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15 March 2024

Carissa Pickering and Shaun Pickering
c/- Shaun Pickering <elementalwellnessgroup@gmail.com>

Dear Carissa and Shaun,

I refer to recent discussions with you and your architect Ms Emma Holmes in relation to a proposed change of use to a gym (and associated works) at 1 Ascot Drive in Huntingfield – title reference CT-144577/3 (Kingborough Council municipality).

Please find attached a town planning compliance review which provides an overview of your proposed change of use, signage and internal fit out and development against the applicable use and development standards in the *Kingborough Interim Planning Scheme 2015* as outlined under Stage 5.0 of the engaged scope of works for town planning assistance.

Where triggered, Performance Criteria for use and development standards have been addressed.

It is intended that this review will accompany a final planning application for lodgement to Kingborough Council.

If you have any enquiries, please contact me on 0439 342 696.

Yours faithfully

Danielle Gray B.Env.Des. MTP. MPIA
Principal Consultant, Gray Planning





Town Planning compliance review advice For C and S Pickering

1 Ascot Drive Huntingfield 7055

**Proposal: Change of use to gym, new signage, internal fit out
and external alterations to building**

Stage 5.0 Final town planning report

Kingborough Council Interim Planning Scheme 2015

Light Industrial zone

15 March 2024

Version 1.0



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1 Introduction

1.1 Purpose

The purpose of this report is to provide planning advice as outlined under Stage 5.0 of the engaged scope of works as to the compliance of the proposed use and development for which approval is sought under the *Kingborough Interim Planning Scheme 2015* at the subject site, which is located at 1 Ascot Drive, Huntingfield (CT-144577/3).

The application seeks approval for a change of use to Sports and Recreation (Fitness Centre/Gym), three wall signs, internal fit-out and external building alterations (removal of door openings).

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Last updated: 15 March 2024

Report Author: Danielle Gray

Report Version: 1.0



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2 The subject site and background

2.1 The subject site at 1 Ascot Drive Huntingfield

The subject site is 1 Ascot Drive in Huntingfield and is a corner lot with dual frontage. The subject site has frontage onto Ascot Drive to the western frontage boundary of the site. The subject site also has frontage onto Patriarch Drive to the northern frontage boundary. The subject site is a rectangular parcel of land that is lot 3 of a Strata Scheme.

The subject site is currently vacant but was previously used by Cooper Automotives associated with the Service Industry. Cooper Automotive signage still appears on the site. The site contains a portion of a warehouse building which has been strata titled into separate tenancies under strata scheme 144577.

The subject site is predominantly covered with all weather surfaces throughout (concrete) and off street parking is located around the warehouse to the north and west.

The subject site comprises lot 3 in the strata scheme and the lot area is 700sqm (as per the title plan) with a generally level gradient throughout the site.

The title plan for the subject site at 115 Browns Road is CT-144577/3.

The subject site contains a landscaped grassed area on the northern and western boundaries that sits above a retaining wall and merges into the road reservation.

A total of two site inspections were undertaken in February 2024 for this planning assessment, both during business hours of operation for the surrounding industrial estate.

The advice provided within this report is a summary of likely compliance against applicable planning use and development standards under the Light Industrial zone as it applies to the subject site under the *Kingborough Interim Planning Scheme 2015*.





Figure.1. The subject site outlined in blue. The subject property is 1 Ascot Drive and is lot 3 under strata scheme 144577. Source: theLIST, sourced March 2024. No nominated scale.



Figure.2. The subject site outlined against the Huntingfield industrial precinct. Source: theLIST, sourced March 2024. No nominated scale.



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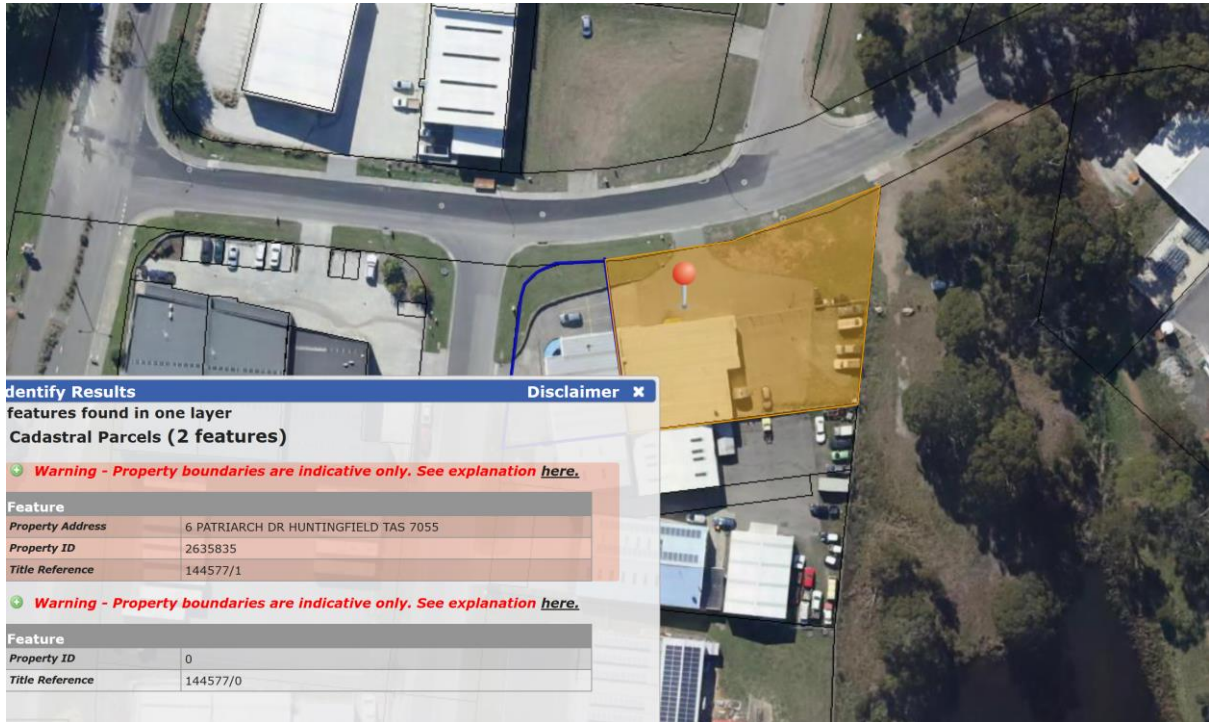


Figure.3. Neighbouring 6 Patriarch Drive (highlighted in orange) which directly adjoins the subject site and forms lot 1 on the strata scheme 144577. The strata scheme only has 2 lots, lot 3 being the subject site and lot 1 being 6 Patriarch Drive. Source: theLIST, sourced March 2024. No nominated scale.



3 Title documents

3.1 Title for the subject site 1 Ascot Drive Huntingfield

The entirety of the subject site at 1 Ascot Drive is outlined above in Figures 1 and 2. Immediately adjoining is the 6 Patriarch Drive that is under common ownership with the subject site and on the same strata scheme.

The subject site 1 Ascot Drive measures 700sqm in total site area and has the title reference CT-144577/3.

There is a pipeline easement that runs across 6 Patriarch Drive, but this does not affect lot 3 comprising the subject site.

A check of the title for the property revealed there are two applicable Schedule of Easements for sealed plans 29370 and 40221 (both historic title documents) attached to the subject title under the title text. These related to pipeline easements and drainage easements. These easements do not affect the subject site under its current title which shows the title plan for lot 3 being free of any easements.

A copy of these historic title schedules of easements have been provided as part of submitted title documentation.

The subject site does not contain any covenants that impact upon the proposed development. The subject site is not affected by any Part 5 Agreements under Section 71 of the Act. The title plan for the subject site does not show any building areas.

Other than a standard fencing provisions that the vendor is not required to fence, the subject site has no title restrictions.

The owner of the subject site is Cooper Sooper, which is related to the Cooper Automotive business that previously occupied the site.

A Section 52 owner notification has been sent to Cooper Sooper as the property owner as required under the Act. This is because the owner of the subject site is neither the applicant or the developer. Where the owner of the site is not the applicant or developer, they require notification of the intention to lodge a planning application under Section 52.

Overleaf are the title plan documents for the subject site. The subject site is noted as lot 3 on the plan.



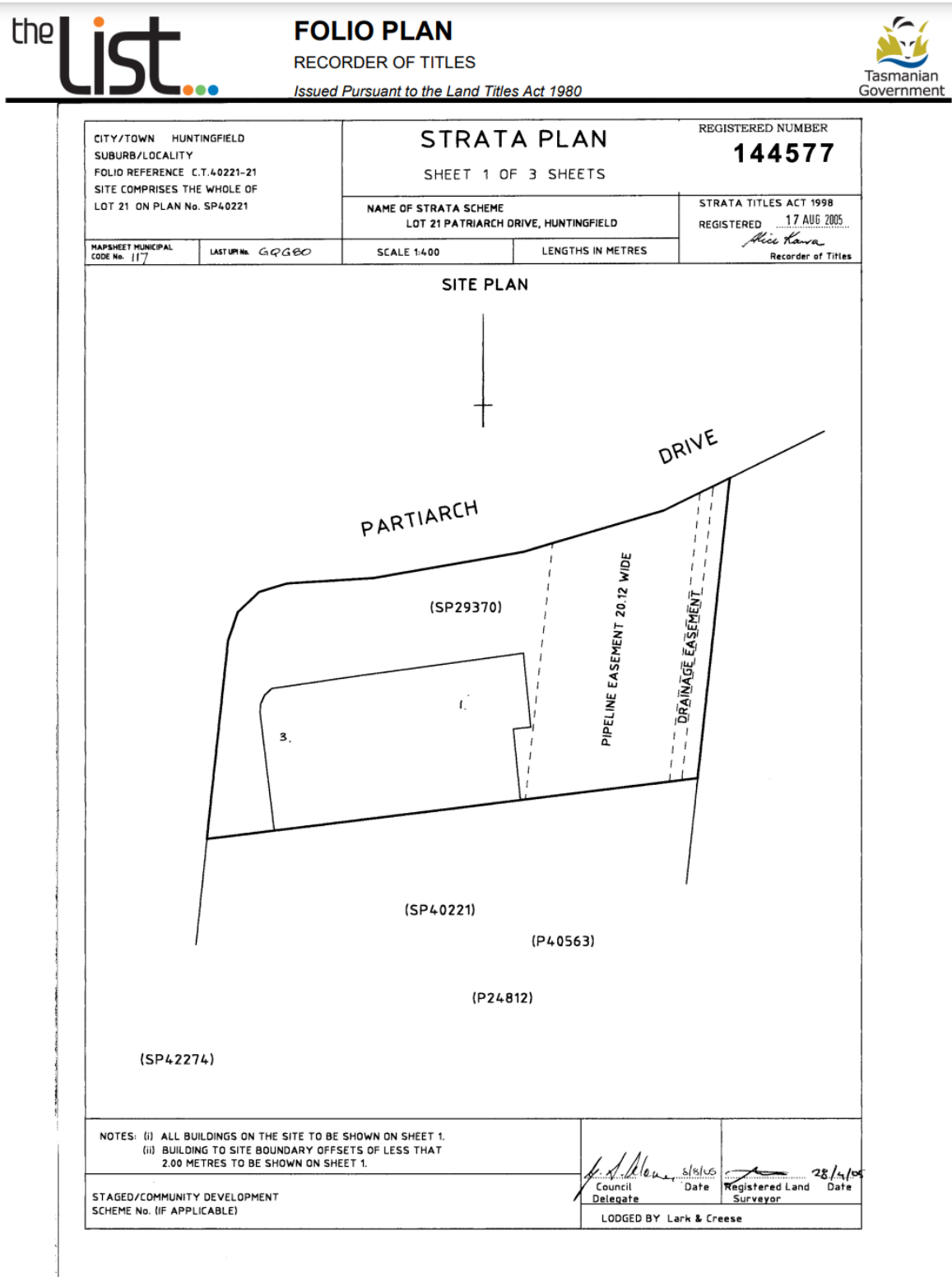


Figure.4. Strata title plan for strata scheme 144577. Source: theLIST, March 2024. Not to nominated scale.



