

Resource Planning and Development Commission

Land Use Planning and Approvals Act 1993 and Resource Planning and Development Commission Act 1997

Decision and Reasons for Decision

CITY OF HOBART PLANNING SCHEME 1982

Draft Amendment

2/2008

Permit Application No

PLN-08-00339-01

The draft amendment concerns replacing clause 5.22.1 for special use zone 7 for the Calvary Hospital Precinct No. 46.

The permit is for use and development for hospital and other health services at 49 & 61 Augusta Road Lenah Valley comprising 5 stages.

Date and Place of Hearing

Tuesday 3 March 2009 and Wednesday 4 March 2009 at Hearing Room 1, Resource Planning and Development Commission, 144 Macquarie Street, Hobart.

Delegation

In accordance with its decision dated 5 January 2009 and in exercise of the power conferred upon it by s.8 of the *Resource Planning and Development Commission Act 1997*, the Resource Planning and Development Commission delegated to Mr Robin Nolan and Mr John Vandenberg jointly and severally:

1. its powers and functions under sections 40, 41, 41A, 41B, 42(1), 42(2), 43G, 43H and 43I of the *Land Use Planning and Approvals Act 1993* in relation to draft amendment 2/2008 and permit number PLN-08-00339-01 to the City of Hobart Planning Scheme 1982; and
2. in connection with the exercise of those powers in performance of those functions, its powers under Part 3 of the *Resource Planning and Development Commission Act 1997*.

Representations

Representations were received from:

J & R Palfreyman

M East

B Sampson

P & M Tierney

P F Tierney obo New Town Community Association Inc.

S Brunker

FL & SD Davies

Appearances at the hearing

Council:

Mr D Morris of Counsel and Mr A Brownlie represented the Hobart City Council.

Applicant:

Mr D Armstrong of Counsel, Ms J Foden, Mr N Shephard, Mr B Neilson, and Mr A Keene represented Calvary Hospital with Mr J Ramsay in attendance

Representors:

Mr S McElwaine of Counsel represented FL & SD Davies, Mr F Davies

Mrs J Palfreyman

Mr P Tierney obo P & M Tierney and M East

Mr B. Sampson

Issues raised in the Representations

During the public exhibition for the draft amendment and combined permit, seven representations were received. Six of the representations were submitted by nearby or adjoining residents and one was from the New Town Community Association Inc.

All representations expressed objections to the draft amendment and permit. The issues raised are summarised as follows:

To the draft amendment:

- Reduction in residential amenity due to development no longer being required to be in accordance with Calvary Hospital Master Plan No.2 (MP2).
- MP2 provides certainty for adjacent residents as to the extent of future development and should be replaced with a revised Master Plan.
- The amendment does not contain ‘better performance criteria’ for development on the site.
- The approach is piecemeal and pre-empts the revision of the planning scheme in line with Planning Directive No. 1.
- Ongoing car parking issues and a need to revise Schedule E.

To the permit:

- Clear staging of the development is necessary to ensure the hospital’s compliance with permit conditions.
- Inaccuracies in the drawings associated with the permit.
- Ongoing car parking issues.
- Landscaping.

At the hearing, representors highlighted the difficulties experienced of traffic and parking on residential streets creating hazards and nuisance, sought limits on any increase in the bulk and mass of buildings and commitments to landscaping, particularly to the proposed parking decks.

Council's Response to the Representations

In consideration of the representations and the draft amendment Council through its s.39(2) of LUPAA report resolved that no changes to the draft amendment are warranted and recommended approval as certified.

In respect to the permit, Council recommended several changes to the permit conditions to address matters relating to:

- landscaping;
- car parking; and
- residential amenity during construction.

Commissioner's assessment of the draft amendment

The site

The draft amendment concerns the site of Calvary Hospital at 49 & 61 Augusta Road Lenah Valley. The subject land is located on the northern side of Augusta Road and bounded by Raluana Lane to the west, Joynton Street to the north and Honara Avenue to the east. It is 2.035ha in area and contains all the buildings and development associated with the hospital. The property at 22 Joynton Street is also located within Precinct 46 and contains a dwelling in separate ownership (FL & SD Davies).

The draft amendment

The draft amendment proposes to amend the Statement of Desired Future Character for the Calvary Hospital Precinct – No. 46 by omitting clause 5.22.1 incorporating the Calvary Hospital Master Plan (MP2) and replacing it with a new clause 5.22.1 requiring all future development to be in accordance with permit PLN-08-00339-01. The amended statement of desired future character also specifies that a permit is required for a change of use group or intensification of use where that use generates an additional car parking requirement requiring compliance with Schedule E – Traffic, Access and Parking.

