



CITY OF HOBART

AGENDA

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

MONDAY 9 MAY 2016

AT 4.15 PM

THE MISSION

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

THE VALUES

The Council is:

about people

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

professional

We take pride in our work.

enterprising

We look for ways to create value.

responsive

We're accessible and focused on service.

inclusive

We respect diversity in people and ideas.

making a difference

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

HOBART 2025 VISION

In 2025 Hobart will be a city that:

- Offers opportunities for all ages and a city for life
 - Is recognised for its natural beauty and quality of environment
 - Is well governed at a regional and community level
 - Achieves good quality development and urban management
 - Is highly accessible through efficient transport options
 - Builds strong and healthy communities through diversity, participation and empathy
 - Is dynamic, vibrant and culturally expressive
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**BUSINESS LISTED ON THE AGENDA IS TO BE CONDUCTED IN THE ORDER
IN WHICH IT IS SET OUT UNLESS THE COMMITTEE BY SIMPLE MAJORITY
DETERMINES OTHERWISE**

**SPECIAL CITY PLANNING AGENDA
(OPEN PORTION OF THE MEETING)
9/5/2016**

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

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



N.D. HEATH
GENERAL MANAGER

SPECIAL CITY PLANNING COMMITTEE AGENDA (OPEN)

Committee Members

Briscoe (Chairman)

Ruzicka

Burnet

Denison

Aldermen

Lord Mayor Hickey

Deputy Lord Mayor Christie

Zucco

Sexton

Cocker

Thomas

Reynolds

Harvey

Special City Planning Committee (Open Portion of the Meeting) - Monday, 9 May 2016 at 4.15 pm in the Lady Osborne Room.

PRESENT:

APOLOGIES:

LEAVE OF ABSENCE:

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

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

1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

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

2. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

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

2.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

2.1.1 5 BATTERY SQUARE – CHANGE OF USE TO CHILD CARE CENTRE – PLN-16-00047-01 – FILE REFS: 5565975; P/5/345 42 x's (Council)

Memorandum of the Manager Development Appraisal of 4 May 2016 and attachments.



5565975 P/5/345

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4 May, 2016

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

**5 BATTERY SQUARE – CHANGE OF USE TO CHILD CARE
CENTRE – APPLICATION NO. PLN-16-00047-01**

At its meeting of 2 May 2016, the Council's City Planning Committee resolved as follows:

That the item be deferred to a special meeting so that conditions of approval and additional advice may be considered.

If the Committee is of a mind to approve the application, the following conditions could be imposed:

GENERAL

GEN The use and/or development must be substantially in accordance with the documents and drawings that comprise the Planning Application No. PLN-16-00047-01 outlined in attachment A to this permit except where modified below.

Reason for condition

To clarify the scope of the permit.

PLANNING

PLN 6 The business must not be open to the public outside of the following hours:

Monday – Sunday 8:00am – 5:30pm

Reason for condition

To ensure that non-[residential](#) use does not unreasonably impact on residential amenity.

PLNs1 Noise mitigation measures designed by a suitably qualified and experienced acoustic engineer to minimise noise to adjacent residential uses must be installed and maintained on the site.

Documents and drawings complying with this condition to the satisfaction of the Council's Director City Planning must be submitted prior to commencement of the use.

Once approved, the measures must be installed prior to commencement of the use and maintained while the use operates from the site.

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

Reason for condition

To minimise noise to adjacent residential uses.

ENGINEERING

ENG 7 Bicycle parking for four (4) bicycles must be installed and maintained on the site prior to the commencement of the use.

Drawings satisfying this requirement must be submitted and approved prior to the commencement of the use. The drawings must:

- a) **Show the layout of the bicycle parking in accordance with the Australian Standards AS/NZS 2890.1 2004 to satisfy the above requirement.**

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

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

Reason for condition

To ensure safe and efficient parking adequate to provided for the use.

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 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, 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

- Building permit in accordance with the *Building Act 2000*; www.hobartcity.com.au/Development/Building

- Plumbing permit under the *Tasmanian Plumbing Regulations 2014*; www.hobartcity.com.au/Development/Plumbing
- Condition GEN of this planning permit requires, inter alia, that the use must operate in accordance with the document titled 'Written Statement for a Change of Use, 5 Battery Square, Battery Point' (submitted to Council on 17 February 2016), including the section titled 'Operational Impact' which contains measures to minimise impacts upon neighbouring properties.
- The applicant is encouraged to consider engaging with the local community as volunteers for the Child Care Centre.

