

CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING

TUESDAY 10 MARCH 2015

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**BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH
IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES
OTHERWISE**

1. APOLOGIES

Ald Cusick (Leave of Absence)

2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

(File No 10-03-09)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

3. REPORTS OF OFFICERS

NB: Requests for Deputations will be finalised on the Friday prior to the Meeting

3.1 SECTION 43A AMENDMENT APPLICATION A-2014/9 – 25 SOUTH ARM ROAD, MORNINGTON – SCHEME AMENDMENT AND SPECIALIST/BULKY GOODS STORE (File Nos A-2014-9; D-2014/432)
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EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider a proposed amendment to the Clarence Planning Scheme 2007 (the Scheme) to provide for an amendment to the Table of Use for the Industry zone to enable the development of a specialist/bulky goods store at 25 South Arm Highway, Mornington and an amendment to the specific provisions. The development of a specialist/bulky goods store is also proposed.

RELATION TO PLANNING PROVISIONS

The site is zoned Industry under the Clarence Planning Scheme 2007. The site is not affected by any overlays under the Scheme.

The proposal is currently Prohibited and submitted to Council in accordance with Section 43A of the Land Use Planning and Approvals Act, 1993 (LUPAA) seeking a combined Planning Scheme Amendment and Development Approval.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

CONSULTATION

Should the amendment and associated development be initiated and certified by Council it will be advertised for public comment.

RECOMMENDATION:

- A. That Council resolves, under Section 34(1)(a) of the Land Use Planning and Approvals Act, 1993 to initiate draft amendment A-2014/9 to the Clarence Planning Scheme 2007.
- B. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to prepare and certify draft amendment A-2014/9 and sign the instrument as required.
- C. That Council approves, under Section 43C(1) of the Land Use Planning and Approvals Act, 1993 the development D-2014/432 subject to the following conditions:
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. GEN AM1 – NUISANCE.
 - 3. GEN AM4 – CONSTRUCTION HOURS.

4. GEN AM5 – TRADING HOURS.
Monday – Friday 6am – 10pm
Saturday, Sunday and Public Holidays 6am – 7pm.
5. GEN AM7 – OUTDOOR LIGHTING.
6. GEN M2 – NO WORKS.
7. GEN M14 – STORAGE AREAS.
8. GEN S3 – SIGN ILLUMINATION.
9. GEN S8 - SIGN ILLUMINATION HOURS. Delete “sign” and replace with “signage” and delete “operating” and replace with “trading”.
10. ENG A5 – SEALED CAR PARKING.
11. ENG M1 – DESIGNS DA.
12. ENG M5 – EROSION CONTROL.
13. ENG S1 – INFRASTRUCTURE REPAIR.
14. ENG S11 – SEALING OF SERVICES.
15. The South Arm Highway – Service Road junction is to be upgraded with the installation of traffic lights in accordance with the recommendations of the Traffic Impact Assessment (TIA). The junction upgrade is to be designed and constructed to the satisfaction of the Department of State Growth prior to the commencement of use on-site.
16. ENG A4 – DSG ACCESS.
17. The service road must be upgraded to accommodate access for a B-Double design vehicle into the development site. Works required to facilitate this will include, but are not limited to, pavement widening and the installation of kerb and gutter.
18. Stormwater design for the development site must be provided to ensure that discharge from the development site, at completion of development, will not increase in quantity to that existing prior to the proposed development. All stormwater is to be discharged at the location and in a manner approved by Council’s Group Manager Asset Management. An extension to Council’s stormwater main may be required at the developer’s cost.

19. An Environmental Management Plan must be submitted to and approved by Council's Senior Environmental Health Officer prior to the granting of a Building Permit. The plan must include details of the nature and location material to be cut from the site and details of the proposed dust suppressions methods.
 20. LAND 1 – LANDSCAPE PLAN.
 21. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
 22. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 February 2015 (TWSA 2014/01432-CCC).
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. The subject property has a history of industrial use and a range of applications relating to the use of the site for a shop and general office, to a new industrial building (D-2000/187) for the sale of raw/quarried materials.
- 1.2. The most recent permit for the site was granted by Council in 2010, for the installation of flag pole signage associated with the use of the site for the purposes of brick manufacturing and sales.
- 1.3. Council is in the advanced stages in the preparation of its draft Clarence Interim Planning Scheme 2014 (CIPS). At its Meeting on 17 March 2014, Council endorsed the CIPS and submitted it to the Minister for declaration. The Minister has now provided Council with the statutory Directions Notice pursuant to Section 30D(6) of the Land Use Planning and Approvals Act, 1993 (LUPAA) prescribing the required changes that must be made prior to it being declared. A separate report has been prepared for Council's consideration of the required changes as an item on Council's Agenda scheduled for 16 March 2015 regarding the declaration of the CIPS which is now imminent.

- 1.4.** Notwithstanding the LUPAA transitional arrangements applicable for undetermined applications, at the time the CIPS is declared, the current planning scheme will cease to have effect along with any undermined amendments.
- 1.5.** Given the development of the CIPS, its timing has been discussed in detail with the applicant. The applicant is aware that the application fees paid in support of this application will be lost, in the event that the CIPS is declared prior to the approval of the amendment, the subject of this assessment. The applicant accepts the risks associated with the impending introduction of the Interim Scheme and has requested that Council consider the initiation of the amendment despite this and being fully aware of the possible implications.
- 1.6.** While the timing of this amendment in the context to the CIPS is unfortunate, the application must be assessed on its merits and the likely declaration of the CIPS is not a relevant consideration under LUPAA.

2. STATUTORY IMPLICATIONS

- 2.1.** The following statutory processes apply until the Interim Scheme comes into force.
- 2.2.** The proposal is submitted to Council in accordance with Section 43A of LUPAA and seeks a combined planning scheme amendment and development approval. The proposed development is currently Prohibited under the Scheme. Section 43A(1) of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.
- 2.3.** Under Sections 35 and 43C of LUPAA, Council's assessment of this proposal should involve consideration of Section 3.3 (General Decision Requirements) of the Planning Scheme, any relevant State Policies and the objectives of Schedule 1 of LUPAA.

2.4. If certified, the application will be advertised for public comment and subject to further review on the basis of any representations received by Council, prior to it being forwarded to the Tasmanian Planning Commission (TPC) for final consideration. In addition, should it be considered appropriate, under Section 35, Council has the power to direct that the amendment be modified.

2.5. Section 32 (1) of LUPAA states the following.

“Any Amendment to a Planning Scheme must take into account the following:

- (a) must seek to further the objectives set out in Schedule 1 of LUPAA;*
- (b) must be prepared in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and*
- (c) may make any provisions which relates to the use, development, protection or conservation of any land”.*

2.6. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Industry zone;
- Section 8.1 – Off-Street Car Parking and Loading;
- Section 8.2 – Advertising Signs; and
- Section 8.5 – Specialist/Bulky Goods Stores.

3. PROPOSAL IN DETAIL

In addition to the planning report the applicant submitted the following plans and documentation to accompany the proposal:

- title documentation and existing ownership and landowners consent;
- Urban context report;
- requested scheme amendment;

- summary report – operational characteristics of Bunnings Warehouse Stores;
- full building and site development plans;
- traffic impact assessment; and
- bushfire assessment (and certificate of exemption).

3.1. The Site

The subject site has a total area of 4.335ha and has in excess of 400m frontage to South Arm Highway. Existing vehicular access to the site is from the South Arm Highway via an adjoining Council owned lot, known as CT 135433/1. Consent for access over this land was submitted by the applicant prior to the lodgement of this application.

The site is located to the west of the South Arm Highway at Mornington. It is adjoined to the south and south-west by residential development, accessed by Binalong Road. Industrial land and development adjoins the site to the north and east of the site, separated by the South Arm Highway.

There is some unconsolidated fill existing on the southern part of the site as a result of previous site use as a brickworks, that would be removed as part of the proposed development.

There are a series of existing buildings on the site that would be demolished to facilitate this proposal. The removal of 40 trees is also necessary as part of this proposal.

3.2. The Proposal

The purpose of the proposal is to undertake 2 amendments to specific elements of the Scheme. These are relevant to both the Table of Uses at Clause 6.5.2 of the Scheme within the Industry zone and to the Specific Provision for Specialist/Bulky Goods Stores at Clause 8.5 of the Scheme.

The amendments sought are proposed to enable the development of a Specialist/Bulky Goods Store on the subject property, a site upon which such development is presently Prohibited by the Scheme. It should be noted that currently this use is restricted to the Homemaker Precinct at Cambridge.

Further to the prohibition, changes to both the Use and Development Standards and Specific Decision Requirements of Section 8.5 of the Scheme, as relevant to the development of a Specialist/Bulky Goods Store are proposed. The justification behind which is that a typical Bunnings development would not be able to comply with the Development Standards prescribed by the Scheme which require, in particular, a minimum of 70 percent glazing fronting the street. On this basis it is submitted that an amendment to the Scheme is necessary.

The applicant has submitted that the nature of a Bunnings store as proposed differs greatly from smaller retail bulky goods stores. Characteristics of Bunnings stores are large floor area and high clearance, being an intensively stocked and racked shop. It is submitted that this business model negates a further requirement for additional storage area, or the construction of an additional (second) building to act as a store on the same site.

Such an arrangement, the applicant submits, enables an efficient parking configuration and appropriate access arrangements for heavy vehicles. It is further submitted that the nature of the goods sold means that a good access arrangement, specifically and directly to higher order and capacity roads, is necessary as there are large volumes of traffic and narrow access roads are not ideal. A location outside the identified activity centres provided by the Clarence City Council Retail Strategy is therefore appropriate. In any event, as with the Homemaker Centre, this type of use will not affect the operation of existing retail centres, as these do not provide competition for such large format uses.

The proposed development is currently Prohibited and hence the reason for the proposed amendment.

3.3. The Amendment

Specifically it is requested that Council amend the Clarence Planning Scheme 2007 in the following manner.

The alteration to the Use Table is to make an addition to the condition applicable to Specialist/Bulky Goods Store as underlined below.

