

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 6 SEPTEMBER 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*.

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 9 August 2021 be confirmed.

**5. PROPOSED USE AND DEVELOPMENT - 1 LOT PLUS BALANCE
SUBDIVISION - 25 RADCLIFF CRESCENT ROSETTA**

Author: Planning Officer (Grace Paisley)

Qualified Person: Planning Officer (Grace Paisley)

Property ID: 5339732

REPORT SUMMARY

Application No.: PLN-21-303

Applicant: Rogerson & Birch Surveyors

Owner: Indigenous Tasmanian Aboriginal Corporation

Zone: General Residential Zone

Use Class: Not applicable - subdivision

Application Status: Discretionary

Discretions: 8.6.1 Lot Design (P2)

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

Level 2 Activity? No

42 Days Expires: 07 September 2021

Existing Land Use: Residential

Representations: 2

Recommendation: Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application proposes the subdivision of the land at 25 Radcliff Crescent, Moonah. The proposal would result in one additional lot plus the balance of the land.

Lot 1 would have an area of 603sqm and would contain the existing dwelling. Lot 1 would have a frontage of 18.29m and a depth of 33m. Lot 1 would front onto Radcliffe Crescent with a variable width right of way and service easement proposed over a strip on the southern side of the lot. Access to this lot would be via the right of way.

Lot 2 would have an area of 692sqm and would be located at the rear of Lot 1. Lot 2 would have a width of 18.3m and a depth of 38.36m. Lot 2 would be vacant and accessed via the proposed right of way (figure 1).

The application is discretionary as it relies on performance criteria to comply with Clause 8.6.1 Lot Design (P2).

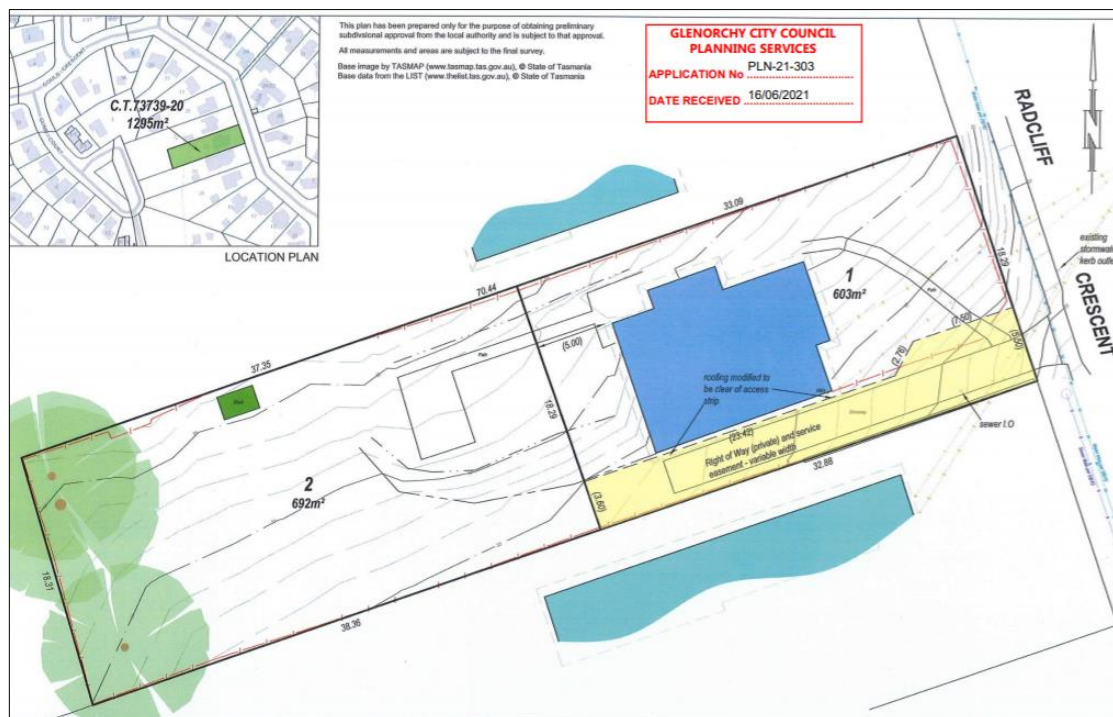


Figure 1: *Plan of proposed subdivision*

SITE and LOCALITY

The site is located on the western side of Radcliff Crescent and is rectangular in shape with an overall area of 1295sqm. The site has a frontage of 18.29m and a depth of 70.44m. The site slopes approximately 2.5m from the northern side of the lot to the southern side of the lot. The site contains a single dwelling located on front portion of the site.

The site is located in the General Residential Land, as is the surrounding area. The site is adjoined to the north and west by No. 27 Radcliff Crescent, which contains a single dwelling. To the south the site is adjoined by No. 23 Radcliff Crescent, which contains a single dwelling.

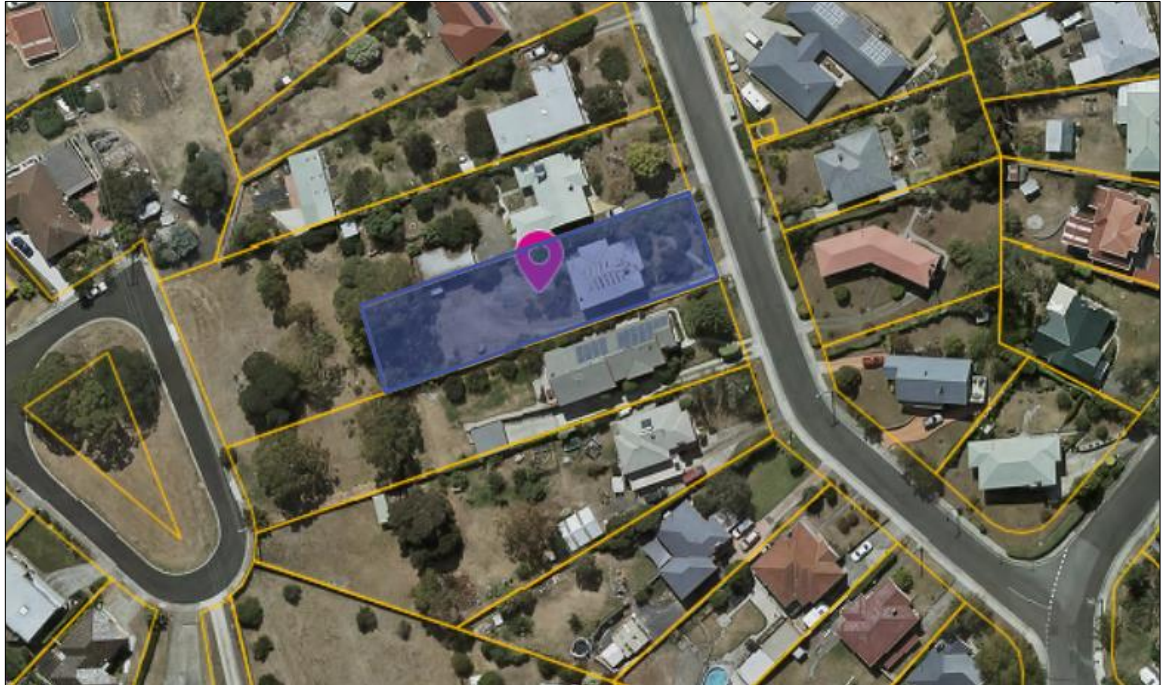


Figure 2: *Aerial image of the subject site and surrounds*

ZONE

The site is located in the General Residential Zone.

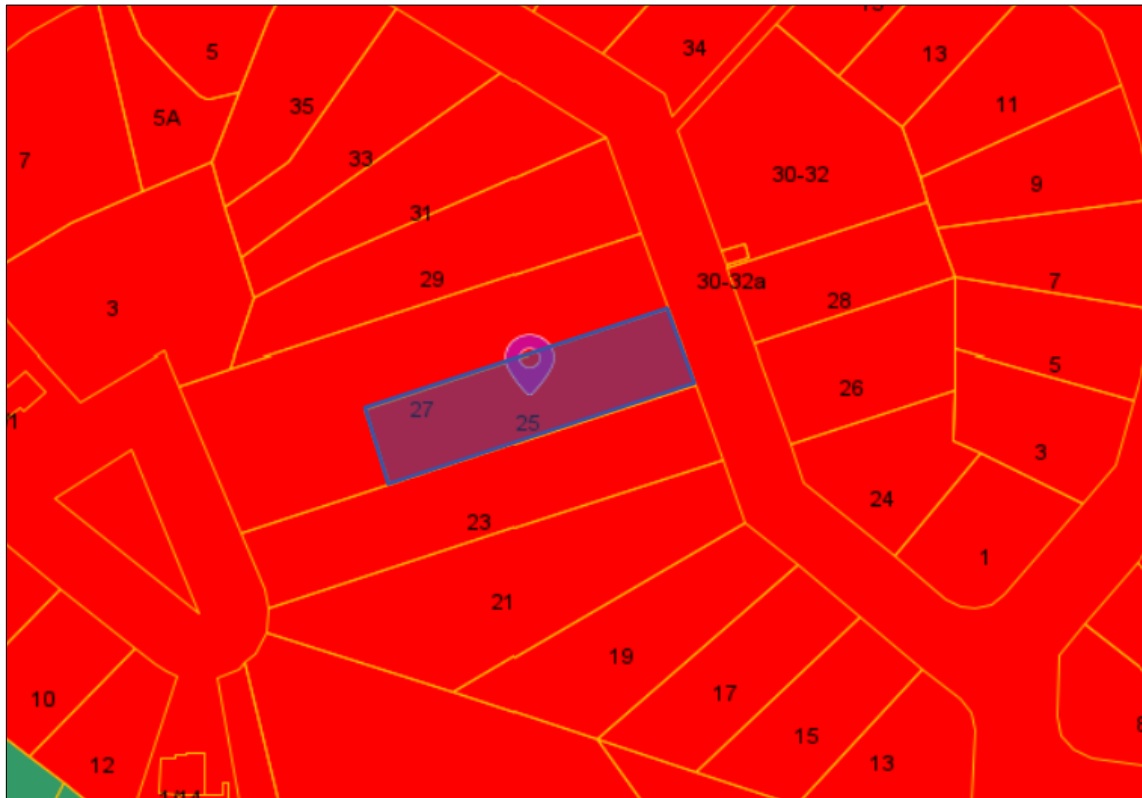


Figure 3: Zoning map of the subject site and surrounds

BACKGROUND

An extension of time was granted until 7 September 2021 to allow the application to be determined at a Glenorchy Planning Authority meeting.

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.

TASMANIAN PLANNING SCHEME - GLENORCHY

Part B: Administration

Exemptions

Nil.

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

A SAP or Code provision does not override Zone provisions in this assessment.

Use Class Description (Table 6.2):

Clause 6.2.6 states notwithstanding subclause 6.2.1 of this planning scheme, development which is for subdivision, a sign, land filling, retaining walls or coastal protection works does not need to be categorised into one of the Use Classes.

Other relevant definitions (Clause 3.1):

Applicable standard means as defined in subclause 5.6.2 of this planning scheme.

Subclause 5.6.2 states a standard is an applicable standard if:

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

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

Subdivide means to divide the surface of a lot by creating estates or interests giving separate rights of occupation otherwise than by:

- (a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building;
- (b) a lease of airspace around or above a building;
- (c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years;
- (d) the creation of a lot on a strata scheme or a staged development scheme under the Strata Titles Act 1998; or
- (e) an order adhering existing parcels of land.

Subdivision means the act of subdividing or the lot subject to an act of subdividing.

Part C: General Provisions

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

7.10 Development not Required to be Categorised into a Use Class

7.10.1 An application for development that is not required to be categorised into one of the Use Classes under subclause 6.2.6 of this planning scheme and to which 6.8.2 applies, excluding adjustment of a boundary under subclause 7.3.1, may be approved at the discretion of the planning authority.

7.10.2 An application must only be approved under subclause 7.10.1 if there is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.

7.10.3 In exercising its discretion under subclauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:

- (a) the purpose of the applicable zone;*
- (b) the purpose of any applicable code;*
- (c) any relevant local area objectives; and*
- (d) the purpose of any applicable specific area plan.*

Comment:

The application is not required to be categorised into one of the Use Classes under subclause 6.2.6 of this planning scheme as it is for a subdivision. Clause 6.8.2 applies to the proposal as the subdivision relies on performance criteria to comply with an applicable standard. Therefore, the proposal must be assessed against 7.10 Development not Required to be Categorised into a Use Class.

The subdivision is in keeping with the purpose statements of the General Residential Zone as it would provide for a fully serviced residential lot. The subdivision has been assessed against the applicable standards of the Tasmanian Planning Scheme – Glenorchy and complies with all applicable standards as demonstrated in the report and attached appendices. Any future development on the lots would be required to meet the requirements of the Scheme and would be assessed on its own merits.

There are no relevant local area objectives or applicable specific area plan.

The subdivision would not result in an unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area in accordance with the considerations of Clause 7.10.

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

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

8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3 To provide for non-residential use that:

- (a) primarily serves the local community; and*
- (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*

8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Comment:

The application is in keeping with purpose statements of the General Residential Zone as the subdivision would create an additional residential lot which would be capable of being developed for residential use and development where full infrastructure services can be provided.

Use Table

Clause 6.2.6 states notwithstanding subclause 6.2.1 of this planning scheme, development which is for subdivision, a sign, land filling, retaining walls or coastal protection works does not need to be categorised into one of the Use Classes

Use Standards

No applicable use standards as the application is for a subdivision.

Development Standards for Subdivisions

8.6.1 Lot Design (P2)

The acceptable solution for this standard states that each lot in a subdivision must have a frontage not less than 12m. As proposed lot 2 would be an internal lot, it does not have a frontage of 12m. The proposal must be assessed against the performance criteria which states each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:

- (a) the width of frontage proposed, if any;*
- (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;*
- (c) the topography of the site;*
- (d) the functionality and useability of the frontage;*
- (e) the ability to manoeuvre vehicles on the site; and*
- (f) the pattern of development existing on established properties in the area,*

and is not less than 3.6m wide.

