

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

TUESDAY, 15 JUNE 2021



GLENORCHY CITY COUNCIL

- * 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.

Acting Chairperson: Alderman Bec Thomas

Hour: 5.00 p.m.

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 17 May 2021 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - OUTBUILDING AND ADDITIONS TO SINGLE DWELLING - 12 CONNEWARRE CRESCENT BERRIEDALE

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5313196

REPORT SUMMARY

Application No.:	PLN-21-059
Applicant:	K Crilley and T Crilley
Owner:	K Crilley and T Crilley
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	Clause 10.4.2 Setbacks and building envelope for all dwellings (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension of time until 16 Jun 2021
Existing Land Use:	Single Dwelling
Representations:	3
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The proposal is for the construction of a dwelling addition and outbuilding, the addition will extend the living room, master bedroom and entry toward the front of the dwelling and the outbuilding will be located to the rear (Figure 1).

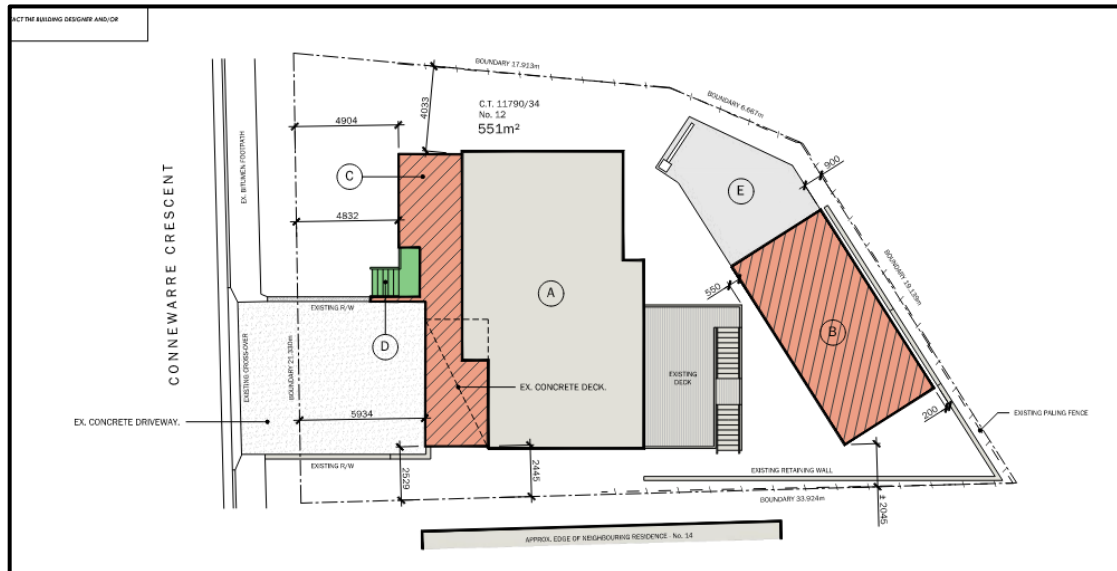


Figure 1: Site plan of 12 Connewarre Crescent, Berriedale.

Dwelling Addition

The addition will be setback 3.42 m from the eastern front boundary (wall extension), 2.05 m from the northern side boundary (privacy screen), 4.033 m from the southern side boundary, and 17.95 m from the south-west rear boundary. The existing building is a two-storey residence and the ground floor extension has a maximum height of 4.36 m and will be constructed with masonry, weatherboard, aluminium windows and Colorbond roofing.

Outbuilding

The outbuilding will be setback 20.55 m from the eastern front boundary, 2.045 m from the northern side boundary, 3.33 m from the southern side boundary, and 0.9 m from the south-west rear boundary. The building has a maximum height of 3.64 m and will be constructed with steel, aluminium windows and Colorbond cladding and roofing.

Performance Criteria

The proposal will rely on performance criteria for Clause 10.4.2 for setbacks and building envelope for all dwellings.

SITE and LOCALITY

The subject site is located on the western side of Connewarre Crescent, approximately 158 m to the east of Main Road, Berriedale.

The property has a frontage of 21.34 m, an average depth of 28 m, and a total area of 551 m². The site has a steep to gentle slope and falls toward the east, with an average gradient of 1 in 11. The site has no significant vegetation and a vehicular crossover near the north-east corner (Figure 2).

The site is located within the General Residential zone with a mix of single dwellings and multiple dwellings. The Utilities zone is to the west for Main road and the Environmental Management zone is to the east for Connewarre Bay Reserve.



Figure 2: Aerial photo of 12 Connewarre Crescent, Berriedale.

ZONE

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



Figure 3: General Residential Zone over 12 Connewarre Crescent, Berriedale.

BACKGROUND

The application was valid on 25 January 2021 so that Version No 33 of the *Glenorchy Interim Planning Scheme 2015* applies, which is an earlier version prior to recent changes becoming effective on 22 February 2021.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

No SAP or code provisions override the zone provisions in this assessment.

Use Class Description (Table 8.2):

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

The definition of Residential use class states:

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

Other relevant definitions (Clause 4.1):

Single Dwelling

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

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

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

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

- Clause 10.4.2 A1 Setbacks and building envelope for all dwellings (location of the retaining wall)
- Clause 10.4.2 A3 Setbacks and building envelope for all dwellings (location of the outbuilding near the south-west boundary)

Part C: Special Provisions

No Special Provisions apply.

Part D: Zones

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

Zone Purpose Statements

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

10.1.1.1

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

10.1.1.2

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

10.1.1.3

To provide for the efficient utilisation of services.

The proposed single dwelling would be consistent with the residential uses for the zone. The proposal would efficiently utilise existing infrastructure. Therefore, the

proposal is considered to be in accordance with the zone purpose statement in Clause 10.1.1 of the Scheme.

Use Table

The proposed use of “Single Dwelling” is no permit required without qualifications, in accordance with the use table in Clause 10.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses 10.4.2.

Use Standards

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

Development Standards for Residential Buildings & Works

Clause 10.4.2 – Standard A1, Setbacks and building envelope for all dwellings

The proposed wall extension for the driveway would require a minimum setback of 4.5 m from the eastern front boundary, to be in accordance with Clause 10.4.2 – Standard A1. Whereas, the wall extension will be set back a minimum of 3.42 m from the eastern front boundary ranging in height between 1.2-1.86 m in the frontage setback. The proposal is considered in accordance with the performance criteria:

A dwelling must:

- (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and*
- (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.*

The proposal extension above the retaining wall for the front stairs would be located near the middle of the frontage, above the existing retaining wall to provide a safety barrier between the stairs and lower level parking area. The land slopes across the length of the lot and will be similar to the existing driveways and accesses along Connewarre Crescent where cut and fill have occurred within the front setback to provide for driveway access and pedestrian access. The height of retaining wall will be kept low to minimise potential for intrusion in an area due to the topography and the existing streetscape.

Clause 10.4.2 – P1(b) is not relevant for this proposal. Therefore, it is considered that the modified plans for the proposal would be acceptable in this instance, and complies with the standard.

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

In addition to the extension above the retaining wall discussed in Clause 10.4.2 – Standard 1. The proposed outbuilding for the dwelling would require a minimum

setback of 4.45 m from the south-west rear boundary for a wall height of 3.45 m, to be in accordance with Clause 10.4.2 – Standard A3. Whereas the outbuilding will be set back a minimum of 0.9 m from the south-west rear boundary. The proposal is considered in accordance with the performance criteria:

The siting and scale of a dwelling must:

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

Dwelling

The proposed wall extension will be located closer than 4.5 m to the front boundary and will be near the middle of the property frontage. No shadow diagrams have been provided for the protrusion from the dwelling, however the shadow from the wall extension is likely to shade its own dwelling in the morning of the Winter Solstice and given the low height it would be reasonable to expect a majority of the shadow to remain within the lot proper.

The dwelling addition to the front will be situated within the building envelope and would be single storey with a maximum height of 4.36 m and a minimum setback of 4.033 m from the closest property on the southern side. No shadow diagrams have been provided, however there would likely be some overshadowing for part of the day during the Winter Solstice on the northern portion of the site directly to the south.

The proposed privacy screen for the existing first floor deck will be located on the northern side with a majority of the shadow likely to fall into the subject property and the existing dwelling on the lot proper.

The building has been designed to be in keeping with single dwelling development (single and two-storey dwellings) on a sloped site with a low height to minimise potential for overshadowing or overlooking. Therefore, the visual impact will be similar to residential dwellings on a sloped site.

Outbuilding

The proposed outbuilding will be located along the south-west rear boundary and to the north-west of the adjoining property where the greatest impact would be. Shadow diagrams have been provided showing that for a majority of the Winter Solstice the outbuilding will shadow the lot proper rather than the adjoining properties. During the morning on the Winter Solstice there will be partial overshadowing around the western rear corner of the neighbouring site. Therefore, the adjoining property would receive a reasonable level of sunlight. The structure will be located on a gentle slope and has been designed to be in keeping with single dwelling development on a sloped site with a low height to minimise potential for overshadowing or overlooking. Therefore, the visual impact will be similar to the surrounding outbuildings for residential dwellings on a sloped site.

Separation

The extension to the retaining wall, privacy screen and dwelling addition are proposed to have similar setbacks to dwellings on the surrounding sites. The outbuilding will be setback 0.9 m which will be in keeping with outbuildings in the surrounding area that have been located up to the side and rear boundary. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

The proposal is not exempt under Clause E5.4. However, the proposal complies with the acceptable solutions of the standards in Section E5.0.

E6.0 Parking and Access Code

Clause E6.6.1 – Standard A1, Number of Car Parking Spaces

The proposal provides two car parking spaces for the single dwelling. Therefore, the proposal is in accordance with Clause E6.6.1 – standard A1.

E7.0 Stormwater Management Code

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

PART F: Specific Area Plans

No Specific Area Plan applies.

INTERNAL REFERRALS

It was determined that no referral was required.

EXTERNAL REFERRALS

TasWater

The application was referred to TasWater which stated that no referral was required under the *Water and Sewerage Industry Act 2008*.

REPRESENTATIONS

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

1. Loss of sunlight

The representors states that concern is raised regarding the overshadowing from the shed will negatively impact the adjoining properties and loss of winter sunlight from the dwelling addition at the front. The proposed screening for the deck will increase shade on the adjoining properties.

Planner's Comment:

This issue has been previously addressed under the heading *Clause 10.4.2 – Standard A3, Setbacks and building envelope for all dwellings*.

2. Visual appearance

The representor states that concern is raised regarding the bulk of the shed which will feel intrusive and the height of the shed will negatively impact adjoining properties.

Planner's Comment:

This issue has been previously addressed under the heading *Clause 10.4.2 – Standard A3, Setbacks and building envelope for all dwellings*.

3. Noise

The representor states that concern is raised regarding the future use of the shed and hardstand area. This is intended to be used for car restoration which will create too much noise.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application because it is a residential use that is being applied for. However, if there is a future noise issue, this is regulated under the *Environmental Management and Pollution Control Act 1994*.

4. Sewer connection

The representor states that concern is raised regarding the access to the sewer connection on the adjoining property.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. However, this is regulated under the *Water and Sewerage Industry Act 2008*.

CONCLUSION

The proposal is relying on the performance criteria to comply with the applicable standards of the Scheme in relation to setbacks and building envelope for all dwellings.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

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

The application was publicly advertised for the statutory 14-day period and three representations were received, raising concerns regarding loss of sunlight, visual appearance, noise and sewer connection.

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

Recommendation:

That a permit be granted for the proposed use and development of Outbuilding and additions to Single Dwelling at 12 Connewarre Crescent Berriedale subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-059 and Drawing (10 pages) submitted on 9 February 2021, except as otherwise required by this permit.

Advice to Applicant

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning

permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

Attachments/Annexures

- 1 GPA Attachement - 12 Connewarre Crescent, Berriedale



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.	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 (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	The proposed wall extension for the dwelling will be set back a minimum of 3.42 m from the eastern front boundary. Compliance will require a setback of 4.5 m from the eastern front boundary. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

	<p>A2 A garage or carport must have a setback from a primary frontage of at least:</p> <ul style="list-style-type: none"> (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage. 	Not applicable.	NA
	<p>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:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: <ul style="list-style-type: none"> (ii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (iii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser). 	<p>The proposed extension to the retaining wall, privacy screen and outbuilding for the dwelling will be set back a minimum of 3.42 m from the eastern front boundary, 2.05 m from the northern side boundary and 0.9 m from the south-west rear boundary respectively.</p> <p>Compliance will require a setback of 4.5 m from the eastern front boundary, 3.02 m from the northern side boundary and 4.45 m from the south-west rear boundary.</p> <p>Therefore, the proposal relies on performance criteria.</p>	<p>No Refer to discussion in the report.</p>

10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces. 	Complies.	Yes
	A2 A dwelling must have an area of private open space that: <ul style="list-style-type: none"> (a) is in one location and is at least: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (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 	Complies. Existing.	Yes

	(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).	Complies. Existing.	Yes
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	Not applicable.	NA
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 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):	Not applicable.	NA

	<ul style="list-style-type: none"> (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. <p>(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.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (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. 		
10.4.5 Width of openings for garages and carports for all dwellings	<p>A1</p> <p>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).</p>	Not applicable.	NA
10.4.6 Privacy for all dwellings	<p>A1</p> <p>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:</p> <ul style="list-style-type: none"> (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: 	Not applicable.	NA

	<ul style="list-style-type: none"> (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. 		
	<p>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):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> (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. <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> (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 <p>(c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.</p>	Not applicable.	NA
	<p>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:</p>	Not applicable.	NA

	<ul style="list-style-type: none"> (a) 2.5 m; or (b) 1 m if: <ul style="list-style-type: none"> (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level. 		
10.4.7 Frontage Fences for all dwellings	<p>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:</p> <ul style="list-style-type: none"> (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights). 	Not applicable.	NA
10.4.8 Waste Storage for multiple dwellings	<p>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:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.	NA

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

Standard	Acceptable Solution	Proposed	Complies?
E5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA
E5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not applicable.	NA
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Not applicable.	NA
	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.	Not applicable.	NA
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.	Not applicable.	NA
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	Complies with (a).	Yes

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

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

Standard	Acceptable Solution	Proposed	Complies?
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not applicable.	NA
E6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Complies.	Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	Not applicable.	NA
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day;	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access. 		
E6.7.4 On-Site Turning	<p>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:</p> <ul style="list-style-type: none"> (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day. 	Not applicable.	NA
E6.7.5 Layout of Parking Areas	<p>A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.</p>	Complies.	Yes
E6.7.6 Surface Treatment of Parking Areas	<p>A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following:</p> <ul style="list-style-type: none"> (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed. 	Complies.	Yes
E6.7.7 Lighting of Parking Areas	<p>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”</p>	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Not applicable.	NA
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: <ul style="list-style-type: none"> (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building. 	Not applicable.	NA
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; <ul style="list-style-type: none"> (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building. 	Not applicable.	NA
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	Not applicable.	NA
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.		
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not applicable.	NA
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: <ul style="list-style-type: none"> (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site. 	Not applicable.	NA
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Complies.	Yes

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

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Complies.	Yes
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: <ul style="list-style-type: none"> (a) the size of new impervious area is more than 600 m²; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots. 	Not applicable.	NA
	A3 A minor stormwater drainage system must be designed to comply with all of the following: <ul style="list-style-type: none"> (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 applicable.	NA
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Not applicable.	NA

**6. PROPOSED USE AND DEVELOPMENT - LANDFILL AND WORKS
(RESIDENTIAL) - 119 AND 121A MAIN ROAD AND 1 AUSTINS
FERRY ROAD AUSTINS FERRY**

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5328064

REPORT SUMMARY

Application No.:	PLN-20-284
Applicant:	K J Markham
Owner:	K J Markham
Zone:	General Residential and Environmental Management
Use Class	Residential
Application Status:	Discretionary
Discretions:	Clause 10.4.2 Setbacks and building envelopes for all dwellings, Clause E5.6.1 Development adjacent to roads and railways and Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	16 Jun 2021
Existing Land Use:	Single Dwelling and Multiple Dwellings

Representations:	2
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The proposal is for earthworks that are predominantly filling and limited excavation at 1 Austins Ferry Road, 119 & 121A Main Road, Austins Ferry. No other properties have been included in the application.