Clause 6.5.2 Table of Uses	
Discretionary Uses	Condition
Specialist/Bulky Goods Store	<p>Must be within land:</p> <p>(a) bounded by Kennedy Drive and the Tasman Highway but other than 66 Kennedy Drive (CT146586/1; <u>or</u></p> <p>(b) <u>at 25 South Arm Highway, Mornington (CT120671/1).</u></p>

The second amendment relates to Section 8.5 of the Scheme which contains the specific provisions for Specialist/Bulky Goods Stores.

The proposed amendment seeks 2 changes to the Use and Development Standards contained within this part of the Scheme (with changes shown underlined) as follows.

- Clause 8.5.2(b)(ii) Specialist/Bulk Goods Stores within the Commercial Zone and bounded by Kennedy Drive and the Tasman Highway must contain a minimum 70 percent glazing on walls fronting streets, to ensure the premises interacts with the pedestrian environment and enhances the streetscape. Specialist/Bulk Goods Stores in other locations must provide windows and building facade design in a way that enhances the streetscape.
- To insert a new Specific Decision Requirement (and renumber) Clause 8.5.4 to include Clause 8.5.4(b) The development should be appropriate to the site context, as provided within the urban design context report, with regard to streetscape, surrounding development and the pedestrian environment.

- To modify and renumber Clause 8.5.4(d) The visual appearance of the development, including façade treatments, is to positively contribute to the streetscape and be appropriate for the building's mass, bulk and use.

3.4. The Development

D-2014/432 is for the development of a Bunnings - Specialist/Bulky Goods Store on the subject property. It is intended that the development combine the trade and home improvement/DIY sales.

The proposed development would have a total floor area of 10,544m² and would provide 263 car parking spaces. The building would have its main entry centrally on the eastern side of the building, would provide for outdoor building materials, landscape yard at the south-western end of the structure and a bagged goods and outdoor nursery at the northern side of the building.

The building would be 9.25m in height at the front entrance, with the bulk of the main building being 8.5m in height. The building would be clad using a combination of reinforced precast concrete panels, Colorbond and wire mesh fencing for the outdoor storage areas. Shade sails would be used for the screening of the nursery area and retaining walls used to the rear of the site where necessary. The building would be painted using the Bunnings corporate green colour.

Loading and unloading of heavy vehicles would occur to the rear of the main site building and traffic would be directed on the site in a circular motion to exit the site via 2-way egress.

The proposed business hours are:

- Monday to Friday 6am - 10pm;
- Saturday, Sunday and Public Holidays 6am - 7pm.

Bunnings signage upon the façade of the building is proposed as part of the development and a single Pylon Sign is proposed adjacent the entrance from the South Arm Highway. The sign would be 12m in height and would have a width of 4.4m. No details of illumination have been submitted. Internal directional signage is also proposed as part of the development.

A new signalised intersection with the South Arm Highway is also proposed as part of the development. The feature of this intersection is traffic lights to control turning movements to and from the site, the purpose of which is to ensure efficient access to and from the site without having a detrimental impact on free flowing traffic on South Arm Highway.

It is noted that a roundabout option has been considered as an alternative to the arrangement proposed, however, site characteristics and existing gradients of the South Arm Highway preclude this as a feasible solution.

4. PLANNING ASSESSMENT

4.1. Planning Policy Framework [Section 2]

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3 relating to Economic Development and Industry. In particular, the Key Issues include:

- “• *To provide for specialist/bulky goods stores in multi-use complexes or industrial centres, where this is inadequate or inappropriate space available in established retail centres;*
- *The need to provide for economic development over time, generated through industrial activity;*
- *The attractiveness of existing industrial areas to prospective industries in terms of availability of suitable infrastructure, proximity to industries which offer vertical or horizontal integration, the physical appearance and amenity of areas;*
- *The need to minimise conflict with adjacent land uses, particularly housing as this impacts on both the amenity of residential land as well as the operation and future growth of industrial uses;*
- *The need to provide for satisfactory waste disposal”.*

The Objectives include:

- “• *To protect the safety and amenity of residential areas adjacent to sensitive or conflicting land uses and environments;*
- *To ensure that the design, presentation and use of commercial and retail properties complements the role of the City’s retail centre; and*
- *To provide for specialist/bulky goods stores in locations which balance the location preferences of businesses and the needs of the customers”.*

Reference to these principles is also contained in the discussion below. It is considered, however, that the proposed amendment would directly further the key issues and objectives described above in that it allows for development of a Specialist/Bulky Goods Store on industrial land in accordance with the Issues and Objectives described, provided for in a manner appropriate for the site at Mornington, with appropriate access to the South Arm Highway.

4.2. General Decision Requirements

The relevant General Decision Requirements of this part are:

- “(a) *General requirements:*
 - (i) *The Objectives of the Act.*
 - (ii) *The provisions of any State Policy.*
 - (iii) *The Planning Policy Framework.*
 - (iv) *The Purposes of the Zone.*
 - (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vi) *Comments of any Government Department, any other Authority or referred agency.*
 - (ix) *The impact upon established retail and industrial hierarchies or rural industries and their need for growth and investment.*
- (b) *Amenity requirements:*
 - (i) *The character of the locality, the existing and future amenities of the neighbourhood.*
 - (ii) *Any pollution arising from the site in terms of noise, fumes, smell, smoke or vibration.*
 - (iii) *Landscaping, illumination and treatment of the site generally.*

- (iv) *The need to impose limits as to length of establishment of operation and the periods within which activities may be carried out.*
- (c) *Infrastructure requirements:*
 - (i) *The availability of existing public utility services.*
 - (iv) *Whether the site requires decontamination.*
 - (v) *The capacity of the existing streets and roads in the locality and the effect of the development on such capacity.*
 - (vi) *The provision of access, loading, parking and manoeuvring of vehicles.*
- (d) *Design suitability requirements:*
 - (i) *The size and shape of the parcel of land and whether it is subject to potential hazards.*
 - (ii) *The position and scale of buildings in relation to boundaries or to other buildings, their density, character, height and harmony in design of facades.*
 - (v) *The need to avoid disability discrimination in the design of developments.*
- (e) *Environmental requirements:*
 - (iii) *The compatibility of the development on the surrounding land uses.*
 - (ix) *The impacts from and need to control drainage and erosion.*
 - (xi) *The protection of water courses and adjoining riparian vegetation”.*

Specific elements of this proposal are addressed elsewhere in this report; however, it is considered that the proposal meets the relevant General Decision requests outlined above for the following reasons.

- The Southern Tasmania Regional Land Use Strategy 2010-2035 has been implemented by the CIPS and it provides for Bulky Goods Sales as a Discretionary use within the zone. This proposal therefore seeks to achieve an outcome envisaged by Council under the CIPS.
- The proposal gives consideration to amenity impacts and it is noted that the existing site use does not have a history of conflict with the adjacent residential development.

- The proposed development has considered amenity impacts associated with the location of the site and consistency with the Use and Development Standards of the zone will be discussed further below.
- The proposal further considers amenity by providing a detailed landscaping plan to address the visual impact of the proposal, upon construction.

4.3. Industry Zone

The site is within the Industry zone and is not affected by any overlays under the Scheme. The proposed development is consistent with the Purpose of the zone in that it seeks to implement the Policy Framework and would provide for an industrial activity generating economic development within the City, consistent with the amenity requirements of the area.

The proposal would satisfy the relevant Use and Development Standards of the zone in that:

- all services exist to the site and would be extended and modified to cater for the development as necessary;
- the proposed access arrangement is acceptable and consistent with Council's relevant guidelines;
- the site layout is consistent with Clause 6.5.3(d) of the Scheme in that:
 - the submitted landscaping plan illustrates the nature of landscaping within the front setback, which is in excess of the minimum requirement;
 - all outdoor storage areas would be located to the rear of the building and therefore appropriately screened from public areas;
 - all access and parking areas would be sealed and appropriately drained, and 2 way ingress/egress is proposed;

- no part of the proposed building would be within 10m of the adjoining Residential land and all external lighting would be designed to ensure no emissions beyond the boundaries of the site; and
 - the details of which are addressed by the submitted site analysis documentation.
- The proposed development would be consistent with the setback and height requirements of Clauses 6.5.3(e) and (f) of the Scheme, meaning that no discretion is sought.

It is also considered that the proposal meets the relevant Specific Decisions Requirements of the zone and have been considered as follows.

“(a) Lot size and shape should be capable of allowing for the intended use with provision for car parking and vehicle movement, landscaping and the like”.

The proposal addresses the existing site constraints and satisfactorily shows a safe and convenient parking and access arrangement as required by this Decision Requirement.

“(b) Street construction and design should provide safe and convenient movement for traffic and pedestrians”.

Pedestrian access is not readily provided for by the nature of the site and its proximity to the South Arm Highway, which itself does not provide for pedestrian access and movements. The necessary works to the existing access road are proposed to ensure safe and efficient access for traffic visiting the site.

“(c) Division of land via strata schemes should ensure that sufficient services are provided to each site and that the public consultation opportunities inherent with subdivision are not circumvented”.

This Requirement is not relevant, as subdivision is not proposed.

“(d) Landscaping should be of complementary scale with industrial development and appropriately placed to enhance car parking areas and break up the mass of large buildings”.

The proposed landscaping concept has been designed to integrate with the development and to address the parking areas to be constructed. A more detailed plan, however, should be required by conditions.

“(e) Sufficient car parking and loading areas should be provided on-site and located to ensure practical access for clients and staff”.

A total of 263 parking spaces are proposed for the development, the location of which has been designed to focus the loading/unloading of heavy vehicles to the rear of the building and therefore maintain efficient site navigation. This number is in excess of the Scheme requirement for 211 spaces. It is understood and noted that this is a model for Bunnings and has proven efficiency.

“(f) Building materials and colours should complement the streetscape”.

The main part of the building would be clad using concrete tilt up panels in white, with the main entrance glazed and decorated using cream lattice. Signage and the traditional Bunnings green colour is proposed for the main façade facing the South Arm Highway. Such colours and construction materials would be consistent with the streetscape, which generally does not present towards the highway. On this basis and given the speed of passing traffic, the scale of the building is appropriate and would be softened by the partial landscaping of the site.

