

# **GLENORCHY PLANNING AUTHORITY MEETING**

## **AGENDA**

### **MONDAY, 23 JANUARY 2023**



### **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:** 3.30 p.m.

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## **1. PLANNING AUTHORITY DECLARATION**

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

## **2. APOLOGIES/LEAVE OF ABSENCE**

## **3. PECUNIARY INTERESTS**

## **4. CONFIRMATION OF MINUTES**

That the minutes of the Glenorchy Planning Authority Meeting held on 5 December 2022 be confirmed.

**5. PROPOSED USE AND DEVELOPMENT - SIXTEEN (16) LOT  
SUBDIVISION (15 LOTS PLUS BALANCE) - 91 MARYS HOPE  
ROAD, 1/6 BASQUE PLACE AND 2/6 BASQUE PLACE, ROSETTA**

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3195302

## **REPORT SUMMARY**

<b>Application No.:</b>	<b>PLN-21-116</b>
<b>Applicant:</b>	<b>PDA Surveyors Engineering and Planners</b>
<b>Owner:</b>	<b>R W Swan, K L Hodges and L A &amp; A D Lewis</b>
<b>Zone:</b>	<b>Low Density Residential</b>
<b>Use Class</b>	<b>Subdivision</b>
<b>Application Status:</b>	<b>Discretionary</b>
<b>Discretions:</b>	<b>9.10.2 Subdivision</b> <b>10.6.1 P1 Lot Design</b> <b>10.6.1 P2 Lot Design</b> <b>10.6.1 P3 Lot Design</b> <b>12.5.1 P2 Lot Design</b> <b>12.5.1 P3 Lot Design</b> <b>12.5.1 P4 Lot Design</b> <b>12.5.2 P1 Roads</b> <b>12.5.3 P2 Ways and Public Open Space</b> <b>12.5.4 P4 Services</b> <b>E3.8.1 P1 Subdivision (Landslide)</b> <b>E10.8.1 P1 Subdivision</b> <b>E5.5.1 P3 Existing Road Access and Junctions</b> <b>E5.6.4 P1 Sight distance at accesses, junctions and level</b>

	<b>crossings</b>
	<b>E7.7.1 P2 Stormwater Drainage and Disposal</b>
	(The proposal meets all other applicable standards as demonstrated in the attached appendices)
<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>Extension of time until 23 Jan 2023</b>
<b>Existing Land Use:</b>	<b>Vacant</b>
<b>Representations:</b>	<b>2</b>
<b>Recommendation:</b>	<b>Approval, subject to conditions</b>

## **REPORT IN DETAIL**

### **PROPOSAL**

The application is for a fifteen-lot subdivision, plus balance at 91 Marys Hope Road. It is proposed join the balance lots. The land has frontage to Marys Hope Road, Apollo Road and Islington Road. It is proposed to provide a new road from Apollo Road to give access to most of the lots, although some lots would have access over a right of way. The lots vary in size between 1002m<sup>2</sup> and 2492m<sup>2</sup> and there would be two internal lots. All the lots are affected by easements to various degrees. Lots 8-13 are affected by a 23m wide bushfire hazard management area. The properties in Basque Place that form part of the application, are only affected by a service connection. The application is discretionary for lot design, new road, open space, services, low landslide risk, biodiversity, traffic increase, sight distances and stormwater infrastructure. There were two representations received concerned about density, vegetation and wildlife, vehicle lights, landship and stormwater. The proposal is shown in Figure1.

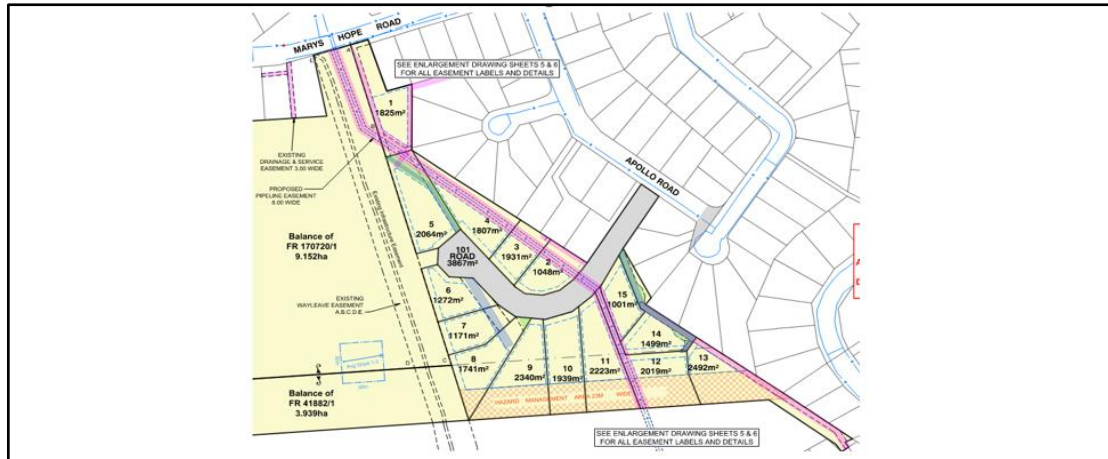


Figure 1: Proposal – PDA Surveyors

## SITE and LOCALITY

The subject property is a large property at 91 Marys Hope Road as shown in Figure 2.

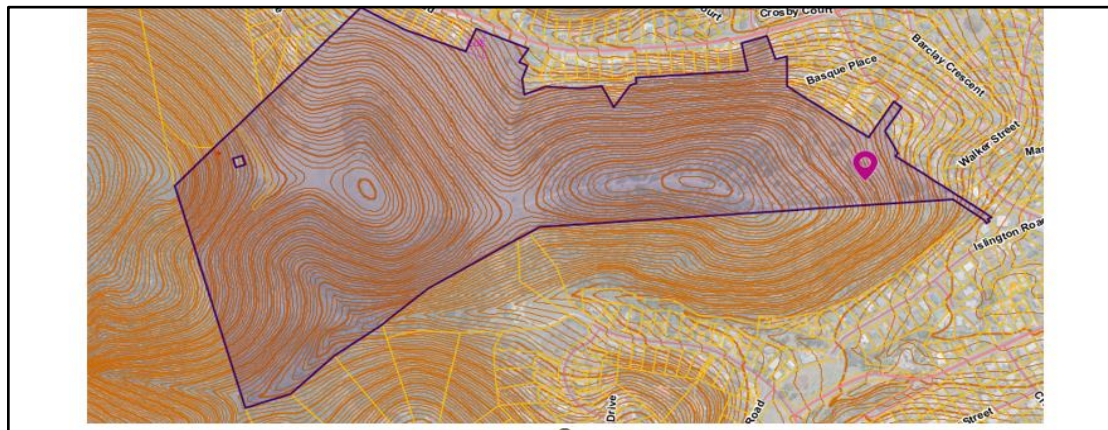


Figure 2: Subject Property - GIPS 2015

The titles relating to 91 Marys Hope Road are CT 159569/103, CT170720/1, CT138950/2 and 41882/1. The other property that is affected by a service connection for the subdivision is 1/6 and 2/6 Basque Place in CT 57964/0.

The property at 91 Marys Hope Road is very large and includes the summit of Oak Hill. However, it is only proposed to develop a triangular portion on the northeast with the subdivision of approximately 3ha. This area has access off Apollo Road, Marys Hope Road and Islington Road. The subject land is lightly treed and mostly native pasture. The grade of the land is between 17° to 21°. There are powerlines along the rear boundaries of proposed Lots 1 and 5-8. The surrounding land adjoining to the east is

residential in nature. The land adjoining to the south and west comprises a forested hill.

## ZONE

The applicable zoning is under *Glenorchy Interim Scheme 2015*. The portion of land to be subdivided, is mostly within the Low Density Residential Zone (pink triangle). Small parts of the land are within the General Residential Zone and include most of Lot 1 and part of Lot 15 (red). The balance of the lots is mostly within the Environmental Management Zone (teal) that forms the top of Oak Hill, but also includes some land zoned Low Density Residential and Particular Purpose (gold). There is one building area within the balance lot and the Environmental Management Zone and the access strip of Lot 13. The zoning map is shown in Figure 3.

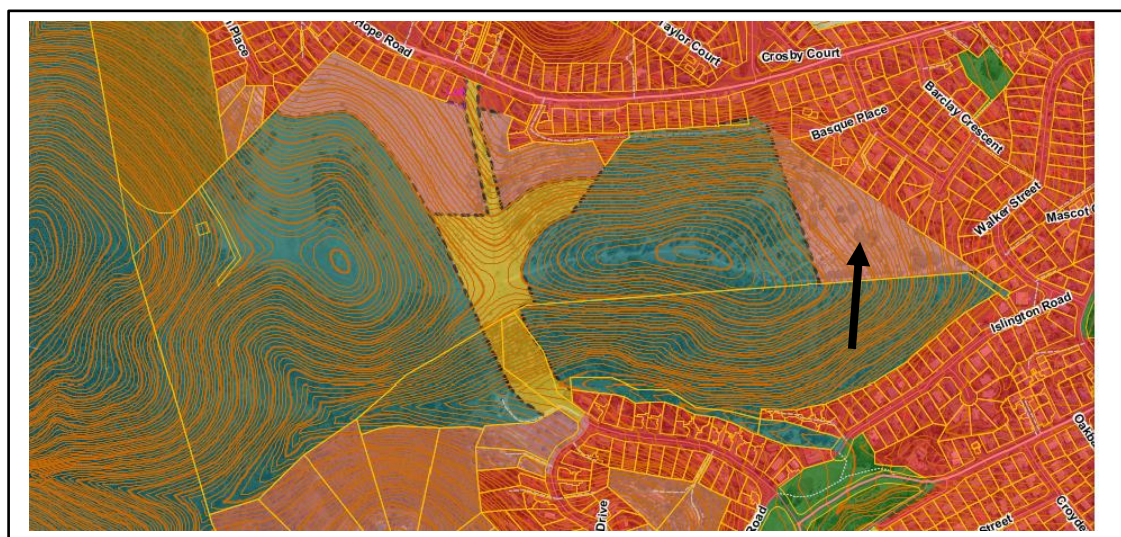


Figure 3: Zoning Map - GIPS 2015 with 2m Contours

## BACKGROUND

### Supporting Documents

The following supporting information was submitted:

- Planning Assessment Report – 04/03/2021 – PDA Surveyors
- Traffic Impact Assessment – March 2021 – Midson Traffic Pty. Ltd.
- Concept Stormwater Management Plan – 02/08/2022 – PDA Surveyors
- Landslide Risk Assessment – 01/11/2020 – Geo-Environmental Solutions
- Natural Values Report – 21/06/2021 – Enviro-Dynamics
- Bushfire Hazard Report (v2) – 08/01/2021 – PDA Surveyors

## **Application**

The application was advertised from 23/11/2022 to 06/12/2022. The applicant granted an extension of time until 23 January 2023.

## **Planning Scheme**

The application was valid before 23/06/2021 so that the *Glenorchy Interim Scheme 2015* is applicable.

## **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 Planning Scheme 2015**

#### **4.0 Interpretation**

The following meanings in 4.1.3 Planning Terms and Definitions are of particular relevance:

##### *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*

*Internal lot means a lot:*

*(a) lying predominantly behind another lot; and*

*(b) having access to a road by an access strip, private road or right of way.*

## **5.0 Exemptions**

Nil.

## **8.2 Categorising Use or Development**

NA

## **8.8 Discretionary Use or Development**

The application is discretionary under clause 8.8 as follows:

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

*(a) the use is within a use class specified in the applicable Use Table as being a use which is discretionary;*

*(b) the use or development complies with each applicable standard but relies upon a performance criterion to do so; or*

*(c) it is discretionary under any other provision of the planning scheme,*

*(d) and the use or development is not prohibited under any other provision of the planning scheme*

The proposal is discretionary under (c) in regard to Special Provisions and (b) above as it relies on Performance Criteria as follow

- 9.10.2 Subdivision
- 10.6.1 P1 Lot Design
- 10.6.1 P2 Lot Design
- 10.6.1 P3 Lot Design
- 12.5.1 P2 Lot Design
- 12.5.1 P3 Lot Design
- 12.5.1 P4 Lot Design
- 12.5.2 P1 Roads

- 12.5.3 P2 Ways and Public Open Space
- 12.5.4 P4 Services
- E3.8.1 P1 Subdivision (Landslide)
- E10.8.1 P1 Subdivision (Biodiversity-Lot 5 and balance)
- E5.5.1 P3 Existing Road Access and Junctions (Traffic Increase)
- E5.6.4 P1 Sight distance at Accesses, Junctions and Level Crossings
- E7.7.1 P2 Stormwater Drainage and Disposal

## Special Provisions

The following Special Provisions of the Scheme apply to this proposal:

### *9.10 Subdivision*

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

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

*(a) for adjustment of a boundary in accordance with clause 9.3.1;*

*(b) the subdivision is prohibited in accordance with clause 8.9; or*

*(c) the plan of subdivision must not be approved under section 84 Local Government (Building and Miscellaneous Provisions) Act 1993.*

## Zones

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

### Zone Purpose Statements – Low Density Residential

The purpose of the Zone is:

#### *12.1.1.1*

*To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

#### *12.1.1.2*

*To provide for non-residential uses that are compatible with residential amenity.*

#### *12.1.1.3*

*To avoid land use conflict with adjacent Rural Resource or Significant Agricultural zoned land by providing for adequate buffer areas.*

*Comment*

Most of the proposed subdivision is within the Low Density Residential Zone. The proposal provides for larger residential lots on steep land. The land is not adjacent to land zoned Rural Resource or Significant Agricultural. The proposal therefore accords with the above purpose.

**Zone Purpose Statements – General Residential**

The purpose of the Zone is:

*10.1.1.1*

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

*10.1.1.2*

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

*10.1.1.3*

*To provide for the efficient utilisation of services.*

*Comment*

Only Lot 1 is assessed under the provisions of the General Residential Zone. The lot is a residential lot and can be fully serviced. Lot 1 has access from Marys Hope Road. The proposal therefore accords with the above purpose.

**Zone Purpose Statements – Environmental Management Zone**

The purpose of the Zone is:

*29.1.1.1*

*To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.*

*29.1.1.*

*To only allow for complementary use or development where consistent with any strategies for protection and management.*

*29.1.1.3*

*To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland and foreshore areas.*

*29.1.1.4*

*To recognise and protect highly significant natural values on private land.*

## 29.1.1.5

*To protect natural values in un-developed areas of the coast.*

*Comment*

A building area on the Balance Lot and the access strip of Lot 13 are within the Environmental Management Zone. The building area on the balance lot is to be situated within a cleared area and complies with the Scenic Landscape Code. Therefore, natural values would not be adversely affected. The access strip for Lot 13 from Islington Road requires vegetation removal for a driveway and services. The access strip is mostly grassed and contains a few trees. From an aerial photo it looks like approximately five trees would have to be removed, which is considered acceptable in this instance. Given, the small amount of vegetation removal, it is not considered that the proposal would have a significant impact on natural values. Therefore, the proposal is considered in accordance with the above purpose.

**Use Table**

The application does not include any proposal for dwellings or any use. Nevertheless, it is important to check that a single dwelling would be permissible in each zone under the *Tasmanian Planning Scheme – Glenorchy 2021*, which would apply for any application submitted now. Most lots are within the Low Density Residential Zone, Lot 1 and part of Lot 15 are within the General Residential Zone and there is a building area proposed on the balance lot within the Landscape and Conservation Zone. The use status is listed in the following table:

Zone	Use Table	Single Dwelling Status
General Residential	8.2	No Permit Required
Low Density Residential Zone	10.2	No Permit Required
Landscape and Conservation Zone	22.2	Discretionary

**Use Standards**

NA

**Development Standards for dwellings**

NA

## Development Standards for Subdivisions

### **General Residential Zone**

Most of Lot 1 and part of Lot 15 are within the General Residential Zone. It is considered that Lot 1 should be assessed under the provisions of the General Residential Zone as only a small triangle along the south boundary is within the Low Density Residential Zone. However, it is considered that Lot 15 should be assessed under the provisions of the Low Density Residential Zone, as the greater part of the building area is within that zone. Lot 1 invokes the following discretions under the development standards for subdivisions:

#### *10.6.1 A1 Lot Design*

The proposal does not accord with the acceptable solution in clause 10.6.1 A1 with respect to maximum lot size for Lot 1. Therefore, the proposal relies on the related performance criteria as follows:

##### *10.6.1 P1 Lot Design*

*The size of each lot must satisfy all of the following:*

- (a) variance above the maximum lot size in Table 10.1 only to the extent necessary due to demonstrated site constraints;*
- (b) be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area.*

#### *Comment*

The acceptable solution requires a minimum lot size of 450m<sup>2</sup> and a maximum lot size of 1000m<sup>2</sup>. The proposed Lot 1 has a lot size of 1825m<sup>2</sup> that exceeds the maximum. Nevertheless, it is considered that this lot size accords with point (a) due to access limitations and the steepness of the land. Point (b) is not applicable as there are no Local Area Objectives or Desired Future Character Statements for this land.

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

#### *10.6.1 A2 Lot Design*

The proposal does not accord with the acceptable solution in clause 10.6.1 A2 with respect to the grade of the slope and codes that apply to Lot 1. Therefore, the proposal relies on the related performance criteria as follows:

##### *10.6.1 P2 Lot Design*

*The design of each lot must contain a building area able to satisfy all of the following:*

- (a) be reasonably capable of accommodating residential use and development;*

- (b) meets any applicable standards in codes in this planning scheme;*
- (c) enables future development to achieve maximum solar access, given the slope and aspect of the land;*
- (d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;*
- (e) provides for sufficient useable area on the lot for both of the following;*
  - (i) on-site parking and manoeuvring;*
  - (ii) adequate private open space.*

#### *Comment*

The acceptable solution requires a building area clear of front and rear setbacks; that is not covered by code overlays; is clear of title restrictions; has a slope of not more than 1 in 5; has a north facing long axis and has a building area of at least 10m x 15m. Lot 1 accords with all of these requirements, except that the Bushfire Prone Areas Code and the Landslip Hazard Code applies and that the land has an average slope of 1:3.

The proposed Lot 1 has a building area greater than 17m x 24m. The lot complies with the acceptable solutions of the Bushfire Prone Areas Code and satisfies the relevant performance criterion in regard to a low landslip risk. The average slope of the lot is greater than 1:3. Nevertheless, the building area is much larger than the minimum so that there is some flexibility for the location of a dwelling, private outdoor space, parking and minimisation of earth works. Properties in Basque Place have a similar slope and have been developed in accordance with the above requirements.

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

#### *10.6.1 A3 Lot Design*

The proposal does not accord with the acceptable solution in clause 10.6.1 A3 with respect to frontage of Lot 1. Therefore, the proposal relies on the related performance criteria as follows:

##### *10.6.1 P3 Lot Design*

The frontage of each lot must satisfy all of the following:

- (a) provides opportunity for practical and safe vehicular and pedestrian access;*
- (b) provides opportunity for passive surveillance between residential development on the lot and the public road;*
- (c) is no less than 6m.*

*Comment*

The acceptable solution requires frontage of 15m. The proposed Lot 1 would have frontage of 13.1m to Marys Hope Road. Nevertheless, it is considered that the proposed frontage satisfies the above performance criteria as it is only marginally short of the requirement. The frontage setback is more than 6m and wide enough for a driveway. Passive surveillance would not be significantly different to a compliant frontage.

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

***Low Density Residential Zone******12.5.1 A2 Lot Design***

The proposal does not accord with the acceptable solution in clause 12.5.1 A2 Lot design with respect to a 20m x 20 building area, applicable codes and grade of slopes. Therefore, the proposal relies on the related performance criteria as follows:

***12.5.1 P2 Lot Design***

*The design of each lot must contain a building area able to satisfy all of the following:*

- (a) is reasonably capable of accommodating residential use and development;*
- (b) meets any applicable standards in codes in this planning scheme;*
- (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;*
- (d) minimises the requirement for earth works, retaining walls, and cut & dill associated with future development;*
- (e) is sufficiently separated from the land zoned Rural Resource and Significant Agriculture to prevent potential for land use conflict that would fetter nonsensitive use of that land, and the separation distance is no less than:*
  - (i) 40 m from land zoned Rural Resource;*
  - (ii) 80 m from land zoned Significant Agriculture;*
- (f) is setback from land zoned Environmental Management to satisfy all of the following:*
  - (i) there is no significant impact from the development on environmental values;*
  - (ii) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;*
  - (iii) there is no potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management;*

*(iv) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management*

*Comment*

The acceptable solution requires a rectangular building area 20m x 20m that is clear of front and rear setbacks; that is not covered by code overlays, is clear of title restrictions and has a slope of not more than 1 in 5.

Lots 2 to 15 are subject to these provisions. The plans show building areas that are clear of setbacks, easements and bushfire management to the maximum extent but not rectangular in shape. This means that some building areas narrower than 20m but longer or have other added areas. Nine of the fifteen lots can fit a rectangle of 20m x 20m and comply in terms of dimensions.

Lots 2, 4, 12, 13 and 14 cannot fit a rectangle of 20m x 20m. Lots 2 and 4 are only marginally outside the required dimensions and have additional area, which is considered a sufficient size for the building area. Lot 12 would fit a rectangle of 14m x 35m and would have additional area outside the building area for bushfire management that could double as private outdoor space. It is considered that the building area of Lot 12 is sufficient for a dwelling. The building areas on Lot 13 and 14 are a bit smaller and can fit a rectangle of 17m x 20m and 11m x 22m respectively, although there is also additional land. Furthermore, there is a driveway outside the building envelope on Lot 14 and a service easement and a bushfire management area on lot 13 so that both building areas are considered big enough to accommodate a dwelling.

All applicable codes are assessed in the relevant sections later in this report, but do not impact adversely on the building areas.

Most lots have a north or easterly aspect which is considered to allow for reasonable solar access.

The road and the driveways to be constructed as part of the subdivision would mostly run along the contours to minimise earthworks, as far as practicable.

The property does not adjoin the Rural Resource and Significant Agriculture Zones, so that this standard does not apply.

Setbacks from the Environmental Management Zone is considered sufficient not to adversely impact on environmental values. There is a bushfire management buffer along the south side of 23m and a powerline easement on the western side. Any runoff would be downhill, away from the Environmental Management Zone and weeds would have to be managed by condition.

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

### 12.5.1 A3 Lot Design

The proposal does not accord with the acceptable solution in clause 12.5.1 A3 Lot design with respect frontage. Therefore, the proposal relies on the related performance criteria as follows:

#### *12.5.1 P3 Lot Design*

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

### *Comment*

This standard applies to Lots 2-15. The acceptable solution requires frontage of 30m. Three lots are internal lots. Of the remaining eleven lots, four lots comply, being Lots 2, 4, 6 and 15. The other seven lots have frontages between 16.1m and 26.5m, except for Lot 9 that would have a frontage of 6m. Nevertheless, it is considered that the proposed frontages satisfy the above performance criteria. None of the frontages is less than 6m and all frontages are suitable to provide reasonable vehicular access. It is noted that the frontage is the narrowest point for these lots and the lots are getting gradually wider, allowing flexibility in terms of driveway location on steep lots. Some lots will also have a shared driveway due to the slope so that frontage is not as critical.

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

### 12.5.1 A4 Lot Design

The proposal does not accord with the acceptable solution in clause 12.5.1 A4 Lot design with respect no internal lots. Therefore, the proposal relies on the related performance criteria as follows:

#### *12.5.1 A4 Lot Design*

*An internal lot must satisfy all of the following:*

- (a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;*
- (b) it is not reasonably possible to provide a new road to create a standard frontage lot;*
- (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;*
- (d) the lot will contribute to the more efficient utilisation of living land;*
- (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;*

- (f) the lot has access to a road via an access strip, which is part of the lot, or a right of-way, with a width of no less than 3.6m;*
- (g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;*
- (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;*
- (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.*
- (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.*

#### *Comment*

The proposed subdivision includes two internal lots, being Lot 12 and Lot 14. Access would be over a shared driveway to be constructed as part of the subdivision with a right-of-way over Lot 15 and Lot 14. There is no reasonable alternative to develop the back part of that land. The driveway would only serve three lots and would be at least 3.6m wide. It is not considered that the amenity of neighbouring land would be unreasonably affected as the driveway would run along a boundary and vehicular movements would be minimal. The land is not adjacent to any public open space or way that requires passive surveillance.

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

#### *12.5.2 A1 Roads*

The proposal cannot accord with the acceptable solution in clause 12.5.1 A1 as there will be a new road. Therefore, the proposal relies on the related performance criteria in clause 12.5.2 P1. The engineering assessment under the Referrals section later in this report evaluates the proposal against the performance criteria and found it to be satisfactory.

#### *12.5.3 A2 Ways and Public Open Space*

There is no acceptable solution in 12.5.3 A2 Ways and Public Open Space. Therefore, the proposal relies on the related performance criteria as follows:

##### *12.5.3 P2 Ways and Public Open Space*

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

### *Comment*

The proposal was referred to council's Property Manager who determined that cash-in-lieu would be required by condition.

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

### *12.5.4 A4 Services*

The proposal cannot accord with the acceptable solution in clause 12.5.4 A4 as there will be a new road. Therefore, the proposal relies on the related performance criteria in clause 12.5.4 P4. The engineering assessment under the Referrals section later in this report evaluates the proposal against the performance criteria and found it to be satisfactory.

## **Codes**

The following codes of the Scheme apply to this proposal:

### **E1.0 Bushfire Prone Areas Code**

The Bushfire Prone Areas Code applies to the whole of the parent lot as shown in Figure 4.

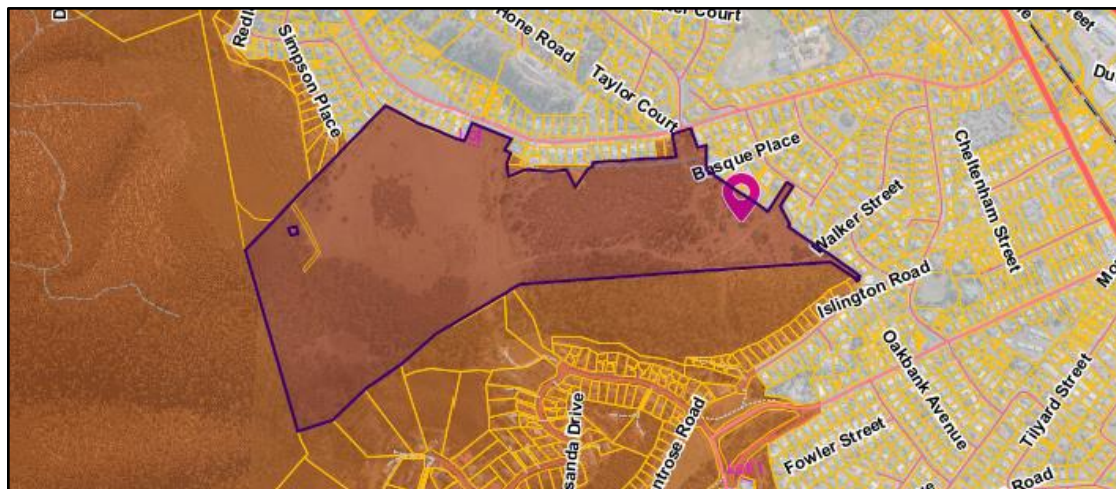


Figure 4: Draft Bushfire Prone Area - GIPS 2015

The applicant submitted a Bushfire Hazard Report and Bushfire Management Plan that demonstrate accordance with all the relevant acceptable solutions as demonstrated in the attached Appendix. Conditions are recommended for bushfire management within the proposed lots and for a Part 5 Agreement for bushfire management on land external to the subdivision and to the west.

### E3.0 Landslide Code

A low landslide hazard area is shown for most of the proposed lots as shown in Figure 5.

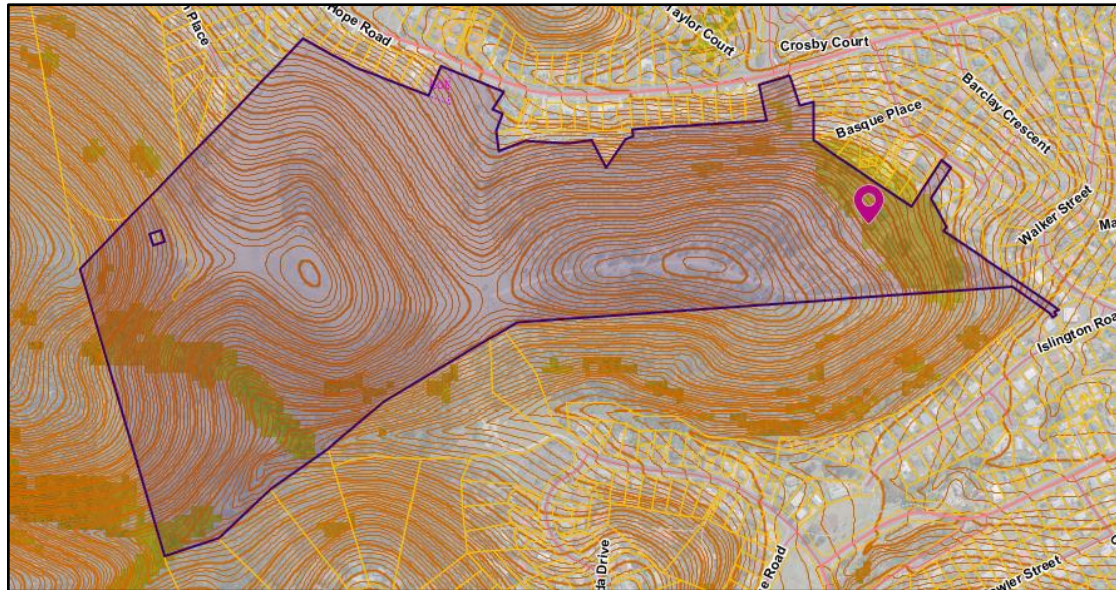


Figure 5: Low Landslide Hazard Area - GIPS 2015

There is no acceptable solution in clause E3.8.1 A1 with respect to development standards for subdivisions in a landslide hazard area. Therefore, the proposal relies on the related performance criteria in clause E3.8.1 P1. The engineering assessment under the Referrals section later in this report evaluates the proposal against the performance criteria and found it to be satisfactory.

### E5.0 Road and Railway Assets Code

The Road and Railway Assets Code applies to all developments involving a new road and intensification of an existing access. The application includes a Traffic Impact Assessment. The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix, except for E5.5.1 A3 Existing Road Access and Junctions and E5.6.4 A1 Sight Distance at Accesses, Junctions and Level Crossings. Therefore, the proposal relies on the related performance criteria in clauses E5.5.1 P3 and E5.6.4 P1. The traffic engineering assessment under the Referrals section later in this report evaluates the proposal against the performance criteria and found it to be satisfactory.

## E7.0 Stormwater Management Code

The proposed subdivision includes construction of new stormwater infrastructure to service the lots so that the code applies. The application included documentation with respect to stormwater. The application was referred to council's Hydraulics Engineer.

The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix, except for E7.7.1 A2 Stormwater Drainage and Disposal. Therefore, the proposal relies on the related performance criteria in clause E7.7.1 P2. The hydraulic engineering assessment under the Referrals section later in this report evaluates the proposal against the performance criteria and found it to be satisfactory.

## E10.0 Biodiversity Code

The Biodiversity Code applies to most of the balance land and a small portion of Lot 5 where there isn't a straight line in the overlay on the east as shown in Figure 6.

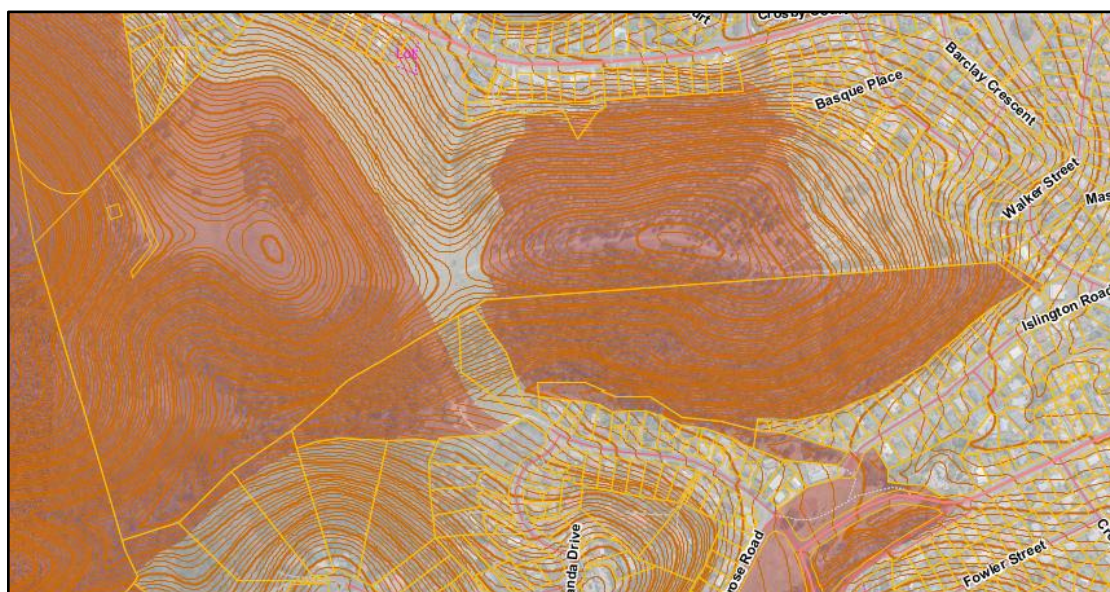


Figure 6: Biodiversity Code - GIPS 2015

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

### E10.8.1 A1 Subdivision

The proposal does not accord with the acceptable solution in E10.8.1 A1 with respect to building areas within a Biodiversity Protection Area. Therefore, the proposal relies on the related Performance Criteria as follows:

#### E10.8.1 P1 Subdivision

*Clearance and conversion or disturbance must satisfy the following:*

*(a) if low priority biodiversity values:*

- (i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;*
- (ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;*

*(b) if moderate priority biodiversity values:*

- (i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;*
- (ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;*
- (iii) moderate priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title;*
- (iv) residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and any relevant Council policy.*

*(c) if high priority biodiversity values:*

- (i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;*
- (ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;*
- (iii) high priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title;*
- (iv) special circumstances exist;*
- (v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and any relevant Council policy.*

*Comment*

The Balance Lot and a small portion of Lot 1 and Lot 5 are within the Biodiversity Code overlay, as well as the Bushfire Management Area on the western edge and an access strip of Lot 13. The applicant submitted a Natural Values Report with a response to the above performance criteria.

All of the proposed building areas are outside the Biodiversity Protection Area, except for the building area on the balance lot, which would be located in a cleared area that is classified of 'low priority biodiversity value'.

The bushfire hazard management area (BHMA) for five lots is partially within the Biodiversity Protection area as well as the Balance Lot and small areas of Lots 1 and 5. According to the report (enviro-dynamics 2021, p.15), "the remnant vegetation (*Eucalyptus tenuiramis* (DTO)) in the corners of Lot 1 and 5 and within the BHMA is too small (< 0.01 ha) to be classified as the DTO community and is in poor condition in comparison to the 5ha of good condition, intact DTO elsewhere on the property". Furthermore, the BHMA is lacking intact native vegetation and would benefit from weed management. The area of the BHMA under the powerlines is already managed by slashing.

According to the report (enviro-dynamics p.16), all high priority biodiversity values are outside the area impacted by the subdivision.

The Natural Values Report includes a map that shows the different vegetation communities in relation to the proposed subdivision.

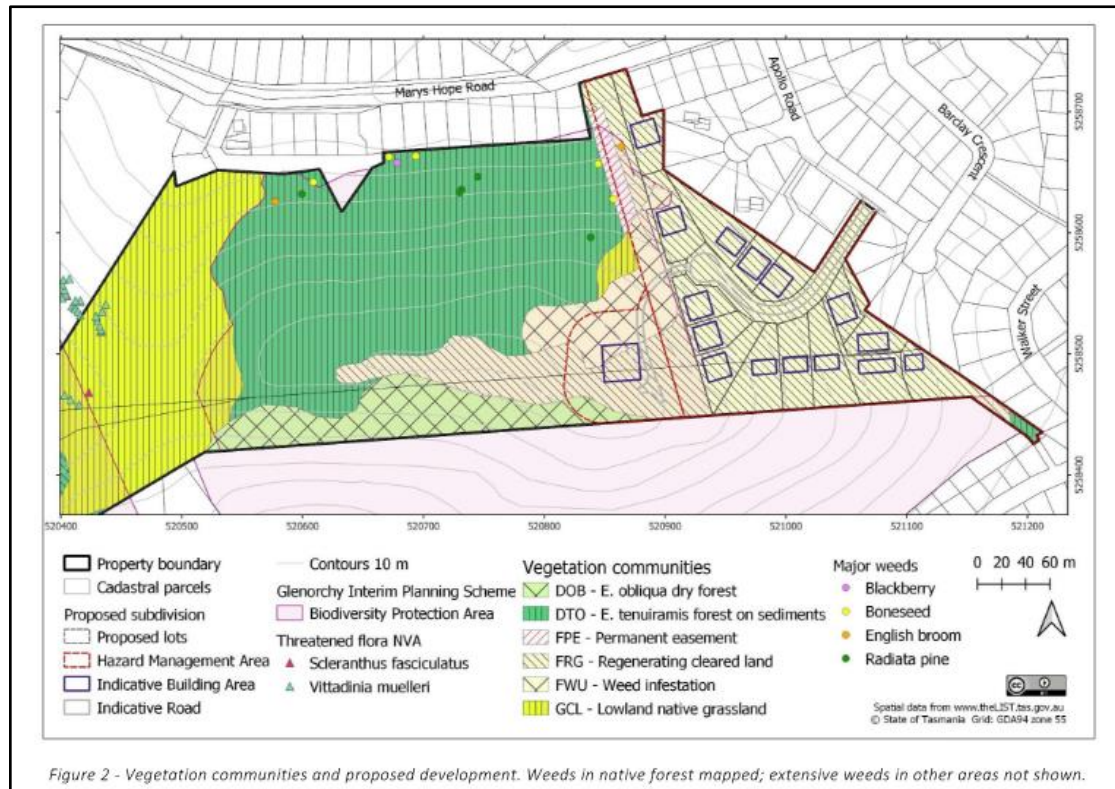


Figure 7: Vegetation Communities- enviro-dynamics

Overall, the report considers that the above performance criteria is satisfied. The application was also referred to council's Environment Officer who recommended conditions as part of the referral later in this report.

#### E14.0 Scenic Landscape Code

The Scenic Landscape Code only applies to part of the balance lot and part of Lot 13 as shown in Figure 7.

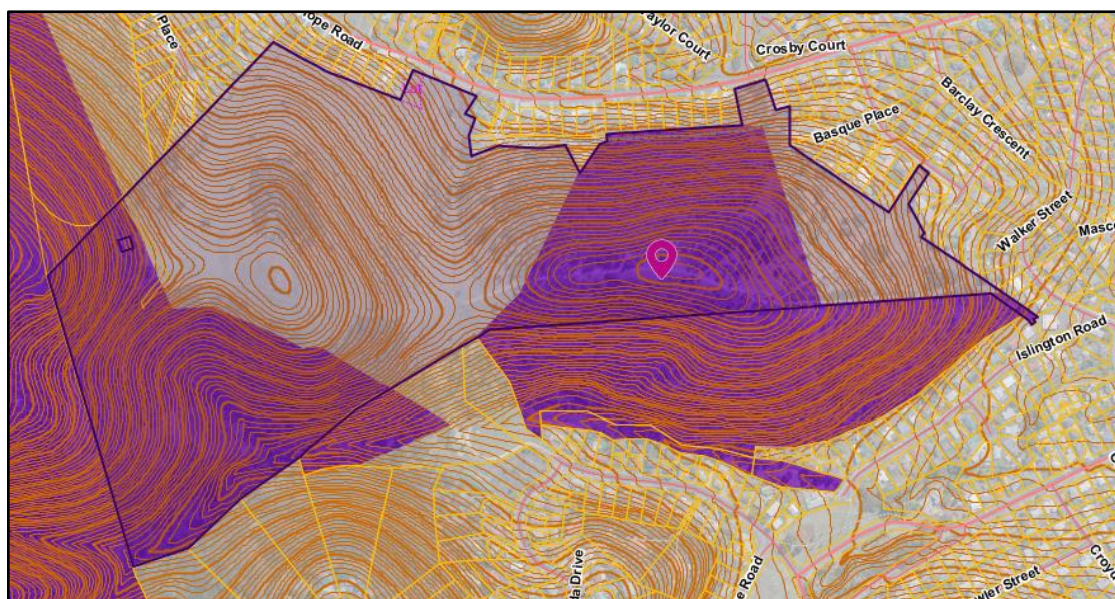


Figure 8: Scenic Landscape Code - GIPS 2015

The proposal accords with the relevant acceptable solutions as demonstrated in the attached Appendix.

