage of Tolosa Street.

It is determined that the Stormwater Management Code and Inundation Prone Area Code of the Glenorchy Interim Planning Scheme 2015 are applied to this proposed development, and therefore the applicant is required to address and satisfy the Codes mentioned above.

To address the Stormwater Management Code and Inundation Prone Area Code, a report named '59A, 65, 63 and 61 Tools Street Glenorchy Stormwater Detention Modelling and MUSCI Analysis' prepared by JMG Engineers & Planners was submitted to the Glenorchy Planning Authority on 26th July 2017.

E15.0 Inundation Prone Area Code

The previous flood study Council had indicates that these lots, known as 59a, 61, 63 & 65 Tolosa Street, are subject to minor flooding (up to 0.1m) in 1% AEP events.

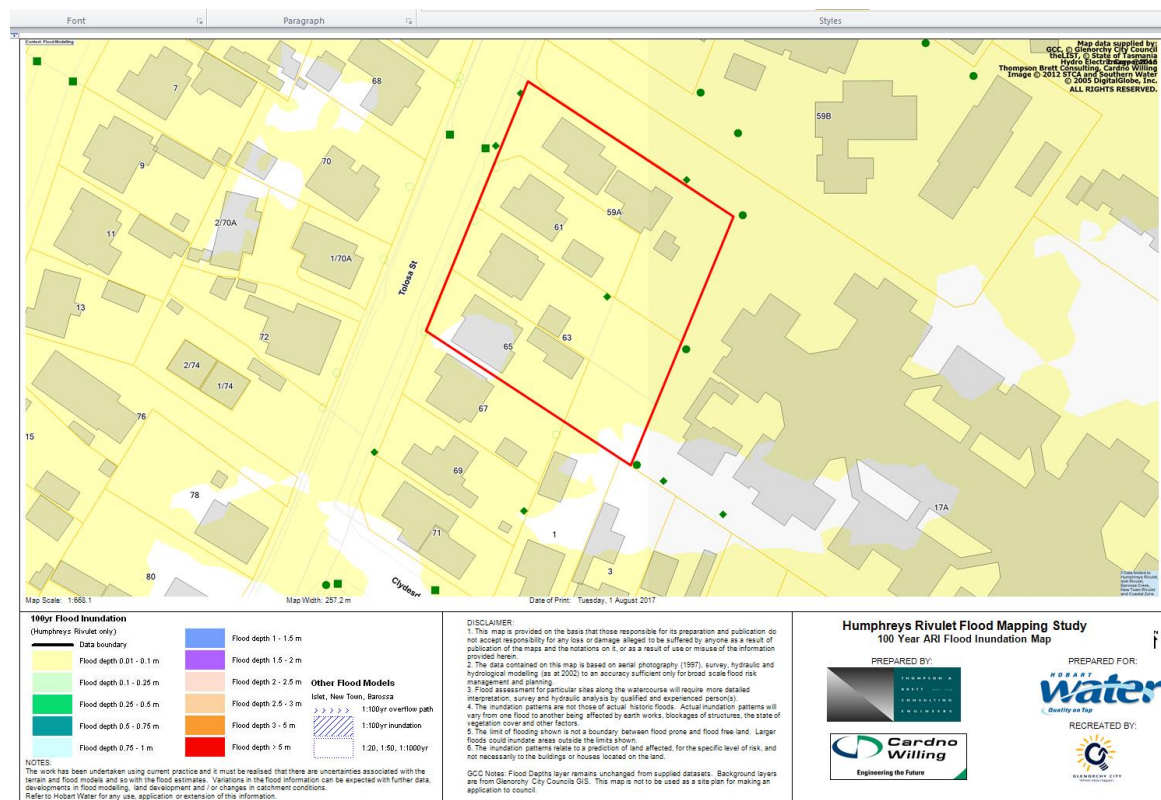


Figure 8. Graphic indicating 1% AEP where light yellow equates to 0.1m minor flooding of subject site (marked red).

In the report JMG Engineer & Planners prepared, it is indicated that, as a result of the development, overland flows from the site will be directed via the kerb and channel to Humphreys Rivulet and Barossa Creek, without causing inundation to the existing buildings downstream. In addition, the concept drawings submitted also indicate that the proposed nine new dwellings is capable of having the floor level of their habitable rooms at least 300mm above the maximum 1% AEP inundation level, equivalent to 350-400mm above the natural ground level, to satisfy E15.7.4 of the Inundation Prone Area Code.

