



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	21 January 2019
Expiry Date:	21 January 2019
Application No:	PLN-18-760
Address:	59 GROSVENOR STREET , SANDY BAY 61 GROSVENOR STREET , SANDY BAY 2 CHURCHILL AVENUE , SANDY BAY
Applicant:	Josh Crossin (LXN Architecture and Consulting) 21a Cross Street
Proposal:	Partial Demolition, Alterations and 13 Multiple Dwellings (Two Existing, 11 New)
Representations:	Twenty five (25)
Performance criteria:	Zone Development Standards Parking and Access Code Stormwater Management Code Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for partial demolition, alterations and 13 multiple dwellings (two existing, 11 new) at 59 and 61 Grosvenor Street and 2 Churchill Avenue, Sandy Bay.

1.2 More specifically the proposal includes:

- Demolition of the rear stairs for the existing dwellings at 59 and 61 Grosvenor Street, and the restoration of the rear verandahs to these dwellings.
- Construction of a three storey, multiple dwelling building spanning both the rear yards of 59 and 61 Grosvenor Street.
- The ground floor of the new building will house 10 car parking spaces on the western side, which are open to the driveway, as well as three, two bedroom dwellings on the eastern side, all with one bathroom, open living / dining / kitchen areas, and private open space to the east (and north for apartment 1).
- The first floor of the new building will house four, two bedroom dwellings, all with two bathrooms, open living / dining / kitchen areas, and small decks off the living areas.
- The second floor of the new building will house four, two bedroom dwellings, all with two bathrooms, open living / dining / kitchen areas, and small decks off the living areas.
- Garbage bins will be located in a fenced / screened storage area on the southern side of the access to the university law school.

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

- 1.3.1 Zone Development Standards - Dwelling Density, Building Envelope, Private Open Space, Sunlight, Privacy and Waste Storage
- 1.3.2 Parking and Access Code
- 1.3.3 Historic Heritage Code

1.4 Twenty five (25) representations objecting to the proposal were received within the statutory advertising period between 6 and 20 December 2018.

1.5 The proposal is recommended for approval subject to conditions.

1.6 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The site is located on the eastern side of Grosvenor Street, adjacent to the entrance to the University of Tasmania sports facilities, and Faculty of Law building. There are two existing dwellings located toward the front of the two properties. Access to the university is via a right of way over 61 Grosvenor Street. There is a substantial, under-utilised area at the rear of the dwellings which is currently used for informal car parking by the occupants of the dwellings. The application also relies upon stormwater works on the adjacent university land, though these are contained within an existing easement. As these works on the university campus are included in the proposal, that land is included in the application site.



Figure 1: Application site is highlighted in purple and includes area required for stormwater works (University of Tasmania).



Figure 2: Area where new multiple dwellings will be located is highlighted in purple.

3. Proposal

- 3.1 Planning approval is sought for partial demolition, alterations and 13 multiple dwellings (two existing, 11 new) at 59 and 61 Grosvenor Street and 2 Churchill Avenue, Sandy Bay.

3.2 More specifically the proposal is for:

- Demolition of the rear stairs for the existing dwellings at 59 and 61 Grosvenor Street, and the restoration of the rear verandahs to these dwellings.
- Construction of a three storey multiple dwelling building spanning both the rear yards of 59 and 61 Grosvenor Street.
- The ground floor of the new building will house 10 car parking spaces on the western side, which are open to the driveway, as well as three, two bedroom dwellings on the eastern side, all with one bathroom, open living / dining / kitchen areas, and private open space to the east (and north for apartment 1).
- The first floor of the new building will house four, two bedroom dwellings, all with two bathrooms, open living / dining / kitchen areas, and small decks off the living areas.
- The second floor of the new building will house four, two bedroom dwellings, all with two bathrooms, open living / dining / kitchen areas, and small decks off the living areas.
- Garbage bins will be located in a fenced / screened storage area on the southern side of the access to the university law school.