Comment:

Lot 2 would be provided with a legal connection to a road by a right of carriageway, that is sufficient for the intended use of the land being residential. The proposed right of way would have a minimum width of 3.6m which is sufficient to accommodate an access way to the two lots. The right of way has also included a wider 5.5m section at the frontage to allow for a passing bay.

The site slopes from the northern side to the southern; however, this does not impact on the right of way.

The right of way is sufficient width to manoeuvre vehicles on both the sites.

In terms of pattern of existing development on established properties in the area, there are several examples of residential development being located behind existing development in the area and of internal lots such as 20A Addison Street and 37 Radcliff Crescent.

The proposed legal connection to a road by a right of carriageway is sufficient for the intended use. The proposal is assessed as complying with the performance criteria and therefore meeting the standard.

Part E: Codes

The following codes of the Scheme apply to this proposal:

C2.0 Parking and Sustainable Transport Code

The application was referred to Council's Development Engineer who assessed the application against the Parking and Sustainable Transport Code. The application complies with all applicable standards as demonstrated in the attached Appendix. More detailed comments are included in the Internal referrals section of this report.

C5.0 Road and Railway Assets Code

The application was referred to Council's Development Engineer who assessed the application against the Road and Railway Assets Code. The application complies with all applicable standards as demonstrated in the attached Appendix. More detailed comments are included in the Internal referrals section of this report.

PART F: Specific Area Plans

The site is not located in an area affected by a Specific Area Plan.

INTERNAL REFERRALS

Development Engineer

C2.0 Parking and Sustainable Transport Code

The submitted plans indicate a total of 2 proposed parking spaces on the balance lot. The development complies with Code C2.5.1 Car Parking numbers. It is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

C5.0 Road and Railway Assets Code

The development complies with Road and Railway Assets Code; and the safety and efficiency of the road is not expected to reduce by the proposed development. The development complies with Code C5.0 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 C5.5.1 A1.4 Traffic generation at vehicular crossing, level crossing or new junction.

A representation was received within the statutory period that expressed concerns as to the location of the access and the sight distance restrictions caused by its proximity to the crest in the road. The sight distance requirements for a domestic driveway on a 50 km/hr road (AS2890.1.2004) is a minimum of forty metres (40m.), the measured distance (55m.) is compliant with the standard.

8.0 General Residential Zone

8.6.3 Services

All services are available in the area.

The proposal is to extend the services along the proposed driveway to service the new allotment, therefore Acceptable Solutions A1, A2 and A3 are met.

Other

C7.0 Natural Assets Code

Not applicable.

C12.0 Flood-Prone Areas Hazard Code

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

C15.0 Landslide Code

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

EXTERNAL REFERRALS

TasWater

TasWater have no objection to the proposal subject to conditions being included on the permit, if issued.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with two (2) representation(s) being received. The issues raised are as follows:

1. Future development

The representor states that any subsequent development will be out of alignment with the existing buildings in the street, thereby overshadowing private open space. The slope of the land would result in future development affecting the adjoining houses through overshadowing and loss of sunlight.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. The application is only for subdivision of the land and does not propose any development. Lot 2 would be sufficient in size to accommodate a dwelling that could comply with the requirements of the General Residential Zone as it exceeds the minimum lot size and can accommodate a 10m x 15m area, which meets the setback standards of the General Residential Zone. Issues around overshadowing and loss of sunlight would be a consideration of a planning application if development on the site requires planning approval (noting that single dwelling development that complies with the acceptable solutions of applicable standards may be eligible for 'No permit required' certification).

2. Increased vehicle movements

The representor states that this section of Radcliff Crescent is on a Metro bus route and the access is close to a blind crest of the hill. The proposal would result in additional vehicle movements from a single vehicle access to multiple dwellings close to a blind crease which could cause traffic management issues.

Planner's Comment:

Council's Development Engineer has assessed the application against the applicable standards relating to sight lines and is satisfied the proposal complies with the Australian standard AS2890.1.2004 for sight distances.

3. Development application is invalid

The representor states that the application is not valid as it does not meet the requirements of Clause 8.1 of the Scheme. The representor states that the proposal consists of simply 2 plans and does not address the Development Standards for Subdivision or any of the Codes contained in the Scheme.

Planner's Comment:

The representor refers to the Glenorchy Interim Planning Scheme 2015; however, this application is being assessed under the Tasmanian Planning Scheme – Glenorchy. Irrespective, the requirements to make an application valid are the same. The applicant has provided the required documents to make the application valid under Section 51(1AC) of the *Land Use Planning and Approvals Act 1993*.

4. The proposal is prohibited due to the lot sizes

The representor states Table 10.1 provides the lot size requirements in the General Residential Zone and states "for lots with a slope greater than 1 in 5, the minimum lot size is 750m² and the maximum lot size is 1,000m² in all cases". The representor states that slope of the land is in the order of 1:2 in some areas, therefore, the lot must be at least 750m² in size. The lot does not meet this and is therefore prohibited.

Planner's Comment:

The representor refers to the Glenorchy Interim Planning Scheme 2015; however, this application is being assessed under the Tasmanian Planning Scheme – Glenorchy. Under the Tasmanian Planning Scheme – Glenorchy, the minimum lot size is 450sqm. The lots comply with this requirement and the proposal is not prohibited.

5. Failure to comply with Clause 10.6.1 performance criteria

The representor states the proposal does not meet Clause 10.6.1 A4 because the proposal involves an internal lot. The representor states the proposal does not meet the performance criteria which states an internal lot must satisfy all of the following which include the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use. The representor states the proposal does not comply with the performance criteria because the amenity of the neighbouring land will be unreasonably affected by subsequent development through overshadowing the private open space of neighbouring buildings and visual impact.

Planner's Comment:

The representor refers to the Glenorchy Interim Planning Scheme 2015; however, this application is being assessed under the Tasmanian Planning Scheme – Glenorchy. Under the Tasmanian Planning Scheme – Glenorchy, the applicable standard is 8.6.1 Lot Design. The application has been assessed as complying with this standard as detailed in 'Development standards for Subdivision' section of this report.

CONCLUSION

The proposal is relying on the performance criteria to comply with 8.6.1 Lot Design (P2). The proposal is assessed as satisfying the performance criteria and complies with the standard. The proposal is assessed as complying with all other use and development standards in the General Residential Zone, as well as the applicable standards of the Parking and Sustainable Transport Code and Road and Railway Assets Code. The application was publicly advertised for the statutory 14-day period and two (2) representations were received. The representations have been addressed earlier in this report. It is concluded that the proposal is consistent with the Scheme's zone purpose statements and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of 1 lot plus balance subdivision at 25 Radcliff Crescent Rosetta subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-303 and Plans submitted on 16 June 2021 (2 pages), 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 2021/01112-GCC, dated 12/07/2021, form part of this permit.

3. An original and two copies of each of the Plan of Subdivision and Schedule of Easements must be submitted to Council for sealing.

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 construction details of specific components of the works must comply with LGAT Standard Drawings and accord with Tasmanian Subdivision Guidelines 2013, the developer must appoint a qualified and experienced engineer who will be required to certify practical completion of subdivision construction works. The appointed supervising engineer must be the primary contact person on matters concerning the subdivision.
7. To comply with the requirements of Condition 6, the developer must submit engineering drawings demonstrating compliance with the requirements to the satisfaction of Council's Development Engineer prior to the issuing of the Council's approved drawing. All works required by this condition must be installed prior to the sealing of the Final Plan.
8. Driveway construction is to accord with Standard Drawings TSD-RO9. Designs for the driveway are to include the full extent of the formation to achieve the maximum gradient of 20% (or 1 in 5) as well as an area for on-site turning

9. A minimum of 2.50m wide easement must be created in favour of Council over all public stormwater infrastructure systems located in private property.
10. The Plan of Survey and accompanying Schedule of Easements must describe all existing easements and any additional easements (right of way) as shown on the approved plan.
11. The developer must provide underground electrical reticulation for power and street lighting. Underground TasNetworks cables must be used subject to any underground cables in joint use trenches complying with Council's Development Engineer and TasWater codes.
12. The applicant must pay Council in accordance with Glenorchy City Council Fees and Charges to complete the measure up and record 'as constructed' data for all assets to be taken over by council prior to the sealing of a Final Plan.
13. A detailed estimate for the works must be provided and payment of the engineering assessment fee Council in accordance with Glenorchy City Council Fees and Charges must be made prior to the issuing of Council's approved engineering drawings. Construction must not commence until the approved engineering plans have been issued.
14. Prior to the sealing of a Final plan, evidence must be provided to Council's Development Engineer that the development meets the requirements of TasWater.

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 Tasmanian Planning Scheme – Glenorchy. 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.

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.

Attachments/Annexures

- 1 GPA Attachment - 25 Radcliff Crescent Rosetta



APPENDIX**8.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
8.3 Use Standards			
No applicable standards as the proposal is for a subdivision.			
8.4 Development Standards for Dwellings			
No applicable standards as the proposal is for a subdivision.			
8.5 Development Standards for Non-dwellings			
No applicable standards as the proposal is for a subdivision.			
8.6 Development Standards for Subdivision			
8.6.1 Lot Design	A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area of not less than 450m ² and: (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and	The lots would have an area not less than 450sqm. The lot with the existing dwelling meets the required setbacks of clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2 in accordance with (ii) The vacant lot can accommodate a 10m x 15m area with a gradient of 1 in 5 clear of all setbacks required by clause 8.4.2	Yes

	<p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	A1, A2 and A3, and 8.5.1 A1 and A2 and easements or other title restrictions that limit or restrict development.	
	<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	Lot 2 is an internal lot with a frontage less than 12m.	No
	<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>		Yes
	<p>A4</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	No new road proposed.	N/A
<p>8.6.2</p> <p>Roads</p>	<p>A1</p> <p>The subdivision includes no new roads.</p>		Yes
8.6.3	A1		Yes

Services	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.		
	A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.		Yes
	A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.		Yes

C2.0 Parking and Sustainable Transport Code

Standard	Acceptable Solution	Proposed	Complies?
C2.5 Use Standards			
C2.5.1 Car parking numbers	A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <ul style="list-style-type: none"> (a) 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; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is 	Two (2) provided for existing dwelling	Y

Standard	Acceptable Solution	Proposed	Complies?
	<p>less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>		

APPENDIX**C3.0 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
C3.5 Use Standards			
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. 	Existing approved access to be utilised	Y
	A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.		NA
	A1.3 For the rail network, written consent for a new private level		

Standard	Acceptable Solution	Proposed	Complies?
	<p>crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		<p>NA</p> <p>Y</p> <p>NA</p>

Standard	Acceptable Solution	Proposed	Complies?
C3.6 Development Standards for Buildings and Works			
C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area	A1 Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be: <ul style="list-style-type: none"> (a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building; (b) an extension which extends no closer to the existing or future major road or rail network than: <ul style="list-style-type: none"> (i) the existing habitable building; or (ii) an adjoining habitable building for a sensitive use; or (c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual, 2nd edition, July 2008</i>. 		NA

C3.7 Development Standards for Subdivision			
C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area	A1 A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.		NA

**6. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLINGS
(20) - 2 NAGLE PLACE GLENORCHY**

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 9447850

REPORT SUMMARY

Application No.:	PLN-18-256
Applicant:	E3 Planning Pty Ltd
Owner:	Statewide Constructions (Aust) Pty Ltd
Zone:	General Residential Zone
Use Class	Residential
Application Status:	Discretionary
Discretions:	10.4.2 P3 Setbacks and building envelopes for all dwellings
	10.4.3 P1 Site coverage and private open space for all dwellings
	10.4.3 P2 Site coverage and private open space for all dwellings
	10.4.4 P1 Sunlight and overshadowing of all dwellings
	10.4.6 P1 Privacy for all dwellings
	E5.5.1 P1 Existing road accesses and junctions
	E6.6.1 P1 Number of Car Parking Spaces
	E8.7.1 P1 Development within the Electricity Transmission Corridor

	(The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension of time 07 Sep 2021
Existing Land Use:	Vacant
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application is for twenty multiple dwellings within the General Residential Zone. The dwellings would be located on the northern side of a Y-shaped driveway that has access from the western part of the frontage. There would be eight buildings containing the dwellings. Five of the buildings would contain two conjoined dwellings over two floors. Two of the buildings would contain four dwellings each, two on the upper level and two on the lower level. The last building would contain two dwellings over two floors. The site layout is shown in Figure 1.

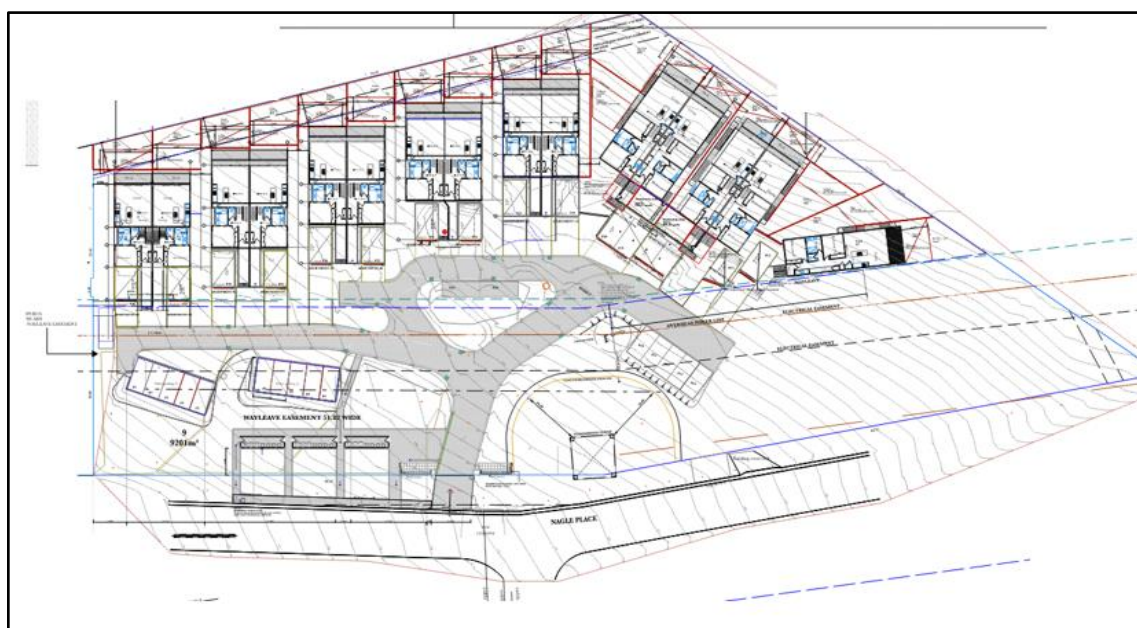


Figure 1: Proposal Plan - Modern Architecture Practice

The proposed dwellings would be constructed with block walls for the foundations, clad with Scyon boards, and capped with corrugated iron skillion roofs, in grey tones. Apartments 1 to 10 would be partially double storey and would provide for three bedrooms and open plan living. There would be decks on both floors and private outdoor space at the rear. Apartments 11 to 20 would be double storey and provide for two bedrooms and open plan living on one level and would also have a deck each and additional private outdoor space. The setbacks from the western boundary would be 3.5m, from the north western boundary 5.685m, from the north eastern boundary 3.96m. There would be a total of thirty-three parking spaces. Twelve parking spaces would be within carports in front of the dwellings and most of the remainder in three banks along the driveway. Typical elevations are shown in Figure 2 and perspectives in Figure 3.

