



CITY OF HOBART

# AGENDA

## CITY PLANNING COMMITTEE MEETING (OPEN PORTION OF THE MEETING)

**MONDAY, 2 MAY 2016**

**AT 5.00 PM**

### THE MISSION

Our mission is to ensure good governance of our capital City.

### THE VALUES

**The Council is:**

**about people**

We value people – our community, our customers and colleagues.

**professional**

We take pride in our work.

**enterprising**

We look for ways to create value.

**responsive**

We're accessible and focused on service.

**inclusive**

We respect diversity in people and ideas.

**making a difference**

We recognise that everything we do shapes Hobart's future.

## **HOBART 2025 VISION**

In 2025 Hobart will be a city that:

- Offers opportunities for all ages and a city for life
  - Is recognised for its natural beauty and quality of environment
  - Is well governed at a regional and community level
  - Achieves good quality development and urban management
  - Is highly accessible through efficient transport options
  - Builds strong and healthy communities through diversity, participation and empathy
  - Is dynamic, vibrant and culturally expressive
-

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
2/5/2016**

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  - 10.1 MOLLE STREET SAFETY IMPROVEMENTS**
- 11. QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**
- 12. CLOSED PORTION OF THE CITY PLANNING COMMITTEE MEETING**

**BUSINESS LISTED ON THE AGENDA IS TO BE CONDUCTED IN THE ORDER  
IN WHICH IT IS SET OUT UNLESS THE COMMITTEE BY SIMPLE MAJORITY  
DETERMINES OTHERWISE**

I, Nicholas David Heath, General Manager of the Hobart City Council, hereby certify that:

1. In accordance with Section 65 of the Local Government Act 1993, the reports in this agenda have been prepared by persons who have the qualifications or the experience necessary to give such advice, information or recommendations included therein.
2. No interests have been notified, pursuant to Section 55(1) of the Local Government Act 1993, other than those that have been advised to the Council.



N.D. HEATH  
GENERAL MANAGER

## **CITY PLANNING COMMITTEE AGENDA (OPEN)**

### Committee Members

Briscoe (Chairman)

Ruzicka

Burnet

Denison

### Aldermen

Lord Mayor Hickey

Deputy Lord Mayor Christie

Zucco

Sexton

Cocker

Thomas

Reynolds

Harvey

**City Planning Committee (Open Portion of the Meeting)  
- Monday, 2 May 2016 at 5.00 pm in the Lady Osborne  
Room.**

### **PRESENT:**

### **APOLOGIES:**

### **LEAVE OF ABSENCE:**

### **CO-OPTION OF COMMITTEE MEMBERS IN THE EVENT OF A VACANCY**

Where a vacancy may exist from time to time on the Committee, the Local Government Act 1993 provides that the Council Committees may fill such a vacancy.

### **1. MINUTES OF THE OPEN PORTION OF THE MEETING OF THE CITY PLANNING COMMITTEE HELD ON MONDAY, 18 APRIL 2016**

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**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
2/5/2016**

## **2. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

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In accordance with the requirements of Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015, the Committee, by simple majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the Local Government Act 1993.

### **RECOMMENDATION**

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2015.

## **3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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In accordance with Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the chairman of a meeting is to request Aldermen to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

In addition, in accordance with the Council's resolution of 14 April 2008, Aldermen are requested to indicate any conflicts of interest in accordance with the Aldermanic Code of Conduct adopted by the Council on 27 August 2007.

Accordingly, Aldermen are requested to advise of pecuniary or conflicts of interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015.

## **4. TRANSFER OF AGENDA ITEMS**

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Are there any items which the meeting believes should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015?

**5. PLANNING AUTHORITY ITEMS – CONSIDERATION OF ITEMS WITH DEPUTATIONS**

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In accordance with the requirements of Part 2 Regulation 8 (3) of the Local Government (Meeting Procedures) Regulations 2015, the General Manager is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8 (4) of the Local Government (Meeting Procedures) Regulations 2015, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

**RECOMMENDATION**

That in accordance with Regulation 8 (4) of the Local Government (Meeting Procedures) Regulations 2015, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
2/5/2016**

## **6. COMMITTEE ACTING AS PLANNING AUTHORITY**

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In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Committee to act as a planning authority pursuant to the Land Use Planning and Approvals Act 1993 is to be noted.

In accordance with Regulation 25, the Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

### **6.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997**

#### **6.1.1 20 CASTRAY ESPLANADE, BATTERY POINT – SIGNAGE - PLN-15-01426-01 – FILE REF: 111123 & P/20/396 44x's (Council)**

**APPLICATION UNDER SULLIANS COVE PLANNING SCHEME**

Type of Report	Council
Committee:	2 May 2016
Council:	9 May 2016
Expiry Date:	7 April 2016 (extension of time granted to 8 June 2016)
Application No:	<b>PLN-15-01426-01</b>
Address:	<b>20 Castray Esplanade, Battery Point</b>
Applicant:	Ireneinc (on behalf of the University of Tasmania), 49 Tasma Street, North Hobart
Proposal:	<b>Signage</b>
Representations:	Nil (0)
Performance criteria:	Signs

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**1. Executive Summary**

- 1.1. Planning approval is sought for two wall signs to the Institute of Marine and Antarctic Studies (IMAS) building at 20 Castray Esplanade. One sign would face north towards the water, the other faces south towards Castray Esplanade.
  - The north facing wall sign would be located below the second floor windows at the western end of the building, and measure 19.685m long and 1.465m high. It would be internally illuminated.
  - The south facing sign would also be located below the second floor windows at the western end, and measure 5.966m long and 1.24m high. It would also be internally illuminated.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.2.1. Sign Schedule
- 1.3. No representations were received during the statutory advertising period 17 February 2016 and 2 March 2016.
- 1.4. The proposal is recommended for refusal.
- 1.5. The final decision is delegated to the Council.

## 2. Site Detail

- 2.1. The site is the IMAS building at 20 Castray Esplanade. The signs are to be located on the north and south facing elevations, below the second floor windows, at the building's western end.

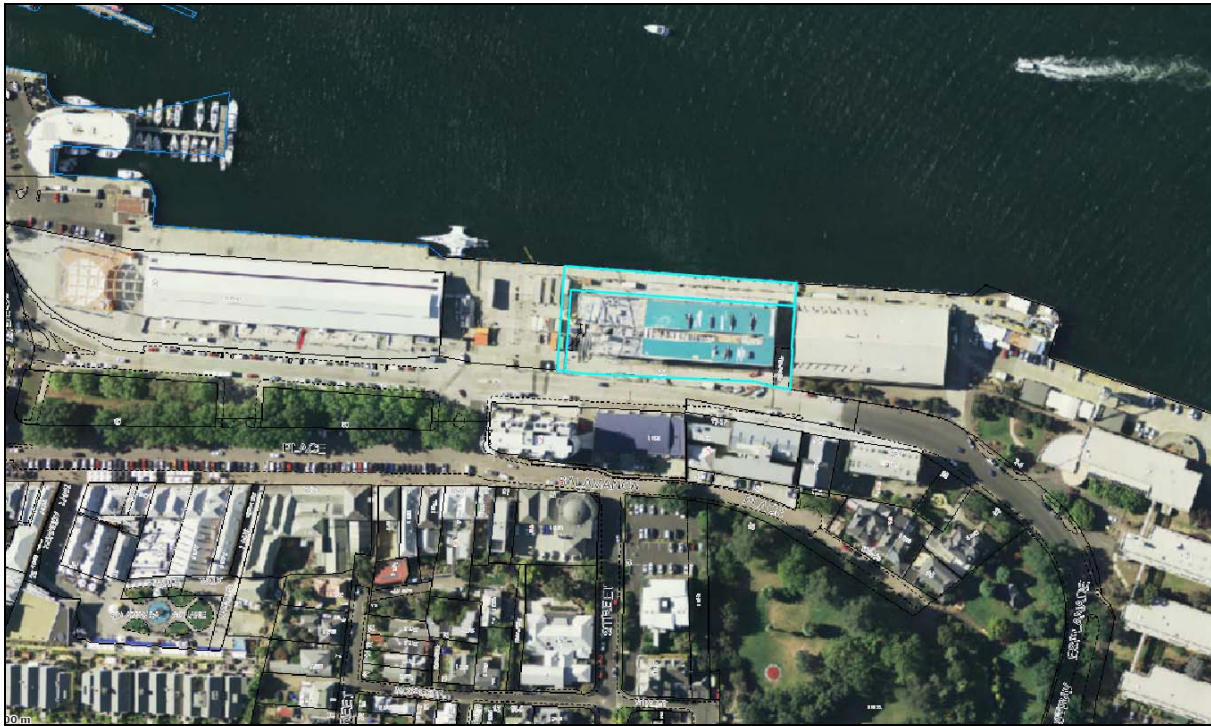


Figure 1: The subject site is bordered in blue, with the IMAS building under construction.



Figure 2: The north facing elevation of the IMAS building.



Figure 3: The north facing elevation of the IMAS building in closer detail.



Figure 4: The south facing elevation of the IMAS building.

### 3. Proposal

- 3.1. Planning approval is sought for two wall signs to the Institute of Marine and Antarctic Studies (IMAS) building at 20 Castray Esplanade. One sign would face north towards the water, the other faces south towards Castray Esplanade.
- The north facing wall sign would be located below the second floor windows at the western end of the building, and measure 19.685m long and 1.465m high. It would be internally illuminated.
  - The south facing sign would also be located below the second floor windows at the western end, and measure 5.966m long and 1.24m high. It would also be internally illuminated.



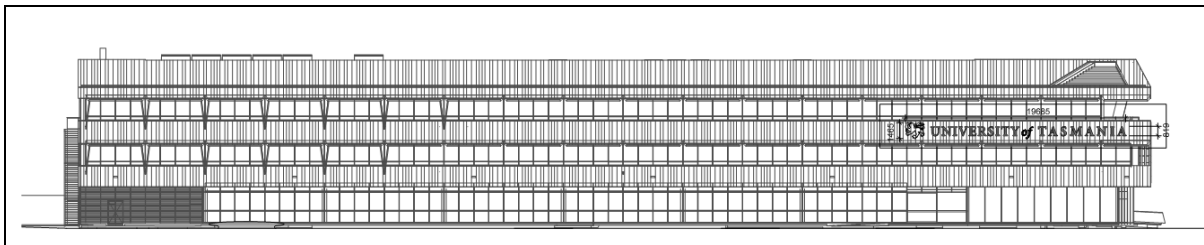


Figure 5: The proposed signage to the northern elevation, in the context of the overall building.



Figure 6: The proposed signage to the northern elevation in a mockup on the actual IMAS building.

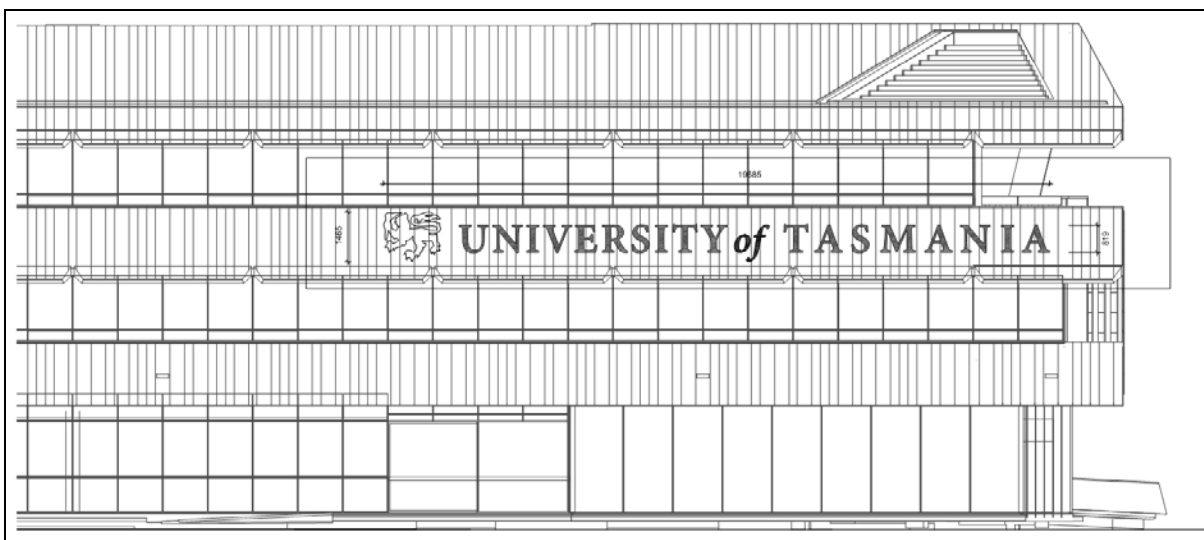


Figure 7: The proposed northern elevation signage in closer detail.

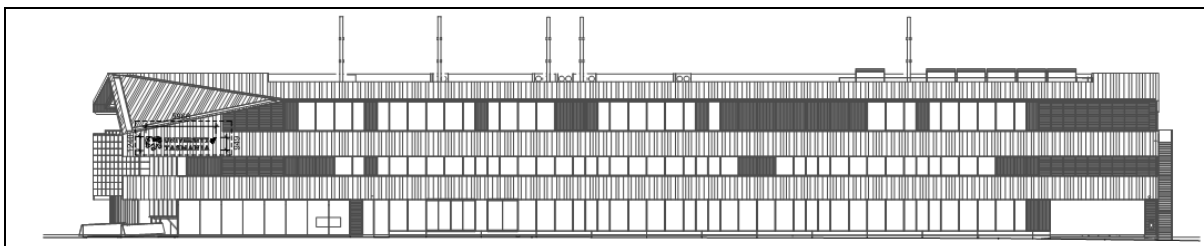


Figure 8: The proposed southern elevation signage in the context of the whole building.

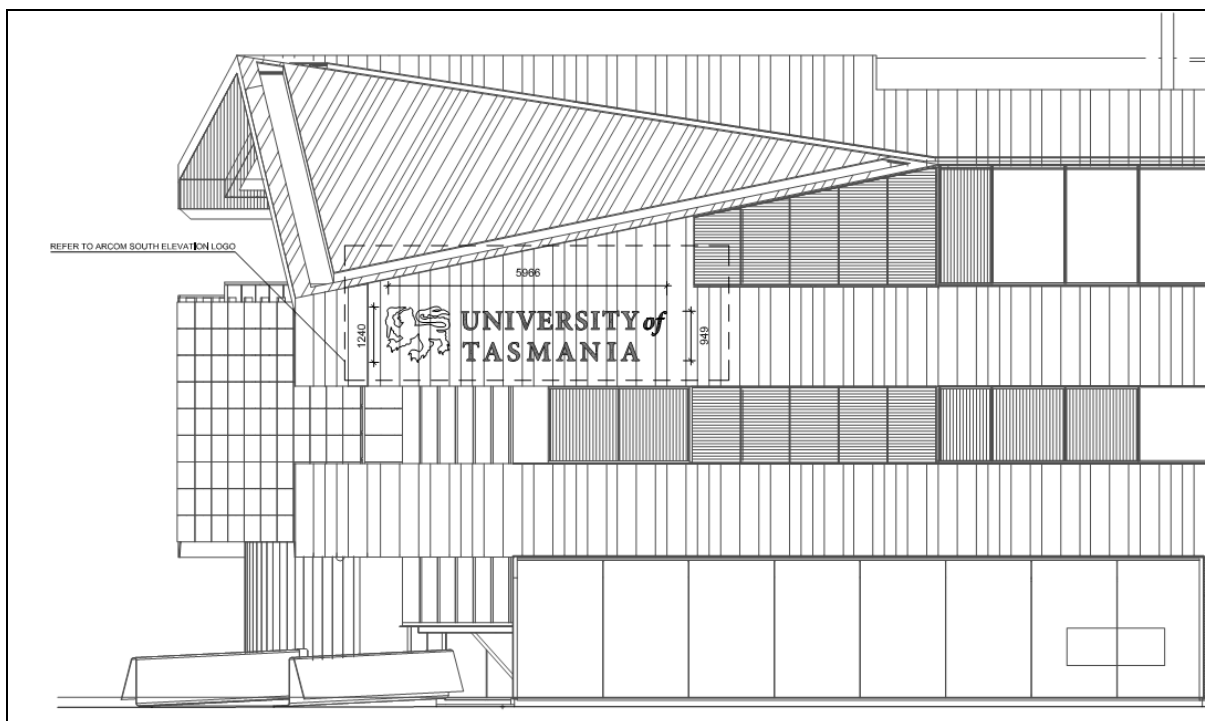


Figure 9: The proposed southern elevation signage in closer detail.



Figure 10: The proposed signage to the southern elevation in a mockup on the actual IMAS building.

#### 4. Background

4.1. N/A

#### 5. Concerns raised by representors

5.1. The application did not receive any representations.



## 6. Assessment

The *Sullivans Cove Planning Scheme 1997* is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the Planning Scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.1. The site is located within Activity Area 4.3 Sullivans Cove 'Working Port' of the *Sullivans Cove Planning Scheme 1997*.
- 6.2. The existing use is the Institute of Marine and Antarctic Studies. This is not proposed to change.
- 6.3. The proposal has been assessed against;
  - 6.3.1. Parts A and B – Strategic Framework
  - 6.3.2. Part D – Clause 21.2 – Activity Area Controls
  - 6.3.3. Part E – Schedule 4 – Signs
- 6.4. The proposal relies on the following performance criteria to comply with the applicable standards;
  - 6.4.1. Signs – clauses 25.13 and 25.14
- 6.5. Each performance criterion is dealt with separately below.
- 6.6. Signs – clauses 25.13 and 25.14
  - 6.6.1. The two wall signs proposed do not meet the acceptable solution, but do meet the performance criterion on the basis that they take up less than 7% of the area of each façade, in accordance with clause 25.14.
  - 6.6.2. In addition to meeting the performance criterion, the signage is required to meet the matters in clause 25.13 which are:
    - *The individual or cumulative effect of the sign or signs on the amenity of the area including the need to avoid visual disorder or clutter of signs.*
    - *The individual or cumulative effect of the sign or signs on the building and/or surrounding area, considering its effect and means of attachment on places of cultural significance.*
    - *The cumulative effect of the sign or signs on existing or approved signs, including signs on buildings and outdoor uses that constitute a sign.*

- *The size and likely impact of the sign having regard to the size of the premises on which it is to be displayed and the scale of surrounding buildings.*
- *The effect of the sign on the safety and security of premises and the area.*
- *The effect of the sign on the appearance, efficiency and safety of a road, railway, waterway or other public way, having particular regard to the sign's colour, brightness and location.*
- *The effect of the sign on pedestrian movement and safety.*
- *Compliance with objectives of this Schedule.*

6.6.3. The last dot point requires consideration against the objectives of the schedule, which are set out at clause 25.2 as follows:

- *To maintain a balance between the established built form and historic character of the Cove and commercial need to advertise goods and services.*
- *To ensure that signs do not intrude into and detrimentally affect the visual amenity of the area.*
- *To ensure that signs are complementary to the overall character of Sullivans Cove, and complement the historic character of the building on which they are mounted.*
- *To prevent visual clutter through the proliferation of signs by encouraging fewer more effective signs.*
- *To ensure that signs do not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.*
- *To ensure signs on places of cultural significance are responsive to the cultural heritage values and the significance of the building or place, both in terms of impact and by means of attachment, by protecting and enhancing those values.*
- *To prevent multiple signs on a single building, unless the cumulative effect of existing and proposed signs will not adversely affect the character and/or cultural heritage values of the building.*

6.6.4. The proposed signage is considered to be consistent with the above, noting the assessment of the Cultural Heritage Officer further below. Generally speaking the signage is modest in scale in the context of the overall building, and in a simple branding design.

6.6.5. However, the IMAS building is considered to be adjacent to heritage listed properties at Princes Wharf Shed Number 1 and 3, as well as 13-17 Castray Esplanade. On that basis, the application was referred to the Council's Cultural Heritage Officer for assessment. The officer's assessment is that the signage to the northern façade should be refused because it has an unacceptable impact on the cultural heritage values of the adjacent listed buildings (Princes Wharf Sheds Numbers 1 and 3) and the Cove generally. The officer's report is provided at Attachment C.

- 6.6.6. On the basis of the Cultural Heritage Officer's report it is recommended that the northern sign be refused. Given that the application is for two signs only, refusing one sign and approving the other would be tantamount to refusal. Therefore the proposal in entirety is recommended for refusal, notwithstanding there is no issue with the south facing sign.

## 7. Discussion

- 7.1. The proposal is for two signs, one to the north facing façade of the IMAS building and one to the southern façade.
- 7.2. The signs require assessment against the performance criteria in the sign schedule, including with respect to heritage adjacent properties.
- 7.3. The Council's Cultural Heritage Officer has assessed the proposal and has raised no issue with the sign to the southern façade. However, the sign to the north façade is not supported by the officer on the basis that it has an unacceptable impact on the adjacent heritage listed Princes Wharf Sheds Number 1 and 3 and on the heritage values of the Cove generally.
- 7.4. The Cultural Heritage Officer's report is provided at Attachment C.
- 7.5. On the basis of the Cultural Heritage Officer's assessment the proposal is recommended for refusal.

## 8. Conclusion

- 8.1. The proposed Signage at 20 Castray Esplanade, Battery Point does not satisfy the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for refusal.

## 9. Recommendations

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council refuse the application for Signage at 20 Castray Esplanade, Battery Point for the following reasons:

1. The sign to the north facing façade is required but fails to meet clause 25.11 of the *Sullivans Cove Planning Scheme 1997* because it amounts to the erection of a sign on a building adjacent to heritage listed buildings that would, by virtue of its size and design (including location) unacceptably detract from the heritage value of the adjacent listed buildings individually and collectively.
2. The sign to the north facing façade is required but fails to meet clause 25.11 of the *Sullivans Cove Planning Scheme 1997* because it amounts to the erection of a sign on a building adjacent to heritage listed buildings that would, by virtue of its size and design (including location) unacceptably detract from the heritage value of the Cove.

3. The sign to the north facing façade is required but fails to meet clause 25.11 of the *Sullivans Cove Planning Scheme 1997* because it amounts to a sign placed in a location on a wharf type building that would not traditionally have been used by wharf buildings as an advertising area.



(Ben Ikin)

**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: 20 April 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – Documents and Drawings  
Attachment C – Cultural Heritage Officer's Report

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-15-01426-01****DEVELOPMENT ADDRESS: 20 Castray Esplanade , BATTERY POINT****LIST OF DOCUMENTATION:**

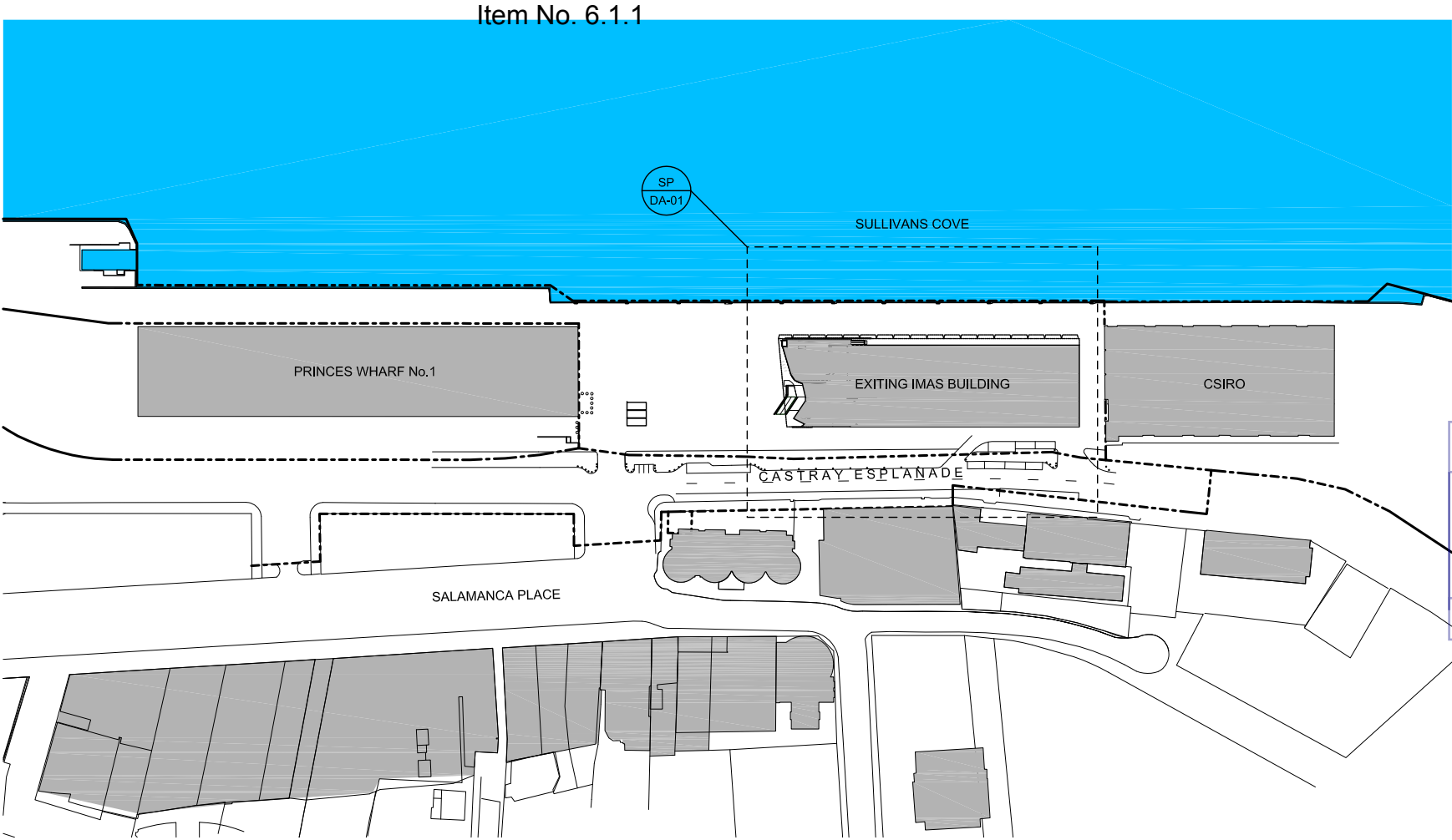
<b>Description</b>	<b>Drawing Number/Revision/Author/Date, Report Author/Date, Etc</b>	<b>Date of Lodgement to Council</b>
Application Form	15-01426	20 November 2015
Title	163045/1	20 November 2015
Planning report, 29 pages.	Author: Tim Nichols, Ireneinc Date: 15 February 2016	15 February 2016
Additional information response, 2 pages	Author: Tim Nichols, Ireneinc Date: 01 December 2015	01 December 2015
Additional information response, 3 pages	Author: Tim Nichols, Ireneinc Date: 03 December 2015	03 December 2015
Existing signage, 12 pages	Author: Buro North Date: 16 June 2013	03 December 2015
Location plan	Drawing: DA-00 Date: 11.11.2015	11 February 2016
Site plan	Drawing: DA-01 Date: 23.09.2015	11 February 2016
North elevations	Drawing: DA-02 Date: 09.02.2015	11 February 2016
North sign indicative daytime view	Drawing: DA-03 Date: 11.11.2015	11 February 2016
North elevation logo	Project: 08082 Drawing: S.1-SD-01 Revision-01 Drawn: RC Date: 08.10.2015	11 February 2016
Southern elevation	Drawing: DA-04 Date: 23.09.2015	11 February 2016
Artist's impression south elevation	-	11 February 2016
South elevation logo	Project: 08082 Drawing: S.2-SD-01 Revision-01 Drawn: RC Date: 08.10.2015	11 February 2016
Sign fixings	Project: 08082 Drawing: S.1-SD-02 Revision-01 Drawn: RC Date: 08.10.2015	11 February 2016

CPC Agenda 2/5/2016

IMAS SIGNAGE

DEVELOPMENT APPLICATION

DRAWING LIST	
TERROIR - ARCHITECTURAL	
GENERAL	
DA-00	COVER PAGE / SITE LOCATION
DA-01	SITE PLAN (SP)
DA-02	NORTH ELEVATIONS 01 & 02 (E1)
DA-03	NORTH SIGN INDICATIVE DAYTIME VIEW
DA-04	SOUTH ELEVATIONS 03 & 04 (E2)
ARCOM	
SOUTH SIGN INDICATIVE DAYTIME VIEW	
SOUTH SIGN ELEVATION DRAWINGS	
SIGN FIXING DETAIL (GENERAL TO BOTH SIGNS)	



CONTEXT PLAN SCALE 1:2000@A3

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GENERAL NOTES

Attachment B

RELEVANT AUSTRALIAN STANDARDS

TO BE READ IN CONJUNCTION WITH ENGINEERS DOCUMENTS

LEGEND

DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01426-01 and was received on the 11 February 2016

Planning Authority: Hobart City Council

Rev	Date	Description
sydney	Level 2, 79 Myrtle St Chippendale 2008 Nominated Architect: Gerard Rehnuth 6629 T 02 96982198 F 02 96982353	
hobart	181 Elizabeth St Hobart 7000 Nominated Architect: Scott Balmforth 564 T 03 6234 6372 F 03 6231 4939	

TERROIR

Project:  
IMAS SIGNAGE

Drawing Description:  
DRAWING LIST  
SITE LOCATION

Drawn by: PS    Checked by: SB    Scale:1:2000@A3

PROJECT NO:	DWG NO:	REV NO:
00000	DA-00	00

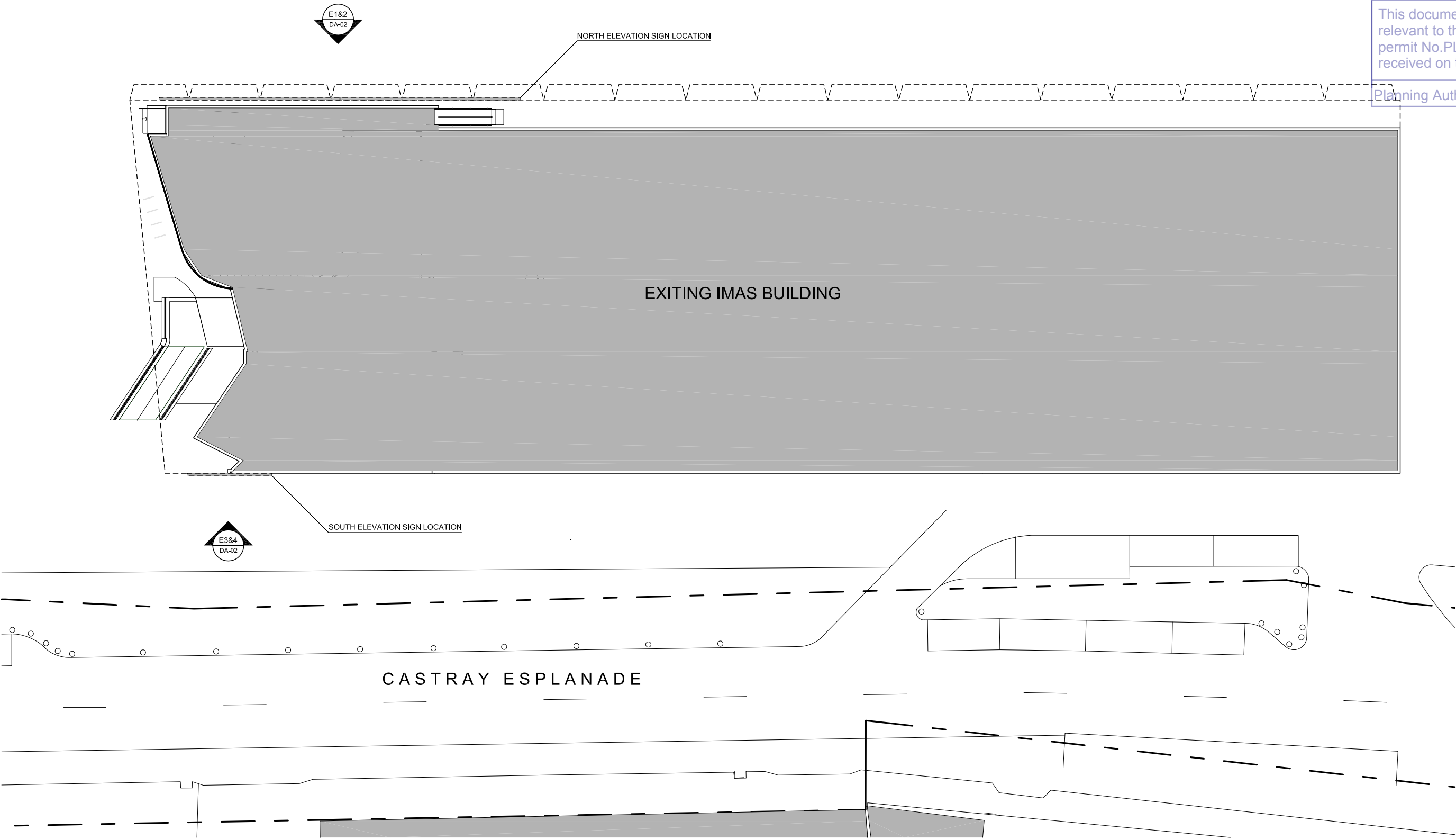
Drawing Status: DA



DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01426-01 and was received on the 11 February 2016

