



*The City with Spirit*

## **NOTICE OF MEETING**

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport on Monday 1 March 2021, commencing at 5:15 PM.

**The meeting will be open to the public and live streamed from 5:15 PM.**

## **QUALIFIED PERSONS**

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Matthew Atkins  
GENERAL MANAGER

**24 02 2021**

**Agenda for a Planning Authority Committee meeting of the Devonport City Council  
held on Monday 1 March 2021, in the Aberdeen Room, Level 2, paranaple centre,137  
Rooke Street, Devonport at 5:15 PM**

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**ATTENDEES**

		<b>Apology</b>
Chair	Cr A Rockliff (Mayor)	
	Cr J Alexiou	
	Cr P Hollister	
	Cr S Milbourne	
	Cr L Murphy	
	Cr L Perry	

**ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

**IN ATTENDANCE**

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Digital Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months. The meeting is also being live streamed via YouTube.

**1 APOLOGIES****2 DECLARATIONS OF INTEREST**

### **3 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY**

Author: **Jennifer Broomhall, Planning Administration Officer**

Endorser: **Kylie Lunson, Development Services Manager**

#### **RECOMMENDATION**

That the list of delegated approvals be received.

Planning applications approved under delegated authority 23 January 2021 - 21 February 2021.

#### **ATTACHMENTS**

1. Delegated Approvals

## 4 DEVELOPMENT REPORTS

### 4.1 AM2020.03 & PA2021.0227 - COMBINED AMENDMENT - AMEND CLAUSE DEV-S1.6.1 A2 (A) OF THE TASMANIAN PLANNING SCHEME - DEVONPORT TO ALLOW FOR A REDUCED FLOOR AREA FOR FOOD SERVICES AND APPLICATION FOR FOOD SERVICES

Author: **Carolyn Milnes, Planning Officer**

Endorser: **Kylie Lunson, Development Services Manager**

## RECOMMENDATION

That Council:

- agree to certify amendment AM2020.03 to set aside clause DEV-S1.6.1 A2 (a) of the Devonport Regional Homemaker Centre Specific Area Plan and replace it with the following:
  - (a) Excluding Food Services, the gross floor area of each tenancy within a building must not be less than 500m<sup>2</sup>; and
- refuse the request to amend clause DEV-S1.7.3 A1 of the Devonport Regional Homemaker Centre Specific Area Plan to allow for 4 signs to be located within the setback area from Bass Highway frontage;
- place Amendment AM2020.03 & application PA2020.0227 on public exhibition for a 4 week period in accordance with sections 40G and 40Z of the *Land Use Planning and Approvals Act, 1993*; and
- approve application PA2020.0227 for Food Services subject to the following conditions:
  1. Unless altered by subsequent conditions the Use and Development is to proceed generally in accordance with the submitted plans referenced as KFC Devonport, Job No. 2037, Dwg No. WD-0.00, WD-0.01, WD-0.02, WD-0.03, WD-1.01, WD-2.01, WD-2.02, WD-2.03, WD-2.20 & WD-2.21, dated 16/12/20 by inaspace Architecture and Design, copies of which are attached and endorsed as documents forming part of this Planning Permit.
  2. Approval is not granted for the proposed pylon sign within the setback area of the Bass Highway frontage.
  3. Landscaping to a depth of not less than 5.5m must be provided along the frontage of the tenancy prior to the building permits being finalised.
  4. A minimum of 3 bicycle parking spaces are to be provided within 50m of the tenancy.
  5. Concentrated stormwater is to be discharged in accordance with the National Construction Code.
  6. The applicant must seek approval from the Councils' Environmental Health Department before any works commence. As part of this the Building Surveyor is to submit a Form 42 and its associated paperwork (including proposed menu type) as part of the Building and Plumbing application process.

7. The developer is to ensure that food preparation and food storage areas comply with the *National Construction Code of Australia Tas H102* and *AS4676:2004 Design, Construction and Fit-out of a food Premises*.

Note: The following is provided for information purposes.

The development is to comply with the requirements of the current National Construction Code. The developer is to obtain the necessary building and plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am -6pm and Sunday and statutory holidays 10am - 6pm.

During the construction and use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.

Regarding condition 5, the applicant should contact Council's Infrastructure & Works Department on 6424 0511 with any enquiries.

Enquiries regarding other conditions can be directed to Council's Development Services Department by contacting 6424 0511.

## RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.3 Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues

## SUMMARY

The purpose of this report is to enable Council's Planning Authority to determine whether to initiate an amendment to the *Tasmanian Planning Scheme - Devonport* in accordance with Section 40T of the *Land Use Planning and Approvals Act 1993*. It is proposed that the Devonport Regional Homemaker Centre Specific Area Plan be amended to allow for Food Services tenancies less than 500m<sup>2</sup> in floor area and to allow for an additional pylon sign to be located within the setback area from the Bass Highway frontage.

Should the decision be made to certify the above draft amendment a decision is also sought on the associated permit application for Food Services in the form of a takeaway food premises for KFC and associated signage, including an additional pylon sign. See Attachment 2 for the full application.

## BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport</i> (Planning Scheme)
Applicant:	Calardu Devonport Pty Ltd (c/o - Urbis Pty Ltd)
Owner:	Calardu Devonport Pty Ltd
Proposal:	Amend Devonport Regional Homemaker Centre SAP
Existing Use:	Bulky Goods Sales, Food Services & Service Industry
Decision Due:	3 March, 2021

## SITE DESCRIPTION

The subject site is located between the Bass Highway and Stony Rise Road and contains established and vacant lots dedicated to a Homemakers Centre. The site is bound by residential land to the east, both residential land and a lot containing an electricity sub-station to the west and land designated to provide services for the Homemakers Centre to the south-east. The site consists of 5 freehold titles and 3 strata titled lots. Figure 1 shows an aerial view of the subject site and surrounding area.



Figure 1 - Aerial view of subject site and surrounding area (Source: DCC - Geocortex)

## CURRENT ZONING

The site is currently zoned Commercial, overlayed with the Devonport Regional Homemaker Centre Specific Area Plan (DRHCSAP).

The purpose of the Commercial Zone is:

17.1.1 To provide for retailing, service industries, storage and warehousing that require:

- (a) large floor or outdoor areas for the sale of goods or operational requirements; and
- (b) high levels of vehicle access and parking for customers.

17.1.2 To provide for a mix of use and development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.

The purpose of the DRHCSAP is to:

DEV-S1.1.1 To manage the use or development of the Devonport Regional Homemaker Centre site.

In addition, the local area objective for the Devonport Regional Homemaker Centre is to provide use and development for integrated bulky goods showrooms and trade supplies, including associated food outlets, car parking, signage and landscaping.

The Commercial Zone applies to the subject site for those clauses which are not substituted by the DRHCSAP.

The area subject to the DRHCSAP was originally administered by the Devonport Regional Homemaker Centre Zone, the result of amendment AM2008/01 to the *Devonport and Environs Planning Scheme, 1984*, adopted in 2009 to allow for the introduction 'big box' development in a single location outside the Devonport Central Business District.

The original zone specified a minimum floor area of 500m<sup>2</sup> for Showrooms (the equivalent of Bulky Goods Sales). A minimum floor area was not specified for Take Away Food Shops, nor Restaurants.