The proposed filling will include western rear portion of 119 Main Road, a majority of the lot proper for 121A Main Road and the south-east portion of 1 Austins Ferry Road. A gabion wall will be constructed along the eastern boundaries of 121A Main Road and 1 Austins Ferry Road adjacent to and parallel to the railway line with a minimum setback of 0.5 m and up to a height of 1.6 m from natural ground level and a maximum length of 100.6 m.

The landfill will be graded to a maximum slope of 1 in 3 falling toward the gabion wall and flattened in layers with a portion of 119 and 121A Main Road to be excavated (Figure 1).

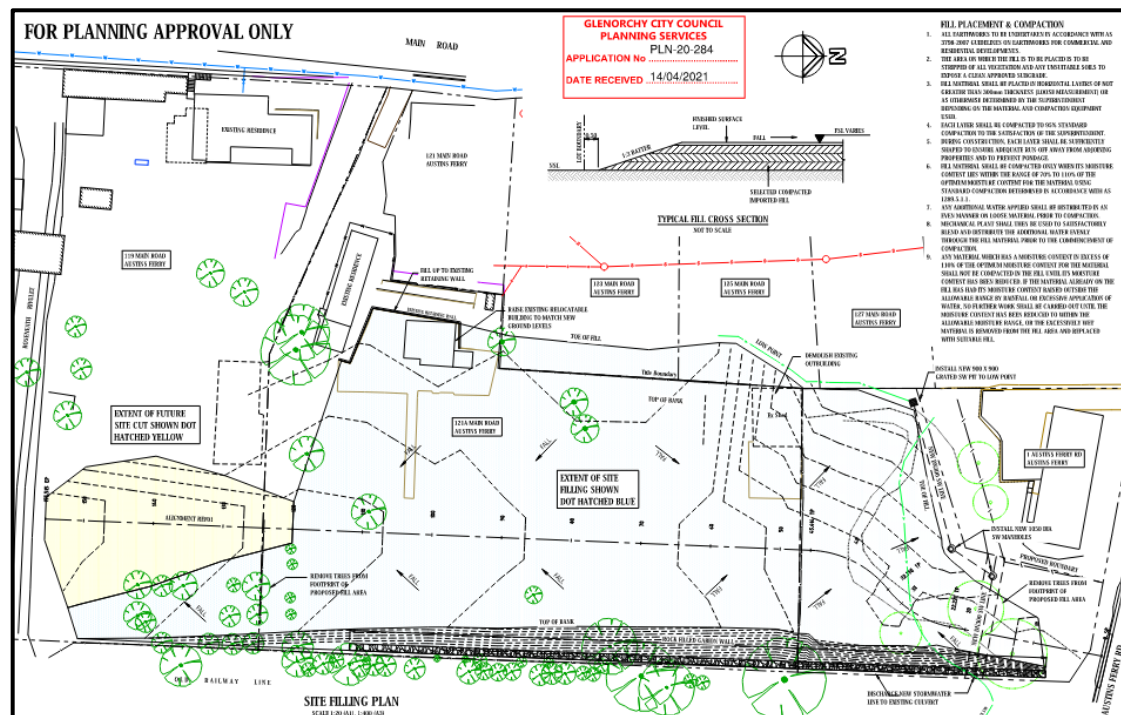


Figure 1: Site plan 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry.

The filling is being undertaken to raise the land above flood level in order to facilitate future residential development which will require further applications for planning approval.

The proposal would be reliant on performance criteria for Clause 10.4.2 for setbacks and building envelopes for all dwellings, Clause E5.6.1 for development adjacent to roads and railways and Clause E15.7.5 for Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas.

SITE and LOCALITY

The properties are located on the southern side of Austins Ferry Road, approximately 49 m to the east of Main Road and on the eastern side of Main Road, 105 m to the south of Austins Ferry Road, Austins Ferry.

The property at 1 Austins Ferry Road has two existing multiple dwellings located in the north-west corner, with no significant vegetation. The site has a moderate slope, with an average gradient of 1 in 5 falling to the south-east. The site has a rectangular shape, with a frontage of 43.7 m along Austins Ferry Road, an average depth of 44 m and a total area of 1847 m².

The property at 121A Main Road has outbuildings associated with the single dwelling at 119 Main Road located in the north-west corner and the middle of the site, with no significant vegetation. The site has a gentle slope, with an average gradient of 1 in 18 over the lot proper falling to the north-east. The site has an irregular shape, with a frontage of 3.68 m along Austins Ferry Road, an average depth of 42 m and a total area of 3758 m².

The property at 119 Main Road has a single dwelling, with minimal significant vegetation near Roseneath Rivulet. The site has a steep to moderate slope, with an average gradient of 1 in 8 falling toward the east, a depth of 82 m and a total area of approximately 3111 m² excluding the Roseneath Rivulet.

The property is located in a long strip of single dwellings and multiple dwellings in a residential area wedged between the Utilities zone for the Main Road and Rail Reserve to the west and east. With the Open Space Zone further to the west for Roseneath Park and to the east for Weston Park. A ribbon of the Environmental Management zone lies to the south for Roseneath Rivulet (Figure 2).



Figure 2: Aerial of 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry.

ZONE

The subject property is within the General Residential and Environmental Management zones under the Glenorchy Interim Planning Scheme 2015 (Figure 3).

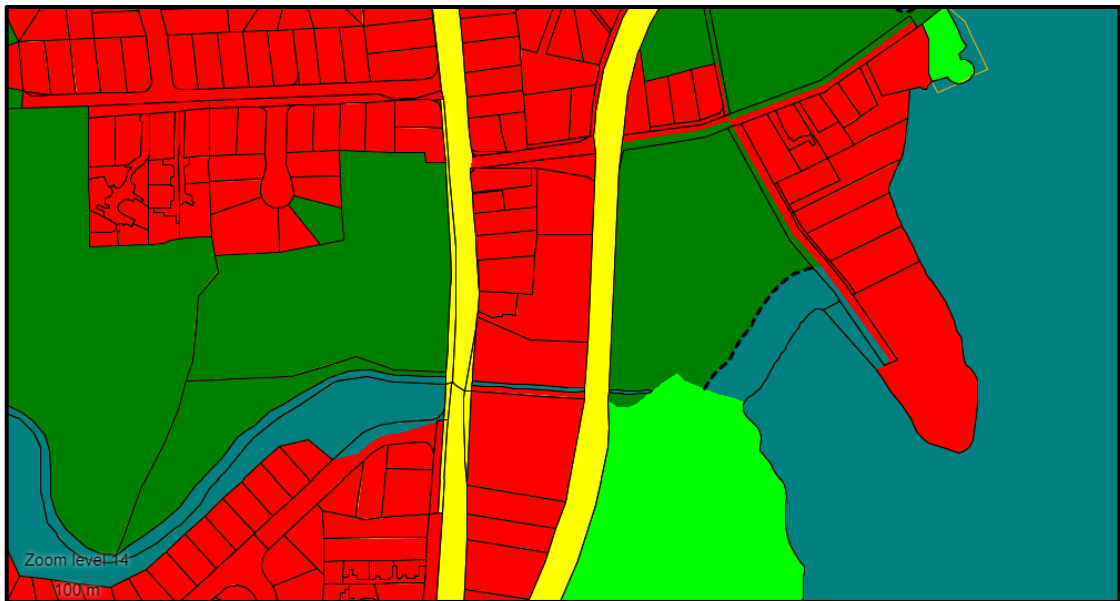


Figure 3: General Residential zones over 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry.

BACKGROUND

Application

The application was submitted for three properties (Figure 4), 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry. Unfortunately, the last amended set of plans included a site plan with a hatched area over 123 and 125 Main Road which does not

The application proposes filling over parts of the site that would be subject to inundation in a design flood event to facilitate future residential development.

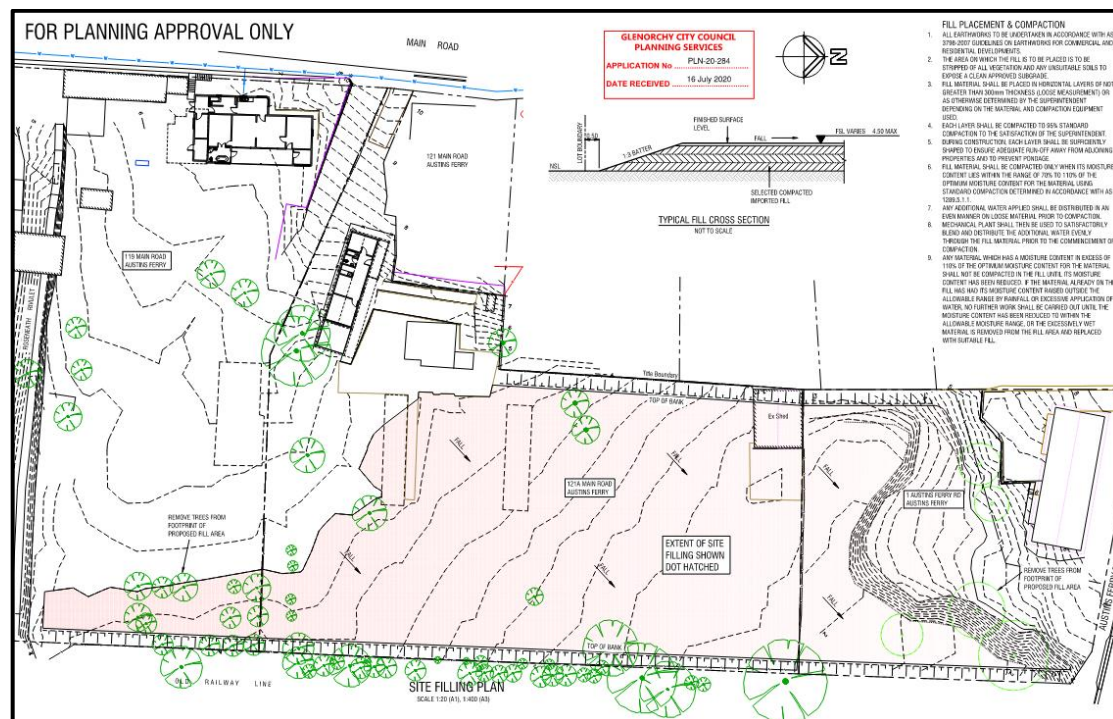


Figure 4: Superseded site plan 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry.

Planning Scheme

The application was valid on 25 January 2021 so that Version No 33 of the *Glenorchy Interim Planning Scheme 2015* applies, which is an earlier version prior to recent changes becoming effective on 22 February 2021.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

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

Use Class Description (Table 8.2):

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

The definition of Residential use class states:

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

Other relevant definitions (Clause 4.1):

Single Dwelling

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

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

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

The proposal is discretionary under (b) above as it relies on a discretion in the Performance Criteria because it does not meet the following Acceptable Solutions and a provision of the Scheme:

- Clause 10.4.2 A3 Setbacks and building envelope for all dwellings (location of the multiple dwellings)
- Clause E5.6.1 A1 Development adjacent to roads and railways (location of gabion wall)
- E15.7.5 A1 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas (landfill and gabion wall)
- E15.7.5 A2 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas (landfill and gabion wall)

Part C: Special Provisions

No Special Provisions of the Scheme apply.

Part D: Zones

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

Zone Purpose Statements

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

10.1.1.1

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

10.1.1.2

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

10.1.1.3

To provide for the efficient utilisation of services.

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

Use Table

The proposed filling associated with the existing use of “Single Dwelling” is no permit required without qualifications, in accordance with the use table in Clause 10.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses 10.4.2, E5.6.1 and E15.7.5.

Use Standards

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

Development Standards for Residential Buildings & Works

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

The proposed gabion wall would require a minimum setback of 1.5 m from the eastern side boundary (1 Austins Ferry Road) and a minimum setback of 4 m from the eastern rear boundary (121A Main Road), to be in accordance with Clause 10.4.2 – Standard A3. Whereas the retaining wall will be set back a minimum of 0.5 m from the eastern boundary. The proposal is considered in accordance with the performance criteria:

The siting and scale of a dwelling must:

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

Retaining wall

The proposed retaining will be located along the eastern side boundary and to the west of the adjoining property where the greatest impact would be. During the afternoon on the Winter Solstice there will be partial overshadowing around the south-west corner of the neighbouring site. However, this property is within the Utilities zone for the rail reserve and would have minimal impact on overshadowing of a residential lot. Therefore, the adjoining property would receive a reasonable level of sunlight. The structure will be located on a gentle slope and will have a maximum height of 1.6 m.

The structure has been designed to be in keeping with residential development on a sloped site, with a low height to minimise potential for overshadowing or overlooking. Therefore, the visual impact will be similar to residential properties on a sloped site.

Separation

The retaining wall will be supporting filling for future residential development across the site. The setback distance will be similar to existing outbuildings and residential structures in the surrounding area that have been located up to a side or rear

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

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Rail Asset Code

The proposed gabion wall would require assessment under this code due to the setback from the rail network.

Clause E5.6.1 – Standard A1, Development adjacent to roads and railways

The gabion wall will require a location either outside the setback for the rail network or a setback no closer than the immediately adjoining building setbacks, to be in accordance with Clause E5.6.1 – Standard A1. Whereas the proposed gabion wall will be located entirely within 0.5 m from the rail network. The proposal is considered in accordance with the performance criteria:

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.*

The application was referred to TasRail for comment, there were no concerns relating to impact from noise mitigation. However, a concern was raised regarding potential flooding and this has been addressed separately under Clause E15.7.5 of the Scheme.

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

E6.0 Parking and Access Code

The proposal is not exempt under Clause E6.4. However, the proposal complies with the acceptable solutions of the standards in Section E6.0.

E7.0 Stormwater Management Code

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

E11.0 Waterway and Coastal Protection Code

The proposed filling would be development within a private garden involving landscaping and would therefore be exempt under the Code (Figure 5).

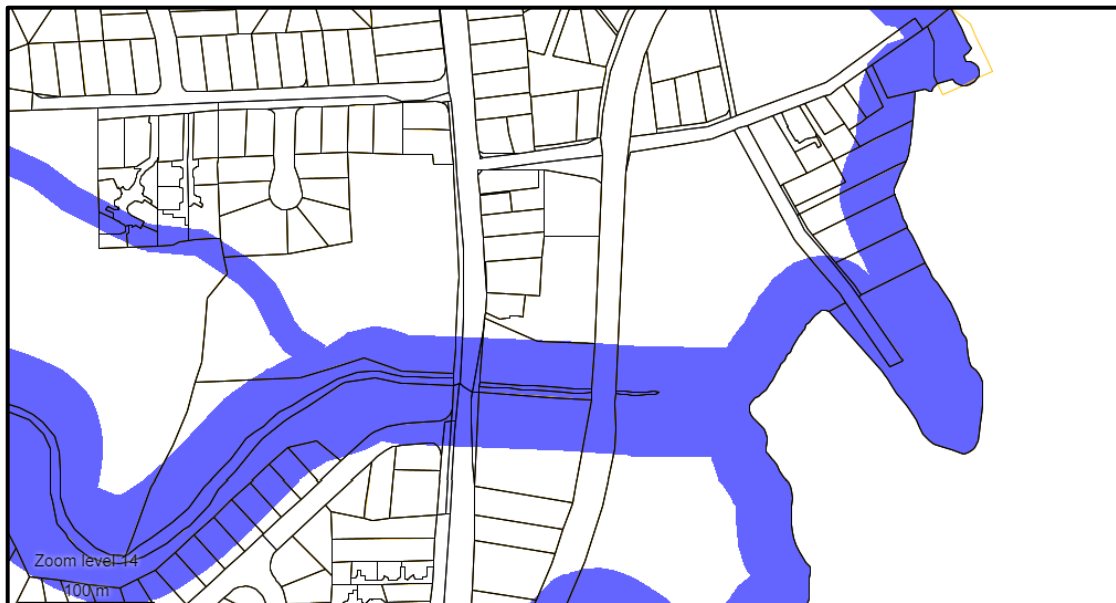


Figure 5: Waterway and Coastal Protection Code over 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry.

