

GLENORCHY PLANNING AUTHORITY

AGENDA

MONDAY, 30 MAY 2016



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman K. Johnston

Hour: 3.00 p.m.

TABLE OF CONTENTS:

1.	PLANNING AUTHORITY DECLARATION	3
2.	APOLOGIES/LEAVE OF ABSENCE.....	3
3.	PECUNIARY INTERESTS.....	3
4.	CONFIRMATION OF MINUTES	3
5.	PROPOSED USE AND DEVELOPMENT - OUTBUILDING (RESIDENTIAL) RELYING ON PERFORMANCE CRITERIA - 28 BERMUKA STREET, WEST MOONAH	4

6.	PROPOSED ONE LOT SUBDIVISION PLUS BALANCE IN A HIGH FIRE PRONE AREA ON A SLOPE GREATER THAN 1 IN 4 - 29 LESDELLE STREET, CLAREMONT	31
7.	PROPOSED S.43A COMBINED AMENDMENT REQUEST AND PLANNING PERMIT APPLICATION - PLS43A-16/01 (PLAM 16/01) REZONE PORTION OF CT 167222/1 FROM OPEN SPACE TO LOW DENSITY RESIDENTIAL WITH REMOVAL OF BIODIVERSITY PROTECTION OVERLAY AND 2 LOT SUBDIVISION AND BALANCE - 32 GILLIES ROAD, CLAREMONT.....	45
CLOSED TO MEMBERS OF THE PUBLIC		80
8.	APPEALS REPORT	80

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 16 May 2016 be confirmed.

**5. PROPOSED USE AND DEVELOPMENT - OUTBUILDING
(RESIDENTIAL) RELYING ON PERFORMANCE CRITERIA - 28
BERMUKA STREET, WEST MOONAH**

Author: Planning Officer (Vanessa Tomlin)

Qualified Person: Planning Officer (Vanessa Tomlin)

Property ID: 3327228

REPORT SUMMARY:

Application No.:	PLN-16-075
Applicant:	B W Wojcik and H L Wojcik
Owner:	B W Wojcik and H L Wojcik
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	Setbacks and building envelope 10.4.2 (P3) (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	02 Jun 2016
Existing Land Use:	Single dwelling
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal involves the construction of an outbuilding. The ground floor of the outbuilding is to be 9m by 9m.

A 3m wide by 8m long awning is to extend along the south-eastern elevation and another awning of the same dimensions is to extend along the north-eastern elevation of the outbuilding. The south-western elevation of the proposed outbuilding is to be a height of 3.73m and the north-eastern elevation is to be the highest point of the outbuilding, measuring 6.1m.

Access to the outbuilding is by a 5m wide roller door on the south-eastern elevation, double external doors on the north-eastern elevation and a 2.3m wide garage door on the north-western elevation. A 4.79m by 9m basement is proposed and is to be used for storage. The proposed basement is to be accessed by double external doors on the north-eastern elevation and a window is proposed for both the north-western and south-eastern elevations.

A 0.6m high boundary retaining wall, 18m in length is proposed for the south-western side boundary.

The proposal relies on performance criteria P3 of standard 10.4.2 Setbacks and building envelope for all dwellings.

SITE and LOCALITY

The site is situated on the north-western side of Bermuka Street, approximately 18m south of Bundarra Place and 12m north of the termination of Bermuka Crescent, West Moonah. The site is situated amongst established residential development and is in proximity to Amy Street Community Park (Fig. 1).



Figure 1. An aerial view of the site and surrounds.

The site is irregular in shape and has an area of 1090m². The site is occupied by a single dwelling and an outbuilding (garage).

The site slopes down from the western side boundary to the eastern side boundary, with a slope gradient of approximately 1 in 4 (Fig. 2).

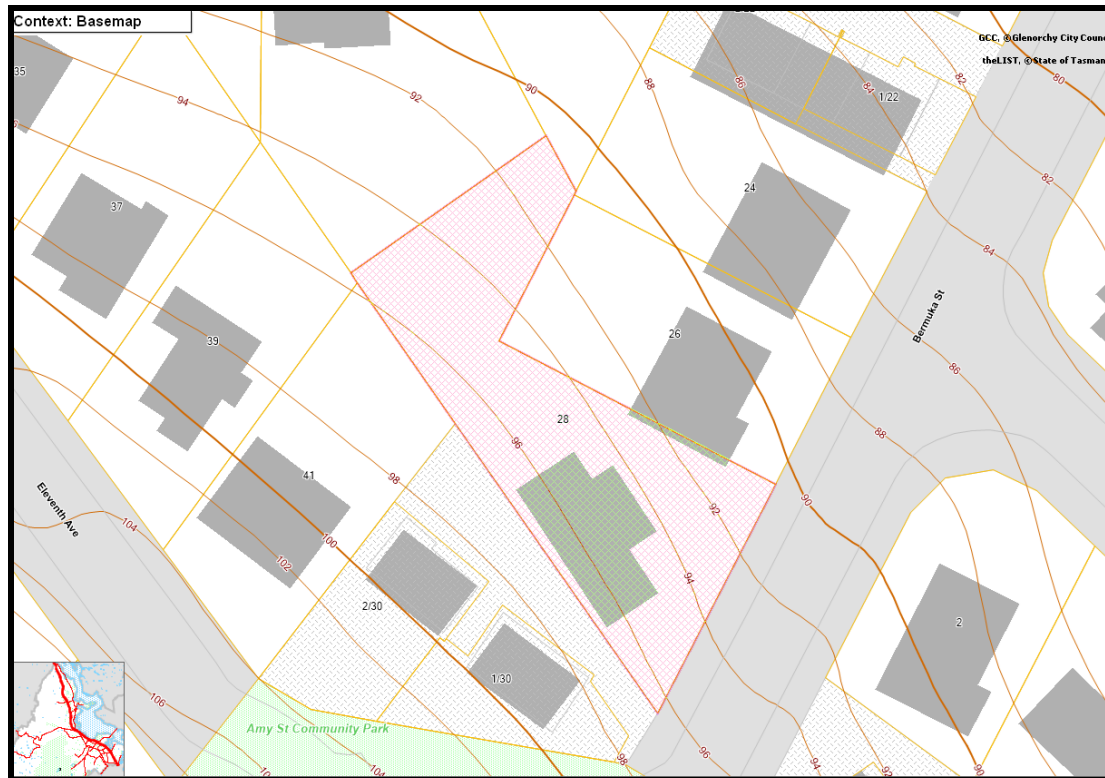


Figure 2. A contour map showing the slope of the land, where the western side of the site is the highest point.

ZONE

General Residential Zone (Fig. 2).

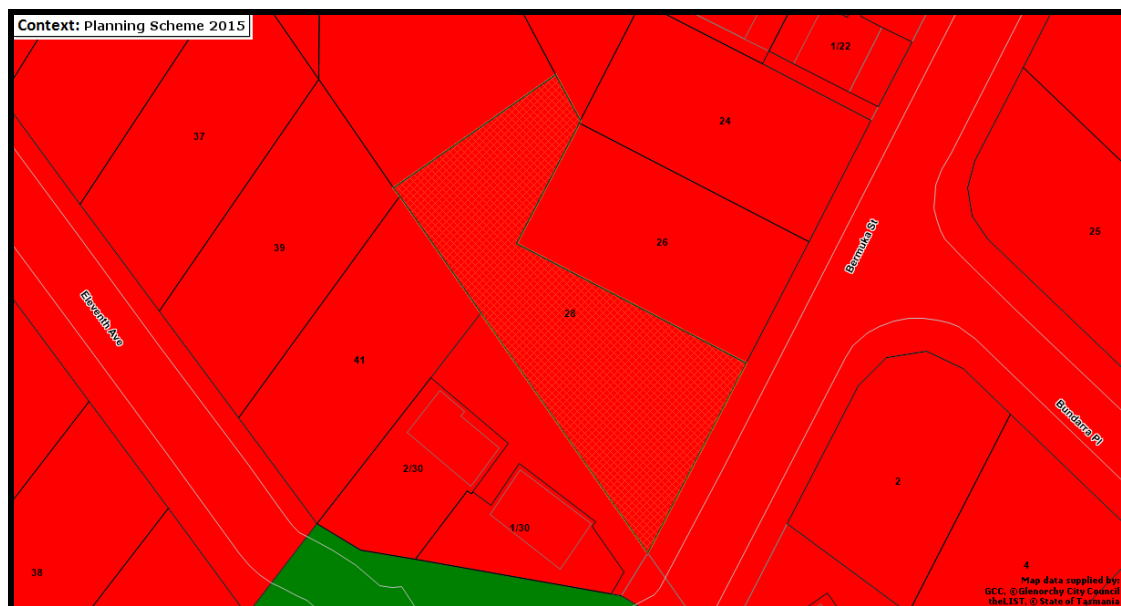


Figure 3. A snapshot of the zoning of the area. General Residential Zone shown in red and Open Space Zone shown in green

BACKGROUND

- PLN-15-161 Outbuilding relying on performance criteria (setback and building envelope), approved 07/09/15. This approval involved the construction 9m by 8m outbuilding with a 9m by 3m veranda and a 1m wide path on the north-eastern elevation and an 8m by 3m awning on the south-eastern elevation, with a floor area proposed is 132m².
- PLN-15-161.01 Minor amendment (s56) application was lodged for the assessment of proposed changes to the previously approved outbuilding. These changes included the addition of a 4.6m by 9m basement, accessed by double doors on the north-eastern elevation of the outbuilding. The previously approved 1m wide path on the north-eastern elevation was removed and incorporated into the floor area of the outbuilding, which increased the outbuilding to 9m by 9m. It is noted that the roof line was proposed to be amended to a skillion design as opposed to the previously approved hip roof design. The awning on the north-eastern elevation was to be extended to within 1.52m of the side boundary, where it was previously approved with a setback of 1.96m from the side boundary. This application was assessed as more than a minor amendment, in accordance with s56 of the *Land Use Planning and Approvals Act 1993*, owing to the potential to increase detriment to any person, by proposing the building closer to the boundary than was previously approved.

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

Clause 6.4.2 (c) makes provision to exempt retaining walls that are set back more than 1.5m from a boundary, and which retain a difference in ground level of less than 1m. The proposed retaining wall on the south-western elevation is not exempt from assessment owing to the retaining wall being on the boundary.

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

A SAP or Code does not override the Zone provisions for this assessment.

Use Class Description (Table 8.2):

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

Other relevant definitions (Clause 4.1):

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.

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

Single dwelling 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.

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

Outbuilding means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed.

Gross floor area means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

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 zone purpose is to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided; to provide for compatible non-residential uses that primarily serve the local community; and to provide for the efficient utilisation of services.

Use Table

The use class 'Residential' is otherwise classified as 'no permit required'. However, in accordance with subclause 8.8.1 (b) the proposal is discretionary, owing to the reliance of the proposal on the performance criteria of an applicable standard.

Use Standards

The use standards relate to non-residential, visitor accommodation and local shop. The use standards are not relevant to the assessment of this application, as the proposal is associated to a single dwelling, which is a residential use.

Development Standards for Residential Buildings & Works

The proposal extends outside the building envelope, as described in subclause 10.4.2 (a) A3 and does not comply with subclause 10.4.2 (b) owing to the outbuilding being longer in length than 9m and is proposed to be within 1.5m of the side boundary (Fig. 4).

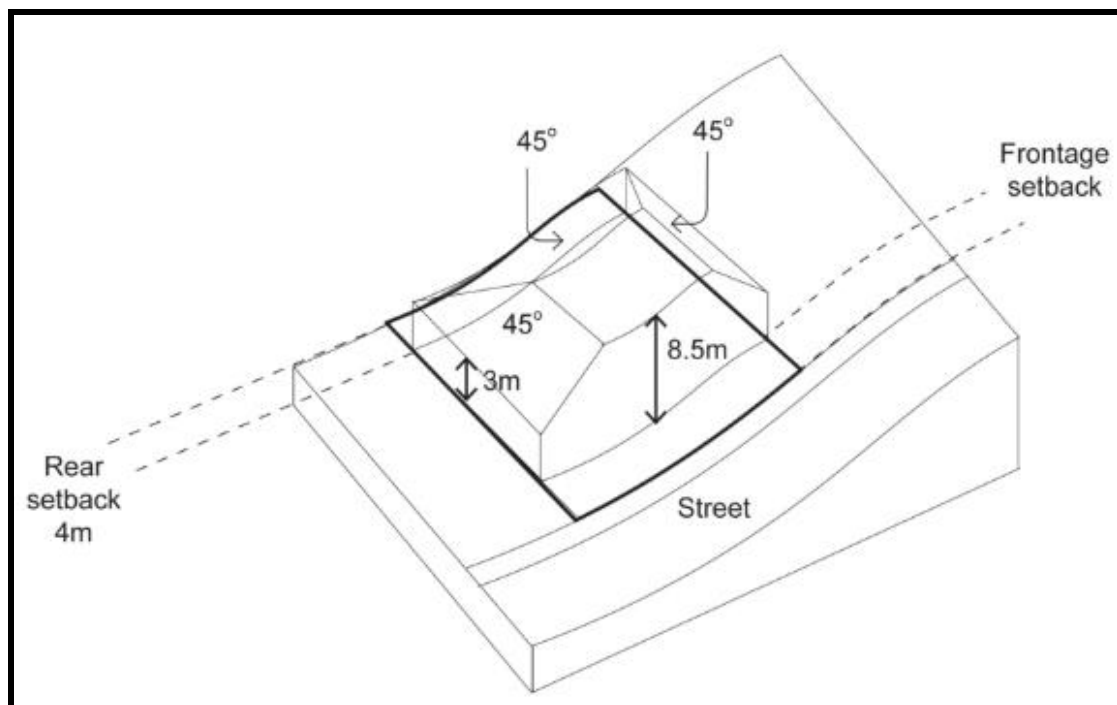


Figure 4. Diagram 10.4.2B showing the building envelope for sloping sites as required by subclause 10.4.2 (a) A3

The proposal relies on the performance criteria to comply with the standard. In considering the performance criteria, attention is to be given to the siting and scale of the proposal to not cause unreasonable loss of amenity by the reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or by overshadowing the private open space of a dwelling on an adjoining lot; or by overshadowing of an adjoining vacant lot; or by visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and must provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

South-western elevation

The south-western elevation contains a 9m long wall and a 3m wide awning, with a combined length of 12m. The length of the outbuilding exceeds 9m and does not comply with the acceptable solution (b).