The *Devonport Interim Planning Scheme* (Interim Planning Scheme) was introduced in October, 2013, replacing the *Devonport and Environs Planning Scheme, 1984*. The structure of the Interim Planning Scheme did not allow for zones other than those specified in Planning Directive 1. As such the Devonport Regional Homemaker Centre zone was translated to a Specific Area Plan (SAP).

As part of this process the minimum floor area for Bulky Goods Sales was also inadvertently applied to Food Services, resulting in a minimum floor area of 500m<sup>2</sup> for takeaway food shops and restaurants, along with all other uses contained within the Use Table at clause DEV-S1.5. There is no corresponding Performance Criterion and therefore there is no ability to use discretion to approve a reduced floor area for a tenancy.

The Interim Planning Scheme has since been replaced by the *Tasmanian Planning Scheme – Devonport* (in November, 2020) however the DRHCSPA was not modified as part of this process and remains as it was in the Interim Planning Scheme.

The relevant clause reads as follows:

## **DEV-S1.6 Use Standards**

### **DEV-S1.6.1 Floor areas**

This clause is in substitution for the Commercial Zone – clause 17.3.3 Retail impact.

Objective:	The primacy of the Devonport Central Business District for General Retail and Hire is protected by providing a designated location for Bulky Goods Sales.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>



<b>A2</b>	<b>P2</b>
<p>(a) The gross floor area of each tenancy within a building must not be less than 500m<sup>2</sup>; and</p> <p>(b) The proportion of total gross floor area for all buildings:</p> <p>(i) for tenancies with a gross floor area of more than 3,000m<sup>2</sup> must be not less than 35%; and</p> <p>(ii) for tenancies with a gross floor area of between 1,000m<sup>2</sup> and 3,000m<sup>2</sup> must be not less than 35%.</p>	No Performance Criterion.

In addition to the above, the original zone made provision for not more than three advertising pylons or panels on the proponent's land alongside the Bass Highway reservation, at no more than 10m high. The translation to the Interim Planning Scheme, and subsequently the *Tasmanian Planning Scheme – Devonport* (Planning Scheme), retained the same meaning with clause DEV-S1.7.3 A1 reading as follows:

#### DEV-S1.7.3 Signs

This clause is in addition to the Signs Code – clause C1.6.1 Design and siting of signs.

Objective:	That the need for signs is recognised and the impact, size and number is managed.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>There must be not more than 3 signs located within the setback area from the Bass Highway frontage.</p>	<p><b>P1</b></p> <p>No Performance Criterion.</p>

There is no Performance Criterion and therefore no ability for this number to be increased.

#### PROPOSED AMENDMENT

The applicant proposes to set aside clause DEV-S1.6.1 A2 (a) of the and replace it with the following:

*'The floor area of each tenancy within a building must not be less than 500sqm (not including food services).'*

To provide greater consistency with the Planning Scheme it is proposed that the change be amended as follows:

- (a) Excluding Food Services, the gross floor area of all tenancies within a building must not be less than 500m<sup>2</sup>; and

Given the proposed change essentially corrects an anomaly that arose during the translation from the original zone to the SAP contained within the Interim Planning Scheme it is deemed appropriate that the change be supported.

In addition to the above change, the applicant requests that the number of signs permissible within the setback area from the Bass Highway be increased to 4. Their report submits that,

*This change is suitable given the surrounding context and the generous setbacks provided within the highway frontage to accommodate an additional pylon sign. An additional sign would not result in unacceptable visual bulk or impact on sightlines for vehicles along the highway or service road.*

While it is accepted that an additional sign would not result in unacceptable visual bulk nor impact on sightlines for vehicles, there has not been a need identified that can support an increase to the number of signs.

The number of signs to be located within the Bass Highway frontage was discussed during the hearing for the amendment regarding the Homemaker Centre in 2009. Council's initial position was that a maximum of 2 signs was all that should be permitted within the setback area however this was increased to 3 during the hearing.

The intent of the signs within the setback area from the Bass Highway frontage is to advertise the Homemaker Centre as a whole, not tenants individually, albeit by utilising the names and logos of the tenants. It may be that the existing signage can be re-examined by the landowners and modified to better reflect the site.

Figure 2 shows the existing signage within the frontage area from the Bass Highway.



**Figure 2 - Existing signage within the frontage area from the Bass Highway (Source: Urbis report, p.3)**

An increase in the number of signs to allow for signage for a single tenant is not deemed to be warranted. Such an amendment would likely result in requests from other tenants for the same allowance.

In addition, the proposed Food Services building, for which the additional sign would be utilised, will be located adjacent to the highway and be highly visible without the need for additional signage within the setback area from the Bass Highway frontage. Figure 3 shows the proposal as visible from the Bass Highway, including the proposed pylon sign.



**Figure 3 - Proposal (including proposed pylon sign) as seen from the Bass Highway  
(Source: Urbis report, p.103)**

Considering the above, it is recommended that that proposal to amend clause DEV-S1.7.3 A1 be refused.

### **Consistency with the intent of the Specific Area Plan**

The proposal is consistent with the intent of both the zone and the specific area plan which is to provide for large floor area retailing and service industries (Commercial zone) and for integrated bulky goods showrooms and trade supplies, including associated food outlets, car parking, signage and landscaping (Devonport Regional Homemaker Centre SAP).

### **STATUTORY REQUIREMENTS**

In accordance with section 38 of the Act, before deciding whether to prepare a draft amendment to a Local Provisions Schedule (LPS), the Planning Authority must be satisfied that the amendment meets the Local Provisions Schedule (LPS) criteria as per s.34(2) of the Act.

This proposal is consistent with s.34(2) which includes assessment against the State Policies and the objectives set out in Schedule 1 of the Act, along with the regional land use strategy and Council's Strategic Plan.

Assessment against the Tasmanian Planning Policies (TPPs) is not currently necessary as the policies are yet to be adopted.

A more detailed examination of the statutory requirements can be found in Attachment 1.

### **COMMUNITY ENGAGEMENT**

The draft amendment must be placed on public exhibition for a period of 28 days in accordance with section 40G of the Act. During this time, people will have the opportunity to comment via representation made to Council. In accordance section 40K of the Act, should any representations be received a report must be provided to the Planning Commission regarding the merit of the representations and including any recommendations the Planning Authority sees fit.

### **FINANCIAL IMPLICATIONS**

No financial implications are anticipated as a result of this proposal.

## CONCLUSION

The proposal allows for the rectification of an anomaly to the Planning Scheme which arose during the translation of the original Devonport Regional Homemaker Centre Zone to a Specific Area Plan regarding floor area for Food Services. The proposal for an increase in the number of signs located within the setback area from the Bass Highway frontage is not supported as it is not in keeping with the original zone intent and is not warranted given that the proposed Food Services premises will be highly visible from the Bass Highway.

## PERMIT APPLICATION

### APPLICATION DETAILS

The applicant is seeking approval for a Food Services premises in the form of a takeaway food shop at the subject site. In assessing the application, it is assumed that the proposed amendment has been approved.

The proposed takeaway food shop will be located in the last remaining tenancy approved by Planning Permit PA2009.0178. The site is located adjacent to the Bass Highway, between what is currently Anaconda and Bunnings. Figure 4 shows the subject site circled in red. Figure 5 shows the proposed site plan, Figure 6 shows the proposed floor plan and associated drive-through arrangement and Figures 7-10 show the elevations. See Attachment 2 for the full application detail.