E15.0 Inundation Prone Areas Code

The proposal requires assessment under this code due to riverine inundation.

Clause E15.7.5 – Standard A1, Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas

The proposed filling will require a maximum length of 5 m and a maximum height of 0.5 m, to be in accordance with Clause E15.7.5 – Standard A1. Whereas the proposed filling would extend for 141.4 m and would be higher than 0.5 m. The proposal is considered in accordance with the performance criteria:

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

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

Council's Hydraulics Engineer has assessed the application and is supportive on the basis that the proposal would assist in decreasing the flood level for adjoining

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

Clause E15.7.5 – Standard A2, Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas

The proposed filling will require a location outside the riverine inundation area for the building envelope, to be in accordance with Clause E15.7.5 – Standard A2. Whereas the proposed building envelope will be located within the riverine inundation area, it is for the proposed gabion wall and not a habitable building. The proposal is considered in accordance with the performance criteria:

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

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

Council's Hydraulics Engineer has assessed the application and is supportive on the basis that the proposal would assist in decreasing the flood level for adjoining properties. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

Development Engineer

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

The proposal submitted for approval is to place fill on the properties at 1 Austins Ferry road, 119 and 121A Main Road Austins Ferry to decrease the inundation depths across the properties.

E5.0 Road and Railway Assets Code

This code is not impacted by the proposal.

E6.0 Parking and Access Code

This code is not impacted by the proposal.

E7.0 Stormwater Management Code

Council identified the development site as being affected by inundation from the Roseneath Rivulet during a 1% AEP storm event. The applicant was requested to demonstrate all overland flow paths in case of flooding for the pre and post-development scenario, along with measures to prevent property inundation during 1%

AEP flood events. Evidence was requested to show that there will be no adverse effect on flood levels over adjacent properties through the displacement of overland flows due to the proposed development.

AD Design and Consulting have undertaken a flood impact assessment to determine the impact of the proposed development on 1% AEP flood levels, within the property and to neighbouring properties. This modelled the pre and post development scenarios.

The results show a net decrease in inundation depths across neighbouring properties between the proposed and existing scenarios.

Council's Hydraulic Engineer reviewed the report and is satisfied that the earthworks won't increase flood levels for neighbouring properties in a 1% AEP storm event, therefore A4 is met.

Two representations were received during the statutory public consultation period.

- 1. A neighbour had concerns related to the impacts the filling would have on the natural drainage during times of flooding.*

Comment:

The flood impact assessment submitted and accepted demonstrated inundation depths would decrease flood levels for neighbouring properties.

- 2. Concerns were expressed that the works proposed would destroy an existing wetland that could support aquatic and terrestrial species.*

Comment:

An inspection of the site and the area in question is a small poorly drained stormwater outfall that does not have any identified functions and values normally associated wetlands.

Other

E3.0 Landslide Code

There are no landslide issues identified through Council's records that affect the site.

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

There is no new stormwater point of discharge into a watercourse. Therefore, the development application complies with the A4 of E11.7.1

E15.0 Inundation Prone Areas Code

Council's documentation indicates that the allotment is within a flood prone area.

Council identified the development site as being affected by inundation from the Roseneath Rivulet during a 1% AEP storm event. The applicant was requested to demonstrate all overland flow paths in case of flooding for the pre and post-

development scenario, along with measures to prevent property inundation during 1% AEP flood events. Evidence was requested to show that there will be no adverse effect on flood levels over adjacent properties through the displacement of overland flows due to the proposed development.

Council's Hydraulic Engineer reviewed the report and is satisfied that the earthworks won't increase flood levels for neighbouring properties in a 1% AEP storm event.

Hydraulics Engineer

The proposal was referred to Council's Hydraulics Engineer who was supportive of the proposal based on the Flood Impact Assessment by AD Design plus Consulting submitted on 14 April 2021.

EXTERNAL REFERRALS

TasGas

The application was referred to TasGas, which is supportive of the proposal.

TasNetworks

The application was referred to TasNetworks, which is supportive of the proposal.

TasRail

The application was referred to TasRail, which provided the following comments:

We note that the revised proposal is to construct a rock filled gabion wall along the property boundary shared with TasRail/State Rail Network land. However, we could identify no details about the proposed setback distance between this wall and the rail corridor boundary.

Details of the gabion wall construction are also not included.

We remain concerned that due to the proposed height of the wall (which will be significantly higher than the rail corridor land) there will be water run-off into the rail corridor but no other information has been provided to allay our concerns about water run-off, especially given the directional fall of water run-off is towards the rail corridor. Standing water has high potential to impact the safety and integrity of the rail assets. Removal of vegetation and trees within the proposed landfill area will also likely increase the volume/flow of water into the rail corridor.

There is therefore insufficient information provided to appropriately assess potential safety and/or operational risk to the railway, or to address the concerns originally raised by TasRail in its email sent 2 September 2020.

As previously advised to Council, it is not TasRail's responsibility to fund the upgrade of these culverts which are for resident/council benefit if it is determined that the

existing culverts passing under the railway line have reached/or are at risk of reaching hydraulic capacity.

TasWater

The application was referred to TasWater which stated that no referral was required under the *Water and Sewerage Industry Act 2008*.

REPRESENTATIONS

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

1. Flooding

The representor states that concern is raised that the proposal may cause a problem to an adjoining property to the west by impeding the natural drainage and run off, especially during a flood.

Planner's Comment:

This issue has been previously addressed under the heading E15.0 Inundation Prone Areas Code and by Council's Development and Hydraulics Engineers who are supportive of the proposal.

2. Landfill

The representor states that concern is raised that the proposal may cause a problem by impacting and/or placing landfill on an adjoining property to the west.

Planner's Comment:

As discussed, Council's Development and Hydraulics Engineers who are supportive of the proposal. In addition, a condition has been recommended to provide clarification that two adjoining properties are not included in the proposal.

3. Wetlands

The representor states that concern is raised regarding a wetland located along the eastern side.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. In addition, the pool of water referred to as a "wetland" is part of an open stormwater drain forming part of Council's stormwater infrastructure and is regulated by the *Urban Drainage Act 2013*.

CONCLUSION

The proposal is relying on the performance criteria to comply with the acceptable standards of the Scheme in relation to: for setbacks and building envelopes for all

dwellings, development adjacent to roads and railways and riverine, coastal investigation area, low, medium, high inundation hazard areas.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

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

The application was publicly advertised for the statutory 14-day period and two representations were received raising concern regarding flooding and landfill.

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

Recommendation:

That a permit be granted for the proposed use and development of Landfill and works (Residential) at 1 Austins Ferry Road, 119 and 121a Main Road Austins Ferry subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-20-284 and Drawing (2 pages) submitted on 16 July 2021, except as otherwise required by this permit.
2. This permit does not include land at 123 and 125 Main Road, Austins Ferry.
3. The use/development must not start until amended plans are submitted and approved by Council's Senior Statutory Planner. The plans must be substantially in accordance with the originally lodged plans but modified to:
 - exclude 123 and 125 Main, Austins Ferry from the permit.

When approved, the plans will be endorsed and will then form part of the permit.

Engineering

4. Prior to the issuing of a Building Approval or the commencement of works on site, including demolition (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer. The approved control measures must be installed prior to any disturbance of soil or construction

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

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

5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. The earthworks must be substantially in accordance with Drawings submitted on 14/04/21 (H106036-G00, H106036-G01, H106036-F01, H106036-F02, H106036-F03, H106036-F04 and H106036-F05,) except as otherwise required by this permit.
7. All earthworks to be undertaken in accordance with AS3798-2007 guidelines on earthworks for commercial and residential developments.
8. The area on which the fill is to be placed is to be stripped of all vegetation and structures and any unsuitable soils to expose a clean approved sub-grade.
9. Fill material shall be placed in horizontal layers of not greater than 300mm. thickness (loose measurement).
10. During construction, each layer must be sufficiently shaped to ensure adequate run-off away from adjoining properties to prevent pondage.
11. All internal hydraulic service works required for the development must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains must be undertaken by Council at the developer's cost.

Advice to Applicant

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

Separate Permits

Please be aware that this planning permit is only for land at 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry. Landfill shown on the properties at 123 and 125 Main Road, Austins Ferry will require separate planning approval.

Underground Services

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

Attachments/Annexures

- 1 GPA Attachment - 119 Main Road Austins Ferry



10.0 General Residential Zone

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

	Noise levels are to be averaged over a 15 minute time interval.		
	A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.	Not applicable.	N/A
	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.	Not applicable.	N/A
10.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m ² .	Not applicable.	N/A

10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m ² .	Not applicable.	N/A
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Not applicable.	N/A
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	Complies.	Yes

	<p>than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(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</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>		
	<p>A2</p> <p>A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(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.</p>	Not applicable.	N/A
	<p>A3</p> <p>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:</p>	The gabion wall will have a minimum setback of 0.5 m from the eastern side and rear boundaries. Compliance will require a setback of 1.5m from the eastern side boundary and 4 m from the eastern rear boundary. Therefore, the proposal relies on performance criteria.	<p>No</p> <p>Refer to discussion in the report.</p>

	<p>(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:</p> <p>(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</p> <p>(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</p> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <p>(ii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</p> <p>(iii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</p>		
<p>10.4.3</p> <p>Site coverage and private open space for all dwellings</p>	<p>A1</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and</p> <p>(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</p>	Not applicable.	N/A

	<p>entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>		
	<p>A2</p> <p>A dwelling must have an area of private open space that:</p> <p>(d) is in one location and is at least:</p> <p>(i) 24 m²; or</p> <p>(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</p> <p>(e) has a minimum horizontal dimension of:</p> <p>(i) 4 m; or</p> <p>(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</p> <p>(f) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(g) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p>	Complies. Existing.	Yes

	<p>(h) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(i) has a gradient not steeper than 1 in 10; and</p> <p>(j) is not used for vehicle access or parking.</p>		
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).	Not applicable.	N/A
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <p>(i) at a distance of 3 m from the window; and</p> <p>(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.</p>	Not applicable.	N/A

	<p>(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.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (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. 		
	<p>A3</p> <p>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):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> (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. <p>(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.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p>	Not applicable.	N/A

	<p>(i) an outbuilding with a building height no more than 2.4 m; or</p> <p>(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.</p>		
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Not applicable.	N/A
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: <p>(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</p> <p>(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</p>	Complies.	Yes

	<p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>		
	<p>A2</p> <p>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):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3 m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4 m from a rear boundary; and</p> <p>(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</p> <p>(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.</p> <p>(b) The window or glazed door:</p>	Complies.	Yes

	<p>(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</p> <p>(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</p> <p>(c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.</p>		
	<p>A3</p> <p>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:</p> <p>(a) 2.5 m; or</p> <p>(b) 1 m if:</p> <p>(i) it is separated by a screen of at least 1.7 m in height; or</p> <p>(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.</p>	Not applicable.	N/A

10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	Not applicable.	N/A
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 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.	N/A

APPENDIX 2**E5.0 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
E5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	N/A
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	N/A
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Development does not increase traffic movements.	N/A

Standard	Acceptable Solution	Proposed	Complies?
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	No new buildings proposed.	N/A
E5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not an applicable standard.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	A1.2 Buildings, may be: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) the existing building; or (ii) an immediately adjacent building. 	Not an applicable standard.	N/A
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Existing approved accesses to be utilised.	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.	Existing approved accesses to be utilised.	N/A
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.	Not an applicable standard.	N/A

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

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

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	Not an applicable standard.	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;	Not an applicable standard.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(c) be located as close as practicable to the building entrance.		
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
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not an applicable standard.	N/A
E6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	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;	Not an applicable standard.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.	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 Standard.	Not an applicable standard.	N/A
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following;	Existing approved access.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</p> <p>(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p>		
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:	Not an applicable standard.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	<p>(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;</p> <p>(b) be located within 30 m of the main entrance to the building.</p>		
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; <p>(a) be provided in accordance with the requirements of Table E6.2;</p> <p>(b) be located within 30 m of the main entrance to the building.</p>	Not an applicable standard.	N/A
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	Not 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	Not an applicable standard.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.		
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

Standard	Acceptable Solution	Proposed	Complies?
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Existing approved accesses to be utilised.	N/A

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

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	No new impervious areas proposed.	N/A
	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.	N/A
	A3 A minor stormwater drainage system must be designed to comply with all of the following:	Not an applicable standard.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.		
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Not an applicable standard.	N/A

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

Standard	Acceptable Solution	Proposed	Complies?
E15.6 Use Standards			
E15.6 Use Standards	A1 Change of use of a non-habitable building to a habitable building or a use involving habitable rooms must comply with all of the following: (a) floor level of habitable rooms is no less than the AHD level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor level of habitable rooms is no less than the AHD level for the 1% AEP plus 300mm if in an area subject to riverine flooding.	Not applicable.	N/A
E15.7 Development Standards for Buildings and Works			
E15.7.1 Coastal Inundation High Hazard Areas	A1 For a habitable building, including extensions to existing habitable buildings, there is no Acceptable Solution.	Not applicable.	N/A

	A2 For a non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, there is no Acceptable Solution.	Not applicable.	N/A
E15.7.2 Coastal Inundation Medium Hazard Areas	A1 For a new habitable building there is no acceptable solution.	Not applicable.	N/A
	A2 Except for new rooms associated with habitable buildings other than dwellings, for which there is no acceptable solution, an extension to an existing habitable building must comply with one of the following: (a) new habitable rooms must comply with both of the following: (i) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1, (ii) floor area of the extension no more than 40 m ² from the date of commencement of this planning scheme; (b) new habitable rooms must be above ground floor.	Not applicable.	N/A
	A3 A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 40 m ² .	Not applicable.	N/A

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

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

	A3 A land application area for onsite wastewater management must comply with all of the following: (a) horizontal separation distance from high water mark or from the top of bank of a watercourse or lake must be no less than 100 m; (b) vertical separation distance from the water table must be no less than 1.5 m.	Not applicable.	N/A
E15.7.6 Development Dependent on a Coastal Location	A1 An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.	Not applicable.	N/A
	A2 No acceptable solution	Not applicable.	N/A
	A3 No Acceptable Solution for coastal protection works initiated by the private sector.	Not applicable.	N/A
E15.8 Development Standards for Subdivision			
E15.8.1	A1 No Acceptable Solution.	Not applicable.	N/A

Medium and High Inundation Hazard Areas	A2 Subdivision is not prohibited by the relevant zone standards.	Not applicable.	N/A
E15.8.2 Subdivision Dependent on a Coastal Location	A1 No acceptable solution	Not applicable.	N/A
E15.8.3 Subdivision within a Riverine Inundation Hazard Area	A1 Each lot, or a lot proposed in a plan of subdivision, within a Riverine Inundation Hazard Area must: (a) be able to contain a building area, vehicular access and services, that are wholly located outside a Riverine Inundation Hazard Area; (b) be for the creation of separate lots for existing buildings; (c) be required for public use by the Crown, a council or a relevant agency; or (d) be required for the provision of Utilities.	The proposed subdivision is located within the inundation hazard area. Compliance will require the proposal to be located outside the inundation hazard area. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

7. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO FITNESS CENTRE (SPORTS AND RECREATION) AND ALTERATIONS TO SINGLE DWELLING - 94 HOPKINS STREET MOONAH

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5431045

REPORT SUMMARY

Application No.: PLN-20-247

Applicant: T F Knapp

Owner: T F Knapp

Zone: Commercial

Use Class Residential, Sports and Recreation

Application Status: Discretionary

Discretions: Clause 9.1 Changes to an existing non-conforming use, Clause 23.4.2 Setbacks and Clause E6.6.1 Number of car parking spaces

(The proposal meets all other applicable standards as demonstrated in the attached appendices)

Level 2 Activity? No

42 Days Expires: Extension until 16 Jun 2021

Existing Land Use: Single Dwelling

Representations: 1

Recommendation:	Approval, subject to conditions
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REPORT IN DETAIL

PROPOSAL

The proposal is for an increase in the use of the Single Dwelling to occupy the majority of the main building and a partial change of use for a portion at the northern end of the main building and the minor building located along the northern side boundary to be used for the Fitness Centre.