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

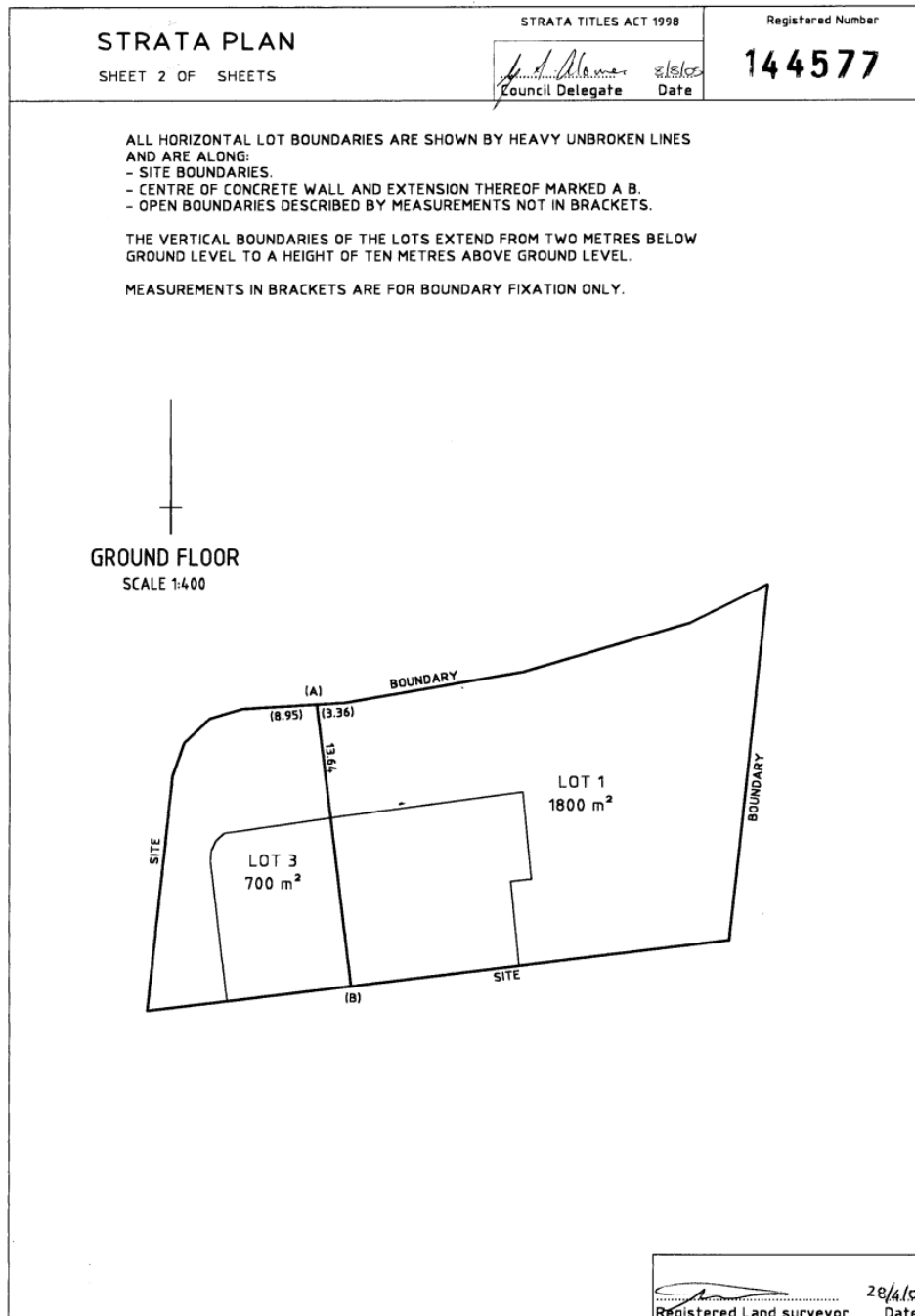


Figure.5. Strata title plan for strata scheme 144577. The subject site at 1 Ascot Drive is lot 3 on the plan. Source: theLIST, March 2024. Not to nominated scale.

4 Outline for use and development for which approval is sought

4.1 Details of proposed gym use

The following is an outline of what this application seeks approval for as per the plans and documents submitted to Council as part of the planning application:

Proposed use:

The proposed change of use is to a Gym (or also known as a Fitness Centre) which falls under the Sports and Recreational use class. This use class is Discretionary under Use Table 24.2 for the light Industrial zone.

Details of proposed use:

The proposed gym use includes the following details:

Proposed hours of operation:

5:30am – 10:30am and 4:30pm – 7:30pm Monday to Friday

6:00am - 8:30am Saturday

Number of staff at any one time:

Maximum of (3) at any one time including front desk

Any deliveries to and from the site:

None, Australia Post mail expected only.

Any new machinery that will be installed on site including air conditioning units, associated with the use:

No new machinery added, as per submitted plans.



A summary of the proposed use including any additional services offered including any retail sales from the site:

Group fitness facility, some ancillary merchandise sales during class hours (drink bottles etc)



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4.2 Proposed signage

The proposed development includes three new external wall signs. All of these signs are to be located where previous Cooper Automotive signs were located, and are still apparent on the external façade of the building at 1 Ascot Drive.

Details of the proposed signs are:

Wall sign 1:

CLIENT: The Yard Gym
PROJECT: Building illuminated sign

PROJECT No:

DATE: 08/03/24
PROOF VERSION: 1



Wall sign 1 is proposed to be illuminated.

Dimensions are:

Back light THE YARD GYM logo above door is 4.920 x 0.5m and is electronically lit from within.

This sign is proposed to be located on the west facing building façade that faces Ascot Drive.



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Wall sign 2:

CLIENT: The Yard Gym
PROJECT: Building round sign

PROJECT No:

DATE: 08/03/24
PROOF VERSION: 1



Wall sign 2 (round sign) is NOT proposed to be illuminated.

Dimensions are:

Round logo is 3.170 diameter

This sign is proposed to be located on the north west facing building façade that faces the corner of both Ascot Drive and Patriarch Drive.



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Wall sign 3:

CLIENT: The Yard Gym
PROJECT: Vertical wall sign

PROJECT No:

DATE: 08/03/24
PROOF VERSION: 2



Wall sign 3 (vertical sign) is NOT proposed to be illuminated.

Dimensions are:

The vertical side sign is 5.00 meters by 0.425 metres

This sign is proposed to be located on the north facing building façade that faces Patriarch Drive.

All signs are located where previous Cooper Automotive signs were located. These signs have been partially removed by the previous tenant but are still evident.

The external building facades are proposed to be painted black as shown in the architectural drawings provided by the client.

The subject site has 8 parking spaces marked out within the title boundaries of lot 3, adjacent to the building on site.

The following proposal plans have been provided by the developer:



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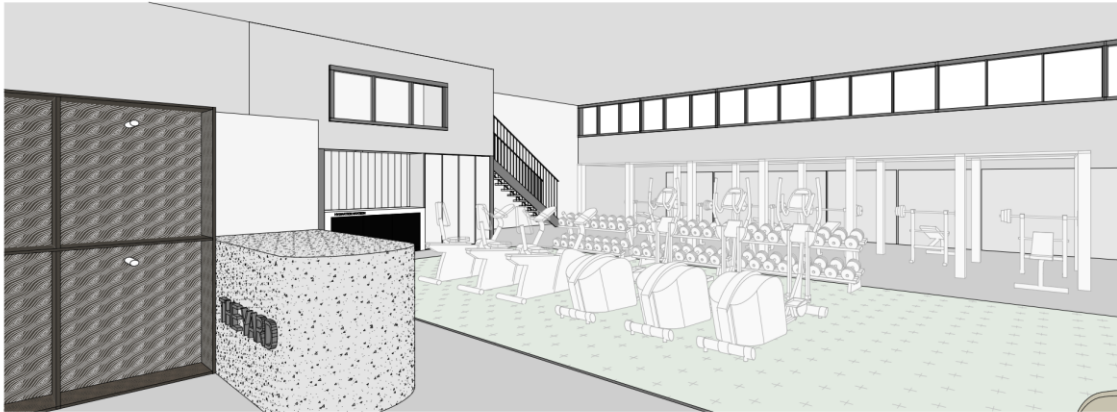


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Internal fitout drawings:



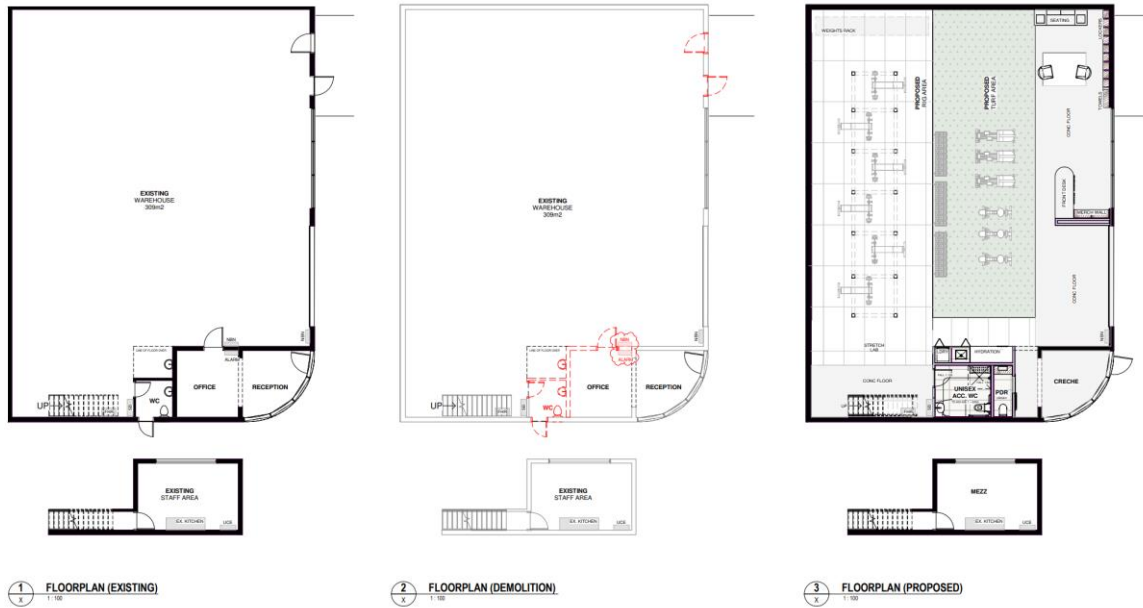
THE YARD GYM HUNTINGFIELD

INTERIOR DESIGN PACKAGE

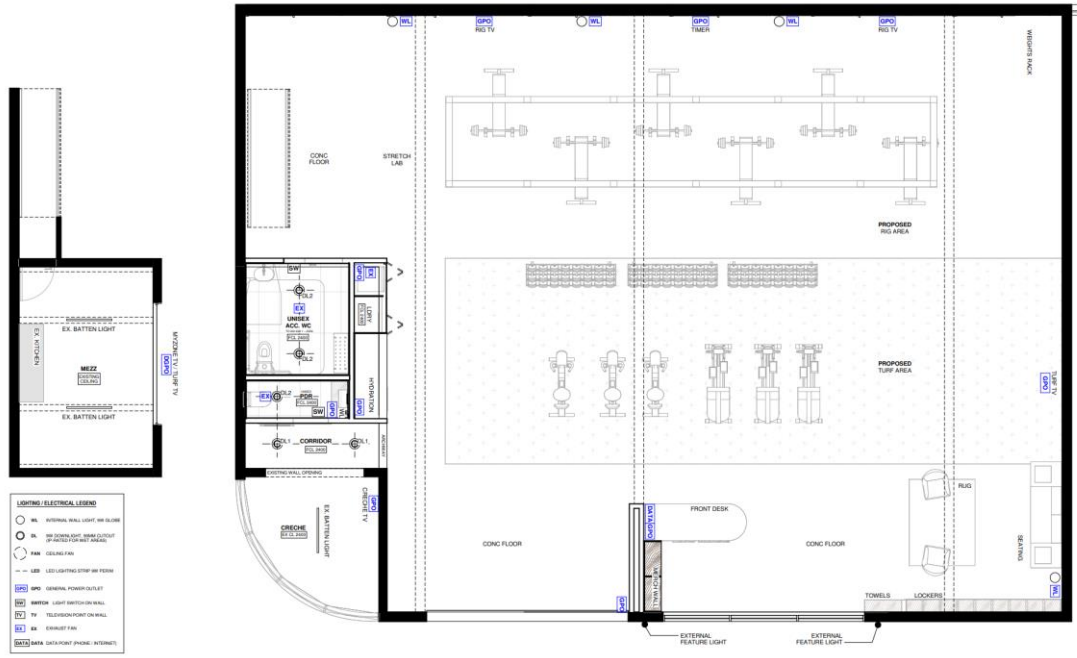
SHEET LIST

- ID000 COVER PAGE
- ID100 EXISTING, DEMO & PROPOSED FLOORPLAN
- ID101 PROPOSED FLOORPLAN
- ID250 REFLECTED CEILING PLAN / LIGHTING & ELECTRICAL
- ID400 MERCHANTISE WALL & DESK
- ID410 CONCRETE SEAT
- ID420 HYDRATION STATION & LDRY
- ID430 LOCKERS & TOWELS
- ID440 ACCESSIBLE BATHROOM
- ID441 UNISEX BATHROOM

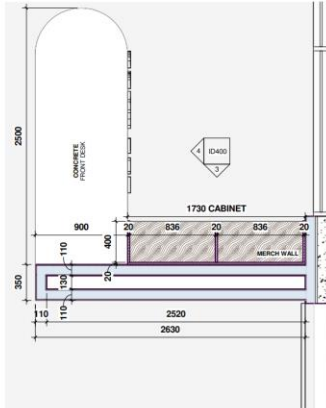
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		<p>Drawing Status INTERIOR DESIGN</p>	<p>Scale at A2</p>	<p>Drawing No. ID000</p>	<p>Revision 1</p>



