



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 6 August 2018
Expiry Date: 13 August 2018
Application No: PLN-18-103
Address: 35 DERWENTWATER AVENUE , SANDY BAY
Applicant: Dean Kelly (M2architecture)
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Proposal: Subdivision (Boundary Adjustment) and Multiple Dwellings
Representations: Seven (7)
Performance criteria: General Residential Zone Development Standards, Parking and Access Code, Stormwater Management Code, Historic Heritage Code, and Inundation Prone Areas Code

1. Executive Summary

- 1.1 Planning approval is sought for a subdivision (boundary adjustment) and multiple dwellings at 35 Derwentwater Avenue, Sandy Bay.

1.2 More specifically the proposal includes:

- A boundary adjustment that would alter the boundaries between the existing three lots that make up the subject property. The proposed boundary adjustment would increase the area of lot 3 by 390m² to 1321m². The proposal would reduce the area of lot 1 and lot 2 to 1152m² and 839m² respectively. The existing dwelling would be retained on lot 1, and the proposed multiple dwellings would be located on lot 3.
- Four multiple dwellings to be built as conjoined pairs in two similar but separate buildings. The proposed buildings would be three storey, including a basement level that would provide car parking and storage. All multiple dwellings are three-bedrooms.
- Construction of a crossover at the eastern corner of the site and a driveway along the property's north-eastern boundary. The existing driveway would also be realigned to be contained within the proposed boundaries of lot 2.
- Diversion of the Council stormwater main that passes through the property. The main would be re-positioned to generally follow the proposed boundary between lots 2 and 3.

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

- 1.3.1 10.0 General Residential Zone - 10.4 and 10.6 Development Standards for Residential Buildings and Works and Development Standards for Subdivision
- 1.3.2 E6.0 Parking and Access Code - E6.6 and E6.7 Use and Development Standards
- 1.3.3 E7.0 Stormwater Management Code - E7.7 Development Standards
- 1.3.4 E13.0 Historic Heritage Code - E13.7 Development Standards for Heritage Places
- 1.3.5 E15.0 Inundation Prone Areas Code - E15.7 and E15.8 Development Standards for Buildings and Works and Development Standards for Subdivision

1.4 Seven (7) representations objecting to the proposal were received within the statutory advertising period between 21 June and 5 July 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 proposed development site is within the eastern corner of a relatively large residential property within the suburb of Sandy Bay. As noted earlier in the report, the property is comprised of three titles. The proposal would not affect the heritage listed dwelling within the western corner of the property, which is contained within the south-westernmost title (lot 1). The proposed development would be predominantly contained within the existing boundaries of the easternmost title (lot 3), which occupies the majority of the property's frontage with Derwentwater Avenue. The proposed boundary adjustment would ensure that the proposed development is wholly contained within this lot.
- 2.2 The proposed development site generally has a northerly aspect but the land also slopes downward from the property frontage to the base of a gully, which is at approximately the mid-point of the property's north-eastern boundary. An ephemeral watercourse follows the base of this gully to the north of the site. There is a dwelling on the adjoining property to the north, at 27 Derwentwater Avenue. This dwelling would be adjacent to the proposed development and separated from the proposed buildings only by the proposed driveway and a retaining wall. The site is surrounded by further residential development.



Figure 1: aerial view of subject property (outlined in blue) and surrounding area (source: HCC GIS, accessed 11/7/2018).

3. Proposal

- 3.1 Planning approval is sought for a subdivision (boundary adjustment) and multiple dwellings at 35 Derwentwater Avenue, Sandy Bay.

3.2 More specifically the proposal is for:

- A boundary adjustment that would alter the boundaries between the existing three lots that make up the subject property. The proposed boundary adjustment would increase the area of lot 3 by 390m² to 1321m². The proposal would reduce the area of lot 1 and lot 2 to 1152m² and 839m² respectively. The existing dwelling would be retained on lot 1, and the proposed multiple dwellings would be located on lot 3.
- Four multiple dwellings to be built as conjoined pairs in two similar but separate buildings. The proposed buildings would be three storey, including a basement level that would provide car parking and storage. All multiple dwellings are three-bedrooms.
- Construction of a crossover at the eastern corner of the site and a driveway along the property's north-eastern boundary. The existing driveway would also be realigned to be contained within the proposed boundaries of lot 2.
- Diversion of the Council stormwater main that passes through the property. The main would be re-positioned to generally follow the proposed boundary between lots 2 and 3

4. Background

4.1 There is no relevant background for this application.

5. Concerns raised by representors

5.1 Seven (7) representations objecting to the proposal were received within the statutory advertising period between 21 June and 5 July 2018.

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.

I am disappointed that we received details of the development from our neighbours, not the council.
Our primary concern regarding the application is the increased traffic flow that will be generated by it.

Traffic flow on Derwentwater Ave has increased incrementally in recent years. The proximity to UTAS and the Hutchins school has turned a narrow Avenue into a transit road between Churchill Ave and Sandy Bay Road. To add to the problem student accommodation in rented properties and housing approvals with limited OFF STREET parking has created bottlenecks caused by the cars parked ON ROAD. I feel sure the proposed development will add to the problem irrespective of the number of OFF STREET car parks indicated on the plans.

I realise the property lends itself to development and the buildings seem well designed but I am also sure that the buildings will in part be rented and the vehicle numbers attached to the project will far exceed the number provided for OFF STREET.

I would suggest council 'future proof' the Avenue by implementing a comprehensive traffic flow report.

As an add on the exit location on the plan has a history of near and not so near misses.

We have numerous concerns about this application. First and foremost the impact the multiple dwellings will have on the increase of traffic in the street, considering there will be 8 extra cars parking on site. It is a known fact that families have more than one car and other cars will be parked on the street. This section of Derwentwater Ave is very narrow.

We are also concerned that the dwellings will overlook the height of the fence and peer directly into our front living area as well as overlook the lower side neighbour to number 35.

Number 35 Derwentwater Avenue is of historical interest and is shameful that that the gardens and integrity of this home will be ruined by a modern not in keeping multiple dwelling where gardens will be removed including 5 significant trees. There is no reference to the Palm Trees being removed on the street line however they do not appear on the plans. There is also little mention of the driveway that will be created for access to the new dwelling.

The new dwelling is totally out of character with the rest of the housing in this street and I am appalled that we will have to look at this everyday. There is also no mention of any development on lot 2 we are again concerned that the owners of the property have no empathy towards any of this land rather than making a lot of money out of the development and will continue to develop lot 2 on completion of lot 3 if it so happens.

Please note that the section of street in which we reside is narrow and does not allow for increased traffic.

The planning council need to be mindful that with increased housing, residential areas are being over populated and from quiet leafy streets where children can play it is now becoming a built up suburban city.

Destruction of heritage garden, important to the overall character of the area.

Unclear as to the removal of existing mature trees, essential to the character of the area.

Increased traffic congestion and parking on road. No parking restriction exist on road, it is very common in the area for people to have more than one car and as such use the road to park their vehicle. This will increase risk on the suburban street close to local school.

While similar units exist at the Churchill Avenue and Sandy Bay Road ends of Derwentwater Avenue, the building of such units in the middle of an established residential area is incongruous with the surrounding landscape and detrimental to the character of the area.

Covenant on lot 2, does not specifically preclude build, only height, potential for further development in future which will amplify all points above.

Except for buildings facing Sandy Bay Road or Churchill Avenue almost all dwellings in this area (including Ilfracombe, Heathcombe and Waimea) are single dwellings on single lots built by the 1950's. This huge complex will not fit in with its neighbours.

The original subdivision was a reasonable compromise to allow for future development. The original owner of lot 3 applied to build two separate dwellings but did not proceed. This huge development of four conjoined apartment blocks extending into the current lot 2 is inappropriate. Also there is a current covenant on this section of lot 2 which prevents the erection of any buildings.

The development is higher than the building envelope requirements.

I refer to the Heritage Consultant's recommendations e.g. section 4 Setting and curtilage of the place (page 54) and dispute strongly the architect's comment that "this allows the historical grounds to be preserved". There is now very little of the original garden area left made worse by the fact that since the architect's letter many tons of rockfill and soil have been dumped on the street side. The application to reduce the size of lot 1 even further reduces the heritage value.