4. Background

4.1 There have been a number of applications to re-develop the application site over recent years. The three most recent of these are:

PLN-09-00401 - Application for the demolition of the existing dwellings and the construction of 30 new dwellings within a 4 storey, 3 building complex with sub-surface car parking. This application was refused by Council, appealed by the applicant, with the Council decision ultimately being upheld by the Appeal Tribunal.

PLN-15-00253-01 - Application for the demolition of the existing dwellings and for the construction of 4 new multiple dwellings and a local shop. This application was refused by Council, appealed by the applicant, and ultimately approved by the Appeal Tribunal, with the permit taking effect on 25 November 2015, but not acted upon.

PLN-16-1068 - Application for the retention of the existing dwellings and for the construction of a building at the rear of the site containing a basement car park for 14 cars, and 8 new dwellings over three levels above this. Council approved this permit on 27 February 2017, but it is yet to be acted on.

5. Concerns raised by representors

- 5.1 Twenty five (25) representations objecting to the proposal were received within the statutory advertising period between 6 and 20 December 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.

Density:
Representors are concerned that there is insufficient site area per dwelling, stating that the surrounding area is characterised by single sandstone dwellings on lots, not unit buildings. As such, the representors indicate that the design and density of the dwellings proposed is inappropriate.
Representors are concerned that the density is too high for the site in the context of the surrounding area and will result in a loss of residential amenity for surrounding dwellings due to the number of occupants of the site.
Building Envelope Protrusion:
Several representors have indicated that the building protrudes excessively outside of the building envelope on the eastern side.
One representor is concerned that the extent of the building envelope protrusion in terms of height is out of character with the surrounding area, and will detract from the amenity of the area.
Car Parking:
Representors have indicated that there is insufficient car parking for the number of dwellings proposed for the site as there is already limited on-street car parking.
Representors have noted that there appears to be no accessible parking spaces provided for people with mobility issues.
One representor has cited Australian Bureau of Statistics figures which indicate that it is likely that there would be more than one vehicle per dwelling, and as such the representor suggests the parking provided is insufficient.
Several representors have indicated that the lack of visitor parking for the site will be problematic in light of the existing car parking availability in the street and surrounds.

Sunlight:
Representors are concerned that there is insufficient sunlight entering units 7 and 11 to provide for reasonable amenity to future occupants.
Representors are concerned that there is insufficient light penetrating the outdoor space (decks) of the south facing dwellings.
Heritage:
Representors are concerned that the proposed development of a unit block in the rear yard of the existing dwellings is not consistent with the heritage values and character of the area.
Pedestrian and Vehicular Safety:
Representors are concerned that the shared vehicle and pedestrian access to the rear unit building will result in user conflict and safety concerns given the number of vehicle movements anticipated per day.
Representors have indicated that the Traffic Impact Assessment fails to address any inter-campus travel likely to be required by students occupying the proposed dwellings. The representors are concerned that there will be far more need for cars, and with them car parking spaces, and far more vehicle movements than have been suggested in the Traffic Impact Assessment.
Amenity / Privacy:
Representors are concerned that a number of windows overlook adjacent dwellings and their private open space, reducing the amenity of the properties unreasonably.
One representor is concerned that the proposed development will result in increased traffic and ambient noise due to the number of occupants and the proposed construction method.
Precedent:
Representors are concerned that approval of this proposal will result in other such developments being proposed in the area, eroding heritage and neighbourhood values.
Potential Flooding:

One representor is concerned that, in light of recent storm events, the ground floor residences may flood should there be more extreme weather events.
Neighbourhood Character:
Several representors are concerned that the proposed scale of the development and number of occupants of the space will erode the character of the neighbourhood.
Private Open Space:
Representors are concerned that there is not sufficient private open space for the occupants of the proposed development.
Retain Existing Dwellings:
A number of representors have indicated strong support for the retention of the existing dwellings at the front of the properties.