With reference to the performance criteria, the proposed outbuilding is separated from the habitable rooms of adjoining dwellings by the backyards/private outdoor spaces of those dwellings. Several dwellings adjoin the proposal site. The proposed outbuilding is located to the west of the private outdoor space of 26 Bermuka street, to the south-west of 6 Karingi Court, to the south of 4 Karingi Court, to the south-east of 39 Eleventh Avenue and to the east of 41 Eleventh Avenue (Fig. 5). It is noted that the proposal is located to the north of 2/30 Bermuka Street, although it is the driveway of this dwelling that borders the shared boundary.



Figure 5. An aerial view of the site and the private outdoor spaces of the adjoining dwellings, with a red square indicating the approximate location of the proposed outbuilding.

Given the slope of the land and the orientation of the adjoining lots, the siting and scale of the proposed outbuilding, with respect to the south-western elevation, is not expected to unreasonably overshadow the private outdoor space of the adjoining dwellings. This is because at least 50% of the private outdoor space of the adjoining dwellings would be able to receive at least three hours of direct sunlight on the 21 June (acceptable solution of the sunlight and overshadowing for all dwellings standard 10.4.4 A3 (b)).

South-eastern elevation

The site is irregular in shape and narrows at the point, where the proposal is to be setback 0.75m from the eastern side boundary (Fig. 6).

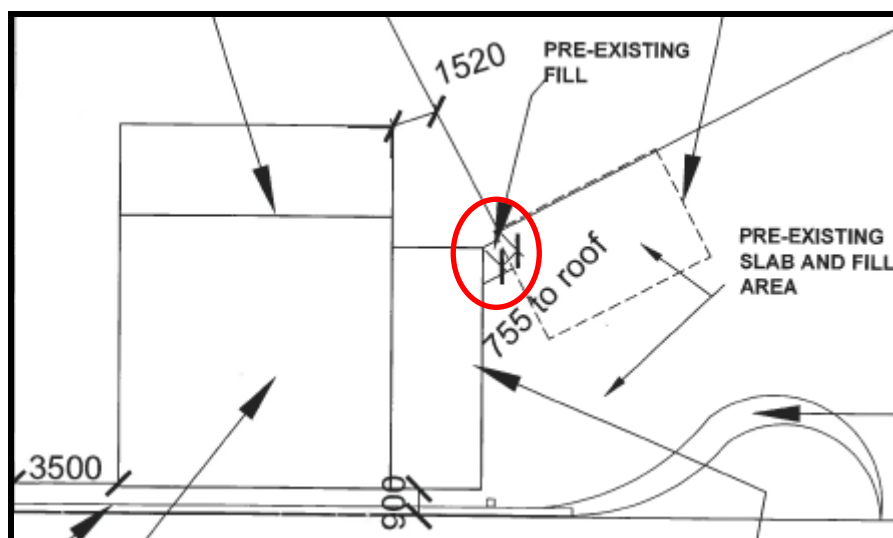


Figure 6. Excerpt of the site plan showing the floor layout of the proposal and the 0.75m side boundary setback, in relation to the south-eastern elevation of the proposal

Acceptable solution A3 excludes protrusions, such as awnings, that extend not more than 0.6m horizontally beyond the building envelope, from having to be within the building envelope. The proposed awning over the deck on the south-eastern elevation extends horizontally beyond the building envelope by 0.4m and satisfies the acceptable solution.

North-eastern elevation

The eastern-most end of the north-eastern elevation is to be 6.1m in height and is to be setback 1.52m from the side boundary. The acceptable solution allows for a 4.5m tall building to be setback 1.5m from the side boundary. The proposal does not comply with the acceptable solution. However, this elevation is assessed as not contributing to an unreasonable loss of amenity by the reduction of sunlight to the private outdoor space of the dwelling on the adjoining lot, owing to the proposal being situated to the west of the adjoining lot and the adjoining lot has the capacity to received more than 3 hours of sunlight on 21 June.

North-western elevation

The north-western elevation of the proposal is to be setback 3.5m from the rear boundary. This elevation of the proposal is assessed as not contributing to an unreasonable loss of amenity by unreasonably overshadowing the private outdoor space of a dwelling on the adjoining lot, owing to the proposal being situated to the south of the lot adjoining the rear boundary of the site. In addition, the scale, bulk or proportions of the proposal may be softened with landscaping, to ensure no unreasonable loss of amenity in terms of visual impact when viewed from the adjoining lot.

The proposal complies with the setbacks and building envelope standard, Clause 10.4.2, as the proposal satisfies the performance criteria.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Parking and Access Code

Council's Development Engineer has reviewed the proposal against the provisions of the Parking and Access Code and has recommended a condition of approval to require a paved or treated durable all-weather pavement for the road to the proposed outbuilding.

The existing dwelling has provision for two parking spaces and the proposed outbuilding is not required to fulfil the parking demand of the site. The proposal satisfies the standards of the Parking and Access Code.

Stormwater Management Code

Council's Development Engineer has reviewed the proposal against the provisions of the Stormwater Management Code and has recommended a condition of approval, to ensure the stormwater from new impervious surfaces is disposed of by gravity to public stormwater infrastructure.

PART F: Specific Area Plans

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

INTERNAL REFERRALS**Development Engineer**

Council's Development Engineer has made the following comments and recommended conditions of approval.

A representation has been received with concerns about an agriculture drain running along the side of the existing structure not being connected to a stormwater system.

This outlet of this drain is not required to be connected and not required to be shown on the proposal plans submitted with the application. If this drain does create a nuisance to adjoining properties, it will be required to be addressed under deficient internal plumbing, via the plumbing approval process.

Traffic, Access & Parking

There is 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

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

Flooding/Inundation issues

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

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

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

1. Gross floor area

The representor states that the proposed outbuilding is larger than many houses, with a floor area of 132m², including awning and veranda and is inappropriate as an outbuilding in the General Residential Zone.

Planner's Comment:

The scale, bulk and proportions of the proposal have been previously addressed under the heading 'Development Standards for Residential Buildings & Works'. Provided that the proposed outbuilding complies with the development standards, the actual size of the outbuilding is not regulated.

2. Use

The representor states that the scheme only permits a single dwelling or home-based business of no more than 30m² floor area. The plans suggest, by the scale of the proposal, that the use would potentially be 'workshop', which is prohibited in the zone.

Planner's Comment:

The application is for a residential use in a residential zone and is recommended to be conditioned accordingly. Should the proposal be used in a way other than residential and reliable evidence is collected in support of those claims, compliance action can be taken.

3. Reliance on performance criteria of the setback and building envelope standard

The representor notes that the building is not contained within the building envelope. The representor claims that the proposal does not satisfy the performance criteria by causing an unreasonable loss of amenity to 26 Bermuka Street through overshadowing of private outdoor space and visual impacts caused by bulk of the building, owing to the height of 6.1m above natural ground level, when it is offset from the boundary by only 1.5m, resulting in a roof line 1.8m above the allowable building envelope. This would cause the loss of afternoon sun to this property. Furthermore, no shadow diagrams have been submitted to indicate the extent of the overshadowing of the adjoining lot to the north-east of the site.

Planner's Comment:

This issue has been previously addressed under the heading 'Development Standards for Residential Buildings & Works'. The proposal is assessed as satisfying the performance criteria and complying with the standard.

4. Garage door

The representor queries the purpose for such a large opening for the garage door on the north-western elevation.

Planner's Comment:

The north-western elevation is to have a 2.3m wide garage door. This is not considered to be an overly large opening for a garage door.

5. Floor levels

The representor has observed that the partially completed blockwork is to be two to three courses (400-600mm) above the level of the awning area to the south-east of the outbuilding, where the plans show the floor area of the entire structure as level. Given that the building heights on the plans are based on these areas being level, the outbuilding may end up being 400-600mm higher. The representor notes that several revisions of the plans were based around the ground levels and asserts uncertainty about the height of the proposed outbuilding relative to the natural ground level. The representor suggests that the Australian Height Datum (AHD) makes verification of construction works, relative to any approved drawings.

Planner's Comment:

Works on site have substantially commenced under the previous approval. The applicant decided to make changes to the outbuilding and submitted the s56 minor amendment application. At that time, to Council's knowledge, works on site ceased.

As part of the preliminary assessment of the s56 minor amendment application, the applicant was requested to submit plans showing the correct relationship between the height of the proposed outbuilding and natural ground level and clearly show any proposed cut or fill. As a result, revised plans were submitted. The plans submitted for assessment are taken to be correct and the building, if approved is to be constructed in accordance with the approved plan. Plans certified by a building surveyor and submitted to Council for building approval may include the AHD.

6. Garden block wall

The representor claims the garden block wall extending along the south-western side boundary has potential to undermine the existing concrete footings of the boundary fence with 41 Eleventh Avenue and there is not room for the installation of an agricultural drain behind the wall without encroaching onto the adjacent property.

Planner's Comment:

Proposed construction or works to any part of the wall/footing on a boundary requires the neighbour to be notified prior to the commencement work by the applicant/owner, under the Building Code of Australia. The structural stability of the wall will be determined by an accredited designer and any drainage design detail that is incorporated is to be included with documentation that is associated with the building permit process, if a building permit is required. Otherwise, this issue is a civil matter and not a planning issue that can be considered as part of this application.

7. Drainage

The representor states that part of the existing works on site has included the installation of an agricultural drain along the north-western side of the building, with no apparent connection to stormwater. The drainage is not indicated on the submitted plan.

Planner's Comment:

Council's Development Engineer has noted that outlet of this drain is not required to be connected and is not required to be shown on the proposal plans submitted with the application. If an internal plumbing connection is required, this is taken care at the plumbing approval process.

CONCLUSION

The proposal is for an outbuilding, relying on performance criteria (setback and building envelope) and is, therefore, a discretionary use within the General Residential zone. The proposal is assessed as satisfying the General Residential zone use and development standards, as well as the relevant Codes. The application was publicly advertised for the statutory 14-day period and one representation was received. The issues raised in the representations have been taken into consideration. It is concluded that the proposed use 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 an outbuilding (Residential) relying on performance criteria at 28 Bermuka Street West Moonah, subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-075 and Drawing No. P1 submitted on 20 April 2016, except as otherwise required by this permit.

2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. The use of the outbuilding is limited to residential use, in association with the existing single dwelling.
4. Privacy screening to a height of 1.7m, as shown on the plan, must be permanently fixed and must have uniform transparency of no more than 25%.
5. Plans submitted with the building permit application must show landscaping in the form of planting(s) along the rear boundary of the site, to minimise visual impact, in terms of scale, bulk and proportions of the outbuilding on the adjoining residential property, to the satisfaction of Council's Senior Statutory Planner.

Engineering

6. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
7. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
8. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment within one month of Certificate of Completion or prior to use of the building (whichever occurs first). All runoff from paved and driveway areas must be retained within site boundaries and discharged into Council's stormwater system. Construction details must generally be in accordance with Council's standard requirements.
9. All internal hydraulic service works required for the development shall be at the developer's expense and must comply with the requirements of Council's Plumbing Surveyor.

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 2000* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 62166800.

