

# LAND USE PLANNING AGENDA AND OFFICER REPORTS

8 August 2005



## GLENORCHY CITY COUNCIL

- *The General Manager certifies that the reports contained in this Agenda have been written by qualified persons under Section 65 of the Local Government Act 1993.*
- *Aldermen with an interest or concern in relation to a particular item on this Agenda, are invited to attend the meeting.*

**Chairperson:** Alderman T Martin

**Hour:** 6.00 pm

# AGENDA

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## CLOSED TO MEMBERS OF THE PUBLIC

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## **1. PLANNING AUTHORITY DECLARATION**

At this meeting of the Glenorchy City Council's Land Use Planning Committee, the Committee intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

## **2. APOLOGIES**

## **3. PECUNIARY INTERESTS**

## **4. CONFIRMATION OF MINUTES**

That the minutes of the Land Use Planning Committee Meeting held on Monday, 25 July 2005 be confirmed.

## **5 ELECTION OF LAND USE PLANNING COMMITTEE CHAIRPERSON**

**Author:** Senior Planner (T. McMullen)

**Qualified Person:** Senior Planner (T. McMullen)

**File Reference:** 00161

### **REPORT SUMMARY:**

To seek the Land Use Planning Committee's decision to elect a Chairperson, with a recommendation that the longstanding practice of rotating the Chairpersonship on a fortnightly basis be continued until the forthcoming elections.

### **REPORT IN DETAIL:**

The coming into effect of the Local Government (Meeting Procedures) Regulations 2005, requires Council to elect a Chairperson for the Land Use Planning Committee.

Regulation 10(3)(b) allowed Council to delegate the power of electing a chairperson for a Council committee to the members of that Committee.

Council delegated this power to the Land Use Planning Committee through its Meeting Procedures Policy, which was adopted on 4 July 2005.

At its meetings on 11<sup>th</sup> and 25<sup>th</sup> July, the Committee has elected a Chairperson for the individual meeting only.

It has been a longstanding practice for the Chairpersonship of the Land Use Planning Committee (and previously the Planning and Permits Committee) to be rotated on a fortnightly basis, based on alphabetical order of the member's family name.

The Committee has two basic options before it:

1. Rotate the chairperson. (Continuation of current practice).
2. Elect a "standing" chairperson.

While there are pros and cons to either option, it is understood from informal discussions occurring following the July meetings, that the preference is for the current

rotational arrangement to be maintained, with a review to occur after the elections in October 2005.

The recommended roster would follow in parallel the roster established by the 1 February 2005 memorandum from the Senior Planner entitled “Chairperson for Committee Meetings”, so that no disruption to the current sequence of chairpersons occurs.

The recommendation also makes provision for the absence of the nominated Chairperson (reverts to previous person on the list) – in line with current practice.

## **RECOMMENDATION:**

1. That pursuant to Regulation 10(3)(b) of the Local Government (Meeting Procedures) Regulations 2005, the Land Use Planning Committee elect the following Chairpersons for the following meetings:

<b>Meeting Date</b>	<b>Chairperson</b>
Monday, 25 July 2005	Alderman C Lucas
Monday, 8 August 2005	Alderman T Martin
Monday, 22 August 2005	Alderman S Mav
Monday, 5 September 2005	Alderman A Taylor
Monday, 19 September 2005	Alderman M Guy
Monday, 3 October 2005	Alderman C Lucas
Monday, 17 October 2005	Alderman T Martin

2. That if the nominated Chairperson is not available to chair a meeting – the Chairpersonship will revert to the member nominated on the list as Chairperson for the previous meeting.

## 6 PROPOSED USE AND DEVELOPMENT – SHOWROOMS (3) - 191-197, 199, 201, 203 AND 205 MAIN ROAD, AND 7 AND 9 DERWENT PARK ROAD, MOONAH

**Author:** Planning Officer (Belinda Bond)

**Qualified Person:** Acting Senior Planner (Kylie Williams)

**File Reference:** 121079, 100682, 113593, 111324, 109084, 103581, 105396

### REPORT SUMMARY:

<b>Application No.:</b>	05-03254-01
<b>Applicant:</b>	Derwent Park Developments
<b>Owner:</b>	Derwent Park Developments
<b>Zoning:</b>	Service Business
<b>Development Category</b>	Showroom
<b>Development Status:</b>	Discretionary
<b>Discretions:</b>	Design and appearance standards (Clause 3.10.4(e)), height and road alignment setback
<b>42 Days Expires:</b>	1.8.05 (Extended to 9.8.05)
<b>Existing Land Use:</b>	Mainly vacant, dance school and Ukrainian Club and Plant Hire company
<b>Proposal In Brief:</b>	Showrooms (3) and associated warehouse
<b>Representations:</b>	Nil
<b>Planning Issues:</b>	Streetscape, design and appearance, access
<b>Recommendation:</b>	Approval subject to conditions

Relevant Application documents may be found in the [ATTACHMENTS for Item 6](#)

## **REPORT IN DETAIL:**

### **PROPOSAL:**

The proposal is for the development of three new showrooms and associated warehouse at various properties on Main Road and Derwent Park Road, Moonah.

The largest of the showrooms (showroom 1) would be located towards the western corner of the site, fronting on to Main Road and will have a footprint of approximately 4136m<sup>2</sup> comprising a 3102m<sup>2</sup> showroom and 1034m<sup>2</sup> warehouse. This showroom and warehouse is proposed to be occupied by Clive Peters, an electrical appliance retailer selling a range of goods including cooking appliances, fridges, home entertainment, computers, dishwashers, and washing machines.

The second showroom (showroom 2) would be located towards the northern corner of the site, adjacent to Derwent Park Road. This building has a footprint of some 800m<sup>2</sup> and is proposed to be occupied by Beacon Lighting.

The third and smallest showroom (showroom 3) is located towards the southern corner of the site, adjacent to main road and adjacent to the recently approved place of assembly for the Ukrainian Club and dance school at 187 Main Road, Moonah. This building has a footprint of 576m<sup>2</sup>. An occupier has not yet been nominated for this showroom.

Access to the site would be from two access points, one on Main Road between showrooms 1 and 2, and one from Derwent Park Road between showrooms 1 and 3.

An application for signage for Clive Peters at showroom 1 is also included in the proposal.

Landscaping proposals for the area fronting Main Road and Derwent Park Road and for within the car parking area also accompany the application.

### **SITE & LOCALITY:**

The site lies at the junction of Main Road and Derwent Park Road Moonah and includes all of the land to the north of 187 Main Road, which was previously occupied by the Moonah Baptist Church (191-197, 199, 201, 203 and 205 Main Road). The only exception to this being a small 535m<sup>2</sup> parcel of land at the corner of the two roads. Land

to the rear of the Main Road properties (7 and 9 Derwent Park Road) is also included in the application.

The land fronting onto Main Road is mainly vacant, except for the existing Ukrainian Club and dance studio. This building will be demolished as part of the proposal. The land has also been used for car parking.

The properties located at 7 and 9 Derwent Park Road are used for Plant and Machine Hire.

## **BACKGROUND:**

The rear part of the site was previously zoned Limited Impact Industrial. This land was the subject of an amendment to the Planning Scheme to re-zone the land as Service Business. The amendment was approved in June (Amendment 1-05).

The site immediately to the south of the subject site (187 Main Road) was previously occupied by Moonah Baptist Church. A planning permit has been issued for the demolition of the existing buildings (application PLN 03-01718 refers) and demolition of the church building has occurred. A planning permit was issued for the use of this site as a place of assembly for the Ukrainian Club and dance school earlier this year (application PLN 05-03250-01 refers).

## **APPRAISAL:**

### **Representations:**

No representations were received during the statutory advertising period.

One representation was received on 28 July 2005, outside the statutory advertising period. The content of the representation is as follows:

*I have very recently received a copy of the GCC Draft Main Road Corridor Master Plan, and while I am aware that the period for representation on the above named proposals has now closed, I feel obliged as an adjoining land owner to write to you as to whether the proposal is consistent with the objectives of the MasterPplan.*

*This proposal is for a major development which will have a significant impact on the amenity of the Derwent Park streetscape. As it is being currently assessed for development approval, the opportunity to assess its compatibility with the objectives of the Master plan should not be missed.*



*The main facade facing Main Road includes 92 lineal metres of tilt up concrete panels 6.5 metres high, with some landscaping, substantial signwriting and a 2.1 metre high band of strong blue colour, but no fenestration.*

*While it is desirable to attract new business to the area, thereby “improving the viability of the largely vehicle orientated businesses which collectively generate a strong local economy” does it meet the “primary focus ... the enhancement of the pedestrian experience through the precinct”? (page 38).*

*Is it consistent with the Plan recommendation “to improve amenity, safety and attractiveness to pedestrians”? (page 42).*

### **Planning Comment**

Council has commissioned Sydney based urban design consultants, Annand Alcock to carry out a review of the Main Road strip from the City boundary with Hobart to O’Briens Bridge. The Draft Main Road Corridor Master Plan is currently out to consultation. While it is sound planning practice to consider potential strategic directions Council is obliged to consider the application before it in accordance with the relevant Statutory document – The Glenorchy Planning scheme 1992.

The representation raises issues in relation to the experiences of pedestrians when passing along the Main Road frontage. This issue is discussed in detail below in relation to crime prevention, lighting and landscaping and so will not be repeated here.

The pedestrian experience currently when passing in front of the sites on Main Road, is currently fairly bleak and consists predominantly of vacant underused land. It is considered that the current proposal does address the street frontage. Whilst the proposed showrooms are extensive they maintain existing setbacks and are sympathetic in height to other buildings in the vicinity. Whilst it would still be preferable to see additional pedestrian links through to the site on the Main Road frontage, the pedestrian environment has been considered in respect of the landscaping and the treatment of the frontage. Overall it is considered that the pedestrian experience will be improved. This is therefore consistent with the provisions of the scheme and the Master Plan.