## INTERNAL REFERRALS

### Traffic Engineer

#### *Comments:*

#### Introduction

The developer proposes to construct a fifteen lot residential subdivision off Apollo Road and one lot off Islington Road. The proposed subdivision will create a new road that will have footpaths on both sides of the road and ends in a cul-de-sac.

The assessment below is based on the Traffic Impact Assessment (TIA) undertaken by Midson Traffic dated March 2021 and letter from Midson Traffic dated 28 February 2022. The TIA addresses the performance criteria for the new subdivision for E5.5.1 P1 for existing road access and junctions and E5.6.4 P1 for sight distances at accesses and junctions. The development is under the old planning scheme for Glenorchy.

#### Traffic Generation

The traffic generated by the development for the subdivision off Apollo Road is expected to be 103 vehicles per day with 11 trips in peak hour based on residential development as per the Roads and Maritime Services, Road Traffic Authority (RTA) NSW Guide to Traffic Generation Development.

The traffic generated by the development for the one lot off Islington Road is expected to be 8 (rounded up from 7.4) vehicles per day with 1 trip (around up from 0.78) in

peak hour based on residential development as per the RTA Guide. The acceptable solution is meet under E5.5.1 for the one lot.

The performance criteria for E5.5.1 P1 was assessed in the TIA for the 15-lot subdivision off Apollo Road. The proposed subdivision is located near the end of Apollo Road. Apollo Road connects onto Barclay Crescent via a 90-degree bend. Both Apollo Road and Barclay Crescent connect onto Marys Hope Road.

The TIA estimates that the current traffic volume in Apollo Road and Barclay Crescent to be less than 300 vehicles per day on each road, based on the number of properties in the street. Council's traffic count data shows that in 2017 the traffic volume in Marys Hope Road between Apollo Road and Barclay Crescent was 4,997 vehicles per day and with a 2% increase in traffic per year means approximately 5,500 vehicles per day in 2022.

The crash data for the last 5 years was reviewed in the TIA on Apollo Road and Barclay Crescent. There was only one crash reported in this time frame, being a 'right-rear' collision on Marys Hope Road at the junction with Apollo Road. This crash does not indicate any road safety deficiencies that the development might exacerbate.

The increase in traffic from the development was assessed in the TIA. The current volume of traffic on Apollo Road and Barclay Crescent is well below the acceptable level of 3,000 vehicles per day for a residential street. The TIA therefore concluded that the increase in traffic from the development of 103 vehicles per day on streets that currently carry 300 vehicles per day, can be readily absorbed into the network without any significant loss of amenity or level of service.

The TIA is accepted, and it can be concluded that the additional traffic should not have a significant impact on the safety or efficiency of the road network. The performance criteria for C5.5.1 P1 is met.

### **Junction Sight Lines**

The available sight distances at the proposed new junction onto Apollo Road is estimated in the TIA to be 70m to the north towards Marys Hope Road and unrestricted to the termination of Apollo Road. The distance from the new junction to the end of Apollo Road where it connects onto Barclay Crescent at the 90-degree bend is approximately 60m.

Under the planning scheme, driver sight distance requirements are specified for vehicle speeds of 50km/h to be 80m at a junction. The planning scheme sight distances are derived from the Austroad Guides but do not include speeds lower than 50km/h. Thus, based on the planning scheme the performance criteria E5.6.4 P1 is addressed in the TIA.

Vehicle speeds on Apollo Road are estimated to be 40km/hr from Marys Hoppe Road end and 30km/h from Barclay Crescent end, due to the 90-degree bend and narrow

road widths. Under the Austroad Guides, safe intersection sight distance at 40km/h is 67m and at 30km/h is 45m. Based on best practice of the Austroad Guides, driver sight distances are met at the junction and performance criteria E5.6.4 P1 is satisfied.

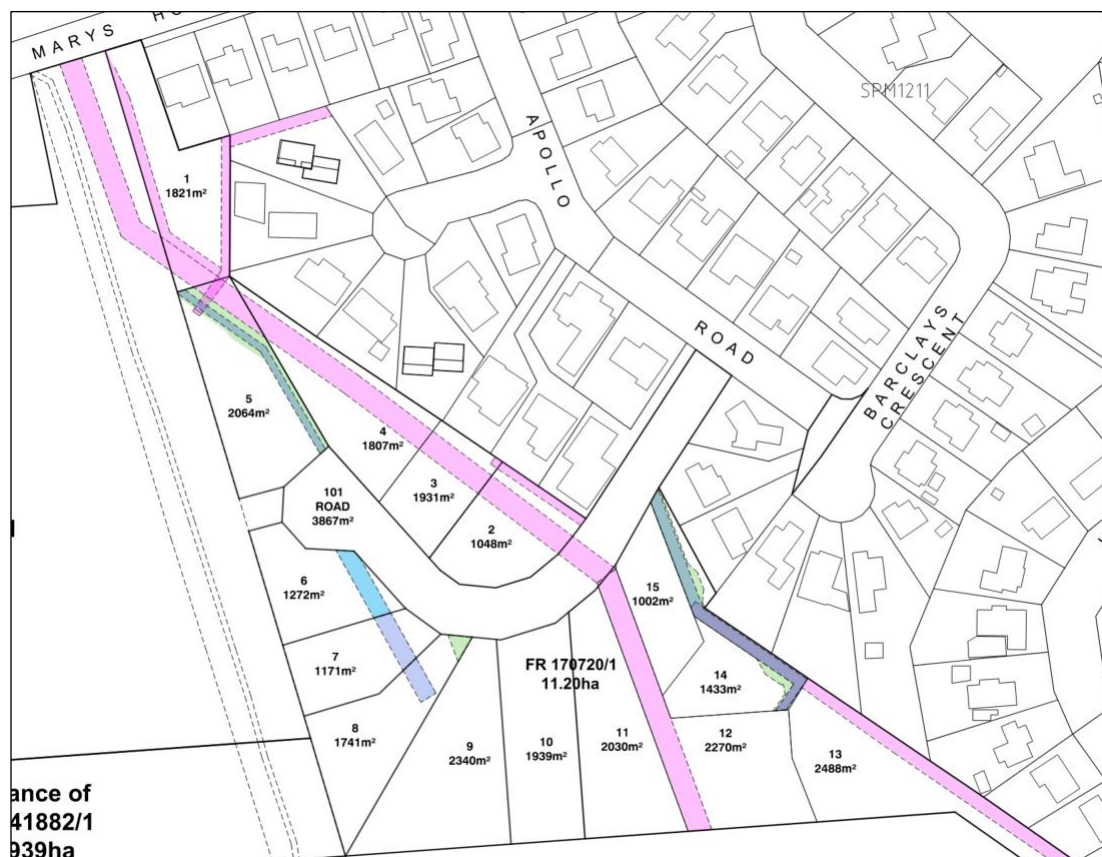
### Conclusion

Based on the TIA, the proposed development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety. I have no objection to the development on traffic engineering or road safety grounds.

### Development Engineer

### Comments

The development application seeks an approval for the total of 16 Lot Subdivision (15 lots plus balance). The works include new drainage, local road and traffic infrastructure.



### Part D – Zones

#### 12.0 Low Density Residential Zone

### 12.5.2 Roads

The application does not meet the acceptable solution for the development standard for subdivision which requires there to be no new roads. Therefore, the application relies on addressing the performance criteria P1 which is outlined below. summary of the assessment against the performance criteria summarised in italics below.

#### P1

The arrangement and construction of roads within a subdivision must satisfy all of the following;

- (a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;

*The balance lot, zoned Environmental Management, is unlikely to be intensively subdivided under its current zoning, but it would not be impacted by the proposed development if it were.*

- (b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;

*Meets required standards*

- (c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;

*Although the balance lot is zoned Environmental Management and unlikely to be further subdivided, provision for access has been provided on the plan of subdivision*

- (d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;

*The proposed road has been designed to meet Australian Standards relevant to the category of road.*

- (e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;

*Due to the layout of the subject site, the development of a single cul-de-sac is the most efficient manner to develop the road network. This is consistent with the existing development pattern of streets in the immediate vicinity*

- (f) connectivity with the neighbourhood road network is maximised;

*Connectivity is maximised*

- (g) the travel distance between key destinations such as shops and services is minimised;

*Shops are located relatively close by in Rosetta and Chigwell. No alternative design for the subdivision could minimise the distance needed to travel*

- (h) walking, cycling and the efficient movement of public transport is facilitated;  
*Pedestrian pathways are provided as part of the proposed subdivision.*
- (i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;  
*Not applicable.*
- (j) multiple escape routes are provided if in a bushfire prone area.  
*Multiple pedestrian pathways are provided as part of the proposed subdivision. These connect through to Islington Road, Apollo Road and through the balance lot onto Marys Hope Road.*

The applicant has provided a both a planning report and TIA with the application which has addressed the performance criteria for the mentioned clauses of 12.5.2 – Roads P1 . The findings and conclusion of the report and TIA have been accepted and deemed to satisfy the performance criteria by both Council's Transport Engineer and Development engineer (A more detailed review of the TIA provide can be found within the Traffic engineer referral)

#### *12.5.4 Services*

*To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.*

*A1 Each lot must be connected to a reticulated potable water supply where such a supply is available.*

*A2 Each lot must be connected to a reticulated sewerage system where available. R1*

*A3 Each lot must be connected to a stormwater system able to service the building area by gravity. R2*

*A4 The subdivision includes no new road.*

A1, A2 & A3 deemed to be met the respective acceptable solution as all lots are connected to a reticulated potable water supply, connected to a reticulated sewerage connection and serviced by 150mm piped stormwater connection into the piped network

A4 cannot be met therefore an assessment against the performance criteria is required

*P4 The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.*

The provision of infrastructure for electricity and telecommunications will be provided via extensions from existing networks in Apollo Street. Design detail will be undertaken prior to construction and following the grant of a permit for this proposal.

This is an acceptable approach to meet the performance criteria and therefore the performance criteria P4 is deemed to be met and conditions have been included to ensure this work is undertaken.

### ***E5.0 Road and Railway Assets Code***

The proposal will involve the construction of a new local road with nine (9) new accesses onto a total of 15 lots, the nature and frequency of the traffic generated has been assessed by the applicants Traffic Engineer and deemed to be safe and no unreasonable or significant impact on the safety or efficiency of Apollo Road.

The TIA has addressed the performance criteria for the mentioned clauses. The findings and conclusion have been accepted by Council's Transport Engineer (A more detailed review of the E5.0 and the TIA provide to meet the performance criteria E5.5.1 P3 and E5.6.4 P1. can be found within the Traffic engineer referral. Summary against both respective performance criteria can be found below.

#### ***E5.5.1 Existing road accesses and junctions***

According to the interim planning scheme, to comply with the acceptable solution of E5.5.1 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.

The increase in traffic generated by the development is in the order of 103 vehicles per day which has been determined to be greater than the allowable 20% Therefore, the performance criteria E5.5.1 P3 is triggered and assessed in the TIA. The following summarises the assessment against the Performance criteria

The following is relevant with respect to the proposed development:

*a) Increase in traffic.*

The increase in traffic generated by the development is in the order of 103 vehicles per day, with a peak of 11 vehicles per hour (two way movements). This increase is relatively small and can be readily absorbed by the spare capacity of Apollo Road without any significant loss of amenity or level of service of the road.

*b) Nature of traffic.*

The traffic generated by the development will be residential in nature, which is consistent with the existing traffic utilising Apollo Road.

*c) Efficiency of access.*

The peak traffic generation of the development will be 11 vehicles per hour. The access junction with Apollo Road will therefore operate at a very high level of service and a relatively high level of safety at all times.

*d) Nature of road.*

Apollo Road is a residential street that carries relatively low volume (well below capacity) and is capable of absorbing the additional traffic generated by the development.

*e) Speed limit and traffic flow.*

The speed limit and existing volumes of Apollo Road are compatible with the residential use of the proposed development.

*f) Alternative access.*

No alternative access was deemed available or necessary. It is noted that one lot will access Islington Road rather than Apollo Road.

*g) Need for use.*

The need for the use was not assessed in this report.

*h) Traffic impact assessment.*

The TIA documents the relevant findings of a traffic impact assessment.

*i) Road authority advice.*

Council (as the road authority) have advised that a traffic impact statement is required to accompany the development application.

The information provided within the TIA has been reviewed and accepted. It is accepted the Performance Criteria P3 of Clause E5.5.1 satisfied.

## **E5.6.2 Road accesses and junctions**

### **P1 assessment**

The available sight distances at the proposed new junction onto Apollo Road is estimated in the TIA to be 70m to the north towards Marys Hope Road and unrestricted to the termination of Apollo Road. The distance from the new junction to the end of Apollo Road where it connects onto Barley Crescent at the 90-degree bend is approximately 60m.

Under the planning scheme, driver sight distance requirements are specified for vehicle speeds of 50km/h to be 80m at a junction. The planning scheme sight distances are derived from the Austroad Guides but do not include speeds lower than 50km/h. Thus, based on the planning scheme the performance criteria E5.6.4 P1 is addressed in the TIA.

Vehicle speeds on Apollo Road are estimated to be 40km/hr from Marys Hoppe Road end and 30km/h from Barclay Crescent end, due to the 90-degree bend and narrow road widths. Under the Austroad Guides, safe intersection sight distance at 40km/h is 67m and at 30km/h is 45m. Based on best practice of the Austroad Guides, driver sight distances are met at the junction and performance criteria E5.6.4 P1 is satisfied.

## ***E7.0 Stormwater Management Code***

### **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.*

All stormwater generated from new hardstand surfaces will drain by gravity via proposed new stormwater infrastructure that connects into existing Council's stormwater network.

Therefore, Acceptable solution A1 is met.

*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<sup>2</sup>;*

*(b) new car parking is provided for more than 6 cars;*

*(c) a subdivision is for more than 5 lots.*

Point a and c both apply to this development therefore an assessment against performance criteria P2 is required.

The stormwater system requires incorporation of water sensitive urban design principles for the treatment and disposal of stormwater given the size of new impervious area is greater than 600m<sup>2</sup>. The developer has undertaken the necessary modelling works to calculate the proprietary devices required to achieve the water quality targets specified in the Table E7.1. However, due to the steep terrain of the land, developer proposes to provide a cash contribution equal to the treatment measures required onsite as outlined in Concept Stormwater Management Plan by PDA dated 02.08.2022.

Hence, the developer is required to pay an amount of \$89,070.00 (excluding GST) to Council in lieu of providing WSUD on site. This amount will be indexed, until the date paid to Glenorchy City Council.

Therefore, performance criteria P2 is met.

*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 nonindustrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.*

It has been demonstrated that the minor stormwater system has been designed to accommodate a storm with an ARI of 20 year (5% AEP) for the fully developed future development with the incorporation of onsite stormwater detention.

On site underground detention device has been proposed to maintain the post-development flow rate to a pre-development stage. On site detention is provided by way of large sized pipes along the northeast boundary behind lot 13 and discharge controlled via an orifice plate as per the Concept Stormwater Management Plan and Concept Engineering Plans by PDA.

Therefore, Acceptable Solution A3 is met.

*A4 - A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.*

The major stormwater system and overland flow paths have been demonstrated in Concept Stormwater Management Plan and Concept Engineering Plans by PDA. Overland flow has been considered in the design, where swale drains are proposed to capture flows from major storm event and safely convey to the road reserves and stormwater network.

It is recommended to revegetate and reinstate the disturbed areas uphill of new lots conforming to relevant standards and recommendations from geotechnical report by GES to ensure no concentrated flow paths are created.

Therefore, Acceptable Solution A4 is met.

### **Other**

#### **E3.0 Landslide Code**

This area has no known active landslides; however, it has been identified as being susceptible to landslide by Mineral Resources Tasmania (MRT).

P1

This Performance Criterion requires that the proposal must:

*Subdivision of a lot, all or part of which is within a Landslide Hazard Area must be for the purpose of one of the following:*

*(a) separation of existing dwellings;*

*(b) creation of a lot for the purposes of public open space, public reserve or utilities;*

*(c) creation of a lot in which the building area, access and services are outside the High Landslide Hazard Area and the landslide risk associated with the subdivision is either:*

*(i) acceptable risk, or*

*(ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.*

As part of this proposal, an extensive investigation was carried out and report prepared by a suitably qualified consultant to confirm how the subdivision responds to the geology and identified landslide hazard.

A Landslide risk assessment report was submitted with the application by Geo Environmental solutions Pty Ltd who deemed the landslip risk associated with the subdivision as acceptable as defined in Clause E3.8.1 P1 (c ) (i).

The information provided within the Landslide risk assessment report has been reviewed and accepted. It is accepted the Performance Criteria P1 under Clause E3.8.1 (c) (i) is satisfied.

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

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

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

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

**Representation Summary*****Water Runoff at Southeast side of the development***

*The representor states that her property adjacent to the southeast corner of the property already suffers from water runoff through the property and wants assurances that this development would not make things worse.*

In response to the concern, Proposed development has considered the post developed runoff that will be discharged to the southeast side of the development and designed new underground pipe infrastructure to cater for minor rain events in accordance with the Australian Rainfall Runoff guidelines and current Australian Standards. The design also incorporates on site stormwater detention measures to ensure the pre-development flows are maintained post-development. New underground stormwater network along with the new access road will significantly reduce the stormwater runoff directed towards southeast side of the development.

***Stormwater Drainage***

*The representor states that an existing large open stormwater drain on site is at maximum capacity, at times flowing like a river, and is worried about stormwater drainage for the properties downhill and to the north-east.*

In response to the concern, Concept Stormwater Management Plan and Concept Engineering Plans by PDA demonstrates new underground infrastructure that is adequately designed to cater for minor stormwater events and the discharge from the development is divided in to three outfalls, which provides a more robust system to convey stormwater generated. Also, onsite detention measures are proposed on the south-eastern side stormwater line that will ensure the post developed runoff does not increase beyond the predeveloped levels.

Furthermore, an open swale drain will be constructed on the same drainage easement that is sized to convey stormwater from a major event up to a magnitude of 1 in 100-year storm (1% AEP event) with an allowance for climate change scenario. This swale will continue beyond the south-eastern boundary to ensure runoff is conveyed beyond the properties and discharged to the road reserve and stormwater network downstream.

***Landslip Hazard Area***

*The representor states that he is concerned that the development of the lots within the landslide hazard area will put lower lying dwellings at risk of landslip. There are deep channels and cracks spread in all directions across the land that have presumably been carved out by water flow and I am worried this land will not be stable for development.*

As part of this proposal, an extensive investigation was carried out and report prepared by a suitably qualified consultant to confirm how the subdivision responds to the geology and identified landslide hazard.

A Landslide risk assessment report was submitted with the application by Geo Environmental solutions Pty Ltd who deemed the landslip risk associated with the subdivision as acceptable as defined in Clause E3.8.1 P1 (c ) (i).

The information provided within the Landslide risk assessment report has been reviewed and accepted. It is accepted the Performance Criteria P1 under Clause E3.8.1 (c ) (i) is satisfied.

## **Hydraulics Engineer**

### **Comments**

The developer proposes to construct a sixteen-lot residential subdivision off Apollo Road. The proposed subdivision includes construction of new stormwater infrastructure to service the lots. This development application has been assessed under old Glenorchy Interim Planning Scheme.

### **1. Referenced Documents**

- a. ECM\_3187533\_v1\_45177CT-Concept\_Engineering\_Plans-Rev\_C-09.11.2022
- b. ECM\_3187530\_v1\_45177CT RFI Response Marys Hope Road 101122
- c. ECM\_3060619\_v1\_Landslip Assessment - GES - 91 Marys Hope Road\_\_ver1 1
- d. 45177CT -Concept Stormwater Management Plan Rev 02.08.2022.pdf

### **2. E7.7 Development Standards**

#### ***E7.7.1 Stormwater Drainage and Disposal:***

All stormwater generated will drain by gravity via proposed new stormwater infrastructure that connects into existing Council's stormwater network at 3 locations. Proposed subdivision is divided into 3 internal catchments as shown in the image below and discharge to following existing stormwater network points;

1. Marys Hope Road - Lots 1, 4 & 5 discharges to Marys Hope Road via existing Council's gravity main
2. Islington Road – Majority of the development including remaining 12 lots and more than 50% of the new access road surface drainage discharges to the existing Gravity Main at Islington Road. Underground Onsite detention device is also proposed at this line given it is the largest sub catchment out of the three.
3. Apollo Road – Only the first 80m of the new access road surface runoff is captured via new infrastructure and discharges to the existing gravity main located at Apollo Road/ Barclay Crescent



Figure 1 – Pre-existing catchment areas

Therefore, Acceptable solution A1 is met.

#### ***Stormwater Quality Management Requirements:***

The stormwater system requires incorporation of water sensitive urban design principles for the treatment and disposal of stormwater given the size of new impervious area is greater than 600m<sup>2</sup>. The developer has undertaken the necessary modelling works to calculate the proprietary devices required to achieve the water quality targets specified in the Table E7.1. However, due to the steep terrain of the land, developer proposes to provide a cash contribution equal to the treatment measures required onsite as outlined in Concept Stormwater Management Plan by PDA dated 02.08.2022.

Hence, the developer is required to pay an amount of **\$89,070.00 (excluding GST)** to Council in lieu of providing WSUD on site. This amount will be indexed, until the date paid to Glenorchy City Council.

Therefore, performance criteria P2 is met.

***Minor stormwater drainage system design:***

It has been demonstrated that the minor stormwater system has been designed to accommodate a storm with an ARI of 20 year (5% AEP) for the fully developed future development with the incorporation of onsite stormwater detention.

On site underground detention device has been proposed to maintain the post-development flow rate to a pre-development stage. On site detention is provided by way of large sized pipes along the northeast boundary behind lot 13 and discharge controlled via an orifice plate as per the Concept Stormwater Management Plan and Concept Engineering Plans by PDA.

Therefore, Acceptable Solution A3 is met.

***Major stormwater drainage system design:***

The major stormwater system and overland flow paths have been demonstrated in Concept Stormwater Management Plan and Concept Engineering Plans by PDA. Overland flow has been considered in the design, where swale drains are proposed to capture flows from major storm event and safely convey to the road reserves and stormwater network.

It is recommended to revegetate and reinstate the disturbed areas uphill of new lots conforming to relevant standards and recommendations from geotechnical report by GES to ensure no concentrated flow paths are created.

Therefore, Acceptable Solution A4 is met.

**Representations*****Water Runoff at Southeast side of the development***

*The representor states that her property adjacent to the southeast corner of the property already suffers from water runoff through the property and wants assurances that this development would not make things worse.*

In response to the concern, Proposed development has considered the post developed runoff that will be discharged to the southeast side of the development and designed new underground pipe infrastructure to cater for minor rain events in accordance with the Australian Rainfall Runoff guidelines and current Australian Standards. The design also incorporates on site stormwater detention measures to ensure the pre-development flows are maintained post-development. New underground stormwater network along with the new access road will significantly reduce the stormwater runoff directed towards southeast side of the development.

**Stormwater Drainage**

*The representor states that an existing large open stormwater drain on site is at maximum capacity, at times flowing like a river, and is worried about stormwater drainage for the properties downhill and to the north-east.*

In response to the concern, Concept Stormwater Management Plan and Concept Engineering Plans by PDA demonstrates new underground infrastructure that is adequately designed to cater for minor stormwater events and the discharge from the development is divided in to three outfalls, which provides a more robust system to convey stormwater generated. Also, onsite detention measures are proposed on the south-eastern side stormwater line that will ensure the post developed runoff does not increase beyond the predeveloped levels.

Furthermore, an open swale drain will be constructed on the same drainage easement that is sized to convey stormwater from a major event up to a magnitude of 1 in 100-year storm (1% AEP event) with an allowance for climate change scenario. This swale will continue beyond the south-eastern boundary to ensure runoff is conveyed beyond the properties and discharged to the road reserve and stormwater network downstream.

**Conclusion**

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

**Waste Management Officer***Comments:*

Waste services to the proposed subdivision would be Council's standard bin service collected fortnightly.

- Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste, one (1) x 240L wheelie bin for Recycling, and one (1) x 240L for FOGO wheelie bin to each of the lots, collected fortnightly.
- This subdivision needs to have enough kerbside area for placement of wheelie bins.
- For new subdivisions, a nature strip located adjacent to the kerbside with a minimum 1 metre in width must be included for the placement of bins. If there is no scope for a nature strip, the footpath must be designed and constructed to accommodate the placement of bins. Recommend footpath width to each lot to be a minimum of 2m to accommodate the placement of wheelie bins, as well as meeting the minimum accessible footpath width (1.8 metre).

- For new properties and subdivisions to have a waste service all new road construction must ensure that continuous forward movement for a waste collection vehicle is available.
- Turning heads of cul-de-sacs shall be a minimum of 18 metre diameter inside the kerb to allow for the continuous forward movement of a heavy rigid vehicle.
- Council's Waste Services Contractor collection trucks will not enter any of the properties to collect and empty the wheelie bins.
- All bins are to be placed on the kerbside for collection.
- In an area with an overhead obstruction such as a tree canopy a minimum height of 5.0 metres needs to be allowed for contractor's collection vehicle including access to the lifting arm.

### **Property Manager**

In accordance with section 10 of the *Subdivision Public Open Space Acquisitions and Contributions Policy 2017* (the policy), Council have undertaken an assessment of items (a) through to (h) and deemed the provision of open space as unsuitable in this location. As per section 11 of the policy Council will request cash in lieu of open space.

### **Natural Areas**

#### ***Comments:***

Two native vegetation communities and three modified vegetation types were recorded during the field survey as per the TASVEG 4.0 classification system:

- *Eucalyptus tenuiramis* forest on sediments (DTO)
- Lowland grassland complex (GCL)
- Regenerating cleared land (FRG)
- Permanent easement (FPE)
- Weed infestation (FWU)

Vegetation found also includes potential habitat for choastola skipper (endangered butterfly species on both State and Commonwealth levels).

***Request for Weed Management Plan***

Due to the presence of environmental weeds a weed management plan is requested prior to the commencement of on-site works.

**Proposed condition:**

*Prior to undertaking works on the site a Weed Management Plan must be submitted to and approved by Council's Senior Statutory Planner. At a minimum the Plan must include:*

- timeframes and methods of primary and follow up treatment for all declared and environmental weeds on site;*
- weed hygiene measures required to ensure the risk of the spread of weeds from the site during clearing and construction is minimised;*
- a fully costed implementation, monitoring and reporting plan for a minimum of two years (including actions and timeframes).*

The relevant parts of the plan must be implemented prior to any works occurring on the land and be maintained throughout the construction period.

***Clearing/impacts of native vegetation***

A Biodiversity Protection Area covers part of the land.

**Two conditions are proposed below:**

- No native trees or native vegetation is to be removed or lopped other than those necessary for the construction of the vehicular access and the connection of services or to comply with the approved Bushfire Hazard Management Plan, unless with approval from Council's Senior Statutory Planner.*
- Machinery and vehicles must not enter the DTO forest (except for weed control) and no materials or soil are to be stockpiled in this area.*

***Threatened Species***

Vegetation found also includes potential habitat for choastola skipper (endangered butterfly species on both State and Commonwealth levels).

**Proposed 'advice' clause:**

- The site may contain threatened flora or fauna species. The developer is responsible for compliance with the Threatened Species Protection Act 1995.*

## EXTERNAL REFERRALS

### TasWater

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

### Other

#### Conservation Assessments and Wildlife Management (DPIPWE)

Thank you for your email and the opportunity to comment on the New Development Application - 91 Marys Hope Road Rosetta - PLN-21-116. Conservation Assessments (CAS) has reviewed the information provided and can make the following comments.

CAS can advise that the field survey component of the flora/fauna assessment for the proposed subdivision is more than two years old (dated as being undertaken in 2009) and due to potential natural and/or man-made changes in the environment is considered out of date. For example, the survey report listed *Cynoglossum australe* and *Lepidium pseudotasmanicum* amongst the threatened flora species observed at the subdivision site, however, according to the Natural Values Atlas, both of these species were delisted in 2016.

CAS recommends that the site is re-surveyed in accordance with the *Guidelines for Natural Values Surveys - Terrestrial Development Proposals*. The guidelines can be found at:

<http://dPIPWE.tas.gov.au/conservation/development-planning-conservation-assessment/survey-guidelines-for-development-assessments>.

#### Threatened Flora

The previous natural values survey in 2009 recorded two species of flora listed under the *Threatened Species Protection Act 1995* (TSPA): *Scleranthus fasciculatus* (spreading knawel) and *Vittadinia muelleri* (narrowleaf new-holland-daisy). If these or other threatened flora are found on the property during the updated survey and will be impacted upon by the proposed development, then a permit to take under the TSPA will be required. It should be noted that the processing of permit applications may take up to 4 weeks. Information on applying for a permit, including application forms, can be found on the DPIPWE website at:

[http://dPIPWE.tas.gov.au/conservation/development-planning-conservation-assessment/permit-to-take-threatened-species-\(for-consultants-development-related-activities\)](http://dPIPWE.tas.gov.au/conservation/development-planning-conservation-assessment/permit-to-take-threatened-species-(for-consultants-development-related-activities))

If surveying identifies any threatened flora species listed under the EPBCA to be present on the property and likely to be impacted upon by the proposed development, then the proponent should make themselves aware of their obligations under the EPBCA.

### Threatened Fauna

The property supports a stand of *Eucalyptus globulus* (Tasmanian blue gum), important foraging habitat for the Swift Parrot (*Lathamus discolor*), listed as endangered under the TSPA and critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA). CAS supports the exclusion of this vegetation community from the proposed subdivision plan in order to protect important swift parrot habitat.

A threat to swift parrots is colliding with man-made objects such as windows and chain-link fences. It is recommended that infrastructure is designed to minimise collision risks to Swift parrots, and that this be taken into consideration when assessing and approving planning/building permits. For general information and advice on building structures which minimise risk of collisions (e.g. wire-mesh fences or windows) - see [Guidelines and recommendations for parrot-safe building design](#). For comprehensive advice on avoiding collisions with glass - see [An end to birds dying at windows](#).

### Threatened Native Vegetation Communities

There are two threatened native vegetation communities on the property; **Eucalyptus globulus dry forest and woodland** and **Eucalyptus tenuiramis forest and woodland on sediments**. **Eucalyptus globulus dry forest and woodland** appears to be excluded from the proposed subdivision area which is supported by CAS, and it appears as though the majority of **Eucalyptus tenuiramis forest and woodland on sediments** is excluded from the subdivision plan which is also supported.

### Weeds and Diseases

There are a number of plant species that are declared weeds under the *Weed Management Act 1999* recorded within 5 km of the proposed development, including boneseed, English broom, Montpellier broom, St johns-wort and blackberry. It is recommended that the proponent develops a plan to control the spread of weeds and ensure that any weeds present on the property are properly managed. Further information about controlling the introduction and spread of weeds and the development of weed and disease management plans can be found in Section 4 of the [DPIPWE \(2015\) Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania](#).

If you have any queries about the above comments, please contact Holly Barlow ([holly.barlow@dpiuwe.tas.gov.au](mailto:holly.barlow@dpiuwe.tas.gov.au), ph: 6165 4306).

*Comment*

It is noted that in response to the above DPIWE comments, that an updated Natural Values Assessment for the proposed subdivision that considered flora and fauna was submitted, undertaken by Enviro-Dynamics in June 2021.

**TasNetworks**

Based on the information provided, the use/development is not likely to adversely affect TasNetworks' operations and the standard arrangements (for developments of this type) will apply for connection to the electricity network.

**Tasmania Fire Service**

I can confirm that TFS has endorsed the BHMP and Planning Certificate provided for this application. I hope this is sufficient for your assessment of the proposal.

**REPRESENTATIONS**

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

**1. Density of Dwellings**

The representor states that there is no density given for dwellings on the lots and wants to know if more than one dwelling could be built on a lot.

*Planner's Comment:*

At this point in time there are no dwellings proposed. Most of the land, except for Lot 1 and the balance lot, is zoned Low Density Residential where the density is one dwelling per 1500m<sup>2</sup> if a dwelling can be serviced or one per 2500m<sup>2</sup> otherwise. All lots, except for Lot 1, would only be able to have one dwelling.

**2. Vegetation and Wildlife**

The representor states that there are wallabies grazing on the land, in particular on proposed Lots 12, 13 and 14, and that there is beauty in the retention of trees. There is no protection of the existing landscape.

*Planner's Comment:*

The proposed subdivision is within residential zones and is outside the Scenic Landscape Code, with the exception of two small areas. However, the adjacent forested areas to the south and the west are within the Environmental Management Zone, which offers protection and habitat for wildlife. Therefore, it is considered that the proposed subdivision does not have any unreasonable impact on vegetation and wildlife.

### **3. Vehicle Lights**

The representor states that the driveway of Lot 12 is pointing to his property and because the driveway would be elevated there would be light intrusion.

*Planner's Comment:*

This issue is not a planning issue that can be considered as part of this application. Nevertheless, it is expected that the fence will provide some barrier to the light intrusion.

### **4. Landslip Hazard Area**

The representor states that he is concerned that the development of the lots within the landslide hazard area will put lower lying dwellings at risk of landslip. There are deep channels and cracks spread in all directions across the land that have presumably been carved out by water flow and there are worries that this land will not be stable for development.

*Planner's Comment:*

This issue has been previously addressed under the heading Development Engineer. In essence, the landslip risk associated with the subdivision has been assessed by a Consultant Geologist and was found to be acceptable.

### **5. Water Runoff**

The representor states that her property adjacent to the southeast corner of the property already suffers from water runoff through the property and wants assurances that this development would not make things worse.

*Planner's Comment:*

This issue has been previously addressed under the heading Hydraulics Engineer. In essence, the hydraulic assessment found that the new underground stormwater network along with the new access road will significantly reduce the stormwater runoff directed towards southeast side of the development.

### **6. Stormwater Drainage**

The representor states that an existing large open stormwater drain on site is at maximum capacity, at times flowing like a river, and is worried about stormwater drainage for the properties downhill and to the north-east.

*Planner's Comment:*

This issue has been previously addressed under the heading Hydraulics Engineer. In essence, the new underground infrastructure is adequately designed together with onsite detention and an open swale drain.

## CONCLUSION

The application is for a fifteen-lot subdivision, plus balance at 91 Marys Hope Road. The application is discretionary for lot design, new road, open space, services, low landslide risk, biodiversity, traffic increase, sight distances and stormwater infrastructure. The discretions were assessed against the relevant performance criteria in detail within the report. It is considered that all relevant performance criteria are satisfied. Conditions are recommended as appropriate to ensure relevant standards are met.

There were two representations received concerned about density, vegetation and wildlife, vehicle lights, landship and stormwater. Each of the issues was responded to within the report and many of the issues are dealt with through conditions. The representations do not carry determining weight.

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 Scheme 2015*, subject to the recommended conditions.

## Recommendation:

That a permit be granted for the proposed use and development of 91 Marys Hope Road Rosetta subject to the following conditions:

## Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-116 and Drawings submitted on 10/11/22, 5 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 2021/00391-GCC, dated 18/11/2022, form part of this permit.
3. The Plan of Survey and Schedule of Easements for Lots 1 to 15 and the Balance Lot must describe a building area as shown on the approved plans outside of which no building is to be constructed.
4. Council having determined not to require the subdivider to include areas of open space before approving the plan of subdivision requires payment of an amount to Council in accordance with Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the equivalent of five per cent (5%) of the unimproved value of the whole area as shown on the plan of subdivision. Payment must be made to Council prior to the sealing of the Final Plan.

5. A covenant, to which Council is to be made a party, is to be placed on the titles of Lots 1 to 15 to the effect that the owners agree to manage the entirety of their lots as 'low threat vegetation' and/or non-vegetated land (as defined in Clause 2.2.3.2 of the AS3959-2009) in order to provide bushfire management areas for dwellings on adjoining lots.
6. Prior to the sealing of the Final Plan the landowner of the Balance Lot must enter into a registered agreement with Council pursuant to Part 5 of the *Land Use Planning Approvals Act 1993* to maintain the vegetation within the power line easement as 'low threat vegetation' (as defined in Clause 2.2.3.2 of the AS3959-2009) in order to provide bushfire hazard management areas for dwellings on adjoining lots.
7. Prior to undertaking works on site, a Weed Management Plan must be submitted and approved by Council's Senior Statutory Planner. At a minimum the Plan must include:
  - (a) timeframes and methods of primary and follow up treatment for all declared and environmental weeds on site;
  - (b) weed hygiene measures required to ensure the risk of the spread of weeds from the site during clearing and construction is minimised;
  - (c) a fully costed implementation, monitoring and reporting plan for a minimum of two years (including actions and timeframes).

The relevant parts of the plan must be implemented prior to any works occurring on the land and be maintained throughout the construction period.

8. No native trees or native vegetation within the Biodiversity Protection Area is to be removed or lopped other than those necessary for the construction of the vehicular access and the connection of services or to comply with the approved Bushfire Hazard Management Plan, unless with approval from Council's Senior Statutory Planner.
9. Machinery and vehicles must not enter the *Eucalyptus tenuiramis* forest (except for weed control) and no materials or soil are to be stockpiled in this area.

## Engineering

10. Prior to the issuing of a Council's approved drawing or the commencement of works on site, (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of and to be approved by the Council's Development Engineer. The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties. The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with. Advice: For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Primary Industries, Parks Waters and Environment. These are available from Council or online at [www.derwentestuary.org.au](http://www.derwentestuary.org.au)
11. The cost of any alterations and/or reinstatement to existing services or private property incurred in proposed subdivisional works to be borne by the developer. Any work so required is to be specified and undertaken by the appropriate Authority concerned.
12. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
13. Any damage to Council's assets, including services, footpaths, driveway crossings and nature strips must be promptly reported to and then repaired to the requirements of Council's Development Engineer, at the developer's cost. It shall be the developer's responsibility to obtain and submit with the Engineering Drawing, a comprehensive photographic record of the condition of the footpaths, driveways and nature strips at the road frontage to the site and adjacent to the site, prior to commencing construction.

The photographic record shall be relied upon to establish the extent of damage caused to Council's assets throughout construction. In the event that the developer fails to provide a pre-construction photographic record of the site then any damage to Council assets found on completion of the works shall be deemed to be the responsibility of the developer and shall be repaired at the developer's cost.

