

GLENORCHY PLANNING AUTHORITY MEETING
AGENDA
MONDAY, 13 MAY 2024



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 Sue Hickey

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 the 18 March 2024 and the 15 April 2024 be confirmed.

**5. PROPOSED USE AND DEVELOPMENT – MULTIPLE DWELLINGS
(NINE PROPOSED) INCLUDING WORKS AND INFRASTRUCTURE
- 3A AQUILA STREET GLENORCHY, 15/245 TOLOSA STREET
GLENORCHY, 6 MERTON STREET GLENORCHY**

Author: Planning Officer (Sylvia Jeffreys)
 Qualified Person: Planning Officer (Sylvia Jeffreys)
 Property ID: 3323171

REPORT SUMMARY

Application No.:	PLN-23-307
Applicant:	MC Planners
Owner:	Branscombe Property Pty Ltd
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	<p>8.4.2 P3 Setbacks and building envelope for all dwellings</p> <p>8.4.6 P2 Privacy for all dwellings</p> <p>8.4.6 P3 Privacy for all dwellings</p> <p>8.4.8 P1 Waste Storage for multiple dwellings</p> <p>C2.6.2 P1 Design and layout of parking areas</p> <p>C2.6.5 P1 Pedestrian Access</p> <p>C3.5.1 P1 Traffic generation at a vehicle crossing, level crossing or new junction</p> <p>C9.5.2 P1 Sensitive use within an attenuation area</p> <p>C12.6.1 P1 Buildings and works within a flood-prone hazard area</p> <p>(The proposal meets all other applicable standards as demonstrated in the attached appendices)</p>

Level 2 Activity?	No
42 Days Expires:	Extension of time to 13 May 2024
Existing Land Use:	Vacant
Representations:	5
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application is for nine multiple dwellings, infrastructure and works.

The subject site will be an internal lot once a related subdivision is completed. The dwellings would be arranged in three rows around two internal driveways. All the dwellings would be double storey and three-bedrooms, except for three units. Unit 1, 5 and 6 in the middle row would be single storey and two bedrooms. The dwellings would have skillion roofs and fibre cement cladding, as well as some brick wall sections. The double storey dwellings would also have a balcony each. All dwellings have a level private outdoor space area of at least 24m², with a minimum width of 4m. The proposal provides for a single garage per dwelling as well as a carparking space each. There would be also three visitor parking spaces. The proposal is discretionary for the building envelope, separation of window from driveway, separation of window from boundary, proximity of bin storage to dwellings, on-site turning, pedestrian access, traffic generation, use within attenuation area and flood hazard, The proposal is shown in Figure 1 and Figure 2.



Figure 1: Perspective- Prime Design



Figure 2: Site Plan - Prime Design

SITE and LOCALITY

The subject property is an irregular lot at 3A Aquilla Street. The proposed dwellings are contained within 3A Aquilla Street (CT149435/2), but services need to be constructed over 6 Merton Street (CT51350/1) and 15/245 (CT153604) Tolosa Street, which are also part of the application. The lot at 3A Aquilla Street has an irregular shape of 5232m² and frontage to Merton Street, as well as three accesses to Aquilla Street. However, once the subdivision is completed, the lot with the proposed dwellings will become an internal lot with a single access to Aquilla Street and will have an area of 3059m². The site has a moderate slope and does not contain any standing vegetation. There is a mix of single dwellings and multiple dwellings surrounding the lot of the proposed dwellings. The site of 3A Aquilla Street is shown in Figure 1.



Figure 3: 3A Aquilla Street - theList

ZONE

The subject property is within the General Residential Zone, which also applies to the surrounding area as shown in Figure 3.



Figure 4: Zoning Map -theList

BACKGROUND

Application Documents

The following reports were submitted as part of this application:

- Planning Report – Mat Clark Planners – September 2023
- Traffic Impact assessment – Hubble Traffic – September 2023

Extension

The applicant granted an extension of time until 13/05/2024.

Permits

The following permit has been approved for the land:

- PLN-22-300 and amendment – Seven lot subdivision and associated works – 07/12/2022 (This subdivision is yet to be completed)

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)

The application includes retaining walls, which are not exempt under clause 4.6.8, as they are within 1.5m of a boundary and retain a difference in ground level of 1m. The retaining walls are assessed under the Building Envelope standard later in this report.

Use Class Description (Table 6.2):

The Use Class Residential (Multiple Dwellings) is 'permitted' within the General Residential Zone in 8.2 Use Table.

Other relevant definitions (Clause 3.0):

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

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

A standard is an applicable standard if:

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

Building Envelope: building envelope means the three-dimensional space within which buildings are to occur.

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.

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

Lot: means a piece or parcel of land where there is only one title other than a lot within the meaning of the Strata Titles Act 1998.

Multiple Dwellings: means 2 or more dwellings on a site.

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.

Setback: means the distance from any lot boundary to a building on the lot.

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.

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:

- 8.4.2 P3 Setbacks and building envelope for all dwellings
- 8.4.6 P2 Privacy for all dwellings
- 8.4.6 P3 Privacy for all dwellings
- 8.4.8 P1 Waste Storage for multiple dwellings
- C2.6.2 P1 Design and layout of parking areas
- C2.6.5 P1 Pedestrian Access
- C3.5.1 P1 Traffic generation at a vehicle crossing, level crossing or new junction
- C9.5.2 P1 Sensitive use within an attenuation area
- C12.6.1 P1 Buildings and works within a flood-prone hazard area

General Provisions

The General Provisions have a clause relating to developments not required to be classified, which includes retaining walls under clause 6.2 that do not need to be classified into one of the use classes. However, the application is not for standalone retaining walls and falls therefore under the overall use classification of residential (multiple dwellings). A dwelling, which is a building includes associated structures under the *Land Use Planning and Approvals Act 1993*, so that the standard Development Standards for Dwellings apply in this case to the proposed retaining walls.

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 zone purpose statement as it is for a residential use in an area where full infrastructure services are provided. The proposal would provide for multiple dwellings, which is a dwelling type that would provide for more efficient use of land.

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:

8.4.2 P3 Setbacks and building envelope for all dwellings

The proposal does not accord with the Acceptable Solution in clause 8.4.2 A3 with respect to the building envelope. Therefore, the proposal relies on the related Performance Criteria as follows:

8.4.2 P3 Setbacks and building envelopes for all dwellings

The siting and scale of a dwelling must:

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

Comment

The Acceptable Solution requires that a building is contained within the building envelope and only have a setback less than 1.5m if not exceeding a total length of 9 metres amongst other criteria.

The proposal has various dwellings that are outside the building envelope. Most of the dwellings have relatively small portions outside the 45-degree angle because of the slope and double storey design, but comply with the maximum height. These dwellings are along the north-east boundary and the south-west boundary. Units 4 and 7, which

are double storey comply on the north-west boundary where they adjoin properties in Tolosa Street and have a setback from that boundary of at least 4m. However, Unit 5, which is also on the north-west boundary and is single storey, is slightly outside the building envelope and has a setback of 1.215m. All dwellings are outside the 4.5m margin of the building envelope on the south-east boundary. On the north-east boundary Unit, 5, Unit 8 and Unit 9 are outside the building envelope.

The figures below, show the proposed setbacks and highlight the elevations outside the building envelope.



Figure 5: Setbacks and building envelope

Dwellings may be outside the building envelope if it can be demonstrated that the proposal accords with the above Performance Criteria.

In regards, to overshadowing of a habitable room or private outdoor space of a neighbouring property, the applicant submitted shadow diagrams to demonstrate that there would not be any unreasonable overshadowing.

The shadow diagrams are shown in Figure 6 below.

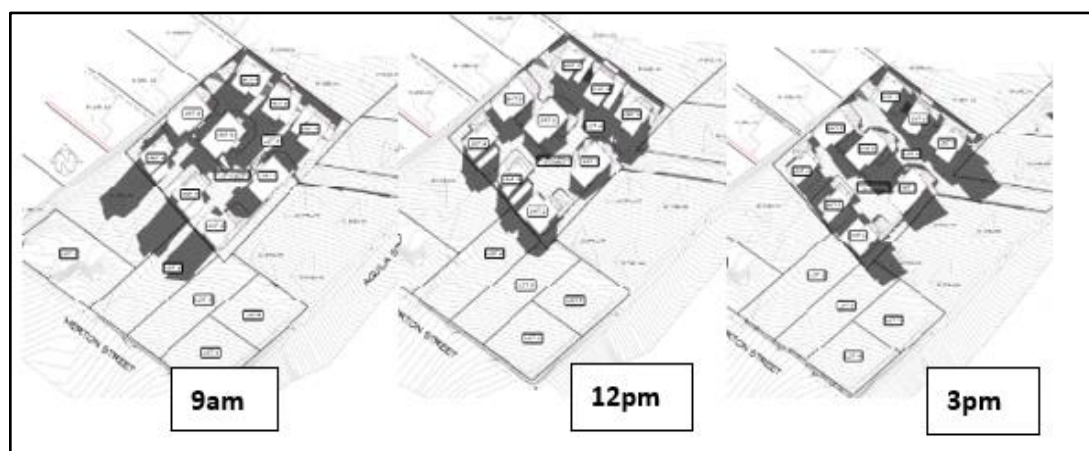


Figure 6: Shadow diagrams for 21st of June – Prime Design

The shadow diagrams show that there are no shadows on the north-east and the north-west boundary. There would be shadows on the south-west boundary where there would be only one house affected. The remainder of the shadows would fall within the current title and on the subdivision that is under progress. Nevertheless, it is considered that the shadow would be past the north-east elevation of the neighbouring house by approximately 1.30pm. Given, that it is side wall that is affected it is considered that the overshadowing would not be unreasonable. The properties along the south-east boundary would only receive shadows after 12pm, which is considered reasonable.