The proposal will increase the non-conforming existing use from 62.2 m² up to a total of 124 m² in the main building. While two separate areas will be included in the change of use to Fitness Centre to train children in Ninja Lab Dojo. The main training space will consist of 48 m² with associated facilities. Classes will run from 30 – 60 minutes (Figure 1).

Hours of operation

The proposed hours of operation are the following:

Monday to Friday	7am to 9pm
Saturday	8am to 5pm
Sunday	10am to 4pm
Public Holidays	Nil



Figure 1: Site plan for 94 Hopkins Street, Moonah.

The proposed alterations would be reliant on performance criteria for 23.4.2 for setbacks and Clause E6.6.1 for number of car parking spaces. In addition, the proposal is discretionary under Clause 9.1 for changes to an existing non-conforming use.

SITE and LOCALITY

The subject site is located on north-west corner of Hopkins Street and Orchard Road, Moonah. The property has an existing dwelling and former uses of a showroom and storage, with the main access via Orchard Road.

The land is generally flat and has an average slope of 1 in 45, falling toward the east. There is no existing vegetation on site.

The site is within the commercial area, with the light industrial zone to the north and open space and community purpose zones to the south for Benjafield Park and childcare centre (Figure 2).



Figure 2: Aerial photograph of 94 Hopkins Street, Moonah.

ZONE

The subject property is within the Commercial Zone under the Glenorchy Interim Planning Scheme 2015 (Figure 3).

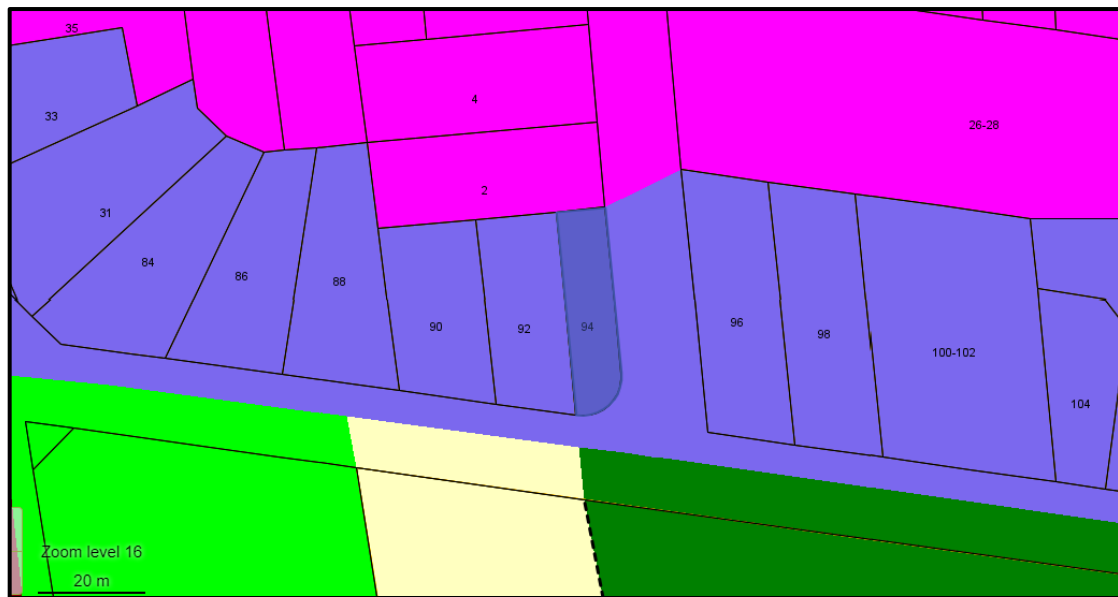


Figure 3: Commercial Zone over 94 Hopkins Street, Moonah.

BACKGROUND

The application was valid on 25 January 2021 so that Version No 33 of the *Glenorchy Interim Planning Scheme 2015* applies, which is an earlier version prior to recent changes becoming effective on 22 February 2021.

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).

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil

Limited Exemptions

Nil

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

No.

Use Class Description (Table 8.2):

The use of Fitness Centre is listed within the Sports and Recreation use class description of the Glenorchy Interim Planning Scheme 2015.

The definition of Residential use class states:

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

Other relevant definitions (Clause 4.1):

Not applicable.

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

The proposal is discretionary under (b) and (c) above as it relies on Special Provision 9.1 and Performance Criteria, because it does not meet the following Acceptable Solutions:

- 9.1 Changes to an existing non-conforming use (alterations to existing dwelling)
- Clause 23.4.2 A1 Setback (front setback for fitness centre)
- E6.6.1 A1 Number of car parking spaces (change of use)

Part C: Special Provisions

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

Changes to an Existing Non-Conforming Use

The proposal includes an existing non-conforming use in accordance with Clause 9.1.1. Therefore, Clause 9.1 of the Scheme applies:

9.1.1

Notwithstanding any other provision of this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application

- (a) *to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or*
- (b) *to extend or transfer a non-conforming use and any associated development, from one part of the site to another part of that site; or*
- (c) *for a minor development to a non-conforming use,*
where there is -
 - (a) *no detrimental impact on adjoining uses; or*
 - (b) *the amenity of the locality; and*
 - (c) *no substantial intensification of the use of any land, building or work,*

In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.

The property has an existing approval for a dwelling to occupy a portion of the main building. The use is defined as a “Single Dwelling” under the Glenorchy Interim Planning 2015. The existing use and development included 62.2m² of the main building and adjacent parking area.

The proposed changes will make use of an existing building to extend the non-conforming use from 62.2m² to 124m² and will be for a residence. The proposed increase of the use will continue to be for a Single Dwelling and will be contained within the existing building. In this instance, the use will not change the level of impact to adjoining properties or the local amenity where there are no external changes and the increase in floor area will have minimal impact on the level of use. Therefore, the proposal is not considered to have an unreasonable impact on adjoining uses.

Overall, the proposal will not substantially intensify the existing use of the Single Dwelling on the site. The proposal will comply with the relevant special provision in the Scheme. Therefore, it is considered that the proposal would be acceptable in this instance.

Part D: Zones

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

Zone Purpose Statements

The Commercial zone purpose statements in Clause 23.1.1 are as follows:

23.1.1.1

To provide for large floor area retailing and service industries.

23.1.1.2

To provide for a mix of activities that cannot be accommodated in other Activity Centres and does not compromise the viability of those Centres.

23.1.1.3

To provide for development that requires high levels of vehicle access and car parking for customers.

The proposed alterations to an existing non-conforming use and change of use to Fitness Centre would have minimal impact on the existing and potential use of the site and would assist with providing a service and activity that requires high level of access. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 23.1.1 of the Scheme.

Use Table

The use of “Fitness Centre” is a discretionary use with no qualifications in accordance with the use table in Clause 23.2 of the Glenorchy Interim Planning Scheme 2015. In addition, the proposal is discretionary owing to the reliance on performance criteria for 23.4.2 and E6.6.1.

Non-conforming use

The use of a “Single Dwelling” is prohibited in accordance with the use table in Clause 23.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposed alterations are discretionary by virtue of Clause 9.1.

Use Standards*Clause 23.3.1 – Standard A1, hours of operation*

The applicant provided the following hours of operation:

Monday to Friday	7am to 9pm
Saturday	8am to 5pm
Sunday	10am to 4pm
Public Holidays	Nil

Therefore, the proposal will comply with the acceptable solution, in accordance with Clause 23.3.2 – Standard A1.

Clause 23.3.2 – Standard A1, Noise

The site is approximately 88 m from a residential zone and will operate within the acceptable solution for hours of operation. Council’s Environmental Health Officer stated that “the intended training techniques are not expected to provide any noise related issues so far as the planning scheme is concerned” and is supportive of the proposal. Therefore, the proposal will comply with the acceptable solution, in accordance with Clause 23.3.2 – Standard A1.

Development Standards for Buildings or Works*Clause 23.4.2 – Standard A1, Setback*

The proposed alterations to the covered area to provide for storage adjoining the fitness recreation area would require a minimum setback of 8 m from the front boundary, to be in accordance with Clause 23.4.2 – Standard A1. Whereas the proposed storage for the Fitness Centre would require a minimum setback of 5.9 m from the eastern front boundary. The proposal is considered in accordance with the performance criteria:

Building setback from frontage must satisfy all of the following:

- (a) be consistent with any Desired Future Character Statements provided for the area;*
- (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;*
- (c) enhance the characteristics of the site, adjoining lots and the streetscape;*
- (d) provide adequate opportunity for parking.*

There are no desired future character statements for the zone. The proposed alterations will be similar in setback to the surrounding commercial buildings and have been designed to be complementary to the existing buildings. The proposed impact on parking will be minimal where sufficient room is provided for two parking spaces between the alterations and the frontage. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Roads and Rail Code

The proposal is not exempt under Clause E5.4 of the Scheme. However, the proposal complies with the acceptable solutions of the standards in Section E5.0.

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

The change of use to Fitness Centres would require five car parking spaces in addition to two parking spaces for the existing dwelling (a total of seven spaces), to be in accordance with Clause E6.6.1 – Standard A1. Whereas the proposal would provide

two car parking spaces onsite. The proposal is considered in accordance with the performance criteria:

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

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.*

The proposed Fitness Centre and Single Dwelling would require a total of seven car parking spaces. The subject site would have direct access to public transport and a public car park nearby. The proposal has a high level of access from pedestrian and public transport. The Fitness Centres will utilise an existing building that occupies the site and therefore it is not practical to provide additional parking. In addition, clients are likely to be from the local area, use public transport or be picked up and dropped off. Council's Development Engineer is supportive of the proposal based on the submission provided by the applicant. Therefore, it is considered that reliance on the

performance criteria would be acceptable in this instance, and complies with the standard.

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

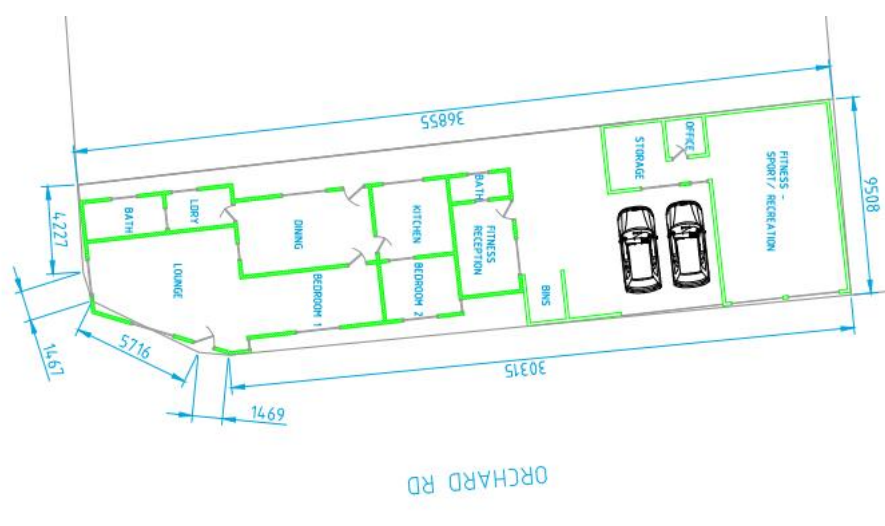
Development Engineer

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

The development application seeks an approval for Change of use from garage to fitness training centre with the floor area of less than 100 sqm. There is no structural work as part of the proposal as it is proposed only to convert the garage to the new use.

E5.0 Road and Railway Assets Code

The development complies with the Code. The proposed development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements per day and therefore complies with the Acceptable solution A3 of E5.5.1. The site can be accessed off the existing vehicle crossing, and no new access is proposed; this complies with A2, E5.6.2. Sight distance also complies with the Acceptable solution, A1 E5.6.4. There is no change proposes to the existing access arrangement. The existing access is for residential use for accessing the current 2 car parking spaces as see in the figure below.



E6.0 Parking and Access Code

The development complies with the Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly

affected. There is no change proposed to the existing parking arrangements. The two car parking spaces are for the residential use component as current situation is.

The requirement under the E6.6.1, A1 requires the total of seven (7) car parking spaces which comprises of two for the residential dwelling and other five for the proposed fitness use. The applicant proposes to provide only for the residential parking and therefore the development application is unable to comply with the Acceptable Solution as there is a shortfall of five car parking spaces.

The applicant states the following as supporting information:

- *90% of students are children and the majority will require drop off and pick up only.*
- *50% of students (who have expressed interest) are within walking distance.*
- *General low demand for parking spaces – small classes or 1:1 student*
- *Both Hopkins St and Orchard Rd are wide, with parking available on both sides of the street. Orchard Rd is accessible at the south end via Hopkins St, and at the north end via Butler Ave.*
- *There is on street parking available in Hopkins St and Orchard Road suitable for parents to drop off children for lessons.*
- *Multiple bus services are available within 400m of the site. The closest bus stop is within 200m.*
- *There is a dedicated intercity bike path located 280m from the site*
- *Close proximity to Benjafield Park and Moonah Town Centre will encourage families to utilise activities and businesses in the area whilst their children train at Ninja Lab Dojo.*
- *There are 3x angle and 1x access parking spaces available at nearby Benjafield Park, which some families will access for outdoor activity whilst their children learn karate.*

Based on the information provided as above, it is considered that the shortfall of five parking spaces is not expected to significantly impact the local traffic network and there is enough on-street parking and other modes of transport available to meet the reasonable needs of all users. There are no requirements for accessible car parking, motorcycle parking spaces, bicycle parking spaces and commercial vehicle applicable

to the development application. However, there are ample room for bicycle parking to be accommodated within the site.

E7.0 Stormwater Management Code

There are no GCC stormwater mains affected by this application; and no additional impervious surface being created. Therefore, the development is exempted from the code.

Other

E3.0 Landslide Code

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

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

Not applicable.

E15.0 Inundation Prone Areas Code

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

Environmental Health Officer

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

Environmental Health has assessed this application and does not have any conditions to recommend.

In response to representation:

As part of the development assessment process considered was given to the potential for noise generation. Further information was sort from the applicant to clarify the noise generating activities that were intended. In response, the applicant provided the necessary information which did not include free weights, pin weighted or amplified music. As such, the intended training techniques are not expected to provide any noise related issues so far as the planning scheme is concerned.

EXTERNAL REFERRALS

TasWater

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

TasGas

The application was referred to TasGas which had no objections to the proposal.

REPRESENTATIONS

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

1. Noise

The representor states that concern is raised regarding the noise from the fitness centre.

Planner's Comment:

This issue has been previously addressed under the heading "Clause 23.3.2 – Standard A1, Noise" and comments provided by Council's Environmental Health Officer.

CONCLUSION

The proposal is relying on the performance criteria to comply with the acceptable standards of the Scheme in relation to; setbacks, and parking and access.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

The proposal is assessed as complying with all other use and development standards in the Central Business zone, as well as the relevant standards of the Road and Railway Assets Code, the Parking and Access Code and Changes to an Existing Non-Conforming Use.

The application was publicly advertised for the statutory 14-day period and one representation was received, raising concern regarding noise.

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

Recommendation:

That a permit be granted for the proposed use and development of Change of use to Fitness Centre (Sports and Recreation) and alterations to Single Dwelling at 94 Hopkins Street Moonah subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-20-247 and Drawing (1 page) submitted on 3 February 2021, and Drawing (1 page) submitted on 4 February 2021, and Drawing (1 page) submitted on 11 February 2021, except as otherwise required by this permit.

2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2021/00213-GCC, dated 23 February 2021, form part of this permit.
3. The use must only operate between the hours of 7.00am to 10.00pm Mondays to Fridays inclusive, 8.00am to 5.00pm Saturdays and 10.00am to 4.00pm Sundays, and not including Public Holidays.

Engineering

4. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
5. The car parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Total of two (2) car parking spaces for residential use must be provided in accordance with the approved plan received by Council and kept available for these purposes at all times.

