



City of **HOBART**

## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	5 February 2018
Expiry Date:	6 February 2018
Application No:	PLN-17-691
Address:	83 ATHLEEN AVENUE , LENA VALLEY
Applicant:	Bruce Glanville (GLANVILLE architects \ ideas \ solutions) Shop 3/5 Clarence St
Proposal:	Multiple Dwellings
Representations:	Four (4)
Performance criteria:	General Residential Zone Development Standards, Landslide Code, Road and Railway Assets Code, Parking and Access Code and Stormwater Management Code

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### 1. Executive Summary

1.1 Planning approval is sought for three multiple dwellings.

1.2 More specifically the proposal includes:

- Construction of three multiple dwellings on the property. The proposed dwellings would be two storey and each include a master bedroom and living areas on the upper level, with two further bedrooms, laundry, and a double space garage on the lower level. The proposed dwellings would have generally flat, Colorbond sheet roofs and a range of external cladding materials, including textured fibre cement sheet and blockwork walls.
- The existing crossover to the site would be upgraded to allow for improved access to the proposed development. Given the gradient of the site, a substantial retaining wall is proposed below the proposed buildings and part of the proposed driveway.
- The proposed development would rely upon existing connections on the site to reticulated services.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

1.3.1 Part D Zones - 10.0 General Residential Zone

- 1.3.2 Part E Codes - E3.0 Landslide Code
  - 1.3.3 Part E Codes - E5.0 Road and Railway Assets Code
  - 1.3.4 Part E Codes - E6.0 Parking and Access Code
  - 1.3.5 Part E Codes - E7.0 Stormwater Management Code
- 1.4 Four (4) representations objecting to the proposal were received within the statutory advertising period between 21 December 2017 and 8 January 2018. This period was extended by one day at the discretion of Council's Manager Development Appraisal, in accordance with section 57(5) of the *Land Use Planning and Approvals Act 1993* and the decision of the Full Court of the Supreme Court relating to 10 Birngana Avenue.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.

## 2. Site Detail

- 2.1 The proposed development site is a relatively larger residential lot within a recent subdivision. The lot has an area of approximately 1100m<sup>2</sup> and an irregular shape largely due to it being adjacent to the cul de sac at the end of the road that provides access to the subdivision, Athleen Avenue. The existing vehicular access from this cul de sac enters at the north-east corner of the property. The land is vacant and relatively steep with an easterly aspect.
- 2.2 The adjoining lot to the north of the site, 81 Athleen Avenue, is a relatively smaller, vacant residential lot that is also part of the above subdivision. There are other, similar sized lots within the subdivision to the north of the site and to the north-east, on the opposite side of Athleen Avenue. The lot directly to the east of the site, also on the opposite side of the street, is a similar sized, vacant lot. The adjoining lot to the south of this lot, 78 Athleen Avenue, and the adjoining lot to the south of the subject property, 85 Athleen Avenue, are both relatively larger lots at the end of the above cul de sac. Council has recently approved eight dwellings on the former property (78 Athleen Avenue, see PLN-17-395) and four dwellings on the latter (85 Athleen Avenue, see PLN-16-00678-01).
- 2.3 Pottery Creek separates the lots within the above subdivision from the established residential area to the east of the site. The adjoining land to the west of the site is also an established residential area.

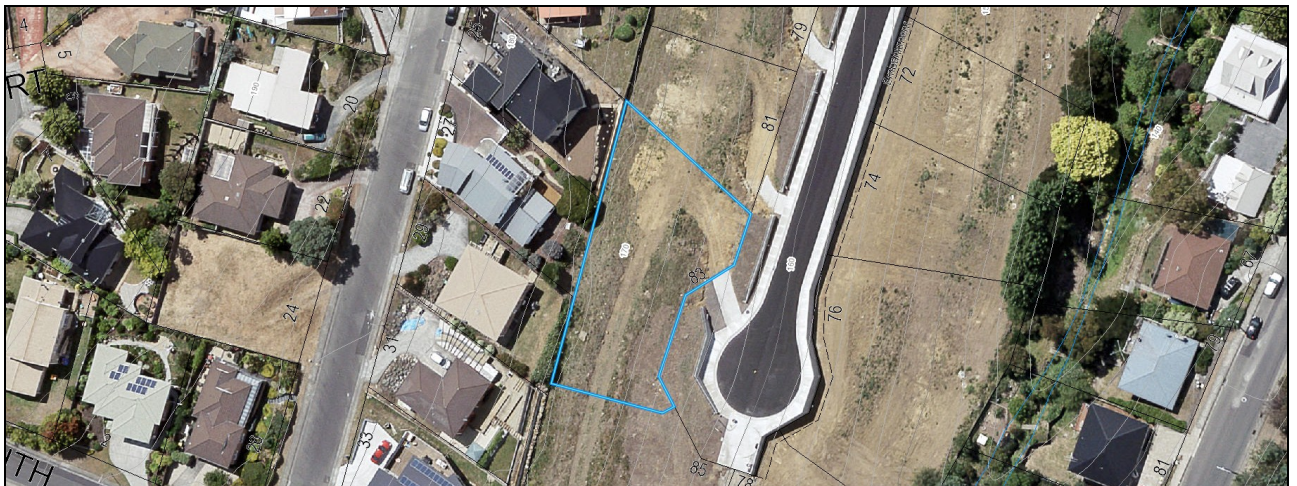


Figure 1: aerial view of proposed development site (outlined in blue) and surrounding land (source: HCC GIS, accessed 12/1/18).

## 3. Proposal

3.1 Planning approval is sought for three multiple dwellings.

3.2 More specifically the proposal is for:

- Construction of three multiple dwellings on the property. The proposed dwellings would be two storey and each include a master bedroom and living areas on the upper level, with two further bedrooms, laundry, and a double space garage on the lower level. The proposed dwellings would have generally flat, Colorbond sheet roofs and a range of external cladding materials, including textured fibre cement sheet and blockwork walls.
- The existing crossover to the site would be upgraded to allow for improved access to the proposed development. Given the gradient of the site, a substantial retaining wall is proposed below the proposed buildings and part of the proposed driveway.
- The proposed development would rely upon existing connections on the site to reticulated services.

#### **4. Background**

4.1 Shadow diagrams were not considered necessary for officers to assess the application due to the extent of encroachment beyond the building envelope, the topography of the area, and because the site to the south is vacant. Notwithstanding this, and noting that overshadowing was a matter raised in the objections received, the applicant has voluntarily provided the diagrams at the request of officers. The diagrams are included at Attachment E to this report. The diagrams show that the extent of overshadowing caused by the development protruding beyond the prescribed building envelope is negligible.

