

AGENDA City Planning Committee Meeting Open Portion

Monday, 15 July 2019

at 5:00 pm Lady Osborne Room, Town Hall

THE MISSION

Working together to make Hobart a better place for the community.

THE VALUES

The Council is:

about people We value people – our community, our customers and

colleagues.

professional We take pride in our work.

enterprising We look for ways to create value.

responsive We're accessible and focused on service.

inclusive We respect diversity in people and ideas.

making a difference We recognise that everything we do shapes Hobart's

future.

ORDER OF BUSINESS

Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.

APOLOGIES AND LEAVE OF ABSENCE

1.	VACANCY				
2.	CO	NFIRM <i>A</i>	ATION OF MINUTES	5	
3.	CO	NSIDER	ATION OF SUPPLEMENTARY ITEMS	5	
4.	INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST				
5.	TRANSFER OF AGENDA ITEMS				
6.	PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS				
7.	COMMITTEE ACTING AS PLANNING AUTHORITY				
	7.1		CATIONS UNDER THE SULLIVANS COVE PLANNING ME 1997	8	
			3 Argyle Street, Hobart - Alterations		
	7.2		CATIONS UNDER THE HOBART INTERIM PLANNING ME 2015	26	
		7.2.1	31 Beddome Street, Sandy Bay - Two Multiple Dwellings (One Existing, One New)	26	
		7.2.2	PLN-17-291 – 25 Hill Street, West Hobart Alterations, Signage and Change of Use to Service Industry	121	
		7.2.3	26 Darling Parade, Mount Stuart and Adjacent Road Reserve - Partial Demolition, Deck, New Driveway and Carparking	150	
		7.2.4	55-59 Murray Street, Hobart and Adjacent Road Reserve - Partial Demolition, Alterations and Signage	212	
		7.2.5	27 Hampden Road, 29 Hampden Road Battery Point - Partial Demolition, Alterations and Fencing	258	
		7.2.6	424 Strickland Avenue and Adjacent Road Reserve, South Hobart - Parking Deck	303	
0	DEI	ODTO		244	

	8.1	Residential Amenity Provisions in Non-Residential Zones - Hobart Interim Planning Scheme 2015 - Proposed Planning Scheme Amendments - PLN-19-1	341
	8.2	City Planning - Advertising Report	
		Delegated Decisions Report (Planning)	
	8.4	Monthly Building Statistics - 1 June - 30 June 2019	. 388
9.	RES	SPONSES TO QUESTIONS WITHOUT NOTICE	. 393
	9.1	Slate Roof Alternatives on Heritage Buildings	. 394
		Slate Roof Alternatives on Heritage Buildings Lift Incorporation	
10.	9.2		. 396

City Planning Committee Meeting (Open Portion) held Monday, 15 July 2019 at 5:00 pm in the Lady Osborne Room, Town Hall.

COMMITTEE MEMBERS Apologies:

Deputy Lord Mayor Burnet (Chairman)

Briscoe

Denison Leave of Absence: Nil

Harvey Behrakis

NON MEMBERS

Lord Mayor Reynolds

Zucco

Sexton

Thomas

Dutta

Ewin

Sherlock

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY

2. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the City Planning Committee meeting held on Monday, 24 June 2019 and the Special City Planning Committee meeting held on Monday, 1 July 2019, are submitted for confirming as an accurate record.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015.

Recommendation

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager.

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the Local Government (Meeting Procedures) Regulations 2015.

Members of the committee are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with.

5. TRANSFER OF AGENDA ITEMS

Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

A committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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

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

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

RECOMMENDATION

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

7. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

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

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 3 ARGYLE STREET, HOBART - ALTERATIONS PLN-19-324 - FILE REF: F19/93010

Address: 3 Argyle Street, Hobart

Proposal: Alterations

Expiry Date: 12 August 2019

Extension of Time: Not applicable

Author: Adam Smee

RECOMMENDATION

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for alterations at 3 Argyle Street, 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-19-324 - 3 ARGYLE STREET HOBART TAS 7000 - Final Planning Documents.

Reason for condition

To clarify the scope of the permit.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit 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 Permitted Planning Permit issued in accordance with section 58 of the Land Use Planning and Approvals Act 1993.

Attachment A: PLN-19-324 - 3 ARGYLE STREET HOBART TAS

7000 - Planning Committee or Delegated Report U

Attachment B: PLN-19-324 - 3 ARGYLE STREET HOBART TAS

7000 - CPC Agenda Documents U

Attachment C: PLN-19-324 - 3 ARGYLE STREET HOBART TAS

7000 - Referral Officer Report - Cultural Heritage I

Attachment D: PLN-19-324 - 3 ARGYLE STREET HOBART TAS

7000 - GM Consent I



APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997

City of HOBART

Type of Report: Committee

Council: 22 July 2019

Expiry Date: 12 August 2019

Application No: PLN-19-324

Address: 3 ARGYLE STREET, HOBART

Applicant: Ken Betlehem

Hobart City Council 16 Elizabeth St

Proposal: Alterations

Representations: No representations.

Performance criteria: No performance criteria (permitted application).

1. Executive Summary

- 1.1 Planning approval is sought for alterations.
- 1.2 More specifically the proposal includes:
 - alterations to the existing building on the site,
 - the alterations are limited to the installation of polished stainless steel panels upon the wall at the north-western corner of the building,
 - the panels would form an "urban mirror" and have an area of approximately 13.8m².
- 1.3 The proposal complies with all acceptable solutions for all applicable standards.
- 1.4 The application is permitted and was not advertised in accordance with section 58 of the Land Use Planning and Approvals Act 1993.
- 1.5 The proposal must be approved in accordance with s58 of the *Land Use Planning* and *Approvals Act 1993*.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

2.1 The proposed development site is an existing building on the Hobart waterfront, known as either Mawson Pavilion or Waterside Pavilion. The building is at the southern corner of Constitution Dock and between Franklin Wharf and Argyle Street. The pavilion is set within a paved area of public open space that extends to the north-west and south-west. The Marine Board building is further to the south-west, on the opposite side of a public square, which contains a variety of commercial uses. The Civic Square precinct is to the west of the site, on the opposite side of Argyle Street.

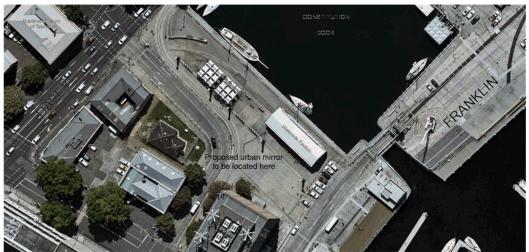


Figure 1: aerial view of proposed development site and surrounding land (source: CoH GIS, accessed 2/7/2019).

3. Proposal

- 3.1 Planning approval is sought for alterations.
- 3.2 More specifically the proposal is for:
 - · alterations to the existing building on the site,
 - the alterations are limited to the installation of polished stainless steel panels upon the wall at the north-western corner of the building,
 - the panels would form an "urban mirror" and have an area of approximately 13.8m².



Figure 2. The proposed alterations, which are on the south facing side of Mawson Pavillion.

4. Background

4.1 The consent of Council's General Manager is required for the application to be made as it involves land that its administered by the City of Hobart. This consent was provided upon 31 May 2019 and is included as an attachment to the report.

5. Concerns raised by representors

5.1 The application is permitted and was not advertised in accordance with section 58 of the *Land Use Planning and Approvals Act 1993*.

6. Assessment

6.1 The Sullivans Cove Planning Scheme 1997 is a performance based planning scheme. This approach recognises that there are in many cases a number of ways

in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.

- The site is located in the Sullivans Cove Mixed Use Activity Area of the Sullivans Cove Planning Scheme 1997.
- The existing use of the site is for a function centre. The proposal would not affect the existing use. The existing use is a permitted use in the Activity Area.
- 6.4 In accordance with clause 10 of the planning scheme, the proposal has been assessed against:
 - 6.4.1 Parts A and B Strategic Framework
 - 6.4.2 Part D Clause 4.3 Activity Area Controls
 - 6.4.3 Part E Schedule 1 Conservation of Cultural Heritage Values
 - 6.4.4 Part E Schedule 2 Urban Form
- The proposal does not rely upon performance criteria to comply with the applicable standards.

7. Discussion

- 7.1 Planning approval is sought for alterations.
- 7.2 The application was not advertised, in accordance with section 58 of the *Land Use Planning and Approvals Act 1993*.
- 7.3 The proposal has been assessed against the provisions of the *Hobart Interim Planning Scheme 2015* and does not rely on any performance criteria to satisfy the scheme's relevant standards and codes. As such, the proposal must be approved by Council in accordance with the provisions of section 58 of the *Land Use Planning and Approvals Act 1993*.

- 7.4 The proposal has been assessed by Council's Cultural Heritage Officer, who raised no objection to the proposal. The officer's report is provided at Attachment C to this report.
- 7.5 The proposal must be approved.

8. Conclusion

8.1 The proposed alterations at 3 Argyle Street, Hobart satisfies the relevant provisions of the Sullivans Cove Planning Scheme 1997 and is recommended for approval.

9. Recommendations

That:

Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for alterations at 3 Argyle Street, 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-19-324 - 3 ARGYLE STREET HOBART TAS 7000 - Final Planning Documents.

Reason for condition

To clarify the scope of the permit.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit 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 Permitted Planning Permit issued in accordance with section 58 of the *Land Use Planning and Approvals Act 1993*.



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.

(Ben Ikin)

Acting 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.

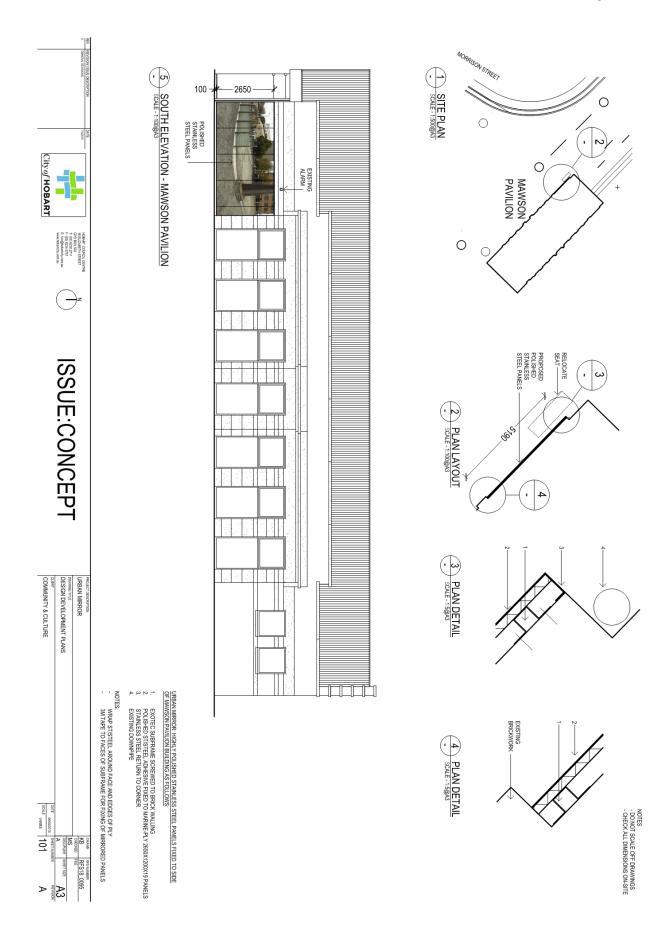
Date of Report: 2 July 2019

Attachments:

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report - Cultural Heritage

Attachment D - GM Consent



Application Referral Cultural Heritage - Response

From:	Allie Costin
Recommendation:	Proposal is acceptable without conditions.
Date Completed:	
Address:	3 ARGYLE STREET, HOBART
Proposal:	Alterations
Application No:	PLN-19-324
Assessment Officer:	Adam Smee,

Referral Officer comments:

Proposal for installation of an 'Urban Mirror'. The proposal involves the fixing of highly polished stainless steel panels to the southern elevation of the Mawson Pavilion Building. The Mawson Pavilion Building is located adjacent to a heritage listed place – Constitution Dock. The application must be assessed against 22.5.4 of the Sullivans Cove Planning Scheme 1997.

22.5.4 'Permitted' 'Building or Works'

'Building or works' on other land within the planning area is 'permitted' in respect to this Schedule where it can be demonstrated that the following 'deemed to comply' standards can be met:

For 'building or works' on sites adjacent (as defined in clause 22.3) to a place of cultural significance:

- The height of 'building or works' adjacent to places of cultural significance must not exceed that of any building on the place, at a distance of less than 10 (horizontal) metres from the building; and
- The area of the facade of any new 'building or works' must not exceed that of the facade of an adjacent place of cultural significance by a factor of 2.

The proposed works at the Mawson Pavilion Building are deemed to comply with the above standards. The proposal is considered acceptable when assessed against the relevant Heritage Provisions of the Sullivans Cove Planning Scheme 1997

Alexandria Costin Cultural Heritage Officer 6th of June 2019



31 May 2019

MEMORANDUM: GENERAL MANAGER

REQUEST TO GRANT LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: Waterside Pavilion, Mawson Place

Description of Proposal: Installation of a mirror on the side of Waterside

Pavilion in Mawson Place

Applicant Name: Tim Short, Director Community Life

PLN (if applicable):

Outcome Area 1 of the City of Hobart's Creative Hobart Strategy outlines the City's aim to become a platform for creative expression. Several platforms have already been established including the Soapbox bill boards in Mathers Place and the Loop LED screen on Elizabeth Street. This infrastructure allows for the work of writers, film makers, photographers and visual artists to be featured in public space.

In recent years dancers have begun to rehearse in Hobart's public spaces using reflective surfaces such as shop windows to practice individually and in groups. K-pop (Korean pop) has become popular, particularly amongst girls aged between 15 and 25 years old.

It is proposed that the City of Hobart install a mirror on the south western wall of the Waterside Pavilion in Mawson Place (see attached drawing) which would provide a platform for dancers in Hobart. This activity already occurs in this area and consultation with local dancers indicates that this would be a desirable location. This also recognises the opportunity for this activity to happen in a relatively safe and observable area - whereas other sites that have been used (laneways around the city) provide less personal safety for the participants.

The use of the site and facility also provides significant activation potential for events and will add considerably to the potential of the area around the Waterside Pavilion, and aligns to a growing demand to develop public activity and amenity in this area.

This proposal will not conflict with the City Economy, Tourism and Events Augmented Reality experience which is located in the south eastern corner of Mawson Place.

The mirror would be fixed to the side wall of Waterside Pavilion and fabricated from polished stainless steel. It is envisaged that this piece of infrastructure would have a life of three years.

The mirror would be 5 metres long and 2.6 metres high. The cost of the mirror is \$3,500, with installation being \$3,170. This would be shared cost between the Creative Hobart and City Activation budgets.

In the development of this proposal consultation has occurred with the City of Hobart's Group Manager City Governance and Customer Relations, Manager Tourism, Manager Traffic Engineering, Senior Cultural Heritage Officer, Community Activation and Grants Coordinator, Community Participation Coordinator and Youth Arts Officer.

Planning Approval would be required prior to the installation of the mirror.

The City of Hobart's Cleansing Team have indicated that they could clean the mirror three times per week which would be paid from the Public Art Maintenance and Cleansing allocation.

Hallkeeping Services and the Active Communities team have also started restricting traffic usage on this "deck" area to reduce risks for the general public and specific users in this area.

RECOMMENDATION

That pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, the General Manager grant consent on behalf of the Hobart City Council as the owner/administrator of the above land to allow the applicant to make application to the City for a planning permit for the development described above and as per the attached documents.

(Kimbra Parker)

(Parlow).

MANAGER INCLUSIVE, RESILIENT AND CREATIVE COMMUNITIES

ENDORSED:

(Tim Short)

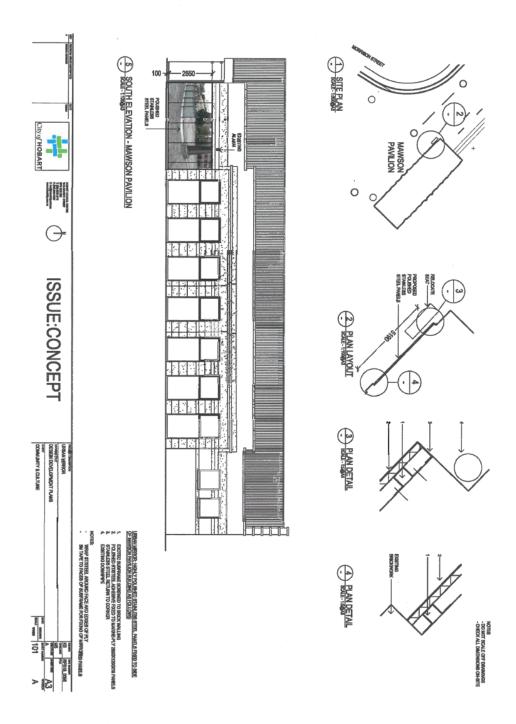
DIRECTOR COMMUNITY LIFE

Approved / Not Approved

GENERAL MANAGER

Attachments/Plans:

Yes





Enquiries to:

Jane Castle

7

(03) 6238 2767

= 1

coh@hobartcity.com.au

Our Ref.

RFS18-0095

31 May 2019

Tim Short
Director Community Life
Town Hall
GPO Box 503
HOBART TAS 7001

Via Email:

shortt@hobartcity.com.au

Dear Mr Short

NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address:

Waterside Pavilion, Mawson Place

Description of Proposal:

Installation of a mirror on the side of Waterside

Pavilion in Mawson Place

Applicant Name:

Tim Short, Director Community Life

PLN (if applicable):

I write to advise that pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority or as the owner/administrator of the land.

Yours faithfully

(N. D. Heath)

GENERAL MANAGER

Attachment: Land Owner Consent

Hobart Town Hall 50 Macquarie Street Hobart TAS 7000 Hobart Council Centre 16 Elizabeth Street Hobart TAS 7000 City of Hobart GPO Box 503 Hobart TAS 7001 T 03 6238 2711 F 03 6234 7109 E coh@hobartcity.com.au W hobartcity.com.au f CityofHobartOfficial

ABN 39 055 343 428 Hobart City Council



LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address:

Waterside Pavilion, Mawson Place

Description of Proposal:

Installation of a mirror on the side of Waterside

Date: 3/6/19

Pavilion in Mawson Place

Applicant Name:

Tim Short, Director Community Life

PLN (if applicable):

The land indicated above is owned or is administered by the Hobart City Council.

The applicant proposes to lodge an application for a permit, pursuant to the *Land Use Planning and Approvals Act 1993*, in respect to the proposal described above.

Part or all of the application proposes use and/or development on land owned or administered by the City located at Installation of a mirror on the side of Waterside Pavilion in Mawson Place (as shown on the attached plans).

Being and as General Manager of the Hobart City Council, I provide written permission to the making of the application pursuant to Section 52(1B)(b) of the Land Use Planning and Approvals Act 1993.

(N. D. Heath)

GENERAL MANAGER

This consent is for the making of a planning application only, and does not constitute landlord consent for the development to occur.

Attachments/Plans:

Yes



31 May 2019

MEMORANDUM:

LORD MAYOR

DEPUTY LORD MAYOR ELECTED MEMBERS

GENERAL MANAGER CONSENT TO LODGE A PLANNING APPLICATION SECTION 52(1B)(b) OF LUPAA

Site Address:

Waterside Pavilion, Mawson Place

Description of Proposal:

Installation of a mirror on the side of Waterside

Pavilion in Mawson Place

Applicant Name:

Tim Short, Director Community Life

PLN (if applicable):

Pursuant to Section 52(1B)(b) of the Land Use Planning and Approvals Act 1993, the General Manager may provide written permission to allow the submission of a planning application involving Council-owned/administered land.

Following a request from the above applicant, I have provided consent for the lodgement of a planning application.

The applicant has been advised that the granting of the consent is only for the making of the application and in no way should the consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority or as the owner/administrator of the land.

As the planning application proceeds through the statutory process, statutory public advertising may be required.

(N. D. Heath)

GENERAL MANAGER

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 31 BEDDOME STREET, SANDY BAY - TWO MULTIPLE DWELLINGS (ONE EXISTING, ONE NEW) PLN-18-504 - FILE REF: F19/90781

Address: 31 Beddome Street and 8 Niree Lane, Sandy

Bay

Proposal: Two Multiple Dwellings (one existing, one new)

Expiry Date: 3 August 2019

Extension of Time: Not applicable

Author: Helen Ayres

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for two multiple dwellings (one existing, one new) at 31 Beddome Street and 8 Niree Lane, Sandy Bay for the following reasons:

- The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.15 P1 (a) of the *Hobart Interim Planning Scheme 2015* because the use of Niree Lane is not safe or suitable for the type and volume of traffic likely to be generated.
- The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.15 P1 (b) of the *Hobart Interim Planning Scheme 2015* because conflicts between users are not avoided.
- The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.15 P1 (c) of the *Hobart Interim Planning Scheme 2015* because access is not available for refuse and service vehicles.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.15 P1 (d) of the *Hobart Interim Planning Scheme 2015* because the use of Niree Lane will result in unreasonable adverse amenity impacts on residents along Niree Lane.

Attachment A: PLN-18-504 - 31 BEDDOME STREET SANDY BAY

TAS 7005 - Planning Committee or Delegated

Attachment B: City Planning Committee - 15 July 2019 - PLN-18-

504 - 31 BEDDOME STREET AND 8 NIREE HEIGHTS SANDY BAY TAS 7005 - CPC Agenda

Documents ↓

Attachment C: PLN-18-504 - 31 BEDDOME STREET SANDY BAY

TAS 7005 - Planning Referral Officer Development

Engineering Report !

Attachment D: PLN-18-504 - 31 BEDDOME STREET AND 8

NIREE HEIGHTS SANDY BAY TAS 7005 - CPC Supporting Documents (Supporting information)



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
Council: 22 July 2019
Expiry Date: 3 August 2019
Application No: PLN-18-504

Address: 31 BEDDOME STREET, SANDY BAY

8 NIREE HEIGHTS, SANDY BAY

Applicant: Carmen Jiawen Lo (Oramatis Studio)

212 Elizabeth Street

Proposal: Two Multiple Dwellings (one existing, one new)

Representations: Nine (9)

Performance criteria: Zone Development Standards

Road and Railway Assets Code Parking and access Code

1. Executive Summary

- 1.1 Planning approval is sought for two multiple dwellings (one existing, one new) at 31 Beddome Street and 8 Niree Heights, Sandy Bay.
- 1.2 More specifically the proposal includes:
 - Retention of the existing dwelling on site.
 - Construction of a new, three storey dwelling in the south eastern corner of the lot.
 - The new dwelling will have a kitchen, bedroom, living room and bathroom on the lower level, a second bathroom, a media room and three bedrooms, one with ensuite and walk in wardrobe, on the middle level, and an open kitchen, dining and living room and internally accessible three car garage on the upper level.
 - The new dwelling will be accessed off Niree Lane, as will the existing dwelling.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Zone Development Standards Building Envelope, Private Open Space, Privacy, and Waste Storage
 - 1.3.2 Road and Railway Assets Code Road Accesses and Junctions

- 1.3.3 Parking and Access Code Number of Parking Spaces, Layout of Parking Areas, and Access to Niree Lane, Sandy Bay
- 1.4 Nine (9) representations objecting to the proposal were received within the statutory advertising period between 19 December 2018 and 4 January 2019.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The application site is an irregularly shaped 1480m² lot on the southern side of Beddome Street, Sandy Bay. The site slopes relatively steeply up from Beddome Street to Niree Lane at the rear, with Niree Lane being used to access the existing dwelling on the site. That existing dwelling is two storey with an attached carport, and is located toward the Niree Lane frontage of the site. There are currently two accesses to the site from Niree Lane, the first of which allows vehicles to enter the site, and the second allows vehicles to leave the site. There is a steep pathway provided from the dwelling down to Beddome Street for pedestrian access.
- 2.2 The site is bounded largely by a Council Reserve to the South, and residential development to all other sides.



Figure 1: The application site (highlighted in yellow) in the context of its surrounds



Figure 2: The application site is highlighted in yellow

3. Proposal

- 3.1 Planning approval is sought for multiple dwellings (one existing, one new) at 31 Beddome Street and 8 Niree Heights, Sandy Bay.
- 3.2 More specifically the proposal is for:
 - Retention of the existing dwelling on site.
 - Construction of a new, three storey dwelling in the south eastern corner of the lot.
 - The new dwelling will have a kitchen, bedroom, living room and bathroom on the lower level, a second bathroom, a media room and three bedrooms, one with ensuite and walk in wardrobe, on the middle level, and an open kitchen, dining and living room and internally accessible three car garage on the upper level.
 - The new dwelling will be accessed off Niree Lane, as will the existing dwelling.

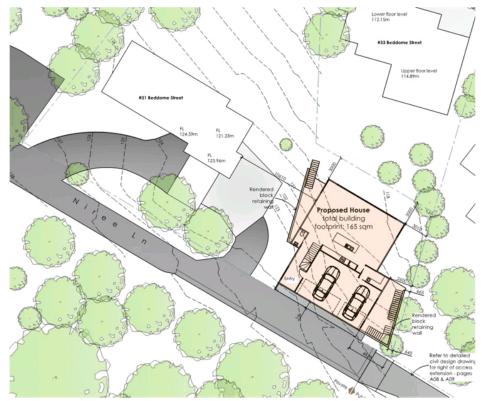


Figure 3: The proposed site layout.



Figure 4: Elevations of proposed second dwelling

4. Background

- 4.1 The site has a long history of development proposals, including subdivision, multiple dwelling, and dwelling addition approvals, none of which have come to fruition.
- 4.2 The most recent, and relevant of these is PLN-14-00961-01. In 2014 an application was made for a dwelling and ancillary dwelling on a lot already containing a single dwelling. The timeline of significant events for this application is as follows:
 - · A permit was issued on 9 October 2014.
 - An extension of time was sought and granted on 22 December 2016.
 - A further extension of time was sought and granted on 26 December 2018.
 - The current (and final) expiry date for this permit is 9 October 2020.
- 4.3 This permit was originally granted under the *City of Hobart Planning Scheme* 1982. When the first extension of time request was received, the *Hobart Interim Planning Scheme* 2015 had come into effect. This saw a change in strategic direction that directly affected the application. Specifically, the Niree Lane Multiple Dwellings provision had been included in the Parking and Access Code, precluding multiple dwellings from accessing from Niree Lane unless specific criteria could be met by the development.
- 4.4 As a result of the change of strategic direction, the Senior Statutory Planner sought comment from the Manager Traffic Engineering as to the appropriateness of the use of Niree Lane to access the multiple dwellings, and as such, to assist in determining whether the requested extension of time should be granted for the permit.
- 4.5 Comment provided did not recommend refusal of the proposed extension of permit, and on that basis, a recommendation was made to the Council that the extension of time be granted. The Council agreed with the officer recommendation and extended the planning permit by two years.
- 4.6 At the end of the two year extension a further extension was sought by the applicant. Given the previous advice, and previous support of the Council, the Senior Statutory Planner approved the second extension of time request under delegation.
- 4.7 It is also noted that an application for subdivision was approved under PLN-14-00835-01 in late 2014. An audit of Council's records has found no extension of time for this permit, and in the absence of evidence of substantial commencement of that permit, it is considered to have expired.

In relation to this application (PLN-18-504), the application was advertised in January 2019, received nine representations and was en route to be determined by elected members in early February 2019. Due to the officer recommendation for refusal, the applicant requested that the application be deferred to enable their options to be considered. Subsequent extensions of time have been granted, with the application currently expiring on 3 August 2019. The applicant has now asked that the application as publicly advertised in January 2019 be determined. No changes have been made to the publicly advertised proposal.

5. Concerns raised by representors

- 5.1 Nine (9) representations objecting to the proposal were received within the statutory advertising period between 19 December 2018 and 4 January 2019.
- 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.

Covenants:

One representor is concerned that there are restrictive covenants on the land which limit the height and setback of new buildings. The representor feels that the proposed works do not meet these title restrictions.

Alterations to Right of Way:

One representor is concerned that the proposal plans include an extension to the formed right of way to enable access to the development site. The representor is concerned that this right of way will end in a 3m wide steel gate, which will impede their access to and use of the Council reserve.

Representors had a number of questions regarding the right of way through 8 Niree Lane (the Council reserve). These questions related to who can use the right of way, what type of vehicle can access it, who is responsible for maintaining it, whether car parking is allowed on it, who manages / pays for improvements to it, who is liable for injury or loss of property on the right of way, can the right be extinguished / modified by any affected property?

Process:

One representor has suggested that the advertising period ought to be extended because the location of the site notices was not noticed, and that the application only came to their attention as the result of a conversation with a neighbour. The representor has also suggested that the advertised address for the application is inaccurate as they believe that the application site is 31 Beddome Street, not Niree Lane.

Traffic / Access / Parking:

One representor has suggested that it would be preferable for the proposed new dwelling to gain access from Beddome Street, rather than via Niree Lane. The representor suggests that this may be a safer alternative to additional vehicles in Niree Lane.

One representor has indicated a belief that the traffic assessment submitted as part of the application does not accurately reflect the on-ground situation. The representor has requested that an independent traffic assessment be undertaken to confirm the situation in Niree Lane.

Several representors have indicated that the increased traffic resulting from this development will result in a decrease in the safety of users of Niree Lane.

Representors are concerned that there is no provision for visitor car parking in the proposed design. They have asked how this will be addressed given the narrow width of Niree Lane and the steepness of the access to the site from Beddome Street.

One representor has questioned the timing of the traffic counts relied upon in the traffic impact statement. The representor has indicated that the timing of the counts was in a quiet period for Niree Lane. The representor has indicated that the timing of the counts was between the after school traffic and the after work traffic, both of which would have returned higher traffic numbers. The representor also indicated that there is a business operating from a property within Niree Lane which adds to the traffic throughout the day, but again, not at the time that the traffic count was undertaken.

One representor has indicated that there is no safe opportunity for vehicles to pause at the entrance to Niree Lane to observe oncoming traffic and respond accordingly. Representors are concerned that the speed at which people traverse Niree Lane has not been adequately considered in the applicant's submission. Anecdotally, the representors have indicated that many people traverse the lane at higher speeds than would practically allow for encounters with oncoming cars, cyclists, pedestrians and animals.

Representors have indicated that the gradients and curvature of both Niree Lane and Niree Heights are such that entry to and exit from Niree Lane is hazardous, with limited sight distances for all vehicles negotiating both entry and exit movements. They have suggested that any increase in traffic will result in an increase in the risk of user conflict.

Representors have indicated that the traffic impact statement does not accurately reflect the potential for conflict between users of Niree Lane, and does not appropriately deal with managing these conflicts when they arise. The representors are concerned that reliance upon private properties and their private driveways is necessary to mitigate user conflict and avoid the need for lengthy reversing manoeuvres. Representors are concerned that this reliance will result in damage to private property as a result of its unauthorised use.

Construction traffic:

Representors are concerned that there will be construction vehicles accessing the site from Niree Lane, causing traffic issues for existing residents and users of the lane.

Representors are concerned that there will be prolonged inconvenience and loss of amenity through conflicts with construction traffic. They have indicated that previous development within Niree Lane has seen this impact last for 12 months or more for each project.

Service Vehicle Access:

Several representors are concerned that there is not safe access for service vehicles, including refuse collection, delivery, removal, fire service and ambulance service vehicles to properties accessed off Niree Lane. The representors suggest that the lack of ability to turn these larger vehicles results in a lack of safety for both the occupants of these vehicles and for other Niree Lane users.

Several representors have indicated that previous attempts to condition refuse collection and visitor access from alternate property frontages have not worked, with many residents choosing to leave their bins at the junction of Niree Lane and Niree Heights for collection, and as such should not be relied upon in this instance.

Representors are concerned that a lack of availability of turning areas for service vehicles has in the past, and will in the future, continue to result in vehicles either using private property to turn around, or reversing for extended distances, and turning around at the end of Niree Lane in an area which also has poor site distances for such a manoeuvre.

Previous Council Advice:

Representors have indicated that they have previously been advised by Council that no further properties will be allowed to access from Niree Lane, and are wondering what has changed to enable this proposal.

Representors have referred back to a Development and Environmental Services Committee meeting in April 2011. The representors indicate that at this meeting the Manager Traffic Engineering advised that future development would impact safety, create user conflict, provide for poor refuse management, provide for poor emergency services access and would have a generally unreasonable amenity impact. The representors indicate that this advice resulted in the inclusion of Clause E6.7.15 in the Hobart Interim Planning Scheme to try to avoid this.

Amenity:

Several representors have indicated a belief that any increase in the number of residences accessing off Niree Lane will result in a loss of amenity for the surrounding dwellings due to increased traffic noise, frequency of vehicles, inappropriate parking of vehicles outside the property boundaries, and potential for user conflict.

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.

- The site is located within the General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is residential (single dwelling). The proposed use is residential (multiple dwellings). The existing and the proposed use are a permitted use in the zone.
- 6.4 Although the lower floor of the proposal contains a kitchen, living and dining areas, a bedroom and a bathroom, it does not contain a laundry, and is therefore not defined as a dwelling in its own right. A 'dwelling' is defined under the *Hobart Interim Planning Scheme 2015* as:
 - "...a building, or part of a building, used as a self contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling."
- 6.5 Any potential approval of the proposal therefore ought to contain a condition stating as follows:

This permit grants approval for only two dwellings on the site. No ancillary dwellings are approved or may be created in either of the two multiple dwellings approved under this permit.

Reason for condition

To clarify the scope of the permit, noting that ancillary dwellings may only be created in single dwellings, and would constitute an additional multiple dwelling that has not been considered or approved in the context of this approval.

- 6.6 The proposal has been assessed against:
 - 6.6.1 Part D 10 General Residential Zone
 - 6.6.2 Part E E6.0 Parking and Access Code
 - 6.6.3 Part E E7.0 Stormwater Management Code

- 6.7 The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.7.1 Setbacks and Building Envelope Part D 10.4.2
 - 6.7.2 Private Open Space Part D 10.4.3
 - 6.7.3 Privacy Part D 10.4.6
 - 6.7.4 Waste Storage for Multiple Dwellings Part D 10.4.8
 - 6.7.5 Road and Access Junctions Part E E5.6.2
 - 6.7.6 Number of Parking Spaces Part E E6.6.1
 - 6.7.7 Layout of Parking Areas Part E E6.7.5
 - 6.7.8 Access to Niree Lane Sandy Bay-Part E E6.6.15
- 6.8 Each performance criterion is assessed below.
- 6.9 Setbacks and Building Envelope Part D 10.4.2
 - 6.9.1 The acceptable solution at clause 10.4.2 A3 requires buildings and works to be contained within a three dimensional building envelope which starts at a 3m height at the side boundaries, and increases at a 45 degree angle to a maximum height of 8.5m. The building envelope also requires that a maximum of one third of any boundary has buildings within 1.5m of that boundary.
 - 6.9.2 The proposal includes a building which protrudes outside of the building envelope on the eastern side in terms of the height and proximity to the boundary, as well as in terms of the length of the structure within 1.5m of the side boundary (it is noted that this has not been demonstrated in Figure 5 Below). The dwelling also protrudes outside of the building envelope on the northern side. Lastly, the building has a maximum height of 9.3m.



Figure 5: Applicants demonstration of the extent of the building envelope protrusion

- 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause 10.4.2 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.
- 6.9.5 Recent Tribunal decisions, including *The House Family Office Pty Ltd v Hobart City Council*, have determined that when assessing an application against the performance criterion, reference must not be had to the

building envelope authorised by the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?

6.9.6 Sun shadow diagrams provided by the applicant demonstrate that there is no overshadowing of adjacent dwellings as a result of the proposed new works. They also demonstrate that the only overshadowing of outdoor space of adjacent dwellings occurs after midday. This means that the outdoor space for the adjacent dwelling to the east will receive adequate sunlight (a minimum of 3 hours) in the morning for the proposed development to be acceptable.

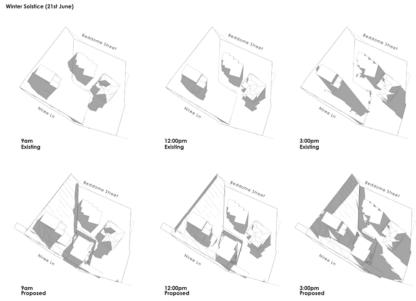


Figure 6: Applicants sun shadow diagrams

6.9.7 When assessing building envelope protrusions, Council must consider whether the visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot causes an unreasonable loss of amenity to neighbours. This assessment must have regard to the proposed new dwelling without reference to where the

permitted building envelope allows buildings to be sited as permitted. Siting relates to the location of the buildings on the lot, particularly in the context of adjoining lots. The scale of the building relates to its size, and bulk is a function of building height, building footprint and the dimensions of the building. The proportions of the building relate to a comparison of its dimensions (e.g. width and height). The visual impact of a proposal is a product of its visual effect (i.e. how much of the building can be seen from an adjoining lot), visual quality (i.e. how visually harmonious or consistent the proposal is with the established character of the area) and the visual sensitivity of the adjoining lots (this is a product of the proximity of the proposed buildings to the adjoining lot and the extent of the visibility of the proposal from the adjoining lot).

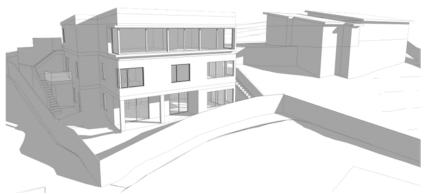


Figure 7: Applicants perspective plan showing the existing dwelling to the right and the proposed dwelling to the left

- 6.9.8 The most tangible impact on amenity in terms of visual bulk and massing will be experienced by the multiple dwellings at 33 Beddome Street, and the single dwelling at 35 Beddome Street. This is because these three dwellings are downhill of the proposed new dwelling and immediately adjacent to the proposed development.
- 6.9.9 For these properties, assessment of an unreasonable impact on amenity through visual bulk and massing must take into consideration the context of the surrounding area. The topography of the surrounding area has resulted in dwellings which are typically two to three storeys in height, and oriented to take advantage of the views toward the River. Further to this, the separation between the proposed dwelling and these dwellings to its north is consistent with other properties situated between Beddome Street and Niree Lane. As such, the scale and siting of the proposed dwelling is considered to be consistent with what could reasonably be expected in the area.

- 6.9.10 There is not considered to be a significant impact on the amenity of the adjacent dwelling at 29 Beddome Street resulting from the proposed new dwelling at 31 Beddome Street. This is because the separation provided by the lower (northern) portion of the subject site, as well as the breaking of the bulk of the proposed new dwelling by the existing dwelling on site are considered to sufficiently break the visual bulk and massing such that any amenity impacts will not be unreasonable. There are no other adjacent residential properties to consider, as the land to the south is a Council owned Reserve.
- 6.9.11 Given the location of the dwellings on the adjoining lots, in terms of both separation from side boundaries and proximity to Beddome Street and Niree Lane, the separation between dwellings is considered compatible with that prevailing in the surrounding area.
- 6.9.12 The proposal complies with the performance criterion.
- 6.10 Private Open Space Part D 10.4.3
 - 6.10.1 The acceptable solution at clause 10.4.3 A1 and A2 requires multiple dwellings to have a minimum 50m² of private open space, with a minimum of 24m² of this provided as level, north facing ground with a minimum dimension of 4m that is adjacent to and directly accessible from a habitable room (other than a bedroom) of the dwelling.
 - 6.10.2 The proposed new dwelling includes a 2m wide alfresco area on the northern side of the dwelling which is accessible from the lower kitchen. There are also several other decks scattered around the dwelling, none of which meet the minimum 4m dimension or 24m² area. A review of aerial photography as well as previous applications on the site suggest that there is no area of dedicated private open space associated with the existing dwelling that could meet the minimum required dimensions of 24m² with a minimum 4m dimension, or that is directly adjacent to and accessible from a habitable room (other than a bedroom).
 - 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 10.4.3 P1 and P2 provides as follows:

P1 - Dwellings must have:

- (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
- (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and
- (ii) operational needs, such as clothes drying and storage; and
- (b) reasonable space for the planting of gardens and landscaping.
- P2 A dwelling must have private open space that:
- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:
- (i) conveniently located in relation to a living area of the dwelling; and
- (ii) orientated to take advantage of sunlight.
- 6.10.5 There is a deck area for the existing dwelling to the eastern side of the dwelling at the upper level. There is also direct external access from the lower level rumpus room to the northern side of the dwelling which would enable occupants to utilise the outdoor areas of the site and to access gardens and utilities such as clothes lines. As such, it is considered that there is sufficient private open space for the existing dwelling to meet the performance criteria.
- 6.10.6 There are a number of smaller deck areas adjacent to both habitable rooms other than bedrooms, and to bedrooms on the eastern, northern and western sides of the proposed dwelling. These will be able to adequately function as extensions to the living spaces of the dwelling, There is also sufficient land remaining on site to the north of the dwellings to facilitate the planting of gardens for the dwellings. As such, the private open space for this dwelling is considered to meet the performance criteria.
- 6.10.7 The proposal complies with the performance criterion.
- 6.11 Privacy Part D 10.4.6
 - 6.11.1 The acceptable solution at clauses 10.4.6 P1 and P2 require decks and windows of habitable rooms with finished floor levels greater than 1m

above the natural ground line to be set back 3m from side boundaries, or to have window sill and / or screen heights of 1.7m above the finished floor level.

- 6.11.2 The proposal includes a deck on the eastern side with a finished floor level of 1.7m and a setback of 0.7m, and a bedroom window on the eastern side with a finished floor level of 2.3m and a setback of 2.6m.
- 6.11.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.11.4 The performance criterion at clause 10.4.6 P1 and P2 provides as follows:
 - P1 A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:
 - (a) a dwelling on an adjoining lot or its private open space; or
 - (b) another dwelling on the same site or its private open space; or
 - (c) an adjoining vacant residential lot.
 - P2 A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:
 - (a) window or glazed door, to a habitable room of another dwelling; and
 - (b) the private open space of another dwelling; and
 - (c) an adjoining vacant residential lot.
- 6.11.5 The main living areas of the dwelling to the east (the location of the privacy discretion) are all located to the Beddome Street side of that dwelling, with bedrooms at the rear closest to the proposed new dwelling. The gradients are also sufficient that the bedrooms are well below the finished floor level of the discretionary room and deck. As such, opportunity for

overlooking of the habitable rooms of the adjacent dwelling are minimal.

6.11.6 The adjacent dwelling to the east has recently had approval for the development of a deck area towards its Beddome Street frontage which will act as their primary outdoor space. There is minimal benching of the area that will potentially be overlooked by the proposed new dwelling, and as such it is considered unlikely that there will be significant overlooking of the outdoor space of adjoining properties.

There are no adjoining vacant residential properties which could potentially be overlooked by the proposed development.

- 6.11.7 The proposal complies with the performance criterion.
- 6.12 Waste Storage for Multiple Dwellings Part D 10.4.8
 - 6.12.1 The acceptable solution at clause 10.4.8 A1 requires separate 1.5m² garbage storage areas for each dwelling that are located behind the dwelling. Alternatively, a shared storage area is required which is 5.5m from any dwelling, 4.5m from a frontage, and screened from the frontage and any dwelling by a minimum 1.2m high screen.
 - 6.12.2 The proposal includes no waste storage areas.
 - 6.12.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.12.4 The performance criterion at clause 10.4.8 P1 provides as follows:

A multiple dwelling development must provide storage, for waste and recycling bins, that is:

- (a) capable of storing the number of bins required for the site; and
- (b) screened from the frontage and dwellings; and
- (c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.
- 6.12.5 Given the topography of the site, and the further restrictions imposed by clause E6.7.15 (detailed below at paragraph 6.14), garbage storage should be located toward the Beddome Street frontage in a shared

storage area. This storage area should have easy access both from the dwellings and from Beddome Street, which will enable occupants to access their bins and to put them out for collection. Accordingly, if approval is granted, a condition should be included to require a garbage storage area with a minimum area of 3m² (to accommodate the bins from the two dwellings on site) at a minimum setback of 4.5m from Beddome Street, with pathway access to the two dwellings above, and to Beddome Street below.

- 6.12.6 The proposal complies with the performance criterion, subject to the above condition.
- 6.13 Road and Accesses and Junctions Part E E5.6.2
 - 6.13.1 The acceptable solution at clause E5.6.2 A2 requires that there be no more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.
 - 6.13.2 The proposal includes two accesses to Niree Lane.
 - 6.13.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.13.4 The performance criterion at clause E5.6.2 P2 provides as follows:

For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
- (b) the nature of the road;
- (c) the speed limit and traffic flow of the road;
- (d) any alternative access to a road;
- (e) the need for the access or junction;
- (f) any traffic impact assessment; and
- (g) any written advice received from the road authority.

6.13.5 The proposal has been assessed by the Council's Senior Development Engineer, who has provided the following comment:

Given the low frequency of traffic, the nature of the road, the traffic flow being low, and that the Road Authority is satisfied with the existing two accesses subject to vehicles exiting in a forward direction (which the proposed design allows), the access is supported under P2.

- 6.13.6 The proposal complies with the performance criterion.
- 6.14 Number of Parking Spaces Part E E6.6.1
 - 6.14.1 The acceptable solution at clause E6.6.1 A1 requires two car parking spaces per dwelling, with a total of four for the site.
 - 6.14.2 The proposal includes two car parking spaces for the existing dwelling and three for the proposed, with a total of five.
 - 6.14.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.14.4 The performance criterion at clause E6.6.1 P1 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;
- (I) 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.
- 6.14.5 The proposal has been assessed by Council's Senior Development Engineer, who has provided the following comment:

The applicant in their documentation states an allowance for one car per garage (as delineated by the door openings) for the new dwelling.

There are two garages proposed which would provide an additional two car parking spaces onsite. However one of the garages is exactly the size of a standard double garage and on this basis this should be considered as two car spaces. As such the application is to be assessed as three additional car parking spaces.

Site inspection indicates that the existing dwelling has two car parking spaces in a carport. On this basis the application is for a

total of five car parking spaces on the site.

The acceptable solution based on table E6.2 is for two parking spaces for each two bedroom dwelling, with no visitor parking being required until four dwellings (as per Hobart City's interpretation of this clause). This is a requirement of four parking spaces.

As such the application requires assessment against Performance Criteria.

Given the lack of on street parking off the Niree Lane access for this second dwelling, the topography of the area, the lack of public transport in the area and the fact that all parking spaces are proposed within garages, the additional parking space is supported.

- 6.14.6 In addition to the Senior Development Engineer's comments, it is considered that the number of bedrooms proposed has the potential to result in a greater number of cars for occupants of the site. As such, an additional car parking space is likely to be taken up by occupants and assist to alleviate the demand for on street car parking in the surrounding area.
- 6.14.7 The proposal complies with the performance criterion.
- 6.15 Layout of Parking Areas Part E E6.7.5
 - 6.15.1 The acceptable solution at clause E6.7.5 A1 requires the layout of parking and manoeuvring areas to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.
 - 6.15.2 The proposal includes parking spaces with an aisle width of 5.7m.
 - 6.15.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.15.4 The performance criterion at clause E6.7.5 P1 provides as follows:

The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.

6.15.5 The proposal has been assessed by Council's Senior Development Engineer, who has provided the following comment:

Due to the width of the garage doors vehicles are still able to enter and exit the parking spaces in a single movement, as such this is supported under Performance Criteria.

- 6.15.6 The proposal complies with the performance criterion.
- 6.16 Access to Niree Lane Sandy Bay- Part E E6.6.15
 - 6.16.1 The acceptable solution at clause E6.6.15 A1 requires no access for multiple dwellings be provided from Niree Lane, Sandy Bay.
 - 6.16.2 The proposal includes access to multiple dwellings from Niree Lane.
 - 6.16.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.16.4 The performance criterion at clause E6.6.15 P1 provides as follows:

Access to multiple dwellings from Niree Lane must only be provided where it is demonstrated that:

- (a) the use of Niree Lane is safe and suitable for the type and volume of traffic likely to be generated; and
- (b) conflicts between users are avoided; and
- (c) access is available for refuse and service vehicles; and
- (d) the use of Niree Lane does not result in unreasonable adverse amenity impacts on residents along Niree Lane.
- 6.16.5 The proposal has been assessed by Council's Senior Development Engineer, who has provided a detailed assessment report for this provision which is provided at Attachment D. The Senior Development Engineer has advised that the proposal does not meet the performance criteria, and as such, should be refused. The section of the Senior Development Engineer's report that assesses this provision is as follows:
- 6.16.6 HISTORY OF NIREE LANE:

- There has been a history of traffic related issues on Niree Lane for over a decade.
- In 2009 the then Strategic Planning Engineer...raised concern regarding:
 - garbage collection on Niree Lane, stating that waste collection for additional dwellings on Niree Lane would have to occur via Beddome St or Niree Heights.
 - the number of properties which had the potential for multiple dwellings; both where they are adjacent to the Public Roadway (Properties 13-31 Beddome Street & 4-20 Niree Heights) and where they are adjacent to the Right of Way over 8 Niree Heights (Council's Parkland) (35-41 Beddome Street & 1-3 Capri Drive)
 - existing road infrastructure, noting: The existing road reservation and road infrastructure is totally inadequate to cater for any more traffic and probably deficient to cater for the existing traffic.
 - the fact there is certainly no opportunity for turning a vehicle around along the whole lane without significantly entering private property and even then it is extremely hazardous if and when a driver can find the opportunity to do so. This forces drivers to reverse for considerable distances adding to hazards of using the road.
 - there is no pedestrian footpath
 - the lane is now and will always be totally inadequate (impossible) for parking vehicles whether visitors to or owners of existing and future houses
 - when building activity takes place. There is a real danger that the road will deteriorate in front of the existing house if and when it gets trucks and other building vehicles on it. We will also need some control over construction traffic
- The Strategic Planning Engineer concluded that the laneway would have to be widened so that it can provide for two cars to pass. If developer's were not able to be made to construct the widening then Council would need to source funding to pay for the laneway widening.
- In 2010 concern was raised by Manager Surveying Services and Manager Road Engineering regarding an additional dwelling with its main frontage to Niree Lane and both were not in favour of the development on the grounds that Niree Lane was not safe or suitable for use as the main frontage.
- In 2011, 2012 and again in 2014 more multiple dwelling applications using Niree Lane as the main frontage were

- received and the Manager Traffic reiterated the same concerns raised in 2009 and 2010.
- The 2014 was actually for the current application site of 31
 Beddome Street (PLN-14-00961-01) which is still currently valid
 (due to an extension of time in 2016 against the verbal
 recommendation for refusal from the Senior Development
 Engineer, and a further extension of time in 2018 without
 consultation with the Senior Development Engineer).
- In 2015 the Hobart Interim Planning Scheme 2015 came into
 effect and this contained an explicit clause regarding vehicular
 access to Niree Lane (Clause E6.7.15) which was designed to
 cater for the above mentioned concerns that Council Engineering
 staff had been raising for several years.
- As of January 2019, a quick desktop assessment of development potential from Niree Lane indicates there is the potential for up to 17 more properties which have development potential for additional dwellings (see below image 2).

APPLICANTS TRAFFIC IMPACT STATEMENT:

The applicant provided a Traffic Impact Statement in support of the proposed development, addressing the performance criteria of Clause E6.7.15

This TIS stated the following:

- Niree Lane is a single lane no through road around 3.5m in width and 225m long which serves 17 properties. Three properties have access to separate parking areas from another street (although both parking areas are in use)
- RTA NSW estimates trips per dwelling at 7.4 vpd, and applying this to Niree Lane (assuming the three properties with multiple parking areas have half the traffic on Niree Lane) results in 132 vpd or 13 vph at peak hour.
- 3. An afternoon peak hour turning movement assessment was undertaken on 12 November 2018 which indicated 10 vph between 16:25 and 17:25hrs.
- 4. The 8vpd from the additional dwelling will have negligible impact on the traffic on Niree Lane.
- AS2890.1 Section 3.2.2 states that up to 30 vph can be accommodated on a single lane access. The geometric characteristics of Niree Lane are more than sufficient to accommodate the proposed low hourly traffic volume.
- 6. The straight horizontal alignment of Niree Lane with a slight crest vertical curve towards its western end ensures there are

- very good forward sight lines along the road.
- 7. the likelihood of two opposing vehicles meeting on the road is very low (this was clarified post advertising by the applicants Traffic Engineer to Council's Manager Traffic that they believe the probability of two vehicles meeting within Niree Lane will increase from 2.9% to 3.3% due to the development).
- That drivers would further minimise incidents of opposing vehicle movements in checking for any approaching vehicles when about to enter Niree Lane from any driveway and only fully enter the road if there are no opposing vehicle movements in sight.
- There are passing opportunities available along Niree Lane through vehicles encroaching into the existing wider driveways, if it arises given the above

The TIS concludes that, while the level of traffic activity along Niree Lane has been a point of discussion in the past and suggestions made about required widening, the above advice should provide sufficient detail and fact for this to not be a concern; the proposed dwelling will have a negligible traffic impact and the development should be supported on traffic grounds:

(a) the use of Niree Lane is safe and suitable for the type and volume of traffic likely to be generated

- The proposed development will increase the traffic use of Niree Lane by around eight vehicles/day or one vehicle/hour. As detailed above, the capacity of Niree Lane as a one lane road is well above the total traffic use that Niree Lane will receive in the future.
- The current traffic generation is around 10-13 vehicles/hour at its western end and this reduces towards its eastern end. This volume will therefore increase by one vehicle/hour with proposed development, whereas AS 2890.1 Section 3.2.2 indicated the capacity of such a one lane access is up to 30 vehicles/hour. Hence the likelihood of opposing vehicles meeting will be extremely low; Niree Lane does provide for a safe traffic operation in a slow speed environment.

(b) conflicts between users are avoided

 As well as the fact that opposing vehicle movements will be very low, as outlined above, there are other geometric factors and road user decision which can assist in avoiding the creation of any conflicts between opposing traffic movements and provide for the safe use of the road

(c) access is available for refuse and service vehicles

- While not detailed on the drawings for the proposed development, the developer intends to construct a pedestrian pathway between the proposed dwelling and the property frontage on Beddome Street. It is recommended this be set as a condition in the planning permit.
- This will allow for pedestrian access to/from Beddome Street as well as servicing of the dwelling, including waste collection, directly from Beddome Street.

(d) the use of Niree Lane does not result in unreasonable adverse amenity impacts on residents along Niree Lane.

- The proposed dwelling development will not add measurably to the current level of traffic activity along Niree Lane and the daily traffic volume will remain well below desirable maximum traffic volumes of around 500
 - vehicles/hour for a residential street.
- There may be a very low likelihood of two opposing vehicles meeting on the road at its western end and this probability reduces along Niree Lane towards its eastern end.
- The straight horizontal alignment of Niree Lane with a slight crest vertical curve towards its western end ensures there are very good forward sight lines along the road.
- All of these factors as well as Niree Lane having a low speed environment ensures the amenity of the road will not be adversely impacted by the proposed development.

