

GLENORCHY PLANNING AUTHORITY

AGENDA

MONDAY, 24 JULY 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.

TABLE OF CONTENTS:

1.	PLANNING AUTHORITY DECLARATION	3
2.	APOLOGIES/LEAVE OF ABSENCE.....	3
3.	PECUNIARY INTERESTS.....	3
4.	CONFIRMATION OF MINUTES	3
5.	PROPOSED USE AND DEVELOPMENT - DEMOLITION, OUTBUILDING AND ADDITIONS TO RESIDENTIAL (SINGLE DWELLING) RELYING ON PERFORMANCE CRITERIA - 137 RISDON ROAD, LUTANA	5

6.	PROPOSED USE AND DEVELOPMENT - PROVISION OF MINOR UTILITIES AND FORMAL PARKING BAYS (UTILITIES) RELYING ON PERFORMANCE CRITERIA - CREEK ROAD NEW TOWN	34
7.	PROPOSED USE AND DEVELOPMENT - SPORTS GROUND LIGHTING (SPORTS AND RECREATION) AND WORKS WITHIN THE WATERWAY COASTAL PROTECTION AREA, RELYING ON PERFORMANCE CRITERIA - 1 GEPP PARADE DERWENT PARK	63

1. PLANNING AUTHORITY DECLARATION

The Chairperson stated that the Glenorchy Planning Authority intended to act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 3 July 2017 be confirmed.

**5. PROPOSED USE AND DEVELOPMENT - DEMOLITION,
OUTBUILDING AND ADDITIONS TO RESIDENTIAL (SINGLE
DWELLING) RELYING ON PERFORMANCE CRITERIA -
137 RISDON ROAD, LUTANA**

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5442262

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-111
<i>Applicant:</i>	Field Labs
<i>Owner:</i>	A S Cuthbertson
<i>Zone:</i>	General Residential
<i>Use Class</i>	Residential
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	Clause 10.4.2 Setbacks and building envelope for all dwellings and Clause 10.4.6 Privacy for all dwellings (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	26 July 2017
<i>Existing Land Use:</i>	Single Dwelling
<i>Representations:</i>	1
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal is for demolition of an outbuilding and construction of a double garage with a deck above. The proposed building would be located 0.697m from the southern side boundary and onto the eastern side boundary. The proposal would be within the rear yard where the side boundary changes direction near the Derwent River.

The building would have a maximum height of 3.294m from natural ground level to the top of the glass balustrade. The structure would consist of blockwork walling, concrete slab roofing for the garage and glass balustrade (figure 1).

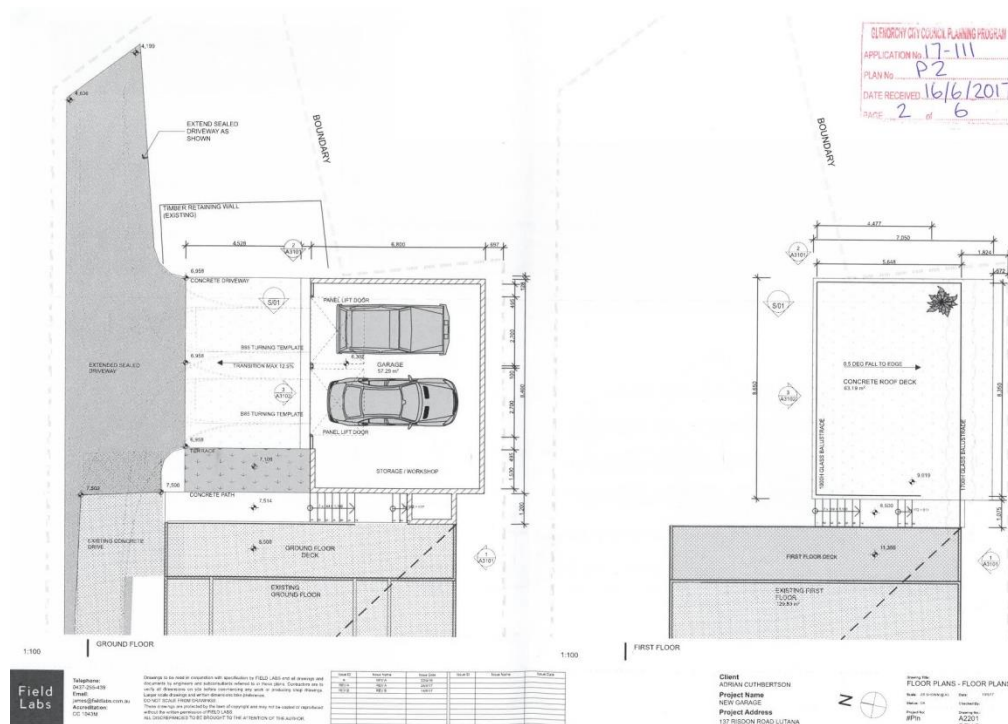


Figure 1: Site Plan of the backyard of 137 Risdon Road, Lutana.

SITE and LOCALITY

The subject site is located on the eastern side of Risdon Road, approximately 132m to the south of the intersection with Allens Avenue, Lutana. The property has a front boundary of 18.29m, a depth of 42.35m and a total area of 722m².

The site has a steep to moderate slope and falls toward the east with an average gradient of 1 in 5. No significant vegetation is located on the lot. There is an existing two-storey dwelling in the middle of the site. The site is located within the residential area with a mix of single dwellings and multiple dwellings (figure 2).



Figure 2: Aerial of 137 Risdon Road, Lutana.

ZONE

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

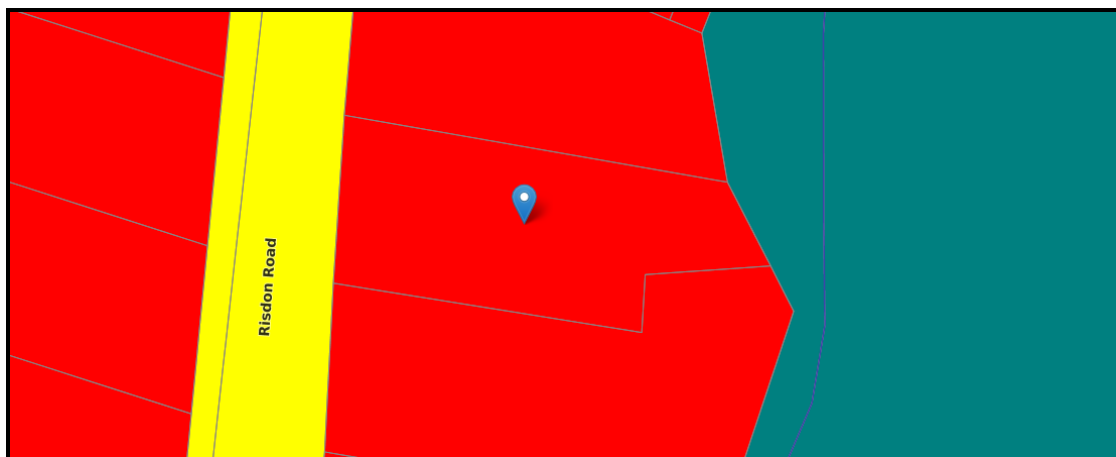


Figure 3: General Residential Zone over 137 Risdon Road, Lutana.

BACKGROUND

During the assessment stage, several options for addressing privacy for the deck were discussed with the applicant. Conditions have been recommended with the agreement of the applicant.

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.

Use Class Description (Table 8.2):

The use of a Single Dwelling is located within the Residential use class description of the Glenorchy Interim Planning Scheme 2015.

The definition of Residential use class states:

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

Other relevant definitions (Clause 4.1):

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

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

Part C: Special Provisions

The following special provisions of the Scheme apply to this proposal:

Demolition

The proposal includes demolition, therefore Clause 9.4 of the Scheme applies:

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 proposal would involve demolition of an outbuilding near the middle of the site, to the rear of the dwelling. The demolition forms part of the proposal of a replacement outbuilding and therefore the demolition will be considered with the proposed use and development in accordance with the Scheme.