It appears that the top corner bedroom of 27 Derwentwater which is only 3 metres from the driveway may have its light blocked out by the driveway infrastructure (vehicle barriers). In regard to this driveway, if the setback of only one metre from the boundary fence does meet planning guidelines, I strongly plead with Council to require the existing line of vegetation/trees to be left in situ as a buffer. This one metre strip is marked on the plan as "garden" but it would be impossible to create garden in a one metre wide hollow between the boundary wooden fence and the blockwork at the side of the drive.

I refer to actual car movements between the driveway and the street. I hope that Council will arrange for a traffic engineer/road safety expert to report on this. From 24 years' experience I would be pleased to list in detail the many difficulties (and dangers) for people driving in and out of this property.

Separate from stormwater, Council will be well aware of the "phantom stream" which runs from time to time across Derwentwater Avenue, under no 37, down through this property and downhill along an original creek bed. This water flow can be quite heavy and would run under apartments 1 and 2.

Living directly opposite this proposed subdivision I am opposed to the development on the following basis:

Derwentwater Avenue has more apartments currently being built at the bottom of the street (on Sandy Bay Rd) meaning vehicular traffic is already increasing;

Vehicular parking on Derwentwater Avenue is already an issue especially in the area of this proposed development. Visitors to the current residence often park as close to the driveway as possible, meaning that vehicles often park on the edge of the curve of Derwentwater Avenue, directly opposite my driveway, in a hazardous and dangerous manner. Vehicles parked opposite my driveway make driving up Derwentwater Avenue a hazardous one. Vehicles are required to stop to let each other through one at a time.

There is no way this one existing driveway, which currently exists on the edge of a dog leg in Derwentwater Avenue can safely accommodate the amount of increased traffic during and post the construction of this development. Unless a second driveway can be placed at the Eastern end of the this development onto Derwentwater Avenue to allow traffic to come and go, the proposal should not be considered.

Derwentwater Avenue is narrow in width, has pronounced curves in it, already has parking issues, particularly in the area outside the existing dwelling at 35 Derwentwater Avenue and cannot sustain an increased amount of traffic / parking which will result during and after the construction process.

This is a historically significant property and this development will have a negative impact on the main house, its gardens, the overall streetscape of Derwentwater Avenue and adjoining roads in Sandy Bay whilst adversely increasing vehicular traffic.

Whilst this application specifically deals with the development of lot 3, the potential future development of Lot 2 cannot be discounted. The Covenant contained in Title No 134495 is not sufficiently clear or precise to exclude any further development on lot 2 at a later stage should this application proceed.

The Heritage Issues Scoping Paper notes in the 'Statement of historic heritage significance' (page 46), paragraph A : '35 Derwentwater Avenue is of Local historic heritage significance...'. This proposed development will be detrimental to this area of Sandy Bay.

Paragraph D also reiterates the properties 'historical significance' further adding '...it is a fine example of a large Inter-War Old English residence set in its original curtilage and retains some elements of its original garden design and plantings.' This proposed development will decimate this property and its fine gardens.

Paragraph E states ' The landscape values of 35 Derwentwater Avenue contribute to the wider "garden suburb" setting of this area of Sandy Bay and provides a pleasant setting for the building'. The proposed development is out of character and architecturally at odds with the existing surrounding houses in Derwentwater Avenue and adjoining roads.

Section 6 titled Consideration of historic heritage significance of particular elements of the place; notes several areas of High Risk (pages 51-52) these being: Overall Form, Exterior Detailing, Curtilage, General layout of the site, Garden layout and Retaining walls. This Risk category relates to '.....elements of the application which readily demonstrate important aspects of the significance of the place or related important historic theme' The Paper has identified the very issues which this proposed development will cause a negative impact on the property, its gardens and the surrounding area.

The application indicates the removal of five trees from the garden to facilitate the development of the units. Whilst trees of this nature and maturity should be protected, no mention is made of the removal of the 10 palm trees bordering Derwentwater Avenue. These are shown on page 39 Fig 4.14, page 40 Fig 4.15 and page 45 Fig 4.23. These are not shown on any elevation drawing or their apparent removal referred to in the development application. The removal of these splendid trees will adversely affect the streetscape appeal of the property and avenue.

This development allows for eight vehicles to be parked at the property and the provision of a new driveway out on Derwentwater Avenue. This will significantly increase the vehicular traffic and visitor parking on a quiet suburban road. This is in addition to the new development of 14 units at the junction of Derwentwater Avenue / Sandy Bay Road also causing an increase in vehicular traffic.

<p>This type and style of development is totally out of character and keeping with Derwentwater Avenue and the surrounding roads and should be rejected.</p>
<p>There has already been mass landfill works completed at the property (Jul-Sep 2017), which was completed without approval. The way the works were completed was concerning, for example the existing glasshouse was smashed and buried onsite.</p>
<p>We have concerns that the backfilling and retaining walls planned for lot 2 will affect the natural water course, with potential for water to run towards properties on the northern boundary.</p>
<p>We have concerns that with the boundary adjustment between lot 2 and lot 3 the developer will continue to further develop the site as a whole, building upon works completed in this proposal, to the overall detriment of the neighbourhood in regard to density, height restrictions, privacy, parking availability and construction noise.</p>
<p>We feel that the accuracy of the plans submitted to Council for approval is questionable, with inconsistencies, misrepresentations and errors reported throughout</p>
<p>The density of the the development is not in keeping with the surrounding properties.</p>
<p>The development will risk devaluing the surrounding properties.</p>
<p>The proposed building is outside of the building envelope for the property, and exceeds height restrictions.</p>
<p>The development will reduce privacy to the surrounding properties.</p>
<p>The proposed buildings are not of a style in keeping with the surrounding properties.</p>
<p>The proposed driveway access to the development is on a blind corner of Derwentwater Avenue, with additional visitor parking proposed for the street (current residents often park half on the footpath as there is not quite enough room for two way traffic up and down the street).</p>

The heritage value of the existing house and garden has been disregarded, with the developer maximising profits to the detriment of the existing area.

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 The existing use of the property is residential (single dwelling) although the proposed development site is currently vacant. The proposed use is for multiple dwellings within the planning scheme's Residential use class. The existing use is a permitted use in the above zone. The proposed use is also a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 10.0 General Residential Zone
 - 6.4.2 Part E - E5.0 Road and Railway Assets Code
 - 6.4.2 Part E - E6.0 Parking and Access Code
 - 6.4.3 Part E - E7.0 Stormwater Management Code
 - 6.4.4 Part E - E13.0 Historic Heritage Code
 - 6.4.5 Part E - E15.0 Inundation Prone Areas Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 10.0 General Residential Zone:
 - 10.4.2 Setbacks and building envelope for all dwellings P1 and P3,*

*10.4.3 Site coverage and private open space for all dwellings P2,
10.4.4 Sunlight and overshadowing for all dwellings P1 and P3,
10.4.6 Privacy for all dwellings P2,
10.6.1 Lot design P1 and P3.*

6.5.2 E6.0 Parking and Access Code:

*E6.6.1 Number of Car Parking Spaces,
E6.7.2 Design of Vehicular Accesses,
E6.7.3 Vehicular Passing Areas Along an Access,
E6.7.5 Layout of Parking Areas.*

6.5.3 E7.0 Stormwater Management Code:

E7.7.1 Stormwater Drainage and Disposal

6.5.4 E13.0 Historic Heritage Code:

*E13.7.1 Demolition,
E13.7.2 Buildings and Works other than Demolition,
E13.7.3 Subdivision.*

6.5.5 E15.0 Inundation Prone Areas Code:

*E15.7.4 Riverine Inundation Hazard Areas,
E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High
Inundation Hazard Areas,
E15.8.3 Subdivision within a Riverine Inundation Hazard Area.*

6.6 The relevant performance criteria are 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 that would not be setback 4.5m from the site's primary frontage. A minimum setback of approximately 1.7m is proposed between the wall of a stairwell attached to apartment 4 and the site's primary frontage with Derwentwater Avenue.