Planning Authority: Hobart City Council



Rev	Date	Description
sydney	Level 2, 79 Myrtle St Chippendale 2008 Nominated Architect: Gerard Reinmuth 6629 T 02 96982198 F 02 96982353	
hobart	181 Elizabeth St Hobart 7000 Nominated Architect: Scott Balmforth 564 T 03 6234 6372 F 03 6231 4939	



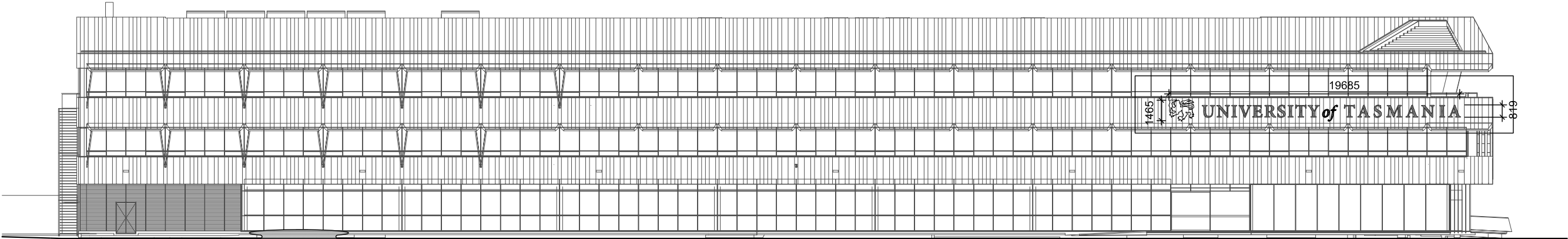
Project:  
IMAS SIGNAGE

Drawing Description:  
SITE PLAN

Drawn by: PS Checked by: SB Scale:1:300@A3

PROJECT NO:	DWG NO:	REV NO:
00000	DA-01	00

Drawing Status: DA

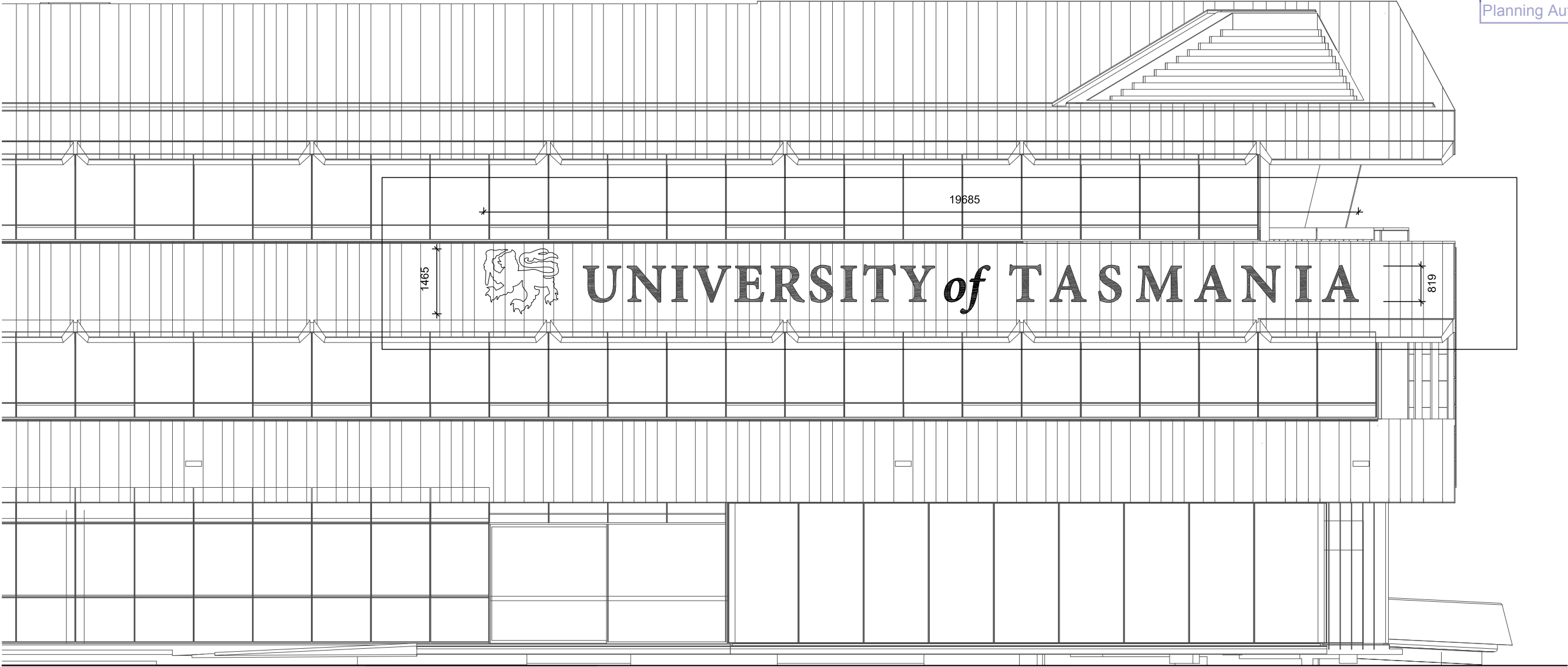


NORTH ELEVATION 01 - SCALE 1:300 @ A3  
TOTAL NORTH FACADE AREA = 1189 m2  
TOTAL NORTH UTAS SIGN AREA = 21.6 m2

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents  
relevant to the application for a planning  
permit No.PLN-15-01426-01 and was  
received on the 11 February 2016

Planning Authority: Hobart City Council



NORTH ELEVATION 02 - SCALE 1:100 @ A3

Rev	Date	Description
sydney	Level 2, 79 Myrtle St Chippendale 2008 Nominated Architect: Gerard Rehnuth 6629 T 02 96982198 F 02 96982353	
hobart	161 Elizabeth St Hobart 7000 Nominated Architect: Scott Balmforth 564 T 03 6234 6372 F 03 6231 4939	

TERROIR

Project:  
IMAS SIGNAGE

Drawing Description:  
NORTH ELEVATIONS 01 & 02

Drawn by: PS	Checked by: SB	Scale: @A3
PROJECT NO: 00000	DWG NO: DA-02	REV NO: 00
Drawing Status:		DA



NOTE: CPC Agenda 2/5/2016  
THE MONTAGE IMAGE BELOW IS TAKEN ON A SONY A7 CAMERA USING 35MM FULL FRAME LENS WITH A 50MM FOCAL LENGTH. A 50MM FOCAL LENGTH OFFERS A SIMILAR PERSPECTIVE AND DEPTH TO THE HUMAN EYE

Item No. 6.1.1

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GENERAL NOTES

DO NOT SCALE FROM THIS DRAWING

CONFIRM ALL DIMENSIONS AND SETOUTS ON SITE PRIOR TO MANUFACTURE & INSTALLATION

ALL WORK IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS

TO BE READ IN CONJUNCTION WITH ENGINEERS DOCUMENTS

LEGEND



DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01426-01 and was received on the 11 February 2016

Planning Authority: Hobart City Council



Rev	Date	Description
sydney	Level 2, 79 Myrtle St Chippendale 2008 Nominated Architect: Gerard Rehnuth 6629 T 02 96982198 F 02 96982353	
hobart	181 Elizabeth St Hobart 7000 Nominated Architect: Scott Balmforth 564 T 03 6234 6372 F 03 6231 4939	

TERROIR

Project:  
IMAS SIGNAGE

Drawing Description:  
NORTH SIGN INDICATIVE  
DAYTIME VIEW

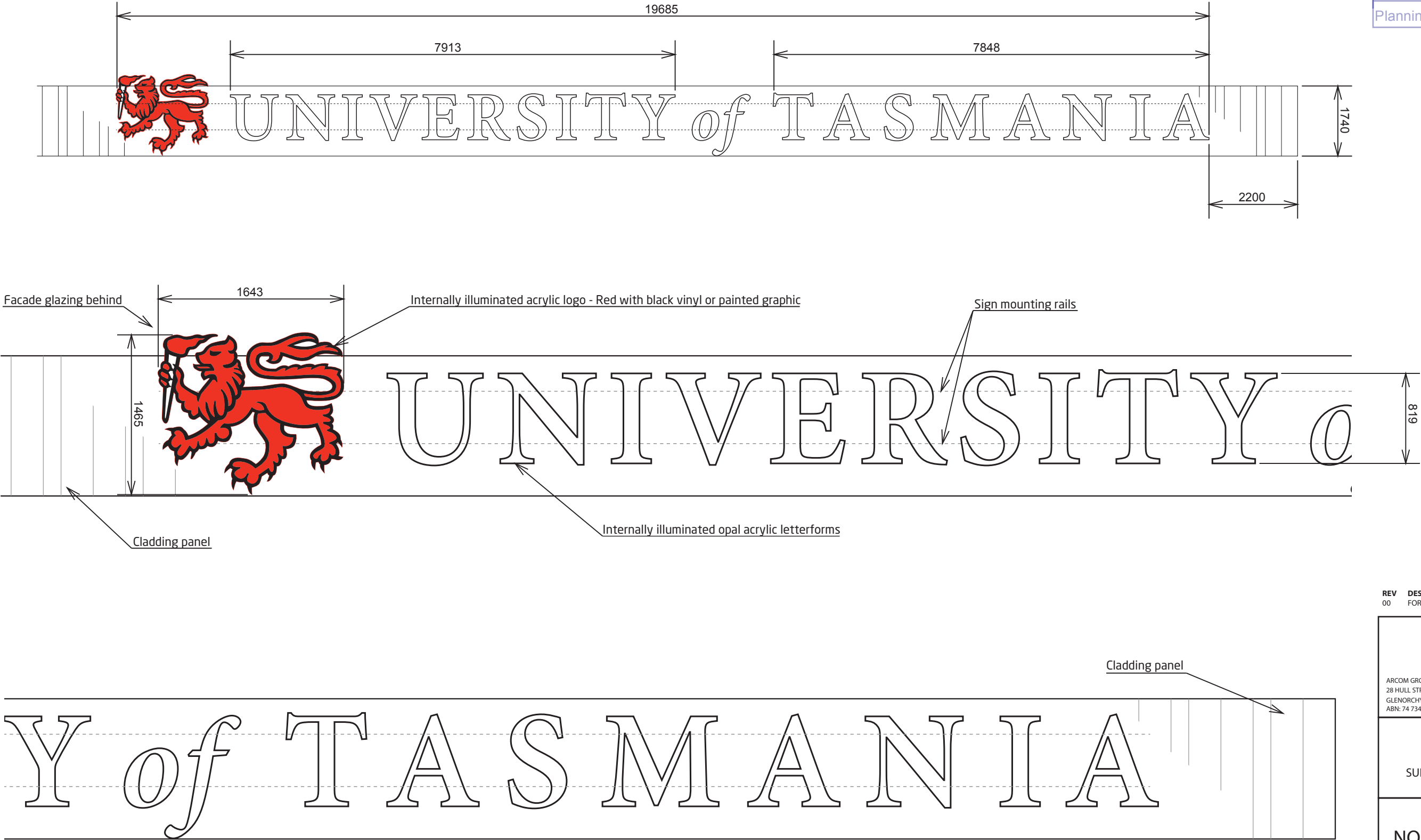
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PROJECT NO:	DWG NO:	REV NO:
00000	DA-03	00

Drawing Status: DA

NOTES:  
This document is one of the documents relevant to the application for a planning permit No.PLN-15-01426-01 and was received on the 11 February 2016

Planning Authority: Hobart City Council



REV	DESCRIPTION	DATE
00	FOR REVIEW	8/10/2015

ARCOM GROUP PTY LTD  
28 HULL STREET  
GLENORCHY TASMANIA 7010  
ABN: 74 734 431 003

T: 03 6272 1822  
F: 03 6272 1552  
E: info@arcomgroupaust.com.au  
W: arcomgroup.net.au

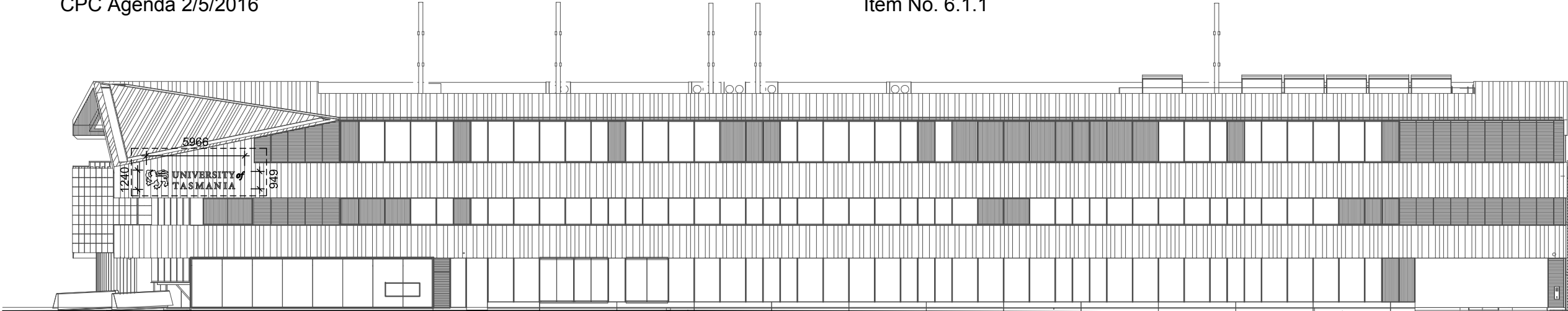
UTAS IMAS  
PRINCES WHARF NO 2  
SULLIVANS COVE HOBART TAS 7000

NORTH ELEVATION LOGO

PLANNING APPROVAL		
PROJECT NO. 08082	DWG NO. S.1-SD-01	REV NO. -01
DRAWN RC	SCALE	PAGE NO

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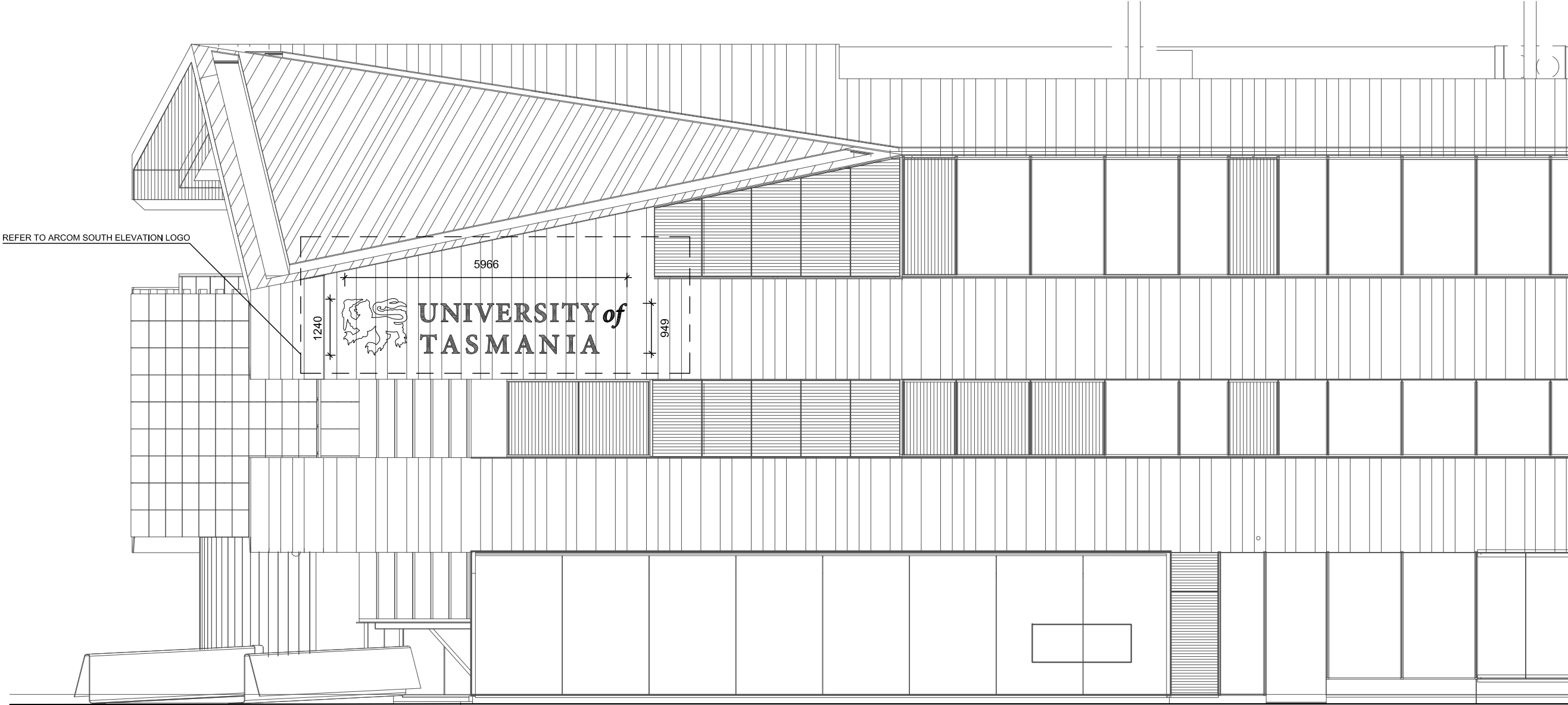
GENERAL NOTES  
DO NOT SCALE FROM THIS DRAWING  
CONFIRM ALL DIMENSIONS AND SETOUTS ON SITE PRIOR TO MANUFACTURE & INSTALLATION  
ALL WORK IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS  
TO BE READ IN CONJUNCTION WITH ENGINEERS DOCUMENTS  
LEGEND



SOUTH ELEVATION 03 - SCALE 1:300 @ A3  
TOTAL SOUTH FACADE AREA = 1108 m2  
TOTAL SOUTH UTAS SIGN AREA = 6.8 m2



DEVELOPMENT APPLICATION DOCUMENT  
This document is one of the documents relevant to the application for a planning permit No.PLN-15-01426-01 and was received on the 11 February 2016  
Planning Authority: Hobart City Council



SOUTH ELEVATION 04 - SCALE 1:100 @ A3



Rev	Date	Description
sydney	Level 2, 79 Myrtle St Chippendale 2008 Nominated Architect: Gerard Rehnuth 6629 T 02 96982198 F 02 96982353	
hobart	161 Elizabeth St Hobart 7000 Nominated Architect: Scott Balmforth 564 T 03 6234 6372 F 03 6231 4939	



Project:  
IMAS SIGNAGE

Drawing Description:  
SOUTH ELEVATIONS 03 & 04

Drawn by: PS	Checked by: SB	Scale: @A3
PROJECT NO: 00000	DWG NO: DA-04	REV NO: 00
Drawing Status:		DA



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PROPOSAL 2 -  
NEW INTERNALLY ILLUMINATED SIGNAGE  
INDICATIVE DAYTIME VIEW

UNIVERSITY OF TASMANIA  
INSTITUTE OF MARINE AND ANTARCTIC STUDIES  
EXTERNAL SIGNAGE PROPOSAL

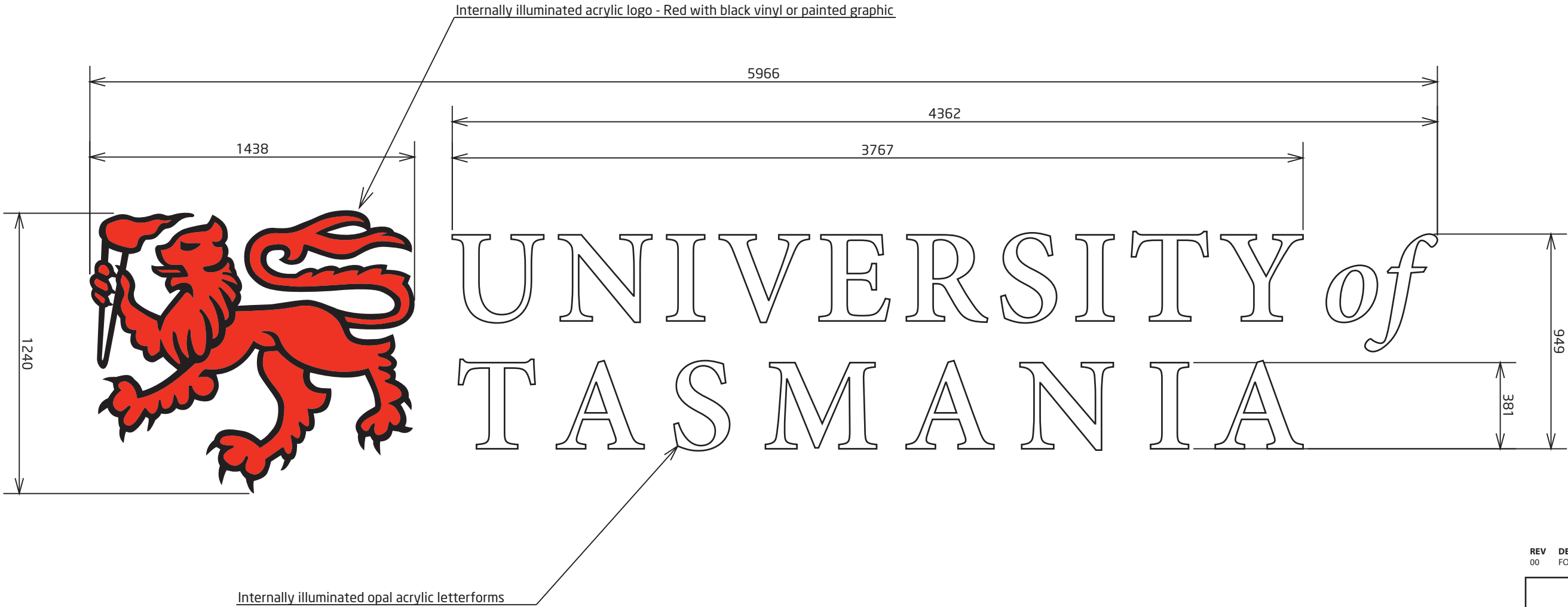


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NOTES:

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REV	DESCRIPTION	DATE
00	FOR REVIEW	8/10/2015



ARCOM GROUP PTY LTD  
28 HULL STREET  
GLENORCHY TASMANIA 7010  
ABN: 74 734 431 003

T: 03 6272 1822  
F: 03 6272 1552  
E: info@arcomgroupaust.com.au  
W: arcomgroup.net.au

UTAS IMAS  
PRINCES WHARF NO 2  
SULLIVANS COVE HOBART TAS 7000

SOUTH ELEVATION LOGO

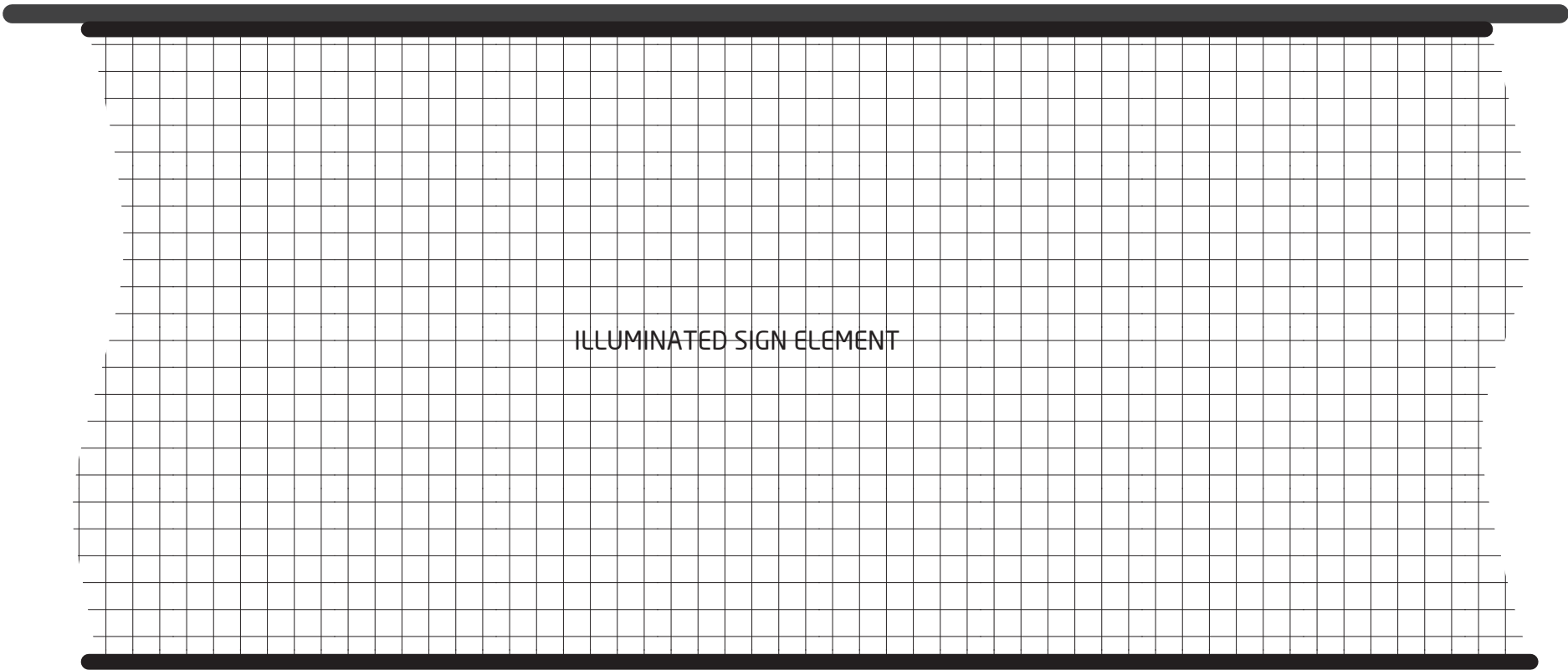
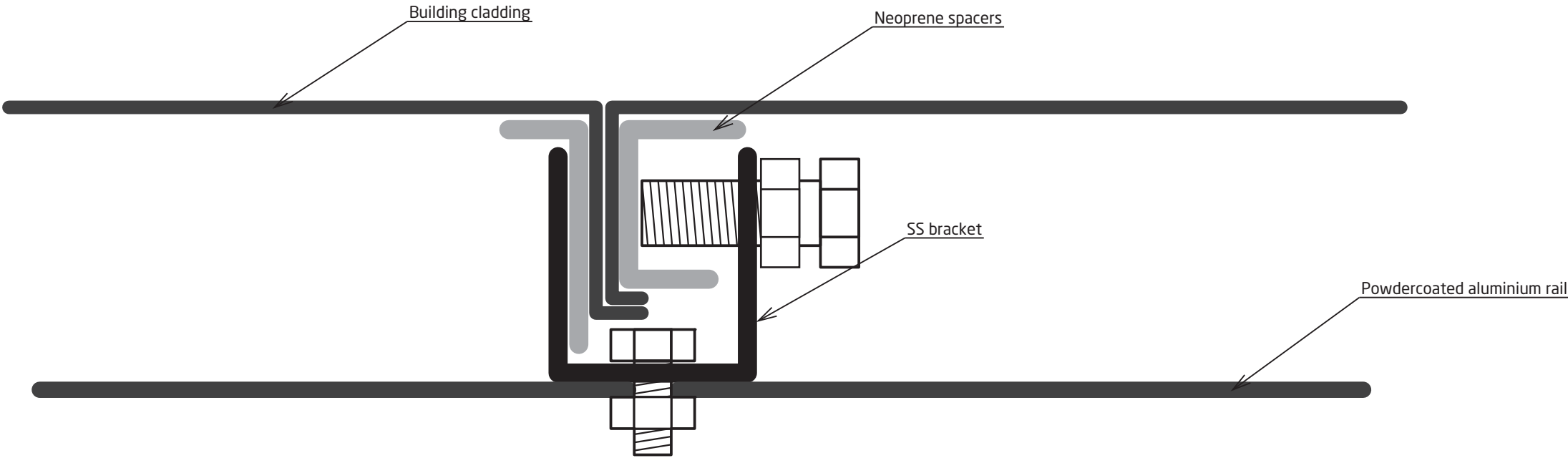
PLANNING APPROVAL		
PROJECT NO. 08082	DWG NO. S. 2-SD-01	REV NO. -01
DRAWN RC	SCALE 1:20 @ A3	PAGE NO

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REV	DESCRIPTION	DATE
00	FOR REVIEW	18/11/2015

ARCOM GROUP PTY LTD  
28 HULL STREET  
GLENORCHY TASMANIA 7010  
ABN: 74 734 431 003

T: 03 6272 1822  
F: 03 6272 1552  
E: info@arcomgroupaust.com.au  
W: arcomgroup.net.au

UTAS IMAS  
PRINCES WHARF NO 2  
SULLIVANS COVE HOBART TAS 7000

SIGN FIXINGS

FOR REVIEW

PROJECT NO. 08082	DWG NO. S.1-SD-02	REV NO. -00
DRAWN RC	SCALE 1:1	PAGE NO

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## 20 CASTRAY ESPLANADE, BATTERY POINT



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## 20 CASTRAY ESPLANADE, BATTERY POINT

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### IMAS Signage

### Development Application

Last Updated - 15<sup>th</sup> February 2016

Author - Tim Nichols

Reviewed - Irene Duckett

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### TASMANIA

49 Tasma Street, North Hobart, TAS 7000

Tel (03) 6234 9281

Fax (03) 6231 4727

Mob 0418 346 283

Email [planning@ireneinc.com.au](mailto:planning@ireneinc.com.au)



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## 1. INTRODUCTION

Ireneinc Planning have been engaged by the University of Tasmania (UTAS) to prepare an application for signage to the Institute for Marine and Antarctic Studies (IMAS) development at 20 Castray Esplanade, Battery Point.

This application has been prepared in consideration to the following statutory documents:

- *Sullivans Cove Planning Scheme, 1997*
- *Proposed Inner City Action Plan, 2012*

This development application is comprised of the following documents that are contained within the appendix:

- *Property Title*
- *Architectural Plans - Terroir*

The following approved documents from the application for the development of the IMAS building are referenced in relation to this application.

- *Conservation Management Plan, Raworth B., 2010.*
- *Site Development Plan, Princes Wharf No. 2, Woolley L. 2010*

### 1.1 BACKGROUND

The original permit for the IMAS building was issued under permit PLN-10-00512-01. Subsequent applications have been submitted to deal with bike storage, signage, changes to the building façade, and changes to forecourt. PLN-12-01023-01 was the signage application, which involved the western façade of the building and detailed the seraphic print on the external glass skin at the frontage of the building.