Part D: Zones

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

Zone Purpose Statements

The General Residential zone purpose statements in Clause 10.1.1 of the Glenorchy Interim Planning Scheme 2015 are as follows:

10.1.1.1

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

10.1.1.2

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

10.1.1.3

To provide for the efficient utilisation of services.

The proposed outbuilding for a single dwelling would provide for residential use and development where full infrastructure services are available. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 10.1.1 of the Scheme.

Use Table

The proposed use of 'Single Dwelling' is a permitted as of right use in accordance with the use table in Clause 10.3 of the Scheme. However, the proposal is discretionary because it relies on the performance criteria for setbacks and privacy.

Use Standards

Not applicable.

Development Standards for Residential Buildings & Works*Clause 10.4.2 – Standard A3, Setback*

The proposal provides a setback of 0.697m from the southern side boundary and 0m from the eastern side boundary. The proposed outbuilding would require a setback of 1.5m from both the southern and eastern side boundaries, in accordance with Clause 10.4.2 – Standard A3 in the Scheme.

The proposal must be considered in accordance with the performance criteria:

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*
 - (ii) *overshadowing of an adjoining vacant lot; or*
 - (v) *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.*

Southern setback

The proposal (figure 4) would be similar in design and location to the setback requirements of a compliant building, with only a minor protrusion above the height of 3m, due to the slope of the land. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance (Fig. 4).

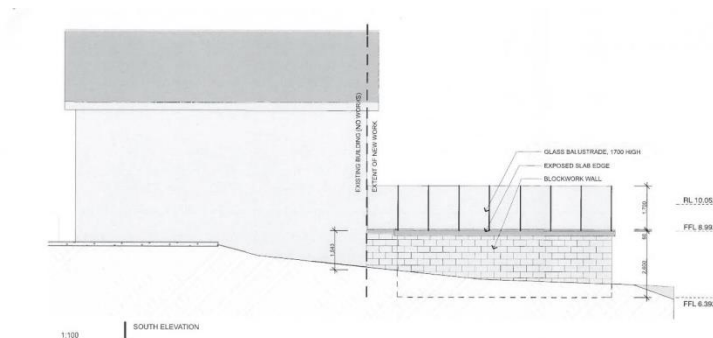


Figure 4: Southern elevation of proposal at 137 Risdon Road, Lutana.

Eastern setback

The proposal would be located on a lot with an irregular shape. The building would be directly to the west of the side boundary adjoining the neighbouring property, due to the irregular shape of the lot. Therefore, this is not considered to cause unreasonable overshadowing. The land slopes toward the Derwent River, with most surrounding buildings being two-storey to accommodate the steep site. The scale, bulk and separation would be similar to other outbuildings in the surrounding area. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance.

Clause 10.4.6 – Standard A1, Privacy for all dwellings

The proposed deck provides a setback of 0.15m from the eastern side boundary and no screening. The proposed deck would require a setback of 3m from the eastern side boundary or screening up to a minimum of 1.7m above the floor level of the deck, in accordance with Clause 10.4.2 – Standard A3 in the Scheme.

The proposal must be considered in accordance with the performance criteria:

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 be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining lot or its private open space; or*
- (b) another dwelling on the same site or its private open space; or*
- (c) an adjoining vacant residential lot.*

The proposed deck would be located near the side boundary, at the highest point above natural ground level it would be 2.294m and would only have a setback of 0.15m. The side boundary turns at an angle almost perpendicular, which would create direct overlooking of the private open space of the neighbouring dwelling.

Given the proposal would require screening to satisfy the performance criteria several options were discussed with the applicant to address the issue. The applicant has agreed for the deck (balustrade) to be located 3m from the eastern side boundary. This would comply with the acceptable solution in Clause 10.4.6 – Standard A1. A condition has been recommended. Therefore, it is considered that the amended proposal would be acceptable in this instance.

Screening on the southern side of the deck

The section plan A3102 provides an annotation stating the 1.7m high glass balustrade will be frosted with a minimum 25% transparency. This would comply with the acceptable solution in Clause 10.4.6 – Standard A1 and a condition has been recommended.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Parking and Access Code

Clause E6.6.1 – Standard A1

The proposal provides space for two car parking spaces in accordance with Clause E6.6.1 – standard A1 of the Glenorchy Scheme.

Stormwater Management Code

The proposal is not exempt under Clause E7.4 of the Glenorchy Interim Planning Scheme 2015. However, the proposal complies with the standards in Section E7.0 of the Scheme.

E11.0 Waterway and Coastal Protection Code

The proposal is exempt under Clause E11.4 of the Glenorchy Interim Planning Scheme 2015. The proposal would be located in within a private garden. Therefore, the proposal would in accordance with Section E11.0 of the Scheme.

PART F: Specific Area Plans

Not applicable.

INTERNAL REFERRALS

Development Engineer

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

Traffic, Access & Parking

There is no change in the current Traffic and Access arrangements. It is therefore considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application; and the stormwater is proposed to drain to the existing to the River Derwent.

Other

Geoscience issues

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

Flooding/Inundation issues

The subject site is over the Waterway and Coastal Protection overlay however due to the proposed use and scope of the development it is considered the site is capable of being developed and the risk and impact on natural values are not expected to be significantly affected.

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

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

- **Privacy**

The representor states that there would be no screening on the southern and eastern sides of the deck overlooking the neighbouring private open space. There would only be a clear glass balustrade up to 1m above floor level on the eastern side and up to 1.7m above floor level on the eastern side.

Planner's Comment:

This issue has been previously addressed under the heading Clause 10.4.6 – Standard A1, Privacy for all dwellings. The applicant has agreed to amend the plan and conditions have been recommended.

- **Boundary Location**

The representor states that it appears from the plan that the proposed development encroaches on the neighbouring property.

Planner's Comment:

There is a minor discrepancy in the plan due to the overhang of the concrete slab roof for the outbuilding. A condition has been recommended to ensure the closest point of the boundary is located prior to construction and that the proposal is built within the property boundary.

CONCLUSION

The proposal is relying on the performance criteria to comply with the Clause 10.4.2 Setback and Clause 10.4.6 Privacy for all dwellings. The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

The proposal is assessed as complying with all other use and development standards in the General Residential zone, as well as 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 representor raised concerns for privacy and location of the boundary. Conditions have been recommended to address these issues.

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

Recommendation:

That a permit be granted for the proposed use and development of Demolition, outbuilding and additions to Residential (Single Dwelling) relying on performance criteria at 137 Risdon Road Lutana subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-111 and Drawing No. P2 submitted on 16 June 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. Prior to the issuing of a Building permit or commencement of works on site (whichever comes first), a plan showing the glass balustrade on the eastern side of the deck, setback a minimum of 3m from the side boundary of the lot must be provided. The glass balustrade must be setback from the eastern side boundary for the life of the deck to minimise direct overlooking of the neighbouring property.

4. The proposal must be wholly constructed within the property boundary. The boundary location for the closest point of the boundary to the outbuilding must be confirmed by a suitably qualified Land Surveyor prior to the issue of a building permit or the commencement of works on site, whichever comes first.
5. Privacy screen/wall to a height of 1.7 m from the finished floor level of the deck must be constructed on the southern elevation of the deck, as shown on the approved plans. The privacy screen/wall must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent direct overlooking of the adjacent lot. The privacy screen must remain in-situ, for the life of the use.

Engineering

1. Prior to the issuing of a Building Permit Approval or the commencement of works on site, including demolition (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of and to be approved by the Council's Development Engineer. The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties. The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

Advice: For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Environment, Parks, Heritage and the Arts. These are available from Council or online at www.derwentestuary.org.au.

2. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
3. 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. Designed 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.
4. 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 must be undertaken by Council at the developer's cost.

Advice: Council does not have any record of the stormwater connection to the site.

The applicant is required to accurately locate, size and accurately plot the location on the submitted site plans if a connection does exist. The applicant

can contact Council and complete a Storm Water Line Location Request form at the developer's cost, if required to enable Council's Asset Survey Officer to assist with locating and determining the size of the drainage line on site.