Figure 4 - Subject site shown circled in red (Source: DCC – GeoCortex)





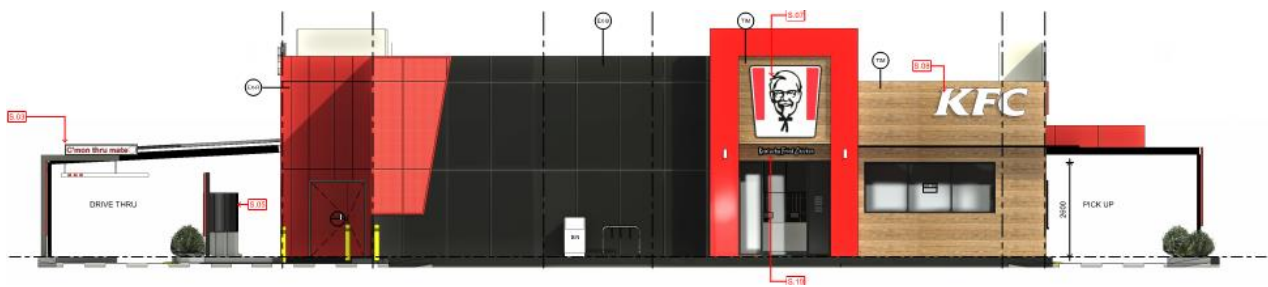


Figure 7 - Southern elevation (Source: Urbis report p.99)

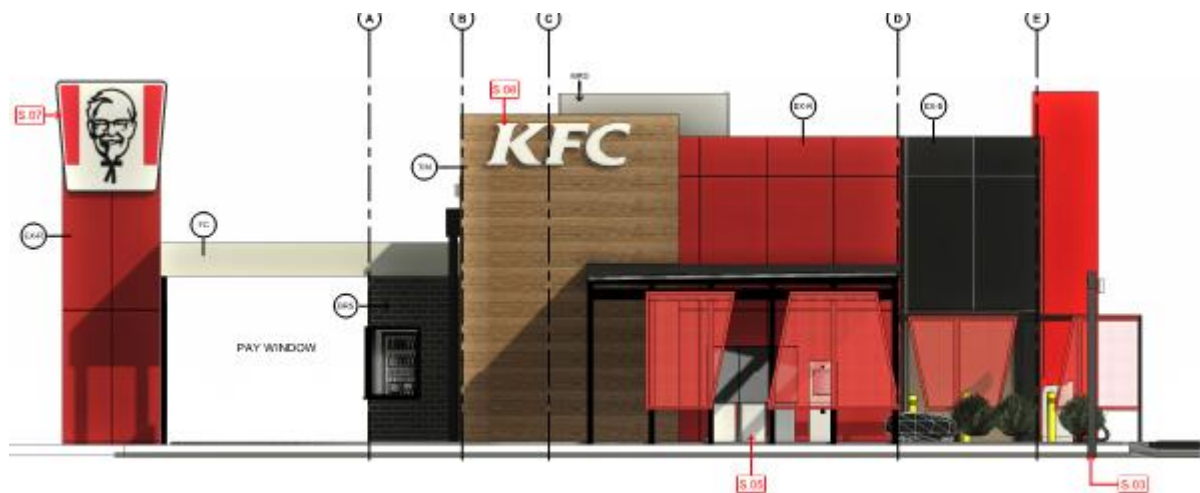


Figure 8 - Western elevation (Source: Urbis report p.99)

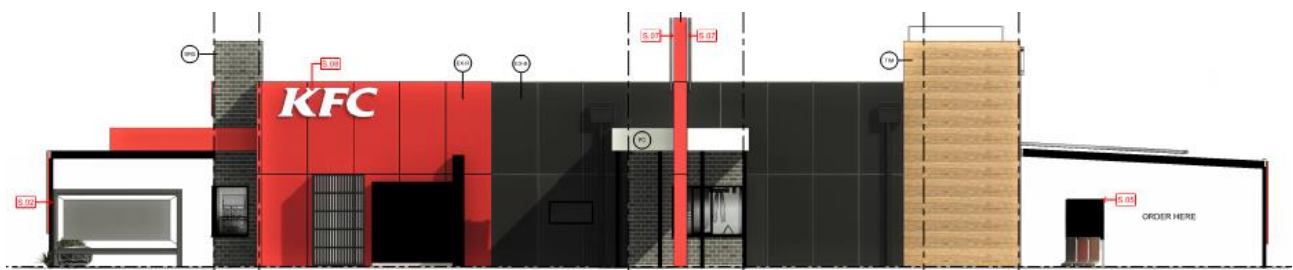


Figure 9 - Northern elevation as viewed from the Bass Highway (Source: Urbis report p.100)

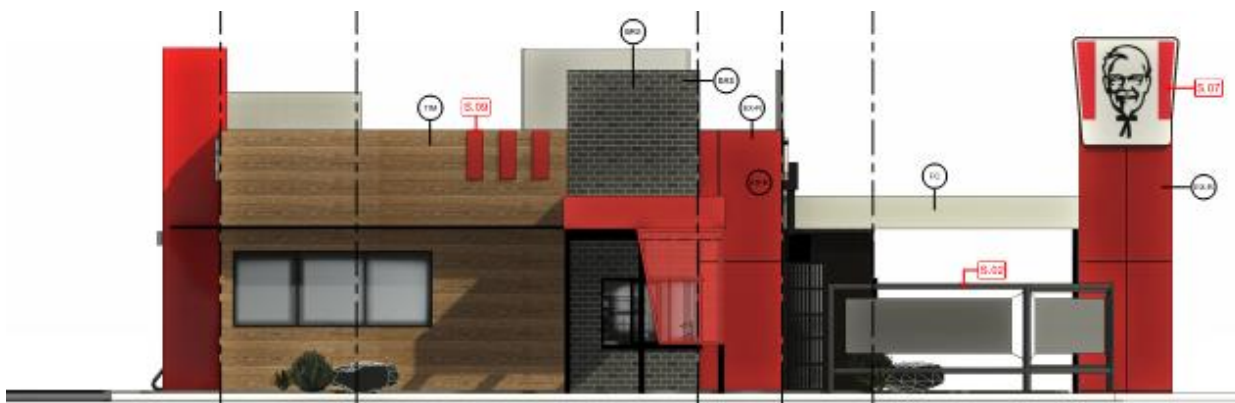


Figure 10 - Eastern elevation (Source: Urbis report p.100)

## PLANNING ISSUES

The land is zoned Commercial under the *Tasmanian Planning Scheme – Devonport, 2020* and overlayed by the Devonport Regional Homemaker Centre Specific Area Plan (SAP).

The intent of the zone is:

- 17.1.1 To provide for retailing, service industries, storage and warehousing that require:
- (a) large floor or outdoor areas for the sale of goods or operational requirements; and
  - (b) high levels of vehicle access and parking for customers.
- 17.1.2 To provide for a mix of use and development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.

The intent of the SAP is:

DEV-S1.1.1 To manage the use or development of the Devonport Regional Homemaker Centre site.

The SAP applies in substitution of several Commercial Zone standards and in addition to the standards contained within the Signs Code and the Parking and Sustainable Transport Code.