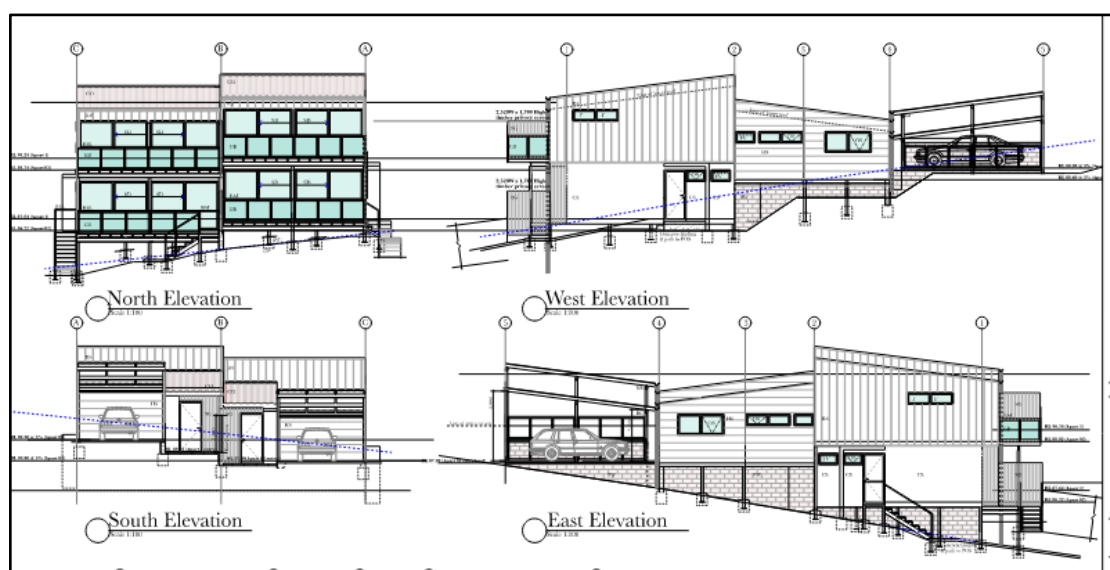


Figure 2: Elevations of Apartments 1 & 2 - Modern Architecture Practice



Figure 3: Perspective- Modern Architecture Practice

The application is discretionary for the building envelope, private outdoor space, window orientation, deck separation, traffic volume, parking space shortfall and works within an electricity easement.

SITE and LOCALITY

The subject property is located on the northern side of Nagle Place and is vacant. The property is known as 2 Nagle Place and is contained in title reference 175092/9. The property had an address change and was previously known as 4 Nagle Place. The land has an irregular shape with an area of 9196m² and has been cleared of remaining vegetation. There is a slope of approximately 1:4 on average that falls to the east. A significant portion of the front part of the site is occupied by an electricity easement with high voltage transmission lines. The property adjoins three other properties. The property to the east is the Barossa Road Reserve, the property to the north contains twelve dwellings and the property to the west contains eight dwellings. The subject property is shown in Figure 4.



Figure 4: Subject Property - TheList - August 2021

ZONE

The subject property is within the General Residential Zone in red, which also applies to the surrounding area, except on the east where the land adjoins the Open Space Zone in lime. The zoning map is shown in Figure 4.

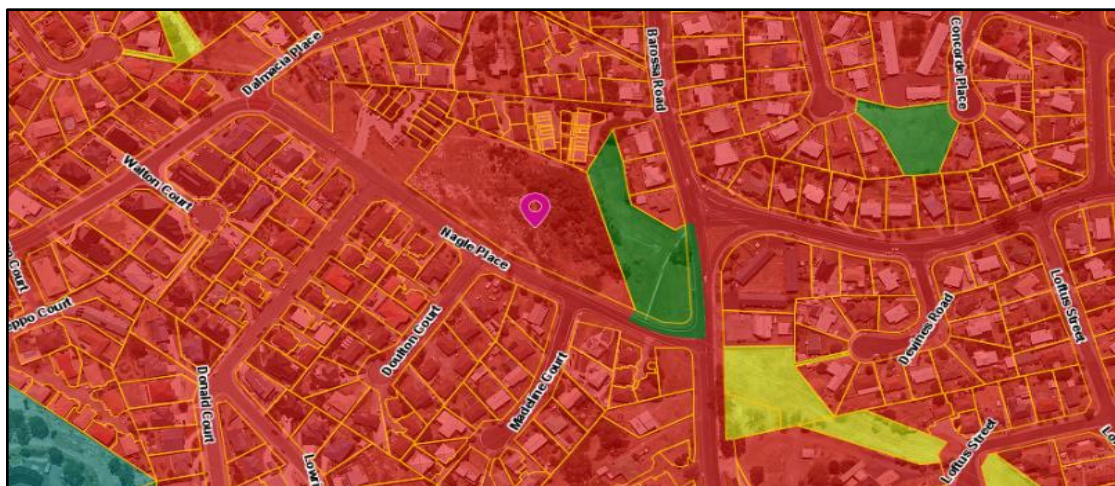


Figure 5: Zoning Map GIPS 2015 - TheList - August 2021

BACKGROUND

Application

The application was valid on 18/12/2018 so that the *Glenorchy Interim Planning Scheme 2015* (Version 33) applies. The application has been on hold for some extended time, pending the submission of additional information, which was for 950 days. As such, it became necessary to grant the Applicant additional time beyond two years to submit the requested information. Once the application was live again, the Applicant granted Council an additional 32 days to table the application at the Glenorchy Planning Authority meeting.

Supporting Documents

The following supporting documents were submitted:

- Stormwater Management Plan Report dated 27/03/20 (Rev V02 updated version submitted on 01/07/21) by Flüssig Spatial
- Stormwater plans dated 22 July 2021 by Flüssig Spatial
- Traffic Impact Assessment (TIA) dated December 2020 by Milan Prodanovic
- Letter from Milan Prodanovic (Traffic Engineer) dated 04/02/21
- B85 Vehicle Turning Report dated 31/03/2020

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

The application includes retaining walls to achieve the required grade for the private outdoor space, which accord with the following exemption:

6.4 Fences

A permit under this planning scheme is not required for a use or development described in subclause 6.4.2:

The construction or demolition of:

- (c) *retaining walls, set back more than 1.5m from a boundary, and which retain a difference in ground level of less than 1m;*

Limited Exemptions

Nil.

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

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

- E5.0 Road and Railway Assets Code
- E6.0 Access and Parking Code
- E7.0 Stormwater Management Code
- E8.0 Electricity Transmission Infrastructure Protection Code

Use Class Description (Table 8.2):

The application proposes twenty dwellings on site which fits under the use class Residential (Multiple Dwellings) as defined in Table 8.2 as follows:

Residential

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

Other relevant definitions (Clause 4.1):

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

Multiple Dwelling

means 2 or more dwellings on a site.

Dwelling

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

Outbuilding

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

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

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

- 10.4.2 P3 Setbacks and building envelopes for all dwellings
- 10.4.3 P1 Site coverage and private open space for all dwellings
- 10.4.3 P2 Site coverage and private open space for all dwellings
- 10.4.4 P1 Sunlight and overshadowing of all dwellings
- 10.4.6 P1 Privacy for all dwellings
- E5.5.1 P1 Existing road accesses and junctions
- E6.6.1 P1 Number of Car Parking Spaces
- E8.7.1 P1 Development within the Electricity Transmission Corridor

Part C: Special Provisions

There are no special provisions applicable.

Part D: Zones

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

Zone Purpose Statements

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

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

Comment

The proposal accords with the above purpose as it is for residential development utilising serviced land. The proposed development would provide for an alternative type of accommodation compared to the predominate single dwelling development within the locality.

Use Table

The use class Residential (Multiple Dwellings) is permitted within the General Residential Zone in 10.2 Use Table.

Use Standards

The standards in Clause 10.3 Use Standards specifically relate to non-residential use, visitor accommodation and local shop and are therefore not applicable to this proposal.

Development Standards for Residential Buildings & Works

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

10.4.2 A3 Setbacks and building envelopes for all dwellings

The application does not accord with the acceptable solution in 10.4.2 A3 with respect to the building envelope. Therefore, the proposal relies on the related performance criteria as follows:

10.4.2 P3 Setbacks and building envelopes for all dwellings

The siting and scale of a dwelling must:

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

Comment

The proposed dwellings would generally be within the building envelope, except for small portions of Apartment 1 and 2. A small portion of the dividing screen of the

balcony and roof would be outside the building envelope due to varying natural ground level. The sections are shown in Figure 6.

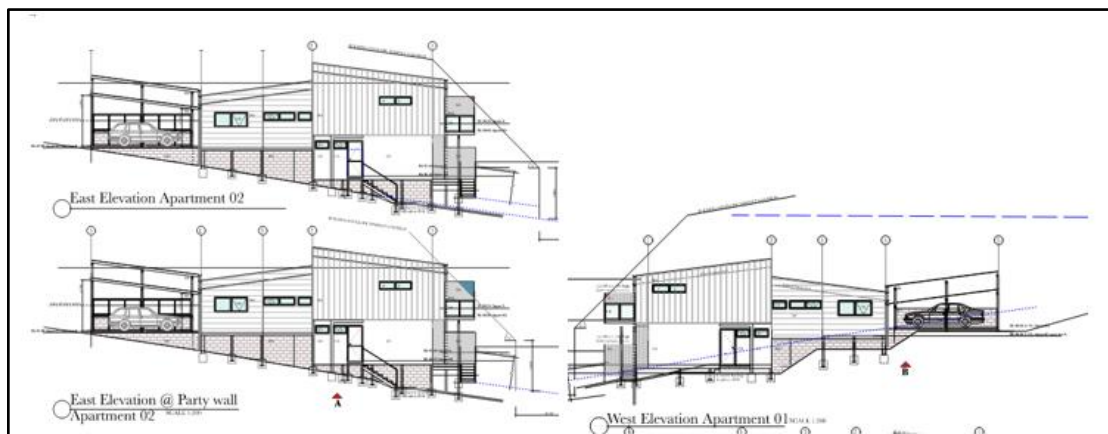


Figure 6: Sections Outside Building Envelope - Modern Architecture Practice

There would be a setback from the north west boundary, which is considered the rear boundary, of 5.685m. The neighbouring property has multiple dwellings in the opposite area. The other boundaries of the subject property have setbacks of 5.79m on the northeast and 3.5m on the western boundary respectively, which would otherwise comply.

The proposal complies with the above performance criteria for the following reasons:

- The proposed dwelling would not cause a reduction in sunlight to any habitable room or overshadowing to private outdoor space because shadows would fall to the south, onto the subject property.
- The separation of the dwellings from the boundaries is considered sufficient to not to cause unreasonable visual impact when viewed from neighbouring properties. In particular, since the portions outside the building envelope are minor. Whilst the dwellings are relatively tall and continuous along the northern boundary, the separation means that the buildings would not be viewed up close. On the north-eastern boundary there is a council reserve in the opposite area, so that no dwellings would be affected.
- The setbacks would be compatible with neighbouring properties. The dwellings on the rear have a minimum setback of approximately 1.5m.

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

10.4.3 A1 Site coverage and private open space for all dwellings

The application does not accord with the acceptable solution in 10.4.3 A1 with respect to total outdoor space. Therefore, the proposal relies on the related performance criteria as follows:

10.4.3 P1 Site coverage and private open space for all dwellings

Dwellings must have:

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

Comment

The acceptable solution requires site coverage of not more than 50%, impervious free area of at least 25% and total private open space of 60m² associated with each dwelling. The proposal accords with the first two requirements, but not with the last. Site coverage is 15% and there would be more than 25% of impervious free area. However, total outdoor space is less than the requirement because a large portion of the site is taken up by the wayleave easement. The proposed total private outdoor space per dwelling varies between 37m² and 107m². Apartments 5 to 7 and 13 to 16 have less than 60m² of total outdoor space. These private outdoor space areas do not include the 15m²-deck provided for each dwelling, except for apartments 13 and 15. Nevertheless, it is considered that there would be a reasonable amount of private outdoor space. The deck would provide an outdoor area for outdoor dining, whilst the additional areas allow for landscaping, clothes drying, and outdoor play. The two dwellings with the smallest outdoor space are two-bedroom dwellings so that the area is considered appropriate in size. Whilst there would not be any communal space, it is noted that there would be additional green space within the wayleave easement.

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

10.4.3 A2 Site coverage and private open space for all dwellings

The application does not accord with the acceptable solution in 10.4.3 A2 with respect to outdoor space in one location. Therefore, the proposal relies on the related performance criteria as follows:

10.4.3 P2 Site coverage and private open space for all dwellings

A dwelling must have private open space that:

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

Comment

The acceptable solution requires private outdoor space in one location that has an area of 24m², minimum width of 4m, is directly accessible from a habitable room, receives at least 3 hours of sunlight to 50% of the area and is no steeper than 1:10.

