



CITY OF HOBART

# AGENDA

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

**MONDAY, 16 MAY 2016**

**AT 5.00 PM**

### THE MISSION

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

### THE VALUES

**The Council is:**

**about people**

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

**professional**

We take pride in our work.

**enterprising**

We look for ways to create value.

**responsive**

We're accessible and focused on service.

**inclusive**

We respect diversity in people and ideas.

**making a difference**

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

## **HOBART 2025 VISION**

In 2025 Hobart will be a city that:

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

- 1. MINUTES OF THE OPEN PORTION OF THE MEETING OF THE CITY PLANNING COMMITTEE HELD ON MONDAY 2 MAY 2016 AND A SPECIAL MEETING OF THE CITY PLANNING COMMITTEE HELD ON MONDAY 9 MAY 2016**
- 2. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**
- 3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**
- 4. TRANSFER OF AGENDA ITEMS**
- 5. PLANNING AUTHORITY ITEMS – CONSIDERATION OF ITEMS WITH DEPUTATIONS**
- 6. COMMITTEE ACTING AS PLANNING AUTHORITY**
  - 6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**
    - 6.1.1 5 BAKER STREET, NEW TOWN - PARTIAL DEMOLITION, ADDITIONAL DWELLING AND CAR PARKING - PLN-15-01541-01 - FILE REF: 5483451 & P/5/338**
    - 6.1.2 1 BEACH ROAD, SANDY BAY - PARTIAL CHANGE OF USE TO TAKE-AWAY FOOD SHOP - PLN-16-00243-01 - FILE REF: 5601585 P/1/348**
    - 6.1.3 LOT 2, 41 CONGRESS STREET (ALSO KNOWN AS 377 HUON ROAD, CT 167485/2), SOUTH HOBART - DWELLING AND FRONT FENCE - PLN-16-00277-01 - FILE REF: 5570408 & P/41/410**
    - 6.1.4 42-44 NAPOLEON STREET, BATTERY POINT - SIGNAGE & CHANGE OF USE OF MARINERS COTTAGES TO COMMUNITY GROUP ROOMS - PLN-16-00324-01 - FILE REF: 7346696 & P/18-44/706**
- 7. INTERIM PLANNING DIRECTIVE NO. 1 – BUSHFIRE-PRONE AREAS CODE – REPRESENTATION – FILE REF: 15/97**
- 8. ANNUAL REVIEW OF FEES AND CHARGES FOR 2016/2017 - CITY PLANNING DIVISION – FILE REF: 21-50-5**
- 9. APPLICATIONS APPROVED UNDER THE DELEGATED AUTHORITY OF THE DIRECTOR CITY PLANNING – FILE REF: 30-1-18**
- 10. APPLICATIONS APPROVED UNDER THE BUILDING REGULATIONS 2014 AND BUILDING ACT 2000 – FILE REF: 30-1-17**

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

- 11. ADVERTISING – FILE REF: 30-1-19**
- 12. RESPONSES TO QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**

**12.1 51 SANDY BAY ROAD - PLANNING APPEAL MEDIATION –  
DISCUSSION ON CLOSED AGENDA**


- 13. QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**
- 14. CLOSED PORTION OF THE CITY PLANNING COMMITTEE MEETING**

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



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

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

  
N.D. HEATH  
GENERAL MANAGER

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

### Committee Members

Briscoe (Chairman)

Ruzicka

Burnet

Denison

### Aldermen

Lord Mayor Hickey

Deputy Lord Mayor Christie

Zucco

Sexton

Cocker

Thomas

Reynolds

Harvey

**City Planning Committee (Open Portion of the Meeting)  
- Monday, 16 May 2016 at 5.00 pm in the Lady Osborne  
Room.**

### **PRESENT:**

### **APOLOGIES:**

**LEAVE OF ABSENCE:** Alderman T M Denison.

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

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

- 1. MINUTES OF THE OPEN PORTION OF THE MEETING OF THE CITY  
PLANNING COMMITTEE HELD ON MONDAY 2 MAY 2016 AND A  
SPECIAL MEETING OF THE CITY PLANNING COMMITTEE HELD ON  
MONDAY 9 MAY 2016**
-

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

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

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

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

### **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

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

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

### **RECOMMENDATION**

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

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

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

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

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

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

#### **6.1.1 5 BAKER STREET, NEW TOWN - PARTIAL DEMOLITION, ADDITIONAL DWELLING AND CAR PARKING - PLN-15- 01541-01 - FILE REF: 5483451 & P/5/338 36x's (Council)**



## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report	Committee
Committee:	16 May 2016
Council:	23 May 2016
Expiry Date:	25 May 2016
Application No:	<b>PLN-15-01541-01</b>
Address:	<b>5 Baker Street, New Town</b>
Applicant:	Matthew Carter, Wilson Homes, 250 Murray Street, Hobart
Proposal:	<b>Partial Demolition, Additional Dwelling and Car Parking</b>
Representations:	Twelve (12)
Performance criteria:	Development standards, historic heritage code, parking and access

### 1. Executive Summary

1.1. Planning approval is sought for partial demolition, an additional dwelling with an associated vehicular access and single parking space in an internal garage, and one car parking space for the existing dwelling on the 663m<sup>2</sup> lot (CT 22518/17), 5 Baker Street. The proposal includes:

- Demolition of the existing brick shed and tree removal;
- An additional two storey dwelling with three bedrooms and an upper level deck at the rear (Gant Street end) of the lot;
- Vehicular access and a new crossover from Gant Street to one car parking space in an internal garage for the additional dwelling;
- Vehicular access and a new crossover from Baker Street to a new car parking space for the existing dwelling excavated between the existing dwelling and the Baker Street frontage;
- The proposed dwelling would be partially clad in weatherboard, rendered cement sheeting and render.

1.2. The proposal that is the subject of this report is an amended version of the proposal previously considered by the Council's City Planning Committee at its meeting of 15 March 2016. The officer report presented to that meeting recommended refusal of the originally submitted proposal on grounds relating to building envelope, privacy, waste storage and vehicular access. At that meeting, the Committee resolved as follows:

That the item be deferred.

- 1.3. Since that deferral, the applicant has amended the proposal, with the associated plans being publicly advertised. Twelve (12) representations objecting to the proposal were received within the statutory advertising period 12 to 27 April 2016. The amended plans are the subject of this report.
- 1.4. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.4.1. General residential zone development standards – building envelope, privacy and windows.
  - 1.4.2. Parking and access code – number of car parking spaces.
  - 1.4.3. Historic heritage code - Baker Street Heritage Precinct (NT14) - demolition and development.
- 1.5. The proposal is recommended for approval.
- 1.6. The final decision is delegated to the Council.

## 2. Site Detail

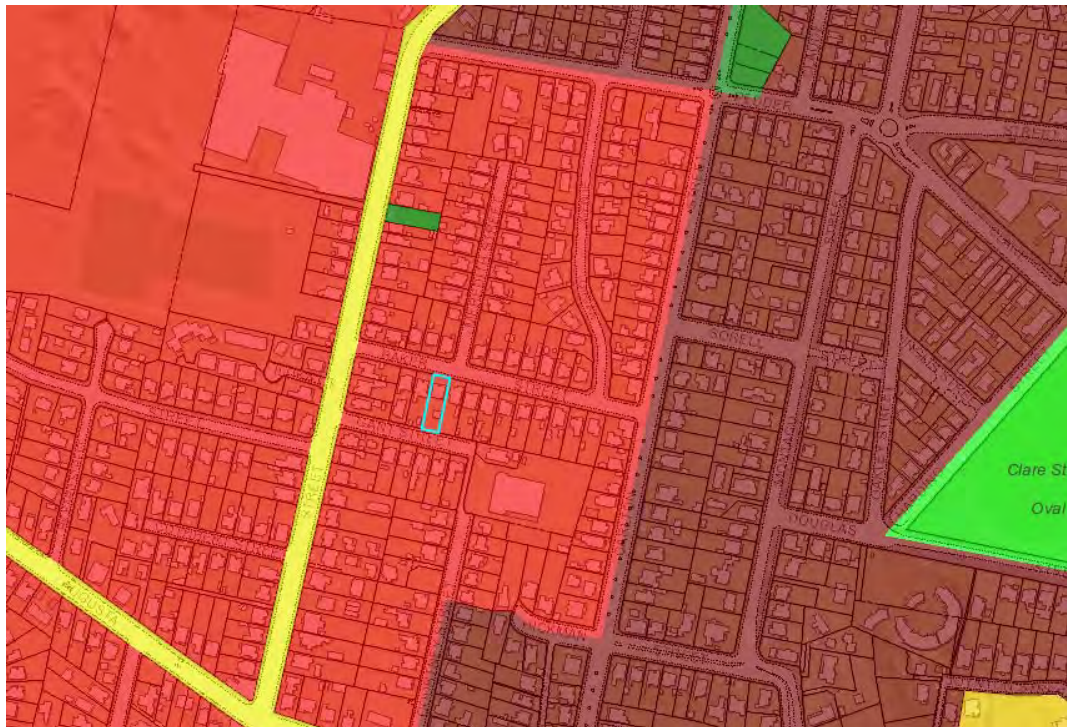


Image 1. 5 Baker Street in context of *Hobart Interim Planning Scheme 2015* zoning.





Image 2. 5 Baker Street showing Gant Street frontage. Dekho 2013 (with 1m contours, sloping down towards Baker Street).



Image 3. 5 Baker Street. Dekho 2013.



Image 4. The Baker Street frontage of the subject site (image taken 2 March 2016)

### 3. Proposal

- 3.1. Planning approval is sought for partial demolition, an additional dwelling with an associated vehicular access and single car parking space for the existing dwelling on the 663m<sup>2</sup> lot (CT 22518/17) 5 Baker Street, including:
- Demolition of the existing brick shed and tree removal;
  - An additional two storey dwelling with three bedrooms and an upper level deck at the rear (Gant Street end) of the lot;
  - Vehicular access and a new crossover from Gant Street to one car parking space in an internal garage for the additional dwelling;
  - Vehicular access and a new crossover from Baker Street to a new car parking space for the existing dwelling excavated between the existing dwelling and the Baker Street frontage;
  - The proposed dwelling would be partially clad in weatherboard, rendered cement sheeting and render.



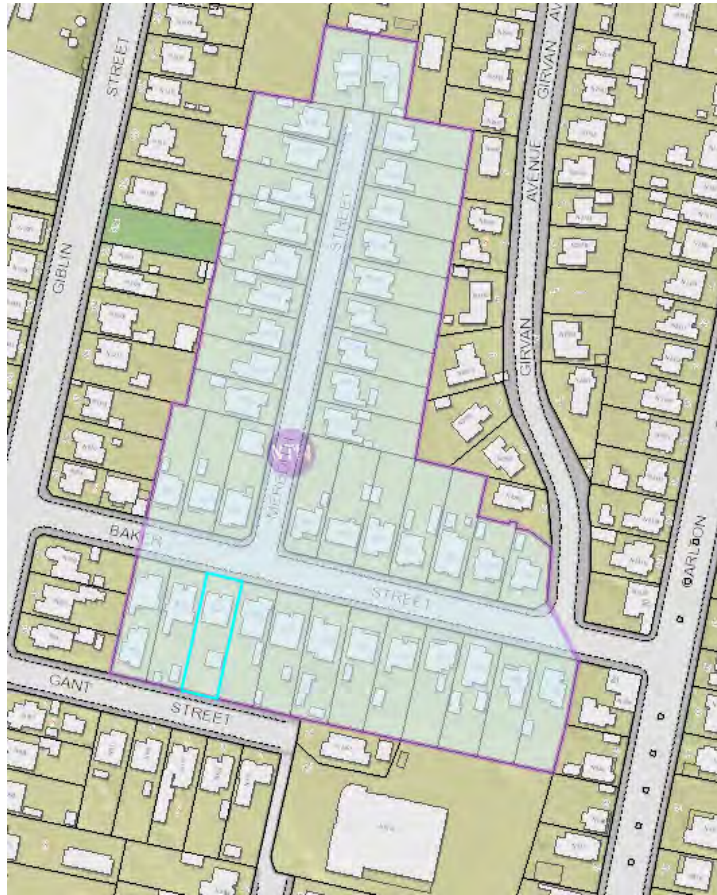


Image 5. 5 Baker Street is in the Baker Street Heritage Precinct (NT14) of the Hobart Interim Planning Scheme 2015.

#### 4. Background

- 4.1 The originally submitted plans included two proposed car parking spaces in front of the existing dwelling on Baker Street. After consultation between the Council's Cultural Heritage Officer and the applicant, indicating that two spaces were not likely to be supportable under the heritage provisions of the planning scheme, amended plans were submitted proposing one car parking space.
- 4.2 Following deferral of the proposal at the City Planning Committee meeting of 15 March 2016, amended plans were submitted on 5 April 2016 and meeting between applicant and planner on 23 March 2016. These amended plans are the subject of this report.
- 4.3 By way of clarification regarding the amendment notes on the Cover Sheet of the amended drawings submitted on 5 April 2016, Note 'F' states: *Council Request: Make Front setback 4500, remove P3, amend retaining wall design, show W27 & W28 as 04-24SW, add full height privacy screening to East elevation balcony, show Bin storage area for both units (For drawings 01 – 01d, 02a & 03).*

At the meeting on 23 March 2016 between the case planner and the applicant at the Council's offices, the case planner detailed the various performance criteria that were triggered by the originally submitted proposal and explained the options available to the applicant with respect to the application. No requests as such were made. The applicant's ability to include privacy screening to the deck as originally proposed was discussed if the deck was to be retained. The possibility of redesigning or omitting the deck from the proposal was also discussed. There was no discussion of retaining wall design.

## 5. Concerns raised by representors

- 5.1. The following table outlines the issues raised in the twelve (12) representations submitted in relation to for the amended plans. All concerns raised with respect to the discretions invoked by the proposal will be addressed in Section 6 of this report.

<b>Issues with amended plans</b>
<ul style="list-style-type: none"> <li>Amended proposal has altered very little. This almost identical application version should be refused.</li> </ul>
<ul style="list-style-type: none"> <li>The 'few tweaks' do not address my objections and do not constitute a redesign. Changes seem to be allocation of waste management storage area for both buildings and removal of an onsite car parking space.</li> </ul>
<ul style="list-style-type: none"> <li>Amended proposal is principally the same as the original proposal to the point where it is nearly impossible to tell the difference.</li> </ul>
<ul style="list-style-type: none"> <li>Concerned that the plans on the internet are incorrect – I question the screen around deck.</li> </ul>
<b>Streetscape and scale issues</b>
<ul style="list-style-type: none"> <li>An acceptable redesign would be a one storey unit similar to the one further up Gant Street – the design of that unit settles into the streetscape of Gant Street.</li> </ul>
All houses in Baker and Gant Streets sit comfortably on their parcel of land; the proposed development does not.
<ul style="list-style-type: none"> <li>Removal of trees and the proposed large, modern, 2 storey building is overwhelming. The building will look as if it is 'growing out of the roof' of the existing house. It is a large house on small block of land, and looks larger because of the roofline. Its scale is out of proportion with nearby houses. Little room is left for landscaping to soften the building's appearance.</li> </ul>
<ul style="list-style-type: none"> <li>Does not fit with the beautiful old weatherboard homes of the area.</li> </ul>
<ul style="list-style-type: none"> <li>Council should refuse the modern, two storey dwelling because it is not in keeping with the 'neighbourhood character' and heritage nature of the street; the materials used are not compatible with the surrounding houses; its two-storey nature and the elevation of the dwelling will dominate the surrounding buildings.</li> </ul>
<ul style="list-style-type: none"> <li>Unsympathetic development - the dominant scale and size will overwhelm the streetscape; it compromises the amenity of residents in neighbouring properties; does not comply with the scheme.</li> </ul>

<ul style="list-style-type: none"> <li>• In order for assessment of visual impact to be thorough, the impact from a range of relevant locations must be assessed. Visual impact includes a high level of impact upon Gant Street, and the properties either side. There is an uncomfortable level of overlooking.</li> </ul>
<ul style="list-style-type: none"> <li>• Height, bulk and design will have a detrimental impact on the streetscape and residential amenity of Gant Street.</li> </ul>
<ul style="list-style-type: none"> <li>• Dwelling would be at odds with established houses on both streets due to size, height, design, roofline and mixed cladding; the houses on the site would occupy small areas of land. The proposed house is inappropriate.</li> </ul>
<ul style="list-style-type: none"> <li>• Height of proposal is substantially more than surrounding buildings; it will dominate buildings, open private spaces and skyline.</li> </ul>
<ul style="list-style-type: none"> <li>• Materials – disparate mix of modern materials not features of surrounding horizontal weatherboard houses. Double skillion roof – modern roof profile at variance with gabled roof profiles in precinct.</li> </ul>
<ul style="list-style-type: none"> <li>• Height and design does not integrate / is not in keeping with the character and streetscape of Gant Street, which is predominantly single storey structures, single dwellings per lot, weatherboard cottages, with generous backyards, dated from 1925 onwards. Gant Street is a quiet suburban street.</li> </ul>
<ul style="list-style-type: none"> <li>• Visually unacceptable – removes views which are a positive on the value of nearby property.</li> </ul>
<ul style="list-style-type: none"> <li>• Proposal is excessively high and will hinder the streetscape.</li> </ul>
<ul style="list-style-type: none"> <li>• Visual impact – all houses in Baker and Gant Streets sit comfortably on their parcel of land; the proposed development does not. Large house, which looks larger because of its roofline. Scale out of proportion to all other houses in both streets. Little space left for landscaping to soften appearance.</li> </ul>
<b>Traffic issues</b>
<ul style="list-style-type: none"> <li>• Further increasing traffic flow in Gant Street, which has already increased due to the St Giles development</li> </ul>
<ul style="list-style-type: none"> <li>• Further increasing traffic flow in Gant Street. Line of site compromised – staff, clients and visitors to nearby St Giles facility park on Gant Street; not enough parking on that site; concerned reversing from proposed parking for new dwelling has not taken into account compromised sight lines on account of cars parked on street. Number of spaces provided inadequate, will contribute to parking problems that already exist on this once quiet street.</li> </ul>
<b>Privacy, residential amenity and overshadowing issues</b>
<ul style="list-style-type: none"> <li>• Concerned about maximum extent of overview / over-looking of immediate neighbours from the second storey main living areas and deck.</li> </ul>
<ul style="list-style-type: none"> <li>• Would impact on privacy of other surrounding residences; Second storey of proposed dwelling will be invading the privacy of the yard of the lot not adjacent but ~ 20m away.</li> </ul>

<ul style="list-style-type: none"> <li>• Privacy - two storey building is intimidating / would loom over, and will impact on the privacy and tranquillity of adjacent highly personally valued garden. Proposed second storey full length windows and glass doors ... Proposed living room and a bedroom with large windows and glass doors would overlook into the adjacent dwelling's western side living areas and outdoor space; it will make the adjacent sunny courtyard 'like living in a goldfish bowl'. Minimal size of block means upper level deck will be the choice for outdoor living. This deck will overlook adjacent property. Having to plant new large trees on boundary for privacy would take many years to grow and be out of scale with garden.</li> </ul>
<ul style="list-style-type: none"> <li>• Overshadowing concern on adjacent property, more than existing trees; Development would overshadow streetscape. Height and size of building will cause overshadowing of adjacent property.</li> </ul>
<ul style="list-style-type: none"> <li>• Referring to 10.1.1.5 - significant impact on residential amenity of adjacent properties 3 and 7 Baker Street.</li> </ul>
<b>Heritage issues</b>
<ul style="list-style-type: none"> <li>• Amended proposal has altered very little. This almost identical application version should be refused. Baker Street Heritage Precinct will be damaged irreparably. No point in having heritage listings if developers and Council find ways around them. Building uses wrong materials, is over height and of an inappropriate style. Will affect neighbours either side, and others on Baker and Gant Streets. Second dwelling on 1 Baker Street modest and one storey</li> </ul>
<ul style="list-style-type: none"> <li>• Heritage Precinct NT14 describes the types of houses that make the area significant. This building does not fit these descriptions; will destroy integrity of precinct. Building will not contribute anything to the cultural heritage of Baker Street precinct; is completely at odds with the established houses due to its size, height, roofline, mixed cladding and small block of land.</li> </ul>
<ul style="list-style-type: none"> <li>• If the authors of the Interim Planning Scheme thought Baker Street was worth putting on the Heritage Precinct Table because of the high integrity of the streetscape, surely the Council is obliged to carry out the performance criteria as stated.</li> </ul>
<ul style="list-style-type: none"> <li>• Does not comply with E13.8.2 P1 of the Scheme.</li> <li>• Does not comply with E13.8.2 P2 – Design and siting of buildings and works must comply with any relevant design criteria listed in the Heritage Precinct Table. This modern 21<sup>st</sup> century, 2 storey building does not comply.</li> </ul>
<ul style="list-style-type: none"> <li>• Unsympathetic development within the Baker Street Heritage Precinct – does not respect the character and integrity of the existing houses.</li> </ul>
<ul style="list-style-type: none"> <li>• The heritage precinct provisions of the scheme have not been appropriately assessed. The site is clearly within the boundaries of the precinct. Its frontage to Gant Street in no way nullifies the relevance or applicability of the heritage provisions. Nothing in the provisions indicates that the area of the precinct adjacent to Gant Street is less significant. Should not be dismissed as ordinary.</li> </ul>

<ul style="list-style-type: none"> <li>• Previous rejection of proposal based on peripheral planning matters, but main game is impact on Baker Street Heritage Precinct – deemed acceptable. I object to the previous heritage assessment that the proposal is ‘substantially hidden by the bulk of the parent building’; limited to sensitivities of casual observer on Baker Street; ignored impact on permanent residents in Baker and Gant Streets.</li> </ul>
<ul style="list-style-type: none"> <li>• Previous report makes no direct heritage assessment of the design with respect to performance criteria. Implied that design is unacceptable given it needs to be ‘substantially hidden’ to be ‘acceptable’. No provision of E13.0 would allow waiving of the performance criteria on the grounds that a proposed development is acceptable on the basis of it being substantially hidden. Such a determination would be ultra vires.</li> </ul>
<ul style="list-style-type: none"> <li>• Question: What features in terms of ‘size, height, materials, setback, garden setting ...’ have been incorporated into the design and siting of the proposed dwelling and associated works such that it will ‘not result in detriment to the historic cultural heritage of the precinct. Suggests none.</li> </ul>
<ul style="list-style-type: none"> <li>• Question: What features have been incorporated in the design and siting of the proposed development that would make it contribute to ‘a strong and consistent streetscape with a high degree of integrity’? Suggest none.</li> </ul>
<ul style="list-style-type: none"> <li>• Refers to objective of E13.8.2. Architectural design and proportions of the proposal are out of sympathy with the character of the heritage precinct. Would undermine integrity of the scheme; open way for future jarring, inharmonious and incompatible developments within a heritage precinct.</li> </ul>
<ul style="list-style-type: none"> <li>• Streetscape - Baker Street Heritage Precinct characterised by ‘a strong and consistent streetscape with a high degree of integrity’. Proposed building centrally sited within the precinct half way along Baker Street and opposite Meredith Street – the impact of the building will fracture present ‘strong and consistent streetscape’.</li> </ul>
<ul style="list-style-type: none"> <li>• Second storey aspect on the Baker Street side which will be visible above the original dwelling is not in keeping with the 1920’s heritage of the streetscape.</li> </ul>
<b>General planning comments / issues</b>
<ul style="list-style-type: none"> <li>• Baker Street, New Town may not be as well known as many streets in Battery Point or Sandy Bay, but residents know it is special and that is why we live here. Like to think this development is given the same consideration as an inappropriate development in Battery Point or Sandy Bay. An inappropriate building in any street is still an inappropriate building, despite the name of the suburb.</li> </ul>
<ul style="list-style-type: none"> <li>• Lost opportunity to produce a modest, single storey, sympathetically designed, successful infill development that would satisfy the provisions of the planning scheme and the representations on the proposal, and avoid a time-wasting and unproductive saga dealing with an inappropriate proposal.</li> </ul>

<ul style="list-style-type: none"> <li>Devaluation of property – I have put a lot of time, effort and money into an adjacent property over 17 years. I'm concerned that I will be forced to move from my highly valued house and garden due to an inappropriate house next door. I'm concerned the value of my property will be reduced, and that I may lose potential buyers, while the neighbouring developer maximises profit. I questions where is/are my/our rights as residents and rate payers to live in and enjoy our homes as opposed to the rights of the developers whose only interest is making profit?</li> </ul>
<ul style="list-style-type: none"> <li>I question the point of the statements of intent in the scheme if notice is not taken of them.</li> </ul>
<ul style="list-style-type: none"> <li>If residential development contained in the triangular area bounded by Augusta Road, Giblin Street and Carlton Street in considered, how can the proposed dwelling by considered as something that 'respects the neighbourhood character' compared to the predominately single storey, modest dwellings located there.</li> </ul>
<ul style="list-style-type: none"> <li>Proposal clearly fails to meet the requirements of the Planning Scheme with regard to the Baker Street Heritage Precinct and the residential zone objectives. The Council has a statutory obligation to refuse the application.</li> </ul>
<ul style="list-style-type: none"> <li>As a long term resident of Baker Street, I value the qualities of historic interest, open spaces and residential amenity. The proposal threatens to destroy the qualitative integrity of the immediate neighbourhood. I fear a critical component of Hobart's unique historical and cultural appeal will be permanently lost. The proposal does not comply with the scheme and should be refused.</li> </ul>
<ul style="list-style-type: none"> <li>Refers to zone purpose statement and highlights interwar house development. Refers to Hobart City Council's publication '100 Hobart Houses'.</li> </ul>
<ul style="list-style-type: none"> <li>The proposed modern, monolithic structure represents the antithesis of neighbourhood character; and is in direct conflict with the intent of zone purpose statement 10.1.1.4.</li> </ul>
<ul style="list-style-type: none"> <li>Many houses in Baker, Meredith and Gant Streets have been developed and have retained the characteristics of the original buildings and maintained the integrity of the dwellings and the streetscape with compatible materials and architectural features that respect the character of the original houses and garden spaces. This represents a collective effort to conserve the historic value of the precinct, which has enhanced visual qualities and residential amenity so valued by the residents.</li> </ul>

## 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 general residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.2. The proposal is for a second dwelling at 5 Baker Street. Residential use is permitted.
- 6.3. The proposal has been assessed against;
  - 6.3.1. D10.0 General residential zone
  - 6.3.2. E6.0 Parking and access code
  - 6.3.3. E7.0 Stormwater management code
  - 6.3.4. E13.0 Historic heritage code
- 6.4. The proposal relies on the following performance criteria to comply with the applicable standards;
  - 6.4.1. Building envelope - D10.4.2 (does not comply with A3);
  - 6.4.2. Privacy – D10.4.6 P2 (does not comply with A2(a)(i));
  - 6.4.3. Number of Car Parking Spaces - E6.6.1 (and Table E6.1) P1;
  - 6.4.4. Demolition in heritage precinct - E13.8.1 P1, no acceptable solution;
  - 6.4.5. Buildings and works other than demolition in heritage precinct– E13.8.2 P1, P2 (no acceptable solutions) and P5.
- 6.5. Note regarding privacy clause D10.4.6 A1
  - 6.5.1. While the deck in the amended proposal is within 3 metres of the side boundary, it complies with acceptable solution A1 as a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25% has been included along the side of the deck facing the side boundary.
- 6.6. Each performance criterion is dealt with separately below.
- 6.7. D 10.4.2 P3 - Setbacks and building envelope for all dwellings:
  - 6.7.1. The western wall of the proposed dwelling would be approximately 5.6 metres in height above natural ground level (to the underside of the eaves) at its highest point and approximately 2.2 metres from the western boundary, as shown on sheets 01/03 and 03/03 (submitted 5 April 2016).
  - 6.7.2. A relatively small portion of this western elevation would not fit within the building envelope as prescribed by 10.4.2 A3.
  - 6.7.3. The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

## 6.7.4. D10.4.2 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.*

6.7.5. While two storey dwellings are less common in the surrounding area, the proposal is only marginally outside of the prescribed building envelope used to define acceptable height and boundary setback under the *Hobart Interim Planning Scheme 2015*. Although the proposed dwelling will be visible from the neighbouring lot to the west at 3 Baker Street, the difference in impact upon the amenity of that property between the proposed dwelling and a dwelling compliant with the building envelope provisions is unlikely to be appreciable.

6.7.6. While the proposed dwelling will also be visible from the lot to the east at 7 Baker Street, the eastern elevation of the proposal is shown to be within the prescribed building envelope and is therefore deemed to be acceptable under the scheme's building envelope provisions.

6.7.7. Some of the representations refer to the existing second dwelling at the Gant Street end of 1 Baker Street as a form of infill development that creates less impact upon neighbouring amenity and that is more reflective of the built form of the neighbourhood compared to that proposed under this application. While the concerns of the representors are appreciated, the dwelling proposed by this application is only marginally outside the acceptable building envelope and is considered to be compliant with the associated performance criteria.

6.7.8. The proposal does comply with the performance criterion.

## 6.8. D10.4.6 P2 - Privacy for all dwellings (windows):

6.8.1. The western elevation of the proposed dwelling (as per Plan 03/03 (Rev F) submitted 5 April 2016) is within 3 metres (approximately 2.2 metres) of the side boundary with 3 Baker Street. The upper storey window at the southern/Gant Street end of that elevation (W26) relates to the dwelling's living area and has a sill height of 0.6 metres above the upper floor level.



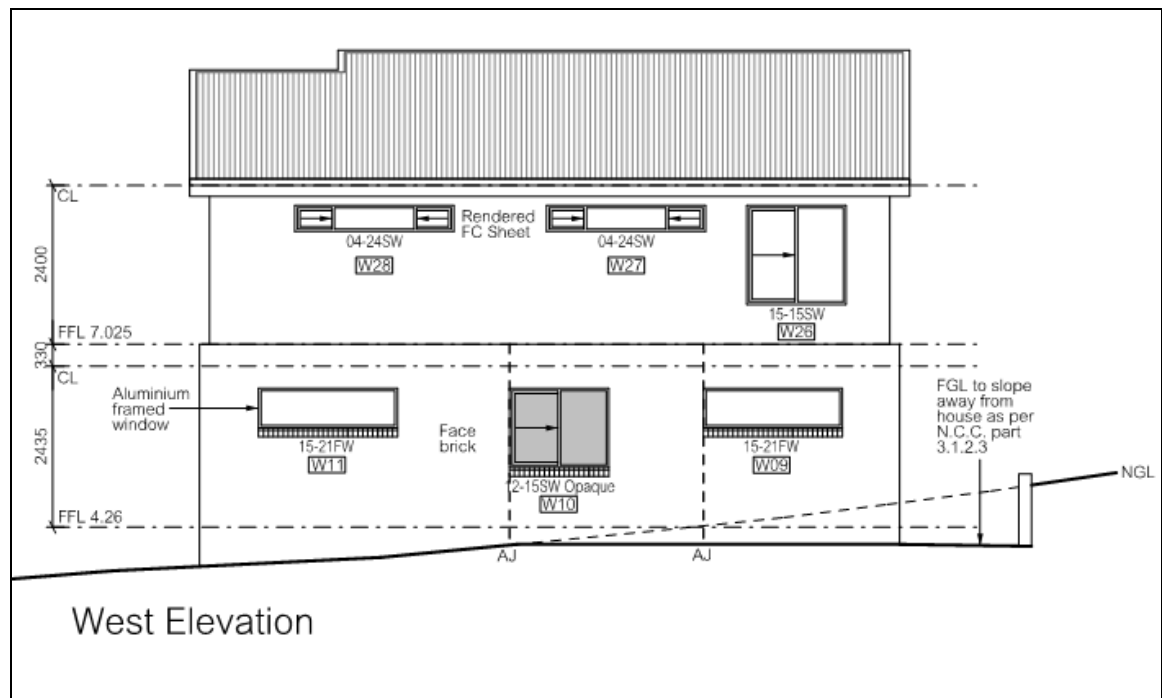


Image 6. Western elevation from Elevations Plan o3/o3 (Rev F) as submitted 5 April 2016.

- 6.8.2. D10.4.6 A2 requires that windows to a habitable room that have a floor level more than 1m above the natural ground level are to have a setback of at least 3m from a side boundary, unless they are sufficiently offset, have a sill height or obscure glazing to 1.7m above floor level, or permanently fixed external screens in accordance with D10.4.6 A2(b). The proposed window is within 3 metres of the side boundary, has a sill height of 0.6 metres and has no screening.
- 6.8.3. The proposal does not comply with the acceptable solution D10.4.6 A2 (a)(i); therefore assessment against the performance criterion is relied on.
- 6.8.4. D10.4.6 P2 states:

*A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:*

*... (b) the private open space of another dwelling; ...*

- 6.8.5. The highlight windows (W27 and W28) within the western elevation of the proposed dwelling are the closest upper level windows to the existing dwelling at 3 Baker Street and would provide some protection from overlooking / intrusion to the private open space of this dwelling. While the one window with an ordinary sill height (W26) would present some overlooking, it is considered acceptable, as the section of 3 Baker Street that it overlooks is largely occupied by a driveway access and outbuildings.

6.8.6. The proposal complies with the performance criterion.



Image 8. View to the north from the footpath at the Gant Street frontage of 5 Baker Street, looking towards rear yard and private open space of 3 Baker Street. (Image taken 2 March 2016)



Image 7. View to the north east along Gant Street, with the rear of 3 Baker Street in the foreground, with 5 Baker Street further along street. (Google maps image)

6.8 E6.6.1 P1 - Number of car parking spaces

- 6.8.1 Two car parking spaces have been proposed, one on the Baker Street frontage to serve the existing dwelling (where none currently exist), and one from the Gant Street frontage in an internal garage.
- 6.8.2 Acceptable solution E6.6.1 A1 requires the number of on-site car parking spaces to be no less than and no greater than the number specified in Table E6.1, which requires multiple dwellings containing 2 or more bedrooms to provide 2 car parking spaces for each dwelling, and one dedicated visitor parking space per 4 dwellings (rounded up to the nearest whole number). Therefore 5 car parking spaces would be required to satisfy the acceptable solution.
- 6.8.3 The proposal does not comply with the acceptable solution as only two car parking spaces are proposed; therefore assessment against the performance criterion is relied on.
- 6.8.4 E6.6.1 P1 performance criterion states in part:

*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;*
- (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;*

6.8.5 On-street car parking demand is reasonably high on Baker Street, as there are many dwellings with only one or no car parking on site. Some lots do have access to the rear yard from Gant Street. However, there is adequate on-street parking to serve the general needs of the residents. The area is not in a commuter parking area although the Gant Street on-street parking spaces are evidently in demand from the staff and visitors to the St Giles facility at the end of the street. The addition of one dwelling with one onsite parking space would not be unreasonable.

6.8.6 The proposal complies with the performance criterion.

#### 6.9 E13.8.1 P1 - Demolition in a Heritage Precinct

6.9.1 5 Baker Street forms part of the Baker Street Heritage Precinct (NT14). Demolition of several sheds on the 5 Baker Street lot is proposed.

6.9.2 There is no acceptable solution for this standard; therefore assessment against the performance criterion is relied on.

6.9.3 Performance criterion E13.8.1 P1 states in part:

*Demolition must not result in the loss of any of the following:*

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

6.9.4 The demolition would not result in the loss of any of the above.

6.9.5 The proposal complies with the performance criterion.

#### 6.10 E13.8.2 - Buildings and Works other than Demolition in a Heritage Precinct

6.10.1 5 Baker Street forms part of the Baker Street Heritage Precinct (NT14). Development of a second dwelling, two vehicular accesses and car parking spaces is proposed.

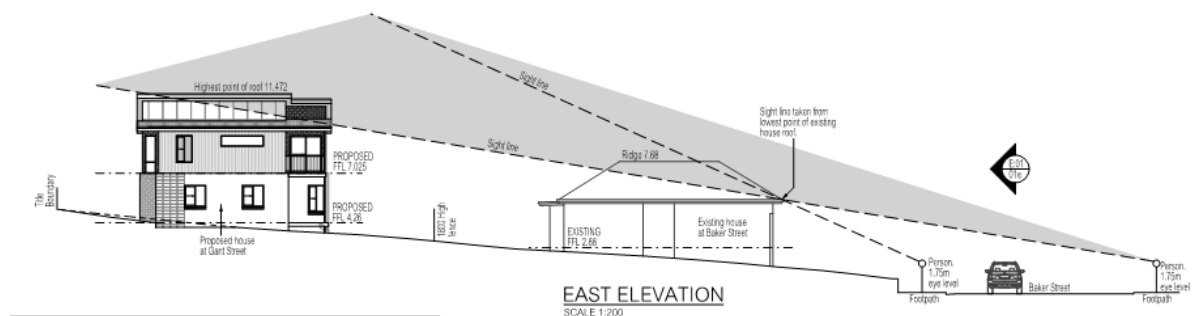


Image 9. Excerpt from plan o1e/03 submitted (5 April 2016).

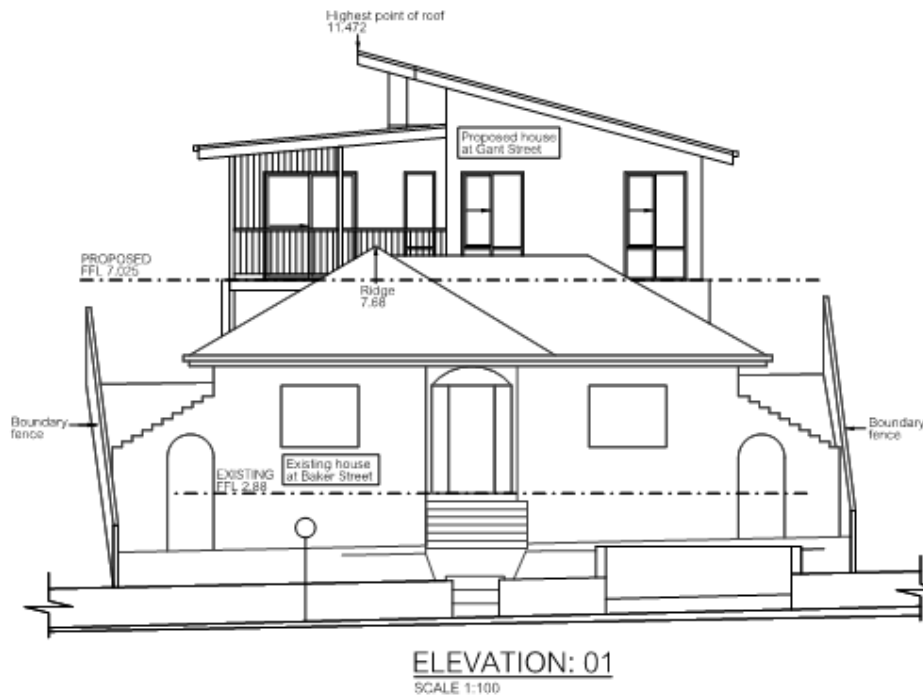


Image 10. Excerpt from plan o1e/03 (submitted 5 April 2016).



Image 11. Looking south west towards 5 Baker Street (Image taken 2 March 2016).

6.10.2 There are no acceptable solutions for A1 and A2 of this standard, and A5 requires that areas of landscaping between a dwelling and the street must be retained. The proposed vehicular access and car parking space from Baker Street would not satisfy A5; therefore assessment against the performance criterion is relied on for A1, A2 and A5.

## 6.10.3 Performance criterion E13.8.2 P1 states:

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

## Performance criterion E13.8.2 P2 states:

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

## Performance criterion E13.8.2 P5 states:

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

## 6.12.4 Table E13.2 provides the following Statement of Historic Cultural Heritage Significance for the Baker Street Heritage Precinct (NT14):

*This precinct is significant for reasons including:*

1. *It reflects the links between the development and extension of public transport lines and land sales, house building and the historical patterns of suburban growth.*
2. *The houses are a cohesive collection of buildings in two distinct Interwar architectural styles, one earlier than the other.*
3. *The buildings have a high degree of integrity and consistency, many in original condition with strong consistent character in terms of size, height, materials, setback, bulk, garden setting and fencing.*
4. *There is a strong and consistent streetscape with a high degree of integrity reflecting a pattern of suburbanisation.*

## 6.12.5 The Council's Cultural Heritage Officer supports the proposed dwelling, commenting that the proposal would be located to a moderately elevated position relative to the parent building and would therefore be visible to a degree from within the Heritage Precinct.

However, it is considered that although two storey in height, the building would be substantially hidden by the bulk of the parent building, and be sufficiently set back to appear as a separate piece of townscape orientated onto Gant Street and thus visually unconnected or associated with the townscape of the Precinct.

Therefore, although clearly modern, it is considered that it would not appear overly jarring or create a sense of cluttered or ill-mannered development to a degree that it would detract from the coherency of the Heritage precinct ... within the context of the local townscape. Details of building colour would be required if the proposed was recommended for approval.

6.12.6 The Council's Cultural Heritage Officer has supported the proposed car parking access and space from Baker Street commenting that it is noted that 5 Baker Street represents one of several properties within the street scene that do not have front or side parking provision.

6.12.7 These properties are slightly elevated within the street and traditionally had rear parking accessed from Gant Street. As such, the retention of the front garden as an uncluttered and parking free space would normally be seen as preferable. However, it is acknowledged that the vast majority of the properties within Baker Street have front accessed parking, including a considerable number that clearly did not have any parking originally allocated within the front yard.

6.12.8 As such, it is considered that the refusal of this element of the proposal would be inappropriate given the lack of a coherent character that in actual fact appears to favour the provision of parking within the front yard.

6.12.9 The proposal complies with the performance criterion E13.8.2 P1, P2 and P5.

## 7 Discussion

7.12 The proposed partial demolition, additional dwelling and car parking at 5 Baker Street is considered on balance to be in conformity with the relevant performance criteria of the *Hobart Interim Planning Scheme 2015* and is therefore supported.

7.13 The amendments incorporated into the dwelling design (as submitted 5 April 2016) reduce the overlooking / privacy issues compared with the original design. Although some overlooking is still inevitable, the provisions of the scheme do not provide sufficient grounds for refusal. The scale of the dwelling is likewise not in character with the other dwellings in the area. Although the general residential zone objectives clearly provide for consideration of siting and scale of dwelling, the dwelling proposed by this application is only marginally outside the acceptable building envelope and is considered to be compliant with the associated performance criteria. Refusal upon these grounds is therefore not warranted.

7.14 The Council's heritage assessment concludes that the proposal would not detract from the characteristics and wider townscape qualities of the Baker Street Heritage Precinct and would thus comply with relevant clauses of the scheme subject to a condition relating to approval of exterior finishes.

## 8 Conclusion

The proposed partial demolition, additional dwelling and car parking at 5 Baker 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, additional dwelling and car parking at 5 Baker Street, New Town 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-15-01541-01 outlined in attachment A to this permit except where modified below.

#### Reason for condition

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

### HERITAGE

HERs1 The palette of exterior colours and materials must reflect the palette of materials within the local townscape.

Plans must be submitted and approved prior to the commencement of work. The plans must show the colouration intended for the exterior cladding to satisfy the above requirement.

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 development at a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.**

### 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 4 The driveway and car parking area approved by this permit must be constructed to a sealed standard and surface drained prior to the completion certificate or the commencement of use.

**Reason for condition**

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

ENG 11 The proposed crossover must be designed and constructed in accordance with (IPWEA) LGAT – standard drawings (TSD-R09-v1 – Urban Roads Driveways and TSD-R14-v1 Concrete Kerbs and Channels Vehicular Crossings) prior to the commencement of the use.

Advice: Prior to the commencement of development works, the owner must obtain a permit to temporarily open up and occupy a highway (pursuant to Section 46 of the Local Government (Highways) Act 1982) for any privately undertaken works in the highway reservation.