Advice to Applicant

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

Underground Services

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

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 6216 6800.

Attachments/Annexures

- 1  Attachment - 137 Risdon Road, Lutana

APPENDIX 1**10.0 General Residential Zone.**

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

	for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.		
	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (c) 9.00 am to 12 noon Saturdays; (d) nil on Sundays and Public Holidays.	Not applicable.	N/A
10.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m².	Not applicable.	N/A
10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m².	Not applicable.	N/A
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings.	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m²; or (b) if within a density area specified in Table 10.4.1	Not applicable.	N/A

	below and shown on the planning scheme maps, that specified for the density area.		
10.4.2 Setbacks and building envelopes for all dwellings:	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	Complies. The proposal would be setback more than 25m from the front boundary.	Yes
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the	Complies. The proposal would be setback more than 25m from the front boundary.	Yes

	dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.		
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	The proposed outbuilding would be setback 0.697m from the southern side boundary and 0m from the eastern side boundary. Compliance would require a setback of 1.5m. Therefore the proposal would have a discretion of 0.803m and 1.5m respectively.	Performance criteria Refer to discussion in the report.

10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	Complies. The site coverage would be 28% and the area free from impervious surface would be greater than 36%.	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) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and	Complies. The private open space is existing.	Yes

	(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight overshadowing of dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Not applicable.	N/A
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.	Not applicable.	N/A

	(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 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	Not applicable.	N/A

10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Complies.	Yes
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	The proposed deck would require a setback of 3m or screening up to a height of 1.7 above the floor level of the deck with no more than 25% transparency on the eastern side.	Performance criteria Refer to discussion in the report.

	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (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.	N/A
--	---	-----------------	-----

	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.	N/A
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	Not applicable.	N/A
10.4.8 Waste Storage for multiple dwellings.	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling	Not applicable.	N/A

	and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.		
--	---	--	--

APPENDIX 2**E6.0 Parking and Access Code**

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

Standard	Acceptable Solution	Proposed	Complies?
	not reduced.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not applicable.	N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Not applicable.	N/A
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.	N/A
E6.7.3 Vehicular Passing Areas	A1 Vehicular passing areas must:	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
Along an Access	(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.		
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.	Not applicable.	N/A
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.	Complies.	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;	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.		
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Not applicable.	N/A
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Not applicable.	N/A
E6.7.9 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.	N/A
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

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

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

APPENDIX 3**E7.0 Stormwater Management Code**

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

6. PROPOSED USE AND DEVELOPMENT - PROVISION OF MINOR UTILITIES AND FORMAL PARKING BAYS (UTILITIES) RELYING ON PERFORMANCE CRITERIA - CREEK ROAD NEW TOWN

Author: Senior Statutory Planner (Vanessa Tomlin)

Qualified Person: Senior Statutory Planner (Vanessa Tomlin)

Property ID: 1001755

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-149
<i>Applicant:</i>	Glenorchy City Council
<i>Owner:</i>	Crown Land (reserve road)
<i>Zone:</i>	Environmental Management
<i>Use Class</i>	Utilities
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	E11.7.1 Buildings and Works (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	25 July 2017
<i>Existing Land Use:</i>	Utilities
<i>Representations:</i>	1
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal involves the construction of a footpath and the formalisation of car parking adjacent to Creek Road, New Town. The proposal includes the upgrade of the Moss Park Drive connection to Creek Road, as well as the re-alignment of the bridges to 104, 106 and 108 Creek Road.

A pedestrian refuge is proposed near stadium one of the Southern Tasmanian Netball Centre.

The extent of the works is to be within the existing gravel shoulder to the road, with a vertical edge of the footpath proposed to the north-east of the foot bridge to Kelvin Avenue and a top/toe batter proposed to the north-east of the bridge to 108 Creek Road. No clearance or conversion of native vegetation is proposed.

The proposal relies on performance criteria to comply with E11.7.1 Buildings and Works standard.

SITE and LOCALITY

The proposal site extends along the northern edge of Creek Road for approximately 210m. The proposal site is approximately 100m west of the intersection of Creek Road and Main Road, Moonah and approximately 350m east of Gerrard Street, New Town. The current certificate of title recognises the site as a reserve road. The site, in its entirety extends approximately 1.70km along Creek Road and includes New Town Rivulet (Fig. 1).



Figure 1. A snapshot of the proposal site, showing part of the overall site.

ZONE

The site is situated within the Environmental Management zone. The site borders the General Residential zone, Light Industrial zone, Open Space zone, Local Business zone and the Commercial zone (Fig. 2).

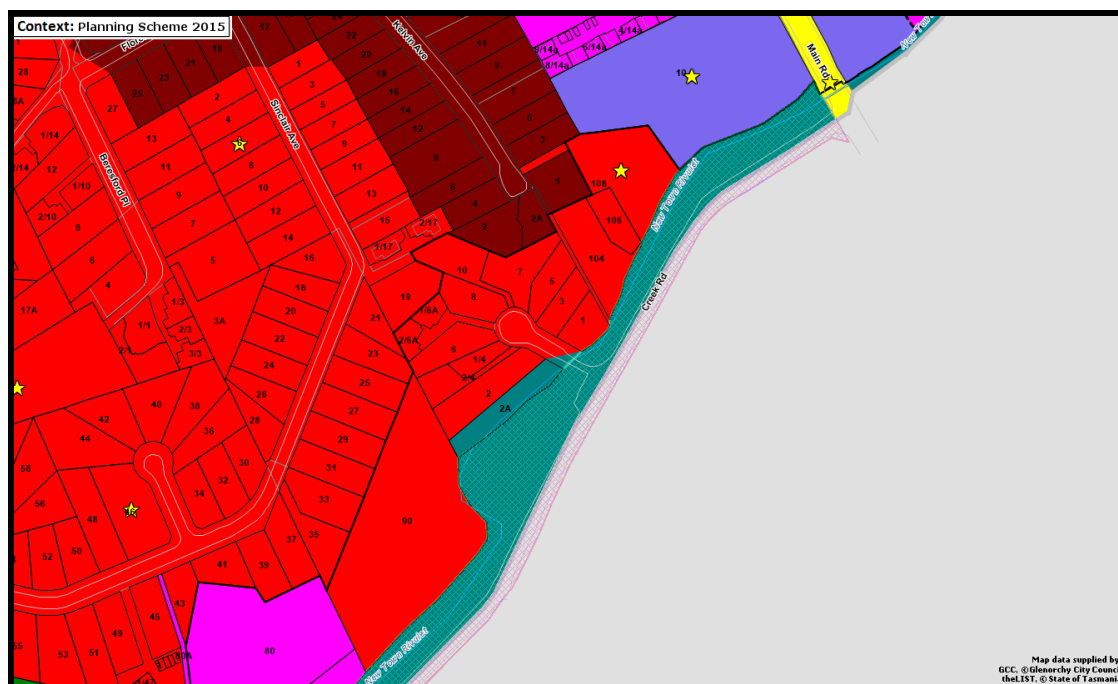


Figure 2. A snapshot showing the zoning of the locality, with the proposal site shown in green as the Environmental Management zone. The remaining zoning is red for the General residential zone, purple for the Commercial zone and pink for the light Industrial zone.

BACKGROUND

Crown consent to the making of the application

Crown consent for the application was initially sought by the applicant prior to the submission of the application. Crown Land's response was that the area of Creek Road where the works are to take place is within the Council managed road corridor and Crown consent was not required. This is because the land is administered by Council. Section 52(1B) of the *Land Use Planning and Approvals Act 1993* supports this and as a result, the Crown was not required to give consent to the making of the 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

5.4 Maintenance and Repair of Linear and Minor Utilities and Infrastructure

Clause 5.4.1 makes provision for maintenance and repair of minor utilities and infrastructure by or on behalf of a Council.

Considering that the proposal involves the construction of footpath, which equates to the provision of a footpath, the proposal is not eligible for this exemption.