In 2015 amendment 1/2015 to Schedule 4 - Signs of the *Sullivans Cove Planning Scheme 1997* made the following changes:

- Minor editorial corrections
- 'Contemporary buildings and extensions on a place of cultural significance that are not themselves of cultural significance' were excluded from the prohibitions on signs above the first floor level of a building façade in or adjacent to the Cove Floor under Clause 25.10
- On a contemporary building, or an extension on a place of cultural significance that is not itself of cultural significance, a maximum area of all wall, window and banner signs of 7% of the area of the façade' was added to the Alternative Performance Criteria for Wall Signs and Banner Signs of Table 25.1: Acceptable Solution and Alternative Performance Criteria.

## 1.2 THE DEVELOPMENT SITE

The site is located at the IMAS building at 20 Castray Esplanade, Battery Point. The title is CT163045/1 a copy of the title is contained within the Appendix A of this report. The locations of the proposed signage are on the northern elevation of the building facing Sullivans Cove, and the southern elevation of the building facing Castray Esplanade. See Architectural Plans by Terroir for more information.



Figure 1: Site Location (Source: The LIST)

## 1.3 PROPOSED DEVELOPMENT

This application seeks approval for development of signage on the northern and southern facades of the building as illustrated in the plans contained in Appendix B of this report.

The proposed signage responds to the contemporary design of the IMAS building upon which it will be located, and also is complementary of the overall character of the Cove. The signage will also enhance the pedestrian amenity of the Cove through the facilitation of way-finding, and project the Cove's role as a centre for education and research.

The signage on the northern façade consists of 'UNIVERSITY of TASMANIA' along a single line with the UTAS logo on the left hand side. The signage fits within an area with dimensions of 19.685 x 1.465m = 53.8m<sup>2</sup>, however the difference in height between the text and logo means that there is a smaller overall sign area of approximately 14.75m<sup>2</sup>.

On the southern façade, the signage consists of 'UNIVERSITY of TASMANIA' split over two lines with the UTAS logo on the left hand side. The signage fits within a rectangle with dimensions of 5.966 x 1.24m = 7.4m<sup>2</sup>, however the difference in height between the text and logo means that there is a smaller overall sign area of approximately 6.1m<sup>2</sup>.

The signage to both northern and southern facades is fixed to powder-coated aluminium mounting railing on the facade in between the first and second floor. The signage is constructed in acrylic and is internally illuminated. The signage to both facades is proposed to be illuminated between the hours of dusk until 11pm.

## 2. PLANNING SCHEME PROVISIONS

The site falls within the provisions of the *Sullivans Cove Planning Scheme 1997* (SCPS) (Current 15 September 2015). The relevant provisions are addressed below.

### 2.1 ACTIVITY AREA

The site is located in precinct 4.3 Working Port.

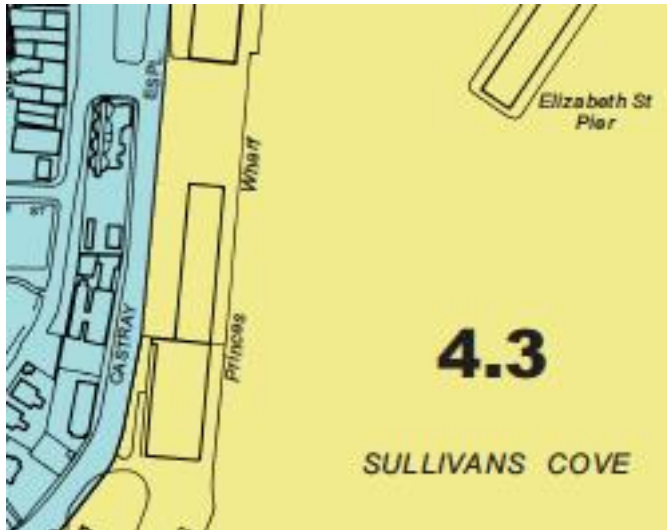


Figure 2: Activity Areas (Source: SCPS)

The Objectives of the Area are:

- (a) To protect and promote public awareness of Sullivans Cove as a unique example of an historic Australian waterfront.
- (b) To promote the continued use of Sullivans Cove as a port for shipping, transport and other industries, as well as facilities for fishing, yachting and harbour facilities.
- (c) To encourage the use and development of a range of cultural, recreational, leisure and entertainment facilities.
- (d) To facilitate the further development of retail, tourist and commercial activities.
- (e) To ensure that the area is further developed as an attractive, comfortable and interesting place for pedestrians.
- (f) To ensure that development in the area respects the cultural heritage and built form of the Cove Floor.
- (g) To ensure sound environmental planning and management for all activities.

The proposal is important to the identity of the IMAS development within Sullivans Cove, and important to wayfinding within the Cove. Signage has been designed with respect to the building form and cultural heritage of the Cove.

### 2.2 CONSERVATION OF CULTURAL HERITAGE VALUES

The site is identified by the planning scheme as a Place of Cultural Significance. It is not listed individually, but as a collective of sites identified as Castray Esplanade Princes Wharf Sheds Nos. 1, 2 and 3, and identified on the plan as site 80. Princes Wharf No. 2 was demolished as part of the approval for development of the site. The site is also adjacent to listed site 12, which is listed as the Former Ordnance Store (Supply & Tender) at 13-17 Castray Esplanade.

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The site is not listed as a Place of Archaeological Sensitivity.

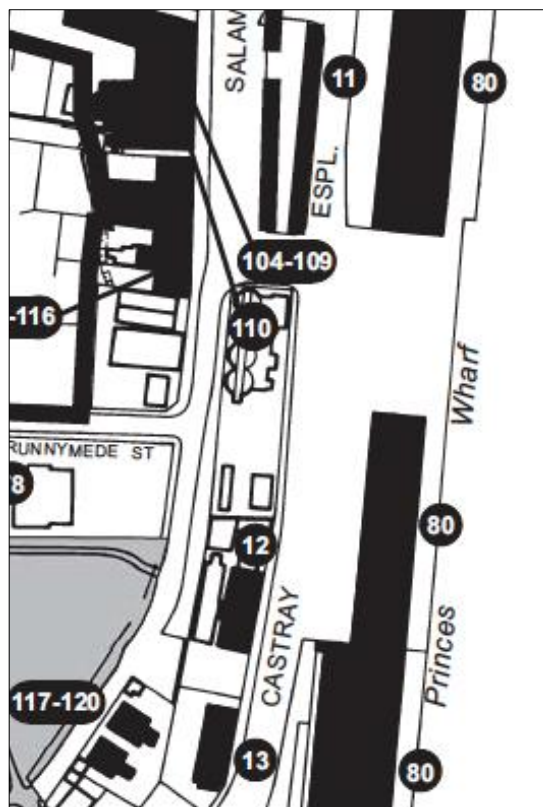


Figure 3: Places of Cultural Significance (SCPS)

As the works are not for the conservation of a place of cultural significance the development is considered discretionary in relation to 22.4.5 of the scheme:

*The following criteria must be taken into consideration in the assessment of all proposals to undertake 'building or works' on places of cultural significance:*

CRITERIA	PROPOSAL RESPONSE
<i>'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;</i>	<p>This application is for signage to be located on the new IMAS building that replaces PW2. The signage is to assist in the buildings identification and contributes to the role of the building in revitalising this area of Sullivans Cove.</p> <p>The proportions of the signage have been determined in consideration of the sightlines from Salamanca and the signage precedence of buildings within the Cove.</p>
<i>'Building or works' must be in compliance with the conservation strategy of an approved Conservation Plan, where required and/or provided;</i>	<p>The Conservation Management Plan (CMP) submitted with the application for the IMAS development examined the value of the place, and identified that <i>'Princes Wharf and its aprons, sea wall and land tie anchors'</i><sup>1</sup> were of primary heritage significance as part of the heritage listing. On this basis the demolition of the Princes Wharf Shed No 2 was approved.</p> <p>In accordance with the Conservation Policy of the CMP, the proposal achieves the following:</p> <ul style="list-style-type: none"> <li>- The signage does not obscure or damage the original fabric of the wharf at all;</li> </ul>

<sup>1</sup> P 25, *Princes Wharfs Nos 1 & 2 Sheds - Conservation Management Plan*, August 2010, Bryce Raworth.



- Development is designed to have regard for, and ensure the ongoing viability and integrity of, Princes Wharf itself, its pier and apron and the associated substructure.

<i>The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;</i>	The proposed signage does not adversely affect the fabric of primary significance (the Princes Wharf and its aprons, sea wall and land tie anchors) or the form and general character of the original wharf sheds.
<i>'Building or works' must not reduce the apparent authenticity of places of cultural significance by mimicking historic forms;</i>	The material of the signage and the font that is used is clearly contemporary.
<i>'Building or works' may be recognisable as new but must not be individually prominent;</i>	The signage is fixed to a new building and integrates with the building fabric so as not to be individually prominent.
<i>The painting of previously unpainted surfaces is discouraged.</i>	N/A

## 2.3 SIGNAGE

The objectives of Schedule 4 -Signage of the scheme are as follows:

- *To maintain a balance between the established built form and historic character of the Cove and commercial need to advertise goods and services.*
- *To ensure that signs do not intrude into and detrimentally affect the visual amenity of the area.*
- *To ensure that signs are complementary to the overall character of Sullivans Cove, and complement the historic character of the building on which they are mounted.*
- *To prevent visual clutter through the proliferation of signs by encouraging fewer more effective signs.*
- *To ensure that signs do not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.*
- *To ensure signs on places of cultural significance are responsive to the cultural heritage values and the significance of the building or place, both in terms of impact and by means of attachment, by protecting and enhancing those values.*
- *To prevent multiple signs on a single building, unless the cumulative effect of existing and proposed signs will not adversely affect the character and/or cultural heritage values of the building.*

### 2.3.1 CATEGORISING SIGNS

The Scheme states in clause 25.5:

#### *25.5 Categorising Signs*

*Each sign must be categorised into one of the definitions listed and described below.*

*If a sign fits a definition of more than one defined sign, the most specific defined sign applies.*

*If a sign does not readily fit any defined sign, it must be categorised as the most similar defined sign.*

The following sign definitions have been considered for the proposed signage:

*Wall sign: A sign painted on or attached parallel to the wall or door of a building*

*Window sign: A sign on a glass surface of a window or door located less than 150 mm behind a surface. Also includes signs on any window which has been painted opaque.*

As the signs are to be located on and fixed to the metal cladding surface of the facades it is proposed that the proposed signage is most similar to the classification 'wall sign'.

### 2.3.2 REQUIREMENTS FOR SIGNS

The requirements for a sign to meet the acceptable solution are as follows:

- *A single sign per building.*
- *Maximum vertical dimension 300mm.*
- *Maximum horizontal dimension 2000mm.*

The proposed signage is for multiple signs on the one building, both exceeding the above dimensions and as such must address the Alternative Performance Criteria, as follows:

- *Maximum vertical dimension 500mm or 5% of height of building wall, whichever is greater.*
- *Maximum horizontal dimension 4000mm.*
- *On a contemporary building, or an extension on a place of cultural significance that is not itself of cultural significance, a maximum area of all wall, window and banner signs of 7% of the area of the façade.*

The proposed signage is located on a contemporary building that whilst on a place of cultural significance is not itself of cultural significance and therefore must be no more than 7% of the area of the façade.

The northern façade signage is  $18 \times 0.818\text{m} + 1.7 \times 1.5\text{m} = 14.75\text{m}^2$  and the façade area is  $1,189\text{m}^2$ . Therefore the sign area is 1.2% of the area of the façade, and meets the Alternative Performance Criteria.

The southern façade signage is  $4.466 \times 0.949\text{m} + 1.5 \times 1.24 = 6.1\text{m}^2$  and the façade area is  $1,108\text{m}^2$ . Therefore the sign area is 0.55% of the area of the façade, and meets the Alternative Performance Criteria.

As the site is listed as a Place of Cultural Significance it is considered discretionary. The following provisions have been considered in relation to the Cultural Significance of the signage:

#### 25.11 Signs on Places of Cultural Significance

*Notwithstanding any Acceptable Solutions or Alternative Performance Criteria allowed for elsewhere in this Schedule, the following provisions apply to the erection of any signs on, adjacent to or within a place of cultural significance (as listed in Table 1 of Schedule 1 of this Scheme):*

- ...
- *A sign on or adjacent to or within a place of cultural significance (as listed in Table 1 of Schedule 1 of this planning scheme) is 'Discretionary'.*
- ...

CRITERIA	PROPOSAL RESPONSE
<i>A sign in the Cove area must not either by its size, design or content detract from the character and heritage value of buildings both</i>	The signage has been designed in consideration of the visual impact that it will have from Salamanca Place and the wharf

<i>individually and collectively including those groups or buildings comprising some which may not be of particular heritage value.</i>	<p>area, and in relationship to the scale of the building that it is fixed to.</p> <p>In particular with relation to the northern signage this involved the testing of a range of sizes from a viewpoint across the wharf area, in between Macquarie 1 &amp; 2 buildings. The final dimensions balance the legibility of the sign from the public spaces around the wharf, with the consideration of the dimensions of the building and surrounding built form. The finishes have been selected to be clearly legible and complimentary to the finishes of the building that is fixed too.</p> <p>The building is the public interface for UTAS and IMAS and the content of the signage has an active role in promoting its programme to the public and the wider community. The signage is specifically related to the activities within the building.</p>
<i>For modern standardised trademark or propriety logo advertising, corporate image requirements such as specific colours must be adapted to suit the individual location and building.</i>	The colour scheme of the UTAS logo that forms the signage is black and white with feature red, to complement the building on which it is mounted and respond to its location.
<i>A sign to be affixed to any place of cultural significance included in Schedule 1 of the Planning Scheme must maintain or reinstate and not detract from its original architecture, heritage value or character.</i>	The sign is not fixed to the original architecture as it is a new building.
<i>Signs must be placed to allow the architectural details of the building to remain prominent.</i>	The signage has been designed in consideration of the architectural details of the building.
<i>Signs must be placed in locations on the building or item that would traditionally have been used as advertising areas. Historical documentation may be required to justify the placement of any new signs.</i>	The building upon which the signage is proposed is a contemporary building that does not have traditionally used areas for advertising.
<i>No signs shall dominate or obscure any other signs and in particular an historic sign forming an integral part either of a building's architectural treatment of detailing, or its heritage.</i>	The proposal does not obscure any other signs.
<i>Fixtures must not damage historic building fabric, including but not restricted to attachments to masonry and wood. All signs and related fittings are to be fixed using appropriate non-corrosive fixings inserted in mortar joints.</i>	The proposal does not impact on any historic building fabric.
<i>Signs that break an historic parapet or roof line will be prohibited.</i>	The sign is not located on a historic parapet or roof line.



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*Use of side-walls to locate signs is prohibited if the wall does not form a street frontage, or has not historically been used for signs.*

The southern signage is located on the Castray Street frontage.

The northern signage does not front a street frontage, however is not considered a 'side-wall'. Consistent with the objectives of the scheme this building is designed in the round, and whilst the form of the building is linear and orthogonal, it fronts a variety of spaces and does not have side walls. Side wall and side boundary provisions consider the impact on adjoining private properties, this is reflected in the tenth dot point of clause 25.11 where it states 'unless that side fronts a street'. The purpose of this qualification is not to prohibit signs where they do not front a street, but to allow for the consideration of side walls that also front a street, i.e. corner lots. The northern boundary of the IMAS building's lot is not adjacent to a private property and as such the northern facade is not a side wall.

The Cove Wall presents a solid edge to, and defines the primary spaces of the Cove; as a result it has a clear difference between front walls facing a primary space and (side) walls facing the secondary spaces such as alleyways. The urban form of the Cove Floor by comparison is considered by the scheme as buildings in the round, and as such the building form is not one of side and front walls, but walls facing the variety of spaces within the Cove Floor. As the Specific Precinct Guidelines under section 24.4.8B in Schedule 3 - Public Urban Space demonstrates, the key public urban spaces include the "wharves and dock edges".

The existing IMAS signage demonstrates this, by being located on the building "face" which does not front the street but rather the "paddock". This establishes the historic precedent of signage not fronting a street.

The IMAS building maintains the traditional urban form of the Cove Floor buildings with low-scale bulk and height characteristics sited within the flat fill area of the Cove Floor. The northern façade in question faces an important and primary space within the Cove Floor, the wharf and dock edge, and as such should not be considered a side-wall.

*Internally illuminated signs attached to a building of cultural significance (excluding contemporary buildings and extensions on a place of cultural significance that are not themselves of cultural significance) are prohibited.*

The proposed signage is not attached to a building of cultural significance.

### 2.3.3 MATTERS TO BE CONSIDERED

The matters to be taken into account when considering the application as outlined in section 25.13 of the scheme are responded to below.

**CONSIDERATION**

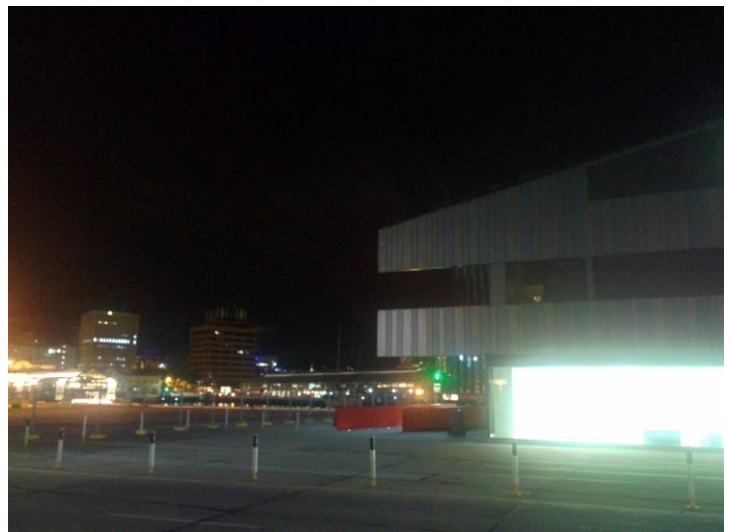
*The individual or cumulative effect of the sign or signs on the amenity of the area including the need to avoid visual disorder or clutter of signs.*

**PROPOSAL RESPONSE**

Amendment 1/2015 to the scheme has facilitated fewer, more effective signs on buildings, and the larger signs now allowable enable the proposed signage to respond to the scale of the IMAs building, as the previously allowable signage would have been incompatible with the scale of this building on these facades and would be perceived as clutter when viewed from anywhere other than the immediate proximity.

The proposal responds to the visual amenity of the Cove area, providing larger signage where appropriate on the northern façade where it will only be viewed from longer distances, and signage at a reduced scale on the southern façade where a number of buildings are within closer proximity (including residential apartment buildings).

The proposal includes illuminated signage, and as such the potential impact of this on surrounding amenity must be considered. The accompanying architectural drawings show night elevations of the proposal, however as the following photos demonstrate, these elevations show the illuminated signage without the context of existing lighting such as street lighting, light spill from windows, and building illumination. The photos were taken at 9:30pm on a Wednesday night, however it is acknowledged that the quality of the photos does exaggerate the effect of the existing levels of light spill.



**Figure 4: Eastern End of IMAS Building from South**

As can be seen in these photos the area is well lit, owing to its role as both a working port and a cultural and social destination.

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Figure 5: IMAS From South With The Glass House Beyond



Figure 6: IMAS Beyond The Glass House and PW1

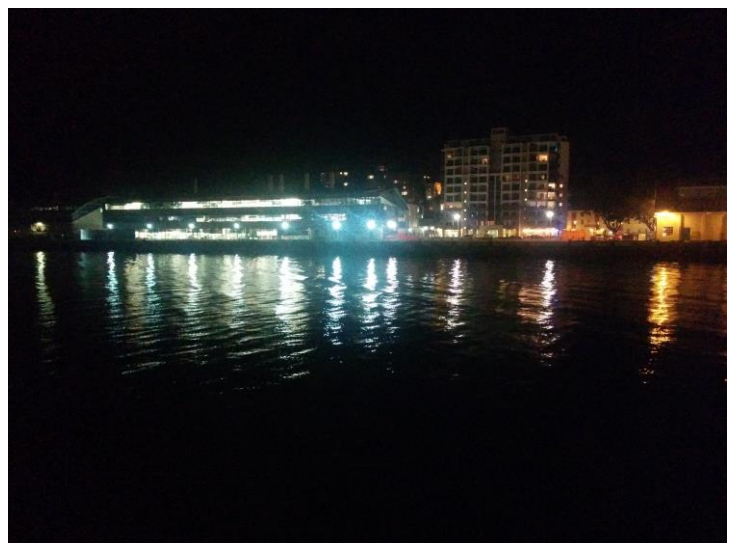


Figure 7: IMAS From Elizabeth St Pier

	<p>The above photos demonstrate that the proposed signage will not significantly increase the level of lighting in the area. The proposal considers nearby residential amenity in its proposed hours of signage illumination (dusk until 11pm), which are shorter than the source of light from IMAS windows (up to 24 hours, seven days a week) and the nearby Glass House building (until midnight, seven days a week).</p> <p>This demonstrates that the proposed signage will not unreasonably impact on the visual amenity of the area.</p>
<i>The individual or cumulative effect of the sign or signs on the building and/or surrounding area, considering its effect and means of attachment on places of cultural significance.</i>	<p>IMAS on the Princes Wharf 2 site is a completely contemporary building which has been constructed on a site which is both heritage listed itself and also adjacent to a number of heritage listed properties. There is no awning or transom of traditional form, and no heritage fabric to which a sign would be traditionally attached. The design of the signs responds to the scale and design of the façade upon which they are located.</p>
<i>The cumulative effect of the sign or signs on existing or approved signs, including signs on buildings and outdoor uses that constitute a sign.</i>	<p>The proposal is facilitated by amendment 1/2015 which sought to promote fewer, more effective signs. As this is a contemporary building it does not have a proliferation of existing signs, and the proposed signs will be the only signage on the subject facades.</p>
<i>The size and likely impact of the sign having regard to the size of the premises on which it is to be displayed and the scale of surrounding buildings.</i>	<p>The proposed signage not only responds to the scale and design of the IMAS building, but also carefully considers the scale of surrounding signage, in particular on heritage fabric. A review of signage on heritage buildings in the Sullivans Cove area determined that the average sign coverage of façade area is 4.54%, with signage varying from around 3-5.7%. The proposed signage on the northern façade is consistent with this surrounding scale, with the southern façade signage reduced in size to respond to the closer vantage points of the surrounding buildings.</p>
<i>The effect of the sign on the safety and security of premises and the area.</i>	<p>The proposed signage is internally illuminated, and will increase night-time way-finding and safety for pedestrians in the Cove area.</p>
<i>The effect of the sign on the appearance, efficiency and safety of a road, railway, waterway or other public way, having particular regard to the sign's colour, brightness and location.</i>	<p>The proposed signage on the northern façade strengthens Sullivans Cove's reputation as a distinct, world class, artistic and educational community as it is seen from the waterway and surrounding areas in the Cove.</p> <p>The signage on the southern façade is located approximately 7.5m above the ground and as such does not interfere or compete with any road and street signage relating to Castray Esplanade.</p> <p>The colouring and illumination of the signage has been carefully designed to complement the building upon which it is mounted, so as not to be unreasonably visually prominent.</p>
<i>The effect of the sign on pedestrian movement and safety.</i>	<p>The proposed signage assists in visual way-finding for pedestrians and other users of the Cove, in particular at night-time.</p>
<i>Compliance with objectives of this Schedule.</i>	<p>The provisions of Schedule 4 -Signage of the scheme are addressed in this report.</p>

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01426-01 and was received on the 15 February 2016

Planning Authority: Hobart City Council

## 2.4 KEY SITES

The site is specified, as a Key Site in Part F of the Scheme as shown in Figure 8. A key site is defined as:

*A site which is regarded as under utilised and having the potential, through development or redevelopment within 5-10 years of the final approval of the Scheme, to be used for activity which will reinforce the strategic framework of the Scheme and objectives of the Activity Area.*

The Scheme requires:

*Prior to any significant development of a Key Site a 'Site Development Plan' must be prepared.*

A Site Development Plan (SDP) was prepared by Leigh Woolley in 2010 and approved as part of the redevelopment of the site for IMAS in accordance with 31.5 of the Scheme. The Site Development Plan does not review signage as part of the report as it does not represent a significant part of the development that was to occur on the site. The signage is consistent with the use and development of the site which has been previously approved and constructed.

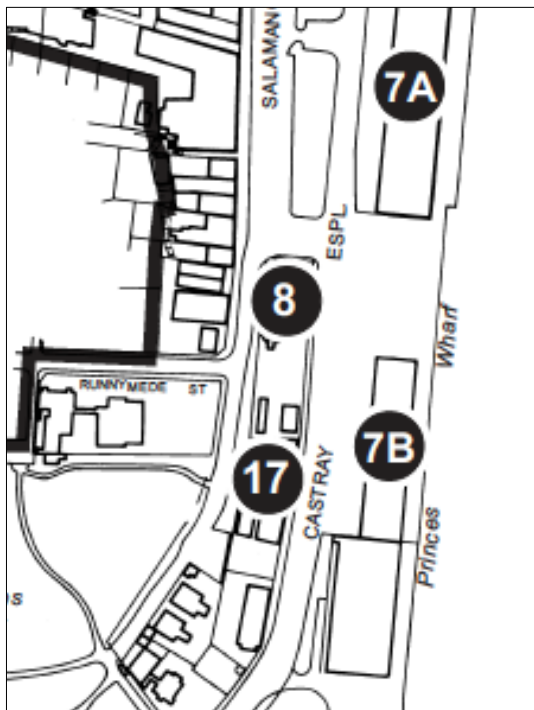


Figure 8: Key Sites (Source: SCPS)



This document is one of the documents relevant to the application for a planning permit No.PLN-15-01426-01 and was received on the 15 February 2016

Planning Authority: Hobart City Council

### 3. CONCLUSION

The application invokes the following discretions under the Scheme:

- Place of Cultural Significance 22.4.5: The site is part of a listing for Princes Wharf Nos 1, 2 and 3.
- Signs on Places of Cultural Significance 25.11: The signs are located on a site listed as a Place of Cultural Significance.
- Table 25.1: Acceptable Solutions and Alternative Performance Criteria: The Signs do not meet the Acceptable Solution for Wall Sign, however do meet the alternative performance criteria.

The signage has been designed with consideration to the contemporary building that it is attached to in terms of size and design. The signage has also been designed with respect to its context and the cultural values of its location on Princes Wharf, within the Cove of the Floor and as seen from Salamanca Place.

As the signage is to be attached to the new IMAS building, which replaces the heritage listed PW2 it will not impact on any heritage fabric. The finishes and the colours have been selected in relation to the IMAS building and the surrounding context. The signage responds to the visual amenity of the area, and is modified to suit the differing visual catchments of the northern and southern faces of the IMAS building.

The proposed signage on the IMAS building is an important component for the activities of the University of Tasmania in their ability to actively promote their programme to the public and the wider community, and strengthens Sullivans Cove's reputation as a distinct, world class, artistic and educational community as it is seen from the waterway and surrounding areas in the Cove. The signage has been designed with signification consideration to its context as one part of a new development that will reinvigorate this area of the Cove. We consider this application for signage to be in accordance with the intents and principles of the Scheme.

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01426-01 and was received on the 15 February 2016

Planning Authority: Hobart City Council

## APPENDIX A - TITLES

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# HERITAGE ASSESSMENT

APPLICATION NO: **PLN-15-01426-01**  
 ADDRESS: **20 Castray Esplanade**  
 DESCRIPTION: Signage  
 PLANNER: Ben Ikin

## SCPS 1997 DISCRETIONS

Schedule 1 - Place of Cultural Significance	<input checked="" type="checkbox"/>	Table 1 / Figure 5 Ref No.80]
Schedule 1 - 'Adjacent' Site	<input checked="" type="checkbox"/>	N/A
Schedule 1 - Place of Archaeological Sensitivity	<input type="checkbox"/>	
Archaeological provisions:		N/A
Schedule 2 – Urban Form	<input type="checkbox"/>	
Schedule 4 - Signs	<input type="checkbox"/>	
Schedule 6 - Subdivision	<input type="checkbox"/>	
Schedule 7 - Demolition	<input type="checkbox"/>	
Part F – Key Sites	<input type="checkbox"/>	
15.5 - Wapping Local Area Plan	<input type="checkbox"/>	

## PRE-ADVERTISING HERITAGE ADVICE/ RFI

Is Further Information Required?

***No Further Information Required***

Initial Response to Planner undertaken by: *Sarah Waight* Date: *26-Nov-15*  
 Additional Information Satisfied confirmed by: *N/A* Date:

## EXECUTIVE SUMMARY

The proposal would fail to comply with the requirements of 25.11 of the Sullivans Cove Planning Scheme by virtue of not conserving the collective cultural heritage values and character of the Cove, and in particular the cultural heritage values of Nos.1 and 3 Princess Wharf.

## HERITAGE ASSESSMENT



*i & ii) Two views of the entrance elevation of No. 20 Castray Esplanade.*

The proposal seeks the provision of signage to the northern and southern facing elevation of the IMAS University of Tasmania building at No.20 Castray Esplanade. Under the definitions stipulated within the Sullivans Cove Planning Scheme (SCPS), the proposed signage is deemed to represent 'Wall' signs.

The proposed signage to the northern, cove facing elevation would measure some 1.4m in height and 19.6m in length and include the lion logo and name of the University. The proposed southern facing signage would measure some 1.2m in height and some 6ms in length and would again contain both logo and wording. Both would be located close to the west facing end elevation that acts as the principle entrance to the building and which already contains existing site identification signage. Both of the proposed pieces of signage would be internally illuminated.

The site in question is the contemporary replacement for Princes Wharf No.2 which previously stood on the site. Although not individually Heritage Listed, the site is identified under the Sullivans Cove Planning Scheme as a Place of Cultural Significance (Ref.80) together with Castray Esplanade Princess Wharf Sheds Nos.1 and 3. It is considered therefore that the Cultural significance of the site is derived from the cumulative importance of the Sheds, structures and the spaces around them in forming the traditional built form of the wharf and its apron. The site also stands immediately adjacent to 13-17 Castray Esplanade, the former Ordnance Store which is also Heritage Listed (Ref 12). The proposed development is therefore considered discretionary.

With regard to the above, 22.4.5 of the Scheme stipulates that when considering applications relating to places of cultural significance, a number of criteria must be considered during its assessment. These include: –

*Building or works must complement and contribute to the cultural significance, character and appearance of the place and its setting;*

*The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;*

With regard to Building or works adjacent to places of cultural significance, 22.5.5 of the Scheme stipulates a number of criteria must be considered during its assessment. These include:-

*'Building or works' must complement and contribute to the specific character of appearance of adjacent places of cultural significance and the historic character of the Cove generally.*

*The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any adjacent or nearby place of cultural significance.*

With regard to specific control over signage, 'Schedule 4 – Signs' of the Scheme stipulates a number of key objectives under 25.2. These include: –

*To ensure that signs are complementary to the overall character of Sullivans Cove, and compliment the historic character of the building on which they are mounted.*

*To prevent visual clutter through the proliferation of signs by encouraging fewer more effective signs.*

*To ensure signs on places of cultural significance are responsive to the cultural heritage values and the significance of the building or place, both in terms of impact and by means of attachment, by protecting and enhancing those values.*

With regard to signs on places of cultural significance 25.11 stipulates in part that: –

*Notwithstanding any Acceptable Solutions or Alternative Performance Criteria allowed elsewhere in this Schedule, the following provisions apply to the erection of any signs **on, adjacent to or within** a place of cultural significance:-*

*A sign in the Cove area must not either by its size, design or content detract from the character and heritage value of the buildings both individually and collectively include those groups or buildings comprising some which may not be of particular heritage value.*

*A sign to be affixed to any place of cultural significance included in Schedule 1 of the Planning Scheme must maintain or reinstate and not detract from its original architecture, heritage value or character.*

*Signs must be placed in locations on the building or item that would traditionally have been used as advertising areas. Historical documentation may be required to justify the placement of new signs.*

*Use of side-walls to locate signs is prohibited if the wall does not form a street-frontage, or has not historically been used for signs.*

#### Size -

With regard to discretionary wall signs, Table 25.1 “Acceptable Solutions and Alternative Performance Criteria”, stipulates that proposed signage located to a contemporary building that whilst on a place of cultural significance is not itself of cultural significance must be no more than 7% of the area of the façade. Given that the proposed signs would occupy less than 1% of the total the façade area, the proposal would meet the Alternative Performance Criteria.

