



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 17 September 2018
Expiry Date: 13 November 2018
Application No: PLN-17-1060
Address: 30 - 34 GRAYS ROAD , FERN TREE
100 PINNACLE ROAD , MOUNT WELLINGTON
Applicant: James Wilson (Field Labs)
19 Hovingtons Road
Proposal: Dwelling
Representations: One representation.
Performance criteria: Rural Living Zone - Building Height and Setbacks
Historic Heritage Code - Demolition and Buildings and Works other than
Demolition

1. Executive Summary

1.1 Planning approval is sought for a dwelling at 30-34 Grays Road, Fern Tree.

1.2 More specifically the proposal includes:

- Construction of a three storey dwelling with a footprint of approximately 7.3m x 4.6m. The dwelling would have a maximum height above natural ground level of 10.8m.
- A deck with a footprint of 2.5m x 4m is proposed on the lowest level of the building, as well as an elevated walkway that would link the dwelling to a proposed parking deck. The parking deck would provide space for two vehicles.
- Vehicular access to the development would be via Grays Road which is to the north-west of the site. Wastewater generated by the development would be managed onsite. Stormwater from the development would be directed to Council's existing stormwater infrastructure within the adjacent Pipeline Track.

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

1.3.1 13.0 Rural Living Zone - 13.4 Development Standards

1.3.2 E13.0 Historic Heritage Code - E13.7 Development Standards for Heritage Places and E13.9 Development Standards for Cultural Landscape Precincts

- 1.4 One (1) representation objecting to the proposal was received within the statutory advertising period between 2 and 16 August 2018.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council as the proposal involves Council land.

2. Site Detail

- 2.1 The proposed development site is an irregular shaped lot within the Fern Tree locality. Much of the lot is relatively narrow as it is between Grays Road, which is on its north-western boundary, and the Pipeline Track, on its southern boundary. The property is made up of two titles with a combined an area slightly greater than 2500m². The proposed dwelling would be constructed within the north-eastern part of the lot. This is the widest part of the property but still relatively narrow when compared with surrounding properties, with a maximum width of approximately 36m. This part of the property has been cleared of native vegetation although there are several remnant/regrowth trees within the western part of the lot. The land is relatively steep with a gradient of over 20 degrees and a south-easterly aspect.
- 2.2 The site is surrounded by low density residential use and development similar to that proposed. There is a house on the similar sized, adjoining property to the north-east of the site. There are also houses on the properties to the south and south-east of the site, on the opposite side of the Pipeline Track. The majority of properties in the area retain some remnant/regrowth native forest. The relatively larger properties to the north and west of the site retain significant areas of native forest.