COUNCIL'S MANAGER TRAFFIC ENGINEERING'S COMMENTS:

Comments received 4/1/19:

- I have reviewed the Traffic Impact Statement (TIS) prepared by Milan Prodanovic (dated 28 November 2018) related to this application for an additional dwelling at 31 Beddome Street with vehicular access from Niree Lane.
- Niree Lane is a narrow service road providing access to approximately 18 properties, noting that a number of these homes also have access from either Beddome Street or Birngana Avenue. The Niree Lane road reservation is approximately 4.5m wide with a sealed road width around 3.0m along its length. Niree Lane narrows to approximately 2.8m at 29 Beddome Street / 20 Birngana Avenue. The proposed

- development site is beyond this narrow section, approximately 260m from the Niree Heights junction.
- The TIS addresses the development requirements highlighted in Clause E6.7.15 of the HIPS 2015. Clearly, the proposed development does not comply with the acceptable solution E6.7.15 A1 the requires no access to multiple dwellings from Niree Lane. An assessment of the development against the performance criteria is included in the TIS. I concur with the assessment in the TIS for E6.7.15 P1(a), (c) and (d). However, I consider that Niree Lane is currently substandard when it comes to the ability for vehicles to pass. AS2890.1:2004 (Clause 3.2.2) requires that on long driveways (over 30m) that passing opportunities should be provided every 30m – to a minimum width of 5.5m. This ability to pass cannot be provided within the current road reservation - currently, drivers in Niree Lane would be utilising driveways (and encroaching onto private land) to pass another vehicle. It is considered that this does not satisfy performance criteria E6.7.15 P1(b) that states "conflicts between users are avoided".
- It is on this basis that the proposed development is not supported from a traffic engineering perspective.
- The application does not include any pedestrian connection between the proposed new dwelling and Beddome Street. There are no footpaths within Niree Lane and no visitor parking provided within the development site and no on-street parking available within Niree Lane - so parking and pedestrian access to this dwelling needs to be catered for on Beddome Street. This is also supported by the TIS which states that all refuse collection is to occur from Beddome Street and not from Niree Lane. This would need to be a condition on the permit should a decision be made to approve this application.

Comments received 9/1/19 after the Manger Traffic Engineering had discussed the application with the applicant and the applicant's Traffic Engineer:

- Given that there appears to have been approval for a second dwelling at 31 Beddome Street (and accessed off Niree Lane) since around 2011 – and that the current application is for a similar arrangement in relation to traffic and access it is difficult from a traffic engineering perspective to refuse this altered application.
- Although my earlier comments (below) in relation to passing opportunities within Niree Lane, the lack of turning and the need

for extensive length of reversing to allow two vehicles to pass still apply I have been provided further information from Milan Prodanovic indicating that the probability of two vehicles meeting within Niree Lane is currently less than 2.9% (during peak periods) and increases to 3.3% with an additional dwelling at 31 Beddome Street (accessed off Niree Lane). It is considered that this very low level of likelihood of a conflict between vehicles would be OK (also noting the long history of a single dwelling having approval for this site).

Senior Development Engineer's Note on Manager Traffic Engineering's comments.

- It is noted that from a planning perspective, the fact there is a
 live planning application for the site which would result in a
 traffic impact that is similar if not the same as the traffic impact
 of the proposed development is not something that is legally
 able to be a consideration as part of this planning application.
- On this basis, the Manager Traffic Engineering's first comment on 9/1/19 regarding comparing approved (but yet to be built) and proposed is not relevant and as such must not form part of this planning application consideration.
- It should be noted that the Manger Traffic Engineering provides technical information which the Senior Development Engineer then uses to assess against the criteria of the Hobart Interim Planning Scheme 2015 (where that information is relevant).

REPRESENTOR'S COMMENTS:

There was a number of representations for the development which had a similar theme of access concerns along Niree Lane. They are summarised below:

- It was raised that there was limited signage during the
 advertising stage along Niree Lane. Council posted advertising
 material in a manner as per Council's general policy on
 advertising placement, but due to the particular situation most
 Niree Lane access users would not be passing the signage and
 as such may not have been aware of the application, as such the
 number of Representations may be lower than it could have
 been.
- It was raised that there is a plumbing business operating out of one of the properties off Niree Lane, so the traffic estimates from the TIS are low. This business has delivery trucks, couriers and regular trade people moving up and down the laneway throughout the day, with trucks having to reverse in/out of Niree Lane.

- It was raised that the Right of Way at the end of the laneway is proposed to have a 3m wide gate. The representor is opposed to this.
- It was raised that delivery vehicles utilise the laneway and there is
 no turning head available for such large vehicles and they have to
 reverse considerable distance along Niree Lane, including
 reversing out onto Niree Heights which is a very busy road. [SED
 comment: It is noted that there are over 130 properties that gain
 access from Niree Heights (or tributary roads) above Niree
 Lane].
- It was raised that Niree Heights curves around a blind bend with the apex at the point at which Niree Lane comes off, making this intersection very dangerous.
- It was raised that the Manager Traffic Engineering in 2011 stated in a planning assessment which was publicly available via a committee meeting documentation that:
 - "There is certainly no opportunity for turning a vehicle around in along the whole lane without significantly entering private property and even then it is extremely hazardous if and when a driver can find the opportunity to do so. This forces drivers to reverse for considerable distances adding to hazards of using the road." The engineer went on say there can be no argument that the lane way as it is, simply can not support further development.
- It was raised that Niree Lane is a narrow single vehicular lane
 with no footpath. Illegal parking and access already occur and
 this will be exacerbated. It was noted that significant pedestrians
 use this laneway including children on bicycles and for dog
 exercise.
- Garbage trucks can not use Niree Lane and is not suitable for emergency services. In particular fire trucks may get blocked in by a second fire truck. It was raised that Officers from the Tasmanian Fire Service have inspected the laneway on behalf of concerned property owners regarding safe and manageable access not only to this bushfire prone reserve but also to properties along the laneway itself. Tas Fire is very concerned with the narrow width of Niree Lane and the in ability to turn around. Reversing a fire truck is not an option. Also concerns have been raised from the Tasmanian Ambulance service emphasising similar reasons regarding access and potential laneway congestion.
- Construction traffic concerns were raised due to the heavy and continuous construction trades person, including trade person

parking.

- It was raised that as traffic conflicts have increased over time there is a driver behaviour which is now present which adds to the safety issues. This involves drivers travelling rapidly once entering Niree Lane to "race" down the laneway such that if they encounter another vehicle, the other vehicle has the easier reversing movement and hence the driver does not have to undertake the reversing movement themselves. The objective is to get as far down the laneway as possible prior to meeting another vehicle. [SDE Comment: This has been witnessed first hand in similar locations around Hobart as a driver habit].
- It was raised in the Development and Environmental Service Committee meeting by Hobart City Council's manager Traffic Engineering in April 2011 that:
 - further development in and along Niree Lane impacts on Safety, Creating Conflict, Poor Refuse Management, Poor Emergency Services Access, General Unreasonable Amenity Impact. The Committee was informed that Niree Lane would carry traffic it is not capable of supporting and creating dangers for existing residents and pedestrians. Further more that any vehicle using the lane will need to enter private property to turn or will need to back out. Council's own assessment is that any attempt to turn any large vehicle using private property is dangerous. Clause E6.7.15 was specifically included in the 2015 Interim Planning Scheme because the lane was becoming and is unsafe.
- It was raised that the TIS was not comprehensive, accurate or independent.
 - · Photos are not from a seated driver's position,
 - Suggesting a refuse and servicing from Beddome St is unrealistic.
 - No consideration for emergency service vehicles.
 - No consideration for pedestrian use of the laneway.
 - Traffic count was not undertaken at the peak period. 4:30-5:30pm is in between the school traffic (3-4:30) and commuter traffic (5:30-6:30). This is not a true reflection of traffic over the day.
 - Claiming that passing / turning can occur by utilising neighbouring properties' driveway entrances in not valid as this is private property and constitutes trespass, there is no legal right to undertake this passing movements.
 - Two other properties were developed in the last few years as multiple dwellings with the main access from Niree Lane.

These were conditioned in the Planning Permit that all waste removal is via Beddome St, and service vehicles via Beddome St. This does not happen (post box and AusPost deliveries via Niree Lane, and waste bins and Council has not enforced compliance on these planning permit conditions. Is it reasonable to condition for something that is not enforced or enforceable?

 Pausing upon entry to Niree Lane to view vehicles in Niree Lane is not safe as Niree Heights is a busy road and vehicles travel at speed up Niree Heights and are likely to rear end a paused vehicle. Also, sight distances are very poor into Niree Lane, so once you enter you are committed to enter and this causes passing conflicts in Niree Lane.

SENIOR DEVELOPMENT ENGINEER'S COMMENTS:

E6.7.15 P1 (a) the use of Niree Lane is safe and suitable for the type and volume of traffic likely to be generated

The Senior Development Engineer does not believe that the proposed use of neighbouring property driveway accesses as discussed in the TIS as an option to comply with E6.7.15 P1 (b) is safe. Neighbour's driveways entrances were not constructed to be used as passing bays and in most cases do not even meet the current AS890.1 standards for driveway accesses let alone passing bay standards (See Image 3 below). Utilising neighbouring property driveway accesses as passing areas is not safe. (See below images). On this basis, what is proposed in the TIS is not considered to satisfy E6.7.15 P1 (a).

E6.7.15 P1 (b) conflicts between users are avoided

The SDE does not agree with the conclusion of the TIS, particularly with respect to E6.7.15 P1(b) where the SDE concurs with the technical information provided by the Manager Traffic Engineering.

• The laneway is in excess of 270m in length and although AS2890.1 Section 3.2.2 permits a 3m wide in certain circumstances, these circumstances are for domestic property not a public roadway. This section of AS2890.1 also states that passing opportunities should be provided at least every 30m via a 5.5m wide passing area. This can not be achieved within the highway reservation (which is less than 5m wide) and, the Senior Development Engineer agrees with the various representations,

- in that passing via the use of private property is not legal or safe. As such, the SDE believes that conflicts between users are not avoided in that they can not be legally or safely avoided via the use of informal passing bays.
- The TIS stating "the straight horizontal alignment of Niree Lane with a slight crest vertical curve towards its western end ensures there are very good forward sight lines along the road", does not give an accurate reflection of the sight distance limitations of the laneway. There are multiple crests along the laneway which restrict sight distance such that there are 5 different segments of laneway which have sight distances restrictions (See Image 4 and 5 below). (see below map and images). On this basis the SDE does not believe geometric factors can be used as a valid reason for [approval]. As such, the SDE believes that conflicts between users are not avoided simply by the geometric factors of Niree Lane. The SDE does not believe that relying upon unformalised/unregulated/unenforceable user decisions to 'ensure conflicts between users are avoided' is a realistic, viable or valid argument.

The SDE has undertaken three site visits during the assessment process for not just this planning application but including previous planning permit detailed design assessment for this site and on two occasions met oncoming vehicles. During the most recent visit of 14/1/18 at 10am, five cars, one postie bike and one pedestrian were witnessed on Niree Lane during the 20 minute interval of the assessment. Two of these vehicles were trade vehicles exiting the business running out of Niree Lane. The traffic volume witnessed, combined with the comments from the representors indicates that the TIS traffic count may not accurately reflect the actual traffic volumes within Niree Lane. Putting that aside, the applicant's Traffic Engineer (during post advertising discussions with Council's Traffic Engineer) indicated that the probability of two vehicles encountering each other will increase from 2.9% (during peak periods) to 3.3%. Even if the TIS traffic count is correct, this still results in an increase probability of conflict, and E6.7.15 P1(b) requires conflicts between users to be avoided. An increase probability of conflict does not satisfy E6.7.5 P1(b).

The entrance to Niree Lane is not wide enough to provide a passing bay. The TIS suggests that vehicles could pause upon entry to Niree Lane to view any vehicles within the laneway. As mentioned above, this is not practical due to the limited sight distances along Niree Lane. It should also be noted that there are in excess of 130

properties which have their only means of access via driving along Niree Heights past the Niree Lane intersection. As representor's indicate, many cars travel along Niree Heights with speed which is not suitable for the intersection (due to using Niree Heights as a collector road rather than a local road). Pausing upon entry is not a safe mechanism to prevent conflict within Niree Lane. Sight distances upon exit of Niree Lane are also substandard and do not comply with the current requirements of AS2890.1 or HIPS 2015 Code E5. These sight distances would be compounded by reversing movements out of Niree Lane. Sight distances can be seen below in image 6.

E6.7.15 P1 (c) access is available for refuse and service vehicles

It is noted in the TIS that all waste removal and service vehicles is proposed to be via Beddome Street, and it is noted that no visitor parking is provided on site or available on Niree Lane, with all visitors entering the property and walking up from Beddome St. This is not consistent with the drawings of the proposed development which do not show any path for pedestrians, service vehicle access or waste bins from Beddome Street. The elevation change from the frontage of Beddome Street to the footings of the proposed house is around 10m, and the distance is around 40m, resulting in a gradient of 25%. The National Construction Code defines the maximum gradient for a pedestrian ramp as 12.5%. As such a ramp from the Beddome Street frontage to the dwelling is not viable unless this was to zig-zag across the property considerably. Steps is another option, and this could provide pedestrian access, but would not be feasible for refuse bins and is not favourable for use by emergency services (in particular carrying a medical patient on a stretcher up/down 10 vertical metres of steps). It should be noted that there is a Council Stormwater Main which runs through the property from Beddome Street to Niree Lane. Constructing a ramp from the front boundary to a bin storage (which complies with other planning requirements), then steps to the dwelling would be problematic.

As mentioned by representors, there have been two other developments within Niree Lane which have noted (and had conditioned on their Planning Permit) that refuse and service vehicles must be via Beddome Street. Representors note that this

has not been enforced and it is questioned if this is enforceable.

Council's Senior Development Engineer is not confident that a path/ramp/steps could be achieved from Beddome Street to the proposed dwelling to satisfy E6.7.15 P1 (c) due to:

- The complication that construction of a path/steps/ramp would be in close proximity of Council's Stormwater Main and an engineering design may not be able to be achieved which maintains the integrity of Council's Stormwater Main.
- The fact that the applicant has not shown any details of the proposed path/steps/ramp as part of their application (it only being mentioned in the TIS as a mechanism to comply with E6.7.15 P1(c)).
- The point raised by representors that ensuring that Beddome Street is used for refuse and service vehicles via conditions on the planning permit may not be practically enforceable.
- Concern that steps of such an extent would not be desirable for emergency services such as medical staff carrying a patient.

E6.7.15 P1 (d) the use of Niree Lane does not result in unreasonable adverse amenity impacts on residents along Niree Lane.

The points raised above with regards to E6.7.15 P1 (b), combined with the comments from the representors indicates that the amenity of residents using Niree Lane will be adversely impacted. As such, the Senior Development Engineer does not believe the application satisfies E6.7.15 P1 (d) "the use of Niree Lane does not result in unreasonable adverse amenity impacts on residents along Niree Lane".

On this basis, the Senior Development Engineer believes refusal under E6.7.15 P1 (a), (b), (c) and (d) is warranted.



Figure 8 (Image 2 of Senior Development Engineer's Report): Properties with potential for multiple dwellings off Niree Lane (or Right of Way Extension)



Figure 9 (Image 3 of Senior Development Engineer's Report): Neighbour's Driveway Accesses



Figure 10 (Image 4 of Senior Development Engineer's Report): Limited sight distances along Niree Lane



Figure 11 (Image 5 of Senior Development Engineer's Report): Sight distances along Niree Lane from driver's perspective (note car is a 4wd with slightly elevated seat height)



Figure 12 (Image 6 of Senior Development Engineer's Report): Sight distances either side of the Niree Lane intersection with Niree Heights

6.16.7 The proposal does not comply with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for two multiple dwellings (one existing, one new) at 31 Beddome Street and 8 Niree Heights, Sandy Bay.
- 7.2 The application was advertised and received nine (9) representations. The representations raised concerns including covenants, alterations to the right of way, process, traffic, access, parking, construction traffic, service vehicle access, previous Council advice, and amenity.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not perform well against provisions regulating access to multiple dwellings from Niree Lane.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Senior Development Engineer, Senior Park Planner, and Manager Traffic Engineering. The Senior Development Engineer has raised objection to the proposal, and recommend that the proposal be refused.
- 7.5 The proposal is recommended for refusal.

8. Conclusion

8.1 The proposed two multiple dwellings (one existing, one new) at 31 Beddome Street and 8 Niree Lane, Sandy Bay do not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such are recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for two multiple dwellings (one existing, one new) at 31 Beddome Street and 8 Niree Lane, Sandy Bay for the following reasons:

- The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.15 P1 (a) of the *Hobart Interim Planning Scheme 2015* because the use of Niree Lane is not safe or suitable for the type and volume of traffic likely to be generated.
- The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.15 P1 (b) of the *Hobart Interim Planning Scheme 2015* because conflicts between users are not avoided.
- The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.15 P1 (c) of the *Hobart Interim Planning Scheme 2015* because access is not available for refuse and service vehicles.
- The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.15 P1 (d) of the *Hobart Interim Planning Scheme 2015* because the use of Niree Lane will result in unreasonable adverse amenity impacts on residents along Niree Lane.



Altyer

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: 3 July 2019

Attachment(s):

Attachment B - CPC Agenda Documents

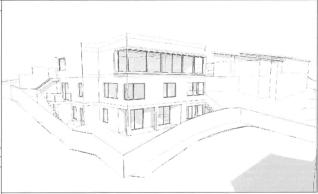
Attachment C - Referral Officer Report (Senior Development Engineer)

Attachment D - CPC supporting Documents

PROPOSED HOUSE

31 Beddome Street, Sandy Bay

General Information	Index:	ORIGINALLY ISSUED: 26/07/2018	
Project Address: 31 Beddome Street, Sandy Bay Owner Name: Zheng	02/13 - Site plan 03/13 - Plumbing plan	02/13 - Site plan 03/13 - Plumbing plan	
Title: Volume & folio: Refer to title attached	04/13 - Ground and First level floor plan 05/13 - Second level floor plan 06/13 - Elevations		
Site Information Design Wind Speed: tbc Wind Classification: tbc Said Classification: tbc Climate Zone: 7 Bushfire attack level: — Alpine Arac: No Corrasion Environment: Moderate Other Site hazards: No	08/13 - Right of way a	#1 #2 #3	
	First level: 16		
	Alfresco 74 Total floor area: 385	.2sqm .8sqm i.8sqm	
Designer Details	Energy Assessor	Energy Assessor Details	
Name: Alexander Hill Address: 215 Elizabeth Street, Hobart 7000 Architectural Designer: CC 6540	Name: Mathew Morelli Company Name: NRG Efficient Homes Assessor Certificate: 32307		



GBISTAL NOTES:	R
Contractors and verify of dimensions and levels on alle before commencement	1^
of any week. Contractors shall clarify any discrepancies before commencement of any	۱.
Work.	
Drawings must not be souled.	1
Contractors shall submit samples and stop drawings before commencing work	1
All wants shall be conject out in accountainor with the fluiding Gode of	
Australia and all relevant Australian Standards.	
Trase designs, plans, specifications and the copyright herein are the property	
at Ceremetts States and man not be used, regularized at also ad whally or in	
port without the written permission of Organials SNASA.	

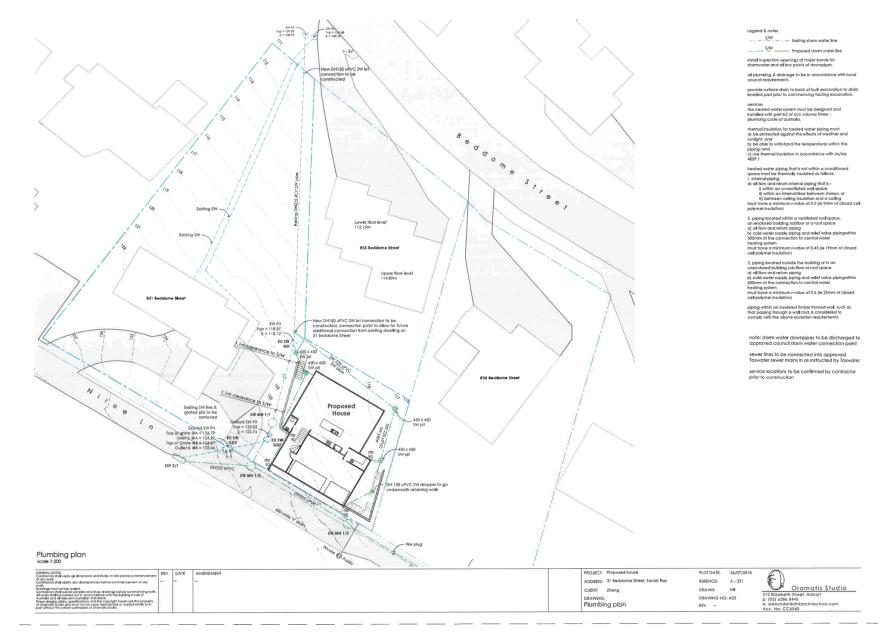
ADDRESS: 31 Beddome Street, Sandy Bay CUBNT: Zheng

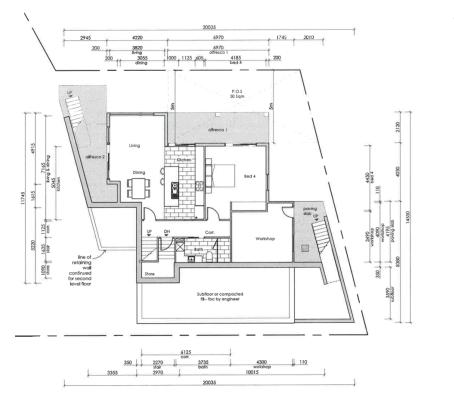
DRAWING: Cover page

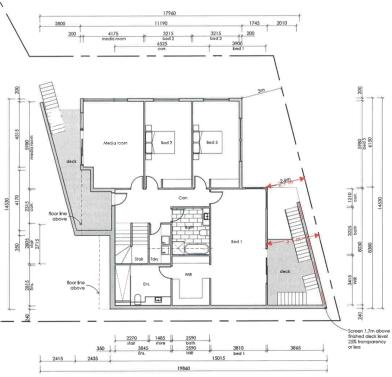
REBENCE: A - 35! DRAWN: HILL DRAWING NO: A01 REV. —

Oramatis Studio
212 Etzabeth Street, Nobar's
p: (80) 4288 Advantable Chara com
Acc., No. CC6540 PLOT DATE: 26/07/2018









Ground level floor plan scale 1:100

First level floor plan

O DEPLA ENCED.

]- |-

- -

NORTH

PROJECT: Proposed house
ADDRESS: 31 Beddome Street, Sandy Bay
CUENT: Zheng

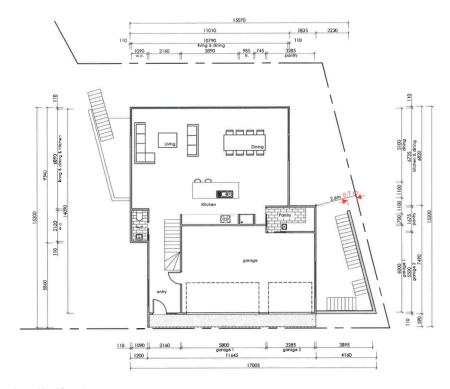
grawing: Ground & first level floor plan PLOT DATE: 26/07/2018

RERENCE: A - 35?

DRAWN: HI

DRAWN: H'II DRAWING NO: A04 REV. —

Oramatis Studio
212 Espaem Street, Habert
p: (30) 228 Espaem Street, Habert
e: alexander@dnkochitecture.com
Acc. No. CC6849



Second level floor plan

Coppelly, or your common the common that the c



PROJECT: Proposed house ADDRESS: 31 Beddome Street, Sandy Bay CUENT: Thomas

Becond level floor plan

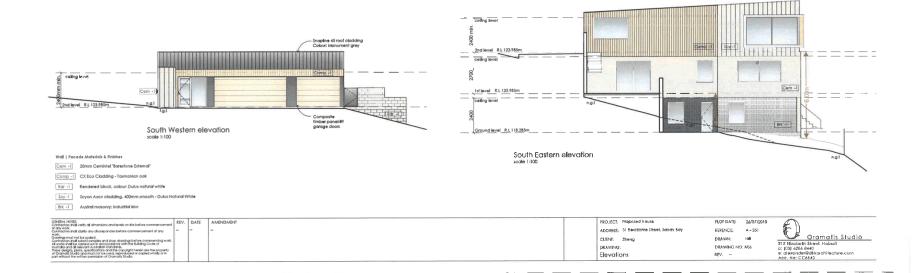
RERENCE: A - 361 DRAWN: HIS DRAWING NO: ADS

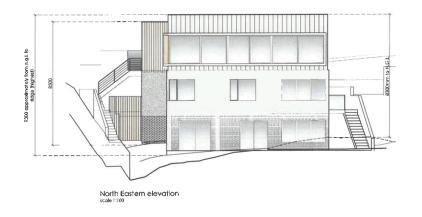
PLOT DATE: 26/07/2018

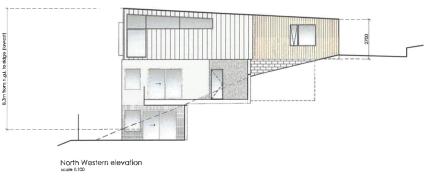
Oramatis Studio
212 Elizabeth Throd. Nebestr
p: (50) 5286 6440 chitectus com
Acc. No. Cod440

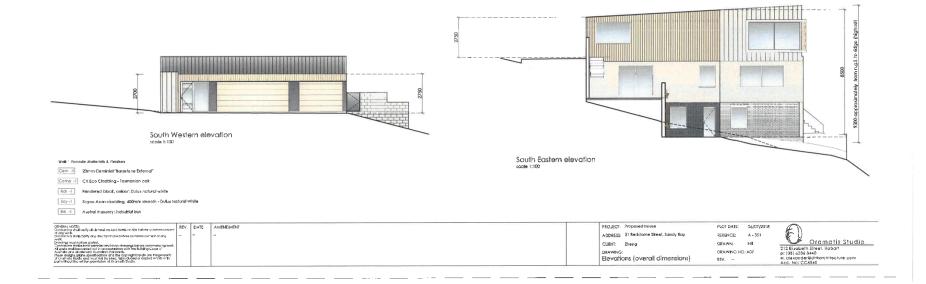


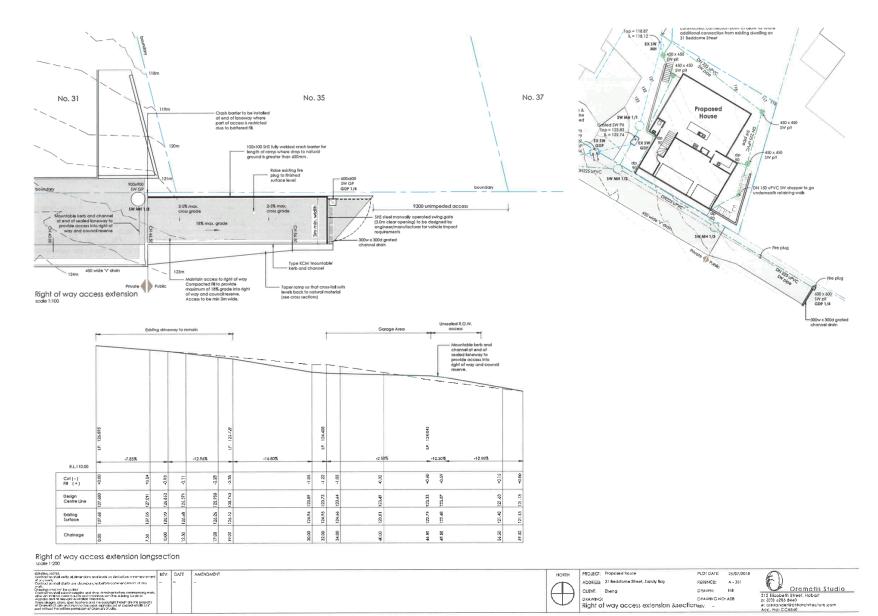


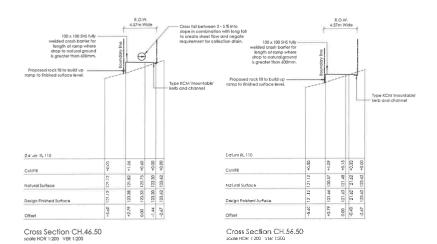


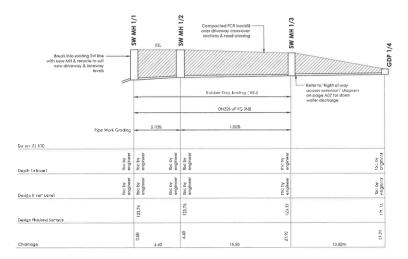












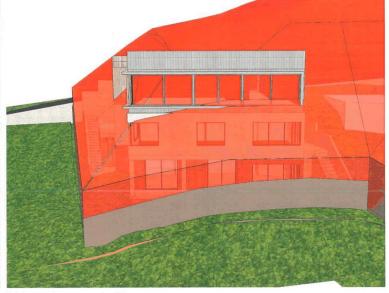
Longitudinal Section Stormwater Line L scale HOR 1:200 VER 1:200 Longitudinal Section Stormwater Line 2 scale FOR 1,200 VER 1,200

G(NERAL NOTES: Contractors shall verify all dimensions and levels on site before commencement	REV.	DATE	THRICHENA	NORTH	PROJECT: Proposed house	FLO DAIE:	26/07/2018	
of any work. Controctors shall clarify any discrepancies before commencement of any work.	-	-	-		ADDRESS: 31 Baddome Street, Scrick Buy	RERENÇE	A - 35	
Drawings must not be scaled. Controctors shall submit ramples and shop drawings before commencing wark.					CUENT: Zheng	DRAWN:	HIII	Oramatis Studi
As was snalide cared out in accordance with the suilding upde or Australia and all relevant Australian Standards. These dissigns, plans, specifications and the copyright herein are the property.				トレノ	LIRAWING:	DRAWING NO		212 Elizabeth Street, Hobart o (03) 6284 8440
of Oramatis Studio and must not be used, reproduced or copied wholly or in part without the written permission of Oramatis Studio.					Right of way & Stormwater section	REV		e cjexander@dhkarchitecture.com Acc. No: CC6649
	_	-						



26-07-2018





Building envelope perspective #1

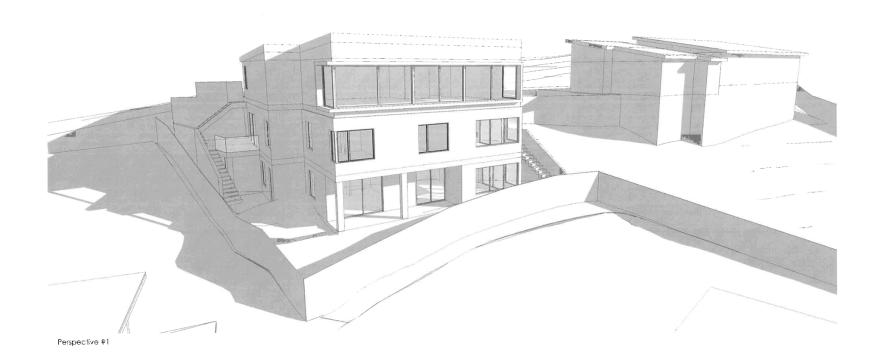
Building envelope perspective #2

CENERAL NOTES: Contractors shall verify all dimensions and love sion site before commencement	REV.	DATE	AMENDMENT	PROJECT: Proposed house	PLOT DATE;	26/07/2018	\subseteq
of any work. Contractors shall clarify any discrepancies before commencement of any	-	-	-	ADDRESS: 31 Beddomo Street, Sandy Bay	RERENCE:	A - 351	
wark. Drawings must not be scaled. Confractors shall supmit ramples and shap drawings before commencing work.				CLIENT: Zheng	DRAWN:	Hill	Oramatis Studio
All works shall be carried out in accordance with the Building Code of Australia and at relevan Australian Standards. These designs, plans, specifications and the appropriate from the property.				DRAWING: Building envelope perspectives	DRAWING N	o: A10	212 Elizabeth Street, Hobart p: (03) 6286 8440
of Oranna's Studio and must not be used, reproduced or copied wholly or in port without the written permission of Oramatis Studio.				ac valuation and a substitution of the substit	REV,		e: alexander@dhkarchitecture.com Acc. No: CC6540



O A A M A T I S 212 Elizabeth Street, Hobart 6286 8440

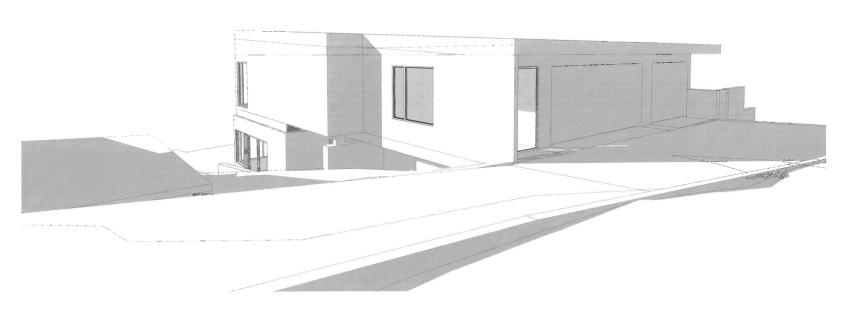
26-07-2018



GREAN NOTES: GREAT NOTES: GREAT NOTES: Confrictors that leafly all dimensions and levels on site before commencement of any work. Confrictors shall clatify any discrepancies before commencement of any browings must not be scaled. Confrictors shall submit samples and shop drawings before commencing work.	-	DATE 	AMENDMENT	PROJECT: Proposed house ADDRESS: 31 Beddome Street, Sandy Bay CUENT: Zheng	PLOT DATE: RERENCE: DRAWN:	A - 351 Hill	Oramatis Studio
				CLIENT: Zheng DRAWING: 3D perspectives 1	DRAWN: DRAWING NO		212 Elizabeth Street, Hobart p: (03) 6286 8440
of Oramatis Studio and must not be used, reproduced or copied wholly or in part without the written permission of Oramatis Studio.					RFV		e: alexander@dhkarchitecture.com Acc. No: CC6540



26-07-2018

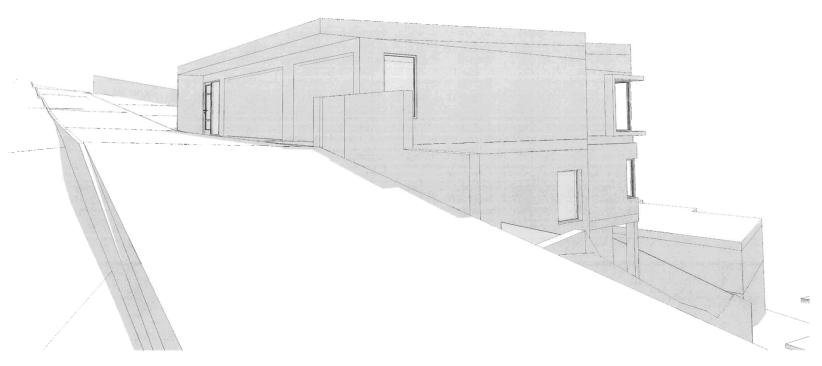


Concept perspective #2

GENERAL NOTES: Contractors shall verify all dimensions and levels on site before commencement	REV.	DATE	AMENDMENT	PROJECT: Proposed hause	PLOT DATE:	26/07/2018	
of any work. Contractors shall clarify any discrepancies before commencement of any	-			ADDRESS: 31 Beddome Street, Sandy Bay	RERENÇE:	A - 351	(₹ 1)
Drawings must not be scaled. Contractors shall submit samples and shop drawings before commencing work.				CLIENT: Zheng	DRAWN:	Hill	Oramatis Studio
All works shall be carried out in accoordance with the Building Code of Australia and all relevant Australian Standards. These designs, plans, specifications and the copyright herein are the property				DRAWING: 3D perspectives 2	DRAWING NO	: A12	p: (03) 6286 8440
of Oramatis Studio and must not be used, reproduced or copied wholly or in part without the written permission of Oramatis Studio.					REV		e: alexander@dhkarchitecture.com Acc. No: CC6540



26-07-2018



Perspective #3

GENERAL NOTES: Contractors shall verify all dimensions and levels on site before commenceme of any work. Contractors shall clarify any discrepancies before commencement of any work

of any work.

Contractes shall claffy any discrepances where
Contractes shall claffy any discrepances
Drawings must not be socied.

Contractes that just mis samples and shop drawings before commencing work.

All works shall be confied out in accordance with the Building Code of

All works shall be confied out in accordance with the Building Code of

Hispe delign, priorit, specifications and the copypight herein are the properly
of Cramalis Studio and must not be used, reproduced or copied wholly or in
part without the written permission of Cramalis Studio.

REV. DATE AMENDMENT

PROJECT: Proposed house ADDRESS: 31 Seddome Street, Sandy Bay

CLIENT: Zheng DRAWING: 3D perspectives 3

26/07/2018

PLOT DATE:

A - 351

RERENCE:

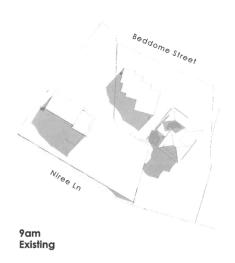
DRAWN:

REV. --

DRAWING NO: A13

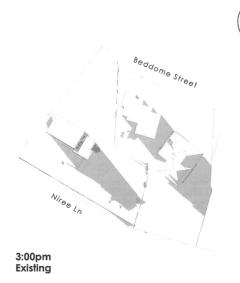
Oramatis Studio 212 Elizabeth Street, Hobart p: (03) 6286 8440 e: alexander@dhkarchifecture,com Acc. No: CC6540

SHADING STUDY: A-351, 31 Beddome Street, Sandy Bay, 7005 Winter Solstice (21st June)

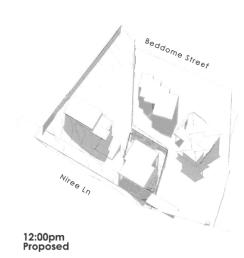


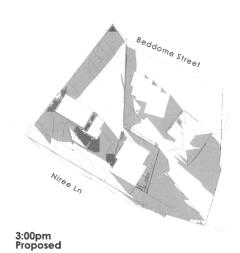
Niree Ln

12:00pm
Existing





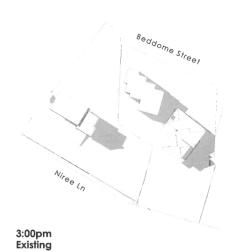




SHADING STUDY: A-351, 31 Beddome Street, Sandy Bay, 7005 Equinox (23rd September)

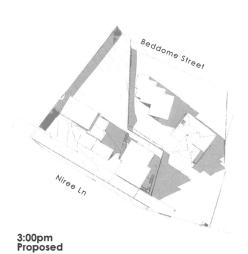






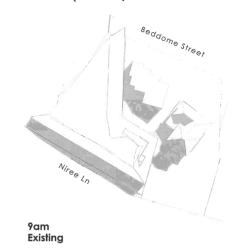
9am Rhapossed

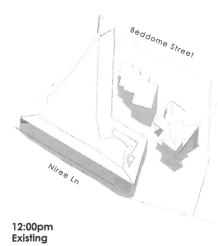


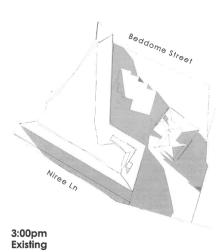


BUILDING ENVELOPE: A-351, 31 Beddome Street, Sandy Bay, 7005

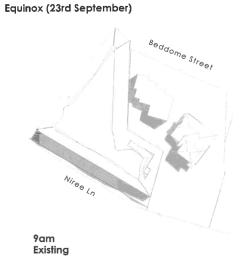
Winter Solstice (21st June)

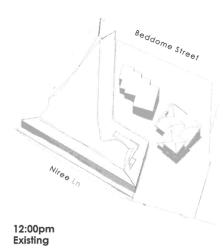


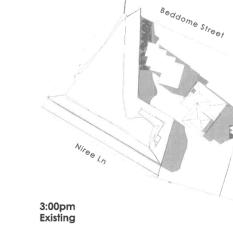




. . . .







Page 85 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
65935	42
EDITION	DATE OF ISSUE
6	20-Feb-2015

SEARCH DATE : 31-Jul-2018 SEARCH TIME : 11.43 PM

DESCRIPTION OF LAND

City of HOBART

Lot 42 on Sealed Plan 65935 (formerly being SP4471)

(Formerly Lots 1 & 41 on SP 65935)

Derivation: Part of 87 Acres Gtd. to Perpetual Trustees

Executors & Agency Co. of Tas. Ltd.

Prior CT 3311/61

SCHEDULE 1

M506548 TRANSFER to JINGMIN LI of one undivided 1/10 share and RONG ZHENG of nine undivided 1/10 shares as tenants in common Registered 20-Feb-2015 at noon

SCHEDULE 2

Reservations	and	conditions	in	the	Crown	Grant	if	any
--------------	-----	------------	----	-----	-------	-------	----	-----

SP	1394	EASEMENTS	in	Schedule	of	Easements

SP 1394 COVENANTS in Schedule of Easements

SP 1394 FENCING COVENANT in Schedule of Easements

SP 3778 COVENANTS in Schedule of Easements

SP 3778 FENCING COVENANT in Schedule of Easements

A129822 FENCING CONDITION in Transfer

D155462 MORTGAGE to National Australia Bank Limited

Registered 20-Feb-2015 at $12.01\ PM$

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

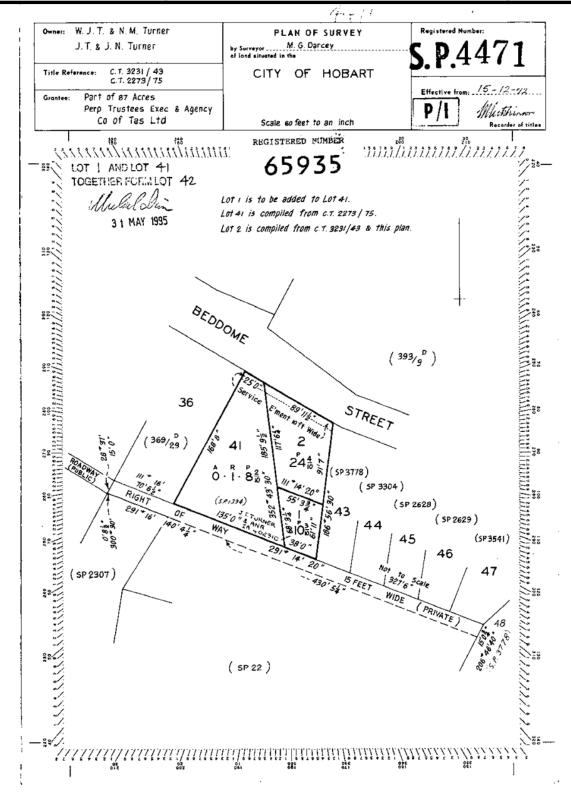


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 31 Jul 2018

Search Time: 11:49 PM

Volume Number: 65935

Revision Number: 02

Page 1 of 1

Page 87 ATTACHMENT B



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





SCHEDULE OF EASEMENTS

PLAN NO.

NOTE: —The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

S.P. 4471

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

COVENANTS

Sealed Plan 1394 created Fencing and Other covenants relating to Lot 41 hereon

Sealed Plan 3778 created Fencing and Other covenants relating to Lots 1 and 2 hereon

EASEMENTS

Lot 41 is SUBJECT TO a service easement as defined by Sealed Plan 1394 over the Service Easement shewn passing through that Lot

Lot 2 is SUBJECT TO a service easement as defined by Sealed Plan 3778 over the Service Easement shewn passing through that Lot

Lot 41 is TOGETHER WITH a Right of Carriageway over the Right of Way (Private) shewn hereon.

SIGNED by WILLIA: JOIN THOMAS TURNER and NONA MAY TURNER the Registered Proprietors of the land contained in Certificate of Title Volume 3231 Folio 43 in the presence of:

SIGNED by JOIN THOMAS TURNER and
JENNIFER NORA TURNER the Registered
Proprietors of the land contained in
Certificate of Title Volume 2273
Folio 75 in the presence of:

}

OF AUSTRALIA LIMITED

SECURED NO MOTICE OF SENGCATION OF POMER NO. SENGCATIO

SIGNED by Maurice Reginald MEPHAM Attorney for The Commercial Bank of Australia Ltd. as Mortgagee under Mortgage Registered Number A210448 in the presence of:

Bank Accountant,



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Signed for and on behalf of Commonwealth Swings Bank of Australia by its duly Constituted Attorney Ronald William Young under Power of Attorney dated into January 1960 who hereby certifies that he has received no notice of reterration if the Said Power and the Said Power of Attorney is still in force.

as Mortgagee under Mortgage Registered Number A 278030 in the presence of

SIGNED for and on benalf of Commonwealth Trading Bank of Australia by its duly constituted Attorney Alexander Robert NIMMO under Power of Attorney No. 2435 who hereby certifies that he has received no notice of revocation of the said Power as mortgage under Mortgage Registered Number A 317388 in the presence of:

COMMONWEALTH TRADING BANK OF AUSTRALIA

704040

Assistant Manager Hobert

CERTIFIED courset for the surposes of "The Real Property Act, 1862".

Page 89 **ATTACHMENT B**



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



This is th	he schedule of easements attached to the p	plan of Lots. 1, 2 and 41
	Beddome Street	comprising part of the land in
Certifi	cate of Title Volume 3231 Fo.	lio 43 and Volume 2273 Folio 75
aled by	HOBART CITY COUNCIL	on 19th September 19 72
47018		and the Charles Town Clerk

Search Date: 03 Aug 2018 Search Time: 02:54 PM

Volume Number: 65935

Revision Number: 02

Page 3 of 3

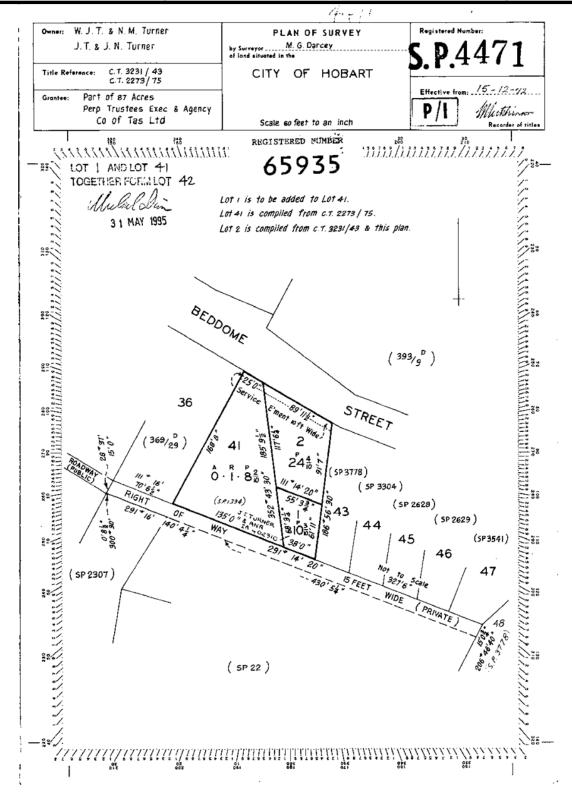


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 31 Jul 2018

Search Time: 11:49 PM

Volume Number: 65935

Revision Number: 02

Page 91 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
65935	42
EDITION 6	DATE OF ISSUE 20-Feb-2015

SEARCH DATE : 31-Jul-2018 SEARCH TIME : 11.43 PM

DESCRIPTION OF LAND

City of HOBART

Lot 42 on Sealed Plan 65935 (formerly being SP4471)

(Formerly Lots 1 & 41 on SP 65935)

Derivation: Part of 87 Acres Gtd. to Perpetual Trustees

Executors & Agency Co. of Tas. Ltd.

Prior CT 3311/61

SCHEDULE 1

M506548 TRANSFER to JINGMIN LI of one undivided 1/10 share and RONG ZHENG of nine undivided 1/10 shares as tenants in common Registered 20-Feb-2015 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 1394 EASEMENTS in Schedule of Easements

SP 1394 COVENANTS in Schedule of Easements

SP 1394 FENCING COVENANT in Schedule of Easements

SP 3778 COVENANTS in Schedule of Easements

SP 3778 FENCING COVENANT in Schedule of Easements

A129822 FENCING CONDITION in Transfer

D155462 MORTGAGE to National Australia Bank Limited

Registered 20-Feb-2015 at $12.01\ PM$

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



Enquiries to: Jill Hickie

☎: (03) 6238 2887च: coh@hobartcity.com.au

Our Ref. PLN-18-504

1 October 2018

Alexander Hill Oramatis Studio 212 Elizabeth Street HOBART TAS 7000

Via Email: <u>alex@oramatis.com.au</u>

Dear Mr Hill

NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: 31 Beddome Street & 8 Niree Heights

(Niree Hieghts Reserve) Sandy Bay

Description of Proposal: Two multiple dwellings (one existing, one new)

Applicant Name: Carmen Jiawen Lo Oramatis Studio

PLN (if applicable): 18-504

I write to advise that pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority or as the owner/administrator of the land.

Yours faithfully

(N D Heath)

GENERAL MANAGER

Attachment: Land Owner Consent



LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: 31 Beddome Street & 8 Niree Heights

(Niree Hieghts Reserve) Sandy Bay

Description of Proposal: Two multiple dwellings (one existing, one new)

Applicant Name: Carmen Jiawen Lo Oramatis Studio

PLN (if applicable): 18-504

The land indicated above is owned or is administered by the Hobart City Council.

The applicant proposes to lodge an application for a permit, pursuant to the Land Use Planning and Approvals Act 1993, in respect to the proposal described above.

Part or all of the application proposes use and/or development on land owned or administered by the City located at (as shown on the attached plans). Being and as General Manager of the Hobart City Council, I provide written permission to the making of the application pursuant to Section 52(1B)(b) of the Land Use Planning and Approvals Act 1993.

Date: 3/10/18

GENERAL MANAGER

This consent is for the making of a planning application only, and does not constitute landlord consent for the development to occur.

Attachments/Plans:

Page 94 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
197299	1
EDITION	DATE OF ISSUE 24-Aug-1995

SEARCH DATE : 16-Aug-2018 SEARCH TIME : 02.32 PM

DESCRIPTION OF LAND

City of HOBART Lot 1 on Plan 197299 Derivation: Part of 87 Acres Gtd. to the Perpetual Trustees Exec. & Agency Co. of Tas. Ltd. Prior CT 3303/17

SCHEDULE 1

A388522 HOBART CITY COUNCIL

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BENEFITING EASEMENT: a right of drainage over the Drainage
Easements marked B.C. and E.F. on Plan No. 197299
BURDENING EASEMENT: Right of Drainage [appurtenant to Lot 2 on
Sealed Plan No. 22) over the Drainage Easements
marked A.B. and D.E. on Plan No. 197299
BURDENING EASEMENT: Right of Carriageway [appurtenant to the
land comprised in Certificate of Title 2349/96 and
Lot 41 on Sealed Plan No. 1394) over the Right of Way
shown on Plan No. 197299

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

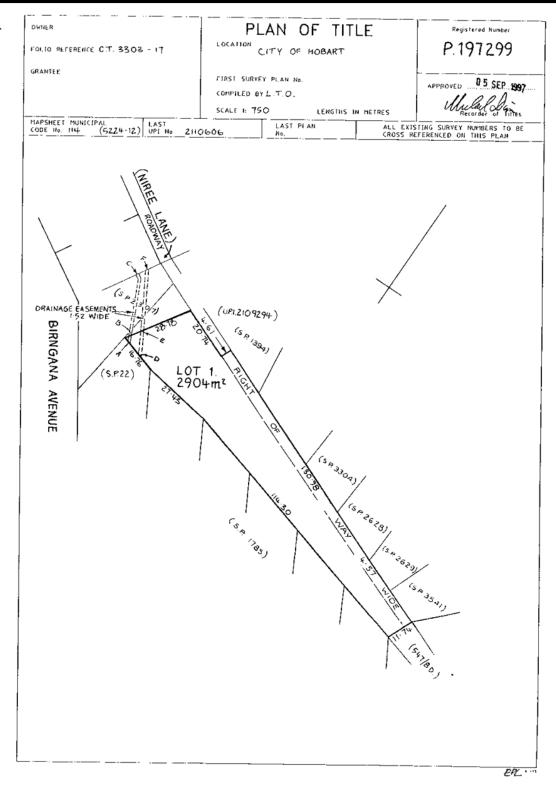


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 16 Aug 2018

Search Time: 02:32 PM

Volume Number: 197299

Revision Number: 02

Page 1 of 1

Page 96 ATTACHMENT B



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





SCHEDULE OF EASEMENTS

PLAN NO.

NOTE: —The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

S.P. 4471

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

COVENANTS

Sealed Plan 1394 created Fencing and Other covenants relating to Lot 41 hereon

Sealed Plan 3778 created Fencing and Other covenants relating to Lots 1 and 2 hereon

EASEMENTS

Lot 41 is SUBJECT TO a service easement as defined by Sealed Plan 1394 over the Service Easement shewn passing through that Lot

Lot 2 is SUBJECT TO a service easement as defined by Sealed Plan 3778 over the Service Easement shewn passing through that Lot

Lot 41 is TOGETHER WITH a Right of Carriageway over the Right of Way (Private) shewn hereon.

SIGNED by WILLIA: JOIN THOMAS TURNER and NONA MAY TURNER the Registered Proprietors of the land contained in Certificate of Title Volume 3231 Folio 43 in the presence of:

SIGNED by JOHN THOMAS TURNER and
JENNIFER NORA TURNER the Registered
Proprietors of the land contained in
Certificate of Title Volume 2273
Folio 75 in the presence of:

OF AUSTRALIA LIMITED

WHO HEREBY CERTIFIES THAT HE MASSECUTED NO MOTICE OF REVOCATION OF POMER NO. SEASON TO SEA

SIGNED by Maurice Reginald MEPHAM Attorney for The Commercial Bank of Australia Ltd. as Mortgagee under Mortgage Registered Number A210448 in the presence of:

Bank Accountant,

Search Date: 03 Aug 2018

Search Time: 02:54 PM

Volume Number: 65935

Revision Number: 02

Page 1 of 3



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Signed for and on behalf of Commonwealth Swings Bank of Australia by its cluby Constituted Attorney Ronald William Young under Power of Attorney dated yth January 1960 who hereby certifies that he has received no notice of reter-ation if the said power and the said Penser of Attorney is still in force

as Mortgagee under Mortgage Registered Number A 278030 in the presence of

SIGNED for and on behalf of SHENED For and on behalf of Commonwealth Trading Bank of Australia by its duly constituted Attorney Alexander Robert NIMMO under Power of Attorney No. 2435 who hereby certifies that he has received no notice of revocation of the said Power as mortgages under Nortgage Registered Number A 317388 in the presence of:

COMMONWEALTH TRADING BANK OF AUSTRALIA

CERTIFIED coarect for the purposes of "The Real Property Act, 1862".

Page 98 **ATTACHMENT B**



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



This is the	schedule of easements atta	ched to the plan of	Lots. 1, 2 and 41
	Beddome Street		comprising part of the land in
Certific	ate of Title Volume	e 3231 Polio 43 au	nd Volume 2273 Folio 75
ealed by	HOBART CITY COUNCIL		on 19th September 19 72
47918	:	and the state of t	- a short

Search Date: 03 Aug 2018 Search Time: 02:54 PM

Volume Number: 65935

Revision Number: 02



Submission to Planning Authority Notice

Council Planning Permit No.	PLN-18-504			Council notice date	13/08/2018			
TasWater details								
TasWater Reference No.	TWDA 2018/0132	1-HCC		Date of respons	e 24/08/2018			
TasWater Contact	Rachael Spencer Phone No.			03 6345 6346				
Response issued t	Response issued to							
Council name	HOBART CITY COU	HOBART CITY COUNCIL						
Contact details	coh@hobartcity.co	coh@hobartcity.com.au						
Development det	ails							
Address	31 BEDDOME ST, S	SANDY BAY		Property ID (PID)	5602481			
Description of development	New Dwelling	New Dwelling						
Schedule of draw	Schedule of drawings/documents							
Prepared by		Drawing/document No.		Revision No.	. Date of Issue			
Oramatis Studio		A-351 Dwg A02		-	26/07/2018			
Conditions								

Conditions

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

CONNECTIONS, METERING & BACKFLOW

- A suitably sized water supply with metered connections / sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.
- Any new and/or modified property service connections must be carried out by TasWater at the developer's cost.

DEVELOPMENT ASSESSMENT FEES

The applicant or landowner as the case may be, must pay a development assessment fee of \$211.63
to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date
paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

Advice

General

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

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

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

A copy of the GIS is included in email with this notice and should aid in updating of the documentation. The location of this infrastructure as shown on the GIS is indicative only.