#### Location -

As stipulated above, 25.11 of the Sullivans Cove Planning Scheme stipulates that

*‘Signs must be placed in locations on the building or item that would traditionally have been used as advertising areas.’*

In support of the application, a planning report was commissioned in which it is stated that the above requirement is not applicable as;

*‘The building upon which the signage is proposed is a contemporary building that does not have traditionally used areas for advertising.’*

*(Ireneinc Planning and Smith Street Studio – Pg 10. 15 Feb 2016)*

With regard to the above, it is considered that the interpretation made would appear to suggest that the use of the word 'traditionally' relates solely to the history of the individual building as opposed to the traditional built form of the Cove. Therefore, as the building has only recently been completed, it is incapable of having a 'tradition' of sign location and is therefore not subject to this requirement. Thus, the above interpretation would suggest that contemporary buildings exist outside of the traditional built form of the Cove.

It is considered that, as set out above, this interpretation would appear to stand contrary to the general approach of the SCPS which seeks to ensure that;

*25.11 A sign in the Cove area must not either by its size, design or content detract from the character and heritage value of the buildings both individually and collectively include those groups or buildings comprising some which may not be of particular heritage value.*

and that;

*To ensure that signs are complementary to the overall character of Sullivans Cove, and compliment the historic character of the building on which they are mounted.*

It is considered that the new IMAS building whilst clearly contemporary, represents both a replacement and a continuation of the traditional built form of the inter war Wharf building previously demonstrated by Princess Wharf No.2. Further, that this 'wharf shed form' is a recognised style that is clearly identifiable amongst all of the inter war and recent replacement buildings that sit on the Cove floor.

Attention is drawn to the Senior Development Planner Officers report to the Sullivans Cove Water Authority (SCWA) dated 3 December 2010 in which the original application for the demolition of Princess Wharf No.2 and the erection of the present IMAS building were recommend for approval. Within the report, the Officer quotes directly from a Heritage Impact Assessment prepared by Bryce Raworth which stated;

*"The new building adopts a scale, siting and configuration that draw directly upon the scale, siting and character of the building to be demolished, and the neighbouring Sheds No 1 & 3, but interprets in a modern way the typology and character of these buildings. The building adopts a gabled sectional character with a lantern clerestorey element and a horizontal extruded form that are expressive of the wharf shed typology." (pg.25)*

The Officer then went on to state that;

*"The Design Panel also supported the design approach of the building in taking on a shed like typology consistent with the existing development on Princes Wharf." (pg.25)*

This would appear to correspond with an additional Heritage Advice note by Heritage Consultants Lovell Chen commissioned by SCWA which states;

*'The proposed building draws directly on the precedence of the existing building and is a refined interpretation of the wharf shed form. In this regard it compliments and adds to the existing character of the heritage place.'*

It is considered therefore that in relation to architectural form, the demolition of the Heritage Listed Princess Wharf 2 and its replacement with the current IMAS building was deemed to be acceptable by the SCWA by the virtue of its clear use of 'wharf shed typology'. By doing so, it thus allowed the contemporary reinterpretation of the style to stand amongst and form a modern extension to the clearly discernible and recognised group of Wharf buildings within the floor of the Cove, and not separate from them.

With regard to the above, it is considered that one of the shared commonalities of the 'wharf shed typology' within the Cove relates to the traditional location of signage. Extending to all of the major Cove edge buildings, (Macquarie Wharf sheds, Elizabeth Street Pier, the new Brooke Street Pier and Princess Wharf Sheds 1, 3 and prior to its demolition, No.2), where site identification signage occurs, it has traditionally been located to the end, western facing entrance elevations. Importantly, elevations facing onto the Cove have traditionally remained free of signage.



iii) & iv) End elevation and side elevations of Princess Wharf No.1.



v) & vi) End and side elevations of PW No.2 prior to demolition (Copyright Google Maps).

It is interesting to note that this pattern of signage location was specifically identified as 'traditional' by Ireneinc Planning and Smith Street Studio within a supporting submission for an earlier application PLN-13-00863 for signage at the same site dated 27 August 2013. Dealing with an application for signage to the west facing gable elevation of the IMAS building, it is stated that:

*The signage has been located on the Western façade as this is also the traditional location for signage for PW2 and PW1. (Pg 6)*

*The proportions, construction and location of signage is an appropriate interpretation of the historic signage that was on PW2, to suit the contemporary IMAS building. (pg 10)*

*Works are located on the western elevation of the building adjoining the forecourt between PW1 and PW2, this is the traditional location for the name of the building and assists in the recognition of the building from Salamanca. (pg 10)*

*As illustrated in Figure 2 signage was traditionally located on the western frontage of PW2 to address the forecourt of the building. (pg12)*

*The signage is not located on the street frontage. However, as illustrated in Figure 2 the western wall has historically been used for signs. PW1 also retains signage to its forecourt on the western elevation. (pg12)*

It is therefore considered that the report clearly indicates that the placement of signs to the western facing elevation is traditional to both the building and within the wider group of which it forms a part.

Given the above, it is considered that contrary to the suggestion made in support of the current application, although contemporary, the IMAS building still forms part of a group of buildings identified as being Places of Cultural Significance. Further, that the history of the site is clearly evident through its form by virtue of sharing a common 'wharf shed typology' with others within the group and the wider Cove floor. The building therefore cannot be viewed in isolation, but rather as a continuation of the wharf shed form and thus bound by the broad homogeneity which links these buildings, including in this instance, the traditional location of signage.

It is noted that in their decision to uphold a refusal by the Sullivans Cove Waterfront Authority for additional outdoor dining structures to Elizabeth Pier on Franklin Wharf, the Resource Management and Planning Appeal Tribunal of Tasmania agreed with the Heritage Consultant and contract Architect with GHD that it was important in the presentation of the heritage and architectural qualities of such structures to ensure that they read as 'simple industrial building' and that 'the side returns of the building be as uncluttered as possible so that the robust character of the building can be appreciated'. - Tavern 42 Degrees South Pty Ltd v Sullivans Cove Waterfront Authority [2006] TASRMPAT 85 (11 May 2006)

In view of the above, it is therefore considered that the placement of signage to the Heritage Listed buildings to the Wharf Shed structures within the Cove Floor has been controlled to ensure that these be limited to the 'traditional' location of the western facing gable end elevations. It is therefore considered that the placement of

signage to gable ends of 'Wharf Sheds' within the Cove Floor is considered to be a distinct characteristic of these structures and thus of the wider Cove as a direct reflection of its cultural heritage as a working port. As such, it is considered that the IMAS building, by virtue of being a Cove Floor structure that has adopted the 'Wharf Shed' 'typology' and which stands within a group of recognised Heritage Listed 'Wharf Sheds', is therefore capable of compromising this characteristic by seeking provision of site identification signage to elevations other than the western facing gable. In so doing, it thus erodes the cultural significance of the other 'Wharf Sheds' within the Cove Floor, particularly those directly within the group in which it stands, Nos.1 and 3 Princess Wharf.

As no contrary historical evidence has been provided, it is considered that the proposal would fail to comply with the requirements of the Sullivans Cove Planning Scheme by virtue of not conserving the collective cultural heritage values of the Cove, in particular the cultural heritage values of Nos.1 and 3 Princess Wharf contrary to 25.11, in that;

*A sign in the Cove area must not either by its size, design or content detract from the character and heritage value of the buildings both individually and collectively include those groups or buildings comprising some which may not be of particular heritage value.*

and

*Signs must be placed in locations on the building or item that would traditionally have been used as advertising areas. Historical documentation may be required to justify the placement of new signs.*

Notwithstanding the above, it is noted that there is a general presumption that elevations that face onto the principal street frontage of buildings is the most suitable location for site identification signage within the Cove. The smaller of the two proposed signs is proposed to face directly onto the Esplanade and would thus have a smaller visual impact than the larger Cove facing signage whilst also have some visual connection with the forecourt and the main entrance to the building and thus the principal aim of site identification. Given the above, it is therefore considered that an argument could be made to allow the smaller of the two signs without necessarily compromising the cultural heritage of the Cove to a degree to warrant refusal. However, the approval of the application with condition not approving the larger of the sign would not be considered reasonable in this instance and therefore complete refusal based on the larger Cove facing signage is recommended.

Suggested reason for refusal are:

1. The sign to the north facing façade is required but fails to meet clause 25.11 because it amounts to the erection of a sign on a building adjacent to heritage listed buildings that would, by virtue of its size and design (including location) unacceptably detract from the heritage value of the adjacent listed buildings individually and collectively.
2. The sign to the north facing façade is required but fails to meet clause 25.11 because it amounts to the erection of a sign on a building adjacent to heritage listed buildings that would, by virtue of its size and design (including location)



unacceptably detract from the heritage value of the Cove.

3. The sign to the north facing façade is required but fails to meet clause 25.11 because it amounts to a sign must placed in a location on wharf type building that would not traditionally have been used by wharf buildings as an advertising area.



Nick Booth  
Heritage Officer  
16 March 2016

**7. TASMANIAN PLANNING SCHEME – DRAFT STATE PLANNING  
PROVISIONS - EXHIBITION FOR COMMENT – REPRESENTATION –  
FILE REF: 32-13-7**

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63x's

Report of the Director City Planning and the Manager Planning Policy and Heritage of  
20 April 2016, and attachment.

DELEGATION: Council

**TO** : City Planning Committee

**FROM** : Manager Planning Policy and Heritage

**DATE** : 20 April, 2016

**SUBJECT** : **TASMANIAN PLANNING SCHEME – DRAFT STATE PLANNING PROVISIONS - EXHIBITION FOR COMMENT - REPRESENTATION**

**FILE** : 32-13-7 JMC (s:\projects\single planning scheme\tps march 16\cpc report and briefing\report for committee april16.docx)

## **1. INTRODUCTION**

- 1.1. This report considers the Draft State Planning Provisions (SPP) and seeks endorsement from Council of the representation proposed to be made to the Tasmanian Planning Commission.
- 1.2. A copy of the Draft State Planning Provisions and Explanatory Document is available on the Tasmanian Planning Commission web site at:  
[http://www.planning.tas.gov.au/planning\\_our\\_future/draft\\_state\\_planning\\_provisions](http://www.planning.tas.gov.au/planning_our_future/draft_state_planning_provisions)

## **2. BACKGROUND**

- 2.1. On the 17<sup>th</sup> December 2015 amendments were made to the Land Use Planning and Approvals Act 1993 (the Act) which enabled the preparation of draft SPP to be known as the Tasmanian Planning Scheme.
- 2.2. In addition to the formal public exhibition and assessment processes, the Act requires consultation with planning authorities, the Tasmanian Planning Commission and any state agencies and state authorities the Minister sees fit, in preparing the draft SPP.
- 2.3. The Minister for Planning and Local Government, by letter to the Lord Mayor dated 22<sup>nd</sup> December 2015, provided a copy of the draft SPP and invited comments by the 5<sup>th</sup> February 2016.
- 2.4. At its meeting on 22<sup>nd</sup> February 2016, Council endorsed the comments made at officer level on the 4<sup>th</sup> February 2016.
- 2.5. The Minister for Planning and Local Government has now approved the draft SPP for exhibition under section 21 of the Act.
- 2.6. The Act requires the Commission to make the draft SPP available for comment, then to consider the SPP and report back to the Minister [sections 24 and 25].

### **3. PROPOSAL**

- 3.1. The proposal is that the representation to the Tasmanian Planning Commission provided in *Attachment A* to this report be endorsed.

### **4. TASMANIAN PLANNING SCHEME**

- 4.1. The TPS sets out the requirements for use or development of land in accordance with the Act. The TPS is comprised of the SPP and the Local Provisions Schedules (LPS).
- 4.2. The SPP includes the purpose and objectives, the administrative requirements and processes including exemptions from the planning scheme and general provisions that apply to all use and development irrespective of the Zone, the Zones with standard use and development provisions, and the Codes with standard provisions.
- 4.3. The LPS is comprised of the Local Planning Provisions (LPP) that apply to each local council area, which includes zone and overlay maps, local area objectives, lists relevant to codes, Particular Purpose Zones, Specific Area Plans, and any site specific qualifications for specific circumstances.
- 4.4. The draft SPP have been prepared based on the template provided in Planning Directive No 1 – Content and structure of planning schemes, and include most of the 22 standard zones provided for in that template that are currently used in interim planning schemes across Tasmania, as well as a range of general and administrative provisions.
- 4.5. The draft SPP also contain a suite of statewide codes building on those generally in use in interim planning schemes based on the regional model provisions developed by regional council bodies, as well as statewide content developed by relevant state agencies and the Tasmanian Planning Commission.
- 4.6. Generally the format and structure, definitions and use classes in the SPP are similar to those found in the Hobart Interim Planning Scheme 2015.
- 4.7. The draft SPP is accompanied by an explanatory document which includes:
- 4.7.1. an overview of the process and structure of the Tasmanian Planning Scheme;
  - 4.7.2. a clause by clause explanation of the draft SPP outlining their strategic intent and function and their rationale;
  - 4.7.3. an outline of the legislative criteria and content of the Local Planning Provisions;
  - 4.7.4. guidelines for the implementation of the State Planning Provisions; and

- 4.7.5. zone and code application framework, including strategic intent and function.
- 4.8. The zone application framework provides the criteria for the allocation of the various zones and notes that:
  - 4.8.1. all land in the TPS area must be zoned;
  - 4.8.2. zone application must reflect and be supported by strategic planning studies and the Regional Land Use Strategy; and
  - 4.8.3. each zone in the TPS has a stated purpose which may only be used in the determination of discretionary applications.
- 4.9. The code application framework notes that:
  - 4.9.1. codes set out standards for use or development for matters which are not necessarily confined in application to one zone area;
  - 4.9.2. a code should not alter the zone's intent;
  - 4.9.3. code provisions override zone provisions.
- 4.10. The LPS will contain the Particular Purpose Zones, Specific Area Plans (SAP) and Site Specific Qualifications.
- 4.11. A Particular Purpose Zone may only be used where the intended outcomes cannot be achieved through the application of one or more SPP Zones. A Particular Purpose Zone may be appropriate to provide for:
  - 4.11.1. development or protection of key public facilities and infrastructure or other major assets;
  - 4.11.2. provision for other uses that provide a significant social, economic or environmental benefit; or
  - 4.11.3. development of areas that require a unique mix of use and development controls.
- 4.12. A SAP sets out more detailed planning provisions for use or development in specific sites or areas. A SAP may only be used where the intended outcomes require unique or additional planning controls. A SAP may be appropriate to provide for:
  - 4.12.1. conservation of groups of buildings or area of special cultural value;
  - 4.12.2. development of areas which are characterised by environmental, economic, social or spatial qualities that require unique or additional development controls; and

- 4.12.3. provision for other uses that provide a significant social, economic or environmental benefit.
- 4.13. A Site Specific Qualification allows for a variation from a State Planning Provision Zone Use Table or a use or development standard within a SAP or Code. A Site Specific Qualification must only be used where it is required for:
  - 4.13.1. a prohibited use to be Permitted or Discretionary to enable establishment or expansion of uses that provide a significant social, economic environmental benefit; and
  - 4.13.2. for the variation of a development standard where the specific site characteristics warrant an approach not within the discretion provided for in the performance criteria and there are significant social, economic environmental benefits.

## **5. DISCUSSION**

- 5.1. The representation proposed in relation to the draft SPP (*Attachment A*) has identified a considerable number of issues related to the detailed drafting of various standards and provisions. The more substantive issues identified are outlined and discussed below.
- 5.2. **Strategic foundation**
- 5.3. There has been little strategic work completed to inform what outcomes the TPS should be aiming to achieve. Without a view of what the scheme should be achieving for the state as a whole, it is difficult to accept that the content of the TPS will achieve a positive and sustainable planning outcome. The TPS was drafted in a very short timeframe with little guiding policy, which can only lead to ad hoc and small-detail focussed outcomes, rather than being crafted to achieve a holistic desired outcome for Tasmania's natural and built assets.
- 5.4. Elements of the TPS appear to be based on 'policy' positions that have not been documented or subject to any consultation process.
- 5.5. **Standardisation of zone provisions**
- 5.6. In general, standardising numerical provisions as acceptable solutions for the entire state is difficult to achieve in a way that result in a positive outcome in all areas of the state. Particularly in an area such as Hobart, where historical development patterns have resulted in unique areas that do not necessarily fit a 'neat' zoning structure, standardising acceptable solutions does not reflect the existing or desired character of many areas.
- 5.7. The standardisation of zone provisions appears to have often been achieved by taking an average or median of quantitative standards applied in the interim model schemes of the three regions. It is likely that this approach will result in acceptable solutions that do not directly suit any of the areas where a zone has

been applied. This will likely result in applications that are discretionary despite matching the prevailing or desired characteristics of the local context, and other applications that are permitted despite being at odds with the prevailing or desired characteristics of the local context.

- 5.8. The change in zone standards has rendered some zones now incompatible with the way they are currently applied under the HIPS 2015. For example, the areas in the Light Industrial Zone, Central Business Zone, Commercial Zone and Local Business Zone do not fit comfortably with the standards provided in the TPS. This will result in the need for the City of Hobart to prepare additional Particular Purpose Zones or Specific Area Plans.

**5.9. Commercial Uses in Residential Zones**

- 5.10. The qualifications related to business and professional services, food services and general retail and hire uses in the residential zones are inadequate as they will not prevent displacement of residential uses. Qualifications such as those provided in the Hobart Interim Planning Scheme 2015 would achieve the zone purpose to a greater extent.

- 5.11. It is not considered sufficient to rely on the zone purpose statements to prevent a proliferation of commercial uses in residential zones.

**5.12. Landscape Conservation Zone**

- 5.13. The omission of the current Environmental Living Zone (ELZ) and its replacement with the Landscape Conservation Zone (LCZ) will make it difficult to translate the existing areas in the ELZ into the new scheme so that similar provisions apply. The ELZ provides for a minimum permitted lot size of 4ha (Lenah Valley) or 10ha elsewhere, whereas the LCZ has a minimum permitted lot size of 50ha (20ha absolute minimum). The LCZ is not a 'living' zone as such as residential uses are discretionary and landscape conservation issues are given precedence.

- 5.14. The Rural Living Zone has a minimum permitted lot size of 1ha or 2ha and does not have significant regard to environmental issues and provides for significantly greater density than the current ELZ. There is therefore no intermediate zone between Rural Living and Landscape Conservation that may be appropriate in those areas currently zoned Environmental Living such as in Fern Tree and Ridgeway. These areas have significant natural and landscape values but most of the existing properties are not large properties as envisaged in the Landscape Conservation Zone.

- 5.15. The TPS Explanatory Document does suggest that it may be possible to use a specific area plan to vary the minimum lot size in the LCZ if strategic justification can be provided.



**5.16. Local Historic Heritage Code**

- 5.17. The Local Historic Heritage Code includes some significant changes compared to that in the current HIPS2015. These include removing the application of the code to places that are listed on the Tasmanian Heritage Register and removing any consideration of internal works. The Code as drafted does not reflect best practice in heritage and conservation management.
- 5.18. Under the provisions of C6.2.1 the listing of a place on the Tasmanian Heritage Register removes the opportunity for the City of Hobart to make these important assessments in order to retain 'local' heritage values and consider streetscape, historical patterns of development, the height and bulk of buildings and make a thorough and holistic planning assessment as required under the Act. It is inappropriate to filter 'local' values from 'state' values or vice versa for the City of Hobart.
- 5.19. It is not appropriate to rely on the Tasmanian Heritage Council to assess applications to take into consideration local heritage values, wider streetscape issues, historic patterns of development, bulk and height, particularly in significant areas such as Battery Point, as these issues have historically not been addressed.
- 5.20. The words 'local' and 'historic' needs to be omitted throughout the Code as places that are listed in planning schemes can be significant for a whole lot of reasons including local and historic, but also within a wider context of state, archaeological, aesthetic, creativity and rarity. It is appropriate to apply the Code to all heritage values as they are intertwined and related. For example, Government House in Hobart is significant for a whole range of values, not just local, state or historic. It is a heritage place with cultural significance and values as defined within The Burra Charter 2013 and is it recommended that the terminology of The Burra Charter be adopted given it is terminology accepted and adopted throughout Australia as well as throughout Tasmania.
- 5.21. It is proposed that the significant features of a listed place must be detailed within the table identifying listed places, untenably increasing the length of an already very long list and also providing the potential to under-portray the significant features of a place.
- 5.22. It is also proposed that heritage places that are also within heritage precincts will not be considered with reference to the heritage precinct provisions. This is inappropriate given that precinct and place provisions consider different issues and both should be addressed in this circumstance.
- 5.23. The Code also inappropriately includes the Significant Tree Register, which under the HIPS 2015 contains trees listed for many reasons aside from heritage, including appearance, local significance, genetic value, rarity and uniqueness.

**5.24. Environmental and Hazard Codes**

- 5.25. Codes dealing with environmental issues and hazards do not generally provide adequate standards to achieve their stated purposes. Some inappropriately liberal acceptable solutions are included such as permitting clearance of 3000m<sup>2</sup> of threatened vegetation within the Rural Living Zone under the Natural Assets Code. This is inconsistent with the purpose of the Code and the Schedule 1 Objectives of the Act more generally.
- 5.26. Under the Potentially Contaminated Land Code, 250m<sup>2</sup> of land is permitted to be cleared, which could expose a vast area of previously 'capped' contamination to be mobilised into the environment.

**5.27. On-site Wastewater Management Code**

- 5.28. The omission of the current On-site Wastewater Management Code means that detailed standards related to onsite wastewater management are not provided. The current Code was developed to bring more detailed criteria to the forefront of the development assessment process rather than rely upon the performance criteria that 'each lot...must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land' (this appears in the Rural Living Zone and a number of other Zones within the draft Tasmanian Scheme). A Code of this nature is intended to generate greater consistency across the State and is aimed not only at subdivision but also at the development of existing vacant blocks as well as the redevelopment of existing dwellings.

**5.29. Stormwater Management Code**

- 5.30. The omission of the current Stormwater Management Code means that detailed standards related to stormwater management are not provided. The risk of onsite stormwater disposal is not adequately addressed via plumbing legislation, as the risk is often to third-party properties, via landslip or nuisance soakage/runoff. The capability of a lot to adequately support a development is (as per the Act Objectives) key to the planning process and good governance.
- 5.31. The current Stormwater Management Code also addresses water sensitive urban design (WSUD). There is no other legislation which requires new developments of a certain size to implement best environmental management practices or addresses the environmental impact of developments which are unlikely to be significant point sources in themselves, but rather are contributing to the overall degradation of urban receiving waters. Planning Schemes are required to address this under the State Policy on Water Quality.

**5.32. Local Provisions Schedule**

- 5.33. In the LPS Site Specific Qualifications will have limited application, they must only be used where it is required for a prohibited use to be Permitted or Discretionary. It would not be possible to prohibit specific uses considered

inappropriate in the Hobart context or make a discretionary use permitted for example.

- 5.34. It is understood that further guidance in relation to the extent to which Councils will be able to deviate from state mandated provisions within the Local Provisions Schedule will be provided by the Department of Justice.

## **6. IMPLEMENTATION**

- 6.1. The implementation of the SPP will be undertaken in accordance with the process set out under the Act.
- 6.2. Following completion of the 60 day exhibition period which finishes on the 18 May 2016, the Tasmanian Planning Commission has 90 days to assess the TPS and representations received and report to the Minister.
- 6.3. Following finalisation of the SPP's, councils will prepare LPS and these will go through an exhibition, hearing and TPC assessment process prior to coming into operation.

## **7. STRATEGIC PLANNING IMPLICATIONS**

- 7.1. As currently drafted aspects of the TPS will make it more difficult to achieve some of the strategic objectives of the Capital City Strategic Plan 2015-2025 particularly in relation to Goal 2 Urban Management.

## **8. FINANCIAL IMPLICATIONS**

- 8.1. There are no financial implications directly arising from the SPP.

## **9. LEGAL IMPLICATIONS**

- 9.1. The implementation of the SPP will be undertaken in accordance with the process set out under the Act.

## **10. ENVIRONMENTAL IMPLICATIONS INCLUDING CLIMATE CHANGE AND SUSTAINABILITY**

- 10.1. The SPP does address issues related to climate change in the Coastal Inundation Hazard Code.

## **11. PUBLIC/CUSTOMER IMPLICATIONS**

- 11.1. No specific implications at this stage. The public also have the opportunity to make a representation in relation to the SPP during the statutory public exhibition period.

## **12. MEDIA/PUBLIC RELATIONS IMPLICATIONS**

- 12.1. There is likely to be some public interest in Council's response to the draft SPP.

### **13. DELEGATION**

- 13.1. Not applicable.

### **14. CONSULTATION**

- 14.1. Consultation has taken place with the relevant Council officers in the City Planning, City Infrastructure and Parks and City Amenity Divisions.

### **15. COMMUNICATION WITH GOVERNMENT**

- 15.1. The representation proposed to be made on the SPP is in response to the exhibition of the document by the TPC.

### **16. CONCLUSION**

- 16.1. This report considers the Draft State Planning Provisions (SPP) and seeks endorsement from Council of the representation proposed to be made to the Tasmanian Planning Commission.
- 16.2. The statutory public exhibition of the SPP concludes on the 18 May 2016 and Council has the opportunity to make a formal representation during the 60 day exhibition period.
- 16.3. The representation proposed in relation to the draft SPP (*Attachment A*) has identified a considerable number of issues related to the detailed drafting of various standards and provisions. The more substantive issues identified are outlined and discussed in section 5 of this report. These include standardisation of zone provisions, application of certain zones, standards in the environmental and hazard codes, changes in the approach taken to the protection of heritage and omission of codes related to stormwater and on-site waste management.

### **17. RECOMMENDATION**

*That:*

- 17.1. *The report jmc(s:\projects\single planning scheme\tps march 16\cpc report and briefing\report for committee april16.docx) be received and noted.*
- 17.2. *The Council endorse the representation to the Tasmanian Planning Commission in relation to the Tasmanian Planning Scheme – State Planning Provisions marked Attachment A to the report.*

*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.*



(James McIlhenny)

**MANAGER PLANNING POLICY AND HERITAGE**

*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.*



(Neil Noye)

**DIRECTOR CITY PLANNING**

Attachment A: Representation



## Tasmanian Planning Scheme – Final Draft State Planning Provisions

### Representation - May 2016

#### General

**Single planning scheme format** – creating a single statewide planning scheme was intended to provide for a ‘fairer, faster, cheaper, simpler’ planning process. It is acknowledged that commonality in the structure and drafting of general provisions that apply across the state is a positive outcome, however it is difficult to see how the overall aim has been fully achieved by the TPS. The format and drafting of the scheme is substantially similar to the Southern Regional Model Planning Schemes. The main deviation is that ‘local issues’ are pulled out of the body of the scheme and inserted into a new ‘local provisions schedule’ that exists separately to the state provisions, yet overrides some of the state provisions, making the reading of the scheme more complex. This does not appear to be ‘simpler’, and nor does it in fact deliver a ‘single statewide planning scheme’. In addition, the standardisation of figures and values in the TPS does not respond to local environment and community expectations, and in some cases would not be ideally suitable for any municipal area in Tasmania, which does not appear to be ‘fairer’. ‘Faster’ and ‘cheaper’ are matters better addressed by the legislative changes to LUPAA, however these concepts themselves appear to be biased towards awarding approvals to the development industry without due consideration, at the potential detriment of environment, community and place. Again, it is difficult to see how this is ‘fairer’.

**Strategic foundation** - there has been little strategic work completed to inform what outcomes the scheme should be aiming to achieve. Without a view of what the scheme should be achieving for the state as a whole, it is difficult to accept that the content of the TPS will achieve a positive and sustainable planning outcome. The TPS was drafted in a very short timeframe with little guiding policy, which can only lead to ad hoc and small-detail focussed outcomes, rather than being crafted to achieve a holistic desired outcome for Tasmania’s natural and built assets.

**Drafting** – there is widespread reliance on the term ‘having regard to’, preceding a list of considerations, in the performance criteria of both zones and codes. This approach generally does not result in strong performance criteria that give clear direction. Each of the listed elements are presumably given equal weight which is inappropriate in many instances. For example, the phrase is used extensively through the Local Historic Heritage Code, where consideration of the historic values of a place and consideration of features of other unrelated places in the surrounding area are included in the same set of subclauses and presumably given equal weight, which is inappropriate. It is often not clear what degree of ‘regard’ should be had in order to comply with the PC. For example, is considering but

dismissing a particular issue (potentially in favour of another issue in the list of considerations) 'having regard'? Redrafting of the performance criteria using this phrase should be strongly considered.

<b>Administration</b>
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### 3.0 Interpretation

- 'Annual exceedance probability' - this term is only used in the Coastal Inundation Code so should be included in the Code definitions, not the general definitions.
- The definition of Secondary Residence should perhaps also include detached strata dwellings, not just single dwellings, as buildings the use can be appurtenant to.
- 'Primary Frontage' – the definition refers to the longest frontage, which can cause issues – particularly in cases where multiple dwellings are proposed on corner lots or a house addresses the longer frontage. Suggest acknowledging the frontage an existing house addresses/the main entry point faces and in the case of vacant lots, whichever street is referred to in the address of the lot.
- 'Road' – this definition should include 'user roads' which are highway reservations which are used by the public but are in the title of the property.
- 'Road' - this definition should also include areas the general public does not have permanent right of passage such as nature strips area which are required for location of services, future works and embankments etc.

### 4.0 Exemptions

- The structure of the exemptions is an improvement over the current PD1 Template.
- 'Road works' - 'road reserve' is not defined, does it include the whole of the highway reservation? The exemption needs to provide for maintenance and repair works to be undertaken within the whole highway reservation. 'Vehicle crossings, junctions and level crossings' – vehicle crossings should also be required to comply with C2.6.3 A1 and A2 – Number of Accesses for Vehicles.
- All internal building and works are exempt. Therefore, removal of fireplaces, original staircases, etc could be exempt from heritage places. The footnote states that approval may be required for THR listed properties, but given that list is dwindling, this could have a significant impact, and could result in heritage 'shells'. Under the Heritage Code, more specific exemptions could be provided ensuring significant elements such as staircases, ceiling roses, fireplaces etc are retained. Internal works fall within the definition of 'development' under the Act. Refer to:

MA and JM Purton v A and M Jackson [\[2013\] TASRMPAT 99](#)

*31 In the Tribunal's view, the definition of development should not be constrained in the manner contended by solicitors for the Council. Section 3A of LUPAA can be read and indeed ought to be read as the "construction of a building", "the exterior alteration of a building" or the "exterior decoration of a building". The use of the word*



*“or” indicates that the eusdem generis rule ought not to apply and the word “construction” should therefore be given its ordinary meaning. That ordinary meaning includes the erection of internal and external walls and there is no logical basis for a distinction. To suggest that the particular mention of “exterior alteration” or “exterior decoration” favours the definition of a construction or indicates an intention to exclude internal changes to a building is, with respect, incorrect.*

- Clause relating to maintenance and repair includes repainting as requiring like-for-like materials – does this include colours? If so this is excessive.
- Unroofed decks – what is the purpose of decks not being permitted to be attached to or abutting a habitable building? It is preferable not to have to take applications for any deck below 1m, regardless of whether they are attached to the building (excluding those subject to the heritage code). As such, subclause (a) should be deleted.
- Outbuildings and garden structures – there is no specification of the location of outbuildings. They should be required to be behind the main building line, or say 20m from the frontage, whichever is the lesser.
- Outbuildings in rural zones – (c) does not specify if this refers to front or side setbacks. Suggest only applying to front setback.
- Outbuildings - (18m<sup>2</sup> Type 2 building generally, 120m<sup>2</sup> buildings in Rural Living), and retaining walls <1m in height should only be exempt from planning if they do not trigger other Codes - similar to landfill.
- Demolition – only demolition of ‘exempt’ buildings is exempt, which only covers those circumstances to which an exemption under 4.0 applies. There are no exemptions under 4.0 relating to extensions etc, so demolition of a porch or a small lean-to laundry, etc would not be exempt. It would perhaps be better to refer to exempt OR no permit required development (aside from whole dwellings/buildings other than outbuildings).
- Vegetation removal for safety or in accordance with other statutes –Subclause (h) - For trees and vegetation on a place, precinct or landscape within the ‘Heritage Code’, the advice from a suitably qualified person should be referenced. (h) – this subclause should start ‘for safety reasons...’
- Landscaping and vegetation management – does this include tree removal? If so, (c) should not just apply to those specified in the heritage list. HCC’s list is extensive and it is unrealistic to undertake an exercise to identify all trees of interest. It would be preferable to exclude places and precincts subject to the Local Historic Heritage Code from the exemption, and then provide more detailed exemptions in the code itself, particularly with regard to large trees.
- Wind turbines – should not be exempt in the more developed residential zones. Even if it complies with distances at a particular point in time, subdivision and further development could encroach on these setbacks, and it would be inappropriate to use an existing wind turbine as a reason to restrict further development in zones where further development and subdivision is appropriate for densification purposes.