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 Several of the existing nearby dwellings on the western side of Derwentwater Avenue have setbacks from their respective frontages with this road that are less than the above prescribed setback. For example, the dwelling on the adjoining property to the north-east, at 27 Derwentwater Avenue, achieves a front setback of less than 4m. There are also two other examples to the south-west of the site, on the western side of the road, where the front setback is less than that prescribed. These reduced front setbacks are likely a response to the topography of the area. As noted earlier in the report, the land surrounding the site generally has a northerly aspect. However, several properties on the western side of Derwentwater Avenue also fall away from the frontage with this road. There are several examples near the site where development has been located relatively close to the frontage, in response to this topographical constraint. The proposed development is considered to be compatible with this established pattern of development, as it would respond in a similar way to the topographical constraints found on the site.

6.7.6 The above subclause (b) is not relevant as Table 10.4.2 is not used in the planning scheme.

6.7.7 The proposal is considered to be consistent with the objective for the above clause as it would provide reasonably consistent separation between a dwelling and its frontage.

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 at clause 10.4.2 requires a dwelling to be contained within a prescribed building envelope.
- 6.8.2 The proposal includes a dwelling that would not be contained within the prescribed envelope. As shown on the below perspective images, the northernmost corner of the upper level of apartments 1 and 3 would not be contained within the vertical extent of the prescribed envelope. The envelope is also partly determined by the relevant setback from frontage. As discussed above, the proposal does not comply with the relevant setback from frontage.
- 6.8.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

- 6.8.4 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.

- 6.8.5 As shown on the below shadow diagrams, the proposed development would not cause a reduction in sunlight to a habitable room or overshadow private open space on an adjoining lot. The below diagrams show that any shadow cast by the proposed development would be contained within the site. The site is not adjacent to a vacant lot.
- 6.8.6 The proposed development would be visible from adjoining lots, however, it is not considered likely to have an unreasonable visual impact. The development would present as two storey when viewed from the adjoining lot to the south-west. The dwelling on this lot is above the level of the site

and there would be a separation of approximately 30m between this dwelling and the proposed development. The relative positions of, and the separation that would be achieved between this dwelling and the proposed development are considered likely to reduce the latter's apparent scale, bulk, and proportions when viewed from the adjoining lot to the south-west. The bulk of the development would be reduced by the separation that would be provided between the proposed buildings. The proposed fenestration and use of different external materials is considered likely to further reduce the development's visual impact. The proposed buildings would present as separate elements when viewed from the south-west and would include articulation and extensive glazing that would reduce the development's visual impact.

- 6.8.7 The dwelling on the adjoining lot to the north-east of the site would be relatively close to the proposed development. Given the limited separation between this dwelling and the boundary between it and the site, it would effectively only be separated from the proposed buildings by the proposed driveway. However, this dwelling has few windows within the elevation that faces toward the site. The majority of the dwelling's glazing addresses Derwentwater Avenue to the south-east and the solar access available to the north and north-west, rather than facing the site. There is also a garage at the south-eastern corner of the property that would limit views of the proposed development from this adjoining lot.
- 6.8.8 The development would also be visible from the adjoining lots to the west of the site. However, similarly to above, the separation and relative positions of the dwellings on these lots and the proposed buildings is considered likely to ensure that the proposal does not have an unreasonable visual impact when viewed from the west.
- 6.8.9 Given the above factors, the proposal is considered to be consistent with the objective for the above clause as it would provide consistency in the apparent scale, bulk, massing and proportion of dwellings.
- 6.8.10 The proposal complies with the above performance criterion.



Figure 2: perspective image of the proposed development and the prescribed building envelope (indicated by gray shading).

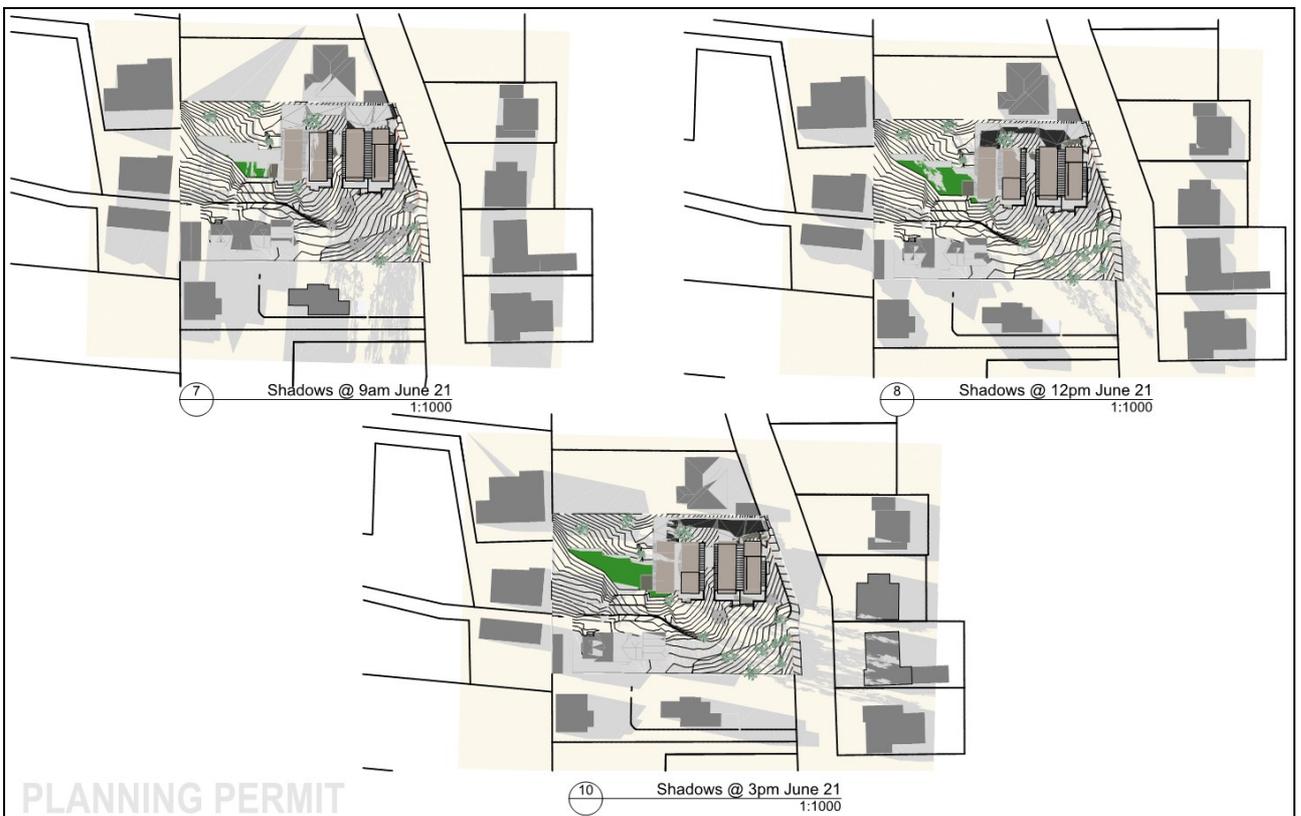


Figure 3: shadow diagrams.

6.9 10.0 General Residential Zone - 10.4.3 Site coverage and private open space for

all dwellings P2

6.9.1 The acceptable solution A2 at clause 10.4.3 requires a dwelling to have an area of private open space that is in one location and is at least 24m². The acceptable solution also requires a dwelling to have an area of private open space that is not located to the south-west of the dwelling unless it receives the required hours of sunlight.

6.9.2 The proposal includes dwellings with areas of private open space that would be less than 24m² and/or to the south-west of the respective dwelling. While there would be balconies on the north-eastern side of apartments 2, 3, and 4, these balconies would not have the required area. Other areas of private open space proposed for these apartments would be to the south-west of the respective dwellings and would not receive 3 hours of sunlight between 9am and 3pm on 21 June.

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 P2 at clause 10.4.3 provides as follows:

A dwelling must have private open space that:

(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:

*(i) conveniently located in relation to a living area of the dwelling; and
(ii) orientated to take advantage of sunlight.*

6.9.5 The proposed balconies and decks that would provide the above areas of private open space would be directly accessible from the open plan lounge, kitchen, and dining area of the respective apartment. The proposed areas of private open space would therefore be conveniently located in relation to a living area of the respective dwelling. Given their proximity to kitchen and dining facilities, the areas would be capable of serving as an extension of the dwelling for outdoor relaxation, dining, and entertaining. The proposed areas of private open space would provide some capacity to accommodate children's play.