The current clause 5.22.1 is as follows:

- 5.22.1 The Precinct should continue to function primarily as a general hospital with associated health services. Further development of the hospital and its associated uses shall only occur in accordance with the 'Calvary Hospital Master Plan' Number MP2 as finally approved by the Commissioner for Town and Country Planning on 13th November 1992 and as amended by the Land Use Planning Review Panel pursuant to Section 42 of the Land Use Planning and Approvals Act 1993 and as further amended by the Resource Planning and Development Commission on 19 November 2003.

Accepting the ability to develop in accordance with and subject to the restrictions of the 'Calvary Hospital Master Plan', any development shall ensure that the amenity of adjacent residential areas is maintained.

Residential uses may continue and development may be undertaken in accordance with the residential provisions for the adjacent Precinct 21A.

The draft amendment is to omit clause 5.22.1 and substitute the following:

‘5.22.1 The Precinct should continue to primarily accommodate a hospital and other health services. Further development of buildings and other works for those purposes may only occur in accordance with the permit numbered PLN-08-0339-01 dated xx/xx/xxxx.

The mix of uses and activities and the floor areas occupied for those purposes may be varied within existing and approved buildings provided that an application for a permit must be made where there is proposed to be a change from one Use Group to another as defined in Schedule A, Table A2 or where there is proposed to be an increase in the numbers of hospital beds, doctors or employees that generates a net additional car parking requirement under Table E1. At all times there must be compliance with the car parking requirements of Table E1 for hospitals and consulting rooms as applicable.

Residential use and development may be undertaken in accordance with the residential provisions for the adjacent Precinct 21A.’

The planning scheme and master plan

Currently the Statement of Desired Future Character for Precinct 46 requires all development for the hospital and associated uses to be in accordance with ‘Calvary Hospital Master Plan Number MP2’. MP2 was incorporated in 1992 as part of a previous amendment to the planning scheme and defines the extent of future buildings and works for the hospital and related uses, addressing such matters as height, form and scale, materials and finishes, acoustic performance, landscaping and the number of car parking spaces required. It has been determined by the Courts that there is no discretion to vary the development depicted on the MP2 plans. In addition MP2 does not cover the property at 61 Augusta Road.

The draft amendment proposes to amend the statement of desired future character to remove reference to MP2 and for permit PLN-08-00339-01 to govern future use and development of the site.

The applicant’s planning submission has advocated the draft amendment on the following grounds:

- Changes to hospital operations and priorities have resulted in inconsistencies and conflicts with MP2 which have lead to impacts on neighbouring residential properties.
- Current car parking arrangements do not comply with MP2 requirements and the number and dimensions required in Schedule E.
- MP2 is no longer relevant as it cannot be varied to allow development and evolution of administrative and operational change within the hospital. Its interpretation has been a source of conflict between hospital administration and surrounding residents.
- The draft amendment replaces MP2 and limits future development and works to that approved as part of permit PLN-08-00339-01. It also requires compliance with Schedule E where a change in Use Group or intensification in an existing use generates additional car parking requirements.
- The draft amendment gives certainty as to the full extent of potential development while providing the hospital with the flexibility for internal change in activities.

Council supports the applicant's reasons for the draft amendment and considers it will provide for the completion of development at the site, whilst recognising that significant extensions to the buildings cannot occur given the existing constraints on provision of additional car parking. Council submitted that the draft amendment allows for existing car parking deficiencies to be resolved through compliance with Schedule E of the scheme while catering for proposed future development.

The principal matters for the representors were the proposal through the draft amendment to abandon MP2 and the removal of the reference in the desired future character statement for the precinct to *'ensure that the amenity of adjacent residential areas is maintained'*. Behind these principal matters are the objections arising from the operation of Calvary in terms of generating on-street parking in surrounding streets and for Mr and Mrs Davies' claims of direct impact from noise, visual intrusion and exhaust fumes intruding on to their property. The Davies' house is the last property in the precinct not owned by Calvary and is next to parking spaces for the hospital and consulting rooms.

To focus on the issues of the abandonment of MP2 and removal of the reference to residential amenity in the statement of desired future character, the representors contended MP2 provides the framework for the development of the Calvary site that limits expansion of the hospital and consulting rooms that protects the residents' amenity.

