

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 19 November 2018
Expiry Date: 26 November 2018
Application No: PLN-18-603
Address: 211 CHURCHILL AVENUE , SANDY BAY
Applicant: BEE NEWMAN
208A COLLINS STREET
Proposal: Partial Demolition and Two Multiple Dwellings (One Existing, One New)
Representations: Five (5)
Performance criteria: General Residential Zone Development Standards

1. Executive Summary

- 1.1 Planning approval is sought for partial demolition and two multiple dwellings at 211 Churchill Avenue. Sandy Bay. One dwelling is existing and one new dwelling is proposed.
- 1.2 More specifically the proposal includes:
 - A small amount of demolition to the rear of the existing dwelling.
 - The construction of one additional dwelling, located behind the existing dwelling.
 - The new dwelling is 279m² gross floor area over three storeys. The proposal has a maximum height of 8.35m.
 - The new dwelling is comprised of six bedrooms, 6.5 bathrooms, one laundry, two kitchens, two home offices, gym, dining room and storage room.
 - Four car parking spaces are accessed from the existing driveway to Churchill Avenue; two for the existing dwelling and two for the new dwelling. There is no vehicular access proposed off the laneway off Waimea Avenue.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 General Residential Zone Development Standards - Front Setback, Building Envelope, Private Open Space, and Sunlight.

- 1.4 Five (5) objections to the proposal were received during the statutory advertising period, 21 September to 5 October 2018.
- 1.5 The proposal is recommended for approval.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The site is 735m² in area, is generally rectangular in shape, and contains an existing dwelling. Vehicular access is provided via Churchill Avenue, and additional road frontage is available via Waimea Avenue. The site is sloping at a grade of approximately 1:10 from a height of 55m Australian Height Datum at the Churchill Avenue frontage to 51m AHD at the Waimea Avenue frontage.



Figure 1: The site is bordered in blue. The orange and yellow highlighting denote 'roads' on Council's municipal map, with the laneway off Waimea Avenue being highlighted yellow.



Figure 2: The Churchill Avenue frontage of the subject site.



Figure 3: The Churchill Avenue frontage of the subject site, showing the existing driveway.



Figure 4: The rear yard of the subject site where the proposed second dwelling is to be located.

3. Proposal

- 3.1 Planning approval is sought for a multiple dwelling at 211 Churchill Avenue, Sandy Bay.
- 3.2 More specifically the proposal includes:
 - The construction of one additional dwelling, located behind the existing dwelling.
 - The new dwelling is 279m² gross floor area over three storeys. The proposal has a maximum height of 8.35m.
 - The new dwelling is comprised of six bedrooms, 6.5 bathrooms, one laundry, two kitchens, two home offices, gym, dining room and storage room.
 - Four car parking spaces are accessed from the existing driveway to Churchill Avenue; two for the existing dwelling and two for the new dwelling. There is no vehicular access proposed off the laneway off Waimea Avenue.

3.3 The layout of the proposed dwelling is as follows:

- Ground floor: entry, two bedrooms, one kitchen, formal dining, one home office, one bathroom/laundry, two toilets with showers.
- First floor: gym, one home office, one bedroom, one kitchen and lounge room, one bathroom, one toilet.
- Second floor: three bedrooms, one lounge, one store, one bathroom, one toilet with shower.

