



CITY OF HOBART

# **AGENDA**

## **City Planning Committee Meeting**

### **Open Portion**

**Monday, 2 March 2020**

**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:**

<b>People</b>	We value people – our community, our customers and colleagues.
<b>Teamwork</b>	We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.
<b>Focus and Direction</b>	We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.
<b>Creativity and Innovation</b>	We embrace new approaches and continuously improve to achieve better outcomes for our community.
<b>Accountability</b>	We work to high ethical and professional standards and are accountable for delivering outcomes for our community.

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## ORDER OF BUSINESS

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**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**

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**City Planning Committee Meeting (Open Portion) held Monday, 2 March 2020 at 5:00 pm in the Lady Osborne Room, Town Hall.**

**COMMITTEE MEMBERS**

Deputy Lord Mayor Burnet (Chairman)  
Briscoe  
Harvey  
Behrakis  
Dutta

**Apologies:**

**Leave of Absence:**

**NON-MEMBERS**

Lord Mayor Reynolds  
Zucco  
Sexton  
Thomas  
Ewin  
Sherlock  
Coats

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

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**2. CONFIRMATION OF MINUTES**

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The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 17 February 2020](#) and the Special City Planning Committee meeting held on [Monday, 24 February 2020](#), are submitted for confirming as an accurate record.

**3. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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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**

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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**

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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**

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

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

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

#### **RECOMMENDATION**

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

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

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

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

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

## 7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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### 7.1.1 48 LIVERPOOL STREET, HOBART - PARTIAL DEMOLITION AND ALTERATIONS PLN-19-921 - FILE REF: F20/22001

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Address:	48 Liverpool Street, Hobart
Proposal:	Partial Demolition and Alterations
Expiry Date:	8 April 2020
Extension of Time:	Not applicable
Author:	Helen Ayers

#### **RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and alterations at 48 Liverpool 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-19-921 - 48 LIVERPOOL STREET HOBART TAS 7000 - 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 first occupation or commencement of use (whichever occurs first).**

*Advice: Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.*

Reason for condition

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

### **ENG sw3**

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

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

- 1. Demonstrate how the design will provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.**
- 2. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.**
- 3. Include certification by a suitably qualified engineer**

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

*Advice:*

*The applicant is required submit detailed design documentation to satisfy this condition via the 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 requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

#### **ENG 1**

**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.

#### **ENV 1**

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

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

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

### **ADVICE**

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

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

### **BUILDING PERMIT**

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

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

### **PLUMBING PERMIT**

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

## **OCCUPATION OF THE PUBLIC HIGHWAY**

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

You may require an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click [here](#) for more information.

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. Click [here](#) for more information.

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

## **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 Infrastructure 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-19-921 - 48 LIVERPOOL STREET HOBART TAS 7000 - Planning Committee or Delegated Report ↴
Attachment B:	PLN-19-921 - 48 LIVERPOOL STREET HOBART TAS 7000 - CPC Agenda Documents ↴
Attachment C:	PLN-19-921 - 48 LIVERPOOL STREET HOBART TAS 7000 - Planning Referral Officer Cultural Heritage Report ↴

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Council: 10 March 2020  
Expiry Date: 8 April 2020  
Application No: PLN-19-921  
Address: 48 LIVERPOOL STREET , HOBART  
Applicant: DARREN JONES  
119 HAMPDEN ROAD  
Proposal: Partial Demolition and Alterations  
Representations: None  
Performance criteria: Particular Purpose Zone 10 Development Standards, and Historic Heritage Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Partial Demolition and Alterations.
- 1.2 More specifically the proposal includes the removal of the decorative fountains at the junction of the hospital forecourt and Liverpool Street and their replacement with courtyard seating areas. The works are located within Council's road reservation.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Particular Purpose Zone 10 Development Standards - Extent of Further Building Works
  - 1.3.2 Historic Heritage Code - Development Standards for Heritage Places
- 1.4 No representations were received during the statutory advertising period between 28 January and 12 February 2020.
- 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 application site is the Royal Hobart Hospital. More specifically, the location of the proposed works is in front of the forecourt facing Liverpool Street, adjacent to the road proper (but within the road reservation) where there are currently fountains between the entry / exit ramps for the emergency room.

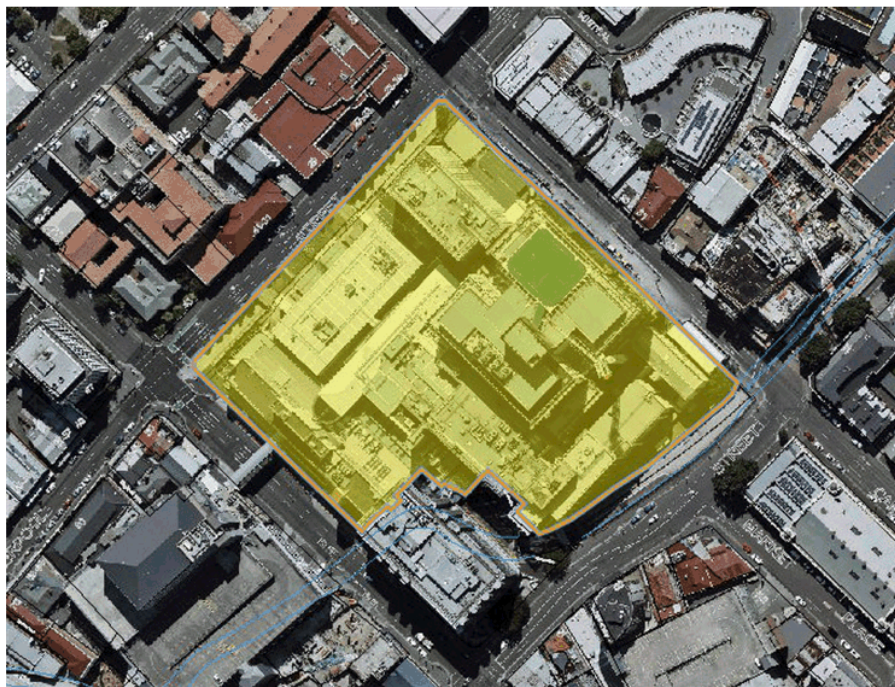


Figure 1: The location of the application site is highlighted in yellow.



Figure 2: The portion of the site where works are to occur is highlighted in orange.



Figure 3: The fountains to be removed.

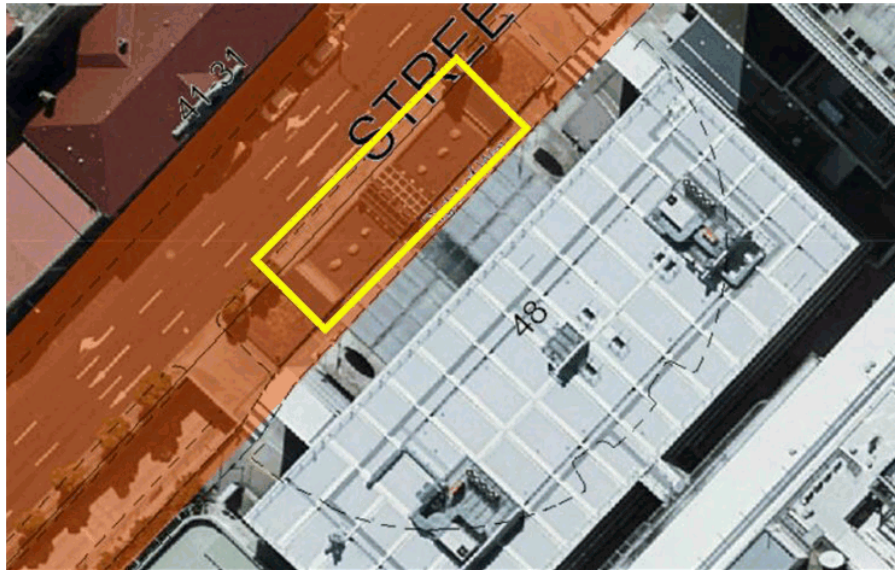


Figure 4: The location of the proposed works is shown bordered in yellow. The light orange highlighting shows the extent of the Council's road reservation.

### 3. Proposal

- 3.1 Planning approval is sought for Partial Demolition and Alterations.
- 3.2 More specifically the proposal is for:
  - Demolition of existing fountains at the junction of the hospital forecourt and Liverpool Street.
  - Construction of new seating areas, to replace the fountains, with shade structures overhead.
  - The works are located within the Council's road reservation.

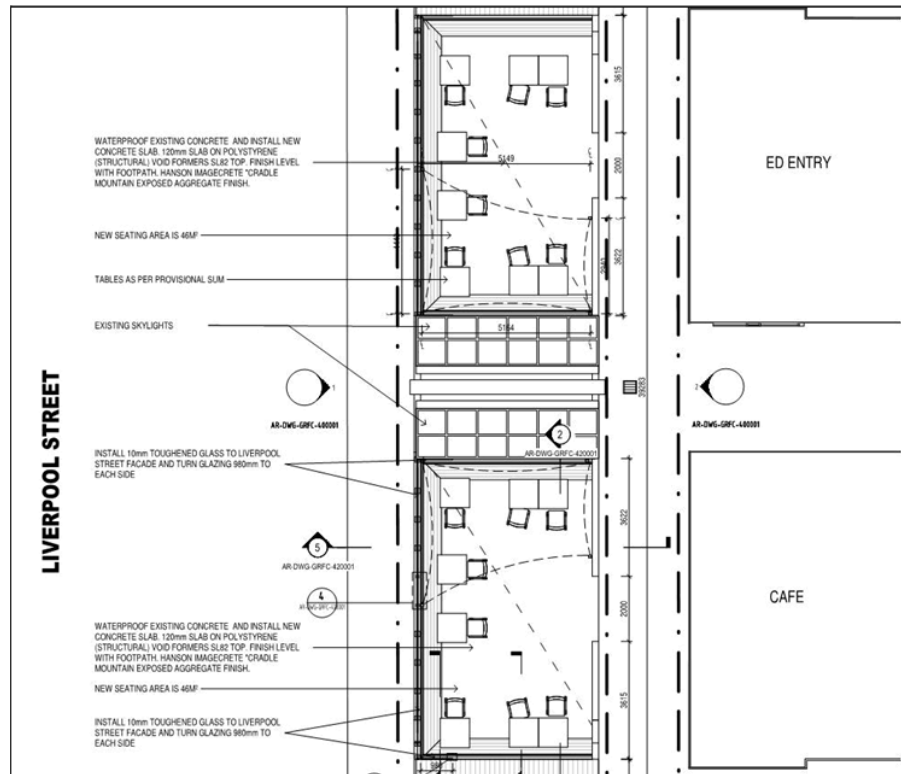


Figure 5: Plan of the proposed works.

#### 4. Background

- 4.1 Significant works to the Royal Hobart Hospital were approved under a number of planning permits between 2010 and today. These works included decorative fountains at the junction between the hospital forecourt and Liverpool Street. The area has evolved into a place where smokers congregate, and as it is not designed for this, there is alleged to be a problem with the disposal of cigarette butts and the appearance of this portion of the site in general. As such, the operators have decided to re-purpose this portion of the site to provide a more formalised seating area.
- 4.2 Discussion with the applicant confirms that the proposed seating area has been designed to relate to the permanent cafe and Emergency Department entrance area within the forecourt to ensure that the scale and design is appropriate once the temporary building behind these in the forecourt has been removed.

- 4.3 The application is referred to Council only because there are works in the road reservation. The number of representations (2) does not trigger a Council or Committee Referral.

**5. Concerns raised by representors**

- 5.1 No representations were received during the statutory advertising period between 28 January and 12 February 2020.

**6. Assessment**

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Particular Purpose Zone 10 - Royal Hobart Hospital Campus of the *Hobart Interim Planning Scheme 2015*.
- 6.3 There is no change proposed to the existing Hospital Services use of the site. The existing use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 41.0 Particular Purpose Zone 10 - Royal Hobart Hospital Campus
  - 6.4.2 Part E - E2.0 Potentially Contaminated Land Code
  - 6.4.3 Part E - E6.0 Parking and Access Code
  - 6.4.4 Part E- E7.0 Stormwater Management Code
  - 6.4.5 Part E - E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Extent of Further Building Works – Part D 41.4.1 P1

- 6.5.2 Development Standards for Heritage Places - Part E E13.7.1 P1, and E13.7.1 P1, P2, P3 and P5
- 6.6 Each performance criterion is assessed below.
- 6.7 Extent of Further Building Works – Part D 41.4.1 P1
- 6.7.1 The acceptable solution at clause 41.4.1 A1 requires all new works to be contained within the building envelope for the site.
- 6.7.2 The proposal includes a new seating area with shade structures that is located outside of the building envelope.
- 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 41.4.1 P1 provides as follows:
- The proposal demonstrates that:*
- (a) the siting, bulk and design of the development is necessary to provide contemporary health care for the community;*
- (b) the development is an appropriate solution having regard to site constraints; and*
- (c) the building design will minimise unacceptable wind conditions in adjacent streets.*
- 6.7.5 The proposed seating area is conveniently located to provide for outdoor respite for those waiting for patients in the Emergency Department of the hospital, and for customers of the Hospital cafe, as well as for patients and visitors of the whole of the hospital site. This is considered a core component of a hospital function.

Given the temporary building over the forecourt, and the garden area that will be reinstated upon it's removal, this use would not be suited to an alternate location within the forecourt. Further to this, the fountains that the seating area is replacing have proven unsuccessful in terms of maintenance and use, with people choosing to congregate around the edges of the unused spaces despite their not really being fit for purpose.

The design provides minimal screening which will not affect the wind conditions in Liverpool Street, in spite of it offering some protection to people utilising the seating area.

- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Development Standards for Heritage Places - Part E E13.7.1 P1, and E13.7.1 P1, P2, P3 and P5
- 6.8.1 There is no acceptable solution for clauses E13.7.1 A1, and E13.7.1 A1, A2, A3 and A5.
- 6.8.2 The proposal includes demolition of the existing fountains and associated infrastructure and their replacement with seating and shade structures.
- 6.8.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clauses E13.7.1 P1, and E13.7.1 P1, P2, P3 and P5 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.*

*P5 - New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong.*

- 6.8.5 The proposal has been assessed by Council's Cultural Heritage Officer, who has provided the following comment:

*This place is heritage listed in Table E13.1 of the Historic Heritage Code of the Scheme. It is also located in a place of archaeological potential. The site is in the forecourt of the Royal Hobart Hospital which dates to 1938.*

*The works involve excavation, however it is in an area that has already been heavily modified and excavated for underground access for ambulances. No archaeological impact statement is required.*

*The works also involve the removal of two grassed areas and two ponds with rocks in them and the construction of two outdoor seating areas with toughened glass balustrades on a concrete base that measures approximately 1.3 metres above the natural*

*ground level. Two shade sails are proposed, each attached to metal posts, four in total. The total height of the shade structure will be 2405 mm to the top of the highest post. The shade cloth is in the colour 'Rainforest' a dark green UV screening product.*

*The significant part of the site is the 1938 building, the forecourt of which has been compromised by the approval and installation of the 'temporary' container structure that is immediately adjacent to the area that is the subject of this application.*

*The proposal must be assessed against E13.7.1 P1 Demolition. There is no loss of fabric of heritage value, therefore the proposal satisfies E13.7.1 P1.*

*The proposal must be assessed against E13.7.2 P1, P2, P3 and P5. The proposed structures - shade, balustrade and seating structures are not inconsistent or incompatible with the setting and context of the heritage listed place, given the extent of development within the 1938 courtyard.*

*In this respect, the proposal is considered to be acceptable and satisfies the relevant provisions of the Historic Heritage Code of the Scheme.*

6.8.6 The officer's report is provided at Attachment C to this report.

6.8.7 The proposal complies with the performance criterion.

## **7. Discussion**

- 7.1 Planning approval is sought for Partial Demolition and Alterations.
- 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, Cultural Heritage Officer, Environmental Health Officer and Roads Engineer. The officers have raised no objection to the proposal, subject to conditions.

7.5 The proposal was also referred to Heritage Tasmania for assessment. Heritage Tasmania have advised that they have no interest in the assessment of the proposed works.

7.6 The proposal is recommended for approval.

## **8. Conclusion**

8.1 The proposed Partial Demolition and Alterations at 48 Liverpool Street, Hobart satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition and Alterations at 48 Liverpool 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-19-921 - 48 LIVERPOOL STREET HOBART TAS 7000 - 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 first occupation or commencement of use (whichever occurs first).**

*Advice: Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.*

Reason for condition

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

### ENG sw3

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

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

1. **Demonstrate how the design will provide adequate access to the main,**

- impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
2. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.
  3. Include certification by a suitably qualified engineer

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

*Advice:*

- *The applicant is required submit detailed design documentation to satisfy this condition via the 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 requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

**ENG 1**

**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.

#### **ENV 1**

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

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

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

#### **ADVICE**

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

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

**PLUMBING PERMIT**

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

**OCCUPATION OF THE PUBLIC HIGHWAY**

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

You may require an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click [here](#) for more information.

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. Click [here](#) for more information.

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

**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 Infrastructure 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.



(Helen Ayers)

**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.*

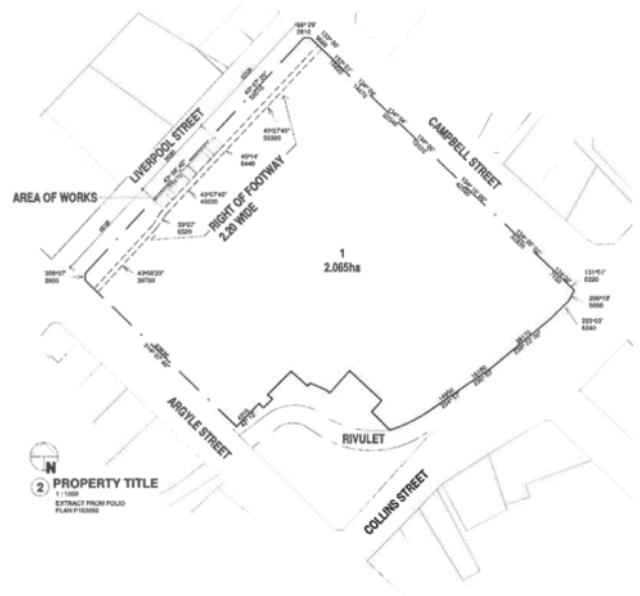
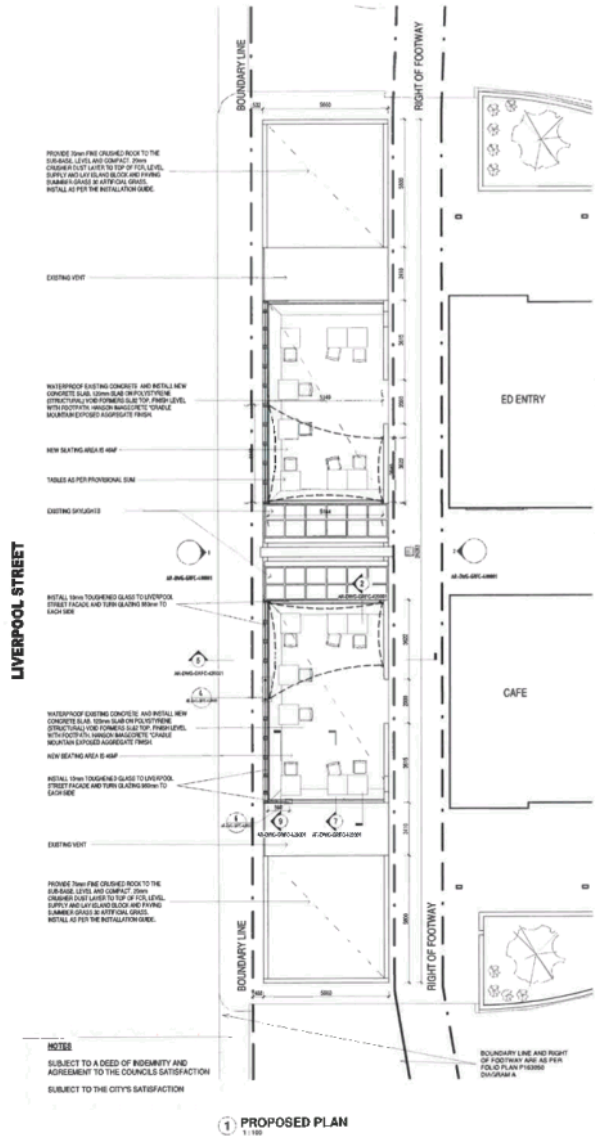
Date of Report: 19 February 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

REV	DATE	DETAILS	CHECKED
0	04/10/18	FOR TENDER	
1	15/11/18	FOR TENDER	
2	16/03/19	FOR TENDER	
3	06/10/19	FOR PLANNING ADDITIONAL INFORMATION	
4	27/01/20	FOR PLANNING ADDITIONAL INFORMATION	
5	02/03/20	AMENDMENT TO BOUNDARY LINES	



**BPSM** architects  
Brett Phipps Olyvia Moore

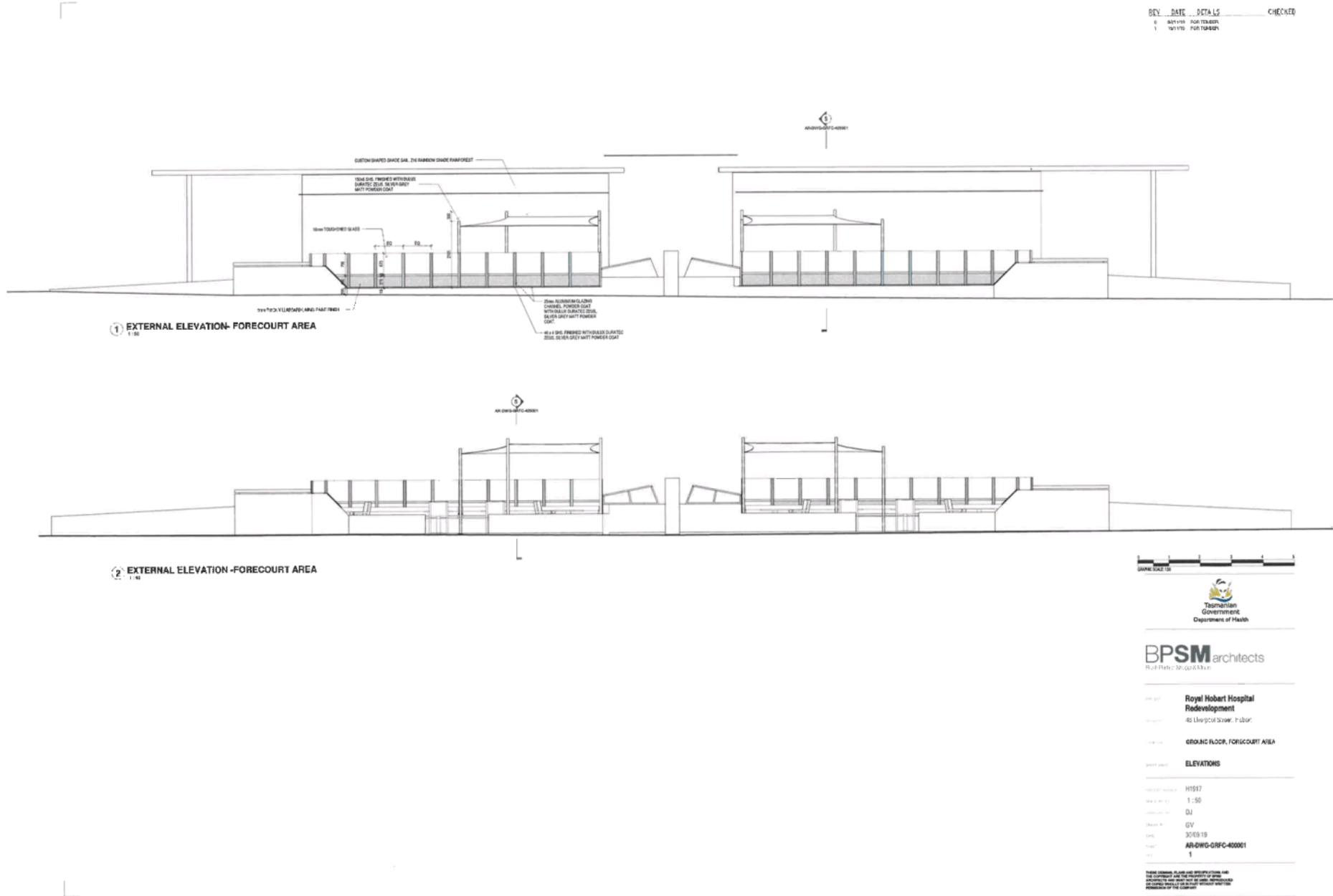
**Royal Hobart Hospital -  
DEPARTMENT OF HEALTH**  
42 Liverpool St, Hobart

**GROUND FLOOR FORECOURT AREA**  
**FLOOR PLAN**

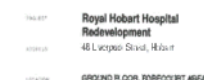
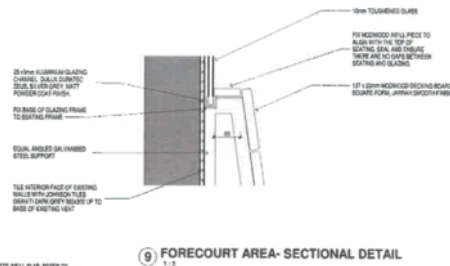
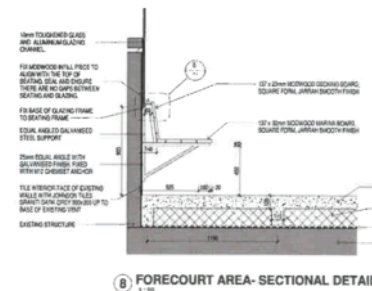
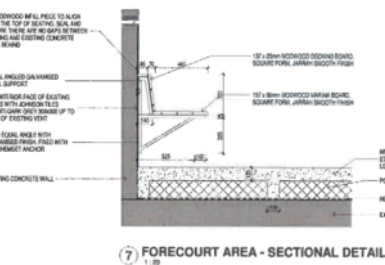
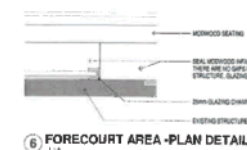
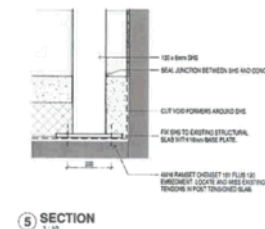
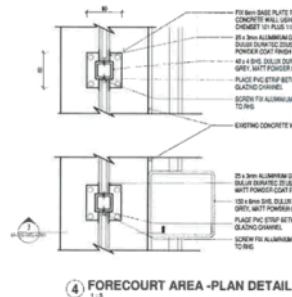
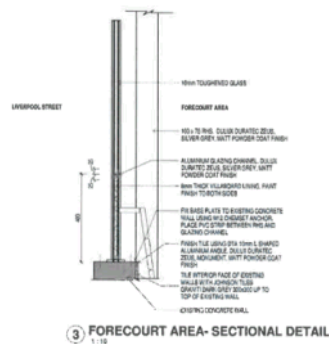
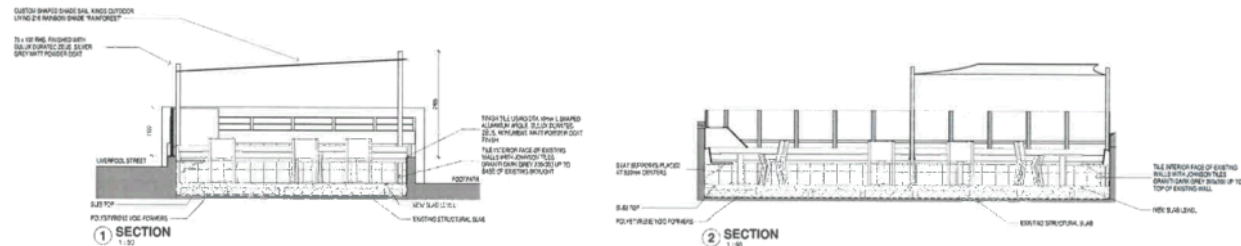
HS17  
As indicated  
DJ  
GV  
24/05/19  
AP-DWG-GFPC-200011  
5

Design documents, plans and specifications shall be prepared and the responsibility of the architect. The client shall be responsible for the accuracy of the information provided. The architect shall not be responsible for the accuracy of the information provided by the client.