6.9.6 The proposed areas of private open space provided for apartments 2, 3, and 4 would be orientated to take advantage of morning and afternoon

sun - i.e. the balconies proposed on the north-eastern side would receive morning sun, while the areas of private open space to the south-west of the apartments would receive sun in the late afternoon. Therefore, the proposal is considered to be consistent with the objective for the above clause as it would provide private open space that is integrated with the living areas of the proposed dwellings and has access to sunlight.

6.9.7 The proposal complies with the above performance criterion.

6.10 10.0 General Residential Zone - *10.4.4 Sunlight and overshadowing for all dwellings P1*

6.10.1 The acceptable solution A1 at clause *10.4.4* requires a proposed dwelling to have a habitable room, other than a bedroom, with a window that faces within 30 degrees of north.

6.10.2 The proposal includes proposed dwellings that would not have habitable rooms with north facing windows.

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 P1 at clause *10.4.4* provides as follows:

A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

6.10.5 The proposed dwellings would have substantial glazing that would face to the north-east and south-west. The design of the proposed dwellings would allow sunlight to enter the open plan lounge, kitchen, and dining areas on the middle level of the apartments. Therefore, the proposal is considered to be consistent with the objective for the above clause as it would provide opportunity for sunlight to enter the habitable rooms of the proposed dwellings.

6.10.6 The proposal complies with the above performance criterion.

6.11 10.0 General Residential Zone - *10.4.4 Sunlight and overshadowing for all dwellings P3*

6.11.1 The acceptable solution A3 at clause *10.4.4* requires a multiple dwelling, that is to the north of the private open space of another dwelling on the

same site, to either be contained within a line projected in accordance with Diagram 10.4.4C, or, to not cause 50% of the private open space to receive less than 3 hours of sunlight on June 21, between 9am and 3pm.

6.11.2 The proposal includes proposed dwellings that would be to the north of the private open space of other dwellings on the site. The dwellings would not be contained within a line projected in accordance with Diagram 10.4.4C. As shown on the above shadow diagrams, 50% of the area of private open space allocated to apartments 2, 3, and 4 would receive less than 3 hours of sunlight between 9am and 3pm on June 21.

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

6.11.4 The performance criterion P3 at clause 10.4.4 provides as follows:

A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3.

6.11.5 As discussed above, the design of the proposed dwellings would ensure that the proposed areas of private open space provided for apartments 2, 3, and 4 would be orientated to take advantage of morning and late afternoon sun. Therefore, as the occupants of the proposed dwellings would have access to areas of private open space that receive direct sunlight at different parts of the day, the proposal would not cause unreasonable loss of amenity by overshadowing private open space. The proposal is considered to be consistent with the objective for the above clause as it would provide private open space that has access to sunlight.

6.11.6 The proposal complies with the above performance criterion.

6.12 10.0 General Residential Zone - 10.4.6 Privacy for all dwellings P2

6.12.1 The acceptable solution A2 at clause 10.4.6 requires a window to a habitable room of a dwelling that has a floor level more than 1m above natural ground level, to be at least 6m from a window to a habitable room of another dwelling on the same site; unless it is horizontally offset or has a raised sill height or a permanently fixed screen.

6.12.2 The proposal includes habitable rooms with elevated floor levels that

would have windows less than 6m from similar windows of another dwelling. Windows to the lounge and dining room on the middle level of apartment 3 would be less than 6m from windows to the dining room and lounge within the eastern elevation of apartment 2. A bedroom window on the upper level of apartment 3 would also be less than 6m from the lounge window of apartment 2. These windows would not be horizontally offset nor have raised sill heights or screens.

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 P2 at clause 10.4.6 provides as follows:

A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

*(a) window or glazed door, to a habitable room of another dwelling; and
(b) the private open space of another dwelling; and
(c) an adjoining vacant residential lot.*

6.12.5 The windows to the lounge and dining room of apartment 3 would be opposite the windows to the dining room and lounge of apartment 2. The windows of apartment 3 would be above the level of the windows to apartment 2 and would have a sill height of less than 1.2m above floor level. As a result, there is considered to be potential for direct views of the above windows of apartment 2 from the lounge and dining room windows of apartment 3. Therefore, a condition of approval should require the windows of apartment 3 to be screened, or otherwise located or designed, to minimise direct views of the windows of apartment 2.

6.12.6 The bedroom window on the upper level of apartment 3 would be significantly higher than the eastern window of the lounge of apartment 2. There would also be a roof over part of the middle level of apartment 3 between these windows. Therefore, there is considered to be limited potential for direct views of the above apartment 2 lounge window from the apartment 3 bedroom window. Any view of the former window from the latter is likely to be oblique and available only from a limited vantage point.

6.12.7 The proposal is considered to be consistent with the objective for the above clause as it would provide reasonable opportunity for privacy for all

dwellings, provided that the design of the apartment 3 windows is altered as detailed above.

6.12.8 The proposal complies with the above performance criterion.

6.13 10.0 General Residential Zone - 10.6.1 Lot Design P1

6.13.1 The acceptable solution A1 at clause 10.6.1 requires the size of each lot to comply with the lot sizes specified in Table 10.1.

6.13.2 The proposal includes lots that would not comply with the maximum lot size specified in Table 10.1. Proposed lot 1 would have an area greater than the prescribed maximum of 1000m². Lot 3 would also have a greater area, however, it would be designated for multiple dwellings.

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 P1 at clause 10.6.1 provides as follows:

The size of each lot must satisfy all of the following:

(a) variance above the maximum lot size in Table 10.1 only to the extent necessary due to demonstrated site constraints;

(b) be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area.

6.13.5 The heritage listed dwelling on the property would be retained upon proposed lot 1. This lot would be constrained by the requirement to provide sufficient curtilage surrounding this dwelling in accordance with the provisions of the Historic Heritage Code. The variance above the relevant prescribed maximum is considered to be the minimum extent necessary due to this constraint.

6.13.6 The proposal complies with the performance criterion.

6.14 10.0 General Residential Zone - 10.6.1 Lot Design P3

6.14.1 The acceptable solution A3 at clause 10.6.1 requires the frontage for each proposed lot to comply with the relevant minimum and maximum frontage specified in Table 10.2.

6.14.2 The proposal includes a lot that would not comply with the relevant

minimum frontage requirement. Proposed lot 1 would have approximately 11.2m of frontage which is less than the 15m frontage specified in Table 10.2 for a standard lot.

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 P3 at clause 10.6.1 provides as follows:

The frontage of each lot must satisfy all of the following:

(a) provides opportunity for practical and safe vehicular and pedestrian access;

(b) provides opportunity for passive surveillance between residential development on the lot and the public road;

(c) is no less than 6m.

6.14.5 Proposed lot 1 would retain access via the existing access point and part of the existing driveway. The alignment of the driveway would be altered but would continue to provide access to lots 1 and 2 via a right of way arrangement. Given that the existing access arrangements appear to be functioning adequately, the proposal is considered to provide sufficient opportunity for practical and safe access.

6.14.6 The proposal would maintain the existing relationship between the dwelling upon lot 1 and Derwentwater Avenue so would not affect opportunities for passive surveillance. The proposed frontage for lot 1 would be greater than 6m.

6.14.7 The proposal complies with the performance criterion.

6.15 E6.0 Parking and Access Code - *E6.6.1 Number of Car Parking Spaces*

6.15.1 The acceptable solution at clause *E6.6.1* requires the number of on-site car parking spaces to be no less than and no greater than the relevant number specified in Table E6.1.

6.15.2 The proposal includes less than the relevant number of car parking spaces specified in Table E6.1. Nine car parking spaces are required, including a visitor car parking space. However, a visitor car parking space would not be provided.

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 E6.6.1 provides as follows:

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

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

6.15.5 The Council's Development Engineer has assessed the proposal against the above performance criterion. The Development Engineer suggests that the required visitor car parking space may be provided on Derwentwater Avenue. It is noted that a visitor car parking space would only be used intermittently, which would reduce its impact upon car

parking demand upon this street.

