



City of **HOBART**

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	21 January 2019
Expiry Date:	20 February 2019
Application No:	PLN-18-738
Address:	1 - 5 RYDE STREET , NORTH HOBART
Applicant:	Paul Curtain (North Hobart Football Club Ltd) Ryde Street
Proposal:	Partial Demolition and Alterations for Kiosk, and New Building for Coaches and Media Boxes
Representations:	Nil
Performance criteria:	Development Standards, Potentially Contaminated Land Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition and Alterations for Kiosk, and New Building for Coaches and Media Boxes at North Hobart Oval.
- 1.2 More specifically the proposal includes:
 - Demolition of the existing kiosk and coaches/media box.
 - A new building comprising the kiosk, coolroom and wet bar with a roofed terraced area attached.
 - A new coaches and media box.
 - The new buildings are sited 1.5m from the northern boundary.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Zone Development Standards - Building Height, Setback to Residential Zone, Design & Passive Surveillance.
 - 1.3.2 Potentially Contaminated Land Code
- 1.4 No representations were received during the statutory advertising period between 11 December and 28 December 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 the North Hobart Oval, specifically an area on the northern side of the site which contains the existing kiosk building, wet area and coaches box/camera box.



Fig. 1. Subject property.



Fig. 2. The existing kiosk is to the left of the photograph and the existing media box is to the right. The new kiosk will be in the same location (but larger). The new coaches and media box will be to the east (right) of the kiosk in the same location as the existing box.

3. Proposal

3.1 Planning approval is sought for Partial Demolition and Alterations for Kiosk, and New Building for Coaches and Media Boxes at North Hobart Oval.

3.2 More specifically the proposal includes:

- Demolition of the existing kiosk and coaches/media box.
- A new building comprising the kiosk, coolroom and wet bar with a roofed terraced area attached.
- A new coaches and media box.
- The new buildings are sited 1.5m from the northern boundary.

4. Background

4.1 N/A

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 11 December and 28 December 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 is located within the Recreation Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing and proposed use is sports and recreation, which is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 18.0 Recreation Zone
 - 6.4.2 Part E - 2.0 Potentially Contaminated Land Code
 - 6.4.3 Part E - 7.0 Stormwater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Building Height – Part D 18.4.1 P2
 - 6.5.2 Setback to a Residential Zone - Part D 18.4.2 P2
 - 6.5.3 Light Reflectance Value - Part D 18.4.3 P2
 - 6.5.4 Passive Surveillance - Part D 18.4.4 P1
 - 6.5.5 Potentially Contaminated Land Code - Part E 2.6.2 P1

6.6 Each performance criterion is assessed below.

6.7 Building Height - Part D 18.4.1 P2

6.7.1 The acceptable solution at clause 18.4.1 A2 requires that the maximum building height within 10m of a residential zone is 8.5m.

6.7.2 The proposal includes a coaches and media box which is slightly higher at 8.565m, and sited 1.5m from the inner residential zone.

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 at clause 18.4.1 P2 provides as follows:

Building height within 10 m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.

6.7.5 The only adjoining lot is 393 Argyle Street, which is Rydges. There are a number of buildings on this site. The closest Rydges building to the coaches/media box is a two storey heritage listed building. The new coaches/media box is a similar size to the existing box which will be demolished, and is compatible in height with the nearest multi-storey building on the Rydges site. The photograph below shows the existing coaches/media box in comparison to the Rydges building beyond.



6.7.6 The proposal complies with the performance criterion.

6.8 Setback to a Residential Zone - Part D 18.4.2 P2

6.8.1 The acceptable solution at clause 18.4.2 A2 requires that set back to a residential zone must be no less than 3.0m or half the height of the wall (whichever is greater).

6.8.2 The proposal includes a new kiosk and coaches/media box which are set back 1.5m from the northern boundary with the inner residential zone. To be permitted, the kiosk should be set back 3.0m and the coaches/media box should be set back 4.3m.

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 18.4.2 P2 provides as follows:

Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:

(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;

(b) overlooking and loss of privacy;
(c) visual impact when viewed from adjoining lots,

taking into account aspect and slope.

6.8.5 The adjacent site is Rydges (393 Argyle Street) which is an accommodation and reception centre. The new kiosk and coaches/media box is separated from the nearest building at 393 Argyle Street by the property's car park. The Rydges buildings are to the north of the kiosk and coaches/media box and so would not be affected by overshadowing. There is no overlooking or loss of privacy, and minimal visual impact. The kiosk is single storey and the coaches/media box while higher, is a relatively small structure and a similar height to the existing coaches/media box.