REV	DATE	DETAILS	CHECKED
0	08/11/10	FOR TENDER	
1	12/11/10	FOR TENDER	
2	20/11/10	FOR TENDER	
3	10/12/10	FOR TENDER	



INTERNAL ELEVATIONS	
PROJCT NAME	H1917
DATE OF AT	As indicated
APPROVAL BY	DJ
DESIGN BY	GV
DATE	09/10/19
PROJECT	AR-DWG-GRFC-420001
REV	3

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119 Hampden Road  
Battery Point  
Tasmania 7004

abn: 58 009 549 553

t: 03 6223 7311  
f: 03 6223 8042

w: bpsm.com.au  
e: bpsm@bpsm.com.au

H1917 1.5.1  
DJ/fw

14<sup>th</sup> January 2020

City of Hobart  
City Planning  
GPO Box 503  
Hobart TAS 7001

**Attention: Helen Ayers**

Dear Helen,

**ROYAL HOBART HOSPITAL OUTDOOR SEATING  
48 LIVERPOOL STREET, HOBART  
APPLICATION NO. PLN-19-921**

Further to your letter dated 23 December 2019, we enclose as requested the following documents:

- Formal consent on behalf of the Crown to lodge the development application.
- Updated drawings AR-DWG-GRFC-200011 Rev 3 and AR-DWG-GRFC-400001 Rev 2 providing additional dimensions indicating height and site boundaries.
- Additional drawing AR-DWG-GRFC-200021 indicating stormwater flow paths.

We trust this information addresses the queries raised in your letter. Please contact the undersigned should you have any further queries.

Yours faithfully,

**Darren Jones**  
*Director, BPSM Architects*

## Department of Health

CAPITAL PROGRAM AND OPERATIONS - ASSET MANAGEMENT SERVICES

GPO Box 125, HOBART TAS 7001

Ph: (03) 6166 1592

Web: [www.dhhs.tas.gov.au](http://www.dhhs.tas.gov.au)

Contact: Arnold Sierink  
Phone: (03) 6166 1339  
E-mail: [arnold.sierink@health.tas.gov.au](mailto:arnold.sierink@health.tas.gov.au)

Ben Moloney  
Project Director  
Royal Hobart Hospital Redevelopment Project  
Level 3/47 Liverpool Street  
Hobart 7000

Dear Ben

**Subject: Approval to Submit Development Application  
Partial Demolition and Alteration – 48 Liverpool Street, Hobart –  
P163050**

I refer to your request for land owner consent to submit a development application for alterations to the Royal Hobart Hospital Liverpool Street frontage on the above parcel of Crown land.

In accordance with Instrument of Delegation issued to me on 6 July 2018 permission to submit a development application and commence building works is granted.

Yours sincerely

Scott Parnham  
Director

10 January 2020

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 163050	FOLIO 1
EDITION 1	DATE OF ISSUE 09-Jan-2012

SEARCH DATE : 17-Dec-2019

SEARCH TIME : 11.06 AM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Diagram 163050 (Section 27A of the Land Titles Act.)

Derivation : Whole of Lot 1 on Diagram 163050 Gtd. to The Crown

SCHEDULE 1

D27235 APPLICATION: THE CROWN

SCHEDULE 2

D27235 Land is limited in depth to 15 metres, excludes minerals and is subject to reservations relating to drains sewers and waterways in favour of the Crown

D27235 BURDENING EASEMENT: a right of footway in favour of Hobart City Council over the land marked Right of Footway 2.20 wide on Plan 163050

UNREGISTERED DEALINGS AND NOTATIONS

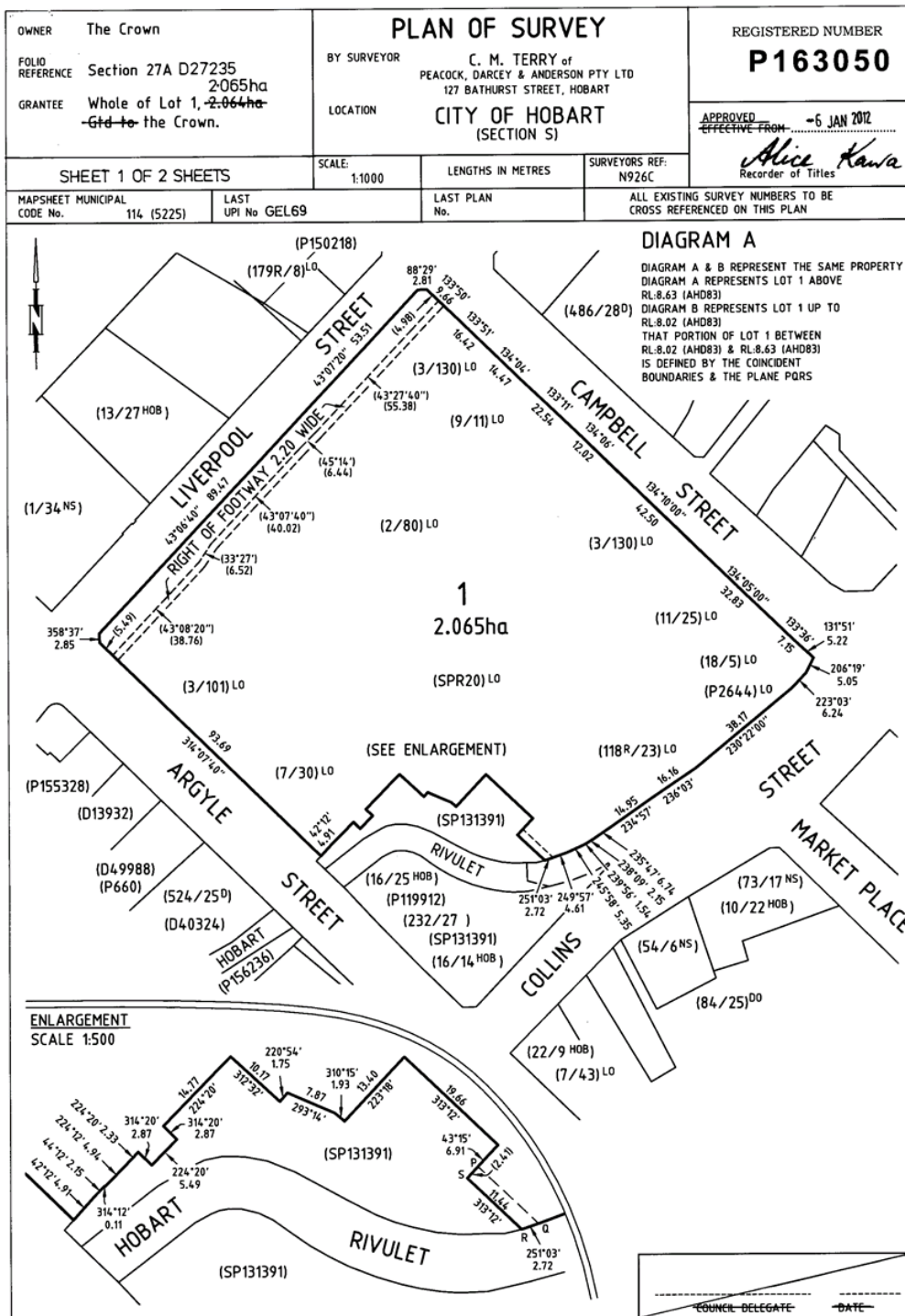
No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

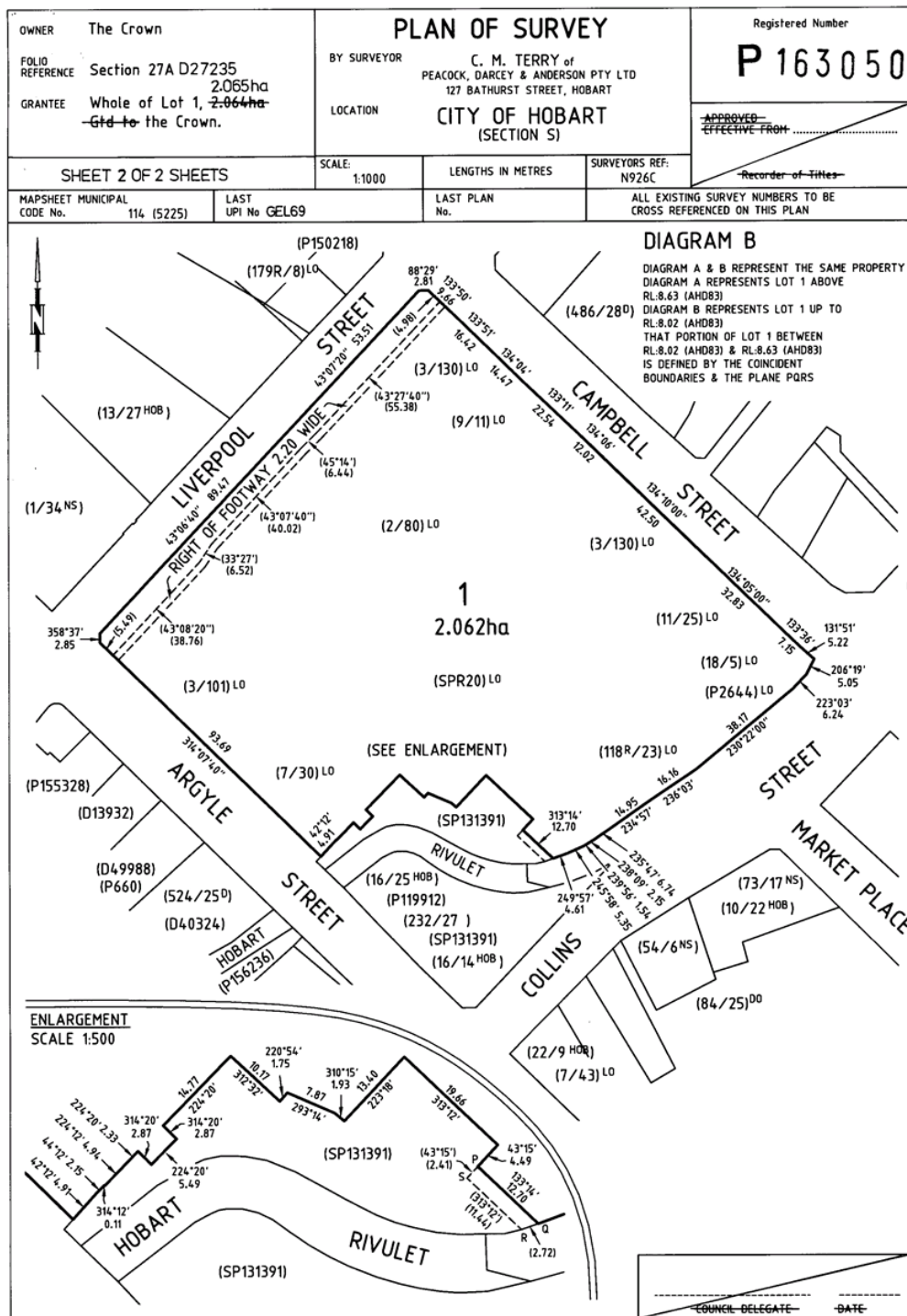




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





Enquiries to: City Planning  
Phone: (03) 6238 2715  
Email: [coh@hobartcity.com.au](mailto:coh@hobartcity.com.au)

17 December 2019

Darren Jones (BPSM Architects)  
119 Hampden Road  
BATTERY POINT TAS 7004

[mailto: darrenj@bpsm.com.au](mailto:darrenj@bpsm.com.au)

Dear Sir/Madam

**48 LIVERPOOL STREET, HOBART - WORKS IN ROAD RESERVE NOTICE OF LAND  
OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-19-30**

**Site Address:**

48 Liverpool Street, Hobart  
(RHH Liverpool Street entrance)

**Description of Proposal:**

Forecourt redevelopment of RHH Liverpool Street frontage

**Applicant Name:**

Darren Jones  
BPSM Architects

**PLN (if applicable):**

n/a

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.

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](mailto:coh@hobartcity.com.au)  
W [hobartcity.com.au](http://hobartcity.com.au)

 CityofHobartOfficial  
ABN 39 055 343 428  
Hobart City Council

This consent does not constitute an approval to undertake any works and does not authorise the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

If planning approval is granted by the planning authority, you will be required to seek approvals and permits from the City as both landlord, land manager, or under other statutory powers (such as other legislation or City By-Laws) that are not granted with the issue of a planning permit under a planning scheme. This includes the requirement for you to reapply for a permit to occupy a public space under the City's Public Spaces By-law if the proposal relates to such an area.

Accordingly, I encourage you to continue to engage with the City about these potential requirements.

Yours faithfully



(N D Heath)

**GENERAL MANAGER**

Relevant documents/plans:

BPSM Architects Plans  
Internal Elevations - AR-DWG-GRFC-420001 Rev 3  
Demolition Plan - AR-DWG-GRFC-200001 Rev 0  
Elevations - AR-DWG-GRFC-400001 Rev 0  
Floor Plan - AR-DWG-GRFC-200011 Rev 2

## Application Referral Cultural Heritage - Response

<b>From:</b>	Sarah Waight
<b>Recommendation:</b>	Proposal is acceptable without conditions.
<b>Date Completed:</b>	
<b>Address:</b>	48 LIVERPOOL STREET, HOBART
<b>Proposal:</b>	Partial Demolition and Alterations
<b>Application No:</b>	PLN-19-921
<b>Assessment Officer:</b>	Helen Ayers,

### Referral Officer comments:

This place is heritage listed in Table E13.1 of the Historic Heritage Code of the Scheme. It is also located in a place of archaeological potential. The site is in the forecourt of the Royal Hobart Hospital which dates to 1938.

The works involve excavation, however it is in an area that has already been heavily modified and excavated for underground access for ambulances. No archaeological impact statement is required.

The works also involve the removal of two grassed areas and two ponds with rocks in them and the construction of two outdoor seating areas with toughened glass balustrades on a concrete base that measures approximately 1.3 metres above the natural ground level. Two shade sails are proposed, each attached to metal posts, four in total. The total height of the shade structure will be 2405 mm to the top of the highest post. The shadedcloth is in the colour 'Rainforest' a dark green UV screening product.

The significant part of the site is the 1938 building, the forecourt of which has been compromised by the approval and installation of the 'temporary' container structure that is immediately adjacent to the area that is the subject of this application.

The proposal must be assessed against E13.7.1 P1 Demolition. There is no loss of fabric of heritage value, therefore the proposal satisfies E13.7.1 P1.

The proposal must be assessed against E13.7.2 P1, P2, P3 and P5. The proposed structures - shade, balustrade and seating structures are not inconsistent or incompatible with the setting and context of the heritage listed place, given the extent of development within the 1938 courtyard.

In this respect, the proposal is considered to be acceptable and satisfies the relevant provisions of the Historic Heritage Code of the Scheme.

Sarah Waight  
Acting Senior Cultural Heritage Officer  
31 January 2019

**7.1.2 55 LANSDOWNE CRESCENT, WEST HOBART - CHANGE OF USE  
TO VISITOR ACCOMMODATION  
PLN-19-887 - FILE REF: F20/22073**

---

Address: 55 Lansdowne Crescent, West Hobart  
Proposal: Change of use to Visitor Accommodation  
Expiry Date: 11 March 2020  
Extension of Time: Not applicable  
Author: Michelle Foale

**RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to visitor accommodation at 55 Lansdowne Crescent, West Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use must be substantially in accordance with the documents and drawings that comprise PLN-19-887 - 55 LANSDOWNE CRESCENT WEST HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**PLN 18**

**Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:**

1. **To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
2. **To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
3. **To provide advice to visitors about parking to reduce residential amenity impacts. This could include instructions to visitors about where to park and being considerate about early departure or late arrival vehicle noise.**
4. **To provide advice to commercial cleaning contractor about parking and hours of attendance to reduce residential amenity impacts.**
5. **To specify the maximum permitted occupancy of the visitor accommodation to six (6) people.**

**Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation.**

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

## **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.

## **NOISE REGULATIONS**

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

## **VISITOR ACCOMMODATION**

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover. Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

- |               |  |
|---------------|--|
| Attachment A: | PLN-19-887 - 55 LANDSDOWNE CRESCENT<br>WEST HOBART - Planning Committee or<br>Delegated Report ↓ |
| Attachment B: | PLN-19-887 - 55 LANDSDOWNE CRESCENT<br>WEST HOBART TAS 7000 - CPC Agenda<br>Documents ↓          |

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Council: 10 March 2020  
Expiry Date: 11 March 2020  
Application No: PLN-19-887  
Address: 55 LANSDOWNE CRESCENT , WEST HOBART  
Applicant: Danielle Gray (Gray Planning)  
224 Warwick Street  
224 Warwick Street  
Proposal: Change of Use to Visitor Accommodation  
Representations: Nine (9)  
Performance criteria: General Residential Zone Use Standards, and Parking and Access Code

---

**1. Executive Summary**

- 1.1 Planning approval is sought for change of use to visitor accommodation at 55 Lansdowne Cres, West Hobart.
- 1.2 More specifically the proposal includes changing the use of a dwelling to visitor accommodation for up to six guests in a three bedroom dwelling with a 100 sqm floor area with no on-site parking.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 D10.3.1 Non-Residential Use - commercial vehicle movements P4
  - 1.3.2 E6.6.1 Number of Car Parking Spaces P1 and Table E6.1
- 1.4 Nine (9) representations objecting to the proposal were received within the statutory advertising period between 23 January to 7 February 2020.
- 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 site is 55 Lansdowne Crescent, West Hobart. The site is part of a strata plan, containing two strata lots and no common property. The site's strata lot contains a dwelling of 100sqm floor area. There is a car port at the rear of the site accessed off a right of way, which will not be used by the visitor accommodation use proposed in this application. The applicant has provided images of the site in the planner's report. The neighbouring strata lot (53 Lansdown Crescent) is used for visitor accommodation.

2.2



Figure 1. 55 Lansdowne Crescent is in the general residential zone of the Hobart Interim Planning Scheme 2015.

2.3



Figure 2. 55 Lansdowne Crescent site.

2.3



Figure 3. 55 Lansdowne Crescent has no on street parking restriction areas according to the Geocortex map 'Parking - kerb use'. The two brown lines on either side of the Lansdowne Cres roadway to the south of the site are the metro bus stops in either direction. There are some parking restricted areas to the north towards Lansdowne Cres Primary School.

### 3. Proposal

3.1 Planning approval is sought for change of use to visitor accommodation at 55 Lansdowne Crescent, West Hobart.

3.2 More specifically the proposal includes:

- visitor accommodation for up to six guests in a three bedroom dwelling with a 100 sqm floor area;
- no on-site parking;
- Check in time between 3pm - 10pm, check out before 11am;
- Check in instructions specify that no noise is permitted between 10pm - 8am; and
- private open space / courtyard at rear of dwelling.

55 Lansdowne Cres is a strata lot with one other strata 53 Lansdowne Cres which is already has a planning permit for visitor accommodation, PLN-19-343.

### 4. Background

- 4.1 Search of Council's records for recent visitor accommodation planning permits in the area (does not include older approved uses, or No Permit Required/exempt uses):

- PLN-19-823 - 127 Lansdowne - 1 bedroom ancillary
- PLN-19-648 - 88 Lansdowne - whole dwelling
- PLN-19-343 - 53 Lansdowne - whole dwelling (neighbour to subject site)
- PLN-17-640 - 19 Allison Street - whole dwelling
- PLN-16-00273-01 - 2/29 Allison Street - whole dwelling

## 5. Concerns raised by representors

- 5.1 Nine (9) representations objecting to the proposal were received within the statutory advertising period between 23 January to 7 February 2020.
- 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.

<p>Inadequate vehicle parking.  Parking pressure from commuter parking in this area increasing.  Queries applicant statement that the proposal will generate a very low parking demand, and asserts other statements are misleading.  Offers the following: <i>Private vehicle users include existing nearby visitor accommodation guests, Hobart office workers, Guilford Young College and St Marys College students and employees, St Virgil's Primary School, Lansdowne Crescent Primary School and Lansdowne Cafe employees and Lansdowne Café patrons.</i>  Concerned about visitor traffic decreasing safety particularly school children.  Provides details on bike and bus transport to counter applicant's statement that bike and bus use is convenient to the site.</p>
<p>Loss of local residential amenity.  Queries check in time up to 10pm - disruptive.  Offers the following: <i>as each visitor has no vested interest in maintaining normal neighbourly relationships they are not motivated to manage noise they will generate in keeping with levels consistent with neighbourhood standards.</i></p>
<p>Cites multiple visitor accommodation approvals in area</p>

**6. Assessment**

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the general residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is dwelling, no permit required use. The proposed use is visitor accommodation. The proposed change of use is not exempt under PD6 and therefore must be assessed against the PD6 standards for Visitor Accommodation.
- 6.4 The proposal has been assessed against:
- 6.4.1 Planning Directive 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes
  - 6.4.2 D10.0 General Residential zone use standards
  - 6.4.3 E6.0 Parking and Access Code use standards
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 General Residential Zone Use Standards:-  
*Non-Residential Use - Commercial Vehicle Movements - D10.3.1 P4*
  - 6.5.2 Parking and Access Code:-  
*Number of Car Parking Spaces E6.6.1 P1 and Table E6.1*
- 6.6 Each performance criterion is assessed below.
- Non Residential Use - Commercial Vehicle Movements - D10.3.1 P4
- 6.7.1 The acceptable solution at clause D10.3.1 A1 requires

*Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of:*

- (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;*
- (b) 9.00 am to 12 noon Saturdays;*
- (c) nil on Sundays and Public Holidays.*

6.7.2 The proposal includes commercial cleaning and maintenance that the applicant has indicated may occur, from time to time, outside of the above specified hours.

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 D10.3.1 P4 provides as follows:

*Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:*

- (a) the time and duration of commercial vehicle movements;*
- (b) the number and frequency of commercial vehicle movements;*
- (c) the size of commercial vehicles involved;*
- (d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);*
- (e) noise reducing structures between vehicle movement areas and dwellings;*
- (f) the level of traffic on the road;*
- (g) the potential for conflicts with other traffic.*

6.7.5 The applicant has commented in the submitted documents:

*The majority of all servicing of the property (cleaning, maintenance etc) is undertaken during 11am and 2pm on weekdays. The servicing is undertaken by a property manager (1 person). Property cleaning typically takes up to 1 hour on each occasion. It is considered that any servicing of the property outside of the above A4 Permitted hours complies with the P4 Performance Criteria as the servicing of the property will have no impact on any surrounding residential property in terms of duration, intensity, parking, vehicle movements or emission of any noise.*

The applicant's position is supported, subject to a condition requiring the nature of commercial servicing to the use to be included in a Visitor and Site Management Plan.

- 6.8.6 The proposal complies with the performance criterion, subject to the above-mentioned condition.

6.8 Number of Car Parking Spaces - E6.6.1 P1 and Table E6.1

- 6.8.1 The acceptable solution at clause E6.6.1 A1 and Table E6.1 requires one on site car parking space.

- 6.8.2 The proposal includes visitor accommodation with no on site parking.

- 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 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) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*

*...*

- 6.8.5 The representors have described significant on-street parking pressure in this area of West Hobart. There is no time restrictions for parking near 55 Lansdowne Cres. Whilst the possibility that six vehicles may be used by six visitors as suggested by the representors, it is more likely to be one or two vehicles, an intensity no greater than a residential use. There is a bus stop for both inbound and outbound travel next to the site. Walking or cycling is possible.

A Visitor and Site Management Plan required by condition specifying

parking arrangements to reduce residential amenity impacts is recommended. This could include instructions to visitors about where to park and being considerate about early departure or late arrival vehicle noise.

- 6.8.6 The proposal complies with the performance criterion, subject to the above-mentioned condition.

## 7. Discussion

- 7.1 Planning approval is sought for change of use to visitor accommodation at 55 Lansdowne Cres, West Hobart.
- 7.2 The application was advertised and received nine (9) representations. The representations raised concerns including parking availability and impact on residential amenity from a commercial use.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform reasonably well in the context of what can be considered in this planning assessment. Neither Planning Directive 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes, nor the Parking and Access Code use standards provide reasons for refusal.
- 7.4 The proposal is recommended for approval.

## 8. Conclusion

- 8.1 The proposed change of use to visitor accommodation at 55 Lansdowne Crescent, West Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to visitor accommodation at 55 Lansdowne Crescent, West Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### GEN

**The use must be substantially in accordance with the documents and drawings that comprise PLN-19-887 - 55 LANSDOWNE CRESCENT WEST HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### PLN 18

**Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:**

1. **To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
2. **To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
3. **To provide advice to visitors about parking to reduce residential amenity impacts. This could include instructions to visitors about where to park and being considerate about early departure or late arrival vehicle noise.**
4. **To provide advice to commercial cleaning contractor about parking and hours of attendance to reduce residential amenity impacts.**
5. **To specify the maximum permitted occupancy of the visitor accommodation to six (6) people.**

**Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation.**

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

### **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.

### **NOISE REGULATIONS**

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

### **VISITOR ACCOMMODATION**

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of

residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable "bed and breakfast" parking permit.



(Michelle Foale)

**Development Appraisal Planner**

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



(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: 18 February 2020

**Attachment:**

Attachment B - CPC Agenda Documents

# Gray Planning

Solutions for Town Planning & Heritage



Danielle Gray, Principal Consultant  
Gray Planning  
224 Warwick Street  
West Hobart TAS 7000

17 January 2020

Ms Karen Abey  
Manager City Planning,  
City Planning  
City of Hobart  
GPO Box 503  
Hobart TAS 7001

Dear Ms Abey

**PLN-19-887: Planning application for approval: Visitor Accommodation at 55 Lansdowne Crescent, West Hobart on behalf of Danaher**

I write to you with reference to Council's further information letter dated 13 December 2019 for planning application PLN-19-887.

The following updated planning report provides information to address this further information request.

Commentary about the strata lot Performance Criteria in PD6 has been provided within this amended planning report. Please note that this amended report supersedes the one previously submitted to Council on 8 December 2019.