- A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- TasWater has listed a number of service providers who can provide asset detection and location $services \ should \ you \ require \ it. \ Visit \ \underline{www.taswater.com.au/Development/Service-location} \ for \ a \ list$ of companies
- TasWater will locate residential water stop taps free of charge
- Sewer drainage plans or Inspection Openings (IO) for residential properties are available from

Declaration

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

Authorised by

Jason Taylor

Development Assessment Manager

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

Application Referral Development Engineering - Response

From:	Rob Cooper - SDE	
Recommendation:	Proposal is unacceptable.	
Date Completed:		
Address:	31 BEDDOME STREET, SANDY BAY 8 NIREE HEIGHTS, SANDY BAY	
Proposal:	Two Multiple Dwellings (one existing, one new)	
Application No:	PLN-18-504	
Assessment Officer:	Helen Ayers,	

Referral Officer comments:

E5.0 Road and railway access code

Clause for Assessment	AS	PC	Comments / Discussion	
E5.5.1 Existing road accesses and junctions	Y		(A1 Cat 1 or 2 Road & A2 >60kph zone = <10% or 10vpd increase. A3 <60kph zone = <20% or 40vpd increase) Existing access not being intensified by 40vpd. Meets Acceptable Soln	
E5.5.2 Existing level crossings	NA	NA	No level crossing.	
E5.6.1 development adjacent to roads and railways	NA	NA	NA (Access to Category 1 & 2 Roads ONLY)	
E5.6.2 road and access junctions		Y	Currently have two accesses as shown below (Image 1), one is for entry, one is for exit. With the proposed additional dwelling, the exit will now become the entry and exit for the second dwelling plus the exit for the existing dwelling, and the entry will become the entry for the existing dwelling only. On this basis the proposal does not comply with E5.6.2 A2 which requires no more than two accesses providing separate entry and exit to roads in an area with a speed limit of 60kph or less. Requires Performance Criteria Assessment under P2. Given the low frequency of traffic, the nature of the road, the traffic flow being low, and that the Road Authority is satisfied with the existing two accesses subject to vehicles exiting in a forward direction (which the proposed design allows), the access is supported under P2.	
E 5.6.3 new level	NA	NA		
crossings				

E 5.6.4 sight distance at access and junctions

NA No change to sight distances proposed. Vehicular sight distances are not really relevant, as the exit access is essentially a roadway extension and as such exiting vehicles will clearly see oncoming traffic.



Image 1:

E 6.0 Parking and Access Code

Clause for	AS	PC	Comments / Discussion	
Assessment				

Clause 6.7.1 number of

vehicle accesses

Clauses 6.6's are all to The applicant in their documentation states an allowance do with parking number for 1x car per garage for the new dwelling. assessment. These will There are two garages proposed which would provide an be assessed by planner 2x car parking spaces onsite. However one of the garages based on DE is exactly the size of a standard double garage and on this assessment of the basis this should be considered as two car spaces. As following relevant clauses. such the application is to be assessed as three additional car parking spaces. Site inspection indicates that the existing dwelling has 2x car parking spaces in a carport. On this basis the application is for a total of 5x car parking spaces on the site. The acceptable solution based on table E6.2 is for 2x parking spaces for each 2+BR dwelling, with no visitor parking being required until 4x dwellings (as per Hobart City's interpretation of this clause). This is a requirement of 4x parking spaces. As such the application requires assessment against Performance Criteria. Given the lack of on street parking off the Niree Lane access for this second dwelling, the topography of the area, the lack of public transport in the area and the fact that all parking spaces are proposed within garages, the additional parking space is supported by SDE. CONDITION ENG 5: No of parking spaces approved for site is 5x. (2x for existing dwelling and 3x for proposed dwelling (all within garage))

2x existing accesses, both to be retained. Meets A1

Clause 6.7.2 design		Location:
vehicle access		Y
		Width (AS2890.1 Table 3.2 Cat 1 = 3-5.5m) :
		Y Cradiant (A \$2000 4 8 TSD):
		Gradient (AS2890.1 & TSD):
		Vehicle Barriers:
		NA at access point, but needed for driveway which is
		assessed under E6.7.5
		Pedestrian Sight Distances (AS2890.1 Fig 3.3 = 2.5m
		deep x 2m wide):
		NA as no footpath and pedestrians will be walking down
		the middle of Niree Lane. The fact the exit access (only
		access proposed for modification) is an extension of the
		road means pedestrian sight distances are also NA. Vehicular Sight Distances(AS2890.1 Fig 3.2 = 40m for
		50kph domestic):
		Sight distance is approx 45m, meets AS2890.1.
		Requires condition for detailed design of access and
		alterations to the highway.
		CONDITION ENG R3
		CONDITION ENG S1
		Detailed design drawings of the proposed road
		extension, including access(s), driveway, circulation
		roadway, parking module and ramp into 8 Niree Heights. Detailed design to include:
		 Long section of ramp
		Drainage plan clearly shown any proposed
		stormwater connection , private stormwater
		mains, and related works.
		Compliance of design with TSD or to Council's
		City Infrastructure Director satisfaction.
		Include where vehicle barriers will be required.
Clause 6.7.3 vehicle	NA	NA This clause is triggered if the access serves more than 5
passing		car spaces (no), is more than 30m long (no) or meets a
Clause 6.7.4 on site	Υ	road with 6000vpd (no). On this basis clause not triggered.
turning	Y	Onsite turning is provided for all car parking spaces. The new dwelling has onsite turning as cars only enter the
tarring		highway reservation at the end of the Red Road (Council
		GIS Municipal Map shown under clause 5.6.2) and as such
		cars utilising the private parking spaces in the garage can
		turn around prior to crossing over onto Council highway
		reservation.
		It is noted that no visitor cars, or any other cars driving to
		the end of Niree Lane are not able to turn around at the end
I		of Niree Lane.

Clause 6.7.5 layout of parking area

Y Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A):

All three proposed spaces meet requirements.

Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side):

All three proposed spaces meet requirements.

Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance):

Garage ceiling level 2.4m, meets requirements.

Parking Space Gradient (5%):

Not shown but feasible. Condition to ensure.

CONDITION: ENG 3a, b and c (excluding ramp width which is approved as 3m).

Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A):

The proposed parking spaces have a aisle width of 5.7m so this does not meet the requirements, but due to the width of the garage doors vehicles are still able to enter and exit the parking spaces in a single movement, as such this is supported under Performance Criteria.

Garage Door Width & Apron (AS2890.1 Fig 5.4 = 2.4m wide => 7m wide apron):

Meets Requirements.

B85 Turning Paths:

Not Required.

Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance):

Drawings show a 2.5% gradient along the aisle and a 2-5% crossfall. This complies with the Acceptable Soln.

Driveway Gradient & Width (AS2890.1 Section 2.6 = 25% and 3m):

Meets Requirements.

Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag => 2m transition):

Meets Requirement.

Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope):

Will be required, some are shown but more are likely to be required (even within the walls of the building)

CONDITION ENG2a, b and c: Advice that vehicular barriers will be required within the building as well as on the driveway, parking module and ROW ramp

Blind Aisle Length (AS2890.1 Fig 2.3 = 6x spaces max if public):

NA

Blind Aisle End Widening (AS2890.1 Fig 2.3 = 1m extra):

NA

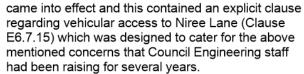
Circulation Roadways & Ramps:

There is a ramp proposed which provides access to the ROW on 8 Niree Heights. This ramp is proposed as 3m wide but will be two way. The minimum ramp width is 5.5m in AS2890.1 Section 2.5.2 for straight ramps.

This requires Performance Criteria Assessment.
On the basis of almost no traffic using the ramp this is supported under Performance Criteria, but detailed design will need to be approved via a condition.
CONDITION ENG s1 (see above clause 6.7.2)

Clause 6.7.6 surface treatment Only when a new hard stand area is proposed or new development is within a car park area.			The extension of Niree lane is shown as sealed, so meets the Acceptable Soln, but the ramp after the garages is proposed to be compacted fill. Discussion with gravel road designers in council results in the requirement for the ramp pavement to be in accordance with TSD-R01-v1. CONDITION ENG 4: Inc Access and parking module sealed and drained. Ramp to TSD-R01 pavement and drained to Council SW Inf.
Clause 6.7.7 Lighting of parking area Planner and health unit to			Planner to assess
Clause 6.7.8 Landscaping Planner to assess			Planner to assess
Clause 6.7.9 motor bike parking			NA
Clause 6.7.10 bicycle parking			NA
Clause 6.7.11 bicycle end trip Planner to assess			Planner to assess
Clause 6.7.12 siting of car parking Planner to assess based on DE assessment of Clause 6.7.5 layout of parking area			Planner to assess
Clause 6.7.13 facilities for commercial vehicles	NA	NA	Clause not triggered
Clause 6.7.14 access to a road	Υ		The modification to the exit access is supported by the road authority on the basis of vehicles exiting in a forward direction which they do in the design.
Clause 6.7.15 access to Niree Lane		Υ	Access to Niree Land for multiple dwellings is prohibited under A1. Requires Performance Criteria Assessment. Performance Criteria Requires assessment against the following points: Access to multiple dwellings from Niree Lane must only be provided where it is demonstrated that: (a) the use of Niree Lane is safe and suitable for the type and volume of traffic likely to be generated; and (b) conflicts between users are avoided; and (c) access is available for refuse and service vehicles; and (d) the use of Niree Lane does not result in unreasonable adverse amenity impacts on residents along Niree Lane.
			HISTORY OF NIREE LANE: There has been a history of traffic related issues on Niree Lane for over a decade. In 2009 the then Strategic Planning Engineer (Leyon) raised concern regarding: garbage collection on Niree Lane, stating that

- waste collection for additional dwellings on Niree Lane would have to occur via Beddome St or Niree Heights.
- the number of properties which had the potential for multiple dwellings; both where they are adjacent to the Public Roadway (Properties 13-31 Beddome Street & 4-20 Niree Heights) and where they are adjacent to the Right of Way over 8 Niree Heights (Council's Parkland) (35-41 Beddome Street & 1-3 Capri Drive)
- existing road infrastructure, noting: The existing road reservation and road infrastructure is totally inadequate to cater for any more traffic and probably deficient to cater for the existing traffic.
- the fact there is certainly no opportunity for turning a vehicle around along the whole lane without significantly entering private property and even then it is extremely hazardous if and when a driver can find the opportunity to do so. This forces drivers to reverse for considerable distances adding to hazards of using the road.
- there is no pedestrian footpath
- the lane is now and will always be totally inadequate (impossible) for parking vehicles whether visitors to or owners of existing and future houses
- when building activity takes place. There is a real danger that the road will deteriorate in front of the existing house if and when it gets trucks and other building vehicles on it. We will also need some control over construction traffic
- The Strategic Planning Engineer concluded that the laneway would have to be widened so that it can provide for two cars to pass. If developer's were not able to be made to construct the widening then Council would need to source funding to pay for the laneway widening.
- In 2010 concern was raised by Manager Surveying Services and Manager Road Engineering regarding an additional dwelling with its main frontage to Niree Lane and both were not in favour of the development on the grounds that Niree Lane was not safe or suitable for use as the main frontage.
- In 2011, 2012 and again in 2014 more multiple dwelling applications using Niree Lane as the main frontage were received and the Manager Traffic reiterated the same concerns raised in 2009 and 2010.
- The 2014 was actually for the current application site of 31 Beddome Street (PLN-14-00961-01) which is still currently valid (due to an extension of time in 2016 against the verbal recommendation for refusal from the Senior Development Engineer, and a further extension of time in 2018 without consultation with the Senior Development Engineer).
- In 2015 the Hobart Interim Planning Scheme 2015



As of January 2019, a quick desktop assessment of development potential from Niree Lane indicates there is the potential for up to 17 more properties which have development potential for additional dwellings (see below image 2).

APPLICANTS TRAFFIC IMPACT STATEMENT

The applicant provided a Traffic Impact Statement in support of the proposed development, addressing the performance criteria of Clause E6.7.15

This TIS stated the following:

- Niree Lane is a single lane no through road around 3.5m in width and 225m long which serves 17 properties. Three properties have access to separate parking areas from another street (although both parking areas are in use)
- RTA NSW estimates trips per dwelling at 7.4 vpd, and applying this to Niree Lane (assuming the three properties with multiple parking areas have half the traffic on Niree Lane) results in 132 vpd or 13 vph at peak hour.
- An afternoon peak hour turning movement assessment was undertaken on 12 November 2018 which indicated 10 vph between 16:25 and 17:25hrs.
- 4. The 8vpd from the additional dwelling will have negligible impact on the traffic on Niree Lane.
- AS2890.1 Section 3.2.2 states that up to 30 vph can be accommodated on a single lane access. The geometric characteristics of Niree Lane are more than sufficient to accommodate the proposed low hourly traffic volume.
- 6. The straight horizontal alignment of Niree Lane with a slight crest vertical curve towards its western end ensures there are very good forward sight lines along the road.
- 7. the likelihood of two opposing vehicles meeting on the road is very low (this was clarified post advertising by the applicants Traffic Engineer to Council's Manager Traffic that they believe the probability of two vehicles meeting within Niree Lane will increase from 2.9% to 3.3% due to the development).
- That drivers would further minimise incidents of opposing vehicle movements in checking for any approaching vehicles when about to enter Niree Lane from any driveway and only fully enter the road if there are no opposing vehicle movements in sight.
- 9. There are passing opportunities available along

Niree Lane through vehicles encroaching into the existing wider driveways, if it arises given the above

The TIS concludes that, while the level of traffic activity along Niree Lane has been a point of discussion in the past and suggestions made about required widening, the above advice should provide sufficient detail and fact for this to not be a concern; the proposed dwelling will have a negligible traffic impact and the development should be supported on traffic grounds:

(a) the use of Niree Lane is safe and suitable for the type and volume of traffic likely to be generated

- The proposed development will increase the traffic use of Niree Lane by around eight vehicles/day or one vehicle/hour. As detailed above, the capacity of Niree Lane as a one lane road is well above the total traffic use that Niree Lane will receive in the future.
- The current traffic generation is around 10-13 vehicles/hour at its western end and this reduces towards its eastern end. This volume will therefore increase by one vehicle/hour with proposed development, whereas AS 2890.1 Section 3.2.2 indicated the capacity of such a one lane access is up to 30 vehicles/hour. Hence the likelihood of opposing vehicles meeting will be extremely low; Niree Lane does provide for a safe traffic operation in a slow speed environment.

(b) conflicts between users are avoided

 As well as the fact that opposing vehicle movements will be very low, as outlined above, there are other geometric factors and road user decision which can assist in avoiding the creation of any conflicts between opposing traffic movements and provide for the safe use of the road.

(c) access is available for refuse and service vehicles

- While not detailed on the drawings for the proposed development, the developer intends to construct a pedestrian pathway between the proposed dwelling and the property frontage on Beddome Street. It is recommended this be set as a condition in the planning permit.
- This will allow for pedestrian access to/from Beddome Street as well as servicing of the dwelling, including waste collection, directly from Beddome Street.

(d) the use of Niree Lane does not result in unreasonable adverse amenity impacts on residents along Niree Lane.

- The proposed dwelling development will not add measurably to the current level of traffic activity along Niree Lane and the daily traffic volume will remain well below desirable maximum traffic volumes of around 500
 - vehicles/hour for a residential street.
- There may be a very low likelihood of two opposing vehicles meeting on the road at its western end and this probability reduces along Niree Lane towards its

- eastern end.
- The straight horizontal alignment of Niree Lane with a slight crest vertical curve towards its western end ensures there are very good forward sight lines along the road.
- All of these factors as well as Niree Lane having a low speed environment ensures the amenity of the road will not be adversely impacted by the proposed development.

COUNCIL'S MANGER TRAFFIC ENGINEERING'S COMMENTS

Comments received 4/1/19:

- I have reviewed the Traffic Impact Statement (TIS) prepared by Milan Prodanovic (dated 28 November 2018) related to this application for an additional dwelling at 31 Beddome Street with vehicular access from Niree Lane.
- Niree Lane is a narrow service road providing access to approximately 18 properties, noting that a number of these homes also have access from either Beddome Street or Birngana Avenue. The Niree Lane road reservation is approximately 4.5m wide with a sealed road width around 3.0m along its length. Niree Lane narrows to approximately 2.8m at 29 Beddome Street / 20 Birngana Avenue. The proposed development site is beyond this narrow section, approximately 260m from the Niree Heights junction.
- The TIS addresses the development requirements highlighted in Clause E6.7.15 of the HIPS 2015. Clearly, the proposed development does not comply with the acceptable solution E6.7.15 A1 the requires no access to multiple dwellings from Niree Lane. An assessment of the development against the performance criteria is included in the TIS. I concur with the assessment in the TIS for E6.7.15 P1(a), (c) and (d). However, I consider that Niree Lane is currently substandard when it comes to the ability for vehicles to pass. AS2890.1:2004 (Clause 3.2.2) requires that on long driveways (over 30m) that passing opportunities should be provided every 30m to a minimum width of 5.5m. This ability to pass cannot be provided within the current road reservation - currently, drivers in Niree Lane would be utilising driveways (and encroaching onto private land) to pass another vehicle. It is considered that this does not satisfy performance criteria E6.7.15 P1(b) that states "conflicts between users are avoided".
- It is on this basis that the proposed development is not supported from a traffic engineering perspective.
- The application does not include any pedestrian connection between the proposed new dwelling and Beddome Street. There are no footpaths within Niree Lane and no visitor parking provided within the development site and no on-street parking available

within Niree Lane - so parking and pedestrian access to this dwelling needs to be catered for on Beddome Street. This is also supported by the TIS which states that all refuse collection is to occur from Beddome Street and not from Niree Lane. This would need to be a condition on the permit should a decision be made to approve this application.

Comments received 9/1/19 after the Manger Traffic Engineering had discussed the application with the applicant and the applicant's Traffic Engineer:

- Given that there appears to have been approval for a second dwelling at 31 Beddome Street (and accessed off Niree Lane) since around 2011 – and that the current application is for a similar arrangement in relation to traffic and access it is difficult from a traffic engineering perspective to refuse this altered application.
- Although my earlier comments (below) in relation to passing opportunities within Niree Lane, the lack of turning and the need for extensive length of reversing to allow two vehicles to pass still apply I have been provided further information from Milan Prodanovic indicating that the probability of two vehicles meeting within Niree Lane is currently less than 2.9% (during peak periods) and increases to 3.3% with an additional dwelling at 31 Beddome Street (accessed off Niree Lane). It is considered that this very low level of likelihood of a conflict between vehicles would be OK (also noting the long history of a single dwelling having approval for this site).

Senior Development Engineer's Note on Manager Traffic Engineering's comments.

- It is noted that from a planning perspective, the fact there is a live planning application for the site which would result in a traffic impact that is similar if not the same as the traffic impact of the proposed development is not something that is legally able to be a consideration as part of this planning application.
- On this basis, the Manager Traffic Engineering's first comment on 9/1/19 regarding comparing approved (but yet to be built) and proposed is not relevant and as such must not form part of this planning application consideration.
- It should be noted that the Manger Traffic Engineering provides technical information which the Senior Development Engineer then uses to assess against the criteria of the Hobart Interim Planning Scheme 2015 (where that information is relevant).

REPRESENTOR'S COMMENTS:

There was a number of representations for the development which had a similar theme of access concerns along Niree Lane. They are summarised below:

It was raised that there was limited signage during the

- advertising stage along Niree Lane. Council posted advertising material in a manner as per Council's general policy on advertising placement, but due to the particular situation most Niree Lane access users would not be passing the signage and as such may not have been aware of the application, as such the number of Representations may be lower than it could have been.
- It was raised that there is a plumbing business operating out of one of the properties off Niree Lane, so the traffic estimates from the TIS are low. This business has delivery trucks, couriers and regular trade people moving up and down the laneway throughout the day, with trucks having to reverse in/out of Niree Lane.
- It was raised that the Right of Way at the end of the laneway is proposed to have a 3m wide gate. The representor is opposed to this.
- It was raised that delivery vehicles utilise the laneway and there is no turning head available for such large vehicles and they have to reverse considerable distance along Niree Lane, including reversing out onto Niree Heights which is a very busy road. [SED comment: It is noted that there are over 130 properties that gain access from Niree Heights (or tributary roads) above Niree Lane].
- It was raised that Niree Heights curves around a blind bend with the apex at the point at which Niree Lane comes off, making this intersection very dangerous.
- It was raised that the Manager Traffic Engineering in 2011 stated in a planning assessment which was publicly available via a committee meeting documentation that:
 - "There is certainly no opportunity for turning a vehicle around in along the whole lane without significantly entering private property and even then it is extremely hazardous if and when a driver can find the opportunity to do so. This forces drivers to reverse for considerable distances adding to hazards of using the road." The engineer went on say there can be no argument that the lane way as it is, simply can not support further development.
- It was raised that Niree Lane is a narrow single vehicular lane with no footpath. Illegal parking and access already occur and this will be exacerbated. It was noted that significant pedestrians use this laneway including children on bicycles and for dog exercise.
- Garbage trucks can not use Niree Lane and is not suitable for emergency services. In particular fire trucks may get blocked in by a second fire truck. It was raised that Officers from the Tasmanian Fire Service have inspected the laneway on behalf of concerned property owners regarding safe and manageable access not only to this bushfire prone reserve but also

- to properties along the laneway itself. Tas Fire is very concerned with the narrow width of Niree Lane and the in ability to turn around. Reversing a fire truck is not an option. Also concerns have been raised from the Tasmanian Ambulance service emphasising similar reasons regarding access and potential laneway congestion.
- Construction traffic concerns were raised due to the heavy and continuous construction trades person, including trade person parking.
- It was raised that as traffic conflicts have increased over time there is a driver behaviour which is now present which adds to the safety issues. This involves drivers travelling rapidly once entering Niree Lane to "race" down the laneway such that if they encounter another vehicle, the other vehicle has the easier reversing movement and hence the driver does not have to undertake the reversing movement themselves. The objective is to get as far down the laneway as possible prior to meeting another vehicle. [SDE Comment: This has been witnessed first hand in similar locations around Hobart as a driver habit]. It was raised in the Development and Environmental
- Service Committee meeting by Hobart City Council's manager Traffic Engineering in April 2011 that:
 - further development in and along Niree Lane impacts on Safety, Creating Conflict, Poor Refuse Management, Poor Emergency Services Access, General Unreasonable Amenity Impact. The Committee was informed that Niree Lane would carry traffic it is not capable of supporting and creating dangers for existing residents and pedestrians. Further more that any vehicle using the lane will need to enter private property to turn or will need to back out. Council's own assessment is that any attempt to turn any large vehicle using private property is dangerous. Clause E6.7.15 was specifically included in the 2015 Interim Planning Scheme because the lane was becoming and is unsafe.
- It was raised that the TIS was not comprehensive, accurate or independent.
 - Photos are not from a seated driver's position,
 - Suggesting a refuse and servicing from Beddome St is unrealistic.
 - No consideration for emergency service vehicles.
 - No consideration for pedestrian use of the laneway.
 - Traffic count was not undertaken at the peak period. 4:30-5:30pm is in between the school traffic (3-4:30) and commuter traffic (5:30-6:30). This is not a true reflection of traffic over the day.
 - Claiming that passing / turning can occur by utilising neighbouring properties' driveway entrances in not valid as this is private property and constitutes trespass, there is no legal right to

- undertake this passing movements.
- Two other properties were developed in the last few years as multiple dwellings with the main access from Niree Lane. These were conditioned in the Planning Permit that all waste removal is via Beddome St, and service vehicles via Beddome St. This does not happen (post box and AusPost deliveries via Niree Lane, and waste bins and Council has not enforced compliance on these planning permit conditions. Is it reasonable to condition for something that is not enforced or enforceable?
- Pausing upon entry to Niree Lane to view vehicles in Niree Lane is not safe as Niree Heights is a busy road and vehicles travel at speed up Niree Heights and are likely to rear end a paused vehicle. Also, sight distances are very poor into Niree Lane, so once you enter you are committed to enter and this causes passing conflicts in Niree Lane.

SENIOR DEVELOPMENT ENGINEER'S COMMENTS:

E6.7.15 P1 (a) the use of Niree Lane is safe and suitable for the type and volume of traffic likely to be generated

The Senior Development Engineer does not believe that the proposed use of neighbouring property driveway accesses as discussed in the TIS as an option to comply with E6.7.15 P1 (b) is safe. Neighbour's driveways entrances were not constructed to be used as passing bays and in most cases do not even meet the current AS890.1 standards for driveway accesses let alone passing bay standards (See Image 3 below). Utilising neighbouring property driveway accesses as passing areas is not safe. (See below images). On this basis, what is proposed in the TIS is not considered to satisfy E6.7.15 P1 (a).

E6.7.15 P1 (b) conflicts between users are avoided

The SDE does not agree with the conclusion of the TIS, particularly with respect to E6.7.15 P1(b) where the SDE concurs with the technical information provided by the Manager Traffic Engineering.

The laneway is in excess of 270m in length and although AS2890.1 Section 3.2.2 permits a 3m wide in certain circumstances, these circumstances are for domestic property not a public roadway. This section of AS2890.1 also states that passing opportunities should be provided at least every 30m via a 5.5m wide passing area. This can not be achieved within the highway reservation (which is less than 5m wide) and, the Senior Development Engineer agrees with the various representations, in that passing via the use of

- private property is not legal or safe. As such, the SDE believes that conflicts between users are not avoided in that they can not be legally or safely avoided via the use of informal passing bays.
- The TIS stating "the straight horizontal alignment of Niree Lane with a slight crest vertical curve towards its western end ensures there are very good forward sight lines along the road", does not give an accurate reflection of the sight distance limitations of the laneway. There are multiple crests along the laneway which restrict sight distance such that there are 5 different segments of laneway which have sight distances restrictions (See Image 4 and 5 below). (see below map and images). On this basis the SDE does not believe geometric factors can be used as a valid reason for . As such, the SDE believes that conflicts between users are not avoided simply by the geometric factors of Niree Lane. The SDE does not believe that relying upon unformalised/unregulated/unenforceable user decisions to 'ensure conflicts between users are avoided' is a realistic, viable or valid argument.

The SDE has undertaken three site visits during the assessment process for not just this planning application but including previous planning permit detailed design assessment for this site and on two occasions met oncoming vehicles. During the most recent visit of 14/1/18 at 10am, five cars, one postie bike and one pedestrian were witnessed on Niree Lane during the 20 minute interval of the assessment. Two of these vehicles were trade vehicles exiting the business running out of Niree Lane. The traffic volume witnessed, combined with the comments from the representors indicates that the TIS traffic count may not accurately reflect the actual traffic volumes within Niree Lane. Putting that aside, the applicant's Traffic Engineer (during post advertising discussions with Council's Traffic Engineer) indicated that the probability of two vehicles encountering each other will increase from 2.9% (during peak periods) to 3.3%. Even if the TIS traffic count is correct, this still results in an increase probability of conflict, and E6.7.15 P1(b) requires conflicts between users to be avoided. An increase probability of conflict does not satisfy E6.7.5 P1(b).

The entrance to Niree Lane is not wide enough to provide a passing bay. The TIS suggests that vehicles could pause upon entry to Niree Lane to view any vehicles within the laneway. As mentioned above, this is not practical due to the limited sight distances along Niree Lane. It should also be noted that there are in excess of 130 properties which have their only means of access via driving along Niree Heights past the Niree Lane intersection. As representor's indicate, many cars travel along Niree Heights with speed which is not suitable for the intersection (due to using Niree

Heights as a collector road rather than a local road). Pausing upon entry is not a safe mechanism to prevent conflict within Niree Lane. Sight distances upon exit of Niree Lane are also substandard and do not comply with the current requirements of AS2890.1 or HIPS 2015 Code E5. These sight distances would be compounded by reversing movements out of Niree Lane. Sight distances can be seen below in image 6.

E6.7.15 P1 (c) access is available for refuse and service vehicles

It is noted in the TIS that all waste removal and service vehicles is proposed to be via Beddome Street, and it is noted that no visitor parking is provided on site or available on Niree Lane, with all visitors entering the property and walking up from Beddome St. This is not consistent with the drawings of the proposed development which do not show any path for pedestrians, service vehicle access or waste bins from Beddome Street. The elevation change from the frontage of Beddome Street to the footings of the proposed house is around 10m, and the distance is around 40m, resulting in a gradient of 25%. The National Construction Code defines the maximum gradient for a pedestrian ramp as 12.5%. As such a ramp from the Beddome Street frontage to the dwelling is not viable unless this was to zig-zag across the property considerably. Steps is another option, and this could provide pedestrian access, but would not be feasible for refuse bins and is not favourable for use by emergency services (in particular carrying a medical patient on a stretcher up/down 10 vertical metres of steps). It should be noted that there is a Council Stormwater Main which runs through the property from Beddome Street to Niree Lane. Constructing a ramp from the front boundary to a bin storage (which complies with other planning requirements), then steps to the dwelling would be problematic.

As mentioned by representors, there have been two other developments within Niree Lane which have noted (and had conditioned on their Planning Permit) that refuse and service vehicles must be via Beddome Street. Representors note that this has not been enforced and it is questioned if this is enforceable.

Council's Senior Development Engineer is not confident that a path/ramp/steps could be achieved from Beddome Street to the proposed dwelling to satisfy E6.7.15 P1 (c) due to:

- The complication that construction of a path/steps/ramp would be in close proximity of Council's Stormwater Main and an engineering design may not be able to be achieved which maintains the integrity of Council's Stormwater Main.
- The fact that the applicant has not shown any details of the proposed path/steps/ramp as part of their

- application (it only being mentioned in the TIS as a mechanism to comply with E6.7.15 P1(c)).
- The point raised by representors that ensuring that Beddome Street is used for refuse and service vehicles via conditions on the planning permit may not be practically enforceable.
- Concern that steps of such an extent would not be desirable for emergency services such as medical staff carrying a patient.

E6.7.15 P1 (d) the use of Niree Lane does not result in unreasonable adverse amenity impacts on residents along Niree Lane.

The points raised above with regards to E6.7.15 P1 (b), combined with the comments from the representors indicates that the amenity of residents using Niree Lane will be adversely impacted. As such, the Senior Development Engineer does not believe the application satisfies E6.7.15 P1 (d) "the use of Niree Lane does not result in unreasonable adverse amenity impacts on residents along Niree Lane".

On this basis, the Senior Development Engineer believes refusal under E6.7.15 P1 (a), (b), (c) and (d) is warranted.

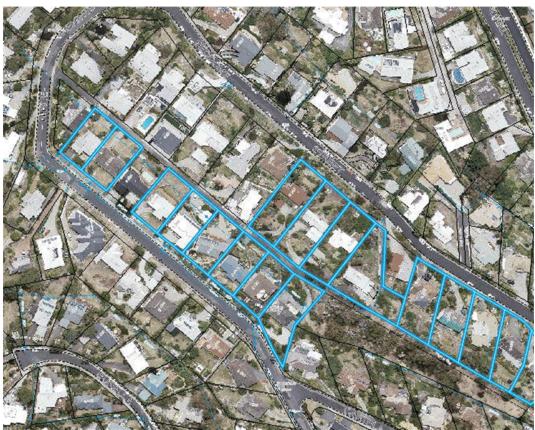


Image 2: Properties with potential for multiple dwellings off Niree Lane (or Right of Way Extension)



Image 3: Neighbour's Driveway Accesses



Image 4: Limited sight distances along Niree Lane



Image 5: Sight distances along Niree Lane from driver's perspective (note car is a 4wd with slightly elevated seat height)



Image 6: Sight distances either side of the Niree Lane intersection with Niree Heights

E 7.0 Stormwater

L 7.0 Stormwater				
Clause for Assessment	AS	PC	Comments / Discussion	
A1 (SW disposed to Public SW Inf via Gravity / P1 (onsite/pump)	Y		Stormwater is proposed to drain to Council's Stormwater Infrastructure. This will require a new connection for 8 Niree Heights, together with a new connection for 31 Beddome Street. CONDITION ENG sw4: New connection Niree Heights and 31 Beddome St	
A2 (WSUD) /P2 (Mechanical Treatment)	NA	NA	Clause not triggered, Impervious area approx 350m2, only 3x new parking spaces.	
A3 (Minor SW System (a) 1:20 ARI (b) Runoff no greater than existing or able to be accommodated in Council SW System)				

		_
A4 (Major SW System	ΙY	
accommodates 1:100		
ARI)		

PROTECTION OF COUNCIL INFRASTRUCTURE

Council infrastructure at risk	Why?
Stormwater pipes	Y. The applicant proposes to modify Council's Stormwater mains within Niree Lane ROW on 8 Niree Heights, plus on 31 Beddome Street. Requires condition for detailed design of modification of Council mains, plus protection of council infrastructure due to the proximity of the dwelling works to Council Mains CONDITION ENG SW2a and SW2b CONDITION ENG sw3 CONDITION ENG sw5
Council road network	Y CONDITION ENG TR2: Construction Traffic Management Plan. CONDITION ENG S2: All refuse and service vehicles providing service to the property must provide services from/on Beddome Street. Prior to building permit. Detailed design of bin storage and access for bins and visitors to Beddome Street (Pedestrian Ramp from road to bin storage, then steps/ramp/path from bin storage to proposed dwelling). All works shown in this detailed design to be constructed prior to occupancy.
Council Parks Infrastructure	CONDITION ENG S1: Detailed design of ramp, pavement, stormwater, retaining walls and other structures in Niree Lane and the RoW on 8 Niree Heights property.

COMMENTS:

Based on the above, Council's Senior Development Engineer recommends refusal under E6.7.15 P1 (a), (b), (c) and (d).

7.2.2 PLN-17-291 – 25 Hill Street, West Hobart Alterations, Signage and Change of Use to Service Industry File Ref: F19/78407

Memorandum of the Manager Development Appraisal of 10 July 2019 and attachments.

Delegation: Council



MEMORANDUM: CITY PLANNING COMMITTEE

PLN-17-291 – 25 Hill Street, West Hobart Alterations, Signage and Change of Use to Service Industry

This memorandum relates to planning application PLN-17-291 proposing Alterations, Signage and Change of Use to Service Industry at 25 Hill Street, West Hobart.

At the request of the applicant, the application was deferred at the City Planning Committee meeting of 11 June 2019. That deferral was in the following terms:

That the item be deferred at the request of the Applicant to allow more time to prepare additional documentation in support of the proposal.

The applicant has now indicated that they would like the application to be considered and determined by the Committee and Council. Delegation rests with full Council as refusal is recommended and as four objections have been received.

The report at Attachment A to this memorandum contains the officer assessment of the proposal against the *Hobart Interim Planning Scheme 2015* and recommends refusal of the application.

Following extensions of time being granted by the applicant, the application is due to expire on 20 August 2019.

RECOMMENDATION

That:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for alterations, signage and change of use to Service Industry at 25 Hill Street, West Hobart for the following reasons:

 Service Industry is a Prohibited use in the Use Table at clause 11.2 of the Hobart Interim Planning Scheme 2015, and in accordance with clause 8.9.1 of the planning scheme, a use or development must not be granted a permit if the use is within a use class specified in the applicable Use Table as being a use which is prohibited.

Agenda (Open Portion) City Planning Committee Meeting 15/7/2019

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

Date: 10 July 2019 File Reference: F19/78407

Attachment A: PLN-17-291 - 25 HILL STREET WEST HOBART TAS 7000 -

Planning Committee or Delegated Report !

Attachment B: PLN-17-291 25 HILL STREET WEST HOBART TAS 7000 -

CPC Agenda Documents U



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

City of HOBART

Type of Report: Committee

Council: 22 July 2019

Expiry Date: 20 August 2019

Application No: PLN-17-291

Address: 25 HILL STREET, WEST HOBART

Applicant: FRAZER ERIC READ

19 MAWHERA AVENUE SANDY BAY TAS 7005

Proposal: Alterations, Signage and Change of Use to Service Industry

Representations: Four (4)

Performance criteria: Prohibited Use

1. Executive Summary

- 1.1 Planning approval is sought for Alterations, Signage and Change of Use to Service Industry at 25 Hill Street, West Hobart.
- The proposal seeks retrospective approval of the current Service Industry use operating on the site as well as associated signage and alterations. Specifically, the use is for the sale and fitting of wheels and tyres, as well as mechanical repairs. The proposed hours of operation are from 7.30am to 6:00pm Monday to Friday. The use occupies the former service station building on the site, which includes the canopy area, product display and customer seating area, office, and three service bays, as well as associated onsite parking and manoeuvring areas. The third service bay was previously a roofed open bay but has been enclosed, and therefore the associated alterations also form part of the application. There is also a temporary storage container located over an existing car parking space on the Patrick Street frontage of the site. The additional signage that has been installed is limited to branding on the fascia of each frontage, labelling of the service bays and a small illuminated sign displaying services undertaken on site.
- 1.3 The proposal is for a Prohibited Use and therefore the use and development must not be granted a permit.
- 1.4 Four (4) representations objecting to the proposal were received within the statutory advertising period between 24 April and 9 May 2019.

Agenda (Open Portion) City Planning Committee Meeting - 15/7/2019

- 1.5 The proposal must be refused.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

2.1 The subject site is the previous, long term service station site located on the eastern side of the roundabout at the intersection of Hill Street and Patrick Street, West Hobart. The site involves two titles with a combined area of 1345m2, with part of the driveway area of the proposed use extending onto the title containing the existing heritage listed dwelling to the southeastern side of the former service station building. The site retains all aspects of the previous service station building except for the underground storage tanks, which have been removed.

The corner site is located within the Inner Residential Zone and West Hobart 3 "Lansdowne Crescent/Hill Street" Heritage Precinct, and adjoins residential properties. It is adjacent to the small commercial node containing the corner store and post office as well an existing shop and restaurant.



Figure 1: GIS Map Image 1:2000



Figure 2: GIS Map Image 1:1000



Figure 3: Hill Street frontage of the site



Figure 4: Patrick Street frontage of the site

3. Proposal

- 3.1 Planning approval is sought for Alterations, Signage and Change of Use to Service Industry at 25 Hill Street, West Hobart.
- 3.2 The proposal seeks retrospective approval of the current Service Industry use operating on the site as well as associated signage and alterations. Specifically, the use is for the sale and fitting of wheels and tyres, as well as mechanical repairs. The proposed hours of operation are from 7.30am to 6:00pm Monday to Friday. The use occupies the former service station building on the site, which includes the canopy area, product display and customer seating area, office, and three service bays, as well as associated onsite parking and manoeuvring areas. The third service bay was previously a roofed open bay but has been enclosed, and therefore the associated alterations also form part of the application. There is also a temporary storage container located over an existing car parking space on the Patrick Street frontage of the site. The additional signage that has been installed is limited to branding on the fascia of each frontage, labelling of the service bays and a small illuminated sign displaying services undertaken on site.



Figure 5: Site Plan

4. Background

4.1 The site is subject to longstanding enforcement action in respect of the use of the site for a Service Industry, associated signage and alterations, with that action being compounded by a change of business and variations to the signage.

The original service station use ceased some time between 6 April 2010 and 7 January 2011. A planning application (PLN-11-00015-01) for a change of use to shop was approved in February 2011, however that use was never acted upon. Any existing use rights associated with the former service station lapsed two years after that use ceased, which, noting the dates above, would have been 7 January 2013 at the latest.

Council records indicate that Tazzy Tyres began operating on the site some time before 29 November 2012. The owner and operators may have assumed that their business was consistent with the former service station from a planning perspective and didn't require planning approval. However, even at that point, when the *City of Hobart Planning Scheme 1982* was still in place, a planning permit for a change of use from service station (considered an 'unlisted use' under that previous planning scheme) to tyre retail and servicing (service industry) was required. No such application was submitted or approved. As existing use rights have ceased and the site has no approved use, a planning permit is still needed to enable the site to change from having no approved use to become a Service Industry under the current planning scheme, the *Hobart Interim Planning Scheme 2015*.

Through the course of this planning application, the applicant was given the opportunity to provide evidence of the continuation of existing use rights supporting their proposal or a position supporting the discretionary assessment of the proposed use under the planning scheme. However, the view of Council officers is that because the service station use has lapsed, and that there is no current approved use for the site, there is no discretionary pathway available to approve the application, and it must be refused because it is for a prohibited use.

4.2 The use has been operating without formal complaint since March 2017. The complaints prior to that date related to the 'out of hours' use and visitation of the business and the use of an air compressor, which appears to have been addressed through enclosure of the unit in combination with a Noise Emissions Report.

5. Concerns raised by representors

5.1 Four (4) representations objecting to the proposal were received within the statutory advertising period between 24 April and 9 May 2019.

Negative impact on the streetscape and the amenity of the area from the shipping container being located on the front boundary.

The shipping container should be removed.

The shipping container is an affront to the heritage values of Patrick Street.

The fascia signage has powerful flood lights which should be restricted to the hours of operation or at least turned off at a reasonable hour.

The proposed changes and alterations have already been undertaken.

The proposed hours of operation of 7:30am to 6:00pm Monday to Friday are not true as the workshop often operates 7 days a week, with a variety of activities including car cleaning and detailing.

Reasonable restrictions should be placed on these operating hours as the work is often noisy and impacts negatively on the neighbourhood.

Not opposed to the change of use however it should operate with respect and consideration of its neighbours.

We would hope that businesses would be advised to follow regulations through proper assessment and approval processes. This would ensure that development that takes place is both appropriate and sensitive to the local area.

The stacking of tyres near the boundary creates a potential fire risk and hiding location for potential thieves.

The illegal works should not be rewarded by retrospective approvals.

Impact on amenity as a result of the infilling of the service bay.

Disregard of the business has towards its neighbours.

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.

- The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The proposed use is for a Service Industry, which is defined as:

use of land for cleaning, washing, servicing or repairing articles, machinery, household appliances or vehicles. Examples include a car wash, commercial laundry, electrical repairs, motor repairs and panel beating.

Service Industry is a Prohibited use in the Inner Residential zone. Clause 9.1.1 allows, in certain circumstances, for a discretionary pathway to approve changes to an existing non-conforming use - that is, to approve changes to a Prohibited use. Clause 9.1.1(a) states:

Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme;

However, as detailed above in paragraph 4.1, the previous service station use ceased sometime between 6 April 2010 and 7 January 2011. As a consequence, the site does not have a lawful existing use and therefore the above provision cannot be used. That is, because the last lawful use of the site ceased in excess of two years ago, there is no lawful existing use on the site that can be brought into conformity, or greater conformity, with the planning scheme.

Because the proposal cannot use clause 9.1.1 of the planning scheme, the application is simply for a new Prohibited use in the zone. Clause 8.9.1(a) of the planning scheme directs how a proposal for a Prohibited use must be dealt with:

A use or development must not be granted a permit if the use is within a use class specified in the applicable Use Table as being a use which is prohibited.

Therefore, in light of the above, there is no discretionary pathway under clause 9.1.1 of the planning scheme to allow the proposal to be approved, and in accordance with clause 8.9.1 it must not be granted a permit.

7. Discussion

- 7.1 Planning approval is sought for Alterations, Signage and Change of Use to Service Industry at 25 Hill Street, West Hobart.
- 7.2 While the proposal could be seen as a logical evolution of the use of the site from the previous long standing service station, the planning scheme does not provide a discretionary pathway for it to be approved. As a consequence, the proposal is prohibited, and must be refused. However, it is acknowledged that the applicant contends that there is a discretionary pathway for the proposal to be approved, under clause 9.1.1 (changes to an existing non-conforming use), suggesting that the service station use was an existing use for the purposes of this clause. Although the applicant's position is not agreed with for the reasons set out in paragraphs 4.1, 6.3 and 6.4 above, if the Council preferred the applicant's approach, then it is recommended that conditions should be imposed to minimise any potential impacts of the use on residential amenity and to ensure consistency with Zone Use Standards. Conditions should address the following:
 - Confirmation of operating hours of 7:30am to 6:00pm Monday to Friday.
 - Ensuring the use does not exceed permissible noise standards under the Acceptable Solutions for the ongoing use, which is achievable under its current operation as concluded in the submitted Noise Emissions Assessment.
 - External lighting to be only turned on within the operating hours, with the
 exception of security lighting that is baffled to ensure it does not cause
 emission of light into adjoining private land.
 - Commercial vehicle movements to be within the operating hours.
 - Removal of the shipping container within 30 days from the date of a planning permit being issued.
- 7.3 Setting aside their association with a prohibited use, the other aspects of the proposal, being the signage and enclosure of the previously open, roofed service bay, are considered acceptable. The new signage is limited to branding on the fascia of each frontage and is modest in size. There is also a small illuminated sign displaying services undertaken on site. The works associated with the infilling of the service bay meet the Acceptable Solution for setbacks and building envelope for the zone.
- 7.4 The application was advertised and received four (4) representations. The representations raised concerns relating to the operation outside the proposed hours and associated noise, streetscape impacts of the shipping container and that it should be removed, emissions from powerful flood lights on all night, the fact that the works and use have already been undertaken and the impact of the wall from the infilling of the service bay. If the Council preferred the applicant's argument with respect to the proposed use, the conditions discussed above would address the majority of the concerns raised in the representations.

- 7.5 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 the removal of the shipping container.
- 7.6 The proposal is prohibited and must be refused.

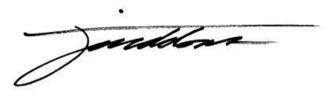
8. Conclusion

8.1 The proposed Alterations, Signage and Change of Use to Service Industry at 25 Hill Street, West Hobart does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Alterations, Signage and Change of Use to Service Industry at 25 Hill Street, West Hobart for the following reasons:

Service Industry is a Prohibited use in the Use Table at clause 11.2 of the *Hobart Interim Planning Scheme 2015*, and in accordance with clause 8.9.1 of the planning scheme, a use or development must not be granted a permit if the use is within a use class specified in the applicable Use Table as being a use which is prohibited.



(Tristan Widdowson)

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.

(Ben Ikin)

Senior Statutory Planner

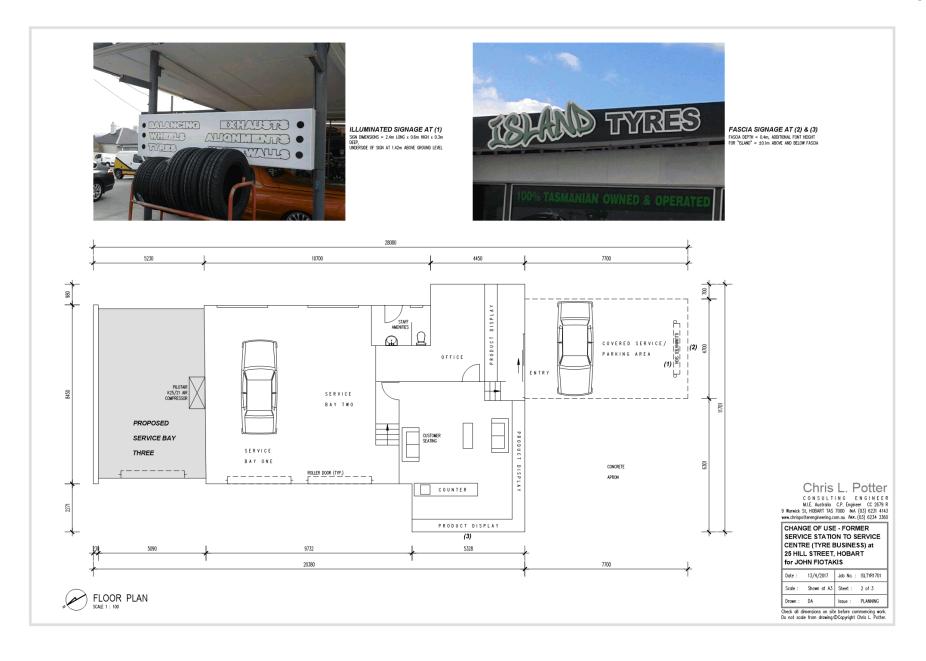
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

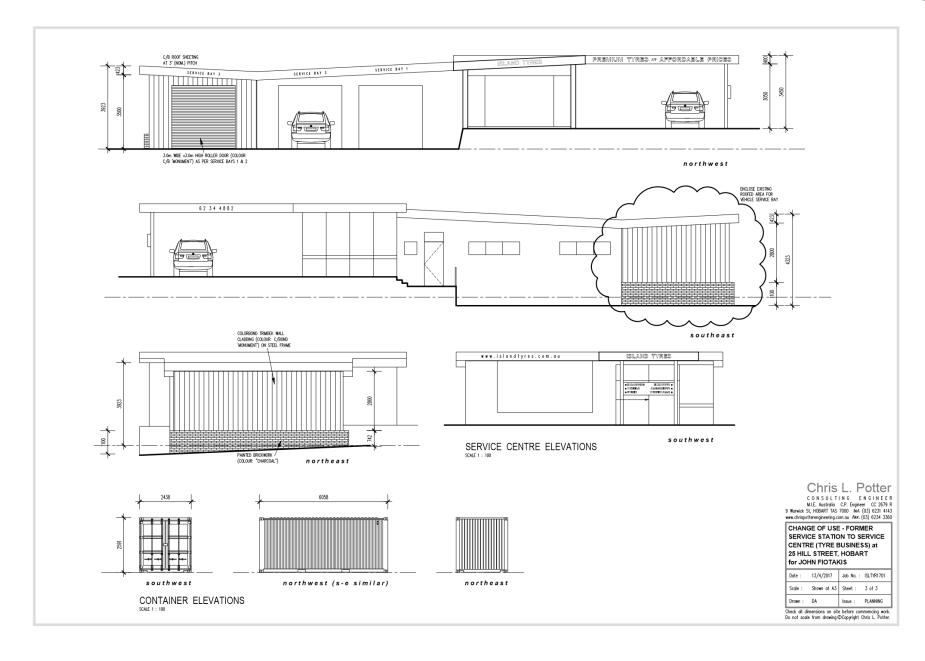
Date of Report: 31 May 2019

Attachment(s):

Attachment B - CPC Agenda Documents











Rohan Probert Senior Statutory Planner Hobart City Council GPO Box 503 HOBART 7001

Dear Rohan

25 Hill Street - New application for a planning permit

Please see attached a Development Application for alterations and signage at 25 Hill Street West Hobart.

Council and archive records extending back to 1957 confirm that the site has long existing use rights as a service station including approval for various complementary activities:

- A car wash bay in 1973 under BA 73153
- A mechanical garage work bay extension in 1957.

I understand that site operated as an 'old style' local garage/service station where fuel was sold and cars were serviced.

The service station operated with two garage service bays and a third covered carport style bay. Fuel was sold from bowsers on the Hill Street frontage of the site under the existing canopy with adjacent office and shop area.

The site is currently used for the fitting of tyres and wheels and for mechanical repairs.

The use includes a small shop and office, product display and three vehicle service bays The sale of fuel has now ceased and the USTs removed.

The existing use involves:

- · Hours of operation from 7.30am to 6pm Monday to Friday
- Typically up to 12 vehicle services or tyre changes per day
- 3 employees
- 3 deliveries of tyres, mufflers, mechanical parts etc per day.
- Deliveries only within the hours of operation.
- An air compressor is installed within service bay 3 and is used with a rattle gun.

AllUrbanPlanning

Proposal

The proposal includes:

- Alterations to enclose the former roofed carwash bay
- Additional signage as shown on the plans
- A temporary 20ft storage container located over an existing car parking space on the Patrick Street frontage of the site.

Planning Scheme

I've approached my assessment on the basis that as a pre-existing use dating back to the 1950's and predating event the previousl1982 City of Hobart Planning Scheme, it would be an error to classify the use in accordance with the use classes prescribed under the Interim Planning Scheme.

The critical issue is to look at the nature of the pre-existing use and compare that to the use that is now operating from the site. This approach is consistent with Clause 9.1 of the Planning Scheme and requires and assessment against the following criteria:

- (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.

In my assessment the current use of the site for the sale and changing of tyres and mechanical repairs closely resembles the mechanical repair component of the long existing use. The removal of the fuel sale activity would in my opinion only reduce the activity on site and associated traffic movements. The proposal is therefore likely to be a net reduction in visitation and traffic to the site.

The proposed minor alterations to infill the existing service bay under the existing roof has in my opinion no tangible impact on adjoining uses.

Providing appropriate management measures are in place for the housing of the air compressor and use of all power tools only within the building. I expect that the activities would not have an unacceptable impact on the amenity of the area.

I my opinion the storage container would not be an appropriate permanent structure but temporary occupation for an interim period would on balance be acceptable.

AllUrbanPlanning

Conclusion

In my assessment Council can approve the proposal as a discretionary application under Clause 9.1 of the Planning Scheme.

Please contact the undersigned as necessary for further information or clarification.

Yours sincerely

Frazer Read **Principal**

All Urban Planning Pty Ltd

Agenda (Open Portion) City Planning Committee Meeting - 15/7/2019

 From:
 Frazer Read

 To:
 Widdowson, Tristan

 Subject:
 PLN-17-291 - 25 HILL STREET

 Date:
 Friday, 22 March 2019 4:27:00 PM

Hi Tristan, as discussed today I do not have any further evidence at this point in relation to the matter of continuation of the service station and vehicle servicing use of the site.

The site is clearly a purpose built traditional service station with on site mechanical workshops stretching back from the 1950s.

The current vehicle servicing use has recently undertaken considerable upgrades to the noise attenuation measures for the compressor. The use appears to be operating well and to my knowledge without complaint.

I therefore consider that Council may be best to move forward with the assessment of the application as submitted.

I would be pleased to discuss as necessary

Regards

Frazer Read

Principal

Call 0400 109 582 Email frazer@allurbanplanning.com.au 19 Mawhera Ave, Sandy Bay Tasmania 7005 allurbanplanning.com.au

AllUrbanPlanning





All Urban Planning 9 Mawhera Avenue Sandy Bay TAS 7005 Attention: Frazer Read 30 May 2018

5728 01.docx

ISLAND TYRES - COMPRESSOR NOISE MEASUREMENTS

Island Tyres has applied for a wheel/tyre and detailing workshop at 27 Hill Street, West Hobart. Hobart City Council has requested a noise assessment to address the relevant Use Standard for noise under the Hobart Interim Planning Scheme 2015. Measurements of noise emissions from the air compressor unit were conducted by NVC, the details of which are presented in this letter.

1.0 SITE DESCRIPTION

The site is located within an inner residential zone, with roads on the north-western and south-western boundaries, and residences to the north-east and south-east. The facade of the nearest residence (to the north-east) is located approximately 3m from the building which contains the air compressor. The south-eastern residence is located approximately 7m from the building. The site (blue) and surrounding area is shown in Figure 1.



Figure 1: Site and surrounds.

The building construction is corrugated iron on a steel structure, and is sitting on a concrete slab. This particular section of the building (shown in red) houses the air compressor and tyre stock, and is separated from the workshop by a corrugated iron wall, and a door. The location of the air compressor within the building is shown in the figure. It is noted that the air compressor is used for tyre inflation rather than operating rattle guns - the detailing tools are battery powered.



ISLAND TYRES - COMPRESSOR NOISE MEASUREMENTS

2.0 CRITERIA

Clause 11.3.2 of the Hobart Interim Planning Scheme 2015 contains the following Acceptable Solutions criteria for noise from a non-residential use within an Inner Residential zone. The objective of which is "to ensure that non-residential use does not unreasonably impact residential amenity."

"Noise emissions measured at the boundary of a residential zone must not exceed the following:

- a) 55 dB(A) (LAeq) between the hours of 8:00 am to 6:00 pm;
- b) 5 dB(A) above the background (LA90) or 40 dB(A) (LAeq), whichever is the lower, between the hours of 6:00 pm to 8:00 am;
- c) 65 dB(A) (LAmax) at any time.

The operating hours of the site are within the day time (8:00AM to 6:00PM) period, so the Acceptable Solutions criterion is then 55 dBA (LAeq).

3.0 Assessment

Initial measurements were made on the 25th of May 2018 in clear and still conditions. Svan Type 1 sound level meters were used, calibrated before and after measurements. A sound level meter was located alongside the compressor, and a second meter was used to measure noise emissions at the two nearest residential boundaries (A and B in figure).

