



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 23 April 2018
Expiry Date: 24 April 2018
Application No: PLN-18-122
Address: 2 DAVIES AVENUE , HOBART
Applicant: (Hobart City Council)
16 Elizabeth Street
Proposal: Partial Demolition, Alterations and Extension
Representations: None
Performance criteria: Potentially contaminated land code, historic heritage code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Extension at the Council's Clearys Gates Depot.
- 1.2 More specifically the proposal includes:
 - A storeroom extension to the plant workshop to the north of the site.
 - The extension adds 28.5m² to the 1600m² workshop.
 - The extension is constructed of precast concrete walls with a colorbond roof. The footings will be founded in the existing bedrock quarry base.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Potentially Contaminated Land Code
 - 1.3.2 Historic Heritage Code
- 1.4 No representations were received during the statutory advertising period between 15 and 29 March 2018.
- 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 site is Council's Clearys Gates Depot which is set within a quarry to the east of Brooker Avenue, and forms part of Queens Domain.



Fig. 1. Subject property.

3. Proposal

3.1 Planning approval is sought for Partial Demolition, Alterations and Extension at the Council's Clearys Gates Depot.

3.2 More specifically the proposal includes:

- A storeroom extension to the plant workshop to the north of the site.
- The extension adds 28.5m² to the 1600m² workshop.
- The extension is constructed of precast concrete walls with a colorbond roof. The footings will be founded in the existing bedrock quarry base.



Fig. 2. The extension is the dark coloured rectangle to the left of the site plan, indicated by the arrow.

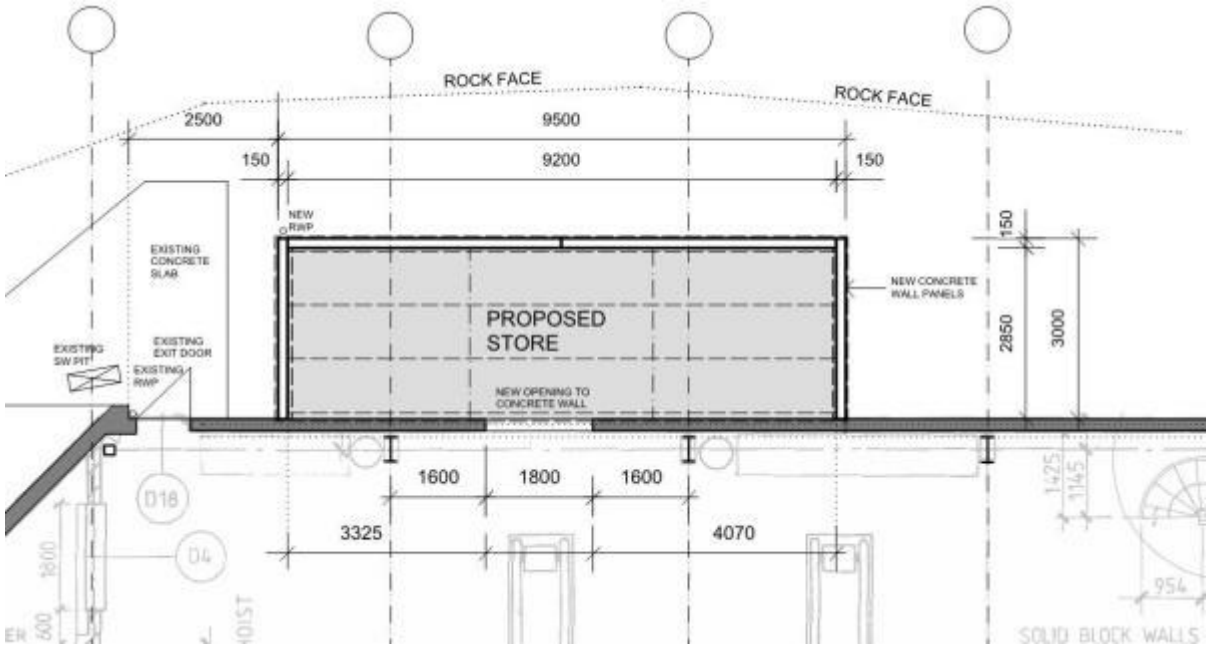


Fig. 3. Proposed floor plan.

