



SORELL PLANNING AUTHORITY (SPA) AGENDA

5 DECEMBER 2023

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 5 December 2023 commencing at 4:30 pm.

C E R T I F I C A T I O N

I, Robert Higgins, 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
GENERAL MANAGER
30 NOVEMBER 2023



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 5 DECEMBER 2023

TABLE OF CONTENTS

1.0	ATTENDANCE	1
2.0	APOLOGIES	1
3.0	CONFIRMATION OF THE MINUTES OF 14 NOVEMBER 2023	1
4.0	DECLARATIONS OF PECUNIARY INTEREST	1
5.0	LAND USE PLANNING	2
5.1	DEVELOPMENT APPLICATION NO. DA 2023 / 327 - 1	2
5.2	DEVELOPMENT APPLICATION NO. DA 2023 / 320 – 1	9
5.3	DEVELOPMENT APPLICATION NO. DA 2023 / 306 – 1	19
5.4	DEVELOPMENT APPLICATION NO. DA 2022 / 304 – 1	42

1.0 ATTENDANCE

^

Deputy Mayor C Wooley
Councillor S Campbell
Councillor J Gatehouse
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Robert Higgins, General Manager

2.0 APOLOGIES

Chairperson Mayor Vincent

3.0 CONFIRMATION OF THE MINUTES OF 14 NOVEMBER 2023

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 14th November 2023 be confirmed.”

4.0 DECLARATIONS OF PECUNIARY INTEREST



In considering the following land use planning matters the Sorell Planning Authority intends to act as a planning authority under the *Land Use Planning and Approvals Act 1993*.

5.0 LAND USE PLANNING

5.1 DEVELOPMENT APPLICATION NO. DA 2023 / 327 - 1

Applicant:	Anthony Walters on behalf of the Sorell Council
Proposal:	Two Storage Containers
Site Address:	11 Arthur Street, Sorell (CT35403/1)
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	No Permit Required
Relevant Legislation:	Not applicable
Reason for SPA meeting:	Council land

Relevant Zone:	Recreation
Proposed Use:	Storage containers in association with Sport & Recreation (BMX Club)
Applicable Overlay(s):	C16.0 Safeguarding of Airports Code – Obstacle Limitation Area (152m) C7.0 Natural Assets Code – Priority Vegetation Area C12.0 Flood Prone Areas Hazard Code
Applicable Codes(s):	None
Valid Application Date:	28 November 2023
Decision Due:	There is no set timeframe for No Permit Required
Discretion(s):	1 Not applicable 2
Representation(s):	Not applicable

RECOMMENDATION:

That Council notes that Planning Application 5.2023.327.1 for Two Storage (Shipping) Containers at 11 Arthur Street, Sorell has a No Permit Required status under the Tasmanian Planning Scheme – Sorell.

NOTE: THE FOLLOWING ADVICE APPLIES:

- Development shall generally be in accordance with the endorsed plans submitted on 23 November 2023.
- All external surfaces must be finished in non-reflective muted colour of “Monument or similar” to the satisfaction of the General Manager. Details of the colour scheme must be submitted and approved by the General Manager. The storage containers are to be painted with the approved colour scheme within 14 days of being placed on the site.



- Existing trees and native vegetation must be retained and must not be ring-barked, cut down, lopped, removed, injured or wilfully destroyed.
- Requirements for works or other outcomes to the satisfaction of the General Manager will be delegated to the appropriate officer for determination.
- Any changes to the use or development approved, may be deemed as substantially in accordance or may first require either a formal amendment or a permit.

You may appeal against the above, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for Two Shipping (storage) Containers at 11 Arthur Street, Sorell (South East Sporting Complex) site. This property is zoned 28.0 Recreation and currently accommodates a variety of sporting and recreational facilities including two football/cricket ovals and associated club rooms, a number of netball courts, dog walking area, soccer pitches, BMX track, skate park, walking trails and the south east stadium complex and car park.

The key planning consideration relates to the property being owned by the Sorell Council as a variety of recreational facilities for the public.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is therefore considered to have a No Permit Required status.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.



Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.

Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.

- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Nil	Nil
Environmental Health	Yes	Yes	Nil	Nil
Plumbing	Yes	Yes	Nil	Nil
NRM	Yes	Yes	Nil	Nil
TasWater	No	-	-	-
TasNetworks	No			
State Growth	No	-	-	-

Report

Description of Proposal

Application is made for the placement of two (2) storage (shipping) containers. These containers are for the purpose of providing secure (temporary) storage for equipment & safety items used by the BMX Club. One container measuring approximately 40 ft located adjacent to the stadium car park and the other measuring 20 ft located to the south of the BMX Track/Skate Park. It is proposed to paint the containers a “Monument or similar” colour to blend with the surrounding environment noting that the containers are proposed adjacent to existing tree line vegetation which will provide a screen/buffer.

Description of Site

The site is a designated recreational and sporting area for the Sorell Municipality. The site area consist of 21.17ha in size and as stated previously contains various sport and recreational facilities including two football/cricket ovals and associated club rooms, a number of netball courts, dog walking area, soccer pitches, BMX track, skate park, walking trails and the south east stadium complex and associated car park area, all activities being associated with Sport & Recreational facilities.

The site is relatively flat with access from either Montagu Street which leads directly to the stadium, netball courts and soccer fields or the Arthur Street entrance which leads to the football/cricket ovals, clubrooms and Skate Park. The site has existing vegetation around external and internal areas providing a buffer between various uses/activities and the adjoining residential land to the north and west.

The site is fully serviced with sealed public external and internal roads, culverts, drainage, water and other infrastructure.





Figure 1. Subject site.



Figure 2 Location on the site of the existing BMX Track & Skate Park



Figure 3 Proposed Site Plan

Planning Assessment

Zone – 28.0 Recreation Zone

Use Class – Sports & Recreation is a No Permit Required in the use table.

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
28.3.1 A1, A2 & A3	Use	Yes, Sport and Recreation use, lighting and commercial vehicle movements existing, no change.
28.3.2 A1	Major	N/A
28.4.1 A1	Height	Yes, building height is not more than 10m
28.4.1 A2	Frontage Setback	Yes, both building structures (containers) comply with setback from frontage.
28.4.1 A3	Side & Rear Setback	Yes, both building structures (containers) comply with setback from all side and rear boundaries.
28.4.1 A4	Extractors, compressors etc	N/A

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

As the proposal is not a vulnerable or hazardous use (as defined by the Code), the provisions of the Code does not apply.

C16.0 Safeguarding of Airports Code

The property is not elevated above or near to the 152m AHD contour therefore is not applicable.

C7.0 Natural Assets Code – Priority Vegetation Area

The property is subject to Priority Vegetation however, there is no requirement for the removal of any vegetation on the site. The containers are located adjacent to existing tree vegetated areas with no requirement for any vegetation removal. Advice will be placed on the notification to ensure no vegetation will be removed.

C12.0 Flood Prone Areas Hazard Code

Some of the site is subject to the Flood Prone Areas Hazard Code, however, no flooding is identified within the location of the storage containers.

Conclusion

The application is considered to comply with each applicable standards of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for approval.

Jenny Richmond
Planning Officer

Attachments: Nil

5.2 DEVELOPMENT APPLICATION NO. DA 2023 / 320 – 1

Applicant:	T Watson OBO Sorell Council
Proposal:	Vehicle Parking (Cark Park)
Site Address:	271 Penna Road, Penna (CT 14888/1)
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	Permitted
Relevant Legislation:	<i>Section 58 of the Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Application on behalf of Sorell Council

Relevant Zone:	Utilities
Proposed Use:	Vehicle Parking
Applicable Overlay(s):	None
Applicable Codes(s):	None
Valid Application Date:	28 November 2023
Decision Due:	26 December 2023
Discretion(s):	1 N/A
	2
Representation(s):	N/A

RECOMMENDATION

That pursuant to Section 58 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.320.1 for Vehicle Parking (Car Park) at 271 Penna Road, Penna be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 13/11/2023 except as may be amended by the conditions of this permit.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.



- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for a Vehicle Parking (Cark Park) at 271 Penna Road, Penna. This property is zoned Utilities and currently contains a sewage treatment plant and associated lagoons, having its own separate access along Shark Point Road on the north-eastern part of the property. The car park area is located towards the western side of the property with a separate dedicated access from Shark Point Road.

The key planning considerations relate to the construction of a car parking area on land currently owned by TasWater Authority. TasWater Authority have agreed for Council to use and create the car parking area.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for conditional approval.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.



Environmental Sustainability Policy	There are no environmental implications associated with the proposal.
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Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.

Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals



Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	No	Nil
Environmental Health	No			
Plumbing	No			
NRM	No			
TasWater	No			
TasNetworks	No			
State Growth	No			

Report

Description of Proposal

This is an application for a car park area on the site of 271 Penna Road, Penna. The site entry to the car park off Shark Point Road is sealed with the internal access road constructed of compacted gravel. Some area of the site is covered with hardstand material which will be removed by TasWater with an area to be retained measuring 20m x 30m for Council's proposed car park. The Council car park area will be pedestrian gated and rural fencing installed around its perimeter. It is proposed to provide approximately 20 car parking spaces with designated wheel stops.

The application is supported by:

- a planning application form
- a non-residential use additional information form
- a supporting submission letter
- title
- proposal plan

Description of Site

The whole site is relatively flat and bounded by Shark Point Road to the north, Penna Road to the east and Pittwater adjoining to its southern boundary. The site is the location of TasWater's Sewage Treatment Plant and Settling Ponds with a land use of Utility Services Sewer/Water. The area specifically allocated for the car park was previously used by TasWater staff and contractors for a carpark facility whilst constructing the pipeline along Shark Point Road. This car park area is approximately 500m west of the closest settling pond infrastructure on the site. The pipeline works have now been completed with the car park area no longer required.

The area of car park is adjacent to a pump station utility which will be separated and fenced off from the public car park area. A walking track will be available to users to access the dog walking track and foreshore reserve of Pittwater.



The adjoining land directly north of the car park area is zoned Rural with some properties not currently undertaking any rural or agricultural activities. Adjacent to the settling ponds and zoned rural some horticultural crops are evident. Residential land is located to the south east, Kirabati Road, Caitlin Court & Penna Beach Street and zoned General Residential on the south side of Penna Road.

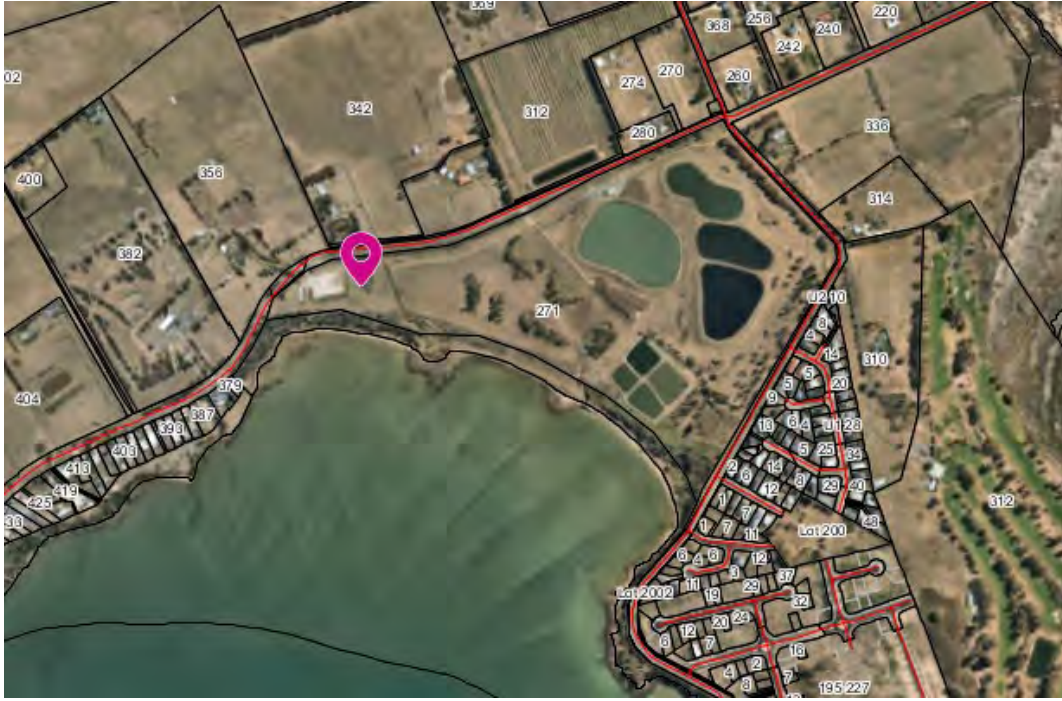


Figure 1. Subject site. 271 Penna Road, Penna



Figure 2 – Subject site identifying boundary/title area.



Figure 3 – site area showing existing TasWater car park. Part of the car park will be used for public car park.



Figure 4 – Current conditions: Entrance to the car park site. Source: Google Street View Imagery October 2023 SSA

Planning Assessment

Zone: Utilities

Use: Vehicle Parking is a permitted use within the zone.

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
26.3.1 A1	Hours	Yes, the site area is not within 50m of any residential or rural living zone.
26.3.1 A2	Lighting	N/A - No lighting is proposed.
26.3.1 A3	Commercial Vehicle Movements	N/A – No commercial vehicle movements will be required.
26.3.2`	Discretionary Use	N/A - Vehicle Parking is a permitted use.
26.4.1 A1 & A2	Building Height	N/A – no building structure/pole or similar is proposed
26.4.2 A1	Setbacks all boundaries	N/A – no building structure/pole or similar is proposed
26.4.2 A2	Compressors or generators	N/A – No Air extraction, refrigeration compressors or generators proposed.
26.4.3 A1 & A2	Fencing	N/ A – No fencing proposed within 4.5m of a frontage or between a common boundary which adjoins to residential zoned land.
26.4.4 A1	Outdoor Storage	N/A – no outdoor storage proposed

Codes

C13.0 Bushfire-Prone Areas Code

As the proposal is not a vulnerable or hazardous use (as defined by the Code), the provisions of the Code do not apply.

C10.0 Coastal Erosion Hazard Code – LOW

No works proposed within the low area of coastal erosion, Intensification of existing use (car park) C10.4.1 (b) exempt under the code.

C12.0 Flood Prone Areas Code

N.A no flooding within the site area.

C11.0 Low, Medium & High Coastal Inundation

No works proposed within any of the coastal inundation hazard areas.



C7.0 Natural Assets – Waterway & Coastal Protection Area

No works proposed within the waterway & coastal protection area.

C9.0 Attenuation Code

Sewage Treatment Plant & Effluent Storage Lagoon – Does not apply C9.2.2 Utilities zone.

C16.0 Safeguarding of Airports Code – Obstacle limitation 105 & 106m – N/A

Conclusion

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for conditional approval.

Jenny Richmond
Planning Officer

Attachments:
Covering Letter
Proposed Car Park Plan



PO Box 126
47 Cole Street
SORELL TAS 7172
ABN 12 690 767 695

Telephone 03 6269 0000
Fax 03 6269 0014
sorell.council@sorell.tas.gov.au
www.sorell.tas.gov.au

13th November 2023

Our Ref:
Your Ref:
Enquiries to: Timothy Watson

Sorell Council
PO Box 126
SORELL TAS 7172

Dear Sir / Madam,

APPLICATION TO CONSTRUCT A COUNCIL CAR PARK ON TASWATER LAND AT 271 PENNA ROAD, PENNA

This application is to construct a Council car park on TasWater land at 271 Penna Road, Penna. The land in question contains a sewerage treatment plant, but the vacant portion of the land was recently utilised as a temporary car park and depot for TasWater during their reuse water pipeline installation works in Shark Point Road.

Part of the TasWater depot was utilised as a car parking area for the contractor's vehicles, most of which will be removed. However Council has requested TasWater to leave a portion of the car park for Council to utilise as a car parking area for dog walkers to access the foreshore, beach and dog walking tracks that Council currently has the use of on TasWater's land.

Council will need to undertake the following works to make the car park ready for public use:

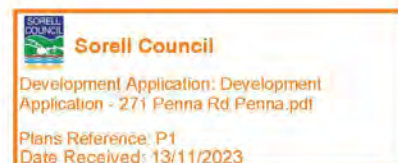
- Overlay the existing crushed concrete left behind by TasWater with natural screened (red) gravel;
- Install perimeter rural type fencing;
- Install wheel stops.

If you have any queries regarding this letter please phone the undersigned on ☎6269-0056.

Yours faithfully,

T Watson

TIMOTHY WATSON
ENGINEERING OFFICER





LEGEND:

SCREENED (RED) GRAVEL

RURAL FENCE

SITE PLAN - PROPOSED CAR PARK
SCALE 1500 (A3)

Sorell Council
Development Application Development Application - 771 Penna Rd Penna.pdf
Plans Reference P1
Date Received - 13/11/2023

NOTES:
1. ALL DIMENSIONS ARE IN METRES

	REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE	 SORELL COUNCIL MUNICIPAL OFFICES 47 COLE STREET PO BOX 126 SORELL TAS 7172 PHONE 03 6269 0000 FAX 03 6269 0014	DRAWING TITLE	DATUM GDA2020 MGA ZONE 55	PAPER	A3
	-	PRELIMINARY PLAN	TW	31 OCT 2023				2023/24 PROPOSED COUNCIL CAR PARK		ADDRESS	REVISION



5.3

DEVELOPMENT APPLICATION NO. DA 2023 / 306 – 1

Applicant:	Pinnacle Drafting and Design
Proposal:	Dwelling & Outbuilding
Site Address:	4 Cootamundra Court, Dodges Ferry (CT 49314/17)
Planning Scheme:	<i>Tasmanian Planning Scheme - Sorell</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	More than one representation received.

Relevant Zone:	Low Density Residential						
Proposed Use:	Single Dwelling						
Applicable Overlay(s):	Airport obstacle limitation area; Southern Beaches On-site Wastewater and Stormwater Management Code						
Applicable Codes(s):	Parking and Sustainable Transport						
Valid Application Date:	02 November 2023						
Decision Due:	13 December 2023						
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>Construction of parking areas</td> </tr> <tr> <td>2</td> <td>Onsite wastewater management</td> </tr> <tr> <td>3</td> <td>Onsite stormwater management</td> </tr> </table>	1	Construction of parking areas	2	Onsite wastewater management	3	Onsite stormwater management
1	Construction of parking areas						
2	Onsite wastewater management						
3	Onsite stormwater management						
Representation(s):	Two						

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.306.1 for a Dwelling & Outbuilding at 4 Cootamundra Court, Dodges Ferry be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 1 November 2023 except as may be amended by the conditions of this permit.
2. External lighting for any purpose must be located, designed or baffled to ensure that no direct light is emitted outside the site.

Development Engineering

3. Overflow from the rainwater tank must be retained onsite.
4. Prior to any works commencing within the road reservation, a Vehicular Crossing and Associated Works Application (available on Council's website) must be submitted with an associated permit granted for the works.
5. Prior to first use, the existing vehicular access must be upgraded to compliant width, surface treatment, drainage, and sight distance as specified in a Vehicular Crossing Permit issued by Sorell Council.



6. The internal driveway including areas set aside for vehicle parking and manoeuvring must:
 - (a) be fully complete within six months of first use;
 - (b) be constructed with a durable all-weather pavement;
 - (c) be drained to a legal point of discharge or retain runoff onsite such that stormwater is not concentrated onto adjoining properties;
 - (d) have a sealed or gravel surface that is designed, constructed and maintained to avoid sedimentation or erosion or excess dust; and
 - (e) be maintained through the life of the use in a condition that, at a minimum, is suitable for two-wheel drive vehicles.

7. Prior to first use, at least two (2) car parking spaces must be provided on site and must be available for car parking at all times. Any external space must:
 - (a) be at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence or other structure; and
 - (b) have a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.
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Executive Summary

Application is made for a Dwelling & Outbuilding at 4 Cootamundra Court, Dodges Ferry. This property is zoned Low Density Residential and is located in an upper part of Dodges Ferry characterised by larger low density lots.

The key planning considerations relate to the siting and scale of the dwelling and outbuilding.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme - Sorell* and is recommended for conditional approval.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
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Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

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Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Yes	Nil
Plumbing	Yes	Yes	No	
NRM	No			
TasWater	No			
TasNetworks	No			
State Growth	No			

Report

Background

A similar proposal was refused by the Planning Authority for reasons relating to the scale and setback of the outbuilding. This application reduces the size of the outbuilding (by five metres in length) and has a compliant side setback of five metres. The proposal also has a compliant frontages setback.

The owner advises that staff concerns with the initial proposal were not conveyed to them by the applicant.

Description of Proposal

Application is made for a dwelling and outbuilding.

The dwelling is an elevated single storey skillion-roofed structure located in a cleared section of the site towards the rear of the property. The dwelling has a rear setback of 18.9m and side setbacks of 10m and 14m. The floor layout provides two bedrooms with a full length (16.5m x 3m) deck on the southern elevation and an 8.8m x 2.5m deck on the northern elevation. The finished floor level is elevated by more than 3m above natural ground with a small structure containing the building entry and stairwell at natural ground. The maximum height above natural ground level is 8.25m. The dwelling is predominately clad in spotted gum timber with section of metal cladding and with a Colorbond roof in Monument.

The outbuilding is a 13m x 9m x 4.2m (high) Colorbond clad structure located towards the front of the site with a eight metre front setback and five metre side setback. There is a small cut to the western side.

Vehicle access is proposed from an existing crossover leading to an extensive (375m²) gravel driveway and single car parking space on the southern side of the outbuilding.

Two trees are to be removed for the outbuilding with trees retained to the south-west of the outbuilding, north-west of the dwelling and along the frontage and rear boundary.

On 4 October 2023, post-advertising, a revised set of drawings was submitted which achieve the 8m front boundary setback through a reduction in the size of the shed to 13m x 9m. Additional submissions were made regarding the proposed side setback.

The application is supported by:

- a geotechnical assessment inclusive of onsite wastewater system design from Rock Solid Geotechnics Pty Ltd dated 18 July 2023;
- written submission from Pinnacle dated 12 September 2023; and



- proposal plans from Pinnacle dated 14 August 2023.

Description of Site

The site is a regular shaped 2738m² lot on the southern side of Cootamundra Court. The site is relatively flat for the majority of the site with increased slope in the southern part which corresponds to existing vegetation. The frontage of the site is also well vegetated.

Adjoining land consists of single and double storey dwellings on lots of similar size.

The site is unserviced. Cootamundra Court is a sealed public road and the speed limit is set at 50 km/hr. Stormwater is limited to road side table drains in Cootamundra Court which drain to Wattle Road before being capture in the piped network.



