DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) AGENDA

COMMUNITY ADMINISTRATION CENTRE (CAC)

15 OCTOBER 2013
NOTICE OF MEETING

Notice is hereby given that the next meeting of the Development Assessment Special Committee (DASC) will be held at the Community Administration Centre (CAC) on Tuesday, 15 October, 2013 commencing at 4 pm.

CERTIFICATION

I, Robert Higgins, Acting General Manager of the Sorell Council, hereby certify that in accordance with Section 65 of the Local Government Act 1993, the reports in this Agenda have been prepared by persons who have the qualifications and experience necessary to give such advice. Information and recommendations or such advice was obtained and taken into account in providing general advice contained within the Agenda.

ROBERT HIGGINS
A/GENERAL MANAGER
7 October 2013
# AGENDA
FOR THE DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC) ON 15 OCTOBER 2013

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</tbody>
</table>
1.0 ATTENDANCE

Chairperson D/Mayor B McDonald
Councillor G Evans
Councillor K Degrassi
Councillor J Dunbabin
Mayor K Vincent D/Chairperson
Councillor L White
Councillor R Leach
Robert Higgins, A/General Manager
Bill Hyndes, Manager Environment & Development

2.0 CONFIRMATION OF THE MINUTES OF 8 OCTOBER 2013

RECOMMENDATION

“That the Minutes of the Development Assessment Special Committee (DASC) Meeting held on 8 October 2013 be confirmed.”

3.0 DECLARATIONS OF PECUNIARY INTEREST
In considering the following land use planning matters the Development Assessment Special Committee intends to act as a planning authority under the *Land Use Planning and Approvals Act 1993*.

### 4.0 LAND USE PLANNING

#### 4.1 DEVELOPMENT APPLICATION NO. 5/2003/53/2

**313 MARCHWIEL ROAD BREAM CREEK**

**APPLICANT:** A ALLEN

**PROPOSAL:** MINOR AMENDMENT TO FALLS MUSIC FESTIVAL TO ALLOW ADDITIONAL HOURS OF MUSIC

**ADDRESS:** 313 MARCHWIEL ROAD BREAM CREEK 7175

**RECOMMENDATION**

“That Development Application No. 5/2003 53/2 for a minor amendment to "Falls Music Festival" to allow additional hours of music at 313 Marchwiel Road Bream Creek for A Allen be approved for the reasons given in the report, subject to the following;

To amend condition 24 to read:

On the 29th December music may only be played between the hours of 2pm and 12.30am. The noise levels from music played at the site shall not exceed 50dB (A)$_{Leq}$ between 2pm and 8pm and 45dB (A)$_{Leq}$ between 8pm and 12.30am. Noise levels measurement shall be taken directly outside noise sensitive premises for a continuous period of 15 minutes.

“(A)$_{Leq}$” means time average A-weighted sound pressure level, within the meaning given by the Australian Standard AS1055.1.”

**INTRODUCTION**

The Falls Music Festival was originally approved, with conditions, on the 9th September 2003 allowing for an annual music festival to be held over a number of days at Marion Bay.

This request for a minor amendment is to allow for an additional 2 1/2 hours for live music on the first evening by amending condition 24 which specifies the hours in which music may be played during the festival.

**Community Strategic Plan**

Not applicable.
Operational Plan

Not applicable.

Policy

Not applicable.

Environmental Implications

Not applicable.

Asset Management Implications

Not applicable.

Risk Management Implications

Not applicable.

Community Implications

Not applicable.

Statutory Implications

Section 56 of the Land Use Planning and Approvals Act 1993 stipulates that Council has a discretion, upon application by a land owner in writing, to amend a permit if it is satisfied that the amendment:

(a) does not change the effect of any condition required by the Appeal Tribunal;

(b) will not cause an increase in detriment to any person; and

(c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.

Representations

A minor amendment if approved requires the notification of the person who requested the permit be amended and the adjoining owners and occupiers.

Referrals

Not applicable.
Date of Receipt of Application

Date: 19 September 2013

Date by Which a Decision Must be Made

Date: Not applicable.

REPORT

This request for a minor amendment is to allow for an additional 2 1/2 hours for live music on the first evening of the 29th December. It is noted that the music will be low level music provided by a DJ and will continue to be in a tent near the field stage.

The test for a Minor Amendment under Section 56 (2) of the Land Use Planning and Approvals Act 1993 requires that Council be satisfied that the amendment:

(a) Does not change the effect of any condition required by the Appeal Tribunal; and

(b) Will not cause an increase in detriment to any person; and

(c) Does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.

With respect to the abovementioned test the following responses are put forward;

- The first test is not applicable as the original development application was not heard by the Appeal Tribunal;
- It is considered that there would not be an increase in detriment based upon the type of music being limited to music played by a DJ and within a designated tent, the opinion of the noise consulting engineer (Pearu Terts) and the existing permit condition requiring monitoring with a limit on acceptable noise levels when measured at a “noise sensitive premises”; and
- The request to modify hours of operation does not change the use allowed for by the existing permit as a music festival.

Council’s Senior Environmental Health Officer has provided his assessment (see attachment) and supports the application. He confirms that there have been no noise complaints for the current entertainment on the 29th December and that the over the past three festivals the required noise testing in Bream Creek had levels below those required by the current permit condition 24.
A minor amendment if approved requires that the Planning Authority serve notice in writing to the person who requested the amendment and the adjoining owners and occupiers of any property that adjoins the land.

It is considered that this request for a minor amendment satisfies the requirements of the abovementioned Section 56 and accordingly is recommended for approval with conditions.

JOHN MOLNAR
SENIOR PLANNER
8 October 2013
Attachments: (17)
REQUEST FOR A
MINOR AMENDMENT OF PLANNING PERMIT

Pursuant to Section 56 of the Land Use Planning and Approvals Act, 1993, I (as the owner of the land or a person acting with the owner’s consent) would like to amend the planning permit detailed below.

Application Address: 313 Marchwell Rd, Bream Creek

Original Permit Number: DA 2003/153

Was this Original Permit subject to a matter of Appeal heard by the Resource Management and Appeal Tribunal? Yes ☐ No ☒

Was the Original Application Permitted or Discretionary Perm ☐ Disc ☒

Applicant’s Name: Abby Allen

Applicant’s Address: 313 Marchwell Rd, Bream Creek

Telephone: 0435 030 755 Fax: 03 6253 6021

Applicant’s Signature: [Signature]

DESCRIPTION OF PROPOSED AMENDMENT (as what is changing), floor plan, additional car parking etc)

Alteration of permitted music hours - Condition 24.
Extending closing time from 10pm - 12.30am on Dec 29th.

IF THE APPLICANT IS NOT THE OWNER (see over)
If the applicant is not the owner of the land, the applicant must include a declaration that he/she has obtained the owner’s consent.

I hereby declare that I am the applicant for the minor amendment of a permit at the address detailed above, and that I have obtained the owner’s consent to this application being made, in accordance with Section 56 of the Land Use Planning and Approvals Act 1993.

Signature of applicant: [Signature]
Name (please print): Abby Allen
Date: 19/11/13

Owner’s full name: [Name]

Owner’s contact details: [Details]

AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
NB. Please attach further details of proposed amendment (ie. plans/letter) if necessary.

DEFINITION OF OWNER
(SECTION 3 LUPHA)

“owner” means any one or more of the following:

a. in the case of a fee simple estate in land – the person in whom that estate is vested;

b. in the case of land not registered under the Land Titles Act 1980 and subject to a mortgage – the person having, for the time being, the equity of redemption in that mortgage;

c. in the case of land held under a tenancy for life – the person who is the life tenant;

d. in the case of land held under a lease of a term not less than 99 years or for a term of not less than such other prescribed period – the person who is the lessee of the land;

e. in the case of land held in respect of which a person has a prescribed interest – that person;

f. in the case of Crown land within the meaning of the Crown Lands Act 1976, the Crown in right of the State of Tasmania.
AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013

The Falls
Music & Arts Festival
APPLICATION FOR AMENDMENT TO PLANNING PERMIT 2003–53

CONTENTS
1. THE INTRODUCTION AND SUCCESS OF THE FUNK AND SOUL REVUE (BOOGIE NIGHTS)
2. MAINTAINING THE ESSENCE OF THE OPENING NIGHT SHOW
3. SUCCESSFUL NOISE MONITORING PRACTICES AND COMMITMENT TO DB LEVELS
4. PATRON MANAGEMENT
5. STAYING COMPETITIVE IN A SLOWING FESTIVAL MARKET
6. THE FALLS MUSIC AND ARTS FESTIVAL’S POSITIVE IMPACT ON TASMANIA
7. OUR COMMITMENT TO COMMUNITY INTERESTS
8. IN CONCLUSION

APPENDIXES
1. LETTER OF SUPPORT FROM ACOUSTIC MONITOR PEARU TEPTS
The Falls
Music & Arts Festival

Senior Planning Officer
Sorell Council
13 Somerville St
Sorell TAS 7172

Dear John,

I am writing to request a minor amendment to our existing Planning Permit, No. 2005/53.

We wish to extend the hours of live music on December 29th until 12.30am. We plan to maintain the current decibel limits set for December 29th (when measured at a noise sensitive premises (dwelling), directly outside the building for a continuous period of 15 minutes).

<table>
<thead>
<tr>
<th>Time period</th>
<th>Leq Limit dB(A)</th>
</tr>
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<tbody>
<tr>
<td>14:00-20:30 (Dec 29th)</td>
<td>50</td>
</tr>
<tr>
<td>20:00-12:30 (Dec 29th)</td>
<td>45</td>
</tr>
</tbody>
</table>

Low level music entertainment was approved in 2008 and has been a resounding success since that date. The extra day of programming has assisted our operational processes and created a relaxed vibe that sets the tone for the rest of the event. Over the past four years, we have not received a complaint regarding sound on the 29th, nor have we measured any breaches of our current permitted dB limits that were not explained by our professional acoustic monitor Perau Torte.

We are preparing a three-hour extension of the event timetable, but not an alteration in style, wishing to maintain the current theme that has proven successful since 2008. The relaxed atmosphere created by our current Beagle Nights has proven to be an extremely popular and enjoyable style of music on this first night, and we do not wish to alter it over the hours of the extension. We will also maintain our current final bar closing time of 1am, and will keep patron capacity at a similar number to last year, capping ticket sales at 10,000 for the first day.

It has become evident that the current closing time of 10pm for entertainment is insufficient to keep our patrons occupied on this first night, and to keep the Marion Bay Falls Music and Arts Festival competitive with other events in Australia. Thus, this requested extension is a key measure of patron management, and a strategy to protect the long term viability of the festival. We have received many formal requests and queries from patrons as well as our staff and volunteers for further entertainment on this night, which further suggests that an amendment is necessary to keep our event in line with the current Australian festival market.

As explained in the attached document, the majority of music festivals in Australia offer a full program of entertainment for at least three days and nights, often more. To maintain a satisfactory level of interstate and local interest in our event, we believe it is crucial to offer a comparable program.

Please find attached a discussion of the key factors that have contributed to this application for amendment, including a letter of support from acoustic monitor Perau Torte.

If you require further information regarding any of these key factors, or wish to discuss this request, please do not hesitate to contact me.

Thank you for your time and consideration. I look forward to hearing from you soon.

Yours sincerely,

Abby Allen
Event Manager
The Falls Music & Arts Festival, Marion Bay, Tasmania
THE FALLS MUSIC AND ARTS FESTIVAL PLANNING PERMIT EXTENSION

It has become apparent over the past couple of years that the scope of our entertainment on December 29th is inadequate to keep our patrons engaged on their first night at the festival. It is also becoming evident that the current format and scope of entertainment at The Falls Festival in Marion Bay is deficient compared to other competing events around Australia. So, in the interest of maintaining our ever growing interstate and international audience, we realise we must offer a complete, fulfilling and proportional program for our patrons to make it a worthwhile event to attend.

Because of this, we would like to apply to extend our current Planning Permit (No. 2003/53) to reflect an amended conclusion time for entertainment on December 29th of 12.30am, rather than 10pm. We are happy to maintain the current dB levels set for this first night of entertainment (which are significantly lower than the other rights of the festival) and aim to have the same type of Di music as in previous years during the hours of the requested permit extension.

We believe we have demonstrated commitment to and compliance with our current permit to date, signifying our dedication to working within the council’s guidelines. We will maintain this commitment if the permit extension is approved. We also believe that the time and effort we have invested into community liaison and engagement, through our Community Management Plan and extensive initiatives, has contributed and refined local expectation to the festival, and made many positive changes to our relationship with locals in the area.

We have detailed our explanation for the request and explored the key factors involved in the permit extension below.

1. THE INTRODUCTION AND SUCCESS OF THE FUNK AND SOUL REVUE (BOOGIE NIGHTS) ON DECEMBER 29TH

In 2007, it was identified that additional entertainment was required on December 29th to encourage patron arrivals on that day. This would in effect, spread the flow of traffic over a few days and allow more time for thorough vehicle checks, as well as decrease the traffic build up on local, public roads, and the pressure placed on surrounding services and facilities. This was approved and implemented in 2008 to resounding success.

Our traffic management processes have now worked beautifully over the past five years, and we can successfully check and search many more cars than in previous years. This thorough searching has contributed to increasingly aware patrons, who have been educated in our procedures and know how seriously we take the prohibitions of certain items. This has been proven in a significantly increased use of our BYO Amnesty facility, as patrons utilise this opportunity to voluntarily surrender their items for collection post-event, instead of attempting to smuggle items in.

Also over the past five years, it has become evident that our 3-day ticket (which included December 29th) is the most popular by far, further proving the success of the additional day, as our patrons are obviously keen to arrive earlier and make the most of their experience.
This enthusiasm will continue to assist us in our distribution of traffic flow, but not unless we offer these patrons a worthwhile program of entertainment for their additional investment.

Over the past five years, we have created and built upon a low key, themed night of musical entertainment for December 29th, previously called the Funk and Soul Heroes, now called Boogie Nights.

2. MAINTAINING THE ESSENCE OF THE OPENING NIGHT SHOW

Boogie Nights has proven to showcase a popular and successful style of music for this first evening of entertainment and we wish to keep December 29th themed in this way. Boogie Nights provides the opportunity for a relaxed and chilled-out vibe to be created at the festival, which then sets the scene for the rest of the events. The low key music and performances offer a well-rounded opening night show and we aim to maintain this successful and relaxed format.