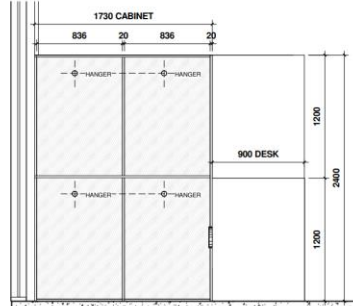
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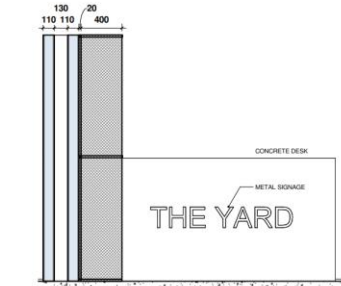
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	<p>Drawing Status INTERIOR DESIGN</p>	<p>Scale of A2 As indicated</p>	<p>Drawing No. ID250</p>	<p>Revision 1</p>	



1 PLAN VIEW - FRONT DESK & MERCH WALL



3 ELEVATION A - FRONT DESK & MERCH WALL



4 ELEVATION B - FRONT DESK & MERCH WALL



2 3D VIEW - FRONT DESK & MERCH WALL

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Project
THE YARD GYM
1 ASCOT DRIVE, HUNTINGFIELD

Project No.
00060

Drawing
MERCHANDISE WALL & DESK

Date
11/03/2024

Drawing Status
INTERIOR DESIGN

Scale at A2
1 : 20

Drawing No.
ID400

Revision
1



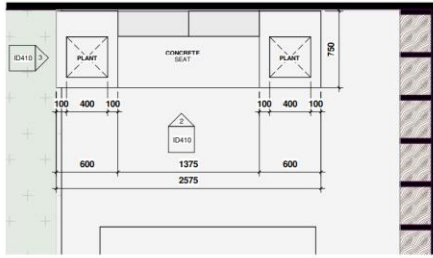
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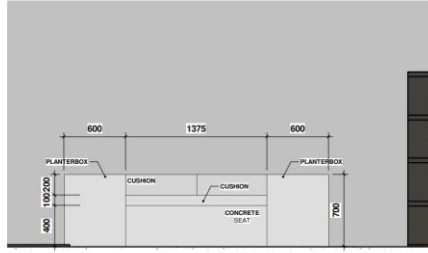
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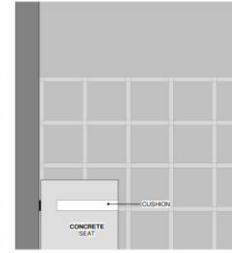
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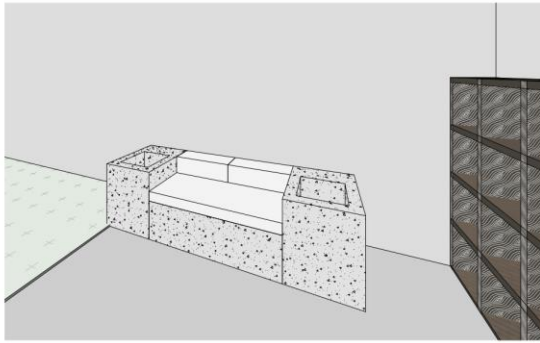
1 PLAN VIEW - CONCRETE SEAT
1:20



2 FRONT ELEVATION - CONCRETE SEAT
1:20



3 SIDE ELEVATION - CONCRETE SEAT
1:20



4 3D VIEW - CONCRETE SEAT

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		<p>Drawing Status INTERIOR DESIGN</p>	<p>Scale of All 1 : 20</p>	<p>Drawing No. ID410</p>	<p>Revision 1</p>



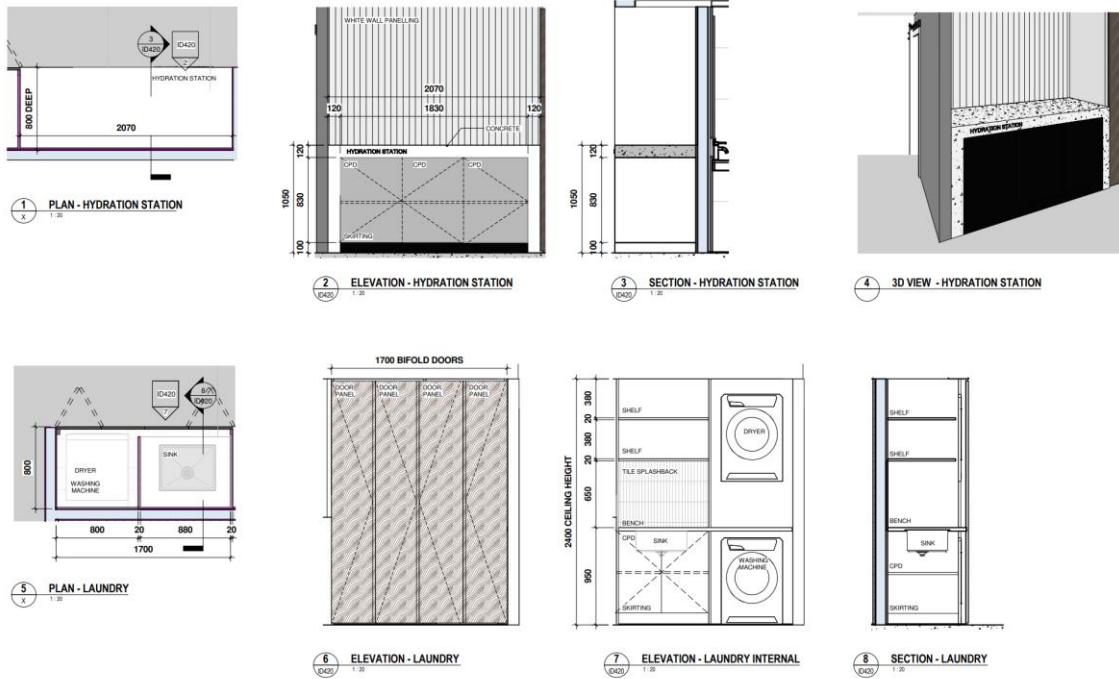
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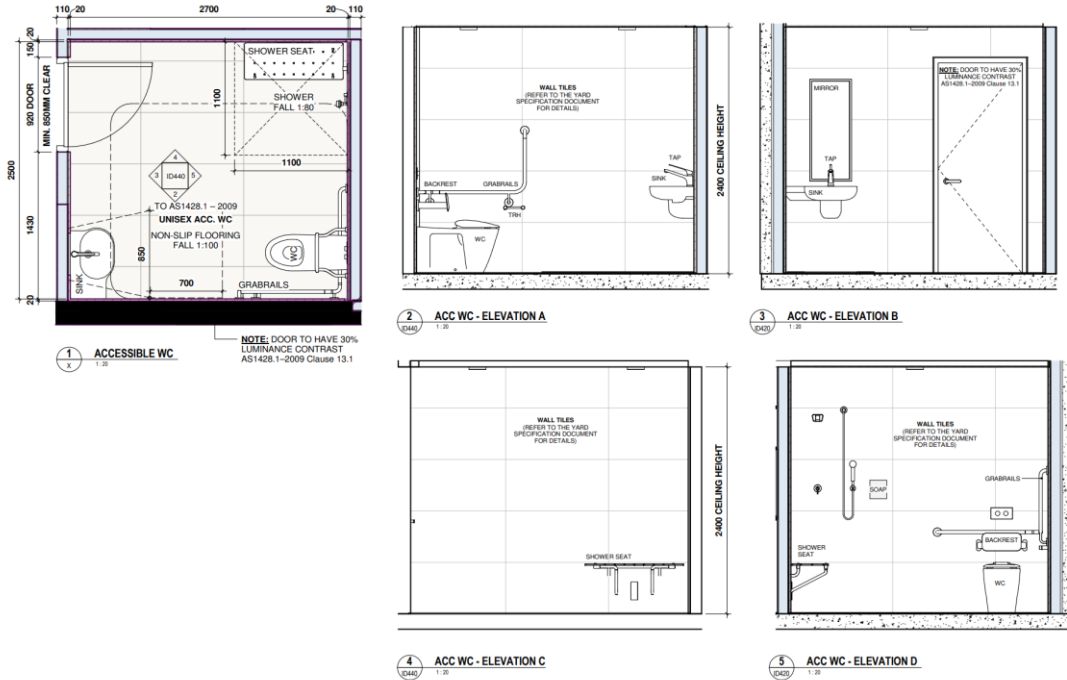
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		<p>Drawing Status INTERIOR DESIGN</p>	<p>Scale of A2 1 : 20</p>	<p>Drawing No. ID420</p>	<p>Revision 1</p>



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Project
 THE YARD GYM
 1 ASCOT DRIVE, HUNTINGFIELD

Drawing Status
 INTERIOR DESIGN

Project No.
 00060

Drawing
 ACCESSIBLE BATHROOM

Date
 11/03/2024

Scale of A2
 1 : 20

Drawing No.
 ID440

Revision
 1



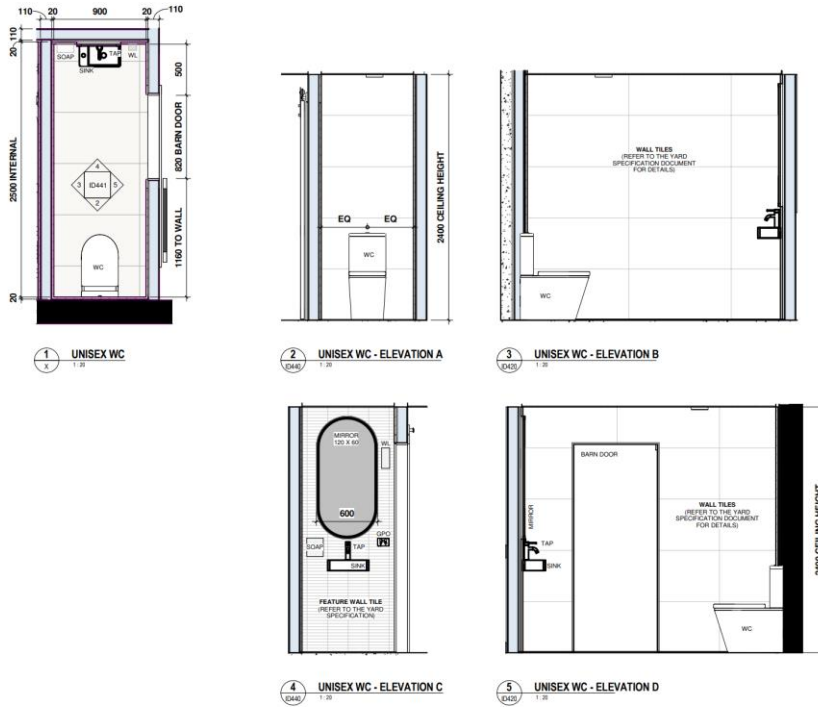
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		<p>Drawing Status INTERIOR DESIGN</p>	<p>Scale of A2 1 : 20</p>	<p>Drawing No. ID441</p>	<p>Revision 1</p>

The following proposal plans have been provided by the client:

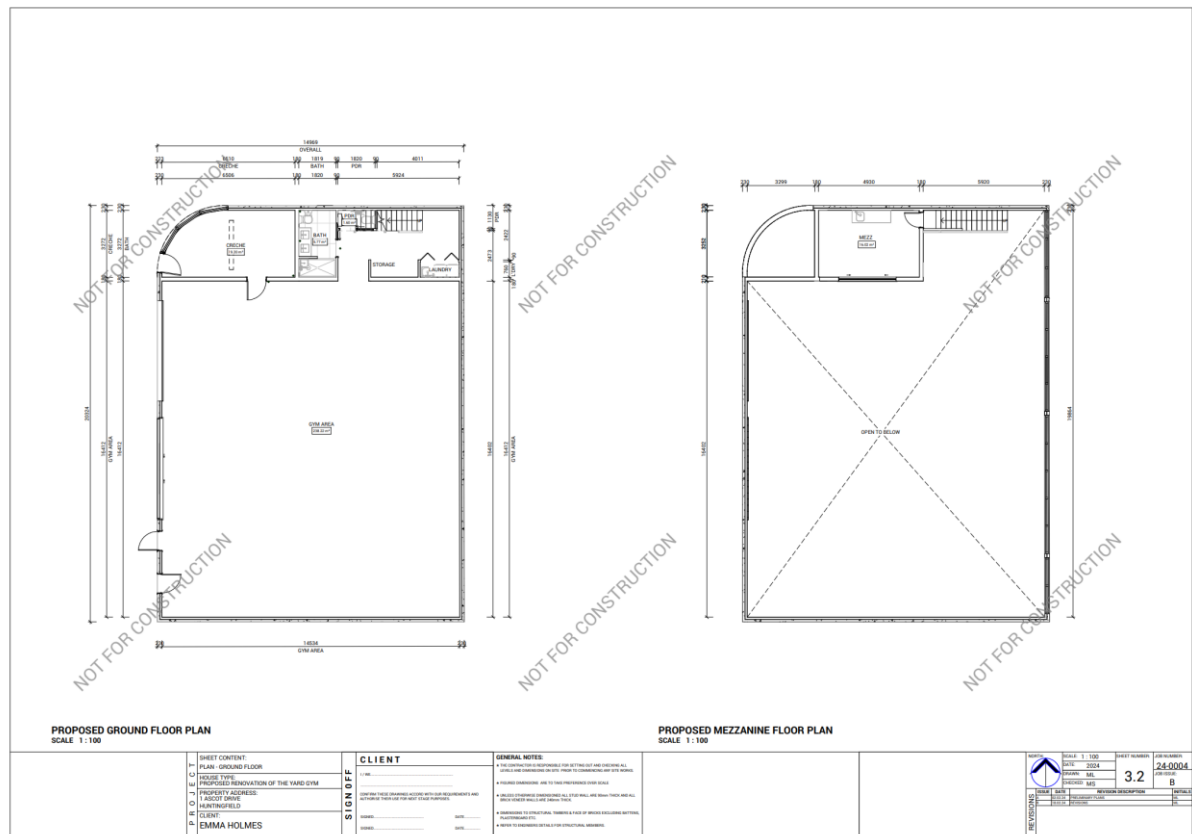
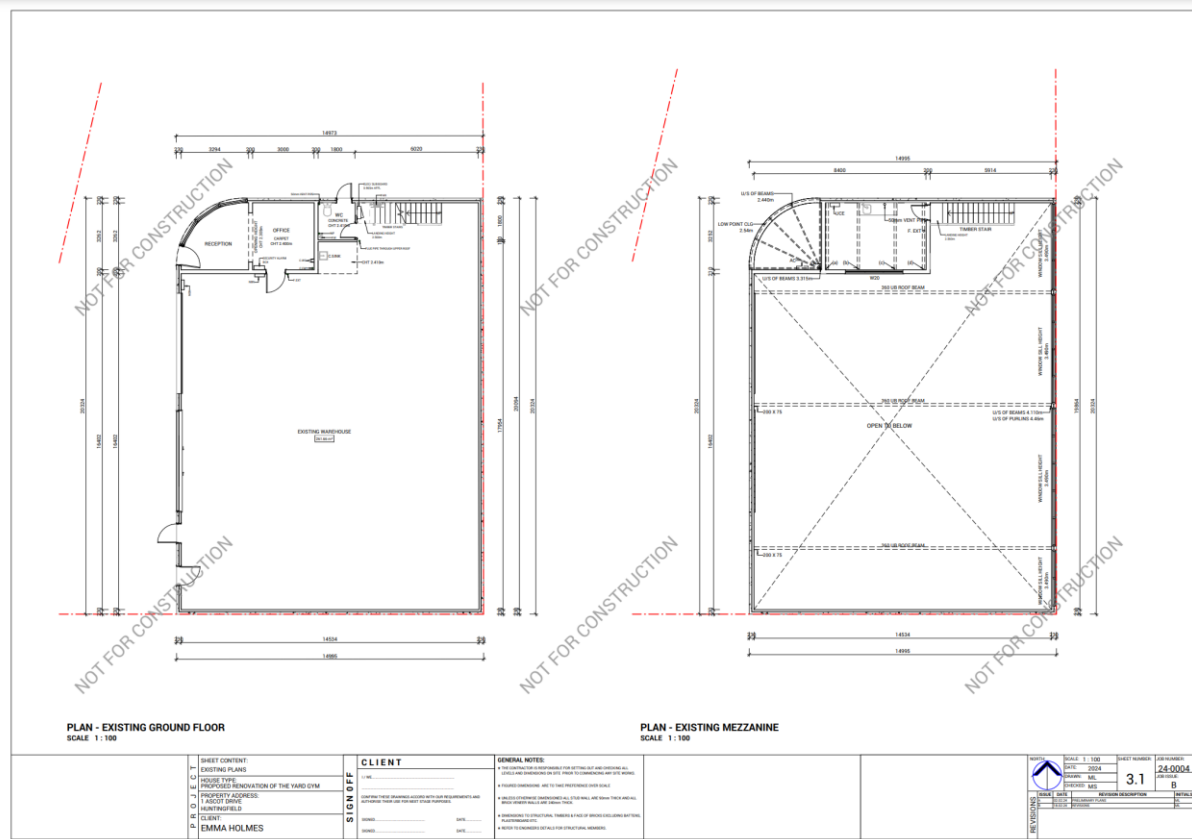
External 'proposed' drawings:

1 ASCOT DRIVE HUNTINGFIELD

DRAWING SCHEDULE	
1.1	COVER SHEET & INDEX
1.2	GENERAL NOTES
1.3	SITE PLAN
1.4	EXTERIOR ELEVATION
1.5	PLANNING FLOOR
1.6	PLANNING ELECTRICAL PLAN
1.7	RELATIONS

GRAPHICAL PRESENTATION ONLY

<p>SHEET CONTENT</p> <p>COVER SHEET & INDEX</p> <p>PROPOSED RENOVATION OF THE YARD GYM</p> <p>1 ASCOT DRIVE</p> <p>HUNTINGFIELD</p> <p>CLIENT</p> <p>EMMA HOLMES</p>	<p>CLIENT</p> <p>NAME: _____</p> <p>ADDRESS: _____</p> <p>CITY: _____</p> <p>STATE: _____</p> <p>POSTCODE: _____</p> <p>CONTACT: _____</p>	<p>GENERAL NOTES:</p> <p>1. THE DRAWING IS PREPARED BY THE ARCHITECT AND DOES NOT REPRESENT THE CLIENT'S RESPONSIBILITY.</p> <p>2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND OTHER RELEVANT AUTHORITIES.</p> <p>3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND OTHER RELEVANT AUTHORITIES.</p> <p>4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND OTHER RELEVANT AUTHORITIES.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">SCALE</td> <td style="width: 10%;">1:1</td> <td style="width: 10%;">DATE</td> <td style="width: 10%;">18/03/2024</td> <td style="width: 10%;">PROJECT NUMBER</td> <td style="width: 10%;">24-0004</td> <td style="width: 10%;">CLIENT</td> <td style="width: 10%;">EMMA HOLMES</td> </tr> <tr> <td>PROJECT NAME</td> <td>PROPOSED RENOVATION OF THE YARD GYM</td> <td>PROJECT ADDRESS</td> <td>1 ASCOT DRIVE</td> <td>PROJECT CITY</td> <td>HUNTINGFIELD</td> <td>PROJECT STATE</td> <td>TAS</td> </tr> <tr> <td>PROJECT POSTCODE</td> <td>7243</td> <td>PROJECT PHONE</td> <td>03 6288 8449</td> <td>PROJECT FAX</td> <td>03 6288 8449</td> <td>PROJECT EMAIL</td> <td>emma@holmes.com.au</td> </tr> </table>	SCALE	1:1	DATE	18/03/2024	PROJECT NUMBER	24-0004	CLIENT	EMMA HOLMES	PROJECT NAME	PROPOSED RENOVATION OF THE YARD GYM	PROJECT ADDRESS	1 ASCOT DRIVE	PROJECT CITY	HUNTINGFIELD	PROJECT STATE	TAS	PROJECT POSTCODE	7243	PROJECT PHONE	03 6288 8449	PROJECT FAX	03 6288 8449	PROJECT EMAIL	emma@holmes.com.au
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5 Photographs of the subject site

The subject site was inspected during February 2024 and the following images were taken.



Image.1. Looking south toward the west facing elevation of the existing warehouse building at the subject site. Source: Gray Planning, taken February 2024. No image modification.



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Image.2. Looking east toward the NW facing elevation that faces the corner of Ascot Drive and Patriarch Drive at the subject site. Source: Gray Planning, taken February 2024. No image modification.



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Image.3. Looking east toward the north facing elevation of the existing warehouse building at the subject site. Source: Gray Planning, taken February 2024. No image modification.



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Image.4. Looking south toward the west facing elevation of the existing warehouse building at the subject site and 3 marked parking spaces accessed from the Ascot Drive access. Source: Gray Planning, taken February 2024. No image modification.



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Image.5. Looking east toward the north facing elevation of the existing warehouse building at the subject site and the six parking spaces marked out. The spaces located within strata lot 3 which makes up the subject site have been arrowed. Source: Gray Planning, taken February 2024. No image modification.



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Image.6. Looking south toward the west facing elevation of the existing warehouse building at the subject site and 3 marked parking spaces and the existing crossover access from Ascot Drive. Source: Gray Planning, taken February 2024. No image modification.



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Image.7. Looking east toward the west facing elevation of the existing warehouse building at the subject site and current vehicular and pedestrian circulation areas which are concreted. Source: Gray Planning, taken February 2024. No image modification.



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Image.8. Looking east toward the west facing elevation of the existing warehouse building at the subject site and current vehicular and pedestrian circulation areas which are concreted. Source: Gray Planning, taken February 2024. No image modification.



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6 Planning Scheme zoning of the subject site

6.1 Applicable Planning Zone

The subject site 1 Ascot Drive in Huntingfield is wholly zoned Light Industrial under the *Kingborough Interim Planning Scheme 2015*.



Figure.7. The subject site outlined in blue and zoned wholly Light Industrial. The pink shading denotes the extent of the Light Industrial zone. Source: theLIST, sourced March 2024. No nominated scale.

The use proposed for currently vacant building is a gymnasium for general public use which falls under the 'Sports and Recreation' use class.

The use class of Sports and Recreation is a Discretionary use within the Light Industrial zone under Use Table 24.2:



24.2 Use Table

No Permit Required	
Use Class	Qualification
Any permitted use	Only if replacing an existing use on the site and there is no associated development requiring a permit
Natural and cultural values management	
Utilities	Only if minor utilities
Permitted	
Use Class	Qualification
Equipment and machinery sales and hire	Only if hire of machinery and equipment
Manufacturing and processing	
Port and shipping	Except if a wharf
Service industry	
Storage	

Discretionary	
Use Class	Qualification
Bulky goods sales	
Educational and occasional care	Only if employment training centre
Emergency services	
Food services	Only if take away food premises or cafe
General retail and hire	Only if for an existing general retail and hire use
Passive recreation	
Port and shipping	Only if a wharf
Recycling and waste disposal	Only if a scrap yard or waste transfer station
Research and development	
Resource processing	
Sports and recreation	
Transport depot and distribution	
Utilities	Except if No Permit Required.
Vehicle fuel sales and service	
Vehicle parking	



7 Planning Scheme Use Standards

7.1 Applicable Use Standards for all new uses in the Zone

The following Light Industrial zone use standards and clauses are relevant in the assessment of the proposal by Council:

Hours of operation clause 24.3.1.A1/P1

24.3 Use Standards

24.3.1 Hours of Operation

Objective:	
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Hours of operation of a use within 100 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must be within:</p> <p>(a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Saturdays;</p> <p>(c) nil Sundays and Public Holidays.</p> <p>except for office and administrative tasks.</p>	<p>P1</p> <p>Hours of operation of a use, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), within 100 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>

Planning comment: This hours of operation clause will apply to the Sports and Recreational use of a proposed gym.

The proposed hours of operation of proposed gym have been nominated by the client as: 5:30am – 10:30am and 4:30pm – 7:30pm Monday to Friday.

6:00am - 8:30am Saturday

These hours are 1.5 hours prior to 7am on weekdays and 0.5 hours post 7pm on weekdays.

On weekends the hours proposed for Saturday are 3 hours prior to 9am.



As the nominated hours are outside those in the A1 Acceptable Solution, the application will be required to be assessed under the P1 Performance Criteria.



Figure.8. Measurement of the subject site to land zoned General Residential to the NW.
Source: theLIST, sourced March 2024. No nominated scale.





Figure.9. Measurement of the subject site to land zoned General Residential to the West.
Source: theLIST, sourced March 2024. No nominated scale.



Figure.10. Measurement of the subject site to land zoned General Residential to the SW.
Source: theLIST, sourced March 2024. No nominated scale.

The P1 Performance Criteria focus on residential amenity of land within a residential zone within 100m of the proposed use.

There is no residential (General Residential) zoned land within 100m of the closest edge of the subject site as shown in the above maps Figures 8, 9 and 10.

There is closer land to the subject site that is zoned Open Space, Environmental Management and Light Industrial. None of these are classed as 'residential zones'.

Residential use is prohibited in the Open Space zone, prohibited in the Environmental Management zone (unless a reserve management plan applies) and prohibited in the Light Industrial zone.

Traffic along the nearby Southern Outlet would cause significantly more noise in the locality than the use of the site for a gym which will occur internally within the existing warehouse building.

Traffic generation will typically comprise light vehicles.

It is considered the gym use will not present any amenity issues in terms of any noise emissions and vehicle movements. It is considered the proposal is not problematic under the P1 Performance Criteria which is not considered to apply in any case as the subject site is not within 100m of residential zoned land.