Figure 1. Subject site.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.4.2 A1	Height	Yes, as building height is less than 8.5m
10.4.3 A1	Frontage setback	Yes, as the front setback is less than 8m
10.4.3 A2	Side & rear setback	Yes, as the dwelling and outbuilding are setback 5m or more from side and rear boundaries
10.4.4 A1	Site cover	Yes, as site cover of 13% is less than 30%

Code

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	Yes, as two spaces are provided.
C2.6.1 A1	Construction	No, as a gravel surface is provided.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with
C2.6.3 A1	Accesses	Yes, a single access is provided.

Performance Criteria Assessment 1 – clause C2.6.1 P1 Construction of parking

All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:

- (a) the nature of the use;*
- (b) the topography of the land;*
- (c) the drainage system available;*
- (d) the likelihood of transporting sediment or debris from the site onto a road or public place;*
- (e) the likelihood of generating dust; and*
- (f) the nature of the proposed surfacing.*

A compacted gravel surface as proposed is consistent with the character of the area and is unlikely to give rise to any adverse impacts, particular given the topography of the site.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1	Traffic generation	Yes, as additional residential traffic is within the allowable limits.

Southern Beaches Onsite Wastewater and Stormwater Specific Area Plan

Applicable SAP standards		
Clause	Matter	Complies with acceptable solution?
SOR-S2.7.1 A1	Onsite wastewater	No, 26% of the site is covered by buildings, vehicle access and other development which exceeds the acceptable solution of 20%.
SOR-S2.7.2	Stormwater management	No, as the site is not capable of connecting by gravity to a public stormwater system. Refer to performance criteria assessment below.

Performance Criteria Assessment 2 –SOR-S2.7.1 P1 Onsite wastewater management

The site must provide sufficient area for management of on-site waste water, having regard to:

- (a) the topography of the site;*
- (b) the capacity of the site to absorb wastewater;*
- (c) the size and shape of the site*
- (d) the existing buildings and any constraints imposed by existing development;*
- (e) the area of the site to be covered by the proposed development;*
- (f) the provision for landscaping, vehicle parking, driveways and private open space;*
- (g) any adverse impacts on the quality of ground, surface and coastal waters;*
- (h) any adverse environmental impact on surrounding properties and the locality; and*
- (i) any written advice from a suitably qualified person (onsite waste water management) about the adequacy of the on-site waste water management system.*

Council's Manager Health and Compliance has reviewed the application and is satisfied that the proposal can adequately provide for onsite wastewater management. The following conditions are recommended to be included in any permit granted:

- (1) At least 50m² of land must be reserved on-site for wastewater treatment which is located at least 7 m from the downslope boundary and 1.5m from all other boundaries.

- (2) Driveways, parking areas, impervious sealing and buildings are not permitted in the area reserved for wastewater treatment.
- (3) An Advance Enviroseptic (or equivalent) must be used for wastewater treatment
Performance Criteria Assessment 3 –SOR-S2.7.2 P1 Onsite stormwater

Performance Criteria Assessment 3 –SOR-S2.7.1 P1 Onsite stormwater management

Development must be capable of accommodating an on-site stormwater management system adequate for the development, having regard to:

- (a) *topography of the site;*
 (b) *the size and shape of the site;*
 (c) *soil conditions;*
 (d) *any existing buildings and any constraints imposed by existing development on the site;*
 (e) *any area of the site covered by impervious surfaces*
 (f) *any watercourses on the land;*
 (g) *stormwater quality and quantity management targets identified in the State Stormwater Strategy 2010; and*
 (h) *any advice from a suitably qualified person on the seasonal water table at the site, risks of inundation, land instability or coastal erosion*

Stormwater is proposed to be managed via two 10,000 litre tanks with overflow discharging to the roadside table drain. The table drains within Cootamunda Court could accommodate this flow however those in Wattle Road could not. Overflow will therefore need to be managed onsite. A condition to this effect is recommended for any permit granted.

Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but ‘only insofar as each such matter is relevant to the particular discretion being exercised’.

Two representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Dwelling will reduce morning sunlight and privacy	10.4.3 A2/P2	The dwelling is compliant with the side boundary setbacks of 5m with 10m or more proposed. The dwelling will not have an unreasonable impact to sunlight or privacy.

Streetscape impact due to the size of the outbuilding (larger than the dwelling) and minimal frontage setback	10.4.3 A1/P1	Given the existing frontage vegetation, streetscape impacts are limited to views from the north-west only and not considered unreasonable but should be further mitigated through additional landscaping.
Scale and siting of the shed (“a large rural warehouse type structure”) is unreasonable and will dominate private open spaces and habitable areas of adjoining dwellings.	10.4.3 A2/P2	The dwelling and outbuilding comply with all setback and height acceptable solutions.
Noise and emissions from large vehicles (that require 5m wide roller doors), welding activities and water pumps.	Nil	The applicant advises that the use of the shed will include welding on a hobby scale, with the owner being a welder by trade. As submitted, the proposal is for a residential use and there is no consideration in the planning scheme to consider potential noise impacts (as they should be residential in nature). The Noise regulations do however apply to residential activities in the event of any future nuisance.
Light impacts	Nil	While there is no direct clause in the planning scheme for external lighting associated with a residential use, it is an issue relevant to amenity and a condition could be included in any permit granted to avoid direct emission of light outside the property.
This application is almost identical to the previous application and has not addressed: <ul style="list-style-type: none"> • inconsistency with the character of the area, • wastewater management • visual dominance of private open space on adjoining land 	10.4.3 A1/P1 & A2/P2	The proposal now complies with the acceptable solutions for front and side setbacks of each applicable standards.
Location of overhead power	Nil	Electricity connections to lots are not regulated by the planning scheme

Septic overflow	Nil	The proposal includes a fully compliant onsite wastewater system design
-----------------	-----	---

Conclusion

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme - Sorell* and is recommended for conditional approval.

Shane Wells Manager Planning

Attachments:
Proposal Plans
Representations x 2

Legend

- Electric Connection
- Electric Turret
- Sewer Connection
- Stormwater Connection
- Telstra Connection
- Telstra Pit
- Water Meter
- Water Stop Valve

Small Council

Development Application No. 2023/00004 Local, Dodges Ferry Rd
 Date Received: 11/07/2023

Site Areas

Site Area	7738 m ²
Building Footprint	733.14 m ²
Total % to Cover	8.51%

PINNACLE

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 7/5 Avernall Way, Cambridge 3170
 03 5246 4215
 admin@pinnacle-d.com.au
 www.pinnacledrafting.com.au
 License: CC 6073Y

Location Plan

Revision: DA03
 Approved by: JRN

Scale: 1:500 @ A3
 Date: 14/08/23
 Drawn by: JM
 Job No: 044-2023
 Engineer: TRA
 Building Surveyor: TBA

Process: Dwelling & Outbuilding
 Client: Sco. L. Woodman
 Address: 4 Coomungra Ct, Dodges Ferry 7173

Issue: 1/2023
 Issue Date: 08/08/2023
 Issue By: JRM
 Issue No: 044-2023

Design: JRM
 Checked: JRM
 Approved: JRM

bdag
 ALLIANCE BETWEEN
 BUNDOCK & DODGES FERRY COUNCILS



Legend

- Electrical Connection
- Electrical Tunnel
- Sewer Connection
- Stormwater Connection
- Tele/cable Connection
- Tele/cable Pit
- Water Meter
- Water Stop Valve
- Solar Bulbless Light
- Spotlight with sensor

Surface Water Drainage
Ground to fall away from building in all directions in compliance with AS2870 & N.C.C. 2022 3.3.2.

Surface water must be diverted away from a Class 3 building as follows:
 (a) Slab on ground finished ground level adjacent to a building. The external finished surface surrounding the slab must be drained to move surface water away from the building and graded to give a slope of not less than 1:25 over the full 1m from the building.
 (b) For any reasonably impervious area for surfaces that are reasonably impervious (such as concrete or paving) or
 (c) For any reasonably impervious surface that forms part of an access path ramp provided for the purposes of Clause 3.1 (1) or (4)(c) of the ABC B Standard for Livable Housing Design or
 (d) 500 mm over the full 1 m from the building in any other case.
 (e) Slab on ground finished slab height: the height of the slab on ground above external finished surface must not be less than:
 (i) 100 mm above the finished ground level in low rainfall intensity areas or sandy soil;
 (ii) 200 mm above the finished ground level in other areas that slope away from the building in accordance with (a) to (d); or
 (iii) 50 mm in any other case.
 (f) If the ground beneath suspended floors must be graded so that the area beneath the building is above the adjacent external finished ground level and surface water is prevented from ponding under the building.

Subsoil Drainage
to comply with AS2870, AS3100 & N.C.C. 2022 3.3.4.

Where a subsoil drainage system is installed to divert subsurface water away from the area beneath a building, the subsoil drain must:
 (a) be graded with a uniform fall of not less than 1:200 and
 (b) discharge into an external silt pit or sump with:
 (i) the level of discharge from the silt pit or sump into an impervious drainage line not less than 50 mm below the finish level of the slab and provision for cleaning and maintenance.

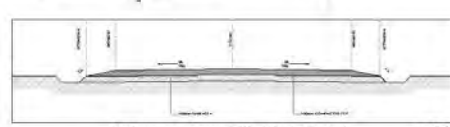
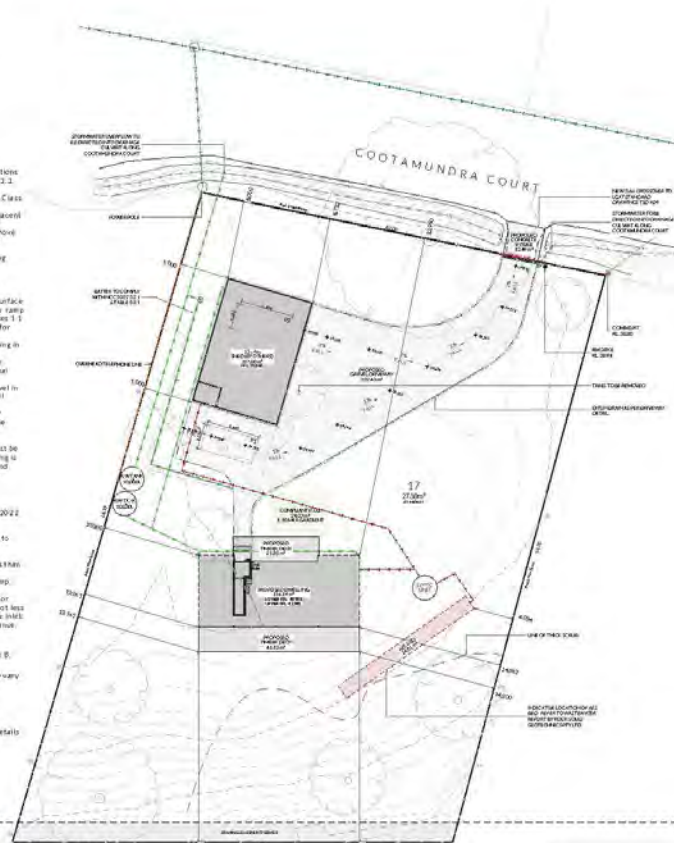
Note
All driveway pits and grate drains to be Class B.

Stormwater pits are indicative location may vary depending on site conditions.

Important Note
Refer to report completed by Rock Solid Geotechnics Pty LTD dated July 2022 for details on Watermark Design.



Site Areas
 Site Area: 3728 m²
 Building Footprint: 223.74 m²
 Total Site Coverage: 6.5%



PINNACLE PINNACLE DRAFTING & DESIGN 7/5 Albert Way, Cambridge 3170 03 948 4178 info@pinnacle-drafting.com.au www.pinnacle-drafting.com.au Licence # 1004737		Date: 14/09/22 Drawn By: JSM Job No: 044 3020 Engineer: TDA Building Surveyor: TDA	Checked By: David Pitt Checked By: Thomas Archer Checked By: David Housley
Site Plan Revision: 04/23 Approved By: JSM	Scale: 1:300 @ A3 Pg. No: A.02	Proposal: Dwelling & Outbuilding Client: Scott Woodman Address: 4 Cootamundra CL, Dolgellau 7173	This document is the property of Pinnacle Drafting & Design Pty Ltd. It is to be used only for the purposes specified in the contract. It is not to be distributed, copied, or otherwise used without the written consent of Pinnacle Drafting & Design Pty Ltd. All rights reserved.



- Access Panel
- Articulation Joint
- Smoke Alarm

Construction of sanitary compartments 10.4.2 of NCC 2022

The door to a fully enclosed sanitary compartment must:

- open outwards; or
- slide; or
- be readily removable from the outside of the compartment.

unless there is a clear space of at least 1.2 m, measured in accordance with Figure 10.4.2 of NCC 2022 Vol II, between the closet pan within the sanitary compartment and the doorway.

Note: Safe Movement & Egress

Openable windows greater than 4m above the surface below are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m. Refer to clauses 11.3.7 and 11.3.8 of NCC 2022 for further information on suitable protective devices.

Note: Paved Areas

All paths and patios to fall away from dwelling.

Note: Stair Construction

All stairs to be constructed in accordance with NCC Vol II 2022 Part 11.2.2:

Riser: Min 115mm Max 190mm

Goin: Min 240mm Max 355mm

Slope (R+C): Max 350 Min 700

For stairways serving non-habitable room used infrequently refer to table 11.2.2(b).

Landings to comply with Clause 11.2.5 and be a minimum of 750mm deep measured 500mm from the inside edge of the landing.

Slip resistance of treads, nosings and ramps to comply with Clause 11.2.4.

Heights of rooms & other spaces 10.3.1 of NCC 2022

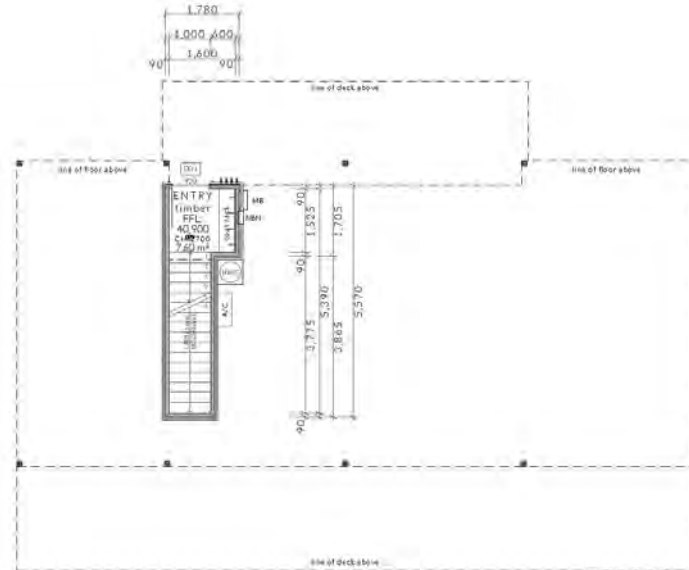
Height of rooms and other spaces must not be less than:

- (a) in a habitable room excluding a kitchen: 2.4 m; and
- (b) in a kitchen: 2.1 m; and
- (c) in a corridor, passageway or the like: 2.1 m; and
- (d) in a bathroom, shower room, laundry, sanitary compartment, airlock, pantry, store room, garage, car parking area or the like: 2.1 m; and
- (e) in a room or space with a sloping ceiling or projections below the ceiling line within: See NCC directly for these items
- (f) in a stairway, ramp, landing, or the like: 2.0 m measured vertically above the nosing line of stairway treads or the floor surface of a ramp, landing or the like.

If required onsite, the builder may work within the tolerances of the above as specified within the NCC 2022 Vol II. Builder to contact Pinnacle before undertaking works.

Floor Areas

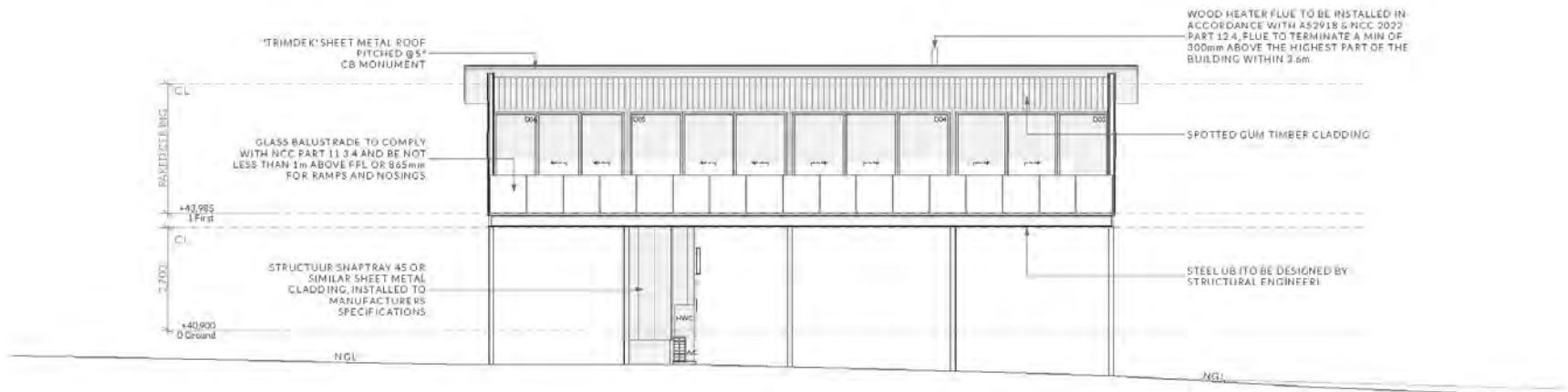
Lower Floor	7.90m ²
Upper Floor	216.14m ²
Total Floor Area	224.04m²
Deck	62.98m ²



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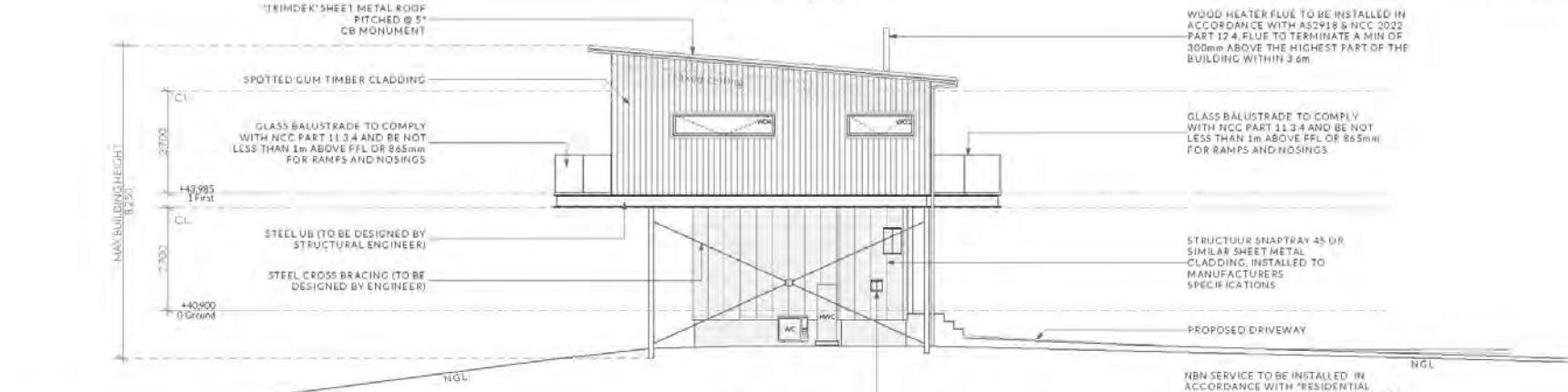
	PINNACLE DRAFTING & DESIGN 119 Beaumont Way, Cambridge 3170 03 6948 4219 sdcmd@pinnacle drafting.com.au www.pinnacle drafting.com.au Licen: CC60274	Scale: 1:100 @ A3 N/A A,03	Proposal: Dwelling & Outbuilding Client: Scott Woolman Address: 4 Cootamundra Ct, Dorders Ferry 7173	Date: 14/09/23 Drawn by: JSM Issue No: 044 2023 Engineer: TBA Building Supervisor: TBA	Author: JSM Date: 14/09/23 Checked: JSM Date: 14/09/23 Drawn: JSM Date: 14/09/23	Designer: JSM Checked: JSM Designer: JSM Date: 14/09/23		These drawings are the property of Pinnacle Drafting & Design Pty Ltd. Reproduction or use in any form without the written consent of Pinnacle Drafting & Design Pty Ltd is prohibited. All rights reserved. © 2023. These drawings are to be used in connection with all permits and approvals. No liability is accepted for any errors or omissions. The client is responsible for ensuring that all necessary permits and approvals are obtained. The client is responsible for ensuring that all necessary permits and approvals are obtained. The client is responsible for ensuring that all necessary permits and approvals are obtained.	
	Revision: DA/03 Approved by: JBN	Date: 14/09/23	Scale: A,03	Address: 4 Cootamundra Ct, Dorders Ferry 7173	Date: 14/09/23	Checked: JSM	Designer: JSM	Designer: JSM	Designer: JSM





South Elevation

1:100



East Elevation

1:100

NOTE
 Clearances between cladding and ground shall comply with Clause 7.5.7 of the NCC 2022 and shall be a minimum clearance of 100mm in low rainfall intensity areas or sandy, well drained areas; or 50mm above impermeable areas that slope away from the building; or 150mm in any other case.
 Wall cladding must extend a minimum of 50mm below the bearer or lowest horizontal part of the suspended floor framing.
 U.N.C in builders specifications or located in saline environments or if using a glazed finish brick, brickwork is to be installed in stretcher bond pattern with railed joints.
 As per NCC parts 11.3.7 and 11.3.8:
 Openable windows greater than 4m above ground level are to be fitted with a device to limit the opening or a suitable screen so a 125mm sphere cannot pass through, and withstand a force of 250N. Except for bedrooms, where the requirement is for heights above 2m.
 All stairs to be constructed in accordance with NCC 2022 Vol II Part 11.2.2
 Rise: Min 115mm Max 190mm
 Going: Min 240mm Max 355mm
 Slope (2R:G) Max 550 Min 700