14. 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 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. To comply with the condition 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 Council's approved drawing. All works required by this condition must be installed prior to the sealing of the Final Plan.
15. The design and construction of roads must be in accordance with Austroads Guide to Road Design Part 1-8.
  - (a) The materials used for roadworks are to be in accordance with State Growth General Specification for Roadworks;
  - (b) Road reservation widths are to be a minimum of eighteen (18) metres
  - (c) The minimum carriageway widths ( face of kerb – face of kerb) for the internal roads proposed are to be six point nine metres (6.90m) 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 Council's approved drawing. All works required by this condition must be installed prior to the sealing of the Final Plans.
16. Pavement depths shown on the Standard Drawings are the minimum required. Final depths will be determined by structural calculations based on actual sub-grade C.B.R. and design traffic loads and must be certified by an appropriate qualified engineer. All design plans submitted must be accompanied by pavement design calculations to demonstrate that the design is appropriate.
17. Prior to the commencement of works for any stage of the subdivision, the detailed design plans for footpaths and walkways in road reserves must be submitted to and approved by Council's Development Engineer. The plans must show a level nature strip area adjacent to the kerb and gutter 600mm wide where no foot path is proposed, with a crossfall not exceeding 1:10. The plans must be to the satisfaction of Council's Development Engineer and must be in accordance with the LGAT Standard Drawings and have regard to Council's Footpath Policy

18. Kerb ramps are to be provided at road crossings on pedestrian paths of travel, in accordance with Council's Standard Drawing GCC 11-11 and AS1428 Design for Access and Mobility, Part 4.1. Tactile ground surface indicators must be provided for kerb ramps and pedestrian refuge crossings in accordance with Council's Standard Drawing GCC 11-11 and AS1428 Design for access and Mobility, Part 4.1.
19. The design and construction of the driveway, parking, access and turning areas must generally comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to service mains, surface drainage collection, pavement composition and finished levels must be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and submitted with the Engineering drawings for approval by Council's Development Engineer prior to the commencement of works on site and/or the issuing of Council's approved Engineering Drawings. The proposed driveway, access and parking must comply with the following:-
  - (a) Be constructed to a sealed finish and the finished gradient shall not exceed the maximum gradient of 20%.
  - (b) Vertical alignment shall include transition curves at all grade changes greater than 12.5%.
  - (c) All runoff from paved and driveway areas must be discharged into Council's stormwater system.
  - (d) The gradient of any parking areas must not exceed 5% and
  - (e) Minimum carriageway width is to be no less than 3.0 metres
  - (f) A right of way over lot 5 must be created in favour of lot 1 to enable access to lot 1 as shown on approved plan 45177CT- 100 - C;
  - (g) A right of way over lot 8 must be created in favour of lot 9 to enable access to lot 9 as shown on approved plan 45177CT- 100 - C;
  - (h) A right of way over lot 6 & 7 must be created in favour of lot 8 to enable access to lot 8 as shown on approved plan 45177CT- 100 - C;
  - (i) A right of way over lot 6 must be created in favour of lot 7 to enable access to lot 7 as shown on approved plan 45177CT- 100 – C
  - (j) A right of way over lot 14 & 15 must be created in favour of lot 13 to enable access to lot 13 as shown on approved plan 45177CT- 100 – C

- (k) A right of way over lot 14 & 15 must be created in favour of lot 12 to enable access to lot 12 as shown on approved plan 45177CT- 100 – C
- (l) A right of way over lot 14 must be created in favour of lot 15 to enable access to lot 15 as shown on approved plan 45177CT- 100 – C
- (m) Driveway to be constructed and sealed onto the body of each new residential lot.

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 Council's approved engineering drawings and/or the commencement of works (whichever occurs first). All works required by this condition must be installed prior to the sealing of Final Plan.

- 20. All internal driveways shall be demonstrated on the engineering design plans as complying with standards of acceptable sight distance and maximum grade of 1 in 5. The applicant must construct driveways to each lot from the kerb to the property boundary using reinforced concrete and complete bulk earthworks into the lot to achieve the demonstrated sight distance and maximum grade as approved.
- 21. All common access driveways to groups of lots must be fully constructed and concreted by the applicant for the full length to the lots proper and to the requirements of Council's Development Engineer. The applicant must ensure that Reciprocal Rights of Way are created over all titles of lots that require a single sealed common access driveway to be constructed for each group of lots to enable suitable vehicular access to be achieved.
- 22. Surface and sub-surface cut off drains must be constructed to control overland and seepage flows to and from adjacent property and within the subdivision to the requirements of Council's Development Engineer.
- 23. All development must be in accordance with the recommendations contained in the Geotechnical Report – landslide risk assessment (91 Marys Hope Road, Rosetta) by Geo-Environmental Solutions dated November 2020.
- 24. The applicant must make available to any prospective purchasers, or their agents, upon request a copy of the said Geotechnical Report.

25. A covenant, to which Council is to be made a party, shall be placed on the title of all proposed lots to the effect that “No development shall take place on the said land except in accordance with the recommendations contained in the Geotechnical Report – landslide risk assessment (91 Marys Hope Road, Rosetta) by Geo-Environmental Solutions dated November 2020.
26. The appropriate retaining structure, if required, must be design and certified by a suitably qualified Engineer. The form and certification must be submitted to and approved by Council prior to the issue of Council’s approved engineering drawings.
27. All stormwater from the proposed development, including hardstand runoff, must be discharged to the Council’s public stormwater system via gravity system. All costs associated with works required by this condition are to be met by the developer. Any creation, diversion and augmentation of Council owned stormwater assets must be designed and constructed to the satisfaction of Council’s Hydraulics Engineer.
28. Prior to any commencement of works on site and/or the issuing of Council’s approved drawing (whichever occurs first), new stormwater connection (s) to Council’s public stormwater system onto the property boundary must be installed in accordance with the approved plans and available to connect to. The stormwater connection(s) must be constructed by a suitably qualified person to the satisfaction of Council. To ensure the connection(s) is constructed to Council’s satisfaction, the applicant must contact Council, by completing the Stormwater Connection Request Form, to arrange the visual inspection by Council for any alterations or works to Council’s public stormwater network.

The developer must also have paid in full the stormwater connection inspection fee defined in Council’s Fees and Charges prior to arranging the inspection and provide a minimum two (2) working-day notification in advance to Council’s Road Maintenance and Stormwater Coordinator for the inspection to occur. Any alternations or works performed on Council’s stormwater system must remain uncovered until the completion of the inspection. If there is failure to provide notification in advance or to expose the connection for the visual inspection, Council may choose to expose the connection(s) and reinstate after the inspection at full cost to the applicant. An inspection fee specified in Council’s Fees and Charges is applied and must be paid by the applicant in full.

**Advice:** Prior to the commencement of any work within the road reservation by a private contractor, the contractor must obtain a road opening permit from the Council's Facilities Co-ordinator. This permit must include items such as hours of work, road safety, reinstatement, soil and water management, etc. Both the Stormwater Connection Request form and the Road Opening Permit Application Form are available via Council's website. Please contact Council's Facilities Compliance Officer on (03) 62166800 to organise for Council to provide the Permit.

29. Private sewer, stormwater and water services/connections are to be entirely separate to each lot in order to ensure that they are contained entirely within the lots served or covered by appropriate easements. Power and telephone connections must also be contained within their respective lots. A detailed services plan showing both the existing and the proposed (or as built) private services, Council mains and access to all lots on the site must be prepared by a civil engineer or a qualified designer and submitted to the Council for approval prior to the sealing of the final plans. In particular, the developer must confirm the position of any services that may be affected by the subdivision/boundary adjustment.
30. In order to satisfy the above condition on the separation of services, the developer must verify compliance by supplying the Council with a services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots) and also a covering letter, where the Council is advised in writing that all the relevant engineering work required in these planning permit conditions have been satisfactorily completed, prior to the sealing of the final plan.

Any final plan submitted for sealing cannot be fully processed unless it is accompanied by documentation by a qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A "qualified person" shall be a professional engineer or professional surveyor or other persons acceptable to Council. Applicants or their agents should take notice that unless this condition is satisfactorily complied with, then documents submitted for sealing of the final plans will not be processed.

31. The final plan and schedule of easements is to include, to the satisfaction of the Council's Development Engineer, any existing or proposed right of ways, embankment, drainage and/or service easements that are or may be required to adequately provide access and services to, from or through the lots shown on the plan.

32. The applicant is to submit to Council a copy of the surveyor's field notes prepared to accompany the final plan.
33. The applicant must pay Council the amount of \$228.00 (incl. GST) per lot on the diagram 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. This amount is subject to annual adjustment with the Council Fees and Charges Register.
34. Any creation, diversion and augmentation of Council owned stormwater assets must be designed and constructed to the satisfaction of Council's Development Engineer. A twelve (12) month maintenance period will be applied to any creation, diversion and augmentation of Council owned assets after the practical completion, during which time the works must be maintained by the developer, prior to being handed over at the completion of the defects liability period. During the period all defects must be rectified at the developers cost. A further twelve (12) month maintenance period may be applied to defects after rectification. The Council may, at its discretion, undertake rectification of any defects at the developers cost. Before the end of the maintenance period, the developer must arrange CCTV inspections of any stormwater assets subject to this permit, taken no more than one month before the end of the maintenance period, and submit the inspection reports to the requirements of the Councils' Stormwater Engineer and at full cost to the applicant. Any defect identified in the CCTV inspection must be rectified to the satisfaction of Council's Stormwater Engineer, before the Council takes over the stormwater assets.
35. Upon the completion of the works the road and drainage infrastructure must be subject to a twelve-month defects liability period. At the time of issue of the Certificate of Practical Completion the applicant must lodge security with Council to the value of 5% of the work.
36. All road areas required for road widening, walkways and public open space are to be show as lots on the final diagram and are to be sold to Council for a nominal sum of one dollar (\$1.00). The final plan of survey will not be sealed until an executed Agreement of Sale and an executed Memorandum of Transfer is provided to Council, along with the required Titles Office registration fees. All other legal costs associated with fulfilment of this condition are to be met by the subdivider.

37. The developer must provide underground electrical reticulation for power and street lighting. Underground TasNetwork cables must be used subject to any underground cables in joint use trenches complying with Council's Development Engineer and TasWater codes.
38. The developer is to liaise with the relevant agency and to make provision for the installation of communication cabling to service each lot of the development.
39. Any proposed changes to the approved drawings are to be properly documented; the approved engineering drawings affected by any proposed change must be resubmitted for approval prior to the start of the works.
40. 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
41. A detailed estimate for the works must be provided and payment of the engineering assessment fee must be made prior to the issuing of Council's approval of the engineering design for each stage. Under the current Council Resolution, the engineering assessment fee is 2% of the value of works or a minimum of \$900.00. This amount is subject to annual adjustment in accordance with the Council fees and charges register. Construction must not commence until the approved engineering plans have been issued.
42. Prior to sealing of the plan of subdivision, all approved subdivision infrastructure works must be completed in accordance with the approved engineering plans and the requirements of Council's Development Engineer. Financial guarantees covering the cost of the uncompleted and unsecured works prior to the completion of approved Council infrastructure will not be permitted to be lodged.
43. The final plan and schedule of easements must include, to the satisfaction of the Council's Hydraulics Engineer, drainage easements in favour of the Glenorchy City Council over the public stormwater infrastructure, any natural water courses and overland flow paths passing through the lots shown on the plan. Easements shall have adequate width, to the satisfaction of the Council's Hydraulics Engineer, to ensure that the proposed public stormwater reticulation system and designated overland flowpaths are fully protected under relevant legislation and regulations. All costs associated with works required by this condition are to be met by the developer.

**Hydraulic Engineer**

44. The new stormwater infrastructure must be constructed prior to the sealing of the final plan / issue of a completion certificate. Engineering design drawings must be submitted and approved, prior to commencement of work. The engineering drawings must:
- (a) be certified by a suitably qualified and experienced Engineer.
  - (b) show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and inspection openings.
  - (c) Include the associated calculations and catchment area plans. The stormwater main must be sized to accommodate at least the 5% AEP flows from a fully developed catchment.
  - (d) Include provision for future development within the catchment to be adequately and efficiently serviced, i.e., via appropriate easements
  - (e) Clearly distinguish between public and private infrastructure
  - (f) Show the final Lot boundaries, with each Lot serviced separately by Council infrastructure and all private plumbing contained within each lot
  - (g) Specify lot connection sizes, depths, and locations such that as much as practicable of the lots can be drained via gravity
  - (h) Show any existing connections. Any redundant connections must be sealed by the Council at the owner's expense prior to sealing of the final plan.
  - (i) Be substantially in accordance with the LGAT Standard Drawings and Tasmanian Subdivision Guidelines 2013

All work required by this condition must be undertaken in accordance with the approved engineered drawings.

45. An adequate overland flow path must be maintained through the site, such that flows are excluded from the dwelling and not redirected onto third-party land, for the 1% AEP as at 2100 (including climate change loading) storm event.

46. Plans certified by a suitably qualified and experienced engineer as meeting the above requirement must be submitted prior to issue of any consent under the *Building Act 2016*. The detailed design drawings and associated documentation of the overland flow path must include:
- (a) Detail overland flow paths including supporting cross section and flow calculations
  - (b) Be designed to accommodate a storm with a 1% AEP plus climate change loading
  - (c) Demonstrate no diversion of the overland flows onto third-party property

All work required by this condition must be undertaken and maintained in accordance with the certified design drawings.

47. Digital copies of a post construction work CCTV video and associated report(s) of any proposed Council stormwater main must be submitted to the satisfaction of Council after completion of all work but prior to the issue of any Certificate of Completion.
48. The developer is required to pay an amount of **\$89,070.00** (excluding GST) to Council in lieu of providing WSUD on site prior to sealing the plan of survey. This amount will be indexed annually in accordance with the Council Cost Index, until the date paid to Glenorchy City Council.
49. The development must incorporate the On-Site Detention (OSD) as part of the development as presented in the Concept Stormwater Management Plan dated 02.08.2022 and Concept Engineering Plans dated 09.11.2022. The onsite piped detention element and its associated components must be designed and constructed to the satisfaction of the Council's Senior Civil Engineer and completed prior to the sealing of the Final Plan / issue of a Completion Certificate.
50. In association with a Council's approved drawing or the commencement of works on site, a stormwater management report and design considering OSD must be submitted and approved, to the satisfaction of Council's Senior Civil Engineer. The stormwater management report and design must:
- (a) be prepared by a suitably qualified engineer
  - (b) Show layout, of the inlet and outlet, overflow measures including long-section.

- (c) Include supporting maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.
51. The new stormwater connections must be constructed, and any existing abandoned connections must be sealed by owner's expense. Please note once plans are approved, a formal Application for New Stormwater Connection and inspection by Council's Senior Civil Engineer is required. The form is available from <https://www.gcc.tas.gov.au/council/documents-and-publications/forms/>
- (a) A minimum of three (3) business-day notice must be provided by the applicant to Council's Roads Maintenance and Stormwater Coordinator on 03 6216 6800 to arrange for the inspection prior to completion.
  - (b) Any alterations or works performed on council's stormwater system must remain uncovered until the completion of the inspection. If there is failure to provide notification in advance or to expose the stormwater manhole for the visual inspection, council may choose to expose the stormwater manhole and reinstate after the inspection at the full cost to the applicant.
  - (c) If the stormwater manhole is not to the satisfaction of council, the applicant must rectify the stormwater manhole at their cost. If the applicant does not rectify the stormwater manhole, council has the right to rectify the stormwater manhole at the applicant's cost.
52. Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction. A soil and water management plan (SWMP) must be submitted and approved prior to the commencement of work. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008) and recommendations from Landslip Assessment by GES - 91 Marys Hope Road\_\_ver1 1.

## Natural Areas

53. Prior to undertaking works on site, a Weed Management Plan must be submitted to and approved by Council's Senior Statutory Planner. At a minimum the Plan must include:

- (a) timeframes and methods of primary and follow up treatment for all declared and environmental weeds on site;
- (b) weed hygiene measures required to ensure the risk of the spread of weeds from the site during clearing and construction is minimised;
- (c) a fully costed implementation, monitoring and reporting plan for a minimum of two years (including actions and timeframes).

The relevant parts of the plan must be implemented prior to any works occurring on the land and be maintained throughout the construction period.

54. No native trees or native vegetation is to be removed or lopped within the Biodiversity Protection Area (part of Lot 5 and Balance Lot) other than those necessary for the construction of the vehicular access and the connection of services or to comply with the approved Bushfire Hazard Management Plan, unless with approval from Council's Senior Statutory Planner.

55. Machinery and vehicles must not enter the *Eucalyptus tenuiramis* forest (except for weed control) and no materials or soil are to be stockpiled in this area.

## Advice to Applicant

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

### *Underground Services*

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

### *Waste Management*

Waste services to the proposed subdivision would be Council's standard bin service collected fortnightly.

- (a) Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste, one (1) x 240L wheelie bin for Recycling, and one (1) x 240L for FOGO wheelie bin to each of the lots, collected fortnightly.

- (b) This subdivision needs to have enough kerbside area for placement of wheelie bins.
- (c) For new subdivisions, a nature strip located adjacent to the kerbside with a minimum 1 metre in width must be included for the placement of bins. If there is no scope for a nature strip, the footpath must be designed and constructed to accommodate the placement of bins. Recommend footpath width to each lot to be a minimum of 2m to accommodate the placement of wheelie bins, as well as meeting the minimum accessible footpath width (1.8 metre).
- (d) For new properties and subdivisions to have a waste service all new road construction must ensure that continuous forward movement for a waste collection vehicle is available.
- (e) Turning heads of cul-de-sacs shall be a minimum of 18 metre diameter inside the kerb to allow for the continuous forward movement of a heavy rigid vehicle.
- (f) Council's Waste Services Contractor collection trucks will not enter any of the properties to collect and empty the wheelie bins.
- (g) All bins are to be placed on the kerbside for collection.
- (h) In an area with an overhead obstruction such as a tree canopy a minimum height of 5.0 metres needs to be allowed for contractor's collection vehicle including access to the lifting arm.

#### *Natural Areas*

The site may contain threatened flora or fauna species. The developer is responsible for compliance with the *Threatened Species Protection Act 1995*.

#### **Attachments/Annexures**

- 1 GPA Attachment - 91 Marys Hope Road, 1/6 Basque Place, 2/6  
[⇒](#) Basque Place, Rosetta

## APPENDIX

## 10.0 General Residential Zone – Lot 1

10.6 Development Standards for Subdivision			
<b>10.6.1</b>  <b>Lot Design</b>	<b>A1</b>  The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities.  Minimum 450m <sup>2</sup> and Maximum 1000m <sup>2</sup>	The proposed size of Lot 1 is 1825m <sup>2</sup> .	No – Discretion
	<b>A2</b>  The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities: (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north; (f) is 10 m x 15 m in size.	(a) Yes (b) No - Bushfire Prone Areas, Low Landslip Hazard (c) Yes (d) No – 1:3 (e) Yes - short axis more than 15m as for long axis (f) Yes – at least 17m x 24m	No - Discretion
	<b>A3</b>  The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.	Frontage for Lot 1: 13.1m	No – Discretion

	Minimum Frontage: 15m		
	<b>A4</b> No lot is an internal lot.	Not within the General Residential Zone	Yes
	<b>A5</b> Subdivision is for no more than 3 lots.	Only 1 lot is proposed within the General Residential Zone	Yes
<b>10.6.2</b> <b>Roads</b>	<b>A1</b> The subdivision includes no new road.	No new road is proposed within the General Residential Zone or to give access to Lot 1	Yes
<b>10.6.3</b> <b>Ways and Public Open Space</b>	<b>A1</b> No Acceptable Solution.	No public open space will be provided, instead cash-in-lieu will be required	NA
<b>10.6.4</b> <b>Services</b>	<b>A1</b> Each lot must be connected to a reticulated potable water supply.		Yes
	<b>A2</b> Each lot must be connected to a reticulated sewerage system.		Yes
	<b>A3</b> Each lot must be connected to a stormwater system able to service the building area by gravity.		Yes
	<b>A4</b> The subdivision includes no new road.	No new road proposed within the General Residential Zone or to give access to Lot 1	Yes

**APPENDIX****12.0 Low Density Residential Zone – Lots 2-15**

<b>12.5 Development Standards for Subdivision</b>			
<b>12.5.1</b> <b>Lot Design</b>	<b>A1</b> The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities:  no less than 1,000 m <sup>2</sup> and, with the exception of a balance lot, no more than 2,500 m <sup>2</sup>	The lots range in size from 1048m <sup>2</sup> to 2492m <sup>2</sup> , except for the balance of which is in a different zone.	Yes
	<b>A2</b> The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities.  (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) is a minimum of 20 m x 20 m in size.	See report	No – Discretion
	<b>A3</b> The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:	See report	

	30 m.		
	<b>A4</b> No lot is an internal lot.	Lots 12 and 14 are internal lots	No-Discretion
	<b>A5</b> Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	No existing building	NA
<b>12.5.2</b> <b>Roads</b>	<b>A1</b> The subdivision includes no new road.	There will be a new road	No – Discretion
<b>12.5.3</b> <b>Ways and Public Open Space</b>	<b>A1</b> No Acceptable Solution.	There will be no new ways or public open space	NA
	<b>A2</b> No Acceptable Solution	There will be a condition for cash in-lieu of public open space, which satisfies the performance criteria	No – Discretion
<b>12.5.4</b> <b>Services</b>	<b>A1</b> Each lot must be connected to a reticulated potable water supply where such a supply is available.		Yes

	<b>A2</b> Each lot must be connected to a reticulated sewerage system where available.		Yes
	<b>A3</b> Each lot must be connected to a stormwater system able to service the building area by gravity.		Yes
	<b>A4</b> The subdivision includes no new road.	There will be a new road.	No – Discretion

## APPENDIX

### 29.0 Environmental Management – Balance Lot

29.5 Development Standards for Subdivision			
<b>29.5.1</b> <b>Subdivision</b>	<b>A1</b> Subdivision must comply with any of the following: <ul style="list-style-type: none"> <li>(a) be for the purpose of providing for public open space, a reserve or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the state or by a statutory authority.</li> <li>(b) be for lots proscribed in an applicable reserve management plan.</li> </ul>	No new lot will be created within the Environmental Management Zone that covers most of the Balance Lot.	NA

**APPENDIX****E1.0 Bushfire-Prone Areas Code**

Standard	Acceptable Solution	Proposed	Complies?
<b>1.5 Use Standards</b>			
<b>E1.5.1.1</b> Standards for vulnerable uses	<b>A1</b> No Acceptable Solution	Not vulnerable use	NA
	<b>A2</b> Vulnerable uses must demonstrate bushfire protection measures, addressing the characteristic, nature and scale of the vulnerable use, the characteristics of its occupants and the bushfire-prone vegetation, which are incorporated into a bushfire hazard management plan, certified by an accredited person or the TFS, that any risks associated with the use are tolerable, and that the plan provides for:  <div style="margin-left: 40px;">(a) emergency evacuation plans including designated emergency meeting points, which provide protection to fire fighters and evacuees; and</div> <div style="margin-left: 40px;">(b) information to staff, occupants and visitors on bushfire safety and evacuation procedures.</div>	Not vulnerable use	NA
<b>E1.5.2.1</b> Standards for hazardous uses	<b>A1</b> No Acceptable Solution.	Not hazardous use	NA
	<b>A2</b>		

Standard	Acceptable Solution	Proposed	Complies?
	<p>Hazardous uses must demonstrate bushfire protection measures, addressing the characteristics, nature and scale of the hazardous use and the bushfire-prone vegetation, which are incorporated into a bushfire hazard management plan, certified by an accredited person or the TFS, that any risks associated with the use are tolerable, taking into consideration:</p> <ul style="list-style-type: none"> <li>(a) exposure to dangerous substances; and</li> <li>(b) ignition potential from the site; and</li> <li>(c) flammable material contributing to the intensification of a fire.</li> </ul>	Not hazardous use	NA
<b>1.6 Development Standards</b>			
<b>E1.6.1.1</b> <b>Subdivision: Provision of hazard management areas</b>	<b>A1</b> <ul style="list-style-type: none"> <li>(a) The TFS or an accredited person certifies, having regard to the objective, that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</li> <li>(b) The proposed plan of subdivision- <ul style="list-style-type: none"> <li>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivisions; and</li> <li>(ii) shows the building area for each lot; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) NA</li> <li>(b) A Bushfire Hazard Report was submitted that includes a Bushfire Hazard Management Plan in accordance with (b)</li> <li>(c) The bushfire management relies on external land to the subdivision that is in the same ownership. A condition for a Part 5 Agreement is recommended.</li> </ul>	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas. The proposed plan of subdivision must be accompanied by a bushfire hazard management plan certified by the TFS or accredited person demonstrating that hazard management areas can be provided ; and</p> <p>(iv) applications for subdivision requiring hazard management areas to be located on land that is external to the proposed subdivision must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>		
<p><b>E1.6.1.2</b> <b>Subdivision: Public Access</b></p>	<p><b>A1</b></p> <p>(a) The TFS or an accredited person certifies, having regard to the objective, that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads and fire trails, and the location of private access to building areas, is included in a bushfire hazard</p>	<p>(a) NA</p> <p>(b) The endorsed Bushfire Hazard Management Plan shows all roads</p> <p>(c) NA</p>	<p>Yes</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>management plan approved by the TFS or accredited person as being consistent with the objective; or</p> <p>(c) A proposed plan of subdivision:</p> <ul style="list-style-type: none"> <li>(i) shows that, at any stage of a staged subdivision, all building areas are within 200m of a road that is a through road; and</li> <li>(ii) shows a perimeter road, private access or fire trail between the lots and bushfire-prone vegetation, which road, access or trail is linked to an internal road system; and</li> <li>(iii) shows all roads as through roads unless: <ul style="list-style-type: none"> <li>a. they are not more than 200m in length and incorporate a minimum 12m outer radius turning area; or</li> <li>b. the road is located within an area of vegetation that is not bushfire-prone vegetation; and</li> </ul> </li> <li>(iv) shows vehicular access to any water supply point identified for fire fighting.</li> </ul>		
	<p><b>A2</b></p> <p>Unless the development standards in the zone require a higher standard, construction of roads must meet the requirements of Table E1.3.</p>		Yes
<p><b>E1.6.1.3</b></p> <p><b>Subdivision:</b></p>	<p><b>A1</b></p> <p>In areas serviced with reticulated water by a Regional Corporation:</p>		

Standard	Acceptable Solution	Proposed	Complies?
provision of water supply for fire fighting purposes	<ul style="list-style-type: none"> <li>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or</li> <li>(b) a proposed plan of subdivision shows that all parts of a building area are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa in accordance with Table 2.2 and clause 2.3.3 of AS 2419.1 2005 - Fire hydrant installations.</li> </ul>	<ul style="list-style-type: none"> <li>(a) NA</li> <li>(b) Complies</li> </ul>	Yes
	<p><b>A2</b> In areas that are not serviced by reticulated water by a Regional Corporation or where the requirements of A1 (b) cannot be met:</p> <ul style="list-style-type: none"> <li>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures being provided; or</li> <li>(b) a bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient, consistent with the objective, to manage the risks to property and lives in the event of a bushfire; or</li> <li>(c) it can be demonstrated that: <ul style="list-style-type: none"> <li>(i) a static water supply, dedicated to fire fighting, will be provided and that the water supply has a</li> </ul> </li> </ul>		NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>minimum capacity of 10 000 litres per building area and is connected to fire hydrants; and</p> <p>(ii) a proposed plan of subdivision shows all building areas to be within reach of a 120m long hose connected to a fire hydrant, measured as a hose lay, with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa;</p> <p>(d) it can be demonstrated that each building area can have, or have access to, a minimum static water supply of 10 000 litres that is:</p> <p>(i) dedicated solely for the purposes of fire fighting; and</p> <p>(ii) accessible by fire fighting vehicles; and</p> <p>(iii) is within 3m of a hardstand area.</p>		
<p><b>E1.6.2.1</b> <b>Approved Lots: Provision of hazard management areas for habitable buildings</b></p>	<p><b>A1</b></p> <p>(a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to a habitable building to warrant the provision of hazard management areas; or</p> <p>(b) Habitable buildings are within a building area on an approved lot:</p> <p>(i) that is on a plan of subdivision that has been approved by the granting of a permit in accordance with this Code; and</p> <p>(ii) that satisfies the requirements of E1.6.1.1 A1(b); or</p>	<p>(a) NA</p> <p>(b) Building areas are to be shown on the Final Plan and a Part 5 Agreement is required by condition</p>	<p>Yes</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>(c) There are hazard management areas, in relation to habitable buildings, that:</p> <ul style="list-style-type: none"> <li>(i) have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas ; and</li> <li>(ii) will be managed in accordance with a bushfire hazard management plan that is certified by the TFS or an accredited person and that demonstrates how hazard management areas will be managed consistent with the objective; and</li> <li>(iii) if the hazard management areas are to be located on land external to the lot where the habitable building is located, the application is accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</li> </ul>		
<p><b>E1.6.2.2</b> <b>Approved lots: Private access</b></p>	<p><b>A1</b> It must be demonstrated in one of the following ways that private access provides safe access to habitable buildings:</p> <ul style="list-style-type: none"> <li>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant specific measures for private access for the purposes of fire fighting; or</li> </ul>	<p>Private access would need be provided in the event that a building is to be constructed within the building area on the balance lot. A covenant will be required by condition to this effect. Any new access would be part of any development application for a dwelling.</p>	<p>Yes</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>(b) private access is in accordance with a plan of subdivision, showing the layout of roads and fire trails and showing the location of private access to building areas, that is included in a bushfire hazard management plan approved by the TFS or an accredited person as being consistent with the objective in E1.6.1.2; or</p> <p>(c) plans showing private access to habitable buildings are included in a bushfire hazard management plan certified by the TFS or accredited person as being consistent with the objective; or</p> <p>(d) plans demonstrate that private access will be provided to within 30m of the furthest part of a habitable building measured as a hose lay.</p>		
	<p><b>A2</b> Private access must be provided to all static water supply points:</p> <p>(a) in accordance with private access shown to such points in a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or</p> <p>(b) by providing private access to a hardstand area within 3m of the static water supply point.</p>	Any private access to the building area on the balance lot would be part of any development application for a dwelling.	Yes
	<p><b>A3</b> Construction of a private access, if required to provide access to habitable buildings and static water supply points, must as</p>	Any private access to the building area on the balance lot would be part of any development application for a dwelling	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>appropriate to the circumstances meet the requirements of Table E1.3 as follows:</p> <ul style="list-style-type: none"> <li>(a) single lane private access roads less than 6m carriageway width must have 20m long passing bays of 6m carriageway width, not more than 100m apart;</li> <li>(b) a private access road longer than 100m must be provided with a driveway encircling the building or a hammerhead "T" or "Y" turning head 4m wide and 8m long, or a trafficable circular turning area of 10m radius;</li> <li>(c) culverts and bridges must be designed for a minimum vehicle load of 20 tonnes;</li> <li>(d) vegetation must be cleared for a height of 4m, above the carriageway, and 2m each side of the carriageway.</li> </ul>		
<p><b>E1.6.2.3</b> <b>Approved lots: Provision of water supply for fire fighting purposes</b></p>	<p><b>A1</b> It must be demonstrated in one of the following ways that there is adequate access to a water supply for fire fighting purposes in relation to habitable buildings:</p> <ul style="list-style-type: none"> <li>(a) the TFS or accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or</li> <li>(b) a bushfire hazard management plan, certified by the TFS or an accredited person, demonstrates that the provision of the water supply is consistent with the objective; or</li> </ul>	<ul style="list-style-type: none"> <li>(a) NA</li> <li>(b) The posed subdivision is within an area of reticulated water supply and new hydrants will be installed for Lots 2-15. Lot 1 can be serviced from Marys Hope Road. Any building on the balance lot would require a water tank.</li> </ul>	<p>Yes</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>(c) all external parts, of the habitable buildings, that are at ground level are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200 kPa; or</p> <p>(d) a minimum static water supply of 10 000 litres per habitable building is provided and that connections for fire fighting purposes are included.</p>		
<p><b>E1.6.3.1</b> <b>Provision of hazard management areas for habitable buildings</b></p>	<p><b>A1</b></p> <p>(a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to habitable buildings to warrant the provision of hazard management areas; or</p> <p>(b) Plans for habitable buildings, showing the location of hazard management areas, are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or</p> <p>(c) There are, in relation to habitable buildings, hazard management areas that-</p> <p>(i) have widths equal to, or greater than, the separation distances required for BAL 29 in Table 2.4.4 of <i>AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas</i> ; and</p> <p>(ii) will be managed in accordance with a bushfire hazard management plan that is certified by the TFS or an accredited person and that demonstrates how</p>	<p>No buildings are existing or proposed within the proposed subdivision</p>	<p>NA</p>

Standard	Acceptable Solution	Proposed	Complies?
	hazard management areas will be managed consistent with the objective.		
	<b>A2</b> If hazard management areas in relation to a habitable building are to be on land external to the lot where the building is located, the application must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with a bushfire hazard management plan certified by the TFS or an accredited person.		NA
<b>E1.6.3.2</b> <b>Private Access</b>	<b>A1</b> It must be demonstrated in one of the following ways that private access provides safe access to habitable buildings: <ul style="list-style-type: none"> <li>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant specific measures for private access for the purposes of fire fighting; or</li> <li>(b) plans showing private access to habitable buildings are included in a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or</li> <li>(c) plans demonstrate that private access will be provided to within 30m of the furthest part of a habitable building measured as a hose lay.</li> </ul>	No habitable buildings are proposed	NA

Standard	Acceptable Solution	Proposed	Complies?
	<p><b>A2</b> Private access to all static water supply points must be provided:</p> <ul style="list-style-type: none"> <li>(a) as included in a bushfire hazard management plan certified by the TFS or an accredited person as being in accordance with the objective of the standard; or</li> <li>(b) to a hardstand area within 3m of the static water supply point.</li> </ul>	No private access is proposed as part of this application	NA
	<p><b>A3</b> Construction of private access, if required to provide access to habitable buildings and static water supply points, must as appropriate to the circumstances meet the requirements of Table E1.3 as follows:</p> <ul style="list-style-type: none"> <li>(a) single lane private access roads less than 6m carriageway width must have 20m long passing bays of 6m carriageway width, not more than 100m apart;</li> <li>(b) a private access road longer than 100m must be provided with a driveway encircling the building or a hammerhead “T” or “Y” turning head 4m wide and 8m long, or a trafficable circular turning area of 10m radius;</li> <li>(c) culverts and bridges must be designed for a minimum vehicle load of 20 tonnes;</li> <li>(d) vegetation must be cleared for a height of 4m, above the carriageway, and 2m each side of the carriageway.</li> </ul>	No private access is proposed as part of this application	NA

Standard	Acceptable Solution	Proposed	Complies?
<b>E1.6.3.3</b> <b>Water supply for fire fighting purposes</b>	<b>A1</b> It must be demonstrated in one of the following ways that access to a water supply for fire fighting purposes is provided: <ul style="list-style-type: none"> <li>(a) the TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to warrant any specific water supply measures; or</li> <li>(b) a bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of the water supply is consistent with the objective; or</li> <li>(c) all external parts of habitable buildings that are at ground level, are within reach of a 120m long hose (measured as a hose lay) connected to a fire hydrant with a minimum flow rate of 600 litres per minute and minimum pressure of 200kPa; or</li> <li>(d) a minimum static water supply of 10 000 litres per habitable building is provided and that connections for fire fighting purposes are included.</li> </ul>	<ul style="list-style-type: none"> <li>(a) NA</li> <li>(b) The Bushfire Hazard report demonstrates that water supply is consistent with the objective.</li> </ul>	Yes
<b>E1.6.4.1</b> <b>Bushfire protection measures for extensions to pre-existing habitable buildings</b>	<b>A1</b> <ul style="list-style-type: none"> <li>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the</li> </ul>		NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>provision of any specific bushfire protection measures; or</p> <p>(b) Applications for extensions to habitable buildings are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or</p> <p>(c) Extensions to habitable buildings have hazard management areas that-</p> <p>(i) are of dimensions equal to, or greater than, the separation distances required for BAL 29 prescribed in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas; and</p> <p>(ii) will be managed in accordance with a bushfire hazard management plan, that is certified by the TFS or an accredited person, that demonstrates how hazard management areas will be managed consistent with the objective; and</p> <p>(iii) where hazard management areas in relation to a habitable building are to be on land external to the lot where the building is located, the application must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan: or</p> <p>(d) Extensions to habitable buildings:</p>		

Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> <li>(i) are no closer to the bushfire-prone vegetation than the existing building footprint; and</li> <li>(ii) do not exceed a 15% increase in the vertical surface area of the building facing and closest to the bushfire-prone vegetation; and</li> <li>(iii) do not restrict any existing vehicular access to any part of the habitable building.</li> </ul>		
<b>E1.6.5.1</b> <b>Provision of hazard management areas for habitable buildings</b>	<b>A1</b> <ul style="list-style-type: none"> <li>(a) The TFS or an accredited person certifies that, having regard to the objective, there is an insufficient increase in risk from bushfire to the habitable building to warrant the provision of hazard management areas; or</li> <li>(b) Plans for habitable buildings, showing the location of hazard management areas, are accompanied by a bushfire hazard management plan certified by the TFS or an accredited person as being consistent with the objective; or</li> <li>(c) Habitable buildings have hazard management areas that:               <ul style="list-style-type: none"> <li>(i) have dimensions equal to, or greater than, the separation distances required for BAL 12.5 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas; and</li> <li>(ii) will be managed in accordance with a bushfire hazard management plan, that is certified by the TFS or an accredited person, that demonstrates how hazard management areas will be managed consistent with the objective.</li> </ul> </li> </ul>	There are no existing or proposed buildings	NA

Standard	Acceptable Solution	Proposed	Complies?
	<b>A2</b> If hazard management areas in relation to a habitable building are to be located on land that is external to the lot where the building is located, the application must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with a bushfire hazard management plan certified by the TFS or an accredited person.	There are no existing or proposed buildings	NA

## APPENDIX

### E3.0 Landslide Code

Standard	Acceptable Solution	Proposed	Complies?
<b>3.6 Use Standards</b>			
<b>E3.6.1</b> <b>Hazardous Use</b>	<b>A1</b> Hazardous use relates to an alteration or intensification of an approved use.		NA

Standard	Acceptable Solution	Proposed	Complies?
	<b>A2</b> No Acceptable Solution		NA
<b>E3.6.2</b> <b>Vulnerable Use</b>	<b>A1</b> Vulnerable use is for visitor accommodation		NA
	<b>A2</b> No Acceptable Solution.		NA
<b>3.7 Development Standards for Buildings and Works</b>			
<b>E3.7.1</b> <b>Building Works, other than Minor Extensions</b>	<b>A1</b> No Acceptable Solution.		NA
<b>E3.7.2</b> <b>Minor Extensions</b>	<b>A1</b> Buildings and works for minor extension must comply with the following: (a) Be in a Medium Landslide Hazard Area		NA
<b>E3.7.3</b> <b>Major Works</b>	<b>A1</b> No Acceptable Solutions		NA

Standard	Acceptable Solution	Proposed	Complies?
<b>3.8 Development Standards for Subdivision</b>			
<b>E3.8.1 Subdivision</b>	<b>A1</b> No Acceptable Solution.	As part of this proposal, an extensive investigation was carried out and report prepared by a suitably qualified consultant to confirm how the subdivision responds to the geology and identified landslide hazard.  A Landslide risk assessment report was submitted with the application by Geo Environmental solutions Pty Ltd who deemed the landslip risk associated with the subdivision as acceptable as defined in Clause E3.8.1 P1 (c ) (i).	No – Discretion
	<b>A2</b> Subdivision is not prohibited by the relevant zone standards	Subdivision is not prohibited in the relevant zones	Yes

## APPENDIX

### E5 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
<b>5.5 Use Standards</b>			
<b>E5.5.1</b> <b>Existing road accesses and junctions</b>	<b>A1</b> The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not required speed limit less than 60km/h	NA
	<b>A2</b> The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not required speed limit less than 60km/h	NA
	<b>A3</b> 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.		No Performance criteria met

Standard	Acceptable Solution	Proposed	Complies?
<b>E5.5.2</b> <b>Exiting Level Crossings</b>	<b>A1</b> Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not required	NA
<b>5.6 Development Standards</b>			
<b>E5.6.1</b> <b>Development adjacent to roads and railways</b>	<b>A1.1</b> 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:  <ul style="list-style-type: none"> <li>(a) new buildings;</li> <li>(b) other road or earth works; and</li> <li>(c) building envelopes on new lots.</li> </ul>	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
	<b>A1.2</b> Buildings, may be: <ul style="list-style-type: none"> <li>(a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or</li> <li>(b) an extension which extends no closer than:               <ul style="list-style-type: none"> <li>(i) the existing building; or</li> <li>(ii) an immediately adjacent building.</li> </ul> </li> </ul>	Not required	NA
<b>E5.6.2</b> <b>Road accesses and junctions</b>	<b>A1</b> No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Not required	NA
	<b>A2</b> No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	Not required	NA
<b>E5.6.3</b> <b>New Level Crossings</b>	<b>A1</b> No Acceptable Solutions.	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<b>E5.6.4</b> <b>Sight distance at accesses, junctions and level crossings</b>	<b>A1</b> Sight distances at: <ul style="list-style-type: none"> <li>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</li> <li>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</li> </ul>	Performance criteria satisfied	No