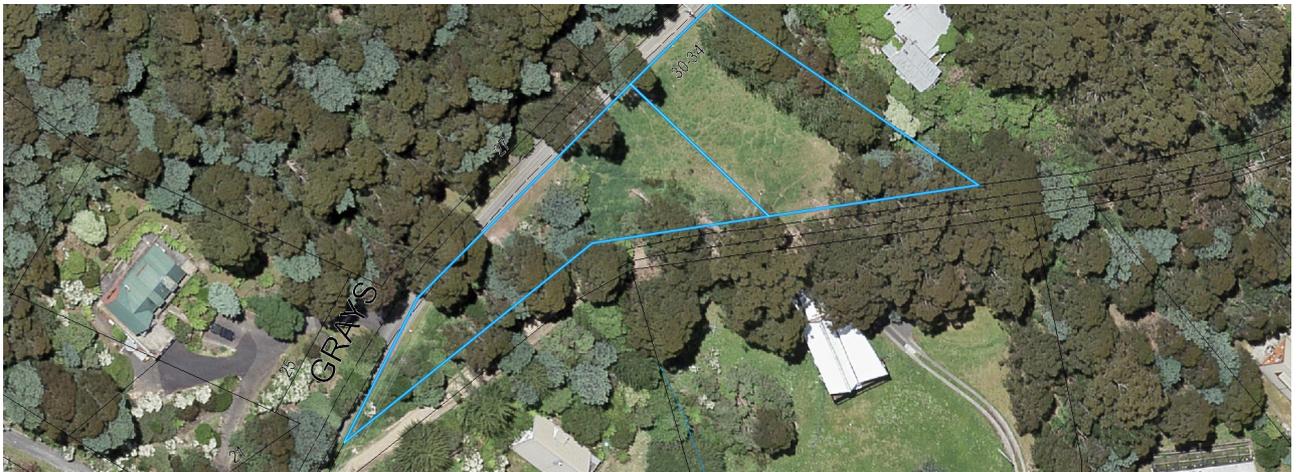


Figure 1: aerial view of proposed development site (outlined in blue) and surrounding land (source: HCC GIS, accessed 29/8/2018).

3. Proposal

- 3.1 Planning approval is sought for a dwelling at 30-34 Grays Road, Fern Tree.

3.2 More specifically the proposal is for:

- Construction of a three storey dwelling with a footprint of approximately 7.3m x 4.6m. The dwelling would have a maximum height above natural ground level of 10.8m.
- A deck with a footprint of 2.5m x 4m is proposed on the lowest level of the building, as well as an elevated walkway that would link the dwelling to a proposed parking deck. The parking deck would provide space for two vehicles.
- Vehicular access to the development would be via Grays Road which is to the north-west of the site. Wastewater generated by the development would be managed onsite. Stormwater from the development would be directed to Council's existing stormwater infrastructure within the adjacent Pipeline Track.

4. Background

4.1 Council received the application in December 2017 and requested additional information regarding the proposal on 2 January 2018. The request included a request for information regarding how stormwater from the development would be directed to Council's stormwater infrastructure. As a result of this request, it was determined that the consent of the Council's General Manager was required for the application, as works within the section of the Pipeline Track that is adjacent to the site were necessary. These works included upgrading an existing stormwater culvert to ensure that it has sufficient capacity to deal with existing flows and additional flow caused by the development. The General Manager's consent was issued on 6 July and provided to the planning authority on 17 August.

5. Concerns raised by representors

5.1 One (1) representation objecting to the proposal was received within the statutory advertising period between 2 and 16 August 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 would prefer that the boundary to the pipeline track remain unfenced and vegetation is used to provide any desired privacy".
"I would like a comittment that stormwater, septic and garden watering run-off do not impact the track".

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 Rural Living Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 There is no existing use as the site is currently vacant. The proposed use is a single dwelling within the planning scheme's residential use class which is a permitted use in the above zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 13.0 Rural Living Zone
 - 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 - E10.0 Biodiversity Code
 - 6.4.5 Part E - E13.0 Historic Heritage Code
 - 6.4.6 Part E Codes - E23.0 On-Site Wastewater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 13.0 Rural Living Zone:
 - 13.4.1 Building Height, and,*
 - 13.4.2 Setback.*
 - 6.5.2 E13.0 Historic Heritage Code:
 - E13.7.1 Demolition,*
 - E13.7.2 Buildings and Works other than Demolition,*

*E13.9.1 Demolition, and,
E13.9.2 Buildings and Works other than Demolition.*

6.6 Each relevant performance criterion is assessed below.

6.7 13.0 Rural Living Zone - 13.4.1 Building Height

6.7.1 The acceptable solution at clause 13.4.1 requires building height to be not more than 8.5m.

6.7.2 The proposal includes a building height greater than 8.5m. The proposed dwelling would have a maximum building height of approximately 10.8m.

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 at clause 13.4.1 provides as follows:

Building height must satisfy all of the following:

(a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area;

(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:

(i) overlooking and loss of privacy;

(ii) visual impact when viewed from adjoining lots, due to bulk and height;

(c) be reasonably necessary due to the slope of the site.

6.7.5 The Desired Future Character Statements provided for the area within the Rural Living Zone state that:

a) The areas covered by this zone should continue to provide for low density residential development set within the natural bushland or semi-rural environment. They should continue to be characterized by a tree dominated landscape with houses set in relatively large gardens.