With respect to notifying the owner of the other strata as requested by Council, please find attached as Appendix 3 to this updated planning report a copy of the notification letter that was sent by Australia Post on 17 December 2019 to the other strata owners Mr Charles Hall and Ms Jennifer Hall. The owner of 55 Lansdowne Crescent Mr Charles (Charlie) Hall has confirmed with our office by telephone call and email on 2 January 2020 that he has received our notification.

Please note that the owner Ms Heather Danaher has indicated that guests accommodated in the Visitor Accommodation will not be accessing the carport located at the rear of the site. On this basis they will not be accessing the right of way and any issues about



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notification of those who have rights over this right of way is no longer relevant for this application.

As a result of accommodated guests using on street parking, the proposal seeks a relaxation under the associated Planning Scheme Code E6.0 with respect to parking provisions which require a single off street car parking space to be provided. Therefore, the attached planning report has been updated to address the relevant clause E6.6.1 P1 Performance Criteria for parking requirements.

Should you have any questions about this application for approval, please do not hesitate to get in touch and I will be pleased to assist you.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA  
Principal Consultant, Gray Planning



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### 1.0 The proposed Visitor Accommodation use

The proposal seeks approval for the dwelling at 55 Lansdowne Crescent to be used for self contained Visitor Accommodation.

The use of the property for self contained Visitor Accommodation will occur to the dwelling only at the property. Accommodated guests will park in Lansdowne Crescent and will not use the single car port at the rear of the site.

The other outbuilding on site will remain as storage and will not be used for any use associated with the proposed visitor accommodation.

The follow details apply to the Visitor Accommodation use:

#### 1. Signage

There is no signage is proposed.

#### 2. Guest booking

Guest bookings are handled online through Airbnb and Booking.com

#### 3. Parking

Guests will park their vehicle on the street in Lansdowne Crescent

#### 4. Visitor Accommodation servicing.

The owners have a local manager who organises all the cleaning, maintenance, rubbish removal etc. The property is serviced every day and after the departure of guests.

#### 5. Maximum no. guests.

There is a maximum 6 guests permitted at the property at any one time.

#### 6. Pets

Pets are not permitted at the property.

#### 7. Check in times.

Check-in is available between 3pm - 10pm and check-out is before 11.00am.

Check-in instructions specify that no noise is permitted between 10pm - 8am.



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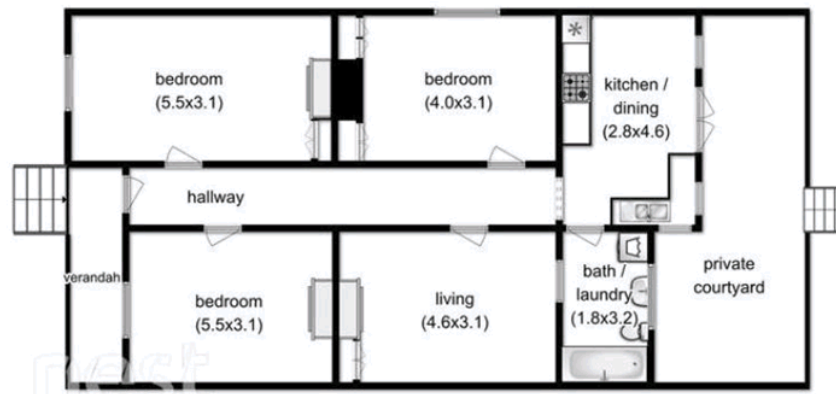
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#### 8. Food

It is not proposed to provide any meals. A small range of basic packaged supplies e.g. tea, coffee, milk, salt and pepper are to be provided for the guest's convenience.

#### 9. Floor Plan

The following floor plan applies to the dwelling at 55 Lansdowne Crescent:



The dwelling measures approximately 100sqm in floor area.

The three bedrooms will each contain a double bed or two singles while guest parking will occur on street.

#### 10. Works to the property

No physical building works have been undertaken or are proposed to be undertaken to the property.

Since the purchase of the property in 2016, the owners have undertaken minor interior refurbishments in the form of painting, new carpet and the installation of wired smoke alarms. Smoke alarms are hard wired and comply with current building requirements.



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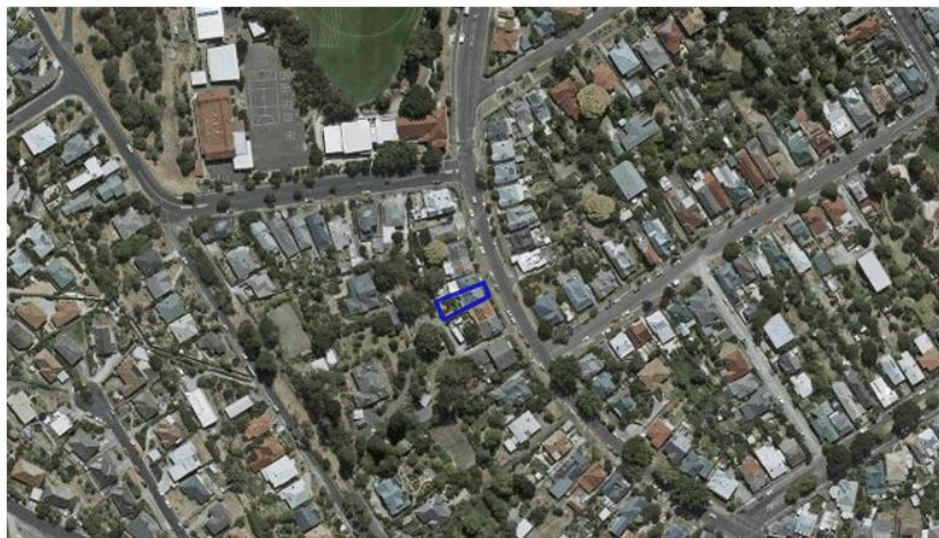
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## 2.0 The subject site

The subject site is located at 55 Lansdowne Crescent, West Hobart. The property contains a sandstone single storey conjoined dwelling dating from the c1880's.



Map.1. The subject site at 55 Lansdowne Crescent is shown outlined in the above map. Source: TheList, sourced December 2019. No nominated scale.



Map.2. The subject site at 55 Lansdowne Crescent is shown outlined in the above aerial photograph. Source: TheList, sourced December 2019. No nominated scale.



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**Map.3.** The subject site at 55 Lansdowne Crescent is shown outlined in the above zoomed in aerial photograph. Source: TheList, sourced December 2019. No nominated scale.



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### 3.0 Applicable Planning Scheme zone and standards

The subject site and surrounding area are zoned entirely General Residential zone under the *Hobart Interim Planning Scheme 2015* (the “Planning Scheme”).

Zone of the subject site and surrounding area is shown in the below map 4.



**Map.4.** The subject site at 55 Lansdowne Crescent is shown outlined with properties shaded red being zoned General Residential and the green zoning being Recreation (sports oval) and Open Space (the ‘Train Park’). Source: TheList, sourced December 2019. No nominated scale.



**Image.1.** The subject site at 55 Lansdowne Crescent viewed from within Lansdowne Crescent. Source: Gray Planning, November 2019.



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**Image.2. The subject site at 55 Lansdowne Crescent (arrowed) viewed from within Lansdowne Crescent.**  
Source: Gray Planning, November 2019.

The proposed change of use involves 'use' only and therefore on that basis, the following use standards are applicable in the assessment of the application under Planning Directive 6 Exemptions and Standards for Visitor Accommodation which overrides the use standards for Visitor Accommodation in the General Residential zone within the Hobart Interim Planning Scheme 2015:

#### **Status of Visitor Accommodation**

Under 3.1(c) of PD6, Visitor Accommodation is a Permitted use in the General Residential zone.

The proposed application for a change of use is not exempt under PD6 and therefore must be assessed against the PD6 standards for Visitor Accommodation, substituting those in the Planning Scheme.



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**10.3 Use Standards**

The following clauses apply to the proposed application for a change of use in the General Residential zone.

**Clause 10.3.1 Non-residential use**

A1 states:

*Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.*

Comment: This clause is not applicable as the above Permitted hours of operation do not apply to Visitor Accommodation uses.

A2 states:

*Noise emissions measured at the boundary of the site must not exceed the following:*

- (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;*
- (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;*
- (c) 65dB(A) (LAmax) at any time.*

*Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.*

*Noise levels are to be averaged over a 15 minute time interval.*

Comment: This clause is not applicable as the proposed Visitor Accommodation use does not seek approval or require the operation of any machinery or conduct any activity that will result in any noise generation.

A3 states:

*External lighting must comply with all of the following:*

- (a) be turned off between 6:00 pm and 8:00 am, except for security lighting;*



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*(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.*

Comment: A3 is not relevant as no external lighting is proposed as part of the development.

P4 states:

*Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of:*

*(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;*

*(b) 9.00 am to 12 noon Saturdays;*

*(c) nil on Sundays and Public Holidays.*

Comment: The majority of all servicing of the property (cleaning, maintenance etc) is undertaken during 11am and 2pm on weekdays. The servicing is undertaken by a property manager (1 person). Property cleaning typically takes up to 1 hour on each occasion.

It is considered that any servicing of the property outside of the above A4 Permitted hours complies with the P4 Performance Criteria as the servicing of the property will have no impact on any surrounding residential property in terms of duration, intensity, parking, vehicle movements or emission of any noise.

#### **PD6 Visitor Accommodation**

As the application involves the change of use to Visitor Accommodation, standards with respect to Visitor Accommodation in PD6 is relevant in the assessment of the proposal.

A1 of PD6 states:

*A1 Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m<sup>2</sup> per lot.*

Comment: The proposal complies with (a) and (b) as the Visitor Accommodation is to be located within an existing dwelling with a floor area of approximately 100sqm.

On this basis, it is considered that the proposed development complies with the A1 Acceptable Solution of PD6.

A2 of Planning Directive 6 states:

*A2 Visitor Accommodation is not for a lot, as defined in the Strata Titles Act 1998, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.*



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Comment: The proposed change of use involves a strata property (55 Lansdowne Crescent) on strata scheme 57635 and therefore the proposal must be assessed under the P2 Performance Criteria.

P2

*Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:*

*(a) the privacy of residents;*

Comment: The proposed change of use involves the use of 55 Lansdowne Crescent for visitor accommodation for a maximum of 6 guests at any one time.

The subject site 55 Lansdowne Crescent is on a strata plan (57635) with the neighbour 54 Lansdowne Crescent. There is no common area nominated on the plan for this strata.

Therefore, the proposed development will not use or impact upon any common area used by either property.

The proposal is for a change of use only and there are no physical works or extension of the existing dwelling at 55 Lansdowne Crescent. Therefore, it is considered that the intensity of use for the proposed development is no different than if the property was rented as a private residence.

It is further considered that the use of the property will not result in any use that will impact upon or compromise the privacy of residents at 53 Lansdowne Crescent as the layout of the properties and their areas of private open space to do not allow any opportunities for overlooking when these spaces are used.

It is considered that the privacy of residents at 53 Lansdowne Crescent will remain entirely unaffected, particularly as this property is currently used for Visitor Accommodation.

*(b) any likely increase in noise;*

Comment: The proposed change of use to Visitor Accommodation will utilise the existing three bedrooms at the subject site and is of a similar and comparable intensity to that of a three bedroom dwelling used for residential purposes.

Parking will occur on street in Lansdowne Crescent. There is available on street parking that is not subject to restrictions. The use of the property for Visitor Accommodation purposes is unlikely to result in any increase in noise from when the property was used as a private rental property.



*(c) the residential function of the strata scheme;*

Comment: The proposed change of use to Visitor Accommodation does not impact on the strata scheme 57635. A copy of this strata has been provided to Council as part of the application lodgement.

There are no conditions of use or development on the strata scheme and no common area between the two properties 53 and 55 Lansdowne Crescent. The proposal does not propose any physical works.

It is considered that the strata scheme 57635 does not contain any impediment to the proposed change of use.

It is further understood that Council have recently approved the use of 53 Lansdowne Crescent for Visitor Accommodation purposes.

The proposed development will not use the right of way to access the rear of the site and therefore there are no other title matters relevant.

*(d) the location and layout of the lots;*

Comment: The location and layout of the two lots on the strata scheme are side by side with frontage onto Lansdowne Crescent, much like standard lots on Torrens titles. It is considered unusual that 55 and 53 Lansdowne Crescent are on a strata scheme, given the absence of any common area and the layout of the lots themselves.

The dwellings are c1880's conjoined and separated by a party wall. Private open space areas are located to the rear of the dwellings and the use of these does not impact or rely on the other.

The use of 55 Lansdowne Crescent for Visitor accommodation will not result in any loss of residential amenity for 53 Lansdowne Crescent on account of the strata scheme lot layout and location which is considered comparable to other Torrens title lots in the surrounding area in terms of land use and likelihood of impact from use.

*(e) the extent and nature of any other non-residential uses; and*

Comment: 53 Lansdowne Crescent is used for Visitor Accommodation and it is considered that the use of 55 Lansdowne Crescent also for Visitor Accommodation will have no impact on the neighbouring use.

There are no other non-residential uses at either property on the strata scheme and therefore, this clause is largely irrelevant in the assessment of the proposal.

*(f) any impact on shared access and common property.*

Comment: There is no common property on the strata scheme 57635. Both 53 and 55 Lansdowne Crescent use a right of way to gain physical access to the rear of their respective properties. This right of way access will not be utilised by the proposed



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development accommodated guests who will park their vehicle on street in Lansdowne Crescent.

The proposal at 55 Lansdowne Crescent involves no physical works and only requires a single car parking space which will occur on street (where there is plentiful parking opportunities free of restrictions), as opposed to the 2 required for a single dwelling with 3 bedrooms.

#### 4.0 Applicable Codes

Under the Planning Scheme, the following Codes apply to the proposed application which concerns 'use' only:

##### E6.0 Parking and Access Code

Under E6.0 Parking and Access Code, the proposed use can either be defined as being a 'serviced apartment' or 'visitor accommodation, except as otherwise defined in this table' as the proposed development is serviced by a manager who does not reside on site and does not readily fit under any of the other commercial accommodation definitions outlined in 'Table E6.1 Number of Car Parking Spaces Required'.

Regardless of the classification of the proposed use being either 'serviced apartment' or 'visitor accommodation', the proposed change of use at 55 Lansdowne Crescent requires 1 off street parking space.

Car parking for visitors will occur on the street and therefore the proposal requires assessment under P1 of clause E6.6.1:

##### **P1**

*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;*

##### Comment:

The proposed development seeks approval for a development that requires one additional car parking space, that due to site constraints and the desire to avoid use of the right of way to the rear of the site, cannot be provided. It is considered that the proposed Visitor Accommodation is low in intensity and is in an area well serviced with public transport which includes a bus stop directly adjacent to the house.

It is considered that guests may not necessarily use or require a car, given the central location and access to public transport services.

It is considered that the proposal is therefore acceptable as the proposed use will generate a very low car parking demand.



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*(b) the availability of on-street and public car parking in the locality;*

Comment:

There are no public car parking stations or opportunities in the area but there is ample opportunity for on street parking and an absence of parking restrictions to enable on street parking. On street parking is easily accessed, directly adjacent to the Lansdowne Crescent street frontage of the subject site, level and in a low speed residential environment close to Lansdowne Crescent Primary School.

On this basis, the proposed development has access to readily available on street parking opportunities.

*(c) the availability and frequency of public transport within a 400m walking distance of the site;*

Comment:

There are multiple bus routes that run along Lansdowne Crescent directly adjacent to the property.

These routes are high frequency and are within 10m of the property frontage. The proposal is therefore considered to have excellent access to directly adjacent public transport services.

*(d) the availability and likely use of other modes of transport;*

Comment:

The site is able to be accessed by bicycle and is in an area readily accessible to uber and taxi services.

*(e) the availability and suitability of alternative arrangements for car parking provision;*

Comment:

Given the site constraints (a conjoined c1880 property that sits in a line of such properties) and existing location of the house and neighbouring houses, it is considered that there are no feasible alternative arrangements for car parking provision.



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- (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;*

Comment:

The subject site and surrounding sites are residential and it is considered that this clause applies more readily to mixed use and commercial development sites.

- (g) *any car parking deficiency or surplus associated with the existing use of the land;*

Comment:

The subject site, like many others in the surrounding area, already has a 1 space car parking deficiency.

When the site inspections were undertaken, it was noted that there were plenty of on street parking opportunities available in the adjoining street and streets in the surrounding area including nearby Warwick Street, Petty Street and Gourlay Street.

It is considered that the site and title constraints of the subject site effectively frustrate the ability to provide formal off street parking for the proposal and that the parking deficiency created by the proposed development will not have any noticeable impact on parking opportunities in the surrounding area for other residents.

- (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;*

Comment:

This clause is not applicable in the context of the subject site or proposed development.

- (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;*

Comment:

This clause is not applicable in the context of the subject site or proposed development as the proposed site is not a commercial property, is not in an area immediately adjacent to planned or existing public parking facilities and is for a very low intensity Visitor Accommodation use.



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*(j) any verified prior payment of a financial contribution in lieu of parking for the land;*

Comment:

This clause is not applicable to the assessment of the proposed development as the site has no record of any cash in lieu parking, given the residential use and history of the subject site.

*(k) any relevant parking plan for the area adopted by Council;*

Comment:

There is no parking plan for the area adopted by Council and therefore this clause is not relevant.

*(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*

Comment:

The Local Heritage Code (E13.0) applies to the subject site as the site and surrounding area is contained within a Heritage Precinct. The site in terms of the dwelling is considered to contribute strongly to the values of the surrounding Heritage Precinct. Demolition works to accommodate off street parking may result in a loss of heritage values where the site and surrounding properties historically did not provide opportunities for off street parking given the development of the area prior to mass car ownership.

*(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.*

Comment:

The site does not contain any vegetation listed as a Significant Tree and therefore this clause is not relevant in the assessment of the proposed development.



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**Image.3. The single off-street car parking space located at the rear of the subject site at 55 Lansdowne Crescent that has been used for residential purposes. Source: Gray Planning, November 2019. This parking space will not be used for accommodated guests and does not form part of the development.**

It is considered that the proposal complies in terms of satisfactorily address the P1 Performance Criteria.

#### E13.0 Historic Heritage Code

Under clause E13.2 Application, it is stated that Code E13.0 applies to 'development'. Therefore, while the proposed change of use application applies to a dwelling that is listed as a Heritage Place under Table E13.1 and is also located within a Heritage Precinct (WH3 Lansdowne Crsecent/Hill Street Precinct), the application for a change of use does not require assessment under Code E13.0.

Other than an overlay that states that the subject site is located within a Heritage Precinct, the site is also mapped a having a Landslide Hazard overlay. This overlay states that the site is a 'low' class. As no physical works or development is proposed as part of the application for a change of use at the subject site, this overlay has no implications for the proposal.



03 6288 8449  
0439 342 696



danielle@grayplanning.com.au  
224 Warwick St, West Hobart, Tas, 7000



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ABN 99148920244

Gray Planning – 55 Lansdowne Cres WH Danaher CoH 17 January 2020

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### 5.0 Summary

The proposed change of use from dwelling to Visitor Accommodation at the subject site is a Permitted use within the General Residential zone and PD6.

The proposal complies with applicable use standards within the zone and also PD6.

The E13.0 Historic Heritage Code does not apply to the proposal as this Code applies to 'development' only.

It is considered that the proposed change of use is low in intensity and is unlikely to result in any impact on the amenity of any surrounding residential property.

The development will result in accommodated guests using on street carparking within Lansdowne Crescent and the proposal complies with P1 Performance Criteria for clause E6.6.1 within the E6.0 Parking and Access Code.

In summary, the proposed change of use substantially complies with all applicable Planning Scheme standards for use and is of a low intensity that will not result in any detrimental impact to the surrounding residential area, neighbouring properties or strata scheme.



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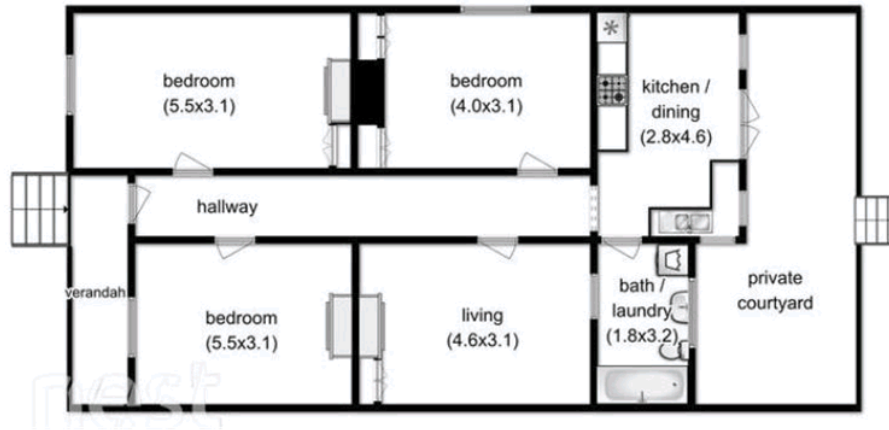


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Gray Planning – 55 Lansdowne Cres WH Danaher CoH 17 January 2020

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## Appendix 1 – Floor Plan (no nominated scale)

03 6288 8449  
0439 342 696danielle@grayplanning.com.au  
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Gray Planning – 55 Lansdowne Cres WH Danaher CoH 17 January 2020

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## Appendix 2 – Site Plan (no nominated scale)

03 6288 8449  
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Gray Planning – 55 Lansdowne Cres WH Danaher CoH 17 January 2020

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## Appendix 3 – Strata Plan owner notification letter

Gray Planning

Solutions for Town Planning &amp; Heritage



Danielle Gray, Principal Consultant  
Gray Planning  
224 Warwick Street  
West Hobart TAS 7000

17 December 2019

Ms Jennifer and Mr Charles Hall  
3B Eaton Street  
Neutral Bay NSW 2089

Dear Mr and Ms Hall

Planning application for approval lodged with Hobart City Council: Visitor Accommodation  
at 55 Lansdowne Crescent, West Hobart on behalf of Danaher

I write to you to advise that I have been engaged by Ms Heather Danaher who is the  
property owner of 55 Lansdowne Crescent, West Hobart to act on her behalf for a planning  
application for lodgement with Hobart City Council.

This planning application seeks approval to use the dwelling at 55 Lansdowne Crescent for  
self contained Visitor Accommodation.

The proposed development is for a change of use only, does not involve any physical works  
or signage and visitors will park in the existing car port to the rear of the site.

It is my view that the application for Visitor Accommodation is very minor in intensity of use  
and extent and will have no impact on any adjoining residential use or property.

Should you have any questions about this application, please do not hesitate to get in touch  
on 0439 342 696 and I will be pleased to assist you.

Yours faithfully

Danielle Gray B.Env.Des. MTP. MPIA  
Principal Consultant, Gray Planning

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0439 342 696

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Blank Instrument Form

TASMANIA  
Land Titles Act 1980, as amended

INSTRUMENT SETTING FORTH  
EASEMENTS - { 57635/1 x 2  
                          57635A/1

TOGETHER WITH a right of carriage way in common with all other persons who now have or hereafter have the like right over the roadways shown on Diagram No. 34934  
SUBJECT TO a right of way for Rachel Elizabeth Getty in common with all other persons who now have or hereafter may have the like right over the land marked C.D.E.F. on Diagram No. 34934  
AND RESERVING to the owner and owners for the time being of Lot 1 on Diagram No. 34934 a right of footway over the land marked G.H.J.K. on Diagram No. 34934  
SUBJECT TO the right of the registered proprietor for the time being of the land described in Certificate of Title Volume 395 Folio 199 for the eaves and spouting of the messuage or building erected thereon or of any building or buildings which may hereafter be substituted therefor to overhang the said land marked G.H.J.K. for the width of one foot extending a distance of thirty two feet seven inches and one quarter of an inch along the said land marked G.H.J.K. between the points marked A. and B. thereon - D. 34934

RECORDER OF TITLES

18/8/93

Rease  
microfilm

(This space for Impressed Stamps)

The duty payable hereon was this day assessed by me at : : . This is to certify that this instrument was produced to me pursuant to section 11 of the Stamp Duties Act 1931 on the day of 19 , and that upon being so produced the full amount of duty (namely : : ) was duly denoted thereon.

Date.....

Assessor/Commissioner of Stamp Duties.

Certified that the within dealing was registered on the day of 19 , at

Assessor/Commissioner of Stamp Duties.

Date.....