- Use or development in a road reserve or on public land – in terms of community gardens, this should not be restricted only to public land. For example, if a community group were to purchase land for this purpose then the use should still be exempt. The qualification should also state; '*including but not limited to*' the specified development as other types of development such as drains over Council reserves or retaining walls in road reservations may be approved under relevant council By-laws.
- Fences - the fence exemption is considered too generous and generally more than required - it should be of a lower height (eg 1.2m as under the current PD1 Template or at the most 1.5m). It is not clear why the exemption is the same as the acceptable solution for fences in many zones. This exemption will encourage a greater number of higher fences, as previously lower fences may have been preferred to avoid having to apply for a planning permit. The City of Hobart maintains 1.8m fences are too high even for an AS, let alone an exemption.
- Retaining walls - it is not clear why a retaining wall would need to be setback at least 1.5m from a boundary. Retaining walls terracing a garden for example would often run from side boundary to side boundary or a retaining wall could be on a front boundary.
- An operative clause is required that states that where an exemption excludes use or development to which a code applies, but then that use or development is specifically exempt from that code, it should be considered to be exempt from requiring a permit under the scheme. Alternatively, the approach taken for the limited exemptions in the interim schemes could be adopted (i.e. only referencing use/development that 'require a permit' under a particular code, thus excluding any use/development that is subsequently exempt from the code). The term 'subject to' a code, used in the TPS exemptions, is not adequately clear whether this only covers scenarios where a permit is required under the code.

## 6.0 Assessment of an Application for Use or Development

- 6.1.3 (b) some clarification of terms would be useful. For example what is meant by "natural hazards" under section (xi) -does this include say a geotechnical site assessment? Also under (v) "soil types" does this say cover issues such as dispersive soils, tunnel erosion, and suitability for say on-site stormwater disposal, where there is no reticulated service?
- 6.1.3 – information can only be requested if there is a relevant purpose statement or standard in the Scheme. As there are no statements re protection of infrastructure or various hazards (eg dispersive soils), this provision will have limited application. By the nature of planning schemes, it is not always possible to list all the possible issues with the development of a site - however Council must be able to address issues of safety (to others and the development), public infrastructure and the environment. Council therefore needs to be able to ask for this info if relevant to the development in Council's opinion.
- 6.1.3 - it is considered that an indicative servicing plan should be required, while at "(xiv) main utility service connection points and easements" is listed, the important issue is how the services are to be connected to those connection points. The

indicative servicing plan should also be required to show what infrastructure is proposed to be public and what is to remain private. The route of services can impact on determination of location of easements on a plan of subdivision.

- 6.1.3 (b) xii Should include bicycle and motorcycle parking areas or refer to vehicle parking (a general term) and (viii) should include bicycle and motorcycle parking areas or refer to vehicle parking (a general term).
- 6.2.6 - land filling is not required to be within a use class, and it is specified in 6.8.1 (b) that where there are no standards (which there are not in most cases), it would be discretionary. The definition of land filling could include anything, no matter how small scale, such as a new garden bed in a domestic back yard, which would mean filling a new garden bed is discretionary.
- 6.2.6 - it is uncertain why coastal works do not need to be classified into a use class – it would be expected that they fit within the Natural and Cultural Values class.
- Table 6.2 – ‘Vehicle parking’ should include bicycle parking.
- Table 6.2 – it is unclear what the difference between ‘short term’ and ‘medium term’ (and, indeed, ‘long term’) accommodation is, under ‘serviced apartment’ and ‘visitor accommodation’. These terms should be defined to avoid ambiguity.

<b>General Provisions</b>
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## **7.0 General Provisions**

- 7.1.1 (a) does not explicitly specify that bringing an existing use into conformity or greater conformity with the scheme can involve changes from that existing use to a different use – suggest it be reworded to explicitly provide for this. This provision should also make reference to any applicable Local Area Objectives.
- 7.3 – subclause (b) relating to only ‘minor changes’ to lot shapes is currently causing problems in terms of definition and application. There are issues where boundary adjustments made to improve the usability of sites must be categorised as ‘subdivision’ because of this clause, and in some circumstances this makes them prohibited, which does not result in a positive planning outcome. For example, the amount of land being transferred between a large lot and a small lot may be considered ‘minor’ in scale to the larger lot involved, but not to the smaller lot and therefore it cannot be considered a boundary adjustment even though the usability is improved or at least not reduced for both lots. Perhaps reference should be made instead to achieving the Zone Purpose Statements/Desired Future Character Statements.
- 7.3 – subclause (e) There should also be provision for existing sub minimum lots to have more than a minor change to size and shape where the resulting lots are in greater conformity with the minimum lot size in the zone.
- 7.4 – the determining factors for assessing a change of use on a heritage place (7.4.3) are ‘watered down’ compared to the current Hobart Interim Planning Scheme 2015 (HIPS) – it refers to ‘any’ statement and ‘any’ conservation plan, whereas the

HIPS requires statements to be written specifically for the use in mind. The phrase 'having regard to' is also weak. Wording including restoration, conservation, heritage impact statement, conservation plan are not defined in C6.3 Definition of Terms. The changes to 7.4.3 (e) are supported, however.

- 7.8 Proclaimed Wharf Areas- No Permit Required - does this need assessment against relevant standards, is it NPR even if relevant standards are not met?
- 7.9 – this clause is effectively proposing the opposite to the special provision in the current Southern Interim Schemes, in that demolition is now proposed to be permitted rather than discretionary. It is considered that it is not appropriate to provide for the permitted demolition of entire buildings, allowing sites to remain vacant. It is, however, supported that not all demolition (other than that of exempt buildings) should be automatically discretionary. The clause should be reworded to perhaps provide for permitted demolition of outbuildings and a percentage or square metre value of primary building/s. At the least, full demolition of buildings other than outbuildings should be discretionary.
- 7.11 – given development seaward of the municipal district must be in accordance with the provisions of the closest zone, there should also be a requirement to consider the development with respect to adjacent code overlays.
- There should be a general provision relating to subdivision on split-zoned lots where such subdivision would result in sub-minimum lot sizes in any particular zone, where the entire area of that zone would be retained within a single lot. This could accommodate subdivision along the zone boundary line, retaining the more restrictive zoning as a balance lot and allowing independent subdivision of the less restrictively zoned land. It should also allow for subdivision that retains a split zone on the balance lot to ensure any potential development on that lot is appropriately sited. In the criteria detailing the circumstances in which such sub-minimum subdivision can occur, a consideration should be whether the reason for the split zone is primarily to concentrate development on the lot to the most appropriate site, rather than to allow for further subdivision, as there are cases where split zonings are intended only to focus development away from site constraints.
- It is suggested that a provision similar to the subdivision special provision 9.7 in the Southern Interim Schemes be included noting that if it should be refused under s84 (and Part 3 more generally should also be referenced here) of LGBMP, the subdivision is prohibited under the scheme. There is little point approving subdivisions under the scheme that cannot be implemented under LGBMP. It is acknowledged that the intent is to remove any cross referencing of other legislation, however being upfront about these requirements avoids situations where permits cannot be acted upon or have to be altered and then ultimately need to go through a second planning process for the altered design. This does not seem to be 'simpler' or 'fairer'.

<b>Zones</b>
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**General observations:**

In general, standardising numerical provisions as Acceptable Solutions for the entire state is extremely difficult to achieve in a way that result in a positive outcome in all areas of the state. Particularly in an area such as Hobart, where historical development patterns have resulted in unique areas that do not necessarily fit a 'neat' zoning structure, standardising Acceptable Solutions does not reflect the existing or desired character of many areas. Numerical provisions appear to have been determined in many cases by taking a median or average of numbers that are used across the three regions. It is likely that this approach would result in Acceptable Solutions that do not directly suit any of the areas where a zone has been applied. This will likely result in applications that are discretionary despite matching the prevailing or desired characteristics of the local context, and other applications that are permitted despite being at odds with the prevailing or desired characteristics of the local context.

It appears counterproductive particularly where provisions are less generous than they rationally should be in a particular area, where additional discretions will be generated despite a development being obviously appropriate in the context. Increasing the number of unnecessarily discretionary applications would not appear to result in a 'simpler' or 'fairer' approach. Conversely, increasing the number of permitted applications that are clearly at odds with an established pattern or character also does not seem 'simpler' or 'fairer'. This is also the case in relation to the status of uses in zones. Standard use tables would result in some uses that are clearly inappropriate in the context being permitted and conversely some uses that are clearly appropriate in the context being prohibited. The scope of allowable local area provisions does not appear to allow for changes to the use table across whole zones, which exacerbates this issue.

Particularly in Hobart, many areas don't fit as neatly into zones as they might in other municipalities that have more distinct separation between services. For example, the areas zoned Light Industrial Zone, Commercial Zone and Local Business Zones do not fit comfortably with the standards provided in the new scheme. As a result, it may be necessary to consider producing more Particular Purpose Zones (PPZs), Specific Area Plans (SAPs) in order to account for the significant differences between the local context and the standardised zone standards, which further increases the complexity of the scheme. Not respecting for the significant differences in local areas, however, would not achieve positive outcomes for either developers or residents in many cases.

## Subdivision

The following references to standards should be included at least as footnotes in relation to subdivision:

- Reference should be made to the LGAT/IPWEA Tasmanian Standard Drawings and Tasmanian Subdivision Guidelines at a minimum
- Reference should be made to the series of street lighting standards AS1158, earth retaining structures AS4678, vehicle crash barriers AS 1170.1 and safe design of structures code of practice (as adopted under section 274 of the Work Health and Safety Act 2012), Austroad guidelines and Department of State Growth Specifications, at the minimum for subdivisions
- Reference should be made to excavation and structures within the property and supporting the highway reservation (ie. building wall of a basement), to not undermine the structure integrity of the highway reservation and be designed in accordance with AS4678 with a design life for major public infrastructure

## Zone subdivision services provisions

The scheme has continued the use of the requirements for only a connection to reticulated sewer and water, and for the building area of a new Lot to drain via gravity.

- Council must still manage private water and sewer within the boundary of a lot, however under this Scheme does not appear to have a head of power to even request information on the serviceability of the likely development area, let alone require the sewer to be gravity-reticulated.
- The drainage of the building area is not the relevant area – rather it should be all existing or likely impervious surfaces associated with the future use and development of the land. This has led to issues with:
  1. existing (or proposed) long driveways required to access the building area now not required by the planning scheme to be able to be drained via gravity to public infrastructure and
  2. Lots where the existing ground surface (building area) could not be drained via gravity – however any likely development in this area could (as the roof would be high enough). This unnecessarily prevents subdivision of marginal yet workable Lots.
  3. Preferred servicing requirement – “Each lot excepting... must be connected to public infrastructure services adequate to support the likely future use and development of the land via gravity” ..., with a performance criteria in appropriate zones “Each lot excepting... must be demonstrated to be able to support onsite stormwater and sewage disposal adequate to support the likely future use and development of the land”
- Stormwater disposal must be included in all zones (ie Rural Living has no stormwater servicing requirements). It is not clear whether ‘wastewater’ disposal includes both sewage and stormwater in zones where reticulated disposal is not mandatory. If not (as suggested by the separate listing in 12.4.1 P1.2), onsite stormwater disposal must also be demonstrated to be possible in these Zones.
- For onsite disposal of stormwater (where allowed and supported by a Site and Soil Assessment) – at subdivision stage it seems unreasonable for a vacant site to

require them to actually install a system, without knowing precisely where future development will be built or of what size.

## Urban agriculture

- Consideration should be given to zone use tables, and where it might be appropriate to allow for productive urban gardens. Zones such as the Urban Mixed Use Zone, the Village Zone, Local Business Zone, General Business Zone, commercial zone, central business zone, and potentially others may be suitable areas for urban agricultural ventures. Resource development could be a discretionary use in these zones with the qualification that it is for urban agricultural gardens.

## Zone Specific Provisions

### 8.0 General Residential Zone:

- 8.2 – Use Table – There should be a qualification which limits the size of No Permit Required home based business in residential zones as per the current Southern Interim Schemes. Home based business has the potential to be a more intensive use than home occupation which is limited to 40m<sup>2</sup> of floor area. There is no floor area limit for home based business or on the number of employees if they live on site.
- 8.2 – Use Table – The qualifications for business and professional services, food services and general retail and hire are seriously inadequate - there should be qualifications to prevent displacement of residential uses in residential zones. it is not sufficient to rely on the zone purpose statements to prevent a proliferation of commercial uses in residential zones, particularly as it would be difficult to assess each individual application in relation to how many other applications for non-residential use have been approved, and if the application met all zone standards it would be difficult to refuse on the basis of proliferation of non-residential use.
- 8.2 – Use Table – allows for food services (except for drive through take aways) as discretionary in all circumstances – not restricted to existing commercial buildings. But conversely, local shops are the only retail and hire use that is discretionary, with all other retail and hire uses prohibited in all circumstances. It is strongly suggested a qualification similar to that in the HIPS 2015 should be retained for food services which states:

Only if in an existing building and not displacing a residential or visitor accommodation use, unless occupying floor area previously designed and used for non-residential commercial purposes (excluding visitor accommodation).

A similar qualification for general retail and hire, allowing a greater variety of uses but only in existing non-residential buildings, should state:

Only if in an existing building, except if a local shop, and not displacing a residential or visitor accommodation use, unless occupying floor area



previously designed and used for non-residential commercial purposes (excluding visitor accommodation).

An additional qualification should be added to 'Business and Professional Services' stating the following:

Only if not displacing a residential or visitor accommodation use, unless occupying floor area previously designed and used for non-residential commercial purposes (excluding visitor accommodation).

- 8.2 – Use Table - general retail and hire - the limitation on local shop prevents other uses which provide a local service such as hairdressers, this limitation applies in the General and Low Density Residential Zone but not in the Inner Residential Zone. This is unreasonably restrictive.
- 8.3.1 – the comma should be removed from the Objective, and the word 'all' should be removed.
- 8.3.2 – Visitor Accommodation Use Standard should be amended by removing A1 (a) to account for houses that are extended and then used for visitor accommodation, and adding an additional clause to A1 stating: any self contained visitor accommodation must not be located on the same site as a dwelling providing long term residential accommodation, except for a caretakers dwelling. Additionally, the gross floor area of 160m<sup>2</sup> should be specified as being per lot, to avoid proliferation of visitor accommodation units in strata titles. The PC should also include an additional subclause P1 (d) as follows:

(d) be located on the same site as a dwelling providing long term residential accommodation, except for a caretakers dwelling, only if:

(i) it has a separate ground level pedestrian access to a road; or

(ii) there is an existing mix of uses on the site;

and the impact on the amenity of long term residents on the site is not unreasonable.

This is a matter that has arisen through the hearings on the Hobart Interim Planning Scheme as a significant issue for residents in strata complexes (particularly those in unit blocks). These changes would ensure some level of amenity is retained for those residents.

- 8.4.1 – P1 – remove the comma in the first paragraph.
- 8.4.2 – P2 – the primary issue for this PC should not be whether the new garage or carport is compatible with existing garages/carports in the street (which may include some highly undesirable garages/carports), but whether the development maintains or improves the quality of the streetscape. [this should also be changed for other residential zones and also for provisions relating to non-residential garages and carports]
- 8.4.3 – P1 and P2 should have the option for no private open space to be provided where *'the projected requirements of the occupants are considered to be satisfied by public open space in close proximity'* to allow for adaptive reuse of existing buildings

for multiple dwellings that may not have sufficient private open space on site, but are in very close proximity to a public park.

- 8.4.6 Privacy for all dwellings – A2 (b)(i) It would be appropriate for windows to be offset in both the horizontal and vertical planes and a diagram provided illustrating this.
- 8.4.7 – the height of permitted front fences is generally more than required and does little to contribute to attractive streetscapes. It should be 1.5m. At the very least, P1 should include an assessment of a proposed fence in relation to its impact on the streetscape. [This should also be changed for other residential zones].
- 8.5 – remove the word ‘all’ in the objective (A1 and A2 specify that those provisions do not apply to **all** non-residential uses. The first paragraph of A1 should be redrafted as it reads awkwardly.
- 8.5.1 – P4 should refer to the proposed fence’s impact on the streetscape. [This should also be changed for other residential zones].
- 8.6 Subdivision Standards – The Southern Interim Schemes contain a standard related to the appropriate provision of ways and public open space in the residential zones. The omission of this standard for residential subdivision with no alternative consideration of pedestrian links and open space is inconsistent with Southern Tasmanian Regional Land Use Strategy (STRLUS) objectives:

*ROS 1.6 - Ensure subdivision and development is consistent with principles outlined in ‘Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania.’*

*ROS 1 - Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.*

- 8.6.2 Roads - What is the definition and scope of the “road network plan”, it would be useful to have some guidance to provide greater consistency. . There needs to be a default alternative should a road network plan not be in existence (ie Austroads, IPWEA Standard DwgS or similar guidance documents). P1 (g) refers to facilitating walking, cycling and public transport but is silent on the provision of suitable and appropriate bus stops , or bus routes. P1 (h) refers to bicycle on new arterial and collector roads –should also include link roads. These issues are also relevant in other zones where similar standards are used.
- 8.6.3 Services - The provisions relating to services for new lots should require the connections to be adequate to service the needs of the lots – just requiring a connection does not necessarily mean it will be adequate.

## 9.0 Inner Residential Zone

- 9.2 – Use Table - Food services (except for drive through take aways) and general retail and hire are discretionary without qualification. For example, new shops and shops in existing houses would have the same status as a change of use to a shop from an existing office. It is unreasonable to allow unconditional spread of commercial businesses on vacant sites or in existing houses in residential zones. If a mixed use environment is desired for a particular area, the mixed use zone should be applied. Inner residential zones are by definition only located close to existing services anyway, so they wouldn't necessarily need an unqualified increase in additional services within the zone itself, and it is likely that non-residential uses will start to proliferate in these inner-city zones and compromise the intent of the inner residential zone to primarily provide for high density residential accommodation. It is notable that discretionary uses must be determined with regard to:
  - The purpose of the applicable zone
  - Any relevant local area objective for the applicable zone (although this is subject to review under the TPS)
  - The purpose of any applicable code; and
  - The purpose of any applicable specific area plan.

The proposed Zone Purpose of the Inner Residential Zone, states in part:

To provide for compatible non-residential use that;

- 1) Primarily serves the local community; and
- 2) Does not unduly reduce residential amenity, through noise, activity outside of business hours, traffic generation and movement or other off site impacts
- 3) does not unreasonably displace or limit residential use.

If it is noted that displacement of residential uses is not desirable, non-residential uses should clearly be restricted to circumstances that do not displace residential uses. If commercial uses remain unqualified as proposed, it would be difficult to refuse individual applications on the grounds of a cumulative effect of non-residential uses in the area, and this will ultimately compromise the intent of the zone to provide for the efficient utilisation of well-located and serviced land to help achieve residential densification targets.

As such, it is strongly suggested that qualifications be added to the use table against Food Services, General Retail and Hire, and Business and Professional Services as described under the General Residential Zone above.

- 9.3.2 – amend the Visitor Accommodation use standard as per the recommendation above under the General Residential Zone
- 9.4.1 – there is no maximum site area per dwelling or maximum permitted lot size (under 9.6.1) in the zone, which will not assist in increasing dwelling densities as

required under the STRLUS. There is nothing in the zone actively encouraging higher density, although this is the target zone for increased dwelling density. The zone is very unlikely to achieve the density required through the land use strategies if inefficient utilisation of land is allowed as permitted development. There is nothing in the zone that actively helps to achieve the zone purpose of providing 'a range of dwelling types at higher densities'. Site coverage is increased to 65% (under 9.4.3) from the current 50%, but coupled with the removal of the maximum site area per dwelling and maximum lot size, this is likely to just encourage larger single houses on single lots, which is not the intent of the zone. Perhaps a higher site coverage provision could apply to multiple dwellings alone. However, 65% is a high figure regardless and may not provide sufficient amenity and space for onsite parking and manoeuvring, as well as space for non-impervious surfaces.

- 9.4.3 - P1 and P2 should have the option for no private open space to be provided where *'the projected requirements of the occupants are considered to be satisfied by public open space in close proximity'* to allow for adaptive reuse of existing buildings for multiple dwellings that may not have sufficient private open space on site, but are in very close proximity to a public park.
- 9.4.6 Privacy for all dwellings – A2 (b)(i) It would be appropriate for windows to be offset in both the horizontal and vertical planes and a diagram provided illustrating this.
- 9.4.7 – the permitted fence height is generally more than required and does little to contribute to attractive streetscapes, 1.5m would be more appropriate as per the current Southern Interim Schemes.
- 9.6.1 – there should be a maximum lot size (except for multiple dwellings, nursing homes, etc), and there should also be performance criteria relating to the efficient utilisation of land for increasing residential density.
- As it is, the provisions of the zone do not address the zone purpose relating to higher density development, as there are no standards that actually require high density dwelling development/subdivision.

## **10.0 Low Density Residential Zone:**

- 10.2 – Use Table – in a similar issue to the other residential zones, Business and Professional Services uses should not displace residential uses, and neither should local shops. It is particularly inappropriate that food services (other than drive through take aways) are discretionary without qualification. It is preferred that this use be prohibited in this zone, but at the very least it should include the qualification as proposed under the General Residential Zone.
- 10.3.2 – amend the Visitor Accommodation use standard as per the recommendation above under the General Residential Zone
- 10.4.1 P1.2 – 'capable of being connected' to reticulated systems would benefit from a definition or further criteria/clarification. How far away would a reticulated system have to be to be 'capable' of being connected and do land tenure and existing/possible service easements need to be considered?

- 10.4.3 - frontage setback of 8m is excessive, many of the existing setbacks in the current Low Density Zone under the HIPS are less than this, it is suggested that the current 5.5m setback remain or there are likely to be numerous unnecessary discretionary applications required.
- 10.4.5 and 10.5.1 – the permitted fence height is generally more than required and does little to contribute to attractive streetscapes, 1.5m would be more appropriate as per the current Southern Interim Schemes.
- 10.6.1 – minimum lot size (as well as site area per dwelling) of 1500m<sup>2</sup> would be unreasonably restrictive in some areas to which the zone is applied in Hobart.

## 11.0 Rural Living Zone

- 11.2 – Use Table –Food Services being discretionary up to 200m<sup>2</sup>, regardless of whether in an existing commercial building or displacing a residential use, is considered to be inappropriate in this zone and should be prohibited. At the very least, the qualification as described under the General Residential Zone should be added. General Retail and Hire should include the qualification as suggested under the General Residential Zone.
- 11.3.2 – visitor accommodation use standard should be amended by removing A1 (a) and specifying that A1 (b) applies per lot.
- The purpose and development standards do not have sufficient regard to environmental issues often found in this zone (eg siting to avoid vegetation removal). Many of the areas to which this zone is applied in Hobart (eg Fern Tree) have significant environmental and visual values, but have lot sizes that are too small for the Environmental Living Zone (now replaced by a Landscape Conservation Zone with even larger lot sizes) to be appropriate. In the new suite of available zones, this is the only zone appropriate to large lot bushland residential areas that are constrained in terms of significant subdivision, but do not comply with the very large lot sizes of the Landscape Conservation Zone. Therefore it is likely in many cases that vegetation retention and sensitive development locations will be important considerations in this zone. The standard found in 13.4.3 Design in the Southern Interim Schemes would be appropriate to apply in this zone.
- 11.4.2 A2 the frontage setback of 20m is excessive and will result in unnecessary discretionary applications, it is suggested that the current 10m setback in the HIPS be retained.
- 11.5.1 - It is positive that there are two options in terms of minimum lot sizes. This provision doesn't need to repeat the minimum building area requirements, however, as they are the same for both Rural Living A and B. The PC should have stronger consideration of visual and vegetation issues.

### 13.0 Urban Mixed Use Zone

- 13.2 – use table – there are no qualifications to Food Services as a permitted use, which would mean drive-through take-away facilities are permitted. This is not desirable in this zone – drive-throughs should be prohibited.
- 13.2 – use table – permitted residential uses should not be restricted to above ground floor level. This is a mixed use zone, not a purely commercially focussed zone where strips of active frontages are necessary or even desirable. The zone purpose encourages a mix of a diverse range of uses, and this would include dwellings at any level. It is not intended to be a commercial zone at ground floor level.
- 13.2 – use table – Visitor accommodation should not be limited to above ground floor level. It should however include the following qualification:

Any self contained accommodation must not be located on the same site as a dwelling providing long term residential accommodation, except for a caretakers dwelling

Under 'discretionary', Visitor Accommodation should include the following qualification:

If for self contained accommodation located on the same site as a dwelling providing long term residential accommodation, only if it has a separate ground level pedestrian access to a road or the site is mixed use

- There are generally more permitted uses in this zone than in the HIPS, which for the most part would be acceptable although Hotel Industry as a permitted use could cause some significant use conflicts given this zone includes mixed residential uses.
- Dwelling development standards are less detailed than the HIPS 2015, only dealing with POS and storage areas, and omitting solar access and overlooking provisions. Given this is a partially residential zone, it would be preferable to retain these standards to achieve a reasonable level of residential amenity.
- 13.4.3 Design A1 - These standards should only apply to new buildings, it is not reasonable or relevant in many cases to apply them to extensions or alterations to existing buildings. A1 (b) and (c) and P1 should exclude Visitor Accommodation uses as well as Residential uses Note this also applies in Local Business Zone 14.4.3, General Business Zone 15.4.3, Central Business Zone 16.4.3 and the Commercial Zone 17.4.3.
- 13.4.6 Dwellings – the only issues dealt with in relation to dwellings are private open space and storage areas. It is considered that there is merit in having slightly higher protection for residential amenity for dwellings in this zone, as it is a mixed use zone and not purely a business related zone. For example, the side setback provisions could also apply to adjoining lots with a residential use, and there could be consideration of overshadowing and privacy to adjacent residential dwellings in the performance criteria relating to height.

- 13.5 Development Standards for Subdivision – there are no standards for new roads in subdivisions in this zone, the reason for this is not apparent. This also applies many other zones where new roads as part of subdivision are a possibility.

#### **14.0 Local Business Zone:**

- 14.2 – Use Table - Business and professional services are NPR with no qualifications. Under the HIPS, only consulting room, medical centre and post office are permitted, other uses in this class are discretionary. It is not appropriate to have general offices as NPR in a local business zone as offices don't tend to serve the local community directly. The local business zones in Hobart (and presumably other areas of the State) are not extensive and should prioritise higher order local services. Business and professional services uses other than those mentioned should be discretionary, and perhaps only if above ground floor level.
- 14.2 – Use Table – Food services with drive through facilities should not be NPR in the zone.
- 14.2 – Use Table – hotel industry should be discretionary rather than permitted, as these zones are generally small and surrounded by residential zones, and such uses can have a significant impact.
- 14.2 – Use Table - Equipment and machinery sales and hire, manufacturing and processing, service industry, storage are all discretionary under the TPS but are currently prohibited under the HIPS. These uses are generally not appropriate for local service zones and can be land intensive and of limited local benefit but with more significant amenity impacts.
- 14.4.2 - It is likely Hobart will seek a local provision overriding the front setback, as this varies greatly in the different circumstances where the zone is currently applied.
- 14.4.4 A1 - 1.8m high fences along the frontage in the Local Business Zone are generally inappropriate and would not provide an attractive shopping environment.
- 14.5.1 - The subdivision provisions are inappropriate where this zone is currently applied under the HIPS, particularly for Fern Tree and Mount Nelson, which are currently 750m<sup>2</sup> and 1000m<sup>2</sup> respectively. The proposed minimum lot size in the TPS is 200m<sup>2</sup>. This reflects the problem of standardising development standards to a zone that is applied to small areas in the midst of a number of different residentially focussed zones that have very different character.
- 14.5.1 A2 provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in Local Business Zones, wider frontages are required for businesses to front the street and create an attractive shopping environment.

#### **15.0 General Business Zone:**

- 15.2 – Use Table - Bulky Goods Sales up to 3500m<sup>2</sup> floor area per tenancy is not a desirable use to be permitted in the areas in Hobart to which the General Business Zone is applied given the nature and character of the Sandy Bay and North Hobart



Shopping Centres. This use is currently discretionary under the HIPS. This issue will need to be addressed in the local provisions schedule.

- 15.4.1 - The proposed permitted height limit in the zone is 12m, which is an increase from 9m in the HIPS and would effectively allow an additional storey, which is not appropriate where the zone applies in Hobart.
- 15.4.4 A1 - 1.8m high fences along the frontage in the General Business Zone are generally inappropriate and would not provide an attractive shopping environment.
- 15.4.6 – dwellings in business zones should perhaps include sound insulation requirements to lessen potential future use conflicts.
- 15.5.1 A2 provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in General Business Zones, wider frontages are required for businesses to front the street and create an attractive shopping environment.

#### **16.0 Central Business Zone:**

- The City of Hobart proposes to override many of the standards in this zone with a Specific Area Plan as they not appropriate for the Hobart CBD. The SAP will address matters such as the current active frontage overlay, pedestrian priority streets, pedestrian links and height standards.
- 16.2 Use table - Allowing bulky goods sales at ground floor level as a permitted use in any central business area is inconsistent with the zone purpose to provide for a concentration of higher-order business and encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers. Bulky Goods Sales includes uses such as garden and landscape suppliers, rural suppliers, timber yards, trade suppliers and motor vehicle, boat or caravan sales.
- 16.4.4 A1 - 1.8m high fences along the frontage in the Central Business Zone are generally inappropriate and would not provide an attractive shopping environment.
- 16.4.6 - dwellings in the Central Business Zone should perhaps include sound insulation requirements to lessen potential future use conflicts.
- 16.5.1 A2 provides for a 3.6m frontage which would allow internal lots which are generally not appropriate in Central Business Zones, wider frontages are required for businesses to front the street and create an attractive shopping environment. The HIPS2015 currently has a minimum frontage of 4m in this zone.

#### **17.0 Commercial Zone:**

- This is one of the zones that least reflects the applicable areas in Hobart.
- 17.1 – the zone purpose prioritises large floor area sales and warehousing with high levels of parking, which is at odds with the commercially zoned area on the fringes of Hobart's CBD.

