

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 12 JULY 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.

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*.

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| 2. APOLOGIES/LEAVE OF ABSENCE |
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| 3. PECUNIARY INTERESTS |
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| 4. CONFIRMATION OF MINUTES |
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That the minutes of the Glenorchy Planning Authority Meeting held on 15 June 2021 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO BUSINESS AND PROFESSIONAL SERVICES, SIGNAGE, AND INSTALLATION OF INTERNAL LIGHTING - 2 TOLOSA STREET GLENORCHY

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 2645486

REPORT SUMMARY

| | |
|----------------------------|--|
| Application No.: | PLN-21-255 |
| Applicant: | Glenorchy City Council |
| Owner: | Glenorchy City Council |
| Zone: | Central Business |
| Use Class | Business and Professional Services |
| Application Status: | Discretionary |
| Discretions: | E17.6.1 P1 Use of Signs E17.7.1 P1 Standards for Signs E17.7.1 P2 Standards for Signs E17.7.2 P1 Standards for signs on Heritage Places (The proposal meets all other applicable standards as demonstrated in the attached appendices) |
| Level 2 Activity? | No |
| 42 Days Expires: | 12 Jul 2021 |
| Existing Land Use: | Church (Community Meeting and Entertainment) |

| | |
|-------------------------|--|
| Representations: | 1 |
| Recommendation: | Approval, subject to conditions |

REPORT IN DETAIL

PROPOSAL

The application proposes a change of use to business and professional services, signage, and installation of internal lighting at a heritage listed church. It is proposed to use St. Matthew's Church and the adjacent hall for a Jobs Hub Centre. The combined floor area would be just over 150m². There are five existing parking spaces at the rear of the property. The application includes four signs, comprising of a two banner signs, a sandwich board and a sign attached to the front fence. The application is discretionary for signage use, signage dimensions, number of signage types and signage at a heritage listed place. The proposal is shown in Figure 1.



Figure 1: Proposal – Glenorchy City Council

SITE and LOCALITY

The subject site is St. Matthew's Church which is in the Glenorchy Central Business District. The property is known as 2 Tolosa Street and comprises three titles in folio references CT 112330/1, CT 14132/1 and 43605/1. The property is occupied by a church, a hall, a garden, a parking area, and public amenities at the rear. The property is opposite Northgate Shopping Centre to the north, Council Chambers to the east, a parking area to the south and a greengrocer to the west. The property is shown in Figure 2.



Figure 2: Subject Property - TheList - July 2021

ZONE

The subject property is within the Central Business Zone in medium blue, which also applies to the surrounding properties as shown in Figure 3.

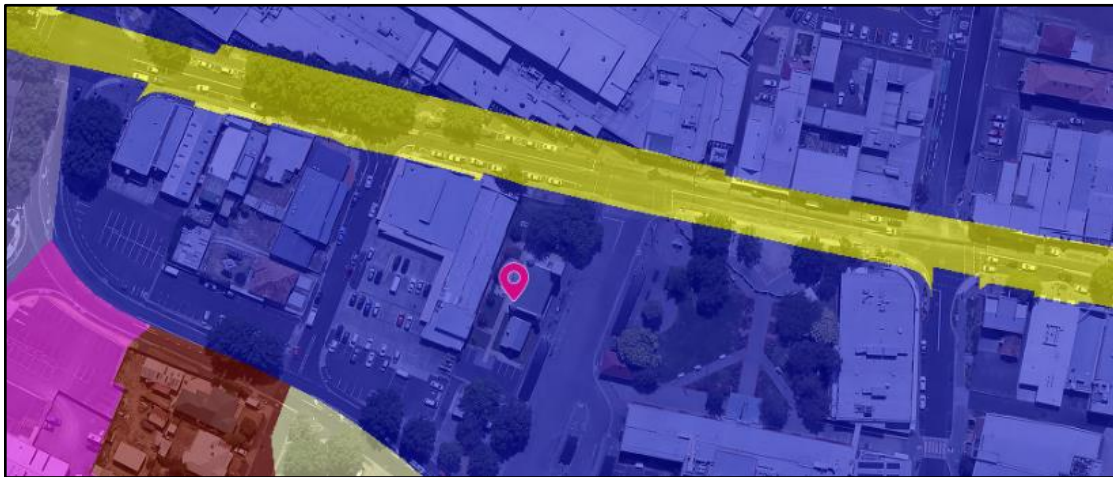


Figure 3: Zoning Map - TheList - July 2021

BACKGROUND

Glenorchy Draft LPS

| Glenorchy Draft LPS - assessment under S35K (2)(d) and consistent with S51 (3) | |
|--|------------------|
| Zone | |
| The site is zoned | Central Business |
| Is the use applied for prohibited? | No |

| | |
|--|----|
| Would any applicable standard make the use or development prohibited - ie height limit or subdivision lot size | No |
| Applicable codes | |
| Is the use or development prohibited under any applicable standard? | No |
| The provisions of GIPS 2015 have been checked against the provisions of the Draft LPS and it is concluded that the assessment of the application is not in contravention of the LPS, in accordance with S35K (2)(d). | |

Permits

There have been various permits granted for the site to do with conservation works of the church and the CBD revitalisation programme. None of these permits changed the original use of the church.

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.

Planning Scheme Operation (Does a SAP or Code override Zone provisions?)**Special Areas Plan**

The following special areas plan applies:

- F9 Glenorchy Activity Centre Urban Design Specific Area Plan

Codes

The following codes apply:

- E5.0 Road and Railway Assets Code
- E6.0 Access and Parking Code
- E17.0 Signs Code

Use Class Description (Table 8.2):

The application is for an employment centre, which is an office that is classed Business and professional services. The use is defined in Table 8.2 Use Classes as follows:

Business and professional services

use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.

Other relevant definitions (Clause 4.1):

The following meanings in 4.1 Planning Terms and Definitions are applicable:

office

means use of land for administration, or clerical, technical, professional or other similar business activities.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

The proposal is discretionary under (b) above as it relies on Performance Criteria as follows:

- E17.6.1 P1 Use of Signs

- E17.7.1 P1 Standards for Signs
- E17.7.1 P2 Standards for Signs
- E17.7.2 P1 Standards for signs on Heritage Places

Part C: Special Provisions

There are no special provisions applicable. In particular, it is noted that clause 9.5 Change of Use of a Place listed on the Tasmanian Heritage Register or a heritage place does not apply because the proposed use is not prohibited. The clause is as follows:

9.5.1 An application for a use of a place listed on the Tasmanian Heritage Register or as a heritage place in a code relating to historic heritage values that would otherwise be Prohibited is Discretionary.

Part D: Zones

The land is within the Central Business 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 Central Business Zone in 22. 1.1 is as follows:

- *To provide for business, civic and cultural, community, food, hotel, professional, retail and tourist functions within a major centre serving the region or sub-region.*
- *To maintain and strengthen the principal activity centre providing for a wide range of services and facilities to serve the surrounding subregion, with a strong focus on the retail and commercial sector.*
- *To facilitate high density residential development and visitor accommodation within the activity centre above ground level and surrounding the core commercial activity centre.*
- *To ensure development is highly accessible by public transport, walking and cycling.*
- *To maintain and strengthen Hobart's Central Business District and immediate surrounds including, the waterfront, as the primary activity centre for Tasmania, the Southern Region and the Greater Hobart metropolitan area with a comprehensive range of and highest order of retail, commercial, administrative, community, cultural, employment areas and nodes, and entertainment activities provided.*

- *To provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high-quality urban spaces and urban design.*
- *To facilitate high density residential development and visitor accommodation within the activity centre above ground floor level and surrounding the core commercial activity centre.*

Comment

The use of an office satisfies the zone purpose. The location of the proposed Jobs Hub Centre within the Glenorchy CBD makes it very accessible by walking and public transport and would therefore provide a good community service. The use is a permitted use and is therefore a preferred use within the Central Business Zone.

Use Table

The use class Business and Professional Service is a permitted use within the Central Business Zone in 22.2 Use Table.

Use Standards

The application accords with all relevant acceptable solutions as demonstrated in the attached appendix.

Development Standards for Buildings or Works

There is no development proposed so that these standards are not applicable.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

The application accords with all relevant acceptable solutions as demonstrated in the attached appendix. For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

E6.0 Access and Parking Code

The application accords with all relevant acceptable solutions as demonstrated in the attached appendix. For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

E17.0 Signs Code

Proposed Signs

The application proposes the following signs:

- One aluminium panel sign (1200mm high x 500mm wide) clamped to the front fence.

- Two free standing banner signs (height 1700mm x 650mm wide)
- One A-frame sign (1026mm high x 620mm wide)

E17.3 Definition of Terms

The proposed signs fall within the following definition:

| | |
|---------------|--|
| Banner Sign | means a sign constructed of lightweight non-rigid material, such as cloth, canvas or similar fabric, attached to the wall of a building or other existing structure including light poles. |
| Portable Sign | means a sign not on a public reservation and not permanently attached to the ground or to a building or other structure (N.B. Portable Signs on a public reservation are controlled by licence under the Council's By-Laws). |
| Wall Sign | means a sign painted on or attached parallel to the wall of a building or fence surrounding a building. |

E17.6 Use Standards

The application accords with all relevant Acceptable Solutions as demonstrated in the attached Appendix, except as follows:

E17.6.1 A1 Use of Signs

The proposed signage does not accord with the acceptable solution in E17.6.1 as the banner signs are discretionary within the zone. Therefore, the proposal relies on the related performance criteria as follows.

E17.6.1 P1 Use of Signs

A sign must be a discretionary sign in Table E.17.3.

Comment

The acceptable solution requires that signs are permitted within the zone. The proposed portable sign and wall sign are permitted. However, the banner signs are discretionary, which does satisfy the performance criteria.