Appendix 1

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings.	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Not applicable standard	NA
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	The proposed outbuilding is not within 4.5m of the frontage.	Yes

	(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	The proposed outbuilding is not within 5.5m of the frontage	Yes
	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	<i>South-western elevation</i> The south-western elevation is to have a maximum height of 3.73m and is to be setback 0.9m from the side boundary. The acceptable solution allows for a 3.9m tall building to be setback 0.9m from the side boundary. The south-western elevation contains a 9m long wall and a 3m wide awning (veranda). The length of the outbuilding in total exceeds 9m and does not comply with the acceptable solution (b). <i>South-eastern elevation</i> The northern most end of the south-eastern elevation is to be setback 0.75m from the side boundary and is to be 4.2m in height. The acceptable solution allows for a 3.75m tall building to be setback 0.75m from the side boundary. <i>North-eastern elevation</i> The eastern most end of the north-eastern elevation is to be 6.1m in height and is to be setback 1.52m from the side boundary. The acceptable solution allows for a 4.5m tall building	No

	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).	to be setback 1.5m from the side boundary. The proposal does not comply with the acceptable solution. <i>North-western elevation</i> The proposed outbuilding is to be setback 3.5m from the rear boundary. Northern most part of this elevation is to be 5.33m in height. This elevation sits outside the building envelope both vertically and horizontally.	
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.	The site coverage is to be less than 50% and more than 25% of the site is to be free from impervious surfaces.	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	The site has private outdoor space that complies with the acceptable solution.	Yes

	(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight and overshadowing of all dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	The outbuilding is non-habitable.	NA
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 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	The proposal is in association to a single dwelling.	NA

	degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
	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 standard	NA

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).	The proposal is not within 12m of the frontage.	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 sections of the balcony/deck that is to be more than 1m above natural ground level and is to be within 3m of the side boundary and 4m of the rear boundary have fixed privacy screening to a height of 1.7m. A condition of approval is recommended to ensure the privacy screening remains in place indefinitely.	Yes
	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:	The outbuilding is non-habitable	NA

	(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%.		
	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	Not applicable standard	NA

	(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.		
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	A frontage fence is not proposed.	NA
10.4.8 Waste Storage for multiple dwellings.	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.	Not applicable standard	NA

Appendix 2

E6.0 Parking and Access Code

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
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.	Parking for single dwelling provided previously.	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.	Not an applicable standard	N/A
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	Not an applicable standard	N/A
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 an applicable standard	N/A

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
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 an applicable standard	N/A
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.	Not an applicable standard	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.	Not an applicable standard	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	Not an applicable standard	N/A

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
	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.	Condition of approval recommended	Yes- conditioned
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Not an applicable standard	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 an applicable standard	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 an applicable standard	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 an applicable standard	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 an applicable 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.	Not an applicable standard	N/A
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not an applicable standard	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.	Not an applicable standard	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.	Not an applicable standard	N/A

Appendix 3

E7.0 Stormwater Management Code

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

Attachments/Annexures

- 1** Attachments - 28 Bermuka Street

6. PROPOSED ONE LOT SUBDIVISION PLUS BALANCE IN A HIGH FIRE PRONE AREA ON A SLOPE GREATER THAN 1 IN 4 - 29 LESDELLE STREET, CLAREMONT

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3327228

REPORT SUMMARY:

<i>Application No.:</i>	PLN-15-041
<i>Applicant:</i>	Nick Grigg & Co
<i>Owner:</i>	HUMD PTY LTD
<i>Zone:</i>	Landscape and Conservation and Future Urban under the Glenorchy Planning Scheme 1992
<i>Use Class</i>	Subdivision
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	Subdivision, bush fire hazard, tree preservation and unstable land
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	31st May 2016
<i>Existing Land Use:</i>	Vacant
<i>Representations:</i>	1
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:

The application proposes a one-lot subdivision and balance. The proposed lots would have areas of 1.234ha for Lot 1 and 18.53ha for lot 2. Frontages would be 5.41m for each lot. There is a proposed building envelope defining an area in which a Bushfire Attack Level (BAL) of 19 could be achieved. This building envelope is reduced from a building envelope shown on the existing title. The proposed lot configuration is shown in Figure1.

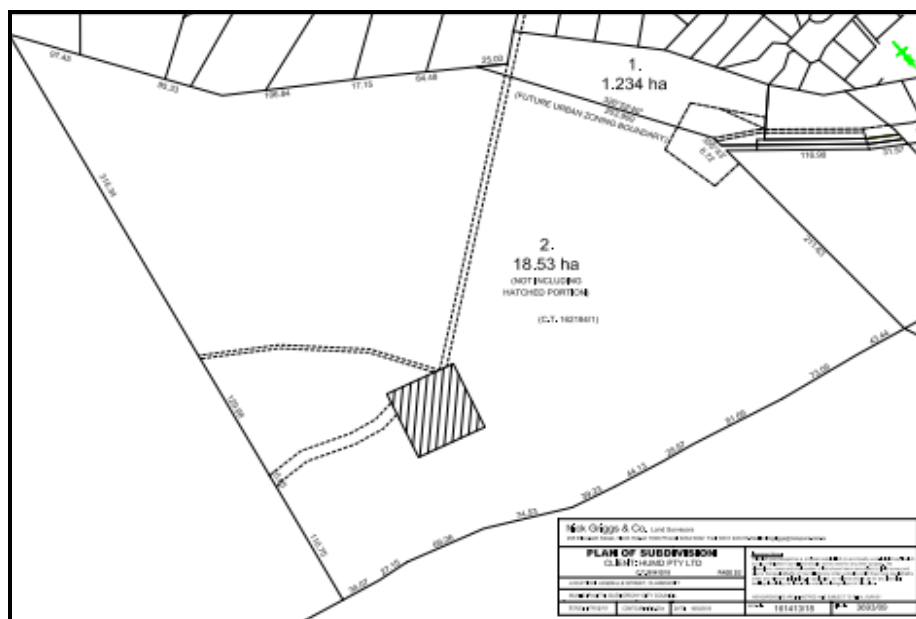


Figure 1: Proposal Plans - Nick Griggs & Co

SITE & LOCALITY:

The subject property is located at the terminating end of Lesdelle Street, which branches off Branscombe Road in Claremont. The property is a battle-axe lot with an irregular shape of 19.76ha and is vacant. The access strip has a length of 148.47m and does not contain any driveway. The lot comprises bushland for the most part, except for a cleared area along the eastern margin where the land adjoins the rear of residential development in Branscombe Road. The land has a steep slope falling towards the east. There is a water reservoir on top of the hill. The property is zoned Landscape and Conservation for the area of proposed Lot 2 and Future Urban for the area contained within Lot 1.

ZONE:

The subject land is zoned Landscape and Conservation (shown green in Figure 2 next page) for most part and Future Urban (shown pink in Figure 2 next page) for the remainder.



Figure 2: Subject Site - Council Database 2013

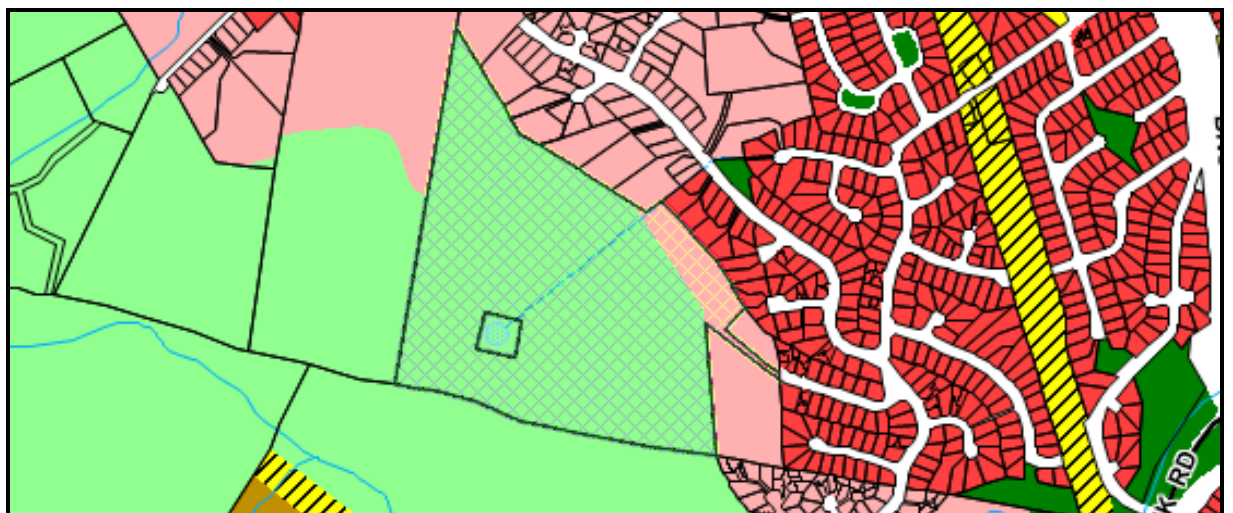


Figure 3: Zoning Map - GPS 1992

BACKGROUND:

Assessment

The application was valid on 26th February 2015 prior to the 'specified date' of the current scheme. Therefore, the assessment is under the Glenorchy Planning Scheme 1992. There was a long delay because the applicant amended the sealed plan to remove a right of carriageway.

Application

The applicant provided new plans with a new bushfire assessment. The previous bushfire assessment was not satisfactory as it resulted in a BAL-40 which the TFS deemed unacceptable.

APPRAISAL:

Consistency with State Policies, Objectives of LUPA:

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.

Representation

The application was publicly advertised for the statutory 14-day period during which one representation was received. The representor raised the following issues:

1. Impact of Subdivision Works

The representor is concerned that subdivision works will have a detrimental impact on the representor's land and fence and requests that a documented recording of the land and property before and after the works take place be undertaken.

Planner's Comment:

The representor's land is a minimum of 100 metres from the maximum extent of the bushfire fuel reduced zone and even further from the proposed building envelopes so it is unlikely that any works will have any impact on the representor's land or fence. In addition, this matter is not a matter that can be considered under the Scheme but is a civil matter. The representor should make a photographic record of the land and improvements and hold those until all works are finished if the representor believes the threat of damage is serious.

2. Disturbance of Wildlife

The representor states that he has two children with ear implants and that the presence of wildlife is very relaxing for them. The representor is concerned that any residential building behind his property will take that away from them.

Planner's Comment:

As previously noted, the building envelopes are located over 100 metres from the representor's land. The natural bushland behind his property should remain untouched so there will be little disturbance to wildlife if any.

Zone Intent:

The Zone Intents are as follows:

2.4 Future Urban Zone

The intent of this Zone is:

- (a) to identify land suitable for urban residential Development in the future;*
- (b) to prevent premature Development of land that would frustrate an orderly and efficient conversion to urban residential use in the long term;*
- (c) to co-ordinate applications for permits for Development of the Zoned land; and*
- (d) to allow land to be released for urban residential use and Development in accordance with the preparation of an outline development plan for the Zoned land (refer Clause 2.9).*

Comment

It is considered that the proposal meets the above intent as the new lot within the Future Urban zone would enable residential development.

5.4 Landscape and Conservation Zone

The intent of this Zone is:

- (a) to retain the landscape values of the forested hills and skylines within the Planning Area;*
- (b) to restrict uses and Development within the water catchment areas that result in the degradation of a clean water supply; and*
- (c) to protect the habitat of flora and fauna.*

It is considered that the proposal would be in accordance with the intent of the Landscape and Conservation Zone. There would be a small impact on the landscape values of the forested hills, if a subsequent dwelling is built. The bushfire management plan shows an area of vegetation disturbance necessary to protect the building envelope, which is the maximum extent. However, the actual extent of required modification is not known until the location of any future dwelling is known. The vegetation disturbance would be along the margin of the treed area and to a similar extent of neighbouring properties. The vegetation disturbance would entail clearing ground cover and selective trees, but not clear-felling. The issue is further addressed in a later section of this report under the Tree Preservation provisions. The extent vegetation modification would be considered acceptable and not contrary to the above intent.

Does the subdivision comply in terms of minimum lot size?

Future Urban Zone

The minimum subdivision standard in Clause 2.10.1 of the Glenorchy Planning Scheme 1992 requires a minimum lot size of 450m² so that the proposed Lot 1 with an area of 1.2.4ha complies.

Landscape and Conservation

There are no subdivision standards for the Landscape and Conservation Zone as subdivision is prohibited within the zone. The proposal is not dividing any land within this zone but divides the land along the zone boundary so that the whole of the balance (Lot 2) would be located within the Landscape and Conservation Zone with the access strip located in Future Urban Zone. It is considered that the Lot 2 would be capable of supporting a dwelling within a designated building envelope.

Does the subdivision comply in terms of minimum internal rectangle?

Future Urban Zone

The minimum internal rectangle in Clause 2.10.1 of the Glenorchy Planning Scheme 1992 is 10m x 15m. The proposed Lot 1 has a building envelope exceeding 20m x 40m within an area that is capable of providing a BAL-19 and is shown on the Bushfire Hazard Management Plan. Therefore, Lot 1 complies.

Landscape and Conservation

There is no minimum rectangle for the Landscape and Conservation Zone because lots in this zone are always large lots. A Single Dwelling was discretionary within the Landscape and Conservation Zone and is discretionary in the current zoning of Environmental Management. Nevertheless, a dwelling could be constructed within the building envelope shown on the Bushfire Management Plan. In terms of considering if the area is sufficient to allow for a single dwelling, development standards under the new scheme provide guidance.