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 Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is two single dwellings. The proposed use is thirteen multiple dwellings. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11 Inner Residential Zone
 - 6.4.2 Part E - E5.0 Road and Railway Assets Code
 - 6.4.3 Part E - E6.0 Parking and Access Code
 - 6.4.4 Part E - E7.0 Stormwater Management Code

- 6.4.5 Part E - E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Residential Density for Multiple Dwellings - Part D 11.4.1 P1
 - 6.5.2 Setback and Building Envelope Part D 11.4.2 P3
 - 6.5.3 Private Open Space - Part D 11.4.3 P2
 - 6.5.4 Sunlight - Part D 11.4.4 P1
 - 6.5.5 Privacy - Part D 11.4.6 P1
 - 6.5.6 Waste Storage for Multiple Dwellings - Part D 11.4.8 P1
 - 6.5.7 Existing Road Accesses and Junctions - Part E E5.5.1
 - 6.5.8 Number of Parking Spaces - Part E E6.6.1 P1
 - 6.5.9 Layout of Parking Area - Part E E6.7.5 P1
 - 6.5.10 Stormwater Drainage and Disposal - Part E E7.7.1 P2
 - 6.5.11 Development Standards for Heritage Precincts - Part E E13.8
- 6.6 Each performance criterion is assessed below.
- 6.7 Residential Density for Multiple Dwellings - Part D 11.4.1 P1
 - 6.7.1 The acceptable solution at clause 11.4.1 A1 requires a density of one dwelling per 200m² of site area.
 - 6.7.2 The proposal includes a density of one dwelling per 114.5m² of total site area.
 - 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 11.4.1 P1 provides as follows:

Site area per dwelling may be:

(a) less than 200m² if any of the following applies:

(i) the development contributes to a range of dwelling types and sizes appropriate to the locality;

(ii) the development provides for a specific accommodation need, such as aged care, special needs or student accommodation;

(b) more than 400m² if any of the following applies:

(i) site constraints preclude development at a higher density;

(ii) the development is designed or located to make provision for future development with a site area per dwelling of 400m² or less.

6.7.5 The applicant has indicated that the likely uptake of dwellings will be by students, families of students, and academic and other university staff. Given the location of the application site, it is likely that the amenity impacts for those living in that location would limit the desirability for occupation of these dwelling by people with no connection to the university. Given the current shortage of student accommodation, this proposal would address a portion of the current need.

There are also a variety of dwelling types and sizes to be provided on the site. The original dwellings at the front of the site are to be retained, with a mixture of two and three bedroom dwellings being provided in the new building. It is considered that this mixture of dwelling sizes will contribute to the range of dwelling types and sizes appropriate to the locality and will help cater for the student population of the surrounding area.

6.7.6 The proposal complies with the performance criterion.

6.8 Setback and Building Envelope Part D 11.4.2 P3

6.8.1 The acceptable solution at clause 11.4.2 A3 requires that development fit within a three dimensional envelope as described in the Planning Scheme.

6.8.2 The proposal includes a new building which is outside the prescribed building envelope on the north, south and east boundaries.

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 11.4.2 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 adjoining neighbours by reduction in sunlight to a habitable room (other than a bedroom) of a dwelling, by overshadowing of a dwelling's private open space, or by 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?

In relation to each of the above matters the following assessment is provided:

- The orientation of the lot is such that the new building will not reduce the sunlight to the habitable rooms of any dwellings on adjoining lots;
- The orientation of the lot is such that the new building will not cause an unreasonable degree of overshadowing of the private open space of any dwellings on adjoining lots, with a small amount of the rear yard at 14 View Street being overshadowed in the later afternoon at the winter solstice;
- There are no vacant residential lots adjoining the site.
- The building faces a facade of the University Law School which has

limited office and classroom windows with views across the site. Similarly, the building will face a carpark on the land to the north of the application site. The dwelling to the east has a significant outbuilding (approximately 3.8m-4m high) which screens the majority of the proposed new building from the rear yard, and the entire building from the dwelling that is on that site. As such, the scale of the building is not considered unreasonable.

- Buildings on surrounding blocks are quite closely located, providing little separation between them. As such, the separation offered by the proposal is considered consistent with and adequate for the surrounds.

