

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

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| Type of Report: | Committee |
| Council: | 21 May 2018 |
| Expiry Date: | 21 June 2018 |
| Application No: | PLN-18-39 |
| Address: | 2 - 2A BURNETT STREET , NORTH HOBART |
| Applicant: | Corey Mingari (McTas Properties Pty Ltd) PO Box 4669 |
| Proposal: | Partial Demolition, Alterations and Change of Use to Boarding House |
| Representations: | Four (4) |
| Performance criteria: | Use; Parking and Access Code; Electricity Transmission Infrastructure Protection Code; and Historic Heritage Code |

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Change of use to Boarding House at 2-2A Burnett Street, North Hobart.
- 1.2 More specifically the proposal includes:
 - change of use from offices to boarding house;
 - eight bedrooms to be rented out as student accommodation;
 - there will be a maximum of 12 students living in the building at any one time;
 - leases will be offered for either six or 12 months;
 - internal alterations to the ground floor;
 - the property will be managed by a real estate agent, with a gardener being engaged on a regular basis to maintain the grounds; and
 - there is currently no onsite car parking and none is proposed.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Part D23.2 Commercial Zone - Use
 - 1.3.2 E6.0 Parking and Access Code - Number of Car Parking Spaces
 - 1.3.3 E8.0 Electricity Transmission Infrastructure Protection Code - Sensitive Use including Development within 65m of a Substation Facility
 - 1.3.4 E13.0 Historic Heritage Code - Heritage Precinct

- 1.4 Four (4) representations objecting to the proposal were received within the statutory advertising period between 6 and 20 April 2018.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The subject site is located in an area containing a number of different uses, including residential, commercial and educational. The site is accessed via a slipway off Burnett Street.
- 2.2 The site's immediate neighbour to the west, 4 Burnett Street, is in residential use (single dwelling), as is in the next property to the west, 6 Burnett Street (two dwellings). The immediate and only neighbour to the east is 224 Campbell Street, which is in part commercial, part residential use (cafe/shop and flat).
- 2.3 Directly behind the site, to the south, is a Transend owned substation facility.



Fig. 1 - the subject site is bordered in blue. Note 6 Burnett Street is shown vacant in the image above, but has recently had two two-storey dwellings constructed on it, as can be seen in Fig. 2 below



Fig. 2 - subject site (image obtained from Google Streetview). 224 Campbell Street is on the left hand side of the image, the subject site, 2-2A Burnett Street, is the large two storey red brick building. 4 Burnett Street is the small cottage. 6 Burnett Street is the large two-

storey grey building on the right hand side of the image.



Fig. 3 - the Transend substation is on the left hand side of the image, set back from its Campbell Street frontage. The subject site is the red brick and red roofed building towards the middle of the image. 224 Campbell Street is the cottage on the right hand side of the image.

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations and Change of Use to Boarding House at 2-2A Burnett street, North Hobart.
- 3.2 More specifically the proposal is for:
- change of use from offices to boarding house;
 - eight bedrooms to be rented out as student accommodation;
 - there will be a maximum of 12 students living in the building at any one time;
 - leases will be offered for either six or 12 months;
 - internal alterations to the ground floor;
 - the property will be managed by a real estate agent, with a gardener being engaged on a regular basis to maintain the grounds; and
 - there is currently no onsite car parking and none is proposed.



Fig. 4 - existing floor plan



Fig. 5 - proposed floor plan

4. Background

- 4.1 An application for an identical proposal was submitted in 2017 (PLN-17-739) but was ultimately withdrawn because the applicant did not have the written advice of the electricity transmission entity (Transend) setting out the entity's views of the proposed use or development, which is a mandatory application requirement pursuant to clause E8.5 of the planning scheme.
- 4.2 Prior to the 2017 application being withdrawn, it was advertised and received four (4) objections. The objections raised the issue of the application's validity due to the lack of written advice from Transend, as well as focusing on the lack of onsite car parking and the flow on effects to the immediate area, further creating pressure on on street parking.

Other issues raised included:

- the lack or quality of information provided is insufficient to assess the application;
- the use is not a boarding house - it is a dwelling;
- enforcement issues, as the applicant had commenced building work prior to obtaining the relevant permits;
- noise created by the occupants of the boarding house;
- unsuitability of the proposed use in this location - issues of safety, security and amenity to neighbours; and
- proposed use not consistent with the objectives of the Commercial Zone.