**Consistency with State Policies, Objectives of LUPA:**

The proposal is assessed to comply with the objectives of the Land Use Planning and Approvals Act 1993, as it will facilitate economic development within the city in a sustainable manner.

The State Policy on Water Quality Management is applicable. However, conditions have been recommended to overcome any concerns in this regard.

**Zone Intent:**

The proposal is considered to be in keeping with the general intent of the commercial zones in that it will reinforce the existing hierarchy of commercial uses and zones and improve and increase the range and quality of commercial facilities.

The intent of the Service Business Zone as set out in the Glenorchy Planning Scheme 1992, includes to cater for those uses that require a high degree of visibility and accessibility to passing traffic, and to encourage use and development characterised by low scale buildings, display of goods and on site parking.

**Use:**

The use of the site for showrooms is a permitted use within the Service Business Zone. The application is discretionary due to the variation in the design and appearance standards. Amendments received during the application process have also resulted in a road alignment setback discretion. Both of these issues are discussed below.

**Hours of Operation:**

The application does not set out the intended hours of operation. The site lie within a commercial zone and adjoins a industrial zone. The nearest residentially zoned properties lies some distance away. For these reasons it is not considered necessary to restrict the hours of operation by condition.

**Setbacks:**

Clause 3.10.2 of the Planning Scheme requires buildings in the Service Business Zone to be set back 4.5m from the road alignment. The original proposals showed the showrooms as setback in excess of this requirement on both Main Road and Derwent Park Road. Detailed discussions regarding the design and appearance of the showrooms resulted in two areas of the building projecting forward of the main building line, with a

setback of just under 2m from the road alignment boundary. This minor discretion in the road alignment setback standards is not considered to result in any adverse or unacceptable impact. Furthermore the two features that project forward of the main building are an integral component of the design of the proposal as discussed below.

### **Building Height:**

Buildings within the Service Business Zone should have a maximum height of 8m. The subject site is set at a lower level than the road and generally slopes away from Main Road. The submitted plans show the development as being set down from Main Road some 1.5m. The majority of showroom 1 has a height of some 6.5m. A section of the building (containing of the warehouse extends to a little over 8m (measured from natural ground level) Showroom 2 has a height of 6.5m with showroom 3 having a height of just over 8m. It is not considered that the small variation to the height limit will result in an unacceptably prominent building.

### **Design & Appearance:**

Clause 3.10 sets out the streetscape, amenity and safety aims and objectives of the Planning Scheme. The aims include ensuring that the use and development of land will contribute to the quality of the streetscape and improve the amenity for users. The objectives to satisfy this aim in respect to design and appearance include:

- a) to encourage design of development that enhances and maintains the character of the streetscape in terms of scale, proportions, treatment of parapets and openings and decoration;*
- d) to provide pedestrian facilities and safe access within the commercial area;*
- g)to encourage use and development which enhances natural surveillance;*
- h)to encourage use and development which ensures access by safe and efficient routes;*
- i) to ensure that entrances are positioned so that they are adequately lit and directly visible from public spaces;*

In terms of design and appearance of uses and development of land shall ensure the following shall be ensured:

- a) screening of all outdoor storage areas, outdoor work areas and rubbish receptacles from public view;*

- b) *placement and design of roof mounted air conditioning equipment, lift motor housings and similar equipment so as to reduce the visual impact on the streetscape.*
- c) *Concealment or painting to match the background, of exterior pipework, ducts, vents, sign supports and fire escapes so that these elements are not prominent in the streetscape;*
- d) *Materials used are hardy or easily replaceable, vital elements are protected and the design does not lend itself to vandalism;*
- e) *Facades of buildings on the street frontage do not create large expanses of blank wall; and*
- f) *Provision of lighting to provide a reasonable level of security.*

As the proposal involves development along an important thoroughfare through the municipality, discussions have taken place to ensure that any resultant building will have a positive impact on the streetscape and character of the area. A number of concerns have been raised by officers, in particular regarding the length of wall presentation and the lack of fenestration on the Main Road frontage. The concerns were that the proposal would result in an unrelieved mass of built development stretching over some 90m, and that the proposal would have the effect of turning it's back on the Main Road frontage.

The existing area is characterised by diversity in size, height and design. The subject site itself is empty of buildings except the existing club and dance studio and sales and hire premises that would be demolished as part of the proposal. Where traditionally a number of titles (and subsequently separate buildings) would have existed, the proposal would span 7 titles. The proposals would result in an extremely long wall (90m) to the Main Road frontage and would represent a development of a scale not repeated elsewhere in the locality.

The proposal was accompanied by a statement from the applicant's architects Heffernan Button and Voss setting out the design intent (a copy of which is included in the attachments). Whilst the application recognises that the building presented a long section of wall to Main Road the design statement stated:

*To fragment the longitudinal section it is proposed to introduce a vertical screen element perpendicular to the main wall and projecting to the footpath boundary.*

*This element is constructed of extruded steel elements spaced approximately 200mm apart. This will break the length of the wall perceived from Main Road.*

The existing area is characterised by diversity in size, height and design. Despite the information contained within the design intent, officers were still concerned that the proposals would result in an unacceptably long blank wall to the Main Road frontage and that the proposals represent a development of a scale not repeated elsewhere in the locality. Discussion centred around the lack of fenestration on the Main Road elevation. The operational requirements of the proposed occupier did not require or desire any window treatment on Main Road and instead looked at measures that could be employed to provide visual fragmentation of the expanse of wall. Changes to the facade were proposed including the introduction of corrugated fluting to the lower portion of the concrete panels, the painting of a band along the top portion of the panels (which would include signage), landscaping proposals and the introduction of two fire escapes.

In assessing the proposals, Officers recognised that it would be necessary to seek additional comments from an Urban Design professional and employed the services of Leigh Woolley. Comments were sought on the submitted plans. The comments received were generally reflective of Officers comments on the proposals as set out above. In particular it was considered that the fire escapes offered a potential design opportunity to assist streetscape articulation. This issue was discussed with the applicant's architect. Discussion between the design professionals has resulted in the current plans. This shows the area of the fire escapes projecting forward of the main building line (a 3.6m by 3.6m box) each of these boxes would be of precast concrete projection topped by a glass band that could be backlit.

In summary, the Main Road elevation now includes the following elements:

- corrugated fluting to the lower portion of the concrete panels,
- Blade element between the showroom and warehouse,
- the painting of a band along the top portion of the panels (which would include signage),
- landscaping proposals including the use of groups of mature trees and low brick walls

- the introduction of the two fire escapes as design elements .

In summary, it is considered that the current proposals enhance the streetscape of both Main and Derwent Park Roads. Previous concerns regarding the Main Road elevations particularly in relation to the length of building along this frontage and the impression that the building was turning it's back to the road have been addressed. Various elements have been employed to fragment the frontage and assist in the street pattern and this is further enhanced by significant planting and landscaping.

### **Landscaping:**

Landscaping proposals accompanied the application and include landscaping to the front of the showrooms 1 and 3 on Main Road and adjacent to showroom 2 on Derwent Park Road. Landscaping within the car parking area was also included.

As stated previously, Clause 3.10 the streetscape, amenity and safety aims and objectives of the Planning Scheme. The aims include to ensure that the use and development of land will contribute to the quality of the streetscape and improve the amenity for users. The objectives to satisfy this aim in respect of landscaping include:

- e) to provide where possible spaces for community interaction which incorporate street furniture, lighting, landscaping and public facilities of cultural or civic value;*
- f) to provide landscaping which creates visual links between development, minimises conflicts of scale, softens hard or bleak areas and provides shelter shade and screening;*
- j) to provide landscaping and street furniture which makes a positive contribution to crime prevention and which does not obscure sightlines or create spaces likely to create a sense of insecurity for users.*

The landscaping standards are set out at Clause 3.10.5 of the Planning scheme and state;

*Landscaping shall not*

- a) reduce sight distance to any intersection;*
- b) restrict pedestrian movement or reduce safety; and*
- c) reduce visibility or safety*

The proposals show significant areas of landscaping that will add substantially to the streetscape. The landscaping occupies a wide strip to the front of the proposals and

includes plans for the planting of groups of mature tree species. The landscaping also introduces a low level red brick wall adjacent to the footpath on Main Road, which is considered to represent a more human scale to the development.

Clause 10.1 (e) of the Planning Scheme is concerned with parking and states that landscaping should be provided to enhance and soften the appearance of hard paved areas. Areas of landscaping are also shown within the car parking areas of the site including the use of trees and low level planting.

## **Traffic, Access & Parking:**

### **Access**

Access to the site is provided from Derwent Park Road and Main Road. Both entry and exits points will be available for all users.

Further discussion on access issues is contained within the comments of the Development Engineer and Traffic Engineer.

### **Parking**

The Planning Scheme requires car parking to be provided at the rate of 1 space per 50m<sup>2</sup> for a showroom and for the warehouse component 1 space per 100m<sup>2</sup>. Therefore (on the basis of floor areas), 16 parking spaces are required for the Beacon Lighting showroom, 10 parking spaces are required for the small showroom adjacent to the Ukrainian Club, 61 parking spaces are required for the Clive Peeters Showroom and 13 parking spaces are required for the Clive Peeters warehouse – a total of 100 parking spaces for the proposed development. The plans show a total of 200 spaces which exceeds the requirements of the Planning Scheme and reinforces the intent of the Zone to cater for car based retail.

The Planning Scheme also requires 3 accessible parking spaces be provided at the site. A total of 4 accessible spaces are shown all adjacent to showroom 1 (Clive Peeters showroom). It is recommended that these 4 spaces are more evenly distributed through the site with 2 spaces adjacent to showroom 1, and 1 spaces adjacent to both showroom 2 and 3. This will ensure that accessible parking is available for the users of all showrooms.