6.8.6 The proposal complies with the performance criterion.

6.9 Private Open Space - Part D 11.4.3 P2

6.9.1 The acceptable solution at clause 11.4.3 A2 requires dwellings 1, 2 and 3 and the existing dwellings to have a minimum of 50m² of private open space, with a minimum of 24m² that is level, north-facing, a minimum of 3m wide and directly adjacent to and accessible from a habitable room. It also requires that the remainder of the dwellings have a minimum of 12m² of private open space that is level, north facing, a minimum of 2m wide and directly adjacent to and accessible from a habitable room.

6.9.2 The proposal includes insufficient compliant private open space for all dwellings.

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 11.4.3 A1 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 that is:

(i) conveniently located in relation to a living area of the dwelling;
and

(ii) orientated to take advantage of sunlight;

unless the projected requirements of the occupants are considered to be satisfied by communal open space or public

open space in close proximity.

6.9.5 Each dwelling has an area of private open space that is capable of acting as an extension to the living area that is conveniently located and that will take advantage of available sunlight, albeit that the dwellings towards the southern end of the building will have a lower degree of access to sunlight than other dwellings. In addition to this, there are numerous recreation trails, reserve areas and parks in close proximity to the site, enabling alternatives for outdoor recreation.

6.9.6 The proposal complies with the performance criterion.

6.10 Sunlight - Part D 11.4.4 P1

6.10.1 The acceptable solution at clause 10.4.4 A1 requires all dwellings to have a habitable room with a window facing within 30 degrees of north.

6.10.2 The proposal includes dwellings 2,3, 6, and 7 with east-facing habitable rooms, and dwellings 7 and 11 with west-facing habitable rooms.

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 11.4.4 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 All dwellings that do not have north-facing habitable room windows will either receive morning or afternoon sunlight.

6.10.6 The proposal complies with the performance criterion.

6.11 Privacy - Part D 11.4.6 P1

6.11.1 The acceptable solution at clause 11.4.6 A1 requires decks to be a minimum of 3m from side and rear boundaries, or to have a minimum 1.7m high privacy screen.

6.11.2 The proposal includes decks to dwellings 4-11 that are within 3m of side boundaries without any proposed screening.

6.11.3 The proposal does not comply with the acceptable solution; therefore

assessment against the performance criterion is relied on.

6.11.4 The performance criterion at clause 11.4.6 P1 provides as follows:

P1 - A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

(a) a dwelling on an adjoining lot or its private open space; or

(b) another dwelling on the same site or its private open space; or

(c) an adjoining vacant residential lot.

6.11.5 The adjacent property to the north is a doctor's surgery, with its car parking located to the rear, adjacent to the proposed new decks. The adjacent property to the south is the University of Tasmania, specifically the law school and access and car parking for the sports centre. As such, there is no need to consider privacy for either of the adjacent properties, as there is no dwelling on either property.

6.11.6 The proposal complies with the performance criterion.

6.12 Waste Storage for Multiple Dwellings - Part D 11.4.8 P1

6.12.1 The acceptable solution at clause 11.4.8 A1 requires that waste storage for multiple dwellings be located behind the dwellings.

6.12.2 The proposal includes waste storage in an enclosure at the front of the property, on the opposite side of the access driveway / right of way to the law school.

6.12.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.12.4 The performance criterion at clause 11.4.8 P1 provides as follows:

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

(a) capable of storing the number of bins required for the site; and

(b) screened from the frontage and dwellings; and

(c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.

6.12.5 The bin storage area is of sufficient size to meet the needs of the occupants of the site. It is separated from the dwellings on the site and is screened to prevent views of the bins from both the dwellings and from the street.

6.12.6 The proposal complies with the performance criterion.

6.13 Existing Road Accesses and Junctions - Part E E5.5.1 P3

6.13.1 The acceptable solution at clause E5.5.1 A3 requires an increase in traffic using an existing access to be no greater than 20% or 40 vehicle movements per day.

6.13.2 The proposal includes an increase of 160 vehicle movements per day.

6.13.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.13.4 The performance criterion at clause E5.5.1 P3 provides as follows:

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

(a) the increase in traffic caused by the use;

(b) the nature of the traffic generated by the use;

(c) the nature and efficiency of the access or the junction;

(d) the nature and category of the road;

(e) the speed limit and traffic flow of the road;

(f) any alternative access to a road;

(g) the need for the use;

(h) any traffic impact assessment; and

(i) any written advice received from the road authority.