All dwellings would have private outdoor space in one location of more than 24m², except for Apartment 13 and 15 that have 22m² without the deck. The private outdoor space areas would vary between 22m² and 34m² and would be situated mainly at the rear. There would be retaining walls to achieve the required grade. Access would be from the study over the lower deck and a set of steps for Apartments 1 to 10. There would be longer steps on the side of the dwelling from the living areas for Apartments 11 to 20, except for Apartments 13 and 15 that have the private outdoor space at the front door. Six of the dwellings have minimum widths less than 4m that range from 3.165m to 3.9m which are Apartments 1, 3, 7, 14, 16 and 18. All private outdoor space areas are orientated northwards, except for Apartments 13 and 15, where the private outdoor area is oriented to the southwest. Nevertheless, it is considered that private outdoor space provisions accord with the performance criteria for the following reasons:

- The private outdoor space areas generally accord with the required area or are marginally less, so that there would be sufficient space for outdoor relaxation, dining, entertaining and children's play together with the decks. Each dwelling would have a deck in addition to the private outdoor space in one location. The decks have an area of 15m² per dwelling and a width of 2.5m.
- The width of the private outdoor space areas, which is less than 4m in some cases, is also considered sufficient to allow for usable space.
- The private outdoor areas and the decks would be all accessible from the living areas, except for Apartments 13 and 15, so that the areas are conveniently located.
- All private outdoor space areas are facing northwards and are taking advantage of sunlight, except for Apartments 13 and 15.
- The private outdoor space provisions for Apartments 13 and 15 are still considered to meet the performance criteria. Whilst the area the front of these dwellings would not receive enough sunlight on the shortest day of the year and would not be accessible from a living area, these areas would be in addition to the deck which would be directly accessible and take advantage of sunlight, although not having the required dimension. Both areas together would provide sufficient outdoor space for outdoor relaxation, dining, entertaining and children's play for a two-bedroom dwelling.

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

10.4.4 A1 Sunlight and overshadowing of all dwellings

The application does not accord with the acceptable solution in 10.4.4 A1 with respect to window orientation. Therefore, the proposal relies on the related performance criteria as follows:

10.4.4 P1 Sunlight and overshadowing of all dwellings

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

Comment

The acceptable solution requires that at least one habitable room other than a bedroom faces between 30 degrees west of north and 30 degrees east of north. Apartments 1 to 11 and 19 and 20 would have a living room window facing within 30° west of north. Apartments 12 to 15 would face approximately 40° east of north. Nevertheless, it is considered that the apartments are designed to receive sufficient sunlight. All dwellings would have large windows to the living areas that face northwards, albeit slightly short of 30° for some of the dwellings.

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

10.4.6 A1 Privacy for all dwellings

The application does not accord with the acceptable solution in 10.4.6 A1 with respect to deck separation. Therefore, the proposal relies on the related performance criteria as follows:

10.4.6 P1 Privacy for all dwellings

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

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

Comment

All dwellings would have decks. The decks generally accord with the acceptable solution, except for the separation between decks of 6m. The conjoined decks would have a privacy screen of 1.7m. The separation between buildings is generally 3.5m, except for the buildings which are at an angle that have more than 6m separation. The decks are designed to prevent overlooking as each building from west to east steps forward by approximately 3.5m, except for two buildings. The buildings containing

Apartments 11, 12, 13, 14 and 15, 16, 17, 18 are aligned and have 2.9m separation. It is considered that these decks should have privacy screens on the outside elevation where there is only 2.9m separation. A condition is recommended to this effect.

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

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

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

E5.5.1 A1 Existing road accesses and junctions

The application does not accord with the acceptable solution in clause E5.5.1 A3 with respect to an increase of vehicular movements. Therefore, the proposal relies on the related performance criteria as follows:

E5.5.1 P1 Existing road accesses and junctions

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

Comment

According to the Transport Engineer, the traffic generated by the development is expected to be 110 vehicles per day and 11 vehicles per peak hour. This volume of traffic is an increase of more than 20% or 40 vehicle movements a day under the acceptable solution and triggers an assessment under the performance criteria. Nevertheless, the level of traffic generated by the development will have minimal impact on the efficiency of traffic flow along Nagle Place and at the junction with Barossa Road. For further comments please see the assessment by the Transport Engineer under the Referrals section later in this report.

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

E6.0 Access and Parking Code

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

E6.6.1 A1 Number of Car Parking Spaces

The application does not accord with the acceptable solution in clause E6.6.1 A1 with respect to the number of parking spaces. Therefore, the proposal relies on the related performance criteria as follows:

E6.6.1 P1 Number of Car Parking Spaces

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

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

- (l) *the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) *whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.*

Comment

The proposal provides for 33 Parking spaces, whereas the acceptable solution requires the provision of 45 spaces (two per dwelling and five visitor spaces). The shortfall was assessed by the Transport Engineer and found to satisfy the above criteria. For further comments please see the assessment by the Transport Engineer under the Referrals section later in this report.

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

E7.0 Stormwater Management Code

The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix. For further comments, please refer to the assessment by the Hydraulics Engineer under the Referrals section later in this report.

E8.0 Electricity Transmission Infrastructure Protection Code

The subject land is within the Electricity Transmission Infrastructure Protection overlay with the inner protection zone showed hatched in Figure 6.

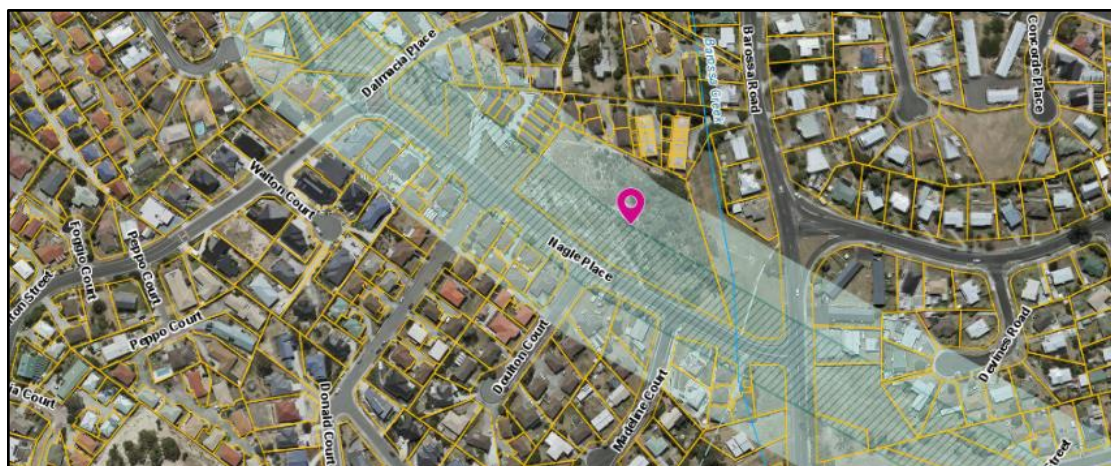


Figure 7: Electricity Transmissions Infrastructure – TheList – August 2021

E8.7.1 A1 Development within the Electricity Transmission Corridor

The application does not accord with the acceptable solution in E8.7.1 A1 with respect to development within a registered easement. Therefore, the proposal relies on the related performance criteria as follows:

E8.7.1 P1 Development within the Electricity Transmission Corridor

Development must be located an appropriate distance from electricity transmission infrastructure, having regard to all of the following:

- (a) the need to ensure operational efficiencies of electricity transmission infrastructure;*
- (b) the provision of access and security to existing or future electricity transmission infrastructure;*
- (c) safety hazards associated with proximity to existing or future electricity transmission infrastructure;*
- (d) the requirements of the electricity transmission entity.*

Comment

All buildings would be outside the registered electricity easement. However, there would be works within the easement, which is also development. There would be a driveway, parking areas and landscaping within the easement. The proposal was referred to TasNetworks which does not object to the proposal proceeding. Please see the Referrals section later in this report for TasNetworks comments.

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

PART F: Specific Area Plans

No specific area plan applies.

INTERNAL REFERRALS

Transport Engineer

Introduction

The developer proposes to construct 20 residential units with two bedrooms, with 10 of these potentially having 3 bedrooms if the study is used as a bedroom. There are 33 car parking spaces proposed.

The assessment below is based on the Traffic Impact Assessment (TIA) undertaken by Milan Prodanovic dated December 2020 along with a response letter dated 4 February

2021. Plans referred to are from Flussig Spatial stamped 22/7/21 regarding footpath, stamped 14 July 2021, and B85 Vehicle Turning Report 31 March 2020.

The TIA was undertaken to address the performance criteria E5.5.1 A3 existing road accesses and junctions, along with code E5.6.4 A1 sight distance at accesses and performance criteria E6.6.1 P1 number of car parking spaces.

Traffic Generation

The traffic generated by the development is expected to be 110 vehicles per day and 11 vehicles per peak hour, based on the RMS (Roads and Maritime Services) Guide Road Traffic Authority NSW Guide to Traffic Generation Development and previous surveys undertaken in Tasmania by Milan Prodanovic.

The TIA estimates that each unit will generate on average 5.5 vehicle trips per day, which is line with the RMS Guide for a regional area of 7.4 for a dwelling and 4.6 for high density flat dwellings. Based on the above the Acceptable Solution is not met for clause E5.5.1 A3 and the TIA was undertaken to address the Performance Criteria A3.

The traffic from the development will access onto Nagle Place from a driveway and then onto Barossa Road. Barossa Road is sub-arterial road, has a speed limit of 60km/h and is a major bus route. Nagle Place is a residential street, has a speed limit of 50km/h and is around 8.5m wide allowing parking on both sides of the road. There is no footpath fronting the development site which the developer will be undertaking. The new footpath will connect to existing footpaths, allowing pedestrian access to the site and access to public transport.

In the TIA a traffic survey was undertaken at the junction of Nagle Place and Barossa Road in the morning peak 8am to 9am on Thursday 7 March 2019. The traffic volume on Nagle Place was 174 vehicles per hour, thus around 1,800 vehicles per day which is below the acceptable level of 3,000 vehicle per day for a residential street. The traffic volume on Barossa Road north of Nagle Place was 748 vehicles per hour, thus around 7,500 – 8,000 vehicles per day which is below the acceptable level of 10,000 vehicle per day for a sub-arterial road.

The TIA concluded that the level of traffic generated by the development will have minimal impact on the efficiency of traffic flow along Nagle Place and at the junction with Barossa Road. The TIA assessed the capacity of the junction in which it will not be reach with the proposed development nor in 10 years' time with an increase in traffic volume of 2% per year.

The crash data reported to the Police, shows there have been 5 crashes in Nagle Place with 4 of these being at the junction prior to 2019. Recent works have been undertaken by Council in 2019 at the junction of Nagle Place and Barossa Road to improve the safety of the junction by providing a dedicated right turn lane from Barossa Road into Nagle Place and improving the crossing for pedestrian. The TIA

concludes that the crash history is not of significant concern with respect to the development.

The TIA is accepted, and it can be concluded that the additional traffic should not have a significant impact on the road network. The performance criteria for E5.5.1 P3 is met.

Parking Supply

The development is proposing 33 car parking spaces, of which 5 will be for visitors leaving 28 for the 20 units. A further 7 units will have carport capable of accommodating a jockey parked car. The planning scheme requires 45 car parking spaces consisting of 2 for each unit and 5 visitor parks.

The TIA concluded that there is sufficient parking for the development based on the car spaces provided, the public transport in the area and car ownership in Glenorchy where the 2016 census found that 57% of dwellings have one car or no car.

Based on the TIA, it is accepted that there is adequate parking for the development and the performance criteria for E6.6.1 is met.

Driveway, Pedestrians and Parking Access

The development is proposing one driveway access with two-way traffic flow at a width of 6.5m at the property boundary off Nagle Place with forward entry and exit. The access reduces to 6.1m in width and then divides into several 4.2m wide dead-end accesses and one circular access. The internal accesses will have passing bays every 30m and grades up to 25% which is the maximum allowed in AS2890.1.

The driveway access will be located on a straight section of Nagle Place between Madeline Court and Doulton Court. The sight distance at the proposed driveway has at least 150m in both directions. This is well above that required under AS2890.1 and in the planning scheme of 80m. Thus, the acceptable solution A1 sight distance at accesses, is met.

There will be a pedestrian path from the middle of the units, up to the garbage bin storage area and then onto Nagle Place where bins will be collected on the newly constructed footpath provided by the developer.

The TIA has checked the required turn paths of vehicles and found that they are reasonably adequate for three-point turns by a standard B85 car for all manoeuvres to and from the parking spaces. However, the TIA has made a few recommendations that conditions be placed on the planning permit regarding parking spaces, aisle

widths and length of driveway alongside parking spaces. These recommendations have been included in the conditions below.

Based on the TIA and recommended conditions on the planning permit, it is accepted that the proposed access is safe and will not unreasonably impact on the efficiency of the road.

Conclusion

As the proposed development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency, parking or road safety, there is no objection to the development on traffic engineering or road safety grounds subject to:

1. The developer constructs a footpath in Nagle Place alongside its frontage connecting to existing Council's footpaths, in accordance with TSD-R09-V3 and TSD-R11-v3 prior to occupation.
2. All carport accesses off parking aisles include a splay on both sides of the access at the parking aisle to allow sufficient swept path to from the parking aisle.
3. Road 3 be extended a further 1.5m beyond the last 90-degree parking space for vehicles reversing out of the bay.
4. Two parallel parking spaces opposite unit 8 are constructed to a length of 7m.
5. Car parking spaces at each end of the 90-degree angle parking bays is widened by 300mm so a total width of 2.8m.

Hydraulics Engineer

Comments

E7.0 Stormwater Management Code

Referenced Documents

- No4 Nagle Place Stormwater Management Plan Report – Rev No. 02
- Flussig Spatial drawings FS-HOB-2049-H100 and H101

E7.7.1 Stormwater Drainage and Disposal

A1/P1

Stormwater from the proposed internal driveways and roofed areas are being collected via pit and pipe network and discharged via gravity into the existing DN1800 council main. A1 is met.

A2/P2

As detailed in the Stormwater report by Flussig, the development is able to achieve the required 80% reduction in total suspended solids, 45% reduction in total phosphorus and 45% in total suspended solids as detailed in Table E7.1. This achieved through the installation of SPEL Ecoceptor GPT and a SPEL Hydroceptor 400. A2 is met.