The plans submitted with the application show an area of staff parking adjacent to the loading dock by the warehouse and by showroom 3. It is considered that in reality these

spaces will also be used by members of the public. Again it is recommended that staff parking be more evenly distributed throughout the site with suggested locations being adjacent to the warehouse and loading dock (as shown), along the north eastern boundary of the site by showroom 2 and a limited number of spaces by showroom 3.

It would be noted that as part of the approval for the Ukrainian Club and Dance studio at 187 Main Road, (immediately to the south of the application site) there was a requirement for a legal agreement to be entered into which secured the provision of 5 spaces at the subject site for the exclusive use of the occupier of 187 Main Road. Consistent with this previous approval, a condition has been recommended ensuring that the provision of these five spaces is clearly marked on site.

In addition to the requirement for the provision of parking space for vehicles, the Planning Scheme also requires provision to be made for the parking of bicycles (Clause 10.6.7 and 10.6.8). Parking for bicycles is shown near to the entrance of the site on Derwent Park Road, satisfying the requirements of the Planning Scheme.

Further discussion on parking issues is contained within the comments of the Development Engineer and Traffic Engineer.

### **Signage:**

Signage details for showroom 1, which will be occupied by Clive Peeters accompanied the application. The signage proposed includes:

**Main Road elevation:** Two corporate logo (9.5 x 2.15m) and wording detailing the range of goods available. The blade element proposed to the front of the building would also have a signage panel on either side displaying the corporate logo.

**Derwent Park Road elevation:** Two corporate logo (9.5 x 2.15m) and wording detailing the range of goods available.

**Southern elevation (to staff car park):** From this elevation the large corporate logo on the blade element will be visible and it is proposed to repeat this on the side of the building along wording detailing the range of goods available.

**Internal elevation to car park:** Three corporate logos would be displayed on this elevation and wording detailing the range of goods available.



It is considered that the proposed advertising is consistent with the scale of the building and the commercial function of the area. It will be noted that the signage details on the Main Road elevation have been designed in conjunction with the landscaping. This allows mature trees to be planted without obscuring any of the signage and prevents pressure for tree removal at a later date.

### **Heritage:**

The site is not heritage listed.

### **Other Provisions:**

Clause 9.9 of the Planning Scheme considers Crime Prevention and states that development should make provision for:

- a) *public safety, security and a reasonable sense of security for residents and other users of the locality;*
- b) *lighting, visibility and natural surveillance to provide safe access in public spaces and pedestrian access ways;*
- c) *minimising the potential for, and effect of vandalism and anti-social behaviour through good design and construction.*

The proposal does generally allow for good surveillance of parking areas within the site. The landscaping of the parking areas which uses low level planting and trees has been designed to provide a visual break in a large hard paved area whilst not creating areas for concealment.

With regard to the lighting of the development, a condition of approval is recommended in relation to the provision of car park lighting.

The lack of fenestration along the Main Road elevation did lead to concern regarding lack of natural surveillance along this frontage. However this is a very public thoroughfare and it is not considered that the lack of windows in this elevation would lead to any sense of isolation in this location. Furthermore, in looking at measures to further articulate this elevations the creation of false windows was also dismissed as this can lead to a false sense of security.

**REFERRALS:****Traffic Engineer:**

I have investigated the traffic and parking impacts resulting from the proposed showroom (electrical and computer retailer) on the corner of Main Road and Derwent Park Road. This has included a review of the Traffic Impact Assessment, April 2005 prepared by Pitt & Sherry.

***Traffic Generation and Distribution***

Existing traffic volume information was provided to Pitt & Sherry in March 2005 to assist in the preparation of their Traffic Impact Assessment. This existing traffic data is summarised in the following table and is generally consistent with what has been reported in the Traffic Impact Assessment provided with the Development Application.

<b>Location</b>	<b>Date of Survey</b>	<b>Two Way ADT (veh/day)</b>	<b>85%ile Speed<sup>2</sup> (km/hr)</b>
Main Road (Birdwood Avenue to Fleet Street)	June 2004	15,989	58
Main Road (Springfield Avenue to Tregear Street)	August 2004	18,245	57
Derwent Park Road (Sunderland Street to Gormanston Road)	July 2004	15,227	56
Springfield Avenue (Leonard Avenue to Coleman Street)	July 2004	12,016	58

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<sup>1</sup> ADT – Average Daily Traffic, two-way daily traffic flow averaged over the seven day week, measured in vehicles per day.

<sup>2</sup> 85%ile speed – speed (in kilometres per hour) that is exceeded by 15% of vehicles.

Assumptions on existing and future trip generation from the site have also been included in the Traffic Impact Assessment. It is considered that an increase of 400 trips per weekday (with an additional 50 trips during the weekday peak hour) is acceptable as it will be an increase of less than 2% over the existing traffic flows through the intersection. Generation rates for bulky good retail vary widely but are generally less than those of average retail shops. It should be noted that peak generation rates are higher on the weekend than during the week where additional traffic can be more easily accommodated on Main Road and Derwent Park Road.

### **Access**

The development proposes two vehicular accesses to the site. This represents a significant rationalisation of accesses along Main Road (from seven to one), particularly adjacent to the traffic lights (although the former car yard immediately on the corner will remain).

### **Main Road Access**

The Main Road access is shown as being 12.5 metres wide at the back of the footpath (reducing to 9 metres within the site) and is almost directly opposite Effingham Street (but slightly offset to the south). The location of this access is prohibited by AS 2890.1:2004 (Figure 3.1) due to its proximity to Effingham Street and on this basis an access here would be unacceptable. In order to address this issue the Main Road access would need to be moved south or safety issues adequately addressed through other measures to comply with the intention of AS 2890.1:2004.

Ideally, relocation of the Main Road access to the southern extremity of the development site (adjacent to the Ukrainian Club site) would allow for a back-to-back right-turn facility to be provided in conjunction with the existing Maxwell Street right-turn lane, whilst also allowing enough space immediately south of Effingham Street for the future installation of a pedestrian crossing refuge without interfering with existing access locations on Main Road. This option has been discussed with the developer and was not considered to be an option given the issues in relation to “visual bulk” along Main Road.

Therefore, with the access remaining located directly opposite Effingham Street it is considered appropriate to ban all right turn manoeuvres at this driveway. This is supported in a letter from the developers Traffic Engineer (Jo Howarth of Pitt & Sherry) stating that *“the implications of making the Main Road intersection operate as a left*

*turn in and left turn out is the reduction in the potential number of conflict points. This is consistent with the intent of the Australian Standard which aims to limit the number of potential conflict points by not creating a cross intersection (which have the maximum number of conflict points)”.*

Also, the Traffic Impact Assessment considers the Main Road access as staff only (User Class 1). However, it is likely that this driveway will also provide access to the customer car park and to parking relating to the smaller showroom adjacent to the Ukrainian Club (User Class 3). This would result in a Driveway Category 3 (Table 3.1, AS 2890.1:1994). Therefore the driveway access should be designed as Driveway Category 3 in accordance with Table 3.2, AS 2890.1:1994.

### **Derwent Park Road Access**

The Derwent Park Road access is split into an entry at 7 Derwent Park Road and an exit at the existing driveway for Sherrin Hire. These driveways cater for User Class 3 parking (from Table 1.1, AS 2890.1:2004 – Off-street Car Parking) serving 101-300 car parking spaces and accessing onto an Arterial Road. This results in the Access Facility Category being defined as a Category 4 (from Table 3.1, AS 2890.1:2004). This requires each driveway to be 6.0-8.0 metres wide. Both the driveways are shown as being 6.6 metres wide and are 10.8 metres apart. The access driveways on Derwent Park Road comply with the requirements of AS 2890.1 – Off-street Parking in their dimensions.

There is sufficient entering sight distance from this driveway access along Derwent Park Road in both directions, given the 60 km/h posted speed limit. There is also sufficient pedestrian sight distance for vehicles exiting the driveway.

However, I have reservations about the right-turns into and out of the development site at Derwent Park Road due to the proximity to the Main Road traffic signals and the related queuing resulting from the volume of traffic on Derwent Park Road. Therefore it is considered necessary to restrict right turns into and out of the development. Right turns into the development would be allowed if a dedicated right-turn facility could be provided for the access (similar to those provided at the K&D Hardware Store immediately east of the development site). The design of this right-turn facility would be subject to approval by DIER as it involves traffic management works on a public road.

***Parking Provision, Layout & Servicing***

Information regarding parking provision and layout and servicing was contained with the Traffic Engineer's report however this has not been repeated here as the information is also contained within the report of the Development Engineer.

***Conclusion***

I see no reason for rejecting the application on traffic engineering or safety grounds, subject to the following conditions:

- The Main Road access driveway is restricted to left-in / left-out only and designed and constructed as Driveway Category 3 (in accordance with Table 3.2, AS 2890.1:1994) with a splitter island and appropriate signage to restrict the right-turn manoeuvres.
- The Derwent Park Road access driveway is restricted to left-in / left-out only. Right-turns into the development would be allowed if a dedicated right-turn facility is provided for the access (subject to approval of the developer's design by DIER).
- Parking modules within the staff car parking area widened to accommodate User Class 3 parking (either 2.6 metres with an aisle width of 6.6 metres or 2.6 metres with an aisle width of 6.2 metres).
- The accessible (disabled) parking spaces be distributed evenly around the three showroom buildings (rather than being concentrated around the Clive Peeters showroom entrance). All accessible parking space to be provided in accordance with AS/NZS 2890.1:2004.

**Development Engineer:**

The development involves the erection of three separate showrooms, one of which incorporates a large warehouse and loading dock, on approximately 13,660 sq. metres of land made up of various titles. The land has frontages to Derwent Park Road and to Main Road.