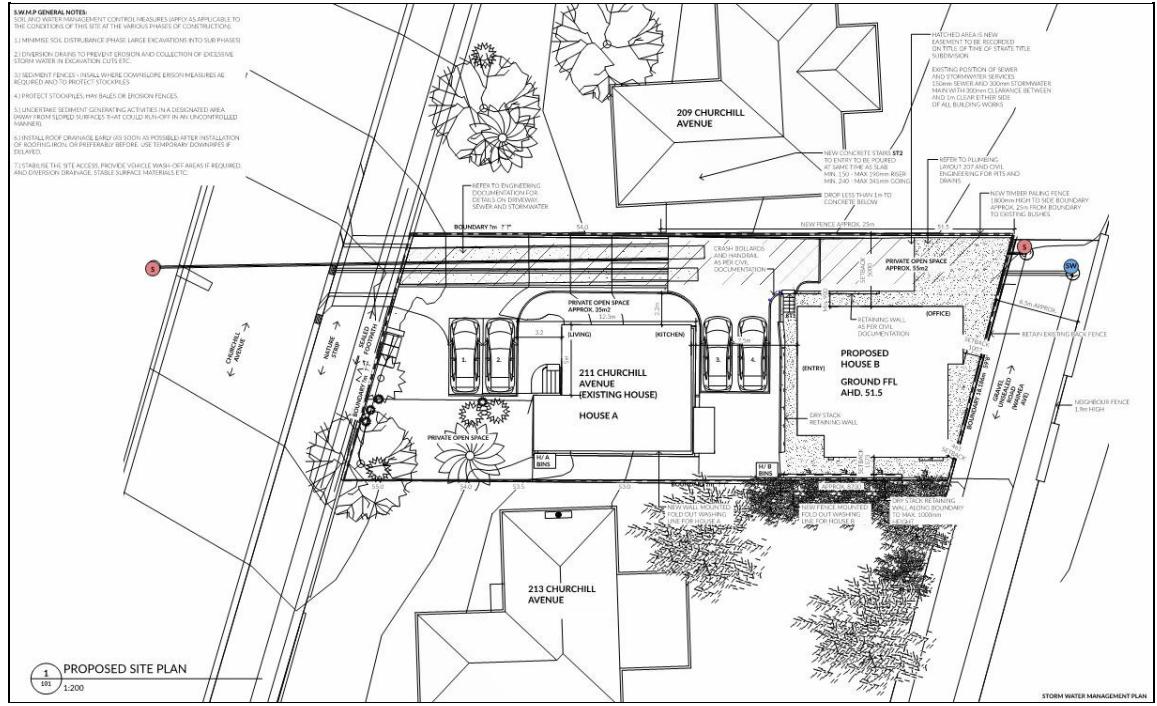


Figure 5: The proposed site plan.



Figure 6: The proposed north east (facing the laneway) and north west elevations.



Figure 7: The proposed south east and south west (facing towards the existing house on the site) elevations.

4. Background

- 4.1 Similar proposals for a three storey dwelling were previously approved under the *City of Hobart Planning Scheme 1982* under the planning application PLN-11-00099-01 and under the *Hobart Interim Planning Scheme 2015* under the planning application PLN-15-01003-01. However, both planning permits expired prior to the substantial commencement of development.



Figure 8: The approved front and rear elevations under the lapsed permit PLN-15-01003-01.



Figure 9: The approved side elevations under the lapsed permit PLN-15-01003-01.

5. Concerns raised by representors

5.1 Five (5) representations objecting to the proposal were received within the statutory advertising period between 21 September 2018 and 5 October 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.

Proposal will introduce significant visual impact at an excessive height of 9m. This is considered to be inconsistent with the character of the surrounding area, which is comprised predominantly of single and two storey dwellings with established gardens.
Proposal will impact on privacy by introducing overlooking of bedrooms and habitable rooms of adjoining dwellings.
Proposal will overshadow habitable rooms of adjoining dwellings.
Scale of proposal is excessive. Plans show a gym, formal dining room, store room, two home offices and 6 bedrooms. The proposal also includes 6.5 bedrooms, two laundries and two kitchens. There appear to be opportunities for rooms to be converted to more bedrooms for a share house similar to the way the existing dwelling is being utilised.
Proposed parking and stormwater is inadequate.
Proposal will exacerbate existing traffic and parking issues in the area.
Proposal is of a size and intensity that is not in accordance with the zone purpose statement for the General Residential zone as it does not respect the neighbourhood character nor does it provide a high standard of residential amenity.
Proposal will overshadow habitable rooms of approved dwelling extension on adjoining dwelling.
Proposal does not provide adequate private open space areas for future residents.