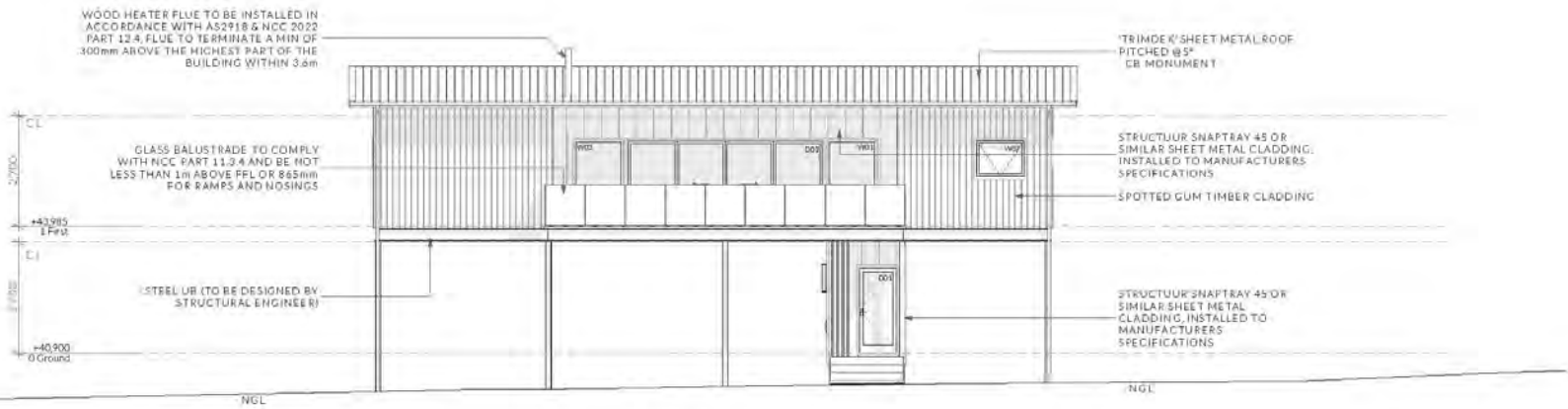


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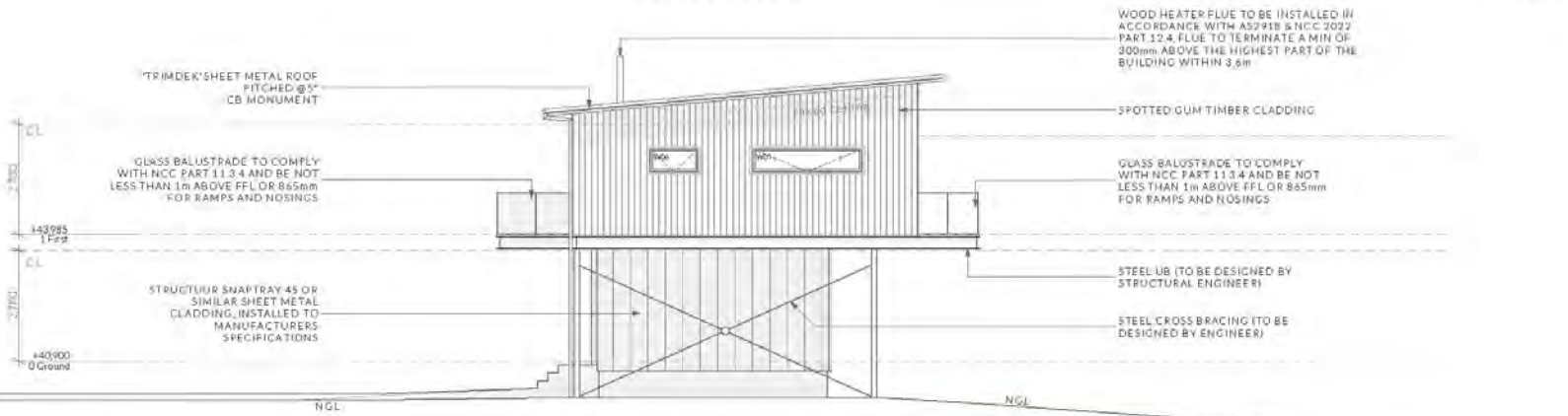


AGENDA
 SORELL PLANNING AUTHORITY (SPA) MEETING
 5 DECEMBER 2023



North Elevation

1:100



West Elevation

1:100

NOTE
 Clearances between cladding and ground shall comply with Clause 7.5.7 of the NCC 2022 and shall be a minimum clearance of 100mm in low rainfall intensity areas or sandy, well drained areas; or 50mm above impermeable areas that slope away from the building; or 150mm in any other case.
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 Slope (2R+G) Max 550 Min 700



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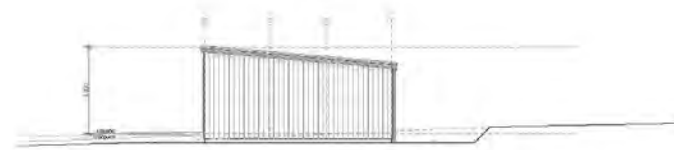
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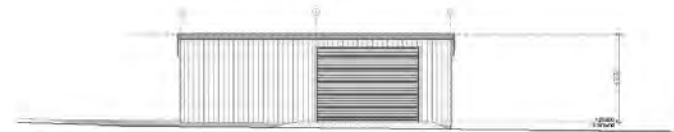
AGENDA
 SORELL PLANNING AUTHORITY (SPA) MEETING
 5 DECEMBER 2023



Shed Plan 1:100



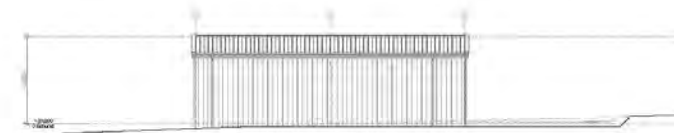
North Elevation 1:200



East Elevation 1:200



South Elevation 1:200



West Elevation 1:200

NOT FOR CONSTRUCTION

Sorell Council
 Development Application - Development
 Application - 4 Cootamundra Ct, Dodge's Ferry VIC
 Plans Reference: P1
 Date Submitted: 11/12/2022

PINNACLE PINNACLE DRAFTING & DESIGN 7/3 Abernethy Way, Cambridge 3170 03 8248 4218 admin@pinnacle drafting.com.au www.pinnacle drafting.com.au License: CC6023V	Shed Plans Revision: DA/03 Approved by: JBN	Scale: 1:100 @ A3 Pkg No: A.10	Proposal: Dwelling & Outbuilding Client: Scott Woolman Address: 4 Cootamundra Ct, Dodge's Ferry 7173	Date: 14/08/23 Drawn by: JSM Job No: 044 2023 Engineer: TBA Building Surveyor: TBA	Issue: DA/03 Date: 14/08/23 Description: Council 044 Changes to: DA/03 Description: DA/03		This drawing is the property of Pinnacle Drafting & Design. It is not to be reproduced, in whole or part, without the prior written consent of Pinnacle Drafting & Design. It is to be used only for the purposes for which it was prepared and is not to be used for any other purpose without the prior written consent of Pinnacle Drafting & Design. Pinnacle Drafting & Design is not responsible for any errors or omissions in this drawing. It is the responsibility of the client to ensure that all information provided is accurate and complete. Pinnacle Drafting & Design is not responsible for any errors or omissions in this drawing. It is the responsibility of the client to ensure that all information provided is accurate and complete.	
	DISCOVERABLE BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.							



Application Details

Application Number: 5.2023.306.1

Application Address: 4 Cootamundra Crt, Dodges Ferry

Concerns with proposal:

10.4.2

Due to the height, orientation and siting of the proposed dwelling sunlight to the eastern windows of the adjoining property at 6 Cootamundra Crt will be greatly impacted. The proposed dwelling starts 2.7m above the ground and is situated where it will block year round direct sunlight starting from the first sunlight in the morning. As this direct morning sunlight is the only direct sunlight that the eastern windows (kitchen and dining/living room gets this will greatly impact the livability of these rooms, especially during the morning year round. The height and situation of the dwelling creates a loss of amenity and livability to the adjoining property. As the entire dwelling starts at 2.7m above the ground there is scope for the dwelling to be built at a lower height thus minimizing the impact created by blocking direct sunlight to the adjoining property. The sunlight blocked from the living spaces of 6 Cootamundra Crt would be transferred to the proposed dwellings' bedroom and bathroom instead. In summary the proposed dwelling, in attempt to maximise water views has resulted in the blocking of direct sunlight to 6 Cootamundra Crt.

10.4.3**A1 Front setback**

- a) the site has a flat topography over the majority of the site. The size, shape and orientation of the block is large enough to accommodate a shed in another site.
- b) The shed is situated out of alignment with surrounding builds on the street and nearby areas.
- c) The height, bulk and form of the proposed shed is out of keeping with surrounding buildings. It has a larger than sheds in the area. It would dominate the size of the proposed dwelling on 4 Cootamundra Crt.
- d) The shed would dominate when viewed from Cootamundra Crt as both the northern and western sides are visible from the road and surrounding properties.

A2 Side setback

- a) the topography of the majority of the block is flat. The shed could be situated on another site.
- b) The size, shape and orientation of the proposed shed site is positioned as close as possible to the adjoining property. The size of the block allows for the shed to be situated somewhere else.
- c)
- d) The height bulk and form of the shed is not in keeping with existing sheds in the area. The proposed shed will dominate the proposed dwelling on the block. It will dominate the boundary with 6 Cootamundra Crt. It will dominate the private open spaces of 6 Cootamundra Crt. It is visible from the entire front yard and northern windows of the adjoining property.
- e)
- f) There is no shadow plan for the proposed shed or dwelling. The height and bulk of both will impact sunlight to private open spaces and windows of habitable rooms on the adjoining property.
- g) The character of the street and adjoining properties will be diminished by the dominant nature of the proposed shed and dwelling. The proposed shed is not in keeping with the open green spaces of front yards of the street.

Other concerns

- The colour of the proposed shed in relation to size and form accentuates it's bulk.
- Excessive noise associated with welding and grinding due to the close proximity to habitable spaces of the adjoining property and private open spaces. Duration of noise created as denoted by addition of a toilet and shower in shed.
- The site of the water tanks does not comply with the Aurora easement due to overhead power line along the boundary of 4/6 Cootamundra Crt.
- Does the proposed shed meet this easement?
- Noise created from placement of water pump to service house and shed located close to habitable rooms and private open spaces of adjoining property.
- Light and noise created from parking bay being next to side boundary and proximity to habitable rooms and private open spaces of adjoining property.
- No indication has been given to external lighting for the proposed shed and the direct impact on adjoining habitable rooms and private open spaces of adjoining property.
- Emissions created from welding due to proximity to adjoining property.

This application is almost identical to the previous application rejected by the council on 24th October 2023.

The issues raised by the Sorell Council Manager Planning in his document that recommended refusal of the previous application have not been addressed in this new application.

- The proposal is inconsistent with the character and will have unreasonable impact on residential amenity.
- The performance criteria are not satisfied. It is not possible to separate the outbuilding from the dwelling, or require a change in the siting of the outbuilding, without substantially modifying the development as proposed.
- On site waste water management
- Will visually dominate areas of private open space on adjoining land
- Is inconsistent with the character of development existing on established properties in the area which lack large and proximately sited structures.

Representation Details

Application Details

Application Number: 5.2023.306.1

Application Address: 4 Cootamundra Court, Dodges Ferry.

CONCERNS

The previous application was refused at the Council Planning meeting dated 24 October 2023. The reasons given are as follows:

"The proposal does not comply as the siting of the outbuilding will cause an unreasonable loss of amenity to adjoining properties through a building mass and form that:

- a) Will visually dominate areas of private open space on adjoining land;*
- b) Is inconsistent with the character of development existing on established properties in the area which lack large and proximately sited structures."*

This new application does not submit anything new and certainly does not address the previous reasons for refusal.

Page 11 of the application specifies "overhead telephone line" adjacent to the western boundary. This is incorrect, this is an overhead power line to a private pole situated on 6 Cootamundra court. Access to this pole for future replacement must be taken into consideration, particularly the placement of the proposed dual water tanks.

Page 16, Is it appropriate for a septic system to allow effluent leaving the tank to a gravity fed in ground bed? This seems fraught with overflow risk in times of excess use or excess rain.

Page 20 shows the original sized warehouse, 18m x 9m and only 5m from the front boundary and 3 m from the side boundary.

Page 38 proposes the previously rejected proposal of a 13m x 9m shed, 8m from front boundary and 5 m from western boundary.

In Summary, this application appears to be a resubmission of the previous

application which has already been rejected.

The septic, dwelling and driveway remain the same, the outbuilding is identical to the revised application on the 4 October 2023.

Namely, the shed now being 13m in length rather than 19m, and on the minimum legal distance from both front and side boundaries.

I feel that any new application must address the reasons for previous refusal, this application does not do that.

5.4 DEVELOPMENT APPLICATION NO. DA 2022 / 304 – 1

Applicant:	D J & S C Grannetia
Proposal:	Intensification of approved use for education and occasional care
Site Address:	24 McKinly Street, Midway Point (CT 55272/75)
Planning Scheme:	<i>Sorell Interim Planning Scheme 2015</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	More than one representation received.

Relevant Zone:	General Residential
Proposed Use:	Educational and Occasional Care
Applicable Overlay(s):	Nil
Applicable Codes(s):	E5.0 Road and Railway Assets Code E6.0 Parking and Access Code E7.0 Stormwater Management Code
Valid Application Date:	03 October 2022
Decision Due:	12 December 2023
Discretion(s):	1 Use 2 Traffic generation
Representation(s):	Seven

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2022.304.1 for an Intensification of approved use for education and occasional care at 24 McKinly Street, Midway Point be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 2022 except as may be amended by the conditions of this permit.
2. Prior to first use of the site for more than eight childcare places, a noise management plan (NMP) must be submitted to and approved by Council's General Manager. The NMP must, at a minimum, include:
 - (a) contact details of the centres director or other onsite supervisor, including confirmation that such details are provided to neighbours in order to facilitate communication and resolve any neighbourhood issues that may arise due to the operation of the centre;
 - (b) any limitations on the number of children playing outside at any one time;
 - (c) the avoidance of any new hard surfaces in play areas to avoid reverberant noise;

- (d) the siting and design of active and/or passive outdoor play activities and their relation to windows and doors of habitable rooms or decks on adjoining properties;
 - (e) the provision of privacy screens or equivalent positioned to minimise direct line of sight from outdoor play areas and windows and doors of habitable rooms or decks on adjoining properties;
 - (f) the commitment that staff will move crying children inside for comforting; and
 - (g) the avoidance of amplified music in outside play areas.
3. Prior to any works commencing within the road reservation, a Vehicular Crossing and Associated Works Application (available on Council's website) must be submitted with an associated permit granted for the works.
 4. Prior to first use, the existing vehicular access must be upgraded to compliant width, surface treatment, drainage, and sight distance as specified in a Vehicular Crossing Permit issued by Sorell Council.
 5. The internal driveway including areas set aside for vehicle parking and manoeuvring must:
 - (a) be fully complete prior to first use associated with this permit;
 - (b) be constructed with a durable all-weather pavement;
 - (c) have a formed concrete kerb along the length of its edge to wholly contain stormwater;
 - (d) be drained to a legal point of discharge or retain runoff onsite such that stormwater is not concentrated onto adjoining properties; and
 - (e) have a sealed surface of either concrete, asphalt, two-coat spray seal, pavers, or similar.
 6. Prior to first use, at least three (3) car parking spaces must be provided on site and must be available for car parking at all times. All spaces must:
 - (a) be at least 5.4m long and 2.4m wide with an appropriate clearance from any nearby wall, fence, or other structure; and
 - (b) have a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction.
 7. Prior to first use, at least one (1) car parking space for people with disabilities must be provided on site and must be available for car parking at all times. The space must:
 - (a) be constructed in substantial accordance with AS/NZS 2890.1:2006 (including Shared Area);
 - (b) a footpath not less than 1.2m wide and with a gradient not steeper than the legal requirement, to the main entry point of the building;
 - (c) have appropriate signposting installed to provide reservation for the space; and
 - (d) be delineated with line marking and other clear means, as required.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.
- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: ☎(03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for an Intensification of approved use for education and occasional care at 24 McKinly Street, Midway Point. This property is zoned General Residential and is located within an established residential area.

The application was made in September 2022 and is assessed against the *Sorell Interim Planning Scheme 2015*.

The key planning considerations relate to the impact on residential amenity of the non-residential use, including noise and traffic.

The application is considered to comply with each applicable standard of the *Sorell Interim Planning Scheme 2015* and is recommended for conditional approval.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.

Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	No	
Plumbing	No			
NRM	No			
TasWater	Yes	Yes	No	
TasNetworks	No			
State Growth	No			

Report

Description of Proposal

Application is made to increase the capacity of an approved (but not yet commenced) childcare facility from eight children to 17 in a long-day care service. Hours of operation are 8am to 5.30pm. Six part-time employees are required with no more than four on site at any one time. Four car parking spaces are proposed to the front of the existing structure. Proposed works including fencing (exempt) and an access ramp which runs to the back of the structure.

The application is supported by:

- a four page cover letter from the applicant (undated);
- building surveyor advice regarding accessible car parking space performance solution dated 13 September 2023; and
- a traffic impact assessment from Hubble Traffic dated September 2022.

A prior planning permit (5.2021.418.1) approved a smaller scale centre for eight children between the ages of 0 and five years old, with the centre open from 8am until 5.30pm. That approval involved two employees on site at any one time with parking for two vehicles, including a parking space which can be utilised for an accessibility space as required. The permit includes conditions for a new concrete vehicle crossing and two car parking spaces.

The traffic impact assessment (TIA) provides the following trip generation for the proposal (with a return trip counted as two). Trip generation will double morning peak hour traffic from 32 to 64 vehicle movements. The TIA considers that this traffic flow is below the 200 to 300 vehicle movement figure that is deemed acceptable in the Road Traffic Authority NSW (RTA) *Guide to Traffic Generating Development* document.

Table 4.0 – Trip generation

Trip generation	Number per weekday	Number of trips during morning peak	Number of trips during the evening peak	Number of trips between peaks	Total weekday trips
Staff	4	4	4	0	8
Children	17	28	28	12	68
Total		32	32	12	76

The TIA also includes a manual traffic survey timed from 7am to 9am, with the following results. The TIA provides an assessment of traffic efficiency at the intersection of McKinly Street and Penna Road that shows a Level of Service A where notable delays or queues for motorists are unlikely.

Table 5.3 – Traffic survey of McKinly Street and Penna Road

Time	Penna Road				McKinly Street	
	Towards Tasman Highway	Left into McKinly Street	Away from Tasman Highway	Right into McKinly St	Left onto Penna Rd	Right onto Penna Rd
7:00 – 7:15am	77	0	22	0	0	10
7:15 – 7:30am	96	0	26	1	0	7
7:30 – 7:45am	85	0	22	1	0	7
7:45 – 8:00am	71	0	17	0	2	6
8:00 – 8:15am	71	1	21	1	0	2
8:15 – 8:30am	53	1	27	1	1	4
8:30 – 8:45am	72	0	29	7	0	5
8:45 – 9:00am	50	0	29	3	1	5
Total	575	2	193	14	4	46

The onsite car parking is for staff purposes. The demand for on-street car parking for drop-off and pick-up is predicted in the TIA by surveys of an established

childcare facilities with 50 places. That facility had a peak demand of two parked vehicles at any one time for drop-off/pick-up and the TIA predicts that the maximum drop-off/pick-up on average will be one vehicle. Section 7.4 of the TIA provides details on locations off on-street parking.

Table 7.3 – Prediction of visitor vehicles using the on-street parking supply at any one time

Visitor vehicles	Existing facility with 50 child care spaces	Predicted demand for McKinly Street with 17 child care spaces
Maximum visitor vehicles at any one time	5	2
Average number of visitor vehicles at any one time	2	1

Description of Site

The site is an existing residential property, located approximately 200m from Penna Road which is the main collector road for Midway Point and approximately 650m from the Penna Road / Tasman Highway intersection. The existing dwelling is setback approximately 1.5m from each side boundary and close to 20m to the rear boundary.

In the TIA, McKinly Street is described as a typical urban road standard with an 8m wide sealed bitumen surface, concrete kerb and gutter to both sides and 1.4m wide footpath to the southern side.



Figure 1. Subject site.

Planning Assessment

The Educational and Occasional Care use class is discretionary in the zone if it is not associated with home-based child care. Therefore, the application is discretionary under table 10.2.

Zone

The following four purpose statements are provided:

- 10.1.1.1 *To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*
- 10.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*
- 10.1.1.3 *To provide for the efficient utilisation of services.*
- 10.1.1.4 *To manage new development within the Southern Beaches in a manner consistent with its established character and density while preventing further subdivision until the provision of planned reticulated water and sewerage infrastructure occurs*

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.3.1 A1	Hours of operation	Yes, as the hours of operation do not exceed the 8am to 6pm, seven days a week, acceptable solution.
10.3.1 A2	Noise emissions	Yes, as the use will not generation noise levels that exceed the acceptable solution limits, namely 5dB(A)
10.3.1 A3	External lighting	External lighting is not proposed.
10.3.1 A4	Commercial vehicles	Commercial vehicle movements are not required.

There is no general standard that applies to all discretionary uses in the zone. It is therefore necessary to consider the zone purpose statements in the assessment of the discretionary use.

The typical impact sources for non-residential uses in a residential area include noise or other emissions, traffic generation, the intensity of use and the degree to which the use may impact the character of the area. The zone purpose statements are silent on these issues other than for the use of 'compatible' in the second purpose statement.

With regard to whether the use primarily serves the local community, there is a clear shortage of childcare places given recent population growth and demographic changes across Midway Point and Sorell. It is quite clear that the use will primarily

serve the local community, be that community Midway Point alone or both Midway Point and Sorell.

In terms of compatibility, the TIA has demonstrated that traffic generation will have minimal, if any, impact and also that car parking can be accommodated within the site and the existing on-street supply. Outdoor play will be a source of noise through the interaction of children but this is not likely to be excessive or unreasonable given the scale of the use. There are much larger facilities operating in or adjoining residential areas.

Code

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
E5.5.1 A3	Traffic generation	No, as traffic generation will increase daily traffic movements by more than 20%. Refer to performance criteria discussion below.
E5.6.4 A1	Sight distance	Yes, the sight distance complies.

Performance Criteria Assessment 1 - E5.5.1 A3/P3 Existing Road Accesses and Junctions

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

It is considered that the performance criteria is satisfied having regard to:

- the findings of the TIA which confirm that traffic will not adversely impact the safety or efficiency of the road network; and
- the need for childcare facilities in the community.

Parking and Access Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
E6.6.1 A1	Car parking numbers	Yes. The acceptable solution requirement of 0.25 per child is 4.25. Footnote (a) requires the nearest whole number to be used and therefore four spaces are required. The acceptable solution is met. Note: under the Tasmanian Planning Scheme, the requirement is one space per employee, which is also four in this instance.
E6.6.2 A1	Accessible car parking spaces	Yes, based on advice from the building surveyor included with the application.
E6.6.4 A1	Bicycle parking spaces	Yes, there is no requirement for bicycle parking in this instance.
E6.7.1 A1	Number of access	Yes, only one access is proposed.
E6.7.2 A1	Design of access	Yes, a compliant access is proposed.
E6.7.4 A1	On-site turning	Yes, onsite turning is not required as the development meets a road with less than 6000 vehicle movements per day.
E6.7.5 A1	Layout of parking	Yes, the parking configuration complies with the Australian standard.
E6.7.6 A1	Surfacing	Yes, as a sealed surface is proposed. A condition on any permit issued should require the car parking to drain to a grated channel that is connected to the stormwater main.

Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

Seven representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
The application for non-residential use form states that no other	Nil	Irrespective of the form, or the answers provided, the developer must comply with all applicable legislation.

Commonwealth or State approvals are required.		The non-residential form is used by Council's Environmental Health Department to help obtain additional information from applicants
Further details should have been provided as to when the development will be commenced	Nil	All permits are to be substantially commenced within two years. Two x 2-year extensions may be granted to this.
No details provided on the non-residential form regarding site preparation of the car parking	Nil	Sufficient details provided on the car parking plan
No details provided on the non-residential form as to the nature of the activity to be provided	Nil	Sufficient details provided in the application cover letter, plan and TIA
Dispute the applicant's claim that only minor alterations are required to meet the education and care services national regulations	Nil	Separate to the planning process, the activity will require approval under the Building Act 2016 which incorporates the Directors Determination for Early Childhood Centres and School Age Care Facilities Code 2012 (amended 2018). The Tasmanian Licensing Standards for Centre Based Child Care also apply.
Existing windows require replacement	Nil	Replacement of windows does not require planning approval
Kitchen and toilet require significant work	Nil	Internal renovations do not require planning approval
Access ramp is required	Nil	Noted on drawing
Is car parking for drop-off and pick-up?	E5.5.1 A3	No – refer to TIA
Noise of 17 children will be higher than a residential property and has not been adequately addressed in the application.	10.3.1 A2	The use will generate noise through children play in outdoor areas. The existing approval has up to eight children in outdoor play at any one time. The number of children in outdoor play will vary. This is not considered unreasonable to the degree that would warrant modification or refusal of the application. There are numerous examples of child care centres, in this LGA and others, adjoining

		residential properties and these operate without mitigation measures or complaints.
Loss of property values	Nil	Loss of property value is not a relevant consideration in the planning scheme and cannot be evaluated without independent, qualified valuation advice.
"I trust that the Council and planners will rethink their previous approval and at least decline to allow the increase in child number if not withdraw the approval totally. Everyone knew initially that the original application was not viable for just 5 children and that it was done to just get a foot in the door with the intention to expand on the application at a future date"	Nil	How applications are made, by whom or how many applications are made for any one property are irrelevant to the assessment of this application against the provisions of the planning scheme.
Can boundary fences be increased in height or screens provided to protect privacy		A condition regarding screens is recommended for inclusion in any permit granted.
Traffic safety	E5.0	Refer to TIA
Council should expand its existing facility rather than approve new facilities.	Nil	The facility at 19 Penna Road is on land and buildings owned by Council. The premise is leased to an independent operator. The site is developed to its maximum capacity, with no onsite car parking for staff and no spare room for additional floor area or outdoor play areas. In any event, the application must be assessed as presented and it is not lawful to consider alternatives.
The two Lady Gowrie centres in Midway Point have advised a representor that they have capacity for children under five.	Nil	No evidence of this is provided. It is not lawful to consider alternatives to the application as lodged.
While the need for childcare is understood, this is the wrong site for	E5.0 and E6.0	The TIA provides adequate evidence that a centre of 17 places will not have an

traffic and car parking reasons		unreasonable impact on traffic and can be adequately managed onsite.
TIA is one-sided and 'has been glorified to suit the applicant'	Nil	The author of the TIA has relevant experience. No alternative TIA has been provided.
Reversing into or out of the property is difficult	E6.0	Refer to the TIA
Reference to discussion between a representor and Tasmanian Fire Service staff regard entrances	Nil	The building approval processes incorporates advice from TFS where required. The position that the TFS officer holds, their qualifications and what information they were provided by the representor is unknown.
TIA statements regarding existing traffic generation from the dwelling are wrong	Nil	Any TIA is based on averages informed by traffic surveys either conducted on site or referenced through adopted guidelines, such as those of the RTA
Based on experiences with schools, drop-off and pick-ups occur within a narrow timeframe and vehicles will overlap		The TIA has a contrary view based on surveys of child care centres
Prior accident at McKinly / Penna due to failure of other car to give way	Nil	Noted
The Lady Gowrie facility in Barilla Court is an example of the scale required for child care	Nil	Noted
Application does not state which planning scheme applies	Nil	The cover letter from the applicant refers to the relevant planning scheme provisions from the interim planning scheme
Details on vegetation removal are not provided	Nil	Vegetation removal in the General Residential Zone is exempt from planning approval
No details on shade structures	Nil	Shade structures are not provided
Inadequate customer services	Nil	Noted
The proposal is not a intensification of use and the approved use is a home-based childcare facility	Nil	The earlier approval is not for home-based childcare. Home-based childcare in the planning scheme cannot exceed six children, whereas

		eight were approved. That permit makes no reference to home-based childcare.
Contaminated Soil	E2.0	There is no evidence of any kind that the site has at any time ever been used for an activity that may contaminated soil
The site plan is incorrect and there is not 7.2m of space in the car parking areas as indicated		
The car parking spaces will require a new fire access point	Nil	There is an existing fire hydrant within 40m of the site. The property has one water connection and only one water connection is possible.

Guidelines

The Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3 -

The noise impact from children at play in a child care centre differs from the domestic situation in that it is a business carried out for commercial gain, the number of children can be far greater than in a domestic situation and the age range of the children at the centre does not significantly vary over time as it would in a domestic situation. However, the noise from children is vastly different, in both character and duration, from industrial, commercial or even domestic machine noise. The sound from children at play, in some circumstances, can be pleasant, with noise emission generally only audible during the times the children play outside. Night time, weekend or public holiday activity is not typical and child care centres have considerable social and community benefit (page 5).

6.8 Noise Management Plan

One of the most effective measures that should be implemented in conjunction with the physical noise controls is a noise management plan (NMP). The NMP should be incorporated within the Centre's overall management plan.

The following are examples of management measures that may be incorporated into a Noise Management Plan (NMP).

- *A separate daily program for both the warmer and cooler months should be established to regulate the total time spent outdoors and indoors;*
- *The NMP should be made publicly available to parents and neighbours;*

- *A contact phone number for the Centre's director should be made available to neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the Centre;*
- *The number of children playing outside at any one time may need to be limited to meet the noise criteria;*
- *The type of outdoor activities may be programmed to only allow quiet or "passive" activities such as painting, garden exploration, reading, block play or drawing in certain areas of the centre's outdoor play area;*
- *Crying children should be taken inside the centre and comforted;*
- *The behaviour of children should be monitored and modified as required by adequately trained child care workers;*
- *Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children;*
- *Carers / staff should be educated to control the level of their voice while outside; and*
- *To meet the noise criteria, amplified music may need to be controlled (page 12).*

Notwithstanding the fact that the outdoor play area has an existing approval, it is considered reasonable given the increase in capacity to include a condition on any permit granted to submit a noise management plan.

Conclusion

The application is considered to comply with each applicable standard of the *Sorell Interim Planning Scheme 2015* and is recommended for conditional approval.

Shane Wells Manager Planning

Attachments:
 Planning Application Report
 Traffic Impact Assessment
 Proposal Plans
 Representations

Planning Application

Change of Use from Residential to Educational and Occasional Care - Childcare centre

24 McKinly Street, Midway Point.

Table of Contents.

Executive summary

1.0 Proposed use and development

2.0 Site location and context

3.0 Planning Assessment

General Residential Zone 10.0

Parking and Access Code E6.0



Executive summary

This application is for the change of Use of the existing residential dwelling at 24 McKinly Street, Midway Point. The proposed use is for a child care centre business, utilising the existing dwelling with no major alterations internally or externally.

This report provides the assessment against the relevant provisions of the Tasmanian Interim Planning Scheme (Sorell) and concludes that the proposal complies with Acceptable Solutions.

1.0 Proposed use and development

This planning application is for the change of use from Residential to Education and Occasional care - Childcare Centre.

The existing dwelling will be utilised as a site for the care of children 0-5 years old. The service will care for up to 17 children per day between the hours of 8am-5:30pm. (4 employees on site at one time).

The proposed change of use triggers the following planning scheme provisions

- 10.0 General Residential
 - 10.3.1 Non-residential use
- E6.0 Parking and Access Code

In addition to the information in this report the following supporting documents are also included:

- Title information for the site
- Council application forms for Development/Use Planning; and
- Additional information for non-residential use
- Traffic impact assessment.



2.0 Site location and context

Property Address:	24 Mckinly Street, Midway Point.
Title Owner:	D. and S. Grannetia.
Title Reference:	C.T. 55272/75
Municipal Area:	Sorell
Zoning:	General Residential
Planning Scheme Overlay:	None.
Lot size:	approx 635m ²

The site is currently being utilised as a residential dwelling and is surrounded by lots of similar use. The site benefits from access to existing services and infrastructure and is located approximately 200m from Penna road with access to public transport nearby. The lot is not subject to any restrictive easements, covenants, planning scheme overlays or restrictions.

The building is in good condition and will only require minor alterations including fencing, access ramp and Driveway extension to meet the requirements of the Education and Care services National Regulations.



Figure 1 - Aerial image of site (source LISTmap)



3.0 Planning Assessment

The following section provides an assessment against the relevant Scheme provisions as identified in Section 1.0 above.

General Residential Zone 10.0

10.3.1 Non residential use

A1 - Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.

A2 -Noise emissions measured at the boundary of the site must not exceed the following:

- (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;
- (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;
- (c) 65dB(A) (LAm_{ax}) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15 minute time interval.

A3

External lighting must comply with all of the following:

- (a) be turned off between 6:00 pm and 8:00 am, except for security lighting;
- (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.

A4

Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of:

- (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;
- (b) 9.00 am to 12 noon Saturdays;
- (c) nil on Sundays and Public Holidays.



Assessment against the relevant Scheme provisions:

A1- Hours of operation will be within the specified timeframe.

A2-Noise emissions will reflect residential use.

A3-No additional lighting will be installed.

A4- Business will not require commercial vehicle movement.

Parking and Access Code E6.0

E6.6 Use Standards

E6.6.1 Number of Car Parking Spaces

A1

The number of on-site car parking spaces must be:

(a) no less than the number specified in Table E6.1;

Use Class: Educational and care:

Childcare Centre

0.25 for each child the centre is licenced to accommodate.

Assessment against parking and access code:

A1-The driveway is to be extended to accommodate 4 onsite spaces (not including the garage), refer to the traffic impact assessment for further information.





**NEW CHILDCARE FACILITY
24 MCKINLY STREET,
MIDWAY POINT**

**TRAFFIC IMPACT
ASSESSMENT**

Hubble Traffic
September 2022

 **Sorell Council**
Development Application: Development Application -
24 McKinly Street, Midway Point.pdf
Plans Reference: P1
Date Received: 28/09/2022

Table of Contents

1. Introduction.....	2
2. Site Description	3
3. Development proposal.....	4
4. Trip generation by this development.....	5
5. Existing road network and traffic conditions	6
5.1 McKinly Street characteristics.....	6
5.2 Existing property access.....	7
5.3 Traffic flow on McKinly Street.....	7
5.4 Traffic efficiency of the junction of McKinly Street with Penna Road.....	8
5.5 Reported road crashes.....	9
5.6 Speed limit	9
6. Traffic Impact generated by additional vehicle movements	10
6.1 Traffic impact to McKinly Street.....	10
6.2 Traffic capacity of McKinly Street.....	11
6.3 Impact to surrounding road network	11
7. Proposed access and internal layout	12
7.1 Number of on-site parking spaces.....	12
7.2 Layout of on-site parking spaces.....	13
7.3 Predicted on-street parking demand generated by the facility.....	15
7.4 Impact of on-street visitor parking to surrounding properties.....	16
7.5 Sight distance for drivers accessing the development site.....	17
7.6 Access to public transport	18
8. Planning scheme.....	19
8.1 E5.0 Road and Railway Assets Code	19
8.2 E6.0 Parking and Access Code.....	20
9. Conclusion	22
10. Appendix A – Traffic modelling.....	23



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1



1. Introduction

Orenda Circle (developer) has engaged Hubble Traffic Consulting to prepare an independent Traffic Impact Assessment, to consider the traffic and parking impacts of a new childcare facility at 24 McKinly Street, Midway Point (development site).

The developer has lodged a development application with the Sorell Council (Council), and in considering the application Council has requested further information, including a traffic impact assessment that addresses parking facilities, additional traffic generated by the development, and sight distances.

This assessment considers the current traffic flow along McKinly Street, the impact of additional vehicle movements generated by the development, and the internal parking arrangement.

This assessment has been prepared to satisfy the requirements of Austroads, Guide to Traffic Management Part 12: Traffic Impacts of Developments 2019, and referred to the following information and resources:

- Sorell Council Interim Planning Scheme.
- Road Traffic Authority NSW (RTA) Guide to Traffic Generating Developments.
- Australian Standards AS2890 parts 1, 2 and 6
- Austroads series of Traffic Management and Road Design,
 - Part 4: Intersection and crossings, General
 - Part 4a: Unsignalised and Signalised Intersections
 - Part 12: Traffic Impacts of Development
- Autoturn Online vehicle turning software,
- The List Tasmania; and
- Google Earth imagery.



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2

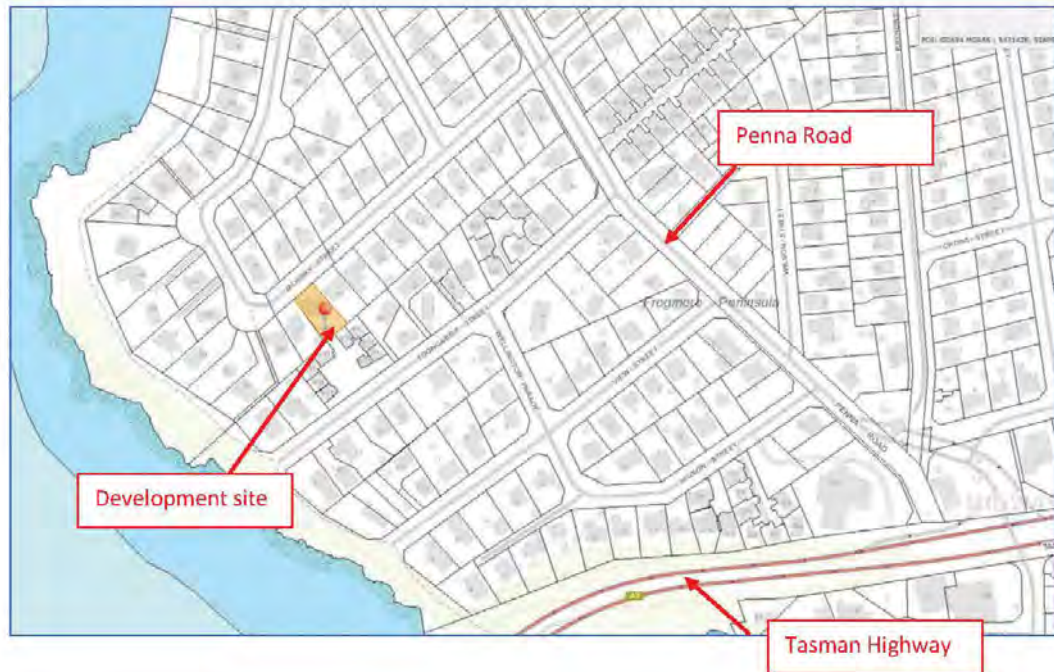


2. Site Description

The development site is located at 24 McKinly Street within an urban residential area. There is an existing residential dwelling on the site that will be modified to become a child care facility.

Penna Road is the nearest connector road, connecting through to the Tasman Highway, with motorists expected to connect to the development site by travelling along Penna Road and McKinly Street.

Diagram 2.0 – Extract from the LIST land information database



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3



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
5 DECEMBER 2023

3. Development proposal

The proposed development is for a child care facility to cater for 17 children, which will operate from the existing residential property. It is expected that four staff members will be employed to run the facility, that will operate from 8am to 5.30pm, weekdays.

The existing bitumen driveway off McKinly Street will be retained, with the development providing four open parking spaces, and security lighting.

Diagram 3.0 - Proposed layout



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4



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4. Trip generation by this development

A trip in this report is defined as a one-way vehicular movement from one point to another excluding the return journey. Therefore, a return trip to and from a land use is counted as two trips.

To determine the number of trips likely to be generated by this development, reference has been taken from the RTA Guide to Traffic Generating Developments (RTA Guide), section 3.11.3 Childcare centres.

The RTA Guide indicates peak traffic generation is based on the type of childcare facility, whether a pre-school, long-day care, or before and after school care. It is expected that this childcare facility will be long-day care.

Based on the information provided by the developer, including the maximum number of childcare spaces, the following information has been used in this trip assessment.

- Four staff members are likely to be employed and are expected to generate morning and afternoon trips when arriving and leaving.
- Most parents are expected to arrive in the morning peak between 8:00am and 10:00am and return in the afternoon peak between 3.30pm and 5.30pm, with some parent vehicles expected during the day.

Table 4.0 – Trip generation

Trip generation	Number per weekday	Number of trips during morning peak	Number of trips during the evening peak	Number of trips between peaks	Total weekday trips
Staff	4	4	4	0	8
Children	17	28	28	12	68
Total		32	32	12	76

To consider a worst-case scenario, the above trip generation is based on 80 percent of the parent vehicles operating in both the morning and afternoon peak periods, with each parent vehicle generating two trips on the road network when dropping-off or collecting a child.

The existing residential dwelling is already generating seven daily trips, with one of these trips generated in each of the peak hour periods.



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5



5. Existing road network and traffic conditions

5.1 McKinly Street characteristics

McKinly Street extends west off Penna Road and runs in a U-shape, where it meets up with Brady Street that extends north through to Penna Road. McKinly Street is of a typical urban road standard with an 8-metre-wide sealed bitumen surface with concrete kerb and guttering along both sides, a 1.4-metre-wide footpath along the southern side, and street lighting.

A public bus stop is available on Penna Road, approximately 340 metres from the development site (bus service route 731, X31, 732, X32, X33).

The surrounding properties are residential in nature, with all properties having suitable off-street parking. There are commercial facilities within 660 metres of the site, including the Midway Point Store and Takeaway, the Midway Point Tavern and Ampol Foodary.

Photograph 5.1 – View of McKinly Street adjacent to the development site



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6



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5.2 Existing property access

The development site has an existing bitumen three metre-wide crossover onto McKinly Street, which will be retained with the development

Photograph 5.2 – Existing property access



5.3 Traffic flow on McKinly Street

To evaluate the traffic impact from the development, it is important to understand the current traffic flow on McKinly Street, and a recent manual traffic survey was undertaken at the junction of McKinly Street and Penna Road. The manual survey was timed to coincide with the expected morning parent drop-off period for the development.

The two-hour survey found McKinly Street generated 66 two-way traffic movements, with 16 vehicles entering and 50 vehicles leaving, and this indicates the street is lightly trafficked.

Table 5.3 – Traffic survey of McKinly Street and Penna Road

Time	Penna Road				McKinly Street	
	Towards Tasman Highway	Left into McKinly Street	Away from Tasman Highway	Right into McKinly St	Left onto Penna Rd	Right onto Penna Rd
7:00 – 7:15am	77	0	22	0	0	10
7:15 – 7:30am	96	0	26	1	0	7
7:30 – 7:45am	85	0	22	1	0	7
7:45 – 8:00am	71	0	17	0	2	6
8:00 – 8:15am	71	1	21	1	0	2
8:15 – 8:30am	53	1	27	1	1	4
8:30 – 8:45am	72	0	29	7	0	5
8:45 – 9:00am	50	0	29	3	1	5
Total	575	2	193	14	4	46



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7



5.4 Traffic efficiency of the junction of McKinly Street with Penna Road

With all development vehicles needing to turn at the Penna Road intersection, it is important to understand the current level of traffic performance. The simplest method is to use SIDRA traffic modelling software, which uses gap acceptance theory to determine the average delay, queue lengths and degree of saturation, which are all measures of traffic congestion and level of service.

Level of Service (LOS) is a quantifiable assessment of the factors that contribute to the traffic performance, which includes traffic density, gaps in traffic streams, expected delays and queues. For junctions, there are six levels from A to F, with A providing the highest level for give-way controlled junctions, meaning motorists are not incurring delays, with ample gaps in the traffic stream for vehicles to turn freely and safely without disrupting other users.

The following table provides a reference to the level of service for the various traffic controls and is based on the RTA Guide.

Table 5.4 Level of service for intersections and junctions

Level of service criteria for intersections			
Level of Service	Average Delay per Vehicle (secs/veh)	Traffic Signals, Roundabout	Give Way & Stop Signs
A	< 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays & spare capacity	Acceptable delays & spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Operating near capacity	Near capacity & accident study required
E	57 to 70	At capacity; at signals, incidents will cause excessive delays Roundabouts require other control mode	At capacity, requires other control mode

A traffic model has been developed using the manual traffic survey data for the peak hour (7:00am to 8:00am), to replicate the intersection of McKinly Street and Penna Road, with Darwin Street forming the fourth leg,

The traffic modelling indicates that the intersection is operating at LOS A, which is the highest level of traffic performance, where motorists are not incurring any notable delays, or traffic queues.

The intersection is currently operating at a degree of saturation of 0.181, or 18 percent of the intersection capacity, indicating the intersection has spare traffic capacity to cater for future traffic growth. The result of the traffic modelling is available in appendix A.



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8



5.5 Reported road crashes

The Department of State Growth maintains a database of reported road crashes. A check of this database found no crashes reported on McKinly Street in the last five years, indicating motorists are not experiencing any difficulty using the street layout.

5.6 Speed limit

The urban default 50 km/h speed limit operates on both McKinly Street, and on Penna Road at the McKinly Street junction.

Within the surrounding local road network, Penna Road would operate as a collector road, providing surrounding residential catchments with a direct and efficient connection to the Tasman Highway.



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9



6. Traffic Impact generated by additional vehicle movements

As estimated in Section 4 of this assessment, the childcare facility is expected to generate 76 daily vehicle trips, with 32 of these trips likely to occur in the morning and evening peak hour periods.

6.1 Traffic impact to McKinly Street

Any new development in urban areas can be concerning to local residents, and it can be difficult to argue that a traffic increase is reasonable. The RTA Guide has considered this matter and provided an environmental performance standard which can be used to evaluate the likely impact on residential amenity. An extract from the RTA Guide is shown below in diagram 6.1 and relates to urban street environments, providing maximum peak hour environmental goals, and is based on two-way traffic flows. With McKinly Street being a local residential street, the RTA Guide suggests 200 to 300 vehicle movements per peak hour is an acceptable level of traffic flow.