A small showroom and the larger showroom/warehouse will have separate frontages to Main Road, whilst another showroom will be located with a frontage to Derwent Park Road near the Inter City Cycleway.

The development includes the provision of two separate car parks for customers and staff. The customer car park, with a total of 163 spaces, is located at the rear of the main showroom. A smaller staff car park is located partly at the rear of the smaller showroom in Main Road and partly adjacent to the southern side of the larger showroom near the access in Main Road.

### ***Traffic, Access & Parking***

The developer has submitted a Traffic Impact Assessment with the application and this report has been referred to Council's Traffic Engineer for review and comments.

Although there is general agreement of traffic volumes generation between the developer's and Council's traffic reports, a discrepancy has been identified by Council with the impact on local traffic conditions caused by the developer's proposal to access the site from a right hand turn of northbound traffic in Main Road and from a right hand turn of eastbound traffic in Derwent Park Road.

It is predicted that allowing access at these points would cause considerable congestions to existing traffic, particularly if articulated prime mover and semitrailer vehicles are also allowed to enter the site from the Main Road access. Therefore the proposed access arrangements are not considered acceptable in their present configuration.

These issues were brought to the attention of the developer's representative during a meeting with the Senior Development Engineer on 13/7/2005, when it was pointed out that Council would give favourable consideration to a right turn in Main Road if the developer moved this access point some 12 metres south of its proposed location, as recommended by Council's Traffic Engineer, and that the access from Derwent Park Road would be restricted to "left in and left out" only. The provision of a separate staff carpark location near the Main Road entrance was also discussed at that time, with the suggestion that vehicle movements in this area would obstruct the access of vehicles attempting to enter the site from Main Road. It is noted that these suggestions have not been adopted by the developer.

Generally the issues concerning traffic, access and parking have been adequately covered in the Traffic Engineer's referral and those recommendations are endorsed and are included in this referral.

However the major concern with the proposed carparking arrangement is the developer's intention to include parking for patrons using the separate showroom

adjacent to the “*Ukrainian Club*” in the main car parking area instead of providing parking in the immediate vicinity of the showroom. This arrangement is not considered suitable as it would encourage patrons to utilise the spaces reserved for “*staff parking*” rather than park in the less convenient parking area at the rear of the “*Clive Peeters showroom and warehouse*”. It is therefore recommended that only the parking area along the southern wall of the “*Clive Peeters Warehouse*” be designated as “*Staff Parking*” whilst the parking area at the rear of the showroom adjoining the “*Ukrainian Club*” should be dedicated to “Customer” and designed in accordance with Fig 2.2 of AS 28901:2004 ie parking bay dimensions of 2.7 x 5.4m and aisle width of 6.2m.

It is also recommended that signs should be erected in the vicinity of the trucks turning area opposite the “*loading dock*” to alert motorists of the presence of turning/manoeuvring trucks.

The total number of carparking spaces required to satisfy the provisions of Section 10.5 of the GPS-1992 is calculated at 100, whilst the number provided by the development is 202.

### **Services**

The site is traversed by a 150mm diameter Council sewer main that runs in a south to north direction and services the new “*Ukrainian Club*” located at the southern end of this development. Both the proposed “*Clive Peeters showroom*” and the “*Clive Peeters Warehouse*” are to be built over this sewer main. This main should be relocated so that it is clear of all present or future buildings and connected to a sewer manhole nominated by Council and located in Derwent Park Road near the railway crossing. Some preliminary survey work has been done by Council and may be made available to the developer. Preparation of the hydraulic design for the sewer relocation and submission for approval by Council Development Engineer will be the developer’s responsibility and once approved Council will allow the developer to install the sewer pipework within the property. However any “live” connections inside and outside the property boundaries, including construction of manholes over existing sewer lines, under road boring and sewer lines outside the property boundaries will be carried out by Council at the developer’s expense. Redundant sewer lines should be sealed to the satisfaction of Council Development Engineer and may be abandoned in situ.

Existing stormwater and domestic water supply lines affected by the development and the demolition of existing buildings should also be removed and relocated at the developer's expense. In particular the existing 150mm and 225mm diameter stormwater lines that drain into the Derwent Park Road system and currently under the "*Clive Peeters showroom*" building should be removed and relocated to suit proposed arrangements.

The 225mm diameter stormwater main that runs in an east-west direction and originates in the vicinity of the proposed "*loading dock*" also services the new "*Ukrainian Club*" and should be shortened or relocated so that the manhole at the western end of the line is completely clear of the "*loading dock*" area. Design and alterations of stormwater system will be the developer's responsibility and shall be submitted for approval by Council Development Engineer. Approved works may be carried out by the developer under Council supervision and at the developer's expense.

Domestic water connections are available from either the Main Road or Derwent Park Road frontages.

### **Other**

The kerbs along the Derwent Park Road frontage are relatively new and in excellent condition, whilst the kerbs along the Main Road frontage are in extremely poor condition and it would be best to replace them so as to maintain consistency in the physical infrastructure. .

### **Environmental Health Officer:**

The Environmental Health Officer has not specific comments to make on the proposal but a number of conditions have been recommended.

### **Heritage Officer:**

Referral not required.

### **Access Officer:**

No comments have been received from the Access Officer. The proposed showrooms all have level access from the parking areas. An advice clause is recommended that the use may be subject to the Disability Discrimination Act 1992 with respect to access provisions.



**External Referrals:**

None required

**DISCUSSION:**

As set out above, the intent of the Service Business Zone as set out in the Glenorchy Planning Scheme 1992, includes to cater for those uses that require a high degree of visibility and accessibility to passing traffic, and to encourage use and development characterised by low scale buildings, display of goods and on site parking. Showrooms are a permitted use in the zone.

In summary, it is considered that the current proposals enhance the streetscape of both Main and Derwent Park Roads. Previous concerns regarding the Main Road elevations particularly in relation to the length of building along this frontage and the impression that the building was turning it's back to the road have been addressed. Various elements have been employed to fragment the frontage and assist in the street pattern and this is further enhanced by significant planting and landscaping

The applications seeks minor discretions in relation to the height of the buildings and the road alignment setback with Main Road, both of which are considered acceptable.

**CONCLUSION:**

The proposal is assessed to substantially comply with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Planning Scheme 1992, subject to recommended conditions.

**RECOMMENDATION:**

That a permit be granted for the proposed use and development of showrooms (3) at 191-197, 199, 201, 203 and 205 Main Road, and 7 and 9 Derwent Park Road, Moonah subject to the following conditions:

***Planning***

1. Use and development shall be substantially in accordance with planning permit application No. PLN 05-03254-01 and Drawing No. P2 (not including Main Road elevations) submitted on 21.6.05 and Drawing No.P3 (Main Road elevations and location of signage) submitted on 13.7.05 except as otherwise required by this permit.

2. Landscaping works as shown on the endorsed plans shall be completed prior to issue of a Certificate of Occupancy, to the satisfaction of Council's Senior Planner and then maintained to the satisfaction of Council's Senior Planner.
3. Titles for the land subject to the proposed use and development or use shall be adhered prior to the issue of a certificate of occupancy.
4. The car parking area and its immediate surrounds affected by the proposal are to be suitably lit to the satisfaction of Council's Senior Planner in order to avoid vandalism, anti-social behaviour and provide for safe access to the public and to employees. Lighting shall be designed, baffled and located to prevent any adverse effect on adjoining land to AS/NZ 1158.3.1:199 (category p) lighting-performance and installation design requirements & AS 4282:1997 – control of the obtrusive effects of outdoor lighting. Plans demonstrating compliance with this condition or a notation on the plans are to be submitted in association with the building application.
5. The location and details of signs shown on the endorsed plans must not be altered without the written consent of Council.
6. Signs shall not be illuminated by additional external lights except with the written consent of Council.
7. The approved illuminated sign is not to be intermittently illuminated.

### **Engineering**

8. A minimum of two hundred (200) clearly marked carparking spaces shall be provided on site which shall be kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles shall be provided in accordance with the Australian Standard AS/NZS 2890.1 - 2004 Off-Street Parking. Car parking and manoeuvring areas and access aisles shall be sealed with an impervious dust free surface and drained to the stormwater system.
9. Of the required number of car parking spaces, a minimum of four (4) car parking spaces shall be provided for the use of people with disabilities. The spaces shall be clearly marked and sealed with an impervious dust free surface in accordance with the standard for disabled car parking laid down in Australian Standard AS 2890.1 - 1993 Off-Street Parking. The proposed disabled parking spaces shall be distributed around each entrance of the three showroom buildings (two only around the Clive Peeters showroom entrance and one each around the other showrooms entrances, rather than being all concentrated around the Clive Peeters showroom).
10. Car parking for 5 vehicles on land located at 191-197 Main Road, Moonah is available for use by 187 Main Road, Moonah for the duration of the use of all or part of the land as a Place of Assembly. These spaces shall be clearly marked on site to the satisfaction of Council's Development Engineer.
11. In areas set aside for carparking, securely fixed wheel stops shall be provided to the satisfaction of Council to prevent damage to fences or landscaped areas.
12. Alterations and additions to existing services shall be undertaken by Council at the developer's cost.
13. All runoff from paved and driveway areas shall be retained within site boundaries and drained to an approved stormwater system.