We believe that in keeping with the current format for the period of requested extension, we will successfully appease the desires of our patrons and management, who see a need for further entertainment on the 29th, while not creating any additional disruption to the local community.

In regards to other festival factors on this first night, we will not be amending the current hours of our liquor permit, maintaining the same hours as approved by the office of Liquor and Gaming in 2012.

We also wish to maintain a similar patron capacity for December 29th, capping the 3-day ticket sales at 30,000 and the total festival ticket sales at 16,000. This also demonstrates the fact that this amendment is not an exercise in raising revenue but rather a strategy to address key patron management and protect the festival's long term viability, by improving the product rather than selling more drinks or tickets.

3. SUCCESSFUL SOUND MONITORING PRACTICES AND COMMITMENT TO DB LEVELS

Appendix 1 – Letter of support from Pears Tents

Each year we engage professional acoustic monitor Pears Tents to measure dB levels at multiple locations in Green Creek, as well as keep a detailed record of all calls and complaints from local residents. Since the introduction of entertainment on December 29th in 2008, we have not received a noise complaint from our neighbours on this first night.

Over the past five years, the noise levels recorded between the hours of 8pm and 10pm on December 29th, for the most part, have been well under the permitted dB levels set by council. Any breaches of the levels have been explained by Pears Tents as miscellaneous local ambient sounds such as wind, dogs barking, cars driving past etc, which often create higher dB levels at local homes than our festival entertainment.

We have always taken our noise limits seriously and been extremely cooperative in working to meet the levels set by council.
As suggested by Pearl Tests in the supporting letter attached, by keeping the entertainment within the Roque Nights Tent for the requested period of extension, and maintaining the same style of lower level DJ music over this period, we will be able to comply with the current dB levels. We are committed to Pearl Tests’ expert suggestions and aim to keep the DJ style music within the tent for the period of extension.

We will ensure special attention is given to acoustic monitoring on December 29th this year, and as we always have, will be extremely quick to respond to any discrepancies found by Pearl Tests and his team.

We believe we have demonstrated our commitment to the terms and limits of our current permit and delivered successful results to council, patrons and the community.

4. PATRON MANAGEMENT

Another reason for the extension of entertainment on December 29th is the issue of patron management. We have found that patrons are much easier to manage while they are being entertained. Thus, the longer hours of entertainment will facilitate more effective crowd control measures, and lessen the burden placed on festival staff, management and security.

We have noted a trend in challenging patron behaviour on December 29th as when the entertainment concludes at 10pm, the majority of our patrons are still excited and filled with energy to celebrate their first day of festival fun. Without ample entertainment to keep them occupied, many patrons create their own form of entertainment within the campgrounds, which can be anti-social, destructive and difficult to manage.

Our security company, EPS Security, have worked closely with us for the past seven years to deliver outstanding results in patron management and conflict resolution. Director Mal Scott has 24 years experience in the police force and security industry, specialising in managing large outdoor events. He supports our request for this amendment.

5. STAYING COMPETITIVE IN A SLOWING FESTIVAL MARKET

As the music festival market in Australia becomes increasingly competitive, The Falls Music and Arts Festival must evolve to maintain an audience and ensure continued patronage from local, interstate and international visitors. It has become evident that a trend of slowing ticket sales is emerging in the music festival market and affecting many events, including The Falls Festival.

Locally, ticket sales have slowed considerably since the inception of the event, and interstate numbers have grown. With our ticket prices for the Marion Bay event being some of the most affordable in the country, and being heavily subsidized by our Victorian event, our commitment to ensuring the festival is accessible to local and interstate patrons is clear. Raising our prices is not the answer to recoup the rising costs of putting on an event of such a scale, nor will it help protect the long term viability of the event. A key part of keeping the festival secure is maintaining these reasonable prices.
Instead of price increases, we must ensure continued, if not increased interest in our event by offering a more attractive product – a comparative, full program of entertainment and world-class facilities for our patrons. We must make the event worthwhile for the increasing number of interstate and international travelers, and reward them appropriately for their investment.

Most music festivals across the country offer a full program of at least three days and three nights of entertainment, often more. Many of our patrons, who also attend these other festivals, formally enquired about longer hours on December 29th via surveys at our Information Booth and online last year. They found it uncharacteristic for the entertainment to conclude so early on the festival’s first night and asked for it to be extended. Thus, this amendment is all about creating enough entertainment for our patrons to be stimulated and satisfied, so they keep returning to the event, and to Tasmania.

b.
THE FALLS MUSIC AND ARTS FESTIVAL’S POSITIVE IMPACT ON TASMANIA

The Falls Music and Arts Festival has a significant positive impact on Tasmania. Life has been injected into the music industry; tourism has been enhanced; the economy has been assisted and businesses have prospered. Various emergency and other community service providers have received valuable funding and training; work experience opportunities have been created; environmental practices have been showcased and an important social and cultural celebration has been created.

We hope to maintain the size and reach of these positive flow-on effects, but if we cannot offer a comparable festival to other events across Australia, we fear those impacts could be minimized as patrons choose other mainland events over ours.

Independent research in 2013 has shown that The Falls Music and Arts Festival in Tasmania creates a significant economic impact of $15 million, through direct expenditure by the event, direct and indirect expenditure by visitors to the event, employment as well as tourism and music industry stimulation. The value associated with media coverage; in effect, free advertising for Tasmania, along with flights and ferry travel is over and above the economic value identified in the report created by Essential Economics.

Our ticketing data from 2012 states that 55% of our ticket holders were from interstate. This indicates an increase from previous years and is a percentage that has been growing continually since the event’s inception.

We believe that by increasing the hours of entertainment offered on our first night, we will create significantly more depth to our program and create a more attractive product. This will keep the interstate visitors coming, and hopefully re-capture the interest of the local market too.
OUR COMMITMENT TO COMMUNITY INTERESTS

As well as maintaining interstate and international interest in the event, the Falls Music and Arts Festival is equally committed to the interests of our local community. Since its inception, The Falls Music and Arts Festival has donated more than $107,000.00 to the local community via the Falls Festival Community Fund. We are extremely proud of the projects that have been achieved through this initiative which include upgrades to the local hall facilities, uniforms for school sports teams, helping fund a local short film, and bringing workshops and other entertainment to the area which previously did not exist. We aim to continue the Community Fund in 2013 and are working to develop additional ways to engage the community in the project.

THE FALLS FESTIVAL COMMUNITY FUND SUMMARY 2005 – 2012

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ORGANISATIONS / PROJECTS FUNDED</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>2005</td>
<td>Copping Halls &amp; Reserves Mgmt Committee ($5000)</td>
<td>$5,000.00</td>
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</tbody>
</table>
| 2006 | Dunsley Neighbourhood House ($54800)  
Copping Halls & Reserves Mgmt Committee ($7496)  
Bream Creek Hall & Reserves ($2194) | $13,370.00 |
| 2007 | Dunsley Neighbourhood House ($4270)  
Dunsley Hall Committee - stage lighting ($4916)  
Dunsley Community Bowls Club - dinghy boats for sail classes ($3853) | $16,080.00 |
| 2008 | Dunsley Neighbourhood House ($1720)  
Dunsley Community Bowls Club ($5500)  
Boy Turboli - circus workshop weekend ($2464)  
Bob Bird: local concert by international artist ($5000) | $14,684.00 |
| 2009 | Bob Bird: local concert by international artist ($5000)  
Dunsley Neighbourhood House - showcase of local talent ($3000)  
Bream Creek Hall & Reserves - upgrade to showgrounds fence ($1524)  
Blue Hills Sporting Shooters Club - disabled access to club ($2462)  
Gilbert Morgan: Copping streetscape enhancement ($1200)  
Dunsley Primary School: hockey team uniforms ($2000) | $15,404.00 |
| 2010 | Copping Halls & Reserves Mgmt Committee - lawnmowers & brush cutters ($5502)  
Bob Bird: local concert by International artist ($5000)  
Mag Lipped: local film project A Quiet Tomorrow ($4499) | $15,492.00 |
| 2011 | Dunsley Primary Kindergarten Playground Development ($5000)  
Materials for a Gregor dock at the Copping Community Hall ($4250)  
Rehearsal of the Copping Museum ($6000) | $15,750.00 |
| 2012 | Bream Creek Farmers Market ($5005)  
Bream Creek Show Society new parking facilities and ticket booth ($4200)  
Automated External Defibrillator ($3000)  
One off nightclub/concert at the Copping Community Hall (Bob Bird) ($2277) | $45,187.00 |
| TOTAL | | $117,549.00 |

The Falls Music and Arts Festival also provides approximately 400 free and discounted tickets to local residents affected by the event each year. This is to ensure they can enjoy, and be part of the festival occurring on their doorstep. These tickets are valued at over $75,600 per year, and, as with the Community Fund, this ticket offer will continue into the future.
The Falls Festival is also committed to community liaison and communication. We write, print and distribute several community newsletters each year to keep locals informed and included in the event, and have also created and maintained a Community Working Group to further engage with the local population. This is a group of local residents who meet with festival management regularly to discuss community issues. This includes providing feedback from other locals to festival management, reviewing applications for the Community Fund, and providing suggestions for future improvement of the festival.

Despite these efforts, we understand that the event can still be taxing for some neighbours, placing an unusual and sometimes unwarranted pressure and disruption on local airlines, businesses, infrastructure and personal lives.

For this reason, we are requesting a short extension in our hours of entertainment, satisfied with a 12.30am closing time rather than the comparable 4am closing time of the other nights of the event. We are also committed to providing a ‘quieter’ night of entertainment on December 29th, in the interests of the local community, and thus, are not requesting an increase in decibel levels.

With the success of crowd management and vehicle checking created by greater numbers arriving on this 29th, we believe it is imperative to continue and build on the success of the Funk and Soul Revue (Boogie Nights) to maintain these positive effects. We do not wish to alter the style or theme of the first night, keeping the low key genre of music for the period of extension, and will maintain bar operating hours and the number of patron arrivals. We have a proven track record when it comes to noise monitoring and maintaining our permitted levels on December 29, which we aim to continue, and have not received one complaint about noise on this first night. We are committed to the local community and their interests, and because of this, are not requesting significant changes to the program for December 29th.

The requested amendment to our current Planning Permit No. 2005/53 is:

Entertainment from 2pm – 12.30am

As well as it being important for patron management, we believe this amendment is crucial to ensure the longevity of The Falls Music and Arts Festival in Tasmania and secure it as a competitor in the slowing Australian festival market. If we cannot offer this competitive program, we risk losing patrons to other mainland events. We hope to keep the Marion Bay Falls Music and Arts Festival on the local, interstate and international radar for many years to come and ensure the positive impact it brings to Tasmania is maintained. We hope to secure the event as a leader in the Australian festival market and ensure it is THE key music and arts event on the Tasmanian calendar well into the future.
To whom it may concern,

I have been asked by the Falls Event Manager Ms Abby Allen, to assess whether our past music noise measurements and analysis since the first event, can support the extension of the first days (29 Dec) DJ music from 2200 h to 1230 h, whilst preserving the Leq = 45 dBA limit.

One reason for the requesting the extension of hours is to provide some focused entertainment for the large number of patrons already at the site, and who might otherwise create their own entertainment of doubtful value.

The DJ music levels are lower than most live band music levels, and consequently it is sometimes difficult to extract the DJ music levels from the ambient noise levels due to wind noise, insect and wild life noise, dog barks and other local domestic noise. These sounds can mask the music sounds and thereby reduce the dynamic range of the music sounds.

For example, on 29/12/2009 we measured Leq noise levels at the vineyard = 39.9 dBA, at 2045 h but 52.4 dBA at 2225 h on 29/12/2010, due to dog barks.

Again, at the Burnt Hill T junction we measured the following Leq (dBA) noise levels:

<table>
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<tr>
<th>Burnt Hill</th>
<th>29/12/2010</th>
<th>20/12/2011</th>
<th>29/12/2012</th>
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<tr>
<td>2145 h = 34.8</td>
<td>2100 h = 43.4</td>
<td>2075 h = 34.7</td>
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</table>

My opinion is that provided only DJ music is played, extending the 29 December hours from 2200 h to 1230 h is unlikely to result in the 45 dBA limit being exceeded. Community noise complaints are also unlikely as a result of the extended hours.

Our aim, as in previous years, can be in attendance to monitor the music noise and relay the results to the mixing desk via the event management team.

I understand that last year there were no complaints. It seems that the local population have accommodated the festival music noise without. In the beginning there was the fear of the unknown, increase in drugs, crime and so on and this fear might have a bearing on perceptions of noise annoyance. Now, with the smooth running of the festival, my opinion is that the extended hours are not perceived as being of concern the same way they might have been in 2002.

Yours sincerely,

Peanu Terts
PLANNING PERMIT

DEVELOPMENT APPLICATION NO. 2003/53

APPLICANT: ASHLORIEN ENTERPRISES PTY LTD

PROPOSAL: ANNUAL FALLS MUSIC FESTIVAL

ADDRESS: 313 MARCHWEIL ROAD, BREAM CREEK

Approval for development application number 2003/53 for Annual Falls Music Festival at 313 Marchweil Road, Bream Creek for Ashlorien Enterprises Pty Ltd, subject to the following conditions:

1. The development shall generally conform to the submitted proposal including amended plans of the 12 October 2007 and 15 July 2008 and 4 September 2008. The minor amendment of the 4 September 2008 provide an increase in patron numbers, to 18,000 and associated site boundary and additional entertainment on 29th December.

2. The operation of the Festival must not extend onto public roads except for Marchweil Road and a 500 metre section of Burnt Hill Road which will both be temporarily closed by the Council to enable the operators of the Festival to marshall vehicles and check tickets. During the term of road closures the operators of the Festival shall manage all vehicle movements within the closed sections of road and shall be responsible for public safety within those two areas. At the end of the road closure, the operators of the Festival shall clear up any refuse or debris on the road reservation. The Council will inspect the roads prior to re-opening them. Any damage to the road or verges shall be repaired at the expense of the Festival operator.

3. The operator of the Festival shall ensure that the closed sections of public highway are not used for any operations of the Festival other than access, marshalling and ticket checking. The drains and paved sections of these highways shall not be used for parking. At all times a minimum width of 5m shall be available for vehicles to travel along the roads.