Food Services is a Discretionary use in the Commercial Zone however this is overridden by the SAP Use Table which lists Food Services as Permitted. The proposal then is permitted and can be assessed as such provided it meets any applicable Acceptable Solutions contained within the relevant zone, SAP or code standards. In instances where the Acceptable Solutions cannot be met, the proposal must be assessed against the corresponding Performance Criteria and triggers a discretionary application process.

In this case, the proposal does not meet the Acceptable Solutions in regard to clauses C1.6.1 & C1.6.2 in regard to signs. The proposal is therefore discretionary.

The applicable standards are reproduced below, followed by comments.

## 17.0 Commercial Zone

### 17.3 Use Standards

#### 17.3.1 All uses

Objective:	That uses do not cause an unreasonable loss of residential amenity to residential zones.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must be within the hours of: <ul style="list-style-type: none"> <li>(a) 7.00am to 9.00pm Monday to Saturday; and</li> <li>(b) 8.00am to 9.00pm Sunday and public holidays.</li> </ul>		<b>P1</b> Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to: <ul style="list-style-type: none"> <li>(a) the timing, duration or extent of vehicle movements; and</li> <li>(b) noise, lighting or other emissions.</li> </ul>

<p><b>A2</b></p> <p>External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must:</p> <ul style="list-style-type: none"> <li>(a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and</li> <li>(b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones.</li> </ul>	<p><b>P2</b></p> <p>External lighting for a use, excluding Natural and Cultural Values Management or Passive Recreation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the level of illumination and duration of lighting; and</li> <li>(b) the distance to habitable rooms of an adjacent dwelling.</li> </ul>
<p><b>A3</b></p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must be within the hours of:</p> <ul style="list-style-type: none"> <li>(a) 7.00am to 9.00pm Monday to Saturday; and</li> <li>(b) 8.00am to 9.00pm Sunday and public holidays.</li> </ul>	<p><b>P3</b></p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the time and duration of commercial vehicle movements;</li> <li>(b) the number and frequency of commercial vehicle movements;</li> <li>(c) the size of commercial vehicles involved;</li> <li>(d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</li> <li>(e) any noise mitigation measures between the vehicle movement areas and the adjoining residential area; and</li> <li>(f) potential conflicts with other traffic.</li> </ul>

Comment – Not applicable. The proposal is not within 50m of a residential zone.



## 17.3.2 Discretionary uses

Objective:	That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.	
Acceptable Solutions		Performance Criteria
<b>A1</b>  No Acceptable Solution.		<b>P1</b>  A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to: <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the size and scale of the proposed use;</li> <li>(c) the functions of the activity centre and the surrounding activity centres; and</li> <li>(d) the extent that the proposed use impacts on other activity centres.</li> </ul>

Comment – Not applicable. The use is determined by the SAP as Permitted.

## 17.3.3 Retail impact

Objective:	That Bulky Goods Sales do not compromise or distort the activity centre hierarchy.	
Acceptable Solutions		Performance Criteria
<b>A1</b>  The gross floor area for Bulky Goods Sales must be not less than 250m <sup>2</sup> per tenancy, unless the use relies on more than 50% of the site area for outdoor display of goods for sale.		<b>P1</b>  Bulky Goods Sales must not compromise or distort the activity centre hierarchy, having regard to: <ul style="list-style-type: none"> <li>(a) the extent that the proposed use improves and broadens the commercial or retail choice within the area;</li> <li>(b) the extent that the proposed use impacts on surrounding activity centres; and</li> <li>(c) any relevant local area objectives contained within the relevant Local Provisions Schedule.</li> </ul>

Comment – Not applicable. Replaced by clause DEV-S1.6.1 – Floor areas.

## 17.4 Development Standards for Buildings and Works

### 17.4.1 Building height

Objective:	That building height: <ul style="list-style-type: none"> <li>(a) is compatible with the streetscape; and</li> <li>(b) does not cause an unreasonable loss of amenity to adjoining residential zones.</li> </ul>	
Acceptable Solutions		Performance Criteria
<b>A1</b> Building height must be not more than 12m.		<b>P1</b> Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the height, bulk and form of existing building on the site and adjacent properties;</li> <li>(c) the bulk and form of proposed buildings;</li> <li>(d) the apparent height when viewed from the adjoining road and public places; and</li> <li>(e) any overshadowing of public places.</li> </ul>
<b>A2</b> Building height: <ul style="list-style-type: none"> <li>(a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or</li> <li>(b) within 10m of an Inner Residential Zone must be not more than 9.5m.</li> </ul>		<b>P2</b> Building height within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone must be consistent with building height on adjoining properties and not cause an unreasonable loss of residential amenity, having regard to: <ul style="list-style-type: none"> <li>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</li> <li>(b) overlooking and reduction of privacy; and</li> <li>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.</li> </ul>

Comment – Not applicable. Replaced by clause DEV-S1.7.1 – Building height.

## 17.4.2 Setbacks

Objective:	<p>That building setback:</p> <p>(a) is compatible with the streetscape; and</p> <p>(b) does not cause an unreasonable loss of amenity to adjoining residential zones.</p>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Buildings must have a setback from a frontage of:</p> <p>(a) not less than 5.5m;</p> <p>(b) not less than existing buildings on the site; or</p> <p>(c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</p>	<p><b>P1</b></p> <p>Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the setback of buildings on adjacent properties; and</p> <p>(c) the safety of road users.</p>
<p><b>A2</b></p> <p>Buildings must have setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone of not less than:</p> <p>(a) 4m; or</p> <p>(b) half the wall height of the building, whichever is the greater.</p>	<p><b>P2</b></p> <p>Buildings must be sited to not cause an unreasonable loss of residential amenity to adjoining properties within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, having regard to:</p> <p>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</p> <p>(b) overlooking and reduction of privacy to the adjoining property; or</p> <p>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.</p>
<p><b>A3</b></p> <p>Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone.<sup>1</sup></p>	<p><b>P3</b></p> <p>Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors within 10m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity to the adjoining residential zones, having regard to:</p> <p>(a) the characteristics and frequency of emissions generated;</p> <p>(b) the nature of the proposed use;</p> <p>(c) the topography of the site and location of the</p>

	sensitive use; and (d) any proposed mitigation measures.
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Comment – Not applicable. Replaced by clause DEV-S1.7.2 – Setbacks.

#### 17.4.3 Design

Objective:	That building design is compatible with the streetscape.	
Acceptable Solutions		Performance Criteria
<b>A1</b>  Buildings must be designed to satisfy all the following: <ul style="list-style-type: none"> <li>(a) provide a pedestrian entrance to the building that is visible from the road or publicly accessible areas of the site;</li> <li>(b) mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, must be screened from the street and other public places;</li> <li>(c) roof-top mechanical plant and service infrastructure, excluding lift structures, must be contained within the roof or screened from public spaces and adjoining properties;</li> <li>(d) not include security shutters or grilles over windows or doors on a façade facing the frontage or other public places;</li> <li>(e) provide awnings over a public footpath if existing on the site or on adjoining properties; and</li> <li>(f) provide external lighting to illuminate external vehicle parking areas and pathways.</li> </ul>		<b>P1</b>  Buildings must be designed to be compatible with the streetscape, having regard to: <ul style="list-style-type: none"> <li>(a) how the main pedestrian access to the building addresses the street or other public places;</li> <li>(b) minimising the visual impact of mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, when viewed from the street or other public places;</li> <li>(c) minimising the visual impact of roof-top service infrastructure, excluding lift structures;</li> <li>(d) installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and other alternatives are not practical;</li> <li>(e) the need for provision of awnings over a public footpath; and</li> <li>(f) providing suitable lighting to vehicle parking areas and pathways for the safety and security of users.</li> </ul>

Comment – The proposal provides pedestrian access to the building from the publicly accessible areas within the site and screens plant and equipment. No security shutters are proposed. The footpaths on the site are private and the building will not be constructed close enough to the footpaths to allow for an awning. The vehicle parking areas are already in existence and illuminated. The proposal meets the Acceptable Solutions.