Noise clause 24.3.2.A1/P1

24.3.2 Noise

Objective:	
To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Noise emissions measured at the boundary of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must not exceed the following:</p> <ul style="list-style-type: none"> (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LMax) at any time. 	<p>P1</p> <p>Noise emissions measured at the boundary of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must not cause environmental harm within the residential zone.</p>

<p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
--	--

Planning comment: This noise clause is applicable to the proposed use of buildings. The existing building will be used for the purposes of a gym. No machinery is proposed, required

or associated with the use proposed. All gym activity will occur inside the building, typically in cases with free weight or pin machines which do not emit noise.

Therefore, minimal noise emissions would result from the proposed gym use of the building.

Traffic movements (light vehicle movements) associated with the use would not exceed the above A1 Acceptable Solution limits with respect to noise generation.

The developer has confirmed that no air conditioning units are proposed to be installed.

It is considered that the proposal will not trigger unreasonable noise levels or have any impact on residential amenity owing to the nature and characteristics of the proposed use and the distance of the closest residences which are more than 100m from the subject site.

Noise clause 24.3.2.A1/P1

<p>A2</p> <p>External amplified loud speakers or music must not be used within 50 m of a residential zone.</p>	<p>P2</p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>
---	---

Planning comment: The use is likely to use amplified loud speakers or music as part of gym and fitness class operations.

However, as the proposed use is not within 50m of a residential zone, the proposal complies with the A2 Acceptable Solution.



Lighting clause 24.3.3.A1/P1

24.3.3 External Lighting

Objective:	
To ensure that external lighting does not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>External lighting within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must comply with all of the following:</p> <p>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</p>	<p>P1</p> <p>External lighting within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must not adversely affect the amenity of adjoining residential areas, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwelling.</p>

Planning comment: This lighting clause will not be applicable as there is no residential zoned land within 50m of the subject site.



Commercial vehicle movements clause 24.3.4.A1/P1

24.3.4 Commercial Vehicle Movements

Objective:	
To ensure that commercial vehicle movements not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must be within the hours of:</p> <p>(a) 7.00 am to 7.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 9.00 am to 5.00 pm Sundays and Public Holidays.</p>	<p>P1</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>
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Planning comment: This clause related to commercial vehicle movements will not be applicable as there is no residential zoned land within 50m of the subject site.

Outdoor working areas clause 24.3.5.A1/P1

24.3.5 Outdoor Work Areas

Objective:	
To ensure that use of outdoor work areas does not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans must not be located within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1).</p>	<p>P1</p> <p>Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans located within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must be accompanied by effective acoustic screening in the intervening space.</p>

Planning comment: This outdoor work areas clause applies where there is Residential zoned land within 50m of the subject site and only if there are noise emitting services (air conditioning/pumps/fans etc) and outdoor work areas in the planning application to Council.

The site currently contains no outdoor working areas and none are proposed as part of the development.

An outdoor work area is an area where use and activities will be undertaken that is not enclosed within a building. No outdoor work areas are included in the application and on this basis, this clause is not relevant. Gym classes will occur entirely inside the building at 1 Ascot Drive.

Furthermore, this clause is complied with, with respect to outdoor working areas as there is no residential zoned land within 50m of the subject site.



8 Planning Scheme Development Standards

8.1 Applicable Development Standards for the Zone

The following Light Industrial zone development standards and clauses are relevant in the assessment of the proposal by Council:

Building height clause 24.4.1.A1/P1

Objective:	
To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must be no more than: 9 m.</p>	<p>P1</p> <p>Building height must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the scale of nearby buildings; (c) not unreasonably overshadow adjacent public space; (d) allow for a transition in height between adjoining buildings, where appropriate; (e) Except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), be no more than 12 m.

Planning comment: There are minor alterations proposed to the building which involve removing several doorway entrances from the front facade. These do not increase the height of the building. This clause is therefore not triggered.

The height of the building at 1 Ascot Drive in any case does not exceed 9m.



Building height clause 24.4.1.A2/P2

A2	P2
Building height within 10 m of a residential zone must be no more than 8.5 m.	Building height within 10 m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.

Planning comment: There are minor alterations proposed to the building which involve removing several doorway entrances from the front facade. These do not increase the height of the building. This clause is therefore not triggered.

The height of the building at 1 Ascot Drive in any case does not exceed 8.5m and is not within 10m of a residential zone.



Building setback frontage clause 24.4.2.A1/P1

24.4.2 Setback

Objective:	
To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.	
Acceptable Solutions	Performance Criteria
A1 Building setback from frontage must be parallel to the frontage and must be no less than:	P1 Building setback from frontage must satisfy all of the following:

Planning comment: This proposed clause will not be triggered as the building setback of the existing building at 1 Ascot Drive will remain unchanged by the development as no building extensions are proposed.

The existing building façade is already parallel to the frontage (for both Ascot Drive and Patriarch Drive) in any case.



Building setback frontage clause 24.4.2.A2/P2

<p>A2</p> <p>Building setback from a residential zone must be no less than:</p> <p>(a) 10 m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	<p>P2</p> <p>Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</p> <p>(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(b) overlooking and loss of privacy;</p> <p>(c) visual impact when viewed from adjoining lots,</p> <p>(d) industrial activity.</p>
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Planning comment: This clause is not applicable as the subject site is not located within 10m of a residential zone.



Building design clause 24.4.3.A1/P1

24.4.3 Design

Objective:	
To ensure that building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building design must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p>	<p>P1</p> <p>Building design must enhance the streetscape by satisfying all of the following:</p> <p>(a) provide the main access to the building in a way that is visible from the street or other public space boundary;</p>



<p>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;</p> <p>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>	<p>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</p> <p>(c) treat very large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</p> <p>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is limited when viewed from the street;</p> <p>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;</p> <p>(f) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</p> <p>(g) be consistent with any Desired Future Character Statements provided for the area.</p>
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Planning comment: This building design clause applies to all proposed buildings where any works are proposed.

Comments are provided to the A1 Acceptable Solution as follows:

Building design must comply with all of the following:

(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;

Comment:

The existing building entrance (the existing reception area shown on the proposal plans and the existing roller door entrance) will not be altered. In any case these areas face, and are clearly visible from the road (Ascot Drive and Patriarch Drive).

There is also a roller door on the western elevation existing that is proposed to be retained. This existing building entrance will not be altered apart from the removal of three existing



door entrances (one on the north facing façade and two on the west façade). In any case the roller door faces, and is clearly visible from the road (Ascot Drive).

(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;

Comment:

It is considered that this clause will be applicable there will be minor alterations to the existing façade are proposed on the plans which show the removal of 3 doors. This will trigger consideration of the above P1 Performance Criteria.

(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade;

Comment:

It is considered that this clause will be applicable there will be minor alterations to the existing façade are proposed on the plans which show the removal of 3 doors. This will trigger consideration of the above P1 Performance Criteria.

(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;

Comment:

The planning application does not seek any new mechanical plant or equipment and therefore this clause is not relevant.

(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;

Comment:

The planning application does not seek any new roof top service infrastructure and therefore this clause it not relevant.



(f) provide awnings over the public footpath if existing on the site or on adjoining lots;

Comment:

The planning application does not involve any awnings over public footpaths as none are proposed and none were previously existing at the subject site.

(g) not include security shutters over windows or doors with a frontage to a street or public place.

Comment:

The planning application does not involve any security shutters as none are proposed and none were ever approved at the subject site.

It is considered the proposal will comply with the A1 Acceptable Solution except where noted under (b) and (c) which related to façade alterations proposed (removal of existing door entrances).

A response to these P1 Performance Criteria is provided as follows:

Building design must enhance the streetscape by satisfying all of the following:

(a) provide the main access to the building in a way that is visible from the street or other public space boundary;

Comment:

The main entrance is visible from the street and the proposal complies.

(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;

Comment:

The proposal does not seek to remove any existing windows in the façade. There are considered sufficient windows and opens unaffected by the proposed development that will enable adequate passive surveillance of public spaces adjacent to the development site.



(c) treat very large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;

Comment:

It is considered the existing warehouse building does not have 'very large' expanses of blank walls. Both facades that face the streetscape will have signage on them and are already articulated with windows and door openings.

(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is limited when viewed from the street;

Comment:

The proposal does not seek approval for the installation of any mechanical plant or miscellaneous equipment.

(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;

Comment:

The proposal does not seek approval for the installation of any roof-top service infrastructure.

(f) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;

Comment:

The proposal does not seek approval for the installation of any shutters.

(g) be consistent with any Desired Future Character Statements provided for the area.

Comment:

There are no Desired Future Character Statements provided for the Huntingfield Industrial estate in the Interim Planning Scheme under Part 24.0 for the Light Industrial zone.



Building design clause 24.4.3.A2/P2

<p>A2</p> <p>Walls of a building on land adjoining a residential zone must comply with all of the following:</p> <p>(a) be coloured using colours with a light reflectance value not greater than 40 percent.;</p> <p>(b) if within 50 m of a residential zone, must not have openings in walls facing the residential zone, unless the line of sight to the building is blocked by another building.</p>	<p>P2</p> <p>No performance criteria.</p>
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Planning comment: This building design clause A2 will not apply as the walls of the existing warehouse building to be painted black as per the elevation drawings provided by the client and not adjoining land zoned residential.

No part of the subject site is located within 50m of a residential zone.

In any case, the black finish (comparable to ‘Monument’ and is a matt not reflective painted finish) has a LRV not greater than 40% and would otherwise comply.



Building design and passive surveillance clause 24.4.4.A1/P1

24.4.4 Passive Surveillance

Objective:	
To ensure that building design provides for the safety of the public.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building design must comply with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 20 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 10 % of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park. 	<p>P1</p> <p>Building design must provide for passive surveillance of public spaces by satisfying all of the following:</p> <ul style="list-style-type: none"> (a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces; (b) locate windows to adequately overlook the street and adjoining public spaces; (c) incorporate windows and doors for ground floor offices to look upon public access to the building; (d) locate external lighting to illuminate any entrapment spaces around the building site; (e) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces; (f) provide for sight lines to other buildings and public spaces.

Planning comment: This building design and surveillance clause will apply to all applications for works.

Comments are made to the A1 Acceptable Solution as follows:



Building design must comply with all of the following:

(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;

Comment:

The existing building entrance (reception area shown on the proposal plans) will not be altered. In any case this area faces, and is clearly visible from the road (Ascot Drive and Patriarch Drive).

There is also a roller door on the western elevation existing that is proposed to be retained and not be altered. In any case this area faces, and is clearly visible from the road (Ascot Drive).

(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 20 % of the surface area of the ground floor level facade;

Comment:

It is considered that this clause will be applicable there will be minor alterations to the existing façade are proposed on the plans which show the removal of 3 doors. This will trigger consideration of the above P1 Performance Criteria.

(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 10 % of the surface area of the ground floor level facade;

Comment:

It is considered that this clause will be applicable there will be minor alterations to the existing façade are proposed on the plans which show the removal of 3 doors. This will trigger consideration of the above P1 Performance Criteria.



(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;

Comment:

The existing building as shown in the submitted plans do not include any spaces around the building site which will result in concealed alcoves near publicly accessible spaces. In any case no new external works are proposed to the existing building.

(e) provide external lighting to illuminate car parking areas and pathways;

Comment:

The developer intends to provide security lighting as part of the development. This can also be conditioned as a permit condition.

(f) provide well-lit public access at the ground floor level from any external car park.

Comment:

Car parking spaces are located directly adjacent to the building.

The developer intends to provide security lighting as part of the development. This can also be conditioned as a permit condition.

A response to these P1 Performance Criteria is provided as follows:

Building design must provide for passive surveillance of public spaces by satisfying all of the following:

(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;

Comment:

The main entrances to the building will remain unchanged as part of the development and are clearly visible from public spaces, adjacent buildings and both Patriarch Drive and Ascot Drive.



(b) locate windows to adequately overlook the street and adjoining public spaces;

Comment:

The proposal does not seek to include any new windows.

(c) incorporate windows and doors for ground floor offices to look upon public access to the building;

Comment:

The proposed development does not seek to include any new doors.

(d) locate external lighting to illuminate any entrapment spaces around the building site;

Comment:

The developer intends to provide security lighting as part of the development. This can also be conditioned as a permit condition.

(e) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;

Comment:

The existing reception area of the building is located on the corner of the building façade and faces both Patriarch Drive and Ascot Drive. Therefore, access to the building is in a location clearly visible to users and provides clear lines of sight to public spaces around the property.

It is considered there are no issues at all with the building entrances and visibility of these entrances to the street and adjacent buildings owing to the design and orientation of the existing building and level topography of the site and surrounding area.

(f) provide for sight lines to other buildings and public spaces.

Comment:

The existing reception area of the building is located on the corner of the building façade and faces both Patriarch Drive and Ascot Drive. Therefore, access to the building is in a location clearly visible to users and provides clear lines of sight to public spaces around the property.