Based on the manual survey data, the maximum two-way traffic flow on McKinly Street was 32 vehicles between 8am and 9am. Table 6.1 below provides the comparison of two-way traffic flow on McKinly Street for the existing and predicted traffic conditions when the development is operating. This clearly demonstrates that the development will not cause any adverse residential amenity impact to the surrounding properties, as two-way flow will operate within the acceptable environmental performance standards.

Table 6.1 – Comparison of two-way traffic flows

Period	Existing two-way traffic flow	Predicted two-way traffic flow when the development is operating
Morning peak hour	32	64

❖ Only a morning traffic survey was conducted, as it is generally accepted that the morning peak hour generates a higher peak hour flow than the evening peak.

Diagram 6.1 – Extract from the RTA Guide

Road class	Road type	Maximum Speed (km/hr)	Maximum peak hour volume (veh/hr)
Local	Access way	25	100
	Street	40	200 environmental goal 300 maximum
Collector	Street	50	300 environmental goal 500 maximum

Note: Maximum speed relates to the appropriate design maximum speeds in new residential developments. In existing areas maximum speed relates to 85th percentile speed.



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10



6.2 Traffic capacity of McKinly Street

Another method to consider the traffic impact from the additional traffic generated by the development, is to consider the level of service current road users are receiving, and if there will be any deterioration. Diagram 6.2 is an extract from the RTA Guide which provides level of service for urban streets based on directional peak hour traffic flow, indicating for directional flows of less than 200 vehicles per peak hour, users are receiving the highest level of performance of LOS A.

As indicated in table 6.1, with 32 vehicles operating on McKinly Street, it is evident the street is currently operating at LOS A, and although the development will increase the traffic flow to 64 vehicles, there will be no deterioration in the level of traffic performance.

Diagram 6.2 - Extract from RTA Guide on level of service

Level of Service	One Lane (veh/hr)	Two Lanes (veh/hr)
A	200	900
B	380	1400
C	600	1800
D	900	2200
E	1400	2800

6.3 Impact to surrounding road network

As discussed earlier, all vehicles generated from the development will need to turn at the Penna Road intersection with McKinly Street. This assessment considers that during the morning peak two-hour period (8:00am to 10:00am), the development is predicted to generate a total of 60 two-way vehicle movements, based on 32 vehicles arriving and 28 leaving. These additional traffic movements have been assigned to the Penna Road intersection model, based on the current trip distribution. Table 6.3 provides a comparison of the traffic conditions between the existing and predicted trips, demonstrating that the development will not cause any deterioration in the level of traffic performance.

Table 6.3 – Intersection traffic modelling comparison

Period	Total vehicles	DOS	Worst delay	LOS	Max queue
Existing	524	0.181	8.3 seconds	A	1.2 metres
Predicted	556	0.186	8.5 seconds	A	6.7 metres



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31



7. Proposed access and internal layout

The childcare facility will retain an existing driveway access onto McKinly Street.

7.1 Number of on-site parking spaces

The planning scheme specifies that on-site parking for a childcare facility is determined by the number of children the facility will cater for, where one parking space is required for every four children. As this facility is to cater for 17 children, four parking spaces must be provided.

The parking spaces provided will be 2.4 metres wide and 5.4 metres long, with a minimum manoeuvring area of 5.8 metres.

Diagram 7.1 – On-site car parking spaces



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12



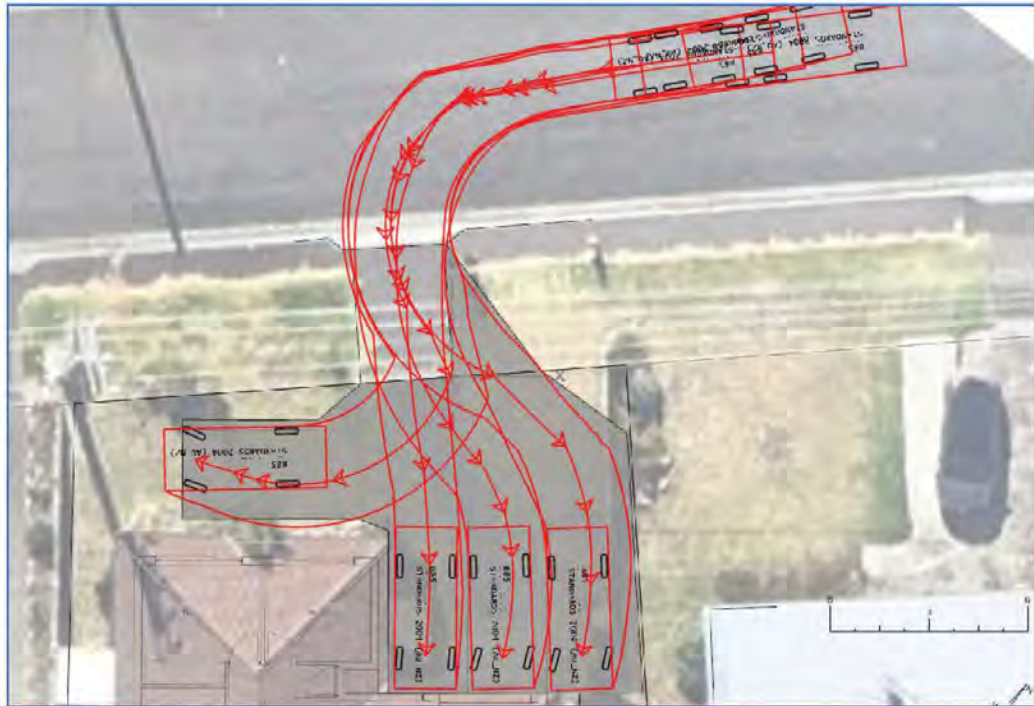
7.2 Layout of on-site parking spaces

The dimensions of the on-site parking spaces comply with section 2 of the Australian Standard 2890.1:2004, for user class 1A (employee parking), as the spaces will be 2.4 metres wide and 5.4 metres long.

As the development site provides less than five on-site parking spaces, there is no requirement under the planning scheme for the access to provide for two-way traffic movements. Similarly, as the development site only operates a single dwelling, there is no requirement under the planning scheme for vehicles to exit in a forward-driving direction.

Autoturn on-line vehicle swept path software, has been used to demonstrate that a B85 vehicle can enter and leave the parking spaces, with swept path demonstrations shown in the following two diagrams.

Diagram 7.2A – Vehicle swept path for B85 vehicle entering

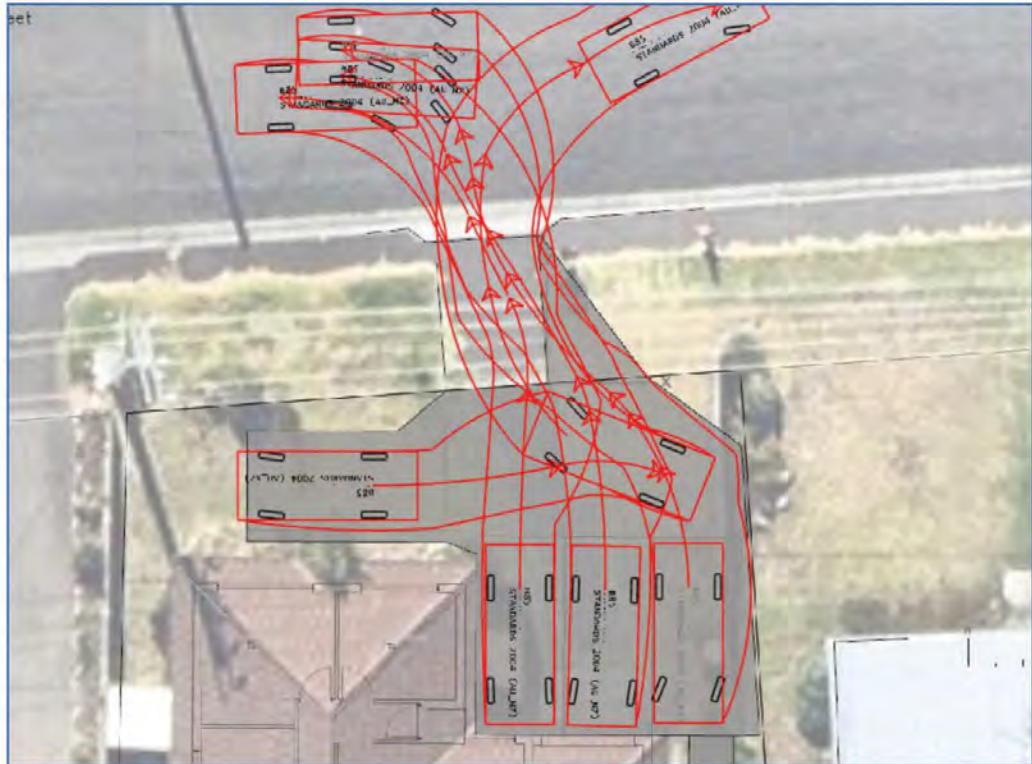


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13



Diagram 7.2B – Vehicle swept path for a B85 vehicle leaving



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24 McKinly Street, Midway Point.pdf
Plans Reference: P1
Date Received: 28/09/2022



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7.3 Predicted on-street parking demand generated by the facility

On-street parking is a resource that belongs to the community, and in residential areas the on-street parking supply is generally used by visitors for short-term parking. All the surrounding residential properties have suitable off-street parking facilities, and during the recent site inspection only a few vehicles were found parked along McKinly Street.

This facility will generate a visitor parking demand as parents visit the site to either drop-off or collect their child in the morning or afternoon. The number of vehicles using the supply of on-street parking at any one time, can be predicted from survey data of an established child care facility, operating at a different location.

The established child care facility operates within a residential street and caters for 50 children. A six-hour manual survey found that the rate of drop-off and pick-up was reasonably constant, with no significant peaks. The facility generated an average on-street parking demand of two vehicles, and a maximum on-street parking demand of five vehicles at any one time. Using this survey data, this new facility is expected to generate a maximum on-street parking demand of two vehicles at any one time, as demonstrated in table 7.3.

It is predicted that each parent vehicles will generate a short-term on-street visitor parking demand, with this demand intensifying during the morning period of 8:00am to 10:00am and in the evening period 3.30pm to 5.30pm.

On average within these two peak periods seven vehicles per hour, generating a peak demand of two parked vehicles at any one time, as noted in section 4.

Table 7.3 – Prediction of visitor vehicles using the on-street parking supply at any one time

Visitor vehicles	Existing facility with 50 child care spaces	Predicted demand for McKinly Street with 17 child care spaces
Maximum visitor vehicles at any one time	5	2
Average number of visitor vehicles at any one time	2	1



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15



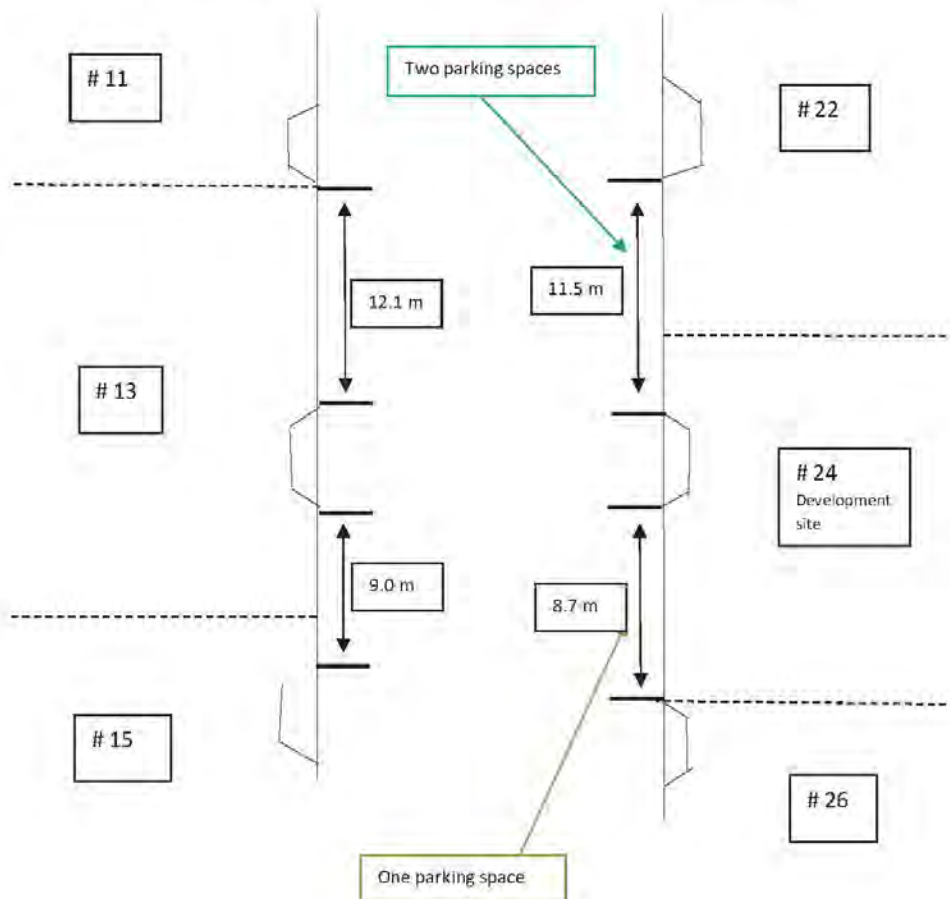
7.4 Impact of on-street visitor parking to surrounding properties

Business hours for the proposed child care facility will be 8:00am to 5.30pm weekdays, with the facility predicted to generate an on-street visitor parking demand. This assessment predicts visitor vehicles are likely to be spread throughout the morning and evening peak periods, with more than two visitor vehicles unlikely to arrive concurrently.

The diagram below demonstrates there are two locations directly outside of the development site where three vehicles can be accommodated, with these parked vehicles having minimal adverse impact to the adjoining properties.

The connection of McKinly Street with Brady Street provides a safe and efficient route for vehicles leaving the development site, to continue to travel in a forward direction to head back to Penna Road, reducing the need for vehicles to undertake a U-turn manoeuvre within the street.

Diagram 7.4 – Kerb space identifying areas suitable for on-street visitor parking



7.5 Sight distance for drivers accessing the development site

For accesses to operate safely and efficiently, it is important that drivers arriving and leaving the development site have suitable sight distance of approaching vehicles. The interim planning scheme advises that a minimum Safe Intersection Sight Distance (SISD) for a 50 km/h speed environment is 80 metres.

SISD is based on the operating speed of approaching vehicles to the access and the gradient of the approach. If the operating speed of approaching vehicles is lower, the corresponding SISD requirement is reduced.

Vehicles can approach the development access from two directions, and for vehicles approaching from an easterly direction (from Penna Road) the road alignment is straight, with the operating speed of vehicles expected to be 50 km/h. In the opposite direction, approaching vehicles must negotiate a significant curve in the road alignment on a slight uphill grade, which significantly reduces the operating speed. Based on the geometry of the curve, an operating speed of 30 km/h would be realistic.

Austroads Guide to Road Design part 4a provides guidance on calculating SISD for specific operating speeds, and using a driver's reaction time of 1.5 seconds, plus observation time of 3 seconds, for an uphill gradient of six percent the calculated SISD for 30 km/h is 45 metres.

Available sight distance was measured on-site, based on a driver positioned 1.05 metres above the access surface and an approaching vehicle being 1.2 metres high, the available sight distance looking right is in excess of 150 metres, and looking left 45 metres.

Table 7.5 – Safe Intersection Sight Distance at the driveway access

Direction	Operating speed	Required SISD	Available sight distance	Comment
East (from Penna Rd)	50 km/h	80 metres	150 metres	Compliant
West (around curve)	30 km/h	47 metres	45 metres	Compliant

This assessment found there is sufficient sight distance from the development access based on the prevailing operating speed of approaching vehicles, to enable vehicles to enter and leave the development site in a safe and efficient manner, without adversely impacting other users. The available sight distance from the development access is shown in the following two photographs.



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17



Photograph 7.5A– Available sight distance for a driver looking right when leaving the site



Photograph 7.5B – Available sight distance for a driver looking left when leaving the site



7.6 Access to public transport

The development site is located within close proximity to a public transport route, providing users with an alternative transport mode.



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18

8. Planning scheme

8.1 E5.0 Road and Railway Assets Code

E5.5.1 Existing accesses and junctions

The development site has a single existing access onto McKinly Street, with the childcare facility generating an increase in daily vehicle movements by more than 20 percent, this development must be considered under the performance criteria P3.

Performance criteria	Assessment
To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions:	
a) The increase in traffic caused by the use;	The development is expected to generate an additional 76 daily vehicle movements, with 32 of these expected to occur within the morning and evening two-hour periods.
b) The nature of the traffic generated by the use,	The development is expected to generate light vehicles (less than 5.5 metres in length) associated with urban residential living, and this type of vehicle is compatible with existing vehicles using McKinly Street.
c) The nature and efficiency of the access or junction;	The development site has an existing access onto McKinly Street. There will be sufficient sight distance for the prevailing operating speed of approaching vehicles, so that vehicles can enter and leave the development site in a safe and efficient manner, without impacting other road users.
d) The nature and category of the road;	McKinly Street is a local residential street, constructed to a high urban road standard suitable to accommodate two-way traffic movements, with sufficient width to provide for on-street visitor parking. A recent traffic survey established that McKinly Street is lightly trafficked, and suitable to accommodate additional traffic use.
e) The speed limit and traffic flow of the road;	The speed limit along McKinly Street is the urban default 50 km/h speed limit. This assessment found McKinly Street has sufficient spare traffic capacity to absorb additional vehicle movements generated by the development, with the increase not expected to cause any adverse amenity impact to the surrounding residential properties. Traffic modelling at the Penna Road Intersection found there is sufficient spare traffic capacity, and the additional vehicles can be accommodated without causing any deterioration in level of traffic performance.
f) Any alternative access to a road;	There is no alternative access.
g) The need for the use;	There is limited childcare services within the area, and this childcare facility provides a needed service to the local community.
h) Any traffic impact assessment; and	An independent traffic impact assessment found no reason for this development not to proceed.
i) Any written advice received from the road authority.	Aware of none.



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19



E5.6.4 Sight distance at accesses

The access onto McKinly Street will have sufficient sight distance in both directions for the prevailing operating speed of approaching vehicles, to enable vehicles to enter and leave the development in a safe and efficient manner.

The development meets the acceptable solution under this clause.

8.2 E6.0 Parking and Access Code

E6.6.1 Number of parking spaces

Four dedicated on-site car parking spaces will be provided by the development, with this number of car parking spaces complying with the acceptable solution under the planning scheme.

E6.6.2 Number of accessible parking spaces

The development site will provide four on-site parking spaces and the allocation of one dedicated space for accessible parking would restrict use of the available on-site spaces. The building code specifies for less than five parking spaces the accessible space does not need to be signed.

The management of the child care facility will determine whether one of the on-site parking spaces should be allocated as an accessible parking space, based on the needs of the parents.

E6.6.3 Number of motorcycle parking spaces

The need for motorcycle parking spaces is not required for this development.

E6.6.4 Number of bicycle parking spaces

The need for bicycle parking spaces is not required for this development.



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20

E6.7 Development standards

Development standards	Comment
6.7.1 number of vehicular accesses;	The development will retain one existing access crossover, complying with the acceptable solution.
6.7.2 design of vehicular access;	The existing concrete access will be retained, and already complies with the LGAT standard drawing for an urban street crossover.
6.7.3 vehicular passing areas along an access;	A vehicular passing area is not required, as the access serves less than five on-site parking spaces.
6.7.4 On-site turning;	On-site turning is not required as the development site contains a single dwelling, and McKinly Street carries less than 6,000 vehicles per day.
6.7.5 Layout of parking areas;	The on-site car parking spaces will be designed to comply with the Australian Standards 2890.1:2004, and there will be sufficient manoeuvring area for easy access into and out of the car parking spaces.
6.7.6 Surface treatment of parking areas;	The car parking spaces will be a hard-wearing concrete surface. The gradient of the car parking spaces will be compliant with AS 2890.1:2004, with the gradient being less than five percent, and of sufficient gradient to ensure the surface water drains efficiently.
6.7.7 Lighting of parking areas;	Lighting of the development site is expected to meet the acceptable solution.
6.7.8 Landscaping of parking areas;	A landscaping plan will be part of the development application.
6.7.9 Design of Motorcycle parking areas;	Not required.
6.7.10 Design of Bicycle Parking facilities;	Not required.
6.7.11 Bicycle end of trip facilities;	Not required.
6.7.12 Siting of car parking;	Not applicable for a general residential zone.
6.7.13 Facilities for commercial vehicles;	Not required.
6.7.14 Access to road.	Standard cross over already exist at the development site.



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21



9. Conclusion

From a traffic engineering and road safety perspective, additional vehicle movements generated by this development is not expected to create any adverse safety or traffic impact, as:

- the amount of traffic expected to be generated during the peak hour periods is low, and there is sufficient capacity within the surrounding street network to absorb the extra vehicle movements, without adversely impacting other users or residential amenity,
- drivers will have adequate available sight distance in both directions for the prevailing speed of vehicles approaching the access, with drivers able to enter and leave the development site in a safe and efficient manner,
- while the facility will generate an on-street visitor parking demand, the number of visitor vehicles arriving at the same time is unlikely to exceed two vehicles, and there is sufficient supply of on-street parking directly outside the development site to accommodate the predicted demand, minimising adverse impact to surrounding properties.

This traffic impact assessment found no reason for this development not to proceed.