#### **5. Concerns raised by representors**

5.1 Four (4) representations objecting to the proposal were received within the statutory advertising period between 21 December 2017 and 9 January 2018. As noted above, this period was extended by one day at the discretion of Council's Manager Development Appraisal, in accordance with section 57(5) of the *Land Use Planning and Approvals Act 1993* and the decision of the Full Court of the Supreme Court relating to 10 Birngana Avenue.

5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

<p>"The proposed Units are too intensive for an 1135m<sup>3</sup> [sic] block with an Area/Unit of 375m<sup>2</sup>/Unit which is only 15% greater than the minimum requirement of 1 Unit per 325m<sup>2</sup>".</p>
<p>"As required by 10.4.1 A1, the entire driveway pavement (access strip) must be excluded from the 'site area per dwelling' calculation... 10.4.1 must therefore be assessed against P1".</p>
<p>"10.4.1. P1 is not met, given neither (a) nor (b) are satisfied.</p> <p>P1 (a) the proposed density of development is clearly not compatible with the density of the surrounding area... This overdevelopment will be detrimental to surrounding residential amenity and will detract from the existing neighbourhood character...</p> <p>P1(b) the development must demonstrate that there will be a significant social or community housing benefit and that the prescriptive requirements of either (i) or (ii) are met. The performance criteria are not met, as there is no indication that the development will contribute in any way, let alone 'significantly', to social or community housing needs. Indeed the intent and context of this development is such to indicate no social or community housing benefit. In addition, P1(b)(i) is unlikely satisfied when actual pedestrian walking distance is measured, and P1(b)(ii) is not satisfied".</p>
<p>"The scale, bulk and massing of the proposed dwellings is excessive for this Lot give [sic] the additional bulk of the proposed retaining wall running the length of the site in addition to the existing retaining wall at the footpath level".</p>
<p>"The plan set indicates a primary frontage setback of less than 2.6m. 10.4.2 must therefore be assessed against P1".</p>
<p>"When the primary frontage setbacks of the nearest existing dwellings in the street are assessed, it can be seen that the average frontage setback is 7.3m (as demonstrated in Plan 4 of this submission. By contrast the proposed primary setback is 1.6m (as demonstrated in Plan 5 of this submission), 2.6m measured to the inside of the retaining wall as per Site Plan A01. Therefore frontage setback compatibility with the existing dwellings in the street is not demonstrated".</p>

"When both the primary frontage and road setbacks are considered, it can be seen that the proposal is not reasonably consistent with that existing in the street. In addition, when considered in the context of the site and the proposed high density of the development (including additional large street-facing retaining wall and significant paved surface), it is clear that the reduced setback will result in an apparent scale, bulk, massing and proportion of dwellings that is inconsistent with that which is existing, will negatively impact amenity and neighbourhood character, and is therefore inconsistent with the zone purpose".

"Clause 10.4.2 A1 clearly stipulates front, rear and side setbacks and the design of these Units exceed that by 0.74m, 1.28m and 1.4m for Units 1, 2 and 3 respectively. Unit 3 encroaches the front setback requirement of 4.5m by 1.87m. The performance criteria requirement is also stipulated in this clause, however no justification has been provided as part of this application."

"A3 is not satisfied as (a) the dwelling is not contained within building envelope 10.4.2B, and (b) the side boundary setback exceeds 1.5m with a dwelling length exceeding one-third the property boundary".

"The scale and bulk of the proposed dwellings, being more than 8m high and 14m long, will undoubtedly cast shadow on the adjacent lots. As the plan set does not include sun shadow diagrams or any analysis on the impact of shadowing on adjacent lots, it is impossible for an objective assessment to be made against (a)(iii) when considering if the loss of amenity is reasonable or not. In addition, given the context of the site and the proportions, scale and bulk of the dwellings and associated works, when viewed from adjoining lots there will be a visual impact that will cause an unreasonable loss of amenity".

"The side setback of Unit 3 dose [sic] not meet the side setback requirement 10.4.2 A3 (b)(ii) of within 1.5m by 200mm. (1/3 of 21.57m is 7.19m). Given the massive bulk of the proposed driveway retaining wall that is also 900mm from the boundary to 85 Athleen Avenue the loss of amenity is significant".

<p>"The Council has erred in advertising this application as it does not meet or has addressed the Acceptable Standard or the Performance Criteria for the setbacks and in particular Unit 3. No shadow diagrams have been submitted as part of this application to allow adjoining property owners to quantitatively assess the sun shadow effect of this development given that it has exceeded the Acceptable Solution setbacks by more than 1.87m to the front setback."</p>
<p>Clause 10.4.3 A1 is not satisfied, as (b) is not met – total area of private open space is less than 60m<sup>2</sup> per dwelling...The proposed private open space for each dwelling, as depicted on Plan A02, is less than 60m<sup>2</sup>. Unit 1 has 44m<sup>2</sup>, Unit 2 has 48m<sup>2</sup>, Unit 3 has 50m<sup>2</sup>. All other open spaces are inaccessible and steep and therefore cannot legitimately be considered as private open space.</p>
<p>"Clause 10.4.3 P1 is not satisfied as the private open space is not of a size or dimension appropriate for the size of the dwelling, and does not provide any usable communal open space, nor opportunity for gardening".</p>
<p>"Clause 10.4.4 A3 is not met, as (a) the dwelling is not 3m distance from the northern edge of private open space, and (b) sun shadow diagrams have not been provided, therefore objective assessment cannot be made in regard to minimum sunlight exposure".</p>
<p>"Clause 10.4.4 P3 is not met as the overshadowing of private open space is likely to cause unreasonable loss of amenity".</p>
<p>"Clause 10.4.3 A1(b) requires a private open space of 60m<sup>2</sup> for each of the dwelling Units. From calculations from the site plan the maximum private open space provide is 40m<sup>2</sup> and is inadequate for the provision of the operational needs of the residents, the planting of gardens and landscaping and access to sunlight for each of the dwelling Units".</p>
<p>"Clause 10.4.6 A3 is not met, as the shared driveway and parking spaces are located within a horizontal distance less than 1m from a window to a habitable room".</p>
<p>"Clause 10.4.6 P3 is not satisfied, as the proposed driveway and parking space is in such close proximity to windows of habitable rooms to cause detrimental impact".</p>