A3

Stormwater runoff generated by the development will be greater than pre-existing and there is insufficient capacity within the existing public stormwater infrastructure. Therefore, on site detention is required.

Initial calculations used a time of concentration of 10 minutes only. Following requests for information, Council requested that the time of concentration for the entire catchment be used to calculate the Permissible Site Discharge (PSD). The Site Storage Requirement (SSR) then needs to be sized by analysing all storm durations to determine the maximum volume. This has been calculated to be 18,000 L. This is proposed to be provided by using above ground 1.2kL tanks per lot. A3 is met.

A4

A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.

Overland flown paths within the site are proposed to be intercepted and diverted via the access roads and grassed bunds / channels including cut -off drains and swales along the boundary fences and between units. These will be diverted to the north east corner of the lot, where the existing overland flow path currently is. A4 is met.

Conclusion and Conditions

In summary, there are no objections with the proposal from a hydraulics perspective, provided the recommended conditions are met.

Development Engineer***Comments***

The development application seeks approval for 20 multiple dwellings on a vacant land. The development consists of eight (8) buildings containing the dwellings. Five of the buildings would contain two conjoined dwellings over two floors. Two of the buildings would contain four dwellings each, two on the upper level and two on the lower level. The last dwelling would contain two dwellings over two floors.

The following supporting documents were submitted:

- The Traffic Impact Assessment (TIA) by Milan Prodanovic dated December 2020
- A response letter from Milan Prodanovic dated 4 February 2021,

- Stormwater plans by Flussig Spatial dated 22 July 2021 and
- The Stormwater Management plan by Rev v02 dated 1 July 2021

The development application has been referred to Council's Transport Engineer and Senior Civil Engineer to review that recommend conditions if approved. The TIA addresses the performance criteria E5.5.1 A3 existing road accesses and junctions, along with clause E5.6.4 A1 sight distance at accesses and performance criteria E6.6.1 P1 number of car parking spaces. Based on the Traffic Engineer's referral the conclusion in the report is to the satisfaction of Council's Transport Engineer.

The stormwater management report and plans address the acceptable solutions under the Stormwater code. The plans demonstrate accordance with the requirements as shown on the concept stormwater plan and with the water treatment and on-site detention details, to the satisfaction of Council's Senior Civil Engineer.

The development includes construction of driveway, parking areas and footpath extension along the boundary. The layout of the development is as shown below.

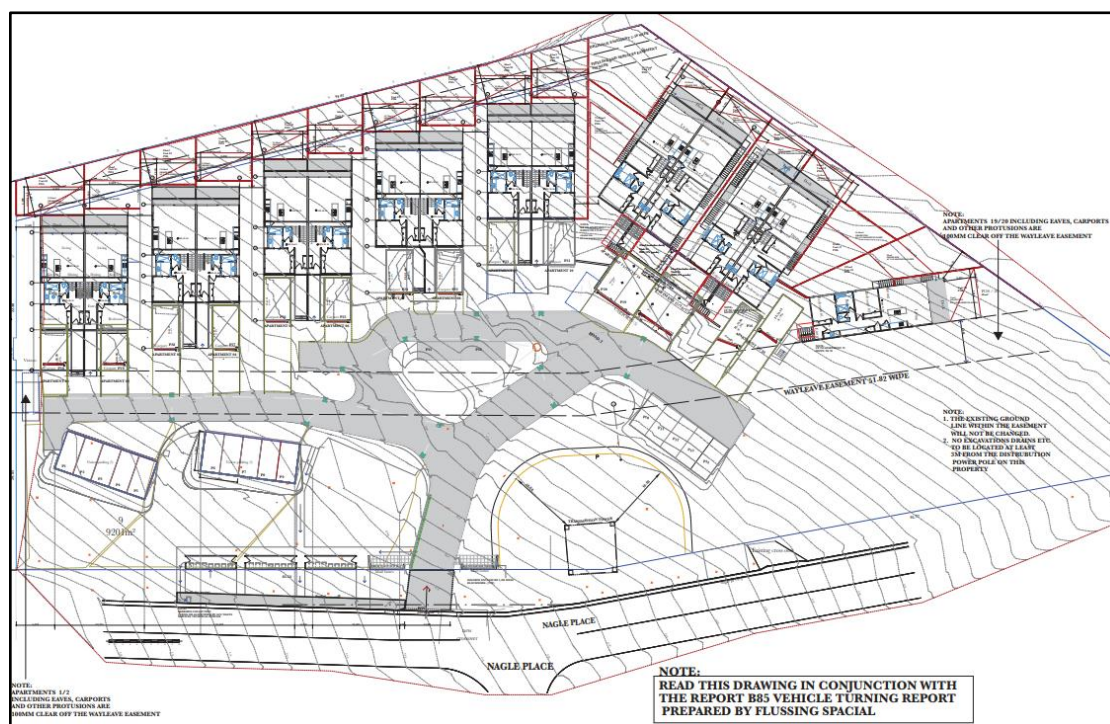


Figure 8: Layout - Modern Architecture Practice

E5.0 Road and Railway Assets Code

The development complies with the Code.

The TIA estimates that each unit will generate on average 5.5 vehicle trips per day. The expected traffic generation is based on the RMS (Roads and Maritime Services) Guide Road Traffic Authority NSW Guide to Traffic Generation Development and previous surveys undertaken in Tasmanian by Milan Prodanovic. Therefore, the

proposed development is expected to increase vehicle movements, to and from the site, to 110 vehicle movements per day and hence the development is unable to comply with the Acceptable solution A3 of E5.5.1; and the assessment against the performance criteria (P3) is triggered.

The site will be accessed off the Nagle Place via a new proposed driveway access. The TIA has addressed each performance criteria and undertaken a traffic and parking survey at the junction of Nagle Place and Barossa Road in the morning peak 8am to 9am on Thursday 7 March 2019. The traffic volume on Nagle Place was 174 vehicles per hour, this is below the acceptable level of 3,000 vehicle per day for a residential street. The traffic volume on Barossa Road north of Nagle Place was 748 vehicles per hour, which is below the acceptable level of 10,000 vehicle per day for a sub-arterial road. Barossa Road is a major bus route while the Nagle Place is a residential street with a speed limit of 50km/h and is with sufficient width for on-street parking on both sides of the road. Considering the information mentioned above along with the crash data and the new footpath proposed, the TIA concluded that the additional traffic is not expected to have a significant impact on the road network and the performance criteria for E5.5.1 P3 is met.

The site can be accessed off the new proposed vehicle crossing, and the existing access will be reinstated; this complies with A2, E5.6.2. There is no footpath fronting the development site which the developer will be undertaking. Currently there is no footpath, the developer proposes a new footpath connecting the existing footpaths along 4 Nagle Place, allowing pedestrian access to the site and access to public transport. This will be conditioned in the report. Sight distance also complies with the Acceptable solution, A1 E5.6.4. The TIA addressed the sight distance, and Council's Transport Engineer accepts and agrees with the findings.

E6.0 Parking and Access Code

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

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

The site can be accessed off the proposed vehicular access onto the driveway, parking spaces and carports. The requirement under the E6.6.1, A1 requires the total of 45 car parking spaces for 20 residential dwellings; that consists of 2 spaces per each dwelling plus 5 visitor spaces. The applicant proposes to provide 33 car parking spaces, of which 5 will be for visitors' spaces leaving 28 for the 20 units. This is unable to comply with the requirements and the assessment against the performance criteria (P1) is

triggered. The TIA addressed each performance criteria and concluded that there is sufficient parking for the development based on the car spaces provided, the public transport in the area and car ownership in Glenorchy where the 2016 census found that 57% of dwellings have one car or no car. The availability of on-street parking and the use of other mode of transport are also considered. Therefore, the TIA concludes that there is adequate parking for the development and the performance criteria for E6.6.1 is met.

The layout of the parking areas complies with the standard AS2890.1:2004, providing a two-way traffic with double width access (6.5m wide). The surface treatment of the driveway is proposed to be concrete. These comply with the acceptable solutions. The requirements for passing bay, on-site turning, landscaping and lighting are satisfied and meet the acceptable solutions. These will be included in the conditions recommended along with conditions recommended by the TIA.

E7.0 Stormwater Management Code

There are no GCC stormwater mains affected by this application; and a 300mm stormwater connection to a 1800mm Council main is proposed by the developer as a point of discharge. All stormwater runoff is proposed to discharge to the connection. Therefore, the SW arrangement is considered comply with the acceptable solution, A1. The acceptable solution A2 requires a stormwater treatment system to incorporate water sensitive urban design for treatment. The development would comply, with the developer proposing to install treatment devices (SPEL Ecoceptor GPT and a SPEL Hydroceptor 400) to achieve the removal target required.

Fifteen on-site detention tanks of 1.2kL will be installed to achieve the calculated detention volume of 18kL for the entire development. Therefore, the development is considered meet the requirements in Stormwater Management Code. Council's Senior Civil Engineer accepts the on-site detention plan and is satisfied that the overland flow path within the site is managed and diverted via access roads to channels and cut-off drains along the boundary fences and to where the existing overland flow path is. Therefore, A3 and A4 are also met.

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)

There is no new connection proposed to be discharged directly to the creek or waterways and therefore the acceptable solution A4 is met.

E15.0 Inundation Prone Areas Code

There are no flooding impacts that affect the proposed development. The overland flow path will be managed within the developed site and will be diverted via access roads to channels and cut-off drains along the boundary fences and to where the existing overland flow path is.

Waste Management

Comments:

Waste management services to the proposed multiple dwelling development would be Council's shared bin service, collected weekly. The wheelie bins should be stored in a bin enclosure within the property boundary and are not to be taken to individual units. All shared wheelie bins should be placed on the kerbside for collection. A condition is recommended to ensure bin enclosures are constructed in accordance with the requirements.

EXTERNAL REFERRALS

TasWater

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

TasNetworks

TasNetworks commented as follows:

Thank you for providing the plans titled NAGLE PART 1 and PART 2 dated 15/05/21 and 2/06/21 regarding the proposed development at 4 Nagle Place.

The plans identify the 51.82m wide wayleave easement associated with transmission line along with the 10m buffer zone associated with the transmission tower. As well as the 12m wide (6m either side of the centreline) deemed easement associated with the distribution line and the 3m buffer zone associated with the distribution power pole. It is noted that this deemed easement extends further across the site than the wayleave easement.

As the proposal does not involve any change in ground level or the development of a building or structure (including eaves, or roofed structures) within either of the easements, TasNetworks does not object to the proposal proceeding.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with no representation(s) being received.

CONCLUSION

The application is for twenty multiple dwellings that are to be accommodated in eight buildings. The application is discretionary for the building envelope, private outdoor space, window orientation, deck separation, traffic volume, parking space shortfall and works within an electricity easement.

The discretions relating to the building envelope, window orientation, deck separation and traffic volume are relatively minor. The works within the electricity easements are acceptable to TasNetworks. The discretions relating to private outdoor space and the parking shortfall are more significant. In terms of private outdoor space, seven apartments do not have 60m² of total private outdoor space. Nevertheless, all apartments have more than 22m² of private outdoor space in one place, not counting the decks, albeit not all with the required width of 4m. Given that the private outdoor space in one location is of a good size and in addition to the decks, it is considered that the areas satisfy the performance criteria. In terms of overall private outdoor space, it is considered that there would be additional green space within the easement.

The parking shortfall is twelve paces. Nevertheless, at this location the parking shortfall can be accommodated, and regular public transport is also available. The Applicant submitted a Traffic Impact Assessment that was to the satisfaction of the Transport Engineer.

The application was advertised in accordance with statutory requirements. There where no representations received.

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 Multiple Dwellings (20) at 2 Nagle Place Glenorchy, subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-256 and Drawing submitted on 02/07/2021, 08/01/2021, 18/06/2021, 22/07/2021 (footpath extension), 14/07/2021 (driveway, parking and civil drawings), 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 2019/00011-GCC, dated 02/07/2021, form part of this permit.

3. Permanently fixed screens must be installed on the outside elevation of decks attached to Apartments 13/14 and 15/16, where separation is only 2.9m, to prevent overlooking. The screens must be to a height of 1.7m above the finished surface level with a uniform transparency of no more than 25%. The screens must remain in-situ for the life of the decks. Details of the screens must be shown on plans submitted in association with a Building Permit.
4. Retaining walls must be set back more than 1.5m from a boundary and retain a difference in ground level of less than 1m, as shown on the approved plans.
5. Private outdoor space must have a gradient of no more than 1:10 as shown on the approved plans.
6. Any fence within 4.5 m of a frontage must have a height above natural ground level of not more than:
 - (a) 1.2 m if the fence is solid; or
 - (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).

Unless approved by a separate permit.

7. Landscaping must be completed as shown on the approved landscape design prior to the occupancy of the last dwelling. Plants within the electricity easement must not exceed 1m in height. Bin enclosures must be screened from public view by plantings as shown on the plan. Landscaping must then be maintained for the life of the development approved herewith and to the satisfaction of Council's Statutory Planner.

Engineering

Standard Conditions

8. 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.

9. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
10. 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.
11. No civil works related to or associated with the use or development approved by this permit are to occur on or external to the site unless these works are in accordance with engineering drawings that have been approved by Council's Development Engineer. Changes to the design and/or location of civil works will require the submission of amended engineering drawings prepared by a licensed civil engineer for approval by Council's Engineer.
12. Provide written certification from a licensed civil engineer certifying that all civil works have been completed in accordance with the engineering drawings approved by Council's Development Engineer and to the applicable Australian Standards prior to the commencement of the use or within 20 days of completion of the works whichever occurs sooner.
13. Arrange a compliance inspection with Council of the civil works that have been approved by Council's Development Engineer prior to the commencement of the use or within 20 days of completion of the works whichever occurs sooner. Note that a minimum of five (5) business days' notice must be given to Council for a compliance inspection.
14. 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. 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.

Parking and Traffic Conditions

15. The developer must construct a footpath in Nagle Place alongside its frontage connecting to existing Council's footpaths prior to occupation to the satisfaction of Council's Transport Engineer. Engineering drawings showing the footpath details in accordance with TSD-R09-V3 and TSD-R11-v3, must be submitted for approval by Council's Transport Engineer prior to the commencement of works or the issuing of a Building permit (whichever occurs first).