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

Standard	Acceptable Solution	Proposed	Complies?
<b>E6.6 Use Standards</b>			
E6.6.1 Number of Car Parking Spaces	<b>A1</b> The number of on-site car parking spaces must be: <ul style="list-style-type: none"> <li>(a) no less than the number specified in Table E6.1 and no more than 10% greater than that number;</li> </ul> except if: <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) this provision was not used in this planning scheme.</li> </ul>	Not required	NA
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	<b>A1</b> Car parking spaces provided for people with a disability must: <ul style="list-style-type: none"> <li>(a) satisfy the relevant provisions of the Building Code of Australia;</li> <li>(b) be incorporated into the overall car park design;</li> </ul>	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
	(c) be located as close as practicable to the building entrance.		
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	Not required	NA
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Not required	NA
<b>E 6.7 Development Standards</b>			
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.	Compiles maximum of one access per frontage	yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and	Vehicle accesses have been designed in accordance AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;	yes

Standard	Acceptable Solution	Proposed	Complies?
	Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.	Provided where required	yes
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.	Not required	NA
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.	Not required	NA
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Not required	NA
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Not required	NA
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: <ul style="list-style-type: none"> <li>(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;</li> <li>(b) be located within 30 m of the main entrance to the building.</li> </ul>	Not required	NA
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; <ul style="list-style-type: none"> <li>(a) be provided in accordance with the requirements of Table E6.2;</li> <li>(b) be located within 30 m of the main entrance to the building.</li> </ul>	Not required	NA
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not required	NA
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not required	NA
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: <ul style="list-style-type: none"> <li>(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;</li> <li>(b) the use is not primarily dependent on outward delivery of goods from the site.</li> </ul>	Not required	NA
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Meets acceptable solution	Yes

## APPENDIX

### E7.0 Stormwater Management Code

Standard	Acceptable Solution	Proposed	Complies?
<b>E7.7 Development Standards</b>			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	All hardstand runoff drained via gravity by piped network	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 <sup>2</sup> ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	WSUD treatment assessed and cash in lieu of providing stormwater treatment has been agreed upon and conditioned	No
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	Minor stormwater system designed in accordance with requirements	Yes
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Major stormwater system designed in accordance with requirements	yes

**APPENDIX****E10 Biodiversity Code – Lot 5 and Balance Lot**

Standard	Acceptable Solution	Proposed	Complies?
<b>E10.7 Development Standards</b>			
<b>E10.7.1 Buildings and Works</b>	<b>A1</b> Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.		NA

Standard	Acceptable Solution	Proposed	Complies?
<b>E10.8 Subdivision Standards</b>			
<b>E10.8.1 Subdivision</b>	<b>A1</b> Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following: <ul style="list-style-type: none"> <li>(a) be for the purposes of separating existing dwellings;</li> <li>(b) be for the creation of a lot for public open space, public reserve or utility;</li> <li>(c) no works, other than boundary fencing works, are within the Biodiversity Protection Area;</li> <li>(d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.</li> </ul>	The Biodiversity Protection Area covers a small part of Lot 5 and the Balance Lot with the proposed building area.	No – Discretion
	<b>A2</b> Subdivision is not prohibited by the relevant zone standards.	Subdivision is not prohibited in the relevant zones	Yes

## APPENDIX

## E14 Scenic Landscapes Code – Lot 13 and Balance Lot (Building Area)

Standard	Acceptable Solution	Proposed	Complies?
<b>E14.7 Development Standards</b>			
<b>E14.7.1</b> <b>Removal of Bushland within Scenic Landscape Areas.</b>	<b>A1</b> Removal or disturbance of bushland must comply with both of the following: <ul style="list-style-type: none"> <li>(a) be on land no less than 50 m (in elevation) from a skyline;</li> <li>(b) be no more than 500 m<sup>2</sup> in extent.</li> </ul>	The building area on the balance lot is within a cleared area. The access strip of Lot 13 is within the Scenic Landscape Code but is less than 50m in elevation from the skyline and less than 500m <sup>2</sup> would be cleared.	Yes
<b>E14.7.2</b> <b>Appearance of Buildings and Works within Scenic Landscape Areas</b>	<b>A1</b> Buildings must comply with one of the following: <ul style="list-style-type: none"> <li>(a) not be visible from public spaces;</li> <li>(b) be an addition or alteration to an existing building that; <ul style="list-style-type: none"> <li>(i) increases the gross floor area by no more than 25%;</li> <li>(ii) does not increase the building height;</li> <li>(iii) provides external finishes the same or similar to existing.</li> </ul> </li> </ul>	No building is proposed	NA
	<b>A2</b> Works must not be visible from public spaces.	No works are proposed	NA

**6. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLINGS  
(28 NEW AND 1 EXISTING) IN STAGES, INCLUDING SERVICE  
CONNECTION AT 2/10 IRONBARK DRIVE, WITH SUBDIVISION  
FOR A NEW ROAD LOT AND CONSTRUCTION OF A NEW CUL-  
DE-SAC - 19 LESDELLE STREET, 18 LESDELLE STREET, 29  
LESDELLE STREET AND 2/10 IRONBARK DRIVE, CLAREMONT**

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3077047

**REPORT SUMMARY**

<b>Application No.:</b>	<b>PLN-21-623</b>
<b>Applicant:</b>	<b>Pinnacle Drafting &amp; Design</b>
<b>Owner:</b>	<b>K K Atkinson, Tasmania Keystone Developments Pty Ltd, Hai H Tran &amp; Hoang P Nguyen, Leanne M Rama</b>
<b>Zone:</b>	<b>General Residential Zone</b>
<b>Use Class</b>	<b>Residential</b>
<b>Application Status:</b>	<b>Discretionary</b>
<b>Discretions:</b>	<p><b>7.10.1 Development not required to be categorised into a use class</b></p> <p><b>8.4.4 P1 Sunlight to private open space of multiple dwellings</b></p> <p><b>8.4.6 P1 Privacy for all dwellings</b></p> <p><b>8.4.6 P3 Privacy for all dwellings</b></p> <p><b>8.4.8 P1 Waste storage for multiple dwellings</b></p> <p><b>8.6.2 P2 Roads</b></p> <p><b>C2.6.3 P1 Number of accesses for vehicles</b></p> <p><b>C3.5.1 P1 Traffic generation at a vehicle crossing, level crossing or new junction</b></p> <p>(The proposal meets all other applicable standards as demonstrated in the attached appendices)</p>
<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>Extension of time granted until 23/01/2023</b>
<b>Existing Land Use:</b>	<b>Single Dwelling</b>
<b>Representations:</b>	<b>4</b>
<b>Recommendation:</b>	<b>Approval, subject to conditions</b>

## **REPORT IN DETAIL**

### **PROPOSAL**

The application is for twenty-eight additional dwellings on a site with an existing dwelling and subdivision for a road lot. The road lot is for the accommodation of a new cul-de-sac and affects three existing residential lots. This would give frontage to two lots that currently have access over a right-of-way over an existing access strip. The third lot would retain the access strip from the end of the cul-de-sac. The creation of the road lot would not prevent the existing lots from retaining minimum requirements. The application also includes a property in Ironbark Drive for the purpose of service connection. It is proposed to complete the proposed development in seven stages.

The layout of the property would be in five rows of dwellings, arranged around an internal road with three branches. The existing dwelling would have separate access from the existing driveway and would be associated with a large area of land. The proposed dwellings would be a combination of brick dwellings and timber imitation dwellings on stilts. There would be thirteen 'timber' dwellings and fifteen brick dwellings. The dwellings would be built into the hillside and vary in height between 4.67m and 8.5m. Each dwelling would have two carparking spaces and there would be eight visitor spaces. Each dwelling would have an area of private outdoor space of 24m<sup>2</sup> with a maximum grade of 1:10. There is also landscaping proposed for separation of dwelling windows from driveways and for general amenity. There would be two and three bedroom dwellings, either with garages or carports.

The application is discretionary for retaining walls, dwellings to the north of private outdoor space, separation of decks from windows, separation of driveways from windows, front setback of bin enclosure, suitability of roads, number of accesses and traffic increase. The proposal is shown in Figure1.



Figure 1: Proposal - Pinnacle Drafting & Design

## SITE and LOCALITY

The principal site is 19 Lesdelle Street, located at the western end of Lesdelle Street. Two other addresses of 18 and 29 Lesdelle Street are also affected by the subdivision for the road lot and a third property at 2/10 Ironbark Drive is affected by a service connection. The principal land contains an existing dwelling surrounded by pasture. The subject property adjoins residential development along the east and south boundary. The land to the west comprises a forested hill with a water reservoir atop. The land to the north contains an access strip followed by a large residential lot with a single dwelling. The subject property and surrounds are shown in Figures 2 and 3.



Figure 2: Subject Site – theList



Figure 3: Subject Site - Street View

## ZONE

The principal site is located within the General Residential Zone, which adjoins on three sides. The property adjoins the Landscape and Conservation Zone to the west. All the neighbouring land affected by the subdivision is within the General Residential Zone. The zoning map is shown in Figure 4.



Figure 4: Zoning Map – theList

## BACKGROUND

### *Supporting Information*

The following supporting Information was provided:

- Planning Report by Ireneinc, updated December 2022
- Cost estimate by Lee Tyres dated 22/09/2021
- Traffic Impact Assessment by Hubble Traffic, October 2022

- Stormwater Report by Aldanmark, 26/08/2022
- Bushfire Certificate stating that the proposed use or development will result in an insufficient increase in risk from the environmental hazard or natural hazard to warrant any specific protection measures by Jason Nickerson dated 03/01/2023

#### *Other Applications*

- PLN-17-243 Twenty-nine (29) Multiple Dwellings (1 existing and 28 new) with access and services via 18 and 19 Lesdelle Street and 2/10 Iron Bark Drive – This application was cancelled.

#### *Current Application*

The application was advertised from 14/12/2022 to 09/11/2023 over Christmas. An extension of time was granted until 23/01/2023.

## **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)**

Nil.

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

No general provisions or specific area plan apply. The following codes apply and prevail over the relevant Zone provisions if there is any conflict.

#### *Codes*

- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code

**Use Class Description (Table 6.2):**

The application is for multiple dwellings which fits under the use class Residential. The use is defined in Table 6.2 Use Classes as follows:

*Residential*

*use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings.*

**Other relevant definitions (Clause 3.0):**

The following meanings in 3.0 Planning Terms and Definitions are of particular relevance:

*multiple dwellings*

*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.*

*building envelope*

*means the three-dimensional space within which buildings are to occur.*

*building height*

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

*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.*

*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.*

### **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 as follows:

- 7.10.1 Development not required to be categorised into a use class (retaining walls)
- 8.4.4 P1 Sunlight to private open space of multiple dwellings
- 8.4.6 P1 Privacy for all dwellings
- 8.4.6 P3 Privacy for all dwellings
- 8.4.8 P1 Waste storage for multiple dwellings
- 8.6.2 P2 Roads
- C2.6.3 P1 Number of accesses for vehicles
- C3.5.1 P1 Traffic generation at a vehicle crossing, level crossing or new junction

## General Provisions

The following General Provisions apply with respect to retaining walls:

### *7.10 Development not Required to be Categorised into a Use Class*

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 includes retaining walls that are not exempt in clause 4.0 Exemptions as the setback is less than 1.5m and/or a difference of more than 1m in ground level is retained. There would be three sections of retaining walls outside these parameters.

- A retaining wall for a bin enclosure of 1.42m in height and between 1.954m and 0.798m from the boundary.
- A retaining wall for a driveway at Unit 9 within 1.5m of a boundary and maximum height of 1.1m.
- A retaining wall for a driveway at Unit 19 within 1.5m of a boundary and maximum height of 0.853m.

Considering the usual provisions of the General Residential Zone, amenity impacts such as overshadowing and visual impact are deemed important. There are no codes that require consideration in respect to retaining walls.

The bin enclosure wall is considered under the bin enclosure provisions as well but is considered acceptable if there is additional screening in the form of landscaping.

The other two retaining walls are not considered to result in any unreasonable loss of residential amenity, because the walls are relatively low. As such, there would not be any impact through overshadowing and/or visual impact. The retaining walls are expected to be screened by a common fence from neighbouring properties. Both retaining walls would be at least 5.5m from a window of the nearest dwelling on site.

Therefore, the height and location of the proposed retaining walls is considered acceptable.

## **Zones**

The land is within the General Residential zone and the following 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 for residential development utilising serviced land. The proposal would provide for an alternative dwelling type to the predominantly single dwellings in the area.

### **Use Table**

The use class Residential (Multiple Dwellings) is permitted within the General Residential Zone in 8.2 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 dwellings

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

#### *8.4.4 A1 Sunlight to private open space of multiple dwellings*

The proposal does not accord with the acceptable solution in clause 8.4.4 A1 with respect to dwelling separation to the north from private outdoor space. Therefore, the proposal relies on the related performance criteria as follows:

##### *8.4.4 P1 Sunlight to private open space of multiple dwellings*

*A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 8.4.3 of this planning scheme.*

#### *Comment*

The acceptable solution requires that there is 3m separation from the northern edge of the private outdoor space (POS) and not less than 3 hours of sunlight between 9:00am and 3:00pm on 21<sup>st</sup> June to 50% of the POS.

All dwellings comply with the 3m separation or do not have a dwelling to the north of POS, except Units 1, 2, 13, 20, 21 and 24. These dwellings are partially between 1.112m and 2.527m from the northern edge of the neighbouring POS shown in green on the landscape plan. These POS areas receive 3 hours of sunlight to 50% of the area on 21<sup>st</sup> of June, which complies, except for the POS space of Unit 23. Unit 23 has second area of POS at the rear (east) of a reasonable size that would receive 3 hours of sunlight on 21<sup>st</sup> of June.

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

#### *8.4.6 A1 Privacy for all dwellings*

The proposal does not accord with the acceptable solution in clause 8.4.6 A1 with respect to separation of decks. 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 that balconies and carports with a finished surface or floor level more than 1m above existing ground level have a fixed screen 1.7m in height. This is unless there is separation from a window of a dwelling on the same site of 6m, amongst other requirements. The dwellings accord with all requirements, except that the decks of Units 6 to 9 and Units 16 to 19 face a wall with a window 1.7m above floor level. There is separation of 3.9m for Units 6 to 9 and 3m for Units 16 to 19. Given that the windows opposite have a sill height of 1.7m, it is considered that the dwellings are designed to prevent overlooking of another dwelling on the same site.

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

*8.4.6 A3 Privacy for all dwellings*

The proposal does not accord with the acceptable solution in clause 8.4.6 A3 with respect to driveway separation. Therefore, the proposal relies on the related performance criteria as follows:

*8.4.6 P3 Privacy for all dwellings*

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

*Comment*

The acceptable solution requires 2.5m driveway separation from a shared driveway, unless there is a 1.7m high screen or windows are 1.7m above the finished surface or floor level, in which case the separation is 1m.

All dwellings, except Units 20 and 22 have either landscaping of at least 2.5m in width for driveway separation or have windows more than 1.7m above the shared driveway, which would comply. Units 20 and 22 have separation from the shared driveway of 1.9m. There would be two vertical narrow bedroom windows facing the driveway for each of the dwellings that would be double glazed. There would be landscaping of 1.9m in width. This section of driveway is shared by four dwellings and runs parallel to the dwellings. Considering that there would be some landscaping and relatively little traffic where lights are not opposite windows, it is considered that the arrangement is acceptable. A condition is recommended that landscaping is provided as shown on the landscaping plan.

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

#### 8.4.8 A1 Waste Storage for multiple dwellings

The proposal does not accord with the acceptable solution in clause 8.4.8 A1 with respect to a bin enclosure in the front setback. Therefore, the proposal relies on the related performance criteria as follows:

#### 8.4.8 P1 Waste Storage for multiple dwellings

*A multiple dwelling must have storage for waste and recycling bins that is:*

- (a) capable of storing the number of bins required for the site;*
- (b) screened from the frontage and any dwellings; and*
- (c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.*

#### Comment

The acceptable solution requires that the common bin storage area has a setback from the frontage of 4.5, is not less than 5.5m from any dwelling and is screened from the frontage and any dwelling by a wall to a height not less than 1.2m. The common bin storage area would house the required 30 bins, would be screened and would be approximately 14m from the nearest dwelling. However, there would be a frontage setback less than 4.5m from the new road. The bin enclosure would be between 0.798m and 1.954m from the new road. Whilst there would be screening for the bins, the bin enclosure would be quite prominent from the road because it would have a raised floor level, as shown in Figure 5. As such, it is considered that additional screening with landscaping should be required. A condition is recommended accordingly.

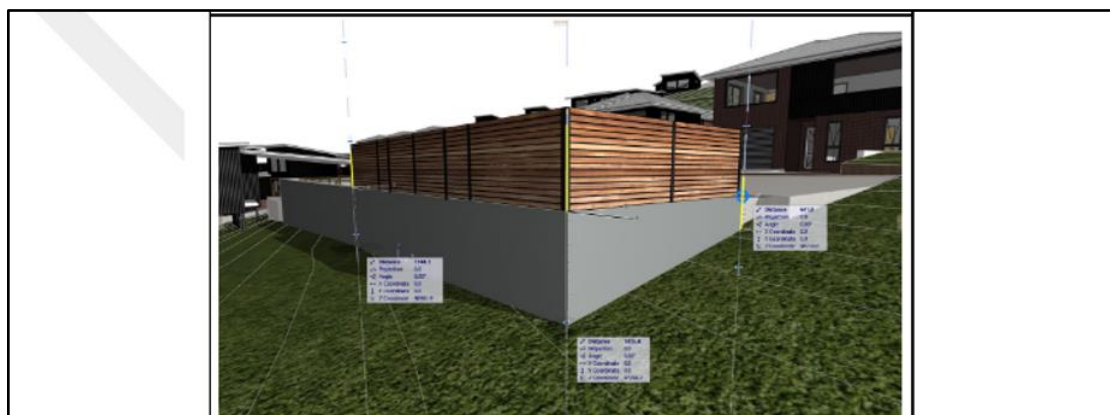


Figure 5: Bin Enclosure - Ireneinc

#### Development Standards for Subdivisions

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

### 8.6.2 A1 Roads

There is no acceptable solution in clause 8.6.2 A1 if there is a new road. Therefore, the proposal relies on the related performance criteria as follows:

#### *8.6.2 P1 Roads*

*The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:*

- (a) any road network plan adopted by the council;*
- (b) the existing and proposed road hierarchy;*
- (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;*
- (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;*
- (e) minimising the travel distance between key destinations such as shops and services and public transport routes;*
- (f) access to public transport;*
- (g) the efficient and safe movement of pedestrians, cyclists and public transport;*
- (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;*
- (i) the topography of the site; and*
- (j) the future subdivision potential of any balance lots on adjoining or adjacent land.*

#### *Comment*

The engineering assessment under the Referrals section later in this report found that the proposed road meets requirements, subject to conditions.

## **Codes**

### **C2.0 Parking and Sustainable Transport Code**

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

*C2.6.3 A1 Number of accesses for vehicles*

The proposal does not accord with the acceptable solution in clause C2.6.3 A1 as there would be two accesses for 19 Lesdelle Street. Therefore, the proposal relies on the related performance criteria as follows:

*C2.6.3 P1 Number of accesses for vehicles*

*The number of accesses for each frontage must be minimised, having regard to:*

- (a) any loss of on-street parking; and*
- (b) pedestrian safety and amenity;*
- (c) traffic safety;*
- (d) residential amenity on adjoining land; and*
- (e) the impact on the streetscape.*

*Comment*

The acceptable solution only allows for one access per frontage. There would be two accesses. Access to the existing dwelling would be retained and there would be a new access for the new multiple dwelling development. The application was assessed by Council's Development Engineer and was found satisfactory in regard to access arrangements. 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, except as follows:

*C3.5.1 A1 Traffic generation at a vehicle crossing, level crossing or new junction*

The proposal does not accord with the acceptable solution in clause C3.5.1 A1 with respect to traffic increase. Therefore, the proposal relies on the related performance criteria as follows:

*C3.5.1 P1 Traffic generation at a vehicle crossing, level crossing or new junction*

*Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:*

- (a) any increase in traffic caused by the use;*
- (b) the nature of the traffic generated by the use;*
- (c) the nature of the road;*
- (d) the speed limit and traffic flow of the road;*

- (e) any alternative access to a road;*
- (f) the need for the use;*
- (g) any traffic impact assessment; and*
- (h) any advice received from the rail or road authority.*

#### *Comments*

The application was assessed by Council's Development Engineer and was found acceptable in terms of traffic generation and compliant with the above performance criteria. For further comments, please refer to engineering assessment under the Referrals section later in this report.

#### **C13.0 Bushfire-Prone Areas Code**

The subject land is covered by the Bushfire-prone Areas Code overlay. However, a certificate was provided by an accredited person that exempts the subdivision under clause C13.4 (a). The dwellings will be assessed separately for bushfire management as part of any building permit application.

#### **Glenorchy Local Provisions Schedule (GLPS)**

##### **Local Area objectives**

No local area objectives of the Scheme apply to this proposal.

##### **Particular Purpose Zones**

No particular purpose zones of the Scheme apply to this proposal.

##### **Specific Area Plans**

No specific area plans of the Scheme apply to this proposal.

##### **GLE-Site Specific Qualifications**

No site-specific qualifications of the Scheme apply to this proposal.

##### **GLE-Code lists**

No code lists of the Scheme apply to this proposal.

##### **GLE-Applied, Adopted and Incorporated Document**

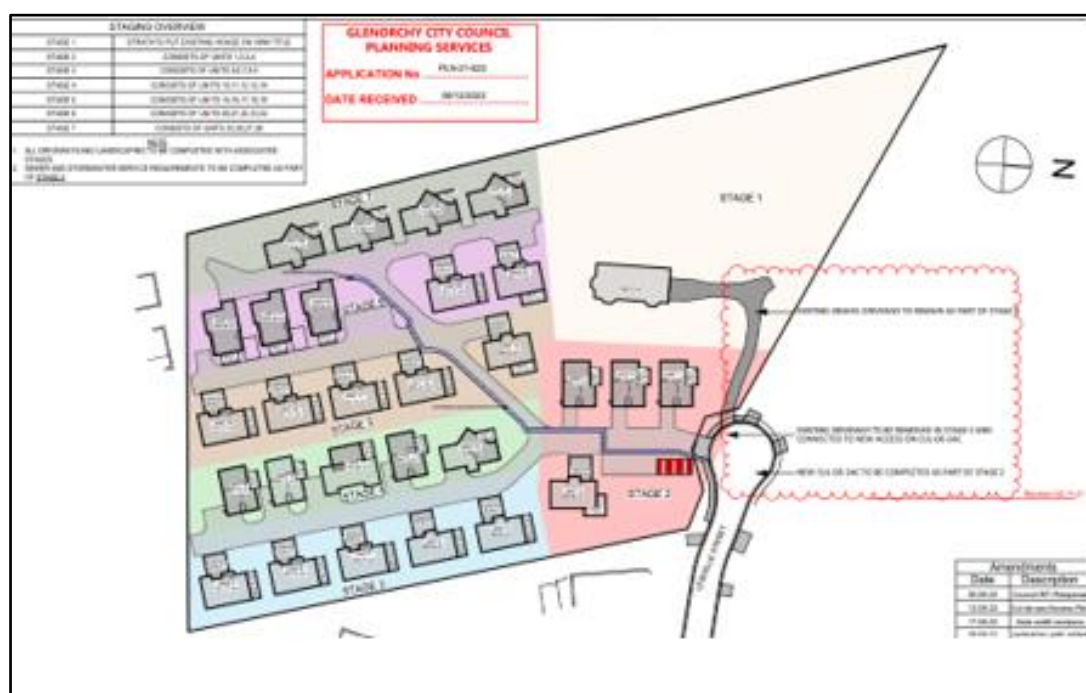
Nil.

## INTERNAL REFERRALS

### Development Engineer

#### Comments

The development application seeks an approval for staged multiple dwellings (1 existing and 28 additional) and subdivision to provide for a new road lot to contain a cul-de-sac at the road end. The works include extension to the road and cul-de-sac, driveway and access pavements and works related to new road, footpath, and stormwater infrastructure with Water Sensitive Urban Design (WSUD) and On-site Stormwater Detention (OSD). The scope of work and staging can be seen in the figure below.



The Traffic Impact Assessment (TIA) by Hubble Traffic dated October 2022, the stormwater report by Aldenmark consulting engineers dated 26 October 2022 with Civil drawing and concept servicing plan dated 5 September 2022 and the concept cul-de-sac plan by PDA surveyors dated 27 July 2022 were submitted as part of the development application addressing traffic generation and impact to road networks, stormwater management with WSUD and OSD elements and new cul-de-sac detailed design to support the proposal.

Servicing plan demonstrates the stormwater management can comply with Council's policy requirements. All runoff from the new impervious surface is proposed to be discharged to a new 225mm stormwater connection at the lowest point. The new connection is proposed to be connected to the existing manhole located at the rear of the property at 2/10 Ironbark Drive. It is also proposed that the stormwater on-site detention both a 16,000 L underground located at the end of the internal road in front

of unit 9 and the 1,000L aboveground detention tank installed at each unit except unit 4 to unit 9 will be provided as part of the development including a water sensitive urban design (WSUD) element. Therefore, the General Manager's consent to interfere with stormwater infrastructure can be granted with conditions to satisfy the stormwater management requirements.

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

According to the Traffic Impact Assessment (TIA) the proposed development may generate up to 158 vehicle trips per day with expected weekday peak hour trips of 16. Therefore, the proposal cannot comply with the acceptable solution. The TIA therefore addresses the street characteristics, existing traffic flow around the networks, traffic modelling of the surrounding junctions including crash history.

The TIA stated that Lesdelle Street is a local residential street which does not provide for through traffic. Lesdelle Street intersects with Branscombe Road, which intersects with Box Hill Road, and all roads are constructed to a residential standard with default speed limit under 50km/h, sufficient for two-way traffic with no traffic deficiencies identified. With road characteristics and model results, the predicted two-way traffic flow on the surrounding road network is not predicted to exceed 200 vehicles per hour, demonstrating the additional trips from the development site will not cause any adverse impact to the residential amenity, on the surrounding local roads. It is predicted motorists will not be adversely impacted as the level of service will not deteriorate, with Level of Service A maintained. The TIA further analysed the junctions are predicted to operate with a maximum degree of saturation (DOS) of 0.117, which means they will operate at 11.7 percent of their traffic capacity, with spare capacity for incremental growth and future development.

Based on the above, it is considered the application satisfies the performance criteria and the site can be accessed off the existing vehicle crossing, and no new access is proposed. Therefore, the proposed development complies with the code requirements.

## **C2.0 Parking and Sustainable Transport Code**

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

The site can be accessed off the existing vehicular access, which is proposed to be widened to provide for two-way traffic, onto the driveway and parking areas.

The requirement under the C2.5.1 and table C2.1, A1 requires the total of two (2) car parking spaces for each residential dwelling plus 1 visitor parking space per every 3 dwellings. The applicant proposes to comply with the requirements providing car parking area for two car spaces each dwelling and the total of 9 visitor car parking spaces. There are no requirements for accessible car parking, motorcycle parking spaces, bicycle parking spaces and commercial vehicle applicable to the development application.

The layout of parking area complies with the standard AS2890.1:2004. The turning swept path is provided demonstrate compliance to the standard. The surface treatment of the driveway is proposed to be concrete. Surface runoff is proposed to be captured and directed to the Council's stormwater system. Due to the numbers of parking spaces required, to comply with the acceptable solution, a 1m wide pedestrian path (footpath) separated from the access ways or parking aisles shall be provided. The development will include a pedestrian pathway connecting the Lesdelle Street footpath along the main driveway the pathway will be a suspended structure adjacent to the visitor parking spaces and driveway. A 2.5m wide horizontal distance is not able to be provided with the development layout however it is proposed that appropriate road markings will be used to designate the pathway, and the pathway will not impose on the width of the two-way vehicular access. Therefore, it is considered the performance criteria is satisfied with.

### **Other**

#### **C15.0 Landslide Code**

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

#### **C7.0 Natural Assets Code**

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

#### **C12.0 Flood-Prone Areas Hazard Code**

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

**Waste Management Officer**

Waste management services to the proposed multiple dwelling development would be Councils shared bin service, collected weekly. There will be a total number of 30 x 240L Shared Bins. The wheelie bins should be stored in a bin enclosure within the property boundary and are not to be taken to individual units. All wheelie bins should be placed on the kerbside for collection. Conditions are recommended for the design of the bin enclosure, as well as advice clauses.

**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.

**REPRESENTATIONS**

The application was advertised for the statutory 14-day period with 4 representation(s) being received. The issues raised are as follows:

**Road Network Capacity**

The representor is in support but states that with the extra traffic from Glenorchy a kunanyi highway should become a choice from the Southern Outlet to Kalang Avenue along the foothills of Mount Wellington to deal with extra traffic to Kingsborough, Greater Hobart and Clarence.

*Planner's Comment:*

This issue is not a planning issue that can be considered as part of this application. The Southern Outlet and Kalang Avenue are outside the Glenorchy Municipality. Traffic in general is considered adequately catered for within the engineering assessment.

**Fencing Costs**

The representor states that fencing for privacy should be erected on the common boundary at no cost to the representor in Rosanna Court. Also fencing should be considered now as it would be troublesome to negotiate with three owners later.

*Planner's Comment:*

This issue is not a planning issue that can be considered as part of this application. The *Boundary Fences Act 1908* is the law in Tasmania governing boundary fences.

**Building Height**

The representor states that building height would impact on privacy and overshadow the backyard.

*Planner's Comment:*

Unit 7 and part of Unit 6 are opposite the rear boundary of the representor's property, at a distance of 5m from the common boundary at the rear. The maximum height of Unit 6 is 7m and that of Unit 7 is 6.762m. The representor's dwelling is to the east at an angle to the rear boundary with an approximate distance varying between 7.8m and 17.5m from the boundary. The proposal accords with the maximum height of 8.5m and the relevant setback from the common boundary. The proposal also accords with privacy provisions that require decks and windows to be at least 3m from side boundaries.

**Building Height**

A second representor states that building height would overshadow his property.

*Planner's Comment:*

Unit 14 is opposite the representor's property, at a distance of between 8.268m and 10.692m from the common boundary. The representor's dwelling is to the south with an approximate distance of varying between 12m and 16.5m from the boundary. Unit 14 would have a maximum height of 6.56m, which is below the maximum of 8.5m, and would be a considerable distance from the boundary and the representors house. As such, it is not considered that there would be unreasonable overshadowing impacts.

**Building Height**

A third representor states that the building heights of Units 6- 9 would be an eyesore when viewed from his property in Rosanna Court and would cause overshadowing, affect solar panels, the backyard and causes loss of privacy.

*Planner's Comment:*

Unit 7 would be directly opposite the representor's property and a small part of Units 6 and 8 along the south boundary. The dwellings are less than 7.221m in height, which complies, so that visual impact, overshadowing, impacts on solar panels and impacts on privacy cannot be considered.

**Noise Pollution**

The representation states that noise pollution from the units would affect the serenity of his property.

*Planner's Comment:*

This issue is not a planning issue that can be considered as part of this application. It is noted that the proposal is zoned for residential development to urban densities and is not a rural property where serenity can be expected.

**Property Values**

The representation states that his property value would be affected because of the development.

*Planner's Comment:*

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

**CONCLUSION**

The application is for twenty-eight additional dwellings on a site with an existing dwelling and subdivision for a road lot. The application is discretionary for retaining walls, dwellings to the north of private outdoor space, separation of decks from windows, separation of driveways from windows, front setback of bin enclosure, suitability of roads, number of accesses and traffic increase. The proposal accords with the relevant performance criteria as detailed within the report.

There were four representations received concerned about the road network, fencing costs, building height raising overshadowing and privacy concerns, noise, and property values. Many of these matters are considered as part of the planning scheme provisions as detailed within the report. None of the issues carry determining weight.

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 Multiple dwellings (28 new and 1 existing) in stages, including service connection at 2/10 Ironbark Drive, with subdivision for a new road lot and construction of a new cul-de-sac at 19 Lesdelle Street, 18 Lesdelle Street, 29 Lesdelle Street and 2/10 Ironbark Drive Claremont, subject to the following conditions:

**Planning**

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-623 and Drawings submitted on 09/12/2022, 78 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 2022/00064-GCC, dated 15/12/2022, form part of this permit.
3. Staging must only occur in accordance with the approved staging plan.

4. Maximum building height must not exceed 8.5m above natural ground level for any dwelling. Plans submitted in association with a Building Permit Application must show compliance.
5. Each dwelling must have private outdoor space of at least 24m<sup>2</sup> in one location that has a minimum horizontal dimension of not less than 4m and a gradient not steeper than 1 in 10, as shown on the approved landscape plan. Private outdoor space areas steeper than 1 in 10 must be graded to comply prior to a certificate of completion.
6. Additional landscaping to the requirements of Condition 22, must be provided to screen the bin enclosure from the road. The landscaping must be completed prior to the completion of Stage 2 and then be maintained to the satisfaction of Council's Senior Statutory Planner.

## Engineering

### General conditions

7. 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.derwentuary.org.au](http://www.derwentuary.org.au).*

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

9. The property owner is to ensure that Council's Road Assets and Infrastructure are protected during the demolition and building process. The owner is to ensure that damage to road assets, footpaths, kerb and channel, drainage pits, nature strips and other services is kept to a minimum and any damaged assets are reinstated. Should damages occur, the repair costs associated with such damages are the responsibility of the property owner. 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.
10. 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.
11. 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
12. 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.
13. Prior to construction works commencing a Construction Management Plan (CMP) for each stage must be submitted and approved by Council's development engineer. All works required must be undertaken in accordance with CMP. The plans must include the following:
  - (a) A photographic record of Council's infrastructure which will be relayed upon if there is any damage during construction. If this is not provided, then any damaged found during or after completion will be deemed the responsibility of the developer. The developer will be required to fix any damage within 30 days or sooner if a safety issue.
  - (b) Demonstrate how the works will be undertaken safely and times of operations are to be confined to the hours of 9am.- 4.00pm. Monday - Saturday
  - (c) Outline how residents will be consulted and

- (d) Provide a traffic and parking management plans.
- 14. 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.
- 15. Where filling of the lots is required as part of the subdivision works and/or rehabilitation of the site, the fill area must be cleared and stripped of all organic material and debris, and the filling placed and compacted to approved design levels.
- 16. All filling must be compacted and tested in accordance with AS 3798 – 2007- Guidelines in Earthworks for Commercial and Residential Developments and Amendment No.1 – 8 May 2008. As part of the remedial process the areas of controlled fill greater than 300 mm in depth must be documented specifying depths and achieved densities.
- 17. Prior to the certificate of occupancy for each stage, all approved works must be completed in accordance with the approved engineering plans and the requirements of Council's Development Engineer. Financial guarantees covering the cost of the uncompleted and unsecured works prior to the completion of approved Council infrastructure will not be permitted to be lodged.

### **Multiple dwellings**

- 18. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
  - (a) Be constructed to a sealed finish and the finished gradient shall not exceed the maximum gradient of 25% or 1 in 4
  - (b) Vertical alignment shall include transition curves (or straight sections) at all grade changes greater than 12.5%
  - (c) All runoff from paved and driveway areas must be discharged into Council's stormwater system
  - (d) The gradient of any parking areas must not exceed 5%; and

- (e) Minimum carriageway width is to be no less than 6.0 metres.

All works required by this condition must be installed prior to the occupancy of the dwellings at each stage.

19. For a staged permit, the works associated with car parking areas, driveways, turning areas and walkways must be completed in accordance with the approved plan received by Council and always kept available for these purposes and to the satisfactory of Council's Development Engineer. The implementation must occur in the following stages.

- (f) 2 spaces per each dwelling for unit 1 to unit 4 and 6 visitor parking spaces must be completed prior to the completion of stage 2
- (g) New road and cul-de-sac head with accesses to each lot must be completed prior to the completion of stage 2
- (h) 2 spaces per each dwelling for unit 5 to unit 9 must be completed prior to the completion of stage 3
- (i) 2 spaces per each dwelling for unit 10 to unit 14 and 1 visitor parking space must be completed prior to the completion of stage 4
- (j) 2 spaces per each dwelling for unit 15 to unit 19 and must be completed prior to the completion of stage 5
- (k) 2 spaces per each dwelling for unit 20 to unit 24 and 2 visitor parking spaces must be completed prior to the completion of stage 6
- (l) 2 spaces per each dwelling for unit 25 to unit 28 must be completed prior to the completion of stage 7

All works required by this condition at each stage must be installed prior to the occupancy of the dwellings at each stage. The works must include parking, driveway, walkways, turning area and surface stormwater runoff associated to each stage.

20. Barrier 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 dwellings.
21. The landscaping within the parking and circulation areas must be provided. A landscape design is to be submitted for approval of the Senior Statutory Planner prior to the commencement of any works on-site. These works are to be completed prior to the occupancy.

22. Widening to the existing vehicle crossing to the multiple dwelling site must be constructed in accordance with the Tasmanian standard drawing TSD-R09-v3, TSD-R11-v3 and TSD-R14-v3 between the kerb and the property boundary and completed to the satisfaction of Council's Development Engineer prior to the occupancy certificate of stage 2. The detail design must be submitted and approved prior to the issuing of a Building Permit Approval.

Advice: Prior to the commencement of any work within the road reservation by a private contractor, the contractor must obtain a Road Opening Permit from the Council's Compliance Officer. This permit shall include items such as hours of work, road safety, reinstatement, soil and water management, etc. The Road Opening Permit Application Form is available via Council's website <https://www.gcc.tas.gov.au/wp-content/uploads/2022/08/Road-Opening-Permit-Application-Form-1.pdf>

23. Prior to the commencement of the use or development, a new 225mm stormwater connection to Council's public stormwater system onto the property boundary must be installed in accordance with the approved plans. The stormwater connection must be constructed by a suitably qualified person to the satisfaction of Council. To ensure the connections constructed to Council's satisfaction, the applicant must contact Council, by completing the Stormwater Connection Request Form, to arrange the visual inspection by Council for any alterations or works to Council's public stormwater network. A copy of the Stormwater Connection Request Form can be obtained via Council's Customer Service or via Council's website <https://www.gcc.tas.gov.au/council/documents-and-publications/forms/>, which outlines the process and conditions for stormwater connections.
24. Upon approval of the WSUD Maintenance Scheme, and in association with a Building Application, the applicant must 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 Maintenance Scheme submitted by the applicant and approved by Council, including the maintenance method and frequency for individual WSUD 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 element has been conducted in accordance with the WSUD Maintenance Scheme;

- (c) Repair and replace all the WSUD elements at the sole expense of the Owner and all successors in title so that the WSUD 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 elements for compliance with the requirements of this agreement; and
- (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.

### **Subdivision and cul-de-sac**

- 25. Private sewer, stormwater and water services/connections are to be entirely separate to each lot in order to ensure that they are contained entirely within the lots served. Power and telephone connections must also be contained within their respective lots. A detailed services plan showing both the existing and the proposed (or as built) private services, Council mains and access to all lots on the site must be prepared by a civil engineer or a qualified designer and submitted to the Council for approval prior to the sealing of the final plans. In particular, the developer must confirm the position of any services that may be affected by the subdivision/boundary adjustment.
- 26. The final plan and schedule of easements is to include, to the satisfaction of the Council's Development Engineer, any existing or proposed right of ways, drainage and/or service easements that are or may be required to adequately provide access and services to, from or through the lots shown on the plan.
- 27. The applicant is to submit to Council a copy of the surveyor's field notes prepared to accompany the final plan.
- 28. New vehicle crossings to each new subdivided lots must be constructed in accordance with the Tasmanian standard drawing TSD-R09-v3, TSD-R11-v3 and TSD-R14-v3 between the kerb and the property boundary and completed to the satisfaction of Council's Development Engineer prior to the completion of stage 2 or the sealing of the final plan (whichever occurs first). The detail design must be submitted and approved prior to the issuing of Council's approved drawing.