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22



10. Appendix A – Traffic modelling

Existing traffic conditions for intersection of McKinly Street and Penna Road

MOVEMENT SUMMARY
 ▾ Site: 101 [McKinly and Penna Morning peak existing]

New Site
 Site Category: (None)
 Giveaway / Yield (Two-Way)

Movement Performance - Vehicles									
Mov ID	Turn	Demand	Flow	HV %	Deg. Satn	Average Delay	Level of Service	95% Back of Queue	Distance
		Total veh/h			wtc	sec		Vehicles/veh	m
South: Penna Road (from highway)									
1	L2	5	0.0	0.054		6.3	LOS A	0.1	0.4
2	T1	92	0.0	0.054		0.1	LOS A	0.1	0.4
3	R2	5	0.0	0.054		6.7	LOS A	0.1	0.4
Approach		102	0.0	0.054		0.8	NA	0.1	0.4
East: Darwin Street									
4	L2	32	0.0	0.031		6.7	LOS A	0.1	0.8
5	T1	1	0.0	0.031		6.2	LOS A	0.1	0.8
6	R2	2	0.0	0.031		8.0	LOS A	0.1	0.8
Approach		35	0.0	0.031		6.8	LOS A	0.1	0.8
North: Penna Road									
7	L2	2	0.0	0.181		5.8	LOS A	0.0	0.3
8	T1	346	0.0	0.181		0.0	LOS A	0.0	0.3
9	R2	4	0.0	0.181		5.8	LOS A	0.0	0.3
Approach		353	0.0	0.181		0.1	NA	0.0	0.3
West: McKinly Street									
10	L2	2	0.0	0.050		5.8	LOS A	0.2	1.2
11	T1	1	0.0	0.050		6.2	LOS A	0.2	1.2
12	R2	32	0.0	0.050		8.3	LOS A	0.2	1.2
Approach		35	0.0	0.050		8.1	LOS A	0.2	1.2
All Vehicles		524	0.0	0.181		1.2	NA	0.2	1.2

Predicted traffic conditions with additional development trips

MOVEMENT SUMMARY
 ▾ Site: 101 [McKinly and Penna Morning peak existing with development trips]

New Site
 Site Category: (None)
 Giveaway / Yield (Two-Way)

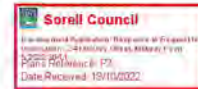
Movement Performance - Vehicles									
Mov ID	Turn	Demand	Flow	HV %	Deg. Satn	Average Delay	Level of Service	95% Back of Queue	Distance
		Total veh/h			wtc	sec		Vehicles/veh	m
South: Penna Road (from highway)									
1	L2	15	0.0	0.059		5.9	LOS A	0.1	0.4
2	T1	92	0.0	0.059		0.1	LOS A	0.1	0.4
3	R2	5	0.0	0.059		6.7	LOS A	0.1	0.4
Approach		112	0.0	0.059		1.2	NA	0.1	0.4
East: Darwin Street									
4	L2	32	0.0	0.031		6.7	LOS A	0.1	0.8
5	T1	1	0.0	0.031		6.3	LOS A	0.1	0.8
6	R2	2	0.0	0.031		8.1	LOS A	0.1	0.8
Approach		35	0.0	0.031		6.8	LOS A	0.1	0.8
North: Penna Road									
7	L2	2	0.0	0.186		5.9	LOS A	0.1	0.6
8	T1	346	0.0	0.186		0.0	LOS A	0.1	0.6
9	R2	12	0.0	0.186		5.8	LOS A	0.1	0.6
Approach		360	0.0	0.186		0.2	NA	0.1	0.6
West: McKinly Street									
10	L2	3	0.0	0.073		5.8	LOS A	0.2	1.7
11	T1	1	0.0	0.073		6.4	LOS A	0.2	1.7
12	R2	45	0.0	0.073		8.5	LOS A	0.2	1.7
Approach		49	0.0	0.073		8.3	LOS A	0.2	1.7
All Vehicles		556	0.0	0.186		1.5	NA	0.2	1.7



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Sorell Council
PO Box 126
47 Cole Street
Sorell, TAS 7172



18 October 2022
Your reference: DA 2022/304-1

RE: DA 2022 / 304 – 1 – EDUCATIONAL AND OCCASIONAL CARE (CHANGE OF USE) AT 24 MCKINLY STREET, MIDWAY POINT FOR D J & S C GRANNETT

Please see below for a response to the request for information from Council dated 13 October 2022 regarding the proposed change of use at 24 McKinly Street.

The following points have been addressed:

Engineering:

1. Provide an amended site plan showing the existing access as upgraded to be compliant with LGAT standard drawing TSD-R09-v3 in accordance with Clause E6.7.2 and E6.7.14 of the Sorell Interim Planning Scheme 2015.

Response:

The site plan has been amended to include a callout referencing compliance with TSD-R09-v3.

2. Provide an amended site plan showing the accessibility space as required in the BCA, including the adjacent shared area with appropriate line marking and a bollard to meet the acceptable solution of Clause E6.6.2 of the scheme, or demonstrate that the accessibility space is not required.

Response:

The site plan has been amended to include the location of the accessibility space referencing compliance with the grade and dimension requirements of AS2890.6:2009. Part D3.5 (d) of the BCA notes – "Accessible carparking spaces – need not be identified with signage where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability". As such there is no proposed signage or restrictions to the parking spaces noted in the site plan and the proposed site plan meets the requirements of the BCA.

3. Provide an amended site plan showing the pedestrian and accessibility access facilities to the entrance in accordance with E6.6.2 and E6.7.5 of the scheme.

Response:

The site plan has been amended to include the existing accessway to the proposed main entrance of the building. All existing grades and dimensions are in accordance with the requirements of the BCA.

4. Provide an amended car parking layout compliant with AS 2890.1:2004 as stated in the traffic impact assessment to comply with Clause E6.7.5 of the scheme.

Response:

The site plan has been amended to include a callout referencing the requirements of AS2890.1:2004. The existing grades on site are less than 5% and the requirements of the AS2890.1 can be met without detailed design.





5. Provide a lighting and landscaping plan as stated in the traffic impact assessment to comply with Clause E6.7.7 and E6.7.8 of the scheme.

Response:

As noted in the traffic impact assessment and site plan; four parking spaces are to be provided on site. The acceptable solutions of E6.7.7 and E6.7.8 lighting and landscaping is to be provided for areas serving 5 or more car parking spaces. As such no lighting or landscaping plans have been provided.

6. Provide a stormwater drainage plan and demonstrate that stormwater runoff post development is no greater than the runoff pre development for a 5% AEP event to enable assessment under Code E7.0 of the scheme.

Response:

As noted in the traffic impact assessment and site plan; four parking spaces are to be provided on site, with a total impervious driveway area of less than 100m². The state stormwater strategy sets out stormwater management targets for developments that create 500m² or greater of additional impervious surface. The acceptable solutions of clause E7.7.1 A2 notes WSUD principles must be incorporated for areas greater than 600m² or provides parking for more than 6 cars. In both instances stormwater management is not required and as such has not been provided.

The existing dwelling has a kerb outlet for stormwater from site located adjacent the south western boundary and it is impractical to collect stormwater from the new impervious area to send to the kerb outlet due to grades and cover on site. Furthermore, any additional runoff from site from the impervious area is considered negligible. As such no new drainage works have been proposed. The site plan has been amended to include the location of the existing stormwater kerb outlet.

7. Where relevant, provide a written submission in support of any performance criteria relied upon under E7.0.

Response:

Refer to the response to point 6. Above.

Yours sincerely,

Dean Grannetia

10/13/23, 9:35 AM

Email - Orenda Circle - Outlook

Fwd: Performance Based Design Brief - 24 Mckinly St

Dean Grannetia <dean@jsa.com.au>

Fri 13/10/2023 09:34

To: orendacircle@outlook.com <orendacircle@outlook.com>

From: Hayley Couper <hayley@bstas.com.au>**Date:** 13 September 2023 at 8:23:09 am AEST**Subject:** RE: Performance Based Design Brief - 24 Mckinly St

Hi Dean,

Thank you for the email.

The Building Surveyor agrees to the proposed scope of the PBDB for this change of use from a 1a to a 9b Childcare Centre.

Sorry for the delay in our response. Please forward all future communication to hayley@bstas.com.au and admin@bstas.com.au – Stefan is no longer involved in this project.

We agree to the proposed scope of the PBDB for this change of use from a 1a to a 9b Childcare Centre.

I will send the Form 10 referral to the Education Function Control in my next email.

Thank you

Hayley Couper

Assistant Building Surveyor

Building Surveying Tasmania

1A Cambridge Road, BELLERIVE TAS 7018

P: 03 6231 9070

E: hayley@bstas.com.au**From:** Dean Grannetia <dean@jsa.com.au>**Sent:** Tuesday, September 12, 2023 2:35 PM**To:** Hayley Couper <hayley@bstas.com.au>**Subject:** FW: Performance Based Design Brief - 24 Mckinly St

Good afternoon Hayley,

Thanks for meeting with me this morning.

Could you please respond to Michael Small's email below and also get the form 10 attached, signed and back to me so that we can get ECU started with their review?

Kind Regards,

Dean Grannetia

Civil Engineer BE MIEAust.[<image001.jpg>](#)

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10/13/23, 9:35 AM

Email - Orenda Circle - Outlook

O: 121 Sandy Bay Road, Sandy Bay
 T: (03) 6240 9911
 D: (03) 6240 9915
 M: 0448 020 491

[<image002.jpg>](#)

Our office is open from 8am to 4pm Mon to Fri inclusive.

From: Michael Small <michael@equalitybuilding.com.au>
Sent: Tuesday, August 29, 2023 9:40 AM
To: Robert Beadle <robert@jsa.com.au>; xavier@dwadesign.com.au; Dean Grannetta <dean@jsa.com.au>; stefan@bstas.com.au
Cc: admin@bstas.com.au; Michael Small <michael@equalitybuilding.com.au>
Subject: Performance Based Design Brief - 24 Mckinly St

I have been asked to prepare a Performance Solution report in relation to the the development at 24 Mckinly Street, Midway Point.

As part of the development of a Performance Solution report I am required to prepare this Performance-based Design Brief (PBDB) to inform all stakeholders of:

- the scope of building work
- the scope of the Performance Solution proposal
- the applicable mandatory Performance Requirements
- proposed acceptance criteria
- the proposed assessment method, and
- scope of evidence

All stakeholders must agree on the scope and approach proposed in the PBDB which will be included in the final report.

Scope of building work

The project involves the change in use of an existing Class 1a building to a Class 9b building to be used as a child care centre.

Scope of Performance Solution proposal

The Deemed-to-Satisfy requirements for a new building of this type would require the provision of Deemed-to-Satisfy circulation requirements for the accessible unisex toilet, doorway circulation and accessible parking. In this case the following elements would not meet the Deemed-to-Satisfy requirements:

- The layout of the accessible parking space
- The width of the accessible unisex toilet
- The clear doorway opening to the office
- The latch side clearance on the sliding door from the open space and sanitary facilities

These are the subject of the proposed Performance Solution approach.

Applicable Performance Requirements

D1P1 states that:

Access must be provided, to the degree necessary, to enable:



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10/13/23, 9:35 AM

Email - Oranda Circle - Outlook

- (a) people to:
 - (i) approach the building from the road boundary and from any accessible car parking space associated with the building, and
 - (ii) approach the building from any accessible associated building, and
 - (iii) access work and public spaces, accommodation and facilities for personal hygiene, and
- (b) identification of accessways at appropriate locations which are easy to find.

F4P1 states that:

Suitable sanitary facilities for personal hygiene must be provided in a convenient location within or associated with a building, to the degree necessary, appropriate to:

- (a) the function or use of the building; and
- (b) the number and gender of the occupants; and
- (c) the disability or other particular needs of the occupants.

D4D6 states:

Accessible car parking requires accessible car parking spaces to comply with AS 2890.6, however, the space need not be identified with signage where there is a total of not more than 5 carparking spaces.

Proposed acceptance criteria

The proposed acceptance criteria is that given the use of the building and likely occupants the approach will not result in a barrier to access to and use of the building for people with mobility disability.

Proposed assessment method

The report will rely on an Expert Judgement as allowed under NCC A2G2 2(c). The final report will provide details of expertise and experience.

Scope of evidence

The Performance Solution report will consider the purpose of the Deemed-to-Satisfy requirements, the use of the building and the effect of the approach on likely users.

In order to proceed with the development of a Performance Solution report I require your acknowledgement of receipt of this brief and, if in agreement, your support for me to develop a report.

Michael Small
Director
Equality Building

574 Nelson Road, Mt Nelson, Tas 7007
w: 0400 577 991
e: michael@equalitybuilding.com.au

<image004.jpg>



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10/13/23, 9:35 AM

Email - Orenda Circle - Outlook

I acknowledge that I live and work on Aboriginal land, land of the palawa people of lutruwita (Tasmania).
I pay my respects to elders past and present, and to the emerging leaders who continue the work of caring for country and fighting for rights and recognition.

Pronouns: he/him/his

<image005.png>



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24 Mckinly St Midway Point

Floor plan for child care centre.



Living room :
 Childrens play space

Garage:
 Storage.

Bedroom 1:
 Childrens play space

Kitchen:
 Storage of lunch boxes. heating of
 educators and children food.

Bedroom 2:
 Office

Bathroom:
 nappy change, hand washing, toileting
 for children and adults

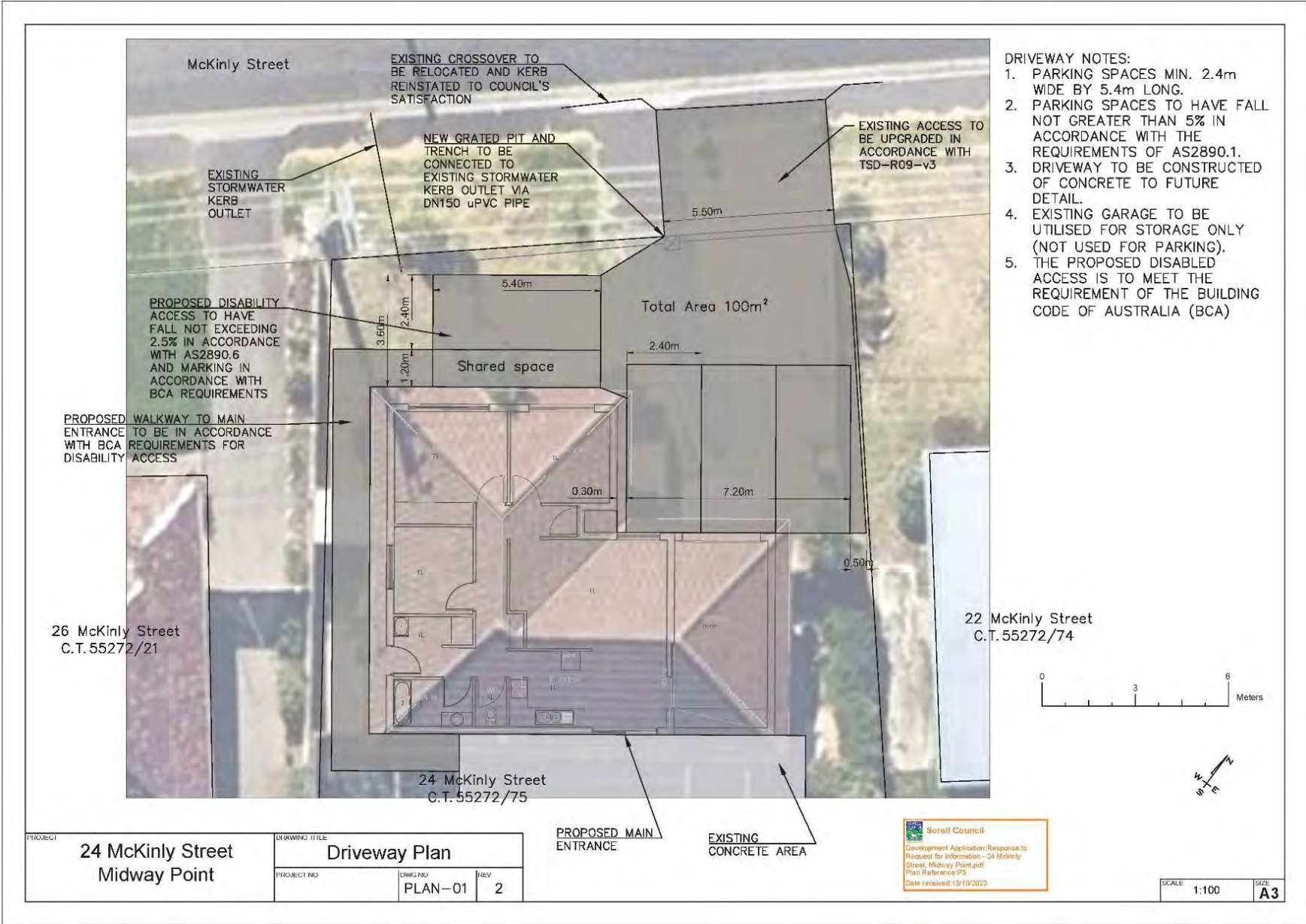
Bedroom 3:
 childrens sleep room

Front yard:
 Parking x4 cars

Deck:
 staff seating area

Back yard:
 Childrens play space.

Laundry: Washing of bedding.



Representation by
an Education and Occasional Care Centre.

Point against allowing 24 Mckinly St to be used as

I would like initially to highlight several areas of the application that we believe have not been filled out as per the form indicates and that the Council staff on several occasions have glossed over and declined to take what we consider appropriate action. We believe that the application should have been withdrawn, sent back to the applicants and made to be re-submitted.

In our opinion sections 5 and 8 have glaring deficiencies in them, that is they have been left vacant or a N/A has been put in.

5. LIST OF OTHER COMMONWEALTH, STATE OR LOCAL GOVERNMENT APPROVALS REQUIRED BEFORE THE ACTIVITY CAN COMMENCE

As we understand it the State Government Education unit has to inspect the property and approve it for the specified use, isn't this what this question asks?.

8. DESCRIPTION OF PROPOSED DEVELOPMENT

Under this section several sub sections that should have responses have been neglected.

Section

b) State when it is intended that the development will begin and when it is expected that it will be completed. If the development is to be conducted in stages please describe the stages and the timing of each. The boundaries of each stage and the maximum extent of operations should be included on the site plan

They have put in N/A when they should have some plan formulated , it has already been 18 months since the original request was lodged and still nothing significant has happened , how long do we the opposing residents have to be held captive to the developers to make up their mind about commencing work ?

c) Briefly describe any site preparation that will be necessary. If clearing of existing vegetation is required, describe the vegetation to be cleared. State whether there are any known ecological, historical or archaeological features which will be affected.

Again, a N/A answer when in fact the application shows they will be doing work to facilitate the car parking that will require site preparation. As well it can be seen that the carparking will infringe on the existing front door entry to the property which I believe will require work to be done to allow an alternative entry (possibly up the far side of the house) this will require work along that boundary which is not mentioned.

d) Briefly describe the nature of the activity to be carried out, (major processes etc.) And the main items of equipment to be used, referring to their location on the site plan.

Again N/A. From the application the parking area will be concreted so there will be activity.

The building is in good condition and will only require minor alterations including fencing, access ramp and Driveway extension to meet the requirements of the Education and Care services National Regulations.

I would beg to differ on this statement.

Again, I believe the applicants have been deficient in the information provided, this statement proves that additional approval is necessary that they do not mention in Section 5.

From my understanding of the existing building the existing windows will require a fair amount of remedial work or replacement to be compliant.

The access ramp will have to be a new ramp aligned with the reworked major access along the side of the house.

I would envisage that the kitchen and toilet areas at least would require significant work.

Re the car parking as per the Standards is there the required 300mm clearance beside the vehicles and the adjoining neighbor's fence and the buildings wall?

Is the carparking for the carers or drop off and pick up? If the carers have to park on the road then this will impact on the drop off and pick up traffic, local residents' access to street parking for visitors as well as impacting on the visibility of vehicles coming around the bend.

Re the noise mimicking a normal residence, I find this ludicrous, how can 17 children sound like 4 or 5 that may be a normal residential number of children?.

In summary as per my previous objection, this proposal is so way out of character for this area that I do not understand how a planning approval can be given based on common sense.

I also believe that the change of use will reduce the property values of surrounding homes.

I trust that the Council and planners will rethink their previous approval and at least decline to allow the increase in child number if not withdraw the approval totally. Everyone knew initially that the original application was not viable for just 5 children and that it was done to just get a foot in the door with the intention to expand on the application at a future date.

From:
To: [Sorell Council](#)
Subject: 5.2022.304.1 Development Application – 24 McKinly Street, Midway Point – Representation
Date: Saturday, 4 November 2023 9:13:48 PM

Dear General Manager,

I am emailing in relation to the planning application for change of use at 24 McKinly Street to create a childcare centre.

I am concerned that the noise from the property will impact on the quiet enjoyment of the residential neighbourhood. McKinly Street is a quiet residential street and houses are close together, including houses around 24 McKinly Street.

The development application refers to noise levels being the same as a residential property. The proposal indicates that there will be 17 children and 4 staff on site during business hours during the week. There are not too many residential properties that have 21 people with 17 children on site 5 days a week. The noise levels are going to be much higher than a residential property and the application does not adequately cover how noise will be managed.

I believe that without noise levels being appropriately covered in the application, the application should not be approved.

Yours Sincerely,

From:
To: [Sorell Council](#)
Subject: Representation re Development Application 24 McKinly Street, Midway Point
Date: Thursday, 9 November 2023 4:03:42 PM

General Manager
PO Box 126, Sorell 7172
(47 Cole Street, Sorell)
sorell.council@sorell.tas.gov.au

Dear Sir

Wish to make representation ***AGAIN*** against the proposed development application at 24 McKinly Street Midway Point, namely the INTENSIFICATION OF APPROVED USE FOR EDUCATION AND OCCASIONAL CARE.

As pointed out initially, traffic movements up and down McKinly Street make it quite busy. Children are quite often playing around this area, and with the sharp corner at the bottom of McKinly Street, cars travelling up the street already have to be careful of children riding bikes. To now increase the number of both children and cars to this area, makes it very unsafe for the children who use the space now, let alone three times the previous numbers, foisting a decision that brings greater risk to their safety in our opinion.

Again, as stated previously, we see no good reason to licence a Childcare Centre in residential McKinly Street, as it is, totally unsuitable for this type of activity. There is a perfectly good Childcare Centre in Penna Road, and if more room is needed to accommodate children, then maybe Council should look at expanding this facility, rather than approving this totally unsuitable proposal for McKinly Street. Even more so is this true with the opening of the large centre in Sorell which is not functioning at full capacity.

Kind Regards

Sorell Council
47 Cole Street,
Sorell TAS 7172

To the General Manager,

This is our representation against the Change of Use from Residential to Educational and Occasional Care – Childcare Centre, at 24 Mckinly Street, Midway Point.

Firstly we would like to point out that the Traffic Impact Assessment that was prepared by Peter Hubble was very one sided towards the applicant.

The parking is very tight. The TIA says the parking is Class 1A – staff parking. This suggests that the 4 spaces are for staff only. Then all drop off and pick up must rely on on-street parking. This will ultimately cause the street to be more congested than it already is.

Access out of the spaces requires a complex reversing manoeuvre through a driveway that is only designed for a single dwelling. This may cause cars to be reversing onto each other.

We don't believe that the parking on-site will only be used for staff, as parents will park in there as well, if possible. (they are only human and will try and get as close to the drop off point as possible, especially in bad weather)

Also given that vehicles exiting the car park will be reversing onto the road any vehicle wanting to enter will have to wait for the manoeuvre to be completed right near a sharp bend.

The TIA also refers to a childcare facility with 50 children, but doesn't say where it is so how does this relate to this one and the traffic and road conditions in Mckinly Street. Is it in a residential street on a sharp bend??