In terms of visual impact, it is considered that the dwellings along the north-eastern boundary have a reasonable setback from the boundary. The minimum setback would be 2.7m. There are two dwelling units in close proximity to that boundary, opposite Unit 7 and 8. Both units have widows facing the north-east boundary. The north-east elevation of Unit 7 is in two sections so that one is further away with setbacks of 2.7m and 3.6 respectively. The stepped back design is considered to reduce visual bulk to an acceptable level. The north-east elevation of Unit 8 is also in two sections and has a deck in one section. The section with the deck is 3.018m from the boundary and the other 3.712m. The section with the deck is opposite a roofed section of private outdoor space of the neighbouring dwelling. Therefore, it is considered that the design and location of Unit 8 would not create any unreasonable visual bulk.

Along the north-western boundary, Unit 4 complies and Unit 7 has a small section of roof outside the building envelope. However, there is a distance of at least 4m for these two units. Unit 5 is close to the common boundary at 1.215m and is outside the building envelope. Nevertheless, the dwelling is relatively small in scale with the rear wall having a maximum height of 5.4m and a length of 12.84m. Unit 5 is shown in Figure 7 and the adjoining properties in Figure 8. Therefore, it is not considered that it would represent unreasonable visual impact.



Figure 7: Unit 5 NW elevation



Figure 8: Dwellings along North-west Boundary

Along the south-western boundary, Unit 4 is opposite a dwelling in Merton Street. The neighbouring dwelling is an older style weatherboard house with mezzanine floor and a window on each floor facing the common boundary. The windows on the side elevation of the neighbouring dwelling are not major windows. The neighbouring dwelling is approximately 2.2m from the boundary. The rear wall of Unit 4 that faces the common boundary is in two sections with the closer section being 1.5m from the common boundary and the other section 1.926m. The closer section is also 1m below natural ground level. The portion of the roof outside the building envelope is relatively small, as shown in Figure 9. Overall, it is considered that the scale and bulk of Unit 4, should not cause an unreasonable visual intrusion to the neighbouring dwelling.

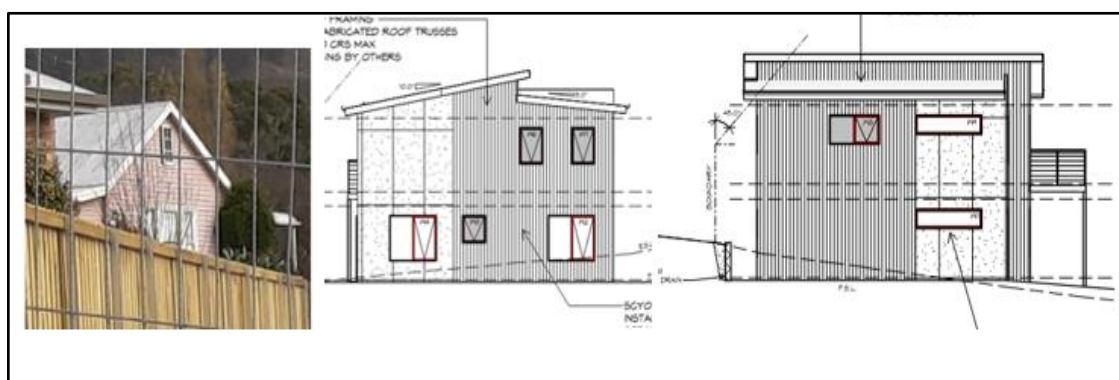


Figure 9: 4 Merton Street and Unit 4 opposite – Elevation Prime Design

Unit 3 would be 1.7m from the common boundary of the same neighbouring dwelling in Merton Street but would be opposite the private outdoor space. It is as such not considered to cause any unreasonable visual impact.

Unit 2 would be opposite the incomplete subdivision on the south-western boundary and would not affect any neighbouring property.

Overall, it is considered that the proposal accords with the Performance Criteria as there would not be any unreasonable overshadowing or visual intrusion.

The application also includes various retaining walls, within 1.5m of a boundary. There, is a retaining wall for the full length of the north-eastern boundary that varies in height

between 0.865m and 1.053m. This wall would not cast any shadows on neighbouring properties and is relatively low so as not to create visual bulk. There are two retaining walls on the north-western boundary which adjoins the properties in Tolosa Street. The closer section to the northern corner, adjacent to Unit 7, is 7.738m long and 1.68m high. The second section, adjacent to the private outdoor space of Unit 5, is 7.1m long and 1.76m high. These sections do not comply with the setback of 1.5m as they have a total length of 9m. Nevertheless, these two sections of retaining wall would not cast any shadows on the neighbouring properties and are not considered to have significant visual bulk. There are also two sections of retaining wall on the south-western boundary and two sections on the south-eastern boundary, which are longer than 9m but are below existing ground level, so as to not have any negative impact.

Therefore, the proposal complies with the standard through the Performance Criteria.

8.4.6 P2 Privacy for all dwellings

The proposal does not accord with the Acceptable Solution in clause 8.4.6 P2 with respect to window separation from the boundary. Therefore, the proposal relies on the related Performance Criteria as follows:

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 be screened, or otherwise located or designed, to minimise direct views to:

- (a) a window or glazed door, to a habitable room of another dwelling; and*
- (b) the private open space of another dwelling*

Comment

The Acceptable Solution requires that windows to a habitable room that have a floor level of more than 1m above existing ground level have a setback of 3m, are opaque or are to be offset amongst other criteria.

All windows comply except for a bedroom window of Unit 7. This unit has a floor level of 1.283m, a setback of 2.7m and a sill height of 0.596m above floor level. This means the proposal relies on the Performance Criteria. There is a dwelling in close proximity to the boundary opposite that has a window on the ground floor facing Unit 7. Nevertheless, Unit 7 would sit above a retaining wall so that the fence would obscure the subject window when viewed from the neighbouring dwelling.

Therefore, the proposal complies with the standard through the Performance Criteria.

8.4.6 P3 Privacy for all dwellings

The proposal does not accord with the Acceptable Solution in clause 8.4.6 P3 with respect to the shared driveway separation from windows. Therefore, the proposal relies on the related Performance Criteria as follows:

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 that a shared driveway has a 2.5m separation from a window of a habitable room that has a sill height of less than 1.7m if there is no screen or opaque glazing. All separation distances comply or have the required window properties, except for a window on Unit 9.

The window (W6) of Unit 9 is a loungeroom window on the ground floor and has a separation from the shared driveway of 2.202m, instead of 2.5m. There is no screen or opaque glazing. Nevertheless, it is considered that the Performance Criteria would be satisfied. The distance short of the requirement is relatively small. Furthermore, the window is a loungeroom window that is alongside the driveway so that the car lights would not directly hit the window and any noise would be during waking hours. The bedrooms are at the rear. It is considered that it would be better for the future residents choose their own window treatment rather than require this window to be opaque since it is a main window. All other separation distances or window properties would comply and are therefore also considered to satisfy the Performance Criteria.

Therefore, the proposal complies with the standard through the Performance Criteria.

8.4.8 P1 Waste Storage for multiple dwellings

The proposal does not accord with the Acceptable Solution in clause 8.4.8 A1 with respect to the separation of the bin storage area from a dwelling. Therefore, the proposal relies on the related Performance Criteria as follows:

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 either two individual bins for each dwelling or a common storage area that is screened, not within the frontage, and 5.5m from any dwelling.

The applicant will be required to have a shared bin storage area, to satisfy standards of the Parking and Sustainable Transport Code.

There is a bin storage area available in the area shown as bin collection area on the site plan. The bin storage area would invoke a discretion because of proximity to a dwelling.

However, the area is not 5.5m from the nearest dwelling so that it must be assessed under the Performance Criteria in clause 8.4.8 P1.

The bin storage area is capable of accommodating nine 240L Shared Bins, which would be provided by the Council.

The area is not at the frontage but will require screening from Unit 1 and partially from the access strip. A condition is recommended accordingly.

The nearest separation from Unit 1 is approximately 2.1m, which is from the western corner of the storage area to the eastern corner of the unit. The bin storage area is not parallel to any walls of the dwelling and also sits lower as there is a retaining wall along the driveway. The room at the corner of Unit 1 is the smaller bedroom of two and has a window on each elevation, approximately 0.753m in from the corner. One of the windows is approximately 1.6m off the finished floor level and 2.6m off the ground because of the foundations. The other window is a normal window, but also higher because of the foundations. Therefore, it is considered that the site layout and window configuration together with screening would ensure that the common storage area is separated sufficiently to minimise impacts caused by noise and odours. Since the bins will not be collected from the storage area by a waste truck, noise will also be reduced. Therefore, the proposal complies with the standard through the Performance Criteria.