16. The design and construction of the parking, access and turning areas must generally comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
- (a) Be constructed to a sealed finish and the finished gradient must not exceed the maximum gradient of 20%
 - (b) Thirty-three (33) clearly marked car parking spaces must be provided in accordance with the approved plan received by Council and always kept available for these purposes.
 - (c) Of the proposed number of car parking spaces, five (5) visitor parking spaces must be provided, clearly line-marked and always kept available for these purposes
 - (d) Vertical alignment must include transition curves (or straight sections) at all grade changes greater than 12.5%.
 - (e) All runoff from paved and driveway areas must be discharged into Council's stormwater system.
 - (f) Be incorporated the WSUD and landscaping into the parking areas of the development.
 - (g) All carport accesses off parking aisles include a splay on both sides of the access at the parking aisle to allow sufficient swept path to and from the parking aisle.
 - (h) Road 3 be extended a further 1.5m beyond the last 90-degree parking space for vehicles reversing out of the bay.
 - (i) Two parallel parking spaces opposite unit 8 are constructed to a length of 7m each space.
 - (j) Car parking spaces at each end of the 90-degree angle parking bays is widened by 300mm so a total width of 2.8m.
 - (k) Landscaping of parking and circulation areas must be provided and must be no less than 5 percent of the area of the car park.
 - (l) Lighting is to be provided to all car parking and driveways areas in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car parks" of AS/NZ 1158.3.1: 2005. The illumination of the proposed light standards is to be activated prior to the occupancy.

- (m) The gradient of any parking areas must not exceed 5%; and
- (n) Minimum carriageway width is to be no less than 3.0 metres.

To comply with the above requirements, the developer must submit engineering drawings demonstrating compliance with the requirements to the satisfaction of Council's Development Engineer prior to the issuing of the Building Permit. All works required by this condition must be installed prior to the occupancy of the dwelling.

17. Barriers compliant with the Australian Standard AS 1170.1 must be installed to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit. All works required by this condition must be installed prior to the occupancy of the dwelling.

Hydraulics Conditions

18. The onsite detention elements and its associated components must be designed and constructed to the satisfaction of the Council's Senior Civil Engineer and completed prior to a Certificate of Occupancy being issued for any of the dwelling. OSD modelling results must be provided along with the detailed engineering design, to the satisfaction of Council's Senior Civil Engineer, in association with a Building Permit Application.
19. The development must incorporate the nominated Water Sensitive Urban Design (WSUD) element(s) or equivalent, as presented in the stormwater report by Flussig, dated 03/02/21, and other drawings approved as part of this permit. The WSUD design must achieve the acceptable stormwater quality and quantity targets stated in Table E7.1 of the Glenorchy Interim Planning Scheme 2015, for the treatment of stormwater discharging from the development and be submitted and approved in association with a Building Permit Application.
20. In association with a Building Permit Application, a WSUD and OSD Maintenance Scheme must be submitted for approval, to the satisfaction of Council's Senior Civil Engineer, defining the maintenance method and frequency for each WSUD or OSD element incorporated in the development. The Owner and all successors in title must ensure ongoing compliance with the approved WSUD and OSD Maintenance Scheme for the duration of the approved use. Council must first approve any changes to the approved WSUD and OSD Maintenance Scheme.

21. Upon approval of the WSUD and OSD Maintenance Scheme, and in association with a Building Permit Application, the applicant shall enter into a registered agreement with Council, at the sole expense of the applicant, pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*, for the area which is subject to this permit. The Owner and all successors in title must advise any subsequent successor in title of the existence of the Agreement and its terms and conditions. The Part 5 agreement shall require the Owner and all successors in title to covenant and agree with Council the following:
 - (a) All works outlined in the WSUD and OSD Maintenance Scheme submitted by the applicant and approved by Council, including the maintenance method and frequency for individual WSUD and OSD elements, must be implemented and managed by the Owner and all successors in title at their sole expense;
 - (b) The Owner must keep the maintenance records in an accessible form (either printed or electronic) for five years from the date of the work was carried out to prove that the maintenance of each WSUD and OSD element has been conducted in accordance with the WSUD and OSD Maintenance Scheme;
 - (c) Repair and replace all the WSUD and OSD elements at the sole expense of the Owner and all successors in title so that the WSUD and OSD functions (stormwater quality and quantity control) in a safe and efficient manner.
 - (d) Permit the Council from time to time and upon giving reasonable notice (but in the case of an emergency, at any time and without notice) to enter and inspect the WSUD and OSD elements for compliance with the requirements of this agreement;
 - (e) Comply with the terms of any written notice issued by the Council in respect of the requirements of this agreement within the time stated in the notice;
22. The development must be designed to ensure overland flow formed in any major flood events (e.g.1% AEP) can pass the site in a controlled manner, without causing risk to properties or users of the site. Any flood mitigation proposed onsite must not impede overland flood or increase flood risks to neighbouring properties in any major flood events. Detailed design of the proposed overland flow paths must be provided to the satisfaction of Council's Senior Civil Engineer, in association with a Building Permit Application.
23. The design of the connection to Council's DN1800 must be provided to the satisfaction of Council's Senior Civil Engineer in association with a Building Permit Application.

Waste Management

24. The design for the bin enclosure must comply with the following:
- (a) it must be built on a flat surface with a concrete base/pad and surround of a brick or painted block enclosure or other suitable material to the satisfaction of Council's Waste Services Co-ordinator;
 - (b) it must have concrete at the entrance to the bin enclosure;
 - (c) it must suit 21 X 240L wheelie bins of size 1100 height x 600mm wide x 800mm deep and must allow for 300mm space in between each bin;
 - (d) recommended minimum height of the enclosure is 1200mm and minimum recommended depth is 930mm;
 - (e) the front of the enclosure must face the internal access and be left open throughout the length of the bin enclosure to enable the bins to be removed, and returned in a safe and efficient manner,
 - (f) there must be no lip on the concrete slab of the bin enclosure.

The bin enclosure must be built within the property boundary preferably at the entrance of the property allowing a 4.5 metre distance from the entrance to prevent impacting on sight distances for vehicles leaving the site and as shown on the approved plans.

The bin enclosure must be built no closer than a minimum of 5.5 metres to any residence to avoid odour and nuisance issues arising.

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

Advice: Council's Waste Services Contractor would not enter the property to collect and empty bins.

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.

Other 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.

Attachments/Annexures

- 1 GPA Attachment - 2 Nagle Place Glenorchy



APPENDIX

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Land 9196m ² / 20 = 459.8m ²	Yes
10.4.2 Setbacks and building envelope for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	Frontage setback: at least 26m	Yes
	A2 A garage or carport must have a setback from a primary frontage of at least:	Carport setback: more than 26m	Yes

	<p>(a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.</p>		
	<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</p> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>Front setback: more than 26m - complies</p> <p>Rear setback NW: 5.685m – small amount outside</p> <p>Side setback NE: 3.96m (5.79m wall) complies</p> <p>Side setback W: 3.5m – complies</p>	No – Discretion
<p>10.4.3 Site coverage and private open space for all dwellings</p>	<p>A1 Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>Land 9196m², building footprint 1343m²</p> <ul style="list-style-type: none"> • Site coverage 15% • POS between 29m² and 107m² • Impervious free surfaces: more than 25% 	No – Discretion

	<p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>		
	<p>A2 A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24 m²; or</p> <p>(ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4 m; or</p> <p>(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(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) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	See report	No – Discretion
<p>10.4.4 Sunlight and overshadowing of all dwellings</p>	<p>A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).</p>	<p>Apartments 1 to 11 and 19 and 20 would have a living room window facing within 30° west of north.</p> <p>Apartments 12 to 15 would face approximately 40° east of north.</p>	No – Discretion

	<p>A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</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. 	<p>Apartment 10 would be to the north of Apartment 11 Apartment 18 would be to the north of Apartment 19 and 20 The separation distances between the buildings are more than 14m</p>	<p>Yes</p>
	<p>A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):</p> <ul style="list-style-type: none"> (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4 m; or 	<p>Not to the north</p>	<p>Yes</p>

	(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
10.4.5 Width of openings for garages and carports for all dwellings	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).	Carports are not within 12m of the frontage	Yes
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	All dwellings would have decks Apartments 1 to 10 would have a setback for the decks of more than 4m from the rear boundary (NW), which complies. Apartments 11 to 20 would have a side setback (NE boundary) of more than 3m (3.96m), which complies. There would be separating screens between the joined balconies. However, there would be no screens on the outside of each deck and separation would be less than 6m from neighbouring decks, which does not comply. Most parking spaces would partially have a floor level of more than 1m above NGL but would not face windows or decks of another dwelling., which complies.	No Discretion
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door:	All dwellings have habitable rooms with floor levels above 1m and windows.	Yes

	<ul style="list-style-type: none"> (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or <p>(c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.</p>	<p>All windows would have the required boundary setbacks.</p> <p>Apartments 1 to 10 would have windows on the side elevations that are either high windows (sill height of 1.7m) or are windows where the floor level is less than 1m above NGL.</p> <p>Apartments 10 and 11/12 are at an angle and have separation of windows of more than 6m where there is a floor level more than 1m above NGL and the windows are not high windows. The same applies to apartments 17/18 and 19/20.</p>	
	<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <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 shared driveway and parking areas would not be within 2.5m of a window of dwelling.</p>	Yes
10.4.7	A1		

Frontage Fences for all dwellings	A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	The plans do not show any fencing. However, fencing is likely to be installed so that a condition is imposed.	Yes
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.	There would be three bin enclosures at 4.5m from the frontage boundary and more than 5.5m from a dwelling. The bin enclosures would be 1.2m high and would be screened from all sides. There would be landscaping in front of the bin enclosures to reduce visual impact from the street. The footpath will be extended to the front of the development so bins can be placed for collection.	Yes

APPENDIX**E8.0 Electricity Transmission Infrastructure Protection Code**

Standard	Acceptable Solution	Proposed	Complies?
8.6 Use Standards			
E8.6.1 Sensitive Use Within 65m of a Substation Facility	A1 No Acceptable Solution.	Not within 65m of a substation	NA

Standard	Acceptable Solution	Proposed	Complies?
E8.6.2 Use Other Than Sensitive Use Within 65m of a Substation Facility	A1 A use must not result in materials stored or handled within the site becoming airborne contaminants which transmit into a substation facility.		NA
E8.7 Development Standards for Buildings and Works			
E8.7.1 Development within the Electricity Transmission Corridor	A1 Development is not within: (a) an inner protection area; or (b) a registered electricity easement.	There will no development of buildings within the inner protection area or the easement. There will be a driveway and parking areas. The application was referred to TasNetworks who provided comments	No - Discretion
E8.7.2 Development for Sensitive Uses Within 65m of a Substation Facility	A1 No acceptable solution.	Not within 65m of a substation	NA

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.	110 vpd traffic generation however the TIA addressed the performance criteria to the satisfactory of Council.	No
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

Standard	Acceptable Solution	Proposed	Complies?
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.		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

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

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (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.	33 spaces	No – parking shortfall addressed in the TIA
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;		N/A

Standard	Acceptable Solution	Proposed	Complies?
	(c) be located as close as practicable to the building entrance.		
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		N/A
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		Yes
E6.7.2	A1		Yes

Standard	Acceptable Solution	Proposed	Complies?
Design of Vehicular Accesses	<p>Design of vehicle access points must comply with all of the following:</p> <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. 		
<p>E6.7.3</p> <p>Vehicular Passing Areas Along an Access</p>	<p>A1</p> <p>Vehicular passing areas must:</p> <ul style="list-style-type: none"> (a) be provided if any of the following applies to an access: <ul style="list-style-type: none"> (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; 		Yes

Standard	Acceptable Solution	Proposed	Complies?
	(c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		Yes
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.		Yes
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following;		Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</p> <p>(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p>		
<p>E6.7.7</p> <p>Lighting of Parking Areas</p>	<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>		Yes
<p>E6.7.8</p> <p>Landscaping of Parking Areas</p>	<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>		Yes
<p>E6.7.9</p> <p>Design of Motorcycle Parking Areas</p>	<p>A1</p> <p>The design of motorcycle parking areas must comply with all of the following:</p>		N/A

Standard	Acceptable Solution	Proposed	Complies?
	(a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.		N/A
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
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		N/A

Standard	Acceptable Solution	Proposed	Complies?
	additional shower for each 10 additional employee bicycle spaces thereafter.		
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.		Yes
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

APPENDIX

E7.0 Stormwater Management Code

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (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.		Yes
	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;		Yes

Standard	Acceptable Solution	Proposed	Complies?
	(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.		
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		Yes

**7. PROPOSED USE AND DEVELOPMENT - GARDEN SHED WITH
DECK AND RETAINING WALLS - 37 WATTLE AVENUE LUTANA**

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 5451409

REPORT SUMMARY

Application No.: PLN-21-334

Applicant: G J Price

Owner: G J Price and J E Tyzack

Zone: General Residential

Use Class: Residential

Application Status: Discretionary

Discretions: 6.2.6 General Provisions

8.4.2 P1 Setbacks and building envelopes for all dwellings

8.4.2 P3 Setbacks and building envelopes for all dwellings

8.4.6 P1 Privacy for all dwellings

8.4.7 P1 Frontage Fences for all dwellings

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

Level 2 Activity? No

42 Days Expires: Extension of time to 9 Sept 2021

Existing Land Use:	Single Dwelling
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application is for a shed with deck and retaining walls at a residential property with a steep slope. The proposed garden shed would be installed near the back corner of the property, where there is access from a road. There would be a platform at the rear of the shed for level access and the shed would be on piers. There would be also a deck surrounding the shed on three sides. The deck would be a maximum of 1.8m above natural ground level. The shed would be 3.6m long, 2.5m wide and 3.39m high. There would be windows and a door on the front wall of the shed, facing the existing house on site. The proposal includes various timber-log retaining walls and framing for garden beds. The higher retaining walls, 0.7m from the rear boundary, are between 1m and 1.4m high. A small section of retaining wall adjoins the neighbouring boundary over a 1.7m wide section and is 1.4m high. There would be also a low gabion retaining wall down slope from the shed. The original application included a greenhouse that is no longer proposed. The application is discretionary for retaining walls, front setback, building envelope, privacy, and a section of a frontage fence. The proposal is shown in Figure 1.