The matters identified to be of importance in MP2 were the Development Objectives particularly concerning:

- Discouragement of hospital traffic from using Joynton Street and Raluana Lane.
- Parking and access provisions to meet appropriate Australian design standards, comply with the Traffic, Access And Parking Schedule (schedule E of the scheme).
- To provide no less than 294 car spaces in the completed development.
- No direct vehicle and pedestrian access to the hospital complex from Joynton Street and Raluana Lane.
- Landscape treatment to reflect the character of surrounding streetscapes.
- Hospital activities must be contained within the building envelope and an increase in the area given to one use must be at the expense of the area of another.

Representations also supported the retention of the MP2 principles as reflected in the 'Planning and Urban Design Strategy' where statements cited included:

'what is critical in town planning terms for Calvary Hospital is ensuring that its operation does not impact adversely on the surrounding neighbourhood by managing and containing traffic, access, circulation and parking. The character of the building and associated landscaping should also be sympathetic.'

In response to the representors' case for retention of MP2, Council and applicant submitted that the building areas, site layout, car parking and access reflect and give effect to the principles of MP2.

The submissions for the Council and applicant are preferred. The master plan was approved in 1992. It set the principles and framework for buildings and site works including car parking. Much of the building work is now completed. The remaining

building work is car parking, principally described as the western terraces which are the main subject of the current permit. Other building work remaining for the permit includes a new Mary Potter Wing, infilling the West Wing and one additional floor extension to Main Building North.

In terms of use, the two principal uses are hospital and consulting rooms as defined in the scheme. The areas for hospital and consulting rooms are shown on the plans to the permit. The significance of use classification is the nexus of hospital and consulting rooms to carparking requirements. A hospital attracts a different calculation of parking requirement to consulting rooms as set out in Schedule E of the scheme.

The MP2 does not now deliver the requirements for the site or changes to the health care system and has contributed to the binding of development in litigation. In addition, under MP2, permits would still be required involving interpretation of MP2 whereas under the current applications the permit itself is the basis for assessment.

The draft amendment ties development on the site to the permit and the permit effectively becomes the next master plan that draws on the planning scheme provisions to a greater degree than under MP2.

Carparking

The representors' interest in car parking and elimination of on-street parking was put in terms of:

- Calvary has not undertaken a parking demand and supply study.
- The adequacy of the parking requirement is therefore unknown.
- The parking standards in Schedule E of the planning scheme may not be adequate to requirements particularly where the real requirements are unknown.

The Council's counter argument was that the development would provide an extra 117 spaces that comply with the planning scheme requirements and Australian standards for parking space and access.

The preferred submission is that of Council. First, the parking schedule is not under review through the draft amendment. Second, the proposed total number of spaces is greater than that referred to as the number of spaces for the completed development in MP2. Third, further studies would simply defer works that should eliminate most or all of the problems of on-site parking objected to by the residents. Finally, it cannot be assured that on-street parking will be eliminated but it is envisaged that the works on-site will present a considerably better parking facility than is currently the case.

The principles of the draft amendment are agreed, however modifications are required as follows.

1. To delete 'activities'
2. To reinstate reference to residential amenity to serve as a prompt with any variation of permit, any variation of use that would increase parking demand, or any future amendment that may be proposed for precinct 24A.
3. To confine the residential statement to 22 Joynton Street and not the whole precinct.

4. Commission's assessment of the permit

As the draft amendment to the desired future character for the Calvary precinct refers to the permit, the permit becomes part of the scheme. The permit can only be altered or replaced through a further amendment to the planning scheme.

Council's s.39(2) report recommended modifications and additional permit conditions. These modified conditions are accepted except condition identified as 3.b in Council's report. Council proposed, in response to the representation from Mr & Mrs Davies, the deletion of the condition for privacy screening on the common boundary between the hospital and the Davies' property. Although with stage 2, cars will be setback from the Davies side boundary adjacent to the main house, in consideration of the matters raised by Mr Davies and a site inspection the proposed permit condition should be retained. The option of some form of privacy screening applied to the property boundary should be retained and the design decided ideally in consultation with the Davies.

At the hearing Calvary's representatives committed to a timeframe for commencement of works on stage 2 of the permit. Stage 2 contains the major works on-site including the western terrace parking. The addition of the permit condition on timing for stages 1 & 2 of the development will give assurance of timely commencement of the development as authorised by the permit. As the amendment makes the permit part of the scheme, advisory 'reasons for condition' and 'advice' should be deleted because they are incidental to the operation of the permit.

In addition to the above modifications, modifications are required to the permit principally to identify 'the applicant' as the responsible party and to give consistency to the wording of various conditions.

Application of State Policies

State Coastal Policy 1996:

The draft amendment does not involve land in the coastal zone as defined in the Policy. The Policy is not applicable to the draft amendment.