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

E17.7 Development Standards

The application accords with all relevant acceptable solutions as demonstrated in the attached Appendix, except as follows:

E17.7.1 A1 Standards for Signs

The proposed signage does not accord with clause E17.7.1 A1 with respect to dimensions. Therefore, the proposal relies on the related performance criteria as follows:

E17.7.1 P1 Standards for Signs

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

- (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;*
- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;*
- (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;*
- (d) not result in loss of amenity to neighbouring properties;*
- (e) not involve the repetition of messages or information on the same street frontage;*
- (f) not contribute to or exacerbate visual clutter;*
- (g) not cause a safety hazard.*

Comment

The acceptable solution requires that a sign complies with Table E17.3 Status of Signs within Zone and Table E17.2 Standards for Signs. The banner signs are discretionary within the Central Business Zone. The portable sign and the banner signs are larger than the dimensions of the Sign Standard. The banner sign would be 1.7m instead of 1m in vertical dimension and the portable sign would be 0.636m² instead of 0.6m². The sign on the fence complies. It is considered that the proposed signs are in accordance with the above performance criteria for the following reasons:

- The proposed signs would not dominate the building or the streetscape as the signs would be of modest proportions.
- The signs would be fashioned in a professional manner and are not considered to adversely affect the amenity of neighbouring properties, which are in a commercial setting.
- The signs are not considered to create visual clutter as the signs serve to identify the Jobs Hub Centre and indicate that the centre is open. The portable sign and the banner signs would not be on display when the centre is closed.
- There would be no safety issues with the proposed signs, as the proposed signs would not obscure or represent statutory signage.

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

E17.7.1 A2 Standards for Signs

The proposal does not accord with the acceptable solution in E17.7.1 A2 as there would be two signs of the same type. Therefore, the proposal relies on the performance criteria as follows:

E17.7.1 P2 Standards for Signs

The number of signs per business per street frontage must:

- (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;*
- (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;*
- (c) not involve the repetition of messages or information.*

Comment

The proposal includes two banner signs, whereas the acceptable solution allows for one sign per signage type. The proposed signage is new signage rather than an increase in existing signage and serves to identify the premises. Given that the banner signs are only on display during opening hours and are of modest proportion, it is not considered that there would be unreasonable visual clutter. The messaging is to signal that the centre is open.

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

E17.7.2 A1 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precinct or Cultural Landscape Precincts

The proposed signage is at a heritage listed place and there is no acceptable solution in clause E17.7.2 A1. Therefore, the proposal relies on the related performance criteria. An evaluation against the performance criteria can be found within the assessment of the Heritage Officer under the Referrals section, later in this report.

In summary, the assessment finds that the proposed signage satisfies the relevant performance criteria.

PART F: Specific Area Plans

F9 Glenorchy Activity Centre Urban Design Specific Area Plan

The application accords with all relevant acceptable solutions as demonstrated in the attached appendix.

INTERNAL REFERRALS

Development Engineer

The development application seeks an approval for Change of use from a community meeting to business and professional services, signage, and internal lighting.

A Traffic Impact Statement (TIS) by GHD dated 20 May 2021 is submitted as part of the application as supporting document, addressing the traffic generation and the parking provision under the Glenorchy Interim Planning Scheme (GIPS) 2015.

E5.0 Road and Railway Assets Code

The development complies with the Code. It is not proposed to provide any parking for customers. The TIS states that the "Access to the car park is controlled by a gate, which is locked to public in an effort to prevent the site being used as a thoroughfare and to protect the heritage assets of the site". The TIS also mentioned that according to the proposed numbers of staff the vehicle movements are not expected to exceed 6 movements daily. Therefore, it is considered that 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. Public pedestrian access to the site is currently from Main Road to the north. The carpark at the back of the Church is accessible via Barry Street from the south-west corner of the site.

E6.0 Parking and Access Code

The site can be accessed off the existing vehicular access onto the driveway and car parking area. The requirement under the E6.6.1, A1 requires one car parking space per 30 m² of floor area for the proposed use. The TIS states that as the site currently has five spaces, this requirement will be satisfied by the proposed development. Therefore, the acceptable solution for the clause is met. Note: The parking spaces will only be accessed by staff, with customers using public parking in the vicinity and other transport modes.

There are no requirements for accessible car parking, motorcycle parking spaces, bicycle parking spaces and commercial vehicle applicable to the development application.

The TIS additionally addresses the site accessibility, public transport and other modes of transport including walking and cycling. Based on the TIS it is considered that the proposed 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.

E7.0 Stormwater Management Code

This code applies to development requiring management of stormwater. This code does not apply to use. Therefore, the code is not applicable to the proposed development (change of use only).

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.

Heritage Officer

HERITAGE LISTINGS:

Glenorchy Interim Planning Scheme 2015 (GIPS) – Heritage Place

| Table E13.1 REF No. | Street Address | Property Name | General Description |
|---------------------|-----------------|--------------------|---------------------|
| 0095 | 2 Tolosa Street | St Matthews Church | Church and graves |

Tasmanian Heritage Register

| THR No. | Street Address | Property Name | General Description |
|---------|-----------------|--------------------|---------------------|
| 1605 | 2 Tolosa Street | St Matthews Church | Church and graves |

1.0 HISTORICAL CONTEXT:

The following brief overview of the history of St Matthews Church is drawn from Section 2 of the GCC/Paul Davies Pty Ltd Conservation Management Plan for the Church and research undertaken by Norm Deane (1999):

Following formation of the O'Brien's Bridge (later Glenorchy) Presbyterian congregation, St Matthews Church was designed by Colonial Architect, James Blackburn in 1839. Sir John Franklin laid the foundation stone in December of that year. Constructed by convict labour over a two-year period, the building was completed in 1841 at a final cost of £1500. In 1855 a bell and bellcote was added to the tower and a sandstone hall was built at the rear by c1860. The churchyard contains a former cemetery, which was closed in 1903.

The early twentieth century saw troubled times for St Matthews, with a rapid succession of ministers, attempted amalgamations and a dwindling congregation calling into question its viability.

In 1959 the headstones from the cemetery were removed and rearranged around the foundations of the church.

A cement block kindergarten building adjacent to the church was constructed in 1963.

By 1966, St Matthews was recognised as a significant element of Glenorchy's heritage, at that time being one of only four buildings in the city considered by the National Trust to be of national significance.

By 1970 the church was in desperate need of restoration. After several attempts to purchase and restore the building over a thirty-year period (and having provided assistance in maintenance), in 2000 Glenorchy City Council negotiated acquisition of the complex before embarking on an ambitious, rigorous and ultimately successful, heritage conservation program.

2.0 STATEMENT OF SIGNIFICANCE

180-year-old St Matthews Church designed by James Blackburn, one of the Australia's pre-eminent architects, is one of the finest church buildings in Tasmania and one of the earliest examples of Romanesque architecture in Australia. It is a landmark building that defines Glenorchy as a historically important location and is rare for its design, its quality of workmanship and its intactness.

Together with the c1860 rear hall and landscaped churchyard complete with surviving headstones (that belie the presence of approximately 150 unmarked burials), St Matthews constitutes the most distinctive and identifiably historic civic building complex in the Glenorchy CBD.

In the local context the significance of its townscape and community associations and its streetscape presence cannot be understated.

References:

Deane, N. 1999/ History of St Matthews. Unpublished report on file.

Glenorchy City Council and Paul Davies Pty Ltd, 2002. Conservation Management Plan. The former St Matthews Church, Glenorchy. Unpublished report on file.

3.0 SCOPE OF PLANNING PERMIT APPLICATION

The Historic Heritage Code (E13.0) in the Glenorchy Interim Planning Scheme 2015 does not apply in this instance because the place is also listed in the Tasmanian Heritage Register.

The assessable component of the Application from the heritage perspective is, therefore, restricted to signage as follows (images and details supplied by the Applicant):

- One aluminium panel sign (1200mm high x 500mm wide) clamped to the front fence.
- Two free standing banner signs (total height on stand 2200mm x 650mm wide)
- One A-frame sign 1026mm high x 620mm wide)

4.0 REPRESENTATIONS IN RELATION TO HERITAGE

One detailed representation objecting to the proposal was received during the advertising period.

4.1 Summary of matters raised in the representation and heritage planning response:

- (i) The proposed change of use is inappropriate and incompatible having regard to Planning Directive No. 4 (9.5), the Australia ICOMOS Burra Charter and associated Conservation Plans (2002, 2003) and Archaeological Survey and Works Strategy (2006).

Response: The proposed change of use is Permitted in the Central Business Zone. Therefore, there is no statutory basis for any consideration in relation to the Special Heritage Provisions contained in Part C, Clause 9.5 of the Glenorchy Interim Planning Scheme 2015 as these are only triggered when a proposed Use is Prohibited in the Zone.

- (ii) The proposed use (ie, as a Jobs Hub) has no connection to heritage or history and, therefore, has no interest in the management and preservation of heritage and history of the place as a colonial cemetery. The example of the inclusion of a 'Kids Zone' is cited as a demonstration of an incompatible use in the context of a historic church and management of a colonial cemetery.

Response: Use is not a heritage planning consideration from the statutory perspective for the reasons set out in the response to (i), above.

By way of general observation, it is noted that St Matthews has been used as a meeting place for Church groups and congregations and, most recently, has been used as a gathering place for a playgroup. More broadly, the Church complex (including the rear hall) has been used for a wide variety of community purposes since the late 19th century (see, for example, the list in Deane 1999).

While the key significant historical use of the place is as a Church and cemetery (the latter until it was closed for burials in 1904) there is a clear, long-standing, secondary association of the Place with the provision of services to the community by a range of entities.

In this context, and given the absence of any statutory trigger for consideration from the heritage perspective, matters raised about 'how' any proposed use is managed considering the exceptionally high historic cultural heritage significance of the Place may be addressed through other avenues (eg, as part of any lease agreement).

- (iii) The purpose of the signs (as advertising for a Jobs Hub) is at odds with the objective of minimising impact on cultural significance.

The proposed signs are inappropriate, unsightly and detract from the heritage values, and the historical and architectural beauty of the place.

The proposed signs do not achieve the objectives for signs on Heritage Places as set out in the Signs Code including in size, design (including graphic design), siting. They impact negatively upon cultural heritage significance.

Response: Use of the place is not a consideration in the context of this Application for the reasons explained above. However, the general observation is made that there are many Heritage Places that have been used and are used in the present for a whole variety of activities and, consequently, are signed for purposes that do not reflect the original/historical uses.

The Application has been assessed against the Standards for Signs on Heritage Places subject to the Heritage Code (Clause E17.7.2 of the Glenorchy Interim Planning Scheme 2015).

Comments against each element of the Standard are set out in 5.0, the table, below.

In summary, the findings are that the signage meets all Applicable elements of the Performance Criteria in a manner sufficient to enable recommendation of approval of the Application with a condition aimed at ensuring the ambience of the churchyard is restored, along with clear views to the building when the Jobs Hub is not in operation.