Advice to Applicant

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

Attachments/Annexures

- 1 GPA Attachments - 94 Hopkins St Moonah



APPENDIX 1

23.0 Commercial Zone

Standard	Acceptable Solution	Proposed	Complies?
23.3 Use Standards			
23.3.1 Hours of Operation	A1 Hours of operation of a use within 50 m of a residential zone must be within: (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and Public Holidays. except for office and administrative tasks.	Complies.	Yes
23.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAmx) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	Noise levels are to be averaged over a 15 minute time interval.		
23.3.3 External Lighting	A1 External lighting within 50 m of a residential zone must comply with all of the following: <ul style="list-style-type: none"> (a) be turned off between 11:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone. 	Not applicable.	N/A
23.3.4 Commercial Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: <ul style="list-style-type: none"> (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and public holidays. 	Not applicable.	N/A
23.3.5 Outdoor Work Areas	A1 Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans must not be located within 50 m of a residential zone.	Not applicable.	N/A
23.4 Development Standards for Buildings and Works			
23.4.1 Building Height	A1 Building height must be no more than: 9m.	Complies.	Yes
	A2	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	Building height within 10 m of a residential zone must be no more than 8.5 m.		
23.4.2 Setback	A1 Building setback from frontage must be parallel to the frontage and must be no less than: <ul style="list-style-type: none"> (a) 8 m, if fronting a street other than the Brooker Highway; or (b) 10 m, if fronting the Brooker Highway or on CT46976/2 (115 Central Avenue Derwent Park). 	The proposal will have a minimum setback of 5.9 m from the eastern front boundary. Compliance would require a minimum setback of 8 m from the north-east front boundary. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
	A2 Building setback from the General Residential or Inner Residential Zone must be no less than: <ul style="list-style-type: none"> (a) 5m; or (b) half the height of the wall, whichever is the greater. 	Not applicable.	N/A
23.4.3 Design	A1 Building design must comply with all of the following: <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level façade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground 	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>level front façade and facades facing other public spaces is not greater than 30% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>		
	<p>A2 Walls of a building facing a residential zone must comply with all of the following:</p> <p>(a) be coloured using colours with a light reflectance value not greater than 40 percent:</p> <p>(b) if within 50m of a residential zone, must not have openings in walls facing the residential zone, unless the line of sight to the building is blocked by another building.</p>	Not applicable.	N/A
23.4.4	A1	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
Passive Surveillance	<p>Building design must comply with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park. 		
23.4.5 Landscaping	<p>A1 Landscaping is not required along the frontage of a site if all of the following apply:</p>	Not applicable. Existing.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(a) the building extends across the width of the frontage, (except for vehicular access ways); (b) the building has a setback from the frontage of no more than 1m.		
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2m.	Not applicable.	N/A
23.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	Not applicable.	N/A
23.4.7 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5 m must not be erected within 10 m of the frontage; (c) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (d) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.	Not applicable.	N/A

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

Standard	Acceptable Solution	Proposed	Complies?
E5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Complies.	Yes
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
E5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not applicable.	NA
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	Not applicable.	NA
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Not applicable.	NA

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

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

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	The proposal would provide two car parking spaces. Whereas compliance requires a total of seven car parking spaces (two spaces for the Single Dwelling and five spaces for the Fitness Centre). Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	Not applicable.	N/A
E6.6.3	A1	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
Number of Motorcycle Parking Spaces	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.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not applicable.	N/A
E6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Not applicable.	N/A
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: <ul style="list-style-type: none"> (a) be provided if any of the following applies to an access: <ul style="list-style-type: none"> (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 applicable.	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: <ul style="list-style-type: none"> (a) it serves no more than two dwelling units; 	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) it meets a road carrying less than 6000 vehicles per day.		
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.	Complies.	Yes
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Complies.	Yes
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Not applicable.	N/A
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	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.		
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: <ul style="list-style-type: none"> (a) be located, designed and constructed to comply with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building. 	Not applicable.	N/A
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; <ul style="list-style-type: none"> (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building. 	Not applicable.	N/A
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 “Design of Parking Facilities” and clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard.	Not applicable.	N/A
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.		
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not applicable.	NA
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	Not applicable.	N/A
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Complies. No change.	Yes

**8. PROPOSED USE AND DEVELOPMENT - SINGLE DWELLING -
37A FIRST AVENUE WEST MOONAH**

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 2558569

REPORT SUMMARY

Application No.: PLN-21-029

Applicant: Hotondo Homes Hobart

Owner: C A Rose and G M Teariki

Zone: General Residential

Use Class: Residential

Application Status: Discretionary

Discretions: **Clause 10.4.2 Setbacks and building envelope for all dwellings, Clause 10.4.3 Site coverage and private open space for all dwellings Clause 10.4.4 Sunlight and overshadowing for all dwellings and Clause 10.4.6 Privacy for all dwellings**

(The proposal meets all other applicable standards as demonstrated in the attached appendices)

Level 2 Activity? No

42 Days Expires: Extension of time until 16 Jun 2021

Existing Land Use: Vacant land

Representations: 1

Recommendation:

Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The proposal is for the construction of a single dwelling, located near the front portion and middle of the site. The dwelling will include three bedrooms, bathroom and rumpus room on the lower level, and a master bedroom with en suite, open plan dining/kitchen/living area and amenities on the upper level. A freestanding parking structure accommodating two car spaces will be constructed to the front boundary of the site.

The building will be setback 0 m from the north-west front boundary (parking area), 1.2 m from the north-east side boundary (parking area), 4.748 m from the south-west side boundary, and 10.355 m from the south-east rear boundary. The building has a maximum height of 7.621m and will be constructed with steel and concrete, brick veneer, weatherboard, aluminium windows and Colorbond roofing (Figure 1).

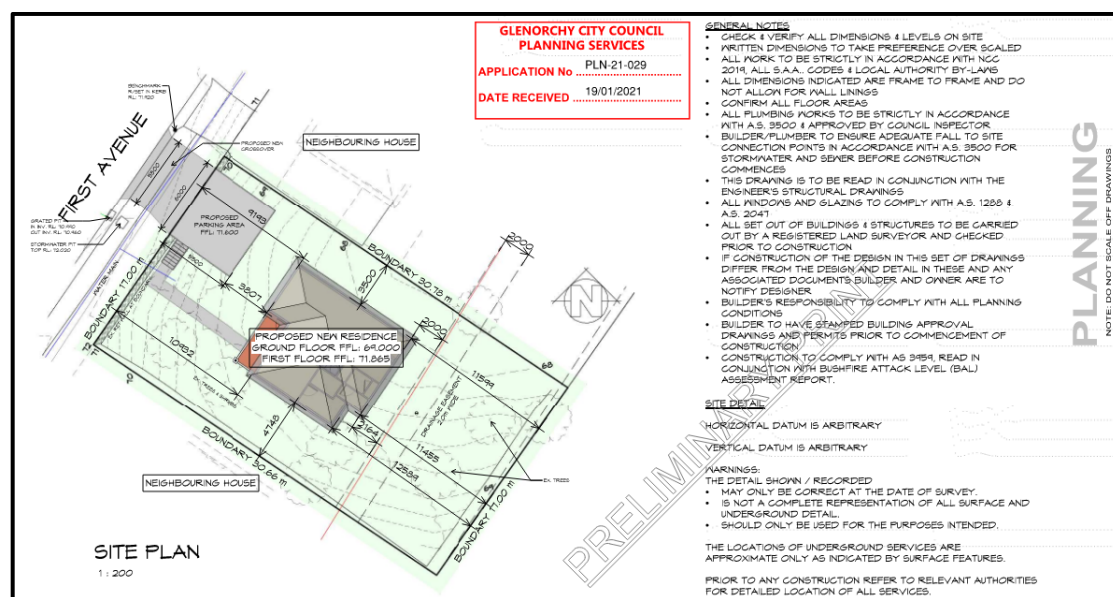


Figure 1: Aerial photo of 37A First Avenue, West Moonah.

The proposal will rely on performance criteria for Clause 10.4.2 for setbacks and building envelope for all dwellings, Clause 10.4.3 for site coverage and private open space for all dwellings, Clause 10.4.4 for sunlight and overshadowing for all dwellings and Clause 10.4.6 for privacy for all dwellings

SITE and LOCALITY

The subject site is located on the south-east side of the T-Section between First Avenue and Third Avenue, West Moonah.

The property has a frontage of 17 m, an average depth of 36.7 m, and a total area of 522 m². The site has a steep to moderate slope ranging from 1 in 1 (at the frontage) to 1 in 11 and falls toward the east, with an average gradient of 1 in 5. The site has minimal vegetation and no vehicular crossover (Figure 2).

The site is located within the General Residential area with a mix of single dwellings and multiple dwellings.



Figure 2: Aerial photo of 37A First Avenue, West Moonah.

ZONE

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

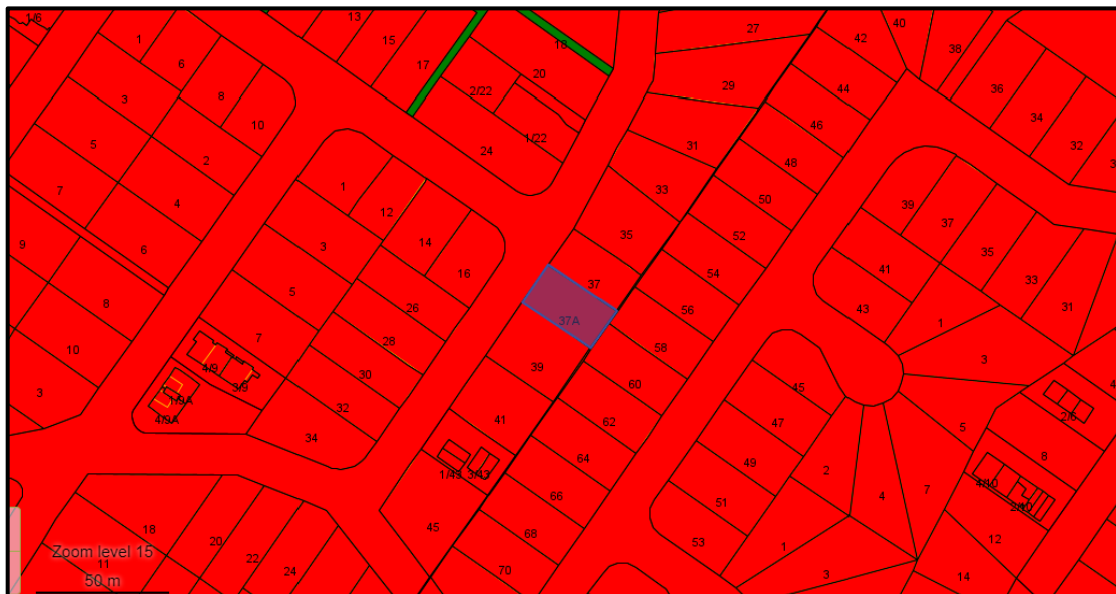


Figure 3: General Residential zone over 37A First Avenue, West Moonah.

BACKGROUND

The application was valid on 25 January 2021 so that Version No 33 of the *Glenorchy Interim Planning Scheme 2015* applies, which is an earlier version prior to recent changes becoming effective on 22 February 2021.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

No SAP or code provisions override the zone provisions in this assessment.

Use Class Description (Table 8.2):

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

The definition of Residential use class states:

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

Other relevant definitions (Clause 4.1):

Single Dwelling

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

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

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

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

- Clause 10.4.2 A1 Setbacks and building envelope for all dwellings (location of the parking area);
- Clause 10.4.2 A3 Setbacks and building envelope for all dwellings (location of the parking area);
- Clause 10.4.3 A2 Site coverage and private open space envelope for all dwellings (access to private open space)
- Clause 10.4.4 A1 Sunlight and overshadowing for all dwellings (window angle for the proposed dwelling)
- Clause 10.4.6 A1 Privacy for all dwellings (for the north-east parking area)

Part C: Special Provisions

No Special Provisions apply.

Part D: Zones

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

Zone Purpose Statements

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

10.1.1.1

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

10.1.1.2

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

10.1.1.3

To provide for the efficient utilisation of services.

The proposed single dwelling would be consistent with the residential uses for the zone. The proposal would efficiently utilise existing infrastructure. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 10.1.1 of the Scheme.

Use Table

The proposed use of “Single Dwelling” is no permit required without qualifications, in accordance with the use table in Clause 10.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses 10.4.2, 10.4.3, 10.4.4 and 10.4.6.

Use Standards

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

Development Standards for Residential Buildings & Works*Clause 10.4.2 – Standard A1, Setbacks and building envelope for all dwellings*

The proposed parking structure would require a minimum setback of 4.5m from the north-west front boundary, to be in accordance with Clause 10.4.2 – Standard A1. Whereas, the parking structure will be set back a minimum of 0 m from the north-west front boundary. The proposal is considered in accordance with the performance criteria:

A dwelling must:

- (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and*
- (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.*

The proposal would be located in close proximity to the south-east front boundary to meet the gradient required for the driveway and parking. The land slopes across the width of the lot and will be similar to the existing driveways along First Avenue where

cut and fill or platforms have been constructed within the front setback to provide for driveway accesses and parking. Therefore, the design and location will be in keeping with the existing streetscape.

Clause 10.4.2 – P1(b) is not relevant for this proposal. Therefore, it is considered that the modified plans for the proposal would be acceptable in this instance, and complies with the standard.

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

The proposed parking structure would require a minimum setback of 4.5m from the north-west front boundary, to be in accordance with Clause 10.4.2 – Standard A3. Whereas, the parking structure and bin enclosure will be set back a minimum of 0 m from the north-west front boundary. The proposal is considered in accordance with the performance criteria:

The siting and scale of a dwelling must:

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

Parking area (Eastern front boundary)

The difference in the front setback would be 4.5 m to provide for parking spaces to meet the Australian Standard on a site with a steep incline of up to 1 in 1. The area will be extended to provide a stair access to the lot proper.

The proposed parking area will include a platform extending out from the road reserve, with a maximum height of 4 m above natural ground level due to the steep topography along the frontage. No shadow diagrams have been provided for the parking area; however, the structure will be located to the south-west of the closest neighbouring residence and for this reason there is likely to be minimal overshadowing during the Winter Solstice. The parking area will be similar to the visual scale and bulk of surrounding residential development in the area.

Separation

The adjoining and surrounding properties have structures for parking areas and retaining walls located up to a front boundary for the driveway and parking. Therefore,

it is considered that the modified plans for the proposal would be acceptable in this instance, and complies with the standard.

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

The proposed private open space will require direct access from a habitable room other than a bedroom, to be in accordance with Clause 10.4.3 (c) – Standard A2. The plans show the private open space for the proposed dwelling will be accessed via the deck. The proposal is considered in accordance with the performance criteria:

A dwelling must have private open space that:

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

The dwelling will have a reasonable amount of private open space, from the living area with access via a deck. The proposal provides for areas that are capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play, with reasonable access between the living area and private open space. The private open space would have reasonable access to sunlight during the day. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

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

A window to a habitable room (other than a bedroom) for the proposed dwelling would require an orientation between 30 degrees west of north and 30 degrees east of north, to be in accordance with Clause 10.4.4 – Standard A1. Whereas the proposed window to a habitable room other than a bedroom would be located at an angle of 34 degrees to the east of north. The proposal is considered to be in accordance with the performance criteria:

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

The proposed dwelling has been designed with large windows for the living area and with reasonable separation from the nearby dwelling. In addition, the windows would have access to a reasonable level of sun during the day due from the rear of the site. Therefore, it is considered that the modified plans for the proposal would be acceptable in this instance, and complies with the standard.

Clause 10.4.6 – Standard A1, Privacy for all dwellings

The proposed parking area would require a setback of 3 m from the north-east side boundary or screening up to a minimum of 1.7m (with a maximum of 25%

transparency) above the floor level of entire length of deck, in accordance with Clause 10.4.6 – Standard A1.