RECORDER OF TITLES

Caveats etc:

Marked up on Folio:

Passed for Regn.:

New C. T. Drafted: }

Directions re Memorial;

✓	Direct as shown below	Re:
	Solicitor	Power of Attorney
	Solicitor	
	Senior Reg. Clerk	
	Part dealings	
	Reg. Clerk	Draft C. T. required
	Reg. Clerk	Check C.T. Refs. D.M. or P/Sale



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyancing and Law of Property Act 1884

## STRATUM PLAN

REGISTERED NUMBER

No. 2418

Sheet 1 of 4 Sheets

City or Town HOBART

57635

Locality WEST HOBART

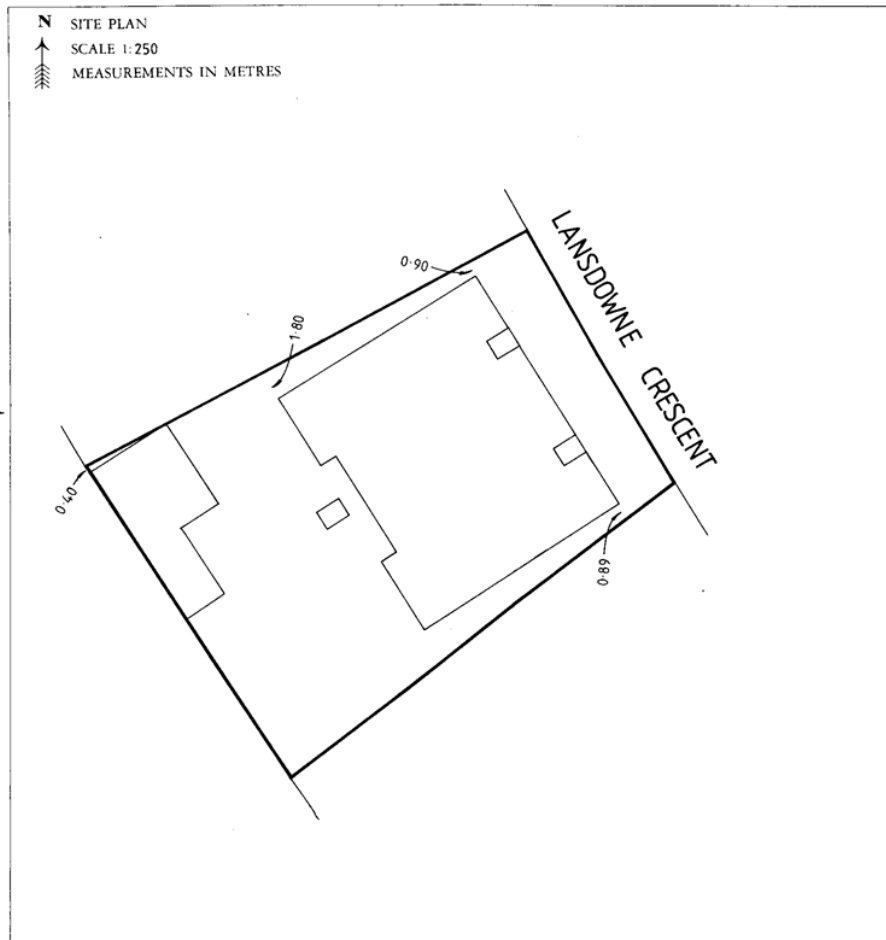
Reference to Title CT 2243/16 A &amp; B

Site comprises the whole of Lot 2 on ~~Plan~~ <sup>34934</sup> ~~Diagram~~ No. 6575-NS in the

Lands Titles Office

The name of the building is 53 &amp; 55 LANSDOWNE CRESCENT HOBART

External  
surface  
boundaries of  
the site and  
the location of  
the building  
in relation  
thereto to  
be delineated  
in this space

REGISTERED this 8<sup>th</sup> day of APRIL 19 88, No. 2418

This plan is lodged for registration by  
P. J. HICKSON  
45 CLINTON RD  
GEILSTON BAY

*[Signature]*  
Recorder of Titles

OS D 754

**FOLIO PLAN**

RECORDER OF TITLES

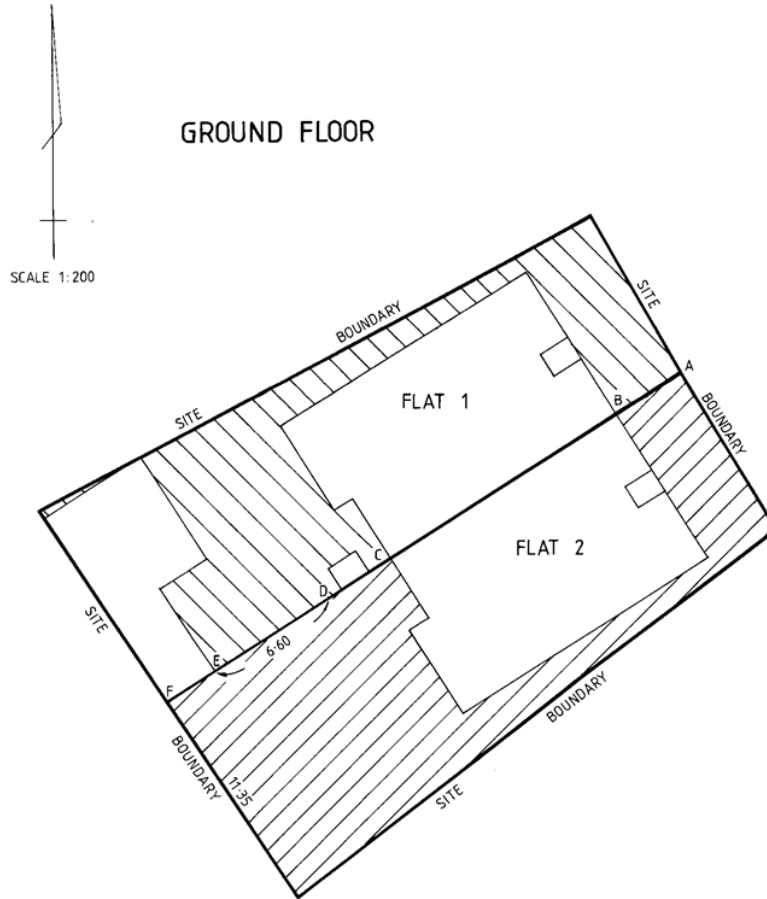
Issued Pursuant to the Land Titles Act 1980



Sheet 2 of 4 Sheets

No. 2418

*ACTING Town Clerk/Council Clerk*

AREAS

	DWELLING	OUTBUILDINGS	OPEN SPACE	TOTAL
FLAT 1	110 m <sup>2</sup>	47.6 m <sup>2</sup>	138.4 m <sup>2</sup>	296 m <sup>2</sup>
FLAT 2	110 m <sup>2</sup>	—	186 m <sup>2</sup>	296 m <sup>2</sup>



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



If further sheets are required to illustrate the flats, the sheets should be pinned here.

Further sheets must be of paper supplied for the purpose by the Recorder of Titles and bearing his seal, and be numbered consecutively, commencing from sheet 4.

Sheet 3 of 4 Sheets

No. 2418

*H. C. ALLEN*  
*ACTING Town Clerk / Council Clerk*

1. THE HORIZONTAL BOUNDARIES OF EACH FLAT ARE SHOWN BY HEAVY UNBROKEN LINES AND ARE DEFINED BY SITE BOUNDARIES, DESCRIPTION, AND/OR MEASUREMENT AS THE CASE MAY BE.
2. THE VERTICAL BOUNDARIES OF EACH FLAT EXTEND FROM GROUND LEVEL TO 1 METRE ABOVE THE OUTSIDE OF THE ROOF RIDGE OR THE PROLONGATION THEREOF.
3. THE HATCHED PORTIONS OF EACH FLAT ARE OPEN SPACE.
4. A - B IS THE CENTRE OF A LOW BRICK FENCE.
5. C - D IS THE CENTRE OF A CONCRETE BLOCK WALL.
6. E - F IS THE SIDE OF A WOODEN SHED.
7. B - C IS THE CENTRE OF A STONE WALL.



## FOLIO PLAN

RECORDED OF TITLES

*Issued Pursuant to the Land Titles Act 1980*



Sheet 4 of 4 Sheets

No. 2418

**Acting** Town Clerk/~~Council Clerk~~

The address for service of notices on the company is:—

55 LANSDOWNE CRESCENT  
WEST HOBART 7000

### SURVEYOR'S CERTIFICATE

I, GRAY LESLIE KING  
of SEVEN MILE BEACH  
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 boundaries of the title stated on sheet 1.

Dated this SIXTEENTH day of FEBRUARY 1988

Registered Surveyor

**COUNCIL CLERK'S CERTIFICATE**

I certify that the subdivision shown in this plan  
has been approved by the HOBART  
CITY Council

Dated this 25TH day of FEBRUARY 1988

~~Acting~~ Town Clerk/Council Clerk

FOR OFFICE USE ONLY

[illegible]

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
57635	2
EDITION	DATE OF ISSUE
8	01-Apr-2016

SEARCH DATE : 05-Dec-2019

SEARCH TIME : 10.41 AM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Strata Plan 57635 (formerly being STR2418) and a  
general unit entitlement operating for all purposes of the  
Strata Scheme being a 10 undivided 1/20 interest

Derived from Strata Plan 57635

Derivation : Part of 1A-2R-16Ps, Section V.2 Gtd to J D Walters  
Prior CT 4475/59SCHEDULE 1

E2983      TRANSFER to HEATHER WENDY DANAHER of ninety-nine  
undivided 1/100 shares and DENNIS ADRIAN DANAHER of  
one undivided 1/100 share as tenants in common  
Registered 01-Apr-2016 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 57635 folio 0  
B684890    BENEFITING AND BURDENING EASEMENTS set forth in  
Instrument  
E45992    MORTGAGE to ING Bank (Australia) Limited    Registered  
01-Apr-2016 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
57635	0
EDITION	DATE OF ISSUE
3	18-Nov-1999

SEARCH DATE : 05-Dec-2019

SEARCH TIME : 10.41 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 57635 (formerly being STR2418)

Derivation : Part of 1A-2R-16Ps, Section V.2 Gtd to J D Walters  
Prior CTs 2243A/16 and 2243B/16SCHEDULE 1STRATA CORPORATION NO. 57635, 53 & 55 LANSLOWNE CRESCENT  
HOBARTSCHEDULE 2Reservations and conditions in the Crown Grant if any  
B684890 BENEFITING AND BURDENING EASEMENTS set forth in  
InstrumentUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

## **8. REPORTS**

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### **8.1 Smoke-Free CBD Detailed Map** **File Ref: F20/14199; 16/237**

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Report of the Manager Environmental Health and the Director City Planning of 25 February 2020 and attachments.

Delegation: Council

**REPORT TITLE: SMOKE-FREE CBD DETAILED MAP**

**REPORT PROVIDED BY:** Manager Environmental Health  
Director City Planning

**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to provide Council with a detailed statutory map to clarify the exact area resolved to be declared smoke-free on 15 April 2020.
- 1.2. The map provided as **Attachment A** forms part of the legal documentation for the public notice required to be printed in The Mercury on the day of the declaration.
- 1.3. The community benefit of defining the area to a detailed level is to avoid public confusion with the extent of the area for compliance purposes.

**2. Report Summary**

- 2.1. The indicative map used for the declaration of the central business district as smoke-free by Council at its meeting of 15 April 2019, did not accurately and fully map the intended area to be declared.
- 2.2. The map provided as **Attachment A** clearly specifies the area and is inclusive of all remaining previously undeclared Council occupied land within the perimeter of the smoke-free CBD.
- 2.3. The statutory map is required to be declared in order to avoid confusion or create the unintended consequence of partially declared footpaths and undeclared pedestrian crossings and roads.
- 2.4. The Tobacco Project Officer will complete all remaining tasks in relation to the effective implementation and enforcement of the declared area.
- 2.5. As the smoke-free CBD declaration has already been widely promoted, preparations to mark the declaration on 15 April are well underway with an event to be held in the Elizabeth St Mall on the day.
- 2.6. For reference, a map of current declared smoke-free areas in the CBD is provided as **Attachment B**.

**3. Recommendation**

***That:***

1. ***Under the provisions of 67B(1)(c) of the Public Health Act 1997, the Council declare as smoke-free commencing on 15 April 2020 the central business district as outlined in red in Attachment A to this report.***

#### 4. Background

- 4.1. Council at its meeting of 15 April 2019, under the provisions of 67B(1)(c) of the *Public Health Act 1997*, resolved to declare as smoke-free the central business district and areas adjacent to the Royal Hobart Hospital site as outlined in an indicative map originally provided as Attachment D to item 8.2 of the Open City Planning Committee agenda of 8 April 2019.
- 4.2. The indicative map did not accurately and fully map the intended area. The intended area is the entirety of council occupied land from the building line on one side of each street to the building line on the other side of the street, inclusive of the roads in between and all remaining undeclared Council occupied land within the perimeter.
- 4.3. The map provided as **Attachment A** clearly specifies this area and is required to be declared in order to avoid confusion or create the unintended consequence of partially declared footpaths and undeclared pedestrian crossings and roads.
- 4.4. The detailed map clarifies that it is an offence to smoke on the footpaths, or on the roads within the declared area.
- 4.5. Through the work of Councils Tobacco Project Officer appointed in August 2019, the City has formed close and positive relationships with the many non-government organisations involved in smoking cessation work and has been invited to join the Tasmanian Tobacco Control Coalition.
- 4.6. The declaration of this area will confirm the Councils commitment to a more broadly positive health message, and for reference a map of current declared smoke-free areas in the CBD is provided at **Attachment B**.

#### 5. Proposal and Implementation

- 5.1. It is proposed that the area defined in red in **Attachment A** be declared a smoke-free area.
- 5.2. The Tobacco Project Officer will complete all remaining tasks in relation to the effective implementation of the declared area including;
  - 5.2.1. Placement of the Public Notice in The Mercury newspaper, notification to the Department of Health, promotion via the City of Hobart website, Facebook and City News,
  - 5.2.2. Installation of all new footpath and rubbish bin signage prior to the day,

- 5.2.3. Ongoing stakeholder consultation and engagement with businesses and the general public in affected areas,
  - 5.2.4. Maintenance of a reliable presence in the area working with Tasmania Police and the Tobacco Control Unit as necessary to maximise awareness and community understanding,
  - 5.2.5. Enforce compliance where necessary by issuing infringements where there is a clear disregard for the law.
- 5.3. As the smoke-free CBD declaration has already been widely promoted, preparations to mark the declaration on 15 April are well underway with an event to be held in the Elizabeth St Mall on the day. 7HO FM will broadcast live from the Mall on this day with a range of activities planned to support the event.

## 6. Strategic Planning and Policy Considerations

- 6.1. The declaration of smoke-free areas by the Council aligns with the following strategies from the **Capital City Strategic Plan 2019-2029**;
- 6.1.1. *Pillar 2: Community inclusion, participation and belonging, Strategy 2.3.4 Protect and improve public health.* Ensuring good health among Hobart people is becoming more important and the declaration of smoke-free areas is a means to contribute to de-normalising smoking and potentially having an impact on reducing population smoking rates.
  - 6.1.2. *Pillar 6: Natural environment, Strategy 6.3.5 Improve water quality in Hobart's waterways and identify water catchment activities that are contributing to stormwater pollution.* As custodians of the waterways, the actions taken to minimise the profound impact of litter on the natural environment will define Hobart's future.

## 7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result
- 7.1.1. Allocation for advertising, signage and promotion has been made within the current operating budget.

## 8. Legal, Risk and Legislative Considerations

- 8.1. The indicative map from 2019 presents a risk to Council by not clearly defining the exact and complete parcels of land to be declared smoke-free to the level of detail required for statutory compliance. To proceed with the original map would potentially compromise enforcement activity and lead to confusion within the community and possible legal challenge to Council.

- 8.2. The City of Hobart will be responsible for the ongoing monitoring of the declared areas for compliance at the conclusion of the project. The City is supported to a limited degree by the Tobacco Control Unit and Tasmania Police.
- 8.3. It is acknowledged that enforcement involves ongoing awareness and a physical presence in the area. Without the presence of suitably trained enforcement officers, ongoing general compliance with smoke-free declarations will be mixed.

## **9. Environmental Considerations**

- 9.1. The declaration of a smoke-free CBD aims to reduce the incidence of smoking in the designated areas. Reduced smoking activity should translate to reduce litter volumes of cigarette butts entering the litter stream from these locations.
- 9.2. The cigarette butt bins currently situated within the area will be removed and relocated to entry point areas.

## **10. Social and Customer Considerations**

- 10.1. The proposal aims to further reduce the public exposure to secondary smoke in areas where people gather or are often in close proximity moving through the city streets, taking a seat to have lunch or waiting to catch a bus.
- 10.2. The introduction of the boundary creates the need for behaviour change in the declared areas and the law will apply to everyone equally. The Tobacco Project Officer will monitor any new problem areas arising from the declaration, and work with businesses, the public and Council's waste teams to determine suitable arrangements for all stakeholders.
- 10.3. The smoking population in Tasmania is estimated at close to 20% according to figures endorsed by Quit Tasmania. Smokers who work within the declared area may need to walk further than they currently do to find an area in which they can smoke. This may lead to consideration to reduce smoking frequency and many services are available to support this choice.

## **11. Marketing and Media**

- 11.1. The Tobacco Project Officer will continue to work with the Communications and Marketing team to complete all marketing and media requirements of the project in the short and longer term.
- 11.2. All branding, messaging and signage has been designed in consultation with the Communications team.
- 11.3. A Smoke-free Hobart hotline with message service and direct email [smokefreehobart@hobartcity.com.au](mailto:smokefreehobart@hobartcity.com.au) have already been established

and are in use to ensure the community has direct access to the project officer.

- 11.4. The declaration will be advertised as a public notice in The Mercury on 15 April and promotion will be ongoing through the City's usual communication channels of website, Facebook page and City News.

## 12. Community and Stakeholder Engagement

- 12.1. The Tobacco Project Officer is presently engaging with all stakeholders fronting or with an interest in the proposed area. Stakeholders include businesses, the cruise ship industry, the TTIC, Metro, Tasmania Police, a wide range of non-government organisations, 7HOFM, the Royal Hobart Hospital and the Tobacco Control Unit. Feedback from direct engagements continues to be positive with widespread support for the first Australian smoke-free capital city CBD.

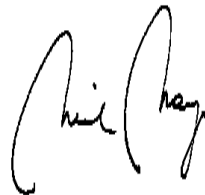
## 13. Delegation

- 13.1. The 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.*



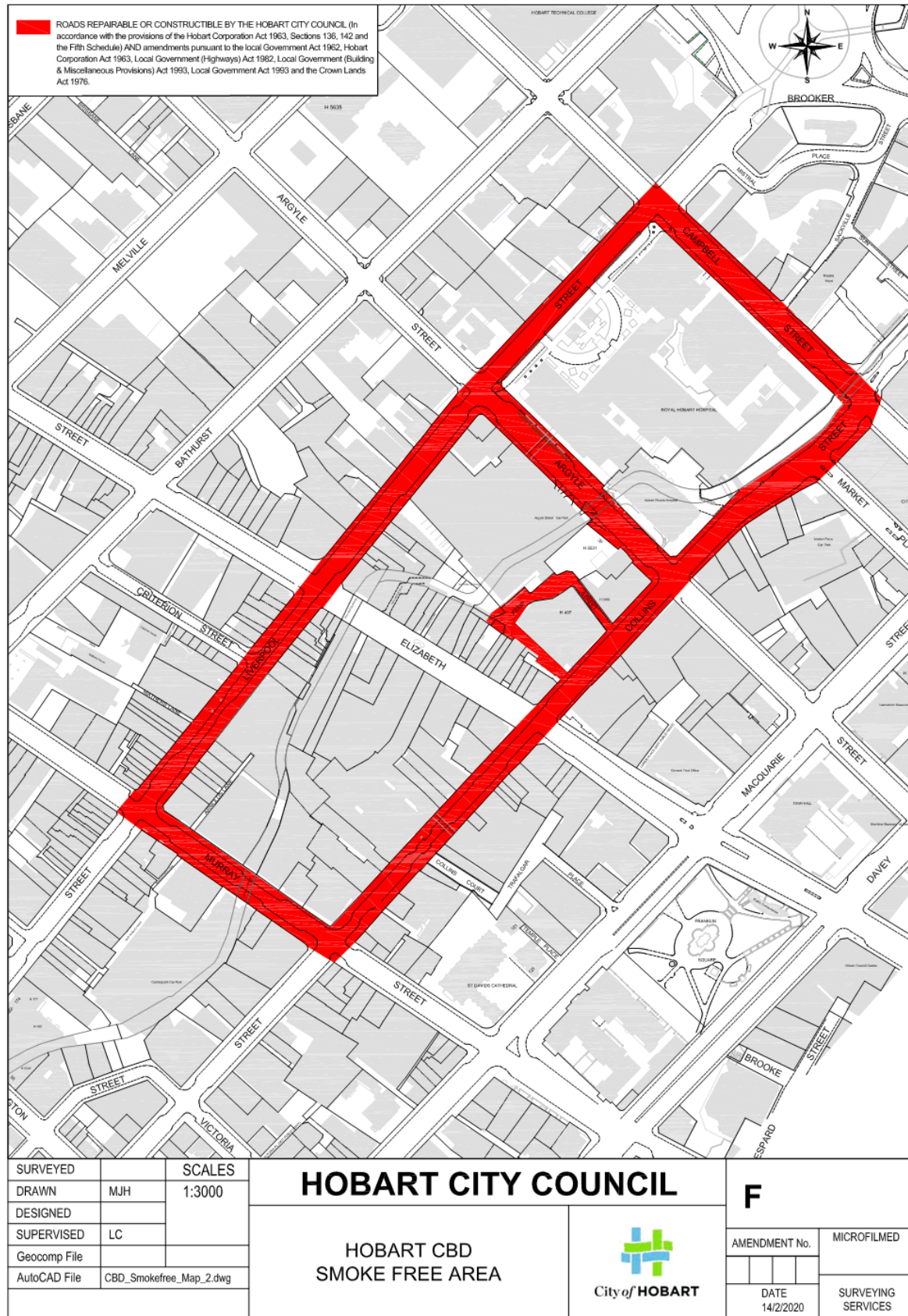
Felicity Edwards  
**MANAGER ENVIRONMENTAL  
HEALTH**

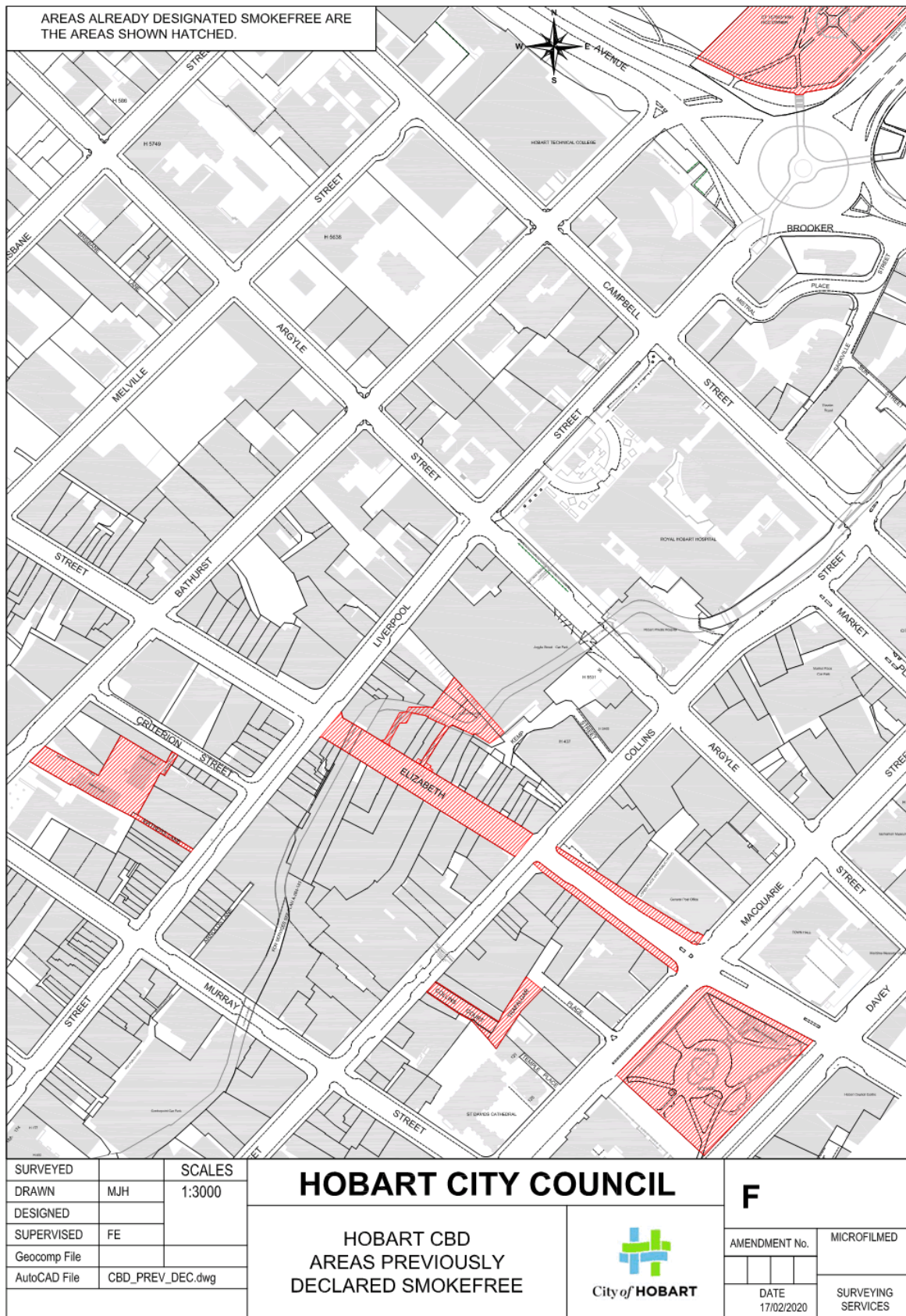


Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 25 February 2020  
File Reference: F20/14199; 16/237

Attachment A: CBD Smoke-free Area ↴  
Attachment B: CBD Smoke-free Areas Previously Declared ↴





**8.2 Draft Amendment 01-2019 to the State Planning Provisions -  
Apartment Development Code - Representation  
File Ref: F20/15268**

---

Report of the Development Planner and Director City Planning of 26  
February 2020 and attachments.

Delegation: Council

**REPORT TITLE: DRAFT AMENDMENT 01-2019 TO THE STATE  
PLANNING PROVISIONS - APARTMENT  
DEVELOPMENT CODE - REPRESENTATION**

**REPORT PROVIDED BY:** Development Planner  
Director City Planning

**1. Report Purpose and Community Benefit**

- 1.1. This report considers draft amendment 01-2019 to the State Planning Provisions (SPPs) that introduces an Apartment Development Code along with consequential amendments to the SPPs. The report seeks endorsement from Council of the representation proposed to be made to the Minister for Planning in relation to this amendment.
- 1.2. This report benefits the community by considering a significant amendment that will apply to the design of apartment buildings state-wide. The proposed Apartment Development Code will improve living conditions for residents of apartments.

**2. Report Summary**

- 2.1. The proposal is that a representation to the Minister for Planning in relation to Draft Amendment 01-2019 of the State Planning Provisions – Draft Apartment Development Code be endorsed.
- 2.2. The representation is provided in **Attachment A**.
- 2.3. The draft amendment to which the representation relates, including an explanatory document, is provided in **Attachment B**.
- 2.4. Draft Amendment 01-2019 proposes a Draft Apartment Code, providing standards for the development of apartments in those zones where multi-storey apartments are allowable.
- 2.5. The draft amendment was completed by the Tasmanian Government in collaboration with staff at the City of Hobart.
- 2.6. The purpose of the provisions are to provide clarity and certainty for the assessment of apartment developments in Tasmania and to encourage well-designed apartment developments that deliver appropriate levels of residential amenity and promote the health and well-being of occupants through quality designs.
- 2.7. Issues covered within the standards are:
  - 2.7.1. Building separation and setbacks
  - 2.7.2. Common open space and landscaping
  - 2.7.3. Common circulation spaces

- 2.7.4. Sunlight
- 2.7.5. Daylight and natural ventilation
- 2.7.6. Apartment size, layout and storage
- 2.7.7. Universal design
- 2.7.8. Private open space
- 2.7.9. Acoustic privacy
- 2.7.10. Waste storage and collection
- 2.8. The draft Amendment 01-2019 is generally supported, including by the members of the Urban Design Advisory Panel (UDAP).
- 2.9. A number of specific comments or suggestions to further improve the amendment are provided in the attached representation to the Minister for Planning, which is recommended to be supported.

### **3. Recommendation**

***That Council endorse the representation to the Minister of Planning in relation to Amendment 01-2019 to the State Planning Provisions provided in Attachment A.***

#### 4. Background

- 4.1. On the 17<sup>th</sup> December 2015, amendments were made to the Land Use Planning and Approvals Act 1993 (the Act) which enabled the preparation of draft State Planning Provisions (SPPs).
- 4.2. The SPPs were made on 22 February 2017, and form the mandatory provisions of the Tasmanian Planning Scheme which will apply state-wide.
- 4.3. The SPPs, together with Local Provisions Schedules (LPS) which contain local standards for each Council area, will make up the Tasmanian Planning Scheme.
- 4.4. Hobart's LPS is currently being assessed by the Tasmanian Planning Commission prior to it being advertised. The Tasmanian Planning Scheme will not be in operation until the LPS has come into effect.
- 4.5. The changes to the SPPs proposed in amendment 01-2019 – Draft Apartment Code are being prepared in conjunction with the Central Hobart Precincts Plan as part of the Hobart City Deal under the *Greater Hobart Act 2019*.
- 4.6. The Tasmanian Government has drafted these provisions in collaboration with staff from the City of Hobart.
- 4.7. On 5 February 2020, the minister wrote to the City of Hobart to invite feedback on the draft amendment 01-2019, with responses to be submitted by 13 March 2020.