The setback requirements in 29.4.2 of the Glenorchy Interim Planning Scheme 2015 would be 30m, so that a dwelling in the area of the building envelope in Lot 2 could not comply. Nevertheless the primary reason for the setback distance is to protect environmental values and to avoid conflict with rural uses, which would not be a concern at this location. There are no rural uses operating in close proximity and environmental values would be better protected by situating a dwelling in the cleared area, rather than further up on the hill so as to meet the setback requirements. Therefore, any future application for a dwelling would be unlikely to impact on a critical matter. Overall, it is considered that the area of the building envelope for Lot 2 would be acceptable.

Does the subdivision comply in terms of minimum frontage?

Future Urban Zone

Yes. Both lots have access over the Future Urban Zone. The minimum frontage in Clause 2.10.1 of the Glenorchy Planning Scheme 1992 is 3.6m. The proposed lots would each have frontage of 5.41m each which complies.

Does the subdivision generate a requirement for open space or cash in lieu of open space?

No. Council's policy *Subdivisions - Public Open Space Acquisitions and Contributions Policy Manual Number: 18-4* does not require any open space or cash-in-lieu for a 1-lot subdivision. The relevant section is as follows:

1. Council will not require provision of public open space or a contribution of cash in lieu where:
 - a) one (1) lot is being subdivided from an existing residential lot for a purpose other than multiple dwelling unit development; or

Will the proposed subdivisional boundaries make adequate provision for any existing development on the land?

Yes. The existing lot is vacant and the proposed boundary coincides with the zone boundary.

Does the geotechnical report demonstrate that the land is stable?

Yes. The application was referred to Council's engineering section which did not raise any issues. For further comments please refer to the engineering assessment under the Referrals section later in this report.

Are there any other issues to be addressed? (Refer Cl. 8.2.1)

The proposal requires consideration in relation to 8.2.2 (vi) soil instability, 8.2.2 (vii) fire risk, 8.2.2 (xiv) landscape features and 8.2.2 (xvi) Part 9 Provisions, which refer back to, Unstable Land, Fire Risk and Tree Preservation.

The relevant Part 9 Provisions are as follows:

9.1 Unstable Land

The Council must not grant a permit (including a permit for a plan of Subdivision) if the subject land:

- (a) is located on soils of known or potential instability;*
- (b) has a gradient greater than one in four; or*
- (c) is substantially comprised of filled or reclaimed land;*

unless the Council is satisfied that;

- i) *the use or development (or likely subsequent use or development of land shown on a plan of Subdivision) will not cause, contribute or be subject to erosion, land slip or subsidence; and*
- ii) *the use or development (or likely subsequent use or development of land shown on a plan of Subdivision) will not cause any undue risk to the occupants or users of the Site, their property or the public.*

The application was referred to Council's engineering section which assessed the proposal satisfactory in regards to these matters.

9.3 FIRE HAZARD AREAS

9.3.1. *The Council must not grant a permit (including a permit for a plan of Subdivision) if in its opinion the subject land is an area of high fire risk unless it is satisfied that:*

- (a) *the use or Development (or likely subsequent use or Development of land shown on a plan of Subdivision) will not contribute to the fire risk; and*
- (b) *fire prevention and protection measures will be taken to reduce the fire risk.*

Council's mapping system shows that the subject property lies within a fire risk area as shown in Figure 4 next page.

The application is accompanied by a Bushfire Assessment certified as compliant with Planning Directive 5 by an Accredited Person, under Part 4A of the *Fire Service Act 1979*. Planning Directive 5 was in operation at the time the application was valid. The assessment satisfies Planning Directive 5 and 9.3 Fire Hazard Areas above.

The assessment is accompanied by a Bushfire Hazard Management Plan that shows a building envelope for each lot capable of accommodating a dwelling with a BAL-19.

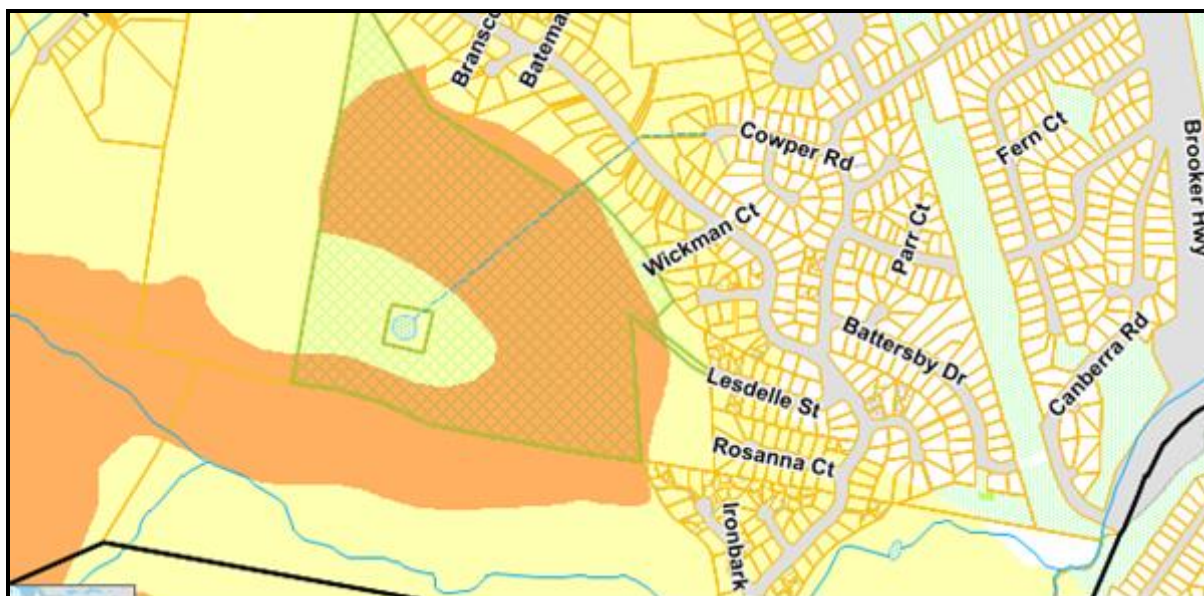


Figure 4: Council Data Base – Fire Risk – Wellington Park Management Trust 2004

However, the building envelope would require some vegetation disturbance for a width of 23m, which requires assessment under the Tree Preservation provisions. The report recommends in paragraph 5.1 that selective removal of trees and understory vegetation would be required within the hazard management area and that no disturbance of *Eucalyptus globulus* would result from the establishment of the hazard management area. A condition requiring a covenant to this effect is recommended. There are also recommendations in relation to a static water supply for firefighting purposes and for a Part 5 Agreement to enable the maintenance of an interim management area for Lot 1, in the event that Lot 2 is developed later.

9.7. TREE PRESERVATION

9.7.1. A person shall not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree within the Planning Area which has:

- (a) a Height greater than 10 metres measured from the lowest adjacent ground level; or
- (b) a spread of branches greater in diameter than 6 metres; except with the consent of the Council given with or without such conditions as it deems necessary.

9.7.2. A person shall not unduly alter the general landscape character of an area by the removal of a group of trees to which Clause 9.7.1 does not apply.

The provision of a Hazard Management Area for the building envelope would require disturbance of vegetation to a width of 23m, up to contour 140m AHD, as shown in Figure 5.

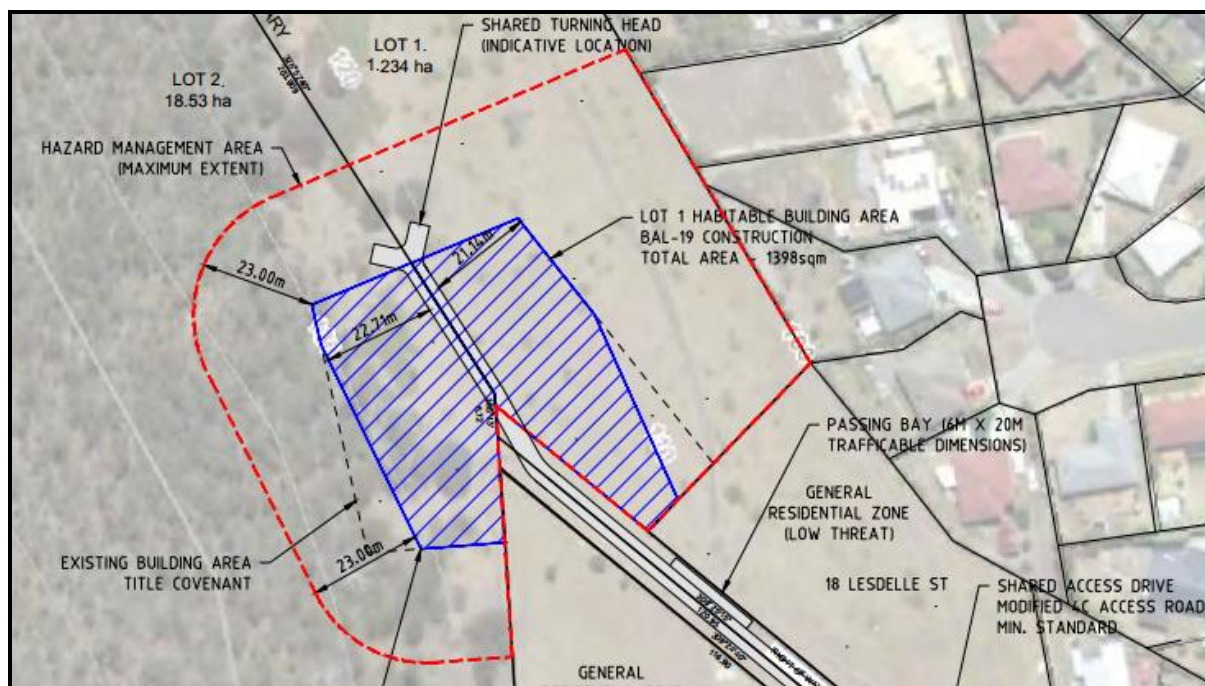


Figure 5: Bushfire Hazard Management Plan – JMG20/01/16

The area as shown in Figure 5 would be the maximum extent if the future dwelling was located on the edge of the building envelope. The objective of the Landscape and Conservation Zone is to protect the landscape values of the forested hill and to protect flora and fauna. The relevant area and its context are shown in Figure 6 below.



Figure 6: Extent of vegetation disturbance – Council Database – Image 9952

It is considered that the proposed vegetation disturbance would not have a significant visual impact on the landscape values of the forested hills because the relevant area is at the margin and is less dense in this area. The vegetation on the neighbouring properties also appears to have been disturbed to the same extent. However, a condition is recommended to ensure that the area will not be clear-felled and that the disturbance is to the minimum required for fire protection.

In terms of flora and fauna, there would be no removal of *Eucalyptus globulus*, which is a foraging tree for the endangered Swift Parrot. A condition to this effect is recommended.

Overall, the extent of vegetation disturbance would be acceptable and in accordance with the zone intent for the Landscape and Conservation Zone.

REFERRALS:

Development Engineer:

Traffic, Access & Parking

Both lots 1 and 2 are proposed to be accessed from the end of Lesdelle Street. It is recommended a shared access be constructed as part of the subdivision works within the proposed right-of-way from the end of Lesdelle Street to lot 1 proper and constructed to a minimum standard detailed in conditions of approval.

There is no sight distance issues associated with access and no traffic or parking issues associated with this application.

GCC Services (Stormwater)

Lots 1 and 2 are proposed to be serviced with new stormwater connections at the end of Lesdelle Street that eventually discharges to Faulknors Rivulet and is considered adequate to service the proposed lots. There are no stormwater capacity issues identified that affect providing the proposed two additional connections.

Connections to existing mains will be required to be undertaken by Council at the developer's cost.

Other***Geoscience issues***

The lot has no active landslides and no record of land instability. However, it is identified as subject to a 'Medium Hazard' as per the Dept. of Premier & Cabinet / Mineral Resources Tasmania MRT Hazard Maps for susceptibility to landslide. Due to the identified area being a small localised area, a geotechnical report was not required to be submitted as a result of the application. However, an advice clause is recommended identifying to the applicant of the potential hazard and that the applicant may wish to seek further advice from a geotechnical engineer in regards to the proposed development.

Flooding/Inundation issues

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

External Referrals: (eg. Tas Fire Service, DPIWE)***TasWater***

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

DISCUSSION:

The application proposes a one lot subdivision plus balance. It is proposed to excise an area of land from the Future Urban Zone, so that the balance would be wholly located within the Landscape and Conservation Zone. Subdivision within the Landscape and Conservation Zone is prohibited in Clause 5.10.1, but the proposal does not seek to divide land within the zone, rather along the zone boundary.

The proposed lots would have areas of 1.234ha and 18.53ha respectively, with a building envelope of 1398m² and 1338m². Frontage would be 5.41m for each lot and is located within the Future Urban Zone.

The application is discretionary as the development of subdivision is discretionary, as it is subject to the unstable land provisions, fire hazard areas and tree preservation. The application is assessed as acceptable in relation to the discretions as discussed within the main body of the report.