Limited Exemptions

6.2 Provision and Upgrades of Linear and Minor Utilities and Infrastructure

Clause 6.2.2 enables the provision and upgrade of linear and minor utilises and infrastructure by or on behalf of a Council to be exempt from requiring assessment. The proposal would otherwise be exempt under these provisions, although the proposal is situated within 30m of a watercourse, New Town Rivulet and is not eligible for exemption.

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

No SAP or Code provisions override zone provisions in this assessment.

Use Class Description (Table 8.2):

The use class is Utilities, which means the use of land for utilities and infrastructure including:

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

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

Other relevant definitions (Clause 4.1):

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.

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.

Building means as defined in the Act. The Act defines building to include

- (a) a structure and part of a building or structure;
- (b) fences, walls, out-buildings, service installations and other appurtenances of a building; and
- (c) a boat or a pontoon which is permanently moored or fixed to land.

Minor utilities mean the use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path, stormwater channel, water pipes, retarding basin, telecommunication lines or electricity substation and power lines up to but not exceeding 110Kv.

Native vegetation means plants that are indigenous to Tasmania including trees, shrubs, herbs and grasses that have not been planted for domestic or commercial purposes.

Road means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.

Road authority means for State highways or subsidiary roads, within the meaning of the Roads and Jetties Act 1935, the Minister administering that Act and in relation to all other roads, the Council having the control of such road.

Works means as defined in the Act. The Act defines works to include any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the Forest Practices Act 1985, carried out in State forests.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

Zone Purpose Statements

29.1.1 Zone Purpose Statements

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

New Town Rivulet is a highly regarded watercourse within the municipality, owing to its natural values. In addition, the watercourse holds ecological, scientific, cultural and aesthetic values. The proposal incorporates protection and mitigation measures to ensure there are no adverse impacts on the values of the watercourse.

It is assessed that the proposal is consistent with the purpose of the Environmental Management zone.

Use Table

Utilities are a discretionary use class pursuant to Clause 29.2 Use Table.

Use Standards

The use standard Clause 29.3.1 is applicable to reserve land that has an approved management plan, within the meaning of the *Crown lands Act 1976*. As previously stated, the application was discussed with Crown Land Services prior to submission. Crown Land Services have not indicated that the land is the subject of a management plan. As such, the use standard is not applicable to this assessment.

Development Standards for Buildings or Works

The proposal complies with the applicable standards through the acceptable solution.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E3.0 Landslide Code

Even though the Utilities use class is defined as a hazardous use within E3.0 Landslide Code, the provisions of this code do not apply to the assessment because the proposal is not on land within a Landslide Hazard Area.

E6.0 Parking and Access Code

This code applies to all use and development. However, there is no requirement for the provision of parking for the use class of Utilities. Council's Development Engineer has reviewed the proposal and is satisfied that the proposal complies with the applicable standards. Detailed comment is within the Internal Referrals section of this report.

E7.0 Stormwater Management Code

Council's Development Engineer has reviewed the proposal and is satisfied that the proposal complies with the applicable standards. Detailed comment is within the Internal Referrals section of this report.

Electricity Transmission Infrastructure Protection Code

This code does not apply to the assessment of the proposal because the proposed development is not within an electricity transmission corridor; 55 m of a communications station; or within 65 m of a substation facility.

Biodiversity Code

The site is mapped within a Biodiversity Protection Area, although the proposal site is not recognised as having priority biodiversity values in accordance with the planning scheme.

The proposal is to be wholly contained within the road reservation, more specifically the gravel shoulder of the road. Where the proposal involves the upgrading or replacement of existing road infrastructure, these works are exempt under this code pursuant to Clause E10.4.1 (j), provided the works are within 2m of existing infrastructure.

For the proposed footpath and associated infrastructure, these works are exempt from assessment under this code, given that an area no more than 750m² is to be subject to clearance and conversion or disturbance (Clause E10.4.1 (m)).

For the purpose of this code, clearance and conversion means the process of removing native vegetation from an area of land and:

- (a) leaving the area of land, on a permanent or extended basis, in a state predominantly vegetated with native vegetation; or
- (b) replacing the native vegetation so removed, on a permanent or extended basis, with residential, commercial, mining, agriculture or other non-agricultural development.

Waterway and Coastal Protection Code

Works involving the maintenance repair, upgrading or replacement of a road that is within 2m of the existing infrastructure is exempt from assessment, in accordance with Clause E11.4.1 (l). It is noted that the proposed footpath and associated works is not exempt.

The proposal is located within the Waterway and Coastal Protection Area and is not within a building area on a plan of subdivision. As such, the proposal relies on performance criteria.

E11.7.1 Buildings and Works

The performance criteria require any building and works within a Waterway and Coastal Protection Area to:

- (a) avoid or mitigate impact on natural values;
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;
- (c) avoid or mitigate impacts on riparian or littoral vegetation;
- (d) maintain natural streambank and streambed condition, (where it exists);
- (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;
- (f) avoid significantly impeding natural flow and drainage;
- (g) maintain fish passage (where applicable);
- (h) avoid landfilling of wetlands;
- (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

For the purpose of this code, natural values means biodiversity, environmental flows, natural streambank stability and stream bed condition, riparian vegetation, littoral vegetation, water quality, wetlands, river condition and waterway and/or coastal values.

Given that the proposal is to be contained within the road reservation and does not include the clearance or conversion of native vegetation or impact the streambank or bed, the proposal is assessed as not causing an unnecessary or unacceptable impact on natural values. Therefore, the proposal satisfies the performance criteria and complies with the standard.

PART F: Specific Area Plans

No Specific Area Plans apply to the assessment of this application.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has reviewed the proposal and has provided comments and conditions.

Glenorchy City Council is an applicant seeking an approval for road improvements including new kerb, extension to existing footpath, new on-street parking bay along the new kerbside on Creek Road (approximately 240m in length) and traffic crossing including traffic island.

Traffic, Access & Parking

The design of the on-street parking spaces/bay complies with AS2890.5 – 1993 (Section 2.2) and Tasmanian Standard Drawings of LGAT. It is therefore considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application; and the stormwater management and treatment element is proposed to the Code E7 of GIPS acceptable solution.

Other

Geoscience issues

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

Flooding/Inundation issues

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

Environmental Co-ordinator

Council's Environmental Co-ordinator has reviewed the proposal and is satisfied with the proposal considering that there is no new stormwater discharge into New Town Rivulet it meets the acceptable solution for the Waterways Code.

Should the proposal be approved a condition is recommended for a sedimentation fence to be installed to the satisfaction of Council's Development Engineer and that best practice soil and water management is adhered to.

Transport Engineer

Council's Transport Engineer has reviewed the proposal and has provided comments and a condition.

Please see below a proposed condition for the Creek Road DA:

- Parking bays must be clearly marked to the satisfaction of Council's Transport Engineer in order to maximise the usage of the parking bays.

The reason for marking the parking bays is to make sure that drivers park correctly in this area, particularly during the weekends when there are sport events and the demand for on-street parking is very high.

EXTERNAL REFERRALS

TasWater

TasWater is in support of the proposal and has recommended advice.

REPRESENTATIONS

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

1. Water Sensitive Urban Design (WSUD)

The representor raises the commitment previously given by Council to use best practice principles of Water Sensitive Urban Design.

Planner's Comment:

WSUD principles are able to form part of the proposal. WSUD elements such as a bio retention basin and litter traps are proposed to be incorporated into the project. This includes a bio retention basin to be installed immediately south of Moss Park Drive together with the inclusion of litter traps in two new stormwater pits discharging to existing pipe outlets. A condition of approval is recommended accordingly.

2. Preservation of the natural habitat of New Town Rivulet

The representor states that the New Town Rivulet Catchment Care Group Inc. is passionate about the preservation of the natural habitat of the rivulet and has spent a significant amount of time and energy into rehabilitating the rivulet.

Planner's Comment:

Council engaged in pre-lodgement consultation with the New Town Rivulet Catchment Care Group Inc. in an effort to address potential concerns about future works in the vicinity of New Town Rivulet.

