



CITY OF HOBART

# **AGENDA**

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

**MONDAY, 2 MAY 2016**

**AT 5.00 PM**

### **SUPPLEMENTARY ITEMS**

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

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

#### **6.1.2 SALAMANCA LAWNS (AKA 40 SALAMANCA PLACE), HOBART - MOBILE FOOD VENDOR SITES - PLN-16-00167- 01 - FILE REF: S70-64-1 34x's (Council)**

The General Manager reports:

“In accordance with the provisions of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2005, this supplementary matter is submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”



## APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997

Type of Report	Council
Committee:	2 May 2016
Council:	9 May 2016
Expiry Date:	12 June 2016
Application No:	<b>PLN-16-00167-01</b>
Address:	<b>Salamanca Lawns (AKA 40 Salamanca Place), Hobart</b>
Applicant:	Mark Joseph, City of Hobart, GPO Box 503, Hobart
Proposal:	<b>Mobile food vendor sites</b>
Representations:	Nil
Performance criteria:	Building Form in Public Urban Space

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### 1. Executive Summary

- 1.1. Planning approval is sought for mobile food vendor sites to be added to the City of Hobart mobile food vendor program trial (to end July 2016). The sites would be occupied by a maximum of three vans in an area of 30 metres by 9 metres, from 10:30pm to 2:30am on Fridays and Saturdays, and are located on an area of the Salamanca Lawns bounded by Morrison Street, Castray Esplanade and Salamanca Place.
- 1.2. The purpose of the mobile food vendor sites is to create areas within the City of Hobart where mobile food vendors can trade on Council land. This will increase the diversity of eating establishments whilst activating areas that currently receive less opportunity for social interaction within and/or outside of normal business hours.
- 1.3. Prospective mobile food vendors would have the opportunity to apply for permission from the Council to trade from the sites as part of the trial. Mobile food vendors granted such permission must then adhere to the 'City of Hobart Mobile Food Vendor Program and Guidelines'. The guidelines aim to minimise the impact on surrounding uses and the environment, and include the following key areas: health and safety, community access, waste, noise, trading location and duration.
- 1.4. Under the *Sullivans Cove Planning Scheme 1997*, the use is classified as 'Eating establishment' which is a permitted use in Activity Area 2.0 Sullivans Cove 'Mixed Use'. This proposal is also in the Public Urban Space Type 'Cove Floor'.



- 1.5. The proposal relies on performance criteria to satisfy the following standards:
  - 1.5.1. Building Form in Public Urban Space
  - 1.5.2. Public Urban Space
- 1.6. No representations objecting to the proposal were received within the statutory advertising period between 4 - 18 April 2016.
- 1.7. The proposal is recommended for approval subject to conditions.
- 1.8. The final decision is delegated to the Council.

## 2. Site Detail

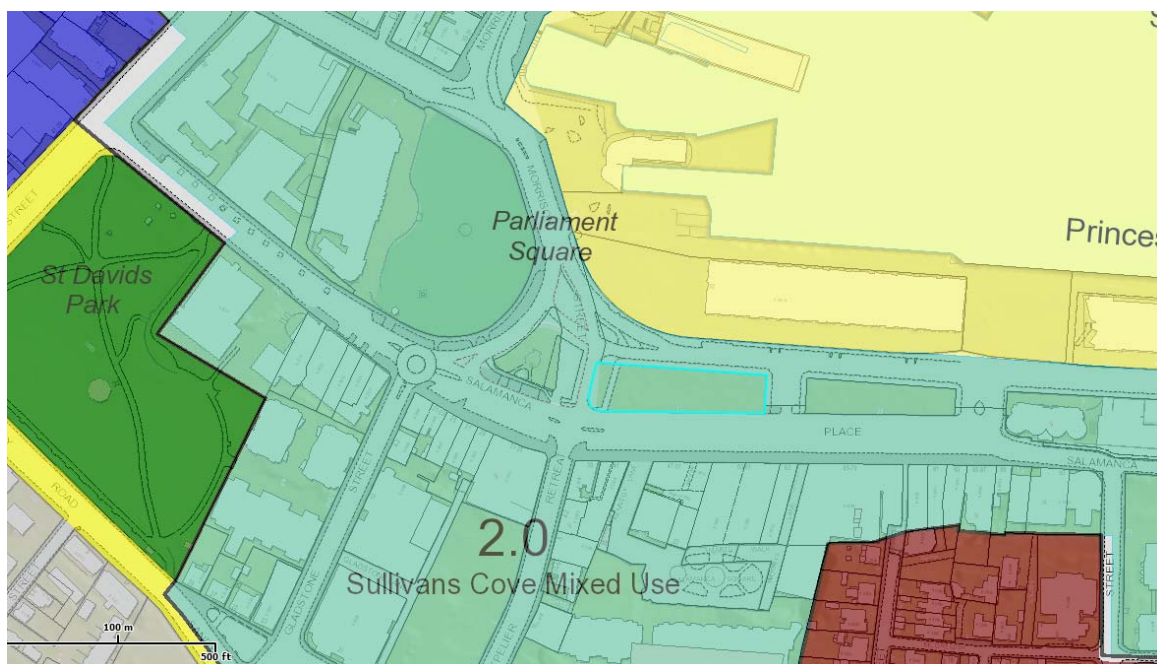


Image 1. Proposed site in the context of the *Sullivans Cove Planning Scheme 1997* activity areas.

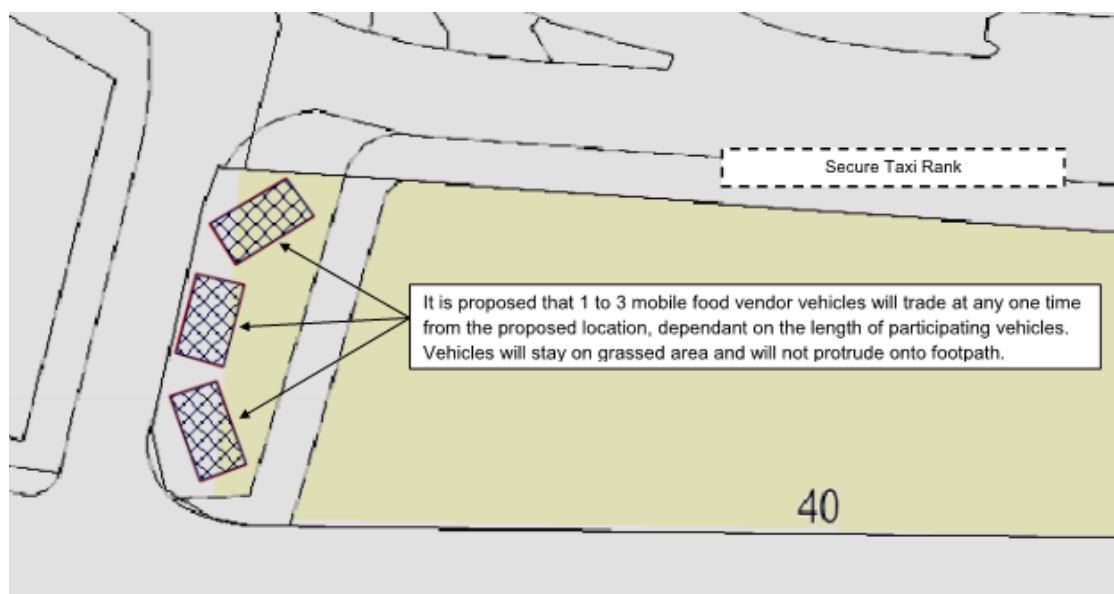


Image 2. Excerpt from Site Plan as submitted 30 March 2016.



Image 3. Subject site as viewed from footpath adjacent to Parliament Lawns, looking south east.  
(20/4/16)



Image 4. View to south along Morrison Street towards Salamanca Place, subject site to left of image. Shows linear form of car park and trees adjacent (20/4/16).



Image 5. Subject site as viewed from corner of Morrison Street and Castray Esplanade (20/4/16).

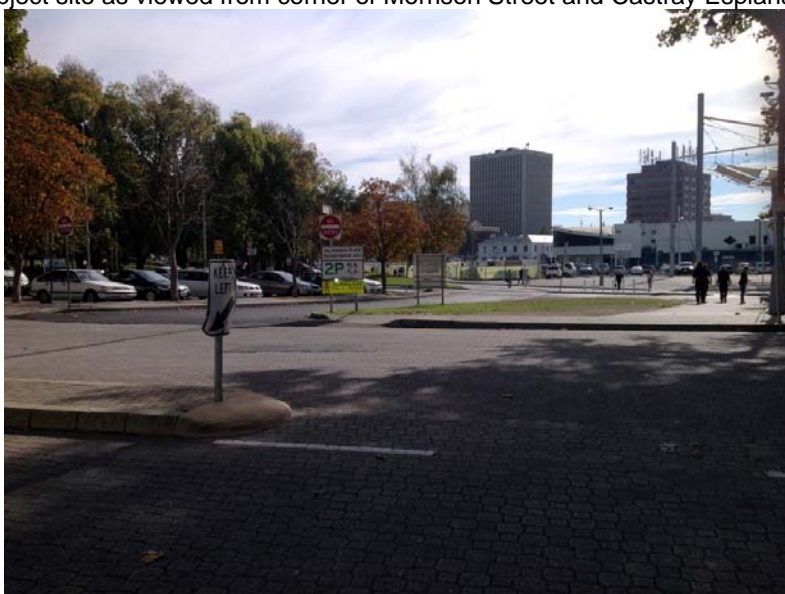


Image 6. Subject site (as viewed towards north) from across Salamanca Place (20/4/16).





Image 7. Subject site (as viewed towards the north east) from across Salamanca Place (20/4/16).

### 3. Proposal

3.1. Planning approval is sought for mobile food vendor sites to be added to the City of Hobart mobile food vendor program trial (to end July 2016). The sites would be occupied by a maximum of three vans in an area of 30 metres by 9 metres, from 10:30pm to 2:30am on Fridays and Saturdays, and are located on an area of Salamanca Lawns bounded by Morrison Street, Castray Esplanade and Salamanca Place.

3.2. The proposal constitutes a partial change of use and relates to an area of approximately 270m<sup>2</sup> within the 2192m<sup>2</sup> of certificate of title CT44801/2.

3.3. The food vans are considered to be ephemeral buildings under the planning scheme.

### 4. Background

4.1. This proposal is an addition to the mobile food vendor zones approved under this scheme by planning permit PLN-14-01531. Similar permits were also issued at that time under the *Battery Point Planning Scheme 1979* (PLN-14-01532) and the *City of Hobart Planning Scheme 1982* (PLN-14-01535).

4.2. The site is on land covered by certificate of title 44801/2. This title is owned by the Council, is public land, and is burdened by a "reversionary condition" as set forth in transfer C866869 on the Title page under Schedule 2. The condition allows that the Crown can take the land back if it is not being used for Public Recreation purposes without the written consent of the Minister. Advice from Crown Land Services on 12 April 2016 is that occupation of part of the land by mobile food vendors is outside the "public recreation" use. However, the advice from Crown Land Services went on to say:

However, Crown Land Services (CLS) understands that this occupation is on a limited trial basis and can be equated with other temporary uses of the area eg. The Taste of Tasmania and visiting events.

Accordingly, it is the view of CLS that this temporary use can continue to the end of the trial period at 31 July 2016. Should this utilisation of the land become permanent or semi-permanent, then the HCC will have to seek a change to the restrictions placed on the title.

If the Hobart City Council (HCC) wishes to alter the specified use of the land or other title restrictions at some time in the future, the HCC should contact CLS which will need to seek the necessary approvals for the desired change.

- 4.3. The applicant is aware of the matter, but advice has also been included under Recommendation below for clarity.

## **5. Concerns raised by representors**

- 5.1. No representations objecting to the proposal were received within the statutory advertising period between 4 -18 April 2016.

## **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 the Activity Area 2.0 Sullivans Cove 'Mixed Use' and is in the Public Urban Space Types 'Cove Floor' of the *Sullivans Cove Planning Scheme 1997*.
- 6.2. The proposed partial use would be 'eating establishment', which is defined in Part G 'Definitions' as:

*Land used to prepare and sell food for consumption on, or off, the premises. It also includes a Restaurant/Cafe, Take Away Food Premises and Convenience Restaurant.*

- 6.3. In the permitted uses, table 16.3.1 for the Sullivans Cove 'Mixed Use' 2.0 Activity Area, eating establishment is permitted.

6.4. The proposal has been assessed against:

- 6.4.1. Parts A and B – Strategic Framework;
- 6.4.2. Part D – Section 16: Activity Area Controls for Activity Area 2.0 Sullivans Cove 'Mixed Use';
- 6.4.3. Part E – Section 24: Schedule 3 Public Urban Space

6.5. The proposal relies on the following performance criteria to comply with the applicable standards;

- 6.5.1. Public Urban Space, Figure 9 'Public Urban Space Types', 'Cove Floor', Section 24.1 includes 'ephemeral buildings', Clause 24.4.2 table, building in the 'cove floor' is discretionary.
- 6.5.2. Public Urban Space, Clause 24.4.6 'Discretionary' buildings or works, and therefore Clause 24.4.8 (A and B), and 24.4.10.

Public Urban Space, Section 24.5 'Part B – Commercial and Community Furniture', Clause 24.5.2B 'Discretionary' Commercial and Community Furniture.

- 6.5.3. Note prior to considering each discretionary aspect regarding the introduction to Schedule 3 – Public Urban Space. The introduction of this schedule includes:

*... The purpose of this Schedule is to manage the construction of buildings and the carrying out of works in streets and other public spaces within an urban design framework. The Schedule is concerned with managing fixed and ephemeral building or works in the public spaces of the Cove, including;*

- ...
- *Commercial and Community Furniture (outdoor dining furniture and display of goods)*

*Controls over the construction of buildings or works are intended to create a built form which is consistent with the preferred function and character of the streets and other public spaces. ...*

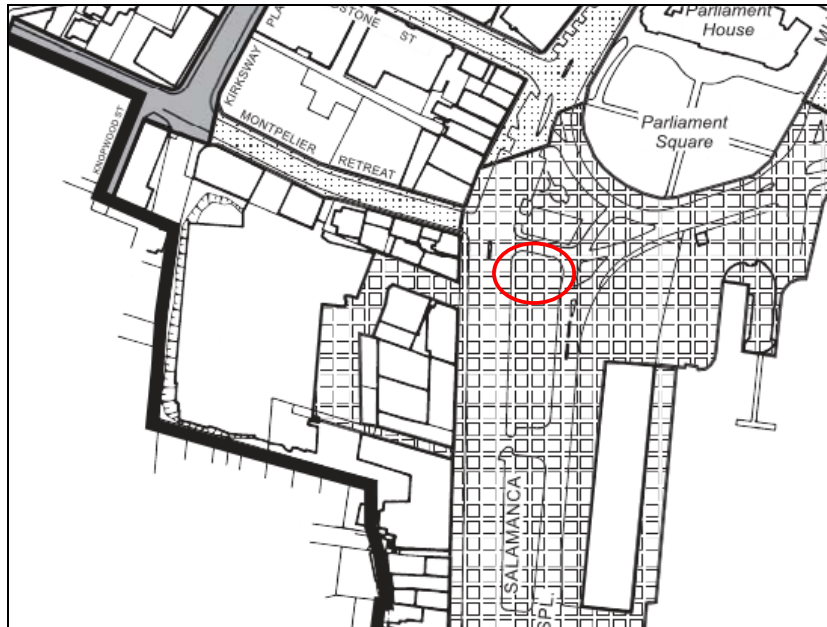


Image 8. Excerpt from Figure 9 Public Urban Space Types showing subject area as 'Cove Floor'.

- 6.6. Each performance criterion is dealt with separately below under paragraphs 6.7 and 6.8.
- 6.7. Public Urban Space, Figure 9 'Public Urban Space Types', 'Cove Floor', Section 24.1 includes 'ephemeral buildings', Clause 24.4.2 table - building in the 'cove floor' is discretionary, clause 24.4.8A, 24.4.8B, and 24.4.10.
  - 6.7.1. Up to three (ephemeral) buildings are proposed on this site.
  - 6.7.2. Following on from the discretionary status of the proposal in the table in Clause 24.4.2, Clause 24.4.6 provides as follows (relevant portion):

*All buildings or works nominated in the table to Clause 24.4.2 as 'D' (Discretionary) require a permit, ... . The Planning Authority may exercise its discretion to approve, approve with conditions, or refuse any application.*

*In considering such applications, the Planning Authority must satisfy itself that the proposed buildings or works are compatible with the following:*

- *The 'Civic Works and Public Street Furniture' Guidelines outlined in Clause 24.4.8.*
- *The function of the Public Urban Space as described in Clause 24.4.10.*
- *The provisions of clause 24.4.9 apply where appropriate.*



- 6.7.3. Civic Works and Public Street Furniture' Guidelines outlined in Clause 24.4.8 provides as follows (relevant portion):

24.4.8A

*24.4.8A These guidelines apply to the assessment of all 'discretionary' buildings or works as outlined in Clause 24.4.6 and should be read in conjunction with the following:*

- *'Public Urban Space Types' Plan (Figure 9).*
- *Section 2.4 of the Sullivans Cove Planning Review (1991), pp. 50-62.*

- 6.7.4. In 'Public Urban Space Types' Plan (Figure 9) the site is in the 'Cove Floor area' (see image 8 above).
- 6.7.5. Section 2.4 of the *Sullivans Cove Planning Review* (1991) does not give specific guidance on ephemeral buildings. However the general design principles are consistent with those considered below under clause 24.4.8B.
- 6.7.6. Clause 24.4.8B provides guidelines for the design of civic works and public street furniture in primary and secondary spaces (as indicated in Figure 7 of the scheme, see Image 9 below). Although this site is not in either of these spaces, but is surrounded by 'primary space', clause 24.4.6 requires that the proposal is compatible with the guidelines, and as such the guidelines for primary spaces will be specifically considered.

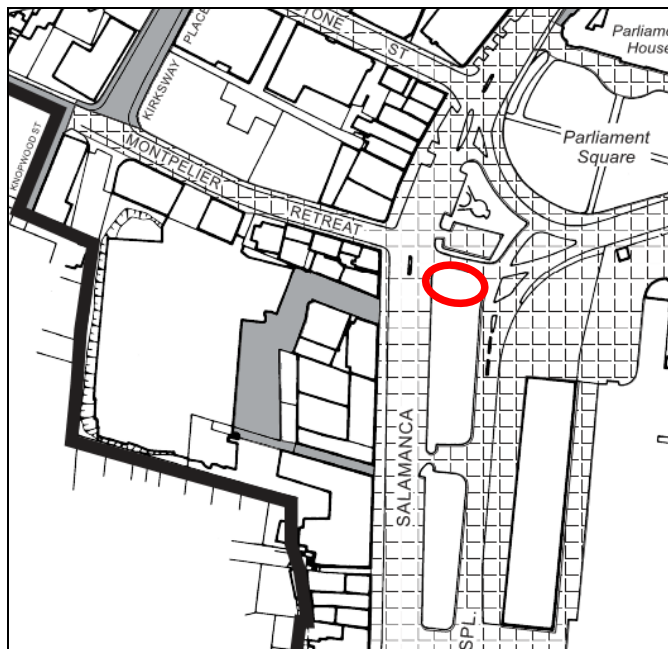


Image 9. Excerpt from Figure 7 of the scheme shows the site (in red circle) surrounded by 'primary space' (hatched area).

6.7.7. Section 24.4.8B Primary space guidelines provide as follows:

*Positioning of Civic Works and Public Street Furniture in Primary Spaces*

*Public street furniture must strengthen spaces by standing apart from and not softening, the junction of walls and pavement and by running parallel to the dominant lines in a space. Civic works must run parallel to the dominant walls of a space, building walls or edges of docks or wharves.*

*Repeated elements, such as seats and trees must run parallel to the dominant lines of the buildings and streets.*

*Where different elements occur in proximity, their co-location must reflect a 'squared up' relationship and they must be grouped into small clusters to minimise their impact on the space.*

*Minor landscape works are discouraged within primary spaces.*

...

*Amenity and Safety*

*Positioning civic works must allow for convenient pedestrian movement (minimum 2.5 m wide clearance) in designated 'Mixed', 'Pedestrian Movement' or 'Open Space' under Clause 24.4.10.*

*Sight lines should be provided between pedestrians and drivers and levels of night lighting are to be to the satisfaction of the Planning Authority.*

6.7.8. As referred to above in Clause 24.4.8B, Clause 24.4.10 is considered. The site is listed as Public Urban Space Function 4 'Open Space' in Clause 24.4.10 (table in 24.4.10A). The functional characteristics of the 'Open Space' Public Urban Space type are:

*The function of this public urban space type is to facilitate outdoor recreation activities. These spaces are set aside for pedestrian activities, and form an important component of the character and functionality of the Cove. The amenity of these spaces is (sic) of utmost importance. Such spaces must be protected from the impacts of overshadowing, traffic noise and other disturbances. Such spaces must also be well connected to other pedestrian oriented spaces in the Cove.*

- 6.7.9. Assessment against clauses 24.4.8A, 24.4.8B, and 24.4.10: The proposal for food vendor vans on this site is generally acceptable when considered in the context of the requirements of the above clauses. However a different alignment of the vans will be required to satisfy the guidelines in clause 24.4.8B which requires repeated elements, such as seats and trees to run parallel to the dominant lines of the buildings and streets (see images 4, 10 and 11). The back edge of the vans will be required to align with the orientation of Morrison Street. Also the existing statutory 'Salamanca Place voucher parking' sign in the middle of the site (see image 15) requires adequate clearance to be read by vehicle drivers. In consultation with the Council's Manager Traffic Engineering this setback distance was determined to be 2 metres from the kerb.
- 6.7.10. A condition is recommended to ensure consistency with the public space guidelines of the planning scheme requiring that the buildings (mobile food vendor vehicles) must be placed parallel to Morrison Street, and to ensure there is no reduction in sight lines for drivers of vehicles travelling towards the intersection along Morrison Street towards the statutory sign, Salamanca Place or towards pedestrians in the area.
- 6.7.11. The proposal complies with the performance criteria.
- 6.8. Public Urban Space, Section 24.5 'Part B – Commercial and Community Furniture', Clause 24.5.2B 'Discretionary' Commercial and Community Furniture.
- 6.8.1. Up to three (ephemeral) buildings are proposed on this site.
- 6.8.2. This site is not in one of the exempt areas in Figure 10.
- 6.8.3. Clause 24.5.2B 'Discretionary' Commercial and Community Furniture provides that:
- A permit is required for commercial and community furniture in public urban spaces located anywhere other than the locations specified in Figure 10.*
- An application for a permit under this clause may be approved or refused. Any application must provide for free unobstructed pedestrian carriage as determined by the Council as Highway Authority.*
- 6.8.4. The subject site is at the confluence of pedestrian movement across the cove, is in the middle of the parking zone, and also adjacent to the taxi rank (see images 12, 13 and 14). While the food vans would not be on formal footpaths, the area is used by pedestrians across the grassed area generally. The submitted Food Vendor Programs and Guidelines supporting document specifies under Community Access section that vendors:

*... Not provide chairs, boxes, crates or similar items for patrons to use as seats or tables that impede a public footpath if the Mobile Food Vendor vehicle is trading within a zone that is directly next to a paved footpath.*

- 6.8.5. A condition is recommended (in combination with that recommended under this report section 6.7.10) to ensure that pedestrian flow is not impeded by requiring that – that no part of the vans be within 1 metre of the footpaths.



Image 10. The linear public infrastructure directly adjacent to the subject site towards the north east (Castray Esplanade).



Image 11. The linear public infrastructure directly adjacent to the subject site towards the south east (Salamanca Place).





Image 12. Northern footpath of Salamanca Place, at southern end of subject site.



Image 13. Southern footpath of Castray Esplanade, at northern end of subject site.



Image 14. The subject site is adjacent to this wide footpath.



Image 15. Signs on the subject site.

6.8.6. The proposal complies with the performance criteria.

## 7. Discussion

7.1. This proposal is for mobile food vendor sites to be added to the City of Hobart mobile food vendor program trial. It would facilitate a maximum of 3 vans in an area of 30 metres by 9 metres, from 10:30pm to 2:30am on Fridays and Saturdays, on an area of Salamanca Lawns bounded by Morrison Street, Castray Esplanade and Salamanca Place is a permitted use.

- 7.2. The proposed commercial (ephemeral) buildings in the public urban space are considered generally consistent with the provisions of the planning scheme; however a condition has been recommended to bring the proposal more into conformity with the form and pattern of buildings, to ensure pedestrian movement is not impeded, and to ensure that traffic safety is not compromised.

## 8. Conclusion

- 8.1. The proposed mobile food vendor sites at Salamanca Lawns (40 Salamanca Place) satisfy the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such are recommended for approval.

## 9. Recommendations

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for mobile food vendor sites at Salamanca Lawns (40 Salamanca Place), HOBART for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### GENERAL

GEN The use and/or development must be substantially in accordance with the documents and drawings that comprise the Planning Application No. PLN-16-00167-01 outlined in attachment A to this permit except where modified below.

#### Reason for condition

**To clarify the scope of the permit.**

### PLANNING

PLNs1 An amended site plan must be submitted and approved, prior to the commencement of the use. The amended site plan must:

- (a) show a 2 metre setback from the Morrison Street kerb to the back of the mobile food vendor vehicles along the full length of the site;
- (b) show the placement of the mobile food vendor vehicles parallel with the Morrison Street kerb line; and
- (c) show a 1 metre setback between the service side of the mobile food vendor vehicles and the pedestrian footpath to the east of the site.

All mobile food vendors must use the site in accordance with the approved site plan.

Advice: Once the amended site plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

### **Reason for condition**

**To ensure: consistency with the public space guidelines of the *Sullivans Cove Planning Scheme 1997*; no reduction in site-lines for drivers of vehicles towards a statutory sign, other vehicles and pedestrians; and to provide for free unobstructed pedestrian carriage on the adjacent footpath.**

### **ADVICE**

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit [www.hobartcity.com.au](http://www.hobartcity.com.au) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

- If a condition endorsement is required by a planning condition above, please forward documentation required to satisfy the condition to [rfi-information@hobartcity.com.au](mailto:rfi-information@hobartcity.com.au), clearly identifying the planning permit number, address and the condition to which the documentation relates.

Once approved, the Council will respond to you via email that the condition/s has been endorsed (satisfied). Detailed instructions can be found at [www.hobartcity.com.au/Development/Planning/How to obtain a condition endorsement](http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement)



- The applicant is advised that certificate of title 44801/2 is burdened by a revisionary condition which restricts the use of the land for public recreation purposes only. The temporary use of the land as approved by this permit is considered to be for public recreation purposes. However if the applicant wishes to alter the use from temporary to permanent, this would not be considered as public recreation purposes. If the applicant wishes to alter the terms of the revisionary condition on the certificate of title, they should contact the State Government's Crown Land Services in the first instance.



(Michelle Foale)

**DEVELOPMENT APPRAISAL PLANNER**

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



(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.*

Date of Report: 21 April 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – Documents and Drawings  
Attachment C – City of Hobart Mobile Food Vendor Program and Guidelines

**Attachment A**

**Documents and Drawings that comprise  
Planning Application Number - PLN-16-00167-01**

**DEVELOPMENT ADDRESS:** **Salamanca Lawns (40 Salamanca Place),  
HOBART**

**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	-	12 Feb 2016
Title	44801/2	1 April 2016
City of Hobart Mobile Food Vendors Program & Guidelines April 2015	11 pages	12 Feb 2016
Salamanca Lawns Late Night Mobile Food Vendor Zone Summary	1 page	12 Feb 2016
Site Plan	-	30 March 2016

**Attachment B**DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00167 and was received on the 30 March 2016

Planning Authority: Hobart City Council

STREET

Fountain

30

SALAMANCA

Secure Taxi Rank

It is proposed that 1 to 3 mobile food vendor vehicles will trade at any one time from the proposed location, dependant on the length of participating vehicles. Vehicles will stay on grassed area and will not protrude onto footpath.

40

27

29

31-35

39

41

43

47-51

45

40 m

## Salamanca Lawns Late Night Mobile Food Vendor Zone

### Summary

#### DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00167-01 and was received on the 12 February 2016

Planning Authority: Hobart City Council

A late night mobile food vendor zone is proposed for Salamanca Lawns. This zone was approved for inclusion within the City of Hobart Mobile Food Vendor Program trial by the Hobart City Council on 9 February 2016. As the zone will be included within the 12 month trial all participating vendors trading within this zone will be required to adhere to the program's guidelines. (Attached)

As well as adhering to the standard mobile food vendor program guidelines, this particular zone will require all vendors to ensure that they do not sell refreshments in glass containers while trading in the Salamanca precinct.

Participating mobile food vendors will also be required to book into this zone, with administration of the booking process being undertaken by City of Hobart staff.

A maximum of 3 mobile food vendors would trade within this zone at any given time. The number of vendors trading at any given time will be dependent on the size and configuration of the vehicles booked into trade.

The Salamanca Lawns late night mobile food vendor zone will operate on Friday and Saturday nights, 10:30pm - 2:30 am, for the remainder of the current trial, the end of July 2016. Trading on these nights will align late night mobile food vendor trade with the *Street Teams Project*.

The *Street Teams Project* is a joint initiative of the City of Hobart, Tasmanian Police and The Salvation Army that has been in operation since November 2014. The project includes increased police presence within the Salamanca precinct on Friday and Saturday nights, security supervision at the Castray Esplanade taxi rank as well as the presence of Salvation Army staff and volunteers to assist members of the public. This project has significantly increased the safety as well as the perception of safety for late night patrons, taxi customers and taxi drivers.

SEARCH OF TORRENS TITLE

VOLUME 44801	FOLIO 2
EDITION 3	DATE OF ISSUE 16-Nov-2009

SEARCH DATE : 01-Apr-2016

SEARCH TIME : 09.48 AM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Diagram 44801

Derivation : Whole of Lot 2, The Crown (Section 27A of the  
Land Titles Act 1980)

Prior CT 4676/50

SCHEDULE 1

C866869 TRANSFER to HOBART CITY COUNCIL Registered  
16-Nov-2009 at noon

SCHEDULE 2

B298809 Land is limited in depth to 15 metres, excludes  
minerals and is subject to reservations relating to  
drains sewers and waterways in favour of the Crown

C866869 Land is limited in depth to 15 metres, excludes  
minerals and is subject to reservations relating to  
drains sewers and waterways in favour of the Crown

C866869 FENCING PROVISION in Transfer

C866869 REVERSIONARY CONDITIONS set forth in Transfer

UNREGISTERED DEALINGS AND NOTATIONS

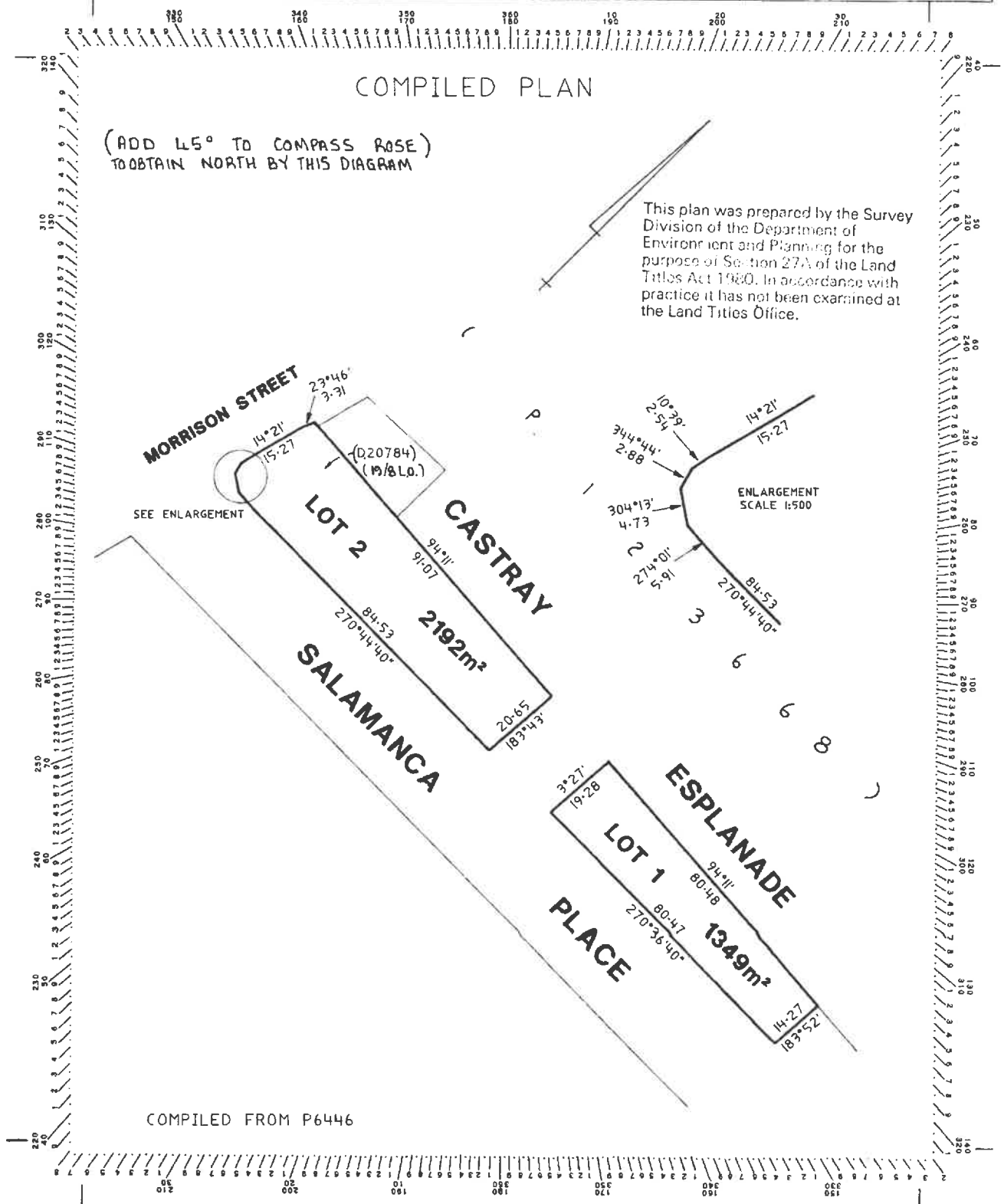
No unregistered dealings or other notations

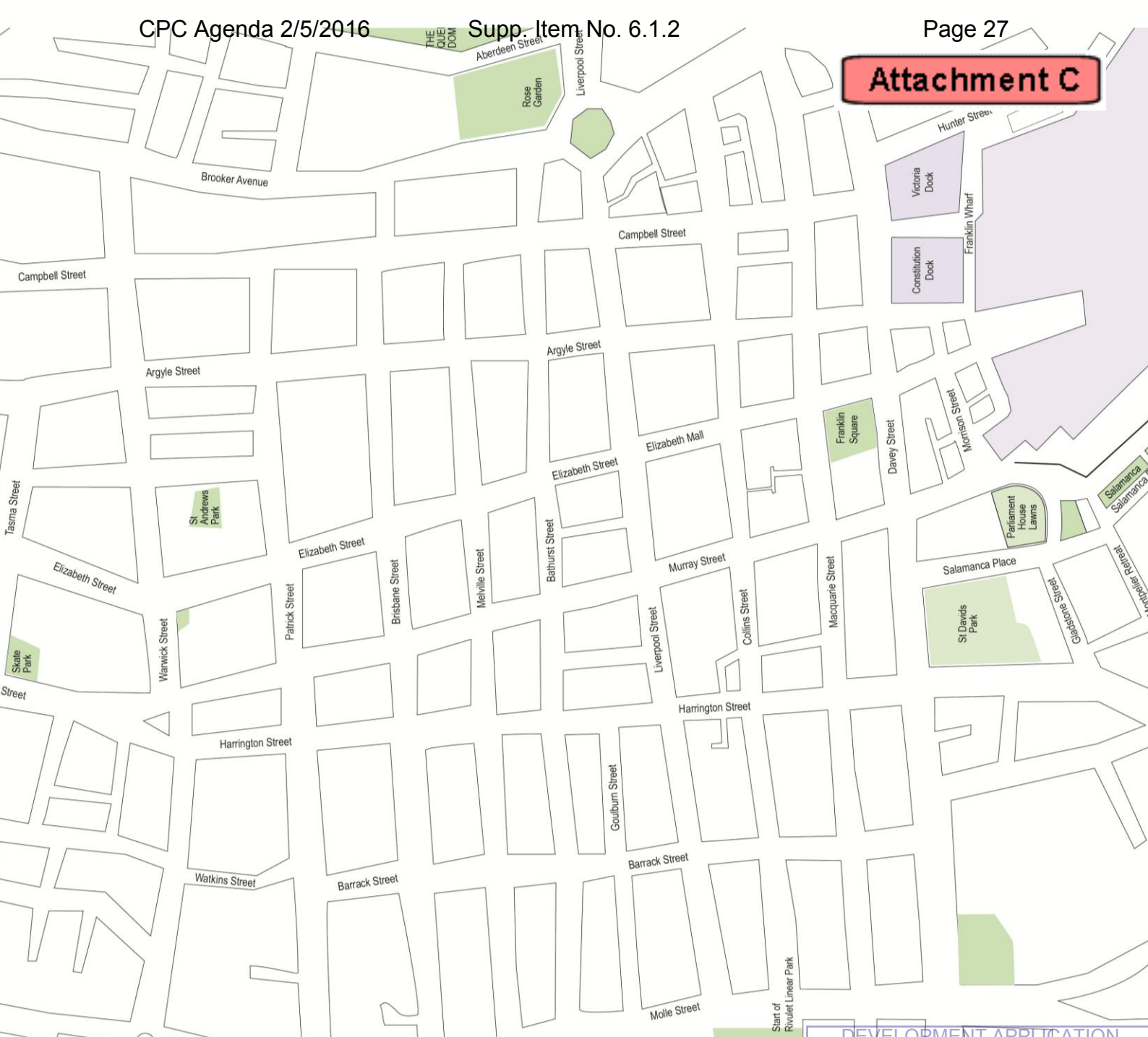


## RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Owner: <del>HM the QUEEN</del> THE CROWN	<b>PLAN OF SURVEY</b> by Surveyor... P.S. FLEMING of land situated in the DEPARTMENT OF ENVIRONMENT & PLANNING <b>CITY OF HOBART</b> <b>SECTION W4</b>	Registered Number: <b>D44801</b>
Title Reference: C.T. 4073-99	SCALE 1: 1000 MEASUREMENTS IN METRES	Approved Effective from: .....
Grantee: WHOLE OF LOTS 1 & 2, 2192m <sup>2</sup> & 1349m <sup>2</sup> AESP.		Recorder of Titles



**Attachment C**

# City of Hobart

## Mobile Food Vendor Program & Guidelines



April 2015

**DEVELOPMENT APPLICATION  
DOCUMENT**

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00167-01 and was received on the 12 February 2016

Planning Authority: Hobart City Council

## City of Hobart

## Mobile Food Vendor Program &amp; Guidelines

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00167-01 and was received on the 12 February 2016

Planning Authority: Hobart City Council

## INTRODUCTION

The City of Hobart Mobile Food Vendor Program (the Program) provides a framework within which Council, business and the community can maximise the economic, social and cultural benefits of mobile food vending within the city's existing planning schemes and by-laws.

The Council is committed to supporting existing food and beverage businesses within Hobart and aims to ensure that the Program compliments the city's economy.

The information within this document outlines the intent and objectives of the program, the process by which interested vendors can apply to participate as well as the guidelines that participating vendors must adhere to whilst participating in the Program.

## PROGRAM VALUES

The following values underpin the City of Hobart Mobile Food Vendor Program. These values will be used to inform the selection process for vendors applying to participate in the program. They aim to ensure a high quality experience for customers and the community while maintaining a high standard of participation by mobile food vendors.

- **Diversity** - The program offers a unique culinary experience in an innovative way that increases the diversity of mobile food vendor options.
- **Innovation** – The program offers a unique cultural experience through creative presentation of vehicles and menus.
- **Quality** – The program incorporates and promotes fresh Tasmanian ingredients into a quality food experience.
- **Sustainability** – The program incorporates and promotes ethical, environmental and sustainable practices.
- **Value** – The program adds economic and cultural value to the city by activating a range of sites at a range of different times.

## PROGRAM AIMS

The City of Hobart Mobile Food Vendor Program aims to:

- Activate the City of Hobart
- Stimulate the local economy
- Encourage mobile food vending while maintaining support for existing businesses
- Enable cultural experiences that encourage social interaction
- Enhance the community's sense of safety and wellbeing



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## PROGRAM OBJECTIVES

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The City of Hobart Mobile Food Vendor Program has three community objectives.

- To position mobile food vending as a key component of a wider city activation program.
- To increase opportunities for mobile food vendors to trade on-street in identified areas and at times of the day where those places might otherwise be inactive.
- To ensure the mobile vending delivers positive social, cultural and economic outcomes for both the operators and the community.

The City of Hobart Mobile Food Vendor Program has three Council objectives.

- To streamline the Council process for Mobile Food Vendors to trade within Hobart.
- To promote an entrepreneurial attitude within the Council.
- To strengthen a cross divisional culture focussed on whole-of-city activation

## PROGRAM OUTCOMES

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Each of the objectives listed above will be measured against the following outcomes.

*To position mobile food vending as a key component of a wider city activation program*

- An increased number of Mobile Food Vendors operate within Hobart.
- Mobile Food Vendors are utilised in other city activation activities, events and programs.

*To increase opportunities for Mobile Food Vendors to trade on-street and at times of the day where those places might otherwise be considered "inactive"*

- Mobile Food Vendors trade in a range of locations within and outside of normal business hours.
- Mobile Food Vendors trade in locations that are not normally serviced by food and beverage providers.

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*To ensure the mobile food vending activity program delivers positive social, cultural and economic outcomes for the operator and the community.*

- There will be a number of licensed operators offering a diversity of food experiences in currently inactive or low activity areas in the city.
- Mobile Food Vendors are sought after by organisers of community events and activities.
- The business sector and broader community's perception of Mobile Food Vendors is positive.

*To streamline the Council process for Mobile Food Vendors to trade within Hobart*

- Clearly articulated and well documented processes are in place to support Mobile Food Vendors.
- Mobile Food Vendors know who to go to within Council to respond to their queries.

*To promote an entrepreneurial attitude within the Council*

- Council identifies and promotes the economic, cultural and social benefits of Mobile Food Vendors to the community.
- The barriers to participating in this economic opportunity are minimised.

*To strengthen a cross divisional culture focussed on whole of city activation*

- Mobile Food Vendor activities are included in cross divisional city activation team documentation and discussions.

#### MOBILE FOOD VENDOR DEFINITION

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For the purposes of this program a Mobile Food Vendor is defined as any road registered vehicle also registered as a Mobile Food Premises within Tasmania under the Food Act that trades on the road reserve (but not the footpath), in a park, reserve and/or open air public car park within the Hobart Municipal area.

#### TRADING ON COUNCIL LAND VS TRADING ON PRIVATE LAND

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For the purposes of this program Mobile Food Vending relates to trading on Council owned and/or administered land such as the road reserve (but not the footpath), in a park, reserve and/or open air public car park within the Hobart Municipal area.

City of Hobart Planning Schemes pertaining to mobile food vending on private land already exist and fall outside the scope of this program and guidelines.

City of Hobart  
Mobile Food Vendor Program & Guidelines

#### MOBILE FOOD VENDOR TRADING AT EVENTS AND FESTIVALS

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For the purposes of this program Mobile Food Vending does not include trading that takes place on private or public land during a festival, school and/or community fair or similar event.

City of Hobart Planning Schemes pertaining to Mobile Food Vending on private land in such situations already exist and fall outside the scope of this program and guidelines.

#### DELEGATION TO APPROVE MOBILE FOOD VENDOR PERMITS

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The General Manager City of Hobart has the power to issue City of Hobart Mobile Food Vendor Permits under section 56C of the *Vehicle and Traffic Act 1999*.

#### MOBILE FOOD VENDOR ZONES

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For the purposes of this program Mobile Food Vendors wishing to trade on Council property will only be able to trade within designated Mobile Food Vendor Zones.

A diversity of Mobile Food Vendor Zones have been identified in order to provide as wide a range as possible of safe and accessible opportunities for vendors to trade. Many of the Mobile Food Vendor Zones provide space for a number of vendors to trade together.

Most Mobile Food Vendor Zones have been selected to ensure that they are at least 50 metres from existing take away food and beverage businesses or that mobile food vendors can only operate within the zone outside relevant fixed business' normal trading hours.

Mobile food vendors may be allowed to trade within 50 metres of a specific zone during the normal trading hours of a nearby fixed business however if the relevant fixed food and beverage businesses within that zone support mobile food vending.

Trade within the identified Mobile Food Vendor Zones will not be impacted for the duration of the trial by fixed food or beverage businesses that are proposed or that open once the Trial Mobile Food Vendor Program has begun.

#### MOBILE FOOD VENDOR TRADING DURATION

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All Mobile Food Vendor Zones will be available for trade by approved vendors for the duration of the trial within the time limits described for each zone on the following page.

This is to ensure a diversity of refreshment opportunities to the community and for multiple vendors to trade within popular sites.

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Zone	Trading Times
Bathurst Street(near the corner of Campbell Street)	2 hour mobile food vendor zone prior to 6pm Monday - Saturday, no trade after 9pm 7 days
Campbell Street (between Patrick and Brisbane Streets)	4 hour mobile food vendor zone prior to 6pm Monday - Saturday, no trade after 8pm 7 days
Churchill Avenue (Alexandra Battery Lookout)	Mobile food vendor zone 10am - 8pm 7 days
Collins Court	Mobile food vendor zone 5pm-9pm 7 days
Collins Street (between Campbell Street and Brooker Hwy)	2 hour mobile food vendor zone prior to 6pm Monday - Saturday, no trade after 8pm 7 days
Collins Street (between Molle and Barrack Streets)	3 hour mobile food vendor zone prior to 6pm Monday - Saturday, no trade after 9pm 7 days
Elizabeth Street (between Macquarie and Davey Streets)	Mobile food vendor zone 6pm-9pm Monday - Saturday, no trade after 9pm 7 days
Goulburn Street (between Harrington and Barrack Streets)	3 hour mobile food vendor zone prior to 6pm Monday - Saturday, no trade after 9pm 7 days
Longpoint Road (near ablutions block)	Mobile food vendor zone 8am - 8pm 7 days
McVilly Drive, The Domain (bike path parking lot)	Mobile food vendor zone 8am - 8pm 7 days
Melville Street (between Elizabeth Street and Argyle Streets)	Mobile food vendor zone 5pm-9pm Monday - Friday, 1pm-9pm Saturday, all day Sunday until 9pm
Melville Street (between Argyle and Campbell Streets)	3 hour mobile food vendor zone prior to 6pm Monday - Saturday, no trade after 9pm 7 days
Murray Street (between Brisbane and Melville Streets)	2 hour mobile food vendor zone prior to 6pm Monday - Saturday, no trade after 9pm 7 days
Nelson Road (Mt Nelson Oval)	Mobile food vendor zone 8am - 8pm 7 days
Parliament Street (Parliament Street Reserve)	Mobile food vendor zone 8am - 8pm 7 days
Sandy Bay Road (between Earl and York Streets)	Mobile food vendor zone 9am - 8pm Monday - Friday, 9am- 8pm Saturday and Sunday
Sandy Bay Road (between Waimea and Derwentwater Avenue)	Mobile food vendor zone 10am - 8pm 7 days
Tasma Street, North Hobart (Cultural Park)	Mobile food vendor zone 10am - 8pm 7 days
The Springs, Mt Wellington	Please refer to the Springs Mobile Food Vendor Program Guidelines
Upper Domain Road (near soccer ovals)	Mobile food vendor zone 8am - 8pm 7 days
Watchorn Street	1 hour mobile food vendor zone prior to 6pm Monday - Saturday, no trade after 9pm 7 days

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#### MOBILE FOOD VENDOR PERMIT

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Mobile Food Vendors wishing to participate in the Program will require a City of Hobart Mobile Food Vendor Permit.

The City of Hobart Mobile Food Vendor Permit gives the permit holder the right to trade under the City of Hobart Mobile Food Vendor Agreement on identified Council property until the expiry of the permit or until such time as the City of Hobart Mobile Food Vendor ceases to trade or is revoked due to non-compliance.

#### HOW TO APPLY FOR A MOBILE FOOD VENDOR PERMIT

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Mobile Food Vendors must complete the Mobile Food Vendor Permit Application and provide copies of the following documents with their application.

- ✓ Current Public & Product Liability Insurance with cover of \$20,000,000
- ✓ Current Vehicle Registration Certificate
- ✓ Current Mobile Food Premises Registration Certificate

#### MOBILE FOOD VENDOR PERMIT FEE

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An initial six monthly fee of \$1,250 will apply to the City of Hobart Mobile Food Vendor Permit.<sup>1</sup> This fee will be reviewed after the first six months of the 12 month trial.

#### MOBILE FOOD VENDOR PERMIT APPLICATION AND RENEWAL DATES

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A 12 month trial of the Program will be implemented.

After review of the trial and any subsequent alterations to the program, an annual application process for Mobile Food Vendor Permits will be initiated.

The renewal date of Mobile Food Vendor Permits will be determined as part of the review of the trial.