I believe the statement and concept design mentioned above satisfy the Inundation Prone Area Code, and agree that having such development at this particular location would not detrimentally impact on downstream properties in the event of a 1% AEP storm.

E7.0 Stormwater Management Code

The proposed development has its drainage designed to dispose stormwater collected from the area, taking by the nine new dwellings, into a DN225 Council stormwater main at the rear via gravity. The three existing dwellings will retain their existing kerb connections to Tolosa Street, given these kerb connections are in As-New condition after being renewed by Council, as part of the Tolosa Street renewal project, in early 2016.

Given the increased runoff from the site potentially may not be accommodated by the existing DN225 Council stormwater main at the rear of the lots, an Onsite Detention Element has been proposed by JMG Engineers & Planners to reduce the peak flow discharged from the development site. Through the calculations, it was concluded that the storage requirement for the nine lot unit development to restrict post development flows for the 5% AEP event was calculated at 17m³, with an orifice allowing 6L/s peak discharge rate.

I believe the design mentioned above satisfies E7.7.1.A1 & A3 of the Stormwater Management Code.

As the development will have more than 600 m² impervious area created, Water Sensitive Urban Design (WSUD) elements are required, under the Stormwater Management Code, to be incorporated into the development and to remove stormwater pollutants.

It is acknowledged that, as the development is going to retain the existing three dwellings at the front, which are discharging stormwater to Tolosa Street via their existing kerb connections, it would not be feasible to apply WSUD elements to them due to limited ground level difference. To compensate, more pollutants need to be removed from the newly developed area.

The MUSIC model developed by JMG Engineers & Planners proposed that, through the use of a combination of multiple proprietary WSUD products, such as SPEL StormSack and SPEL Hydrosystem, runoffs collected from the 9 lot unit development area will be treated effectively.

It is estimated that a total of 55.7% of Suspended Solid, 45.6% of Total Phosphorus, 43.9% of Total Nitrogen, and 57.5% of the Total Gross Pollutants would be removed from the total pollutants generated from the entire site, including these from the existing impervious area where the three existing dwellings locate.

I believe the reduction rates mentioned above are adequate, considering its site constrains, and satisfies the E7.7.1.P2 of the Stormwater Management Code.

In summary, from a hydraulic engineering view point, I have no objection to the development proposed at 59a, 61, 63 & 65 Tolosa Street, Glenorchy.

Transport Engineer

The proposal has been referred to Council's Transport Engineer who has made the following comments

Comments

I have reviewed the proposed multiple dwellings (4 existing and 9 new) with demolition, boundary adjustment and adhesion relying on performance criteria at 59a, 61, 63 & 65 Tolosa Street, Glenorchy. The application documentation included a Traffic Impact Assessment (TIA) prepared by Midson Traffic (dated July 2017).

Proposed Development

The subject site is located at 59A-65 Tolosa Street, Glenorchy. The proposal involves the development of 9 units at the rear of the existing dwellings at 59A-65 Tolosa Street. The units consist of 1 × 3 bedroom and 8 × 2 bedroom dwellings.

A new access driveway will be provided between 61 and 63 Tolosa Street (conversion of existing adjacent driveways for these properties). The driveway will service all 9 new units as well as 61 and 63 Tolosa Street. Independent driveway access will be retained for 59A and 65 Tolosa Street.

Parking for twenty three (23) spaces is proposed throughout the site. These spaces will service 59A, 61, 63 and 65 Tolosa Street, as well as the 9 new units. Parking for 59A and 65 Tolosa Street will remain unaltered.

Traffic Generation

The TIA states that in order to determine the traffic generation by the proposed development, adjusted traffic generation rates from the *Roads & Maritime Services NSW, Guide to Traffic Generating Developments, 2002* (RMS Guide) can be used to provide an estimate of trip generation to the proposed development. Based on the *Guide*, traffic generation rates for medium density residential developments are as follows:

- Daily vehicle trips 5 per dwelling
- Weekday peak hour vehicle trips 0.5 per dwelling

The TIA indicates that based on these trip generation rates, the new traffic generation from the unit development when fully developed is likely to be in the order of 45 trips per day, and 5 trips per hour during peak periods. The report also notes that the existing dwellings fronting onto Tolosa Street will continue to generate traffic at a similar rate, approximately 20 vehicles per day, with a peak of 2 vehicles per hour.

Finally, the report concludes that the forecast traffic generation of 5 vehicles per hour during peak periods will have a negligible impact on the traffic efficiency in the surrounding road network.