5. Concerns raised by representors

- 5.1 Four (4) representations objecting to the proposal were received within the statutory advertising period between 6 and 20 April 2018.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

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| <p>There is no relevant advice from the electricity entity that the use or development is located an appropriate distance from the substation, and therefore the application still does not meet the requirements of Clauses E8.6.1 P1 and E8.7.2 P1 of the Electricity Transmission Infrastructure Protection Code.</p> <p>The email from TasNetworks dated 15 March 2015 does not provide "written advice that the use and development is located an appropriate distance from the substation facility".</p> <p>On the basis of the required advice the application must be refused.</p> |
| <p>The proposal does not comply with Clause E6.6.1 of the Parking and Access Code.</p> <p>Council's Officer's supposed original statement that:</p> <p><i>"converting from office occupancy to residential occupancy would in fact require less need for parking"</i> would be hard to justify considering that the previous occupant only took up one car parking space (for a maximum of two hours) and the proposed development has potentially eight to 12 spaces required.</p> <p>Can a landlord discriminate or monitor if a tenant owns a vehicle/purchases one once they have signed a lease? They would be likely to apply for residential parking permit.</p> <p>If the tenants are University students they may leave their vehicles at the house and walk or catch a bus to Uni.</p> |
| <p>This area is commercially zoned and more residential development will impact on parking.</p> <p>A boarding house could potentially mean another 12 or more vehicles taking up on-street spots. In addition, the proposed cleaner and gardener employed to maintain the premises will not have a place to park.</p> |

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| <p>I operate a small business with employees utilising off street parking, which allows our customers to use any available on street parking. These spaces are limited, as residential parking permit holders take up a large number of spots and other unlimited spots are taken up prior to 7am by commuters. The potential loss of the already limited parking on Burnett Street would be severely detrimental to our business.</p> <p>If approved, no residential parking permits should be given to the occupants of the site.</p> |
| <p>The Burnett Street slip lane provides access to these properties and is also used for school drop off and pick up, tradesmen attending the HIA, and our delivery access. This intersection is hazardous enough without risky manoeuvres being undertaken (such as reversing into Burnett Street) due to tradesmen working (without permits) at the subject site.</p> |
| <p>A real estate agent will not regulate the property in the same way an onsite manager is able to and their role will not extend to managing any noise/standards of cleanliness or a roster of duties, such as putting out the bins. In addition, a six monthly inspection would not suffice to ensure extra persons are not living there.</p> |
| <p>There are too many occupiers proposed (12 in total). I am concerned with the noise, privacy, rubbish and health and safety issues that may result due to the proposed use.</p> <p>The loss of amenity resulting from the proposal to an existing (nearby) residential use cannot be conditioned.</p> |
| <p>An unregulated boarding house is not suitable in this location and is not consistent with the purposes of the Commercial Zone, and the residential component is not above ground level. In general terms, the zone purpose statements for the Commercial Zone refer to retailing and non-residential uses.</p> |

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| <p>I am querying whether this use is in fact a boarding house or a quasi backpacker operation.</p> <p>It is not sufficient to say that the boarding house 'may' be filled by students. It is either student accommodation or a true boarding house. The use must be clarified.</p> |
| <p>Works to the building commenced prior to the applicant obtaining the relevant approvals from the Council.</p> |
| <p>Will the infrastructure including waste water cope with the additional load created by the boarding house?</p> |
| <p>The number of occupants proposed will require higher safety levels and accessibility. A boarding house would need to comply with accessibility and fire and safety requirements, however the proposal is nothing more than a shared house.</p> <p>There are a set of external stairs at the rear of the property in the event of a fire, however there is very little safe refuge in the backyard, with no escape. The existing stairs also block safe egress from a ground floor window in the event of a fire.</p> |
| <p>The applicant states that 2-2A Burnett Street is surrounded by residential properties. This is not the case with the site being surrounded by a business, substation and residence.</p> <p>A condition of our change of use in the area included onsite car parking.</p> <p>The subject property has no off-street parking and the change of use to residential should require some form of parking to comply and gain approval.</p> |