<p>"Clause 10.4.8 A1 is not satisfied, as no provision has been made for the storage of waste and recycling bins".</p>
<p>"Clause 10.4.8 P1 is not met, as the design documentation makes no provision for bin storage".</p>
<p>"E.6.6.1 A1 is not satisfied as the number of on-site car parking spaces is greater than the number specified in Table E6.1...Clearly the paved area between unit 3 and unit 2, measuring 3m wide by 5.4m long, is intended for car parking. As is the area outside unit 3, measuring 4.7m wide by 5.8m long".</p>
<p>"E.6.6.1 must therefore be assessed against P1. E.6.6.1 P1 is not satisfied as the number of car parking spaces that will be available on-site is excessive to the needs of site users, and there is available on-street parking".</p>
<p>"E6.7.5 A1 is no met.</p> <p>Rationale:</p> <p>The layout of the access and parking spaces is not compliant with AS/NZS2890.1:2004, as follows:</p> <ul style="list-style-type: none"> <li>• There is no consideration of the need for pedestrian safety by using physical controls.</li> <li>• There is no protection against vehicles encroaching into pedestrian ways and doorways.</li> <li>• There is no protection against vehicles damaging parts of the buildings.</li> <li>• Wheel stops in parking bays have not been identified.</li> <li>• The gradient of the parking bay is not defined.</li> </ul> <p>E6.7.5 must be assessed against P1. E6.7.5 P1 is not satisfied.</p> <p>Rationale:</p> <p>The layout of car parking spaces and access is not safe, and the design does not have due regard for pedestrian use".</p>



<p>"Clause 10.4.4 A2 requires a minimum 3 hours of daylight to a habitable room. Unit 2 is overshadowed by Unit 1 and the bulk of U1 would prevent this requirement. As mentioned previously the assessment cannot be made without accurate shadow diagrams".</p>
<p>"E7.7.1 A2 is not met as the plans do not appear to incorporate water sensitive urban design principles. E7.7.1 must therefore be assessed against P2".</p>
<p>"Detailed drawings of excavations, and associated water management are not provided. The proposed excavations do not include indication of either a certified batter, or retaining wall with drainage directed into the Council storm water system. An informed assessment cannot be made in consideration of the potential impact of excavation on site stability. Site excavations must be compliant with Australian Geomechanics Society Geoguides (AGS 2007), and conditions of the part 5 agreement".</p>
<p>"The supplied plans do not provide detail of surface drainage works (other than that associated with pavement surfaces). Given the landslip and stability issues associated with the site, surface water management should be considered, including drainage design for the protection of footings and retaining walls. In addition, the part 5 agreement, through the geotechnical plan, requires compliance with Australian Geomechanics Society Geoguides (AGS 2007)".</p>
<p>"The site is classified within the Landslip Hazard Area overlay as Landslip Hazard Band Low – identified as being susceptible to landslip by Mineral Resources Tasmania. The site stability and landslide risk associated with this site is not insignificant. The proposed development and building design (incl. footing system) should take into account the ABCB Landslide Hazards Handbook and any professional advice, and a landscape management plan be developed for this site to address slope instability and landslip hazard".</p>

<p>"The Part 5 agreement specifies compliance with the geotechnical report...Therefore, in consideration of the identified landslip risk, the development should be assessed against the conditions and requirements of the geotechnical plan, specifically in relation to AGS 2007 and the need for construction to be based on thorough investigation, reporting and design. Due attention should be given to the detail of the geotechnical plan to ensure the geotechnical issues are appropriately managed, and risks posed by the development are evaluated by a suitably credentialed party".</p>
<p>"The driveway is designed at the maximum allowable driveway centerline grade of 25%. The driveway grade at the inner wheel edge of the driveway from the current design levels is 40% and would make turning and passing dangerous if not impossible".</p>
<p>"The driveway requirements are 5.5m by 6m passing bays at 30m maximum centers. In this case the second passing bay is required at the sharpest turn point of the driveway and passing is impossible and does not comply with this requirement".</p>
<p>"Due to the sharp grade of the driveway pedestrian steps would be required".</p>
<p>"The driveway design is so inadequate that none of the parking bays can be accessed in a forward direction but can only be justified by 3 point turns".</p>
<p>"The units have been designed to maximize plot ratios by exceeding the standard setback requirements on a marginal allotment. A two unit development would allow the building envelopes to be complied with and provide better driveway and parking access to the units. The unit designs have no regard for the standard setback requirements and the fact that the Planning Department has allowed them to even be advertised is disappointing".</p>
<p>"I have been involved on a professional level with the HCC Planning Department and Development Applications and an encroachment of setbacks as proposed by this development would not even been considered nor advertised".</p>

## 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 General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 There is no existing use as the site is currently vacant. The proposed use is for multiple dwellings within the planning scheme's Residential Use Class. The proposed use is a permitted use in the above zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 10.0 General Residential Zone
  - 6.4.2 Part E - E3.0 Landslide Code
  - 6.4.3 Part E - E5.0 Road and Railway Assets Code
  - 6.4.4 Part E - E6.0 Parking and Access Code
  - 6.4.5 Part E - E7.0 Stormwater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 10.0 General Residential Zone:
    - 10.4.2 Setbacks and building envelope for all dwellings, P1 and P3,*
    - 10.4.6 Privacy for all dwellings, P3; and,*
    - 10.4.8 Waste storage for multiple dwellings.*
  - 6.5.2 E3.0 Landslide Code
    - E3.7.3 Major Works*
  - 6.5.3 E5.0 Road and Railway Assets Code
    - E5.6.4 Sight distance at accesses, junctions and level crossings*

6.5.4 E6.0 Parking and Access Code:

*E6.7.2 Design of Vehicular Accesses,  
E6.7.3 Vehicular Passing Areas Along an Access,  
E6.7.5 Layout of Parking Areas, and,  
E6.7.7 Lighting of Parking Areas.*

6.5.5 E7.0 Stormwater Management Code

*E7.7.1 Stormwater Drainage and Disposal P3*

6.6 Each relevant performance criterion is assessed below.

6.7 10.0 General Residential Zone - *10.4.2 Setbacks and Building Envelope for all Dwellings*, P1

6.7.1 The acceptable solution A1 at clause *10.4.2* requires a dwelling to have a setback from a primary frontage that is at least 4.5m.

6.7.2 The proposal includes a dwelling and retaining wall that would not be setback from the site's primary frontage at least 4.5m. The southernmost proposed dwelling (labelled "T3" on the submitted site plan) would have a minimum setback of approximately 2.6m from the property's frontage with the Athleen Avenue cul de sac. The retaining wall below the proposed driveway would achieve a similar setback.

6.7.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.7.4 The performance criterion P1 at clause *10.4.2* provides as follows:

*A dwelling must:*

*(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints;  
and*

*(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.*

6.7.5 The setback from frontage achieved by existing dwellings on properties with frontage to Athleen Avenue varies. There are examples where a

greater frontage setback is achieved on relatively larger lots that have sufficient depth to allow for greater separation from this street. However, there are also examples where the size and topography of a lot have resulted in development being sited closer to the frontage. Given the topographical constraints evident on the site, the minimum setback from frontage proposed would be consistent with these latter examples. It is also noted the portion of the front boundary which dwelling "T3" and the retaining wall are closest to, is in the order of 9m setback from the road edge. As a consequence, the perception of the dwellings will be that they are generously setback from the street.