(b) Development should respect the vegetated character and the use of

muted subdued colours in building finishes will be required. Buildings should be unobtrusively sited and not detract from the landscape values of the area.

(c) Vegetation clearance for new development should be kept to the minimum area required to allow the development to proceed.

(d) There should be no new non-residential use unless it can be demonstrated that it will not adversely affect the quiet living environment where noise transmission is a particular issue due to the topography and relatively low background noise levels. Non-residential use should also be compatible in scale and character with a rural living environment.

- 6.7.6 The proposal is considered to be consistent with the above statement at subclause (a) as it is for low density residential development within a natural bushland setting. The height of the proposed dwelling allows it to have a footprint of less than 35m². This small footprint allows for the area required for bushfire hazard management for the development to be reduced. The footprint also allows greater area to be provided for gardens around the dwelling.
- 6.7.7 Proposed external materials and colours for the development include Colorbond steel sheet wall cladding and roofing which would be dark gray in colour (Colorbond colour "Monument"). A section of wall using Corten steel is proposed at the entrance to the dwelling from the proposed walkway. Corten steel is designed to have an external surface that will naturally weather and rust. Therefore, the colours proposed in building finishes are considered to be muted and subdued, as required by the above statement at subclause (b). The proposed building is considered to be unobtrusively sited as it would be within an existing cleared area that is surrounded by native vegetation. The proposal would therefore not detract from the landscape values of the area.
- 6.7.8 As noted above, the reduced footprint of the proposed dwelling would allow for associated vegetation clearance to be kept to a minimum. The proposal is therefore consistent with the above statement at subclause (c). The proposal is also consistent with the statement at subclause (d) as it is not for a non-residential use.
- 6.7.9 The proposed dwelling would have a relatively large window at the eastern end of the open plan kitchen/dining room proposed on the top floor. It may be possible to see the dwelling on the adjoining property to the north-east

from this window. However, given the setback that would be achieved from the boundary between the properties and this window (i.e. approximately 20m), it is not considered likely to have an unreasonable impact upon residential amenity through overlooking and loss of privacy.

6.7.10 The dwelling would have significant glazed areas that would face to the south, however, a separation of approximately 20m would be achieved between the development and the closest house in this direction. There is also a band of mature, remnant Eucalypt trees between the site and these properties which would provide visual separation. Given the significant height of these trees, the top of the development would not be higher than the canopy. The bulk of the proposed development would be reduced by its small footprint, i.e. the proposed dwelling would be a relatively tall but narrow building. The houses on the lots adjacent to the site have windows that generally face the views available to the south, rather than toward the site. Therefore, the proposal is unlikely to have an unreasonable visual impact when viewed from adjoining lots.

6.7.11 The proposed building height is considered necessary given the slope of the site. As noted earlier in the report, the site is steep with a gradient that is over 20 degrees. The site is also below the level of Grays Road, which provides access to the property. The proposed design is partly the result of the need to provide acceptable vehicular and pedestrian access to the building from this road. The design would provide this access at a similar level as the road, which is considered to be a reasonable response to the gradient of the site.

6.7.12 The proposal complies with the performance criterion.

6.8 13.0 Rural Living Zone - 13.4.2 Setback

6.8.1 The acceptable solution at clause 13.4.2 requires building setback from frontage to be no less than 10m.

6.8.2 The proposal includes a building that would have a setback from frontage that would be less than 10m. The proposed parking deck would be built up to the property frontage with Grays Road.