One representation was received during the advertising period which raised issues in regards to possible impact on his land and fence and possible impact on wildlife and thus his family's amenity. However, as noted, the works will be located over 100 metres from the representor's land and impacts are extremely unlikely.

Overall, the application is considered acceptable and is recommended for approval.

CONCLUSION:

The proposal is assessed to substantially comply with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Planning Scheme 1992, subject to the recommended conditions.

Recommendation:

That pursuant to Clause 8 of the Glenorchy Planning Scheme 1992, a permit be granted for the following use and development:

Description of proposal:	One (1) lot subdivision plus balance in a high fire prone area on a slope of greater than 1 in 4.
Address	29 Lesdelle Street Claremont 29 Lesdelle Street Claremont

subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-15-041 and Drawing No. P4 submitted on 22/03/16, 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. A covenant must be placed on the title of Lot 2 to which Council is a party to the effect that the land of the Hazard Management Area for Lot 2 must not be clear-felled and is limited to the removal of understory vegetation and selective trees in accordance with the Bushfire Report by JMG dated March 2016. No blue gums (*Eucalyptus globulus*) are to be removed.
4. A covenant must be placed on the title of Lot 2 to which Council is to be a party to the effect that a Part 5 Agreement must be entered into to maintain a right to a cleared area of up to 23m wide on Lot 2 for an Interim Hazard Management Area, in accordance with the Bushfire Report by JMG dated March 2016. The land of the Interim Hazard Management Area for Lot 1 must not be clear-felled and is limited to the removal of understory vegetation and selective trees in accordance with the Bushfire Report by JMG dated March 2016. No blue gums (*Eucalyptus globulus*) are to be removed.

5. A covenant must be placed on the title of Lot 1 and Lot 2 to which Council is to be a party to the effect that any dwelling constructed on site must achieve a Bushfire Attack Level of not more than BAL19 and must provide for a sufficient on-site static water supply.

Engineering

6. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
7. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
8. A common access to serve lot 1 and lot 2 shall be constructed within the Right of Way from the road frontage of Lesdelle Street to lot 1 proper. The access shall have adequate stormwater protection, be a minimum of 4.0m wide and include passing bay(s) with dimensions of 5.5 metres wide by 6.0 metres deep (excluding tapers) at intervals of not more than 45 metres, and a minimum 3.0 metres wide imperviously sealed wearing surface.
9. Stormwater connections to existing underground stormwater infrastructure will be required to be undertaken by Council at the developer's cost.
10. In conjunction with the above conditions and prior to the commencement of any works on site, the applicant must submit for approval to the requirements Council's Development Engineer, detailed engineering design plans of the proposed subdivision infrastructure detailing the vehicular access and location of proposed stormwater connections to serve each lot.
11. A detailed estimate for the works must be provided and payment of the engineering assessment fee must be made prior to the issue of approved engineering drawings. The engineering assessment fee is 1% of the value of the works or minimum of \$290. Construction must not commence until the approved engineering plans have been issued. The amount is subject to annual adjustment dependent on the date it is paid.
12. All approved subdivision infrastructure works must be completed in accordance with the approved engineering plans and the requirements of Council's Development Engineer. Financial guarantees covering the cost of the uncompleted and unsecured works prior to the completion of approved Council infrastructure will not be permitted to be lodged.

13. Easements shall be created over all existing and any proposed Council stormwater mains in accordance with Council requirements. An original and two copies of each of the Plan of Survey and Schedule of Easements shall be submitted to Council for sealing.

Advice to Applicant:

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

- The development is identified as subject to a 'Medium Hazard' as per the Dept. of Premier & Cabinet / Mineral Resources Tasmania MRT Hazard Maps for susceptibility to landslide. Due to the 'Medium Hazard' and the development being adjacent to an existing developed area, a Geotechnical Report was not required to be submitted with the application. The applicant may wish to seek further advice from a geotechnical engineer in regards to the proposed development and the potential hazard.

Further information can also be found at the following website:
http://www.dpac.tas.gov.au/divisions/local_government/osem/mitigating_natural_hazards

- The developer is required to contact Council's Development Technical Officer on (03) 62166426 to organise for Council to provide an estimate of costs and perform the stormwater connection works required for the development.

Attachments/Annexures

- 1 Attachment - Advertised Plans - 29 Lesdelle Street
- 2 Attachment - Local Man - 29 Lesdelle Street
- 3 Attachment - TasWater - 29 Lesdelle Street

7. PROPOSED S.43A COMBINED AMENDMENT REQUEST AND PLANNING PERMIT APPLICATION - PLS43A-16/01 (PLAM 16/01) REZONE PORTION OF CT 167222/1 FROM OPEN SPACE TO LOW DENSITY RESIDENTIAL WITH REMOVAL OF BIODIVERSITY PROTECTION OVERLAY AND 2 LOT SUBDIVISION AND BALANCE - 32 GILLIES ROAD, CLAREMONT

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3299626

REPORT SUMMARY:

To seek the Planning Authority's decision on a Section 43A combined planning permit application and amendment request PLS43A-16/01 (PLAM-16/01) for rezoning of a portion of land in CT 167222/1 from Open Space to Low Density Residential; deletion of a portion of the Biodiversity Protection Overlay from the rezoned land; and a planning permit application for a 2-lot subdivision and balance.

REPORT IN DETAIL:

PROPOSAL:

Rezoning and Biodiversity Protection Overlay

The application seeks approval for partial rezoning of land at 32 Gillies Road, Claremont from Open Space to Low Density Residential, the deletion of the Biodiversity Protection Overlay for the same area and a 2- lot subdivision plus balance.

The proposed rezoning seeks to change the zoning of a small area of land, currently zoned Open Space adjacent to a new subdivision. The zoning change would result in sufficient room within the Low Density Residential Zone to create another residential lot. The request only relates to the land within the privately owned parcel, but it will be a recommendation of this report, to also change the zoning within the adjacent road reserve for continuity.

The zoning change is shown in Figure 1 below.

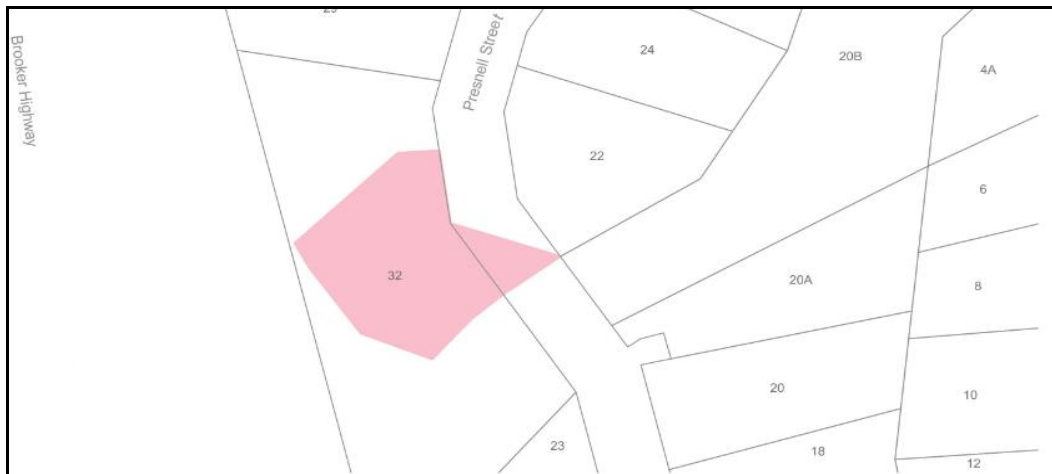


Figure 1: Proposed Zoning Change – Draft Instrument

The rezoning request includes the deletion of the Biodiversity Protection Overlay for the area to be rezoned. The change would require amending Map 10 Biodiversity Protection Area- LIST Map as shown in Figure 2 below.



Figure 2: Proposed Deletion of Biodiversity Protection Overlay – Draft Instrument

Subdivision

The proposed subdivision would result in two lots plus a balance lot to remain with the parent title on the other side of the highway. The lots would have areas of 1000m² and 1320m² respectively and frontages of 20m and 33.3m. Each lot would have an internal rectangle of 20m by 20m. The balance on the eastern side of the Brooker Highway contains a small section of an open watercourse shown on the plan, which is piped upstream and downstream.

The proposed subdivision is shown in Figure 3 below.

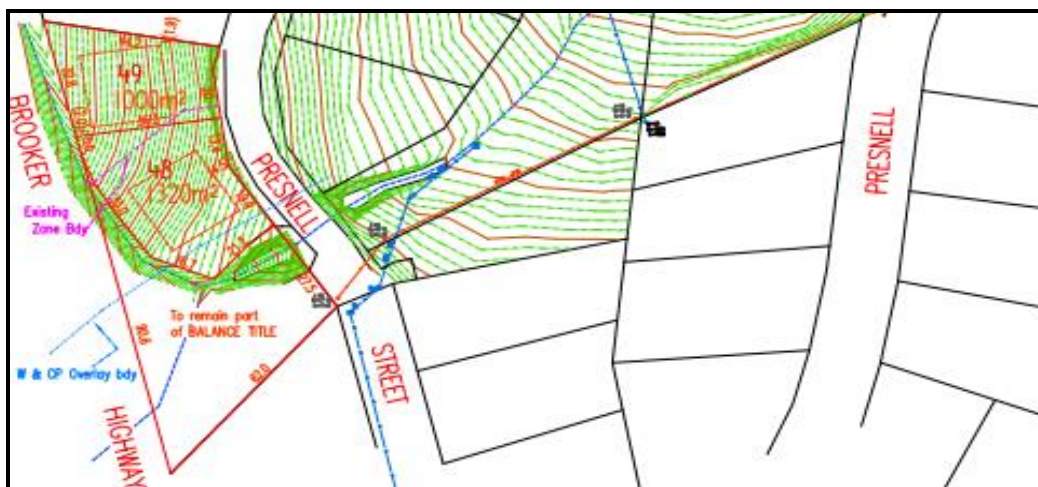


Figure 3: Proposal Plan - J. B. Medbury

SITE AND LOCALITY:

The subject site is located between the Brooker Highway and Presnell Street, Claremont. The property is described in CT 167222/1. The site is part of a larger property which is divided by the highway, where the larger portion of the land is located on the western side of the highway. This application is concerned with the portion of land on the eastern side. The property is shown in Figure 4 below.

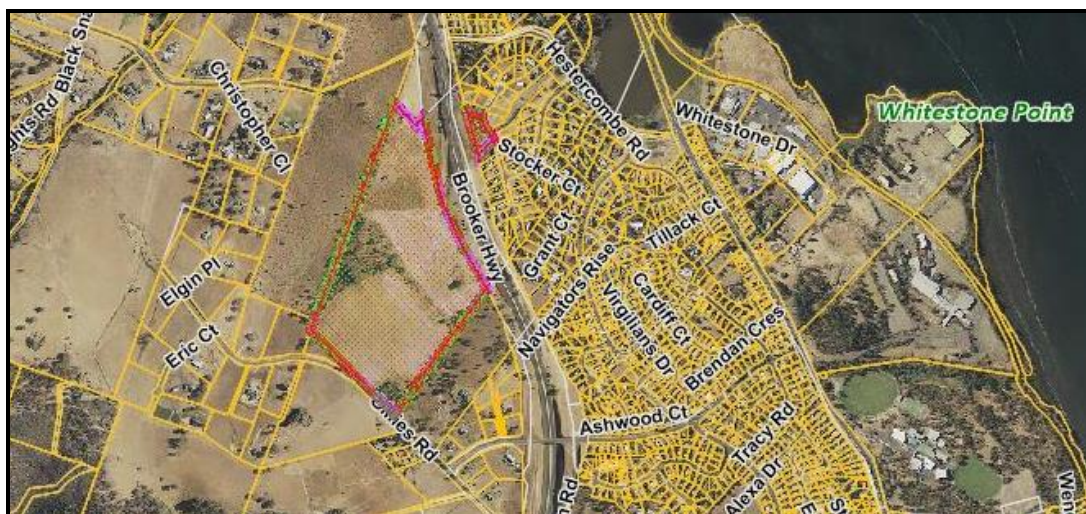


Figure 4: Subject Property - Council Database 2013

The site has an area of approximately 4305m² of which 2320m² would comprise the proposed lots with the balance to remain with the parent lot. The site sits above Gould's Lagoon, at a distance of approximately 350m. Gould's Lagoon is a RAMSAR wetland. The balance lot contains a small section of an open watercourse, which is otherwise piped, that is a remnant of a stream that used to flow to Gould's Lagoon. The site is vacant and does not contain any significant vegetation. The site has a gentle slope falling towards Presnell Street.

The site is shown in Figure 5 below.



Figure 5: Subject Site - Council Database 2015

The site adjoins three properties, the Brooker Highway on the rear and a property on either side, each with a single dwelling. The local area is part of a new subdivision developed within the last 10-15 years with properties containing single dwellings.

The subject property is located within the Low Density Residential Zone, the Open Space Zone and the Particular Purpose Zone 1 Urban Growth.