6.7.6 The proposal is considered to meet the relevant objectives for the above clause. Given that the site is adjacent to the cul de sac at the end of Athleen Avenue, the siting of the development would ensure that it is not significantly affected by traffic noise or other detrimental impacts associated with high traffic volumes. The landscaping proposed between the proposed development and the cul de sac would assist in reducing the apparent scale and bulk of the proposed buildings. A condition of approval should be that this landscaping must be implemented and maintained.

6.7.7 Table 10.4.2 is not used in the planning scheme.

6.7.8 The proposal complies with the above performance criterion.

6.8 10.0 General Residential Zone - *10.4.2 Setbacks and Building Envelope for all Dwellings*, P3

6.8.1 The acceptable solution A3(a) at clause 10.4.2 requires a dwelling to be contained within a prescribed building envelope. Acceptable solution A3(b) for this clause requires a dwelling to only have a setback within 1.5m of side boundary if it does not exceed a total length of 9m or one-third the length of the boundary.

6.8.2 The proposal includes parts of the proposed dwellings that would not be contained within the prescribed building envelope. The southernmost proposed dwelling would not be contained within the envelope determined by the frontage setback from the property's boundary with Athleen Avenue. This dwelling would also not comply with the envelope projected from the property's southern boundary which is considered to be a side boundary. As shown on the submitted elevation plans, a triangular shaped section at the south-eastern corner of the dwelling would encroach beyond the envelope projected from this boundary.

- 6.8.3 All three proposed dwellings would not be contained within the envelope relative to the property's western boundary, which is considered to be its rear boundary. The prescribed envelope is determined by projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at a distance of 4m from the rear boundary. The proposed dwellings would each be less than 4m from the rear boundary. A setback of 2.6m is proposed from this boundary for the southernmost dwelling while the northernmost and middle dwellings would achieve rear setbacks of approximately 3.2m and 2.7m respectively.
- 6.8.4 The nearest wall of the southernmost dwelling and a proposed retaining wall would be less than 1.5m from the property's southern boundary. These walls would have a total length greater than 9m which is also greater than one-third of the length of the southern boundary.
- 6.8.5 The proposal does not comply with the above acceptable solutions and therefore relies upon assessment against the below performance criterion.
- 6.8.6 The performance criterion P3 at clause 10.4.2 provides as follows:
- The siting and scale of a dwelling must:*
- (a) not cause unreasonable loss of amenity by:*
- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
- (ii) overshadowing the private open space of a dwelling on an adjoining lot; or*
- (iii) overshadowing of an adjoining vacant lot; or*
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*
- 6.8.7 The proposal is unlikely to cause a significant reduction in sunlight to a habitable room or overshadowing of the private open space of a dwelling on an adjoining lot. There are houses on the adjoining lots to the west of the site. However, due to the topography of the area, the floor levels of these dwellings would be generally above the maximum height of the proposed development. The development would also not affect the

midday and afternoon solar access of these dwellings, given their position relative to the site.

- 6.8.8 The adjoining lots to the north and south of the site are currently vacant. The proposed development would obviously not affect solar access on the former lot. The proposal complies with the above acceptable solutions relative to the boundary with this lot. The proposal would have some overshadowing impact upon the adjoining lot to the south. However, this impact is not considered likely to be significantly greater than that of development which complies with the above acceptable solutions (refer to shadow diagrams at Attachment E, and Background above). It is noted that the proposed development would not exceed the maximum height limit (8.5m) of the prescribed building envelope. The highest part of the proposed development above natural ground level, which the submitted elevation plans suggest would be at the eastern extent of the southernmost proposed dwelling, would be approximately 8m high which is 500mm less than the maximum vertical extent of the envelope. Therefore, a development which is higher above natural ground level but complies with the prescribed building envelope could potentially have a greater overshadowing impact than that of the proposed development.
- 6.8.9 The parts of the development that would not be contained within the prescribed building envelope are limited and unlikely to have a significant overshadowing impact. For example, relatively narrow sections of the southernmost dwelling, approximately 1900mm wide, would not be contained within the envelope relative to the property's front and rear boundaries. As shown on the elevation plans for the development, only a relatively small, triangular shaped section at the south-eastern corner of the southernmost dwelling would not be contained within the envelope projected from property's southern side boundary. These limited sections of the proposed development are unlikely to cause significant overshadowing when considered in isolation. It is also noted that the closest dwelling approved (under PLN-16-00678-01) on the adjoining lot to the south of the site would have a minimum setback greater than 8m from the boundary with the subject property. The living areas of this dwelling would be a greater distance from the proposed development.
- 6.8.10 The parts of the proposed development that would be less than 1.5m from the site's southern boundary would be single storey or lower and are therefore also considered unlikely to significantly overshadow the adjoining vacant lot. Similarly, these parts are considered unlikely to have a significant visual impact upon the adjoining lot.

- 6.8.11 As noted above, the parts of the proposed development that would not be contained within the prescribed building envelope are limited in extent. Therefore, these parts are not considered likely to cause an unreasonable loss of amenity by visual impacts when viewed from adjoining lots. The part of the upper storey of the proposed southernmost dwelling which would not be contained within the envelope relative to the site's front boundary, would be suspended above the driveway below which would reduce its apparent bulk. This part of the development would also be setback from the boundary with the adjoining lot to the south, which would reduce its apparent scale when view from this lot.
- 6.8.12 Given the topography of the site and surrounding area, the proposed dwellings would present as single storey when viewed from the site's rear boundary. Therefore, the proposal is unlikely to result in unreasonable visual impacts when viewed from the adjoining lots to the west of the site.
- 6.8.13 The proposal would achieve a separation between dwellings that is consistent with that found on adjoining lots. Reduced side boundary setbacks are found on the adjoining residential lots to the west of the site, specifically from the southern boundary of each lot. The proposed development would be consistent with this pattern of development. The substantial side boundary setback that would be achieved by the multiple dwelling development on the adjoining property to the south of the site would also assist in maintaining compatible separation between dwellings.
- 6.8.15 The proposal complies with the above performance criterion.

6.9 10.0 General Residential Zone - *10.4.6 Privacy for all Dwellings P3*

- 6.9.1 The acceptable solution at clause *10.4.6* requires a shared driveway to be separated from a window to a habitable room by a horizontal distance of at least 2.5m.
- 6.9.2 The proposal includes a shared driveway that would not be separated from habitable rooms by the required distance. The proposed driveway would be adjacent to the bedroom windows proposed within the eastern elevations of the ground floor of the northernmost and middle units.
- 6.9.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.



6.9.4 The performance criterion P3 at clause 10.4.6 provides as follows:

*A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.*

6.9.5 The detrimental impacts caused by vehicle noise and light intrusion would be reduced by the limited number of dwellings that would be accessed by the proposed shared driveway. However, visual and acoustic screening is considered necessary to minimise these impacts upon habitable rooms.