“(g) Where high wall construction is required, consideration should be given to appropriate architectural techniques to break up the mass of the building”.

The proposed building would not have high wall construction, in that the main entrance would be 9.25m in height and the bulk of the building 8.5m.

“(h) Loading areas should be provided to meet the needs of the use and to ensure safe access and egress from the site”.

The submitted Traffic Impact Assessment concludes that the access and egress arrangements for the site are appropriate, given their location at the rear of the site.

“(i) Appropriate effluent disposal systems should be provided to meet the needs of the intended use”.

The site is serviced by reticulated networks administered by TasWater and the consent and conditions of TasWater provided must be included as part of any permit to be granted.

“(j) Outdoor storage should be adequately screened from view from a public place”.

As noted above, all outdoor storage areas would be located to the rear of the building and screened by fencing where outdoor storage is proposed, therefore appropriately being screened from public areas (and adjacent residential development to the north-west) as required.

“(k) External lighting should be designed and located to prevent impact on adjacent land”.

External security lighting is proposed as part of the proposal and it is submitted that it would be designed to ensure that there would be no emission from the site. A condition should be included reflecting this.

“(l) Security fencing should be avoided in the frontages setback, unless it is demonstrated that this is necessary and that the opened gates will not obstruct vehicle movement. Where fencing faces a street, it should be coloured to minimize its impact”.

Security fencing is proposed for the site, with a combination of dado fencing for the nursery area and security fencing for the landscape yard and bulky goods area. Fencing of the front of the property is not proposed.

“(m) Development should minimise impact on any adjoining residential land and appropriate control of emissions”.

The proposed development is for a Specialist/Bulky Goods Store and it is noted that the existing site use is a brickworks. When compared with other (permissible) uses within the zone the amenity impacts as a result of this proposal are likely to be low and acceptable within the parameters of the Scheme.

4.4. Off Street Car Parking and Loading

This section of the Scheme requires the provision of 2 parking spaces per 100m² of area, generating a total requirement of 211 parking spaces. The proposed number of spaces would be 263 which is in excess of the minimum requirement.

As noted, the Traffic Impact Assessment (TIA) was submitted in respect of this application which addresses the proposed access and parking arrangement for the development in detail. The proposed heavy vehicle unloading/loading area would be located to the north-west of the main building and traffic would circulate on the site in an anti-clockwise motion, which is a Bunnings model with demonstrated efficiencies, described in detail by the submitted TIA.

With the inclusion of appropriate conditions relating to engineering designs for the construction of the sealed areas for access and service provision, the provisions of this part of the Scheme are satisfactorily addressed by the proposal.

4.5. Advertising Signage

The signage permissible within the Industry zone is defined as Class 2 signage, which is a low limitation area as provided for by Section 8.2 of the Scheme.

Two significant pieces of signage are proposed as part of the development. The first is a Pylon Sign as described above, which would be 12m in height and 4.4m in width (an area of 30m²) and would be sited to the north-west of the intersection with the South Arm Highway.

The second would be the series of painted Bunnings logos and corporate messages on each of the façades of the building, with area each of approximately 75m². A series of smaller directional signs are proposed within the boundaries of the site.

The proposed signage is in excess of the size permitted as a Pole Sign and Business Identification Sign, meaning that both must be considered as Discretionary and must therefore address the Specific Decision Requirements of this part of the Scheme.

It is considered that the signage proposed is consistent with the Decision Requirements in that:

- the general amenity of the area would not be compromised in that there would be a single Pole Sign at the property entrance and other significant signage would be painted on the building directly;
- there would not be an effect on any objects of scenic, historic, architectural, scientific or cultural interest;
- the signage would not lead to proliferation, in that the sign at the entrance would identify the site and the advertising pattern and theme of the type of development carried by the signs painted on the main part of the building, set well back from the road and public access;
- the signs, though large, would be associated with a large building and their scale is relevant to the high speed traffic environment in which they would be sited and therefore compatible with the appearance of the site and surrounds;

- the Department of State Growth (DSG) is satisfied that the signage would not compromise the efficiency of the South Arm Highway at this location in Mornington.
- the signs would be sited upon the site to which they relate.

The variation sought by the applicant in terms of the signage is therefore considered reasonable and suitable for approval, within the parameters of the Scheme.

4.6. Specialist/Bulky Goods Store

Section 8.5 of the Scheme provides the specific provisions for the development of a Specialist/Bulky Goods Store.

An Urban Design Context Analysis has been provided as required and is included as an attachment. The report describes in detail the response of the proposal to its environment and the Specific Decision Requirements of this section. It further concludes that the proposal would “improve the existing highway frontage and has been designed at a scale that is appropriate to the site context”, thus addressing Clause 8.5.3.

The Use and Development Standards of the section are satisfied by the proposal in that:

- the proposed development would be over 500m² and therefore addresses the tenancy size requirement;
- the building form would be consistent with (and it is considered an improvement to) the existing streetscape. It is noted that the development includes building detailing to contribute to the streetscape environment;
- the facades presenting to the South Arm Highway would be detailed using a combination of colour, signage and landscaping – not blank facades as discouraged;
- the necessary amenities would be provided by the development;

- vehicles access and loading areas would be illuminated when necessary and directional signage would clearly describe the movements necessary on-site; and
- the development would contribute positively to the streetscape at this point and on that basis is considered to be consistent with the provisions of this section of the Scheme.

4.7. External Referrals

The application has been referred, as required, to both TasWater and the Department of State Growth (DSG). Conditions of approval were provided by both TasWater and DSG, which must be appended to any Planning permit to be granted, should Council resolve to initiate the amendment. Both series of conditions should also be advertised as part of the public consultation process.

5. CONSULTATION

Applications made under Section 43A are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined rezoning and development of the site.

6. STATE POLICIES AND ACT OBJECTIVES

An amendment is to further the objectives of LUPAA. The objectives of Schedule 1 of LUPAA are:

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

- “(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity”.*

Development is considered sustainable when there are no demonstrable adverse effects upon natural resources, ecological processes or genetic diversity. This application and associated development relies on existing infrastructure networks and reticulated services and does not raise any significant environmental issues.

The site is a brown field site with a long history of industrial use and development and detailed environmental investigation has been undertaken regarding previous site contamination. Consideration of these issues would be a necessary part of this proposal and must be required - an environmental management plan should therefore be required by conditions. There is no identified threatened flora or fauna present on the site. On this basis it is considered that this objective is furthered by the proposal.

“(b) to provide for the fair, orderly and sustainable use and development of air, land and water”.

The subject site has access to all infrastructure and services. The cost of service connection to the site will be borne by the developer and will not impose an unreasonable and unfair burden on the community.

The Southern Tasmania Regional Land Use Strategy 2010-2035 has been implemented by the CIPS and it provides for Bulky Goods Sales as a Discretionary use within the zone. Reference to the CIPS indicates that the proposed use is consistent with the direction envisaged by Council for such areas, which can reasonably and without further expansion of industrial areas, be converted from one industrial use to an alternative industrial use that potentially would have a lesser impact in terms of emissions than some permissible uses involving manufacturing.

“(c) to encourage public involvement in resource management and planning”.

If initiated and certified, the proposed modified amendment and associated development will be advertised for public comment and provide the community the ability to participate in the planning process. Council will have opportunity to consider any matters raised in representations received upon conclusion of the advertising period.

“(d) to facilitate economic development in accordance with the objectives set out in Paragraphs (a), (b) and (c)”.

If initiated by Council and ultimately approved by the Tasmanian Planning Commission, the proposal would facilitate economic development through construction works, on-going infrastructure maintenance and subsequent residential and commercial construction and associated on-going servicing.

“(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State”.

Development achieved through the amendment requires co-operative planning between the developers, State and Local Government and to a degree, the broader community.

PART 2 - Objectives of the Planning Process Established by this Act

“(a) to require sound strategic planning and co-ordinated action by State and Local Government”.

The proposed amendment has been considered in respect of the relevant strategic documents, including the Clarence Planning Scheme 2007 policy framework, the Clarence Retail Analysis and the draft Interim Planning Scheme. The guidance provided by these documents is that areas with appropriate zoning such as the subject property and with ready access to higher capacity infrastructure are appropriate for such specialist/bulky goods stores and on that basis should be supported.

Should Council resolve to initiate and certify the amendment it would be subject to the Tasmanian Planning Commission’s assessment and determination.

“(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land”.

In terms of industrial development, the relevant strategic documentation guides this assessment in reaching a conclusion that such use is appropriate given the nature and history of the subject property.

“(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land”.

The proposal is consistent with the Policy Framework provided by the Scheme and supported by the draft Interim Scheme, in that it represents brown field development with potential to establish a use with a lesser impact in terms of emissions than other permissible uses in the zone. It is therefore considered that the proposal furthers this objective in that the environmental impacts are likely to be low.

“(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels”.

It is considered that the proposal does not conflict with State Policies as the State Coastal Policy nor the State Policy on the Protection of Agricultural Land are applicable and the development will be connected to existing infrastructure and reticulated services.

“(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals”.

The amendment has been submitted under the provisions of Section 43A of LUPAA and linked to the development proposal, which enables the concurrent assessment.

“(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania”.

The future development of the site is intended to create a quality retail environment, creating associated employment opportunities in terms of both construction and on-going management of the site.

The impacts of the proposal are likely to be significantly less than, as noted, other more intensive industrial uses also permissible on the site. On this basis, this objective is furthered by the proposal.

“(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”.

The amendment and proposal will not impact any significant building or place. The site is not known to contain Aboriginal artefacts; nevertheless, in the event that any relics were to be uncovered during the construction process, the applicant would be bound by the Aboriginal Relics Act, 1975 and responsible for ensuring compliance with the provisions of that act.

“(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community”.

The existing infrastructure, combined with the proposed extensions to it, can adequately cater for the subsequent development of the site.

“(i) to provide a planning framework which fully considers land capability”.

The subject site is not described as prime agricultural land and the subject property has a long history of industrial use.

For the reasons outlined above the proposed amendment and associated development meets stated objectives and on this basis it is recommend that Council initiates and certify the amendment.