4. Any signs to be erected by the Festival operator on the verges of public highways must be approved under Council’s Signs By-law and sized, located and fixed in a manner approved by the Manager Engineering Services.
5. The Festival operator shall reimburse the Council for the cost of advertising the road closures and erecting and removing the closure signs on site.

6. The Council will be responsible for erecting temporary speed limit signs on the roads leading to the Festival.

7. The Festival operator shall reimburse the Council for the Council's costs (including on-costs) of repairing any damage or removing any debris on the sections of public road that will be under the Festival organiser's control.

8. The Festival organiser must facilitate access by local residents affected by the road closure. An agreement must be reached with each affected resident showing how access will be achieved during the term of the Festival.

9. The Festival organiser shall lodge a $5,000 cash bond or bank guarantee with Council before the road closures are advertised each year.

10. The Festival operator shall effect all insurance required by law. Without limiting the generality hereof, the Festival operator shall arrange all necessary insurance for workers compensation and/or personal accident cover, public liability and registration/third party vehicle insurance. If required by Council, the Festival operator shall produce evidence of such insurance from time to time.

11. The Festival operator shall indemnify and keep indemnified and hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever to persons or property that may be brought or made or claimed against them, or any of them, arising from the Festival operator's performance or purported performance of its obligations under the Contract, and be directly related to the negligent acts, errors or omissions of the Festival operator. Any damage, charges, expenses or injuries shall be made good at the Festival operator's expense and may be deducted from any money due or becoming due to the Festival operator.

12. Nothing contained herein shall constitute the relationship of partnership or employer and employee between the parties hereto, and it is the express intention of the parties that any such relationships are denied.
13. The Festival operator shall be required to hold Public Liability Insurance during the whole of the period of the Festival in the name of the Festival operator providing coverage in the amount of $20 Million Dollars. The public liability policy shall be effected with an insurer approved by the Council. The public liability policy shall cover such risks and be subject only to such conditions and exclusions as are approved by the Council and shall extend to cover the Council in respect to claims for personal injury or property damage arising out of the negligence of the Festival operator. Council shall be a joint named insured, or covered under a Principals indemnity extension.

14. Noise emissions from the festival, when measured at any dwelling, should not exceed the following dB(A) assessed as the $L_{Aeq, T}$ level— (where $T=15$ mins).

<table>
<thead>
<tr>
<th>dB(A) $L_{Aeq, T}$ level</th>
<th>Hour of the Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>11 a.m. - 11 p.m.</td>
</tr>
<tr>
<td>55</td>
<td>11 p.m. - 2 a.m.</td>
</tr>
<tr>
<td>40</td>
<td>2 a.m. - 4 a.m.</td>
</tr>
</tbody>
</table>

15. Noise monitoring shall be conducted by a suitably qualified person throughout the event to ensure that noise levels listed in condition 14 are not exceeded. If noise monitoring indicates that levels are exceeded measures must be immediately taken to reduce noise levels to prescribed standards.

16. Submit an amended management plan to the satisfaction of the Manager Environment & Development and Manager of Engineering Services providing further information on:
   - Solid waste management (including minimisation & recycling)
   - On-site wastewater management
   - Traffic Management
   - Arrangement for the safe collection and disposal of sharps
   - Noise management

17. All human faecal waste and wastewaster generated from toilets, showers and washing facilities is to be disposed of in a manner approved by Councils Senior Environmental Health Officer. Details of the proposed on-site wastewater disposal system must be included in an application for a special Connection Permit.

18. This permit does not infer approval for a Place of Assembly license under the Public Health Act (Guidelines for Health and Safety in Public Places) 2000 or a license to operate a food premises under the Food Act 1998.

19. All water on the site made available for drinking and food preparation shall be obtained from the Sorell Council water point situated in Shank Point Road, Sorell and be transported by a water cartage vehicle approved for drinking water cartage.

20. The Council reserves the right to vary the conditions of this permit following each staging of the Festival.
21. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

22. This permit shall lapse after two years from the date of the permit if the development has not been substantially commenced within this period.

23. That Ashlorian Enterprises supports outreach workers from Sorell Council and nominated services with an access pass and vehicle access.

24. On the 29th of December music may only be played between the hours of 2pm and 10pm. The noise levels from music played at the site shall not exceed 50 dB (L_{eq}) between 2pm and 8pm and 45 dB (L_{eq}) between 8pm and 10pm, when measured at a noise sensitive premises (dwelling), directly outside the building for a continuous period of 15 minutes.

"L_{eq}" means time average A-weighted sound pressure level, within the meaning given by Australian Standard AS1055.1.

25. The applicant is required to engage a suitably qualified and experienced acoustic consultant to conduct noise monitoring on the 29th of December (when music is being played) at least 3 locations in Bream Creek to the satisfaction of Council's Senior Environmental Health Officer.

26. The applicant shall provide a report to Council from the acoustic consultant this year and each subsequent year that the event is in operation, detailing the noise monitoring results.

27. That the festival be limited to a maximum of 10,000 patrons.

*Sorell Council approved a minor amendment on 7 October 2008 relating to amending site plan condition (1) and introducing condition (24), (25), (26) & (27).

Dated at Sorell this 9th day of September 2003.

JOHN MOLNAR
SENIOR TOWN PLANNER
PLANNING APPLICATION – REFERRALS

Date Application Received: 19/09/2013
Application Number: DA5/2003/53/2
Applicants Name: A Allen
Address: 313 Marchwiel Road BREAM CREEK
Proposal (brief description): Miscellaneous
Lot No: 1
Certificate of Title No: 104529

DATE REFERRED-
☐ ENGINEERING ASSISTANT —…………
☑ ENVIRONMENTAL HEALTH OFFICER —…………
☐ PLUMBING INSPECTOR —…………

REFERRAL TO BE COMPLETED BY NO LATER THAN

Do you require Additional Information? No
Would you like to nominate any conditions of approval? Yes

General Comments:

The application is to modify condition 24 of the existing planning permit to increase the hours of entertainment for the first day of the Falls Festival (29 December) from 10pm to 12.30pm.

The entertainment will be low level music provided by a DJ, the noise levels will remain the same as previous festivals. The entertainment will continue to be in a tent near the field stage.

An acoustic assessment has been completed by Pearson Tests which concluded that based on previous noise monitoring the extension of hours from 10pm to 12.30am
should not result in the 45 dB(A) level being exceeded or result in community noise complaints.

Noise measurements in Bream Creek at the last three festivals on the 29 December had noise leq levels of 34.8, 43.4 & 34.7.

No noise complaints have been received for entertainment on the 29 December.

I support the proposed amendment and recommended the following being inserted in condition 24 of the Planning permit.

**Recommended Conditions:**

On the 29th of December music may only be played between 2pm and 12:30am. The noise levels from music played at the site shall not exceed 50 dB(A)$_{eq}$ between 2pm and 8pm and 45 dB(A)$_{eq}$ between 8pm and 12:30am. Noise levels measurement shall be taken directly outside noise sensitive residential premises for a continuous period of at least 15 minutes.

Signed  Greg Robertson  Dated: 1/10/2013
4.2 DEVELOPMENT APPLICATION NO. 5/2013/257/1

12 COLE STREET SORELL

APPLICANT: GHD OBO SUSSEX AVENUE PTY LTD

PROPOSAL: USE AS MAJOR SHOP (SHOPPING CENTRE), MEDICAL CENTRE, TAKE AWAY FOOD SHOP, CONSULTING ROOMS/HEALTH CENTRE AND 332 CARPARKING SPACES - VARIATION TO CARPARKING (SCHEDULE 5 – PARKING) AND PORTION OF LAND SUBJECT TO FLOOD HAZARD

ADDRESS: 12 COLE STREET SORELL 7172 (CT 163363/1)

RECOMMENDATION

“That Development Application No. 5/2013 257/1 for use as major shop (shopping centre), medical centre, take away food shop, consulting rooms/health centre and 332 carparking spaces - variation to carparking (Schedule 5 – Parking) and portion of land subject to flood hazard at 12 Cole Street Sorell for GHD obo Sussex Avenue Pty Ltd be refused on the following grounds:

1. The request for a variation to carparking is not provided for under Schedule 5 – Parking of the Sorell Planning Scheme 1993 other than discretion for approval by cash in lieu of required carspaces. In particular Table 1 of Schedule 5 sets out the minimum number of carspaces required together with S5.5.1 and neither provision provides any discretion to reduce the amount of car parking spaces required other than by the acceptance of cash in lieu.

2. The discretion under S5.5.1 to relax car parking requirements clearly states and is intended for development rather than use as requested in the application before Council. To argue that discretion could be exercised, under S5.3 “Non-conforming development” for use where existing approved buildings, already accommodating the very same approved uses, precludes the required car parking spaces has no validity or merit when considered in the context of the carparking requirements of Schedule 5 – Parking.”

INTRODUCTION

The application before Council requests the approval of the use as a major shop (shopping centre), medical centre, take away food shop, consulting rooms/health centre and 352 carparking spaces - variation to carparking (Schedule 5 – Parking) and portion of land subject to flood hazard. No development is proposed. It is noted that those very same uses have
already gained the necessary planning approval and currently operate from the property.

The supporting documentation puts forward the argument that “the existing car parking on site comfortably caters for the expected parking demand from the site” and that Council should dispense with the requirements of the Planning Scheme under Schedule 5 and approve the current number of 332 car spaces.

Supporting documentation includes the application for use as major shop/shopping centre) with 332 car parking spaces - supporting information, by GHD dated August 2013 together with Appendix A which includes;

- “Parking Survey Results” dated June 2013 including Sorell Plaza Parking Requirements Assessment;
- Planning Scheme Amendment report dated July 2012 by Midson Traffic Pty Ltd; and
- Report for 2 Cole Street, Sorell “Revised Flood Study” dated November 2011 by GHD.

Community Strategic Plan

Not applicable

Operational Plan

Not applicable

Policy

Not applicable

Environmental Implications

Not applicable

Asset Management Implications

Not applicable

Risk Management Implications

Not applicable

Community Implications

Not applicable
Statutory Implications

Zoning, Business

Schedule 5 of the scheme deals with car parking and relevantly provides the following:

“S5.1.1 For use or development:

(a)

(b) except as provided under clause S5.1.1(3) where the development is for more than one use of land, the minimum car parking spaces to be provided on the subject land shall not be less than the sum of the requirements for each use.”

S5.3 NON-CONFORMING DEVELOPMENT

S5.3.1 A development which is not in conformity with the provisions of S5.1 as the result of:

(a) the provision of the required parking space(s) being precluded by the location on or coverage of the lot by existing buildings to be retained; or

(b) the required vehicular access being physically impracticable or hazardous,

may be granted a planning approval at the discretion of Council, subject to the provisions of Clause 2.5.

S5.4 NUMBER OF PARKING SPACES REQUIRED

S5.4.1 The minimum number of parking spaces to be provided on the land subject to a development shall be in accordance with Table 1 to this Schedule.

S5.5 PAYMENT IN LIEU OF PARKING SPACES REQUIRED

S5.5.1 The Council may at its discretion require or accept a cash payment in lieu of the provision of car parking spaces. The number of spaces for which such payment may be accepted shall be set out in Table 1 of this Schedule. The costs of each space shall be determined by the market value of the land (to be determined by a qualified valuer) of that area plus the Civil Construction cost. Amendment 5-96 21/10/96
Representations

During the public advertising period one (1) representation was received from S. Fotheringham on the 26 September 2013.

Referrals

This application was referred to Council’s development assessment group.

Date of Receipt of Application

Date: Application was deemed complete on the 9 September 2013 as additional information was requested.

Date by Which a Decision Must be Made

Date: 21 October 2013

REPORT

The application before Council requests the approval of the use as a major shop (shopping centre), medical centre, take away food shop, consulting rooms/health centre and 332 carparking spaces but with a variation to carparking (Schedule 5 – Parking) and portion of land subject to flood hazard. No development is proposed.

The supporting documentation puts forward the argument that “the existing car parking on site comfortably caters for the expected parking demand from the site” and that Council dispense with the requirements of the Planning Scheme under Schedule 5 and approves the provision of 332 car spaces.

It is noted that the accepted view has always been that a number of permits can be attached to a property but that the permits be for different uses and developments. In this particular circumstance there is no apparent need for an additional permit to undertake the use other than to revisit the question of car parking requirements.

As to the planning merit of the development application there are certainly issues which arise in the interpretation of the planning scheme with particular note that the application is applying for the use only and the variation to carparking requirements. The following are relevant excerpts from the Land Use Planning and Approvals Act 1993 (LUPA);

S.3 of LUPA defines “use” as follows:

In relation to land, includes the manner of utilising land but does not include the undertaking of development.
Furthermore “development” is defined to include:

(a) A construction, exterior alteration or exterior decoration of a building; and

(b) The demolition or removal of a building or works; and

(c) A construction or carrying out of works; and

(d) A sub-division or consolidation of land, including buildings or airspace; and

(e) The placing or relocation of a building or works on land; and

(f) The construction or putting up for display of signs or hoardings –

But does not include any development of a class or description, including a class or description mentioned in paragraphs (a) to (f), described by the regulations for the purpose of this definition.

Use is not defined in the Sorell Planning Scheme 1993 (Scheme) although development is and the latter definition largely mirrors the abovementioned provision in LUPA.

It should also be noted that clause 3.3.2 of the planning scheme provides that a use of development under clause 3.3.1 (that is on land subject to a floor hazard) shall be subject to clause 2.5, and shall not be approved if it would:

Duly restrict the free flow of water course in a flood, or result in flooding of any habitual part of a dwelling.

Consequently the applicant was requested to provide the relevant documentation within the application to show that the use will not either unduly restrict a free flow of water course in flood or result in flooding of any habitual part of the building.

**Representation**

A representation was received during the public advertising period. The representor has expressed views as to;

- The developer had “fully understood the provisions of the car parking regulations … when he proposed his development at this site”

  Response; this is correct and as a result a permit was issued conditioned on the provision of cash in lieu payment or locating within 500 metres actual carparks or a combination within 3 years of the commencement of the use.
• The design of the carpark. Response; it is understood that the carparking layout has been undertaken in compliance with accepted standards.

• An application to erect a telecommunications tower on the site is currently before Council. Response; this has not been included by the applicant however it is noted that no decision has been made by Council on this matter at the time of writing this report.