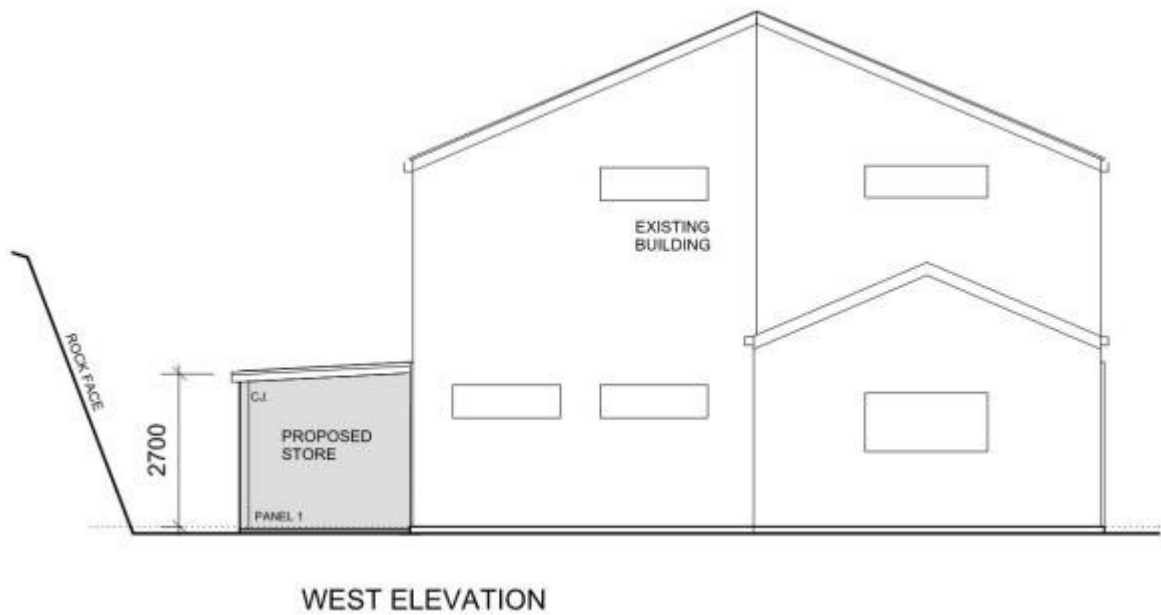


Fig. 4. Proposed west elevation.

4. Background

4.1 There is no background relevant to this application.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between 15 and 29 March 2018.

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 utilities zone of the *Hobart Interim Planning Scheme 2015*.

6.3 The existing and proposed use is 'transport depot and distribution', which includes a Council depot, and which is a discretionary use in the zone. The storage room

extension will not "substantially intensify the use" and so is assessed as a permitted use as required by clause 9.2.1:

Notwithstanding clause 8.8.1, proposals for development (excluding subdivision), associated with a use class specified in an applicable Use Table, as a discretionary use, must be considered as if that use class had permitted status in that Use Table, where the proposal for development does not establish a new use, or substantially intensify the use.

6.4 The proposal has been assessed against:

6.4.1 Part D - 28.0 Utilities Zone

6.4.2 Part E - 2.0 Potentially Contaminated Land Code

6.4.3 Part E - 13.0 Historic Heritage Code

6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1 Potentially Contaminated Land Code - Part E 2.6.2 P1

6.5.2 Historic Heritage Code – Part E 13.9.1 P1 & 13.9.2 P1

6.6 Each performance criterion is assessed below.

6.7 Potentially Contaminated Land Code - Part E 2.6.2 P1

6.7.1 There is no acceptable solution for excavation of more than 1m² at a potentially contaminated site.

6.7.2 The proposal includes footing excavation to a depth of 300mm into the bedrock quarry base. The footings total more than 1m².

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 E.2.6.2 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 Council's Environmental Health Officer has commented as follows:

2 Davies Avenue is not listed on the potentially contaminated land register despite a commercial engine and machinery repair site (the Cleary's gates workshop/ works depot) being located here. This site should still be considered to be potentially contaminated land under the potentially contaminated land code definition, as Council as Planning Authority ought reasonably to have known it was used for a potentially contaminating activity. The development was flagged for assessment against the potentially contaminated land code due to the adjacent title being included on the register due to "explosives" which would fall under the potentially contaminating activity of "Explosives Industries".

The permit will be conditioned to provide information to meet E.2.6.2 P1 (a) or (b). No documentation regarding site contamination has been provided to date.

6.7.6 The proposal complies with the performance criterion, subject to conditions.

6.8 Historic Heritage Code - Part E 13.9.1 P1 & 13.9.2 P1

6.8.1 There is no acceptable solution for work in a cultural landscape precinct.

6.8.2 The proposal includes partial demolition, alterations and an extension to the plant workshop at Clearys Gates, which is within the Queens Domain Cultural Landscape Precinct.