Following consideration of this application by Committee at its meeting of 2 May 2016, the applicant has provided additional details related to the operation of the proposal via email. For information, a copy of that email forms Attachment C to this memorandum.

As detailed in the report considered at the abovementioned meeting (Attachment B to this memorandum), Committee is reminded that the proposal is still recommended by officers for refusal with reasons.



(Rohan Probert)

MANAGER DEVELOPMENT APPRAISAL

Attachments:	Attachment 1	Documents and Drawings List
	Attachment 2	Officer Report for PLN-16-00047-01 as presented to City Planning Committee Meeting of 2 May 2016
	Attachment 3	Email from applicant dated 4 May 2016 and attached Acoustic Comment

**Documents and Drawings that comprise
Planning Application Number - PLN-16-00047-01**

DEVELOPMENT ADDRESS: 5 Battery Square, BATTERY POINT

LIST OF DOCUMENTATION:

Description	Drawing Number/Revision/Author/Date, Report Author/Date, Etc	Date of Lodgement to Council
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

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015****Attachment 2**

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

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.

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.

- 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.
- 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.
- 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.
- 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.
- 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:
 - Increased traffic past Lady Gowrie in Runnymede Street at its busy time
 - Increased traffic turning from Hampden Road into Battery Square, possibly causing some blockage at this difficult corner
 - More pressure on the two way, narrow lane behind Lenna

- 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:**

Description	Drawing Number/Revision/Author/Date, Report Author/Date, Etc	Date of Lodgement to Council
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.

<p>DEVELOPMENT APPLICATION DOCUMENT</p>

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

<p>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</p>
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<p>Planning Authority: Hobart City Council</p>
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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

Planning Authority: Hobart City Council



New Horizons

5 Battery Square Preschool

Traffic Impact Statement

February 2016

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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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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.

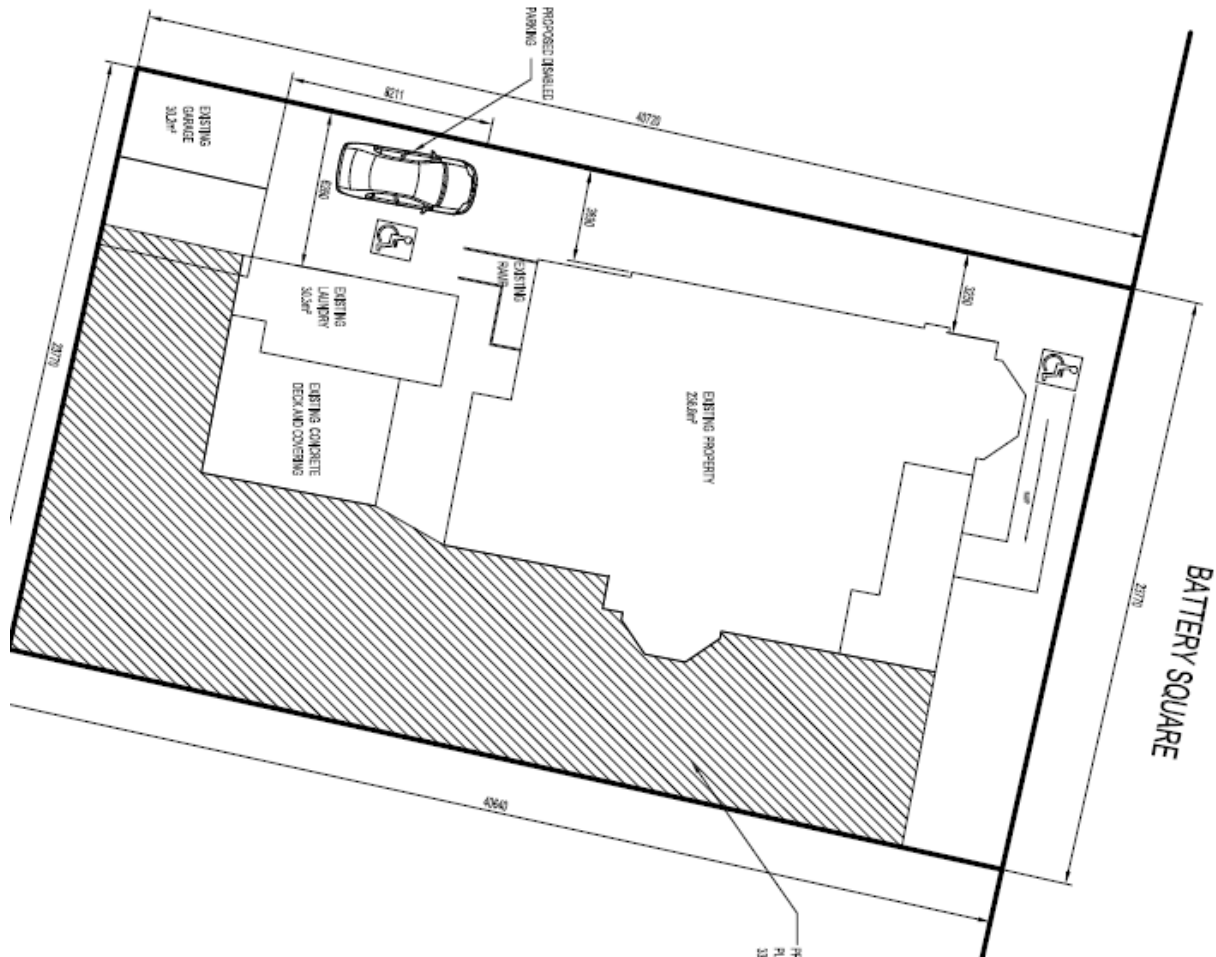
New Horizons Preschool is an independent private preschool that teaches three and four year old children.