## 17.4.4 Fencing

Objective:	That fencing: (a) is compatible with the streetscape; and (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones.	
Acceptable Solutions		Performance Criteria
<b>A1</b> No Acceptable Solution. <sup>2</sup>		<b>P1</b> A fence (including a free-standing wall) within 4.5m of a frontage must be compatible with the streetscape, having regard to:  (a) its height, design, location and extent; (b) its degree of transparency; and (c) the proposed materials and construction.
<b>A2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, if not within 4.5m of a frontage, must:  (a) have a height above existing ground level of not more than 2.1m; and  (b) not contain barbed wire. <sup>2</sup>		<b>P2</b> Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone, or Rural Living Zone, if not within 4.5m of a frontage, must not cause an unreasonable loss of residential amenity, having regard to:  (a) their height, design, location and extent; and (b) the proposed materials and construction.

Comment – Not applicable. No fencing is proposed.

## 17.4.5 Outdoor storage areas

Objective:	That outdoor storage areas do not detract from the appearance of the site or surrounding area.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.		<b>P1</b> Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.

Comment – It is proposed that the outdoor storage area be screened. The proposal meets the Acceptable Solution.

## 17.4.6 Landscaping

Objective:	That landscaping enhances the amenity and appearance of the streetscape where buildings are setback from the frontage.	
Acceptable Solutions		Performance Criteria
<b>A1</b> If a building is set back from a road, landscaping treatment must be provided along the frontage of the site: <ul style="list-style-type: none"> <li>(a) to a depth of not less than 5.5m; or</li> <li>(b) not less than the frontage of an existing building if it is a lesser distance.</li> </ul>		<b>P1</b> If a building is setback from a road, landscaping treatment must be provided along the frontage of the site, having regard to: <ul style="list-style-type: none"> <li>(a) the width of the setback;</li> <li>(b) the width of the frontage;</li> <li>(c) the topography of the site;</li> <li>(d) existing vegetation on the site;</li> <li>(e) the location, type and growth of the proposed vegetation; and</li> <li>(f) the character of the streetscape and surrounding area.</li> </ul>

Comment – Landscaping has not been shown on the submitted plans. A condition will be placed on the permit requiring landscaping.

**DEV-D1.0 Devonport Regional Homemaker Centre Specific Area Plan****DEV-S1.6 Use Standards**

## DEV-S1.6.1 Floor areas

This clause is in substitution for the Commercial Zone – clause 17.3.3 Retail impact.

Objective:	The primacy of the Devonport Central Business District for General Retail and Hire is protected by providing a designated location for Bulky Goods Sales.	
Acceptable Solutions		Performance Criteria
<b>A1</b> The total gross floor area of all tenancies within the Devonport Regional Homemaker Centre Specific Area Plan must not exceed 46,150m <sup>2</sup> .		<b>P1</b> No Performance Criterion.
<b>A2</b> <ul style="list-style-type: none"> <li>(a) Excluding Food Services, the gross floor area of each tenancy within a building must not be less than 500m<sup>2</sup>; and</li> <li>(b) The proportion of total gross floor area for all buildings:             <ul style="list-style-type: none"> <li>(i) for tenancies with a gross floor area of more than 3,000m<sup>2</sup> must be not less than 35%; and</li> </ul> </li> </ul>		<b>P2</b> No Performance Criterion.

- |  |
|--|
| (ii) for tenancies with a gross floor area of between 1,000m <sup>2</sup> and 3,000m <sup>2</sup> must be not less than 35%. |
|--|

Comment – The tenancy area has already been approved as part of the initial permit PA2009.0178 therefore no changes to the gross floor area are proposed.

Given the proposal is for Food Services the 225m<sup>2</sup> (approximate) floor area is acceptable.

The proposal meets the Acceptable Solutions.

## **DEV-S1.7 Development Standards for Buildings and Works**

### **DEV-S1.7.1 Building height**

This clause is in substitution for the Commercial Zone – clause 17.4.1 Building height.

Objective:	The building height is to minimise visual prominence when viewed from the Bass Highway or Stony Rise Road.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Building height must be not more than 12m.		<b>P1</b> Building height must: <ul style="list-style-type: none"> <li>(a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling;</li> <li>(b) minimise the apparent scale, bulk, massing and proportion in relation to any adjacent building;</li> <li>(c) be consistent with the streetscape; and</li> <li>(d) respond to the effect of the slope and orientation of the site.</li> </ul>

Comment – The maximum height of the building is approximately 6.8m. The Acceptable Solution is met.

## DEV-S1.7.2 Setbacks

This clause is in substitution for the Commercial Zone – clause 17.4.2 Setbacks.

Objective:	Development of land is to minimise: (a) likelihood for conflict, interference and constraint between the use or development of land in the Devonport Regional Homemaker Centre Specific Area Plan and the use of land in an adjoining land and (b) unreasonable impact on the amenity of use on land beyond the boundaries of the Devonport Regional Homemaker Centre Specific Area Plan.
Acceptable Solutions	Performance Criteria
<b>A1</b> Buildings and parking areas must: <ul style="list-style-type: none"> <li>(a) have a setback, or be separated a distance, of not less than 20m from the Bass Highway frontage and the setback, or separation distance area must be landscaped in accordance with a landscape plan approved by the planning authority; and</li> <li>(b) have a setback, or be separated a distance, of not less than 6m from the Stony Rise Road frontage and:               <ul style="list-style-type: none"> <li>(i) allow for the Stony Rise Road carriageway to receive at least 5 hours of sunlight on the 21st of June; and</li> <li>(ii) the setback area, or separation distance area must be landscaped in accordance with a landscape plan approved by the planning authority.</li> </ul> </li> </ul>	<b>P1</b> No Performance Criterion.
<b>A2</b> Buildings must have a setback of not less than 10m from the side and rear site boundaries and the setback area must be landscaped in accordance with a landscape plan approved by the planning authority.	<b>P2</b> No Performance Criterion.

Comment – The setback to the highway is greater than 20m. No landscaping is proposed on the plans therefore a condition will be placed on the permit in this regard.

All other setbacks are met.

The proposal is able to meet the Acceptable Solutions.



## DEV-S1.7.3 Signs

This clause is in addition to the Signs Code – clause C1.6.1 Design and siting of signs.