#### MOBILE FOOD VENDOR PERMIT CANCELLATION

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City of Hobart Mobile Food Vendor Permits will be revoked by the City of Hobart if the permit holder breaches any items listed within the Mobile Food Vendor Agreement.

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<sup>1</sup> GST does not apply to this fee

## City of Hobart

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THE SPRINGS

The Springs Mobile Food Vendor Zone is located within a sensitive natural environment with highly variable weather conditions. It is also a site that has high visitation with significant cultural, social and heritage value for residents and visitors alike. For these reasons this zone has a range of specific requirements, which are enforced by the Wellington Park Trust through an arrangement with the Tasmanian Government's, Department of Primary Industries, Parks, Water and the Environment.

As well as applying to participate within the City of Hobart Mobile Food Vendor Program, vendors wishing to trade at the Springs site will also be required to apply for a Commercial Visitor Services licence (CVS licence).

Vendors applying for a CVS licence will be required to submit evidence of public liability insurance to a minimum value of \$20,000,000 to the Department of Primary Industries, Parks, Water and the Environment.

Operators may also be required to obtain accreditation with the Tourism Industry Council of Australia within 12 months from the commencement of their licence.

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FEE

The Wellington Park CVS licence, which is required to operate a business within Wellington Park, is subject to an application fee. Information on the application process and fee for this licence is available by contacting (03) 6165 4247 or [cvs@parks.tas.gov.au](mailto:cvs@parks.tas.gov.au).

N.B. No mobile food vendor participating within the Program will be permitted to trade at the Springs site without the CVS licence.

This should be considered when nominating which sites vendors wish to trade within when applying to part of the broader program.

Vendors wishing to trade at the Springs should read *The Springs Mobile Food Vendor Program Guidelines* to ensure that they understand the responsibilities and specific trading requirements of this site.

A copy of these guidelines is available at [http://www.hobartcity.com.au/Community/Mobile\\_Food\\_Vendor\\_Program](http://www.hobartcity.com.au/Community/Mobile_Food_Vendor_Program) or by contacting Mark Joseph, Community Participation Coordinator, on (03) 6238 2839 or at [josephm@hobartcity.com.au](mailto:josephm@hobartcity.com.au)

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MOBILE FOOD VENDOR AGREEMENT

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All Mobile Food Vendors will be required to agree to the following guidelines prior to receiving a City of Hobart Mobile Food Vendor Permit. Please ensure that you have read and understand all of these guidelines. If you have any questions regarding specific guidelines please contact Mark Joseph, Community Participation Coordinator, on (03) 6238 2839 or at [josephm@hobartcity.com.au](mailto:josephm@hobartcity.com.au)

## HEALTH &amp; SAFETY

- Comply with all Environmental Health laws pertaining to Mobile Food Premises Registration.
- Comply with all Australian standards relating to the installation, maintenance and operation of gas and/or electrical appliances within the Mobile Food Vendor vehicle.
- Keep the Mobile Food Vendor registered vehicle well presented, clean and in road worthy condition at all times.
- Only serve customers from the footpath side of the Mobile Food Vendor vehicle.
- Park the Mobile Food Vendor vehicle in the direction of traffic flow.

## COMMUNITY ACCESS

- Maintain community access to parking, taxi, loading and bus zones as well as footpaths, roads, driveways and wheelchair access ramps at all times.
- Ensure that all trade is wholly from within the Mobile Food Vendor vehicle and that tables, trestles, marquees, tents or other structures are not installed or erected outside of the vehicle in order to display or prepare food or serve the public.
- Not provide chairs, boxes, crates or similar items for patrons to use as seats or tables that impede a public footpath if the Mobile Food Vendor vehicle is trading within a zone that is directly next to a paved footpath.
- Ensure access to all street furniture such as public seats, bicycle parking, drinking fountains and rubbish bins are not compromised by mobile food vending.
- Ensure that trees and/or street furniture such as public seats, bicycle parking, drinking fountains and rubbish bins are not modified as a result of mobile food vending.
- Ensure that all advertising or signage is fixed to the Mobile Food Vendor vehicle and does not protrude onto the road and/or footpath.
- Ensure customers do not queue onto the roadway, driveways or other trafficked accesses.

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## WASTE

- Ensure that all rubbish created from the preparation of food is removed by the Mobile Food Vendor and not disposed of in Council rubbish bins.
- Provide at least one rubbish bin for customers to use in close proximity to the Mobile Food Vendor site and ensure that the site is kept clear of rubbish at all times.
- Ensure that wastewater and waste oil are contained according to Environmental Health standards, are removed after each trading session and disposed of appropriately.
- Ensure that no wastewater, oil or other liquid is deposited into the storm water system.
- Ensure that no hosing down of the Mobile Food Vendor site takes place.
- Where the Council has to undertake extra cleaning and/or tidying as a direct result of Mobile Food Vendor trading, the Mobile Food Vendor will reimburse the Council for all costs incurred by the Council in relation to the cleaning and/or tidying of the area.

## NOISE

- Where possible use power sources that generate low or no noise and/or air pollution.
- Ensure that all noise associated with Mobile Food Vendor trade, including customer activity, is kept to a minimum.
- Ensure that amplified music or public address system are not used.

## TRADING TIMES, LOCATION &amp; DURATION

- Trade within those areas identified within the City of Hobart Mobile Food Vendor Guidelines and as stipulated on the Mobile Food Vendor Permit.
- Trade within the specified times of each Mobile Food Vendor Zone as outlined within these guidelines and as stipulated on the Mobile Food Vendor Permit.
- Park in lawful parking bays where indicated on a public streets whilst trading.
- Pay relevant on-street parking fees that apply within a Mobile Food Vendor Zone for the Mobile Food Vendor vehicle and any other trade related vehicles whilst trading.



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## GENERAL

- Not receive deliveries whilst trading in a Mobile Food Vendor Zone.
- Display City of Hobart Mobile Food Vendor Permit within the Mobile Food Vendor vehicle at all times.
- Renew the City of Hobart Mobile Food Vendor Permit on an annual basis.
- Not transfer the City of Hobart Mobile Food Vendor Permit to another person or business.
- Inform the City of Hobart of intention to cease trading under the City of Hobart Mobile Food Vendor Program.
- Adhere to the City of Hobart Mobile Food Vendor Guidelines as well as any specific conditions within the Mobile Food Vendor Permit.
- Follow all instructions issued by a duly authorised officer of the City of Hobart.
- Assume responsibility for any and all liabilities that arise as a direct result of trading within the Mobile Food Vendor area.
- Cover the costs of any damage caused to trees and/or public infrastructure such as public seats, bicycle parking, drinking fountains and rubbish bins that is a direct result of Mobile Food Vendor trading.

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

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### **6.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

#### **6.2.1 230 NELSON ROAD, 228 NELSON ROAD, MOUNT NELSON – DWELLING - PLN-16-00295-01 - FILE REF: 5624752 & P/228/707 43x's (Council)**

The General Manager reports:

“In accordance with the provisions of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, this supplementary matter is submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report	Council
Committee:	2 May 2016
Council:	9 May 2016
Expiry Date:	3 May 2016 (extension of time granted until 14 June 2016)
Application No:	<b>PLN-16-00295-01</b>
Address:	<b>230 Nelson Road, 228 Nelson Road, Mount Nelson</b>
Applicant:	Peter Church, 472 Nelson Road, Mount Nelson
Proposal:	<b>Dwelling</b>
Representations:	Five (5)
Performance criteria:	setbacks and building envelope; site coverage and private open space; privacy; biodiversity code.

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**1. Executive Summary**

- 1.1. Planning approval is sought for a dwelling.
  - The dwelling is of contemporary design and has three levels.
  - Externally the dwelling would be clad with a mix of cement sheet, vertical timber and matrix cladding, along with steel roofing.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.2.1. Development standards – setbacks and building envelope; site coverage and private open space; privacy.
  - 1.2.2. Biodiversity code.
- 1.3. Five (5) representations objecting to the proposal were received within the statutory advertising period (4 – 18 April 2016).
- 1.4. The proposal is recommended for approval subject to conditions.
- 1.5. The final decision is delegated to the Council.

## 2. Site Detail



**Image 1: Aerial view of the subject property and surrounds. The image dates from 2013 and was taken before the driveway was constructed for the internal lot. It has since been cleared of most vegetation.**

2.1. 230 Nelson Road, Mount Nelson is a 715sq.m internal lot running uphill from the road frontage and predominantly behind 228 Nelson Road. The internal 'body' of the lot has an area of 580sq.m. A right-of-way on 228 Nelson Road benefits number 230 by way of access from the street frontage over part of an existing formed driveway. The surrounding locality consists of single detached housing predominantly from the 1960s era set within remnant bushland.

2.2. Photos of the site:



**Plate 1: The access to the internal lot from Nelson Road.**





***Plate 2: Looking to the rear of the site from the end of the constructed driveway.***



***Plate 3: An alternative view across the site from the end of the constructed driveway.***





***Plate 4: Looking down across the dwelling at 228 Nelson Road from inside the body of 230 Nelson Road.***



***Plate 5: A view to the north across adjacent properties.***





***Plate 6: The adjacent dwelling at 226 Nelson Road.***



***Plate 7: The view towards the adjacent dwelling at 232 Nelson Road.***





**Plate 8:** Looking towards the rear boundary of the subject site. The majority of the scrubby vegetation would be removed to allow the boundary to be fenced.

### **3. Proposal**

- 3.1. The proposal seeks approval for a three-storey contemporary-design dwelling on an internal lot. The dwelling includes five bedrooms and four bathrooms (one main bathroom, an ensuite and two smaller bathrooms), a single garage and single carport and a first floor deck to the front and side. Two car parking spaces are proposed.
- 3.2. Externally the dwelling would be clad with a mix of cement sheet, vertical timber and matrix cladding, along with steel roofing.
- 3.3. The deck at first floor level surrounds the north-western and much of the north-eastern side of the dwelling. Along the north-western side of the deck, a 2.1m high, 25% transparent screen is proposed.
- 3.4. Landscaping is shown around the sides and rear of the dwelling.

### **4. Background**

- 4.1. In 2014, the Council granted approval for the partial demolition of the dwelling on 228 Nelson Road and the construction of a driveway on the access handle of the vacant internal lot. Both lots were in common ownership at the time and the dwelling on 228 Nelson Road had been constructed partially over a common lot boundary.
- 4.2. An application for a similar dwelling to that currently being assessed was withdrawn prior to being determined in March 2016 after the assessing planner raised concerns with the proposal's degree of non-compliance with planning scheme standards and therefore the overall acceptability of the proposal.

- 4.3. This application received two objections during the public notification period. After discussions with the owner who was happy to make changes to the proposal, the subject application was submitted for assessment. Notable changes included reducing the roofed area of the dwelling and therefore reducing its site coverage; increasing its rear setback; incorporating screening along the side of the main deck; removing one non-compliant carpark; removing a sixth bedroom; detailing landscaping and the retention of some existing eucalypts.

## 5. Concerns raised by representors

- 5.1. The following table outlines the issues raised by representors. All concerns raised with respect to the discretions invoked by the proposal will be addressed in Section 6 of this report.

<ul style="list-style-type: none"> <li>On the basis of the amended design including: <ul style="list-style-type: none"> <li>- reduced site cover to approximately 25%;</li> <li>- fixed screening with maximum of 25% transparency to a height of 2.1m along the full extent of the side of the deck facing 226; and</li> <li>- increased setback of the building and deck from 226 and the front boundary</li> </ul> <p>We are pleased to confirm that the majority of concerns are now resolved to an acceptable degree.</p> <p>Subject to inclusion of the screening (by condition on the permit) and the amended siting shown on the plan, we do not object to the proposal subject to a further condition that native plantings (that will grow to a mature height of 4-6m) are provided along the side boundary of the property with No. 226 from the front corner boundary to the rear extent of the deck (adjacent to the spa). These plantings were discussed with the proponent on site and I understand that he would agree to such a condition being placed on the permit.</p> </li> </ul>	<ul style="list-style-type: none"> <li>Representation under section 12.1 Zone Purpose: <ul style="list-style-type: none"> <li>12.1.1.3 The plan for the dwelling indicates that the structure will be one of the largest houses in the area on the smallest block. A development more suited to urban or city environs.</li> <li>12.1.1.4 The area is predominantly single floor housing. A three floor development will destroy the neighbourhood character.</li> <li>12.1.1.5 The visual impact of the development will be clearly seen from Nelson Road. An example of this type of structure can be seen above 285 Nelson Road. The third floor will overview all of the neighbouring housing and impact on people's privacy.</li> </ul> </li> </ul>
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- Three parking spaces are shown but vehicle movements are only indicated for two cars. Only two of the spaces 'work'.
  - Proposal does not comply with building envelope which has been inconsistently shown on the plans and based on inaccurate floor levels.
  - Floor area incorrectly detailed and exceeds the plot ratio for the site.
  - Proposal does not comply with the Zone purpose at 12.1.1.3 and Desired Future Character at 12.1.3.
  - The value of the work is significantly understated.
- 
- The proposed development is very large. The building is 390 square meters on 3 floors on an internal block with area of 600 square metres (after exclusion of the estimated area of the access road). This exceeds the equivalent combined floor area of four average three bedroom Housing Commission homes. Most houses in the surrounding area are one or two storeys and have a much lower ratio of building footprint to overall block size. The three floor dwelling would reduce outlooks and tower above its neighbours.
  - Traffic congestion could be problematic when potentially as many as six (mother + father + four children) or more residents and their visitors and associates regularly use the single lane 40 metre long sideways sloping access drive each day and onsite parking capacity for only three cars would be tested if the five planned double bedrooms were all to be occupied and vehicles of teenage offspring accommodated.
  - Of more concern to me personally is that large concentrations of residents and visitors may unduly compromise the amenity and privacy of adjoining properties (particularly in my case 302 Nelson Road). My arithmetic calculates the open (uncovered) area on the 302 Nelson Road side of the proposed dwelling is only just over 100 square metres. This is the only unallocated free space available to provide for the onsite open air recreation of the occupants of the proposed dwelling. One only has to imagine a small gathering of persons at play or otherwise engaged in this small area to realise that without restriction there will be a lot of noise and or other possible intrusions.
  - I believe that, apart from such other changes as Council require, approval should be conditional on the Developer's erection of a substantial boundary fence designed so as to contain the effects of excess noise and other intrusions on neighbouring properties as much as possible. I note the inclusion of a boundary fence in the latest plans and hope that this will prove adequate to the task.

- I am also concerned about the impact of site activities during construction on adjoining blocks particularly, my own, which is currently not fenced from 230. Preferably this would necessitate that the boundary fence be erected before construction commences or that a temporary barrier be erected during construction until erection of the permanent fence. It may also be necessary to store materials offsite at least until immediately before they are required to be used if intrusions on neighbouring properties are to be avoided.
- I thank the Council for the opportunity to make representations on this matter and would welcome calls from the Council or any interested party to clarify any of the above. I believe myself to be a good neighbour and far from a spoiler. I remain open to be convinced rather than quick to condemn and have copied the applicants as an indication of this. I have no formal knowledge of planning regulation and therefore the above is my attempt to tease out the issues as they appear to me, and then leave it to Council experts to consider relevance.

## 6. Assessment

The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

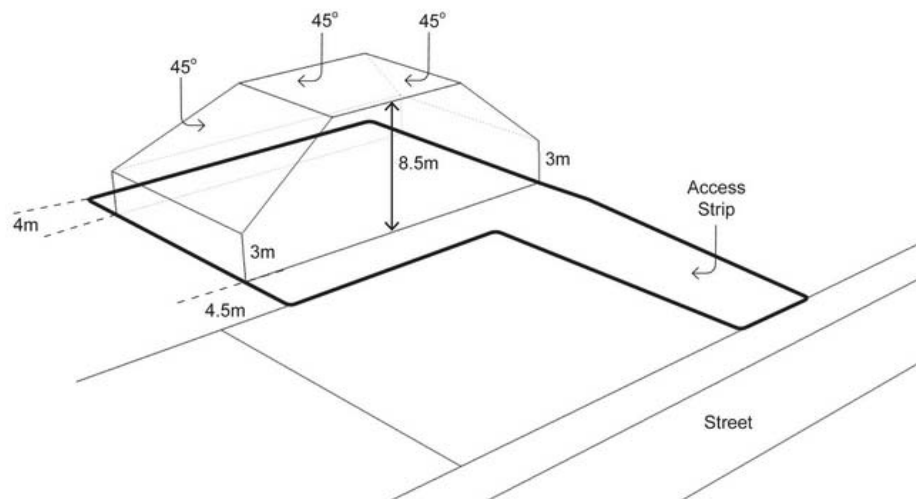
- 6.1. The site is located within the Low Density Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.2. The proposal is for a single dwelling (residential) use. Such a use is permitted in the Low Density Residential Zone.
- 6.3. The proposal has been assessed against;
  - 6.3.1. Part D-12 Low density residential zone
  - 6.3.2. E6.0 Parking and access code
  - 6.3.3. E7.0 Stormwater management code
  - 6.3.4. E10.0 Biodiversity code
- 6.4. The proposal relies on the following performance criteria to comply with the applicable standards;
  - 6.4.1. Setbacks and Building Envelope – Part D 12.4.2 P3
  - 6.4.2. Site Coverage and Private Open Space – Part D 12.4.3 P1, P2
  - 6.4.3. Privacy – Part D 12.4.6 P1
- 6.5. Each performance criterion is dealt with separately below.

## 6.6. Setbacks and Building Envelope – Part D 12.4.2

### 6.6.1. Parts of the proposed dwelling are partially outside the building envelope applicable to an internal lot.

- The proposed deck extends into the 4.5m internal front setback by 1.8m to 2.7m at its northern front corner, and by 0.8m to 3.7m setback towards the middle of the site.
- A Triangular section of the southern rear corner extends outside the 45° tangent of the envelope.
- The eastern-front corner of the porch roof and supporting column extends outside the 45° tangent of the envelope.
- The north-eastern front corner of the roofline extends to 9m above natural ground level. This occurs for a 0.5sq.m triangular section of the top of the building, running back for 3.4m of the 12.1m length of the side elevation, after which the dwelling complies with the 8.5m maximum height of the envelope.

### 6.6.2. The acceptable solution of Part D 12.4.2 A1 requires the proposed building apart from limited protrusions to be contained within the applicable building envelope shape when applied to the site. The building envelope applicable to the site can be seen in the following diagram:



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

### 6.6.4. The corresponding performance criteria at Part D 12.4.2 P3 states:

The siting and scale of a dwelling must:

- (a) *not cause unreasonable loss of amenity by:*
  - (i) *reduction in sunlight to a habitable room (other than a*

*bedroom) of a dwelling on an adjoining lot; or*

*(ii) overshadowing the private open space of a dwelling on an adjoining lot; or*

*(iii) overshadowing of an adjoining vacant lot; or*

*(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*

*(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

6.6.5. The extent to which the proposed dwelling extends outside of the acceptable building envelope is in an overall sense minimal. Given the orientation of the dwelling and the slope of the land, where extensions outside of the envelope occur, these are not consistent, and in most cases relate to a corner or a small section of the tallest point of the building.

6.6.6. Where non-compliant, the degree to which the proposal is likely to generate any greater impact upon adjacent properties would be negligible over and above the impact generated by a dwelling occupying the full extent of the envelope.

6.6.7. Based on the location of dwellings on surrounding properties and their associated open space areas, as well as the local topography, no reduction of sunlight to existing habitable rooms would occur; no unreasonable overshadowing of existing private open space areas would occur; no overshadowing of any adjacent vacant lots would occur. Given the similar orientations and for the most part offset locations (both in alignment and also ground level due to local topography) of dwellings on adjacent properties, the visual impact produced by the dwelling would not be unreasonable in terms of loss of amenity.

6.6.8. Similarly for a number of the reasons cited above, it is also considered that there is an acceptable level of separation between existing dwellings and the proposed dwelling. This is similar to that prevailing in the area, which exhibits a mixed character in terms of separation between dwellings.

6.6.9. The request of one of the representors for additional planting along the north-western side of the property, corresponding with the length of the proposed first floor deck appears to have been generated by a concern for privacy impact. However such a requirement would appear more relevant and justified for softening the appearance of the proposed dwelling and reducing its visual impact. Additional planting to such an extent would assist in the proposal's compliance with the relevant performance criteria listed above, and discussions with the applicant have confirmed a willingness to include such a provision. As such an appropriate condition should be included in any permit

granted for the development.

6.6.10. The proposal complies with the performance criterion.

6.7. Site Coverage and Private Open Space – Part D 12.4.3 P1

6.7.1. The applicable roofed area of the proposed dwelling covers 25.4% of the internal body of the site (not including the access strip).

6.7.2. The acceptable solution at Part D 12.4.3 A1 requires a site coverage of not more than 25% (excluding eaves up to 0.6m).

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

6.7.4. The corresponding performance criteria at Part D 12.4.3 P1 states:

*Dwellings must have:*

- (a) *private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:*
  - (i) *outdoor recreational space consistent with the projected requirements of the occupants; and*
  - (ii) *operational needs, such as clothes drying and storage;*
- and*
- (b) *have reasonable space for the planting of gardens and landscaping.*
- (c) *not be out of character with the pattern of development in the surrounding area; and*
- (d) *not result in an unreasonable loss of natural or landscape values.*

6.7.5. The proposal is marginally over the acceptable site coverage by 0.4%. Whilst not meeting the acceptable solution, the extent to which 0.4% generates additional impact over the 25% maximum would be negligible.

6.7.6. Nevertheless, the proposal includes a reasonable amount of private open space (see Section 6.8, below). Garden is shown primarily at the rear of the site, and landscaping continues to the sides of the dwelling with steps and a pebbled garden bed area.

6.7.7. The pattern of development in the surrounding area is primarily standard lots fronting Nelson Road incorporating single dwellings. Some other internal lots can be found in the area, such as the one directly adjacent at 226 Nelson Road. As the internal lot has existed



for some time, to an extent the pattern of development is already set.

- 6.7.8. Established dwellings generally have smaller footprints on their respective sites. However, as the proposal is only marginally over the acceptable solution for site coverage, it is difficult to argue that the development is inappropriate when a compliant development could have a size and scale very close to that being proposed. The proposed development is to the rear of existing dwellings and surrounded on all sides by developed properties.
  - 6.7.9. Due to the slope of the hillside rising behind; surrounding established vegetation; the lengthy setback of the proposed dwelling via a narrow access from Nelson Road between two dwellings (refer Plate 1); and the presence of the existing dwelling in front at 228 Nelson Road and those to either side, whilst reasonably large in size, the proposed dwelling would not be immediately obvious when viewed from Nelson Road or from vantage points further afield. Its immediate impact upon the existing character of the local area would be reduced. Visual impact could be further controlled through the application of an external colour scheme which complements the natural surroundings. This could be required by condition of any permit granted for the proposal.
  - 6.7.10. The majority of the subject lot has been disturbed prior to this application being made, most likely when prepared for sale and as such there are few natural or landscape values present on the site. Minimal clearance/disturbance of native vegetation is required. This matter has been addressed in further detail by the Council's Environmental Development Planner with regard to the assessment of the proposal against the Biodiversity Code of the *Hobart Interim Planning Scheme 2015*. The proposal indicates the intent to replant with native species which could assist in at least re-introducing some landscape values.
  - 6.7.11. The proposal complies with the performance criterion.
- 6.8. Site Coverage and Private Open Space – Part D 12.4.3 P2
- 6.8.1. The proposal includes approximately 190sq.m of open space and garden at the rear, accessed from three stairs leading down from an external deck, which is accessed from the living room. The approximate grade of this area is 22.5%. The majority of this space is located to the west of the dwelling. This area is not used for vehicle parking.
  - 6.8.2. The acceptable solution at Part D 12.4.3 A2 requires a dwelling to have an area of private open space of at least 24sq.m with a minimum dimension of 4m in one location that is accessible and adjacent to a habitable room other than a bedroom, not located to the south, south-east or south-west of the dwelling, not in front of the dwelling, not steeper than 1 in 10 and not used for vehicle access or parking.

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

6.8.4. The corresponding performance criteria at Part D 12.4.3 P2 states:

*A dwelling must have private open space that:*

(a) *includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:*

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

(ii) *orientated to take advantage of sunlight.*

6.8.5. The proposal exceeds the minimum area and dimension requirements for private open space but is unable to meet direct access requirements or maximum grade requirements. It is considered however that with the incorporation of the deck wrapping around the northern part of the dwelling, there is a more than acceptable area provided between the ground level open space at the rear of the site and this deck to cater for extending the dwelling to allow for outdoor relaxation, dining, entertaining and children's play. The dwelling's proposed living room leads directly to this deck from which the open space at the rear of the property can be accessed. The accessibility of this area is more than reasonable.

6.8.6. The proposal complies with the performance criterion.

6.9. Privacy – Part D 12.4.6 P1

6.9.1. The main deck to the north-eastern, internal 'front' boundary has a setback of 2.7m where it has a floor level between 3.1m and 3.5m. The entrance porch is located 1.6m from the south-eastern side boundary and has for the most part a floor level above 1m, up to 1.7m.

6.9.2. The acceptable solution regarding decks and privacy at Part D 12.4.6 A1 requires decks and balconies with a finished surface level more than 1m to have a 25% transparent, 1.7m high screen, or to be located at least 3m from a side boundary and 4m from a rear boundary.

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

- 6.9.4. The corresponding performance criteria at Part D 12.4.6 P1 states:

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

- (a) a dwelling on an adjoining lot or its private open space; or*
- (b) another dwelling on the same site or its private open space; or*
- (c) an adjoining vacant residential lot.*

- 6.9.5. The screen proposed for the north-western side of the proposed deck is sufficient to demonstrate compliance with regard to managing any potential privacy impact upon the property to the north-west. Towards the property in front of the subject site, a very small corner of the deck extends to less than 3.0m from this adjacent property. Tinted glass balustrade to 1.2m has been shown in lieu of screening along this north-eastern side of the proposed deck.
- 6.9.6. As the degree to which the deck does not comply with the minimum acceptable setback is minimal, the ability to generate a greater degree of privacy impact upon the corresponding property would be negligible over and above that of a deck in a similar area with a 3m, compliant setback.
- 6.9.7. To the north-east, the proposed deck would look out and over the existing dwelling below at 228 Nelson Road. As evidenced in Plate 4 earlier and in Plate 9 below, there are several smaller windows in the rear of this dwelling as its primary outlook is to the north-east and away from the subject site. This house is also partially dug into the slope at the rear and its rear windows are partially shaded by its roof eaves. There is little by way of formalised private open space at the rear of this dwelling.
- 6.9.8. The provision of tinted glass balustrade along the north-eastern edge of the proposed deck would provide some protection to the property below with regard to the potential for overlooking impact. However as previously stated, the main outlook would be over and across the roof of the dwelling at 228 Nelson Road which would likely sit below the first floor level of the proposed dwelling.



**Plate 9: The house forward and downslope of the subject site at 228 Nelson Road.**

6.9.9. With regard to one of the representors requests for additional screen planting to be implemented along the entire length of the screened north-western edge of the proposed deck; whilst this may have been an agreed act between two neighbours, it is considered that to require additional screening vegetation to be planted where privacy has already been addressed to an extent that is consistent with the acceptable solution would be heavy-handed and not warranted from a privacy perspective. Additional planting in this location may however assist in softening the appearance of the proposed dwelling when viewed from the corresponding site. As such this has been discussed in the setbacks and building envelope section of this report (refer to paragraph 6.6.5).

6.9.10. In terms of the privacy discretion generated by the elevated entrance porch on the south-eastern side of the proposed dwelling, it is arguable whether or not this space, which is limited in size, would be used for any prolonged period or for any purpose which would constitute a privacy impact upon the property to the south-east. Technically this porch is not a typical deck or balcony. It would be unlikely to provide for the type of activities associated with such a space. As it would be likely to only be used for short periods by people entering and leaving the dwelling, no unreasonable privacy impact would occur.

6.9.11. The proposal complies with the performance criterion.

#### 6.10. Biodiversity code – Part E 10.7.1

6.10.1. The proposed development requires some clearance and disturbance of land covered by the Biodiversity overlay of the Biodiversity Code.

6.10.2. The acceptable solution under Part E 10.7.1 A1 requires minimal clearance confined to low biodiversity values.

- 6.10.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.10.4. The corresponding performance criteria under Part E 10.7.1 P1 states:

*Clearance and conversion or disturbance must satisfy the following:*

- (a) *if low priority biodiversity values:*
- (i) *development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;*
  - (ii) *impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;*
- (b) *if moderate priority biodiversity values:*
- (i) *development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;*
  - (ii) *impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;*
  - (iii) *remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;*
- (c) *if high priority biodiversity values:*
- (i) *development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;*
  - (ii) *impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;*

- (iii) *remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;*
- (iv) *special circumstances exist;*

6.10.5. This aspect of the proposal has been assessed by the Council's Environmental Development Planner, who provides the following comments:

The land is within a Biodiversity Protection Area and native vegetation would be removed. The application is therefore subject to the Biodiversity Code. None of the exemptions are applicable.

The lot has largely been cleared of vegetation, however it supports two mature *Eucalyptus viminalis* (White Gum) trees, several saplings, and a number of native and introduced shrubs and groundcovers. It is likely that a large tree and other vegetation have recently been removed from the land without approval.

One of the White Gums would be removed to facilitate the development, while one would be retained. No nesting hollows were observed in the White Gum to be removed, however its age and structure suggests that nesting hollows could be present and are likely to form in the future.

The vegetation on the site does not constitute a native vegetation community and falls into the TASVEG classification 'Urban Areas' (FUR). There are no records of threatened species recorded on the land or in the nearby area on the Natural Values Atlas.

White Gums are a preferred nesting tree of the endangered Forty-spotted Pardalote, and are also utilised for nesting by the endangered Swift Parrot. While Forty-spotted Pardalotes are uncommon in the municipality and there are no known nesting colonies, White Gums in the Hobart municipality may be utilised by this species in the future.

Swift Parrots forage and nest in the Mt Nelson area, however White Gums do not provide a significant foraging resource and are less-significant as a potential nesting resource than other *Eucalyptus* species. At most, the White Gum to be removed could be considered of 'moderate' biodiversity value under Table E10.1 as '*moderately significant actual or potential habitat for fauna species listed as endangered or vulnerable under the Threatened Species Protection Act 1995*'.

The relevant Code standards are contained in section E10.7.1 'Buildings and Works'. The proposal does not comply with the acceptable solution as values other than 'low' priority biodiversity values would be affected.

The related performance criterion, P1(b) states the following:

*Clearance and conversion or disturbance must satisfy the following...(b) if moderate priority biodiversity values:*

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;*
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;*
- (iii) remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;*

The useable area of the lot is only 575m<sup>2</sup> and it is preferable to remove a substantial amount of vegetation from the lot to provide a reasonable level of bushfire safety. From a bushfire safety perspective, it is also not ideal to have trees within falling distance of a dwelling. The proposal is therefore considered to satisfy (i) and (ii).

The retention of one of the two mature White Gum trees, and the proposed landscaping to the rear of the house (removal of weeds and native plantings), are considered adequate to satisfy P1(b)(iii).

6.10.6. The proposal complies with the performance criterion.

## **7. Discussion**

- 7.1. The proposed development is considered reasonable for the site and its constraints. Whilst triggering some performance criteria under the *Hobart Interim Planning Scheme 2015*, the number triggered are few. However, more importantly, the extent of these discretions in each case is minor – the proposal is in each case only marginally non-compliant. On the whole, the dwelling presents no appreciably greater impact than that which could be produced by a fully compliant development designed to the limit of the standards.



- 7.2. Considering the above, in an overall sense, the proposal is not considered to directly compromise the purpose of the Low Density Residential Zone or the zone's Desired Future Character Statement. It is justifiably complementary. Further, with the inclusion of a condition requiring additional planting, and a condition regarding the use of an appropriate exterior colour scheme, the overall impact of the development can be reduced.
- 7.3. The proposal has been modified from a previous version which appeared difficult to endorse from a development standard perspective, and in terms of some impacts upon adjacent properties. The current proposal has improved the level of compliance with development standards, and has also taken into account some of the concerns raised by representors. Compromises have been made by the applicant.
- 7.4. The concerns raised by the representors are in some cases based on incorrect interpretations of development standards. This report addresses the proposal's performance against relevant standards and covers the areas of concern where possible. Matters such as requests for fencing are not generally considered by Council given such things (a side boundary fence up to 2.1m in height for example) are not governed by the Council and are civil matters to be addressed between property owners. Similarly, impacts by and management during construction are not governed under the *Hobart Interim Planning Scheme 2015*.
- 7.5. With regard to the parking proposed for the development, the plans confirm only two proposed spaces, albeit that the application form, incorrectly, states 3. This is a mistake on the form which wasn't identified during the initial part of assessment. However, the proposal for two spaces has been discussed in detail with the applicant. In any case, two parking spaces is the compliant number and a condition can be included on any permit issued in order to clarify the approved number.
- 7.6. The proposal has been assessed and endorsed by the Council's Development Engineer and Environmental Development Planner.

## 8. Conclusion

- 8.1. The proposed dwelling at 230 Nelson Road, 228 Nelson Road satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a dwelling at 230 Nelson Road, 228 Nelson Road, Mount Nelson for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### GENERAL

GEN The use and/or development must be substantially in accordance with the documents and drawings that comprise the Planning Application No. PLN-16-00295-01 outlined in attachment A to this permit except where modified below.

#### Reason for condition

**To clarify the scope of the permit.**

### PLANNING

PLN 4 Vegetation screening using an appropriate native species that will grow to a minimum height of four (4) metres must be planted along the north-western side boundary, for at least the length of the proposed deck, prior to first occupation. The vegetation must be maintained, and replacement vegetation must be planted if any is lost.

#### Reason for condition

**To assist with minimisation of visual bulk to adjoining properties.**

PLNS1 The exterior colour scheme of the development must blend with the local bushland environment to soften the visual appearance of the dwelling.

An acceptable colour scheme of subdued natural tones for all main exterior surfaces utilising colours and finishes that blend with the colours and textures of the surrounding natural vegetation with a light reflectance value less than 40% must be submitted and approved, prior to the commencement of work.

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

Advice: Once the colour scheme has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

#### Reason for condition

**To soften the visual appearance of the dwelling in the local landscape and to ensure consistency with the desired future character of the Low Density Residential Zone.**

**ENVIRONMENTAL**

ENV1 Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site. Sediment controls must be maintained until all areas of disturbance have been stabilized or revegetated.

Advice: For further guidance in preparing Soil and Water Management Plans in accordance with Fact Sheet 3 Derwent Estuary Program go to [www.hobartcity.com.au](http://www.hobartcity.com.au) development engineering standards and guidelines.

**Reason for condition**

**To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State Legislation.**

**ENGINEERING**

ENG1 The cost of repair of any damage to the Council's infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development.

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

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

**Reason for condition**

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

ENG 2 Vehicle crash barriers compliant with the Australian/New Zealand Standard AS / NZS 1170.1 must be installed prior to the first occupation.

A certified design/ report prepared by a suitably qualified Engineer, to satisfy the above requirements, must be provided to the Council prior to the commencement of work.

All works, required by this condition must be undertaken in accordance with the certified design/report. Upon completion the barriers must be inspected by a qualified engineer and a certification submitted to the Council, confirming that the installed barriers comply with the above requirement.

**Reason for condition**

**To ensure that the safety of users of the driveway/parking and compliance with the standard.**

ENG 4 The driveway and car parking area approved by this permit must be constructed to a sealed standard and surface drained prior to the occupation of the dwelling.

**Reason for condition**

**To ensure safe access is provided for the use.**

ENG 5 The number of car parks approved on site is two (2) in accordance with the submitted plans dated 23 March 2016.

**Reason for condition**

**To ensure safe and efficient parking adequate to provided for the use and to clarify the inconsistency between the application form and the submitted plans.**

**ADVICE**

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit [www.hobartcity.com.au](http://www.hobartcity.com.au) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

- If a condition endorsement is required by a planning condition above, please forward documentation required to satisfy the condition to [rfi-information@hobartcity.com.au](mailto:rfi-information@hobartcity.com.au), clearly identifying the planning permit number, address and the condition to which the documentation relates.

Once approved, the Council will respond to you via email that the condition/s has been endorsed (satisfied).

Detailed instructions can be found at

[www.hobartcity.com.au/Development/Planning/How to obtain a condition endorsement](http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement)

- Building permit in accordance with the *Building Act 2000*; [www.hobartcity.com.au/Development/Building](http://www.hobartcity.com.au/Development/Building)
- Plumbing permit under the *Tasmanian Plumbing Regulations 2014*; [www.hobartcity.com.au/Development/Plumbing](http://www.hobartcity.com.au/Development/Plumbing)
- The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.
- It is recommended that the developer inform themselves regarding rights and responsibilities in relation to the private right of way, particularly reducing, restricting or impeding the right during and after construction.



(Cameron Sherriff)

**DEVELOPMENT APPRAISAL PLANNER**

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



(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.*

Date of Report: 22 April 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – Documents and Drawings  
Attachment C – Covering Letter re: Planning Compliance

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-16-00295-01**

**DEVELOPMENT ADDRESS:**                      **230 Nelson Road, 228 Nelson Road, MOUNT NELSON**

**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		23 March 2016
Title	CT 170484/2	23 March 2016
Covering Letter re: Planning Compliance	Author: MV Consulting (Tas) Pty Ltd	23 March 2016
Plan Cover Page	Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 2015	23 March 2016
Site Plan	Drawing No: CHU1115 – 1/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
Plumbing Site Plan	Drawing No: CHU1115 – 2/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
Landscape Plan	Drawing No: CHU1115 – 3/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
Parking Site Plan	Drawing No: CHU1115 – 4/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
Parking Site Plan	Drawing No: CHU1115 – 5/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
Sections	Drawing No: CHU1115 – 6/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
Sections	Drawing No: CHU1115 – 7/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
Locality Plan	Drawing No: CHU1115 – 8/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016

Ground Floor Plan	Drawing No: CHU1115 – 9/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
First Floor Plan	Drawing No: CHU1115 – 10/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
Second Floor Plan	Drawing No: CHU1115 – 11/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
South and East Elevations	Drawing No: CHU1115 – 12/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016
North and West Elevations	Drawing No: CHU1115 – 13/13 Drawn by: MV Consulting (Tas) Pty Ltd Date of Drawing: 16/03/2016	23 March 2016



LEGEND  
PAGE 1# SITE PLAN  
PAGE 2# PLUMBING SITE PLAN  
PAGE 3# LANDSCAPE PLAN  
PAGE 4# PARKING SITE PLAN  
PAGE 5# PARKING SITE PLAN  
PAGE 6# SECTION A--A & B--B  
PAGE 7# SECTION C--C  
PAGE 8# LOCALITY PLAN  
PAGE 9# PROPOSED FLOOR PLAN  
PAGE 10# PROPOSED FLOOR PLAN  
PAGE 11# PROPOSED FLOOR PLAN  
PAGE 12# PROPOSED ELEVATIONS  
PAGE 13# PROPOSED ELEVATIONS

COUNCIL – HOBART CITY COUNCIL  
ZONE – 12.0 LOW DENSITY RESIDENTIAL  
CODE – 116 BIODIVERSITY PROTECTION AREA  
LANDSLIDE BAND – NIL

TITLE REF. = 170484/2

PROPOSED GROUND FLOOR AREA = 130 sq/m  
PROPOSED CARPORT AREA = 16.2 sq/m  
PROPOSED FIRST FLOOR AREA = 141.8 sq/m  
PROPOSED SECOND FLOOR AREA = 118 sq/m  
PROPOSED DECK AREA = 67.2 sq/m  
TOTAL FLOOR AREA = 389.8 sq/m

CLIMATE ZONE FOR THERMAL DESIGN = 7  
REFER TO ENERGY REPORT BY 2DR

BUSHFIRE-PRONE AREA BAL RATING AS PER MARAWAY REPORT  
AS3959 – 2009 2.2.1

ALPINE AREA – N/A LESS THAN 900m AHD

CORROSION ENVIRONMENT – MODERATE  
OTHER HAZARDS – N/A

ALL DIMENSIONS SHOWN ARE TO OUTSIDE CLADDING UNLESS  
NOTED OTHERWISE

CONFIRM ALL DIMENSIONS AND SERVICES ON SITE PRIOR TO  
COMMENCEMENT OF WORKS

IF IN ANY DOUBT ABOUT BEARING AND BOUNDARIES SHOWN  
THEN THESE MUST BE CONFIRMED ONSITE BY A SURVEYOR  
PRIOR TO SETOUT

ENSURE DRAWINGS USED ONSITE ARE STAMPED 'APPROVED'  
PLANS BY BUILDING SURVEYOR AND PERMIT AUTHORITY

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents  
relevant to the application for a planning  
permit no. PLN-16-00295-01 and was  
received on 23 March 2016.

Planning Authority: Hobart City Council

PROPOSED DWELLING  
FOR PETER CHURCH  
AT 230 NELSON ROAD  
MT. NELSON 7007

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THE DESIGN, DETAILS AND SPECIFICATIONS ON THIS PLAN  
ARE PROJECT SPECIFIC AND MUST NOT BE USED ON ANY  
OTHER WITHOUT EXPRESS PERMISSION OF THE AUTHOR.



FOR ALL YOUR DESIGN, DRAFTING  
AND ENGINEERING NEEDS  
ACCREDITATION CC565H  
MEINDERT VAN DER MOLEN  
116 ALANVALE RD  
NEWNHAM 7248  
PH 6326 6276 FAX 6326 4939.  
EMAIL : MVCONSULTING@Y7MAIL.COM

SOIL AND WATER MANAGEMENT:

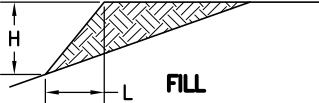
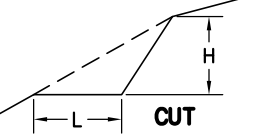
DOWNPIPES TO BE CONNECTED INTO COUNCIL STORMWATER AS SOON AS THE ROOF IS INSTALLED

INSTALL AG DRAIN (IF SHOWN) PRIOR TO FOOTING EXCAVATION

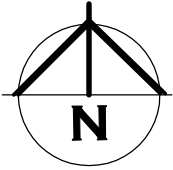
EXCAVATED MATERIAL PLACED UP SLOPE OF AG DRAIN. TO BE REMOVED WHEN BUILDING WORKS ARE COMPLETE AND USED AS FILL ON SITE FOR ANY LOW POINTS. INSTALL A SEDIMENT FENCE ON THE DOWNSLOPE SIDE OF MATERIAL

CONSTRUCTION VEHICLES TO BE PARKED ON THE STREET ONLY, TO PREVENT TRANSFERRING DEBRIS ONTO STREET

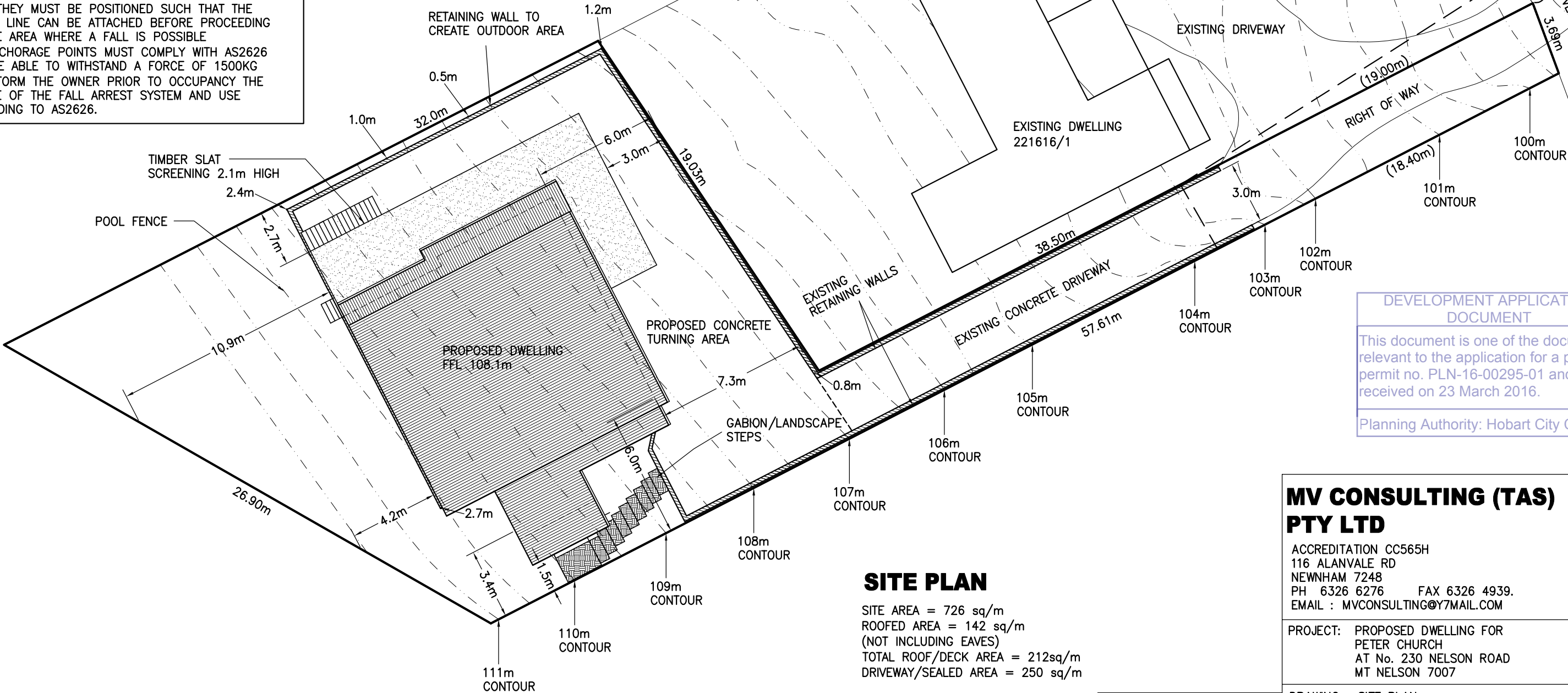
UNPROTECTED EMBANKMENTS 3.1.1.1

			
FILL		CUT	
SOIL TYPE		EMBANKMENT SLOPES H:L	
		COMPACTED FILL	CUT
STABLE ROCK		2: 3	8: 1
SAND		1: 2	1: 2
SILT		1: 4	1: 4
CLAY	FIRM CLAY	1: 2	1: 1
	SOFT CLAY	NOT SUITABLE	2: 3
SOFT SOILS		NOT SUITABLE	NOT SUITABLE

EMBANKMENTS THAT ARE TO BE LEFT EXPOSED AT THE END OF THE CONSTRUCTION WORKS MUST BE STABILISED BY VEGETATION OR SIMILAR TO PREVENT SOIL EROSION



FALL PREVENTION  
WHERE A PERSON IS EXPOSED TO THE HAZARD OF FALLING FROM A STRUCTURE DURING CONSTRUCTION, CLEANING OR MAINTENANCE WORK THE BUILDER SHALL PROVIDE;  
(A) A WORK SYSTEM DESIGNED TO PREVENT SUCH A FALL  
(B) WHERE SAFETY BELT ANCHORAGE POINTS ARE USED THEY MUST BE POSITIONED SUCH THAT THE SAFETY LINE CAN BE ATTACHED BEFORE PROCEEDING TO THE AREA WHERE A FALL IS POSSIBLE  
(C) ANCHORAGE POINTS MUST COMPLY WITH AS2626 AND BE ABLE TO WITHSTAND A FORCE OF 1500KG  
(D) INFORM THE OWNER PRIOR TO OCCUPANCY THE NATURE OF THE FALL ARREST SYSTEM AND USE ACCORDING TO AS2626.