- (iv) The need for a Heritage Impact Statement specific to the proposal, a new and updated conservation plan, a new and updated statement of archaeological potential and an archaeological impact assessment.

Response: Council's consideration of the Application from the heritage planning perspective is limited to the assessment of signage. The call for a new and updated conservation plan, a new and updated statement of archaeological potential and an archaeological impact assessment are not relevant to the matter under assessment.

The judgement as to when a Heritage Impact Statement is considered a necessary accompaniment to an Application is made on a case-by-case basis, dictated by the complexity and specifics of particular proposal/s. In this instance, the documentation on what is proposed in relation to signage is clear and straightforward, therefore, an external Heritage Impact Assessment was not considered necessary to inform the Officer-level assessment of the Application.

- (v) The lack of consultation by Council on the compatibility and appropriateness of the proposed change of use for St Matthews Church.

Response: The advertising of the Application is the statutory planning mechanism used to publicise the proposal and canvass the views of the community.

- (vi) Comments critical of Council's performance in managing and preserving local heritage as a lead-in to a statement advocating preservation of St Matthews for future generations. Comment on the state of disrepair of heritage properties owned by Council.

Response: Comment and opinion on Council's performance as manager/owner of heritage properties is not relevant to the assessment of signage under the provisions of the Glenorchy Interim Planning Scheme 2015.

The importance of the St Matthews site complex is acknowledged in the Statement of Significance comprising Part 2.0 of this Referral.

5.0 SUMMARY ASSESSMENT AGAINST APPLICABLE GIPS 2015 STANDARDS FOR SIGNS ON HERITAGE PLACES SUBJECT TO THE HERITAGE CODE (E.17.0)

E17.7.2 – Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts

Objective - To ensure the size, design and siting of signs complements and does not impact on the cultural heritage significance of places or precincts listed in the Historic Heritage Code. R1

P1: A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

Performance Criteria Comments

(a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct; The proposed signs will not be fixed to any heritage element, therefore, there will be no adverse impact to heritage fabric arising from their installation and placement.

While the signs will be placed on the front fence and on approach to the entrance to the Church, the scale of the building is such that they will not intrude upon it. Key architectural details will remain visible as will opportunities to appreciate the exterior of the Church at close quarters when the churchyard is open (because the banners flanking the entrance will be freestanding in front of the ramped approach to the main door.) The residual issue to be addressed then rests with the maintenance of clear sight lines from the Main Road when the Jobs Hub is closed and the main gate to the churchyard is locked.

To achieve this, a simple solution in the form of a condition is recommended to ensure the banners and the A-frame sign (both of which are portable by design) are removed on conclusion of each business day to restore the ambience of the churchyard and clear views to the building when the Jobs Hub is not in use.

(b) be placed so as to allow the architectural details of the building to remain prominent; The signage will be placed in such a way as to enable the architectural details of the building to remain prominent and opportunities to appreciate those details will be readily available when the churchyard is open.

A condition is recommended to ensure the banners and the A-frame sign (both of which are portable by design) are removed on conclusion of each business day to restore the ambience of the churchyard and clear views to the building when the Jobs Hub is not in use.

(c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct; The signs are of a size and design that, by comparison with the scale of the Church (approx. 12m high at the tower and 9m high at the north end roof ridge), will not substantially diminish the historic cultural heritage significance of the Place.

(d) be placed in a location on the building that would traditionally have been used as an advertising area if possible; This element of the Performance Criterion has been applied and found not to be pertinent to the Application because no part of St Matthews Church has been traditionally used as an advertising area (and the proposed signs are not placed on any built heritage element of heritage significance within the Church complex).

(e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values; This element of the Performance Criterion has been applied and found not to be pertinent to the Application because historic signage is not a characteristic of the Place.

(f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using noncorrosive fixings inserted in mortar joints; The proposed signs will not be fixed to any historic/heritage building fabric.

(g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building; The proposed signs are located at ground/street level.

(h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;

The proposed signs adopt simple messaging in a consistent, predominately white on orange and orange on white colour palette. A stylised motif accompanies simple "Jobs Hub Glenorchy" lettering. Corporate logos of the sponsoring/partner agencies are minimised.

(i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building. Internal illumination is not a characteristic of this Application.

6.0 SUMMARY AND RECOMMENDATION:

The Application for signage is assessed as having met the applicable Standards for Signs on Heritage Places subject to the Heritage Code (Clause E17.7.2 of the Glenorchy Interim Planning Scheme 2015).

The recommendation is for approval of the Application along with one condition requiring the portable banner and A-frame signs be put away, out of public view, when the Jobs Hub is not in operation. This will enable clear views of the church out of hours and on weekends when the main gate is locked.

EXTERNAL REFERRALS

TasWater

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

Tasmanian Heritage Council

The Tasmanian Heritage Council (THC) has provided notice that it has no interest in the discretionary permit application because a Certificate of Exemption has been issued for works, pursuant to s42 of the *Historic Cultural Heritage Act 1995*.

The THC provided comments to the effect that the adaptive reuse of heritage places is generally supported. The proposed use was considered reasonably compatible, given it is a community use with very low-key intervention required to support the use. The changes, such as the one fixed sign, are entirely reversible and so are positive in this sense. The other signs will only be used during opening hours. As the signs do not constitute works, they will be assessed by the Planning Authority. As part of the exemption, all the historic furniture elements will be retained in the church.

REPRESENTATIONS

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

Heritage Concerns

The representor states that the proposal is not compatible with the heritage listing of St. Matthews Church on several grounds.

Planner's Comment:

This issue has been previously addressed under the heading Referrals within the assessment of the Heritage Officer.

CONCLUSION

The application is for change of use to business and professional services, signage, and installation of internal lighting at a heritage listed church. The use is permitted within the Central Business Zone. The application is discretionary for signage use, signage dimensions, number of signage types and signage at a heritage listed place. Whilst the banner signs and portable sign exceed the dimensions of the sign standard, the dimensions are considered still quite modest and would not have any adverse impact on the streetscape. There would be two banner signs, instead of one as per acceptable solution. Nevertheless, that is not considered to result in unreasonable visual clutter given the size of the signs and that the signs are only on display during opening hours. In terms of heritage, Council Heritage Officer found that the proposed signage satisfies all relevant performance criteria.

The application was advertised in accordance with statutory requirements and received one representation. The representation raised concerns about the compatibility of the proposal with the heritage listed place on several grounds. The Heritage Officer provided a detailed response within that assessment. A condition is recommended that portable signage is not on display when the centre is closed to minimise disruptions of public views.

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 Change of use to business and professional services, signage and installation of internal lighting at 2 Tolosa Street Glenorchy subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-255 and Drawings submitted on 17/05/2021 and Drawings submitted on 02/06/2021, except as otherwise required by this permit.

Engineering

2. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.

Heritage

3. To minimise interruption of public views of the front of the church, the two banner signs and the A-frame sign must be stored out of public view whenever the Jobs Hub is not in operation.

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.

Cultural Heritage Act 1995

The Certificate of Exemption that has been issued for works, pursuant to s42 of the *Historic Cultural Heritage Act 1995*, requires that all the historic furniture elements will be retained in the church.

Attachments/Annexures

- 1 GPA Attachment - 2 Tolosa Street Glenorchy



APPENDIX

22.0 Central Business Zone

| Standard | Acceptable Solution | Proposed | Complies? |
|--------------------------------------|--|---|-----------|
| 22.3 Use Standards | | | |
| 22.3.1 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. | The proposed hours are: Weekdays 8:30am to 5:00pm The use is not within 50m of a residential zone | NA |
| 22.3.2 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. Noise levels are to be averaged over a 15 minute time interval. | Not noise generating | Yes |
| 22.3.3 External Lighting | A1 External lighting within 50 m of a residential zone must comply with all of the following: (a) be turned off between 11:00 pm and 6:00 am, except for security lighting; | Not proposed | NA |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|---|-------------------------------------|-----------|
| | (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone. | | |
| 22.3.4 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: (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 within 50 of a residential zone | NA |
| 22.4 Development Standards for Buildings and Works | | | |

F9 Glenorchy Activity Centre Urban Design Specific Area Plan

| Standard | Acceptable Solution | Proposed | Complies? |
|--|---|--------------|-----------|
| F9.6 Use Standards | | | |
| F9.6.1 Ground Floor Use | A1 Except for minimal interruptions necessary to provide access to foyers, arcades, tenancies, parking or servicing, including for residential uses on upper levels, building uses at ground floor level must be for retail, business, community or other non-residential purposes. | Business Use | Yes |
| F9.7 Development Standards for Buildings and Works No development is proposed so that these standards do not apply | | | |

E17.0 Signs Code

| Standard | Acceptable Solution | Proposed | Complies? |
|--|--|--|-----------------|
| E17.6 Use Standards | | | |
| E17.6.1 Use of Signs | A1 A sign must be a permitted sign in Table E17.3 | Banner signs are discretionary within the Central Business Zone Wall and portable signs are permitted. | No – Discretion |
| | A2 A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed. | The proposed signage would directly be associated with the use | Yes |
| | A3 A sign must not contain flashing lights, moving parts or changing messages or graphics, except if a Statutory Sign | Not proposed | Yes |
| | A4 An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign. | Not proposed | Yes |
| E17.7 Development Standards | | | |
| E17.7.1 Standards for Signs | A1 A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3. | Banner sign exceed 1m vertical dimension. Portable sign exceeds 0.6m ² Wall sign (fence) complies | No – Discretion |
| | A2 The number of signs per business per street frontage must comply with all of the following: (a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6. | There would be two banner signs, which are of the same type | No – Discretion |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|---|--|-----------------|
| | except for the following sign types, for which there is no limit; (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign. (viii) | | |
| | A3 Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign. | The proposed signage would not obscure any statutory signs | Yes |
| | A4 Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting. | The proposed signs would not resemble statutory signs | Yes |
| | A5 For properties that have a common boundary with Brooker Avenue, any advertising sign must be located at least 5m from that boundary. | | NA |
| E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precinct or Cultural Landscape Precincts | A1 No acceptable solution. | The site is a heritage listed place | No – Discretion |

APPENDIX

E5 Road and Railway Assets Code

| Standard | Acceptable Solution | Proposed | Complies? |
|-------------------|---------------------|----------|-----------|
| 5.5 Use Standards | | | |

| Standard | Acceptable Solution | Proposed | Complies? |
|--|--|----------|-----------|
| 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 |
| | 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 | | NA |

| 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: <ul style="list-style-type: none"> (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 – no change |