Interim State Policy on the Protection of Agricultural Land 2008:

The draft amendment does not involve agricultural land as defined in the Policy.

State Policy on Water Quality Management 1997

The permit requires stormwater management and control of runoff, erosion and sediment consistent with the Policy.

National environmental protection measures

National environmental protection measures do not have application for use or development of the site.

Schedule 1 Objectives

Part 1 objectives

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

The draft amendment furthers the objective for sustainable development of physical resources through defining the respective interests of the hospital and residents through limiting medical use on the site and increasing car parking provision. The proposed arrangements for parking and access should ameliorate or significantly reduce on-street parking associated with the operation of the hospital and consulting rooms.

Ecological processes and genetic diversity are not relevant matters to the draft amendment.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water;

The draft amendment furthers the objective for fair and orderly use and development through the provision of additional on-site car parking and general site improvements related to the operation of the hospital and consulting rooms uses and the surrounding residential use. The defined stages of development will contribute to orderly development.

(c) to encourage public involvement in resource management and planning;

The draft amendment has included public processes.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);

The draft amendment furthers this objective consistent with the above objectives.

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The draft amendment furthers this objective through putting in place the use arrangements and development stages for the hospital as an institution that involves responsibility by all levels of government, industry and the community.

Part 2 objectives

The part 2 objectives are furthered principally in terms of establishing a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land, to consolidate approval processes and to secure a pleasant, efficient and safe working, living and recreational environment. The amendment and subsequent use and development seek to protect public infrastructure and has fully considered land capability.

Conclusion

In accordance with s.40(1) of LUPAA, the draft amendment, representations and Council's report have been considered. The draft amendment is to replace the desired

future character statement for the precinct containing Calvary Hospital that incorporated the 1992 Master Plan with a statement that incorporates a permit leading to a similar, or lesser, physical outcome than MP2. The revised desired future character statement specifies a requirement for hospital and consulting rooms to comply with the car parking standards of the scheme bringing the precinct use and development requirements more within the ambit of the planning scheme than was the case for MP2. The draft amendment essentially provides for the implementation of the principles of the master plan but reflecting current day requirements for the hospital whilst addressing the concerns of residents in the adjoining residential areas. The draft amendment should be approved with modifications.

The permit defines the hospital and consulting rooms land use for the site and authorises development of buildings, works and landscaping over 5 stages. The permit should be approved with modifications.

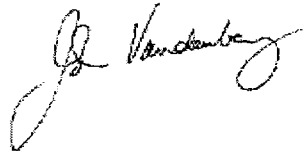
Decision

Pursuant to Section 41(ab) of the *Land Use Planning and Approvals Act 1993* the Commission modifies the draft amendment as set out in Annexure A and gives its approval to the draft amendment as modified pursuant to Section 42 of the Act.

Pursuant to Section 43H (1)(b)(ii) of the *Land Use Planning and Approvals Act 1993* the Commission modifies the permit as set out in Annexure B.



Robin Nolan
Chairman



John Vandenberg

Delegates
Resource Planning and Development Commission
18 March 2009

Attachment:
Annexure A: The draft amendment with modifications.
Annexure B: The permit with modifications.

Annexure A

CITY OF HOBART PLANNING SCHEME 1982

AMENDMENT 2/2008

Amend Part 5 by omitting clause 5.22.1 and substituting the following:

- ‘5.22.1 The Precinct should continue to primarily accommodate a hospital and other health services. Further development of buildings and other works for those purposes must only occur in accordance with the permit numbered PLN-08-0339-01 dated 25 March 2009.

The mix of uses and the floor areas occupied for those purposes may be varied within existing buildings and buildings approved by permit numbered PLN-08-0339-01 provided that an application for a permit must be made where there is proposed to be a change from one Use Group to another as defined in Schedule A, Table A2 or where there is proposed to be an increase in the numbers of hospital beds, doctors or employees that generates a net additional car parking requirement under Table E1. At all times there must be compliance with the car parking requirements of Table E1 for hospitals and consulting rooms as applicable.

Residential use and development on 22 Joynton Street may be undertaken in accordance with the residential provisions for the adjacent Precinct 21A.

In considering any permit for use or development in the precinct Council must consider the amenity of adjoining residential areas.