For comments about pedestrian access and on-site turning, please refer to the Engineering Assessment later in this report.

Codes

The following codes of the Scheme apply to this proposal:

C2.0 Parking and Sustainable Transport Code

The proposal accords with the relevant Acceptable Solutions as demonstrated in the attached Appendix, except for

C2.6.2 P1 Design and layout of parking areas

The proposal does not accord with the Acceptable Solution in clause C2.6.2 A1 with respect to vehicles entering and exiting in a forward direction. Therefore, the proposal relies on the related Performance Criteria as follows:

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: Off-street commercial vehicle facilities.*

Comment

The Acceptable Solution requires standards for the design and layout of parking areas to be satisfied, which includes to provide for vehicles to enter and exit the site in a forward direction. The application complies with the other requirements of the Acceptable Solution according to the Engineering Referral later in this report. However, the application does not provide on-site turning for medium rigid vehicles and larger vehicles. This is especially an issue with regards to waste collection vehicles, which would be forced to reverse up the access leg on a regular basis. Since Council's waste collection trucks would not enter the site anyway and pick up bins from Aquila Street instead, it is considered reasonable to include a condition to prevent regular access to the property by all vehicles that are categorised as medium rigid vehicles or larger (including waste collection vehicles). This in turn would satisfy the Performance Criteria in clause C2.6.2 P1, especially with respect to vehicle and pedestrian traffic safety.

Therefore, the proposal complies with the standard through the Performance Criteria. For further details, please refer to the engineering assessment under the Referrals section later in this report.

C2.6.5 P1 Pedestrian Access

The proposal does not accord with the Acceptable Solution in clause C2.6.2 A1 with respect to protective devices. Therefore, the proposal relies on the related Performance Criteria as follows:

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.*

Comment

The Acceptable Solution requires standards for pedestrian access to be satisfied, which includes the provision of protective devices such as bollards, guard rails or planters between the footpath and the access way. The application does not provide for protective devices and must therefore accord with the Performance Criteria. However, the proposed obstruction of the footpath with waste bins as first proposed would not ensure safe and convenient pedestrian access, which is a requirement of the Performance Criteria. Nevertheless, waste is now to be collected from Aquila Street so that bin obstruction of the footpath would no longer occur and the proposal would comply with the Performance Criteria.

For further details, 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 the relevant Acceptable Solutions as demonstrated in the attached Appendix, except as follows:

C3.5.1 P1 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 Generation. Therefore, the proposal relies on the related Performance Criteria as follows:

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.*

Comment

The Acceptable Solution requires that vehicular traffic to and from a site will not increase by more than 20% or 40 vehicular movements per day, whichever is greater.

The proposal is expected to generate 54 daily trips daily, which was found to be acceptable by the Traffic Engineer.

Therefore, the proposal complies with the standard through the Performance Criteria. For further details, please refer to the traffic engineering assessment under the Referrals section later in this report.

C9.0 Attenuation Code

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

C9.5.2 P1 Sensitive use within an attenuation area

This development is located within a 1000 metre attenuation distance to the Tolosa Quarry. There is no Acceptable Solution in clause C9.5.2 A1. Therefore, the proposal relies on the related Performance Criteria as follows:

Sensitive use within an attenuation area, must not interfere with or constrain an existing activity listed in Tables C9.1 or C9.2, having regard to:

- (a) the nature of the activity with potential to cause emissions including:*
 - (i) operational characteristics of the activity;*
 - (ii) scale and intensity of the activity; and*
 - (iii) degree of hazard or pollution that may be emitted from the activity;*
- (b) the nature of the sensitive use;*
- (c) the extent of encroachment by the sensitive use into the attenuation area;*

- (d) *measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions of the activity;*
- (e) any advice from the Director, Environment Protection Authority; and
- (f) *any advice from the Director of Mines.*

Comment

The proposal was referred to Environmental Health for assessment. In summary, it is assessed that the quarry will not cause environmental harm at the site of the development and therefore accords with the Performance Criteria in clause C9.5.2 P1. The Environmental Health Assessment is under the Referrals section later in this report.

C12.0 Flood-prone Hazard Areas Code

The site is subject to the Flood-Prone Areas Hazard Code, where the following standard is applicable:

C12.6.1 P1 Buildings and works within a flood-prone hazard area

There is not Acceptable Solution. Therefore, the proposal relies on the related Performance Criteria as follows:

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.*

Comment

The Development Engineer found that the proposal accords with the Performance Criteria, as the flooding is very minor. For further details, please refer to the engineering assessment under the Referrals section later in this report.

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 to construct nine residential dwellings on a future residential lot approved by PLN-22-300 for which engineering drawings were approved by PLE23/009 and which works are largely completed. The civil works for the multiple dwelling development include the widening of the access driveway to provide for a passing bay, and the construction of parking for 21 cars (2 spaces for each dwelling plus 3 visitor spaces) and associated driveways and vehicle manoeuvring areas, and the construction of stormwater infrastructure with a connection to the public stormwater system.

The application material included a Traffic Impact Assessment (TIA) by Hubble Traffic September 2023, a Planning Report by Matthew Clark Planners dated September 2023, letters dated 15 March 2024 and 5 April 2024, and drawings prepared by Rare Consulting Engineers received on 15 and 18 March 2024. The application material and the TIA have been referred to Council's Transport Engineer to review, provide

comments and recommend conditions as required. The application material and the stormwater drawings prepared by Rare Consulting Engineers have, in addition to being reviewed by the Development Engineer, been referred to Council's Senior Civil Engineer to review, provide comments and recommend conditions as required.

Stormwater management

Neither of the two sets of stormwater drawings prepared by Rare Consulting Engineers, which were received on 15 and 18 March 2024, satisfy the requirements of Council's Stormwater Management Policy. These drawings do not provide adequate details of proposed stormwater management and disposal (both quality and quantity management).

Despite formal requests for drawings and supporting documentation to be provided, a proposed stormwater management and disposal design that satisfies Council's Development Engineer and Council's Senior Civil Engineer was not received and so a consent will not be able to be issued for the development under Section 14 of the *Urban Drainage Act 2013*. An advice note that explains this and implications on obtaining further approvals necessary to carry out the development and being able to act on this permit has been provided in the recommendation.

C2.0 Parking and Sustainable Transport Code

The development can comply with the Parking and Sustainable Transport Code and is considered that the site is capable of being developed as proposed and the local traffic conditions are not expected to be significantly affected.

C2.5.1 Car parking numbers

The requirement under Acceptable Solution A1 of C2.5.1 and Table C2.1, is that 2 car parking spaces for each dwelling plus 3 visitor parking spaces. The applicant proposes to comply with the requirements by providing the total of 21 car parking spaces for the nine unit development. Acceptable Solution A1 of C2.5.1 is as a result satisfied.

C2.5.2, C2.5.3, C2.5.4

There are no requirements for accessible car parking spaces, bicycle parking spaces, motorcycle spaces and commercial vehicles applicable to the proposed multiple dwelling development.

C2.6.1 Construction of parking areas

The proposed driveway, parking spaces and manoeuvring areas are proposed to be constructed in concrete. As a result, Acceptable Solution A1(a) of C2.6.1 is satisfied.

In addition, all stormwater runoff from parking areas, driveways and manoeuvring areas must be drained to public stormwater system to satisfy with the Acceptable Solution A1(b) of C2.6.1. The application material, including the drawings prepared by Rare Consulting Engineers, demonstrate that, subject to further detail of stormwater

infrastructure being provided to enable a consent to be issued under the *Urban Drainage Act 2013*, drainage can be provided to the stormwater infrastructure provided to service the lot that has been constructed under PLN-22-300, and as a result Acceptable Solution A1(b) can be satisfied.

C2.6.2 Design and layout of parking areas

The layout of parking areas complies with AS2890.1:2004 generally, provided sufficient passing bays are provided and gradients are compliant. Access to the development will be via the existing driveway that has been constructed as part of the subdivision development. As indicated above, the applicant was requested to provide evidence that two vehicles could pass at the entrance to the driveway but chose not to provide this information. As a result, a condition has been included requiring this to be provided prior to the lodgement of engineering design drawings for approval by Council's Development Engineer.

The TIA has demonstrated through a B99 swept path analysis that the design of the internal driveways and manoeuvring areas are adequate to allow on-site turning for standard vehicles so that they can enter and exit the property in a forward gear. The design however does not allow for larger vehicles, including waste collection vehicles, to enter and exit the property in a forward gear, the effect of which is that these vehicles will need to be reversed along the 40m driveway and along the driveways within the development proper if access to the property is required.

Where movements of larger vehicles occur infrequently, such as where over time residents move into and out of the units, and when the delivery of large household items necessitates the use of larger vehicles, the need to reverse along the driveway, while not ideal, can be accepted. As waste collection vehicles are unable to turn around on the property and so would need to regularly reverse along internal driveways, including the 40m long access driveway, a condition that prohibits regular access to the property by medium rigid vehicles and larger vehicles, including waste collection vehicles, has been included.