Assessment of the application

Firstly the application is clearly for use and not development.

Given that it is for use and not development it is important that those parts of the planning scheme which relate to use are applied to the application and those parts of the planning scheme which relate to development are not. This is relevant to issues discussed by the applicant particularly concerning the interpretation of Schedule 5.

Schedule 5 deals with parking with the following key aspects being;

Clause S5.1.1 provides for use or development:

(a) The minimum number of car parking spaces shall be provided on the land shall be in accordance with S5.4 and where described by a ratio shall be to the nearest whole number required under that ratio;

Clause S5.4 provides:

The minimum number of parking spaces to be provided on the land subject to a development shall be in accordance with Table 1 to this Schedule.

It is important that S5.1.1 (a) relates to use or (and) development and therefore S5.4 whilst it only makes mention of development sets out the minimum number of car parking spaces required.

The calculation of the number of spaces set out by the applicant is not disputed and clearly the number required, under the Scheme, exceeds the number to the provided. However the next issue is whether or not clauses S5.1.1 (b) (c) and (d) apply to the current application. The reason why these clauses would not apply to the current application is each clause individually refers to development and not use. This is not an application for development.
This argument is also important in relation to the operation of clause S5.3.1 which again speaks of development. The clause relevantly states:

A development which is not in conformity with the provisions of S5.1 as a result of:

(a) The provision of a required parking space(s) being precluded by the location on the coverage of the lot by the existing buildings to be retained; or

(b) The required vehicle access is being physically impractical or hazardous, may be granted planning approval at the discretion of Council subject to provisions of clause 2.5.

Again this clause speaks of the issue of development which in the supporting report argues that this gives rise to a discrete discretion in relation to Council to grant a permit (for use in this instance) without the required number of car parking spaces or the need to consider the issue of clause S5.5. It is considered that the reliance on this clause by the applicant is not consistent with the argument that this is an application for use and would not have any application.

The applicant also states that the purpose of Clause S5.5, “payment in lieu of car parking spaces”, is to receive money equivalent to the market value of the land plus construction costs providing the requisite number of car parking spaces (presumably for public use) elsewhere. That may well be the purpose of the clause but is not the manner in which the clause should be interpreted. It is the interpretation of the words of the clause which is important rather than the purpose of the clause.

The exercise of the discretion in clause S5.5.1 is not discretion to waive the provision of car parking spaces but rather discretion to accept payment in lieu of the provision of car parking spaces. There is no discretion, in this clause, to not accept cash payment in lieu. The following discussion of the scheme supports that conclusion.

Clause 3.1.1 provides:

“All development and use proposed under this Scheme shall take into account:

(a) the specific zone provisions detailed in Part 6;

(b) the provisions of the schedules pertaining to this scheme listed below:

   car parking

(c) the following general conditions.”
Schedule 5 of the scheme deals with car parking and relevantly provides:

“S5.1.1 For use or development:

(a)...

(b) except as provided under clause S5.1.1(3) where the development is for more than one use of land, the minimum car parking spaces to be provided on the subject land shall not be less than the sum of the requirements for each use.”

Whilst there is no clause S5.1.1 (3) there is more than one use on the land and the car parking spaces shall not be less than the sum of the requirements for each. The report from GHD acknowledges this and calculates the amount of car parking spaces required.

Further the schedule provides:

“S5.4 NUMBER OF CAR PARKING SPACES REQUIRED

S5.4.1 The minimum number of car parking spaces to be provided on the land subject to the development shall be in accordance with Table 1 to this Schedule.

S5.5 PAYMENT IN LIEU OF PARKING SPACES REQUIRED

S5.5.1 The Council may at its discretion require or accept a cash payment in lieu of the provision of car parking spaces. The number of spaces which payment may be accepted shall be set out in Table 1 to this Schedule. The cost of each space shall be determined by the market value of the land (to be determined by a qualified valuer) of the area plus the civil construction costs.”

It is noted that Clause S5.4 is written in mandatory language in that the number of car parking spaces shall be in accordance with Table 1 which sets out the minimum number of car spaces required but does not provide any discretion to reduce the amount of car parking spaces required. It should be noted that the phrase “shall” is mandatory in its terms and imposes an obligation on Council as the planning authority to exercise its function in relation to provision of car parking spaces in accordance with Table 1 to the Schedule.

Clause 5.5 in relation to car parking spaces gives the Council two specific discretions. The first discretion is to require a developer to provide cash in lieu of car parking spaces notwithstanding that the car parking spaces can be provided on the site and the second discretion is to accept from the developer cash in lieu of the provision of car parking spaces if the car parking spaces cannot be provided on the site.
The discretion in clause 5.5 is not discretion to vary the car parking requirements in clause 5.4.

The applicant has also provided an amended flood study which provides the conclusion that “the low lying area for parking will not have any significant negative impact on the hydraulics of the waterway. The reduced channel section will not significantly increase upstream flood levels or velocity”

**Conclusion**

It is recommended that Council refuse the request for use as major shop (shopping centre), medical centre, take away food shop, consulting rooms/health centre and 332 carparking spaces - variation to carparking (Schedule 5 – Parking) and portion of land subject to flood hazard. Permits exists for the development and use on the subject property to which this application is currently before Council.

This application is solely concerned with the requirement for carparking as it clearly is applying to Council to vary the carparking requirements “without taking cash in lieu”. Whilst the applicant has argued for this to occur it is considered that there is no discretion to dispense with this requirement if as in this case the application cannot provide the stipulated car parking spaces associated with the specified uses currently on the property at 12 Cole Street, Sorell.

This report has considered the specific application with respect to the uses specified and the concurrent request to dispense with the stipulated carparking requirements ie to accept the stipulated 332 car spaces currently on site together with the representation received. It is considered that the case put forward in this application is not sufficient or proven and accordingly the recommendation is for the application to be refused.

JOHN MOLNAR
SENIOR PLANNER
8 October 2013
Attachments: (81)
Sorell Council

CHECK LIST FOR DEVELOPMENT/USE (PLANNING) PROPOSAL

To ensure that we can process your application as quickly as possible, please read the following checklist carefully and ensure that you have provided all the necessary information. If you are unclear on any aspect of your application, please phone (03) 6289 0000 to discuss or arrange an appointment concerning your proposal.

All Development proposals require the following information to be provided when submitting the application. However, upon assessment, additional information may be requested.

☐ A Completed Application for Development/Use form. Please ensure that this form has the correct address and contact details, contains an accurate description of the proposal, is signed by the applicant, and is dated.

☐ A written submission supporting the proposal referring to the relevant parts of the Planning Scheme (such as the Intens, Development Standards, provisions of the Zone) if your application requires a variation to boundary setbacks, heights etc please submit supporting reasons for the variation.

☐ A Current copy of the Certificate of Title to the land containing the:
  - Search Page.
  - Plan, Sealed Plan or Diagram.
  - Any Schedule of Easements, Covenants, Council Notifications, or Conditions of Transfer.

☐ 3 copies of fully dimensioned elevations, floor and site plans at an appropriate suitable scale which includes a north point. These plans should show:
  - Location and dimensions of all existing and proposed buildings on the site and their uses.
  - External colours and finishes of all proposed buildings.
  - Lot dimensions and contours (related to Australian Height Datum where possible).
  - Finished surface levels.
  - Finished floor levels of the building.
  - Finished roof levels of the building.
  - Maximum height of the building above natural ground level.
  - The dimension and layout of all car parking spaces.
  - Existing trees, nominating those to be removed and those to be retained.
  - Extent of any site works (cut, fill and method of retaining).

☐ Application Fees. (To be determined upon lodgment)

☐ Commercial applications also require the following to be supplied in addition to the above.
  - Full description of the proposal including:
    - Number of Staff.
    - Operating Hours.
    - Type and location of equipment to be used.
    - Waste production and disposal.
    - Signage.
    - Truck movements and loading/unloading requirements.

Telephone: (03) 6289 0000  Fax: (03) 6289 0011  Email: sorell.council@sorell.launceston.vic.gov.au
Attorney-General's website: www.sorell.launceston.vic.gov.au

AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
DESCRIPTION OF LAND

Town of SORELL
Lot 1 on Plan 163363
Derivation: Part of 8A-OR-9Pc. (Section C.) Gtd. to W.S.
Sharland, W. Tarleton and W. Lovett
Prior CTs 243011/1 and 153737/1

SCHEDULE 1

C741477 C781976 TRANSFER to SUSSEX AVENUE PTY LTD
Registered 15-Nov-2007 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 52102 FENCING COVENANT in Schedule of Encumbrances
106803 BOUNDARY FENCES CONDITION in Transfer
C839736 ADJUDICATION ORDER under Section 116 of the Local
Government (Building and Miscellaneous Provisions) Act 1993 Registered 06-May-2008 at noon

The right of drainage over the Drainage Easement 1.60 wide has
been extinguished in consequence of the acquisition
of the servient land pursuant to Application C441715

963919 INVESTIGATION NOTICE under the Environment Management
and Pollution Control Act 1994 (of that part of the
said land within described formerly comprised in
Polio of the Register Volume 163363 Folio 1) 1
Registered 11-May-2011 at noon

D1374 LRASR to KENTUCKY FRIED CHICKEN PTY LIMITED of a
leasehold estate for the term of 20 years and 3
months from 29-Nov-2010 (of that part of the said
land within described shown on Annexure 'A' attached
to the said Lease) Registered 24-June-2011 at noon
Registered 03-Jun-2011 at noon

D18569 Site Management Notice under the Environmental
Management and Pollution Control Act 1994 (of that
part of the said land within described formerly
comprised in Polio of the Register Volume 163363
Folio 1) Registered 24-Jun-2011 at noon
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
Sussex Avenue Pty Ltd
Sorell Plaza
Application for Use as Major Shop/Shopping Centre with 332 car parking spaces - Supporting Information
August 2013
AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
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Appendices

Appendix A - Parking Survey
Appendix B - Existing site and parking plan
1. Introduction

GHD Pty Ltd has been engaged by Sussex Avenue Pty Ltd to prepare an application for use as a Major Shop (Shopping Complex), Medical Centre, Take Away Food Shop, Consulting Rooms/Health Centre and 332 car parking spaces at Sorell Plaza shopping centre. No development is proposed.

This report is accompanied by detailed parking surveys in 2010 and 2013 that confirm that the existing car parking on site comfortably caters for the expected parking demand from the site.

2. Site Description

The site accommodates Sorell Plaza shopping centre, which comprises a Coles supermarket, medical centre, post office, bank and a range of specialty shops within the main building with separate service station and KFC drive through takeaway on the Cote Street frontage.

Plans of the centre accompany the application and involve a total floor area of approximately 5600 m².

3. The Planning Scheme

As indicated above the proposal is for use of the site only. No development is proposed.

The site is within the Business Zone under the Sorell Planning Scheme 1993 and therefore subject to Clause 6.7. The proposed Major Shop, Restaurant/Take Away Food Shop and Consulting Rooms/Health Centre are permitted Uses in the zone. The Service Station is discretionary.

Clause 6.7.2 specifies the development standards and subparagraph d) reads:

'suitable access and parking shall be provided in accordance with Schedule 5'.
**AGENDA**

DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING

TUESDAY 15 OCTOBER 2013

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### Table 1 to Schedule 5

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<tr>
<th>DEVELOPMENT</th>
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<th>ADDITIONAL REQUIREMENTS</th>
<th>NOTES</th>
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<tbody>
<tr>
<td>Consulting Rooms. Veterinary Establishment</td>
<td>Consulting Room</td>
<td>3</td>
<td>Minimum of 5 spaces</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>Resident Staff</td>
<td>1</td>
<td>1 per 3 staff employed at peak periods</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Non-Resident Staff</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dining Room</td>
<td></td>
<td>1</td>
<td>per 2 seats</td>
<td></td>
</tr>
<tr>
<td>Shop, Major Shop Amendment 13-96 1/4/97</td>
<td>Floor Area</td>
<td></td>
<td>In accordance with Table 2 to Schedule 5</td>
<td></td>
</tr>
</tbody>
</table>

### Table 2 to Schedule 5

[Graph showing car space density]

**Note:**
- 1 square metre per GFA (Gross Floor Area)
- 1 space per 2 GFA

---

2 [GHD] Report for Avenue Avenue Pty Ltd - Sorell Plaza, 3910873
## Table 1: Car Parking Requirement Sorell Planning Scheme 1993

<table>
<thead>
<tr>
<th>Tenancy</th>
<th>Floor Area (m²)</th>
<th>Use definition</th>
<th>Parking Calculation (Sorell Planning Scheme 1993)</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coles Supermarket</td>
<td>3200</td>
<td>Major Shop (Shopping Complex)</td>
<td>30 space for the first 1000 m² and 1 space per 15 m² thereafter</td>
<td>200.0</td>
</tr>
<tr>
<td>Tenancy 1 (Bottle Shop)</td>
<td>164</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>10.9</td>
</tr>
<tr>
<td>Tenancy 2 (Bakery)</td>
<td>97</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>6.5</td>
</tr>
<tr>
<td>Tenancy 3 (Butcher)</td>
<td>96</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>6.4</td>
</tr>
<tr>
<td>Tenancy 4 (Hairdresser)</td>
<td>81</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>5.4</td>
</tr>
<tr>
<td>Tenancy 5 (Telstra Shop)</td>
<td>88</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>3.9</td>
</tr>
<tr>
<td>Tenancy 6 (Australia Post)</td>
<td>201.6</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>13.5</td>
</tr>
<tr>
<td>Tenancy 7 (Bank)</td>
<td>153.5</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>10.2</td>
</tr>
<tr>
<td>Tenancy 8 (Massage Clinic)</td>
<td>66</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>4.4</td>
</tr>
<tr>
<td>Tenancy 9 (Bank)</td>
<td>135.9</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>9.4</td>
</tr>
<tr>
<td>Tenancy 10 (Optometrist)</td>
<td>108.6</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>7.2</td>
</tr>
<tr>
<td>Tenancy 10(b) (vacant)</td>
<td>215.4</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>14.4</td>
</tr>
</tbody>
</table>

GHD | Report for Sasser Avenue Pty Ltd - Sorell Plaza, 32/11873 | 3
<table>
<thead>
<tr>
<th>Tenancy</th>
<th>Floor Area (m²) / calculation unit</th>
<th>Use Definition</th>
<th>Parking Calculation (Sorell Planning Scheme 1993)</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenancy 1 (Medical Centre)</td>
<td>725m² - 16 consulting rooms</td>
<td>Consulting Room + Health Centre</td>
<td>3 per consulting room</td>
<td>48</td>
</tr>
<tr>
<td>Kiosk</td>
<td>36</td>
<td>Major Shop (Shopping Complex)</td>
<td>1 space per 15 m²</td>
<td>2.3</td>
</tr>
<tr>
<td>Restaurant/Take Away</td>
<td>230 m²</td>
<td>Restaurant</td>
<td>1 per 3 staff + 1 per 2 seats</td>
<td>3.3 + 13</td>
</tr>
<tr>
<td>Service Station</td>
<td>72</td>
<td>Service Station</td>
<td>As determined by Council</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>371.6</strong></td>
</tr>
</tbody>
</table>

The proposal includes 332 car parking spaces compared with the required 372 spaces.