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 is Residential for a single dwelling. The proposed use is Residential for a multiple dwelling. The existing use is a permitted use in the zone. The proposed use is a discretionary use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D - 10 General Residential Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.3 E7.0 Stormwater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 General Residential Zone Development Standards:

Front Setback - Part D 10.4.2 P1
Building Envelope - Part D 10.4.2 P3
Private Open Space 10.4.3 P2
Sunlight for All Dwellings 10.4.4 P1
- 6.6 Each performance criterion is assessed below.
- 6.7 Front Setback Part D 10.4.2 P1
 - 6.7.1 The acceptable solution at clause 10.4.2 A1 requires a minimum setback of 4.5m from the laneway off Waimea Avenue, which is a road pursuant to Council's municipal map.

- 6.7.2 The proposal includes a frontage setback of 0.46m from Waimea Avenue.
- 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause 10.4.2 P1 provides as follows:

A dwelling must:

- (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and*
- (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.*

- 6.7.5 The proposed building frontage is not parallel with the Waimea Avenue laneway and therefore setback distances range from a minimum of 0.46m to a maximum of 1.5m. Including the subject site, there are seven properties that have frontage to the Waimea Avenue Laneway. Those properties and their setbacks from the laneway are as follows, noting that a dwelling is defined to include 'outbuildings and works normally associated with a dwelling':
- 47 Waimea Avenue: No setback.
 - 215 Churchill Avenue: 17m approximately.
 - 213 Churchill Avenue: 19m approximately.
 - 209 Churchill Avenue: No setback.
 - 45 Waimea Avenue: No setback.
 - 45A Waimea Avenue: No setback.

It is evident from the above that no setback to the laneway is the prevailing setback. The proposed setback, which varies from just under half a metre to 1.5m is considered to be compatible with the existing dwellings in the street.

- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Building Envelope Part D 10.4.2 P3
- 6.8.1 The acceptable solution at clause 10.4.2 A3 requires a building to be

contained within a building envelope determined by frontage setback of 4.5m.

- 6.8.2 The proposal includes a frontage setback of 0.46m from Waimea Avenue.
- 6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause 10.4.2 P3 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 Recent Tribunal decisions, including *The House Family Office Pty Ltd v Hobart City Council*, have determined that when assessing an application against the performance criterion, reference must not be had to the building envelope authorised by the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?

Overshadowing:-

The proposed dwelling is located to the southeast of an adjoining lot at 209 Churchill Avenue and to the northwest of an adjoining lot at 213

Churchill Avenue. Shadow diagrams presented with the proposal show that there will be no reduction in sunlight to the habitable rooms or private open space of 209 Churchill Avenue during the hours of 9am to 3pm on 21st June.

There will however be a reduction in sunlight due to overshadowing that will impact the private open space and habitable rooms of 213 Churchill Avenue. Overshadowing from the proposed dwelling will impact the most northerly areas of private open space during the hours of 11am to 3pm on 21st June. During these hours, more than 50% of the private open space available on 213 Churchill Avenue will not be overshadowed.

Overshadowing to habitable rooms will be experienced from 1pm to 3pm, with more than 3 hours of sunlight access available throughout the rest of the day.

Visual Impact:-

The proposed dwelling reaches a maximum building height of 8.35m above natural ground level. When viewed from adjoining dwellings, the apparent bulk of the proposed dwelling is minimised through a combination of the siting, materials and setback.

The siting of the proposed dwelling is lower in elevation than the dwellings on adjoining lots. Combined with some minor excavation, the apparent bulk of the building has been reduced so that the roof of the proposed dwelling appears approximately 1m in height taller than the existing dwelling on the site.

The building materials have also been chosen to lessen the apparent height and massing. While the ground floor uses a darker brick to connect the structure with the earth, the upper floors use a lighter brick to give the impression of a two storey building.

The building has been designed to transition in height and setback. When viewed from the adjoining dwelling at 213 Churchill Avenue, the ground floor side boundary setback of 1.57m transitions to a setback of 3.2m on the first floor and 5.1m on the second floor. This transition serves to minimise the visual impact of the proposed dwelling by reducing the apparent scale, bulk and proportions. When viewed from 209 Churchill Avenue, there is a 5m side boundary setback and increased frontage setback on the second floor to reduce the apparent scale.

It is noted that the neighbouring dwelling to the south east, 213 Churchill Avenue, has substantial mature vegetation on the shared boundary with

the subject site, which (if it is retained by the owner of that site) will help to mitigate any visual impact of the proposed dwelling.