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| <p>If approved, a condition should be included on the permit to state that there be no increase in the number of tenants/occupants for this owner nor subsequent owners.</p> <p>Note: in Part 4 of the <i>Residential Tenancy Act 1997</i> it states "<i>An owner must not allow more than 1 person to occupy a room unless they are joint tenants, or unless one of them is a carer for the other</i>". As such 12 occupants is possibly already over the eight bedroom allowance.</p> |
| <p>There is a lack of detail about how the boarding house will operate, and development proposed to the site. The plans are not to scale. Therefore, the information provided fails to comply with the application requirements of clause 8.1.2(d) of the planning scheme and therefore the application is invalid.</p> |

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 is located within the Commercial Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is offices. The proposed use is boarding house (residential). The existing use is a permitted use in the zone. As configured in terms of the boarding house being at both ground and first floor level, the proposed use is a discretionary use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D - 23 Commercial Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.3 E7.0 Stormwater Management Code

- 6.4.4 E8.0 Electricity Transmission Infrastructure Protection Code
- 6.4.5 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Use - Part B 8.10.2
 - 6.5.2 Part E 6.0 - Number of Car Parking Spaces E.6.6.1 P1
 - 6.5.3 Part E 8.0 - Sensitive Use including Development within 65m of a Substation Facility E8.6.1 P1, E8.7.1 P1 and E8.7.2 P1
 - 6.5.4 Part E - Heritage E13.8.1 P1 and E13.8.2 P1 and P2
- 6.6 Each performance criterion is assessed below.
- 6.7 Use - Part B 8.10.2
 - 6.7.1 'Residential' is a discretionary use if at ground floor level in the Commercial zone.
 - 6.7.2 The proposal includes a change of use from offices to boarding house, which is a residential use. The boarding house will be at both ground and first floor levels.
 - 6.7.3 The proposal is for a discretionary use, therefore assessment against Part B 8.10.2 is required.
 - 6.7.4 Part 8.10.2 of the *Hobart Interim Planning Scheme 2015* provides as follows:

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

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

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

- 6.7.5 In relation to clause 8.10.2 (a), the Zone Purpose Statements for the Commercial Zone are as follows:

23.1.1.1 To provide for large floor area retailing and service industries.

23.1.1.2 To provide for development that requires high levels of vehicle access and car parking for customers.

23.1.1.3 To provide for a diversity of generally non-residential uses reflecting the transition between the Central Business Zone and inner residential areas.

23.1.1.4 To allow for uses such as car yards, warehouse and showrooms in the areas of high traffic volume and high passing visibility.

23.1.1.5 To allow good quality building stock to be used for less land extensive central service uses such as offices and specialist wholesaling uses.

23.1.1.6 To allow for service industry uses such as motor repairs which provide a valuable service to users of the central area.

23.1.1.7 To provide for residential use primarily above ground floor level.

While the planning scheme's preferred uses in this zone are of a commercial nature, the site's location and size limit what uses could practically occur. For instance: large floor area retailing and service industries as referred to in clause 23.1.1.1; high levels of vehicle parking and access as referred to in clause 23.1.1.2; a car yard, warehouse or showroom as referred to in 23.1.1.4; wholesaling as referred to in clause 23.1.1.5; and motor repairs as referred to in clause 23.1.1.6, would all not be feasible on the site given: the small 276sqm size of the site; the fact that the site is almost (91%) completely covered by the existing building; that any demolition of the existing building may be problematic given the site is in a Heritage Precinct; that access to the site via a slipway off Burnett Street is limited and constrained; and that there is no onsite parking able to be provided.

Although the proposal will provide a residential use in part at ground floor level, this is not considered to be inconsistent with clause 23.1.1.7, which clearly envisages the provision of some (but not all) residential uses at ground floor level. The nature of the residential use proposed (boarding house), could be considered as contributing to a diversity of uses that reflect the transition between the center of the city and the residential areas surrounding it as referred to in clause 23.1.1.3, providing accommodation for occupants who will benefit from being closer to the city, and who do not need to (and potentially cannot afford to) live in the suburbs. The functioning of this particular residential use in this particular building relies on both ground and first floors.

It is noted that a two dwelling residential development was approved at 6 Burnett Street in 2012, under PLN-12-00286-01. This development has been constructed. While this development was considered under the former *City of Hobart Planning Scheme 1982*, the residential use was also discretionary and considered to be suitable in the previous Central Service Zone. It is considered that the current proposal is for a similarly suitable residential use. The site is located a maximum distance of 45m from the Inner Residential Zone, and the adjoining properties at 4 Burnett Street and number 224 Campbell Street are used as a dwelling and (in part) a flat, respectively. The proposed residential use is considered to be consistent with these surrounding uses.