The site, the portion east of the Brooker Highway, is located within the Low Density Residential Zone and within the Open Space Zone. The zoning is shown in Figure 6 below.



Figure 6: Zoning Map – GIPS 2015

The zoning map shows a corridor of Open Space zone over the area of the former stream. The area of Open Space zoning is wider at the subject site where it is proposed to change the zoning to reduce the width of the Open Space zoning to make room for the proposed subdivision.

BACKGROUND:

Approvals

This application follows an earlier application for a partial rezoning and subdivision of nine lots on either side of the former watercourse. The land over the proposed lots was to be rezoned from Open Space to Special Residential R2, but was later modified to cover only seven lots instead of nine lots.

The Tasmanian Planning Commission refused the subdivision but approved the rezoning in a modified form, so that only the land on the eastern side of Presnell Street was rezoned. A new development application was later lodged for a new subdivision of seven lots within the rezoned land.

The reason for not allowing subdivision and the rezoning over the part of the land on the western side of Presnell Street was that the Commission was not satisfied that the land above Presnell Street would not be vulnerable to unacceptable impacts from traffic noise. There was no evidence provided that the level of noise would be within the Noise Guidelines and Noise Manual of the DIER *Tasmanian State Road Traffic Noise Management Guidelines 2011*. At the time, it was noted that the rear boundary would be almost 50m away from the pavement of the Brooker Highway. However, it was the Commission's interpretation of the Noise Guidelines that the road boundary is taken from the Cadastral boundary and not the pavement.

This application reflects the above decision and seeks approval for two similar lots above Presnell Street, this time accompanied by a noise assessment. The previous approvals were as follows:

- PLN-13-054 – Subdivision – seven (7) lots plus balance (fronting Presnell Street) with Open Space lot – Approved 11 June 2013.
- PLS43A-12/002 – Modified Amendment - operational 14 March 2013

General Background

Most of the land within the locality was developed with residential lots in the mid 1990's and mid 2000's. The open space zoning was then applied over land that previously contained an open watercourse. This watercourse has since been piped so that there is no longer a natural watercourse. There was a perennial stream existing prior to 1994 flowing to Gould's Lagoon. The area still accommodates overflow which is directed to a Council-owned sediment pond before entering Gould's Lagoon. The corridor has become devoid of natural riparian vegetation except for some trees, although not on the subject site. The width of the open-space-zoned land was reduced with the recent amendment in 2013 (PLS43A-12/002) and the portion of open-space-zoned land east of Presnell Street was transferred to Council. The last amendment originally included the open- space-zoned land west of Presnell Street but was modified so as not to rezone that area which is now the subject of this application.

STATUTORY REQUIREMENTS:

Matters for consideration under the Land Use Planning and Approvals Act 1993 (the Act)

Section 20(1) of the Act is relevant in that a planning scheme amendment is also considered to be the making of a planning scheme. Under this provision, the amendment must, in the opinion of the planning authority:

- Seek to further the objectives set out in Schedule 1 of the Act.
- Be prepared in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993.
- Have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared.
- Have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

Section 33(2B) of the Act requires that before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider: -

- whether the requested amendment is consistent with the requirements of section 32; that is:
 - Must as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.
 - Must not conflict with the requirements of section 30O (i.e., be to a local provision of the scheme, not conflict with a planning directive, and be, as far as practicable, consistent with the regional strategy).
 - Must have regard to the impact that the use and development permissible under the amendment will have on use and development of the region as an entity in environmental, economic and social terms.
- Any representation made under section 30I, and any statements in any report under section 30J as to the merit of a representation, that may be relevant to the amendment.

- The advice of a person with the necessary qualifications and experience (section 65 of the Local Government Act 1993).

Section 43A of the Act provides:

- A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider an application for a permit which would not be allowed if the planning scheme were not amended as requested.
- Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit under section 43A(1) concurrently with the preparation of the requested amendment to the planning scheme.
- An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.

Under section 43C(1)(a) of the Act a planning authority, in determining an application under section 43A, must seek to further the objectives of Schedule 1 of the Act.

PART 1 - ASSESSMENT OF AMENDMENT REQUEST

PLANNING ASSESSMENT:

A planning assessment of the merits of the proposed amendment is provided below.

Consistency with the Objectives of Schedule 1 of LUPAA

Part 1

The “Part 1” objectives of the resource management and planning system of Tasmania are:

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;***

The proposal would not adversely impact on natural processes. There is a small open section of a stream within the balance lot that is otherwise piped. Any overland flow over the area within the Open Space corridor that runs towards Gould’s Lagoon is filtered through Council’s infrastructure so as to prevent sediment transfer. Both the balance area within the Open Space Zone and the area to be rezoned do not contain any significant vegetation.

The area has been cleared and there is no remnant riparian vegetation so that the proposed rezoning would not result in any adverse impact on ecological values.

The proposal is considered to be sympathetic to the conservation values of Gould's Lagoon and the surrounding area, in that it provides for low-density development whilst retaining an open space area which would allow for greater rain infiltration.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water;

The rezoning, if approved, would facilitate the orderly development of the subject land for residential use and would reflect the existing zoning order. The proposed rezoning would extend an area of the Low Density Residential Zone, whilst reducing the adjacent Open Space Zone which results in a coherent zoning pattern in accordance with the general intent for the area. The rezoning would not result in any land use conflict or in reduced environmental protection. It is recommended that the land outside the private land parcel, in the adjacent road reserve also be rezoned to the Low Density Residential Zone for zoning consistency, at Council's initiation.

In terms of service provision, the proposal would also reflect orderly development as the rezoning would allow for additional lots in an already serviced area.

The change in zoning is also supported in the Southern Tasmania Regional Land Use Strategy 2010-2035 – (STRULS) as the area is contained within the Urban Growth Boundary.

(c) to encourage public involvement in resource management and planning;

The statutory process for a section 43A combined planning permit application and amendment request involves a public notification period of 28 days. Any representations received will be considered by the Planning Authority. The Planning Authority is required to report on any representations to the Tasmanian Planning Commission, which in turn may hold public hearings into representations.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);

The proposed Planning Scheme amendment would facilitate the expansion of the existing residential area and the development of the proposed lots for residential purposes. It is considered that the proposed zoning change would result in opportunities for economic development through the development of housing, whilst according with the first three objectives.

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State;

The proposed planning scheme amendment is consistent with this objective by virtue of the process followed during the assessment of this application. The proposed amendment was referred to the relevant agency, TasWater, which indicated no objection to the proposal. (Refer to Attachment 1).

Part 2

The “Part 2” objectives of the resource management and planning system of Tasmania are:

(a) to require sound strategic planning and co-ordinated action by State and local government;

The proposed amendment would be consistent with the key strategic document which is the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRULS).

The STRULS was declared by the Minister for Planning under section 30C of the Act on 27 October 2011.

The STRULS is a statutory planning instrument under Section 30C(3) of the former provisions of the Act. All interim planning schemes within the Southern Region are to be consistent with and further the objectives and outcomes of the Strategy pursuant to Section 30E (6), former provisions, of the Act.

The relevant sections of the STRULS are as follows:

5. BIODIVERSITY AND GEODIVERSITY

BNV 1.2 Recognise and protect biodiversity values deemed significant at the local level and ensure that planning schemes:

- (a) specify the spatial area in which biodiversity values are to be recognised and protected (either by textural description or map overlay); and*
- (b) implement an ‘avoid, minimise, mitigate’ hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.*

It is considered that the amendment would be consistent with the above objective. The amendment would reduce the extent of the Biodiversity Protection Overlay, but the area to be reduced does not contain any native vegetation.

10. RECREATION & OPEN SPACE

ROS 1 Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and wellbeing, amenity, environmental sustainability and the economy.

It is considered that the amendment would not be inconsistent with the aims of the strategy as it relates to Open Space. The amendment would reduce the extent of land zoned Open Space that was set aside for an environmental purpose, to protect natural values.

The amendment would not be in conflict with the strategy which aims to plan for environmental sustainability, amongst other objectives.

19. SETTLEMENT AND RESIDENTIAL DEVELOPMENT

SRD1 Provide a sustainable and compact network of settlements with Greater Hobart at its core that is capable of meeting projected demand.

SRD 1.2 Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:

- 1. Strategy (regional function & growth scenario);*
- 2. Settlement Structure Plans (including identification of settlement boundaries);*
- 3. Subdivision Permit;*
- 4. Use and Development Permit.*

+It is considered that the proposed amendment would not be contrary to the objectives of the regional strategy in regards to residential development. The proposed rezoning would expand an existing area of settlement and would create room for one additional residential lot within the rezoned area. This change would be minor and would be in keeping with existing residential development in the area and would be contained within the urban growth boundary.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;

See impact on the Glenorchy Interim Scheme 2015 below.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;

The actual rezoning from open space to residential low density might afford less environmental protection in general, but given that the extent of the zoning no longer serves its original purpose it is considered that no natural values would be lost or impacted on. Therefore, the community would not be disadvantaged.

The environmental impacts associated with any future redevelopment of the site will be addressed through existing legislation and land use planning controls. The planning permit application that forms part of the subject proposal and seeks to create two additional lots is assessed under Part 2 of this report.

- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;**

The proposal is assessed against the relevant State policies below. It has been assessed against the relevant regional and municipal policies and strategies in previous sections of this report. On the whole, the proposal is found to be consistent with all relevant State, regional and municipal policies and is considered to be supportive of the above objective.

- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;**

In accordance with this objective, the requested Planning Scheme amendment is consolidated with a planning permit application for a two lot plus balance subdivision, pursuant to S.43A of the Act.

- (f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;**

It is considered that the proposed amendment would accord with the above objective, as the proposed rezoning would not cause any land use conflict that might compromise people's health and as there would be no loss of recreational land. The proposal would result in more efficient use of land in an area already serviced.

- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;**

The proposed rezoning does not apply to any place of cultural heritage significance.

- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;**

The proposal does not adversely affect any public infrastructure.

- (i) to provide a planning framework which fully considers land capability.**

The site does not comprise agriculturally productive land of a Class 1, 2 or 3.

Consistency with State Policies

State Policy on Water Quality Management 1997

The nature of the proposed amendment would not result in an increase in sediment transport to surface waters.

A planning permit condition is recommended, that would require appropriate soil and water quality management measures to be put in place at the time of construction works should the proposed subdivision be approved.

State Policy on the Protection of Agricultural Land 2000.

The proposal does not involve the conversion of prime agricultural land to non-agricultural use.

State Coastal Policy 1996.

The subject land lies within the 1km wide coastal zone. Due to the location of the subject property in a developed settlement, the proposal is considered to be consistent with the principles of the Policy, which seeks to protect the natural and cultural values of the coast; and to develop the coast in a sustainable manner.

National Environmental Protection Measures

National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the State Policies and Projects Act 1993 and are administered by the Environment Protection Authority.

Principle 5 of the NEPM states that planning authorities 'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use'.

The land of the site has no history of industrial use or any other contamination issues. The land has been vacant.

Consistency with the Glenorchy City Council Strategic Plan 2013-18 (Interim)

The amendment is consistent with the following objectives of Council's strategic plan:

- Objective 3.2: Create liveable built environments and sustainably manage our natural and built environments.

Gas Pipelines Act 2000

The site is not located in the vicinity of the gas secondary distributor pipeline.

Potential for Land Use Conflict with Adjacent Planning Scheme Areas

The site is not located in the vicinity of any adjacent planning scheme area.

Consistency with the requirements of Section 300 of the Act

The amendment is considered to be consistent with the requirements of Section 300 of the Act as it:

- Involves a change to the local content of the planning scheme as it seeks to rezone the land.
- Is consistent with the Southern Tasmanian Regional Land Use Strategy, 2010-2035, as the change in zoning is consistent with the surrounding land use and is appropriate at a local level.

Impact of Permissible Use and Development on the Region

The proposal will not have impacts for the wider region. It is assessed as being consistent with the relevant regional policies.

Consideration of any representation under section 30I and statements under section 30J of the Act

No representations were made regarding the subject land, and no statements as to the operation of the proposed zone, relevant to the site, were made during the exhibition and assessment of the Glenorchy Interim Planning Scheme 2015.

Consistency with the Glenorchy Interim Planning Scheme 2015?

- *Is the draft amendment clear and concise and will it achieve its intended purpose?*

The amendment gives a clear account of the intended purpose of the proposed zoning change.

- *Is the draft amendment consistent with the strategy, intent and all relevant objectives and provisions of the planning scheme?*

The proposed conversion of Open Space zoned land to Low Density Residential Zone would reflect the broader zoning strategy of the surrounding area, which is zoned Low Density Residential.

- *What is the effect of the proposed amendment on the status of use and development?*

The following table provides a comparison of the Use Tables for the land before and after the amendment (derived from Clauses 19.2 Use Table and 12.2 Use Table).