If the minimum number as calculated above is not able to be provided then a discretion is engaged at Clause 55.3.1. It reads:

'A development which is not in conformity with the provisions of 55.1 has the result of:

(a) The provision of the required car parking spaces being precluded by the location on or coverage of the lot by existing buildings to be retained; or

(b) The required vehicular access being physically impracticable or hazardous

May be granted planning approval at the discretion of the council, subject to the provisions of clause 2.3.'

In the case of this site, it is not physically possible (practicable) to provide the required number of car parking spaces because of the location on or coverage of the development site by existing buildings. Council therefore has discretion to grant a planning approval which does not provide the required number of car parking spaces. This discretion attracts section 57 of the Land Use Planning and Approvals Act 1993.

Council has a further discretion at Clause 55.5.1. It may in its discretion, but is not obliged, to require or accept a cash payment in lieu of the provision of car parking spaces. The purpose of this clause is to receive money equivalent to the market value of land plus the construction cost of providing the requisite number of car parking spaces (presumably for public use) elsewhere.

As demonstrated by the accompanying car parking demand and supply analysis, the required number of parking spaces is excessive for the use. We therefore consider that this is not a proper case to engage the discretion to accept a cash payment in lieu.

### 3.2 Objectives

The proposal is considered in relation to the relevant Objectives of the Planning Scheme below.
Clause 5.1 - Overall Objectives

(a) To manage the sustainable evolution of the Municipal area in harmony with the existing and future needs of the population with a significant urban component.

(b) To ensure that future growth and development is co-ordinated with the economic provision of an appropriate level of both physical and social services.

(c) To maximise the impact of development on the natural and coastal environment, and to ensure that rural and coastal resources are managed in a sustainable manner with due regard for water quality, the tourism asset, and local and regional recreation values.

(d) To concentrate future residential growth at Sorell township and Midway Point where services exist and/or can be most economically provided.

(i) To provide framework for orderly growth within a 5 year time frame subject to regular monitoring and review.

Comment: Exercising the discretion under SS.5.1 and SS.5.1 to reduce the amount of parking on site and waive car in lieu will not impede any of the above objectives, and is more likely to reinforce them. The car parking provision on site adequately meets the complex’s practical requirements. To require further car parking, whether supplied directly by the proponent or via a cash in lieu payment, would result in occupying land for purposes that are not essential to the development of the Sorell township. Inappropriate use of land within the commercial centre of the town may eventually result in services more crucial to the town’s function relocate to less accessible locations beyond the town’s commercial centre. It may result in contributing to urban sprawl or inefficient use of greenfield sites. Exercising the requirement for additional car parking is therefore not considered to represent orderly or co-ordinated growth and should not be required unless actual demand demands it necessary.

Clause 5.2 - Area Specific Objectives

Clause 5.2.1 - Sorell Township

(a) To facilitate continued growth of Sorell Township as the regional retailing, administration, community services and commercial centre of the Municipality.

(b) To make the optimum use of available infrastructure and consolidate and enhance residential areas.

(c) To protect and improve the character and amenity of the town.

(d) To improve the transport infrastructure through provision of link roads from the Arthur and Tasman Highways, adequate parking for the commercial centre, a public transport interchange and a system of pedestrian and cycle paths connecting the residential areas, business centre, school and Orleigh Lagoon.

Comment: Given the existing adequacy of the Sorell Plaza parking provision, the site does not place any unnecessary pressure on other parking facilities, either on-street or off-street, within the town. Much greater utilization of parking on both the Sorell Plaza and Sorell Gateway (a similar shopping centre) sites would need to be demonstrated before the requirement for further parking services could be justified.

The current and proposed parking arrangements do not have any adverse impact on the functioning of the town’s road network or other services. To unnecessarily provide additional parking is likely to adversely affect the amenity of the town, given that car parking generally does not contribute to positive urban design outcomes, and may preclude more appropriate, activated uses from establishing.
Clause 6.7 - Business Zone

Clause 6.7.1 - Intent
(a) To define space for the concentration of commercial, civic, cultural and entertainment functions serving the Municipality;
(b) To maintain and improve a suitable environmental quality for this zone;
(c) To encourage future business development that is in keeping with the existing scale, size and character of its environs.

Comment: It is not considered that the provision of additional parking is consistent with the intent of the Business Zone. As outlined, it would serve to undermine the amenity of the town and accommodate an amount of traffic that could contribute to the economic development and viability of the town to a much greater degree. In respect of provision (c), it is considered that future parking should be provided in locations and at scales required by new uses. In this case it is not physically possible to accommodate any significant amount of additional parking on the subject site above the existing 332 spaces and it has been demonstrated that additional parking is not required. Any additional parking provided by Council from cash in lieu payment would also have to be sited further away and therefore be less desirable than the existing surplus spaces on site.

In summary any additional parking provided on another site from cash in lieu payments would not be as conveniently located than the existing surplus spaces on site and would be very unlikely to be used in connection with the Sorell Plaza site. The requirement for additional spaces is therefore not justified.

4. Car parking requirement Sorell Draft Interim Planning Scheme 2013

Although of no statutory force, it is noted that Council has prepared a draft Interim Planning Scheme which includes a car parking and access Code based on the Southern Regional Template.

The following table calculates the car parking requirement for the site if that scheme did apply. It should be noted that under these draft provisions the car parking requirement would be approximately 100 spaces less than the existing planning scheme and approximately 56 spaces less than the existing parking provision of 332 spaces on site.

Table 2 Car parking requirement Sorell Draft Interim Planning Scheme 2013

<table>
<thead>
<tr>
<th>Tenancy</th>
<th>Floor Area (m²)</th>
<th>Use Definition</th>
<th>Parking Calculation (Sorell Planning Scheme 1993)</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coles Supermarket</td>
<td>3200</td>
<td>General retail/long stay</td>
<td>1 space per 30 m²</td>
<td>106.6</td>
</tr>
<tr>
<td>Tenancy 1 (Bistro)</td>
<td>184</td>
<td>Hotel industry</td>
<td>1 space per 30 m²</td>
<td>5.5</td>
</tr>
<tr>
<td>Tenancy 2 (Bakery)</td>
<td>97</td>
<td>General retail/long stay</td>
<td>1 space per 30 m²</td>
<td>3.2</td>
</tr>
</tbody>
</table>

6 | GHD | Report for Sorell Avenue Pty Ltd - Sorell Plaza, 3210873
<table>
<thead>
<tr>
<th>Tenancy</th>
<th>Floor Area (m²) / calculation unit</th>
<th>Use Definition</th>
<th>Parking Calculation (Sorell Planning Scheme 1993)</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenancy 3 (Butcher)</td>
<td>96</td>
<td>General retail/hire</td>
<td>1 space per 30m²</td>
<td>3.2</td>
</tr>
<tr>
<td>Tenancy 4 (Hairdresser)</td>
<td>81</td>
<td>General retail/hire</td>
<td>1 space per 30m²</td>
<td>2.7</td>
</tr>
<tr>
<td>Tenancy 5 (Telestra Shop)</td>
<td>86</td>
<td>General retail/hire</td>
<td>1 space per 30m²</td>
<td>2.9</td>
</tr>
<tr>
<td>Tenancy 6 (Australia Post)</td>
<td>201.8</td>
<td>Business &amp; professional</td>
<td>1 space per 30m²</td>
<td>0.7</td>
</tr>
<tr>
<td>Tenancy 7 (Bank)</td>
<td>193.5</td>
<td>Business &amp; professional</td>
<td>1 space per 30m²</td>
<td>5.1</td>
</tr>
<tr>
<td>Tenancy 8 (Massage Clinic)</td>
<td>88</td>
<td>Business &amp; professional</td>
<td>1 space per 30m²</td>
<td>2.2</td>
</tr>
<tr>
<td>Tenancy 9 (Bank)</td>
<td>135.9</td>
<td>Business &amp; professional</td>
<td>1 space per 30m²</td>
<td>5.1</td>
</tr>
<tr>
<td>Tenancy 10 (Optometrist)</td>
<td>108.6</td>
<td>General retail/hire</td>
<td>1 space per 30m²</td>
<td>3.0</td>
</tr>
<tr>
<td>Tenancy 11 (Vacant)</td>
<td>215.4</td>
<td>General retail/hire</td>
<td>1 space per 30m²</td>
<td>7.2</td>
</tr>
<tr>
<td>Tenancy 11 (Medical Centre)</td>
<td>725m² + 16 consulting rooms</td>
<td>Medical Centre</td>
<td>5 per consulting room</td>
<td>80</td>
</tr>
<tr>
<td>Kiosk</td>
<td>35</td>
<td>General retail/hire</td>
<td>1 space per 30m²</td>
<td>1.2</td>
</tr>
<tr>
<td>Fast Food Outlet</td>
<td>230m² / 26 seats</td>
<td>Take-away food premises</td>
<td>16 per 100m² + 5.12 cars drive through queue¹</td>
<td>34.5</td>
</tr>
<tr>
<td>Service Station</td>
<td>72</td>
<td>Vehicle fuel sales and service</td>
<td>As determined by Council</td>
<td>3.6</td>
</tr>
</tbody>
</table>

Total: 273.3

¹ 6 spaces are provided in the KFC drive through, and service station parking bays in addition to the overall site car parking numbers described in this assessment.

GHD | Report for Sorell Avenue Pty Ltd - Sorell Plaza, 32/10/13 | 7
5. Parking Surveys

As indicated in Section 1 above, there have been two parking surveys in relation to this matter: the first in 2010 when the site was under construction and the second in 2013. The findings of these surveys are summarised as follows:

5.1 2010 Parking Surveys

In order to investigate the likely parking demands of the Sorell Plaza site prior to its construction, Midson Traffic Pty Ltd were engaged by Sussex Avenue Pty Ltd to undertake parking surveys of six shopping centre sites in the greater Hobart area. One of these sites was the Sorell Gateway site. The details of the 2010 survey are provided in the accompanying car parking survey results report at Appendix A.

The 2010 parking surveys demonstrated that the actual parking demand at the Sorell Gateway site was substantially less than the Planning Scheme requirements.

The Midson Traffic report identified the average peak parking demand as 4.4 spaces per 100m² and determined that the existing parking requirement under the Planning Scheme is greater than the rear demand for that type of use. The report recommended a rate of 4.5 spaces per 100m² of floor area be adopted under the Planning Scheme for shopping centre developments in Sorell.

5.2 2013 Parking Surveys

Parking surveys were conducted in Sorell Plaza and Sorell Gateway on Thursday 30 May and Saturday 1 June 2013. The results are summarised in Table 3. The parking survey areas are shown in Figure 1 and accumulation graphs can be seen in Figure 2 and Figure 3 for the Thursday and Saturday surveys respectively.

Figure 1 - Parking Survey Areas

2 The sites were: Sorell Gateway, Shoreline Shopping Centre, Newtown Plaza, Green Point Plaza, Northgate Shopping Centre and Sandy Bay Woolworths.

8 | QHID | Report for Sussex Avenue Pty Ltd - Sorell Plaza, 3215673
Table 3  Parking survey results

<table>
<thead>
<tr>
<th></th>
<th>Thursday Sorell Plaza</th>
<th>Thursday Sorell Gateway</th>
<th>Saturday Sorell Plaza</th>
<th>Saturday Sorell Gateway</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Average Occupancy</strong></td>
<td>149 spaces 45.3%</td>
<td>117 spaces 32.5%</td>
<td>197 spaces 32.4%</td>
<td>168 spaces 30.0%</td>
</tr>
<tr>
<td><strong>Minimum Occupancy</strong></td>
<td>92 spaces 28.0%</td>
<td>64 spaces 17.7%</td>
<td>76 spaces 23.1%</td>
<td>89 spaces 24.7%</td>
</tr>
<tr>
<td><strong>Maximum Occupancy</strong></td>
<td>175 spaces 53.2%</td>
<td>146 spaces 40.4%</td>
<td>116 spaces 35.3%</td>
<td>130 spaces 36.0%</td>
</tr>
</tbody>
</table>

It can be seen that Sorell Plaza had a higher occupancy compared to Sorell Gateway at all times of the day on the Thursday survey, and very similar occupancies on the Saturday survey, with Sorell Gateway having a slightly higher occupancy during the morning.

As demonstrated by Table 3, the maximum occupancy at Sorell Plaza is 53.2% occupancy (175 spaces at 12:00 pm on the Thursday survey), which represents a peak parking rate of 3.25 spaces per 100 square metres of floor area. The parking surveys are also summarised in terms of actual parking demand (in spaces occupied, rather than percentage).

The overall occupancy of both sites is well below their capacity at all times of the day. The sites have similar hourly profiles, with peaks between 12:00 pm and 1:00 pm on weekdays, and 11:00 am to 12:00 pm on Saturday. It is noted that there is only one vacant tenancy on site (109) and that therefore the site currently has adequate capacity to absorb the parking generated from any future use.