This permit will include items such as hours of work, road safety, reinstatement etc. The application form and advice regarding the permit requirements can be found on the Council's website [www.hobartcity.com.au](http://www.hobartcity.com.au).

Once a permit has been issued the developer must contact the Council's Project and Development Inspector on telephone (03) 6238 2967 at least 48 hours notice prior to the commencement of any works. Completed applications for a permit to temporarily open up and occupy a highway must be accompanied by a safe work method statement.

Typical property access and driveway profile drawings can be accessed on the Local Government Association of Tasmania website: [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au).

#### **Reason for condition**

**In the interests of vehicle user safety and the amenity of the development.**

#### **ADVICE**

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit [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)
- Engineering drawings must detail materials and gradients of new connections and show all existing connections. The Urban Drainage Act 2013 requires a single connection point to be wholly contained within the boundaries of the property.
- The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works. Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Telephone 1100, Dial Before You Dig, or visit [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) for information on the location of underground services and cables in relation to the proposed development prior to commencing any works on site.

- The Project and Development Inspector must be contacted on (03) 6238 2967 or 0417 604 725, at least 24 hours prior to the commencement of any works.
- The use of any Council road reservation for construction purposes shall be approved in writing by the Council's Group Manager Engineering Services prior to the commencement of the relevant work in the highway reservation.



(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.*



(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: 4 May 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – Documents and Drawings

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-15-01541-01****DEVELOPMENT ADDRESS: 5 Baker Street, NEW TOWN****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		17 Dec 2015
Title	22518/17	17 Dec 2015
Site Plan	Project No: WH9285 Drawing No: 01/03 Revision No: F 4 April 2016 Drawn by: LP Date of original Drawing: 19 Nov 2015	5 April 2016
Driveway Line of Sight Plan	Project No: WH9285 Drawing No: 01a/03 Revision No: F 4 April 2016 Drawn by: CK Date of Drawing: 15 Jan 2016	5 April 2016
Driveway Construction Details	Project No: WH9285 Drawing No: 01b/03 Revision No: F 4 April 2016 Drawn by: CK Date of Drawing: 15 Jan 2016	5 April 2016
Vehicle Manoeuvring(sic) Plan	Project No: WH9285 Drawing No: 01c/03 Revision No: F 4 March 2016 Drawn by: CK Date of Drawing: 15 Jan 2016	5 April 2016
Concept Stormwater Plan	Project No: WH9285 Drawing No: 01d/03 Revision No: F 4 April 2016 Drawn by: CK Date of Drawing: 15 Jan 2016	5 April 2016
Baker Street and East Elevation	Project No: WH9285 Drawing No: 01e/03 Revision No: D 4 Feb 2016 Drawn by: CK Date of Drawing: 15 Jan 2016	5 April 2016
Ground Floor Plan	Project No: WH9285 Drawing No: 02/03 Revision No: E 1 April 2016 Drawn by: LP Date of Drawing: 19 Nov 2015	5 April 2016
First Floor Plan	Project No: WH9285 Drawing No: 02a/03	5 April 2016

	Revision No: F 4 April 2016 Drawn by: LP Date of Drawing: 19 Nov 2015	
Elevations	Project No: WH9285 Drawing No: 03/03 Revision No: F 4 April 2016 Drawn by: LP Date of Drawing: 19 Nov 2015	5 April 2016



MULTI AWARD WINNING BUILDERS  
A Division of Wilson Homes Tasmania Pty Ltd  
ABN 96 126 636 897

WH9285 - PROPOSED LOVE RESIDENCE  
5 Baker Street,  
NEW TOWN

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents  
relevant to the application for a planning  
permit No.PLN-15-01541-01 and was  
received on the 05 April 2016

Planning Authority: Hobart City Council

F	Council Request: Make Front setback 4500, remove P3, amend retaining wall design, show W27 & W28 as 04-24SW, add full height privacy screening to East elevation balcony,show Bin storage area for both units.	01 - 01d, 02a & 03	04 April 2016	RJ	ST
E	Amend Bathroom/WC layout as per request, add 770CSD in lieu of swing door in Bath, show 770 swing door to WC, make island bench 2000 long, shorten pantry by 400mm and add stud wall to Ref space, add 11 LED downlights to Kitchen/Living/Dining area, additional DGPOs as per request.	01 - 01d, 02-03 Electrical & Calcs	01 April 2016	RJ	ST
D	H.C.C. REQUEST FOR FURTHER INFORMATION: Indicate only 1 parking spot for Baker street dwelling, Update all affected plans.	01 - 01e	04 February 2016	CK	ST
C	H.C.C. REQUEST FOR FURTHER INFORMATION: Add an elevation view from Baker Street, Show additional site plans demonstrating compliance with line of sight, levels/gradients & cross-sections, Vehicle manoeuvring & concept stormwater, Amend location and size of various driveways to comply.	01 - 01e	15 January 2016	CK	SS
B	L'dry area to become study & l'dry to be relocated to garage, remove door to garage and hall from study, provide 06-09SW in lieu of 09-06SW Study, remove W03 and provide 820 door, remove 1x 720 door to bed 1.	01-03, Electrical plan & Calculations	22 December 2015	LP	SS
A	Move fence 7300mm away from existing house, move WC & Ensuite wall 300mm and provide robe to bed 1, add 770 door to Ensuite, change W19 to 15-09SW in lieu of 15-12SW.	01, 02a, 03, Electrical plan & Calculations	10 December 2015	LP	ST
DA	DA Plan Set.	01-03	19 November 2015	LP	ST
No.	Amendment	Sheet	Date	Drawn	Check

SHEET    DRAWING TITLE

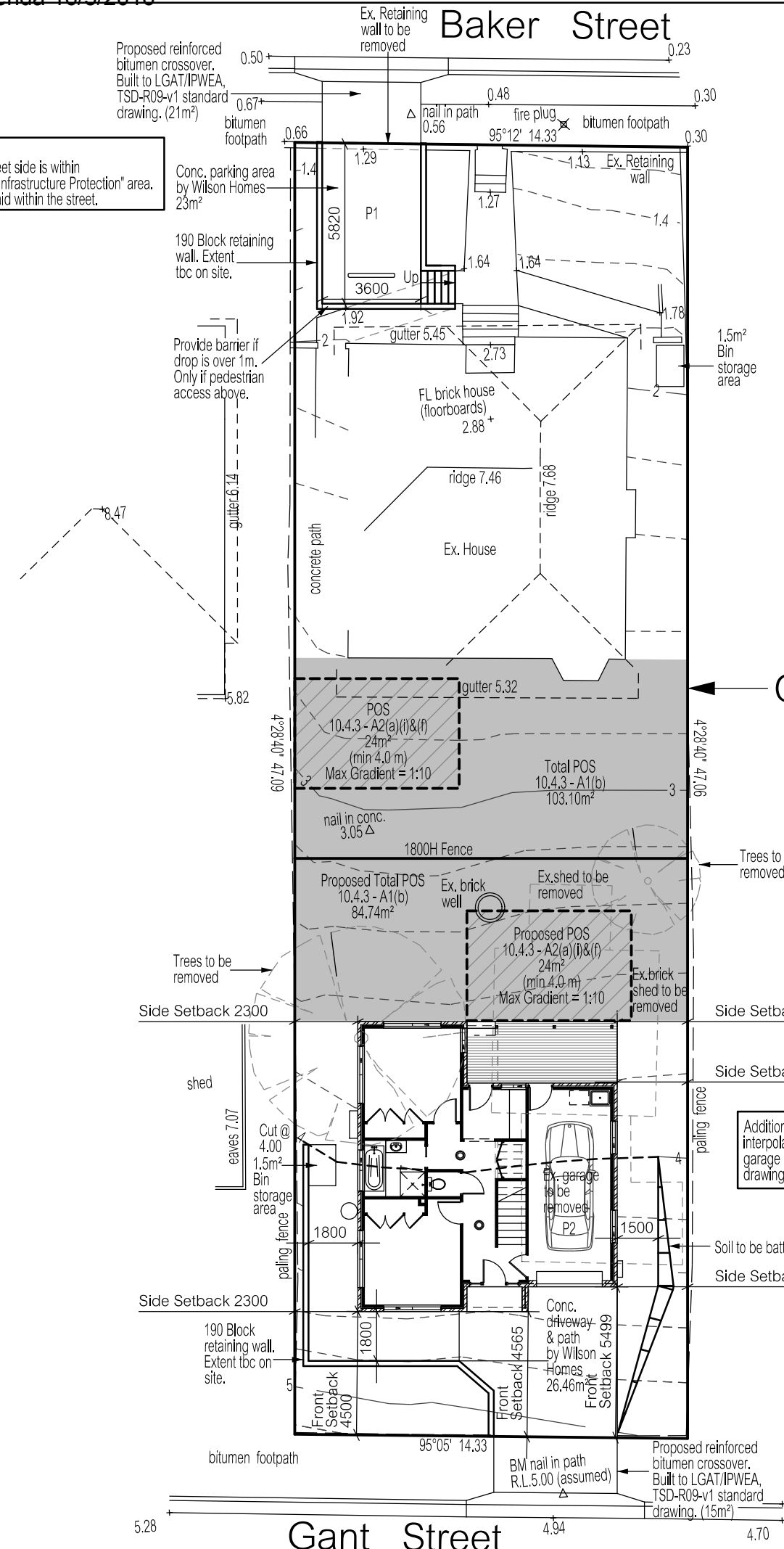
- o1: (F) SITE PLAN
- o1a: (F) DRIVEWAY 'LINE OF SIGHT' PLAN
- o1b: (F) DRIVEWAY CONSTRUCTION DETAILS
- o1c: (F) VEHICLE MANOEUVRING PLAN
- o1d: (F) CONCEPT STORMWATER PLAN
- o1e: (D) BAKER STREET ELEVATION
- o2: (E) GROUND FLOOR PLAN
- o2a: (F) FIRST FLOOR PLAN
- o3: (F) ELEVATIONS

Designer:	Client / Project info:	TITLE REFERENCE: CT22518/17 PROPOSED FLOOR AREAS: 164.87m <sup>2</sup> PORCH/DECK AREAS: 23.50m <sup>2</sup> WIND SPEED: N2 SOIL CLASSIFICATION: M CLIMATE ZONE: 7 CERTIFIED B.A.L.: EXEMPT DESIGNED B.A.L.: EXEMPT	COVER SHEET		
ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN ACC. NO. CC2204H Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED LOVE RESIDENCE  5 Baker Street, NEW TOWN		Drawn	LP	WH9285
			Date	19 November 2015	Sheet
			Scale	N/A	00/03
			WILSON HOMES © 2015		

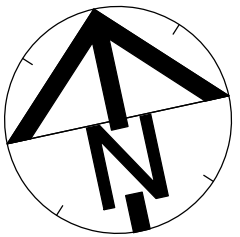
This document is one of the documents relevant to the application for a planning permit No.PLN-15-01541-01 and was received on the 05 April 2016

Planning Authority: Hobart City Council

PLEASE NOTE:  
- Development on Baker street side is within an "Electricity Transmission Infrastructure Protection" area. BEWARE power cabling is laid within the street.



Note:-  
Boundaries shown hereon are a preliminary re-definition of the land for planning purposes only and should not be considered as an authoritative re-definition of the correct boundary location.  
Before commencement of any building work boundaries shown hereon should be verified by a full cadastral re-definition of the land.  
James McEldowney Surveying accepts no responsibility for the improper use of boundary information shown on this plan.  
Do not remove this note from this or subsequent plans until the boundaries shown have been verified.



PROPOSED NEW RESIDENCE  
GROUND FFL: 4.26  
FIRST FFL: 7.025

CT22518/17  
674m²

EXPLANATORY NOTES: HOBART CITY COUNCIL INTERIM PLANNING SCHEME			
10.4.1- Residential density for multiple dwellings			
A1	(a)	Site Density: Min. 325m <sup>2</sup> per unit 674m <sup>2</sup> / 2 (units) = 337m <sup>2</sup> provided	
10.4.3 - Site coverage and private open space for <b>all</b> dwellings			
A1	(a)	Site Coverage: Max. 50% of Site = 337m <sup>2</sup> Existing house = 119.12m <sup>2</sup> Proposed house = 87.16m <sup>2</sup> Total proposed site coverage: 206.28m <sup>2</sup> (30.60%)	
	(c)	Impervious Surfaces: Min. 25% of Site to be free of impervious surfaces = 168.50m <sup>2</sup> Proposed area free of impervious surfaces: 391.31m <sup>2</sup> (58.06%)	

No.	Amendment	Date	Init.
F	Changes as per cover sheet	04 Apr 16	RJ
E	Changes as per cover sheet	01 Apr 16	RJ
D	Changes as per cover sheet	04 Feb. 16	CK
C	Changes as per cover sheet	15 Jan. 16	CK
B	Changes as per cover sheet	22 Dec. 15	LP
A	Changes as per cover sheet	10 Dec. 15	LP

- NOTES
- Builder to verify all dimensions and levels on site prior to commencement of work
  - All work to be carried out in accordance with the current National Construction Code.
  - Dimensions to take precedence over scale.
  - Do not scale from these drawings.

THIS DWELLING IS BEING CONSTRUCTED IN AN AREA EXEMPT FROM BUSHFIRE RISK ASSESSMENT  
No additional restrictions for construction methods / materials apply.

Designer:	Client / Project info:
ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN ACC. NO. CC2204H Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED LOVE RESIDENCE  5 Baker Street, NEW TOWN



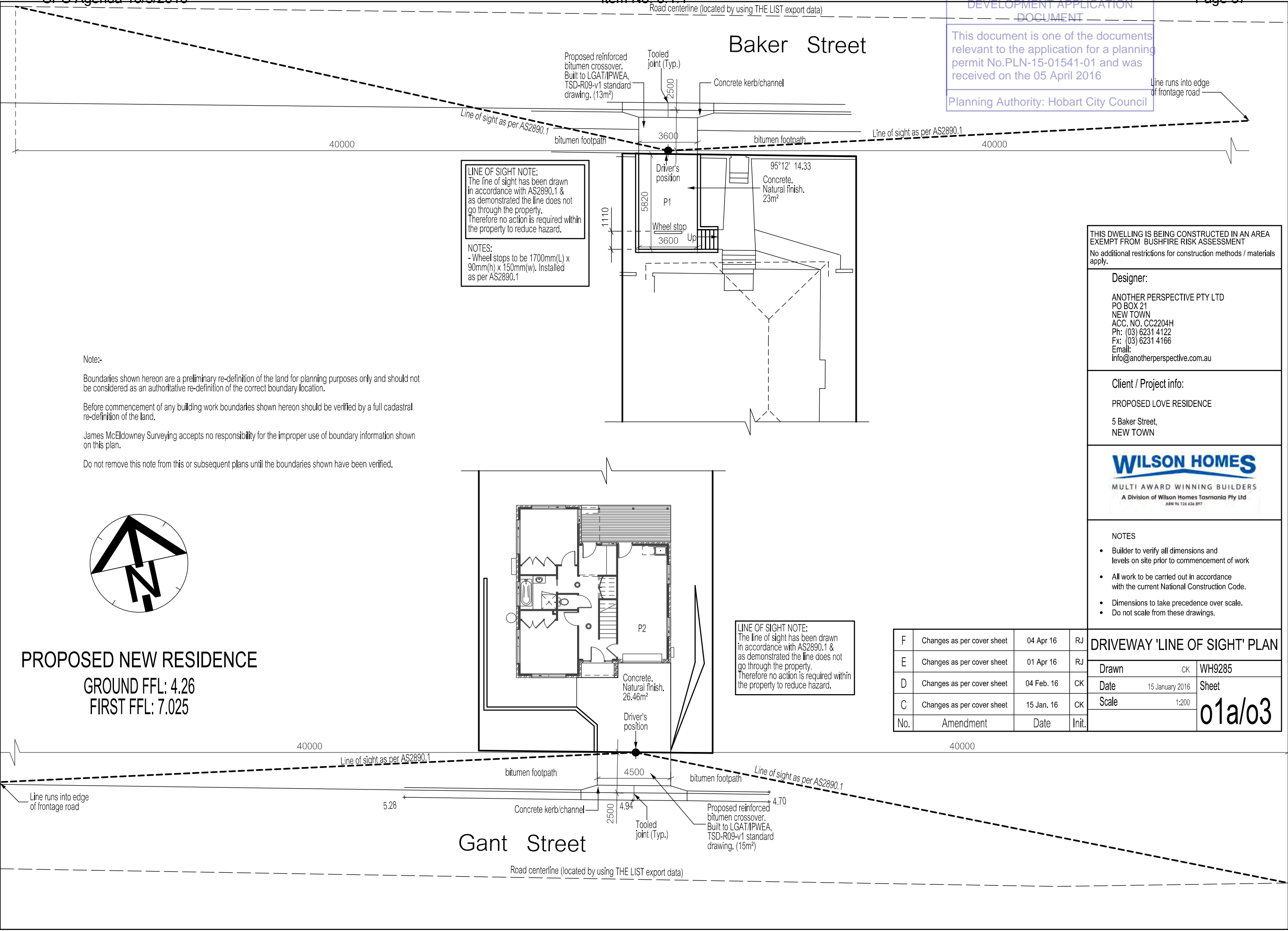
SITE PLAN		
Drawn	LP	WH9285
Date	19 November 2015	Sheet
Scale	1:200	01/03
WILSON HOMES © 2015		



DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01541-01 and was received on the 05 April 2016

Planning Authority: Hobart City Council



LINE OF SIGHT NOTE:  
The line of sight has been drawn in accordance with AS2890.1 & as demonstrated the line does not go through the property. Therefore no action is required within the property to reduce hazard.

NOTES:  
- Wheel stops to be 1700mm(L) x 90mm(h) x 150mm(w). Installed as per AS2890.1

LINE OF SIGHT NOTE:  
The line of sight has been drawn in accordance with AS2890.1 & as demonstrated the line does not go through the property. Therefore no action is required within the property to reduce hazard.

THIS DWELLING IS BEING CONSTRUCTED IN AN AREA EXEMPT FROM BUSHFIRE RISK ASSESSMENT  
No additional restrictions for construction methods / materials apply.

Designer:  
  
ANOTHER PERSPECTIVE PTY LTD  
PO BOX 21  
NEW TOWN  
ACC. NO. CC2204H  
Ph: (03) 6231 4122  
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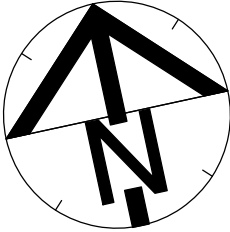
Client / Project info:  
  
PROPOSED LOVE RESIDENCE  
  
5 Baker Street,  
NEW TOWN



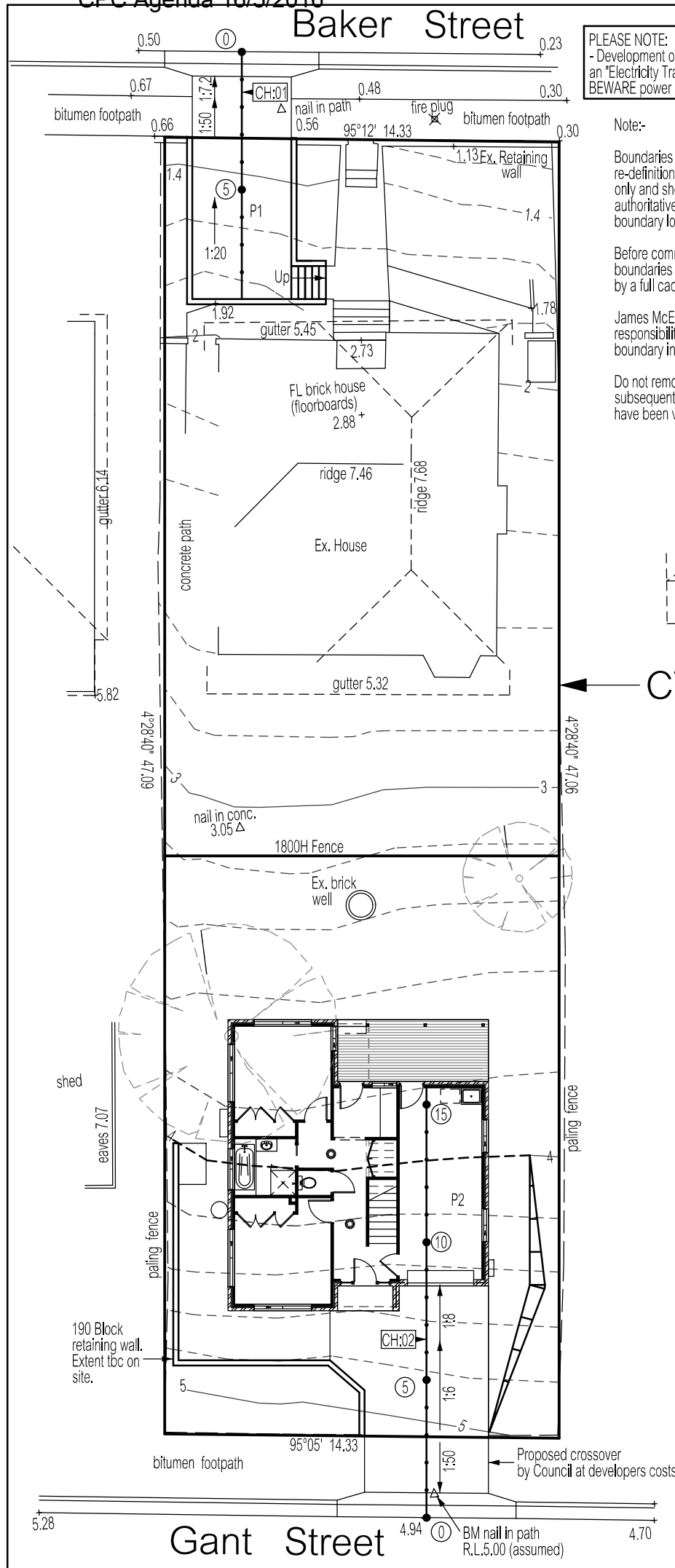
- NOTES
- Builder to verify all dimensions and levels on site prior to commencement of work
  - All work to be carried out in accordance with the current National Construction Code.
  - Dimensions to take precedence over scale.
  - Do not scale from these drawings.

F	Changes as per cover sheet	04 Apr 16	RJ	DRIVEWAY 'LINE OF SIGHT' PLAN	
E	Changes as per cover sheet	01 Apr 16	RJ	Drawn	CK WH9285
D	Changes as per cover sheet	04 Feb. 16	CK	Date	15 January 2016 Sheet
C	Changes as per cover sheet	15 Jan. 16	CK	Scale	1:200
No.	Amendment	Date	Init.	01a/o3	

Note:-  
  
Boundaries shown hereon are a preliminary re-definition of the land for planning purposes only and should not be considered as an authoritative re-definition of the correct boundary location.  
  
Before commencement of any building work boundaries shown hereon should be verified by a full cadastral re-definition of the land.  
  
James McEldowney Surveying accepts no responsibility for the improper use of boundary information shown on this plan.  
  
Do not remove this note from this or subsequent plans until the boundaries shown have been verified.



PROPOSED NEW RESIDENCE  
GROUND FFL: 4.26  
FIRST FFL: 7.025



PLEASE NOTE:  
- Development on Baker street side is within  
an "Electricity Transmission Infrastructure Protection" area.  
BEWARE power cabling is laid within the street.

Note:-

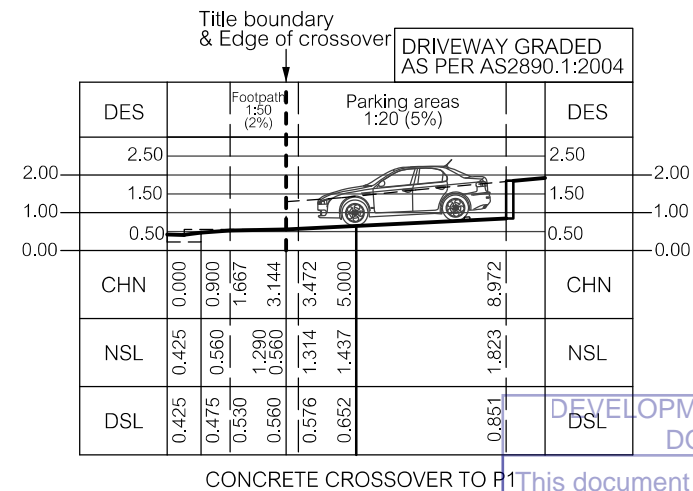
Boundaries shown hereon are a preliminary  
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have been verified.

CH:01



CONCRETE CROSSOVER TO P1

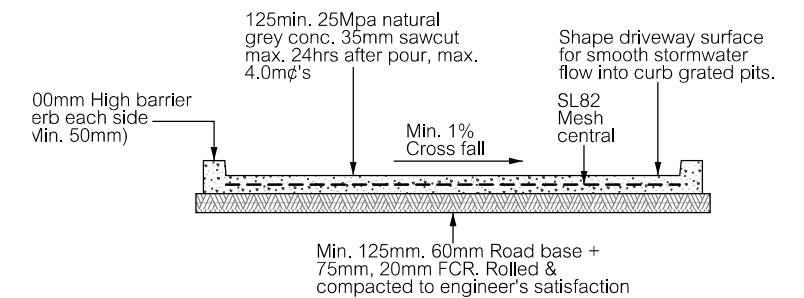
DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents  
relevant to the application for a planning  
permit No.PLN-15-01541-01 and was  
received on the 05 April 2016

Planning Authority: Hobart City Council

PROPOSED  
NEW RESIDENCE

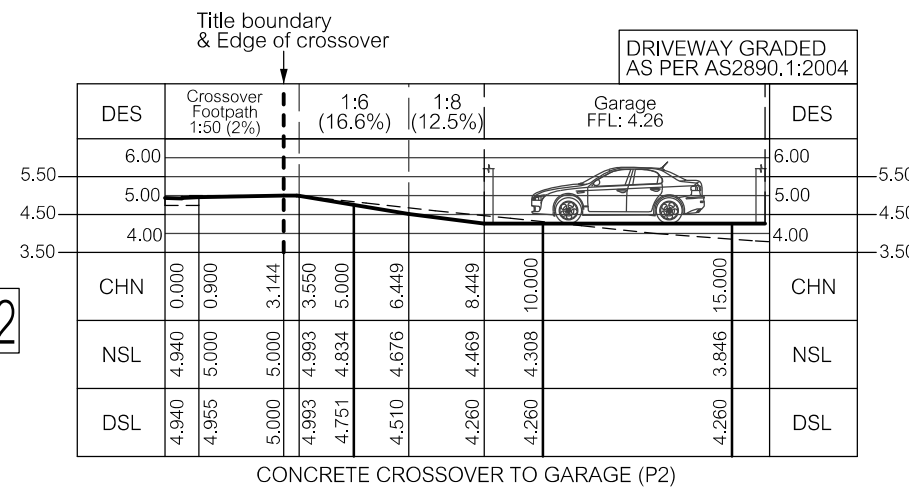
GROUND FFL: 4.26  
FIRST FFL: 7.025



TYPICAL DRIVEWAY CROSS-SECTION

SCALE 1:50

CH:02



CONCRETE CROSSOVER TO GARAGE (P2)

THIS DWELLING IS BEING CONSTRUCTED IN AN AREA EXEMPT FROM BUSHFIRE  
RISK ASSESSMENT  
No additional restrictions for construction methods / materials apply.

NOTES

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- Do not scale from these drawings.

Designer:

ANOTHER PERSPECTIVE PTY LTD  
PO BOX 21  
NEW TOWN  
ACC. NO. CC2204H  
Ph: (03) 6231 4122  
Fx: (03) 6231 4166  
Email:  
info@anotherperspective.com.au

Client / Project info:

PROPOSED LOVE RESIDENCE  
5 Baker Street,  
NEW TOWN

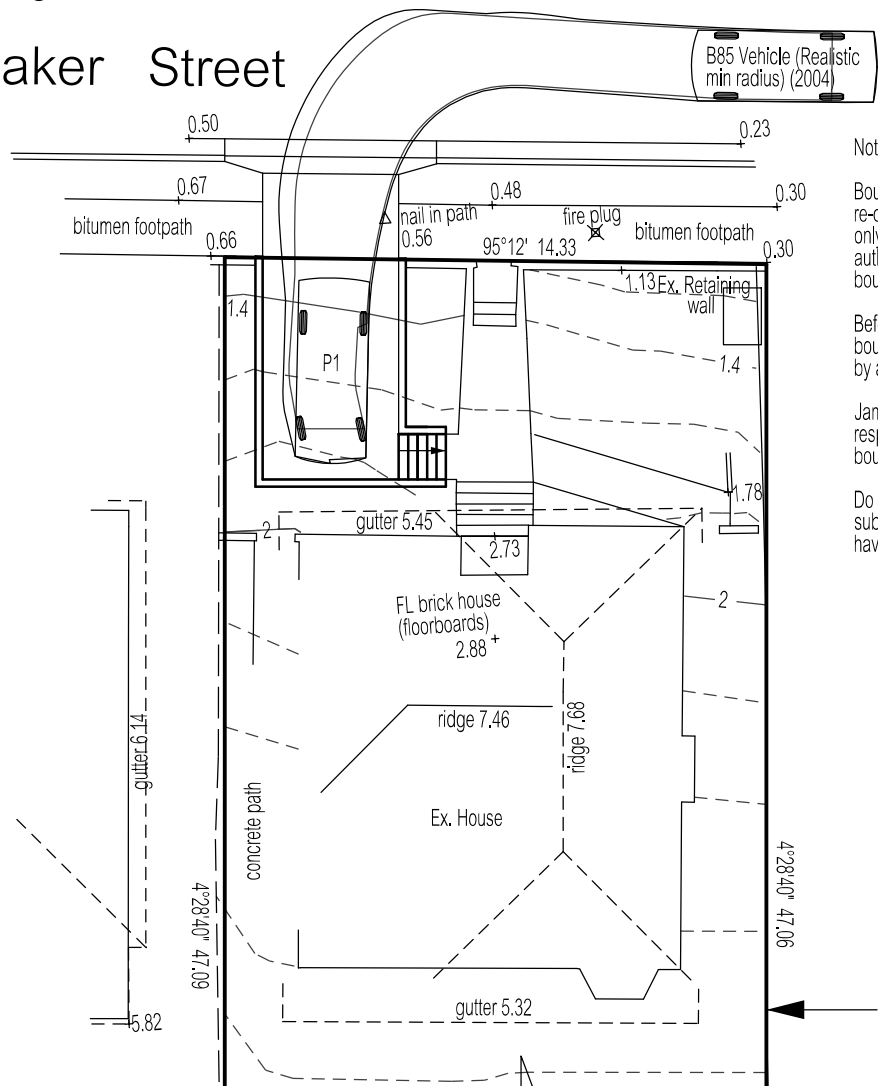
**WILSON HOMES**  
MULTI AWARD WINNING BUILDERS  
A Division of Wilson Homes Tasmania Pty Ltd  
ABN 76 126 636 877

F	Changes as per cover sheet	04 Apr 16	RJ
E	Changes as per cover sheet	01 Apr 16	RJ
D	Changes as per cover sheet	04 Feb. 16	CK
C	Changes as per cover sheet	15 Jan. 16	CK
No.	Amendment	Date	Init.

DRIVEWAY CONSTRUCTION DETAILS

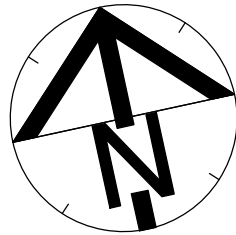
Drawn	CK	WH9285
Date	15 January 2016	Sheet
Scale	1:200, 1:50	
WILSON HOMES © 2015		o1b/o3

Baker Street



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CT22518/17  
674m²

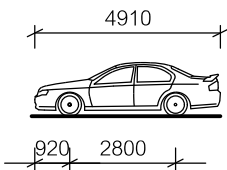


PROPOSED NEW RESIDENCE  
GROUND FFL: 4.26  
FIRST FFL: 7.025

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-15-01541-01 and was received on the 05 April 2016

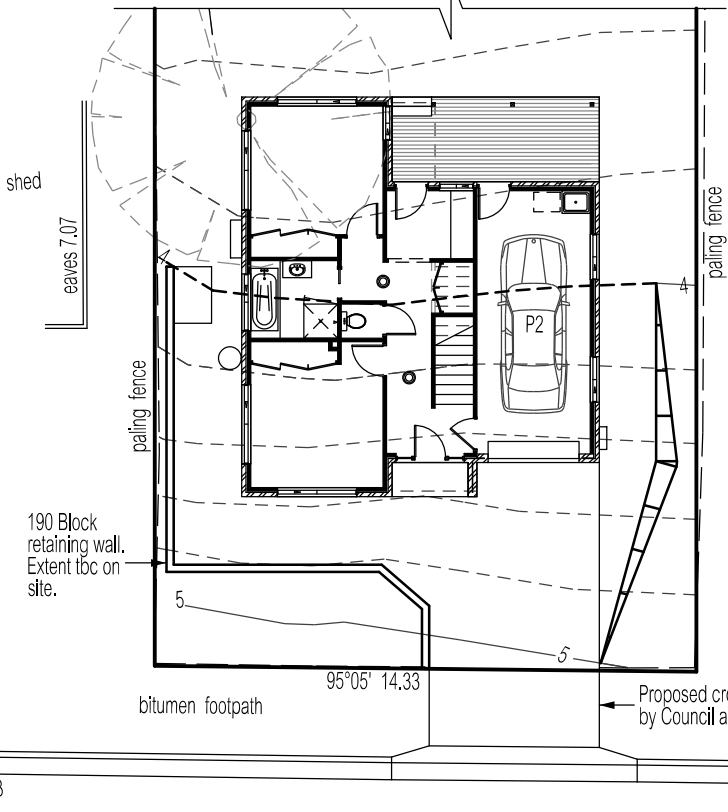
Planning Authority: Hobart City Council



B85 Vehicle (Realistic min radius) (2004)

Overall Length	4.910m
Overall Width	1.870m
Overall Body Height	1.421m
Min Body Ground Clearance	0.159m
Track Width	1.770m
Lock to Lock Time	4.00s
Curb to Curb Turning Radius	5.750m

\* Manoeuvring has been achieved using 'autotrack v.12' Manoeuvring software.



Gant Street

THIS DWELLING IS BEING CONSTRUCTED IN AN AREA EXEMPT FROM BUSHFIRE RISK ASSESSMENT  
No additional restrictions for construction methods / materials apply.

Designer:  
ANOTHER PERSPECTIVE PTY LTD  
PO BOX 21  
NEW TOWN  
ACC. NO. CC2204H  
Ph: (03) 6231 4122  
Fx: (03) 6231 4166  
Email:  
info@anotherperspective.com.au

Client / Project info:  
PROPOSED LOVE RESIDENCE  
5 Baker Street,  
NEW TOWN



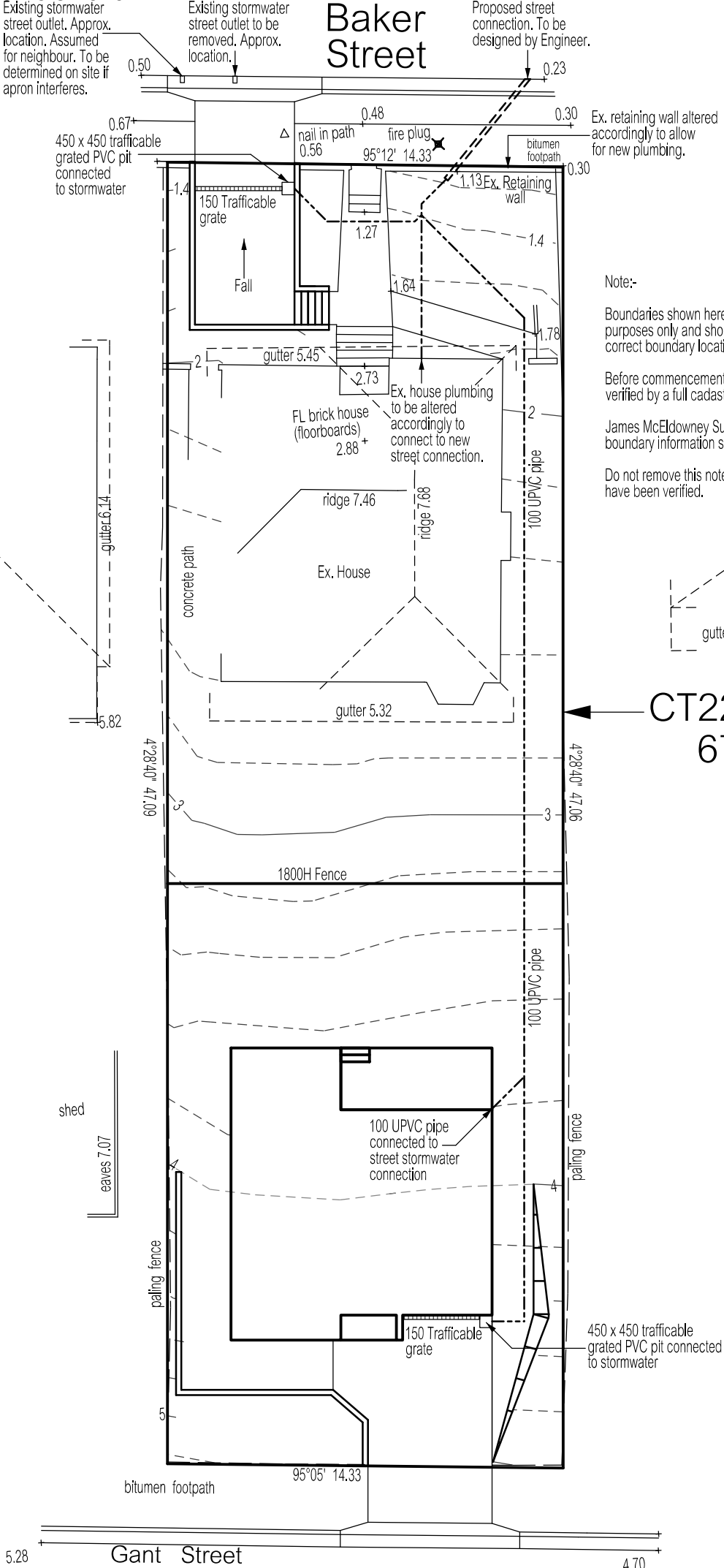
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E	Changes as per cover sheet	01 Apr 16	RJ
D	Changes as per cover sheet	04 Feb. 16	CK
C	Changes as per cover sheet	15 Jan. 16	CK
No.	Amendment	Date	Init.

NOTES

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VEHICLE MANOEUVRING PLAN

Drawn	CK	WH9285
Date	15 January 2016	Sheet
Scale	1:200	
WILSON HOMES © 2015		01c/o3



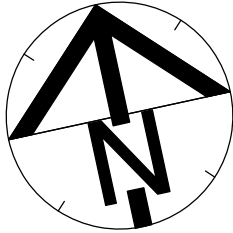
Note:-

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PROPOSED NEW RESIDENCE

GROUND FFL: 4.26

FIRST FFL: 7.025

DEVELOPMENT APPLICATION DOCUMENT

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Planning Authority: Hobart City Council

F	Changes as per cover sheet	04 Apr 16	RJ
E	Changes as per cover sheet	01 Apr 16	RJ
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C	Changes as per cover sheet	15 Jan. 16	CK
No.	Amendment	Date	Init.