#### 5. Proposal and Implementation

- 5.1. The proposal is that the representation to the Minister for Planning provided in Attachment A to this report, in relation to Draft Amendment 01-2019 of the State Planning Provisions – Draft Apartment Development Code, be endorsed.
- 5.2. The purpose of the provisions are to provide clarity and certainty for the assessment of apartment developments in Tasmania and to encourage well-designed apartment developments that deliver appropriate levels of residential amenity and promote the health and well-being of occupants through quality designs.
- 5.3. It is also proposed that the Apartment Development Code (ADC) will be supported by design guidelines (yet to be developed) which will further assist developers to design apartment buildings that respond to their context.
- 5.4. The provisions of the ADC are substantially based on the New South Wales Apartment Design Guide.
- 5.5. The draft ADC includes provisions that relate to the following issues:

5.5.1. Building separation and setbacks:

Refers to a table of separation distances between a proposed apartment and existing buildings on the site or a lot boundary. Permitted separation distances increase as the proposed building gets taller, and distances are different depending on whether there are habitable windows or balconies on that face of the building. The provision is intended to protect privacy and opportunity for outlooks, access to sunlight, daylight and natural ventilation.

5.5.2. Common open space and landscaping:

The permitted standard requires common open space for buildings with 20 or more apartments, and details requirements to ensure the spaces are of a reasonable quality. The performance criteria requires that buildings with 30 or more apartments must provide common open space. Further provisions require areas of deep soil for tree planting (excepting developments within the Central Business Zone).

5.5.3. Common circulation spaces:

Sets maximum numbers of apartments on each floor of a building that are accessed by a single circulation core (stair or lift), as well as maximum corridor lengths. This standard encourages building design that facilitates good social relationships and avoids long, poorly lit corridors.

5.5.4. Sunlight:

The permitted standard requires a minimum percentage of apartments in a building that receive direct sunlight for a minimum of 3 hours (does not apply in the Central Business Zone).

5.5.5. Daylight and natural ventilation:

Details provisions relating to openable windows, room depths, ceiling heights, window sizes, and light wells.

5.5.6. Apartment size, layout and storage:

Requires storage areas and minimum permitted widths of living areas.

5.5.7. Universal design:

Details provisions relating to the external and internal design of apartments that ensure some apartments are accessible and adaptable to a range of users with different mobility levels.

Apartment buildings with 5 or more apartments must provide at least 30% of apartments that meet the criteria.

5.5.8. Private open space:

Specifies private open space requirements for each apartment, including minimum permitted dimensions. Encourages well-located open space with reasonable usability and amenity.

5.5.9. Acoustic privacy:

Requires that, as permitted, an apartment meets the Australian Standards relating to internal noise levels.

5.5.10. Waste storage and collection:

Addresses bin storage, access and collection for apartment buildings, to ensure the amenity of the surrounding area and the flow of traffic and pedestrians is not unreasonably affected.

5.6. The Apartment Development Code (ADC) is proposed to apply to any residential development containing apartments. 'Apartment' is proposed to be defined as *'a dwelling or a serviced apartment, located above the ceiling level or below the floor level of another dwelling, serviced apartment, or other use, and is part of a building containing two or more dwellings or serviced apartments'*

5.7. The ADC is intended to apply to the development of all apartments within the following zones:

- Inner Residential Zone
- Urban Mixed Use Zone
- Local Business Zone
- General Business Zone
- Central Business Zone

5.8. Individual councils may also nominate 'apartment development areas' outside of these zones, which would be shown on an overlay within the Local Provisions Schedule and would ensure any apartment within that area is subject to the ADC. Under the Hobart LPS, it is proposed that the Commercial Zone, Activity Area 1.0 Inner City Residential (Wapping), Activity Area 2.0 Sullivans Cove 'Mixed Use', and land subject to the Macquarie Point Site Development Plan are covered by an apartment development area.

5.9. The drafting of the provisions was completed with significant input from the City of Hobart.

5.10. The provisions of the ADC build further upon provisions recently proposed as part of HIPS 2015 amendment PSA-19-1 – Amenity

Standards in the Central Business and Commercial Zones (initiated by Council on 9 September 2019). This amendment was drafted in response to a resolution by Council to consider amenity standards in non-residential zones.

- 5.11. Some of the provisions of the ADC are substantially similar to those proposed under PSA-19-1 and others are different or were not included as topics under amendment PSA-19-1.
- 5.12. The provisions of PSA-19-1 will be introduced into the Hobart Interim Planning Scheme 2015 (HIPS 2015), and will therefore be in operation in the interim period before the provisions of the ADC come into effect as part of the Tasmanian Planning Scheme.
- 5.13. Generally, the draft ADC and associated amendments are supported.
- 5.14. There are some suggested comments and recommendations proposed to further improve the amendments (**Attachment A**).
- 5.15. Some comments are of a technical nature, suggesting changes to wording or requesting clarification of the intent of specific clauses.
- 5.16. Some comments are more general in nature, such as:
  - 5.16.1. Assessment of the ADC would benefit from being able to consider the degree of non-compliance of a discretionary proposal compared to the standards in the acceptable solution. If this is not possible, noting a recent decision of the Tribunal that the acceptable solution may not be considered for a discretionary application, the performance criteria should be of sufficient strength that it is clear what constitutes an inappropriate development.
  - 5.16.2. Absolute maximum figures in performance criteria are supported.
  - 5.16.3. The code is more technical than existing planning provisions, which is likely to increase the need for reports by suitably qualified persons to be submitted and increase the time taken for assessment of applications.
  - 5.16.4. It should be clarified whether the ADC applies retrospectively to existing dwellings when it is divided into apartments (for example a new apartment is added beneath an existing building).
  - 5.16.5. The code should perhaps not apply to only two dwellings, which will capture a lot of 'mum and dad' developers who split an existing building into two.
  - 5.16.6. Consideration should be given to whether it will be possible for conversions of existing buildings into apartments to meet all of

the provisions. It may be desirable to encourage the reuse of existing buildings to retain character in some areas, but if it is not possible for an existing building to meet some of the performance criteria of the ADC, a developer may be forced to demolish and rebuild.

- 5.16.7. There is an opportunity to clarify the definition of 'dwelling' so it is clearer.
- 5.16.8. The amount of parking required for the Inner Residential Zone is too onerous and should be reduced, and conversely the requirement for bike parking is too low and should be increased.
- 5.16.9. Consideration should be given to whether the ADC should apply to all zones, not specific zones, to ensure the efficacy of the code.
- 5.16.10. Consideration should be given to allowing a permitted pathway for building types that are arranged around a central courtyard.
- 5.16.11. Consideration should be given to not allowing a discretionary option for acoustic privacy in the Central Business Zone and Sullivans Cove. This would ensure each apartment meets the Australian Standards, as required by the acceptable solution. It is important that residences self-protect their acoustic privacy in these zones specifically.
- 5.17. The 01-2019 draft ADC amendment was provided to the members of the Urban Design Advisory Panel (UDAP), who provided individual comments which are incorporated into the representation in **Attachment A**.
- 5.18. Overall, UDAP members were highly supportive of the amendments relating to the ADC.
- 5.19. Some of the UDAP comments were specific and technical. The more general comments from UDAP members include that:
  - 5.19.1. It is hoped the ADC will improve apartment proposals, and allow consideration of issues by UDAP that were previously not covered by the planning scheme, including internal building design elements that affect the liveability of apartments for occupants.
  - 5.19.2. The ADC appears to address the main design issues that the panel has identified at various times.
  - 5.19.3. The future apartment development guidelines (which are yet to be drafted) should reference the Urban Design Protocol for

Australian Cities, which would provide a consistent approach to urban design issues.

5.19.4. The draft standards of the ADC would benefit by being linked to the future guidelines by a requirement for developers to submit an Urban Design Impact Statement that reflects the guideline.

5.19.5. Acceptable solutions for private open space could require that a minimum of 25% is useable for dining, play, seating etc, and when at ground level 25% could be retained as unpaved areas for planting, or permeable pavement areas. This would reduce the heat island effect.

5.20. It is recommended that the representation to the Minister for Planning provided in **Attachment A** be supported.

## **6. Strategic Planning and Policy Considerations**

6.1. Support of the proposed amendment is consistent with the objectives of the Capital City Strategic Plan 2019-29, in particular with the following outcomes:

6.1.1. Hobart keeps a strong sense of place and identity, even as the city changes;

6.1.2. In City decision-making, we consider how different aspects of Hobart life connect and contribute to sense of place;

6.1.3. Hobart is a place where diversity is celebrated and everyone can belong, and where people have opportunities to learn about one another and participate in city life;

6.1.4. Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship;

6.1.5. Hobart has a diverse supply of housing and affordable homes;

6.1.6. Development enhances Hobart's unique identity, human scale and built heritage;

## **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 implementation of the draft amendment to the SPPs will be undertaken in accordance with the process set out under the Act.

**9. Environmental Considerations**

- 9.1. The proposed Apartment Development Code proposes a number of measures that will have a positive impact on the sustainability of apartments, such as requiring deep soil areas, common open space, access to sunlight, and effective natural ventilation.

**10. Social and Customer Considerations**

- 10.1. The proposal is not considered to have any negative impact on social inclusion.
- 10.2. The proposed Apartment Development Code considers social aspects of housing, illustrated by the inclusion of provisions requiring some apartments to be designed for ease of access for all community members, regardless of level of mobility.

**11. Marketing and Media**

- 11.1. There are no marketing or branding implications of this amendment.

**12. Community and Stakeholder Engagement**

- 12.1. No engagement by Council is necessary as this report responds to an amendment that is proposed by the Minister.

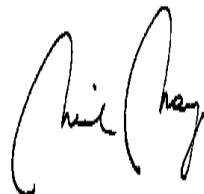
**13. Delegation**

- 13.1. Delegation rests with 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.*



Sarah Crawford  
**DEVELOPMENT PLANNER**



Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 26 February 2020  
File Reference: F20/15268

Attachment A: Representation ↓

Attachment B: Draft Amendment 01-2019 of the State Planning Provisions -  
Draft Apartment Development Code ↓

**DEVELOPMENT APPRAISAL UNIT RESPONSE TO  
DRAFT AMENDMENT 01-2019 OF THE STATE PLANNING PROVISIONS  
DRAFT APARTMENT DEVELOPMENT CODE**

Thank you for the opportunity to provide feedback on Draft Amendment 01-2019 of the State Planning Provisions – Draft Apartment Development Code.

In general, Council supports the proposed amendment.

Some specific comments or suggestions to further refine the provisions are detailed below:

	REF.	ISSUE / SUGGESTION
1.	General	<p>It is unlikely that the acceptable solutions may be taken into account when assessing a performance criteria.<sup>1</sup></p> <p>Consideration should be had to amending the State Planning Policies (SPPs) to allow the degree of non-compliance with an acceptable solution to be assessed when considering performance criteria.</p> <p>For example, a new clause 5.6.5 could be inserted into the SPPs:</p> <p><i>When assessing an application against a performance criteria, the planning authority must take into account the corresponding acceptable solution and the application must only be assessed against the performance criteria to the extent that the application does not meet the acceptable solution.</i></p> <p>If this issue cannot be resolved through this amendment, consideration should be had to all performance criteria to ensure that they are strong enough to reflect the intention of the acceptable solutions. Many developments are likely to rely on the performance criteria, so the ability of these to support refusals of inappropriate developments is critical to the success of the Apartment Development Code.</p>
2.	General	<p>Consider tying in the proposed future guidelines that will accompany the Apartment Development Code with the Urban Design Protocol for Australian Cities (UDPAC). This was based on the UK CABE urban design guidelines which have been widely accepted internationally. An advantage of referencing the Australian UDP is that it already has wide endorsement from the Federal Government, most State Governments and Capital Cities (including Hobart) as well as the Institutes of</p>

<sup>1</sup> While the Supreme Court has decided that acceptable solutions may be relevant when assessing the performance criteria (*Boland v Clarence City Council* [2018] TASSC 43 at [14]), the first subsequent decision by the Tribunal suggests that it is unlikely that acceptable solutions will be relevant and therefore disregarded when assessing performance criteria (*A & N McCullagh v Glamorgan Spring Bay Council and Ors* [2019] TASRMPAT 30 at [67]-[68]).

		Architects and Planners and many others. By referencing the protocol we can have a consistent approach to what 'urban design' actually is and means as well as to what design elements/criteria should be addressed when endeavouring to aspire towards better urban design outcomes.
<b>3.</b>	<b>General</b>	The Apartment Development Code should link clearly with the proposed Apartment Design Guidelines, including a requirement to submit an Urban Design Impact Statement that reflects the guidelines.
<b>4.</b>	<b>General</b>	In general the Code appears to be overly technical for a planning assessment. See in particular C17.6.3 (Common Circulation Spaces), the natural ventilation requirements of C17.6.5 (Daylight and Natural ventilation), C17.6.6 (Apartment Size, Layout and Storage), and C17.6.7 (Universal Design).
<b>5.</b>	<b>General</b>	<p>The technical nature of the provisions mean it is likely that Council planners will need to request additional reports by qualified persons in order to be satisfied that a proposal meets the standards (particularly the performance criteria). Confirmation that this is possible under the general application requirements of the SPPs would be beneficial, or explicit reference to reports by suitably qualified persons should be included in many of the performance criteria, or a mandatory application requirement should be included to the effect that 'the applicant must submit a written assessment of how the proposed use and development complies with the Acceptable Solutions and Performance Criteria of this Code'.</p> <p>Relying on expert technical advice is likely to lead to information being countered by representors and lead to more developments going to appeal. Providing absolutes in performance criteria is supported to help address this issue.</p>
<b>6.</b>	<b>General</b>	Increasing the technicality of planning assessments will increase the time taken by Councils to assess planning applications. It is noted that the statutory timeframe allowed for planning assessments has remained the same (or reduced) since the introduction of LUPAA, 27 years ago. Clearly the technicality of assessments has increased in that time, with no commensurate increase in timeframe to allow Councils to assess planning applications.
<b>7.</b>	<b>General</b>	<p>It should be clarified whether it is intended that these provisions apply retrospectively to dwellings where an existing building has been split from one dwelling into two or more.</p> <p>Consideration should be given to whether it will be possible for some existing buildings that are proposed to be converted into apartments to meet the performance criteria of all of these standards. For example, it might be desirable to reuse existing building stock to retain character in gentrifying non-residential areas, but developers may be forced to demolish and rebuild if there is no flexibility to approve a conversion under the performance criteria.</p>

<b>8.</b>	<b>General</b>	Acceptable solutions for private open space in zones could require that at least 25% of the open area is useable for dining, play, seating etc. Provisions for private open space in most zones could also specify that 25% of open space must be retained as unpaved areas for planting, or permeable pavement areas (if at ground level). This would reduce stormwater run-off and reduce the heat island effect.
<b>9.</b>	<b>General</b>	Where 'excluding an apartment' is proposed to be added into existing zone provisions, a footnote could be included to note that for apartments the issue is considered under the Apartment Development Code.
<b>10.</b>	<b>cl.3.0</b>	The definition for 'apartment' reads as a bit convoluted.
<b>11.</b>	<b>cl. 3.0</b>	<p>There is an opportunity to refine the definition of dwelling, following the confusing Tribunal decision in <a href="#">J Dunn [2018] TASRMPAT 27</a>. It is suggested that:</p> <ul style="list-style-type: none"> <li>i. Definition of dwelling be something like: 'building or part of a building, used as a self-contained residence, and any associated works and outbuildings normally forming part of a dwelling'.</li> <li>ii. A definition of 'self-contained' be introduced, clearly setting out all the attributes that a dwelling must have, e.g. kitchen, place to sleep, bathroom, laundry (including a shared laundry).</li> </ul> <p>There may be benefit in linking the definition of a dwelling to that in the Building Act.</p>
<b>12.</b>	<b>cl.3.0</b>	<p>Applying the Code to only two dwellings will capture a lot of 'mum and dad' developers who put in a second dwelling underneath (typically) their existing dwelling. The Code should not apply to these types of development. As such, the definition of 'apartment' should be along the lines of:</p> <p>'A dwelling, or serviced apartment, which may have shared laundry facilities, located above or below, another dwelling, serviced apartment, or other use, within a building containing more than two dwellings or serviced apartments'.</p>
<b>13.</b>	<b>Cl 9.4.3, 13.4.6, 14.4.6, 15.4.6 and 16.4.6</b>	Changes to the private open space provisions existing zone provisions inadvertently cause flats above other uses (e.g. a single 'shop-top' apartment) to have to meet the larger Private Open Space requirements intended for ground floor dwellings. A single shop-top apartment would not meet the definition of 'apartment' under the code as there would not be two or more dwellings.
<b>14.</b>	<b>C2.0 Table 2.1</b>	<p>Including parking numbers as 2 spaces per 3 bedrooms etc. creates confusion, It would be clearer to specify the number of spaces per individual bedroom. E.g. parking is to be provided at 0.7 spaces per bedroom (rounded up).</p> <p>Does 1 space for every 5 apartments mean:</p>

		<ul style="list-style-type: none"> <li>• 0-4 apartments = no visitor space</li> <li>• 5-9 apartments = one visitor space</li> <li>• 10-14 apartments = two visitor spaces</li> <li>• Etc.</li> </ul> <p>If this is correct, then there is no need for the words '(rounded up to the nearest whole number)', which only serves to create confusion.</p> <p>Or does it effectively mean 0.2 spaces per apartment? So, that:</p> <ul style="list-style-type: none"> <li>• 2 apartments = 0.4 spaces = 1 space</li> <li>• 3 apartments = 0.6 spaces = 1 space</li> <li>• 4 apartments = 0.8 spaces = 1 space</li> <li>• 5 apartments = 1 space</li> <li>• 6 apartments = 1.2 spaces = 2 spaces</li> <li>• Etc.</li> </ul> <p>If this is correct, then it is simpler to say visitor parking is required to be provided at a rate of 0.2 spaces per apartment, rounded up.</p>
15.	C2.0 Table 2.1	For the Inner Residential zone the amount of parking specified is too onerous, and should be reduced. 1 space per apartment, rather than 2, would be more appropriate in the Inner Residential Zone. Conversely the requirement for bike parking is too low and should be increased, as well as include a specification of the class of bike parking facility required (as per the Parking and Access Code).
16.	C17.2	Clarification is sought as to whether the Code will apply retrospectively to existing dwellings that will become apartments as a result of a proposed use and development. I.e. based on the current definitions, if a resident proposed a second dwelling below their existing dwelling, does the Code apply to both the new dwelling and the existing dwelling, or only the new dwelling?
17.	C17.2	Consideration should be had to applying the code to all apartments in all zones to ensure the efficacy of the code. There have been some apartment blocks proposed in the General Residential Zone too.
18.	C17.3	Definition for deep soil area – does 'natural ground' mean only existing ground or could it include areas where a soil mix is imported to create a 'deep soil' area? Perhaps clarify that the deep soil area cannot be an enclosed area.
19.	C17.6	It is likely many developers will rely on the performance criteria rather than meet the permitted setbacks required in the table. Given the performance criteria cannot at this stage consider the acceptable solutions, consideration could be given to some absolute minimum distances or more specific performance criteria to ensure the intent of

		the acceptable solution is retained.
<b>20.</b>	<b>C17.6.1 A1</b>	Consideration should be given to allowing a permitted pathway for building types that are arranged around a central courtyard.
<b>21.</b>	<b>C17.6.1P1(c), C17.6.2 P2(d)</b>	Is the use of both adjoining and adjacent a deliberate distinction? If not, only one term should be used.  The reference to 'development potential of adjoining sites' could be amended to 'development potential of adjoining sites, considering site constraints, potential development areas and permitted development standards under the zone', for clarity of meaning.
<b>22.</b>	<b>C17.6.1 P1(e)</b>	Change wording to 'the position of windows and balconies of the proposed development and of any existing development on or adjacent to the site' for clarity.
<b>23.</b>	<b>C17.6.1 P1(f)</b>	Reword as 'Residential amenity of the occupants of existing buildings on the site', to ensure clear intent.
<b>24.</b>	<b>C17.6.1 A1</b>	The provision relating to common open space should be relocated to be positioned after the provision relating to private open space (C17.6.8) for ease of reference.  Is the trigger to provide common open space set too high? Should it apply to buildings of less than 20 apartments?
<b>25.</b>	<b>Table C17.1 and 2</b>	Reword 'between living room windows or balconies' to 'between balconies or living room windows' to make it clear all balconies are included, not just balconies to living rooms.  The separation distances are large and likely to result in many apartments being assessed against the performance criteria – is this desirable? Should absolute maximums be included in the performance criteria?
<b>26.</b>	<b>17.6.2 A1</b>	The requirement for 20% of the site area provided as common open space seems quite large, particularly if close to a park, playground or sports field.
<b>27.</b>	<b>C17.6.2 (P1.2(a))</b>	'they' should be changed to 'the apartments'
<b>28.</b>	<b>C17.6.3</b>	The Objective for 'common circulation spaces' could include additional subclauses relating to the avoidance of long corridors with rows of doors and no natural light.
<b>29.</b>	<b>C17.6.3 P1.2</b>	Including absolutes in the performance criteria is supported.
<b>30.</b>	<b>C17.6.4 A1</b>	Reference to the exclusion of buildings within the Central Business Zone of the Hobart Local Provisions Schedule should be given some flexibility. It is possible some areas of the CBD fringe could be deemed suitable for the application of the sunlight standards.
<b>31.</b>	<b>C17.6.5 P1(a)</b>	'Typology' could be defined to avoid confusion, or deleted if unnecessary.
<b>32.</b>	<b>C17.6.5 P1(c)</b>	Consider a definition for 'breeze path'. Eg. 'means a path of air flow

		within a dwelling between two ventilation openings' (Building Sustainability Index (BASIX) definition).
33.	C17.6.5 A2(a)	A definition of 'open plan' might assist with interpretation. Otherwise, make all references consistent (sometimes referred to within the code as 'open plan living/dining rooms').
34.	C17.6.5 P1(d)	'The need to avoid rooms without an external openable window' Should be redrafted for clarity and ability to assess, or stated more simply as 'all habitable rooms must have an openable window' if this is what is intended.
35.	C17.6.5 P2	The reference 'provided to apartments' in this performance criteria – does this mean some habitable rooms within an apartment could satisfactorily not provide these requirements but still meet the PC if overall most in the apartment do? If every habitable room in every apartment is intended to be able to meet this PC, replace 'apartment' with 'habitable room'.
36.	C17.6.5 P3	Consideration should be given to removing or redrafting P3, as it is possible the performance criteria is more restrictive than the acceptable solution. The acceptable solution is sufficiently lenient, and options that do not meet the acceptable solution are unlikely to result in good outcomes.
37.	C17.6.6	Is this clause necessary to include as a requirement for planning approval – is it fundamental for the achievement of residential amenity? Assessing internal cupboards is overly technical and time consuming.
38.	C17.6.6 A1 (b)	It is noted that this clause specifies that only 50% of the 'internal storage volume' must be within the apartment. If some of this volume can be external to the apartment, the title of 'internal storage volume' should be changed for clarity.
39.	C17.6.7 A1	Typographical error – 'buildings' should be 'building'.
40.	C17.6.7 A1 (a)	Should 'any on-site car parking spaces' be clarified as only those that are dedicated to that particular apartment and visitor spaces?
41.	C17.6.8	Acceptable solution requirements appear generous – likely developers may prefer to go through the performance criteria.
42.	C17.6.8 A1 (d)	The acceptable solution should require that plant such as external components of air conditioning units are not included in private open space. The performance criteria should then ensure these units do not impede on the usable area of the private open space.
43.	C17.6.8 P1 (f)	Would the consideration of significant noise intrusion also consider the issue of potential unreasonable noise intrusion due to the layout of POS for apartments on the same building?
44.	17.6.8	It may be worth considering including requirements for the amount of the private open space that may be covered by roof structures/shade

		sails, and how high/solid walls surrounding open space may be. This is also relevant to common open space, particularly as it is likely to be on rooftops or podium levels. Open space should not become akin to another room.
<b>45.</b>	<b>C17.6.8 A1(b)(v) and (vi)</b>	(v) and (vi) relating to private open space at podium level and ground level could be more clearly articulated in terms of how these subclauses interact with (i)-(iv). i.e. are the requirements for podium and ground level open space irrespective of how many bedrooms the apartment has?
<b>46.</b>	<b>17.6.9 P1</b>	The performance criteria relating to acoustic privacy should refer to assessment by a suitably qualified person, as Council planners are unlikely to be able to assess this.  Consideration should be given to not allowing for a performance criteria solution within the Central Business Zone and Sullivans Cove, as it is important in these areas that residential buildings self-protect their own acoustic amenity.
<b>47.</b>	<b>C17.6.10 A1</b>	An additional subclause should be added as follows: (d) If fronting a road traffic priority street, three or more apartments.
<b>48.</b>	<b>C17.6.10 P1 (a)</b>	Typographical error – amend to ' <b>that</b> have kerbside collection...'
<b>49.</b>	<b>C17.6.10 P4</b>	Should be clarified to explicitly include reference to bulk bins, in line with the wording in A4.

Minister for Housing  
Minister for Environment and Parks  
Minister for Human Services  
Minister for Aboriginal Affairs  
Minister for Planning

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5 February 2020

Alderman Anna Reynolds  
Lord Mayor  
Hobart City Council  
GPO Box 503  
HOBART TAS 7001  
Email: [hcc@hobartcity.com.au](mailto:hcc@hobartcity.com.au)

Dear Lord Mayor

**Draft Amendment 01-2019 of the State Planning Provisions – Draft Apartment Development Code**

I refer to attached draft amendment 01-2019 of the State Planning Provisions (SPPs) which proposes the inclusion of the draft Apartment Development Code along with other consequential amendments to the SPPs.

The draft amendment relates to the Medium Density Residential Development Standards project which was announced by the previous Premier in March 2019. The draft amendment proposes new planning development standards for medium density residential development in the form of apartments in areas close to existing services and facilities.

The draft Apartment Development Code has been prepared by the Department of Justice's Planning Policy Unit in collaboration with staff from Hobart City Council. The project is occurring in conjunction with the Central Hobart Precincts Plan as part of the Hobart City Deal under the *Greater Hobart Act 2019*.

I have enclosed a copy of draft amendment 01-2019, including the draft Apartment Development Code, along with an Explanatory Document which provides important background information on the draft amendment.

2

In accordance with section 30D(2) of the *Land Use Planning and Approvals Act 1993*, I request your feedback on the attached draft amendment. Feedback should be submitted by email to [planning.unit@justice.tas.gov.au](mailto:planning.unit@justice.tas.gov.au) and be received by close of business on Friday, 13 March 2020.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R Jaensch', enclosed within a large, loopy oval shape.