C2.6.5 Pedestrian access

To satisfy Acceptable Solution A1.1 of C2.6.5, a 1m wide pedestrian footpath must be provided along the 40m long access driveway and include protective devices such as bollards, guard rails or planters between the footpath and the access driveway. The driveway that has been constructed as part of the subdivision approval includes a 1m wide pedestrian footpath but does not include any protective devices.

Assessment against Performance Criteria P1 is therefore necessary, where the outcome sought is that safe and convenient pedestrian access must be provided. Given the level of traffic generation from the proposed nine units it is considered that even without protective devices, the 1m wide footpath will provide for safe and convenient pedestrian access.

The application proposes that waste collection be provided by means of a standard collection service (i.e., each of the nine units has a waste bin, recycling bin and a FOGO bin) with the bins to be placed along the footpath adjacent to the access driveway, and with the bins to be emptied by a waste collection vehicle reversing up the driveway and exiting in a forward gear. In addition to this not being supported by Waste Services (which requires a shared bin service with collection from the kerbside in Aquila Street) this would result in unsafe pedestrian access where the footpath would be blocked on waste collection days and pedestrians forced to walk on the driveway where waste collection vehicles would need to reverse. Had this matter not been resolved by Waste Services requiring shared bins to be collected from the Aquila Street kerbside, the application for multiple dwellings would have been recommended for refusal due to an inability to provide a safe pedestrian access which is required to satisfy Performance Criteria C2.6.5 P1.

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. However, for a more comprehensive assessment of the issues of traffic generation, access onto the road and traffic safety, please refer to the Traffic Engineer's Referral.

Based on the Traffic Impact Assessment (TIA), the traffic generation of the development is likely to be 54 vehicles per day (vpd) with the two peak period generations of 6 vpd. 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, site survey, sight distance at access, traffic modelling and investigated crashes history to assess the development against the Performance Criteria.

The TIA states that Based on the RTA Guide, with the traffic flows post-development will be well below the 200 vehicles per hour environmental goal for a local road with maximum speed of 40km/hr which demonstrates that the development is not expected to cause an adverse impact to residential amenity to Aquila Street. The TIA measured and demonstrated sufficient sight distance at the access based on a driver positioned 1.05m above the road surface at the vehicular access was over 100 metres and exceeded the standard specified in the planning scheme and AS2890.1.

The TIA then concluded that the amount of traffic expected to be generated by the proposal is reasonably low, and there is sufficient capacity within the surrounding street network to absorb the extra vehicle movements, without adversely impacting other users or residential amenity. Therefore, it is considered that, the Performance Criteria for C3.5.1 P1 is satisfied with.

The site can be accessed off the vehicle crossing at Aquila Street that has been constructed as part of the civil works for the subdivision. The applicant was requested

to provide evidence that two vehicles could pass at the entrance to the driveway but chose not to provide this information. As a result, a condition has been included requiring this to be provided prior to the lodgement of engineering design drawings for approval by Council's Development Engineer.

Other

C15.0 Landslide Code

No landslide hazard issues have been identified in Council's records that affect the land subject of the application.

C7.0 Natural Assets Code

No Natural Assets issues have been identified in Council's records that affect the land subject of the application.

C12.0 Flood-Prone Areas Hazard Code

Part of the site is subject to the Flood-Prone Areas Hazard Code. However, as shown in the extract of the overlay map shown below, the area is very minor and is not part of any overland flow path. It also has a hazard level of H1. As a result, it is not expected the proposed development will be adversely impacted by any flood risk or increase any flood risk to adjoining properties, subject to the implementation of an appropriate system of stormwater management. Therefore, the proposed development is considered to comply with the Flood-Prone Areas Hazard Code.

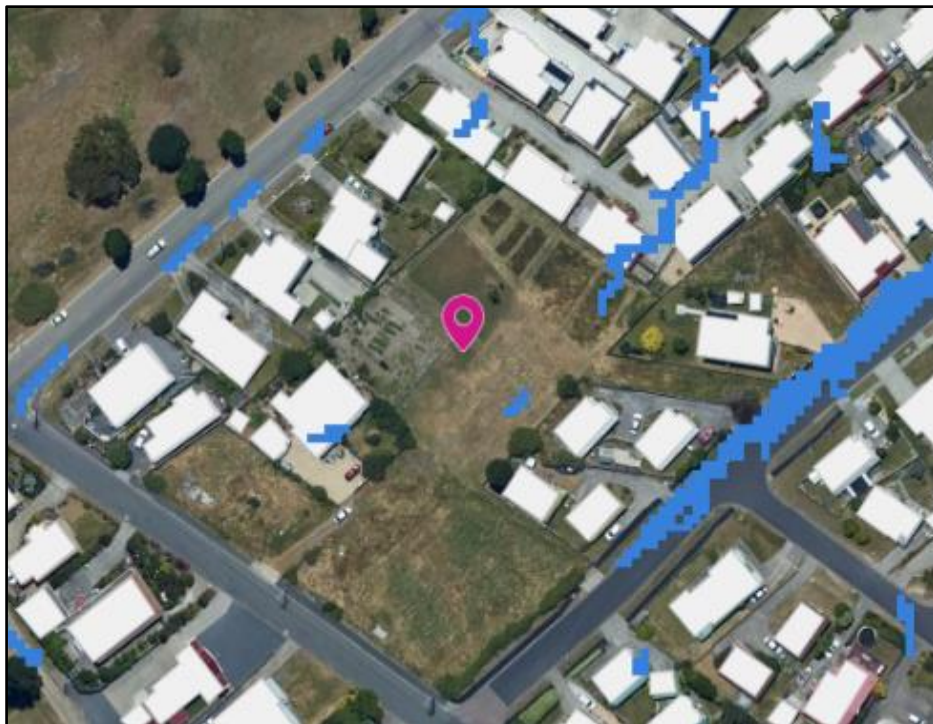


Figure 10: Flood Prone Areas Hazard Code - theList

Traffic Engineer

Introduction

The developer proposes to construct 9 units at 3A Aquila St Glenorchy, comprising of 6 three-bedroom and 3 two-bedroom units with 21 car parking spaces in the general residential planning zone.

The assessment below is based on the Traffic Impact Assessment (TIA) undertaken by Hubble Traffic dated September 2023. The TIA addresses the Performance Criteria C3.5.1 P1 traffic generation at a vehicle crossing, level crossing or new junction and the Acceptable Solution for C2.5.1 car parking numbers and C2.6.5 pedestrian access.

Traffic Generation

The traffic generated by the development is expected to be 54 daily trips with 6 trips in am and pm peak hour based on 4-6.5 daily trips per unit for a medium density residential unit as per the RTA Guide using the upper limit due to no reduction in parking.

The TIA undertook a traffic survey at the junction of Merton Street / Tolosa Street during the am and pm peak hours. The surveys showed that the traffic flow generated by Merton Street was reasonably low, with 113 vehicle movements during the morning peak hour and 77 vehicle movements in the evening peak hour.

The extra vehicle trips from the development were added to existing trips and assessed in the TIA using SIDRA modelling. SIDRA modelling looks at Level of Service at intersections based on delays, queues, and degree of saturation. The traffic modelling showed that the development will not have any adverse traffic impacts to the road network with the Level of Service staying the same and there is spare traffic capacity to accommodate future traffic growth within the area.

The RTA Guide provides advise on acceptable levels of traffic for streets to evaluate the likely impact on residential amenity. Local residential streets have an environmental goal of 200 vehicles in peak hour to a maximum of 300 vehicles in peak hour. Both Aquila Street and Merton Street have less than 200 vehicles in peak hour so met the environmental goal for a local residential street.

The TIA assessed the crash data reported to Police over the last 5 years. This showed that there has been one crash on Aquila Street that a single vehicle ran off the carriageway where the road alignment is straight and resulted in property damage. The crash data does not indicate any road safety deficiencies.

The TIA is accepted, and it can be concluded that the additional traffic should not have a significate impact on the safety or efficiently of the road network. The Performance Criteria for C3.5.1 P1 is met.

Parking Supply

The 9 units comprising of 6 three-bedroom units and 3 two-bedroom units, is proposed to have two dedicated parking space per unit and 3 visitor parking spaces. The planning scheme for inner residential zone requires 21 car parking spaces, of which 2 spaces are required per 2-bedroom or more unit and 1 visitor parking space per 3 units for an internal lot. The TIA meet the Acceptable Solution for C2.5.1.

Driveway Access / Internal Road Layout / Pedestrians Access / Waste

The development has an existing vehicular access onto Aquila Street with the internal main driveway will be 5.5m wide for two-way access. Beyond the opening parking space supporting unit 9, the driveway will become a single lane operating with passing bays and the internal driveway will be minimum 3.5 metres wide.

The internal pedestrian path will be a minimum of 1m wide and separated from the driveway with kerb, as required under the Acceptable Solution C2.6.5 pedestrian access. To minimise the risk between pedestrians and vehicles, pavement markings and a 10 km/h shared zone sign will be provided to give pedestrians priority and slow vehicles.

Sight line at the driveway access is met. Under AS2890.1 sight distance at a commercial driveway (being more than 3 units) is required to be between 45m to 69m.

