



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 24 April 2017
Expiry Date: 29 May 2017
Application No: PLN-16-1199
Address: 15 MARIEVILLE ESPLANADE , SANDY BAY
Applicant: DARRYN WHITE & ASSOCIATES
PO BOX 381
ROSNY PARK 7018
Proposal: Partial Demolition, Alterations and Extension to Storage Lockers
Representations: None
Performance criteria: Potentially contaminated land
Waterways and coastal protection
Coastal inundation medium hazard area

1. Executive Summary

- 1.1 Planning approval is sought for partial demolition, alterations and extension to storage lockers.
- 1.2 More specifically the proposal is for the demolition of the eastern wall of the existing lockers, and the construction of an extension to the building in this location.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Development Standards - Excavation of potentially contaminated land.
 - 1.3.2 Development Standards - Works that are subject to the Waterways and Coastal Protection Code
 - 1.3.3 Development Standards - Works in a coastal inundation area
- 1.4 No representations regarding the proposal were received within the statutory advertising period between 14 and 29 March 2017.
- 1.5 The proposal is recommended for refusal/approval subject to conditions.

1.6 As the proposal is located on Council-owned land, the final decision is delegated to the Council.

2. Site Detail

- 2.1. The site is located within the area of land leased to the Royal Yacht Club of Tasmania at 15 Marieville Esplanade, Sandy Bay. There is an existing row of boat lockers on site which is to be extended towards the water as part of this application.



Figure 1: Application site is highlighted in yellow.



Figure 2: Area of proposed works is highlighted in yellow.

3. Proposal

- 3.1 Planning approval is sought for partial demolition, alterations and extension to storage lockers.
- 3.2 More specifically the proposal is for the demolition of the eastern wall of the existing lockers, and the construction of an extension to the building in this location.

4. Background

- 4.1 There is no relevant background for this application.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 14 and 29 March 2017.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Open Space zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 There is no proposed change to the existing use of the site.
- 6.4 The proposal has been assessed against:
- 6.4.1 Open Space Zone
 - 6.4.2 E2.0 Potentially Contaminated Land Code
 - 6.4.3 E7.0 Stormwater Management Code
 - 6.4.4 E11.0 Waterways and Coastal Protection Code
 - 6.4.5 E15.0 Inundation Prone Areas Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Potentially Contaminated Land - Part E
 - 6.5.2 Waterways and Coastal Protection Code - Part E
 - 6.5.3 Inundation Prone Areas Code - Part E
- 6.6 Each performance criterion is assessed below.
- 6.7 Excavation of Potentially Contaminated Land - Part E E2.6.2 P1
- 6.7.1 There is no acceptable solution for E2.6.2 A1.
 - 6.7.2 The proposal includes excavation for the purposes of building footings and site drainage.

6.7.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause E2.6.2 P1 provides as follows:

Excavation does not adversely impact on health and the environment, having regard to:

(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or

(b) a plan to manage contamination and associated risk to human health and the environment that includes:

(i) an environmental site assessment;

(ii) any specific remediation and protection measures required to be implemented before excavation commences; and

(iii) a statement that the excavation does not adversely impact on human health or the environment.

6.7.5 The applicant has provided a report regarding the potential impacts of the proposed work on occupants of the site and surrounds, indicating that there will be no adverse impact. The Councils Environmental Health Officer has assessed and is satisfied with this report.

6.7.6 The proposal complies with the performance criterion.

6.8 Waterways and Coastal Protection Code Part E E11.7.1 P1 & P4

6.8.1 The acceptable solutions at clause E11.7.1 P1 & P4 require development to be contained within a building envelope on a lot created under this Scheme, and to have no new stormwater discharge points from the lot.

6.8.2 The proposal includes works on a title with no building envelope, which generate a new stormwater discharge point from the lot.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause E11.7.1 P1 provides as follows:

P1 - Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

(a) avoid or mitigate impact on natural values;

(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;

(c) avoid or mitigate impacts on riparian or littoral vegetation;
(d) maintain natural streambank and streambed condition, (where it exists);
(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;
(f) avoid significantly impeding natural flow and drainage;
(g) maintain fish passage(where applicable);
(h) avoid landfilling of wetlands;
(i) works are undertaken generally in accordance "Wetlands and Waterways Works Manuar" (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

P4 - Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following:

(a) risk of erosion and sedimentation is minimised;
(b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed;
(c) potential for significant adverse impact on natural values is avoided.