Advice: Prior to the commencement of any work within the road reservation by a private contractor, the contractor must obtain a Road Opening Permit from the Council's Compliance Officer. This permit shall include items such as hours of work, road safety, reinstatement, soil and water management, etc. The Road Opening Permit Application Form is available via Council's website <https://www.gcc.tas.gov.au/wp-content/uploads/2022/08/Road-Opening-Permit-Application-Form-1.pdf>

29. The design and construction of roads must be in accordance with Austroads Guide to Road Design Part 1-8 and the followings. Plans must be submitted prior to the issuing of the Council's approved drawings.
- (a) The materials used for roadworks are to be in accordance with State Growth General Specification for Roadworks
  - (b) Road reservation widths are to be a minimum of eighteen (18) metres and 25 metres at the cul-de-sac head.
  - (c) The minimum carriageway widths (face of kerb – face of kerb) for the internal roads proposed are to be eight point nine metres (8.90m) 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 Council's approved drawing. All works required by this condition must be installed prior to the sealing of the Final Plan.
  - (d) All new road construction must ensure that continuous forward movement for a waste collection vehicle is available. The cul-de-sac is required at an end of the road to allow for the continuous forward movement of a heavy rigid vehicle.
  - (e) Street lighting must be provided in accordance with AS/NZS 1158 series. A street lighting plan is to be submitted and approved by Council's development engineer as part of the engineering design drawings for stage 2. The street lighting and any other infrastructure shall be clear of the 1.2m footpath being constructed. All works required must be undertaken in accordance with the street lighting plan and engineering drawings before the final plans are sealed for Stage 2.
  - (f) Type 4 side entry pit to be installed along the new kerb and gutter at maximum centres of ninety (90) metres and connected to the proposed stormwater system prior to the WSUD treatment train.

All works required by this condition must be installed prior to the sealing of the Final Plan.

30. Pavement depths shown on the Standard Drawings are the minimum required. Final depths will be determined by structural calculations based on actual sub-grade C.B.R. and design traffic loads and must be certified by an appropriate qualified engineer. All design plans submitted must be accompanied by pavement design calculations to demonstrate that the design is appropriate.
31. Prior to the commencement of works for any stage of the subdivision, the detailed design plans for footpaths and walkways in road reserves must be submitted to and approved by Council's Development Engineer. The plans must be to the satisfaction of Council's Development Engineer and must be in accordance with the LGAT Standard Drawings and have regard to Council's Footpath Policy.
32. All road areas required for road widening, walkways and public open space are to be shown as lots on the final diagram and are to be sold to Council for a nominal sum of one dollar (\$1.00). The final plan of survey will not be sealed until an executed Agreement of Sale and an executed Memorandum of Transfer is provided to Council, along with the required Titles Office registration fees. All other legal costs associated with fulfilment of this condition are to be met by the subdivider.
33. A detailed estimate for the works must be provided and payment of the engineering assessment fee must be made prior to the issuing of Council's approved engineering drawings for each stage. Under Council Schedule of Fees and Charges 2022/23, the engineering assessment fee is 2% of the value of the works or minimum of \$900. This amount is subject to annual adjustment in accordance with the Council Fees and Charges Register. Construction must not commence until the approved engineering plans have been issued.
34. Prior to sealing of the plan of subdivision, all approved subdivision infrastructure works must be completed in accordance with the approved engineering plans and the requirements of Council's Development Engineer. Financial guarantees covering the cost of the uncompleted and unsecured works prior to the completion of approved Council infrastructure will not be permitted to be lodged.
35. 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.

## Waste Management

36. 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 Council's approval,
- (b) it must have concrete at the entrance to the bin enclosure.
- (c) it must suit 30 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 driveway, 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.

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

## Advice to Applicant

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

### *General Manager's Consent for Stormwater Management*

Any conditions and/or advice as set out in the attached General Manager's Consent for Stormwater Management, reference No. PLN-21-623, dated 9 January 2023, form part of this permit.

### *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.

### *Underground Services*

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

### *Waste Management*

The proposed multiple dwellings would be eligible for a maximum of thirty (30) x 240L wheelie bins.

Ten (10) x 240L Waste Bins (Red lids), Ten (10) x 240L Recycling Bins, Ten (10) x 240L FOGO bins, collected weekly to be shared by all twenty nine (29) dwellings. Collection of bins would be from the kerbside on the proposed cul-de-sac as per Plans.

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

### *Storage and Collection of Shared Waste, Recycling and FOGO Bins*

The bins would be stored in a bin enclosure.

The bin enclosure should be built within the property boundary as shown on the approved plans.

It is recommended that no bin enclosure be built closer than a minimum of 5.5 metres to any residence to avoid odour and nuisance issues arising.

### **Attachments/Annexures**

- 1 GPA Attachment - 19 Lesdelle Street, Claremont



## APPENDIX

### 8.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies ?
<b>8.3 Use Standards</b>			
<b>8.3.1 Discretionary uses</b>	<b>A1</b> Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm		NA
	<b>A2</b> External lighting for a use listed as Discretionary: (a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and (b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.		NA
	<b>A3</b> Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of: (a) 7:00am to 7:00pm Monday to Friday; (b) 9:00am to 12 noon Saturday; and (c) nil on Sunday and public holidays.		NA
	<b>A4</b>		

	No acceptable solution.		NA
<b>8.3.2 Visitor Accommodation</b>	<b>A1</b> Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m <sup>2</sup> per lot.		NA
	<b>A2</b> Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.		NA
<b>8.4 Development Standards for Dwellings</b>			
<b>8.4.1 Residential density for multiple dwellings</b>	<b>A1</b> Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	Land area after subdivision: 18570m <sup>2</sup> /29= 640m <sup>2</sup>	Yes
<b>8.4.2 Setbacks and building envelopes for all dwellings</b>	<b>A1</b> 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:  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;  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	Front setback: 4.5m (Unit 1)	Yes

	<p>setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>		
	<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>5.5m, or alternatively 1m behind the building line;</p> <p>the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>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.</p>	Garage setback (Unit1): 6.7m	Yes
	<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>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</p> <p>projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear</p>	<p>All dwellings accord with the building envelope as shown on Plan M10.</p> <p>Unit 19, the closest dwelling on the south, has a maximum height of 5.595 and a setback of 2.8m, which complies.</p> <p>Units 5 to 9 along the eastern boundary are all at least 5m from the boundary and have maximum heights between 6.650m and 7.221m.</p> <p>A condition is also recommended to ensure building height is less than the maximum of 8.5m</p>	Yes

	<p>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>does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>		
<b>8.4.3</b>  <b>Site coverage and private open space for all dwellings</b>	<b>A1</b>  Dwellings must have:  a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and  for multiple dwellings, a total area of private open space of not less than 60m <sup>2</sup> 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).	Site coverage: 25.35%  All dwellings have Private Outdoor Space (POS) of at least 60m <sup>2</sup>	Yes
	<b>A2</b>  A dwelling must have private open space that:  (a) is in one location and is not less than: 24m <sup>2</sup> ; or  12m <sup>2</sup> , if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);  (b) has a minimum horizontal dimension of not less than: 4m; or  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);	The landscaping plan shows that all dwellings would have (POS) of 4m x 6m with a grade no steeper than 1:10. This means that POS will need to be graded. A condition for grading is recommended.	Yes

	<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><b>8.4.4</b></p> <p><b>Sunlight to private open space of multiple dwellings</b></p>	<p><b>A1</b></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>at a distance of 3m from the northern edge of the private open space; and</p> <p>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>an outbuilding with a building height not more than 2.4m; or</p> <p>protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>	<p>Units 3 to 10; Units 14 to 19; Units 22 to 23, and Units 25 to 28 and the existing dwelling are not north of private outdoor space of another dwelling, as shown in green on the landscape plan.</p> <p>Units 11 and 12 have separation of at least 3m from the northern edge of the POS, which complies with (a)</p> <p>Units 1, 2 and 13 are 1.69m; 1.71m and 1.5m respectively from part of the POS of the dwelling to the south. However, the POS complies with (b).</p> <p>Units 20 and 21 are 1.562m and 1.112m respectively from part of the POS of the dwelling to the south. However, the POS complies with (b).</p> <p>Unit 24 is 2.527m north from part of POS of Unit 23. The POS shown in green on the landscape plan does not receive 3 hours of sunlight to 50% of the area on 21<sup>st</sup> of June, which invokes a discretion. Unit 23 has a secondary area for POS, which receives sufficient sunlight and meets P1.</p>	<p>No – Discretion</p>
<p><b>8.4.5</b></p> <p><b>Width of openings for garages and carports for all dwellings</b></p>	<p><b>A1</b></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, must have a total width of openings facing the</p>	<p>Garage openings (Unit 1): 3.4m</p>	<p>Yes</p>

	primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).		
<b>8.4.6</b> <b>Privacy for all dwellings</b>	<p><b>A1</b></p> <p>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:</p> <p>side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>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</p> <p>dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul>	<p>Units 1, 2, 3, 12, 13, 14, 23, 25, 26, 27 and 28 have decks with floor levels less than 1m above finished ground level.</p> <p>All decks are more than 5m from the eastern and the western side boundaries, which complies.</p> <p>All decks are more than 7m from the south (rear) boundary, which complies.</p> <p>There is no dwelling directly north of the deck for Unit 1.</p> <p>Decks of Units 2 and 3 are less than 1m above ground level.</p> <p>There is no dwelling directly north of deck of Unit 4.</p> <p>There is no dwelling directly north of the deck for Unit 5.</p> <p>Decks of Units 6, 7, 8 and 9 face a wall with a window 1.7m above floor level, this invokes a discretion, see report.</p> <p>There is no dwelling directly north of the deck for Unit 10.</p> <p>Decks of Units 11, 12, 13 and 14 are less than 1m above floor level.</p> <p>There is no dwelling north of deck of Unit 15.</p>	No – Discretion

		<p>Decks of Units 16 to 19 are facing a wall with a window 1.7m above floor level, this invokes a discretion see report.</p> <p>Decks for Units 20, 21 and 22 are separated by more than 6m.</p> <p>Deck of Unit 23 is less than 1m above ground level.</p> <p>Decks for Units 25 to 28 have floor levels less than 1m above ground level.</p> <p>All elevated carports are separated by more than 6m from any dwelling and primary POS areas shown in green.</p>	
	<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> </ul>	<p>All windows are more than 5m from the eastern and more than 4m from the western side boundaries, which complies.</p> <p>Only Unit 9 and Unit 19 are within 4m of the south (rear) boundary but have a window with a sill 1.7m above the floor facing that boundary, which complies.</p> <p>Units 1 to 3 have separation of less than 6m between the dwellings. However, windows are facing a window with a high sill 1.7, above the floor are offset at least 1.5m. The</p>	Yes

	<p>(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</p> <p>(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> <p>the window or glazed door:</p> <p>(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;</p> <p>(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</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p>part of the south elevation of Units 1 and 2, opposite POS, does not have any windows.</p> <p>Unit 4 is not directly opposite another dwelling.</p> <p>Units 5 to 9 have separation of more than 6m between the dwellings. POS is not overlooked by another dwelling.</p> <p>Units 10 to 14 have separation of less than 6m between the dwellings. Unit 10 has a bathroom window on the south elevation not facing another window. The dwelling is not opposite POS of Unit 11.</p> <p>Unit 11 has a normal kitchen window and a high window on the south elevation, as well as small bathroom window. The kitchen window is not opposite windows of Unit 12 or opposite POS.</p> <p>Unit 12 has one window on the south elevation that does not have a floor level of more than 1m above NGL.</p> <p>Unit 13 has a normal kitchen window and a high window on the south elevation, as well as small bathroom window. The kitchen window is not opposite windows of Unit 14 or opposite POS.</p> <p>Units 16 to 19 have separation of less than 6m between the dwellings. These dwellings have all a high window with a sill height of 1.7m above floor level on the south elevation and do not overlook POS.</p> <p>Units 20 to 22 have separation of less than 6m between the dwellings. Units 20 and 21 have normal kitchen window and a high window on the south elevation, as well as small bathroom window. The kitchen window is</p>	
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		<p>not opposite windows of Units 21 and 22 or opposite POS.</p> <p>Units 23 and 24 have separation of less than 6m between the dwellings. Unit 24 has a high window on the south elevation.</p> <p>Units 25 to 28 have separation of less than 6m between the dwellings. These dwellings only have one window on the south elevation that does not have a floor level of more than 1m above NGL.</p>	
	<p><b>A3</b></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>it is separated by a screen of not less than 1.7m in height; or</p> <p>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>	<p>Units 1 to 9 are more than 5m from a driveway.</p> <p>Units 10 to 14 have landscaping of at least 2.5m for separation.</p> <p>Units 16 to 19, 23 and 24 are more than 5m from a driveway.</p> <p>Unit 15 does not have a shared driveway.</p> <p>Units 20 to 22 have a driveway at the front and the back. The deck extends to the driveway at the rear but is more than 1.7m above the driveway. The windows under the deck are more than 2.5m away. The windows at the front (west) for Unit 20 and 21 are 1.9m from the driveway.</p> <p>Units 25 to 28 have windows more than 1.7m above the shared driveway.</p>	No – Discretion

<b>8.4.7</b> <b>Frontage Fences for all dwellings</b>	<b>A1</b> No Acceptable Solution <sup>1</sup> .  ( <sup>1</sup> An exemption applies for fences in this zone – see Table 5.6 in Exemptions)	Not proposed	NA
<b>8.4.8</b> <b>Waste Storage for multiple dwellings</b>	<b>A1</b> A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m <sup>2</sup> per dwelling and is within one of the following locations:  an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or  a common storage area with an impervious surface that:  (i) has a setback of not less than 4.5m from a frontage;  (ii) is not less than 5.5m from any dwelling; and  (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.	(b) The common waste storage enclosure would be between 0.798m and 1.954m from the new road frontage, which is less than 4.5m.	No – Discretion
<b>8.6 Development Standards for Subdivision</b>			
<b>8.6.1</b> <b>Lot Design</b>	<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must:  (a) have an area of not less than 450m <sup>2</sup> and:	The proposed subdivision is for the creation of a road lot for a cul-de-sac of 631m. There would be three balances of 1.857m <sup>2</sup> ; 19.73ha (approx. 9000m <sup>2</sup> within the General	Yes

	<p>be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <ul style="list-style-type: none"> <li>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</li> <li>b. easements or other title restrictions that limit or restrict development;</li> </ul> <p>and</p> <p>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> <ul style="list-style-type: none"> <li>(b) be required for public use by the Crown, a council or a State authority;</li> <li>(c) be required for the provision of Utilities; or</li> <li>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</li> </ul>	Residential Zone) and 3401m <sup>2</sup> , which all comply with the requirements. All balances can still accord with minimum requirements.	
	<p><b>A2</b></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>	<p>There would be no new residential lots.</p> <p>Balances of Lots 161413/18 and 133686/2 would have new frontages of more than 12m. These lots previously had a right of way over Balance Lot of 162184/1, which is an internal lot at the rear.</p> <p>The Balance Lot of 162184/1, which is the internal lot, has an access strip of 7.6m+ wide, as before. The only change to that lot is, that the access strip would be slightly shorter. The minimum width for an access strip is 3.6m.</p>	Yes
	<b>A3</b>		

	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.	There would be vehicular access for all three lots from the new-cul-de-sac.	Yes
	<b>A4</b> 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.	No change	NA
<b>8.6.2</b> <b>Roads</b>	<b>A1</b> The subdivision includes no new roads.	There will be a new road	No– Discretion
<b>8.6.3</b> <b>Services</b>	<b>A1</b> 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.		Yes
	<b>A2</b> 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
	<b>A3</b> 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

**APPENDIX****C2.0 Parking and Sustainable Transport Code**

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.5 Use Standards</b>			
<b>C2.5.1 Car parking numbers</b>	<p><b>A1</b> 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"> <li>(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;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(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</li> </ul> </li> </ul>	Two spaces per each dwelling plus 9 visitor parking spaces are proposed.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>use or development, in which case no additional on-site car parking is required; or</p> <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> <p><math>N = A + (C - B)</math></p> <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>		

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.5.2</b> <b>Bicycle parking numbers</b>	<b>A1</b>  Bicycle parking spaces must: <ul style="list-style-type: none"> <li>(a) be provided on the site or within 50m of the site; and</li> <li>(b) be no less than the number specified in Table C2.1.</li> </ul>	Not required	NA
<b>C2.5.3</b> <b>Motorcycle parking numbers</b> <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Custodial Facility;</i> <i>Crematoria and Cemeteries;</i> <i>Educational and Occasional Care;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Hospital Services;</i> <i>Hotel Industry;</i> <i>Pleasure Boat Facility;</i>	<b>A1</b>  The number of on-site motorcycle parking spaces for all uses must: <ul style="list-style-type: none"> <li>(a) be no less than the number specified in Table C2.4; and</li> <li>(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.</li> </ul>	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<b>Residential if for a communal residence, multiple dwellings or hostel use;</b> <i>Sports and Recreation; and Tourist Operation.</i>			
<b>C2.5.4 Loading bays</b> <i>This applies to: Bulky Goods Sales; General Retail and Hire; Manufacturing and Processing; and Storage.</i>	<b>A1</b>  A loading bay must be provided for uses with a floor area of more than 1000m <sup>2</sup> in a single occupancy.	Not required	NA
<b>C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone</b> <i>This applies to: Business and Professional Services; Community Meeting and Entertainment;</i>	<b>A1</b>  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 <sup>2</sup> floor area or 30 seats, whichever is the greater; and  (b) General Retail and Hire uses up to 100m <sup>2</sup> floor	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>Educational and Occasional Care; Emergency Services; Food Services; General Retail and Hire; Sports and Recreation; and Utilities, if not for minor utilities.</i>	provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		
<b>C2.6 Development Standards for Building Works</b>			
<b>C2.6.1 Construction of parking areas</b>	<b>A1</b>  All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> <li>(a) be constructed with a durable all weather pavement;</li> <li>(b) be drained to the public stormwater system, or contain stormwater on the site; and</li> <li>(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</li> </ul>	Parking and driveway area proposed to be paved surface and surfaced water are to be drained to the stormwater connection.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	abrasion from traffic and minimise entry of water to the pavement.		
<b>C2.6.2</b> <b>Design and layout of parking areas</b>	<p><b>A1.1</b></p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in</li> </ul>	Layout and gradients are provided in accordance with the AS2890.1	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p> <p><b>A1.2</b></p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <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</i></p>		

Standard	Acceptable Solution	Proposed	Complies?
	<i>AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities. [S35]</i>		
<b>C2.6.3 Number of accesses for vehicles</b>	<b>A1</b>  The number of accesses provided for each frontage must:  (a) be no more than 1; or  (b) no more than the existing number of accesses, whichever is the greater.	There are 2 access proposed to the new cul-de-sac for 19 Lesdelle Street. The 2 accesses are arranged to provide a separate access to the existing dwelling and a further access to the proposed new 28 dwellings. The TIA addressed the accesses and considered the application meets the performance criteria.	No
	<b>A2</b>  Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.		NA
<b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b>	<b>A1</b>  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</i>		NA

Standard	Acceptable Solution	Proposed	Complies?
	<i>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>		
<b>C2.6.5 Pedestrian access</b>	<p><b>A1.1</b></p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(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:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p>	A 1m wide footpath will be provided but without a 2.5m separation as stated in (i). It is not uncommon the pedestrian path is provided without a 2.5m wide separation providing measures like bollard, line-markings and signs are in place.	No

Standard	Acceptable Solution	Proposed	Complies?
	<p><b>A1.2</b></p> <p>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.</p>		
<p><b>C2.6.6</b> <b>Loading bays</b></p>	<p><b>A1</b></p> <p>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.</p>		NA
	<p><b>A2</b></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 Off-street commercial vehicle facilities</i>.</p>		
<b>C2.6.7</b>	<b>A1</b>		NA

Standard	Acceptable Solution	Proposed	Complies?
<b>Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	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><b>A2</b></p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <ul style="list-style-type: none"> <li>(i) 1.7m in length;</li> <li>(ii) 1.2m in height; and</li> <li>(iii) 0.7m in width at the handlebars;</li> </ul> <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> <p>(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>.</p>		NA

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.6.8</b> <b>Siting of parking and turning areas</b>	<b>A1</b>  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
	<b>A2</b>  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
<b>C2.7 Parking Precinct Plan</b>			
<b>C2.7.1</b> <b>Parking Precinct Plan</b>	<b>A1</b>		NA

Standard	Acceptable Solution	Proposed	Complies?
	Within a parking precinct plan, onsite parking must:  (a) not be provided; or  (b) not be increased above existing parking numbers.		

**Footnotes**

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

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

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.5 Use Standards</b>			
<b>C3.5.1</b>  <b>Traffic generation at a vehicle crossing, level crossing or new junction</b>	<b>A1.1</b>  For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:  (a) a new junction;  (b) a new vehicle crossing; or  (c) a new level crossing.  <b>A1.2</b>  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.  <b>A1.3</b>  For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.	Vehicular traffic is expected to increase over 40 vpd. The TIA undertook study and model which determine the impact to the road network and capacity of Lesdelle street and concluded that the road is able to absorb the traffic generated by the proposed development without causing adverse effect to the local road network.	No

Standard	Acceptable Solution	Proposed	Complies?
	<p><b>A1.4</b></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><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
<b>C3.6 Development Standards for Buildings and Works</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.6.1</b>  <b>Habitable buildings for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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"> <li>(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;</li> <li>(b) an extension which extends no closer to the existing or future major road or rail network than:               <ul style="list-style-type: none"> <li>(i) the existing habitable building; or</li> <li>(ii) an adjoining habitable building for a sensitive use;</li> </ul> </li> <li>(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>.</li> </ul>		NA
<b>C3.7 Development Standards for Subdivision</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.7.1</b>  <b>Subdivision for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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

**7. PROPOSED USE AND DEVELOPMENT - ELEVEN MULTIPLE DWELLINGS - 97 MONTROSE ROAD, MONTROSE**

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 3176847

### **REPORT SUMMARY**

<b>Application No.:</b>	<b>PLN-22-046</b>
<b>Applicant:</b>	<b>Smeeke Drafting Pty Ltd</b>
<b>Owner:</b>	<b>Tasmania Keystone Developments Pty Ltd</b>
<b>Zone:</b>	<b>General Residential</b>
<b>Use Class</b>	<b>Residential</b>
<b>Application Status:</b>	<b>Discretionary</b>
<b>Discretions:</b>	<p><b>Clause 8.4.2 Setbacks and building envelopes for all dwellings, Clause 8.4.3 Site coverage and private open space for all dwellings, Clause 8.4.6 Privacy for all dwellings, Clause C2.6.2 Design and layout of parking areas, Clause C2.6.3 Number of accesses for vehicles, Clause C2.6.5 Pedestrian access, C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction and Clause C12.6.1 Buildings and works within a flood-prone hazard area</b></p> <p>(The proposal meets all other applicable standards as demonstrated in the attached appendices)</p>

<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>Extension granted until 31 Jan 2023</b>
<b>Existing Land Use:</b>	<b>Vacant land</b>
<b>Representations:</b>	<b>0</b>
<b>Recommendation:</b>	<b>Approval, subject to conditions</b>

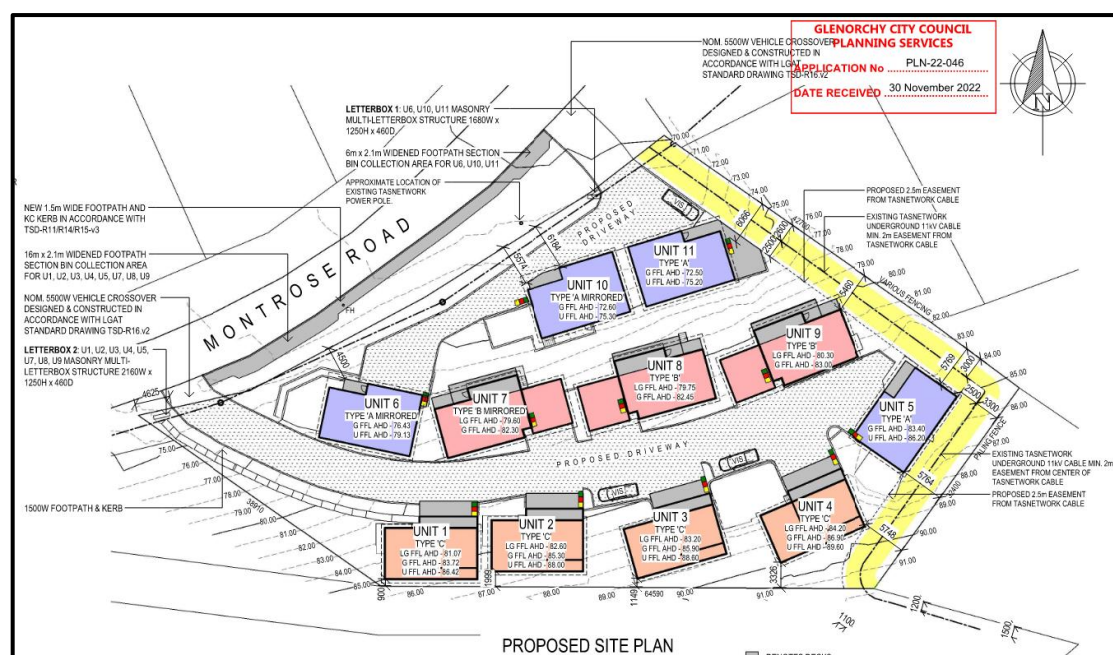
## **REPORT IN DETAIL**

### **PROPOSAL**

The proposal is for the construction of eleven multiple dwellings, associated retaining walls for the driveways and parking, and waste storage and collection areas. Units 6, 10 and 11 will be accessed via a crossover in the northern corner and the remaining units will be accessed via a second crossover in the western corner.

Units 5, 6, 10 and 11 will include a double garage, bathroom and two bedrooms on the lower level, and an open plan dining/kitchen/living area, master bedroom suite and amenities on the upper level. Units 7-9 will include a bathroom and two bedrooms on the lower level, and an open plan dining/kitchen/living area, master bedroom suite, amenities and a double carport on the upper level. Units 1-4 will include a double garage on the lower level, an open plan dining/kitchen/living area on the middle level, two bedrooms, master bedroom suite and amenities on the upper level (Figure 1).

The multiple dwellings will be setback 1.314 m (0 m for the retaining wall) from the north-west front boundary, 1.1 m (0.3 m for the retaining wall) from the south-west side boundary, 0.9 m from the southern side boundary, 4.6 m from the north-east side boundary, and 5.764 m from the south-east rear boundary. The buildings have a maximum height of 8.49 m (Unit 7) and will be constructed with brick veneer, rendered cladding, timber, concrete block, aluminium windows and Colorbond roofing. The proposal will have two car parking spaces allocated to each dwelling and three visitor parking spaces, with a total of twenty-five spaces.



**Figure 1: Site plan of proposal at 97 Montrose Road, Montrose.**

The proposal will rely on performance criteria for Clause 8.4.2 for setbacks and building envelopes for all dwellings, Clause 8.4.3 for site coverage and private open space for all dwellings, Clause 8.4.6 for privacy for all dwellings, Clause C2.6.2 for design and layout of parking areas, Clause C2.6.3 for number of accesses for vehicles, Clause C2.6.5 for pedestrian access, C3.5.1 for traffic generation at a vehicle crossing, level crossing or new junction and Clause C12.6.1 for buildings and works within a flood-prone hazard area.

## SITE and LOCALITY

The subject site is located on the south-east side of Montrose Road, approximately 285 m to the south-west of Pitcairn Street, Montrose.

The property has a frontage of 79.3 m, an average depth of 53 m, and a total area of 4027 m<sup>2</sup>. The site has a steep slope and falls toward the north-east, with a gradient of 1 in 2.9. The site is vacant with some vegetation spread throughout (Figure 2).

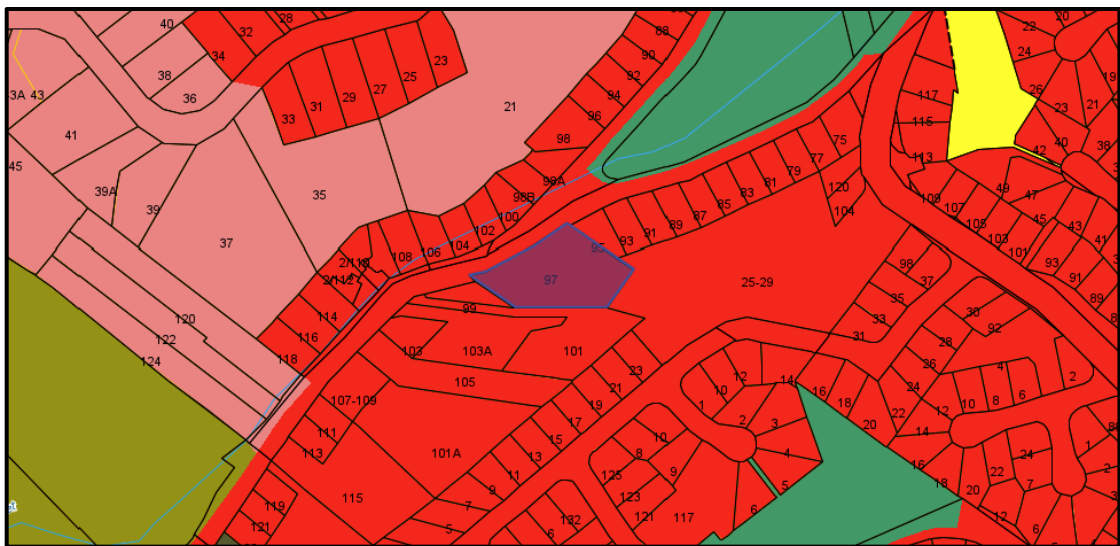
The site is located on the edge of the General Residential area with a mix of single dwellings and multiple dwellings. The Open Space zone is located to the north for Montrose Reserve, the Low Density Residential zone to the north-west, and the Landscape Conservation zone to the south-west.



*Figure 2: Aerial photo of 97 Montrose Road, Montrose.*

## ZONE

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



*Figure 3: General Residential zone over 97 Montrose Road, Montrose.*

## BACKGROUND

There is no background relevant to this application.

## ASSESSMENT

### STATE POLICIES, OBJECTIVES of LUPAA

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

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

### TASMANIAN PLANNING SCHEME - GLENORCHY 2021

#### State Planning Provisions (SPP)

##### Administration

##### Exemptions (Tables 4.1 – 4.6)

Nil.

##### Use Class Description (Table 6.2):

The use of Multiple Dwellings is listed within the Residential use class description of the Tasmanian Planning Scheme.

The definition of Residential use class states:

*use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings.*

##### Other relevant definitions (Clause 3.0):

##### *Multiple Dwellings*

The use of a Multiple Dwellings is defined as the following in Clause 3.0 of the Tasmanian Planning Scheme:

*means 2 or more dwellings on a site.*

#### General Provisions

No General Provisions of the Scheme apply.

#### Zones

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

**Zone Purpose Statements**

The General Residential Zone purpose statements in Clause 8.1 of the Tasmanian Planning Scheme - Glenorchy are as follows:

*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.*

The proposed multiple dwellings would be consistent with residential development where connection to full infrastructure services is available. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 8.1 of the Scheme.

**Use Table**

The proposed use of “Multiple Dwellings” is permitted without qualifications, in accordance with the use table in Clause 8.2 of the Tasmanian Planning Scheme. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses 8.4.2, 8.4.3, 8.4.6, C2.6.2, C2.6.3, C2.6.5, C3.5.1 and C12.6.1.

**Use Standards**

The use standards set out in Clause 8.3 are not applicable to this application.

**Development Standards for dwellings***Clause 8.4.2 – Standard A1, Setbacks and building envelopes for all dwellings*

The proposed retaining walls for the driveway and Unit 6 would require a minimum setback of 4.5 m from the north-west front boundary, to be in accordance with Clause 8.4.2 – Standard A1. Whereas the retaining walls will be set back a minimum of 0 m from the north-west front boundary. The proposal is considered in accordance with the performance criteria:

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

The proposed retaining walls will be for the driveway and footpath to gain practical access to the property and for vehicular parking. The land slopes across the length of the lot and will be similar to the driveways and accesses along the southern side of Montrose Road where cut and fill have occurred or been approved within the front setback to provide for driveway access. The height of retaining wall above natural ground level will be kept low to minimise potential for intrusion in an area due to the topography and the existing streetscape. The design will be similar to development approved on the surrounding sites to the north-east and south-west where retaining walls were used to provide the required gradient for vehicular access and parking. Therefore, it is considered that the proposal would be acceptable in this instance, and complies with the standard.

*Clause 8.4.2 – Standard A3, Setbacks and building envelopes for all dwellings*

The proposed multiple dwellings would require a minimum setback of 4.5 m from the north-west front boundary, 1.5 m from the south-west side boundary, 1.5 m from the southern side boundary, in accordance with Clause 8.4.2 – Standard A3. Whereas the multiple dwellings would have a setback 4.5 m (0 m for the retaining walls) from the north-west front boundary, 1.1 m (0.3 m for retaining walls) from the south-west side boundary, 0.9 m from the southern side boundary. The proposal is considered to be in accordance with the performance criteria:

*The siting and scale of a dwelling must:*

- (a) *not cause an unreasonable loss of amenity to adjoining properties, having regard to:*
  - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;*
  - (ii) *overshadowing the private open space of a dwelling on an adjoining property;*

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

While the proposal will be located closer to the boundaries, the retaining walls will be predominantly to provide for the driveway and parking due to the topography, with some located below natural ground level to reduce the potential impact on adjoining residential properties.

Shadow diagrams have been provided showing the adjoining dwellings and private open space to the south-west will receive a reasonable level of direct sunlight from 9am to 3pm on the Winter Solstice. A majority of the overshadowing would fall on two driveways adjoining the south-west side and southern rear boundaries of the subject site. Therefore, the adjoining properties will receive at least three hours of sunlight between 9am and 3pm on the Winter Solstice. The proposed multiple dwellings and retaining walls will be similar to the visual scale and bulk of surrounding residential development in the area.

#### *Separation*

The adjoining and surrounding residential properties have retaining walls and minor structures located in close proximity to a front boundary due to the slope. Therefore, it is considered that the plans for the proposal would be acceptable in this instance, and complies with the standard.

#### *Solar Energy*

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

*Clause 8.4.3 – Standard A2, Site coverage and private open space for all dwellings*

The proposed private open space will require a minimum width of 4 m and a gradient not steeper than 1 in 10, to be in accordance with Clause 8.4.3 (b) and (d) – Standard A2. Whereas the plans show the private open space will have a gradient of 1 in 2.9 for the multiple dwellings. In addition, Units 1-4 will not have the minimum 4 m width for private open space. The proposal is considered in accordance with the performance criteria:

*A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:*

- (a) conveniently located in relation to a living area of the dwelling; and*
- (b) orientated to take advantage of sunlight.*

Private open space will be provided through a range of options with a combination of decks, terraced and sloped land. The dwellings will have a reasonable amount of private open space, with areas that are capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play, with reasonable access between the living area and private open space. The private open space would have reasonable access to sunlight during the day. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

*Clause 8.4.6 – Standard A1, Privacy for all dwellings*

The proposed deck for Unit 7 would require a setback of 6 m from the private open space of another dwelling and the deck for Unit 8 would require a setback of 6 m from the window of Unit 11, or screening up to a minimum of 1.7m (with a maximum of 25% transparency) above the floor level of the deck, in accordance with Clause 8.4.6 – Standard A1. Whereas the proposed structure for the deck for Units 7 provides a minimum setback of 3.3 m with partial screening, and the deck for Unit 8 provides a minimum setback of 5.5m. The proposal is considered in accordance with the performance criteria:

*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.*

The proposed decks would provide partial screening to minimise overlooking of the private open space and window for the adjoining dwellings to the north-west. The buildings have been designed so that the potential for overlooking would be minimised. Unit 7 would provide screening up to a height of 1.2 m where the private open space for Unit 10 will be cut into the topography with a 2.2 m deep retaining wall that will assist with providing privacy. Unit 8 would also provide a 1.2 m high screen where the window for Unit 11 will have a sill height of at least 1.7 m that will minimise the potential for overlooking. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

*Clause 8.4.6 – Standard A2, Privacy for all dwellings*

The proposed dining and kitchen windows for Units 10 on the north-east (east) elevation and the dining and kitchen windows for Unit 11 on the south-west (west) elevation will have a sill height of 1.78 m above finished floor level. Thereby providing *“either obscure glazing or a sill height or screening with 25% transparency up to a minimum height of 1.7m above the finished floor level”* along the shared driveway where the distance is less than 2.5 m. The windowsill height will comply with the acceptable solution, in accordance with Clause 8.4.6 – Standard A2. A condition has been recommended to ensure ongoing compliance.

*Clause 8.4.6 – Standard A3, Privacy for all dwellings*

The proposed front doors for Units 7, 8 and 9 would require a setback of 2.5 m or 1 m if either screening or the sill has a height of 1.7 m, to be in accordance with Clause 8.4.6 – Standard A3. Whereas the proposal would have a setback of 0.87 m and no screening. The proposal is considered in accordance with the performance criteria:

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

The front doors for Units 7 and 8 would be located at the end of a short off ramp that would have a visual separation from the main driveway and Unit 9 would be located at the end of the driveway. Therefore, the proposal has been designed to minimise the potential for unreasonable detrimental impact from vehicle noise or light intrusion. Therefore, it is considered that the proposal would be able to provide reasonable screening, and complies with the standard.

The proposed kitchen window for Units 6 on the south-west (south) elevation adjoining the shared driveway will have a sill height of 1.7 m. In addition, the proposed ground floor bedroom window for Units 5, 10 and 11 facing the north-west side boundary (north elevation) will be separated by a screen up to a height of 1.7 m above finished floor level. Thereby providing *“either obscure glazing or a sill height or screening with 25% transparency up to a minimum height of 1.7m above the finished floor level”* along the shared driveway where the distance is less than 2.5 m. The screen for the window will comply with the acceptable solution, in accordance with Clause 8.4.6 – Standard A3. A condition has been recommended to ensure ongoing compliance.

## Codes

The following codes of the Scheme apply to this proposal:

### **C2.0 Parking and Sustainable Transport Code**

#### *Clause C2.5.1 – Standard A1, Car parking numbers*

The proposal provides a total of twenty-five car parking spaces for eleven multiple dwellings, two per dwelling and three visitor spaces. Therefore, the proposal is in accordance with Clause C2.5.1 – Standard A1.