APPENDIX

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. | | Yes - not required |
| 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 | | Yes - not required |

| Standard | Acceptable Solution | Proposed | Complies? |
|--|--|----------|--------------------|
| | 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. | | Yes - not required |
| 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: <ul style="list-style-type: none"> (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. | | N/A |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|---|----------|-----------|
| E6.7.3 Vehicular Passing Areas Along an Access | A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access. | | N/A |
| E6.7.4 On-Site Turning | A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day. | | N/A |
| E6.7.5 Layout of Parking Areas | A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking | | N/A |

| Standard | Acceptable Solution | Proposed | Complies? |
|--|--|----------|-----------|
| | and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard. | | |
| E6.7.6 Surface Treatment of Parking Areas | <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> | | N/A |
| E6.7.7 Lighting of Parking Areas | <p>A1</p> <p>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.</p> | | N/A |
| E6.7.8 Landscaping of Parking Areas | <p>A1</p> <p>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.</p> | | N/A |
| E6.7.9 | A1 | | N/A |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|---|----------|-----------|
| Design of Motorcycle Parking Areas | <p>The design of motorcycle parking areas must comply with all of the following:</p> <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. | | |
| E6.7.10 Design of Bicycle Parking Facilities | <p>A1</p> <p>The design of bicycle parking facilities must comply with all the following;</p> <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. | | N/A |
| | <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> | | |
| E6.7.11 Bicycle End of Trip Facilities | <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 |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|---|----------|-----------------|
| E6.7.12 Siting of Car Parking | A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre. | | Yes – no change |
| E6.7.1.13 Facilities for E7 s | A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site. | N/A | 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 – no change |

6. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLING (1 EXISTING AND 1 NEW) - 2 ASH STREET LUTANA

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5405795

REPORT SUMMARY

| | |
|----------------------------|--|
| Application No.: | PLN-21-208 |
| Applicant: | C Anagnostis |
| Owner: | C Anagnostis and F Anagnostis |
| Zone: | General Residential |
| Use Class | Residential |
| Application Status: | Discretionary |
| Discretions: | Clause 10.4.2 Setbacks and building for all dwellings (The proposal meets all other applicable standards as demonstrated in the attached appendices) |
| Level 2 Activity? | Nil |
| 42 Days Expires: | Extension of time until 13 July 2021 |
| Existing Land Use: | Single Dwelling |
| Representations: | 1 |
| Recommendation: | Approval, subject to conditions |

REPORT IN DETAIL

PROPOSAL

The proposal is for the demolition of an outbuilding and construction for a relocatable dwelling (second dwelling) on the site. The outbuilding to be demolished is located between the existing dwelling and the northern side boundary. The second dwelling will include minor excavation works to reduce the overall height of the building. This proposed dwelling will be single storey with three bedrooms, amenities and laundry, and an open plan living area.

The proposed dwelling will be set back 30.26 m from the western front boundary, 0.9 m from the northern side boundary, 4 m from the eastern side boundary, and 4.6 m from the southern front boundary. The dwelling will have a maximum height of 5 m and will be constructed with timber, weatherboard cladding, aluminium windows and corrugated iron roofing. Each dwelling will be provided with two car parking spaces (Figure 1).

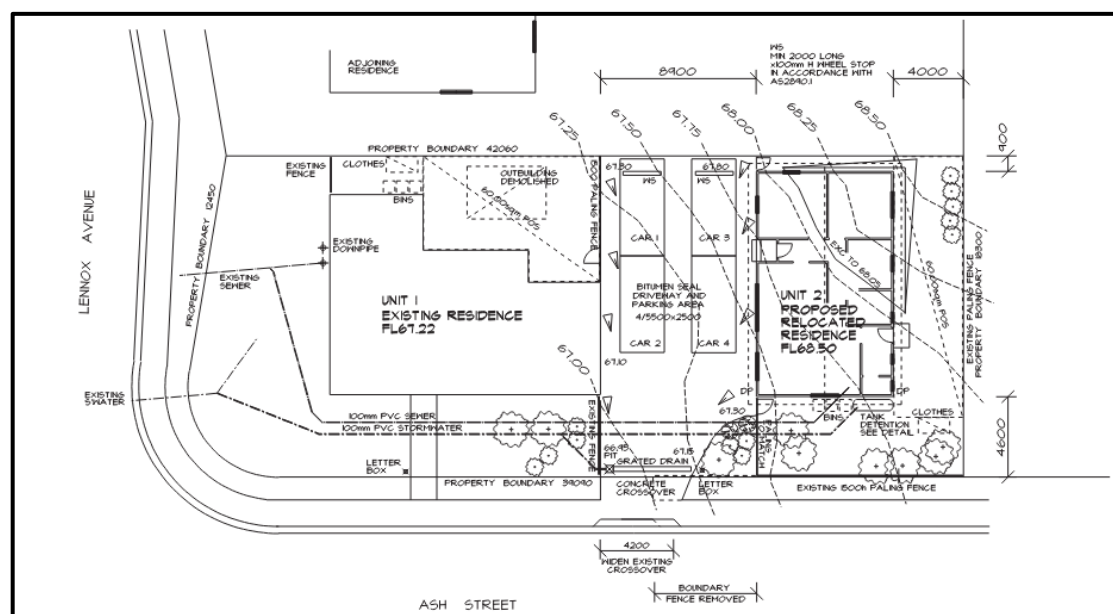


Figure 1: Site Plan for 2 Ash Street, Lutana.

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 north-east corner of Lennox Avenue and Ash Street, Lutana.

The property has a combined frontage of approximately 60.2 m, an average depth of 43.5 m, and a total area of 786 m². The site has a gentle slope and falls toward the west, with an average gradient of 1 in 10. The land has a single dwelling and

outbuilding on the western portion, with no significant vegetation. The existing driveway and is located near the middle of the southern boundary of the site.

The site is located within a General Residential area with a mix of single dwellings and multiple dwellings (Figure 2). The Open Space zone is further to the east, north and west.



Figure 2: Aerial photo of 2 Ash Street, Lutana.

ZONE

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

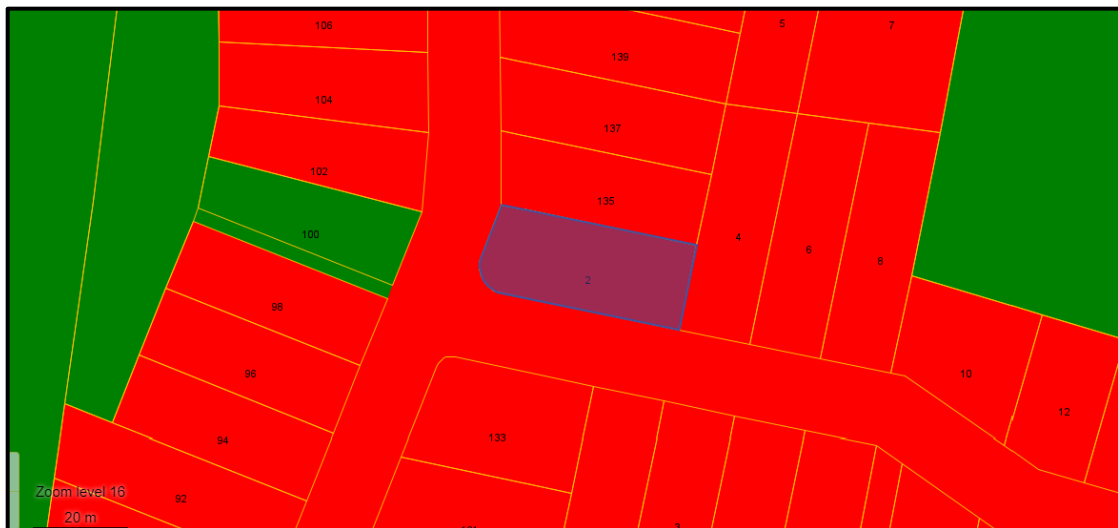


Figure 3: General Residential zone over 2 Ash Street, Lutana.

BACKGROUND

Glenorchy Draft LPS - assessment under S35K (2)(d) and consistent with S51 (3)

| Glenorchy Draft LPS - assessment under S35K (2)(d) and consistent with S51 (3) | |
|--|---------------------|
| Zone | |
| The site is zoned | General Residential |
| Is the use applied for prohibited? | No |
| Would any applicable standard make the use or development prohibited - ie height limit or subdivision lot size | No |
| Applicable codes | |
| Is the use or development prohibited under any applicable standard? | No |
| The provisions of GIPS 2015 have been checked against the provisions of the Draft LPS and it is concluded that the assessment of the application is not in contravention of the LPS, in accordance with S35K (2)(d). | |

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.

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

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

Use Class Description (Table 8.2):

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

The definition of Residential use class states:

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

Other relevant definitions (Clause 4.1):

Multiple Dwellings

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

means 2 or more dwellings on a site.

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

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

- Clause 10.4.2 A3 Setbacks and building envelope for all dwellings (location of proposed dwelling)

Part C: Special Provisions

No special provisions of the Scheme apply.

Part D: Zones

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

Zone Purpose Statements

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

10.1.1.1

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

10.1.1.2

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

10.1.1.3

To provide for the efficient utilisation of services.

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

Use Table

The proposed use of “Multiple Dwellings” is permitted, in accordance with the use table in Clause 10.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clause 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 A3, Setbacks and building envelope for all dwellings

The proposed dwelling (Unit 2) would require a minimum setback of 2 m from the northern side boundary, to be in accordance with Clause 10.4.2 – Standard A3. Whereas, Unit 2 will be set back a minimum of 0.9 m from the northern side boundary. The proposal is considered in accordance with the performance criteria:

The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:*
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;*
 - (ii) overshadowing the private open space of a dwelling on an adjoining property;*
 - (iii) overshadowing of an adjoining vacant property; or*
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;*
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and*
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:*
 - (i) an adjoining property; or*
 - (ii) another dwelling on the same site.*

While the proposal will be located closer than the 2 m setback from the northern side boundary, the gable roof would be the only part protruding outside the building envelope for the single storey dwelling.