The proposed structure for the parking provides a setback of 1.2 m from the north-east side boundary with no screening. The proposal is considered in accordance with the performance criteria:

A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

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

The proposed parking structure would provide no screening to minimise overlooking of the driveway and parking area for the adjoining dwelling to the north-east. The parking area has been designed so that it faces the adjoining property to the north-east. This has potential for direct overlooking of the property, and a condition has been recommended for screening up to the height of 1.1 m for the railing from the finished floor level to achieve a reasonable level of privacy. In this instance, the structure will be directly overlooking a similar structure for the adjoining driveway and carport. Some overlooking would be considered reasonable given the dwelling and private open space are set further back and to the rear. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

The proposal is not exempt under Clause E5.4. However, the proposal complies with the relevant acceptable solutions of the standards in Section E5.0.

E6.0 Parking and Access Code

Clause E6.6.1 – Standard A1, Number of Car Parking Spaces

The proposal provides two car parking spaces for the single dwelling. Therefore, the proposal is in accordance with Clause E6.6.1 – standard A1.

E7.0 Stormwater Management Code

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

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

Development Engineer

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

The proposal is for a single dwelling on a fully serviced allotment with the parking spaces provided on a concrete platform at street level.

E5.0 Road and Railway Assets Code

The development complies with Code E5 Road and Railway Assets Code; and the safety and efficiency of the road is not expected to reduce by the proposed development. The development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements and therefore complies with the Acceptable solution A3 of E5.5.1. The site can be accessed off the existing vehicle crossing, and no new access is proposed; this complies with A1 and A2 under the Scheme.

E6.0 Parking and Access Code

The submitted plans indicate a total of 2 parking spaces. The development complies with Code E6 Parking and Access Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

E7.0 Stormwater Management Code

This code applies to development requiring management of stormwater. This code does not apply to use. The stormwater run-off from the impervious surfaces will connect by gravity to the available stormwater connection. On-site stormwater detention will be required to be provided.

Other

E3.0 Landslide Code

There are no landslide issues identified through Council's records that affect the site.

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

There is no new stormwater point of discharge into a watercourse. Therefore, the development application complies with the A4 of E11.7.1

E15.0 Inundation Prone Areas Code

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

EXTERNAL REFERRALS

TasWater

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

REPRESENTATIONS

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

1. Fence

The representor states that concern is raised regarding privacy and safety due to there being no fence along the shared boundary.

Planner's Comment:

Unfortunately, this issue is not a planning issue that can be considered as part of this application because the construction of boundary fences is regulated under the *Boundary Fences Act 1908*. However, this matter has been discussed with the applicant who was willing to accommodate a boundary fence along the shared boundary.

2. Access

The representor states that concern is raised regarding privacy and safety due to people accessing the property via the adjoining driveway and backyard.

Planner's Comment:

Unfortunately, this issue is not a planning issue that can be considered as part of this application. However, it has been brought to the attention of the applicant and the proposal would provide a permanent access via the street.

CONCLUSION

The proposal is relying on the performance criteria to comply with the applicable standards of the Scheme in relation to; setbacks and building envelope for all dwellings, site coverage and private open space for all dwellings, sunlight and overshadowing for all dwellings and privacy for all dwellings.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

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

The application was publicly advertised for the statutory 14-day period and one representation was received raising concerns regarding access and a boundary fence.

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

Recommendation:

That a permit be granted for the proposed use and development of Single Dwelling at 37A First Avenue West Moonah subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-029 and Drawing (5 pages) submitted on 19 January 2021, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2021/00115-GCC, dated 28 January 2021, form part of this permit.
3. Privacy screen/wall to the height of 1.1 m from finished floor level, for the railing, must be constructed between the north-east elevation of the parking structure and the side boundary. The privacy screens/walls must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent direct overlooking of the adjacent lot. The privacy screen must remain in-situ, for the duration of the use.

Engineering

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

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

5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. The design and construction of the driveway, parking, access and turning areas must generally comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard 2890.1 and are to be submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site.
 - (a) Be constructed to a sealed finish and the finished gradient must not exceed the maximum gradient of 25%
 - (b) All runoff from paved areas must be discharged into Council's stormwater system;
 - (c) The gradient of any parking areas must not exceed 5%; and
 - (d) Minimum carriageway width is to be no less than 3.00 metres.

All works required to service each the dwelling must be installed prior to the occupancy of the dwelling

7. All internal hydraulic service works required for the development must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains must be undertaken by Council at the developer's cost.
8. Adequate on-site stormwater detention must be provided so that stormwater discharged from the site does not exceed the pre-development stormwater runoff for 1 in 20 ARI (5% AEP) storm event. A detailed design must be submitted with the Building Application prepared by a qualified professional engineer for approval by Council's Development Engineer and completed prior to a Certificate of Occupancy being issued for the new dwellings.
9. The new driveway crossing to be constructed in accordance with Municipal Standard Drawing TSD-R09-v3.

Advice to Applicant

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

Underground Services

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

Attachments/Annexures

- 1 GPA Attachments - 37A First Avenue West Moonah



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.	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	The proposed parking area will be set back a minimum of 0 m from the north-west front boundary. Compliance will require a setback of 4.5 m from the north-west front boundary. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

	<p>than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(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</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>		
	<p>A2</p> <p>A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(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.</p>	Complies.	Yes
	<p>A3</p> <p>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:</p> <p>(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:</p>	<p>The proposed parking area will be set back a minimum of 0 m from the north-west front boundary. Compliance will require a setback of 4.5m from the north-west front boundary. Therefore, the proposal relies on performance criteria.</p>	<p>No</p> <p>Refer to discussion in the report.</p>

	<p>(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</p> <p>(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</p> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <p>(ii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</p> <p>(iii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</p>		
<p>10.4.3</p> <p>Site coverage and private open space for all dwellings</p>	<p>A1</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and</p> <p>(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</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	Complies.	Yes

	<p>A2</p> <p>A dwelling must have an area of private open space that:</p> <p>(d) is in one location and is at least:</p> <ul style="list-style-type: none"> (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 <p>(e) has a minimum horizontal dimension of:</p> <ul style="list-style-type: none"> (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and <p>(f) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(g) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(h) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(i) has a gradient not steeper than 1 in 10; and</p> <p>(j) is not used for vehicle access or parking.</p>	<p>The proposal provides private open space access via the deck. Compliance will require direct access via a habitable room other than a bedroom. Therefore, the proposal relies on performance criteria.</p>	<p>No</p> <p>Refer to discussion in the report.</p>
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10.4.4 Sunlight and overshadowing of all dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	The proposed windows to a habitable room other than a bedroom will be located at an angle of 34 degrees to the east of north. Compliance will require the window to a habitable room (other than a bedroom) to have an orientation between 30 degrees west of north and 30 degrees east of north. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of:	Not applicable.	NA

	<ul style="list-style-type: none"> (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. 		
	<p>A3</p> <p>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):</p> <ul style="list-style-type: none"> (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling. 	Not applicable.	NA

10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Complies.	Yes
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	The proposed parking area will not provide screening along the north-east elevation. Compliance will require a 1.7m high screen along the north-east elevation. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
	A2	Complies.	Yes

	<p>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):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> (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. <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> (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 <p>(c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.</p>		
	A3	Not applicable.	NA

	<p>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:</p> <p>(a) 2.5 m; or</p> <p>(b) 1 m if:</p> <p style="padding-left: 40px;">(i) it is separated by a screen of at least 1.7 m in height; or</p> <p style="padding-left: 40px;">(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.</p>		
<p>10.4.7</p> <p>Frontage Fences for all dwellings</p>	<p>A1</p> <p>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:</p> <p>(a) 1.2 m if the fence is solid; or</p> <p>(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).</p>	Not applicable.	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 m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 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.	NA
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APPENDIX 2**E5 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
E5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Complies. Estimated AADT = 7.40	Yes

Standard	Acceptable Solution	Proposed	Complies?
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	NA
E5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>A1.2</p> <p>Buildings, may be:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) the existing building; or (ii) an immediately adjacent building. 	Not applicable.	NA
<p>E5.6.2</p> <p>Road accesses and junctions</p>	<p>A1</p> <p>No new access or junction to roads in an area subject to a speed limit of more than 60km/h</p>	Not applicable.	NA
	<p>A2</p> <p>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.</p>	Complies.	Yes
<p>E5.6.3</p> <p>New Level Crossings</p>	<p>A1</p> <p>No Acceptable Solutions.</p>	Not applicable.	NA

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

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

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	The submitted plans indicate a total of 2 parking spaces, The development complies with Code E6 Parking and Access Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.	Yes
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	Not applicable.	NA
E6.6.3	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
Number of Motorcycle 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.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not applicable.	NA
E6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Complies.	Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: <ul style="list-style-type: none"> (a) be provided if any of the following applies to an access: <ul style="list-style-type: none"> (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 applicable.	NA
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: <ul style="list-style-type: none"> (a) it serves no more than two dwelling units; 	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(b) it meets a road carrying less than 6000 vehicles per day.		
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.	Complies. Conditioned.	Yes
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Complies. Concrete pavement proposed.	Yes
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Not applicable.	NA
E6.7.8	A1	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
Landscaping of Parking Areas	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.		
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not applicable.	NA
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Not applicable.	NA
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not applicable.	NA
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not applicable.	NA
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	Not applicable.	NA
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Complies.	Yes

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

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Complies.	Yes
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	Not applicable. Impervious area does not exceed 600m ² .	NA
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>land, when the land serviced by the system is fully developed;</p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</p>		
	<p>A4</p> <p>A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p>	Not applicable.	NA

**9. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLING
(ONE EXISTING AND ONE NEW) - 33 ASHBOLT CRESCENT
LUTANA**

Author: Planning Officer (Roy Adam)

Qualified Person: Planning Officer (Roy Adam)

Property ID: 5406931

REPORT SUMMARY

Application No.: PLN-21-140

Applicant: Pinnacle Drafting & Design

Owner: T J McIntyre

Zone: General Residential

Use Class Residential

Application Status: Discretionary

Discretions: 10.4.6 Privacy for all Dwellings A1, A3

(The proposal meets all other applicable standards as demonstrated in the attached appendices)

Level 2 Activity? No

42 Days Expires: 16 Jun 2021

Existing Land Use: Single Dwelling

Representations: Two

Recommendation: Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application proposes a change of use and development for multiple dwellings (one existing, one new). The existing dwelling is a two-bedroom, single-storey residence with a garage and shed, located at front (north west) of the site. The proposed one-storey dwelling is to contain three bedrooms and is to be located at the rear (south east) of the site, with minimum setbacks of 9.6m from the frontage, 1.5m from the north east side boundary, 7.5 m from the rear boundary and 2.1 m from the south east side boundary.

The proposed dwelling has maximum dimensions of 18.4 m x 12.9 m with a maximum building height of approximately 4.7 m. The proposed dwelling will be serviced via a shared, common property driveway and existing access from the public road adjoining the eastern boundary.

To enable the development to occur the existing garage and shed at the front of the site would be demolished. The application states that the proposed development is intended for subsequent strata division. Staging of the development is proposed.

SITE and LOCALITY

The site is a 771m², roughly rectangular lot with a slight gradient of approximately one in thirteen, rising from the rear. It contains an existing single dwelling with two vehicular accesses and a garage (Figure 1).



Figure 1 - Aerial photograph of the site (highlighted) and surrounds – Council database 2021

The site is located in an established residential area, with a mixture of predominately single and some multiple dwellings.

ZONE



Figure 4 - The site is in the General Residential Zone (red) – Glenorchy Interim Planning Scheme 2015

BACKGROUND

No planning background was identified in a search of Council's electronic records. Council's Plumbing records for the existing dwelling date from 1957.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

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

Use Class Description (Table 8.2):

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

Other relevant definitions (Clause 4.1):

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.

Multiple dwellings means 2 or more dwellings on a site.

Building height means the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aerials, antennae, solar panels, chimneys and vents.

Frontage means a boundary of a lot which abuts a road.

Setback means the distance from any lot boundary to a building on the lot. Site coverage means the proportion of a site (excluding any access strip) covered by roofed buildings.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal:

Part D: Zones

The land is zoned 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 purpose of the General Residential Zone 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; compatible nonresidential uses that primarily serve the local community; and the efficient utilisation of services.

The proposal accords with the Zone purpose as it is for suburban residential use and development, utilising existing service infrastructure.

Use Table

The Zone use standards relate to non-residential use, visitor accommodation and local shops, and do not pertain to the proposal.

Development Standards for Residential Buildings & Works

10.4.6 Privacy for all dwellings A1, A3

A1

The acceptable solution for this standard requires a deck to be set back 6.0 m from the window (or glazed door) to a habitable room of another dwelling on the same site. In this instance the existing dwelling would have a deck that is approximately 5.3-5.8m from habitable room windows (bedrooms 2 and 3) of proposed Unit 2. The deck would have a height above ground level of 1.8m. The proposal must therefore be considered against the performance criteria which states:

A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:

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

Comment:

The proposal has been designed to minimise overlooking through the use of vegetation as screening in the garden bed adjacent to the relevant windows (bedrooms 2 and 3) of Unit 2. The species indicated are a mixture of shrubs and small trees of varied heights which assists in creating a screen effect. In addition it is noted

that a fence is shown, annotated with “1.2m to 2.1m paling fence” at this location. Considering the design and functionality of the deck and rear yard of Unit 1, and the desirability of sunlight into the bedroom windows of Unit 2, this is considered satisfactory and complying with the standard.

A3

The acceptable solution for this standard requires a habitable room window to be set back 2.5m from the shared driveway or 1m if separated by a 1.7m high screen or obscure glazing. Proposed Unit 2 would have habitable room windows (kitchen) immediately adjacent to the shared driveway. The proposal must therefore be considered against the performance criteria which states:

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

Comment:

It is considered that consistency with the performance criterion above would be satisfied in this instance through the application of a condition, requiring fixed obscure screening or glazing to 1.7m height above the floor level on the abovementioned windows.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Road and Rail Asset Code

Council’s Development Engineer has assessed the proposal against the applicable standards of the Road and Rail Asset Code and is satisfied the proposal complies with the applicable standards. More detailed comments are included in the Internal Referrals section of this report.

Parking and Access Code

The Parking and Access Code applies to all use and development. The proposal has provided the required number of car parking spaces in accordance with Table E6.6.1 of the Scheme. It complies with the acceptable solutions for all the applicable zone standards of the Code, as detailed at Appendix B.