We have spoken to Scott Morgan from Tas Fire Service (scott.morgan@fire.tas.gov.au) and he has had a look at the proposed parking which is blocking the front entrance, the garage and side pathway to the rear

of the property. He highly recommends that there should be a metre pathway to the street. If there is a fire in the house there is only one appropriate exit from the building. Which we believe is defiantly not ideal for a Childcare Centre with 17 children plus staff, when at least a 1/3 of the children may not be able to walk. The staff cars parked all day will be obstructing the exit way.

Point 4. Of the TIA, [Trip generation by this development](#) says the existing residential dwelling is already generating seven daily trips, with one of these trips generated in each of the peak hour periods. This is a false statement as the property only has one car and it leaves in the morning and returns in the evening resulting in only 2 trips per day.

7.4 of the TIA says Business hours for the proposed Childcare facility will be 8:00am – 5:30pm weekdays, with the facility predicted to generate an on-street visitor parking demand. The assessment predicts visitor vehicles are likely to be spread throughout the morning and evening peak periods, with more than two visitor vehicles unlikely to arrive concurrently. How can he predict this when he has only done an assessment for up to 6 hours in the middle of the day. This is simply hearsay and we believe this has been glorified to suit the applicant.

Traffic information from a resident of View Street, Midway Point. When Dell's play centre was running approximately 20 years ago, next to his property he said that cars were continuously being parked over his driveway. Cars now are much bigger and there is much more traffic on the roads. I know this isn't relevant to this DA, but we are just trying to give Council some perspective as to what will happen.

The TIA was done in September 2022, since then and also going forward there has and will be more developments resulting in a lot more houses being built e.g the Peninsula development on Penna Road which will cause a lot more traffic.

We feel that i Council has a duty of care to the safety of the children that will be attending this Childcare Centre regardless of any planning guidelines which may have been met.

We have spoken to Lady Gowrie Midway Point as well as Lady Gowrie Penna Road and both facilities currently have vacancies for children aged 6 weeks to 5 years. So we believe, while we are definitely not against there being more child care, that there is not a huge shortage of places in Midway Point and Sorell for this Childcare Centre to be of such importance to our community, in a residential street.

We hope that you will take our concerns into consideration, and that if this DA isn't going to go to a SPA meeting, as was the case with the applicants previous application, that we will be notified appropriately as to why this is the case.

Thank you for your time

Kind regards

From:
To: [Sorell Council](#)
Subject: 24 MCKINLY ST, MIDWAY POINT
Date: Monday, 13 November 2023 10:23:48 AM

TO THE GENERAL MANAGER,

Good Morning, I would like to make a Representation in regard to the Planning Application in place for a Child Care Facility at the above address.

While I completely understand that the growth of this area may see the need for additional Child Care Places, this address is not the place for it. It is in a residential street with no parking nor any scope to provide extra space other than a couple maybe for staff in the actual driveway. With 17 placements within the centre available, a lot of additional traffic would be created. I do not think that it can be argued that the drop offs and pick ups would not occur all at the same time. How could you possibly know that. I work in Harrington St a block away from St Mary's College and parents doing drop offs and collections are usually on a tight schedule and despite there being quite a large dedicated area for this, they constantly ignore basic road rules not to mention plain courtesy and will always park over driveways etc. causing conflict and angst with local residents. I am also concerned at the T crossing at the junction of McKinly and Brady St. I was involved in a head on there 2 years ago as I was turning into McKinly and the other party did not give way. I believe a property of this size and in this particular area is definitely not suitable. While I appreciate that it was purpose built many years ago, the new upgraded Lady Gowrie Centre on the corner of Penna Rd and Barilla Crt is a great example of the size required of both the facility and the parking. I hope that you will take my Representation into consideration.

kind regards

13th November 2023

Submitted prior to Close of Business.

Dear General Manager, Sorell Council.

We are writing in response to the proposed application:

INTENSIFICATION OF APPROVED USE FOR EDUCATION AND OCCASIONAL CARE

Application No 5.2022.304.1

24 McKinly Street, Midway Point.

We do not support this application and hold great concerns for the limitations of safety in regards to this activity in the area and increased traffic that will permanently change the landscape for the rate payers of the area.

- **Currently classified as a Class 1 residential building:** this building will need to be upgraded to the Class 9, more specifically, 9b, to run a childcare centre as per the National Construction Code (NCC).

Over the weekend dated 11 and 12 November 2023 works started on the property. It is our understanding that the owners are aware they need to upgrade the building to a Class 9 Standard, a condition of their Child Care license yet to be provided to them for either 8 or 17 children. Significant amounts of plasterboard were seen to be removed from the inside of the building. No building works permits have been submitted to our knowledge nor given by Council. It would appear the works are commencing ahead of the this outcome.

It is noted as part of the public information noted in the submission to Council – see email chain dated 13th September 2023 between one of the applicants, Dean Grannetia and Michael Small from Equality Building. This confirms that this building will need to be amended from a Class 1 to a Class 9 building. There are no plans yet made available as to this in this planning process. It is necessary for full disclosure for this to be provided as part of the scope of Council and residents to be in a position to comment. The current information only presents old information and traffic related matters.

To meet Class 9 a building does need to satisfy disability parking – this is stated yet not addressed – an oversight of council to not require this or the applicants to address prior to public consultation.

Whether disability parking needs to be signed or not, this must be addressed now.

If Council approve this application based on a September 2023 Traffic Impact Assessment (TIA) without reference to the overlay this has to meeting standards you are not giving suitable effect to transparent information nor able to adequately assess this request for an increase to 17 children.

This is a fundamental design matter than needs consideration prior to approval despite being a building matter for approvals, as the application is based on parking for a residential class building not proposed appropriate class building to allow a 17 place childcare centre.

Where are the total project plans, at least in draft form, so that the whole project can be assessed on the merits of the impact from 8 to 17 children. This is a piece meal planning application with various information provided that is now outdated. It is in our view then not consistent with the

requirements of planning as it stands now, despite how the delays have come about, to submit public information that is simply not accurate/reflective of the hear and now.

Just providing traffic impact statement that is dated September 2022, without the development of other pertinent information is at council's discretion to have allowed this application to come before it and be publicised. It is in the communities' interests for Council to ensure it is representing the community and taking into consideration those of us who reside, permanently in the area and will be affected by this development from 8 to 17.

<https://www.abcb.gov.au/sites/default/files/resources/2022/UTNCC-Building-classifications.PDF>

- **Current permit expires within approx. 14 weeks** and noted that substantial works would be progressed between date of approval 7 February 20223 and now.

No works had been commented until the weekend just gone – the property was tenanted until a few days ago.

The works required have not commenced to reasonably meet the requirement noted by Councils permit to have make effort to substantial works to make the grounds of the original permit applicable? It was always a requirement that the building would be upgraded from Class 1 to Class 9 requirements, no works it appears until an email dated Sept 2023 has been commenced to show progress.

- **Current Traffic Impact Assessment (TIA) is based on only a B85 sized (see 7.2) vehicle and not also inclusive of B99:** so this parking proposal then totally excludes accessibility sized vehicles in consideration of its proposal regardless of whether it needs to be marked or not or average Australian vehicles and also other standard Australian sized vehicles in regards to parking.

All the 4 proposed spots then are quarriable as to the level of scope to meet B99 classification which is as noted below are common vehicles in Australia and typically noted in a TIA.

This parking TIA is flawed in our view in that it has selected only one of two common parking options regarding its proposal for parking on site and recommend council seek clarity on all components of onsite and offsite parking in relation to the requirements for parking for standards Australia vehicles of B85 and B99. Council only needs look out their window and see that B99 is very common and should seek for an amended and updated TIA to show both class vehicles are represented, , along with disability access for both on site staff and off site customer parking.

<https://www.drive.com.au/caradvice/how-big-are-car-parking-spaces-australia/>

"The standard method to set the design benchmark is to carry out a statistical analysis of a representative sample of all vehicles registered in Australia and New Zealand," a Standards Australia spokesperson explained. The authority uses two kinds of general vehicle classes – codenamed B85 and B99 – to determine spatial requirements. "These vehicles are not specific makes/models, but close in dimensions to a large family sedan (e.g. Holden Commodore/Ford Falcon) for B85 and a dual-cab utility vehicle (e.g. Toyota HiLux/Nissan Navara) for B99. "We then design car spaces to ensure that B85 vehicles fit comfortably and B99 vehicles still fit with minimum clearances."

- **Accessibility considerations:** Accessibility considerations ensure safe and equal access for all users, including disabled parking.

So, 4 parks are required as noted in the TIA to meet an acceptable solution under the planning scheme, but so is disability access required which requires wider access and also means to ensure safe entry and exit of this disability park under the Australian Standards. That is obvious.

I also query the confusion nature of this application which indicates it requires 4 staff parking needs but also requires 1 disability space required so how does 4 plus 1 equal 4 – it does not it is 5 spaces – 4 for staff and 1 for disability (marked or not it is required). Council will not be making to our knowledge provision of a special disability park on street.

This would suggest the parking is inadequate and requires 5 parks in total as the disability park can not be customer parking for staff but then also mixed for disability. This is an apparent flaw in the parking design provided.

still equal 4 parks? Does that not show that 5 spaces are required? And if 5 spaces are required then the parking plans dated between Sept 2022 TIA and the parking plan Driveway Plan, stamped by Council 13 October 2023 do no longer apply.

Also, to note of the attached public information towards the end of the document submission is this email dated 13 September 2023 that outlines that Michael Small from Equality Building notes that the **layout of the accessible parking space does not meet** the 'deem to satisfy requirements. There is no alternative proposed that does that I can find so how can an application be approved on the basis of non-compliance?

Disability access is covered by the Disability Discrimination Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010, accessibility regulations outline important factors such as the minimum number of accessible parking spaces, their location, required space dimensions, access routes, and more. Whilst it reads that this access space does not need to meet signage there are mixed parking uses here being intertwined to address to separate matters, 1 that 4 spaces on site are required and then an accessible option required – does that not make 5 not 4 spaces? There is certainly not safe provision on the street for accessibility requirements and would appear not enough space on site for 4 spaces and disability – this needs to be clarified and disability access taken into consideration for it is required under the Class9 code.

In addition, the email states that **provision must be made for safe access from the road boundary**. There is no mention or showing at all that there is any pathway or access other than onsite parking from the road boundary - the provision of plans provided are simply all car parks. How and where do pedestrians get onto the site from the proposed offsite parking? They must then navigate staff parking spaces to get to the pathway provided. This does not to our knowledge meet standards of Class 9 Buildings nor safe access to a commercial building etc.

We are talking about children ages 0 to 5 years who will absolutely rely solely on their care giver for access onsite – this is not addressed in parking and safe walkways.

In an emergency all 17 children will also require assistance to evacuate – a requirement of the Child Care License but also of the Class 9 building to address e.g. where is the intended emergency point going to be when all of the buildings entry and exit are going to be from the rear or side.

is simply unsatisfactory that this matter is even being entertained to try to get parking across the line for not providing safe access and providing a building plan for a class 9 building upgrade to show these requirements.

This applies be in 8 or 17 children – with risk exponentially increasing at 17.

The submitted TIA indicates that finding the access is easy to find! The diagrams however provided show clearly the 'easy to find' is navigating between car spaces where only one aspect shows 1.2 metres wide after you have navigated the car park!

- **The driveway plan provided clearly does not have the allowance of 0.3m from all walls including fences as required as an Australian Standard.**

You can clearly see this noncompliance on their attached driveway plan, one of the 2nd last documents to be presented in this submission that Council stamped - Driveway Plans dated 10 October 2023 received.

Only some of the way along is there scope with the neighbours fence and no provision is made for the distance from the side way of the existing structure where the current front door is.

Despite this obvious flaw the owners over the weekend of 11th and 12th November/or those they have engaged have started works which appears to relate to starting preparation works by removing the front decking to make way for a car park that is not compliant at this time to what it needs to be.

Do they intend to ignore the need for the distance required as per standards and other standards to make this application workable.

I am seeking Councils response prior to the approval for this increase to 17 children for more transparent and adequate information to be provided.

- **Confusion of the proposed TIA and plan submitted for parking**, which indicates that the bitumen would be left as existing 3 metres and then shows that it will be increased to 5.5 metres wide – their documentations contradict each other e.g. Stamped 13th October 2023 there is clearly new works on the driveway required that the former TIA stated was not going to change. Which one is it?

This does not match up and there is inconsistent advice and information here.

- **The TIA is outdated to current circumstances as it was dated September 2022** and is not current and now relevant to the current arrangements seeking an increase over 1 year later nor any information provided to show a new updated plan or details.

Traffic has and is increasing rapidly in the area now subdivisions are ready for building and the new Childcare Centre has gone in (which also means we now have two in the area not one referred to only). The lag in the developers' provision of information is clearly showing as the information being provided is mismatched to the development needs as it stands today including traffic impact and disability access based on now – not over 12 months ago prior to the inclusion of more traffic with the new 100 child care placement of Lady Gowrie in Penna.

- **The TIA indicates the parking onsite should be classed as Class 3 parking, short term, which requires a minimum width of 2.6 metres.**

This space is not catered for in current plans stating parking is 2.4 metres including the disability access - so would not meet Australian Standards. This must not be ignored and needs to be addressed. You can't have staff parking as staff parking and then not assess it as so and meet the requirements.

- **According to the TIA Customer parking is, based on the Class 1A Staff parking onsite proposed, all on street. Again this doesn't match up.**
- **Safe access for customers from the street is only granted with one footpath on the street.**
- **Access is assumed to be presented as if the 'customers' will now have full and exclusive access to on street parking – this does not allow for residents to use the same space and implies ownership of a shared street space.**

There is currently no footpath on the opposite side of the road to this development. Is this safe for Council to be provided only grassed verges to have customers, arrive to. The TIA indicates worst case scenario is not 17 cars with 17 individual children. Would this not be the worst case to be assessed against and if so then within the hours of likely morning and evening peak as indicated show that the street simply could not cater for 17 off site parks that may occur at or around the same time. This increased the peak traffic substantially.

In addition the proposal appears to indicate that the 'customer on street parking' is for their customers. This does not take into account the residents, ratepayers who need this access also.

The TIA is clearly reflective of the narrative the applications want to present but is not addressing the residents and visitors and their needs to make a reasonable conclusion.

- **The TIA indicated that it is 'unlikely there will be more than 2 visitors' vehicles arrive concurrently at anyone time. With peak periods however noted this will not be the case.**

Unlikely is a highly subjective statement to make. The TIA provided indicates they have 'worst case assessed' using less than worst case which would be 17 vehicles at any one time.

It is a statement grounded again in our view to present a narrative for the development and not be to the development and communities interested to properly assess things.

Worst case scenario is that 17 placements have 17 vehicles and then would it not be reasonable to show this impact.

- **Council will need to ensure line markings for clearly showing exclusion parking areas for safety.**

There will need to be exclusion zones (we know them as the yellow lines) clearly marked to ensure safety in the area.

This should already be the case, but as a normal residential area has not had this level of proposed increased traffic impact where this will be critical for everyone's safety for this to be highlighted.

There are no line markings within any of McKinly Street or Brady Street. This will need to occur and at the bend of McKinly and this is predicted then to take out at least one of their proposed customer spots right outside 24 McKinly Street in order to cater for the width required to allow 2 vehicles on a blind or inadequately visioned bend to be accommodated.

I understand there should be 10 metres exclusion at the top of McKinly on both sides of the road where you come in from Penna Road.

And in addition, suitable markings of no less than 10 metres on both sides of the bend of McKinly – again taking away one of their proposed spots.

In addition markings in Brady Street onto McKinly Street of up to 10 metres from the corners on both McKinly and Brady, with the addition of further line markings on McKinly to allow for cars to safely enter Brady Street with safe visual.

These changes will take currently used offsite parking away from this proposal.

The street is simply not able to cater for two cars parking side by side and for cars to pass each other – the only way this can work is for cars to give way – that would be a serious failing if giving way has to occur where Penna Rd meets McKinly and the information in the TIA does not realistically address all of this e.g. making recommendations to ensure that cars can safely access and exit.

Cars if all available on street parking is used will not be safe for the whole community == someone will have to give way to someone. This is not addressed in the standards of the TIA to meet safe alternatives. The entry or exit on Brady Street to Penna Road is a clear hazard due to reduced visibility which has not been addressed.

What is left after all the required exclusions are made is barely any parking between the point of entering McKinly at Penna Road to the second corner of McKinly Street and around the development.

It does not stack up and any accidents, injuries or deaths re likely if the traffic flow is not safely excluded.

This is being raised as Council have at their discretion the opportunity to have an impartial TIA done to review the current situation in today's situations and ensure that the obvious areas not reflected in the current TIA are addressed, including ensuring normal photos are used and not the apparent wide angles used in these pictures which does not then give a true reflection of the limitations of space. There is barely at some points the required 3 metres between parked cars and the road.

Residents are then all having to have their spaces taken away for community and their use for the purpose of this business for their customers.

- **Sight Distance in the TIA states 45 metres available to the west – this is deficient when the report shows itself it is required to have 47 metres as per SISD**

It is my understanding that the author of the TIA states the operating speed at the bottom of McKinly Street curve would be 30kms (this is a 50km zoned road).

Regardless of the operating speed the sight distance is less than what is available this does not meet the requirements for Acceptable Solution of Performance Criteria. **This needs to be looked at as this is critical to safety for everyone.**

It is unacceptable for the TIA to clearly wash over the fact it states a required distance of 47 metres and that there is only 45 metres. This is based on their assumption of 30kms an hours but regardless risk increases and more visual is required the higher the speed – and again they state 47 metres is required in their table but conclude they can only provide for 45 metres.

The area is not marked to show anything other than 50 kms as a residential road. I unfortunately witness on regular occasions what I would describe as excessive speed around this corner, but not illegal speed it is a dangerous corner that is not well represented in risk in these applications for 8 let alone increase to 17.

This is high risk and needs to be noted and looked at. The reason no one ever parks on the road here on this bend most of the time is due to the lack of visual and very high probability your car will be damaged. This is a critical bend in a location where 0 – 5 year olds will be This is not a joke and council must take this matter very seriously that this is deficient in this TIA and this TIA author has not addressed this adequately nor safely, again an assumption of speed is not the current speed limit, nor reliable nor an acceptable solution to the deficiency. The photos are not the data required to comply they also appear to use a wide-angle lens. I would also note that the photos taken are conveniently not a representation of the street under normal circumstances being so sparse with cars.

It is greatly concerning the TIA states it is deficient and then later reiterates this on page 20. How can it be required to have 47 metres of distance and only based on a good will assumption cars will suddenly use 30 kms per hour, the speed limit is the speed limit and should this not then factor this risk in which would show how dangerous it is going to be for daily coming and goings. The current residents in these houses already act with great caution due to the speeds at which some come down McKinly or up from the curve of McKinly. The speed limit is not felt to be broken but this relies on children safety be at the good will we can honestly state is not the case as the TIA indicates would be.

- **The TIA states that the Sept 2022 data showed daily vehicles would increase more than 20% with 76 additional daily movements (page 19)**

This is substantial changes to our street and way of living. Let's reflect together council that this approval marks a permanent change if approved to our way of living.

This is substantial changes to our street and way of living. Let's reflect this is a permanent change if approved. Permanent – there is no going back and it will and does change the health and wellbeing of our way of living here. None of us purchased here to have a commercial business of this scale (even though comparatively small to other centres) in our street. It is not the right house in the right location for this need.

- **The development does not factor in the use of medium vehicles who use this site e.g. gardeners, delivery drivers including Coles and Woolworths (page 19).**

We use this often including J&R Trashpack in the area, Coles, Woolies and other deliveries. Since Sept 2022 statistics show the increase in home deliveries for a range of options. This way of life is our way of life and will be affected or at great risk. The TIA makes not comment to the safety of

these operations for residents in consideration of a Childcare centre. Please note references to the 5t0 place childcare centre is referring to Lady Gowrie Midway Point, this is a wider road clearly remarkably different to this urban road with the one footpath model it has in comparison to Penna Road. The TIA notes McKinly Street is a high urban design? McKinly Street is one of the areas oldest streets, and it has not had any adjustments in the years residents talk about e.g. some over 30 years. I am not sure what high urban design refers to in order to address compliance with the nature of the road category – it was designed for normal use not for this use.

- **The development indicates it will not affect residents but it will (page 19).**

This is confusing, this 8.1 clause on page 19 is being answered as the Existing access and junctions show that 20% more traffic will be generated which requires then the author to assess and address the performance criteria under p3 and answer the questions. But then states in answering the traffic will not affect anything as a response to the performance criteria. This does not make sense how can you have both? This needs to be raised and addressed as meeting performance criteria is about safety and impact not just to tick a box and say it will impact but then it won't without any evidence other than an opinion surely.

A New TIA is required to be done by Council in order to ensure safety and compliance as this information is outdated and dangerous to rely on in the context of a childcare centre for children 0 – 5 who require full support and supervision to be safely entering and exiting the area. This street is simply not designed in this house location to cater

The whole picture matters and needs to be looked at from building proposals to parking etc then assessed. Looking at this in a piece meal manner is unacceptable and council require information on the bigger picture as do the community to make a proper informed comment and assessment of the proposal to increase this to 17 from 8.

Comment on other information provided in the documents available regarding the intensification request:

In the application before the community and council for an intensification request of the approved use [8 to now 17 children] an *Environmental Effects Report*, the applicants have taken time to answer some questions within this pro forma and not others. I query Council as to why you have approved the submission of documents where answers are not provided, listed NA where relevant and/or information provided is different to information provided to permit the original application (see storage as an example below).

The question regarding '**List of other commonwealth, state or local government approvals required before the activity can commence**' is relevant and appropriate in this applications case in my view. The applicants have left this answer blank. The answer is YES. Why was this not noted as it is pertinent for transparency for the communities benefit for this to be known.

One question is asked under **Goods Deliveries: Will there be any goods deliveries to and from the site?** The answer is specifically listed as NO by the applicants. This is not an accurate answer, as supplies are a necessary aspect of the operation of a business, particularly a Childcare Centre. There is a clear and obvious mi- match in the application information here to the function and purpose of the Permit granted, and now application of intensification. Deliveries is not addressed within the provided TIA.

This matter was partially commented on in the original application responses from Council to respondents, noted in FILE NO: 5902468 55272/75 - DATE: 07 FEBRUARY 2022 that commercial vehicle movements are limited to 20 movements per day. The question I have is not how many delivery movements are allowable but where will these deliveries be occurring from regarding parking impact (regardless of who collects or delivers goods from the site).

- The Application including the Traffic Impact Assessment (TIA) has made no assessment or comment regarding how the required delivery in and out of goods will be provided for about road safety considerations and parking on or off site. The TIA only refers, in my view conveniently, to onsite parking for customers and offsite parking for customers and does not address deliveries (and other matters like staff parking).