Shadow diagrams have been provided showing the adjoining dwellings and private open space will receive a reasonable level of direct sunlight from midday onwards on the Winter Solstice. A majority of the overshadowing would fall on the road reserve. Therefore, the adjoining property will receive at least three hours of sunlight between 9am and 3pm on the Winter Solstice. The proposed dwelling will be similar to the visual scale and bulk of surrounding residential development in the area.

Separation

The adjoining and surrounding properties dwellings located in close proximity to a side boundary up to approximately 0.9 m. Therefore, it is considered that the plans for the proposal would be acceptable in this instance, and complies with the standard.

Solar Energy

The proposal will be to the west of the nearest adjoining dwelling, shadow diagrams were provided showing minimal impact during the Winter Solstice. Therefore, it is considered that the proposal would be acceptable in this instance, and complies with the standard.

Clause 10.4.6 – Standard A3, Privacy for all dwellings

The proposed window for the meals area facing the shared driveway (west elevation) will have obscure glazing up to a minimum sill height of 1.7 m from the finished floor level. Thereby providing *“either obscure glazing or a sill height or screening with 25% transparency up to a minimum height of 1.7m above the finished floor level”* adjacent the shared driveway and where the distance is less than 3m. The opaque glazing for the windows will comply with the acceptable solution, in accordance with Clause 10.4.6 – Standard A3. A condition has been recommended to ensure ongoing compliance.

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 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 proposal provides four car parking spaces for a two Multiple Dwellings (two for each unit). Therefore, the proposal would be 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 to construct an additional dwelling on the site at 2 Ash Street Lutana. The lot is fully serviced.

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 will be accessed off the existing vehicle crossing; this complies with A1 and A2 under the Clause E5.6.2.

E6.0 Parking and Access Code

The submitted plans indicate a total of four (4) 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

The development meets the requirements in the Stormwater Management Code. There are no GCC stormwater mains affected by this application. All runoff from the new impervious area will be discharged by gravity to the existing kerb connection. The development is considered to comply with the Acceptable Solution E7.7.1 Clause A1 . The development also is considered to comply with the acceptable solution A2 and a stormwater system does not require to incorporate water sensitive urban design for treatment, as the size of the new impervious area is less than 600m2.

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.

Environmental Health Officer

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

The property has an alert as all or part of this property has soil-metal concentrations exceeding residential health investigation levels. Advisory note on 337 Certificate. No action required by Environmental Health.

Waste Management Officer

The proposal was referred to Council's Waste Services Co-ordinator who provided the following:

Waste Services to the proposed multiple dwelling development at 2 Ash Street Lutana would be Council's standard bin service collected fortnightly.

- *The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste, one (1) x 240L wheelie bin for recycling and (1) x 240L FOGO bin to each of the dwelling, collected fortnightly.*
- *Please note that this property would have a total of six (6) bins, two (2) Waste bins and two (2) Recycling Bins, and two (2) FOGO bins.*
- *This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.*
- *All bins are to be placed on the kerbside for collection.*
- *Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.*

EXTERNAL REFERRALS

Metro

The application was referred to Metro which was supportive of the proposal and provided the following comments:

Metro have no issue with the proposed development at 2 Ash Street, Lutana providing that:

- *Our bus shelter and stop is not impacted by the driveway widening. A safe distance of 4 metres between the driveway and shelter is necessary (currently there is 6 metres).*
- *The works do not impede on our bus stop.*
- *Roads are kept clear, navigating the roads could become difficult with large vehicles blocking the street.*

This stop is well utilised and Metro do not want to see it negatively impacted by the works.

TasNetworks

The application was referred to TasWater which was supportive of the proposal and did not recommended any conditions.

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 representation being received. The issues raised are as follows:

Loss of Privacy

The representor states that concern is raised regarding the position of the front door and living areas for the new dwelling will impact on the privacy of the backyard and dwelling adjoining the northern boundary; the removal of the existing outbuilding will also impact on privacy. The loss of privacy will impact on the quality of living for the adjoining neighbours to the north and the loss of privacy would be totally unfair.

Planner's Comment:

The proposal complies with the privacy standards in Clause 10.4.6 and therefore, this issue is not a planning issue that can be considered as part of this application. In addition, the plan shows the living areas for the proposal facing the existing dwelling and the road frontage rather than a neighbouring property.

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, the 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 loss of privacy.

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 Multiple dwelling (1 existing and 1 new) at 2 Ash Street Lutana subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-208 and Drawing (6 pages) submitted on 26 May 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 2021/00666-GCC, dated 5 May 2021, form part of this permit.
3. The frosted glazing for to a height of 1.7 m from finished floor level must be constructed on the western façade (west elevation) for the dining room window. The frosted glazing must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent light intrusion from the shared driveway to the habitable rooms of the dwellings. The frosted glazing 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 access 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 design of the driveway must be submitted with the Building Application or prior to the commencement of works on site (whichever comes first) for approval by Council's Development Engineer. The proposed driveway and parking area 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) The four (4) external car parking spaces (two per dwelling) are to be clearly marked and must be provided in accordance with the approved plan and kept available for these purposes at all times;
 - c) Vertical alignment shall include transition curves (or straight sections) to the Australian Standard, Parking facilities - Part 1: Off-Street Carparking AS 2890.1 - 2004, Clause 2.5.3 (d) at all grade changes greater than 12.5%;
 - d) All runoff from paved and driveway areas must be discharged into Council's stormwater system;
 - e) Minimum carriageway width is to be no less than 3.0 metres.

The approved design of the driveway, parking, access and turning areas must be installed prior to the occupancy of the additional dwelling.
7. 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.
8. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.
9. The property owner is to ensure that Council's Road Assets and Infrastructure are protected during the demolition and building process. The owner is to ensure that damage to road assets, footpaths, kerb and channel, drainage pits, nature strips and other services is kept to a minimum and any damaged assets are reinstated. Should damages occur, the repair costs associated with such damages are the responsibility of the property owner.
10. If reinstatement works are not undertaken promptly or to Council's satisfaction, Council may elect to reinstate or rectify any defects and recover the expenses reasonably incurred in doing so from the property owner.

11. The widened driveway crossing is 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 - 2 Ash St Lutana



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 325m ² . | Not applicable. | NA |
| 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 0.9 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5 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, not less than 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 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; or | Complies. 4.6 m from front boundary. | Yes |

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| | <p>(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</p> <p>(e) 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 A garage or carport must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5 m, or alternatively 1 m behind the building line; or</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1 m, if the existing 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. | NA |
| | <p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions that extend not more than 0.9 m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2, 10.4.3) 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 property 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 existing ground level at the side and rear boundaries to a building height of not more than 8.5 m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5 m of a side or rear boundary if the dwelling:</p> | The proposed dwelling will be set back a minimum of 0.9 m from the northern side boundary. Compliance will require a setback of 2 m from the northern side boundary. Therefore, the proposal relies on performance criteria. | <p>No</p> <p>Refer to discussion in the report.</p> |

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| | <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 property; or (iii) does not exceed a total length of 9 m or one third the length of the side boundary (whichever is the lesser). | | |
| 10.4.3 Site coverage and private open space for all dwellings | A1 Dwellings must have: <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). | Complies. | 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) 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 not less than: <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 located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10. | Complies. | Yes |

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| 10.4.4 Sunlight and overshadowing of all dwellings | <p>A1 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required satisfy A2 or P2 of Clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4):</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 existing 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; and</p> <p>(c) This Acceptable Solution excludes this 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 that extend no more than 0.9 m horizontally from the multiple dwelling. | Not applicable. | NA |
| 10.4.5 Width of openings for garages and carports for all dwellings | <p>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).</p> | Not applicable. | NA |
| 10.4.6 Privacy for all dwellings | <p>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 existing ground level must have a permanently fixed screen to a height</p> | Complies. | Yes |

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| | <p>of not less than 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: <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 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 3 m from a side boundary; and (ii) is to have a setback of not less than 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be not less than 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 not less than 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: | Complies. | Yes |

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| | <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7 m 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 at least:</p> <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. | Complies. A condition has been recommended. | Yes |
| 10.4.7 Frontage Fences for all dwellings | A1 No Acceptable Solution ¹ . | Not applicable. | NA |
| 10.4.8 | A1 | Complies. | Yes |

¹ An exemption applies for fences in this zone – see Table 5.6 in Exemptions

| | | | |
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| Waste Storage for multiple dwellings | A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5 m 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 communal storage area with an impervious surface that: (i) has a setback of not less than 4.5 m from a frontage; and (ii) is not less than 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of not less than 1.2 m above the finished surface level of the storage area. | | |
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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. | N/A |
| | A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater. | Not applicable. | N/A |
| | A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater. | Complies. Estimated AADT = 14.80 | 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. | N/A |

| 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. | N/A |
| | A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building. | Not applicable. | N/A |
| E5.6.2 Road accesses and junctions | A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h | Not applicable. | N/A |
| | 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. Existing widened access to be utilised. | Yes |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|---|-----------------|-----------|
| E5.6.3 New Level Crossings | A1 No Acceptable Solutions. | Not applicable. | N/A |
| E5.6.4 Sight distance at accesses, junctions and level crossings | A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia. | Complies. | Yes |

APPENDIX 3

E6.0 Parking and Access Code

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

| Standard | Acceptable Solution | Proposed | Complies? |
|---|---|-----------------|-----------|
| | 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. | Complies. | Yes |
| E6.7.2 Design of Vehicular Accesses | A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities. | Complies. | Yes |
| E6.7.3 Vehicular Passing Areas Along an Access | A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: | Not applicable. | N/A |

| Standard | Acceptable Solution | Proposed | Complies? |
|--|---|-----------------|-----------|
| | (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access. | | |
| E6.7.4 On-Site Turning | A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day. | Not applicable. | N/A |
| E6.7.5 Layout of Parking Areas | A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard. | Not applicable. | 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: (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 | A1 | Not applicable. | N/A |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|--|-----------------|-----------|
| Lighting of Parking Areas | 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. | | |
| E6.7.8 Landscaping of Parking Areas | A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required. | Not applicable. | N/A |
| E6.7.9 Design of Motorcycle Parking Areas | A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building. | Not applicable. | N/A |
| E6.7.10 Design of Bicycle Parking Facilities | A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building. | Not applicable. | N/A |
| | 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 | Not applicable. | N/A |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|--|-----------------|-----------|
| | "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard. | | |
| E6.7.11 Bicycle End of Trip Facilities | A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter. | Not applicable. | N/A |
| E6.7.12 Siting of Car Parking | A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre. | Not applicable. | N/A |
| E6.7.1.13 Facilities for Commercial Vehicles | A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with 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. | 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. | New impervious area does not exceed 600m ² . | N/A |
| | A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. | Complies. On-site detention conditioned. | Yes |
| | A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years. | Not applicable. | N/A |

7. PROPOSED USE AND DEVELOPMENT – OUTBUILDING FOR LOCAL SHOP (GENERAL RETAIL AND HIRE) - 22 GROVE ROAD GLENORCHY

Author: Planning Officer (Angela Dionysopoulos)

Qualified Person: Planning Officer (Angela Dionysopoulos)

Property ID: 5372292

REPORT SUMMARY

| | |
|----------------------------|--|
| Application No.: | PLN-21-027 |
| Applicant: | S Ali and L Ali |
| Owner: | S Ali and L Ali |
| Zone: | Inner Residential |
| Use Class | General Retail and Hire |
| Application Status: | Discretionary |
| Discretions: | 11.3.1 Non-Residential Use, 11.4.9 Non-dwelling development (The proposal meets all other applicable standards as demonstrated in the attached appendices) |
| Level 2 Activity? | No |
| 42 Days Expires: | 15 July 2021 |
| Existing Land Use: | Shop and dwelling |
| Representations: | 1 |
| Recommendation: | Approval, subject to conditions |

REPORT IN DETAIL

PROPOSAL

The application seeks retrospective approval for an outbuilding (shipping container) being used as refrigerated storage for an existing local shop (General retail and hire).