It is considered there are no issues at all with the building entrances and visibility of these entrances to the street and adjacent buildings owing to the design and orientation of the existing building and level topography of the site and surrounding area.



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Landscaping clause 24.4.5.A1/P1

24.4.5 Landscaping

Objective:	
To ensure that a safe and attractive landscaping treatment enhances the appearance of the site and if relevant provides a visual break from land in a residential zone.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has nil setback to frontage.</p>	<p>P1</p> <p>Landscaping must be provided to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) enhance the appearance of the development; (b) provide a range of plant height and forms to create diversity, interest and amenity; (c) not create concealed entrapment spaces; (d) be consistent with any Desired Future Character Statements provided for the area.

Planning comment: The subject site has lawn areas adjacent to the road reservation on both road frontages. The submitted plans do not show any landscaping but the developer intends to incorporate planting within this area as part of the development.

This can also be conditioned as a permit condition.

Landscaping clause 24.4.5.A2/P2

<p>A2</p> <p>Along a boundary with a residential zone landscaping must be provided for a depth no less than:</p> <p style="padding-left: 40px;">10 m.</p>	<p>P2</p> <p>Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zones land.</p>
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Planning comment: The subject site does not have a boundary adjacent to a residential zone and this clause is not considered triggered.



Outdoor Storage clause 24.4.6.A1/P1

24.4.6 Outdoor Storage Areas

Objective:	
To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.	
Acceptable Solutions	Performance Criteria
A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line;	P1 Outdoor storage areas for non-residential uses must satisfy all of the following:
(b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	(a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality; (b) not encroach upon car parking areas, driveways or landscaped areas.

Planning comment: The above outdoor storage clause will only apply to any application submitted to Council if outdoor storage is proposed to be included as part of any application.

No outdoor storage is proposed as part of the application and therefore this clause is not triggered.



Fencing clause 24.4.7.A1/P1

24.4.7 Fencing

Objective:	
To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Fencing must comply with all of the following:</p> <ul style="list-style-type: none"> (a) fences, walls and gates of greater height than 2.1m must not be erected within 10 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire. 	<p>P1</p> <p>Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the height of the fence; (b) the degree of transparency of the fence; (c) the location and extent of the fence; (d) the design of the fence; (e) the fence materials and construction; (f) the nature of the use; (g) the characteristics of the site, the streetscape and the locality, including fences; (h) any Desired Future Character Statements provided for the area.

Planning comment: The above fencing clauses will only apply to any application submitted to Council in the event fencing is proposed. None is proposed. This clause is therefore not relevant to the proposal.

Environmental Values clause 24.4.8.A1/P1

24.4.8 Environmental Values

Objective:	
To ensure that the design and location of buildings and works avoids and minimises adverse environmental impacts.	
Acceptable Solutions	Performance Criteria
A1 No trees of high conservation value will be impacted.	P1 Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.

Planning comment: The subject site does not contain any vegetation other than a grassed nature strip and does not contain a Biodiversity Protection Area overlay over the subject site.

This clause is therefore not applicable.



9 Planning Scheme overlays that apply to the subject site

The subject site was checked for Planning Scheme overlays.

The subject site has a total of 2 overlays on the site. These are:

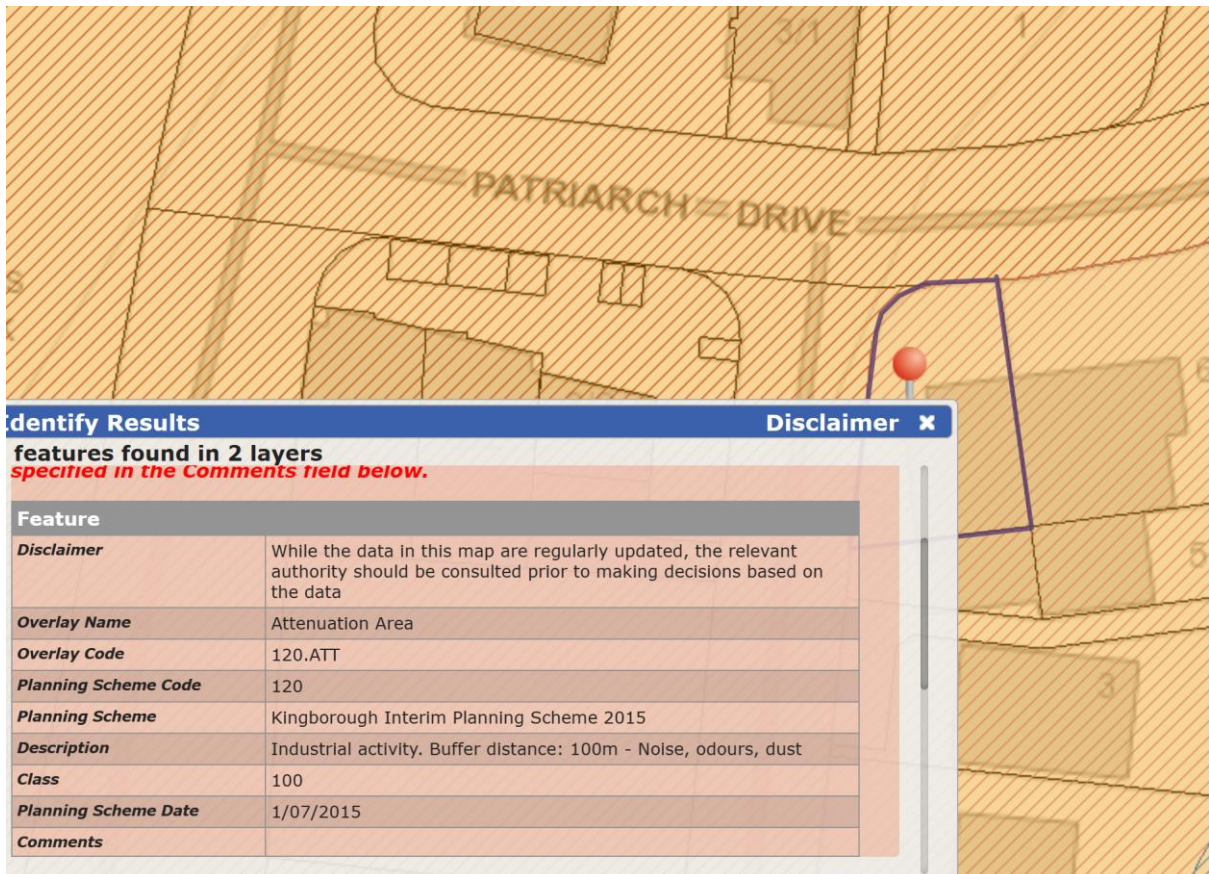


Figure.11. Industrial attenuation area overlay applied to the subject site. Source: theLIST, sourced March 2024. No nominated scale.



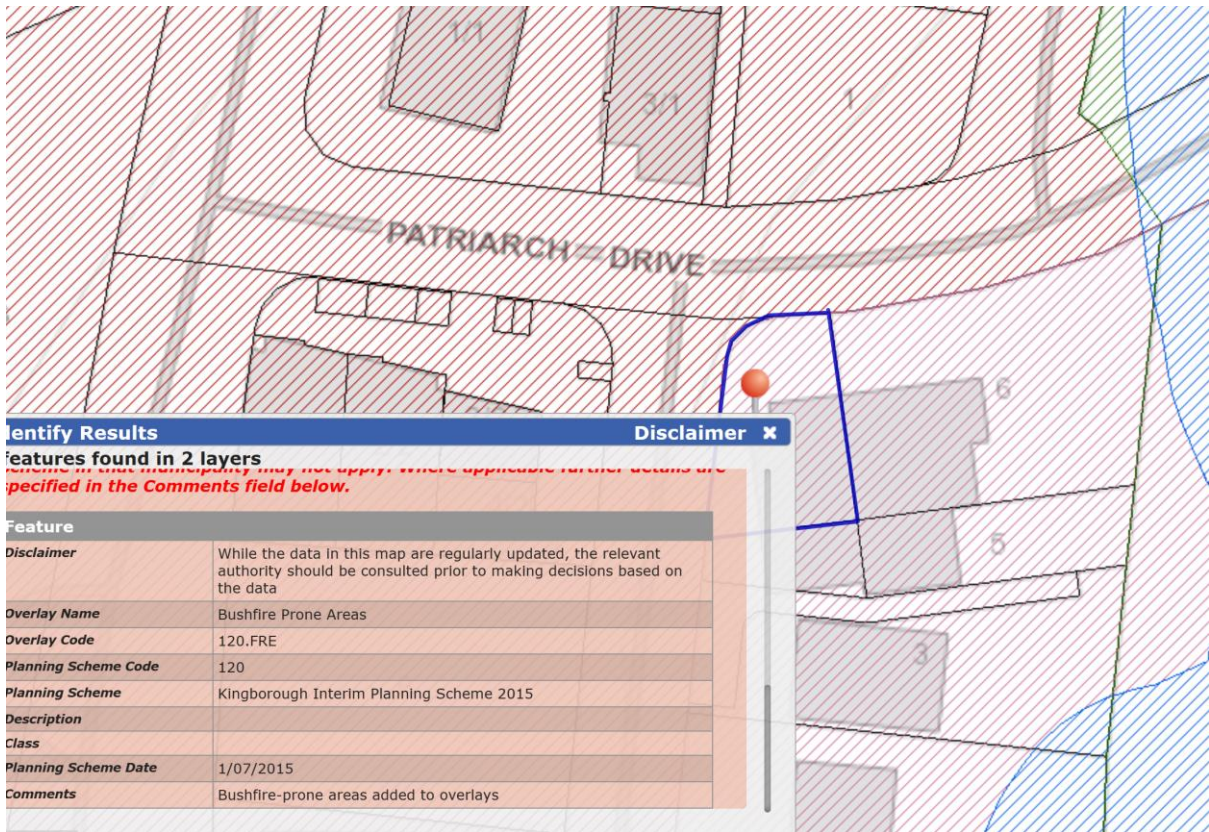


Figure.12. Bushfire Prone area overlay applied to the subject site. Source: theLIST, sourced March 2024. No nominated scale.

The implications of the above overlays are discussed in more detail in the following section on Planning Scheme Codes, as the presence of these overlays may trigger the consideration of particular Codes as being applicable to the development of the subject site.



10 Planning Scheme Codes that may be applicable

The Planning Scheme overlays that apply to the subject site trigger specific Planning Scheme Codes.

Each of the Planning Scheme Codes are discussed below and provide responses to each triggered Code as well as address the Council compliance notice.

Code E1.0 Bushfire Prone Areas Code

This Code applies to use and development in a Bushfire Prone Area for uses that are either a 'vulnerable' use or a 'hazardous' use.

The following clause under this Code confirms what use and development the Code applies to:

E1.2 Application of this Code

E1.2.1 This code applies to:

- (a) subdivision of land that is located within, or partially within, a bushfire-prone area; and
- (b) a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.

The site has a bushfire prone areas overlay and is therefore classed as being in a Bushfire Prone Area.

'Vulnerable' uses include residential uses such as a retirement village. The definition for 'Vulnerable' use is:

E1.3 Bushfire-Prone Areas Code means a use that is within one of the following Use Classes: (a) Custodial Facility; (b) Educational and Occasional Care; (c) Hospital Services; (d) Residential if for respite centre, residential aged care home, retirement home, and group home.

The application to Council will not include any 'vulnerable' uses.

The Planning scheme defines a 'hazardous' use as:

hazardous use

E1.3 Bushfire-Prone Areas Code means a use where:

- (a) the amount of hazardous chemicals used, handled, generated or stored on a site exceeds the manifest quantity as specified in the *Work Health and Safety Regulations 2012*; or



The proposal will not include any new use defined as either ‘vulnerable’ or ‘hazardous’, as per the Planning Scheme definitions.

The proposal does not include any subdivision.

Based on clause E1.2.1, the Code is not applicable.

Code E2.0 Potentially Contaminated Land Code

This Code applies to any development on land that is classed as ‘Potentially contaminated land’. This is defined in the Planning Scheme as:

Potentially contaminated land means land that is, or adjoins, land that the applicant or the planning authority:

- (a) knows to have been used for a potentially contaminating activity by reference to:–
 - (i) a notice issued in accordance with Part 5A of the Environmental Management and Pollution Control Act 1994; or
 - (ii) a previous permit ; or
- (b) ought reasonably to have known was used for a potentially contaminating activity.

The following exemptions apply to this Code:

E2.4 Use or Development exempt from this Code

E2.4.1 The following use and development is exempt from this Code.

E2.4.2 Development:

- (a) to investigate potentially contaminated land; or
- (b) in accordance with a notice issued in accordance with Part 5A of the *Environmental Management and Pollution Control Act 1994*.

E2.4.3 Any use or development where a site history prepared by an suitably qualified person has been provided to the planning authority that confirms potentially contaminating activities did not impact the site.

E2.4.4 Development that does not involve disturbance of more than 1m² of land.