#### *Clause C2.6.2 – Standard A1, Design and layout of parking areas*

The proposed multiple dwellings would require a driveway at a gradient not greater than 20%, to be in accordance with Clause C2.6.2 – Standard A1. Whereas the proposal would have a maximum grade of 25% for the western driveway a maximum grade of 23.5% for the eastern driveway. The proposal is considered in accordance with the performance criteria:

*All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:*

- (a) the characteristics of the site;*
- (b) the proposed slope, dimensions and layout;*
- (c) useability in all weather conditions;*
- (d) vehicle and pedestrian traffic safety;*
- (e) the nature and use of the development;*
- (f) the expected number and type of vehicles;*
- (g) the likely use of the parking areas by persons with a disability;*

- (h) *the nature of traffic in the surrounding area;*
- (i) *the proposed means of parking delineation; and*
- (j) *the provisions of Australian Standard AS 2890.1:2004 Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Offstreet commercial vehicle facilities.*

The proposal will be located in a low volume street where the existing characteristic has been for properties with a steep driveway. Council's Development Engineer considers it reasonable to have gradients exceeding 20% and it is not considered to create conflict or unreasonably interfere with the flow of traffic or pedestrian safety. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

*Clause C2.6.3 – Standard A1, Number of accesses for vehicles*

The proposed multiple dwellings would require one vehicle access, to be in accordance with Clause C2.6.3 – Standard A1. Whereas the proposal would have two vehicular accesses via the Montrose Road. The proposal is considered in accordance with the performance criteria:

The number of accesses for each frontage must be minimised, having regard to:

- (a) *any loss of on-street parking; and*
- (b) *pedestrian safety and amenity;*
- (c) *traffic safety;*
- (d) *residential amenity on adjoining land; and*
- (e) *the impact on the streetscape.*

The proposal will be located in a low volume street where the existing characteristic has been for properties with a long frontage. Council's Development Engineer considers it reasonable to have the two accesses and it is not considered to create conflict or unreasonably interfere with the flow of traffic or pedestrian safety. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

*Clause C2.6.5 – Standard A1, Pedestrian access*

The proposal would require a 1 m wide footpath separated from the access ways and parking aisles with a horizontal distance of 2.5 m between the footpath and the access way or parking aisle, to be in accordance with Clause C2.6.5 – Standard A1. Whereas the proposal would have a separate footpath for part of the site. The proposal is considered in accordance with the performance criteria:

*Safe and convenient pedestrian access must be provided within parking areas, having regard to:*

- (a) the characteristics of the site;*
- (b) the nature of the use;*
- (c) the number of parking spaces;*
- (d) the frequency of vehicle movements;*
- (e) the needs of persons with a disability;*
- (f) the location and number of footpath crossings;*
- (g) vehicle and pedestrian traffic safety;*
- (h) the location of any access ways or parking aisles; and*
- (i) any protective devices proposed for pedestrian safety.*

Council's Development Engineer has advised that the design would provide a safe and appropriate access for pedestrians and is supportive of the proposal. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

**C3.0 Road and Railway Assets Code***C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction*

The proposed multiple dwellings would not increase more than the amounts in Table C3.1, to be in accordance with Clause C3.5.1 – Standard A1. Whereas the new proposed vehicle crossings via Montrose Road would likely generate 72 vehicles per day with a peak generation of 7 vehicles per hour based on the Traffic Impact Assessment (TIA). The proposal is considered in accordance with the performance criteria:

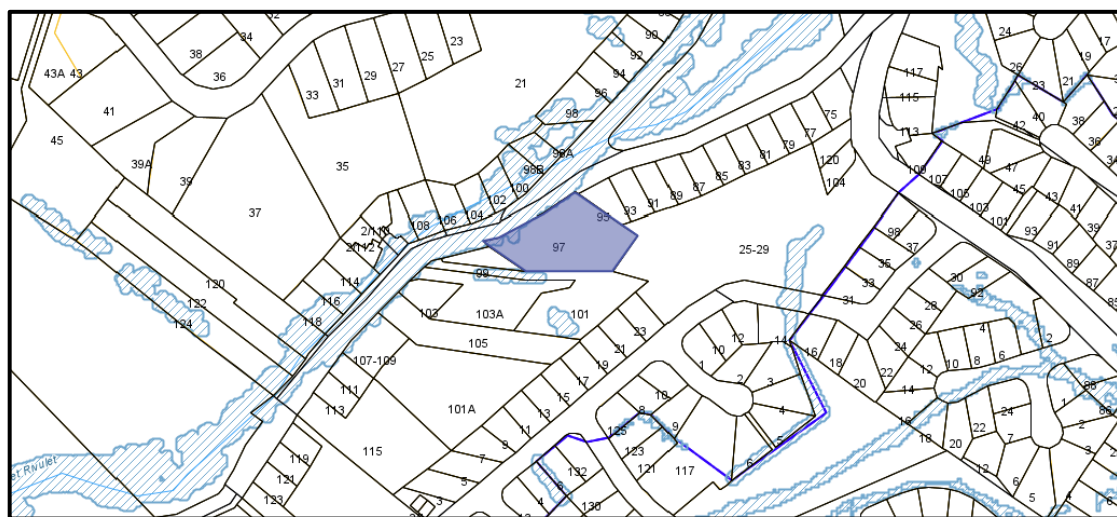
*Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:*

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

The proposal will be located in a low volume street where the existing characteristic is that of clear sight distances and is supported by the submitted TIA. Council's Development Engineer considers the increase in traffic movements to be reasonable and it is not considered to create conflict or unreasonably interfere with the flow of traffic or pedestrian safety. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

#### **C12.0 Flood-Prone Areas Hazard Code**

The proposal is subject to C12.0 Flood-Prone Areas Hazard Code (Figure 4).



**Figure 4: Inundation area over 97 Montrose Road, Montrose.**

The proposal would require assessment under this code due to riverine inundation.

#### **Clause C12.6.1 – Standard A1, Buildings and works within a flood-prone area**

The proposed multiple dwellings (driveway and Unit 6) would be required to be located outside a flood prone area, to be in accordance with Clause C12.6.1 – Standard

A1. Whereas the multiple dwellings would be located within a flood prone area. The proposal is considered in accordance with the performance criteria:

**P1.1**

*Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:*

- (a) the type, form, scale and intended duration of the development;*
- (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;*
- (c) any advice from a State authority, regulated entity or a council; and*
- (d) the advice contained in a flood hazard report.*

**P1.2**

*A flood hazard report also demonstrates that the building and works:*

- (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and*
- (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.*

Council's Development Engineer have assessed the application and is supportive on the basis that the proposal would not have an unreasonable impact on the flood level for adjoining properties. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

**C13.0 Bushfire-Prone Areas Code**

While the overlay applies to the land, the Code does not apply to the assessment of multiple dwellings.

**Glenorchy Local Provisions Schedule (GLPS)**

**Local Area objectives**

No local area objectives of the Scheme apply.

**Particular Purpose Zones**

No particular purpose zones of the Scheme apply.

## Specific Area Plans

No specific area plans of the Scheme apply.

## GLE-Site Specific Qualifications

No code lists of the Scheme apply.

## GLE-Code lists

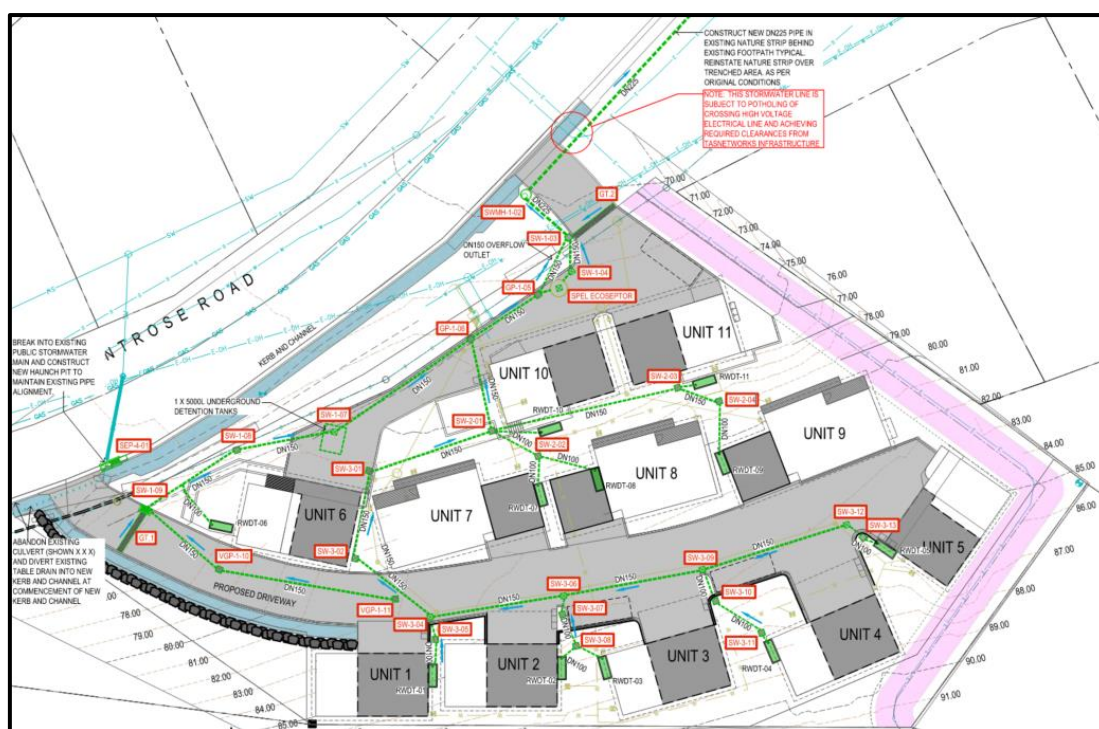
No code lists of the Scheme apply.

## INTERNAL REFERRALS

### Development Engineer

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

*The development application seeks an approval for 11 multiple dwellings on a vacant site. The works include demolition to the existing driveway access via Montrose Road, two new driveway access via Montrose Road, associated driveway and parking areas for 25 car spaces and installing stormwater management elements (OSD & WSUD).*



*The Traffic Impact Assessment (TIA) by Midson Traffic Pty Ltd, dated October 2022 and the Stormwater Report by Flussig consulting engineers, dated 21 January 2022 are submitted as part of the application as supporting documents. The application and the TIA have been referred to Council's Transport Engineer to review, provide comments and recommend the conditions as required. The application and the Stormwater report have been referred to Council's Senior Civil Engineer to review, provide comments and recommend the conditions as required.*

*The stormwater runoff is proposed to be discharged to Council's stormwater system via a new underground connection with on-site detention provided to satisfactory of Council's senior civil engineer.*

*The General Manager's consent to interfere with stormwater infrastructure can be granted.*

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

*The development is considered to comply with the code requirements and local traffic conditions are not expected to be significantly affected.*

*The site can be accessed off the new proposed vehicle crossings via Montrose Road. Based on the TIA, the traffic generation of the development is likely to be 72 vehicles per day with a peak generation of 7 vehicles per hour. The increase vehicle movements are over 40 vehicle trips per day; therefore, the assessment against the performance criteria is triggered.*

*The TIA has undertaken the traffic and parking assessment and investigated crashes history to assess the development against the performance criteria. The TIA states that as local residential area Montrose Road carries very low traffic volume and the crash data obtained from the Department of State Growth for a 5+ year period demonstrates that there are no pre-existing road safety deficiencies in the surrounding transport network that might be exacerbated by traffic generated by the development. Additionally, the TIA assesses that the sight distance at the proposed driveway was assessed in the TIA and meets the requirements of 45m in both directions for a 50km/h speed limit. Therefore, it is considered that, the performance criteria for C3.5.1 P1 is satisfied.*

### *C2.0 Parking and Sustainable Transport Code*

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

*The requirement under the C2.5.1 and table C2.1, A1 requires the total of 25 car parking spaces for the development. It is proposed 25 car parking spaces will be provided, therefore the acceptable solution A1 of C2.5.1 is met.*

*There are no requirements for accessible parking, motorcycle parking spaces, bicycle parking spaces and commercial vehicle applicable to the development application. The layout of parking area complies with the standard AS2890.1:2004, however the geometry does not, this is addressed below under C2.6.2. The surface treatment of the driveway is proposed to be concrete. Surface runoff is proposed to be captured and directed to the Council's stormwater system.*

### *C2.6.2 Design and layout of parking areas*

*According to TPS-G, to comply with the acceptable solution of C2.6.2 A1 Parking, access ways, manoeuvring and circulation spaces must have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6.*

*Section 2.5.3(b) of AS2890.1 states the following regarding the maximum grade of straight ramps:*

- Longer than 20 metres – 1 in 5 (20%) maximum*
- Up to 20 metres long – 1 in 4 (25%) maximum. The allowable 20 m maximum length shall include any parts of the grade change transitions at each end that exceed 1 in 5 (20%)*

*In this case both driveways are greater than 20 metres in length. The maximum grade is 25% for the western driveway. The maximum grade is 23.5% for the eastern driveway. The grade requirements do comply with AS2890.1 for the Eastern driveway however they not comply with AS2890.1 for the western driveway because the carriageway exceeds the allowable length for a driveway at a grade greater than 20%.*

*Therefore, the performance criteria C2.6.2 P1 is triggered and assessed in the TIA.*

*The following assessment against P1 is relevant with respect of the development proposal:*

- a) Characteristics of the site. The site is located on relatively steep terrain, requiring significant retaining wall structures to facilitate the driveway and dwelling constructions.*
- b) Useability in all weather conditions. The driveways will be constructed with an all weather sealed surface in accordance with Council requirements.*
- c) Vehicle and pedestrian traffic safety. The peak traffic generation that will utilise the western driveway will be 5 vehicles per hour – this equates to an average of less than 1 vehicle every ten minutes. The risk of vehicular/ pedestrian conflict is considered to be very low.*
- d) The nature and use of the development. The development is residential in nature.*
- e) The expected number and type of vehicles. The peak traffic generation that will utilise the western driveway will be 5 vehicles per hour – this equates to an average of less than 1 vehicle every ten minutes. All vehicles will be cars as the development is domestic in nature.*
- f) The likely use of the parking areas by people with a disability. Not applicable.*
- g) The nature of traffic in the surrounding area. Montrose Road is a local access road carrying low traffic volumes near the subject site. Traffic in Montrose Road is residential in nature.*

- h) The proposed means of parking delineation. The parking will be defined by garage spaces for residents, and line marking and signage for visitor parking spaces. Parking areas will therefore be clear and obvious for all road users.*
- i) Provisions of AS2890.1. The maximum grade of the western driveway exceeds the maximum requirement by 2% but is below 25% which would be permitted if the driveway were shorter in length. Commentary and assessment against AS2890.1 is provided above in relation to the grades of the western driveway and visitor parking space accessed via the eastern driveway. The grades are considered acceptable*

*The information provided within the TIA has been reviewed and accepted. It is accepted the Performance Criteria P1 of Clause C2.6.2 is satisfied.*

#### *C2.6.3 Number of accesses for vehicles*

*According to TPS-G, to comply with the acceptable solution of C2.6.3 A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater”.*

*In this case the site has one existing access. The development proposes two accesses thus the Acceptable Solution A1 of Clause C2.6.3 of the Planning Scheme is not met and an assessment against the performance criteria is triggered.*

*The following assessment against P1 is relevant with respect of the development proposal:*

- a) On-street parking. Observations indicate that there is no demand for on-street parking adjacent to the subject site. Due to the horizontal geometry of Montrose Road near the subject site, it is not recommended to permit on-street parking adjacent to the development.*
- b) Pedestrian safety and amenity. A footpath is provided on the northern side of Montrose Road only. No footpath is provided along the frontage of the subject site. There is little existing pedestrian activity along Montrose Road.*
- c) Traffic safety. The two driveway accesses will be separated by a distance of approximately 65 metres. This distance is consistent with existing driveway spacing along Montrose Road. The separation of the driveways disbursts the traffic generation at each access, thus reducing crash risk.*
- d) Residential amenity. As noted above, the two driveway accesses will be separated by a distance of approximately 65 metres. This distance is consistent with existing driveway spacing along Montrose Road.*
- e) Impact on streetscape. The driveway spacing is consistent with spacing of driveways along Montrose Road and will not have any significant impact on streetscape.*

*C2.6.5 Pedestrian access*

*According to TPS-G, to comply with the acceptable solution of C2.6.5 A1, a 1-metre-wide pedestrian footpath is required where the use requires more than 10 car parking spaces. The proposed development does not provide a separate pedestrian path to the driveways. Therefore, the performance criteria C2.6.5 P1 is triggered and assessed in the TIA. The TIA states that the driveway accesses are considered 'shared zones' where vehicles must give way to pedestrians and that it is a common treatment in medium density residential developments.*

*The information provided within the TIA has been reviewed and accepted. It is accepted the Performance Criteria P1 of Clause C2.6.5 is satisfied.*

*Other*

*C15.0 Landslide Code*

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

*C7.0 Natural Assets Code*

*There are no Natural assets issues identified through Council's records that affect the application.*

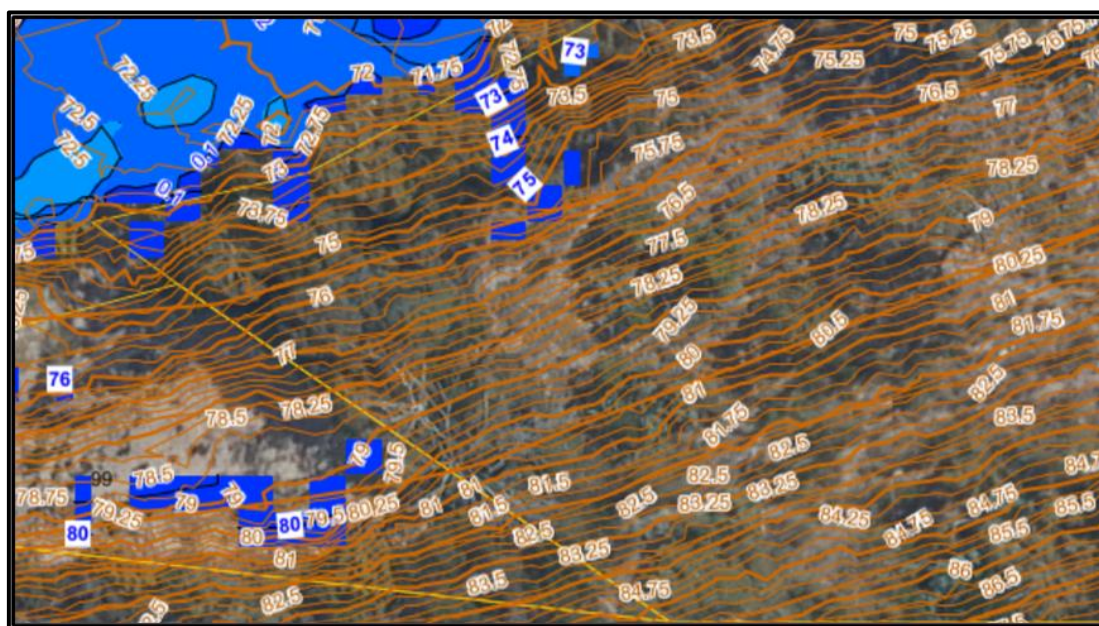
### C12.0 Flood-Prone Areas Hazard Code

*There are very minor flooding issues identified through Council's records along the north-west boundary that affect the application.*

*Measurements from the boundaries indicated that the actual flood model layer doesn't interact with dwelling 6. However, due to the close proximity the following assessment has been provided.*

*If the mapped flood layer does interact with unit 6 the dwelling has a ground FFL of 76.43 1.43 meters above the highest mapped flood modelling in the vicinity.*

*Therefore, there are no issues with the flood hazard mapping and a Flood hazard report or specific conditions were deemed as not required.*



### Waste Management Officer

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

*Waste Services to the proposed multiple dwelling development at 97 Montrose Rd Montrose would be Council's standard bin service collected fortnightly.*

- *The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste, one (1) x 240L wheelie bin for recycling and (1) x 240L FOGO bin to each of the dwelling, collected fortnightly.*
- *Please note that this property would have a total of thirty three (33) bins, eleven (11) Waste bins and eleven (11) Recycling Bins, and eleven (11) FOGO bins.*
- *This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins. Please note the*

*developer has provided on the amended plans a new and widened kerb and two wider separate areas on the kerb at each of the driveways for the placement of individual wheelie bins from units which are serviced by the two driveways.*

- *All bins are to be placed on the kerbside for collection, which will be placed in two separate areas on the kerb. There will be eleven (11) waste and eleven (11) recycling bins out for collection one week and eleven (11) FOGO bins out for collection the following week.*
- *Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.*

## EXTERNAL REFERRALS

### Tas Networks

The application was referred to Tas Networks which was supportive based on the following advice:

*All looks good as the 4m electricity easement being shown including on the traffic report and also master plan drawings (received from council today and attached) which is fantastic and with one minor point. On the "render" drawing (snip image below) and landscaping plan it shows trees in the Electricity easement area. There are to be no "large" trees with extending roots structure planted over the easement, but low shrubs (small bushes) are OK (and this seems to be what is detailed in the Landscaping plan).*



**TasWater**

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

**REPRESENTATIONS**

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

**CONCLUSION**

The proposal is relying on the performance criteria to comply with the applicable standards of the Scheme in relation to; setbacks and building envelope for all dwellings, site coverage and private open space for all dwellings, privacy for all dwellings, number of accesses for vehicles, for pedestrian access, and buildings and works within a flood-prone hazard area.

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

The proposal is assessed as complying with all other use and development standards in the General Residential zone, as well as the relevant standards of the Parking and Sustainable Transport Code, Road and Railway Assets Code, and Flood-Prone Areas Code.

The application was publicly advertised for the statutory 14-day period and no representations were received.

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

**Recommendation:**

That a permit be granted for the proposed use and development of 97 Montrose Road Montrose subject to the following conditions:

**Planning**

1. Use and development must be substantially in accordance with planning permit application No. PLN-22-046 and Drawings submitted on 30 November 2022, 52 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 2022/00287-GCC dated 5 December 2022, form part of this permit.

3. There must be no “large” trees with extending roots structure planted over the Tas Networks easement.
4. Privacy screen/wall to a height of 1.7 m from finished floor level must be constructed between the east elevations of the deck for Unit 1 and the private open space for unit 2, east elevation of Unit 3 and the private open space for Unit 4, east and west elevations for Unit 4 and the private open space for Units 3 and 5. The privacy screen/wall must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent direct overlooking of the adjacent lot. The privacy screen must remain in-situ, for the duration of the use.
5. Privacy screen/wall to a height of 1.2 m from finished floor level must be constructed between the east elevations of the deck for Unit 7 and the private open space for unit 10, and between the deck for Unit 8 and the window for Unit 11 (within 6 m). The privacy screen/wall must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent direct overlooking of the adjacent lot. The privacy screen must remain in-situ, for the duration of the use.
6. Privacy screen/wall to a height of 1.7 m from finished floor level must be constructed on the north-east (east) elevation for the dining and kitchen windows for Unit 10 and on the south-west (west) elevation for the dining and kitchen windows for Unit 11. The privacy screen/wall must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent direct overlooking of the adjacent lot. The privacy screen must remain in-situ, for the duration of the use.

Advice: The privacy screen may consist of obscure glass in the window.

7. Privacy screen/wall to a height of 1.7 m from natural ground level must be constructed between the north-west (north) elevation of the bedroom for Units 5, 10 and 11, and the shared driveway. The privacy screen/wall must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent direct overlooking of the adjacent lot between to a height of 1.7m above floor level. The privacy screen must remain in-situ, for the duration of the use.

## Engineering

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](http://www.derwentestuary.org.au).*

9. The loading and unloading of goods from vehicles, including building materials and equipment, must only be carried out on the land.
10. The new vehicle crossings must be constructed and installed, and the redundant vehicle crossing must be reinstated to the kerb and footpath in accordance with the Tasmanian standard drawing TSD-R09-v3, TSD-R11-v3 and TSD-R14-v3 between the kerb and the property boundary and completed to the satisfaction of Council's Development Engineer prior to the occupancy of the dwellings. The detail design must be submitted and approved prior to the issuing of a Building Approval.

*Advice:*

*Prior to the commencement of any work within the road reservation by a private contractor, the contractor must obtain a Road Opening Permit from the Council's Compliance Officer. This permit shall include items such as hours of work, road safety, reinstatement, soil and water management, etc.*

*The Road Opening Permit Application Form is available via Council's website <https://www.gcc.tas.gov.au/wp-content/uploads/2021/03/Road-Opening-Permit-Application-Form-1.pdf>*

11. The developer must construct a footpath in Montrose Road 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).

12. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:

- (a) Be constructed to a sealed finish and the finished gradient must not exceed the maximum gradient of 25%
- (b) Twenty-five (25) 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) Vertical alignment must include transition curves (or straight sections) at all grade changes greater than 12.5 %
- (d) All runoff from paved and driveway areas must be discharged into Council's stormwater system
- (e) The gradient of any parking areas must not exceed 5% and
- (f) 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.

13. 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.

14. Upon approval of the 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 OSD Maintenance Scheme submitted by the applicant and approved by Council, including the maintenance method and frequency for individual 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 OSD element has been conducted in accordance with the OSD Maintenance Scheme.
  - (c) Repair and replace all the OSD elements at the sole expense of the Owner and all successors in title so that the 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 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.

### **Advice to Applicant**

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

#### *General Manager's Consent for Stormwater Management*

Any conditions and/or advice as set out in the attached General Manager's Consent for Stormwater Management, reference No. PLN-22-046 dated 14 December 2022, is associated with this permit.

### *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.

### *Underground Services*

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works. Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit [www.dialbeforeyoudig.com.au](http://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 - 97 Montrose Road, Montrose



**APPENDIX 1****8.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
<b>8.3 Use Standards</b>			
<b>8.3.1 Discretionary uses</b>	<b>A1</b> Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm	Not applicable.	N/A
	<b>A2</b> External lighting for a use listed as Discretionary: (a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and (b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.	Not applicable.	N/A
	<b>A3</b> Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of: (a) 7:00am to 7:00pm Monday to Friday; (b) 9:00am to 12 noon Saturday; and (c) nil on Sunday and public holidays.	Not applicable.	N/A
	<b>A4</b> No acceptable solution.	Not applicable.	N/A
<b>8.3.2 Visitor Accommodation</b>	<b>A1</b> Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m <sup>2</sup> per lot.	Not applicable.	N/A

	<b>A2</b> Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.	Not applicable.	N/A
<b>8.4 Development Standards for Dwellings</b>			
<b>8.4.1 Residential density for multiple dwellings</b>	<b>A1</b> Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	Complies.	Yes
<b>8.4.2 Setbacks and building envelopes for all dwellings</b>	<b>A1</b> 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: 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;  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;  if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or	The proposed retaining walls will be set back a minimum of 0 m from the north-west front boundary. Compliance will require a setback of 4.5 m from the north-west front boundary. Therefore, the proposal relies on performance criteria.	No  Refer to discussion in the report.

	if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.		
	<p><b>A2</b> A garage or carport for a dwelling must have a setback from a primary frontage of not less than: 5.5m, or alternatively 1m behind the building line;  the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or  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.</p>	Not applicable.	N/A
	<p><b>A3</b> 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:  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  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</p>	The proposal will be set back a minimum of 0 m for the retaining wall from the north-west front boundary, 1.1 m (0.3 m for the retaining wall) from the south-west side boundary, 0.9 m from the southern side boundary. Compliance will require a minimum setback of 4.5 m from the north-west front boundary, 1.5 m from the south-west and the southern side boundaries. Therefore, the proposal relies on performance criteria.	No  Refer to discussion in the report.

	<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>does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>		
<b>8.4.3</b> <b>Site coverage and private open space for all dwellings</b>	<b>A1</b> Dwellings must have: a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and  for multiple dwellings, a total area of private open space of not less than 60m <sup>2</sup> 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).	Complies.	Yes
	<b>A2</b> A dwelling must have private open space that: (a) is in one location and is not less than:  24m <sup>2</sup> ; or  12m <sup>2</sup> , 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);	The proposal provides private open space that will be located on a steep slope. Compliance will require a gradient not steeper than 1 in 10. Therefore, the proposal relies on performance criteria.	No  Refer to discussion in the report.

	<p>(b) has a minimum horizontal dimension of not less than: 4m; or</p> <p>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><b>8.4.4</b> <b>Sunlight to private open space of multiple dwellings</b></p>	<p><b>A1</b> 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>at a distance of 3m from the northern edge of the private open space; and</p> <p>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>	Complies.	Yes

	<p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>an outbuilding with a building height not more than 2.4m; or</p> <p>protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>		
<b>8.4.5</b> <b>Width of openings for garages and carports for all dwellings</b>	<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	Not applicable.	N/A
<b>8.4.6</b> <b>Privacy for all dwellings</b>	<b>A1</b> 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: side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;  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  dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:	The proposed deck for Units 7 and 8 will not provide full screening along the north-west (north) elevation, adjacent the private open space for Unit 10 and the window for Unit 11. Compliance will require a 1.7m high screen along the north-west elevation for a distance of 6 m from the private open space and habitable window of the adjoining dwelling. Therefore, the proposal relies on performance criteria.	No  Refer to discussion in the report.

	<ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</li> </ul>		
	<p><b>A2</b> 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): the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(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</li> <li>(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.</li> </ul> <p>the window or glazed door:</p>	Complies with (b)(i). A condition has been recommended.	Yes

	<p>(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;</p> <p>(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</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>		
	<p><b>A3</b> 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>it is separated by a screen of not less than 1.7m in height; or</p> <p>the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or</p>	<p>The front door for Units 7, 8 and 9 will be setback 0.87 m from the shared driveway. Compliance will require either a distance of 2.5m or 1m with screening. Therefore, the proposal relies on performance criteria.</p>	<p>No</p> <p>Refer to discussion in the report.</p>

	parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.		
<b>8.4.7 Frontage Fences for all dwellings</b>	<p><b>A1</b> No Acceptable Solution<sup>1</sup>.</p> <p><i>(<sup>1</sup> An exemption applies for fences in this zone – see Table 5.6 in Exemptions)</i></p>	Complies.	Yes
<b>8.4.8 Waste Storage for multiple dwellings</b>	<p><b>A1</b> A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations: an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or a common storage area with an impervious surface that:</p> <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(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.</li> </ul>	Complies.	Yes

**APPENDIX 2****C2.0 Parking and Sustainable Transport Code**

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.5 Use Standards</b>			
<b>C2.5.1 Car parking numbers</b>	<p><b>A1</b> 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"> <li>(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;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(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</li> </ul> </li> </ul>	Complies. Two parking spaces per dwelling three visitor spaces that will be provided, with a total of 25 car parking spaces on site.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>use or development, in which case no additional on-site car parking is required; or</p> <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> <p><math>N = A + (C - B)</math></p> <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>		
<b>C2.5.2</b> <b>Bicycle parking numbers</b>	<b>A1</b>  Bicycle parking spaces must:	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
<b>C2.5.3 Motorcycle parking numbers</b>	<b>A1</b> The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and (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.	Not applicable.	NA
<b>C2.5.4 Loading bays</b>	<b>A1</b> A loading bay must be provided for uses with a floor area of more than 1000m <sup>2</sup> in a single occupancy.	Not applicable.	NA
<b>C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone</b>	<b>A1</b> Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) Food Services uses up to 100m<sup>2</sup> floor area or 30 seats, whichever is the greater; and</p> <p>(b) General Retail and Hire uses up to 100m<sup>2</sup> floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.</p>		
<b>C2.6 Development Standards for Building Works</b>			
<b>C2.6.1 Construction of parking areas</b>	<p><b>A1</b></p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(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.</p>	Parking and driveway area proposed to be paved surface and parking and surface water are to be drained to the stormwater connection.	Yes

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.6.2</b> <b>Design and layout of parking areas</b>	<p><b>A1.1</b></p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(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;</li> <li>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</li> </ul>	<p>The proposal will have a maximum grade of 25% for the western driveway a maximum grade of 23.5% for the eastern driveway. Compliance will require a driveway at a gradient not greater than 20%. Therefore, the proposal relies on performance criteria.</p>	<p>No</p> <p>Refer to discussion in the report.</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p><b>A1.2</b></p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <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>		
<p><b>C2.6.3</b> <b>Number of accesses for vehicles</b></p>	<p><b>A1</b></p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p>The proposal will provide two separate vehicular accesses whereas compliance requires a maximum of one vehicular access. Therefore, the proposal relies on performance criteria.</p>	<p>No</p> <p>Refer to discussion in the report.</p>

Standard	Acceptable Solution	Proposed	Complies?
	<b>A2</b>  Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	Not applicable.	NA
<b>C2.6.4</b> <b>Lighting of parking areas within the General Business Zone and Central Business Zone</b>	<b>A1</b>  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> .	Not applicable.	NA
<b>C2.6.5</b> <b>Pedestrian access</b>	<b>A1.1</b>  Uses that require 10 or more car parking spaces must: <ul style="list-style-type: none"> <li>(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:               <ul style="list-style-type: none"> <li>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</li> </ul> </li> </ul>	TIA addresses and justifies pedestrian path can be used as shared area with driveway area.	No  Refer to discussion in the report.

Standard	Acceptable Solution	Proposed	Complies?
	<p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p><b>A1.2</b></p> <p>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.</p>		
<b>C2.6.6 Loading bays</b>	<p><b>A1</b></p> <p>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: Off-street commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>	Not applicable.	NA
	<p><b>A2</b></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>	Not applicable.	NA
<b>C2.6.7</b>	<b>A1</b>	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
<b>Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	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.		
	<b>A2</b>  Bicycle parking spaces must: <ul style="list-style-type: none"> <li>(a) have dimensions not less than:               <ul style="list-style-type: none"> <li>(i) 1.7m in length;</li> <li>(ii) 1.2m in height; and</li> <li>(iii) 0.7m in width at the handlebars;</li> </ul> </li> <li>(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</li> <li>(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>.</li> </ul>	Not applicable.	NA
<b>C2.6.8 Siting of parking and turning areas</b>	<b>A1</b>  Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	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.		
	<b>A2</b>  Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: <ul style="list-style-type: none"> <li>(a) have no new vehicle accesses, unless an existing access is removed;</li> <li>(b) retain an active street frontage; and</li> <li>(c) not result in parked cars being visible from public places in the adjacent roads.</li> </ul>	Not applicable.	NA
<b>C2.7 Parking Precinct Plan</b>			
<b>C2.7.1 Parking Precinct Plan</b>	<b>A1</b>  Within a parking precinct plan, onsite parking must: <ul style="list-style-type: none"> <li>(a) not be provided; or</li> <li>(b) not be increased above existing parking numbers.</li> </ul>	Not applicable.	NA

**Footnotes**

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

**APPENDIX 3****C3 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.5 Use Standards</b>			
<b>C3.5.1</b>  Traffic generation at a vehicle crossing, level crossing or new junction	<p><b>A1.1</b></p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <p>(a) a new junction;</p> <p>(b) a new vehicle crossing; or</p> <p>(c) a new level crossing.</p> <p><b>A1.2</b></p> <p>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.</p> <p><b>A1.3</b></p>	Vehicular traffic increased by 70 vpd. TIA addresses the traffic generation.	<p>No</p> <p>Refer to discussion in the report.</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b></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><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
<b>C3.6 Development Standards for Buildings and Works</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.6.1</b>  <b>Habitable buildings for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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:  (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: (i) the existing habitable building; or (ii) an adjoining habitable building for a sensitive use;  (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> .	Not applicable.	NA
<b>C3.7 Development Standards for Subdivision</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.7.1</b>  <b>Subdivision for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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.	Not applicable.	NA

**APPENDIX 4****C12.0 Flood-Prone Areas Hazard Code**

Standard	Acceptable Solution	Proposed	Complies?
<b>C12.5 Use Standards</b>			
<b>C12.5.1</b> Uses within a flood-prone hazard area	<b>A1</b> No Acceptable Solution.	Not applicable.	N/A
<b>C12.5.2</b> Critical use, hazardous use or vulnerable use	<b>A1</b> No Acceptable Solution.	Not applicable.	N/A
	<b>A2</b> No Acceptable Solution.	Not applicable.	N/A
	<b>A3</b> No Acceptable Solution.	Not applicable.	N/A
	<b>A4</b> No Acceptable Solution.	Not applicable.	N/A
<b>C12.6 Development Standards for Buildings and Works</b>			
<b>C12.6.1</b> Buildings and works within a flood-prone hazard area	<b>A1</b> No Acceptable Solution.	The proposed multiple dwellings (the driveway and Unit 6) are located within the flood prone area. Compliance will require the proposal to be located outside the flood prone area. Therefore, the proposal relies on performance criteria.	No  Refer to discussion in the report.

**8. PROPOSED USE AND DEVELOPMENT - CEMENT SILOS AND ASSOCIATED INFRASTRUCTURE FOR CONCRETE BATCHING PLANT (MANUFACTURING AND PROCESSING) - 8B LAMPTON AVENUE, DERWENT PARK**

Author: Planning Officer (Louis Barnett)

Qualified Person: Planning Officer (Louis Barnett)

Property ID: 3149494

**REPORT SUMMARY**

**Application No.:** PLN-22-321

**Applicant:** Hazell Bros Concrete Pty Ltd

**Owner:** RG Hazell Pty Ltd and DR Hazell Holdings Pty Ltd

**Zone:** General Industrial

**Use Class** Manufacturing and Processing

**Application Status:** Discretionary

**Discretions:** 19.4.1 Building Height - P1

C9.5.1 Activities with potential to cause emissions - P1

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

<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>24 January 2022</b> <b>(EOT granted for 34 additional days for GPA)</b>
<b>Existing Land Use:</b>	<b>Concrete batching plant (Manufacturing and Processing)</b>
<b>Representations:</b>	<b>0</b>
<b>Recommendation:</b>	<b>Approval, subject to conditions</b>

## **REPORT IN DETAIL**

### **PROPOSAL**

The application proposes the installation of cement silos and associated infrastructure for an existing concrete batching plant at 8b Lampton Avenue, Derwent Park. The proposal will expand the existing plant through the addition of a 'wet mixing' section of the plant with automated conveyor system, which will complement the existing 'dry mixing' plant. The proposal will improve safety, efficiency, and productivity of the plant whilst also reducing noise and dust emissions through the reduction in the use of a front-end loader. The plant's production capacity is expected to increase from 50,000m<sup>3</sup> per year to 60,000m<sup>3</sup> per year. The concrete batching plant currently supplies premixed concrete to commercial, industrial, and residential markets in the Greater Hobart area.

The proposal involves the construction of four cement silos which have a height of 24.15m and other upgrades which include the addition of six aggregate bins, conveyer system and underground storage bins. The proposed infrastructure upgrades can be seen in Figure 1 below. There is also to be a new batch office (control room) constructed within an existing shed.

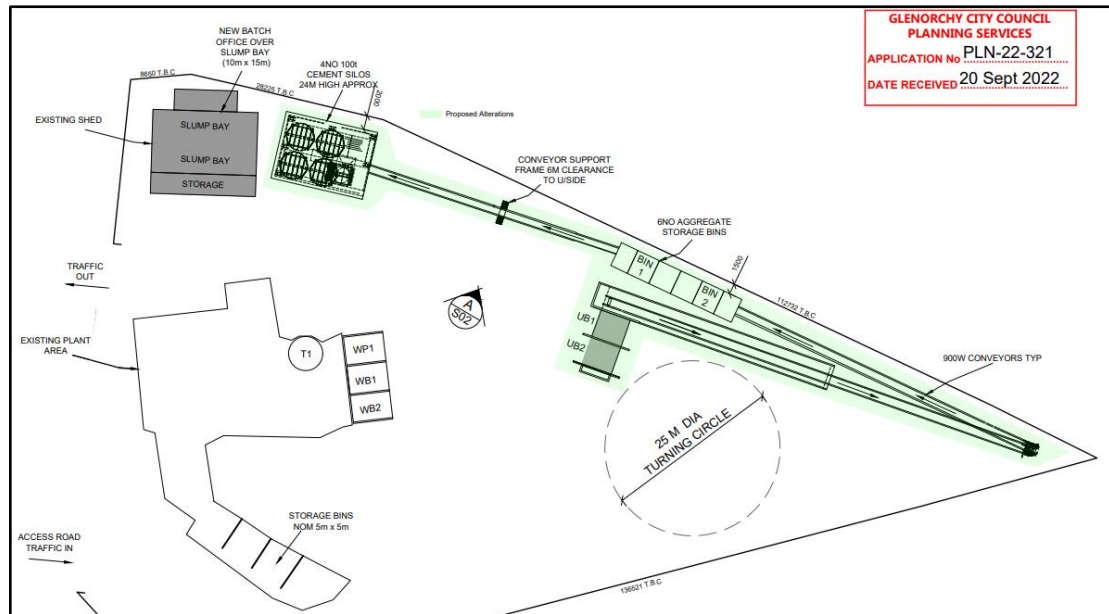


Figure 1. Site plan showing scope of the proposal.

## SITE and LOCALITY

The site is on the northern side of Derwent Park Road and is bounded by Farley Street on a portion of its western side boundary. The site sits between Main Road to the west and the Brooker Highway to the east in a large industrial estate of Derwent Park. The site has a total area of 38,770m<sup>2</sup> (3.877 ha) on a single title (CT 140102/1). The main access to the site is from a 12m wide accessway from Lampton Avenue, with an additional access to the site off Farley Street.

The proposal is localised to an area of the site which is a triangular-shaped section that extends towards the east (see Figure 2). That section contains an existing concrete batching plant. The site contains other uses that are operated by other businesses within the Hazell Bros Group, including a large warehouse used for vehicle servicing and depot for the civil construction business.

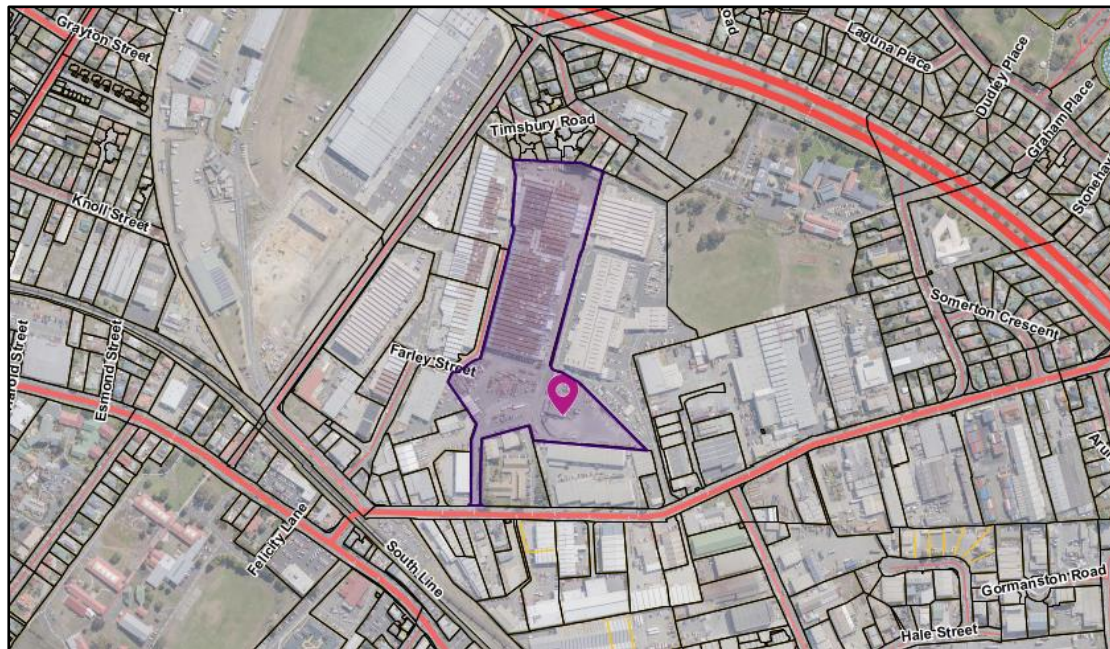


Figure 1. Aerial view of the subject site and surrounds.