14. Existing vehicular crossings and driveway aprons no longer required shall be removed and the footpath/nature strip and kerbing reinstated to match the existing.
15. Any work within Council's road reservation is to be carried out by a Council-registered contractor. A road opening permit from Council's Planning Services Program is required. An inspection fee of \$50.00 is payable upon each application.
16. The loading and unloading of goods from vehicles, including equipment and building materials, shall only be carried out on the land.
17. The Main Road access driveway shall be restricted to left-in / left-out only and designed and constructed as Driveway Category 3 (in accordance with Table 3.2, AS2890.1: 1994) with a splitter island and appropriate signage to restrict the right-turn manoeuvres.
18. The Derwent Park Road access driveway shall be restricted to left-in / left-out only. Right turns into the development would be allowed if a dedicated right-turn facility is provided for the access and approved by DIER. Preparation of engineering drawings and obtaining DIER approval for a right hand turn arrangement shall be the responsibility of the developer.
19. Directional and pavement markings shall be installed in and around the carparking areas to provide clear delineation and separation of travel paths.
20. Signs shall be erected in the following locations:
  - a) At the entrance to car parks to clearly direct customers and staff to their respectively dedicated parking areas.
  - b) In the circulation aisles in the vicinity of the "*Loading Dock*" to alert car park users of the presence of trucks turning/manoeuvring in this area.
21. All signs and directional facilities shall be installed in accordance with the requirements of Australian Standard AS/NZS 2890.1:2004, Section 4 and shall be manufactured, erected and maintained to the satisfaction of the Council Development Engineer.
22. The developer shall also pay Council to erect "*No Stopping*" signs along the eastern side of Main Road between Derwent Park Road and the entrance to 183 Main Road to ensure that the line of sight of vehicles entering or leaving the site is not restricted by parked vehicles.
23. All trafficable areas shall be constructed and sealed with an approved impervious surface treatment. The developer shall submit details of pavement construction with the Building Permit application for the approval of Council's Development Engineer.
24. A Soil and Water Management Plan shall be submitted with the Building Permit Application for approval of Council Development Engineer. The SWMP shall be prepared in accordance with the "*Guidelines for Soil and Water Management*" and shall contain, as a minimum, details and locations of Stabilised Site Accesses, extent of Sedimentation Fences and use of diversion drains in appropriate locations and around pits to divert water away from construction and disturbed areas. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council stormwater system. The approved facilities shall be installed prior to commencement of any work on site and shall be inspected and maintained during the construction period. They shall remain in place until such time as all

disturbed areas have been restored or sealed to the satisfaction of Council's Development Engineer.

25. The existing 150mm diameter Council sewer main that runs in a south to north direction and is located under the proposed "*Clive Peeters showroom*" building shall be relocated so that it is clear of all present or future buildings and shall be connected to a sewer manhole nominated by Council on the northern side of Derwent Park Road. (Some preliminary survey has been done by Council and may be made available to the developer.) Detailed engineering design drawings of the sewer relocation shall be prepared by a certified practicing engineer at the developer's expense and drawings shall be submitted for the approval of Council Development Engineer. Once this design is approved, Council will allow the developer to install the sewer pipework within the property. Any "live" connections inside and outside the property boundaries, including construction of manholes over existing sewer lines, under-road boring and sewer lines outside the property will be carried out by Council at the developer's expense. The developer should be aware that the existing sewer main also services the new Ukrainian Club and that it shall be the developer's responsibility to provide continuity of service to that property.
26. The existing 150mm and 225mm diameter stormwater lines that drain into the Derwent Park Road system and that are currently under the "*Clive Peeters showroom*" building shall be relocated to suit proposed arrangements.
27. The 225mm diameter stormwater main that runs in an east-west direction and originates in the vicinity of the proposed "*loading dock*" shall be shortened or relocated so that the manhole at the western end of the line is completely clear of the "*loading dock*" area. Engineering design and alterations of stormwater system will be the developer's responsibility and engineering plans shall be submitted for approval by Council Development Engineer. Approved works may be carried out by the developer under Council supervision and at the developer's expense. The developer should be aware that the existing stormwater main also services the new Ukrainian Club and that it shall be the developer's responsibility to provide continuity of service to that property.
28. All redundant sewer and stormwater mains shall be sealed or removed to the satisfaction of Council Development Engineer after the connection to new infrastructure lines. Confirmation of compliance of the new system shall be provided to Council's Development Engineer.
29. Detailed engineering design drawings showing existing and proposed sewer and stormwater mains, service connections, invert levels, pavement levels, grated drains, silt collection pits and Finished Floor Levels shall be submitted prior to or with the Building Permit application for approval by the Council Development Engineer.
30. Demolition of existing structures shall include the disconnection and removal of all connection lines, the excavation and removal of paved surfaces and all supporting foundations to a level below the base of existing foundations. All excavated areas shall be reinstated with base gravel materials and compacted to 95% of Standard Maximum Dry Density of the selected material. All service connections no longer required shall be removed or sealed to the satisfaction of Council's Plumbing Inspector.
31. Wherever possible the finished pavement levels of all paved areas shall generally match existing levels of the surrounding properties.

32. Appropriate traffic management provisions shall be implemented to safely control traffic entering and leaving the site during the construction period. As a minimum advance warning signs and safety facilities shall be erected in Derwent Park Road and in Main Road alerting motorists of temporary interruptions to traffic and to provide safe passage for pedestrians during periods of construction activity. Traffic management plans shall be submitted to the Council Development Engineer for approval.
33. The applicant shall not in the course of carrying out the activity, without the prior written approval of Council, change any process, construct, install, alter or remove any structure or equipment or change the nature or quantity of materials used or produced which might cause or increase the issue of a pollutant, or otherwise result in environmental harm.
34. The discharge of liquids, other than unpolluted rainwater, to Council's stormwater system, receiving water bodies or watercourses is strictly prohibited.
35. Best environmental soil and water management practices shall be employed to prevent the emission of dust, water effluent or other matter from the site during the demolition process to demonstrate best practice environmental management, pursuant to *Section 4* of the *Environmental Management Pollution Control Act 1994*.
36. All waste materials from the site shall be appropriately disposed of to landfill or reclaimed/recycled if possible in compliance with the principles of best practice environmental management
37. Noise levels from operations on the premises shall not exceed 5 dB(A) above the background noise at any time when measured in the presence of ambient noise normally existent in the area at the nearest boundary of any residential premises in other ownership. In accordance with *AS1055.1-1989 Acoustics – Description and Measurement of Environmental Noise Part 1: General Procedures*, background noise is to be obtained by using time-weighting, and arithmetically averaging the lowest levels of the ambient sound pressure levels measured in the absence of the noise source(s) under investigation during the time interval considered pursuant to *Section 53* of the *Environmental Management Pollution Control Act 1994*.

### **Advice to Applicant**

The applicant is advised as follows:

- It is desirable that the full length of the kerb along the Main Road frontage be replaced with new kerb and channel and Council may be prepared to contribute to the cost of upgrading this work.
- Footpaths and nature strips fronting the limits of the proposed development should be upgraded and landscaped.
- The section of the “*staff parking*” at the rear of the showroom adjacent to the “*Ukrainian Club*” should be dedicated to “*Customer Parking*” and designed for User Class 3A in accordance with AS2890.1, and these “*staff parking*” provisions should be relocated to the rear of the main car park.
- The “*staff car park*” near the Main Road entrance could be retained as staff parking provided it is clearly marked for “*Staff Parking Only*”.
- The car park layout should incorporate dedicated and directional facilities for safe pedestrian access from the furthest parking rows to each of the showrooms.

- Signage for bicycle parking should form part of the general car park facilities.
- The applicant is advised that the use may be subject to the *Disability Discrimination Act 1992 (DDA)* with respect to access provisions. It is noted for your information that the *Building Code of Australia (BCA)*, the Australian Standards (AS1428.2 1992) and associated Standards and the DDA may apply to both employees and visitors to the building. There are currently no prescribed standards for compliance with the DDA.

This permit does not constitute a building approval nor does it ensure compliance with any other statute including the DDA.

A use or development which does not comply with the DDA may be subject of a complaint. The Council recommends that the Applicant seek further information concerning compliance obligations which arise under the DDA.

Further information concerning the DDA can be obtained from:-

Office of the Human Rights and Equal Opportunities Commission and from the Tasmanian Anti-Discrimination Commission.

## **7 PROPOSED USE AND DEVELOPMENT – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FIVE (5) MULTIPLE DWELLING UNITS AT 10 TILYARD STREET, MONTROSE.**

**Author:** Acting Senior Planner (Kylie Williams)

**Qualified Person:** Acting Senior Planner (Kylie Williams)

**File Reference:** 114675

### **REPORT SUMMARY:**

<b>Application No.:</b>	05-03325-01
<b>Applicant:</b>	S Yannarakis
<b>Owner:</b>	S Yannarakis and N Gale
<b>Zoning:</b>	Urban Residential
<b>Development Category</b>	Multiple Dwelling Units
<b>Development Status:</b>	Discretionary
<b>Discretions:</b>	Use/Development and Dwelling Unit Factor, side Setback, Carparking within Road Alignment Setback.
<b>42 Days Expires:</b>	Extension of time until 10 <sup>th</sup> August 2005
<b>Existing Land Use:</b>	Dwelling
<b>Proposal In Brief:</b>	Demolition of Dwelling and construction of five (5) units.
<b>Representations:</b>	Two
<b>Planning Issues:</b>	Amenity, Overshadowing, Design and Appearance.
<b>Recommendation:</b>	Approval subject to conditions

Relevant Application documents may be found in the [ATTACHMENTS for Item 7](#)

## **REPORT IN DETAIL:**

### **PROPOSAL:**

The proposal involves the demolition of an existing weatherboard dwelling and the construction of five new multiple dwelling units. Unit 1 would be designed as a single storey two bedroom dwelling, Units 2 and 3 as single storey two bedroom conjoined dwellings and units 4 and 5 as two storey three bedroom units joined by two double carport structures.

### **SITE & LOCALITY:**

The subject property is 1610m<sup>2</sup> in area and located on the northern side of Tilyard Street. The land falls slightly toward the northern corner and currently contains the existing dwelling and several trees of various sizes. Surrounding land use is characterised by residential use.