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 at clause 13.4.2 provides as follows:

Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:

- (a) the topography of the site;*
- (b) the prevailing setbacks of existing buildings on nearby lots;*
- (c) the size and shape of the site;*
- (d) the location of existing buildings on the site;*
- (e) the proposed colours and external materials of the building;*
- (f) the visual impact of the building when viewed from an adjoining road;*
- (g) retention of vegetation.*

6.8.5 As noted earlier in the report, the site is steep with a gradient of over 20 degrees and slopes downward from its frontage with Grays Road. Therefore, the construction of parking spaces close to this road is the only viable means of providing onsite parking that complies with the relevant access standards, without significant excavation or fill. Significant excavation or fill on the site is not considered desirable given its bushland setting and the landscape values of the surrounding area. Given the gradient of the site and surrounding area, there are examples nearby where existing residential development has been sited close to Grays Road, most likely in an attempt to reduce the gradient of the driveway required to access such development. The proposed development would be consistent with these existing examples.

6.8.6 The proposed development site is mostly narrow and is an irregular shape which leaves only limited area where development may occur in accordance with the prescribed setbacks. There are no existing buildings on the site.

6.8.7 The proposed parking deck would be an un-roofed concrete platform supported by a steel frame that would not be an overly visible element in the landscape or when viewed from Grays Road. The parking deck would be constructed in a part of the property that has been cleared of native vegetation, so would allow for the retention of vegetation.

6.8.8 The proposal complies with the performance criterion.

6.9 E13.0 Historic Heritage Code - *E13.7.1 Demolition* and *E13.7.2 Buildings and Works other than Demolition*

6.9.1 There is no acceptable solution for clause *E13.7.1* where demolition is

proposed on a heritage place. There are no relevant acceptable solutions for clause E13.7.2 that would apply to the proposal, as buildings and works other than demolition are also proposed on a heritage place.

6.9.2 The proposal includes demolition on a heritage place. It is proposed to demolish and remove an existing stormwater pipe within the adjacent section of the Pipeline Track, which is listed as a heritage place in Table E13.1. The proposal also includes works other than demolition on a heritage place, in the form of stormwater management infrastructure within this section of the track.

6.9.3 As there are no relevant acceptable solutions for either of the above clauses, the proposal relies upon assessment against the below performance criteria.

6.9.4 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.

6.9.5 The relevant performance criteria at clause E13.7.2 provide:

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.

- 6.9.6 Council's Cultural Heritage Officer has assessed the proposal against the relevant heritage provisions of the planning scheme. The Cultural Heritage Officer's report is provided as an attachment but the following comments are relevant to the above performance criteria:
- 6.9.7 "The proposed stormwater infrastructure will involve excavation, demolition and new works within the precinct and the Pipeline Track heritage listed site, thus triggering *E13.7.1...and E13.7.2*".
- 6.9.8 It is proposed to "remove of the existing metal 150 mm diameter pipe, and replace it with a 225 mm diameter concrete pipe and build a grated pit on the up side of the track and a headwall on the down side of the track. Unfortunately the age or significance of the existing feature has not been verified. In addition, excavation for this work could have a detrimental impact on the historic culverts and features hidden and directly below the track path surface. The proposal will introduce new features in the form of a stone grated pit and headwall where there are currently none leading to the introduction of a new and completely unrelated element in the pipeline formation that does not appear to exist elsewhere along the length of the feature. As a result the new work would result in an unfortunate new element and undesirable precedent".
- 6.9.9 "Input was received from the Mount Wellington Supply System Heritage Advisory Group. Two recommendations were made. The first recommendation was:

Given the significance of the MWSS and the current high level of intactness of the System, the proponent utilise an alternative method for disposing of ground water that does not impact on the MWSS.

6.9.10 The second recommendation was as follows:

If the proponent wishes to pursue the use of a culvert through the MWSS formation (and this should really only be if the proponent has no other options), then given the lack of understanding of the existing culvert and assessment of the potential impacts, the proponent be asked to undertake a heritage impact assessment of the proposed culvert preplacement, as well as the potential heritage impact of a new culvert, and to compare the two approaches. If the assessment finds that a new culvert or upgrading of the culvert is a potentially acceptable impact, then the least impact approach should be adopted; and the proposed work should be based on, and comply with, guidance on necessary controls for the works, and an archaeological methods statement if required. These studies should be prepared by an appropriately qualified heritage expert, and this information should be used as a basis for the DA approval and Heritage Tasmania approvals. This work should also be to a high standard and reviewed by HCC Heritage Section and Heritage Tasmania heritage staff to ensure it meets the necessary standards.