Figure 10: The subject site is bordered in blue, and the vegetation on 213 Churchill Avenue is circled in red.



Figure 11: The subject site is on the right hand side of the image (with the clothes line), and the existing vegetation to 213 Churchill Avenue is shown on the left hand side, running up the shared fenceline.

The subject site is an area characterised by generally large houses on mid to large lots. It is not uncommon for the houses to have been extended, sometimes to a significant extent. In the wider area there is evidence of unit and infill development. Generally, houses are single or two storeys. However 215 Churchill Avenue, which is one house up (south east) Churchill Avenue from the subject site, is three storeys, and there is another example on the other side of Churchill Avenue at number 218 that is also a large, three storey dwelling. Land in Sandy Bay is currently at a premium, with Sandy Bay being the state's most expensive suburb, with a median house price of \$980,000 (source: [*Tasmanian Housing Prices Falling After Market 'Frenzy', Industry Report Shows*, ABC News, Friday 26/10/19](#)).

It is worth noting that the objective of the design element is to '*provide consistency in the apparent scale, bulk, massing and proportion of dwellings*'. As a consequence of the demand for, and cost of, land in the area, it is not surprising that infill development is a solution being pursued on this site. Given it complies with the acceptable solution for density, it is considered that the addition of a second dwelling is not unreasonable. In terms of the built form, the proposal is not considered to be so different from the character of built form prevailing in the area to warrant refusal. There are other examples of three storey dwellings in the area, and the

proposal has clearly attempted to reduce its bulk by siting the highest part of the dwelling towards the middle of the lot, and stepping the building down to its closest neighbour. On balance, the proposal is considered to be sufficiently consistent in apparent scale, bulk, massing and proportion with other dwellings in the area.

Separation:-

The existing dwelling on the site is separated from the existing dwelling on 209 Churchill Avenue by approximately 6.5m and is separated from the existing dwelling on 213 Churchill Avenue by approximately 3m. The proposed dwelling is separated from the existing dwelling on 209 Churchill Avenue by approximately 5m and is separated from the existing dwelling on 213 Churchill Avenue by approximately 15m. The proposed siting and scale of the dwelling is therefore consistent with the prevailing separation distances between adjoining dwellings within the surrounding area.

- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Private Open Space 10.4.3 P2
 - 6.9.1 The acceptable solution at clause 10.4.3 A2 allows private open space to be between the house and street only if the frontage faces between 30 degrees east and west of north.
 - 6.9.2 The proposal identifies the private open space for the existing dwelling to be located between the existing dwelling and the street, with the frontage facing approximately 130 degrees west of north.
 - 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.9.4 The performance criterion at clause 10.4.3 P2 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 private open space proposed for the existing dwelling is generous in

size at over 70sqm. There is also a smaller portion of open space on the northern side of the dwelling. As such, the existing dwelling will have ample space for outdoor relaxation, dining, entertaining, children's play and gardening. The open space is conveniently and closely located to the dwelling. The existing front fence to the site on Churchill Avenue is substantial, which will afford the private open space excellent privacy. Being located on the south eastern boundary, the space will get adequate solar access particularly in the afternoon.

- 6.9.6 The proposal complies with the performance criterion.
- 6.10 Sunlight for All Dwellings 10.4.4 P1
 - 6.10.1 The acceptable solution at clause 10.4.4 A1 requires a dwelling to have a window to a habitable room (other than a bedroom) that faces between 30 degrees east or west of north.
 - 6.10.2 The proposal includes a new dwelling which, at best, has a window to a habitable room (other than a bedroom) which faces 48 degrees east of north.
 - 6.10.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.10.4 The performance criterion at clause 10.4.4 P1 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 dwelling has windows to habitable rooms on all floors, other than bedrooms, which face north east. Because of the topography of the land, the laneway at the rear of the site, and the existing built form on the other side of the laneway, it is considered that the proposed dwelling has been adequately designed and sited so as to allow sunlight to enter into it.
 - 6.10.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for a multiple dwelling at 211 Churchill Avenue, Sandy Bay.