Annexure B

Resource Planning and Development Commission

Land Use Planning and Approvals Act 1993

City of Hobart Planning Scheme 1982

APPLICATION NO.: PLN-08-00339-01

ADDRESS OF THE LAND 49 & 61 AUGUSTA ROAD, LENA VALLEY

THE PERMIT ALLOWS:

The use and development of the land in stages for the purposes of a hospital and other health services including:

- Demolition;
- Additions to existing buildings;
- Construction of new buildings and car parking;
- Changes of use and activities;
- Modifications to car parking and traffic arrangements; and
- Landscaping.

THE FOLLOWING CONDITIONS AND RESTRICTIONS APPLY TO THIS PERMIT:

General conditions

1. The use and development must be substantially in accordance with the documents that comprise the Planning Application No. PLN-08-00339-01 as outlined in attachment A to this permit except where modified below.
2. No new building areas are to be occupied until the satisfactory completion of the approved car parking in Stage 2.
3. A detailed landscape plan must be provided at the applicant's cost and approved by Council's Director Development and Environmental Services prior to the commencement of each stage showing the provision of planting to be undertaken as part of that stage. The landscape plan/s must:
 - (i) be generally in accordance with the location and height of plantings indicated on the approved document identified in attachment A;
 - (ii) provide privacy screening within the area adjoining the eastern side boundary of 22 Joynton Street prior to the completion of Stage 2. The privacy screening must be provided in consultation with the adjoining property owner with specific consideration of retaining light and sun penetration to the house at 22 Joynton Street;
 - (iii) be capable of allowing parking areas to be screened from view from Raluana Lane and Joynton Street and the landscaping of the facades of the terrace parking decks so as to

predominantly screen the structures when viewed from properties in Montagu Street; and
(iv) provide for the installation of landscaping associated with each Stage of the development by the end of that Stage.

All landscaping must be maintained by Calvary, to the satisfaction of Council's Director Development and Environmental Services, in accordance with the approved landscape plan/s.

4. Design drawings submitted by the applicant for the western terraces car park required for Stages 2, 4 & 5 must provide details as to the level of finished parking surface relative to existing ground levels.
5. On site management measures including the sign posting of car parks and access points, and pedestrian access through the site, must be undertaken by the applicant in Stage 2 of the development to ensure, as far as possible, that kerbside parking is not utilised in preference to on-site parking.
6. Prior to the commencement of each stage of the development approved by this permit, a construction management plan must be prepared by the applicant to the satisfaction Council's Director Development and Environmental Services. The plan must show:
 - (i) the proposed hours of construction and works;
 - (ii) measures to minimise and control noise, vibrations and dust from the construction works;
 - (iii) measures to minimise the impact of construction vehicles arriving and departing the site including specifying entrance and exit points; and
 - (iv) details of security fencing and lighting.

Once approved by Council's Director Development and Environmental Services this plan will become part of the approved documents for the permit.

7. The applicant must submit information to Council annually, commencing one (1) year from the date of the permit, which provides an indication as to the remaining surplus of parking supply within the site. The information must include detailed figures as to the actual bed and staffing levels at peak periods associated with the hospital, and the floor area given to consulting rooms.
8. Within 6 months of the issue of this permit, the applicant must have lodged with the Council all necessary plans and details for the construction of all of the development listed in the application for Stages 1 and 2.

Within 6 months of receiving all required approvals from the Council in respect of that development, the applicant must complete the construction of the Stage 1 development and commence the construction of the Stage 2 development, with that construction continuing without undue delay to completion.

The following conditions are to be met as part of Stage 1 of the proposal.

9. The design and construction of the reconfigured parking, access and turning areas at 61 Augusta Road must comply with the Australian Standard, Parking Facilities Part 1: Off-Street Car Parking – AS/NZS 2890.1.
10. The design and construction of the reconfigured parking, access and turning areas at the main entry must comply with the Australian/NZ Standard, Parking Facilities Part 1: Off-Street Car Parking – AS/NZS 2890.1: 2004.