E2.4.5 Any use or development that the Director, or a person approved by the Director for the purpose of this Code, having regard to the objective stated in all applicable standards in this Code, has issued a certificate stating that there is insufficient increase in risk from contamination to warrant any specific remediation and protection measures.



Council’s Environmental Health Officers may consider the property to be such land as the subject site may have been used for fuel storage as part of the previous Cooper Automotive use.

The application does not include any proposed excavation and the subject site is not known to have included fuel storage tanks.

Code E3.0 Landslide Code

The subject site does not have a Landslide overlay affecting the site.

E3.2 Application

E3.2.1 This Code applies to:

- (a) Development for buildings and works or subdivision on land within a Landslide Hazard Area;
- (b) Use of land for vulnerable use or hazardous use within a Landslide Hazard Area.

The application will not be subject to this Code as the site contains no such overlay.

Code E4.0 Not used in the KIPS2015



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Code E5.0 Road and Railway Assets Code

E5.2 Application of this Code

E5.2.1 This Code applies to use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
 - (b) that intensifies the use of an existing access; or
 - (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
 - (i) a rail network;
 - (ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.
-

The application to Council will not involve a new vehicle crossing or junction. There is an existing vehicle cross onto Ascot Drive. This is proposed to be retained.

It may be considered the proposed use is an intensification as the existing site is currently vacant.

Therefore, the following clause E5.5.1.A3 will be considered:



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<p>A3</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>P3</p> <p>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:</p> <ul style="list-style-type: none"> (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.
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Given the subject site is currently vacant, the proposal cannot comply with the A1 Acceptable Solution.

The following comments have been made against the P1 Performance Criteria:

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;

Comment:

The proposal will obviously increase traffic from the site as the subject site is currently vacant. The use of the Ascot Drive access is in a level location and not obscured by buildings or vegetation or topography.

The increase in traffic is what would be expected with most uses typically encountered in the surrounding Industrial estate.



(b) the nature of the traffic generated by the use;

Comment:

The Traffic levels generated will be sporadic and typically intensified prior to the opening of most other businesses in the surrounding area or otherwise generated when other businesses are closing/closed for the day.

Owing to the lack of parking at the subject site, most users of the subject site will park in the street in areas surrounding the subject site. There is plentiful on street parking with no restrictions. Most of the demand for parking is during business hours on weekdays. The proposed hours of operation of the gym are predominantly prior to or at the end of traditional hours of operation.

(c) the nature and efficiency of the access or the junction;

Comment:

The Ascot Drive and Patriarch Road junction is a large junction which has the capacity to cater for large or intensive traffic generation. Traffic levels are comparably low in the area and do not see the extent of traffic generation such as that at Westside Circle or Mertonvale Circuit which have very heavily used adjacent junctions onto Channel Highway with frequent extended waiting times to enter Channel Highway during peak traffic periods.

The access at the subject site is double width and caters well for two way light vehicle traffic generation. The access is level and has excellent sight distances in both directions.

(d) the nature and category of the road;

Comment:

Ascot Drive has variable traffic levels depending on the time of day and is a low category road with two way traffic direction. It is considered the road caters well for existing traffic levels, with no disruptions in traffic movement apparent.

(e) the speed limit and traffic flow of the road;

Comment:

The speed of traffic along Ascot Drive and Patriarch Drive is considered low. Traffic flow appears to be unimpeded with no evident delays occurring on business days during business hours.



(f) any alternative access to a road;

Comment:

This clause is not relevant as there are no alternative accesses available for the subject site to use.

(g) the need for the use;

Comment:

The use is one needed for the area south of Kingston. The Kingston urban area has multiple gyms available for the public. There are no gyms operating south of Kingston.

There is therefore considered a need for the proposed use in an area where there are no other such uses available.

The Huntingfield rezoning and housing estate approval is currently under construction and this will result in hundreds more new dwellings being constructed in the short term.

The Light Industrial zoned site is considered very ideal for the use. Gyms often conflict with closely adjacent residential use and development. This gym has been proposed to be located in an area surrounded by light industrial businesses and will therefore avoid any amenity impact owing to its location.

(h) any traffic impact assessment; and

Comment:

A traffic assessment has been undertaken by the project town planner. A further assessment can be provided by a traffic engineer if required.

(i) any written advice received from the road authority.

Comment:

No written advice has been received by the road authority which is Council.



Code E6.0 Parking and Access Code

This Code will apply to the planning application.

Clause E6.6.1 Number of Parking Spaces

Calculations have been provided as follows to ascertain the number of spaces as required for the development by the Planning Scheme:

Sports and Recreational use:

Fitness centre	4.5	for each 100m ² of floor area
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Total floor area proposed gym use =309sqm

Planning Scheme (Code E6.0) requires 4.5 car parking space per 100sqm for a Fitness Centre which is what Council defines gyms as.

Therefore, total spaces for 'gym' uses = 18 spaces (rounded up)

There is no ability to provide a compliant number of spaces as required by E6.6.1 due to the size of the subject site.

There is no feasible or practical ability for the site to provide any additional on site car parking spaces. To provide any additional spaces on the subject site would require the partial demolition of the existing warehouse. This is obviously not an option.

As the subject site could not provide 18 spaces for the gym use of the existing building, the following P1 Performance Criteria is triggered:



E6.6.1 Number of Car Parking Spaces

Objective:	
To ensure that:	
<p>(a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.</p> <p>(b) a use or development does not detract from the amenity of users or the locality by:</p> <ul style="list-style-type: none"> (i) preventing regular parking overspill; (ii) minimising the impact of car parking on heritage and local character. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <ul style="list-style-type: none"> (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; 	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) car parking demand; (b) the availability of on-street and public car parking in the locality; (c) the availability and frequency of public transport within a 400m walking distance of the site; (d) the availability and likely use of other modes of transport; (e) the availability and suitability of alternative arrangements for car parking provision;



	<ul style="list-style-type: none"> (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; (g) any car parking deficiency or surplus associated with the existing use of the land; (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site; (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity; (j) any verified prior payment of a financial contribution in lieu of parking for the land; (k) any relevant parking plan for the area adopted by Council; (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.
--	---



Responses have been made to the P1 Performance Criteria as follows:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

(a) car parking demand;

Comment:

Car parking demand is expected to be sporadic and will occur in clusters according to the proposed opening hours prior to, and after current peak traffic generation in the Ascot Drive general area.

(b) the availability of on-street and public car parking in the locality;

Comment:

Car parking is available along the entirety of Ascot Drive as well as surrounding streets including Huntingfield Avenue and Patriarch Drive.

When Ascot Drive and the surrounding area was inspected on two occasions during weekday business hours, it was considered that at least 75% of on street parking opportunities within 200-250m of the subject site were available for the general public to use.

There are no parking restrictions in Ascot Drive or surrounding streets in terms of resident only areas, clearways or narrow streets restricting on street parking.

(c) the availability and frequency of public transport within a 400m walking distance of the site;

Comment:

Metro Tasmania provides public transport services in the form of multiple bus routes within 400m of the subject site. The routes that stop at Huntingfield include 412, 413, 415, 416, 417 and 422. These are bus routes from Hobart CBD to Margate, Snug, Woodbridge, Middleton and Gordon that stop at the Huntingfield bus stop which is within 400m of the site by foot.

These services run daily and during business hours have a frequency of every 20 minutes commencing at 6:22am.

It is considered that these services would be readily available to those to access the site for gym classes, if desired.



(d) the availability and likely use of other modes of transport;

Comment:

There are other modes of transport available to the subject site including by bus, private transport or on foot. The nearby Huntingfield residential area is 100+m distant to the subject site and within an easy 5 to 10 minute walk.

The subject site has plentiful on street parking opportunities that will allow customers to park their own vehicle on the site where available or on the street or arrive by foot, bus or bicycle.

It is considered that the available transport options are satisfactory given the business type, nature of operations and majority of hours of operation (which are substantially outside traditional hours of business).

(e) the availability and suitability of alternative arrangements for car parking provision;

Comment:

It is considered that there is a large amount of on street parking available in Ascot Drive as well as nearby streets to provide alternative parking for customers in the unlikely event that all four parking spaces on the subject site were utilised.

None of the on street parking is subject to any parking restrictions including meters, time restrictions, residential use or clearways.

It is not considered appropriate that customers use overflow parking on any other private property in the vicinity as this is considered unnecessary given the plentiful availability of on street parking.

(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;

Comment:

This sub clause is irrelevant to the business at the subject site as the subject site and adjoining warehouse on the same strata plan have their own allocated spaces and do not share any spaces. Likewise, when the subject site and surrounding area was inspected there was no evidence of other sites or businesses sharing any parking spaces.

This sub clause is therefore considered to be irrelevant.



(g) any car parking deficiency or surplus associated with the existing use of the land;

Comment:

There is no existing use of the land. On this basis, this sub clause is irrelevant.

(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;

Comment:

This sub clause is irrelevant as the proposed use has come into existence after the introduction of the 2015 Interim Planning Scheme.

(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;

Comment:

It is considered inappropriate for a cash in lieu contribution as Council does not provide any public parking sites such as public car parking lots or facilities in the area or immediate vicinity of the subject site. There is a park and ride facility nearby but this is orientated toward commuters heading on to the city (Hobart), and is not as a public carpark to provide off street parking for the nearby industrial businesses.

Gray Planning is not aware of any such planned facilities such as public car parks to be provided in the surrounding area.

Generally, Councils only charge cash in lieu parking for car parking deficient uses where there is a plan adopted by Council and there are Council funded public parking developments in the area immediately surrounding or close to the subject site that patrons or customers would make use of.

(j) any verified prior payment of a financial contribution in lieu of parking for the land;

Comment:

Gray Planning is not aware of any situation where cash in lieu contributions have been required from developers of commercial properties in the Huntingfield area.



Gray Planning is aware that the owner of the property has not paid any cash in lieu to date for the property in question in the previous planning approval issued for the warehouse at the subject site.

(k) any relevant parking plan for the area adopted by Council;

Comment:

Gray Planning understands there are no parking plans for the area adopted by Council. Furthermore, the Huntingfield Master Plan does not impact upon the subject site or surrounding area in terms of commercial public parking for the industrial estate in Huntingfield.

(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;

Comment:

The subject site and adjoining sites are not listed as Heritage Places under the E13.0 Historic Heritage Code. Additionally, the area is not a Heritage Precinct under that Code. Therefore, there are no heritage implications of the proposed development and this sub clause is irrelevant.

(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.

Comment:

The site and surrounding area do not contain any trees or vegetation listed as Significant Trees. Therefore, this sub clause is not relevant.



Clause E6.6.2 Disabled Parking Spaces

Under clause E6.6.2, Disabled parking spaces are required to be provided as part of the overall plan. These would be additional to the spaces required under E6.6.1. The number of spaces must be as per the BCA (Building Code of Australia). Typically 1 disabled space is required per 20 spaces. These spaces can be provided as part of any request or condition of approval from Council.

Clause E6.6.3 Motorcycle Spaces

Under clause E6.6.3, Motorcycle spaces are required to be provided as follows:

A1

The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.

If 20 or more spaces are required as per E6.6.1, motorcycle spaces will be required (as spaces are only required after the first 19 spaces). The proposed use requires 18 and therefore this clause is not triggered.

Clause E6.6.4 Bicycle Spaces

This clause does not apply as the proposed Sports and Recreational use does not fall under those specified under Table E6.2.

Clauses E6.7.1, E6.7.2 and E6.7.3 Access

Clause E6.7.1 is not considered to be relevant as this clause refers to vehicle accesses. No amendment is proposed to the existing access and it is considered that this clause is not relevant.

Clauses E6.7.2 and E6.7.3 are not relevant as these clauses refer to new accesses proposed.



Clause E6.7.5 Carparking layout areas

Under clause E6.7.5, the following applies:

A1

The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.

None of the existing/proposed parking spaces are/would be enclosed within a building and therefore the above Australian Standard for headroom clearance is applicable.

Clause E6.7.6 Surfacing of Parking Areas

Under this clause, the following is required:

A1

Parking spaces and vehicle circulation roadways must be in accordance with all of the following;

- (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;*
- (b) drained to an approved stormwater system,*

unless the road from which access is provided to the property is unsealed.

The vehicular areas within the subject site drain to stormwater services and also have a durable all weather pavement surface (concrete).



Clause E6.7.7 Lighting of Parking Areas

This clause requires the following:

A1

Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

A lighting plan can be prepared if required by Council. Technically, as the site is physically unable to provide for 5 or more formal Australian Standards compliant spaces, this clause would not be triggered.

Clause E6.7.8 Landscaping of Parking Areas

This clause requires the following:

A1

Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.

As the site is not within the Central Business zone and would not be able to provide more than 5 spaces, landscaping would not have to be provided.

Clauses E6.7.9, E6.7.10, E6.7.11

Clause E6.7.9 requires the following:

A1

The design of motorcycle parking areas must comply with all of the following:

- (a) be located, designed and constructed to comply with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;*
- (b) be located within 30 m of the main entrance to the building.*

Table E6.1 and E6.2 do not specify motorcycle parking space requirements for the use proposed.