Noise emissions were in excess of the criterion for the initial measurements, and thus NVC recommended the compressor be enclosed. An insulated 18mm plywood enclosure was constructed around the compressor, and the measurements were repeated on the 29th of May 2018.

Once enclosed, the compressor noise was generally audible as a low level, low frequency hum at both boundaries, however is generally dominated by traffic, which is a clear and consistent noise source. Noise emissions from the compressor were measured as 49 dBA at both boundaries A and B. The spectra were assessed for tonality as per the TAS Noise Measurement Procedures Manual, and the noise emissions at both locations, corrected for tonality, was 51 dBA. It should be noted that this is a worst-case scenario, as the compressor was operating continuously. In real operation, the compressor is intermittent, and so emissions measured as an LAeq, 15 min will be significantly lower.

Provided the compressor is not operated outside of the day time (8:00AM to 6:00PM) period, it's noise emissions are then significantly below the relevant criteria under the Planning Scheme.

The noise emissions from the air compressor are therefore deemed acceptable.

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

Regards

Jack Pitt

(NOISE VIBRATION CONSULTING

☐ 5728_01.docx Page 2

Page 146 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 51174	FOLIO 2		
EDITION 2	DATE OF ISSUE 16-Oct-2003		

SEARCH DATE : 13-Apr-2017 SEARCH TIME : 05.52 PM

DESCRIPTION OF LAND

City of HOBART Lot 2 on Diagram 51174 Being the land secondly described in Conveyance No. 53/5335 Derivation : Part of 1A-3R-8Ps Loc. to J Moir Prior CT 4810/53

SCHEDULE 1

CONSTANTINOS TSIOKANTAS and MARIA TSIOKANTAS

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

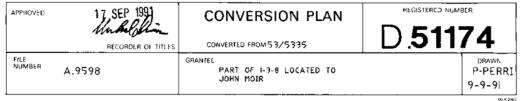


FOLIO PLAN

RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/FOWN OF HOBART (Sec.R2)

LAND DIGTRICT OF

PARISH OF

AMAGRIFS AND TO SCALE
LENGTHS IN BRACKETS-IN-LINNS/FEET & INCHES.

(D.21849)

(D.21849)

(D.20557)

3.

23.

23.

24.

25.

(A.7576)

(A.7576)

(A.7576)

(A.7576)

(A.7576)

Page 148 ATTACHMENT B



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

	LUME 174	FOLIO 3		
ED	ITION 2	DATE OF ISSUE 16-Oct-2003		

SEARCH DATE : 13-Apr-2017 SEARCH TIME : 04.31 PM

DESCRIPTION OF LAND

City of HOBART Lot 3 on Diagram 51174 Being the land firstly described in Conveyance No. 53/5335 Derivation : Part of 1A-3R-8Ps Loc. to J Moir Prior CT 4810/52

SCHEDULE 1

CONSTANTINOS TSIOKANTAS and MARIA TSIOKANTAS

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

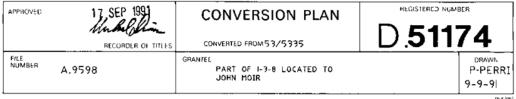
No unregistered dealings or other notations

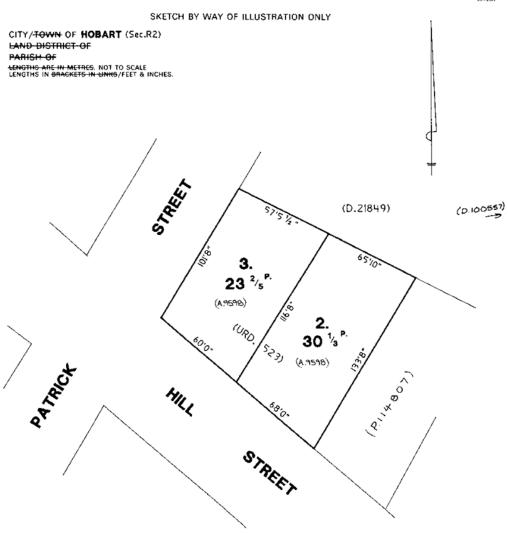


FOLIO PLAN









7.2.3 26 DARLING PARADE, MOUNT STUART AND ADJACENT ROAD RESERVE - PARTIAL DEMOLITION, DECK, NEW DRIVEWAY AND CARPARKING

PLN-18-606 - FILE REF: F19/90765

Address: 26 Darling Parade, Mount Stuart and Adjacent

Road Reserve

Proposal: Partial Demolition, Deck, New Driveway and

Carparking

Expiry Date: 15 August 2019

Extension of Time: Not applicable

Author: Deanne Lang

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, deck, new driveway and carparking at 26 Darling Parade, Mount Stuart and adjacent road reserve 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 PLN-18-606 - 26 DARLING PARADE MOUNT STUART TAS 7000 AND ADJACENT ROAD RESERVE - 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 2018/01893-HCC dated 23 May 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Reason for condition

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

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.

Designers are advised to consult the National Construction Code 2016 to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of access to a building.

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 3a

The driveway and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required).

Advice:

It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 4

The access, driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG₁

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

- 1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
- 2. Be repaired and reinstated by the owner to the satisfaction of 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.

ENGR 3

Prior to the commencement of use, the proposed driveway crossover Darling Parade highway reservation must be designed and constructed in generally in accordance with Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing. Any deviation from the Tasmanian Standard Drawings must be approved by the Council's Director City Amenity.

Design drawings must be submitted and approved prior to any approval under the *Building Act 2016*, or the commencement of work (whichever occurs first). The design drawing must:

- 1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
- 2. Detail any services or infrastructure (ie light poles, pits, awnings, pipes) at or near the proposed driveway crossover.
- 3. Be designed for the expected vehicle loadings.
- 4. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the vehicle's underside.
- 5. Include detailed design and structural certification for any vehicular barriers or retaining walls included in the design.
- 6. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.

Please note that your proposal may include building works and as such may require separate approval under the Building Act 2016.

Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENG s1

The proposed access is approved for right hand turn into the property only (approach from the west). Egress from the site must be via the same vehicular path.

Reason for condition

To ensure the access is safe and efficient.

ENV₁

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.

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 <u>per assessment</u>.

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, pleased 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.

OCCUPATION OF THE PUBLIC HIGHWAY

As your proposal includes a new access crossover and retaining walls within the highway reservation you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click here for more information.

STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click here for more information.

WORK WITHIN THE HIGHWAY RESERVATION

Please note Council will not be reinstating or repairing any existing landscaping, including trees within Council's Road Reservation that are removed or damaged by the works.

For advice regarding the removal or replacement of this vegetation, please contact Council's Senior Park Planner on telephone 6238 2448.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click here for more information.

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design. Click here for more information.

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment 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.

Attachment A: PLN-18-606 - 26 DARLING PARADE MOUNT

STUART TAS 7000 - Planning Committee or

Attachment B: PLN-18-606 - 26 DARLING PARADE MOUNT

STUART TAS 7000 - CPC Agenda Documents U



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

City of HOBART

Type of Report: Committee

Council: 22 July 2019

Expiry Date: 15 August 2019

Application No: PLN-18-606

Address: 26 DARLING PARADE, MOUNT STUART

ADJACENT ROAD RESERVE

Applicant: Dennis Cantwell

P.O. Box 200

Proposal: Partial Demolition, Deck, New Driveway and Car Parking

Representations: Nil

Performance criteria: General Residential Zone Development Standards, and Parking and

Access Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Deck, New Driveway and Car parking, at 26 Darling Parade, Mount Stuart.
- 1.2 More specifically the proposal includes:
 - Creation of a driveway to the subject site, including retaining walls either side of the driveway, some of which are located within the road reserve.
 - Uncovered car parking area between the front facade of the dwelling and Darling Parade.
 - Demolition of an existing landing on the front facade of the dwelling and its replacement with a 2500mm x 5800 mm deck.
 - Access to the deck is via the existing living room.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.2 General Residential Zone Development Standards Setbacks and Building Envelope
 - 1.3.3 Parking and Access Code Onsite Car Parking Provision

- 1.4 No representations were received during the statutory advertising period between 28 May 12 June 2019.
- 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 within an established residential area. It is noted that the subject site is the only property within this section of Darling Parade (between Vivian Street to the east and Raymont Terrace to the west) without a driveway.



Fig. 1 - the subject site is bordered in blue

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Deck, New Driveway and Car parking, at 26 Darling Parade, Mount Stuart.
- 3.2 More specifically the proposal is for:
 - Creation of a driveway to the subject site, including retaining walls either side of the driveway, some of which are located within the road reserve.
 - Uncovered car parking area between the front facade of the dwelling and Darling Parade.
 - Demolition of an existing landing on the front facade of the dwelling and its replacement with a 2500mm x 5800 mm deck.
 - · Access to the deck is via the existing living room.

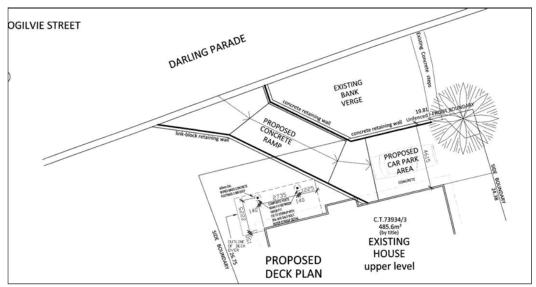


Fig. 2 - proposed site plan

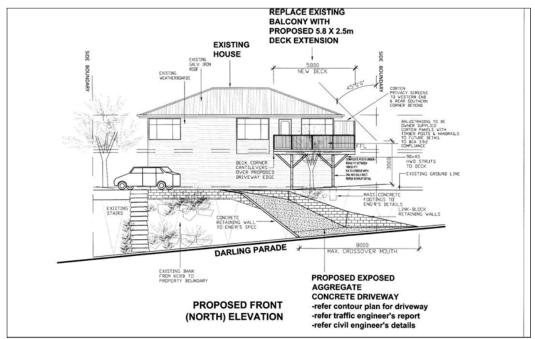


Fig. 3 - proposed northern elevation (facing Darling Parade)

4. Background

- 4.1 Prior to submitting the application, the applicant had meetings with officers from the Development Appraisal and Road and Environmental Engineering Units to discuss the proposal.
- 4.2 Landlord (General Manager) consent was issued on the 30 October 2018, as the proposal includes the construction of a driveway access and retaining walls partly within the road reservation.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between 28 May - 12 June 2019.

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.
- The site is located within the General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing and proposed use is residential which is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D 10 General Residential Zone
 - 6.4.2 E5.0 Road and Railways Assets Code
 - 6.4.3 E6.0 Parking and Access Code
 - 6.4.4 E7.0 Stormwater Management Code
- The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1 General Residential Zone Development Standards:-

Front setback – Part D 10.4.2 P1 Setbacks and Building Envelope – Part D 10.4.2 P3

6.5.2 Parking and Access Code:

Number of Onsite Car Parking Spaces - E6.6.1 P1 Design of Vehicle Access 6.7.2 P1

- 6.6 Each performance criterion is assessed below.
- 6.7 Setback and Building Envelope Part D 10.4.2 P1
 - 6.7.1 The acceptable solution at clause 10.4.2 A1 requires a minimum front setback of 4.5m.
 - The proposal includes a new deck which is within 2m of the front boundary.
 - 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 10.4.2 P1 provides as follows:

A dwelling must:

- (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and
- (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.
- 6.7.5 The objectives of the setback and building envelope provisions, in this instance, are to control the siting and scale of dwellings and provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage.

The proposed deck will have a setback approximately 2.5m from the front boundary, and will replace a smaller balcony in the same location which has a front setback of 3.6m. ALthough the setback to the frontage is being reduced by the larger proposed deck, as a consequence of the 4m

road reservation between the site's front boundary and the road pavement, the proposed deck will appear to have a greater setback. As such, it is considered that the location of the deck, when viewed from Darling Parade will be consistent with those dwellings on the southern side of Darling Parade, due to the width of the road reservation.



Fig. 4 - The existing dwelling and balcony, noting the large road reservation in front of the dwelling. Source: Google Streetview.

- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Setback and Building Envelope Part D 10.4.2 P3
 - 6.8.1 The acceptable solution at clause 10.4.2A3 requires a front setback of 4.5m
 - 6.8.2 The proposal includes a deck with a front boundary setback of 2m.
 - 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 10.4.2P3 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 objectives of the setback and building envelope provisions, in this instance, are to control the siting and scale of dwellings and provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage. The objectives also aim to provide consistency in the scale, bulk and massing and proportion of dwellings and provide reasonable opportunity for daylight and sunlight to enter habitable rooms of dwellings and private open space on adjacent lots.

As stated above, the proposed deck is located 2m from the front boundary. The deck is setback approximately 1.7m from the western (side) boundary shared with 28 Darling Parade, however, the proposal includes a 1.7m high privacy screen to meet the privacy provisions under 10.4.6 A1. This privacy screen is within the building envelope.

In terms of the proposed deck, it will be 4m further forward of the existing dwelling within the adjoining property at 28 Darling Parade and 25m from the dwelling within the adjoining property at 24 Darling Parade. The deck will not be visible from the adjoining properties at the rear and therefore the construction of the deck will not result in a detrimental impact on these properties.

The private open space within both 24 and 28 Darling Parade will not be affected by the use of the deck. Due to the separation distance between the deck and the dwelling at 24 Darling Parade, there will be no impact on the sunlight currently experienced by the dwelling in the adjoining property. The floor plan of the dwelling contained within the adjoining property at 28 Darling Parade confirms that there are no habitable room windows opposite the proposed deck and therefore there is no reduction in sunlight to a habitable room. In addition, the proposed deck is not directly opposite any private open space that would be affected by the proposed deck.

As stated above, the proposed deck is only 13sqm in area and replaces an existing, albeit much smaller (4.95sqm) deck. Notwithstanding, it is considered that the deck will not result in any visual impact when viewed from any adjoining lot. The proposed deck broadly follows the existing building line and it is considered that the location and separation distance

of the proposed deck to the dwellings on adjoining lots is compatible with that prevailing in the surrounding area.

- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Parking and Access Part E6.6.1P1
 - 6.9.1 The acceptable solution at Table E6.1 requires two onsite car parking spaces for dwellings with two or more bedrooms.
 - 6.9.2 The proposal includes the construction of a driveway and one onsite car parking space.
 - 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.9.4 The performance criterion at clause 6.6.1 P1 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.
- 6.9.5 The application was referred to Council's Development Engineer who advised that although the number of onsite spaces required is deficient by one space, it is supported under performance criteria, as there is currently no onsite parking, Consequently, the proposal will result in a reduction of the existing deficiency of onsite parking.

The property is not contained within a heritage area, nor a heritage place and therefore (i) does not apply.

While it will be necessary to remove some vegetation within the road reservation to construct the driveway, these trees have not been identified as significant trees within the planning scheme. The proposal was referred to Council's Open Space Unit who advised that there are two registered (urban) trees within the area, one which may be affected by the construction of the proposed driveway. Notwithstanding, the Park Planner endorsed the proposal subject to advice that the Council will not be reinstating or repairing any landscaping that is damaged by the works. This advice has been included.

- 6.9.6 The proposal complies with the performance criterion.
- 6.10 Design of Vehicle Access Part E.6.7.2P1
 - 6.10.1 The acceptable solution at clause 6.7.2A1 requires vehicle accesses in terms of location, sight distance, width and gradient of the access must be designed and comply with AS/NZS 2890.1:: 2004 Parking Facilities Part1: Off-Street car parking.
 - 6.10.2 The proposal includes a new access that does not comply with AS/NZS 2890.1:: 2004 Parking Facilities Part1: Off-Street car parking.
 - 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 E6.7.2P1 provides as follows:

Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:

- (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;
- (c) suitability for the type and volume of traffic likely to be generated by the use or development;
- (d) ease of accessibility and recognition for users.
- 6.10.5 The proposal was referred to Council's Development Engineer who advised that the design is supported under Performance Criteria as sufficient transitions have been provided to ensure that a vehicle will not bottom out. It is also noted that there is no footpath between the road pavement and the property boundary. Conditions are proposed to ensure clarity and compliance.
- 6.10.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Deck, New Driveway and Car Parking, at 26 Darling Parade, Mount Stuart.
- 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, Park Planner, Manager Traffic Engineering and officers from the Road and Environmental Engineering Unit. 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, Deck, New Driveway and Car Parking at 26 Darling Parade, Mt Stuart and Adjacent Road Reserve 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, Deck, New Driveway and Car Parking at 26 Darling Parade, Mount Stuart and Adjacent Road Reserve 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 PLN-18-606 - 26 DARLING PARADE MOUNT STUART TAS 7000 AND ADJACENT ROAD RESERVE - 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 2018/01893-HCC dated 23 May 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Reason for condition

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

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

- The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.
- Designers are advised to consult the National Construction Code 2016 to determine
 if pedestrian handrails or safety barriers compliant with the NCC2016 are also
 required in the parking module this area may be considered as a path of
 access to a building.

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 3a

The driveway and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required).

Advice:

 It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 4

The access, driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

- Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
- 2. Be repaired and reinstated by the owner to the satisfaction of 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.

ENGR 3

Prior to the commencement of use, the proposed driveway crossover Darling Parade highway reservation must be designed and constructed in generally in accordance with Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing. Any deviation from the Tasmanian Standard Drawings must be approved by the Council's Director City Amenity.

Design drawings must be submitted and approved prior to any approval under the *Building Act 2016*, or the commencement of work (whichever occurs first). The design drawing must:

- 1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
- 2. Detail any services or infrastructure (ie light poles, pits, awnings, pipes) at or near the proposed driveway crossover.
- 3. Be designed for the expected vehicle loadings.
- 4. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the vehicle's underside.
- 5. Include detailed design and structural certification for any vehicular barriers or retaining walls included in the design.
- 6. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

- The applicant is required submit detailed design documentation to satisfy this
 condition via Council's planning condition endorsement process (noting there
 is a fee associated with condition endorsement approval of engineering
 drawings [see general advice on how to obtain condition endorsement and for
 fees and charges]). This is a separate process to any building approval under
 the Building Act 2016.
- Please note that your proposal may include building works and as such may require separate approval under the Building Act 2016.
- Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENG_{s1}

The proposed access is approved for right hand turn into the property only (approach from the west). Egress from the site must be via the same vehicular path.

Reason for condition

To ensure the assess is safe and efficient.

ENV₁

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.

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, pleased 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.

OCCUPATION OF THE PUBLIC HIGHWAY

As your proposal includes a new access crossover and retaining walls within the highway reservation you will require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click here for more information.

STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click here for more information.

WORK WITHIN THE HIGHWAY RESERVATION

Please note Council will not be reinstating or repairing any existing landscaping, including trees within Council's Road Reservation that are removed or damaged by the works.

For advice regarding the removal or replacement of this vegetation, please contact Council's Senior Park Planner on telephone 62382448.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click here for more information.

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design. Click here for more information.

WEED CONTROL

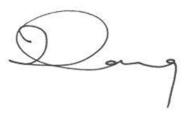
Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment website.

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.



(Deanne Lang)

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.

(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: 21 June 2019

Attachment(s):

Attachment B - CPC Agenda Documents



Submission to Planning Authority Notice

Council Planning Permit No.	PLN-18-606			Council notice date	20/11/2018					
TasWater details										
TasWater Reference No.	TWDA 2018/01893	/01893-HCC		Date of response	23/05/2019					
TasWater Contact	Anthony Cengia Pho		Phone No.	(03) 6237 8243						
Response issued to										
Council name	HOBART CITY COUNCIL									
Contact details	coh@hobartcity.com.au									
Development details										
Address	26 DARLING PDE, I	MOUNT STUART		Property ID (PID)	5494724					
Description of development Partial demolition, alterations, extension, new driveway and car parking										
Schedule of drawings/documents										
Prepared by		Drawing/document No.		Revision No.	Date of Issue					
Lark & Creese		18202-02 Detail Plan			21/12/2018					
Canditt Construct	ions	DWG-11 / C		С	12/05/2019					
TasWater		Infrastructure Plan			23/05/2019					
Conditions										

SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL

Pursuant to the *Water and Sewerage Industry Act* 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

CONNECTIONS, METERING & BACKFLOW

- The existing property water connection must be re-aligned so that it is clear of the proposed driveway entry / retaining wall and located in a non-trafficable area just inside the property boundary.
- Any removal/supply and installation of water meters and/or the removal of redundant and/or
 installation of new and modified property service connections must be carried out by TasWater at
 the developer's cost.

ASSET CREATION & INFRASTRUCTURE WORKS

- 3. The applicant is responsible for the design and construction of a new Ductile Iron (DI) sewer main replacement of the existing concrete sewer main from sewer maintenance hole A445328 to 2 metres to the east and beyond the proposed driveway/retaining wall, to TasWater's satisfaction.
- Plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) / Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
- 5. Prior to applying for a Permit to Construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements to TasWater's satisfaction.
- 6. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.



- In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
- 8. Prior to the issue of a Certificate of Water and sewerage Compliance (Building and/or Plumbing) all additions, extensions, alterations or upgrades to TasWater's infrastructure required to service the proposal is to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
- After testing to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
- 10. At practical completion of the water and sewerage works and prior to TasWater issuing a Certificate of Water and Sewerage Compliance (Building and/or Plumbing), the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
 - Written confirmation from the supervising suitably qualified person certifying that the
 works have been constructed in accordance with the TasWater approved plans and
 specifications and that the appropriate level of workmanship has been achieved;
 - A request for a joint on-site inspection with TasWater's authorised representative must be made;
 - Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
- 11. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
- 12. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
- 13. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
- 14. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

56W CONSENT

15. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the Water and Sewerage Industry Act 2008 for its consent in respect of that part of the development which is built over or within two metres of TasWater infrastructure.

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings of proposed buildings located over or within 2.0m from TasWater



pipes and must be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans must also include a cross sectional view through the footings which clearly shows;

- a. Existing pipe depth and proposed finished surface levels over the pipe;
- b. The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- c. A note on the plan indicating how the pipe location and depth were ascertained.

DEVELOPMENT ASSESSMENT FEES

16. The applicant or landowner as the case may be, must pay a development assessment fee of \$211.63 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

Advice

General

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

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

Declaration

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

Authorised by

Jason Taylor

Development Assessment Manager

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



Enquiries to: Emily Burch

☎: (03) 6238 2108雹: coh@hobartcity.com.au

Our Ref. DA-18-55482 (DA-18-52259)

30 October 2018

Mr Dennis Cantwell
Building Design and Documentation

Via Email: dennis@canditt.com.au: becgrigg@gmail.com

Dear Mr Cantwell

NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: Darling Parade Highway Reservation at 26 Darling

Parade, Mount Stuart

Description of Proposal: Driveway with retaining walls

Applicant Name: Dennis Cantwell, Building Design and

Documentation

PLN (if applicable): PLN-18-606

I write to advise that pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached document.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority or as the owner/administrator of the land.

Yours faithfully

(N D Heath)

GENERAL MANAGER

Attachment: Drawing DWG-05/A dated 14/06/2018 by Canditt Constructions



DA-18-55482 (DA-18-52259)

Date: 30/10/17

LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: Darling Parade Highway Reservation at 26 Darling

Parade, Mount Stuart

Description of Proposal: Driveway with retaining walls

Applicant Name: Dennis Cantwell, Building Design and

Documentation

PLN (if applicable): PLN-18-606

The land indicated above is owned or is administered by the Hobart City Council.

The applicant proposes to lodge an application for a permit, pursuant to the *Land Use Planning and Approvals Act 1993*, in respect to the proposal described above.

Part or all of the application proposes use and/or development on land owned or administered by the City located at Oberon Court Highway Reservation (as shown on the attached plans).

Being and as General Manager of the Hobart City Council, I provide written permission to the making of the application pursuant to Section 52(1B)(b) of the Land Use Planning and Approvals Act 1993.

(N'D Heath)

GENERAL MANAGER

This consent is for the making of a planning application only, and does not constitute landlord consent for the development to occur.

Attachments/Plans: Drawing DWG-05/A dated 14/06/2018 by Canditt

Constructions



m 0414 310 328 e dennis@canditt.com.au www.canditt.com.au

4/9/18

To: Hobart City Council

Re: Planning Application lodgement

For: 26 Darling Parade, Mount Stuart - proposed driveway and uncovered front

deck

Att: Cameron Sherriff

Dear Cameron,

Following recent our meeting with you and Robin Cooper on the above project, the owner Rebecca Grigg and I met with Emily Birch as advised.

Following Emily's advice, and subsequent further work on the proposal, I now submit the planning application plans for council's assessment.

I attach a traffic study, as requested by Emily, prepared by Keith Midson.

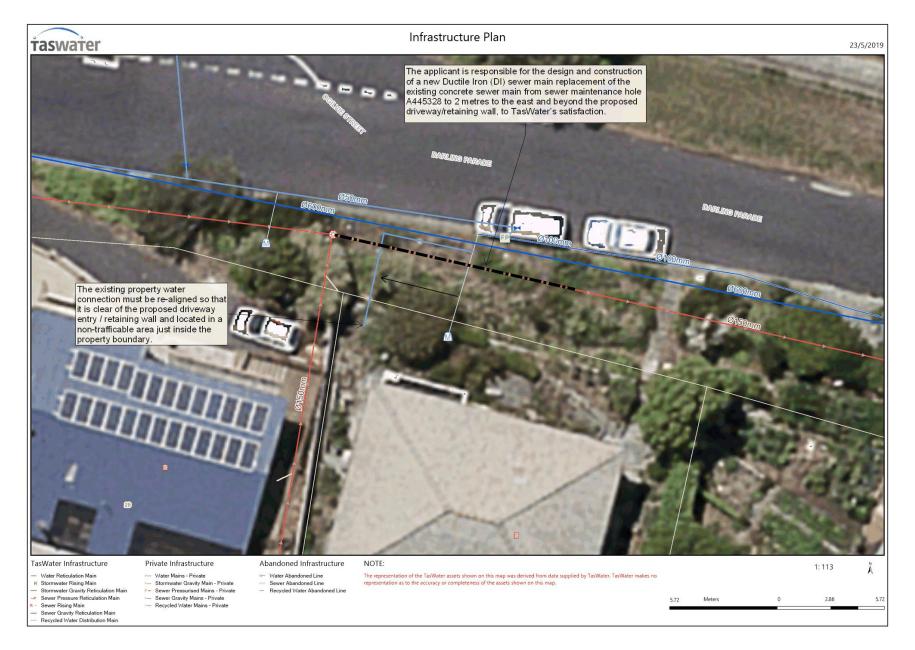
Also attached is a recent copy of the title.

I await your further advice.

Thank you & regards, Dennis Cantwell Building designer CC5242C 0414 310 328



GOOD DESIGN IS YOUR BEST INVESTMENT





m 0414 310 328 e dennis@canditt.com.au www.canditt.com.au

14/11/18

To: Hobart City Council

Att: Ben Ikin – Senior Statutory Planner – City Planning

Re: Application No. PLN-18-606 ---- Council RFI dated 9/11/18

For: 26 Darling Parade, Mount Stuart - proposed driveway and uncovered front

deck & carparking

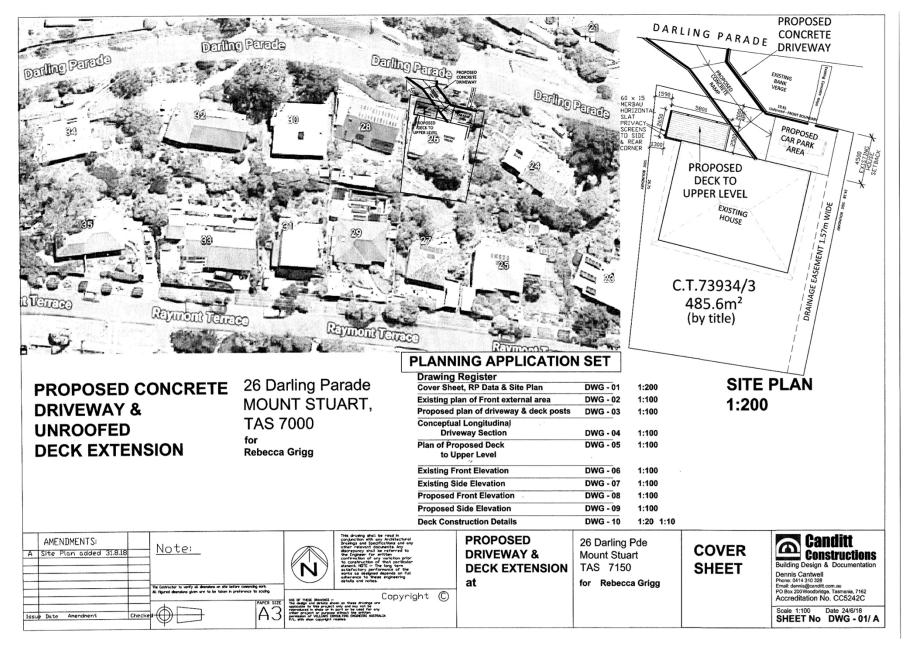
Dear Ben,

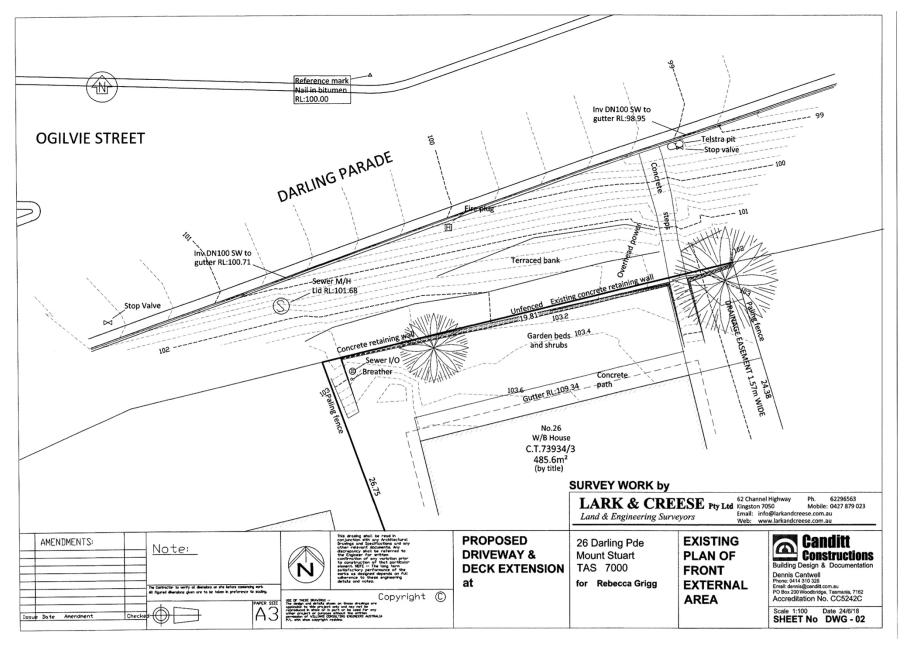
In response to your RFI letter of 9/1/18, I provide the following information:

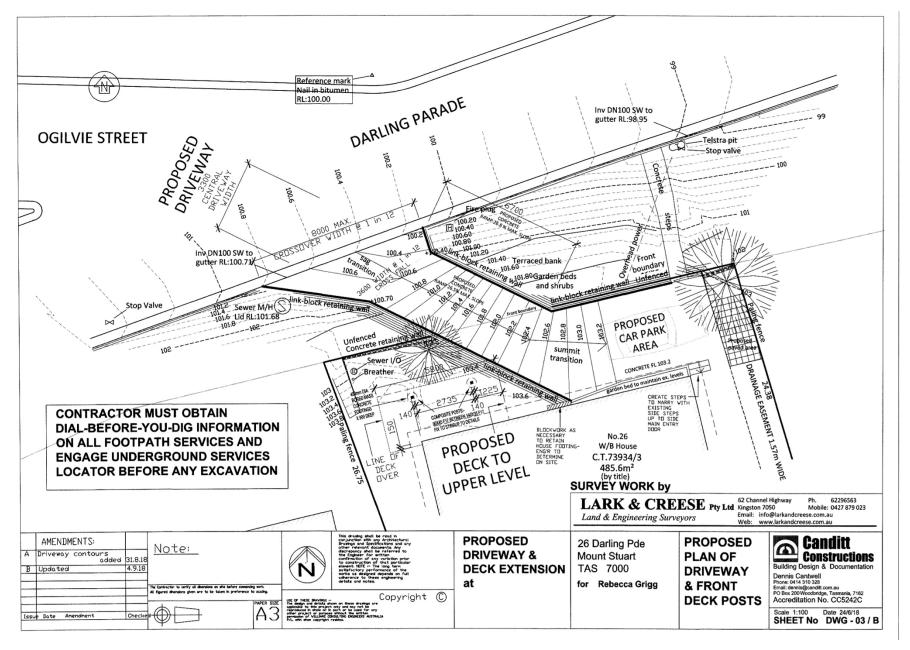
- 1) a) Details of the degree of transparency of the screen on the proposed deck.
 - All screens shown on the elevations are to be cut with slots to a degree of transparency no greater than 25% ie no greater then 25% of the surface area
 - b) Details of the screening of the proposed parking space or height of any existing / proposed boundary fence facing the shared (side) property boundary with 24 Darling Parade
 - There is an existing paling fence which is to remain. The fence is 2100mm high.
- 2) Access to the Proposed Deck. There is an existing small deck which has been there since the house was built. This is to be demolished to make way for the proposed larger deck. It is accessed via a door from the dining room, but this door is to remain as access to the new deck.

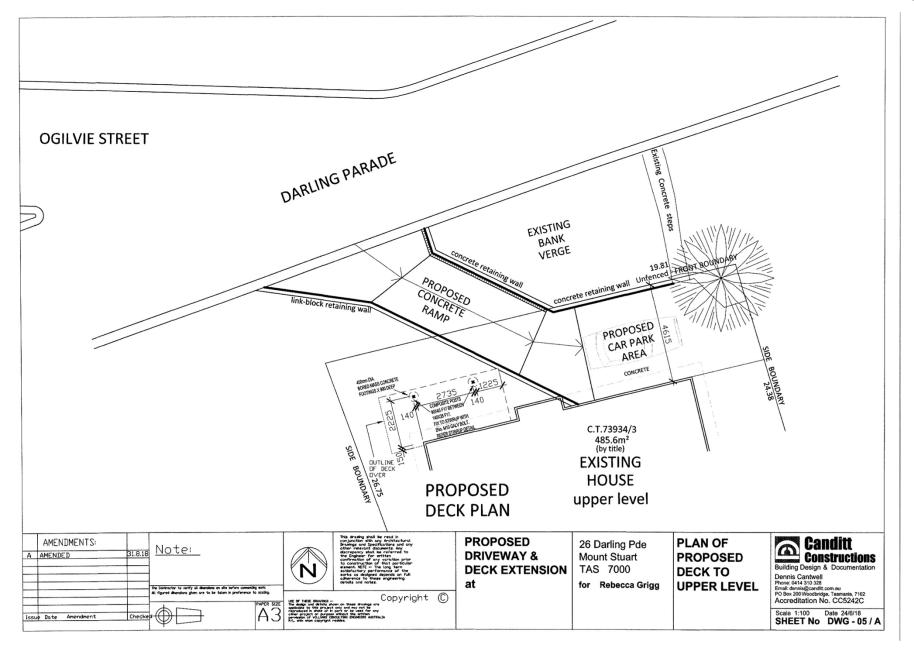
Thank you & regards,
Dennis Cantwell
Building designer CC5242C
0414 310 328

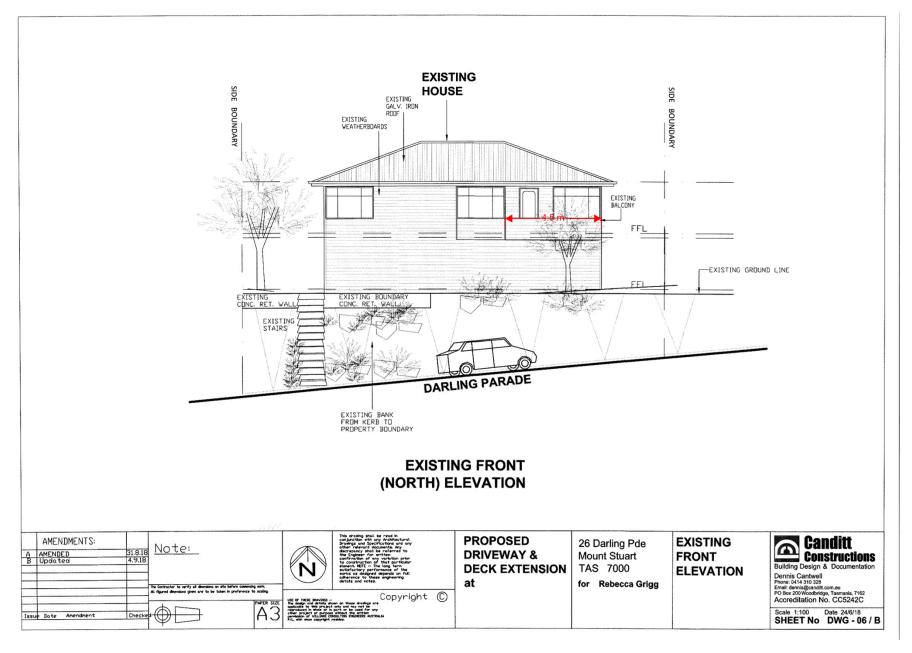
GOOD DESIGN IS YOUR BEST INVESTMENT

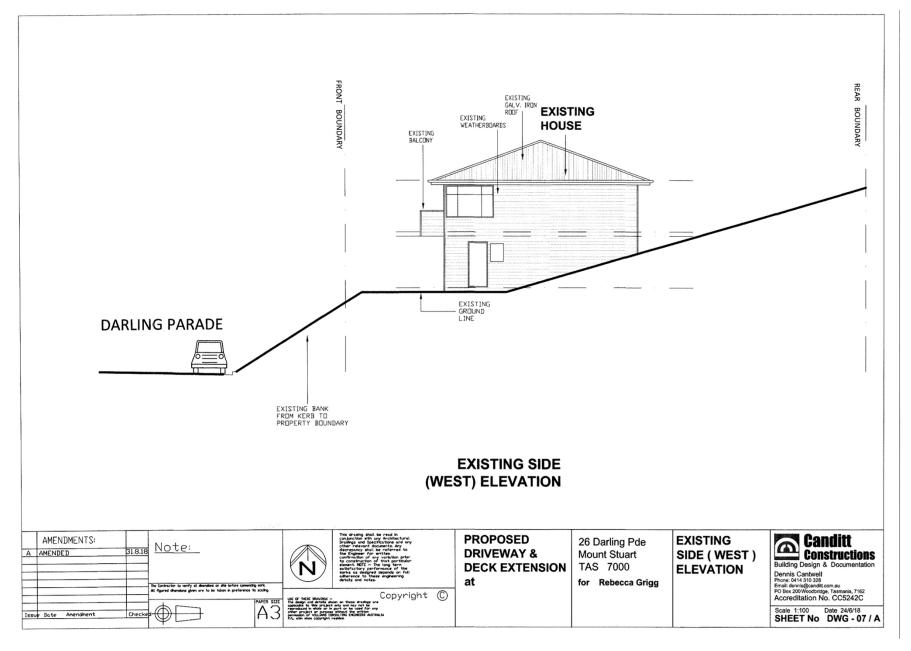


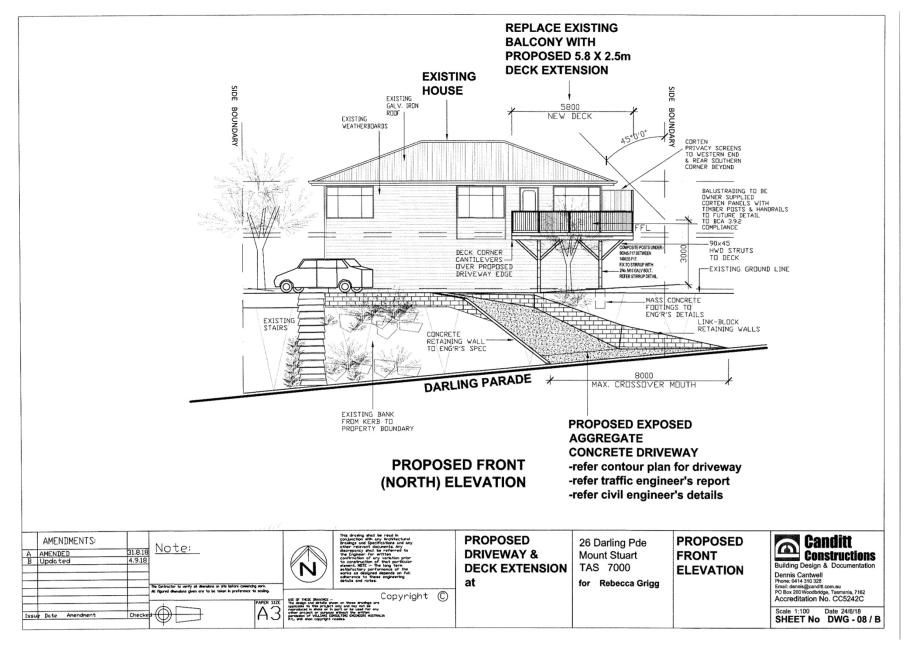


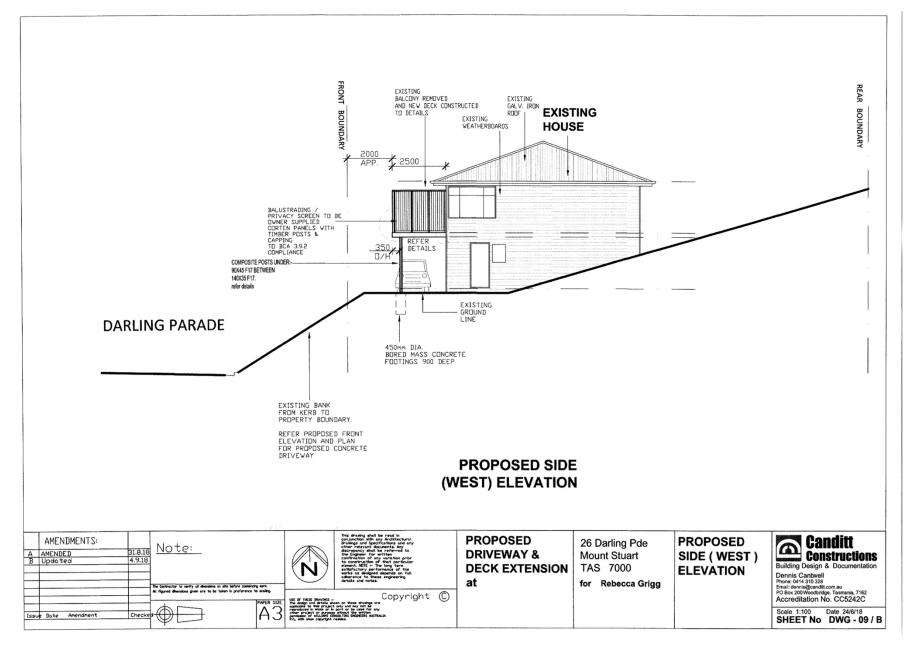


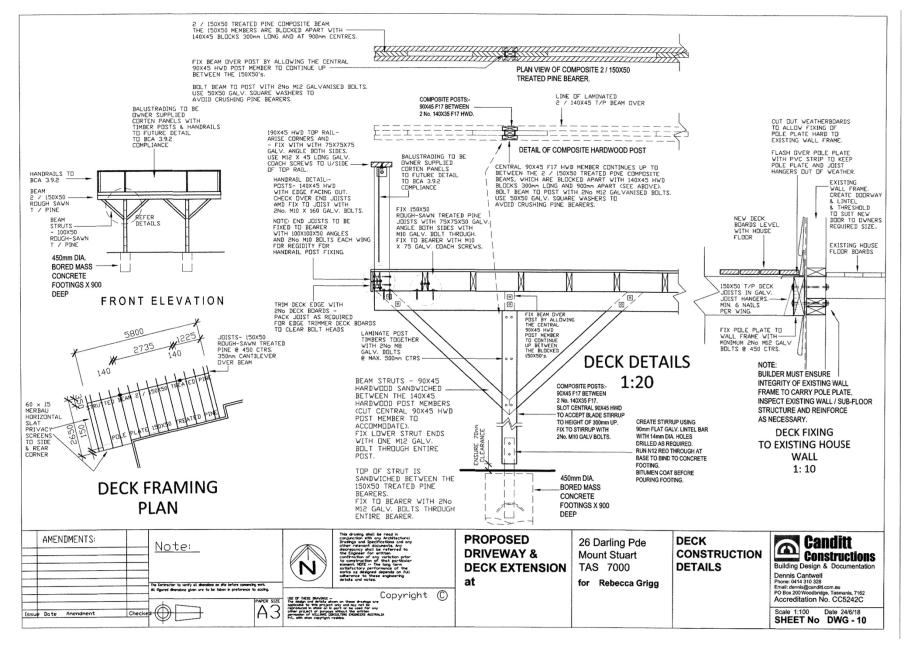














22/5/19

To: Hobart City Council

Att: Ben Ikin - Senior Statutory Planner - City Planning

Re: Application No. PLN-18-606 ---- Taswater RFI dated 27/11/18

For: 26 Darling Parade, Mount Stuart – proposed driveway and uncovered front

deck & carparking

Dear Ben,

TasWater Reference - TWDA 2018/01893-HCC - 26 Darling Parade Mount Stuart (driveway across Taswater assets):-

Regarding the Taswater RFI response to the above of 17/4/19:-

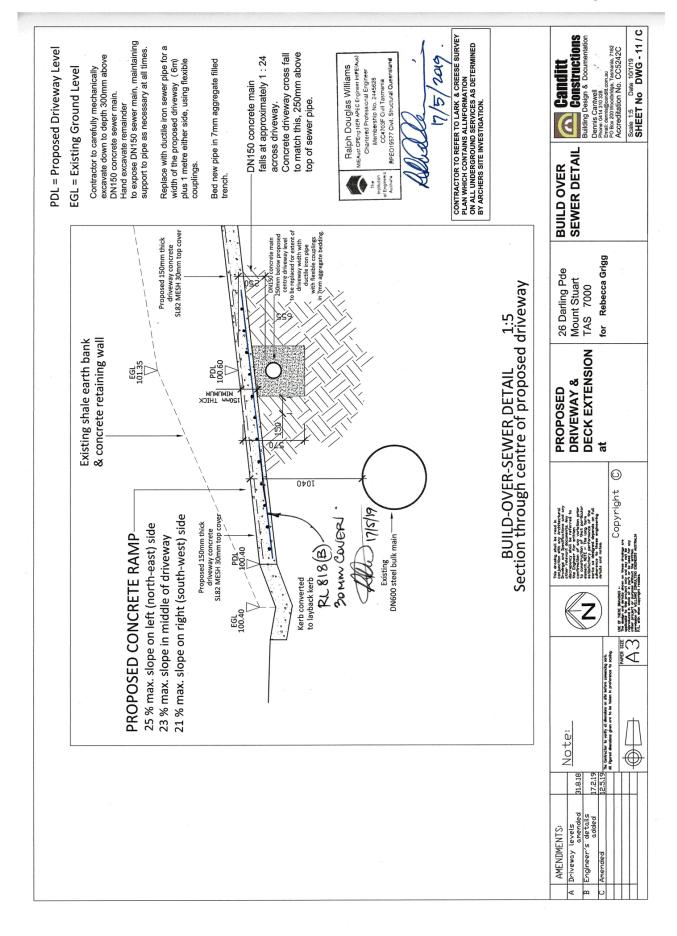
During a recent discussion between the owner, Rebecca Grigg and TasWater's contact, Mr Anthony Cengia, I am of the understanding that Mr Cengia indicated to Rebecca that it would be satisfactory to amend the previously submitted structural detail drawing for the proposed build-over-sewer, to show the existing 150DN concrete sewer pipe to be replaced with a ductile iron pipe under the proposed driveway with flexible couplings at the connections to the concrete pipe.

The revised detail plan has to be signed and certified by the structural engineer, as has been done.

Please accept both the attached revised plan and engineer's structural certificate, and please forward to Mr Cengia.

Thanks & regards,
Dennis Cantwell
Building designer CC5242C
Ph 0414 310 328

GOOD DESIGN IS YOUR BEST INVESTMENT



Williams Consulting Engineers Australia Pty. Ltd.

ACN129454146 CIVIL STRUCTURAL Mobile 0425 307531

Email Ralph@WCEA.com.au
5000 Channel Highway, Gordon, TAS. 7150
P.O. Box 79 Middleton, TAS. 7163
Unit 3/31 Attunga Road, Blaxland, NSW. 2774
P.O. Box 79 Blaxland, NSW. 2774

17th May, 2019 Project No.2018/134

Mr. Dennis Cantwell, Canditt Constructions Pty. Ltd., 21 Steeles Road, NICHOLLS RIVULET. TAS. 7112

Dear Sir,

RE: NEW DRIVEWAY SLAB OVER THE EXISTING WATER MAIN AND SEWER MAIN AT NO.26 DARLING PARADE, MT. STUART, TASMANIA. – STRUCTURAL CERTIFICATE.

The writer has reviewed the proposed reinforced concrete driveway slab and the cover to the existing sewer main and the existing water main.

Due to the limited cover over the sewer main a section of the main is to be replaced with ductile iron pipe and with flexible couplings each end outside the footprint of the driveway to Taswater's requirements.

To ensure that there is no adverse pressure placed on the sewer main the 150mm concrete driveway slab is to have a bottom layer of RL818 mesh, 30mm bottom cover, ensuring the driveway effectively spans over the sewer main.

The writer certifies that the new ductile iron sewer main section with flexible couplings with 7mm gravel surround bedding will be structurally isolated from the suspended reinforced concrete driveway over.

Yours faithfully,

R. D. Williams,

B.Sc.(Tech.), Civil Engineering, UNSW, Grad.Dip., Mining Engineering, UNSW,

Grad.Dip., Property, Deakin,

MIEAust., CPEng., NPER2445628,

CC4703F TAS., RPEQ 19577.



Keith Midson Midson Traffic Pty Ltd 18 Earl Street Sandy Bay TAS 7005 0437 366 040

30 August 2018

Mr Dennis Cantwell Canditt Constructions PO Box 200 Woodbridge TAS 7162

Dear Dennis,

DRIVEWAY ASSESSMENT - 26 DARLING PARADE, MOUNT STUART

Further to our recent discussions, I confirm that I have inspected the driveway and reviewed the longitudinal and cross sections for the abovementioned address.

The site currently has no driveway access. The steep frontage of the site requires a driveway design to enter at an angle of approximately 45 degrees. The plan and longitudinal sections are shown in Figures 1 and 2.

Figure 1 Driveway Plan

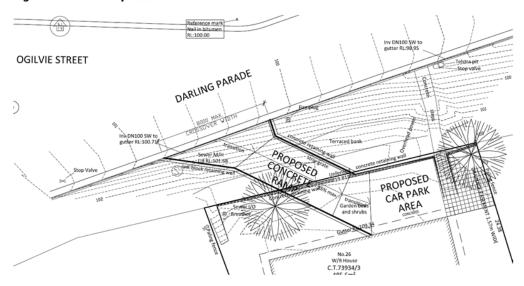
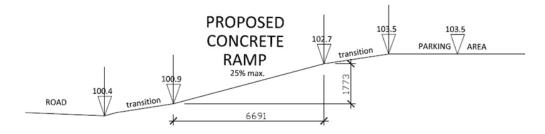


Figure 2 Driveway Long Section



The driveway is relatively short, with no provision for vehicle turning on-site. The driveway has a maximum gradient of 26.5% over a relatively short distance of approximately 6.7 metres. Transitions of approximately 12.5% are provided at each end of the driveway.

The driveway was assessed against the relevant requirements of the Hobart Interim Planning Scheme 2015 and Australian Standards, AS2890.1: Off-Street Parking, 2004. The assessment is provided in the following sections.

1. Australian Standards Requirements

Gradient

The Australian Standards state the following with regards to domestic driveways:

"2.6.2 – the maximum gradient of domestic driveways shall be 1 in 4 (25%). The maximum gradient of the associated access driveway across a property line or building alignment shall be 1 in 20 (5%) and across a footpath as specified in Clause 3.3(d).

Grade changes across a footpath and within the property shall be designed and checked in accordance with Appendix C to ensure that vehicles will not scrape their undersides when negotiating them. Transitions may be required (see Clause 2.5.3(d)). Checks may be required along both edges of a driveway as well as along the centre line if there are changes in the cross slope at or near a grade change.

NOTE: It is recognised that limiting domestic driveway grades to 25 percent maximum may not be practicable in some particularly hilly residential locations. The services of a professionally qualified person with appropriate experience may be required to make a judgement as to whether a particular grade line design is safe and environmentally sustainable."

In this case, the driveway exceeds the maximum gradient of 25% by 1.5% along a length of approximately 6.7 metres as shown in Figure 2.

The driveway is located along a steep section of land and follows a path that minimises the gradient as much as practical. Due to the location of the building and constraints associated with the land, a realignment of the driveway to reduce the maximum gradient is not feasible.

The transitions are deemed to be acceptable. Clause 2.5.3(d) of AS2890.1 states that transitions of 2.0 metres in length will usually be sufficient to correct bottoming or scraping at grade changes of up to 18% (in this case the grade change maximum is 14%).

The Australian Standards notes that it may be impractical to limit driveway grades to 25 percent in some hilly residential locations (underlined in the quoted paragraph above). In this case, the driveway has a maximum gradient of 26.5% for a short length of 6.7 metres.

In this case, the driveway gradient is deemed to be acceptable for the following reasons:

- Driveways with gradient exceeding 25% are reasonably commonplace throughout the Greater Hobart area due to topography. Nearby driveways in Darling Parade appear to have similar gradients.
- The driveway exceeds 25% by a small amount (1.5%) and only extends over a short distance (6.7 metres).
- The construction of the driveway will be textured concrete that provides excellent skid resistance.
- The driveway is located on a reasonably steep embankment. The driveway design is similar to other nearby driveways in terms of gradient, angle and construction.
- There is no scope to modify (reduce) the driveway gradient due to levels at each end of the driveway and the relatively short distance between the endpoints.

Sight Distance

Section 3.2.4 of AS2890.1 requires a domestic property access to have a minimum sight distance of 40 metres for a road with a frontage road speed of 50-km/h. This sight distance requirement is met in both directions along Darling Parade.

2. Vehicle Swept Paths

Swept paths for a B85 vehicle were assessed for the driveway. These are shown in Figures 3 and 4. It can be seen that B85 vehicles can enter from the east and west along Darling Parade.

OGIL VIE STREET

OARLING PARADE

DARLING PARADE

STANNOR AUSTRALIA AS AND STANLA AS AN

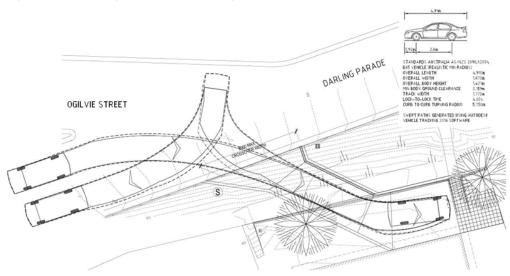


Figure 4 B85 Swept Path Western Entry

3. Planning Scheme Requirements

Driveway Design

Acceptable Solution A1 of Clause E6.7.2 of the Planning Scheme states that the vehicle access must comply with the following:

In the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Offstreet Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Offstreet car parking.

In this case, the driveway complies with Australian Standards, AS2890.1, requirements with the exception of maximum driveway gradient. The driveway was therefore assessed against the requirements of Performance Criteria P1 of Clause E6.7.2, which states:

Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:

- (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;
- (c) suitability for the type and volume of traffic likely to be generated by the use or development;
- (d) ease of accessibility and recognition for users.