An objective of the proposal is to minimise disturbance to the rivulet and surrounds. Consideration has been given by the applicant to ensure minimum disturbance of the riparian area below the existing edge of road embankment. This is to be achieved by inclusion of a vertical footpath edge between the power pole (just north of Moss Park Drive) and the bridge access to Nos. 104 and 106.

3. Crown Land

The representor states that the land is Crown Land and that the intent of the application using rate payer's money is questionable, given that the land is not owned by Council.

Planner's Comment:

The applicant's response is that Crown Land Services (CLS) considers road corridors to be under the full and ongoing management and responsibility of the relevant road authority. As such, ongoing improvements are not the responsibility of CLS. Historically, this has been the case and is evidenced by CLS advice that CLS consent is not required for the lodgement of the application. Therefore, it is considered appropriate to undertake these works for the benefit of community.

4. Cost effective safety measures be utilised

The representor states that cost effective safety measures such as bollards be strategically placed along the walkway to delineate traffic from pedestrians, until the Council enters into a memorandum of understanding with the New Town Rivulet Catchment Care Group Inc. for a Federal grant or a WSUD best practice engineering approach to a unique riparian habitat is achieved.

Planner's comment:

Safety and accessibility issues have been raised by the community and there are pressing safety and community benefits to be gained through provision of a defined traffic lane, formal parking bays and fully accessible footpath. The existing gravel shoulder does not satisfy these criteria. It is considered that the temporary provision of bollards will not form a comprehensive approach to sufficiently address the current safety and accessibility issues.

CONCLUSION

The proposal is relying on the performance criteria to comply with the E11.7.1 Buildings and Works standard. The proposal is assessed as satisfying the performance criteria and complies with the applicable standard. The proposal is assessed as complying with all other use and development standards in the Environmental Management zone, as well as the applicable standards of the relevant codes. The application was publicly advertised for the statutory 14-day period and one representation was received. The representor raised concerns about the use of Water Sensitive Urban Design principals, the preservation of the natural habitat of New Town Rivulet, works proposed on Crown Land and cost effective safety measures be utilised. These concerns have been addressed and condition has been recommended where appropriate.

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

Recommendation:

That a permit be granted for the proposed use and development of Provision of min utilities and formal parking bays (Utilities) relying on performance criteria at Creek Road New Town subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-149 and Drawing No. P1 submitted on 25 May 2017 and Drawing No. P2 submitted on 28 June 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.

Engineering

1. Prior to the issuing of a Building Permit Approval or the commencement of works on site, including demolition (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of and to be approved by the Council's Development Engineer and/or Environmental Health Officer.

The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties. The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

Advice: For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Environment, Parks, Heritage and the Arts. These are available from Council or online at www.derwentestuary.org.au.

2. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
3. The design and construction of the driveway and parking areas must generally comply with the Australian Standard, Parking facilities, Part 1: On-street parking AS2890.5 – 1993 (Section 2.2), to the satisfaction of the Council's Development Engineer. Detailed engineering drawings showing the driveway and parking areas, internal service lines and connections to service mains, surface drainage collection, pavement composition and finished levels must be in accordance with the Standard Drawings, LGAT and submitted for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway, access and parking must comply with the following-:
 - a) Be constructed to a sealed finish;
 - b) All runoff from paved and driveway areas must be discharged into Council's stormwater system;
 - c) Appropriate signage and markings to the satisfaction of Council's Transport Engineer must be installed;
 - d) The gradient of any parking areas must not exceed 5%; and
 - e) Minimum carriageway width is to be no less than 2.35 metres.
4. To comply with the above requirements, the developer must submit drawings demonstrating compliance with the requirements to the satisfaction of Council's Development Engineer prior to the issuing of the commencement of works. All works required by this condition must be installed prior to the occupancy.
5. All stormwater drainage works, including the provision of treatment devices/elements must be to the satisfaction of Council's Development Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2000.

6. The development must incorporate Water Sensitive Urban Design Principles. These Principles will be in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania or The Model for Urban Stormwater Improvement Conceptualisation (MUSIC) and to the satisfaction of the Council's Development Engineer.
7. Parking bays must be clearly marked to the satisfaction of Council's Transport Engineer in order to maximise the usage of the parking bays.

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.

Attachments/Annexures

- 1  Attachment - GIPS Report, Creek Road

APPENDIX**29.0 Environmental Management**

Standard	Acceptable Solution	Proposed	Complies?
29.3 Use Standards			
29.3.1 Use Standards for Reserved Land	A1 Use is undertaken in accordance with a reserve management plan.	NA	NA
29.4 Development Standards for Buildings and Works			
29.4.1 Building Height	A1 Building height comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no more than 7.5 m.	NA	NA
28.4.2 Setback	A1 Building setback from frontage must comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m.		NA
	A2 Building setback from side and rear boundaries must comply with any of the following:		NA

Standard	Acceptable Solution	Proposed	Complies?
	(a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m.		
	A3 Buildings and works must be setback from land zoned Environmental Living no less than 30 m.	The proposal is not within 30m of the Environmental Living zone.	Yes
	A4 Building setback for buildings for sensitive use (including residential use) must comply with all of the following. (a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m; (b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.		NA
	A5 This clause does not apply in this planning scheme.		NA
29.4.3 Design	A1 The location of buildings and works must comply with any of the following: (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline; (b) be located within a building area, if provided on the title; (c) be an addition or alteration to an existing building;	The proposal does not include the clearing of native vegetation and is not the subject of a reserve management plan.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(d) as prescribed in an applicable reserve management plan.		
	A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.		NA
	A3 Fill and excavation must comply with all of the following: (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access.	No Fill is proposed. Any excavation is to be less than 1m depth.	Yes

APPENDIX**E5 Road and Railway Assets Code**

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

Standard	Acceptable Solution	Proposed	Complies?
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.		N/A
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.		N/A

Standard	Acceptable Solution	Proposed	Complies?
	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.		N/A
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h		N/A
	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.		N/A
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.		NA

Standard	Acceptable Solution	Proposed	Complies?
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		Yes

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

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (c) 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.		N/A
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.		N/A
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods		N/A

Standard	Acceptable Solution	Proposed	Complies?
	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.		
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.		N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		N/A
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; (d) 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		N/A

Standard	Acceptable Solution	Proposed	Complies?
	section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (b) 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.		N/A
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.		N/A
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		Yes

Standard	Acceptable Solution	Proposed	Complies?
	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.		
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.		Yes
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		Yes
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.		Yes
E6.7.9 Design of Motorcycle	A1 The design of motorcycle parking areas must comply with all of		N/A

Standard	Acceptable Solution	Proposed	Complies?
Parking Areas	the following: (b) 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.		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.		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.		N/A
E6.7.12	A1 Parking spaces and vehicle turning areas, including garages or		

Standard	Acceptable Solution	Proposed	Complies?
Siting of Car Parking	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.		N/A
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with 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.		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.		Yes

APPENDIX**E7.0 Stormwater Management Code**

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes
	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: (d) the size of new impervious area is more than 600 m ² ; (e) new car parking is provided for more than 6 cars; (f) a subdivision is for more than 5 lots.		Yes
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (b) 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		Yes

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

APPENDIX**E11 Waterway and Coastal Protection Code**

Standard	Acceptable Solution	Proposed	Complies?
E11.7 Development Standards			
E11.7.1 Buildings and Works	A1 Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	The proposal is not within a building area on a plan of subdivision approved under this planning scheme.	No
	A2 Building and works within a Future Coastal Refugia Area must be within a building area on a plan of subdivision approved under this planning scheme.		NA
	A3 Buildings and works within a Potable Water Supply Area must be within a building area on a plan of subdivision approved under this planning scheme.		NA
	A4 Development must involve no new stormwater point discharge into a watercourse, wetland or lake.	involve no new stormwater point discharge into a watercourse is proposed.	Yes
E11.7.2 Building and Works 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.		NA