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 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

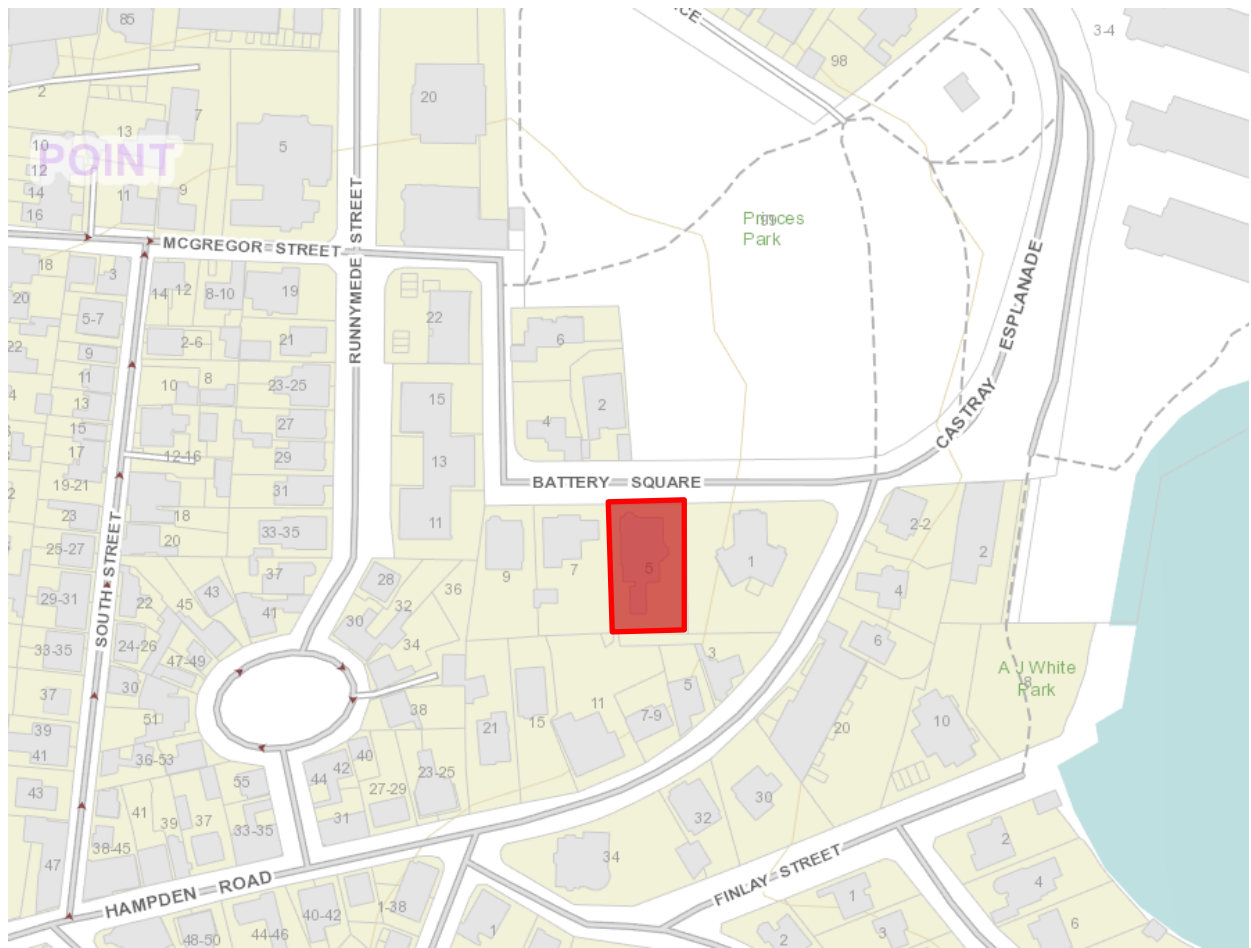
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This TIS has been prepared at the request of Council to examine the parking impacts associated with the proposed development.