Parking accumulation within the Sorell Plaza car park varied substantially across each section of car park (A to U) as demonstrated below in Figure 1 and Figure 2.
As would be expected, it can be seen that Area B, with the most conveniently located spaces at the front of the centre, has the highest utilisation throughout almost all the timeframes, particularly on Saturday. It is further noted that the parking accumulation of Area B remained reasonably consistent between the Thursday and Saturday surveys.
6. Conclusion

The parking survey report that accompanies this application identifies a significant oversupply of
parking provided on the Sorell Plaza site. The car parking requirement under Schedule 5 of
the Planning Scheme cannot physically be accommodated on-site. Any off-site parking would
not be used in association with the Sorell Plaza site, as it would be located further away than an
abundance of existing underutilised parking on the site. Therefore, as demonstrated by this
report it is appropriate to exercise discretion under S5.3.1 and S5.5.1 to approve the proposed
uses with a relaxation of the parking requirements under Schedule 5 of the Planning Scheme
without taking cash in lieu.
Appendices
Appendix A - Parking Survey
Sussex Avenue Pty Ltd
Sorell Plaza
Parking Survey Results
June 2013
Scope and limitations

This report has been prepared by GHD for Sussex Avenue Pty Ltd and may only be used and relied on by Sussex Avenue Pty Ltd for the purpose agreed between GHD and the Sussex Avenue Pty Ltd as set out in section 1 of this report.

GHD otherwise disclaims responsibility to any person other than Sussex Avenue Pty Ltd arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.
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Appendices

Appendix A – Sorrell Plaza Parking Requirements Assessment and Planning Scheme
Amendment, Midcon Traffic Pty Ltd, July 2010

AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
1. Introduction

GHD Pty Ltd were engaged by Sussex Avenue Pty Ltd to review the car parking demand of the Sorell Plaza site and comment on whether the additional parking spaces currently required as part of Condition 17 of Planning Permit number DA 2008/225 are warranted.

The purpose of this report is to provide a comprehensive technical assessment of the existing parking demands and patterns of the Sorell Plaza site including a comparison site, Sorell Gateway.

1.1 Background

In October 2008 a planning permit for the first stage of Sorell Plaza was issued under DA 2008/225 for a supermarket, fast food outlet and specialty shops. Condition 17 of that permit stated:

A. That payment shall be made to Council of cash in lieu for 67 spaces at a rate of $5,500 (indexed) per space; or;

B. That 67 car parking spaces provided by the Developer within 500 metres of the subject site.

Or a combination of A and B to the satisfaction of Council’s Senior Planner.

Payment of the sum required for cash in lieu will be calculated, taking into account the Sorell Planning Scheme requirements and the number of alternative car parking spaces provided in accordance with B (if any), as at the date three (3) years from the commencement of the use. Payment of the cash in lieu will be made at that time.

Any car parking spaces provided off site in accordance with this condition are to be tied to the subject site via a Part 8 Agreement recorded on the respective Title(s). The applicant shall arrange for the drafting of this agreement and pay all costs associated with the agreement including drafting and registration with the Recorde of Titles.

Since the completion of the first stage of Sorell Plaza as outlined above, various other stages have been approved by Council, with the most recent Stage 4 comprising a shop, office, medical centre and car parking completed in 2012. On the approval of Stage 4 there was a combined planning permit requirement for 333 parking spaces, excluding the 67 space requirement under Condition 17 of DA 2008/225. The actual number of parking spaces provided on site is currently 336, which exceeds the 67 spaces above the combined planning permit requirements absent the 67 additional required under condition 17.

Construction is now complete for all four stages although one smaller specialty tenancy is currently vacant.

1.2 Subject Site

Sorell Plaza shopping centre comprises of a Coles supermarket, a medical centre, post office, bank and a range of specialty shops. All but one tenancy was occupied at the date of the surveys conducted in this report.

A service station is also located on the north eastern portion of the site which includes its own parking spaces within the service bays and on the service station pad site. A RFC fast food drive through outlet is located on the north western portion of the site. There is further provision for 6 vehicles within the drive through queues.
The site has four vehicular accesses: two from Pelham Street and two from Cole Street.

The approximate floor area of the site is 5,377 m².

For comparison purposes, parking surveys were also undertaken at the Sorell Gateway site on the opposite side of Cole Street. The approximate floor area of the Sorell Gateway site is 5,400 m². The total number of parking spaces at the comparison site is 361 spaces. The surveyed area is shown in Figure 2.
2. Parking Surveys

2.1 2010 Parking Surveys

In order to investigate the likely parking demands of the Sorell Plaza site prior to its construction, Milson Traffic Pty Ltd were engaged by Sussex Avenue Pty Ltd to undertake parking surveys of six shopping centre sites in the greater Hobart area\(^1\). One of these sites was the Sorell Gateway site. These surveys were undertaken in July 2010 and the full report is provided in Appendix A.

The parking survey results from the Sorell Gateway site are summarised as follows:

- Number of parking spaces per square metre of building area = 5.56 spaces/100m\(^2\)
- Generalised Planning Scheme requirement = 6.7 spaces/190m\(^2\)
- Maximum occupancy = 46% (140 spaces)
- Minimum occupancy = 26% (88 spaces)
- Average occupancy = 37% (111 spaces)

\(^1\) The sites were: Sorell Gateway, Shoreline Shopping Centre, New Town Plaza, Green Point Plaza, Northgate Shopping Centre and Sandy Bay Woolworths.
The 2010 parking surveys demonstrated that the actual parking demand at the Sorell Gateway site was substantially less than the Planning Scheme requirements. The Midcon Traffic report identified that the average parking requirement, under the Planning Schemes, for the surveyed sites was 4.4 spaces per 100m², and the average peak parking demand was 2.6 spaces per 100m². The report recommended a rate of 4.5 spaces per 100m² of floor area be adopted for shopping centre developments in Sorell.

That parking survey summary was submitted with an application to amend the parking requirements of the Sorell Planning Scheme. The proponent subsequently requested Council defer consideration of the requested planning scheme amendment until completion of site construction and offer further parking survey and accommodation of the real demand for the site once operational.

2.2 2013 Parking Surveys

Parking surveys were conducted in Sorell Plaza and Sorell Gateway on Thursday 30th May and Saturday 1st June 2013. The results are summarised in Table 1. The parking accumulation graphs can be seen in Figure 3 and Figure 4 for the Thursday and Saturday surveys respectively.

<table>
<thead>
<tr>
<th></th>
<th>Thursday Sorell Plaza</th>
<th>Thursday Sorell Gateway</th>
<th>Saturday Sorell Plaza</th>
<th>Saturday Sorell Gateway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>146 spaces</td>
<td>117 spaces</td>
<td>167 spaces</td>
<td>108 spaces</td>
</tr>
<tr>
<td>Occupancy</td>
<td>45.3%</td>
<td>32.5%</td>
<td>32.4%</td>
<td>30.0%</td>
</tr>
<tr>
<td>Minimum</td>
<td>92 spaces</td>
<td>64 spaces</td>
<td>76 spaces</td>
<td>68 spaces</td>
</tr>
<tr>
<td>Occupancy</td>
<td>28.0%</td>
<td>17.7%</td>
<td>23.1%</td>
<td>24.7%</td>
</tr>
<tr>
<td>Maximum</td>
<td>175 spaces</td>
<td>146 spaces</td>
<td>116 spaces</td>
<td>130 spaces</td>
</tr>
<tr>
<td>Occupancy</td>
<td>53.2%</td>
<td>40.4%</td>
<td>35.3%</td>
<td>36.0%</td>
</tr>
</tbody>
</table>

It can be seen that Sorell Plaza had a higher occupancy compared to Sorell Gateway at all times of the day on the Thursday survey, and very similar occupancies on the Saturday survey, with Sorell Gateway having a slightly higher occupancy during the morning.

Sorell Plaza peaked at 53.2% occupancy (175 spaces at 12:00pm on the Thursday survey), which represents a peak parking rate of 3.2 spaces per 100m² of floor area.

Sorell Gateway peaked at 49.4% occupancy (146 spaces at 1:00pm on the Thursday survey), which represents a peak parking rate of 2.73 spaces per 100m² of floor area.
The parking surveys are also summarised in terms of actual parking demand (in species occupied, rather than percentage) in Figure 5 and Figure 6 for Thursday and Saturday surveys respectively.
It can be seen that the overall occupancy of both sites is well below their capacity at all times of the day. The sites have similar hourly profiles, with peaks between 12:00pm and 1:00pm on weekdays, and 11:00am to 12:00pm on Saturday.
2.3 Spatial Location of Parking

Parking accumulation within the Sorrell Plaza car park varied substantially across the various components of the site. A breakdown of the car parking accumulation throughout the site is shown in Figure 7 and Figure 8 for Thursday and Saturday parking surveys respectively.

**Figure 7** Thursday – Sorrell Plaza Parking Areas Accumulation

**Figure 8** Saturday – Sorrell Plaza Parking Areas Accumulation
3. Planning Scheme Requirements

In 2008, Stage 1 of the Sorell Plaza development for construction of a supermarket, specialty shops and fast food outlet was approved with the following condition relevant to the provision of parking:

- that payment shall be made to Council of cash in lieu for 67 spaces at a rate of $5,500 (indexed) per space; or
- that 67 car parking spaces be provided by the developer within 500 metres of the subject site.

Or a combination of A and B to the satisfaction of Council's Senior Planner.

Sorell Plaza shopping centre opened on 1 December 2010, and the additional parking requirement was due at three years from commencement of the use.

The previously approved car parking arrangements for the site are outlined as follows:
- Stage 1: 213 parking spaces + 67 parking spaces to be provided either as cash in lieu or within 500m of the site (as outlined above).
- Stage 2 (new tenancies 6, 7 & 8): 28 spaces.
- Stage 3 (service station): 3 spaces
- Stage 4 (new tenancies 9, 10 & 11): 78 spaces

The approved number of parking spaces is therefore 323 spaces (excluding the 67 space requirement).

The overall site has a total of 302 parking spaces, providing a surplus of 9 spaces (without taking into account the outstanding 67 spaces, which is effectively reduced to 58 spaces due to the 9 surplus spaces already provided).

4. Analysis

The parking surveys indicate that the car park is being used well below its capacity, with the peak parking rate only reaching 53.2%.

This peak parking demand results in a total of 164 available spaces. If an additional 58 spaces were provided, this would result in a surplus of 212 spaces within the site. Similarly, if cash in lieu were provided and parking spaces were provided external to the site, these spaces would not be attractive for patrons of the Sorell Plaza site, nor would they be necessary for the ongoing operation of the site due to the large surplus that already exists.

Even if the parking surveys were not representative of seasonal peak trends, the car park in its current configuration can readily accommodate an increase of demand up to 46.8% before capacity is reached.

10 | OSH | Report for Sussex Avenue Pty Ltd - Sorell Plaza, 32/8673
5. Conclusions

This report documents the findings of parking surveys undertaken at the Sorell Plaza and Sorell Gateway shopping centres in May/June 2013.

The surveys indicated that both shopping centre sites have parking demands well below their car parking capacities. The Sorell Plaza and Sorell Gateway sites peaked at 93.2% and 90.4% of capacity respectively.

The peak parking demand for Sorell Plaza results in a total of 154 vacant spaces across the site. If an additional 58 spaces were provided, this would result in a surplus of 212 spaces within the site. If the cash in lieu requirement were enforced and parking spaces were provided external to the site, these spaces would not be attractive for patrons of the Sorell Plaza site, nor would they be necessary due to the large surplus that already exists for the site.

Even if the parking surveys were not representative of seasonal peak trends, the car park in its current configuration can readily accommodate an increase of demands up to 48.8% before capacity of the car park’s current configuration is reached. The car park in its current form is therefore catering for all of the demand from the shopping centre. These parking demands are consistent with the Sorell Gateway site, confirming that a parking supply lower than the Planning Scheme requirements is justified.

The peak parking demand results in a parking rate of 3.25 spaces per 100m² of floor area. The actual provision of parking is 6.0 spaces per 100m² of floor area, which is well in excess of the measured parking demand.

On this basis, it appears that the requirement for the additional 58 spaces or cash in lieu for these spaces is not required based on the actual demands of the site. The surveys undertaken in this report clearly demonstrate that the Sorell Plaza site is self-sufficient and does not impose parking demands beyond the boundaries of the site.
Appendix A – Sorell Plaza Parking Requirements
Assessment and Planning Scheme Amendment, Midson
Traffic Pty Ltd, July 2010
Sussex Avenue Pty Ltd
Sorell Plaza
Parking Requirements Assessment
and Planning Scheme Amendment

July 2010
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2. Analysis of Similar Developments
   2.1 Planning Scheme Comparisons 4
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3. Sorell Plaza Parking Recommendations 8
4. Conclusions 10

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Table 2 Shopping Centre Car Parking Occupancies
Table 3 Comparison Sites Summary

Sorell Parking Requirements and Planning Scheme Assessment
1. Introduction

The provision of an appropriate level of parking is of primary importance to commercial shopping centre developments. Too little parking provision will reduce the viability of the development, as well as the attractiveness to potential tenants. Too much parking provision will result in unnecessary development of land for the purpose of providing car parking and therefore restricts productive utilisation of the land, as well as provide a false indication that the development is under patronised.

This report has been prepared to assist Nettee Council to change the Planning Scheme parking requirements for large shopping centre developments. Practically, it has been observed that the parking requirements of the Sorell Planning Scheme are too high, with a recent example being the Sorell Plaza development which has triggered the need to review the Planning Scheme requirements.

The Sorell Plaza development is located on the former Hydro Electric Commission/ Aurora depot at Cole Street, Sorell. The proposed redevelopment of the site will contain a 3,200m² supermarket, 216m² fast food franchise, 500m² of specialty shops and 236 car parking spaces (an assessed shortfall of 07 parking spaces in accordance with the existing Planning Scheme).

A Planning permit was issued for the Sorell Plaza development 30 September 2008 that required the following in relation to the Planning Scheme parking shortfall:

- A. That a payment shall be made to Council of cash in lieu for 07 spaces at a rate of $5,900 (indexed) per space; or
- B. That 07 car parking spaces be provided by the Developer within 500 metres of the subject site.
- Or a combination of A and B to the satisfaction of Council’s Senior Planner.

This report seeks to determine an appropriate parking rate for commercial shopping centres that provides sufficient parking for current and future needs of the Sorell Municipality based on research.
2. Analysis of Similar Developments

2.1 Planning Scheme Comparisons

In order to determine an appropriate parking rate provision for this type of development, a number of Planning Schemes from other municipalities were investigated. General parking requirements for similar developments, as well as the nature of discretion, are provided in Table 1.