DEVELOPMENT APPLICATION DOCUMENT  
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SITE PLAN

SITE AREA = 726 sq/m  
ROOFED AREA = 142 sq/m  
(NOT INCLUDING EAVES)  
TOTAL ROOF/DECK AREA = 212sq/m  
DRIVEWAY/SEALED AREA = 250 sq/m

AREA FREE FROM IMPERVIOUS SURFACES = 255 sq/m 35.1%

REVISION NUMBER	DATE
REVISION 1	06 / 11 / 2015
REVISION 2	26 / 11 / 2015
REVISION 3	09 / 12 / 2015
REVISION 4	14 / 12 / 2015
REVISION 5	12 / 01 / 2016
REVISION 6	21 / 01 / 2016
REVISION 7	16 / 03 / 2016

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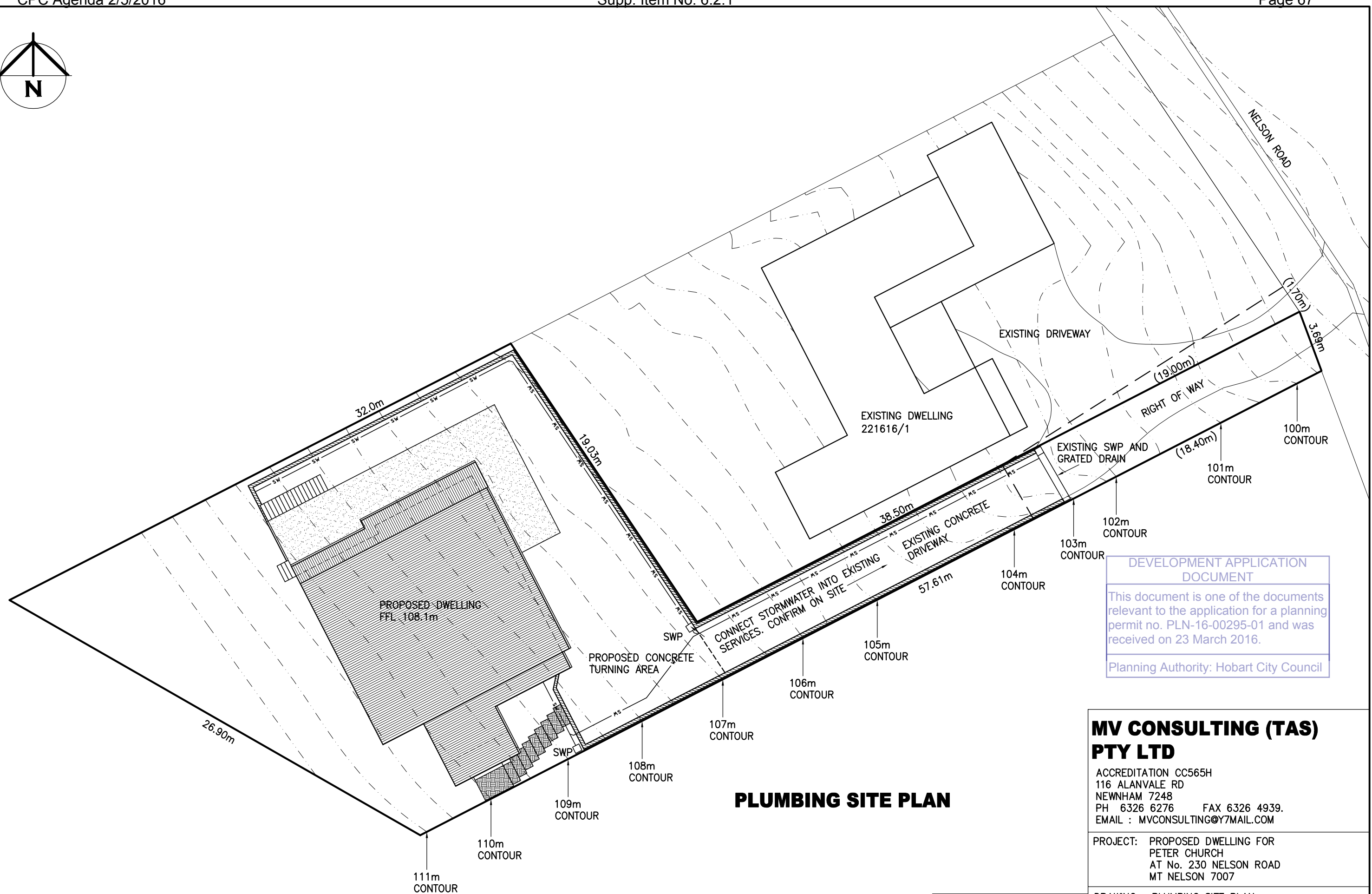
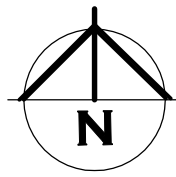
ACCREDITATION CC565H  
116 ALANVALE RD  
NEWNHAM 7248  
PH 6326 6276 FAX 6326 4939.  
EMAIL : MVCONSULTING@Y7MAIL.COM

PROJECT: PROPOSED DWELLING FOR PETER CHURCH  
AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: SITE PLAN

DESIGNED: M. v. d. M.  
DRAWN: M. v. d. M.  
SCALE: 1:200.  
APPROVED.  
DATE: 16 / 03 / 16  
DRAWING No.: CHU1115 - 1/13  
A3.

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## PLUMBING SITE PLAN

### MV CONSULTING (TAS) PTY LTD

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EMAIL : MVCONSULTING@Y7MAIL.COM

PROJECT: PROPOSED DWELLING FOR  
PETER CHURCH  
AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: PLUMBING SITE PLAN

DESIGNED: M. v. d. M.  
DRAWN: M. v. d. M.

APPROVED.  
DATE: 16 / 03 / 16

SCALE: 1:200.

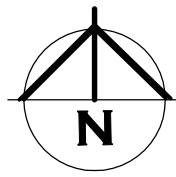
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A3. CHU1115 - 2/13




REVISION NUMBER	DATE
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REVISION 7	16 / 03 / 2016

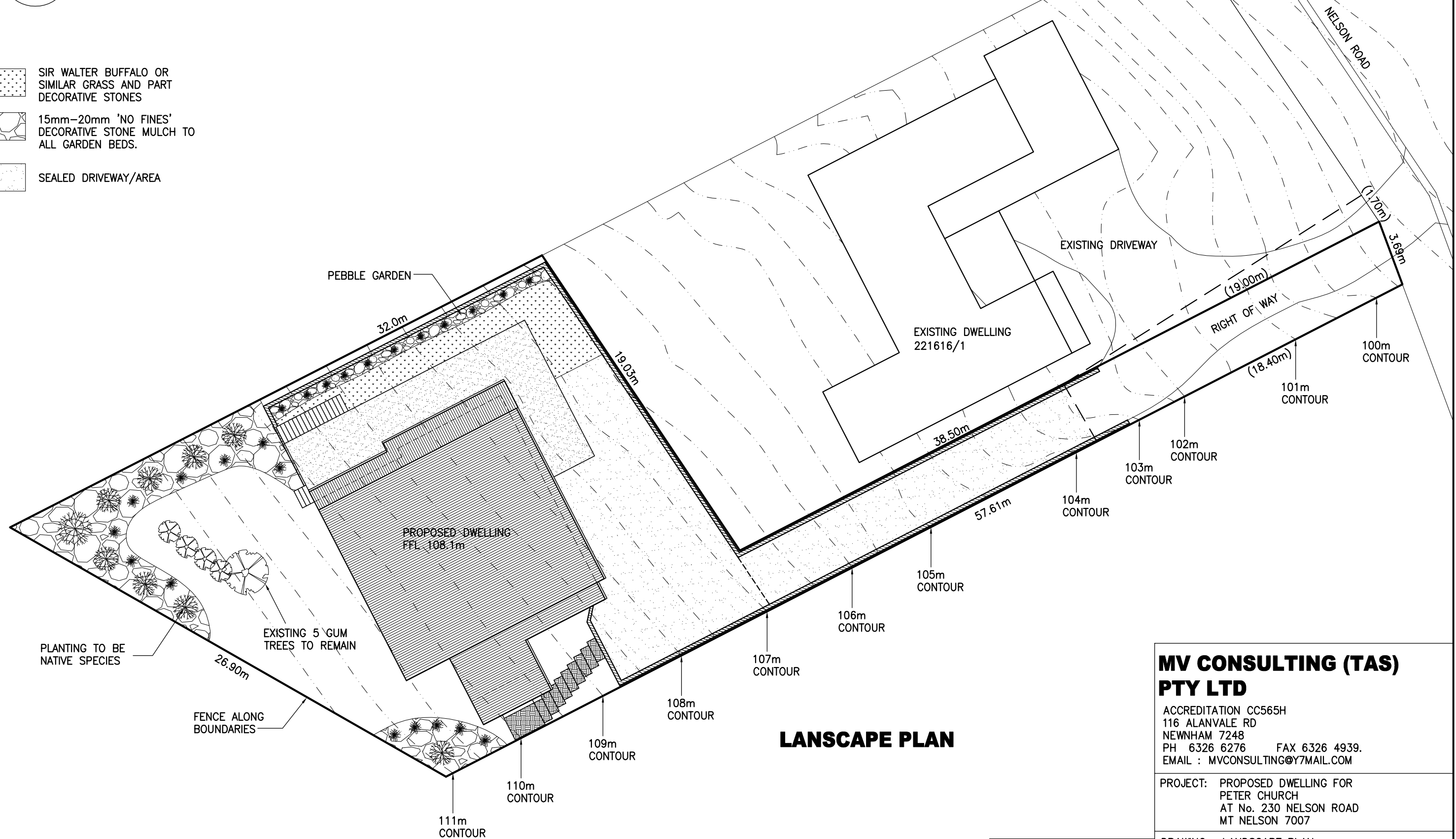


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-  SIR WALTER BUFFALO OR SIMILAR GRASS AND PART DECORATIVE STONES  
 15mm-20mm 'NO FINES' DECORATIVE STONE MULCH TO ALL GARDEN BEDS.  
 SEALED DRIVEWAY/AREA



## LANSCAPE PLAN

### MV CONSULTING (TAS) PTY LTD

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 EMAIL : MVCONSULTING@Y7MAIL.COM

PROJECT: PROPOSED DWELLING FOR  
 PETER CHURCH  
 AT No. 230 NELSON ROAD  
 MT NELSON 7007

DRAWING: LANDSCAPE PLAN

DESIGNED: M. v. d. M.  
 DRAWN: M. v. d. M.

APPROVED.  
 DATE: 16 / 03 / 16

SCALE: 1:200.

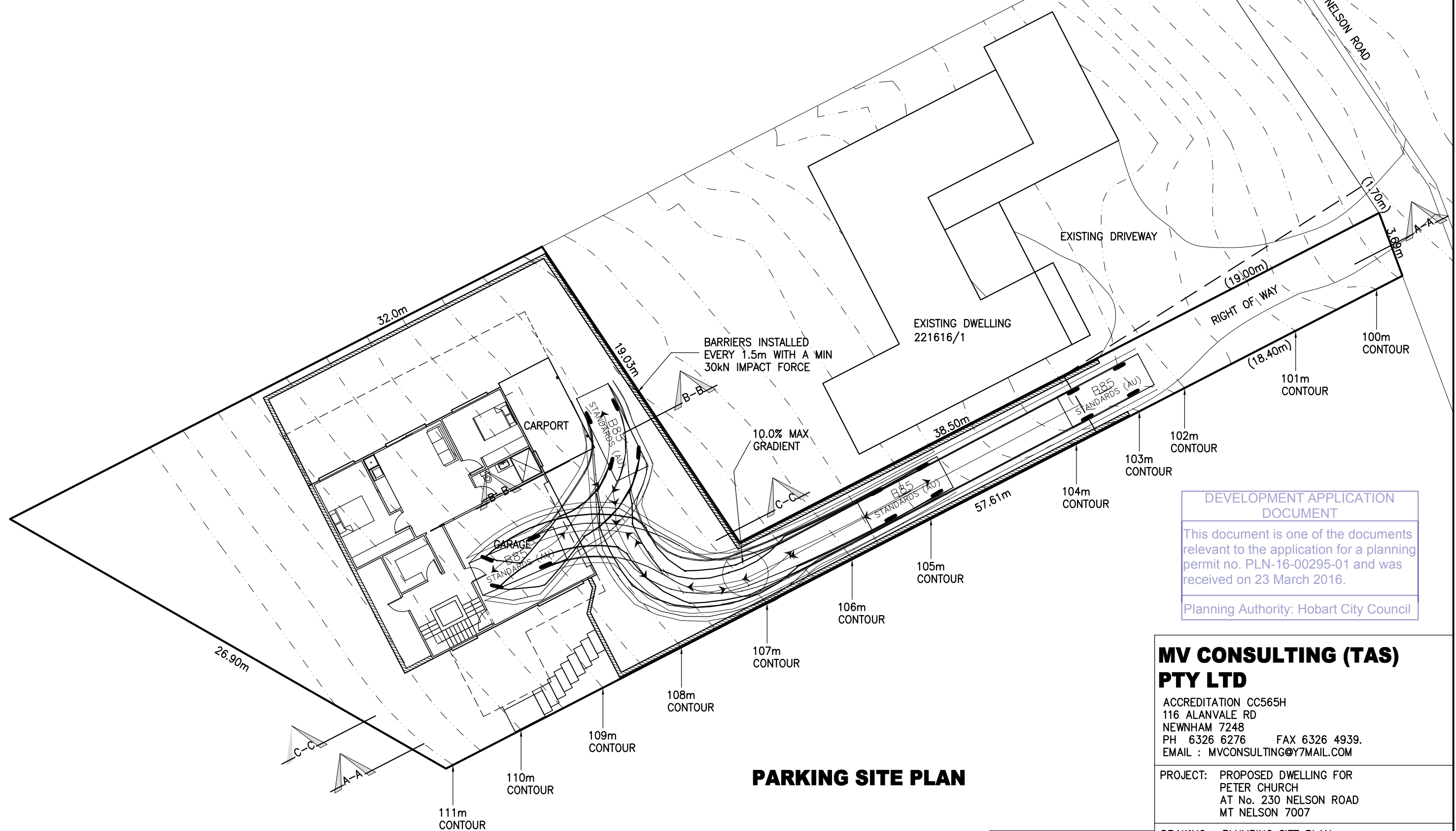
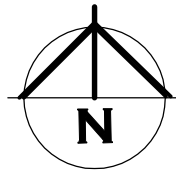
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AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: PLUMBING SITE PLAN

DESIGNED:	M. v. d. M.
DRAWN:	M. v. d. M.

APPROVED.  
DATE: 16 / 03 / 16

SCALE: 1:200.

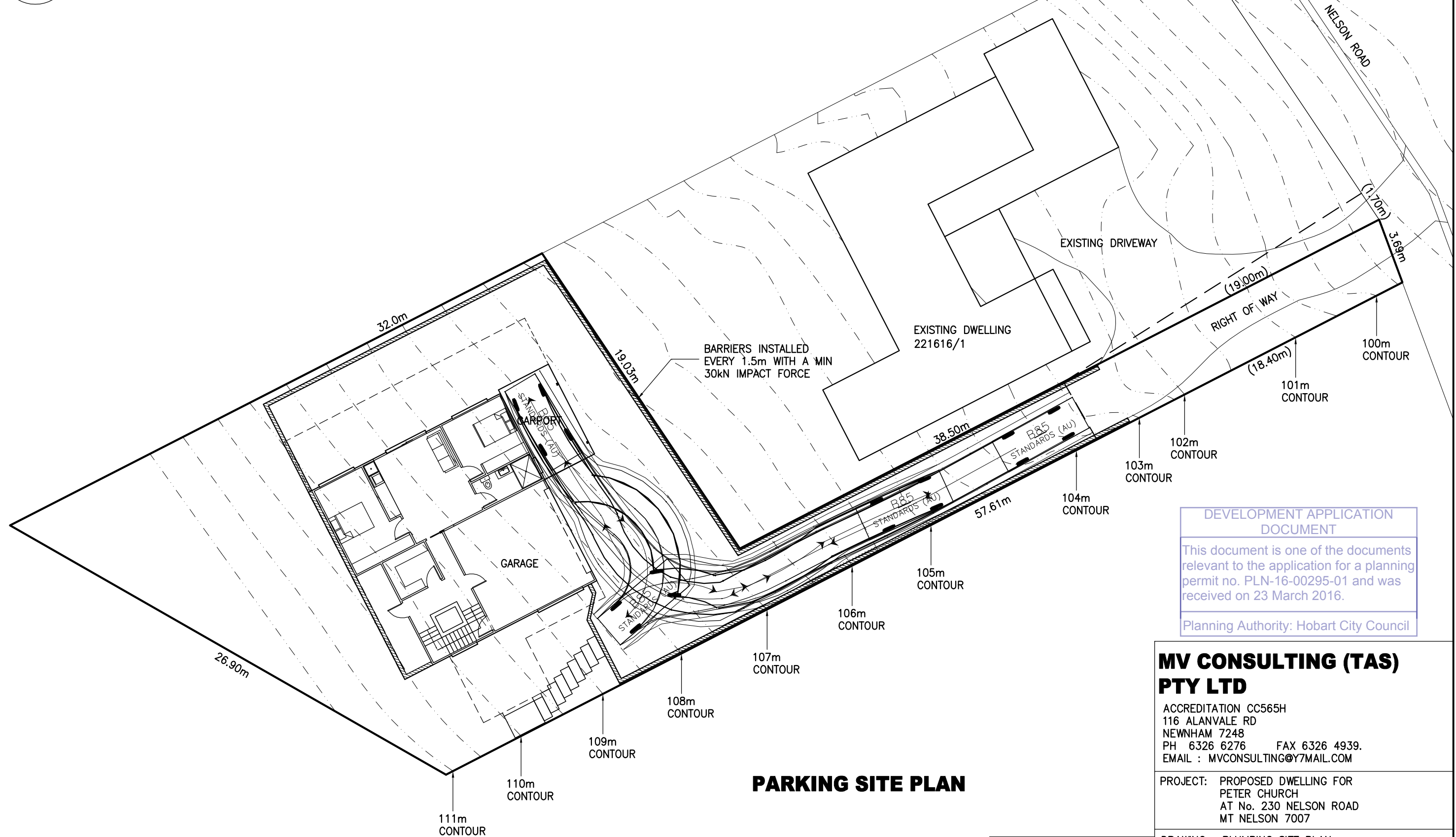
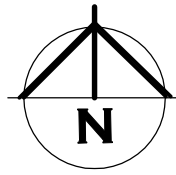
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CHU1115 - 4/13

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REVISION 7	16 / 03 / 2016

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## PARKING SITE PLAN

### DEVELOPMENT APPLICATION DOCUMENT

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Planning Authority: Hobart City Council

### MV CONSULTING (TAS) PTY LTD

ACCREDITATION CC565H  
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EMAIL : MVCONSULTING@Y7MAIL.COM

PROJECT: PROPOSED DWELLING FOR PETER CHURCH  
AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: PLUMBING SITE PLAN

DESIGNED: M. v. d. M.

DRAWN: M. v. d. M.

SCALE: 1:200.

APPROVED.

DATE: 16 / 03 / 16

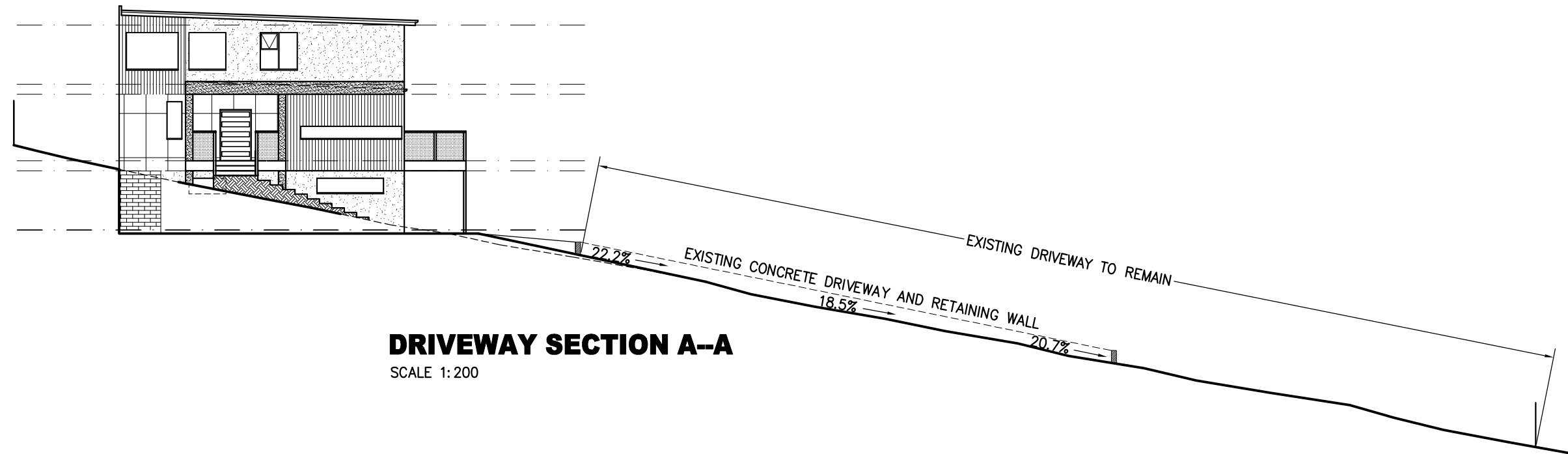
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REVISION 7	16 / 03 / 2016



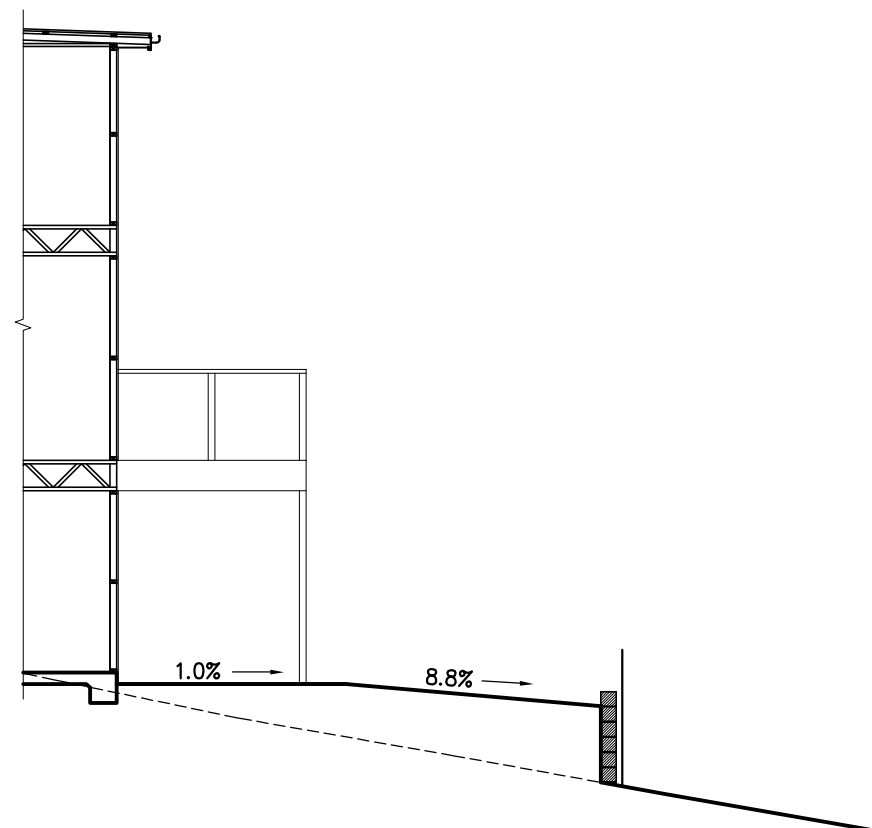
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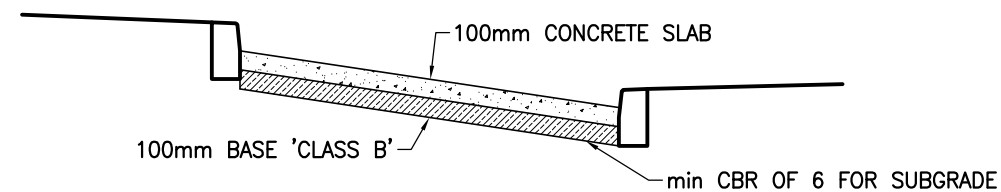
### DRIVEWAY SECTION A-A

SCALE 1:200



### TURNING AREA SECTION B-B

SCALE 1:100



### TYPICAL DRIVEWAY CROSS SECTION

#### DEVELOPMENT APPLICATION DOCUMENT

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EMAIL : MVCONSULTING@Y7MAIL.COM

PROJECT: PROPOSED DWELLING FOR  
PETER CHURCH  
AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: SECTION A-A  
SECTION B-B

DESIGNED: M. v. d. M.  
DRAWN: M. v. d. M.

APPROVED.  
DATE: 16 / 03 / 16

SCALE: 1:100 U.N.O

DRAWING No.:  
A3. CHU1115 - 6/13

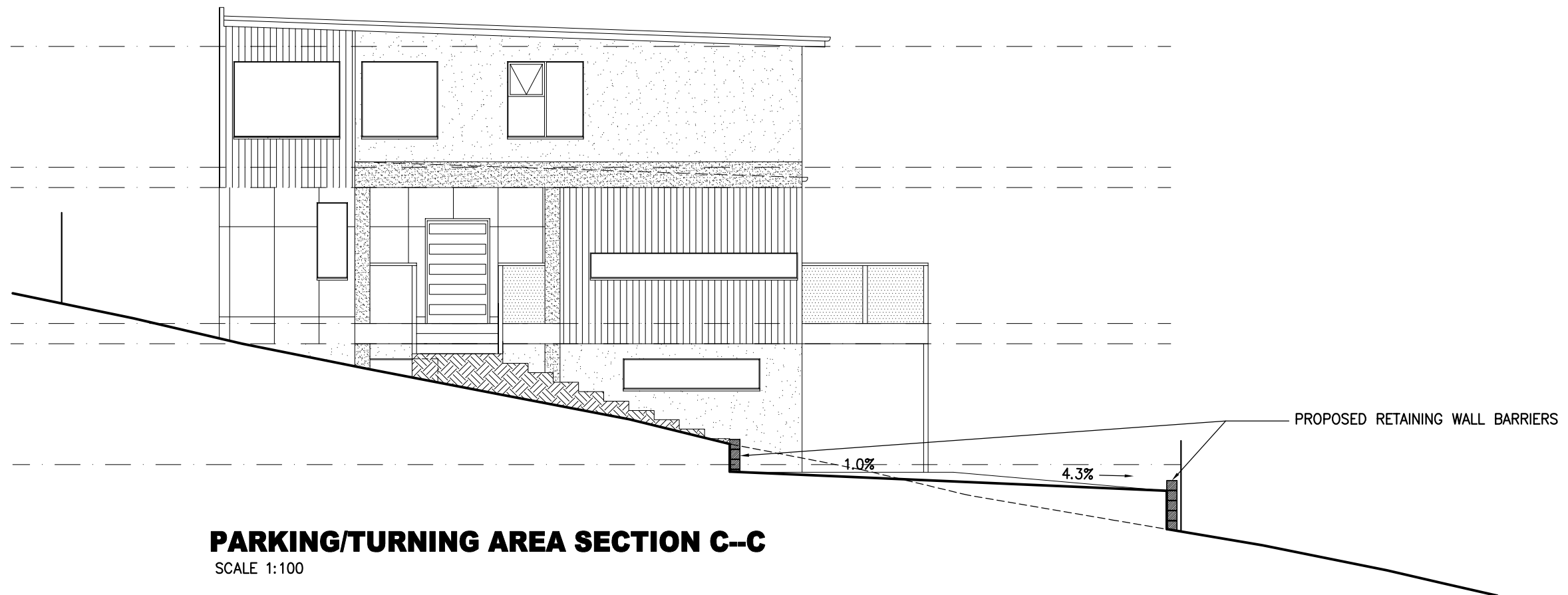
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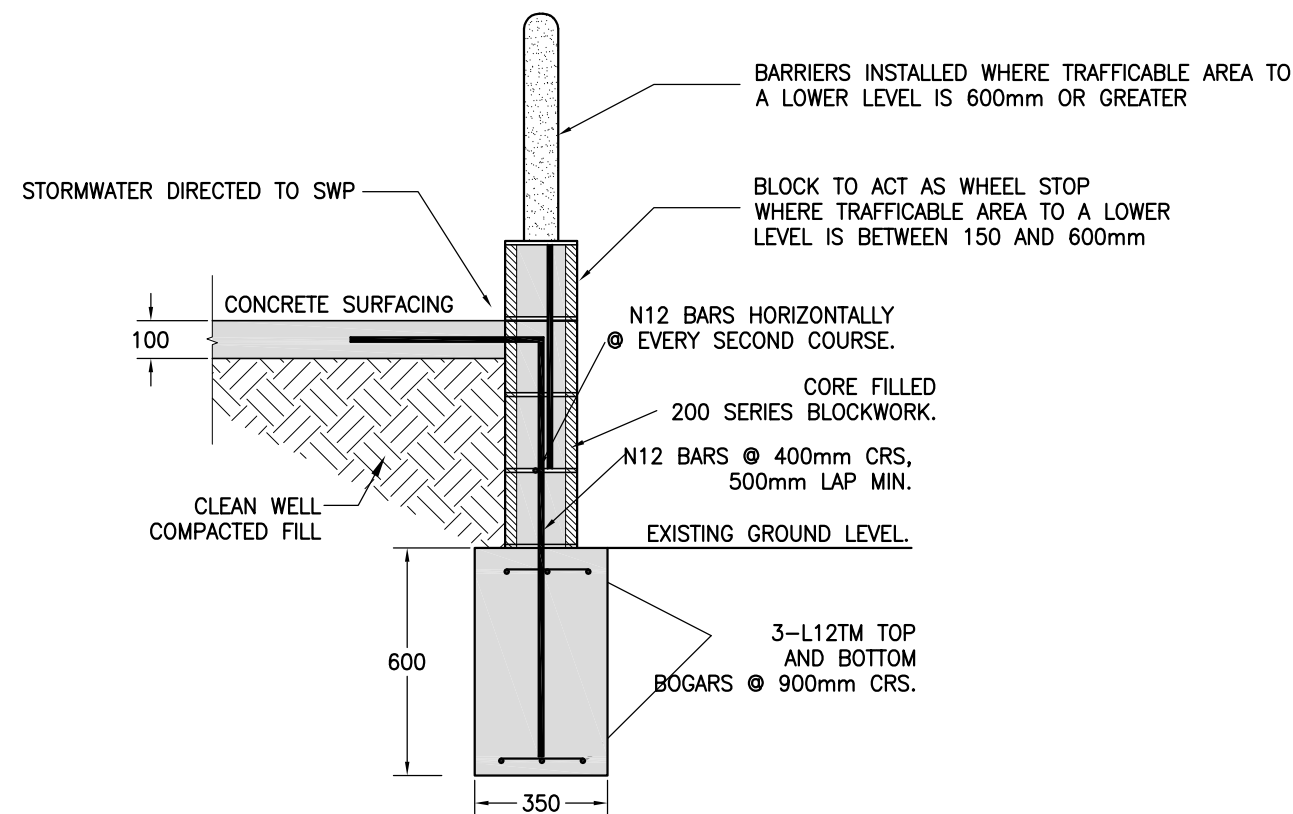
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## PARKING/TURNING AREA SECTION C-C

SCALE 1:100



## TYPICAL RETAINING WALL/BARRIER DETAIL

SCALE 1:20

### DEVELOPMENT APPLICATION DOCUMENT

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PROJECT: PROPOSED DWELLING FOR  
PETER CHURCH  
AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: SECTION A-A  
SECTION B-B

DESIGNED: M. v. d. M.  
DRAWN: M. v. d. M.

APPROVED.  
DATE: 16 / 03 / 16

SCALE: 1:100 U.N.O

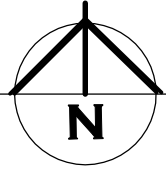
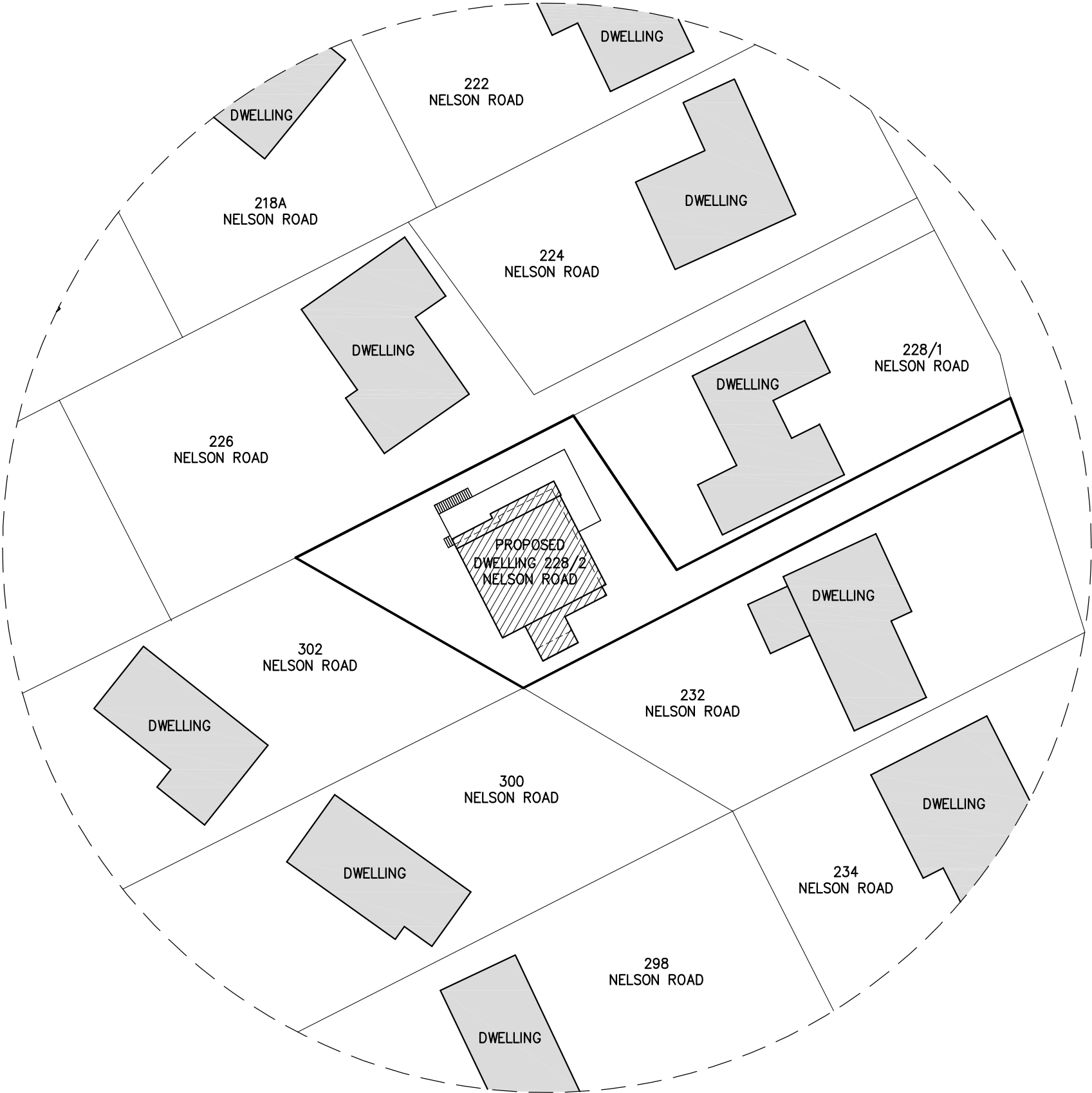
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A3. CHU1115 - 7/13

REVISION NUMBER	DATE
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REVISION 3	09 / 12 / 2015
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DEVELOPMENT APPLICATION  
DOCUMENT

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Planning Authority: Hobart City Council

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PTY LTD**

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EMAIL : MVCONSULTING@Y7MAIL.COM

PROJECT: PROPOSED DWELLING FOR  
PETER CHURCH  
AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: LOCALITY PLAN

DESIGNED: M. v. d. M.  
DRAWN: M. v. d. M.

APPROVED.  
DATE: 16 / 03 / 16

SCALE: 1:500.

DRAWING No.:  
CHU1115 – 8/13

REVISION NUMBER	DATE
REVISION 1	06 / 11 / 2015
REVISION 2	26 / 11 / 2015
REVISION 3	09 / 12 / 2015
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C

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**LOCALITY PLAN**



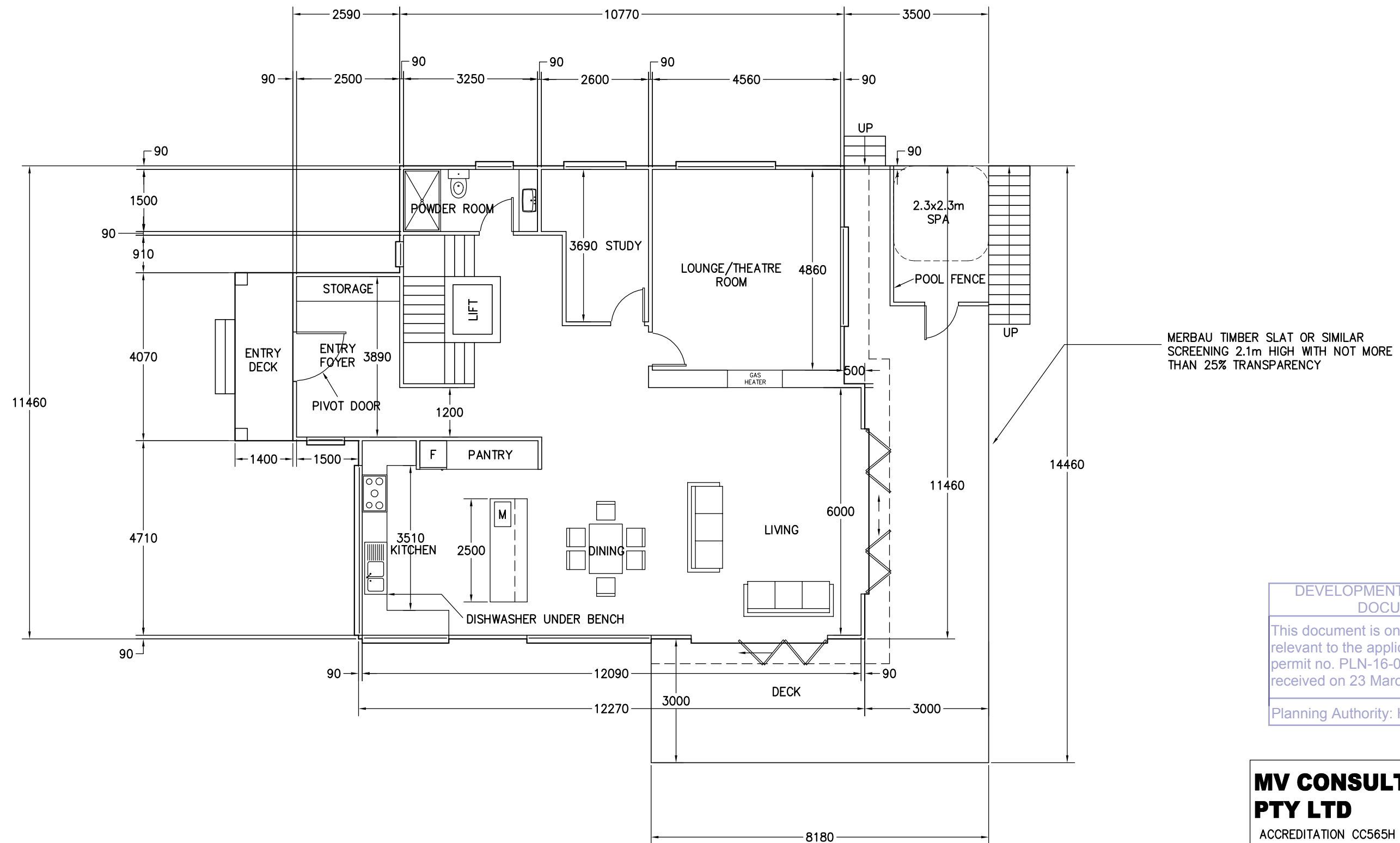
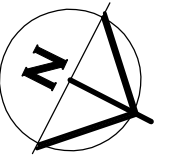
Planning Authority: Hobart City Council

DRAWING No.:  
CHU1115 - 9/13

REVISION NUMBER	DATE
REVISION 1	06 / 11 / 2015
REVISION 2	26 / 11 / 2015
REVISION 3	09 / 12 / 2015
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REVISION 7	16 / 03 / 2016

(HWC) HOT WATER CYLINDER

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## PROPOSED FIRST FLOOR PLAN

PROPOSED FLOOR AREA = 141.8 sq/m  
PROPOSED DECK AREA = 67.2 sq/m

### DEVELOPMENT APPLICATION DOCUMENT

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PROJECT: PROPOSED DWELLING FOR  
PETER CHURCH  
AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: FLOOR PLAN

DESIGNED: M. v. d. M.  
DRAWN: M. v. d. M.

APPROVED.  
DATE: 16 / 03 / 16

SCALE: 1:100.

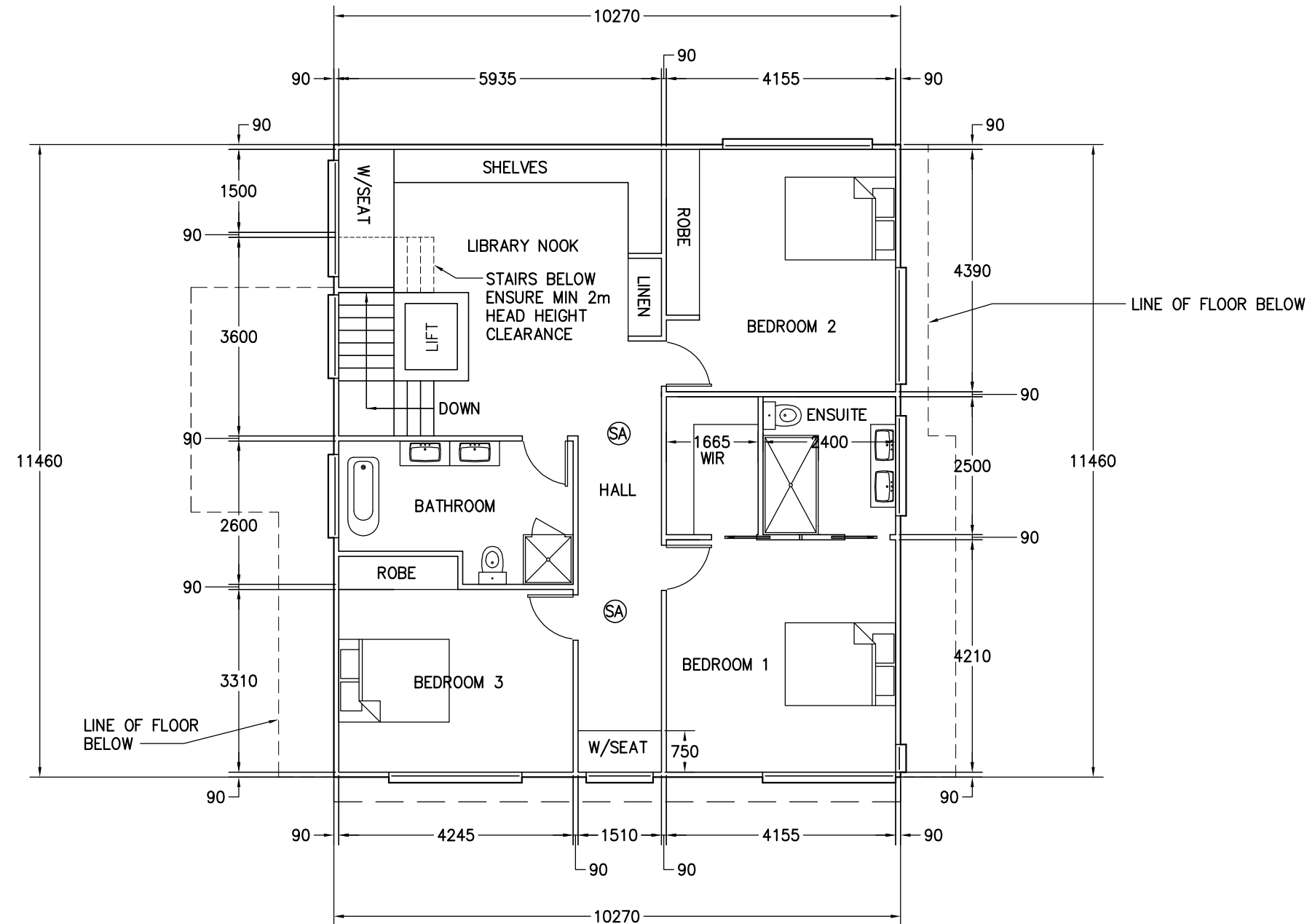
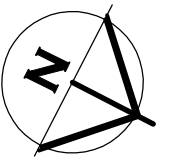
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REVISION NUMBER	DATE
REVISION 1	06 / 11 / 2015
REVISION 2	26 / 11 / 2015
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## PROPOSED SECOND FLOOR PLAN

PROPOSED FLOOR AREA = 118 sq/m

### DEVELOPMENT APPLICATION DOCUMENT

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PROJECT: PROPOSED DWELLING FOR  
PETER CHURCH  
AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: FLOOR PLAN

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REVISION 7	16 / 03 / 2016

DESIGNED: M. v. d. M.  
DRAWN: M. v. d. M.

APPROVED.  
DATE: 16 / 03 / 16

SCALE: 1:100.

DRAWING No.:  
A3. CHU1115 - 11/13

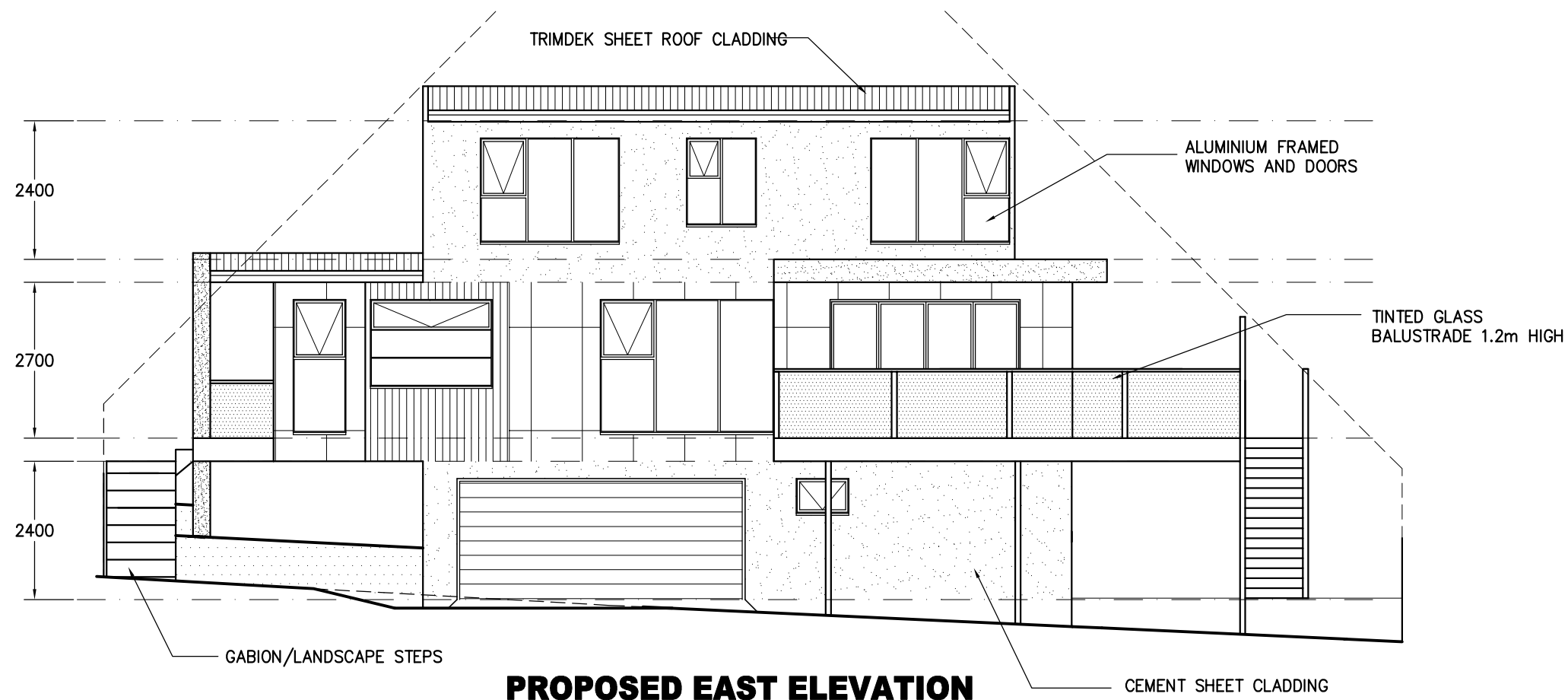


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## PROPOSED SOUTH ELEVATION



## PROPOSED EAST ELEVATION

### DEVELOPMENT APPLICATION DOCUMENT

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AT No. 230 NELSON ROAD  
MT NELSON 7007

DRAWING: ELEVATIONS

DESIGNED: M. v. d. M.  
DRAWN: M. v. d. M.

APPROVED.  
DATE: 16 / 03 / 16

SCALE: 1:100.

DRAWING No.:  
A3. CHU1115 - 12/13

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## MV CONSULTING (TAS) PTY LTD

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Acc No: CC565H ABN: 30 165 851 909

### DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit no. PLN-16-00295-01 and was received on 23 March 2016.

Planning Authority: Hobart City Council

Proposed Dwelling for  
Peter Church  
At 230 Nelson Road  
Mt. Nelson 7007

### City of Hobart Council

#### 12.0 Low Density Residential 12.4.1 to 10.4.10

#### 12.4.1 Non dwelling development

A1 - Not Applicable

A2 – Not Applicable

A3 – Not Applicable

#### 12.4.2 Setbacks and building envelope

##### *P1 - A dwelling must:*

- (a) *be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and*
- (b) *have regard to streetscape qualities or assist the integration of new development into the streetscape.*

The deck extends within the 4.5m frontage setback, as the block is an internal lot, this extension into the setback will not have any effect on the streetscape.

##### *P2 - The setback of a garage or carport from a frontage must:*

- (a) *provide separation from the frontage that complements or enhances the existing streetscape, taking into account the specific constraints and topography of the site; and*
- (b) *allow for passive surveillance between the dwelling and the street.*

The carport is within the frontage setback, as the block is an internal lot, this extension into the setback will not have any effect on the streetscape.