- 6.15.6 The site is within 400m of a bus stop - i.e. that adjacent to 403 Sandy Bay Road. Metro Tas operates a frequent bus service along Sandy Bay Road. Therefore, the site has access to available and frequent public transport.
- 6.15.7 There is a dedicated bicycle lane on Sandy Bay Road. The site is also reasonably close to the Hutchins School and the Sandy Bay campus of the University of Tasmania. Therefore, there is a reasonable likelihood that residents of the proposed development would use modes of transport other than private cars.
- 6.15.8 While there would be no reduction in car parking demand due to the sharing of car parking spaces by multiple uses, there is no existing deficiency of car parking on the site. It is not considered appropriate to require a financial contribution in lieu of parking in this case. There is no relevant parking plan for the area adopted by Council. It is also noted that the provision of additional car parking on the site may have increased impact upon its historic cultural heritage significance.
- 6.15.9 The proposal complies with the above performance criterion.

6.16 E6.0 Parking and Access Code - *E6.7.2 Design of Vehicular Accesses*

- 6.16.1 The acceptable solution at clause *E6.7.2* requires the the location, sight distance, geometry, and gradient of vehicle access points to be designed and constructed to comply with access driveway provisions in section 3 of AS2890.2 - 2002.
- 6.16.2 The proposal includes a vehicle access point that would not comply with the above provisions as it would not achieve the required sight distances.
- 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 *E6.7.2* 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.*

6.16.5 The Council's Development Engineer has assessed the proposal against the above performance criterion. The Development Engineer suggests that the proposed gate and screens at the access point would offer sufficient transparency to in order to achieve acceptable sight distances. The Development Engineer also suggests that the proposed sight distances would be acceptable given the relatively low volume of traffic carried by Derwentwater Avenue.

6.16.6 The proposal complies with the above performance criterion.

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

6.17.1 The acceptable solution at clause *E6.7.3* requires vehicular passing areas to be provided if an access is more than 30m long.

6.17.2 The proposal includes an access that would be more than 30m long but does not include a vehicular passing area with the required width.

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 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.*

- 6.17.5 The Council's Development Engineer has assessed the proposal against the above performance criterion. The Development Engineer suggests that an area at the entrance to the site could be utilised as an acceptable passing area given the proposed driveway configuration and the relatively low volume of traffic carried by Derwentwater Avenue.
- 6.17.6 The proposal complies with the above performance criterion.
- 6.18 E6.0 Parking and Access Code - *E6.7.5 Layout of Parking Areas*
- 6.18.1 The acceptable solution at clause *E6.7.5* requires the layout of car parking spaces and access aisles to be designed and constructed to comply with section 2 and clause 5.3 of AS/NZS 2890.1:2004.
- 6.18.2 The proposal includes car parking spaces and access aisles that would not comply with the above section as the gradient of the proposed parking module would be greater than 5%. The proposed parking module would have a gradient of 10%.
- 6.18.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.
- 6.18.4 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.*
- 6.18.5 The Council's Development Engineer has assessed the proposed parking module against the above performance criterion and advised that it appears to be adequate and acceptable.
- 6.18.6 The proposal complies with the above performance criterion.
- 6.19 E7.0 Stormwater Management Code - *E7.7.1 Stormwater Drainage and Disposal P1*
- 6.19.1 The acceptable solution A1 at clause *E7.7.1* requires stormwater from new impervious surfaces to be disposed of by gravity to public stormwater infrastructure.

6.19.2 The proposal includes stormwater management arrangements that would not allow for stormwater from the proposed development to be disposed of by gravity to public stormwater infrastructure. Stormwater from the development would be collected toward the end of the proposed driveway and pumped to a new connection to Council's stormwater infrastructure on the property frontage.

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

6.19.4 The performance criterion P1 at clause *E7.7.1* provides as follows:

Stormwater from new impervious surfaces must be managed by any of the following:

(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles

(b) collected for re-use on the site;

(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.

6.19.5 The Council's Development Engineer has assessed the proposed stormwater management arrangements and confirmed that they comply with the above sub-clause (c).

6.19.6 The proposal complies with the above performance criterion.

6.20 E7.0 Stormwater Management Code - *E7.7.1 Stormwater Drainage and Disposal P2*

6.20.1 The acceptable solution A2 at clause *E7.7.1* requires a stormwater system for a new development to incorporate water sensitive urban design principles for the treatment of and disposal of stormwater if the size of new impervious area is more than 600m².

6.20.2 The proposal includes more than 600m² of new impervious area but the proposed stormwater system would not incorporate water sensitive urban design principles.

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

therefore relies upon assessment against the below performance criterion.

6.20.4 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.

6.20.5 The Council's Development Engineer has confirmed that the proposed stormwater system would incorporate mechanical stormwater treatment sufficient to ensure that the targets detailed in Table E7.1 are achieved.

6.20.6 The proposal complies with the above performance criterion.

6.21 E13.0 Historic Heritage Code - *E13.7.1 Demolition*

6.21.1 There is no acceptable solution for clause *E13.7.1* where demolition is proposed on a site that is listed in Table E13.1 as a heritage place.

6.21.2 The proposal includes demolition on a heritage listed site.

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

6.21.4 The performance criterion at clause *E13.7.1* provides as follows:

Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;

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

(b) there are no prudent and feasible alternatives;

(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;

(d) significant fabric is documented before demolition.

6.21.5 The Council's Cultural Heritage Officer has assessed the proposal

against the above performance criterion. The Cultural Heritage Officer's assessment is provided as an attachment to this report, however, the following comments are relevant to the above standard:

The proposed demolition "includes a section of the front boundary brick wall, the pool and associated structures, various landscaping features such as low walls, the driveway to the rear of the lot and the removal of trees. None of the built features appear to be original or early elements that were part of the house and its original landscaping. The trees (including the palm trees referred to in the above representations) may be part of the original garden plan, but they are not identified as significant trees and under any other circumstances could be removed without a planning application as removal is exempt under clause *E13.4.1(k)(i)(b)* of the [Historic] Heritage Code of the Scheme".

6.21.6 The proposal complies with the above performance criterion.

6.22 E13.0 Historic Heritage Code - *E13.7.2 Buildings and Works other than Demolition*

6.22.1 There are no acceptable solutions for clause *E13.7.2*, where buildings and works are proposed on a site that is listed in Table E13.1 as a heritage place, that apply to the proposal.

6.22.2 The proposal includes buildings and works on a heritage listed site.

6.22.3 As there are no relevant acceptable solutions for the above clause, the proposal relies upon assessment against the below performance criteria.

6.22.4 The performance criteria at clause *E13.7.2* provide as follows:

P1

Development must not result in any of the following:

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

P2

Development must be designed to be subservient and complementary to the place through characteristics including:

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

P3

Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.

- 6.22.5 The Council's Cultural Heritage Officer has assessed the proposal against the above performance criteria. The Cultural Heritage Officer's assessment is provided as an attachment to this report, however, the following comments are relevant to the assessment of the above performance criteria:

"The majority of the new building and works are located on lot 3. While this parcel of land is not heritage listed [refer to image 4 below], it is from an historical point of view, part of the original land parcel, garden and setting for the original house. Those parts of the proposed new apartments that extend into the heritage listed site of lot 2 include the open grassed space, deck at ground level and above, new areas of fill and retaining walls and a corner of the proposed flat 1 and the carpark for flat 1 and 2 underneath and the new driveway and associated landscaping. This proposal and only those parts overlapping the heritage listed parts of lot 2 must be assessed against E13.7.2 P1, P2 and P3.

The proposed flats and associated driveway access areas are set within the existing trees which assists in balancing the volumes of the new development. In this respect, the protection of the trees becomes even more relevant and should be undertaken in accordance with the AS4970-2009 Australian Standard Protection of Trees on Development Sites.

The new development is 15 metres from the existing house and is situated on the lower side of the block, stepping down toward the lower part of the site. It has external finishes in brick, fibre cement sheet and a green wall over the cladding. The colours are light brown, grey, bronze,

light red brickwork and a timber texture in a light brown. The part of the proposal within the heritage listed place is relatively small in relation to the remaining garden setting attached to the house. In this respect it is considered subservient and complementary and does not result in the diminution or loss of heritage values of the heritage listed place. In addition they are readily identifiable and new materials and form. It is therefore concluded that the proposal satisfies E13.7.2 P1, P2 and P3".