6.9.6 Visual screening should be provided between the proposed driveway and the bedroom windows proposed on the eastern side of the ground floor of the northernmost dwelling. Given the gradient of the driveway and its proposed alignment, there is potential for this bedroom to be affected by light intrusion from vehicles using the driveway. Visual screening is considered necessary to reduce this impact, particularly given that the potentially affected habitable room is a bedroom.

6.9.7 Acoustic screening should be provided between the proposed driveway and the bedroom windows proposed on the eastern side of the ground floor of the middle dwelling. Given the proximity of the proposed driveway to this window, there is potential for this bedroom to be affected by noise from vehicles using the driveway. Therefore, acoustic screening should be provided to reduce this impact. The acoustic screening may either be in the form of a screen to baffle sound from vehicles using the driveway or incorporated into the construction of the building, through the use of double glazing for example.

6.9.8 The proposal complies with the above performance criterion provided that visual and acoustic screening is provided for the development as discussed above.

6.10 10.0 General Residential Zone - 10.4.8 Waste Storage for Multiple Dwellings

6.10.1 The acceptable solution at clause 10.4.8 requires a multiple dwelling to have a storage area for waste and recycling bins.

6.10.2 The proposal does not include a storage area for waste and recycling bins for each proposed dwelling.

6.10.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.10.4 The performance criterion at clause 10.4.8 provides as follows:

*A multiple dwelling development must provide storage, for waste and recycling bins, that is:*

*(a) capable of storing the number of bins required for the site; and  
(b) screened from the frontage and dwellings; and  
(c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.*

6.10.5 While storage areas for waste and recycling bins are not shown on the submitted plans, there are locations on the site where these areas could be provided for each dwelling, such as the proposed garages for example. To ensure compliance with the above performance criterion, a condition of approval should be that a storage area for waste and recycling bins must be provided for each dwelling.

6.10.6 The proposal complies with the performance criterion provided that storage areas for waste and recycling bins are provided as discussed above.

## 6.11 E3.0 Landslide Code - E3.7.3 Major Works

6.11.1 There is no acceptable solution for clause E3.7.3 where major works are proposed in a Landslide Hazard Area.

6.11.2 The proposal appears likely to include major works as defined in the above Code. Council's Environmental Development Planner has reviewed the proposal; their full assessment is provided as an attachment to this report (Attachment C). In the Environmental Development Planner's view:

"The submitted elevations suggest the volume of excavation is significant. Based on these elevations and the site plan, I estimate that the volume of proposed excavation to be somewhere around 250m<sup>3</sup>. It is also considered likely, based on the submitted site plan, that the total area of soil disturbance will exceed 1000m<sup>2</sup>. The proposal therefore involves 'major works' and must be assessed against the E3.7.3 standards".

6.11.3 As there is no acceptable solution for the above clause the proposal relies upon assessment against the below performance criterion.

6.11.4 The performance criterion at clause E3.7.3 provides as follows:

*Major works must satisfy all of the following:*

*(a) no part of the works is in a High Landslide Hazard Area;*

*(b) the landslide risk associated with the works is either:*

*(i) acceptable risk; or*

*(ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.*

6.11.5 Council's Environmental Development Planner has assessed the proposal against the above performance criterion. This assessment concludes that:

"No works are proposed within a High Landslide Hazard Area. With regard to landslide risk, the site was subject to a thorough, peer-reviewed geotechnical and landslide assessment as part of the subdivision permit assessment. The assessment concluded that the the risk of deep seated failure on the property is acceptably low, but made a number of recommendations for development of the land. Following mediation, a permit was granted for the subdivision requiring the preparation of a geotechnical management plan, that included the recommendations of the geotechnical assessment and other requirements. The permit also required a Part 5 Agreement requiring landowners to comply with the geotechnical management plan. The landslide risk associated with the current proposal is therefore considered 'tolerable' subject to compliance with the recommendations of the geotechnical management plan. It should be noted that the landowners must comply with the management plan regardless under the terms of the Part 5 Agreement".

6.11.6 The proposal complies with the above performance criterion provided that conditions are placed upon any planning permit issued for the development regarding soil and water managment and landslide risk.

6.12 E5.0 Road and Railway Assets Code - E5.6.4 Sight Distance at Accesses, Junctions and Level Crossings

6.12.1 The acceptable solution at clause E5.6.4 requires sight distances at an access to comply with the relevant Safe Intersection Sight Distance shown in Table E5.1.

6.12.2 The proposal includes an access that would not comply with the relevant Safe Intersection Sight Distance shown in Table E5.1.

6.12.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.12.4 The performance criterion at clause E5.6.4 provides as follows:

*The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:*

*(a) the nature and frequency of the traffic generated by the use;*

*(b) the frequency of use of the road or rail network;*

*(c) any alternative access;*

*(d) the need for the access, junction or level crossing;*

*(e) any traffic impact assessment;*

*(f) any measures to improve or maintain sight distance; and*

*(g) any written advice received from the road or rail authority.*

6.12.5 Council's Senior Development Engineer has considered the proposal against the above performance criterion and confirmed that it complies on the basis that the access is at a cul de sac where vehicle speeds would be lower. It is also noted that the proposal includes upgrades to the existing access. The Senior Development Engineer's report on the proposal is provided as an attachment (Attachment D).

6.12.6 The proposal complies with the performance criterion.

#### 6.13 E6.0 Parking and Access Code - E6.7.2 Design of Vehicular Accesses

6.13.1 The acceptable solution at clause E6.7.2 requires the design of vehicle access points to comply with the relevant section of the Australian Standard AS/NZS 2890.1:2004 *Parking Facilities Part 1: Off-street car parking*.

6.13.2 The proposal includes a vehicle access point which would not comply with the above section of the Australian Standard. The gradient of the existing crossover to the site exceeds that prescribed by the Australian Standard.

6.13.3 The proposal does not comply with the above acceptable solution and

therefore relies upon assessment against the below performance criterion.

6.13.4 The performance criterion at clause E6.7.2 provides as follows:

*Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:*

*(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;*

*(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;*

*(c) suitability for the type and volume of traffic likely to be generated by the use or development;*

*(d) ease of accessibility and recognition for users.*

6.13.5 Council's Senior Development Engineer has assessed the proposal against the above performance criterion and advises that it may be approved on the basis that vehicles would be able to enter and exit the site in a forward motion. It is also noted that the proposed widening of the entry to the property would facilitate improved access to the development. The Senior Development Engineer's report on the proposal is provided as an attachment (Attachment D).

6.13.6 The proposal complies with the above performance criterion.

6.14 E6.0 Parking and Access Code - E6.7.3 Vehicular Passing Areas Along an Access

6.14.1 The acceptable solution at clause E6.7.3 requires vehicular passing areas to be provided at intervals of no more than 30m if an access serves more than five car parking spaces.