7. STRATEGIC PLAN/POLICY IMPLICATIONS

7.1. State Coastal Policy

The State Coastal Policy 1996 is not applicable to the proposal as the site is separated from high water mark by a distance of approximately 1.8km.

7.2. State Policy on the Protection of Agricultural Land 2009

The primary purpose of the State Policy on the Protection of Agricultural Land 2009 (PAL Policy) is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

As noted, the site is not prime agricultural land and it makes no contribution to agricultural outputs in Clarence. On this basis it is considered that the proposal would have a negligible impact on the State's agricultural land resource.

7.3. State Policy on Water Quality Management 1997

The purpose of the State Policy on Water Quality Management 1997 is: *“To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System”*.

Given that the site is proposed to be serviced by reticulated water, sewerage and stormwater the most relevant sections of the policy are 17.2 and 33.1 relating to waste discharge, erosion and stormwater management and can be addressed through conditions.

7.4. Gas Pipelines Act, 2000

The Gas Pipelines Act, 2000 is not relevant to the subject property and the standards of that Act therefore have no bearing on this assessment.

7.5. Potential for land use conflict

The subject property adjoins residential land to its west and south and is adjoined by industrial land to the north and east, separated by the South Arm Highway.

A comparison of Permitted versus Discretionary uses within the Industry zone concludes that there are a range of uses that are possible on the site and must be approved by Council should application be made. The proposed use would be likely to have a substantially lesser impact upon residential amenity when compared to permitted uses, which could include manufacturing, such as Light Industry and Service Industry. This proposal recognises this and on this basis it is considered that the potential for conflict between the proposed and adjacent land uses is low.

7.6. Southern Tasmanian Regional Land Use Strategy

The recently approved Southern Tasmanian Regional Land Use Strategy (STRULS) is a broad policy document, prepared to manage future growth and development over the next 25 years. Intended to provide strategic direction the strategy provides for future social, economic and environmental management.

The STRULS recognises the diversity of industrial land use in Southern Tasmania and more detailed consideration was provided by the Southern Tasmania Industrial Land Study.

7.7. Southern Tasmania Industrial Land Study

The Southern Tasmania Industrial Land Study (the Study) incorporated 2 stages being an assessment of vacant industrial land supply and secondly, a strategic land use growth plan for Southern Tasmania in terms of available industrial land.

Stage 1 of the Study identifies Bulky Goods Retailing as 1 of only 4 industrial categories, as an indication that such use is appropriate upon industrial land.

The Study gives specific consideration to land use conflicts and it is considered that the proposal, whilst in proximity to residential development to its west and south, would provide appropriate setbacks as required within the zone to ensure that risks are limited and amenity preserved.

On this basis and with the limited guidance provided by the Study specifically in respect of this site, it is considered that the amendment and development would be an appropriate use for a site clearly identified as appropriate.

8. CONCLUSION

The proposed amendment and development is considered to be consistent with the intent of the Scheme and with the Industry zone, which has been considered by Council as being appropriate for the development of the Mornington area.

The requested amendment is justifiable in terms of the applicable objectives of the Act and satisfies the relevant matters described by Section 32 of LUPAA. The infrastructure networks are capable of supporting a specialist/bulky goods store on the subject property and the proposal would result in the redevelopment of a brown field site presently occupied by a manufacturing industry with a use (retail sales) that would have a substantially lesser impact than that existing.

The proposed specialist/bulky goods store is currently Prohibited under the provisions of the Scheme and for this reason the applicant has lodged an application under Section 43A of LUPAA, which provides for the concurrent consideration of a Planning Scheme Amendment and associated Development Application for a use/development that would otherwise be Prohibited.

If the Scheme is amended, the proposed development would be consistent with the requirements of the Scheme and with the inclusion of appropriate conditions, the proposal is supported subject to conditions.

Attachments: 1. Location (1)
2. Proposed Development (8)
3. Site Photos (1)
4. Draft Amendment - Ordinance (1)

Ross Lovell
MANAGER CITY PLANNING






Attachment 1

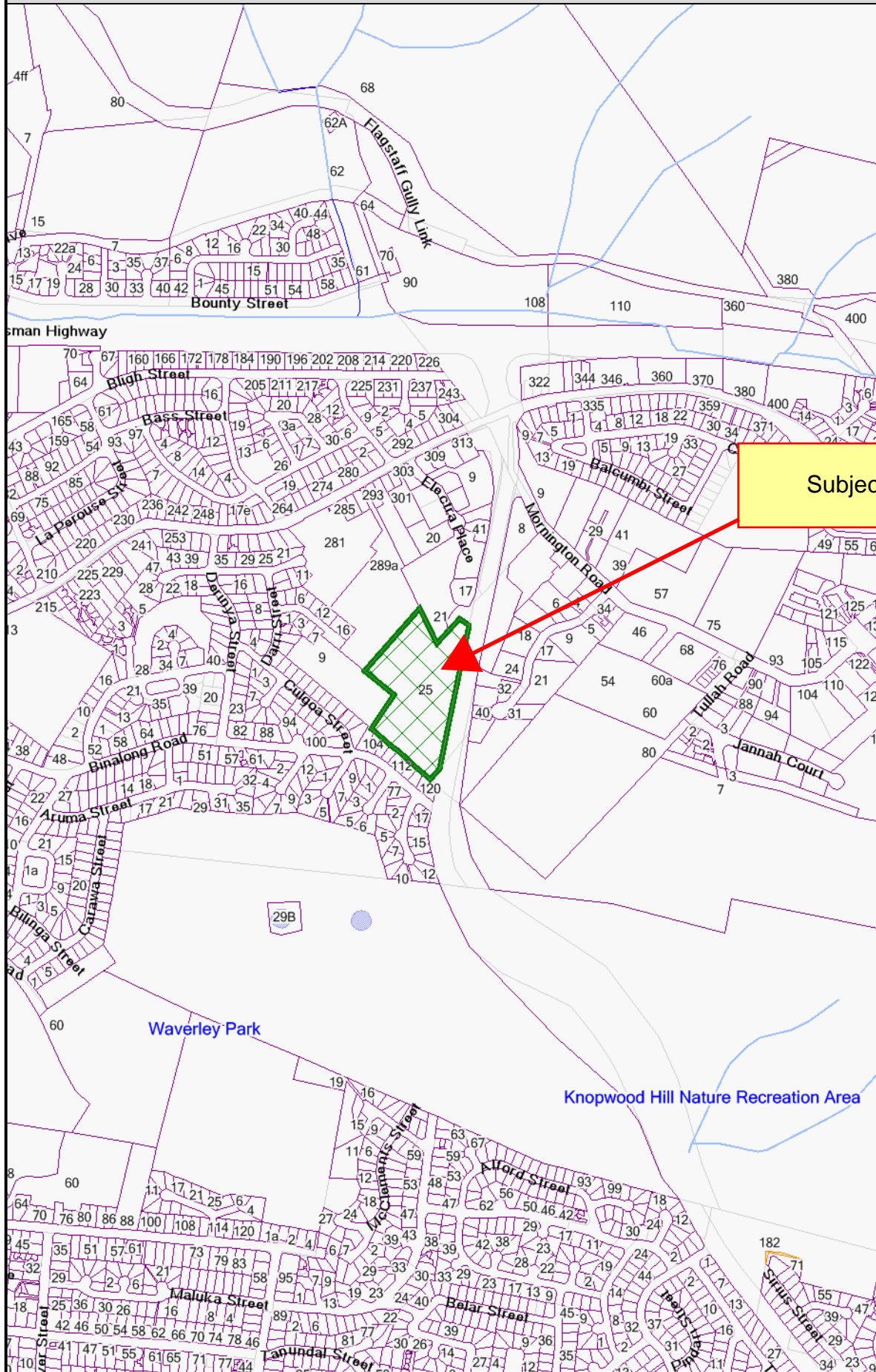
th Arm Road

Date:
Tuesday, 3 March 2015

Clarence City Council – GDA Datum

Legend

-  **Waterways**
-  **Property**
-  **Title**
-  **Waterbodies**
-  **Map Extents**



Subject Site

Disclaimer:

This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited.

Attachment 2





BINALONG ROAD

LANDSCAPE CONCEPT PLAN

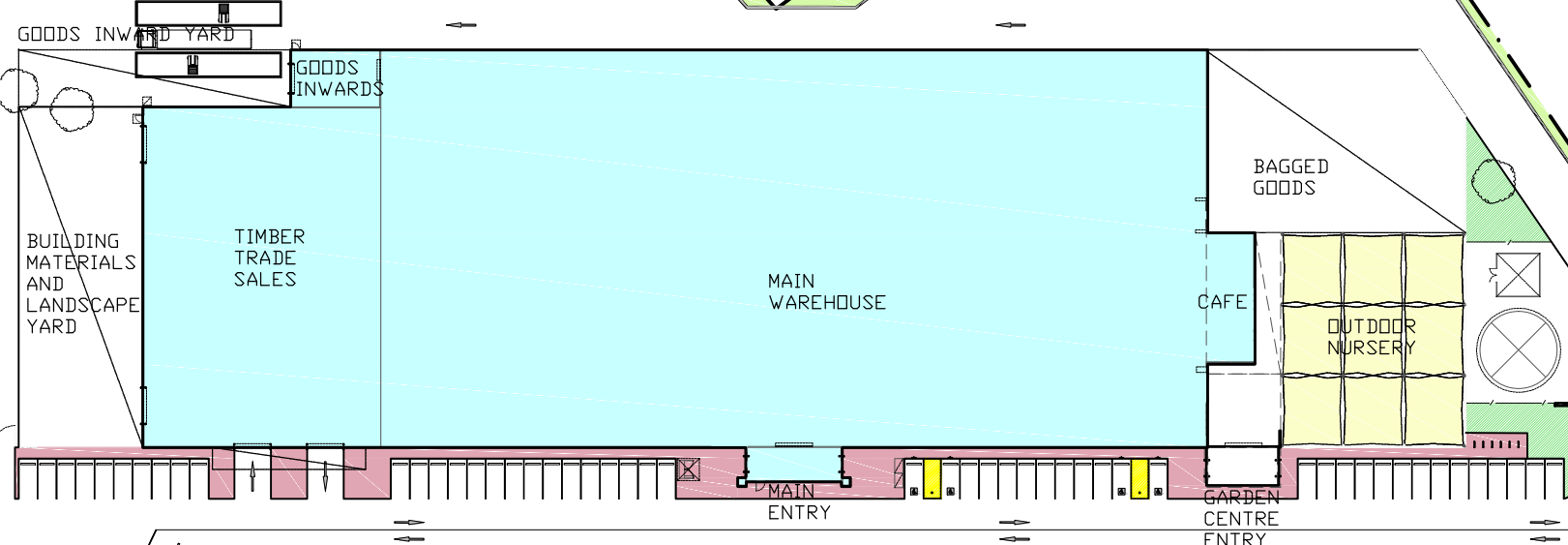


sustainable thinking

HB1446-L01.DWG

REV. 1

SOUTH ARM HIGHWAY



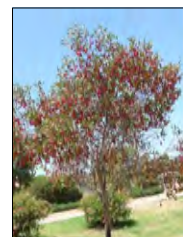
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- 0.7-1M WIDTH
- 0.5M HEIGHT