7.2 The application was advertised and received five representations. The representations raised concerns including overshadowing, privacy, visual impact, scale of proposal, traffic generation, parking and private open space. In relation to the concerns raised it is noted as follows:

- Several representations raised concern with the scale of the proposed dwelling, citing that the number of bedrooms, rooms, kitchens and laundries will likely result in the dwelling being converted into multiple dwelling units. It is acknowledged that the dwelling is large, however the application is for one additional dwelling only, and the Council must assess the application which is before it. However, a condition of approval is recommended indicating that the approval is for one new dwelling only, and that any future proposal to further divide the new (or existing) dwelling into multiple dwellings will require further and separate planning approval. The applicant has provided confirmation that only one laundry is proposed, and this can be verified when a plumbing application is submitted to the Council. A further condition of approval in this regard is proposed.
- The proposal complies with the acceptable solutions for density, privacy and onsite car parking provision.
- The maximum height of the dwelling is 8.35m, not 9m as suggested in a number of the objections.
- The neighbour at 213 Churchill Avenue has a planning approval for a rear extension (PLN-17-249), refer to image below. It has no building or plumbing approval. The permit will lapse on 7 June 2019 if not substantially commenced prior to that date, or an extension of time is sought and approved. However, it is noted that the extension does not extend beyond the rear elevation of the existing house on the subject site, and therefore the proposed shadow diagrams demonstrate that it would not be impacted by overshadowing until at least 12pm midday on June 21 (midwinter). As such, it would receive three hours of unimpacted light between 9am and 12 midday in the middle of winter. It is also noted that the approved extension would result in the house being three storeys.