<table>
<thead>
<tr>
<th>Planning Scheme</th>
<th>Defined Use</th>
<th>Requirement</th>
<th>Conversion</th>
<th>Discretion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sorell</td>
<td>Major shop</td>
<td>1 space per</td>
<td>6.7 spaces per</td>
<td>Yes – cash in lieu per</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15m²</td>
<td>100 m²</td>
<td>space</td>
</tr>
<tr>
<td>Hobart</td>
<td>Take away</td>
<td>1 space per</td>
<td>6.7 spaces per</td>
<td>Yes – if demonstrated that</td>
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<tr>
<td></td>
<td>food shop/</td>
<td>15m²</td>
<td>100 m²</td>
<td>such parking is not</td>
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<tr>
<td></td>
<td>supermarket</td>
<td></td>
<td>0 spaces per</td>
<td>required. Cash in lieu</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>100 m²</td>
<td>may be applied.</td>
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<tr>
<td>Glenorchy</td>
<td>Major shop</td>
<td>1 space per</td>
<td>6.7 spaces per</td>
<td>Yes – if demonstrated that</td>
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<td></td>
<td></td>
<td>15m²</td>
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<td>1 space per</td>
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<td>required. Cash in lieu</td>
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<td>35m²</td>
<td>100 m²</td>
<td>may be applied.</td>
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<td>Clarence</td>
<td>Shop</td>
<td>1 space per</td>
<td>3 spaces per</td>
<td>Yes – if demonstrated that</td>
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<td></td>
<td></td>
<td>35m²</td>
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<td>such parking is not</td>
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<td>may be applied.</td>
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<tr>
<td>Kingborough</td>
<td>Supermarket</td>
<td>5 spaces per</td>
<td>5 spaces per</td>
<td>Yes – if demonstrated that</td>
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<td></td>
<td>100m² (within</td>
<td>100 m²</td>
<td>such parking is not</td>
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<td>required. Cash in lieu</td>
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<td>100m² (within</td>
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<td>may be applied.</td>
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<td></td>
<td></td>
<td>100m² (within</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brighton</td>
<td>Major shop</td>
<td>1 space per</td>
<td>6.7 spaces per</td>
<td>Yes – if demonstrated that</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15m²</td>
<td>100 m²</td>
<td>such parking is not</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>required. Cash in lieu</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>may be applied.</td>
</tr>
</tbody>
</table>
It is noted that many of the parking requirements contained in various Planning Schemes listed in Table 1 were developed when trading hours were different to current practice. In the last decade or more, extended trading (7 days trading, beyond 12pm on Saturdays, and after 5:30 during weekdays) has seen peak times spread, thus resulting in a flatter car parking demand overall (ie. less parking of parking demand). Supermarkets are generally open late in the evening, which generally spreads the demand for parking over time.

2.2 Empirical Comparisons

In order to determine the likely parking demand from the Sorell Plaza development, car parking surveys were undertaken at the following sites:

- Sorell Gateway Shopping Centre, Sorell
- Shoreline Shopping Centre, Howrah
- Sandy Bay Woolworths, Sandy Bay
- Centro Shopping Centre, Newtown
- Green Point Shopping Centre, Brighton
- Northgate Shopping Centre, Glenorchy

Each of these sites contains a mix of supermarket and specialty stores.

The parking occupancies of the six comparison sites are shown in Table 2.
<table>
<thead>
<tr>
<th>Time</th>
<th>Sorrell</th>
<th>Howrah</th>
<th>Sandy Bay</th>
<th>Newtown</th>
<th>Brighton</th>
<th>Glenorchy</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00am</td>
<td>97 (32%)</td>
<td>189 (54%)</td>
<td>113 (38%)</td>
<td>221 (48%)</td>
<td>90 (33%)</td>
<td>564 (66%)</td>
</tr>
<tr>
<td>11:00am</td>
<td>106 (35%)</td>
<td>186 (59%)</td>
<td>119 (61%)</td>
<td>243 (52%)</td>
<td>93 (34%)</td>
<td>680 (80%)</td>
</tr>
<tr>
<td>12:00pm</td>
<td>140 (46%)</td>
<td>209 (67%)</td>
<td>121 (62%)</td>
<td>267 (67%)</td>
<td>112 (41%)</td>
<td>670 (78%)</td>
</tr>
<tr>
<td>1:00pm</td>
<td>128 (43%)</td>
<td>229 (73%)</td>
<td>143 (73%)</td>
<td>243 (52%)</td>
<td>106 (39%)</td>
<td>650 (77%)</td>
</tr>
<tr>
<td>2:00pm</td>
<td>132 (44%)</td>
<td>206 (65%)</td>
<td>142 (73%)</td>
<td>255 (55%)</td>
<td>115 (42%)</td>
<td>648 (76%)</td>
</tr>
<tr>
<td>3:00pm</td>
<td>110 (37%)</td>
<td>203 (65%)</td>
<td>130 (67%)</td>
<td>209 (45%)</td>
<td>90 (32%)</td>
<td>480 (68%)</td>
</tr>
<tr>
<td>4:00pm</td>
<td>114 (38%)</td>
<td>197 (63%)</td>
<td>142 (73%)</td>
<td>287 (82%)</td>
<td>91 (33%)</td>
<td>515 (60%)</td>
</tr>
<tr>
<td>5:00pm</td>
<td>93 (31%)</td>
<td>177 (56%)</td>
<td>127 (68%)</td>
<td>219 (47%)</td>
<td>76 (28%)</td>
<td>353 (41%)</td>
</tr>
<tr>
<td>6:00pm</td>
<td>88 (29%)</td>
<td>147 (47%)</td>
<td>111 (67%)</td>
<td>186 (40%)</td>
<td>82 (30%)</td>
<td>353 (41%)</td>
</tr>
</tbody>
</table>

- **Minimum**: 88 (29%)  
- **Maximum**: 140 (46%)  
- **Spaces per 100m²**: 5.56, 4.32, 4.32, 3.96, 4.90, 3.86
- **Generalised Planning Scheme requirement**: 5.7 spaces per 100m²

**Sorell Parking Requirements and Planning Scheme Amendment**
From the parking surveys undertaken at the six comparison sites, Glenorchy, Sandy Bay and Howrah had the highest parking utilisation (peaking at 80%, 73% and 73% utilisation respectively). Whilst the parking occupancy is of interest, it is the amount of parking provided as a ratio of the commercial floor area that is of greater importance.

It can be seen from Table 2 that, for each of the six sites, provides generally less parking per 100m² than required by their respective Planning Schemes (noting that the mixed use of the developments varied depending on the type of development). The only comparison site that provided a greater number of parking spaces than required by the Planning Scheme was the Shoreline Shopping Centre. The average parking provision for the six comparison sites was 3.38 spaces per 100m².

From the parking utilisation surveys undertaken it is clear that the actual parking demands at each of the comparison sites is significantly less than what is physically provided. The average parking demand for all six comparison sites was 2.60 spaces per 100m². The highest demands for parking were noted at the Sandy Bay Woolworths site, which peaked at 3.18 spaces per 100m² of floor area.

The parking surveys undertaken at the comparison sites also indicated that there is a generally high turnover of each parking space, with the majority of parking being less than one-hour. Typically 95% of all vehicles park for a duration of stay less than 2 hours. In this sense, the turnover of parking spaces becomes more important than the total number of parking spaces. Ensuring that adequate parking turnover occurs helps to ensure parking availability for customers of the shopping centres.

2.2.1 Sorell – Sorell Gateway Shopping Centre

The 300 spaces only included the customer parking near the main shopping complex. More spaces are available in the north-eastern corner of the site, however these spaces appeared to have little turnover associated with them, and therefore were likely to be utilised by staff.

The Sorell comparison site is likely to be the most similar to the Sorell Plaza development given its close proximity. Both sites will access the same local customer base and have very similar accessibility to the surrounding transport network.

The Sorell comparison site parking survey peaked at 46% occupancy, which represented 2.59 spaces per 100m² of gross floor area. It is likely that similar parking demands would be experienced by the Sorell Plaza development.

2.2.2 Howrah – Shoreline Shopping Centre

The Shoreline Shopping Centre is situated within a busy arterial road network at a gateway to southern suburbs such as Roleystone and Louderdale. In this sense, the site is similar to Sorell Plaza, although the traffic volume passing the site and residential catchment area are less.

2.2.3 Sandy Bay – Woolworths

The Sandy Bay Woolworths site is located in a busy shopping precinct to the south of Hobart. The site is situated within a busy arterial road network and a highly populated residential catchment area.

This site recorded the highest parking demand per 100m² of floor area of the six comparison sites.
AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
The principles of shared parking are best outlined by the following extract from the text: Parking Policy, Design and Delta, Young, W., 1991.

"There are many locations where a number of different land uses are located in close proximity. These areas have been termed mixed use or multi-use areas and tend to exhibit different characteristics to single use developments. These differences are exhibited in three ways:

1. the dependence of one land use on activities generated by other land uses,
2. the recognition that a parking space can be shared by several users. This is often referred to as shared parking, and
3. the tendency in situations where an aggregate of single uses exist, for a principal trip (perhaps a motorised trip) to result in a number of short trips (walk trips) from the initial destination.

In complex land uses it is not uncommon for the three characteristics to occur concurrently. Accordingly, when complex land uses exist, the parking needs should not be calculated by adding the individual land use needs. The parking solution for parking in shared parking facilities must take into account the parking demand for each generator, discounting them temporally to determine the maximum demand. Further, the use of time, area and access restrictions can be relaxed to take into account the complementarity of parking demands.

In an overall urban context, some city parking management plans have considered joint use parking provision in which developers of central city sites are allowed to use municipal parking facilities to satisfy parking requirements provided that demand patterns for multiple users do not conflict. They may also develop a neighborhood shopping district parking programme which will provide short term parking areas being a shortage of such spaces.

The development of multi-use facilities has opened a new dimension in parking policy. The provision of public parking places through was in key sites have been used to encourage more efficient use of parking facilities. Further, parking credits for existing public parking provide a basis for recognising that existing developments have a certain share of public parking devoted to their use."

In the Sorell context, there is a mix of land uses within and surrounding the site, ranging from shopping centre, smaller shops, government agencies, offices, service outlets, sporting facilities, etc. This is coupled with a large supply of on and off street parking in the surrounding area that has been managed to cater for typical parking demands for these uses (ranging from commuter parking, short term parking, loading facilities and public transport parking). Parking surveys have indicated that there is a large surplus of parking available at the Sorell Gateway Shopping Centre.

The proposed Sorell Plaza development will increase the overall supply of shopping floor area, but with no corresponding increase in shopping patronage. This is likely to result in an overall increase in shopping activity, but also result in some movement in patrons from the existing Sorell Gateway Shopping Centre to the proposed Sorell Plaza development. The likely result is a lower parking demand at the already understated Sorell Gateway Shopping Centre.
3. Sorell Plaza Parking Recommendations

This report investigated the findings of parking requirements of other Planning Schemes, and other similar shopping centre sites. Six comparison sites were selected and parking utilisation surveys were undertaken to determine an appropriate rate that may be translated to the Sorell area. The findings are summarised in Table 3.

Table 3 Comparison Sites Summary

<table>
<thead>
<tr>
<th>Comparison Site</th>
<th>Planning Scheme Requirement</th>
<th>Parking Space Provision per 100 m²</th>
<th>Surveyed Peak Parking Demand per 100 m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sorell</td>
<td>6.7 spaces per 100 m²</td>
<td>5.6 spaces per 100 m²</td>
<td>2.6 spaces per 100 m²</td>
</tr>
<tr>
<td>Howrah – Shoreline Shopping Centre</td>
<td>3.0 spaces per 100 m²</td>
<td>4.3 spaces per 100 m²</td>
<td>3.1 spaces per 100 m²</td>
</tr>
<tr>
<td>Sandy Bay Woolworths</td>
<td>6.7 spaces per 100 m²</td>
<td>4.3 spaces per 100 m²</td>
<td>3.2 spaces per 100 m²</td>
</tr>
<tr>
<td>Newtown Centre</td>
<td>6.7 spaces per 100 m²</td>
<td>3.6 spaces per 100 m²</td>
<td>2.2 spaces per 100 m²</td>
</tr>
<tr>
<td>Brighton Green – Point Plaza</td>
<td>6.7 spaces per 100 m²</td>
<td>5.0 spaces per 100 m²</td>
<td>1.7 spaces per 100 m²</td>
</tr>
<tr>
<td>Glenorchy – Norrigate Shopping Centre</td>
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It can be seen that none of the comparison sites provided parking in accordance with the Planning Scheme requirements. The average parking provision of the comparison sites was 4.4 spaces per 100 m². The surveyed peak parking was notably less than the parking provision, with the highest demands observed at the Norrigate site. The average peak parking demand was 2.6 spaces per 100 m².

It is therefore clear that the Planning Scheme requirements as they stand are likely to result in a large oversupply of parking for the Sorell Plaza development.

Based on the findings above, a rate of 4.5 spaces per 100 m² of floor area be adopted for shopping centre developments. This would adequately cater for expected parking demands. This parking rate is similar to the provision of other sites with similar floor areas to that proposed for the Sorell Plaza development.
4. Conclusions

It is noted that many of the parking requirements contained in many Tasmanian Planning Schemes were developed at a time when shop trading hours were different to current practices. In the last decade or more, extended trading has seen peak times spread, thus resulting in a taller car parking demand overall (i.e. less peak parking demand). Supermarkets are generally open late in the evening, which generally spreads the demand for parking over time.

Based on the findings of this report, the Sorell Planning Scheme is not considered to be an appropriate tool for calculating parking requirements based on evidence of similar developments. The nature of large shopping centres (with floor areas greater than 3,000 m²) results in the principles of shared parking apply; meaning that patrons will visit multiple shops within the site in one trip (therefore the actual parking demand is not simply the sum of the individual components of the shopping centre).

The proposed Sorell Plaza development will increase the overall supply of shopping floor area for the Sorell area, but will not effectively increase the number of shopping patrons. This is likely to result in an overall increase in shopping activity, but also result in some movement in patrons from the existing Sorell Gateway Shopping Centre to the proposed Sorell Plaza development. The likely result is a lower parking demand at the already underserviced Sorell Gateway Shopping Centre.