LAWN - VAN DIEMEN
- LOW MAINTENANCE
- WATER WISE



GLEDITSIA SANDEMASTER
- 6M+ WIDTH
- 8M+ HEIGHT



EUCALYPTUS FORRESTIANA
- 3-5M WIDTH



AGONIS FLEXUOSA 'AFTER DARK'
- 4M WIDTH
- 6M HEIGHT



CALLISTEMON PALLIDUS
'STUDENTS FLORA'
- 2.5M WIDTH
- 4.0M HEIGHT



DIANELLA TASMANICA
- 0.5-2.0M WIDTH
- 0.5-2.0M HEIGHT



EXISTING
FOLIAGE

EXISTING FOLIAGE TO
BE REMOVED

LANDSCAPE CONCEPT PLAN

SCALE 1:1000 @ A3



EXISTING SITE
SCALE: 1:600 @ A1

EXISTING STRUCTURES
TO BE DEMOLISHED

TREE TO BE
REMOVED

ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE
PRIOR TO MANUFACTURE AND CONSTRUCTION

STORE TYPE MEDIUM

FOR COUNCIL
APPROVAL

01/11/14 - INITIAL TOWN PLANNING
DOCUMENTATION FOR COUNCIL
APPROVAL. MB

DATE: REV: AMENDMENT: DWN:

BUNNINGS Bunnings Group Limited
16 - 18 Cate Street, Hawthorn East, VIC 3123
Locked Bag 3004, Hawthorn VIC 3122
Phone : (03) 8831 9777
Fax : (03) 8831 9837
Website : www.bunnings.com.au

CAPEX APPROVED	
DRAWING NO:	CAPEX NO:
ISSUED FOR CAPEX FEASIBILITY	
DATE ISSUED :	DRAWING NO:
PROJECT NAME	SERIES SIZE
MORNINGTON	5,000
PROJECT ADDRESS	
SOUTH ARM HWY	
MORNINGTON TAS	
STORE NUMBER	STORE TYPE
	MEDIUM

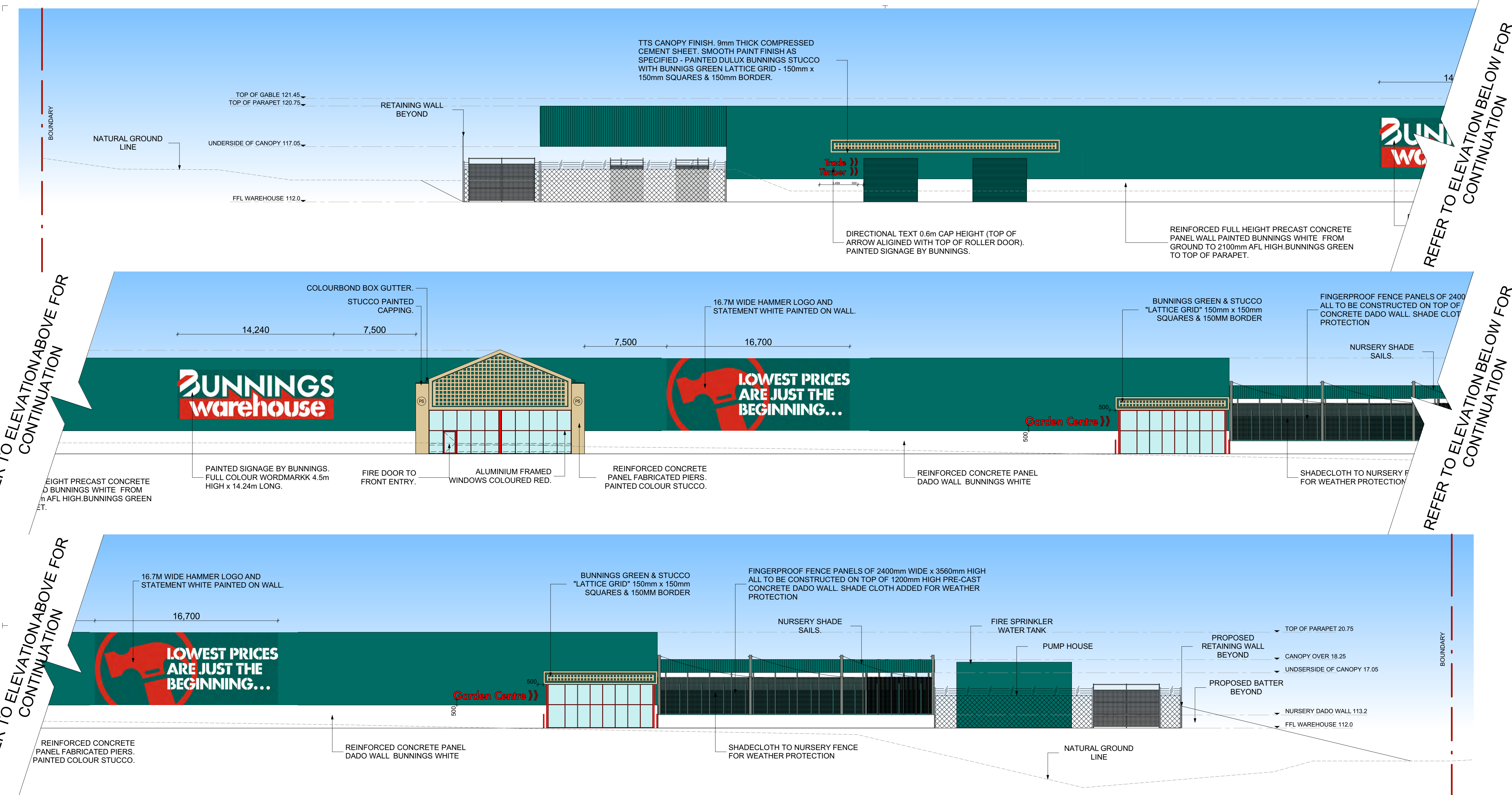
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TOWN PLANNING

DRAWING TITLE:
DEMOLITION PLAN

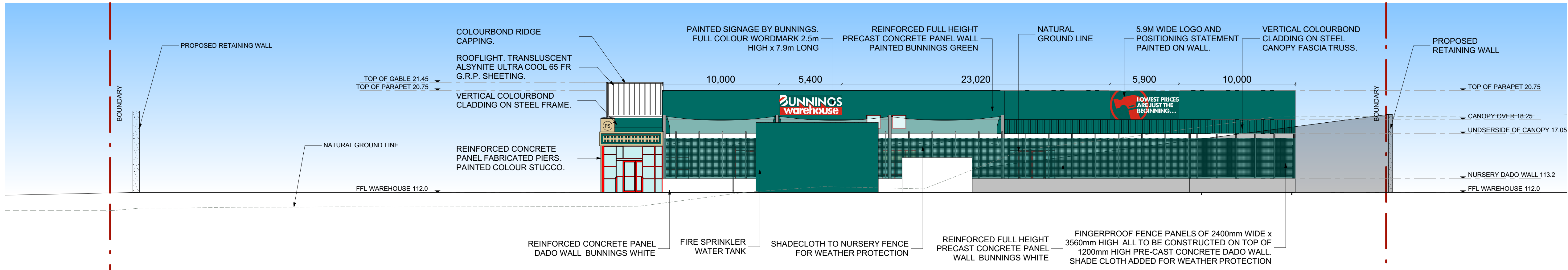
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SCALE: AS SHOWN		DM0_01	-
DATE: 18/06/2013			



EAST (FRONT) ELEVATION
SCALE: 1:200 @ A1



NORTH (NURSERY) ELEVATION
SCALE: 1:200 @ A1

ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE
PRIOR TO MANUFACTURE AND CONSTRUCTION

STORE TYPE MEDIUM

FOR COUNCIL
APPROVAL

01/11/14	-	INITIAL TOWN PLANNING DOCUMENTATION FOR COUNCIL APPROVAL.	MB
DATE:	REV:	AMENDMENT:	DWN:

CAPEX APPROVED

DRAWING NO:

DATE ISSUED:

CAPEX NO:

ISSUED FOR CAPEX FEASIBILITY

DATE ISSUED :