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NEW TOWN  
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Email:  
info@anotherperspective.com.au

Client / Project info:

PROPOSED LOVE RESIDENCE

5 Baker Street,  
NEW TOWN

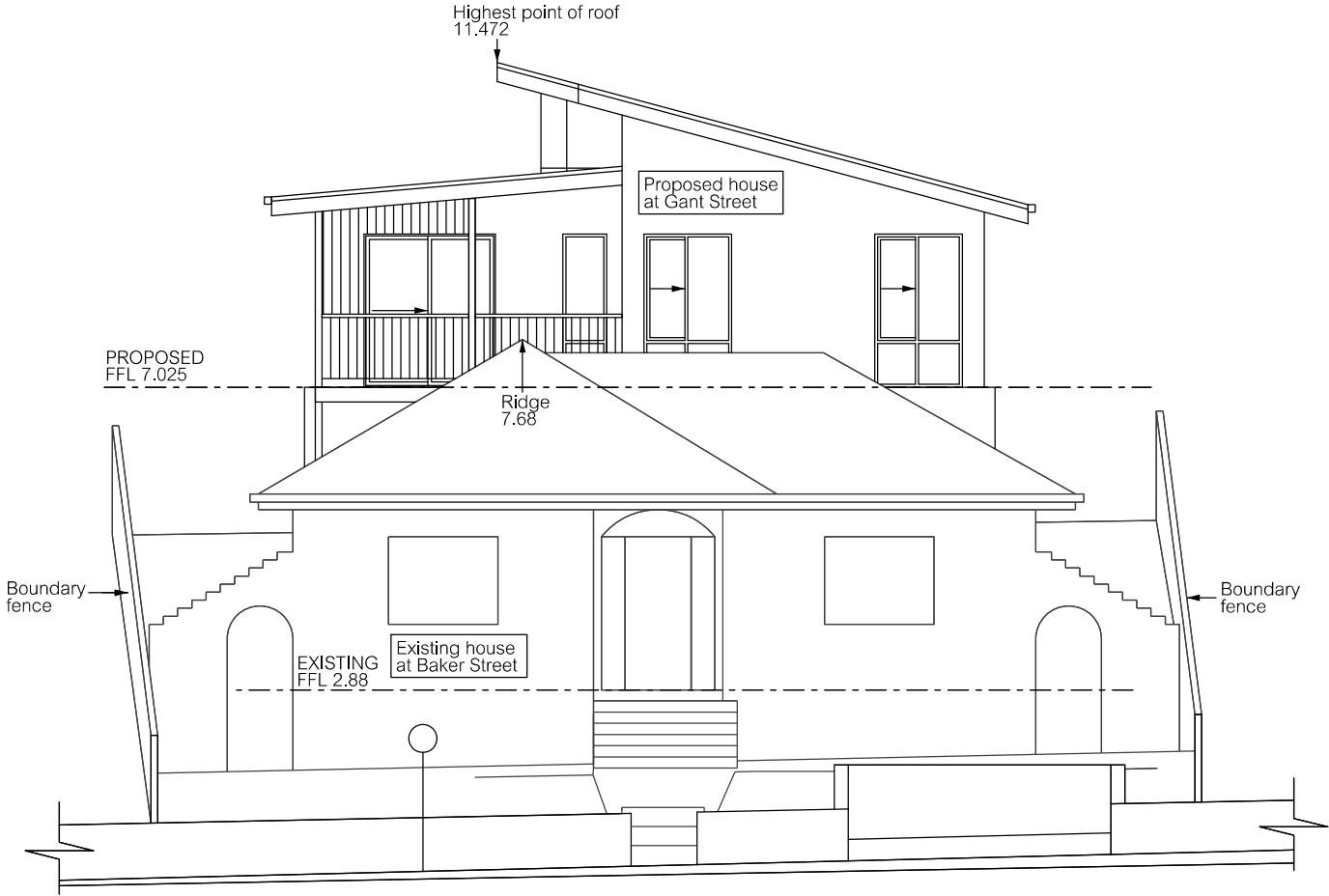
**WILSON HOMES**

MULTI AWARD WINNING BUILDERS

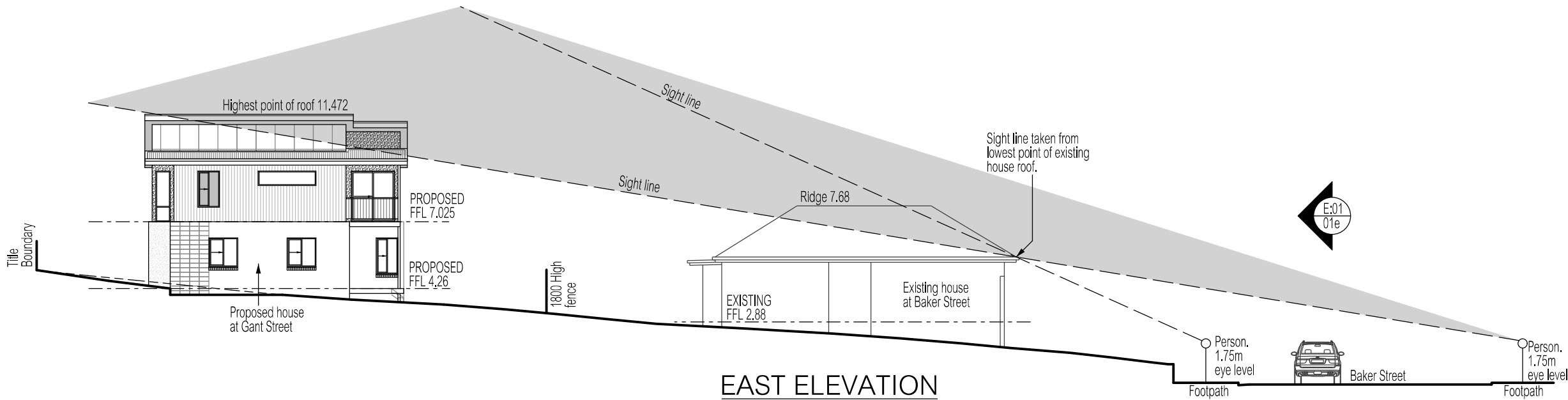
A Division of Wilson Homes Tasmania Pty Ltd  
ABN 76 126 636 897

CONCEPT STORMWATER PLAN			
Drawn	CK	WH9285	
Date	15 January 2016	Sheet	
Scale	1:200	o1d/o3	
WILSON HOMES © 2015			





ELEVATION: 01  
SCALE 1:100



EAST ELEVATION  
SCALE 1:200

THIS DWELLING IS BEING CONSTRUCTED IN AN AREA EXEMPT FROM BUSHFIRE RISK ASSESSMENT  
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  - Dimensions to take precedence over scale.
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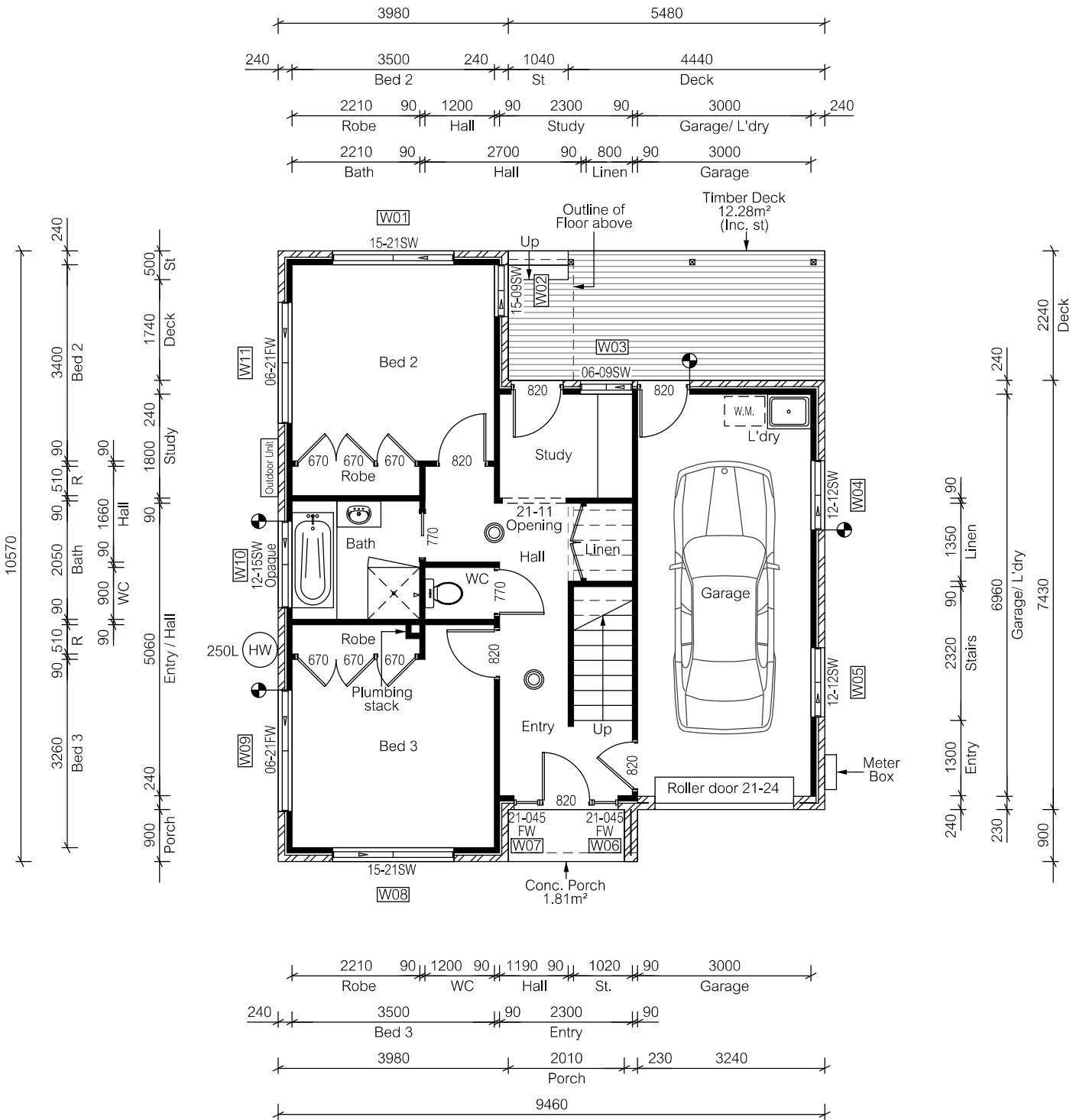
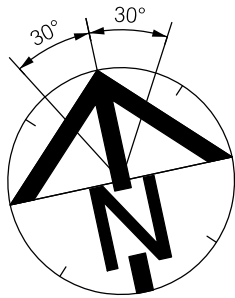
ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

No.	Amendment	Date	Init.	Designer:
				ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN ACC. NO. CC2204H Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au
D	Changes as per cover sheet	04 Feb. 16	CK	
C	Changes as per cover sheet	15 Jan. 16	CK	

Client / Project info:  
PROPOSED LOVE RESIDENCE  
5 Baker Street,  
NEW TOWN



BAKER STREET ELEVATION		
Drawn	CK	WH9285
Date	15 January 2016	Sheet
Scale	1:100, 1:200	01e/o3
WILSON HOMES © 2015		



THIS DWELLING IS BEING CONSTRUCTED IN AN AREA EXEMPT FROM BUSHFIRE RISK ASSESSMENT  
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- NOTES
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FLOOR AREA = 82.79 sqm

- Articulation joints
- Smoke Alarm (interconnected where more than 1)

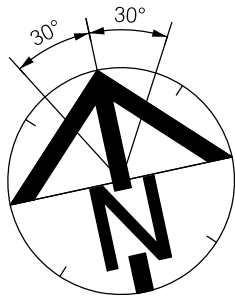
ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

				Designer:	Client / Project info:
				ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN ACC. NO. CC2204H Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED LOVE RESIDENCE  5 Baker Street, NEW TOWN
E	Changes as per cover sheet	01 Apr 16	RJ		
B	Changes as per cover sheet	22 Dec. 15	LP		
No.	Amendment	Date	Init.		

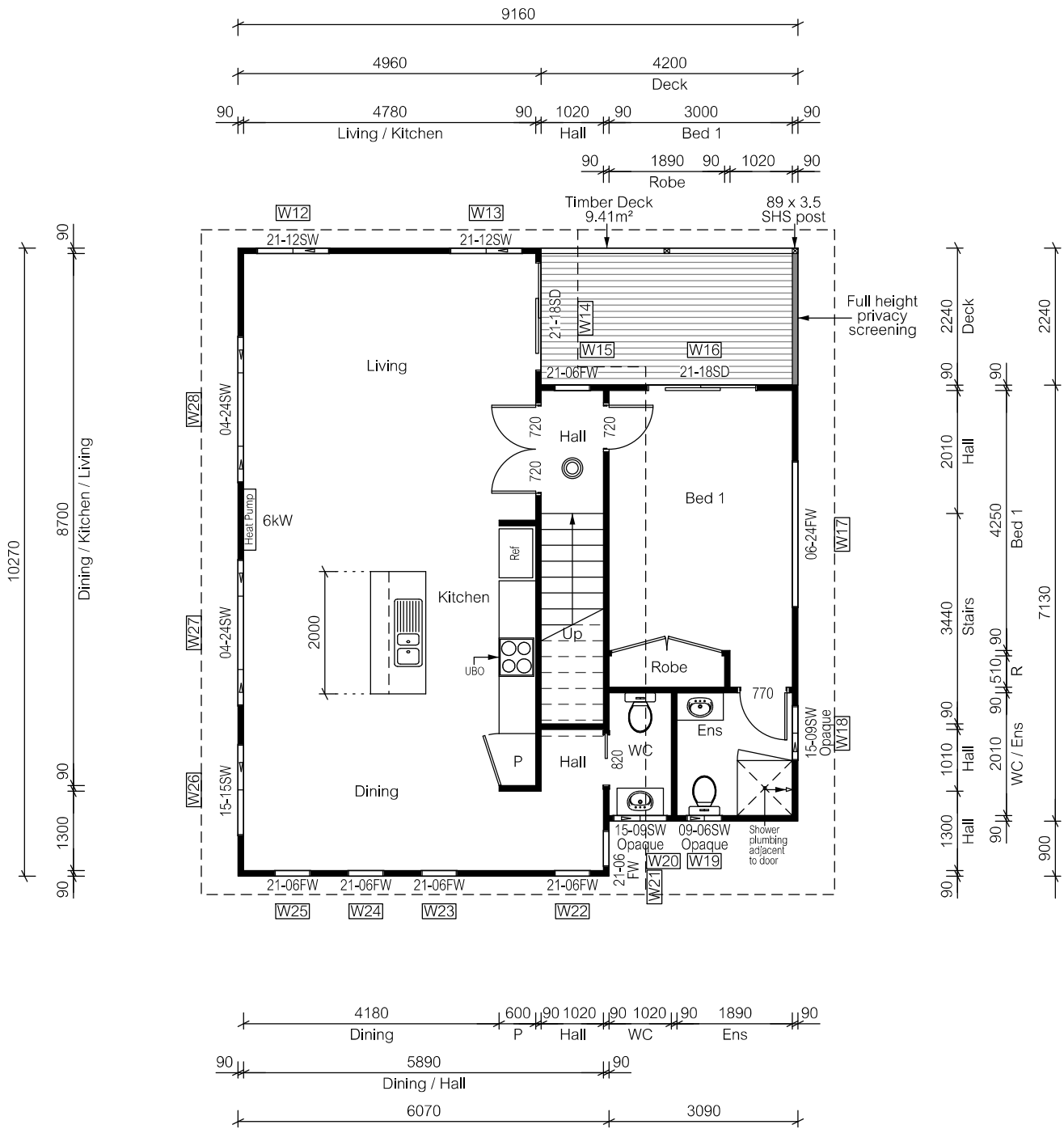


GROUND FLOOR PLAN

Drawn	LP	WH9285
Date	19 November 2015	Sheet
Scale	1:100	
WILSON HOMES © 2015		02/03



PD4.1 clause 10.4.4  
W14 & W15 satisfy A1.



THIS DWELLING IS BEING CONSTRUCTED IN AN AREA EXEMPT FROM BUSHFIRE RISK ASSESSMENT  
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FLOOR AREA = 81.88 sqm

- Articulation joints
- Smoke Alarm (interconnected where more than 1)

ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

F	Changes as per cover sheet	04 Apr 16	RJ	Designer:	ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN ACC. NO. CC2204H Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au
E	Changes as per cover sheet	01 Apr 16	RJ		
B	Changes as per cover sheet	22 Dec. 15	LP		
A	Changes as per cover sheet	10 Dec. 15	LP		
No.	Amendment	Date	Init.		

Client / Project info:

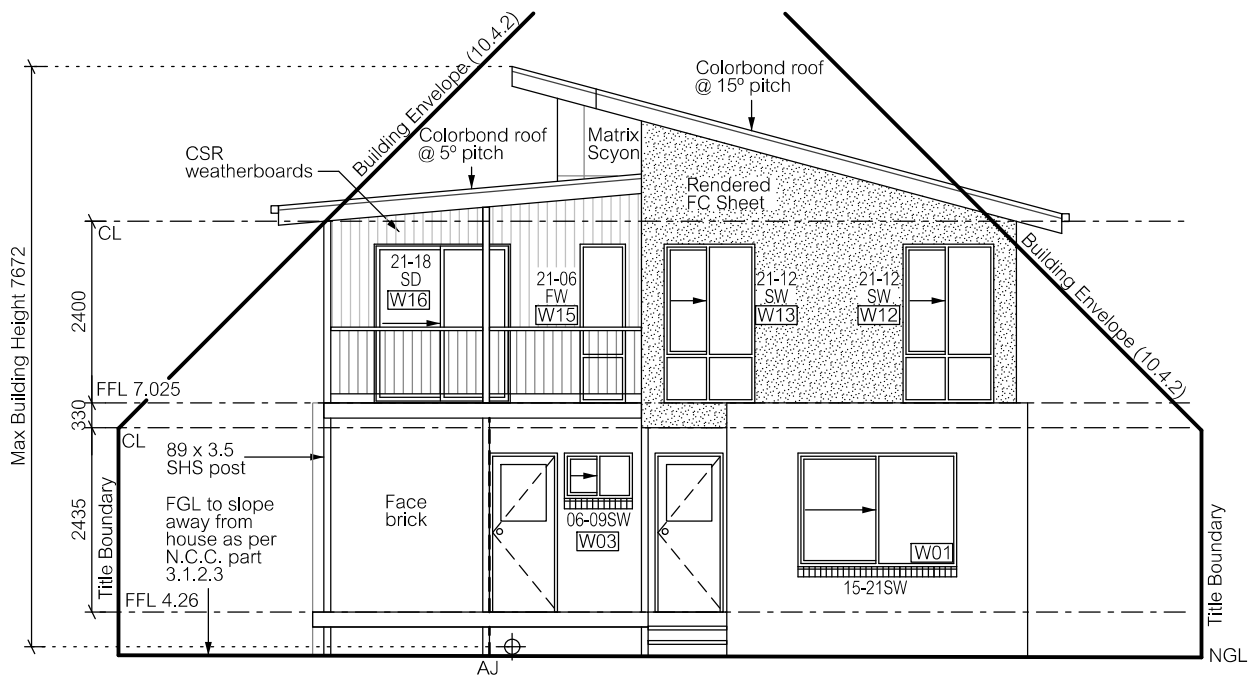
PROPOSED LOVE RESIDENCE

5 Baker Street,  
NEW TOWN

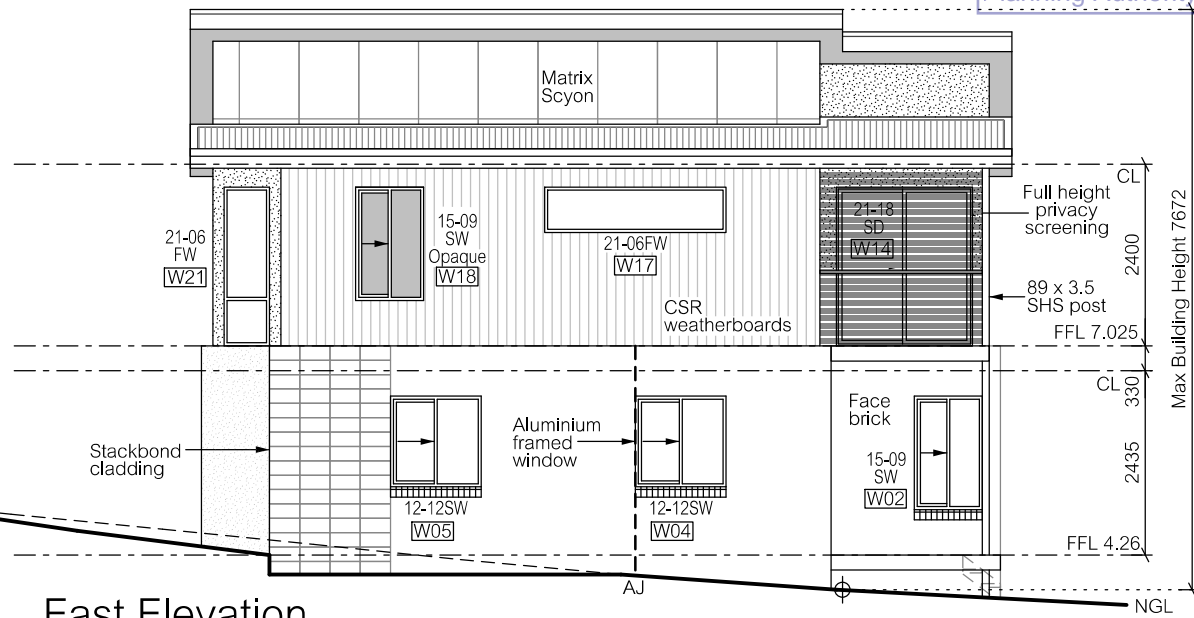


FIRST FLOOR PLAN

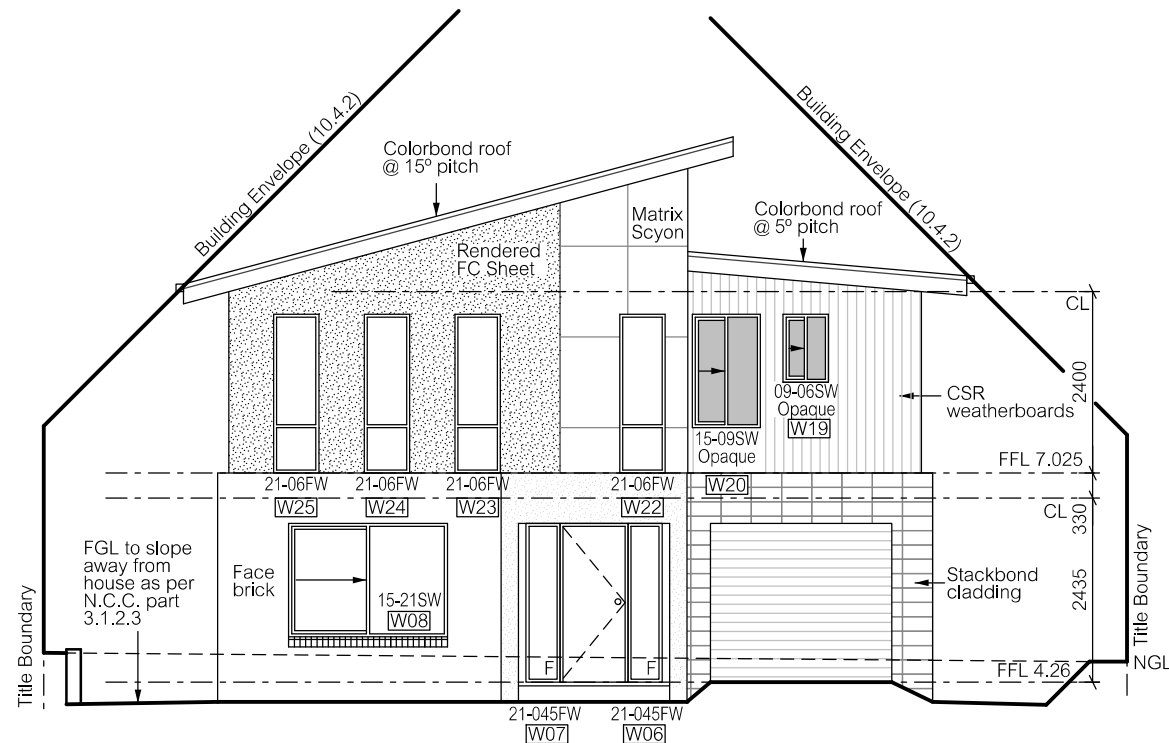
Drawn	LP	WH9285
Date	19 November 2015	Sheet
Scale	1:100	o2a
WILSON HOMES © 2015		



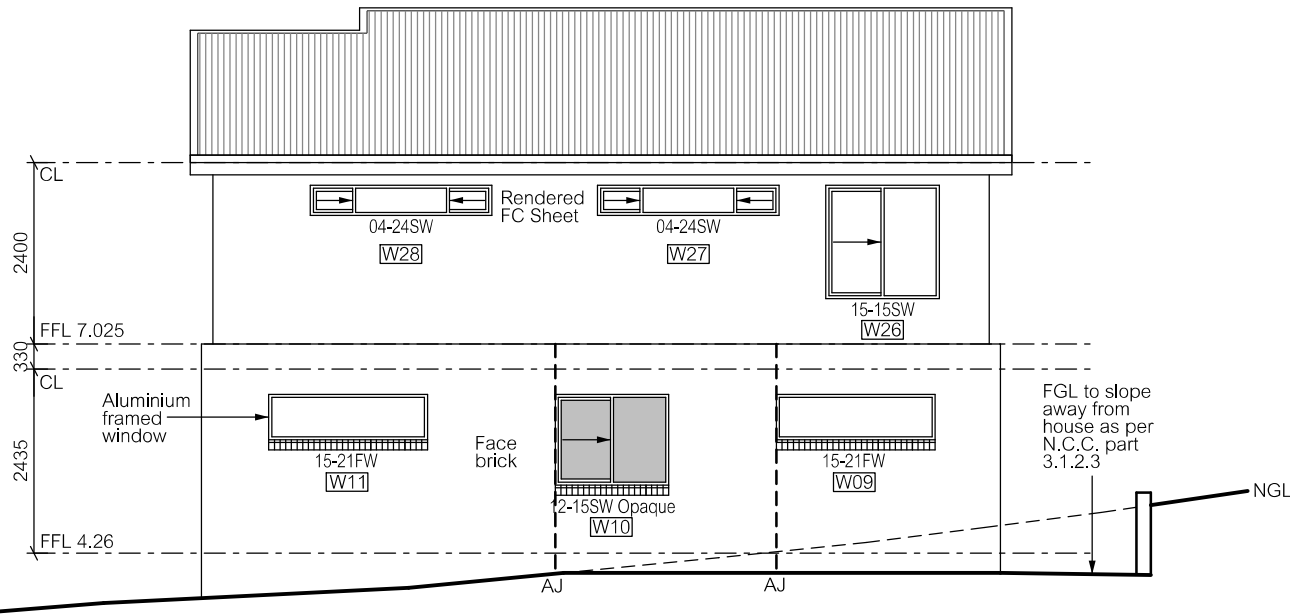
North Elevation



East Elevation



South Elevation



West Elevation

THIS DWELLING IS BEING CONSTRUCTED IN AN AREA EXEMPT FROM BUSHFIRE RISK ASSESSMENT No additional restrictions for construction methods / materials apply.													
<div>NOTES</div> <ul style="list-style-type: none"><li>Builder to verify all dimensions and levels on site prior to commencement of work</li><li>All work to be carried out in accordance with the current National Construction Code.</li><li>Dimensions to take precedence over scale.</li><li>Do not scale from these drawings.</li></ul>	<div>ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.</div>	F	Changes as per cover sheet	04 Apr 16	RJ	Designer:	Client / Project info:	<div><div>WILSON HOMES</div><div>MULTI AWARD WINNING BUILDERS</div><div>A Division of Wilson Homes Tasmania Pty Ltd</div><div>ABN 76 126 636 897</div></div>	ELEVATIONS				
		E	Changes as per cover sheet	01 Apr 16	RJ	ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN ACC. NO. CC2204H Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED LOVE RESIDENCE  5 Baker Street, NEW TOWN		Drawn	LP	WH9285		
		B	Changes as per cover sheet	22 Dec. 15	LP				Date	19 November 2015	Sheet		
		A	Changes as per cover sheet	10 Dec. 15	LP				Scale	1:100	03/03		
		No.	Amendment	Date	Init.				WILSON HOMES © 2015				



**6. COMMITTEE ACTING AS PLANNING AUTHORITY**

---

**6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING  
SCHEME 2015**

**6.1.2 1 BEACH ROAD, SANDY BAY - PARTIAL CHANGE OF USE  
TO TAKE-AWAY FOOD SHOP - PLN-16-00243-01 -  
FILE REF: 5601585 P/1/348  
16x's  
(Council)**



## APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report	Council
Committee:	16 May 2016
Council:	23 May 2016
Expiry Date:	8 June 2016
Application No:	<b>PLN-16-00243-01</b>
Address:	<b>1 Beach Road, Sandy Bay</b>
Applicant:	David Turner, 160 New Town Road, New Town
Proposal:	<b>Partial change of use to take-away food shop</b>
Representations:	Five (5)
Performance criteria:	Car and bicycle parking spaces

---

### 1. Executive Summary

1.1. Planning approval is sought for a partial change of use to food services (take-away food premises) on part of the Certificate of Title 229446/1, 1 Beach Road, Sandy Bay.

- The take-away food premises would occupy 128m<sup>2</sup> on ground level.
- Opening hours would be 7 days a week from 8am, with closing times varying: Monday to Friday 9pm, Saturday 11pm, and Sunday 8pm.
- A kitchen and servery area are proposed, with ten (10) seats at tables.
- No new signage is proposed.
- No on-site parking is provided or proposed.

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

1.2.1 Parking and Access Code –bicycle parking spaces.

1.1. Five (5) representations objecting to the proposal were received within the statutory advertising period between 7 and 21 April 2016.

1.2. The proposal is recommended for approval subject to conditions.

1.3. The final decision is delegated to the Council.

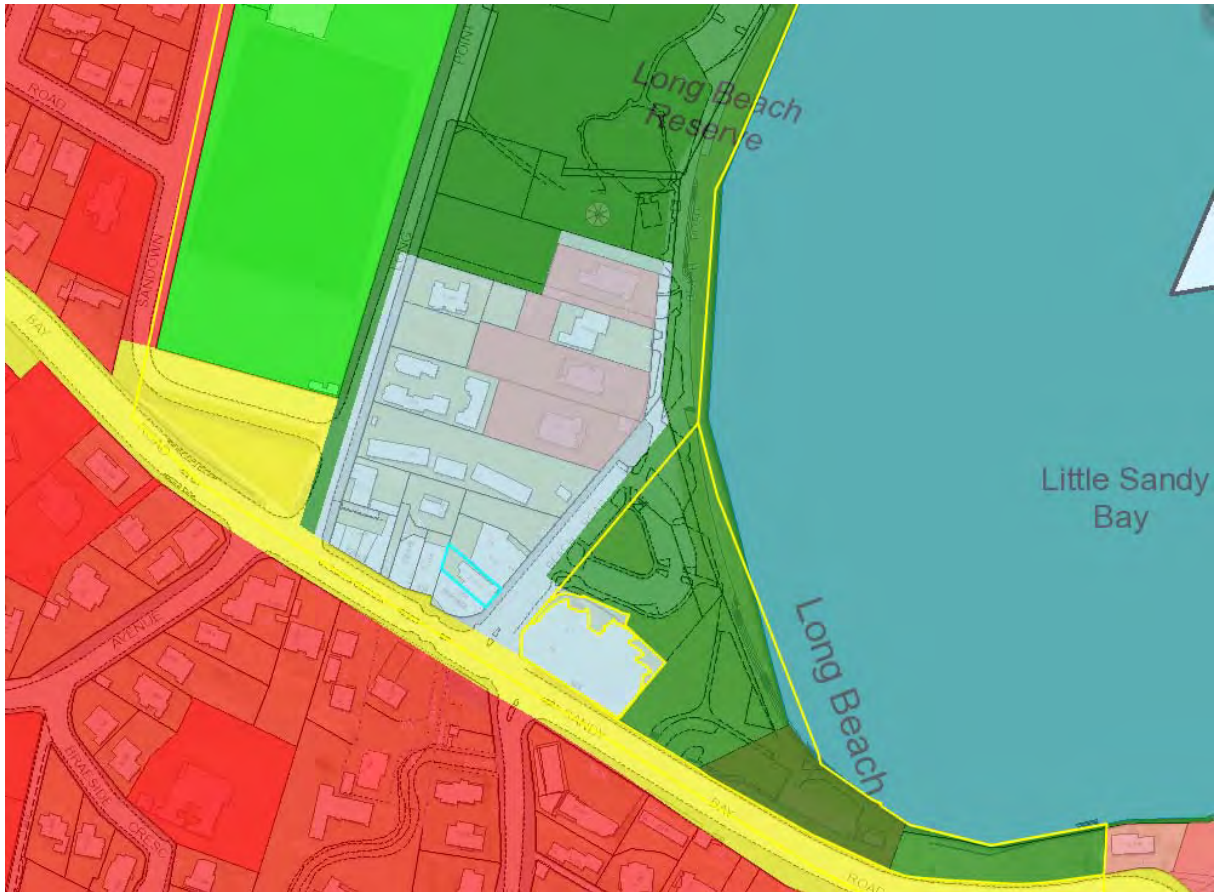
**Site Detail**

Image 1.1 Beach Road is highlighted in blue and is located in the local business zone of Lower Sandy Bay.



Image 2. 1 Beach Road streetscape. (Google Maps image from June 2015)



Image 3. Entry to Beach Road from Sandy Bay Road (Google Maps image from June 2015).



Image 4. 1 Beach Road. (Google Maps image from June 2015)

## 2. Proposal

2.1. Planning approval is sought for a partial change of use to food services (take-away food premises) on part of the Certificate of Title 229446/1, 1 Beach Road.

- The take-away food premises would occupy 128m<sup>2</sup> on ground level.
- Opening hours would be 7 days a week from 8am, with closing times varying: Monday to Friday 9pm, Saturday 11pm, and Sunday 8pm.
- A kitchen and servery area are proposed, with ten (10) seats at tables.

- No new signage is proposed.
- No on-site parking exists or is proposed.
- Deliveries would be by vans or small trucks, 4 times per week usually occurring between 7am and 8:30am Monday to Friday.
- The western portion of Certificate of Title 229446/1 is occupied by part of an existing supermarket, which is substantially on Certificate of Title 232556/1, 644 and 644A Sandy Bay Road. The proposed take-away food premises would be connected to the supermarket via internal steps.

### 3. Background

- 3.1. This site previously operated as a food service (take-away food premises – bakery, 'Fresco'). A planning permit (PLN-14-01255-01) was issued in December 2014 for a take-away/cafe, with opening hours between 8am – 10pm every day, but was not acted upon. This permit is still currently valid.
- 3.2. No signage has been proposed as part of this application. There appears to be only one vertical projecting wall sign at the site.

### 4. Concerns raised by representors

- 4.1. The following table outlines the issues raised by representors. Six representations were lodged however two were from the same party via different lodgement routes. As such, the application is subject to five (5) statutory representations. 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>• The nature of the Sandy Bay Precinct should continue to develop as a family orientated natural attraction. It already contains parkland, beaches, a food outlet, newsagency, chemist, and doctors surgery. The remainder of the vacant precinct should be delegated to areas not included above and hence no support towards further food outlets is needed.</li> </ul>
<b><u>Traffic and parking:</u></b>
<ul style="list-style-type: none"> <li>• Concerned about increase in traffic in area negatively affecting trade of other business.</li> </ul>
<ul style="list-style-type: none"> <li>• Beach Road already has too many vehicles parking in the area.</li> </ul>
<ul style="list-style-type: none"> <li>• Traffic generation in this area continues to increase traffic flow and movement; this is of importance for the purpose of pedestrian safety. The existing parking and traffic patterns do not allow for an operation such as this to function whilst maintaining the efficiency of movement of traffic. This will create dense traffic and a congestion of movement for this small yet already busy area, allowing for accidents and danger to pedestrians.</li> </ul>
<b><u>Business hours, crime prevention etc.:</u></b>
<ul style="list-style-type: none"> <li>• Late trading into the evening not appropriate in a neighbourhood which contains residential accommodation.</li> </ul>

The main concern with the opening hours of 7am to 11pm is associated with crime prevention. These trading hours allow for activity and flow of people in the area at a late hour, opening opportunities for crime, vandalism, anti-social behaviours, litter and noise pollution for residents and neighbouring businesses.

**Fumes and odours:**

- Concerned that exhaust fumes and smell will be very unpleasant for visitors to the beach.
- Concerned that cooking smells from extraction fan and grease trap will impact on residential and commercial neighbours.
- 1 Beach Road has no right to exhaust air from mechanical ventilation plant onto the common property of the adjacent strata property.
- Question where grease trap will be installed.

**Rubbish:**

- Additional rubbish bins would be required in Beach Road for packaging from the premises. Any permit should be conditional upon the premises cleaning up packaging litter within a 400m radius of the premises, which is a common practice for other fast food takeaways.
- Suitable area would need to be reallocated for waste and recycling bin storage and rubbish collection. There is no room at the rear of the premises.

- 4.2. A summary of the representors concerns was provided to officers in Council's Traffic Engineering Unit, Cleansing and Solid Waste Unit and Environmental Health Unit for consideration. No specific conditions were recommended by those officers. Advice from the Cleansing and Solid Waste Unit regarding on-site waste storage is recommended below.

## 5. 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.

- 5.1. The site is located within the local business zone of the *Hobart Interim Planning Scheme 2015*.
- 5.2. The proposed food services use (take-away food premises) is permitted in this zone. Food Services is defined in the scheme as:

*use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and take-away food premises.*

- 5.3. The proposal has been assessed against;

- |        |       |                       |
|--------|-------|-----------------------|
| 5.3.1. | D20.0 | Local Business Zone   |
| 5.3.2. | E6.0  | Parking & Access Code |



- 5.4. The proposal relies on the following performance criteria to comply with the applicable standards;
- 5.4.1. E6.0 Parking and access code, E6.6 use standards, E6.6.4 Bicycle Parking P1
- 5.5. Each performance criterion is dealt with separately below.



Image 5. Public car parking on Beach Road, subject site shown in blue box.

- 6.6.1 The proposal complies with the performance criterion.
- 6.8 E6.6.4 Number of Bicycle Parking Spaces
- 6.8.1 No bicycle parking is proposed on-site.
- 6.8.2 The acceptable solution E6.6.4 A1 requires on-site bicycle parking spaces as per Table E6.2, which requires one (1) Class 1 or 2 bicycle parking spaces for staff, and three (3) Class 3 spaces for customers.
- (Class 1 is high security, fully enclosed individual lockers; Class 2 is medium security locked compounds with communal access using duplicate keys; and Class 3 is low security facilities to which the bicycle frame and wheels can be locked.)
- 6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 E6.6.4 P1 states:

*The number of on-site bicycle parking spaces provided must have regard to all of the following:*

- (a) the nature of the use and its operations;*
- (b) the location of the use and its accessibility by cyclists;*
- (c) the balance of the potential need of both those working on a site and clients or other visitors coming to the site.*

6.8.5 This site is highly accessible by bicycle. There are some public Class 3 bicycle parking spaces nearby. Given the public open space in the vicinity and the existing racks, the lack of on-site bike parking is considered acceptable.

6.8.6 The proposal complies with the performance criterion.

## 6 Discussion

6.6 This proposed partial change of use to food services (take-away food premises) on part of 1 Beach Road, Sandy Bay is considered reasonable when assessed against the scheme.

6.7 While the concerns of the representors are acknowledged, the issues raised are either not controllable under the planning assessment process or are acceptable against the provisions of the scheme.

6.8 In relation to parking, Clause E.6.6.1 A1 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;*

*except if:*

...

- (ii) the site is subject to clause...E6.6.6...*

6.9 Clause E.6.6.6 gives further detail regarding parking requirements in the General and Local Business Zones and states:

*Additional on-site parking is only required:*

- (a) for the development of a vacant site; or*
- (b) for alterations and extensions related to an increase in floor area of more than 50m<sup>2</sup> or 20% of the floor area existing at the date of commencement of this Planning Scheme, whichever is the greater; or*
- (c) as part of an proposal for the redevelopment of a site...*



- 6.10 In accordance with that clause, there is no requirement for additional on-site parking as; (a) the proposal is not the development of a vacant site; (b) the proposal does not involve alterations or extensions related to an increase in floor area of more than 50m<sup>2</sup> or 20% of the floor area; and (c) the proposal is not for a redevelopment of the site, which is considered to be demolition of a building or buildings and replacement with another building or buildings. The application therefore meets the planning scheme's car parking requirements and the proposal to not provide any on-site parking, as is currently the case, is acceptable.
- 6.11 The public car parking spaces can be accessed by customers of all of the existing businesses and users of the public open space. The site is accessible by pedestrians, by bicycle and Metro bus public transport. A perceived increase in rubbish is not something controlled by the planning process. The Council's Cleansing and Solid Waste Unit considers there to be adequate public bins in the area. Advice is recommended regarding on-site waste storage and consideration of biodegradable packaging in line with the Council's waste reduction policies.

## 7 Conclusion

- 7.6 The proposed partial change of use to food services (take-away food premises) at 1 Beach Road, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 8 Recommendations

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a Change of use at 1 Beach Road, Sandy Bay 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-16-00243-01 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 2016/00369-HCC dated 01/04/2016 as attached to the permit.

#### Reason for condition

To clarify the scope of the permit.

## 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.

- 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)
- Approved/endorsed plans for a food business fit out, under the *Building Code of Australia National Construction Code Tas Part H102* for food premises which must have regard to the FSANZ Food Safety Standards: [http://www.hobartcity.com.au/Environment/Public\\_Health\\_and\\_Food/Food](http://www.hobartcity.com.au/Environment/Public_Health_and_Food/Food)
- Food business registration in accordance with the Food Act 2003: [http://www.hobartcity.com.au/Environment/Public\\_Health\\_and\\_Food/Food](http://www.hobartcity.com.au/Environment/Public_Health_and_Food/Food)
- The following link provides information with respect to noise nuisances in residential areas. [http://www.hobartcity.com.au/Environment/Environmental\\_Health/Environmental\\_Management\\_and\\_Pollution\\_Control](http://www.hobartcity.com.au/Environment/Environmental_Health/Environmental_Management_and_Pollution_Control)
- Adequate bin storage is required on the site for waste provision. Bins cannot be kept on the footpath.
- Deliveries to the site must comply to that stated in the application: maximum deliveries 4 vans / small trucks per week usually occurring 7am – 8:30am Monday to Friday; before trading hours of premises’ – no earlier than 7am.
- The Council is actively working towards waste reduction in Hobart. Particularly noting the proximity of this food premises to the River Derwent, the operators of the business are encouraged to consider using biodegradable packaging. The Council offers grants of up to \$5000 for suitable waste reduction projects. For further information contact the Council’s Manager Cleansing and Solid Waste on 6238 3203 and see [http://www.hobartcity.com.au/Environment/Recycling\\_and\\_Waste](http://www.hobartcity.com.au/Environment/Recycling_and_Waste)

- Waste disposal -Top ten tips:  
[http://www.hobartcity.com.au/Environment/Recycling\\_and\\_Waste](http://www.hobartcity.com.au/Environment/Recycling_and_Waste)
- Fees and charges:  
[http://www.hobartcity.com.au/Council/Fees\\_and\\_Charges](http://www.hobartcity.com.au/Council/Fees_and_Charges)



(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.*



(Caroline Lindus)

**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: 3 May 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – TasWater form Reference No. TWDA 2016/00369-HCC  
dated 01/04/2016  
Attachment C – Documents and Drawings

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-16-00243-01****DEVELOPMENT ADDRESS:** 1 Beach Road, SANDY BAY**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		4 March 2016
Title	229446/1	4 March 2016
Existing Site Plan	Project No: PROPOSED CHANGE OF USE TO TAKEAWAY FOOD PREMISES Drawing No: 01/03 Date of Drawing: March 2016	4 March 2016
Proposed Floor Plan	Project No: PROPOSED CHANGE OF USE TO TAKEAWAY FOOD PREMISES Drawing No: 01/03 Date of Drawing: March 2016	4 March 2016
Existing Sub Floor / Drainage Plan	Project No: PROPOSED CHANGE OF USE TO TAKEAWAY FOOD PREMISES Drawing No: 01/03 Date of Drawing: March 2016	4 March 2016
Email detailing deliveries	Email dated 17 March 2016, 3:37pm (sent to correct email address 17 March 2016, 3:51pm)	17 March 2016

## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-16-00243	Council notice date	23/03/2016
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2016/00369-HCC	Date of response	01/04/2016
TasWater Contact	Phil Papps	Phone No.	(03) 6237 8246
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	hcc@hobartcity.com.au		
<b>Development details</b>			
Address	1 BEACH RD, SANDY BAY	Property ID (PID)	5601585
Description of development	Change of use to supermarket & take away food premises		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Turner Design	Proposed Floor Plan / 02	--	March 2016
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>TRADE WASTE</b></p> <ol style="list-style-type: none"> <li>1. Prior to the commencement of operation the developer/property owner must obtain Consent to discharge Trade Waste from TasWater.</li> <li>2. The developer must install appropriately sized and suitable pre-treatment devices prior to gaining Consent to discharge.</li> <li>3. The Developer/property owner must comply with all TasWater conditions prescribed in the Trade Waste Consent.</li> </ol> <p style="padding-left: 40px;">required to determine the extent of inundation resulting from a dam failure.</p> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p> <ol style="list-style-type: none"> <li>4. The applicant or landowner as the case may be, must pay a development assessment fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:               <ol style="list-style-type: none"> <li>1. \$197.00 for development assessment.</li> </ol> <p style="padding-left: 40px;">The payment is required within 30 days of the issue of an invoice by TasWater.</p> </li> </ol>			
<b>Advice</b>			
<p><b>Trade Waste</b></p> <p>A. <i>Prior to any Building and/or Plumbing work being undertaken, the applicant will need to make an application to TasWater for a Certificate of Certifiable Work (Building and/or Plumbing). The Certificate of Certifiable Work (Building and/or Plumbing) must accompany all documentation submitted to Council. Documentation must include a floor and site plan with:</i></p>			



- Location and size of all pre-treatment devices i.e. grease arrestor;
- Schematic drawings and specification (including the size and type) of any proposed pre-treatment device and drainage design; and
- Location of an accessible sampling point in accordance with the TasWater Trade Waste Flow Meter and Sampling Specifications for sampling discharge.
- Details of the proposed use of the premises, including the types of food that will be prepared and served; and
- The estimated number of patrons and/or meals on a daily basis.

B. At the time of submitting the Certificate of Certifiable Work (Building and/or Plumbing) a Trade Waste Application together with the Food Supplement form is also required.

C. If the nature of the business changes or the business is sold, TasWater is required to be informed in order to review the pre-treatment assessment.

The application forms are available at <http://www.taswater.com.au/Customers/Liquid-Trade-Waste/Commercial>.