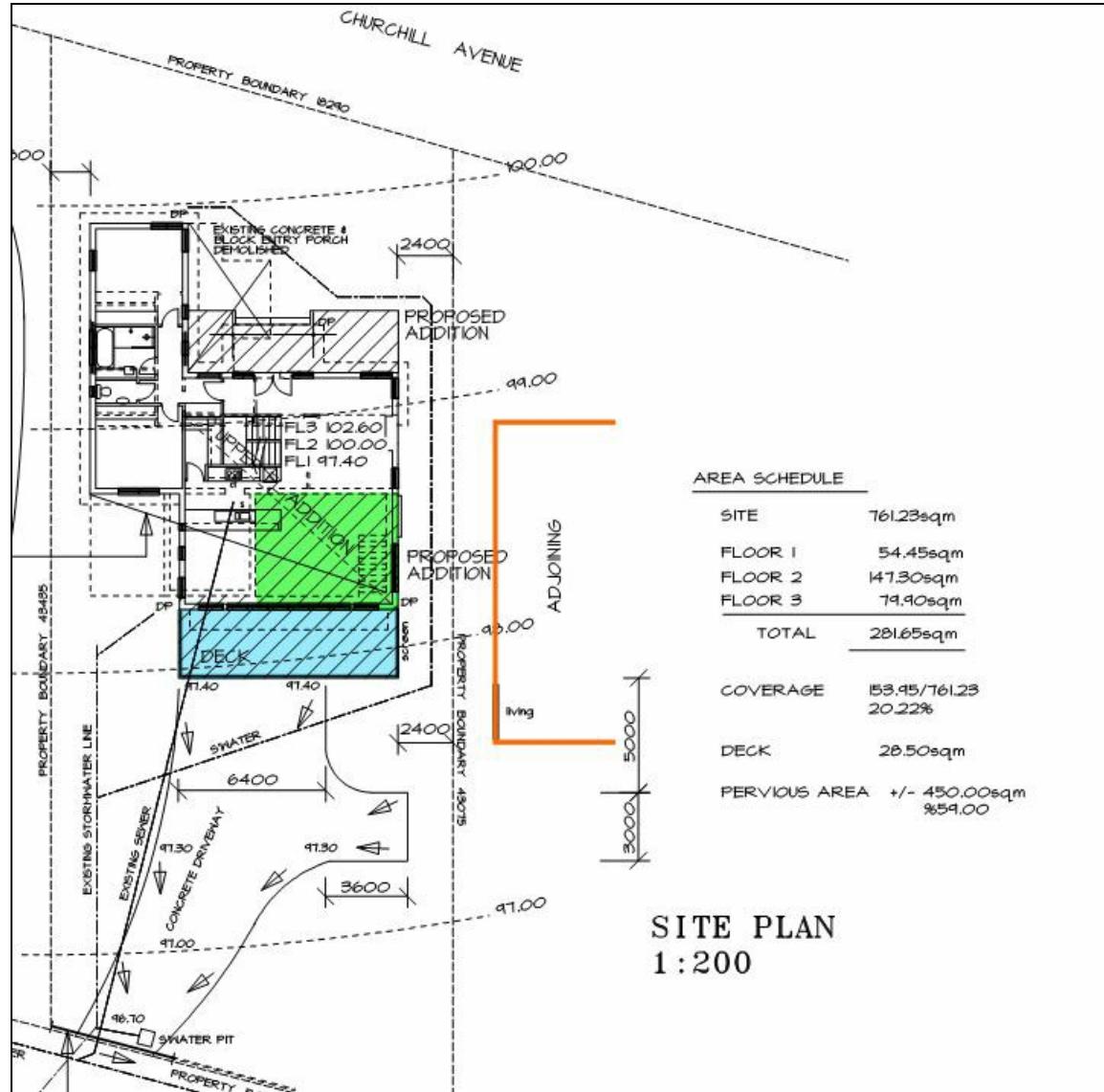


Figure 12: The approved site plan for the approved extension at 213 Churchill Avenue. The green depicts the second floor extension to the house, with the blue being a new deck. The existing dwelling on the subject site is partially outlined in orange.

- 7.4 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well in relation to the discretions invoked.
- 7.5 The proposal has been assessed by other Council officers, including the Council's Development Engineer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition and Two Multiple Dwellings (One Existing, One New) at 211 Churchill Avenue, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition and Two Multiple Dwellings (One Existing, One New) at 211 Churchill 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-18-603 - 211 CHURCHILL AVENUE SANDY BAY TAS 7005 - Advertised 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 2018/01513-HCC dated 18/09/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

This planning permit approves two multiple dwellings only, for one existing dwelling and one new dwelling.

Advice: Any proposal to further divide either of the dwellings approved by this permit into multiple dwellings will require further and separate planning approval.

Reason for condition

To clarify the scope of the permit.

PLN s2

No more than one laundry is approved in the new multiple dwelling.

Prior to the issue of any plumbing permit, revised plans must be submitted and approved showing the new dwelling with no more than one laundry.

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

Reason for condition

To clarify the scope of the permit.

ENG sw2.1

A pre-construction CCTV video of the Council stormwater main that runs under the driveway on the western side of the site must be undertaken and submitted to Council prior to the commencement of work.

The post-construction CCTV 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

A post-construction CCTV video of the Council stormwater main that passes through the site must be undertaken and submitted to Council on completion of all work.

The post-construction CCTV video will be relied upon to establish the extent of any damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a pre-construction CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post-construction CCTV video 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 sw3

The proposed building and structures including foundations and overhangs must be designed to ensure the protection and access to the Council's stormwater main.

Design drawings must be submitted and approved prior to the issuing of any approval under the *Building Act 2016*.

The design drawings must:

1. **Show the location of the building and structures clear of any easement and 1m from any stormwater main (measured horizontally to the nearest external surface of the pipe).**
2. **Include a typical cross-section drawing showing the relationship both vertically and horizontally between the structure (including foundations and including any retaining wall) and the mains which demonstrates that:**
 1. **No additional loads are imposed on the stormwater main;**
 2. **The structure is entirely independent of the main and its trenching; and**
 3. **Sufficient cover over the stormwater main will be maintained to withstand any proposed vehicular loading.**

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

Advice:

- *The applicant is required to 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 requirements prior to submitting for building approval may result in unexpected delays.*

- Adequate cover for residential vehicular loading shall be defined as either 750mm or the depth determined from embedment calculations. Note that a reinforced concrete slab over the main will help to spread the loads and reduce pressure on mains.
- All work required by this condition must be undertaken in accordance with the approved design drawings.