Stormwater Management Code

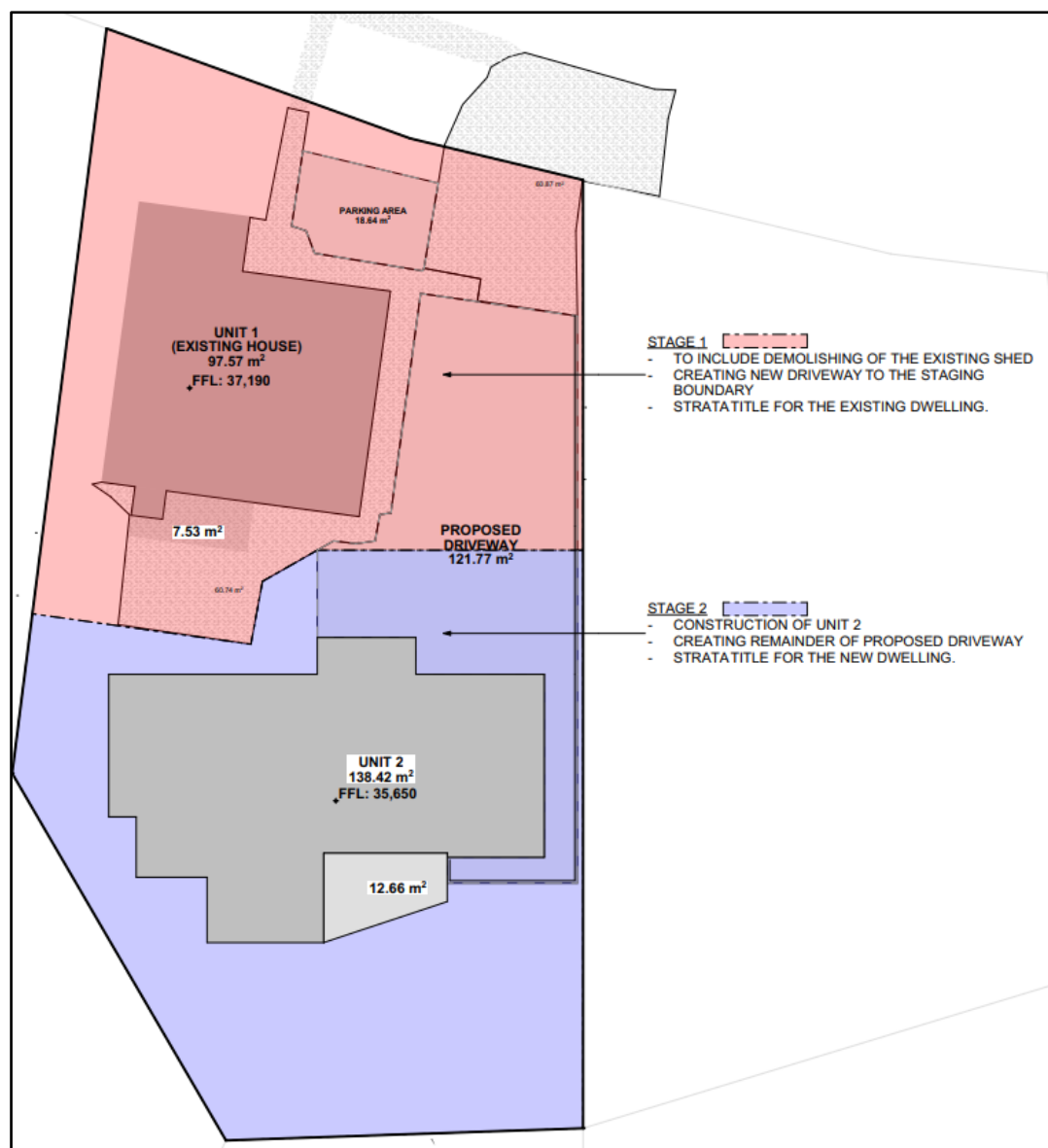
The Stormwater Management Code applies to all development requiring management of stormwater. New impervious surfaces are proposed, and the Code applies. The

proposal complies with the acceptable solutions for all the applicable zone standards of the Code, as detailed at Appendix C.

INTERNAL REFERRALS

Development Engineer

The development application seeks an approval for multiple dwellings (Two dwellings in total with one additional). The new dwelling is located at the rear of the existing dwelling. It is proposed the site to be accessed via an existing access and driveway off Ashbolt Crescent. The construction plan is laid out into two stages, as see in the figure below.



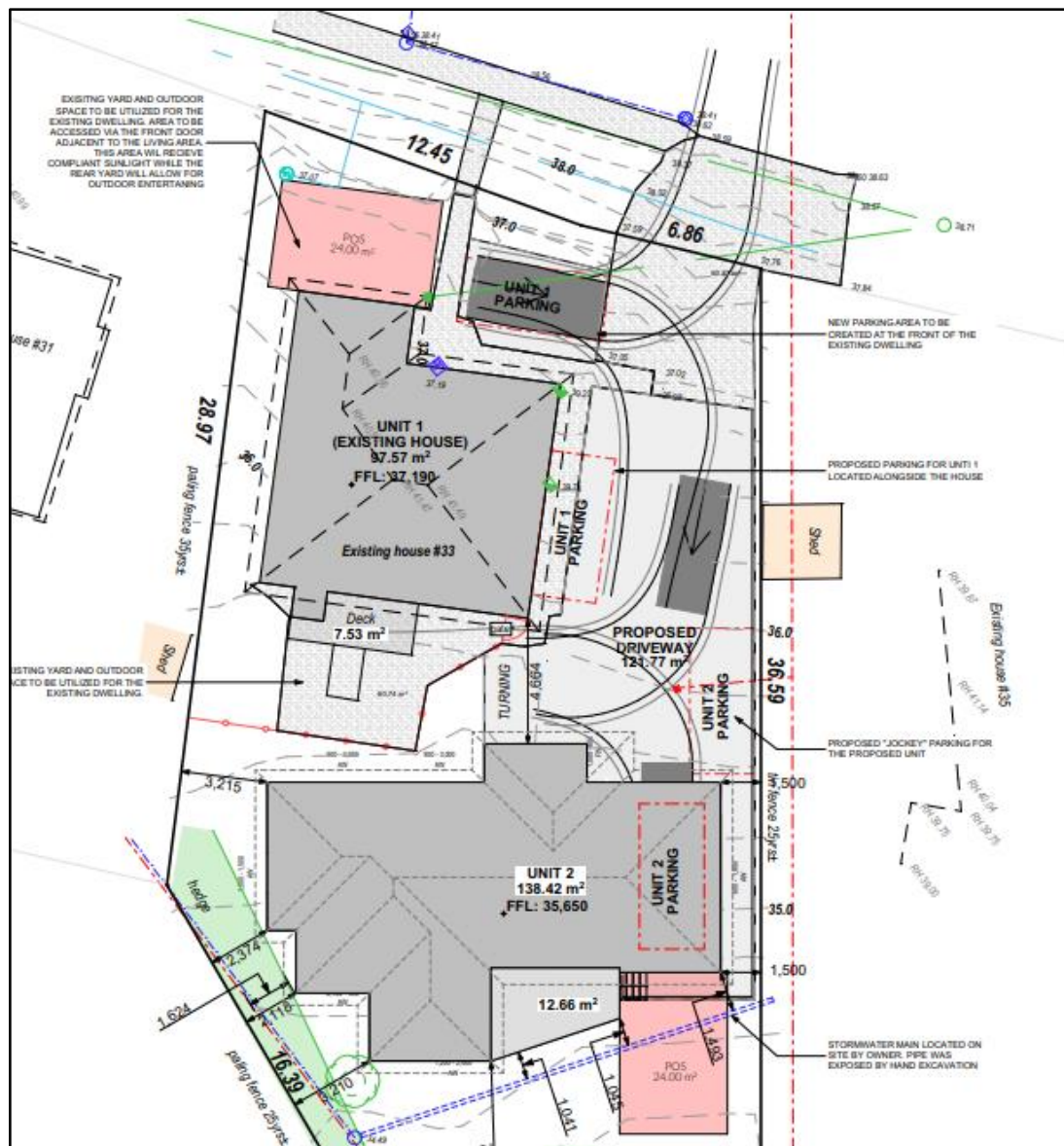
E5.0 Road and Railway Assets Code

The development complies with the Code. The proposed development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements per day as it is proposed to for the dwellings to have separate access and therefore complies with the Acceptable solution A3 of E5.5.1. No new access is proposed; this complies with A2, E5.6.2. Sight distance on both directions also complies with the Acceptable solution, A1 E5.6.4.

E6.0 Parking and Access Code

The development complies with the Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

The requirement under the E6.6.1, A1 requires the total of four (4) car parking spaces for the entire development that is two (2) car parking spaces for each residential dwelling. The applicant proposes to comply with the requirements providing two spaces for each dwelling, as see in the figure below. There are no requirements for accessible car parking, motorcycle parking spaces, bicycle parking spaces and commercial vehicle applicable to the development application.



The layout of parking area complies with the standard AS2890.1:2004. The surface treatment of the driveway is proposed to be concrete. These comply with the acceptable solutions. There are no requirements for passing bay, on-site turning, landscaping and lighting applicable to the development application. However, a small turning area between the two dwellings is provided.

E7.0 Stormwater Management Code

Originally there were works proposed over and within 1 metre distance of Council's stormwater main. Council's Senior Civil Engineer raised this with the applicant on 23 March 2021 and as a result the applicant chose to amend the proposal to provide a 1.1 metre clearance from the easement and hence over 1 metre away from Council's stormwater main.

There is an existing 100mm stormwater connection at the rear of the block at the low point. There is no new connection proposed. Stormwater runoff is proposed to discharge to the existing connection. Therefore, the stormwater arrangement is considered comply with the acceptable solution A1. The development is also considered to comply with the acceptable solution A2 and a stormwater system is not required to incorporate water sensitive urban design for treatment, as the size of the new impervious area is less than 600 sq.m.. It is calculated that the detention tank must be provided to detain a minimum of 1,951 Litres. The developer proposes a detention tank (2000L minimum) to detain the runoff from all new impervious surface created from the new dwelling. Therefore, the acceptable solution, A3 is met. A4 is also satisfactorily met given the size and scope of the development has no significant affect to the major storm event and is not altering the over land flow path. The overland flow from the site would travel through the site into the roadway, where the 100 year flows are generally conveyed. Therefore, the development is considered meet the requirements in Stormwater Management Code.

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

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

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

Not applicable.

E15.0 Inundation Prone Areas Code

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

Representations:

During the advertisement period, Council received two representation raising concerns as follows:

- Excavation works may affect the integrity of the tree
- Size of the block is too small for multiple dwelling development
- The new dwelling is blocking views
- The new dwelling is too close to the boundary
- Access location is undesirable

Response: There are no Engineering related issues raised and the access location is the same location as current situation. The access complies with Standard

requirements and the additional traffic is not expected to significantly impact to the local Traffic network.

EXTERNAL REFERRALS

TasWater

TasWater have no objection to the application subject to conditions.

TasNetworks

TasWater have no objection to the application.

REPRESENTATIONS

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

1. Blocks of land are too small and too much infilling

The representor states that the blocks of land in the area are far too small, and another dwelling will be disastrous; there is too much infilling in Lutana.

Planner's Comment:

This issue has been addressed in Appendix A to the report at 10.4.1 'Residential density for multiple dwellings'. Multiple dwellings must have a site area per dwelling of not less than 325m². In this instance, 385m² per dwelling is being proposed. This lot area does meet the standard for two dwellings. There are no applicable standards relating to neighbourhood character.

2. Blockage of views, too close to boundary, dust, dirt and noise

The representor states that their unimpeded view will be blocked and doesn't want it destroyed. The proposed dwelling is too close to their boundary and that noise, dust and other nuisances will occur, and they should not be forced to suffer this.

Planner's Comment:

Views in and of themselves are not a planning issue. However, the distances to the boundary or setbacks have been addressed in the Appendix A to the report at 10.4.2 'Setbacks and building envelopes for all dwellings'. The setbacks meet the development standards of the Scheme and the new residence will be single storey. Noise in construction is not a planning matter; however, other legislation relating to

building and environmental health cover this issue. A soil and water management plan is recommended as a condition of the permit to manage soil or dirt/dust.

3. Destruction of garage, shed, garden and lawn, wanted someone to live only in the existing dwelling

The representor states that it is undesirable to destruct the garage and small shed, garden and lawn to make space for the driveway.

Planner's Comment:

Demolition of the garage and shed is permitted in the Scheme and in this instance is for a reasonable purpose being for the shared driveway of two multiple dwellings. The construction of the second dwelling on the lot is considered to be orderly and properly planned as it has been assessed in accordance with the Scheme. The removal of the backyard garden and lawn cannot be considered as part of this application.

4. Tree at neighbouring property being affected

One of the representations is concerned that a neighbouring tree in proximity to the rear boundary will suffer root damage.

Planner's Comment

Vegetation integrity is outside the scope of the planning scheme. The proposed development is assessed as meeting standard 10.4.2 'Setbacks and building envelopes for all dwellings,' as detailed earlier in this report.

CONCLUSION

The proposal relies on performance criteria for compliance with the standards for privacy for all dwellings. The proposal is assessed as satisfying the performance criteria and complies with the standards. The proposal is assessed as complying with all other use and development standards in the General Residential Zone, as well as the applicable standards of the Road and Rail Asset Code, Parking and Access Code and the Stormwater Management Code. The application was publicly advertised for the statutory 14-day period and two representations were received. There are no grounds for refusal on the basis of the concerns raised in the representations. It is concluded that the proposal is consistent with the requirements of the Scheme and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of Multiple dwelling (one existing and one new) at 33 Ashbolt Crescent Lutana subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-140 and drawings submitted on 22/03/2021, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA2021/00472-GCC, dated 26/03/2021, form part of this permit.
3. The kitchen window at Unit 2 facing the shared driveway is to have fixed obscure screening or glazing to a height of no less than 1.7 m above the finished floor level of the dwelling.

Engineering

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

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

5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. All internal hydraulic service works required for the development must be at the Developer's expense and must comply with the requirements of Council's

Plumbing Surveyor. Any alterations or works to Council mains must be approved by Council and undertaken at the developer's cost.

7. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
 - a) Be constructed to a sealed finish and the finished gradient must not exceed the maximum gradient of 25%;
 - b) Two (2) car parking spaces must be provided for the existing unit at stage 1;
 - c) The total of four (4) clearly marked car parking spaces (2 spaces per each dwelling) must be provided at stage 2 and be in accordance with the approved plan received by Council and kept available for these purposes at all times;
 - d) All runoff from paved and driveway areas must be discharged into Council's stormwater system;
 - e) The gradient of any parking areas must not exceed 5%; and
 - f) Minimum carriageway width is to be no less than 3.0 metres.All works required by this condition must be installed prior to the occupancy of the dwelling for each stage.
8. On-site stormwater detention with a capacity of 2,000 litres must be provided so that stormwater discharged from the site does not exceed the pre-existing stormwater runoff for the critical duration of the 5% Annual Exceedance Probability events in the catchment. Any system proposed to retain the required runoff storage volume must be detailed in an engineering design lodged and approved as part of the building and plumbing applications, and to be designed, constructed and maintained to the satisfaction of Council's Plumbing Surveyor and Development Engineer. On-site detention tank must be installed as part of the stage 2 of the development.

Advice to Applicant

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

Other Permits

- a. Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an

accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

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

Attachments/Annexures

- 1 GPA Attachments - 33 Ashbolt Crescent Lutana



APPENDIX A

10.0 General Residential Zone

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 325m ² .	Complies. The proposed site area per dwelling is 385 m ² .	Yes
10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties 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; (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or (e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	Complies. No change to the existing primary frontage setback of 9.6m is proposed.	Yes

	<p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage. 	Not applicable. No change to the existing primary frontage setbacks are proposed.	N/A
	<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). 	Complies. Proposal is inside the building envelope and no part of the proposal is within 1.5m of the side or rear boundaries.	Yes

10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer). 	a) A site coverage of 27.4% is proposed. b) The proposed dwelling is to have 234 m ² of private open space (total) and the existing dwelling is to have 134 m ² of private open space (total).	Yes
	A2 A dwelling must have private open space that: <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10. 	Complies. The existing dwelling has indicated a compliant area of POS of 24m ² at the frontage, the proposed dwelling has indicated compliant POS space to the rear.	Yes

10.4.4 Sunlight and overshadowing of all dwellings	A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 10.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing 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 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.	Complies. The POS of Unit 2 is not affected by the position of the existing dwelling.	Yes
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport for a dwelling within 12m 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 6m or half the width of the frontage (whichever is the lesser).		
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level,	No. Does not comply at (c) (i) as the rear deck of the existing dwelling is within 6m of the bedrooms 2 and 3 of proposed Unit 2.	No

	<p>with a uniform transparency of not more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> (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. 		
	<p>A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <ul style="list-style-type: none"> (a) the window or glazed door: <ul style="list-style-type: none"> (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m 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 not less than 6m from the private open space of another dwelling on the same site. 	All proposed windows have setbacks in excess of those required, or a floor level less than 1 m above natural ground level.	Yes

	<p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m 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 not less than 1.7m above floor level, with a uniform transparency of not more than 25%. 		
	<p>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 not less than:</p> <ul style="list-style-type: none"> (a) 2.5m; or (b) 1m if: <ul style="list-style-type: none"> (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level. 	No. A shared driveway is proposed. The windows of the kitchen of proposed Unit 2 are within 2.5m with a sill height of 1.2m.	No
<p>10.4.7 Frontage Fences for all dwellings</p>	<p>A1 No Acceptable Solution¹. (¹ An exemption applies for fences in this zone – see Table 5.6 in Exemptions)</p>	Not applicable. A front fence is not proposed.	N/A

10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m ² per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.	Complies. Waste storage areas proposed at the rear of each dwelling.	Yes
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APPENDIX B**E5 Road and Railway Assets Code**