E6.7.12 Location of Parking Spaces

This clause does not apply as the site is not located in the zones noted (Residential, Village and Business zones).

Clause E6.7.13 Facilities for Commercial Deliveries

This clause requires:

A1

Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless:

- (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site;*
- (b) the use is not primarily dependent on outward delivery of goods from the site.*

As the use proposed as part of the application does not involve the outward delivery of goods from the site and does not involve the delivery of any inward bound goods (as confirmed by the client who has stated the only deliveries would be mail), it is considered that this clause is not relevant.

Clause E6.7.14 Access to a road

This clause requires:

Access to a road must be in accordance with the requirements of the road authority.

The access onto Ascot Drive will remain unchanged from the existing double crossover.



Code E7.0 Stormwater Management Code

This Code applies to development only not use.

E7.2 Application

E7.2.1 This code applies to development requiring management of stormwater. This code does not apply to use.

It is argued this clause would not be triggered as no external new buildings are proposed and the use seeks approval for a change of use and for signage to be placed onto the building façade.

The existing parking areas will remain unchanged. As no new development is proposed that requires the management of stormwater, this Code is not considered to be triggered.

Code E8.0 Electricity Transmission Infrastructure Protection Code

This Code is not relevant as the proposed change of use is not within 65m of a substation. The use additionally involves no subdivision.

E9.0 Attenuation Code

The subject site is mapped as being covered with a Buffer Area overlay. However, this does not affect any proposed development within the site as it relates to proposed sensitive uses (residential).

On this basis, this Code is not considered relevant.

E10.0 Biodiversity Code

The subject site does not have an overlay and will not involve the removal of any native vegetation.



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E11.0 Waterways and Coastal Protection Code

The subject site has not been mapped with an overlay and therefore this Code will not apply.

E12.0 Not used in the Kingborough Interim Planning Scheme 2015

E13.0 Historic Heritage Code

This Code is not relevant as the subject site is not mapped as being either a Heritage Place or located in a Heritage Precinct.

E14.0 Scenic landscape Code

This Code does not apply as the site is not mapped with any overlay confirming it is in a scenic protection area.

E15.0 Inundation Prone Areas Code

This Code does not apply as the site is not in a mapped area.

E16.0 Coastal Erosion Hazard Area

This Code does not apply as the site is not in a mapped area.



E17.0 Signs Code

This Code will apply only if signage is proposed as part of a planning application to Council.

The proposal involves three wall signs as outlined on pages 14, 15 and 16.

The definition of a ‘wall sign’ is as follows:

Wall Sign	means a sign painted on or attached parallel to the wall of a building or fence surrounding a building.
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It is considered that all three signs nominated by the client are ‘wall signs’ for the purpose of assessment under this Code.

The following use standards apply to new signs:

E17.6.1.A1

E17.6 Use Standards

E17.6.1 Use of Signs

Objective:	
To ensure that the use of signs complements or enhances the built or natural environment in which they are located.	
Acceptable Solutions	Performance Criteria
A1 A sign must be a permitted sign in Table E.17.3.	P1 A sign must be a discretionary sign in Table E.17.3.

Under Table E.17.3, ‘wall’ signs are permitted in the Light Industrial zone (see below table for Light Industrial zone).

The proposal will therefore comply with the A1 Acceptable Solution.



Light Industrial

Sign Type	Status	Sign Type	Status
Above Awning	Permitted	Table continued from previous column	
Arcade	Permitted	Open/Closed	Permitted
Awning Fascia	Permitted	Pole or pylon	Permitted
Banner	Discretionary	Portable	Permitted
Below Awning	Permitted	Poster Panel (Bill Board)	Discretionary
Building Site	Permitted	Real Estate	Permitted
Bunting	Permitted	Roof	Discretionary
Business Directory	Permitted	Reserve	Permitted
Cabinet	Permitted	Screen	Permitted
Election	Permitted	Sky	Discretionary
Flag	Permitted	Statutory	Permitted
Fuel Price	Permitted	Street Number	Permitted
Ground base	Permitted	Sun Blind	Permitted
Ground Based Panel	Permitted	Temporary	Permitted
Horizontal Projecting Wall	Permitted	Transom	Permitted
Inflatable	Permitted	Umbrella	Permitted
Internal	Permitted	Vertical projecting Wall	Permitted
Interpretive	Discretionary	Wall Mural	Permitted
Name Plate	Permitted	Wall	Permitted
Newspaper Day Bill	Permitted	Window	Permitted

E17.6.1.A2

<p>A2</p> <p>A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.</p>	<p>P2</p> <p>No performance criteria.</p>
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The proposed signs are to be fixed onto the façade of the building to be used for a gym. The proposal with therefore comply with the A2 Acceptable Solution.



E17.6.1.A3

<p>A3</p> <p>A sign must not contain flashing lights, moving parts or moving or changing messages or graphics, except if a Statutory Sign</p>	<p>P3</p> <p>A sign contain flashing lights, moving parts or moving or changing messages or graphics must not have an unreasonable impact upon the residential amenity of a residential use caused by</p>
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	<p>light shining into windows of habitable rooms, movement or visual intrusion or cause undue distraction to drivers of motor vehicles.</p>
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None of the three wall signs proposed will contain flashing lights, moving parts of changing messages or graphics.

The proposal with therefore comply with the A3 Acceptable Solution.

E17.6.1.A4

<p>A4</p> <p>An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign</p>	<p>P4</p> <p>An illuminated sign within 30 metres of a residential use must not have an unreasonable impact upon the residential amenity of that use caused by light shining into windows of habitable rooms.</p>
---	--

One of the three wall signs will be illuminated (the one facing Ascot Drive). However, this sign will not be located within 30m of a residential use.

The proposal with therefore comply with the A4 Acceptable Solution.



The following development standards apply to new signs:

E17.7.1.A1

E17.7 Development Standards

E17.7.1 Standards for Signs

Objective:	
To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.</p>	<p>P1</p> <p>A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape; (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located; (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times; (d) not result in loss of amenity to neighbouring properties; (e) not involve the repetition of messages or information on the same street frontage; (f) not contribute to or exacerbate visual clutter;

	(g) not cause a safety hazard.
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All three signs are ‘wall’ signs which are Permitted uses within the Light Industrial zone.

The standards for wall signs as listed in Table E17.2 are:

Wall Sign	<p>(a) Message on the front face only;</p> <p>(b) Projection from the face of the wall or fence no more than 450mm;</p> <p>(c) Does not extend laterally beyond the wall or above the top of the wall to which it is attached;</p> <p>(d) Area of sign no more than 2m².</p>
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All three signs will comply with (a) as they will have a message on the front face only.



The proposed signs will not project forward of the existing building more than 450mm and comply with (b).

The two wall (vertical and illuminated) signs proposed will not extend laterally beyond the wall of the existing building and therefore will comply with (c). The existing round fixture on the corner of the building previously used for the round Cooper Automotive signage logo will contain the new round sign and extends laterally beyond the building façade. The round sign will therefore not comply with (c).

In terms of a sign area not exceeding 2sqm:

The vertical and illuminated signs will measure:

Illuminated sign: 4.920m x 0.5m = 2.46sqm in area

Vertical sign: 5m x 0.425m = 2.12sqm in area

Round sign: 3.170m dimension = 7.5sqm in area

All of the signs will be assessed under the above P1 Performance Criteria for clause E17.7.1 as all exceed 2sqm and the round sign also extends laterally beyond the existing building.

The following responses are provided against the P1 Performance Criteria:

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

(a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;

Comment:

The proposed signs all replace previous signs on the building façade used by the previous occupant Cooper Automotive. The size and scale of the signs against the building façade onto which they will be located will not dominate the building or the streetscape.

(b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;

Comment:

The proposed signs all replace previous signs on the building façade used by the previous occupant Cooper Automotive. The proposed signs are understood to be the same dimensions and are proposed to be in the same location as those previously applied to the building facades by the previous tenant.



(c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;

Comment:

The proposed signs will be painted onto the building façade. The illuminated sign will be a slim lightbox affixed to the façade.

(d) not result in loss of amenity to neighbouring properties;

Comment:

Neighbouring properties in the surrounding area are all commercial and light industrial uses with comparable signage.

(e) not involve the repetition of messages or information on the same street frontage;

Comment:

The proposed signs all replace previous signs on the building façade used by the previous occupant Cooper Automotive. One sign is located per façade wall with no repetition on a single façade.

(f) not contribute to or exacerbate visual clutter;

Comment:

The proposed signs all replace previous signs on the building façade used by the previous occupant Cooper Automotive. Clutter of signage is generally considered to occur when there are multiple signs on a single façade, often with repetitive messaging which is visually distracting. The proposed signs for the gym simply state the name of the business. One sign is located per façade wall. The proposal will not lead to any visual clutter from signage.

(g) not cause a safety hazard.

Comment:

The proposed signs are located flush with the walls of the existing building. None could be confused with traffic or safety message signs from authorities or road workers. The signs do not block or impede traffic sight distances at the intersection or within Ascot Drive or Patriarch Drive. The signs and their location on the building do not obscure lines of sight for pedestrian accesses to and from the building.

The signs will not result in any safety hazard.



E17.7.1.A2/P2

<p>A2</p> <p>The number of signs per business per street frontage must comply with all of the following:</p> <ul style="list-style-type: none"> (a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6. <p>except for the following sign types, for which there is no limit;</p> <ul style="list-style-type: none"> (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign. 	<p>P2</p> <p>The number of signs per business per street frontage must:</p> <ul style="list-style-type: none"> (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs; (c) not involve the repetition of messages or information.
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The application will not comply with A2 as the proposal will seek approval for 3 wall signs and will not comply with A2(a).

The proposal will comply with A2(b), (c) and (d).

The following responses are provided against the P2 Performance Criteria:

The number of signs per business per street frontage must:

(a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;

Comment:

The proposal will not result in an increase in visual clutter in the streetscape. The three proposed signs are to be located in the same location as the previous Cooper Automotive signs which are still apparent on the building façade.

(b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;

Comment:

The proposal will not result in an increase in visual clutter in the streetscape. The three proposed signs are to be located in the same location as the previous Cooper Automotive signs which are still apparent on the building façade.

It is considered that the existing signs did not result in visual clutter as only one wall sign was located on each portion of wall façade. Across the entire building, this resulted in a total of 3 wall signs, one on each primary wall façade and one on the corner façade over the entrance.

(c) not involve the repetition of messages or information.

Comment:

The proposed signs all replace previous signs on the building façade used by the previous occupant Cooper Automotive. One sign is located per façade face with no repetition on a single façade.



E17.7.1.A3/P3

<p>A3</p> <p>Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.</p>	<p>P3</p> <p>No performance criteria.</p>
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The proposed signs are elevated onto the façade of the building and are located above ground level.

None of the signs proposed will obscure or prevent or delay a driver travelling along either Patriarch Drive or Ascot Drive from seeing statutory or tourist information signs. There are no tourist signs in the surrounding area but there are statutory signs (road name signs and give way signs).

E17.7.1.A4

<p>A4</p> <p>Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.</p>	<p>P4</p> <p>No performance criteria.</p>
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The proposed signs clearly identify the building as being used by the business. The proposed signs do not in any way resemble statutory signs in their design, colours and lighting.



E18.0 Wind and Solar Energy Code

The proposal does not seek approval for any development involving wind or solar energy and therefore this Code is not relevant.

E19.0 Telecommunications Code

This Code is not relevant as this Code does not apply for use and only applies to telecommunications developments.

E20.0 Acid Sulphate Soils Code

This Code is not relevant as the site is not mapped with an overlay.

E21.0 Dispersive Soils Code

This Code is not relevant as the site is not mapped with an overlay.

E22.0 Not used in the Kingborough Interim Planning Scheme 2015

E23.0 On Site Wastewater Management Code

This Code is not relevant as the site is within a serviced area.



E24.0 Significant Trees Code

This Code is not relevant as the site does not contain any significant trees.

E25.0 Local Development Code

This Code is not relevant.

Specific Area Plans

There are no Specific Area Plans that apply to the site and therefore Part F in the Planning Scheme does not apply.



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11 Summary

The proposed gym is to be located in a building previously occupied by Cooper Automotive on the corner of Ascot Drive and Patriarch Drive.

The gym use is considered to be a highly appropriate one for the site given that gym uses often conflict with residential amenity due to noise emissions and hours of operation. Amenity impact will not result from the proposed use and development as the subject site is located more than 100m from any land zoned residential. An light industrial site is considered an ideal location for the nature of the proposed use.

Signage is considered minimal and simply replaces Cooper Automotive signage that is still evident at the subject site.

Works to the building are minimal and almost entirely restricted to the interior fit out.

The likely traffic generation is unlikely to present any issue in the surrounding area. The subject site is in an area free of parking restrictions and where there is readily available on street parking available.

The proposed hours of operation will result in the bulk of traffic generation occurring outside of more traditional business hours (either early morning or early evening).