- 17.2 – Use Table – the use table does not well reflect the area that the zone is used for in the Hobart municipal area. Permitted uses only include service/bulky good sales type uses, whereas under the HIPS they include business and professional services, food services, residential, vehicle fuel sales and service. Residential uses are *prohibited* in all circumstances, which significantly conflicts with the Commercial Zone in Hobart where residential development is encouraged (specifically under the Building Height standard, which allows for additional height if 50% of the floor area above ground level is for residential use).
- There is a *minimum* floor area for Bulky Goods Sales in the TPS, whereas under the HIPS this use is discretionary unless for car/boat sales.
- The HIPS includes a standard for services and outdoor work areas requiring that they are not located within 50m of a residential zone. The TPS only refers to air conditioning/pumps etc and only requires a 10m separation from residential zones. It would be preferable to retain the outdoor work area standard.
- Building setback (no less than 0m in HIPS) is required to be either at least 5.5m or no more or less than adjoining in the TPS, which discourages building to the frontage. This does not reflect the pattern of development in Hobart's Commercial Zone.
- Subdivision provisions under the TPS propose a 1000m<sup>2</sup> minimum lot size which is totally out of character with Hobart's commercial zone which currently has a minimum lot size of 360m<sup>2</sup>.
- Overall, it would have to be concluded that the commercial zone is not an appropriate zone for the area of land currently zoned commercial in Hobart. No other zone under the TPS would provide for an appropriate substitution, however, as the area is intended to be a service-orientated zone allowing for vehicle servicing and sale, some larger footprint sales uses, but also a mix of other commercial uses and residential infill development. If the City of Hobart were to retain the current intent for those areas it is likely it would have to be implemented through the Local Provisions Schedule – potentially by way of a SAP.

### 18.0 Light Industrial Zone:

- 18.2 – Use Table – there are many more permitted and discretionary uses compared to the HIPS. Some may be inconsistent with the local context (crematoria, scrap yards or waste transfer stations, animal breeding boarding and training etc). Given the explanatory document specifies that it is only acceptable to make x uses p or d using Site Specific Qualifications, it seems it would not be possible to prohibit the uses that are considered inappropriate in the Hobart context. Given this, Hobart may have to create a SAP to address these issues.
- 18.3 – Under the HIPS, hours of use standards apply to uses within 100m of residential zones, which is reduced to 50m in the TPS with far less restrictive hours of operation. It is the same scenario with commercial vehicle movements. Additionally, there is no outdoor work area standard under the TPS. The Light Industrial Zone in Hobart is small in size and surrounded by the Inner Residential

Zone. There are far higher amenity impact issues than a other light industrial zones might have and therefore specific standards are necessary.

- 18.5.1 – The permitted lot size under the TPS (1000m<sup>2</sup>) is double what it is under the HIPS (500m<sup>2</sup>), as is the minimum frontage (20m vs 10m). It is not appropriate to have a minimum lot size that is significantly higher than the existing lot pattern.
- The Light Industrial Zone is another instance where the City of Hobart will need to consider alternative options through the Local Provisions Schedule in order to reflect the unique context of the area currently zoned Light Industrial.

## 22.0 Landscape Conservation Zone

- This zone is seemingly intended to replace the Environmental Living Zone, which it doesn't really do considering the minimum lot size of 50ha (absolute minimum 20ha), compared to the permitted lot size of 4ha or 10ha as per the Environmental Living Zone in the HIPS. In addition, residential uses are discretionary, rather than permitted and therefore it is not a 'living' zone like Environmental Living.
- Given the permitted lot size in the Rural Living Zone is 1ha/2ha, there is a significant gap between that zone and the Landscape Conservation Zone with a permitted lot size of 50ha. There is no zone to apply to larger lot bushland residential areas somewhere in between. As the absolute minimum lot size in this zone is 20ha, 40ha of land would be required for any subdivision to occur, which is a very large lot size, and applying this zone in lieu of the Environmental Living zone in Hobart will in most cases prevent further subdivision. The alternative would be to apply the Rural Living Zone, which would allow for significantly more intense subdivision than desired. This will be a particular issue in those parts of Lenah Valley, Fern Tree and Ridgeway currently zoned Environmental Living. These areas have significant natural and landscape values but most of the existing properties are not large properties as envisaged in the Landscape Conservation Zone. One solution may be to allow different densities in the Landscape and Conservation Zone through an A and B designation as per the Rural Living Zone.
- It is noted that the explanatory document suggests that in areas where a lower lot size allowing the potential for further subdivision is desired, a specific area plan should be created. This would likely need to be the case for many of the areas of land zoned 'landscape conservation' in Hobart, which seemingly subverts the zone itself.
- 22.1 – 'Natural values' and 'landscape values' are not defined. 'Natural assets' is a defined term and should be used if it matches the intent. However, if it is not intended that there be duplication of issues considered under the Natural Assets Code, what are the 'natural values' intended to be protected under the Zone provisions?
- 22.2 – Use Table – Food Services less than 200m<sup>2</sup> are discretionary, as is General Retail and Hire associated with tourism. It is questioned whether these are appropriate uses in a zone mainly focussed on visual and conservation issues.

- 22.3.1 - Domestic Animals, Resource Development, Sports and Recreation and Tourist Operations should be included in this use standard. It is not clear why you apply standards for something relatively benign like home-based childcare but not for the above uses which could have far greater impact?
- 22.4.4 A1 - The wording of this acceptable solution is somewhat vague and unclear. Does the development site have to be currently unvegetated, or just have had vegetation lawfully removed at some point in the past? How much regeneration is acceptable? Would the presence of a single individual of native grass mean a proposal would not comply with this AS? The requirement for vegetation to have been lawfully removed, if it applies to historical clearing, would place an unreasonable burden on planning authorities to determine what historical clearing has occurred and whether it was lawful at the time. 400m2 of buildings as an acceptable solution is excessive for this zone.
- 22.4.4 – P1 - PC should be tighter to ensure that development is restricted to pre-cleared areas wherever possible, and only permit clearance where it is unavoidable. It should also consider the vegetation type, biodiversity significance and condition that is being removed.
- 22.4.4 – A2 – (b) should be removed as an acceptable solution, as significant extensions to buildings already near ridgelines should not be permitted without consideration. P2 should refer to height and the amount of vegetation clearance required, and also provision of screening vegetation if none is present.
- 22.5.1 – P1 should provide for sub-minimum lot sizes where the parent title is of sufficient size, to provide for massing of development away from critical areas such as ridgelines.
- 22.5 - The zone should provide a standard relating to the visual impact and vegetation clearance issues relating to roads, particularly on land near ridgelines.

### **23.0 – Environmental Management**

- 23.4.4 A1 (b) - The wording of this acceptable solution is somewhat vague and unclear. Does the development site have to be currently unvegetated, or just have had vegetation lawfully removed at some point in the past? How much regeneration is acceptable? Would the presence of a single individual of native grass mean a proposal would not comply with this AS? The requirement for vegetation to have been lawfully removed, if it applies to historical clearing, would place an unreasonable burden on planning authorities to determine what historical clearing has occurred and whether it was lawful at the time.

### **25.0 Port and Marine Zone**

- 25.2 – Use Table - Many of the uses have qualifications limiting them to 'marine, port, shipping and transport' purposes. This Zone is used for Selfs Point currently in Hobart, which is primarily related to fuel, gas and chemicals and uses for these purposes may not comfortably fit in the proposed use qualifications. There are many uses prohibited under the HIPS that are either permitted or discretionary under the TPS, which is inappropriate for the way the zone is applied in Hobart. Therefore,

Hobart would either have to have a series of overriding qualifications in the Local Provisions Schedule, or develop a Particular Purpose Zone/Specific Area Plan for the area to which this zone currently applies. A Particular Purpose Zone may be an appropriate option given the use constraints placed on this area under the Selfs Point Land Act 1951.

- 25.4 - Building height of 20m seems excessive, given this is the same permitted height as the Central Business Zone.
- 25.5 – the minimum lot size is proposed to be 1000m<sup>2</sup> under the TPS which appears small for a zone of this nature. It is currently 10,000m<sup>2</sup> under the HIPS. This is a significant reduction, and not appropriate for the zone in Hobart. Frontage is also significantly less at 6m under the TPS compared to 25m under the HIPS.

## **26.0 Utilities Zone**

- 26.2 Use Table – provide for sale of compost / mulch (Bulky Goods Sales) and General Retail and Hire uses such as the Tip Shop as these are often associated with recycling and waste disposal uses.
- 26.3 - There are longer hours of operation and significantly longer hours of commercial vehicle movements compared to the HIPS, this may not be appropriate given surrounding residential zones in Hobart and where uses are in close proximity to residential zones in general.

## **27.0 Community Purpose Zone**

- The Zone title and purpose refers to 'Community Purposes Zone', however in all other areas of the scheme it is referred to as the 'Community Purpose Zone' (including in the page numbers). This needs to be amended for consistency.
- 27.2 Use Table – suggest that provision be made for a transport depot in this zone if used for public transport.

## **28.0 Recreation Zone**

- 28.3 – the hours of operation within 50m of a residential zone are significantly later than provided for under the HIPS – presumably to accommodate major sporting facilities. It is considered more appropriate to lessen the hours and treat any extension as discretionary, particularly as sporting events can run until midnight if not within 50m of a residential zone (which is not a large distance given noise likely to be generated). Flood lighting until 11pm as permitted is not appropriate – and this only applies to sites within 50m of a residential zone, otherwise flood lighting could run all night. Additionally, the way the PC is structured with an 'or', this may allow for flood lighting use later than 11pm near a residential zone can rely on '(a) be necessary for Sports and Recreation Use', with no regard to residential amenity. The PC should be restructured so that (a) and (b) are 'or', but (c) is separated as an 'and' that applies to both (a) and (b). As structured, it could be read that you must comply either with (a) alone OR (b) and (c) together.

- It is noted that passive surveillance provisions such as 18.8.4 in the HIPS are not included (this also applies in other zones that currently include them in the HIPS). This does little to enhance public safety and further the Act Objective Part 2(f) *to secure a pleasant, efficient and **safe** working, living and recreational environment for all Tasmanians and visitors to Tasmania*. The omission is also inconsistent with the STRLUS Objective SI 1.9 *Ensure relevant planning scheme provisions include Crime Prevention through Environmental Design principles*.

## **29.0 Open Space Zone**

- Hours of operation and floodlighting standards as per comments under the Recreation Zone.

<b>Codes</b>
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**General Observations:**

The Codes generally lack quantitative parameters to provide definitive design standards applicable to many developments. The performance criteria in the Codes liberally uses words such “tolerable risk”, “reasonable”, “appropriate”, “adequate” and so forth, all of which are subject to individual interpretation by developers, owners, the Council etc. This appears to be minefield for disputes, unless there is some codification or standard guidance provided. The Planning Scheme should at least incorporate and reference relevant documents to provide some guidance.

Australian standards are referenced in numerous clauses, these references will quickly become out of date as standards change. Provision should be made for references to the standards to include any future amendments.

**Omissions:**

The scheme has provided for road and railway asset protection, along with other major linear infrastructure protection ie Road and Railway Assets Code, Electricity Transmission Infrastructure Protection Code, however there is no code or provisions for protection for linear bicycle and walking infrastructure on public land. Such assets are deserving of the same level of protection as other linear community assets.

**Wastewater Code:** Attached (**Attachment A**) is a document written by Senior EHO Greg Robertson of Sorell Council which provides evidence in support of the consideration of onsite wastewater management at development application stage. The comments therein are supported and it is considered that the community is at a disadvantage if onsite wastewater management is not considered until the latter stages of the development process through subsequent statutory processes and instruments.

The Code was developed to bring more detailed criteria to the forefront of the development assessment process rather than rely upon the performance criteria that ‘each lot...must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land’ (this appears in the Rural Living Zone and a number of other Zones within the draft Tasmanian Scheme). A Code of this nature and inclusions is intended to generate greater consistency across the State and is aimed not only at subdivision but also at the development of existing vacant blocks as well as the redevelopment of existing dwellings. The opportunity for the consideration of onsite wastewater management when existing blocks are developed or existing dwellings redeveloped appears to have not been addressed by the Scheme.

**Stormwater Management Code** - Key principles of the sustainable development of a city are water, sewer, stormwater and roads.

Drainage of properties – risk of onsite stormwater disposal is not adequately addressed via plumbing legislation. As the risk is often to third-party properties, via landslip or nuisance soakage/ runoff, the capability of a Lot to adequately support a development is (as per the LUPAA Objectives) key to the planning process and good governance.



WSUD – There is no other legislation which requires new developments of a certain size to implement best environmental management practices or addresses the environmental impact of developments which are unlikely to be significant point sources in themselves, but rather are contributing to the overall degradation of urban receiving waters. Planning Schemes are required to address this under the State Policy on Water Quality (below)

*31.1 Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.*

*31.2 Stormwater management strategies required pursuant to clause 31.1 should address both the construction phase and operational phase of the development and use of land and have the maintenance of water quality objectives (where these have been defined) as a performance objective.*

The State Stormwater Strategy targets (with some flexibility to address key contaminants of concern from particular developments, such as hydrocarbons from carparking), should be included in the Planning Scheme for developments of a certain size/ value or contaminant potential. Some allowance for a 'headworks' type contribution should also be specifically allowed, so that quality treatment and Council maintenance burden is most effective from environment, Council, developer's and future residents viewpoints.

Capacity issues and headworks: - The maintenance of flows from a site or appropriate cost contribution to upgrades of public infrastructure such that the development does not exacerbate downstream flooding is not adequately dealt with under other legislation. As a matter directly linked to a proposed development, it should be dealt with under the Planning Scheme.

At the very least, throughout the rest of the scheme, information requirements will need to be altered to reflect the removal of the Stormwater Code ie;

- if onsite disposal is required, a Site and Soil Evaluation report by a suitably qualified person demonstrating the site is suitable for a system sized for likely future development.
- if connecting to Council infrastructure with limited receiving capacity, report by a suitably qualified engineer demonstrating that the relevant runoff from the site will be maintained, that the system can handle any additional runoff or headworks charge at discretion of Council.

## **C1.0 Signs Code**

- C1.2 - Citing the clause numbers for exempt signs in the Application of the Code seems unnecessary – this does not occur in other codes.
- C1.3 - The definition for Illuminated signs includes internal and external illumination. The two forms of illumination are often significantly different, however. A sign with a small glowing light illuminating it from the outside has significantly less impact than a neon sign. The HIPS provisions are more specific than the TPS in relation to

illuminated signs – the sign standards stipulate that certain sign types must not be illuminated, and illuminated signs must be more than 30m from residential uses.

- Table C1.3 - The diagram for a Building Fascia Sign appears to be just a wall sign. A fascia is 'a horizontal piece covering the joint between the top of a wall and the projecting eaves', and signs are typically not attached to fascias. The description and image for this sign type are therefore incorrect. This sign type should just be deleted, or at least renamed to something such as 'parapet sign'.
- Table C1.3 - The building site sign seems very specific in terms of what it must include, suggest add 'may include'.
- Table C1.3 - The definition for bunting should include streamers.
- Table C1.3 - 'Cabinet Sign' shouldn't refer only to lockable boxes
- Table C1.3 - Suggest including fuel price sign as per the HIPS.
- Table C1.3 - 'newspaper day bill sign', 'open/closed signs', 'reserve sign', 'screen sign', 'street number', 'tourist information sign', 'umbrella sign', would be useful inclusions.
- Table C1.3 - 'Screen Sign' is defined in the HIPS as; *Screen Sign - means messages or product logos or other graphics printed or displayed on screens used in association with outdoor dining. A screen sign should be exempt when used in association with outdoor dining which has an occupation license under any relevant Council By-Law as per the current HIPS.*
- Table C1.3 - 'window signs' should include reference to signs that are not actually 'attached' to the window, but are designed to be visible through the window within a specified distance.
- Table C1.4 - The requirement to remove election and real estate signs within 7 days after an election/sale is positive.
- Table C1.4 - There are less exempt sign types – notably Above Awning Sign, Below Awning Sign, horizontal projecting wall sign, internal sign, transom sign, wall mural and wall sign have no exemptions. This may be overly restrictive and increase the number of unnecessary applications the planning authority must process. There should be controlled circumstances that allow for unobtrusive signs, limited in number, to be exempt.
- Table C1.4 – it is recommended that name plate signs (where they don't cause damage to heritage fabric) and sports ground signs could be exempt on heritage places.
- Table C1.4 - Fuel Price Signs, newspaper day bill signs, open/closed signs, reserve signs, screen signs, street number and umbrella sign are not defined signs in the TPS, but are in the HIPS, and are exempt. It is worth retaining a specific exemption for these as otherwise they would have to be classed as another sign type which may cause them to require a permit.

- C1.6 - 'discretionary' status has been removed for signs in particular zones and now sign types are either permitted in 'applicable zones' if they meet the standards, or discretionary if in applicable zones and don't meet the standards. This is simpler than the matrix of the HIPS, but removes the concept that a sign type can be generally discretionary based on the zone it is in. The table could be amended to include two applicable zone columns – one for zones where the sign type is permitted and one for zones where the sign type is discretionary.
- C1.6.1 – A3 would be clearer if (b) was deleted and Table C1.6 amended to provide for 1 window sign for each window as provided for in (a).
- Table C1.6 - the Roof Sign standards are the same as in the HIPS, but there is no restriction on building height in the new scheme (there is a restriction of 7.5m in HIPS). Sky Sign standards are slightly more restrictive in terms of size, but again there is no restriction on the height of the building to which the sign is attached. It is noted that the explanatory document states that the reference to building height was considered unnecessary, however this approach is not supported given the impact on these sorts of signs is greater on higher buildings.
- C1.6.3 Third Party Signs – Third party signs in the form of poster panels (billboards) are generally unnecessary, create visual clutter and adversely affect the visual qualities of the built and natural environment in Tasmania and should be prohibited. The billboards adjacent to the Tasman Highway in the vicinity of the Hobart Airport are a prime example of this.
- C1.6.4 - The objective does not include colour, content or the proliferation of signs to impact on the heritage values of a place, precinct or landscape and could be reworded to 'To ensure that the size, content, colour, number and siting of signs is compatible with and does not impact on.....'
- P1 also needs to include the following sub-clause 'not lead to an individual or cumulative impact of multiple signs....'
- P1(h) this sub-clause should also refer to 'internally illuminated or animated or flashing signs.....'
- Table C1.6 - Generally review sign types in zones, seems unnecessarily restrictive for some sign types compared to the current Southern Interim Planning Schemes. If it is possible to have a use in a zone that requires signage then an appropriate range of sign types should be possible. For example food services and local shop are discretionary in the General Residential Zone but it is not possible to have an above awning sign or a building fascia sign. Also there is a need to review the consistency of sign types possible in zones, eg awning fascia is possible in all zones, above awning only possible in 8 zones not including the Local Business Zone.

## C2.0 Parking and Sustainable Transport Code

- C2.1 – positive that cycling, walking and public transport are encouraged as transport in urban areas as part of the Code Purpose.
- C2.2 – the wording of the ‘Application’ clause is difficult to follow.
- C2.5.1 A1 – it should be provided that where a place is individually listed or within a heritage area under C6.0, there is no parking requirement if the only available area is in front of the building line.
- C2.5.1 A1 – a maximum parking rate should also be specified for commercial uses in order to prevent over provision of parking consistent with the following STRLUS objectives:

*LUTI 1.9 Ensure car parking requirements in planning schemes and provision of public car parking is consistent with achieving increased usage of public transport.*

*AC 1.9 Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.*

- C.2.5.1 A1 (d) – this subclause is confusingly worded. It also does not state what ‘C’ stands for in A1 (d) (ii). This key is probably better suited as a footnote, or preferably the clause should be redrafted without the need for an equation.
- C2.5.5 – A1 (a) should relate to whichever is the ‘lesser’ rather than whichever is the greater.
- C2.6.1 Construction of Parking Areas - A1 (c) be drained to the public stormwater system, or contain stormwater on the site; Suggest this clause be reworded or adapted to promote Water Sensitive Urban Design.
- C2.6.3 – the provision relating to number of access points should also have a qualification relating to Parking Precinct Plans. Hobart has areas where no new vehicle access points are appropriate, or where they are appropriate only in certain circumstances.
- C2.6.3 Number of Accesses for Vehicles - the standard should also provide that where a lot has 2 frontages the access is provided off the minor road and not a major road if applicable.
- C2.6.5 Pedestrian Access – A1.1 (a) (ii) provide an Australian Standard reference for protective devices - AS/NZS 3845:1999 Road safety barrier systems.
- C2.6.7 A1 (d) - The standard refers to AS1158.3.1 Table 2.3, and it should reference the whole standard as the detail design is included in the other standards.
- C2.6.7 There should be requirements for end of trip facilities such as showers and lockers with the bicycle parking standards consistent with the following STRLUS objective:

*LUTI 1.12 Include requirements in planning schemes for end-of-trip facilities in employment generating developments that support active transport modes.*

C2.6.8 – the General Residential Zone should be included in the list of zones where parking should be behind the building line where possible.

- C2.7.1 (a) should read ‘not **be** provided’ and (b) should read ‘not **be** increased...’ However, it is recommended that A1 be redrafted to provide for difference requirements. The clause should provide for the amount of parking to be in accordance with the parking precinct plan. Not all parking precinct plans will specify that parking must not be provided, they may specify a reduced rate or require parking for some uses but not others.
- Table C2.1 – the requirements can be confusing. Eg, Funeral parlour: *1 space per employee + 1 visitor space + 1 space per 4 chapel seats* – does this mean only 1 ‘visitor space’ is required overall, no matter the size?

It is recommended that Parking Space Requirements be reformatted where they include ‘and’, ‘or’ or ‘+’, to make it clear how they should be read. For example, it can be difficult to determine whether a requirement means (a) or (b+c), or alternatively (a or b) + c.

- Table C2.1 Parking Space Requirements – The standard for ‘residential use in any other zone’ is confusingly worded and should be redrafted to be clearer about how it should be interpreted. The parking requirements for dwellings in non-residential zones is more restrictive than for dwellings in residential zones where they contain more than 2 bedrooms, which seems odd.
- Table C2.1 is deficient in its Parking Space requirements for Bicycle parking – with many obvious uses stating “No Requirement” for bicycle parking provision. This would not appear to be in keeping with the Codes purpose – C2.1.2. The bicycle parking space requirements are far too low for some uses ie library, public art gallery – could be currently demonstrated in Hobart to be inadequate.

### **C3.0 Road and Railway Assets Code**

- The lighting code refers to AS1158.3.1 and should reference the whole series as the detail design is included in the other standards

### **C6.0 Local Historic Heritage Code**

#### **Local and State Significance – Historic and other heritage values**

- The code should be simplified to ‘Heritage Code’. The listing of places in planning scheme heritage lists can be for a range of reasons with the most commonly used criteria based on the Burra Charter of ‘aesthetic, historic, scientific, social or spiritual value for past, present or future generations.’ (The Burra Charter, 2013, Article 1.2) The National Heritage Convention proposed another set of common criteria to be used in order to better assess, understand and manage the heritage values of places which are called the HERCON criteria and are based on Burra Charter values. It should also be noted that the Land Use Planning and Approvals Act 1993 requires

that planning authorities will work 'to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value;' (Schedule 1 Part 2 (g) )

Such a title limits and presents a false impression of heritage values which are much wider than historic as well as being a complex inter-relationship of 'local' and 'state' values. For example, Government House in Hobart is significant for a whole range of values, historic, aesthetic and social values. It has local as well as state significance as well as being located within a wider landscape of the Queens Domain and adjacent to the Royal Tasmanian Botanical Gardens. As the Burra Charter states, places with shared heritage values should be managed to conserve all values and involve all associated communities to ensure sound decisions are made and that relevant matters, ie. matters of concern to the local community, are not overlooked. To clarify, it is recommended that in dropping the word historic, any clarification about the nature of the type of heritage could be included in C6.1 Code Purpose by stating 'The code applies to European heritage only'.

It should also be noted that in the document Assessing Historic Heritage Significance, for application with the Historic Cultural Heritage Act 1995 version 5 2011 on the Heritage Tasmania website the following is stated:

'In practice, the majority of places of state heritage significance are also likely to be of local heritage significance. That is, a place that is important to most Tasmanians is also usually important to the people who live in the local area around the place.'

'To ensure adequate protection, it would be necessary for the Heritage Council to manage both state and local heritage values, in consultation with the local planning authority.' (p.7)

With these statements as a basis, it is not considered sound heritage practice to limit the assessment of development on heritage places in the State's capital city, Hobart, to local or state, historic or otherwise, given the complex interconnections of heritage significance.

In addition the name of the code is misleading in that it appears as though the code is 'Local' in origin (i.e. within Part B and written by local councils), but it is in fact a State mandated code.

### **The Burra Charter**

The Burra Charter 2013, as already mentioned, has been adopted by the peak body of heritage professionals working in heritage conservation in Australia. It continues to reflect best heritage practice in heritage and conservation management by setting out a standard of practice for those who provide advice and make decisions about places of heritage value. It is a relevant and appropriate document to be reflected in the Statewide Planning Scheme and it is a positive outcome to see the principle of adaptive reuse referenced in the Commentary on the General Provisions (see table 7.0.1, p.28) However, the Burra Charter is not a document from which only selected passages are taken. Therefore it would be appropriate for the acknowledgement of Burra Charter definitions, principles and practices be taken into account.

The Burra Charter states that the aim with places of cultural significance is 'to retain the cultural significance of a place' and to this end it is recommended the following simpler and shorter rewording of the Code Purpose (C6.1.1) to read: 'To recognise and protect the heritage significance of places, precincts, landscapes and places of archaeological potential to retain the cultural significance of a place.'

The Code Purpose (C6.1.1) should also state the following 'In considering an application for development, The Burra Charter, its definitions, conservation principles, processes and practices shall be considered.' This will ensure best practice, high standards and consistency across jurisdictions in the assessment of places of heritage value.

### **Significant Tree Provisions**

- The inclusion of significant tree provisions within the 'heritage code' is not a logical or an ideal place. There are many trees in the Hobart Significant Tree list that are not listed for their heritage values but for other values such as aesthetic reasons, for their value to a local community or because they are rare examples, unusual in their form, provide genetic diversity and so on. A wider appreciation of the rational for significance listings is required making it more logical to include the list in a Natural Assets Code, or ideally within a separate code with appropriate definitions including 'tree protection zone' which is welcome addition. It is noted that the explanatory document provided states that it is not considered appropriate to include a separate code that is only applicable to 3 or so planning authorities. However, this document also acknowledges that many significant trees are listed for reasons other than heritage related reasons. As such, if significant trees must remain under the Local Historic Heritage Code, it would be expected that all trees currently listed would be able to be transferred into the LPS list, even if they are not specifically of heritage value. Changes may need to be made to the code purpose to exclude the specific mention of historic heritage significance where Significant Trees are concerned.
- It is not considered that including 'economic' reasons in Clause C6.9.1 P2 is a necessary justification for removing a significant tree and it is not supported. In addition, it is more appropriate that a suitably qualified person provide a written 'assessment as opposed to a written 'statement' (C.6.9.1 P2 (c)).

### **Places entered on the Tasmanian Heritage Register – the application of the code**

Under the provisions of C6.2.1 the listing of a place on the Tasmanian Heritage Register removes the opportunity for the City of Hobart to assess development applications for heritage impacts in order to retain 'local' heritage values. It also restricts the consideration of wider streetscape, historical patterns of development, the height and bulk of nearby buildings and make a thorough and holistic planning assessment as required under LUPAA. Reliance on the Heritage Council to assess applications to take into consideration local heritage values and local heritage community concerns is a significant omission in areas of high heritage significance such as Battery Point and Sullivans Cove. The City of Hobart does not support the separation of 'local' from 'state' values and the downgrading of local heritage concerns.



The current approach whereby the assessment of development on heritage places is done in conjunction with heritage officers of Heritage Tasmania and the City of Hobart is appropriate and its continuance is supported, especially given the linkages between heritage precincts, places of archaeological potential and cultural landscapes which are also required to be considered. As already stated, any assessment of development on heritage places must be done in conjunction with the City of Hobart.

The drafting of clause C6.2.1 also prevents the assessment of places on the Tasmanian Heritage Register within a Heritage Precinct by the City of Hobart for the values ascribed within the Schedule. This is inconsistent with the aims of the heritage code.

Clause C.6.2.2 has been altered from HIPS 2015 (clause E13.2.2) which previously stated that its use or history of use is a key criterion in its listing. This clause should be retained, but modified to the following: 'This code does not apply to use, unless a Heritage Place is listed because of its ascribed values that relate to its history and use.'

### **Application requirements and removal of definitions**

Clause E13.5 Application Requirements of HIPS 2015 has been removed in the drafting of the Heritage Code. The removal of these clauses is not supported as the listing of application requirements provides for clear and well supported applications and as a result, faster and more efficiently assessed applications.

As a result of the removal of this clause, several heritage related definitions currently within HIPS 2015 have been removed (C6.3). Definitions such as 'conservation plan', 'heritage impact statement' and 'statement of significance' are all relevant and appropriate for a full, comprehensive and well considered application and subsequent assessment.

### **Code not applying to internal works**

The exclusion of internal building or works as stated Clause C6.2.3 of the 'heritage code is not supported because it is problematic to separate internal works from external works. Internal works can manifest as external works, such as the removal of internal walls and fireplaces can lead to the removal of chimneys. The internal demolition and repositioning of walls can also lead to the demolition or alteration of external elements such as windows or doors.

The exclusion of having internal works assessed will lead to 'facadism' and a thin veneer of heritage, and result in the loss of some highly significant internal elements such as staircases, joinery, original and early fabric such as wide pit sawn floorboards, Georgian timber joinery, fireplace surrounds and fitted cabinetry.

In addition, the removal of internal heritage elements is defined as demolition which under HIPS 2015 is 'the intentional damaging, destruction or removal of any building or works in whole or in part.' 'Building' and 'works' have the meaning given to it under LUPAA 1993. As a result, the proposed heritage Code conflicts with the Act.

The exclusion of internal works in the heritage code is not supported.

### Definitions and use of terms

The current definition under HIPS 2105 includes 'cultural landscape precinct'. Clause C6.3.1 of the 'Local Historic Heritage Code' replaces it with 'historic landscape precinct'. As outlined earlier the word 'historic' is one of several values, and not the only value, for listing a landscape. The HIPS 2015 terminology is supported.

The current terms 'heritage place' and 'place' are already defined within HIPS 2015 and are appropriate and clear definitions that accord with other jurisdictions and standard heritage practice. The change of definition is not supported, especially as they are specific to local places. These definitions also reinforce that all elements within the boundaries of the title boundary of a place have significance unless they are part of an area of specific extent or exclusion.

The definition of 'Heritage Significance' is a new definition and does not accord with any previously used definitions. The definition that is supported is that within HIPS 2015 that refers to the HCHA 1995. To change the definition would result in a lack of consistency with standard definitions and is a departure from the trend toward consolidated ascribed values across Australia.

A new definition for 'registered place' is included. It is unnecessary and not required.

### Exemptions

Further suggestions are provided in **Attachment B** on heritage exemptions. Specifically, the removal of trees on heritage places and within heritage areas should not be exempt if they are greater than 5m in height or 40cm in diameter at 1m above ground level.

It is also noted that the exemption within the heritage code for development involving significant trees is too open. One person's interpretation of pruning to improve 'appearance' may be significantly different to another's. People undertaking significant pruning of significant trees should have the works done by an arborist, with the advice of an arborist provided in relation to the exemption. Without an assessment, it would be very difficult to determine whether the growth habit were to be 'retarded'.

It is suggested that an exemption be drafted for the demolition or removal of a building or works stated in the 'particular exclusions from listing' column in the Table as the heritage code is silent on this matter.

The heritage code is silent on the demolition or removal of a building or works stated in the 'particular exclusions from listing' column in the Table in C6.0. It is recommended that an exemption be included in C6.4.