Further information regarding Trade Waste can be found at [www.taswater.com.au](http://www.taswater.com.au)

### General

For information on TasWater development standards, please visit <http://www.taswater.com.au/Development/Development-Standards>

For information regarding further assessment fees and other miscellaneous fees, please visit <http://www.taswater.com.au/Development/Fees---Charges>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

### Authorised by

**Jason Taylor**

Development Assessment Manager

### TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

DEVELOPMENT APPLICATION

PROPOSED CHANGE OF USE TO TAKEAWAY  
FOOD PREMISES

AT: 1 BEACH ROAD, SANDY BAY

FOR: T. PAPOUTSAKIS

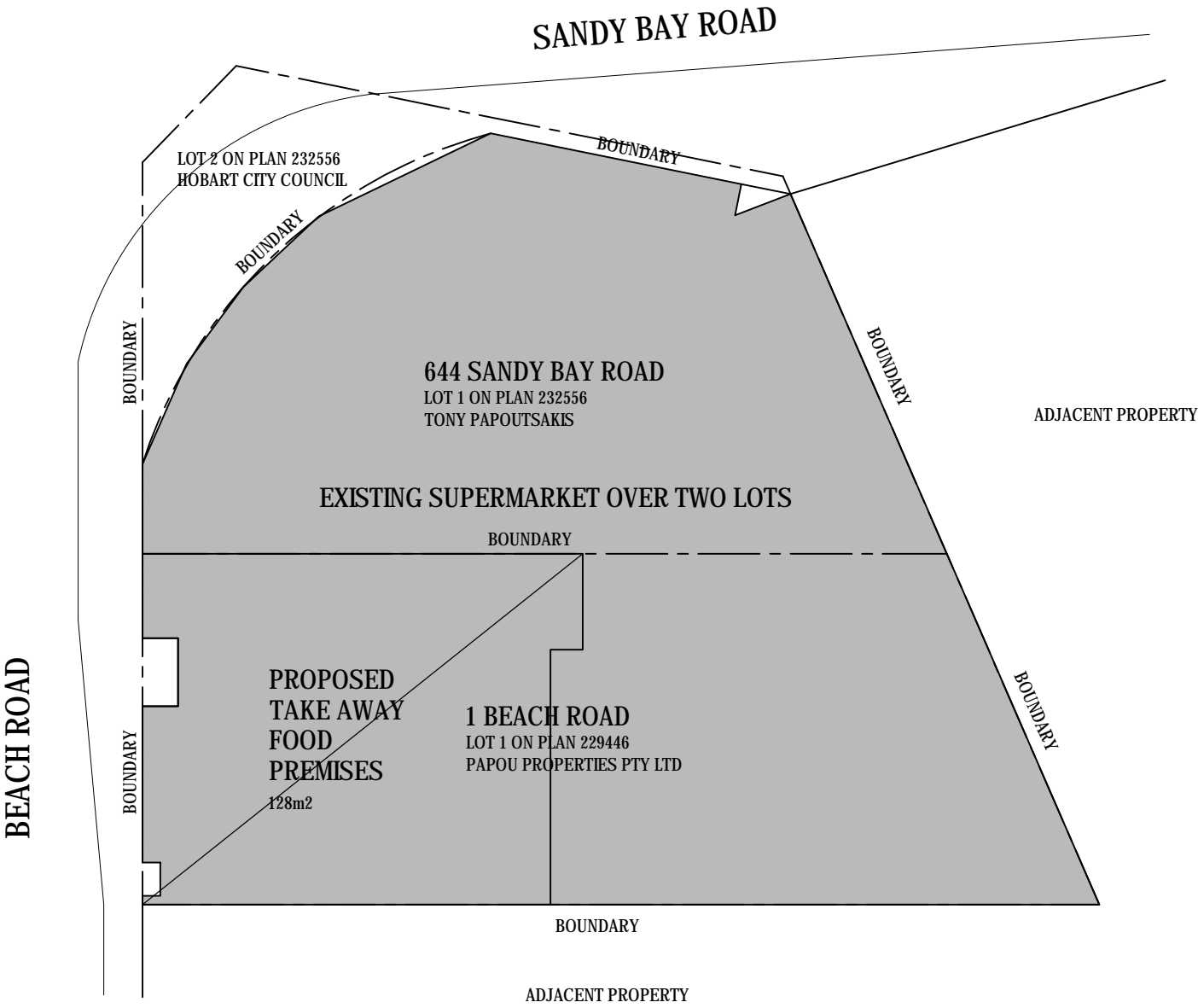
MARCH 2016

EXISTING USE OF TENANCY: CAFE AND BAKERY  
FLOOR AREA: 128m2

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents  
relevant to the application for a planning  
permit No. PLN-16-00243-01 and was  
received on the 04 March 2016.

Planning Authority: Hobart City Council



EXISTING SITE PLAN  
1:200

TURNER

DESIGN DEVELOPMENT PTY LTD

Phone 03 6278 9665  
Mobile 0418 124 766  
Accreditation no: CC1400U  
david@turnerdd.com.au

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DEVELOPMENT APPLICATION - CHANGE OF USE

MARCH 2016

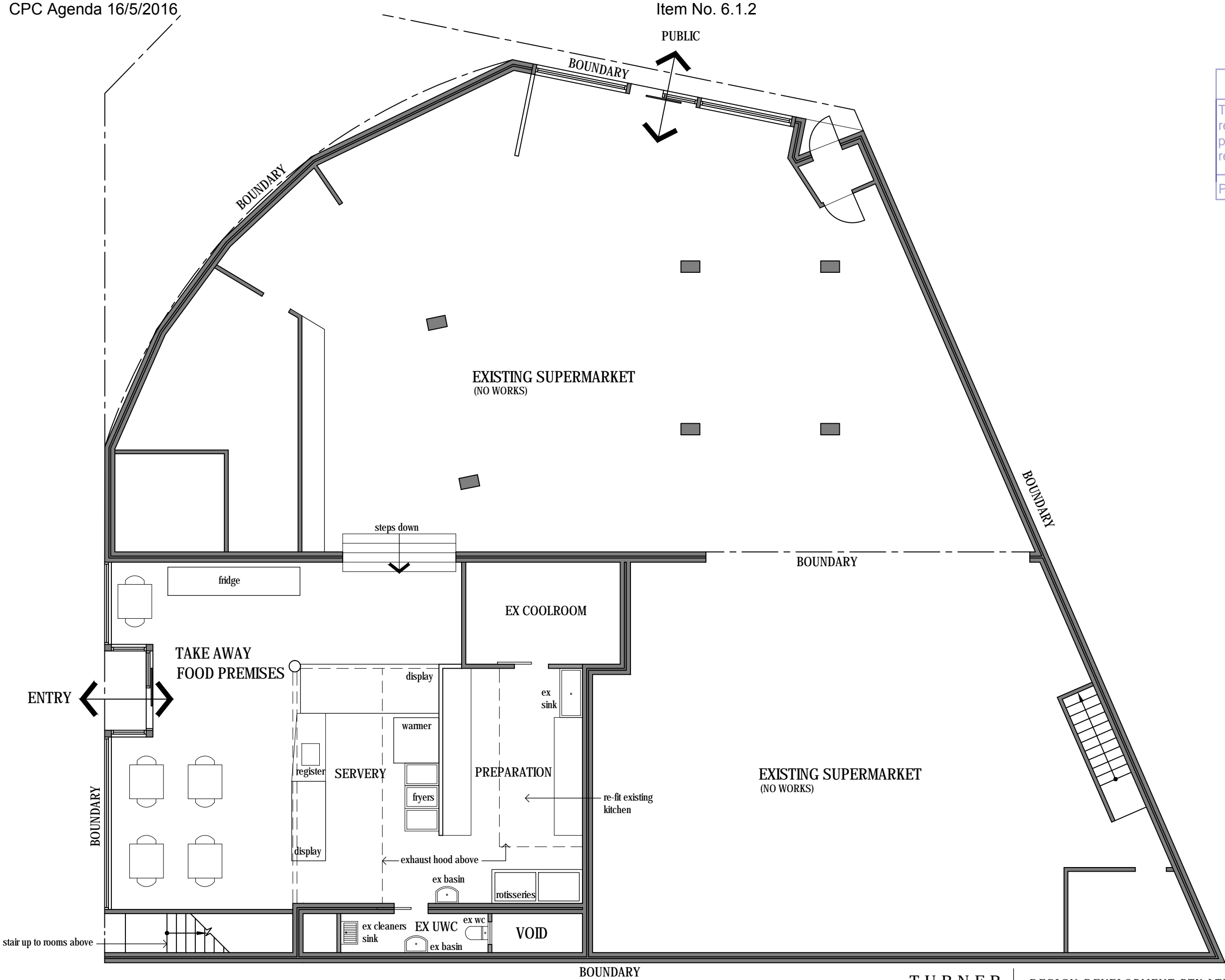
PROPOSED TAKE AWAY FOOD PREMISES  
AT: 1 BEACH ROAD, SANDY BAY  
FOR: T. PAPOUTSAKIS

01/03

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents  
relevant to the application for a planning  
permit No. PLN-16-00243-01 and was  
received on the 04 March 2016.

Planning Authority: Hobart City Council



PROPOSED FLOOR PLAN

1:100

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DEVELOPMENT APPLICATION - CHANGE OF USE

MARCH 2016



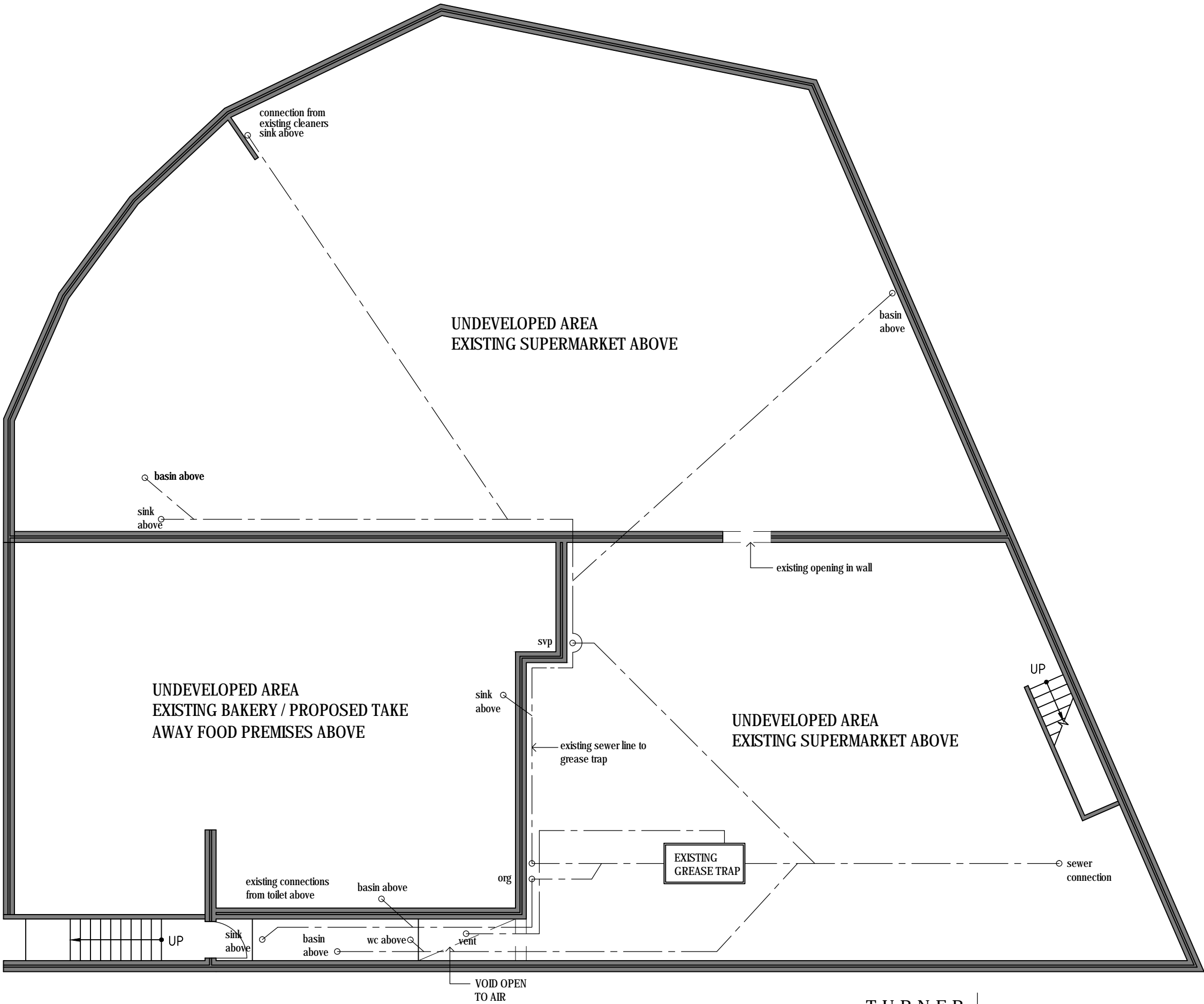
PROPOSED TAKE AWAY FOOD PREMISES  
AT: 1 BEACH ROAD, SANDY BAY  
FOR: T. PAPOUTSAKIS



DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents  
relevant to the application for a planning  
permit No. PLN-16-00243-01 and was  
received on the 04 March 2016.

Planning Authority: Hobart City Council



EXISTING SUB FLOOR / DRAINAGE PLAN

1:100

TURNER | DESIGN DEVELOPMENT PTY LTD

DEVELOPMENT APPLICATION - CHANGE OF USE

MARCH 2016



PROPOSED TAKE AWAY FOOD PREMISES  
AT: 1 BEACH ROAD, SANDY BAY  
FOR: T. PAPOUTSAKIS

**6. COMMITTEE ACTING AS PLANNING AUTHORITY**

---

**6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING  
SCHEME 2015**

**6.1.3 LOT 2, 41 CONGRESS STREET (ALSO KNOWN AS 377  
HUON ROAD, CT 167485/2), SOUTH HOBART - DWELLING  
AND FRONT FENCE - PLN-16-00277-01 - FILE REF: 5570408  
& P/41/410**

38x's

(Council)

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Council  
Committee: 16 May 2016  
Council: 23 May 2016  
Expiry Date: 14 June 2016  
Application No: **PLN-16-00277-01**  
Address: **Lot 2, 41 Congress Street (also known as 377 Huon Road, CT 167485/2), South Hobart**  
Applicant: Andrew and Kate Flakemore, C/O JAWS Architects  
21 Castray Esplanade, Battery Point  
Proposal: **Dwelling and Front Fence**  
Representations: One  
Performance criteria: Development standards

---

**1. Executive Summary**

- 1.1. Planning approval is sought for a new dwelling on the vacant lot known as Lot 2, 41 Congress Street.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.2.1. Development standards – front setback, building envelope, private open space, width of carport opening.
- 1.3. One (1) representation objecting to the proposal was received within the statutory advertising period.
- 1.4. The proposal is recommended for approval subject to conditions.
- 1.5. As the applicant is an immediate relative of a Council officer and a representation has been received, the final decision is delegated to the Council.

## 2. Site Detail

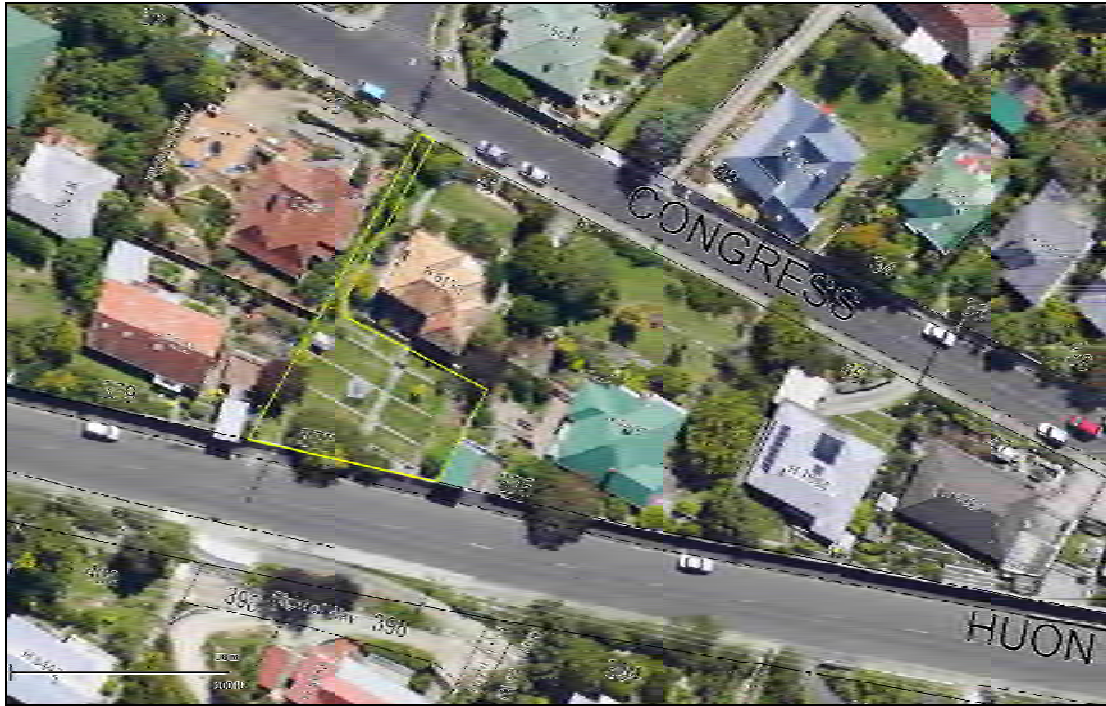


Fig. 1. Subject property



Fig. 2. Subject lot looking south towards Huon Road.





Fig. 3. Subject lot looking north-west towards 39 Congress Street (red roof).



Fig. 4. Subject lot looking north towards 41 Congress Street

- 2.1 The property is on the lower side of Huon Road, and the land drops steeply down from the street frontage towards 41 Congress Street. There is a long 2.0m wide section of land (walkway) which leads to Congress Street, giving the property two street frontages.

### 3. Proposal

- 3.1. The proposal is to construct a single dwelling on the vacant lot.
- 3.2. The land slopes steeply down from Huon Road, and so the dwelling is elevated on concrete pylons at its lower, north-facing elevation. At the street frontage, the dwelling is single storey.
- 3.3. A carport is proposed from Huon Road with level access to a courtyard and the dwelling. The carport is sited adjacent to the garage at 375 Huon Road. A small deck is proposed on the eastern corner of the dwelling, and a 1.2m high paling fence is proposed on the Huon Road frontage.
- 3.4. The dwelling sits predominantly below the street level, with the front fence, the landscaping behind the fence and the open fronted carport the dominant features from Huon Road. The dwelling roof and part of the front wall of the dwelling will be visible beyond the fence line. This is typical of this section of the lower side of Huon Road, with front fences, garages/carports and roof lines dominating the view from the street, with little of the house visible.



Fig. 5. 3D model view from Huon Road.



Fig. 6. 3D model view from rear of lot.



Fig. 7. 3D model view from rear of lot.





Fig. 8. North-west elevation (facing 379 Huon Road).

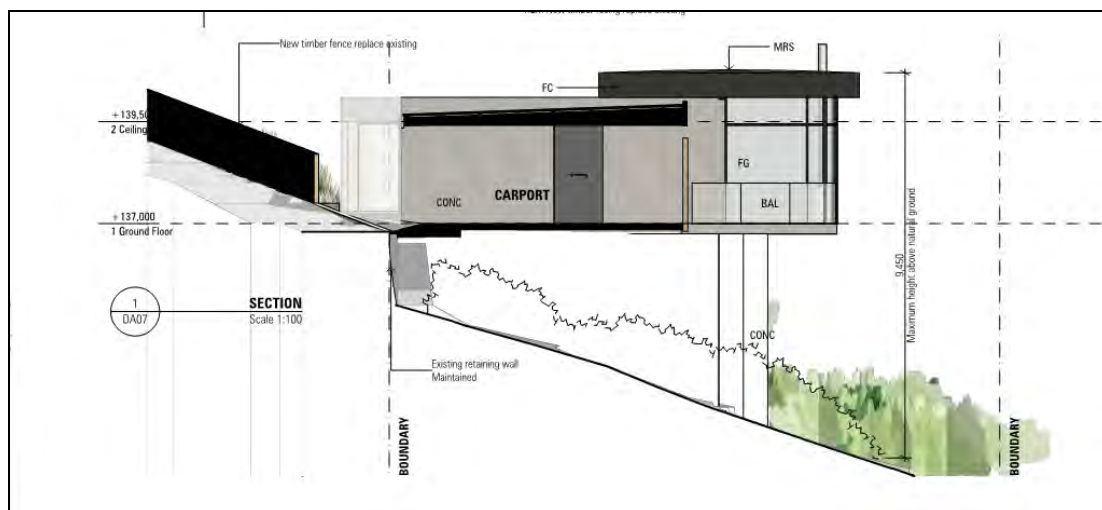


Fig. 9. South-east elevation (facing 375 Huon Road).

#### 4. Background

- 4.1. The lot was subdivided from 41 Congress Street under PLN-09-01636. The planner's report stated that parking for any new dwelling on the lot is likely to be in the form of a parking deck from Huon Road.
- 4.2. The Council's Senior Rates Officer has confirmed that the subject lot will be known as 377 Huon Road.



## 5. Concerns raised by representors

- 5.1. One (1) representation objecting to the proposal was received within the statutory advertising period.
- 5.2. 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>The lot is classified as a medium landslide area and we are concerned that the development could cause a wall on our property to crack or collapse. We would like the applicant to prepare appropriate documentation giving assurances that there will be no impact to surrounding properties.</li> </ul>
<ul style="list-style-type: none"> <li>The dwelling exceeds the permitted building envelope. The dwelling should be made to comply with the building envelope, which would ensure less visual impact and more privacy for our property.</li> </ul>
<ul style="list-style-type: none"> <li>A tall screening hedge should be planted along our shared boundary.</li> </ul>
<ul style="list-style-type: none"> <li>The fence line is in disrepair and covered in weeds which harbour wasps. We would like to negotiate to see the weeds removed and the fence repaired at half our cost.</li> </ul>

## 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 general residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.2. The proposed use, single dwelling, is a 'no permit required' use in the zone.
- 6.3. The proposal has been assessed against:
  - 6.3.1. Part D-10 General residential zone
  - 6.3.2. E 3.0 Landslide code
  - 6.3.3. E6.0 Parking and access code
  - 6.3.4. E7.0 Stormwater management 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 10.4.2 P1; P2; P3
  - 6.4.2. Private Open Space – Part D 10.4.3 P2
  - 6.4.3. Width of Openings for Garages and Carports – 10.4.5 P1
- 6.5. Each performance criterion is dealt with separately below.

6.6. Setbacks and Building Envelope – front setback: Part D 10.4.2 P1

- 6.6.1. The setback of the carport to the front boundary is between 0m and 1.6m and the dwelling 2.5m to 4.4m (bedrooms) and 8.8m (living room). Huon Road is the secondary frontage for the lot (the primary frontage is the shortest frontage and this is the 2.0m wide strip of land which extends to Congress Street).
- 6.6.2. The acceptable solution for the secondary frontage is 3.0m (clause 10.4.2 A1 (b)). Alternatively, the application could comply with clause 10.4.2 A1(c) which is not more than the greater or less than the lesser setback for the dwellings on the adjoining sites.
- 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 relevant performance criterion, clause 10.4.2 P1 is as follows:

*A dwelling must:*

- (a) *have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and*
- (b) *if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.*

- 6.6.5. The site has considerable topographical constraints. The dwelling has been sited as close as practicable to Huon Road to reduce its height on the downslope side. The dwelling sits predominantly below street level and has a setback that is compatible with other dwellings in the street. Many also have a carport or garage on the street frontage.
- 6.6.6. The proposal complies with the performance criterion.

6.7. Setbacks and Building Envelope – carport setback: Part 10.4.2 P2

- 6.7.1. The carport is set back between 0m and 1.6m with Huon Road.
- 6.7.2. As the land has a gradient of more than 1 in 5, the permitted setback is 1.0m (clause 10.4.2 A2)
- 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 relevant performance criterion, clause 10.4.2 P2 is as follows:

*A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.*

- 6.7.5. The setback is consistent with other garages and carports in the street, and takes into account the steepness of the lot. Both side neighbours (379 and 375 Huon Road) have garages directly on the street frontage.
- 6.7.6. The proposal complies with the performance criterion.
- 6.8. Setbacks and Building Envelope – building envelope: Part 10.4.2 P3
- 6.8.1. The dwelling is single storey at the front of the lot, rising to 9.4m above natural ground level at the rear.
- 6.8.2. The acceptable solution (clause 10.4.2 A3) is that the dwelling be located within the prescribed building envelope.
- 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 relevant performance criterion (clause 10.4.2 P3) is as follows:

*The siting and scale of a dwelling must:*

- (a) *not cause unreasonable loss of amenity by:*
    - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
    - (ii) *overshadowing the private open space of a dwelling on an adjoining lot; or*
    - (iii) *overshadowing of an adjoining vacant lot; or*
    - (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*
  - (b) *provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*
- 6.8.5. The dwelling is generally within the 8.5m permitted height limit. To illustrate this, the diagram below has been prepared by the applicant, and shows a red line which is 8.5m above natural ground level. The height is predominantly due to the slope of the land. To achieve an un-stepped floor level, the floor extends from street level straight towards the rear of the lot. The architect has designed the dwelling to reduce visual impact through: a floating design on recessed slender piers; recessive colour material selection (natural greys and timbers); accentuated linear proportions; and long and low proportions from Huon Road. The orientation of the lot and separation between dwellings means there will be no unreasonable loss of amenity from overshadowing of habitable rooms or private open space. The separation between dwellings is compatible with that which exists in the area.

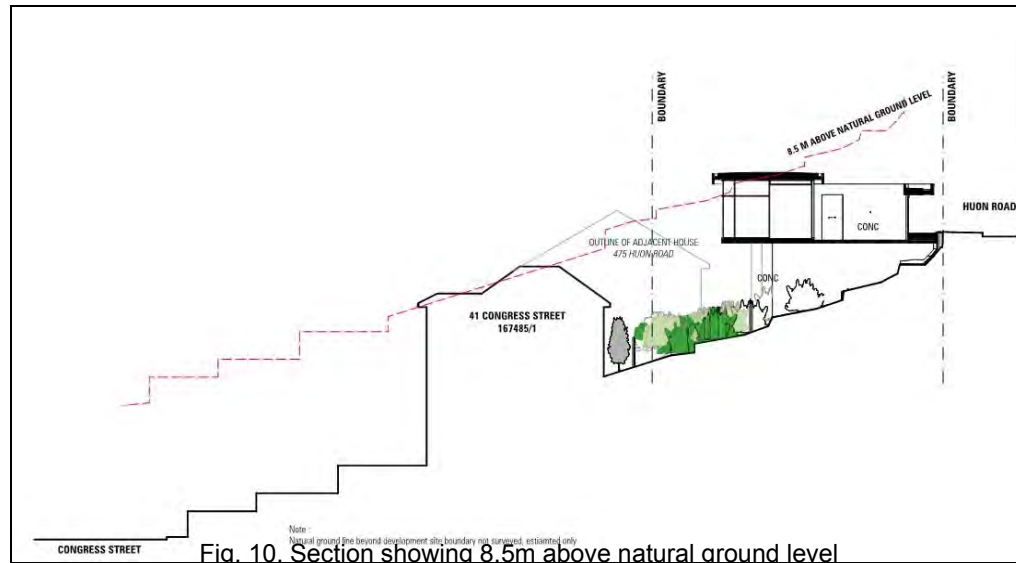


Fig. 10. Section showing 8.5m above natural ground level

- 6.8.6. The representor has stated that the dwelling should be made to comply with the height limit to allow for less visual impact and better privacy for their property.
- 6.8.7. There is no discretion in relation to privacy, as the windows and deck are set back from side and rear boundaries in accordance with the permitted privacy provisions in the scheme.
- 6.8.8. A reduction in the height of the dwelling at the rear to meet the 8.5m height limit would not result in a significant overall decrease in the height or bulk of the dwelling, as it principally relates to the rear section of roof overhang, and a section of the windows below. The representor's principal outlook is from the front of their dwelling. The new dwelling would be visible from the neighbour's back garden and the rear of their dwelling; however the visual impact from their rear garden and rear facing windows, considering the extent of the discretion, is not considered to be unreasonable. The dwelling as proposed is considered to comply with the performance criteria, so conditioning or refusal of the proposal on the basis of height, visual bulk or loss of privacy is not recommended.
- 6.8.9. The proposal complies with the performance criterion.
- 6.9. Private Open Space: Part 10.4.3 P2
- 6.9.1. The land slopes steeply down from Huon Road. The dwelling design includes a south-west facing courtyard at the front of the dwelling and a 13m<sup>2</sup> north-east facing deck at the rear of the dwelling.
- 6.9.2. The acceptable solution (clause 10.4.3 A2) is that a dwelling should have a 24m<sup>2</sup> parcel of private open space which is at least 4.0m wide, directly accessible from a living room, orientated towards sunlight and which has a gradient less than 1 in 10.

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 relevant performance criterion, clause 10.4.5 P1 is as follows:

*A dwelling must have private open space that:*

- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:*
  - (i) conveniently located in relation to a living area of the dwelling; and*
  - (ii) orientated to take advantage of sunlight.*

6.9.5. The deck is directly accessible from the living room and is orientated to take advantage of sunlight. It is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play.

6.9.6. The proposal complies with the performance criterion.

6.10. Width of Openings for Garages and Carports: Part 10.4.5 P1

6.10.1. The carport opening is 6.5m.

6.10.2. The acceptable solution, clause 10.4.5 A1, is a width of 6.0m.

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, clause 10.4.5 P1, is as follows:

*A garage or carport must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.*

6.10.5. The garage door is 0.5m wider than that permitted under the scheme. This is to allow a double carport with reasonable lines of sight to the street. Due to the slope of the land, the carport cannot be sited anywhere else other than directly on the primary frontage. The carport is open at the street front which minimises its visual impact on the streetscape.

6.10.6. The proposal complies with the performance criterion.

## 7. Discussion

- 7.1. The representor is concerned about cracking or collapse of a wall on their property. The lot is within a medium risk landslide area; however new buildings with a gross floor area of no more than 200m<sup>2</sup> are exempt from the landslide code (clause E 3.4 (e)). Gross floor area is defined as the total floor area of a building measured from the outside or external walls. The dwelling is 137m<sup>2</sup>. The carport is not considered to be counted as gross floor area, but even if it was, it only adds 50m<sup>2</sup> to the total floor area. Either way, the gross floor area on the site is less than 200m<sup>2</sup> and so the landslide code does not apply. The applicant was contacted about the representor's concerns, and provided a site investigations report prepared by Aldanmark Engineers. The applicant stated that this report will be used to assist the structural engineering design for the residence, and that engineering documentation and certification will be undertaken and submitted by a qualified engineer as part of the building approvals process. The site investigations report was forwarded (with the applicant's permission) to the representor.
- 7.2. The dwelling is considered to meet the relevant provisions of the planning scheme. It does exceed the 8.5m permitted height limit, but only at the rear of the dwelling. The extent of the discretion is not considered to unreasonably impact upon the amenity of the adjacent properties in terms of visual bulk or overshadowing. There are no privacy discretions. The representor has requested that the dwelling be made to comply with the height limit; however as the performance criteria are considered to be met, this is not recommended. The issue of the dilapidated fence and wasp nest is not a planning consideration. The representor has also requested that a tall screening hedge be planted along their shared boundary. This boundary is not directly adjacent to the proposed dwelling and at the height required to screen the rear of the house from view, and is likely to cause overshadowing to the other neighbour at 41 Congress Street.

## 8. Conclusion

- 8.1. The proposed dwelling and front fence at Lot 2, 41 Congress Street (also known as 377 Huon Road, CT 167485/2), 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 and front fence at Lot 2, 41 Congress Street (also known as 377 Huon Road, CT 167485/2), South 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-16-00277-01 outlined in attachment A to this permit except where modified below.**

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.

**ENGsw2 A pre and post construction CCTV video of the Council stormwater main (within the subject site) must be undertaken and submitted to Council prior to the commencement of work and on completion of all work. The pre and post construction videos will be relied upon to establish the extent of any damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a pre construction CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.**

Reason for condition

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

**ENGsw3 The proposed dwelling including foundations and overhangs must be designed to ensure the protection and access to the Council's existing stormwater main.**

**A detailed design must be submitted and approved prior to construction. The detailed design must:**

- (a) Demonstrate how the design will ensure the protection and provide access to the Council's stormwater main. (see advice section).**

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

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

Reason for condition

**ENG 2**

To ensure the protection of the Council's hydraulic infrastructure.  
**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 issuing of any permit under the *Building Act 2000*.**

Reason for condition

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

**ENG 11 The proposed crossover must be designed and constructed in accordance with (IPWEA) LGAT –Tasmanian Standard Drawing TSD-R09-v1 – Urban Roads - Driveways and TSD R14-v1 - prior to the commencement of the use (see advice).**

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

## **ADVICE**

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

- As a condition endorsement is required by a planning condition above (ENGsw3), 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 crossover must be designed in accordance with  
LGAT- IPWEA – Tasmanian standard drawings  
[http://www.hobartcity.com.au/Development/Engineering\\_Standards\\_and\\_Guidelines](http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guidelines)
- If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.
- Please note development must be in accordance with the Hobart City Council's Highways By-law  
<http://www.hobartcity.com.au/Council/Legislation>
- Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By-law.  
<http://www.hobartcity.com.au/Council/Legislation>
- Permit for the occupation of the public highway for construction or special event ( e.g. placement of crane, scissor lift etc).  
[http://www.hobartcity.com.au/Transport/Permits/Construction\\_Activities\\_Special\\_Events\\_in\\_the\\_Road\\_Reservation](http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation)
- Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve).  
[http://www.hobartcity.com.au/Transport/Lighting\\_Roads\\_Footpaths\\_and\\_Street\\_Cleaning/Roads\\_and\\_Footpaths](http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths)



(Liz Wilson)

**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.*



(Caroline Lindus)

**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: 4 May 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – Documents and Drawings

**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-16-00277-01****DEVELOPMENT ADDRESS:** Lot 2, 41 Congress Street, SOUTH 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		18/3/16
Title	Lot 2 on sealed plan 167485	18/3/16 & 22/3/16
Planning report	Author: JAWS Architects	18/3/16
Cover page	Project No: 1610 Drawing No: DA01 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
Location plan	Project No: 1610 Drawing No: DA02 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
Roof concept & services plan	Project No: 1610 Drawing No: DA03 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
Ground floor plan	Project No: 1610 Drawing No: DA04 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
Elevations 01	Project No: 1610 Drawing No: DA05 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
Elevations 02	Project No: 1610 Drawing No: DA06 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
Elevations 03	Project No: 1610 Drawing No: DA07 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
Section 1	Project No: 1610 Drawing No: DA08 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16

Section 2	Project No: 1610 Drawing No: DA09 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
Section 3	Project No: 1610 Drawing No: DA10 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
3D views	Project No: 1610 Drawing No: DA11 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
3D views	Project No: 1610 Drawing No: DA12 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16
3D views building envelope diagram	Project No: 1610 Drawing No: DA13 Revision No: DA Drawn by: JAWS Architects Date of Drawing: 18 Mar 2016	18/3/16

Flakemore Residence

PROJECT DETAILS

DESIGNERS NAME	SCOTT VERDOUW - JAWSARCHITECTS		
ACCREDITATION NUMBER	CC54711		
OWNER / CLIENT	ANDREW & KATE FLAKEMORE		
PROJECT ADDRESS	41 CONGRESS STREET, SOUTH HOBART		
LAND TITLE REF. NO. (CERTIFICATE FOLIO AND VOLUME)	167485 / 2		
LAND AREA	517 m <sup>2</sup>		
FLOOR AREA	HOUSE	-	137 m <sup>2</sup>
	CARPORT	-	50 m <sup>2</sup>
	COURTYARD	-	70 m <sup>2</sup>
	BALCONY	-	14 m <sup>2</sup>
DESIGN WIND SPEED	N2		
SOIL CLASSIFICATION	M		
BUSHFIRE-FIRE PRONE AREA BAL RATING (BUSHFIRE ATTACK LEVEL)	N/A		
CORROSION ENVIRONMENT	N/A		
OTHER KNOWN SITE HAZARDS (FLOODING, LANDSLIP, DISPERSIVE SOILS, SALINE SOILS, SAND DUNES, MINE SUBSIDENCE, LANDFILL ETC.)	LANDSLIDE HAZARD AREA		
CLIMATE ZONE	7		

DRAWING No.	REVISION	DESCRIPTION
DA01	DA	COVER PAGE
DA02	DA	LOCATION PLAN
DA03	DA	ROOF PLAN + CONCEPT SERVICES PLAN
DA04	DA	GROUND FLOOR
DA05	DA	ELEVATIONS 01
DA06	DA	ELEVATIONS 02
DA07	DA	ELEVATIONS 03
DA08	DA	SECTION 1
DA09	DA	SECTION 2
DA10	DA	SECTION 3
DA11	DA	3D VIEWS
DA12	DA	3D VIEWS
DA13	DA	3D VIEWS - BUILDING ENVELOPE DIAGRAMS



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AUSTRALIA 7004

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jaws@jawsarchitects.com  
www.jawsarchitects.com

SCALE			
DATE	MARCH 2016	PLOT DATE	18/03/2016
DRAWN	HL	ACCREDITED DESIGNER	SCOTT VERDOUW
CHECKED	SV	ACCREDITATION NUMBER	CC54711
CAD REF	1610_Congress Street_DA.pln		

DRAWING	
COVER PAGE	
DRAWING NO	1610_DA01
REV	DA
OF 13 DRAWINGS	

DEVELOPMENT APPLICATION DOCUMENT
This document is one of the documents relevant to the application for a planning permit No.PLN-16-00277-01 and was received on the 18 March 2016
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DEVELOPMENT APPLICATION

PROJECT
Flakemore Residence
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	DA	Development Application	18/03/2016

JAWSARCHITECTS





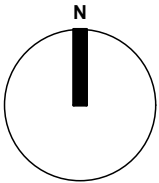
**Location Plan**  
Scale 1:500

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DRAWING  
**LOCATION PLAN**

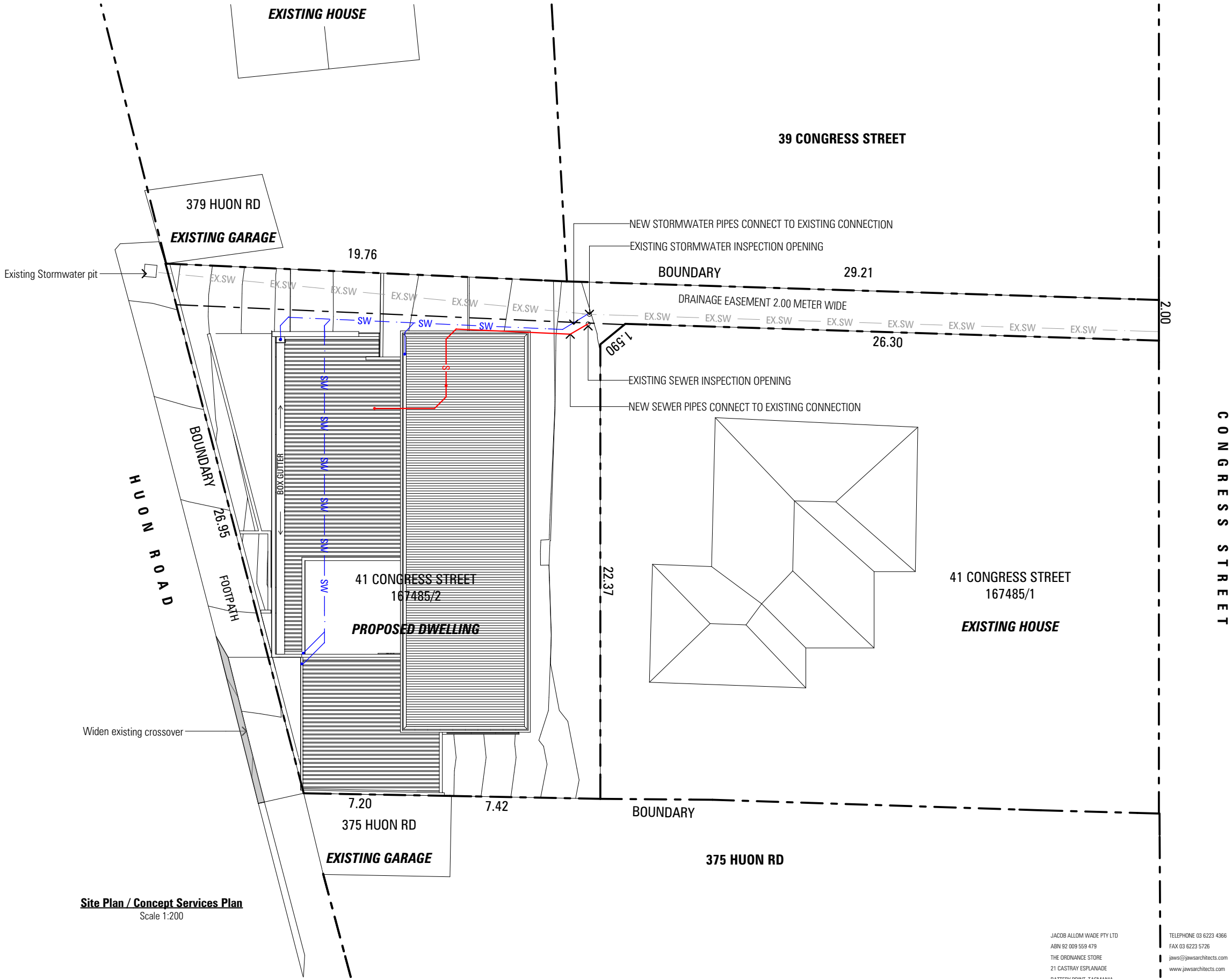
DRAWING NO **1610\_DA02**  
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DA02

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**DRAWING KEY**

— SW — PROPOSED NEW DN100 STORM WATER LINE  
CONNECT TO EXISTING SERVICES

— S — PROPOSED NEW DN100 SEWER LINE  
CONNECT TO EXISTING SERVICES

— EX.SW — EXISTING STORMWATER LINE

**NOTE:**

PROPOSED DWELLING FOOTINGS TO BE MIN. 1.0 M AWAY  
FROM EXISTING INFRASTRUCTURE

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Site Plan / Concept Services Plan  
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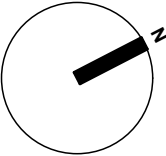
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DRAWING

**ROOF PLAN + CONCEPT  
SERVICES PLAN**

DRAWING NO **1610\_DA03** REV **DA**  
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DA03

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<b>EF</b>	Existing Fence
<b>GRD</b>	Grated Drain
<b>TSCRN</b>	Timber Privacy Screen

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DA04

DA

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DA	Development Application	18/03/2016

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Page 86

Material / Finishes Legend

BAL	Glass Balustrade
CONC	Exposed Concrete <i>Natural Finish</i>
EF	Existing Fence
FC	Fibre Cement Cladding <i>Paint / Natural Finish</i>
FG	Aluminium Framed Door/Window <i>Powdercoat Finish</i>
TIM	Timber Cladding <i>Natural Finish</i>
TSCRN	Timber Privacy Screen



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DRAWING

ELEVATIONS 01

DRAWING NO

1610\_DA05

OF 13 DRAWINGS

REV

DA

DA05

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Page 87

Material / Finishes Legend	
CONC	Exposed Concrete Natural Finish
EF	Existing Fence
FC	Fibre Cement Cladding Paint / Natural Finish
FG	Aluminium Framed Door/Window Powdercoat Finish
MRS	Metal Roof Sheetting Colourbond Finish - Grey
OS	Obscured Glass
TIM	Timber Cladding Natural Finish



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DEVELOPMENT APPLICATION

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DEVELOPMENT APPLICATION DOCUMENT

DA06

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ELEVATIONS 02

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Page 88

Material / Finishes Legend	
BAL	Glass Balustrade
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FG	Aluminium Framed Door/Window Powdercoat Finish
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TSCRN	Timber Privacy Screen