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Planning Authority: Hobart City Council

*P3 - The siting and scale of a dwelling must:*

- (a) not cause unreasonable loss of amenity by:*
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
  - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or*
  - (iii) overshadowing of an adjoining vacant lot; or*
  - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

The dwelling exceeds the building envelope slightly at the front (east), and slightly on the sides and south western rear boundary; the side setback is similar to existing dwellings in the surrounding areas, plus the adjoining internal lot has a small frontage setback as well. Therefore compatible separation is provided between dwellings on the adjoining lots that are similar to the existing dwellings in the area. Also as the dwellings on the adjoining lots are a reasonable distance from the proposed dwelling, no loss of privacy or reduction of sunlight to habitable rooms on the adjoining lots, and overshadowing will be kept to a minimum.

#### **12.4.3 Site coverage and private open space**

A1 – Acceptable Solution Compliant

A2 – Acceptable Solution Compliant

#### **12.4.4 Sunlight and overshadowing**

A1 – Acceptable Solution Compliant

A2 – Not Applicable

A3 – Not Applicable

#### **12.4.5 Width of openings for garages and carports**

A1 – Acceptable Solution Compliant

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Planning Authority: Hobart City Council

**12.4.6 Privacy**

A1- Acceptable Solution Compliant

A2 – Acceptable Solution Compliant

A3 – Not Applicable

**12.4.7 Frontage fences**

A1 – Acceptable Solution Compliant

**12.4.8 Waste storage for multiple dwellings**

A1 – Not Applicable

**12.4.9 Residential density for multiple dwellings**

A1 – Not Applicable

**12.4.10 Setbacks from Lower Sandy Bay Escarpment**

A1 – Not Applicable

Kind Regards



Meindert Van Der Molen

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

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### **6.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

#### **6.2.2 5 BATTERY SQUARE, BATTERY POINT - CHANGE OF USE TO CHILD CARE CENTRE - PLN-16-00047-01 – FILE REF: 5565975 & P/5/345 33x's (Council)**

The General Manager reports:

“In accordance with the provisions of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, this supplementary matter is submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Council  
Committee: 2 May 2016  
Council: 9 May 2016  
Expiry Date: 10 May 2016  
Application No: **PLN-16-00047-01**  
Address: **5 Battery Square, Battery Point**  
Applicant: Norma Panagakos, 2 Cowley Place, Lenah Valley  
Proposal: **Change of Use to Child Care Centre**  
Representations: Twelve (14)  
Performance criteria: use: use standard; parking

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**1. Executive Summary**

- 1.1. Planning approval is sought for a change of use to child care centre.
  - The child care centre is for preschool children between 3 years and 4 years of age and would accommodate up to 50 children between 8am and 5:30pm weekdays, 48 weeks of the year.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.2.1. use
  - 1.2.2. use standards – noise
  - 1.2.3. parking numbers
- 1.3. Fourteen (14) representations objecting to the proposal were received during statutory advertising of the application.
- 1.4. The proposal is recommended for refusal.
- 1.5. The final decision is delegated to the Council

## 2. Site Detail

The site is located opposite Princes Park and adjoins Empress Towers.



*Figure 1 - site locality*



*Figure 2 - surrounding land use*

## 3. Proposal

- 3.1. The application proposes a change of use to child care centre at 5 Battery Square. The child care centre would accommodate a maximum of 50 children between 3 years and 4 years of age, and would operate on weekdays between 8:00am and 5:30pm.
- 3.2. One onsite car parking space, a space for people with a disability, is proposed.

- 3.3. No onsite staff parking is provided.
- 3.4. Drop off and pick up of children is proposed to be accommodated within the existing on-street car parks located in front of the property.

#### 4. Background

- 4.1. The site has been operating as offices for Lifeline between 9:00am and 5:00pm with afterhours support, primarily telephone crisis counselling.
- 4.2. The Council granted planning approval for self contained visitor accommodation at the site in November 2015. This decision was appealed, and underwent mediation. The appeal was withdrawn prior to determination by the Resource Management and Planning Appeal Tribunal.

#### 5. Concerns raised by representors

- 5.1. The following table outlines the issues raised by representors. All concerns raised with respect to the discretions invoked by the proposal will be addressed in Section 6 of this report.

Object as the proposed child care use would have a negative impact on the daily residential amenity of the adjoining property owners
Noise from the play area.
The garden area of the Empress Towers which is used by the residents of the building for daily relaxation, directly adjoins the proposed play area and as such would be adversely affected by the noise from the child care centre.
19 residences in the Empress Towers have living area windows directly overlooking the play area, which will be adversely affected by noise and visual impact
The statement that the playground “is in excess of 15 metres of all neighbours’ bedrooms and noise sensitive rooms” is incorrect - the distance is actually 13 metres, a further demonstration of the applicants playing loose with the facts.
The statement that “all outdoor play is supervised by educators who encourage respectful interactions that are unlikely to interfere with neighbours’ enjoyment of their environment” is such a vague statement as to be meaningless. Our experience of the playground at the Lady Gowrie preschool centre in Runnymede Street, Battery Point shows that, despite the “best intentions”, the exuberance of preschoolers in a playground is not easily checked.
The statement that the playground “is in excess of 15 metres of all neighbours’ bedrooms and noise sensitive rooms” flies in the face of the experience we have had of the noise from children in the adjacent Prince’s Park. Their high pitched children’s voices are easily transmitted much further than 15 metres. In fact, because sound is travelling upwards and unimpeded by ground screening, we can easily hear human voice sounds coming over 100m distant in favourable atmospheric conditions.
We reiterate that sound transmission is related to other parameters besides gross distance – in the case of the site under consideration, there is none of the blocking or mitigation of sound caused by fences, hedges, vegetation or other structures which dampen sound travel at ground level. The existing fence is less than 2 metres high, is quite flimsy and does not block sound transmission to any extent.



Although a second-order concern, we note that parking pressures are going to impact on an area which already has a high demand for public parking spaces. The development plan does address the issues in some detail. However; our main reservation is that using the Lenah Valley site as a model is not relevant. Battery Point, with its proximity to the CBD and the waterfront area, has far greater demand for on-street parking than in Lenah Valley.

No onsite car parking will mean that parking will be required on the street for staff, and this will mean then less parking will be available to visitors to the Princes Park

- Residents of the adjoining Empress Towers are mainly retirees who spend much time at home. Meaning that they will be adversely affected by a child care centre which generates noise throughout the day.
- As the only garden area of the towers directly adjoins the play area, any resident's quiet enjoyment of the garden will be greatly compromised. Every owner has a right to quiet enjoyment of their private recreational space.
- Although reluctant to object to an educational establishment for small children, we must do so primarily on the grounds of traffic and parking.
- Battery Square is a residential zone street which is already under pressure from demand for kerbside parking.
- When the street is fully parked we find it difficult and even dangerous backing from our on-site parks onto the road. Backing from our garage adjoining Princes Park we are always fearful for small children using the footpath, often going to or from Princes Park. This is particularly of concern when large vehicles (campervans and SUV cars, etc) are parked directly outside our property. Also school buses and the airport pickup bus use Battery Square. A childcare centre at 5 Battery Square will significantly increase the number of small children using the street. The operators of the Centre have stated in writing that they expect to have 50 children in the centre and that they intend using Princes Park as a playground.
- As a further observation traffic flow to and from Runnymede Street past Lenna along an extremely narrow carriageway is already precarious. This section of road simply cannot accommodate increased traffic flow associated with peak pickup and drop-off times for the proposed childcare centre. We would oppose any future change to one way traffic in Battery Square and suggest the installation of a large traffic mirror at the afore-said narrow section is a much more practical solution. In our opinion facilitating increased traffic flow through this narrow difficult section of road is simply a bad idea.
- It is very unfair to residents in the street to have even more pressure placed on parking by the proposed non-conforming use at 5 Battery Square. The residential zoning should be respected and protected by rejecting further traffic intensification.

Based on our current projections, we do not believe there is a strong enough demand to warrant the Council supporting this change of use, which will adversely impact the safety and amenity of the surrounding area.

In other words, we do not believe the benefits to the community from the proposed service will outweigh the negatives it will generate.

Turning to the specifics of the proposal, our key concerns are:

1. Impact on car parking;
2. Traffic movements, and
3. Unacceptable intensification of the area/impact on amenity

Despite the findings of the survey conducted to support the application, we believe the car parking area is inadequate to support the operation of the child care centre of this scale. Should the development be allowed to proceed, all available spaces in the street will be taken up by the operation of

the centre - to the detriment of residents and all other users of the area — including casual users of the local council owned Princes Park.

- We believe that if the development is allowed at 5 Battery Square it will adversely affect our happy lifestyle. We believe there will be excessive noise and a dangerous situation regarding traffic and parking conditions adjacent to the building at 5 Battery Square.
- Noise
- Traffic movement and parking
- Visual impact
- Property value
- The development of a child care centre will have a significant impact on our privacy. The proposed staff room, sun room and balcony are the main rooms that have direct viewing to our unit. The normal privacy standards expected in a residential area are breached by the necessary increase in visitors and staff to these premises to successfully run this type of business all having a direct vision into our unit. Staff, parents and children traffic would increase dramatically with the proposed "up to 50 children" attending the centre, not the normal levels of people "viewing over the fence" in a residential area.
- Noise. The amenity of the area will be impacted on by the noise generated from this type of operation. My wife is a professional teacher and is fully aware of the "play noise" made by young children whether this be on site or in the park across the road. Such noise already clearly carries to our unit from the Child Care facility in Runnymede Street. This type of operation next door would dramatically increase noise levels beyond those expected for this area. The Hobart City Council planning scheme appears to indicate a desire to maintain a high standard of residential amenity. High noise levels do impact unfavourably on residential amenity. The proposal for a child care centre changes the nature of the immediate area from one of a residential nature introducing a commercial business.

<p>My understanding of the planning scheme is that non-residential type businesses in a residential area should be of a type that primarily services the local community and has limited impact of the character of the local neighbourhood.</p> <ul style="list-style-type: none"> <li>• My experience and knowledge of the residents in the immediate vicinity of Battery Point are that they are primarily retired. This type of business does not appear to be catering for children from the immediate vicinity and not in keeping with the idea of providing local services required by the local community.</li> <li>• Traffic. The Applicant has provided a Traffic Impact Statement and given details of their operations at Lenah Valley as part of their response to the impact on traffic at Battery Point. No mention appears to have been made of traffic associated with the current childcare centre traffic in Runnymede Street. The applicant discusses use of drop off zones and the apparent success of these zones. We recently travelled to the Hobart Airport on the Hobart Airport Shuttle being picked up at the approved pick up point at 8.30am opposite the Lenna Hotel in Runnymede Street, outside the Childcare centre. Due to the traffic congestion in Runnymede Street, mainly parents dropping their children off at the child care centre, the bus driver elected to stop in Battery Square before Runnymede Street to help provide a safer boarding experience. Introducing another childcare centre in this immediate vicinity would further increase the traffic intensity at peak times and further disrupt other community services. These traffic issues do impact on the local neighbourhood.</li> </ul>
<ul style="list-style-type: none"> <li>• I own apartment numbers 33 and 34 at 1 Battery Square. I object to the proposed use because noise activity from this proposed use will disturb my peaceful retirement in this residential area. I live in apartment 34 and letting of number 33 is likely to be affected since both apartments have windows facing the adjacent property 5 Battery Square.</li> </ul>
<ul style="list-style-type: none"> <li>• I am a neighbour that will be significantly affected by a Child Care Centre located on these premises. It is a densely populated residential area, coupled with a high traffic problem; the impact of this facility would be detrimental to a harmonious neighbourhood. A Child Care Facility attracts many visitors and vehicle traffic, which would exacerbate the present parking problems that we have in this area. Traditionally children emit high decibel noises, and if this facility is permitted to function on a daily basis, as well as out of hours I would assume that there will be numerous complaints to the Centre Manager. I would support a low impact business on these premises, as in the past, however a facility like this would be antagonistic to the neighbourhood.</li> </ul>
<ul style="list-style-type: none"> <li>• There will be increased traffic through Battery Square which is not addressed in the Midson Report at all. Council should consider issues which will arise from cars turning and the increased traffic through the street and should undertake steps to ease traffic concerns. Some concerns are: <ul style="list-style-type: none"> <li>○ Increased traffic past Lady Gowrie in Runnymede Street at its busy time</li> <li>○ Increased traffic turning from Hampden Road into Battery Square, possibly causing some blockage at this difficult corner</li> <li>○ More pressure on the two way, narrow lane behind Lenna</li> </ul> </li> </ul>

- We are most concerned that cars will park across our driveway. This is immediately next door to the subject property and presents an irresistible parking space for someone dropping off a child. A person stopping here will probably be alone and will take at least 10 minutes to drop off a child. That will prevent us using our cars at a time which is busy for us. We have experience of this from the time when 5 Battery Square was being used as a respite centre. It could be expected that visitors would park cross other driveways.
- Concerned that there would be much more daily traffic and not only that, but also noise of young children and parking. Already enough noise in the area from Castray Esplanade.

## 6. Assessment

The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.1. The site is located within the inner residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.2. Although documentation submitted with the application describes the proposal as a 'private preschool', the proposed use is considered to be classified as child care centre. A child care centre, which falls within the educational and occasional care use class, is a discretionary use in the inner residential zone.
- 6.3. The proposal has been assessed against:
  - 6.3.1. Part D-11 Inner residential zone
  - 6.3.2. E6.0 Parking and access code
- 6.4. The proposal relies on the following performance criteria to comply with the applicable standards;
  - 6.4.1. Part D 11.2 use table - discretionary use
  - 6.4.2. Part D 11.3.1 use standard - noise
  - 6.4.3. Part D 11.4 use standard - external lighting
  - 6.4.4. E6.0 Parking and access code – car park numbers
- 6.5. Each performance criterion is dealt with separately below.
- 6.6. Part D 11.2 - use table
  - 6.6.1. The proposed child care centre is defined as educational and occasional care.

6.6.2. Part B 8.8 Discretionary Use or Development; Clause 8.8.1 states:

*The planning authority has discretion to refuse or permit a use or development if:*

- (a) the use is within a use class specified in the applicable Use Table as being a use which is discretionary;*
- (b) the use or development complies with each applicable standard but relies upon a performance criterion to do so; or*
- (c) it is discretionary under any other provision of the planning scheme,*
- (d) and the use or development is not prohibited under any other provision of the planning scheme.*

6.6.3. Use table 11.2 for the inner residential zone gives all uses falling under the educational and occasional care definition (except home-based child care operating in accordance with a licence under the *Child Care Act 2001*) discretionary use status.

6.6.4. Clause 8.10.1, which relates to determining applications, states:

*In determining an application for any permit the planning authority must, in addition to the matters required by ss51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.*

6.6.5. Clause 8.10.2 states:

*In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to:*

- (a) the purpose of the applicable zone;*
- (b) any relevant local area objective or desired future character statement for the applicable zone;*
- (c) the purpose of any applicable code; and*
- (d) the purpose of any applicable specific area plan,*

*but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised.*

6.6.6. Clause 8.10.3 states:

*In determining an application for any permit the planning authority must not take into consideration matters referred to in clauses 2.0 and 3.0 of the planning scheme.*

- 6.6.7. In determining the suitability of the use for the site, the zone purpose must be considered as per clause 8.10.2 (a) above. Clause 11.1.1 of the Hobart Interim Planning Scheme 2015 sets out the zone purpose statements for the inner residential zone. There are six statements in all. An assessment of the performance of the proposal against each statement follows below.

6.6.7.1. Clause 11.1.1.1

Clause 11.1.1.1 states as follows:

*To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.*

- 6.6.7.1.1. The proposed use of the building for a child care centre fails to satisfy clause 11.1.1.1 in that the proposed use will not be of a residential nature.

6.6.7.2. Clause 11.1.1.2

- 6.6.7.2.1. Clause 11.1.1.2 states as follows:

*To provide for compatible non-residential uses that primarily serve the local community.*

- 6.6.7.2.2. The proposed use of the building for a child care centre fails to satisfy clause 11.1.1.2, in that the proposed non-residential child care centre use is not compatible with the surrounding and nearby residential uses. The child care centre would accommodate up to 50 preschool children 5 days a week, 48 weeks a year, and would require the associated movement of people and vehicles to and from the site each weekday. That intensity of use is considered incompatible with the proposed site.
- 6.6.7.2.3. The child care centre would have a large outdoor play area in close proximity to living areas on adjoining residential properties. This play area would be used more intensely than a standard residential yard area, and as such the scale and intensity of the proposed use is not in keeping with the zone.
- 6.6.7.2.4. The proposed scale and intensity of the proposed child care centre also fails to satisfy clause 11.1.1.2, in that it would increase traffic movements, traffic volume and noise to a degree that would be inconsistent with that reasonably expected in the zone.
- 6.6.7.2.5. The child care centre would cater largely for the children of city workers who come into the area for work, and as such would not primarily serve the local community.



- 6.6.7.2.6. The proposed child care centre therefore fails to satisfy clause 11.1.1.2.

6.6.7.3. Clauses 11.1.1.3 and 11.1.1.4

- 6.6.7.3.1. Clauses 11.1.1.3 and 11.1.1.4 state respectively as follows:

*To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*

*To encourage residential development that respects the neighbourhood character.*

- 6.6.7.3.2. The building is an early residential federation building which could be used for residential purposes in accordance with 11.1.1.3 and 11.1.1.4. The proposed non-residential child care centre is therefore inconsistent with clauses 11.1.1.3 and 11.1.1.4.

6.6.7.4. Clauses 11.1.1.5 and 11.1.1.6

- 6.6.7.4.1. Clauses 11.1.1.5 and 11.1.1.6 state respectively as follows:

*To provide a high standard of residential amenity.*

*To allow commercial uses which provide services for the needs of residents of a neighbourhood and do not displace an existing residential use or adversely affect their amenity particularly through noise, traffic generation and movement, and the impact of demand for on-street parking.*

- 6.6.7.4.2. The scale and intensity of the proposed child care centre use would result in increased traffic movement in the immediate area. The pick up and drop off parking arrangements proposed will be carried out off site within the public street, including to the front of the building. The number of additional traffic movements and the additional demand for on-street parking spaces resulting from there being only one onsite parking space (an accessible parking space) that would be created by the proposal would adversely affect the amenity of the neighbourhood's residents and would therefore conflict with clauses 11.1.1.5 and 11.1.1.6.

- 6.6.7.4.3. The required on-street parking for drop off and pick up would extend the noise generated by the proposed non-residential use to off the site, and would impose a higher level of noise impact on the surrounding residential properties than a residential use or smaller scale non-residential use.

6.6.7.4.4. Lesser parking requirements for less intense uses, both of a residential nature and a non-residential nature, which could be catered for onsite, would produce a comparatively lesser impact on the residents of the neighbourhood by way of parking and noise. As such, the proposed non-residential child care centre use does not satisfy clause 11.1.1.6.

6.6.7.4.5. The proposal does not comply with the performance criterion.

6.7. Part D 11.3.1 - non residential use

6.7.1. The written statement accompanying the application states the child care centre will be open to clients between 8:00am and 5:30pm, and as such these time satisfy the acceptable solution. However; clause 11.3.1 A2 requires noise levels for non-residential uses in residential areas to be as stated below:

*Noise emissions measured at the boundary of the site must not exceed the following:*

(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;

(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;

(c) 65dB(A) (LAmax) at any time.

*Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.*

*Noise levels are to be averaged over a 15 minute time interval.*

6.7.2. The Council's Environmental Health Officer has provided comments that indicate that, based on information relating to other child care centre, it is unlikely that the noise levels associated with the proposed child care centre would be within the noise levels stated in the acceptable solution.

6.7.3. Therefore assessment against the performance criterion is relied upon.

Performance criterion 11.3.1 P2 states;

*Noise emissions measured at the boundary of the site must not cause environmental harm.*

- 6.7.4. While there is a degree of subjectivity associated with the question of whether the noise generated from a child care centre could be deemed to cause environmental harm, it is considered unlikely that such noise would be deemed harmful under the Environmental Management and Pollution Control Act 1994. However, it is considered possible that the noise generated from a child care facility in close proximity to residential uses could have the potential to be considered as generating a noise nuisance as defined under that Act.
- 6.7.5. The play area adjoins the open space and living areas of the apartments to the east. Given the tendency of noise to rise, there are no noise attenuation which could be put in place by the child care centre that would ensure outdoor play noises and noises associated with drop off and pick up time would not impact on the residential amenity of the adjoining multi-storey residential apartments.
- 6.7.6. To state categorically that the noise from the proposed child care centre would create environmental harm is unrealistic. It is, however, considered plausible that due to the siting of the play area and location of the adjoining apartments, that the child care centre could result in a negative impact on the residential amenity of the adjoining properties to such an extent that it could be considered to be a noise nuisance.
- 6.7.7. Therefore, although the proposal complies technically with the performance criterion, the use would have a negative impact on the residential amenity of the residential area and fails to satisfy the zone purpose.
- 6.8. Part D 11.4 - use standard - external lighting
- 6.8.1. No details with respect to outdoor lighting were provided.
- 6.8.2. The application must therefore be assessed against the performance criterion 3 which states:
- External lighting must not adversely affect existing or future residential amenity, having regard to all of the following:*
- (a) *level of illumination and duration of lighting;*
- (b) *distance to habitable rooms in an adjacent dwelling.*
- 6.8.3. A condition on the permit could be imposed to ensure the application complied with the performance criteria if approved.
- 6.9. E6.0 Parking and access code – number of on-site car parking spaces
- 6.9.1. Clause E.6.6.1 A1 (a) states:

The number of on-site car parking spaces must be:

- (a) no less than and no greater than the number specified in Table E6.1;
- 6.9.2. Table E6.1 requires the proposed child care centre use to provide 0.25 car parks per child. With the centre catering for up to 50 children, (12.5 rounded up to) 13 car parks are required.
- 6.9.3. As only one onsite (accessible) parking space is proposed, there is a shortfall of 12 on-site car parking spaces, and assessment against the performance criterion is relied upon.
- 6.9.4. Performance criterion E6.6.1 P1 states;

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

- (a) *car parking demand;*
- (b) *the availability of on-street and public car parking in the locality;*
- (c) *the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) *the availability and likely use of other modes of transport;*
- (e) *the availability and suitability of alternative arrangements for car parking provision;*
- (f) *any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) *any car parking deficiency or surplus associated with the existing use of the land;*
- (h) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) *the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) *any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) *any relevant parking plan for the area adopted by Council;*
- (l) *the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) *whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code*

- 6.9.5. The application was accompanied by a traffic impact statement, which concludes that alternative parking is available for staff within commercial car parks in the area, and that the additional parking required for clients could be accommodated in a drop off, pick up arrangement in front of the property if the Council changed the existing 1 hour timed parking spaces to 15 minute spaces between the peak drop off and pick up periods. The consultant's report concludes that the likely peak parking accumulation associated with the use will be five cars and that this can be accommodated within the spare on-street parking capacity of Battery Square.
- 6.9.6. Car parking demand in Battery Point is very high. The changing of public car parking spaces to limited parking for the child care centre during peak times would impact on other users of the area, including people using the park and other nearby facilities, by removing longer term parking spaces for certain periods of time, in preference of use associated with the child care centre.
- 6.9.7. The child care centre use is not a use in which public transport or walking from commercial car parks closer to the city is generally suitable. Parents and carers dropping off and picking up children tend to do so en route to and coming home from work, and tend to try and minimise time associated with the drop off/pick up by parking at or close to the child care centre. At peak drop off/pick up times, demand for parking in close proximity to centres tends to be high. With only one accessible parking space on site, there will be high demand for parking spaces in Battery Square and nearby streets.
- 6.9.8. The use of commercial car parking for staff has been proposed. Staff, , may, however, choose to seek free on street parking in the area, potentially displacing people who currently use the area for commuter parking.
- 6.9.9. Noting that no on-site car parking for staff or clients (with the exception of one accessible parking space) is proposed, it is arguable that the scale and intensity of the proposed child care centre on this site is inappropriate and does not satisfy clause E6.6.1 P1 of the Parking and Access Code of the *Hobart Interim Planning Scheme 2015*.
- 6.9.10. It should be noted, however, that the Council's Manager Traffic Engineering considers that the changes to on-street parking (from 1 hour to 15 minute parking) recommended by the applicant's traffic consultant are broadly possible, and that the 5 space accumulation during peak periods anticipated by the applicant's traffic consultant could be met within Battery Square. The officer is also of the view that the staff of the child care centre may seek to park on-street in the vicinity of the site, and that if they did, the use of on-street parking within Battery Point to cater for workers within that suburb is arguably a more preferable use of that resource than use for commuter parking. The officer does not consider that the on-site parking shortfall warrants refusal of the proposal on parking grounds.

## 7. Discussion

- 7.1. 5 Battery Square lies in the inner residential zone under the *Hobart Interim Planning Scheme 2015*.
- 7.2. The proposal requires assessment against performance criteria relating to use and parking.
- 7.3. Clause 8.10.2 of the *Hobart Interim Planning Scheme 2015* states:
- In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to, a*
- (a) *the purpose of the applicable zone...*
- 7.4. The child care centre would accommodate up to 50 children 5 days a week, 48 weeks a year, and would require the associated movement of people and vehicles to and from the site each weekday. It is unlikely to primarily serve the local community, being more likely to serve residents from outside the local community seeking childcare close to their place of work in the city.
- 7.5. At the proposed size, it is likely that the noise associated with the use would detract from the amenity of existing residential uses in the area.
- 7.6. Noting that only one accessible parking space is proposed on site, the use would rely almost exclusively on on-street parking for dropping off and picking up of children from the site. Given the existing high demand for on-street parking spaces in Battery Point, the use would have an adverse affect on the amenity of existing residential uses in the area due to the additional demand for on-street parking. The associated additional traffic movements to and from the site, particularly during peak drop off and pick up times, would also be detrimental to existing residential amenity.
- 7.7. The requirement to remove 1 hour car parks from the general public to allow the 15 minute drop off/pick up zone recommended by the applicant's Traffic Consultant during peak times will have a negative impact on other users of on-street parking in the area.
- 7.8. The proposal is therefore inconsistent with the zone purpose statements in clauses 11.1.1.1, 11.1.1.2, 11.1.1.5 and 11.1.1.6.

## 8. Conclusion

- 8.1. The proposed change of use to child care centre at 5 Battery Square does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.



## 9. Recommendations

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for a change of use to child care centre at 5 Battery Square, Battery Point for the following reasons:

- 1 The proposal does not meet the zone purpose statement clause 11.1.1.1 of the *Hobart Interim Planning Scheme 2015* in that the proposed use will not be of a residential nature.
- 2 The proposal does not meet the zone purpose statement clause 11.1.1.2 of the *Hobart Interim Planning Scheme 2015* in that the proposed use is not compatible with the surrounding residential uses nor is it primarily to service the local community.
- 3 The proposal does not meet the zone purpose statement clause 11.1.1.5 of the *Hobart Interim Planning Scheme 2015* in that it fails to provide and detracts from a high standard of residential amenity.
- 4 The proposal does not meet the zone purpose statement clause 11.1.1.6 of the *Hobart Interim Planning Scheme 2015* in that the child care centre:
  - a. is not a commercial use which provides services for the needs of residents of the neighbourhood; and
  - b. Will adversely affect the amenity of existing residential uses particularly through noise, traffic generation and movement, and the impact of demand for on-street parking.



(Leanne Lassig)

**DEVELOPMENT APPRAISAL PLANNER**

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



(Rohan Probert)

**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.*

Date of Report: 29 April 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – Documents and Drawings  
Attachment C – Traffic Impact Assessment

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-16-00047-01****DEVELOPMENT ADDRESS:                      5 Battery Square, 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	PLN16-00047	18 January 2016
Title	Lot 1 on Plan 124066	18 January 2016
Written submission	Project No: 5 Battery Sq Author: New Horizons	17 February 2016
Site Plan with parking	Project No: 5 Battery Sq Drawing No: DA 01-01 Revision No:02 Date of Drawing:16 February 2016	17 February 2016
Existing ground floor	Project No: 5 Battery Sq Drawing No: DA 01-02 Revision No:02 Date of Drawing:16 February 2016	17 February 2016
Existing first Floor	Project No: 5 Battery Sq Drawing No: DA 01-03 Revision No:02 Date of Drawing:16 February 2016	17 February 2016
Proposed ground floor	Project No: 5 Battery Sq Drawing No: DA 01-04 Revision No:02 Date of Drawing:16 February 2016	17 February 2016
Proposed first floor	Project No: 5 Battery Sq Drawing No: DA 01-05 Revision No:02 Date of Drawing:16 February 2016	17 February 2016
Traffic Impact Statement	Author: Midson Traffic	17 February 2016

**DEVELOPMENT APPLICATION  
DOCUMENT**

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00047-01 and was received on the 17 February 2016

Planning Authority: Hobart City Council



**new horizons**  
pre-school learning centre

57 Giblin Street  
Lenah Valley 7008  
Phone: 6228 1500  
enquiries@newhorizonspreschool.com.au

## **Written Statement for a Change of Use 5 Battery Square, Battery Point**

### **PROPOSED USE**

New Horizons Preschool is an independent private preschool and our quality learning program for 3 and 4 year old children is unique to Tasmania. New Horizons is a school community for creative and independent thinkers, and an exciting place where children explore the rich possibilities of childhood. We offer families a specialised personal development & individual learning program with an emphasis on high quality education, support and wellbeing in our unique and inspirational learning landscape.

The Preschool will cater for a daily maximum of 50 children offering a structured educational program between 9am – 3pm, with smaller groups of children arriving from 8am onwards and extending to 5.30pm if additional care is required.

New Horizons Preschool is open Monday to Friday and operates 48 weeks of the year from February to December.

### **TRAFFIC IMPACT**

The impact of increased traffic generated from New Horizons Preschool will not adversely affect the existing general flow of traffic in the area, and the increased volume will not be significant for a residential street.

- The effect of increased traffic in the area is mostly confined between the hours of (8am - 9am) and (3pm - 4pm) for the drop off and collection of children.
- Parking requirements are primarily short-term 15 minute parking only.
- The current availability of short term on road parking in Battery Square provides easy access to parking for clients and the broader community.
- On site parking is available to provide one parking allocation for disabled access.
- Staff will utilise commercial parking facilities within the Sullivan's Cove area which are within close proximity and short walking distance to the proposed preschool.

- The existence of adequate street frontage allows for occasional deliveries, service access and for the drop off and pick up of children.

### OPERATIONAL IMPACT

New Horizons Preschool will minimise the impact on neighbouring properties in terms of noise and loss of privacy, by ensuring that the setting and design of the building provides visual and acoustic privacy for both the children of the preschool and neighbours in their dwellings.

- The orientation and location of the playground is located to the rear of the property in an area to minimise noise emissions.
- The proposed outdoor play space is in excess of 15 metres of all direct neighbours' bedrooms and noise sensitive rooms.
- All outdoor play experiences and associated noise emissions are restricted to 25% of the daily educational program, and fall within the 'permissible hours of use' specified in the Hobart City Council Residential Noise Nuisances document.
- Outdoor experiences are staggered to ensure small group numbers are outdoors at one time to reduce the number of children utilising the outdoor area.
- Regular utilisation of Princes Park as an extension to the learning program which will also assist with acoustic privacy for neighbours.
- All outdoor play is supervised by educators who encourage respectful interactions that are unlikely to interfere with neighbours enjoyment of their environment.
- A garden buffer for visual privacy and to complement the heritage appeal of the building, thereby enhancing the streetscape and complementing the surrounding environment.

### ADDITIONAL STATEMENT

5 Battery Square, with a land use classification of 'Commercial Office', was until recently tenanted to Lifeline Tasmania. During this time the property operated during the business office hours of 9am - 5pm, after hours of 8pm - 4am, and as a 24 hour support service, 7 days a week.

Given this information, the proposal for New Horizons Preschool to operate from this site will be less impacting to local residents, and more conducive to the Hobart City Council's residential zoning requirements.

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00047-01 and was received on the 17 February 2016

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Planning Authority: Hobart City Council



**New Horizons**

**5 Battery Square Preschool**

**Traffic Impact Statement**

**February 2016**

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00047-01 and was received on the 17 February 2016

Planning Authority Hobart City Council

**MIDSON**  
traffic  
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# 1. Introduction

## 1.1 Background

Midson Traffic were engaged by New Horizons Independent private preschool to prepare a traffic impact statement to assess the potential parking impacts associated with a proposed school development at 5 Battery Square, Battery Point.

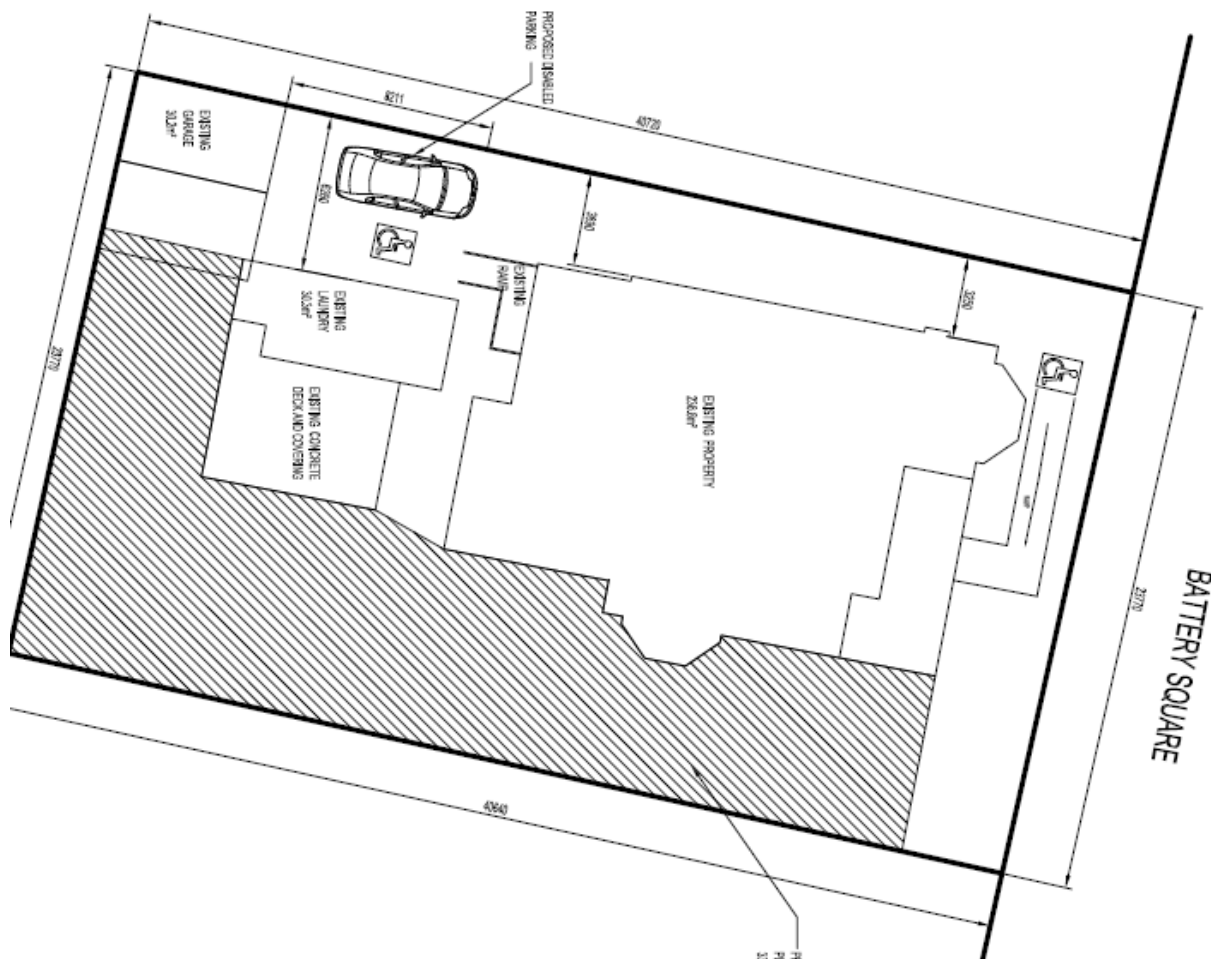
New Horizons Preschool is an independent private preschool that teaches three and four year old children.

## 1.2 Development Proposal

The proposed development involves the development of a preschool at 5 Battery Square. The school will cater for a maximum of 50 children, offering a structured educational program between 9:00am and 3:00pm on weekdays. Smaller groups of children will arrive from 8:00am, and some will depart up to 5:30pm if additional childcare is required.

On-site parking is provided for one disabled space at the southern end of the driveway. The proposed development plans are shown in Figure 1.

### Figure 1 Proposed Development



### 1.3 Traffic Impact Statement (TIS)

A traffic impact assessment (TIA) is a process of compiling and analysing information on the impacts that a specific development proposal is likely to have on the operation of roads and transport networks. A TIA should not only include general impacts relating to traffic management, but should also consider specific impacts on all road users, including on-road public transport, pedestrians, cyclists and heavy vehicles.

A traffic impact statement (TIS) is a reduced form of a TIA, where only specific traffic and/or parking matters are required to be investigated. A TIS is often undertaken when the full traffic and transport impacts associated with a development are not considered necessary.

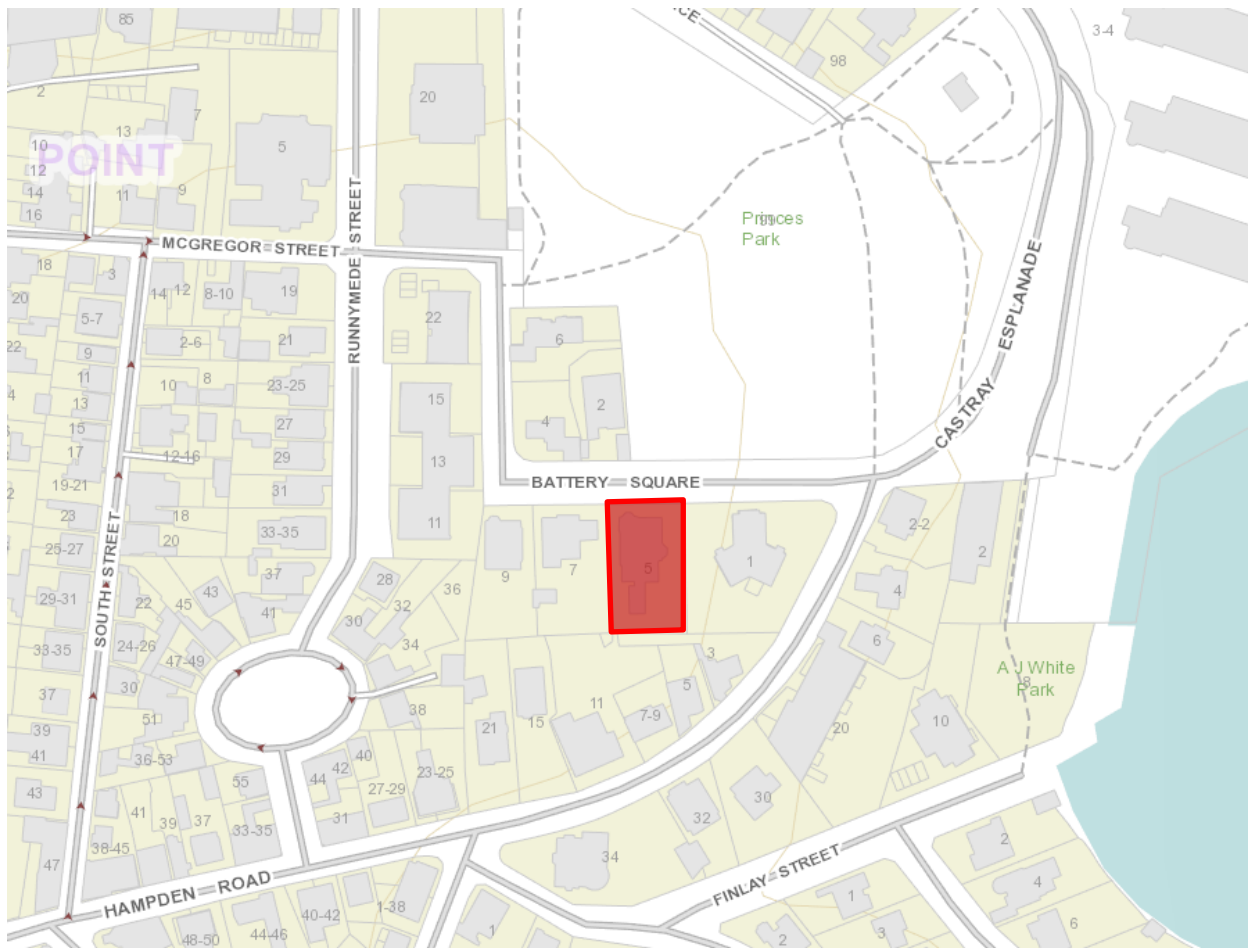
This TIS has generally been prepared in accordance with the Department of State Growth (DSG) publication, *A Framework for Undertaking Traffic Impact Assessments*, 2007. This TIS has also been prepared with reference to the Austroads publication, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2007.

This TIS has been prepared at the request of Council to examine the parking impacts associated with the proposed development.

## 1.4 Subject Site

The subject site is located at 5 Battery Square, Battery Point. The site has previously been used as a commercial facility. The subject site and surrounding road network is shown in Figure 2. Battery Square looking towards the subject site is shown in Figure 3.

**Figure 2 Subject Site & Surrounding Road Network**



Source: LIST Map, DPIPW

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**Figure 3 Battery Square**



## 1.5 Reference Resources

The following references were used in the preparation of this TIA:

- Hobart Interim Planning Scheme, 2015 (Planning Scheme)
- Austroads, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009
- Austroads, *Guide to Road Design*, Part 4A: Unsignalised and Signalised Intersections, 2009
- DSG, *A Framework for Undertaking Traffic Impact Assessments*, 2007
- Roads and Maritime Services NSW, *Guide to Traffic Generating Developments*, 2002 (RTA Guide)
- Roads and Maritime Services NSW, *Updated Traffic Surveys*, 2013 (Updated RTA Guide)
- Australian Standards, AS2890.1, *Off-Street Parking*, 2004 (AS2890.1:2004)

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## 2. Existing Conditions

### 2.1 Transport Network

The transport network consists of Battery Square, Hampden Road, Castray Esplanade and Runnymede Street.

Battery Square is approximately 220 metres in length and connects between Hampden Road/ Castray Esplanade and Runnymede Street. It has two ninety degree bends towards its western end.

## 3. Parking Assessment

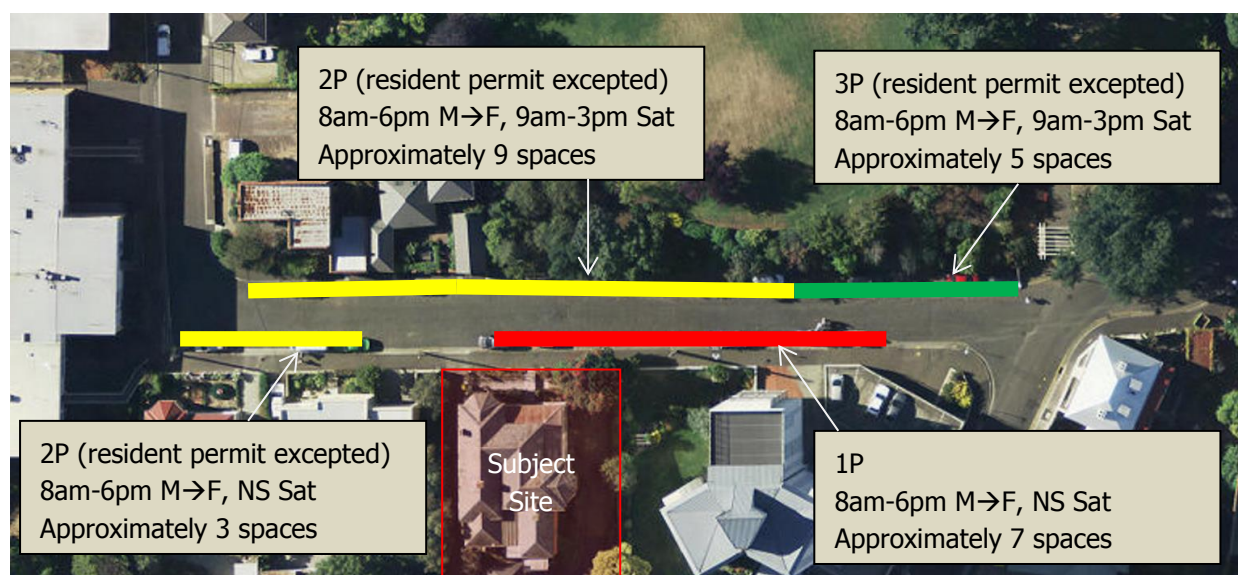
### 3.1 Parking Provision

The section of Battery Square between Castray Esplanade and the ninety degree bend has the following on-street car parking provision:

- |                                                             |                        |
|-------------------------------------------------------------|------------------------|
| ▪ 2P residential parking (8am-6pm Mon-Fri, 9am-3pm Sat)     | Approximately 7 spaces |
| ▪ 3P residential parking (8am-6pm Mon-Fri, 9am-3pm Sat)     | Approximately 9 spaces |
| ▪ 2P residential parking (8am-6pm Mon-Fri, No Stopping Sat) | Approximately 3 spaces |
| ▪ 1P (8am-6pm Mon-Fri, No Stopping Sat)                     | Approximately 7 spaces |
| ▪ <u>Total: 26 spaces</u> (10 x 2P, 9 x 3P, and 7 x 1P)     |                        |

These parking zones are shown in Figure 4.

**Figure 4 Battery Square Parking**





### 3.2 On-Street Parking Availability

A parking survey was undertaken in Battery Square at various times between Wednesday 3<sup>rd</sup> and Friday 5<sup>th</sup> February 2016. The results are summarised in Table 1.

**Table 1 Battery Square Parking Survey**

Time/ Day	1P Zone	2P Zones	3P Zone	Total	Spare Capacity
8:30am Wed	2	8	7	17	9
9:30am Thu	4	9	7	20	6
10:30am Wed	2	9	6	17	9
1:30pm Fri	2	7	6	15	11
3:00pm Thu	3	6	2	11	15
3:30pm Thu	2	6	3	11	15
5:00pm Fri	3	6	4	13	13
7:30pm Wed	3	5	3	11	15

The surveys indicate the following:

- The 1-hour parking zone was the least utilised, with maximum occupancy of 4 cars at 9:30am (3 spaces spare capacity).
- The 2-hour and 3-hour spaces had generally high occupancy throughout business hours, with a decline in occupancy during the afternoon.
- It was noted that several cars remained parked in the same locations across all times/ days of the survey (including a large campervan located at the eastern end of the 3P zone).

### 3.3 Car Parking Demand

New Horizons operate a similar preschool at 57 Giblin Street, Lenah Valley. The Lenah Valley site has two 5-minute time restricted parking spaces along the property frontage to Giblin Street. General observations of drop-off and pick-up activity indicate that these spaces serve the site well. Parking was also observed in other areas of the street (particularly in the 1-hour zone located a short distance to the south of the site). A relatively large proportion of parents were noted to walk with their children from nearby areas and Lenah Valley Road.

Midson Traffic have undertaken detailed parking demand surveys at several schools, including Illawara Primary School and the Hutchins School. These surveys indicate that typical demands for Preschool/ Kinder are as follows:

- Hutchins Early Learning Centre has 17 off-street parking spaces that are used for drop-off and pick-up activity. These spaces are used predominantly for Pre-Kinder to Year 2 students, with a total student population of 194 students (consisting of 13 pre-kinder, 53 Kinder and 128 balance). Surveys indicate that each space turns over 5.7 to 6.6 times during the morning and afternoon peak periods respectively.
- Illawarra Primary School generates approximately 170 cars during both the morning drop-off and afternoon pick-up activities. With 292 students, this equates to a rate of approximately 0.6 cars per student.

Based on the survey data above, it is likely that the proposed development will generate 30 car movements to and from the site during the morning and afternoon peak periods. The peak car parking accumulation is likely to be approximately 5 spaces. This is consistent with the current operations of the New Horizons pre-school in Lenah Valley.

### 3.4 Planning Scheme Requirements

The Acceptable Solution, A1, of E6.6.1 of Planning Scheme requires provision of 0.5 spaces per employee and 0.1 spaces for each student for the Use Class 'Educational and Occasional Care'<sup>1</sup>. The Planning Scheme requirements are therefore:

- |                     |                 |
|---------------------|-----------------|
| ▪ 5 full time staff | 3 spaces        |
| ▪ 50 students       | 5 spaces        |
| ▪ <u>TOTAL</u>      | <u>8 spaces</u> |

The site provides 1 space for persons with a disability in the existing driveway. This is a shortfall of 7 spaces in accordance with the Planning Scheme. The proposed development therefore does not satisfy the minimum requirements of E6.6.1. The Performance Criteria, P1, of E6.6.1 of the Planning Scheme states:

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

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


<sup>1</sup> Defined as: Use of land for educational or short-term care purposes. Examples include a childcare centre, day respite facility, employment training centre, kindergarten, primary school, secondary school and tertiary institution. *Hobart Interim Planning Scheme 2015 – Administration.*



- (c) *the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) *the availability and likely use of other modes of transport;*
- (e) *the availability and suitability of alternative arrangements for car parking provision;*
- (f) *any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) *any car parking deficiency or surplus associated with the existing use of the land;*
- (h) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) *the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) *any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) *any relevant parking plan for the area adopted by Council;*
- (l) *the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
  
- (m) *whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

Each of these points were examined as follows:

- a. The car parking demand is outlined in Section 3.3. Staff parking will be catered for in nearby commercial off-street facilities, and pick-up and drop-off activity will require up to approximately 5 spaces during peak periods. On-street parking surveys indicate that this level of parking provision is available within the street. It is further noted that the installation of short-term parking time limits adjacent to the site will further ensure parking availability for the proposed development. The parking demands for drop-off and pick-up activity are very short term in nature, and do not require the long term storage of cars near the site whilst the students are at the school.
- b. On-street parking surveys indicate that this level of parking provision is available within the street. As noted in (a) above, the installation of short-term parking time limits adjacent to the site will further ensure parking availability for the proposed development.