6.14.2 The proposal includes an access that would serve more than five car parking spaces but would not include passing areas at intervals of no more than 30m. While a passing area would be provided at the kerb (as required by A1(c)) the next passing area would not be provided until approximately the mid-point of the proposed access, at an interval greater than 30m.

6.14.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.14.4 The performance criterion at clause E6.7.3 provides as follows:

*Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:*

*(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;*

*(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;*

*(c) suitability for the type and volume of traffic likely to be generated by the use or development;*

*(d) ease of accessibility and recognition for users.*

6.14.5 Council's Senior Development Engineer has considered the proposal against the above performance criterion and advises that it may be approved on the basis that the proposed access would provide adequate line of sight to ensure that potential conflict between users would be minimised. It is also noted that the site's position on a cul de sac means that less traffic would be affected by any potential conflict between users of the proposed access. The Senior Development Engineer's report on the proposal is provided as an attachment (Attachment D).

6.14.6 The proposal complies with the performance criterion.

#### 6.15 E6.0 Parking and Access Code - E6.7.5 Layout of Parking Areas

6.15.1 The acceptable solution at clause E6.7.5 requires the layout of car parking spaces, access aisles, circulation roadways, and ramps to be designed and constructed to comply with the relevant section of the Australian Standard AS/NZS 2890.1:2004 *Parking Facilities Part 1: Off-street Car Parking*.

6.15.2 The proposal does not demonstrate that the car parking spaces within the proposed garages would have the required dimensions required by the above section of the Australian Standard. The proposal also does not demonstrate that turning paths would be provided for vehicles entering and exiting these spaces in accordance with the Australian Standard. The gradient of part of the proposed driveway would exceed the maximum prescribed by the standard. Vehicular barriers would not be provided in all locations where required by the standard.

6.15.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.15.4 The performance criterion at clause E6.7.5 provides as follows:

*The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.*

6.15.5 Council's Senior Development Engineer has assessed the proposed layout of parking areas against the above performance criterion. This assessment concludes that the car parking spaces within the proposed garages may be approved given their generous width. A condition of approval is recommended regarding the gradient of the proposed visitor car parking space and the turning bay to ensure that gradients do not exceed 5%. The turning paths that would be provided for the car parking spaces provided within the garages are not ideal, as they would not allow for independent operation of each adjacent space. However, this arrangement is considered acceptable for residential development. It is noted that a three-point turn is a "viable parking manoeuvre for residential parking spaces" in accordance with the above Australian Standard.

6.15.6 The Senior Development Engineer concludes that the proposed driveway may also be approved on the basis that only limited sections would exceed the maximum gradient prescribed in the Australian Standard. This conclusion was based upon the view that:

"Any errant vehicles where gradient is a contributing factor should be arrested by vehicular barriers, and if traverse into Athleen Ave, this is a low traffic cul-de-sac head with very low traffic speeds. There should also be low pedestrian movements so the likelihood of conflict between [an] errant vehicle and pedestrian is low".

6.15.7 The Senior Development Engineer recommends a condition of approval requiring vehicular barriers be provided where required by the above Australian Standard. The Senior Development Engineer's report on the proposal is provided as an attachment (Attachment D).

6.15.8 The proposal complies with the performance criterion provided that vehicular barriers are provided as discussed above.

6.16 E6.0 Parking and Access Code - E6.7.7 Lighting of Parking Areas

- 6.16.1 The acceptable solution at clause E6.7.7 requires lighting to be provided for parking and vehicle circulation roadways that serve 5 or more car parking spaces.
- 6.16.2 The proposal does not include lighting for the proposed parking spaces or driveway and more than 5 car parking spaces are proposed.
- 6.16.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.
- 6.16.4 The performance criterion at clause E6.7.7 provides as follows:

*Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting to a standard which satisfies all of the following:*

- (a) enables easy and efficient use of the area;*
- (b) minimises potential for conflicts involving pedestrians, cyclists and vehicles;*
- (c) reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;*
- (d) prevents unreasonable impact on the amenity of adjoining users through light overspill;*
- (e) is appropriate to the hours of operation of the use.*

- 6.16.5 Internal lighting would presumably be provided for the parking spaces within the proposed garages. However, external lighting is considered necessary to enable easy and efficient use of the proposed driveway, visitor car parking space, and turning areas. This lighting would minimise potential conflicts between users and support passive surveillance. A condition of approval should require external lighting to be provided for the above areas in accordance with the relevant Australian Standard (AS/NZS 1158.3.1:2005). The condition should also require the lighting to operate in accordance with the *Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting* to ensure that it would not have an unreasonable impact on the amenity of adjoining users through light overspill. Provided that the lighting operates in accordance with this Australian Standard, it is not considered necessary to specify hours of operation for the lighting.



- 6.16.6 The proposal complies with the performance criterion provided that external lighting is provided for the development as discussed above.
- 6.17 E7.0 Stormwater Management Code - *E7.7.1 Stormwater Drainage and Disposal*  
P2
- 6.17.1 The acceptable solution A2 at clause *E7.7.1* requires a stormwater system for a development to incorporate water sensitive urban design principles if the size of new impervious area is greater than 600m<sup>2</sup> or car parking is provided for more than six cars.
- 6.17.2 The proposal includes a new impervious area greater than 600m<sup>2</sup> and car parking would be provided for more than six cars but the proposed stormwater system would not incorporate water sensitive urban design principles.
- 6.17.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.
- 6.17.4 The performance criterion P2 at clause *E7.7.1* provides as follows:
- A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.*
- 6.17.5 As noted in the Senior Development Engineer's report on the proposal, the proposed stormwater system would incorporate mechanical treatment features such as litter baskets and a hydrochannel. The Senior Development Engineer recommends a condition of approval that requires stormwater from the development to be treated to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. This condition would ensure compliance with the above performance criterion. The Senior Development Engineer's report on the proposal is provided as an attachment (Attachment D).
- 6.17.6 The proposal complies with the performance criterion.