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DRAWING

ELEVATIONS 03

DRAWING NO 1610\_DA07

OF 13 DRAWINGS

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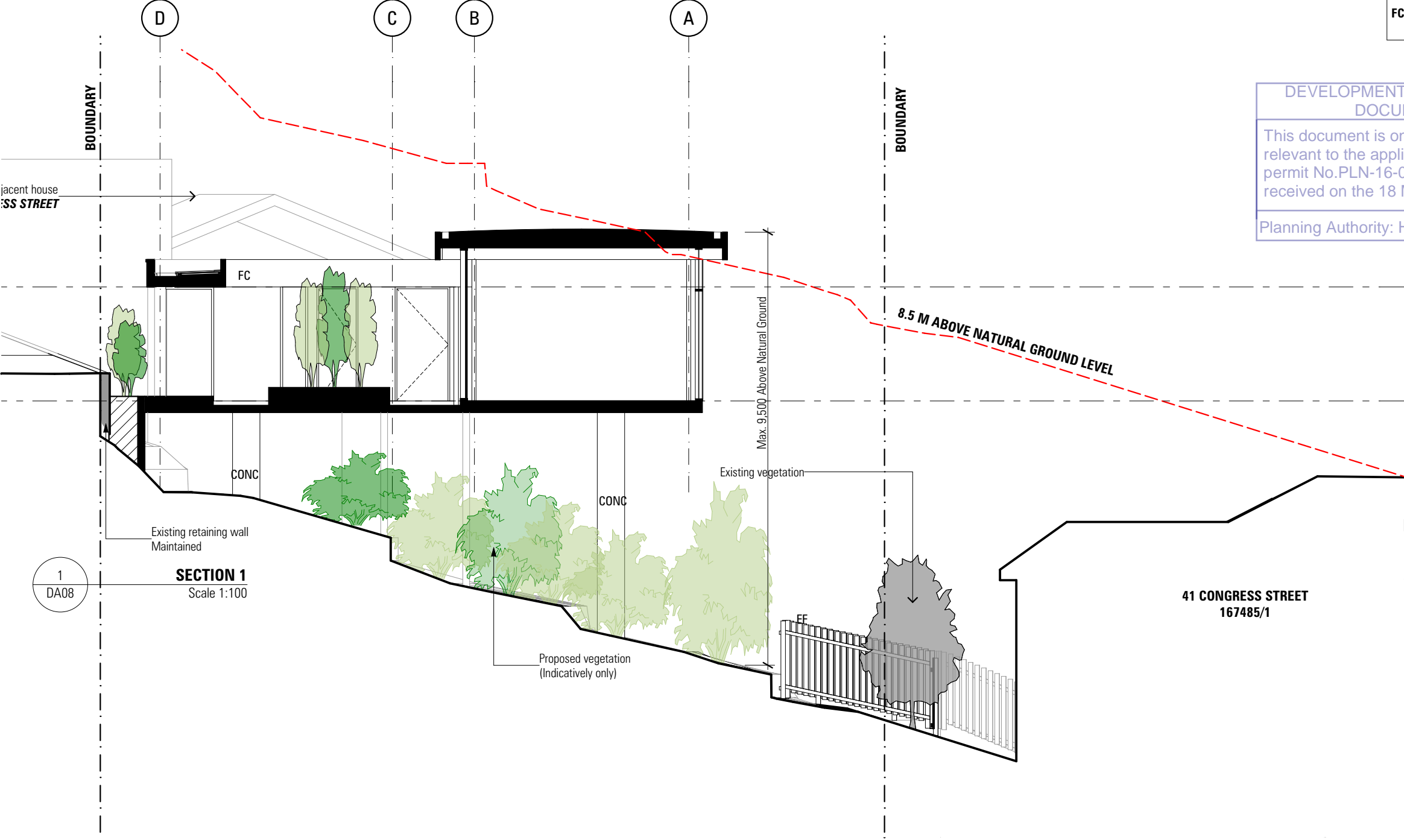
DA07

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Rev	Description	Date
DA	Development Application	18/03/2016

Page 89

Material / Finishes Legend	
CONC	Exposed Concrete Natural Finish
EF	Existing Fence
FC	Fibre Cement Cladding Paint / Natural Finish



DEVELOPMENT APPLICATION  
DOCUMENT

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REVISIONS:

Rev	Description	Date
DA	Development Application	18/03/2016

# DEVELOPMENT APPLICATION

PROJECT

**Flakemore Residence**  
Lot 2, 41 Congress Street South Hobart TAS 7004

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JACOB ALLOM WADE PTY LTD  
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SCALE	AS SHOWN@ A3		
DATE	MARCH 2016	PLOT DATE	18/03/2016
DRAWN	HL	ACCREDITED DESIGNER	SCOTT VERDOUW
CHECKED	SV	ACCREDITATION NUMBER	CC54711
CAD REF	1610_Congress Street_DA.pln		

DRAWING

**SECTION 1**

DRAWING NO **1610\_DA08** REV **DA**

OF 13 DRAWINGS

DA08

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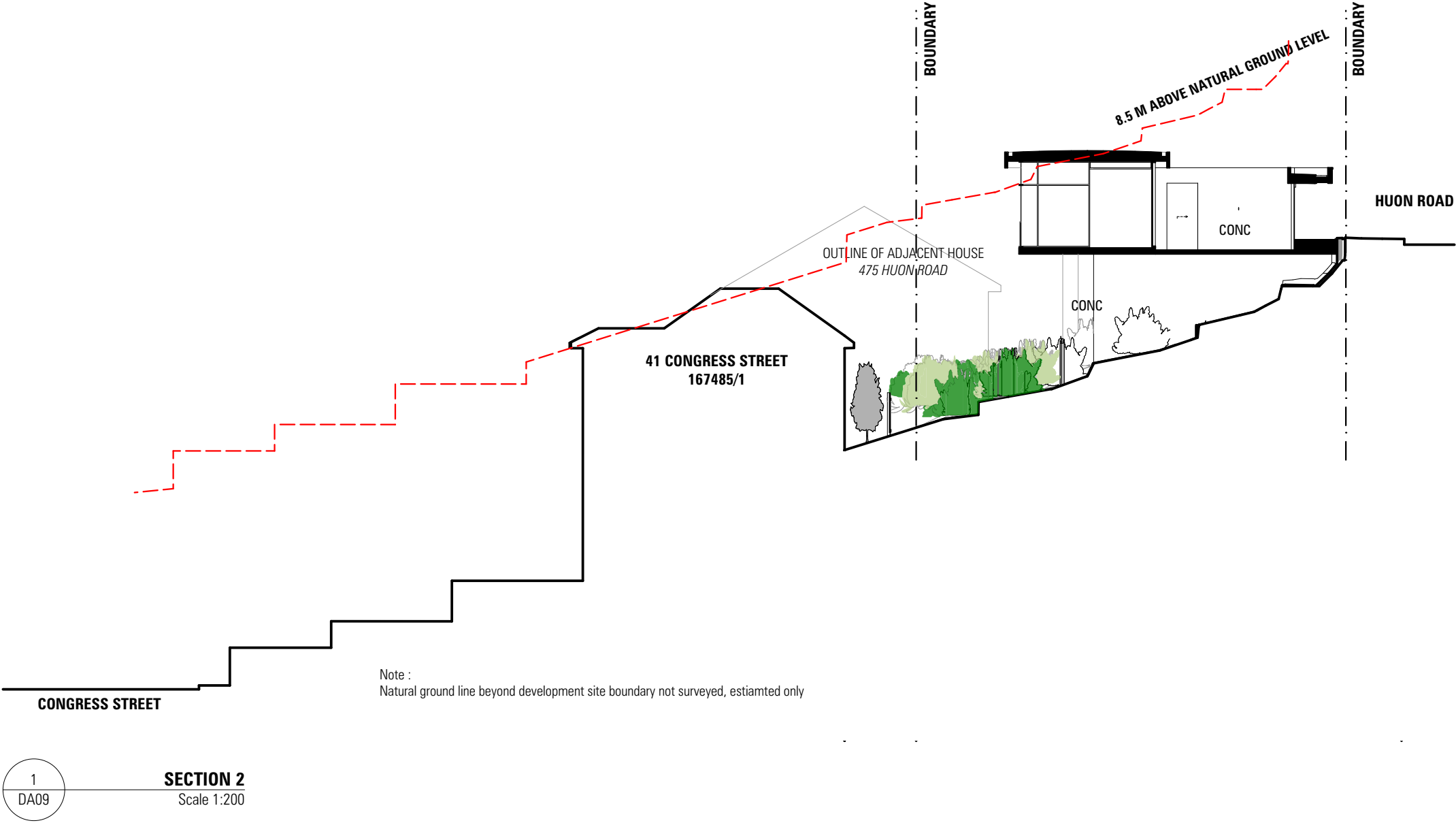
Page 90

Material / Finishes Legend	
CONC	Exposed Concrete Natural Finish

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DRAWING

SECTION 2

DRAWING NO 1610\_DA09

OF 13 DRAWINGS

REV DA

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DA09

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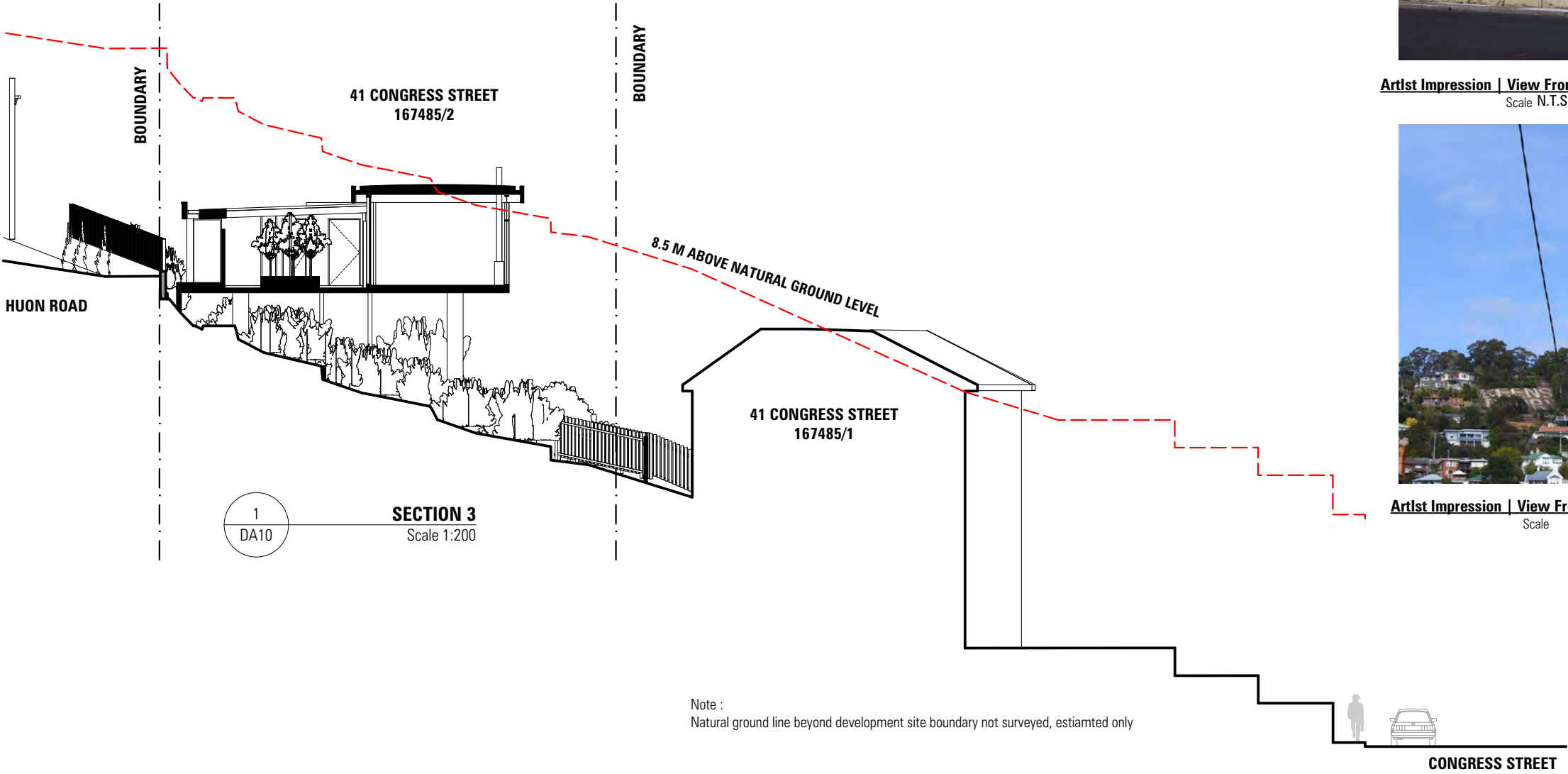
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Artlst Impression | View From Congress St  
Scale N.T.S



Artlst Impression | View From Wentworth St  
Scale



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DRAWING  
**SECTION 3**  
DRAWING NO **1610\_DA10**  
OF 13 DRAWINGS  
REV **DA**

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DA10

REVISIONS:  
Rev Description Date  
DA Development Application 18/03/2016

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DA	Development Application	18/03/2016



3D Model View | View From Huon Road  
Scale N.T.S



3D Model View 1  
Scale N.T.S

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DRAWING	3D VIEWS		
DRAWING NO	1610_DA11	REV	DA
OF 13 DRAWINGS			

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3D Model View - 2  
Scale N.T.S



3D Model View - 3  
Scale N.T.S

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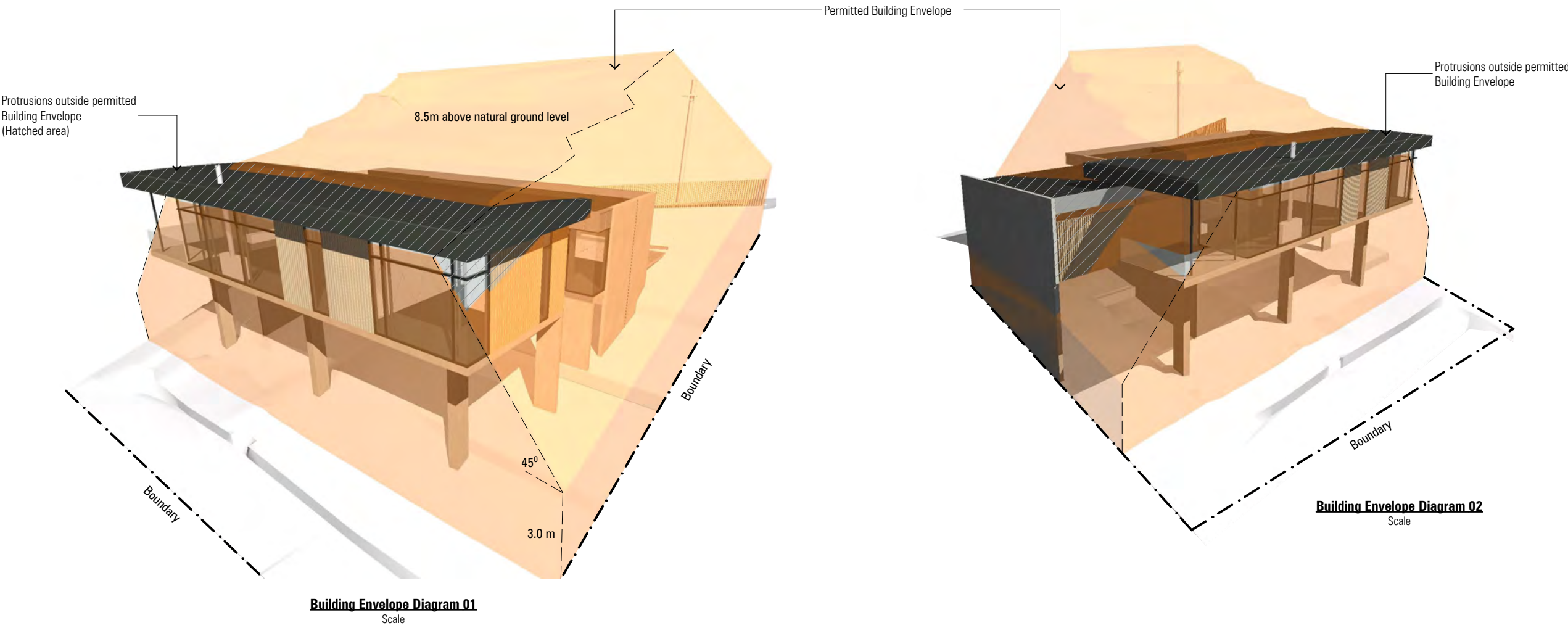
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DRAWING  
**3D VIEWS**  
  
DRAWING NO **1610\_DA12** REV **DA**  
OF 13 DRAWINGS

DA12

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Rev	Description	Date
DA	Development Application	18/03/2016
6		

DEVELOPMENT APPLICATION

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CAD REF	1610_Congress Street_DA.pln		

DRAWING  
**3D VIEWS - BUILDING ENVELOPE DIAGRAMS**  
DRAWING NO **1610\_DA13** REV **DA**  
OF 13 DRAWINGS

DA13

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Planning Authority: Hobart City Council



## PROPOSED SINGLE DWELLING AT LOT2, 41 CONGRESS STREET, SOUTH HOBART

Planning Compliance Report | March 2016



EXPERIENCE CREATIVE QUALITY

Time Ordinance Store  
21 Conroy Esplanade, Battery Point  
Tasmania, AUSTRALIA 7004  
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## INTRODUCTION

The propose development is Residential Use class and is a permitted use.

The following Zone Standards and Codes in the Hobart Interim Planning Scheme 2015 are applicable to this development:

**Zone 10.0      General Residential**

**Code E3 Landslide**

**Code E6 Parking and Access**

## ZONE 10.0 GENERAL RESIDENTIAL

10.1	Zone Purpose	
10.1.1	Zone Purpose Statement	10.1.1.1 –Residential Use with full infrastructure services available. 10.1.1.2 – N/A 10.1.1.3 –Residential Use with full infrastructure services available. 10.1.1.4 –Residential Use in residential area
10.1.2	Local Area Objective	N/A – no local objectives
10.1.3	Desired Future Character	N/A – no desired future character statement
10.2	Use Table	Acceptable – single residential use only
10.3	Use Standards	
10.3.1	Non residential Use Table	N/A
10.3.2	Visitor Accommodation	N/A
10.4	Development Standards	
10.4.1	Residential Density for Multiple Dwellings	N/A Lot subdivision completed 2015. Refer Title.
10.4.2	Setbacks and Building Envelope for all dwellings	<b>P1 (a)</b> The Huon Rd setback varies from approximately 2.5 to 4.4 metres.  Along this part of Huon Rd, this site is the first property to have access and entry from Huon Rd northern side. Houses to the east are entered below from Congress Street. A new pattern starts with this subdivision. Residences further up the street have a similar setback issues as the proposed.  The steep terrain means that the house has been sited as close to Huon Road as possible to address height.  The new residence sits predominantly below the footpath / street levels except as the cross over. Landscape screening designed to provide additional privacy to the street.

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		<p><b>P1 (b)</b> A gated courtyard with roof and screen, have been provided to assist in attenuating noise and provide privacy to the residence from the road.</p>
10.4.2		<p><b>P2</b> The carport has a varied setback from Nil to approximately 1.7 metres.</p> <p>This is comparable with the adjacent Garages which are both built flush to Huon Road boundary. Topographical constraints require the carport to be located close to the road.</p> <p>It has been sited directly adjacent to no 375 Huon Road Garage and is of comparable height. The apparent bulk is reduced as this is a Carport not Garage.</p>
10.4.2		<p>The scale of this dwelling protrudes outside of the acceptable building envelope at the northernmost edges of the Living Room pavilion (Refer to Diagrams _DA13).</p> <p>This is predominantly due to the steep topography of the site. The protrusion beyond the 8.5 m height limit is typical of many dwellings in the immediate adjacent neighbourhood. Long Sections _DA09 &amp; 10 describe the steep nature of the site.</p> <p>The design meets the Performance Criteria as follows;</p> <p><b>P3 (a) i</b> There will be no reduction in sunlight to habitable rooms of adjoin lots due to space between residence and orientation of the block.</p> <p><b>P3 (a) ii</b> There will be no overshadowing to private open space of adjoining lots due to space between residences and orientation of the block.</p> <p><b>P3 (a) iii – N/A</b></p> <p><b>P3 (a) iv</b> The proposed residence has been designed to reduce visual impact, through:</p> <ul style="list-style-type: none"> <li>○ 'floating' design on recessed slender piers</li> <li>○ recessive colour material selection – natural greys and timbers</li> <li>○ accentuated linear proportions</li> <li>○ long and low proportions from Huon Rd</li> </ul> <p>Existing and proposed plantings to the undercroft spaces and along the eastern fence line, will screen and reduce the apparent scale, allowing a garden to continue under the house to soften the existing terraces.</p> <p>The height of the residence is unobtrusive when viewed from Huon Rd – it sits as a single storey residence at the Carport end and then lower than the footpath level at the western end. It will also be screened by proposed planting. (The proposed roof ridge is lower than the adjacent residence roof ridge at 379 Huon Rd.)</p>

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Planning Authority: Hobart City Council

		<p>When viewed below from Congress St and further afield from South Hobart environs, the residence fits comparably within the typical patterns of houses on this steep north-facing part of South Hobart. Refer to artists impressions on _DA10.</p> <p><b>P3 (b)</b> There is significant separation between adjacent dwellings.</p> <ul style="list-style-type: none"> <li>○ Approx 12m to 379 Huon Rd</li> <li>○ Approx 6m to 41 Congress St</li> <li>○ Approx 15m to 375 Huon Rd</li> </ul> <p>The Location Plan _ DA02 shows the variety of setbacks between residences in the immediate surroundings. The setbacks of the proposed dwelling are comparable with those of the surrounding residential area.</p>
10.4.3	Site Coverage	<p><b>A1 (a)</b> Complies with acceptable Site coverage of 46%</p> <p><b>A1 (b) – N/A</b></p> <p><b>A1 (c)</b> Complies with acceptable solution. 43% of the site area is free from impervious surfaces.</p>
10.4.3	Private Open Space	<p><b>P2 (a) i</b> Complies with Performance Criteria as balcony directly relates to the Living room with a large sliding door allowing it to become seamlessly connected.</p> <p>Is supported by another sheltered courtyard of a larger dimension also connected to the living room.</p> <p><b>P2 (a) ii</b> Complies with Performance Criteria as the orientation of the Balcony is predominantly North- north east.</p>
10.4.4	Sunlight and Overshadowing	<p><b>A1</b> Complies with Acceptable solution. The dwelling has all living rooms and one bedroom oriented within north range</p> <p><b>A2 – N/A</b> <b>A3 – N/A</b></p>
10.4.5	Width of Openings for Garages and Carports for all Swellings	<p><b>A1</b> Complies with acceptable solution as required total width of Carport opening is approx 6 metres.</p> <p>The existing cross over is located at the eastern end of the site. The proposal seeks to widen this to allow for suitable access to double width Carport.</p>
10.4.6	Privacy for All Dwellings	<p><b>A1</b> Complies with acceptable solution. The Balcony is located 4m from boundary at 41 Congress St &amp; greater than 3m from side boundary.</p>

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		<b>A2</b> Complies with acceptable solution. Windows on side boundaries have a setback of 3m. Windows on the boundary with 41 Congress Street Lot 1 have a setback of 4m. It also offset in plan and height.
10.4.7	Frontage fences for All dwellings	<b>A1</b> Complies with acceptable solution. The proposed front fence will be 1.2m high.
10.4.8	Waste Storage for Multiple Dwellings	N/A
10.5	Development Standards for Non dwelling Buildings and Works	N/A
10.6	Development Standards for subdivision	N/A

### CODE E3 LANDSLIDE

The property has been identified as having Landslide Potential: Rated \_Medium.

As the house is under 200m2 this is exempt from requirements associated with this overlay.

### CODE E6 PARKING AND ACCESS

#### E6.1 Number of Spaces

2no. Car spaces have been provided to meet requirements for Residential use class for the 3 bedroom residence.

#### E6.1 Purpose

The double Carport has been located at the Eastern end of Huon Rd site boundary. The proposal is to widen the existing crossover to accommodate reversing to Huon Rd. Reversing directly to Huon Rd is the only practical option for this site and is a model repeated further along the street on this side.

The design of the carport provides safe, easy and efficient access for the residents. Level access to the house from Carport has been a request of the owner.

Due to site constraints, both steepness and the angle of the Huon Rd boundary to property, the location of the Carport has been located on the side Boundary. The Carport will sit directly adjacent to Garage of the adjacent property at 375 Huon Rd.

The angle of the Roadway and Carport allows for good vision to be provided when reversing, on the Western, uphill side. Vehicles heading down Huon Rd, in the Lane closer to the residence, will be clearly visible. However due to proximity of adjacent garage at 375 Huon Road, vision angels to the Eastern (low side) are not able to be achieved.

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To help in this respect the 'Carport' as opposed to an enclosed Garage, is intended to provide additional vision and 'openness' when reversing. The Footpath and Laneways is also wide and clear of vegetation in-front of this property. The adjacent neighbouring garage and crossover also keeps the vision angle improved as no parking can occur for approximately 6m on this side. The proposed location can be considered acceptable in this instance.

**6. COMMITTEE ACTING AS PLANNING AUTHORITY**

---

**6.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING  
SCHEME 2015**

**6.1.4 42-44 NAPOLEON STREET, BATTERY POINT - SIGNAGE &  
CHANGE OF USE OF MARINERS COTTAGES TO  
COMMUNITY GROUP ROOMS - PLN-16-00324-01 - FILE  
REF: 7346696 & P/18-44/706  
26x's  
(Council)**



**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report	Council
Committee:	16 May 2016
Council:	23 May 2016
Expiry Date:	23 June 2016
Application No:	<b>PLN-16-00324-01</b>
Address:	<b>42-44 Napoleon Street, Battery Point</b>
Applicant:	Wooden Boat Guild of Tasmania Inc, PO BOX 28, Battery Point, 7004
Proposal:	<b>Signage &amp; Change of Use of Mariners Cottages to Community Group Rooms</b>
Representations:	Nil
Performance criteria:	Development standards (heritage), parking and access code

---

**1. Executive Summary**

- 1.1. Planning approval is sought for Signage and Change of Use of Mariners Cottages to Community Group Rooms at 42-44 Napoleon Street, Battery Point.
- 1.2. The proposal relies on performance criteria to satisfy the following standards and codes.
  - 1.2.1. Use Table – Particular Purpose Zone 7 – Battery Point Slipyards
  - 1.2.2. Development standards - heritage
  - 1.2.3. Parking and access code
- 1.3. No representations were received within the application's statutory advertising period (12 April 2016 – 27 April 2016).
- 1.4. The proposal is recommended for approval subject to conditions.
- 1.5. The subject site is Council-owned. As such, the final decision is delegated to the Council.

## 2. Site Detail

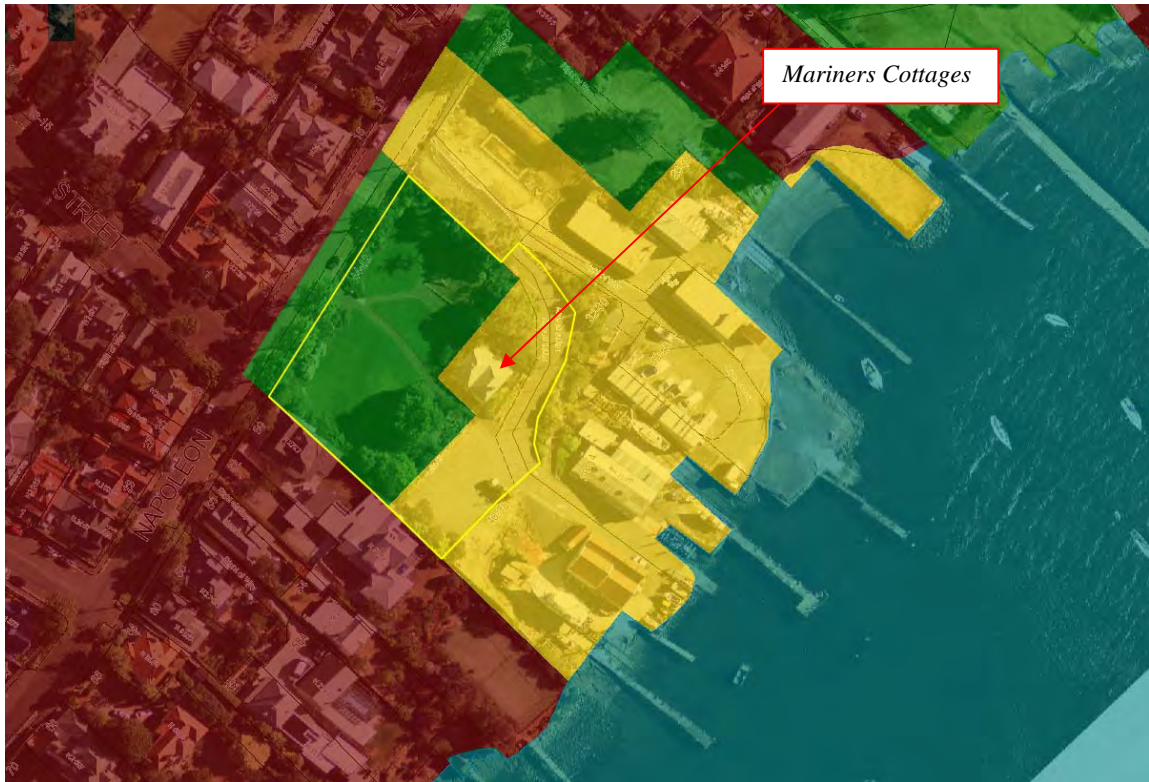


Fig. 1 Zoning map noting the Mariners Cottages within Particular Purpose Zone 7 – Battery Point Slipyards (mapped as yellow).



Fig. 2 Aerial view of the site

- 2.1. The subject property is situated on the south eastern side of Napoleon Street and is owned by the Council. The site is within two zones – Special Purpose Zone 7 – Battery Point Slipyards and the Open Space Zone. The Mariners Cottages are wholly within Particular Purpose Zone 7 – Battery Point Slipyards



(see Fig. 1 above).

The Napoleon Street Playground forms part of the site directly to the west of the cottages. A public parking lot is directly to the south of the cottages.



*Fig. 3 Mariners Cottages from the park looking east.*



*Fig. 4 The two front doors to the cottages noting existing signage to remain.*

### 3. Proposal

3.1. It is proposed to use the entire building known as the Mariners Cottages as premises for the Wooden Boat Guild of Tasmania to provide spaces for meetings, the Guild's library and associated research and study facilities, storage for the Guild's equipment, and room for activities such as model boat kit assembly and potential space for demonstration small boat construction and repair.

- The application includes proposed signage as follows:
  - One vertical projecting wall sign, 550 x 240mm in area next to one of the front doors to one of the cottages. This hanging sign will match an existing sign next to the other front door (see figure 4 above). A similar sign has hung in this position before.
  - One transom sign over one of the front doors in the position where a lamp was previously placed.



Wooden Boat Guild of Tasmania Inc.

*Fig. 3 Content of signs*



*Fig. 5 Door way to one of the cottages – the dashed orange marking indicates the position of a previously approved lamp and wall sign and the approximate position of the proposed signage.*

#### 4. Background

- 4.1. The last planning permit issued for the use of the Mariners Cottages was PLN-06-01178 which was issued for a change of use (ship chandlery) on 18 December 2006.
- 4.2. The applicant has had pre-lodgement planning advice from planning officers at the Council and has received a certificate of exemption for the proposed signage from the Tasmanian Heritage Council.

#### 5. Concerns raised by representors

- 5.1. No representations were received within the statutory advertising period (12 April 2016 – 27 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 Particular Purpose Zone 7 – Battery Point Slipyards of the *Hobart Interim Planning Scheme 2015*.
- 6.2. The cottages are currently vacant. The proposed use is considered to best fit into the category of “community meeting and entertainment” under the *Hobart Interim Planning Scheme 2015*. The use is discretionary in the zone.

Section 8.10.2 of the planning scheme states that in determining an application for a permit for a discretionary use the planning authority must 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.*

The Zone Purpose Statements are as follows:

*To conserve and enhance the Battery Point slipyards as a site of local and national heritage significance by:*

- (a) supporting its traditional use for boat building and slipyard activities;*
- (b) providing for uses that maintain ongoing links with the areas industrial maritime past;*
- (c) providing for uses related to the history of the area and its relationship with the River Derwent; and*
- (d) maintaining the key elements of its physical heritage and character.*

The Desired Future Character Statements are as follows:

*Conservation of the significant elements of the Battery Point Slipyards should continue as the leading priority in the future use and development of the zone. Existing structures and slipyards which are of historic or visual importance should be retained.*

*It is desirable that the primary use of the buildings and land should remain as small scale slipyard related activities i.e. boat building, repair and maintenance. It is recognised however that boat building and slipyard uses have been in decline for some time and are unlikely to remain significant uses in the longer term.*

*Given this situation it is proposed that other compatible uses can occur. Examples of compatible uses include the use of the workshops and sheds as working spaces for craftsmen or artists.*

*Uses that encourage appreciation and interpretation of the slipyards and its significant features may also be suitable. These include a boat building museum, exhibition space or a small cafe to encourage visitation and service visitors and tenants on the site.*

*Traditional boat building as an education or leisure activity is also encouraged to ensure that the links to the historic function of the slipyards are maintained.*

*A restored jetty may also be used for mooring small recreational vessels. A marina type or scale of use where yachts would be moored is not appropriate as it would not suit the small scale use and appearance of the site.*

*The reuse of the existing buildings of significance for compatible purposes is encouraged in preference to the construction of new buildings. Any new buildings should not render an existing building of significance (as shown in figure 38.1) redundant.*

*A daily use of the buildings is preferable to maintain an active, working site. The use of buildings on site primarily for storage is not appropriate, although the use of smaller buildings for some ancillary storage is acceptable.*

*It is important that the traditional scale, openness and general informality of buildings, slipways and work spaces is maintained and that new building or structures do not detract aesthetically from the character and appearance of the area.*

*Continued public access to the foreshore should be accommodated within the constraints of protecting public safety and providing an adequate level of security for property.*

The proposed use of the premises by the Wooden Boat Guild of Tasmania is considered to conform to both the Zone Purpose Statements and the Desired Future Character Statements.

The Wooden Boat Guild of Tasmania's focus on traditional boat building techniques not only maintains, but enhances the ongoing links with the areas industrial maritime past.

Aside from the two proposed signs, the Mariners Cottages will remain physically unchanged and will continue to contribute to the character of the area.

6.3. The proposal has been assessed against:

- 6.3.1. Part D-38 Particular Purpose Zone – Battery Point Slipyards
- 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. Existing Buildings and Structures of Heritage Significance – Part D 38.4.6 P1
- 6.4.2. Numbers of Car Parking Spaces – Part E 6.6.1

6.5. Each performance criterion is dealt with separately below.

6.6. Existing Buildings and Structures of Heritage Significance – Part D 38.4.6 P1

- 6.6.1. Signage on a building of high heritage significance is proposed.
- 6.6.2. There are no acceptable solutions for works to buildings of heritage significance at Part D 38.4.6 A1.
- 6.6.3. The proposal cannot comply with the acceptable solution; therefore assessment against the performance criterion is relied on.



6.6.4. The performance criteria is as follows:

*For elements identified as being of high and medium significance in Figure 38.1:*

- (a) *demolition or removal of a building or structure is prohibited unless the building or structure is shown to be structurally unsound and will be subject to the approval of plans for a replacement building or structure;*
  - (b) *retain the structure, exterior form and materials of buildings;*
  - (c) *allow adaptation of buildings or structures for alternative uses where the exterior form, materials and appearance are retained;*
  - (d) *changes to openings must be essential for adaptation purposes;*
  - (e) *additions and alterations to existing buildings are necessary:*
    - (i) *to allow for ongoing use of the building or structure for boat building or slipyard activity; or*
    - (ii) *to meet building code or structural requirements;*
    - or
    - (iii) *for the provision of services; or*
    - (iv) *where no damage to significant elements will occur; and*
    - (v) *space between the proposed and adjacent structures is retained;*
- and;*
- (f) *modifications to the interior of a building do not change its external appearance.*

6.6.5. The application was referred to the Council's Cultural Heritage Officer for assessment against this applicable standard.

The Heritage Assessment report concludes that the proposal is considered acceptable when measured against the performance criteria of *Hobart Interim Planning Scheme 2015*.

6.6.6. The proposal complies with the performance criterion.

6.7. Numbers of Car Parking Spaces – Part E 6.6.1

6.7.1. A change of use from vacant premises to community meetings rooms is proposed in a building with no on-site parking allocated specifically to that building.

6.7.2. The acceptable solution at 6.6.1 A1 requires the following number of parking spaces for the following uses:

Art and craft: 1 space per 30m<sup>2</sup> of floor area

Exhibition centre/library museum: 1 space per 20m<sup>2</sup> of floor area

Community meeting: 1 space per 15m<sup>2</sup> of floor area

As the proposed use is a combination of the above uses, it is estimated that the acceptable solution would require approximately 7 parking spaces.

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

6.7.4. The performance criterion is as follows:

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

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

6.7.5. There are approximately 19 public car parking spaces in a parking lot directly to the south of the cottages and several more spaces elsewhere on the slipyards site. There is also further on-street public parking available in the surrounding locality.

Given the heritage value of the site, the provision of new on-site parking by the applicant is not considered practical, nor a desirable planning outcome.

The applicant has stated that the Guild activities occur mostly in the evenings and on weekends. The Guild has previously used one of the cottages under the Cruising Yacht Club's occupancy and it has been stated that during that time there were no incidences where parking exceeded the available spaces within the slipyards site.

6.7.6. The proposal complies with the performance criterion.

## 7. Discussion

- 7.1. The use of the premises by the Wooden Boat Guild of Tasmania is considered to be strongly aligned with the local area objective and desired future character statement for the applicable zone.
- 7.2. The Council's Cultural Heritage Officer supports the proposal.
- 7.3. The signage is considered minimal and, as stated by the Tasmanian Heritage Council Certificate of Exemption, can be fixed using existing bolts and screw holes.

## 8. Conclusion

- 8.1. The proposed signage and change of use of mariners cottages to community group rooms at 42-44 Napoleon Street, Battery Point 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 signage and change of use of mariners cottages to community group rooms at 42-44 Napoleon Street, Battery Point 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-16-00324-01 outlined in attachment A to this permit.

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

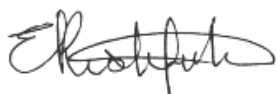
***To clarify the scope of the permit.***

**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 the commencement of the use the following additional permits/approval may be required from the Hobart City Council.

- Building permit in accordance with the *Building Act 2000*; [www.hobartcity.com.au/Development/Building](http://www.hobartcity.com.au/Development/Building)



(Ella Rushforth)

**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.*



(Caroline Lindus)

**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: 4 May 2016

Attachment(s) Attachment A – Documents and Drawings List  
Attachment B – Floor Plan  
Attachment C – Supporting Document  
Attachment D – Photos  
Attachment E – Application for an exemption from the Tasmanian Heritage Council  
Attachment F – Correspondence

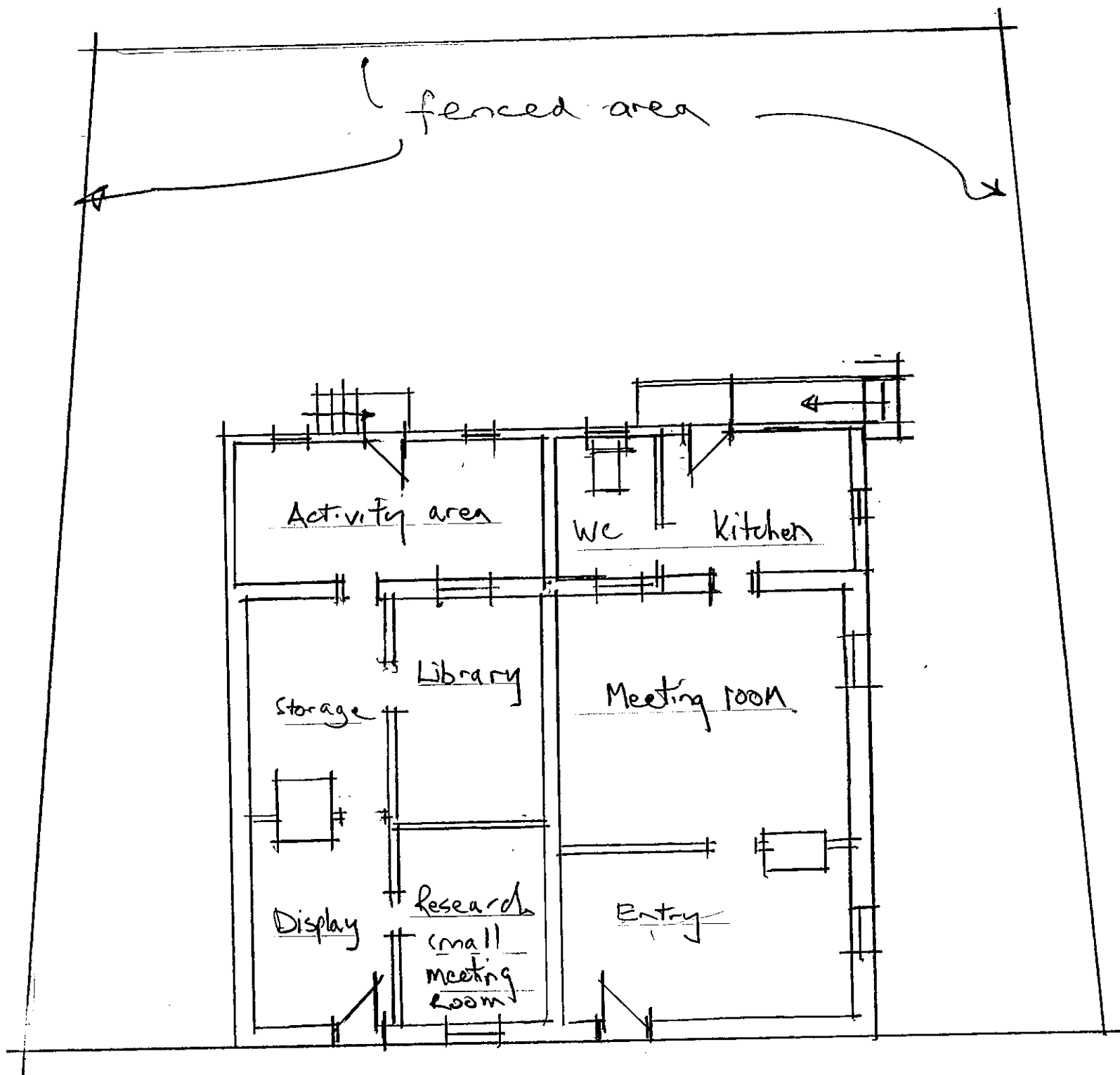
**Attachment A****Documents and Drawings that comprise  
Planning Application Number - PLN-16-00324-01****DEVELOPMENT ADDRESS: 42-44 Napoleon Street, BATTERY POINT****LIST OF DOCUMENTATION:**

<b>Description</b>	<b>Drawing Number/Revision/Author/Date, Report Author/Date, Etc</b>	<b>Date of Lodgement to Council</b>
Application Form		7 April 2016
Title		30 March 2016
Folio Text		8 April 2016
Floor Plan	Address: 42 and 44 Napoleon Street, known as "mariners cottage"	30 March 2016
Supporting Document	Author: Rob Nolan (on behalf of Wooden Boat Guild of Tasmania) Date: 29 March 2016	30 March 2016
Photos		30 March 2016
Application for an exemption from the Tasmanian Heritage Council	Author: Rob Nolan (on behalf of Wooden Boat Guild of Tasmania) Date: 29 March 2016	30 March 2016
Correspondence - Additional Information relating to the proposed transom sign	Author: Rob Nolan Sent: 7 April 2016 Via: email	7 April 2016

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-16-00324 and was received on the 30 March 2016

Planning Authority: Hobart City Council



No. 42 Napoleon St      No. 44 Napoleon St  
Scale 1/2 1:100



PO Box 28, Battery Point, Tas 7004

[www.woodenboatguildtas.org.au](http://www.woodenboatguildtas.org.au)

ABN: 86 565 998 371

#### DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324 and was received on the 30 March 2016

Planning Authority: Hobart City Council

Application for the granting of a permit under the Hobart Interim Planning Scheme for the change of use at 42 and 44 Napoleon Street Battery Point.