It would be highly desirable to include an exemption that covered minor alterations to heritage places that cannot be classed as 'maintenance and repairs', but nevertheless did not impact on heritage significance. Currently, there are a significant number of discretionary applications that must be submitted for inconsequential works that should be exempt. As part of a 'simpler, fairer, faster,

cheaper' scheme, this should be addressed. Frustrations with having to lodge an application for an issue that everyone agrees is minor and will not have any detrimental impact is a significant part of the negative perception of planning. It is acknowledged that it is virtually impossible to craft an exemption or acceptable solution that adequately reflects what sort of development could be acceptable, as each heritage place is different. As such, the only logical solution is to introduce an exemption that refers to works that have no adverse impact on heritage values, as certified by a suitably qualified person. This approach is taken in many other codes in the scheme, and it is considered appropriate to be used in the Local Historic Heritage Code also. The City of Hobart Planning Scheme 1982 had a comparable provision that allowed the Senior Cultural Heritage Officer to exempt proposals that had no negative impact on significant heritage values, and this worked exceptionally well and without abuse, and provided a much better service to the community.

- Table C6.4.1 precincts of archaeological potential – subclause (a) is problematic in that it appears that anything that doesn't involve ground disturbance is automatically exempt from the whole Code.

### **Development Standards C6.6.1 to C6.6.11**

Part C6.6 of the Heritage Code contains too many classes of Development Standards. The number could be reduced from 11 to the following six creating a shorter and simpler code.

1. Demolition
2. Maintenance and Repair
3. Development including additions, alterations and new buildings
4. Fences
5. Outbuildings, driveways and parking, and (it is noted that the definition of outbuilding already includes garages and carports)
6. Subdivision.

In general, the wording of the AC and PC in this section needs revision to be clearer and reflect the objectives of the heritage code and to ensure a tighter and more consistent language. The standards (particularly the PCs) also need to clearly reflect the objectives for each standard and the Zone Purpose statements more generally.

Specifically the use of wording 'having regard to:' in the PC is not supported as it does not give it appropriate weight. This should be replaced with the words 'must satisfy the following'.

The repeated use of the sub-clause 'the historic heritage values of the local heritage place identified in the relevant Local Provisions Schedule' is not supported as it would be impossible to identify and list all heritage values ascribed to heritage places. The result would be a lengthy and wordy heritage list (C6.1). Some places

would have multiple heritage values which would extend over several pages increasing the size of the TPS exponentially. It is also noted it is inconsistent with C6.1 Lists to local Historic Heritage Code' which has the heading 'Statement of Local Historic Heritage Significance (if applicable)'.

Clause C6.6.6 Fences A1 is not consistent with HIPS 2015 and requires further clarification. It could also be a problem if the fence forms a barrier for sight distance for footpath and vehicles. This PC is unclear and requires redrafting for greater clarity.

Clause C6.6.6 P1 (c) should be redrafted and not include the following: 'dominant fencing style in the setting:' as it has the potential to perpetuate inappropriate fencing styles simply because they dominate the area. The PC for this section could be simply reduced to the following: 'New front fences and gates must be sympathetic in design, including height, form, scale and material to the style, period and characteristics of the building to which they belong'.

It is also noted that the PC use the following types of phrases, 'the height and bulk of other buildings in the surrounding area' (C6.6.4 P1 (c)) or 'the setback of other buildings in the surrounding area' (C6.6.5 P1 (d)). This is not supported as what is within the surrounding area may not be appropriate to emulate or reference, the result being incompatible scale, form and siting of new buildings.

Clause C6.6.11 should be deleted and any reference to vegetation on a listed place included in a new development standard for development (see abbreviated list of headings above). A simplified clause is needed to include a requirement for the provision of advice of a suitably qualified person to assess the health and vigour of a tree/s or vegetation on a listed place. The provisions also need to remove any reference in the Objective to the word 'specifically' as it implies that those trees and vegetation will have already been identified and listed within C6.1, which is not always the case as conducting the exercise to identify them all within the Hobart municipal area is a prohibitive task. The preference is that removal of all trees above 5m or 40cm circumference on a heritage place/in a heritage area should require a permit, and this should be referenced in the code exemptions... P1 also includes an error in the first paragraph as it reads '...must not cause an unreasonable impact on, having regard to'

### **Other drafting considerations**

The wording of the PC in Clause C6.6.1 Demolition is problematic and further work is required to make it workable as well as consistent with heritage practice. For example, the physical condition of a place is not a factor when considering the heritage value of a place and should not be included. For example, the Alexandra Battery site is significant even though it is in an incomplete state and its rarity making it all the more important to stabilise and retain what remains. With heritage places, once it is allowed to be demolished, it is lost forever, hence a need for even tighter controls over demolition.

The wording of P1 in Clause C6.6.2 Maintenance should be redrafted to remove the word 'New'. It is not always the case that new materials are used and that often salvaged, recycled or reused materials can be part of a maintenance and repair

regime. The purpose of maintenance is to stabilise and allow for the continuous protective care of a place and must not be to the detriment of the character and appearance of the existing building or place, any fabric of cultural heritage significance and the compatibility with new materials and should not involve removing significant fabric. The redrafting of this clause should reflect Burra Charter principles and practices.

The use of the word “compatible” in the objectives of the development standards is problematic and should be replaced with ‘consistent’, ‘in keeping with’ or ‘does not detract from’.

- C.6.6.3 - This needs to be more prescriptive if it is to work and it is suggested that E13.8.4 of HIPS be used for more detailed references to site coverage and needs to take into account historical patterns of development, the characteristics of the area with rear, side and front setbacks.
- C6.6.4 – More acceptable words would include ‘consistent’ or ‘in keeping with’ or ‘does not detract from’. The reference to PC (c) is problematic. The height and bulk of other buildings in the surrounding area may not be a relevant or appropriate basis on which to justify a new building’s height or bulk as it perpetuates inconsistent scale and form. The explanatory document asserts in relation to C6.6 that the provisions *‘relate specifically to the local heritage place, not the wider surrounding area or precinct’*, however the reference to other buildings in the surrounding area within the PC contradicts this. No PCs in the code, where they relate to individually listed places, should take into consideration other buildings in the surrounding area as it is likely this could be seen as justification for inappropriate development.
- C6.6.5 - This clause is problematic as consideration needs to be given to whether or not it is consistent with the streetscape in which the listed place is located.
- C6.6.6 P1 – (c) requires rewording to remove the following; ‘dominant fencing style in the setting:’ to ‘New front fences and gates must be sympathetic in design, including height, form, scale and material to the style, period and characteristics of the building to which they belong.’ This would reduce the size and number of provisions in the clause. It is dangerous to refer to the ‘dominant fencing style in the setting’, as an inappropriate ‘precedent’ could be set by existing inappropriately designed fences in the street. This is completely undesirable and it is strongly recommended that the wording is amended.
- The wording of Table C6.4.1 Exempt development – Development involving a place or precinct of archaeological potential, subclause (a) is problematic as it suggests that anything that does not involve ground disturbance is automatically exempt from the whole Code.

Within the ‘signs code’ the terminology is used inconsistently when referencing the ‘heritage code’.

Clause C6.6.10 is not supported as it allows for parking areas and driveways in front of residential buildings. This has the potential to create very poor heritage outcomes particularly in some parts of Hobart such as Battery Point. In addition, clause C6.6.9 and C6.6.10 are inconsistent with each other as one prevents the siting of

outbuildings (carports and garages are classified as outbuildings and structures) in the front yard of heritage dwellings whilst the other does nothing to control parking areas. In this regard E13.7.2 P6 of HIPS is a good reference that would be supported.

### **Development Standards for Heritage Precincts**

Part C6.7.1 Demolition contains too many provisions that are unclear and inconsistent with current heritage practice. For example, it is not appropriate to include a reference to safety issues, but more relevant to have a requirement for the provision of information from a suitably qualified person commenting on the condition or stability of a feature. This could be documentation that is provided in a section on application requirements. (see previous comments).

In clause C6.7.1 the use of the word 'unreasonable' within the Objective and in P1 is problematic and should be removed as it is difficult to define. It is also recommended that C6.7.1 A1 (a) be removed as there are no acceptable solutions for demolition. Further work is required on this provision to ensure it accords with the performance criteria in E13.8.1 P1 of HIPS 2015.

The objectives and provisions for buildings and works under C6.7.2 require clearer wording and removal of the reference to the values listed in C6.1.

The clauses for front fences in heritage precincts (C6.7.2 A2 & P2) need to be reworded. For example A2 could read: 'Front fences and gates must be designed and constructed to match the original design, based on photographic, archaeological or other historical evidence.' P2 could also be reworded to: 'Front fences and gates must be consistent with and not detract from the style, period and characteristics of the place and the characteristics of the precinct as described in the statements of heritage significance in C6.0 through design, height, form, style and materials.'

The reference in various PC for development standards requiring the compulsory consideration of heritage values specifically referenced in the heritage list of the Local Provisions Schedule is problematic as these values are unlikely to ever be recorded in full in the list. It must be questioned as to why it is necessary.

### **Summary**

In conclusion the heritage code of the SPS is deficient in many areas. Heritage values will be eroded, the detail of buildings and fine grain qualities will be lost and Hobart will become a city of facades.

The code is lengthy, not consistent and poorly drafted. It requires considerable redrafting to ensure it is consistent with current and good heritage practice and include references to the Burra Charter.

### **C7.0 Natural Assets Code**

- General - Technically this Code applies to things like constructed cut-off drains given the definition of 'watercourse'. Suggest amending definition of watercourse or excluding such watercourses from Code standards.

- General – The code addresses threatened flora species. Dealing with individual threatened species is a duplication of the Threatened Species Protection Act 1995 (TSPA), and has the capacity to cause issues. For example, it would only be possible to identify the species with a survey which may need to be completed for each proposal, and given the code is overlay-based this causes issues with identifying individual species.
- Purpose - An additional purpose needs to be added to this Code and incorporated into the relevant Performance Criteria – that a development must be designed/ setback sufficient to minimise probable future works within the riparian zone or risk to the development itself. This is to address the scenario where future foreseeable erosion of the existing bank of a creek will pose a hazard to the development or its access, necessitating further works to the creeks such as gabion walls or piping the creek, which could been avoided with some initial forethought and investigation. This poses issues both financial to Council (who pays for gabions?) and environmental (riparian values now severely compromised).
- C7.1.4 - What is the justification for allowing unfettered clearing of non-threatened native vegetation communities under the planning system when the forestry system (under the Tasmanian Government Policy for Maintaining a Permanent Native Forest Estate) is required to maintain at least 75% of non-threatened native vegetation communities present in 1996 and approval is not required for clearing for dwellings or subdivisions under the Forest Practices Regulations? These appear to be inconsistent positions.
- C7.3.1 – ‘Waterway and Coastal Protection Area’. The reason for including the watercourse itself in the protection area under the definition, but not the lake, wetland or sea (note (a)(ii)) is not clear. It also needs to be clarified if developments in estuaries trigger the watercourse provisions, coastal provisions, or both.
- C7.4.1 Exemptions c & d should be reviewed. Exotic riparian vegetation may often serve significantly the same ecological purpose as native vegetation in terms of minimising erosion, maintaining water quality and providing habitat. Exclusion of clearance and conversion of vegetation within a private garden or public land essentially restricts the application of this Code for vegetation clearance to vacant Lots.
- C7.2.1 (c) (xi) – It is not appropriate to allow unfettered clearing of priority vegetation in the Low Density Residential Zone (excluding subdivision)
- C7.3 Remove reference to ‘drainage line’ from the Waterway and Coastal Protection Area definition as it is itself not defined, and it is unclear whether unpiped drainage lines are included. At least it should be defined whether ‘*does not include a piped watercourse or drainage line*’ means ‘piped watercourse, or drainage line (either piped or unpiped)’ or ‘piped watercourse or piped drainage line (but not unpiped drainage line)’ Features like cut-off drains should also be excluded (technically these are ‘watercourses’).
- C7.3.1 - Definition of ‘natural streambank and streambed condition’ and ‘river condition’ with is problematic. Determining the natural rate of erosion and natural

hydrological processes under the Tasmanian River Condition Index is extremely unclear, complex and time-consuming and is unlikely to be done.

- C7.3.1 – ‘Waterway and Coastal Protection Area’ - With regard to Class 1 Streams, widths should be taken from the ‘mean high water mark’ (the line of the medium high tide between the highest tide each lunar month (the spring tides) and the lowest each lunar month (the neap tides) averaged out over the year).

It would be good to clarify exactly how ‘within or adjoining any of the following zones’ is to be applied. Is it just the stream bed, or the area between the top of the banks, or a certain-sized buffer that must fall within, or align with the boundary of, the identified zones?

- C7.4.1 - The exemptions under this Code are very broad , and not consistent with biodiversity conservation, scenic protection, or best practice vegetation management across all land tenures (e.g. clearance and conversion or disturbance of priority and non-priority vegetation, works to protect water or coastal assets that may adversely impact locally rare species such as Little Penguin, or have unintended consequences).
- C7.4.1 – amend (d) so that soil disturbance and removal of vegetation in a private garden within the bed and banks of a watercourse is not exempt, as this could contravene the code purpose. Riparian and coastal vegetation (native or exotic) has important functions even in private gardens (e.g. managing erosion, providing habitat). If it is going to be retained, at least include a definition.
- C7.6.1 A1 - The standards for Class 4 streams are inadequate given they can be allocated to Class 4 purely on the basis of zoning.
- C7.6.1 A1 (b) – At what level should the flow of water not be impeded? Normal levels, 1:20 ARI, 1:100 ARI, 1:1000 ARI?
- C7.6.1 – P1 (c) reword to ‘avoid or minimise *significant* impacts...’, (d) reword to ‘If within the spatial extent of a Class 1, 2 or 3 watercourse, *substantially* maintain...’ As it reads, P1 appears to exclude all possibility of piping creeks even for a short distance (eg under a driveway access).
- C7.6.2 - The standards in this section are unlikely to achieve the stated objectives. Further loss of priority vegetation will in many cases be unreasonable. It should be noted that these values are already in jeopardy and therefore require the highest level of protection practicable.
- C7.6.2 A1 - Permitting up to 3000m<sup>2</sup> of threatened vegetation to be cleared in the Rural Living Zone is not appropriate as it will not ensure the standard objective or code purpose statement is achieved.
- C7.6.2 P1(a)(iii) – It is not clear what additional mitigation measures could be used, suggest give examples. It also appears to be unnecessary duplication of the requirements under (a)(i) as does (a)(ii).



- C7.6.2 P1(b)(i) - 'Overriding benefits' for whom? The developer? Same for P1(b)(i)(b).
- C7.6.2 P1(b)(i)(c) – Suggest add reference to threatened flora and significant habitat.
- C7.7.1 A1(f) - A building area should be required where the lot is likely to be developed for buildings, not optional (as it is with the current wording). Otherwise new lots may not be able to meet the PCs of C7.6.1. This also true for P1(b).
- C7.7.1 P1(b) - Change wording so that building areas must be outside both W&CPAs and FCRAs.
- C7.7.2 A1(e) This acceptable solution is not supported. The objective of this section includes to ensure that future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets, which this AS won't achieve. New lots that will not be able to meet the PC's of C7.6.1 should not be approved.
- C7.7.2 A1(f) A building area should be required where the lot is likely to be developed for buildings, not optional (as it is with the current wording). Otherwise we will potentially be approving new lots that will not be able to meet the PC's of C7.6.1.
- C7.7.2 P1(b) 'Overriding benefits' for whom? The developer? Same for P1(b)(i)(b).
- C7.7.2 P1(b)(i)(c) Reference needed to threatened flora and significant habitat.

## **C8.0 Scenic Protection Code**

- General – It is uncertain why the code does not apply to certain zones (eg Recreation, Major Tourism, Community Purpose, etc)
- C8.3.1 – Destruction definition should remove the term 'appearance to'.
- 8.4.1 (a) – Should replace 'exotic' with 'introduced' – this provision effectively makes redundant the inclusion of the Agricultural Zone as a zone to which the code may be applicable.
- C8.4.1 (b) Planting or destruction of vegetation within a private garden, public garden, etc is listed as an exemption, which seems to be against the purpose of the scheme which is to maintain scenic areas, and vegetation retention is presumably a large part of this. There is an exemption in Section 4.0 for landscaping and vegetation management within a private garden, public garden etc. At the very least a definition of 'private garden' would be useful.
- C8.4.1 (e) exempting 'subdivision not involving works' could have significant effects on scenic areas. This exemption for subdivision would override the subdivision provisions in the zones. Codes in general should not allow for a subdivision that was not possible under the relevant zone provisions. (Refer E10.8.1 in the HIPS for an example).
- C8.4.1 (g) – this exempts not just maintenance of existing roads, but construction of new roads, which could have a very significant impact on scenic values.

- 8.6.1 and 8.6.2 – Unclear what ‘management objectives’ means.

### **C9.0 Attenuation Code**

- C9.4.1 - There should be exemptions for development associated with the uses in Tables C9.1 and C9.2 where the development doesn't change the use's likelihood of causing environmental harm. There are no development standards for these uses anyway, so why trigger the Code?
- Table C9.1 - A 200m attenuation distance seems excessive for small bakeries. Suggest 100m like milk processing works.
- Table C9.1 - Suggest including music and other performance venues, particularly those that operate late at night. An attenuation distance of 100-150m is probably appropriate.

### **C10.0 Coastal Erosion Hazard Code**

- General – Use Standards are confusingly detailed, but development standards are minimal. There are no Acceptable Solutions other than for subdivision, and the Performance Criteria all rely on a coastal erosion hazard report, which puts a lot of cost onto the applicant. There is no environment and coastal processes protection, no foreshore access protection and no references to ecological processes, coastal dynamics and climate change – the code is generally lacking in its application.
- The term “tolerable risk” is used in these Codes and has the definition: “means the lowest level of likely risk from <coastal inundation, riverine inundation or coastal erosion> to secure the benefits of a use or development in a coastal inundation hazard area, and which can be managed through routine regulatory measures or by specific hazard management measures for the intended life of each use or development.”

To enable this to be interpreted in a meaningful way there will need to be standards set for what the intended life of each use or development is – for example a subdivision in effect has an unlimited life – in at least one other State there are standard lives for particular types of development - subdivisions are nominally 100 years.

It is difficult to work out what the definition actually means in practice, some quantification of the definition along the lines of current practice eg lowest habitable floor to by 300mm above a 1 in a 100 year event or something similar or quantification of what the “lowest level of likely risk” is in terms of frequency and consequences would be useful.

- C10.3.1 – ‘Manifest quantity’ needs to be defined.
- C10.3.1 – ‘Tolerable Risk’ - Poor definition. What are the risk criteria to evaluate whether the risk is tolerable? While the wording is unclear, it suggests that ‘as low as reasonably practicable’ is ok regardless of the actual level of risk.

- C10.3.1 – ‘coastal protection works are defined in 3.1.3 just as *‘means structures or works aimed at protecting land adjacent to tidal waters from erosion or inundation’*. No scale or public authority etc. The HIPS15 definition includes *‘considered necessary by an agency or council that have been designed by a suitably qualified person’* and distinguishes *‘initiated by the private sector’*, and this should be retained.
- C10.5.1 - Use within a high hazard band objective (b) *to deem Residential and Visitor Accommodation are not uses that are reliant on a coastal location* - is not an objective.
- C10.5.1 A1/P1 - It would be inappropriate to prohibit all uses other than ‘a use which relies upon a coastal location’ in the high hazard band where all proposed development is outside the high hazard band just because part of a lot contains the hazard band (and the entire lot is allocated to the use class such a vacant waterfront lot).
- C10.5.3 – What is a coastal erosion event? And under P2 (b), what does *locations external to the immediate impact* mean? These need to be better clarified/defined.
- C10.5.3 P1(b) - For high hazard bands, isn’t this unnecessary duplication of C11.5.1 P1(a)?
- C10.6.2 P1 - ‘Kept to a minimum’ is vague. Perhaps replace with ‘the minimum required to adequately mitigate the risks to 2100’.
- C10.6.2 P1 (a)(iii) - ‘Proponent’ needs to be defined. It also seems unreasonable to expect the Planning Authority to assess whether the ongoing cost of maintenance can be met by the proponent, given the future is uncertain.
- C10.6.2 P1 (b) - This is considered unreasonable for existing uses in non-urban zones. Why shouldn’t they have the possibility of coastal protection as well?
- C10.7.1 P1(c) - What is an ‘unacceptable’ level of risk?

## **C11.0 Coastal Inundation Hazard Code**

- C11.3.1 – ‘hazardous use’ - ‘Manifest quantity’ needs to be defined.
- C11.3.1 – ‘tolerable risk’ - Poor definition. What are the risk criteria to evaluate whether the risk is tolerable? While the wording is unclear, it suggests that ‘as low as reasonably practicable’ is ok regardless of the actual level of risk.
- C11.5.1 P1 - It would be inappropriate to prohibit all uses other than ‘a use which relies upon a coastal location’ in the high hazard band where all proposed development is outside the high hazard band just because part of a lot contains the hazard band (and the entire lot is allocated to the use class such a vacant waterfront lot).
- C11.5.4 P1(b) - This seems to replicate the standards for high hazard bands under C11.5.1 P1(a)
- C11.5.4 P2(b) – It is not clear what this is saying and how it differs from (a) – reword for greater clarity.

- C11.5.4 P2-P4 and C11.6.1 P1 - Is there a risk that by specifying a 1% AEP coastal inundation event in 2100, the risk of flooding before 2100 doesn't need to be considered? What if the design life of the use/development is only 60 years?
- C11.6.2 P1 - Kept to a minimum' is vague. Perhaps replace with 'the minimum required to adequately mitigate the risks to 2100'.
- C11.6.2 P1(a)(iii) - 'Proponent' needs to be defined. It also seems unreasonable to expect the Planning Authority to assess whether the ongoing cost of maintenance can be met by the proponent, given the future is uncertain. Or is it requiring an estimate of maintenance costs and a bond to be taken by the Planning Authority?
- C11.6.2 P1(b) - This is considered unreasonable for existing uses in non-urban zones. Why shouldn't they have the possibility of coastal protection as well?
- C11.7.1 P1(c) - What is an 'unacceptable' level of risk?

## **C12.0 Riverine Inundation Hazard Code**

- Some guidance is required in terms of what size floods should be addressed by the Code (i.e. what areas should be captured by the overlay) to ensure consistency between planning areas (suggest 1% AEP in 2100).
- C12.2 Application - Code only applies to mapped areas however Hobart City Council has limited modelling. Council would be grossly negligent in duty of care by issuing permits (planning and building) with no discussion of flood risk despite known history of flooding or obvious risk should we limit the overlay to these modelled areas. However if Council applies a broad 'indicative' flood zone based on a standard setback from watercourses (piped or open), developers in this broad swathe who previously would not have been requested for a flood study based on Council's knowledge of the area and flooding will be required to engage an engineer to provide a report that they are not a flood risk.
- C12.3.1 – 'hazardous use' - 'Manifest quantity' needs to be defined.
- C12.3.1 – 'tolerable risk' - Poor definition. What are the risk criteria to evaluate whether the risk is tolerable? While the wording is unclear, it suggests that 'as low as reasonably practicable' is ok regardless of the actual level of risk. What is the intended lifespan of a building? Once constructed, alterations are exempt – so could be indefinite.
- C12.3.1 A riverine inundation hazard report must include appropriate engineering details. The term 'occurrence' in part b of the inclusions for such a report may be confusing – the report must address depth, velocity and extent as well as frequency of flooding.
- C12.4.1(b) – There are concerns with these exemptions. Development associated with these uses (particularly outbuildings, landfilling and other obstructions) could have a significant impact upon inundation of other land. Suggest a conservative limit on the size of structures within the flood zone as qualifications if these exemptions are to be retained.

- C12.5 – Use Standards - Hazardous use –environmental or public health risk due to inundation needs to be addressed for all developments. Limiting it to various use classes is a clumsy mechanism which excludes many potential risks – particularly the most prevalent example of onsite sewage or sewage pump stations.
- C12.5.2 P1(a) - Refers to 'coastal inundation hazard'.
- C12.5.2 P2(b) – It is not clear what this is saying and how it differs from (a) – reword for greater clarity.
- C12.7.1 P1(c) - What is an 'unacceptable' level of risk?
- C12.7 A1 (d) – stormwater services are unlikely to be outside flood area by their nature (usually would be connecting to the watercourse which is flooding)
- C12.7 P1 (e) – Lot access is generally held to a lower level of flood immunity than building areas.

### **C13.0 Bushfire-Prone Areas Code**

- General        The exclusion of habitable buildings from this Code may have negative implications for developers who require hazard management areas in order to meet the required BAL under the building system (max. BAL-29) or the BAL standards that they can realistically afford. Many will (particularly during the early stage of introduction) need to go back for further planning approval to have vegetation clearing approved sufficient to achieve their required/desired BAL level. This will likely end up being more inefficient than the previous process for some applicants.
- C13.2.2        It is not clear why this provision is in this Code when most other Codes don't have such a provision.
- C13.3.1        'Hazardous chemicals' needs to be defined. Also, there should be minimum thresholds applying.

### **C14.0 Potentially Contaminated Land Code**

- General - There are a number of very positive amendments to this Code from that found in the current Southern Interim Schemes including the inclusion of the definition of a suitably qualified person. This provides Council with the head of power to reject reports submitted by non-accredited practitioners.
- C14.2.3 – It is not clear why this provision in this Code when most other Codes don't have such a provision.
- C14.4.1((d) Exemptions - there is an issue with the lack of a process for the issuing of such certificates. This situation has arisen under the current Code and hopefully has been flagged at the Environment Protection Authority for attention.
- C14.3.1 – 'site history' - The words 'if a site is likely to have been impacted by a potentially contaminating activity' are unclear. Is this just a site history that confirms that potentially-contaminating activities did not occur on the site or adjoining land or a

site history and technical assessment that there was no contamination impact to a site as a result of potentially-contaminating activities?

- C14.4.1 (b) - This exemption should be in relation to 'excavation' not 'disturbance' given the development standards only relate to excavation.
- C14.4.1 (b) - The exemption threshold is too low and should be increased.
- C14.4.1 (c) - This exemption needs rewording as a site history will not categorically confirm that a site has not been impacted by a potentially-contaminating activity, rather it would confirm that there is no readily-available evidence to indicate it was impacted.
- C14.5.1 A1 – There is little point in having this standard when currently the Director is refusing to issue such certificates and there is no accreditation system? Has it been guaranteed that these systems will be in place when the scheme commences?
- C14.5.1 P1(b) – It is not clear why the ESA needs to demonstrate that contamination does not present a risk to the environment. This is not an objective of C14.5.1. A change of use would have no implications for risk to the environment without associated development.
- C14.5.1 P1(c) - It is not clear why the management plan needs to address risk to the environment. This is not an objective of C14.5.1. A change of use would have no implications for risk to the environment without associated development.
- C14.6.1 - There is little point in having this standard when currently the Director is refusing to issue such certificates and there is no accreditation system? Has it been guaranteed that these systems will be in place when the scheme commences?
- C14.6.2 Excavation - A1 - It is not clear why the acceptable solution is to excavate less than 250m<sup>3</sup> when the Code applies to development disturbing more than 1m<sup>2</sup> (the numbers seem extraordinarily out of line with each other and 250m<sup>3</sup> seems excessive for an AS). This volume could be achieved whilst exposing a vast area of previously 'capped' contamination to be mobilised into the environment from rain infiltration, eg removing hard surfaces. An acceptable solution for excavation of a contaminated site must take into account the area exposed and contaminant levels and likely mobility.
- Table C14.2 - The note for this table is misleading as it appears to suggest that this list is indicative only, which it is not given the definition of 'potentially contaminating activity'.

### **C15.0 Landslip Hazard Code**

- General - The peak body for such matters in Australia (AGS) use the term 'landslide' not 'landslip'. The Code should use the accepted terminology.
- C15.3.1 – 'hazardous use' - Include definition of 'manifest quantity'.
- C15.3.1 – 'landslip hazard report' - The correct term is a 'landslide risk management report' – refer to AGS guidelines.

- C15.3.1 – ‘major works’ - Considering excavation or fill >1m (regardless of area involved) appears excessive and unreasonable.
- C15.3.1 – ‘tolerable risk’ - Poor definition. This defines what is meant by the term tolerable risk, but does nothing to identify what level of risk is tolerable. How is the practitioner going to determine what level of risk is reasonably practicable for society to live with? This will only lead to inconsistency between jurisdictions and practitioners. Use the tolerable risk criteria in the AGS guidelines - Refer to Table 1 for risk to life tolerable risk criteria and Appendix C (Risk Level Implications table) for risk to property tolerable risk criteria.
- C15.3.1 - Major works includes “removal, redirection, or introduction of drainage of surface or groundwater except into a stormwater drainage system;” Clarification is needed if ‘stormwater drainage system’ is a reticulated system conveying the stormwater offsite. Even this may be insufficient- several recent subdivisions (Oberon Crt, Athleen Ave & Forest Rd) have had geotechnical restrictions placed on new reticulated stormwater.
- C15.4.1 - Is it wise to exempt utilities that will serve a critical or vulnerable use?
- C15.4.1(c) - It is assumed that works associated with such development that do not require a building permit still require assessment under the Code. It would be useful if this were clarified.
- C15.5.1 P3 - If the report indicates that there would be no release of dangerous substances as a result of a landslide event that should be acceptable as well. There are different types of landslides, some of which could be addressed through adequate design and engineering.
- C15.5.1 P4(a)(i) – It is not clear what this means. How would anyone ‘protect themselves’ during a landslide?

### Local Provisions Schedule

- 3.0 - Local Area Objectives are provided for where they do not ‘conflict with the Zone purpose, Use Table, or use or development standards in the relevant Zone in the State Planning Provisions’. This may be a difficult requirement to achieve, given the TPS zone standards are sometimes significantly different to those in the interim schemes, and yet the same local area objectives would likely be desired. It is stated that the Local Area Objectives will be relevant to discretionary uses and also to development where local area objectives are referenced in performance criteria, however there are no PCs in the TPS relating to development that mention LAOs. this effectively means no physical development can be considered with any regard to LAOs. This needs to be reviewed.
- C6.1 – it is inappropriate to have the Statement of Local Heritage Significance within the Local Heritage Places List. These statements can be very long, and given the thousands of places on the Hobart list, this would result in an untenable list length. Trying to summarise statements would result in potential issues relating to missing

key elements out and then these elements not being considered of importance. In addition, the 'specific extent/exclusions' column should have (if applicable) in brackets, and it should be clear that if this is not filled in then the listing applies to the whole title.

- Site specific qualifications are intended to be applied to 'a specific lot or site', and are very restricted in the circumstances where they may apply. Only variations that 'provide a significant social, economic environmental benefit to the state, a region, or a local community or area' will be considered. Firstly, it is not clear if it should be read as an 'and' or an 'or' between 'social, economic environmental'. If it is an 'and' this would be very difficult to justify in many valid cases. Additionally, it is noted that variations to development standards may only occur if the Performance Criteria would not allow for the flexibility to approve desired developments. This essentially precludes changes to AS standards while retaining the same PC, and may significantly constrain **any** changes given there are very few 'absolutes' in the performance criteria of the scheme. If this is the case, it will end up forcing many cases where unnecessary applications will need to be lodged for appropriate developments, which significantly obstructs the notion of creating a 'fair' planning scheme.

In addition, the explanatory document states that site specific qualifications may be applied to 'a specific lot or site'. However, an example provided in the Local Provision Schedule of the scheme shows a change that is seemingly made over a whole zone (defined by an area on an overlay map). It is preferred that the ability to alter a provision over the whole zone is allowable, as there is likely to be a proliferation of Particular Purpose Zones and Specific Area Plans if a small number of zone provisions that may be highly inappropriate to a specific municipal area cannot be overridden over the whole zone as part of the Site Specific Qualifications. It should be clarified what the extent of a 'specific lot or site' can be, and whether this includes the whole area to which a zone is applied.

It is also noted that only prohibited uses may be made permitted or discretionary. Therefore no permitted/discretionary/NPR uses may be made prohibited, no permitted/discretionary/NPR uses can change status, and seemingly no prohibited uses may be made NPR. This is overly restrictive and the reasoning behind this is unclear. Surely uses that are specifically inappropriate on a site/in an area should be able to be prohibited?