Objective:	That the need for signs is recognised and the impact, size and number is managed.	
Acceptable Solutions		Performance Criteria
<b>A1</b>	There must be not more than 3 signs located within the setback area from the Bass Highway frontage.	<b>P1</b> No Performance Criterion.
<b>A2</b>	The height of a sign must be not more than 10m.	<b>P2</b> No Performance Criterion.
<b>A3</b>	There must be not more than 1 sign at the access from Stony Rise Road.	<b>P3</b> No Performance Criterion.
<b>A4</b>	The area of signage on each tenancy window must be not more than 50% of the window area.	<b>P4</b> No Performance Criterion.
<b>A5</b>	A sign must not include flashing, moving, rotating or reflecting elements.	<b>P5</b> No Performance Criterion.
<b>A6</b>	For a sign located above the parapet or roof line of a building:  (a) there must be not more than 1 sign for each tenancy; and  (b) the area of each sign must be not more than 15m <sup>2</sup> .	<b>P6</b> No Performance Criterion.

Comment – A1 – The sign proposed within the setback area from the Bass Highway frontage is not permitted as this would increase the number of signs within this area to 4. A condition will be placed on the permit requiring the sign be removed from the plans.

A2 – The maximum height of any sign proposed is 6.7m.

A3 – Not applicable.

A4 – No window signage is proposed.

A5 – No flashing, moving, rotating or reflecting elements are proposed.

A6 – No signs are proposed above the parapet or roofline.

The proposal meets the Acceptable Solutions.

#### DEV-S1.7.4 Access

This clause is in substitution for the Parking and Sustainable Transport Code – clause C2.6.3 Number of accesses for vehicles, and in addition to the Parking and Sustainable Transport Code – clause C2.6.5 Pedestrian access.

Objective:	There is safe vehicular and pedestrian access to the site.	
Acceptable Solutions		Performance Criteria
<b>A1</b>  There must be not more than one vehicular entry to the site across the Bass Highway frontage and the vehicular access must comprise a single left hand turn from the west bound lane of the Bass Highway.		<b>P1</b>  No Performance Criterion.
<b>A2</b>  All vehicular access, excluding vehicular access across the Bass Highway frontage, must be across the Stony Rise Road frontage.		<b>P2</b>  No Performance Criterion.
<b>A3</b>  A separated and safe pedestrian network must be provided between the vehicle parking areas and the entry to buildings.		<b>P3</b>  No Performance Criterion.

Comment – No changes to the existing accesses and pedestrian network are proposed. The Acceptable Solutions are met.

### C1.0 Signs Code

Figure 11 shows the location of the proposed signs for the premises marked in red. Those with a solid red circle are visible from outside the site while those with a dashed red circle are only visible, or intended to be visible, from within the site.

## C1.4 Development Exempt from this Code

- C1.4.1 A sign listed in Table C1.4 is exempt from this code, provided it complies with the relevant requirements.
- C1.4.2 A sign within a building or site that cannot be, or is not intended to be, seen from outside of the building or site is exempt from requiring a permit.
- C1.4.3 Changes to the graphics of a sign that was lawfully displayed on or after the effective date, including text, graphic design and colour, is exempt provided that:
- (a) the sign has not changed in dimension, proportion or location; and
  - (b) if an illuminated sign, the method of illumination has not changed.

Comment – In accordance with C1.4.2 above the signage proposed that cannot, or is not intended to be, seen from outside the site is exempt (see Figure 11).

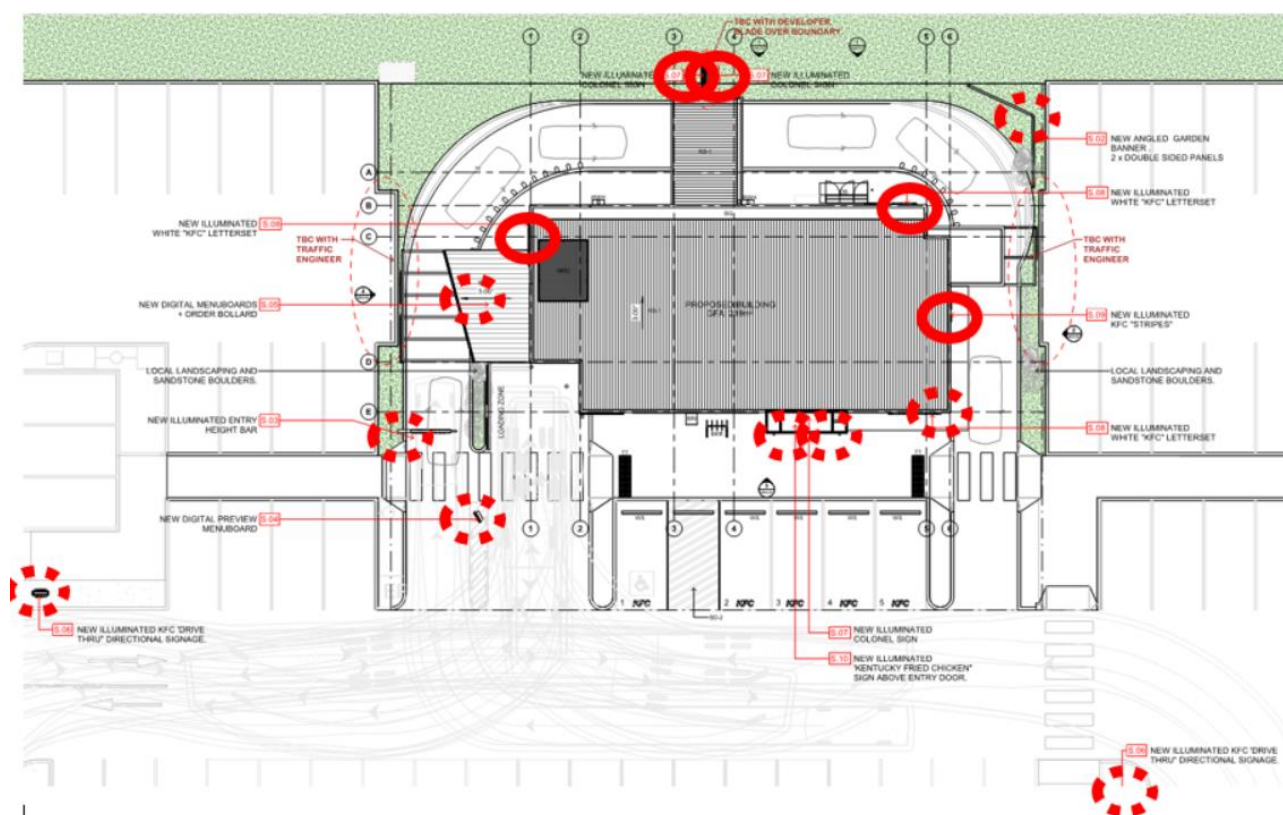


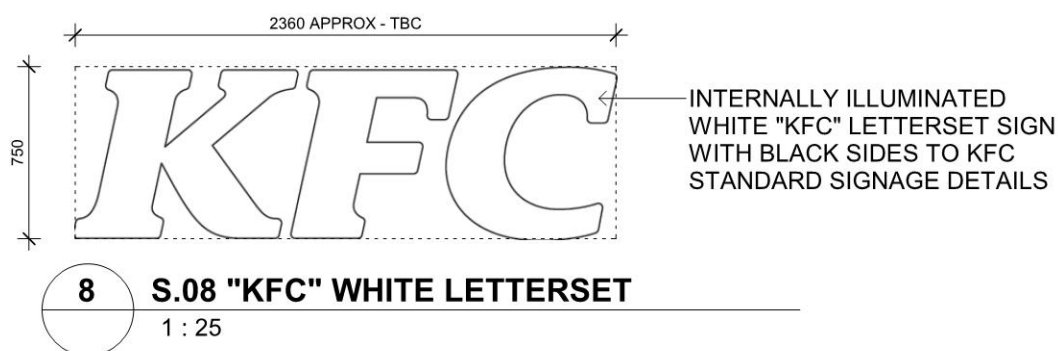
Figure 11 - Plan showing location of proposed signs. Signs visible outside the site are circled in solid red. Signs only visible within the site are circled with a dashed red line.