6.9.11 On this basis it is possible to impose a condition recommending that further work be done to explore possible alternative to reduce impacts on the Mountain Water Supply System, such as the use of the existing metal diameter pipe and reducing the visual impact of the designed grated pit with stone detailing around it".

6.9.12 The proposal complies with the above performance criteria.

6.10 E13.0 Historic Heritage Code - *E13.9.1 Demolition and E13.9.2 Buildings and Works other than Demolition*

6.10.1 There is no acceptable solution for clause *E13.9.1* where demolition is proposed on a site that is within a Cultural Landscape Precinct. There are no relevant acceptable solutions for clause *E13.9.2* that would apply to the proposal, as buildings and works other than demolition are also proposed on a site that is within a Cultural Landscape Precinct.

6.10.2 The proposal includes demolition on a site that is within a Cultural Landscape Precinct. It is proposed to demolish and remove an existing

stormwater pipe within the adjacent section of the Pipeline Track, which is within the Ferntree Cultural Landscape Precinct. The proposal also includes works other than demolition within this section of the track. Part of the land where the proposed dwelling would be built is also within the above landscape precinct.

6.10.3 As there are no relevant acceptable solutions for either of the above clauses, the proposal relies upon assessment against the below performance criteria.

6.10.4 The performance criterion at clause *E13.9.1* provides as follows:

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

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

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

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

(ii) there are no prudent and feasible alternatives.

6.10.5 The relevant performance criteria at clause *E13.9.2* provide:

P1

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

P2

Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.3.

6.10.6 The heritage impact of the work proposed within the section of the Pipeline Track adjacent to the site is considered above. The conditions recommended to address clauses *E13.7.1* and *E13.7.2* are considered to also address clause *E13.9.1*.

- 6.10.7 Council's Cultural Heritage Officer has assessed the proposal against the relevant performance criteria for clause *E13.9.2* and provided the following comments:
- 6.10.8 "The proposed house, car deck and walkway is partially located inside the Pipeline Track Cultural Landscape Precinct with the house and trenching setback on the lower slopes of the site from the Pipeline Track heritage listed site by 14.108 metres and 14.6 metres respectively. The Precinct extends onto the subject site from the same boundary by 16.78 metres. Thus between 2 and 2.5 metres of the proposed house is within the Precinct.
- 6.10.9 The house triggers clause *E13.9.2* which states that the design and siting of buildings must not result in detriment to the heritage values of the precinct and must also be sympathetic to its character. The proposed house is over three levels with entry off Grays Road via an elevated parking deck and walkway. The structure has a footprint of 7.3 metres by 4.59 metres and as a consequence is taller rather than spread out. It varies in height due to a significant site slope and depending on the location of the measurement from natural ground level to the top of the building. When viewed from Grays Road the house is 9.65 metres high, while the southern elevations it is 12.32 metres high. It is clad in Monument metal cladding with floor to ceiling glazing to some rooms. As already stated, only approximately 2 metres of the proposed dwelling along its longer side is within the precinct
- 6.10.10 The statements of significance refer to the vegetation and canopy and other natural characteristics. In this respect the proposed house is located within an already cleared area, with no change to the current arrangement of the bushland setting. Therefore, there will be no resultant change or detriment to this aspect of the landscape as described in these statements. The second part of the statements of significance refer to the engineering structures associated with the mountain water supply system which demonstrate a high degree of technical achievement. Likewise, the proposed house will not negatively impact or result in detriment to the significance of the cultural landscape precinct".
- 6.10.11 The proposal complies with the above performance criteria.