#### **Applicant:**

Wooden Boat Guild of Tasmania Inc

PO Box 28, Battery Point, Tas 7004

#### **Location:**

Application applies to 42 and 44 Napoleon Street Battery Point known as the Mariners' Cottages within Council land at 18 – 44 Napoleon Street.

#### **Land Owner:**

Hobart City Council. Approval has been granted by the General Manager for the making of this application.

#### **CT and Schedule of easements:**

See attachments 2 and 3. The site is part of Lot 7 on SP39913

#### **Application for a change of use:**

Current use: vacant premises

Most recent use: offices and meeting rooms

Proposed use: premises for the Guild to provide spaces for meetings, the Guild's library and associated research and study facilities, storage for the Guild's equipment and room for activities such as model boat kit assembly and potential space for demonstration small boat construction and repair.

The nominated uses are consistent with the Guild's objects:

- a) The recognition and furtherance of the art, craft and science of wooden boatbuilding in all its forms
- b) The preservation, development and recording of the skills, processes, tools and materials associated with the craft
- c) Through education and other appropriate means to promote and/or provide avenues for the passing on of the skills and processes involved to ensure that future generations will have the opportunity to experience the benefits of the craft of wooden boatbuilding
- d) to encourage the development of new methods of building wooden boats
- e) The research and recording of details associated with the building and use of wooden boats in Tasmania, and to endeavour to ensure that there is a register of boats, and a record of local design details and associated methods, practices and processes, available for posterity



This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324 and was received on the 30 March 2016

Planning Authority: Hobart City Council

- f) To ensure that the materials required to enable viable continuance of the craft are able to be guaranteed into the future. In particular, to promote wooden boatbuilding as a priority user of Tasmania's unique but scarce specialty timbers, which have a world wide reputation for their suitability for boat building
- g) To encourage the use of wooden boats and to promote their access and enjoyment particularly to young people
- h) Towards the achievement of these objects, to provide a forum for discussion of matters relating to the objects of the Guild, to facilitate the social meeting of people who support these objects, and from time to time, to raise and expend such funds as may be required in pursuance of the objects, and to do all other things which are proper to the achievement of the objectives of the Guild
- i) To endeavour at all times to ensure that these efforts are applied cooperatively with other organisations who share, in whole or in part, similar objectives, and wherever practicable, to support and liaise with such complimentary organisations in the achievement of mutual aims

#### **Floor plan and site plan:**

See attached drawing: Attachment 5 and photos of exterior of building at Attachment 6.

#### **Access to the site:**

Pedestrian and vehicle access is off Napoleon Street via Council's 'un-named' road and car park. Pedestrian access via the Napoleon Street Park.

#### **Alignment with the Hobart Interim Planning Scheme 2015.**

#### **Applicable zone:**

Particular Purpose Zone 7 – Battery Point Slipyards

#### **Relevant provisions**

#### **cl. 38.1 zone purpose and Desired Future Character Statements**

The Guild submits that the Guild's activities align strongly with, and will promote the zone purpose statements and desired future character statements. In summary, the Guild's objects and activities inter alia:

- Focuses primarily on wooden boat building, an activity consistent with the traditional use of the slipyards.
- Furthers the retention of the physical heritage and character of the slipyards.
- Are consistent with the desired primary use of the buildings and land being related to the small scale slipyard-related activities i.e. boat building, repair and maintenance.
- Would reuse the Mariner's cottages consistent with their classification as 'Highly Significant' (Fig. 38.1 of the Interim Planning Scheme).

Use Class

<p>DEVELOPMENT APPLICATION DOCUMENT</p>
---------------------------------------------

<p>This document is one of the documents relevant to the application for a planning permit No. PL N-16-00324 and was received on the 30 March 2016</p>
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<p>Planning Authority: Hobart City Council</p>
------------------------------------------------

The 'best fit' use class for the Guild is probably '**Education and occasional care**' as a use relating directly to boat building. The Guild's activities include monthly meetings that focus on skill development and sharing, together with the maintenance of a library dedicated to Maritime Heritage and boating.

The use 'Education and occasional care' is discretionary in the zone. The Guild's use of the Mariners' cottages would not trigger any of the use standards. The cottages are substantially separated from nearby residential areas such that that residential amenity will not be unduly affected by emissions, noise, traffic, parking and other impacts.

#### cl. 38.4.6 Existing Buildings and Structures of Heritage Significance

The Guild's activities will be entirely consistent with the heritage significance of the site Guild activities will not alter the external setting, being the garden within the fenced area of the site.

#### Cl 38.4.8 Signs

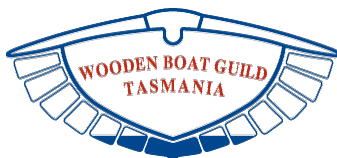
The Guild seeks approval for:

Sign 1: one wall mounted hanging sign of 550mm x 240mm adjacent to the door to 44 Napoleon Street.

Sign 2: transom sign over the door again to 44 Napoleon Street to match location and size of a former sign.

The requested signs are fully described in the application for an Exemption Certificate from the Tasmanian Heritage Council (attachment 7).

The proposed signs, in total, will not exceed 2m<sup>2</sup> (acceptable solution) and are to display the following information:



Wooden Boat Guild of Tasmania Inc.

#### Applicable code(s)

**E6.0 Parking and Access Code.** This code should be able to be satisfied in consideration of existing Council owned public parking provision in the area of the slipyards and that Guild activities are predominately at night and weekends. As the Guild previously used the cottage at 44 Napoleon Street under the Cruising Yacht Club's occupancy, there was no incident where parking exceeded available spaces or relied on parking in Napoleon Street.

**E13.0 Historic Heritage Code.** The code does not apply as development is limited to a sign and the code does not apply to signs.

Rob Nolan

obo Wooden Boat guild of Tasmania

29 March 2016

**Attachment D**DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324 and was received on the 30 March 2016

Planning Authority: Hobart City Council

## Photos of 42 &amp; 44 Napoleon Street



Photo 1 West wall and south (front) wall showing the front doors for 42 and 44 Napoleon Streets respectively



This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324 and was received on the 30 March 2016

Planning Authority: Hobart City Council



Photo 2 North (rear) wall



Photo 3 East wall to 44 Napoleon Street

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324 and was received on the 30 March 2016

Planning Authority: Hobart City Council



Photo 3 existing wall mounted sign adjacent to door 42 Napoleon St.  
Application is for a hanging sign to match the supporting bracket and size of existing sign to be mounted adjacent to the door at 44 Napoleon Street.



On 5 Apr 2016, at 4:42 pm, Rushforth, Ella <[rushforthe@hobartcity.com.au](mailto:rushforthe@hobartcity.com.au)> wrote:

Hi Rob,

As discussed, please find further information request relating to the transom sign attached.

You are correct – the Signs Code is not applicable in Particular Purpose Zone 7.

Regardless of the use class (educational or community meeting), the function of the Wooden Boat Guild is obviously a very well suited use of the Mariner's Cottages.

I will wait to hear from the THC tomorrow, otherwise I will give them a ring on Thursday. If the proposal is THC exempt, I will arrange for the \$100 THC fee to be returned to you.

Kind regards and feel free to contact me if you have any questions,

Ella

Note that any further documents requested during the planning process must be sent to [rfl-information@hobartcity.com.au](mailto:rfl-information@hobartcity.com.au) to be legally accepted, not a return email to this address.

**Ella Rushforth**

Development Appraisal Planner | City Planning

<image001.jpg>

16 Elizabeth Street, Hobart, Tasmania, Australia, 7000 | [hobartcity.com.au](http://hobartcity.com.au)

Telephone (03) 6238 2810

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DEVELOPMENT APPLICATION DOCUMENT
This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324-01 and was received on the 07 April 2016
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-16-00324 and was received on the 30 March 2016
Planning Authority: Hobart City Council



Attachment E

Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
103 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@heritage.tas.gov.au  
www.heritage.tas.gov.au

## EXEMPTION CERTIFICATE APPLICATION

(For applications made under section 42(1) of the *Historic Cultural Heritage Act 1995*).

DATE OF APPLICATION: 29 March 2016

ADDRESS OF PLACE: 42 and 44 Napoleon Street Battery Point

APPLICANT DETAILS: NAME(S) Rob Nolan obo Wooden Boat Guild of Tasmania Inc.

ADDRESS PO Box 28 Battery Point (NB building owner is Hobart City Council. The  
Guild is in lease negotiations TOWN Hobart POSTCODE 7004

TELEPHONE 0438232251 EMAIL nolanr@netspace.net.au

DESCRIPTION OF THE PROPOSED WORKS: \_\_\_\_\_

Sign 1: hanging sign adjacent to the door to 44 Napoleon Street on a metal bracket the  
same as the existing bracket adjacent to the door of 42 Napoleon. The proposed  
bracket was previously fixed to the wall and is being reinstated. The sign over 42  
Napoleon Street is 550mm x 240 and has the information 'Mariners Cottages 42  
Napoleon Street. The proposed sign will be the same size as No. 42's sign and simply  
carry the Guild's logo and name (see below).

Sign 2: A transom sign carrying the Guild's logo and name to cover an existing hole  
over the door to 44 Napoleon Street.

ESTIMATED VALUE OF THE PROPOSED WORKS: \$200.00

NOTE: Eligible works must have no impact or only negligible impact on the historic cultural heritage significance of the relevant registered place or heritage area and be capable of being carried out in accordance with the parameters for exemptions described in the Works Guidelines.

LIST OF SUPPORTING DOCUMENTS (THESE SHOULD BE ATTACHED):

1. Photo 1 hanging sign to 42 Napoleon Street. The proposed sign for 44 Napoleon  
Street is to replicate the fixing, bracket and size of sign as for 42 Napoleon Street.
2. Photo 2 entry to number 44 Napoleon Street showing the intended location of the  
hanging sign and transom sign to cover existing hole in wall and where a sign was  
previously fixed.

**DEVELOPMENT APPLICATION  
DOCUMENT**

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324 and was received on the 30 March 2016

Planning Authority: Hobart City Council

Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
103 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@



Tasmanian Heritage Council

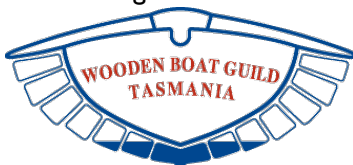
heritage.tas.gov.au  
www.heritage.tas.gov.au

**Application for signs (2) for 44 Napoleon street Battery Point**

Photo 1: existing sign 42 Napoleon Street



Photo 2: Door to 44 Napoleon Street, proposed sign to be a hanging sign to replicate the location and bracket currently to 42 Napoleon Street (in background). The photo also shows the location of a previous transom sign.

**3. Content of signs**

Wooden Boat Guild of Tasmania Inc.

<b>DEVELOPMENT APPLICATION DOCUMENT</b>
This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324 and was received on the 30 March 2016
Planning Authority: Hobart City Council

Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
103 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@



Tasmanian Heritage Council

heritage.tas.gov.au  
www.heritage.tas.gov.au

## INFORMATION FOR APPLICANTS:

Exemption Certificate applications are to be submitted to the Tasmanian Heritage Council, care of Heritage Tasmania:

By hand:	Heritage Tasmania 103 Macquarie Street Hobart, Tasmania	or	Heritage Tasmania 53 St John Street Launceston, Tasmania
By post:	Heritage Tasmania GPO Box 618 Hobart TAS 7001		
By email:	enquiries@heritage.tas.gov.au		

The receiving officer will check that the necessary information has been obtained in order for the application to be assessed. The application will be assessed once all of the required information has been received. An application will normally be determined within 7 days of all the required information having been received.

Under section 42(3) of the *Historic Cultural Heritage Act 1995*, the Heritage Council may either approve or refuse the exemption certificate application. If the application is refused, the applicant may submit a discretionary permit application for the works under section 35 of the Act. Applicants are encouraged to consult with Heritage Tasmania's advisors prior to lodging a discretionary permit application.

Please note that a copy of any certificate of exemption issued will be forwarded to the local planning authority for their information. A planning, building or plumbing permit from the local planning authority may also be required for the works. Further advice regarding these requirements should be obtained from the local planning authority.

Further information on the types of work that may be eligible for a certificate of exemption is available in the Tasmanian Heritage Council's *Works Guidelines*. The *Guidelines* can be downloaded from [www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

Please contact Heritage Tasmania on 1300 850 332 if you require further information.

### OFFICE USE ONLY (HERITAGE TASMANIA)

DATE RECEIVED: \_\_\_\_\_ RECEIVING OFFICER: \_\_\_\_\_

ALL NECESSARY INFORMATION RECEIVED: YES / NO

IF NO, DATE WHEN ADDITIONAL INFORMATION REQUESTED: \_\_\_\_\_

DATE WHEN ADDITIONAL INFORMATION WAS RECEIVED: \_\_\_\_\_

IF APPROVED: EXEMPTION NO: \_\_\_\_\_ CERTIFICATE ISSUE DATE: \_\_\_\_\_

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324 and was received on the 30 March 2016

Planning Authority: Hobart City Council

Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
103 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@



heritage.tas.gov.au  
www.heritage.tas.gov.au

IF REFUSED, DATE WHEN REFUSAL WAS COMMUNICATED TO APPLICANT: \_\_\_\_\_

THR REF: \_\_\_\_\_ FILE NO: \_\_\_\_\_



**Attachment F****Loring, Jacqui**

**From:** Rob Nolan [Rob.Nolan@heartfoundation.org.au]  
**Sent:** Thursday, 7 April 2016 8:49 AM  
**Subject:** FW: S54 Info Req - Email application no. PLN-16-00324-01  
**Attachments:** 42-44 Napoleon St WBGT application.pdf

**DEVELOPMENT APPLICATION  
DOCUMENT**

This document is one of the documents relevant to the application for a planning permit No.PLN-16-00324-01 and was received on the 07 April 2016

Planning Authority: Hobart City Council

Hello Ella

Thanks for your phone call Tuesday and subsequent letter. Hope the following meets your requirements:

1. Attached is the application form now dated 1 March 2016. This was the date for the request for the land owner's signature.
2. You will have received the certificate of exemption from the THC re application for sign(s).
3. The proposed transom sign will be 500mm x 200mm to match a cover board/lamp that previously existed. The information on the sign will be as described in the supporting information being part of the permit application comprising simply the Guild's logo and name on a white background. The THC has specified the fixing of the transom and hanging signs using pre-existing mounting points.

The proposed transom sign is primarily to cover the hole in the brickwork above the header to the door for 44 Napoleon St. Apparently at one time there was an external light (described as not being overly sympathetic) hence the hole in the brickwork. The photos attached to the email from the THC were to (try to) show the former lantern.

As an alternative to the sign applied for, should Council as building owner wish to install a replacement light, we would be happy with that.

4. You indicated that our land use probably fits better in the use class 'community meeting and entertainment'. We suggested 'educational and occasional care' primarily in relation to the Guild's objects (see application) and the qualification for the use in the zone being directly related to boat building or shipyard activity.

It is noted that either use is discretionary so possibly immaterial as to whether our proposed use is classified one or the other.

Hope the above helps. Please get in touch should any further clarifications are required.

Rob

Robin Nolan LFPIA  
Town Planner  
Shear Design  
ph 0438232251  
[nolanr@netspace.net.au](mailto:nolanr@netspace.net.au)

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

**7. INTERIM PLANNING DIRECTIVE NO. 1 – BUSHFIRE-PRONE AREAS  
CODE – REPRESENTATION – FILE REF: 15/97**

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38x's

Report of the Director City Planning and the Environmental Development Planner of 4 May 2016, and attachments.

DELEGATION: Council

**TO** : City Planning Committee

**FROM** : Environmental Development Planner

**DATE** : 4 May, 2016

**SUBJECT** : **INTERIM PLANNING DIRECTIVE NO. 1 - BUSHFIRE-PRONE AREAS CODE - REPRESENTATION**

**FILE** : 15/97 RM:RM (s:\projects\environmental planning - rm\bushfire\planning process\ipd1\city planning committee report - interim planning directive no 1final.docx)

## 1. INTRODUCTION

- 1.1. This report seeks Council endorsement of the representation made to the Tasmanian Planning Commission with regard to the Interim Planning Directive No. 1 Bushfire –Prone Areas Code which replaced the previous Bushfire-Prone Areas Code in the Hobart Interim Planning Scheme 2015 on 23<sup>rd</sup> February 2016.
- 1.2. The representation (*Attachment A*) has been made by the Director City Planning as it was not possible for Council to consider the Interim Planning Directive prior to the 19<sup>th</sup> May 2016 deadline.

## 2. BACKGROUND

- 2.1. The Minister for Planning and Local Government has issued Interim Planning Directive No.1 – Bushfire-Prone Areas Code (*Attachment B*) under former section 13 of the Land Use Planning and Approvals Act 1993 (the Act). He has also requested that the Tasmanian Planning Commission (TPC) assess the Interim Planning Directive.
- 2.2. The Interim Planning Directive took effect on 23 February 2016 and remains in place for a 12 month period. The Interim Planning Directive replaces the Bushfire-Prone Areas Code given effect under Planning Directive No.5 which has been suspended for the same 12 month period. It is expected that the Interim Planning Directive will be assessed by the TPC and become a ‘Planning Directive’ during that period.
- 2.3. The Minister has directed the TPC to undertake an assessment of the Interim Planning Directive. This involves public exhibition and the TPC may then hold hearings.

## 3. PROPOSAL

- 3.1. It is proposed that that Council endorse the representation (provided in *Attachment A*) submitted to the Tasmanian Planning Commission.

## 4. DISCUSSION

- 4.1. The new Bushfire-Prone Areas Code was developed collaboratively by the Director of Building Control and the Tasmania Fire Service (TFS). Changes to the Building Regulations 2014 and the Director of Building Control's Determination – Requirements for Building in Bushfire-Prone Areas were introduced on 17 March 2016 (*Attachment C*).
- 4.2. Generally the new Code regulates fewer matters as standards applying to development of habitable buildings in bushfire-prone areas are now implemented as part of the building regulatory framework.
- 4.3. The new Code retains use standards for vulnerable and hazardous uses in bushfire-prone areas and development standards for subdivision, including the provision of hazard management areas and access and water supply for fire fighting purposes. These standards are essentially the same as the former Code with the exception of providing more detailed specifications in some instances, consistent with the requirements of the TFS.
- 4.4. The transfer of regulation for certain aspects of development in bushfire-prone areas from the planning system to the building system is supported. It is considered appropriate to retain regulation of subdivision, vulnerable and hazardous uses within the planning system.
- 4.5. The exclusion of habitable buildings from the provisions of the Bushfire Code does, however, have the potential for unintended consequences relating to vegetation clearing and management. While it appears as though new habitable buildings will be required to have a bushfire hazard management plan under the Building Regulations 2014, these may not have been prepared by the time a planning permit application is made. The planning application may not accurately identify proposed hazard management areas.
- 4.6. Generally, the establishment of hazard management areas will require assessment under the Biodiversity Code in the Hobart Interim Planning Scheme 2015, however, such an assessment cannot be done if the specific extent and nature of vegetation management is not clearly proposed in the planning application.
- 4.7. This is particularly important given that reliance on building construction at BAL-40 and BAL-FZ will not necessarily satisfy the performance requirements of the National Construction Code (i.e. additional vegetation management may be required to meet the requirements of the NCC). This is likely to lead to situations where:
  - 4.7.1. vegetation is cleared to achieve required separation distances under the NCC without gaining necessary planning approval; or

- 4.7.2. developers need to obtain further planning approvals (new applications or amendments) for additional vegetation clearing.
- 4.8. This is likely to be a significant issue for both Planning Authorities and developers until there is general familiarity in the development community about the new system.
- 4.9. Maintenance of bushfire hazard management plans should be specified as a prescribed feature and measure to be maintained in accordance with Part 7 of the Building Regulations 2014 as Permit Authorities are unlikely to have the resources to monitor and enforce compliance.
- 4.10. The more detailed and clearer specifications with regard to access requirements and water supply are a considerable improvement over the previous version of the Code.

## **5. IMPLEMENTATION**

- 5.1. Implementation of the new Bushfire Code by the Planning Authority should be easier than implementation of the previous Code given it has less extensive application and improvements in the clarity of requirements for water supply and access.
- 5.2. Implementation of the new requirements under the *Building Regulations 2014* by the Permit Authority should be relatively straightforward, as this system is largely based on external certification by private building surveyors.
- 5.3. Enforcement of bushfire hazard management plans should be less onerous for Council as it appears bushfire hazard management plans will be 'prescribed features and measures' under section 7 of the *Building Regulations 2014* which require annual self-certification. Support for such an approach is made clear in the representation.

## **6. STRATEGIC PLANNING IMPLICATIONS**

- 6.1. The new Bushfire Code will have minimal impact on the achievement of the strategic objectives of the Capital City Strategic Plan 2015-2025 particularly in relation to Goal 2 Urban Management.

## **7. FINANCIAL IMPLICATIONS**

- 7.1. The new Bushfire Code will require fewer planning resources to implement than the previous Code due to its more limited application.
- 7.2. Resources for effective enforcement of bushfire plans are also likely to be lower as it appears there will be self-certification of maintenance required under the *Building Regulations 2014*.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1. The requirement for self-certification of bushfire plan maintenance required under the *Building Regulations 2014* should help to reduce Council's exposure to liability for not enforcing compliance with approved bushfire plans.

## **9. LEGAL IMPLICATIONS**

- 9.1. The new Bushfire Code will minimise the need for Part 5 Agreements where hazard management areas cross properties.
- 9.2. There may be a need for increased enforcement action if more vegetation is removed without gaining necessary planning approval.

## **10. ENVIRONMENTAL IMPLICATIONS INCLUDING CLIMATE**

- 10.1. As discussed in the representation, the proposed new Bushfire Code may lead to an increase in illegal clearing of vegetation to meet National Construction Code requirements.

## **11. SOCIAL IMPLICATIONS**

- 11.1. The new Bushfire Code will have minimal social implications.

## **12. CUSTOMER IMPLICATIONS**

- 12.1. The new Bushfire Code may lead to some customers having to receive two rounds of planning approval for a habitable building development if clearing to establish hazard management areas is not proposed at the planning stage. This should reduce over time as familiarity with the new system increases.

## **13. DELEGATION**

- 13.1. None required.

## **14. CONCLUSION**

- 1.2 This report seeks Council endorsement of the representation made to the Tasmanian Planning Commission with regard to the Interim Planning Directive No. 1 Bushfire –Prone Areas Code which replaced the previous Bushfire-Prone Areas Code in the Hobart Interim Planning Scheme 2015 on 23<sup>rd</sup> February 2016.
- 14.1. The new Bushfire-Prone Areas Code was developed collaboratively by the Director of Building Control and the Tasmania Fire Service (TFS). Changes to the Building Regulations 2014 and the Director of Building Control's Determination – Requirements for Building in Bushfire-Prone Areas were introduced on 17 March 2016.



- 14.2. Generally the new Code regulates fewer matters as standards applying to development of habitable buildings in bushfire-prone areas are now implemented as part of the building regulatory framework.
- 14.3. The transfer of regulation for certain aspects of development in bushfire-prone areas from the planning system to the building system is supported. It is considered appropriate to retain regulation of subdivision, vulnerable and hazardous uses within the planning system.

## **15. RECOMMENDATION**

*That:*

- 15.1. The report RM:rm(s:\projects\environmental planning - rm\bushfire\planning process\ipd1\city planning committee report - interim planning directive no 1final.docx) be received and noted.**
- 15.2. The Council endorse the representation (Attachment A) made by Council's Director City Planning to the Tasmanian Planning Commission in regard to Interim Planning Directive No 1 – Bushfire Prone Areas Code.**

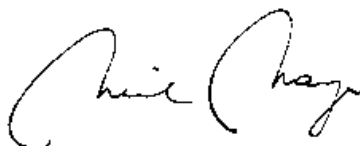
*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*



(Rowan Moore)

**ENVIRONMENTAL DEVELOPMENT 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.*



(Neil Noye)

**DIRECTOR CITY PLANNING**

Attachment(s)      A - Representation  
                             B - Interim Planning Directive No. 1  
                             C - Director of Building Control Determination – Requirements  
                             for Building in Bushfire-Prone Areas

*Enquiries to:* James McIlhenny

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*Our Ref:* 15/97

jmc: (hcc representation bushfire code ipd)

4 May 2016

Mr Greg Alomes  
Executive Commissioner  
Tasmanian Planning Commission  
GPO Box 1691  
HOBART TAS 7001

**Via Email:** [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Mr Alomes

## **INTERIM PLANNING DIRECTIVE NO.1 – BUSHFIRE PRONE AREAS CODE – REPRESENTATION**

I refer to your letter dated 4 April 2016 inviting comments on the Interim Planning Directive No.1 – Bushfire Prone Areas Code. The following comments are provided in response:

The transfer of regulation for certain aspects of development in bushfire-prone areas from the planning system to the building system is supported. It is considered appropriate to retain regulation of subdivision, vulnerable and hazardous uses within the planning system.

The exclusion of habitable buildings from the provisions of the Bushfire Code does, however, have the potential for unintended consequences relating to vegetation clearing and management. While it appears as though new habitable buildings will be required to have a bushfire hazard management plan under the Building Regulations 2014, these may not have been prepared by the time a planning permit application is made. The planning application may not accurately identify proposed hazard management areas.

Generally, the establishment of hazard management areas will require assessment under the Biodiversity Code in the Hobart Interim Planning Scheme 2015 however such an assessment cannot be done if the specific extent and nature of vegetation management is not clearly proposed in the planning application.

This is particularly important given that reliance on building construction at BAL-40 and BAL-FZ will not necessarily satisfy the performance requirements of the National Construction Code (i.e. additional vegetation management may be required to meet the requirements of the NCC). This is likely to lead to situations where:



- vegetation is cleared to achieve required separation distances under the NCC without gaining necessary planning approval; or
- developers need to obtain further planning approvals (new applications or amendments) for additional vegetation clearing.

This is likely to be a significant issue for both Planning Authorities and developers until there is general familiarity in the development community about the new system.

Maintenance of bushfire hazard management plans should be specified as a prescribed feature and measure to be maintained in accordance with Part 7 of the Building Regulations 2014, as Permit Authorities are unlikely to have the resources to monitor and enforce compliance.

The more detailed and clearer specifications with regard to access requirements and water supply are a considerable improvement over the previous version of the Code.

Please note these are officer level comments as it was not possible to obtain Council endorsement within the response period provided. It is proposed to seek Council endorsement at its meeting on 23 May 2016 and I will inform you of the result.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Noye', written in a cursive style.

(Neil Noye)

**DIRECTOR CITY PLANNING**

## **Draft Interim Planning Directive No. 1 Bushfire-Prone Areas Code**

This Interim Planning Directive has been issued by the Minister for Planning under s.12A (2) of the *Land Use Planning and Approvals Act 1993* and came into effect on 23 February 2016

It operates in place of Planning Directive No. 5 Bushfire-Prone Areas Code which came into effect on 2 October 2013. The operation of Planning Directive No 5 was suspended on 23 February 2016

## Interim Planning Directive No. 1 Bushfire-Prone Areas Code

### **1.0 Citation**

- 1.1 This planning directive may be cited as Interim Planning Directive No. 1 – Bushfire-Prone Areas Code.

### **2.0 Application**

- 2.1 This planning directive applies to the following planning schemes:
- (a) interim planning schemes that have been declared in accordance with s.30F of the Act; and
  - (b) planning schemes made under s.30M of the Act.
- 2.2 For clarity, this planning directive does not apply to the following planning schemes:
- (a) The Flinders Island Planning Scheme 1994; and
  - (b) The Sullivans Cove Planning Scheme 1997.

### **3.0 Effect of the Planning Directive**

- 3.1 An instrument to which this planning directive applies must contain the provisions set out in Attachment 1.

### **4.0 Commencement**

- 4.1 This planning directive takes effect on 23 February 2016.

### **Minister for Planning**



## EI.0 Bushfire-Prone Areas Code

### EI.1 Purpose of the Bushfire-Prone Areas Code

EI.1.1 The purpose of this Code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

### EI.2 Application of this Code

EI.2.1 This Code applies to:

- (a) development, on land that is located within, or partially within, a bushfire-prone area, consisting of the subdivision of land; and
- (b) a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.

EI.2.2 A permit is required for all use and development to which this Code applies that is not exempt from this Code under clause EI.4.

### EI.3 Definition of terms in this Code

EI.3.1 In this Code, unless the contrary intention appears:

Term	Definition
accredited person	means as defined in the Act.
bushfire attack level (BAL)	means the bushfire attack level as defined in AS3959 –2009 <i>Construction of Buildings in Bushfire Prone Areas</i> as ‘a means of measuring the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire’.
bushfire hazard management plan	means as defined in the Act.
bushfire protection measures	means the measures that might be used to reduce the risk of bushfire attack and the threat to life and property in the event of bushfire.
bushfire-prone area	means: <ul style="list-style-type: none"> <li>(a) land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; and</li> <li>(b) (i) where there is no overlay on a planning scheme map; or</li> <li>(ii) where the land is outside the boundary of a bushfire-prone area shown on an overlay on such a map,</li> </ul> land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.
bushfire-prone vegetation	means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.
carriageway	means the section of road formation which is used by traffic, and includes all the area of the traffic lane pavement together with the formed shoulders.
contiguous	means separated by less than 20 metres.

fire hydrant	means as described in AS 2419.1-2005 <i>Fire hydrant installations – System design, installation and commissioning</i> .
group home	means use of land for residential accommodation for people with disabilities.
hardstand	means as described in AS 2419.1-2005 <i>Fire hydrant installations – System design, installation and commissioning</i> .
hazard management area	means the area, between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
hazardous chemical	means as defined in the <i>Work Health and Safety Regulations 2012</i> .
hazardous use	means a use that is a hazardous use under clause E1.5.2.
hose lay	means the distance between two points established by a fire hose laid out on the ground, inclusive of obstructions.
part 5 agreement	means as defined in the Act.
property access	means the carriageway which provides vehicular access from the carriageway of a road onto land, measured along the centre line of the carriageway, from the edge of the road carriageway to the nearest point of the building area.
respite centre	means use of land for respite care for the sick, aged or persons with disabilities.
static water supply	means water stored in a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times.
TFS	means Tasmania Fire Service.
vulnerable use	means a use that is a vulnerable use under clause E1.5.1.
water connection point	means the point where a fire appliance is able to connect to a water supply for fire fighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body (including a dam, lake or pool.).
water corporation	means the corporation within the meaning of the <i>Water and Sewerage Corporation Act 2012</i> .

#### E1.4 Use or development exempt from this Code

The following use or development is exempt from this Code:

- (a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this Code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and
- (b) adjustment of a boundary in accordance with clause 9.3 of this planning scheme.

#### E1.5 Use Standards

##### E1.5.1 Vulnerable uses

For the purpose of this code, a use is a vulnerable use if it is listed in a use class in Table E1 and, in the case of a residential use, is one of the uses specified as a qualification.

Table E1. Vulnerable Uses

Use Class	Qualification
Custodial facility	
Educational and occasional care	

This Interim Planning Directive came into effect on 23 February 2016

Hospital services	
Residential	Use for respite centre, residential aged care facility, retirement village, and group home.

## E1.5.1.1. Standards for vulnerable use

<p><b>Objective:</b> Only in exceptional circumstances should vulnerable uses be located on land which is within a bushfire-prone area. If a vulnerable use is proposed to be located on land which is in a bushfire-prone area, bushfire protection measures must reduce the risk to firefighters, and must reflect the risk arising from the bushfire-prone vegetation and the characteristics, nature and scale of the use taking into consideration the specific circumstances of the occupants including their ability to:</p> <ul style="list-style-type: none"> <li>- protect themselves and defend property from bushfire attack;</li> <li>- evacuate in an emergency; and</li> <li>- understand and respond to instructions in the event of a bushfire.</li> </ul>	
Acceptable solutions	Performance criteria
A1. No acceptable solution	<p>P1. Where a vulnerable use is proposed to be located in a bushfire-prone area it must be demonstrated that:</p> <ul style="list-style-type: none"> <li>a) there is an overriding benefit to the community;</li> <li>b) there is no suitable alternative lower-risk site; and</li> <li>c) the bushfire risk can be managed to an acceptable level having regard to any advice from the TFS.</li> </ul>
<p>A2.1. A bushfire hazard management plan that contains appropriate bushfire protection measures that:</p> <ul style="list-style-type: none"> <li>(a) addresses the characteristics, nature and scale of the vulnerable use;</li> <li>(b) addresses the characteristics of its occupants of the vulnerable use;</li> <li>(c) addresses the nature and extent of the surrounding bushfire-prone vegetation; and</li> <li>(d) is certified by the TFS or an accredited person.</li> </ul> <p>A2.2 An emergency plan which:</p> <ul style="list-style-type: none"> <li>(a) is consistent with TFS Bushfire Emergency Planning Guidelines;</li> <li>(b) complies with AS 3745-2010 <i>Planning for emergencies in facilities</i>;</li> <li>(c) if applicable, complies with AS 4083-2010 <i>Planning for emergencies – Health care facilities</i> ; and</li> <li>(d) is approved by the TFS.</li> </ul>	P2. No performance criteria

### EI.5.2 Hazardous uses

For the purpose of this code, a use is a hazardous use if it is listed in a use class in Table E2 and is a use to which the qualifications apply.

Table E2. Hazardous uses

Use Class	Qualification
All classes	<p>Uses where;</p> <ul style="list-style-type: none"> <li>a) the amount of stored hazardous chemicals on a site exceeds the manifest quantity as specified in the <i>Work Health and Safety Regulations 2012</i>; or</li> <li>b) where explosives are stored on a site and where classified as an explosives location or large explosives location as specified in the <i>Explosives Act 2012</i>.</li> </ul>

#### EI.5.2.1 Standards for hazardous uses

<p><b>Objective:</b> Only in exceptional circumstances should hazardous uses be located on land which is within a bushfire-prone area. If a hazardous use is proposed to be located on land which is in a bushfire-prone area, bushfire protection measures must reflect the risk arising from the bushfire-prone vegetation and take into consideration the characteristics, nature and scale of the use to:</p> <ul style="list-style-type: none"> <li>- prevent the hazardous use from contributing to the spread or intensification of bushfire;</li> <li>- limit the potential for bushfire to be ignited on the site;</li> <li>- prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and</li> <li>- reduce the risk to firefighters.</li> </ul>	
Acceptable solutions	Performance criteria
A1. No acceptable solution	<p>P1. Where a hazardous use is proposed to be located in a bushfire-prone area it must be demonstrated that:</p> <ul style="list-style-type: none"> <li>(a) there is an overriding benefit to the community;</li> <li>(b) there is no suitable alternative lower-risk site; and</li> <li>(c) the bushfire risk can be managed to an acceptable level having regard to any advice from the TFS.</li> </ul>
<p>A2.1 A bushfire hazard management plan that contains appropriate bushfire protection measures that:</p> <ul style="list-style-type: none"> <li>(a) addresses the characteristic, nature and scale of the hazardous use;</li> <li>(b) addresses the nature and extent of the surrounding bushfire-prone vegetation;</li> </ul>	P2. No performance criteria

<p>(c) that takes into consideration;</p> <ul style="list-style-type: none"> <li>i) exposure to hazardous chemicals;</li> <li>ii) ignition potential from the site; and</li> <li>iii) flammable material contributing to the intensification of a fire; and</li> </ul> <p>(d) is certified by the TFS or an accredited person.</p> <p>A2.2 An emergency plan which:</p> <ul style="list-style-type: none"> <li>(a) is consistent with TFS Bushfire Emergency Planning Guidelines; and</li> <li>(b) complies with AS 3745-2010 <i>Planning for emergencies in facilities</i>; and</li> <li>(c) if applicable, complies with AS 4083-2010 <i>Planning for emergencies – Health care facilities</i>; and</li> <li>(d) is approved by TFS.</li> </ul>	
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## E1.6 Development Standards

### E1.6.1 Development standards for subdivision

This standard applies to a development consisting of a subdivision where any part of that subdivision is in a bushfire-prone area.

#### E1.6.1.1 Subdivision: Provision of hazard management areas

<p><b>Objective:</b> Subdivision provides for hazard management areas that:</p> <ul style="list-style-type: none"> <li>- facilitate an integrated approach between subdivision and subsequent building on a lot;</li> <li>- provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</li> <li>- provide protection for lots at any stage of a staged subdivision.</li> </ul>	
Acceptable solutions	Performance criteria
<p>A1. (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <ul style="list-style-type: none"> <li>i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivisions;</li> <li>ii) shows the building area for each</li> </ul>	<p>PI. A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area taking into consideration:</p> <ul style="list-style-type: none"> <li>a) the dimensions of hazard management areas;</li> <li>b) a bushfire risk assessment of each lot at any stage of staged subdivision;</li> <li>c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</li> </ul>

<p>lot;</p> <p>iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas; and</p> <p>iv) is accompanied by a bushfire hazard management plan for each individual lot, certified by the TFS or accredited person, showing hazard management areas greater than the separation distances required for BAL 19 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas; and</p> <p>v) applications for subdivision requiring hazard management areas to be located on land that is external to the proposed subdivision must be accompanied by the written consent of the owner of that land to enter into a Part 5 agreement that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>d) the topography, including site slope;</p> <p>e) any other potential forms of fuel and ignition sources;</p> <p>f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development; and</p> <p>g) any advice from the TFS.</p>
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#### **E1.6.1.2 Subdivision: Public and fire fighting access**

<p><b>Objective:</b> Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> <li>– allow safe access and egress for residents, firefighters and emergency service personnel;</li> <li>– provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</li> <li>– are designed and constructed to allow for fire appliances to be manoeuvred;</li> <li>– provide access to water supplies for fire appliances; and</li> <li>– are designed to allow connectivity, and where needed, offering multiple evacuation points.</li> </ul>	
<b>Acceptable solutions</b>	<b>Performance criteria</b>



<p>AI. (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads and fire trails, and the location of property access to building areas, and which complies to the extent necessary with Tables E3, E4 &amp; E5, is included in a bushfire hazard management plan certified by the TFS or accredited person.</p>	<p>PI. A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires having regard to:</p> <p>a) appropriate design measures, including:</p> <ul style="list-style-type: none"> <li>i) two way traffic;</li> <li>ii) all weather surfaces;</li> <li>iii) height and width of any vegetation clearances;</li> <li>iv) load capacity;</li> <li>v) provision of passing bays;</li> <li>vi) traffic control devices;</li> <li>vii) geometry, alignment and slope of roads, tracks and trails;</li> <li>viii) use of through roads to provide for connectivity;</li> <li>ix) limits on the length of cul-de-sacs and dead-end roads;</li> <li>x) provision of turning areas;</li> <li>xi) provision for parking areas;</li> <li>xii) perimeter access; and</li> <li>xiii) fire trails; and</li> </ul> <p>b) the provision of access to</p> <ul style="list-style-type: none"> <li>i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</li> <li>ii) fire fighting water supplies; and</li> </ul> <p>b) any advice from the TFS.</p>
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**Table E3: Standards for roads**

Column 1		Column 2
Element		Requirement
<b>A.</b>	Roads	<p>Unless the development standards in the zone require a higher standard, the following apply:</p> <ul style="list-style-type: none"> <li>(1) Two-wheel drive, all-weather construction;</li> <li>(2) Load capacity of at least 20 tonnes, including for bridges and culverts;</li> <li>(3) Minimum carriageway width is 7 metres for a through road, or 5.5 metres for a dead-end or cul-de-sac road;</li> <li>(4) Minimum vertical clearance of 4 metres;</li> <li>(5) Minimum horizontal clearance of 2 metres from the edge of the carriageway;</li> <li>(6) Cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(7) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads;</li> <li>(8) Curves have a minimum inner radius of 10 metres;</li> <li>(9) Dead-end or cul-de-sac roads are not more than 200 metres in length unless the carriageway is 7 metres in width;</li> <li>(10) Dead-end or cul-de-sac roads have a turning circle with a minimum 12 metres outer radius; and</li> <li>(11) Carriageways less than 7 metres wide have 'No Parking' zones on one side, indicated by a road sign that complies with AS1743-2001 <i>Road signs-Specifications</i>.</li> </ul>

**Table E4: Standards for Property Access**

<b>Column 1</b>		<b>Column 2</b>
<b>Element</b>		<b>Requirement</b>
<b>A.</b>	Property access length is less than 30 metres; or access is not required for a fire appliance to access a water connection point.	There are no specified design and construction requirements.
<b>B.</b>	Property access length is 30 metres or greater; or access for a fire appliance to a water connection point.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(1) All-weather construction;</li> <li>(2) Load capacity of at least 20 tonnes, including for bridges and culverts;</li> <li>(3) Minimum carriageway width of 4 metres;</li> <li>(4) Minimum vertical clearance of 4 metres;</li> <li>(5) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;</li> <li>(6) Cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</li> <li>(8) Curves with a minimum inner radius of 10 metres;</li> <li>(9) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and</li> <li>(10) Terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> <li>(a) A turning circle with a minimum inner radius of 10 metres; or</li> <li>(b) A property access encircling the building; or</li> <li>(c) A hammerhead “T” or “Y” turning head 4 metres wide and 8 metres long.</li> </ul> </li> </ul>
<b>C.</b>	Property access length is 200 metres or greater.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(1) The Requirements for B above; and</li> <li>(2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200 metres.</li> </ul>
<b>D.</b>	Property access length is greater than 30 metres, and access is provided to 3 or more properties.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(1) Complies with Requirements for B above; and</li> <li>(2) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.</li> </ul>

**Table E5: Standards for Fire Trails**

<b>Column 1</b>		<b>Column 2</b>
<b>Element</b>		<b>Requirement</b>
<b>A.</b>	All fire trails	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> <li>(1) All-weather, 4-wheel drive construction;</li> <li>(2) Load capacity of at least 20 tonnes, including for bridges and culverts;</li> <li>(3) Minimum carriageway width of 4 metres;</li> <li>(4) Minimum vertical clearance of 4 metres;</li> <li>(5) Minimum horizontal clearance of 2 metres from the edge of the carriageway;</li> <li>(6) Cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</li> <li>(8) Curves with a minimum inner radius of 10 metres;</li> <li>(9) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed fire trails, and 10 degrees (1:5.5 or 18%) for unsealed fire trails;</li> <li>(10) Gates if installed at fire trail entry, have a minimum width of 3.6 metres, and if locked, keys are provided to TFS; and</li> <li>(11) Terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> <li>a) A turning circle with a minimum radius of 10 metres; and</li> <li>b) A hammerhead “T” or “Y” turning head 4 metres wide and 8 metres long.</li> </ul> </li> </ul>
<b>B.</b>	Fire trail length is 200 metres or greater.	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> <li>(1) The Requirements for A above; and</li> <li>(2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200 metres.</li> </ul>

**E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes**

<b>Objective:</b> Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.	
Acceptable solutions	Performance criteria
<p>A1. In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes; or</li> <li>(b) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire; or</li> <li>(c) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E6.</li> </ul>	<p>PI. No performance criteria</p>
<p>A2. In areas that are not serviced by reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes; or</li> <li>(b) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire; or</li> <li>(c) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E7.</li> </ul>	<p>PI. No performance criteria</p>

**Table E6 Reticulated Water Supply for Fire fighting**

<b>Column 1</b>		<b>Column 2</b>
<b>Element</b>		<b>Requirement</b>
<b>A.</b>	Distance between building area to be protected and water supply.	The following requirements apply: (1) The building area to be protected must be located within 120 metres of a fire hydrant; and (2) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.
<b>B.</b>	Design criteria for fire hydrants	The following requirements apply: (1) Fire hydrant system must be designed and constructed in accordance with TasWater Supplement to Water Supply Code of Australia WSA 03 – 2011-3.1 MRWA Edition 2.0; and (2) Fire hydrants are not installed in parking areas.
<b>C.</b>	Hardstand	A hardstand area for fire appliances must be provided: (1) No more than three metres from the hydrant, measured as a hose lay; (2) No closer than six metres from the building area to be protected; (3) With a minimum width of three metres constructed to the same standard as the carriageway; and (4) Connected to the property access by a carriageway equivalent to the standard of the property access.