## C1.6.1 Design and siting of signs

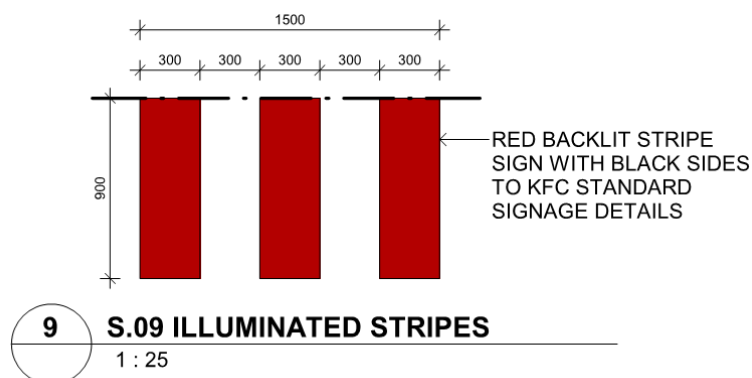
Objective:	That: (a) signage is well designed and sited; and (b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A sign must:</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and</p> <p>(b) meet the sign standards for the relevant sign type set out in Table C1.6,</p> <p>excluding for the following sign types, for which there is no Acceptable Solution:</p> <p>(i) roof sign;</p> <p>(ii) sky sign; and</p> <p>(iii) billboard.</p>	<p><b>P1.1</b></p> <p>A sign must:</p> <p>(a) be located within an applicable zone for the relevant sign type as set out in Table C1.6; and</p> <p>(b) be compatible with the streetscape or landscape, having regard to:</p> <p>(i) the size and dimensions of the sign;</p> <p>(ii) the size and scale of the building upon which the sign is proposed;</p> <p>(iii) the amenity of surrounding properties;</p> <p>(iv) the repetition of messages or information;</p> <p>(v) the number and density of signs on the site and on adjacent properties; and</p> <p>(vi) the impact on the safe and efficient movement of vehicles and pedestrians.</p> <p><b>P1.2</b></p> <p>If a roof sign, sky sign or billboard, the sign must:</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6;</p> <p>(b) meet the sign standards for the relevant sign type in Table C1.6; and</p> <p>(c) not contribute to visual clutter or cause unreasonable loss of amenity to the surrounding area, having regard to:</p> <p>(i) the size and dimensions of the sign;</p>

	<ul style="list-style-type: none"> <li>(ii) the size and scale of the building upon which the sign is proposed;</li> <li>(iii) the amenity of surrounding properties;</li> <li>(iv) the repetition of messages or information;</li> <li>(v) the number and density of signs on the site and on adjacent properties; and</li> <li>(vi) the impact on the safe and efficient movement of vehicles and pedestrians.</li> </ul>
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Comment – The following signs require assessment.



The 'KFC' sign is classed as a wall sign. It will be located on the northern and western walls of the building, be internally illuminated and have an area of approximately 1.77m<sup>2</sup>. The signs comply with the requirements set out in Table C1.6.



The 'illuminated stripes' sign is classed as a wall sign. It will be located on the eastern wall of the building, be illuminated and have an area of 1.35m<sup>2</sup>. The sign complies with the requirements set out in Table C1.6.



The 'Colonel' sign is classed as a blade sign. It will be located to the north of the drive-through although not within the setback from the Bass Highway frontage. The sign will be illuminated and has a total height of approximately 6.7m and a width of 2.0m. The sign does not comply with the requirements set out in Table C1.6 which specifies a maximum height of 3.6m.

The sign satisfies with the requirements of P1.1 above as it is compatible with the streetscape and in keeping with the scale of the proposed building. It will not impact vehicles or pedestrians and its installation will not be excessive in regard to the density of signs in the area.

<p><b>A2</b></p> <p>A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.</p>	<p><b>P2</b></p> <p>A sign must not cause an unreasonable loss of amenity to adjoining residential properties, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site and the surrounding area;</li> <li>(b) the relative location of buildings, habitable rooms of dwellings and private open space;</li> <li>(c) any overshadowing; and</li> <li>(d) the nature and type of the sign.</li> </ul>
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Comments – All signs are in excess of 2m from any residential zones. The Acceptable Solution is met.

<p><b>A3</b></p> <p>The number of signs for each business or tenancy on a road frontage of a building must be no more than:</p> <ul style="list-style-type: none"> <li>(a) 1 of each sign type, unless otherwise stated in Table C1.6;</li> <li>(b) 1 window sign for each window;</li> <li>(c) 3 if the street frontage is less than 20m in length; and</li> <li>(d) 6 if the street frontage is 20m or more,</li> </ul> <p>excluding the following sign types, for which there is no limit:</p> <ul style="list-style-type: none"> <li>(i) name plate; and</li> <li>(ii) temporary sign.</li> </ul>	<p><b>P3</b></p> <p>The number of signs for each business or tenancy on a street frontage must:</p> <ul style="list-style-type: none"> <li>(a) not unreasonably increase in the existing level of visual clutter in the streetscape, and where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; and</li> <li>(b) not involve the repetition of messages or information.</li> </ul>
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Comment – Only one of each sign type is proposed for the northern side of the tenancy. The Acceptable Solution is met.

#### C1.6.2 Illuminated signs

Objective:	<p>That:</p> <ul style="list-style-type: none"> <li>(a) illuminated signs are compatible with the streetscape;</li> <li>(b) the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and</li> <li>(c) any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<p><b>P1</b></p> <p>An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the location of the sign;</li> <li>(b) the size of the sign;</li> <li>(c) the intensity of the lighting;</li> <li>(d) the hours of operation of the sign;</li> <li>(e) the purpose of the sign;</li> </ul>

	<ul style="list-style-type: none"> <li>(f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity;</li> <li>(g) the intended purpose of the changing message of the sign;</li> <li>(h) the percentage of the sign that is illuminated with changing messages;</li> <li>(i) proposed dwell time; and</li> <li>(j) whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.</li> </ul>
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Comment – The signs subject to the Code are all illuminated however they will not cause unreasonable loss of amenity nor have an unreasonable effect on the safety, appearance or efficiency of a road. The signs, which are static, have a setback from the highway in excess of 20m and greater than 90m from any dwellings. The signs are compatible with the streetscape given their location within the Homemakers Centre. The Performance Criteria is satisfied.

<b>A2</b>  An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.	<b>P2</b>  No Performance Criterion.
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Comment – The proposed signs will not flash or move. The Acceptable Solution is met.