The existing use is offices, and it is a permitted (and therefore preferred) use in the zone. However, the proposed residential use is not considered to be so inconsistent with the zone purpose statements as to require the applicant to remain using the site as an office. It is also noted that Table 6.1 of the Parking and Access Code requires one car park per 30sqm of floor area for offices, which equates to eight spaces for the existing building on the site. This is compared to a requirement of four spaces for the residential use. The extent of non-compliance with the parking requirements is therefore greater if an office were to be on the site, rather than for the proposed boarding house.

The only other permitted uses on this site are a take away food shop or cafe, passive recreation, motor repairs or liquid or solid fuel depot. The site and building on it are not considered to practically lend themselves to any of these permitted uses.

The proposed use is considered to be consistent with the zone purpose statements.

- 6.7.6 In relation to clause 8.10.2 (b), the planning scheme does not contain any Local Area Objectives or Desired Future Character Statements for the Commercial Zone.
- 6.7.7 In relation to clause 8.10.2 (c), assessment against the applicable codes is provided below.
- 6.7.8 In relation to clause 8.10.2 (d), the property is not located within a specific area plan.
- 6.7.9 The proposed use complies with clause 8.10.2.
- 6.8 Number of Car Parking Spaces Part E6.6.1 P1
- 6.8.1 The acceptable solution at Table E6.1 requires one car parking space per each staff member and one for every three licenced residents.
- 6.8.2 The applicant has advised that there will be a maximum of 12 residents at any one time. No staff members are proposed. There is no existing onsite parking and none is proposed. To comply with Table E6.1, four on site car parking spaces would need to be provided.
- 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 6.6.1P1 provides 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.

6.8.5 The proposal was referred to the Council's Development Engineer for assessment who discussed the proposal with the Council's Manager Traffic Engineering and provided the following comments and advice.

The Council's Manager Traffic Engineering provided the following advice:

I have reviewed the proposed conversion of an office building at 2-2A Burnett Street into an eight bedroom boarding house. I understand that there have been representations against the development on the basis that there is insufficient car parking for this type of use.

However, based on the information provided, the current approved use for the site has a great(er) parking generation than the proposed use as a boarding house – this addresses Clause E6.6.1 P1(g). Residents of the boarding house will not be eligible for resident parking permits and if they have a vehicle this will need to be left in the unrestricted parking spaces on the opposite side of Burnett Street during the day. Overnight there are parking spaces available in the service lane and also on Burnett Street.

I can see no grounds for refusing this application on traffic engineering or road safety grounds. Although not a requirement of the planning scheme it would be good to see the applicant provide secure bicycle parking for residents in order to support a development that has no car parking.

6.8.6 The Council's Development Engineer commented as follows:

The applicant wishes to change the use of the building at this address from office space to boarding house.

The Planner has advised that the proposed change of use of the building to a boarding house will result in the property requiring less vehicle parking spaces than it currently requires with the current use as office space.

I understand that the building has not been fully occupied with office space for a number of years, so the amount of actual parking spaces required for the current use of the building may in fact be less than that required after the change of use, so I can understand why some of the neighbours could be worried about an increased demand for parking from future residents of the boarding house.

Despite these valid concerns about possible future parking problems for nearby residents if the change of use goes ahead, I have to agree with the Manager Traffic Engineering and also have no grounds to recommend refusal of this application.

6.8.7 Advice concerning the provision of bike racks will be placed on the permit.

The proposal has been referred to Council's Cultural Heritage Officer. A full copy of their assessment is provided below at paragraph 6.10. The officer does not object to the non-provision of onsite car parking.

There are no significant trees on the subject site, however there are some significant trees within the adjacent traffic islands and Campbell Street road reservation. These will not be affected by the proposal.

The site is considered to be well located in terms of proximity to the city and North Hobart and the services and facilities those areas provide, as well as being well serviced by public transport. There is also an area of public open space within walking distance on the other side of Burnett Street.

Council's Community Officer, Infrastructure Services and Council's Manager Traffic Engineering have advised that boarding houses are not eligible for residential parking permits. If approved, advice to that effect

will be placed on the planning permit.