OPEN SPACE ZONE		LOW DENSITY RESIDENTIAL ZONE	
No Permit Required		No Permit Required	
Use Class	Qualification	Use Class	Qualification
Passive recreation		Educational and occasional care	Only if for home-based child care in accordance with a licence under the <i>Child Care Act 2001</i>
Natural and cultural values management		Natural and cultural values management	
Utilities	Only if minor utilities and underground.	Passive recreation	
		Residential	Only if a single dwelling or home-based business.
		Utilities	Only if for minor utilities
Permitted		Permitted	
Use Class	Qualification	Use Class	Qualification
		Visitor accommodation	
Discretionary		Discretionary	
Use Class	Qualification	Use Class	Qualification
Community meeting and entertainment		Community meeting and entertainment	Only if church, art and craft centre or public hall
Domestic animal breeding, boarding or training	Only if for training animals	Domestic animal breeding, boarding or training	
Emergency services		Educational and occasional care	Except if No Permit Required Only if day respite facility
Food services		Emergency services	
General retail and hire		Sports and recreation	
Pleasure boat facility		Utilities	Except if no permit required
Sports and recreation			
Tourist operation			
Visitor accommodation	Only if camping and caravan park or overnight camping area		
Utilities	Except if No Permit Required.		
Vehicle parking			
Prohibited		Prohibited	

OPEN SPACE ZONE		LOW DENSITY RESIDENTIAL ZONE	
Use Class	Qualification	Use Class	Qualification
All other uses		All other uses	

Note: Determining use class status under the Use Table is only one aspect of determining permissibility of a proposal. Permissibility will also be determined based on whether the proposal meets the acceptable solution or performance criteria of any applicable use or development standard within the scheme.

The above table shows some noticeable differences between the potential uses of the existing zone and the proposed zone. The main difference is that the subject land within the rezoning would allow for residential development and ancillary uses compared with the Open Space Zone, where residential development and associated uses would be prohibited. Conversely, the effect on the open space zoned land would be relatively minor. Many of the uses which are currently permissible within the Open Space Zone are not suitable for the land so that in effect only a few use categories would be affected, namely passive recreation and utilities. The effect on the recreational use and utilities use would not be significant as the land is privately owned and the utilities exist outside the area to be rezoned. The rezoning would result in extending the area of the land zoned Low Density Residential Zone and a narrowing of the land within the Open Space Zone to roughly align with the corridor of open space zoning on the eastern side of Gillies Road.

What is the effect of the proposed amendment on any specific land and adjacent land.

The proposed rezoning to Low Density Residential would be contiguous with the zoning of the surrounding land and is therefore not considered to constitute a land use conflict. The reduction of the width of the Open Space corridor would not have any adverse environmental impacts. The effect on the neighbouring land within the road reserve would be that the zoning would not align properly without Council making a technical correction to reflect the new zone boundary consistent with Planning Advisory Note 13 which is as follows:

All roads must be zoned.... Roads servicing the local area and some collector roads do not need to be separately zoned, but should be included in the surrounding or most appropriate adjacent zone.

Accordingly, there is a recommendation that Council initiates the rezoning of the road reserve to align correctly with the rezoning of the private land.

THE PROCESS FROM HERE:

Draft amendments to the Glenorchy Interim Planning Scheme 2015, once initiated by the Planning Authority, require public notification in accordance with the requirements of the Act which includes advertising in *The Mercury* on two occasions, one of which is to be on a Saturday and letters to adjoining owners and occupiers of land – where the proposed amendment is site specific.

With a section 43A proposal, the planning permit and application documents are also required to be exhibited during the public notification period.

Any representations received would be reported to a future meeting of the Glenorchy Planning Authority for consideration, as the Planning Authority is required to report to the Tasmanian Planning Commission as to the public notification outcomes and any recommendations leading out of them.

If no representations are received, the senior planning staff have delegation to forward a report to that effect to the Commission.

The Commission would then assess and decide upon the draft amendment and planning permit application, after taking into account the outcomes of any hearings it may hold.

CONCLUSION

As discussed, the proposed rezoning would provide for fair, orderly and sustainable development and would be consistent with strategic planning. The rezoning would not have any significant effect because it involves a relatively small area; it extends an existing residential zone and reduces the Open Space Zone where there is no longer any riparian vegetation. The rezoning would enable a 2 lot subdivision that satisfactorily addresses the subdivision standards as assessed in Part 2 later in this report. The application seeks rezoning of private land but it is a recommendation of this report to rezone the adjacent road reserve for consistency. It is also proposed to delete the Biodiversity Protection overlay within the rezoning, which is also assessed as acceptable because there is no native vegetation situated within that area.

For the above reasons, it is assessed that the proposed amendment is consistent with the objectives and other requirements of the Land Use Planning and Approvals Act 1993, the tenor of the Glenorchy Interim Planning Scheme 2015 and is not contrary to any State Policies.

PART2 – ASSESSMENT OF PLANNING PERMIT APPLICATION

APPRAISAL:

Zone:

The subject land is located within the Low Density Residential Zone, the Open Space Zone and the Particular Purpose Zone 1 Urban Growth. However, the site is located within the Low Density Residential Zone for the proposed lots and within the Open Space Zone for the balance east of the Brooker Highway.

Consistency with State Policies, Objectives of the Act

The proposed use and development are consistent with the objectives of the Act and the relevant State Policies.

(See detailed discussion within the amendment section of the report – above).

ASSESSMENT:

STATE POLICIES, OBJECTIVES of LUPAA

There are no inconsistencies with any other State Policies or with the objectives of the Act.

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

5.0 General Exemptions

Nil.

6.0 Limited Exemptions

Nil.

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

There is no Special Area Plan applicable but the following codes under 7.3 Operation of Codes apply:

- E5.0 Road and Railway Access Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E11.0 Waterway and Coastal Protection Code

8.0 Assessment

The application is discretionary pursuant to Clause 8.8.1 (b) and (c) which is as follows:

8.8.1 Discretionary Use and Development

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

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

Discretions*Part C: Special Provisions*

- 9.7 Subdivisions

Part D: Low Density Residential Zone – Development Standards for Subdivision

- 12.5.3 A2 Ways and Public Open Space (no acceptable solution - cash-in-lieu)
- 12.5.1 A 3 Lot Design (frontage)

E5.0 Road and Railway Access Code

- E5.6.1 A1.1 Development Standards (building envelope within 50 metres of category 1 road)

Part C: Special Provisions

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

9.7 Subdivision

The application is 'discretionary' pursuant to Clause 9.7.2 of the Scheme, which is as follows:

9.7 Subdivision

A permit is required for development involving a plan of subdivision.

A permit for development involving a plan of subdivision is discretionary unless:

- (a) for adjustment of a boundary in accordance with clause 9.3.1;*
- (b) the subdivision is prohibited in accordance with clause 8.9; or*
- (c) the plan of subdivision must not be approved under section 84 Local Government (Building and Miscellaneous Provisions) Act 1993.*

Part D: Zones

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

12.1 Zone Purpose Statements

The purpose of the Low Density Residential Zone is set out in Clause 12.1.1 and is as follows:

- To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.
- To provide for non-residential uses that is compatible with residential amenity.
- To avoid land use conflict with adjacent Rural Resource or Significant Agricultural zoned land by providing for adequate buffer areas.

Planner's Comment

It is considered that the proposed subdivision accords with the above intent because the proposal is for residential lots of a compliant size and is capable of being properly serviced.

12.2 Use Table

This table is not applicable.

12.5 Development Standards for Subdivisions

The proposed subdivision accords with all subdivision standards as shown in the attached Appendix 1, except for 12.5.1 A 3 Lot Design (frontage) as follows:

Frontage

- Proposed 20m – Acceptable Solution 30m

The Performance Criteria is set forth in Clause 12.5.1 P3 and is as follows:

The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than: 6m.

Planner's Comment

It is considered that the proposed subdivision accords with the Performance Criteria as the plan shows acceptable vehicular access and is longer than 6m. For further comments please refer to Engineering Assessment in the Referrals section later in this report.

The proposal complies with all other standards for lot design, in particular:

- Minimum lot size of not less than 1000m² – proposed lots are 1000m² and 1320m²
- Building area not less than 20m x 20m (clear of setback margins (front and rear), easements and codes, slope less than 1:5) – proposed 20m x 20m

12.5.2 Roads

There would be no new road so that the proposal complies with the acceptable solution as shown in Appendix 1.

12.5.3 Ways and Public Open Space

The proposal does not provide for public open space so that the provisions in 12.5.3 A 1 Ways and Public Open Space relating to the arrangement of ways and public open space are not applicable. Therefore, the standard in 12.5.3 A2 will be applicable. There is no Acceptable Solution so that the Performance Criteria in 12.5.3 P2 Ways and Public Open Space which is as follows:

P2

Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.

Planner's Comment

The Council policy is as follows:

Subdivisions - Public Open Space Acquisitions and Contributions - Policy Manual Number: 18-4

This is the relevant section:

4. A contribution of cash in lieu of open space will be required where:
 - a) public open space exists within 500 metres walking distance of any lot and there is an opportunity to improve that open space; or
 - b) it is impracticable to provide public open space as part of the subdivision.

There is public open space in close proximity on the opposite side of Presnell Street within the open space zoned corridor. Therefore, a contribution of cash in lieu of open space will be required.

Part E: Codes

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

E3.0 Landslide Code

The mapping system indicates that the Landslide Code might be applicable for this property but the subject portion of land is not affected as shown in Figure 7.



Figure 7: Map E3 Landslide Hazard Area (low) - List Map

E5.0 Road and Rail Asset Code

The proposed subdivision is adjacent to the road reserve of the Brooker Highway on the rear boundary of the proposed lots. Therefore, the Road and Railway Assets Code is applicable. The proposal accords with all Acceptable Solutions of the Code as demonstrated in the attached Appendix 2, except for standard E5.6 Development Standards A1.1 which is as follows:

A1.1

Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:

- (a) *new buildings;*
- (b) *other road or earth works; and*
- (c) *building envelopes on new lots.*

The Performance Criteria in P1 of standard E5.6 Development Standards are as follows:

P1

The location of development, 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, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:

- (a) *the proposed setback;*
- (b) *the existing setback of buildings on the site;*
- (c) *the frequency of use of the rail network;*
- (d) *the speed limit and traffic volume of the road;*
- (e) *any noise, vibration, light and air emissions from the rail network or road;*
- (f) *the nature of the road;*
- (g) *the nature of the development;*
- (h) *the need for the development;*
- (i) *any traffic impact assessment;*
- (j) *any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and*
- (k) *any written advice received from the rail or road authority.*

Planner's Comment

The applicant has submitted a noise assessment with the application, which was reviewed by Council's Environmental Health Officer and by the Department of State Growth. The comments can be found under the header "Referrals" in a later section of this report. In summary, the proposal was found acceptable subject to a covenant to the effect that all dwellings must be constructed in accordance with Category 3 construction measures in AS 3671-1989 to minimise traffic noise impacts.

E6.0 Parking and Access Code

The proposal complies with all Acceptable Solutions of this code as demonstrated in the attached Appendix 3, where the relevant standards are as follows:

- E6.7.2 A1 Design of Vehicular Access
- E6.7.14 A1 Access to a Road

E7.0 Stormwater Management Code

The proposal complies with all Acceptable Solutions of this code as demonstrated in the attached Appendix 4, where the relevant standards are as follows:

- E7.7.1 A3 Stormwater Drainage and Disposal

E10.0 Biodiversity Code

The Biodiversity Code is no longer applicable because the scheme amendment removes it.

E11.0 Waterway and Coastal Protection Code

The Waterway and Coastal Protection Code is applicable as shown in Figure 8 below for a Class 3 stream.



Figure 8: Map 11.1 Waterway and Coastal Protection Area - LIST Map

The extent of a Class 3 watercourse is a width of 20m in Table E11.1.1 Spatial Extent of Watercourse. The submitted plan shows a building area outside the protection width and a condition is recommended that ensures that no services or subdivision works occur within the protection area, so that the proposal complies with the Acceptable Solution in E11.8.1 Subdivision.

PART F: Specific Area Plans

Nil.

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

The development proposes that 2 new residential lots are to be created with an access point to each lot. It is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

GCC Services (Stormwater)

The proposed subdivision is located immediately upstream of the waterway to Goulds Lagoon and would not be expected to significantly affect the capacity of Council's stormwater infrastructure. Extending and connection to Council stormwater infrastructure will be required to service the development. The developer proposes a new 225mm diameter stormwater main, new headwall to the existing rivulet and the lot connection to each new lot.

Other

Geoscience issues

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

Flooding/Inundation issues

There are no flooding issues identified through Council records that affect this application, however, there is presently a waterway within the existing lot which will be contained wholly within the proposed balance lot.

Environmental Health Officer

A noise report was completed and submitted to Council as part of the application to rezone and subdivide a portion of CT 167222/1. This report was required due to the close proximity of the land to a main highway, the Brooker Highway.

A previous application for the rezoning and subdivision of this land was brought before the Tasmanian Planning Commission on 7th March 2013. From this meeting the rezoning of the site was modified with the subdivision of the site refused on the grounds that no detailed noise assessment had been conducted in accordance with the Noise Guidelines or the 2008 or Noise Measurement Procedures Manual (Noise Manual). The Commission stated that 'with reference to these documents, DIER specifies an acceptable noise level of 63 dB (A) as the design target external noise level.'