To the south, east and west of the site are industrial properties with commercial or industrial activities. Adjoining the site at the northern boundary are several residential properties. Further to the north-east is Goodwood Primary School which shares its property with two other educational institutions and a kindergarten. The school oval is approximately 140m from the concrete batching plant.

## ZONE

The site is in the General Industrial zone (dark purple in Figure 3) with properties to the east, west and south also zoned General Industrial. To the north of the site is an area of land zoned General Residential (red). To the north-east and north-west of the site are several properties zoned Community Purpose (pale yellow) with 454-458 Brooker Highway containing Goodwood Primary and other educational institutions.

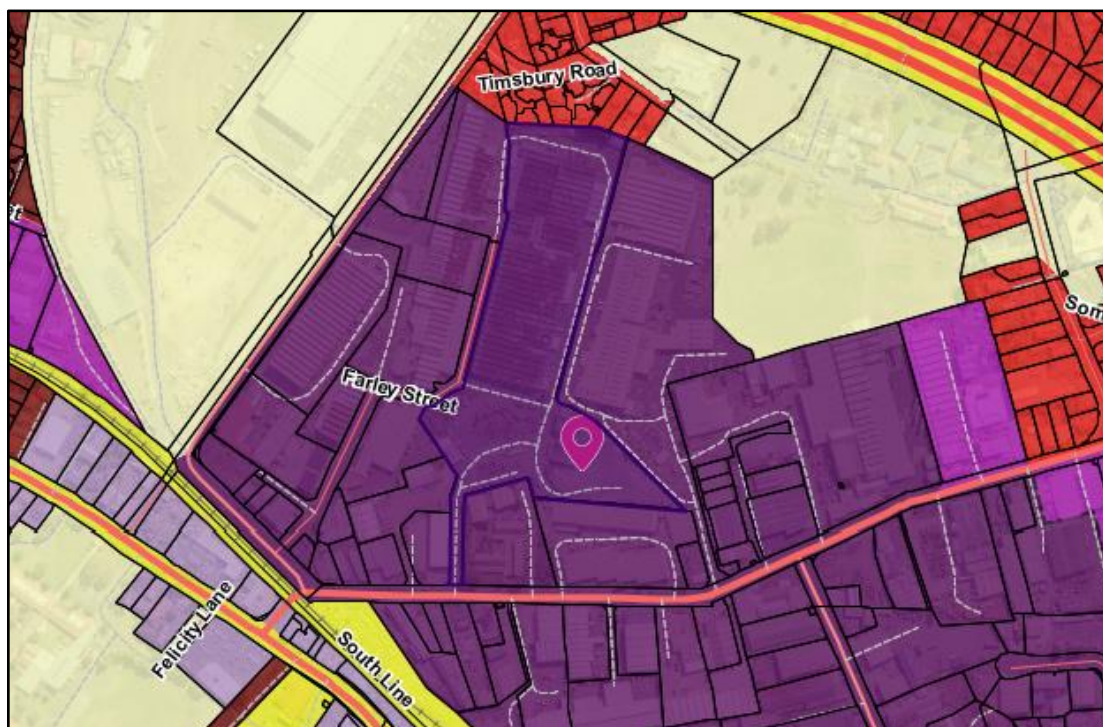


Figure 3. Zoning of the subject site and surrounds.

## BACKGROUND

### Permits

PLN-00962	Partial Change of Use to Mechanical repair Garage & Limited Impact Industry (Heavy vehicle servicing and repair facility) – Approved 14/01/2002.
PLN-02-01416	Concrete batching plant – Approved 19/05/2003.
PLN-02-01611	3 Boundary Adjustments, Alterations, Additions, Demolitions, Silo with variation to height limit, Partial Change of Use to Mechanical Repair Garage, Warehouse & Storage Yard, Sign and new Property Access, new Warehouse – Approved 19/05/2003.
PLN-03-01807	Demolition of vacant laboratory building – Approved 19/05/2003.
PLN-06-04205	Additions and alterations to existing mechanical repair garage – Approved 24/10/2006.

PLN-07-04508	Vehicle Wash Bay as extension to existing Mechanical Repair Garage – Approved 18/07/2007.
PLN-08-0279	Toilet Block (Mechanical repair garage) – Approved 24/03/2009.
PLN-11-128	Alterations and additions to existing workshop and offices – Approved 23/06/2011.
PLN-12-226	Change of Use to General Industry – Withdrawn.

### *Other*

Notice Requiring Abatement of Nuisance – dated 18 June 2020

This notice was issued due to cement residue being discharged from the concrete batch plant area of the site into the stormwater network. Hazell Bros engaged a consultant to undertake a Water and Stormwater Management Plan to rectify the issue and implement a plan to better manage water and stormwater. The plan was submitted to Council which satisfied the requirements of the Abatement Notice and was resolved on 11 November 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.

## **TASMANIAN PLANNING SCHEME - GLENORCHY 2021**

### **State Planning Provisions (SPP)**

#### **Administration**

#### **Exemptions (Tables 4.1 – 4.6)**

*4.3.2 – Internal building and works (Requirement: All internal building and works).*

The addition of the 'new batch office' within an existing shed is wholly internal and therefore meets this exemption.

#### **Use Class Description (Table 6.2):**

**Manufacturing and Processing** is the use of land for manufacturing, assembling or processing products other than Resource Processing. Examples include boat building, brick making, cement works, furniture making, glass manufacturing, metal and wood fabrication, mineral processing and textile manufacturing.

**Other relevant definitions and provisions:****3.0 Interpretation**

**Sensitive use** means a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school.

**Site** means the lot or lots on which a use or development is located or proposed to be located.

**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.

**6.8 Discretionary Use or Development**

The application is discretionary, pursuant to Clause 6.8.1;

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

- (a) the use is within a Use Class specified in the applicable Use Table as being a use which is Discretionary;*
- (b) the use or development relies on a Performance Criterion to demonstrate compliance with an applicable standard; or*
- (c) it is Discretionary under any other provision of this planning scheme.*

The application is discretionary as it relies on the performance criteria to comply with the following applicable standards;

- 19.4.1 Building Height - P1
- C9.5.1 Activities with potential to cause emissions - P1

**General Provisions**

No General Provisions of the Scheme apply to this proposal.

**Zones**

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

**Zone Purpose Statements**

- 19.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be impacts on adjacent uses.
- 19.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.

The proposal is assessed as being consistent with the purpose of the zone as it is for additions to an existing concrete batching plant which is a processing use that is suitably located in the General Industrial zone.

**Use Table**

Manufacturing and Processing is a Permitted use in the General Industrial zone. However, the proposal is discretionary as it relies on performance criteria to comply with applicable standards.

**Use Standards**

The use standards of the General Industrial zone only relate to discretionary uses, and therefore are not applicable to this proposal.

**Development Standards for Buildings or Works***19.4.1 Building Height P1*

The proposal includes cement silos which are 24.15m in height which is greater than the acceptable solution, which allows for a maximum building height of 20m. The proposal relies on the performance criteria, which states;

*Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to:*

- (a) the bulk and form of the building;*
- (b) separation from existing use on adjoining properties; and*
- (c) any buffers created by natural or other features.*

It is assessed that the proposed cement silos and other infrastructure upgrades for the concrete batching plant are necessary for the operation of the use. The upgrades to the plant are considered necessary for the continued operation of the use and will improve its efficiency whilst reducing noise and dust emissions.

The proposal would not cause an unreasonable impact on adjoining properties. The closest adjoining properties to the proposed plant are 8 and 8c Lampton Avenue, which are zoned General Industrial and do not include any sensitive uses. The uses on those sites would not be materially impacted by the building height of the proposal as activities on those sites are largely contained within large warehouses. The bulk and form of the cement silos and other infrastructure is of an acceptable scale and would not cause an unreasonable impact on adjoining properties. Other adjoining properties are separated by a significant distance that will reduce any negative impact by the height of the building. It is noted that the proposal is suitable located in the General Industrial zone and the proposal is expected to reduce noise and dust emissions from the plant and thereby reducing existing negative impacts that the plant may have on adjoining properties.

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

## Codes

The following codes of the Scheme apply to this proposal:

### **C2.0 Parking and Sustainable Transport Code**

The proposal accords with all relevant acceptable solutions of the code, as demonstrated in the attached Appendix B. For additional comments, please see the Development Engineer Referral under the Referrals section of this report.

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

The proposal accords with all relevant acceptable solutions of the code, as demonstrated in the attached Appendix C. For additional comments, please see the Development Engineer Referral under the Referrals section of this report.

### **C9.0 Attenuation Code**

#### C9.3 Definition of Terms

***Attenuation area*** means land that is:

- (a) *within the boundary of an attenuation area shown on an overlay map in the relevant Local Provisions Schedule; or*
- (b) *within the relevant attenuation distance from an activity listed in Table C9.1 or C9.2, which is an existing activity or an activity for which a planning permit is in force.*

*If an inconsistency exists between the relevant attenuation distance in Tables C9.1 or C9.2, and an attenuation area shown on an overlay map in the relevant Local Provisions Schedule, the distance shown on the overlay map applies.*

**Attenuation distance** means the distance listed in Tables C9.1 and C9.2 for the relevant activity measured as the shortest distance from the boundary of the site on which the activity is located.

**Level 1 activity** means as defined in the Environmental Management and Pollution Control Act 1994.

Concrete batching plants are a listed activity in Table C9.1 with the following definition:

*The conduct of works for the production of concrete by the mixing of cement, sand, rock, aggregate or other similar materials, excluding the manufacture of concrete products – emissions such as noise and dust.*

*Attenuation distance: Level 1: 200m*

*Level 2: -*

A concrete batching is a Level 1 activity under the *Environmental Management and Pollution Control Act 1994* and therefore the attenuation distance is 200m.

#### *C9.5.1 Activities with potential to cause emissions P1*

There is a sensitive use (school oval) approximately 140m from the concrete batching plant and areas of land zoned General Residential and Inner Residential within 200m of the boundaries of the site. The proposal relies on the performance criteria, which states;

*An activity listed in Tables C9.1 or C9.2 must not cause:*

- (a) an unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use which is existing, or has a planning permit; or*
- (b) unreasonable impacts on land within the relevant attenuation area that is in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone, having regard to:*
  - (i) operational characteristics of the activity;*
  - (ii) scale and intensity of the activity;*
  - (iii) degree of hazard or pollution that may be emitted from the activity;*
  - (iv) hours of operation of the activity;*
  - (v) nature of likely emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste;*
  - (vi) existing emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste; and*
  - (vii) measures to eliminate, mitigate or manage emissions from the activity.*

Council's Environmental Health Officer has determined that the proposal would not cause an unreasonable loss of amenity or have unreasonable impacts on health and safety of the sensitive uses within the attenuation area. This is due to the separation and expected reduction in noise and dust emissions. The proposed upgrades to the concrete batching plant will reduce the demand on the front-end loader loading raw materials into the plant, which is currently the main source of noise and dust emissions.

There is a cluster of properties zoned General Residential that adjoin the northern boundary of the site and two properties zoned Inner Residential within 200m of the southern boundary of the site. The closest property zoned Inner Residential is 164m to the south-west of the Lampton Avenue frontage of the subject site, however the nearest dwelling on that property is 226m from the subject site. The other property is to the south-west is 188m from the Lampton Avenue of the subject site. Although the abovementioned properties are within the attenuation area, they are separated from the concrete batching plant by a considerable distance of at least 255m for the properties to the north, and 268m for the closest property to the south-west.

The proposal will not cause an unreasonable impact on the properties zoned General Residential and Inner Residential within the attenuation area properties due to the significant separation distance between those properties and the concrete batching plant. For additional comments, please see the Environmental Health Referral under the Referrals section of this report.

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

### **Glenorchy Local Provisions Schedule (GLPS)**

#### **Local Area objectives**

No local area objectives of the Scheme apply to this proposal.

#### **Particular Purpose Zones**

No particular purpose zones of the Scheme apply to this proposal.

#### **Specific Area Plans**

No specific area plans of the Scheme apply to this proposal.

#### **GLE-Site Specific Qualifications**

No site-specific qualifications of the Scheme apply to this proposal (refer to the Site Specific Qualifications table).

#### **GLE-Code lists**

No code lists of the Scheme apply to this proposal.

## **INTERNAL REFERRALS**

### **Development Engineer**

The development application seeks an approval for alterations to the existing concrete batching plant at the subject site. The works include alteration to the existing shed and slump bay to provide for office amenities space.

The application has been referred to Council's senior civil engineer for reviewing. The officer has recommended conditions, please refer to the Hydraulics Engineers comments below. The General Manager's consent to interfere with stormwater infrastructure can be granted.

#### **C2.0 Parking and Sustainable Transport Code**

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

The site can be accessed off the existing vehicular access, onto the driveway and parking areas. There are no significant changes to the parking and driveway arrangements. The requirement under the C2.5.1 and table C2.1, A1 does not require additional car parking spaces providing the number of employees does not change. The applicant proposes to maintain the existing 40 car parking spaces and provide area for bicycle parking areas. The layout of parking area complies with the standard AS2890.1:2004. The turning swept path is provided demonstrate compliance to the standard. The surface treatment of the driveway is paved surface as existing. Surface runoff is proposed to be captured and directed to the Council's stormwater system.

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

The proposed development is not expected to increase vehicle movements over 20% or 40 vehicle trips per day. The site can be accessed off the existing vehicle crossing, and no new access is proposed. Therefore, the proposed development complies with the code requirements.

Other

#### **C7.0 Natural Assets Code**

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

#### **C12.0 Flood-Prone Areas Hazard Code**

Part of the site is subject to the Flood-Prone Areas Hazard Code. However, the locations of the works are not impeding over the flood path and the runoff is proposed to be managed via the existing stormwater system. Therefore, the development is

considered satisfy with the Code requirements and is considered that the site is capable of being developed and flood risk are not expected to be significantly affected nor increased.

### Environmental Health Officer

The application was referred to Council's Environmental Health Officer, who provided the following comments:

The application triggers the Attenuation Code (C9.0) of the *Tasmanian Planning Scheme – Glenorchy* as concrete batching plants are listed under Table C9.1 Attenuation Distances (C-L). The attenuation distance for the Level 1 activity is 200m. As a sensitive use (school oval) is located within 200m of the proposed upgrade location, the application was assessed against C9.5.1.

As the attenuation zone is taken from the site rather than the activity, the attenuation area also incorporates some Inner and General Residential Zoned land (northern and south-eastern boundaries of the site). The residential zones are located more than 300m away from the proposed activity and are mitigated by both distance and built form from the site.

Information provided by the applicant via email on the 8<sup>th</sup> of November states:

- *The Existing Concrete Plant operation has co-existed with the sensitive use (school oval) for approximately 20 years. During this period there has never been a public complaint, advice from council or any other evidence that the operation has caused any unreasonable loss of amenity or had any impact on health or safety of this existing sensitive use. It could therefore be concluded that the performance criteria contained in C9.5.1 PI is currently met.*
- *The alterations to existing plant also proposes to significantly reduce any noise and dust emissions currently emitted at an already safe and acceptable level, to further enhance compliance of the Attenuation Code C9.0.*
- *The proposed wet plant will be fitted with a Filtered Dust Extraction System that filters and recirculates dust residue back into the wet product.*

The application is not deemed to pose an unreasonable loss of amenity or have unreasonable impacts on health and safety of a sensitive use which is existing (school oval – approx. 140m away) (a) and is not deemed to have an unreasonable impact on land within the relevant attenuation area (b). The application proposed is said to reduce the impacts of the pre-existing plant in the area and not unreasonably impact land or sensitive use within the attenuation area. The application is deemed to comply with the Performance Criteria (C9.5.1 - P1).

A condition is recommended for the permit in relation to the wet plant to be fitted with a Filtered Dust Extraction System that filters and recirculates dust residue back into the wet product.

Recommended condition:

The wet plant to be fitted with a Filtered Dust Extraction System that filters and recirculates dust residue back into the wet product.

**Hydraulics Engineer (Senior Civil Engineer)**

The application was referred to Council's Senior Civil Engineer, who provided the following comments:

This application refers to alterations to the existing concrete manufacturing plant facility. New development works however does not increase existing impervious area and therefore does not trigger any requirements under Council's Stormwater Management Plan to alter the existing stormwater quantity management.

Additional information requested from the applicant regarding the impacts from the new development to the existing controls in place for Stormwater Quality Management. It has been demonstrated that the existing Water & Stormwater Management Plan remains relevant and applicable with the alterations in place due to no changes are proposed for the annual production and internal drainage catchments.

**1. Referenced Documents**

- a. ECM\_3146262\_v1\_PLN-22-321 - Plans and documents for EPA  
- 8B Lampton Avenue Derwent Park
- b. LAMPTON AVENUE CONCRETE BATCH PLANT Water &  
Stormwater Management Plan dated 26<sup>th</sup> July 2022
- c. ECM\_3186254\_v1\_PLN-22-321 - Further information received  
08 11 2022 - 8B Lampton Avenue Derwent Park.msg

**Conclusion**

In summary, I have no objections with the proposal from a hydraulics perspective, provided the following conditions are met:

1. Implement and maintain the Water and Stormwater Management Plan in accordance with Cement Concrete & Aggregates Australia – Environmental Management Guideline for Concrete Batch Plants.

Provide evidence that 'Performance Targets' specified in Section 6.3 of the guideline mentioned in condition 1 are met within 90 days of post-development operation.

Install an accessible cover over the existing settling pond to minimise the risk of contamination from a failure of conveyor belt operation or similar spillage event.

The above conditions are recommended to be included as conditions on the General Manager's Consent for Stormwater Management.

## **EXTERNAL REFERRALS**

### **TasWater**

The application was referred to TasWater who do not object to the proposal, and imposed conditions on the permit as listed on the Submission to Planning Authority Notice.

### **EPA**

The application was referred to the EPA who reviewed the documents and determined that a referral from the EPA was not required. Subsequently, the referral was withdrawn.

## **REPRESENTATIONS**

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

## **CONCLUSION**

The proposal is for additions to an existing concrete batching plant at 8b Lampton Avenue, Derwent Park. The proposal is relying on performance criteria to comply with two applicable standards; 19.4.1 Building Height P1 and C9.5.1 Activities with potential to cause emissions P1. The proposal is assessed as satisfying the performance criteria and complies with those standards. The proposal is assessed as complying with all other use and development standards of the General Industrial zone, Parking and Sustainable Transport Code, Road and Railway Assets Code and Attenuation Code. The proposal is assessed as being consistent with the purpose of the zone and is satisfactory.

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 cement silos and associated infrastructure for concrete batching plant 8b Lampton Avenue Derwent Park subject to the following conditions:

### **Planning**

1. Use and development must be substantially in accordance with planning permit application No. PLN-22-321 and Drawings submitted on 20 September 2022 (two pages), and 18 November 2022 (one page), except as otherwise required by this permit.

2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 202/01313-GCC dated 27 September 2022, form part of this permit.

## 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](http://www.derwentestuary.org.au).*

4. The loading and unloading of goods from vehicles, including building materials and equipment, must only be carried out on the land.
5. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
  - a) Be constructed to a sealed finish
  - b) All runoff from driveway areas must be discharged into Council's stormwater system; and
  - c) The gradient of any parking areas must not exceed 5%All works required by this condition must be installed prior to the occupancy.

## Environmental Health

6. The wet plant must be fitted with a Filtered Dust Extraction System that filters and recirculates dust residue back into the wet product.

## Advice to Applicant

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

### *General Manager's Consent for Stormwater Management*

Any conditions and/or advice as set out in the attached General Manager's Consent for Stormwater Management, reference No. PLN-22-321 dated 10 January 2023, is associated with this permit.

### *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.

### *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](http://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 - 8B Lampton Avenue, Derwent Park



**APPENDIX A****19.0 General Industrial**

Standard	Acceptable Solution	Proposed	Complies
<b>19.3 Use Standards</b>			
<b>19.3.1</b> <b>Discretionary uses</b>	<b>A1</b>  No Acceptable Solution.	Not a discretionary use.	NA
<b>19.4 Development Standards for Buildings and Works</b>			
<b>19.4.1</b> <b>Building Height</b>	<b>A1</b> Building height must be no more than: 20m.	Building height of the cement silos is 24.15m.	No, see report
<b>19.4.2</b> <b>Setback</b>	<b>A1</b> Buildings must have setback from a frontage of: (a) not less than 10m; (b) not less than existing buildings on the site; or (c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.	Proposed structures are more than 10m all frontages.	NA

Standard	Acceptable Solution	Proposed	Complies
<b>19.4.3 Landscaping</b>	<p>A1</p> <p>If a building is set back from a road, landscaping treatment must be provided along the frontage of the site:</p> <p>(a) to a depth of not less than 6m; or</p> <p>(b) not less than the frontage of an existing building if it is a lesser distance.</p>		NA
<b>19.5 Development Standards for Subdivision</b>			
<b>19.5.1 Lot design</b>	<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 2000m<sup>2</sup> and:</p> <p>(i) be able to contain a minimum area of 20m x 40m clear of</p> <p>a. all setbacks required by clause 19.4.2 A1; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p>	No subdivision proposed.	NA

Standard	Acceptable Solution	Proposed	Complies
	<p>(ii ) existing buildings are consistent with the setback required by clause 19.4.2 A1;</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>		
	<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a frontage of not less than 20m.</p>		NA
	<p><b>A3</b></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>		NA

Standard	Acceptable Solution	Proposed	Complies
<b>19.5.2</b> <b>Services</b>	<p><b>A1</b></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:</p> <p>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</p> <p>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a connection to a limited water supply service,</p> <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>		NA
	<p><b>A2</b></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 connection to a reticulated sewerage system.</p>		NA
	<p><b>A3</b></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 be capable of connecting to a public stormwater system.</p>		NA

**APPENDIX B****C2.0 Parking and Sustainable Transport Code**

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.5 Use Standards</b>			
<b>C2.5.1 Car parking numbers</b>	<p><b>A1</b> 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"> <li>(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;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(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</li> </ul> </li> </ul>	40 spaces for the entire site required and will be maintained.	Yes

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> <p><math>N = A + (C - B)</math></p> <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>		
<b>C2.5.2</b> <b>Bicycle parking numbers</b>	<b>A1</b>  Bicycle parking spaces must:  (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.	4 required	Yes
<b>C2.5.3</b> <b>Motorcycle parking numbers</b>	<b>A1</b>	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>This applies to:</i> Business and Professional Services; Community Meeting and Entertainment; Custodial Facility; Crematoria and Cemeteries; Educational and Occasional Care; Food Services; General Retail and Hire; Hospital Services; Hotel Industry; Pleasure Boat Facility; <b>Residential if for a communal residence, multiple dwellings or hostel use;</b> Sports and Recreation; and Tourist Operation.	The number of on-site motorcycle parking spaces for all uses must:  (a) be no less than the number specified in Table C2.4; and  (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.		
<b>C2.5.4</b> <b>Loading bays</b> <i>This applies to:</i> Bulky Goods Sales; General Retail and Hire; Manufacturing and Processing; and Storage.	<b>A1</b>  A loading bay must be provided for uses with a floor area of more than 1000m <sup>2</sup> in a single occupancy.	Not required	NA
<b>C2.5.5</b> <b>Number of car parking spaces within the General Residential Zone and Inner Residential Zone</b> <i>This applies to:</i>	<b>A1</b>  Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>Business and Professional Services; Community Meeting and Entertainment; Educational and Occasional Care; Emergency Services; Food Services; General Retail and Hire; Sports and Recreation; and Utilities, if not for minor utilities.</i>	(a) Food Services uses up to 100m <sup>2</sup> floor area or 30 seats, whichever is the greater; and  (b) General Retail and Hire uses up to 100m <sup>2</sup> floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		
<b>C2.6 Development Standards for Building Works</b>			
<b>C2.6.1 Construction of parking areas</b>	<b>A1</b>  All parking, access ways, manoeuvring and circulation spaces must:  (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.	Parking and driveway area proposed to be paved surface and surfaced water are to be drained to the stormwater connection.	Yes
<b>C2.6.2 Design and layout of parking areas</b>	<b>A1.1</b>	Layout and gradients are provided in accordance with the AS2890.1	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(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;</li> <li>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</li> <li>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</li> </ul>		

Standard	Acceptable Solution	Proposed	Complies?
	<p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p><b>A1.2</b></p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <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>		
<b>C2.6.3 Number of accesses for vehicles</b>	<p><b>A1</b></p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>		Yes
	<p><b>A2</b></p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>		NA

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.6.4</b> <b>Lighting of parking areas within the General Business Zone and Central Business Zone</b>	<b>A1</b>  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> .		NA
<b>C2.6.5</b> <b>Pedestrian access</b>	<b>A1.1</b>  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.  <b>A1.2</b>		NA

Standard	Acceptable Solution	Proposed	Complies?
	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.		
<b>C2.6.6 Loading bays</b>	<b>A1</b>  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: Off-street commercial vehicle facilities</i> , for the type of vehicles likely to use the site.		NA
	<b>A2</b>  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> .		
<b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	<b>A1</b> 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.		NA
	<b>A2</b>  Bicycle parking spaces must:  (a) have dimensions not less than:		NA

Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> <li>(i) 1.7m in length;</li> <li>(ii) 1.2m in height; and</li> <li>(iii) 0.7m in width at the handlebars;</li> <li>(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</li> <li>(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>.</li> </ul>		
<b>C2.6.8 Siting of parking and turning areas</b>	<b>A1</b>  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
	<b>A2</b>  Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: <ul style="list-style-type: none"> <li>(a) have no new vehicle accesses, unless an existing access is removed;</li> <li>(b) retain an active street frontage; and</li> </ul>		NA

Standard	Acceptable Solution	Proposed	Complies?
	(c) not result in parked cars being visible from public places in the adjacent roads.		
<b>C2.7 Parking Precinct Plan</b>			
<b>C2.7.1 Parking Precinct Plan</b>	<b>A1</b>  Within a parking precinct plan, onsite parking must:  (a) not be provided; or  (b) not be increased above existing parking numbers.		NA

**Footnotes**

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

**APPENDIX C****C3 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.5 Use Standards</b>			
<b>C3.5.1</b>  <b>Traffic generation at a vehicle crossing, level crossing or new junction</b>	<b>A1.1</b>  For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:  (a) a new junction;  (b) a new vehicle crossing; or  (c) a new level crossing.  <b>A1.2</b>  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.  <b>A1.3</b>  For the rail network, written consent for a new private level	Vehicular traffic is not increased by 40 vpd.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b></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><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
<b>C3.6 Development Standards for Buildings and Works</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.6.1</b>  <b>Habitable buildings for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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:  (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:  (i) the existing habitable building; or  (ii) an adjoining habitable building for a sensitive use;  (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
<b>C3.7 Development Standards for Subdivision</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.7.1</b>  <b>Subdivision for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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

## APPENDIX D

### C9.0 Attenuation Code

Standard	Acceptable Solution	Proposed	Complies?
9.5 Use Standards			

Standard	Acceptable Solution	Proposed	Complies?
<b>C9.5.1 Activities with potential to cause emissions</b>	<b>A1</b> The attenuation area of an activity listed in Tables C9.1 or C9.2 must not include: <ul style="list-style-type: none"> <li>(a) a site used for a sensitive use which is existing;</li> <li>(b) a site that has a planning permit for a sensitive use; or</li> <li>(c) land within the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone.</li> </ul>	The attenuation area of the concrete batching plant (which is an activity listed in Tables C9.1) includes an existing sensitive use (school oval) and land within the GRZ and IRZ.  The proposal does not comply with (a) or (c).	No, see report
<b>C9.5.2 Sensitive use within an attenuation area</b>	<b>A1</b>  No Acceptable Solution.	Proposal is not for a sensitive use.	NA
<b>C9.6 Development Standards for Subdivision</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C9.6.1 Lot design</b>	<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within an attenuation area must:</p> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be for the creation of a lot where a building for a sensitive use can be located entirely outside the attenuation area; or</p> <p>(c) not be for the creation of a lot intended for a sensitive use.</p>	No subdivision proposed.	NA

**9. PROPOSED USE AND DEVELOPMENT - CARPORT  
(RESIDENTIAL) - 34 HOPKINS STREET, MOONAH**

Author: Planning Officer (Peter Coney)  
 Qualified Person: Planning Officer (Peter Coney)  
 Property ID: 3195836

**REPORT SUMMARY**

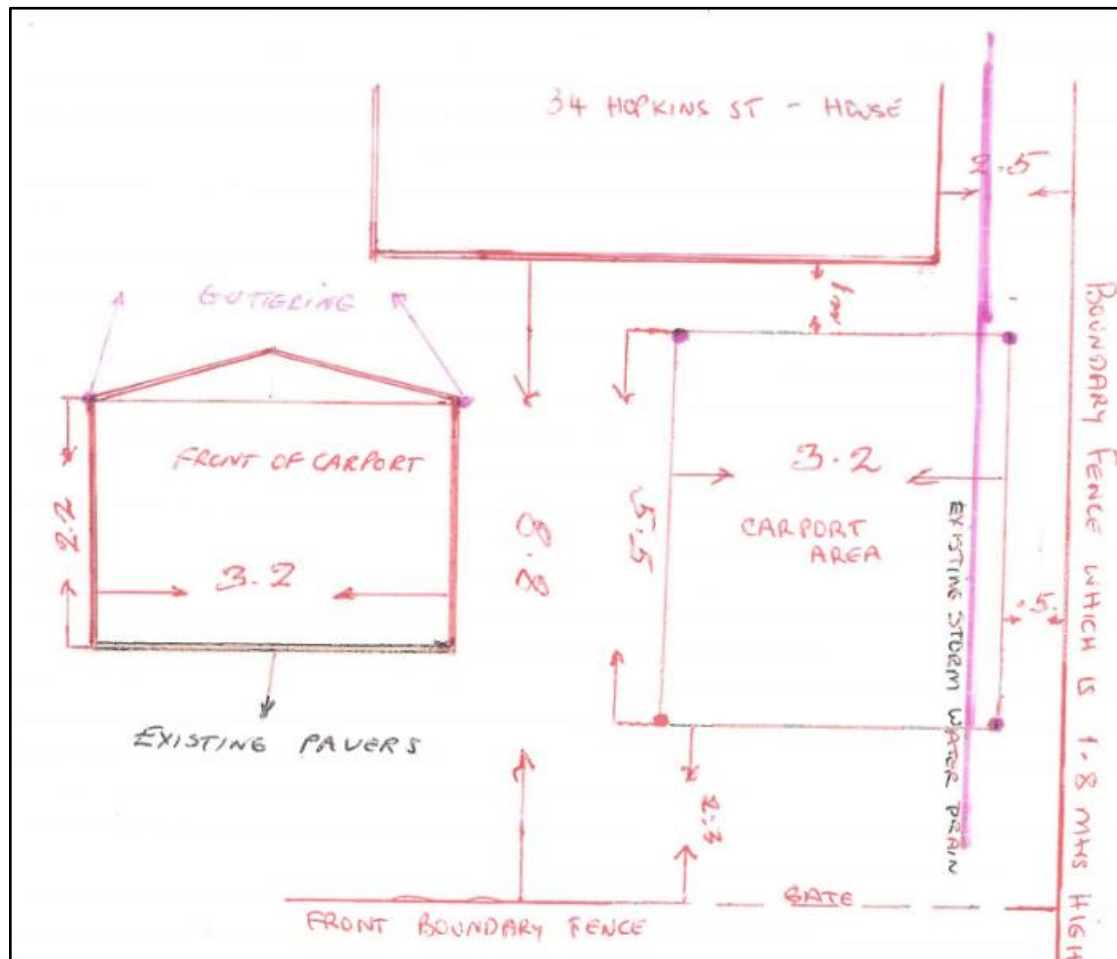
<b>Application No.:</b>	<b>PLN-22-322</b>
<b>Applicant:</b>	<b>M A Wojcik</b>
<b>Owner:</b>	<b>M A Wojcik</b>
<b>Zone:</b>	<b>Inner Residential</b>
<b>Use Class</b>	<b>Residential</b>
<b>Application Status:</b>	<b>Discretionary</b>
<b>Discretions:</b>	<b>9.4.2 (P2) and (P3) Setbacks and Building Envelope for all dwellings</b>  (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>Extension of time granted to 31 January 2023</b>
<b>Existing Land Use:</b>	<b>Single Dwelling (Residential)</b>
<b>Representations:</b>	<b>1</b>
<b>Recommendation:</b>	<b>Refusal</b>

## REPORT IN DETAIL

### PROPOSAL

The proposal is for the construction of a carport forward of the building line at 34 Hopkins Street, Moonah. The carport is to be of open walled construction with a gable roof. The apex height is measured as 2.6m, the height of the carport at the sides is 2.2m and the setback from the frontage is 2.3m (see Figure 1).

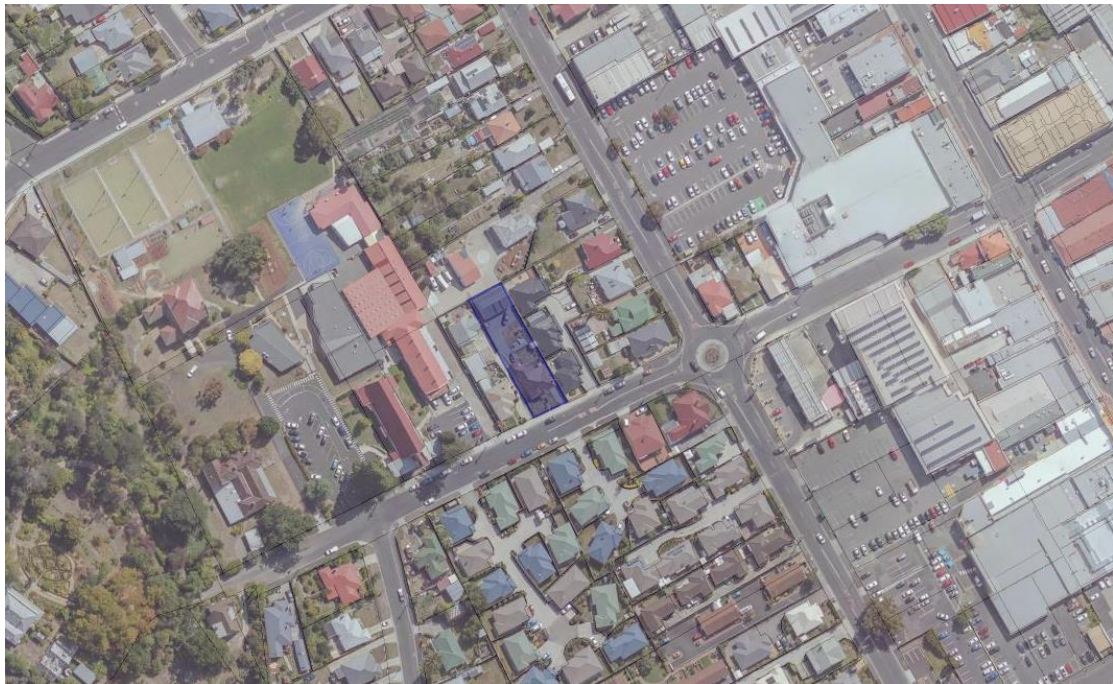
The proposal is reliant on the performance criteria for 9.4.2 (P2) and (P3) Setbacks and Building Envelope for all Dwellings.



**Figure 1.** Extract of proposal plan.

## **SITE and LOCALITY**

The site is on the northern side of Hopkins Street. The section of Hopkins Street relevant to the proposal is west of Charles Street. The locality at this side of Charles Road is largely residential. There is in addition to residences a School and Church with frontage to Hopkins Street at 24-30 Hopkins Street (see Figure 2).



**Figure 2.** Site and locality.



**Figure 3.** oblique view of site (centre) within the street.

## ZONE

The site is within the Inner Residential Zone, and within proximity to the Community Purpose Zone and General Business Zone which has been applied to the Moonah Activity Centre (see Figure 3).



**Figure 4.** Application of zones within the locality, showing the site is within the Inner Residential Zone (Maroon), near to the Community Purpose Zone (Beige), the General Residential Zone (Red), and within walking distance to the General Business Zone (Blue) and the Commercial Zone (Slate Grey).

## **BACKGROUND**

PLN-15-123 – Planning Permit for a 4-bay Colourbond Garage

## **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).

## **TASMANIAN PLANNING SCHEME - GLENORCHY 2021**

### **State Planning Provisions (SPP)**

#### **Administration**

##### **Exemptions (Tables 4.1 – 4.6)**

There are no relevant exemptions for the assessment of this proposal.

##### **Use Class Description (Table 6.2):**

The proposal is for a carport which is associated with a single dwelling. A single dwelling is a use which is listed as no permit required within the applicable use table.

##### **Other relevant definitions (Clause 3.0):**

Building line: means a line drawn parallel to a frontage along the front façade of a building or through the point of a building closest to the frontage, excluding protrusions.

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

### **General Provisions**

No General Provisions of the Scheme apply to this proposal.

### **Zones**

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

#### **Zone Purpose Statements:**

*The purpose of the Inner Residential Zone is:*

*9.1.1 To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.*

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

The proposal is for a residential use, which is inherently compatible with the purpose of the Inner Residential Zone.

### **Use Table**

A single dwelling use is listed within the Use Table of the Inner Residential Zone as No Permit Required.

### **Development Standards for dwellings**

#### **9.4.2 (P2) Setback and building envelope for all dwellings**

The proposal is for a carport which is within 4m of the primary frontage. The proposal is therefore reliant on the performance criteria which require:

*A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.*

A site visit undertaken during the assessment of this application revealed there is one existing carport at 24-30 Hopkins Street. This structure is approximately 144m from the subject site (see Figures 5 and 6), and is orientated with its access perpendicular to the road, thus affording landscaping within the setback. The age of the carport is unknown.

This existing carport is setback approximately 2.5m, making the proposed carport at 2.3m nominally consistent with that structures' existing setback. Importantly though, as the setback and design of the existing carport affords landscaping which lessens the impact to the streetscape, and noting there is no opportunity through the proposed setback to lessen the impact to the streetscape; it is not able to be found that there is any harmony or a broad correspondence between these two structures, which is the requirement in finding compatibility.

In addition to the above, when considering compliance with the relevant performance criteria, pursuant to sub-clause 5.6.4 of the Scheme, the planning authority may consider the relevant objective of that standard. On this, it is considered that to allow the existing carport at 24-30 Hopkins to set the rule, when it is clearly an exception to dwelling and carport setbacks in Hopkins Street, would be antithetical to the objective that dwellings have reasonably consistent separation to their frontage, as no other dwelling on this section of Hopkins Street has a carport forward of the building line. To approve the proposal would exacerbate the inconsistency which 24-30 Hopkins Street causes, contrary to the objective of the standard.

Finally, it is noted that there are no topographical constraints which cause for the carport to be sited as proposed.

Therefore, as the proposal fails to comply with the performance criteria of this applicable standard, the proposal is recommended to be refused.



**Figure 5.** Graphic demonstrating the separation from the subject site (A) and the existing carport at 24-30 Hopkins Street (B).