6.8.6 The proposal complies with the performance criterion.

6.9 Light Reflectance Value - Part D 18.4.3 P2

6.9.1 The acceptable solution at clause 18.4.3 A2 requires that walls facing a residential zone are coloured with colours which have a light reflectance value of not greater than 40%.

6.9.2 The proposal includes a kiosk with a brick wall which meets the acceptable solution. The coaches/media box will be clad in vertical cladding, but the applicants have not decided on the colour of the cladding yet.

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

6.9.4 There is no performance criterion.

6.9.5 As there is no performance criterion, the permit will be conditioned so that the acceptable solution is met.

6.10 Passive Surveillance - Part D 18.4.4 P1

6.10.1 The acceptable solution at clause 18.4.4 A1 requires that a building complies with a number of design elements, including that (b) 40% of the surface area of the ground floor level facade is glazed and (c) that 30% of the surface area of the ground floor level facade is glazed where the facade faces a public space.

6.10.2 The proposal includes a new kiosk building whose facade is 17% glazed and a coaches/media box which does not have a ground floor level facade. The only glazing is on the second and third levels.

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

6.10.4 The performance criterion at clause 18.4.4 P1 provides as follows:

Buildings design must provide for passive surveillance of public spaces by satisfying all of the following:

(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;

(b) locate windows to adequately overlook the street and adjoining public spaces;

(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;

(d) locate external lighting to illuminate any entrapment spaces around the building site;

(e) provide external lighting to illuminate car parking areas and pathways;

(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;

(g) provide for sight lines to other buildings and public spaces.

6.10.5 The proposal requires assessment against (b) and (c). The windows of the kiosk are adequate to overlook the public space between the playing oval and the kiosk and so meets (b). The open sided and covered wet area will provide excellent surveillance. The windows on the second and third levels allow surveillance from the coaches/media box and so meets (b). As neither building is a shop or office, there is no requirement to meet (c).

6.10.6 The proposal complies with the performance criterion.

6.11 Potentially Contaminated Land Code - Part E 2.6.2 P1

- 6.11.1 There is no acceptable solution for excavation of potentially contaminated land.
- 6.11.2 The proposal includes excavation of more than 1.5m² where the neighbouring property (393 Argyle Street) is listed as potentially contaminated.
- 6.11.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.11.4 The performance criterion at clause E.2.6.2 P1 provides as follows:

Excavation does not adversely impact on health and the environment, having regard to:

(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or

(b) a plan to manage contamination and associated risk to human health and the environment that includes:

(i) an environmental site assessment;

(ii) any specific remediation and protection measures required to be implemented before excavation commences; and

(iii) a statement that the excavation does not adversely impact on human health or the environment.

- 6.11.5 The Council's Environmental Health Officer has advised as follows:

An Environmental Site Assessment has been submitted that recommended that a CEMP was done. The CEMP was requested and submitted. All recommendations in both documents to be adhered to. Permit to be conditioned to this effect.

- 6.11.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition and Alterations for Kiosk, and New Building for Coaches and Media Boxes at North Hobart Oval.

- 7.2 The application was advertised and no representations were received.
- 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, Environmental Engineer and Environmental Health Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition and Alterations for Kiosk, and New Building for Coaches and Media Boxes at 1-5 Ryde 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 Partial Demolition and Alterations for Kiosk, and New Building for Coaches and Media Boxes at 1-5 Ryde 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 PLN-18-738 - 1-5 RYDE 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 2018/01801-HCC dated 19 November 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s2

The walls of the north elevation of the coaches/media box must be coloured using colours with a light reflectance value not greater than 40 percent prior to the first occupation of the coaches/media box.

Revised plans or details satisfying this requirement must be submitted and approved, prior to the issue of any approval under the Building Act 2016.

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

Advice:

Once the revised plans 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 building design contributes positively to adjoining land in a residential zone

ENG sw2.1

The Council's stormwater infrastructure adjacent to / within the subject site must be protected from damage during the construction of the development.

Digital copies of a pre and post construction work CCTV video and associated report(s) of any Council stormwater main within two metres of the works must be submitted to Council:

- 1. prior to issue of any consent under the Building Act 2016 / the commencement of work, and**
- 2. after completion of all work but prior to the issue of any Certificate of Completion.**

The pre and post construction work CCTVs will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner fails to provide to the Council a pre-construction works 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.

Advice: Due to the diameter of the main, a tractor camera will be required to obtain adequately clear footage.

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.