The proposed outbuilding has dimensions of 4 m x 2.34 m with a building height of 2.41 m, and is located behind the building line, on the existing driveway, with a setback of 0.2 m from the north-west side boundary.

The application specifies the hours of operation for the existing local shop as 7.30 am–7.30 pm Mondays to Fridays; 8.30 am–7.30 pm Saturdays; 9.00 am–7.00 pm Sundays; and nil on public holidays.

The proposed outbuilding includes two roof-mounted refrigeration units which are proposed to operate continuously.

Acoustic screening is proposed to be implemented.

SITE and LOCALITY

The site is a rectangular, essentially flat lot with an area of approximately 521m², containing an existing shop and single dwelling (Figure 1).



Figure 1 - Aerial photograph of the site (highlighted) and surrounds – Council database 2019

The locality is characterised by residential development for single and multiple dwellings in proximity to the King George V (KGV) sports grounds. The site adjoins residential lots to the north-west and south-west, and KGV Park to the east. Brooker Highway is to the north and the Glenorchy Activity Centre is to the south.

ZONE

The site is in the Inner Residential Zone (Figure 2).

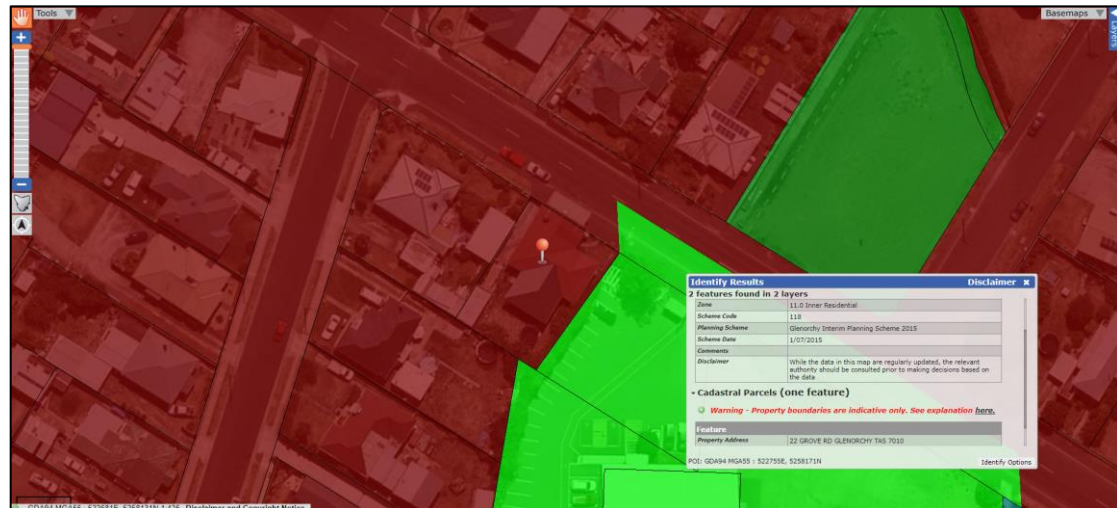


Figure 2 - The site is in the Inner Residential Zone (maroon) – Glenorchy Interim Planning Scheme 2015

BACKGROUND

DA87/85 Extension to shop and residence with existing use rights supported by the Glenorchy City Council on 16/09/1985, with a permit to be issued subject to approval by the Building Appeals Board of a proposed variation to building line setback. No subsequent record of the application's referral to the Board, or the Board's decision, or a permit being issued, were identified in a search of Council's electronic and hard copy records.

It is noted that the planning report states that the shop and residence were constructed in 1950. The proposed hours of operation were 7.00 am–7.00 pm.

PLN-12-225 Dwelling additions at the rear of existing Local Shop, approved 4/01/2013.

The approved plans include a floor area of approximately 66 m² allocated for the existing shop use, although the planning report states that the area of the shop exceeds 100 m². The remainder of the 190.08 m² floor area on the approved plans is allocated to the single dwelling.

No car parking spaces or hours of operation were conditioned on the permit.

| Glenorchy Draft LPS - assessment under S35K (2)(d) and consistent with S51 (3) | |
|--|-------------------|
| Zone | |
| The site is zoned | Inner Residential |
| Is the use applied for prohibited? | No |
| Would any applicable standard make the use or development prohibited - ie height limit or subdivision lot size | No |
| Applicable codes | |
| Is the use or development prohibited under any applicable standard? | No |
| The provisions of GIPS 2015 have been checked against the provisions of the Draft LPS and it is concluded that the assessment of the application is not in contravention of the LPS, in accordance with S35K (2)(d). | |

The application was valid on 18/02/2021. Version No 33 of the *Glenorchy Interim Planning Scheme 2015* applies.

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

The application was valid on 18/02/2021. Version No 33 of the *Glenorchy Interim Planning Scheme 2015* applies.

Part B: Administration

General Exemptions

Nil.

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

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

Use Class Description (Table 8.2):

General retail and hire means use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, commercial art gallery, department store, hairdresser, market, primary produce sales, shop, shop front dry cleaner, supermarket and video shop.

Other relevant definitions (Clause 4.1):

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.

Hours of operation means the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business.

The refrigeration unit is proposed to operate continuously. However, the operation of the refrigeration unit is not related to the hours that the business is open to the public or conducting activities related to the business.

Local shop means means land used for the sale of grocery or convenience items where the gross floor area does not exceed 200 m². The proposal results in a total floor area of approximately 75.36 m². The existing shop is therefore classified as a local shop.

For the purposes of the Inundation Prone Areas Code:

AEP means annual exceedance probability.

Riverine Inundation Hazard Area means land determined to be at risk from riverine, watercourse or inland flooding that has a 1% AEP or more. This includes: land within the Riverine Inundation Hazard Area on the planning scheme maps; and land not within the Riverine Inundation Hazard Area on the planning scheme maps but nevertheless subject to risk of flooding of 1% AEP or more.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

9.2 Development for Existing Discretionary Uses

Proposals for development associated with a use class specified as a discretionary use, must be considered as if that use class had permitted status in the applicable use table, where the proposal for development does not establish a new use, or substantially intensify the use.

Use for a local shop is a discretionary use in the Inner Residential Zone. The proposal does not establish a new use or substantially intensify the existing use; therefore, the use is considered as if it had permitted status in the Zone.

Part D: Zones

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

Zone Purpose Statements

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

The proposal accords with the Zone purpose as the proposed development is for an existing local shop that serves the local community.

Use Table

General retail and hire use for a local shop has 'discretionary' status in the Inner Residential Zone, but is considered as if permitted, in accordance with clause 9.2. Nevertheless, the proposal is discretionary owing to reliance on performance criteria for compliance with the standards for Non-Residential Use and Non-dwelling development.

Use Standards*11.3.1 Non-Residential Use (A1)*

Acceptable Solution A1 requires that hours of operation must be within 8.00 am to 6.00 pm. The application proposes hours of operation for the existing local shop concluding at 7.30 pm Monday – Saturday, and 7.00 pm on Sunday. There is no record of an existing approval for the proposed hours of operation (refer to the Background section of this report); therefore, the proposed hours are assessed as part of the current application. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that 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.

An acoustic report has been provided in support of the application, and does not identify any concerns with noise emissions other than the rooftop refrigeration units. Council's Environmental Health Officers have assessed the proposal against the applicable standards and reviewed the Acoustic report. Conditions have been recommended to ensure any noise emitted is within acceptable limits. Further comments are detailed in the referrals section of this report.

With respect to commercial vehicle movements, the applicant has advised that there will be up to two deliveries per week, which will occur before midday on weekdays. A condition is recommended to facilitate compliance.

It is considered that no unreasonable amenity impact is caused by the proposed hours of operation for the local shop. The proposal is assessed as meeting the performance criteria and complies with the standard. A condition is recommended to formalise the hours of operation for the shop.

11.3.1 Non-Residential Use (A2)

Acceptable Solution A2 requires that noise levels must not exceed specified limits. An acoustic report for the proposal concludes that the acceptable solution will be achieved, subject to implementation of a noise barrier. Council's Environmental Health Officer has reviewed the proposal and the acoustic report, and concurs with the findings. Conditions are recommended to facilitate compliance.