6.13.5 The proposal has been assessed by the Council's Senior Development Engineer, who has advised that:

The TIA states that there will be an increase of 60vpd for the apartment complex car parking area.

The existing access is shared with the University and has around 18 car parking spaces.

TIA Figure 4.1 and 4.2 show 15 and 16 vph, which equates to an estimate of 160vpd on the basis of the peak hour being 10% of total daily traffic.

On this basis, the intensification of use does not comply with A3, and will need assessment [against] P3 as the intensification is greater than 20% and 40vpd.

The TIA states that:

There are no concerns with an increase of this level to the future traffic volumes along Grosvenor Street, Alexander Street or the site access street or also through the intersection of these streets. The addition of some six vehicles/hour to the traffic volume on these streets is not of concern as this will not create any operational issues.

In this case, more than adequate gaps will be available in the opposing traffic streams at Grosvenor Street/Alexander Street/Grosvenor Crescent/site access street intersection such that turning motorists will experience minimal delay and queuing. The expected future traffic conflict at the intersection will be less than 400 vehicles/hour, allowing for some significant growth in UTAS traffic through the intersection.

On this basis SDE is supportive of approval under P3.

6.13.6 The proposal complies with the performance criterion.

6.14 Number of Parking Spaces - Part E E6.6.1 P1

6.14.1 The acceptable solution at clause E6.6.1 A1 requires the proposed

development to have two onsite car parking spaces per multiple dwelling plus 1 visitor space per 4 dwellings (rounded up to the nearest whole number). This equates to 26 spaces for the 13 dwellings plus 4 visitor spaces, giving a total of 30 spaces being required to meet the acceptable solution.

- 6.14.2 The application proposes 14 onsite spaces, two of which are accessed from Grosvenor Street in a jockey arrangement. None of the proposed spaces have been designated for visitors.
- 6.14.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.14.4 The performance criterion at clause E6.6.1 P1 provides as follows:

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

(a) car parking demand;

(b) the availability of on-street and public car parking in the locality;

(c) the availability and frequency of public transport within a 400m walking distance of the site;

(d) the availability and likely use of other modes of transport;

(e) the availability and suitability of alternative arrangements for car parking provision;

(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;

(g) any car parking deficiency or surplus associated with the existing use of the land;

(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the

case of substantial redevelopment of a site;

(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;

(j) any verified prior payment of a financial contribution in lieu of parking for the land;

(k) any relevant parking plan for the area adopted by Council;

(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;

(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.

6.14.5 Council's Senior Development Engineer has assessed the application and has advised as follows:

TIA states there will be 1x parking space per dwelling minimum, and that the site is close to buses, bicycle parking will be provided, there [are] likely to be [residents] who work/study at the university and as such have no need for vehicles. On the basis that at least 1x parking space will be available for each dwelling this is supported under Performance Criteria.

It is noted that there are a number of representations on parking grounds. Many provide sound arguments which I have raised with Council's Manager Traffic Engineering whom has advised that they are supportive of this development as there is one car parking space per dwelling and that this aligns with Hobart's Transport Strategy of moving towards a city with more cycling, public transport etc.

(a) Demand is likely to be less than typical dwellings (Table E6.1) due to the likely tenants being associated with study at the university.

(b) No on street available in the area for tenants, but timed parking will provide area for visitors.

(c) Public transport near by

(d) Other modes of transport likely as in close proximity to University so students can cycle and walk

(e) No other arrangements

- (f) No sharing*
- (g) 2x existing deficiency.*
- (h) No Credit*
- (i) No Financial Contribution*
- (j) No Prior Payment*
- (k) No Parking Plan*
- (l) No heritage influencing parking*
- (m) No Significant Trees*

6.14.6 The above assessment is supported.

6.14.7 The proposal complies with the performance criterion.

6.15 Layout of Parking Area - Part E E6.7.5 P1

6.15.1 The acceptable solution at clause E6.7.5 A1 requires side clearances for parking spaces of 300mm each side (600mm total).