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

Standard	Acceptable Solution	Proposed	Complies?
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.		Yes
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.		NA
5.6 Development Standards			

Standard	Acceptable Solution	Proposed	Complies?
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.		NA
	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.		NA
E5.6.2	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h		Yes

Standard	Acceptable Solution	Proposed	Complies?
Road accesses and junctions	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.		Yes
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.		NA
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		Yes

APPENDIX C

E6.0 Parking and Access Code

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			

Standard	Acceptable Solution	Proposed	Complies?
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.		Yes
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.		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		N/A

Standard	Acceptable Solution	Proposed	Complies?
	existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of		Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(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.</p>		
<p>E6.7.3</p> <p>Vehicular Passing Areas Along an Access</p>	<p>A1</p> <p>Vehicular passing areas must:</p> <p>(a) be provided if any of the following applies to an access:</p> <p>(i) it serves more than 5 car parking spaces;</p> <p>(ii) is more than 30 m long;</p> <p>(iii) it meets a road serving more than 6000 vehicles per day;</p> <p>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;</p> <p>(c) have the first passing area constructed at the kerb;</p> <p>(d) be at intervals of no more than 30 m along the access.</p>		N/A
E6.7.4	A1		

Standard	Acceptable Solution	Proposed	Complies?
On-Site Turning	<p>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:</p> <ul style="list-style-type: none"> (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day. 		N/A
<p>E6.7.5</p> <p>Layout of Parking Areas</p>	<p>A1</p> <p>The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.</p>		Yes
<p>E6.7.6</p> <p>Surface Treatment of Parking Areas</p>	<p>A1</p> <p>Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</p> <ul style="list-style-type: none"> (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, <p>unless the road from which access is provided to the property is unsealed.</p>		Yes

Standard	Acceptable Solution	Proposed	Complies?
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		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.		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.		N/A
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following;		N/A

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) be provided in accordance with the requirements of Table E6.2;</p> <p>(b) be located within 30 m of the main entrance to the building.</p>		
	<p>A2</p> <p>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.</p>		
<p>E6.7.11</p> <p>Bicycle End of Trip Facilities</p>	<p>A1</p> <p>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.</p>		N/A
<p>E6.7.12</p> <p>Siting of Car Parking</p>	<p>A1</p> <p>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.</p>		Yes
E6.7.1.13	A1		N/A

Standard	Acceptable Solution	Proposed	Complies?
Facilities for E7 s	Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	N/A	
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		Yes

APPENDIX D

E7.0 Stormwater Management Code

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>A2</p> <p>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:</p> <ul style="list-style-type: none"> (a) the size of new impervious area is more than 600 m²; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots. 		Yes – not required
	<p>A3</p> <p>A minor stormwater drainage system must be designed to comply with all of the following:</p> <ul style="list-style-type: none"> (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. 		Yes
	<p>A4</p> <p>A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p>		Yes

10. PROPOSED USE AND DEVELOPMENT - TAKE-AWAY FOOD PREMISES (FOOD SERVICES) - 58A BAROSSA ROAD GLENORCHY

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 7243179

REPORT SUMMARY

Application No.:	PLN-21-199
Applicant:	S Paterson
Owner:	D I A Capp and J E Capp
Zone:	General Residential
Use Class	Food Services
Application Status:	Discretionary
Discretions:	10.2 Use Table 10.3.1 A1 Non-Residential Use 10.3.1 A4 Non-Residential Use (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	15 Jun 2021
Existing Land Use:	Outbuilding
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application is for a pizza van to be operated outside an outbuilding. The operating hours would be Fridays to Sundays between 4pm and 8pm. The use is classed Food Services, which is a discretionary use within the General Residential Zone. The application is also discretionary for operating hours and commercial vehicle movements. The proposal is shown in Figure 1.



Figure 1: Proposed Food Service

SITE and LOCALITY

The subject site is on the western side of Barossa Road, in front of a workshop. The adjacent property to the north is vacant, whilst the property to the south contains multiple dwellings. The multiple dwellings are under construction, with some of the dwellings completed. The subject property is shown in Figure 2.

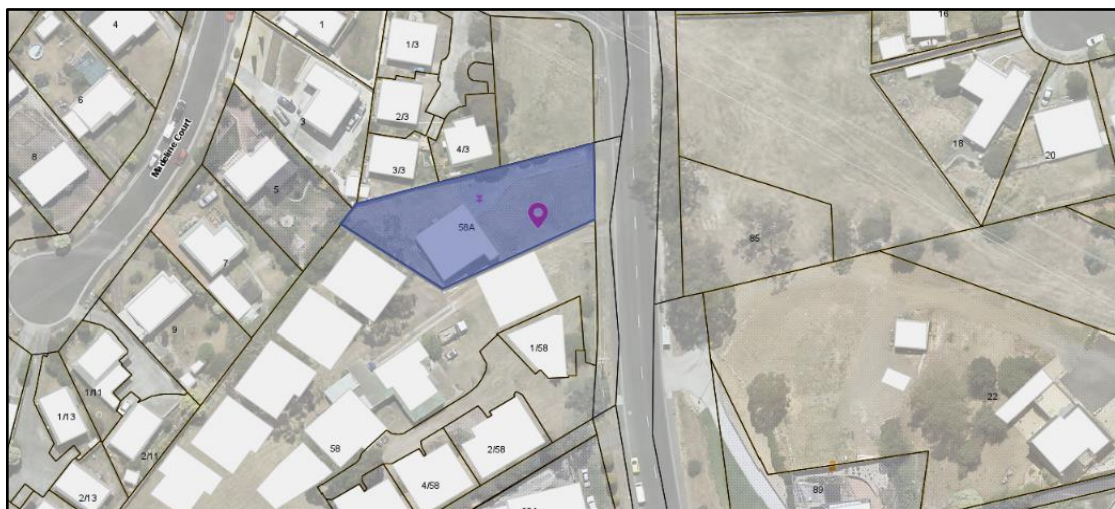


Figure 2: Subject Site - TheList - May 2021

ZONE

The subject property is within the General Residential Zone in red, which also applies to the surrounding properties. The Utilities Zone in yellow is opposite. The zoning map is shown in Figure 3.



Figure 3: Zoning Map - TheList - May 2021

BACKGROUND

The property report lists the development on site as a workshop, without a construction date. No planning permit could be found.

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).

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

No specific area plan or code applies.

Use Class Description (Table 8.2):

The application is for a food van which fits under the use class Food Services. The use is in addition and separate to the workshop on site. The use is defined in Table 8.2 Use Classes as follows:

Food services

use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and take-away food premises.

Other relevant definitions (Clause 4.1):

There are no definitions of special relevance to this application in 4.1 Planning Terms and Definitions.

Part C: Special Provisions

No Special Provisions apply.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

The proposal is discretionary under (a) for a discretionary use and (b) above as it relies on performance criteria as follows:

- 10.2 Use Table
- 10.3.1 A1 Non-Residential Use
- 10.3.1 A4 Non-Residential Use

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 purpose of the General Residential Zone in 10.1.1 is as follows:

- *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.*
- *To provide for the efficient utilisation of services*

Comment

It is considered that the proposed food van would be compatible with the surrounding residential development. The operations would be limited from Fridays to Sundays between 4pm and 8pm. In addition, the operations would not be noise generating and would be subject to conditions in this regard. Further details are provided later in this report under the heading Referrals. Overall, the proposal is assessed as being in accordance with the zone purpose.

Use Table

The use class Food Services is discretionary within the General Residential zone in clause 10.2 Use Table.

Use Standards

10.3.1 A1 Non-Residential Use

The proposal does not accord with the acceptable solution in 10. 3.1 A1 with respect to operating hours. Therefore, the proposal relies on the related performance criteria as follows:

10.3.1 P1 Non-Residential Use

Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

Comment

The proposed operating hours would be from Friday to Sunday 4:00pm to 8:00pm, whereas the acceptable solution only allows to 6:00pm. The proposal was referred to Environmental Health. The assessment is that the proposed operating hours would

not have an unreasonable impact on residential amenity by way of noise and other emissions. For further comments please refer to the Environmental Health assessment under the header Referrals later in this report.

Therefore, the proposal complies with the standard through the performance criteria.

10.3.1 A4 Non-Residential Use

The proposal does not accord with the acceptable solution in 10. 3.1 A4 with respect commercial vehicle movements. Therefore, the proposal relies on the related performance criteria as follows:

10.3.1 P4 Non-Residential Use

Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:

- (a) the time and duration of commercial vehicle movements;*
- (b) the number and frequency of commercial vehicle movements;*
- (c) the size of commercial vehicles involved;*
- (d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);*
- (e) noise reducing structures between vehicle movement areas and dwellings;*
- (f) the level of traffic on the road;*
- (g) the potential for conflicts with other traffic.*

Comment

The acceptable solution sets out hours for commercial vehicle movements. The proposal would be outside these hours. It is noted that commercial vehicles would be only vehicles associated with work, such as the pizza van or delivery vehicles to the site, which would not include customers vehicles.

The proposal was referred to Environmental Health. The assessment is that the commercial vehicle movements to the site would be minimal and low in frequency, which would not unreasonably impact on residential amenity. For further comments please refer to the Environmental Health assessment under the header Referrals later in this report.

Therefore, the proposal complies with the standard through the performance criteria.

Development Standards for Residential Buildings & Works

The application does not propose any development so that the Development Standards do not apply.

Part E: Codes

No codes apply.

PART F: Specific Area Plans

No specific area plan applies.

INTERNAL REFERRALS

Development Engineer

The Development Engineer did not require a referral.

Environmental Health Officer

This application is for a food van to utilise the site for the purpose of food service Friday to Sunday 4pm-8pm. The assessment is carried out in association with the *Glenorchy Interim Planning Scheme 2015* (the Scheme).

The site is located in a residential zone surrounded by residential properties. The location of the van provides maximum distance between the van and the neighbouring habitable dwellings, therefore reducing the noise impacts on the surrounding residents as much as practicable.

The applicant advised the food van would not be utilising a generator, the van will instead be powered by solar and battery. The power source indicated is expected to have minimal impact on the surrounding residential properties in relation to noise emissions.

Further information was provided by the applicant via email on 2 May 2021. The information provided by the applicant addressed the potential for noise generating activities occurring from the site. The applicant advised the use of noise emitting equipment is minimal and the noise generated from such equipment is low. The applicant advised they would '*encourage our customers to be respectful of neighbouring properties*', although this cannot be conditioned on the permit, the statement is a good gesture. The information provided confirmed the use of a sound system would not be used. Based on the information provided, compliance with Acceptable Solution (A2) of 10.3.1 Non-Residential Use of the Scheme is expected.

The proposed operating hours are outside of the Acceptable Solutions (A1) of clause 10.3.1 Non-Residential Use of the Scheme. It is expected the proposed operating hours would not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent therefore meeting the performance standard (P2).

It is recommended conditions be applied to the permit in relation to noise (A2 – 10.3.1), prohibiting the use of a generator and hours of operations. The conditions are recommended to ensure noise generating activities are minimised therefore reducing unreasonable impact residential amenity.

Commercial vehicle movements from the site are not expected to result in unreasonable adverse impact upon residential amenity due to the hours of operation of the site and the minimal commercial vehicle movements given the use of the site. Given the size of the proposed food service activity, the commercial vehicles required to access the site would be minimal and the frequency low.

EXTERNAL REFERRALS

TasWater

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater has determined that no referral is required.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with one representation(s) being received.

1. Residential Amenity and Operating Hours

The representor states that the land is zoned General Residential and that the proposed food service would adversely impact on residential amenity. Residential amenity would be impacted by way of odours, light intrusion, vehicle movements and machinery operation in general and in particular regarding proposed operating hours.

Planner's Comment:

This issue has been previously addressed under the heading Use, Non-Residential Use and Referrals. Whilst the proposed use is for a Food Service, the use is discretionary within the General Residential Zone and is considered compatible with adjacent residential uses subject to conditions. Council's Environmental Health Officer provided the following response to the concerns raised:

Environmental Health has considered the application in relation to the potential impact on residential amenity and hours of operation in relation to the non-residential use standards (10.3.1) of the Scheme.

The potential noise emissions generated from the proposed use have been considered as part of the application. The food van will not be utilising a generator to power any equipment on site as it is powered by solar and fire for the pizza oven. The applicant has advised there will be no music played on site and stated within further information provided that they would encourage all customers to be respectful of neighbouring properties in relation to noise.

The hours of operation proposed are 4-8pm Friday – Sunday. The hours of operation are inclusive of pack up therefore the site will retain the current level of quietness/amenity from 8pm. The hours of operation are not predicted to unreasonably impact the amenity of surrounding residents as the noise generated from the food van is minimal (no generator, no music, no extraction unit). The food van is powered by solar therefore eliminating any noise from the engine or mechanical running of the bus. It is recommended as a condition of the permit that the use of a generator is prohibited on the site to ensure a generator is not used at any time. As mentioned previously, there is minimal noise generated from the running of the food business due to the power source and equipment used.

The proposed location of the food van is on the boundary located next to Barossa Road. The location provides maximum distance between the food van and neighbouring properties. The proposed location and low noise generating potential of the food van, including hours of operation not exceeding 8pm, is not expected to unreasonably impact on the residential amenity.

The commercial vehicle movements from the site are not expected to result in unreasonable adverse impact upon residential amenity due to the hours of operation of the site and the minimal commercial vehicle movements given the use of the site. Given the size of the proposed food service activity, the commercial vehicles required to access the site would be minimal and the frequency low.

The woodfire oven should not cause excessive odour or smoke when operating correctly. If the woodfire is not operated correctly, there are provisions under the *Environmental Management and Pollution Control (Smoke) Regulations 2019* which regulate smoke from Solid-Fuel-Burning Cooking Appliances.

2. Sufficient Availability of Food Services

The representation states that there are enough pizza stores in the vicinity, as well as a take-away shop opposite.

Planner's Comment:

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

3. Development Standards

The representation states that the proposal does not accord with clause 10.5 (Development Standards), in particular in regard to clause 10.4.2 Setbacks.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application, as there is no development proposed. There would be no building constructed.

CONCLUSION

The application is for a food van within the General Residential Zone. The use is classed a Food Service, which is a discretionary use within the zone. The proposal is also discretionary for operating hours and commercial vehicle movements. The food van would only operate from Friday to Sunday, until 8pm. The proposal is considered compatible with the surrounding residential development and would accord with the relevant performance criteria, as noise levels would be low and commercial vehicle movements infrequent. Special conditions are recommended in this regard. The application was advertised in accordance with statutory requirements and received one representation in response. The representation raised concerns about residential amenity, operating hours, availability of food services and development standards. The concerns are addressed within the report, the main issue being residential amenity. Residential amenity would not be unreasonably impacted on if recommended conditions are adopted. The proposal does not raise any other issues.

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

Recommendation:

That a permit be granted for the proposed use and development of Take-away food premises (food services) at 58a Barossa Road Glenorchy, subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-199 and Drawings submitted on 15/04/21, except as otherwise required by this permit.
2. No external lighting is to be used.
3. No signs to be displayed other than non-illuminated signs attached or painted on the vehicle.

Environmental Health

4. Hours of operation must be within 4.00 pm to 8.00 pm Friday-Sunday inclusive.
5. Noise emissions measured at the boundary of the site must not exceed the following:
 - (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;

- (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;
- (c) 65dB(A) (LAm_{ax}) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15-minute time interval.

- 6. The use of a generator is prohibited on site for the purpose of powering any van or equipment in relation to food service.

Advice to Applicant

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

Attachments/Annexures

- 1 GPA - Attachments - 58A Barossa Road Glenorchy



APPENDIX

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.3 Use Standards			
10.3.1 Non-Residential Use	A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	The proposed operating hours would be 4:00pm to 8:00pm Monday to Friday.	No - discretion
	A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (L _{Amax}) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	See EHO referral	Yes
	A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.	The applicant advised that there will be no external lighting and a condition is recommended.	Yes
	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays;	Outside these hours .	No – Discretion

	(c) nil on Sundays and Public Holidays.		
10.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m ² .		NA
10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m ² .		NA
10.4 Development Standards for Residential Buildings and Works			
No development is proposed			