11. All reconfigured driveway access, car parking and turning areas must be constructed, sealed and drained by the applicant to the Council's standard requirements and used for no other purposes whatsoever. A suitably qualified engineer, at the applicant's cost, must inspect the construction of the above areas at the appropriate stages of construction and prior to occupancy submit a certificate to the Council, certifying compliance with the requirements of this permit.
12. Design drawings of the driveway access, car parking and turning areas must be approved by Council's Director City Services prior to the commencement of development.
13. Stormwater from the proposed development must be discharged to the Council's infrastructure at the applicant's cost. Prior to the commencement of works, detailed design drawings of the proposed stormwater drainage, prepared by a suitably qualified engineer must be submitted for the Council's approval, to the satisfaction of Council's Director City Services and Director Development and Environmental Services. Drawings must clearly differentiate between:-
 - (i) Council mains; and
 - (ii) Private infrastructure.
14. Runoff, erosion and sediment controls must be installed at the applicant's cost to the satisfaction of Council's Director Development and Environmental Services, prior to any demolition, or removal and/or disturbance of any soil or vegetation. Details of these controls and a soil and water management plan are to be submitted for approval prior to the commencement of works.
15. Prior to the commencement of works, the applicant must submit a traffic plan for the approval of Council's Director City Services and Director of Development and Environmental Services for any works that require alteration to existing internal or external traffic and pedestrian conditions during the construction phase of the development.
16. Prior to the commencement of works, the applicant must lodge with the Council security in the form of a cash deposit or bank guarantee from an approved financial institution, for an amount of \$750 (seven hundred and fifty dollars) for the protection from damage of the Council's infrastructure, during construction of the development. Such bond to be released once the works are completed should no damage occur.
17. The applicant must pay the cost of any alterations and/or reinstatement to the Council's infrastructure, and/or to the site's existing property service connection points incurred as a result of the proposed development works.

The following conditions are to be met as part of Stage 2 of the proposal.

18. The design and construction of the parking, access and turning areas must comply with the Australian/NZ Standard, Parking Facilities Part 1: Off-Street Car Parking – AS/NZS 2890.1: 2004.
19. All driveway access, car parking and turning areas and footways must be constructed, sealed and drained by the applicant to the Council's standard requirements prior to their first use and used for no other purposes whatsoever. A suitably qualified engineer at the applicant's cost must inspect the construction of the above areas at the appropriate stages of construction and prior to occupancy submit a certificate to the Council, certifying compliance with the requirements of this permit.

20. Design drawings of the driveway access, car parking and turning areas must be submitted by the applicant to the Council for approval prior to the issue of a related building permit.
21. Barriers compliant with the Australian Standard AS 1170.1 must be installed by the applicant to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm.

Where barriers are required as above, prior to the issue of a related building permit, the applicant must submit a structural detail and certificate issued by a suitably qualified engineer at the applicant's cost demonstrating compliance with the above requirements.

22. All footings and structures must be a minimum of 1 metre clear of Council sewer main and all loads must be carried to below the invert of the pipe. For building work over or within one metre of the Council's sewer main, prior to the issue of a related building permit, submit a structural foundation bridging detail for footings over the affected sewer main. Such detail must be accompanied by a structural certificate issued by a suitably qualified engineer that certifies that the design imposes no additional loads on the affected sewer main.
23. Sewerage and stormwater from the proposed development must be discharged to the Council's infrastructure at the applicant's cost. Prior to the issue of a related building permit, detailed design drawings of the proposed sewer and stormwater drainage, prepared by a suitably qualified engineer must be submitted for the Council's approval, to the satisfaction of Council's Director City Services and Director Development and Environmental Services. Drawings must clearly differentiate between:
 - (i) Council mains;
 - (ii) private infrastructure;
 - (iii) mains to be abandoned by council and transferred to private ownership; and
 - (iv) Council mains to be permanently abandoned.

Council records show the DN150 sewer main within the development site (Invert Level 72.2 on additional information received 2 May 2008) as a Council main. As this main only services the development site, Council is willing to 'abandon' the main and transfer ownership to the applicant. Abandonment must be undertaken in accordance with the Council's statutory procedures, and can be commenced upon receipt of a written request and proposal from the owner of the development site.

24. Prior to any works commencing on site Civic Solutions must be contacted to accurately locate on site the position of the Council's sewer mains.
25. Prior to the issue of a related building permit (including demolition), the applicant must lodge with the Council security in the form of a cash deposit or bank guarantee from an approved financial institution, for an amount of \$5,000 (five thousand dollars) for the protection from damage of the Council's infrastructure, during construction of the development. Such bond to be released once the works are completed should no damage occur.
26. The recommendations by Pitt and Sherry in the 'Traffic Impact Assessment' dated April 2008 must be implemented by the applicant to the satisfaction of Council's Director City Services prior to the use of the new access and car parking areas commencing. Details related to the recommendations, (to be generally in accordance with sections 2.2 Speed Zone; 2.3 On-site Vehicular Movements, and 3.2 Proposed Future Access Arrangements of the Traffic Impact

Assessment), must be included in the drawings required and submitted to the Council prior to the issue of a related building permit.