Development Standards for Buildings & Works*11.4.9 Non-dwelling development (A1)*

Acceptable Solution A1 includes a requirement that non-dwelling development must comply with Acceptable Solution A3 of standard 11.4.2, as if it were a dwelling. Standard 11.4.2 (A3) requires that outbuildings with a building height of more than

2.4 m must have a setback of at least 1.5 m from a side boundary, unless the dwelling does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot, or does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser). The proposed development has a height of 2.41 m above natural ground level and results in a total building length of more than 9 m along the north-west side boundary, and there is no corresponding building within 0.2m of the boundary on the adjacent lot. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that non-dwelling development must comply with the related performance criteria as if it were a dwelling. Resource Management Planning and Appeals Tribunal (RMPAT) decisions² have determined that the acceptable solution is not relevant to a consideration of compliance with a performance criterion. Clause 8.10 *Determining Applications* requires that in determining an application the planning authority must take into consideration all applicable standards and requirements but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

In this case, the proposed discretion relates specifically to standard 11.4.2 (A3), and not to the other standards referenced by 11.4.9 (A1), as the proposal complies with the acceptable solutions for those standards, as if it were a dwelling. In addition, 11.4.9 (P1) requires only that the development must comply with the *related* performance criteria. It is considered that where the proposal complies with the acceptable solution as required by 11.4.9 (A1), the corresponding performance criteria for those standards are not related to the proposed discretion.

Therefore, the proposal is assessed for compliance with 11.4.2 (P3), but not for compliance with the performance criteria for the other standards referenced by 11.4.9 (A1).

Performance Criterion P3 of standard 11.4.2 *Setbacks and building envelope* requires that the siting and scale of a dwelling must:

(a) *not cause unreasonable loss of amenity by:*

(i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*

The proposed development is not to the north of a dwelling on an adjoining lot.

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

The proposed development will not cause any overshadowing of private open space on an adjoining lot.

² For example, *Henry Design & Consulting v Clarence City Council* [2017] TASRMPAT 11

(iii) overshadowing of an adjoining vacant lot; or

There is no adjoining vacant lot.

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

The proposed outbuilding is visually shielded from the adjacent lot by an existing boundary wall.

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

The proposed outbuilding will not impact on the existing, nil separation distance from the dwelling on the adjoining lot.

The proposal is assessed as meeting the performance criteria and complies with the standard.

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

Part E: Codes

The following codes of the Scheme apply to this proposal.

E6.0 Parking and Access Code

The Parking and Access Code applies to all use and development.

E6.6.1 Number of Car Parking Spaces (A1)

Acceptable Solution A1 requires, for a local shop, one space for each 30 m² of floor area. The proposal generates a requirement for 0.31 parking spaces. The Operation of Table E6.1 provides that if the result is not a whole number, the required number of spaces is the nearest whole number. The nearest whole number in this instance is zero. Therefore, no additional car parking spaces are required, and none are proposed.

Council's Development Engineer has reviewed the proposal and advises there is no impact on parking for the existing dwelling.

The proposal complies with Acceptable Solution A1 for the standard.

The proposal complies with the acceptable solutions for all the remaining applicable standards of the Code, as detailed at Appendix B.

E7.0 Stormwater Management Code

The Stormwater Management Code applies to all development requiring management of stormwater. The proposed building is to be located on existing hardstand; no new impervious surfaces are proposed, and the Code does not apply.

E15.0 Inundation Prone Areas Code

The Inundation Prone Areas Code applies to development on land subject to risk of riverine flooding of 1% AEP or more, and to a new use with a habitable room on land that is in the Riverine Inundation Hazard Area. The proposed development is located on land in the Riverine Inundation Hazard Area (Figure 3), and the Code applies.

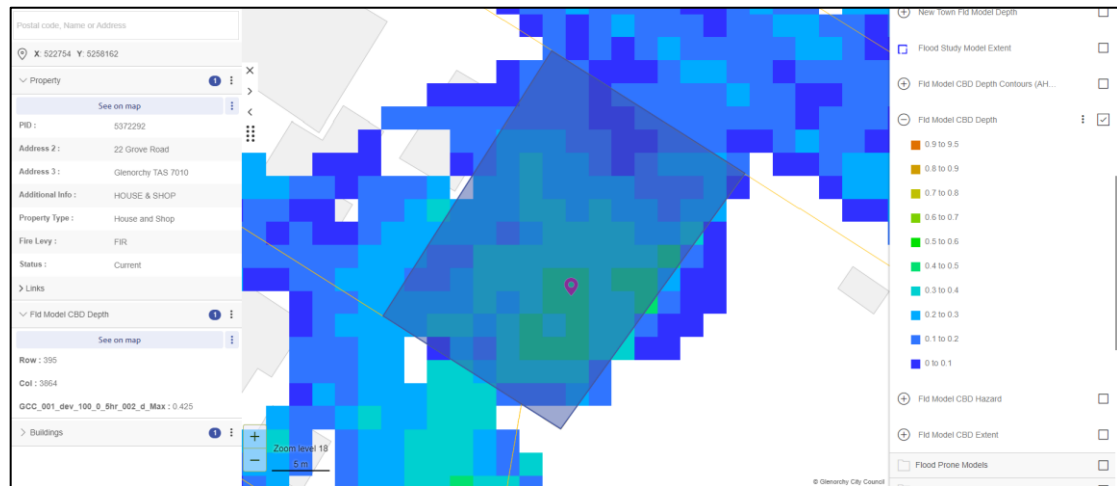


Figure 3 - The site is in a flood-prone area with a maximum flood depth of up to 0.425 m (green) – Glenorchy Interim Planning Scheme 2015

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

PART F: Specific Area Plans

No Specific Area Plan applies to the site.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer reviewed the proposal and determined that no referral was required.

It is noted that the proposed outbuilding is to be located on the existing driveway. Council's Development Engineer has reviewed the parking arrangements for the site and has not raised any concerns on this basis. The proposal is therefore considered to meet the relevant standards.

Environmental Health Officer

Council's Environmental Health Officer has reviewed the proposal and made the following comments.

The location of the shipping container raised concerns regarding the potential noise impacts for the neighbouring property. To quell these concerns a noise assessment was required to determine the impact, if any, this development may have on the neighbouring property. The applicant engaged Noise Vibration Consulting (NVC) to undertake an assessment of the current situation. As part of the NVC report, the Consultant undertook a series of noise level predications to determine an appropriate means to suppress noise generated by the shipping container compressor. Ultimately, it was determined that the compressor (located on the top of the shipping container) needs a sound barrier to run along the length of the container.

As the above is based on predictions a validation report is recommended once the works have been undertaken to ensure that compliance with 11.3.1 Acceptable Solution A2 has been achieved.

It is recommended that a sound barrier is installed to NVC specifications contained within the report dated 7/05/2021. It is further recommended that 11.3.1 Acceptable Solution A2 and a validation report are also conditioned.

The recommended condition for installation of a sound barrier has been modified to include a timeframe for completion, and to require that the sound barrier be maintained for the duration of the use.

EXTERNAL REFERRALS

TasWater

TasWater reviewed the proposal, and does not object, subject to conditions.

REPRESENTATIONS

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

Noise

The representor is concerned about the noise impact of the proposed refrigeration units, and states that a noise barrier is needed.

Planner's Comment:

The proposal has been assessed as meeting the standard for the non-residential use standard, which includes consideration of noise emissions, as detailed earlier in this report.

Council's Environmental Health Officer has recommended conditions governing noise levels, installation of a sound barrier and verification of noise levels after the sound barrier has been installed.

Approval is recommended on this basis.

Property value

The representor is concerned that the presence of the proposed development will impact on the market value of their property.

Planner's Comment:

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

CONCLUSION

The proposal relies on performance criteria for compliance with the standards for Non-Residential Use and Non-dwelling development. 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 Inner Residential Zone, as well as the applicable standards of the Parking and Access Code and the Inundation Prone Areas Code. The application was publicly advertised for the statutory 14-day period and one representation was received. It is concluded that the proposal is consistent with the requirements of the Scheme and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of Additions to shop (General retail and hire and Food services) at 22 Grove Road Glenorchy subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-027 and Plans submitted on 19/01/2021 (5 pages) and 1/06/2021 (1 page), 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 2021/00344-GCC, dated 23/03/2021, form part of this permit.
3. The approved hours of operation for the local shop are:
 - (a) 7.30 am – 7.30 pm Mondays to Fridays
 - (b) 8.30 am – 7.30 pm Saturdays
 - (c) 9.00 am – 7.00 pm Sundays, and

- (d) Nil on public holidays.
- 4. Commercial vehicle movements to and from the site (including loading and unloading and garbage removal) must 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, and
 - (c) nil on Sundays and Public Holidays.
- 5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.

Environmental Health

- 6. 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.

- 7. Construct a sound barrier, that is:
 - (a) Minimum 1 m in height above the top of the container, and extend the length of the western edge of the container;
 - (b) Be constructed of a material of minimum surface mass of 15 kg/m² (20 mm plywood, 12 mm cement sheet are examples of appropriate materials); and
 - (c) The barrier is sealed to the top of the container, with no visible gaps.

The sound barrier must be implemented within four weeks of the date of this planning permit, and must be maintained for the duration of the approved use.

8. A noise verification report is required to be submitted to the satisfaction of Council's Co-ordinator Environmental Health within six (6) weeks from receipt of this Planning Permit. This report is to validate the predictions of the Noise Vibration Consulting (NVC) report dated 7/05/2021. If during verification, noise levels exceed those set out in Condition 5 of the EH conditions of this permit, further recommendations must be provided by the acoustic engineer and fully implemented; further verification will be required within six (6) weeks from the date of the report.

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.

Inundation risk

The site is partly within an area identified on Council maps as being subject to inundation risk. Council's maps are available at <https://maps.gcc.tas.gov.au/>.