Hon Roger Jaensch MP  
**Minister for Planning**

cc: Mr Nick Heath, General Manager

**Attachments:**

1. Draft Amendment 01-2019 of the SPPs (including Appendix 1 – draft Apartment Development Code)
2. Draft Amendment 01-2019 of the SPPs – Explanatory Document

**ATTACHMENT 1**

**Draft Amendment 01-2019 of the State Planning Provisions**

No	Clause	Amendment	Explanation				
1.	3.0 Interpretation – Table 3.1	<p>In Table 3.1, insert definitions for 'apartment' and 'apartment building' after the definition of 'annual exceedance probability' as follows:</p> <table><tr><td>apartment</td><td>means a dwelling, or a serviced apartment, located above the ceiling level or below the floor level of another dwelling, serviced apartment, or another use, and is part of a building containing two or more dwellings or serviced apartments.</td></tr><tr><td>apartment building</td><td>means a building that contains apartments and may also contain non-residential uses.</td></tr></table>	apartment	means a dwelling, or a serviced apartment, located above the ceiling level or below the floor level of another dwelling, serviced apartment, or another use, and is part of a building containing two or more dwellings or serviced apartments.	apartment building	means a building that contains apartments and may also contain non-residential uses.	<p>The term 'apartment' is used to define the types of development that is subject to the Apartment Development Code. The definition is based on the definition for apartment in the Victorian Planning Provisions. For the purposes of the Apartment Development Code, it also includes a 'serviced apartment', which is a form of Visitor Accommodation. This acknowledges that the use of an apartment can easily switch between a residential tenancy and short stay accommodation. Consequently, the design requirements should be the same for both.</p> <p>The term 'apartment building' provides a means of describing buildings that contain apartments. It also acknowledges that apartments often form part of mixed use developments with other uses, such as offices, retail and commercial spaces.</p> <p>These terms are largely used in the Apartment Development Code, but are also used elsewhere in the SPPs as part of the consequential amendments to implement the code.</p>
apartment	means a dwelling, or a serviced apartment, located above the ceiling level or below the floor level of another dwelling, serviced apartment, or another use, and is part of a building containing two or more dwellings or serviced apartments.						
apartment building	means a building that contains apartments and may also contain non-residential uses.						
2.	3.0 Interpretation – Table 3.1	<p>In Table 3.1, modify the definition of 'dwelling' to by inserting the text shown as underlined:</p> <table><tr><td>dwelling</td><td>means 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. <u>A dwelling within an apartment building may have shared on-site laundry facilities.</u></td></tr></table>	dwelling	means 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. <u>A dwelling within an apartment building may have shared on-site laundry facilities.</u>	<p>To clarify that apartments which have shared laundry facilities are classified as a dwelling.</p> <p>Some apartment developments include shared laundry facilities.</p>		
dwelling	means 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. <u>A dwelling within an apartment building may have shared on-site laundry facilities.</u>						
3.	3.0 Interpretation – Table 3.1	<p>In Table 3.1, insert a definition for 'serviced apartment' after the definition 'service station' as follows:</p> <table><tr><td>serviced apartment</td><td>means the use of land to provide Visitor Accommodation in a furnished, self-contained room or suite of rooms which provides amenities for daily use such as kitchen and laundry facilities. A serviced apartment may have shared on-site laundry facilities.</td></tr></table>	serviced apartment	means the use of land to provide Visitor Accommodation in a furnished, self-contained room or suite of rooms which provides amenities for daily use such as kitchen and laundry facilities. A serviced apartment may have shared on-site laundry facilities.	<p>This definition is based on the definition in Planning Directive No. 1, which is used in interim planning schemes, with some minor modifications for clarification. The term is used in the definition of apartment which describes the types of development covered by the Apartment Development Code.</p>		
serviced apartment	means the use of land to provide Visitor Accommodation in a furnished, self-contained room or suite of rooms which provides amenities for daily use such as kitchen and laundry facilities. A serviced apartment may have shared on-site laundry facilities.						

No	Clause	Amendment	Explanation		
			Similar to the amendment to the definition of 'dwelling' above, the definition clarifies that laundry facilities may be shared facilities.		
4.	6.0 Assessment of an Application for Use or Development – Table 6.2	<p>In Table 6.2, modify the description for the Residential Use Class by deleting the text shown as strikethrough and inserting the text shown as underlined:</p> <table><tr><td>Residential</td><td>use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village, <u>and single or multiple dwellings, and an apartment (excluding a serviced apartment).</u></td></tr></table>	Residential	use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village, <u>and single or multiple dwellings, and an apartment (excluding a serviced apartment).</u>	To clarify that an apartment, but not a serviced apartment, is a type of Residential use.
Residential	use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village, <u>and single or multiple dwellings, and an apartment (excluding a serviced apartment).</u>				
5.	9.0 Inner Residential Zone – 9.4.3 A1	<p>In clause 9.4.3, modify A1(b) by deleting the text shown as strikethrough and inserting the text shown as underlined:</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 40m<sup>2</sup> associated with each dwelling, <u>unless the dwelling has a finished floor level that is entirely more than 1.8m above the ground level (excluding a garage, carport or entry foyer) it is an apartment.</u></p>	The exclusion of dwellings with a finished floor level more than 1.8m above the ground level was aimed at apartments. With the inclusion of a definition for 'apartment' this reference can be replaced		
6.	9.0 Inner Residential Zone – 9.4.3 A2 and P2	<p>In clause 9.4.3, modify A2 and P2 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table><tr><td><p><b>A2</b></p><p>A dwelling, <u>excluding an apartment</u>, must have private open space that:</p><p>(a) is in one location and is not less than <u>24m<sup>2</sup></u>:-</p><p>(i) <del>24m<sup>2</sup></del>; or</p><p>(ii) <del>12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</del></p><p>(b) has a minimum horizontal dimension of <u>4m</u>:-</p><p>(i) <del>4m</del>; or</p></td><td><p><b>P2</b></p><p>A dwelling, <u>excluding an apartment</u>, must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p><p>(a) conveniently located in relation to a living area of the dwelling; and</p><p>(b) orientated to take advantage of sunlight.</p></td></tr></table>	<p><b>A2</b></p> <p>A dwelling, <u>excluding an apartment</u>, must have private open space that:</p> <p>(a) is in one location and is not less than <u>24m<sup>2</sup></u>:-</p> <p>(i) <del>24m<sup>2</sup></del>; or</p> <p>(ii) <del>12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</del></p> <p>(b) has a minimum horizontal dimension of <u>4m</u>:-</p> <p>(i) <del>4m</del>; or</p>	<p><b>P2</b></p> <p>A dwelling, <u>excluding an apartment</u>, must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>	The exclusion of dwellings with a finished floor level more than 1.8m above the ground level was aimed at apartments. The private open space requirements for apartments in the Inner Residential Zone are contained in the Apartment Development Code.
<p><b>A2</b></p> <p>A dwelling, <u>excluding an apartment</u>, must have private open space that:</p> <p>(a) is in one location and is not less than <u>24m<sup>2</sup></u>:-</p> <p>(i) <del>24m<sup>2</sup></del>; or</p> <p>(ii) <del>12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</del></p> <p>(b) has a minimum horizontal dimension of <u>4m</u>:-</p> <p>(i) <del>4m</del>; or</p>	<p><b>P2</b></p> <p>A dwelling, <u>excluding an apartment</u>, must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>				

No	Clause	Amendment		Explanation
		<p>(ii) <del>2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</del></p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>		
7.	9.0 Inner Residential Zone – 9.4.8	<p>In clause 9.4.8, modify A1 and P1 by inserting text shown as underlined:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>A1</b></p> <p>A multiple dwelling, <u>excluding an apartment</u>, must have a storage area, for waste and recycling bins, that is an area of not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a common storage area with an impervious surface that:</p> <p style="margin-left: 20px;">(i) has a setback of not less than 4.5m from a frontage;</p> <p style="margin-left: 20px;">(ii) is not less than 5.5m from any dwelling; and</p> <p style="margin-left: 20px;">(iii) is screened from the frontage and any dwelling by a wall to a height of not less than 1.2m above the finished surface level of the storage area.</p> </div> <div style="width: 45%;"> <p><b>P1</b></p> <p>A multiple dwelling, <u>excluding an apartment</u>, must have storage for waste and recycling bins that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p> </div> </div>		The waste and recycling bin requirements for apartments are included in the Apartment Development Code

No	Clause	Amendment	Explanation									
8.	13.0 Urban Mixed Use Zone – 13.4.6	<p>In clause 13.4.6, delete A2 and P2, and modify A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table><tr><td>Objective:</td><td colspan="2">To provide adequate and useable private open space <del>and storage</del> for the needs of residents.</td></tr><tr><td colspan="2">Acceptable Solutions</td><td>Performance Criteria</td></tr><tr><td colspan="2"><b>A1</b> A dwelling, <del>excluding an apartment</del>, must have private open space that is not less than 24m<sup>2</sup> <u>with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del></td><td><b>P1</b> A dwelling, <del>excluding an apartment</del>, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</td></tr></table>	Objective:	To provide adequate and useable private open space <del>and storage</del> for the needs of residents.		Acceptable Solutions		Performance Criteria	<b>A1</b> A dwelling, <del>excluding an apartment</del> , must have private open space that is not less than 24m <sup>2</sup> <u>with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del>		<b>P1</b> A dwelling, <del>excluding an apartment</del> , must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.	The private open space and storage requirements for apartments are included in the Apartment Development Code.
Objective:	To provide adequate and useable private open space <del>and storage</del> for the needs of residents.											
Acceptable Solutions		Performance Criteria										
<b>A1</b> A dwelling, <del>excluding an apartment</del> , must have private open space that is not less than 24m <sup>2</sup> <u>with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del>		<b>P1</b> A dwelling, <del>excluding an apartment</del> , must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.										
9.	14.0 Local Business Zone – 14.4.6	<p>In clause 14.4.6, delete A2 and P2, and modify the objective, A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table><tr><td>Objective:</td><td colspan="2">To provide adequate and useable private open space <del>and storage</del> for the needs of residents.</td></tr><tr><td colspan="2">Acceptable Solutions</td><td>Performance Criteria</td></tr><tr><td colspan="2"><b>A1</b> A dwelling, <del>excluding an apartment</del>, must have private open space that is not less than 24m<sup>2</sup> <u>with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del></td><td><b>P1</b> A dwelling, <del>excluding an apartment</del>, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</td></tr></table>	Objective:	To provide adequate and useable private open space <del>and storage</del> for the needs of residents.		Acceptable Solutions		Performance Criteria	<b>A1</b> A dwelling, <del>excluding an apartment</del> , must have private open space that is not less than 24m <sup>2</sup> <u>with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del>		<b>P1</b> A dwelling, <del>excluding an apartment</del> , must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.	The private open space and storage requirements for apartments are included in the Apartment Development Code.
Objective:	To provide adequate and useable private open space <del>and storage</del> for the needs of residents.											
Acceptable Solutions		Performance Criteria										
<b>A1</b> A dwelling, <del>excluding an apartment</del> , must have private open space that is not less than 24m <sup>2</sup> <u>with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del>		<b>P1</b> A dwelling, <del>excluding an apartment</del> , must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.										

No	Clause	Amendment	Explanation									
10.	15.0 General Business Zone – 15.4.6	<p>In clause 15.4.6, delete A2 and P2, and modify the objective, A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table><tr><td>Objective:</td><td colspan="2">To provide adequate and useable private open space <del>and storage</del> for the needs of residents.</td></tr><tr><td colspan="2">Acceptable Solutions</td><td>Performance Criteria</td></tr><tr><td colspan="2"><b>A1</b> A dwelling, <del>excluding an apartment</del>, must have private open space that is not less than <u>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del></td><td><b>P1</b> A dwelling, <del>excluding an apartment</del>, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</td></tr></table>	Objective:	To provide adequate and useable private open space <del>and storage</del> for the needs of residents.		Acceptable Solutions		Performance Criteria	<b>A1</b> A dwelling, <del>excluding an apartment</del> , must have private open space that is not less than <u>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del>		<b>P1</b> A dwelling, <del>excluding an apartment</del> , must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.	The private open space and storage requirements for apartments are included in the Apartment Development Code.
Objective:	To provide adequate and useable private open space <del>and storage</del> for the needs of residents.											
Acceptable Solutions		Performance Criteria										
<b>A1</b> A dwelling, <del>excluding an apartment</del> , must have private open space that is not less than <u>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del>		<b>P1</b> A dwelling, <del>excluding an apartment</del> , must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.										
11.	16.0 Central Business Zone – 16.4.6	<p>In clause 16.4.6, delete A2 and P2, and modify the objective, A1 and P1 by inserting text shown as underlined and deleting text shown as strikethrough:</p> <table><tr><td>Objective:</td><td colspan="2">To provide adequate and useable private open space <del>and storage</del> for the needs of residents.</td></tr><tr><td colspan="2">Acceptable Solutions</td><td>Performance Criteria</td></tr><tr><td colspan="2"><b>A1</b> A dwelling, <del>excluding an apartment</del>, must have private open space that is not less than <u>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del></td><td><b>P1</b> A dwelling, <del>excluding an apartment</del>, must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</td></tr></table>	Objective:	To provide adequate and useable private open space <del>and storage</del> for the needs of residents.		Acceptable Solutions		Performance Criteria	<b>A1</b> A dwelling, <del>excluding an apartment</del> , must have private open space that is not less than <u>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del>		<b>P1</b> A dwelling, <del>excluding an apartment</del> , must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.	The private open space and storage requirements for apartments are included in the Apartment Development Code.
Objective:	To provide adequate and useable private open space <del>and storage</del> for the needs of residents.											
Acceptable Solutions		Performance Criteria										
<b>A1</b> A dwelling, <del>excluding an apartment</del> , must have private open space that is not less than <u>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m.</u> (a) <del>24m<sup>2</sup> with a minimum horizontal dimension of not less than 4m; or</del> (b) <del>8m<sup>2</sup> with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</del>		<b>P1</b> A dwelling, <del>excluding an apartment</del> , must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.										

No	Clause	Amendment	Explanation															
12.	C2.0 Parking and Sustainable Transport Code – Table C2.1	<p>In Table C2.1, insert new rows as the fifth and sixth row of parking requirements for Residential use and insert the text shown as underlined:</p> <table border="1"> <thead> <tr> <th colspan="2">Use</th><th colspan="2">Parking Space Requirements</th></tr> <tr> <th colspan="2"></th><th>Car</th><th>Bicycle</th></tr> </thead> <tbody> <tr> <td rowspan="2">Residential</td><td>If an apartment in the <u>Inner Residential Zone</u></td><td>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 apartments (rounded up to the nearest whole number)</td><td>1 space per 5 bedrooms</td></tr> <tr> <td>If an apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u></td><td>1 space per apartment</td><td>1 space per 5 bedrooms</td></tr> </tbody> </table>	Use		Parking Space Requirements				Car	Bicycle	Residential	If an apartment in the <u>Inner Residential Zone</u>	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 apartments (rounded up to the nearest whole number)	1 space per 5 bedrooms	If an apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u>	1 space per apartment	1 space per 5 bedrooms	Revised car parking requirements for apartments
Use		Parking Space Requirements																
		Car	Bicycle															
Residential	If an apartment in the <u>Inner Residential Zone</u>	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 apartments (rounded up to the nearest whole number)	1 space per 5 bedrooms															
	If an apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u>	1 space per apartment	1 space per 5 bedrooms															
13.	C2.0 Parking and Sustainable Transport Code – Table C2.1	<p>In Table C2.1, modify the parking requirements for Visitor Accommodation use by inserting the text shown as underlined:</p> <table border="1"> <thead> <tr> <th colspan="2">Use</th><th colspan="2">Parking Space Requirements</th></tr> <tr> <th colspan="2"></th><th>Car</th><th>Bicycle</th></tr> </thead> <tbody> <tr> <td rowspan="2">Visitor Accommodation</td><td>If a serviced apartment in the <u>Inner Residential Zone</u></td><td>1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 serviced apartments (rounded up to the nearest whole number)</td><td>1 space per 5 bedrooms</td></tr> <tr> <td>If a serviced apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u></td><td>1 space per serviced apartment</td><td>1 space per 5 bedrooms</td></tr> </tbody> </table>	Use		Parking Space Requirements				Car	Bicycle	Visitor Accommodation	If a serviced apartment in the <u>Inner Residential Zone</u>	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 serviced apartments (rounded up to the nearest whole number)	1 space per 5 bedrooms	If a serviced apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u>	1 space per serviced apartment	1 space per 5 bedrooms	Revised car parking requirements for serviced apartments.
Use		Parking Space Requirements																
		Car	Bicycle															
Visitor Accommodation	If a serviced apartment in the <u>Inner Residential Zone</u>	1 space per bedroom or 2 spaces per 3 bedrooms + 1 visitor space for every 5 serviced apartments (rounded up to the nearest whole number)	1 space per 5 bedrooms															
	If a serviced apartment in the <u>Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone</u>	1 space per serviced apartment	1 space per 5 bedrooms															

No	Clause	Amendment				Explanation
			<u>Any other Visitor Accommodation use</u>	1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater	No requirement	
14.	C17.0 Apartment Development Code	Insert C17.0 Apartment Development Code as per Appendix 1				Inserts the new Apartment Development Code
15.	Local Provisions Schedules Requirements – LP1.7	Insert a new clause LP1.7.15 as follows: <div style="margin-left: 40px;">             LP1.7.15 Apartment Development Code              (a) The Hobart LPS must contain an overlay map produced by the Department of Justice, showing an apartment development area for the application of the Apartment Development Code, unless modified by the planning authority for part of the municipal area. If modified, the modified map must be shown.              (b) Each LPS may contain an overlay map showing any other apartment development areas for the spatial application of the Apartment Development Code.           </div>				Provides for specific areas to be identified by overlay for application of the Apartment Development Code. The following areas within Hobart have been nominated for inclusion within this overlay: <ul style="list-style-type: none"> <li>• Commercial Zone under the Hobart Interim Planning Scheme 2015; and</li> <li>• Activity Area 1.0 Inner City Residential (Wapping), Activity Area 2.0 Sullivans Cove 'Mixed Use', and land subject to the Macquarie Point Site Development Plan under the Sullivans Cove Planning Scheme 1997.</li> </ul>

## APPENDIX 1

**C17.0 Apartment Development Code****C17.1 Code Purpose**

The purpose of the Apartment Development Code is:

- C17.1.1 To facilitate the development of well-designed apartments in areas located close to commercial, employment, and social services.
- C17.1.2 To provide for apartments that deliver an appropriate level of residential amenity and promote the health and well-being of occupants.
- C17.1.3 To enable opportunities for resource efficiency and minimising energy consumption by encouraging designs that assist with passive heating, cooling, natural ventilation and natural lighting of apartments.
- C17.1.4 To assist in providing a variety of housing choices to meet the needs of the population.

**C17.2 Application of this Code**

- C17.2.1 This code applies to development for apartments within an apartment development area, or within the following zones:
- (a) Inner Residential Zone;
  - (b) Urban Mixed Use Zone;
  - (c) Local Business Zone;
  - (d) General Business Zone; or
  - (e) Central Business Zone.

**C17.3 Definition of Terms**

- C17.3.1 In this code, unless the contrary intention appears:

Term	Definition
blank wall	means a wall, or portion of a wall, that does not contain a window or balcony.
circulation core	means a vertical space that allows people to move between floors of a building, such as a stair or lift.
common open space	means common outdoor open space for relaxation and recreation of residents of an apartment building.
deep soil area	means an area of natural ground that can support the growth of a canopy tree.
apartment development area	means the area as shown on an overlay map in the relevant Local Provisions Schedule.
light well	means a space within a building designed to provide natural light and air to internal areas of the building.

**C17.4 Use or Development Exempt from this Code**

C17.4.1 There are no exemptions to this code.

**C17.5 Use Standards**

C17.5.1 There are no Use Standards in this code.

**C17.6 Development Standards for Buildings and Works**

C17.6.1 Building separation and setbacks

Objective:	To provide for the residential amenity and privacy of occupants by: <ul style="list-style-type: none"> <li>(a) providing opportunities for outlooks from apartments that create a visual connection to the external environment;</li> <li>(b) providing opportunities for access to sunlight, daylight and natural ventilation; and</li> <li>(c) minimising direct views into habitable rooms and balconies.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A window or balcony of an apartment, excluding an apartment in the Inner Residential Zone, must have:</p> <ul style="list-style-type: none"> <li>(a) a separation distance from buildings on the same site of not less than specified in Table C17.1; and</li> <li>(b) a setback from a side or rear boundary of not less than specified in Table C17.2.</li> </ul> <p>The separation distance in Table C17.1, and the setback in Table C17.2, applies to all storeys in an apartment building of the specified building height.</p>	<p><b>P1</b></p> <p>A window or balcony of an apartment, excluding an apartment in the Inner Residential Zone, must be located or designed to provide opportunities for outlooks from apartments, access to sunlight, daylight and natural ventilation, and minimise direct views between other windows and balconies, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the orientation of the site;</li> <li>(b) the position and scale of surrounding buildings;</li> <li>(c) the development potential of adjoining sites;</li> <li>(d) amenity on adjacent sites including outlook from habitable rooms and the position of existing windows and balconies;</li> <li>(e) the position of windows and balconies of existing and proposed development; and</li> <li>(f) amenity of existing buildings on the site.</li> </ul>

**Table C17.1: Window and balcony separation distances from buildings on the same site**

Building height	Separation distance				
	Between living room windows or balconies	Between bedroom windows	Between a living room window or balcony and a bedroom window	Between a living room window or balcony and a blank wall or non-habitable room window	Between a bedroom window and a blank wall or non-habitable room window
up to 2 storeys	8m	4m	6m	4m	2m
3 to 4 storeys	12m	6m	9m	6m	3m
5 to 6 storeys	16m	8m	12m	8m	4m
7 to 8 storeys	20m	10m	15m	10m	5m
9 storeys and above	24m	12m	18m	12m	6m

**Table C17.2: Window and balcony setbacks from side and rear boundaries**

Building height	Setback	
	Between a living room window or balcony and a side or rear boundary	Between a bedroom window and a side or rear boundary
up to 2 storeys	4m	2m
3 to 4 storeys	6m	3m
5 to 6 storeys	8m	4m
7 to 8 storeys	10m	5m
9 storeys and above	12m	6m

**C17.6.2 Common open space and landscaping**

Objective:	To provide opportunities for: (a) recreation and encourage social interaction through the provision of useable and accessible common open spaces; and (b) broader residential amenity benefits for occupants through the provision of quality vegetated spaces.	
Acceptable Solutions		Performance Criteria
<b>A1</b> An apartment building with 20 or more apartments must provide common open space on the site that: <ul style="list-style-type: none"> <li>(a) is not less than 20% of the site area, excluding any areas designated for common clothes drying facilities;</li> <li>(b) has a minimum horizontal dimension of 5m;</li> </ul>		<b>P1.1</b> An apartment building with 20 or more apartments must provide useable and accessible common open space on the site that provides opportunities for a range of outdoor recreation needs of the occupants including relaxation and entertainment, and includes common garden areas that enhance residential amenity, having regard to:

<ul style="list-style-type: none"> <li>(c) achieves a minimum of 2 hours direct sunlight between 9 am and 3 pm on 21 June (mid-winter) to at least 50% of the common open space;</li> <li>(d) includes at least 15% of the total area of common open space for plantings;</li> <li>(e) is directly accessible from the main pedestrian entrance to the building or site, and all apartments within the building, by common walkways;</li> <li>(f) is screened from mechanical plant and equipment, service structures and lift motor rooms; and</li> <li>(g) does not include vehicle driveways, manoeuvring or hardstand areas.</li> </ul>	<ul style="list-style-type: none"> <li>(a) the area of the space provided relative to the size of the site;</li> <li>(b) the orientation of the site to gain sunlight access;</li> <li>(c) accessibility to sunlight, taking into account the development potential of adjacent sites;</li> <li>(d) the outlook from the space;</li> <li>(e) the total number of apartments on the site;</li> <li>(f) the accessibility of the space;</li> <li>(g) the flexibility of the space and opportunities for various forms of recreation;</li> <li>(h) the availability and location of common facilities within the space;</li> <li>(i) landscaping and the area available for gardens, trees and plantings;</li> <li>(j) the level of noise intrusion from external noise sources; or</li> </ul> <p><b>P1.2</b></p> <p>An apartment building with 20 or more apartments, but less than 30 apartments, may be provided with no common open space if:</p> <ul style="list-style-type: none"> <li>(a) they are located in an existing building where common open space cannot be reasonably achieved due to unreasonable impacts on the local historic heritage significance of a local heritage place or local heritage precinct listed in the Local Historic Heritage Code;</li> <li>(b) the development is located adjacent to accessible public open space that achieves a minimum of 2 hours direct sunlight between 9 am and 3 pm on 21 June (mid-winter), that provides opportunities for a range of outdoor recreation needs for the occupants of the apartment building, including relaxation, entertainment, and children's play; or</li> <li>(c) private open space is provided for all apartments on the site in accordance with clause C17.6.8 A1, and these spaces provide an appropriate level of amenity in terms of access to sunlight and outlook, and provide opportunities for a range of outdoor recreation needs including relaxation, entertainment, gardens, outdoor dining.</li> </ul>
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<p><b>A2</b></p> <p>A new apartment building, excluding buildings within a Central Business Zone, must be provided with deep soil areas and trees in accordance with Table C17.3.</p> <p>If an existing tree over 8m in height is retained on the site, the deep soil area requirement in Table C17.3 is reduced by 25%.</p>	<p><b>P2</b></p> <p>A new apartment building, excluding buildings within a Central Business Zone, must be provided with spaces for gardens and landscaping which enhance the residential amenity of occupants, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the size of the site;</li> <li>(b) the proposed building type;</li> <li>(c) the health, age and suitability of any existing trees being retained as part of the deep soil area;</li> <li>(d) access to sunlight, having regard to the development potential of adjacent sites; and</li> <li>(e) co-location with other vegetated areas on adjacent sites to create a contiguous areas of vegetation.</li> </ul>
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Table C17.3: Deep soil area and minimum tree requirements

Site area (m <sup>2</sup> )	Deep soil area	Minimum tree requirement
750 – 1000	5% of the site area with a minimum dimension of 3m.	1 tree (capable of reaching 6-8m in height) per 30m <sup>2</sup> of deep soil area.
>1000 – 1500	7.5% of the site area with a minimum dimension of 4m.	1 tree (capable of reaching 8-12m in height) per 50m <sup>2</sup> of deep soil area, or 1 tree (capable of reaching at least 12m in height) per 90m <sup>2</sup> of deep soil area.
>1500 - 2500	10% of the site area with a minimum dimension of 5m.	1 tree (capable of reaching at least 12m in height) per 90m <sup>2</sup> of deep soil area, or 2 trees (capable of reaching 8-12m in height) per 90m <sup>2</sup> of deep soil area.
>2500	15% of the site area with a minimum dimension of 6m.	1 tree (capable of reaching at least 12m in height) per 90m <sup>2</sup> of deep soil area, or 2 trees (capable of reaching 8-12m in height) per 90m <sup>2</sup> of deep soil area.

## C17.6.3 Common circulation spaces

Objective:	To provide for safe and functional internal layouts for apartment buildings which: (a) provide for ease of access for the occupants; and (b) enable opportunities social interaction and familiarity with other residents.
Acceptable Solutions	Performance Criteria
<b>A1</b> An apartment building must be designed to achieve the following: (a) the number of apartments on each floor level, excluding the ground floor, must not be more than 8 per circulation core; (b) for buildings of 10 storeys or more, the number of apartments must be not more than 40 per lift; and (c) common internal corridors on each floor level must have a total length of not more than: (i) 25m; or (ii) 35m, if the corridor has a window to an external wall that has a glazed area of not less than 1m <sup>2</sup> .	<b>P1.1</b> An apartment building must be designed to provide ease of access for occupants between the circulation core and apartments, with common internal corridors that provide for the safety and residential amenity of occupants, having regard to: (a) the number of apartments connected to a circulation core per level; (b) the total number of apartments connected to a circulation core; (c) the extent of openings and access to daylight in common internal corridors; (d) the visibility and accessibility of stairs at the ground level; (e) the length of common internal corridors and lighting; and (f) the inclusion of operable windows or openings in stairways, corridors and common areas; and <b>P1.2</b> The number of apartments on each floor level, excluding the ground floor, must not be more than 12 per circulation core and common internal corridors on each floor level must have a total length of not more than 40m.