Delivery parking does need to be addressed and I seek Council support to have more detail from the applicants regarding parking in relation to goods in bound and out bound and then how this may impact the street regarding overall parking also.

One question asked under **Outdoor Storage**: *Is outdoor storage proposed?* The answer in this form given was NO. However, the permit granted for 8 childcare placements noted that the answer was YES and specifically identifies the Garage would be used for storage. What is the correct answer now? How can an application for Intensification be granted if there is disparity between the original and the intensification request and exclude this aspect when it is in direct relation to the parking proposed in the intensification request. The parking proposed is directly in front of the storage of the garage. What considerations have been made to ensure that these two variable answers are addressed.

POTENTIALLY CONTAMINATING ACTIVITIES - PEST CONTROLLERS: can we clarify why this would not be noted as a highly likely requirement, forms part of health and wellbeing for children and others. It has not been ticked yes as a potential. So the application is not sufficient to transparently answer information to make suitable decisions or for the community to know the full extent of this impact in our view.

ENVIRONMENTAL EFFECTS REPORT

Question 5. List of other commonwealth, state or local government approvals required before the activity can commence.

This answer is blank. Would it not be reasonable to have the applicant note a license is required for a Child Care Centre and advise where this is at least up to in process e.g. applied, pending, approved etc. The original permit is nearly expired and to my knowledge the application has only recently been applied to seek to run a Child Care Centre.

I seek to make representation to request a new application be made querying this is then not valid. Amendments would make a mockery of the process that asks simple questions and requires simple answers, and this has not been done.

A Commercial venture for the ongoing financial benefit of the applicants at the expense of the residents and home owners – permanently.

Whilst I am aware of the growth rate of the Sorell Municipality and need for Child Care options, I would like to identify that this house, this street and this location will impact the local residential area permanently and in favor of this commercial venture. An 8 place Child Care Centre again will have impact, build that to 17 and we have a very different picture.

Council response in the original application for 8 Children as noted FILE NO: 5902468 55272/75 - DATE: 07 FEBRUARY 2022 APPLICATION NO: DA 2021 / 00418 – 1 - ADDRESS: 24 MCKINLY STREET, MIDWAY POINT 5902468 “... more akin to family daycare...” as a justification for the approval of 8 Children.

At the time, noted in the response of the FILE NO: 5902468 55272/75 it was clearly identified that community members identified the applicants intention to grow was always their aim, it was never ‘akin to family day care’. At that time they advised residents of that even at that time whilst also advising other residents it was like a ‘family day care’. You can say that is speculation/gossip etc but this position to grow as an intention is now clearly supported by the applicants seeking an application for 17 place Child Care Centre. A 17 place Child Care Centre is not ‘akin’ to family day care. It is substantially more.

NOISE: A permanent change to our lifestyle and does impact on natural way of being and our cultural and lifestyle environment as residents – permanently.

The centre is proposing 17 children in the 0 to 5 age brackets.

An average class size in a school is 16 – 27 children. This Childcare Centre now mimics the level of a school class size, a significant jump from the original 8 children based centre.

to 17 and we are now almost at the same volume of a school class size which averages 20 children to 25. I am using this as a guide to show Council this is in line with your assessment this is a lovely family day care model!

For example, 17 children aged 2 – 5 years of age playing outside would not be quiet and it would not take anyone with common sense to note this.

Many of us have families, attended school classroom functions or have been to children’s parties! 8 kids playing can and is noisy, take that to 17! I would like to say to Council then a 17 place Child Care Centre of ages 0 – 5 for 17 children is a permanent change that will change our lifestyle in this typically quiet street and be noisy.

Having children outside, daily, 5 days a week, perhaps on more than one occasion per day likely, which appears to be for 52 weeks a year, where they are always going to be servicing this age bracket for the rest of my residential life here (as opposed to families who have kids aging up in residential settings normally in a few years) is a permanent and unreasonable situation in our street and area.

You are making a discretionary decision Council that changes the rest of my residential life in terms of mine and others environment.

Council have it in their strategic plan to build trust.

This is discretionary decision in a ‘residential zone’. I did not buy here to live in a street that had any indications of commercial ventures. This is a typical street, one of the oldest in the area and has a long-known history for it being quiet. Making permanent changes to my lifestyle matters a lot to us as residents in our directly affected area; noting traffic, changes to my normal living and noise.

The environmental impact in regards to my environment and other residents must be taken seriously.

Your strategic plan is to build trust – not just increase early learning as the only point from which you need to consider your decisions here.

Just because someone has chosen to buy into a residential setting and push for a Child Care Centre for their development and benefit, does not mean, even with child care demand, this needs to be here in this location. It is clearly not safe nor compliant at this time and you need to provide suitable information.

Child Care need – is it already available in Midway Point – what about Sorell and surrounds?

There are currently multiple vacancies in the Sorell and surrounding area for Family Day Care – have you done a true impact study. I have and it shows multiple vacancies exist for 0-5 years of age. Both Lady Gowrie are full but family day care is not yet. This would show that the urgency of growth in this area is not critical at this point.

Residents of McKinly Street.

Address and details can be provided if required by council.

Dated 13th November 2023.

Submitted prior to closing representations on this day.

Mr Robert Higgins
General Manager
Sorell Council

13th November 2023

To Sorell Council

Re: Representation against 24 McKinly Street, Midway Point Intensification of Education & Occasional Care, Application No.: 5.2022.304.1

Please find attached a copy of letter of representation against the proposed intensification of Education and Occasional Care at 24 McKinly Street.

We do not hold any faith that this representation will be read or provided in the decision-making process for the above application as our previous application representation was not addressed until after the application was approved.

Also included is a copy of a letter from a psychologist who has provided support for our family over the past 4.5 years. We are aware that this does not fit into or relate to the Tasmanian Planning Guidelines but feel that it is important for the Sorell Council to have some understanding and show compassion for community members. We have been part of the municipality for over 20 years. The letter states the impact it will have on just one family within the municipality if the application is approved.

We would also request it be noted that [redacted] has made numerous phone call attempts to contact Sorell Council planners over the past 2 weeks. Today was the first time he was able to have a conversation with a staff member regarding the development. This has not allowed us to have adequate time to reflect this discussion in our representation – another let down by Sorell Council.

Appreciate your time with this.

Mr Robert Higgins
General Manager
Sorell Council

13 November 2023

Council Ref: No. 5.2022.304.1.

Dear Mr Higgins

Representation against 24 McKinly Street, Midway Point Intensification of Education & Occasional Care, Application No.: 5.2022.304.1

This representation is from _____ owners of the property

As a previous early year's childcare educator, centre coordinator and manager totalling over 30 years within the sector, I have extensive experience and qualifications as well as practical first-hand knowledge of the operations of a childcare centre.

I operate a home-based business from my property consistent with the definition under Clause 4.1.3 and the No Permit Required Use Class under Table 10.2 of the Sorell Interim Planning Scheme 2015. I operate the home base business as we have a child that I often need to teach from home, as the school environment is not conducive to his disability needs. As such, the home residential environment is often required.

In regard to this knowledge and experience, we object to the intensification of the site to that of a childcare centre proposed at 24 McKinly Street, Midway Point (CT: 55272/75) as set out under development application No. **5.2022.304.1**.

Our objection to the proposal is derived from the following concerns:

Administrative Matters

Specifically, the validity of the advertised documentation and whether the Planning Authority has advertised the documents appropriately, and when was the application considered to be valid by the Planning Authority. The documentation placed on public notice and is to close on Monday 13th November 2023, are stamped throughout as being received by Sorell Council on the 28th September 2022. However, Council's website states that the Tasmanian Planning Scheme – Sorell took effect on the 21 December 2022, was the application considered valid before or after this date. That is, there is nothing to indicate from Council which planning scheme members of the public are to review the plans.

Is the assessment of the project against the provisions of the:

- Tasmanian Planning Scheme – Sorell (currently in place), or
- Sorell Interim Planning Scheme 2015.

We hope that lack of information in this regard is due to an administrative error than any deliberate decision. Enquiries have been made with Council, but it has been unclear in this regard.

Without clear written confirmation associated with the advertised documentation, we assume that the assessment is based on the Scheme in place on the 28 September 2022, being the Interim Planning Scheme; although, we will comment where appropriate against the provisions of the current Tasmanian Planning Scheme – Sorell (TPS) when relevant too.

Documentation

Pursuant to Clause 8.1.3 of the Sorell Interim Planning Scheme 2015 (Clause 6.1.3 of the TPS) no site analysis has been provided for the entire property that is consistent with the provisions listed under sub-clause (b). This is particularly relevant in regard to any established vegetation in terms of will it remain or be removed, the installation of any play equipment in relation to any property boundaries, are there any shade shelters or similar to be installed as part of the proposal.

It is our opinion that without a site plan that provides a clear delineation of the property boundaries based on data from a suitably qualified land surveyor the application cannot be considered valid under the Part B-8.1 Application Requirements of the Interim Planning Scheme. As such, insufficient information has been provided for the Planning Authority to determine the application.

Description of Use

The proposal is classified as an educational and occasional care (child care), stating that it is an intensification of an established use. However, there is a vast difference between a home-based childcare where the children are looked after by residents of the dwelling (Class 1a building) as stated in the submitted documentation and will become a commercial Class 9b building under the Building Code.

Under Division 1 of the *Child Care Act 2001* a Centre Based Licence is different class of licence to a Home-Based Licence. *Section 11(1)* specifies:

a centre-based child care licence authorises the person specified in it to operate, in accordance with this Act, the regulations, the Standards, the licence and any conditions specified in the licence, a child care centre in the premises specified in the licence.

This is in comparison to a home-based licence that has the specific requirement under Section 12(1) for a home-based child care licence authorises the person specified in it to operate ... child care in the primary residence of that person or the approved premises of that person. As such, the premises or building remain a Class 1a building, but as a *centre-based child care* the building must be upgraded to a commercial Class 9b building under the Building Code.

There is a clear lack of clarity with the documentation provided. Council's Notice of Proposed Development states, "Intensification of Approved Use for Education and Occasional Care".

Based on the fact that the building is still a Class 1a dwelling then the existing use must be associated with a home-based child care licence, or it would not be an established use, which is a *No Permit Required Use* and a home-based business within the General Residential Zone of the Sorell Interim Planning Scheme 2015, as it is akin to a residential use. That is, a home-based child care is consistent with what would be considered under the family unit, not employing additional carers.

Under school age care setting follows a ratio of qualified 'educator' to child based on:

- i. Where there are children under three years of age, and the number of children exceeds five, there must be at least two carers on duty, one of whom must be qualified.

- ii. Where the youngest child is three years or older, and the number of children exceeds six, there must be at least two staff on duty, one of whom must be a qualified carer

No information on these ratios have been provided, subsequently, how can council determine if the level of plans and documentation adequately demonstrate the suitability of the proposal in terms of:

- Staff number,
- Parking spaces,
- Waste storage,
- Commercial and staff vehicle movements,
- Impact from noise and amenity of residential dwellings surrounding the site.

To state that this is straightforwardly an intensification of an established use is an error, as the Scheme, both interim and current planning schemes, classify a child care centre as a discretionary and in no way akin to the established residential dwellings that surround the site.

Impact of Use

24 McKinly Street, Midway Point is zoned General Residential, whilst it is appreciated that the Sorell Interim Planning Scheme 2015 facilitates non-residential use that is only if the use does not unreasonably impact on the residential amenity.

Documentation submitted implies that the noise levels "mimic that of a residential dwelling and will be limited to hours of 8am to 5:30pm"; however, this does not demonstrate compliance with the Acceptable Solution of Use Standard Clause 10.3.1 A2 which specifies:

Noise emissions measured at the boundary of the site must not exceed the following:
 (a) 55 dB(A) (LAeq) between the hours of 8am to 6pm...

The provision states:

Measurements of noise levels must be in accordance with the methods in the Tasmanian Noise Measurements Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

No documentation has been submitted that confirms that the proposal is compliant with the Acceptable Solution of Clause 10.3.1 A2; therefore, the proposal relies on the Performance Criteria, which states:

Noise emissions measured at the boundary of the site must not cause environmental harm.

Additionally, there is no documentation that documents the noise measurements on the site's boundaries and demonstrates that the childcare centre will not cause environmental harm specifically in the context of the residential amenity of surrounding dwellings.

Based on practical experience, it is a gross error to assume that the noise level of seventeen (17) children and four (4) to six (6) adult carers is the equivalent to standard occupants of a residential dwelling. Under such a rationale the noise from a full MCG is equivalent to the local oval. Regardless, there is no site plan or documentation demonstrating how noise will be mitigated during the day from impacting neighbouring dwellings.

As it is a requirement for non-residential use to provide documentation with noise measurements, we cannot see how the Planning Authority can consider the application has

provided sufficient information to determine the application against Clause 10.3.1 A2 or P2 of the Interim Planning Scheme, as such the application must be refused.

The application state that no commercial vehicles; however, from previous experience of managing a childcare centre this is inaccurate. A childcare centre with 17 children requires numerous replenishment of items from new equipment, food, paint, cleaning chemicals. Additionally, the removal of waste related items such as used nappies, which is a hazardous item. Numerous deliveries will be made throughout a week to ensure the childcare centre can be managed appropriately.

Commercial vehicle movements have not been factored into the Traffic Assessment, therefore there is insufficient information to determine compliance with Clause 10.3.1 A4 or P4, and the compliance with Clause E6.7.13 Facilities for Commercial Vehicles.

As no site plan or site analysis has been provides in accordance with Clause 8.1.3 of the Interim Planning Scheme, there is insufficient information to clarify or conform compliance with the standards listed under Clause 10.5 Development Standards for Non-dwelling Buildings and Works. In particular, no detail has been provided on the location of Outdoor Storage Areas, pursuant to Clause 10.5.3 of the Scheme, specifically in regard to the storage of hazardous waste such as nappies and other by-products from a childcare centre and ensuring that the location does not detract from the amenity of the site or the residential dwellings that are adjoin the site.

In addition to waste storage, from previously managing a childcare centre, outdoor storage is imperative and there is never enough. Storage, includes maintenance equipment such as garden tools and service equipment, plus play equipment, bikes, sandpit toys, sports learning tools to additional seats, tables and many more items. These locations can be come very busy points in the yard that generate high level of child conflict and subsequent noise that impinges on the residential amenity of the neighbouring dwellings.

Storage information should have been presented on a site plan, it cannot be a condition of the planning permit as it potentially will impact on neighbouring residents; therefore, as no site plan and appropriate detail has been provided the application is invalid and cannot be approved.

Contaminated Soil

The application seeks to change from a residential dwelling to a commercial building that is to be used as a childcare centre, both use are considered a sensitive use under the Interim Scheme and the TPS; however, surely it must be regarded that the level of sensitivity from a child care centre is greater than that of a single residential dwelling. There is a higher chance of children and potentially higher number of children interacting with soil, as there is no site plan indicating the extent of the sealed or pathed area in the rear yard of the property, it therefore must be assumed that the rear yard is to remain exposed, with the potential for children to interact and play in the yard.

Pursuant to Clause E.2.2.1 the Potentially Contaminated Land Code applies to a use, (a) on potentially contaminated land that is a sensitive use, or (b) development on potentially contaminated land. Has there been any assessment by a suitably qualified person to confirm that the soil is free of any harmful contaminates such as lead or other toxic contaminates that may be found in the soil.

Traffic Impact Assessment discrepancies/Concerns

We are concerned that the Mr Peter Hubble does not have the practical experience and understanding of the traffic nuances associated with a childcare centre to conduct or complete this report. Pick-up and drop off children are a very emotive and passionate activity. Parents are often stressed, in a rush and in a state of potential forgetfulness. They need space, to be able to manoeuvre with ease, either within the car or around the cars that are parked or moving. Additionally, the nature of vehicles is changing with most young parents choosing to drive larger SUV or similar large vehicles for the convenience and safety (perceived or reality) of the occupants.

Anything less than the minimal standards is not suitable for a car park that has the safety of early years children sharing the same physical space as cars. Such factors have not evidently been considered within the proposal.

There are several factorial errors and discrepancies within the Traffic Impact Assessment and the Proposal that subsequently alter the analysis and conclusions of the report.

The assessment states that there are to be always 4 staff on site: however, the application states 6 staff. The traffic reports that the need for four car parking spaces but under my calculations it means it requires 5 parking spaces as it is .25 over the 4 spaces.

The report states that there will be 2 vehicles arriving at one time when there will be at worst case scenario additional 17 cars arriving to pick up their child and there will be minimal on street demand. Does this mean the car spaces will be taken up by the staff.

How does a traffic report designate how many car parks and the question I have how the driveway is going to be extended to accommodate 4 spaces. Additionally, where are commercial vehicles to be located?

Documentation submitted states there will be no traffic movement during the day to and from the service this will be incorrect, as it fails to understand the nature of staff movements, movements of parents and guardians, commercial vehicle requirements, and the sporadic behaviour of early years children.

The Traffic Impact Assessment states staff will not leave the property during the day, but this does not factor in the right for staff to have a lunch break, or cross over of staff. Under the Award staff cannot legally work past 8 hours and hours of operation will be 8 till 5.30pm. There is no food store within 400m walking distance of the site with only the Midway Point Store the only option 450m from the site. Staff are likely to want a break away from children and are highly likely to drive to explore lunch options. As such, the Assessment has failed to factor the operational needs and behavioural choices of staff in assessing the likely traffic movements in the area.

Additionally, the Traffic Assessment has not factored in the surrounding area, as the traffic report is over 1 year old, the increase traffic movement on Penna Road due to recent subdivision approval is not evidently occurred within the report.

Access out of the car park spaces requires a complex reversing manoeuvre through a driveway that is only designed for a single dwelling. Technically there is not sufficient aisle width adjacent to the three angle parking spaces - there needs to be 5.8m clearance.

The parking is very tight. The Traffic Assessment says the parking is Class 1A - staff parking. This suggests that the 4 spaces are for staff only. In accordance with the Traffic Assessment all parents and guardians of the 17 children, undertaking drop off and pick up must rely on on-

street parking. Additionally, the 4 spaces that are being provided leave the site by reversing onto the street, as the building is to be a Class 9b it no longer is a single dwelling and therefore the proposal relies on the Performance Criteria of Clause E6.7.4 On-Site Turning. Nowhere within the Traffic Assessment is it stated that the reversing of staff parking area whilst children walking in is a "safe, efficient and convenient option" having regard to the five listed matters and the Purpose Statements of the Code; therefore, there is insufficient documentation to demonstrate for Council to approve the application under the Performance Criteria of Clause E6.7.4.

A review of the TPS notes that a separate pedestrian access would be needed in addition to turning within the property for this project.

In terms of the size and layout of the parking area, the spaces do not technically comply with Australian Standards requirements - there needs to be 300mm clearance between the edge of the space and a vertical wall (fence and building) which is not provided.

The proposal doesn't meet the Acceptable Solution Clause E6.7.5 and given that the parking should be designed for Class 3 (short term parking) which requires a minimum width of 2.6 metres (as well as the 0.3m clearance at each end) - also still require 5.8m aisle width behind spaces as mentioned before. Being such a tight car parking area, we cannot see how the application complies with the Performance Criteria P1 of E6.7.5 and is consistent with the purpose of the Code.

To reiterate, vehicles exiting the car park will be reversing onto the road and any vehicle wanting to enter will have to wait for the manoeuvre to be completed. This will be happening right near a sharp bend, with children getting in and out of cars on the road as well. Child care centres have peak periods so it's likely that the access won't work well forcing people to utilise on-street parking. Alternatively, if staff are to park on the road then the photo evidence used in the report will be incorrect as there will be cars parked in the way on the street, which will cause a major impact on the vision of the street as well. All visuals in the report show no cars parked in the area of vision; therefore, the Traffic Assessment is incomplete and inaccurate.

The traffic reports shows the entrance and the leaving of the property with no cars parked on the street and then shows parking areas directly in line of where the visuals shows are the parking spaces and uses the position of parking spaces as part of the area to leave the property. I believe this needs to be looked at as a major deficit of the report.

Sight distance - the TIA states that there is only 45 metres available to the west. This is quite deficient - he's stated the 85th percentile speed (operating speed) is only 30-km/h. I'd need to check this, but that sounds optimistic. I would imagine it would be more like 40km/h. Regardless the available sight distance is less than what is available even if his assessment of 30-km/h is accurate. Remembering that vehicles are required to reverse onto the street blindly and manoeuvre - not a safe outcome and does not meet the requirements of Clause E5.6.4 Acceptable Solution or Performance Criteria.

The Traffic Assessment also states that a 6-hour survey was undertaken, and it showed 'no significant peaks', this doesn't match with our surveys, which show peaks during the morning, afternoon and evening. Any 6 hours can't cover all those periods - if the 6 hours were during the middle of the day, then the surveys are of no use, failing to take into account the main times people drop-off and pick-up from a childcare centre: that is, before and after work.

Therefore, we are of the opinion that for the abovementioned reasons, insufficient information has been provided to demonstrate that the manoeuvring of vehicles on site will be safe and that there will be no impact on the surrounding residential streets but the proposed

development application. The proposal does not comply with the applicable provisions of the Parking & Access Code and is inconsistent with the Purpose Statements of the Code.

Other Matters

It states the site plan has been updated is this available, but no site plan has been submitted. There is 7.2 metres for the car parking from building to current fence line the fence line on the application is incorrect and there is no additional space the fence line in the application as the line is inside of our garden bed. A site plan by a land surveyor would have confirmed that this is not the case.

As stated in the application that this will need to meet the education and care services national regulations there will need to be internal major works to meet the unincumbered internal space per child but application state minor internal works for this application the building and national regulations will require additional toilets for the amount of people that will access the property.

With the parking spaces there will be need for another metre for Fire access provisions and there is not space to provide this extra space in the report; therefore, the building will never be able to meet the Building Code requirements.

Also note, there is only footpaths on one side of the road in Mckinly Street. When dropping off and collecting children parked on the opposite side of the child care centre, without footpaths, the children and families will be encroaching onto peoples gardens. This provides an unsafe environment for drop off and collection.

Can you please provide information as to whether the original approved application alterations are still mandated? If so, they do not appear to be addressed in the intensification application.

Conclusion

Insufficient consideration on surrounding residential dwellings has been undertaken by this application, as such insufficient documentation has been submitted or in some cases not been submitted that results in the application not demonstrating that it will not create an impact on the amenity of the surrounding residential neighbours. Currently, the site has authorisation for an occupier of the property to operate a home-based childcare centre being a Class 1a building, such a business whilst potentially a little imposing is vastly different to the impact on neighbouring generated from a commercial child care centre in a Class 9b building.

Therefore, we are of the opinion that the Council has no option but to refuse the proposed change from home base childcare to a commercial childcare centre as it is not appropriate for a small residential location.

Kind regards,