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

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

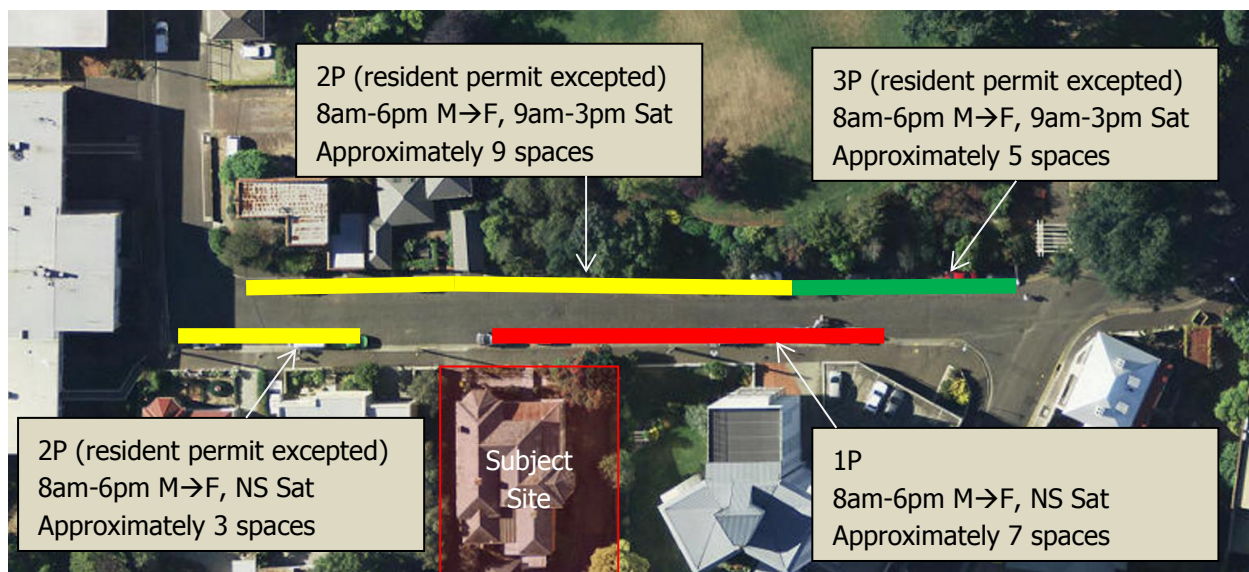
3.1 Parking Provision

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 3rd and Friday 5th 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'¹. 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;*

¹ 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.*

<p>DEVELOPMENT APPLICATION DOCUMENT</p> <p>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</p> <p>Planning Authority: Hobart City Council</p>	
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- (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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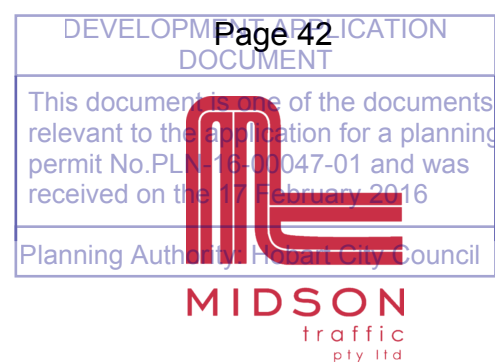
- c. The subject site is not located on a public transport route. The nearest Metro bus route is located on Sandy Bay Road. It is unlikely that the proposed development will generate demand for public transport trips.
- d. It is likely that some students will arrive as pedestrians from other areas in 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-16-00047-01 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

Nichols, Kelly

From: Nichols, Kelly
Sent: Thursday, 5 May 2016 9:37 AM
To: rfi-information
Subject: FW: Proposed Use for 5 Battery Square [PLN-16-00047-01]
Attachments: Noise Vibration Consulting.pdf

From: Norma Panagakos [<mailto:norma@newhorizonspreschool.com.au>]
Sent: Wednesday, 4 May 2016 1:42 PM
Subject: Proposed Use for 5 Battery Square [PLN-16-00047-01]

Proposed Use for 5 Battery Square [PLN-16-00047-01]

On Monday 9th January, a decision will be made for an application of 'Change of Use' for 5 Battery Square [PLN-16-00047-01], for the establishment of a private preschool. The purpose of this email is to provide further clarification on some conditions discussed at Monday's Planning Committee meeting.