## C17.6.4 Sunlight

Objective:	To: (a) optimise the provision of direct sunlight to living rooms and private open spaces for the thermal comfort of occupants; and (b) enable the passive heating of apartments through the provision of direct sunlight to living rooms.
Acceptable Solutions	Performance Criteria
<b>A1</b> Apartments, excluding apartments in the Central Business Zone of the Hobart Local Provisions	<b>P1</b> At least 70% of apartments (rounded up to the nearest whole number) within an apartment building

<p>Schedule, must be designed to achieve the following:</p> <p>(a) living rooms and private open spaces of at least 70% of apartments (rounded up to the nearest whole number) in an apartment building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on 21 June (mid-winter); and</p> <p>(b) not more than 15% of apartments (rounded up to the nearest whole number) receive no direct sunlight to living areas and private open spaces between 9 am and 3 pm on 21 June (mid-winter).</p>	<p>must be designed to provide a reasonable level of direct sunlight to living rooms and private open spaces, having regard to:</p> <p>(a) whether the number of living rooms, and private open spaces oriented with a northern aspect has been maximised;</p> <p>(b) whether south facing single aspect apartments have been minimised;</p> <p>(c) maximising the number of apartments with multiple aspects;</p> <p>(d) optimising the area of direct sunlight to living rooms through the depth and layout of apartments and window sizes;</p> <p>(e) overshadowing from adjacent developments or existing trees or structures; and</p> <p>(f) the slope of the land.</p>
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**C17.6.5 Daylight and natural ventilation**

Objective:	<p>To:</p> <p>(a) promote the health and well-being of occupants by providing daylight and natural ventilation to apartments; and</p> <p>(b) provide for the comfort of occupants by facilitating natural ventilation.</p>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>At least 60% of apartments (rounded up to the nearest whole number) in the first 9 storeys of an apartment building must have openable windows that are located in at least two external walls of the apartment and have:</p> <p>(a) an openable area of not less than 0.5m<sup>2</sup> for each window; and</p> <p>(b) a distance of:</p> <p>(i) not less than 6m, or half the depth of the apartment, whichever is greater, between the openable windows of the apartment; and</p> <p>(ii) not more than 15m between the openable windows of the apartment.</p>	<p><b>P1</b></p> <p>At least 60% of apartments (rounded up to the nearest whole number) in the first 9 storeys of an apartment building must be orientated and designed to enable natural cross ventilation through the apartment, having regard to:</p> <p>(a) the suitability of the building typology given the size and orientation of the site and the location and scale of neighbouring development;</p> <p>(b) whether the apartments have more than one aspect with appropriately sized openable windows in multiple external walls;</p> <p>(c) whether the breeze path between windows is clear from obstruction when internal doors are open; and</p> <p>(d) the need to avoid rooms without an external openable window,</p>

	and the distance between external openable windows must not be more 18m.
<p><b>A2</b></p> <p>Apartments must be designed to achieve the following:</p> <ul style="list-style-type: none"> <li>(a) room depths measured from an external window must be not more than of 2.5 times the ceiling height, unless for an open plan living area which must have a room depth of not more than 8m;</li> <li>(b) ceiling heights must not be less than: <ul style="list-style-type: none"> <li>(i) 2.7m for habitable rooms, or 2.4m for the habitable rooms on the upper floor levels of an apartment that is two or more storeys;</li> <li>(ii) 2.4m for non-habitable rooms; and</li> <li>(iii) 1.8m for attic spaces at the edge of the room with a ceiling slope of not less than 30 degrees; and</li> </ul> </li> <li>(c) all habitable rooms must have an external wall with a glazed area of not less than 10% of the floor area of the room of which at least half must be openable;</li> <li>(d) living areas must have at least one external window visible from all points of the room and with a glazed area of not less than 20% of the internal floor area of that room; and</li> <li>(e) if the only external window in a habitable room is located within a recess, that recess must have a: <ul style="list-style-type: none"> <li>(i) width of not less than 1.2m; and</li> <li>(ii) depth of not more than 1.5 times the width, measured from the external surface of the external window.</li> </ul> </li> </ul>	<p><b>P2</b></p> <p>Apartments must be designed to provide residential amenity to the occupants by enabling daylight and natural ventilation to be provided to apartments, having regard to:</p> <ul style="list-style-type: none"> <li>(a) size of windows;</li> <li>(b) ceiling heights;</li> <li>(c) dimensions of the room;</li> <li>(d) layout and function of the room;</li> <li>(e) optimised access to daylight through the position and size of windows and the use of transparent glazing;</li> <li>(f) living rooms receiving daylight to assist with performing tasks and activities, such as cooking and reading,</li> </ul> <p>and the maximum room depth for an open plan living area must be not more than 10m.</p>
<p><b>A3</b></p> <p>Light wells must only be used to provide the primary source of daylight or natural ventilation for a room of an apartment if:</p> <ul style="list-style-type: none"> <li>(a) for a bedroom or non-habitable room;</li> <li>(b) the apartment shares an external wall with an existing building or is built to the boundary;</li> </ul>	<p><b>P3</b></p> <p>Light wells must be orientated and designed to provide daylight and natural ventilation to apartment rooms that they serve, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number rooms being served;</li> <li>(b) the size and dimensions of the light wells;</li> </ul>

(c) not more than 2 bedrooms per floor level open onto a light well; and (d) the light well has a height that is not more than 5 times the width, calculated using the shortest dimension of the light well.	(c) the function of the rooms; and (d) the size of the windows and light well openings, and must not provide a primary source of daylight or natural ventilation for a living room.
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## C17.6.6 Apartment size, layout and storage

Objective:	To optimise the size and layout of apartments to provide useable and functional spaces for the occupants.
Acceptable Solutions	Performance Criteria
<b>A1</b> Apartments must be designed to achieve the following: <ul style="list-style-type: none"> <li>(a) the apartment internal area and internal storage volume must be not less than specified in Table C17.4;</li> <li>(b) at least 50% of the internal storage volume specified in Table C17.4 must be located within the apartment, such as cupboards and wardrobes;</li> <li>(c) living rooms or open plan living/dining rooms must have a width of not less than: <ul style="list-style-type: none"> <li>(i) 3.6m for a studio or one bedroom apartment; and</li> <li>(ii) 4m for a 2 or more bedroom apartment.</li> </ul> </li> </ul>	<b>P1</b> Apartments must be designed to provide useable and functional spaces for the occupants with space for the storage of household items, having regard to: <ul style="list-style-type: none"> <li>(a) potential for the apartment to accommodate furniture and the normal activities of the occupants;</li> <li>(b) adequate circulation between spaces within the apartment;</li> <li>(c) adequate storage space for necessary household items within the apartment such as a vacuum cleaner, linen, clothes, toiletries, cleaning products, and food; and</li> <li>(d) adequate storage space for other bulky household items in areas outside the apartment.</li> </ul>

Table C17.4: Minimum apartment internal area and storage requirements:

Apartment type	Apartment internal area	Internal storage volume
Studio	37m <sup>2</sup>	4m <sup>3</sup>
1 bedroom	50m <sup>2</sup>	6m <sup>3</sup>
2 bedroom	65m <sup>2</sup>	8m <sup>3</sup>
3+ bedroom	90m <sup>2</sup>	10m <sup>3</sup>

## C17.6.7 Universal design

Objective:	To provide apartments that enable access and inclusion for a range of users and levels of mobility and to enable apartments to be easily adapted over time.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A new apartment buildings with 5 or more apartments must have a minimum of 30% of the apartments (rounded up to the nearest whole number) designed to achieve the following:</p> <ul style="list-style-type: none"> <li>(a) a continuous step-free path of travel with a clear width of not less than 1.1m from the street entrance and any on-site car parking spaces to the apartment entrance;</li> <li>(b) a path of travel with a clear width of not less than 1m between spaces and rooms within the apartment;</li> <li>(c) corridors within the apartment with clear widths of not less than 1m;</li> <li>(d) doors within the apartment with clear openings of not less than 920mm;</li> <li>(e) a toilet with minimum clearance dimensions of 0.9m wide by 1.2m deep measured from the front edge of the toilet pan (exclusive of the door swing);</li> <li>(f) a bedroom with a minimum area of 10m<sup>2</sup>, excluding wardrobes, and a path of travel with a clear width of not less than 1m on the side of the bed (assume a queen size bed) that is closest to the door;</li> <li>(g) a kitchen with a minimum clearance of 1.2m in front of fixed benches and cupboards;</li> <li>(h) a laundry with a separate laundry sink and minimum clearance of 1.2m in front of fixed benches and cupboards; and</li> <li>(i) a step-free (hobless) shower with minimum dimensions of 0.9m x 1.2m.</li> </ul>	<p><b>P1</b></p> <p>No Performance Criterion.</p>

## C17.6.8 Private open space

Objective:	That apartments are provided with adequate and useable private open space for the needs of the occupants.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>An apartment must have private open space that:</p> <ul style="list-style-type: none"> <li>(a) is co-located with living areas;</li> <li>(b) is in one location and has an area not less than: <ul style="list-style-type: none"> <li>(i) 4m<sup>2</sup> for studio apartments;</li> <li>(ii) 8m<sup>2</sup> for 1 bedroom apartments;</li> <li>(iii) 10m<sup>2</sup> for 2 bedroom apartments;</li> <li>(iv) 12m<sup>2</sup> for 3 or more bedroom apartments;</li> <li>(v) 15m<sup>2</sup>, if the private open space is located at podium level; or</li> <li>(vi) 24m<sup>2</sup>, if the private open space is located at ground level;</li> </ul> </li> <li>(c) has a minimum dimension of not less than: <ul style="list-style-type: none"> <li>(i) 1.8m for a studio or 1 bedroom apartment;</li> <li>(ii) 2m for a 2 bedroom apartment;</li> <li>(iii) 2.4m for a 3 or more bedroom apartment; or</li> <li>(iv) 3m, if located at ground level or podium level; and</li> </ul> </li> <li>(d) is screened from mechanical plant and equipment, service structures and lift motor rooms, unless the outdoor component of an air conditioning unit servicing that apartment.</li> </ul>	<p><b>P1</b></p> <p>Apartments must be provided with private open space that is capable of serving as an extension of the apartment for outdoor relaxation, dining and entertaining and is conveniently located in relation to the living room of the apartment, having regard to:</p> <ul style="list-style-type: none"> <li>(a) access to sunlight;</li> <li>(b) the shape of the site and adjoining land uses;</li> <li>(c) the size and minimum dimensions of the space;</li> <li>(d) the number bedrooms in the apartment and the number of people the space could comfortably accommodate;</li> <li>(e) the amount of space available for furniture or plantings;</li> <li>(f) the potential for significant noise intrusion;</li> <li>(g) proximity and overlooking to the private open space of existing adjacent residential and serviced apartment developments;</li> <li>(h) screening where necessary for privacy that does not unreasonably restrict access to daylight;</li> <li>(i) screening where necessary for noise and wind protection that does not unreasonably restrict access to daylight; and</li> <li>(j) screening from public view for clothes drying areas.</li> </ul>

## C17.6.9 Acoustic privacy

Objective:	That apartments are designed to be protected from noise impacts associated with traffic movements and non-residential uses to minimise conflicts with other uses that are consistent with the zone purpose.
Acceptable Solutions	Performance Criteria
<b>A1</b>  Apartments, excluding apartments in the Inner Residential Zone, must be designed to achieve internal noise levels in accordance with <i>Australian Standard AS 3671:1989 – Road Traffic Noise Intrusion (Building Siting and Construction)</i> and <i>Australian Standard AS 2107:2000 – Acoustics (Recommended Design Sound Levels and Reverberation Times for Building Interiors)</i> .	<b>P1</b>  Apartments, excluding apartments in the Inner Residential Zone, must be designed to minimise noise impacts from transport movements and likely noise from non-residential uses.

## C17.6.10 Waste storage and collection

Objective:	That the storage and collection of waste and recycling does not unreasonably impact on amenity and safety for occupants and the surrounding area and for vehicle traffic, cyclists, and pedestrians.
Acceptable Solutions	Performance Criteria
<b>A1</b>  Bulk waste and recycling bins that are commercially serviced must be provided for apartment buildings that contain: <ul style="list-style-type: none"> <li>(a) 5 or more apartments;</li> <li>(b) if within a building containing other uses, 4 or more apartments; or</li> <li>(c) if fronting a pedestrian priority street as defined in the Parking and Sustainable Transport Code, 3 or more apartments,</li> </ul> unless waste and recycling bins are provided for individual apartments and the bins are commercially collected on-site.	<b>P1</b>  Waste and recycling bins for individual apartments may only be provided if: <ul style="list-style-type: none"> <li>(a) there are not more than 4 apartments or tenancies have kerbside collection per site and kerbside collection would not unreasonably compromise the amenity of the surrounding area, or the flow and safety of vehicles, cyclists and pedestrians;</li> <li>(b) the frontage has a width of at least 5m for each apartment and any other tenancy on the site 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</li> <li>(c) the apartments are within an existing building and areas for bulk waste bin storage and collection cannot reasonably be provided due to site constraints, or unreasonable impacts on the local historic heritage significance of a building listed as a local heritage place, or within a local heritage precinct, in the Local Historic Heritage Code.</li> </ul>

<p><b>A2</b></p> <p>Apartments must have an on-site storage area with an impervious surface for waste and recycling bins and:</p> <p>(a) if for individual bins for each apartment, must be:</p> <ul style="list-style-type: none"> <li>(i) within an area for the exclusive use of each apartment, or within a common storage area, excluding the area between the building and a frontage;</li> <li>(ii) set back not less than 4.5m from a frontage;</li> <li>(iii) not less than 5.5m from any apartment or other dwelling; and</li> <li>(iv) screened from the frontage and any apartment or other dwelling by a wall to a height not less than 1.2m above the finished surface level or the storage area; or</li> </ul> <p>(b) if for bulk waste bins, must:</p> <ul style="list-style-type: none"> <li>(i) be located on common property;</li> <li>(ii) include dedicated areas for the storage and management of waste and recycling;</li> <li>(iii) be not less than 5.5m from any apartment or other dwelling;</li> <li>(iv) be screened from the frontage and any apartment or other dwelling by a wall to a height not less than 1.8m above the finished surface level or the storage area;</li> <li>(v) be accessible to each apartment without the need to travel off-site; and</li> <li>(vi) if within a building containing other uses, have separate storage spaces for commercial and residential bins with separate access to each.</li> </ul>	<p><b>P2</b></p> <p>Apartments must have storage for waste and recycling that is:</p> <ul style="list-style-type: none"> <li>(a) capable of storing the number of bins required for the site;</li> <li>(b) of sufficient size to enable convenient and safe access for occupants;</li> <li>(c) in a location on-site that is conveniently and safely accessible to occupants, without compromising the amenity and flow of public spaces;</li> <li>(d) screened from view from public spaces, apartments and other dwellings; and</li> <li>(e) if the storage area is for common use, separate from apartments and other dwellings on the site to minimise impacts caused by odours and noise.</li> </ul>
<p><b>A3</b></p> <p>Bulk waste and recycling bins must be collected on-site by private commercial vehicles.</p>	<p><b>P3</b></p> <p>No Performance Criterion.</p>

<p><b>A4</b></p> <p>Access for private commercial vehicles to the on-site waste and recycling bin collection areas (including for bulk bins or bins for individual apartments) must:</p> <ul style="list-style-type: none"> <li>(a) have a location, sight distance, geometry, gradient, and off-street parking, manoeuvring and service area that complies with <i>Australian Standard AS 2890.2:2002 – Parking facilities, Part 2 Off-street commercial vehicle facilities</i>; and</li> <li>(b) provide for the vehicle to be located entirely within the site when collecting bins.</li> </ul>	<p><b>P4</b></p> <p>The on-site collection of waste and recycling bins by private commercial vehicles must not compromise the safety, amenity and convenience of surrounding occupants, vehicular traffic, cyclists and pedestrians, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of bins;</li> <li>(b) the method of collection;</li> <li>(c) the time and frequency of collection;</li> <li>(d) access for vehicles to bin storage areas, including consideration of gradient, sight distances, manoeuvring of the collection vehicle and the direction of vehicle movement and pedestrian access;</li> <li>(e) distance from vehicle stopping point to bins if not collected on-site;</li> <li>(f) the traffic volume, geometry and gradient of the street; and</li> <li>(g) the volume of pedestrians using the street and whether it is a pedestrian priority street as defined in the Parking and Sustainable Transport Code.</li> </ul>
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### **C17.8 Development Standards for Subdivision**

C17.5.1 There are no Development Standards for subdivision in this code.

## ATTACHMENT 2

**Draft Amendment 01-2019 of the State Planning Provisions**  
**Apartment Development Code**  
**Explanatory Document**

**1.0 Background**

The Medium Density Residential Development Standard project was announced by the Premier of Tasmania in March 2019. The project aims to deliver new planning standards for medium density residential development in the form of apartments in areas where such development is already provided for and for areas identified (as per the apartment development area overlay). The new development standards will be implemented as a draft amendment to the State Planning Provisions (SPPs).

The development standards are being prepared in conjunction with the Central Hobart Precincts Plan as part of the Hobart City Deal under the *Greater Hobart Act 2019*. The development standards are being prepared by the Department of Justice's Planning Policy Unit in collaboration with staff from Hobart City Council.

The development standards have the following key purposes:

1. To provide a clear permitted pathway for apartment developments in areas where they are already allowed (along with new areas that may be identified in the future);
2. To provide clarity and certainty for the assessment of apartment developments in Tasmania; and
3. To encourage well-designed apartment developments that deliver appropriate levels of residential amenity and promote the health and well-being of occupants through quality internal designs.

Apartment design guidelines will also accompany the final development standards to further assist with good quality designs.

Tasmania, particularly Greater Hobart, is experiencing a high demand for housing with prices and competition for properties significantly increasing. There is high demand for rental properties, including student accommodation, in locations close to services and facilities.

Tasmania also has an aging population. It already has the oldest population of all Australian states and territories, with projections suggesting that Tasmania's population will continue to age faster than other parts of Australia. Tasmania and Hobart in particular is also experiencing higher than normal levels of interstate and international migration and anecdotally many of these new arrivals are looking for alternatives to the suburban single dwelling.

With the current housing demands, there is a need to ensure the planning controls in the SPPs can facilitate a diverse range of housing opportunities to suit the population's needs, ranging from single detached, or semi-detached, houses, through to various types of multiple dwellings like villa units, townhouses and apartments, and various forms of social housing.

The development standards in the General Residential Zone and Inner Residential Zone, which are derived from *Planning Directive No. 4.1 – Standards for Residential Development in the General Residential Zone*, already provide for single dwellings, villa units and townhouses.

While many zones already allow for apartments, including the urban Mixed Use Zone and the three business zones (Local Business Zone, General Business Zone and Central Business Zone), there are very few requirements to facilitate good quality apartment designs. As a result many proposals are subject to additional information requests and conditions that are required to provide for good design outcomes. This draft amendment aims to deliver these requirements.

The standards do not set the use status, density, building height, generic setbacks, or subdivision controls. These will continue to be set in the zones and by relevant codes. The intention is that the standards will allow certain areas to set heights in the comfort of knowing that the issues of design quality that are required for taller buildings will be provided by these new standards. Other matters currently managed through codes, such as local heritage places and precincts, will continue to apply.

Apartment developments provide significant opportunities for inner city living close to employment and services. They provide housing choice for a range of incomes, opportunities for downsizers seeking a smaller dwelling with less maintenance costs, and important housing alternatives for those seeking this lifestyle option.

## **2.0 Stakeholder engagement**

The draft amendment has been prepared in conjunction with staff from Hobart City Council and in consultation with an External Reference Group, consisting of council planning staff from Clarence City Council, Glenorchy City Council and Launceston City Council and the Architecture and Design unit of the University of Tasmania.

Testing of some of the key development standards has also been undertaken with members of the Australian Institute of Architects (Tasmanian Chapter) against recent apartment developments approved within the inner areas of Hobart.

## **3.0 Overview of the draft amendment**

The draft amendment consists of two parts being the draft Apartment Development Code and the consequential amendments to the SPPs to allow the Code to operate in conjunction with the underlying zones and other related codes.

The draft amendment is presented in chronological order.

The following provides an overview of the various amendments included in draft amendment.

### **3.1 Consequential amendments to the State Planning Provisions**

The draft amendment identifies the various consequential amendments proposed to the SPPs to deliver the Apartment Development Code. This includes the inclusion of new definitions and the modification of existing definitions and alterations to the underlying zone provisions to link with the new Code. A short explanation is provided for all consequential amendments in the draft amendment.

Amendments are proposed to the car parking and bicycle parking space requirements in the Parking and Sustainable Transport Code to deliver requirements to a better suited to apartment developments.

### 3.2 Apartment Development Code

#### ***C17.1 Code Purpose***

This clause outlines the purpose of the Code.

#### ***C17.2 Application of this Code***

The Code applies to development for apartments within the Inner Residential Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, and Central Business Zone. These are the five SPP zones where apartments developments will mostly occur.

Apartments may occur in other zones, such as the General Residential Zone and Village Zone, however, the density and site coverage requirements in these zones will largely deliver single dwellings, villa units and townhouses.

The definition of 'apartment' proposed in Table 3.1 of the SPPs also includes 'serviced apartments' which are a form of Visitor Accommodation use. This acknowledges that the use of an apartment can easily switch between a residential tenancy and short stay accommodation. Consequently, the design requirements should be the same for both.

The Code also allows for application to land identified within an 'apartment development area' overlay. Four areas have been identified to date for inclusion within the 'apartment development area' overlay and will be mapped as part of the finalised draft amendment:

- Commercial Zone under the Hobart Interim Planning Scheme 2015; and
- Activity Area 1.0 Inner City Residential (Wapping), Activity Area 2.0 Sullivans Cove 'Mixed Use', and land subject to the Macquarie Point Site Development Plan under the Sullivans Cove Planning Scheme 1997.

These four areas are located within central Hobart and the current planning requirements provide for apartment development. These areas are not included within any of the five default zones in the draft Hobart Local Provisions Schedule (LPS). The three areas currently under the Sullivans Cove Planning Scheme will likely be included within particular purpose zones. The area within the Commercial Zone will likely remain in this zone under the Hobart LPS, with specific provisions allowing for residential use and development as per the Commercial Zone in the current Hobart Interim Planning Scheme<sup>1</sup>.

Other local councils will be able to nominate any other areas to apply the code by the mapped overlay, such as particular purpose zones, as amendments to their future LPSs.

The Code will apply in conjunction with the underlying zone provisions, which sets the use status and use requirements, residential density, and generic building height and setback requirements. All other relevant codes will apply as normal and any application provisions approved as part of a LPS will also apply as normal.

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<sup>1</sup> Note the Commercial Zone in the SPPs prohibits residential use and development.

### ***C17.3 Definition of Terms***

The draft Apartment Development Code includes an additional five defined terms which will apply in conjunction with the defined terms in Table 3.1 of the SPPs. These include the following:

<b>Term</b>	<b>Definition</b>	<b>Explanation</b>
circulation core	means a vertical space that allows people to move between floors of a building, such as a stair or lift.	This term is used in clause C17.6.3 and is a common architectural term to describe stairs or lifts that provide access between floors of a building.
blank wall	means a wall, or portion of a wall, that does not contain a window or balcony.	This term is used in Table C17.1 (as part of clause C17.6.1) to describe the separation distances from walls, or portions of walls, that do not contain a window or balcony.
common open space	means common outdoor open space for relaxation and recreation of residents of an apartment building.	This term is used in clause C17.6.2 to describe the common outdoor spaces that provide common recreation spaces for an apartment building.
deep soil area	means an area of natural ground that can support the growth of a canopy tree.	This term is used in clause C17.6.2 to describe the area of deep soil capable of supporting a tree. These areas provide amenity benefits for the occupants and the streetscape.
apartment development area	means the area as shown on an overlay map in the relevant Local Provisions Schedule.	This term describes the mapped overlay for applying the Apartment Development Code to additional areas beyond the five default zones.
light well	means a space within a building designed to provide natural light and air to internal areas of the building.	This term is used in clause C17.6.5 and describes the spaces within a building designed to provide daylight and natural ventilation to internal rooms within an apartment building.

An additional three terms have been added to Table 3.1 to define the terms 'apartment', 'apartment building' and 'serviced apartment'. These terms are largely used in the draft Apartment Development Code, but are also used elsewhere in the SPPs, which requires the definitions to be located in Table 3.1.

### ***C17.4 Use or Development Exempt from this Code***

There are no exemptions from the Code. All development for apartments within the identified zones and mapped overlay area will be subject to the applicable development standards in the Code.

### ***C17.5 Use Standards***

There are no Use Standards proposed for the Code. Use requirements for apartments will be assessed through the underlying zone provisions, relevant codes and LPS provisions.

**C17.6 Development Standards for Buildings and Works****C17.6.1 Building separation and setbacks**

This development standard applies separation distances between buildings on the same site in addition to requiring setbacks from lot boundaries for apartment windows and balconies. It aims to establish equitable development for apartments across neighbouring sites. The standard does not apply to the Inner Residential Zone as the zone provisions already include appropriate separation distances and setbacks for windows and balconies.

The separation distances and setbacks aim to protect the privacy of occupants and deliver amenity benefits by enabling opportunities for outlooks from apartments and access to sunlight, daylight and natural ventilation. There are specific development standards in the Code that deal with access to sunlight, daylight and natural ventilation for apartments.

Table C17.1 identifies the Permitted separation distances between apartments and any other buildings on the same site based on the building height. It applies separation distances for living room and bedroom windows and balconies of apartments. The separation distances apply to apartments on all floors levels of a building for the specified height.

The separation distances increase with building height and vary dependant on the interface with other living room or bedroom windows and non-habitable room windows and blank walls. Specifically, it provides separation distances between:

- living room windows or balconies within the same building or other buildings on the same site (column 2);
- bedroom windows within the same building or another building on the same site (column 3);
- a living room window or balcony and a bedroom window within the same building or another building on the same site (column 3);
- a living room window or balcony and a blank wall or non-habitable room window within the same building or another building on the same site (column 4); and
- a bedroom window and a blank wall or non-habitable room window within the same building or another building on the same site (column 5).

Table C17.2 identifies the Permitted side and rear boundary setbacks for apartment windows (both living room windows and bedroom windows) and balconies.

The separation distances and setbacks are based on the recommended separation distances in the NSW Apartment Design Guide<sup>2</sup> and the building setback and separation distances for apartments in the Moreland Planning Scheme<sup>3</sup>. Adjustments have been made to distances and building height categories to better reflect the Tasmania context.