Standard	Acceptable Solution	Proposed	Complies?
	A2 No Acceptable Solution for dredging and reclamation.		NA
	A3 No Acceptable Solution for coastal protection works initiated by the private sector.		NA

7. PROPOSED USE AND DEVELOPMENT - SPORTS GROUND LIGHTING (SPORTS AND RECREATION) AND WORKS WITHIN THE WATERWAY COASTAL PROTECTION AREA, RELYING ON PERFORMANCE CRITERIA - 1 GEPP PARADE DERWENT PARK

Author: Planning Officer (Peter Coney)

Qualified Person: Planning Officer (Peter Coney)

Property ID: 2145385

REPORT SUMMARY:

<i>Application No.:</i>	PLN-16-242
<i>Applicant:</i>	Glenorchy City Council
<i>Owner:</i>	Glenorchy City Council
<i>Zone:</i>	Recreation
<i>Use Class</i>	Sports and Recreation
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	E2.6.2 (P1) Excavation E11.7.1 (P1) Buildings and Works E15.7.5 (P1) and (P2) Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	25 July 2017
<i>Existing Land Use:</i>	Sports and Recreation
<i>Proposal In Brief:</i>	Sports ground lighting (sports and recreation) and works within the waterway coastal protection area, relying on performance criteria.
<i>Representations:</i>	0
<i>Recommendation:</i>	Approval, subject to conditions.

REPORT IN DETAIL:

PROPOSAL

The proposal is for the construction of five light poles to be placed on the periphery of the existing sports field at 1 Gepp Parade. As well, the proposal includes the placement of fill, and the removal of existing vegetation within 20m of the high water mark at the north of the site. These works are for an additional Baseball field.

The proposal complies with all of the acceptable solutions of the use and development standards of the Recreation zone, as well as applicable codes, except where reliant on the performance criteria for the standards E2.6.2 Excavation, E11.7.1 Buildings and Works, and E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas.

How the proposal satisfies the objectives of these applicable standards through the relevant performance criteria is outlined in the body of this report.

SITE and LOCALITY

The site is located on the north-western side of Derwent Park Road, bound to the north by the River Derwent and to the west by Gepp Parade. The site area is approximately 6.4ha, where the largest portion of the land consists of maintained sports grounds. There is as well a foreshore access path, allowing passive recreation within the area.

The locality is characterised by a mixture of industry and residences in proximity to the Wastewater Treatment Plant and the Prince of Wales Bay.



Figure 1. Aerial view of the site and immediate surrounds.

ZONE

The subject site is zoned Recreation (see Figure 3), the site shares boundaries with multiple zonings and is within 200m of a Residential zone.

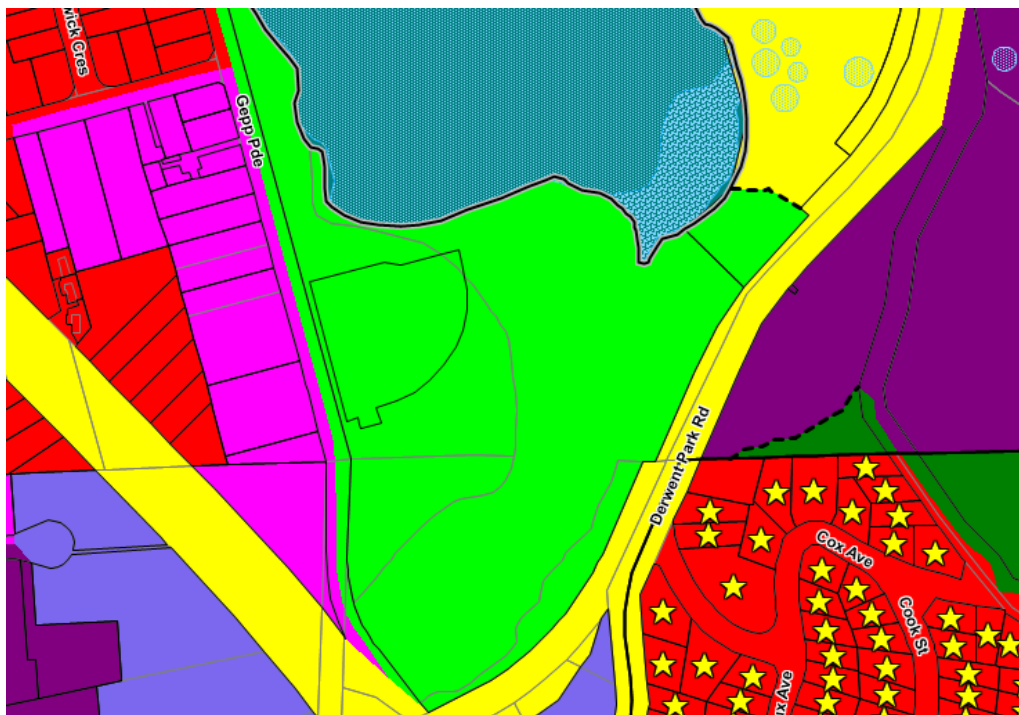


Figure 3. View of the zoning for the site and surrounding area indicating the Recreation zone (Green) as well as the Utilities zone (Yellow) which bounds the site, encompassing the road reservations and wastewater treatment plant. Within the locality also, there is an expanse of the General Industrial zone (Purple) to the east, Light Industrial (Fuchsia) to the west and Commercial (Slate blue) to the south. There are sections of the General Residential zone across the locality which are indicated in Red.

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

Use Class Description (Table 8.2):

Sports and recreation: means use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground.

Other relevant definitions (Clause 4.1):

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.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

18.1 Zone Purpose Statements**18.1.1.1**

To provide for a range of active and organised recreational use or development and complementary uses that do not impact adversely on the recreational use of the land.

18.1.1.2

To encourage open space networks that are linked through the provision of walking and cycle trails.

Comment

The proposal is assessed as being consistent with the Zone Purpose Statement, as the works will allow for more diverse sporting use of the land.

18.2 Use Table

The use Sports and Recreation is categorised as no permit required if provided by the Council. However, the proposal involves discretionary consideration owing to reliance on the performance criteria for the applicable development standards, as well as standards in applicable codes.

18.3 Use Standards

The proposal is assessed as complying with all of the acceptable solutions of the applicable use standards for the Recreation zone, as outlined in Appendix 1. In brief, the proposed operating hours of the site have been indicated by the applicant to be within the acceptable solutions of the use standards of the Recreation zone. These are:

- (a) 7.00 am to 8.00 pm Mondays to Fridays inclusive;
- (b) 8.00 am to 6.00 pm Saturdays;
- (c) 10.00 am to 5.00 pm Sundays and Public Holidays;

With regard to noise, it is not expected that the operation of the use will exceed the noise emissions prescribed within the acceptable solutions of the use standards for the zone.

With regard to the lighting, the proposal is for hours which comply with the acceptable solution, and as well, compliance with AS 4282-1997-1.4.7 *Control of the obtrusive effects of outdoor lighting*.

The proposal is assessed as complying with each of the acceptable solutions of the use standards of the recreation zone.

Development Standards for Buildings or Works

Though the proposal is for works (development), there are no applicable standards within the zone, relative to the proposal.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E2.0 Potentially Contaminated Land.

The proposal is for works on land identified as being potentially contaminated. As these works require excavation of an area greater than 1m², the proposal is not exempt, and so E.2.6.2 Excavation is an applicable standard.

E2.6.2 Excavation

There is no acceptable solution for this standard. Therefore, the proposal must satisfy the performance criteria which require,

Excavation does not adversely impact on health and the environment, having regard to:

- (a) *an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*
- (b) *a plan to manage contamination and associated risk to human health and the environment that includes:*
 - (i) *an environmental site assessment;*
 - (ii) *any specific remediation and protection measures required to be implemented before excavation commences; and*
 - (iii) *a statement that the excavation does not adversely impact on human health or the environment.*

Comment

The applicant has provided a Contamination Management Plan (CMP) in accordance with part (b) of the performance criteria. This plan is intended to be disseminated to persons who may be exposed to contaminants during the excavation for the light poles, and as well, specifies measures to mitigate impacts on the environment and human health, to be undertaken during the works. This CMP has been referred to Council's Environmental Health Officer who has made comment in the referrals section of this report.