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

Access

The TIA states that the proposed development provides a single access that services all new units while the existing access driveways for 59A and 65 Tolosa Street will be retained. This configuration results in the proposed development having three accesses to Tolosa Street, which is in conflict with the requirements of the Acceptable Solution A2 of Clause E5.6.2 of the *Glenorchy Interim Planning Scheme 2015*:

“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.”

It should be noted that the access driveways for 59A and 65 Tolosa Street will remain unaltered to provide access to 59A and 65 Tolosa Street and the two existing driveways for 61 and 63 Tolosa Street will be converted to one driveway to service all 9 new units as well as 61 and 63 Tolosa Street.

As the accesses are relatively unchanged with regard to their location, and the nature of the Tolosa Street affording good sight lines, I consider that the performance criteria of Clause E5.6.2 of the Planning Scheme are met.

Moreover, in terms of the sight distance assessment, the report indicates that based on the Table E5.1 of the *Glenorchy Interim Planning Scheme 2015*, the required Safe Intersection Sight Distance (SISD) for a posted speed limit of 50km/hr is 80 metres. The report also states that the available sight distance at the access's junction with Tolosa Street exceeds this minimum requirement in both directions and therefore complies with the Acceptable Solution A1 of Clause E4.6.4 of the Planning Scheme.

I agree with the conclusion that the available sight distances associated with the access driveways are adequate for the current situation.

Parking

Based on the requirements of the *Glenorchy Interim Planning Scheme 2015*, the parking requirement for 'Multiple Dwelling' development, containing 2 or more bedrooms, is 2 spaces for each dwelling and 1 dedicated visitor parking space per 4 dwellings (rounded up to the nearest whole number) or if on an internal lot or located at the head of a cul-de-sac, 1 dedicated space per 3 dwellings (rounded up to the nearest whole number). In addition, for a single dwelling containing 2 or more bedrooms, 2 parking spaces are required. This has been applied to Units 1 and 4 as these are largely unchanged from their current layout and have their own driveway accesses. As a result, the parking requirements are,

- 4 spaces for Units 1 and 4
- 25 spaces for units: 22 spaces + 3 visitor spaces (rounded up from 2.75)
- Total 29 spaces

While there will be a provision of twenty three (23) car parking spaces on site, the proposed development would have a shortfall of six (6) car parking spaces.

To assess the parking requirement of the proposed development, the TIA used the New South Wales *RTA Guide to Traffic Generating Developments (2002)* as guidance on parking demands associated with medium density residential developments. The report states that the *RMS Guide* recommends the following parking provision for the 9 proposed new units,

- | | |
|---|------------|
| • 1 space per unit | 9 spaces |
| • + 1 space for every 5 x 2 bedroom unit | 1.6 spaces |
| • + 1 space for every 2 x 3 bedroom unit | 0.5 spaces |
| • + 1 space for 5 units (visitor parking) | 1.8 spaces |
| • TOTAL | 13 spaces |

The TIA also indicates that for the existing dwellings fronting onto Tolosa Street, the *RMS Guide* recommends 1 to 2 spaces per dwelling which equates to a total of 6 spaces (assuming an average rate of 1.5 spaces per dwelling). The report, then, concludes that the total parking requirement of 19 spaces is recommended for the development and, therefore, the provision of 23 spaces exceeds the *RMS Guide* recommendation by 4 spaces.

The TIA also argues that the following points are relevant with respect to the proposed development:

- On-street parking is available on Tolosa Street as marked lanes. Site observations indicate that on-street parking demands are relatively low near the subject site.
- The site is located on a public transport route with bus stops located immediately adjacent on Tolosa Street.
- The site is located a convenient walking distance from shops, schools and services.

The TIA, finally, concludes that in particular, the empirical parking demand being lower than the *Planning Scheme* requirement, the proposed development meets the Performance Criteria, P1 of Clause E6.6.1 of the *Planning Scheme*.

I agree with the conclusion that the parking shortfall associated with the proposed development can be accommodated on the street adjacent to the site without any serious impact on the road network.

Conclusion

Overall, as the proposed development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety, I have no objection to the development of the proposed multiple dwelling (3 existing and 9 new) with demolition, boundary adjustment and adhesion relying on performance criteria at 59a, 61, 63 & 65 Tolosa Street, Glenorchy on traffic engineering or road safety grounds.

Waste Management Officer

Waste Services to the proposed multiple dwelling development at 59a, 61, 63 and 65 Tolosa Street Glenorchy for 9 new multiple dwellings would be Council's shared bin service, collected weekly. The wheelie bins should be stored in a bin enclosure within the property boundary and are not to be taken to individual units. All wheelie bins should be placed on the existing kerbside for collection.