PROJECT NAME

MORNINGTON

SERIES SIZE

5,000

PROJECT ADDRESS

SOUTH ARM HWY
MORNINGTON TAS

STORE NUMBER

STORE TYPE
MEDIUM

DRAWING PHASE:
TOWN PLANNING

DRAWING TITLE:
PROPOSED ELEVATIONS

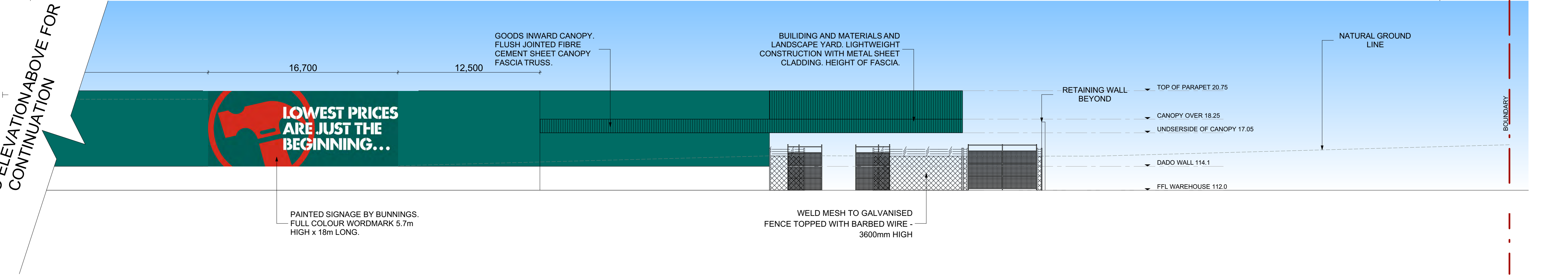
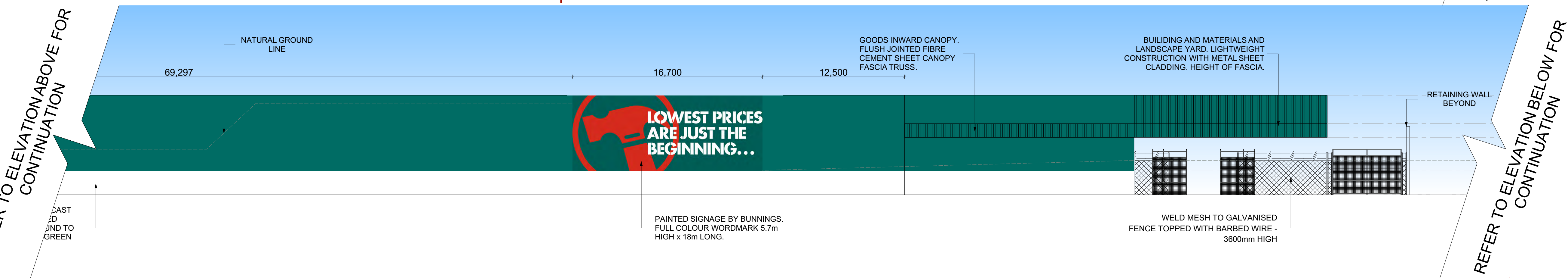
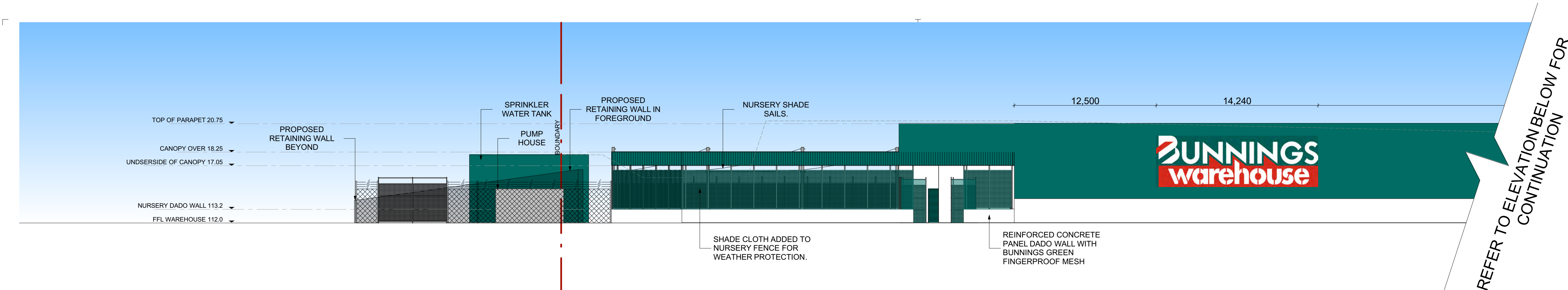
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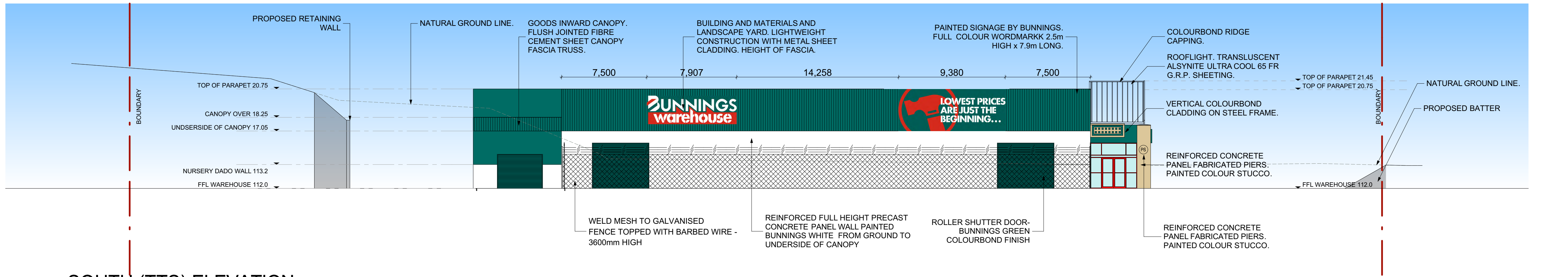
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DATE: 18/06/2013			

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Agenda Attachments - 25 South Arm Highway - Page 5 of 11



WEST (BACK) ELEVATION
SCALE: 1:200 @ A1



SOUTH (TTS) ELEVATION
SCALE: 1:200 @ A1

ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE
PRIOR TO MANUFACTURE AND CONSTRUCTION

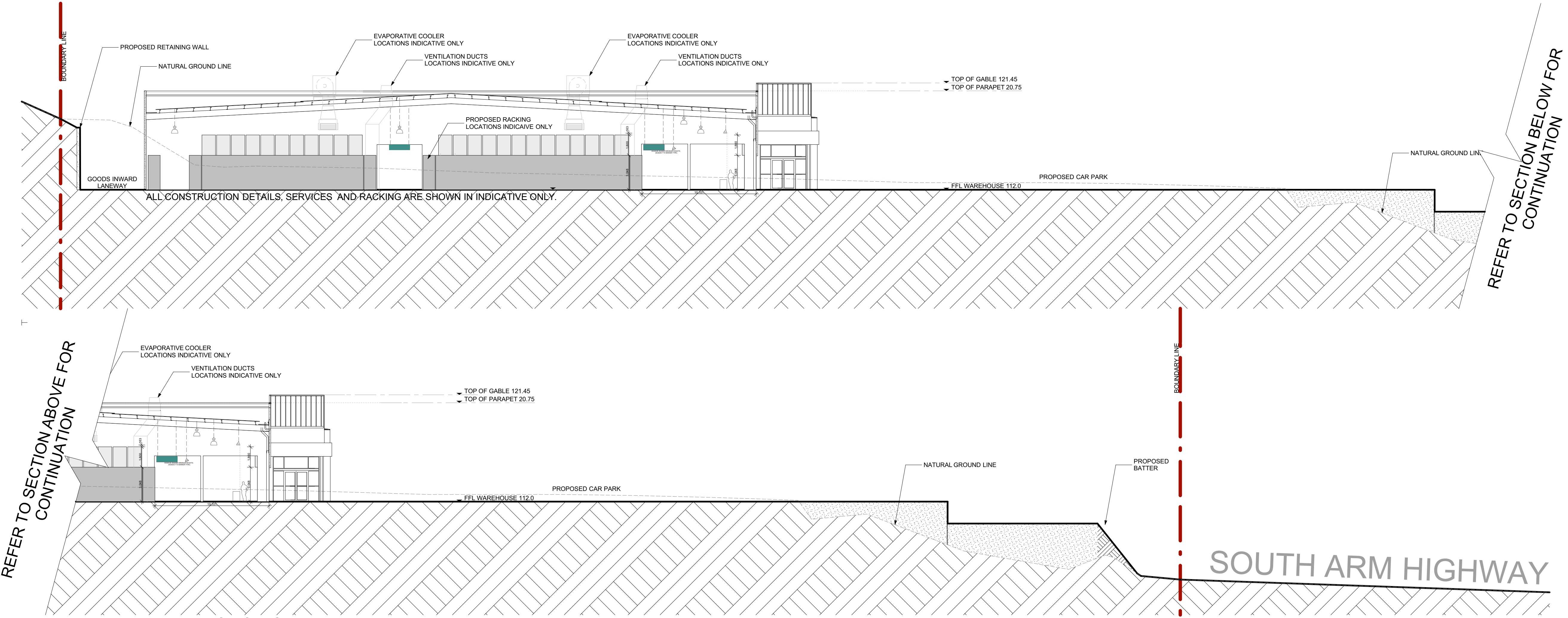
STORE TYPE MEDIUM

FOR COUNCIL
APPROVAL

01/11/14	-	INITIAL TOWN PLANNING DOCUMENTATION FOR COUNCIL APPROVAL.	MB
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<div><div><div>BUNNINGS</div><div>Bunnings Group Limited 16 - 18 Cate Street, Hawthorn East, VIC 3123 Locked Bag 3004, Hawthorn VIC 3122 Phone : (03) 8831 9777 Fax : (03) 8831 9837 Website : www.bunnings.com.au</div></div><div>CAPEX APPROVED DRAWING NO: CAPEX NO: DATE ISSUED: ISSUED FOR CAPEX FEASIBILITY DATE ISSUED : DRAWING NO: PROJECT NAME MORNINGTON PROJECT ADDRESS SOUTH ARM HWY MORNINGTON TAS STORE NUMBER STORE TYPE MEDIUM DRAWING PHASE: TOWN PLANNING DRAWING TITLE: PROPOSED ELEVATIONS PLOT DATE: 10/12/2014 4:38 PM CHECKED BY:</div></div>			
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DATE: 18/06/2013			

