



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 23 April 2018
Expiry Date: 26 April 2018
Application No: PLN-18-123
Address: 103 HAMPDEN ROAD , BATTERY POINT
Applicant: Scott Carlin (Narryna Heritage Museum Inc.)
Narryna
103 Hampden Road
Proposal: Partial Demolition, Alterations and Outbuilding
Representations: None
Performance criteria: Inner Residential Zone Development Standards, and Historic Heritage Cod

1. Executive Summary

- 1.1 Planning approval is sought for partial demolition, alterations and outbuilding at the Narryna Heritage Museum at 103 Hampden Road, Battery Point.
- 1.2 More specifically the proposal includes:
- Additions and alterations to the existing toilet block to create a separate male, female and accessible toilet, and to provide a store room and enclosed 'plant potting area'.
 - Alterations to an existing storage shed to create a kitchen and servery area.
 - Connection of the new buildings to the Council's reticulated stormwater infrastructure.
 - Extension of the Council's reticulated stormwater infrastructure from Knopwood Street, up through James Street to the application site.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Inner Residential Zone Development Standards - Building Envelope
1.3.2 Historic Heritage Code - Heritage Place and Heritage Precinct
- 1.4 No representations were received during the statutory advertising period between 19 March and 5 April 2018.

- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council because it involves work in the Council's Highway Reservation.

2. Site Detail

- 2.1 The site is the Narryna Heritage Museum at 103 Hampden Road, Battery Point. The site is a regularly shaped 2470m² lot located on the corner of Hampden Road and James Street. The site is relatively flat, with a heritage building centrally located on the site, and stables and outbuildings to the rear of the property. The proposal also includes an extension of the Council's stormwater main in Knopwood Street, up James Street to the site.



Figure 1: The location of the application site is highlighted in orange.

3. Proposal

- 3.1 Planning approval is sought for partial demolition, alterations and outbuilding at the Narryna Heritage Museum at 103 Hampden Road, Battery Point.
- 3.2 More specifically the proposal is for:
- Additions and alterations to the existing toilet block to create a separate male, female and accessible toilet, and to provide a store room and enclosed 'plant potting area'.
 - Alterations to an existing storage shed to create a kitchen and servery area.
 - Connection of the new buildings to the Council's reticulated stormwater infrastructure.
 - Extension of Council's reticulated stormwater infrastructure from Knopwood Street, up through James Street to the application site.
- 3.3 Please see Attachment B for detailed plans of the proposed works.

4. Background

- 4.1 There is no relevant background for this application.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 19 March and 5 April 2018.

6. Assessment

- 6.1 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.
- 6.2 The site of the building works is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 There is no proposed change to the existing heritage museum use of the site. The existing use is a prohibited use in the zone. Clause 9.1.1(c) provides as follows with respect to existing non-conforming uses:

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

where there is –

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

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

- 6.4 The proposal is considered to be minor development. The proposal is not considered likely to have any detrimental impact on adjoining uses or the locality. The proposal is also not considered to be an intensification of the existing use in any substantial sense. The proposal's performance against the relevant Zone and Code provisions is set out below.
- 6.5 The proposal has been assessed against:
- 6.5.1 Part D - 11.0 Inner Residential Zone
 - 6.5.2 Part E - E7.0 Stormwater Management Code
 - 6.5.3 Part E - E13.0 Historic Heritage Code
- 6.6 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.6.1 Setbacks and Building Envelope – Part D 11.4.2 P3
 - 6.6.2 Historic Heritage – Part E E13.0
- 6.7 Each performance criterion is assessed below.
- 6.8 Setback and Building Envelope Part D 11.4.2 P3
- 6.8.1 The acceptable solution at clause 11.4.2 A3(b) requires buildings with walls greater than 9m in length to be set back a minimum of 1.5m from the boundary.

- 6.8.2 The proposal includes an outbuilding located adjacent to the northern side boundary with a wall that is 10.3m in length.
- 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 performance criterion at clause 11.4.2 P3 provides 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 maximum height of the wall is 3.5m at the western end, tapering down to 1.88m at the eastern end. The wall occupies just over one third of the length of the boundary, and is adjacent to a neighbouring outbuilding for approximately 7m, leaving approximately 3.5m of the wall extending beyond the adjacent outbuilding. As such the visual bulk is not considered unreasonable. In addition, the outbuilding is directly south of the boundary it is adjacent to, so it will not cause overshadowing or loss of sunlight to the adjacent property.
- 6.8.6 The proposal complies with the performance criterion.

6.9 Development Standards for Heritage Places - Part E E13.7

- 6.9.1 There are no acceptable solutions for partial demolition, building and works to a heritage listed place, clauses E13.7.1 A1 and E13.7.2 A1, A2, A3 and A4.
- 6.9.2 The proposal includes partial demolition and alterations to the existing toilet block and to an existing shed, converting it into a kitchen/serverly.
- 6.9.3 There are no acceptable solutions; therefore assessment against the

performance criteria is relied on.

6.9.4 The performance criteria at clauses E13.7.1 P1 and E13.7.2 P1, P2, P3 and P4 provide as follows:

E13.7.1

P1 - Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;

(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(b) there are no prudent and feasible alternatives;

(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;

(d) significant fabric is documented before demolition.

E13.7.2

P1 - Development must not result in any of the following:

(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;

(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.