ENG sw3

The proposed works (including foundations and overhangs) must be designed to ensure the long term protection of and access to the Council's stormwater infrastructure.

A detailed design certified by a suitably qualified engineer must be submitted and approved prior to issue of any consent under Building Act 2016. The detailed design must:

- 1. Demonstrate how the design will ensure the protection of and provide access to the Council's stormwater main.**
- 2. Include certification by a suitably qualified engineer (that the works do not impose any loads on the storm water main and the structure is entirely independent of the main and its trenching).**
- 3. Demonstrate how adequate access to the main is maintained.**
- 4. Demonstrate that no additional loads are imposed on the stormwater main.**
- 5. Demonstrate that the structure is entirely independent of the main and its trenching.**
- 6. Include (but not be limited to) details of cross-sections, minimum separation, adequate cover.**

Prior to issue of any Certificate of Completion a suitably qualified engineer must confirm the installation of the works within two metres of Council's stormwater main is in accordance with the approved drawings and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

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)

As the proposal does not demonstrate the developers intention around the public stormwater infrastructure this condition is required if works are to occur over or within 2 metres of the public stormwater infrastructure. Relaxation of this condition can only be granted by the environmental engineering unit.

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG sw4

The development must be drained to Council infrastructure. Any new stormwater connection required must be constructed, and existing redundant connections must be sealed at the owner's expense prior to issue of a Certificate of Completion or first occupation whichever comes first.

Detailed design drawings showing both existing and proposed services must be submitted and approved, prior to issue of any consent under the Building Act 2016 / commencement of work. The detailed design drawings must include:

- 1. the location of the proposed connections and all existing connections;**
- 2. the size and design of the connection(s) such that they are appropriate to safely service the development given the limited receiving capacity of Council infrastructure;**
- 3. long-sections of the proposed connection(s) clearly showing any nearby services, cover, size, material and delineation of public and private infrastructure; and**
- 4. Clearly distinguish between public and private infrastructure**
- 5. Be checked and certified by a qualified and experienced engineer.**

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

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

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to initiate an application for service connection.

Any proposed public stormwater infrastructure will require detailed engineering drawings, which must be checked and certified by a qualified and experienced Civil Engineer. The construction of public infrastructure will require a Permit to Construct Public Infrastructure.

Reason for condition

To ensure the site is drained adequately

ENG sw5

The new stormwater infrastructure must be constructed and any existing infrastructure made redundant prior to issue of a completion certificate or first occupation, whichever occurs first.

Engineering design drawings must be submitted and approved, prior to commencement of work. The engineering drawings must:

- 1. be certified by a qualified and experienced Engineer.**
- 2. show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and inspection openings.**
- 3. Include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment.**
- 4. Clearly distinguish between public and private infrastructure.**
- 5. Be substantially in accordance with the LGAT drawings.**

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

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

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

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.

ENG s1

Site survey drawings must be submitted and approved, prior to any consent granted under the Building Act 2016. The Survey drawings must:

- 1. be certified by a qualified and experienced Surveyor.**
- 2. Show a site plan of stormwater mains, including but not limited to, location of main and connections, surface levels, invert levels, material, pipe size, manholes, easements and inspection openings.**
- 3. Clearly distinguish between public and private infrastructure.**
- 4. Show all other infrastructure in the area both private and public, clearly distinguish between public and private.**

All work required by this condition must be undertaken prior to the removal of existing infrastructure or approval of new infrastructure.

Advice: Once the Survey drawings has been accepted the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure, and ensure the continued operation and service of the current stormwater infrastructure.

ENG s2

The cost of any alterations to the Council's or third-party infrastructure, including the site's service connection points, incurred as a result of the proposed development works must be met by the owner / developer.

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.

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.

ENVHE 1

Recommendations in the reports *Preliminary Environmental Site Assessment (PSEA) Report* prepared by EM&C and dated 26 August 2018 and *Construction and Environmental Management Plan* prepared by EM&C and dated 27 November 2018 must be implemented.

Reason for condition

To ensure that the risk to future occupants of the building remain low and acceptable.

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.

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

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.

SPECIAL CONNECTION PERMIT

You may need a Special Connection Permit (Trade Waste) in accordance with the *Plumbing Regulations 2014* and the Tasmanian Plumbing Code. Click [here](#) for more information.

PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. 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 connection](#).

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

DIAL BEFORE YOU DIG

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



(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.



(Rohan Probert)

Manager Development Appraisal

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

Date of Report: 2 January 2019

Attachment(s):

Attachment B - CPC Agenda Documents