27. Stormwater pre-treatment for stormwater discharges from the new car parking areas must be installed by the applicant prior to their first use to the satisfaction of Council's Manager Hydraulic Engineering.
28. Runoff, erosion and sediment controls must be installed at the applicant's cost to the satisfaction of Council's Director Development and Environmental Services, prior to any demolition, or removal and/or disturbance of any soil or vegetation. Details of these controls and a soil and water management plan are to be submitted for approval prior to the commencement of works.
29. Prior to the issue of a related building permit (including demolition), the applicant must submit a traffic plan for the approval of Council's Director City Services and Development and Environmental Services for any works that require alteration to existing internal or external traffic and pedestrian conditions during the construction phase of the development.
30. The applicant must pay the cost of any alterations and/or reinstatement to the Council's infrastructure, and/or to the site's existing property service connection points incurred as a result of the proposed development works.

The following conditions are to be met as part of Stage 3 of the proposal.

31. Sewerage from the proposed development must be discharged to the Council's infrastructure at the applicant's cost. Prior to the issue of a related building permit, detailed design drawings of the proposed sewer drainage, prepared by a suitably qualified engineer must be submitted for the Council's approval, to the satisfaction of Council's Director City Services and Director Development and Environmental Services. Drawings must clearly differentiate between:-
 - (i) Council mains and
 - (ii) Private infrastructure;
32. Prior to the issue of a related building permit (including demolition), the applicant must lodge with the Council security in the form of a cash deposit or bank guarantee from an approved financial institution, for an amount of \$750 (seven hundred and fifty dollars) for the protection from damage of the Council's infrastructure, during construction of the development. Such bond to be released once the works are completed should no damage occur.
33. The applicant must pay the cost of any alterations and/or reinstatement to the Council's infrastructure, and/or to the site's existing property service connection points incurred as a result of the proposed development works.

The following conditions are to be met as part of Stage 4 of the proposal.

34. The design and construction of the parking, access and turning areas must comply with the Australian/NZ Standard, Parking Facilities Part 1: Off-Street Car Parking – AS/NZS 2890.1: 2004.
35. All driveway access, car parking and turning areas and footways must be constructed, sealed and drained by the applicant to the Council's standard requirements prior to their first use and used for no other purposes whatsoever. A suitably qualified engineer at the applicant's cost must inspect the construction of the above areas at the appropriate stages of construction and

prior to occupancy submit a certificate to the Council, certifying compliance with the requirements of this permit.

36. Design drawings of the driveway access, car parking and turning areas must be submitted by the applicant to the Council for approval prior to the issue of a related building permit.
37. Barriers compliant with the Australian Standard AS 1170.1 must be installed by the applicant to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm.

Where barriers are required as above, prior to the issue of a related building permit, the applicant must submit to Council's Director City Services a structural detail and certificate issued by a suitably qualified engineer at the applicant's cost demonstrating compliance with the above requirements.

38. Sewerage and stormwater from the proposed development must be discharged to the Council's infrastructure at the applicant's cost. Prior to the issue of a related building permit, detailed design drawings of the proposed sewer drainage, prepared by a suitably qualified engineer must be submitted for the Council's approval, to the satisfaction of Council's Director City Services and Director Development and Environmental Services. Drawings must clearly differentiate between:-
 - (i) Council mains; and
 - (ii) Private infrastructure.
39. Prior to the issue of a related building permit (including demolition), the applicant must lodge with the Council security in the form of a cash deposit or bank guarantee from an approved financial institution, for an amount of \$750 (seven hundred and fifty dollars) for the protection from damage of the Council's infrastructure, during construction of the development. Such bond to be released once the works are completed should no damage occur.
40. The recommendations by Pitt and Sherry in the 'Traffic Impact Assessment' dated April 2008 must be implemented by the applicant to the satisfaction of Council's Director City Services prior to the use of the new access and car parking areas commencing. Details related to the recommendations, (to be generally in accordance with sections 2.2 Speed Zone; 2.3 On-site Vehicular Movements, and 3.2 Proposed Future Access Arrangements of the Traffic Impact Assessment), must be included in the drawings required and submitted to the Council prior to the issue of a related building permit.
41. Stormwater pre-treatment for stormwater discharges from the new car parking areas must be installed by the applicant prior to their first use to the satisfaction of Council's Manager Hydraulic Engineering.
42. Runoff, erosion and sediment controls must be installed at the applicant's cost to the satisfaction of Council's Director Development and Environmental Services, prior to any demolition, or removal and/or disturbance of any soil or vegetation. Details of these controls and a soil and water management plan are to be submitted for approval prior to the commencement of works
43. Prior to the issue of a related building permit (including demolition), the applicant must submit a traffic plan for the approval of Council's Director City Services and Director of Development and Environmental Services for any works that require alteration to existing

internal or external traffic and pedestrian conditions during the construction phase of the development.