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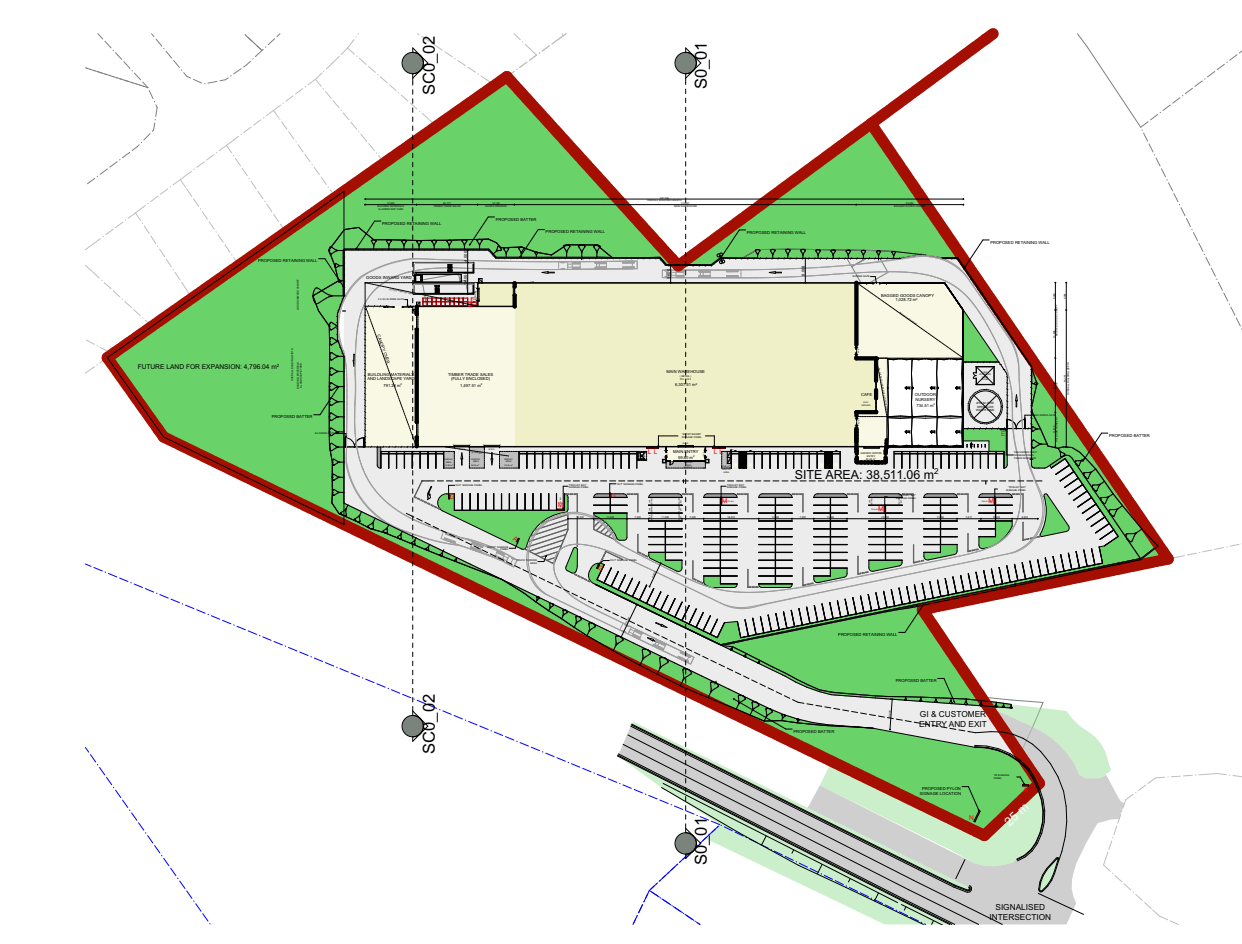
Agenda Attachments - 25 South Arm Highway - Page 6 of 11



REFER TO SECTION ABOVE FOR CONTINUATION

REFER TO SECTION BELOW FOR CONTINUATION

SECTION 01
SCALE: 1:200 @ A1



SITE PLAN: SECTION REFERENCE
SCALE: 1:2500 @ A1

ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE
PRIOR TO MANUFACTURE AND CONSTRUCTION

STORE TYPE MEDIUM

FOR COUNCIL
APPROVAL

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DATE ISSUED:			
ISSUED FOR CAPEX FEASIBILITY			
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PROJECT NAME		SERIES SIZE	
MORNINGTON		5,000	
PROJECT ADDRESS			
SOUTH ARM HWY MORNINGTON TAS			
STORE NUMBER		STORE TYPE	
		MEDIUM	
DRAWING PHASE:			
TOWN PLANNING			
DRAWING TITLE:			
PROPOSED SECTION			
PLOT DATE: 12/12/2014 2:11 PM			
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DATE: 18/06/2013			

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Agenda Attachments - 25 South Arm Highway - Page 7 of 11

ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE
PRIOR TO MANUFACTURE AND CONSTRUCTION

STORE TYPE MEDIUM

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DATE ISSUED :	DRAWING NO:
PROJECT NAME	SERIES SIZE
MORNINGTON	5,000
PROJECT ADDRESS	
SOUTH ARM HWY MORNINGTON TAS	
STORE NUMBER	STORE TYPE
	MEDIUM

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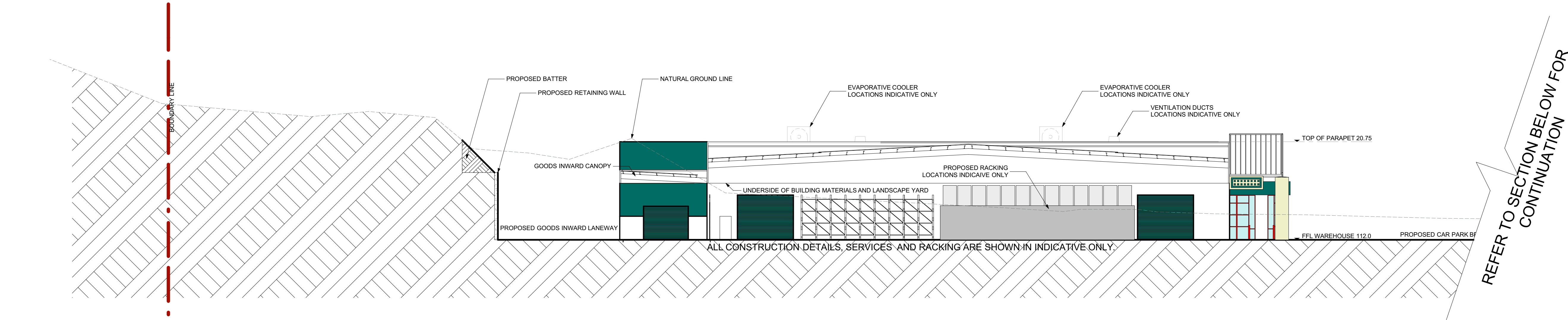
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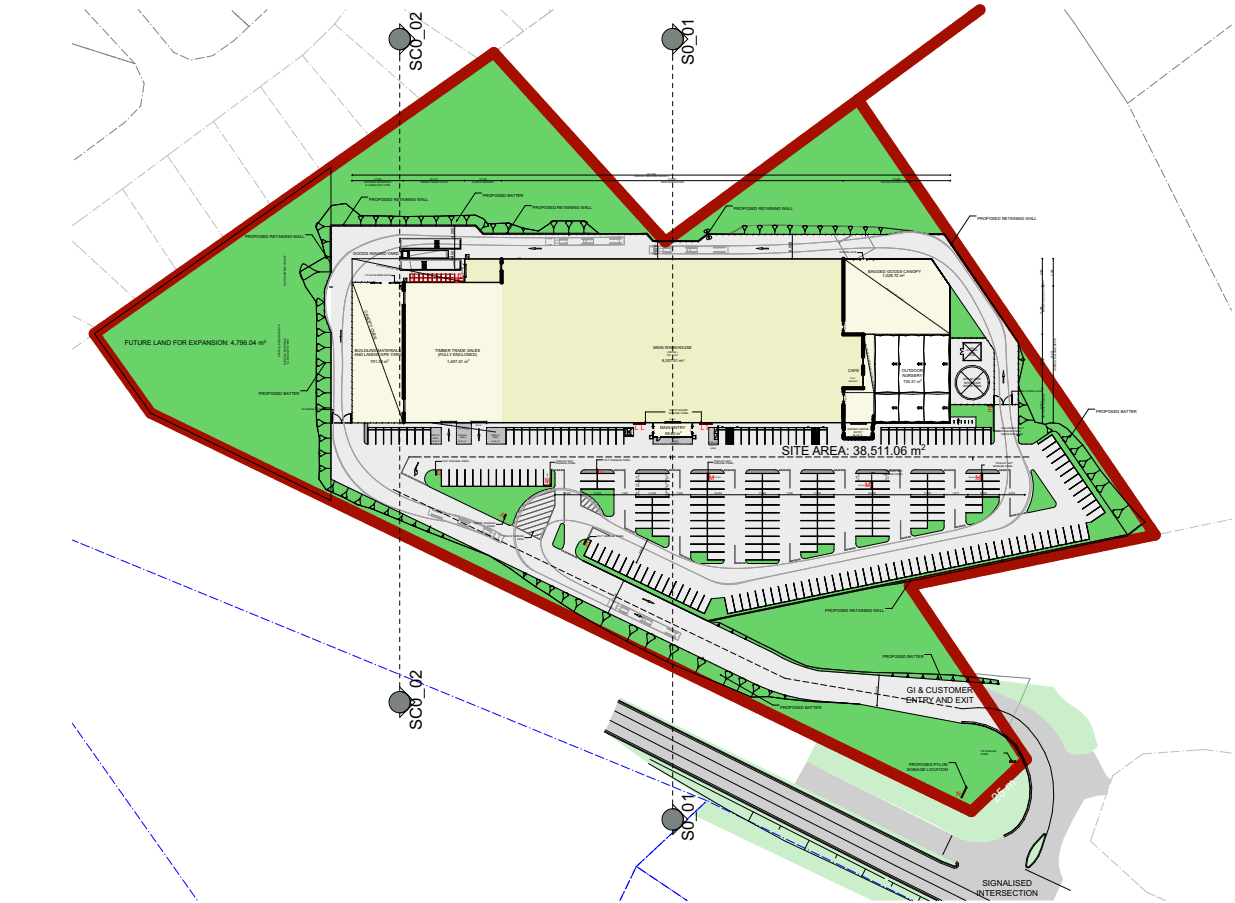
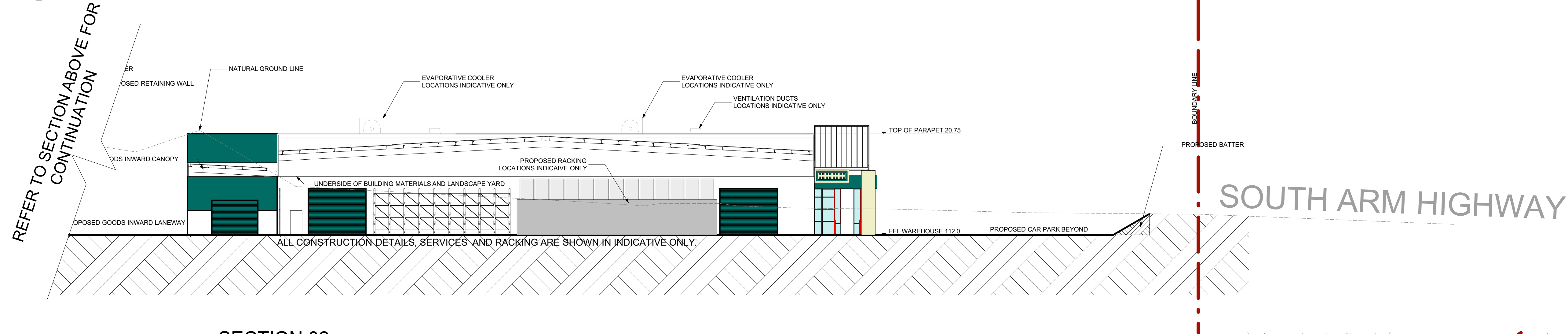
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DATE: 18/06/2013			