The following is relevant with respect to the development:

- a. The driveway will have a very low traffic generation (approximately 7 to 8 vehicles per day).
 Darling Parade also has a relatively low traffic volume. The dwelling currently does not have a driveway, but driveways are common and easily recognised in the immediate surrounding area the presence of a new driveway will be recognised by all road users. The driveway will therefore have a negligible impact on conflict between users.
- As with point (a) above, the relatively low volumes of traffic using the driveway and Darling Parade will result in negligible interference with traffic flow on Darling Parade.
- c. The driveway is located in a residential area. The traffic generated at the driveway will be consistent and compatible with traffic in the network.
- d. The driveway will be used for residential purposes. The users of the driveway will be familiar with its location and use. The driveway will also be clear and obvious in terms of its design and construction.

Based on the above assessment, the driveway design satisfies the requirements of Performance Criteria P1 of Clause E6.7.2 of the Planning Scheme.

On-Site Turning

Acceptable Solution A1 of Clause E6.7.4 of the Planning Scheme states:

On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:

- (a) it serves no more than two dwelling units;
- (b) it meets a road carrying less than 6000 vehicles per day.

In this case, no on-site turning is provided, however it only serves one dwelling. Therefore Acceptable Solution A1 of Clause E6.7.4 of the Planning Scheme is met.

In addition to the on-site turning requirements, the swept paths of B85 vehicles was assessed for entry from the east and west respectively. This is shown in Figures 3 and 4. The swept path assessment indicates that vehicles can access the site form both the eastern and western approaches of Darling Parade.

Please contact me on 0437 366 040 if you require any further information.

Yours sincerely,

Keith Midson BE MTraffic MTransport FIEAust CPEng EngExec NER

DIRECTOR

Midson Traffic Pty Ltd



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO	
73934	3	
EDITION	DATE OF ISSUE	
4	19-Jun-2018	

SEARCH DATE: 01-Sep-2018 SEARCH TIME : 11.24 AM

DESCRIPTION OF LAND

City of HOBART

Lot 3 on Diagram 73934 (formerly being 184-11D)

Derivation : Part of 32A-0R-1.2/10Ps Gtd to The Public Trustee

Prior CT 2681/90

SCHEDULE 1

M663756 TRANSFER to REBECCA JO ANN GRIGG Registered 14-Mar-2018 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any BURDENING EASEMENT: a full and free right for the owners and occupiers for the time being of any other portion of the land formerly comprised and described in Certificate of Title registered Volume 259 Folio 188 of using all sewers and drains now or hereafter to be made in or over any portion of the said land within described for the benefit of any existing or future buildings on any portion of the said land and which sewers and drains traverse the said land within described with power at any time upon giving previous reasonable notice to enter upon the said land within described to make lay repair cleanse and maintain any pipes or drains the person or persons entering to make good all damage to the surface occasioned thereby BURDENING EASEMENT: a similar right of drainage for the owners and occupiers for the time being of Lots 4 to 6 on Diagram No. 73934 over the "Drainage Easement" passing through the said land within described BOUNDARY FENCES AND OTHER CONDITIONS in Transfer 99143 E140063 MORTGAGE to Westpac Banking Corporation Registered 19-Jun-2018 at noon

UNREGISTERED DEALINGS AND NOTATIONS

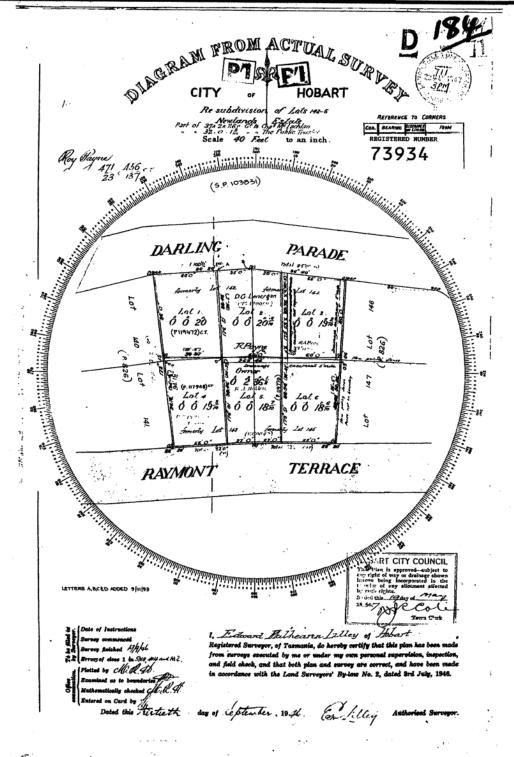


FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





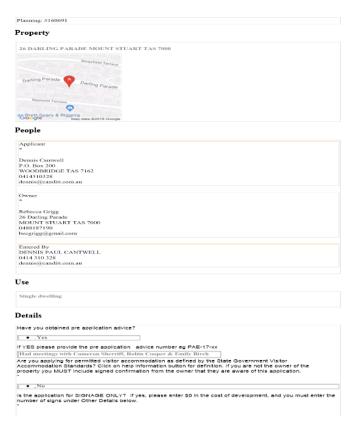
Search Date: 01 Sep 2018

Search Time: 11:24 AM

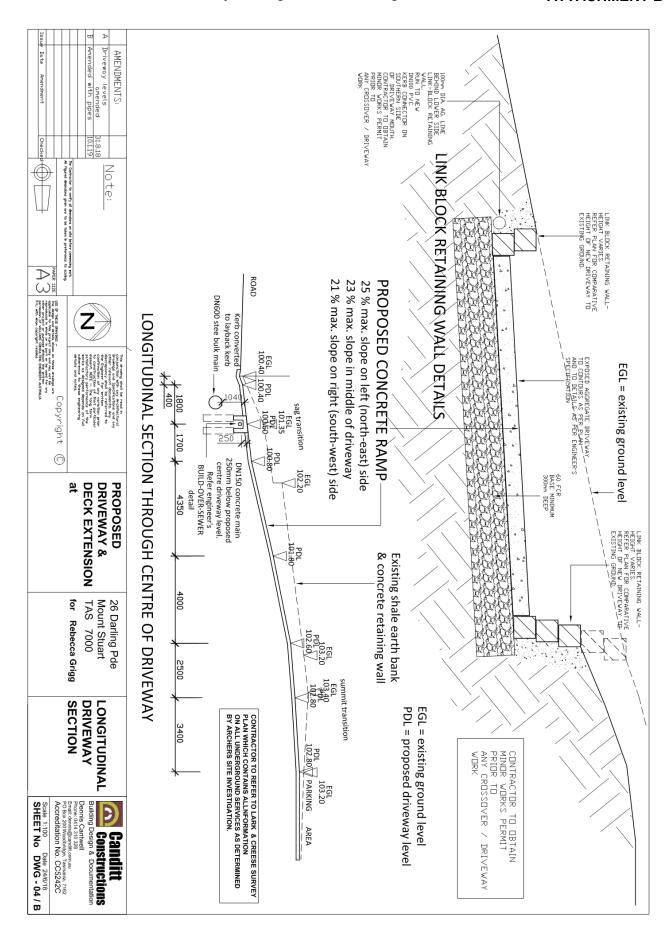
Volume Number: 73934

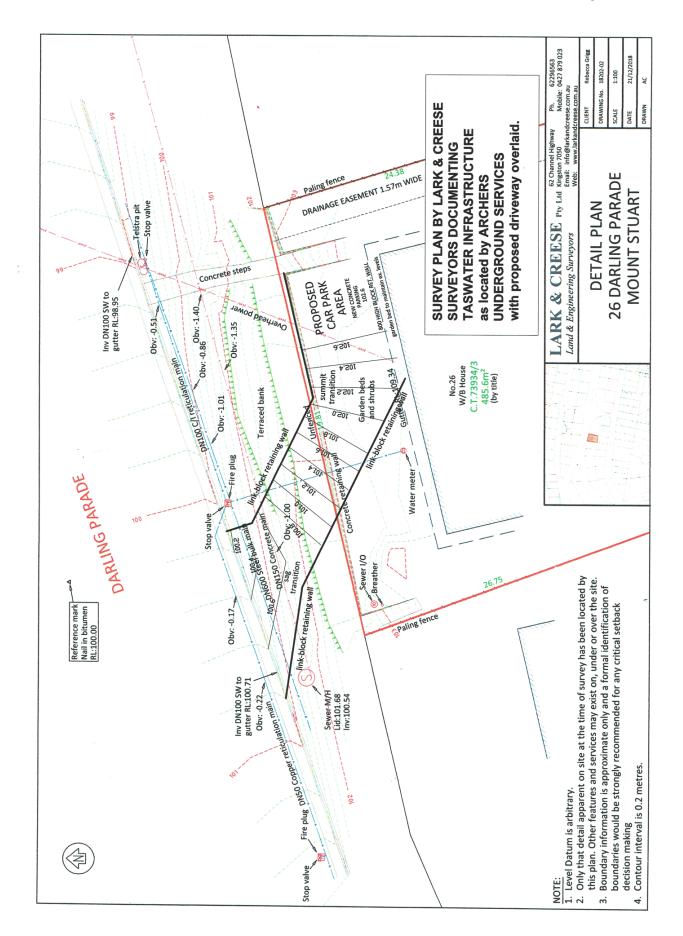
Revision Number: 01

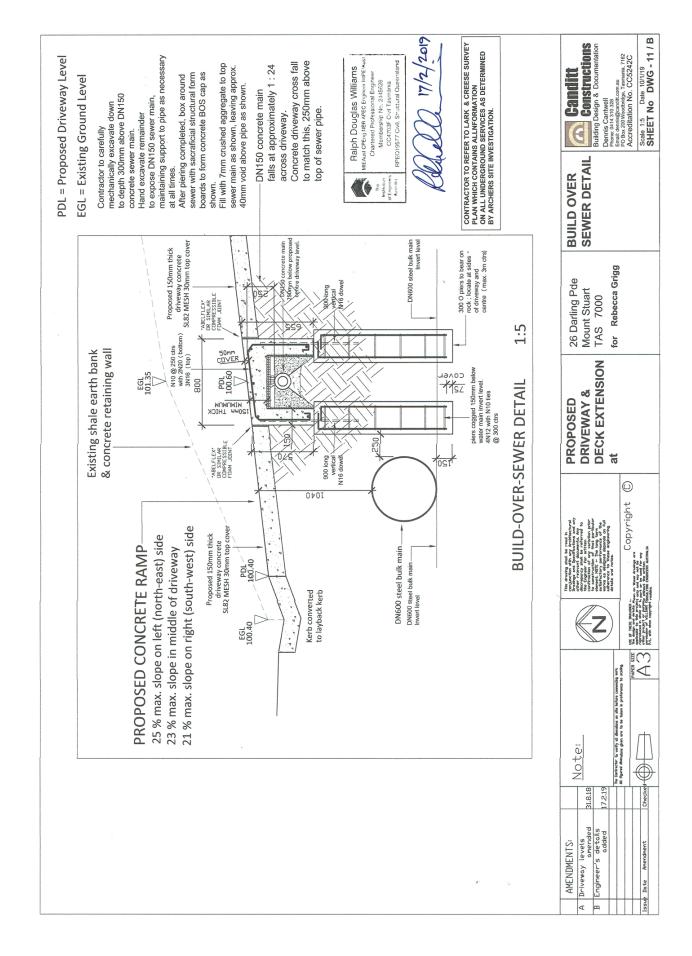
Page 1 of 1











7.2.4 55-59 MURRAY STREET, HOBART AND ADJACENT ROAD RESERVE - PARTIAL DEMOLITION, ALTERATIONS AND SIGNAGE PLN-19-280 - FILE REF: F19/92802

Address: 55-59 Murray Street, Hobart and

Adjacent Road Reserve

Proposal: Partial Demolition, Alterations and Signage

Expiry Date: 25 July 2019

Extension of Time: Not applicable

Author: Richard Bacon

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial demolition, alterations and signage at 55-59 Murray Street Hobart TAS 7000 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-19-280 - 55-9 MURRAY STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG₁

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

 Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or

2. Be repaired and reinstated by the owner to the satisfaction of 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.

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.

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.

CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Traffic Engineering Unit on 6238 2804.

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.

Attachment A: PLN-19-280 - 55-59 MURRAY STREET HOBART

TAS 7000 - Planning Committee or Delegated

Attachment B: PLN-19-280 - 55-59 MURRAY STREET HOBART

TAS 7000 - CPC Agenda Documents &

Attachment C: PLN-19-280 - 55-59 MURRAY STREET HOBART

TAS 7000 - Planning Referral Officer Cultural



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

City of HOBART

Type of Report: Committee
Council: 22 July 2019
Expiry Date: 25 July 2019
Application No: PLN-19-280

Address: 55 - 59 MURRAY STREET, HOBART

ADJACENT ROAD RESERVE

Applicant: DARREN JONES

119 HAMPDEN ROAD

Proposal: Partial Demolition, Alterations and Signage

Representations: Nil

Performance criteria: Historic Heritage Code, Signs Code

1. Executive Summary

- 1.1 Planning approval is sought for a partial demolition, alterations and signage at 55-59 Murray Street Hobart.
- 1.2 More specifically the proposal includes the following to the former Fletcher Jones building on the site:
 - New shopfront.
 - Demolition and replacement awning (within the Council's road reservation).
 - New signage comprising a flag sign, awning fascia sign, below awning sign and three window signs.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Historic Heritage Code
 - 1.3.2 Signs Code
- 1.4 No representations were received during the statutory advertising period between the 19th June and the 3rd July 2019.
- 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 No.55-59 Murray Street is the Icon Complex site incorporating Myer and the new hotel. The proposal concerns that part of the site occupied by the former Fletcher Jones building at No.110 Liverpool Street.



Figure 1: The site is bordered in blue.

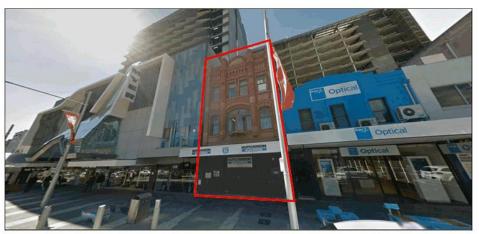


Figure 2: The building to which the works are proposed is approximately bordered in red. Source: Google Streetview.

3. Proposal

- 3.1 Planning approval is sought for a partial demolition, alterations and signage at 55-59 Murray Street Hobart.
- 3.2 More specifically the proposal is for the following to the former Fletcher Jones building on the site:
 - New shopfront.
 - Demolition and replacement awning (within the Council's road reservation).
 - New signage comprising a flag sign, awning fascia sign, below awning sign and three window signs.

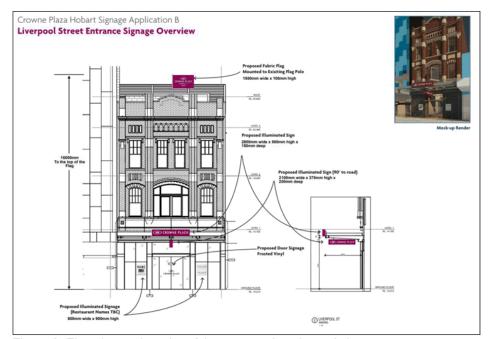


Figure 3: Elevation and render of the proposed works and signage.

4. Background

- 4.1 The Icon Complex site including Myer and the Crowne Plaza Hotel has been the subject of a number of previous applications. They include the original planning approval under PLN-11-00826 dated the 24th October 2011. Further approvals include the addition of the former Fletcher Jones building site at No.110 Liverpool Street (PLN-12-00299) dated the 30th April 2012, and the additional storeys approved under PLN-15-00207 dated 11th May 2015.
- 4.2 The current application is for a partial demolition, alterations and signage to the former Fletcher Jones building part of the site at No.110 Liverpool Street.

4.3 General Manager consent to lodge the application was required because of the proposed awning of Council's road reservation, and was provided on 3 June 2019.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between the 19th June and the 3rd July 2019.

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.
- The site is located within the Central Business Zone of the *Hobart Interim Planning Scheme 2015.*
- The existing and proposed use is hotel and general retail and hire. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D 22 Central Business Zone
 - 6.4.2 E13.0 Historic Heritage Code
 - 6.4.3 E17.0 Signs Code
- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Historic Heritage Code:-

Demolition, Building and Works on a Heritage Place - Part E13.7.1 P1, E13.7.2 P1, P2, P3.

6.5.2 Signs Code:-

Standards for Signs - Part E17.7.1 P1 and P2 Standards for Signs on Heritage Places - Part E17.7.2 P1

- 6.6 Each performance criterion is assessed below.
- 6.7 Demolition, Building and Works on a Heritage Place Part E13.7.1 P1, E13.7.2 P1, P2, P3.
 - 6.7.1 There is no acceptable solution for clauses E13.67.1 A1 or E13.7.2 A1, A2 or A3, which relate to demolition, building and works to a heritage listed place.
 - 6.7.2 The proposal includes a partial demolition and alterations at a heritage listed place.
 - 6.7.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criteria at clauses E13.7.1 P1, E13.7.2 P1, P2 and P3 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.

6.7.5 Assessment of the performance criteria by Council's Senior Cultural Heritage Officer follows. The officer's full report is provided at Attachment C to this report.

The proposal involves alterations to the shopfront and awning of the former Fletcher Jones premises in Liverpool Street, as part of the new Crowne Plaza / Myer / Icon complex.

The building is a Heritage Place, identified in Table E13.1 as follows:

1756 - 110 LIVERPOOL STREET - 124769/1 - Former Newman Arnold's Bakery

Assessment:-

The existing shopfront and awning do not relate to the period of the building's construction, and are of no heritage value.

The proposal is for a contemporary glazed awning ... The proposal will have no adverse impact upon the heritage significance of the existing building.

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

- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Standards for Signs on Heritage Places Part E17.7.2 P1
 - 6.8.1 There is no acceptable solution for Clause E17.7.2 A1, which relates to

signs on heritage listed places.

- 6.8.2 The proposal includes signage at a heritage listed place.
- 6.8.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause E17.7.2 P1 provides as follows:

A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

- (a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;
- (b) be placed so as to allow the architectural details of the building to remain prominent;
- (c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;
- (d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;
- (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;
- (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;
- (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;
- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.
- 6.8.5 Council's Senior Cultural Heritage Officer states that 'the existing shopfront and awning do not relate to the period of the building's construction, and are of no heritage value' and that 'the proposal is for ... modest signage' which will 'have no adverse impact upon the heritage significance of the existing building. The proposal is deemed to comply with relevant Signs Code provisions.' The officer's full report is provided at Attachment C to this report.
- 6.8.6 The proposal complies with the performance criterion.

- 6.9 Standards for Signs Part E17.7.1 P1 and P2
 - 6.9.1 The acceptable solution at clause E17.7.1 A1 states as follows.

A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.

The acceptable solution at clause E17.7.1 A2 states as follows.

Clause A2 (b): a maximum of 1 window sign per window.

6.9.2 The awning fascia sign and window signs are permitted within the Central Business Zone under Table E17.3.

Table E17.2 requires the following sign standard.

- (a) Projects no more than 40mm in profile from the surface to which they are attached and are no less than 300mm from the kerb alignment;
- (b) Does not extend above, below or beyond the awning;
- (c) Height of lettering or other graphics is no more than 450mm.

The proposal includes an awning fascia sign which would project above the proposed new awning, and would be 500mm in height.

The proposal includes three window signs.

- 6.9.3 The proposal does not comply with the acceptable solutions; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause E17.7.1 P1 provides as follows:

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

(a) be integrated into the design of the premises and streetscape so as

- to be attractive and informative without dominating the building or streetscape;
- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;
- (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;
- (d) not result in loss of amenity to neighbouring properties;
- (e) not involve the repetition of messages or information on the same street frontage;

Agenda (Open Portion) City Planning Committee Meeting - 15/7/2019

- (f) not contribute to or exacerbate visual clutter;
- (g) not cause a safety hazard.

The performance criteria at clause E17.7.1 P2 provides as follows.

The number of signs per business per street frontage must:

- (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;
- (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;(c) not involve the repetition of messages or information.

6.9.5 Awning fascia sign:

The awning fascia sign would be mounted on a replacement awning that also forms part of the proposal. The new awning would have a relatively narrow fascia of around 0.3 of a metre (300mm). While the sign would extend above the awing fascia, it is considered to be of reasonably modest dimensions. It is considered unlikely to unduly dominate the surrounding section of streetscape on Liverpool Street. The sign would be informational in content, in identifying the hotel on the upper floors of the site.

As stated, the proposed sign would be 500mm in height. However, as the lettering and logo within the sign would measure only 200mm in height, the 450mm limit under Table E17.2 is considered met.

On balance, the awning fascia sign is considered acceptable.

Window signs:

A total of three window signs are proposed. The central sign would identify the hotel itself. The signs to either side of the doorway would identify upper level hotel related uses. The signs are not considered repetitive in that they would identify separate uses within the hotel. Due to their moderate size and informational content, they are not considered likely to result in visual 'clutter'.

On balance, the window signs are considered acceptable.

Flag Sign:

Note that the flag sign complies with the permitted standards.

6.9.6 The proposal complies with the performance criteria.

7. Discussion

- 7.1 Planning approval is sought for a partial demolition, alterations and signage at 55-59 Murray Street Hobart.
- 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 acceptable.
- 7.4 The proposal has been assessed by other Council officers, being the Council's Development Engineer and Cultural Heritage 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, alterations and signage at 55-59 Murray Street Hobart TAS 7000 and adjacent road reserve satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial demolition, alterations and signage at 55-59 Murray Street Hobart TAS 7000 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-19-280 - 55-9 MURRAY STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

- Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
- 2. Be repaired and reinstated by the owner to the satisfaction of 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.

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*.

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.

CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Traffic Engineering Unit on 6238 2804.

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.



(Richard Bacon)

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)

Acting Manager Development Appraisal

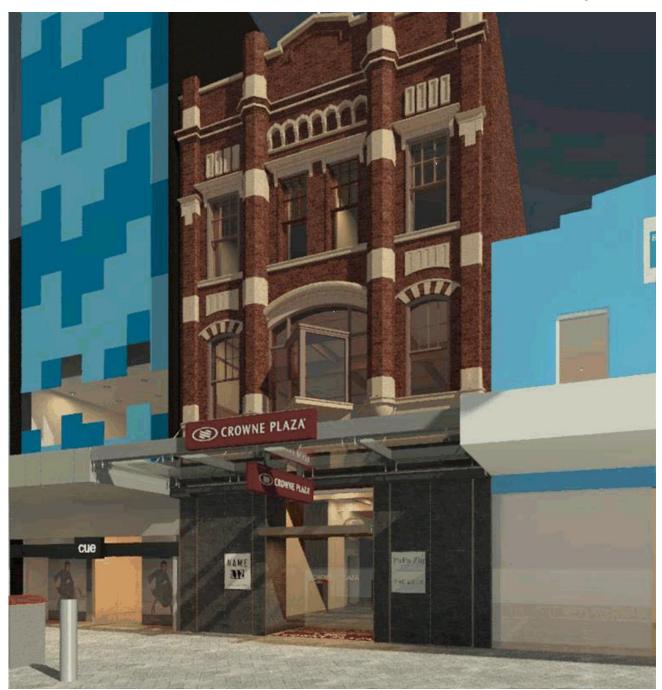
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

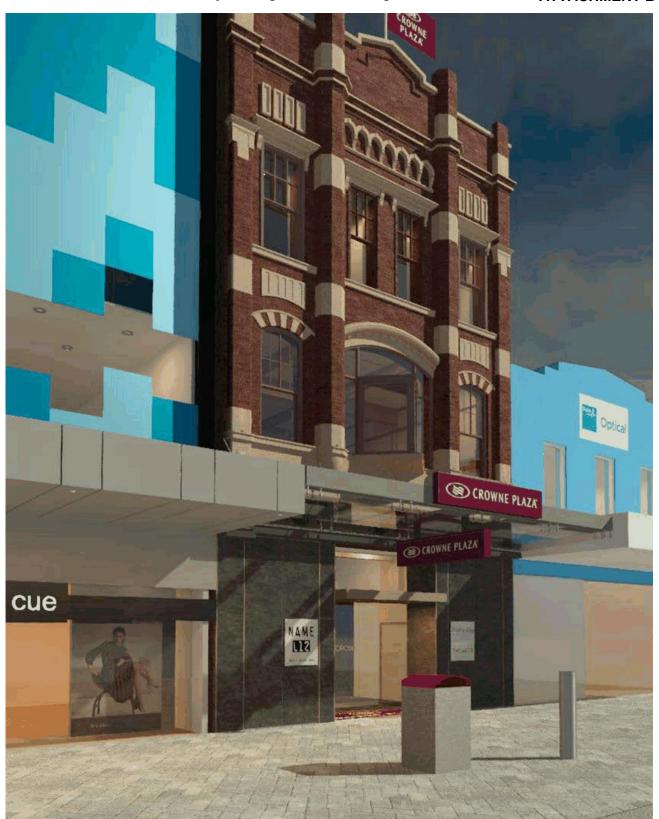
Date of Report: 4 July 2019

Attachment(s):

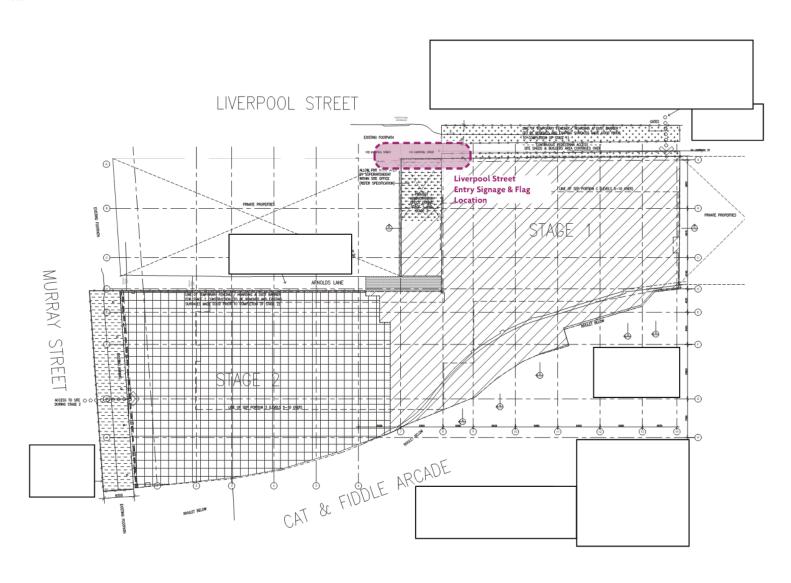
Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

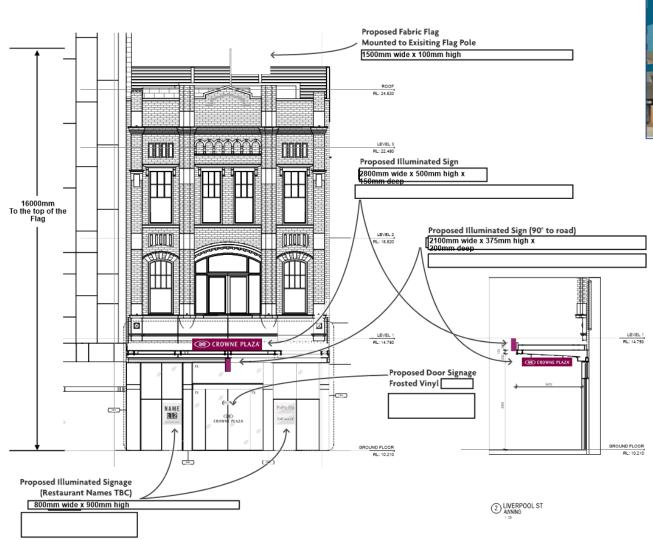




Site Plan



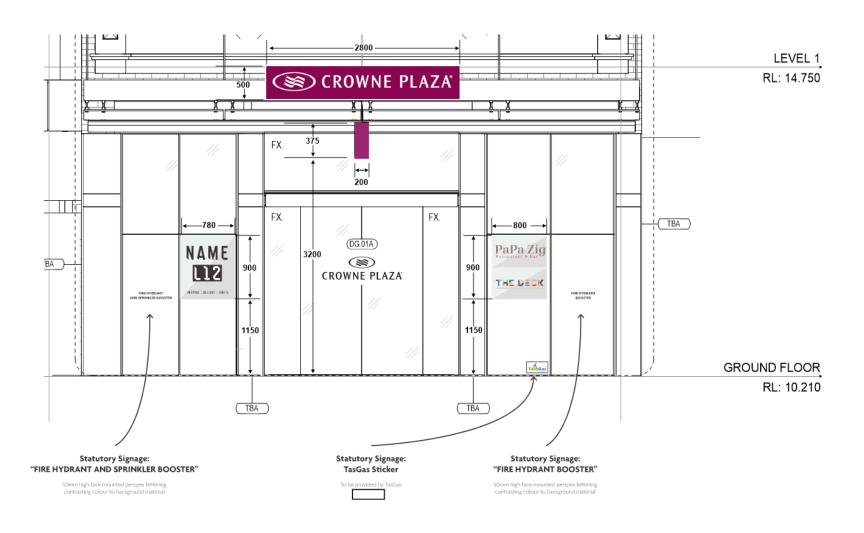
Liverpool Street Entrance Signage Overview





Mock-up Render

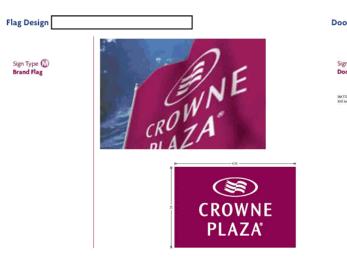
Liverpool Street Entrance Signage Detail & Statutory Signage



CROWNE PLAZA

Crowne Plaza Hobart Signage Application B

Liverpool Street Entrance Signage & Flag



Door Signage

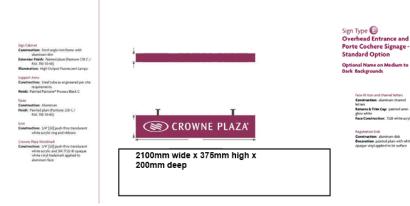






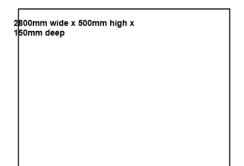
Location — Photo View from Liverpool St

Overhead Signage (under porch)



Overhead Signage (above porch)





Material Specifications

Crowne Plaza Translucent S	ign Film	Crowne Plaza Paint Finishes			
Crowne Plaza Plum	3M Scotchcal* Translucent Film 3630-1214 Plum	Crowne Plaza Plum	Pantone® 228 C Semi-gloss (RAL 350 30 40)		
		Crowne Plaza Black	Pantone® Process Black C Semi-gloss		
Crowne Plaza Opaque Sign	Film	Crowne Plaza White	White, semi-gloss		
Black	3M Scotchcal* Opaque Film 7725-22 Black	Crowne Plaza Reflective White	Spraylat Sign Coatings Star-Bright White EF or equivale (for interior of illuminated sign cabinets only)		
Crowne Plaza Dual-Color Si	gn Film				
Crowne Plaza Plum	3M Scotchcal* Dual-Color Film 3635-1214 Plum	Acrylic Sign Face Material			
_		White	2447 White Acrylic		
Crowne Plaza Blockout Sign	Film				
White	3M* Light Management Film 3635-20B White Matte Blockout				
		Letter Face Construction when using LED lighting (GE Gelcore white LED's)			
Crowne Plaza Flexible Face	Sign Material	White	Cyro 2447 White Acrylic with 3M vinyl 1st surface		
White	3M Panagraphics* III Sign Face	White	Cyro 7328 White Acrylic		
Crowne Plaza Reflective Sig	n Film				
White	3M Scotchlite* Reflective Film 3290 White				
Reflective White Film (Spec	ial Applications)				
White	3M* Light Enhancement Film LEF 3 635-100 (for interior of illuminated sign cabinets only)				
Opaque White Film					
White	3M Scotchcal* Opaque Film 7725-10 White				
Door/Window Film					
Dusted Crystal	3M Scotchcal* Translucent Film 7725SE-3H Dusted Crystal (for use on doors and windows only)				
* 3M, Scotchcal, Scotchlite, and Pana	graphics are trademarks of 3M Corporation				



Enquiries to: Cindy Elder

(03) 6238 836

Coh@hobartcity.com.au

Our Ref: relate to DA-19-23137

30 May 2019

Darren Jones BPSM Architects 119 Hampden Road Battery Point Hobart 7004

Via Email:

darrenj@bpsm.com.au

Dear Mr Jones

NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address:

110 Liverpool Street, Hobart

Description of Proposal:

awning over Liverpool Street footpath

Applicant Name:

Darren Jones BPSM Architects

PLN (if applicable):

PLN-19-280

I write to advise that pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority or as the owner/administrator of the land.

Yours faithfully

(N D Heath)

GENERAL MANAGER

Attachment:

Land Owner Consent

Hobart Town Hall 50 Macquarie Street Hobart TAS 7000

Hobart Council Centre 16 Elizabeth Street Hobart TAS 7000 City of Hobart GPO Box 503 Hobart TAS 7001 T 03 6238 2711 F 03 6234 7109 E coh@hobarteity.com.au W hobarteity.com.au f CityofHobartOfficial

ABN 39 055 343 428 Hobart City Council



relate to DA-19-23137

LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address:

110 Liverpool Street, Hobart

Description of Proposal:

awning over Liverpool Street footpath

Applicant Name:

Darren Jones BPSM Architects

PLN (if applicable):

PLN-19-280

The land indicated above is owned or is administered by the Hobart City Council.

The applicant proposes to lodge an application for a permit, pursuant to the Land Use Planning and Approvals Act 1993, in respect to the proposal described above.

Part or all of the application proposes use and/or development on land owned or administered by the City located at awning over footpath (as shown on the attached plans).

Being and as General Manager of the Hobart City Council, I provide written permission to the making of the application pursuant to Section 52(1B)(b) of the Land Use Planning and Approvals Act 1993.

(N D Heath)

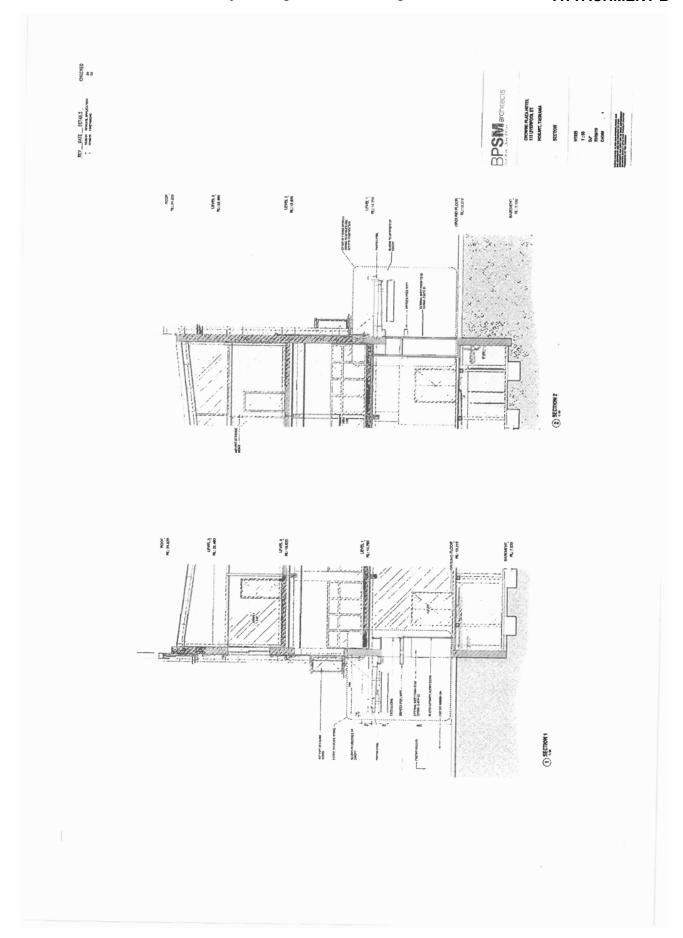
GENERAL MANAGER

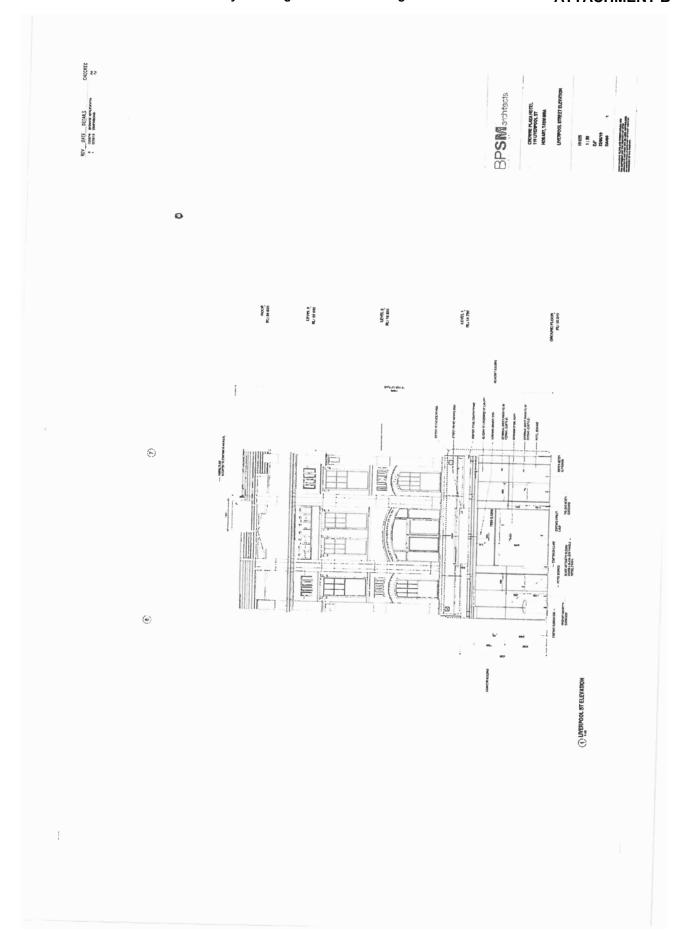
This consent is for the making of a planning application only, and does not constitute landlord consent for the development to occur.

Attachments/Plans:

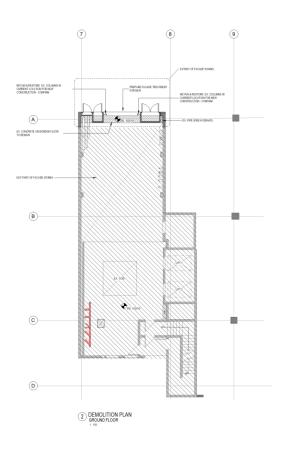
sheet DA400 rev 1DA 500 rev 1

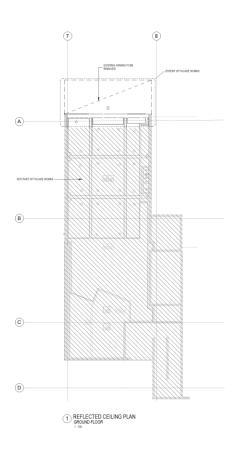
Date: 3/6/19





REV DATE DETAILS CHECK
0 1906/19 SIGNAGE APPLICATION DJ







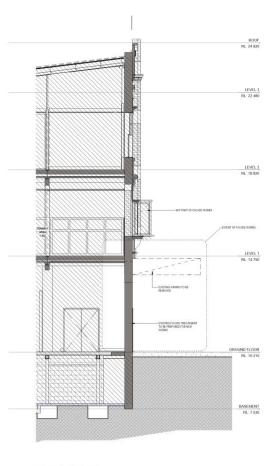
REV DATE DETAILS CHECK
0 1505/19 SIGNAGE APPLICATION DJ





REV DATE DETAILS CHECKED

0 1505/19 SIGNAGE APPLICATION DJ

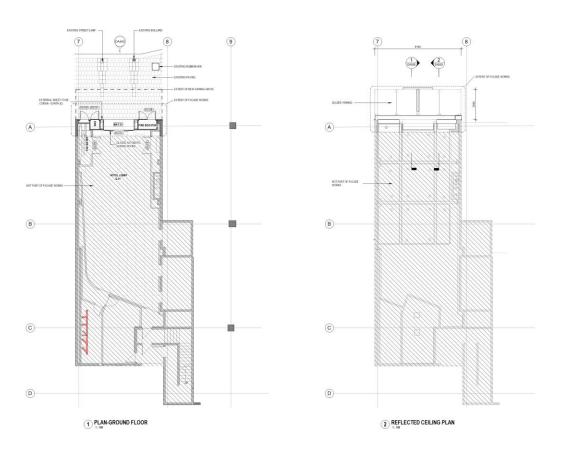


1 SECTION - DEMOLITION LIVERPOOL ST



REV DATE DETAILS CHECK

0 1909/19 SIGNAGE APPLICATION DJ









BPSM architects CROWNE PLAZA HOTEL 110 LIVERPOOL ST HOBART, TASMANIA LIVERPOOL STREET ELEVATION ##0.0001 moves# H1825

50.02 At #1 1:50

20.000 87 DJ*

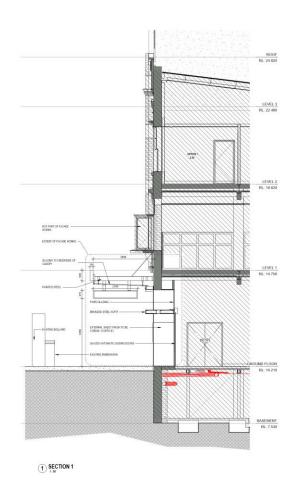
2415 22/05/19

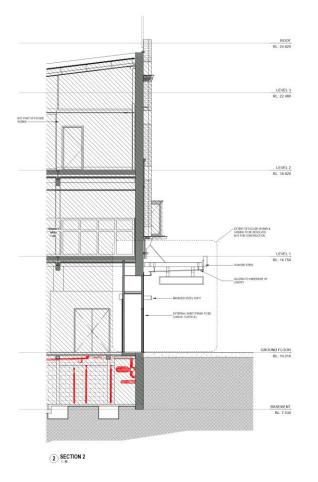
DMEET DA400

 REV
 DATE
 DETAILS
 CHECK

 0
 1500/19
 SIGNAGE APPLICATION
 BU

 1
 2200/19
 DIMENSIONS
 BU









IMPACT STATEMENT 110 LIVERPOOL STREET

City of Hobart Interim Planning Scheme 2015 Design Objectives 22.4.3, and 22.4.4. Passive Surveillance. To ensure that the building design contributes positively to the streetscape, the amenity and safety of the public.

Acceptable Solutions 22.4.3. A1(a) and 22.4.4. A1(a)

The main entry at ground floor level has been located centrally, and recessed in the façade, ensuring that it is clearly identifiable. This is further reinforced through the use of glazed doors to provide full transparency in comparison to the adjoining solid walls.

Acceptable Solutions 22.4.3. A1(b) and 22.4.4. A1(b), (c)

The façade consists of an existing Fire Booster cupboard, on the left hand side, and existing Gas and TasWater connection cupboards, on the right hand side. Both service cupboards extend from ground level to the underside of the awning above, and are a requirement of the building. In addressing acceptable solutions 22.4.3. A1(b) and 22.4.4. A1(b), (c), the remaining space in the centre of the façade has been set back and entirely glazed, consisting of a 2500mm high glazed automatic sliding door and glazed transom panel above to allow maximum natural light into the ground floor and to maximise transparency.

Acceptable Solution 22.4.3. A1(d)

The solid surfaces of the façade have been broken up into panels and columns referencing the period building above, and further articulated with brass trims, meeting performance criteria 22.4.3. P1(c) by breaking up large expanses of blank wall in the façade. The existing service cupboards facing the street have been incorporated into this designed articulation, clad in the same material and aligned with the remainder of the façade, screening them from view and preventing detraction from the streetscape, addressing acceptable solution 22.4.3. A1(d).

Acceptable Solution 22.4.3. A2

The material selected for the façade cladding is Corian – Earth which has a Light Reflectance Value (LRV) of 5%, comfortably meeting acceptable solution 22.4.3. A2 by being less than 40%.

Acceptable Solution 22.4.3. A3

The articulation of façade has been designed to reflect the period building façade above, with vertical expressions in the cladding aligning with the period engaged columns and a glazed entry setback aligning with the glazed arched fenestration above.

Acceptable Solution 22.4.3. A3(b)

A proposed glazed awning has been set at the same height of the two adjacent awnings on each side, addressing acceptable solution 22.4.3. A3(b), and consist of a minimal, lightweight steel frame structure with glazed panels, allowing natural light through to the building and street below, whilst providing views to the period façade above.

Performance Criteria 22.4.3. P4

With the exception of the above mentioned service cupboards, the remainder of the façade is glazed to achieve maximum engagement with the street front. Coupled with the primary function of this floor as the hotel lobby a lobby and restaurants, this area will be occupied 24 hours a day, providing passive surveillance and creating an active street front, responding to performance criteria 22.4.3. P4.



Performance Criteria 22.4.4. P1(d)

The recessed entry will be lit via mounted artificial lighting from the new glazed entry awning above he street, and from the Lobby through the glazed automatic doors, meeting performance criteria 22.4.4. P1 (d) by locating external lighting to illuminate pathways. This façade and street front will be monitored via CCTV, providing additional surveillance.

Agenda (Open Portion) City Planning Committee Meeting - 15/7/2019

Page 249
ATTACHMENT B

Properties and Titles Search

Page 1 of 2

Home	theLIST	Help	Contact Us			My Account Logout (enquiry@bmbtas.com) Cart: 2 item(s) Price: \$0.00
Properties &	<u>Titles</u> » Prope 1 Titles			a Saarah		
Property Sales		Proj	perty and Title	166565	5-U G	
Tasmanian Or	BACKS SHE BUILD STORESTON OF THE STANDARD			[100303	Folio: 1	
Dealings (TOL	.D)		Dealing NO:			
Torrens Scann			Surname:		Given Name:	
Registry of Deeds		Company Name:				
Powers of Atto						
Purchasers' In	The second secon	-	If you are using	g any search criteria below this lin	ne please read the disclaimer below	v.
Renumbered I					,	
Valuation Adju Factors	ustment		Property ID:			
Plan Progress		Pr	operty Name:			
Client Reques	t	Prop	erty Address:	Street Name	Street Type	
LTO Practice N	1anuals		Locality:	Locality	Clear	
		Searc	h Results			
		7	itle Reference	Property ID	Address/Descri	ption Option
		16656	55/1		166565/1	Select Products
E. KALIS PRO				E. KALIS PROPERTIES	PTY LTD	
			PER MEL PER LANGUAGE LA RESERVE PRESENTATION OF THE PERSON	The state of the s	Page 1 of 1 20 V	View 1 - 1 of 1
			information about by the Recorder maintained by the	t a street address, locality or pro of Titles under the Land Titles he Government and is therefore erifying that the search of the foli	ilio of the Register to land. Pleast perty name, is not drawn from d. Act 1980 but is drawn from oth not covered by the Assurance o of the Register obtained by this	ata maintained er data bases Fund. You are

Latest News

fi □ **Land**Tasmania

Land Tasmania | TASMAP | Service Tasmania | Accessibility

This page has been created by the Department of Primary Industries, Parks, Water and Environment. Use of this website is subject to our disclaimer and copyright notice and personal information protection.

 $https://www.thelist.tas.gov.au/app/content/property/property-search?propertySearchC... \ \ 15/01/2018$



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 166565	FOLIO 1	
EDITION	DATE OF ISSUE	
1	12-Sep-2017	

SEARCH DATE : 15-Jan-2018 SEARCH TIME : 04.09 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Plan 166565

Derivation : Part of 1A-1R-6P Granted to G C and G E K Clark and Part of 0A-0R-5P vested in The Hobart City Council Prior CTs 32672/1, 158238/1, 154350/6, 114582/5, 197113/4, 32671/1, 32671/2, 32672/2, 158142/1, 118684/1, 118464/1, 124769/1 and 90240/2

SCHEDULE 1

C951284 E28062 E. KALIS PROPERTIES PTY LTD Registered 25-Jul-2016 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any BENEFITING EASEMENT: (appurtenant to Lot 1 on Diagram 32672) a full and free right and liberty more fully set forth in Conveyance No. 63/5427 to go pass and repass over and upon the land marked Arnolds Lane 3.05 wide on Plan 166565

BENEFITING EASEMENT: (appurtenant to Lot 2 on Diagram 32672) a full and free right and liberty to go pass and repass more fully set forth in Conveyance No. 63/5428 along over and upon the land marked Arnolds Lane 3.05 wide on Plan 166565

BENEFITING EASEMENT: (appurtenant to Lot 2 on Diagram 32671) all ways and rights of way more fully set forth in Conveyance No. 63/5426 and varied by Agreement No. 27/1128 over along through and upon the land marked Arnolds Lane 3.05 wide on Plan 166565

BURDENING EASEMENT: full right and liberty (apputenant to Lot 2 on Diagram No.32671) for the spouting or gutters to over hang more fully set forth in Conveyance No. 63/5426 over the land marked Spouting 0.15 wide on Plan 166565

BENEFITING EASEMENT (appurtenant to Lot 1 on Diagram 32671) all ways and rights of way more full set forth in



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyance No. 63/5424 and varied by Agreement No. 27/1128 over along through and upon the land marked Arnolds Lane 3.05 wide on Plan 166565

BENEFITING EASEMENT (appurtenant to Lot 5 on Plan 114582) the stone wall and foundation thereon erected on the land marked ABCD on Plan 166565 being portion of the 5 perches of land hereinafter mentioned and the right to erect buildings on the said wall marked ABCD on Plan 166565 and to open windows giving access to light and air to any such building so erected overlooking the Rivulet and land now vested in the Lord Mayor Aldermen and Citizens of the City of Hobart provided that in the event of any windows being opened in the said wall between the level of the bed of the said Rivulet and the ground level of the premises of Brownells Limited the said Brownells Limited shall not be entitled to any compensation if at any time the said Lord Mayor Aldermen and Citizens of the City of Hobart should require to close the same for the purpose of building over the said rivulet

BENEFITING EASEMENT: (appurtenant to Lot 2 on Diagram 90240)
the stone wall and foundation thereof erected thereon
and the right to erect buildings on the said wall and
land and to open windows giving access to light and
air to any such buildings so erected overlooking the
rivulet and land now vested in the Hobart Corporation
provided that in the event of any windows being
opened in the said wall between the level of the bed
of the said rivulet and the ground level of the
premises of Newman Arnold he the said Newman Arnold
shall not be entitled to any compensation if at any
time the said Corporation should require to close the
same for the purpose of building over the said
rivulet.

BENEFITTING EASEMENT: (appurtenant to Lot 1 on Plan 118684) the stone wall and foundation thereof erected on the land marked EFGH hereon and the right to erect buildings on the said wall and said land marked EFGH and to open windows giving access to light and air to any such buildings so erected overlooking the Rivulet and land now vested in The Lord Mayor Aldermen and Citizens of the City of Hobart provided that in the event of any windows being opened in the said wall between the level of the bed of the said Rivulet and the ground level of the premises of Brownells Limited the said Brownells Limited shall not be entitled to any compensation if at any time the said Lord Mayor Aldermen and Citizens of the City of Hobart should require to close the same for the purpose of bulding over the said Rivulet.

BENEFITING EASEMENT: (appurtenant to Lot 1 on Plan 118464) The



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



stone wall and foundation thereof on the land shown by hatched lines on Plan 166565 and the right to erect buildings on the said wall and said land shown by hatched lines and to open windows giving access to light and air to any such buildings so erected overlooking the Rivulet and land now vested in The Hobart City Council provided that in the event of any windows being opened in the said wall between the level of the bed of the said Rivulet and the ground level of the premises of the said Brownells Limited the said Brownells Limited shall not be entitled to any compensation if at any time the said Hobart City Council should require to close the same for the purpose of building over the said Rivulet

BENEFITING EASEMENT: (appurtenant to Lot 4 on Plan 197113) The stone wall and foundation thereof erected on the land marked CDEF on Plan 166565 and the right to erect buildings on the said Wall and said land marked CDEF on Plan 166565 and to open windows giving access to light and air to any such buildings so erected overlooking the Rivulet and land now vested in the Hobart City Council provided that tin the event of any windows being opened in the said Wall between the level of the bed of the Rivulet and the ground level of the premises of Brownells Limited the said Brownells Limited shall not be entitled to any compensation if at any time the said Hobart City Council should require to close the same for the purpose of building over the said Rivulet

- 27/1673 CONVEYANCE: BENEFITING EASEMENT: (appurtenant to Lot 1 on Plan 124769) right of way over the land marked Arnolds Lane 3.05 wide on Plan 166565
- 27/1673 CONVEYANCE: BENEFITING EASEMENT: (appurtenant to Lot 1 on Plan 124769) right for the spouting or gutters of the buildings erected on the said land within described to extend and project over Arnolds Lane
- 5/6533 BENEFITING EASEMENT: (appurtenant to Lot 1 on Plan 158238) right of carriageway over the strip of land marked Arnolds Lane 3.05 wide on Plan 166565
- BENEFITING EASEMENT: (appurtenant to Lot 2 on Plan 32671) full right and liberty for the spouting or gutters more fully set forth in Conveyance No. 63/5426 over the land marked Spouting 0.15 wide on Plan 166565
- C951310 MORTGAGE to Commonwealth Bank of Australia (excepting thereout the land comprised in Folio of the Register Volume 124769 Folio 1) Registered 22-Feb-2010 at 12.
- D55814 MORTGAGE to Commonwealth Bank of Australia (of that part of the said land within described formerly comprised in Folio of the Register Volume 124769 Folio 1) Registered 20-Jul-2012 at 12.02 PM



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



E28063 MORTGAGE to CBA Corporate Services (NSW) Pty Limited

Registered 25-Jul-2016 at 12.01 PM

D100634 ADHESION ORDER under Section 110 of the Local

Government (Building and Miscellaneous Provisions)

Act 1993 Registered 12-Sep-2017 at noon

UNREGISTERED DEALINGS AND NOTATIONS

164871 PLAN Lodged by D G POTTER on 12-Oct-2012 BP: 164871

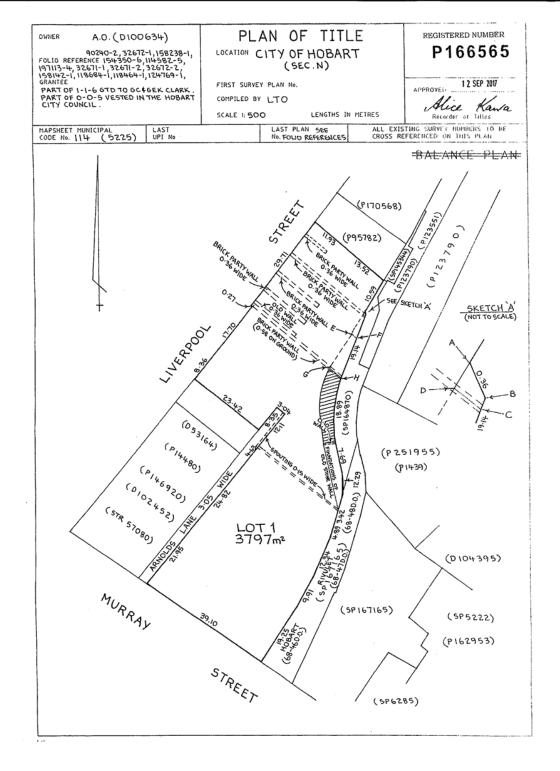


FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





Search Date: 15 Jan 2018

Search Time: 04:10 PM

Volume Number: 166565

Revision Number: 02

Page 1 of 1

Application Referral Cultural Heritage - Response

From:	Brendan Lennard
Recommendation:	Proposal is acceptable without conditions.
Date Completed:	
Address:	55 - 59 MURRAY STREET, HOBART ADJACENT ROAD RESERVE
Proposal:	Partial Demolition, Alterations and Signage
Application No:	PLN-19-280
Assessment Officer:	Richard Bacon,

Referral Officer comments:

The proposal involves alterations to the shopfront and awning of the former Fletcher Jones premises in Liverpool Street, as part of the new Crowne Plaza / Myer / Icon complex.