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- c. The subject site is not located on a public transport route. The nearest Metro bus route is located on Sandy Bay Road. It is unlikely that the proposed development will generate demand for public transport trips.
- d. It is likely that some students will arrive as pedestrians from other areas in the Battery Point/ Sullivans Cove area. The preschool is likely to be attractive for parents who work in the nearby area and may therefore be parked elsewhere for this purpose.
- e. Alternative car parking arrangements will be made for staff in nearby commercial parking facilities in the Sullivans Cove area.
- f. The nature of the development is that students will be dropped off and picked up by parents who will only park for very short periods during these times. Long term parking spaces are therefore not required for the student component of the parking demand. The temporal demands of parking during the drop-off and pick-up activities can be managed through the provision of short-term on-street parking adjacent to the site.
- g. The subject site has previously been used as a commercial office (Lifeline Tasmania), operating during normal business hours, as well as a 24 hour support service, 7 days per week. No formal parking was provided other than the existing driveway (which is proposed for use by staff for the proposed development). Customer parking for the previous use relied exclusively on the availability of on-street parking.
- h. N/A
- i. N/A
- j. N/K
- k. N/A
- l. The building is heritage listed. It would be impractical to increase on-site parking on-site due to the heritage constraints associated with the site.
- m. N/A

Based on the above information, the parking demands associated with the proposed development can be accommodated within the existing on-street parking supply. It is recommended that the existing 1-hour parking be modified to 15-minute parking during the peak drop-off and pick-up periods to accommodate the peak parking demands associated with the proposed development.

On this basis, the proposed development satisfies the requirements of Performance Criteria, PC1, of E6.6.1 of the Planning Scheme.

### 3.5 Car Parking Layout

Only one parking space is proposed on-site. This space is for persons with a disability. No turning is provided on site, requiring a vehicle to reverse inwards or outwards from the property.

## 4. Conclusions

This traffic impact statement (TIS) investigated the traffic and parking impacts of a proposed pre-school development at 5 Battery Square, Battery Point.

The key findings and recommendations of the report are summarised as follows:

- The proposed development requires a total of 8 spaces in accordance with the Planning Scheme. It is proposed that staff parking requirements will be accommodated in commercial facilities in the nearby Sullivans Cove area.
- One space is proposed on-site. This space is reserved for persons with a disability. With a shortfall of 7 on-site spaces, the proposed development therefore does not satisfy the Acceptable Solution, A1, of E6.6.1 of the Planning Scheme.
- The shortfall of 7 spaces can be absorbed in the spare capacity of the on-street parking. The existing 1-hour parking was the least utilised parking area in the street. It is recommended that this parking be modified to 15-minute parking to enable drop-off and pick-up activity for the pre-school. The parking demands for drop-off and pick-up activity are very short term in nature, and do not require the long term storage of cars near the site whilst the students are at the school.
- Based on the operations of the existing New Horizons site in Lenah Valley, and surveys undertaken at other schools in Greater Hobart, it is likely that peak parking accumulation will be 5 cars. This level of parking can be accommodated within the existing spare capacity of Battery Square (noting that the proposed 15-minute parking restriction is likely to provide more parking availability adjacent to the site).

Based on the findings of this report and subject to the recommendations above, the proposed development is supported on parking grounds.

This document is one of the documents relevant to the application for a planning permit No.PLN-16-01047-01 and was received on the 17 February 2016

Planning Authority Hobart City Council

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#### Document Status

Revision	Author	Review	Date
0	Keith Midson	Zara Kacic-Midson	11 February 2016
1	Keith Midson	Zara Kacic-Midson	17 February 2016



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

---

### **6.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

#### **6.2.3 58 BARRACK STREET, HOBART - PARTIAL DEMOLITION AND ALTERATIONS - PLN-15-01553-01 - FILE REF: 5655516 & P/58/340** 43x's (Council)

The General Manager reports:

“In accordance with the provisions of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, this supplementary matter is submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Council  
Committee: 2 May 2016  
Council: 9 May 2016  
Expiry Date: 4 May 2016 (extension of time granted to 9 May 2016)  
Application No: **PLN-15-01553-01**  
Address: **58 Barrack Street, Hobart**  
Applicant: Cordwell Lane Builders, 47 Goulburn Street, Hobart  
Proposal: **Partial Demolition and Alterations**  
Representations: Nil (0)  
Performance criteria: Development Standards, Historic Heritage Code

---

**1. Executive Summary**

- 1.1. Planning approval is sought for partial demolition and alterations to the existing building at 58 Barrack Street.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.2.1. Development standards – non-dwelling development
  - 1.2.2. Historic heritage code – heritage listed and heritage precinct
- 1.3. No representations to the application were received during the statutory advertising period of 4 to 18 April 2016.
- 1.4. The proposal is recommended for approval subject to conditions.
- 1.5. The final decision is delegated to the Council.

## 2. Site Detail

- 2.1. The site is on the western corner of Barrack and Goulburn Streets. It contains an existing two storey building that is currently used as offices.



Figure 1: The subject site is bordered in blue.



Figure 2: The existing building on the site.



Figure 3: The Barrack Street elevation of the existing building.



Figure 4: The Goulburn Street elevation of the existing building.

### 3. Proposal

- 3.1. Planning approval is sought for partial demolition and alterations to the existing building at 58 Barrack Street.
- 3.2. More specifically the proposal includes the removal of the existing front extension and awning, and its replacement with a new front extension and awning. No increase in floor area is proposed. Internal alterations are also proposed.





Figure 5: A montage of the proposed development.

#### 4. Background

4.1. N/A

#### 5. Concerns raised by representors

5.1. No representations to the application were received during the statutory advertising period of 4 to 18 April 2016.

#### 6. Assessment

The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

6.1. The site is located within the Inner Residential zone of the *Hobart Interim Planning Scheme 2015*.

6.2. The existing use is office, which is categorised as Business and Professional Services under the planning scheme. Business and Professional Services is a prohibited use in the inner residential zone, unless it is for a consulting room, medical centre, veterinary surgery or health clinic. The existing offices do not fall into any of those four uses. Clause 9.1.1 of the planning scheme provides:

*Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application for a minor development to a non-conforming use, where there is –*

- (a) *no detrimental impact on adjoining uses; or*
- (b) *the amenity of the locality; and*
- (c) *no substantial intensification of the use of any land, building or work.*

*In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.*

- 6.3. It is considered that the proposal amounts to 'minor development' on the basis that there is no change to the floor area, there is no intensification of use, and the proposed built form is largely the same as the current built form.
- 6.4. With respect to (a), (b) and (c), it is considered that the proposal will not result in any detrimental impact on adjoining uses, it will improve the amenity of the locality by improving the appearance of the building and improving the activation of the street front on Goulburn Street, and it is not an intensification of use.
- 6.5. The proposal is assessed against the applicable zone and code provisions below from paragraph 6.10. The proposal is considered to be compliant with those provisions.
- 6.6. On that basis the Council is recommended to exercise discretion in favour of the proposal in this instance.
- 6.7. The proposal has been assessed against;
  - 6.7.1. Part D-1 Inner residential zone
  - 6.7.2. E7.0 Stormwater management code
  - 6.7.3. E13.0 Historic heritage code
- 6.8. The proposal relies on the following performance criteria to comply with the applicable standards;
  - 6.8.1. Non-dwelling development (front setback) – clause 11.4.9 P1
  - 6.8.2. Non-dwelling development (building envelope) – clause 11.4.9 P3
  - 6.8.3. Heritage – Part E
- 6.9. Each performance criterion is dealt with separately below.
- 6.10. Non-dwelling development (front setback) – clause 11.4.9 P1
  - 6.10.1. The proposal includes the demolition of the existing front extension and its replacement with a new front extension. The setback of the new extension will be, for the most part, the same as the setback of the existing front extension. It is built to the front boundary (Goulburn Street), except at the corner, where it is stepped in. The maximum setback is still less than 1m from Goulburn Street at its maximum, and less than 2m maximum from Barrack Street.



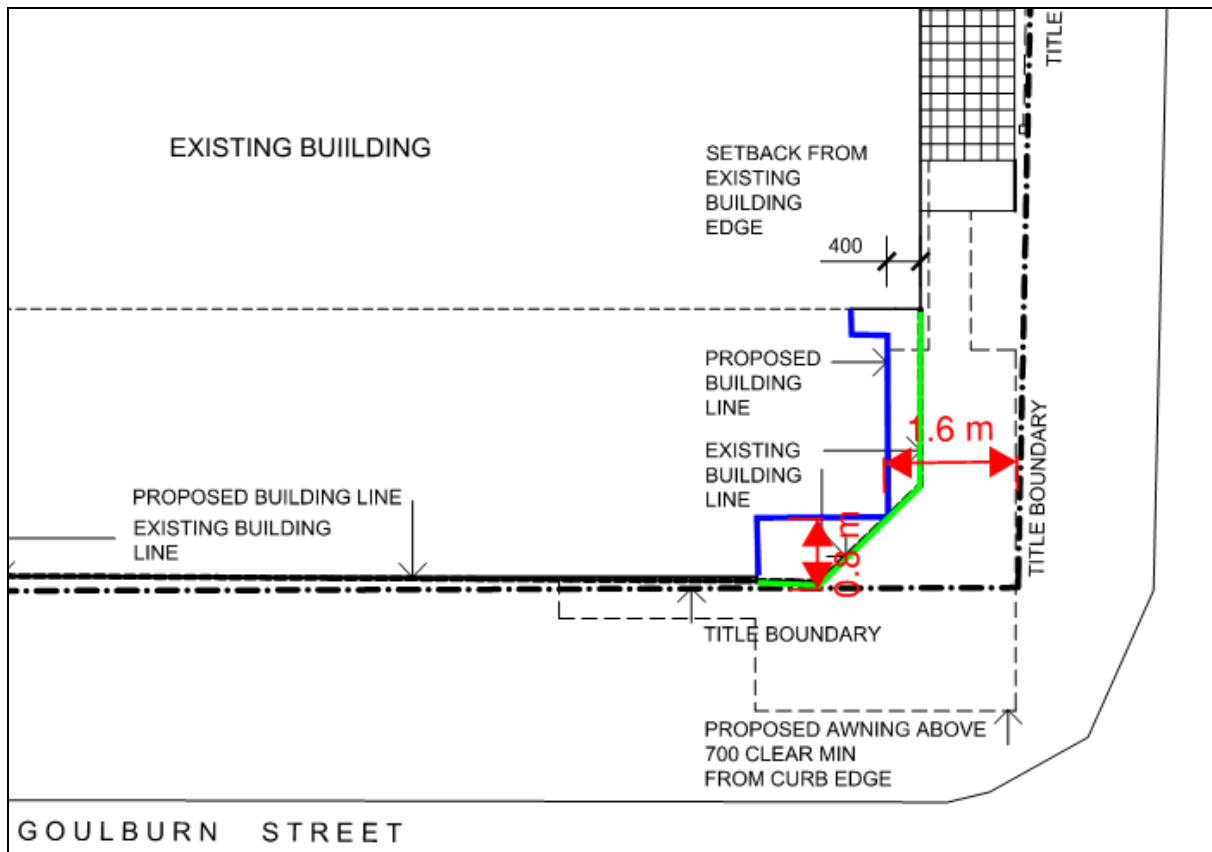


Figure 6: Showing the proposed changes to the building line of the building. The blue line indicates the proposed building line, and the green line shows the existing building line.

6.10.2. The acceptable solution at clause 11.4.9 A1 stipulates a 3m setback.

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

6.10.4. The performance criterion at clause 11.4.9 P3 provides:

*The setback of non-dwelling development from a frontage must:*

- (a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and*
- (b) have regard to streetscape qualities or assist the integration of new development into the streetscape.*

6.10.5. The setback of the proposed front extension largely replicates the existing setback of the building, aside from a small change to the entrance to the building, which has a stepped setback. The proposed built form is considered to be acceptable.

6.10.6. The proposal complies with the performance criterion.

6.11. Non-dwelling development (building envelope) – clause 11.4.9 P3

- 6.11.1. The front setback required in clause 11.4.9 A1 is also required by clause 11.4.9 P3. As detailed above in paragraph 6.10.3, the proposal does not meet the front setback therefore assessment against the performance criterion in clause 11.4.9 P3 is required. The clause states:

*The siting and scale of a non-dwelling development must:*

- (a) not cause unreasonable loss of amenity by:*
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
  - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or*
  - (iii) overshadowing of an adjoining vacant lot; or*
  - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

- 6.11.2. The proposed front extension will not impact on the amenity of any adjoining neighbour, and does not alter the existing separation between dwellings.

- 6.11.3. The proposal complies with the performance criterion.

6.12. Heritage – Part E

- 6.12.1. Demolition, building and works are proposed to a building that is heritage listed and located in a heritage precinct. Accordingly, the application was referred to the Council's Cultural Heritage Officer who has concluded as follows:

It is considered that subject to conditions seeking minor redesign of the internal floor plan and retention of original fabric, the proposal would not result in detriment to the historic cultural heritage significance of the site and is therefore considered acceptable when measured against the performance criteria of the *Hobart Interim Planning Scheme 2015*.

6.12.2. The officer's comments are supported. The suggested conditions have been included under section 9 Recommendation below. The officer's full report is provided at Attachment E.

6.12.3. The proposal complies with the performance criterion.

## **7. Discussion**

- 7.1. Planning approval is sought for partial demolition and alterations to the existing building at 58 Barrack Street.
- 7.2. The proposal relies on performance criteria with respect to built form and heritage. As demonstrated in the preceding assessment, the proposal complies with the applicable provisions.
- 7.3. The proposal has the support of the Council's Development Engineer.
- 7.4. The proposal has the support of the Council's Cultural Heritage Officer.
- 7.5. The proposal has also been approved by the Tasmanian Heritage Council. However in making its decision, the Tasmanian Heritage Council noted:

Please note that the Tasmanian Heritage Council has reservations about the appearance and construction of the addition that is proposed to replace the verandah but has declined to condition or refuse the application on the basis of its concerns because an "Exclusion Agreement for 58 Barrack St, Hobart" entered into between the former owner of the place and the Tasmanian Heritage Council, to which RMPAT was a party, limited the interests of the THC to "The whole of the former Hotel building except for the twentieth century enclosed verandah extension to Goulburn Street. The former Hotel is the building contained under the principal hipped roof. This excludes the single story [sic] skillions." That which was expressly excluded from the registration was "All activities and building works to the verandah and the single storey skillions. Building works including demolition to all outbuildings. Subdivision. Standard maintenance of all buildings and structures."

- 7.6. The proposal is recommended for approval.

## **8. Conclusion**

- 8.1. The proposed partial demolition and alterations to the existing building at 58 Barrack Street satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial demolition and alterations at 58 Barrack Street, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### GENERAL

GEN The use and/or development must be substantially in accordance with the documents and drawings that comprise the Planning Application No. PLN-15-01553-01 outlined in attachment A to this permit except where modified below.

#### Reason for condition

To clarify the scope of the permit.

### TASWATER

TW The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2015/02051-HCC dated 29 December 2016 as attached to the permit.

#### Reason for condition

To clarify the scope of the permit.

### TASMANIAN HERITAGE COUNCIL

THC The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, Works Application No. 4991 dated 27 April 2016, as attached to the permit.

#### Reason for condition

To clarify the scope of the permit.

### HERITAGE

HERs1 Plans showing the redesign of the internal spaces within the Barrack Street facing element of the original building based on the Heritage principles of retention of original fabric and floor plan where feasible must be submitted.

The plans must be submitted and approved prior to the issue of any building consent under the *Building Act 2000*.

The plans must show;

- (a) The substantial retention of the first floor floorboards by limiting the degree of opening required for the provision of a replacement staircase; and
- (b) The retention of significant elements of internal walls to ensure the clear definition of the original floor plan.

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

Advice: Once the plans have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

#### **Reason for condition**

**To ensure that the work complies with the conservation principles, processes and practices set down in the Burra Charter and that development to a Heritage Listed Building is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.**

HERs2 Documents detailing the protection of existing fabric and the intended fitting out of the internal spaces within the Barrack Street facing and rear lean-to elements of the original building must be submitted.

The details must be submitted and approved prior the issue of any building consent under the *Building Act 2000*.

The details must include confirmation of the proposed;

- (a) Style and method of installation of replacement flooring to the ground floor level;
- (b) Treatment of fireplace openings; and
- (c) Attachment of internal timber or alternative cladding.

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

Advice: Once the details have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

#### **Reason for condition**

**To ensure that the work complies with the conservation principles, processes and practices set down in the Burra Charter and that development to a Heritage Listed Building is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.**

**PLANNING**

PLNs1 Plans A100 Revision – dated 15 December 2015 and A201 Revision – dated 15 December 2015 (both Council date stamped 22 January 2016) are not approved by this permit.

Advice: These plans were included in the advertised documentation for information purposes to demonstrate the evolution of the building design.

**Reason for condition**

**To clarify the scope of the permit**

**ENVIRONMENTAL**

ENV1 Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site. Sediment controls must be maintained until all areas of disturbance have been stabilized or revegetated.

Advice: For further guidance in preparing Soil and Water Management Plans in accordance with Fact Sheet 3 Derwent Estuary Program go to [www.hobartcity.com.au](http://www.hobartcity.com.au) development engineering standards and guidelines.

**Reason for condition**

**To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State Legislation.**

**ENGINEERING**

ENG1 The cost of repair of any damage to the Council's infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development.

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



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

#### **Reason for condition**

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

### **SURVEYING**

**SURV8** The applicant, at no cost to the Council, must have prepared, entered into, and have registered at the Land Titles Office, a deed pursuant to Section 75CA of the Conveyancing and Law of Property Act 1884 for the awning encroachment over Goulburn and Barrack Streets, prior to the issue of a completion certificate.

**Advice:** A certificate pursuant to section 75CA of the Conveyancing and Law of Property Act 1884 for the occupation of a Highway requires that the encroachment is a minimum 2.40 metres above the footpath or 4.25 metres above the road carriageway. A 600mm set back from the back of kerb may also be required.

The applicant must prepare and forward the required instrument pursuant to section 75CA of the Conveyancing and Law of Property Act 1884, including a survey plan of the encroachment (certified by a registered surveyor), the associated \$220 Council application fee and the Land Titles Office registration fee, to the Council for execution and subsequent registration within the Land Titles Office.

#### **Reason for condition**

**To ensure that the proposed or existing building encroachment over Goulburn and Barrack Streets is formalised in accordance with statutory provisions.**

## ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit [www.hobartcity.com.au](http://www.hobartcity.com.au) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council:

- If a condition endorsement is required by a planning condition above, please forward documentation required to satisfy the condition to [rfi-information@hobartcity.com.au](mailto:rfi-information@hobartcity.com.au), clearly identifying the planning permit number, address and the condition to which the documentation relates.

Once approved, the Council will respond to you via email that the condition/s has been endorsed (satisfied).

Detailed instructions can be found at

[www.hobartcity.com.au/Development/Planning/How\\_to\\_obtain\\_a\\_condition\\_endorsement](http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement)

- The applicant is advised that all original fabric, including internal timber work and features (excluding those items specifically identified in the subsequently approved plans for removal) are to be protected and conserved in situ. Any requirements for the removal of fabric other than that specified in the approved plans is to be discussed with the Council's Cultural Heritage Officer on 6238 2715 prior to undertaking that work.
- Building permit in accordance with the *Building Act 2000*; [www.hobartcity.com.au/Development/Building](http://www.hobartcity.com.au/Development/Building)
- Plumbing permit under the *Tasmanian Plumbing Regulations 2014*; [www.hobartcity.com.au/Development/Plumbing](http://www.hobartcity.com.au/Development/Plumbing)
- Occupational license for use of Hobart City Council highway reservation in accordance with conditions to be established by the Council. The occupational license must be obtained and maintenance for occupancy of the area of highway reservation as detailed in the development plans; [http://www.hobartcity.com.au/Environment/Occupational\\_License](http://www.hobartcity.com.au/Environment/Occupational_License)

Plumbing permit under the Tasmanian *Plumbing Regulations 2014*;

<http://www.hobartcity.com.au/Development/Plumbing>

- Permit for the occupation of the public highway for construction or special event ( e.g. placement of skip bin, crane, scissor lift etc);  
<http://www.hobartcity.com.au/Transport/Permits/Construction Activities Special Events in the Road Reservation>
- Waste disposal -Top ten tips ;  
<http://www.hobartcity.com.au/Environment/Recycling and Waste>
- Fees and charges;  
<http://www.hobartcity.com.au/Council/Fees and Charges>
- Dial before you dig;  
[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)
- If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 62382715 for assistance.



(Ben Ikin)

#### **DEVELOPMENT APPRAISAL PLANNER**

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



(Rohan Probert)

#### **Manager Development Appraisal**

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

Date of Report: 27 April 2016

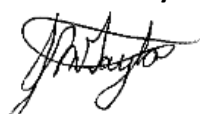
Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – TasWater form Reference No. TWDA 2015/02051-HCC  
Attachment C – Tasmanian Heritage Council's Notice of Heritage Decision, Works Application No. 4991  
Attachment D – Documents and Drawings  
Attachment E – Cultural Heritage Officer's report

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-15-01553-01****DEVELOPMENT ADDRESS: 58 Barrack Street, HOBART****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	15-01553	23 March 2016
Title	222249/1	16 December 2015
Design statement, 2 pages	Author: Liminal Spaces Date, 11 December 2015	16 December 2015
Heritage statement, 3 pages	Author: Tasmanian Heritage Council	16 December 2015
Site plan	Project No: CLF Drawing No: A100 Revision No: - Date of Drawing: 15 December 2015	22 January 2016
Proposed ground floor plan	Project No: CLF Drawing No: A201 Revision No: - Date of Drawing: 15 December 2015	22 January 2016
Proposed ground floor plan – boundary locations	Project No: CLF Drawing No: A100 Revision No: A Date of Drawing: 22 January 2016	22 January 2016
Proposed ground floor plan	Project No: CLF Drawing No: A201 Revision No: A Date of Drawing: 22 January 2016	22 January 2016
Proposed upper floor plan	Project No: CLF Drawing No: A202 Revision No: A Date of Drawing: 22 January 2016	22 January 2016
Sections – north west and north east	Project No: CLF Drawing No: A401 Revision No: A Date of Drawing: 22 January 2016	22 January 2016
Proposed roof plan	Project No: CLF Drawing No: A203 Revision No: A Date of Drawing: 22 January 2016	22 January 2016
Proposed elevations – north east and south east	Project No: CLF Drawing No: A301 Revision No: A Date of Drawing: 22 January 2016	22 January 2016

Proposed elevations – south west and north west	Project No: CLF Drawing No: A302 Revision No: A Date of Drawing: 22 January 2016	22 January 2016
Montages, 4 pages	Artist: Liminal Spaces Date: March 2016	30 March 2016
Black and white photos, 1 page	-	16 December 2015
Photo of original veranda, 1 page	-	16 December 2015
Original building plan, 1 page	-	16 December 2015
Original title photo, 1 page	-	16 December 2015
Image of Black Swan Inn, 1 page	-	16 December 2015

## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-15-01553	Council notice date	22/12/2015
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2015/02051-HCC	Date of response	29/12/2015
TasWater Contact	Jason Taylor	Phone No.	(03) 6237 8258
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	hcc@hobartcity.com.au		
<b>Development details</b>			
Address	58 BARRACK ST, HOBART	Property ID (PID)	5655516
Description of development	Partial demolition & additions/alterations		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Liminal Spaces	A100, A201, A202, A203, A301, A302, A401	-	15 Dec 2015
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(2)(a) TasWater does not object to the proposed development and no conditions are imposed.			
<b>Advice</b>			
<p>For information on TasWater development standards, please visit <a href="http://www.taswater.com.au/Development/Development-Standards">http://www.taswater.com.au/Development/Development-Standards</a></p> <p>For information regarding headworks, further assessment fees and other miscellaneous fees, please visit <a href="http://www.taswater.com.au/Development/Fees---Charges">http://www.taswater.com.au/Development/Fees---Charges</a></p> <p>For application forms please visit <a href="http://www.taswater.com.au/Development/Forms">http://www.taswater.com.au/Development/Forms</a></p>			
<b>Declaration</b>			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
<b>Authorised by</b>			
 <b>Jason Taylor</b> Development Assessment Manager			
<b>TasWater Contact Details</b>			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

PLANNING REF: PLN-15-01553-01  
THC WORKS REF: 4991  
REGISTERED PLACE NO: 3200  
FILE NO: 07-03-87THC  
APPLICANT: Cordwell Lane Builders  
DATE: 27 April 2016

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: 58 Barrack Street, Hobart.  
Proposed Works: Minor demolition, alterations and additions.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995* (the Act), the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PLN-15-01553-01, advertised on 04/04/2016, subject to the following conditions:

1. **If any archaeological features and/or deposits are revealed during excavations and building work, this archaeological material must be managed in accordance with Part 7 of the Tasmanian Heritage Council's Practice Note 2 'Managing Historical Archaeological Significance in the Works Process' (version 4, November 2014) including, as a minimum:**
  - (a) stopping work and immediately reporting the discovery to Heritage Tasmania's Works Manager, and (b), if the Works Manager of Heritage Tasmania determines the deposits or feature to be significant, archaeological recording and recovery of artefacts.

Reason for condition

To ensure that subsurface heritage information relating to the historic use of this site is not lost.

2. **A photographic record must be made of the former inn building, including the enclosed verandah and rear skillion. A print and digital copy of this photographic record must be submitted to Heritage Tasmania and must be to the satisfaction of the Works Manager prior to the commencement of any works. The record must comprise:**
  - photographs of each interior space; and
  - photographs of any detail or finish that may be of archaeological or architectural interest, including the historic staircase and fireplaces; and
  - cross-referencing of all photographs to 'as existing' floor plans, showing the location and orientation of the camera.

Reason for condition

To record items of architectural and heritage interest, and document the evolution of this important heritage place prior to substantial changes being undertaken.



**3. The following works are not included in this approval:**

- (a) The removal of upper level floor structure and floorboards within Room 2, beyond what is necessary to install the new staircase.**
- (b) The removal of sections of early walls, beyond what is necessary to create reasonable access links between existing spaces.**
- (c) The blocking up of existing fireplaces, beyond what is necessary to seal chimney flues.**
- (d) The proposal recessing of the meter box within the existing external wall.**
- (e) New external signage.**

Reason for condition

To clarify the scope of this approval and to ensure that impacts to the heritage values of the place are minimised.

**4. A sample board that illustrates the proposed exterior colours and finishes of the new work must be submitted to Heritage Tasmania and must be to the satisfaction of the Works Manager, prior to the commencement of building works.**

Reason for condition

To ensure that the external character of the new work is complementary to the heritage values of the historic building.

**5. A copy of all plans and specifications submitted in making application for a building permit must also be submitted to Heritage Tasmania and signed off by the Works Manager, prior to the commencement of building works. The plans and specifications must address the revisions to the proposal as required by Condition 3 and must also identify any substantial variance from the works covered by this permit.**

Reason for condition

To ensure that the proposed works will be in accordance with this approval and that the proposed works, which may not have been sufficiently detailed or documented at the development application stage, will have an acceptable degree of the impact on the place's heritage values.

Advice

A new more discreet location for the existing meter box is supported in principle; however the selection of the new location should be done to ensure that any impacts to the character and fabric of the building are minimised. The removal of a section of early external wall, as proposed, is not considered to be good conservation practice.

It is recommended that the proposed fit-out for the building interiors incorporates historic elements such as original fireplaces, in a way that conserves and celebrates the historic character of the internal spaces.

Please ensure the details of this notice, including conditions, are included in any permit issued, and forward a copy of the permit or decision of refusal to the Heritage Council for our records.

Please contact Deirdre Macdonald on 1300 850 332 if you require clarification of any matters contained in this notice.

A handwritten signature in dark ink, appearing to be 'K. Evans', followed by a long horizontal flourish.

Dr Kathryn Evans

**Chair**

*Under delegation of the Tasmanian Heritage Council*

<p>DEVELOPMENT APPLICATION DOCUMENT</p> <p>This document is one of the documents relevant to the application for a planning permit No. PLN - 15-01553-01 and was received on the 16 December 2015.</p> <p>Planning Authority: Hobart City Council</p>
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LIMINAL  
SPACES

11 December 2015

### Cordwell Lane Commercial Premises Alterations - Design Statement

Our design approach in refurbishing the existing commercial premises on the corner of Barrack Street and Goulburn Street, has been to re-establish a readable, visual connection to the two-storey masonry heritage building, formerly known as the Black Swan Inn, circa 1825. This has been achieved through removing the confused, heavy language of the modified two-storey front appendage, consisting of a rendered masonry base with a dominating awning and a lightweight second storey and replacing it with a contemporary, transparent, lightweight, 2-storey enclosed 'verandah'. The proposal engages with the street more actively, contributes to the streetscape more respectfully while creating contemporary accommodation for office use on the upper level, and commercial or retail use at the street level.

The new double storey verandah takes its cue from the double storey, lightweight verandah that use to exist as evidenced in Colin Dennison's *Here's Cheers*, published in 2008. Like the verandah of this era, our proposal squares off the corner, which provides better amenity for the tenant on the ground level. Our contemporary interpretation lightens the treatment to the verandah and sets it back from the edges of the Georgian building, providing opportunity for the more substantial masonry historic building to be revealed and read in its entirety.

#### Outcomes of our proposal:

- The two storey addition to the Black Swan has been modified over the years, which has devalued heritage integrity of the 'verandah'.
- The corner is decluttered through the removal of the existing, heavy awning, allowing for a pared back and cohesive response in lieu of conflicting architectural language.
- The Georgian building is made more visible and has less visual clutter to compete with.
- The new addition responds to the two storey lightweight verandah that existed c1825, in a contemporary way that is respectful but does not mimic.
- The transparency of the new addition activates and engages with the street more positively.
- The demarcation of new works and the heritage building is made clearly.
- The exterior of the Georgian building is being restored, the interior made good and upgraded to allow for sustainable contemporary use and relevance.
- New external works to be visually separated from original building to reinforce its form and make a clear distinction between new and old.
- Recessive colours have been selected for the new works to highlight and enhance the original building.
- Nominated signage locations is to ensure signage is controlled, minimised and does not dominate.
- The expression of the new verandah is expressed within a simple structural frame with glazed infill panels giving a skeletal transparent appearance to the building, which allows the heritage building to be viewed beyond and through the new work.
- Preliminary discussions of the proposed works have been had with the HCC Heritage Officer, Brendan Lennard, Heritage Tasmania's Deidre McDonald, whose feedback we have considered and incorporated.

This document is one of the documents relevant to the application for a planning permit No. PLN - 15-01553-01 and was received on the 16 December 2015.
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Planning Authority: Hobart City Council
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- The corner treatment does not reflect the three buildings on the Barrack and Goulburn Street intersection. However the original building on our site, as depicted in the historic images accompanying this application, did not have an angled corner. Our approach has been to reflect the original as this references a historic relationship to the street that has been removed.
- Limited historic photos/sketches available show a double height verandah c1825, and an early photograph shows a single storey verandah - the era of which we have not been able to confirm. Both evolutions have an integrity that we have looked at emulating in the new proposal through the setback of the new addition to expose the Georgian form, and a lightweight, cohesive 2-storey. The additions and modifications made post this era seemed to have created a conflicting language that visually competes with the heritage building.
- The title shows a public highway over title boundary. We have had discussions with HCC's Traffic Engineering Representative, Cindy Elder who identified where the road reserve was. This issue is unresolved as no application process could be determined. More guidance on this issue is required. This is a pre-existing issue.


#### ITEMS INCLUDED IN APPLICATION

1. Planning Application form (signed)
2. Copy of title
3. Title Declaration Certificate (signed)
4. Tasmanian Heritage Council exclusion treatment for 58 Barrack Street Hobart
5. Copy of HCC plan showing public highway over the boundary
6. Photo (B&W) showing original lower level verandah to Goulburn Street
7. Photo/site plan showing existing footprint on site and public highway over title
8. A3 photos of existing building
9. A3 model images of proposed works
  - Image 1: Corner view
  - Image 2: Barrack Street view
  - Image 3: Goulburn St view
10. Plans, elevations and sections
  - A101 Site Plan
  - A102 Existing Site Plan
  - A103 Proposed Site Plan
  - A201 Ground Floor Plan
  - A202 Upper Floor Plan
  - A203 Roof Plan
  - A301 Elevations 1
  - A302 Elevations 2
  - A401 Sections
11. Original Land Information Plan showing boundaries, grants and building locations
12. Original building plans showing addition of angled entry on corner for new shop and new canopy over.
13. B & W photos x 4 of building taken on 23/05/2008
14. Photo of Black Swan Inn (Drawing) done in 1825 showing verandah to both levels with no angled corner entry
15. B & W photo taken from city looking back towards mountain. 58 Barrack Street can be seen circled to the left, showing a single storey verandah.



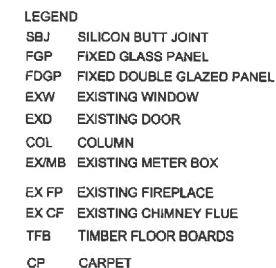


A horizontal line with three vertical tick marks. The first tick mark is on the left, the second is in the middle, and the third is on the right. The space between the first and second tick marks is labeled "2340". The space between the second and third tick marks is labeled "3106". Below the line, centered between the second and third tick marks, is the text "CANOPY WIDTH".


DRAWING No. <b>A201</b>		REVISION No. <b>A</b>
	DATE	22 January 2018
	SCALE	1:100 @ A3
	PROJECT CODE	CLF
	APPROVAL	

Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect (or decision before proceeding with the work). Copyright © 2018 by the American Institute of Architects. All rights reserved.

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GOULBURN STREET

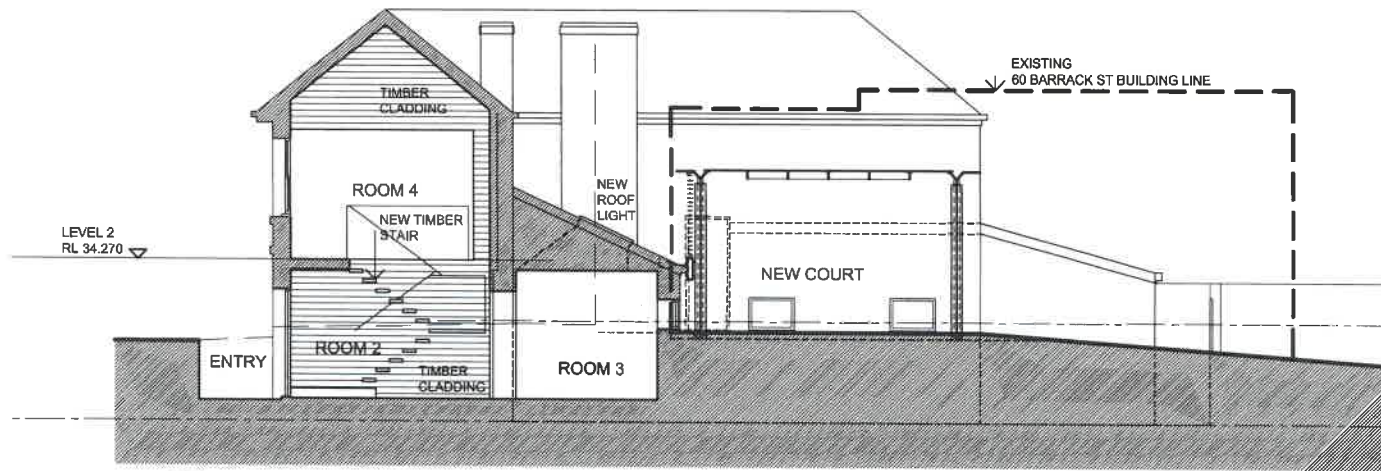
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	DATE	22 January 2016
	SCALE	1:100 @ A3
	PROJECT CODE	CLF
	APPROVAL	

Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work.

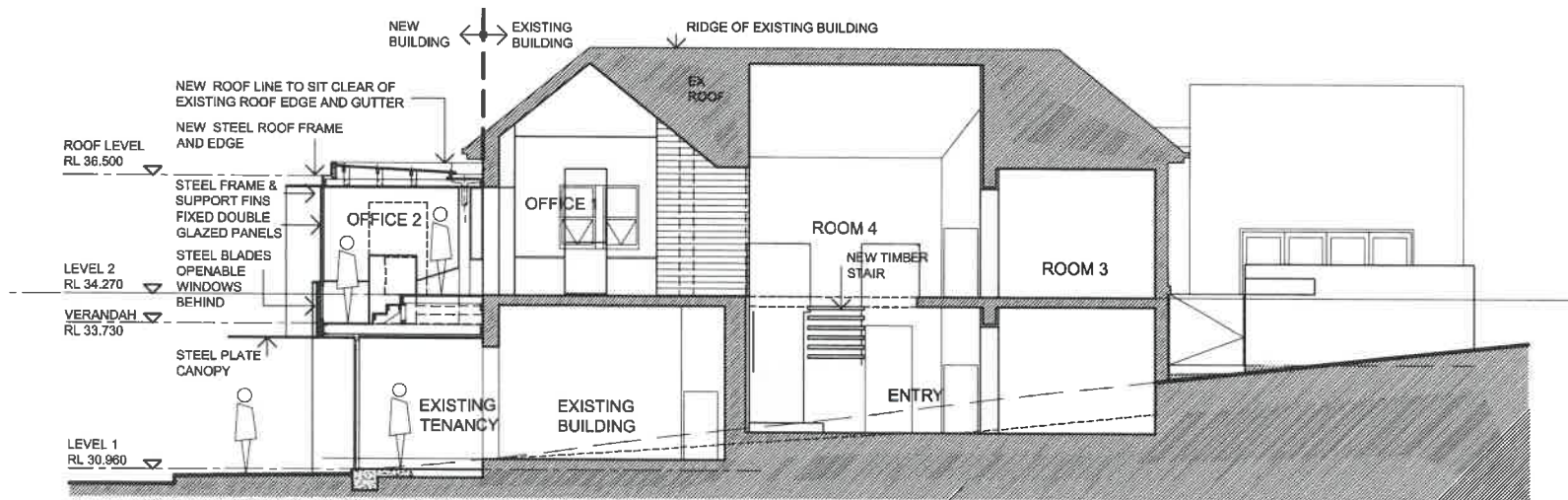


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Planning Authority: Hobart City Council



02 NORTH WEST ELEVATION  
SCALE 1:100



01 NORTH EAST ELEVATION  
SCALE 1:100

REV. No.	DESCRIPTION	DATE
A	DRAWINGS ALTERED IN RESPONSE TO COUNCIL LETTER OF 12 JAN 16	21-01-16
	AMMENDMENTS MADE TO ENTRY AND EXTENT OF CANOPY	

60 Barrack Street Hobart Tasmania 7000 T +613 62310166  
contact@liminalspaces.com.au liminalstudio.com.au  
ACM 01/01/12 PTY LTD TRADING AS LIMINAL SPACES

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PROJECT  
CORDWELL LANE FITOUT

CLIENT  
CORDWELL LANE BUILDERS

TITLE  
SECTIONS

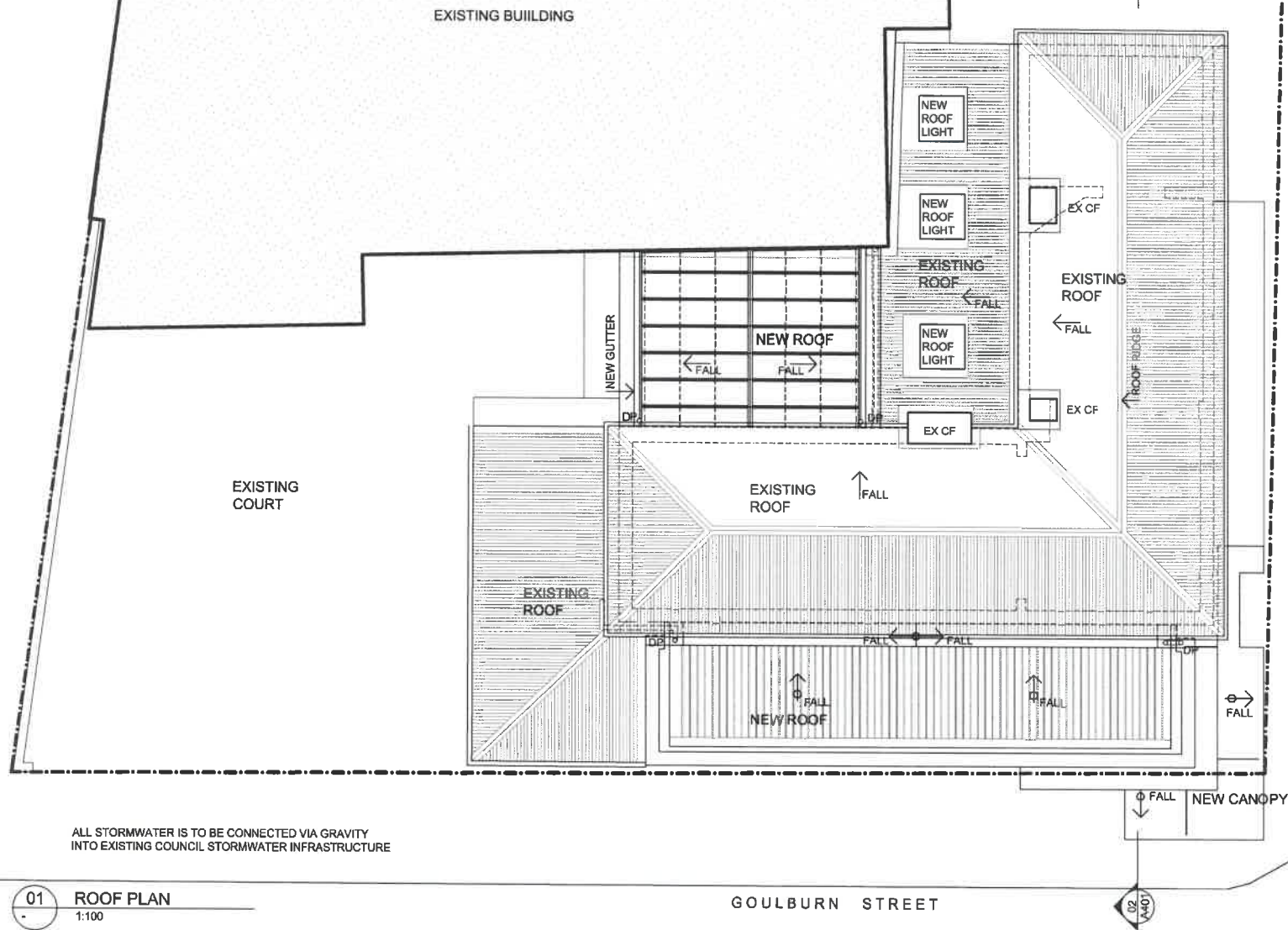
DRAWING No.	A401	REVISION No.	A
DATE	22 January 2016		
SCALE	1:100 @ A3		
PROJECT CODE	CLF		
APPROVAL			

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Planning Authority: Hobart City Council



REV. No.	DESCRIPTION	DATE
A	DRAWINGS ALTERED IN RESPONSE TO COUNCIL LETTER OF 12 JAN 16	21-01-16
	AMMENDMENTS MADE TO ENTRY AND EXTENT OF CANOPY	

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 contact@liminalspaces.com.au liminalstudio.com.au  
 AGH 0/6131712 PTY LTD TRADING AS LIMINAL SPACES

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SPACES

PROJECT  
CORDWELL LANE FITOUT

CLIENT  
CORDWELL LANE BUILDERS

TITLE  
ROOF PLAN

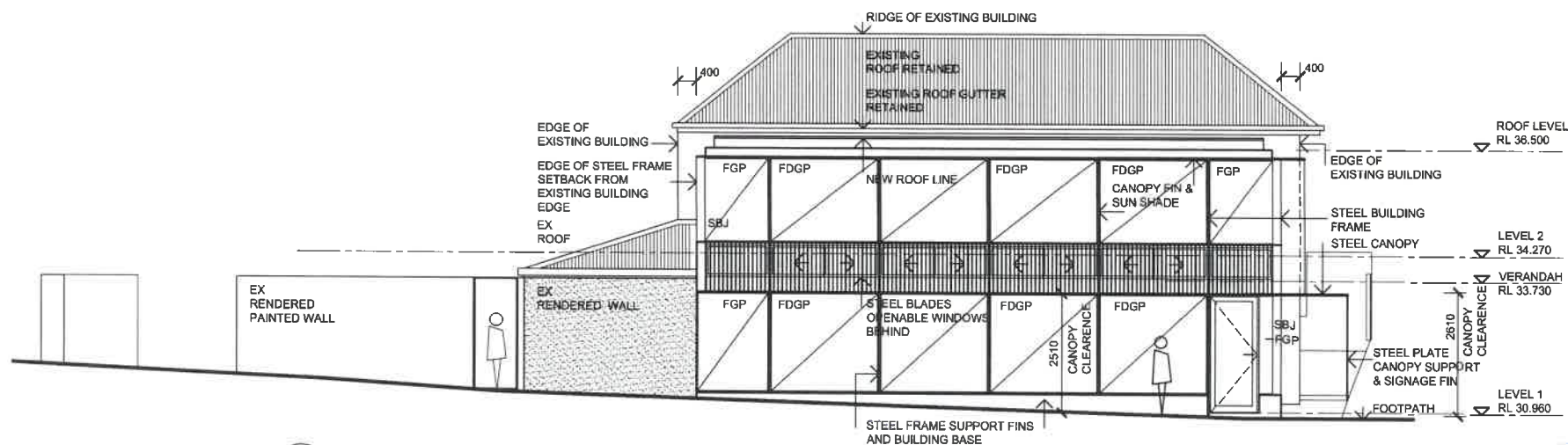
DRAWING No.	REVISION No.
A203	
DATE	22 January 2016
SCALE	1:100 @ A3
PROJECT CODE	CLF
APPROVAL	

Figures dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work. Copyright

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## LEGEND

SBJ	SILICON BUTT JOINT
FGP	FIXED GLASS PANEL
FDGP	FIXED DOUBLE GLAZED PANEL
EXW	EXISTING WINDOW
EXD	EXISTING DOOR
EXMB	EXISTING METER BOX
EX CF	EXISTING CHIMNEY FLUE

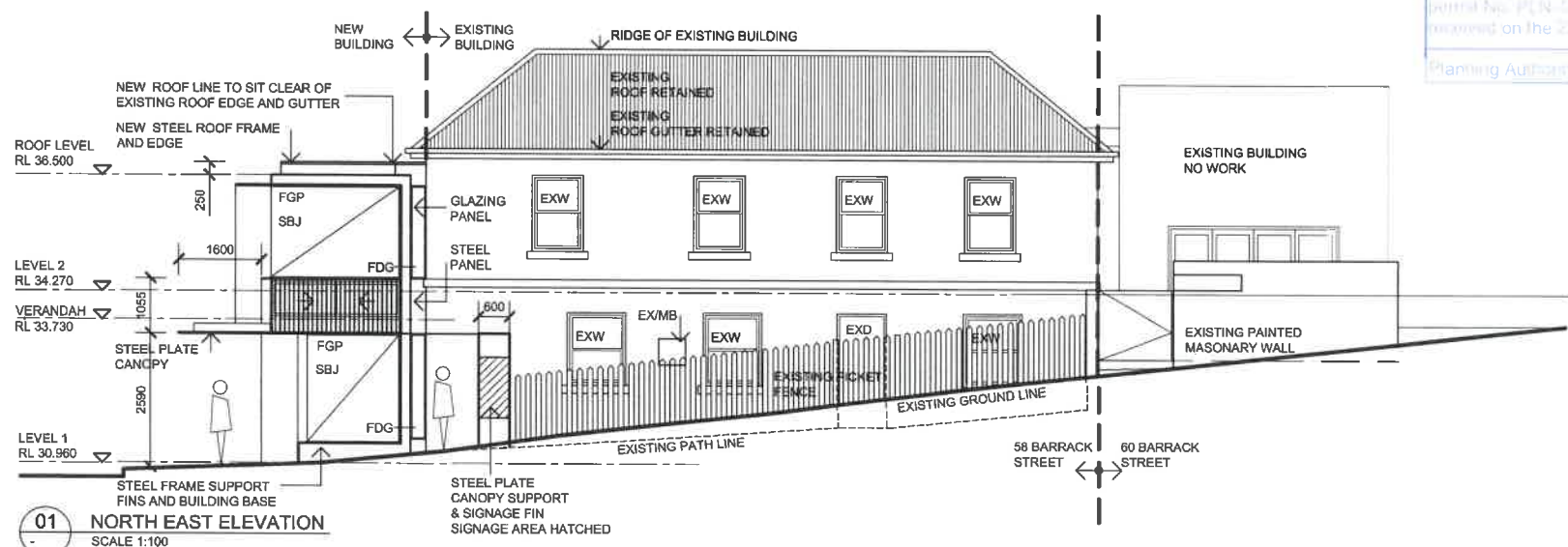


04 SOUTH EAST ELEVATION  
SCALE 1:100

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-5501553-01 and was received on the 22/01/2016.