**Figure 6.** existing carport at 24-30 Hopkins Street.

#### **9.4.2 (P3) Setback and building envelope for all dwellings**

The proposal is for an outbuilding which has a total height of 2.6m at the apex. This outbuilding is sited within the frontage setback (3m), and so is reliant on the performance criteria under P3, which require:

*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; and*

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

*(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.*

It is considered that the minor protrusion from the building envelope owed to a 200mm apex height does not cause an unreasonable loss of amenity to adjoining properties insofar as solar access is to be regarded. This is owed to the siting of the structure being to the south west of the dwelling adjoining at 1/36 Hopkins Street, thus being incapable of overshadowing.

Further, the visual impact of an open walled structure when viewed from the adjoining property is minor, especially when regard is had for the perceptibility of the proposal from the adjoining dwelling or its private open space, which is orientated to the north.

For (b) the proposal is sited at 500mm from the boundary with 36 Hopkins Street. Noting that ordinarily a sub 1.5m setback along the side boundary is permissible for structures less than 9m in length and less than 3m in height, it is understood that as the proposal is reliant on the performance criteria for its incursion into the frontage setback, the separation between dwellings on adjoining properties is inconsistent, in that there is no instance of a part of a dwelling of such a setback from the front boundary on Hopkins Street being outside the relevant building envelope for a dwelling. Therefore, consistency as required by this criterion is unable to be found.

As such, the proposal fails to comply with the performance criteria of this applicable standard, and the proposal is recommended to be refused.

## **Codes**

The following codes of the Scheme apply to this proposal:

### **C2.0 Parking and Sustainable Transport Code**

The Parking and Sustainable Transport code is an applicable code for all use and development. Notwithstanding this, it is considered that as the proposal is for an outbuilding only over an existing car parking space, there are no applicable standards.

It is noted that in addition to the existing single car parking space where the carport is proposed, a further four parking spaces are provided within a garage at the rear of the property.

### **Glenorchy Local Provisions Schedule (GLPS)**

#### **Local Area objectives**

No local area objectives of the Scheme apply to this proposal.

#### **Particular Purpose Zones**

No particular purpose zones of the Scheme apply to this proposal.

#### **Specific Area Plans**

No specific area plans of the Scheme apply to this proposal.

## **GLE-Site Specific Qualifications**

No site-specific qualifications of the Scheme apply to this proposal (refer to the Site Specific Qualifications table).

## **GLE-Code lists**

No code lists of the Scheme apply to this proposal.

## **INTERNAL REFERRALS**

### **Development Engineer**

Council's development engineer determined that the proposal was exempt from the requirement for a referral.

## **REPRESENTATIONS**

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

### **1. Siting a carport within 4.5m allowable under the acceptable solution sets a dangerous precedent in a busy neighbourhood.**

#### **Planner's Comment:**

The matter of precedence is not relevant, though it is considered that the proposal is not compatible with the setbacks of carports in the street, of which there is only one.

### **2. The existing carport at 24 Hopkins Street predates the existing scheme.**

#### **Planner's Comment:**

Regard has been had to the siting of the carport at 24-30 Hopkins Street in the assessment of the proposal as outlined in the body of this report.

### **3. Stormwater and flooding issues on the site and the street.**

#### **Planner's Comment:**

The proposal has been determined by council's development engineer to be one which does not require referral. It is important to note that the management of any

nuisance of stormwater is not a matter for consideration in development applications of this type.

## **CONCLUSION**

The proposal is for a carport which is reliant on performance criteria owed to the setback being less than 4m. The proposal has been assessed as failing to comply with the relevant performance criteria, insofar as the proposal is not compatible with the setbacks of existing carports within the street of which there is only one. This is owed to its inability to afford landscaping as the existing carport has, and it being considered as contrary to the objective of the standard to allow a single exception to consistency of streetscape to establish the rule of what may be permissible.

## **Recommendation:**

That the application for a carport at 34 Hopkins Street Moonah be refused for the following reasons:

1. The proposal fails to comply with either the acceptable solution or the performance criteria of clause 9.4.2 (P2) Setbacks and Building envelope for all dwellings, which is an applicable standard; and
2. The proposal fails to comply with either the acceptable solution or the performance criteria of clause 9.4.2 (P3) Setbacks and Building envelope for all dwellings, which is an applicable standard.

## **Attachments/Annexures**

- 1 GPA Attachment - 34 Hopkins Street, Moonah



**APPENDIX****9.0 Inner Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
<b>9.4 Development Standards for Buildings and Works</b>			
<b>9.4.1 Residential density for multiple dwellings</b>	<b>A1</b> Multiple dwellings must have a site area per dwelling of not less than 200m <sup>2</sup> .	Not applicable	N.A
<b>9.4.2 Setbacks and building envelope for all dwellings</b>	<b>A1</b> 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 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site;	Not applicable	Not applicable

Standard	Acceptable Solution	Proposed	Complies?
	<p>(b) if the frontage is not a primary frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>		

Standard	Acceptable Solution	Proposed	Complies?
	<p><b>A2</b></p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> <li>(a) 4m, or alternatively 1m behind the building line;</li> <li>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</li> <li>(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.</li> </ul>	The proposal is for a setback of 2.3m	No see report
	<p><b>A3</b></p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p>	The carport has a height of 2.6m at the apex and is set 2.3m from the primary frontage	No see report

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) be contained within a building envelope (refer to Figures 9.1, 9.2 and 9.3) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and</li> </ul> <p>(b) only have a setback within 1.5m of a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> </ul>		

Standard	Acceptable Solution	Proposed	Complies?
	(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).		
<b>9.4.3 Site coverage and private open space for all dwellings</b>	<b>A1</b> Dwellings must have: <ul style="list-style-type: none"> <li>(a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and</li> <li>(b) for multiple dwellings, a total area of private open space of not less than 40m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the ground level (excluding a garage, carport or entry foyer).</li> </ul>	The site coverage is <65%	Complies
	<b>A2</b> A dwelling must have private open space that: <ul style="list-style-type: none"> <li>(a) is in one location and is not less than: <ul style="list-style-type: none"> <li>(i) 24m<sup>2</sup>; or</li> <li>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level</li> </ul> </li> </ul>	The proposal does not interfere with the arrangement of private open space.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>(excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <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>		

Standard	Acceptable Solution	Proposed	Complies?
<b>9.4.4 Sunlight to private open space of multiple dwellings</b>	<p><b>A1</b></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 9.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <ul style="list-style-type: none"> <li>(a) the multiple dwelling is contained within a line projecting (see Figure 9.4): <ul style="list-style-type: none"> <li>(i) at a distance of 3m from the northern edge of the private open space; and</li> <li>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal.</li> </ul> </li> <li>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight within the hours of 9.00am to 3.00pm on 21st June.</li> <li>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</li> </ul>	Not applicable	N.A

Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> <li>(i) an outbuilding with a building height not more than 2.4m; or</li> <li>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</li> </ul>		
<b>9.4.5 Width of openings for garages and carports for all dwellings</b>	<b>A1</b> A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary	The proposed carport has a width of openings measurable at 3.2m	Complies

Standard	Acceptable Solution	Proposed	Complies?
	frontage of not more than 6m or half the width of the frontage (whichever is the lesser).		
<b>9.4.6 Privacy for all dwellings</b>	<p><b>A1</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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</li> <li>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</li> </ul>	Not applicable	N.A

Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> <li>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</li> <li>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</li> </ul>		
	<p><b>A2</b></p> <p>A window or glazed door, to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(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</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m</li> </ul>	Not applicable	N.A

Standard	Acceptable Solution	Proposed	Complies?
	<p>from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>(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;</p> <p>(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 at least 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>		
	<p><b>A3</b></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</p>	Not applicable	N.A

Standard	Acceptable Solution	Proposed	Complies?
	<p>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>		
<b>9.4.7 Frontage fences for all dwellings</b>	<p><b>A1</b></p> <p>No Acceptable Solution. <a href="#">[S8]</a></p>	Not applicable	N.A
<b>9.4.8 Waste storage for multiple dwellings</b>	<p>A1</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p>	Not applicable	N.A

Standard	Acceptable Solution	Proposed	Complies?
	<p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in 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> <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 of not less than 1.2m above the finished surface level of the storage area.</p>		

**APPENDIX****C2.0 Parking and Sustainable Transport Code**

Standard	Acceptable Solution	Proposed	Complies ?
<b>C2.5 Use Standards</b>			
<b>C2.5.1</b> <b>Car parking numbers</b>	<b>A1</b> The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:  (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:  (i) the number of on-site car parking spaces for the existing use or development	The proposal does not cause for the requirement of an additional number of carparking spaces.	NA

Standard	Acceptable Solution	Proposed	Complies ?
	<p>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</p> <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> <p><math>N = A + (C - B)</math></p> <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>		

Standard	Acceptable Solution	Proposed	Complies ?
	C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.		
<b>C2.5.2</b> <b>Bicycle parking numbers</b>	<b>A1</b> Bicycle parking spaces must: (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	NA
<b>C2.5.3</b> <b>Motorcycle parking numbers</b> <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Custodial Facility;</i> <i>Crematoria and Cemeteries;</i>	<b>A1</b> The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and (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.	NA	NA

Standard	Acceptable Solution	Proposed	Complies ?
<i>Educational and Occasional Care;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Hospital Services;</i> <i>Hotel Industry;</i> <i>Pleasure Boat Facility;</i> <i>Residential if for a communal residence, multiple dwellings or hostel use;</i> <i>Sports and Recreation; and</i> <i>Tourist Operation.</i>			
<b>C2.5.4</b> <b>Loading bays</b> <i>This applies to:</i> <i>Bulky Goods Sales;</i> <i>General Retail and Hire;</i> <i>Manufacturing and Processing; and</i>	<b>A1</b> A loading bay must be provided for uses with a floor area of more than 1000m <sup>2</sup> in a single occupancy.	NA	NA

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

Standard	Acceptable Solution	Proposed	Complies ?
<i>Utilities, if not for minor utilities.</i>			
<b>C2.6 Development Standards for Building Works</b>			
<b>C2.6.1</b> <b>Construction of parking areas</b>	<b>A1</b> All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> <li>(a) be constructed with a durable all weather pavement;</li> <li>(b) be drained to the public stormwater system, or contain stormwater on the site; and</li> <li>(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.</li> </ul>	NA	NA
<b>C2.6.2</b>	<b>A1.1</b>		

Standard	Acceptable Solution	Proposed	Complies ?
<b>Design and layout of parking areas</b>	<p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(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;</li> <li>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</li> </ul>	NA	NA

Standard	Acceptable Solution	Proposed	Complies ?
	<p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890-Parking facilities, Parts 1-6.</i></p> <p><b>A1.2</b></p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <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>		

Standard	Acceptable Solution	Proposed	Complies ?
<b>C2.6.3</b> <b>Number of accesses for vehicles</b>	<b>A1</b> The number of accesses provided for each frontage must:  (a) be no more than 1; or  (b) no more than the existing number of accesses, whichever is the greater.	NA	NA
	<b>A2</b>  Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	NA	NA
<b>C2.6.4</b> <b>Lighting of parking areas within the General Business Zone and Central Business Zone</b>	<b>A1</b> 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</i>	NA	NA

Standard	Acceptable Solution	Proposed	Complies ?
	<i>1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.</i>		
<b>C2.6.5</b> <b>Pedestrian access</b>	<b>A1.1</b> <p>Uses that require 10 or more car parking spaces must:</p> <p>(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:</p> <p style="padding-left: 40px;">(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p style="padding-left: 40px;">(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <b>A1.2</b>	NA	NA

Standard	Acceptable Solution	Proposed	Complies ?
	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.		
<b>C2.6.6</b> <b>Loading bays</b>	<b>A1</b>  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	NA
	<b>A2</b>  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> .	NA	NA
<b>C2.6.7</b> <b>Bicycle parking and storage facilities within the General Business</b>	<b>A1</b>  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	NA	NA

Standard	Acceptable Solution	Proposed	Complies ?
<b>Zone and Central Business Zone</b>	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.		
	<b>A2</b>  Bicycle parking spaces must:  (a) have dimensions not less than:  (i) 1.7m in length;  (ii) 1.2m in height; and  (iii) 0.7m in width at the handlebars;  (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  (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> .	NA	NA
<b>C2.6.8</b>	<b>A1</b>  Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or		NA

Standard	Acceptable Solution	Proposed	Complies ?
<b>Siting of parking and turning areas</b>	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.	The proposal is reliant on an existing parking area which is sited forward of the building line.	
	<b>A2</b>  Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: <ul style="list-style-type: none"> <li>(a) have no new vehicle accesses, unless an existing access is removed;</li> <li>(b) retain an active street frontage; and</li> <li>(c) not result in parked cars being visible from public places in the adjacent roads.</li> </ul>	NA	NA
<b>C2.7 Parking Precinct Plan</b>			
<b>C2.7.1 Parking Precinct Plan</b>	<b>A1</b>  Within a parking precinct plan, onsite parking must: <ul style="list-style-type: none"> <li>(a) not be provided; or</li> <li>(b) not be increased above existing parking numbers.</li> </ul>	NA	NA

**Footnotes**

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

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

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.5 Use Standards</b>			
<b>C3.5.1</b>  <b>Traffic generation at a vehicle crossing, level crossing or new junction</b>	<b>A1.1</b> For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.  <b>A1.2</b> 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.  <b>A1.3</b> For the rail network, written consent for a new private level	The proposal does not cause for an additional number of vehicle movements	NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b></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><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
<b>C3.6 Development Standards for Buildings and Works</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.6.1</b>  <b>Habitable buildings for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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:  (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:  (i) the existing habitable building; or  (ii) an adjoining habitable building for a sensitive use;  (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	NA

**10. PROPOSED USE AND DEVELOPMENT - FOOD PREMISES - 79  
CHARLES STREET, MOONAH**

Author: Graduate Planning Officer (Imogen Rowe)  
 Qualified Person: Graduate Planning Officer (Imogen Rowe)  
 Property ID: 3205768

**REPORT SUMMARY**

<b>Application No.:</b>	<b>PLN-22-035</b>
<b>Applicant:</b>	<b>R Villapana</b>
<b>Owner:</b>	<b>M Lamichhane</b>
<b>Zone:</b>	<b>Light Industrial Zone</b>
<b>Use Class</b>	<b>Food Services</b>
<b>Application Status:</b>	<b>Discretionary</b>
<b>Discretions:</b>	<b>18.3.2 Discretionary uses – P1</b> <b>C2.5.1 Car parking numbers – P1</b>  (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<b>Level 2 Activity?</b>	<b>No</b>
<b>42 Days Expires:</b>	<b>12 Jan 2023</b>  <b>Extension of time to 24 January 2023 for GPA Meeting</b>
<b>Existing Land Use:</b>	<b>Food Services</b>
<b>Representations:</b>	<b>1 (petition with 10 signatures)</b>
<b>Recommendation:</b>	<b>Approval, subject to conditions</b>

## **REPORT IN DETAIL**

### **PROPOSAL**

The application proposes a change of use to a Food Premises (Food Services) at 79 Charles Street. The proposed food premises is to be accommodated in a new double storey building, with a maximum height of 7.4m and a setback from the property frontage 7.95m. The ground floor is occupied by a food preparation and cooking area. The shop front and dining area are also located on the ground floor. On the upper floor is the business' office, storage areas and a staff room. There are four (4) car parking spaces proposed. Two located in the front setback, one to the side of the building and one at the rear, which will also be used for the loading and unloading of goods. Landscaping is proposed along the frontage of the site, in the form of a planter box.

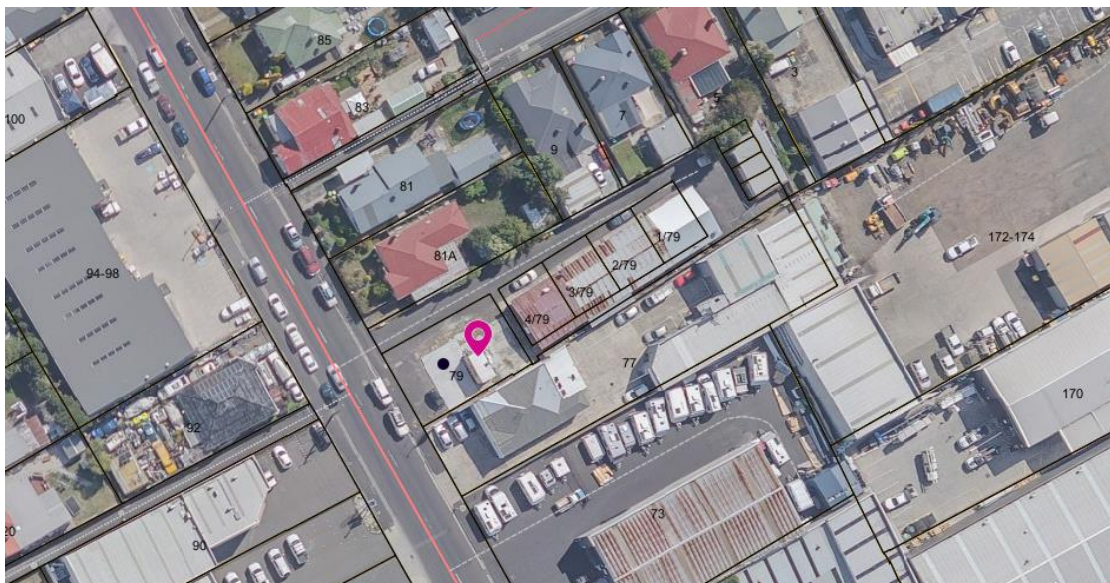
The proposed hours of operation are 12:00pm to 12:00am (daily).

The proposed use is to connect to existing service connections.

### **SITE and LOCALITY**

The site is located approximately 210m south of Springfield Avenue and 298m north of Amy Street, Moonah. The site forms part of a stratum title with four dwellings, with a total land area of 1276m<sup>2</sup>. The subject site is 302m<sup>2</sup>, with a 14.2m frontage to Charles Street. The nearest residential zone is located 51m to the west of the subject site.

The site was formerly occupied by a two-storey dwelling, that has since been demolished. The site is currently occupied by a food truck, and the surface of the site is largely covered by impervious surfacing (Fig. 1).



**Figure 1:** An aerial view of the site and immediate surrounds.

## ZONE

The site is wholly located within the Light Industrial zone (Fig. 2).



**Figure 2:** A view of the zoning pattern in proximity to the site, showing the Light Industrial zone (purple), the Commercial zone (light purple) and the Inner Residential zone (maroon).

## BACKGROUND

The site was approved under PLN-20-460 for a Food Van and Associated Amenities (Food Services) on 21/01/2022. The food van is currently in operation.

## 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)

There are no exemptions relevant to this application.

##### Use Class Description (Table 6.2):

**Food Services** use of land for selling food or drink, which may be prepared on the premises, for consumption on or off the premises. Examples include a cafe, restaurant and take away food premises.

##### Other relevant definitions (Clause 3.0):

Applicable standard means as defined in subclause 7.5.2, which is a standard in a zone, specific area plan or code, is an applicable standard if:

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

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

#### General Provisions

No General Provisions of the Scheme apply to this proposal.

#### Zones

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

##### Zone Purpose Statements

*The purpose of the Light Industrial Zone is:*

- 18.1.1 *To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.*

18.1.2 *To provide for use or development that supports and does not adversely impact on industrial activity.*

Comment:

The proposed use is deemed to be an acceptable use in the zone, given it is for a use which is not likely to adversely impact any industrial activities or any other uses in the area. The proposed use is likely to support the general activity of the area and is not a use already in surplus in the area.

**Use Table**

The *Food Services* Use Class is assessed as 'Discretionary' under the Use Table.

**Use Standards**

18.3.2 *Discretionary uses – P1*

The proposal is relying on performance criteria as it is a discretionary use in the zone's Use Table.

Under the performance criteria *"A use listed as Discretionary must not compromise the use or development of the surrounding properties for industrial activities with minimal or managed off site impacts, having regard to:*

- (a) the characteristics of the site;*
- (b) the size and scale of the proposed use; and*
- (c) the function of the industrial area."*

The proposed use is assessed as complying with the performance criteria.

Given the site is relatively small in size, the proposed use is deemed appropriate. Furthermore, the size and scale are modest and are not likely to compromise surrounding industrial activities. While the proposed Food Services use is not an industrial use in its own right but is a use that complements or serves the industrial uses within the zone. For that reason, the proposed Food Services use is taken to comply with the general function of the area and would not preclude the future use of the site for industrial uses. Further to this, the proposed change of use is assessed as being adequately separated from sensitive uses in adjacent zones, so as to not cause unreasonable amenity impacts to those uses within the adjacent zones.

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

**Development Standards for Buildings or Works**

The proposal complies with all the relevant development standards.

**Codes**

The following codes of the Scheme apply to this proposal:

**C1.0 Signs Code**

There is no signage proposed as part of the application.

**C2.0 Parking and Sustainable Transport Code\*****C2.5.1 Car parking numbers – P1**

The proposal has a car parking shortfall and is therefore relying on the performance criteria. A Traffic Impact Statement (TIS) was provided which suggests there is ample kerbside parking at all hours of the day. Furthermore, the proposal is within proximity to public transport. For further comments please refer to the Engineering Assessment under the referrals section later in this report.

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

The proposal accords with all the relevant Acceptable Solutions as demonstrated in the attached Appendix. For further comments please refer to the Engineering Assessment under the referrals section later in this report.

*\*Code applies and override zone provisions where applicable.*

**Glenorchy Local Provisions Schedule (GLPS)****Local Area objectives**

No following local area objectives of the Scheme apply to this proposal.

**Particular Purpose Zones**

No following particular purpose zones of the Scheme apply to this proposal.

**Specific Area Plans**

No following specific area plans of the Scheme apply to this proposal.

**GLE-Site Specific Qualifications**

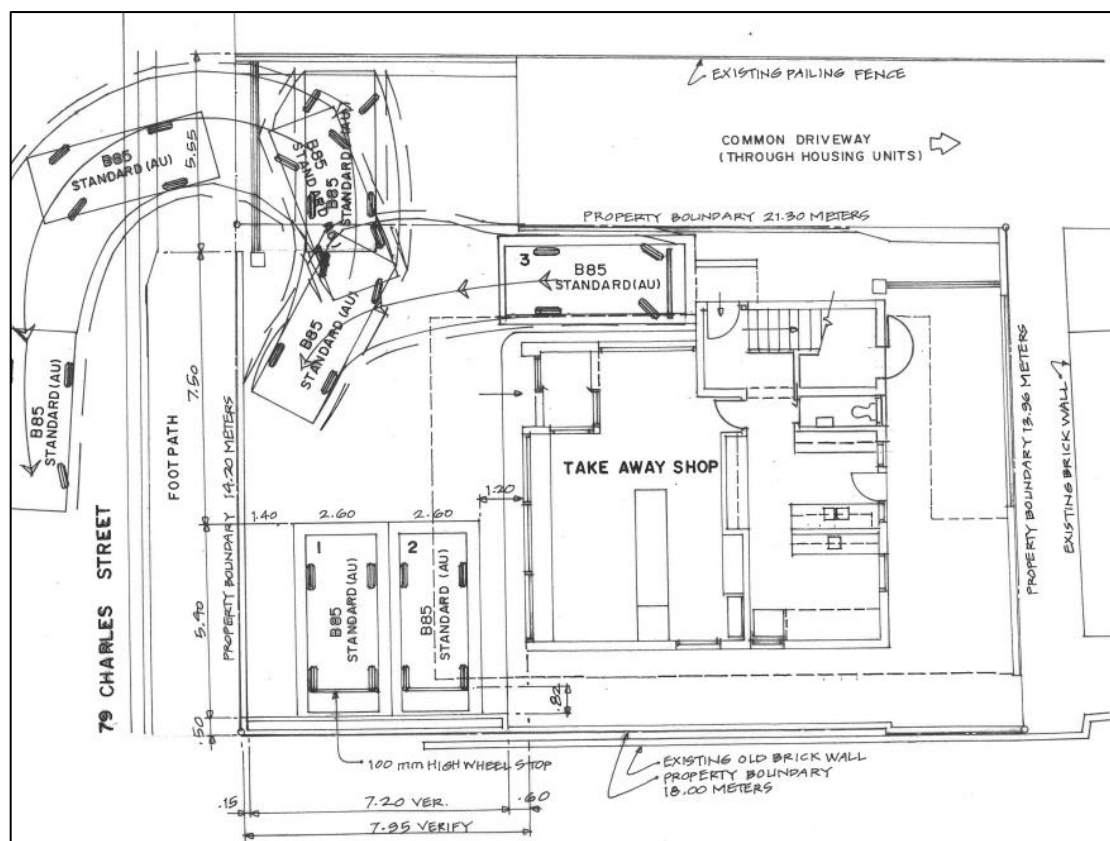
No following site-specific qualifications of the Scheme apply to this proposal.

**GLE-Code lists**

No following code lists of the Scheme apply to this proposal.

**INTERNAL REFERRALS****Development Engineer**

The development application seeks an approval for new food premises at the subject site. The scope of work can be seen in the figure below.



The General Manager's consent to interfere with stormwater infrastructure is not required, as there is no additional paved area being created. The runoff from roofed area can be directed to the stormwater system.

### C3.0 Road and Railway Assets Code

The proposed development is not expected to increase vehicle movements over 20% or 40 vehicle trips per day. The site can be accessed off the existing vehicle crossing, and no new access is proposed. Therefore, the proposed development complies with the code requirements.

### C2.0 Parking and Sustainable Transport Code

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

The site can be accessed off the existing vehicular access onto the driveway and parking areas. The requirement under the C2.5.1 and table C2.1, A1 requires the total of six (6) car parking spaces for the proposed development. The applicant proposes to provide 4 car spaces: and hence a shortfall of 2 spaces. The Traffic Impact Statement (TIS) by ML Traffic Engineers was submitted as part of a supporting document to address the parking shortfall and the impact to the existing network. The TIS assesses that there is ample kerbside parking on Charles Street available within 50m of the site

during both daytime and evening hours. Considering there are on-street capacity, and the subject site is within 400m walking distance to public transport, the shortfall can be accommodated to satisfy the performance criteria. There are no requirements for accessible car parking, motorcycle parking spaces, bicycle parking spaces and commercial vehicle applicable to the development application. The layout of parking area complies with the standard AS2890.1:2004. The turning swept path is provided demonstrate compliance to the standard. The surface treatment of the driveway is proposed to be concrete. Surface runoff is proposed to be captured and directed to the Council's stormwater system.

#### **C15.0 Landslide Code**

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

#### **C7.0 Natural Assets Code**

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

#### **C12.0 Flood-Prone Areas Hazard Code**

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

#### **Environmental Health Officer**

The application complies with Acceptable Solution (A1) of 18.3.1 of the Tasmanian Planning Scheme – Glenorchy - State Planning Provisions as the site is located within a Light Industrial Zone and is not located within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone.

The application is for the construction of a food premises therefore advice is recommended in relation to the fit out requirements of a food business.

#### *Comments:*

The site is zoned Light Industrial and is boarded by other sites zoned as Light Industrial. The objective (18.3.1) of this zone is to ensure uses do not cause an unreasonable loss of amenity to residential zones. The closest residential zone is +50m from the site. Environmental Health is concerned regarding noise emissions impacting on residents located in the Commercial/Light Industrial zoned areas. However, the Tasmanian Planning Scheme – Glenorchy does not allow for consideration of noise impacts on areas other than on sites within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zones.

## **EXTERNAL REFERRALS**

### **TasWater**

The proposal was referred to TasWater who are in support of the proposal and who have conditions to be added to the permit.

## **REPRESENTATIONS**

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

### **Proximity to Dwellings and associated problems**

The representor raises the following issues and concerns in regard to the proposal:

- Vehicles parking over driveways
- Vehicles left running 20 plus minutes
- Vehicle stereo music played loudly
- Continuous car doors banging throughout the night
- Loud conversations
- Social gatherings late into every evening
- Urinating in adjacent car parks
- Vermin – rats have been found on people properties
- Incorrectly disposed of garbage bags
- Poorly stored gas cylinders
- Smell emitted from cooking cylinders

### **Planner's Comment:**

The proposed use is an allowable and compatible use within the Light Industrial zone. The existing dwellings have non-conforming use rights in this zone. At the discretion of the landowners/occupiers, privacy and security measures could be put into place. However, these are not specific matters that can be effectively dealt with through the planning assessment.

Regarding the traffic and parking, these issues have been addressed as part of the Development Engineer's assessment. It appears that many of the concerns raised regarding parking, are associated with the existing food van, however, with a more permanent food premises, such issues may be mitigated.

### **Hours of Operation**

The representor petition is seeking a reduction in the hours of operation, for the business to allowed to operate until 10pm rather than midnight.

**Planner's Comment:**

The applicable standard which regulates the hours of operation is aimed at ensuring residential amenity is protected in residential zones. The adjoining dwellings are situated in the Light Industrial zone with non-confirming use rights, which enables these uses to exist in this location. With that in mind, use standards that regulate hours of operation are not applicable given the site is not within 50m of a residential zone. With regards to noise, if this is a major concern, noise more generally is regulated through the *Environmental Management and Pollution Control Act 1993* and action could be taken under that Act if required.

**CONCLUSION**

The proposal is for a discretionary use and is relying on the performance criteria to comply with applicable standards. The proposal is assessed as satisfying the performance criteria and complies with those standards. The proposal is assessed as complying with all other use and development standards in the Light Industrial zone, as well as the applicable standards of the Road and Railway Assets code, Parking and Access code and Stormwater Management code. The application was publicly advertised for the statutory 14-day period and one representation was received. The matters raised in the representations have been considered through the assessment of the application.

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 a Food Premises at 79 Charles Street Moonah subject to the following conditions:

**Planning**

1. Use and development must be substantially in accordance with planning permit application No. PLN-22-035 and Drawings submitted on 16/05/2022 (5 pages), and 23/11/2022 (4 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 2022/00243-GCC dated 02/03/2022, form part of this permit.
3. No signage is approved by this permit.

## Engineering

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

The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways, or adjoining properties.

The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council.

The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

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

5. The loading and unloading of goods from vehicles, including building materials and equipment, must only be carried out on the land.
6. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
  - (a) Be constructed to a sealed finish
  - (b) Vertical alignment shall include transition curves (or straight sections) at all grade changes greater than 12.5%
  - (c) Total of Four (4) clearly marked car parking spaces must be provided in accordance with the approved plan received by Council and always kept available for these purposes

- (d) All runoff from paved and driveway areas must be discharged into Council's stormwater system
- (e) The gradient of any parking areas must not exceed 5%; and
- (f) Minimum carriageway width is to be no less than 3.0 metres.

All works required by this condition must be installed prior to the commencement of the use.

7. 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.
8. Prior to the commencement of the use or development, a new stormwater connection to Council's public stormwater system onto the property boundary must be installed in accordance with the approved plans. The stormwater connection(s) must be constructed by a suitably qualified person to the satisfaction of Council. To ensure the connections constructed to Council's satisfaction, the applicant must contact Council, by completing the Stormwater Connection Request Form, to arrange the visual inspection by Council for any alterations or works to Council's public stormwater network. A copy of the Stormwater Connection Request Form can be obtained via Council's Customer Service or via Council's website <https://www.gcc.tas.gov.au/council/documents-and-publications/forms/>, which outlines the process and conditions for stormwater connections.
9. Prior to the commencement of any work within the road reservation by a private contractor, the contractor must obtain a Road Opening Permit from the Council's Compliance Officer. This permit shall include items such as hours of work, road safety, reinstatement, soil and water management, etc. The Road Opening Permit Application Form is available via Council's website <https://www.gcc.tas.gov.au/wp-content/uploads/2022/08/Road-Opening-Permit-Application-Form-1.pdf>

## 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.

### *Environmental Health*

The proponent's Building Surveyor must forward copies of the following documents to Council's Environmental Health department prior to any works being undertaken on site (including the installation of fixtures and fittings) that relate to the proposed food premises:

- (a) a request in an approved form (Form 42) for an Environmental Health Officer report;
- (b) any relevant drawings, specifications or other documents submitted with the application; and
- (c) details provided by the owner of the nature of the foods to be prepared, handled, stored or sold and the types of manufacturing processes to be undertaken on the premise
- (d) Council's Environmental Health department may require the premises to meet equipment and fit out specifications which exceed those required by the National Construction Code, before the premises can be registered pursuant to the Food Act 2003.

### *Engineering*

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](http://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.

*Strata Plan*

The developer should inform themselves of their responsibilities for undertaking building work on subject to a strata plan and any associated requirement to amend strata plan as a result of building work.

**Attachments/Annexures**

- 1 GPA Attachment - 79 Charles Street, Moonah



**APPENDIX 1****18.0 Light Industrial Zone**

Standard	Acceptable Solution	Proposed	Complies?
<b>18.3 Use Standards</b>			
<b>18.3.1</b> All uses	<b>A1</b>  Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of:  (a) 7.00am to 9.00pm Monday to Saturday; and  (b) 8.00am to 9.00pm Sunday and public holidays.	Not applicable.	NA
	<b>A2</b>  External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must:  (a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones.		
	<b>A3</b> Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	Not applicable.	NA
<b>18.3.2 Discretionary uses</b>	<b>A1</b> No Acceptable Solution.	No – see report.	NO
<b>18.4 Development Standards for Buildings and Works</b>			
<b>18.4.1 Building Height</b>	<b>A1</b> Building height must be not more than 10m.	Complies. Proposed building height is not more than 10m.	Yes
	<b>A2</b> Building height:	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or  (b) within 10m of an Inner Residential Zone must be not more than 9.5m.		
<b>24.4.2 Setbacks</b>	<b>A1</b>  Buildings must have a setback from a frontage of:  (a) not less than 5.5m;  (b) not less than existing buildings on the site; or  (c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.	Complies.  Proposed front setback is 7.95m.	Yes
	<b>A2</b>  Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone of not less than:  (a) 4m; or  (b) half the wall height of the building,  whichever is the greater.	Not applicable.	NA
	<b>A3</b>	Complies.  No residential zones within 10m.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone. [S26]		
<b>18.4.3 Fencing</b>	<b>A1</b>  No Acceptable Solution. [S27]	NA	NA
<b>18.4.4 Outdoor storage areas</b>	<b>A1</b>  Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.	Not applicable.	NA
<b>18.4.5 Landscaping</b>	<b>A1</b>  If a building is set back from a road, landscaping treatment must be provided along the frontage of the site:  (a) to a depth of not less than 5.5m; or  (b) not less than the frontage of an existing building if it is a lesser distance.	Complies.  Planter box provided.	Yes

**Footnotes**

[S26] An exemption applies for air conditioners and heat pumps in this zone – see Table 4.6.

[S27] An exemption applies for fences in this zone – see Table 4.6.

## C2.0 Parking and Sustainable Transport Code

Standard	Acceptable Solution	Proposed	Complies?
<b>C2.5 Use Standards</b>			
<b>C2.5.1 Car parking numbers</b>	<p><b>A1</b> 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"> <li>(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;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> </ul> </li> </ul>	Parking shortfall considered satisfy the performance criteria.	No

Standard	Acceptable Solution	Proposed	Complies?
	<p>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>		
<b>C2.5.2</b> <b>Bicycle parking numbers</b>	<p><b>A1</b></p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	Not required	NA
<b>C2.5.3</b> <b>Motorcycle parking numbers</b> <i>This applies to: Business and Professional Services;</i>	<p><b>A1</b></p> <p>The number of on-site motorcycle parking spaces for all uses must:</p>	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>Community Meeting and Entertainment;</i> <i>Custodial Facility;</i> <i>Crematoria and Cemeteries;</i> <i>Educational and Occasional Care;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Hospital Services;</i> <i>Hotel Industry;</i> <i>Pleasure Boat Facility;</i> <b>Residential if for a communal residence, multiple dwellings or hostel use;</b> <i>Sports and Recreation; and</i> <i>Tourist Operation.</i>	(a) be no less than the number specified in Table C2.4; and  (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.		
<b>C2.5.4</b> <b>Loading bays</b> <i>This applies to:</i> <i>Bulky Goods Sales;</i> <i>General Retail and Hire;</i> <i>Manufacturing and Processing; and</i> <i>Storage.</i>	<b>A1</b>  A loading bay must be provided for uses with a floor area of more than 1000m <sup>2</sup> in a single occupancy.	Not required	NA
<b>C2.5.5</b> <b>Number of car parking spaces within the General Residential Zone and Inner Residential Zone</b> <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i>	<b>A1</b>  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 <sup>2</sup> floor area or 30 seats, whichever is the greater; and	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>Educational and Occasional Care; Emergency Services; Food Services; General Retail and Hire; Sports and Recreation; and Utilities, if not for minor utilities.</i>	(b) General Retail and Hire uses up to 100m <sup>2</sup> floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		
<b>C2.6 Development Standards for Building Works</b>			
<b>C2.6.1 Construction of parking areas</b>	<b>A1</b>  All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> <li>(a) be constructed with a durable all weather pavement;</li> <li>(b) be drained to the public stormwater system, or contain stormwater on the site; and</li> <li>(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.</li> </ul>	Parking and driveway area proposed to be paved surface and surfaced water are to be drained to the stormwater connection.	Yes
<b>C2.6.2 Design and layout of parking areas</b>	<b>A1.1</b>  Parking, access ways, manoeuvring and circulation spaces must either: <ul style="list-style-type: none"> <li>(a) comply with the following:</li> </ul>	Layout and gradients are provided in accordance with the AS2890.1	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(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;</li> <li>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</li> <li>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</li> <li>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</li> </ul> <p><b>A1.2</b></p>		

Standard	Acceptable Solution	Proposed	Complies?
	<p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> <li>(a) be located as close as practicable to the main entry point to the building;</li> <li>(b) be incorporated into the overall car park design; and</li> <li>(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]</li> </ul>		
<b>C2.6.3 Number of accesses for vehicles</b>	<p><b>A1</b></p> <p>The number of accesses provided for each frontage must:</p> <ul style="list-style-type: none"> <li>(a) be no more than 1; or</li> <li>(b) no more than the existing number of accesses,</li> </ul> <p>whichever is the greater.</p>		Yes
	<p><b>A2</b></p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>		NA
<b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b>	<p><b>A1</b></p> <p>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”</p>		NA

Standard	Acceptable Solution	Proposed	Complies?
	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>		
<b>C2.6.5 Pedestrian access</b>	<p><b>A1.1</b></p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(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:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p><b>A1.2</b></p> <p>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.</p>		NA
<b>C2.6.6 Loading bays</b>	<b>A1</b>		NA

Standard	Acceptable Solution	Proposed	Complies?
	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: Off-street commercial vehicle facilities</i> , for the type of vehicles likely to use the site.		
	<b>A2</b>  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> .		
<b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	<b>A1</b> 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.		NA
	<b>A2</b>  Bicycle parking spaces must:  (a) have dimensions not less than:  (i) 1.7m in length;  (ii) 1.2m in height; and  (iii) 0.7m in width at the handlebars;		NA

Standard	Acceptable Solution	Proposed	Complies?
	<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> <p>(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>.</p>		
<b>C2.6.8 Siting of parking and turning areas</b>	<p><b>A1</b></p> <p>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.</p>		NA
	<p><b>A2</b></p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(a) have no new vehicle accesses, unless an existing access is removed;</p> <p>(b) retain an active street frontage; and</p> <p>(c) not result in parked cars being visible from public places in the adjacent roads.</p>		NA
<b>C2.7 Parking Precinct Plan</b>			
<b>C2.7.1 Parking Precinct Plan</b>	<b>A1</b>		NA

Standard	Acceptable Solution	Proposed	Complies?
	Within a parking precinct plan, onsite parking must:  (a) not be provided; or  (b) not be increased above existing parking numbers.		

**Footnotes**

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

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

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.5 Use Standards</b>			
<b>C3.5.1</b>  <b>Traffic generation at a vehicle crossing, level crossing or new junction</b>	<b>A1.1</b>  For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:  (a) a new junction;  (b) a new vehicle crossing; or  (c) a new level crossing.  <b>A1.2</b>  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.  <b>A1.3</b>  For the rail network, written consent for a new private level	Vehicular traffic is not increased by 40 vpd	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b></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><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
<b>C3.6 Development Standards for Buildings and Works</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.6.1</b>  <b>Habitable buildings for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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:  (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:  (i) the existing habitable building; or  (ii) an adjoining habitable building for a sensitive use;  (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
<b>C3.7 Development Standards for Subdivision</b>			

Standard	Acceptable Solution	Proposed	Complies?
<b>C3.7.1</b>  <b>Subdivision for sensitive uses within a road or railway attenuation area</b>	<b>A1</b>  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