The building is a Heritage Place, identified in Table E13.1 as follows: 1756 - 110 LIVERPOOL STREET - 124769/1 - Former Newman Arnold's Bakery

Relevant Development Standards

E13.7 Development Standards for Heritage Places

E13.7.1 Demolition

Objective:

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

Performance Criteria

Р1

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 Buildings and Works other than Demolition

Objective:

To ensure that development at a heritage place is:

- (a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and
- (b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.

Performance Criteria

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.

E17.7.2 standards for signs on Heritage Places

Performance Criteria

P1

A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

- (a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;
- (b) be placed so as to allow the architectural details of the building to remain prominent;
- (c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;
- (d) be placed in a location on the building that would traditionally have been used as an

advertising area if possible;

- (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;
- (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;
- (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;
- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

Assessment

The existing shopfront and awning do not relate to the period of the building's construction, and are of no heritage value.

The proposal is for a contemporary glazed awning, with modest signage. The proposal will have no adverse impact upon the heritage significance of the existing building.

The proposal is deemed to comply with relevant Historic Heritage and Signs Code provisions.

7.2.5 27 HAMPDEN ROAD, 29 HAMPDEN ROAD BATTERY POINT - PARTIAL DEMOLITION, ALTERATIONS AND FENCING PLN-19-32 - FILE REF: F19/92928

Address: 27 Hampden Road, 29 Hampden Road, Battery

Point

Proposal: Partial Demolition, Alterations and Fencing

Expiry Date: 1 August 2019

Extension of Time: Not applicable

Author: Richard Bacon

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and fencing at 27 and 29 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-19-32 - 27 AND 29 HAMPDEN ROAD BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENV₁

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.

NUISANCE

If this development incorporates an air-conditioner or heat pump, noise emissions after installation must be in compliance with the *Environmental Management and Pollution Control Act 1994 (Noise Regulations 2016)* to prevent a noise nuisance.

Please note: Under section 23 of the *Urban Drainage Act 2013* it is an offence for a property owner to direct stormwater from a private

stormwater system so that it causes or is likely to cause a nuisance to a neighbouring property or its residents - (Ø50 cored weep holes at 1200crs).

Attachment A: PLN-19-32 - 27 HAMPDEN ROAD BATTERY

POINT TAS 7004 - Planning Committee or

Attachment B: PLN-19-32 - 27 HAMPDEN ROAD BATTERY

POINT TAS 7004 - CPC Agenda documents U

Attachment C: PLN-19-32 - 27 HAMPDEN ROAD BATTERY

POINT TAS 7004 - Planning Referral Officer



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

City of HOBART

Type of Report: Committee

Council: 22 July 2019

Expiry Date: 1 August 2019

Application No: PLN-19-32

Address: 27 HAMPDEN ROAD, BATTERY POINT

29 HAMPDEN ROAD, BATTERY POINT

Applicant: Paul Hunniford

U 1 24 Govett Rise

Proposal: Partial Demolition, Alterations and Fencing

Representations: One

Performance criteria: Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for a partial demolition, alterations and fencing at 27 and 29 Hampden Road, Battery Point.
- 1.2 More specifically the proposal includes:
 - Four side wall mounted air conditioning units.
 - · Replacement rear boundary fencing.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Historic Heritage Code Demolition, Building and Works in a Heritage Precinct
- 1.4 One representation objecting to the proposal were received within the statutory advertising period between the 23rd May and 6th June 2019.
- 1.5 The proposal is recommended for approval.
- 1.6 The final decision is delegated to the City Planning Committee.

2. Site Detail

2.1 27 and 29 Hampden Road are in use as visitor accommodation.

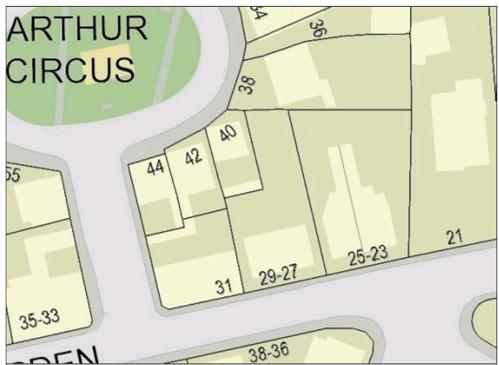


Figure 1: location plan showing subject site in centre of image.



Figure 2: aerial photograph showing subject site and neighbouring property (40 Runnymede Street) to the north.



Figure 3: subject site in centre of image. (Source: Google Streetview.)

3. Proposal

- 3.1 Planning approval is sought for a partial demolition, alterations and fencing at 27 and 29 Hampden Road, Battery Point.
- 3.2 More specifically the proposal is for:
 - Four side wall mounted air conditioning units.
 - Replacement 2.4m high rear boundary fencing, in the form of a block wall.

4. Background

4.1 The proposal is for side wall mounted air conditioning units.

The originally proposed roof mounted air conditioning units have been installed.

- 4.2 The roof mounted air conditioning units are the subject of Council enforcement action under ENF-18-280, issued dated 19th December 2018.
- 4.3 The application was originally advertised between the 18th February and the 4th March 2019. It attracted three representations which raised concerns with regard to the proposed air conditioning units in terms of heritage, townscape, roofscape and skyline, and noise. The representations also raised concern with regard to the proposed rear fencing in terms of excavation and foundation works, structural and infrastructure concerns, loss of access and overshadowing.
- 4.4 The application was recommended for refusal by Council officers on heritage grounds with regard to the proposed roof top mounted air conditioning units.
- 4.5 The City Planning Committee at its meeting dated the 25th March 2019 recommended the item be deferred to enable the applicant to investigate an alternate location for the proposed air conditioning units that is consistent with the historic heritage provisions of the *Hobart Interim Planning Scheme 2015*, and to enable the applicant to discuss demolition and rebuilding of the boundary fencing and walls (with existing bricks reused if possible) with the neighbouring property owners of 40 Runnymede Street.
- 4.6 Following consultation with Council officers with regard to the proposed air conditioning units, the amended plans for the side wall mounted air conditioning units have been re-advertised. The amended plans remain unchanged with regards to the proposed rear fencing, except that the plans state that it would be 'rebuilt using old brick if possible'.

- 4.7 Under Clause E13.4.1 of the Scheme for development within a heritage precinct, (g) states exemption for the following.
 - (g) if they are at least 1m from any boundary, minor attachments to the side or rear of a building that are incidental to any use or development such as heat pumps, rain water tanks with a capacity of less than 45 kilolitres and on a stand no higher than 1.2m, hot water cylinders and air-conditioners.

Exemption clause 6.1.2 states the same.

It follows that the air conditioner component of the proposal, being on a side wall and at least 1 metre from the side property boundary, is planning exempt in its own right.

4.8 One representation was received to the re-advertised proposal. The representation raised concerns primarily with regard to the proposed wall and drainage matters.

5. Concerns raised by representors

- 5.1 A total of one representation objecting to the proposal was received within the statutory advertising period between the 23rd May and 6th June 2019.
 - (A total of three representations objecting to the proposal were received within the original statutory advertising period between 18th February and 4th March 2019).
- 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.

Heritage:-

- proposed block wall would be of improper material for a heritage area, and would be visible from surrounding property owners and Runnymede Street.
- concern that heritage and character of the area be maintained, including what may be seen as small planning decisions.
- potential loss of unique heritage character to Runnymede Street and Arthur Circus from proposal.

Inadequate plans including regarding structure:-

- the submitted plans do not show sufficient specifications of the proposed works.
- plans inaccurate with regard to existing fencing on site.
- the applicant provides no detail of footings to be provided.
- the applicant provides no strength of concrete to be used.

Cost of work:-

concern at potential impact in terms of cost to other parties.

Retaining wall:-

retaining wall ought to be entirely within the applicant site.

Drainage and sewerage:-

- drain serving neighbouring properties passes under proposed works, risk of becoming blocked or damaged.
- no detail on plans works with relation to drain.

Fencing and proposed fencing/wall, loss of access to rear of 40 Runnymede Street:-

- plans inaccurate with regard to existing fencing on site.
- neighbouring owners seek to maintain or extend timber fenceline.
- proposed block wall would restrict neighbour access to rear of site.
- Any structure that prevents access to the wall of the (neighbouring) property cannot be permitted without significant safety of other impact to (40) Runnymede (Street).
- wall would prevent access to rear of 40 Runnymede Street, concern at prevention and maintenance against rising damp to health of occupants and immediate continuing

financial disadvantage of owners.

- proposed fence height at 2.4 metres, excessive due to its bulk and scale.

Impact on structural stability of neighbouring property:-

- concern at impact of proposed works on structural stability of neighbouring property at 40 Runnymede Street.

Overshadowing:-

- concern at loss of sunlight to courtyard of neighbouring property from proposed wall.

The representor seeks of Council the following:-

- refusal of proposal;
- the retaining wall be constructed on the applicant site that maintains access to the rear of the neighbouring property; and
- to permit repair of the brick fence and replacement and extension of timber fence;

- If Council wishes to consider the application, the neighbouring owners request Council address the following:-
- location of any fence;
- maintaining neighbour rear access which a timber fence may allow, with minimum rear 'gap';
- requirements for underpinning of neighbour foundations;
- proper footings and concrete strength used in retaining wall and weep holes; and
- retaining wall to be within applicant site.

Further comments:

The objections to the first application remain.

Additionally, as objections to these drawings, we note the following issues and deficiencies:

- 1. Nowhere is the engineering requirements addressed in anyway
- 2. Nowhere is the Building Code of Australia requirements addressed in any way,
- 3. Nowhere is the Australian Standards addressed in any way,
- 4. Nowhere is the Building Act 2016 (Tas) (herein the Act) addressed in any way,
- 5. Nowhere is the environmental plan or Council code requirements addressed in anyway,
- 6. There is no cross-section to wall and/or the adjoining Runnymede property, mandatory as the properties sit at different levels,
- 7. There is no identification of footings to the "new wall block" or other fencing proposed for the boundary,
- 8. No identification of underpinning to the Heritage building situate on Runnymede,
- No identification of the drainage for the "new wall block",
- 10. No identification of the effect and risk to the current stormwater and drainage lines from Runnymede underneath Hampden of the "new wall block",
- 11. Utter failure to address the mandatory use of the heritage bricks on Runnymede, except to state the relevant wall was to be "removed" and as an afterthought using the bricks in a manner not described "if possible".

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.

- The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is visitor accommodation, and the use is not proposed to change. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone if it is within an existing building and not displace a residential use.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D 11 Inner Residential Zone
 - 6.4.2 E13.0 Historic Heritage Code
- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Historic Heritage Code:-

Demolition, Building and Works in a Heritage Precinct - E13.8.1 P1 and E13.8.2 P1 and P2

- 6.6 Each performance criterion is assessed below.
- 6.7 Demolition, Building and Works in a Heritage Precinct E13.8.1 P1 and E13.8.2 P1 and P2
 - 6.7.1 There is no acceptable solution for demolition, building and works in a heritage precinct at clauses E13.8.1 A1 or E13.8.2 A1 or A2.
 - 6.7.2 The proposal includes demolition of the existing boundary fencing and wall, a new boundary wall, and new air conditioning units, at a site within Heritage Precinct BP1.
 - 6.7.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criteria at clauses E13.8.1 P1 and E13.8.2 P1 and P2 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.

E13.8.2 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.

6.7.5 Assessment of the performance criteria by Council's Cultural Heritage Officer is as follows. The officer's full report is provided at Attachment C.

An amended application was submitted relocating the four air conditioning units from the roof to the west wall between the existing building and the neighbouring property at 31 Hampden Road. While this location will remain visible from the street, its location is considered acceptable sitting along side other accretions such as metal fire stairs in this location.

A representation was received raising concerns about the proposed fence. The fence is shown to be built in 'old brick if possible' and be 2.4 metres high. The previous heritage comments remain relevant and no concern is raised about the proposed fence against the relevant performance criteria of the Historic Heritage Code. In summary, the proposed units in their new location satisfies E13.8.2 P1. of the Code.

6.7.6 For completeness, the original assessment of Council's Cultural Heritage Officer is provided below, in italics.

This application relates to a two storey detached brick built property with low angled ridged roof and rear courtyard and car parking accessed via a narrow side vehicular driveway. Fronting directly onto Hampden Road, the property is not individually Heritage Listed, but does form part of the Battery Point Heritage Precinct (B1) as set out in the Hobart Interim Planning Scheme 2015.

This precinct is significant for reasons including:

- 1. The wide variety of architectural styles and historic features ranging from entire streets of 19th century Colonial Georgian cottages, to Victorian, Edwardian and Pre and Post War examples of single and attached houses that are of historic and architectural merit, many of which demonstrate housing prior to mass car ownership.
- 2. It is primarily a residential area with a mix of large substantial homes and smaller workers cottages on separate lots, gardens, an unstructured street layout, and lot sizes that show successive resubdivision into narrow lots that demonstrate early settlement patterns of Hobart.
- 3. The original and/or significant external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character.

The proposal seeks permission for the demolition of a rear brick wall and section of timber paling fence directly onto the shared boundary between the site and 40 Runnymede Street, a heritage listed cottage to the rear. The proposal then seeks permission for the erection of a 2.4m high block built replacement wall along with paling fence replacement to the same configuration as existing. In addition, permission is also sought for retrospective approval for the placement of four air conditioning units placed as two groups of two to the front facing roof slope.

Proposed Wall/Fencing

It has been clarified that all of the proposed works including

demolition would occur solely on land under the ownership of 29 Hampden Road and that as such, the proposed works are to be considered solely within the scope of the potential impact upon the character of the Heritage Precinct.

With regard to the proposed demolition, it is noted that the said brick wall is located behind the main bulk of both 29 Hampden Road and 40 Runnymede Street and thus almost entirely hidden from general view. Whilst there is a strong possibility that at least remnants of the wall relate to a much earlier structure, it is not consistent nor does it make any positive contribution to the public perception of the precinct to warrant its retention.

The replacement block wall would be marginally higher than the existing structure and on site observations appear to suggest that the very top part of the wall would be visible from within Arthur Circus. The final finished appearance of the wall is therefore of interest given its rudimentary intended construction materials and as such, given that 'external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character' are described as being a distinct element of the Precincts defining characteristics, it is considered reasonable to place a condition upon any approval for the rendering of the said wall to a finish acceptable to the Council.

Air Condition Units

The proposed air condition units are clearly visible from both Hampden Road and Runnymede Street. The application might therefore be considered 'retrospective' in the sense that the applicant is seeking approval for something which has previously occurred. The Council's duty is, nevertheless, to consider the discretionary application as though the work did not exist. Council also has, under the provisions of the Land Use Planning and Approval Act 1993 a duty to enforce its own planning schemes.

The units are grouped in two groups of two on the front facing roof slope and project above the roof ridge so as to be clearly visible from the public realm in several locations including from within Arthur Circus. The streetscape backdrop and general townscape qualities of the Precinct are in part formed by the degree and variety of roof planes and forms, primarily due to the lower scale and traditional character of the architecture. It is notable that there

is a general absence of what could be considered as noncontributory features such as air conditioning units or satellite dishes. As such, such features do not appear as part of the general characteristics of the Precinct and introduce an unfortunate element within a highly visible location.

As E13.8.2 'Buildings and Works Other Than Demolition' P1 states that "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.", it is considered that the proposed air conditioning units would represent a highly unfortunate feature in a highly visible location against a backdrop of some of the most sensitive parts of the Precinct and would therefore appear to run contrary to the provisions of E13.8.2.

As such, as the air-conditioning units represent a significant element of the proposal, it is considered that the application as a whole should be refused.

Notwithstanding the above however, given that the primary issue relates to the visibility of the units, their relocation to a more suitable position, such as located onto the ground within the rear courtyard would overcome this concern and it is perhaps advantageous to advise the applicant should they wish to pursue units to the site.

Comments to Representations

Three letters of representation have been received, all of which raise objections to the visual impact of the air condition units, specifically with regard to the historical context in which they would be viewed, one queries the noise issues associated with the units, and one queries the proposed wall as being unsuitable in building materials for a heritage area.

With regard to the units, the impact upon the cultural heritage area have been set out above. With regard to the proposed wall, as set out above, given the height of the proposed wall, it is considered reasonable to seek the satisfactory rendering of the said wall to both sides to ensure a quality of finish befitting the quality of the historic character of the Precinct.

Conclusions

It is therefore considered that under the reasons set out above, the proposal would detract from the characteristics of the townscape qualities of the Heritage Precinct and would thus fail to comply with Clause E.13. 8.2 - P1 of the Hobart Interim Planning Scheme 2015.

Reason for refusal

- 1. The proposed air condition units, by virtue of their location and appearance would adversely affect the heritage values of the Battery Point Heritage Precinct, contrary to E13.8.2 P1 of the Hobart Interim Planning Scheme 2015.
- 6.7.7 As previously stated, Council's Cultural Heritage officer states no objection to the current amended plan.
- 6.7.8 The current proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for a partial demolition, alterations and fencing at 27 and 29 Hampden Road Battery Point.
- 7.2 The application was advertised and received one representation. The representation raised concerns including the proposed rear wall, drainage matters, the proposed air conditioning units, and heritage.
- 7.3 The originally advertised proposal was assessed against the relevant provisions of the planning scheme and was considered unacceptable on heritage grounds.

7.4 The site was initially visited dated 5th March 2019. The applicant was met on site. The site was subsequently visited and the applicant met by Council's Development Appraisal Planner and Cultural Heritage Officer.

The proposal amounts to the removal of a section of ivy covered brick wall approximately 2.6 metres in height on the common side boundary, and the removal of a section of ivy covered timber fence along part of the common rear boundary. A section of the common rear boundary has no existing fence. The proposal is for a replacement block boundary wall of 2.4 metres in height to the common rear boundary and that section of the common side boundary where the brick wall section exists.

The applicant stated the purpose of the proposal was effectively to allow removal of the ivy and re-establish an effective replacement part side and full rear boundary wall.

The applicant confirmed by email dated 7th February 2019 that all works including the block work would be within title boundaries.

The applicant has granted a number of extensions of time to allow Council consideration of the proposal.

The applicant was advised of the three representations received during the original advertised period from the 18th February to the 4th March 2019, of the need for the consideration of the City Planning Committee, and of the need for a request for an extension of time.

There has further been representor consultation.

The applicant was advised of the Cultural Heritage Officer recommendation of refusal of the original proposal, dated 13/3/2019.

The application was re-advertised dated the 23rd May to the 6th June 2019 and received one representation..

- 7.5 The proposal has been assessed by Council's Cultural Heritage Officer and Development Engineer. The Development Engineer states there are no engineering matters of concern raised. The Cultural Heritage Officer recommends acceptance of the current amended proposal.
- 7.6 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed partial demolition, alterations and fencing at 27 and 29 Hampden Road Battery Point satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and fencing at 27 and 29 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-19-32 - 27 AND 29 HAMPDEN ROAD BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENV₁

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.

NUISANCE

If this development incorporates an air-conditioner or heat pump, noise emissions after installation must be in compliance with the *Environmental Management and Pollution Control Act 1994 (Noise Regulations 2016)* to prevent a noise nuisance.

Please note: Under section 23 of the *Urban Drainage Act 2013* it is an offence for a property owner to direct stormwater from a private stormwater system so that it causes or is likely to cause a nuisance to a neighbouring property or its residents - (Ø50 cored weep holes at 1200crs).



(Richard Bacon)

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)

Acting Manager Development Appraisal

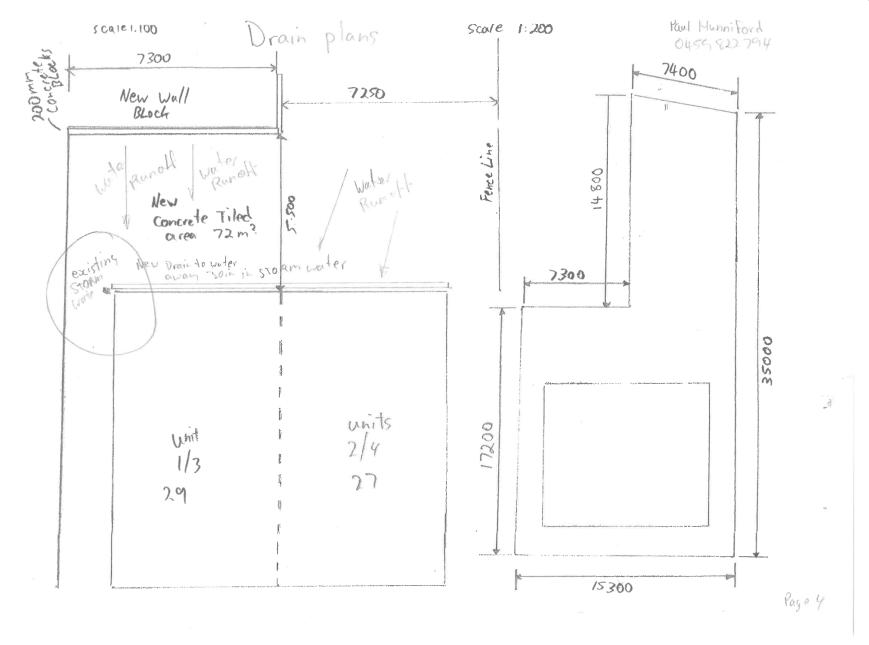
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

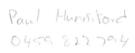
Date of Report: 14 March 2019

Attachment(s):

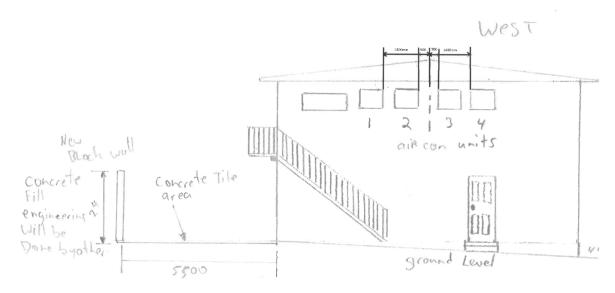
Attachment B - CPC Agenda Documents

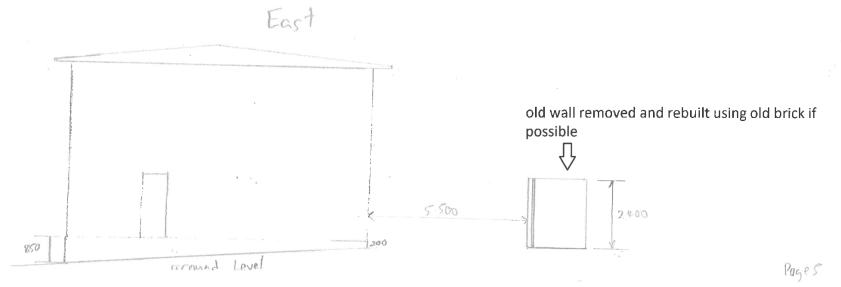
Attachment C - Planning Referral Officer Cultural Heritage Report

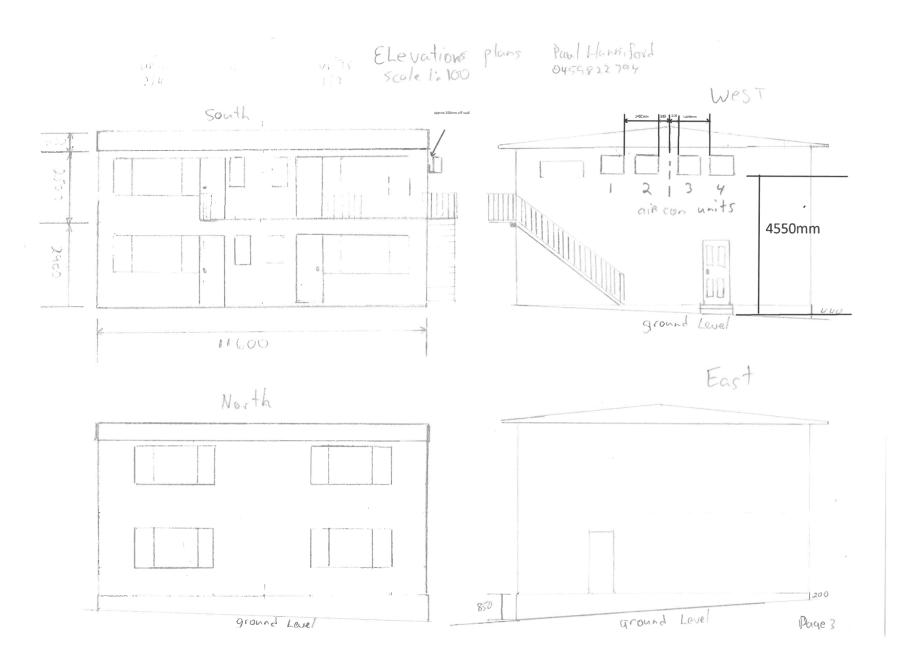


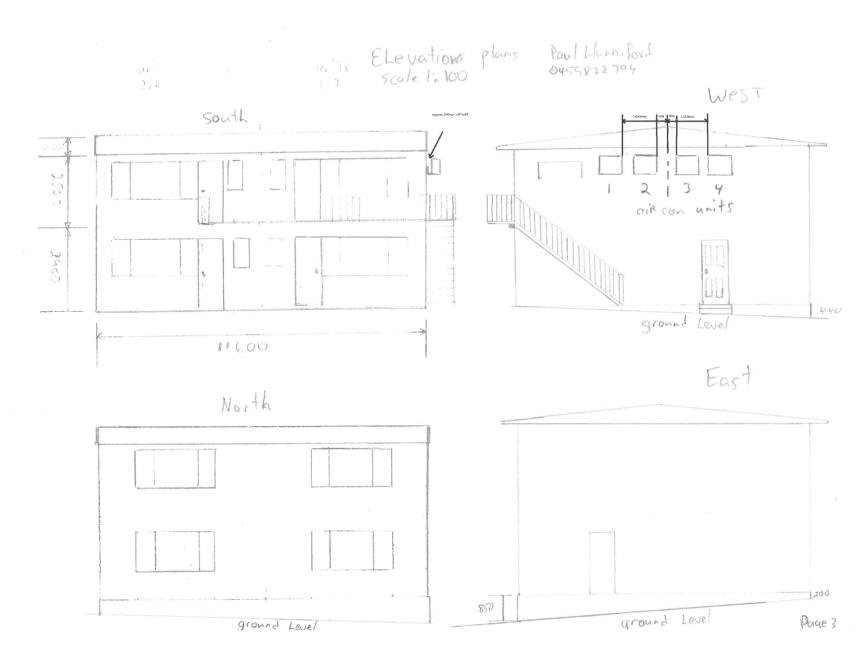


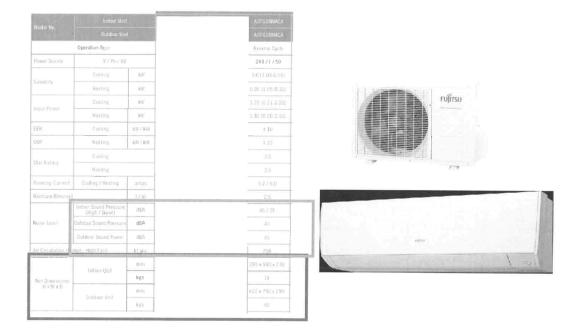
Scale 1:100

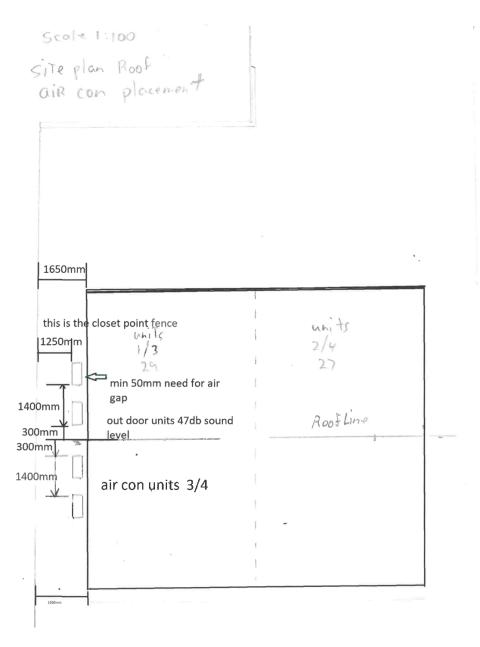












THE JANINA COWLEY SUPER FUND 488 Sandy Bay Road Sandy Bay TAS 7005 ABN 76 368 687 337

30 January 2019

Hobart City Council

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

The Janina Cowley Super Fund is the owner of property at 29 Hampden Road, Battery Point. This letter is authorisation for Paul Hunniford of Hunniford Builders to act on our behalf in respect of the property at 29 Hampden Road Battery Point relating to Land Use Planning and Approvals.

Should you require any further clarification, please contact Janina Cowley on 0408 199 299.

Regards

Janina Cowley

For The Janina Cowley Super Fund

WEBB INVESTMENT PROPERTIES PTY LTD

488 Sandy Bay Road Sandy Bay TAS 7005 ACN 621 375 906

30 January 2019

Hobart City Council

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

Webb Investment Properties Pty Ltd is the owner of property at 27 Hampden Road, Battery Point. This letter is authorisation for Paul Hunniford of Hunniford Builders to act on our behalf in respect of the property at 27 Hampden Road Battery Point relating to Land Use Planning and Approvals.

Should you require any further clarification, please contact Janina Cowley on 0408 199 299.

Regards

Janina Cowley - Director

Webb Investment Properties Pty Ltd



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	50110
VOLUME	FOLIO
56016	0
EDITION	DATE OF ISSUE
3	27-May-1999

SEARCH DATE : 22-Jan-2019 SEARCH TIME : 10.26 AM

DESCRIPTION OF LAND

City of HOBART
The Common Property for Strata Scheme 56016 (formerly being STR3559)
Derivation: Part of 2A-2R-28Ps Gtd to W T Parramore
Prior CT 4870/62

SCHEDULE 1

STRATA CORPORATION NO. 56016, 27/29 HAMPDEN ROAD, HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any 34/9278 GRANT OF EASEMENT - BENEFITING EASEMENT: Right to pass and repass over the land marked Right of Way 'B' on Diagram No. 54053

34/9278 GRANT OF EASEMENT - BURDENING EASEMENT: Right to pass and repass (for Alfred John White and Veronica Louise White as appurtenant to the land firstly mentioned therein) over the land marked Right of Way 'A' on Diagram No. 54053

B698169 APPLICATION TO AMEND STRATUM PLAN. Registered 24-Nov-1993 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES







\$320

Conveyancing and Law of Property Act 1884

STRATUM PLAN

Sheet 1 of 3 Sheets

City of Fown HOBART

Locality BATTERY POINT

Reference to Title

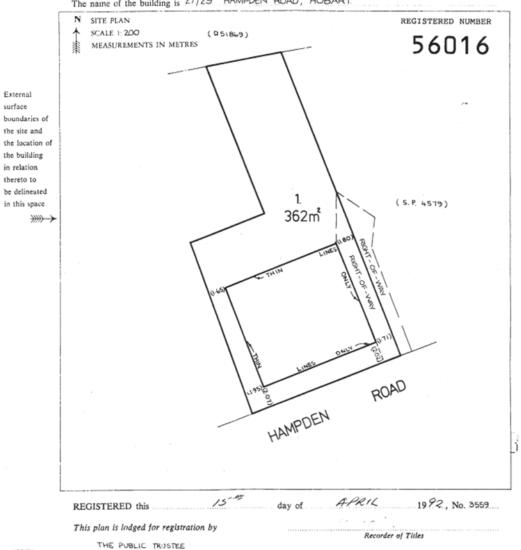
Site comprises the whole portion of Lot 1 on Plan Diagram No. D 54053 in the

Lands Titles Office

The name of the building is 27/29 HAMPDEN ROAD, HOBART.

N SITE PLAN

REGISTERED NUMBER



Search Date: 22 Jan 2019

Search Time: 10:26 AM

Volume Number: 56016

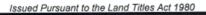
Revision Number: 01

Page 2 of 4



FOLIO PLAN

RECORDER OF TITLES





STR. PLAN NO.3559

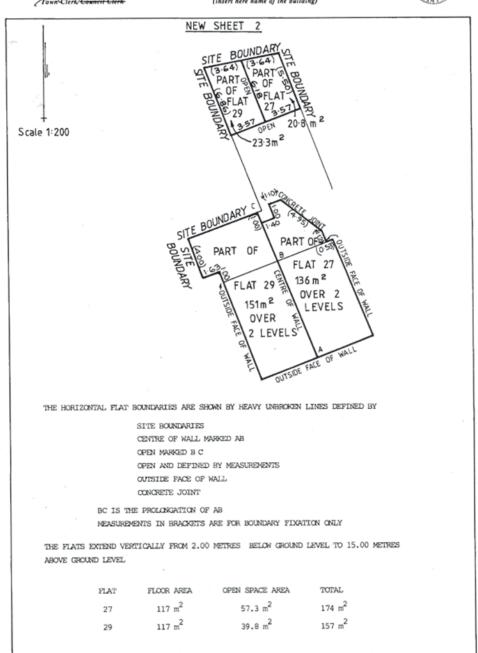


STRATUM PLAN

Foun Clerk Council Clerk

MPDEN ROAD HOBART
(insert here name of the building) of 27 / 29 HAMPDEN ROAD





Search Date: 22 Jan 2019

Search Time: 10:26 AM

Volume Number: 56016

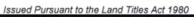
Revision Number: 01

Page 3 of 4



FOLIO PLAN

RECORDER OF TITLES





		Town Clerk Gouncil Glerk	
The		service of notices on the	SURVEYOR'S CERTIFICATE
			I, ANTHONY OWEN CARRICK
	27/29 HAMPI BATTERY PO	DEN ROAD, DINT. TAS 7004	of HOBART.
			a surveyor registered under the Land Surveyor's
			Act 1909, hereby certify that the building erected on the site described and delineated on
	UNIT E	NTITLEMENTS	sheet 1 of this plan is within the external boun- daries of the title stated on sheet 1.
Flat	Unit	FOR OFFICE USE ONLY	Dated this 18th day of December 1991
27	Entitlement		
29	· · · · · · · · · · · · · · · · · · ·	1 85 14874 . 88	Rey Louich Registered Surveyor
			COUNCIL CLERK'S CERTIFICATE
* #1 # ********************************	2 13 ₂₂ -43 ₂₄ 54 (2) ₂ 2-1		I certify that the subdivision shown in this plan
de peglis legit en e po			has been approved by the HUBART
			CITY Council
olo boso I MESSEE AS	0000 48000 Danishin Danish	or of real of P. 7 Milliotherates in mon-	- # -:
		A T. A. Hard produced in company with production of	Dated this 20 day of FEBRUSRY 1992
		The state of the s	Town Clerk Council Clerk
			, For Office Use Only
	1 shouldedays /	NO APPENDING THE PARTIES AND THE PROPERTY AND THE PROPERTY AND THE PROPERTY AND THE PARTIES AN	B.698169: Application amending the
			within plan by substituting sheet 2.
		ga ngaganagan wanngagan gaywan nawan - bangang angga ngga in balakan sal	Recorder of Titles
	2731.7730.4040.000	emper is we have a transferred and the state of the second	24./.0./.93
	5	anno fotocolos i do la dicentificación de de la decembra del decembra de la decembra de la decembra del decembra de la decembr	
o and a management of			
	Chronic R. altra-Tolodorika	1.7 Mars - March 1 (1.0 - 100 Mars 1 (1.0	
		Control of Millian Control of the Co	
		cheven Pro-XV-10 c exists - tendencia nindestreats - beautimmes (1999)	
	- 1	THE CONTRACTOR OF THE PARTY OF	
	som sales annem en la	magazine approximate abancon distribut format organization	
	-CO TESTED STREET, AND ADDRESS.	man a annum manana a calcantena a tabantero chi. NSSRI, anno ancara co	
		emanananjan yini a siiriikiyaraalay 1 kiisiinkii ilikkaana aana y	
TOTAL	2	* .	



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
56016	27
EDITION	DATE OF ISSUE
9	16-Oct-2017

SEARCH DATE : 22-Jan-2019 SEARCH TIME : 10.24 AM

DESCRIPTION OF LAND

City of HOBART

Lot 27 on Strata Plan 56016 (formerly being STR3559) and a general unit entitlement operating for all purposes of the Strata Scheme being a 1 undivided 1/2 interest Derived from Strata Plan 56016 Derivation: Part of 2A-2R-28Ps Gtd to W T Parramore Prior CT 4874/98

SCHEDULE 1

M651246 TRANSFER to WEBB INVESTMENT PROPERTIES PTY LTD Registered 16-Oct-2017 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
The registered proprietor holds the lot and unit entitlement
subject to any interest noted on common property
Folio of the Register volume 56016 folio 0

34/9278 GRANT OF EASEMENT - BENEFITING EASEMENT: Right to pass and repass over the land marked Right of Way 'B' on Diagram No. 54053

34/9278 GRANT OF EASEMENT - BURDENING EASEMENT: Right to pass and repass (for Alfred John White and Veronica Louise White as appurtenant to the land firstly mentioned therein) over the land marked Right of Way 'A' on Diagram No. 54053

E105411 MORTGAGE to National Australia Bank Limited Registered 16-Oct-2017 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
56016	0
EDITION 3	DATE OF ISSUE 27-May-1999

SEARCH DATE : 22-Jan-2019 SEARCH TIME : 10.24 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 56016 (formerly being STR3559)

Derivation : Part of 2A-2R-28Ps Gtd to W T Parramore Prior CT 4870/62

SCHEDULE 1

STRATA CORPORATION NO. 56016, 27/29 HAMPDEN ROAD, HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

34/9278 GRANT OF EASEMENT - BENEFITING EASEMENT: Right to pass and repass over the land marked Right of Way 'B' on Diagram No. 54053

34/9278 GRANT OF EASEMENT - BURDENING EASEMENT: Right to pass and repass (for Alfred John White and Veronica Louise White as appurtenant to the land firstly mentioned therein) over the land marked Right of Way 'A' on Diagram No. 54053

B698169 APPLICATION TO AMEND STRATUM PLAN. Registered 24-Nov-1993 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
56016	0
EDITION 3	DATE OF ISSUE 27-May-1999

SEARCH DATE : 22-Jan-2019 SEARCH TIME : 10.24 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 56016 (formerly being STR3559)

Derivation : Part of 2A-2R-28Ps Gtd to W T Parramore Prior CT 4870/62

SCHEDULE 1

STRATA CORPORATION NO. 56016, 27/29 HAMPDEN ROAD, HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

34/9278 GRANT OF EASEMENT - BENEFITING EASEMENT: Right to pass and repass over the land marked Right of Way 'B' on Diagram No. 54053

34/9278 GRANT OF EASEMENT - BURDENING EASEMENT: Right to pass and repass (for Alfred John White and Veronica Louise White as appurtenant to the land firstly mentioned therein) over the land marked Right of Way 'A' on Diagram No. 54053

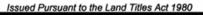
B698169 APPLICATION TO AMEND STRATUM PLAN. Registered 24-Nov-1993 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RECORDER OF TITLES







1320

Conveyancing and Law of Property Act 1884

STRATUM PLAN

TISMA	NIA .	Sheet 1 of Sheets
	City or Town HOBART	
	Locality BATTERY POINT	
	Reference to Title	
	Site comprises the whole of Lot 1 on Plan Diagram	no. D. 54053 in the
	Lands Titles Office	
	The name of the building is 27/29 HAMPDEN ROAD, H	OBART.
	N SITE PLAN	REGISTERED NUMBER
	SCALE 1: 200 (Q51869) MEASUREMENTS IN METRES	56016
aternal		
rface		
oundaries of	. \	
e site and e location of	\	
e building	- ·	\
relation	\	\
ereto to	· \	\
this space	1.	(5.8.4579)
>>>> →	362m	f \ \
1		100
		Lines Ray
	THIN	
1	lacin	1 / 2 /2 /
	\ \ \	*\ \
	\ \	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
	/ /	0.10)
1	1 1	
	\ F	
	1192	ROAD
	WPDF	N
	HAMPDE	
· [A 00.11
	REGISTERED this /5- day of	APRIL 1992, No. 3559
	This plan is lodged for registration by	Recorder of Titles
	THE PUBLIC TRUSTEE	Recorder of Littles

Search Date: 22 Jan 2019

Search Time: 10:24 AM

Volume Number: 56016

Revision Number: 01

Page 2 of 4



RECORDER OF TITLES





Government

NEW Sheet 2... of Sheets

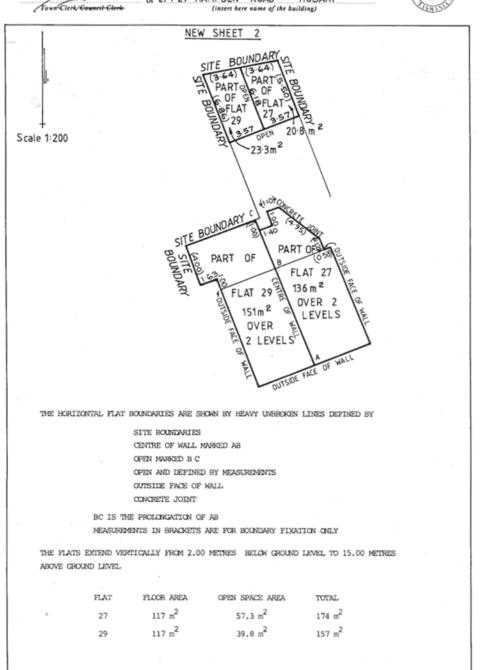
STRATUM PLAN

of 27 / 29 HAMPDEN ROAD HOB

HOBART



STR. PLAN NO.3559



Search Date: 22 Jan 2019

Search Time: 10:24 AM

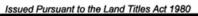
Volume Number: 56016

Revision Number: 01

Page 3 of 4



RECORDER OF TITLES





The address for service of notices on the company is:			SURVEYOR'S CERTIFICATE					
compan		OFN ROAD		I, ANTHONY OWEN CARRICK				
27/29 HAMPDEN ROAD, BATTERY POINT TAS 7004			of HOBART. a surveyor registered under the Land Surveyor's Act 1909, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boun- daries of the title stated on sheet 1.					
				Flat	Unit Entitlement	For Offi	CE USE ONLY	Dated this 18th day of December 1991
				27	1	4874	. <i>58</i>	Buy Lawich Registered Surveyor
29			పెపె	Registered Surveyor				
		A SAME AND A SAME OF THE PERSON AND A		COUNCIL CLERK'S CERTIFICATE				
				I certify that the subdivision shown in this pla				
				has been approved by the HUBART				
	DE MARIE DE DOTO DO PO			CITY Council				
		.,		Dated this 20 H day of FEBRUFRY 1992				
				- Control of the cont				
		description of the second		For Office Use Only				
				B.698169: Application amending the				
			1 (************************************	within plan by substituting sheet 2.				
			Proceedings of the control of the co	Mulifolia				
				Recorder of Titles 24./.U./.93				
	A I stall littledid							
e annument e				-				
		ATTACAMENT STORY						
		16.113414411414141414141414141414141414141						
		PROPOSITION LABOR REPORT IN						
		p						



RECORDER OF TITLES







1320

Conveyancing and Law of Property Act 1884

STRATUM PLAN

TISMA	NIL TO THE PARTY OF THE PARTY O	Sheet 1 of 3 Sheets
	City of Town HOBART	
	Locality BATTERY POINT	
	Reference to Title	
	Site comprises the whole portion of Lot 1 on Diagram	No. D 54053 in the
٠,	Lands Titles Office	
	The name of the building is 27/29 HAMPDEN ROAD, HO	BART.
	N SITE PLAN	REGISTERED NUMBER
	SCALE 1: 200 (Q51869) MEASUREMENTS IN METRES	56016
External surface		
boundaries of	\	
the site and the location of	\	
the building	. \	
in relation thereto to	\	\
be delineated	\ 1	150,000
in this space	→ 362m²	(5.8. 4579)
		100
	O 45) THIN	Court Oc Vall
	A LUMB	omr. Som
	dee!	ROAD
	1	4
	HAMPDE	-
	,	1
,		
l	REGISTERED this 15 day of	APRIL 1992, No. 3559
	This plan is lodged for registration by	
	THE PUBLIC TRUSTEE	Recorder of Titles

Search Date: 22 Jan 2019

Search Time: 10:24 AM

Volume Number: 56016

Revision Number: 01

Page 2 of 4

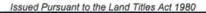


NEW Sheet 2...

of Sheets

FOLIO PLAN

RECORDER OF TITLES



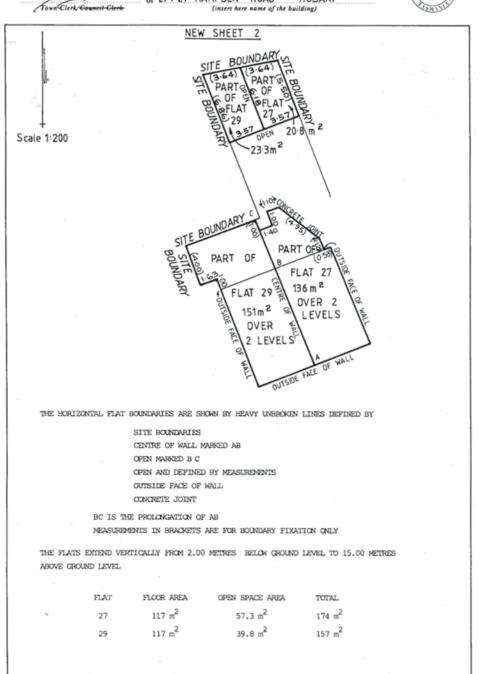


STR. PLAN NO.3559



of 27 / 29 HAMPDEN ROAD HOB HOBART





Search Date: 22 Jan 2019

Search Time: 10:24 AM

Volume Number: 56016

Revision Number: 01

Page 3 of 4



RECORDER OF TITLES





Flat 27 29	27/29 HAMPE BATTERY PO	VITTLEMENTS FOR OFFICE U	SE ONLY	of HOBART. a surveyor registered under the Land Surveyor's Act 1909, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boun- daries of the title stated on sheet 1. Dated this 18 ^{TC} day of December 19 9/
Flat 27	UNIT EN	POR OFFICE U	28	of HOBART. a surveyor registered under the Land Surveyor's Act 1909, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boun- daries of the title stated on sheet 1. Dated this 18 ^{TL} day of December 19 91. Buy Lowick Registered Surveyor
Flat 27	UNIT EN	POR OFFICE U	28	a surveyor registered under the Land Surveyor's Act 1909, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boun- daries of the title stated on sheet 1. Dated this 18 ^{TL} day of December 19 91. Buy Lauich Registered Surveyor
27	Unit Entitlement	For Office U	28	Act 1909, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boundaries of the title stated on sheet 1. Dated this 18th day of December 1991. Buy lauich Registered Surveyor
27	Unit Entitlement	For Office U	28	erected on the site described and delineated on sheet 1 of this plan is within the external boundaries of the title stated on sheet 1. Dated this 18th day of December 1991. Buy Louich Registered Surveyor
27	Unit Entitlement	For Office U	28	Dated this 18th day of December 1991 Buy Louich Registered Surveyor
27	Unit Entitlement	For Office U	28	Dated this 18th day of December 1991 Buy Lowith Registered Surveyor
27			28	Buy Lowich Registered Surveyor
		4874		Registered Surveyor
29	1		పెపె	Registered Surveyor
	A 1 HINNE AND	AND COLOR OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE		·
		abbe donde sette : lateria Rie escal res		COUNCIL CLERK'S CERTIFICATE
	113 115 P13 1111111111111111		HITE AUTOMOR - THE	I certify that the subdivision shown in this plan
	O 100 000 00 000			has been approved by the HUBART
	. THE AMERICA CO. CO. CO. CO. CO.			CITY Council
				Dated this 20 H day of FEBRUARY 1992
				- Company
				Town Clerk Goancil Cherk
		Access Michael Millian Cremin.		, For Office Use Only
				B.698169: Application amending the
	a constant to the			within plan by substituting sheet 2.
			Control of the Contro	Muhilli
				Recorder of Titles
				24./.0./.93
	z · · · · · · · · · · · · · · · · · · ·			
· · · · · · · · · · · · · · · · · · ·				-
				-
		ATTACK STREET,		
		14.174.144.174.1144.1144.1144.1144.1144		
		\$11(4*)(361)(# -41,51 #*#***** \$2*#*****		
		to condition cannin hos		

Application Referral Cultural Heritage - Response

From:	Nick Booth
Recommendation:	Proposal is acceptable without conditions.
Date Completed:	
Address:	27 HAMPDEN ROAD, BATTERY POINT 29 HAMPDEN ROAD, BATTERY POINT
Proposal:	Partial Demolition, Alterations and Fencing
Application No:	PLN-19-32
Assessment Officer:	Richard Bacon,

Referral Officer comments:

This application relates to a two storey detached brick built property with low angled ridged roof and rear courtyard and car parking accessed via a narrow side vehicular driveway. Fronting directly onto Hampden Road, the property is not individually Heritage Listed, but does form part of the Battery Point Heritage Precinct (B1) as set out in the Hobart Interim Planning Scheme 2015.

This precinct is significant for reasons including:

- 1. The wide variety of architectural styles and historic features ranging from entire streets of 19th century Colonial Georgian cottages, to Victorian, Edwardian and Pre and Post War examples of single and attached houses that are of historic and architectural merit, many of which demonstrate housing prior to mass car ownership.
- 2. It is primarily a residential area with a mix of large substantial homes and smaller workers cottages on separate lots, gardens, an unstructured street layout, and lot sizes that show successive re-subdivision into narrow lots that demonstrate early settlement patterns of Hobart.
- 3. The original and/or significant external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character.

The proposal seeks permission for the demolition of a rear brick wall and section of timber paling fence directly onto the shared boundary between the site and No.40 Runnymede Street, a heritage listed cottage to the rear. The proposal then seeks permission for the erection of a 2.4m high block built replacement wall along with paling fence replacement to the same configuration as existing. In addition, permission is also sought for retrospective approval for the placement of four air conditioning units placed as two groups of two to the front facing roof slope.

Proposed Wall/Fencing

It has been clarified that all of the proposed works including demolition would occur solely on land under the ownership of 29 Hampden Road and that as such, the proposed works are to be considered solely within the scope of the potential impact upon the character of the Heritage Precinct.

With regard to the proposed demolition, it is noted that the said brick wall is located behind the main bulk of both 29 Hampden Road and 40 Runnymede Street and thus almost entirely

hidden from general view. Whilst there is a strong possibility that at least remnants of the wall relate to a much earlier structure, it is not consistent or makes any positive contribution to the public perception of the precinct to warrant its retention.

The replacement block wall would be marginally higher than the existing structure and on site observations appear to suggest that the very top part of the wall would be visible from within Arthur Circus. The final finished appearance of the wall is therefore of interest given its rudimentary intended construction materials and as such, given that 'external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character' are described as being a distinct element of the Precincts defining characteristics, it is considered reasonable to place a condition upon any approval for the rendering of the said wall to a finish acceptable to the Council.

Air Condition Units

The proposed air condition units are clearly visible from both Hampden Road and Runnymede Street. The application might therefore be considered 'retrospective' in the sense that the applicant is seeking approval for something which has previously occurred. The Council's duty is, nevertheless, to consider the discretionary application as though the work did not exist. Council also has, under the provisions of the Land Use Planning and Approval Act 1993 a duty to enforce its own planning schemes.

The units are grouped in two groups of two on the front facing roof slope and project above the roof ridge so as to be clearly visible from the public realm in several locations including from within Arthur Circus. The streetscape backdrop and general townscape qualities of the Precinct are in part formed by the degree and variety of roof planes and forms, primarily due to the lower scale and traditional character of the architecture. It is notable that there is a general absence of what could be considered as non-contributory features such as air conditioning units or satellite dishes. As such, such features do not appear as part of the general characteristics of the Precinct and introduce and unfortunate element within a highly visible location.

As E13.8.2 'Buildings and Works Other Than Demolition' P1 states that "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.", it is considered that the proposed air conditioning units would represent a highly unfortunate feature in a highly visible location against a backdrop of some of the most sensitive parts of the Precinct and would therefore appear to run contrary to the provisions of E13.8.2.

As such, as the air-conditioning units represent a significant element of the proposal, it is considered that the application as a whole should be refused.

Notwithstanding the above however, given that the primary issue relates to the visibility of the units, their relocation to a more suitable position, such as located onto the ground within the rear courtyard would overcome this concern and it is perhaps advantageous to advise the applicant should they wish to pursue units to the site.

Comments to Representations

Three letters of representation have been received, all of which raise objections to the visual impact of the air condition units, specifically with regard to the historical context in which they would be viewed, one queries the noise issues associated with the units, and one queries the proposed wall as being unsuitable in building materials for a heritage area.

With regard to the units, the impact upon the cultural heritage area have been set out above. With regard to the proposed wall, as set out above, given the height of the proposed wall, it is considered reasonable to seek the satisfactory rendering of the said wall to both sides to ensure a quality of finish befitting the quality of the historic character of the Precinct.

Conclusions

It is therefore considered that under the reasons set out above, the proposal would detract from the characteristics of the townscape qualities of the Heritage Precinct and would thus fail to comply with Clause E.13. 8.2 - P1 of the HIPS.

Reason for refusal

1. The proposed air condition units, by virtue of their location and appearance would adversely affect the heritage values of the Battery Point Heritage Precinct, contrary to E13.8.2 - P1 of the Hobart Interim Planning Scheme 2015.

Nick Booth Heritage Officer 12 March 2019

Post script

An amended application was submitted relocating the four airconditioning units from the roof to the west wall between the existing building and the neighbouring property at 31 Hampden Road. While this location will remain visible from the street, its location is considered acceptable sitting along side other accretions such as metal fire stairs in this location.

A representation was received raising concerns about the proposed fence. The fence is shown to be built in 'old brick if possible' and be 2.4 metres high. The previous heritage comments remain relevant and no concern is raised about the proposed fence against the relevant performance criteria of the Historic Heritage Code. In summary, the proposed units in their new location satisfies E13.8.2 P1. of the Code.

Sarah Waight Acting Senior Cultural Heritage Officer 11 June 2019

7.2.6 424 STRICKLAND AVENUE AND ADJACENT ROAD RESERVE, SOUTH HOBART - PARKING DECK PLN-19-170 - FILE REF: F19/92966

Address: 424 Strickland Avenue and Adjacent Road

Reserve, South Hobart

Proposal: Parking Deck

Expiry Date: 14 August 2019

Extension of Time: Not applicable

Author: Michael McClenahan

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a Parking Deck at 424 Strickland Avenue, South Hobart and adjacent road reserve 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-19-170 - 424 STRICKLAND AVENUE SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to commencement of use.

Reason for condition

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

ENG 3b

The access driveway and parking module design must be submitted and approved, prior to the commencement of work.

The access driveway and parking module design must:

- 1. Be prepared and certified by a suitably qualified engineer,
- 2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004,
- Where the design deviates from AS/NZS2890.1:2004, demonstrate that it will provide a safe and efficient access, and enable safe, easy and efficient use, and
- 4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

- It is advised that designers consider the detailed design of the
 access and parking module prior to finalising the Finished Floor
 Level (FFL) of the parking spaces (especially if located within a
 garage incorporated into the dwelling), as failure to do so may
 result in difficulty complying with this condition.
- Once the design has 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 the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 3c

The access driveway and parking module must be constructed in accordance with the design drawings approved by Condition ENG 3b prior to the commencement of use.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG₁

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

- Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
- 2. Be repaired and reinstated by the owner to the satisfaction of 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.

ENGR 3

Prior to the commencement of use, the proposed driveway crossover within the Strickland Avenue highway reservation must be designed and constructed in accordance with:

- LGAT Standard Drawing Rural TSD-R04-v1 Rural Roads Typical Driveway Profile and TSD R03-v1 Rural Roads Typical Property Access; or
- A Council City Infrastructure Division approved alternate design.