Council's waste policy and advise, is that all wheelie bins should be placed on the kerbside for collection. This means bins will not be collected within the site as indicated in the TIA that meant the waste vehicle would have had to reverse down the driveway and as detailed in further information, the bins would have been placed on the internal footpath, blocking the footpath. The collection of bins on the nature's strip of Aquila Street will form a condition on the permit.

Based on the TIA it is accepted that the proposed driveway access, internal driveway layout and footpath connections are safe and adequate.

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, parking or road safety, I have no objection to the development on traffic engineering or road safety grounds subject to:

- Waste shall be collected via the kerbside on Aquila Street.

Advise; this is to ensure that the internal footpath is not blocked with bins and prevents the waste vehicle reversing down the driveway.

Hydraulics Engineer

Comments

Proposed development is to construct 9 multiple dwellings and associated infrastructure in the newly subdivided lot.

1. Referenced Documents

- a. Engineering Drawings by rarein, Rev 2, dated 12/01/2023.

2. Stormwater Management Policy

a. Stormwater Disposal Method Requirements:

Stormwater generated from new development areas will drain to existing stormwater systems by gravity.

Therefore, 4 (a) is met.

b. Stormwater Quality Management Requirements:

- c. The stormwater system will incorporate water sensitive urban design principles for the treatment and disposal of stormwater given the new impervious area is greater than 500m². Concept plans provided by rarein, Rev 2, dated 12/01/2023.

indicates incorporated treatment device within the on-site detention device.

Therefore, 5 (b) is met.

d. Stormwater Quantity Management Requirements:

On site detention in form of underground proprietary tank system has been provided for a 5% AEP or 1 in 20-year storm event. However, additional information requested from the developer to assess the suitability of the proposed location for the detention device, performance and efficiency during major events have not been addressed and resolved.

Therefore, 6(b) and 6(g) **is not fully met**.

e. Stormwater System Design Requirements:

Concept drainage plans by Rarein, Rev 2, dated 12/01/2023 shows the minor drainage system has been sized to cater for a 5% AEP event as required by the Stormwater Management Policy. However, additional information requested from the developer to assess the suitability of the new infrastructure for a major storm network, have not been addressed and resolved.

Therefore 3 (a) and (b) are not fully met.

Conclusion

Civil engineering plans provided by Rarein, Rev 2, dated 12/01/2023 partially provides information to demonstrate the development can service the stormwater drainage. However, the applicant has not responded to the additional information requests raised about the stormwater design as mentioned above.

Therefore, General Manager's consent will not be granted with the planning permit under Section 14 Urban Drainage Act 2013 for interfering in stormwater.

It will be necessary that all relevant stormwater information is provided to Council and a consent is issued by Council's Development Engineer under section 14 of the UDA before engineering design drawings can be assessed and any building and plumbing permits can be issued.

Environmental Health Officer

This development is located within the 1000 metre attenuation distance to the Tolosa Quarry. The attenuation distance of 1000 metres is reserved exclusively for hard rock blasting. In-line with the Quarry's EPN 9126/1 no blasting can occur without approval from the Director of the EPA.

In addition, the EPA specifies that noise emissions from quarry activities cannot exceed 5dBA above the normal ambient noise level.

Based on the proximity of the development on the outer fringes of the quarry's attenuation distance and the EPN enforcing strict limitations on the site, it is expected that the quarry will not cause environmental harm at the site of this development and as such complies with C9.5.2 P1 Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental.

Waste Management Officer

Waste management services to the proposed multiple dwelling development at 3A Aquila Street Glenorchy would be Council's shared bin service, collected weekly. There will be a total number of nine 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. Please note: all wheelie bins should be placed on the kerbside of Aquila Street for collection.

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

Tas Networks

The application was referred to TasNetworks who have commented as follows:

“Based on the information provided, the development is not likely to adversely affect TasNetworks’ operations.

TasNetworks currently have a project on behalf of the developer that is at the construction stage, with an estimated completion of 13/03/2024. Supply to the new lots is not available until TasNetworks achieve completion of this project and the final commissioning of new assets installed has been carried out.

As with any multiple dwellings of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development.

It is recommended that the customer or their electrician submit an application via our website portal found here [Connections Hub - TasNetworks](#) to establish an electricity supply connection to support this portion of the development”.

Comment

An advice clause is recommended to inform the applicant that sufficient electricity cannot be provided for this development until the estimated completion of the project in March 2024.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with 5 representation(s) being received. The issues raised are as follows:

Height of retaining wall and fence

The representor states that it would be unreasonable to have a 1600m high retaining wall with a 2.4m fence atop on the north-western boundary shared with Unit 7. This would restrict light, create environmental issues and would be an eyesore. Although the representation then goes on to say that there is no proposed fence height and if the height of 1.4m for the fence at Unit 8 was continued there would be no privacy. Furthermore, the footing of the retaining wall would require 1.1m of their land, which would result in losing 20m² of their property.

A second representation is concerned about the fence height as the foundations of Unit 5 are a similar height as the current fence, so that the unit would tower over the neighbouring property.

Planner's Comment:

The application shows two retaining walls on the north-western boundary, one next to the private outdoor space of Unit 7 and one next to the private outdoor space of Unit 5. The maximum height of the two wall sections is 1.68m. The retaining walls have been assessed earlier in this report and were found to be acceptable. It is noted that any retaining wall would have to be contained within the subject property so that there would be no loss of land for the neighbour.

In terms of fencing, any fence higher than 2.1m above existing ground level would be subject to a separate planning application. A condition to this effect is recommended.

The adequacy of a fence is not a planning issue that can be considered as part of this application. The *Boundary Fences Act 1908* regulates fences and states that a sufficient fence is "a fence of the description and quality agreed or awarded". Therefore, it might be best to get in contact with the developer about any fence.

Building Height

The representor states that the height of Unit 7, 8 and 9 would far exceed height requirements.

Planner's Comment:

The maximum height is 8.5m under clause 8.4.2 A3. of the planning scheme. All units are less than 8.5m in height. Unit 7 has a height of 8.437m, Unit 8 has a height of 8.316m, and Unit 9 has a height of 7.822m. Therefore, the dwellings comply in terms of maximum height. Nevertheless, the building envelope requires a greater setback than 1.5m from the boundary in proportion to the dwelling height, which has been assessed earlier in this report.

Building Envelope

The representation states that Unit 5 is too close to the shared boundary and states that the setback should be 4m. In addition, that the unit is outside the 45-degree angle of the building envelope. Furthermore, that the unit would be too high with a finished floor level at 2.6m from ground level and would box in the backyard.

Planner's Comment:

Unit 5 has been assessed earlier in this report and was found to accord with the Performance Criteria. In summary, there would be no shadows to the neighbouring property on the north-west. It was also considered that the maximum height 5.4m and width of 12.8m was not excessive in scale and would not cause unreasonable visual intrusion.

Loss of Privacy

Two representations raised concerns about overlooking of windows and backyards from the deck and windows of Unit 5 and Unit 7.

Planner's Comment:

The units accord with the requirements of the privacy standards. Unit 7 has a minimum setback distance of 4m from the northwestern boundary for the deck and windows. Unit 5 is single storey and has only opaque windows on the rear elevation. A condition is recommended that all windows shown as opaque will be opaque.

Light and Noise Intrusion from Parking Area

Two representors state that parking areas perpendicular to the north-west boundary would create light intrusion and noise pollution to their properties.

Planner's Comment:

There are two visitor parking spaces between Unit 5 and Unit 7 approximately 11.5m from the neighbouring house, presumably behind a fence. There is also one parking spaces for Unit 5 adjacent to the second representors property, opposite a section of the house that does not have window facing the boundary.

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

Building Materials

The representor states that building materials would be out of place because existing buildings in the area are constructed predominantly brick veneer.

Planner's Comment:

There are no standards in the planning scheme that control the type of building materials that can be used. Therefore, this is not a planning issue that can be considered as part of this application.

Discrepancies of Measurements

The representor states that there were discrepancies in measurements between different plans, in particular for Unit 7.

Planner's Comment

The plans were checked for discrepancies, but none were found. In terms of setbacks, a condition is recommended to ensure that setbacks will be as shown on the site plan PD21120-01 Rev.08.

Boundary Realignment

The representation states that there are new survey markings on site that realign the boundary between Lot 7 and 245 Tolosa Street and wants confirmation that the markings are not part of this proposal.

A second representor was very concerned that a man entered her property without permission to place a boundary peg and was wondering if the developers were going to move the fence at Unit 14 for the sake of 20cm. This would reduce the representors already small yard where the clothesline was resting on top of the fence due to the narrowness.

Comments

Lot 7 is part of a recently approved subdivision for which titles have not been issued yet. The fence/boundary realignment is most likely being undertaken as part of the surveying works of the subdivision. The subdivision did not include any changes to this boundary. Therefore, it is likely that the boundary is being located with greater accuracy than previously. The site plan of this application for the units shows the small discrepancy but does not propose a change to the boundary.