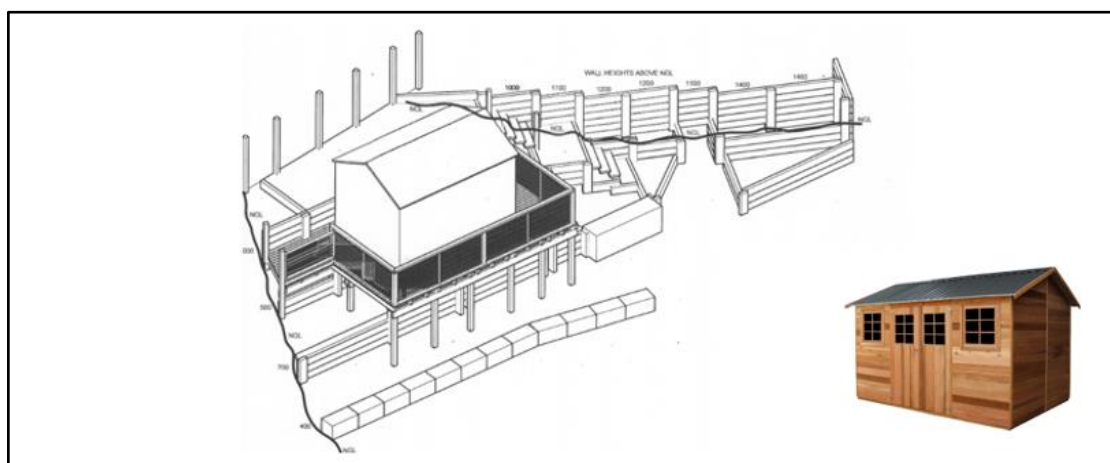


Figure 1: Proposal Plan - CADRAW

SITE and LOCALITY

The subject site is located between Wattle Avenue and Lennox Avenue, just south of the intersection with Michael Street in Lutana. The lot is rectangular with a small, truncated corner on the northeast, approximately 2.4m wide, which adjoins Lennox Avenue. The property has an area of 668m² and is occupied with a single dwelling within the front half of the property. The backyard has a slope of approximately 1:3. The property adjoins three other residential properties. The property to the north has a block with four flats and a parking area at the rear. The property to the east, at the rear, has a driveway in the adjoining area. The property to the south contains a single dwelling and has the backyard in the adjoining area. Approximately 1.7m of the common boundary would be affected by a retaining wall. The location of the subject property is shown in Figure 2 and photos are shown in Figures 3, 4 and 5.

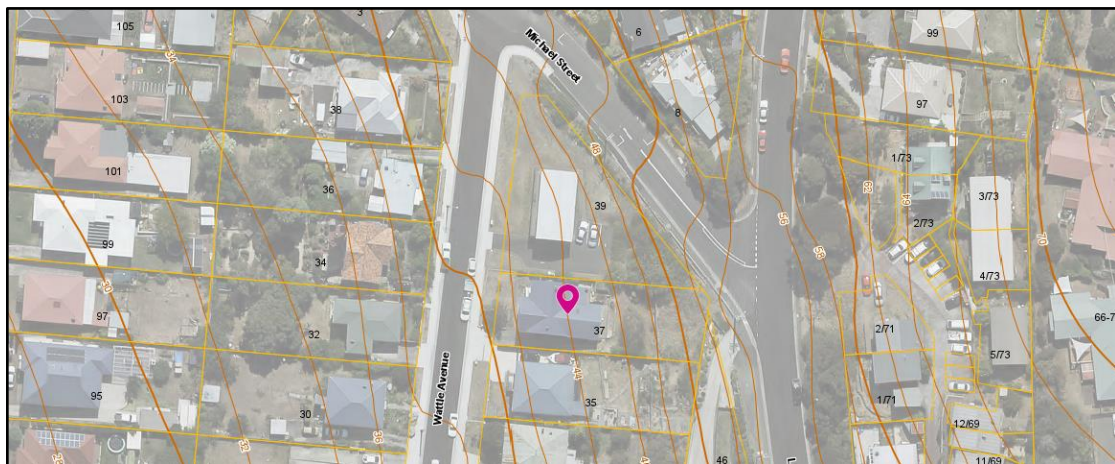


Figure 2: Subject Site - TheList - August 2021.



Figure 3: Neighbouring Backyard to the South - Street View



Figure 4: Location of Shed from Neighboring Property to the North – Street View

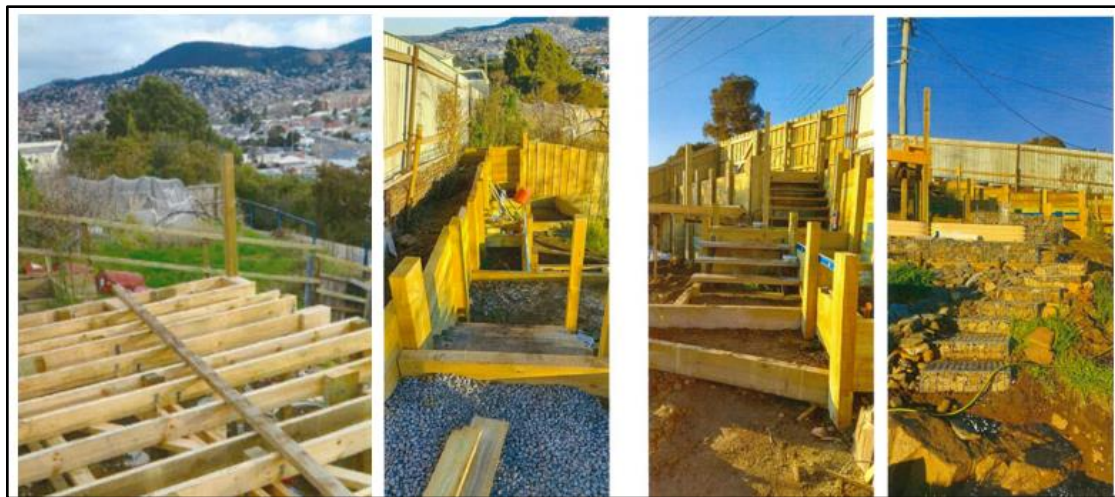


Figure 5: Site Photos Provided by the Applicant

ZONE

The subject property is within the General Residential Zone, which also applies to the surrounding area as shown in Figure 5.

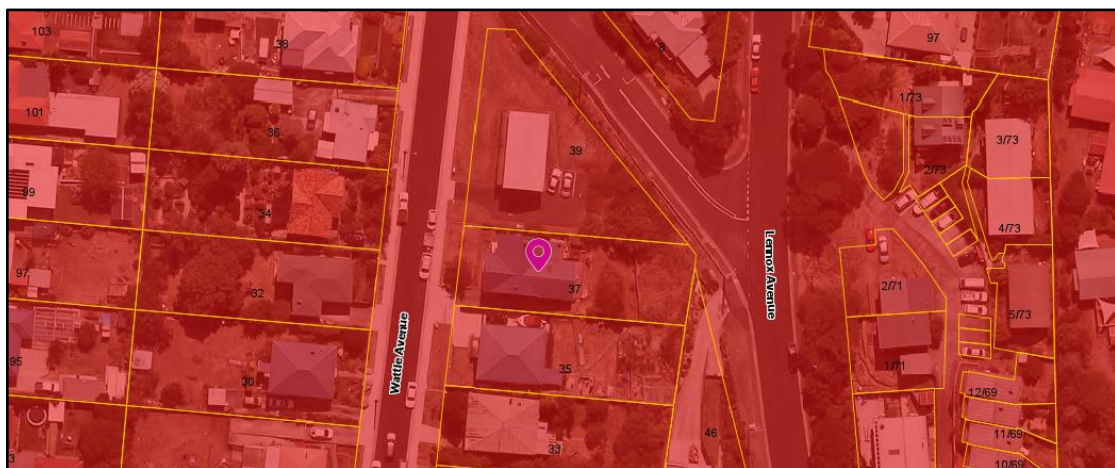


Figure 6: Zoning Map - TheList - August 2021

BACKGROUND

Planning Scheme

The application was valid on 02/07/21, which is after 23/06/21 so that the *Tasmanian Planning Scheme – Glenorchy 2021* 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.

TASMANIAN PLANNING SCHEME - GLENORCHY 2021

State Planning Provisions (SPP)

Administration

Exemptions (Tables 4.1 – 4.6)

Retaining Walls

The proposed retaining walls are not exempt because the walls would be within 1.5m of a boundary and retain more than 1m difference in ground level under the following exemption:

Table 4.6 Miscellaneous exemptions

4.6.8 retaining walls

Retaining walls, excluding any land filling, if:

- (a) it has a setback of not less than 1.5m from any boundary; and*
- (b) it retains a difference in ground level of less than 1m, unless the Local Historic Heritage Code or the Landslip Hazard Code applies and requires a permit for the use or development.*

Outbuildings

The proposed shed is not exempt because it exceeds the exempt height and length under the following exemption:

Table 4.3 Exempt building and works

4.3.7 Outbuildings

Outbuildings if:

- (a) there are not more than 2 on a lot with:*
 - (i) a gross floor area not more than 10m²;*
 - (ii) no side is more than 3.2m; and*
 - (iii) building height is not more than 2.4m;*

Fences

The application includes a gate within 4.5m of a secondary frontage that is not exempt because it exceeds 1.2m under the following exception:

Table 4.6 Miscellaneous exemptions

4.6.3 fences within 4.5m of a frontage

Fences (including free-standing walls) within 4.5m of a frontage, if located in:

- (a) the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, Commercial Zone or any particular purpose zone, and if not more than a height of:*
 - (i) 1.2m above existing ground level if the fence is solid; or*
 - (ii) 1.8m above existing ground level, if the fence has openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights);*

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

No specific area plan applies. A general provision applies as follows:

- 7.10 Development not Required to be Categorised into a Use Class
- The following codes apply:
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code

Use Class Description (Table 6.2):

The application for the shed is in connection with a Single Dwelling which fits under the use class Residential (Single Dwelling). The use is defined in Table 6.2 Use Classes as follows:

Residential

use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based

business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

The retaining walls are not categorised into a one of the use classes under clause 6.2.6.

Other relevant definitions (Clause 3.0):

The following meanings in 3.0 Planning Terms and Definitions are applicable:

single dwelling

means a dwelling on a lot on which no other dwelling, other than a secondary residence, is situated.

dwelling

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

habitable room

means any room of a habitable building other than a room used, or intended to be used, for a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, hallway, lobby, clothes drying room, service or utility room, or other space of a specialised nature occupied neither frequently nor for extended periods.

frontage

means a boundary of a lot which abuts a road.

Discretionary Use or Development

The application is discretionary under Clause 6.8.1 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,*

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

- 6.2.6 General Provisions
- 8.4.2 P1 Setbacks and building envelopes for all dwellings
- 8.4.2 P3 Setbacks and building envelopes for all dwellings

- 8.4.6 P1 Privacy for all dwellings
- 8.4.7 P1 Frontage Fences for all dwellings

General Provisions (Clause 7.0)

Retaining walls are not categorised into a one of the use classes under clause 6.2.6 so that the following general provision applies:

7.10 Development not Required to be Categorised into a Use Class

7.10.1

An application for development that is not required to be categorised into one of the Use Classes under subclause 6.2.6 of this planning scheme and to which 6.8.2 applies, excluding adjustment of a boundary under subclause 7.3.1, may be approved at the discretion of the planning authority.

7.10.2

An application must only be approved under subclause 7.10.1 if there is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.

7.10.3

In exercising its discretion under subclauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:

- (a) the purpose of the applicable zone;*
- (b) the purpose of any applicable code;*
- (c) any relevant local area objectives; and*
- (d) the purpose of any applicable specific area plan.*

Comment

The purpose of the zone is for residential use and development. The property is not affected by any mapped code overlays. Local area objectives and specific area plans do not apply. Therefore, any impact of the neighbouring residential use and the amenity of the surrounding area is for consideration.

The proposed retaining walls would be timber-log retaining walls. The highest of the retaining walls would be parallel with the rear boundary and would be between 1m and 1.4m in height. These walls would be 0.7m from the rear boundary. There would be also a section of retaining wall along the common boundary with the property to the south on the side boundary. That section of retaining wall would be approximately 1.7m-wide and 1.4m high. Other retaining walls, which are less than 1m in height and are not within 1.5m of a boundary, are exempt.

The retaining walls are not considered to adversely affect the neighbouring property at the rear where there is a fence, landscaping, and a driveway in the opposite area. The retaining walls would be 0.7m from the fence and downhill.

The property to the south would have a 1.7m-wide section of wall on the common boundary, which would be 1.4m high. This section of wall would start in the rear corner. It is not considered that the wall would have any significant impact on the property to the south or result in the loss of amenity. The section of wall is relatively short and would be less in height than a fence. Therefore, the proposal complies with the above criteria.

Zones

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

Zone Purpose Statements

The purpose of the General Residential Zone is:

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

8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3 To provide for non-residential use that:

- (a) primarily serves the local community; and*
- (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off-site impacts.*

8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Comment

The proposal accords with the above purpose as it is in connection with existing residential development utilising serviced land.

Use Table

The use class Residential (Single Dwelling) is 'no permit required' within the General Residential Zone in 6.2 Use Table.

Use Standards

The standards in clause 8.3 Use Standards specifically relate to discretionary uses and visitor accommodation and are therefore not applicable to this proposal.

Development Standards for Residential Buildings & Works

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

8.4.2 A1 Setbacks and building envelopes for all dwellings

The application does not accord with the acceptable solution in 8.4.2 A1 with respect to the frontage setback. Therefore, the proposal relies on the related performance criteria as follows:

8.4.2 P1 Setbacks and building envelopes for all dwellings

A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.