6.8.5 The application has been assessed by Council's Environmental Development Planner, who has advised that "The area is highly disturbed with the site area being reclaimed land and the development area being within proximity to fuel storage, a slip and boat ramp, in addition to the extensive jetties/pontoons for the berthing of boats. It is therefore considered that the natural values, including the stream bed condition, the riparian vegetation and in-stream natural habitat are extremely limited. Furthermore, the storage lockers which are to be located on land that has been reclaimed, will have a negligible affect on the current flow and streambank of the River Derwent. Notwithstanding, the works proposed will involve some excavation to facilitate the construction of the lockers and therefore there is potential for adverse sedimentation and runoff during the construction phase which may further compromise the existing natural values. Therefore, subject to a condition that requires a detailed soil and water management plan to be approved to Council's satisfaction, the proposal meets the requirements of E11.7.1 P1.

The additional roof area and therefore the stormwater discharge is minimal at 51sqm; furthermore the natural values of the watercourse are limited given the site area has been reclaimed and the point of discharge is at the hardened area of the 'south slip'. It is considered that the new stormwater point of discharge involves minimal risk of erosion and

sedimentation and minimal risk to having adverse impacts on natural values. The proposal is considered to satisfy clause E11.7.1 P4.

The proposed lockers are associated with the marina which is dependent on a coastal location; the 51sqm of floor area of the lockers will be substantially less than 20% of the site area. As such the storage lockers proposed meet the requirements of A1 under clause E11.7.2. There is no dredging or reclamation proposed or coastal protection works.

The proposal is consistent with the requirements of the Waterway and Coastal Protection Code."

6.8.6 The proposal complies with the performance criterion.

6.9 Coastal Inundation Medium Hazard Area - Part E E15.7.2. P3

6.9.1 The acceptable solution at clause E15.7.2 A3 requires new non-habitable buildings and extensions to non-habitable buildings have a maximum floor area of 40m².

6.9.2 The proposal includes a 51m² addition to the existing boat storage locker.

6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.9.4 The performance criterion at clause E15.7.2 P3 provides as follows:

A non-habitable building, or an outbuilding or a Class 10b building under the Building Code of Australia, must satisfy all of the following:

(a) risk to users of the site, adjoining or nearby land is acceptable;

(b) risk to adjoining or nearby property or public infrastructure is acceptable;

(c) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;

(d) need for future remediation works is minimised;

(e) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works, except if it is development dependent on a coastal location.

6.9.5 The Councils Environmental Development Planner has assessed the application and advised that "the proposal for the storage lockers is

associated with a marina that is a substantial facility of which the 51sqm of floor area of the lockers will be substantially less than 20% of the site area. As such the storage lockers proposed ...are considered to satisfy all requirements of the Inundation Prone Areas Code."

6.9.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for partial demolition, alterations and extension to storage lockers.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Environmental Development Planner, Environmental Health Officer, Development Engineer and Road and Environmental Engineer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed partial demolition, alterations and extension to storage lockers at 15 Marieville Esplanade, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and extension to storage lockers at 15 Marieville Esplanade, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-16-1199 - 15 MARIEVILLE ESPLANADE SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site and maintained until such time as all disturbed area have been stabilised and/restored.

A soil and water management plan (SWMP) must be submitted and approved prior to the commencement of work. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008) and

All work must be undertaken in accordance with this condition and the approved soil and water management plan (SWMP).

Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

Once the soil and water management plan (SWMP) has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ENVHE 1

Recommendations in the report 'Environmental Site Assessment, Royal Yacht Club of Tasmania, 15 Maryville Esplanade Sandy Bay, February 2017' and the associated 'Contamination Management Plan, Royal Yacht Club of Tasmania, Sandy Bay, February 2017' prepared by Geo-Environmental Solutions P/L, 86 Queen St, Sandy Bay) must be implemented.

Reason for condition

To ensure that the risk to future occupants of the building remain low and acceptable.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations,

codes or standards that will apply to your development under which you may need to obtain an approval. Visit www.hobartcity.com.au for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

Building permit in accordance with the *Building Act 2000*;

<http://www.hobartcity.com.au/Development/Building>

PLUMBING PERMIT

Plumbing permit under the Tasmanian Plumbing Regulations 2014;

<http://www.hobartcity.com.au/Development/Plumbing>



(Helen Ayers)

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Rohan Probert)

Manager Development Appraisal

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 30 March 2017

Attachment(s):

Attachment B - CPC Agenda Documents