New Sewer and Stormwater Easement

The representation states that the plans indicate a new sewer and stormwater easement over the land of Unit 15/245 Tolosa Street. The representor wants confirmation that the Body Corporate has been notified and that the easement does not extend into the common strata area. Another representation is also concerned about the notification.

Comment

The site plan for the proposed units does show the storm water and sewer easement, which is also part of this application as the subdivision has not been completed. However, the infrastructure has already been approved and has been constructed. Figure 6 shows the location of the easement and pipes within the land of Unit 15.



Figure 11: Site plan overlain over List Aerial Imagery – theList and Prime Design

Notification requirements of the Body Corporate are under the *Strata Titles Act 1998* and are not a planning issue that can be considered as part of this application.

Capacity of Stormwater System

The representation states that stormwater runs nearly to the end of Aquilla Street (straight part) and onto their driveway on the northwestern side. The water then runs down the driveway and through the front door, as well as under the house during heavy rain events. The concern is that the proposed development might contribute more stormwater water and make the situation worse. Furthermore, that consideration should be given to draining the proposed development to Tolosa Street or installing a retention system.

A second representor is concerned with flooding in a different area due to the proposal. The representor states that drainage would not be adequate along the north-west boundary and there would be a bog area or flooding in their backyard. Any flooding might also cause the proposed retaining wall to fail. In particular as the drain is the same ground height as the retaining wall and all water could escape under it *Planner's Comment*

The developer will have to provide new stormwater infrastructure to deal with the additional stormwater from the proposed development, including a retention system. The infrastructure will be based on accurate modelling and on a design certified by a suitably qualified and experienced engineer. A condition to this effect is recommended.

Soil and Water Management

Two representors state that dust was currently blowing from the excavation works relating to the subdivision, especially from large mounds despite being covered with a shade cloth. The dust was covering windows and sulling washing on the line.

Planner's Comment

There is a condition recommended for standard Soil and Water Management. Should there be a problem, a formal complaint can be made.

Consent to Enter Property

The representors states that consent would not be given to enter their property for the construction of the retaining wall and for services within an easement.

Planner's Comment

This issue is not a planning issue that can be considered as part of this application. In terms of the drainage easement there are legal rights associated with any easement. In terms of the retaining wall, the representor's property might need to be protected from potential damage under the *Building Act 2016*. There is an information sheet available about this issue from the State Government at:

https://www.cbos.tas.gov.au/_data/assets/pdf_file/0019/414109/guideline-protection-work.pdf

Viability of Tenancy

The representor states that the proposal will negatively impact on the viability of tenanting a house on the north-western boundary.

The second representation is also concerned about potential loss of property value due to the "boxed in nature of the backyard" and the house feeling more like a unit due to the proposed 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 nine multiple dwellings, infrastructure and works on what is essentially an internal lot. The proposal invokes nine discretions of which five are of particular interest. The discretion in regard to the building envelope is of most interest to the neighbours, stormwater drainage of parking areas and waste collection is more of a matter for managing the site.

In terms of the building envelope, there are seven dwellings outside. The dwellings along the northeastern boundary have reasonable setbacks of at least 2.7m and the dwellings along the south-eastern boundary facing Aquila Street comply. There is only

one neighbouring dwelling along the south-western boundary. This dwelling is a pink double storey weatherboard dwelling that has the side of the dwelling opposite Unit 4. That dwelling would not be unreasonably impacted by overshadowing and it was considered that visual mass was not unreasonable as detailed within the report. Along the north-western boundary adjacent to dwellings in Tolosa Street, only Unit 5 is outside the building envelope. This unit is single story and a small amount outside the building envelope. There would be no overshadowing of the neighbouring property and it is also considered that there is no unreasonable visual bulk as detailed within the report. This is especially since the closest part of the neighbouring house does not have any windows opposite.

In terms of stormwater drainage for access and parking areas, it is noted that the Performance Criteria can be satisfied with a satisfactory stormwater concept plan and a condition is recommended accordingly. However, it is noted that there were not sufficient details provided for the General Managers Consent for Stormwater Management to be issued under the *Urban Drainage Act 2013*. The applicant is therefore advised that there is a risk that the layout and design approved by this planning permit may need to be modified to accommodate stormwater infrastructure.

Discretions relating to on-site turning and pedestrian access required waste management to be modified for the discretions to meet the Performance Criteria. The applicant proposed individual bins to be collected from the footpath within the access leg. This was found not be acceptable in terms of public safety as the footpath is not usable on collection day and the night before. In addition, there is no on-site turning provided for medium- ridged or larger vehicles. Council's Waste Management Policy requires shared bins for more than three units, as well as on-site turning and will as such collect the bins only from Aquila Street. Given the different arrangements, it is considered that the bins obstructing the footpath will not be a problem, but a bin enclosure will need to be built. Also, it is considered that private waste services for on-site collection are also not allowable and a condition is recommended to ensure that regular access to the site by medium- ridged or larger vehicles does not occur.

The application was advertised in accordance with statutory requirements and five representations were received. The issues were addressed within the report and the most significant issue was considered the discretion relating to the building envelope, which was mentioned earlier.

The overall assessment of the application found that the relevant Performance Criteria were satisfied and that the proposal is therefore acceptable.

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 Multiple dwellings (nine proposed) including works and infrastructure of 3a Aquila Street Glenorchy, 15/245 Tolosa Street Glenorchy and 6 Merton Street Glenorchy, subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-23-307 and Drawings submitted on 18/03/2024, 57 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 2023/01607-GCC, dated 09/02/2024, form part of this permit.
3. All dwellings must have a boundary setback as shown on the approved site plan PD21120-01.
4. All windows nominated as opaque on the approved plans must be opaque.
5. Fences that are least 1.8m in height must be provided to screen private outdoor space areas where the areas adjoin internal driveways and parking areas allocated to another dwelling.
6. The height of a boundary fence must not exceed 2.1m above the existing ground level without separate planning approval.

Engineering

7. An Erosion and Sediment Control Plan (ESCP) detailing proposed erosion and sediment control measures must be submitted for the approval of Council's Development Engineer prior to the commencement of any works or disturbance of soil on the site, including any demolition. When approved the ESCP forms part of this permit and must be complied with.

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

Advice: The application fee for ESCP assessment provided in Council's Schedule of Fees and Charges must be paid at the time of submitting the ESCP for assessment.

Advice: Building approvals for the use and/or development approved by this permit will not be issued until an ESCP has been approved by Council's Development Engineer.

8. All approved erosion and sediment control measures in the approved Erosion and Sediment Control Plan must be installed prior to any disturbance of soil, works or construction activity including concrete cutting and demolition, and must be regularly inspected and maintained until completion of the development and all disturbed areas have been stabilised with vegetation and/or restored or sealed to the satisfaction of Council's Development Engineer.
9. Engineering design drawings of civil works required for or associated with the use and/or development approved by this permit (including all pathways, driveways, parking spaces, vehicle manoeuvring areas, vehicle crossings, stormwater detention, stormwater drainage and stormwater connections or discharges) must be submitted to Council for the approval of Council's Development Engineer prior to the commencement of any works and before lodging a building application.

Advice: The application fee for engineering design drawing assessment provided in Council's Schedule of Fees and Charges must be paid at the time of submitting the engineering design drawings for assessment.

Advice: Building and plumbing approvals for the use and/or development approved by this permit will not be issued until engineering design drawings have been approved by Council's Development Engineer.

10. Civil works required for or associated with the use and/or development approved by this permit must be carried out in accordance with the engineering design drawings approved by Council's Development Engineer and be completed to the satisfaction of Council's Development Engineer prior to the commencement of the use and/or completion of the development.

Advice: Any changes to the design or location of civil works shown on approved engineering design drawings will most likely require the submission of amended engineering design drawings for approval by Council's Development Engineer. Always check with Council before departing from approved engineering design drawings.

11. Civil works related to or associated with the use and/or development approved by this permit, including any preparatory works, must not commence or be undertaken on or external to the site unless these works are in accordance with engineering design drawings approved by Council's Development Engineer.
12. The engineering design of all vehicle parking, driveways and vehicle manoeuvring areas must be consistent with AS 2890.1:2004, must be certified by a suitably qualified and experienced engineer, and must comply with the following:

- (a) Be constructed to a sealed finish with the finished gradient of the driveway not to 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) Clearly marked car parking spaces must be provided in accordance with the plan approved as part of this planning permit and these spaces must be kept available for these purposes at all times;
 - (d) All runoff from paved and driveway areas must be collected and discharged into Council's stormwater system.
 - (e) Edge treatment of parking areas and driveways is to be provided where required to manage stormwater;
 - (f) The crossfall along the footpath must not exceed 2%;
 - (g) The gradient of any parking areas must not exceed 5%;
 - (h) The minimum carriageway width along the accessway between Aquila Street and the lot proper is to be no less than 5.5 metres; and
 - (i) A passing bay must be provided at the entrance to the driveway from Aquila Street.
13. A safety barrier compliant with the Australian Standard AS1170.1 must be installed where the drop from the edge of the trafficable area or parking space to a lower level is 600mm or greater and wheel stops must be installed where the drop from the edge of is greater than 150mm and less than 600mm. Where installed, safety barriers must not reduce the width of vehicle driveways, the length or width of parking spaces, or restrict the ability to turn vehicles in manoeuvring areas. All safety barriers and wheel stops must be installed prior to the commencement of the use and be maintained at all times.
14. The engineering design of all stormwater infrastructure must be certified by a suitably qualified and experienced engineer and must comply with the following:
- (a) Be consistent with any consent issued for the development under Section 14 of the *Urban Drainage Act 2013*;
 - (b) Show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows rates, velocities, hydraulic grade lines, clearances, location related to other services, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements, and inspection openings.
 - (c) Clearly distinguish between public and private infrastructure.