Figure 5. An excerpt from the Council's GIS showing the subject site, comprised of three lots, and the associated heritage listing shown highlighted red. The development is primarily located on lot 3.

6.22.6 The proposal complies with the above performance criteria.

6.23 E13.0 Historic Heritage Code - E13.7.3 Subdivision.

6.23.1 There is no acceptable solution for E13.7.3 where subdivision is proposed on a site that is listed in Table E13.1 as a heritage place.

6.23.2 The proposal includes subdivision (a boundary adjustment is considered to be a subdivision) on a heritage listed site.

6.23.3 As there is no acceptable solution for the above clause, the proposal

relies upon assessment against the below performance criterion.

6.23.4 The performance criterion at clause *E13.7.3* provides as follows:

A proposed plan of subdivision must show that historic cultural heritage significance is adequately protected by complying with all of the following:

(a) ensuring that sufficient curtilage and contributory heritage items (such as outbuildings or significant plantings) are retained as part of any title containing heritage values;

(b) ensuring a sympathetic pattern of subdivision;

(c) providing a lot size, pattern and configuration with building areas or other development controls that will prevent unsympathetic development on lots adjoining any titles containing heritage values, if required.

6.23.5 The Council's Cultural Heritage Officer has assessed the proposal against the above performance criterion. The Cultural Heritage Officer's assessment is provided as an attachment to this report, however, the following comments are relevant to the above standard:

"The proposal must ensure there is an adequate curtilage and contributory items are retained. In many respects the boundary of proposed lot 1, that is the land parcel with the 1936 house on it, is not dissimilar to the current lot 1. In respect to the existing pattern of subdivision, the proposed new plan of subdivision is similar in pattern and configuration with lot 2 at the rear with a driveway connection and lot 3 located at the front boundary of Derwentwater Avenue. In summary, with three existing lots, the proposed subdivision, also of three lots does not alter the status quo to any extent, in that the house has sufficient curtilage, open space and settings. As such, it is considered that if the new lot 1 and lot 2 were to be reviewed for heritage listing in Table E13.1 of the Heritage Code, there would be no change to their heritage status".

6.23.6 The proposal complies with the above performance criterion.

6.24 E15.0 Inundation Prone Areas Code: *E15.7.4 Riverine Inundation Hazard Areas*,

6.24.1 The acceptable solution A1 at clause *E15.7.4* requires a new habitable building to have a floor level no lower than the 1% AEP (100 year ARI) storm event plus 300mm.

- 6.24.2 The proposal includes a habitable building that would have a floor level lower than the 1% AEP (100 year ARI) storm event. The basement floor of the building that would contain apartments 1 and 2 would be lower than this level.
- 6.24.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.
- 6.24.4 The performance criterion P1 at clause *E15.7.4* provides as follows:

A new habitable building must have a floor level that satisfies all of the following:

- (a) risk to users of the site, adjoining or nearby land is acceptable;*
- (b) risk to adjoining or nearby property or public infrastructure is acceptable;*
- (c) risk to buildings and other works arising from riverine flooding is adequately mitigated through siting, structural or design methods;*
- (d) need for future remediation works is minimised;*
- (e) provision of any developer contribution required pursuant to policy adopted by Council for riverine flooding protection works.*

- 6.24.5 The Council's Technical Officer - Environmental has assessed the proposal against the above performance criterion. The officer highlights that the basement level of the above building would not have habitable rooms nor entrances on its upslope (i.e. eastern) elevation. A condition is recommended requiring the building to be flood resistant and to have a finished floor level for habitable rooms that is at least 300mm above the determined flood level. A shaped swale to contain flood waters and an associated easement and Part 5 Agreement are also required.

- 6.24.6 The proposal complies with the above performance criterion.

6.25 *E15.0 Inundation Prone Areas Code - E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas P1*

- 6.25.1 There is no acceptable solution for clause *E15.7.5* for solid walls greater than 5m in length and 0.5m in height proposed within a Riverine Inundation Hazard Area.
- 6.25.2 The proposal includes a solid wall that would be greater than 5m in length and higher than 0.5m. The building that would contain apartments 1 and 2

would be within an overland flow path and therefore within a Riverine Inundation Hazard Area.

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

6.25.4 The performance criterion P1 at clause *E15.7.5* provides as follows:

Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:

(a) no adverse affect [sic] on flood flow over other property through displacement of overland flows;

(b) the rate of stormwater discharge from the property must not increase;

(c) stormwater quality must not be reduced from pre-development levels.

6.25.5 The Council's Technical Officer - Environmental has assessed the proposal against the above performance criterion. The officer suggests that the development would shift the existing overland flow path further to the west. However, as the affected land is also part of the site, the proposal would not have an adverse effect on flood flow over another property and would be in accordance with sub-clause (a).

6.25.6 The Technical Officer also states that the proposed development will decrease stormwater flows during 1 in 20 year storm events and not significantly increase flows in 1 in 100 year events. The proposal therefore complies with sub-clause (b). The proposed mechanical stormwater treatment arrangements would ensure compliance with the above sub-clause (c). Conditions are recommended regarding the ongoing maintenance and operation of these arrangements.

6.25.7 The proposal complies with the above performance criterion.

6.26 *E15.0 Inundation Prone Areas Code - E15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas P2*

6.26.1 There is no acceptable solution for clause *E15.7.5* where mitigation measures are required in a Riverine Inundation Hazard Area.

6.26.2 The proposal includes mitigation measures.

6.26.3 As there is no acceptable solution for the above clause, the proposal

relies upon assessment against the below performance criterion.

6.26.4 The performance criterion P2 at clause *E15.7.5* provides as follows:

Mitigation measures, if required, must satisfy all of the following:

(a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;

(b) not have a significant effect on flood flow.

6.26.5 The Council's Technical Officer - Environmental has assessed the proposal against the above performance criterion. As mentioned above, a shaped swale is required to redirect the existing overland flow path. A condition requiring an agreement to be registered on the property title regarding the ongoing maintenance of this swale is recommended.

6.26.6 The proposal complies with the above performance criterion.

6.27 *E15.0 Inundation Prone Areas Code - E15.8.3 Subdivision within a Riverine Inundation Hazard Area*

6.27.1 The acceptable solution at clause *E15.8.3* requires a lot shown on a plan of subdivision to be able to contain a building area and services that are wholly located outside of a Riverine Inundation Hazard Area

6.27.2 The proposal includes a lot that would not be able to contain a building area and services that are wholly located outside of a Riverine Inundation Hazard Area. Part of the proposed building area for lot 3 and proposed stormwater infrastructure would be located within this hazard area.

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

6.27.4 The performance criterion at clause *E15.8.3* provides as follows:

Each lot, or a lot proposed in a plan of subdivision, within a riverine inundation hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:

(a) any increase in risk from flood for adjacent land;

(b) the level of risk to use or development arising from an increased

reliance on public infrastructure;
(c) the need to minimise future remediation works;
(d) any loss or substantial compromise by flood of access to the lot, on or off site;
(e) the need to locate building areas outside the riverine inundation hazard area;
(f) any advice from a State authority, regulated entity or a council; and
(g) the advice contained in a flood hazard report.

6.27.5 The Council's Technical Officer - Environmental has assessed the proposal against the above performance criterion and provided the following comments:

6.27.6 "as a minor boundary adjustment, it is reasonable to address the difference in flood risk the proposal will create. The shifting of the boundary will largely not affect the flood risk per se. It will provide the opportunity for the proposed building works on Lot 3. As this includes the diversion of the [overland flow path], risk to development on the site may be considered to rise slightly. This risk is not considered to be large, due to the controls conditioned for (agreement on title, design and sizing of swale, easements, etc) and the limited flood flow expected".

6.27.7 The proposal complies with the above performance criterion.

7. Discussion

7.1 Planning approval is sought for subdivision (boundary adjustment) and four multiple dwellings at 35 Derwentwater Avenue, Sandy Bay.