Comment

The proposed garden shed is between 2.2m and 4.5m from the secondary frontage at the rear, whereas the acceptable solution requires 3m. The secondary frontage is on the truncated corner of the property at the rear and is approximately 2.4m wide. There is no prevailing setback pattern on the secondary frontage at Lennox Avenue because neighbouring properties have the back boundary behind another property. That property is triangular and has the dwelling not in line with the shed, as the shed would be further back. In addition, the secondary frontage of the subject property is only 2.4m wide so that there would be no adverse impact on the streetscape in terms of alignment of buildings. As such, it is considered that the proposed frontage setbacks would not be incompatible with the streetscape.

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

8.4.2 A3 Setbacks and building envelopes for all dwellings

The application does not accord with the acceptable solution in 8.4.2 A3 with respect to the building envelope. Therefore, the proposal relies on the related performance criteria as follows:

8.4.2 P3 Setbacks and building envelopes for all dwellings

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.*

Comments

The shed would be between 2.2m and 4.5m of the secondary frontage, whereas the acceptable solution requires a setback of 3m. The shed would otherwise accord with the side boundary setbacks. The garden shed is relatively small. The dimension of the shed would be 3.6m long, 2.5m wide and 3.39m high. The shed would be approximately 7.8m from the southern boundary. As such, there would be no loss of sunlight or unreasonable overshadowing of the neighbouring property to the south. The small size of the shed also means that there would be no unreasonable visual impact. In terms of the setback off the secondary frontage, there is no prevailing setback pattern on that side of the street as neighbouring properties have the back boundary behind another property. That property is triangular and has the dwelling not in line with the shed, which is further back. In addition, the secondary frontage of the subject property is only approximal 2.4m wide so that there would be no adverse impact on the streetscape.

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

8.4.6 A1 Privacy for all dwellings

The application does not accord with the acceptable solution in 8.4.6 A1 with respect to a privacy screen. Therefore, the proposal relies on the related performance criteria as follows:

8.4.6 P1 Privacy for all dwellings

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

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

Comment

The acceptable solution requires a setback of 3m from a side boundary and 4m from a rear boundary if the deck has a finished surface level of more than 1m above natural ground level and no privacy screen.

The floor level of the shed-deck above natural ground level varies between 0.3m and 1.8m and is less than 3m from the northern boundary. The main part of the deck is between 1.6m and 2.3m from the northern boundary. The part that extends all the way to the northern boundary is not more than 1m above natural ground level. On the southern boundary, the closest part of the deck would be approximately 7.8m away from the boundary.

The adjoining property on the northern boundary where the deck is closer than 3m, has common land on a slope for a block of flats and a carpark. The building is towards the front of the property and at a distance to the common boundary. There is also screening vegetation on the common boundary that would prevent overlooking. Given the nature of the land and the screening vegetation, it is not considered that any privacy screen would be required, and that the location of the deck would be acceptable.

On the southern boundary, the deck would be approximately 7.8m away from the boundary. The adjoining property has a backyard in the area opposite and the house is roughly aligned with the house on the subject property. Whilst there might be some overlooking of the neighbouring backyard from the deck, this would not be up close because of the separation. It is considered that the separation of 7.8m would prevent unreasonable overlooking. Nevertheless, a condition is recommended for plantings along the common fence to give more privacy.

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

8.4.7 A1 Frontage Fences for all dwellings

The application does not accord with the acceptable solution in 8.4.7 A1 with respect to a frontage fence. Therefore, the proposal relies on the related performance criteria as follows:

8.4.7 P1 Frontage Fences for all dwellings

A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:

- (a) provide for security and privacy while allowing for passive surveillance of the road; and*
- (b) be compatible with the height and transparency of fences in the street, having regard to:*
 - (i) the topography of the site; and*
 - (ii) traffic volumes on the adjoining road.*

Comment

There is no acceptable solution, however the exemption requires that frontage fences above 1.2m in height have 30% transparency. The application includes a gate within 4.5m of the secondary frontage that appears to be approximately 1.5m in height when scaled on the plans. The gate would be solid as shown on one of the photographs. The gate would be between 0m and 3.5m from the secondary frontage and would be approximately 6.2m long. There is currently a small section of fencing in the adjacent area of similar height. Given the relatively short length of the gate and that the gate is partially setback from the boundary, it is considered that there would be no unreasonable impact on the streetscape. The gate would be compatible in height with the adjacent fence. Passive surveillance would not be adversely affected, as the steepness of the land and the location of the gate would not currently allow for a view from the house.

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

Codes

C2.0 Parking and Sustainable Transport Code

The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix. For further comments, please refer to engineering assessment under the Referrals section later in this report.

C3.0 Road and Railway Assets Code

The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix. For further comments, please refer to engineering assessment under the Referrals section later in this report.

Specific Area Plans

No specific area plan applies.

INTERNAL REFERRALS

Development Engineer

Comments

The proposal is to construct an outbuilding with a deck and associated landscaping works. The works proposed are along the contour thereby preventing any risk of stormwater concentration onto adjoining properties.

C5.0 Road and Railway Assets Code

The development complies with Road and Railway Assets Code; and the safety and efficiency of the road is not expected to reduce by the proposed development. The development complies with Code C5.0 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 C5.5.1 A1.4 Traffic generation at vehicular crossing, level crossing or new junction. A3 of E5.5.1. The site can be accessed off the existing vehicle crossing, and no new access is proposed.

C2.0 Parking and Sustainable Transport Code

This code is not impacted by this proposal.

Other

C15.0 Landslide Code

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

C7.0 Natural Assets Code

There is no new stormwater point of discharge into a watercourse. Therefore, the development application complies with the A3 of C7.6.1

C12.0 Flood-Prone Areas Hazard Code

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

EXTERNAL REFERRALS

TasWater

The application was not referred to TasWater as no infrastructure is in the vicinity of buildings or works.

REPRESENTATIONS

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

Plans

The representor states that there is lack of details on the plans regarding shed windows, distance from boundaries and greenhouse plans.

Planner's Comment:

The plans are considered adequate for an assessment despite the concern raised. Whilst windows are usually shown on a plan, in this instance it is not considered critical as there are no planning standards with respect to windows of non-habitable rooms. There would be only windows in the front wall of the shed. The distance from the boundary is usually only shown where the building is close to a boundary where the distance is critical. Otherwise, unknown distances are scaled if necessary. In this instance, the shed-deck is at the nearest point approximately 7.8m from the southern boundary, which is more than any setback requirement. As mentioned earlier, the greenhouse is no longer part of this application.

Loss of Privacy

The representor states that there would be overlooking of the backyard from the deck and that suitable screening should be installed, either to the deck or along the boundary.

Planner's Comment:

This issue has been previously addressed under the heading Privacy for all Dwellings. Essentially, it is considered that a distance of 7.8m from the side boundary to the deck is sufficient so as not to require privacy screening for the deck. The acceptable solution in comparison, only requires 3m. Nevertheless, it is acknowledged that some overlooking would occur, and a condition is recommended for plantings along the southern boundary.

Water Drainage

The representor states that water would be directed at the neighbouring property to the south from the elevated garden beds and the change of levels unless suitable drainage was installed.

Planner's Comment:

This issue has been previously addressed under the heading Development Engineer. The Engineering Referral states that "The works proposed are along the contour thereby preventing any risk of stormwater concentration onto adjoining properties".

CONCLUSION

The application is for a shed with deck and retaining walls. The application is discretionary for retaining walls, front setback, building envelope, privacy, and a section of a frontage fence. The discretions were addressed in detail within the report and are assessed to accord with the relevant performance criteria.

One representation was received during the statutory advertising period. Concerns were raised about details shown on the plans, loss of privacy and water drainage. The plans are considered adequate for assessment. In terms of privacy, a condition is recommended for plantings along the boundary. In terms of drainage, it is considered that there would be no concentration of water to the neighbouring property.

The application does not raise any other issues.

In conclusion, the proposal is assessed to substantially comply with the requirements of Schedule 1 of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Scheme – Glenorchy 2021*, subject to the recommended conditions.

Recommendation:

That a permit be granted for the proposed use and development of Garden shed with deck and retaining walls at 37 Wattle Avenue Lutana, subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-334 and Drawing submitted on 19/07/2021, except as otherwise required by this permit.
2. Landscaping along the southern boundary, within the rear 16m, must be provided to reduce overlooking of the neighbouring backyard. The mature height of the plants must be between 3m and 4m. The plantings must be in place within six months of the date of this permit and must then be satisfactorily maintained for the duration of the use of the shed and deck.

Engineering

3. 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.

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

Advice to Applicant

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

Other Permits

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

Attachments/Annexures

- 1 GPA Attachments - 37 Wattle Avenue Lutana



APPENDIX

8.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
8.4 Development Standards for Dwellings			
8.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than 325m ² .		NA
8.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent	The proposed garden shed is between 2.2m and 4.5m from the secondary frontage at the rear, which is approximately 2.4m wide.	No – Discretion

	frontage of the dwellings on the adjoining sites on the same street; or (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.		
	A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than: (a)5.5m, or alternatively 1m behind the building line; (b)the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c)1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.		NA
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii)projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and	Primary frontage: more than 4.5m Secondary frontage: between 2.2m and 4.5m Side setback N: accords with (a) (ii) and (b) (ii) Side setback S: accords with (a) (ii) and (b) (ii)	No – Discretion

	<p>rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>		
8.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	Not impacting on minimum	Yes
	A2 A dwelling must have private open space that: <p>(a) is in one location and is not less than:</p> <p>(i) 24m²; or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p>	Not impacting on minimum	NA

	<p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>		
<p>8.4.4</p> <p>Sunlight to private open space of multiple dwellings</p>	<p>A1</p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>		NA
<p>8.4.5</p>	<p>A1</p> <p>A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling,</p>		NA

Width of openings for garages and carports for all dwellings	must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).		
8.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site. 	The floor level of the shed deck above natural ground level varies between 0.3m and 1.8m and is less than 3m from the northern boundary. The main part of the deck is between 1.6m and 2.3m from the northern boundary. The closest part of the deck would be approximately 7.8m from the south boundary.	No – Discretion
	A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): <ul style="list-style-type: none"> (a) the window or glazed door: 	The shed is not a habitable room so that this standard does not apply. However, it is noted that the shed would be well more than 3m from the southern boundary and does not have windows facing the common property boundary.	NA

	<ul style="list-style-type: none"> (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. <p>(b)the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%. 		
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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 not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>		NA
<p>8.4.7</p> <p>Frontage Fences for all dwellings</p>	<p>A1</p> <p>No Acceptable Solution¹.</p> <p><i>(¹ An exemption applies for fences in this zone – see Table 5.6 in Exemptions)</i></p>	The application includes a gate within 4.5m of a frontage, which is not exempt.	No – Discretion
<p>8.4.8</p> <p>Waste Storage for multiple dwellings</p>	<p>A1</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p>		NA

	<p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</p>		
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APPENDIX**C2.0 Parking and Sustainable Transport Code**

Standard	Acceptable Solution	Proposed	Complies?
C2.5 Use Standards			
C2.5.1 Car parking numbers	<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> (a) 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; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or 		NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>		
C2.5.2 Bicycle parking numbers	A1 Bicycle parking spaces must: <ul style="list-style-type: none"> (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1. 		NA
C2.5.3 Motorcycle parking numbers	A1		NA

<p><i>This applies to:</i></p> <p><i>Business and Professional Services;</i></p> <p><i>Community Meeting and Entertainment;</i></p> <p><i>Custodial Facility;</i></p> <p><i>Crematoria and Cemeteries;</i></p> <p><i>Educational and Occasional Care;</i></p> <p><i>Food Services;</i></p> <p><i>General Retail and Hire;</i></p> <p><i>Hospital Services;</i></p> <p><i>Hotel Industry;</i></p> <p><i>Pleasure Boat Facility;</i></p> <p><i>Residential if for a communal residence, multiple dwellings or hostel use;</i></p> <p><i>Sports and Recreation; and</i></p> <p><i>Tourist Operation.</i></p>	<p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.</p>		
<p>C2.5.4</p> <p>Loading bays</p> <p><i>This applies to:</i></p> <p><i>Bulky Goods Sales;</i></p> <p><i>General Retail and Hire;</i></p> <p><i>Manufacturing and Processing; and</i></p>	<p>A1</p> <p>A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.</p>		NA

Storage.			
C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Educational and Occasional Care;</i> <i>Emergency Services;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Sports and Recreation; and</i> <i>Utilities, if not for minor utilities.</i>	A1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for: (a) Food Services uses up to 100m ² floor area or 30 seats, whichever is the greater; and (b) General Retail and Hire uses up to 100m ² floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		NA

C2.6 Development Standards for Building Works			
C2.6.1 Construction of parking areas	A1 All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement. 		NA
C2.6.2 Design and layout of parking areas	A1.1 Parking, access ways, manoeuvring and circulation spaces must either: <ul style="list-style-type: none"> (a) comply with the following: <ul style="list-style-type: none"> (i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>; 		NA

	<ul style="list-style-type: none"> (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p> <p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p>		
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	<p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>. [S35]</p>		
C2.6.3 Number of accesses for vehicles	A1 The number of accesses provided for each frontage must: <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses,</p> <p>whichever is the greater.</p>		NA
	A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.		NA
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone	A1		NA

	In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are 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 <i>Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i> .		
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C2.6.5 Pedestrian access	A1.1 Uses that require 10 or more car parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles. A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.		NA
C2.6.6 Loading bays	A1 The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Offstreet commercial vehicle facilities</i> , for the type of vehicles likely to use the site.		NA

	<p>A2</p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities Offstreet commercial vehicle facilities.</i></p>		NA
<p>C2.6.7</p> <p>Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</p>	<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>		NA
	<p>A2</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p>(i) 1.7m in length;</p> <p>(ii) 1.2m in height; and</p> <p>(iii) 0.7m in width at the handlebars;</p> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p>		NA

	(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i> .		
C2.6.8 Siting of parking and turning areas	A1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.		NA
	A2 Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: (a) have no new vehicle accesses, unless an existing access is removed; (b) retain an active street frontage; and (c) not result in parked cars being visible from public places in the adjacent roads.		NA

C2.7 Parking Precinct Plan			
C2.7.1 Parking Precinct Plan	A1 Within a parking precinct plan, onsite parking must: (a) not be provided; or (b) not be increased above existing parking numbers.		NA