- (d) Be substantially in accordance with the LGAT Standard Drawings and Tasmanian Subdivision Guidelines 2013.
 - (e) Include a minor stormwater drainage system including On-Site Detention (OSD) designed to accommodate a 5% AEP storm event, details of which including model data must be submitted in with the engineering drawings.
 - (f) Include a major stormwater drainage system including an adequate overland flow paths designed considering the full development and individual stages, such that flows are excluded from the dwellings and not redirected onto land not subject of the approval, for the 1% AEP storm event including an allowance for climate change to 2100;
 - (g) Detail overland flow paths designed to accommodate a storm with a 1% AEP plus 2100 climate change including supporting cross sections and flow calculations for each individual stage and the overall development;
 - (h) Include all associated stormwater modelling and output data; and
 - (i) Demonstrate that there is no diversion of the overland flows onto land that is not subject of this approval.
15. The design of stormwater detention infrastructure must be certified by a suitably qualified and experienced engineer and demonstrate that adequate on-site stormwater detention will be provided on site so that stormwater discharged from the site does not exceed the pre-development stormwater runoff for the critical duration of the 5% Annual Exceedance Probability event storm in the catchment.
16. A new stormwater connection to Council's underground piped stormwater system must be installed by a suitably qualified person to the satisfaction of Council's Assets Officer in accordance with the approved plans prior to the commencement of the use. Any existing abandoned connections must be made redundant and sealed.

Advice: A Stormwater Connection Request Form must be completed and an inspection booked for any alterations, works or connections to Council's public stormwater network. Stormwater Connection Request Forms can be obtained on Council's website.

17. Prior to the commencement of any works within the road reservation, including the construction or widening of a vehicle crossing or the installation or alteration of a connection to an underground stormwater, water or sewer main, a Road Reserve Permit must be obtained.

Advice: Information on how to apply for Road Reserve Permit and application forms are available on Council's website.

18. 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.
19. Prior to the issue of building approval and/or commencement of works (whichever occurs first), 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, must be submitted to the satisfaction of the Council's Development Engineer.

The photographic record will be relied upon to establish the extent of damage caused to Council's assets throughout construction. Any damage to Council's assets, including services, footpaths, driveway crossings and nature strips must be promptly reported and then repaired to the satisfaction of Council's Development Engineer, at the developer's cost.

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 will be deemed to be the responsibility of the developer and must be repaired at the developer's cost.

20. Any alteration or relocation of services or infrastructure required as a result of the development must be carried out by the developer at no cost to Council or any other entity responsible for the service or infrastructure.
21. Prior to the commencement of the use and/or the issuing of the plumbing approval (whichever occurs first), a maintenance schedule for the ongoing maintenance of the on-site stormwater detention and water sensitive urban design infrastructure must be submitted for approval by Council's Development Engineer. When approved, the maintenance schedule forms part of this permit and the landowner must maintain the on-site stormwater detention and water sensitive urban design infrastructure in accordance with the approved maintenance schedule.
22. The loading and unloading of goods, building materials and equipment from vehicles during construction must only be carried out on the land and must not without approval disrupt the movement of vehicles and pedestrians in the road reservation.

Advice: A Road Reserve Permit must be obtained for any activity that disrupts the movement of pedestrians or vehicles. Information on how to apply for Road Reserve Permit and application forms are available on Council's website.

23. Prior to the issue of building approval and/or commencement of works (whichever occurs first), including demolition and excavation, a Construction Management Plan, must be submitted to the satisfaction of the Council's Senior Statutory Planner. The plan must provide details of the following:
- (a) Hours for construction activity in accordance with any other condition of this permit;
 - (b) Measures to control noise, dust, water and sediment laden runoff;
 - (c) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - (d) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any car parking on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
 - (e) A Traffic Management Plan showing truck routes to and from the site;
 - (f) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - (g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
 - (h) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;
 - (i) Contact details of key construction site staff;
 - (j) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and
 - (k) Any other relevant matters

Advice: The application fee for assessment of documents, plans or reports provided in Council's Schedule of Fees and Charges must be paid at the time of submitting the Construction Management Plan for assessment.

24. Twenty-one (21) parking spaces must be provided on site for the approved use and development and be maintained and kept available for use at all times.

25. Visitor parking must be provided in accordance with the approved plan, be maintained and kept available for use at all times and be clearly identified to the satisfaction of Council's Senior Development Engineer.
26. Turning bays must be provided in accordance with the approved plan, be maintained and kept available for use at all times and be clearly identified by painted markings indicating 'No Parking' to the satisfaction of Council's Senior Development Engineer.
27. In areas set aside for parking, securely fixed wheel stops must be provided to the satisfaction of Council's Development Engineer to prevent damage to buildings, fences and landscaped areas.
28. Regular access to the property by all vehicles that are categorised as medium rigid vehicles or larger (including waste collection vehicles) must not occur.
29. A turning movement analysis that demonstrates that two vehicles are able to pass at the entrance to the driveway from Aquila Street must be provided prior to the lodgement of engineering design drawings for approval by Council's Development Engineer.

Waste Management

30. A bin enclosure must be provided in the area shown as bin collection area on the approved site plan PD21120-0. The bin enclosure must be built to the requirements of Waste Management.
31. 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 nine (9) 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 bin enclosure should face the internal access driveway, and be left open throughout the length of the bin enclosure, it may be fenced and/or gated, but must enable wheelie 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 the dwelling/s 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.

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, Before You Dig or visit www.beforeyoudig.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.

Road Reserve Permit

Prior to the commencement of any work within the road reservation by a private contractor, the contractor must obtain a Road Reserve Permit from Council. This permit shall include items such as hours of work, road safety, reinstatement, soil and water management, etc. The Road Reserve Permit Application Form is available via Council's website

General Managers Consent for Stormwater Management

Inadequate information on stormwater management was provided during the assessment of the planning application to allow a consent to be issued under Section 14 of the Urban Drainage Act 2013 (UDA). As a result, it will be necessary that all relevant stormwater information is provided to Council and a consent is issued by Council's Development Engineer under section 14 of the UDA before engineering design drawings can be assessed and any building and plumbing permits can be issued. As stormwater management within the site has not been able to be properly considered with the planning assessment, there is a risk that the layout and design approved by this planning permit may need to be modified to accommodate stormwater infrastructure and/or to ensure that all proposed units will not be adversely impacted by overland stormwater flows within the site. Depending on the

extent of the modifications required, it may be necessary to obtain an amendment of this planning permit or make an application for a new planning permit.

Waste Management

The proposed multiple dwellings would be eligible for a maximum of nine (9) 240L wheelie bins.

Three (3) x 240L Waste Bins (Red lids), three (3) x 240L Recycling Bins, three (3) x 240L FOGO bins, collected weekly to be shared by all nine (9) dwellings.

Collection of bins would be from the existing kerbside at Aquila Street.

There is sufficient space on the kerbside for six (6) 240L wheelie bins, three (3) waste and three (3) recycling bins on the kerbside every Friday and three (3) 240L FOGO bins every Tuesday.

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

TasNetworks

Electricity supply to the development is not available until a current project is carried out that has an estimated completion date of 13/03/2024. It is recommended that an application is submitted to establish an electricity supply connection to support this portion of the development via TasNetwork's website portal found here [Connections Hub - TasNetworks](#).