6.8.8 The proposal complies with the performance criterion.

6.9 Electricity Transmission Infrastructure Protection Code Part E.8.6.1P1 and E8.7.1 P1 and E8.7.2P1

6.9.1 There is no acceptable solution for a sensitive use including development within 65m of a substation facility, and for development within the Inner Protection Area of the Electricity Transmission Corridor.

6.9.2 The proposal includes a change of use to a sensitive use including development on a site which is located within the Electricity Transmission Corridor, partially within the Inner Protection Area and within 65m of a substation facility.

6.9.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.

6.9.4 The performance criteria at clause E8.6.1P1, E8.7.1 P1 and E8.7.2P1 provide as follows:

E8.6.1P1 - Sensitive Use within 65m of a substation facility:

Use must be located an appropriate distance from the substation facility having regard to the following:

(a) the written advice of a suitably qualified person regarding the likelihood of a sensitive use on the lot experiencing an environmental nuisance (including any mitigation requirements to prevent an environmental nuisance) as a result of noise emissions from the substation facility;

(b) the written advice from the electricity transmission entity.

E8.7.1P1 Development within the electricity transmission corridor

Development must be located an appropriate distance from electricity transmission infrastructure, having regard to all of the following:

(a) the need to ensure operational efficiencies of electricity transmission infrastructure;

(b) the provision of access and security to existing or future electricity transmission infrastructure;

- (c) safety hazards associated with proximity to existing or future electricity transmission infrastructure;*
- (d) the requirements of the electricity transmission entity.*

E8.7.2P1 Development for sensitive uses within 65m of a substation facility

Development must be located an appropriate distance from the substation facility having regard to the following:

- (a) the written advice of a suitably qualified person regarding the likelihood of a sensitive use on the lot experiencing an environmental nuisance (including any mitigation requirements to prevent an environmental nuisance) as a result of noise emissions from the substation facility;*
- (b) any written advice from the electricity transmission entity.*

- 6.9.5 The application was accompanied by a report written by an acoustic engineer with a long standing history of noise assessments. The applicant forwarded the report to Transend, whose Senior Asset Strategy Engineer, provided the following statement:

"I am satisfied with the details included in the report in regards to the transformers at the North Hobart Substation and note the report's author (Pearu Tests being the noise expert) overall conclusion on noise impact."

In addition, Transend's Land Use Planner (Strategic Asset Management), undertook an evaluation of the noise report and provided the following advice to the applicant via email:

"Hi Karin,

Thank you for your patience regarding our evaluation of the noise report for the conversion of an existing building to residential hostel accommodation at 2-2A Burnett Street near TasNetworks' North Hobart substation. Please take this as TasNetworks' written advice for assessment purposes under the Hobart Interim Planning Scheme with respect to the proposal.

It is noted from the noise assessment report that noise experienced in bedrooms on the substation side of the building is less than that experienced in bedrooms on the Burnett Street side of the building.

It is also noted that noise impact calculations take into account likely dBA increases as a result of increased transformer loading and traffic noise and in one bedroom on the substation side of the building and the bedrooms on the Burnett Street side of the building, satisfactory levels have the potential to be exceeded. However, maximum levels are very unlikely to be exceeded in the bedrooms closest to the substation and the range predicted is very close to satisfactory levels. Taking into account noise levels experienced in other bedrooms in the complex closer to the road, the commercial inner city location near major arterial roads and the findings of the noise assessment report, this is considered acceptable for this location.

Please note, that section of the report referring to transformer noise refers to Australian Standard AS2374.6-1994 which was superseded by AS60076-10 in 2009. Provided this aspect of the report is updated and calculation results do not materially alter, TasNetworks provides no objection to the proposal proceeding.

Thank you for the opportunity to comment."

The applicant has advised that the submitted Noise Assessment was updated in light of the advice above. It is considered that both Transend and the acoustic engineer have concluded that the proposal is acceptable with respect to the impact on future occupants of the boarding house, and the ongoing operation of Transend's infrastructure.

A full copy of the Noise Assessment and emails from the above officers are included in Attachment B.

- 6.9.6 One of the issues raised in the representations related to non-compliance with the application requirements of this code. They are set out at clause E8.5 and state as follows:

E8.5.1 Where performance criteria require the planning authority to have regard to the written advice or requirements of the electricity transmission entity, the applicant must provide the written advice of the electricity transmission entity setting out the entity's views of the proposed use or development.