Please note the four existing properties at 59a, 61, 63, 65 Tolosa Street Glenorchy will retain their own individual wheelie bins collected on a fortnightly basis and the bins should be placed on the existing kerbside for collection.

Council's Waste Services Contractor would not enter the property to collect and empty bins. All wheelie bins should be placed on the existing kerbside for collection.

The proposal is considered to satisfy the requirements of Council's waste services subject to conditions.

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

The application was advertised for the statutory 14-day period with 1 representation being received. The issues raised are as follows:

1. Impact of intensified access.

The representor states that,

The proposed development will have 13 dwellings which equates to two vehicles per dwelling on average entering and exiting on to an already congested street. The location of the proposed driveway is directly opposite my driveway which is already difficult to exit out of because of the amount of traffic and the blind corner that is 100 meters up the road and the entering of traffic from Clydesdale Ave and as well as a bus top opposite. With the added traffic that will be entering and exiting opposite It will make it hard for me to enter and exit my driveway in a safe manor.

Planner's Comment:

The proposal is for a total of three accesses providing both entry and exit, where the main entrance will serve eleven dwellings. The proposal has been referred to Council's Transport Engineer who has made comments in the referrals section of this report. In brief, the proposal is supported in terms of traffic generation and safety. The proposal is assessed as satisfying the acceptable solution of the applicable standard which relate to site lines from Tolosa Street (E5.6.4) and the performance criteria of the standard which relates to traffic generation (E6.6.1).

2. On Street Parking

(there will be) considerably more cars parked on the side of the road reducing visitor parking and creating less room for me to pull into and out of my driveway. At the moment the visitor parking is manageable as it is short term or few cars but with 13 dwellings the parking will be reduced as will my visibility to exit my driveway.

Planner's Comment:

This issue has been previously addressed under the heading *E6.0 Parking and Access code*. In brief, the proposal has been referred to Council's Transport Engineer who is in support of the proposal. With regard to on street parking, it is considered that as a public road, parking is available to any person, and there is sufficient availability for any irregular overspill generated by the development.

With regard to vehicles impeding on visibility or overhanging existing driveways, it must be noted that the manner in which people park is controlled by the road rules and this is not a matter which can be considered by Council acting as a planning authority.

3. Vehicle noise generated by the development

The representor states that:

26 vehicles entering and exiting directly opposite will increase the traffic noise as cars slow and accelerate especially during the night.

Planner's Comment:

There is no applicable standard, or performance criterion of an applicable standard, relating to vehicle noise of vehicles using a proposed access. The proposal has however been assessed with regard to the nature and frequency of traffic using the proposed access, and this is considered acceptable by Council's Transport Engineer.

CONCLUSION

The proposal for thirteen multiple dwellings is assessed to comply with all of the acceptable solutions for the relevant standards of the Inner Residential zone, as well as the applicable codes, except where reliant on the performance criteria for 11.4.2 (P3) Setbacks and Building Envelope, 11.4.3 (P1) Site Coverage and Private Open Space, 11.4.3 (P2) Site Coverage and Private Open Space, 11.4.4 (P1) Sunlight and overshadowing, 11.4.4 (P2) Sunlight and overshadowing, 11.4.4 (P3) Sunlight and overshadowing, 11.4.6 (P3) Privacy for all dwellings, 11.4.8 Waste storage for multiple dwellings, E6.6.1 number of car parking spaces and E6.7.12 Siting of car parking .

The proposal is assessed as satisfying those performance criteria in order to meet the objectives of the standard and as such complies with each applicable standard.

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

Recommendation:

That a permit be granted for the proposed use and development of Multiple dwellings (Residential) relying on performance criteria at 59a, 61, 63 and 65 Tolosa Street, Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No PLN-17-155 and Drawing No. P3 submitted on 14/07/2017 (sheets 1-22) and P4 submitted on 7/07/2017 (sheets 1 of 1), 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. Titles for the land subject to the proposed use and development must be adhered prior to submission of a building permit application.
4. Development and works required by conditions of this permit must occur in the order of stages as shown on the approved plans.