The report completed by Acoustic Engineer, Pearu Terts, dated 05/01/2015 predicted the noise level at the site 15 years from the date of the report to be 61.9 dB(A) with Leq (18 h) predicted to be 60.6 dB(A). Mr Terts has stated that noise complaints by the community start to increase once noise levels reach DIER's set limit of 63 dB (A).

Further to this, the report went on to identify that in relation to the Traffic Noise Reduction (TNR), that dwellings on the land would need to be constructed to ensure that noise from the highway, when measured within a bedroom, falls within a satisfactory dB (A) level of 30 dB (A) with a maximum allowable level of 40 dB (A) as defined in Table 1 of AS/NZS 2107:2000.

The following formula was used to identify the required TNR of the future premises:

$$\text{TNR} = \text{Leq (18h)} - \text{Leq (room)}$$

$$\text{TNR} = 60.6 \text{ dB (A)} - 30 \text{ to } 40 \text{ dB (A)}$$

$$\text{TNR} = 20 \text{ to } 30 \text{ dB (A)}$$

This TNR score of 20 to 30 dB (A) determines the required noise reduction of the properties located on this land and the construction category of said properties, as defined in AS 3671-1989, to ensure compliance with AS/NZS 2107:2000.

The Report dated 05/01/2015 took the average TNR score of 25 dB (A) as the determining factor for the construction category which identified the properties fall within construction category 2 of AS3671-1989 which states:

TNR>10 to <25 dB(A) - Standard construction, except for lightweight elements such as fibrous cement or metal cladding or all-glass facades. Windows, doors and other openings must be closed.

However, Council's Environmental Health section has assessed the above-mentioned noise report and believes that the TNR falls within Category 3 Construction of AS3671-1989 with a range of >25 to <35 dB(A). Category 3 Construction specifies that premises are built with:

Special construction, chosen in accordance with Clause 3.4. Windows, doors and other openings must be closed.

Furthermore, AS3671-1989 Appendix A, Construction categories required to achieve indoor sound levels recommended as satisfactory in AS 2107 for building sites with different road traffic noise levels, states that for residential buildings where traffic noise (Leq) falls within >60 to <75 buildings must be constructed as per Category 3 construction. The noise report identifies the noise level Leq (18 h) for this site as being 60.6 dB(A)

Therefore, it is recommended that a covenant be placed on the title of both land parcels, once subdivided, requiring any future construction to be done in accordance with the requirements of Category 3 construction measures, as outlined in AS 3671-1989, to prevent noise impacts on future proposed residence from the use of the Brooker Highway.

EXTERNAL REFERRALS

TasWater

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

Other

Department of State Growth

The Department provided the following submission on this matter.

StateGrowth has no objection to the proposed subdivision.

The noise modelling indicates that predicted levels in 15 years will be under the 63 decibel level.

Notwithstanding the above, StateGrowth will not accept responsibility for traffic noise mitigation where a sensitive use has knowingly moved to an area where traffic noise problems are likely or where there is evidence of inadequate consideration of noise impacts by developers or landowners.

Any noise attenuation/mitigation considered necessary now or in the future would be the responsibility of the owner/developer and must be outside the road reservation.

CONCLUSION

The application proposes a subdivision creating two new lots with balance within the Residential Low Density Zone. The lots would have areas of 1000m² and 1320m², with frontages of 20m and 33.3m respectively. Each lot would have an internal rectangle of 20m x 20m not subject to any code, other than a building envelope within 50m of a category 1 road. The proposal invokes the following directions:

- 9.7 Subdivision (discretionary development)
- 12.5.3 A2 Ways and Public Open Space (no acceptable solution - cash-in lieu)
- 12.5.1 A 3 Lot Design (frontage 10m discretion)
- E5.6.1 A1.1 Development Standards (building envelope within 50 of category 1 road)

The proposed subdivision is acceptable in terms of lot design and service provision. There is a condition recommended for cash-in-lieu for open space which satisfies the relevant performance criteria. The discretion in relation to the frontage requirement accords with the performance criteria that require reasonable vehicular and pedestrian access. The discretion relating to proximity to the Brooker Highway also accords with the performance criteria. The performance criteria require that development does not cause an unreasonable impact on the amenity of a sensitive uses. A condition is recommended to ensure that dwellings would be constructed in accordance with the relevant standard to minimise traffic noise impacts.

The proposed use and development is assessed to be consistent with the requirements of the Glenorchy Interim Planning Scheme 2015, the objectives of the Land Use Planning and Approvals Act 1993, the provisions of the Local Government (Building and Miscellaneous Provisions) Act 1993 and relevant State Policies.

The application is recommended for approval subject to conditions.

Recommendation:

Amendment

- A. That pursuant to Section 33 of the Land Use Planning and Approvals Act 1993, the Planning Authority agree to initiate Amendment PLS43A-16/01(PLAM-16/01) to the Glenorchy Interim Planning Scheme 2015, to rezone a portion of CT 167222/1 from Open Space to Low Density Residential with removal of the Biodiversity Protection Overlay and 2-lot Subdivision and balance at 32 Gillies Road Claremont, as shown in the attachments to this report.

- B. That pursuant to Section 34(b) of the Land Use Planning and Approvals Act 1993, the Planning Authority agree to initiate Amendment PLS43A-16/01(PLAM-16/01) to the Glenorchy Interim Planning Scheme 2015, to rezone a portion of CT 156864/100 (Casement) from Open Space to Low Density Residential with removal of the Biodiversity Protection Overlay at the Presnell Street Road Reserve, Claremont
- C. That having decided to initiate an amendment, and having prepared that amendment, the Planning Authority certifies pursuant to Section 35 of the Land Use Planning and Approvals Act 1993 that the draft amendment meets the requirements specified in Section 32 of the Act.
- D. That a permit be granted for the proposed use and development of 2-lot subdivision and balance PLS43A-16/01 (PLAM16/01) at 32 Gillies Road Claremont subject to the following conditions
- E. That the Planning Authority, having certified the draft amendment and granted a planning permit determined pursuant to the former provisions of Sections 38 and 43F of the Land Use Planning and Approvals Act 1993 to place the draft amendment, application documents and planning permit on public exhibition for a period of 28 days.

Permit Conditions

Planning

- 1. Use and development shall be substantially in accordance with planning permit application No.PLS43A-16/01 and Drawing No. P1 submitted on 19/02/16 and Drawing No. P2 submitted on 02/05/2016, 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. An original and two copies of each of the Plan of Survey and Schedule of Easements shall be submitted to Council for sealing.
- 4. Council having determined not to require the subdivider to increase areas of open space before approving the plan of subdivision, requires payment of an amount to Council in accordance with Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993, to the equivalent of five percent of the unimproved value of the whole area shown on the plan of subdivision as determined by a registered valuer engaged by the subdivider.
- 5. No works must be conducted other than boundary fencing works within the Waterway Protection Area.
- 6. The services, vehicular access and driveway must be located outside the Waterway Protection Area.

Engineering

7. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
8. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
9. Prior to sealing of the Final Plan of subdivision, all approved subdivision infrastructure works must be completed in accordance with the approved engineering plans and the requirements of Council's Development Engineer. Financial guarantees covering the cost of the uncompleted and unsecured works prior to the completion of approved Council infrastructure will not be permitted to be lodged.
10. Prior to the sealing of the Plan of Survey, the developer must arrange for and install electrical reticulation mains to any created lots using underground cables to the specifications of the Electricity Authority and Council. The electrical reticulation design must be submitted to Council's Development Engineer for approval prior to the commencement of construction.
11. The applicant must construct a 225mm Council stormwater drainage main within the property boundary and 150mm stormwater connection branches to provide legal point of discharge to each residential lot in accordance the requirements of Council's Development Engineer. Council will supply a quotation for the cost of the works.
12. The 18 metre and 6 metre wide easements in accordance with Council requirements shall be created over the mainstream of the creek and the open drain along the rear of Lot 48 respectively. Both easements will be contained wholly within the balance lot. An original and two copies of each of the Plan of Subdivision and Schedule of Easements shall be submitted to Council for sealing.
13. A detailed estimate for the works must be provided and payment of the engineering assessment fee must be made prior to the issue of approved engineering drawings. Under Council Resolution Nov 10/03, the engineering assessment fee is 1% of the value of the works or minimum of \$306. This amount is subject to annual adjustment in accordance with the Council Fees and Charges Register. Construction must not commence until the approved engineering plans have been issued.

14. Prior to the sealing of the Final Plan, the proposed vehicular accesses to the property boundary servicing lot 48 and lot 49 must be completed to Council's requirements at developer's cost. Vehicular access shall be 3.6-metre wide tapering to 3.0-meters at the property boundary and constructed in accordance with standard drawing SD-1003. Any driveway / crossover work within Council's road reservation must be carried out by a Council approved contractor and all work, including redundant vehicular access points must be reinstated to match the existing adjacent footpath/nature strip profile. A Property Access Works Application must be completed prior to any work being undertaken. The application is available from Council's planning department or available from Council's website at: <http://gcc.tas.gov.au/content/Driveways.GCC?ActiveID=1304>
15. Any driveway crossover work within Council's road reservation must be carried out by a Council-registered contractor. A road-opening permit from Council's Planning Services Program is required. An inspection fee is payable upon application. Any modifications to vehicular kerb crossing must include reinstatement of the footpath/nature strip and kerbing to match the existing environment
16. Upon practical completion, the Council required infrastructure works shall be subject to a 12 month defects liability period during which all defects must be rectified at the developers cost and to the satisfaction of Council's Development Engineer. Should the Developer require the final plan of survey for the subdivision sealed by Council at the commencement of the statutory defects liability period the developer is required to lodge security with Council to the value of 5% of the cost of the Council required infrastructure works. Upon completion of the statutory defects liability and rectification of any defects the Council required infrastructure works shall be transferred to Council and the security sum shall be returned to the developer. Council will not accept security for uncompleted works.
17. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains shall be undertaken by Council at the developer's cost.

Environmental Health

18. A covenant, to which Council is to be made a party, must be placed on the title of all lots to the effect that all dwellings must be constructed in accordance with Category 3 construction measures in AS 3671-1989 to minimise traffic noise impacts.

APPENDIX 1

12.0 Low Density Residential Zone

12.5 Development Standards for Subdivision			
Standard	Acceptable Solution	Proposed	Complies?
12.5.1 Lot Design	A1 The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities: no less than 1,000 m ² and no more than 2,500 m ² (except balance lot)	Lot 49; 1000m2 Lot 48: 1320m2	Yes
	A2 The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities. (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) is a minimum of 20 m x 20 m in size.	Lot 48 and Lot 49 Building envelope 20m x 20m with front setback 4.5m and rear setback 4m, clear of codes and slope less than 1 in 5 , clear of easements	Yes

	A3 The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot: 30 m.	Lot 48: 33.3m - Complies Lot 49: 20m	Discretion, see report
	A4 No lot is an internal lot.	Not internal lots	Yes
	A5 Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	Vacant	N/A
12.5.2 Roads	A1 The subdivision includes no new road.	No new road	Yes
12.5.3 Ways and Public Open Space	A1 No Acceptable Solution.	No public open space	N/A
	A2 No Acceptable Solution	No Acceptable Solution	Discretion, cash-in-lieu, see report
12.5.4 Services	A1 Each lot must be connected to a reticulated potable water supply where such a supply is available.	TasWater	Yes
	A2 Each lot must be connected to a reticulated sewerage system where available.	TasWater	Yes

	A3 Each lot must be connected to a stormwater system able to service the building area by gravity.	Will be connected	Yes
	A4 The subdivision includes no new road.	Ni new Road	Yes

APPENDIX 2

E5 Road and Railway Assets Code

5.6 Development Standards			
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. (c) building envelopes on new lots.	Building envelope is within 50m of the Brooker Highway	Discretion, see report
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.		N/A
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		N/A

APPENDIX 3**E6.0 Parking and Access Code**

E 6.7 Development Standards			
Standard	Acceptable Solution	Proposed	Complies?
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; (c) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	Complies	Yes
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Complies	Yes

APPENDIX 4

E11 Waterway and Coastal Protection Code

E11.7 Development Standards			
Standard	Acceptable Solution	Proposed	Complies?
E11.8.1 Subdivision	A1 Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area must comply with one or more of the following: (a) be for the purpose of separation of existing dwellings; (b) be for the creation of a lot for public open space, public reserve or utility; (c) <u>no works, other than boundary fencing works, are within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area;</u> (d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area.	Condition in relation to (c)	Yes
	A2 Subdivision is not prohibited by the relevant zone standards.	Complies	Yes

Attachments/Annexures

- 1 Attachment - Map - 32 Gillies Road
- 2 Attachment - Intrusment - Final Version - 32 Gillies Road
- 3 Attachment - P1 Plans - 32 Gillies Road
- 4 Attachment - Plan - 32 Gillies Road
- 5 Attachment - TasWater

CLOSED TO MEMBERS OF THE PUBLIC

8. APPEALS REPORT

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