Planning Authority: Hobart City Council



01 NORTH EAST ELEVATION  
SCALE 1:100

REV. No.	DESCRIPTION	DATE
A	DRAWINGS ALTERED IN RESPONSE TO COUNCIL LETTER OF 12 JAN 18	21-01-16
	AMMENDMENTS MADE TO ENTRY AND EXTENT OF CANOPY	

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PROJECT  
CORDWELL LANE FITOUT

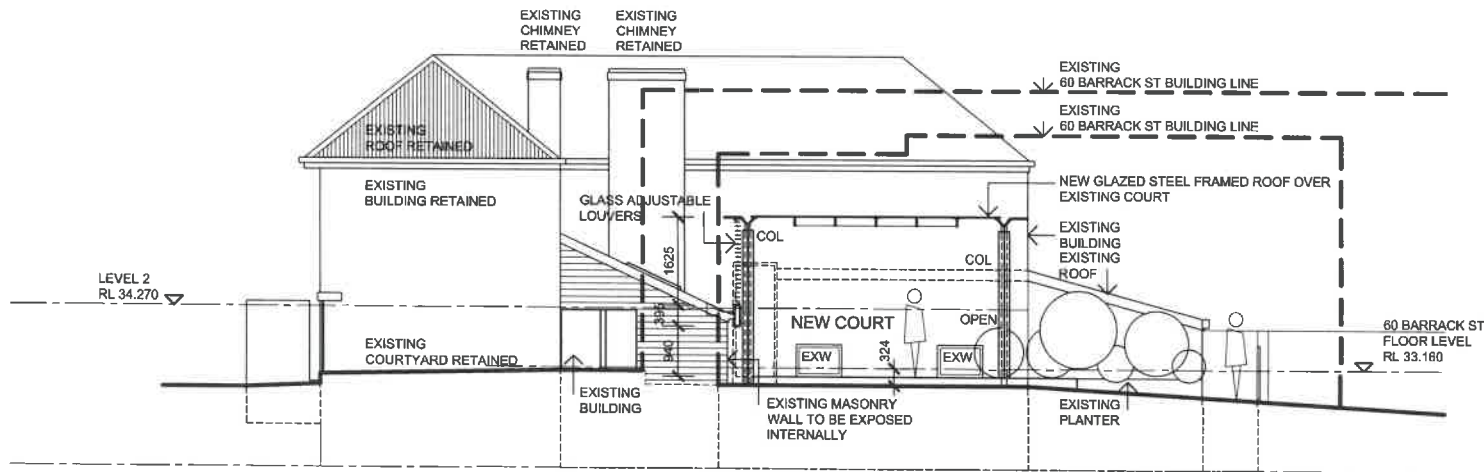
CLIENT  
CORDWELL LANE BUILDERS

TITLE  
ELEVATIONS 1

DRAWING No.	REVISION No.
A301	
DATE	22 January 2016
SCALE	1:100 @ A3
PROJECT CODE	CLF
APPROVAL	

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02 NORTH WEST ELEVATION  
SCALE 1:100

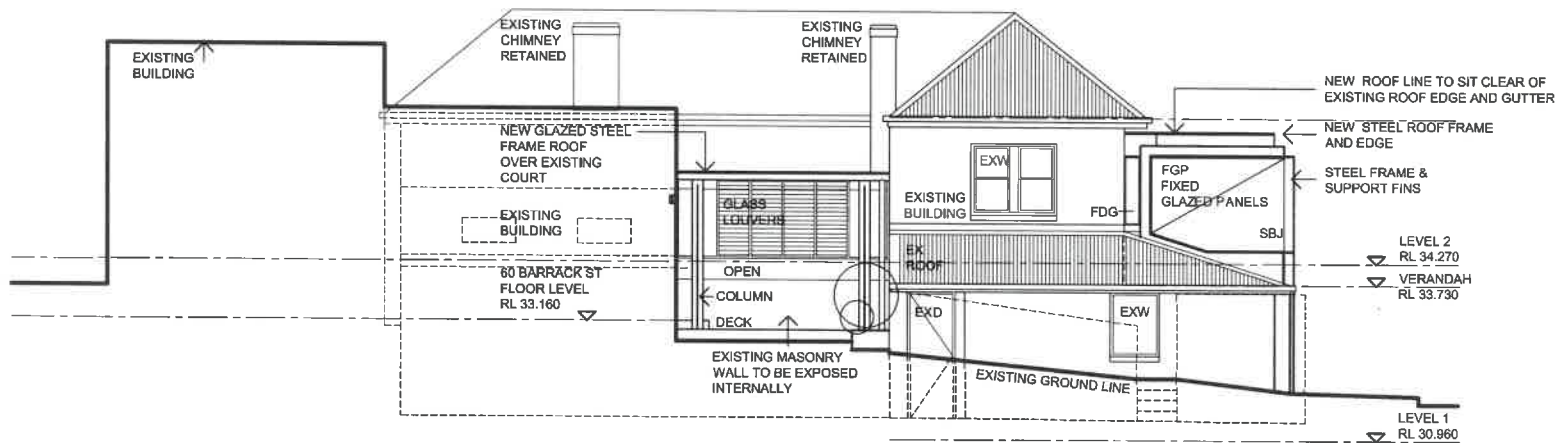
## LEGEND

SBJ	SILICON BUTT JOINT
FGP	FIXED GLASS PANEL
FDGP	FIXED DOUBLE GLAZED PANEL
EXW	EXISTING WINDOW
EXD	EXISTING DOOR
COL	COLUMN

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-15-01553-01 and was received on the 22/01/2016.

Planning Authority: Hobart City Council



03 SOUTH WEST ELEVATION  
SCALE 1:100

REV. No.	DESCRIPTION	DATE
A	DRAWINGS ALTERED IN RESPONSE TO COUNCIL LETTER OF 12 JAN 16	21-01-16
	AMMENDMENTS MADE TO ENTRY AND EXTENT OF CANOPY	

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SPACES

PROJECT  
CORDWELL LANE FITOUT

CLIENT  
CORDWELL LANE BUILDERS

TITLE  
ELEVATIONS 2

DRAWING No.	A302	REVISION No.	
DATE	22 January 2016		
SCALE	1:100 @ A3		
PROJECT CODE	CLF		
APPROVAL			

Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work. Copyright: 0 0.5 1.5 2.5 3



#### DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01553 and was received on the 30 March 2016

Planning Authority: Hobart City Council



CORDWELL LANE FITOUT

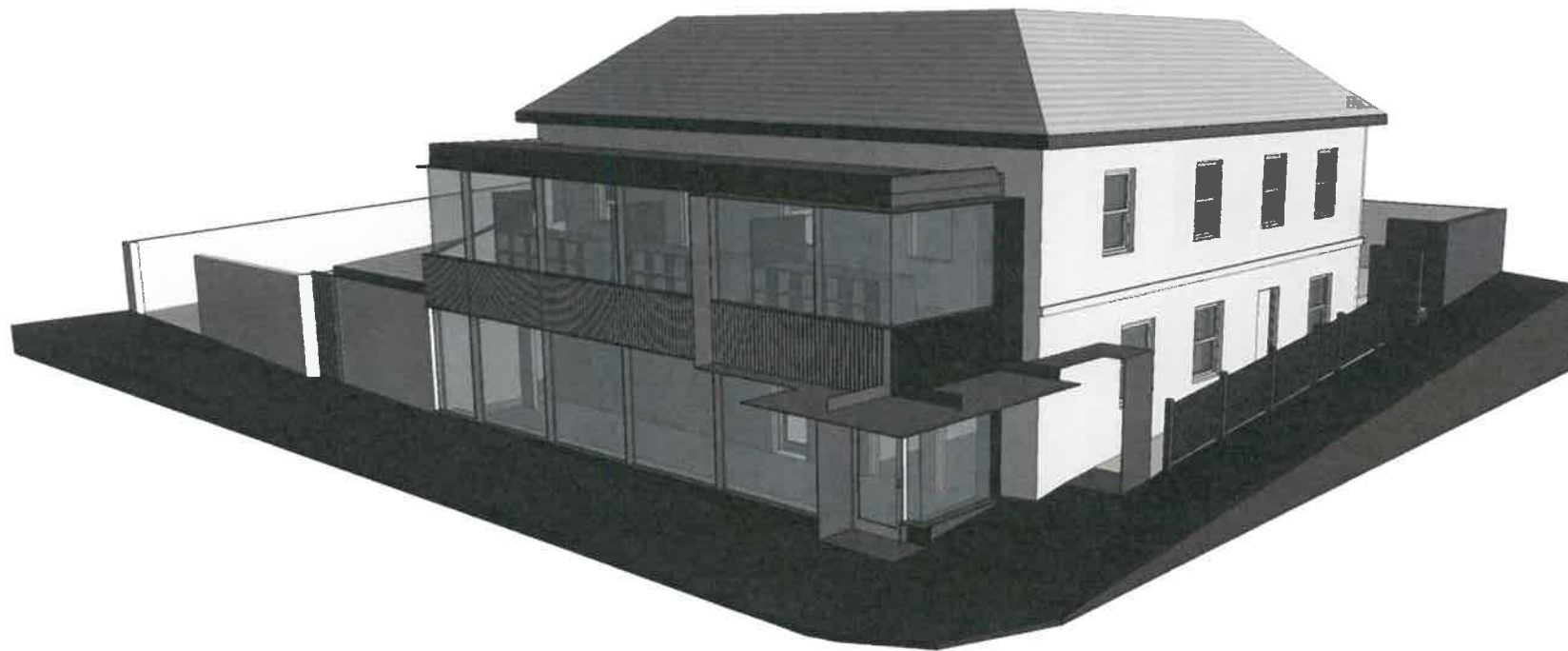
DA Application - Existing + Proposed Images

March 2016

LIMINAL  
SPACES

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01553 and was received on the 30 March 2016

Planning Authority: Hobart City Council



CORDWELL LANE FITOUT

DA Application - Existing + Proposed Images

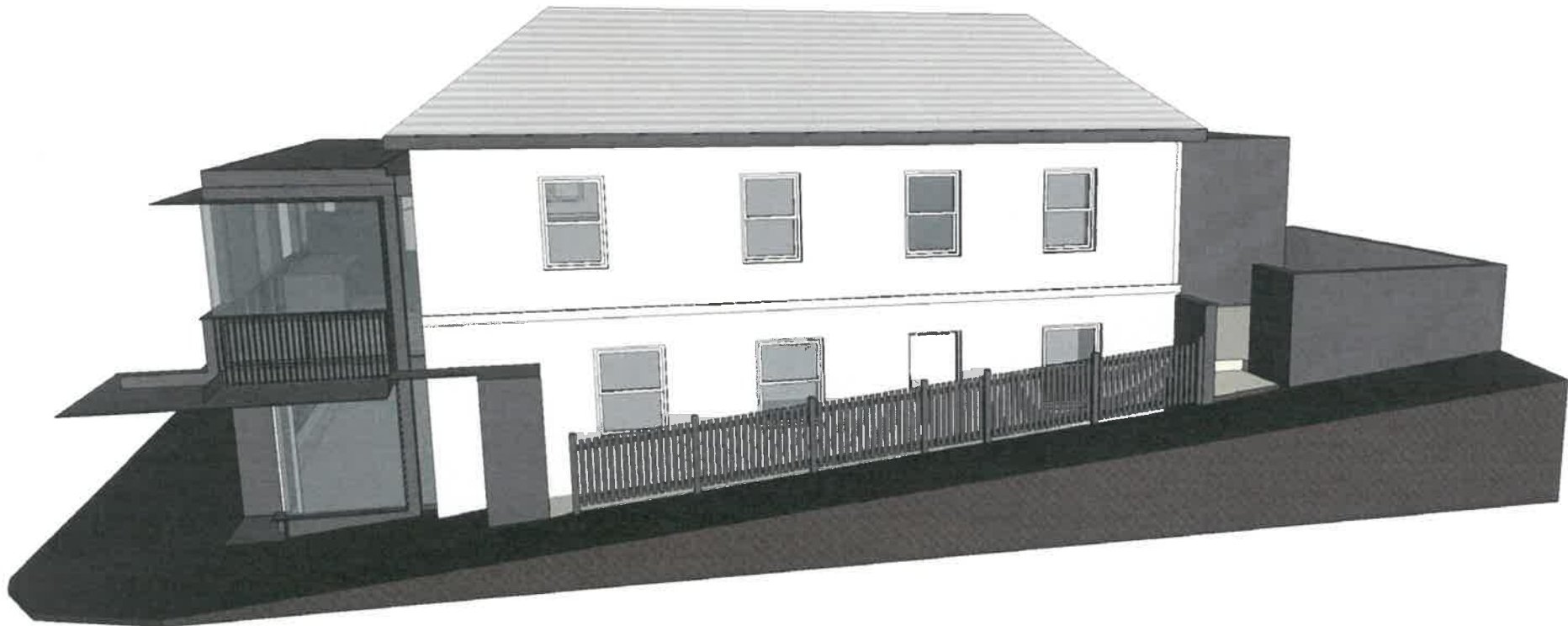
March 2016

LIMINAL  
SPACES



This document is one of the documents relevant to the application for a planning permit No.PLN-15-01553 and was received on the 30 March 2016

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CORDWELL LANE FITOUT

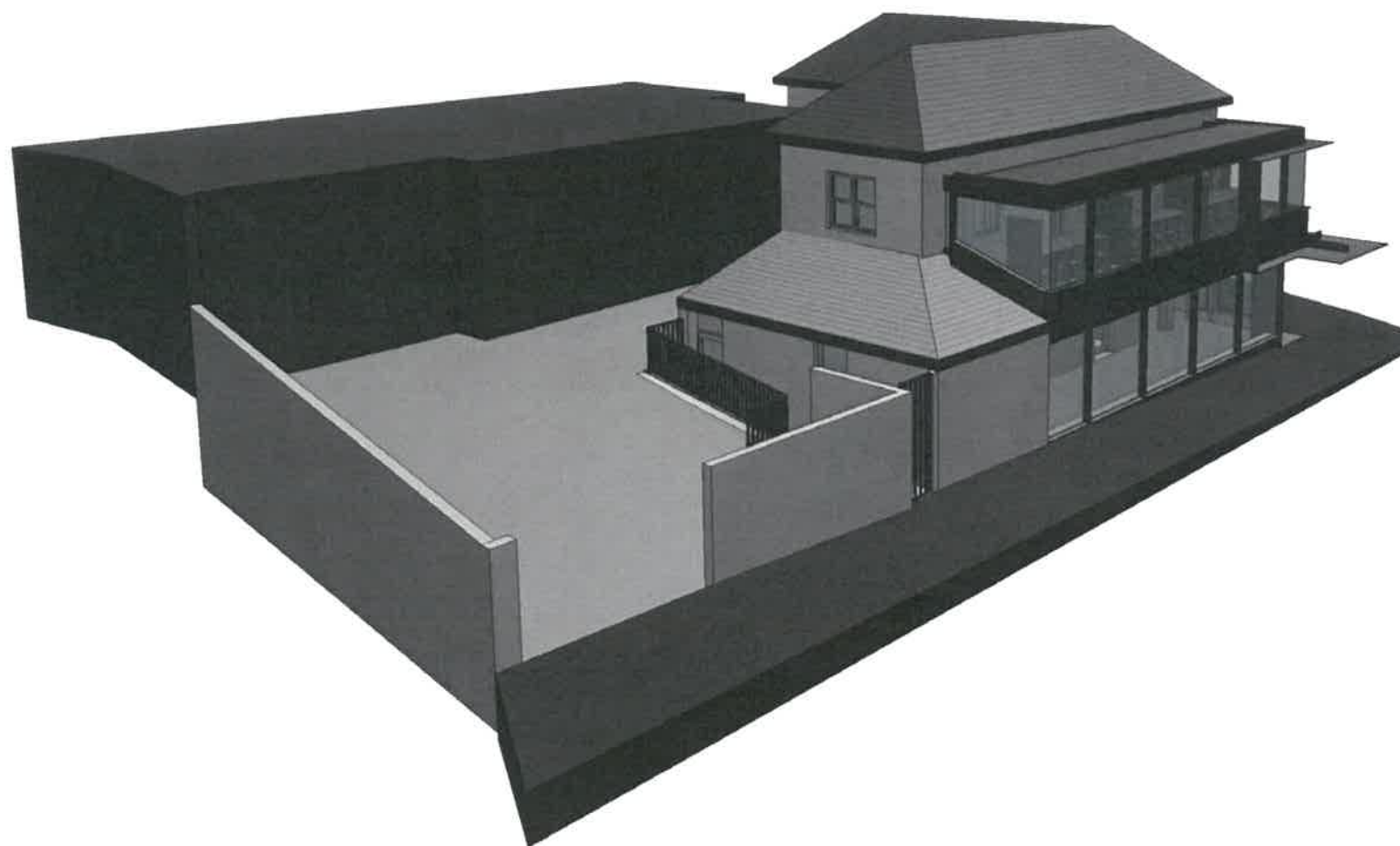
DA Application - Existing + Proposed Images

March 2016

LIMINAL  
SPACES

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01553 and was received on the 30 March 2016

Planning Authority: Hobart City Council



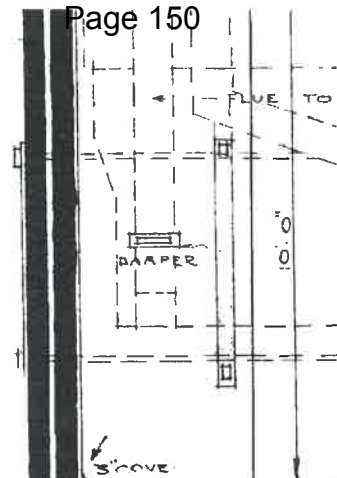
CORDWELL LANE FITOUT

DA Application - Existing + Proposed Images

March 2016

LIMINAL  
SPACES

Planning Authority: Hobart City Council



E U E V

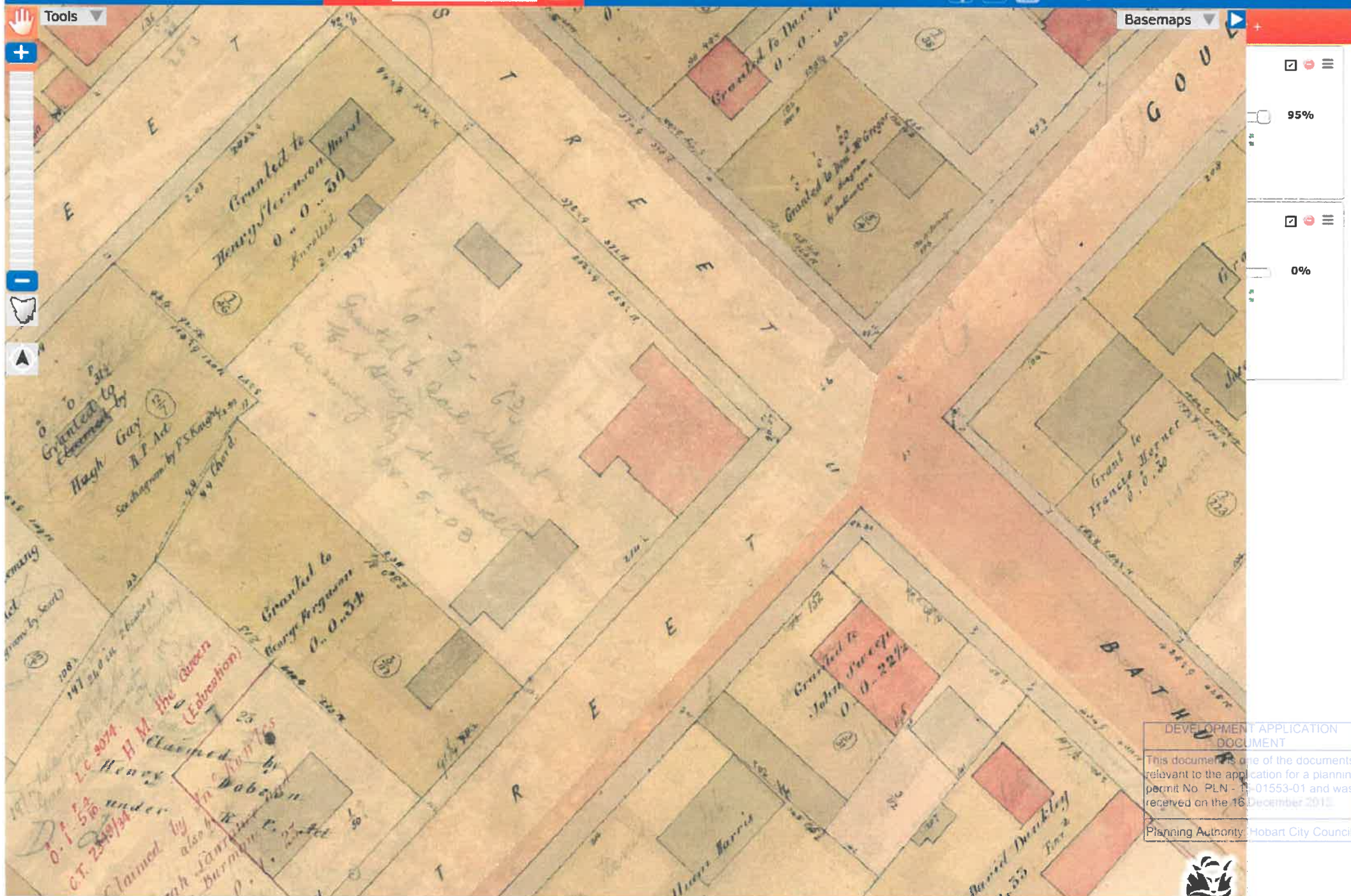
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DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-15-01553-01 and was received on the 16 December 2015.

Planning Authority: Hobart City Council



Tasmanian  
Government



DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN -- 15-01553-01 and was received on the 16 December 2015

Planning Authority: Hobart City Council



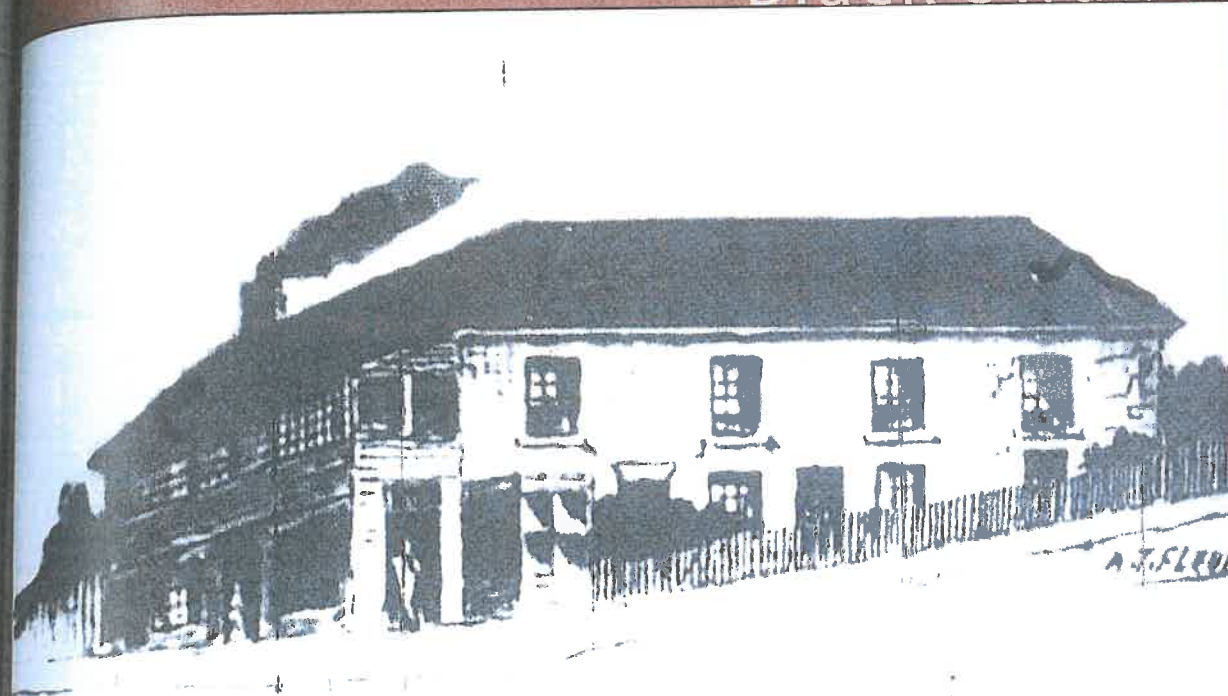


DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN - 15-01553-01 and was received on the 16 December 2015.

Planning Authority: Hobart City Council

## Black Swan Inn



*The Old Black Swan Inn Goulburn, New South Wales  
shown in the old days*

It seems that the Black Swan Inn, on the corner of Barrack and Goulburn streets, did not last for long. It was listed in Bent's Almanac of 1825, but there are no other references to the inn after 1835, and it is believed to have closed soon after.

The A.T. Fleury drawing was sent to the author by a friend in New South Wales who is a former Tasmanian. Unfortunately, the condition of the drawing was not as good as many of the artist's other works.

The photo shows that there have been no major changes in the building over the years.







## HERITAGE ASSESSMENT

APPLICATION NO: **PLN-15-01553-01**  
 ADDRESS: **58 Barrack Street**  
 DESCRIPTION: Partial demolition/alterations  
 PLANNER: Ben Ikin

### HIPS 2015 DISCRETIONS

E13.0 Heritage Place:	<input checked="" type="checkbox"/>	
E13.0 Heritage Precinct:	<input checked="" type="checkbox"/>	<i>Inner Hillside Housing/ Bathurst Street - WH5</i>
E13.0 Cultural Landscape Precinct:	<input type="checkbox"/>	<i>N/A</i>
E13.0 Place of Archaeological Potential	<input type="checkbox"/>	<i>N/A</i>
E17.0 Signs Code:	<input type="checkbox"/>	
E24.0 Significant Tree:	<input type="checkbox"/>	
Part F. Specific Area Plans:	<input type="checkbox"/>	<i>N/A</i>

### PRE-ADVERTISING HERITAGE ADVICE/ RFI

Assessment Method: ***Performance Criteria***

Is Additional Info Required? ***No Further Information Required***

Initial Response to Planner undertaken by:	<i>Sarah Waight</i>	Date: <i>25-Jan-16</i>
Additional Information Satisfied confirmed by:	<i>N/A</i>	Date:

### EXECUTIVE SUMMARY

It is considered that subject to conditions seeking minor redesign of the internal floor plan and retention of original fabric, the proposals would not result in detriment to the historic cultural heritage significance of the site and is therefore considered acceptable when measured against the performance criteria of HIPS 2015.

### HERITAGE ASSESSMENT



*i) 58 Barrack Street in context.*



*ii) Rear Courtyard.*

This application relates to a two storey brick built former Public House (The Black Swan) located on the corner of Barrack and Goulburn Streets. Dating from as early as 1825, the building forms a distinctive group of similar properties which stand on each corner of the junction and which were all originally built and operated as Public Houses. No.58 Barrack Street is slightly unusual in that very early on it is history; a covered double height enclosed veranda was added to the Goulburn Street elevation.

The Goulburn Street element and the most recent configuration of the enclosed veranda are currently sub-divided into two separate office spaces, whilst the Barrack Street element, which also includes a rear skillion roofed lean-to is currently unoccupied but which has been extensively used in the past for general storage by the current occupiers of one of the offices on site. The site forms part of the established commercial enclave within a largely inner city residential area consisting of a range of architectural styles but which clearly follow early residential plot layouts. The site is an identified Heritage Listed Place as set out in the Hobart Interim Planning Scheme 2015 whilst also forming part of the Inner Hillside Housing/ Bathurst Street Heritage Precinct (WH5).

The proposal seeks approval for the demolition of the existing front veranda and its replacement with a similar scaled addition, but with a greater emphasis on large areas of structural glazing to form the elevations, the removal of a number of internal features within the Barrack Street element to facilitate its use as an extension of the existing office accommodation, elements of rebuilding to the existing rear skillion roof element and the provision of a free standing glazed gazebo within the rear courtyard.

This precinct is significant for reasons including:

1. The quality and quantity of Colonial and Victorian/Federation period housing stock represent the economic boom period of the early to late nineteenth/early twentieth centuries.
2. A large number of individual buildings are intact examples of early to late nineteenth/early twentieth century architecture of high quality, many with landmark qualities.
3. The section of continuous two and three-storey early to late Victorian facades constructed from a variety of materials and located along an eastern section of Bathurst Street create a distinctive visual impression and outstanding streetscape qualities.
4. The section of continuous single-storey Colonial/Victorian Georgian residences constructed from brick and sandstone and located along a western section of Bathurst Street, create a distinctive visual impression and strong streetscape.
5. The small number of intact nineteenth/early twentieth century industrial structures located along Harrington Street are physical and working reminders of early Hobart industry.
6. The social significance of sections of streetscape and individual items to the local and broader community.

With regard to the proposed external demolition and development of the veranda, it is noted that the front enclosed veranda appears to have been subject to multiple alterations, with the ground floor being entirely re-built as a solid extension of the

Goulburn Street elevation. An internal examination of the upper floor of the veranda showed that whilst small elements of later joinery were still evident, very little if any elements of the original veranda constructed contemporary to the Black Swan Inn construction. It is therefore considered that the proposed demolition would not result in any significant loss of original fabric that contributes to the cultural significance of the site.



*iii) Interior of the upper floor of the veranda.*

With regard to the proposed replacement structure, it is noted that the proposal would make significant use of large areas of structural glazing contained within metal framework. The intention is to retain the form of the veranda, but to express it in a far lighter form and utilise modern materials to make it clearly a modern addition. The Applicant has suggested that the increase in glazing would allow the enclosed return elevational wall onto Goulburn Street to be revealed and read from the exterior of the building to a far greater degree which is accepted. It is noted that the degree of internal office fittings and fixtures would however reduce this 'free floating' appearance and the provision of internal blinds would of course produce an equally solid appearance as the existing structure. Nonetheless, it is considered that the proposed replacement structure would provide a far greater transition between the solid parts of the original building and the street and would represent an improvement to the current structure.

With regard to the proposed exterior alterations to the rear courtyard and lean-to, it is noted that the rear wall of the lean-to in particular is of relatively poor quality and has suffered from poor construction and sub-standard construction. Nonetheless, it would appear to be relatively sound structurally and its retention and improvement is welcomed. The proposed glazed portico would be almost entirely hidden from general view and would float off the walls of the older parts of the building. As such it is considered that it would have no material impact upon the overall heritage characteristics of the building or the wider Precinct.

Lastly, with regard to the proposed alterations to the interior of the main and currently unused body of the building, it was noted during an internal examination that substantial parts of the buildings joinery, including ground flooring, architraves, and skirting were no longer in situ. The original staircase had also been reduced to merely a supported series of treads and the ceiling of the upper floor was also missing. Only the upper floor fireplace grate was still on site, or be it no longer within the chimney breast, and large parts of plastering had also been removed. The rear lean-to had been reduced to merely a shell with no flooring or plastering of any description, including to the remains of the chimney.

Unfortunately, there would appear to be an incomplete photographic record of the interior of these parts of the building and so when the alterations and removal of fabric occurred is not known. However, it is considered that the basic floor plan is still intact and that pre-existing loss of original fabric should not render additional loss of original fabric acceptable.

With the above in mind, it is noted that the proposal seeks the removal of the remnants of the original stair and a large section of the remaining first floor timbers to produce a realigned and significantly widened staircase that effectively would open onto a mezzanine. With the removal of the ceiling already undertaken, the central part of the main body of the building would essentially become an entirely open area containing an entrance staircase. It is considered that this would render the building as merely a shell in which the original form and layout of the buildings original spaces would be almost entirely lost. Notwithstanding the intended loss of a further significant amount of original fabric, it is considered that this would detract from the cultural significance of the building.

On site discussions with the applicant appeared to suggested that the arrangement of the staircase and the form of the internal space was open to discussion and that the intention to remove the remaining floorboards could be altered. Similarly, it was acknowledged that the intended removal of a internal wall at first floor level in its entirety, treatment of the fireplaces, proposed method of flooring to the ground floor and attachment of proposed wooden cladding to the walls had not been fully realised in the design process and could therefore be the subject of later approval through condition.



*iv) Remnants of the original staircase.*



*v) Remnants of the ground fireplace.*

In view of the above, it is considered that the intended refurbishment of the main body of the building to ensure its regular use is important to secure its maintenance into the future. Further, the intended replacement of the veranda would allow more of the original dimensions of the main building to be read from the public realm whilst also making a clear architectural statement as to the modern origin of the new

‘veranda’ without it overwhelming the main building. However, the proposed internal alterations to the ground and first floor of the main building would further erode the special historical characteristics of the original building to an unacceptable degree.

Given the acceptance by the Applicant to re-visit the proposed internal works based on comments made on site, it is considered that the proposal is acceptable subject to condition seeking a limited redesign of the internal ground and first floor space based on retention of original fabric where feasible along with approval of details.

It is therefore considered that subject to the following condition and additional advice, the proposals would not result in detriment to the historic cultural heritage significance of the site as stated under Clauses E.13.7.1, E.13.7.2, E.13.8.1 and E.13.8.2.. The proposal is considered acceptable when measured against the performance criteria of HIPS 2015.

### Suggested Condition

HER s1 Prior the issue of any building consent under the Building Act 2000, drawings must be submitted for approval by Council’s Senior Statutory Planner showing the redesign of the internal spaces within the Barrack Street facing element of the original building based on the Heritage principles of retention of original fabric and floor plan where feasible. Plans must;

- show the substantial retention of the first floor floorboards by limiting the degree of opening required for the provision of a replacement staircase;
- show the retention of significant elements of internal walls to ensure the clear definition of the original floor plan.

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

*Advice: Once the plans has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*

### ***Reason for condition***

***To ensure that the work complies with the conservation principles, processes and practices set down in the Burra Charter and that development to a Heritage Listed Building is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.***

HER s2 Prior the issue of any building consent under the Building Act 2000, details must be submitted for approval by Council’s Senior Statutory Planner regarding the protection of existing fabric and the intended

fitting out of the internal spaces within the Barrack Street facing and rear lean-to elements of the original building. These details must include;

- confirmation as to the proposed style and method of installation of replacement flooring to the ground floor level,
- confirmation as to the proposed treatment of fireplace openings;
- confirmation as to the proposed attachment of internal timber or alternative cladding;

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

*Advice: Once the plans has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*

***Reason for condition***

***To ensure that the work complies with the conservation principles, processes and practices set down in the Burra Charter and that development to a Heritage Listed Building is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.***

***Advice*** - The applicant is advised that all original fabric, including internal timber work and features (excluding those items specifically identified in the subsequently approved plans for removal) are to be protected and conserved in situ. Any requirements for the removal of fabric other than that specified in the approved plans is to be discussed with Council's Cultural Heritage Officer prior to undertaking that work.



Nick Booth  
Heritage Officer  
20 April 2016



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

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### **6.3 APPLICATIONS UNDER THE CITY OF HOBART PLANNING SCHEME 1982**

- 6.3.1 REQUEST TO EXTEND TIME OF PLANNING PERMIT -  
76 & 78 LORD STREET & 74 LORD STREET, 23 RANDALL  
STREET, 113 PRINCES STREET & CT. 196882/1 SANDY BAY  
PARTIAL DEMOLITION, 4 FLATS, ONE HOUSE,  
SUBDIVISION (BOUNDARY ADJUSTMENT) & ASSOCIATED  
HYDRAULIC INFRASTRUCTURE - PLN-15-00222-01 – FILE  
REF: 5620268 & P/78/637  
24x's  
(Committee)**

The General Manager reports:

“In accordance with the provisions of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, this supplementary matter is submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”



5620268 P/78/637  
:RR  
(document1)

28 April, 2016

**MEMORANDUM: CITY PLANNING COMMITTEE**

**REQUEST TO EXTEND TIME OF PLANNING PERMIT  
76 & 78 LORD STREET & 74 LORD STREET, 23 RANDALL STREET, 113  
PRINCES STREET & CT. 196882/1 SANDY BAY  
PARTIAL DEMOLITION, 4 FLATS, ONE HOUSE, SUBDIVISION (BOUNDARY  
ADJUSTMENT) & ASSOCIATED HYDRAULIC INFRASTRUCTURE  
APPLICATION NO. PLN-15-00222-01**

**Background**

On 5 June 2015 a planning permit was issued under delegated authority for “Partial Demolition, 4 Flats, One House, Subdivision (Boundary Adjustment) and Associated Hydraulic Infrastructure” (the development) at 76 and 78 Lord Street and 74 Lord Street, 23 Randall Street, 113 Princes Street and CT. 196882/1, Hobart (the site).

The development was assessed under the *City of Hobart Planning Scheme 1982* and Planning Directive 4. It relied on performance criteria for use, rear setback, building envelope, privacy, residential density, private open space, parking and access. One objection was received.

No appeal against the approval of the development was made, and as a consequence the date the planning permit commenced was the date of approval, 05 June 2015.

The applicant has two years from the date of the permit to substantially commence the development, which is 5 June 2017. There has been no work undertaken to date.

The applicant has indicated that he cannot substantially commence the development before 5 June 2017 and has therefore requested a two year extension of time, until 5 June 2019.

The request is made under Section 53(5)(b) of the *Land Use Planning and Approvals Act 1993*. The reason given for the request is:

“This is a development in my backyard. I must move away for 12 months to address an urgent business issue in Strahan. This same issue has created some short term financial strain that be addressed easily but puts me under pressure considering the current start date [05 June 2017].”

### **Extension of Time Delegation**

Normally requests for extensions of time to a permit are dealt with at officer level under delegation. However, that delegation can only be exercised at officer level when the “strategic intent of the relevant planning scheme has not significantly changed”.

The applicant lodged the development application on 2 March 2015 at which time the *City of Hobart Planning Scheme 1982* was in force. However, on 20 May 2015 that changed with the *Hobart Interim Planning Scheme 2015* coming into force.

If the provisions of the *Hobart Interim Planning Scheme 2015* represent a significant change in the strategic intent to the provisions of the *City of Hobart Planning Scheme 1982* so far as they are applicable to the development, delegation to grant the extension of time to the permit rests with the City Planning Committee.

### **The Strategic Intent of the Planning Scheme**

Under the *City of Hobart Planning Scheme 1982* and Planning Directive 4 the site was located in the residential 1 zone and the development relied on a number of performance criteria including use, rear setback, building envelope, privacy, residential density, private open space, parking and access.

Under the *Hobart Interim Planning Scheme 2015* the site is located in the inner residential zone. A preliminary assessment of the development against the provisions of the *Hobart Interim Planning Scheme 2015* suggest that it would rely on similar performance criteria, including density, building envelope, setback, private open space, privacy and parking.

As such it is considered that so far as the development standards that are applicable to the development are concerned, there has not been a significant change in the strategic intent from the previous *City of Hobart Planning Scheme 1982* to the current *Hobart Interim Planning Scheme 2015*.

There is, however, a change to the heritage status of the dwelling between the two planning schemes: under the *City of Hobart Planning Scheme 1982* the site had no heritage status; under the *Hobart Interim Planning Scheme 2015*, the site is within Heritage Precinct SB2.

The heritage status is considered to be a significant change to the strategic intent of the scheme, and so delegation to approve the extension of time to the permit request rests with the City Planning Committee.

### **Heritage Assessment**

The Council's Senior Cultural Heritage Officer has reconsidered the proposal against the provisions of the *Hobart Interim Planning Scheme 2015* and undertaken an additional site visit. The officer is of the view that the proposal is compliant with the relevant heritage provisions of the planning scheme, and that if it was lodged as a development application under this planning scheme it would be recommended for approval on heritage grounds. The officer has indicated that on that basis, there is no heritage objection to extending the time of the permit.

### **Conclusion**

The strategic intent of the *Hobart Interim Planning Scheme 2015* has significantly changed in respect of 76 and 78 Lord Street and 74 Lord Street, 23 Randall Street, 113 Princes Street and CT. 196882/1, Hobart as the site is now within a heritage precinct.

The Council's Senior Cultural Heritage Officer has advised that the development meets the heritage provisions of the *Hobart Interim Planning Scheme 2015* and would be recommended for approval if lodged as a development application under this scheme.

If the City Planning Committee grants the extension of time request, the applicant will have until 5 June 2019 to substantially commence the work.

If the Council refuses to grant the extension of time request, the applicant may lodge a new development application which will be assessed under the *Hobart Interim Planning Scheme 2015*.

There is no provision under the *Land Use Planning and Approvals Act 1993* to appeal an extension of time refusal.

**Recommendation**

It is recommended that the Council approve the extension of time request lodged under Section 53(5)(b) of the *Land Use Planning and Approvals Act 1993* in respect of PLN-15-00222-01.

A handwritten signature in black ink, appearing to be 'B. Ikin', with a horizontal line extending to the right.

(Ben Ikin)

**DEVELOPMENT APPRAISAL PLANNER**

Attachment A – Approved Plans

1wD

Lachlan Walsh

DESIGN

TASMANIA ACCREDITATION NUMBER: CC 6162 E

ABN: 94 660 558 746

8 Sorell St (PO Box 231)

Devonport TAS, 7310

P: 6424 8053

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INDEX		
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B	102	DEMOLITION SITE PLAN
B	103	SITE PLAN
B	104	DRAINAGE PLAN
B	105	ADDITIONAL INFORMATION
B	106	DRIVEWAY DESIGN
B	107	FLOOR PLAN - UNIT 1
B	108	ELEVATIONS 1 of 2 - UNITS 1 & 2
B	109	ELEVATIONS 2 of 2 - UNIT 1 & 2
B	110	FLOOR PLAN - UNIT 3
B	112	ELEVATIONS 1 of 2 - UNIT 3
B	113	ELEVATIONS 2 of 2 - UNIT 3
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B	115	ELEVATIONS 1 of 2 - UNIT 4 & 5
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DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-15-00222-01 and was received on the 26/03/2015.

Planning Authority: Hobart City Council

GENERAL INFORMATION	
LAND TITLE REF. NUMBER	116068 / 2
DESIGN WIND CATEGORY (AS 4055)	N2
SOIL CLASSIFICATION (AS 2870)	UNKNOWN
CLIMATE ZONE (BCA 3.12)	ZONE 7
BAL RATING (AS 3959)	LOW

NOTES

Approved - Planning Only

NOT FOR CONSTRUCTION

- PROPOSED BUILDINGS ENERGY EFFICIENCY WILL BE IN ACCORDANCE WITH REQUIREMENTS STATED UNDER THE B.C.A 3.12

- DO NOT SCALE DRAWINGS, IF ANY DIMENSION NEEDS TO BE CLARIFIED OR RE ASSESSED PLEASE CONTACT LACHLAN WALSH DESIGN

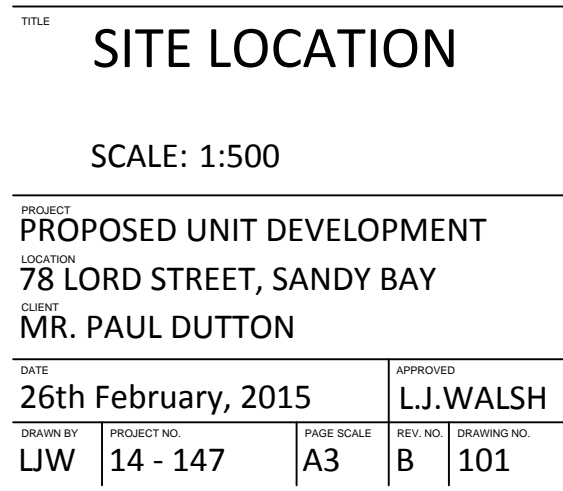
PROJECT NUMBER: 14 - 147

PROPOSED UNIT DEVELOPMENT

78 LORD STREET, SANDY BAY

MR. PAUL DUTTON





**NOTE:**  
CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.  
  
IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL RELEVANT AUTHORITIES AND OBTAIN APPROVALS FOR ALL WORKS.

NOTES AND SYMBOLS

ALL STORM WATER, SEWER & WATER CONNECTION POINT LOCATIONS MUST BE CONFIRMED BEFORE CONSTRUCTION STARTS.

84.0m

---

CONTOUR LINE

---

PIPE LINE (S.W. / S. / W.M.)

---

CONNECTION POINT(S.W. / S. / W.M.)

G.D.

GRATED DRAIN

F.H.

FIRE PLUG LOCATION

W.M.

WATER METER LOCATION

T.

TELSTRA PIT LOCATION

L.P.

STREET LIGHT POLE

M.H.C

MAN HOLE COVER

F.F.L. 5.500

FLOOR & GROUND FINISH LEVEL

I.L. 4.500

INVERT LEVEL INDICATOR

VEGETATION

DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-15-00222-01 and was received on the 26/03/2015.

Planning Authority: Hobart City Council

Lachlan Walsh DESIGN

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ABN: 94 660 558 746  
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P: 6424 8053  
E: ljwalsh7@gmail.com

NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-

TITLE

DEMOLITION SITE PLAN

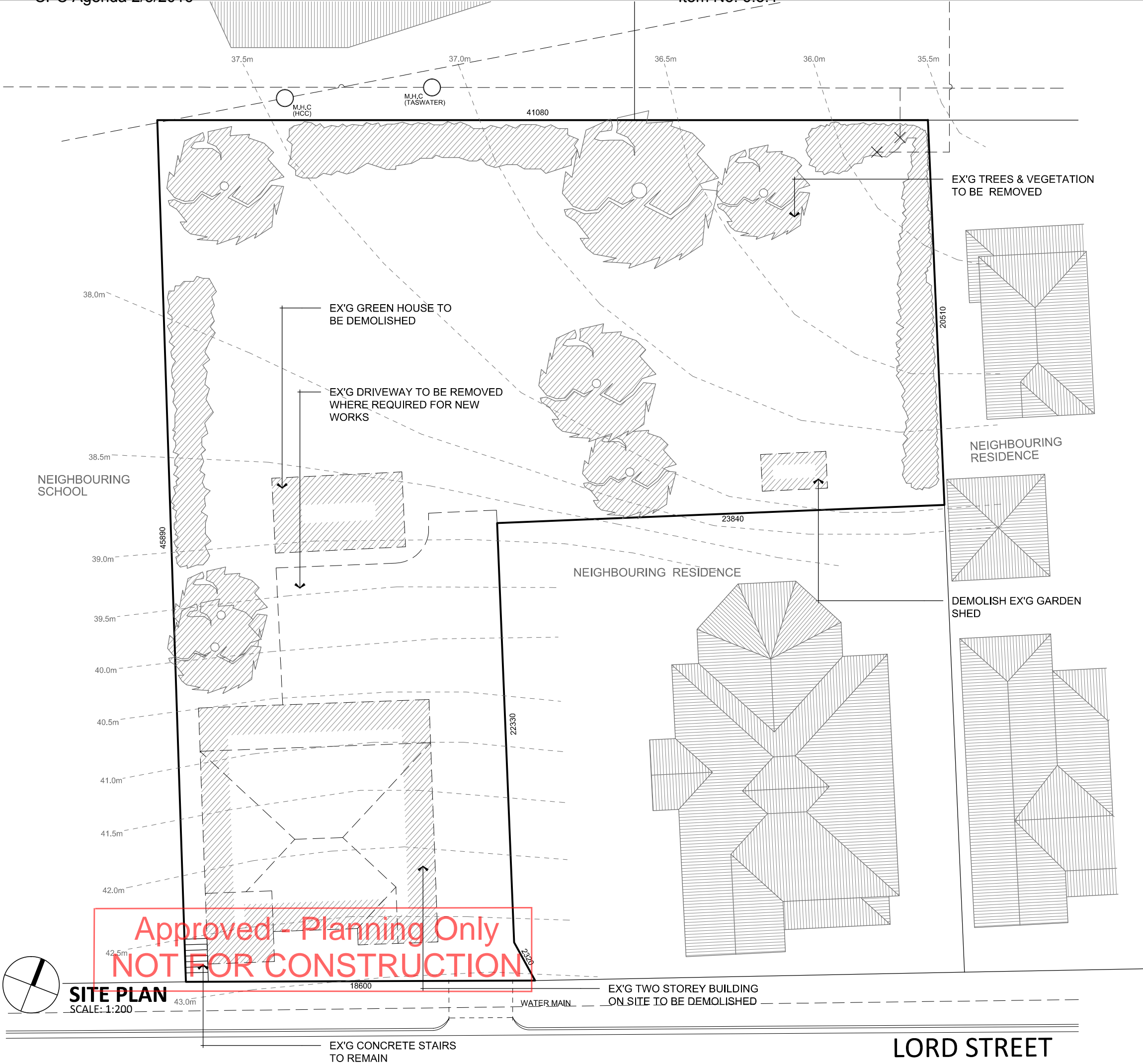
SCALE: 1:200

PROJECT  
PROPOSED UNIT DEVELOPMENT

LOCATION  
78 LORD STREET, SANDY BAY

CLIENT  
MR. PAUL DUTTON

DATE 26th February, 2015			APPROVED L.J.WALSH	
DRAWN BY LJW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 102














## NOTE:

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## NOTES AND SYMBOLS

ALL STORM WATER, SEWER & WATER CONNECTION POINT LOCATIONS MUST BE CONFIRMED BEFORE CONSTRUCTION STARTS.