P2 - Development must be designed to be subservient and complementary to the place through characteristics including:

(a) scale and bulk, materials, built form and fenestration;

(b) setback from frontage;

(c) siting with respect to buildings, structures and listed elements;

(d) using less dominant materials and colours.

P3 - Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.

P4 - Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.

- 6.9.5 The application has been assessed by the Council's Cultural Heritage Officer, who has provided the following comments:

The proposed work is of a minor nature, involving the sensitive adaptation of an existing outbuilding for a compatible new use.

The proposal is deemed to comply with all relevant provisions of the Historic Heritage Code.

The Tasmanian Heritage Council has issued an exemption for the works.

- 6.9.6 The proposal complies with the performance criteria.

6.10 Development Standards for Heritage Precincts - Part E E13.8

- 6.10.1 There is no acceptable solution for partial demolition, building and works to a property in a heritage precinct, clauses E13.8.1 A1 and E13.8.2 A1, A2 and A3.
- 6.10.2 The proposal includes partial demolition and alterations to the existing toilet block and to an existing shed, converting it into a kitchen/servery.
- 6.10.3 There are no acceptable solutions; therefore assessment against the performance criteria is relied on.
- 6.10.4 The performance criterion at clause E13.8.1 P1 and E13.8.2 P1, P2 and P3 provide as follows:

E13.8.1

P1 - 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;
unless all of the following apply;

(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;

(ii) there are no prudent or feasible alternatives;

(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.

E13.8.2

P1 - 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.

P2 - 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.

P3 - Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.

- 6.10.5 The application has been assessed by the Council's Cultural Heritage Officer, who has provided the following comments:

The proposed work is of a minor nature, involving the sensitive adaptation of an existing outbuilding for a compatible new use.

The proposal is deemed to comply with all relevant provisions of the Historic Heritage Code.

The Tasmanian Heritage Council has issued an exemption for the works.

- 6.10.6 The proposal complies with the performance criteria.

7. Discussion

- 7.1 Planning approval is sought for partial demolition, alterations and outbuilding at the Narryna Heritage Museum at 103 Hampden Road, Battery Point.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the *Hobart Interim Planning Scheme 2015* and is considered to perform well.

- 7.4 The proposal has also been assessed against the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, due to the need for an extension of the Council's stormwater main from within this planning scheme area to service the site of the main application works, in order to satisfy the requirements of the Stormwater Management Code of the *Hobart Interim Planning Scheme 2015*. The portion of the stormwater upgrade that is located within the *Sullivans Cove Planning Scheme 1997* area is permitted.
- 7.5 The portion of the stormwater upgrade that is located within the *Hobart Interim Planning Scheme 2015* area provides the ability for the works to drain to the Council's stormwater infrastructure, in order to satisfy the acceptable solution of the Stormwater Management Code. However, a number of conditions are required to ensure that this acceptable solution is complied with. The detailed assessment of this requirement is contained in the Development Engineer's Referral Officer Report and is provided at Attachment C.
- 7.7 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.8 The proposal has been assessed by the Tasmanian Heritage Council, who have exempted the works. A copy of the heritage exemptions is provided within Attachment B.
- 7.9 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed partial demolition, alterations and outbuilding at 103 Hampden Road, Battery Point satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015* and the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for partial demolition, alterations and outbuilding at 103 Hampden Road, Battery Point for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-123 - 103 HAMPDEN ROAD BATTERY POINT TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw4

The new stormwater connection must be constructed, and any existing connections to be abandoned must be sealed by the Council at the owner's expense, prior to the new use commencing/first occupation.

Reason for condition

To ensure the site is drained adequately.

ENG sw5

A new stormwater main must be built along James Street to link the existing stormwater main in Knopwood Street to the northwest corner of 103 Hampden Road (the low point of the site). From the end of this new main a stormwater branch will extend into the northwest corner of the property.

The new stormwater main must be designed and constructed at the owner's expense prior to the first occupation/new use commencing. The design must comply with the relevant Australian Standards and the Municipal Standard Drawings.

Engineering drawings must be submitted and approved, prior to

commencement of work. The engineering drawings must:

- 1. Be certified by a qualified and experienced civil engineer.**
- 2. Include a plan and long-section of the proposed stormwater main.**
- 3. Include the location and size of the proposed property connection.**
- 4. Include the associated calculations and catchment area plans. These should include, but not be limited to: flows, velocities, pipe diameter, material, pipe class, gradients, clearances, cover, connections and any necessary inspection openings or manholes.**
- 5. Include a construction program of the stormwater main to satisfy the above requirements.**

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

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

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

All stormwater runoff from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure prior to first occupation/new use commencing. All costs associated with works required by this condition must be met by the owner.

Design drawings and calculations of the proposed private stormwater drainage system and details of the connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work. The design drawings and calculations must:

- 1. Be prepared by a suitably qualified person; and**
- 2. Include long section(s)/levels and gradients to the point of discharge, as required.**

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

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

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG 1

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 or as otherwise determined by the Council.

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 strips, 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.

ENV 1

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

Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

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.

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 the Council's [website](#) 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.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your new stormwater service connection.

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. Click [here](#) for more information.

STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. Click [here](#) for more information.

DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.



(Helen Ayers)

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



(Ben Ikin)

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: 9 April 2018

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Development Engineering Report

Attachment D - Planning Referral Officer Cultural Heritage Report