**Table E7 Static Water Supply for Fire fighting**

<b>Column 1</b>		<b>Column 2</b>
<b>Element</b>		<b>Requirement</b>
<b>A.</b>	Distance between building area to be protected and water supply.	The following requirements apply: (1) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and (2) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.
<b>B.</b>	Static Water Supplies	A static water supply: (1) May have a remotely located offtake connected to the static water supply; (2) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times; (3) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems; (4) Must be metal, concrete or lagged by non-combustible materials if above ground; and (5) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by: (a) Metal;



		(b) Non-combustible material; or (c) Fibre-cement a minimum of 6mm thickness.
<b>C.</b>	Fittings, pipework and accessories (including stands and tank supports)	Fittings and pipework associated with a water connection point for a static water supply must: <ol style="list-style-type: none"> <li>(1) Have a minimum nominal internal diameter of 50mm;</li> <li>(2) Be fitted with a valve with a minimum nominal internal diameter of 50mm;</li> <li>(3) Be metal or lagged by non-combustible materials if above ground;</li> <li>(4) Where buried, have a minimum depth of 300mm (compliant with <i>AS/NZS 3500.1-2003 Clause 5.23</i>);</li> <li>(5) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;</li> <li>(6) Ensure the coupling is accessible and available for connection at all times;</li> <li>(7) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);</li> <li>(8) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and</li> <li>(9) Where a remote offtake is installed, ensure the offtake is in a position that is:               <ol style="list-style-type: none"> <li>(a) Visible;</li> <li>(b) Accessible to allow connection by fire fighting equipment;</li> <li>(c) At a working height of 450 – 600mm above ground level; and</li> <li>(d) Protected from possible damage, including damage by vehicles.</li> </ol> </li> </ol>
<b>D.</b>	Signage for static water connections.	The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with: <ol style="list-style-type: none"> <li>(1) Water tank signage requirements within <i>AS 2304-2011 Water storage tanks for fire protection systems</i>; or</li> <li>(2) The following requirements:               <ol style="list-style-type: none"> <li>(a) Be marked with the letter “W” contained within a circle with the letter in upper case of not less than 100 mm in height;</li> <li>(b) Be in fade-resistant material with white reflective lettering and circle on a red background;</li> <li>(c) Be located within one metre of the water connection point in a situation which will not impede access or operation; and</li> <li>(d) Be no less than 400 mm above the ground.</li> </ol> </li> </ol>
<b>E.</b>	Hardstand	A hardstand area for fire appliances must be provided: <ol style="list-style-type: none"> <li>(1) No more than three metres from the water connection point, measured as a hoselay (including the minimum water level in dams, swimming pools and the like);</li> <li>(2) No closer than six metres from the building area to be protected;</li> <li>(3) With a minimum width of three metres constructed to the same standard as the carriageway; and</li> <li>(4) Connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ol>

# DETERMINATION

Director of Building Control

## Requirements for Building In Bushfire-Prone Areas

***Building Act 2000***

For the purposes of regulations 3 and 11D of the *Building Regulations 2014*, I determine that the requirements for building in bushfire-prone areas is as described and set out in this Determination.

**Dale Webster**

**Director of Building Control**

**Version Number: 1**

**Version Date: 14 March 2016**

**Application:** This document should be read in conjunction with Interim Planning Directive No.1 Bushfire-Prone Areas Code which came into effect on 23 February 2016 and those parts of the *Building Regulations 2014* which relate to bushfire-prone areas, which together supersede Planning Directive No.5 Bushfire-Prone Areas Code which came into effect on 2 October 2013.

## I. Definitions

(1) In this Determination a term defined in the *Building Act 2000*, *Building Regulations 2014* or Interim Planning Directive No. 1 Bushfire-Prone Areas Code which came into effect on 23 February 2016, unless a contrary intention appears, has the same meaning in this Determination.

(2) In this Determination –

**Accredited person** – means accredited bushfire hazard assessor as defined in the *Building Regulations 2014*;

**AS 3745-2010** - means Australian Standard AS 3745-2010 *Planning for emergencies in facilities*;

**AS 3959-2009** - means Australian Standard AS 3959-2009 *Construction of buildings in bushfire-prone areas*;

**AS 4083-2010** - means Australian Standard AS 4083-2010 *Planning for emergencies – Health care facilities*;

**AS/NZS 3500.1-2003** - means Australian Standard AS/NZS 3500.1-2003 *Plumbing and drainage Part 1: Water services*;

**BCA** – means the Building Code of Australia as defined in the *Building Act 2000*;

**Bushfire Attack Level (BAL)** – means the bushfire attack level as defined in AS 3959 –2009 *Construction of buildings in bushfire prone areas* as ‘a means of measuring the severity of a building’s potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire’;

**Bushfire Hazard Management Plan (BHMP)** – means as defined in the *Fire Service Act 1979*;

**Carriageway** – means the section of road formation which is used by traffic, and includes all the area of the traffic lane pavement together with the formed shoulders;

**Emergency plan** – means as described in AS 3745-2010 *Planning for Emergencies in Facilities*: The written documentation of the emergency arrangements for a facility, generally made during the planning process. It consists of the preparedness, prevention and response activities and includes the agreed emergency roles, responsibilities, strategies, systems and arrangements;

**Fire hydrant** – means as described in AS 2419.1-2005 *Fire hydrant installations – System design, installation and commissioning*: An assembly installed on a branch from a water pipeline, which provides a valved outlet to permit a supply of water to be taken from the pipeline for fire fighting;

**Group home** – means use of land for residential accommodation for people with disabilities.

**Hardstand** – means as described in AS 2419.1-2005 *Fire hydrant installations – System design, installation and commissioning*: An identifiable and clearly marked trafficable all-weather pavement providing access and capable of supporting a fire brigade pumping appliance during fire fighting operations;

**Hazard management area (HMA)** – means the area, between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire;

**Hose lay** – means the distance between two points established by a fire hose laid out on the ground, inclusive of obstructions;

**NCC** – means the National Construction Code Series as defined in the *Building Act 2000*;

**Property access** – means the carriageway which provides vehicular access from the carriageway of a road onto land, measured along the centre line of the carriageway, from the edge of the road carriageway to the nearest point of the building area;

**Static water supply** – means water stored in a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times;

**TFS** – means Tasmania Fire Service;

**Water connection point** – means the point where a fire appliance is able to connect to a water supply for fire fighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body (including a dam, lake or pool).

- (3) In this Determination, where reference is made to a particular building class, the specified class is as defined in the part of the BCA which relates to the classification of buildings and structures.

## 2. Application

- (1) This Determination applies to a building of: -
- (a) Class 1;
  - (b) Class 2;
  - (c) Class 3;
  - (d) Class 4;
  - (e) Class 5;
  - (f) Class 6;
  - (g) Class 7;
  - (h) Class 8;
  - (i) Class 9; and
  - (j) Class 10a which is associated with a Class 1 to 9 building.

that requires a building permit for building work in a bushfire-prone area or associated work in a bushfire-prone area.

- (2) Despite subsection (1), this Determination does not apply to buildings which are integral to the agricultural use of the land and which are not normally occupied.

## 3. Performance Requirements

- (1) A building to which this Determination applies must, to the degree necessary, be:
- (a) Designed and constructed to reduce the ignition from bushfire, appropriate to the –
    - (i) Potential for ignition caused by burning embers, radiant heat or flame generated by bushfire; and
    - (ii) Intensity of the bushfire attack on the building;
  - (b) Provided with vehicular access to the site to assist fire fighting and emergency personnel to defend the building or evacuate occupants;
  - (c) Provided with access at all times to a sufficient supply of water for fire fighting purposes on the site; and
  - (d) Provided with appropriate separation of the building from the bushfire hazard.

## 4. Deemed-to-Satisfy Requirements

### 4.1 Construction Requirements

- (1) Building work (including additions or alterations to an existing building) in a bushfire-prone area must be designed and constructed in accordance with an Acceptable Construction Manual determined by the BCA, being either: -
- (a) AS 3959-2009; or
  - (b) *Standard for Steel Framed Construction in Bushfire Areas* published by the National Association of Steel Framed Housing Inc. (NASH).
- as appropriate for a BAL determined for that site.

- (2) Despite subsection (1) above, variations from requirements specified in 1(a) and 1(b) are as specified in Table 4.1 below.
- (3) Despite subsections (1) and (2) above, performance requirements for buildings subject to BAL 40 or BAL Flame Zone (BAL-FZ) are not satisfied by compliance with subsections (1) or (2) above.

*Comment: this means that where BAL 40 or BAL FZ is assessed, the Performance Requirements are not satisfied by complying with the Deemed-to-Satisfy Requirements.*

#### **4.2 Property Access**

- (1) A new building constructed in a bushfire-prone area must be provided with property access to the building and the water connection point, accessible by a carriageway, designed and constructed as specified in subsection (2) below.
- (2) Vehicular access from a public road to a building must:
  - (a) Meet the property access requirements described in Table 4.2;
  - (b) Include access from a public road to within 90 metres of the furthest part of the building measured as a hose lay; and
  - (c) Include access to the hardstand area for the water connection point.

#### **4.3 Water Supply for Fire fighting**

- (1) A new building constructed in a bushfire-prone area, must be provided with a water supply dedicated for fire fighting purposes as specified in subsections (2) and (3) below.
- (2) Water supplies for fire fighting must meet the requirements described in Tables 4.3A and 4.3B.
- (3) The water supply must be:
  - (a) Provided from a fire hydrant or static water supply;
  - (b) Located within the specified distance from the building to be protected; and
  - (c) Provided with a hardstand and suitable connections.

#### **4.4 Hazard Management Areas**

- (1) A new building, or extension to a building, constructed in a bushfire-prone area must be provided with a HMA of sufficient dimensions and which provides an area around the building which separates the building from the bushfire hazard.
- (2) The HMA must comply with Table 4.4; and
- (3) The HMA for a particular BAL must have the minimum dimensions required for the separation distances specified for that BAL in Table 2.4.4 of AS 3959-2009; and



- (4) The HMA must be established such that fuels are reduced sufficiently, and other hazards are removed such that the fuels and other hazards do not significantly contribute to the bushfire attack.

#### **4.5 Emergency Plan**

- (1) An emergency plan must be provided for:
- a) Hazard management areas for new buildings and additions and alterations to buildings classified as an accommodation building Class 1b, Class 2, or Class 3, other than a group home for persons with a disability, a respite centre or a residential aged care facility or similar; or
  - b) A new building, extension or addition to a building, or change of use classified as a vulnerable use, constructed in a bushfire-prone area; and
- (2) The emergency plan must comply with Table 4.5

#### **4.6 Interpretation of Tables**

- (1) For the purposes of paragraphs 4.1, 4.2, 4.3, 4.4 and 4.5 above, the corresponding Tables 4.1, 4.2, 4.3A, 4.3B, 4.4 and 4.5 below must be respectively complied with in the following way:
- (a) for a particular Element specified in Column 1, the corresponding Requirement specified in Column 2, must be complied with.

**Table 4.1 Construction Requirements & Construction Variations**

<b>Column 1</b>		<b>Column 2</b>
<b>Element</b>		<b>Requirement</b>
<b>A.</b>	Polycarbonate Sheeting for walls and roofs.	May be used in exposures up to and including BAL 19.  <i>Comment: refer to the TFS Chief Officer's Bushfire Advisory Note 3.</i>
<b>B.</b>	Straw Bale Construction	May be used in exposures up to and including BAL 19.
<b>C.</b>	Shielding provisions under Section 3.5 of AS3959-2009.	To reduce construction requirements due to shielding, building plans must include suitable detailed elevations or plans that demonstrate that the requirements of Section 3.5 of the Standard can be met.  <i>Comment: Application of Section 3.5 of the Standard cannot result in an assessment of BAL – LOW.</i>
<b>D.</b>	Construction standard for vulnerable use	Building work for a building classified as a vulnerable use must be constructed to a BAL that is determined in a BHMP certified by an accredited person.

**Table 4.2 Standards for Property Access**

<b>Column 1</b>		
<b>A.</b>	Property access length is less than 30 metres; or access is not required for a fire appliance to access a water connection point.	There are no specified design and construction requirements.
<b>B.</b>	Property access length is 30 metres or greater; or access for a fire appliance to a water connection point.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(1) All-weather construction;</li> <li>(2) Load capacity of at least 20 tonnes, including for bridges and culverts;</li> <li>(3) Minimum carriageway width of 4 metres;</li> <li>(4) Minimum vertical clearance of 4 metres;</li> <li>(5) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;</li> <li>(6) Cross falls of less than 3° (1:20 or 5%);</li> <li>(7) Dips less than 7° (1:8 or 12.5%) entry and exit angle;</li> <li>(8) Curves with a minimum inner radius of 10 metres;</li> <li>(9) Maximum gradient of 15° (1:3.5 or 28%) for sealed roads, and 10° (1:5.5 or 18%) for unsealed roads;</li> <li>and</li> <li>10) Terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> <li>(a) A turning circle with a minimum inner radius of 10 metres;</li> <li>(b) A property access encircling the building; or</li> <li>(c) A hammerhead “T” or “Y” turning head 4 metres wide and 8 metres long.</li> </ul> </li> </ul>
<b>C.</b>	Property access length is 200 metres or greater.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(1) The Requirements for B above; and</li> <li>(2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200 metres.</li> </ul>
<b>D.</b>	Property access length is greater than 30 metres, and access is provided to 3 or more properties.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(1) Complies with Requirements for B above; and</li> <li>(2) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.</li> </ul>

**Table 4.3A Reticulated Water Supply for Fire fighting**

<b>Column 1</b>		<b>Column 2</b>
<b>Element</b>		<b>Requirement</b>
<b>A.</b>	Distance between building area to be protected and water supply	The following requirements apply: (1) The building area to be protected must be located within 120 metres of a fire hydrant; and (2) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.
<b>B.</b>	Design criteria for fire hydrants	The following requirements apply: (1) Fire hydrant system must be designed and constructed in accordance with TasWater Supplement to Water Supply Code of Australia WSA 03 – 2011-3.1 MRWA Edition 2.0; and (2) Fire hydrants are not installed in parking areas.
<b>C.</b>	Hardstand	A hardstand area for fire appliances must be provided: (1) No more than three metres from the hydrant, measured as a hose lay; (2) No closer than six metres from the building area to be protected; (3) With a minimum width of three metres constructed to the same standard as the carriageway; and (4) Connected to the property access by a carriageway equivalent to the standard of the property access.

**Table 4.3B Static Water Supply for Fire fighting**

<b>Column 1</b>		<b>Column 2</b>
<b>Element</b>		<b>Requirement</b>
<b>A.</b>	Distance between building area to be protected and water supply	<p>The following requirements apply:</p> <ol style="list-style-type: none"> <li>(1) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and</li> <li>(2) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.</li> </ol>
<b>B.</b>	Static Water Supplies	<p>A static water supply:</p> <ol style="list-style-type: none"> <li>(1) May have a remotely located offtake connected to the static water supply;</li> <li>(2) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;</li> <li>(3) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;</li> <li>(4) Must be metal, concrete or lagged by non-combustible materials if above ground; and</li> <li>(5) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by: <ol style="list-style-type: none"> <li>(a) metal;</li> <li>(b) non-combustible material; or</li> <li>(c) fibre-cement a minimum of 6 mm thickness.</li> </ol> </li> </ol>
<b>C.</b>	Fittings, pipework and accessories (including stands and tank supports)	<p>Fittings and pipework associated with a water connection point for a static water supply must:</p> <ol style="list-style-type: none"> <li>(1) Have a minimum nominal internal diameter of 50mm;</li> <li>(2) Be fitted with a valve with a minimum nominal internal diameter of 50mm;</li> <li>(3) Be metal or lagged by non-combustible materials if above ground;</li> <li>(4) Where buried, have a minimum depth of 300mm (compliant with <i>AS/NZS 3500.1-2003 Clause 5.23</i>);</li> <li>(5) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;</li> <li>(6) Ensure the coupling is accessible and available for connection at all times;</li> <li>(7) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);</li> <li>(8) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a</li> </ol>

Column 1		Column 2
		<p>coupling compliant with this Table; and</p> <p>(9) Where a remote offtake is installed, ensure the offtake is in a position that is:</p> <ul style="list-style-type: none"> <li>(a) Visible;</li> <li>(b) Accessible to allow connection by fire fighting equipment;</li> <li>(c) At a working height of 450 – 600mm above ground level; and</li> <li>(d) Protected from possible damage, including damage by vehicles.</li> </ul>
<b>D.</b>	Signage for static water connections	<p>(1) The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with: Water tank signage requirements within AS 2304-2011 <i>Water storage tanks for fire protection systems</i>; or</p> <p>(2) The following requirements:</p> <ul style="list-style-type: none"> <li>(a) Be marked with the letter “W” contained within a circle with the letter in upper case of not less than 100 mm in height;</li> <li>(b) Be in fade-resistant material with white reflective lettering and circle on a red background;</li> <li>(c) Be located within one metre of the water connection point in a situation which will not impede access or operation; and</li> <li>(d) Be no less than 400 mm above the ground.</li> </ul>
<b>E.</b>	Hardstand	<p>A hardstand area for fire appliances must be provided:</p> <ul style="list-style-type: none"> <li>(1) No more than three metres from the water connection point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);</li> <li>(2) No closer than six metres from the building area to be protected;</li> <li>(3) With a minimum width of three metres constructed to the same standard as the carriageway; and</li> <li>(4) Connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ul>



**Table 4.4 Hazard Management Area Requirements**

<b>Column 1 Element</b>		<b>Column 2 Requirement</b>
<b>A.</b>	Hazard management areas for new buildings on lots provided with a BAL at the time of subdivision.	A new building must: (1) Be located on the lot so as to be provided with a HMA no smaller than the required separation distances for the BAL determined at the time of subdivision; and (2) Have a HMA established in accordance with a certified bushfire hazard management plan.
<b>B.</b>	Hazard management areas for new buildings on lots not provided with a BAL at the time of subdivision.	A new building must: (1) Be located on the lot so as to be provided with a HMA no smaller than the separation distances required for BAL 29; and (2) Have an HMA established in accordance with a certified bushfire hazard management plan.
<b>C.</b>	Hazard management areas for alterations or additions to buildings.	An alteration or addition to a building must: (1) Be located on the lot so as to be provided with a HMA which: (a) Has the separation distances required for the BAL assessed for the construction of the existing building; or (b) In the case of a building without an existing BAL assessment, is no smaller than the separation distances required for BAL 29; and (2) Have an HMA established in accordance with a certified bushfire hazard management plan.

<b>D.</b>	Hazard management areas for new buildings and additions and alterations to buildings classified as an accommodation building BCA Class 1b, BCA Class 2, or BCA Class 3, other than communal residence for persons with a disability, a respite centre or a residential aged care facility or similar.	<p>A new building or an alteration or addition must:</p> <ul style="list-style-type: none"> <li>(1) Be: <ul style="list-style-type: none"> <li>(a) located on the lot so as to be provided with HMAs no smaller than the separation distances required for BAL 12.5; or</li> <li>(b) provided with a certificate from an accredited person that a bushfire hazard management plan provides, to the degree necessary, separation of the building from the bushfire hazard, appropriate resistance to ignition from bushfire, property access and water supply for fire fighting; and</li> </ul> </li> <li>(2) Have an HMA established in accordance with a certified bushfire hazard management plan.</li> </ul>
<b>E.</b>	Hazard management areas for new buildings and additions and alterations to existing buildings classified as vulnerable use as defined in <i>Interim Planning Directive No. 1, Bushfire-Prone Areas Code</i>	<p>A new building or an addition or alteration including change of use must:</p> <ul style="list-style-type: none"> <li>(1) Be: <ul style="list-style-type: none"> <li>(a) located on the lot so as to be provided with HMAs no smaller than the separation distances required for BAL 12.5; or</li> <li>(b) provided with a certificate from an accredited person that a bushfire hazard management plan provides, to the degree necessary, separation of the building from the bushfire hazard, appropriate resistance to ignition from bushfire, property access and water supply for fire fighting; and</li> </ul> </li> <li>(2) Have a HMA established in accordance with a certified bushfire hazard management plan.</li> </ul>
<b>F.</b>	Hazard management areas for new buildings or additions and alterations to buildings associated with a hazardous use	<p>A new building or an alteration or addition, including change of use, for a building determined as a hazardous use must:</p> <ul style="list-style-type: none"> <li>(1) Be located on the lot so as to be provided with a HMA no smaller than the required separation distances for the BAL determined in the certified bushfire hazard management plan; and</li> <li>(2) Have a HMA established in accordance with a certified bushfire hazard management plan.</li> </ul>

**Table 4.5 Requirements for Emergency Planning**

<b>Column 1</b>		<b>Column 2</b>
<b>Element</b>		<b>Requirement</b>
<b>A.</b>	Emergency plans	An emergency plan must be developed for the site which is: (1) Consistent with TFS Bushfire Emergency Planning Guidelines; (2) Complies with AS 3745-2010; (3) Complies with AS 4083-2010 (if applicable); and (4) Approved by TFS.

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**History of Publication Dates for this Determination**

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**Version I (original and first publication)**

**14 March 2016**

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**TABLE OF AMENDMENTS**

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**Purpose of amendments –:**

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**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

**8. ANNUAL REVIEW OF FEES AND CHARGES FOR 2016/2017 - CITY  
PLANNING DIVISION – FILE REF: 21-50-5**

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23x's

Report of the Director City Planning of 4 May 2016, and attachment.

DELEGATION: Council

**TO** : City Planning Committee

**FROM** : Director City Planning

**DATE** : 4 May 2016

**SUBJECT** : **ANNUAL REVIEW OF FEES AND CHARGES FOR 2016/2017**  
~~'17 -HMD@BBB; '8-J-GCB~~

**FILE** : 21-50-5 :RR (p:\fees & charges\2016-2017\report for committee.doc)

## **1. INTRODUCTION**

- 1.1. The purpose of this report is to provide the proposed 2016/2017 schedule of fees and charges relevant to the City Planning Division for consideration by the Council.

## **2. BACKGROUND**

- 2.1. The fees and charges for the City Planning Division are reviewed each year as part of the Council's annual budget process.
- 2.2. Where possible fees and charges are to be paid up-front and additional cost are charged on a cost recovery basis.

## **3. PROPOSAL**

- 3.1. It is proposed that the attached schedule of fees and charges be endorsed for the 2016/2017 financial year.

## **4. IMPLEMENTATION**

- 4.1. Fees and charges for 2016/2017 will become effective as at 1 July 2016.
- 4.2. In accordance with the *Local Government Act 1993*, a schedule of fees and charges set out by the Council will be available on the Council's website, in related brochures and other relevant materials.

## **5. FINANCIAL IMPLICATIONS**

- 5.1. Funding Source(s)
  - 5.1.1. The Fees and charges are accounted for within the relevant budget Function areas of the 2016/2017 City Planning Division.

FUNCTION AREA	2015/2016 BUDGET	2016/2017 BUDGET	INCREASE / (DECREASE)	%
Development Compliance (*includes Animal Management and City Inspector function areas)	1,201,740	1,245,254	43,514	*3.62
Development Appraisal	580,000	630,149	50,149	8.65
Planning Policy and Heritage	10,500	13,200	2,700	25.71
Environmental Health	320,115	292,432	-27,683	-8.65
City Design	2,040	2,040	Nil	
<b>Totals</b>	<b>2,114,395</b>	<b>2,183,075</b>	<b>68,680</b>	<b>3.25</b>

## 5.2. Impact on Current Year Operating Result

- 5.2.1. The increase in revenue within the Development Compliance Unit is a reflection of the transfer of the Animal Management Unit and City Inspector role to within this Unit.
- 5.2.2. Minor increases in fees for Animal Management and a restructure of fees for Plumbing Compliance also have a minor impact.
- 5.2.3. Plumbing fees have been restructured from a fee based on an assessment of fixtures and storeys to a flat fee structure. There are several reasons for this, (a) this will reduce officer time in assessing an application, (b) it means more certainty for the applicant and allows fees to be paid upfront rather than waiting for an amount to be advised from officers and consequently reducing human error in calculations and (c) will allow fees to be paid at the time an application is made avoiding the cost of an administrative invoicing process to collect the fees.



5.2.4. When the on-line lodgement system is introduced later this year, the flat fee structure will enable a relatively seamless introduction of the facility. Furthermore the flat fee approach for plumbing applications is consistent with the fee structure adopted by the Glenorchy City Council. There is no decrease in revenue estimated from the change.

5.2.5. Minor increase in revenue within the Development Appraisal Unit, is due to the anticipated increase in development application lodgements.

5.2.6. Decrease in income is anticipated for the Environmental Health Unit. This anticipated decrease is due to the impact of the amended legislation for state-wide Mobile Food Business Registrations. Operators are now required to register within their 'home' council. This amendment causes an approximate loss of 100 food business registrations.

5.2.7. The minor increase in Planning Policy and Heritage is reflective of the new Hobart Interim Planning Scheme coming into effect.

### 5.3. Impact on Future Years' Financial Result

5.3.1. The impact on future years' financial results would be subject to the Council's annual review process of fees and charges.

### 5.4. Asset Related Implications

5.4.1. None are foreseen.

## 6. DELEGATION

6.1. The determination of fees and charges is delegated to the Council.

## 7. CONSULTATION

7.1. The Manager Development Compliance, Manager Planning Policy and Heritage, Manager Development Appraisal, Executive Manager City Design and the Manager Environmental Health have been consulted in the preparation of this report.

## 8. **RECOMMENDATION**

*That:*

**8.1. The report :rr(p:\fees & charges\2016-2017\report for committee.doc) be received and noted.**

**8.2. The City Planning fees and charges contained within the schedule o ctngf 'Cwcej o gpv'C'q'ij g'tgr qtv'are adopted for "the 2016/2017 financial year.**

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



(Neil Noye)

**DIRECTOR CITY PLANNING**

Attachment(s) A      Schedule of Fees

Proposed 2016-17 Fees & Charges: 025 - City Inspector Task 695

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
<i>Prior year income recorded in Function 155 - Customer Services</i>						
025.0413.2121.695	City Inspector - Fines	-546.36	-2,000.00	0.00	-1,169.00	
025.0413.2208.695	City Inspector - Refunds/Reimbursements	0.00	-1,000.00	0.00	-581.00	
025.0413.2403.695	City Inspector - Occupation Licences	-171,400.60	-150,000.00	-80,306.55	-75,000.00	
025 - City Inspector Task 695		171,946.96	153,000.00	80,306.55	76,750.00	155,600.00
Change from 2015-16 to 2016-17						1.70%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Occupation Licences - Use of Footpaths for Outdoor Dining</b>												
Elizabeth Mall	\$112.50	\$121.50	Commercial Pricing	2015/16	\$135.00	N	\$0.00	per m <sup>2</sup>	11%		\$0.00	
Salamanca Place/Morrison Street/other areas in Sullivans Cove	\$112.50	\$121.50	Commercial Pricing	2015/16	\$135.00	N	\$0.00	per m <sup>2</sup>	11%		\$0.00	
Salamanca Square	\$112.50	\$121.50	Commercial Pricing	2015/16	\$135.00	N	\$0.00	per m <sup>2</sup>	11%		\$0.00	
Wellington Walk	\$43.90	\$47.40	Commercial Pricing	2015/16	\$55.00	N	\$0.00	per m <sup>2</sup>	16%		\$0.00	
Liverpool/Murray/Collins Streets	\$61.30	\$66.20	Commercial Pricing	2015/16	\$75.00	N	\$0.00	per m <sup>2</sup>	13%		\$0.00	
CBD Fringe	\$34.40	\$37.15	Commercial Pricing	2015/16	\$45.00	N	\$0.00	per m <sup>2</sup>	21%		\$0.00	
North Hobart-Elizabeth Street (Lefroy to Burnett)	\$34.40	\$37.15	Commercial Pricing	2015/16	\$45.00	N	\$0.00	per m <sup>2</sup>	21%		\$0.00	
Liverpool Street Upgraded			Commercial Pricing	New Fee	\$90.00	n	\$0.00	per m <sup>2</sup>	New Charge		\$0.00	
										Licence total	\$145,000.00	
<b>Occupation Licences - General</b>												
Private Occupation of roadway	\$58.30	\$62.96	Commercial Pricing	2015/16	\$65.00	N	\$0.00	per annum	3%	110	\$7,150.00	
Goods displayed on footpath	\$16.90	\$18.25	Commercial Pricing	2015/16	\$20.00	N	\$0.00	per month	10%		\$0.00	
Goods displayed on footpath ( <i>maximum per annum</i> )	\$87.50	\$94.50	Commercial Pricing	2015/16	\$100.00	N	\$0.00	per annum	6%	20	\$2,000.00	
<b>Occupation Licences - CBD - Outdoor Dining Structures in Public Car Parking Spaces</b>												
Initial Assessment Fee	\$1,200.00		Commercial Pricing		\$0.00	N		per application				
Car Park Occupation Fee - Metered Space	POA		Commercial Pricing		\$0.00	N		per annum				An annual fee representing lost parking income per occupied car park space
Dining Structure Construction Costs	An annual fee of 13% of the construction cost of the outdoor dining structure	An annual fee of 13% of the construction cost of the outdoor dining structure	Commercial Pricing		An annual fee of 13% of the construction cost of the outdoor dining structure	N	\$0.00	per annum				
Dining Structure Maintenance Fee	An annual fee of 5% of the construction cost of the outdoor dining structure	An annual fee of 5% of the construction cost of the outdoor dining structure	Commercial Pricing		An annual fee of 5% of the construction cost of the outdoor dining structure	N	\$0.00	per annum				
Car Park & Footpath Occupation Fee	POA				\$0.00	N		per annum				

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Licences</b>												
Hawkers Licence	\$120.00	\$125.00	Commercial Pricing	2015/16	\$130.00	N	\$0.00	per annum	4%	10	\$1,300.00	
Temporary Hawkerc Licence	\$16.00	\$17.00	Commercial Pricing	2015/16	\$20.00	N	\$0.00	per week	18%	1	\$20.00	
Kerbside Vendors	\$0.00	\$125.00	Commercial Pricing	2015/16	\$130.00	N	\$0.00	per annum	4%	1	\$130.00	
Itinerant Purchaser's Stalls	\$0.00	\$125.00	Commercial Pricing	2015/16	\$130.00	N	\$0.00	per annum	4%		\$0.00	

Proposed 2016-17 Fees & Charges: 005 - Planning Policy and Heritage 2279

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
005.8050.2279.646	Planning Scheme Review	900.00	-9,000.00	-2,227.27	-4,500.00	
005.8051.2279.646	Sullivans Cove Planning Scheme	-1,796.00	-1,500.00	-3,296.00	-750.00	
005 - City Planning 2279		896.00	10,500.00	5,523.27	5,250.00	13,200.00
Change from 2015-16 to 2016-17						25.71%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Scheme Amendments (S37 or former S33 Applications)</b> For site specific amendments			Partial Cost Recovery	2014-2015	\$3,000.00	N	\$0.00	per amendment	0%	2	\$6,000.00	\$1000 to be refunded if the amendment is not initiated.
<b>S40T or former S43A applications + planning application fee</b>	\$2,000.00	\$3,000.00	Partial Cost Recovery	2014-2015	\$2,000.00	N	\$0.00	per amendment	0%	2	\$4,000.00	\$500 to be refunded if the amendment is not initiated.
<b>Scheme amendments (former S33(5) Applications)</b>	\$1,100.00	\$2,000.00	Partial Cost Recovery	2014-2015	\$1,500.00	N	\$0.00	per amendment	0%	2	\$3,000.00	\$500 to be refunded if the amendment is not initiated.
<b>Scheme Amendments (S33(5) Applications)</b>	\$1,100.00	\$1,500.00	Partial Cost Recovery	New Fee	\$100.00		\$0.00	per amendment	New Charge	2	\$200.00	New fee proposed for requests for an amendment to an interim planning scheme under S33(5) of LUPAA. This is a new provision in LUPAA to address interim scheme zone translation and natural justice issues.

Proposed 2016-17 Fees & Charges: 025 - Development Compliance 0413.2279.000

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
025.0413.2279.000	Building Compliance	-307,232.38	-330,020.00	-176,975.04	-192,514.00	
025.0413.2279.781	Building Compliance (Extension of Time)	-8,886.36	-11,250.00	-8,622.00	-6,559.00	
025.0413.2279.783	Building Compliance (Completion Certificate)	-16,896.50	-17,500.00	-9,690.00	-10,206.00	
025.0413.2279.785	Building Compliance (Temporary Occupancy)	-6,800.00	-7,250.00	-2,900.00	-4,228.00	
025 - Compliance 0413.2279.000		339,815.24	366,020.00	198,187.04	213,507.00	386,989.55
Change from 2015-16 to 2016-17						5.73%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Building Permit Applications - Issue of Building Permit (or any other Permit pursuant to part 11, <i>Building Act 2000</i>) following private building surveying certification</b>												
Cost of work under \$12,000			Partial Cost Recovery	2014/2015	\$250.00	N	\$0.00	per application	0%	90	\$22,500.00	
\$12,001 and over	\$200.00	\$250.00	Partial Cost Recovery	2013/2014	\$400.00	N	\$0.00	per application	0%	550	\$220,000.00	
<b>Permit to Proceed and Permit of Substantial Compliance Applications</b>												
Cost of work under \$12,000			Partial Cost Recovery	2013/2014	\$600.00	N	\$0.00	per application	0%	15	\$9,000.00	
Cost of work over \$12,001	\$600.00	\$600.00	Partial Cost Recovery	2013/2014	\$1,000.00	N	\$0.00	per application	0%	60	\$60,000.00	
<b>Amended Plans</b>												
For Building Permits (or any other Permits) pursuant to the <i>Building Act 2000</i>	\$150.00	\$150.00	Statutory	2013/2014	\$150.00	N	\$0.00	per application	0%	60	\$9,000.00	
For Certificates of Likely Compliance (or any other Certificates) pursuant to Part 11, <i>Building Act 2000</i>	\$150.00	\$150.00	Partial Cost Recovery	2013/2014	\$150.00	N	\$0.00	per application	0%	3	\$450.00	
<b>Stage Approvals</b>												
As requested by the applicant	\$250.00	\$250.00	Partial Cost Recovery	2013/2014	\$250.00	N	\$0.00	per stage per stage	0%	15	\$3,750.00	
<b>Miscellaneous Building Fees</b>												
Inspections and issue of statutory certificates for permits issued after the statutory time permit has elapsed.	\$350.00	\$350.00	Partial Cost Recovery	2013/2014	\$350.00	N	\$0.00	per certificate	0%	50	\$17,500.00	
Application for Building Certificates for Class 1 and 10 buildings	\$400.00	\$400.00	Partial Cost Recovery	2013/2014	\$400.00	N	\$0.00	per certificate	0%	5	\$2,000.00	
Application for Building Certificates for Class 2-9 buildings	\$450.00	\$450.00	Partial Cost Recovery	2013/2014	\$450.00	N	\$0.00	per certificate	0%	5	\$22,500.00	
<b>Occupancy Permit - Temporary (fees to be paid upon lodgment)</b>												
If application is lodged more than 10 working days before permit comes into effect.	\$100.00	\$150.00	Partial Cost Recovery	2014/2015	\$150.00	N	\$0.00	per application	0%	15	\$750.00	
If application is lodged less than 10 working days before permit comes into effect.	\$175.00	\$200.00	Partial Cost Recovery	2014/2015	\$200.00	N	\$0.00	per application	0%	25	\$0.00	
Building Permit - Extension of Time	\$100.00	\$150.00	Partial Cost Recovery	2014/2015	\$150.00	N	\$0.00	per extension	0%	75	\$2,250.00	
Consultation	\$175.00	\$175.00	Partial Cost Recovery		\$175.00	Y	\$15.91	per consultations	0%		\$3,977.25	
Inspections for Building Code compliance as required	\$175.00	\$175.00	Partial Cost Recovery	2013/2014	\$175.00	Y	\$15.91	per inspection	0%	0	\$11,931.75	
<b>Strata Applications</b>												

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
Strata application assessment	\$300.00	\$300.00	Partial Cost Recovery	2013/2014	\$300.00	N	\$0.00	per application	0%	50	\$0.00	
Amendment to original strata application	\$150.00	\$150.00	Partial Cost Recovery	2013/2014	\$150.00	N	\$0.00	per amendmer	0%	15	\$0.00	
<b>Archive Building Plan Request</b>												
Retrieval of archived plans - Domestic Buildings	\$30.00	\$30.00	Partial Cost Recovery	2011/2012	\$30.00	Y	\$2.73	per retrieval	0%	20	\$409.05	
Retrieval of archived plans - Commercial Buildings	\$50.00	\$50.00	Partial Cost Recovery	2011/2012	\$50.00	Y	\$4.55	per retrieval	0%	10	\$0.00	
Copies of issued statutory documents	\$50.00	\$50.00	Partial Cost Recovery	2013/2014	\$50.00	Y	\$4.55	per document	0%	25	\$909.00	
<b>Scanning of Plans and Documentation</b>												
A4 and/or A3 pages	\$2.75	\$2.75	Partial Cost Recovery	2013/2014	\$2.75	Y	\$0.25	per page	0%	80	\$62.50	
Above A3 size page	\$5.50	\$5.50	Partial Cost Recovery	2013/2014	\$5.50	Y	\$0.50	per page	0%	80	\$0.00	



Proposed 2016-17 Fees & Charges: 025 - Development Compliance 0413.2279.818 Infringements

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
025.0413.2279.818	Building Compliance	-29,453.58	-17,220.00	-10,221.00	-10,045.00	
025 - Compliance 0413.2279.818 Infringements		29,453.58	17,220.00	10,221.00	10,045.00	17,220.00
Change from 2015-16 to 2016-17						0.00%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Illegal Building Work</b> As defined in the Building Act 2000 and the Building Regulations 2004	\$130.00	\$130.00	Statutory		\$140.00	N	\$0.00		8%	73	\$10,220.00	
<b>Illegal Plumbing Work</b> As defined in the Building Act 2000 and the Plumbing Regulations 2004	\$130.00	\$130.00	Statutory		\$140.00	N	\$0.00		8%	50	\$7,000.00	

Proposed 2016-17 Fees & Charges: 025 - Development Compliance 0417.2279 Plumbing

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
025.0417.2279.000	Plumbing Compliance	-428,058.98	-356,000.00	-345,481.26	-207,669.00	
025.0417.2279.782	Plumbing Compliance (Extension of Time)	-7,750.00	-7,500.00	-5,840.91	-4,375.00	
025.0417.2279.784	Plumbing Compliance (Completion Certificate)	-8,397.73	-9,500.00	-6,250.00	-5,544.00	
025 - Compliance 0417.2279 Plumbing		444,206.71	373,000.00	357,572.17	217,588.00	382,822.15
Change from 2015-16 to 2016-17						2.63%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Plumbing Permit Applications</b>												
Value of building works to \$12,000												
\$0 - \$5,000 (all classes)			Partial Cost Recovery	Restructured Fee	\$385.00	N	\$0.00	per application	New Charge	70	\$26,950.00	
\$5,001 - \$12,000 (all classes)			Partial Cost Recovery	Restructured Fee	\$450.00	N	\$0.00	per application	New Charge	35	\$15,750.00	
<b>\$12,001 and over</b>												
Class 10			Partial Cost Recovery	Restructured Fee	\$500.00	N	\$0.00	per application	New Charge		\$0.00	
Class 1 or Class 1 and 10			Partial Cost Recovery	Restructured Fee	\$800.00	N	\$0.00	per application	New Charge		\$0.00	
Multi Unit Development (class 1)			Partial Cost Recovery	Restructured Fee	\$600.00		\$0.00	per unit	New Charge		\$0.00	
<b>Class 2-9 and demolition</b>												
\$12,001- \$50,000			Partial Cost Recovery	Restructured Fee	\$800.00							
\$50,000 - \$100,000			Partial Cost Recovery	Restructured Fee	\$1,200.00							
\$100,001 - \$500,000			Partial Cost Recovery	Restructured Fee	\$1,500.00							
\$500,000 - \$2M			Partial Cost Recovery	Restructured Fee	\$2,500.00							
\$2M - \$5M			Partial Cost Recovery	Restructured Fee	\$3,000.00							
above \$5M			Partial Cost Recovery		\$6,000.00					Total estimated	\$290,000.00	
<b>Inspections</b>												
Re-Inspections	\$75.00	\$75.00	Partial Cost Recovery	2011/12	\$135.00	N	\$0.00		80%	5	\$675.00	
Inspections of Cut and Sealed Services	\$100.00	\$100.00	Partial Cost Recovery	2013/14	\$135.00	N	\$0.00		35%	12	\$1,620.00	
Application for Special Plumbing Permit	\$200.00	\$200.00	Partial Cost Recovery	2013/14	\$200.00	N	\$0.00		0%	45	\$9,000.00	
Application for permit for Broken Pipes	\$100.00	\$100.00	Partial Cost Recovery	2013/14	\$175.00	N	\$0.00		75%	12	\$2,100.00	
Application for permit for Blockages	\$100.00	\$100.00	Partial Cost Recovery	2013/14	\$175.00	N	\$0.00		75%	12	\$2,100.00	
Plumbing Permit - Extension of Time	\$100.00	\$150.00	Partial Cost Recovery	2013/14	\$150.00	N	\$0.00		0%	50	\$7,500.00	
Refusal to issue a Plumbing Permit	75% of the normal plumbing fee	75% of the normal plumbing fee	Partial Cost Recovery	2005/06	75% of the normal plumbing fee	N	\$0.00					
Cancellation of an application by applicant prior to the issue of a Plumbing Permit	Refund of 25% of the total plumbing fee	Refund of 25% of the total plumbing fee	Partial Cost Recovery	2008/09	Refund of 25% of the total plumbing fee	N	\$0.00					