Design drawings must be submitted and approved prior to the commencement of work. The drawings must:

- 1. Be prepared and certified by a suitably qualified person
- 2. Incorporate a flexible pavement design suitable for the expected vehicle loadings; and
- 3. Allow for vehicle passing at the intersection with the Strickland Avenue Pavement.

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

Advice:

- The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.
- Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENV₂

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available here.

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

Advice: Once the SWMP has 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 avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions

above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit 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.

STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click here for more information.

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.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause damage to Council's land may be in breach of the Council's Parks, Recreation and Natural Areas Bylaw and penalties may apply. The by law is available here.

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment website.

NOISE REGULATIONS

Click here for information with respect to noise nuisances in residential areas.

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.

Attachment A: PLN-19-170 - 424 STRICKLAND AVENUE SOUTH

HOBART TAS 7004 - Planning Committee or

Attachment B: PLN-19-170 - 424 STRICKLAND AVENUE SOUTH

HOBART TAS 7004 - CPC Agenda Documents &



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

City of HOBART

Type of Report: Committee

Council: 22 July 2019

Expiry Date: 14 August 2019

Application No: PLN-19-170

Address: 424 STRICKLAND AVENUE, SOUTH HOBART

ADJACENT ROAD RESERVE

Applicant: Hugh Maguire (Maguire + Devine Architects)

GPO Box 1066

Proposal: Parking Deck

Representations: Zero

Performance criteria: General Residential Zone Development Standards, Parking and Access

Code

1. Executive Summary

- 1.1 Planning approval is sought for a Parking Deck at 424 Strickland Avenue South Hobart.
- 1.2 More specifically the proposal includes:
 - Construction of a two car parking deck along north west corner of the sites primary frontage.
 - The deck will include a portion of concrete apron and retaining wall which will be located within the Strickland Avenue road reserve.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 General Residential Zone Development Standards Front Setback and Privacy
 - 1.3.2 Parking and Access Code On-site Turning
- 1.4 No representations were received during the statutory advertising period between 17/06/19 01/07/19.
- 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 at 424 Strickland Avenue, South Hobart. The site is currently vacant and is approximately 4219m² in size. The site falls to the east, away from the Strickland Avenue frontage to the rear of the site.



Figure 1: Aerial image of the subject site (bordered in blue) and surrounding area.

3. Proposal

- 3.1 Planning approval is sought for a Parking Deck at 424 Strickland Avenue South Hobart.
- 3.2 More specifically the proposal is for:
 - Construction of a two car parking deck along north west corner of the sites primary frontage.
 - The deck will include a portion of concrete apron and retaining wall which will be located within the Strickland Avenue road reserve.

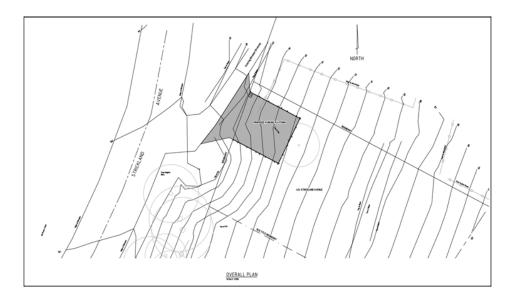


Figure 2: Site plan illustrating location of proposed parking deck.

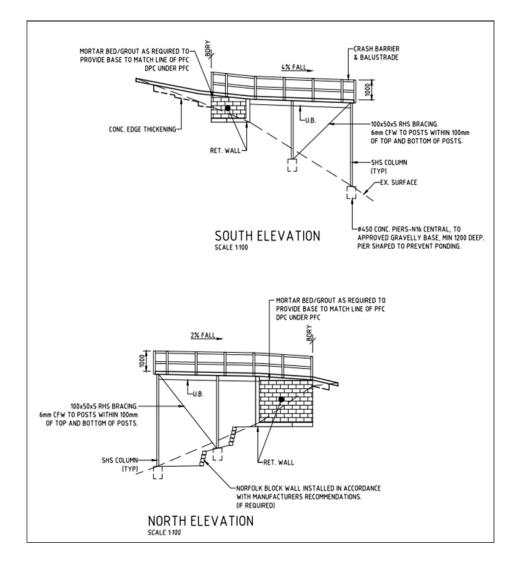


Figure 3: Elevations of proposed parking deck.

4. Background

4.1 A single dwelling was approved for the site under PLN-17-793 with an excavated driveway and parking area setback from the front boundary. The applicant approached the Council to obtain a minor amendment for new parking arrangement and advice was provided to submit a separate development application for the new works, on the basis that they relied on Council owned land, and because the 2017 application was 'permitted' and the new works are 'discretionary'.

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between 17/06/19 - 01/07/19.

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.
- The site is located within the General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- The existing use is Residential. There is no proposed change of use. The existing use is a no permit required use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 D10.0 General Residential Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.3 E7.0 Stormwater Management Code
- The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 General Residential Zone:-

Setbacks and Building Envelope – D10.4.2 P2 and P3 Privacy - D10.4.6 P1

6.5.3 Parking and Access Code:-

On-site Turning - E6.7.4 P1

6.6 Each performance criterion is assessed below.

- 6.7 Setback and Building Envelope D10.4.2 P2 and P3
 - 6.7.1 The acceptable solutions at clause 10.4.2 A2 and A3 requires a garage or carport to have a setback of 1m, if the natural ground level slopes down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.
 - 6.7.2 The proposal includes a raised car parking deck with a setback of 0m.
 - 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 10.4.2 P2 and P3 provide as follows:

P2

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

P3

The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
- (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
- (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
- (iii) overshadowing of an adjoining vacant lot; or
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.
- 6.7.5 The topography of the land of the subject site adjacent to the frontage presents a number of constraints which has been addressed in the proposed design. Due to the steep fall of the land away from the frontage a setback of 0m from the frontage has been presented as a means of allowing for parking and access to the site.

The proposal is a parking deck only, without any side walls or roofing. It will not impact on the amenity of the neighbouring dwelling or private open space in terms of overshadowing or being visually overbearing, noting this

neighbour's site is over 4000sqm and the dwelling is sited over 20m away from the shared boundary.

The proposal parking deck is considered to be acceptable in the circumstances.

- 6.7.6 The proposal complies with the performance criteria.
- 6.8 Privacy for all dwellings D10.4.6 P1
 - 6.8.1 The acceptable solution at clause 10.4.6 A1 requires a parking space that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a side boundary, unless the parking space has a setback of at least 3m from the side boundary.
 - 6.8.2 The proposal includes a parking space with a finished floor level more than 1m above natural ground level with a setback of less than 3m from the side boundary, the parking space will only have a balustrade of 1m in height.
 - 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 10.4.6 P1 provides as follows:

A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining lot or its private open space; or
- (b) another dwelling on the same site or its private open space; or
- (c) an adjoining vacant residential lot.
- 6.8.5 The proposed parking deck will be located in a position that will minimise overlooking of the dwelling on the adjoining lot, 422 Strickland Avenue, and its private open space. The fall of the land immediately adjacent to the road frontage is steep enough to not provide any area that would function as usable private open space for this neighbour, and is nevertheless presently occupied by a driveway and established vegetation.

 Furthermore the dwelling on the adjoining lot is more than 20m away from

the shared side boundary.

- 6.8.6 The proposal complies with/does not comply with the performance criterion.
- 6.9 On-site Turning E6.7.4 P1
 - 6.9.1 The acceptable solution at clause 6.7.4 A1 requires on-site turning must be provided to enable vehicles to exit a site in a forward direction.
 - 6.9.2 The proposal will not allow for on-site turning to enable vehicles to exit the site in a forward direction.
 - 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.9.4 The performance criterion at clause 6.7.4 P1 provides as follows:

On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:

- (a) avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians;
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;
- (c) suitability for the type and volume of traffic likely to be generated by the use or development;
- (d) ease of accessibility and recognition for users;
- (e) suitability of the location of the access point and the traffic volumes on the road.
- 6.9.5 Referral was made to Council's Development Engineer who has provided the following assessment:
 - SATISFIED Vehicles can perform a reversing manoeuvre within the highway reservation but outside of the carriageway. There is no footpath or walking pad in this area so impact on other road users is negligible
- 6.9.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for a Parking Deck at 464 Strickland Avenue, South Hobart.
- 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. 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 Parking Deck at 424 Strickland Avenue, South Hobart and adjacent road reserve satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That:

Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a Parking Deck at 424 Strickland Avenue, South Hobart and adjacent road reserve 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-19-170 - 424 STRICKLAND AVENUE SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to commencement of use.

Reason for condition

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

ENG 3b

The access driveway and parking module design must be submitted and approved, prior to the commencement of work.

The access driveway and parking module design must:

- Be prepared and certified by a suitably qualified engineer,
- 2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004,
- Where the design deviates from AS/NZS2890.1:2004, demonstrate that it will provide a safe and efficient access, and enable safe, easy and

efficient use, and

4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

- It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.
- Once the design has 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 the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG_{3c}

The access driveway and parking module must be constructed in accordance with the design drawings approved by Condition ENG 3b prior to the commencement of use.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG₁

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

- 1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
- 2. Be repaired and reinstated by the owner to the satisfaction of 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.

ENGR 3

Prior to the commencement of use, the proposed driveway crossover within the Strickland Avenue highway reservation must be designed and constructed in accordance with:

- LGAT Standard Drawing Rural TSD-R04-v1 Rural Roads Typical Driveway Profile and TSD R03-v1 Rural Roads Typical Property Access; or
- A Council City Infrastructure Division approved alternate design.

Design drawings must be submitted and approved prior to the commencement of work. The drawings must:

- 1. Be prepared and certified by a suitably qualified person
- Incorporate a flexible pavement design suitable for the expected vehicle loadings; and
- 3. Allow for vehicle passing at the intersection with the Strickland Avenue Pavement.

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

Advice:

- The applicant is required submit detailed design documentation to satisfy this
 condition via Council's planning condition endorsement process (noting there
 is a fee associated with condition endorsement approval of engineering
 drawings [see general advice on how to obtain condition endorsement and for
 fees and charges]). This is a separate process to any building approval under
 the Building Act 2016.
- Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENV₂

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available here.

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

Advice: Once the SWMP has 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 avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

ADVICE

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

STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click here for more information.

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.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause damage to Council's land may be in breach of the Council's Parks, Recreation and Natural Areas Bylaw and penalties may apply. The by law is available here.

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment website.

NOISE REGULATIONS

Click here for information with respect to noise nuisances in residential areas.

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.

Item No. 7.2.6

Agenda (Open Portion) City Planning Committee Meeting - 15/7/2019

(Michael McClenahan)

Assistant 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.

(Ben Ikin)

Acting 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: 3 July 2019

Attachment(s):

Attachment B - CPC Agenda Documents

Planning: #174919
Property
424 STRICKLAND AVENUE SOUTH HOBART TAS 7004
People
Applicant
Maguire + Devine Architects
Hugh Maguire
GPO Box 1066 HOBART TAS 7001
0362920911
hugh@maguiredevine.com.au
Owner
*
Melissa Kruger
42 Norwood Ave
TAROONA TAS 7053
0430219633 melissa.kruger@hydro.com.au
mensacia ageracia de la companiona de la
Entered By
HUGH ROBERT MAGUIRE 03 6292 0911
hugh@maguiredevine.com.au
Use
Single dwelling
ompe until mg
Details
Have you obtained pre application advice?
• _o No
If YES please provide the pre application advice number eg PAE-17-xx
Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.
• aNo
Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the number of signs under Other Details below.

• No			
f this application is relate	d to an enforcement action ple	ease enter Ei	nforcement Number
Details			
What is the current appro	ved use of the land / building(s)?	
vacant land			
Please provide a full desc swimming pool and garas		r developme	nt (i.e. demolition and new dwelling,
freestanding elevated par	king platform		
Estimated cost of develor	pment		
30000.00			
	Proposed floor are	ea (m2)	Site area (m2)
Existing floor area (m2)	37.80		3983
Carparking on Site	,		
		N/A	
Total parking spaces	Existing parking spaces	Other (no selection
2	0	chosen)	
Other Details			
Door the emplication incl	uda airmana?		
Does the application incli *	ide signage?		
No			
How many signs, please	enter 0 if there are none		
involved in this application			
0			
Tasmania Heritage R Is this property on the Tas			
Register?	• No)	
Documents			
Required Document	ts		
Title (Folio text and Plan and	d Schedule of Easements)		
* 424 Strickland title plan.pdf			
Plans (proposed, existing)			
19049 2019-03-06 424 Str	ickland Avenue.pdf		
Covering Letter	-11		

Page 329 ATTACHMENT B



RESULT OF SEARCH

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
66680	1
EDITION 3	DATE OF ISSUE 25-Jan-2016

SEARCH DATE : 27-Mar-2019 SEARCH TIME : 09.20 AM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Diagram 66680 (formerly being D556)
Derivation: Part of 2,000 Acres Gtd to P Degraves
Prior CT 3374/86

SCHEDULE 1

(M405910) M553482 TRANSFER to MELISSA KRUGER Registered $25\text{-Jan}{-}2016$ at $12.01~\mathrm{PM}$

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
E12494 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
27-Jul-2015 at noon
E33236 MORTGAGE to Westpac Banking Corporation Registered
25-Jan-2016 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

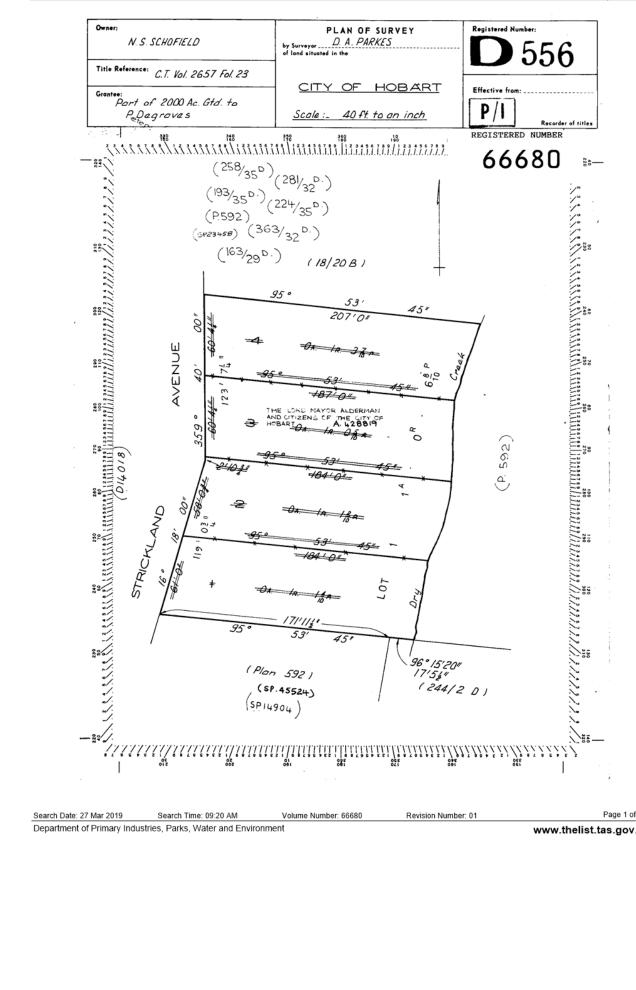


FOLIO PLAN

DEPUTY RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Page 1 of 1



Maguire and Devine Architects Pty Ltd GPO Box 1066 Hobart TAS 7001 ABN 13 606 322 089 (03) 6292 0911 mail@maguiredevine.com.au

Senior Statutory Planner City Planning 16 Elizabeth St Hobart TAS 7000

21 March 2019

Re: 424 Strickland Ave. Off-street parking platform.

Dear Planner,

A Planning permit for a new dwelling at 424 Strickland Ave was issued on 29 November 2017. Permit Number PLN-17-793.

The proposed driveway design has since been engineered three times and remains unfeasible.

An alternative solution to off-street parking has been discussed with Council Civil and Traffic Engineers.

This application proposes a two car concrete parking deck at a lower part of the site to minimise civil works and to retain the natural character of the site and area.

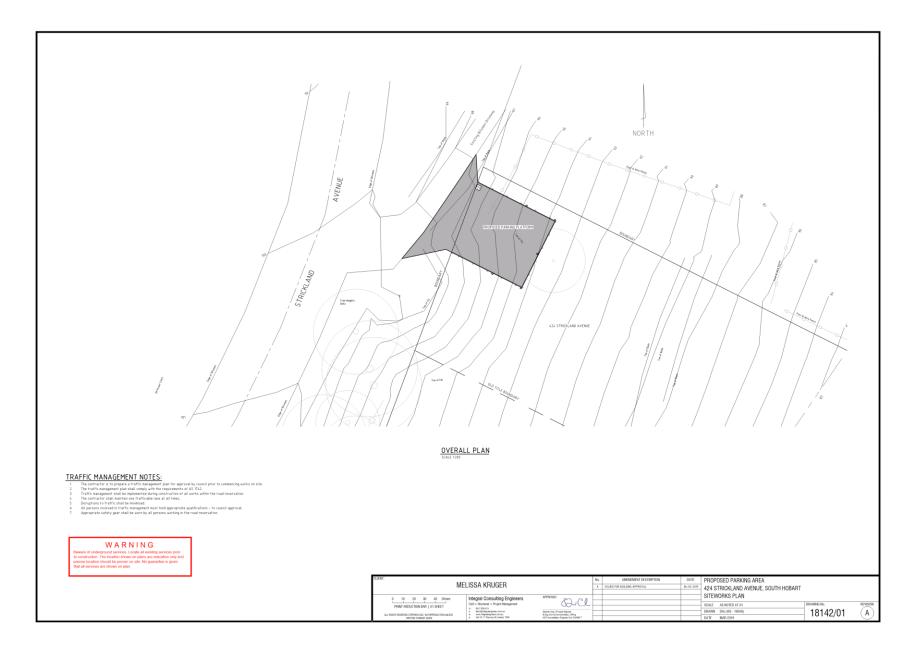
Enclosed are fully engineered drawings demonstrating the proposed parking deck.

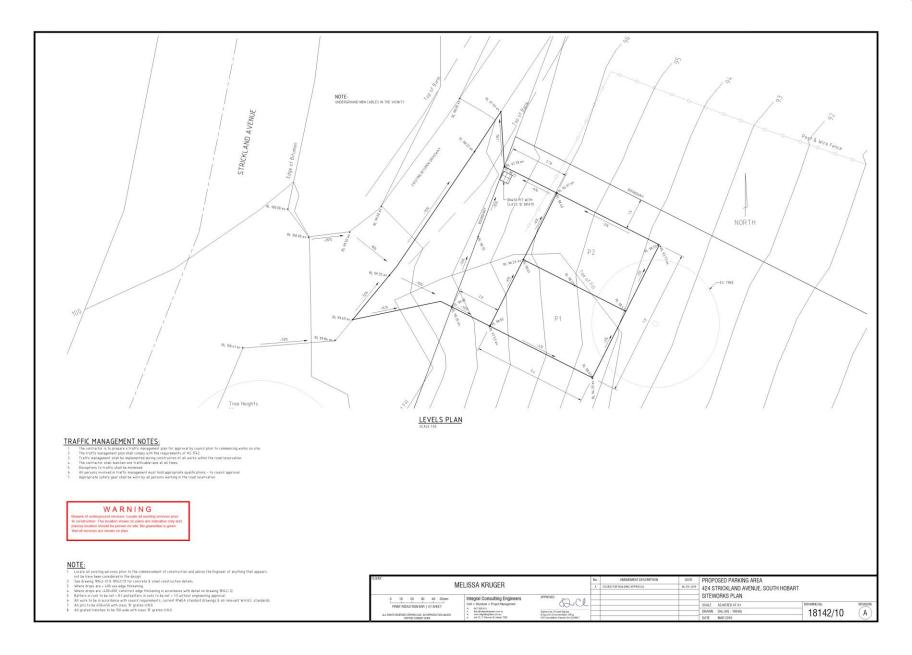
I have been advised to submit this as a separate application instead of processing it as a minor amendment to the existing planning permit for the dwelling.

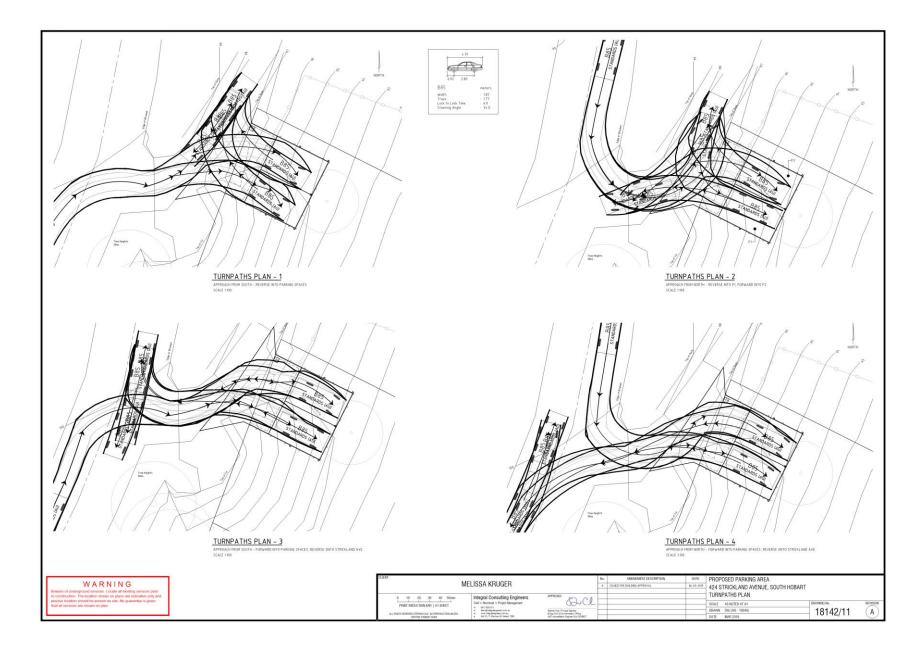
Yours sincerely,

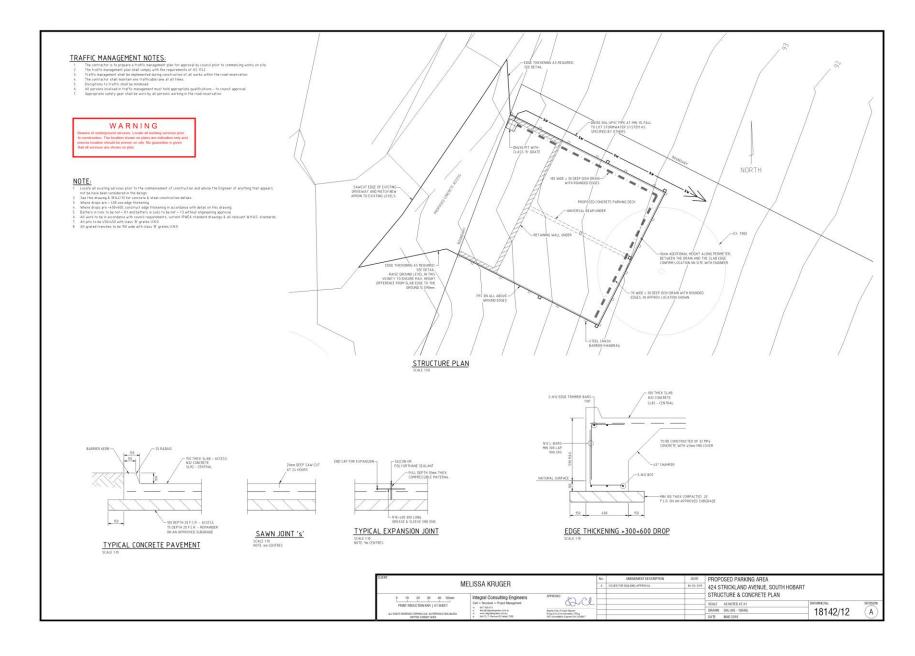
WMay.

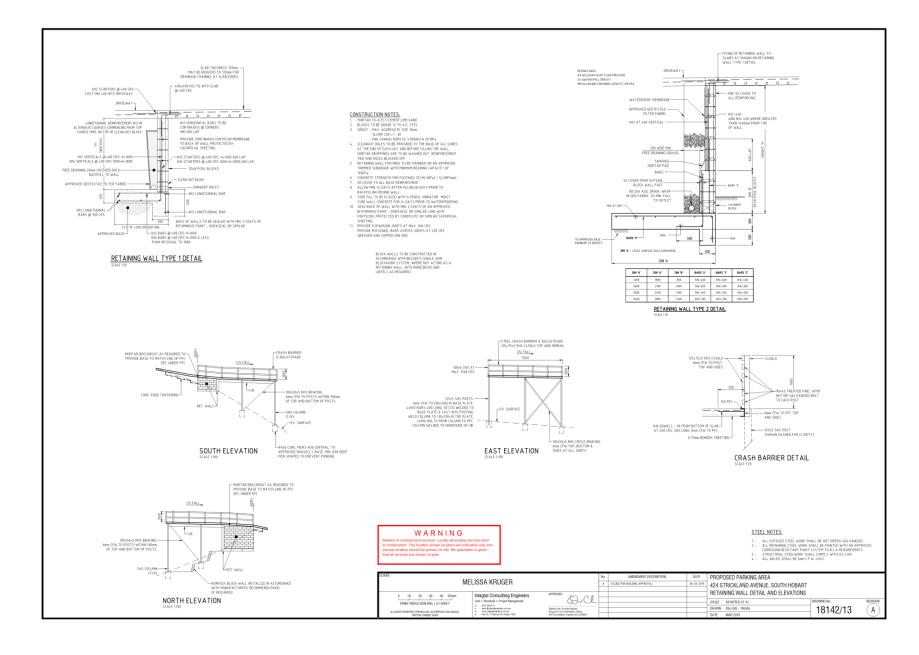
Hugh Maguire RAIA Registered Architect TAS 778

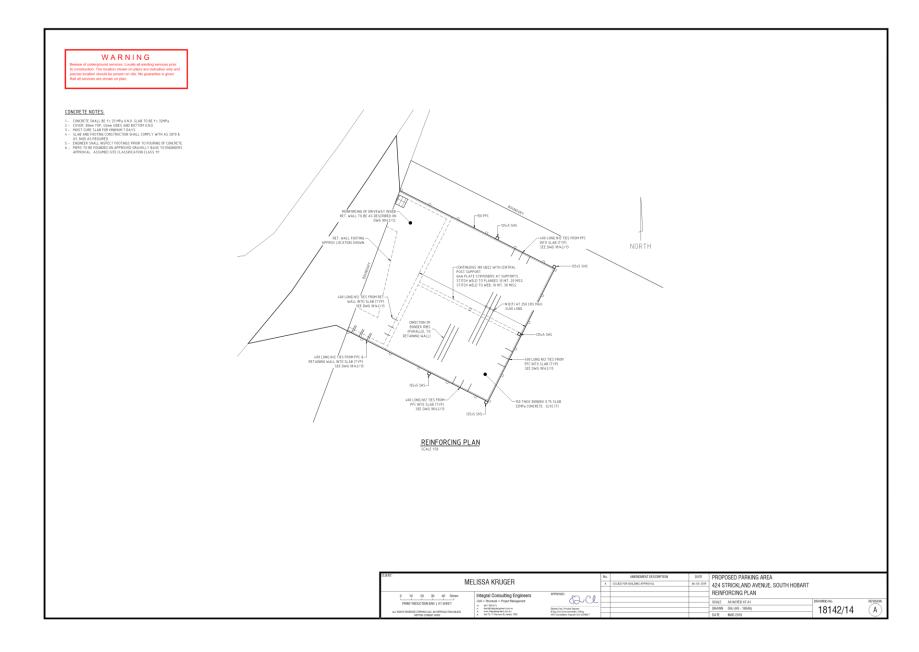














MAGUIRE + DEVINE ARCHITECTS

No reproduction without consent.

Contractor to confirm on site existing conditions, levels and dimensions prior to commencement of works

All discrepancies to be reported to the architect for instruction.

Materials and work practices shall comply with the BCA and other relevant codes referred in the BCA.

This drawing to be read in conjunction with all other contract documents, specifications and drawings.

TO BE READ IN CONJUNCTION WITH CIVIL ENGINEERS DRAWINGS.

THE PROPOSAL: VEHICLE ACCESS TO 424 STRICKLAND AVE IS CURRENTLY NOT POSSIBLE DUE TO THE STEEP GRADIENT OF THE PROPERTY.

FOR FIVE YEARS THE OWNER HAS ENGAGED MULTIPLE CIVIL ENGINEERS TO TRY TO FIND A FEASIBLE SOLUTION IN ORDER TO SATISFY COUNCIL'S REQUIREMENT FOR OFF-STREET PARKING FOR TWO VEHICLES IN ORDER FOR HER TO CONSTRUCT HER HOME.

THIS PROPOSAL IS PRESENTED AS A SOLUTION TO THE PARKING REQUIREMENT, POSITIONING A DECKNER THE MORTHERS BOUNDARY WHERE THE LAND IS CLOSEST IN HEIGHT TO THE NATURAL LEVELS OF THE ROAD RESERVE.

WHILE THE CURRENT SITUATION OF THE ROAD RESERVE ALLOWS A REVERSE MANOUVE BEFORE ENTERING STRICKLAND AS IN A FORWARD DIRECTION, COUNCIL'S TRAFFIC ENGINEERS HAVE ENCOURAGED OUR CIVIL ENGINEERS FOR DEMONSTRATE HE ABILITY OR REVERSE DIRECTI. YON'D STRICKLAND AVENUE, SHOULD THE USE OF THE ROAD RESERVE EVER BECOME RESTRICTED.

THERE ARE CURRENTLY NO KERBS, TREES, IN THE SUBJECT AREA OF THE ROAD RESERVE.

A SIMPLE CONCRETE DRIVEWAY ON FILL TO BRIDGE BETWEEN THE EXISTING BITUMEN DRIVEWAY AND THE PROPOSED PARKING DECK IS PROPOSED.

STRICKLAND AVE DRAINS TO THE INSIDE CAMBER OF THE BEND.

SIGHT LINES UP TO 65M IN EACH DIRECTION HAVE BEEN PREVIOUSLY DEMONSTRATED.

FOR APPROVAL

REVISION

DRAWING TITLE KRUGER NEW HOME 1305 PROJECT NO. PROJECT Melissa Kruger 424 Strickland Ave, South Hobart

SITE ADDRESS

LOCATION PLAN

CLIENT

MAGUIRE + DEVINE DA RFI 1.01

Maguire + Devine Architecto Pty Ltd 03 6292 0911 mail@maguiredevine.com.au GPO Box 1066 Hobart TAS 7001 ABN 13 606 322 089

DRAWING NO. REVISION STATUS AS SHOWN @ A3 18/04/2018

Hugh MAGUIRE CC 5941 D DRAWN



Enquiries to: Cindy Elder \$\frac{1}{2}\$: (03) 6238 836

coh@hobartcity.com.au

Our Ref. DA - 19-23137

21 May 2019

Hugh Maguire
Maguire + Devine Architects
176 New Town Road
New Town 7001

Via Email: hugh@maguiredevine.com.au

Dear Mr Maguire

NOTICE OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address: 424 Strickland Avenue, South Hobart

Description of Proposal: Concrete driveway on fill over Strickland Avenue

Road Reserve

Applicant Name: Hugh Maguire

PLN (if applicable): PLN -17-793

I write to advise that pursuant to Section 52 of the Land Use Planning and Approvals Act 1993, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority or as the owner/administrator of the land.

Yours faithfully

GENERAL MANAGER





LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION

Site Address:

424 Strickland Avenue, South Hobart

Description of Proposal:

Concrete driveway on fill over Strickland Avenue

Date: 12/6/19

Road Reserve

Applicant Name:

Hugh Maguire

PLN (if applicable):

PLN -17-793

The land indicated above is owned or is administered by the Hobart City Council.

The applicant proposes to lodge an application for a permit, pursuant to the *Land Use Planning and Approvals Act 1993*, in respect to the proposal described above.

Part or all of the application proposes use and/or development on land owned or administered by the City located at Concrete driveway on fill over Strickland Avenue Road Reserve (as shown on the attached plans).

Being and as General Manager of the Hobart City Council, I provide written permission to the making of the application pursuant to Section 52(1B)(b) of the Land Use Planning and Approvals Act 1993.

(N D Heath)

GENERAL MANAGER

This consent is for the making of a planning application only, and does not constitute landlord consent for the development to occur.

Attachments/Plans:

- · landlord consent request
- Location Plan
- Structure and concrete plan dwg 18142/12 and
- Retaining wall detail and elevation dwg 18142/13

MISSION ~ TO ENSURE GOOD GOVERNANCE OF OUR CAPITAL CITY

8 REPORTS

8.1 Residential Amenity Provisions in Non-Residential Zones - Hobart Interim Planning Scheme 2015 - Proposed Planning Scheme Amendments - PLN-19-1

File Ref: F19/22349; PSA-19-1

Report of the Manager Planning Policy & Heritage and Development Planner of 10 July 2019 and attachments.

Delegation: Council

REPORT TITLE: RESIDENTIAL AMENITY PROVISIONS IN NON-

RESIDENTIAL ZONES - HOBART INTERIM

PLANNING SCHEME 2015 - PROPOSED PLANNING

SCHEME AMENDMENTS - PLN-19-1

REPORT PROVIDED BY: Manager Planning Policy & Heritage

Development Planner

1. Report Purpose and Community Benefit

1.1. This report is in response to the Council motion of 29 October 2018:

That a report be prepared on what standards and controls that might be applied to residential development occurring in Zones other than the Residential Zone, and specifically with regard to the trend for multiple dwelling inner city living complexes impacting on existing and future residential amenity values.

- 1.2. The report proposes amendments to the Hobart Interim Planning Scheme 2015 (HIPS 2015) for the introduction of additional standards for residential development into the Commercial and Central Business Zones relating to noise, building setback from common boundaries, open space and waste storage.
- 1.3. The proposal benefits the community by helping to ensure that residents living in central Hobart are afforded a reasonable level of amenity, without unduly restricting commercial development that meets the zone purposes.

2. Report Summary

- 2.1. The proposal is to introduce amenity provisions for residential and visitor accommodation (primarily serviced apartment) uses under the Development Standards for Buildings and Works of the Central Business Zone and the Commercial Zone of the HIPS 2015.
- 2.2. The proposed amendments are provided in **Attachment A**.
- 2.3. Following a review of interstate planning instruments, it was determined that there were 5 primary categories of amenity related provisions that would be beneficial to include under the HIPS 2015 noise, access to daylight and natural ventilation, open space, storage and waste storage and collection. Provisions have been recommended for each of these categories.
- 2.4. The provision relating to noise requires all buildings containing residential and visitor accommodation uses to be designed to achieve a level of noise

protection that meets Australian Standards, unless measures to achieve this would compromise the historic cultural heritage values of an existing building. This ensures residents are not unreasonably impacted by elevated noise levels in the Commercial or Central Business Zones, and that surrounding businesses are not unreasonably impacted by noise complaints.

- 2.5. The provision relating to access to daylight and natural ventilation requires separation between the development and a boundary or other building, or an internal void, to ensure access to light and ventilation that is not dependent on the design of future development on adjacent sites. A requirement to include windows in each habitable room is also recommended to ensure each dwelling unit takes advantage of natural light and ventilation.
- 2.6. Provisions relating to open space cover requirements for both private and communal open space, and are intended to insure that occupants have sufficient access to good quality space that meets recreational needs and fosters a sense of community.
- 2.7. The provision relating to storage ensures that dwelling units have dedicated space external to the unit itself that can accommodate storage of larger format items without compromising internal space.
- 2.8. Provisions relating to waste storage and collection require adequately designed and sited spaces to store waste, and adequately considered methods of access and collection by vehicles. Sites with more intensive use are required to provide bulk bins rather than individual bins, with collection to occur on-site by a private contractor. These provisions ensure consideration is had to waste management at initial planning stages to protect the amenity of both the site and the surrounding area, including issues such as odour, traffic flow, pedestrian access and visual pollution. These provisions will apply to both residential and commercial developments.
- 2.9. The amenity provisions are generally intended to 'self-protect' residential or visitor accommodation developments, to ensure a level of amenity is available to occupants regardless of the scale or design of any future adjacent development. This also ensures that these developments do not impede the development and operation of commercial uses that are envisaged and supported by the relevant zone purpose.
- 2.10. The proposed amendments to the HIPS 2015 Clause 22.4 Development Standards for Buildings and Works of the Central Business Zone and

Clause 23.4 Development Standards for Buildings and Works of the Commercial Zone, outlined in attachment A, are recommended for initiation.

3. Recommendation

That:

- 1. Pursuant to Section 34(1) (b) of the former provisions of the Land Use Planning and Approvals Act 1993, the Council resolve to initiate an amendment to the Hobart Interim Planning Scheme 2015 to introduce amenity provisions into the Central Business and Commercial Zones, as indicated in Attachment A.
- 2. Pursuant to Section 35 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council certify that the amendment to the Hobart Interim Planning Scheme PSA-19-1 meets the requirements of Section 32 of the former provisions of the Land Use Planning and Approvals Act 1993 and authorise the General Manager and the Deputy General Manager to sign the Instrument of Certification (Attachment B).
- 3. Pursuant to Section 38 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council place amendment PSA-19-1 to the Hobart Interim Planning Scheme 2015 on exhibition for a 28 day period.

4. Background

4.1. At its meeting on 29 October 2018, Council adopted the following motion:

"That a report be prepared on what standards and controls that might be applied to residential development occurring in Zones other than the Residential Zone, and specifically with regard to the trend for multiple dwelling inner city living complexes impacting on existing and future residential amenity values."

- 4.2. Currently, the HIPS 2015 does not include provisions specifically relating to residential amenity in commercial zones.
- 4.3. Residential amenity is primarily considered in the residential zones (General Residential, Inner Residential, Low Density Residential, Rural

- Living and Environmental Living) where it is identified as one of the primary considerations under the Zone Purpose Statements.
- 4.4. The Urban Mixed Use Zone includes some provisions relating to residential amenity (covering solar access, overlooking, outdoor space and noise), but they are less restrictive than provisions in the residential zones, reflecting the mixed use nature of the zone.
- 4.5. Zones that are focussed primarily on commercial uses generally do not include consideration of residential amenity.
- 4.6. Commercially focussed zones such as the Local Business and General Business Zones are limited in spatial extent in Hobart. They generally include small lot sizes and are strongly focussed towards providing business and retail uses accessible to surrounding residential areas. While residential uses are generally permitted above ground floor level, residential development opportunities are more likely to be in the form of converted shop-top housing. It is not considered that these zones present significant opportunities for higher density residential developments, and therefore they are not considered to require residential amenity standards.
- 4.7. The commercially focussed Light Industrial Zone does not encourage new residential development, as reflected in the Use Table where only caretakers dwellings, home based businesses, extensions or ancillary dwellings are able to be considered on a discretionary basis. As such, it does not require residential amenity standards.
- 4.8. It is considered that the non-residential zones with the most potential for higher density residential development are the Central Business Zone and the Commercial Zone. In both of these zones, residential uses are permitted if above ground floor level, and discretionary if at ground level.
- 4.9. In the Commercial Zone, residential uses are actively encouraged by the allowance of an additional storey or 3.5m under the acceptable solution for height where at least 50% of the floor space above ground floor level is for residential use.
- 4.10. The Central Business Zone includes Zone Purpose Statements that specifically refer to the provision of residential uses, and the amenity of residents, (see below under 'planning scheme provisions').
- 4.11. Both of these zones have seen an increase in applications for significant residential developments in recent times.

Planning Scheme Provisions

4.12. The Zone Purpose Statements for the Central Business Zone are:

To provide for business, civic and cultural, community, food, hotel, professional, retail and tourist functions within a major centre serving the region or sub-region.

To maintain and strengthen Hobart's Central Business District and immediate surrounds including, the waterfront, as the primary activity centre for Tasmania, the Southern Region and the Greater Hobart metropolitan area with a comprehensive range of and highest order of retail, commercial, administrative, community, cultural, employment areas and nodes, and entertainment activities provided.

To provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.

To facilitate high density residential development and visitor accommodation within the activity centre above ground floor level and surrounding the core commercial activity centre.

To ensure development is accessible by public transport, walking and cycling.

To encourage intense activity at pedestrian levels with shop windows offering interest and activity to pedestrians.

To encourage a network of arcades and through-site links characterised by bright shop windows, displays and activities and maintain and enhance Elizabeth Street Mall and links to it as the major pedestrian hub of the CBD.

To respect the unique character of the Hobart CBD and maintain the streetscape and townscape contribution of places of historic cultural heritage significance.

- 4.13. Within the Central Business Zone, 'no permit required' uses include:
 - Home-based business
 - Minor utilities
 - any permitted use where there is no associated development requiring a permit.

'permitted' uses include:

- business and professional services
- community meeting and entertainment
- educational and occasional care (except at ground floor within the Active Frontage Overlay (AFO))
- food services (except drive-through takeaway)
- general retail and hire (except adult sex product shop or supermarket larger than 400m²)
- hotel industry (except adult entertainment venue)
- passive recreation
- residential (above ground floor)
- research and development (above ground floor if AFO)
- sports and recreation (above ground floor)
- tourist operation (visitor centre or above ground floor if AFO)
- visitor accommodation (except camping or caravan park)

'Discretionary' uses include:

- bulky goods sales (above ground floor if AFO)
- remand centre
- educational and occasional care
- emergency services
- equipment and machinery sales and hire (except if AFO)
- food services (except drive-through if AFO)
- general retail and hire
- hospital services
- hotel industry
- manufacturing and processing (except ground floor if AFO)
- natural and cultural values management
- research and development
- residential
- service industry (if extension to existing)
- sports and recreation
- storage
- tourist operation
- public transport facilities
- utilities
- vehicle fuel sales and service (except if AFO)
- vehicle parking
- visitor accommodation (except if camping or caravan park)

4.14. The Zone Purpose Statements for the Commercial Zone are:

To provide for large floor area retailing and service industries.

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

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

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

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

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

To provide for residential use primarily above ground floor level.

4.15. Within the Commercial Zone, 'no permit required' uses include:

- minor utilities
- natural and cultural values management
- any permitted use where there is no associated development requiring a permit.

'Permitted' uses include:

- motor vehicle, boat or caravan sales in certain locations
- business and professional services (if in an existing building and less than 300m²)
- take away food premises and cafes
- passive recreation
- residential above ground floor
- motor repairs
- storage (except if liquid or solid fuel depot)
- vehicle fuel sales and service in certain locations.

'Discretionary' uses include:

- bulky goods sales
- business and professional services
- crematoria and cemeteries
- community meeting and entertainment

- custodial facility
- educational and occasional care
- emergency services
- equipment and machinery sales and hire
- food services
- general retail and hire
- hospital services
- hotel industry
- manufacturing and processing
- research and development
- residential
- service industry
- sports and recreation
- tourist operation
- transport depot and distribution
- utilities
- vehicle fuel sales and service
- vehicle parking
- visitor accommodation

5. Proposal and Implementation

5.1. It is proposed that the amendments to the HIPS 2015 Clause 22.4 Development Standards for Buildings and Works of the Central Business Zone and Clause 23.4 Development Standards for Buildings and Works of the Commercial Zone, outlined in attachment A, be initiated.

Proposed Provisions

- 5.2. New provisions are proposed to be included to ensure that those living in the city are afforded a reasonable level of amenity.
- 5.3. Planning provisions relating to amenity of residential developments in nonresidential zones in other capital city planning instruments across Australia were reviewed.
- 5.4. Some planning instruments in other states specify amenity standards for medium to high density residential developments regardless of underlying zoning (for example the ACT and Adelaide).
- 5.5. In New South Wales, the state government's Apartment Design Guide contains detailed design guidelines that apply to all multiple dwelling

- developments state-wide, and add detailed guidance in addition to provisions under Council development control plans.
- 5.6. Some planning instruments in other cities (for example Melbourne, Canberra and Darwin) specify particular policies relating to residential amenity of developments in inner city commercial zones, particularly in relation to acoustic protection.
- 5.7. In some cities, such as Sydney, Melbourne, Perth, Canberra, Brisbane and Darwin, commercial developments are also required to consider their impact on residential amenity (particularly in relation to noise). In Adelaide, this is only required if amenity is contemplated in the relevant zone purpose, and residential uses are required to not unreasonably interfere with the operation of surrounding non-residential uses contemplated in the zone/policy area. In Brisbane, minimisation of noise in commercial building design is encouraged, but it is specifically noted that in central commercial areas residents 'cannot expect to enjoy the same level of noise, odour and air quality amenity as low density suburban areas'.
- 5.8. The Commercial and Central Business Zones in Hobart are primarily focussed towards providing for commercial uses, including those likely to involve significant activity and noise such as hotel industry and food services.
- 5.9. Both zones accommodate and encourage residential development, however it is not considered that residential developments should curtail other allowable uses establishing or operating in these zones, particularly given the small scale of the zones.
- 5.10. Residential amenity, therefore, is considered to be a value that should be self-protected within the residential development, meaning that commercial developments should not be required to be moderated to provide amenity to adjoining residents.
- 5.11. This approach is consistent with the zone purpose statements of the Commercial and Central Business Zones (see 'planning scheme provisions' above).
- 5.12. The approach is also consistent with the function of Hobart as the Primary Activity Centre of the state under the Southern Tasmania Regional Land Use Strategy (STRLUS). Under the STRLUS, the Primary Activity Centre functions refer to entertainment uses that include night time activities and major cultural activities, without requiring preservation of residential

- amenity (in contrast, this is a requirement referenced under entertainment uses for Local centres).
- 5.13. Requiring residential developments to protect their own amenity is further consistent with the STRLUS in that it increases the quality of residential developments and encourages inner-city living in areas that make efficient use of existing infrastructure and that are highly accessible to services, employment and transport.
- 5.14. It is considered that there are 5 relevant categories in terms of amenity in commercially focussed zones noise, access to daylight and natural ventilation, open space, storage and waste storage and collection. These issues are commonly considered in the planning instruments of the other capital cities reviewed, and provisions relating to them are considered to be relevant and achievable in the context of Hobart.
- 5.15. Provisions relating to each of the 5 categories are proposed to be included within the Development Standards for Buildings and Works of the Central Business and Commercial Zones. Most of these provisions are to be grouped under a single heading ('Residential and Visitor Accommodation Amenity'), which is consistent with the existing approach for residential amenity under the Urban Mixed Use Zone. The provisions relating to waste storage and collection are to be grouped under a separate heading, as these provisions will apply to all uses (both residential and commercial).
- 5.16. The 5 amenity categories are considered in more detail below:

Noise

- 5.17. A provision (22.4.9 and 23.4.8 A1/P1) is proposed to ensure that residential and visitor accommodation uses meet Australian Standards for acoustics control. This provision is intended to require buildings with noise-sensitive uses to self-protect their amenity, without impacting on allowable commercial uses that are compatible with the zone purpose.
- 5.18. The acceptable solution A1 is based on a provision in the Macquarie Point Site Development Plan (both the version currently in the Sullivans Cove Planning Scheme 1997, and the recently proposed replacement plan).
- 5.19. The performance criterion P1 is purposefully restrictive, requiring all residential or visitor accommodation uses to meet the relevant Australian Standards, unless the alterations needed would negatively impact on the historic cultural heritage values of an existing building. This is to ensure that people living or staying within the city are not unreasonably impacted

by noise, and that businesses are not unreasonably curtailed by noise complaints by residents or visitors.

Access to daylight and natural ventilation

- 5.20. A provision (22.4.9 and 23.4.8 A3/P3) requiring every habitable room in a dwelling to be provided with a window, which is not located at the end of a long or narrow recess, is intended to ensure each room has access to natural light. The reference to the dimensions of recessed windows is based on Victorian provisions.
- 5.21. A provision (22.4.9 and 23.4.8 A2/P2) relating to building separation distances is proposed to ensure that residential and serviced apartment developments are designed in a way that allows for reasonable access to daylight (although not necessarily direct sunlight) and natural ventilation. This is to be achieved by separation between the development and a boundary or another building on the same site, or provision of an internal open courtyard, which ensures reasonable amenity regardless of future development on adjacent sites.
- 5.22.5m is recommended as the permitted separation distance in A2, which is comparable to required setbacks in other states. For example, the ACT requires a setback between 3-6m depending on the number of storeys, Adelaide requires at least 3m and Brisbane requires a setback of 5-8m for residential components to side boundaries, and 8m to rear boundaries.
- 5.23. As well as allowing for light and ventilation, the provision also assists with the protection of privacy, particularly given the separation distance will be doubled between adjoining residential developments. In Adelaide, habitable room windows and decks of higher density residential developments are only required to be set back from the boundary a minimum of 3m to protect a reasonable level of privacy. This is also the case currently under the Urban Mixed Use Zone of the HIPS 2015.
- 5.24. 'Serviced apartments' are considered in this provision in addition to residential uses as they would be readily convertible to longer-term residential units. Fundamental building design elements such as setbacks from boundaries are not easily retrofitted, and requiring this use to meet the same standard as for residential use ensures building stock is more flexible and provides for good future amenity.
- 5.25. 'Serviced apartment' is a defined term that describes a self-contained visitor accommodation unit, as follows:

Means use of land to provide accommodation for persons, who are away from their normal place of residence, in a furnished, self-contained room or suite of rooms designed for short-term and long-term stays, which provides amenities for daily use such as kitchen and laundry facilities.

- 5.26. Adelaide similarly includes serviced apartments in residential amenity planning provisions relating to noise, access to daylight and ventilation and open space.
- 5.27. Hotels that do not provide self-contained rooms are excluded from the building separation requirements as they are not generally occupied for long periods, do not have the same level of amenity expectations, and are less readily convertible to residential uses.

Open space

- 5.28. A set of provisions (22.4.9 and 23.4.8 A4/P4, A5/P5 and A6/P6) are proposed to ensure that residential and serviced apartment developments provide sufficient private and/or communal open space. These provisions set a minimum proportion of units that are required to have private open space, the size of private and communal spaces, location, screening and areas for planting.
- 5.29.75% of dwelling units will be required to provide private open space under A4, which is in line with provisions in Sydney. The private open space size requirements under A5 are based on the NSW Government Apartment Design Guide. The number of dwellings providing private open space, and the size and design of that space, can be varied with consideration to issues such as the quality of the space, the size and quality of communal open space on the site, user requirements and site constraints.
- 5.30. Under A6, communal open space is proposed to be required for any residential or serviced apartment development that contains more than 5 units. Communal open space is considered to be beneficial in terms of fostering social interaction and a sense of place and community, which is particularly valuable in a city environment.
- 5.31. An area of communal open space is required to be of a size and quality to ensure that it is useable, well located and pleasant to spend time in. Under the performance criteria of P6, communal space may not be required if it can be demonstrated that private open space is of a great enough size and quality, there is public open space on the site that can

also accommodate the needs of occupants, or site constraints of existing buildings (such as heritage) preclude it.

Storage

5.32. It is proposed that a minimum of 6m³ external storage is provided for each multiple dwelling to ensure that units have sufficient storage, particularly for bulkier items, that is in addition to internal cupboard storage (22.4.9 and 23.4.8 A7/P7). This minimum area is consistent with the storage requirements for dwellings under the State Planning Provisions (SPPs).

Waste storage and collection

- 5.33. Provisions (22.4.10 and 23.4.9 A1/P1, A2/P2 and A3/P3) are proposed to ensure that the storage and collection of waste is adequate for the volume generated and does not unreasonably impact on the amenity of the occupants of the site, neighbouring sites or road and footpath users. These provisions will apply to all uses (both residential and commercial).
- 5.34. Under A1, bulk bin storage areas and privatised collection are to be required for sites with more intensive use, to ensure that the amenity of the area is not compromised by multiple individual bins placed out for kerbside collection. There is some flexibility in P1 to provide individual bins where the frontage is very wide, where bulk bin storage areas cannot be retrofitted to existing buildings, or where collection occurs within the site.
- 5.35. The design of waste management areas and methods of access and collection have been a recurring area of concern for Council in relation to higher density developments, and the proposed provisions require consideration of this issue at the planning stage.
- 5.36. Storage areas (both for individual bins and for bulk bins) are required to be screened from public, separated from dwellings and accommodation units, and easily accessible (under A2/P2).
- 5.37. Bulk storage areas are required to be adequately accessible for service vehicles, to ensure that waste collection methods are considered at the initial building design stage, and to ensure that collection does not unreasonably impact on traffic or pedestrian flow or the amenity of the surrounding area (under A3/P3).

Consultation

- 5.38. Internal consultation was undertaken with Council's development appraisal planners and development engineers.
- 5.39. The draft provisions were provided to the Urban Design Advisory Panel (UDAP) on 2 occasions (13 May 2019 and 13 June 2019). At the second meeting the Panel agreed with the amendments and supported all changes made in response to issues raised at the first meeting.
- 5.40. The provisions were also reviewed by a local architectural firm with recent experience designing multiple dwelling developments within the city. Some comments and suggestions were incorporated, although this review was largely supportive of the standards as drafted.

6. Strategic Planning and Policy Considerations

- 6.1. The proposed amendments are consisted with the objectives of the Capital City Strategic Plan 2015-2025 in regard to the Strategic Objective 2.3 'City and regional planning ensures quality design, meets community needs and maintains residential amenity'.
- 6.2. The provisions are also relevant to the community aspirations for the future of Hobart as articulated in: *Hobart: A community vision for our island capital*, particularly in relation to the statements in Pillar 7. Built Environment: *We are a city that maintains our unique built and ecological character, where we all have a safe, secure and healthy place to live. We are a city where people and communities can access world-class services and infrastructure and provide for their social, cultural and economic wellbeing. We embrace change but not at the expense of our Hobart identity and character.*

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result
- 7.1.1. None.
- 7.2. Impact on Future Years' Financial Result
- 7.2.1. None.
- 7.3. Asset Related Implications
- 7.3.1. None.

8. Legal, Risk and Legislative Considerations

- 8.1. The Land Use Planning and Approvals Act 1993 (LUPAA) requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the Act and be prepared in accordance with the State Policies.
- 8.2. The Objectives of the Act require use and development to occur in a fair, orderly and sustainable manner and for the planning process to facilitate economic development in accordance with the other Schedule 1 Objectives.
- 8.3. It is considered that the proposed amendment meets the objectives of LUPAA, in particular it:
- 8.3.1. Assists sound strategic planning by not prejudicing the achievements of the relevant Zone Objectives or the STRLUS objectives;
- 8.3.2. It is consistent with the objective to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;
- 8.3.3. Considers social impacts of residential dwelling densification;
- 8.3.4. Specifically promotes the health and wellbeing of Tasmanians and visitors by ensuring a pleasant, efficient and safe environment for residents and visitor accommodation occupants;
- 8.3.5. Considers historical interest of existing buildings;
- 8.3.6. Considers the capability of the land, given increasing demand for residential accommodation, in a way that ensures residents have adequate access to adequate living amenity.
- 8.4. No State Policies are directly relevant to the proposed amendments.
- 8.5. S32(f) of the *former provisions* of LUPAA requires that planning scheme amendments must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms. The proposed amendments aim to improve residential amenity for those living within denser dwelling developments in or near the city, and therefore they are considered to have a positive impact, particularly in social terms, as housing density increases across the region.

8.6. Section 30O of LUPAA requires that an amendment to an interim planning scheme is as far as practicable consistent with the regional land use strategy. It is considered that the amendments are consistent with the strategy, in that they support higher density development in a way that does not compromise amenity for occupants.

9. Environmental Considerations

9.1. The amendments give a framework to support well designed higher density residential developments in close proximity to existing services, which supports sustainable development.

10. Social and Customer Considerations

10.1. The proposal is not considered to have any negative impact on social inclusion.

11. Marketing and Media

11.1. There are no marketing or branding implications of this amendment.

12. Community and Stakeholder Engagement

- 12.1. Council has requested that reports which recommend the initiation of planning scheme amendments address the need to conduct a public meeting or forum to explain the proposed amendments and also outline the explanatory information to be made available. These are addressed below:
- 12.1.1. It is not considered that a public forum is necessary to explain the proposed amendment to the public as it is relatively simple and self-explanatory.
- 12.1.2. The following information will be made available on the website: a copy of this report and a copy of the formal amendment document.