### **BACKGROUND:**

There is no information relevant to the assessment of the proposal.

### **APPRAISAL:**

#### **Representations:**

Two representations were received during the statutory advertising period and the issues raised were as follows:

- Drainage and surface water associated with the development.
- Five new units on this one piece of land will bring a lot more noise and traffic to the area.
- That the current view of the Derwent River will be affected.
- That the new dwellings will also impact on the amount of natural sunlight to an adjoining property.

#### ***Planning Comment***

Drainage and surface water issues are dealt with in the engineering evaluation to follow.



*Noise and Traffic*

The representor's comments can be appreciated. However the subject property and surrounding area is zoned Urban Residential where such densities are permissible. Concern was expressed that the increased residential occupation of land will create additional noise and lead to a reduction in amenity. Undoubtedly increased residential development leads to some increase in noise. The land however is zoned for residential development and is surrounded by residences. It would be unreasonable to prevent the development of such land based on this concern.

*Views*

Given views from the property to the south (toward the river) are in the northerly direction, they are currently experienced in sight lines over the adjacent properties. Therefore any development on the subject land will impact on the existing view experienced from the adjacent property. While this is unfortunate it is considered largely unavoidable as views achieved over other land that is capable of residential development, cannot be guaranteed.

Notwithstanding this, it is considered appropriate that the visual bulk of the proposal when observed from the property to the rear (created mainly by units 4 and 5) be reduced. Further reasons supporting this change are discussed later in this report.

*Sunlight*

In terms of the likely overshadowing impact on the adjacent property the following factors (amongst other things) influence potential overshadowing impact:

- Siting of the existing dwelling in relation to that proposed on the adjacent property;
- The time of the day any likely overshadowing would occur (given the siting of the proposal);
- The angle of the elevation of the sun above the horizon at a particular time of the year;
- The topography of the subject land and of that in the immediate locality;
- The location of habitable rooms within the (potentially) affected dwelling;

The following observations have been made with reference to these issues and are supported by shadow diagrams prepared on behalf of the applicant.

The two-storey elements of the proposed dwellings 4 and 5 would be located toward the internal driveway area therefore overshadowing impacts would be experienced first and foremost within the subject property particularly the proposed outdoor space areas. This issue is dealt with later in this report.

While the above concerns highlighted by the representors have been taken into account they are not considered to warrant determining weight.

### **Consistency with State Policies, Objectives of LUPA:**

It is considered that the proposal will provide for the more fair, orderly and sustainable use and development of the subject land in accordance with Part 1 (b) of the Land Use Planning and Act 1993.

The provisions of the State Policy on Water Quality Management 1997 are considered to apply to the development as it forms part of a larger catchment area. Provided the recommended conditions of approval are adhered to the proposal shall be in accordance with the provisions of this Policy.

### **Zone Intent:**

The proposal involves a residential development of Urban Residential zoned land. It will directly further the urban consolidation objectives prescribed within the Planning Scheme and will not incur any adverse impacts upon its surroundings. The proposal is therefore consistent with the Zone intent as detailed within Clause 2.2.

### **Use:**

Multiple Dwelling Units are a discretionary use in the Zone.

### **Setbacks:**

#### ***External property boundary***

The development requires a side boundary setback variation in respect to the northeastern boundary for the construction of a small deck for Unit 1. The applicant has indicated that Unit 1 is designed as adaptable housing in accordance with AS 4299 and that this deck is intended to provide ready access for wheelchair users to an outdoor clothes drying facility. Given this functional arrangement it is considered that the small variation sought is acceptable.

**Road Alignment Setback**

A visitor carparking space is proposed in the area between the road and Unit 1. According to 10.6.4 car parking spaces and manoeuvring areas in the Residential Zones are to be located behind the front setback from the Road Alignment (commonly referred to as “behind the building line”).

The applicant has indicated that visitor spaces may be allowed forward of the unit closest to the street provided safety is not compromised and no structure is proposed and requests consideration of the variation on this basis.

While the above is true it is only in the case where this space is a tandem space. It is considered that nevertheless this arrangement is acceptable provided no structure is permitted. A condition is recommended to this effect should the application be approved.

The issue of the setback between buildings on the lot is only considered to be an issue in relation to the design and appearance of units 4 and 5. This is discussed later in this report.

**Building Height:**

The maximum height of the development would be 5.5 metres for the front sections of units 4 and 5. This is well within the 7.5 metres permitted in the zone.

**Density:**

The Dwelling Unit Factor for the development would be 322m<sup>2</sup> where a standard of 325m<sup>2</sup> is permitted. This is a marginal variation, not considered sufficient to have any deleterious impact on amenity of the subject or any adjacent properties.

**Outdoor Space:**

The proposed Private Outdoor Space areas demonstrated on the plans are generally in accordance with the Scheme’s numerical requirements. However the applicant was requested to provide additional information regarding the treatment of areas appurtenant to units four and five. In particular detail was required to show shadows cast by the proposed units in the direction of the appurtenant outdoor spaces.

In response to these concerns the applicant provided shadow diagrams of the proposed dwellings and outdoor spaces. As expected these diagrams (dated 27<sup>th</sup> June) showed a

significant impact on the outdoor spaces of these units. Further diagrams submitted on the 6<sup>th</sup> July 2005 omitting the double carport structures between the two units show a considerable improvement in this regard. Accordingly it is considered appropriate that should the application be approved these changes be required to improve the levels of the sunlight and privacy to these spaces.

Additionally it is considered that direct access from the living and or dining areas of the dwellings to the Outdoor Space should be provided for units 2 and 3.

### **Traffic, Access & Parking:**

A total of 10 spaces are proposed for the development where eight would be required according to Table 17 of the Scheme. It is considered that this arrangement is acceptable subject to a condition requiring variation in the colour and or texture of the hardstand areas to prevent an expanse of concrete.

### **Heritage:**

The property is not heritage listed.

### **Other Provisions:** (Land Stability, Flooding, Fire, Listed Watercourses)

Clause 7.10 of the Glenorchy Planning Scheme sets out Considerations of application for a permit. This states that in the determination of an application for a Permit the Corporation shall take into consideration the following:

- (a) *intent of Zone and relevant aims, objectives and standards of the Scheme.*
- (g) *whether the proposed use or development is satisfactory in relation to:*
  - (i) *its design, siting, height, scale and appearance with regard to surrounding land and buildings*

As previously set out, the initial proposal for units 4 and 5 are not considered to be acceptable in accordance with (g)(i) above or in relation to the Private Outdoor Space standards of the Scheme.

The applicant has submitted options for a design response that they consider addresses these concerns. These options include:

- (b) utilising some of the lower floor area for each unit as a garage providing uncovered visitor carparking between the two units and removing the proposed space in front of unit 1
- (c) Providing a single carport for each of these units and uncovered visitor spaces between them while retaining the proposed space in front of unit 1.

It is recommended that a combination of these options be used in the form of incorporating within unit 4 an internal garage and including two uncovered visitor spaces between units 4 and 5. Additionally incorporating a carport structure for unit 5 and permitting the inclusion on the visitor space forward of the building line.

These changes are recommended and are considered to be acceptable to further the relevant aims and objectives of the Scheme.

## **REFERRALS:**

### **Development Engineer:**

#### ***Traffic, Access & Parking***

The applicant has not provided estimates of traffic movement generated by the development.

However the development has the potential of generating up to forty five (45) traffic movements per day and these additional traffic movements are not expected to have a significant impact on local traffic conditions.

The property does not have a vehicular crossover access, even though it is located within a section of Tilyard Street that was reconstructed in 1998. Access to the property is currently provided over temporary timber spreaders in front of the existing kerb and channel.

The developer's intention to construct a new 5 metre wide driveway central to the property does not allow for the provision of a passing bay as specified by the GPS-1992 and the driveway shall therefore be widened to a minimum of 5.5 metres in order to comply with this requirement.

The width of the driveway opposite "Unit 4" fails to provide the minimum internal of 3.5 metres required by the GPS-1992 for developments of more than four dwelling units. In addition the width of the driveway in this area needs to be increased to a

minimum of 4 metres in order to provide adequate turning and manoeuvring for vehicles using the visitor parking spaces 2 & 3.

The 5 unit development attracts a total of eight (8) car parking spaces to satisfy the requirements of the GPS-1992. Units 1, 2 & 3 are provided with individual under roof garages, whilst separate carports are planned for Units 3 & 4 and an additional five (5) visitor car parking spaces are included in the proposal. The total number of parking spaces thus provided by the development exceeds the minimum required by the GPS-1992.

The proposed carparking arrangements, apart from alterations to minimum driveway width and turning areas noted above, are generally acceptable.

### **Services**

Council services are not affected by this proposal.

All proposed service connections shall be provided to the satisfaction of Council's Plumbing Inspector.

It is noted that one representation to the development detailed concerns relating to drainage and surface water issues. During the development of the site these issues are controlled by the soil and water management plan requested by condition 8. Following the implementation of the development the recommended condition 18 relating to the drainage of all paved areas, controls the second issue.

### **Environmental Health Officer**

The final use of this development is residential in character and as such is unlikely to result in unreasonable impact on the environmental amenity of adjoining residences.

It is noted, however that, existing buildings will be demolished prior to construction of the new development. In the event that the buildings earmarked for demolition contain components of asbestos based construction, it is possible that asbestos dust could be discharged to the atmosphere during demolition.

It is important that the developers recognise this risk and implement simple procedures to identify potential asbestos sources and, where necessary, ensure that appropriate precautions are observed to ensure the safe removal and disposal of any asbestos waste arising from the demolition works.

General nuisance may also arise from the emission of dust and sediment from the site, during both the demolition and construction phase of the project.

Conditions and advice are provided which address these issues and are recommended for inclusion in any Permit which Council may issue in respect of this Application.