6.15.2 The proposal includes a combined total clearance for spaces of 500mm.

6.15.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.15.4 The performance criterion at clause E6.7.5 P1 provides as follows:

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

6.15.5 The proposal has been assessed by the Council's Senior Development Engineer, who has advised as follows:

This is approvable under Performance Criteria as 300mm on one side and 200mm on the other is acceptable for a regular user of the car parking space, given this is only one space and that the aisle width means that the vehicle is still able to enter and exit the parking space in a single movement.

6.15.6 The proposal complies with the performance criterion.

6.16 Stormwater Drainage and Disposal - Part E E7.7.1 P2

6.16.1 The acceptable solution at clause E7.7.1 A2 requires water sensitive

urban design for development of this scale.

6.16.2 The proposal includes no provision of water sensitive urban design.

6.16.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.16.4 The performance criterion at clause 7.7.1 P2 provides as follows:

A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.

6.16.5 The proposal has been assessed by the Council's Senior Development Engineer, who has advised as follows:

*Clause is triggered due to parking and impervious area. Applicant proposes mechanical treatment method which requires assessment under Performance Criteria.
Approved under P2 of Clause E7.7.1 subject to condition.*

6.16.6 The proposal complies with the performance criterion.

6.17 Development Standards for Heritage Precincts - Part E E13.8

6.17.1 There is no acceptable solution for clause E13.8.

6.17.2 The proposal includes the construction of an apartment block in the rear yards of two existing houses, 59 and 61 Grosvenor Street. The properties have had several recent planning applications. There is a currently approved proposal for redevelopment of the two properties. The properties fall within a Heritage Precinct under the new interim planning scheme (Hobart Interim Planning Scheme 2015).

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

6.17.4 The performance criterion at clause E13.8 provide as follows:

13.8.1

P1 - Demolition must not result in the loss of any of the following:

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

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

unless all 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 or feasible alternatives;

(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.

13.8.2

P1 - Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

P2 - Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.

P3 - Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.

P4 - New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.

P5 - The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.

6.17.5 The application has been assessed by the Council's Cultural Heritage Officer, who has provided the following advice:

It could be argued that the development of the rear yards of the existing buildings could result in detriment to the historic cultural heritage significance of the precinct, and that such development is not a desirable pattern for protection of heritage values within the

precinct. A case could be made that the proposal fails to meet the Performance Criteria P1 of E13.8.2. Weighing against this argument are (a) the fact that the rear yards do not have the appearance of traditional back gardens but are currently used for informal car parking; (b) the fact that the two properties are sandwiched between a commercial venture (consulting rooms) to the north and the university to the south and (c) the fact that the proposal involves the retention of the primary significant structures which contribute to the overall streetscape. The statement provided by the applicant is supported.

The merits of the current proposal should also be considered in the context of the existing approved development proposals for the site.

In light of the above, it is considered that the proposal, could meet the relevant performance criteria of the Heritage Code.

6.17.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for partial demolition, alterations and 13 multiple dwellings (two existing, 11 new) at 59 and 61 Grosvenor Street and 2 Churchill Avenue, Sandy Bay.
- 7.2 The application was advertised and received twenty five representations. The representations raised concerns including density, building envelope, car parking, sunlight, heritage, pedestrian and vehicle safety, amenity / privacy, precedent, potential flooding, neighbourhood character, and private open space.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Senior Development Engineer, Cultural Heritage Officer, Cadastral Surveyor and Civil Engineer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The application has been assessed by TasWater, who have provided conditions for approval should a permit be issued.

7.6 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed partial demolition, alterations and 13 multiple dwellings (two existing, 11 new) at 59 and 61 Grosvenor Street and 2 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, alterations and 13 multiple dwellings (two existing, 11 new) at 59 and 61 Grosvenor Street and 2 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-18-760 59 & 61 GROSVENOR STREET AND 2 CHURCHILL AVENUE SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01934-HCC dated 04/12/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

The development (including hardstand) must be drained to a piped system. The new private stormwater connection must be constructed, and any existing connections be abandoned and sealed at the owner's expense prior to occupation.