7.2 The application was advertised and received seven representations. The representations raised concerns regarding potential heritage, traffic, stormwater management, and character impacts. Several representations also noted that the proposed development would not be contained within prescribed building envelope.

7.3 The proposal has been assessed by the Council's Cultural Heritage Officer who confirmed that the majority of the proposed development site is not heritage listed. The Cultural Heritage Officer's assessment also confirmed that the proposed boundary adjustment would have limited effect upon the heritage value of the existing dwelling on the site, as sufficient curtilage would be retained around this dwelling.

- 7.4 While the proposed access point for the development would not achieve the prescribed sight distances, the Council's Development Engineer's assessment is that the access would be safe given the proposed driveway configuration and the relatively low volume of traffic carried by Derwentwater Avenue. A visitor car parking space would not be provided on the site as usually required, however, this is considered acceptable given the availability of on-street car parking in the area.
- 7.5 The proposed stormwater management arrangements for the development are designed to ensure to that there is no increase in stormwater flow to a natural watercourse. Stormwater from the development would be directed to Council's stormwater infrastructure via a pumped system.
- 7.6 The proposal complies with the planning scheme's relevant density standard (clause 10.4.1) and the site is not within a Heritage Precinct. To ensure that the proposal complies with the planning scheme's density standard, a condition of approval should be that the proposed boundary adjustment must be carried out prior to the issue of building approval for the proposed multiple dwellings. To ensure the proposal complies with the subdivision standards, a condition should also be included requiring a designation on the title for lot 3 that it is for multiple dwellings.
- 7.7 While the proposed buildings would be slightly outside of the prescribed building envelope, the application demonstrates that there would be no overshadowing impacts as a result. The development is considered unlikely to have an unreasonable visual impact given the separation that would be achieved between it and adjoining lots and the orientation and position of nearby existing dwellings.
- 7.8 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to comply.
- 7.9 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, and its Technical Officer - Environmental. The officers have raised no objection to the proposal, subject to conditions.
- 7.10 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed subdivision (boundary adjustment) and multiple dwellings at 35 Derwentwater Avenue, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015* and is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for subdivision (boundary adjustment) and multiple dwellings at 35 Derwentwater Avenue, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-103 - 35 DERWENTWATER AVENUE SANDY BAY TAS 7005 - 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 2018/00290-HCC dated 13/6/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 2

The windows to the dining room and lounge within the western elevation of apartment 3 must be screened, or otherwise located or designed, to minimise direct views to the windows to the dining room and lounge within the eastern elevation of apartment 2.

Prior to the issue of any consent under the *Building Act 2016*, revised plans must be submitted and approved that show screening or that the windows would be otherwise located and designed to be in accordance with the above requirement.

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

Reason for condition

To provide reasonable opportunity for privacy for dwellings.

PLN s1

The approved boundary adjustment must be completed prior to the issue of any consent under the *Building Act 2016* for the multiple dwellings also approved by this permit. Confirmation that titles have been issued for lots that are substantially in accordance with the approved boundary adjustment must be provided with any application or notification under the *Building Act 2016* for the multiple dwellings (including for low or medium risk work).

Reason for Condition

To ensure that the residential density of the development is consistent with this approval.

ENG sw2.1

The Council's stormwater infrastructure within the subject site must be protected from damage during the construction of the development.

Digital copies of pre-works CCTV video and report of the Council stormwater infrastructure must be undertaken and submitted to Council:

- 1. Prior to commencement of works on site for any part of main which will not be replaced, and**
- 2. The issue of Certificate of Practical Completion of the new section of main (taken no more than one month earlier) .**

The pre and post-construction CCTVs 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 pre construction CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw2.2

The Council's stormwater infrastructure within the subject site must be protected from damage during the construction of the development. Digital copies of a post-construction CCTV video and report of the Council stormwater infrastructure must be undertaken and submitted to Council prior to first occupancy of the development.

The pre and post-construction work CCTVs will be relied upon to establish the extent of damage caused to the Council's stormwater infrastructure during construction.

In the event that the owner fails to provide to the Council a pre-construction works CCTV video of the Council's stormwater infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Advice: Due to the diameter of the main, a tractor camera will be required to obtain adequately clear footage.

Reason for condition

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

ENG sw3

The proposed works (including fill, balustrades, retaining walls, footings and deck) must be designed to ensure the long term protection of and access to the Council's stormwater infrastructure and the overland flow path. The main must be diverted clear of the proposed building.

Detailed engineering design must be submitted and approved prior to issue of any consent under the *Building Act 2016* or commencement of works (whichever occurs first).

The detailed design must:

- 1. Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.**
- 2. Include cross-sections clearly showing the relationship both vertically**

and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.

3. Include a long-section of Council's stormwater main clearly showing proposed cover.
4. Be certified by a suitably qualified engineer.

Prior to issue of first occupancy of the development, a suitably qualified engineer must confirm the installation of the works within five metres of Council's stormwater is in accordance with the approved drawings and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

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

Advice: Once the detailed design 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 ensure the protection of the Council's hydraulic infrastructure.

ENG sw5

The new public stormwater system (piped main and overland flow path) must be constructed prior to issue of any completion certificate, and the redundant section be abandoned and removed, at the owner's cost.

Engineering design drawings must be submitted and approved, prior to commencement of work or issue of any consent under the *Building Act 2016* (whichever occur first). The engineering design drawings must:

1. Be certified by a qualified and experienced engineer.
2. Show in both plan and long-section the proposed stormwater main, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class,

adequate working platforms around manholes, easements, headwalls and inspection openings.

3. Show in plan and cross-section a defined overland flow path contained wholly within the drainage easement and with a maximum water level at least 300mm below the proposed floor level of habitable rooms on lot 3.
4. Show any alterations proposed to the headwall and adequate scour/erosion control.
5. Include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment.
6. Clearly distinguish between public and private infrastructure.
7. Clearly state any maintenance requirements of the overland flow path.
8. Be substantially in accordance with the LGAT drawings.

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

Advice: Once the engineered drawings 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.

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure. A maintenance period of 12 months, and maintenance bond of 5% of the value of the works or \$3000 (whichever is greater) will be required.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation. All costs associated with works

required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage and connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work. The design drawings and calculations must:

1. Be prepared by a suitably qualified person; and
2. Demonstrate no increase in flows to the minor watercourse; and
3. Include sufficient levels and grades to the point of discharge to demonstrate that all stormwater practicable is drained to the approved connections via gravity.

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

Advice: The applicant is advised to submit detailed design drawings and calculations as part of their [Plumbing Permit Application](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to obtain a plumbing permit for the works.

Reason for condition

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

ENG sw7

Stormwater pre-treatment and detention for stormwater discharges from the development must be installed prior to first occupation of the development.

A stormwater management report and design must be submitted and approved, prior to commencement of work or issue of any approval under the *Building Act 2016* (whichever occurs first). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, including final estimations of contaminant removal.
3. Include detailed design and supporting calculations of the detention tank, sized such that flows from lot 3 are limited to the receiving capacity of the kerb and gutter. All assumptions must be clearly stated.

4. **Provide maximum discharge rates to the minor watercourse for lots 1 and 2, such that there would be no increase in flows from the developed site up to 5% AEP storm events.**
5. **Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.**

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice: Once the stormwater management report and design 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 possible pollution of drainage systems and natural watercourses, to comply with relevant State legislation, and to ensure the development's stormwater system takes into account limited receiving capacity of Council's infrastructure.

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:

- *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 to Council 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.

Advice:

- *Once the certification has been accepted, 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 ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 2c

Prior to first occupation of the development, 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, 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 3c

The access driveway(s), circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the Aldanmark design drawings (17E99-250) submitted to the Council on the 8th June 2018.

Prior to first occupation of the development, 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 lodged with Council.

Advice: Certification may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

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

ENG 9

All car parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers, prior to the first occupation.