5. Plans submitted for building approval must clearly demonstrate that the areas of principal private open space attributed to those dwellings identified on the approved plans as U6, U7, U8, U9, U10 and U11 must have a minimum horizontal dimension of 3m. This area of private open space must not be obstructed for the life of the development.
6. Unobstructed access from the kitchen/dining area of the dwelling identified as U3, to the private open space attributed to that dwelling must be maintained at all times.
7. A landscaping plan, prepared by a suitably qualified person, is to be submitted in association with the building permit application for approval by Council's Senior Statutory Planner. Particular attention is to be paid to the heights (at time of planting) and species of that vegetation to be provided to screen those windows to habitable rooms within 2.5m of shared driveways. These plants must be at a minimum 1.7m. As well, the landscaping plan must show that the plant species for the vegetation along the south west wall of U9 is to be deciduous, so as to allow additional sunlight to enter the dwelling identified as U10.

The landscaping works must be completed prior to issue of the Certificate of Occupancy and then maintained for the life of the development. Screening vegetation must be maintained at a minimum height of 1.7m for the life of the development.

8. Plans submitted in association with the building permit application must include the design of the proposed bin enclosure. This bin enclosure must be of sufficient height (minimum 1.2m) to screen waste and recycling bins from view of adjoining dwellings, and must be constructed of masonry materials sufficient to minimise noise impacts. In addition to this, landscaping adjacent to the bin enclosure must be sufficient to reduce the apparent bulk of the structure and disrupt blank expanses of wall.
 - (a) The design for the bin enclosure must comply with the following:
 - (b) it must be built on a flat surface with a concrete base/pad and surround of a brick or painted block enclosure or other suitable material to Council's approval;
 - (c) it must have concrete at the entrance to the bin enclosure;
 - (d) it must accommodate 6 X 240L wheelie bins of size 1100 height x 600mm wide x 800mm deep and must allow for 300mm space in between each bin;
 - (e) minimum height of the enclosure is 1200mm and minimum depth is 930mm;
 - (f) the front of the enclosure must face the internal access driveway, and is to be left open throughout the length of the bin enclosure to enable the bins to be removed, and returned in a safe and efficient manner;
 - (g) there must be no lip on the concrete slab of the bin enclosure;

(h) the bin enclosure as shown on the plan is expected to be able to accommodate six (6) shared bins.

(i) The bin enclosure must not be roofed.

Prior to occupancy of the proposed multiple dwellings the bin enclosure must be constructed to the satisfaction of Council's Waste Services Co-ordinator.

Engineering

9. 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.
10. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
11. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition, finished levels and stormwater treatment details, must be submitted with the Building Application for approval by Council's Development Engineer.
12. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to occupancy of a second dwelling unit. 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.
13. Twenty Three (23) clearly marked car parking spaces must be provided and kept available for these purposes at all times. A minimum of four (4) must be provided at the completion of stage one. The remaining nineteen (19) must be provided prior to occupancy of any of the additional dwelling units within stage two. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking. In areas set aside for car parking, securely fixed wheel stops or kerbing must be provided to the satisfaction of Council to prevent damage to fences or landscaped areas.
14. One (1) dedicated motorcycle parking space must be provided and shall be clearly marked (delineated) in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking Clause 2.4.7.

15. Lighting must be provided for the carpark in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and completed prior to occupancy of any of units within stage two.
16. A passing bay of minimum width 5.5m and minimum length 6.0m must be provided at the road frontage of each of the driveways, prior to occupancy of any of the dwelling units and constructed in accordance with standard drawing SD-1003 between the kerb and the property boundary. Any driveway / crossover work within Council's road reservation must be carried out by a Council approved contractor and all work must be reinstated to match the existing adjacent footpath/nature strip profile. A Property Access Works Application must be completed prior to any work being undertaken. The application is available from Council's planning department or available from Council's website at:
<http://gcc.tas.gov.au/content/Driveways.GCC?ActiveID=1304>
17. 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.

Hydraulics

18. The minimum floor level for all habitable rooms shall be minimum 300 mm above the 1% AEP storm events flood level identified by a suitably qualified engineer or comply with the minimum floor level specified by the Council Hydraulics Engineer;
19. No change or alter the shape or elevation of the natural ground level of the development in any way, which may adversely affect the overland flow path and flood patterns produced by a 1% AEP flood event, shall be undertaken, unless approved by Council;
20. An onsite detention element, which has a total storage volume no less than 17m³ with a peak discharge rate no greater than 6L/s, shall be incorporated into the development. The onsite detention element and its associated components shall be design and constructed to the satisfaction of the Council's Hydraulics Engineer;
21. The Water Sensitive Urban Design (WSUD) elements specified in the report named '59A, 65, 63 and 61 Tolosa Street Glenorchy Stormwater Detention Modelling and MUSIC Analysis' prepared by JMG Engineers & Planners submitted on 25th July 2017, or similar, shall be incorporated into the development, to the satisfaction of the Council's Hydraulics Engineer, to achieve the pollutant removal rates nominated in the same report; and
22. Prior to the commencement of works, a WSUD Maintenance Scheme must be submitted to the Council for approval of the Council's Hydraulic Engineer, outlining the maintenance method and frequency for individual Water Sensitive Urban Design elements, to be implemented into the development. All Water Sensitive Urban Design elements are required to achieve the designed pollutant removal rates, and must be implemented by the applicant prior to the issue of the certificate of occupancy.