Attachments/Annexures

- 1 GPA Attachment - 3A Aquila Street, 6 Merton Street and 15/245
[⇒](#) Tolosa Street, Glenorchy

APPENDIX

8.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
8.3 Use Standards			
8.3.1 Discretionary uses	A1 Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm		N/A
	A2 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.		N/A
	A3 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.		N/A
	A4 No acceptable solution.		N/A

8.3.2 Visitor Accommodation	A1 Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m ² per lot.		N/A
	A2 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.		N/A
8.4 Development Standards for Dwellings			
8.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than 325m ² .	<p>The titles for the approved subdivision have not been issued so far so that the site area is technically the current lot on title CT149435/2.</p> <p>The current lot has an area of 5232m² and the proposal is for 9 units, which is 581m² per dwelling, which complies.</p> <p>The future lot will be Lot 6 (PLN-22-300) and have an area of 3059m², which is 339m² per dwelling, which would also comply.</p>	Yes

<p>8.4.2 Setbacks and building envelopes for all dwellings</p>	<p>A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or 	<p>Technically the application must be assessed with the current lot boundaries, without considering the future lot boundaries of Lot 6, which were used for the proposal. This means that there is frontage on Merton Street and Aquila Street which will not be available later. This frontage would comply with the acceptable solution.</p> <p>In terms of the future boundaries, the lot will be an internal lot and frontage will not be required.</p> <p>The lot will have essentially only the frontage necessary for the access strip. Given that the building envelope requires a distance equal to the frontage setback of 4.5m from the boundary of a property with an adjoining frontage, it is considered that this standard does not apply to internal lots as there otherwise would be a conflict.</p>	<p>Yes</p>
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	(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.		
	A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than: <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage. 	There would be no garage or carport within 5.5m of any frontage.	Yes
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear 	The proposal does not accord with setbacks and building envelope, please refer to report.	No – Discretion

	<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>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>		
8.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>The current lot has an area of 5232m² and the site coverage of all units is 925m², which is not more than 50%.</p> <p>The same would apply for the future lot. The future lot will be Lot 6 (PLN-22-300) and have an area of 3059m².</p> <p>Units 5 and 8 have the smallest total POS areas of 71m², which is more than 60m².</p>	Yes
	A2 A dwelling must have private open space that: <p>(a) is in one location and is not less than:</p> <p>(i) 24m²; or</p>	<p>All dwellings have a private outdoor space area in one location of at least 24m², with a</p>	Yes

	<p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>minimum width of 4m and a grade less than 1 in 10.</p> <p>In terms of accessibility and therefore usability of the POS areas, it is noted that the single storey dwellings (Unit 1, 6 and 5) have steps to get to the POS. The steps are from the living room sliding doors. The POS areas are therefore considered usable, although the access is not on the directly adjoining elevation.</p> <p>All the other units have a POS area on the ground level but also have a balcony on the first floor. The main living areas and kitchen are on the first floor, however there is a second living area on the ground floor that gives access to the POS areas as well as a laundry door, with the exception of Unit 9. This dwelling has only access to the POS from the laundry, although this is acceptable in this instance as there is also a deck.</p> <p>All spaces, except for units 8 and 9 are located adjacent to an internal driveway and require therefore fencing for privacy. A condition for fencing is recommended.</p>	
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8.4.4 Sunlight to private open space of multiple dwellings	A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 8.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.	Unit 4 is the only unit north of private outdoor space of another unit without the required separation. Nevertheless, shadow diagrams demonstrate that all POS areas are capable of receiving the required amount of sunlight in the acceptable solution 8.4.4 (b).	Yes
8.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage	There would be no garage or carport within 12m of a frontage.	Yes

	of not more than 6m or half the width of the frontage (whichever is the lesser).		
8.4.6 Privacy for all dwellings	<p>A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or 	<p>Units 8 and 9 have decks at least 3m from the NE side boundary, which complies with (a).</p> <p>Unit 4 and Unit 7 have a deck opposite the rear boundary. The decks have both a setback of 4m, which complies with (b).</p> <p>Unit 2, Unit 3 and Unit 4 are the closest and have a deck at least 8m from another unit and at least 7.5m from the POS of another dwelling, which complies with (c).</p>	Yes

	(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.		
	<p>A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <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><i>From Boundaries</i></p> <p>Unit 8 and Unit 9 are at least 3.712m from the NE side boundary, which complies.</p> <p>Unit 7 only has a bathroom and hallway window on the first floor, 2.7m from the NE boundary, which complies.</p> <p>Units 4 and 7 are at least 4.371m from the NW rear boundary, which complies.</p> <p>Unit 5 is single storey but has foundations that have a maximum height of 2.587m so that the floor level is more than 1m above existing ground level. Unit 5 is 1.215m from the NW boundary.</p> <p>The rear elevation has two bedroom windows and two bathroom windows. All of the windows (W4, W5, W6 and W7) on the rear elevation have opaque glazing and are at least 1.6m above floor level for the two</p>	Yes

	<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 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>bedroom windows. Unit 5 therefore complies.</p> <p>Unit 2, Unit 1 and Unit 9 are at least 4.502m away from the SE boundary, which complies.</p> <p>Unit 2, Unit 3 and Unit 4 are less than 1.5m from the SW boundary but have only two bathroom windows on the first floor on the SW elevation, which complies.</p> <p><i>Between Dwellings and POS</i></p> <p>Unit 2, Unit 3 and Unit 4 are not separated by 6m. The first floor windows of Unit 2 on the NE elevation facing Unit 3 are opaque. The first floor windows of Unit 4 facing Unit 3 and the POS on the SE elevation are opaque.</p> <p>Unit 1 and Unit 6 are separated by at least 10m. Unit 5 and Unit 6 are separated by 4.185m and have a floor level of more than 1m, although these units are single storey. However, Unit 6 has opaque windows facing Unit 5.</p> <p>Unit 7, Unit 8 and Unit 9 are separated by less than 6m. Unit 7 and 8 have opposing</p>	
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		windows on the first floor opaque for each dwelling. Units 7 and 8 have also opaque windows on opposite windows.	
	<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<p>Unit 1, Unit 5 and Unit 6 comply with the distance on the eastern driveway and only have garages on the western driveway.</p> <p>Unit 6 and Unit 1 have windows with the required distance from the connecting driveway.</p> <p>Unit 1, Unit 3 and Unit 4 have windows with the required distance from the western driveway.</p> <p>Unit 2 has a parking space next to Unit 3. However, there is only high and opaque window adjacent.</p> <p>Unit 8 has bedroom window (W1) at 1.5m from floor level that is 1.2m from the shared driveway and is listed as opaque on the plan.</p>	No – Discretion

		Unit 9 has a living room window (W6) at 0.579m in height from floor level that is 2.202m from the edge of a shared driveway without screening that causes a discretion.	
8.4.7 Frontage Fences for all dwellings	A1 No Acceptable Solution ¹ . <i>(¹ An exemption applies for fences in this zone – see Table 5.6 in Exemptions)</i>	Not proposed	N/A
8.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m ² per dwelling and is within one of the following locations: <ul style="list-style-type: none"> (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> (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 	The proposal shows individual bins, which would technically comply with the Acceptable Solution of clause 8.4.8 (a). However, individual bins are not acceptable because it triggers discretions that cannot be satisfied under access and parking standards. In addition, having individual bins is not possible because of Waste Management requirements. Therefore, the application is being assessed with a bin enclosure. The area available for the common bin storage would trigger a discretion with respect to separation from a unit window. For details, please refer to the report. A condition for a common waste storage area in the area shown as bin collection area.	No-Discretion

	not less than 1.2m above the finished surface level of the storage area.		
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APPENDIX**C2.0 Parking and Sustainable Transport Code**

Standard	Acceptable Solution	Proposed	Complies?
C2.5 Use Standards			
C2.5.1 Car parking numbers	A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <ul style="list-style-type: none"> (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: 	21 spaces required and proposed.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>(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</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>$N = A + (C - B)$</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</p>		

Standard	Acceptable Solution	Proposed	Complies?
	<p>development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>		
C2.5.2 Bicycle parking numbers	A1 <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
C2.5.3 Motorcycle parking numbers <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>	A1 <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.</p>	Not required	NA

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

Standard	Acceptable Solution	Proposed	Complies?
<i>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.		
C2.6 Development Standards for Building Works			
C2.6.1 Construction of parking areas	<p>A1</p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement. 	<p>All parking, access ways, manoeuvring and circulation spaces are proposed to have a concrete surface and so A1(a) is satisfied.</p> <p>The proposal can be drained to the stormwater system, subject to a condition and is therefore considered to comply with A1(b).</p>	Yes
C2.6.2	A1.1	Layout and gradients are provided in accordance with the AS2890.1	Yes

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

Standard	Acceptable Solution	Proposed	Complies?
	<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>A1.2</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>. <u>[S35]</u></p>		

Standard	Acceptable Solution	Proposed	Complies?
C2.6.3 Number of accesses for vehicles	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.		Yes
	A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.		NA
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone	A1 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

Standard	Acceptable Solution	Proposed	Complies?
C2.6.5 Pedestrian access	<p>A1.1</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>A1.2</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</p>	<p>A 1m wide footpath is to be provided however it is not separated from the access driveway by more than 2.5m and it does not incorporate protective devices.</p>	No

Standard	Acceptable Solution	Proposed	Complies?
	steeper than 1 in 14 is required from those spaces to the main entry point to the building.		
C2.6.6 Loading bays	A1 The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Offstreet commercial vehicle facilities</i> , for the type of vehicles likely to use the site.		NA
	A2 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> .		
C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	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.		NA
	A2		NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p>(i) 1.7m in length;</p> <p>(ii) 1.2m in height; and</p> <p>(iii) 0.7m in width at the handlebars;</p> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p> <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>		
C2.6.8 Siting of parking and turning areas	<p>A1</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
	A2		NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <ul style="list-style-type: none"> (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. 		
C2.7 Parking Precinct Plan			
C2.7.1 Parking Precinct Plan	<p>A1</p> <p>Within a parking precinct plan, onsite parking must:</p> <ul style="list-style-type: none"> (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.

C3 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
C3.5 Use Standards			
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority. A1.3 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. A1.4 Vehicular traffic to and from the site, using an existing	Vehicular traffic will increase by 52 v.p.d.	No

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

Standard	Acceptable Solution	Proposed	Complies?
C3.6 Development Standards for Buildings and Works			
C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area	A1 Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be: (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

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