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

6.8.4 The performance criteria at clauses E.13.9.1 P1 and E.13.9.2 P1 provide as follows:

E.13.9.1 P1

Demolition must not result in the loss of any of the following:

(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;

(b) fabric or landscape elements, including plants, trees, fences, walls, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;

unless both of the following apply:

(i) there are environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(ii) there are no prudent and feasible alternatives.

E.13.9.2 P1

Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.3.

6.8.5 The Council's Cultural Heritage Officer has commented as follows:

This proposal is for a 2.7 metre high, 9.5 metre long and 3.0 metre deep storage shed to the rear of an existing workshop.

The proposal is within the Queens Domain Cultural Landscape - Upper Queens Domain.

The Upper Queens Domain consists of a natural indigenous woodland park landscape located at the northern end of the Queens Domain. Its landscape significance stems from the following:

- 1. The way the landscape has evolved in a historic sense as an indigenous modified natural landscape;*
- 2. The vegetation cover with spacing and mix of mature trees and the wider open spaces between;*
- 3. The picturesque park-like historic characteristics of the woodland demonstrating nineteenth century landscape ideals. These*

include for example; contrast, diversity, a certain roughness, irregular shapes, variety, surprise, coupled to wide spaces between mature trees. This allows that picturesque effect to be extended as filtered vistas through the area, and beyond the Domain to wider prospect' long views of Mount Wellington, Hobart, Mount Direction, Meehan Range, Derwent estuary and eastern shore. The prospect view was critical to such landscape ideals;

4. *The way foreground space is contiguous with and merges into middle distance filtered open space; there are no sharp boundaries;*
5. *The historic curving, winding and narrow carriage drives;*
6. *Its important contribution to Australia's remaining domain spaces; it may be the oldest and only one which retains significant extant landscape characteristics.*

The store shed is located within a cut in the bank and positioned behind what is a large workshop building. The proposal is a modest skillion storeroom facility and will not be visible, being tucked behind existing structures.

The proposal must be assessed against E.13.9.1 (demolition) and E.13.9.2 (buildings and works).

The demolition will not result in the loss of heritage values and therefore the proposal satisfies clause E.13.9.1 P1.

The works will not result in detriment to the heritage values of the precinct and therefore the proposal satisfies clause E.13.9.2 P1.

The proposal is acceptable when assessed against the relevant performance criteria of the Historic Heritage Code.

6.8.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Partial Demolition, Alterations and Extension at the Council's Clearys Gates Depot.

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 Health Officer and Cultural Heritage Officer. 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 at 2 Davies Avenue 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 at 2 Davies Avenue HOBART 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-18-122 - 2 DAVIES AVENUE HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENVHE 1

Recommendations in any reporting such as the Environmental Site Assessment and Contamination Management Plan submitted to meet ENVHE2, must be implemented, prior to, during and after works as identified in the recommendations of the provided documentation.

Reason for condition

To ensure that the risk to onsite excavation workers and future site users remains low and acceptable.

ENVHE 2

Prior to the issue of any approval under the *Building Act 2016*, documentation must be submitted and approved in accordance with A, B and C below.

A.

A contamination Environmental Site Assessment report prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM) as amended 2013.

The report must conclude:

- **Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed excavation of the site.**
- **Whether any site contamination presents an environmental risk from excavation conducted during redevelopment of the site.**
- **Whether any specific remediation and/or protection measures are required to ensure proposed excavation does not adversely impact human health or the environment before excavation commences.**

B.

If the Environmental Site Assessment report concludes that remediation and/or protection measures are necessary to avoid risks to human health or the environment, a proposed remediation and/or management plan must be submitted. Any remediation or management plan involving soil disturbance must include a detailed soil and water management plan to prevent off-site transfer of potentially-contaminated soil or stormwater.

C.

A statement based on the results of the Environmental Site Assessment that the excavation as part of the planned works will not adversely impact on human health or the environment is to be provided (subject to implementation of any identified remediation and/or protection measures as required).

Advice: Once the Environmental Site Assessment and any associated documentation detailing remediation and protection measures (Contamination Management Plan) 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 determine the level of site contamination, and to identify any recommended remediation/management practices/safeguards which need to be followed/put in place during any excavations/ground disturbance on, or for use of the site, to provide for a safe living environment.

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

As a condition endorsement is required by a planning condition above (ENVHE 2), 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.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid

Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

DIAL BEFORE YOU DIG

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



(Liz Wilson)

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.



(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: 4 April 2018

Attachment(s):

Attachment B - CPC Agenda Documents