## 7. Discussion

- 7.1 Planning approval is sought for multiple dwellings.
- 7.2 The application was advertised and received four representations. The representations raised concerns regarding the proposed:
- density of the development;
  - setbacks, the relationship of the development to the prescribed building envelope, and associated impacts such as overshadowing and visual impacts;
  - provision of private open space;
  - solar access for the proposed dwellings;
  - waste storage arrangements;
  - parking and vehicular access arrangements; and
  - management of land stability issues.
- 7.3 The proposed development complies with the planning scheme standard for residential density. The suggestion made in the representations that land that would be taken up by vehicular access should not be included in a calculation of density is not supported. An access strip is taken to be the battleaxe 'handle' of an internal lot, not any area on a lot used for parking and access. While the proposed development does not comply with some setbacks and would not be contained within the prescribed building envelope, the aspects of the development that do not comply with these standards are limited. Therefore, the impact caused by these aspects of the development is considered unlikely to be greater than that of development which complies with these standards.
- 7.4 The proposal complies with the planning scheme standards for the provision of private open space. The planning scheme's more specific standards for private open space (clause 10.4.3 A2) only apply to relatively small areas of the overall area of private open space allocated to a dwelling. The proposal complies with these standards and the planning scheme's more general standard for private open space (clause 10.4.3 A1). The proposal also complies with the standards for solar access as each proposed dwelling would have a north and east facing living room that would receive substantial amounts of sunlight. Solar access to the dwellings' areas of private open space is also considered to be satisfactory. A condition of approval requires waste storage areas to be provided for the proposed dwellings.
- 7.5 While aspects of the proposed parking and vehicular access arrangements would not comply with the relevant Australian Standard, as usually required by the planning scheme, Council's Senior Development Engineer has thoroughly assessed these arrangements and confirmed that they may be approved via the relevant performance criteria.

- 7.6 Council's Environmental Development Planner has considered the land stability related issues raised in the representations and confirmed that these matters were largely addressed when the subdivision which created the subject property was approved. The officer has recommended conditions of approval to ensure that the proposed development complies with the land stability measures identified at this stage, including advice that the development should comply with the part 5 agreement over the property.
- 7.7 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.8 The proposal has been assessed by other Council officers, including the Council's Senior Development Engineer and Environmental Development Planner. The officers have raised no objection to the proposal, subject to conditions.
- 7.9 The proposal is recommended for approval.

## **8. Conclusion**

- 8.1 The proposed multiple dwellings at 83 Athleen Avenue, Lenah Valley satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015* and are recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for multiple dwellings at 83 Athleen Avenue, Lenah Valley 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-17-691 - 83 ATHLEEN AVENUE LENA VALLEY TAS 7008 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### **TW**

**The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2017/01466-HCC dated 13 December 2017 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

### **PLN 2**

**Prior to the first occupation:**

**a) a solid screen with a minimum height of 1m above the level of the driveway must be installed between the driveway and the bedroom windows proposed on the eastern side of the ground floor of the northernmost dwelling, and,**

**b) either, a screen to baffle sound from vehicles must be installed between the driveway and the bedroom windows proposed on the eastern side of the ground floor of the middle dwelling, or, measures must be incorporated into the construction of the dwelling to reduce the impact of vehicle noise on this**

**habitable room.**

**Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved demonstrating compliance with the above requirements.**

**All work required by this condition must be undertaken in accordance with the approved revised plans.**

Reason for condition

To minimise potential detrimental impacts of vehicle noise and vehicle light intrusion upon habitable rooms.

#### **PLN 17**

**Prior to first occupation, external lighting to illuminate the driveway, visitor car parking, and turning areas must be provided in accordance with *AS/NZS1158.3.1:2005 Lighting for Roads and Public Spaces*.**

**Prior to the first occupation, the external lighting must operate in accordance with *AS4282 Control of the Obtrusive Effects of Outdoor Lighting*.**

Reason for condition

To ensure that parking and vehicle circulation roadways used outside daylight hours are provided with lighting to a standard which:

- (a) enables easy and efficient use;
- (b) promotes the safety of users;
- (c) minimises opportunities for crime or anti-social behaviour; and
- (d) prevents unreasonable light overspill impacts.

#### **PLN 5**

**Landscaping of the site as shown on the approved Landscape and Servicing Plan (dated 06/07/2017, drawing A-02 Rev A) must be completed within 12 months of first occupation and maintained for the life of the dwellings. Replacement vegetation of a similar size must be planted if any of the vegetation is destroyed within 30 days of any of the vegetation being destroyed.**

Reason for condition

To assist in reducing the apparent scale and bulk of the development.

#### **PLN s4**

**Prior to first occupation, a storage area for waste and recycling bins must be provided for each dwelling.**

**Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing a storage area for waste and recycling bins for each dwelling.**

**All work required by this condition must be undertaken in accordance with the approved revised plans.**

Reason for condition

To provide for the storage of waste and recycling bins for multiple dwellings.

#### **ENG sw6**

**All stormwater from the proposed development (including but not limited to: roofed areas; ag-drains; retaining wall ag-drains; and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation.**

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

#### **ENG sw7**

**Stormwater pre-treatment for stormwater discharges from the development must be installed prior to the commencement of use.**

**The stormwater pre-treatment system must incorporate a treatment system of a size and design sufficient to achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010.**

**The stormwater pre-treatment system must be maintained for the life of the development.**

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

## **ENG 2a**

**Vehicular barriers compliant with the Australian Standard AS1170.1 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.**

*Advice:*

*The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*

*Designers are advised to consult the [National Construction Code 2016](#) to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required.*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

## **ENG 2b**

**A certified vehicle barrier design (including site plan with proposed location(s) of installation), prepared by a suitably qualified engineer, compliant with Australian Standard AS1170.1, must be submitted prior to the issue of any approval under the *Building Act 2016*, or the commencement of works on site. All works, required by this condition must be undertaken in accordance with certified design.**

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

## **ENG 2c**

**Prior to the first occupation, vehicular barriers must be inspected by a qualified engineer and certification submitted to Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS1170.1.**

*Advice: Once the certification has been accepted, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the relevant standards.

#### **ENG 4**

**The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent) and surface drained to the Council's stormwater system prior to the first occupation.**

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

#### **ENG 5**

**The number of car parking spaces approved on the site is seven (7).**

**Prior to first occupation the turning bay must:**

- 1. Be outlined with unbroken lines 80 to 100 mm wide on all sides and marked with diagonal stripes 150 to 200 mm wide with spaces 200 to 300 mm between stripes. The stripes must be at an angle of 45 +/- 10 degrees to the side of the space; and**
- 2. Include pavement messaging indicating TURNING BAY in accordance with AS1742.11 Section 7.3.**

Reason for condition

To ensure the provision of parking for the use is safe and efficient.



### **ENG 3a**

**The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), or a design certified by a suitably qualified engineer to be safe.**

*Advice:*

*It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

*It is recommended that the garage door widths are widened slightly to ensure the two car parking spaces for each dwelling can operate independently. The current design, although compliant with AS2890.1, may require 5 or 7 point turns for exit from car parking spaces if a car larger than a B85 is parked in the adjacent space.*

Reason for condition

To ensure safety of users of the access and parking module, and compliance with the relevant Australian Standard.