7. Discussion

- 7.1 Planning approval is sought for a dwelling at 30-34 Grays Road, Fern Tree.
- 7.2 The application was advertised and received one (1) representation. The representation raised concerns including fencing and stormwater and wastewater management arrangements for the proposal. While fencing is not included in the current application, it is noted that any potential fencing on the property would be subject to the provisions of the Historic Heritage Code. Stormwater from the development would be captured in a rainwater tank, with any overflow directed to an existing stormwater culvert across the adjacent section of the Pipeline Track. Wastewater from the development would be managed onsite in accordance with the recommendations of a suitably qualified consultant.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to comply.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, and its Environmental Development Planner. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed dwelling at 30-34 Grays Road, Fern Tree 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 a dwelling at 30-34 Grays Road, Fern Tree for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-17-1060 - 30-34 GRAYS ROAD FERN TREE TAS 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 5662 dated 20 August 2018, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw4

The new stormwater connection and culvert upgrade must be constructed at the owner's expense, prior to the first occupation.

Detailed engineering drawings and associated calculations must be submitted and approved, prior to commencement of work or issue of any consent under the Building Act (whichever occurs first). The detailed engineering drawings must include:

- 1. show in plan and long-section the location, size, materials and embedment of the connection appropriate to satisfy the needs of the development.**
- 2. show in both plan and long-section the proposed stormwater culvert**

inlet and outlet upgrade, including but not limited to, connections, in-flow structure, and scour control.

- 3. reflect any requirements of landlord consent and planning condition HERs1.**

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

Advice:

- Council notes the proposed upgrade of the pipe itself may conflict with HERs1, and as such may not be approved. The upgrade is not required for the proposed development with detention.*
- A Council City Infrastructure Division [application for a new stormwater connection](#) and Permit to Construct Public Infrastructure will be required.*
- Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.*

Reason for condition

To ensure the site is drained adequately.

ENG sw7

Stormwater detention for stormwater discharges from the development must be installed prior to commencement of use /issue of a Certificate of Completion (whichever occurs first).

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

- 1. be prepared by a suitably qualified engineer;**
- 2. include detailed design and supporting calculations of the detention tank, sized such that there is no increase in flows from the developed site up to the critical 5% AEP storm event. All assumptions must be clearly stated.**
- 3. Include design drawings of the detention tank showing the layout, the inlet and outlet (including long section), the overflow mechanism, outlet size and emptying time.**

4. **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 ensure the development's stormwater system takes into account limited receiving capacity of Council's infrastructure.

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

- *The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*
- *Designers are advised to consult the [National Construction Code 2016](#) to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of*

access to a building.

Reason for condition

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

ENG 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS1170.1:2002, must be submitted to Council.

Advice:

- *If the development's building approval includes the need for a Building Permit from Council, the applicant is advised to submit detailed design of vehicular barrier as part of the Building Application.*
If the development's building approval is covered under Notifiable Work the applicant is advised to submit detailed design of vehicular barrier as a condition endorsement of the planning permit condition. Once the certification has been accepted, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

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

ENG 2c

Prior to the first occupation, vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS1170.1:2002.

Advice:

- *Certification may be submitted to the 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 driveway and parking module and compliance with the relevant standards.

ENG 3b

The access driveway and parking module (parking spaces, aisles and manoeuvring area) design must be submitted and approved, prior to the commencement of work.

The access driveway and parking module (parking spaces, aisles and manoeuvring area) design must:

- 1. Be prepared and certified by a suitably qualified engineer,**
- 2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004,**
- 3. Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and**
- 4. Show dimensions, levels, gradients & transitions, and other details as Council deem necessary to satisfy the above requirement.**

Advice:

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

ENG 3c

The access driveway and parking module (parking spaces, aisles and

manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the first occupation, 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 4

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

Reason for condition

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

ENG 1

The cost of repair of any damage to the Council's infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council. 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, 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 r1

The driveway deck in particular the footing near the sealed road within the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings and structural certificates of the driveway deck and footing within the Grays Road highway reservation must be submitted and approved, prior to the commencement of work and must:

- 1. Be prepared and certified by a suitable qualified person and experienced engineer;**
- 2. Detail the design and location of the footing and driveway deck**
- 3. Detail the location of trees within the highway reservation at or near the driveway deck and if they are to be removed or retained**
- 4. If any trees are to be removed within the highway reservation, this approval has not been granted and access must be revised to avoid any impacts on trees**
- 5. Not undermine the stability of the highway reservation embankment**
- 6. Not transfer additional loads onto the sealed road**
- 7. Take into account and reference accordingly any Geotechnical findings**
- 8. The structure certificated and drawings should note accordingly the above**

All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.

Advice:

- The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- Failure to address condition endorsement requirements prior to submitting for building approval*

may result in unexpected delays.

Reason for condition

To ensure that the stability and integrity of the Council's highway reservation is not compromised by the development.

ENGR 3

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

- **Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing**

Design drawings must be submitted and approved prior to the commencement of work. The design drawing must:

1. **Show the cross and long section of the driveway crossover within the highway reservation and onto the property.**
2. **Detail any services or infrastructure (ie light poles, pits) at or near the proposed driveway crossover**
3. **Be designed for the expected vehicle loadings.**
4. **Show swept path templates for each car parking space (ingress and egress) in accordance with AS/NZS 2890.1 2004 (B85 design template)**
5. **If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside**
6. **Be prepared and certified by a suitable qualified person, to satisfy the above requirement.**

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

Advice:

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval*

may result in unexpected delays.

Reason for condition

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

ENV 15

All construction vehicles and machinery must be effectively cleaned of soil both before entering and before leaving the property.

Soil cleaned from construction vehicles and machinery must not be allowed, either directly or indirectly, to enter waterways or the Council's stormwater system.

Note: further information on effective measures for washdown can be found [here](#).

Reason for condition

To minimise the spread of weeds and pathogens.

ENV 16

No soil is to be imported onto the site unless determined as being free of weed propagules when tested in accordance with AS 4419 Soils for Landscaping and Garden Use.

Reason for condition

To minimise the spread of weeds.

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

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

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that

could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

HER s1

A further design for the proposed stormwater infrastructure within the Pipeline Track site is required. The design must be visually recessive and not try to replicate the historic stone features of the Hobart Mountain Water Supply System. Every effort must be made to explore options to find a solution that has the least impact on existing historic pipeline infrastructure, surrounding vegetation and the landscape qualities of the pipeline track while retaining existing infrastructure.

Prior to the issue of any approval under the *Building Act 2016* revised plans must be submitted and approved.

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

Reason for condition

To ensure that demolition and new development does not result in the loss of historic cultural heritage values of the historic Pipeline Track and Pipeline Track Cultural Landscape Precinct.

OPS s2

An Environmental Management and Communications Plan must be submitted and approved by the Council's Director of Parks and City Amenity and Senior Cultural Heritage Officer, prior to commencement of work on the upgrade to the stormwater infrastructure in the Pipeline Track. The Plan must be in the format of the Council template Environmental Management Guidelines and Construction Management Plan for private works in a Council reserve. Please contact the City's Senior Parks planner (Jill Hickie on 6238 2887 hickiej@hobartcity.com.au) to access this template.

All work required by this condition must be undertaken in accordance with the approved Environmental Management and Communications Plan.

Advice: Once the Environmental Management and Communications Plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

Reason for condition

To minimise impact from construction works on the environment and infrastructure.

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.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

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

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may 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 service 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.

COUNCIL RESERVES

This permit does not authorise any works (other than stormwater infrastructure upgrade in accordance with the above condition) on the adjoining Council land. Any act that causes, or is likely to cause damage to Council's land may be in breach of the Council's Parks, Recreation and Natural Areas Bylaw and penalties may apply. The by law is available [here](#).

WEED CONTROL

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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



(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.



(Rohan Probert)

Manager Development Appraisal

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

Date of Report: 31 August 2018

Attachments:

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report - Cultural Heritage