NOISE ATTENUATION

New Horizons Preschool has acquired the professional services of Noise Vibration Consulting (sound acoustic engineers) for comment and guidance regarding noise attenuation. We are engaging in preventative measures to ensure a cooperative relationship with all community stakeholders. Our purpose is to explore the use of suitable materials (shade cloth, acoustic barrier fencing, modular walls, screening and environmental solutions) and their impact on noise attenuation.

Please find attached a summary report of findings.

INTERGENERATIONAL PROGRAM

An extension of the learning program at New Horizons Preschool involves the implementation of an intergenerational care program.

The Centre Manager for the proposed preschool, Mel Hilder, has extensive experience in the implementation of an intergenerational care program. She was a key stakeholder in the development of KITE (Kids Interacting with The Elderly), which was the first co-located program in Australia, based in Kingston. This research document can be viewed from the following attachment: <http://www.kite.org.au/images/THE%20KITE%20STORY2.pdf> and further information is available from the website.

This type of community engagement is a positive response to the age segregation increasingly occurring in our community, and provides mutually beneficial opportunities for the young and old to have meaningful contact that provides for close communication and co-operative activity in meaningful tasks. Further information regarding the benefits of intergenerational care programs can be sourced from Generations United article, *The Benefits of Intergenerational Programs*: <http://www.gu.org/LinkClick.aspx?fileticket=71wHEwUd0KA%3D&tabid=157&mid=606>

TRAFFIC FLOW REDUCTION MEASURES

As many of our families will be employees of the local Battery Point & Salamanca business community, the installation of a dedicated pram and bike storage area for parents to walk to the proposed preschool, leave their children, and then continue to walk to work will assist with the traffic flow in the area.

New Horizons Preschool prides itself on exceptional community relations and working collaboratively to focus on positive results. Please feel free to contact Norma Panagakos or Mel Hilder on 62281500, or by email at enquiries@newhorizonspreschool.com.au if you would like further discussions regarding this proposal.

For any further information regarding New Horizons Preschool, please visit our website at www.newhorizonspreschool.com.au

Norma Panagakos

Director

enquiries@newhorizonspreschool.com.au

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS E-MAIL

Noise Vibration Consulting

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New Horizons Pre School
5 Battery Square
Hobart, Tasmania 7001

4th May, 2016

5203.docx

Attention: Norma Panagakos

5 BATTERY SQUARE – ACOUSTIC COMMENT

The building at 5 Battery Square is under going a change of use and as part of the Council application process, comment is sought on external play noise and its mitigation. This letter provides NVC's comment on that issue.

PLAY AREA NOISE

The external play area is on the eastern side of the building and borders the Empress Towers outdoor area. A ship lap style fence currently runs the length of the boundary. Figure 1 shows the adjoining spaces.

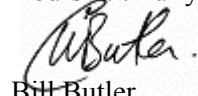
To mitigate noise from children playing in the outdoor area, the following may be considered:

- Install a taller fence or increase its height, to a nominal height of 2.1m.
- Include acoustic screens into the layout of the play area. The screens could be of two types, dispersive (they scatter the noise so reflections are not concentrated in one direction) and absorptive (they absorb sound energy so the reflected sound is greatly diminished). These may be either solid or partially open screens and may be incorporated into the play equipment or stand alone.
- If any shading screens are used look to choose absorptive materials for them or incorporate dispersive features (slats or various spacing's / thickness / angles) into them.
- If a solid roof is to be used in any area angle it up toward the west (angle > 10°) – it will then reflect its sound away from Empress Towers.
- Avoid using hard reflective surfaces – natural ground cover rather than paved or concreted.

Excluding the fence alteration, it may be noted these features would all be addressed as part of the design of the outdoor play area. Including an acoustic engineer in that design process would enable the issues to be addressed in the most effective manner.

Should you have any queries, please do not hesitate to call this office directly.

Yours faithfully



Bill Butler

Noise Vibration Consulting



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5 BATTERY Square – Acoustic Comment



Figure 1: Looking South from Battery Square along the Boundary