84.0m - - - - -	CONTOUR LINE
- - - - -	PIPE LINE (S.W. / S. / W.M.)
- - - - - X	CONNECTION POINT(S.W. / S. / W.M.)
	GRATED DRAIN
	FIRE PLUG LOCATION
	WATER METER LOCATION
	TELSTRA PIT LOCATION
	STREET LIGHT POLE
	MAN HOLE COVER
	FLOOR & GROUND FINISH LEVEL
	INVERT LEVEL INDICATOR
	VEGETATION

## AREA SCHEDULE

LOCATION	AREA
SITE	1301m <sup>2</sup>
FOOTPRINT - UNIT 1	125m <sup>2</sup> (13.45 Sq)
FOOTPRINT - UNIT 2	121m <sup>2</sup> (13.02 Sq)
FOOTPRINT - UNIT 3	128m <sup>2</sup> (13.77 Sq)
FOOTPRINT - UNIT 4	113m <sup>2</sup> (12.16 Sq)
FOOTPRINT - UNIT 5	102m <sup>2</sup> (10.97 Sq)

## DEVELOPMENT APPLICATION DOCUMENT

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Planning Authority: Hobart City Council

**lwD**  
Lachlan Walsh DESIGN  
TASMANIA ACCREDITATION NUMBER: CC 6162 E  
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-	-	-	-
-	-	-	-

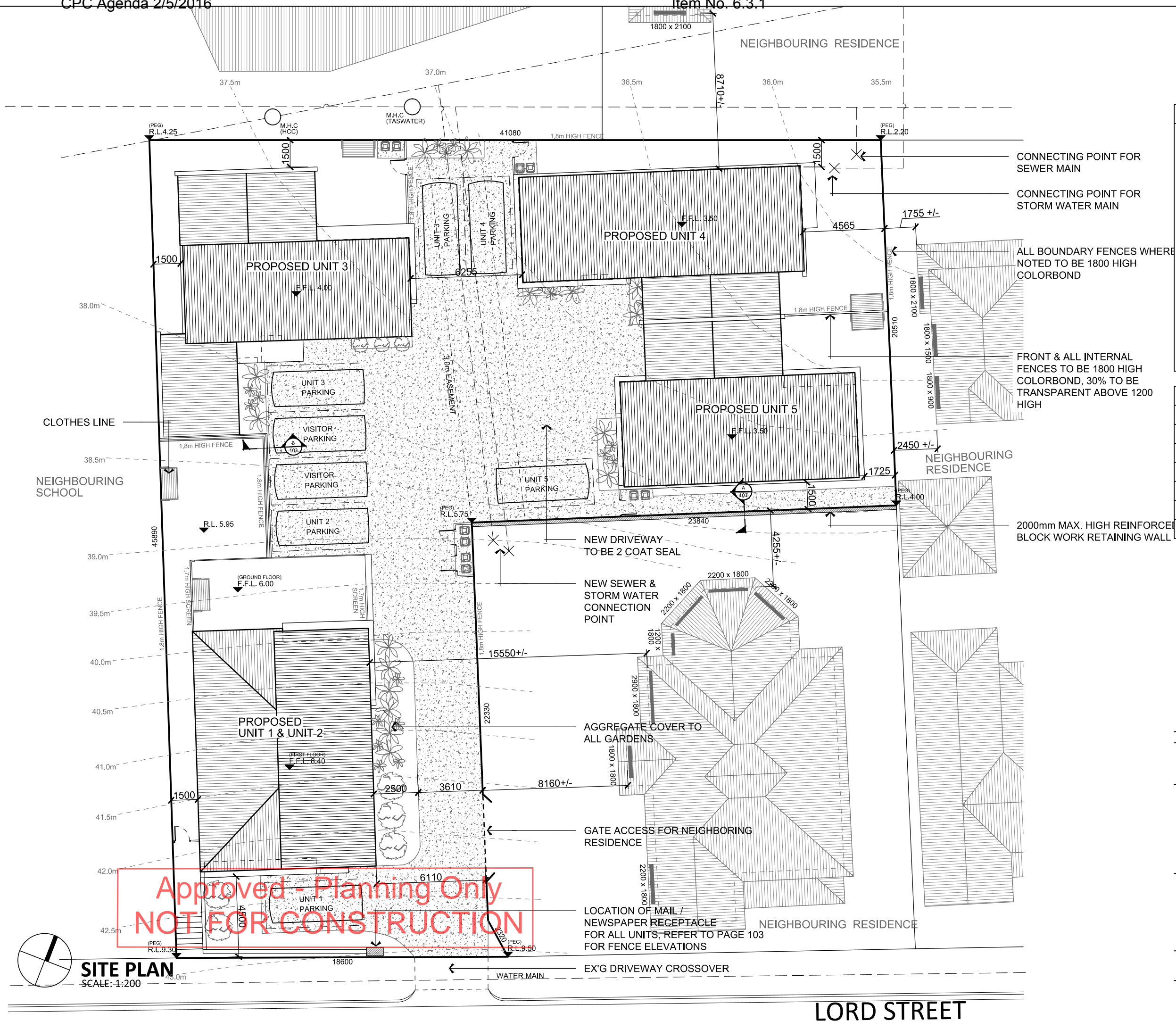
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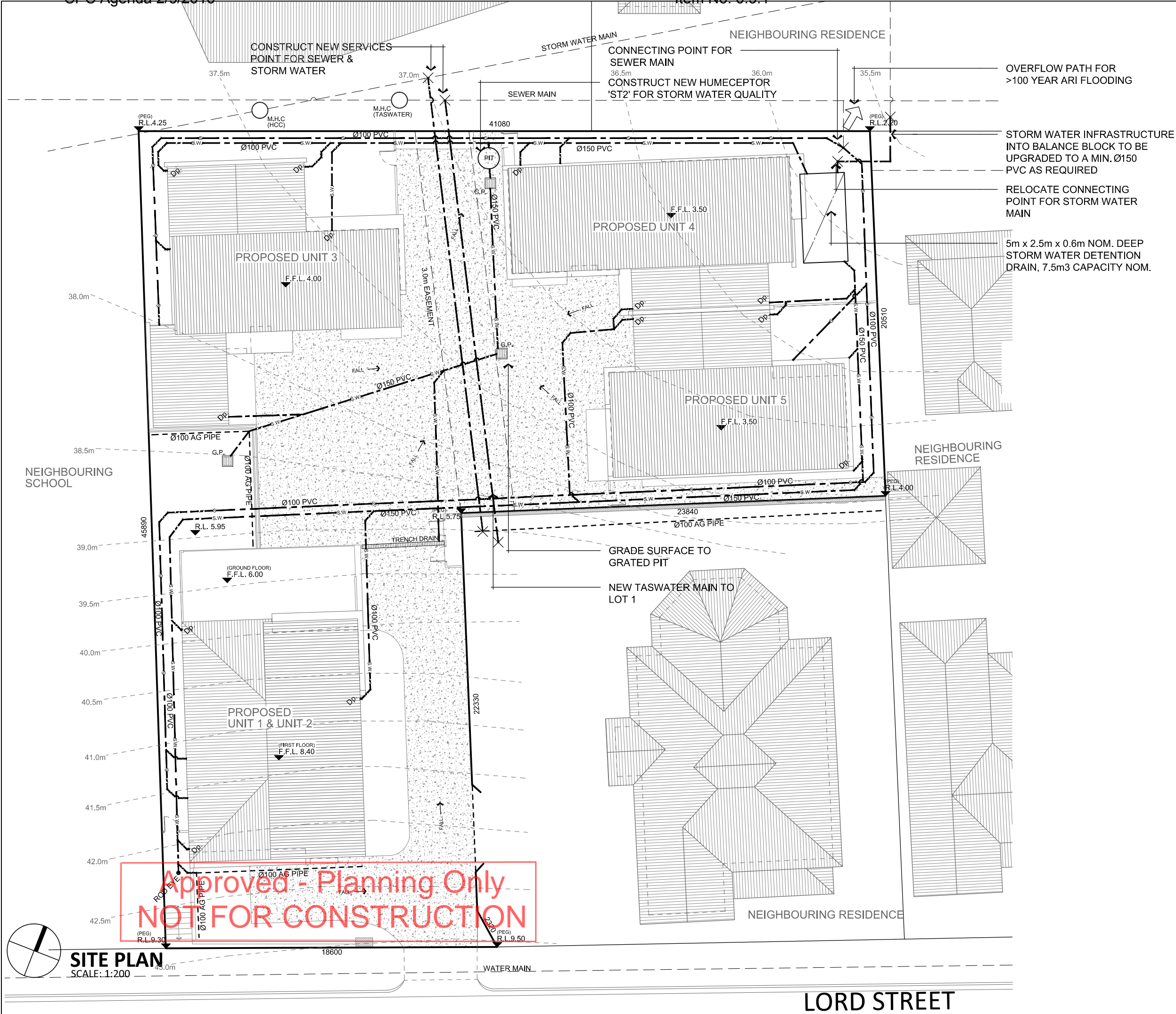
## SITE PLAN

SCALE: 1:200

PROJECT  
**PROPOSED UNIT DEVELOPMENT**  
LOCATION  
**78 LORD STREET, SANDY BAY**  
CLIENT  
**MR. PAUL DUTTON**

DATE <b>26th February, 2015</b>	APPROVED <b>L.J. WALSH</b>
DRAWN BY <b>LJW</b>	PROJECT NO. <b>14 - 147</b>
PAGE SCALE <b>A3</b>	REV. NO. <b>B</b>
DRAWING NO. <b>103</b>	





**NOTE:**  
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NOTES AND SYMBOLS	
	EX'G SEWER LINE
	SEWER LINE
	EX'G STORMWATER LINE
	STORMWATER LINE
	EX'G WATER LINE
	DOWN PIPE TYPES

**NOTE: S.W. DETENTION DESIGN CRITERIA**  
DETENTION STORAGE - DESIGN ARI = 20 YEARS  
DESIGN VOL. = 6.8 CU.M  
VOL. ACHIEVED = >7.5 CU.M

IMPERVIOUS AREA DESIGN - 1050 SQ.M.(81%)  
IMPERVIOUS AREA PRE - DEVELOPMENT (32%) = 416 SQ.M.  
OVERFLOW LIMIT FOR 20 YEARS A.R.I. = 5.2 L/SEC.

DEVELOPMENT APPLICATION DOCUMENT

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Planning Authority: Hobart City Council

**lwd**  
Lachlan Walsh DESIGN

TASMANIA ACCREDITATION NUMBER: CC 6162 E  
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-	-	-	-
-	-	-	-

TITLE

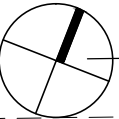
DRAINAGE PLAN

SCALE: 1:200

PROJECT  
PROPOSED UNIT DEVELOPMENT  
LOCATION  
78 LORD STREET, SANDY BAY  
CLIENT  
MR. PAUL DUTTON

DATE  
26th February, 2015  
APPROVED  
L.J.WALSH

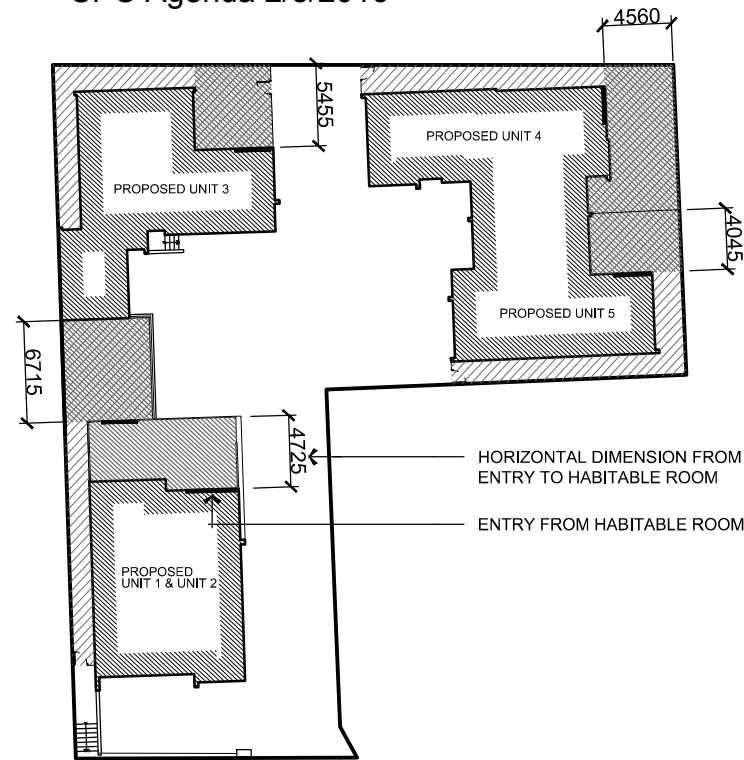
DRAWN BY  
LJW  
PROJECT NO.  
14 - 147  
PAGE SCALE  
A3  
REV. NO.  
B  
DRAWING NO.  
104



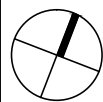
**SITE PLAN**  
SCALE: 1:200

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NOT FOR CONSTRUCTION

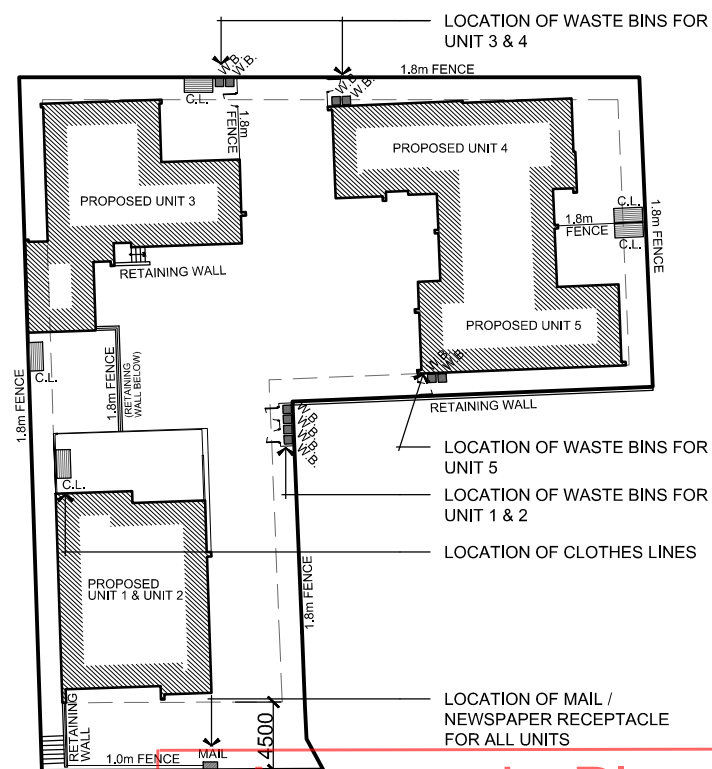




LORD STREET

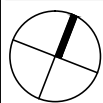
**PRIVATE OPEN SPACE**

SCALE: 1:500



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LORD STREET

**WASTE STORAGE, FENCING & CLOTHES LINES**

SCALE: 1:500

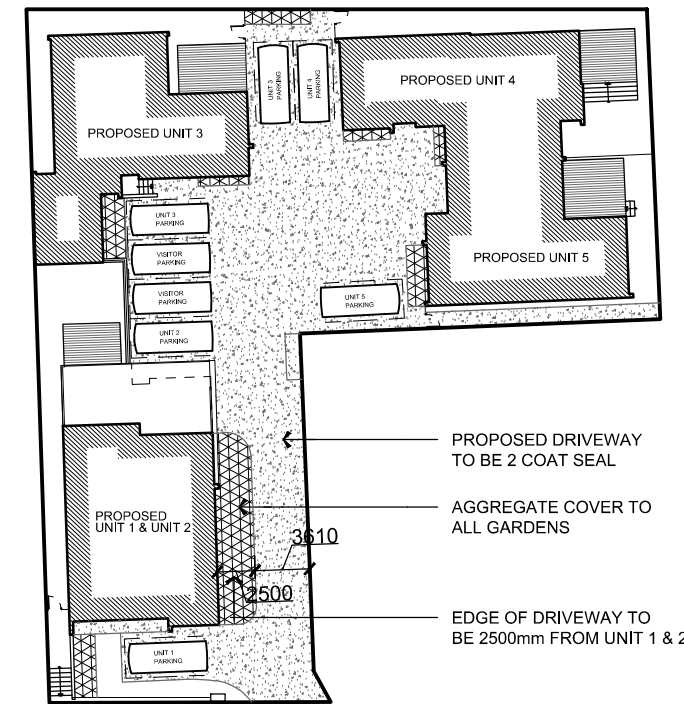
**NOTE****PARKING:**

UNDER THE HOBART PLANNING SCHEME, IT IS REQUIRED THAT 9 PARKS SPACES BE PROVIDED. AS THERE IS ONLY 8 PROVIDED, THE FOLLOWING SHOULD BE CONSIDERED,

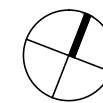
- 180m AT THE END OF LORD STREET IS A PUBLIC BUS STOP
- THE PROPERTY BACKS ONTO A SCHOOL AS WELL AS BEING .8km FROM THE UNIVERSITY
- .8km FROM PUBLIC OPEN SPACE (PARLIAMENT STREET RESERVE & FITZROY GARDENS)
- 1.0km FROM SHOPS
- ACCESS TO STREET PARKING

**SUNLIGHT ACCESS:**

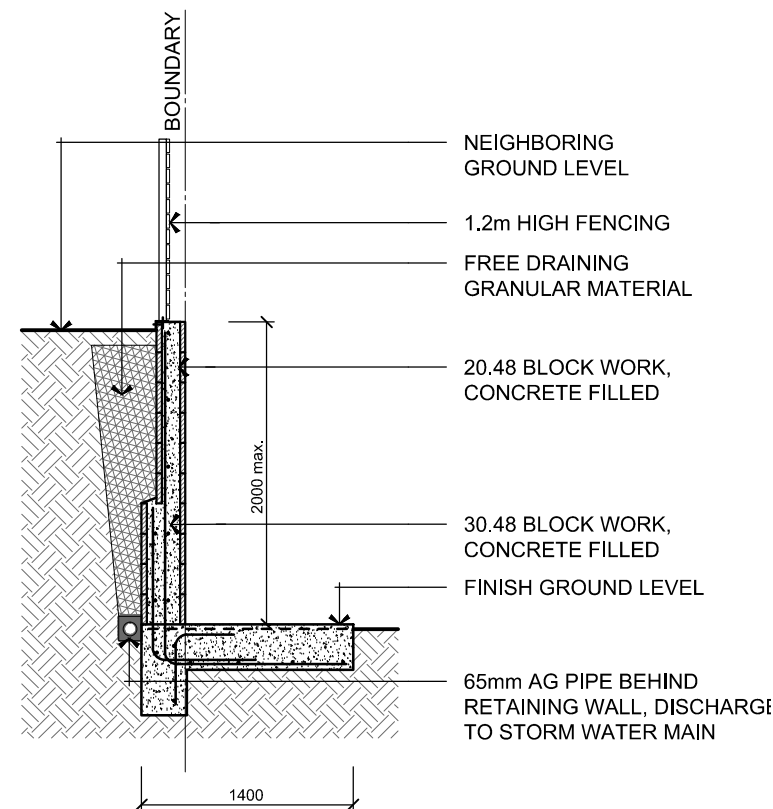
UNDER THE HOBART PLANNING SCHEME, IT IS REQUIRED THAT WINDOWS TO A HABITABLE ROOM ARE TO FACE NORTH OR 30 DEGREES EAST OR WEST OF NORTH. AS THE NATURE OF THE SITE'S ORIENTATION EACH LIVING ROOM IN ALL UNITS HAS BEEN DESIGNED WITH CORNER WINDOWS THAT ARE PREDOMINATELY FACING NORTH. THIS WILL ALLOW SUFFICIENT AMOUNT OF SUNLIGHT AND DAYLIGHT INTO THE ROOMS



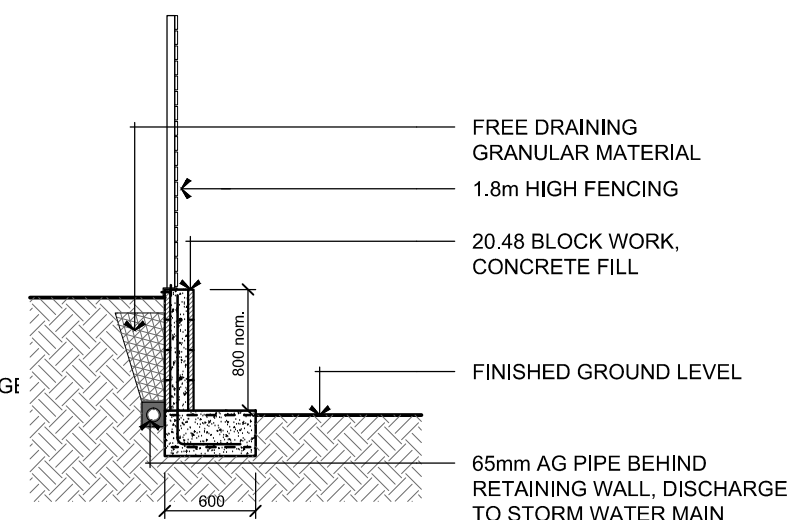
LORD STREET

**PARKING, DRIVEWAY & VEGETATION**

SCALE: 1:500

**SECTION A**

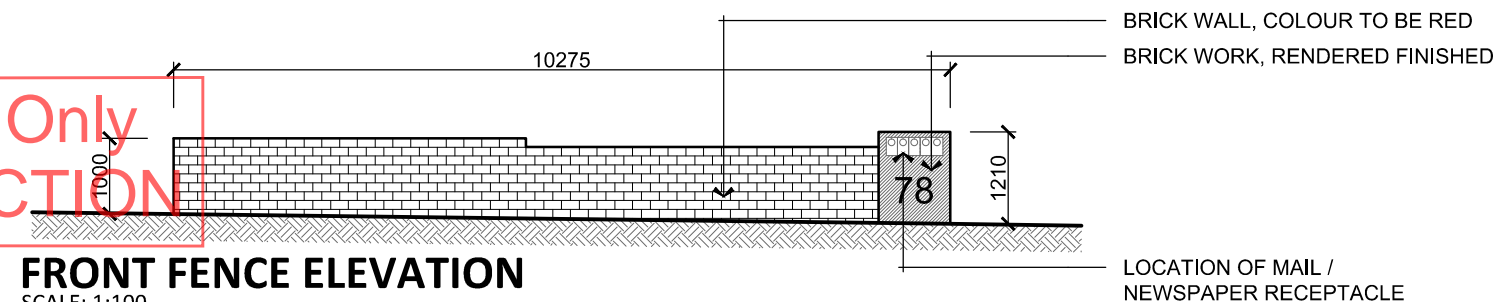
SCALE: 1:50

A  
102**SECTION B**

SCALE: 1:50

B  
102**FRONT FENCE ELEVATION**

SCALE: 1:100

**NOTE:**

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**NOTES AND SYMBOLS**

- PRIVET OPEN SPACE (ACCESS FROM HABITABLE ROOM)
- PRIVET OPEN SPACE (TOTAL)
- HABITABLE ROOM DOOR LOCATION

**PRIVET OUTDOOR SPACE SCHEDULE**

LOCATION	PRIVET SPACE (ACCESS FROM HABITABLE ROOM)	PRIVET SPACE (TOTAL)
UNIT 1	41m <sup>2</sup> (4.41 Sq)	41m <sup>2</sup> (4.41 Sq)
UNIT 2	39m <sup>2</sup> (4.19 Sq)	63m <sup>2</sup> (6.78 Sq)
UNIT 3	28m <sup>2</sup> (3.01 Sq)	58m <sup>2</sup> (6.24 Sq)
UNIT 4	47m <sup>2</sup> (5.05 Sq)	74m <sup>2</sup> (7.96 Sq)
UNIT 5	25m <sup>2</sup> (2.58 Sq)	59m <sup>2</sup> (6.35 Sq)

**PARKING, DRIVEWAY & VEGETATION AREAS**

- IMPERMEABLE AREA : 2 COAT SILL 456m<sup>2</sup>
- PERMEABLE AREA: TIMBER DECKING 58m<sup>2</sup>
- VEGETATION AREA: GARDEN BEDS 58m<sup>2</sup>
- GRASS AREAS 198m<sup>2</sup>

**DEVELOPMENT APPLICATION DOCUMENT**

This document is one of the documents relevant to the application for a planning permit No. PLN-15-00222-01 and was received on the 26/03/2015.

Planning Authority: Hobart City Council

**lwD**  
Lachlan Walsh DESIGN  
TASMANIA ACCREDITATION NUMBER: CC 6162 E  
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8 Sorell St (PO Box 231)  
Devonport TAS, 7310  
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NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-
-	-	-	-

TITLE

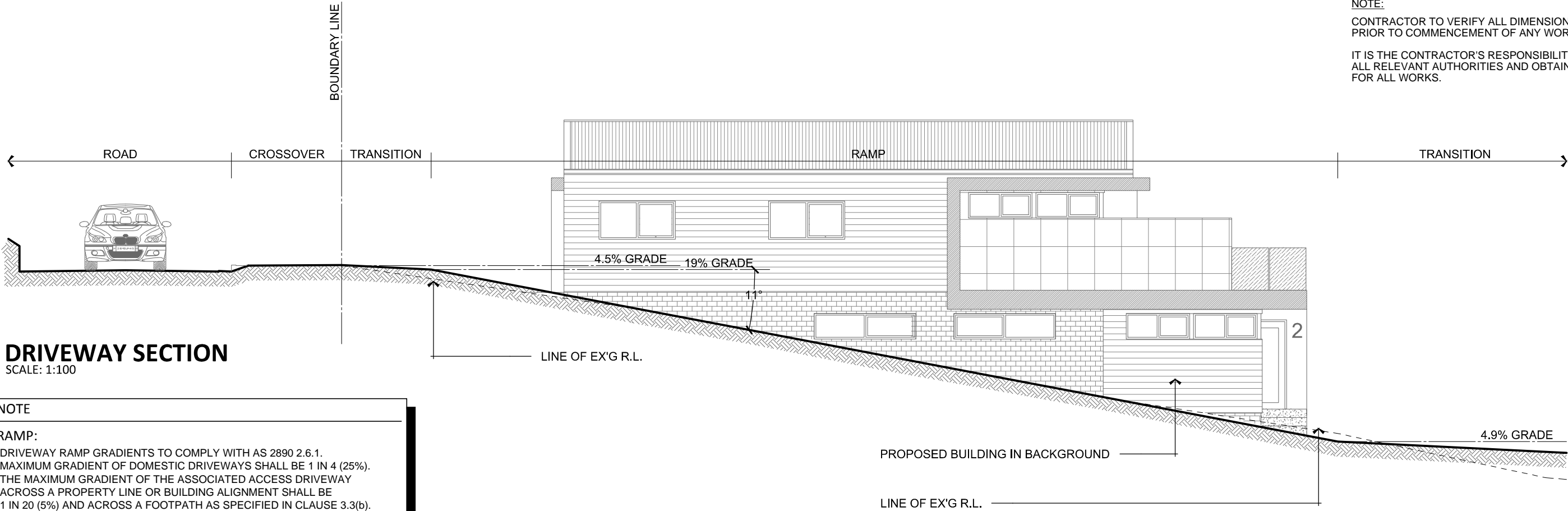
**ADDITIONAL INFORMATION**

SCALE: 1:500 &amp; 1:50

PROJECT  
**PROPOSED UNIT DEVELOPMENT**  
LOCATION  
**78 LORD STREET, SANDY BAY**  
CLIENT  
**MR. PAUL DUTTON**

DATE <b>26th February, 2015</b>	APPROVED <b>L.J. WALSH</b>
DRAWN BY <b>LJW</b>	PROJECT NO. <b>14 - 147</b>
PAGE SCALE <b>A3</b>	REV. NO. <b>B</b>
DRAWING NO. <b>105</b>	

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**DRIVEWAY SECTION**  
SCALE: 1:100

**NOTE**

**RAMP:**  
DRIVEWAY RAMP GRADIENTS TO COMPLY WITH AS 2890 2.6.1. MAXIMUM GRADIENT OF DOMESTIC DRIVEWAYS SHALL BE 1 IN 4 (25%). THE MAXIMUM GRADIENT OF THE ASSOCIATED ACCESS DRIVEWAY ACROSS A PROPERTY LINE OR BUILDING ALIGNMENT SHALL BE 1 IN 20 (5%) AND ACROSS A FOOTPATH AS SPECIFIED IN CLAUSE 3.3(b).

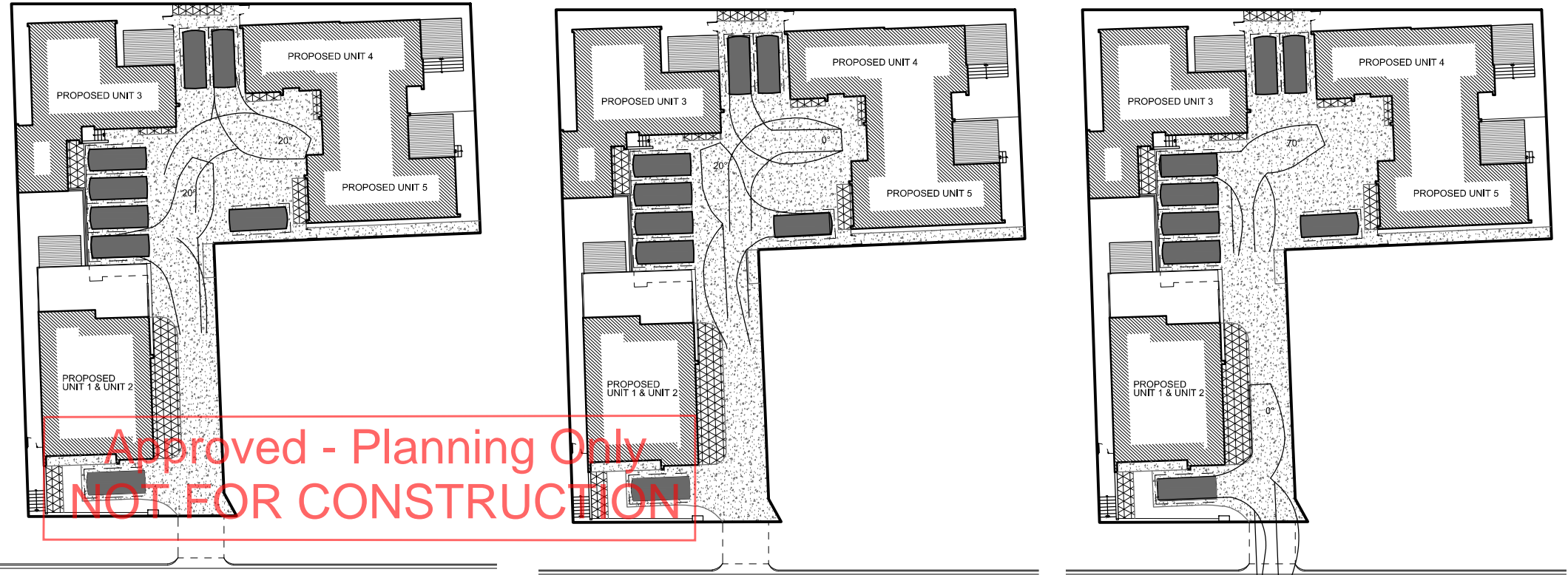
**PARKING BAYS:**  
PARKING BAYS DIMENSIONS ARE TO COMPLY TO AS 2890 FIGURE 2.2. DIMENSIONS OF PROPOSED PARKING IN THIS DEVELOPMENT IS AS FOLLOWS,  
- WIDTH = 2.6m  
- DEPTH = 5.4m (Where parking is to a wall, not allowing overhang)

**REVERSE-IN MANOEUVRE:**  
CARPARK MANOEUVRE TO COMPLY WITH AS 2890. REVERSE-IN MANOEUVRE TEMPLATE USED WAS FOR A B99 CAR.

DEVELOPMENT APPLICATION DOCUMENT

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Planning Authority: Hobart City Council



**REVERSE-IN MANOEUVRE TEMPLATE (B99)**  
SCALE: 1:500

**lwd**  
Lachlan Walsh DESIGN

TASMANIA ACCREDITATION NUMBER: CC 6162 E  
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-	-	-	-
-	-	-	-

TITLE

**DRIVEWAY DESIGN**

SCALE: 1:500 & 1:100

PROJECT  
**PROPOSED UNIT DEVELOPMENT**

LOCATION  
**78 LORD STREET, SANDY BAY**

CLIENT  
**MR. PAUL DUTTON**

DATE	26th February, 2015	APPROVED	L.J. WALSH
DRAWN BY	LJW	PROJECT NO.	14 - 147
PAGE SCALE	A3	REV. NO.	B
DRAWING NO.	106		



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NOTES AND SYMBOLS	
	90mm STUD WALLS, 10mm PLASTERBOARD LINING ON ALL UNLESS NOTED OTHER
	110mm BRICK WORK (TYP), 40mm CAVITY, 90mm STUD WALL (INTERNAL), INSULATION, 10mm PLASTERBOARD UNLESS NOTED OTHER
	15.01 BLOCK WORK
	100mm THERMAWALL (OR SIMILAR) EXTERNAL CLADDING, 90mm STUD WALL (INTERNAL)
	CLADDING (TYP) 90mm STUD WALL (INTERNAL), INSULATION, 10mm PLASTERBOARD UNLESS NOTED OTHER
	EXISTING WALLS
	WALLS OR OBJECTS TO BE REMOVED OR DEMOLISHED
	CONTROL JOINT
	H.W.C. HOT WATER CYLINDER
	[W1] WINDOW No. (REFER TO SCHEDULE)
	[D1] DOOR No. (REFER TO SCHEDULE)
	M.B. METER BOX
	F.F.L. 5.500 FINISH FLOOR LEVELS

FLOOR FINISHES SCHEDULE	
Cp	CARPET :
Ti	TILES :
FB	FLOOR BOARDS :
VF	VINYL FLOORING :
PC	POLISHED CONCRETE :
C	CONCRETE
Gr	GRAVEL



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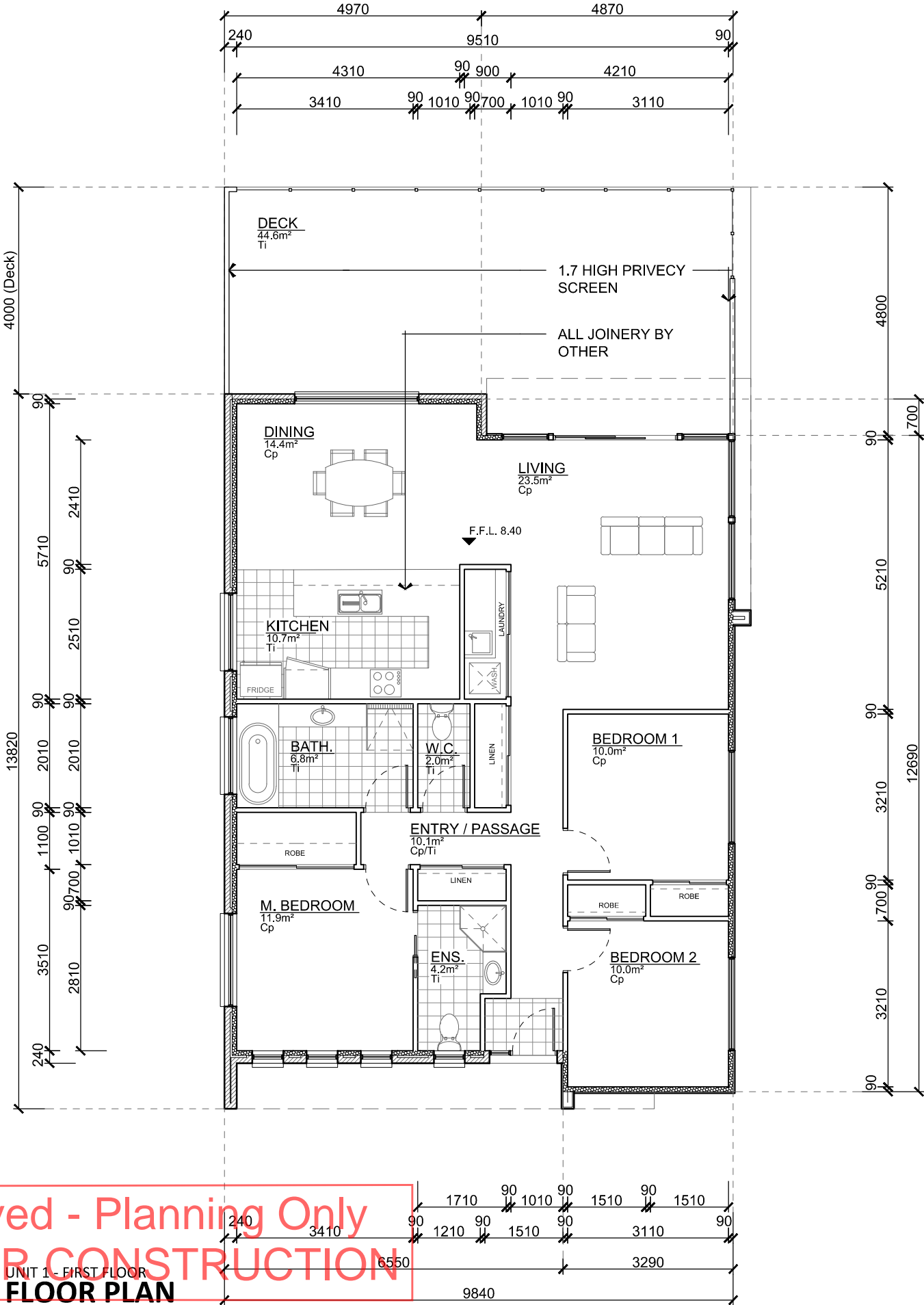
NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LIW
B	26/02/2015	PLANNING APPROVAL	LIW
-	-	-	-

TITLE

FLOOR PLAN  
UNIT 1

SCALE: 1:100

PROJECT PROPOSED UNIT DEVELOPMENT				
LOCATION 78 LORD STREET, SANDY BAY				
CLIENT MR. PAUL DUTTON				
DATE 26th February, 2015		APPROVED L.J. WALSH		
DRAWN BY LIW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 107



Approved - Planning Only

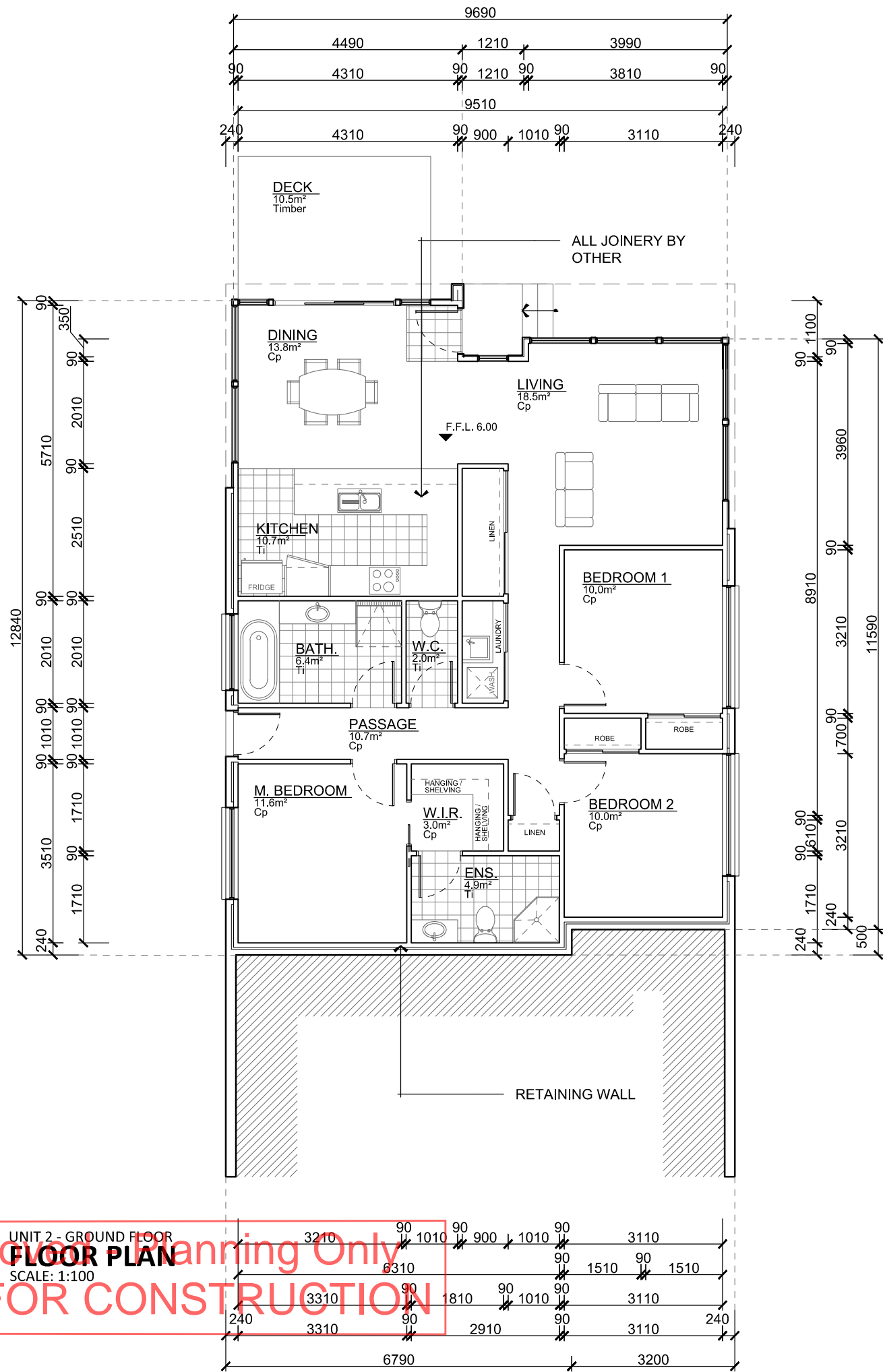
NOT FOR CONSTRUCTION

UNIT 1 - FIRST FLOOR  
FLOOR PLAN  
SCALE: 1:100

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-15-00222-01 and was received on the 26/03/2015.

Planning Authority: Hobart City Council



**NOTE:**  
CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK.  
  
IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL RELEVANT AUTHORITIES AND OBTAIN APPROVALS FOR ALL WORKS.