## C1.6.3 Third party sign

Objective:	To: <ul style="list-style-type: none"> <li>(a) provide for third party signs that are compatible with the streetscape and the character of the area in which it is proposed to be located;</li> <li>(b) manage the cumulative impact of third party signs on the character of an area; and</li> <li>(c) minimise any potential impact of third party signs on road safety.</li> </ul>	
Acceptable Solutions		Performance Criteria
<b>A1</b>  No Acceptable Solution.		<b>P1</b>  A third party sign must be compatible with the natural and built environment of the surrounding area, having regard to: <ul style="list-style-type: none"> <li>(a) the content of the sign;</li> <li>(b) the necessity for the advertisement to be in the location;</li> <li>(c) opportunities for alternative locations or other methods to achieve the intended purpose (e.g. eligibility for Tasmanian Visitor Information System (TVIS) signs); and</li> <li>(d) the likely impact on the operation and safety of a railway, road, footpath, or navigable water ; and</li> <li>(e) any advice from a State authority.</li> </ul>

Comment – Not applicable. No third party signs are proposed.

## C2.5.1 Car parking numbers

Objective:	That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solutions	Performance Criteria	
<p><b>A1</b></p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> <li>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</li> <li>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</li> <li>(c) the site is subject to Clause C2.5.5; or</li> <li>(d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> <li>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</li> <li>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:  <math display="block">N = A + (C - B)</math> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>-----</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p> </li> </ul> </li> </ul>	<p><b>P1.1</b></p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</li> <li>(b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> <li>(i) variations in car parking demand over time; or</li> <li>(ii) efficiencies gained by consolidation of car parking spaces;</li> </ul> </li> <li>(c) the availability and frequency of public transport within reasonable walking distance of the site;</li> <li>(d) the availability and frequency of other transport alternatives;</li> <li>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</li> <li>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</li> <li>(g) the effect on streetscape; and</li> <li>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</li> </ul> <p><b>P1.2</b></p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and intensity of the use and car parking required;</li> <li>(b) the size of the dwelling and the number of bedrooms; and</li> <li>(c) the pattern of parking in the surrounding area.</li> </ul>	

Comment – Fifteen car parking spaces are required for Food Services of the size of the proposal. In addition 6 queuing spaces are required for the drive-through. Eight queuing spaces are provided.

The number of parking spaces provided at the Homemaker Centre is greater than that required by the planning scheme and is in accordance with the plans approved as part of PA2009.0178. The Acceptable Solution is met.

## C2.5.2 Bicycle parking numbers

Objective:	That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Bicycle parking spaces must: <ul style="list-style-type: none"> <li>(a) be provided on the site or within 50m of the site; and</li> <li>(b) be no less than the number specified in Table C2.1.</li> </ul>		<b>P1</b> Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> <li>(a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and</li> <li>(b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.</li> </ul>

Comment – The rate of bicycle parking required is 1 space/75m<sup>2</sup> of floor area. Three bicycle parking spaces are required. A condition will be placed on the permit in this regard.

## C2.5.3 Motorcycle parking numbers

Objective:	That the appropriate level of motorcycle parking is provided to meet the needs of the use.	
Acceptable Solutions		Performance Criteria
<b>A1</b> The number of on-site motorcycle parking spaces for all uses must: <ul style="list-style-type: none"> <li>(a) be no less than the number specified in Table C2.4; and</li> <li>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.</li> </ul>		<b>P1</b> Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> <li>(a) the nature of the proposed use and development;</li> <li>(b) the topography of the site;</li> <li>(c) the location of existing buildings on the site;</li> <li>(d) any constraints imposed by existing development; and</li> <li>(e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.</li> </ul>

Comment – Not applicable. The provision of motorcycle parking is only required if in excess of 20 car parking spaces are stipulated. Given the proposal requires 15 car parking spaces no motorcycle parking is needed.

## C2.5.4 Loading Bays

Objective:	That adequate access for goods delivery and collection is provided, and to avoid unreasonable loss of amenity and adverse impacts on traffic flows.	
Acceptable Solutions		Performance Criteria
<b>A1</b>	<p>A loading bay must be provided for uses with a floor area of more than 1000m<sup>2</sup> in a single occupancy.</p>	
	<b>P1</b>	<p>Adequate space for loading and unloading of vehicles must be provided, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the type of vehicles associated with the use;</li> <li>(b) the nature of the use;</li> <li>(c) the frequency of loading and unloading;</li> <li>(d) the location of the site;</li> <li>(e) the nature of traffic in the surrounding area;</li> <li>(f) the area and dimensions of the site; and</li> <li>(g) the topography of the site;</li> <li>(h) the location of existing buildings on the site; and</li> <li>(i) any constraints imposed by existing development.</li> </ul>

Comment – Not applicable. The proposed floor area is approximately 225m<sup>2</sup>.

## C2.6.1 Construction of parking areas

Objective:	That parking areas are constructed to an appropriate standard.	
Acceptable Solutions		Performance Criteria
<b>A1</b>	<p>All parking, access ways, manoeuvring and circulation spaces must:</p>	
	<p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p><b>P1</b></p> <p>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of the use;</li> <li>(b) the topography of the land;</li> <li>(c) the drainage system available;</li> <li>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</li> <li>(e) the likelihood of generating dust; and</li> <li>(f) the nature of the proposed surfacing.</li> </ul>

Comment – very little construction is required except for the proposed drive-through. This will be in accordance with the above and therefore the Acceptable Solution is met.

## C2.6.2 Design and layout of parking areas

Objective:	That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solutions		Performance Criteria
<b>A1.1</b>  Parking, access ways, manoeuvring and circulation spaces must either:  (a) comply with the following:  (i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i> ;  (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;  (iii) have an access width not less than the requirements in Table C2.2;  (iv) have car parking space dimensions which satisfy the requirements in Table C2.3;  (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;  (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and  (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or  (b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i> .		<b>P1</b>  All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:  (a) the characteristics of the site;  (b) the proposed slope, dimensions and layout;  (c) useability in all weather conditions;  (d) vehicle and pedestrian traffic safety;  (e) the nature and use of the development;  (f) the expected number and type of vehicles;  (g) the likely use of the parking areas by persons with a disability;  (h) the nature of traffic in the surrounding area;  (i) the proposed means of parking delineation; and  (j) the provisions of <i>Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking</i> and <i>AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities</i> .
<b>A1.2</b>  Parking spaces provided for use by persons with a disability must satisfy the following:  (a) be located as close as practicable to the main entry point to the building;  (b) be incorporated into the overall car park design; and  (c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i> . <sup>1</sup>		

Comment – The proposal is in accordance with the above requirements. The Acceptable Solution is met.

## **C16.0 Safeguarding of Airports Code**

The proposal is exempt as the building will not penetrate the airport obstacle limitation area.

### *REPRESENTATIONS*

Given the proposal is not possible without an amendment to the planning scheme it has not yet been placed on public display. Rather, the planning application must be advertised alongside the draft amendment for a period of 28 days in accordance within section 40Z of the Act. Any representations received during this time will be considered as part of a subsequent report to the Planning Authority.

### *CONCLUSION*

The proposal has been assessed against the requirements of the planning scheme as amended and any relevant Codes and can be approved with conditions.

The draft permit is appended as Attachment 3.

## **ATTACHMENTS**

1. Assessment against Section 34 of the Act [**4.1.1** - 2 pages]
2. Application detail - AM2020.03 & PA2020.0227 - 4 Friend Street [**4.1.2** - 114 pages]
3. Draft Planning Permit - P A 2020.0227 - 4 Friend Street [**4.1.3** - 3 pages]

## **5 CLOSURE**