### **ENG 3c**

**The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the Aldanmark drawings 17E24-7 C1.01 to C1.03 and C2.01 to 2.03 Rev B. Visitor Parking and Turning Bay to be maximum 5% longitudinal gradient.**

**Prior to the first occupation or commencement of use (whichever occurs first), documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be submitted.**

*Advice: Once the certification has been accepted, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure that the access and parking layout for the development is to accepted

standards.

## **ENG 1**

**The cost of repair of any damage to the Council's 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's 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's 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's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

## **ENG r3**

**Prior to the commencement of use, the proposed driveway crossover to the Athleen Avenue highway reservation must be designed and constructed in general accordance with the following Tasmanian Standard Drawings (TSD):**

- 1. Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing; and**
- 2. Footpath - Urban Roads Footpaths TSD-R11-v1.**

**Design drawings must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site, whichever occurs first. The design drawings must:**

- 1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property;**
- 2. Detail any services or infrastructure (e.g. light poles, pits, awnings) at or**

- near the proposed driveway crossover;
3. **Detail the proximity to the Council's retaining wall (located within the highway reservation) and any impact the proposed construction will have on the retaining wall footings;**
  4. **Show swept path templates in accordance with AS/NZS 2890.1 2004 (B85 or B99 depending on use, design template);**
  5. **Where the design deviates from the requirements of the TSD, demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the vehicle's underside;**
  6. **Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004; and**
  7. **Be prepared and certified by a suitable qualified person.**

**All work required by this condition must be undertaken in accordance with the approved design drawings.**

*Advice:*

*You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve such as new driveway crossover). [Click here for more information.](#)*

Reason for condition

To ensure that works will comply with the Council's standard requirements.

## **ENV 8**

**The development must be designed, constructed and carried out in accordance with the following requirements:**

1. **All earthworks must comply with AS3798 - Guidelines on earthworks for commercial and residential developments.**
2. **A site specific soil assessment must be undertaken to determine appropriate foundation design for all structures in accordance with AS2870 - Residential slabs and footings.**
3. **All construction must be based on thorough investigation, reporting, and design by appropriately qualified persons.**
4. **All stormwater on site must be immediately directed to Council mains upon the construction of hard surfaces to minimise the potential for uncontrolled stormwater flows to affect slope stability.**

5. **All design and construction must be undertaken in accordance with Australian Geomechanics Society Geoguides (2007) except where modified by a condition of the subdivision permit that approved creation of the lot and where structures are founded in underlying weathered gravels rather than bedrock.**
6. **All surface drainage upslope of site fill must be connected to a Council-approved stormwater system or an approved stormwater management system to divert surface water away from any site fill.**

Reason for condition

To ensure that landslide risk is tolerable

## **ENV 2**

**Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.**

**A SWMP must be submitted prior to the issue of any approval under the Building Act 2016 or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).**

**All work required by this condition must be undertaken in accordance with the approved SWMP.**

*Advice: Once the SWMP has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

*Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for Condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

## **ENV s1**

**All design and construction must be undertaken in accordance with the following:**

- 1. All seepage waters encountered during the construction of excavations must be collected and directed to the Council's stormwater drainage system or an approved stormwater disposal system.**
- 2. All natural vegetation must be retained wherever practicable.**
- 3. All natural contours must be retained where practicable.**
- 4. All areas requiring fill must be prepared by stripping the vegetation and topsoil from the proposed fill area and by benching or keying the surface to receive the fill into the natural slope prior to filling.**
- 5. Only clean fill materials may be used and all fill material must be adequately compacted.**
- 6. Boulders exposed during excavation operations must be assessed by a suitably qualified person to determine slope stability risk and any boulders at risk of instability must be stabilised.**

Reason for condition

To ensure that landslide risk is tolerable

## **ENV s2**

**All permanent cutting and/or filling must be constructed with batter slopes certified by an suitably qualified engineer or a drained retaining wall designed by an appropriately qualified person. For all permanent cutting or filling up to a height of 1m, cut and fill batters with a height no greater than 1m must be constructed with a batter slope certified by a suitably qualified engineer. Where certified batter slopes are not possible, or where cutting and filling will exceed 1m in height, a drained retaining wall designed by an appropriately qualified person must be constructed to retain the permanent excavation of the fill materials as soon as possible after the cut/fill operation. The drainage must be directed to the Council's stormwater drainage system or an approved stormwater disposal system. Prior to any permanent cutting of filling and/or construction of any retaining wall, drawings demonstrating compliance with this condition must be submitted to and approved.**

Reason for condition

To ensure that landslide risk is tolerable

## **ENV s3**

**Prior to the issue of any approval under the *Building Act 2016*, or the commencement of works on site, whichever occurs first, comprehensive and detailed engineering designs prepared by an accredited civil engineer/civil designer for the development including drainage, services, earthworks, retaining structures and roads must be submitted and approved. The comprehensive and detailed engineering designs must demonstrate compliance with all relevant geotechnical conditions of this permit.**

**The submitted comprehensive and detailed engineering designs must be certified in writing by either a civil engineer, civil designer, geotechnical engineer or engineering geologist as being in full accordance with all relevant geotechnical conditions of this permit and that all relevant geotechnical conditions of this permit have been fully incorporated into the design documents.**

**The development must be undertaken in accordance with the approved design documents.**

Reason for condition

To ensure that landslide risk is tolerable

#### **ENV s4**

**Prior to completion, confirmation in writing by either a civil engineer, civil designer, geotechnical engineer or engineering geologist that all relevant geotechnical conditions of this permit have been fully complied with must be submitted and approved.**

*Advice: Once the confirmation has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure that landslide risk is tolerable

#### **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 the Council's [website](#) 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.

## **CONDITION ENDORSEMENT**

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning](#)

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

## **BUILDING PERMIT**

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

## **PLUMBING PERMIT**

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

## **OCCUPATION OF THE PUBLIC HIGHWAY**

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve such as new driveway crossover). Click [here](#) for more information.

## **STORM WATER**

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click [here](#) for more information.

## **ACCESS**

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

## **CROSS OVER CONSTRUCTION**

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design. Click [here](#) for more information.

## **WEED CONTROL**

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

## **FEES AND CHARGES**

Click [here](#) for information on the Council's fees and charges.

## **DIAL BEFORE YOU DIG**

Click [here](#) for dial before you dig information.

## **PART 5 AGREEMENT**

Please note that Part 5 Agreement E37907 applies to the owner(s) of the land. The Agreement requires the owner(s) to implement, maintain and comply with the recommendations of the Geotechnical Management Plan in relation to the land. The recommendations of the Geotechnical Management Plan have been incorporated into the conditions of this permit.





(Adam Smee)

**Development Appraisal Planner**

*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.*



(Ben Ikin)

**Acting 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: 18 January 2018

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report - Environmental Development Planner

Attachment D - Referral Officer Report - Senior Development Engineer

Attachment E - CPC Supporting Documents - Shadow Diagrams