Attachments/Annexures

- 1 GPA Attachment - 22 Grove Road Glenorchy



APPENDIX A

11.0 Inner Residential Zone

| Standard | Acceptable Solution | Proposed | Complies? |
|---|---|---|-----------|
| 11.3 Use Standards | | | |
| 11.3.1 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 application specifies the hours of operation for the existing local shop as 7.30 am – 7.30 pm Mondays to Fridays; 8.30 am – 7.30 pm Saturdays; 9.00 am – 7.00 pm Sundays; and nil on public holidays. A previous planning report specified the hours of operation as 7.00 am – 7.00 pm. Therefore a new discretion is considered to apply. | No |
| | 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; 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; 5dB(A) above the background (LA90) level or 40dB(A) | The refrigeration unit is proposed to operate continuously. An acoustic report for the proposal concludes that with the implementation of a sound barrier, the compressor noise level within the adjacent residential lot is predicted not to exceed 39 dBA. Council's Environmental Health Officer has reviewed the proposal and does not object on this basis. Conditions are recommended to facilitate compliance. | Yes |

| Standard | Acceptable Solution | Proposed | Complies? |
|----------|--|---|-----------|
| | <p>(LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LMax) at any time. 65dB(A) (LMax) at any time.</p> <p>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.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p> | | |
| | <p>A3</p> <p>External lighting must comply with all of the following:</p> <p>(a) be turned off between 6:00 pm and 8:00 am, except for security lighting; be turned off between 6:00 pm and 8:00 am, except for security lighting;</p> <p>(b) be turned off between 6:00 pm and 8:00 am, except for security lighting; security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p> | Not applicable. No new external lighting is proposed. | NA |
| | <p>A4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be</p> | The applicant has stated there will be up to two deliveries per week, during the weekday, before midday. A condition is recommended to facilitate compliance. | Yes |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|--|---|-----------|
| | <p>limited to 20 vehicle movements per day and be within the hours of:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12 noon Saturdays; 9.00 am to 12 noon Saturdays;</p> <p>(c) nil on Sundays and Public Holidays.</p> | | |
| 11.3.2 Visitor Accommodation | <p>A1</p> <p>Visitor accommodation must comply with all of the following:</p> <p>(a) is accommodated in existing buildings is accommodated in existing buildings;</p> <p>(b) provides for any parking and manoeuvring spaces required pursuant to the parking and Access Code on-site; provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) has a floor area of no more than 160m² has a floor area of no more than 160m².</p> | Not applicable. No Visitor accommodation is proposed. | NA |
| 11.3.3 Local Shop | <p>A1</p> <p>A local shop must comply with both of the following:</p> <p>(a) have a gross floor area no more than 200m²;</p> <p>(b) not displace an existing residential use.</p> | The proposed addition results in the local shop having a floor area of approximately 75.36 m ² , and does not displace an existing residential use. Although located on the existing driveway, Council's Development Engineer has advised that there is no impact on existing residential parking on the site. | Yes |

| Standard | Acceptable Solution | Proposed | Complies? |
|--|---|--|-----------|
| 11.4 Development Standards for Buildings and Works | | | |
| 11.4.1 Residential density for multiple dwellings | A1 Multiple dwellings must have a site area per dwelling of not less than 200m ² and not more than 400m ² . | Not applicable. No multiple dwellings are proposed. | NA |
| 11.4.2 Setbacks and building envelope | A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback from the frontage of any existing dwelling on the site; (b) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street. | Not applicable. No dwelling development is proposed. | NA |
| | A2 A garage or carport must have a setback from a frontage of at least: (a) 4m, or alternatively 1m behind the façade of the dwelling; or | Not applicable. No garage or carport is proposed. | NA |

| Standard | Acceptable Solution | Proposed | Complies? |
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| | <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) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p> | | |
| | <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 11.4.2A, 11.4.2B, 11.4.2C and 11.4.2D) determined by:</p> <p>(i) a distance equal to the permitted frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a lot with an adjoining frontage; and</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 3m from the rear boundary; to a building height of not more than 9.5 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> | Not applicable. No dwelling development is proposed. | NA |

| Standard | Acceptable Solution | Proposed | Complies? |
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| | <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser). | | |
| 11.4.3 Site coverage and private open space | 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 50m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces. | The proposal results in a site coverage of 223.29 m ² , equating to 43% of the 520 m ² lot. No change to the area of impervious surfaces is proposed. | 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 | Not applicable. The proposal does not impact on the existing private open space arrangements. | NA |

| Standard | Acceptable Solution | Proposed | Complies? |
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| | <p>above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 3 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>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(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</p> <p>(e) located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p> | | |
| <p>11.4.4</p> <p>Sunlight and overshadowing</p> | <p>A1</p> <p>A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30</p> | <p>Not applicable. The proposal does not involve any habitable rooms or impact on existing glazing.</p> | <p>NA</p> |

| Standard | Acceptable Solution | Proposed | Complies? |
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| | degrees west and 30 degrees east of north (see Diagram 11.4.4A). | | |
| | <p>A2</p> <p>A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 11.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 11.4.4B):</p> <ul style="list-style-type: none"> (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. <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. | Not applicable. No multiple dwellings are proposed. | NA |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|--|---|-----------|
| | <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 11.4.3, 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 11.4.4C):</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> <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. No multiple dwellings are proposed. | NA |
| <p>11.4.5</p> <p>Width of openings for garages and carports</p> | <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</p> | Not applicable. No garage or carport is proposed. | NA |

| Standard | Acceptable Solution | Proposed | Complies? |
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| | 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). | | |
| 11.4.6 Privacy for all dwellings | A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: <ul style="list-style-type: none"> (a) side or rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the boundary; and (b) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: <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. | Not applicable. No outdoor space is proposed. | NA |
| | 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 | Not applicable. No glazing to habitable rooms is proposed. | NA |

| Standard | Acceptable Solution | Proposed | Complies? |
|----------|--|----------|-----------|
| | <p>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 or rear boundary; and (ii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. <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 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%. | | |

| Standard | Acceptable Solution | Proposed | Complies? |
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| | <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> <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. | <p>The proposal results in the use of the existing driveway as a shared driveway between the single dwelling on the site and the local shop. The habitable rooms of the dwelling have a setback greater than 2.5 m from the driveway.</p> | <p>Yes</p> |
| <p>11.4.7</p> <p>Frontage Fences</p> | <p>A1</p> <p>A fence (including a free-standing wall) within 3 m of a frontage must have a height above natural ground level of not more than:</p> <ul style="list-style-type: none"> (a) 1.2 m if the fence is solid; or (b) 1.5 m, if any part of the fence that is within 3m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights). | <p>Not applicable. No fencing is proposed.</p> | <p>NA</p> |

| Standard | Acceptable Solution | Proposed | Complies? |
|--|--|---|-----------|
| 11.4.8 Waste Storage for multiple dwellings | A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m ² per dwelling and is within one of the following locations: <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 3 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area. | Not applicable. No multiple dwellings are proposed. | NA |
| 11.4.9 Non-dwelling development | A1 Non-dwelling development must comply with all of the following acceptable solutions as if it were a dwelling: <ul style="list-style-type: none"> (a) 11.4.2 A1 and A3; (b) 11.4.3 A1 (a) and (c); (c) 11.4.7 A1. | The proposed outbuilding complies with the acceptable solutions for all the relevant standards, except for 11.4.2 (A3). | No |
| | A2 | Not applicable. No garage or carport is proposed. | NA |

| Standard | Acceptable Solution | Proposed | Complies? |
|----------|---|--|-----------|
| | <p>Non-residential garages and carports must comply with all of the following acceptable solutions as if they were ancillary to a dwelling:</p> <p>(a) 11.4.2 A2;</p> <p>(b) 11.4.5 A1.</p> | | |
| | <p>A3</p> <p>Outdoor storage areas must comply with all of the following:</p> <p>(a) be located behind the building line;</p> <p>(b) all goods and materials stored must be screened from public view;</p> <p>(c) not encroach upon car parking areas, driveways or landscaped area.</p> | Not applicable. No outdoor storage areas are proposed. | NA |

APPENDIX B

E6.0 Parking and Access Code

| Standard | Acceptable Solution | Proposed | Complies? |
|---------------------------|---------------------|----------|-----------|
| E6.6 Use Standards | | | |
| E6.6.1 | A1 | | |

| Standard | Acceptable Solution | Proposed | Complies? |
|--|--|---|-----------|
| Number of Car Parking Spaces | <p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1 and no more than 10% greater than that number;</p> <p>except if:</p> <p>(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;</p> <p>(ii) this provision was not used in this planning scheme.</p> | <p>A three-bedroom single dwelling requires two spaces. The dwelling has two existing spaces. Council's Development Engineer has reviewed the proposal and does not object on this basis.</p> <p>A local shop requires one space for each 30 m² of floor area. The proposal generates a requirement for 0.31 parking spaces. The Operation of Table E6.1 provides that if the result is not a whole number, the required number of spaces is the nearest whole number. The nearest whole number in this instance is zero. Therefore, no additional car parking spaces are required, and none are proposed.</p> | Yes |
| E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability | <p>A1</p> <p>Car parking spaces provided for people with a disability must:</p> <p>(a) satisfy the relevant provisions of the Building Code of Australia;</p> <p>(b) be incorporated into the overall car park design;</p> <p>(c) be located as close as practicable to the building entrance.</p> | <p>The shop is a Class 6 building³, which requires one space for every 50 car parking spaces or part thereof⁴.</p> <p>Council's Development Engineer has reviewed the proposal and does not object on this basis.</p> | Yes |
| E6.6.3 Number of Motorcycle Parking Spaces | <p>A1</p> <p>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</p> | <p>The site has fewer than 20 car parking spaces. No motorcycle parking is required or proposed.</p> | NA |

³ ABCB 2017 *Understanding the NCC*, Commonwealth of Australia and States and Territories of Australia (www.abcb.gov.au/Resources/Publications/Education-Training/Building-classifications)

⁴ *Disability (Access to Premises — Buildings) Standards 2010*

| Standard | Acceptable Solution | Proposed | Complies? |
|--|---|---|-----------|
| | 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. No change to bicycle parking requirements or arrangements is triggered by the proposal. | NA |
| E 6.7 Development Standards | | | |
| No new or changed parking or access is proposed, and none of the Code development standards apply. | | | |

APPENDIX C**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. The proposal does not involve habitable rooms or buildings. | NA |
| E15.7 Development Standards for Buildings and Works | | | |
| E15.7.1 Coastal Inundation High Hazard Areas | Not applicable. The site is not in a Coastal Inundation Hazard Area. | | |
| E15.7.2 Coastal Inundation Medium Hazard Areas | Not applicable. The site is not in a Coastal Inundation Hazard Area. | | |

| Standard | Acceptable Solution | Proposed | Complies? |
|---|--|--|-----------|
| E15.7.3 Coastal Inundation Low Hazard Areas | Not applicable. The site is not in a Coastal Inundation Hazard Area. | | |
| 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. The proposal does not involve habitable buildings. | NA |
| | 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. The proposal does not involve habitable buildings. | NA |
| | 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 . | The site has an existing outbuilding with a floor area of approximately 21.5 m ² , and the proposed outbuilding has a floor area of 9.36 m ² . | Yes |
| 15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas | Not applicable. The proposed development is not in an investigation area. | | |

| Standard | Acceptable Solution | Proposed | Complies? |
|--|--|----------|-----------|
| E15.7.6 Development Dependent on a Coastal Location | Not applicable. The proposed development is not dependent on a coastal location. | | |