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

- 1. the location of the proposed connection and all existing connections to be abandoned;**
- 2. the size and design of the connection such that it is appropriate to**

- safely service the development;
3. **written permission for the works outside 59 and 61 Grosvenor St.**
 4. **Certify that the receiving stormwater pipe has sufficient capacity.**

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

Advice: The applicant is advised to submit detailed design drawings as part of the plumbing permit application in this instance as the receiving stormwater pipe which your development is proposing to connect to is actually a private stormwater main owned by Utas on Utas land. (The Utas main connects to Council's stormwater system near Sandy Bay Road and the system upstream of this point has been considered as a shared private stormwater system).

Reason for condition

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

ENG sw7

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

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

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

Advice: Failure to ensure consistency between the stormwater treatment system proposed in the planning application documentation and plumbing permit application documentation may result in delays in the issue of any approval under the Building Act 2016.

Reason for condition

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

ENG sw8

A 3,400 litre stormwater detention system must be installed to limit stormwater discharges from the development to 14.8 L/s for a 5 minute 5% AEP storm event, prior to first occupation.

A detailed detention design must be submitted and approved by Council, prior to the issuing of any plumbing approval under the Building Act 2016. The design must:

- 1. be prepared by a suitably qualified engineer,**
- 2. include design drawings of the detention tank showing the layout, the inlet and outlet (including long section), the overflow mechanism.**
- 3. 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:

- 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 plumbing approval under the Building Act 2016.*
- Once the stormwater management report and design has been approved the Council will issue a condition endorsement.*
- It is advised that documentation for condition endorsement is lodged well before a Building / Plumbing Permit is required, as failure to address design requirements until Building / Plumbing Permit stage may result in unexpected delays.*

Reason for condition

To ensure that the stormwater runoff quantity is managed to take into account the limited receiving capacity of the downstream Council stormwater infrastructure.

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to any approval under the Building Act 2016 (including demolition). The construction traffic and parking management plan must:

- 1. Be prepared by a suitably qualified person.**
- 2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.**
- 3. Include a start date and finish dates of various stages of works.**
- 4. Include times that trucks and other traffic associated with the works will be allowed to operate.**
- 5. Nominate a superintendent, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.**

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

Advice:

- Once the construction traffic and parking management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 3a

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004

(including the requirement for vehicle safety barriers where required) with the exception of the following:

- 1. The blind aisle end widening for car parking space 01 to be a minimum of 700mm wide, with an aisle width of 6.0m.**
- 2. The maximum aisle gradient within the site to be 6.5%**
- 3. The minimum side clearance for the design envelope for 61 Grosvenor Street car parking space to be 250mm.**

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.*

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, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with Condition ENG 3a.

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). It is noted that the certification is not to ensure structural integrity but rather to ensure compliance with AS2890.1 (and relaxations associated with Condition ENG 3a).*

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 5

The number of parking spaces approved on the site is:

- 1. Fourteen (14) User Class 1A car parking spaces**
- 2. A minimum number of Class B (AS2890.3) bicycle parking spaces of six (6) [secure tenant parking]**
- 3. A minimum number of Class C (AS2890.3) bicycle parking spaces of two (2) [visitor parking]**

Prior to first occupation:

- All car parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004.**
- All bicycle parking spaces must be installed in accordance with AS/NZS 2890.3 2015.**
- Install signage (in accordance with AS1742.11 2009 or Council approved equivalent) at the entrance to the main car parking area indicating that the parking area is for residents only;**

Reason for condition

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

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

- 1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or**
- 2. Be repaired and reinstated by the owner to the satisfaction of 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.

ENV 2

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

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

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

Advice: Once the SWMP has been approved, the Council will issue a condition

endorsement (see general advice on how to obtain condition endorsement).

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

Reason for Condition

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

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.

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).

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.

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.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

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.

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.

(Helen Ayers)

Acting 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: 7 January 2019

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report (Cultural Heritage)

Attachment D - CPC Supporting Documents