### **Waste Management Officer**

*Waste Management Service to the above unit development will be 5 x 140L wheelie bins for household waste and 5 x 140L wheelie bins for recycling both collected fortnightly.*

Council's Waste Management Contractor will not enter the property to collect wheelie bins. Wheelie bins for waste and recycling will need to be placed on the kerbside for collection.

### **DISCUSSION:**

The land is zoned to enable the type of development proposed and is surrounded by residential development.

Issues raised by the representor have been carefully considered. However, given the size, nature and overall location of the land it is assessed that the development will not result in unreasonable impacts on residential amenity, road safety, or the environment.

There have been substantial negotiations with the applicant and design responses have been discussed to address some of the issues raised during the assessment of the proposal.

### **CONCLUSION:**

The proposal is assessed as complying with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Planning Scheme 1992, subject to the recommended conditions.

### **RECOMMENDATION:**

That a permit be granted for the proposed use and development of five multiple dwelling units at 10 Tilyard Street, Montrose subject to the following conditions:

**Planning**

1. Use and development shall be substantially in accordance with planning permit application No. PLN 05-03325-01 and Drawing No. P1 submitted on 25<sup>th</sup> May 2005 and P2 submitted on the 17<sup>th</sup> June 2005, except as otherwise required by this permit.
2. The use/development shall not commence until amended plans are submitted to the satisfaction of the Senior Planner in association with the application to Council for a Building Permit. The plans must be substantially in accordance with the originally lodged plans but modified to show:
  - direct access from the living/dining areas of units 2 and 3 to the appurtenant outdoor space areas.
  - an internal garage incorporated within unit 4
  - two uncovered visitor spaces between units 4 and 5.
  - a carport structure for unit 5 When approved, the plans will be endorsed and will form part of the permit.
3. This approval does not extend to any structure over the visitor space in front of unit 1.
4. A landscaping plan shall be submitted in association with the plans submitted with the Building Permit Application. The landscape plan is to be prepared at a suitable scale, and indicate the following:-
  - a) Outline of the proposed buildings;
  - b) Location of existing trees on site
  - c) Identification of trees to be retained and those to be removed.
  - d) Identification of measures to protect trees to be retained.
  - e) Proposed planting including quantity, genus, species, common name, expected mature height and plant size;
5. The proposed reinforced concrete areas shall be patterned or have a similar treatment and be pigmented in a colour or colours to the satisfaction of the Senior Planner. Details are to be submitted in association with the application for a Building Permit.
6. The works undertaken in association with the approved landscaping plan are to be completed prior to the issue of a Certificate of Occupancy for the new dwellings.
7. A variety of building materials and colours shall be used in construction of the development hereby approved to avoid a monotonous appearance. Details of the external finishes selected for each unit shall be submitted for approval by the Senior Planner in association with, or prior to, the lodging of an application for a building permit.

**Engineering**

8. A Soil and Water Management Plan shall be submitted with the Building Application for approval to Council Development Engineer. The Soil and Water plan shall be prepared in accordance with the "*Guidelines for Soil and Water Management*" and shall contain, as a minimum, details and locations of Stabilised Site Access, extent of Sedimentation Fences and use of cut-off drains in appropriate locations to divert water away from disturbed areas. The approved facilities shall be installed prior to



commencement of any work on site and shall be inspected and maintained during the construction period. They shall remain in place until such time as all disturbed areas have been restored or sealed to the satisfaction of Council's Development Engineer

9. A temporary all weather access track shall be provided, preferably, along the same alignment as the permanent driveway. The track shall be maintained regularly during the construction period and shall be either reinstated to harmonise with the original site conditions or converted to a sealed permanent driveway within 2 months of the completion of the building, all to the satisfaction of the Council Development Engineer and at the developer's expense
10. Driveways, car parking and turning areas shall be constructed and sealed with an approved impervious surface treatment. Construction details shall be submitted with the Building Application for approval by Council's Development Engineer and shall generally be in accordance with Council's standard specifications and drawing SD-1003. Driveway grades shall not exceed 20%. Surface water from the driveway shall be collected into a grated drain and silt pit before discharging into Council's stormwater system
11. Existing footpaths/nature strip and kerbing affected by the construction of new or widening of existing crossovers shall be reinstated to match existing at the developer's expense and to the satisfaction of Council Development Engineer.
12. A passing bay with minimum width of 5.5 metre wide and 6 metres in length shall be provided at the road alignment
13. The width of the driveway in the vicinity of "Unit 4" shall be increased to a minimum 4.0 metres in order to comply with the requirements of the GPS-1992 and to provide adequate turning and manoeuvring areas recommended by the Australian Standard AS/NZS 2890.1:2004, Parking facilities for Off-street car parking
14. Demolition of existing structures shall include the disconnection and removal of all service lines, the excavation and removal of paved surfaces and all supporting foundations to a level below the base of existing foundations
15. Ten (10) clearly marked carparking spaces shall be provided on site which shall be kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles shall be provided in accordance with the Australian Standard AS/NZS 2890.1 - 2004 Off-Street Parking. Car parking and manoeuvring areas and access aisles shall be sealed with an impervious dust free surface and drained to the stormwater system.
16. Of the required number of car parking spaces, one (1) car parking space shall be provided for the use of people with disabilities. The space shall be clearly marked and sealed with an impervious dust free surface in accordance with the standard for disabled car parking laid down in Australian Standard AS/NZS 2890.1 - 2004 Off-Street Parking.
17. In areas set aside for carparking, securely fixed wheel stops shall be provided to the satisfaction of Council to prevent damage to fences or landscaped areas.
18. All runoff from paved and driveway areas shall be retained within site boundaries and drained to an approved stormwater system.
19. Alterations and additions to existing services are to be undertaken by Council at the developer's cost.

20. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction of the units. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council stormwater system. All aspects and protection measures are to comply with the requirements of Council's Development Engineer
21. Any work within Council's road reservation is to be carried out by a Council-registered contractor. A road opening permit from Council's Planning Services Program is required. An inspection fee of \$30.00 is payable upon application.
22. The loading and unloading of goods from vehicles, including equipment and building materials, shall only be carried out on the land.

### ***Environmental Health***

23. Suitable screens and/or barriers shall be erected during the demolition process, to reduce the emission of dust, water effluent or other matter from the site. Best practice soil and water management provisions shall be employed to minimise emissions from the site.

### ***Advice to Applicant***

- Should material which contains asbestos be discovered during the demolition process, no handling or removal works should be undertaken until a 'Permit to Proceed with Asbestos Removal' is granted by Workplace Standards Tasmania. You are asked to provide Council's Senior Environmental Health Officer with a copy of this 'Permit to Proceed with Asbestos Removal'.
- Waste Management Service to the unit development will be 5 x 140L wheelie bins for household waste and 5 x 140L wheelie bins for recycling both collected fortnightly.

## **8 PROPOSED USE AND DEVELOPMENT – CHANGE OF NON-CONFORMING USE TO SHOP (SALE OF FIREWORKS) AT 50 LAMPTON AVENUE, DERWENT PARK**

**Author:** Planning Officer (Jeremy Hopkins)

**Qualified Person:** Planning Officer (Jeremy Hopkins)

**File Reference:** 113614

### **REPORT SUMMARY:**

<b>Application No.:</b>	PLN-05-03404-01
<b>Applicant:</b>	C Palmer
<b>Owner:</b>	G & M Glynatsis
<b>Zoning:</b>	Urban Residential
<b>Development Category</b>	Shop
<b>Development Status:</b>	Prohibited
<b>Discretions:</b>	Change of non conforming use
<b>42 Days Expires:</b>	18 August 2005
<b>Existing Land Use:</b>	Take-Away Food Shop
<b>Proposal In Brief:</b>	Change of non-conforming use to shop
<b>Representations:</b>	Nil
<b>Planning Issues:</b>	Intensity of use, zone intent
<b>Recommendation:</b>	Approval, subject to conditions

Relevant Application documents may be found in the [ATTACHMENTS for Item 8](#)

## **REPORT IN DETAIL:**

### **PROPOSAL:**

An application was made on the 7<sup>th</sup> of July 2005 for the change of an existing non-conforming use to a shop (sale of fireworks) at 50 Lampton Avenue, Derwent Park.

The proposed shop would specialise in the sale of fireworks to the public and would have a gross floor area of 88m<sup>2</sup>. The proposed use would employ a total of two (2) staff at any given time and would operate between the hours of 10.00am to 5.30pm Monday to Friday and 10.00am to 5.30pm Saturdays.

The application does not propose any external additions or alterations to the existing Take-Away Food Shop.

### **SITE & LOCALITY:**

The property is located on the northwest intersection of Lampton Avenue and Brooker Avenue, Derwent Park. The property has a frontage to Lampton Avenue of 43.13 metres, frontage to Brooker Avenue of 27.96 metres and a total area of 1156m<sup>2</sup>.

The property is predominantly flat and contains an existing single dwelling and shop-front, which has been used in the past as a Take-Away Food Shop.

The property contains three (3) line marked on site car parking spaces at the frontage of the site with vehicular access to Lampton Avenue.

### **BACKGROUND:**

The property file indicates that the site has been continuously used as a Take-Away Food Shop from 1981 up until a few months ago.

### **APPRAISAL:**

#### **Representations:**

The application was advertised for the statutory 14-day notification period with no representations being made during that time.

**Consistency with State Policies, Objectives of LUPA:**

It is considered that the proposed change of non conforming use to a shop would further the objectives of Schedule 1 of the Land use Planning and Approvals Act 1993 through the reuse of a building that would otherwise remain under-utilised and therefore not making a worthwhile contribution to the locality. In particular, the economic objectives as set out under Schedule 1.1(d) of the Act to facilitate economic development in accordance with the objectives of the Act.