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG sw4

The new storm water connection to Council's infrastructure must be constructed and any existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation/new use.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The drawings must include:

1. The location of the proposed connection; and
2. The size of the connection appropriate to satisfy the needs of the development.

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

Advice:

- The applicant is advised to submit detailed design drawings via a Council City Infrastructure Division [application for a new stormwater connection](#). 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 submit an application for a new stormwater connection with Council City Infrastructure Division.
- 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 sw5

If a new stormwater main is required, it must be designed and constructed prior to the first occupation/new use.

Engineering drawings must be submitted and approved, prior to commencement of work. The engineering drawings must:

1. **Be certified by a qualified and experienced civil engineer;**
2. **Include a plan and long-section of the proposed stormwater main;**
3. **Include the associated calculations and catchment area plans. These should include, but not be limited to, connections, flows, velocities, clearances, cover, gradients, sizing, material, pipe class, easements and inspection openings; and**
4. **Include a construction program and method for the proposed diversion of the stormwater main, to satisfy the above requirement.**

All work required by this condition must be undertaken in accordance with the approved engineering 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 Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

All stormwater runoff from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure prior to the new use/ 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 system 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. **Include long section(s)/levels and grades to the point of discharge, as required.**

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 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

If a vehicular safety barrier is required under condition ENG 2a, then 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 3b

The design of the access driveway, parking and turning areas must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016*.

The 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 it deviates from AS/NZS2890.1:2004, demonstrate that it will provide a safe and efficient access, and enable safe, easy and efficient use.**

4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.
5. Show the proposed vehicle turning area in front of House B (as shown on site plan, dwg 101, dated 30/8/18) having a larger radius turn, similar to those in front of House A. This will require an amendment to the design of the retaining wall and stairs at the southwest corner of House B.
6. Include certification from a suitably qualified engineer that the layout of the driveway, parking and turning areas will allow B85 vehicles to get in/out of the parking spaces with no more than a 3-point turn.

Advice:

- *It is advised that designers consider the detailed design of the access and parking areas prior to finalising the Finished Floor Level (FFL) of the parking spaces, 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 driveway, parking and turning areas must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the first occupation / commencement of use, documentation by a suitably qualified engineer certifying that the driveway 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 areas 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/commencement of use.

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 11

If a new or altered driveway crossover is required, then prior to the first occupation/new use, the proposed crossover to the Churchill Avenue highway reservation must be designed and constructed in general accordance with LGAT/ IPWEA standard drawings:

1. **LGAT Standard Drawing - Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing;**
2. **LGAT Standard Drawing - Footpath - Urban Roads Footpaths TSD-R11-v1; or**
3. **A Council City Infrastructure Division approved alternate design.**

Advice:

- *Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).*
- *Please contact Council City Infrastructure Division to discuss approval of alternate designs. Based on a site specific assessment, Council City Infrastructure Division Road Engineer may permit extending non-approved concrete slab crossover, and where non-standard kerb and channel exists a concrete plinth to Council standards may be permitted for construction at the gutter.*
- *You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*

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 resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

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

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

Reason for condition

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

ENG 13

Any new front fencing or driveway gate at 211 Churchill Avenue (on the Churchill Avenue frontage) must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Amended drawings must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016*. The drawings must demonstrate how the fence either side of the driveway provides for adequate sight distance between user vehicles, cyclists and pedestrians by one or more 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. **Ensuring the gate width of the driveway is at least 5.0m;**
3. **Ensuring the height of fence/gate is low;**

4. Setting driveway(s) gates back 1m from front fence line to achieve increased sight lines (at least 1m sight triangles either side of a 3m wide driveway);
5. A combination of the above, to the satisfaction of the Council's Director City Planning.

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

Advice:

- *The applicant may submit amended drawings to satisfy this condition as either part of a Building Application, or alternatively 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]).*
- *Failure to address condition 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 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.

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 ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

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 or special event (e.g. placement of skip bin, crane, scissor lift 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.

NEW SERVICE CONNECTION

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

STORM WATER

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

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](#).

NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

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

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.



(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.



(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: 1 November 2018

Attachment(s):

Attachment B - CPC Agenda Documents