- C6.4 should formalise the option to use a map for Places or Precincts of Archaeological Potential (as per the current HIPS2015). See definition in Local Historic Heritage Code C6.3



**Why must on-site wastewater management be considered as part of development application assessment?**

The advent of reticulated sewerage and advanced on-site wastewater management systems (OWMS) have been one of the most significant preventative public health measures.

Many residential properties in Tasmania continue to use OWMS to treat and apply wastewater on their properties. However, these systems only have a finite life and the land application area will typically fail after 15-20 years.

A failing wastewater pipe was believed to be the source of a major food borne illness outbreak linked to consumption of oysters contaminated with norovirus. The outbreak resulted in hundreds of people becoming ill across Australia and caused significant damage to the Tasmanian Oyster industry and Tasmania's reputation for producing clean green food.

A similar Hepatitis A outbreak in Wallis Lakes in NSW was linked to failing septic tank systems. There are many areas in Tasmania where OWMS are located within water catchments of oyster harvesting areas or drinking water supplies for towns or individual households.

One of the integral components of our resource management and planning system is to achieve sustainable development, which includes environmentally and economically sustainable wastewater management.

When land is proposed for subdivision it must be determined at the planning stage if the lots can be connected to a sewerage system or if the lots are suitable for an OWMS. This has been the case in Tasmania since the late 1970's. Prior to this large unserviced subdivisions were created without consideration for wastewater suitability such as in Primrose Sands and Dodges Ferry. Many of these lots are either not suitable for sustainable on-site waste management or development is highly restricted. This situation exists in many other parts of Tasmania (Kettering, Adventure Bay, Clifton Beach, White beach, Eaglehawk Neck, Opossum Bay and South Arm) but more so in the Southern Tasmania.

Criteria must therefore be included in the Statewide Planning Scheme for areas not connected to reticulated sewerage for sustainable lot sizes and setback distances to sensitive features to ensure that new lots are suitable for the intended use. These provisions however will not address the many thousands of existing vacant lots that may have been subdivided decades ago.

Over 20 years ago when on-site waste management was not considered as part of the planning process, new developments were planned and designed but wastewater suitability was not considered. On some occasions developments were refused building approval as the site was not suitable for an OWMS, at great expense to the developer. In recent years considering wastewater sustainability at the planning stage has resulted in developments that are commensurate with the site and soil conditions.

Sustainable OWM is a complex issue that requires detailed evaluation of the site & soil conditions and the surrounding environment. The overall impact of developments must consider the cumulative impact on water quality; including groundwater, drinking water catchments, recreational waters, water used for marine farming and sensitive aquatic

ecosystems. The planning system is the most appropriate way to assess impacts on water resources.

Currently, the Building Act 2000 requires permits to be obtained for the installation of an OWMS (Special Plumbing Permit) and the application assessment process requires the consent of an Environmental Health Officer who conducts a review of the documentation submitted to determine if the proposed OWMS is suitable for the site. However, the SPP process focuses on the specific site and doesn't adequately provide for broader catchment management issues to be considered nor does it allow for 3<sup>rd</sup> parties such as neighbours or users of water resources (TasWater, oyster farmers etc.) to provide input into the decision making process.

If on-site wastewater management sustainability is not considered at the Development Application stage then many existing houses which are being extended, adding more bedrooms, increasing the footprint of the building or are constructing out buildings may impact on the current and future sustainability of the OWMS by:

- increasing hydraulic loading on the system causing it to fail;
- building over the existing system causing failure or limiting access for maintenance; and
- reducing the amount of available land for future wastewater treatment.

All of the above can cause failure resulting in public health risks to residents, nuisances to neighbours and off-site pollution. In some situations the only way to fix the problem is to demolish some of the buildings or construct very expensive communal reticulated sewerage systems. TasWater already faces significant challenges upgrading existing infrastructure let alone having to install new reticulated sewerage schemes in areas with failing OWMS.

Previously, Sorell Council investigated a reticulated sewerage system for the Southern Beaches in 2008 and the estimate for the scheme was over 50 million dollars. Later investigation by the former Southern Water found that the scheme would be far more expensive and would likely cost up to \$30000 per lot. A typical OWMS ranges between \$10000 and \$20000 and has a serviceable life of 15-20 years.

TasWater has advised Sorell Council that it would not be able to consider a Southern Beaches Sewerage scheme unless significant external capital investment was made.

Effective planning controls and decisions are vital to ensure ongoing sustainability to avoid the environmental, public health and economic consequences of failing OWMS. The Sydney Catchment Authority has prepared a detailed document on 'Designing & Installing On-site Wastewater Systems' which recommend on-site wastewater management be considered when a development application is lodged.

Wastewater criteria being included in the Statewide Planning Scheme also creates efficiencies for developers by providing a pathway to achieve compliance. If this was not included and left to the building stage resources may be invested in a design which is inappropriate for the site.

### Internal Works

~~Development within the specific extent of a heritage place:~~

Any reference to development being exempt only within the 'specific extent of a heritage place' is removed. Table E13.2 includes a 'specific extent' column for those places where the heritage listing is limited to a specific area within a title. It does not make sense for any of the exemptions to apply only to properties with an identified 'specific extent'.

(a) the demolition or removal of internal building or works not involving:

- (i) the removal of heritage fabric such as skirting boards, fire mantles, **staircases** or ceiling roses; or
- (ii) alterations to the original plan form of a building **on a heritage place**;

### Temporary Building or Works

(b) temporary structural stabilisation works as certified by a structural engineer;

### Demolition

(c) the demolition or removal of a building or works stated in the 'particular exclusions from listing' column in the Tables to this code;

### Maintenance and Repair of Linear and Minor Utilities and Infrastructure

- (d) maintenance and repair by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines, where like for like materials and finishes are used for reinstatement are used;
- (e) the provision, maintenance or repair by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of the following utilities and infrastructure:
  - (i) electricity, gas, sewerage, storm water and water reticulation to individual streets, lots or buildings;
  - (ii) traffic control devices and markings, fire hydrants and the like on public land;

If the following exemptions (f) and (g) were not applicable on places of archaeological potential, very few minor works could be undertaken by relevant authorities within Hobart's CBD without a permit.

- (f) ~~except on a place of archaeological potential~~, **except on a heritage place**, minor upgrades by or on behalf of the State government, a Council, or a statutory authority or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority, of infrastructure such as roads, rail lines, footpaths, cycle paths, drains, sewers, power lines and pipelines including:
  - (i) minor widening or narrowing of existing carriageways; or making, placing or upgrading kerbs, gutters, footpaths, roadsides, traffic control devices; and
  - (ii) markings, street lighting and landscaping, except where any of those elements are specifically part of the General Description column in Table E13.1;

- (g) ~~except on a place of archaeological potential, except on a heritage place~~, minor infrastructure within a road reservation, park, playground or outdoor recreation facility such as, playground equipment, seating and shelters, public art, telephone booths, post boxes, bike racks, fire hydrants, drinking fountains, rubbish bins, traffic control devices and markings, and the like incidental to the function of that road reservation, park, playground or outdoor recreational facility;
- (h) ~~except on a heritage place or a place of archaeological potential~~, development within a road, park or other public space that is not visible from a road, park or other public space bounding the site;

### **Maintenance and Repair of Buildings**

- (i) maintenance and minor repair of buildings, including repainting, re-cladding, re-roofing and re-stumping where like-for-like materials ~~and external colours~~ are used;

It is considered unreasonable restrictive to only exempt repainting where the colours are identical to the existing colour.

- (j) permanent stabilisation works considered by a suitably qualified person to meet the Purpose and Objectives of this Code;

### **Buildings and Works**

- (k) building works, alterations, and modifications required for compliance with fire regulations under the Building Code of Australia not visible externally upon completion from a street, park, reserve or other public space bounded by the property, ~~that are considered by a suitably qualified person to meet the Purpose and Objectives of this Code~~;
- (l) any type of development stated in the 'particular exempt development' column in the Table to this code;
- (m) Any development that a suitably qualified person, having regard to the objective of all applicable standards in this Code, certifies will not cause an appreciable increase in impact to the historic cultural heritage significance of a heritage place, heritage precinct, cultural heritage landscape or place of archaeological potential

### **Minor Structures and Outbuildings**

- (m) if they are at least 1m from any boundary, minor attachments to ~~the side or rear of a building a face of a building that does not front a street~~ that are incidental to any use or development such as heat pumps, rain water tanks with a capacity of less than 45 kilolitres and on a stand no higher than 1.2m, hot water cylinders and air-conditioners;
- (n) a maximum of 1 mast for telecommunications and a single flagpole provided each is not more than 6m in height and is not attached to any building within a heritage place listed in Table E13.1;
- (o) ~~except on a place of archaeological potential~~, construction, placement or demolition of an unroofed deck not attached to or abutting a building, that has a floor level less than 1m above natural ground level and is at least 1m from any boundary;
- (p) ~~except on a heritage place~~, one satellite dish no more than 2m in diameter;
- (q) ~~except on a heritage place~~, solar collector panels and photovoltaic cells on a roof, ~~provided the roof plane does not face a street~~;

- (r) ~~except on a place of archaeological potential, except on a heritage place,~~ construction, placement or demolition of minor outbuildings or structures if:
- (i) no new outbuilding is closer to a street frontage than the main building;
  - (ii) the gross floor area of each outbuilding or structure does not exceed 9m<sup>2</sup> and a combined total area of such buildings or structures does not exceed 20m<sup>2</sup>;
  - (iii) no side is longer than 3m;
  - (iv) no part of the outbuilding or structure is higher than 2.4m above natural ground level;
  - (v) the maximum change of level as a result of cut or fill is 0.5m; and
  - (vi) no part of the outbuilding encroaches on any service easement or is within 1m of any underground service;

### Fences and Retaining Walls

- (s) the construction or demolition of:
- (i) side and rear boundary fences:
    - a. not adjoining a road or public reserve; and
    - b. not more than a total height of 2.1m above natural ground level;
 except where they are within the garden or grounds that are specifically part of the General Description column in Table E13.1;
  - (ii) fencing of agricultural land or for protection of wetlands and watercourses;
  - (iii) temporary fencing associated with occasional sporting, social and cultural events, construction works and for public safety;
- (t) except where they are within the garden or grounds that are specifically part of the General Description column in Table E13.1 the construction or demolition of:
- (i) retaining walls, set back more than 1.5m from a boundary, and which retain a difference in ground level of less than 1m;

~~(u) Except on a heritage place, boundary fences adjoining a road or public reserve, and not more than a total height of 1.2m above natural ground level;~~

### Vegetation Planting, Clearing or Modification

- (u) works incidental to the maintenance of a garden or grounds, **excepting:**
- (i) where the garden or grounds are specifically part of the General Description column in Table E13.1; and
  - (ii) ~~removal of a tree that is at least 5m in height or has a circumference of 40cm measured at 1m from the adjacent ground level on a heritage place~~ **or within a heritage precinct;**
- (v) the planting, clearing or modification of vegetation, for any of the following purposes, except where the vegetation is specifically part of the General Description column in Table E13.1:
- (i) the landscaping and the management of vegetation:
    - a. on pasture or cropping land, other than for plantation forestry on prime agricultural land; or
    - b. within a **garden,** national park ~~public park~~ or state-reserved land, provided the vegetation is not protected by permit condition, an agreement made under Part 5 of the Act, covenant or other legislation; or

c. within a private garden or public park, except for removal of a tree that is at least 5m in height or has a circumference of 40cm measured at 1m from the adjacent ground level on a heritage place or within a heritage precinct

- (ii) clearance or conversion of a vegetation community in accordance with a forest practices plan certified under the Forest Practices Act 1985;
- (iii) fire hazard management in accordance with a bushfire hazard management plan approved as part of subdivision or development;
- (iv) fire hazard reduction required in accordance with the Fire Service Act 1979 or an abatement notice issued under the Local Government Act 1993;
- (v) fire hazard management in accordance with a bushfire hazard management plan endorsed by the Tasmanian Fire Service, Forestry Tasmania or the Parks and Wildlife Service;
- (vi) to provide clearance of up to 1m for the maintenance, repair and protection of lawfully constructed buildings or infrastructure including roads, tracks, footpaths, cycle paths, drains, sewers, power lines, pipelines and telecommunications facilities;
- (vii) for soil conservation or rehabilitation works including 'Landcare' activities and the like and, provided that ground cover is maintained and erosion is managed, the removal or destruction of weeds declared under the Weed Management Act 1999;
- (viii) the implementation of a vegetation management agreement or a natural resource, catchment, coastal, reserve or property management plan provided the agreement or plan has been endorsed or approved by the relevant agency;
- (ix) safety reasons where the work is required for the removal of dead wood or a dead or dying tree, or treatment of disease, or required to remove an unacceptable risk to public or private safety, or where the vegetation is causing or threatening to cause damage to a substantial structure or building;
- (x) within 1m of a title boundary for the purpose of erecting an approved boundary fence or for maintaining an existing boundary fence, except if involving a tree that is at least 5m in height or has a circumference of 40cm measured at 1m from the adjacent ground level, or a hedge, on a heritage place or within a heritage precinct;

#### Development on Agricultural Land

- (w) except where they are within the garden or grounds that are specifically part of the General Description column in Table E13.1, and except on a place of archaeological potential, the laying or installation in the Rural Resource Zone or the Significant Agricultural Zone, of irrigation pipes, that are directly associated with, and a subservient part of, an agricultural use, provided no pipes are located within a wetland;
- (x) except on a heritage place, the construction of buildings or works, other than a dwelling, in the Rural Resource Zone or the Significant Agricultural Zone, that are directly associated with, and a subservient part of, an agricultural use if:
  - (i) individual buildings do not exceed 100m<sup>2</sup> in gross floor area;
  - (ii) the setback from all property boundaries is not less than 30m;
  - (iii) no part of the building or works are located within 30m of a wetland or watercourse;
  - (iv) no part of the building or works encroach within any service easement or within 1m of any underground service; and
  - (v) the building or works are not located on prime agricultural land;

#### Development Involving Excavation of Land on a Place of Archaeological Potential

- (y) development involving the disturbance of ground in a Place of Archaeological Potential if, either:
  - (i) the development area where ground disturbance is proposed has been assessed under a previous development application and the archaeological potential was realised when that permitted was acted upon or the site was found not to be of archaeological sensitivity; or
  - (ii) an archaeological impact assessment is provided by a suitably qualified person demonstrating that the nature of the development will not result in disturbance of ground considered to be of archaeological sensitivity;
- (z) excavation for the purposes of maintenance or replacement of electricity, gas, sewerage, stormwater or water reticulation infrastructure within a Place of Archaeological Potential, provided all such activities will be confined to within existing service trenches, pits or wells that have been previously excavated.
- (aa) Development involving the excavation of land in a place of archaeological potential if it is within an existing building that is not a heritage listed place to a depth of 1m.
- (bb) Excavation of land to a depth of no more than 0.5m and no more than 1m<sup>2</sup> in area on a heritage place in a place of archaeological potential provided it is for the purposes of the installation, maintenance or replacement of electricity, gas, sewerage, storm water or water reticulation.

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**8. APPLICATIONS APPROVED UNDER THE DELEGATED AUTHORITY OF  
THE DIRECTOR CITY PLANNING – FILE REF: 30-1-18**

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2x's

The Director City Planning submits for information the attached schedule of applications approved under delegated authority.

DELEGATION:      Committee

*Recommendation:*

*That the information be received and noted.*



## Delegated Decisions Report (Planning)

Section 57 and 58 (LUPA)

Wednesday 20 April 2016

Project Description	Address		Works		Decision Body
			Value		
Demolition and New Single Dwelling	10A Forest Road	WEST HOBART	7000	600000	Delegation
Garden Room	30B Giblin Street (Also Known As 32 Giblin Street)	LENAH VALLEY	7008	120000	Delegation
Partial Change Of Use to Visitor Accommodation	648 Sandy Bay Road	SANDY BAY	7005	0	Delegation
Partial Demolition, House Extensions, Alterations, Studio and Deck	27 Apsley Street	SOUTH HOBART	7004	50000	Delegation
Change of Use to Visitor Accommodation	1/1 Una Street	MOUNT STUART	7000	0	Delegation
Partial Demolition, Alterations and Extension to Dwelling	19 Maning Avenue	SANDY BAY	7005	140000	Delegation
Partial Change of Use to Visitor Accommodation	2/29 Allison Street	WEST HOBART	7000	2000	Delegation
Partial Demolition, Dwelling Extensions and Alterations	4C Finger Post Track	SOUTH HOBART	7004	70000	Delegation
Demolition and Four flats *** Permit Extended to 13 January 2018****	26 Richardson Avenue	DYNNYRNE	7005	750000	Delegation
Change of Use to Visitor Accommodation	Unit 5, 332 - 342 Macquarie Street (Also Known as 336 Macquarie Street)	SOUTH HOBART	7004	0	Delegation
House Extension and Alterations (Re-advertised - Administrative Error)	2 Ridgeway Road	RIDGEWAY	7054	145000	Delegation
Alterations (Sunshade)	138-140 Brisbane	HOBART	7000	0	Delegation
Change of Use to Visitor Accommodation	3 Ilfracombe Crescent	SANDY BAY	7005	0	Delegation
Fencing	206 New Town Road	NEW TOWN	7008	5000	Delegation
Partial Change of Use to Visitor Accommodation	354 Davey Street	SOUTH HOBART	7004	0	Delegation
Change of use to visitor accommodation	6/5 Augusta Road	NEW TOWN	7008	0	Delegation
Partial Demolition and Alterations	43-47 Grosvenor Street	SANDY BAY	7005	17500	Delegation
Removal of Underground Storage Tanks	119 New Town Road	NEW TOWN	7008	25000	Delegation
Change of Use to Visitor Accommodation	14 Belton Street	SOUTH HOBART	7004	0	Delegation

Change of Use to Single Dwelling	440 Elizabeth Street	NORTH HOBART	7000	0	Delegation
Partial Demolition, Alterations and Partial Change of Use to Gym	13-17 Castray Esplanade	BATTERY POINT	7004	30000	Delegation
Extension to Garage for New Store Room	19 Weemala Court	MOUNT NELSON	7007	50000	Delegation
Partial Demolition, Extensions, Alterations to Single Dwelling and Driveway	8 Wandeeet Place	SANDY BAY	7005	250000	Delegation
Front Fencing	25-27 Forest Road	WEST HOBART	7000	2946	Delegation
Partial Demolition, Alterations and Deck (Re-advertised - Administrative Error)	25 Degraeves Street	SOUTH HOBART	7004	10000	Delegation
Partial Demolition, Decks and Alterations	1/16 Roope Street	NEW TOWN	7008	30000	Delegation
Change of use to self contained visitor accommodation - Short Term Rental (1 Week to 3 Months)	9/5 Augusta Road	NEW TOWN	7008	0	Delegation
House and Bushfire Hazard Management - (Re-Advertised)	19 Hakea Drive and Adjacent Public Open Space (CT.	TOLMANS HILL	7007	280000	Delegation
Partial Demolition, Alterations and Extension to Dwelling	29 Frederick Street	WEST HOBART	7000	150000	Delegation
Single Dwelling	6 Woodlyn Court	SOUTH HOBART	7004	300000	Delegation
Alterations	44 Lochner Street	WEST HOBART	7000	20000	Delegation
Change of Use to Visitor Accommodation	2 Hennebry Street	SOUTH HOBART	7004	0	Delegation
Single Dwelling (Re-advertised - Administrative Error)	20 Jeannette Court	LENAH VALLEY	7008	609437	Delegation
Demolition	Murray Street Pier	HOBART	7000	80000	Delegation
Partial Demolition, Alterations and Extension	102 Patrick Street	HOBART	7000	32000	Delegation

CITY PLANNING COMMITTEE AGENDA  
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**9. ADVERTISING – FILE REF: 30-1-19**

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4x's

The Director City Planning reports:-

‘The advertising lists for the period 6 April 2016 to 20 April 2016 inclusive, are attached for information.’

DELEGATION:      Committee

***Recommendation:***

***That the information be received and noted.***

**PLANNING APPLICATION - ADVERTISING****6 April 2016 - 20 April 2016**

<b>ApplicationID</b>	<b>StreetAddress</b>	<b>Suburb</b>	<b>Development</b>	<b>Work sValue</b>	<b>Expiry Date</b>	<b>Referral</b>	<b>Proposed Delegation</b>	<b>Advertising Period</b>	
PLN-16-00328-01	6 Rushwood Court (CT. 170544/9)	LENAH VALLEY	New Dwelling	\$280,000.00	31/05/2016	lassigl	Director	19/04/2016	04/05/2016
PLN-16-00183-01	55-59 Murray Street (incorporating properties known as 96-108 Liverpool Street), 110 Liverpool Street, Arnolds Lane (CT. 154183/1) and area over Hobart Rivulet adjacent to the rear of 55-59 Murray Street	HOBART	Alterations and Extensions to Hotel Industry Use and Visitor Accommodation	\$100,000,000.00	31/05/2016	baconr	council	19/04/2016	04/05/2016
PLN-16-00307-01	25 Richardson Avenue	DYNNYRNE	Alterations to Approved Car Parking Layout	\$0.00	31/05/2016	sherriffc	Director	19/04/2016	04/05/2016
PLN-16-00272-01	10 Waverley Avenue	LENAH VALLEY	Additional Dwelling	\$205,000.00	23/05/2016	lassigl	Director	11/04/2016	26/04/2016
PLN-16-00118-01	1 Hennebry Street	SOUTH HOBART	Partial Demolition, Alterations, Extension and Change of Use to Single Dwelling	\$200,000.00	23/05/2016	lassigl	Director	11/04/2016	26/04/2016
PLN-16-00243-01	1 Beach Road	SANDY BAY	Partial Change of Use to Food Services	\$200,000.00	19/05/2016	foalem	council	07/04/2016	21/04/2016
PLN-16-00298-01	1 Macquarie Street (Also known as 7 Macquarie Street)	HOBART	Additional Carparking	\$900,000.00	19/05/2016	ikinb	Director	07/04/2016	21/04/2016
PLN-16-00291-01	14 Regent Street	SANDY BAY	Subdivision (One Additional Lot)	\$0.00	19/05/2016	baconr	director	07/04/2016	21/04/2016

PLN-16-00270-01	39 Cascade Road	SOUTH HOBART	Partial Demolition, Alterations and Extension to Dwelling, Carport and Front Fence	\$250,000.00	30/05/2016	wilsonl	Director	18/04/2016	03/05/2016
PLN-16-00343-01	5 Butterworth Street	WEST HOBART	Alterations and Studio	\$30,000.00	30/05/2016	langd	Director	18/04/2016	03/05/2016
PLN-16-00362-01	24 Earl Street	SANDY BAY	Partial Demolition and New Shed	\$15,000.00	30/05/2016	widdowsont	Director	18/04/2016	03/05/2016
PLN-16-00345-01	17 Glebe Street	GLEBE	Partial Change of Use to Visitor Accommodation	\$0.00	20/05/2016	ikinb	Director	08/04/2016	22/04/2016
PLN-16-00364-01	30-36 New Town Road	NEW TOWN	Partial Change of Use to Shop	\$80,000.00	20/05/2016	wilsonl	Director	08/04/2016	22/04/2016
PLN-16-00306-01	42 Pitt Street	NORTH HOBART	Partial Demolition, Extension and Alterations to Dwelling	\$143,000.00	20/05/2016	langd	Director	08/04/2016	22/04/2016
PLN-15-01224-01	11 Bimbadeen Court	WEST HOBART	Dwelling	\$450,000.00	20/05/2016	wilsonl	Director	08/04/2016	22/04/2016
PLN-16-00286-01	46 Kelly Street	BATTERY POINT	Partial Demolition, Extension and Alterations to Dwelling	\$130,000.00	20/05/2016	baconr	director	08/04/2016	22/04/2016
PLN-16-00281-01	29 Gardenia Grove	SANDY BAY	Dwelling	\$180,000.00	20/05/2016	wilsonl	Director	08/04/2016	22/04/2016
PLN-16-00275-01	14 Anglesea Street	SOUTH HOBART	Partial Demolition, Extension and Alterations to Dwelling and Carport	\$150,000.00	25/05/2016	langd	Director	13/04/2016	28/04/2016

PLN-16-00329-01	23 Red Chapel Avenue	SANDY BAY	Partial Demolition, Extension & Alterations to Dwelling	\$90,000.00	27/05/2016	lassigl	Director	15/04/2016	02/05/2016
PLN-16-00289-01	67 Clare Street	NEW TOWN	Partial Demolition, New Building, Landscaping and Front Fencing to Primary School	\$975,000.00	18/05/2016	langd	Director	06/04/2016	20/04/2016
PLN-16-00277-01	Lot 2 41 Congress Street (also known as 377 Huon Road, CT.167485/2)	SOUTH HOBART	Dwelling and Front Fence	\$485,000.00	18/05/2016	wilsonl	Director	06/04/2016	20/04/2016
PLN-16-00201-01	19 Albuera Street	BATTERY POINT	Partial Change of Use to Visitor Accommodation	\$0.00	18/05/2016	sherriffc	Director	06/04/2016	20/04/2016
PLN-15-01336-01	63 Sandy Bay Road	BATTERY POINT	Partial Demolition, Alterations, Partial Change of Use to Visitor Accommodation and Hairdresser, and Alterations to Parking	\$50,000.00	24/05/2016	wilsonl	Director	12/04/2016	27/04/2016
PLN-16-00267-01	26 Clare Street	NEW TOWN	New Building for Health Services Facility	\$20,000.00	24/05/2016	rushforthe	Director	12/04/2016	27/04/2016
PLN-16-00324-01	42-44 Napoleon Street (CT. 39913/7 - Also known as 18-44 Napoleon Street)	BATTERY POINT	Signage and Change of Use of Mariners Cottages to Community Group Rooms	\$0.00	24/05/2016	rushforthe	Council	12/04/2016	27/04/2016

PLN-16-00341-01	74 Grosvenor Street	SANDY BAY	Partial Demolition, Pool and Outbuilding	\$75,000.00	01/06/2016	lindusc	Director	20/04/2016	05/05/2016
PLN-16-00385-01	298 Elizabeth Street (Also known as 292-294 Elizabeth Street)	NORTH HOBART	Partial Change of Use to Three Visitor Accommodation Units	\$0.00	01/06/2016	rushforthe	Director	20/04/2016	05/05/2016
PLN-16-00279-01	36 Quayle Street	SANDY BAY	Partial Demolition, Alterations and Extension	\$5,000.00	01/06/2016	langd	Director	20/04/2016	05/05/2016
PLN-16-00409-01	51A Regent Street	SANDY BAY	Partial Demolition, Alterations, Dwelling Extension and Front Fence	\$150,000.00	01/06/2016	baconr	Director	20/04/2016	05/05/2016
PLN-16-00397-01	29 Sandy Bay Road	BATTERY POINT	Change of Use to Visitor Accommodation	\$0.00	01/06/2016	foalem	Director	20/04/2016	05/05/2016
PLN-15-01541-01	5 Baker Street	NEW TOWN	Partial Demolition, Additional Dwelling and Car Parking (Re-Advertised - Amended Proposal)	\$247,089.00	24/05/2016	foalem	council	12/04/2016	27/04/2016

**CITY PLANNING COMMITTEE AGENDA  
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**10. RESPONSES TO QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**

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The General Manager reports:-

“In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman is not to allow discussion or debate on either the question or the response.”

**10.1 MOLLE STREET SAFETY IMPROVEMENTS**

Ref. CPC 2/11/2016

Attachment

10.1

Memorandum to Aldermen from the Director  
City Infrastructure of 21 April 2016.

**RECOMMENDATION:**

**That the attached memorandum be received and noted.**



13-1-10  
(document3)

21 April 2016

**MEMORANDUM: LORD MAYOR  
DEPUTY LORD MAYOR  
ALDERMEN**

## **QUESTIONS WITHOUT NOTICE – RESPONSE MOLLE STREET SAFETY IMPROVEMENTS**

*Pursuant to Council Policy 2.01, Clause A(10), where a response to a Question without Notice is not able to be provided at a meeting, the question is taken on notice. Upon distribution of the response to all Aldermen, both the Question and the Response is to be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, whereat it will be listed for noting purposes only, with no debate or further questions permitted, as prescribed in the Section 29 of the Local Government (Meeting Procedure) Regulations 2015.*

At the City Planning Committee meeting held on 2 November 2015 the following question without notice was asked by Alderman Burnet:

**Question:** On behalf of constituent, Anton Vikstrom: When will the Council make it safe for users of the Linear Track to cross Molle Street and enter the city? Does someone need to die for the Council to take action?

At the meeting the Question was taken on notice. A response is subsequently provided below:

**Response:** This response follows on from earlier advice provided to Aldermen by memo on 16 November 2015.

The Hobart Rivulet Track terminates at Molle Street and people need to cross the road to continue their journey into the City centre with many people choosing to walk or cycle down Collins Street.

The kerb outstands (including pram ramps and handrails) were installed at the Molle Street crossing (near Collins Street) in 2010. At the same time, Collins Street was reduced from three traffic lanes to two traffic lanes to allow for the inclusion of a bicycle lane between Macquarie Street and Goulburn Street to improve cycling safety.

It is understood that the main concerns for people at this crossing location include traffic speeds on the downhill section of Molle Street approaching Collins Street and the lack of suitable gaps in the Molle Street traffic to enable crossing of the road. This is being translated as a road safety concern.

Certainly the serious injury of a cyclist who was travelling along Molle Street in November 2015 has particularly focused community interest in this location.

As an initial action, following this incident, officers deployed the speed trailer at this location to advise drivers of their travel speeds.

Of more significance, a traffic survey has been commissioned to obtain the necessary data prior to committing to any further actions at the site. The survey will include a full turning movement survey (including the car park, Collins Street and Molle Street) and a gap analysis to identify the percentage of time that there are suitable gaps for pedestrians to safely cross Molle Street. The final results of the survey should be received within the next month, at which time the appropriate course of action can be determined.

Additionally, Council is monitoring construction sites for compliance with permit conditions regarding construction vehicle access and pedestrian amenity on the road reserve.



(Mark Painter)

**DIRECTOR CITY INFRASTRUCTURE**

## **11. QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**

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Pursuant to Section 29 of the Local Government (Meeting Procedures) Regulations 2015, an Alderman may ask a question without notice of the Chairman, another Alderman or the General Manager or the General Manager's representative in accordance with the following procedures endorsed by the Council on 10 December 2012:

1. The chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Alderman must not:
  - (i) offer an argument or opinion; or
  - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The chairman must not permit any debate of a question without notice or its answer.
4. The chairman, Aldermen, General Manager or General Manager's representative who is asked a question without notice may decline to answer the question, if in the opinion of the intended respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The chairman may require an Alderman to put a question without notice, to be put in writing.
6. Where a question without notice is asked at a meeting, both the question and the response will be recorded in the minutes of the meeting.
7. Where a response is not able to be provided at the meeting in relation to a question without notice, the question will be taken on notice and
  - (i) the minutes of the meeting at which the question is put will record the question and the fact that it has been taken on notice.
  - (ii) a written response will be provided to all Aldermen, at the appropriate time.
  - (iii) upon the answer to the question being circulated to Aldermen, both the Question and the Answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, whereat it be listed for noting purposes only, with no debate or further questions permitted, as prescribed in Section 29(3) of the Local Government (Meeting Procedures) Regulations 2015.

**CITY PLANNING COMMITTEE AGENDA  
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**12. CLOSED PORTION OF THE CITY PLANNING COMMITTEE MEETING**

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The following items were discussed:-

- Item No. 1. Minutes of the Closed Portion of the City Planning Committee Meeting held on 18 April 2016
- Item No. 2. Consideration of Supplementary Items to the Agenda
- Item No. 3. Indications of Pecuniary and Conflicts of Interest
- Item No. 4. Questions Without Notice – File Ref: 13-1-10