23. Upon approval of the Maintenance Scheme, the applicant shall enter into a registered agreement with Council, at the sole expense of the applicant, pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*, for the area which is subject to this permit.

The Part 5 agreement shall require the owner and all successors in title to covenant and agree with the Council:

- (a) All works outlined in the WSUD maintenance Scheme submitted by the applicant, including the maintenance method and frequency for individual Water Sensitive Urban Design elements, must be implemented and managed by the owner and all successors in title at their sole expense
- (b) Repair and replace all the WSUD elements at the sole expense of the owner and its successors in title so that it functions (removing pollutants from stormwater runoff) in a safe and efficient manner;
- (c) Permit the Council from time to time and upon giving reasonable notice (but in the case of an emergency, at any time and without notice) to enter and inspect the WSUD elements for compliance with the requirements of this agreement;
- (d) Comply with the terms of any written notice issued by the Council in respect of the requirements of this agreement within the time stated in the notice;
- (e) In the event that Owner fails to comply with its obligations under this Agreement, Council may arrange for its employees, agents or contractors to enter upon the Land and undertake all works necessary to ensure that the obligations of this Agreement are met and all required works are performed in full;
- (f) The reasonable costs of all works undertaken pursuant to the clause above (including GST) will constitute a debt due and owing to the Council immediately upon demand, by the owner of the land upon which such works were undertaken and, if not paid to Council within 14 days of receipt of a demand for payment by Council, are recoverable by Council in a court of competent jurisdiction along with interest calculated
- (g) All debts due and payable to Council will accrue interest at the Interest Rate compounding monthly until the relevant debt and all accrued interest is paid to Council in full.

Advice to Applicant

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

Other Permits

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

APPENDIX 1.**11.0 Inner Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
11.4 Development Standards for Buildings and Works			
11.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than 200m ² and not more than 400m ² .	The proposed site area per dwelling is 1 dwelling per 258m ² .	Yes
11.4.2 Setbacks and building envelope	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) at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback from the frontage of any existing dwelling on the site; (b) 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.	The proposal does not encroach upon the existing frontage setback for the lot. This setback is greater than 3m.	Yes
	A2 A garage or carport must have a setback from a frontage of at least: (a) 4m, or alternatively 1m behind the façade of the dwelling; or	There are no proposed garages or carports within 4m of the frontage.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(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) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.		
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to diagrams 11.4.2A, 11.4.2B, 11.4.2C and 11.4.2D) determined by: (i) a distance equal to the permitted frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 3m from the rear boundary; to a building height of not more than 9.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or	Proposed dwellings identified on the plans as U6, U7, U8, and U9 are not contained within the building envelope.	No - Refer Report

Standard	Acceptable Solution	Proposed	Complies?
	(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		
11.4.3 Site coverage and private open space	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 50m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	(a) Site coverage is approximately 42%. (b) Proposed units identified as U7, U8 and U9 have 34m² areas of private open space. (c) Approximately 27% of the site is free of impervious surfaces (aggregate private open space divided by block)	Yes No – Refer to Report Yes
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 3 m; or	(a) proposed dwellings identified as U7, U8 and U9 have only 22.05m² private open space in one location. (b) Each dwelling's private open space has a minimum horizontal dimension of 3m.	No – Refer to Report Yes

Standard	Acceptable Solution	Proposed	Complies?
	(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.	(c) Private open space for the dwellings identified as U1, U2 and U3 are not directly accessible from and adjacent to a habitable room other than a bedroom. Those dwellings U6, U7, U8, U9, U10 and U11 are considered to only receive 2.5hrs of sunlight to 50% of the area. The dwelling identified as U1 has its private open space orientated within 30° east of north. The dwelling identified as U2 has its private open space orientated approximately 40° east of north. The site is predominately flat No area of private open space is proposed to be used for car parking	No – Refer Report No – Refer Report No - Refer Report Yes Yes
11.4.4 Sunlight and overshadowing	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 and 30 degrees east of north (see Diagram 11.4.4A).	U1 has existing windows facing within 30° east of north	No – Refer to Report