E8.5.2 In the case of development within the electricity transmission corridor, but outside the inner protection area, the applicant must demonstrate, to the satisfaction of the planning authority that, prior to submission of its application, it has notified, in writing, the electricity transmission entity of the substance and extent of its proposed use or development.

E8.5.3 In addition to any other application requirements, the planning authority may require an assessment, by a suitably qualified person, of noise emissions, as necessary to determine compliance with any acceptable solutions or performance criteria.

6.9.8 The applicant has engaged an acoustic engineer to undertake a noise assessment as referred to in clause E8.5.3. This report, along with the details of the proposal, have been provided to Transend, in accordance with clause E8.5.2. Transend have provided written advice that they are content with the proposed use and development, in accordance with clause E8.5.1. As such, the application requirements are considered to be met.

6.9.9 The proposal complies with the performance criteria.

6.10 Historic Heritage Code Part E13.8.1P1 and E13.8.2 P1 and P2

6.10.1 There is no acceptable solution for demolition and building and works to a building within a heritage precinct.

6.10.2 The proposal includes demolition and building and works to a building within a heritage precinct.

6.10.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.

6.10.4 The performance criterion at clause E13.8.1P1 and E13.8.2P1 and P2 provides as follows:

Demolition E13.8.1P1

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.

Building and Works other than Demolition E13.8.2 P1 and P2

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.P1

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.

- 6.10.5 The application was referred to the Council's Cultural Heritage Officer who provided the following assessment:

The proposal relates to a two storey brick built property, potentially originally constructed for residential use but most recently used commercially. The property is not individually Heritage Listed but does form part of the Campbell Street Heritage Precinct (NH9). The proposal seeks internal alterations and minor external works to facilitate its change of use to a boarding house.

With regards to the proposal, it is noted that building in question has been subject to substantial and often unsympathetic alterations in the past. The currently proposed works are considered relatively minor and would have no material impact upon the wider character of the heritage precinct. Given that the intended use would largely reflect the primary residential use of the immediate area, it is considered that the change of use would also be in keeping with the character of the Precinct.

As such, it is considered that the proposal would comply with the Heritage provisions of the Scheme.

- 6.10.6 The officer's full assessment is provided at Attachment C. The proposal complies with the performance criteria.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Alterations and Change of Use to Boarding House at 2-2A Burnett Street, North Hobart.
- 7.2 The application was advertised and received four representations. The representations raised concerns including lack of on and off-street parking, loss of residential amenity, whether a boarding house is an appropriate use in the zone, management of the boarding house, and health and safety concerns.

The proposal is considered to be for a residential use given the length of stay of the occupants, and it has been assessed as such. It is not considered to be 'quasi-backpacker operation', and if the site was to be used for visitor accommodation, then separate planning approval would be required.

The way in which the boarding house is operated, is not strictly a planning matter. That is, the planning scheme doesn't prescribe or express a view on how such a use should be operated. Similarly, whether the proposal is for students only, is not a matter regulated by the planning scheme. It is agreed that the nature of the accommodation and the location of the site, would lend itself to be utilised by students.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Manager Traffic Engineering and Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions. The Noise Assessment Report has been forwarded to Transend and their officers have advised that they have no objection to the proposal based on the conclusions within the report.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations and Change of Use to Boarding House at 2-2A Burnett Street, North Hobart 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 Partial Demolition, Alterations and Change of Use to Boarding House at 2-2A Burnett Street, North Hobart 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 Application Document PLN-18-39 - 2-2A BURNETT STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

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 2018/00115-HCC dated 1 February 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

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.

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

EXTERNAL LIGHTING

Any proposed external lighting/security lighting located to rear or side of the building must operate in accordance with Australian Standard AS4282- Control of the obtrusive effects of outdoor lighting.

RESIDENTIAL PARKING PERMITS

Residents of the boarding house are not eligible to apply for or receive residential parking permits.

ONSITE BICYCLE PARKING

The provision of onsite bicycle racks is strongly recommended.

BUILDING PERMIT

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

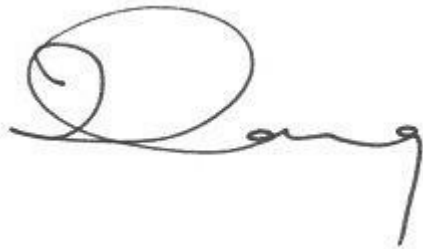
This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

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.

NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.



(Deanne Lang)

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: 8 May 2018

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report