This report recommends a parking rate of 4.5 spaces per 100m² of floor area for shopping centre developments in the Sorell municipality. This would adequately cater for expected parking demands for shopping centres with floor areas greater than 3,000m². This parking rate is similar to the provision of other sites with similar floor areas to that proposed for the Sorell Plaza development based on parking surveys.
Appendix B - Existing site and parking plan
05 September 2013

John Molnar
Senior Planner
Sorell Council
PO Box 126
SORELL TAS 7172

Dear John,

Development Application - Major Shop - Variation to Car parking - 12 Cole Street
Sorell

Request for further information

I refer to your letter 4 September 2013 requesting additional information in relation to the above application and respond as follows:

- The invoice for the Council fee will be paid by phone today.
- A site plan including the numbering of car parking spaces is attached.
- A letter addressing flood matters including a relevant flood assessment is attached.
- In relation to your request for a copy of legal advice, that advice has the benefit of 'legal professional privilege' (which is claimed by Sussex Ave) and will not be provided to Council.

I trust that Council has sufficient information to progress this application without further delay.

A hard copy of this information will follow by mail today.

Sincerely,

[Signature]

Frazer Read
Principal Planner
03 6219 0619

GHD Pty Ltd ABN 49 061 486 375
2 Salamanca Place Hobart TAS 7000 GPO Box 108 Hobart TAS 7001 Australia
T 03 6219 2265 F 03 6219 2261 E external@ghd.com W www.ghd.com

AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
06 September 2013

John Molinar
Senior Planner
Sorell Council
PO Box 126
SORELL TAS 7172

Dear Sir/Madam

Sorell Plaza
Flood Assessment

Further to your letter dated 4 September 2013 we have assessed the flood conditions on the site. We submit the previously issued Flood Report for this site Report for 2 Cude Street, Sorell, Revised Flood Study formerly for 12 Cude St, Sorell (GHD, November 2011). This flood study was based on the development of Stage 4 shown within the report.

Drawing 32-10282-6623 Rev A (dated 29/8/2013) shows the current and proposed conditions for the site. Note that no further development is proposed within the site. It is therefore concluded that the flood assessment endorsed is still relevant for this site.

3.3.2 Use or development under Clause 3.3.1 shall be subject to Clause 2.5, and shall not be approved if it would:

(a) Unlikely restrict the free flow of a watercourse in flood; or
(b) Result in the flooding of any habitable part of a dwelling.

Therefore, in reference to Clause 3.3.2 (above), we draw your attention to the conclusion of this report:

"The development of the low-lying area for parking (development new existing and previously approved by Council) will not have any significant negative effects on the hydraulics of the waterway. The reduced channel section will not significantly increase upstream flood levels or velocity.” (p. 6)

We trust the above fulfills your requirements. Please do not hesitate to contact the undersigned should you wish to discuss the above further.

Yours faithfully,

GHD Pty Ltd

Fiona Haynes
Civil Engineer
03 6219 6519
This Report for 2 Cole Street, Sorell Revised Flood Study formerly for 12 Cole St. Sorell ("Report");

1. has been prepared by GHD Pty Ltd ("GHD") for Sussex Avenue Pty Ltd;
2. may only be used and relied on by Sussex Avenue Pty Ltd;
3. must not be copied, used by, or relied on by any person other than Sussex Avenue Pty Ltd without the prior written consent of GHD;
4. may only be used for the purpose of flood assessment for 2 Cole St (and not must not be used for any other purpose).

GHD and its servants, employees and officers otherwise expressly disclaim responsibility to any person other than Sussex Avenue Pty Ltd arising from or in connection with the Report.

To the extent permitted by law, all warranties and conditions in relation to the services provided by GHD and the Report are excluded unless they are expressly stated to apply in this Report.

The services undertaken by GHD in connection with preparing this Report:

- were limited to those specifically detailed in this Report;
- The opinions, conclusions and any recommendations in the Report are based on assumptions made by GHD when undertaking services and preparing the Report ("Assumptions"), including (but not limited to):
  - Those listed within this Report.
- GHD expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with any of the Assumptions being incorrect.

Subject to the paragraphs in this section of the Report, the opinions, conclusions and any recommendations in this Report are based on conditions encountered (and information reviewed) at the time of preparation and may be relied on until 6 months after which time, GHD expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with those opinions, conclusions and any recommendations.

This Report is a revised version of the November 2007 GHD Report for Sussex Avenue Pty Ltd for a proposed development for the adjoining site 12 Cole St. The new development at 2 Cole Street has now been incorporated into the former development at 12 Cole St.
Contents

1. Introduction
   2. Hydrology of the Subject Catchment
   2.1 Previous studies
   2.2 Catchment Characteristics
   2.3 Recent Flooding
   3. Hydraulics of Waterway
   3.1 Waterway Characteristics
   3.2 Natural Channel capacity and Flood Levels
   3.3 Developed Channel Capacity and Flood Levels
   4. Conclusions and Recommendations
   4.1 Conclusions

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   Table 1  Design Peak Flood Level Estimates

Figure Index
   Figure 1  Typical view of river

Appendices
   A Drawings
   B Extracts from Hydro Tasmania Flood Study
   C Stream Sections
1. Introduction

GHD was commissioned to undertake a flood study of Sorell Rivulet adjacent to 12 Cole Street which is the site of a recently constructed shopping centre – Sorell Plaza. Sorell Rivulet is a major watercourse adjacent to the east and south of the site which could potentially impact on the Sorell Plaza site.

The subject land was previously a depot used by Aurora. The Sorell Plaza development includes car parking and a fast food outlet fronting Cole St, a supermarket and specialty shops set back from the highway, a Coles Express Services Station fronting Cole St, and parking at the rear south east corner. It is proposed to further develop the land between the car park immediately south of the Coles Express and the south east car park.

The key objectives of this flood study are to:

- Establish the 1 in 100 year flood level and make recommendations on floor levels for the development.
- Determine the impact of flooding on the low lying areas and make recommendations for its potential use for parking.

The hydrological assessment was originally undertaken in accordance with Australian Rainfall and Runoff 1986 (ARR&R) and the channel capacity and flood levels determined using Manning's formulas.

The hydraulic calculations were revised in November 2007 when more detailed flood magnitude information became available from a Hydro Tasmania Report, and again in May 2010 when the level of the south eastern car park was raised.

The subsequent development of 2 Cole Street has necessitated further updating and revision of this Report.
2. Hydrology of the Subject Catchment

2.1 Previous studies

2.1.1 Hydro Tasmania Consulting

A flood study was undertaken for Sorell Rivulet by Hydro Tasmania in 2006. The study covered the area upstream of the Arthur Highway. Extracts of the report have been provided to GHD and are summarised.

Hydro Tasmania developed empirical hydrographs based on gauging data from nearby catchments. The hydrographs distribute flow over 29 hours with the peak occurring approximately 8 hours into the storm event. The peak flows are considerably higher than the flows obtained using the Rational Method so are considered conservative and have been adopted:

- 100 year ARI peak flow: 115.1 m³/s
- 2 year ARI peak flow: 34.6 m³/s

The river upstream of the Arthur Highway Bridge was modelled using MIKE11 and 100 year ARI flood levels were determined. The flood level at the bridge was RL 14.38 m. The flood level increased 110 mm for a 10% increase in Manning's roughness or 350 mm for an increase in bridge headloss.

Although the Hydro Tasmania reporting was largely concerning upstream of the bridge, flood levels for below the bridge were determined.

2.1.2 12 Cole Street Assessment

The car park to the south east of the site was initially proposed to be located between 10.0 m and 10.6 m AHD. The November 2007 assessment was based on this and concluded that in the 1 in 100 year ARI event, there was no increase in the expected flood levels, although the 1 in 10 year event levels increased slightly (approximately 80 mm).

2.1.3 May 2010 Lottor - Raised Car Park

Following the 12 Cole St Assessment by GHD in November 2007, design changes were made to the lower car park, including a higher car park level, a concrete retaining wall replacing a gabion wall, and a solid concrete wall in lieu of guardrail. The previous car park referred to in the November 2007 assessment would have been inundated by floods, the raised car park is above the 1 in 100 year flood level.

The revised car park levels were found to have the effect of raising the 1 in 10 year and the 1 in 100 year ARI flood levels. Post development flood levels compared to predevelopment flood levels were calculated as:

- 2 year ARI flood – no effect
2.2 Catchment Characteristics

Sorell Rivulet's catchment area is measured at 40.8 km² with a mainstream length of 18.4 km. The topography comprises 50% flat cleared agricultural land and 50% steep bush in the upper catchment. The catchment shape is elongated with Sorell Creek running the length of the catchment up a deep valley. The tributaries are all short steep unnamed watercourses coming off the adjacent ridges.

There is one sizeable dam - Pawleena Reservoir on Sorell Creek. There are also a number of small farm dams. The dam is estimated to detain the 100 year flood by ½ an hour so would not have a significant effect.

The lower reaches of the rivulet have a grade of 0.81% or 1 in 120.

A map of the Sorell Rivulet catchment is presented in Appendix A.

2.3 Recent Flooding

Flooding was experienced at the site around 8th - 9th June 2011. As can be seen in Figure 1, the flood extended to approximately RL 11 m. Flooding was not observed within the car park, although local runoff from the rain event did occur within the car park.

Predicted flood levels are given in Table 1. It should be noted that the observed flood level of approximately RL 11 m at Section D lies between the predicted 1 in 10 year level (10.9m) and the 1 in 100 year level (11.4m).
Figure 1  Sorell River during June 2011 Flood
3. Hydraulics of Waterway

3.1 Waterway Characteristics

Sorell Rivulet is deeply incised as it passes the eastern edge of Sorell Township. At the Arthur Highway Bridge the invert is at approximately RL 15.0 m. This is typical of the rivers in the area where the underlying geology is erodible and the climate may have been warmer and the sea level lower.

Arthur Highway crosses the Rivulet where its channel is at its narrowest. This natural restriction has historically caused flooding upstream. As the channel passes the study area downstream it widens out. It becomes full at 1.1 km downstream of the bridge and discharges to Pitt Water at 2.0 km downstream of the bridge.

Some bushes and trees line the banks of the stream. The rivulet channel itself is approximately 5-10 m wide by 1-1.5 m deep with relatively vertical banks. Typically river channels reach bankfull capacity for one to two year storms and this is also so for Sorell Rivulet. Relatively frequent small floods, which have high velocities and erosive potential, determine the river morphology. Larger floods spill over flood plains and velocities and erosion reduce. There is evidence of active natural erosion at the subject site as the river is cutting into the eastern (opposite) bank as the river turns west leaving a wide flood plain on the western bank. The 3 m high bank cutting across the subject land would have been the previous edge of the river.

Figure 2 Typical view of Sorell Rivulet
100 year ARI flood event. Should the water pass through the retaining wall, this would decrease the impact on the flood level.

3.3.2 Proposed ‘Stage 4’

The proposed ‘Stage 4’ development including Tenancies 9, 10 and 11 to the east of the existing complex and south of Coles Express will have a minimal impact on the flood levels as the changes are generally above the flood level (RL 10.8 m to RL 12.7 m varying through the site). It is recommended that the fill above the natural ground level be restricted to above RL 12.30 m.
4. Conclusions and Recommendations

4.1 Conclusions

It is proposed to extend to the east of the existing Sorell Plaza development and south of Coles Express. These existing developments are not at risk of flooding from the Sorell Rivulet in floods up to 1 in 100 year ARI. The proposed works will similarly not be at risk from flooding from the Sorell Rivulet. The 100 year flood level is at RL 11.14 m to RL 11.50 m which is well below the development floor level of 15.8 m.

The development of the low lying area for parking will not have any significant negative effects on the hydraulics of the water way. The reduced channel section will not significantly increase upstream flood levels or velocity.
Appendix A

Drawings

Sorell Rivulet Catchment
Development showing cross sections and flood level
32-14903-C003 Revision 5
Appendix B

Extracts from Hydro Tasmania Flood Study
Figure 4.4: Resultant design hydrographs for Sorell Rivulet.
### Table 5.4 – Manning’s Sensitivity Check Results

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5.6 Impact of Vegetation Thinning

As discussed in Section 3.2, upstream of Cole Street, the channel of Sorrell Rivulet is densely vegetated. To assess the impact of thinning channel vegetation upstream on peak flood levels, a model run was carried out for the 1 in 160 AEP flood event where the Manning's n values for the channel upstream of Cole Street was reduced to 0.06 to 0.08 from the initial estimates of 0.12 to 0.16. The reduction in Manning's n mimics a lower flow resistance associated with removing approximately half of the existing vegetation from the rivulet channel.

The results from this model run are presented and compared with the original 1 in 100 AEP peak flood levels in Table 5-6 and show that:

- In general the vegetation thinning results in a lowering of peak flood levels along the rivulet by approximately 200mm to 300mm.

- In the old dam there is a significant reduction in flood levels due to a reduction in flow overtopping the dam embankment adjacent to the rivulet.
Appendix C
Stream Sections
Section B

Reduced Level (m)

Chainage (m)

100 yr flood level
2 yr flood level
10 yr flood level
natural surface
AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TUESDAY 15 OCTOBER 2013
Proposed development DA2013/257/1 take away 352 Car Parks at 12 Cole Street.

I am against the removal of 352 car parks from the development at 12 Cole Street, Sorell.

The Developer, Mr Robert Rockenfeller, fully understood the provisions of the car parking regulations (Schedule 5 – Parking) in regard to parking spaces when he proposed his development at this site.

I am also fully aware that parking spaces will not be physically deleted as I am aware that when he built his complex it was short by, I believe, 70 car spaces and he agreed to pay the Council for this deficit.

I also wish to state that I consider this car park to be the worst I have viewed and each time I have used it I have viewed many “near miss accidents” because of its poor design and structure. I have also viewed trolleys taking off on their own steam because of the slope of the car park. I am also aware that mature aged drivers view this car park with grave trepidation.

I would hope that if approval is sought for any further development on this site that the Sorell Council insists that corresponding parking accompanies such development.

A submission has been made to Council to erect a telecommunications tower at the back of and on this complex and probably will be constructed on the equivalent of 2 parking bays. I am sure Mr Rockenfeller will receive “rent” for this structure and I hope the Council will insist on payment for the loss of these car spaces.

Finally I would like to state that the parking at the Gateway complex is far superior to that of the Plaza complex.

I am of the opinion that the legislation in regard to this car park has not changed since its construction and on that basis I hope the Council will not agree to this application.

Best wishes,

Sharon Rotherington (Mx)