Standard	Acceptable Solution	Proposed	Complies?
		U2, U3 and U4 window orientation is approximately 50° west of north. However, these are existing dwellings and so the standard is not applicable. U6 – U9 lounge room windows face approximately 75° west of north U10 face within 30° east of north U11 faces approximately 110° east of north.	
	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 11.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 11.4.4B): (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	U1 is to the north of the window for U5 which is within 30° east of north. However the multiple dwelling is compliant with (b) as it is largely offset from the orientation of the window. U9 is predominately to the north of the window for U10. This multiple dwelling is not compliant with (b) or (c).	Yes No – Refer Report

Standard	Acceptable Solution	Proposed	Complies?
	(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 11.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 11.4.4C): (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.	The proposed U1 is to the north of the private open space of U5. This multiple dwelling is in accordance with (b). U6 is to the north of the private open space for U7. This multiple dwelling is not in accordance (a) or (b) and is not excluded by (c). U7 is to the north of the private open space for U8. This multiple dwelling is not in accordance (a) or (b) and is not excluded by (c). U8 is to the north of the private open space for U9. This multiple dwelling is not in accordance (a) or (b) and is not excluded by (c). U9 is to the north of the private open space for U10. This multiple dwelling is not in accordance (a) or (b) and is not excluded by (c). U10 is to the north of the private open space of U11 this multiple dwelling is not in accordance (a) or (b) and is not excluded by (c).	Yes No – Refer Report No – Refer Report No – Refer Report No – Refer Report No – Refer Report

Standard	Acceptable Solution	Proposed	Complies?
11.4.5 Width of openings for garages and carports	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).	There are no proposed garages or carports within 12m of a frontage.	N/A
11.4.6 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 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side or rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the boundary; and (b) 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.	The decks for those dwellings U6-U9 are in excess of 3m from any boundary and 6m from any window on the same site.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	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 or rear boundary; and (ii) 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 (iii) 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 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	Windows to rooms with a finished floor level of 1m above natural ground level, for those dwellings U6-U9 are in accordance with (a). There are no other windows to habitable rooms with finished floor levels 1m above natural ground level.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	Proposed bedroom window for U5 is within 1m of a shared driveway Proposed bedroom windows for U6-U9 are within 2.5m of a shared driveway and no screen is proposed Proposed bedroom window for U11 is within 1m of a shared driveway Proposed kitchen and dining windows for U13 are within 1m of a shared driveway Proposed bedroom windows for U12 and U13 are within 2.5m of shared driveway.	No – Refer Report No – Refer Report No – Refer Report No – Refer Report No – Refer Report
11.4.7 Frontage Fences	A1 A fence (including a free-standing wall) within 3 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) 1.5 m, if any part of the fence that is within 3m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	The proposed fencing is indicated as compliant with the acceptable solution by way of providing a transparency of 30% for sections 1.2m above natural ground level and within 3m of the primary frontage.	Yes – Conditioned

Standard	Acceptable Solution	Proposed	Complies?
11.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 3 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 1.2m above the finished surface level of the storage area.	Site plan indicates dwellings U6-U9 are to use a shared enclosure and U1-U5 and U10-U13 are to have individual areas for storage of bins.	Yes

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

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Tolosa Street is not a category 1 or 2 road	Not Applicable
	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.	Tolosa Street has a speed limit of 50km/h	Not Applicable
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	The proposal involves the redevelopment of the existing two accesses to 61 and 63 Tolosa Street.	Not Applicable
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	Not Applicable

Standard	Acceptable Solution	Proposed	Complies?
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) Building envelopes on new lots.	The proposal is not within 50m of a Category 1 or 2 Road.	Not Applicable
	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.	The proposal is not within 50m of a Category 1 or 2 Road.	Not Applicable
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	Tolosa Street does not have a speed limit of more than 60km/h	Not Applicable

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.	The proposal involves a total of three accesses providing both entry and exit to the site.	No – Refer Report
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.	The proposal does not involve a new level crossing	Not Applicable
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.		