13. Delegation

13.1. This matter is delegated to the Council.

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.

James McIlhenny

MANAGER PLANNING POLICY & HERITAGE

Sarah Crawford

DEVELOPMENT PLANNER

Date: 10 July 2019

File Reference: F19/22349; PSA-19-1

Attachment A: Amendment Document

Attachment B: Instrument of Certification



HOBART INTERIM PLANNING SCHEME 2015

PSA-19-1 AMENDMENTS

The Common Seal of the City of Hobart is fixed hereon, pursuant to Council's resolution of ???? in the presence of:

						 	 				 						٠.	 	C	ć	e	1	n	eı	a	1	ľ	V	1	a	n	ąį	3	e	1							
						 	 				 							 	Γ)(e	ŀ	p'	uí	y		C	j	e	n	e	ra	ıl	1	ľ	V.	Ιa	11	n	a	9	,e

PSA-19-1 Amendment

AMENDMENTS TO THE PLANNING SCHEME ORDINANCE

Amendment PSA-19-1-1

Amend 22.4 Development Standards for Buildings and Works of the Central Business Zone by inserting a new 22.4.9 as follows:

22.4.9 Residential and Visitor Accommodation Amenity

Objective:

To ensure that buildings for residential or visitor accommodation uses provide reasonable levels of amenity and safety in terms of noise, access to daylight and natural ventilation, open space and storage, without compromising the development or operation of uses that are consistent with the zone purpose.

Acceptable Solutions

$\mathbf{A1}$

Residential or visitor accommodation development must demonstrate that design elements are able to achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (including AS3671:1989 – Road Traffic Noise Intrusion (Building Siting and Construction) and AS2107:2000 – Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)).

A2

Residential or serviced apartment components of a development must:

(a) unless a blank wall, be set back from a side or rear boundary, or another building on the same site, at least 5m (including external elements such as a balcony, roof

Performance Criteria P1

Residential or visitor accommodation development must demonstrate that design elements are able to achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (including AS3671:1989 - Road Traffic Noise Intrusion (Building Siting and Construction) and AS2107:2000 -Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)), unless alterations required to meet these standards would negatively impact on historic cultural heritage values of an existing building listed as a place, or within a precinct, in the Historic Heritage Code.

P2

Residential or serviced apartment components of a development must be designed to allow for reasonable access to daylight into habitable rooms and private open space, and reasonable opportunity for air circulation and natural ventilation, having regard to:

garden, terrace or deck);

- (b) be designed around a central open courtyard or void with a minimum horizontal dimension of 5m in all directions; or
- (c) be of a terraced design that is set back from a rear boundary at least 5m (including external elements such as a balcony, roof garden, terrace or deck).
- (a) proximity to side and rear boundaries:
- (b) proximity to other buildings on the same site:
- (c) the height and bulk of other buildings on the same site;
- (d) the size of any internal courtyard or void;
- (e) the use of light wells or air shafts;
- (f) development potential on adjacent sites, particularly under the Acceptable Solutions of 22.4.1; and
- (g) any assessment by a suitably qualified person.

A3

Every habitable room in a dwelling:

- (a) must have at least one window; and
- (b) where the only window is located within a recess, that recess must be:
 - (i) a minimum width of 1.2m, and
 - (ii) a maximum depth of 1.5 times the width, measured from the external surface of the window.

P3

Every habitable room in a dwelling must have reasonable access to natural daylight from a window.

$\mathbf{A4}$

Private open space must be provided for at least 75% of dwellings or serviced apartments in a development.

P4

Private open space may be provided to less than 75% of dwellings or serviced apartments in a development if:

(a) common open space is provided onsite that: exceeds size requirements under 22.4.9 A6 by 12m for each dwelling unit or serviced apartment without private open space under 75%, and is of high quality in terms of location,

- access to sunlight, outlook, facilities, landscaping and accessibility;
- (b) environmental conditions such as high winds or high levels of noise would significantly diminish the amenity of the private open space and is unable to be mitigated through screening that does not unreasonably reduce access to daylight, as demonstrated by a suitably qualified person; or
- (c) the dwelling or serviced apartment is in an existing building that cannot reasonably accommodate private open space due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in Historic Heritage Code.

A5

Private open space for dwellings or serviced apartments must:

- (a) have an area not less than:
 - (i) 8m² for 1 bedroom dwellings or serviced apartments;
 - (ii) 10m² for 2 bedroom dwellings or serviced apartments;
 - (iii) 12m² for 3 or more bedroom dwellings or serviced apartments;
- (b) where the outdoor component of an air conditioning unit is located within the private open space, include a further 1.5m² of area in addition to the figures in (a) above.
- (c) have a minimum horizontal dimension of 2m, or 1.5m for a 1 bedroom dwelling or serviced apartment;

P5

Private open space for dwellings or serviced apartments must provide reasonable amenity and be capable of meeting the projected outdoor recreation requirements of occupants, having regard to:

- (a) the size and minimum dimensions of the space;
- (b) the number of people the space could comfortably accommodate:
- (c) the amount of space available for furniture or plantings;
- (d) the potential for significant noise intrusion;
- (e) proximity and overlooking to the private open space of existing adjacent residential

- (d) not be located on a face of the building that is orientated between 30 degrees East of South and 30 degrees West of South;
- (e) unless drying facilities are provided elsewhere on the site, include a clothes drying area of at least 2m² in addition to the minimum area, that may be in a separate location, and is screened from public view;
- (f) where above ground floor level, not be located within 5m of private open space of any other dwelling or serviced apartment; and
- (g) be screened visually and acoustically from mechanical plant and equipment, service structures and lift motor rooms, unless the outdoor component of an air conditioning unit servicing that dwelling or serviced apartment.

- and serviced apartment developments;
- (f) screening where necessary for privacy that does not unreasonably restricting access to daylight;
- (g) screening where necessary for noise and wind protection that does not unreasonably restrict access to daylight;
- (h) screening from public view for clothes drying areas; and
- (i) any advice from a suitably qualified person.

A6

Sites with more than 5 dwellings or serviced apartments must provide communal open space on the site that:

- (a) is at least 70m², with an additional 2m² for every additional dwelling or serviced apartment;
- (b) if provided in multiple locations, at least one single area must meet be a minimum of 40m²;
- (c) has a minimum horizontal dimension of 3m;
- (d) includes at least 20% of the total area for plantings (including food growing), being deep soil planting if at ground level;
- (e) is directly accessible from common entries and pathways;

P6

Sites with more than 5 dwellings or serviced apartments must provide quality communal open space on the site that is sufficient for the needs of occupants, having regard to:

- (a) the area and dimensions of the space;
- (b) the total number of dwellings or serviced apartments on the site;
- (c) the accessibility of the space;
- (d) the flexibility of the space and opportunities for various forms of recreation;
- (e) the availability and location of common facilities within the space;
- (f) landscaping;

- (f) screens any communal clothes drying facilities from public view;
- (g) may be above ground floor level, including rooftops;
- (h) is screened visually and acoustically from mechanical plant and equipment, service structures and lift motor rooms;
- (i) does not include vehicle driveways, manoeuvring or hardstand areas; and
- (j) includes no more than 20% of the total area located between 30 degrees East of South and 30 degrees West of South of:
 - (i) a building on the site with a height more than 3m; or
 - (ii) a side or rear boundary within 5m.

- (g) the degree of gardens, trees and plantings (including food gardens);
- (h) accessibility to daylight, taking into account the development potential of adjacent sites;
- (i) the outlook from the space;
- (j) the level of noise intrusion from external noise sources; and
- (k) Any advice from a suitably qualified person;

unless:

- (i) the dwellings or serviced apartments are located in an existing building where communal open space cannot be reasonably achieved due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in Historic Heritage Code.;
- (ii) public open space that is of high quality in terms of location, access to sunlight, outlook, facilities, landscaping and accessibility and that can adequately accommodate the needs of occupants is provided on the site; or
- (iii) private open space is provided for 100% of dwellings or serviced apartments on the site, exceeds the sizes specified in 22.4.9 A5 by at least 50% and sufficiently caters for flexible outdoor recreation needs including relaxation, entertainment, outdoor dining and children's play.

A7

Each multiple dwelling must be provided with a dedicated and secure storage space of no less than 6m³, located externally to the dwelling.

P7

Each multiple dwelling must be provided with adequate storage space.

Amendment PSA-19-1-2

Amend 22.4 Development Standards for Buildings and Works of the Central Business Zone by inserting a new 22.4.10 as follows:

22.4.10 Waste Storage and Collection

Objective:

To ensure the storage and collection of waste provides for a reasonable level of amenity and safety for surrounding occupants and for traffic, cyclists, pedestrians and other road and footpath users.

A1

Bulk waste bins that are commercially serviced must be provided for sites:

- (a) with more than one commercial tenancy;
- (b) with one commercial tenancy that is greater than 100m²;
- (c) with more than 4 dwellings or visitor accommodation units (or 3 if a mixed use site);
- (d) with more than 2 dwellings or visitor accommodation units (or 1 if a mixed use site) if fronting a pedestrian priority street (Figure E6.7.12).

P1

Individual bins may only be provided where:

- (a) there are no more than 4 individual bins for kerbside collection at any one time per commercial site or any site fronting a pedestrian priority street (Figure E6.7.12);
- (b) bins are commercially serviced on-site;
- (c) bins are not placed on the kerbside for collection;
- (d) the frontage has a width equivalent to 5m for each dwelling, accommodation unit or tenancy with individual bins, and kerbside collection would not unreasonably compromise the amenity of the surrounding area or the flow and safety of vehicles, cyclists and pedestrians; or
- (e) the development is within an existing building and areas for bulk waste bin storage and collection cannot reasonably be provided due to site constraints, or impacts on historic cultural heritage values of a place or

Item No. 8.1

Agenda (Open Portion) City Planning Committee Meeting - 15/7/2019

Page 366
ATTACHMENT A

PSA-19-1 Amendment	
precinct listed	in Historic
Heritage Code	

A2

An on-site storage area, with an impervious surface (unless for compostables), must be provided for bins that:

- (a) if for separate bins per dwelling, visitor accommodation or tenancy:
 - (i) is within an area for the exclusive use of each dwelling, accommodation unit or tenancy, excluding the area between the building and a frontage;
 - (ii) is set back not less than 4.5m from a frontage;
 - (iii) is not less than 5.5m from any dwelling or accommodation unit; and
 - (iv) is screened from the frontage and any dwelling or accommodation unit by a wall to a height not less than 1.2m above the finished surface level of the storage area.
- (b) If for bulk bins:
 - (i) is located on common property;
 - (ii) Includes dedicated areas for storage and management of recycling and compostables;
 - (iii) is not less than 5.5m from any dwelling or accommodation unit;
 - (iv)is screened from any public road, dwelling or accommodation unit by a wall to a height not less than 1.8m above the finished surface level of the storage area;
 - (v) is accessible to each dwelling, accommodation unit or tenancy without the

P2

A storage area for waste and recycling bins must be provided that is:

- (a) capable of storing the number of bins required for the site;
- (b) of sufficient size to enable convenient and safe access and manoeuvrability for occupants, and waste collection vehicles where relevant:
- (c) in a location on-site that is conveniently and safely accessible to occupants, without compromising the amenity and flow of public spaces;
- (d) screened from view from public spaces and dwellings or accommodation units; and
- (e) if the storage area is for common use, separated from dwellings or units on the site to minimise impacts caused by odours and noise.

requirement to travel off-site; and

(vi)where the development is mixed use, have separate storage spaces for commercial and residential bins with separate access to each.

A3

Bulk storage bins must be collected on site by private commercial vehicles, and access to storage areas must:

- (a) in terms of the location, sight distance, geometry and gradient of an access, as well as off-street parking, manoeuvring and service area, be designed and constructed to comply with AS2890.2 - 2002 Parking facilities Part 2: Offstreet commercial vehicle facilities;
- (b) ensure the vehicle is located entirely within the site when collecting bins; and
- (c) include a dedicated pedestrian walkway, alongside or independent of vehicle access ways.

P3

A waste collection plan demonstrates the arrangements for collecting waste do not compromise the safety, amenity and convenience of surrounding occupants, vehicular traffic, cyclists, pedestrians and other road and footpath users, having regard to:

- (a) the number of bins;
- (b) the method of collection;
- (c) the time of day of collection;
- (d) the frequency of collection;
- (e) access for vehicles to bin storage areas, including consideration of gradient, site lines, manoeuvring, direction of vehicle movement and pedestrian access;
- (f) distance from vehicle stopping point to bins if not collected on site;
- (g) the traffic volume, geometry and gradient of the street; and
- (h) the volume of pedestrians using the street and whether it is a pedestrian priority street (Figure E6.7.12).

Amendment PSA-19-1-3

Amend 23.4 Development Standards for Buildings and Works of the Commercial Zone by inserting a new 23.4.8 as follows:

23.4.8 Residential and Visitor Accommodation Amenity

Objective:

To ensure that buildings for residential or visitor accommodation uses provide reasonable levels of amenity and safety in terms of noise, access to daylight and natural ventilation, open space, storage and waste storage and collection, without compromising the development or operation of uses that are consistent with the zone purpose.

Acceptable Solutions

$\mathbf{A}_{\mathbf{I}}$

Residential or visitor accommodation development must demonstrate that design elements are able to achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (including AS3671:1989 – Road Traffic Noise Intrusion (Building Siting and Construction) and AS2107:2000 – Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)).

Performance Criteria

P1

Residential or visitor accommodation development must demonstrate that design elements are able to achieve internal noise levels in accordance with relevant Australian Standards for acoustics control (including AS3671:1989 – Road Traffic Noise Intrusion (Building Siting and Construction) and AS2107:2000 -Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)), unless alterations required to meet these standards would negatively impact on historic cultural heritage values of an existing building listed as a place, or within a precinct, in the Historic Heritage Code.

A2

Residential or serviced apartment components of a development must:

- (a) unless a blank wall, be set back from a side or rear boundary, or another building on the same site, at least 5m (including external elements such as a balcony, roof garden, terrace or deck);
- (b) be designed around a central open courtyard or void with a minimum horizontal dimension of 5m in all directions; or

P2

Residential or serviced apartment components of a development must be designed to allow for reasonable access to daylight into habitable rooms and private open space, and reasonable opportunity for air circulation and natural ventilation, having regard to:

- (a) proximity to side and rear boundaries;
- (b) proximity to other buildings on the same site;
- (c) the height and bulk of other

(c) be of a terraced design that is set back from a rear boundary at least 5m (including external elements such as a balcony, roof garden, terrace or deck). buildings on the same site;

- (d) the size of any internal courtyard or void;
- (e) the use of light wells or air shafts;
- (f) development potential on adjacent sites, particularly under the Acceptable Solutions of 23.4.1; and
- (g) any assessment by a suitably qualified person.

A3

Every habitable room in a dwelling:

- (a) must have at least one window; and
- (b) where the only window is located within a recess, that recess must be:
 - (i) a minimum width of 1.2m, and
 - (ii) a maximum depth of 1.5 times the width, measured from the external surface of the window.

P3

Every habitable room in a dwelling must have reasonable access to natural daylight from a window.

A4

Private open space must be provided for at least 75% of dwellings or serviced apartments in a development.

P4

Private open space may be provided to less than 75% of dwellings or serviced apartments in a development if:

- (a) common open space is provided onsite that: exceeds size requirements under 23.4.8 A6 by 12m for each dwelling unit or serviced apartment without private open space under 75%, and is of high quality in terms of location, access to sunlight, outlook, facilities, landscaping and accessibility;
- (b) environmental conditions such as high winds or high levels of noise

- would significantly diminish the amenity of the private open space and is unable to be mitigated through screening that does not unreasonably reduce access to daylight, as demonstrated by a suitably qualified person; or
- (c) the dwelling or serviced apartment is in an existing building that cannot reasonably accommodate private open space due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in Historic Heritage Code.

A5

Private open space for dwellings or serviced apartments must:

- (a) have an area not less than:
 - (i) 8m² for 1 bedroom dwellings or serviced apartments;
 - (ii) 10m² for 2 bedroom dwellings or serviced apartments;
 - (iii) 12m² for 3 or more bedroom dwellings or serviced apartments;
- (b) where the outdoor component of an air conditioning unit is located within the private open space, include a further 1.5m² of area in addition to the figures in (a) above.
- (c) have a minimum horizontal dimension of 2m, or 1.5m for a 1 bedroom dwelling or serviced apartment;
- (d) not be located on a face of the building that is orientated between 30 degrees East of South and 30 degrees West of South;

P5

Private open space for dwellings or serviced apartments must provide reasonable amenity and be capable of meeting the projected outdoor recreation requirements of occupants, having regard to:

- (a) the size and minimum dimensions of the space;
- (b) the number of people the space could comfortably accommodate;
- (c) the amount of space available for furniture or plantings;
- (d) the potential for significant noise intrusion;
- (e) proximity and overlooking to the private open space of existing adjacent residential and serviced apartment developments;
- (f) screening where necessary for privacy that does not unreasonably restricting access to daylight;
- (g) screening where necessary for

- (e) unless drying facilities are provided elsewhere on the site, include a clothes drying area of at least 2m² in addition to the minimum area, that may be in a separate location, and is screened from public view;
- (f) where above ground floor level, not be located within 5m of private open space of any other dwelling or serviced apartment; and
- (g) be screened visually and acoustically from mechanical plant and equipment, service structures and lift motor rooms, unless the outdoor component of an air conditioning unit servicing that dwelling or serviced apartment.

- noise and wind protection that does not unreasonably restrict access to daylight;
- (h) screening from public view for clothes drying areas; and
- (i) any advice from a suitably qualified person.

A6

Sites with more than 5 dwellings or serviced apartments must provide communal open space on the site that:

- (a) is at least 70m², with an additional 2m² for every additional dwelling or serviced apartment;
- (b) if provided in multiple locations, at least one single area must meet be a minimum of 40m²:
- (c) has a minimum horizontal dimension of 3m;
- (d) includes at least 20% of the total area for plantings (including food growing), being deep soil planting if at ground level;
- (e) is directly accessible from common entries and pathways;
- (f) screens any communal clothes drying facilities from public view;
- (g) may be above ground floor level, including rooftops;

P6

Sites with more than 5 dwellings or serviced apartments must provide quality communal open space on the site that is sufficient for the needs of occupants, having regard to:

- (a) the area and dimensions of the space;
- (b) the total number of dwellings or serviced apartments on the site;
- (c) the accessibility of the space;
- (d) the flexibility of the space and opportunities for various forms of recreation;
- (e) the availability and location of common facilities within the space;
- (f) landscaping;
- (g) the degree of gardens, trees and plantings (including food gardens);

- (h) is screened visually and acoustically from mechanical plant and equipment, service structures and lift motor rooms;
- (i) does not include vehicle driveways, manoeuvring or hardstand areas; and
- (j) includes no more than 20% of the total area located between 30 degrees East of South and 30 degrees West of South of:
 - (i) a building on the site with a height more than 3m; or
 - (ii) a side or rear boundary within 5m.

- (h) accessibility to daylight, taking into account the development potential of adjacent sites;
- (i) the outlook from the space;
- (j) the level of noise intrusion from external noise sources; and
- (k) Any advice from a suitably qualified person;

Unless:

- (i) the dwellings or serviced apartments are located in an existing building where communal open space cannot be reasonably achieved due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in Historic Heritage Code.;
- (ii) public open space that is of high quality in terms of location, access to sunlight, outlook, facilities, landscaping and accessibility and that can adequately accommodate the needs of occupants is provided on the site; or
- (iii) private open space is provided for 100% of dwellings or serviced apartments on the site, exceeds the sizes specified in 23.4.8 A5 by at least 50% and sufficiently caters for flexible outdoor recreation needs including relaxation, entertainment, outdoor dining and children's play.

A7

Each multiple dwelling must be provided with a dedicated and secure storage space of no less than 6m³, located externally to the dwelling.

D7

Each multiple dwelling must be provided with adequate storage space.

Amendment PSA-19-1-4

Amend 23.4 Development Standards for Buildings and Works of the Commercial Zone by inserting a new 22.4.9 as follows:

22.4.9 Waste Storage and Collection

Objective:

To ensure the storage and collection of waste provides for a reasonable level of amenity and safety for surrounding occupants and for traffic, cyclists, pedestrians and other road and footpath users.

A1

Bulk waste bins that are commercially serviced must be provided for sites:

- (a) with more than one commercial tenancy;
- (b) with one commercial tenancy that is greater than 100m²;
- (c) with more than 4 dwellings or visitor accommodation units (or 3 if a mixed use site);
- (d) with more than 2 dwellings or visitor accommodation units (or 1 if a mixed use site) if fronting a pedestrian priority street (Figure E6.7.12).

P1

Individual bins may only be provided where:

- (a) there are no more than 4 individual bins for kerbside collection at any one time per commercial site or any site fronting a pedestrian priority street (Figure E6.7.12);
- (b) bins are commercially serviced on-site;
- (c) bins are not placed on the kerbside for collection;
- (d) the frontage has a width equivalent to 5m for each dwelling, accommodation unit or tenancy with individual bins, and kerbside collection would not unreasonably compromise the amenity of the surrounding area or the flow and safety of vehicles, cyclists and pedestrians; or
- (e) the development is within an existing building and areas for bulk waste bin storage and collection cannot reasonably be provided due to site constraints, or impacts on historic cultural heritage values of a place or precinct listed in Historic

A2

An on-site storage area, with an impervious surface (unless for compostables), must be provided for bins that:

- (a) if for separate bins per dwelling, visitor accommodation or tenancy:
 - (i) is within an area for the exclusive use of each dwelling, accommodation unit or tenancy, excluding the area between the building and a frontage;
 - (ii) is set back not less than 4.5m from a frontage;
 - (iii) is not less than 5.5m from any dwelling or accommodation unit; and
 - (iv) is screened from the frontage and any dwelling or accommodation unit by a wall to a height not less than 1.2m above the finished surface level of the storage area.
- (b) If for bulk bins:
 - (i) is located on common property;
 - (ii) Includes dedicated areas for storage and management of recycling and compostables;
 - (iii) is not less than 5.5m from any dwelling or accommodation unit:
 - (iv)is screened from any public road, dwelling or accommodation unit by a wall to a height not less than 1.8m above the finished surface level of the storage area;

Heritage Code.

P2

A storage area for waste and recycling bins must be provided that is:

- (a) capable of storing the number of bins required for the site;
- (b) of sufficient size to enable convenient and safe access and manoeuvrability for occupants, and waste collection vehicles where relevant:
- (c) in a location on-site that is conveniently and safely accessible to occupants, without compromising the amenity and flow of public spaces;
- (d) screened from view from public spaces and dwellings or accommodation units; and
- (e) if the storage area is for common use, separated from dwellings or units on the site to minimise impacts caused by odours and noise.

- (v) is accessible to each dwelling, accommodation unit or tenancy without the requirement to travel off-site; and
- (vi)where the development is mixed use, have separate storage spaces for commercial and residential bins with separate access to each.

A3

Bulk storage bins must be collected on site by private commercial vehicles, and access to storage areas must:

- (a) in terms of the location, sight distance, geometry and gradient of an access, as well as off-street parking, manoeuvring and service area, be designed and constructed to comply with AS2890.2 - 2002 Parking facilities Part 2: Offstreet commercial vehicle facilities;
- (b) ensure the vehicle is located entirely within the site when collecting bins; and
- (c) include a dedicated pedestrian walkway, alongside or independent of vehicle access ways.

P3

A waste collection plan demonstrates the arrangements for collecting waste do not compromise the safety, amenity and convenience of surrounding occupants, vehicular traffic, cyclists, pedestrians and other road and footpath users, having regard to:

- (a) the number of bins;
- (b) the method of collection;
- (c) the time of day of collection;
- (d) the frequency of collection;
- (e) access for vehicles to bin storage areas, including consideration of gradient, site lines, manoeuvring, direction of vehicle movement and pedestrian access;
- (f) distance from vehicle stopping point to bins if not collected on site:
- (g) the traffic volume, geometry and gradient of the street; and
- (h) the volume of pedestrians using the street and whether it is a pedestrian priority street (Figure E6.7.12).



HOBART INTERIM PLANNING SCHEME 2015

PSA-19-1 AMENDMENT INSTRUMENT OF CERTIFICATION

It is hereby certified that draft Amendment PSA-19-1 to the Hobart Interim Planning Scheme 2015 meets the requirements specified in section 32 of the *former provisions* of the Land Use Planning and Approvals Act 1993.

Council's resolution of ???? in the presence of:
General Manager
Deputy General Manager
Date:

The Common Seal of the Hobart City Council is fixed hereon, pursuant to

Agenda (Open Portion) City Planning Committee Meeting 15/7/2019

8.2 City Planning - Advertising Report File Ref: F19/92487

Memorandum of the Director City Planning of 10 July 2019 and attachment.

Delegation: Committee



MEMORANDUM: CITY PLANNING COMMITTEE

City Planning - Advertising Report

Attached is the advertising list for the period 17 June – 5 July 2019.

RECOMMENDATION

That the information be received and noted.

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

Neil Noye

DIRECTOR CITY PLANNING

Date: 10 July 2019 File Reference: F19/92487

Attachment A: City Planning - Advertising Report 4

A 11 41	04	0	D	W-d-Vd-	Familia Data	D.f.	Proposed	Advertising	Advertising
Application	Street	Suburb	Development Demolition and New	Works Value	Expiry Date	Referral	Delegation	Period Start	Period End
	1 BURNETT	NORTH	Building for Four Multiple						
PLN-19-19	STREET	HOBART	Dwellings	\$1,000,000	28/02/2019	aversh	Director	28/06/2019	12/07/2019
	25 DOWDING			4 1,000,000		.,			12.01.2010
PLN-19-370	CRESCENT	NEW TOWN	Dwelling	\$259,000	2/08/2019	ayersh	Director	3/07/2019	17/07/2019
		MOUNT	Partial Demolition,	4.50.000		l.	<u>.</u> .	17/00/00/0	
PLN-18-470	AVENUE 55 - 59	STUART	Alterations and Extension	\$150,000	29/08/2018	baconr	Director	17/06/2019	1/07/2019
	MURRAY		Partial Demolition,						
PLN-19-280	STREET	HOBART	Alterations and Signage	\$132,000	25/06/2019	haconr	Council	19/06/2019	3/07/2019
1 214 10 200	OTTLET	TIO BY WY	7 itorations and oignage	Ψ102,000	20/00/2010	bacom	Courion	10/00/2010	0/01/2010
	25		Partial Demolition,						
	CROMWELL	BATTERY	Alterations, Pool House						
PLN-19-296	STREET	POINT	and Pool	\$70,000	2/07/2019	baconr	Director	26/06/2019	10/07/2019
DI NI 40 040	604 SANDY		D 111	44 000 000	0.4.4.0.100.4.0	l.		00/00/0040	10/07/00/0
PLN-18-643	BAY ROAD	SANDY BAY	Dwelling	\$1,000,000	31/10/2018	baconr	Council	28/06/2019	12/07/2019
			Alterations (Deck) to						
D	374 PARK		Previously Approved	***	00/07/0040	l.	l	4/07/0040	40/07/0040
PLN-19-342	STREET	NEW TOWN	Development	\$10,000	23/07/2019	baconr	Director	4/07/2019	18/07/2019
	141 WARWICK	WEST	Partial Demolition and						
PLN-19-339	STREET	HOBART	Alterations	\$100,000	23/07/2019	landd	Director	18/06/2019	2/07/2019
1 214-10-000	321 - 323A	HODAICI	Alterations	Ψ100,000	20/01/2010	langa	Biroctor	10/00/2010	2/01/2010
	ELIZABETH	NORTH	Partial Demolition and						
PLN-19-326	STREET	HOBART	Alterations	\$2,500	15/07/2019	langd	Director	21/06/2019	5/07/2019
	1 RED								
	KNIGHTS		Vegetation Removal and						
PLN-19-316	ROAD	SANDY BAY	Fencing	\$50,000	11/07/2019	langd	Director	21/06/2019	5/07/2019
	73 HALL					l	L		
PLN-19-182	STREET	RIDGEWAY	Dwelling	\$330,000	15/05/2019	langd	Director	25/06/2019	9/07/2019
	22 DE WITT	BATTERY	Partial Domalition						
PLN-19-360	STREET	POINT	Partial Demolition, Alterations and Extension	\$200,000	30/07/2019	langd	Director	25/06/2019	9/07/2019
F EM- 19-300	OTREET	FOINT	Alterations and Extension	φ200,000	30/01/2019	liangu	Director	23/00/2019	9/01/2019

A	Street.	0	Bassalan manut	Marka Value	Funima Data	Defermel	Proposed	Advertising	Advertising Period End
Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Delegation	Period Start	Perioa Ena
	46 EDGE	LENAH	Partial Demolition,						
PLN-19-351	AVENUE	VALLEY	Alterations and Extension	\$150,000	25/07/2019	landd	Director	26/06/2019	10/07/2019
1 214-13-331	45 - 71	VALLET	Alterations and Extension	ψ130,000	23/01/2013	langa	Director	20/00/2013	10/01/2013
	BATHURST								
PLN-19-392	STREET	HOBART	Signage	\$0	12/08/2019	landd	Director	5/07/2019	19/07/2019
1 211 10 002	OTTLE !	11007111	Subdivision (Boundary	40	12/00/2010	langa	Birostor	0/01/2010	10/01/2010
			Adjustment and Two						
	3 GIBLIN	LENAH	Additional Lots) and						
PLN-18-792	STREET	VALLEY	Associated Works	\$0	17/12/2018	maxwellv	Council	19/06/2019	20/06/2019
	70 NAPOLEON	DATTERY	Destini Desse litter						
PLN-19-159	76 NAPOLEON STREET	POINT	Partial Demolition, Alterations and Extension	\$250,000	2/05/2019	maywolly	Manager	20/06/2019	4/07/2019
F LIN-19-139	64	FOINT	Alterations and Extension	\$230,000	2/03/2019	IIIaxwellv	ivianagei	20/00/2019	4/01/2019
	KNOCKLOFTY	WEST	Partial Demolition,						
PLN-19-354	TERRACE	HOBART	Alterations and Extension	\$40,000	26/07/2019	maxwellv	Manager	20/06/2019	4/07/2019
	70 A BRUSHY	LENAH							
PLN-19-225	CREEK ROAD	VALLEY	Dwelling	\$460,000	29/05/2019	maxwellv	Manager	24/06/2019	8/07/2019
	79 PRINCES		Partial Demolition and	4000000	10/07/00/10			0.4/0.0/0.040	0.07.00.40
PLN-19-322	STREET	SANDY BAY	Alterations Partial Demolition.	\$200,000	12/07/2019	maxwellv	Manager	24/06/2019	8/07/2019
	41 ST		Alterations, Extension,						
	GEORGES	BATTERY	Outbuilding and Front						
PLN-19-358	TERRACE	POINT	Fencing	\$450,000	30/07/2019	maxwellv	Manager	5/07/2019	19/07/2019
	424								
	STRICKLAND	SOUTH				mcclenahan			
PLN-19-170	AVENUE	HOBART	Parking Deck	\$30,000	7/05/2019	m	Council	17/06/2019	1/07/2019
	2 DILLINGED		Dortical Domolitica			m salanahan			
PLN-19-183	2 PILLINGER STREET	DYNNYRNE	Partial Demolition, Alterations and Extension	\$150,000	15/05/2019	mcclenahan m	Director	20/06/2019	4/07/2019
111-13-103	10	DIMINITINE	Alterations and Extension	ψ130,000	13/03/2019		Director	20/00/2019	4/01/2019
	NEWLANDS	LENAH	Partial Demolition,			mcclenahan			
PLN-19-306	AVENUE	VALLEY	Alterations and Extension	\$550,000	8/07/2019	m	Director	20/06/2019	4/07/2019

				1				I	
							Proposed	Advertising	Advertising
Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Delegation	Period Start	Period End
	92		Dartial Damasitian and						
PLN-19-329	GROSVENOR STREET	SANDY BAY	Partial Demolition and Alterations	\$130,000	15/07/2019	mcclenahan	Director	21/06/2019	5/07/2019
PLN-19-329	SIREEI	SAINDT BAT	Partial Demolition,	\$130,000	15/07/2019	IIII	Director	21/06/2019	5/07/2019
	293		Alterations and Partial						
	LIVERPOOL		Change of Use to Visitor			mcclenahan			
PLN-19-274		HOBART	Accommodation	\$100,000	24/06/2019		Director	24/06/2019	8/07/2019
F EIN-13-274	197	HODAKI	Demolition, New Building	Ψ100,000	24/00/2013	-	Director	24/00/2013	0/01/2019
	CAMPBELL		for General Retail and			mcclenahan			
PLN-19-151		HOBART	Hire, and Signage	\$850.000	1/05/2019		Council	25/06/2019	9/07/2019
	3 ARGYLE		i in e, arra e igriage	+000,000		mcclenahan			0,01,2010
PLN-19-69	STREET	HOBART	Alterations (Solar Panels)	\$3,000	29/03/2019	m	Council	28/06/2019	12/07/2019
	5 HEARTWOOD	LENAH				mcclenahan			
PLN-19-146	ROAD	VALLEY	Dwelling	\$315,209	29/04/2019	m	Director	4/07/2019	18/07/2019
	173								
	MACQUARIE					mcclenahan			
PLN-19-373		HOBART	Signage	\$0	6/08/2019	m	Director	5/07/2019	19/07/2019
	71 A NEW		Partial Demolition and			l	L		
PLN-19-335		NEW TOWN	Alterations	\$16,000	17/07/2019	obrienm	Director	25/06/2019	9/07/2019
		WEST	L		44/07/0040	l	ļ., ,	05/00/0040	0.07.0040
PLN-19-317		HOBART	Dwelling	\$900,000	11/07/2019	obrienm	Director	25/06/2019	9/07/2019
DIN 40 247	66 REGENT	CANDY DAY	Simone	0.0	25/07/2040		Discotos	26/06/2040	40/07/2040
PLN-19-347	STREET 53	SANDY BAY	Signage	\$0	25/07/2019	obrienm	Director	26/06/2019	10/07/2019
		WEST	Change of Use to Visitor						
PLN-19-343		HOBART	Accommodation	\$0	24/07/2019	obrienm	Director	1/07/2019	15/07/2019
1 214-13-343	75 PATRICK	ITOBART	Change of Use to Visitor	\$0	24/01/2019	Obligiiii	Director	1/07/2019	13/01/2019
PLN-19-304		HOBART	Accommodation	\$20,000	9/07/2019	sherriffc	Director	17/06/2019	1/07/2019
	22 A LORD		, toodoudion	Ψ20,000	3,31,2310	55111110	200101	1770072010	170172010
PLN-19-311	STREET	SANDY BAY	Front Fencing	\$2,000	10/07/2019	smeea	Director	20/06/2019	4/07/2019

							Proposed	Advertising	Advertising
Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Delegation	Period Start	Period End
			Change of Heads						
			Change of Use to Business and Professional						
			Services (Office), Partial						
	174		Demolition, Alterations,						
	BATHURST		Front Fencing and						
PLN-19-269	STREET	HOBART	Signage	\$100,000	20/06/2019	wilsono	Director	19/06/2019	3/07/2019
F LIN-19-209	1 FISHER	HOBAKT	Partial Demolition and	\$100,000	20/00/2019	Wilsone	Director	19/00/2019	3/01/2019
PLN-19-328	LANE	SANDY BAY	Outbuilding	\$70,000	15/07/2019	wilsone	Director	19/06/2019	3/07/2019
1 214 13 320		MOUNT	Ancillary Dwelling and	Ψ70,000	10/01/2010	WIISONO	Director	13/00/2013	3/01/2013
PLN-19-310	ROAD	NELSON	Tree Removal	\$60,000	9/07/2019	wilsone	Director	25/06/2019	9/07/2019
1 211 10 010	T CO A CO	HEEGGH	Tree Removal	ψου,σου	0/0//2010	Wilderic	Director	20/00/2010	0,01,2010
			Partial Demolition,						
			Alterations, Deck (Outdoor						
			Seating Area), Extension,						
	325		and Partial Change of Use						
	ELIZABETH	NORTH	to Food Services and						
PLN-18-801	STREET	HOBART	Hotel Industry	\$200,000	19/12/2018	wilsone	Director	27/06/2019	11/07/2019
	88 AUGUSTA	LENAH	i i						
PLN-19-348	ROAD	VALLEY	Alterations	\$1,500	25/07/2019	wilsone	Director	27/06/2019	11/07/2019
	22 TABART								
	STREET (CT								
PLN-19-315	175923/54)	NEW TOWN	Dwelling	\$290,000	11/07/2019	wilsone	Director	28/06/2019	12/07/2019
			Change of Use to Single						
	419		Dwelling and Ancillary						
	ELIZABETH	NORTH	Dwelling, Partial						
PLN-19-290	STREET	HOBART	Demolition and Alterations	\$30,000	1/07/2019	wilsone	Director	1/07/2019	15/07/2019
	20 WAVERLEY	1	Partial Change of Use to			l	<u></u>		
PLN-19-383	AVENUE	STUART	Home Based Business	\$0	8/08/2019	wilsone	Director	5/07/2019	19/07/2019
	1 / 54		<u> </u>						
DI N 40 00 1	NICHOLAS	CANDYDAY	Alterations (Deck and	#40.000	40/00/0040		Diameter.	E 107/0010	40/07/0646
PLN-19-394	DRIVE	SANDY BAY	Screen)	\$10,000	12/08/2019	wiisone	Director	5/07/2019	19/07/2019

8.3 Delegated Decisions Report (Planning) File Ref: F19/92521

Memorandum of the Director City Planning of 10 July 2019 and attachment.

Delegation: Committee



MEMORANDUM: CITY PLANNING COMMITTEE

Delegated Decisions Report (Planning)

Attached is the delegated planning report for the period 17 June until 5 July 2019.

RECOMMENDATION

That the information be received and noted.

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

Neil Noye

DIRECTOR CITY PLANNING

Date: 10 July 2019 File Reference: F19/92521

Attachment A: Delegated Decisions Report (Planning) &

8 July 2019

Delegated Decisions Report (Planning)

				Cancelled	
Planning Description	Address	Works Value	Decision	Authorit	
PLN-18-466 Outbuilding and Alterations	5/1-2 ALLPORT PLACE LENAH VALLEY TAS 7008	\$ 25,000	Approved Deleg		
PLN-18-581 Alterations to Car Parking	1 NORFOLK CRESCENT SANDY BAY TAS 7005	\$ 10,000	Approved	Delegate	
PLN-18-846 Partial Demolition, Alterations, Extension and Car Parking Deck	4 AOTEA ROAD SANDY BAY TAS 7005	\$ 100,000	Approved	Delegate	
PLN-18-848 Partial Demolition, Alterations, Extension and Five Multiple Dwellings (Four Existing, One New)	34 MARIEVILLE ESPLANADE SANDY BAY TAS 7005	\$ 280,000	Withdrawn	Applicar	
PLN-18-861 Signage	170-174 NEW TOWN ROAD NEW TOWN TAS 7008	\$ 1,800	Withdrawn	Applicar	
PLN-19-106 Subdivision (One Additional Lot)	19 WAVERLEY AVENUE MOUNT STUART TAS 7000	\$ 0	Approved	Delegate	
PLN-19-188 Change of Use to Student Accommodation	2 CHURCHILL AVENUE SANDY BAY TAS 7005	\$ 2,520,000	Approved	Delegate	
PLN-19-189 Carport	1/2 MYRTLE COURT MOUNT NELSON TAS 7007	\$ 4,000	Approved	Delegate	
PLN-19-194 Dwelling	11 ANCANTHE AVENUE LENAH VALLEY TAS 7008	\$ 400,000	Approved	Delegate	
PLN-19-202 Alterations and Partial Change of Use to Multiple Dwelling (One Existing, One New)	25 KING STREET SANDY BAY TAS 7005	\$ 35,000	Approved	Delegate	
PLN-19-205 Partial Demolition, Alterations and Extension	91 YORK STREET SANDY BAY TAS 7005	\$ 110,000	Approved	Delegate	
PLN-19-208 Alterations (Screening)	299 ELIZABETH STREET NORTH HOBART TAS 7000	\$ 10,000	Approved	Delegated	
PLN-19-210 Demolition, New Building for Service Industry, and Signage	17-19 FEDERAL STREET NORTH HOBART TAS 7000	\$ 750,000	Approved	Delegate	
PLN-19-216 Partial Demolition, Alterations and Partial Change of Use to General Retail and Hire	340 ELIZABETH STREET NORTH HOBART TAS 7000	\$ 4,999	Approved	Delegate	
PLN-19-222 Partial Demolition, Alterations and Extension	5 POTTERY ROAD LENAH VALLEY TAS 7008	\$ 150,000	Approved	Delegate	
PLN-19-238 Partial Demolition, Alterations, Signage, Partial Change of Use to Business and Proffesional Services, and Alterations to Carparking	56-58 MELVILLE STREET HOBART TAS 7000	\$ 100,000	Approved	Delegate	
PLN-19-242 Partial Demolition and New Parking Deck	44 WATERWORKS ROAD DYNNYRNE TAS 7005	\$ 50,000	Approved	Delegate	
PLN-19-245 Partial Demolition, Alterations and Front Fencing	3 LILLIE STREET GLEBE TAS 7000	\$ 100,000	Approved	Delegated	
PLN-19-249 Partial Demolition, Alterations and Extension	37 SUMMERHILL ROAD WEST HOBART TAS 7000	\$ 140,000	Approved	Delegate	
PLN-19-255 Alterations, Signage and Partial Change of Use to General Retail and Hire	198 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 10,000	Approved	Delegate	
PLN-19-258 Partial Demolition, Alterations and Extension	7/1 BROMBY STREET NEW TOWN TAS 7008	\$ 50,000	Approved	Delegate	
PLN-19-262 Signage	55-59 MURRAY STREET HOBART TAS 7000	\$ 0	Approved	Delegate	

Planning Description	Address	Works Value	Decision	Authority
PLN-19-271 Landscaping Works	3 ELBODEN STREET SOUTH HOBART TAS 7004	\$ 50,000	Approved	Delegated
PLN-19-272 Partial Demolition and Alterations	52-56 LIVERPOOL STREET HOBART TAS 7000	\$ 1,000,000	Approved	Delegated
PLN-19-273 Alterations (Deck)	31 RUTH DRIVE LENAH VALLEY TAS 7008	\$ 10,000	Approved	Delegated
PLN-19-277 Partial Demolition and Two Multiple Dwellings (One New, One Existing)	1 SECHERON ROAD BATTERY POINT TAS 7004	\$ 400,000	Approved	Delegated
PLN-19-281 Partial Demolition, Alterations and Extension	2 LINDEITH COURT SANDY BAY TAS 7005	\$ 77,000	Approved	Delegated
PLN-19-285 Partial Demolition, Alterations and Extension	115 MARLYN ROAD SOUTH HOBART TAS 7004	\$ 40,000	Exempt	Delegated
PLN-19-286 Signage	18 HUNTER STREET HOBART TAS 7000	\$ 700	Approved	Delegated
PLN-19-287 Dwelling and Ancillary Dwelling	11 THELMA DRIVE WEST HOBART TAS 7000	\$ 980,000	Exempt	Delegated
PLN-19-295 Partial Demolition, Alterations and Extension	465 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 300,000	Approved	Delegated
PLN-19-297 Dwelling	11 MCDEVITT AVENUE DYNNYRNE TAS 7005	\$ 480,000	Approved	Delegated
PLN-19-299 Partial Demolition, Alterations and Extension	5 UNION STREET WEST HOBART TAS 7000	\$ 15,000	Approved	Delegated
PLN-19-300 Alterations and Partial Change of Use to Educational and Occasional Care	73-81 MURRAY STREET HOBART TAS 7000	\$ 40,000	Approved	Delegated
PLN-19-301 Partial Demolition and Fencing	60 HAMPDEN ROAD BATTERY POINT TAS 7004	\$ 20,000	Approved	Delegated
PLN-19-304 Change of Use to Visitor Accommodation	75 PATRICK STREET HOBART TAS 7000	\$ 20,000	Approved	Delegated
PLN-19-312 Alterations (Awnings)	120-122 MURRAY STREET HOBART TAS 7000	\$ 17,000	Approved	Delegated
PLN-19-331 Outbuilding	132 NEW TOWN ROAD NEW TOWN TAS 7008	\$ 3,000	Withdrawn	Applicant
PLN-19-332 Partial Demolition, Alterations and Extension	91 LETITIA STREET NORTH HOBART TAS 7000	\$ 20,000	Approved	Delegated
PLN-19-336 Partial Demolition and Alterations	2 CHURCHILL AVENUE SANDY BAY TAS 7005	\$ 200,000	Approved	Delegated
PLN-19-349 Change of Use to Visitor Accommodation	3/19 WHELAN CRESCENT WEST HOBART TAS 7000	\$ 0	Withdrawn	Applicant
PLN-19-350 Partial Change of Use to Food Services (Mobile Food Vendor)	3 ALEXANDER STREET SANDY BAY TAS 7005	\$ 0	Withdrawn	Applicant
PLN-19-365 Partial Change of Use to Market	12 FRANKLIN WHARF HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-19-367 Partial Demolition, Alterations and Extension	13 SALIER CRESCENT MOUNT STUART TAS 7000	\$ 140,000	Not Required	Delegated
PLN-19-385 Partial Demolition, Alterations and Extension	89 MONTAGU STREET NEW TOWN TAS 7008	\$ 50,000	Exempt	Delegated
PLN-19-40 Dwelling	29 BRUSHY CREEK ROAD LENAH VALLEY TAS 7008	\$ 300,000	Approved	Delegated

Agenda (Open Portion) City Planning Committee Meeting 15/7/2019

8.4 Monthly Building Statistics - 1 June - 30 June 2019 File Ref: F19/92795

Memorandum of the Director City Planning of 10 July 2019 and attachments.

Delegation: Council



MEMORANDUM: CITY PLANNING COMMITTEE

Monthly Building Statistics - 1 June - 30 June 2019

Attached is the Monthly Building Statistics for the period 1 June 2019 to 30 June 2019.

RECOMMENDATION

That the information contained in the report of the Director City Planning, be received and noted:

- 1. During the period 1 June 2019 to 30 June 2019, 56 permits were issued to the value of \$48,450,431 which included:
 - (i) 31 for Extensions/Alterations to Dwellings to the value of \$4,131,000;
 - (ii) 22 New Dwellings to the value of \$7,415,000; and
 - (iii) 2 Major Projects:
 - (a) 134 Macquarie Street, Hobart Tenancy fit-out works including internal alterations \$16,000,000; 40 Melville Street, Hobart Partial Demolition, Alterations and New Buildings for Communal Residence, Business and Professional Services, Food Services and General Retail and Hire \$14,534,431
- 2. During the period 1 June 2018 to 30 June 2018, 41 permits were issued to the value of \$7,618,192 which included:
 - (i) 25 for Extensions/Alterations to Dwellings to the value of \$2,972,792;
 - (ii) 8 New Dwellings to the value of \$3,287,200; and
 - (iii) 0 Major Projects:
- 1. In the twelve months ending June 2019, 633 permits were issued to the value of \$377,161,791; and
- 2. In the twelve months ending June 2018, 679 permits were issued to the value of \$404,209,241

Agenda (Open Portion) City Planning Committee Meeting 15/7/2019

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

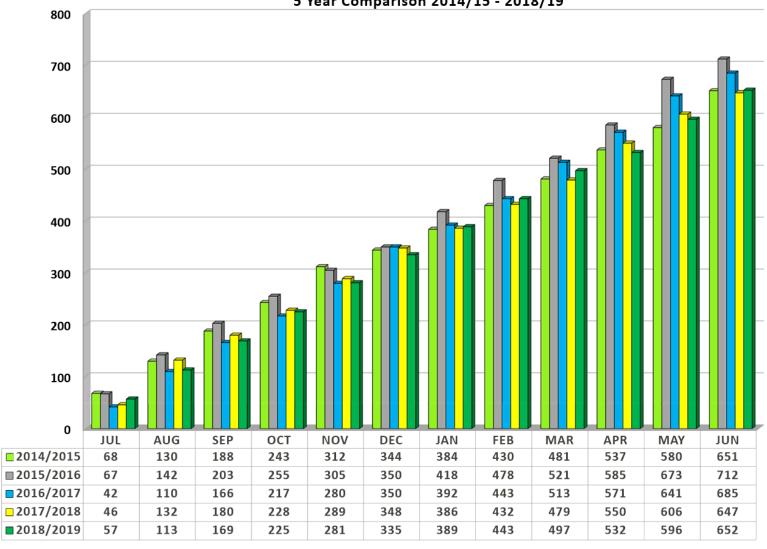
Neil Noye

DIRECTOR CITY PLANNING

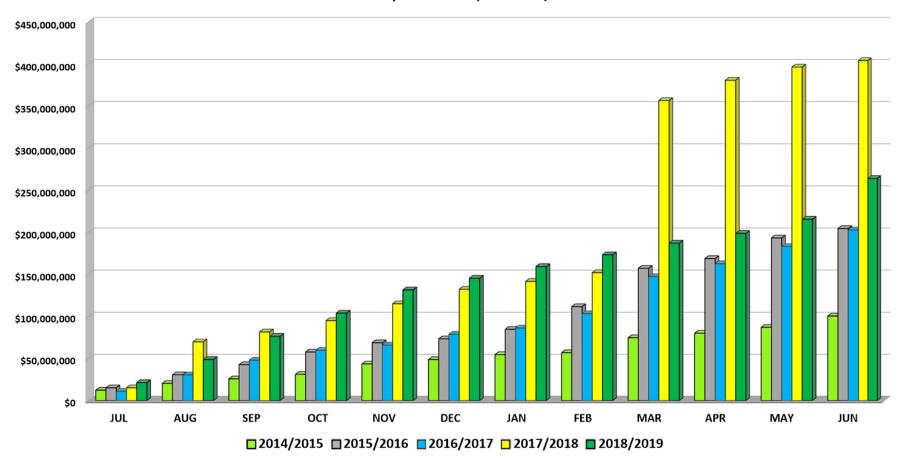
Date: 10 July 2019 File Reference: F19/92795

Attachment A: Building Permits Issued ↓
Attachment B: Building Permits Value ↓

Building Permits Issued (Accumulative Monthly Totals) 5 Year Comparison 2014/15 - 2018/19



Building Permits Value (Accumulative Monthly Totals) 5 Year Comparison 2014/15 - 2018/19



9. RESPONSES TO QUESTIONS WITHOUT NOTICE

Regulation 29(3) Local Government (Meeting Procedures) Regulations 2015.

File Ref: 13-1-10

The General Manager reports:-

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

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

9.1 Slate Roof Alternatives on Heritage Buildings File Ref: F18/93027; 13-1-10

Report of the Director City Planning of 15 July 2019.

9.2 Lift Incorporation

File Ref: F19/67182; 13-1-10

Report of the Director City Planning of 15 July 2019.

Delegation: Committee

That the information be received and noted.



Memorandum: Lord Mayor

Deputy Lord Mayor Elected Members

Response to Question Without Notice

SLATE ROOF ALTERNATIVES ON HERITAGE BUILDINGS

Meeting: City Planning Committee Meeting date: 13 August 2018

Raised by: Alderman Denison

Question:

Could the Director please advise if there is any scope to expedite planning consent for proposals to replace a slate roof on heritage listed properties to a slate roof look alike product when a roof on a heritage listed property is in need of repair or replacement?

Response:

Replacing a slate roof with a faux or look-alike slate on heritage listed buildings would need to be dealt with on a case-by-case basis and each proposal needs to be considered on its merits. There is no mechanism to expedite planning consent for such proposals.

The substitution of faux or look-alike slate is considered a change of roofing materials and would not be exempt if a place is listed on the Tasmanian Heritage Register (THR) or on the Historic Heritage Code in the Planning Scheme. Heritage Tasmania's works guidelines are clear – if there is a change or substitution of roof cladding materials, the works are not exempt and an application is required.

Each re-roofing scenario is very different. Buildings with slate roofs can be very different in scale and significance such as a public building (eg the Hobart GPO) to a domestic house. Replacing a slate roof on a highly significant heritage listed public building with faux or look-alike slate is unlikely to be an acceptable outcome. For a building with a less prominent roof, faux slate may be acceptable.

Agenda (Open Portion) City Planning Committee Meeting 15/7/2019

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

Neil Noye

DIRECTOR CITY PLANNING

Date: 9 July 2019

File Reference: F18/93027; 13-1-10



Memorandum: Lord Mayor

Deputy Lord Mayor Elected Members

Response to Question Without Notice LIFT INCORPORATION

Meeting: City Planning Committee Meeting date: 13 May 2019

Raised by: Deputy Lord Mayor Burnet

Question:

Could the Director please advise under what circumstances are lifts not required in multi-storey commercial / residential building?

Response:

In response to your question regarding the requirement to provide lifts to multi storey commercial/residential buildings. The Building Code of Australia (BCA) Part D3 and the Access to Premises specify the circumstances when lifts are required for access.

The following requirements specific to access are for new commercial and or residential buildings or changes in use of existing buildings to a commercial and or residential use:

Residential apartments/Hotel Motel accommodation - Class 2 & 3

- Class 2 Access must be provided from a common pedestrian entrance to at least one floor level containing Sole Occupancy Units (SOU's), (BCA Table D3.1)
- Class 3 Access must be provided from a common pedestrian entrance to all required accessible SOUs (BCA Table D3.1)
- Access must be provided to at least one of each type of room used in common by all residents, such as a gymnasium, BBQ area, games room etc (BCA Table D3.1)

Based on the above points, access via a ramp or lift to upper levels is not required in a class 2 building provided there is a SOU located on the ground floor level, or in a class 3 building all accessible SOUs are located on the ground floor level, and

Agenda (Open Portion) City Planning Committee Meeting 15/7/2019

common areas used by all residents are also located on the ground floor. This can not be achieved where the number of required accessible SOU's exceeds two as per the BCA Table D3.1, this is because the accessible SOU's are required to be distributed throughout the building to ensure equitable variety of choice in rooms.

Commercial buildings - Class 5, 6, 7b and 8

- Access must be provided to and within all areas normally used by the occupants (BCA Table D3.1). This excludes areas exempt under the BCA D3.4 such as cleaners rooms, Plant rooms, and any areas that would be considered unsafe for occupants
- Access via a ramp or lift is not required to upper levels of these building classifications where the building does not contain more than 3 storeys and has a floor area for each storey (excluding the entrance storey) of not more than 200m2 (BCA Part D3.3(f)).

Based on the above points an office, shop, café, factory or wholesale warehouse outlet need not be provided with a ramp or lift accessing the upper levels provided the building is no greater than 3 storeys and the upper storeys do not have a floor area greater than 200m2 each. The ground floor level must be accessible and may have a floor area greater than 200m2.

.

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

Neil Nove

DIRECTOR CITY PLANNING

Date: 10 July 2019

File Reference: F19/67182; 13-1-10

Agenda (Open Portion) City Planning Committee Meeting 15/7/2019

10. QUESTIONS WITHOUT NOTICE

Section 29 of the Local Government (Meeting Procedures) Regulations 2015.

File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the General Manager or the General Manager's representative, in line with the following procedures:

- The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
- 2. In putting a question without notice, an Elected Member must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations except so far as may be necessary to explain the question.
- 3. The Chairman must not permit any debate of a question without notice or its answer.
- 4. The Chairman, Elected Members, General Manager or General Manager's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
- 5. The Chairman may require a question to be put in writing.
- Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
- 7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
 - (ii) a written response will be provided to all Elected Members, at the appropriate time.
 - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

11. CLOSED PORTION OF THE MEETING

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

• Comfirmation of close minutes

The following items were discussed: -

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council
	Meeting
Item No. 2	Consideration of supplementary items to the agenda
Item No. 3	Indications of pecuniary and conflicts of interest
Item No. 4	Questions Without Notice