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
Amended Plan	\$175.00	\$175.00	Partial Cost Recovery	2011/2012	\$175.00		\$0.00		0%	10	\$1,750.00	
Inspections and issue of statutory certificates for permits issued after the statutory time period has elapsed.	\$200.00	\$250.00	Partial Cost Recovery	2014/15	\$350.00	N	\$0.00		40%	38	\$13,300.00	
<b>Strata Applications</b>												
Strata application assessment (\$150 per hour, minimum fee \$150)	\$150.00	\$150.00	Partial Cost Recovery	2013/14	\$150.00	N	\$0.00		0%	50	\$7,500.00	
Amendment to original strata application	\$100.00	\$100.00	Partial Cost Recovery	2013/14	\$100.00	N	\$0.00		0%	15	\$1,500.00	
<b>Drainage Plans - Copies 'as built'</b>												
A4	\$25.00	\$25.00	Partial Cost Recovery	2013/14	\$25.00	Y	\$2.27		0%	20	\$454.60	
A3	\$50.00	\$50.00	Partial Cost Recovery	2013/14	\$50.00	Y	\$4.55		0%	10	\$454.50	
A1	\$75.00	\$75.00	Partial Cost Recovery	2013/14	\$75.00	Y	\$6.82		0%	5	\$340.90	
<b>Archive Plumbing Plan Request</b>												
Retrieval of Archived Plans - Domestic Building	\$30.00	\$30.00	Partial Cost Recovery	2011/12	\$30.00	Y	\$2.73		0%	20	\$545.40	
Retrieval of Archived Plans - Commercial Building	\$50.00	\$50.00	Partial Cost Recovery	2011/12	\$50.00	Y	\$4.55		0%	10	\$454.50	
Copies of issued statutory documents	\$35.00	\$35.00	Partial Cost Recovery	2013/14	\$50.00	Y	\$4.55		43%	5	\$227.25	
<b>Scanning of Plans and Documentation</b>												
A4 and/or A3 pages	\$2.75	\$2.75	Partial Cost Recovery	2013/14	\$2.75	Y	\$0.25		0%	80	\$200.00	
Above A3 pages	\$5.50	\$5.50	Partial Cost Recovery	2013/14	\$5.50	Y	\$0.50		0%	80	\$400.00	

## Proposed 2016-17 Fees & Charges: 001 - Development Appraisal 0400

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
001.0400.2279.000	Planning Appraisal	-583,267.88	-550,000.00	-301,730.50	-320,831.00	
<b>001 - Development Appraisal 0400</b>		<b>583,267.88</b>	<b>550,000.00</b>	<b>301,730.50</b>	<b>320,831.00</b>	<b>600,099.00</b>
Change from 2015-16 to 2016-17						9.11%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Planning Fees - Planning Permits</b>												
Review of applications lodged as exempt under or no permit required.	\$100.00	\$100.00	Partial Cost Recovery	2012/2013	\$100.00	N	\$0.00		0%	230	\$23,000.00	
Minimum Fee for all applications requiring Planning Approval for development cost under \$10,000	\$150.00	\$150.00	Partial Cost Recovery	2010/2011	\$150.00	N	\$0.00	per application	0%	200	\$30,000.00	
Minimum Fee for all applications requiring Planning Approval for development cost between \$10,00 and \$150,000	\$250.00	\$300.00	Partial Cost Recovery	2010/11	\$300.00	N	\$0.00	per application	0%	200	\$60,000.00	
Applications requiring Planning Approval for development cost between \$150,000 and \$500,000	\$500.00	\$500.00	Partial Cost Recovery	2010/11	\$500.00	N	\$0.00	per application	0%	190	\$95,000.00	
Applications requiring Planning Approval for development cost between \$500,000 and \$1,000,000	\$1,000.00	\$1,000.00	Partial Cost Recovery	2010/11	\$1,000.00	N	\$0.00	per application	0%	33	\$33,000.00	
Applications requiring Planning Approval for development cost between \$1,000,000 and \$5,000,000	\$5,000.00	\$5,000.00	Partial Cost Recovery	2012/13	\$5,000.00	N	\$0.00	per application	0%	5	\$25,000.00	
Applications requiring Planning Approval for development cost in excess of \$5,000,000	\$10,000.00	\$10,000.00	Partial Cost Recovery	2012/13	\$10,000.00	N	\$0.00	per application	0%	2	\$20,000.00	
For planning applications proposing <b>discretionary change of use</b> (Section 57 of <i>Land Use Planning Act 1993</i> 'LUPAA') for applications involving no development or that, which would generate less than \$150,000 in development costs	\$250.00	\$250.00	Partial Cost Recovery	2010/11	\$250.00	N	\$0.00	per application	0%	150	\$37,500.00	
For planning applications proposing <b>discretionary change of use</b> (Section 57 of <i>Land Use Planning Act 1993</i> 'LUPAA') involving development in excess of \$150,000	\$300.00	\$300.00	Partial Cost Recovery	2004/05	\$300.00	N	\$0.00	per application	0%	35	\$10,500.00	
Extension of Time to Planning Permit	\$100.00	\$100.00	Partial Cost Recovery	2012/13	\$100.00	N	\$0.00	per application	0%	120	\$12,000.00	
<b>Tasmanian Heritage Council Applications</b>												
Administrative costs of application	\$50.00	\$100.00	Partial Cost Recovery	2008/2009	\$100.00	N	\$0.00	per application	0%	220	\$22,000.00	
<b>Applications for Signs - All Planning Schemes</b>												
<b>Sign Applications</b>												
Signs exempt	No charge	No charge	Zero Pricing			N		per application				
Permitted signs	\$50.00	\$50.00	Partial Cost Recovery	2000/01	\$50.00	N	\$0.00	per application	0%	20	\$1,000.00	

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
Signs which Council has a discretion to refuse or permit	\$75.00	\$75.00	Partial Cost Recovery	2000/01	\$75.00	N	\$0.00	per application	0%	22	\$1,650.00	
Applications proposing 4 or more signs which are all permitted	\$175.00	\$175.00	Partial Cost Recovery	2005/06	\$175.00	N	\$0.00	per application	0%	14	\$2,450.00	
Applications proposing 4 or more signs which are all discretionary	\$250.00	\$250.00	Partial Cost Recovery	2005/06	\$250.00	N	\$0.00	per application	0%	12	\$3,000.00	
<b>All Planning Schemes</b>												
Applications withdrawn prior to their determination	50% of applicable fee	50% of applicable fee	Partial Cost Recovery	2004/05	50% of applicable fee	N	\$0.00	per withdrawal				
<b>Reassessment of modifications</b>												
A request made under Section 56 or former Section 43K or Section 43 of <i>Land Use Planning and Approvals Act</i> to modify an approval	\$100.00	\$100.00	Partial Cost Recovery	2007/08	\$100.00	N	\$0.00	per application	0%	220	\$22,000.00	
A Section 56 request that involves work already undertaken without amending the permit	\$150.00	\$150.00	Partial Cost Recovery	1996/97	\$150.00	N	\$0.00	per application	0%	5	\$750.00	
<b>Illegal Work - Assessment of a proposal involving illegal work or Uses commenced without approval</b>												
If the work is less than \$5,000 value and the applicant has not previously been responsible for illegal work	Standard planning fees	Standard planning fees	Partial Cost Recovery	1996/97	Standard planning fees	N	\$0.00	per application				
If the work is more than \$5,000 value and the applicant has not previously been responsible for illegal work	Twice standard planning fees	Twice standard planning fees	Partial Cost Recovery	1998/99	Twice standard planning fees	N	\$0.00	per application				
If the applicant/owner has previously been responsible for illegal work	Four times standard planning fees	Four times standard planning fees	Partial Cost Recovery	1998/99	Four times standard planning fees	N	\$0.00	per application				
<b>Statutory Advertising</b>												
Applications requiring advertising under Section 57 of <i>Land Use Planning and Approvals Act 1993</i>	\$250.00	\$250.00	Full Cost Recovery	2011/12	\$250.00	Y	\$22.73	per application	%	700	\$159,089.00	
Applications requiring advertising under Section 34 of the <i>Historic Cultural Heritage Act 1995</i>	\$120.00	Nil	Full Cost Recovery	2008/09	Nil	Y		per application				
<b>Mediations</b>												
Organising mediation in accordance with S.57A of <i>Land Use Planning Act 1993</i> or any other mediation required by the Council in order to determine a planning application	\$250.00	\$250.00	Full Cost Recovery	2005/06	\$250.00	N	\$0.00	per meeting	0%	4	\$1,000.00	
<b>Consultants</b>												
For planning officers functioning as consultants for other Government bodies or advising outside their statutory and customer service duties	Consultant rates	Consultant rates	Full Cost Recovery		Consultant rates	Y		per hour				
<b>Subdivisions - All Planning Schemes</b>												
Proposal involving up to 30 lots	\$250 + \$50 per lot	\$250 + \$50 per lot	Partial Cost Recovery	2004/05	\$250 + \$50 per lot	N	\$0.00	per application				
Proposal involving 31 to 100 lots	\$1000 + \$25 per lot	\$1000 + \$25 per lot	Partial Cost Recovery	2004/05	\$1000 + \$25 per lot	N	\$0.00	per application				
Proposal withdrawn prior to their determination	As determined by the Director Development and Environmental Services or the Manager Development Appraisal	As determined by the Director Development and Environmental Services or the Manager Development Appraisal	Partial Cost Recovery	1999/00	As determined by the Director Development and Environmental Services or the Manager Development Appraisal	N	\$0.00	per application				
Assessment of compliance with planning permit (subdivisions)	\$250.00	\$250.00	Partial Cost Recovery	2012/13	\$250.00	N	\$0.00	per application	0%	30	\$7,500.00	
<b>Scanning of Plans and Documentation</b>												

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
A4 and/or A3 pages	\$2.75	\$2.75	Partial Cost Recovery	2013/14	\$2.75	Y	\$0.25	per page	0%	420	\$1,050.00	
Above A3 pages	\$5.50	\$5.50	Partial Cost Recovery	2013/14	\$5.50	Y	\$0.50	per page	0%	110	\$550.00	
Copies of issued statutory documents		\$35.00	Partial Cost Recovery	2014/2015	\$50.00		\$0.00	per document	43%	4	\$200.00	
<b>Strata Applications</b> Strata application assessment (\$150.00 per hour, minimum fee \$300.00)	\$150.00	\$150.00	Partial Cost Recovery	2013/14	\$150.00	N	\$0.00	per application	0%	4	\$600.00	
Strata amendments (existing strata plans)	\$150.00	\$150.00	Partial Cost Recovery	2013/14	\$150.00	N	\$0.00	per application	0%	10	\$1,500.00	
Amendment to a Sealed Plan (S103 LG(B&MP)A) requiring Committee Hearing			Partial Cost Recovery	New Fee	\$1,200.00				New Charge	1	\$1,200.00	Currently this fee is charged on cost recovery basis however is not recorded as a Council fee
Preparation of a Part 5 Agreement			Full cost recovery	New Fee	\$500.00				New Charge	42	\$21,000.00	Currently this fee is charged on cost recovery basis however is not recorded as a Council fee
Title search fee associated with Part 5			Full cost recovery	New Fee	\$50.00				New Charge	42	\$2,100.00	Currently this fee is charged on cost recovery basis however is not recorded as a Council fee
LTO lodgement fee			Full cost recovery	New Fee	\$130.00				New Charge	42	\$5,460.00	Currently this fee is charged on cost recovery basis however is not recorded as a Council fee

Proposed 2016-17 Fees & Charges: 001 - Development Appraisal 0419

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
001.0419.2279.000	Engineering Appraisal	-59,181.96	-30,000.00	-19,408.00	-17,500.00	
001 - Development Appraisal 0419		59,181.96	30,000.00	19,408.00	17,500.00	30,050.00
Change from 2015-16 to 2016-17						0.17%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Engineering Approvals and Inspections (Subdivisions)</b>												
Approval of Engineering drawings and inspections	1.5% of the value of the works as assessed by the Council's Engineer	1.5% of the value of the works as assessed by the Council's Engineer	Partial Cost Recovery	2010/11	1.5% of the value of the works as assessed by the Council's Engineer	N	\$0.00				\$9,500.00	
Additional inspections or re-inspections or any other person or authority in excess of 2 hours	\$40 per hour in excess of 2 hours	\$40 per hour in excess of 2 hours	Partial Cost Recovery	1996/97	\$40 per hour in excess of 2 hours	N	\$0.00				\$10,000.00	
Amended Plan	\$55.00	\$55.00	Partial Cost Recovery	2001/02	\$55.00	N	\$0.00		0%	10	\$550.00	
<b>Engineering approvals and Inspections (other)</b>												
Approval of engineering drawings other than subdivisions	\$250.00	\$250.00	Partial Cost Recovery	2013/14	\$250.00	N	\$0.00		0%		\$9,000.00	
Additional inspection or re-inspection or any other person or authority	\$40 per hour in excess of 2 hours	\$40 per hour in excess of 2 hours	Partial Cost Recovery	1998/99	\$40 per hour in excess of 2 hours	Y					\$1,000.00	



Proposed 2016-17 Fees & Charges: 220 - Legal and Animal Management

Account Number	Description	2014-15 Actual excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
<i>Prior year income recorded in Function 155 - Customer Services</i>				
220.0707.2121.000	Animal Management - Fines	-29,324.28	-23,331.00	
220.0707.2204.000	Animal Management - Registration/Licences	-241,656.37	-240,000.00	
220.0707.2205.000	Animal Management - Sale of Goods	-1,757.14	-1,456.00	
<b>220 - Legal and Animal Management</b>		<b>272,737.79</b>	<b>264,787.00</b>	<b>302,623.17</b>
				<b>3.46%</b>

Fee Description	2014-2015 Fee incl. GST	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Animal Control</b>										
<b>Dog Registrations/Licence Fees</b> <i>The provision of appropriate certificates is required for all registration categories</i>										
Standard Registrations - nondesexed	\$90.00	2015/2016	\$95.00	N	\$0.00		0%	600	\$57,000.00	
Standard Registrations - desexed	\$42.00	2014/2015	\$42.00	N	\$0.00		0%	3400	\$142,800.00	
Pensioners (50% of the Standard Registration - nondesexed)	\$45.00	2015/2016	\$47.50	N	\$0.00		0%	600	\$28,500.00	
Purebred (50% of the Standard Registration)	\$45.00	2015/2016	\$47.50	N	\$0.00		0%	250	\$11,875.00	
Greyhounds (50% of standard Registration)	\$45.00	2015/16	\$47.50	N	\$0.00		0%	250	\$11,875.00	
Working Dogs (50% of standard registration)	\$45.00	2015/16	\$47.50	N	\$0.00		0%	2	\$95.00	
Dogs Home Adoption (first Standard Registration Free)	\$0.00		\$0.00							
Obedience Trained Dogs	\$0.00	2009/10	\$0.00							
Guide Dogs, Puppy Walkers and Assistance Dogs	\$0.00		\$0.00							
Tags	\$8.50	2015/16	\$10.00	Y	\$0.91		11%	20	\$181.80	
Formal Complaints <i>Pursuant to Sections 47 &amp; 48 of the Dog Control Act 2000 the fee is refunded if the complaint is proven</i>	\$70.00	2015/16	\$75.00	N	\$0.00		0%	2	\$150.00	
Guard Dogs <i>Dogs must be registered in the Hobart Municipal Area as a guard dog by a registered security business</i>	\$230.00	2015/16	\$235.00	N	\$0.00		0%	0	\$0.00	
Dangerous Dogs <i>Dogs must be registered in the Hobart Municipal Area and declared "dangerous" by the General Manager</i>	\$230.00	2015/16	\$250.00	N	\$0.00		6%	2	\$500.00	
<b>Kennel Licences</b>										
New Licences	\$230.00	2015/16	\$235.00	N	\$0.00		0%	5	\$1,175.00	
Renewals	\$65.00	2015/16	\$67.00	N	\$0.00		0%	30	\$2,010.00	

Fee Description	2014-2015 Fee incl. GST	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Impounding Fees (dogs)</b>	\$65.00	2012/13	\$70.00	Y	\$6.36		8%	250	\$15,910.00	
<b>Impounding Fees (other than dogs)</b>		New Fee	\$70.00	Y	\$6.36			1		
<b>Daily Impound Fee</b>		New Fee	\$5.00	Y	\$0.45			1		
<b>Statutory Advertising</b>		New Fee	\$250.00	Y	\$22.73			1		
<b>Dog Control Measures (Sale of Goods)</b>										
<b>Anti Barking Collar</b>										
Purchase	\$120.00	2012/2013	\$120.00	Y	\$10.91	per unit	0%	1	\$109.09	
Weekly Hire	\$55.00	2008/2009	\$55.00	Y	\$5.00	per unit	0%	1	\$50.00	
Weekly Hire - Deposit (GST only applies on forfeiture of deposit)	\$80.00	2008/2009	\$80.00	N	\$0.00	per unit	0%	1	\$80.00	
Citronella Spray	\$18.00	2012/2013	\$18.00	Y	\$1.64	Each	0%	1	\$16.36	
Replacement batteries for anti-barking collars	\$12.50	2013/2014	\$12.50	Y	\$1.14		0%	1	\$11.36	
Dog Tidy bags - per roll	\$12.50	2015/2016	\$13.00	Y	\$1.18	per roll	0%	10	\$118.20	
Dangerous Dog Signs	\$75.00	2013/2014	\$75.00	Y	\$6.82	Each	0%	2	\$136.36	
Dangerous Dog Collar - Small	\$43.00	2013/2014	\$43.00	Y	\$3.91	Each	0%	0	\$0.00	
Dangerous Dog Collar - Medium	\$47.00	2013/2014	\$47.00	Y	\$4.27	Each	0%	0	\$0.00	
Dangerous Dog Collar - Large	\$52.00	2013/2014	\$52.00	Y	\$4.73	Each	0%	0	\$0.00	
Dangerous Dog Collar - X Large	\$61.00	2013/2014	\$63.00	Y	\$5.73	Each	0%	0	\$0.00	
<b>Animal Control Infringements (fines)</b> <i>Under the Dog Control Act Regulations 2001, penalties for the breaches of the Dog Control Act 2000 by dog owners, are determined by the Tasmanian Government</i>										
<i>Various Pursuant to the Dog Control Regulations</i>	\$130.00	2008/2009	\$154.00	N	\$0.00		0%	195	\$30,030.00	

Proposed 2016-17 Fees & Charges: 165 0425 - City Design

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
165.0425.2279.000	City Design	0.00	0.00	0.00	0.00	
165 0425 - City Design		0.00	0.00	0.00	0.00	0.00
Change from 2015-16 to 2016-17						#DIV/0!

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
3D GIS Services		2015-2016	Partial Cost Recovery	2015-2016	\$120.00	Y	\$10.91	per hour			\$0.00	Minimum 2 hours

Proposed 2016-17 Fees & Charges: 251 - Public Health Infringements

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
251.0710.2279.818	Health Regulation - Infringements	-4,781.00	-10,000.00	-2,167.05	-5,000.00	
251 - Public Health Infringements		4,781.00	10,000.00	2,167.05	5,000.00	4,928.00
Change from 2015-16 to 2016-17						-50.72%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
Infringements under the Public Health Act/Food Act	\$130.00	\$130.00	Statutory		\$154.00	N	\$0.00	per penalty unit	18%	32	\$4,928.00	

Proposed 2016-17 Fees & Charges: 251 - Public Health Registrations / Licences

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
251.0710.2204.000	Registrations / Licences	-269,378.18	-303,015.00	-44,688.43	-151,508.00	
251 - Public Health Registrations / Licences		269,378.18	303,015.00	44,688.43	151,508.00	257,850.00
Change from 2015-16 to 2016-17						-14.91%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
New Health Applications		\$250.00	Partial Cost Recovery	2014/2015	\$250.00	N	\$0.00	per application	0%	50	\$12,500.00	Fee for new registration applications received throughout the year to meet up front payment requirements prior to processing applications.
<b>Food Businesses (including food vans, regular food stalls)</b>												
Registration Renewal Low Risk	\$125.00	\$150.00	Partial Cost Recovery	2014/2015	\$150.00	N	\$0.00	per annum	0%	85	\$12,750.00	
Registration Renewal Medium Risk	\$250.00	\$275.00	Partial Cost Recovery	2014/2015	\$275.00	N	\$0.00	per annum	0%	520	\$143,000.00	
Registration Renewal High Risk	\$300.00	\$325.00	Partial Cost Recovery	2014/2015	\$325.00	N	\$0.00	per annum	0%	164	\$53,300.00	
School Canteens (School / parent operated)	\$50.00	\$50.00	Partial Cost Recovery	2013/2014	\$50.00	N	\$0.00	per annum	0%	15	\$750.00	
Temporary Food Stalls per day	\$50.00	\$20.00	Partial Cost Recovery	2014/2015	\$20.00	N	\$0.00	per application	0%	500	\$10,000.00	
Temporary Food Stalls - 3 or more consecutive days	\$100.00	\$50.00	Partial Cost Recovery	2014/2015	\$60.00	N	\$0.00	per application	20%	25	\$1,500.00	
Taste of Tasmania Food Stalls inspection Fee		\$150.00	Partial Cost Recovery	2014/2015	\$150.00	N	\$0.00	per application	0%	70	\$10,500.00	
<b>Places of Assembly</b>												
Single Venue Licence (Low Risk)	\$50.00	\$50.00	Partial Cost Recovery		\$50.00	N	\$0.00	per annum	0%		\$0.00	Fees null and void owing to amendments to legislation (Public Health Act).
Single Venue Licence (Medium Risk)	\$120.00	\$120.00			\$120.00	N	\$0.00	per annum	0%		\$0.00	
Single Venue Licence (High Risk)	\$200.00	\$200.00			\$200.00	N	\$0.00	per annum	0%		\$0.00	
Multiple Venues (with shared facilities and management)	\$200.00 \$50.00	\$200.00 \$50.00			\$200.00 \$50.00	N N	\$0.00 \$0.00	primary venue additional venue	0% 0%		\$0.00 \$0.00	
Specific Events - Commercial (for applications received more than 10 working days prior to event)	\$150.00	\$150.00	Partial Cost Recovery		\$150.00	N	\$0.00	per application	0%	10	\$1,500.00	
Specific Events - Commercial (for applications received less than 10 working days prior to event)	\$250.00	\$250.00	Partial Cost Recovery		\$250.00	N	\$0.00	per application	0%	2	\$500.00	

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
Specific Events - Charities/Schools (for applications received more than 10 working days prior to event)	\$50.00	\$50.00	Partial Cost Recovery		\$50.00	N	\$0.00	per application	0%	2	\$100.00	
Specific Events - Charities/Schools (for applications received less than 10 working days prior to event)	\$100.00	\$100.00	Partial Cost Recovery		\$100.00	N	\$0.00	per application	0%	2	\$200.00	
<b>Public Health Risk Activities</b>												
Business Registration	\$150.00	\$150.00	Partial Cost Recovery		\$150.00	N	\$0.00	per annum	0%	20	\$3,000.00	
Operator Licence - Annual	\$100.00	\$100.00	Partial Cost Recovery		\$100.00	N	\$0.00	per annum	0%	40	\$4,000.00	
<b>Accommodation Houses</b>												
Registration	\$120.00	\$120.00	Partial Cost Recovery		\$120.00	N	\$0.00	per annum	0%		\$0.00	Delete - null and void.
<b>Regulated Systems</b>												
Cooling Tower/Warm water registration	\$150.00	\$150.00	Partial Cost Recovery		\$150.00	N	\$0.00	per annum	0%	25	\$3,750.00	
<b>Permits</b>												
Keep livestock			Partial Cost Recovery	New Fee	\$50.00	N	\$0.00	per annum	New Charge	5	\$250.00	
Occupy caravan on private land			Partial Cost Recovery	New Fee	\$50.00	N	\$0.00	per application	New Charge	5	\$250.00	

Proposed 2016-17 Fees & Charges: 251 - Public Health Services - Other

Account Number	Description	2014-15 Actual excl. GST	2015-16 Budget excl. GST	2015-16 YTD excl. GST	2015-16 YTD Budget excl. GST	2016-17 Estimate excl. GST
251.0710.2279.000	Health Regulation - No Task	-7,343.00	-5,000.00	-12,500.00	-2,500.00	
251.0710.2279.842	Health Regulation - Miscellaneous Task	-14,250.00	0.00	-100.00	0.00	
251 - Public Health Services - Other		21,593.00	5,000.00	12,600.00	2,500.00	29,654.50
Change from 2015-16 to 2016-17						493.09%

Fee Description	2014-2015 Fee incl. GST	2015-2016 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2016 - 2017 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
<b>Sampling</b>												
Public Requests - environmental samples from private land/property	Analyst costs	Analyst costs	Zero Pricing		Analyst costs	Y		per request				
Formal Food Samples - failed test result	Analyst costs	Analyst costs	Zero Pricing		Analyst costs	Y		per request				
<b>Information Requests</b>												
Copies of issued statutory documents	\$20.00	\$50.00	Partial Cost Recovery	2014/2015	\$50.00	Y	\$4.55	per document	0%	10	\$454.50	
<b>Non Compliance follow up inspections</b>												
	\$200.00	\$100.00	Cost recovery	2014/2015	\$100.00	N	\$0.00	per visit	0%	10	\$1,000.00	
Plans Assessment (Form 49)	\$250.00	\$250.00	Cost recovery	2013/2014	\$250.00	N	\$0.00	per assessmen	0%	60	\$15,000.00	
Final Inspection (Form 50)	\$100.00	\$100.00	Cost recovery	2013/2014	\$100.00	N	\$0.00	per assessmen	0%	30	\$3,000.00	
Pre Purchase Inspections & Reports	\$0.00	\$200.00	Cost recovery	2014/2015	\$200.00	N	\$0.00	per visit	0%	5	\$1,000.00	
Special plumbing permits	\$200.00	\$200.00	Cost recovery	2013/2014	\$200.00	N	\$0.00	per assessmen	0%	40	\$8,000.00	



**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

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

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X

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

DELEGATION:      Committee

***Recommendation:***

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

## Delegated Decisions Report (Planning)

Section 57 and 58 (LUPA)

Wednesday 4 May 2016

Planning Description	Address			Works Value	Decision Body
Partial Change of Use	30-36 New Town	NEW TOWN	7008	\$80,000.00	Delegation
Signage	52 Bathurst Street	HOBART	7000	\$1,500.00	Delegation
Fencing	1 Stevens Farm	WEST HOBART	7000	\$25,000.00	Delegation
Garage and Driveway	8 Wellwood Street	LENAH VALLEY	7008	\$6,150.00	Delegation
Partial Change of Use	19 Albuera Street	BATTERY POINT	7004	\$0.00	Delegation
Alterations and	31 Darling Parade	MOUNT STUART	7000	\$30,000.00	Delegation
Single Dwelling	11 Date Court	SANDY BAY	7005	\$980,000.00	Delegation
Extensions and	256 Elizabeth	NORTH HOBART	7000	\$150,000.00	Delegation
Partial change of use	437 Sandy Bay	SANDY BAY	7005	\$0.00	Delegation
Dwelling	29 Gardenia Grove	SANDY BAY	7005	\$180,000.00	Delegation
Dwelling	11 Bimbadeen	WEST HOBART	7000	\$450,000.00	Delegation
New Building for	26 Clare Street	NEW TOWN	7008	\$20,000.00	Delegation
Partial Demolition,	67 Clare Street	NEW TOWN	7008	\$975,000.00	Delegation
Partial Change Of	4 Portland Place	SANDY BAY	7005	\$0.00	Delegation
Change of Use to	20 Francis Street	BATTERY POINT	7004	\$20,000.00	Delegation
Partial Demolition,	43 Arthur Street	WEST HOBART	7000	\$250,000.00	Delegation

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

**10. APPLICATIONS APPROVED UNDER THE BUILDING REGULATIONS 2014  
AND BUILDING ACT 2000 – FILE REF: 30-1-17**

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2x's

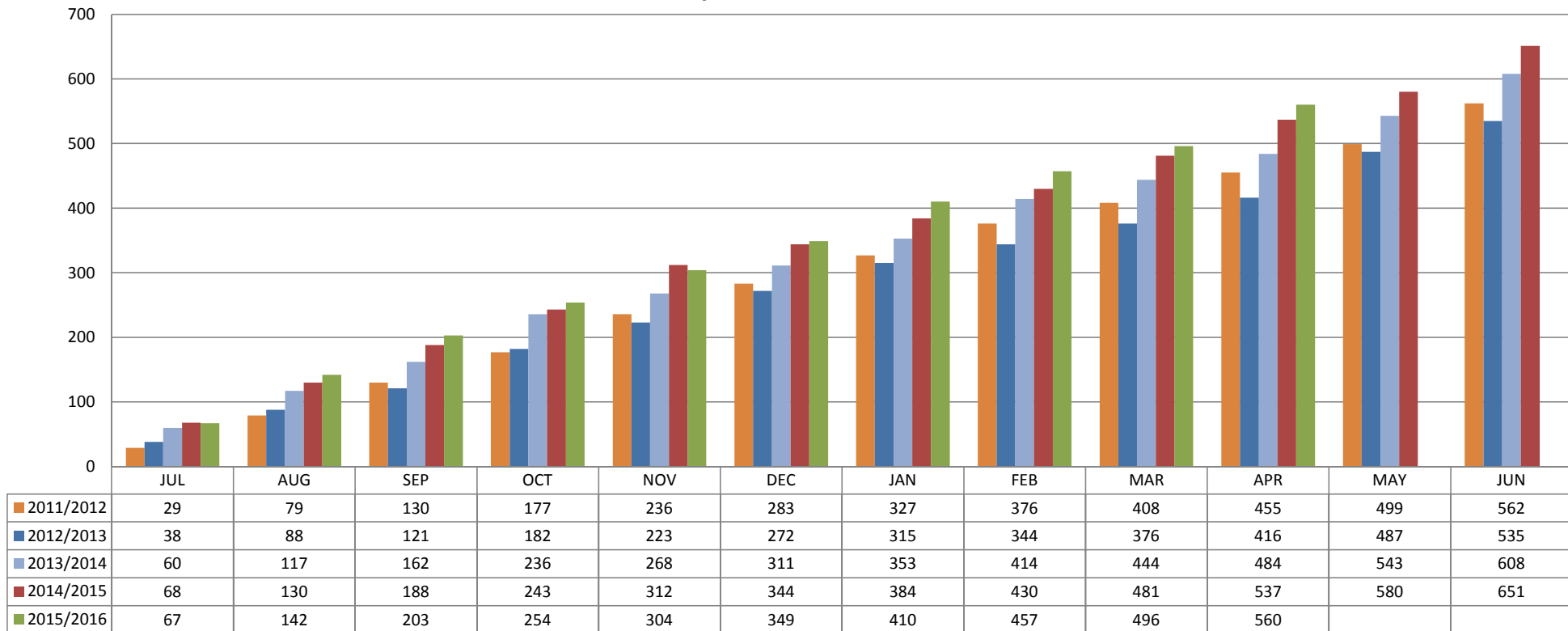
The Director City Planning submits the following information in relation to plans approved under the Building Regulations 2014 and Building Act 2000 together with the attached graphs.

The Director City Planning reports:

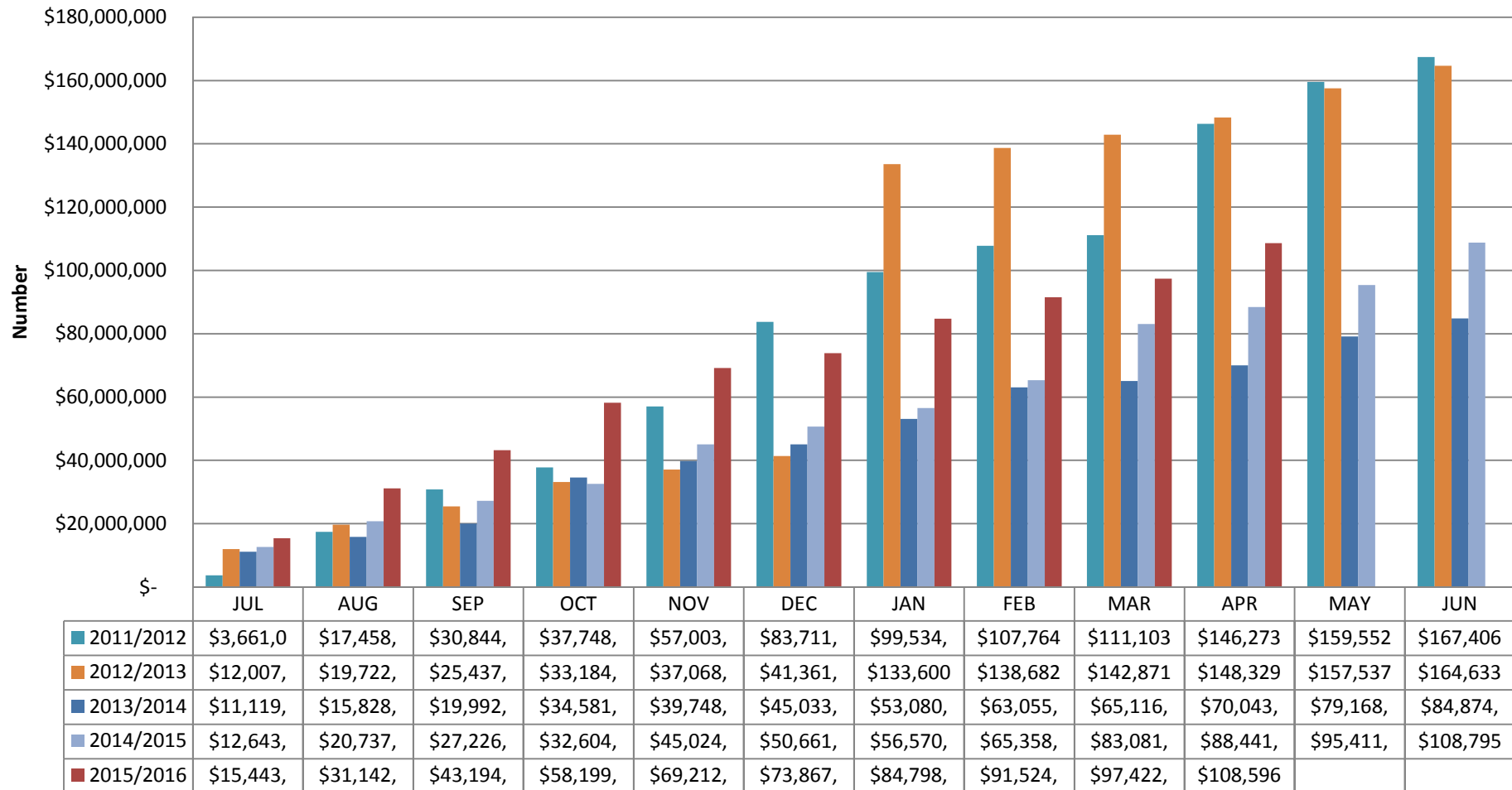
- A. 1. During the period 1 April 2016 to 30 April 2016, 64 permits were issued to the value of \$11,174,222 which included:
  - (i) 35 for extensions/alterations to dwellings to the value of \$3,482,594;
  - (ii) 11 new dwellings to the value of \$3,167,628; and
  - (iii) 1 major project:
    - (a) Office fitout to 4/15 Murray Street - \$1,480,000
- 2. During the period 1 April 2015 to 30 April 2015, 56 permits were issued to the value of \$5,360,085 which included:
  - (i) 39 extensions/alterations to dwellings to the value of \$3,363,085
  - (ii) 2 new dwellings to the value of \$760,000; and
  - (iii) There were no major projects for this period
- B. 1. In the twelve months ending 30 April 2016, 674 permits were issued to the value of \$128,950,164; and
- 2. In the twelve months ending 30 April 2015, 661 permits were issued to the value of \$103,273,167

DELEGATION: Council

### Building Permits Value (Accumulative Monthly Totals) 5 Year Comparison 2011/12 - 2015/16



## Building Permits Issued (Accumulative Monthly Totals) 5 Year Comparison 2011/12 - 2015/16



**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

**11. ADVERTISING – FILE REF: 30-1-19**

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3x's

The Director City Planning reports:-

‘The advertising lists for the period 21 April 2016 to 4 May 2016 inclusive, are attached for information.’

DELEGATION:      Committee

**PLANNING APPLICATION - ADVERTISING****21 April 2016 - 4 May 2016**

ApplicationID	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period	
PLN-15-01170-01	4/31 Fitzroy Place	SANDY BAY	Partial Demolition, Alterations, New Garage and Carport and Fencing	\$100,000.00	03/06/2016	baconr	Council	22/04/2016	09/05/2016
PLN-16-00187-01	1A Fielding Drive	WEST HOBART	Single Dwelling	\$525,000.00	02/06/2016	foalem	Director	21/04/2016	06/05/2016
PLN-16-00241-01	24-26 Weld Street	SOUTH HOBART	Fencing	\$3,500.00	07/06/2016	langd	Director	26/04/2016	10/05/2016
PLN-16-00231-01	16 Scott Street	GLEBE	Partial Demolition, Alterations and Extension	\$60,000.00	07/06/2016	langd	Director	26/04/2016	10/05/2016
PLN-16-00066-01	1 Byard Street	MOUNT STUART	Partial Demolition, Parking, Alterations and New Roofed Deck	\$15,000.00	07/06/2016	widdowsont	Director	26/04/2016	10/05/2016
PLN-16-00366-01	4 Chaucer Road	LENAH VALLEY	Single Dwelling	\$370,000.00	07/06/2016	langd	Director	26/04/2016	10/05/2016
PLN-16-00413-01	98A Campbell Street	HOBART	Alterations and Partial Change of Use to Community Meeting and Entertainment	\$162,800.00	08/06/2016	baconr	Council	27/04/2016	11/05/2016
PLN-16-00354-01	18 Hunter Street	HOBART	Five Bronze Sculptures	\$300,000.00	03/06/2016	ikinb	Director	22/04/2016	09/05/2016
PLN-16-00209-01	8 Stevens Farm Drive	WEST HOBART	Single Dwelling	\$294,858.00	03/06/2016	langd	Director	22/04/2016	09/05/2016
PLN-16-00422-01	2A Livingston Street	SOUTH HOBART	Single Dwelling	\$250,000.00	09/06/2016	lindusc	Director	28/04/2016	12/05/2016



PLN-15-01243-01	208 Warwick Street	WEST HOBART	Dwelling Extension	\$75,000.00	09/06/2016	rushforthe	Director	28/04/2016	12/05/2016
PLN-15-01476-01	9 Sandy Bay Road, Adjacent Road Reservations	SANDY BAY	Demolition and New Development for Hotel with Cafe and Bar and Associated Minor Road Works	\$15,000,000.00	09/06/2016	ikinb	Council	28/04/2016	12/05/2016
PLN-16-00341-01	74 Grosvenor Street	SANDY BAY	Partial Demolition, Pool and Outbuilding	\$75,000.00	01/06/2016	lindusc	Director	20/04/2016	05/05/2016
PLN-16-00385-01	298 Elizabeth Street (Also known as 292-294 Elizabeth Street)	NORTH HOBART	Partial Change of Use to Three Visitor Accommodation Units		01/06/2016	rushforthe	Director	20/04/2016	05/05/2016
PLN-16-00279-01	36 Quayle Street	SANDY BAY	Partial Demolition, Alterations and Extension	\$5,000.00	01/06/2016	langd	Director	20/04/2016	05/05/2016
PLN-16-00409-01	51A Regent Street	SANDY BAY	Partial Demolition, Alterations, Dwelling Extension and Front Fence	\$150,000.00	01/06/2016	baconr	Director	20/04/2016	05/05/2016
PLN-16-00397-01	29 Sandy Bay Road	BATTERY POINT	Change of Use to Visitor Accommodation		01/06/2016	foalem	Director	20/04/2016	05/05/2016
PLN-16-00339-01	77-79 Molle Street	HOBART	Partial Demolition, Alterations, Decking and New Dwelling	\$230,000.00	09/06/2016	widdowsont	Director	28/04/2016	12/05/2016

PLN-16-00370-01	53 Runnymede Street	BATTERY POINT	Partial Demolition, Alterations and Extension	\$80,000.00	09/06/2016	widdowsont	Director	28/04/2016	12/05/2016
PLN-16-00172-01	5 Chaucer Road (CT.170544/2)	LENAH VALLEY	New Dwelling	\$320,000.00	09/06/2016	rushforthe	Director	28/04/2016	12/05/2016
PLN-16-00226-01	5 Hean Street	SOUTH HOBART	Extension, Alterations, Carport and New Access to Single Dwelling	\$60,000.00	10/06/2016	foalem	Director	29/04/2016	13/05/2016
PLN-15-01288-01	76 Clare Street	NEW TOWN	Partial Demolition, New Garage and New Carport	\$18,000.00	10/06/2016	lindusc	Director	29/04/2016	13/05/2016
PLN-16-00072-01	38 Clare Street	NEW TOWN	Dwelling Alterations, Demolition and New Garage	\$250,000.00	10/06/2016	rushforthe	Director	29/04/2016	13/05/2016
PLN-16-00419-01	1 Stephanie Close	SANDY BAY	Partial Change of Use to Visitor Accommodation		15/06/2016	foalem	Director	04/05/2016	18/05/2016
PLN-16-00394-01	253-259 Liverpool Street	HOBART	Signage (Re-Advertised)	\$7,000.00	15/06/2016	langd	Director	04/05/2016	18/05/2016
PLN-16-00376-01	39 Lord Street	SANDY BAY	Alterations to Dwelling	\$8,000.00	15/06/2016	baconr	Director	04/05/2016	18/05/2016
PLN-16-00421-01	2A Syme Street	SOUTH HOBART	Dwelling Extension	\$150,000.00	15/06/2016	rushforthe	Director	04/05/2016	18/05/2016
PLN-16-00449-01	56 Knocklofty Terrace	WEST HOBART	Partial Demolition, Extension and Alterations	\$100,000.00	15/06/2016	wilsonl	Director	04/05/2016	18/05/2016

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

**12. RESPONSES TO QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10**

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The General Manager reports:-

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

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

**12.1 51 SANDY BAY ROAD - PLANNING APPEAL MEDIATION –  
DISCUSSION ON CLOSED AGENDA**

Ref. CPC 2 May 2016

Attachment

12.1

Memorandum to Aldermen from the Director  
City Planning of 9 May 2016.

**RECOMMENDATION:**

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

9 May 2016

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

## **QUESTIONS WITHOUT NOTICE – RESPONSE 51 SANDY BAY ROAD - PLANNING APPEAL MEDIATION**

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

At the City Planning Committee meeting held on 2 May 2016 the following question without notice was asked by Alderman Briscoe:

**Question:** Is there any reason why the outcome of the mediation of the planning application for 51 Sandy Bay Road cannot be dealt with on the open agenda?

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

**Response:**

The Resource Management and Planning Appeals Tribunal's practice notes state in part:

**5.11 CONFIDENTIALITY:** Section 17(3) of the Appeal Tribunal Act provides as follows:-

*“(3) At the hearing of an appeal before the Appeal Tribunal, evidence about anything that happens at a conference held under subsection (1) in relation to the appeal is inadmissible.”*

*There are exceptions in relation to this requirement as set out below. As Section 17(3) only relates to the giving of evidence at a full hearing of the Tribunal, the Tribunal cannot enforce total confidentiality in relation to discussions which arise during ADR (alternative dispute resolution which includes mediation) procedures.*

*However, the Tribunal ordinarily requests that the parties agree to confidentiality of discussions. That is, the parties agree that anything which is discussed in ADR is not discussed with persons external to the proceedings without the express permission of the other parties involved.*

Based on the above request of the Tribunal I believe it advisable to not disclose the Council's deliberation until such time as all parties have agreed to the consent agreement including the Tribunal.

A handwritten signature in black ink, appearing to read 'Neil Noye', with a large, sweeping initial 'N'.

(Neil Noye)

**DIRECTOR CITY PLANNING**

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

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

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

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

**CITY PLANNING COMMITTEE AGENDA  
(OPEN PORTION OF THE MEETING)  
16/5/2016**

**14. CLOSED PORTION OF THE CITY PLANNING COMMITTEE MEETING**

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The following items were discussed:-

- Item No. 1. Minutes of the Closed Portion of the City Planning Committee Meeting held on 2 May 2016
- Item No. 2. Consideration of Supplementary Items to the Agenda
- Item No. 3. Indications of Pecuniary and Conflicts of Interest
- Item No. 4. Planning notices issued under Land Use Planning and Approvals Act 1993 - File Ref: 16-11-2  
LG(MP)R 15(2)(i)
- Item No. 5. Questions Without Notice – File Ref: 13-1-10