44. The applicant must pay the cost of any alterations and/or reinstatement to Council's infrastructure, and/or to the site's existing property service connection points incurred as a result of the proposed development works.

The following conditions are to be met as part of Stage 5 of the proposal.

45. The design and construction of the parking, access and turning areas must comply with the Australian/NZ Standard, Parking Facilities Part 1: Off-Street Car Parking – AS/NZS 2890.1: 2004.
46. All driveway access, car parking and turning areas and footways must be constructed, sealed and drained by the applicant to the Council's standard requirements prior to their first use and used for no other purposes whatsoever. A suitably qualified engineer at the applicant's cost must inspect the construction of the above areas at the appropriate stages of construction and prior to occupancy submit a certificate to the Council, certifying compliance with the requirements of this permit.
47. Design drawings of the driveway access, car parking and turning areas must be submitted by the applicant to the Council for approval prior to the issue of a related building permit.
48. Barriers compliant with the Australian Standard AS 1170.1 must be installed by the applicant to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm.

Where barriers are required as above, prior to the issue of a related building permit, the applicant must submit to Council's Director City Services a structural detail and certificate issued by a suitably qualified engineer at the applicant's cost demonstrating compliance with the above requirements.

49. Sewerage and stormwater from the proposed development must be discharged to the Council's infrastructure at the applicant's cost. Prior to the issue of a related building permit, detailed design drawings of the proposed sewer drainage, prepared by a suitably qualified engineer must be submitted for the Council's approval, to the satisfaction of Council's Director City Services and Director Development and Environmental Services. Drawings must clearly differentiate between:-
 - (i) Council mains;
 - (ii) Private infrastructure.
50. Prior to any works commencing on site, Civic Solutions must be contacted to accurately locate on site the position of the Council's sewer mains.
51. Prior to the issue of a related building permit (including demolition), the applicant must lodge with the Council security in the form of a cash deposit or bank guarantee from an approved financial institution, for an amount of \$750 (seven hundred and fifty dollars) for the protection from damage of the Council's infrastructure, during construction of the development, such bond to be released once the works are completed should no damage occur.

52. The recommendations by Pitt and Sherry in the 'Traffic Impact Assessment' dated April 2008 must be implemented by the applicant to the satisfaction of Council's Director City Services prior to the use of the new access and car parking areas commencing. Details related to the recommendations, (to be generally in accordance with sections 2.2 Speed Zone; 2.3 On-site Vehicular Movements, and 3.2 Proposed Future Access Arrangements of the Traffic Impact Assessment), must be included in the drawings required and submitted to the Council prior to the issue of a related building permit.
53. Stormwater pre-treatment for stormwater discharges from the new car parking areas must be installed by the applicant to the satisfaction of Council's Manager Hydraulic Engineering.
54. Runoff, erosion and sediment controls must be installed at the applicant's cost to the satisfaction of Council's Director Development and Environmental Services, prior to any demolition, or removal and/or disturbance of any soil or vegetation. Details of these controls and a soil and water management plan are to be submitted for approval prior to the commencement of works.
55. Prior to the issue of a related building permit (including demolition), the applicant must submit a traffic plan for the approval of Council's Director City Services and Director Development and Environmental Services for any works that require alteration to existing internal or external traffic and pedestrian conditions during the construction phase of the development.
56. The applicant must pay the cost of any alterations and/or reinstatement to the Council's infrastructure, and/or to the site's existing property service connection points incurred as a result of the proposed development works.

ATTACHMENT A

**Documents and Drawings that comprise Planning Application Number
 PLN-08-00339-01**

DEVELOPMENT ADDRESS: 49& 61 Augusta Road.

LIST OF DOCUMENTS:
 (As referred to in condition 1)

<i>Description</i>	<i>Plan No. Where Relevant</i>	<i>Date of Lodgement</i>
Application Form		11/4/08
Title		11/4/08
Plans	H07246-C100 Rev A to H07246-C104 Rev A	Book of plans to RPDC hearing 03/03/09 (marked 'ARK copy')
	H07246-C105 to H07246-C109	
	H07246-C200 Rev B	
	H07246-C201 Rev A to H07246-C205 Rev A	
	H07246-C206 to H07246-C207	
	H07246-C251 Rev A to H07246-C255 Rev A	
	H07246-C300	
	Staging of building development and parking details sheet	
TIA		11/4/08
Planning Submission		22/4/08
3D Visualisation		24/4/08
Drainage Plan		22/4/08

Resource Planning and Development Commission