In brief, Council's Environmental Health Officer is in support of the proposal subject to the condition that the CMP is implemented, as recommended by the authors of that plan.

E6.0 Parking and Access code.

Though the Parking and Access code applies to all development. There are no applicable standards of the code for the proposal, as the works do not extend or intensify the use.

E7.0 Stormwater Management Code

Though the Stormwater Management code applies to all development, there are no new impervious surfaces which require the management of stormwater. As such, there are no applicable standards for this proposal.

E11.0 Waterway and Coastal Protection Code

Pursuant to E11.2.1 Application, the Waterway and Coastal Protection Code is an applicable code, as the proposal is for development within the Waterway and Coastal Protection Area (See Figure 4). The proposal is reliant on the performance criteria for *E11.7.1 (P1) Buildings and Works* owing to the landfill and removal of vegetation not being within a building area on a plan of subdivision approved under this planning scheme.



Figure 4. View of the site indicating the extent of the Waterway Coastal Protection area.

E11.7.1 Buildings and Works (P1)

The proposal involves works which are not within a building area on a plan of subdivision as approved under this planning scheme.

The proposal therefore is reliant on the performance criteria which require

Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- (a) *avoid or mitigate impact on natural values;*
- (b) *mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;*
- (c) *avoid or mitigate impacts on riparian or littoral vegetation;*
- (d) *maintain natural streambank and streambed condition, (where it exists);*
- (e) *maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- (f) *avoid significantly impeding natural flow and drainage;*
- (g) *maintain fish passage (where applicable);*
- (h) *avoid landfilling of wetlands;*
- (i) *works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.*

Comment

The proposal has been referred to Council's Environment Coordinator who has provided an assessment of the proposal within the referrals section of this report.

In summary, Council's Environment Coordinator is satisfied that the proposal complies with the standard through the performance criteria and has recommended conditions of approval.

E15.0 Inundation Prone Areas Code

The inundation prone areas code is an applicable code owing to the proposal involving works which are within a Coastal Inundation Medium Hazard Area.

E15.7.5 (P1) Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas.

The proposal involves landfill greater than 5m in length and 0.5m in height. The proposal therefore is reliant on the performance criteria which require,

Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:

- (a) no adverse affect on flood flow over other property through displacement of overland flows;*
- (b) the rate of stormwater discharge from the property must not increase;*
- (c) stormwater quality must not be reduced from pre-development levels.*

Comment

The proposal has been referred to Council's Environmental Coordinator and Development Technical Officer who has made comments in the referrals section of this report.

In summary, the proposal is assessed to comply with each of the performance criteria and conditions are recommended.

E15.7.5 (P2) Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas.

The proposal is reliant on the performance criteria (P2) of this standard owing to their being no acceptable solution for A2. The performance criteria require,

Mitigation measures, if required, must satisfy all of the following:

- (a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;*
- (b) not have a significant effect on flood flow.*

Comment

The proposal does not involve habitable rooms, as such it is considered that (a) is not applicable. With regard to (b), the proposal has been referred to Council's Environmental Coordinator and Development Technical Officer who has made comments in the referrals section of this report.

In summary, the proposal is assessed to have no impact on overland flows and so complies with the performance criteria.

INTERNAL REFERRALS

Development Engineer

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

Comments

The application is for sports ground lighting and works within the Waterway Coastal Protection Area.

Traffic, Access & Parking

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

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

Other

Geoscience issues

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)

The development requires no new stormwater points discharging to the Derwent River, it is therefore considered there are no issues identified that affect the technical assessment of application.

E15.0 Inundation Prone Areas Code

The site is located adjacent to the Derwent River and is subject to Code E15.0 Inundation Prone Areas Code of the GIPS 2015.

For landfill, there is no acceptable solution under Clause E15.7.5. However, it is considered the performance criteria can be satisfied with the applicant undertaking works in accordance with a recommended condition to address E15.7.5 P1(c) that stormwater quality must not be reduced from pre-development levels. It is considered that E15.7.5 P1(a) and (b) are not applicable.

Environmental Health Officer

The proposal has been referred to Council's Environmental Health Officer who has made the following comments.

Comments

The Prince of Wales Recreational Ground has been identified as a contaminated site. The Potentially Contaminated Land Code applies to this development.

Due to the nature of this development, excavation at various points around the site will be required. As such, the applicant must address E2.6.2 Excavation in Potentially Contaminated Land Code.

This section of the Potentially Contaminated Land Code does not have acceptable solutions, and therefore the applicant must address performance criteria P1. Environmental Health is satisfied that the Contamination Management Plan received from GEO-Environmental Solutions on 12/07/2017 adequately addresses E2.6.2 Excavations performance criteria P1(b), and therefore satisfies the Potentially Contaminated Land Code.

To ensure that the Contamination Management Plan is adopted and complied with during this development, it is recommended that a condition be placed on the permit for adherence to this Plan.

Environment Coordinator

The proposal has been referred to Council's Environment Coordinator who has made the following comments

Code E11.0 Waterway and Coastal Protection

Clause E11.7.1 Buildings and Works

(A1) There is no applicable building area on a plan of subdivision approved under this Scheme, so the proposal is unable to meet the Acceptable Solution.

(P1) Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- (a) avoid or mitigate impact on natural values;*
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;*
- (c) avoid or mitigate impacts on riparian or littoral vegetation;*
- (d) maintain natural streambank and streambed condition, (where it exists);*
- (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- (f) avoid significantly impeding natural flow and drainage;*
- (g) maintain fish passage (where applicable);*
- (h) avoid landfilling of wetlands;*
- (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.*

The proposal requires the removal of the majority of the few remaining trees and shrubs on the bank in that location, for deposition of fill and reshaping of the bank.

In terms of vegetation and waterway quality, the trees being removed are not part of a threatened vegetation community, do not provide specific habitat for threatened species and are not mature or complex, so are not necessarily of high value. However, as it is the only vegetation in that locality, its loss will inevitably impact the stability of the area, potentially resulting in impact on the waterway.

This loss and change to the bank formation is able to be mitigated by good design of the fill deposition and reshaping, stabilisation during construction, and long-term replanting using local species. Natural flow and drainage of the waterway itself is, for the time being, unaffected by the proposal, as no works are proposed at water level.

It is noted that Inundation Hazard overlay also applies to the site. However, the extent of encroachment into the area subject to this overlay appears minor, and unlikely to have any measurable impact on overland water flow, and should not increase the rate of stormwater discharge from the property. This issue has been further assessed by Council engineering staff. The potential for inundation highlights the need to ensure long term stability of the works.

Therefore, the proposal is able to meet the performance criteria, provided that conditions are imposed on the permit regarding good design and construction of the bank works to ensure stability, and stabilisation of the works including replanting.

No other Clauses under the Code are relevant to the proposal.

EXTERNAL REFERRALS

TasWater

Pursuant to the *Water and Sewerage Industry Act 2008 (TAS)* Section 56P(1) TasWater does not object to the proposed development and no conditions are imposed.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with no representations being received.

CONCLUSION

The proposal for sports ground lighting and works within the Waterway Coastal Protection Area is assessed to comply with all of the acceptable solutions for the relevant standards of the Recreation zone, as well as the applicable codes, except where reliant on the performance criteria for E2.6.2 Excavation, E11.7.1 Buildings and Works and E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas. The proposal is assessed as satisfying those performance criteria in order to meet the objectives, and as such complies with the relevant standards.