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SECTION 02
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SITE PLAN: SECTION REFERENCE
SCALE: 1:2500 @ A1



PROPOSED SITE PLAN
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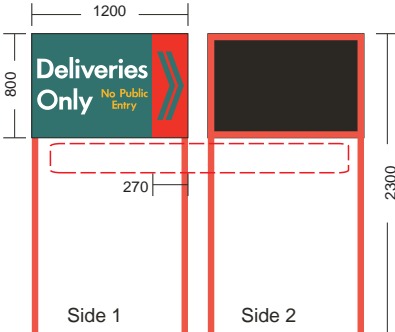
Area Analysis	
	Proposed
Main Warehouse	6,307.51
Main Entry	59.80
Warehouse Area	6,367.31
Outdoor Nursery	734.51
Bagged Goods Canopy (Nursery)	1,056.72
Nursery Area	1,791.23
Timber Trade Sales	1,497.51
Building Materials & Landscape Yard	791.26
Timber Trade Yard	2,288.77
Total Retail Area	10,447.31
Offices	97.14
Total Area	10,544.45
Standard Carparks	255
Disabled Carparks	4
Trailer Bays	4
Total Site Carparks	263
Trolley Bays	4
Total Land	(m²) 43,350.00



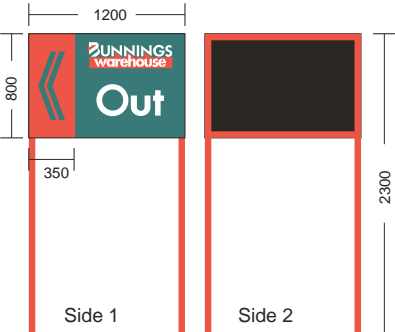
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Landscape Mounted



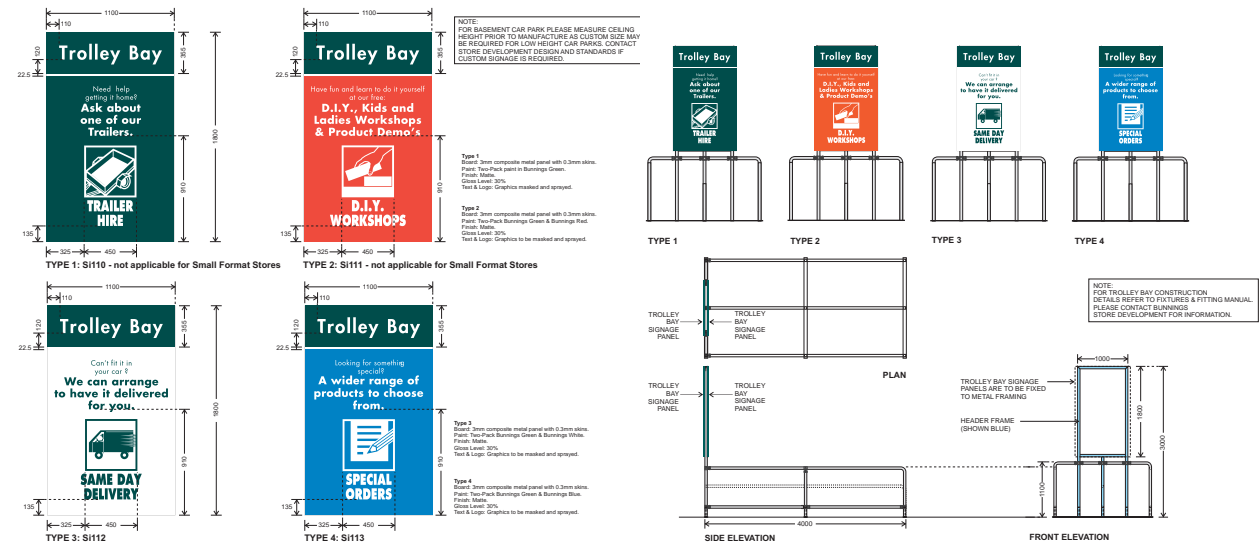
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Landscape Mounted



E (Weathertex)
Landscape Mounted



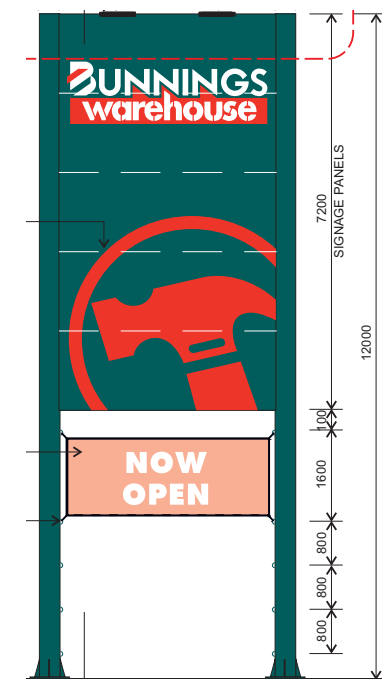
G (Weathertex)
Landscape Mounted



M
Trolley Bay Signage



L
Wall Mounted



N
Pylon Sign

ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE
PRIOR TO MANUFACTURE AND CONSTRUCTION

STORE TYPE MEDIUM

FOR COUNCIL
APPROVAL

01/11/14 - INITIAL TOWN PLANNING
DOCUMENTATION FOR COUNCIL
APPROVAL. MB

DATE: REV: AMENDMENT: DWN:



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DATE ISSUED:	
ISSUED FOR CAPEX FEASIBILITY	
DATE ISSUED :	DRAWING NO:
PROJECT NAME	SERIES SIZE
MORNINGTON	5,000
PROJECT ADDRESS	
SOUTH ARM HWY MORNINGTON TAS	
STORE NUMBER	STORE TYPE
	MEDIUM

DRAWING PHASE:
TOWN PLANNING

DRAWING TITLE:
PROPOSED SITE PLAN

PLOT DATE: 12/12/2014 2:11 PM

CHECKED BY:

DRAWN: KH	PROJECT NORTH	DRAWING NO:	REVISION:
SCALE: AS SHOWN		SP0_01	-
DATE: 18/06/2013			

Attachment 3

25 South Arm Highway, MORNINGTON



Existing service road, viewed looking west to subject property



Site viewed from existing service road, viewed northwest



Subject property and existing brickworks, viewed looking east



Subject property and existing brickworks, viewed looking northwest

Attachment 4

PLANNING SCHEME

AMENDMENT – A-2014/9

AMENDMENT TO PLANNING SCHEME ORDINANCE

To amend the CLARENCE PLANNING SCHEME 2007 as follows:

- 1) Insert the following Condition to the Table of Uses at Clause 6.5.2:

Must be within land:

- a) bounded by Kennedy Drive and the Tasman Highway but other than 66 Kennedy Drive (CT146586/1); or*
- b) at 25 South Arm Highway Mornington (CT120671/1).*

- 2) To replace Clause 8.5.2(b)(ii) with the following:

Specialist/Bulk Goods Stores within the Commercial Zone and bounded by Kennedy Drive and the Tasman Highway must contain a minimum 70 percent glazing on walls fronting streets, to ensure the premises interacts with the pedestrian environment and enhances the streetscape. Specialist/Bulk Goods Stores in other locations must provide windows and building facade design in a way that enhances the streetscape.

- 3) To insert a new Specific Decision Requirement as Clause 8.5.4(b) after Clause 8.5.4(a) as follows:

The development should be appropriate to the site context, as provided within the urban design context report, with regard to streetscape, surrounding development and the pedestrian environment.

- 4) To replace Clause 8.5.4(c) with the following:

The visual appearance of the development, including façade treatments, is to positively contribute to the streetscape and be appropriate for the building's mass, bulk and use.

- 5) To renumber Clause 8.5.4(c) as Clause 8.5.4(d) and renumber subsequent clauses accordingly.

**THE COMMON SEAL OF THE CLARENCE CITY
COUNCIL HAS BEEN HERE UNTO AFFIXED THIS XX
MARCH 2015, PURSUANT TO A RESOLUTION OF
THE COUNCIL PASSED THIS TUESDAY 4 MARCH
2015, IN THE PRESENCE OF:**

CORPORATE SECRETARY