There are no State Policies applicable to the consideration of this application.

**Zone Intent:**

The property is located within the Urban Residential Zone. The intent of the Urban Residential Zone is:

- (a) *to ensure sufficient serviced residential land is available within the City to meet anticipated demand in the future;*
- (b) *to foster a safe and healthy residential environment;*
- (c) *to facilitate urban consolidation by encouraging the utilisation of existing serviced land;*
- (d) *to protect residential Amenity by reducing the potential for land use conflicts between residential use and other land use activities;*
- (e) *to encourage a range of housing types and housing designs to suit different needs within the community; and*
- (f) *to retain and improve the existing Streetscape/townscape.*
- (g) *to promote housing design, landscaping, and construction techniques which make a positive contribution to crime prevention at the local level.*

The use of the property for a shop (sale of fireworks) generally does not accord with the intent and objectives of the Urban Residential Zone given its prohibited use status, and is therefore suitable for approval pursuant to Clause 1.4.3 of the Glenorchy Planning Scheme 1992.

Therefore the provisions of Clause 1.4.3 apply as Council may consider an existing non-conforming use to change to another provided the new use has no greater adverse impact on the Amenity of the locality than the existing use.

The non-conforming use of the property is long-standing and the new activity is not considered to result in any greater impact on the vicinity than the previous use.

### **Use:**

The property has previously been used as a Take-Away Food Premise dating back to 1981, and vacated within the past couple of months. Therefore the provisions of Clause 20 (4) of the Land Use Planning and Approvals Act 1993 apply as the existing non-conforming use has not ceased for any of the relevant periods specified in the Act.

Based on the information above an assessment has to be made about the impact of the previous use (Take-Away Food Premises) compared to the proposed use (Shop for the sale of fire works). Emphasis is therefore placed on the proposed hours of operation; average number of customers per day; and emissions from the property.

The existing use (Take-Away Food Premises) operated from the property during the hours of 6.30am to 8.00pm Monday to Friday, 7.30am to 8.00pm Saturdays and 8.00am to 7.00pm on Sundays. The proposed use (Shop for the sale of fire works) would operate between the hours of 10.00am to 5.30pm Monday to Saturday, which would result in a reduction of 46 hours from that of the current use (91 hours per week) to the proposed use (45 hours per week).

No information is available on file to indicate the current number of customers who used the Take-Away Food Premise on average per day. However, it would be realistically anticipated that the number of customers would have been greater than the average of 10 customers per day and 35 during the peak period (lead up to Guy Fawkes Night/Fire Cracker Night/New Years Eve) nominated for the proposed use (Shop for the sale of fire works).

Take-Away Food Premises (current non-conforming use) generally result in a low level of emissions from the mechanical ventilation filters/hoods in association with the fryers. This may include the emission of smells & steam. In this instance, the property file does not indicate as to whether the property was subject in the past to the emission of any smells or steam. However, it would be expected that given the nature of the proposed

use (Shop for the sale of fire works) that no emissions would be expected. Therefore could be considered to be no greater impact on the amenity in terms of emissions.

Conditions have been recommended that amongst other things would restrict the hours of operation to those proposed, the display of signage, and the loading and unloading of goods on site.

On the basis of the information submitted it is considered that the proposed use of the site as a change of non-conforming use to shop (sale of fireworks) would not have a greater impact on the amenity of the locality than the previous use as a Take-Away Food Premises.

### **Hours of Operation:**

Information submitted with the application states that the hours of operation of the proposed use would be as follows:

Monday to Saturday 10.00am to 5.30pm.

These hours of use are appropriate to the site given the nearby residential properties, and it is recommended that these hours be controlled by a condition. The hours of operation of the previous use were not controlled due to the long established nature of the use. As discussed previously within the body of this *Report*, the nominated hours of operation are substantially less than the current operating hours for the Take Away Food Shop.

### **Setbacks:**

No new buildings are proposed.

### **Building Height:**

No new buildings are proposed.

### **Design & Appearance:**

No new buildings are proposed.

### **Traffic, Access & Parking:**

The property contains three (3) line marked on site car parking spaces at the frontage of the site with vehicular access to Lampton Avenue.

Pursuant to Clause 10.5.1 of the Glenorchy Planning Scheme 1992, the car parking provision for a shop is 1 on site car space per 35m<sup>2</sup> of gross floor area. The gross floor area of the shop is 88m<sup>2</sup> resulting in a requirement for 3 on site car parking spaces.

The site currently provides for 3 on site car parking spaces in accordance with Clause 10.5.1 of the Scheme.

The comments of Council's Development Engineer in respect to traffic, access and parking are set out below.

### **Signage:**

The application nominates the display of signage less than 4m<sup>2</sup> in area. The property currently contains the display of a large number of signage to the Brooker Avenue 1.65 metre high paling fence. The application nominates the removal of much of this signage so as to improve the appearance of the property and reduce signage clutter.

A number of conditions are recommended in relation to the display of signage from the property, given that the property is located within an Urban Residential Zone where existing advertising signage is limited.

### **Heritage:**

The property is not listed under Schedule 5 of the Glenorchy Planning Scheme 1992.

### **Other Provisions:** (Land Stability, Flooding, Fire, Listed Watercourses)

The proposal does not compromise and is not inconsistent with the Provisions of part 9 of the Scheme.

### **REFERRALS:**

#### **Development Engineer:**

The proposal involves a change of use to an existing (now closed) Take Away Food Shop to become a shop for the sale of fireworks. The property is located at the corner of Lampton Avenue and Brooker Highway. The shop/retail building is attached to a single dwelling and has frontage and access to Lampton Avenue only. The shop/retail area is relatively small with a gross floor area of approximately 85m<sup>2</sup>.

Changes will be made to existing signage at the site to advertise the new business, with a new "fireworks" sign on the existing shop awning.



**Traffic, Access & Parking**

The applicant has stated that the development will generate 5 to 10 vehicle trips per day. Traffic generation of this order will not affect local traffic conditions. It is noted that traffic generation at the site is likely to be reduced when compared to the previous use as a Take Away Food Shop.

The retail building is accessed via a kerb crossing at the Lampton Avenue frontage, located near the traffic lights at the Brooker Highway. Traffic islands associated with the Lampton Avenue/Brooker Highway junction limit access to left in/left out only. The area between the footpath and the parking spaces is fully concreted, allowing for vehicle manoeuvring.

It is noted that sight distance for vehicles exiting the car park area is poor, particularly to the west along Lampton Avenue. Given that the area available to enter and exit the site is limited, there is no real opportunity to improve the sight distance. As the previous use, as a take away, would have generated more traffic than the proposed use for fireworks sales it is appropriate to accept the existing access in this instance.

Three (3) parking spaces are currently marked on site however the width of the existing spaces is less than that required by AS2890.1 – 2004, Off Street Parking. The arrangement of the access and manoeuvring area encourages drivers to reverse into the parking areas and leave the site in a forward direction. It is certainly preferable that vehicles do not reverse onto Lampton Avenue.

Based on the provision of 1 parking space per 35 m<sup>2</sup> of gross floor area, then 3 spaces are required. The existing spaces should be re-marked to comply with AS2890.1.

**Services**

No Council services are located within the property and there should be no impact on services.

**Heritage Officer:**

Referral not required.

**External Referrals:**

None required.

**DISCUSSION:**

Whilst the existing approved use is a prohibited use in the Urban Residential Zone, pursuant to Clause 1.4.3 of the Glenorchy Planning Scheme 1992, consideration can be given to an application for another use. The basis for assessing any such application will be a determination that the new use would be of no greater impact on the amenity of the locality than the existing use. Based on the information submitted in the application and Council's knowledge of the previous use, it is considered that there would be no greater impact on the amenity of the locality than the existing use.

**CONCLUSION:**

The proposal is assessed to substantially comply with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Planning Scheme 1992, subject to the recommended conditions.

**RECOMMENDATION:**

That a permit be granted for the proposed use and development of change of non-conforming use to a shop (sale of fire works) at 50 Lampton Avenue, Derwent Park subject to the following conditions:

1. Use and development shall be substantially in accordance with planning permit application No. PLN-05-0304-01 and Drawing No. P1 submitted on 7 July 2005, except as otherwise required by this permit.
2. The use may operate only between the hours of 10.00am to 5.30pm Monday to Saturday inclusive.
3. Signs must not contain any flashing light without specific approval of Council.
4. All signs must be located within the boundary of the land.
5. All signs must be constructed and then maintained to the satisfaction of Council.
6. Signs must not be illuminated by external lights except with the written consent of Council.

***Engineering:***

7. Three (3) clearly marked car parking spaces shall be provided on site which shall be kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles shall be provided in accordance with the Australian Standard AS 2890.1 – 2004, Off-Street Parking. Plans shall be submitted for approval to the satisfaction of the Senior Planner prior to the commencement of the use.
8. The loading and unloading of goods from vehicles, including building materials and equipment shall only be carried out on the land.

9. In areas set aside for car parking, securely fixed wheel stops shall be provided to the satisfaction of Council to prevent damage to walls, fences or landscaped areas.
10. The location and details of signs shown on the endorsed plans must not be altered without the written consent of Council.

**Advice:**

- It is noted that the existing car parking spaces marked on site are narrower than the width required by AS 2890.1 – 2004, Off-Street Parking. The space against the fence should be 2.9m wide. The other spaces should be 2.6m wide.
- Wheel stops at the rear of the parking spaces will prevent damage to the building. It is noted that vehicles are likely to reverse into the parking spaces.

## **CLOSED TO MEMBERS OF THE PUBLIC**

### **1. LIST OF COMPLAINTS AND CONTRAVENTIONS BEING INVESTIGATED**

This part of the meeting has been closed to the public pursuant to Regulation 15 (4) of the Local Government (Meeting Procedures) Regulations 2005.