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

Recommendation:

That a permit be granted for the proposed use and development of Sports ground lighting (sports and recreation), and works within the Waterway coastal protection area, relying on performance criteria at 1 Gepp Parade Derwent Park, subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-242 and Drawing No. P1 submitted on the 1/11/2016 (sheets 2-11 only), P2 submitted on 4/11/2016 and P4 submitted on 4/4/2017 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. Prior to commencement of works, a landscaping plan must be submitted to Council showing use of species native to the area to revegetate all disturbed areas of the site outside the boundary of the sports ground. This plan must include both native grasses and woody shrubs, as appropriate to the topography of the site, and specify density and timeframes for planting and maintenance.
4. Maximum LUX measurable at any boundary must not subject nearby residential lots to obtrusive light, in accordance with, and as defined within AS 4282-1997-1.4.7 *Control of the obtrusive effects of outdoor lighting*.
5. The hours of operation of the use are restricted to;
 - (a) 7.00 am to 8.00 pm Mondays to Fridays inclusive;
 - (b) 8.00 am to 6.00 pm Saturdays;
 - (c) 10.00 am to 5.00 pm Sundays and Public Holidays;

Advice, these hours of operation are for the regular use of the grounds for organised sporting activities and do not limit the use of the land for occasional social or cultural events.

Engineering

1. Prior to the commencement of works, a Soil and Water Management Plan must be submitted for the approval of Council's Development Engineer. This Soil and Water Management Plan must be implemented to comply with best practice to prevent any transfer of soil material outside of the area of landfill and disturbance. Particular attention is to be paid to ensure no soil material is tracked onto roads or to enter any waterways. All control measures must comply with the requirements of Council's Development Engineer and must be installed prior to the removal, disturbance and/or placement of any soil or vegetation and maintained until the site is revegetated.

Advice: For further information to satisfy the performance criteria of clause E15.7.5 of the Glenorchy Planning Scheme 2015 please refer 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010) as applicable.

Environmental Health

1. All excavation works must be conducted in accordance with the remediation and protection measures as outlined in the Contamination Management Plan dated June 2017 and received 12/07/2017.

Advice to Applicant

1. 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 6216 6800.

Attachments/Annexures

- 1  Attachment - 1 Gepp Parade, Derwent Park

APPENDIX 1**18.0 Recreation Zone**

Standard	Acceptable Solution	Proposed	Complies?
18.3 Use Standards			
18.3.1 Hours of Operation	A1 Hours of operation of a use within 50 m of a residential zone must be within: (a) 7.00 am to 8.00 pm Mondays to Fridays inclusive; (b) 8.00 am to 6.00 pm Saturdays; (c) 10.00 am to 5.00 pm Sundays and Public Holidays; except for office and administrative tasks.	The proposal is for the use to operate within the acceptable solutions of the use standards	Yes

18.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm and 7.00 am; (c) 65dB(A) (LAmix) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	The applicant has indicated in a letter dated 24/03/2017 that they no longer seek approval for an extension to the hours of operation. As such, the noise generated by the use is not expected to change beyond that which exists.	Not applicable
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone, except if a school system used for school announcements.	There is no proposed external amplified music.	Not applicable
18.3.3 External Lighting	A1 External lighting, other than flood lighting of sport and recreation facilities, within 50 m of a residential zone must comply with all of the following:	The proposal is for lighting of sport and recreation facilities. Therefore this is not an applicable standard.	Not Applicable

	(a) be turned off between 9:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.		
	A2 Flood lighting of sport and recreation facilities within 200 m of a residential zone must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.	The proposal is for lighting to be in accordance with AS 4282-1997-1.4.7.	Yes – Conditioned.
18.3.4 Commercial and Patron Vehicle Movements	A1 Commercial and patron vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 7.00 am to 9.00 pm Mondays to Fridays inclusive; (b) 8.00 am to 7.00 pm Saturdays; (c) 10.00 am to 6.00pm Sundays and Public Holidays.	The proposed operating hours are within those which would allow for patron movements within the acceptable solutions	Yes
18.3.5 Discretionary Use	A1 No Acceptable Solution	The proposal is a no permit required use within the zone.	Not Applicable

18.4 Development Standards for Buildings and Works			
18.4.1 Building Height	A1 Building height must not be more than: (a) 10m. (b) 15m if in the KGV Sports and Community Precinct and 10m or more from that Precinct boundary other than a boundary with a residential zone.	There is no proposed building	Not Applicable
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	There is no proposed building	Not Applicable
18.4.2 Setback	A1 Building setback from frontage must be must be no less than: (a) 5m; (b) the alignment of adjoining buildings; whichever is the lesser.	There is no proposed building	Not Applicable
	A2 Building setback from a residential zone must be no less than: (a) 3 m; (b) half the height of the wall, whichever is the greater.	There is no proposed building	Not Applicable

18.4.3 Design	A1 Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots; (g) not include security shutters over windows or doors with a frontage to a street or public place.	There is no proposed building	Not Applicable
--------------------------------	--	-------------------------------	----------------

	A2 Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	There is no proposed building	Not Applicable
18.4.4 Passive Surveillance	A1 Buildings design must complying with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park.	There is no proposed building	Not Applicable

18.4.5 Landscaping	A1 Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has nil setback to frontage.	There is no proposed building or works encroaching upon any frontage which would warrant additional landscaping	Not Applicable
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2 m.	There is no proposed building works encroaching upon any frontage which would warrant additional landscaping	Not Applicable
18.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses 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 areas.	There is no proposed building or outdoor storage areas.	Not Applicable
18.4.7 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;	There is no proposed fencing	Not Applicable

	(b) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.		
--	---	--	--

APPENDIX 2**E2 Potentially Contaminated Land Code.**

Standard	Acceptable Solution	Proposed	Complies?
E2.5 Use Standards			
E2.5 Use Standards	A1 The Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.	The use of the land as a sportsground is existing and so the use is not an assessable component of the application.	N/A

E2.6 Development Standards			
E2.6.1 Subdivision	A1 For subdivision of land, the Director, or a person approved by the Director for the purpose of this Code: (a) certifies that the land is suitable for the intended use; or (b) approves a plan to manage contamination and associated risk to human health or the environment, that will ensure the subdivision does not adversely impact on health or the environment and is suitable for its intended use.	The proposal does not involve the subdivision of the land.	N/A
E2.6.2 Excavation	A1 No acceptable solution.	As there is no acceptable solution, the proposal must satisfy the performance criteria.	No – Refer Report

APPENDIX 3.**E11 Waterway and Coastal Protection Code**

Standard	Acceptable Solution	Proposed	Complies?
E11.7 Development Standards			
E11.7.1 Buildings and Works	A1 Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	The proposal is for works within the Waterway Coastal Protection Area,	No – Refer Report
	A2 Building and works within a Future Coastal Refugia Area must be within a building area on a plan of subdivision approved under this planning scheme.	Not Applicable	Not Applicable
	A3 Buildings and works within a Potable Water Supply Area must be within a building area on a plan of subdivision approved under this planning scheme.	Not Applicable	Not Applicable
	A4 Development must involve no new stormwater point discharge into a watercourse, wetland or lake.	There is no proposed new	Not Applicable
E11.7.2 Building and Works Dependent on a Coastal	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	Not Applicable

Standard	Acceptable Solution	Proposed	Complies?
Location	A2 No Acceptable Solution for dredging and reclamation.	Not Applicable	Not Applicable
	A3 No Acceptable Solution for coastal protection works initiated by the private sector.	Not Applicable	Not Applicable

APPENDIX 3

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.	Not Applicable	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	Not Applicable

	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	Not Applicable
E15.7.2 Coastal Inundation Medium Hazard Areas	A1 For a new habitable building there is no acceptable solution	Not Applicable	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 m² from the date of commencement of this planning scheme; (b) new habitable rooms must be above ground floor.	Not Applicable	Not Applicable
	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	Not Applicable

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	Not Applicable
	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	Not Applicable
	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	Not Applicable
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.	Not Applicable	Not Applicable

	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	Not Applicable
	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	Not Applicable
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.	The proposal involves fill of a length greater than 5m	No – Refer Report
	A2 No acceptable solution.	The proposal involves landfill	No – Refer Report

	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	Not Applicable
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	Not Applicable
	A2 No acceptable solution	Not Applicable	Not Applicable
	A3 No Acceptable Solution for coastal protection works initiated by the private sector.	Not Applicable	Not Applicable