NOTES AND SYMBOLS	
	90mm STUD WALLS, 10mm PLASTERBOARD LINING ON ALL UNLESS NOTED OTHER
	110mm BRICK WORK (TYP), 40mm CAVITY, 90mm STUD WALL (INTERNAL), INSULATION, 10mm PLASTERBOARD UNLESS NOTED OTHER
	15.01 BLOCK WORK
	100mm THERMAWALL (OR SIMILAR) EXTERNAL CLADDING, 90mm STUD WALL (INTERNAL)
	CLADDING (TYP) 90mm STUD WALL (INTERNAL), INSULATION, 10mm PLASTERBOARD UNLESS NOTED OTHER
	EXISTING WALLS
	WALLS OR OBJECTS TO BE REMOVED OR DEMOLISHED
	CONTROL JOINT
	H.W.C. HOT WATER CYLINDER
	[W1] WINDOW No. (REFER TO SCHEDULE)
	[D1] DOOR No. (REFER TO SCHEDULE)
	M.B. METER BOX
	F.F.L. 5.500 FINISH FLOOR LEVELS

FLOOR FINISHES SCHEDULE	
Cp	CARPET :
Ti	TILES :
FB	FLOOR BOARDS :
VF	VINYL FLOORING :
PC	POLISHED CONCRETE :
C	CONCRETE
Gr	GRAVEL



TASMANIA ACCREDITATION NUMBER: CC 6162 E  
ABN: 94 660 558 746  
8 Sorell St (PO Box 231)  
Devonport TAS, 7310  
P: 6424 8053  
E: ljwalsh7@gmail.com

NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-

TITLE

FLOOR PLAN  
UNIT 2

SCALE: 1:100

PROJECT  
PROPOSED UNIT DEVELOPMENT

LOCATION  
78 LORD STREET, SANDY BAY

CLIENT  
MR. PAUL DUTTON

DATE 26th February, 2015		APPROVED L.J. WALSH		
DRAWN BY LJW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 108

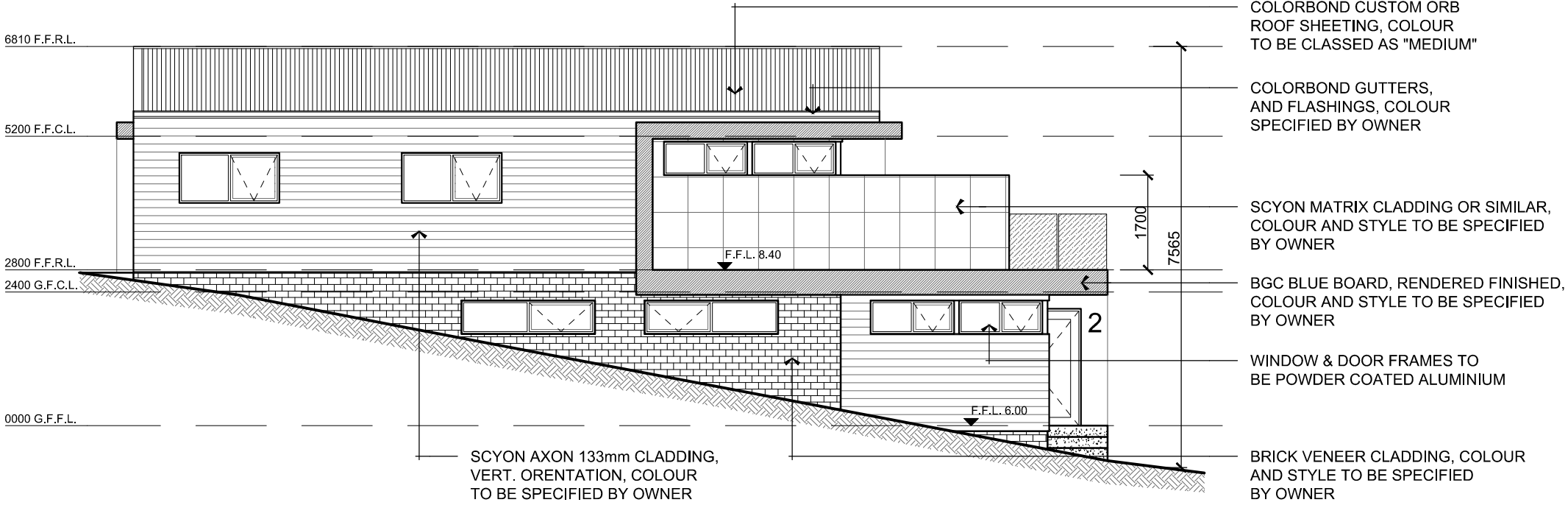
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2400 F.C.L.	INTERVAL INDICATOR
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A	AWNING WINDOW
F	FIXED WINDOW
CJ	CONTROL JOINT
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D1	DOOR No. (REFER TO SCHEDULE)
M.B.	METER BOX
F.F.L. 5.500	FINISH FLOOR LEVELS

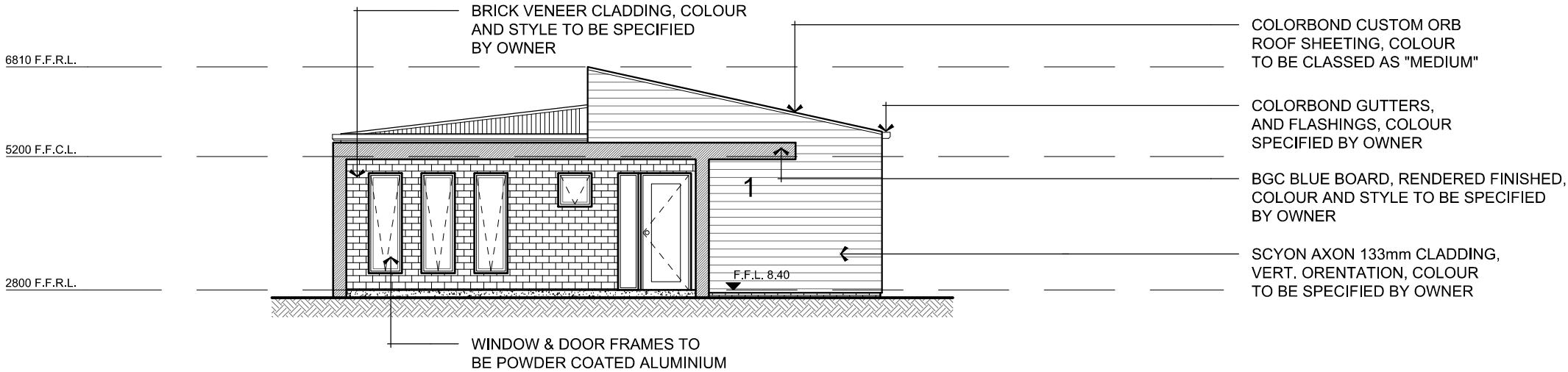


**EAST ELEVATION**  
SCALE: 1:100

DEVELOPMENT APPLICATION  
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**SOUTH ELEVATION**  
SCALE: 1:100



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NO.	DATE	REVISION	BY
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B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-
-	-	-	-

TITLE  
**ELEVATIONS 1 of 2  
UNIT 1 & 2**  
SCALE: 1:100

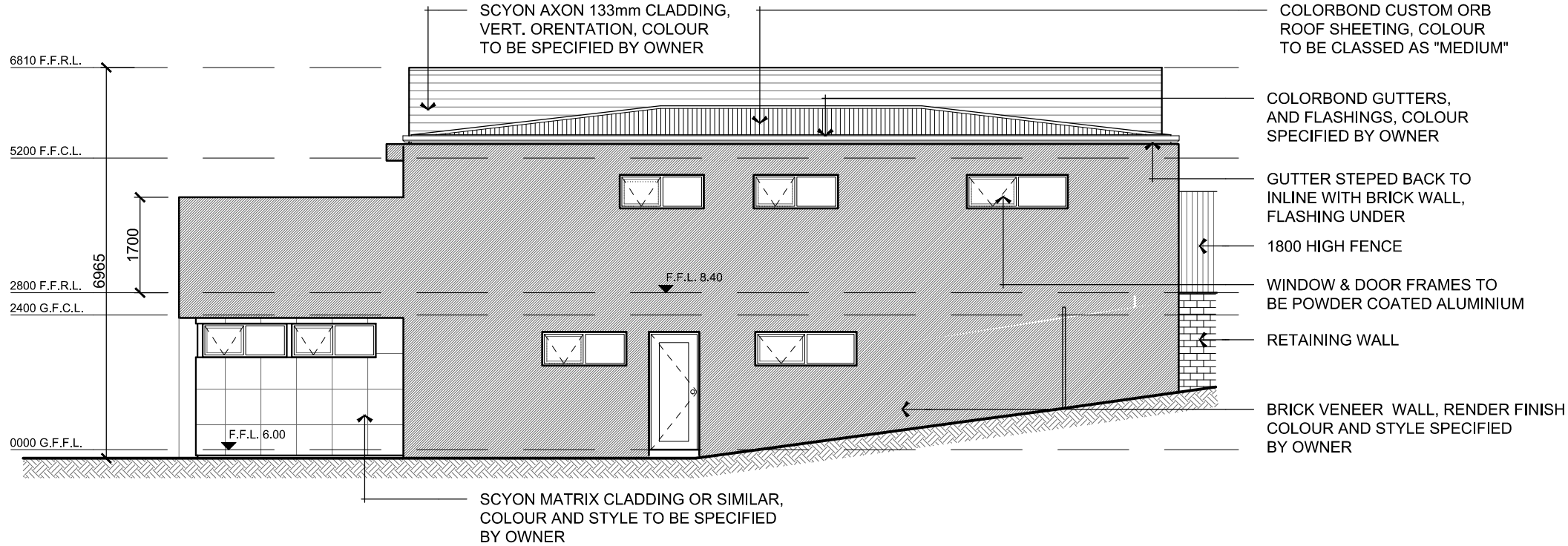
PROJECT  
**PROPOSED UNIT DEVELOPMENT**  
LOCATION  
**78 LORD STREET, SANDY BAY**  
CLIENT  
**MR. PAUL DUTTON**

DATE <b>26th February, 2015</b>		APPROVED <b>L.J. WALSH</b>	
DRAWN BY <b>LJW</b>	PROJECT NO. <b>14 - 147</b>	PAGE SCALE <b>A3</b>	REV. NO. DRAWING NO. <b>B 109</b>

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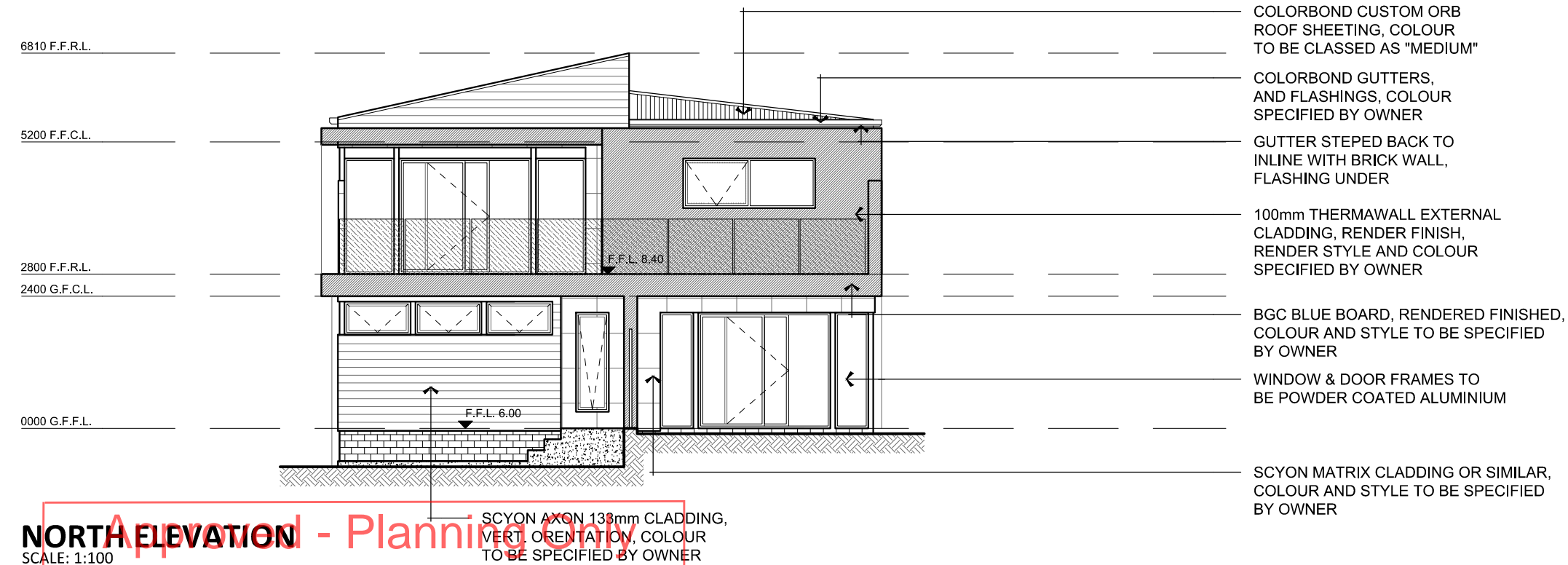


WEST ELEVATION  
SCALE: 1:100

DEVELOPMENT APPLICATION  
DOCUMENT

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NORTH ELEVATION  
SCALE: 1:100

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lwd

Lachlan Walsh DESIGN

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NO.	DATE	REVISION	BY
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B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-
-	-	-	-

TITLE

# ELEVATIONS 2 of 2 UNIT 1 & 2

SCALE: 1:100

PROJECT PROPOSED UNIT DEVELOPMENT				
LOCATION 78 LORD STREET, SANDY BAY				
CLIENT MR. PAUL DUTTON				
DATE 26th February, 2015		APPROVED L.J. WALSH		
DRAWN BY LJW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 110



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	CLADDING (TYP) 90mm STUD WALL (INTERNAL), INSULATION, 10mm PLASTERBOARD UNLESS NOTED OTHER
	EXISTING WALLS
	WALLS OR OBJECTS TO BE REMOVED OR DEMOLISHED
	CONTROL JOINT
	HOT WATER CYLINDER
	WINDOW No. (REFER TO SCHEDULE)
	DOOR No. (REFER TO SCHEDULE)
	METER BOX
	FINISH FLOOR LEVELS

FLOOR FINISHES SCHEDULE	
Cp	CARPET :
Ti	TILES :
FB	FLOOR BOARDS :
VF	VINYL FLOORING :
PC	POLISHED CONCRETE :
C	CONCRETE
Gr	GRAVEL



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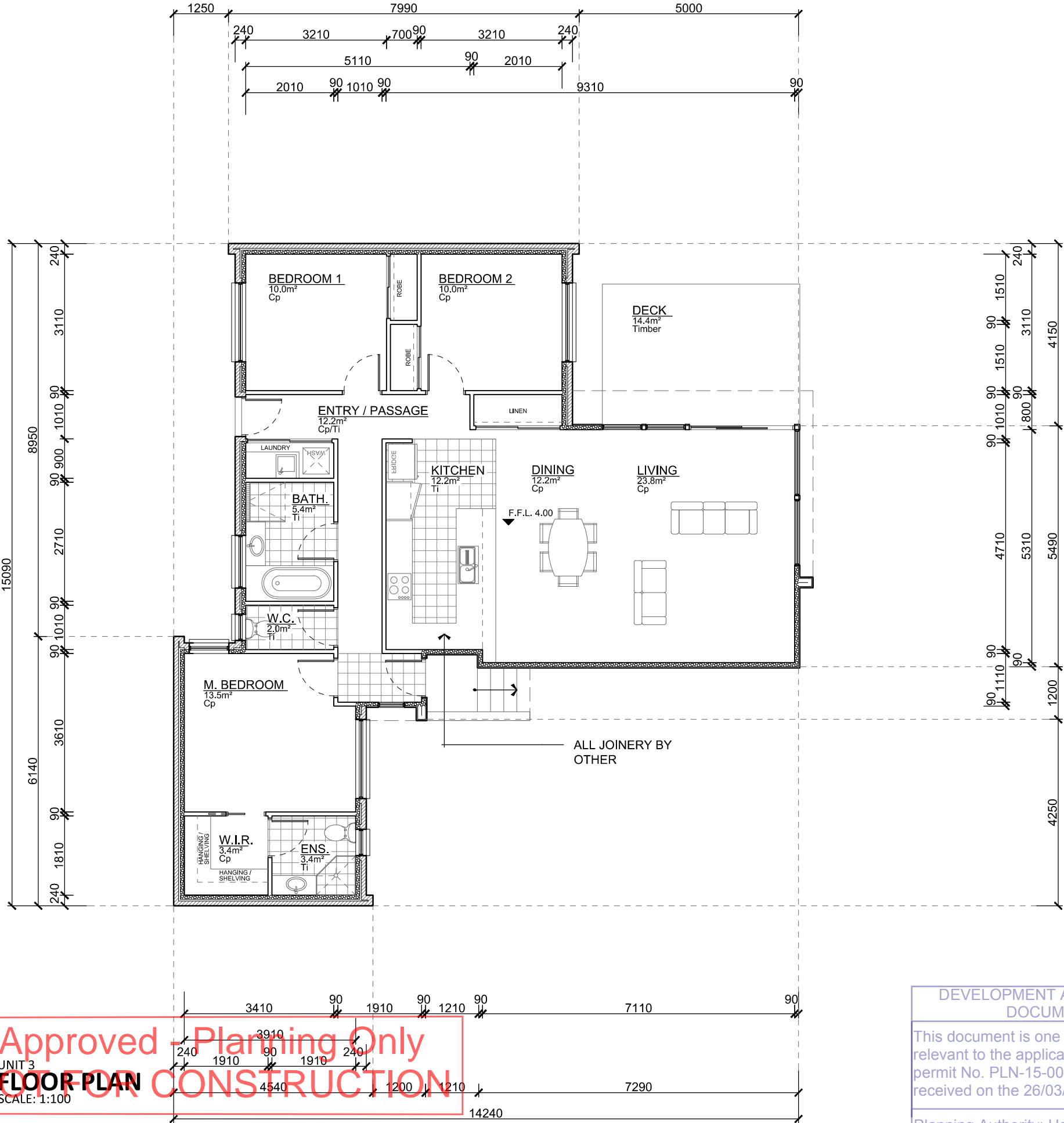
NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
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-	-	-	-

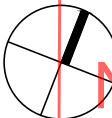
TITLE

FLOOR PLAN  
UNIT 3

SCALE: 1:100

PROJECT PROPOSED UNIT DEVELOPMENT				
LOCATION 78 LORD STREET, SANDY BAY				
CLIENT MR. PAUL DUTTON				
DATE 26th February, 2015		APPROVED L.J. WALSH		
DRAWN BY LJW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 111





Approved - Planning Only  
UNIT 3  
FLOOR PLAN  
SCALE: 1:100  
NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION  
DOCUMENT

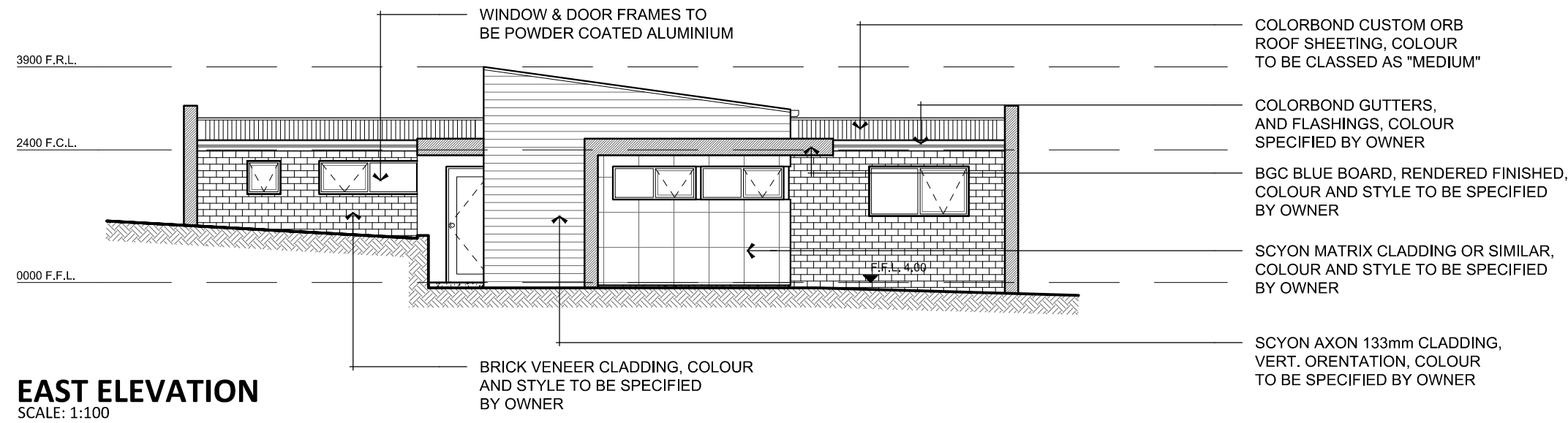
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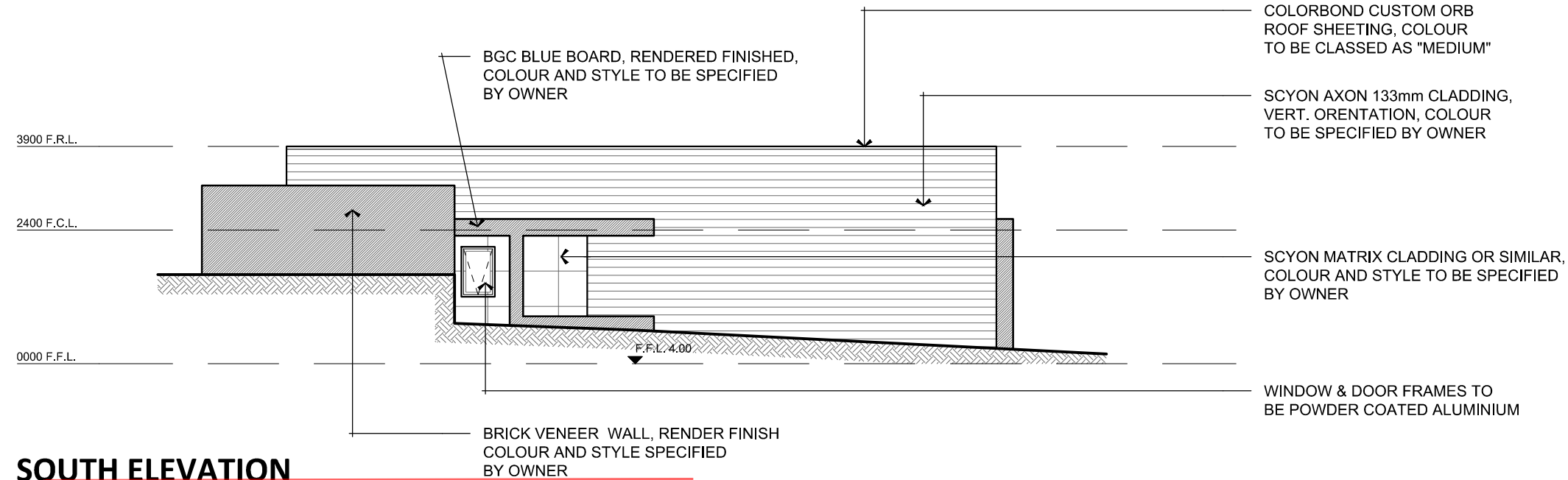


**EAST ELEVATION**  
SCALE: 1:100

DEVELOPMENT APPLICATION  
DOCUMENT

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Planning Authority: Hobart City Council



**SOUTH ELEVATION**  
SCALE: 1:100

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**lwD**  
Lachlan Walsh DESIGN

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8 Sorell St (PO Box 231)  
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P: 6424 8053  
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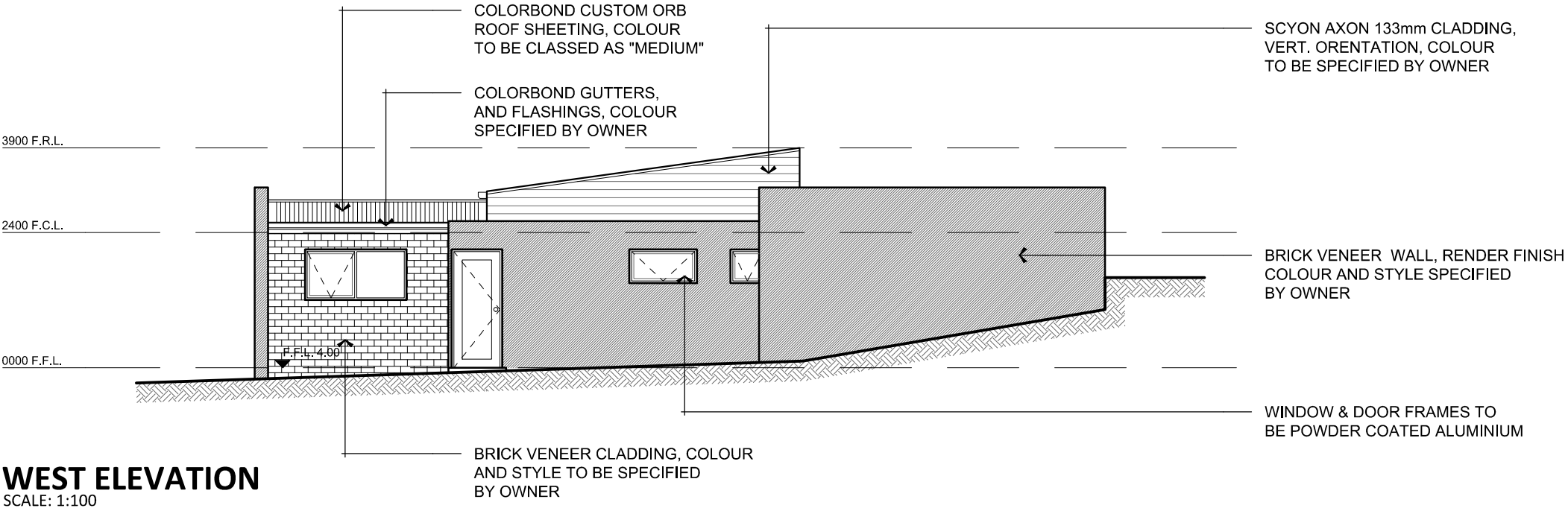
NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-
-	-	-	-

TITLE  
**ELEVATIONS 1 of 2  
UNIT 3**  
SCALE: 1:100

PROJECT PROPOSED UNIT DEVELOPMENT				
LOCATION 78 LORD STREET, SANDY BAY				
CLIENT MR. PAUL DUTTON				
DATE 26th February, 2015			APPROVED L.J. WALSH	
DRAWN BY LJW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 112

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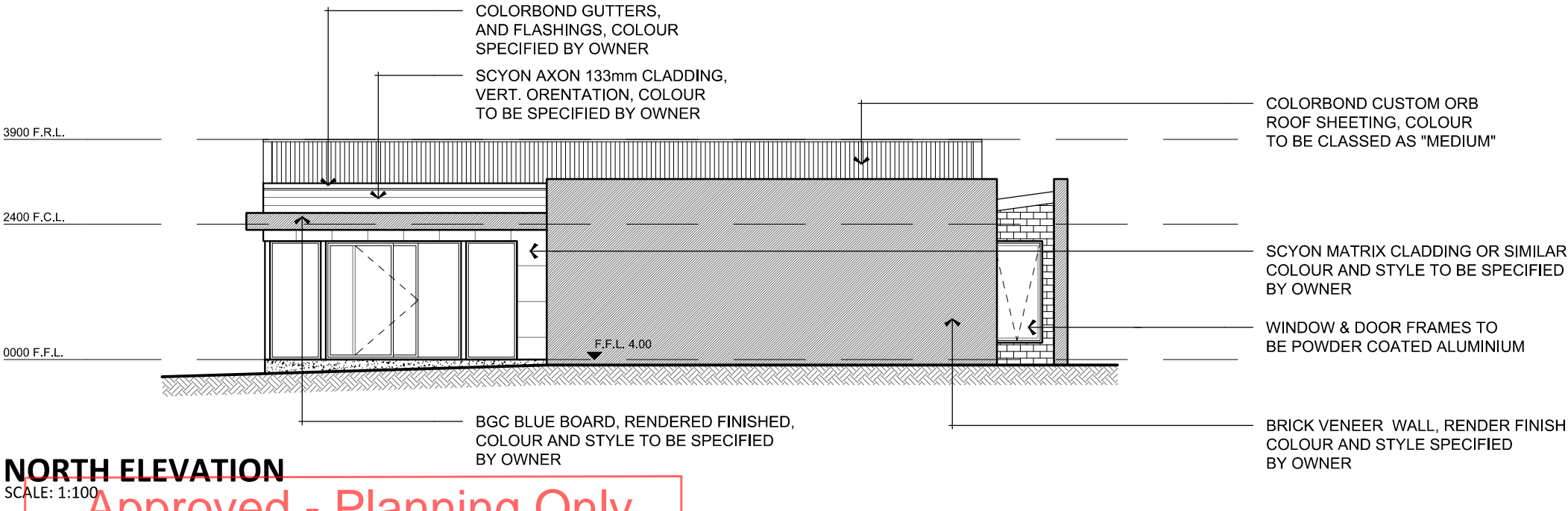
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Lachlan Walsh DESIGN

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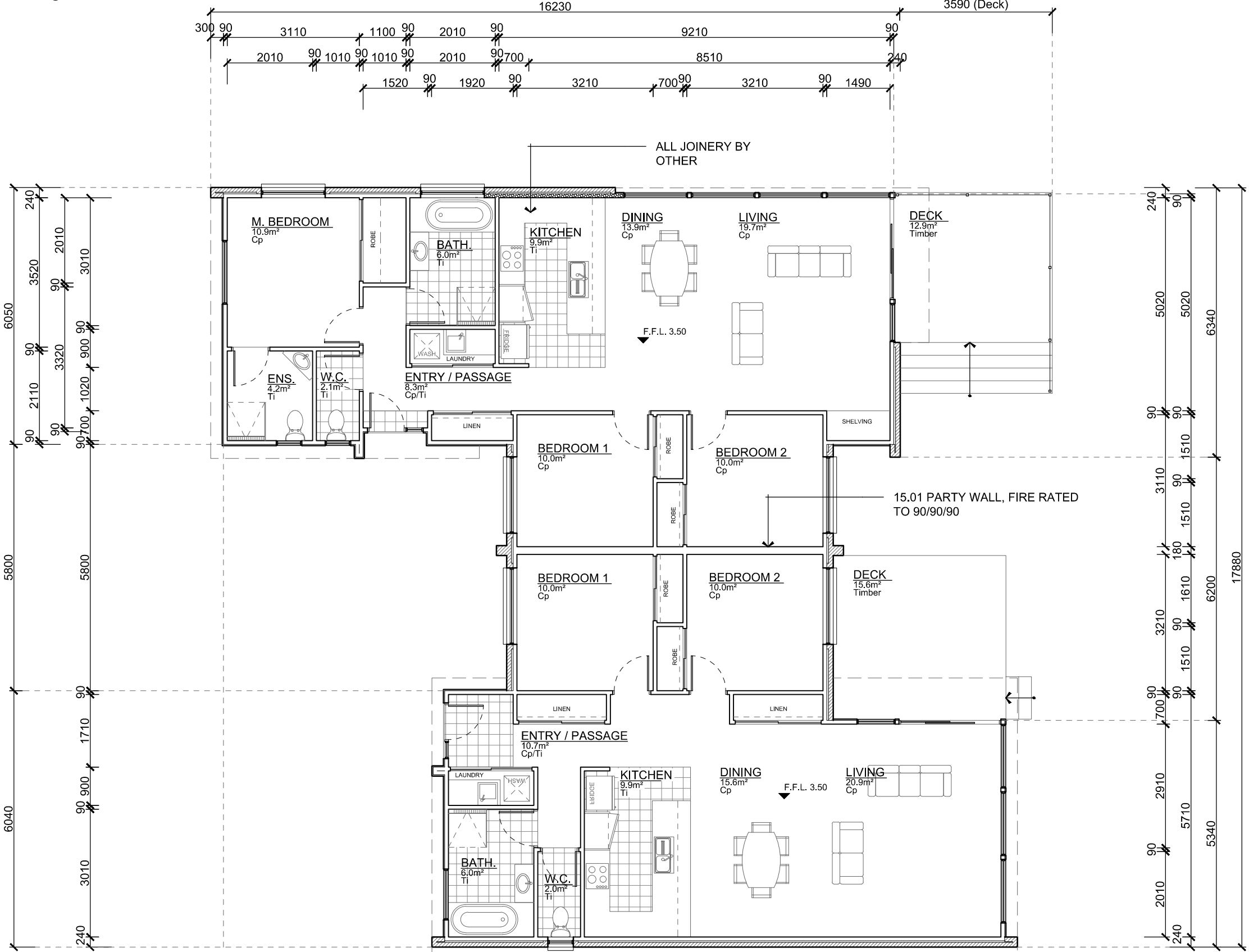
NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-
-	-	-	-

TITLE  
**ELEVATIONS 2 of 2  
UNIT 3**  
SCALE: 1:100

PROJECT  
**PROPOSED UNIT DEVELOPMENT**  
LOCATION  
**78 LORD STREET, SANDY BAY**  
CLIENT  
**MR. PAUL DUTTON**

DATE <b>26th February, 2015</b>		APPROVED <b>L.J. WALSH</b>		
DRAWN BY <b>LJW</b>	PROJECT NO. <b>14 - 147</b>	PAGE SCALE <b>A3</b>	REV. NO. <b>B</b>	DRAWING NO. <b>113</b>

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	M.B. METER BOX
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**FLOOR FINISHES SCHEDULE**

Cp	CARPET :
Ti	TILES :
FB	FLOOR BOARDS :
VF	VINYL FLOORING :
PC	POLISHED CONCRETE :
C	CONCRETE
Gr	GRAVEL

**lwd** Lachlan Walsh DESIGN  
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NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-
-	-	-	-

TITLE  
**FLOOR PLAN  
UNIT 4 & 5**  
SCALE: 1:100

PROJECT  
**PROPOSED UNIT DEVELOPMENT**  
LOCATION  
**78 LORD STREET, SANDY BAY**  
CLIENT  
**MR. PAUL DUTTON**

DATE <b>26th February, 2015</b>	APPROVED <b>L.J. WALSH</b>
DRAWN BY <b>LJW</b>	PROJECT NO. <b>14 - 147</b>
PAGE SCALE <b>A3</b>	REV. NO. <b>B</b>
	DRAWING NO. <b>114</b>

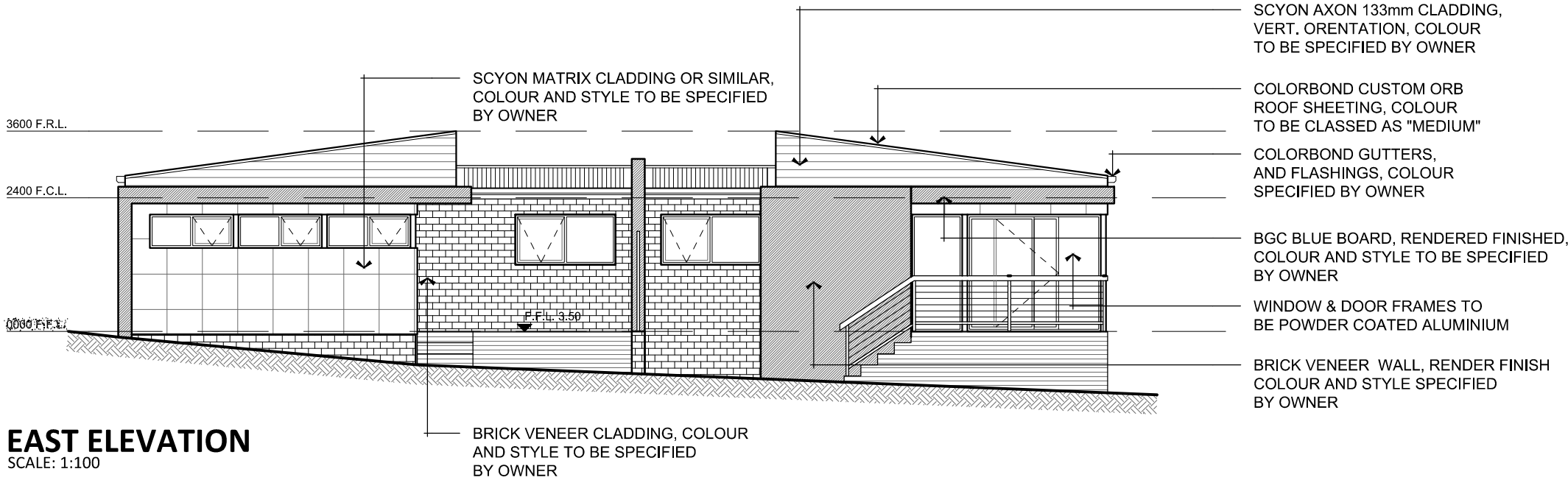
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**UNIT 4 & 5  
FLOOR PLAN**  
SCALE: 1:100

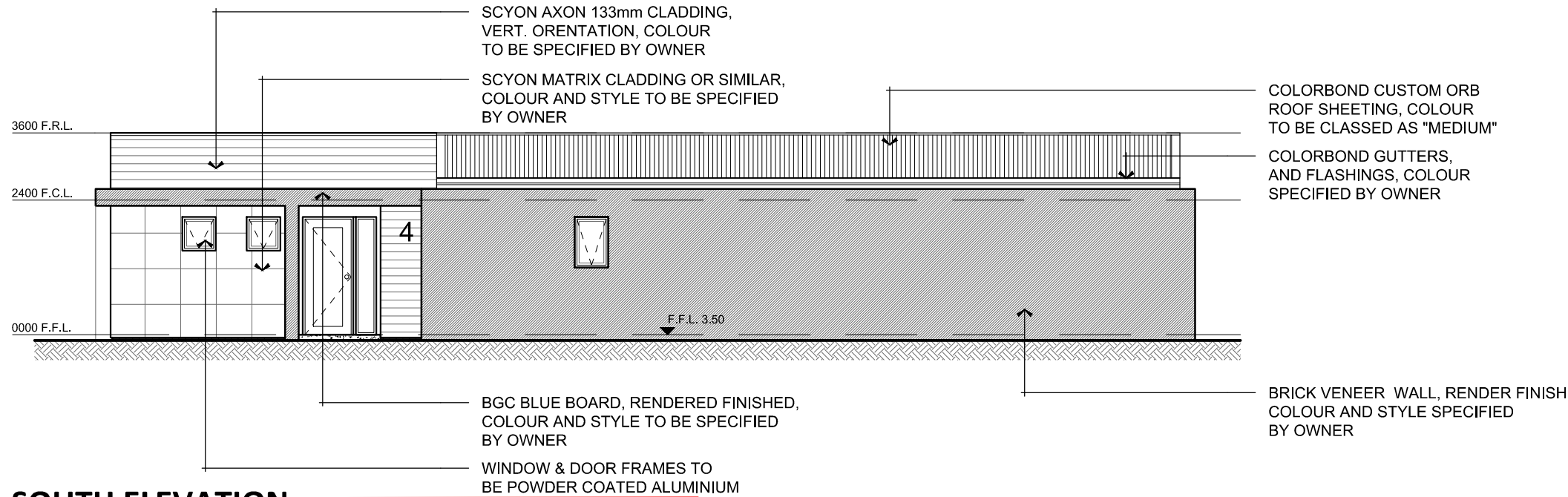
**DEVELOPMENT APPLICATION  
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**EAST ELEVATION**  
SCALE: 1:100



**SOUTH ELEVATION**  
SCALE: 1:100

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-	-	-	-
-	-	-	-

TITLE

ELEVATIONS 1 of 2  
UNIT 4 & 5

SCALE: 1:100

PROJECT  
PROPOSED UNIT DEVELOPMENT

LOCATION  
78 LORD STREET, SANDY BAY

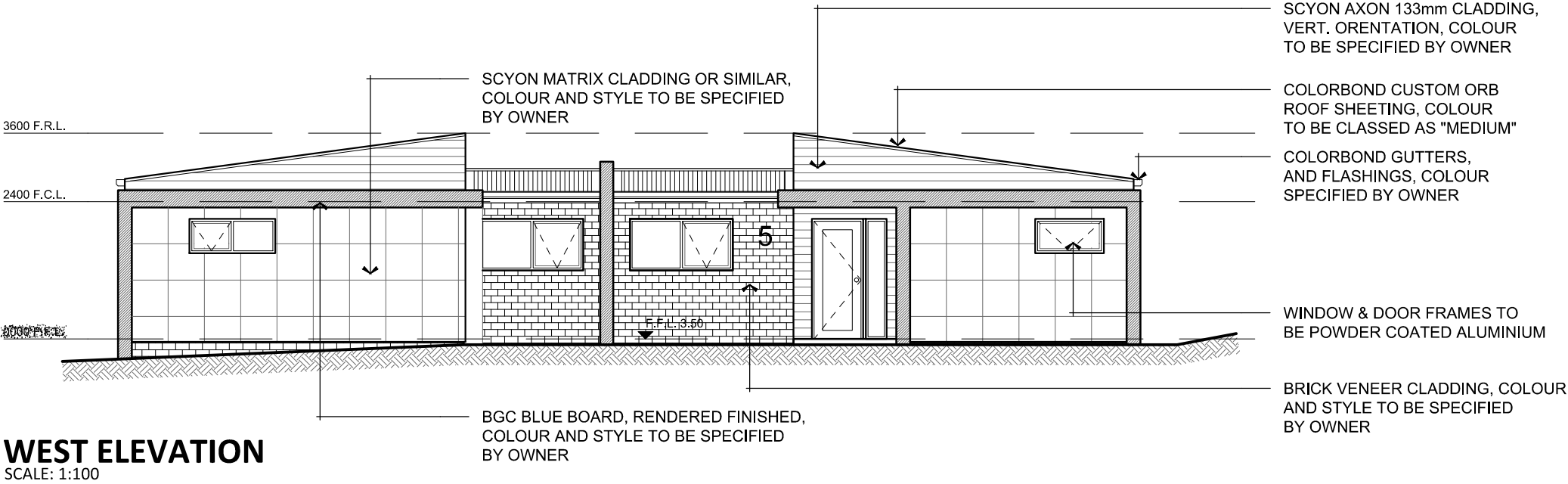
CLIENT  
MR. PAUL DUTTON

DATE 26th February, 2015		APPROVED L.J. WALSH		
DRAWN BY LIW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 115



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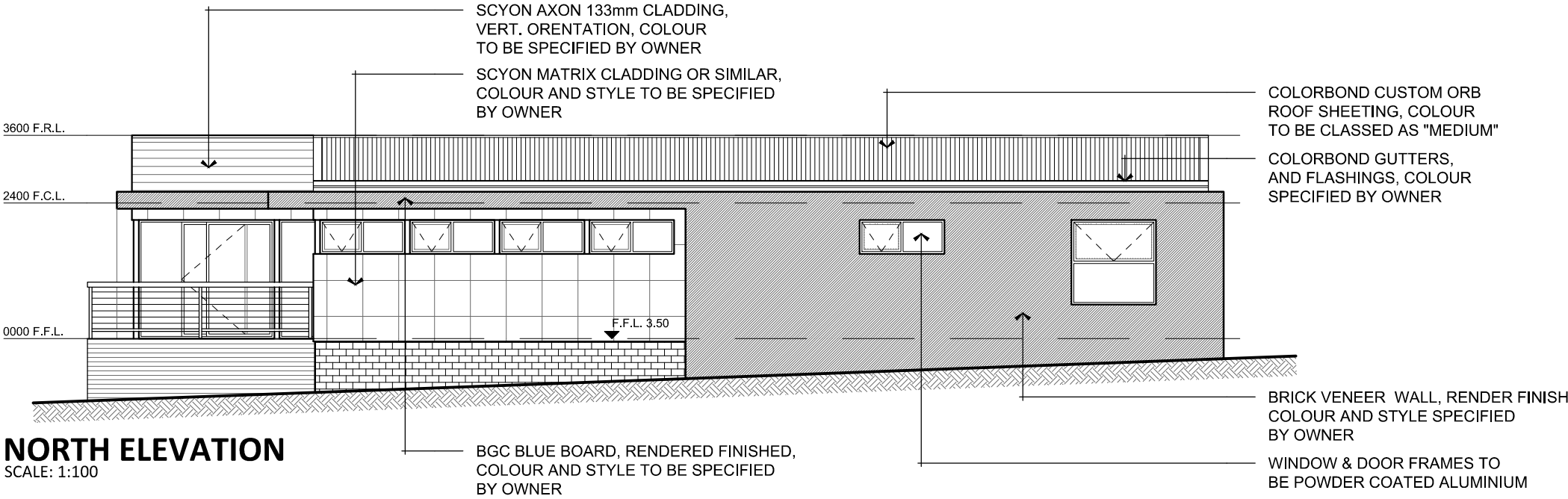
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**lwD** Lachlan Walsh DESIGN

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NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-

TITLE

**ELEVATIONS 2 of 2  
UNIT 4 & 5**

SCALE: 1:100

PROJECT PROPOSED UNIT DEVELOPMENT		APPROVED L.J. WALSH	
LOCATION 78 LORD STREET, SANDY BAY		CLIENT MR. PAUL DUTTON	
DATE 26th February, 2015		APPROVED L.J. WALSH	
DRAWN BY LJW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. DRAWING NO. B 116



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FRONT ELEVATION - UNIT 1



BACK ELEVATION - UNIT 1



FRONT ELEVATION - UNIT 2



BACK ELEVATION - UNIT 2

DEVELOPMENT APPLICATION DOCUMENT

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lwD

Lachlan Walsh DESIGN

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-	-	-	-

TITLE

RENDERS  
1 of 2

SCALE: N.A.

PROJECT  
PROPOSED UNIT DEVELOPMENT

LOCATION  
78 LORD STREET, SANDY BAY

CLIENT  
MR. PAUL DUTTON

DATE 26th February, 2015		APPROVED L.J.WALSH		
DRAWN BY LJW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 117

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FRONT ELEVATION - UNIT 3



BACK ELEVATION - UNIT 3



FRONT ELEVATION - UNIT 4 & 5



BACK ELEVATION - UNIT 4 & 5

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DEVELOPMENT APPLICATION  
DOCUMENT

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**lwd**  
Lachlan Walsh DESIGN

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-	-	-	-

TITLE

RENDERS  
2 of 2

SCALE: N.A.

PROJECT  
PROPOSED UNIT DEVELOPMENT

LOCATION  
78 LORD STREET, SANDY BAY

CLIENT  
MR. PAUL DUTTON

DATE 26th February, 2015		APPROVED L.J. WALSH		
DRAWN BY LJW	PROJECT NO. 14 - 147	PAGE SCALE A3	REV. NO. B	DRAWING NO. 118



SCHEDULES

NCC COMPLIANCE NOTES

SITeworks

Excavation and filling of site to be in accordance with BCA Part 3.1 and AS 2870.  
Drainage works to be in accordance with BCA Part 3.1. & AS/NZS 3500.3.2.  
Surface drainage - finished ground to fall away from building 50mm in 1000mm.  
Finished slab level to be  
- 150 above finished ground.  
- 50 above paved surfaces.  
Prevent ponding of water under suspended floors.

Footings and Slabs

Generally to be accordance with AS 2870 .  
Preparation for placement of concrete and reinforcement to be to AS 2870.  
Concrete & steel reinforcement to be in accordance with AS 2870 & AS 3500.  
The site classification to be in accordance with AS 2870.  
Alternatively footings & slabs to be in accordance with Structural Engineers design & specification.

Masonry

Generally masonry walls to be constructed in accordance with BCA 3.3 & AS 3700.  
Un-reinforced masonry to BCA 3.3.1.  
reinforced masonry to BCA 3.3.2.  
masonry accessories to BCA 3.3.3.  
weatherproofing of masonry to BCA 3.3.4.

Framing

Timber framing to be in accordance with AS 1684.  
Manufactured timber members to be in accordance with prescribed framing manual.  
Sub floor ventilation in accordance with BCA 3.4.1. Sub floor area to be clear of organic materials & rubbish.  
Provide vent openings in substructure walls at a rate of 7300mm2 / m of wall length, with vents not more than 600 mm from corners.  
150 mm clearance required to underside of floor framing members unless specified otherwise by flooring material specification.  
Tie down and bracing of frame to be in accordance with AS 1684 & AS 4055.  
Structural steel framing to be in accordance with BCA 3.4.4, AS 1250, AS 4100 & structural engineers design & specification.

Roof and Wall Cladding

Generally to be in accordance with BCA 3.5.  
Roof cladding to be in accordance with BCA 3.5.1. and; Roof tiles AS2049 & AS 2050  
Metal sheet roofing AS 1562.1  
Plastic sheet roofing AS/NZS 4256.1,.2,.3 & 5 & AS 1562.3.  
Gutters and downpipes, generally to be in accordance with BCA 3.5.2 & AS/NZS 3500.3.2. &  
The Tasmanian Plumbing Code.  
Eaves, internal and valley guttering to have cross sectional area of 6500mm2.  
Downpipes to be 90 dia. or 100\*50 rectangular section at max. 12 000 crs and to be within 1000 of internal/ valley gutter.  
Wall cladding to be installed in accordance with BCA 3.5.3. & Manufacturer's specification.  
Flashings to BCA 3.5.3.6.

Glazing

Generally glazing to be in accordance with AS 1288.  
Refer to window legend for sizes and type.

Fire Safety

Generally to be in accordance with BCA 3.7.  
Fire separation to be in accordance with BCA 3.7.1.  
External walls and gable ends constructed within 900 of boundary are to extend to underside of non combustible roofing/ eaves & are to be constructed of a masonry skin 90 thick with an FRL of 60/60/60.  
Sarking to have a flammability index less than 5.  
Roof lights not to be placed closer than 900 from boundary.  
Smoke alarm installation to be in accordance with BCA 3.7.2. Locations indicated on floor plan.  
Installation locations  
ceilings - 300 away from wall junction.  
cathedral ceiling - 500 down from apex.  
walls - 300 down from ceiling junction.  
Heating appliances generally to be in compliance with BCA 3.7.3 & AS 2918  
Fireplace - extend hearth 150 to side of opening. 400 in front of opening  
Freestanding - extend hearth 400 beyond unit.  
Freestanding appliance to be 1200 from combustible wall surface. 50 from masonry wall. Heat shield - 90 masonry with 25 air gap to combustible wall, extend 600 above unit.  
Flue installation to BCA 3.7.3.4.  
Top of chimney/flue to terminate 600 above ridge line.  
Construction in Bush Fire Area to be in accordance with BCA 3.7.4 & AS 3959.

Health and Amenity

Generally wet area waterproofing to be in accordance with AS 3740 and BCA 3.8.1.

Waterproofing of surfaces adjacent to open shower, including shower over bath, to extend 1.5 from a vertical line projected from shower rose, to a height 1.8 above finished floor. Wall surfaces adjacent to plumbing fixtures, bath etc. to be protected to a height of 150 above fixture.  
Ceiling heights to be in accordance with BCA 3.8.2.

Facilities

Generally to be in accordance with BCA 3.8.3.  
Required facilities in accordance with 3.8.3.2. Refer to plan for locations.  
Sanitary compartment to be in accordance with BCA 3.8.3.3. Refer to plan for detail.  
Provision of natural light to be in accordance with BCA 3.8.4.2.  
Windows / rooflights to provide light transmission area equal to 10% of floor area of room.  
Ventilation to be in accordance with BCA 3.8.5. or AS 1668.2 for mechanical ventilation. Exhaust fan from bathroom / wc to be vented to outside for steel roof and to roof space for tile roof.  
Natural ventilation to be provided at a rate of 5% of room floor area, in accordance with BCA 3.8.5.2.

Stair Construction

Generally to be in accordance with 3.9.1.  
Stairs.  
Maximum of 18 risers to each flight.  
Riser opening to be less than 125.  
Treads to have non slip surface or nosing.  
Riser - min. 115, max. 190.  
Tread - min 240, max. 355.  
Balustrade.  
Generally in accordance with BCA 3.9.2..  
Balustrade required where area is not bounded by a wall or where level exceeds 1000 above floor level to final ground level.  
865 high on stairs, measured from line of stair nosing.  
1000 high above floor or landing.  
Openings between balusters / infill members to be constructed so as not to allow 125 sphere to pass between members. Where floor level exceeds 4000 above lower level, infill members between 150 and 760 above floor level, to be constructed so as to restrict climbing.

Energy Efficiency

Generally in accordance with BCA 3.12  
Climate Zone 7 applicable to Tasmania (Zone 8 applicable to Alpine areas)

Building Fabric

Generally in accordance with BCA 3.12.1  
BUILDING FABRIC INSULATION

Insulation to be fitted to form continuous barrier to roof/ceiling, walls and floors.  
REFLECTIVE BUILDING MEMBRANE  
Installed to form 20mm airspace between reflective face and external lining / cladding, fitted closely up to penetrations / openings, adequately supported and joints to be lapped min. 150  
BULK INSULATION  
To maintain thickness and position after installation  
Continuous cover without voids except around services / fittings.  
ROOF INSULATION  
Roof construction to achieve minimum Total R Value of R4.0  
Roof lights to comply with BCA 3.12.1.3  
EXTERNAL WALLS  
External wall construction to achieve minimum Total R Value of R2.0  
Wall surface density minimum - 220kg/m2  
FLOORS  
Generally in accordance with BCA 3.12.1.5  
Suspended floor with an unenclosed perimeter required to achieve a minimum Total R Value of R1.0.  
Concrete slab on ground with an in slab heating system to be insulated to R1.0 around vertical edge of slab perimeter.  
ATTACHED CLASS 10a BUILDING  
External wall or separating wall between class 1 building required to achieve minimum Total R Value of 2.0

External Glazing

Generally in accordance with BCA 3.12.2

Building Sealing

Generally in accordance with BCA 3.12.3  
Chimneys or flues to be fitted with sealing damper or flap.  
Roof lights to habitable rooms to be fitted with operable or permanent seal to minimize air leakage.  
External windows & doors to habitable rooms / conditioned spaces to be fitted with air seal to restrict air infiltration.  
Exhaust fans to habitable rooms / conditioned spaces to be fitted with self closing damper or filter  
Building envelope to be constructed to minimize air leakage. Construction joints and junctions of adjoining surfaces to be tight fitting and sealed by caulking, skirting, architraves and cornices.

Air Movement

Generally in accordance with BCA 3.12.4

Services

Generally in accordance with BCA 3.12.5  
Hot water supply system designed and installed in accordance with AS/NZS 3500

BAL ASSESSMENT CHECKLIST

AS 3959

MAP

DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-15-00222-01 and was received on the 26/03/2015.

Planning Authority: Hobart City Council

	FIRE INDEX	DISTANCE OF VEGETATION	VEGETATION TYPE	UP OR DOWNSLOPE	BUSHFIRE ATTACK LEVEL
NORTH	50	-	-	-	-
SOUTH	50	-	-	-	-
EAST	50	-	-	-	-
WEST	50	-	-	-	-

NOTES:

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PROPERTY IS LOCATED IN A "GENERAL RESIDENTIAL" AREA, UNDER THE "BUILDING IN BUSHFIRE-PRONE AREAS" AS AMENDED ON THE 4th JUNE, 2014 A BAL ASSESSMENT IS NOT REQUIRED.

lwD

Lachlan Walsh DESIGN

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NO.	DATE	REVISION	BY
A	06/02/2015	CLIENT APPROVAL	LJW
B	26/02/2015	PLANNING APPROVAL	LJW
-	-	-	-
-	-	-	-

TITLE

SCHEDULES, BAL CHECKLIST & NCC NOTES

PROJECT  
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LJW	14 - 147	A3	B	119

FILE PRINTED FROM: F:\lwD Main\2014\14-147\CAD\Drawings\_Proposed Unit Development\_Dutton\_15\_08\_2014.dwg

DATE PLOT: 26 FEB, 2015