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 11

Prior to the commencement of the use, the proposed crossover to the Derwentwater Avenue highway reservation must be designed and constructed in general accordance with:

- 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.**

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 1

The cost of repair of any damage to the Council's infrastructure or the minor watercourse 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. Any damage must be immediately reported to 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, watercourse, 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 10

The front fencing and gate at Derwentwater Avenue must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Amended drawings must be submitted and approved, prior to the commencement of work. The amended drawing must demonstrate how the fence either side of the driveway/s provides for adequate sight distance between user vehicles, cyclists and pedestrians by one of the following methods:

- 1. Compliance with Australian/NZ Standard, Parking facilities Part 1: Off-**

- street car parking AS/NZS 2890.1: 2004 Fig 3.3;
2. Increasing the gate width of the driveway(s) to 5m; or
 3. Increasing the transparency of fencing for at least 1m on each side of driveway/s so that those sections of fencing are largely transparent; or
 4. Setting driveway(s) gates back 1m from front fence line to achieve increased sight lines.

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

Advice: Once the amended drawing 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 ensure the safety of vehicles entering and leaving the development and of pedestrians and traffic in the vicinity.

ENV 2

Sediment and erosion control measures, sufficient to prevent sediment leaving the site and 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.

HER 18

The following trees #1, #2, #3, #4, #5, #6, #7, #8, #14, #17 and #18, as shown on the submitted plans (Landscape Plan Drawing No. 102 Revision A, dated 26/02/2018 and Existing + Demolition plan, No. 200, Revision A, dated 26/02/2018) must be protected throughout excavation and post construction.

Prior to the issuing of any approval under the *Building Act 2016*, a report and/or plan must be submitted and approved and it must:

- 1. Be prepared by a suitable qualified person.**
- 2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS4970-2009 Protection of trees on development sites, around the above numbered trees.**
- 3. Outline all works necessary to ensure the longevity, health and vigour of these trees.**

All work required by this condition must be undertaken in accordance with the approved report and/or plan.

Reason for condition

To ensure that development is undertaken in a sympathetic manner which does not cause loss of cultural landscape values.

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for Condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council:

- 1. Over any proposed or existing stormwater, water or sewer infrastructure (including mains, branches and headwalls) passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater (minimum width of 2m, or 3m if they cover two pipes).**
- 2. Over any existing or proposed private rights of way, drainage and/or service easements in favour of the lots they are required to serve.**
- 3. Over any existing or proposed overland flow paths in favour of the Hobart City Council.**

Advice: Drainage easement widths for public stormwater should be in general accordance with those specified in the LGAT/IPWEA Tasmanian Subdivision Guidelines 2013, and extend a minimum of one metre from the outside of the infrastructure.

Reason for Condition

To ensure that there are no impediments to the provision of public and private services and access to the lots and the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

SURV 13

The final plan is to be notated in accordance with the provisions of section 83(7) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to the effect that the Tasmanian Water and Sewerage Corporation cannot provide a means of gravity reticulated sewerage disposal from lots 2 and 3 below a specified reduced level.

The final plan must be submitted for approval by the Council.

The final plan must be notated to the satisfaction of the Council.

The specified reduced level that may be required is to be provided by the owner's Registered Land Surveyor who must supply the invert level (on State Datum) of the sewer connections constructed to serve Lots 2 and 3.

Reason for condition

To ensure that the limitation in TasWater's ability to provide a means of gravity reticulated sewerage disposal from Lots 2 and 3 is noted on the final plan.

ENG 14

Services to each lot must be designed and installed to meet the needs of future development, prior to the sealing of the final plan.

Detailed engineering drawings must be submitted and approved prior to commencement of work on the site. The engineering drawings must:

- 1. Be prepared by a suitable qualified person and experienced engineer.**
- 2. Be generally in accordance with LGAT - IPWEA - Tasmanian Standard Drawings and Subdivision Guidelines 2013.**
- 3. Clearly distinguish between public and private infrastructure.**
- 4. Include indicative long-sections of the proposed connections clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure. Connections must be free-flowing gravity.**
- 5. Show the proposed location, size and design of each lot connection such that the majority of the lot can be adequately and economically drained, bearing in mind the limited receiving capacity of the public infrastructure.**
- 6. Show the the existing private stormwater detention for lot 1 to be relocated such that it is within the revised lot boundary and upstream of the public connection.**
- 7. Show all existing connections for the Lots as to be abandoned at the owner's cost.**
- 8. Any connections to the open watercourse must have adequate scour and erosion control.**

All work required by this condition must be constructed in accordance with the approved engineering drawings.

Advice: Once the engineering drawings have been approved the Council will issue a condition endorsement.

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure and an application for new stormwater connection.

Please note consent under the Building Act may be required for any private plumbing work.

Reason for condition

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

Part 5 1

Prior to the Council sealing the final plan of survey for the approved boundary adjustment, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the following issues:

- **Building over Council's stormwater main. The owner of lot 3 must agree to:**
 - **Indemnify Council against any costs or claims arising from building over the Council's stormwater main or for damages incurred in the act of performing operation, maintenance, or replacement tasks on the stormwater main;**
 - **Not perform any future works to any structures within 1m of the main, including replacement of footings without written permission from Council;**
 - **Dismantle/ replace the structures at the owner's cost at Council's request to allow free access to Council's infrastructure;**

- **The limited receiving capacity of Council's stormwater system:**
 - **The owners of lot 1 and lot 3 must agree to the ongoing compliance with the approved stormwater management plan for the detention systems of lot 1 and lot 3;**
 - **The owners of lots 1, 2 and 3 must agree to limit discharges into the piped minor watercourse passing through the site to pre-development flows to the worst case 5% AEP event;**

- **The overland flow path through the site. The owners of the relevant lots must agree:**
 - **to maintain all approved flood mitigation measures including maintaining the capacity of the defined overland flow path through the relevant Lots, and,**
 - **not without the written consent of the Hobart City Council to erect or permit to be erected any building or structure or carry out any landscaping that may change the contours of the land or restrict the free flow of water over the defined overland flow path.**

- **Multiple dwellings on lot 3:**
 - **That lot 3 is designated for multiple dwelling use and development only.**

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

Advice: For further information with respect to the preparation of a Part 5 Agreement please contact Council's Development Engineering Staff.

Reason for condition

To ensure that the development does not increase risk to the property or third-party land and to clarify the intended future use and development of the lot and to ensure compliance with the requirements of Table 10.1 of the *Hobart Interim Planning Scheme 2015* with regard to acceptable lot size.

SUB s1

An amendment to Sealed Plan 134495 under section 103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to delete the necessary portions of the Drainage Easement 0.91 wide and the Drainage Easement 3.00 wide and variable width from the sealed plan is to be submitted to Council and approved concurrently with the final plan of survey.

Reason for condition

To ensure that the easements are not brought forward to burden the lots in the subdivision.

SUB s2

Private sewer, stormwater (including surface drainage) and water services/connections must be entirely separate to each lot and contained wholly within the lots served.

The Developer must verify compliance of the Separation of Services by supplying the Council with an as-installed Services Plan prior to the sealing of the final plan. The plan must:

- 1. Clearly indicate the location and details of all relevant services (entirely contained within their respective lots); and**
- 2. Be accompanied by certification from a suitably qualified person that all engineering work required by this permit have been completed.**

Advice: Once the as-installed Services Plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A "qualified person" must be a Professional Engineer or Professional Surveyor or other persons acceptable to Council.

Reason for condition

To ensure that each lot is serviced separately.

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 AND WORKS IN THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

You may require a road closure permit for construction. Click [here](#) for more information.

You will require a Permit to Open Up and Temporarily Occupy a Highway for any work in the road reserve. Click [here](#) for more information.

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You will require a permit to construct public infrastructure, with a 12 month maintenance period and bond. Please contact the Hobart City Council's City Infrastructure Division to initiate the permit process.

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your [new stormwater connection](#).

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. Click [here](#) for more information.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

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.

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.

ENGINEERING APPROVAL FEE

Prior to the issue of Council approved drawings or commencement of work on site (whichever occurs first), an engineering fee in accordance with Council's Fees and

Charges 2018-2019, must be paid to the Council to meet the cost of processing and approving the engineering aspects of the working drawings and on-site inspections. This fee is additional to building and plumbing fees charged under the Building and Plumbing Regulations.

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

SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#).

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.



(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)

Senior Statutory 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.

Date of Report: 20 July 2018

Attachments:

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report - Cultural Heritage Report