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.	The proposed number of car parking spaces is 21 user car parking spaces and 1 visitor car parking space. This number does not satisfy the table E6.1.	No – Refer Report
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.	There is no requirement for disability car parking spaces to be provided for a residential development.	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.	Though there is a requirement for 1 motorcycle car parking space, there is none provided	No- Refer to Report

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.	There is no requirement for the provision of bicycle parking spaces.	N/A
E6.7 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.	There is no proposed change to the number of existing access points	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.	The vehicle access points on Tolosa Street are existing. There is no change to the access points.	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;	The proposal as a condition of approval must comply with the acceptable solution	Yes – Conditioned

Standard	Acceptable Solution	Proposed	Complies?
	(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.	For that access serving more than two dwelling units, on site turning is 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.	The proposal is assessed by Council's Development technical Officer as compliant with this standard.	Yes- conditioned
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following: (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	The proposal is assessed by Council's Development technical Officer as compliant with this standard.	Yes
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		

Standard	Acceptable Solution	Proposed	Complies?
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.	Proposed landscaping equates to approximately 10% of the total access and car parking areas.	Yes
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.	The proposal is assessed by Council's Development technical Officer as compliant with this standard.	Yes
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Not Applicable	N/A
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	Not Applicable	N/A
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not Applicable	N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	The proposal includes two car parking spaces which are forward of the building line.	No Refer Report
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2: Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	Not Applicable	N/A
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	The proposal is assessed by Council's Development technical Officer as compliant with this standard.	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.		
	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.		
	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.		
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		

APPENDIX 5.**E15.0 Inundation Prone Areas Code**

Standard	Acceptable Solution	Proposed	Complies?
E15.6 Use Standards			
E15.6 Use Standards	A1 Change of use of a non-habitable building to a habitable building or a use involving habitable rooms must comply with all of the following: (a) floor level of habitable rooms is no less than the AHD level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor level of habitable rooms is no less than the AHD level for the 1% AEP plus 300mm if in an area subject to riverine flooding.	The proposal involves existing habitable rooms.	Not Applicable

E15.7 Development Standards for Buildings and Works			
E15.7.1 Coastal Inundation High Hazard Areas	A1 For a habitable building, including extensions to existing habitable buildings, there is no Acceptable Solution.	Not Applicable	N/A
	A2 For a non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, there is no Acceptable Solution.	Not Applicable	N/A
E15.7.2 Coastal Inundation Medium Hazard Areas	A1 For a new habitable building there is no acceptable solution	Not Applicable	
	A2 Except for new rooms associated with habitable buildings other than dwellings, for which there is no acceptable solution, an extension to an existing habitable building must comply with one of the following: (a) new habitable rooms must comply with both of the following: (i) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1, (ii) floor area of the extension no more than 40 m ² from the date of commencement of this planning scheme; (b) new habitable rooms must be above ground floor.	Not Applicable	N/A

	A3 A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 40 m ² .	Not Applicable	N/A
E15.7.3 Coastal Inundation Low Hazard Areas	A1 A new habitable building must comply with the following: (a) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;	Not Applicable	N/A
	A2 An extension to a habitable building must comply with either of the following: (a) floor level of habitable rooms is no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor area is no more than 60 m ² .	Not Applicable	N/A
	A3 A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 60 m ² .	Not Applicable	N/A
E15.7.4 Riverine Inundation Hazard Areas	A1 A new habitable building must have a floor level no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm.	Proposed buildings are capable of having a floor level of 300mm above the 1%AEP.	Yes – Conditioned

	A2 An extension to an existing habitable building must comply with one of the following: (a) floor level of habitable rooms is no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm; (b) floor area of the extension no more than 60 m² as at the date of commencement of this planning scheme.	Not Applicable	N/A
	A3 The total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60 m ² .	Not Applicable	N/A
15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas	A1 For landfill, or solid walls greater than 5 m in length and 0.5 m in height, there is no acceptable solution.	Not Applicable	N/A
	A2 No acceptable solution.	Not Applicable	N/A
	A3 A land application area for onsite wastewater management must comply with all of the following: (a) horizontal separation distance from high water mark or from the top of bank of a watercourse or lake must be no less than 100 m; (b) vertical separation distance from the water table must be no less than 1.5 m.	Not Applicable	N/A

E15.7.6 Development Dependent on a Coastal Location	A1 An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.	Not Applicable	N/A
	A2 No acceptable solution	Not Applicable	N/A
	A3 No Acceptable Solution for coastal protection works initiated by the private sector.	Not Applicable	N/A

Attachments/Annexures

- 1 [59A, 61, 63 and 65 Tolosa Street, Glenorchy](#)

CLOSED TO MEMBERS OF THE PUBLIC

9. COMPLIANCE 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 Regulation 15(4).