<sup>2</sup> Refer to page 37 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

<sup>3</sup> Refer to clause 22.07-2 Building setback and separation in the Moreland Planning Scheme ([https://planning.schemes.delwp.vic.gov.au/\\_data/assets/pdf\\_file/0006/463974/Moreland\\_PS\\_Ordinance.pdf](https://planning.schemes.delwp.vic.gov.au/_data/assets/pdf_file/0006/463974/Moreland_PS_Ordinance.pdf)). Moreland City Council is a municipality in the inner north of Melbourne and includes the suburbs of Brunswick, Coburg and Glenroy.

This development standard also operates in conjunction with any generic side and rear setbacks in the underlying zones.

#### ***C17.6.2 Common open space and landscaping***

This standard includes requirements for common open space (A1) and landscaping requirements (A2) for apartment developments.

##### ***Common open space***

The common open space requirements in A1, P1.1 and P1.2 apply to apartment buildings containing 20 or more apartments. Common open space provides important outdoor recreation opportunities for occupants of larger apartment developments, in addition to private open space for individual apartments. It also provides opportunities for social interaction between occupants of the building. Common open space may be located at ground level, or for smaller, denser sites, located at a podium level of the building, or as rooftop space. Quality common open space can contribute to the appeal of a development, the well-being of residents and provide valuable infrastructure assets for our cities.

A1 requires common open space to comprise 20% of the site area with a minimum dimension of 5m and excludes any areas designated for common clothes drying areas, vehicle driveways, manoeuvring and hardstand areas. To meet A1, the space must receive at least 2 hours of direct sunlight to 50% of the space on the winter solstice, include 15% of the total area as garden space, and be accessible to all occupants of the building via common areas of the site. The space must be screened from any mechanical plant and services.

The requirements in A1 are largely based on the design criteria and guidance in the NSW Apartment Design Guide<sup>4</sup>.

Variations to these requirements may be considered under the Performance Criteria P1.1 and P1.2. P1.2 provides for no common open space to be provided for buildings with less than 30 apartments if:

- converting an existing building to apartments with significant heritage constraints;
- the building is adjacent to suitable public open space; or
- all apartments are provided with quality private open space that meets the requirements of clause C17.6.8 A1 in the code.

##### ***Deep soil areas***

A2 and P2 relates to deep soil areas and aim to provide areas for the growth of canopy trees or other landscaping treatments. Buildings with 30 or more apartments must be provided with common open space.

Canopy trees can provide important environmental benefits through the provision of shade and broader amenity benefits to occupants. The deep soil requirements only apply to new buildings and do not apply to development in the Central Business Zone.

A2 requires deep soil areas to be provided in accordance with Table C17.3. The minimum area and size and number of canopy trees relating to the site area. These requirements are based on the deep

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<sup>4</sup> Refer to page 55 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

soils area and canopy tree requirements in the Victorian Planning Provisions<sup>5</sup>. A2 provides for a 25% reduction in total area if an existing canopy tree is retained on-site. This provides incentives for the retention of existing canopy trees.

P2 provides for alternative landscape treatments to be considered as a means of enhancing residential amenity.

#### **C17.6.3 Common circulation spaces**

This standards aims to provide safe and functional internal circulation spaces for apartment buildings. The internal circulation spaces of an apartment building have a direct relationship with the building form and layout. It aims to deliver ease of access to apartments and enable opportunities for casual social interaction amongst occupants and familiarity with other residents on the floor level.

A1 limits the number of apartments on each floor level that access a lift or stair (a circulation core), the number of apartments per lift for buildings of 10 storeys or more, and controls common internal corridor lengths and widths. The maximum common internal corridor lengths relate to the entire length of the corridor regardless of any articulations. These requirements are largely based on the recommended design criteria and guidance in the NSW Apartment Design Guide<sup>6</sup>.

P1 allows for variations to be considered to these requirements if providing safe and easy access to the occupants. The number of apartments on each floor must not exceed 12 per circulation core and common internal corridor lengths must not exceed a total length of 40m.

#### **C17.6.4 Sunlight**

This standard aims to optimise the provision of direct sunlight to apartments, specifically the living rooms and private open space. Access to direct sunlight can improve residential amenity by providing pleasant thermal conditions for the occupants and can assist with passive heating of apartments.

A1 applies to apartments, other than those in the Central Business Zone of Hobart, and requires at least 70% of apartments within the building receive not less than 3 hours of direct sunlight to living rooms and private open space on the winter solstice. It also requires that not more than 15% of apartments receive no direct sunlight on the winter solstice.

These requirements are based on the recommended design criteria in the NSW Apartment Design Guide<sup>7</sup>. These requirements acknowledge that not all apartments within a building will be able to achieve the sunlight requirements due to site constraints caused by orientation, topography and adjoining development. There is potential for adjoining development in the business zones to overshadow apartments and the building setbacks in clause C17.6.1 aim to assist with 'self-protecting' apartments from future overshadowing.

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<sup>5</sup> Refer to clause 55.07-4 Deep soil areas and canopy tree objective in the Victorian Planning Provisions: [https://planning-schemes.delwp.vic.gov.au/schemes/vpps/55\\_07.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/55_07.pdf)

<sup>6</sup> Refer to page 97 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

<sup>7</sup> Refer to page 79 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

The exclusion of Hobart's Central Business Zone acknowledges the greater building heights provided for in this zone. Sunlight access in this area will be further considered by Hobart City Council as part of the Central Hobart Precincts Plan.

P1 allows for variations to be considered to these requirements if at least 70% of apartments receive reasonable levels of sunlight to living rooms and private open space.

#### ***C17.6.5 Daylight and natural ventilation***

This standard includes requirements relating to natural cross ventilation of apartments and access to daylight and natural ventilation of habitable rooms. It also includes requirements controlling the design of light wells within apartment buildings. It aims to promote the health and well-being of occupants through access to natural light and air within apartments.

Natural ventilation simply refers to the ability for a room to access fresh air without mechanical assistance (e.g. fans or air conditioning). Natural ventilation of an apartment has the benefit of creating comfortable living spaces. Access to adequate daylight assists with providing pleasant living conditions for the occupants and can reduce the reliance on artificial lighting within the apartment.

#### ***Natural cross ventilation***

A1 and P1 relate to natural cross ventilation of an apartment. Natural cross ventilation is achieved by having apartments with more than one aspect allowing for fresh air to be drawn through the apartment. Apartment layout and depth impact on the effectiveness of natural cross ventilation.

The standard requires at least 60% of apartments in the first 9 storeys of a building to achieve effective natural cross ventilation. Apartments at 10 storeys and above are likely to have difficulties in achieving natural cross ventilation due to higher wind speeds and the need to different façade treatments on the building.

A1 requires at least 60% of apartments in the first 9 storeys of a building to have openable windows located on two external walls. This acknowledges that smaller, single aspect apartments (such as studios and some 1 bedroom apartments) may not be able to achieve cross ventilation. The windows must be spaced at least 6m apart, or half the depth of apartment, whichever is greater, to create a suitable breeze path for natural cross ventilation. The distance between the openable windows cannot exceed 15m.

P1 allows for variations to these requirements to be considered if at least 60% of apartments in the first 9 storeys of a building are orientated and design to enable natural cross ventilation through the apartment. The distance between two openable windows must not exceed 18m.

The natural cross ventilation requirements are based on the recommended design criteria and guidelines on the NSW Apartment Design Guide<sup>8</sup>.

#### ***Daylight and natural ventilation***

A2 and P2 relate to daylight and natural ventilation for apartments. A2 includes requirements for room depths, ceiling heights and minimum window areas and requirements to assist with providing

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<sup>8</sup> Refer to page 85 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

appropriate daylight and natural ventilation to rooms. P2 allows for variations to these requirements to be considered provided the apartments have appropriate access to daylight and natural ventilation. The maximum depth for an open plan living area must not exceed 10m.

The room depth and ceiling height requirements are based on the recommended design criteria in the NSW Apartment Design Guide<sup>9</sup>.

#### ***Light wells***

A3 and P3 relate to light wells and aim to ensure they are designed deliver appropriate daylight and natural ventilation to the rooms being served. Light wells provide a means of delivering daylight and air to internal rooms within a building and may assist with achieving a higher apartment yield. However, light wells should be used with caution and only when suitable access to an external wall cannot be provided and where appropriate air circulation is enabled. It is not appropriate for light wells to provide the primary source of daylight or natural ventilation for a living room.

A3 and P3 allows for light wells to be used to provide the primary source of daylight and natural ventilation for bedrooms and non-habitable rooms only. A3 further limits the number of bedrooms accessing a light well per floor level and specifies minimum height to width proportions to assist with ventilation and daylight penetration. The requirements in A3 are based on light well dimensions in the Moreland Planning Scheme<sup>10</sup>, but have been presented as a height to width ratio. P3 allows for variations to these requirements to be considered.

#### ***C17.6.6 Apartment size, layout and storage***

This standard controls the size and layout of apartments and provides for internal storage areas for household items. The size and layout of an apartment directly impacts its amenity and functionality. Providing adequate internal storage space also adds to the functionality of an apartment.

A1, through Table C17.4, specifies the minimum internal areas for apartments and the minimum internal storage volumes for household items. At least 50% of the internal storage volume needs to be provided within the apartment, in the form of cupboards or wardrobes and the remainder can be provided in other designated storage spaces within the apartment building. The areas and volumes relate to the number of bedrooms in the apartment. These requirements are based on the design criteria in the NSW Apartment Design Guide<sup>11</sup>.

A1 also specifies the minimum width for living rooms and open plan living/dining rooms with the dimension also linked to the number of bedrooms in the apartment. These requirements are based on the design criteria in the NSW Apartment Design Guide<sup>12</sup>.

P1 allows for variations to these requirements to be considered provided the apartment has usable and function spaces for the occupants and appropriate storage areas.

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<sup>9</sup> Refer to pages 87 and 89 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

<sup>10</sup> Refer to clause 22.07-3 Light wells in the Moreland Planning Scheme: [https://planning.schemes.delwp.vic.gov.au/\\_data/assets/pdf\\_file/0006/463974/Moreland\\_PS\\_Ordinance.pdf](https://planning.schemes.delwp.vic.gov.au/_data/assets/pdf_file/0006/463974/Moreland_PS_Ordinance.pdf)

<sup>11</sup> Refer to page 89 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

<sup>12</sup> Refer to page 91 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

**C17.6.7 Universal design**

This standard aims to require a certain proportion of apartments are designed to enable access and inclusion for a range of users and mobility levels and enable apartments to be adapted over time to meet the needs of the occupants.

Universal design broadly refers to the design of products, environments, programs and services to be usable by people of different ages and abilities over time. Seven principles for universal design were developed in 1997 by a working group of architects, product designers and environmental design researchers lead by the Centre for Universal Design at the North Carolina State University<sup>13</sup>. The aim is to guide the design of environments, products and communications.

In the context of apartments, universal design represents a design philosophy that enables people to continue living in the same home by ensuring apartments can be adapted with the needs of the occupants. This ranges from young families to older people, their visitors, as well as those with permanent or temporary disabilities.

The requirements in A1 are mandatory with no variation possible through the corresponding Performance Criteria. A1 requires 30% of apartments in apartment buildings consisting of 5 or more apartments to be designed to meet minimum entry, access and clearances in rooms throughout the apartment. The extra widths and clearances are considered to be a minimal impost on the design when compared to the benefits gained from providing accessible spaces for a range of users over the lifetime of the apartment.

The requirements are based on the NSW Apartment Design Guide and the Livable Housing Design Guidelines<sup>14</sup> developed by Livable Housing Australia. Most jurisdictions include planning requirements relating to universal design or adaptable housing. This acknowledges that statistics show that 1 in 5 Australians currently have a disability of some type and that there is around a 60% chance that a house will be occupied by a person with a disability at some point in their life<sup>15</sup>. NSW and the ACT require 20% of apartments to meet such requirements, while in Melbourne requires up to 50%. The requirement for 30% of apartments to meet the requirements was set between these requirements.

**C17.6.8 Private open space**

This standard specifies the private open space requirements for apartments. Private open space offers important amenity benefits for the occupants by providing an outdoor extension of the apartment space for relaxation, entertainment and outdoor dining. Larger private open space areas can also provide opportunities for outdoor children's play.

A1 specifies the minimum area and dimensions for private open space based on the number of bedrooms in the apartment and its location. Larger private open space areas are required if provided as courtyards at ground level or on a podium level. Private open space must be co-located with the living areas of the apartment and be screened from mechanical plant and services.

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<sup>13</sup> More information on the 7 Principles of Universal Design is available on the Local Government NSW website: <https://www.lgnsw.org.au/files/imce-uploads/127/information-sheet-the-principles-of-universal-design.pdf>

<sup>14</sup> [http://www.livablehousingaustralia.org.au/library/SLHA\\_GuidelinesJuly2017FINAL4.pdf](http://www.livablehousingaustralia.org.au/library/SLHA_GuidelinesJuly2017FINAL4.pdf)

<sup>15</sup> Refer to page 10 in the Livable Housing Design Guidelines: [http://www.livablehousingaustralia.org.au/library/SLHA\\_GuidelinesJuly2017FINAL4.pdf](http://www.livablehousingaustralia.org.au/library/SLHA_GuidelinesJuly2017FINAL4.pdf)

These requirements are based on the design criteria in the NSW Apartment Design Guide<sup>16</sup>. The minimum dimension for studio and 1 bedroom apartments has been reduced to 1.8m to avoid the balcony restricting sunlight to the living areas of these smaller apartments.

P1 allows for variations to these requirements to be considered provided it is appropriate for the apartment and conveniently located.

#### ***C17.6.9 Acoustic privacy***

This standard requires apartments to 'self-protect' against external noise impacts such as traffic movements and non-residential uses in mixed use areas, such as entertainment venues. The standard does not apply to apartments in the Inner Residential Zone, acknowledging that external noise impacts are more likely to occur in zones where there is a genuine mix of uses.

The standard is based on the equivalent standard for residential use currently in the Sullivans Cove Planning Scheme 1997 for the Macquarie Point Site Development Plan<sup>17</sup>.

#### ***C17.6.10 Waste storage and collection***

This standard includes requirements for the storage and collection of waste and recycling bins, including bulk storage bin collection on-site. The storage and collection of waste and recycling bins can become problematic for sites that contain a number of dwellings or tenancies.

Local government have raised concerns with the adequacy of current planning requirements relating to waste and recycle bin collection. These development standards provide the first opportunity for the SPPs to be reviewed to deliver suitable standards. If appropriate, equivalent standards will be delivered for other types of use and development as part of a future review of the SPPs.

The standard is based on the requirements contained in draft amendment PSA-19-1-2 to the Hobart Interim Planning Scheme 2015 for the Central Business Zone and Commercial Zone.

#### ***C17.8 Development Standards for Subdivision***

There are no development standards for subdivision in the Code. Subdivision will be assessed against the underlying zone requirements, any other applicable code requirements, and any applicable LPS requirements.

### **4.0 Consideration against the Schedule 1 objectives of the Act and State Policies**

#### **4.1 Schedule 1 objectives of the Act**

The draft amendment is considered to further the Schedule 1 objectives of the Act, as set out below:

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<sup>16</sup> Refer to page 93 in the NSW Apartment Design Guide: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-2015-07.pdf?la=en>

<sup>17</sup> Refer to clause 32.6.2 Residential and Visitor Accommodation Use in the Sullivans Cove Planning Scheme 1997: <https://www.hobartcity.com.au/files/assets/public/planning/planning-schemes/sullivans-cove-planning-scheme-current-30-october-2019.pdf>

*1(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.*

The draft amendment is considered to further this objective as it forms part of the system of planning instruments that set the objectives and controls for use and development in the State which as a whole promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity. The draft amendment implements consistent development standards for apartments in areas already identified for residential and mixed use development.

*1(b) to provide for the fair, orderly and sustainable use and development of air, land and water.*

The draft amendment is considered to further this objective as it implements consistent development standards for apartments in areas already identified for residential and mixed use development. The development standards aim to facilitate the development of well-designed apartments in areas located close to commercial, employment, and social services therefore providing for the fair, orderly and sustainable use and development of air, land and water.

*1(c) to encourage public involvement in resource management and planning.*

The statutory assessment process for draft amendments encourages public involvement through public exhibition and the holding of any public hearings in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Commission Act 1997*.

*1(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b), and (c)*

The draft amendment will facilitate economic development in accordance with the other objectives through the implementation of consistent development standards which aim to facilitate the development of well-designed apartments in areas located close to commercial, employment, and social services.

*1(e) to promote the sharing of responsibility for resource management and planning between spheres of Government, the community and industry in the State.*

The preparation of the draft amendment and subsequent consultation will involve the sharing of responsibilities between local government, particularly Hobart City Council, State Service Agencies and State authorities, the development industry and the community.

*2(a) to require sound strategic planning and co-ordinated action by State and local government.*

The draft amendment is considered to further this objective as it implements development standards for apartments in areas already identified for residential and mixed use development. The development standards aim to facilitate the development of well-designed apartments in areas located close to commercial, employment, and social services. Implementation of the draft amendment will require coordinated action by State and local governments.

*2(b) 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;*

The draft amendment forms part of the system of planning instruments that set the objectives and controls for use and development in the State, specifically facilitating the development of well-design apartments in suitable locations. The draft amendment furthers this objective by contributing to a consistent system of planning instruments across the State.

*2(c) to ensure the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about use and development.*

The draft amendment implements development standards for apartments in areas already identified for residential and mixed use development. The draft amendment forms part of the system of planning instruments that set the objectives and controls for use and development in the State. The effects on the environment will be appropriately considered through the relevant provisions of the SPPs.

*2(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.*

The development standards will form one component of controls in the integrated resource management and planning system in the State, and takes into account existing policies, the SPPs and other instruments relating to apartment developments.

*2(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals*

The development standards will form one component of controls in the integrated resource management and planning system in the State, and will therefore provide for the consolidation of land use approvals.

*2(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;*

The draft amendment will provide for a pleasant, efficient and safe living environment, by facilitating the development of well-designed apartments in areas located close to commercial, employment, and social services. The development standards aim to deliver an appropriate level of residential amenity and promote the health and well-being of occupants through quality design.

*2(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

The development standards will operate in conjunction with the other provisions in the SPPs, which includes the Local Historic Heritage Code.

*2(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.*

The development standards will form one component of controls in the integrated resource management and planning system in the State and impacts on existing public infrastructure or other assets, and the capacity of existing infrastructure services will be taken into account through decision making process.

## **4.2 State Policies**

### **4.2.1 State Policy on the Protection of Agricultural Land 2009**

This State Policy is not applicable to the draft amendments as it does not impact on any land that is defined as 'agricultural land'.

**4.2.2 State Coastal Policy 1996**

The State Coastal Policy would be applicable to the draft amendment as land subject to the Apartment Development Code will be located within the 'coastal zone' of 1km from the coast.

The draft amendment is consistent with the outcomes of the State Policy as it provides for urban and residential development based on the existing urban areas and the land which is already designated for urban development through the planning scheme.

**4.2.3 State Policy on Water Quality Management 1997**

The draft amendment forms part of the system of planning instruments that set the objectives and controls for use and development in the State. The relevant objectives of the State Policy are already delivered through the various provisions of the SPPs.

**4.2.4 National Environment Protection (Assessment of Site Contamination) Measure**

The only National Environmental Protection Measure (NEPM) related to land use planning is the *National Environment Protection (Assessment of Site Contamination) Measure*.

The draft amendment forms part of the system of planning instruments that set the objectives and controls for use and development in the State. The relevant objectives of the NEPM are already delivered through the Potentially Contaminated Land Code in the SPPs.

**8.3 Petition to Amend Sealed Plan 167642**  
**4 Satchell Drive, Kingston**  
**File Ref: F20/19664**

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Memorandum of the Environment Development Planner of 25 February 2020 and attachments.

Delegation: Council



City of **HOBART**

## MEMORANDUM: CITY PLANNING COMMITTEE

### **Petition to Amend Sealed Plan 167642 4 Satchell Drive, Kingston**

#### **1. INTRODUCTION**

- 1.1 A petition under section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP Act) has been received to amend Sealed Plan 167642. The petition is attached as Attachment A and the Sealed Plan is attached as Attachment B.
- 1.2 The petition seeks to decrease the area on Lot 5 on the Plan (4 Satchell Drive) affected by the building covenant set out at paragraph 2(2) on page 4 of the Schedule of Easements to the Sealed Plan. The Schedule of Easements is attached as Attachment C.
- 1.3 The building covenant prohibits the erection of buildings outside designated building envelopes on each of the lots on the Sealed Plan.
- 1.4 The proposed amendment would marginally increase the size of the building envelope on Lot 5, to allow for the construction of a 36m<sup>2</sup> garage approved under planning permit PLN-19-686 outside the existing building envelope.
- 1.5 The petitioner is the owner of 4 Satchell Drive.

#### **2. THE LEGISLATIVE PROVISIONS**

- 2.1 Section 103(1)(b) of the LGBMP Act provides that a Sealed Plan may be amended by the Council on an application by any person having an interest in land subject to the Plan.
- 2.2 Section 103(3) of the LGBMP Act requires a person to make the application by petition and serve a copy of the petition on all persons appearing by the registers under the *Land Titles Act 1980* and the *Registration of Deeds Act 1935* to have an estate or interest at law affected by the proposed amendment.
- 2.3 The petitioner has provided evidence that a copy of the petition has been served on all persons having an estate or interest at law affected by the proposed amendment.

- 2.4 Section 103(4) of the LGBMP Act provides that any person affected by the proposed amendment may ask to be heard by Council in support or opposition within 28 days of being served with a copy of the petition.
- 2.5 No requests to be heard have been received and the time period within which affected persons may ask to be heard has lapsed.
- 2.6 At the end of 28 days after the last petition has been served, the Council may, if no person has asked to be heard in opposition, cause the amendment to be made.

### **3. BACKGROUND**

- 3.1 The subdivision that created the lots on the Sealed Plan was approved under planning permit PLN-10-00030-01.
- 3.2 Condition 8 of that permit required the final plan of survey to show building envelopes on each lot that would maximise the retention of significant vegetation, provide resident amenity by separating buildings on adjacent lots and avoid areas of higher geotechnical risk.
- 3.3 The approved building envelopes were also included in a Site Development Plan that lot owners must comply with under a Part 5 Agreement. Despite the Part 5 Agreement, the covenant was also required so that the siting restriction was more obvious to purchasers and to allow for easier enforcement of the restriction.

### **4. CONSIDERATION**

- 4.1 The garage development approved under PLN-19-686 is located close to the existing dwelling, just outside the existing building envelope. A site plan showing the location of the approved shed relative to the existing and proposed building envelopes and the existing house is attached as Attachment D.
- 4.2 Construction of the garage in this location does not require the removal of any vegetation, and the site is outside areas of high geotechnical risk and adequately separated from building envelopes on adjacent lots.
- 4.3 While the additional area proposed to be included in the building envelope includes land not required to construct the garage, the existing building envelope will continue to be shown in the Site Development Plan, and buildings can only be constructed outside the building envelope shown in the Site Development Plan with the written consent of the planning authority under the terms of the Part 5 Agreement. Council would therefore retain the power to be able to refuse any proposal for further building development within the expanded area of the building envelope shown on the amended Sealed Plan.
- 4.4 Given the above, it is recommended that Council approve amendment of the Sealed Plan in the terms proposed.

**RECOMMENDATION****That:**

1. ***Pursuant to section 103 of the Local Government (Building and Miscellaneous Provisions Act 1993, the Council approve the petition to amend Sealed Plan 167642 as detailed in Attachment A.***

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



Rowan Moore  
**ENVIRONMENT DEVELOPMENT  
PLANNER**

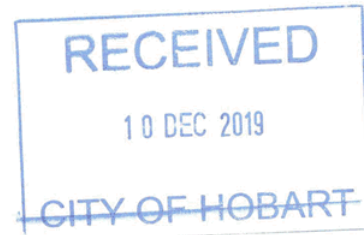
Date: 25 February 2020  
File Reference: F20/19664

Attachment A: Petition to Amend Sealed Plan ↓  
Attachment B: Sealed Plan 167642 ↓  
Attachment C: Schedule of Easements ↓  
Attachment D: Shed Site Plan ↓



5 December 2019

Planning Department  
Hobart City Council  
GPO Box 503  
Hobart TAS 7001



Dear Planning Officer,

**PETITION TO AMEND SEALED PLAN 167642  
PURSUANT TO SECTION 103 OF THE LOCAL GOVERNMENT (BUILDING AND  
MISCELLANEOUS PROVISIONS) ACT 1993**

I act for Damien Styles who is the registered owner of 4 Satchell Drive, Kingston (described by Certificate of Title Volume 167642 Folio 5).

I *enclose* for your attention the following documents;

1. My client's Petition to amend Sealed Plan number 167642;
2. Land Titles Office instrument to amend Sealed Plan number 167642;
3. Marked up Sealed Plan 167642 showing requested amendment;
4. Copy of Schedule of Easement for Sealed Plan number 167642;
5. Copies of Title Searches for all affected Lots on the Sealed Plan for your ease of reference; and
6. Copies of all notifications sent to affected parties.

I also *enclose* my client's application fee payable to Council.

The effect of the amendment is to decrease the area on Lot 5 on the Plan affected by the building covenant set out at paragraph 2(2) on page 4 of the Schedule of Easements. You will see that the amendment is relatively minor, and reflects my client's intention to build in accordance with the Planning Permit 19-686 granted by your office on 15 November 2019.

You will see that each other Lot on Sealed Plan 167642 has the benefit of each covenant burdening the various Lots on the Plan.

ABETZ CURTIS  
ABN 27009576149  
83 Davey Street  
Hobart Tasmania Australia 7000  
GPO 405 Hobart  
Hobart Tasmania Australia 7001  
Phone 03 6223 8955  
Facsimile 03 6234 9640  
Email [info@abetzcurtis.com.au](mailto:info@abetzcurtis.com.au)  
Web [www.abetzcurtis.com.au](http://www.abetzcurtis.com.au)



As required by section 103(3)(b) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* we have caused a copy of the Petition to be served on all persons appearing by the registers to have an estate or interest at law affected by the proposed amendment. Please note that Hobart City Council is the registered owner of Lot 100 and 101 (road) and therefore this letter also serves as notice to the extent Council is also an interested party. The parties notified are listed on the annexure to this letter marked '**Annexure A**'.

Please advise if;

- (a) You require any further information; or
- (b) You receive any objection to the proposed amendment.

Provided no objections are received by any affected parties including Council, and Council are satisfied with the amendment as proposed, please confirm you will amend the Sealed Plan as contemplated in the Petition and execute the Land Titles Office instrument enclosed.

Should you have any queries please do not hesitate to contact me.

Yours faithfully  
**ABETZ CURTIS**

Per:

**NATHAN STREET**  
Email: [nstreet@abetzcurtis.com.au](mailto:nstreet@abetzcurtis.com.au)  
Ref: 190453

## ANNEXURE A

1. Tobias George Morley, 1 Satchell Drive, Kingston TAS 7050  
Registered owner of C/T 167642/1
2. MyState Bank Limited, 137 Harrington Street, Hobart TAS 7000  
Mortgagee noted on C/T 167642/1
3. Bo Xu and Xingqin Li, 3 Satchell Drive, Kingston TAS 7050  
Registered owners of C/T 167642/2
4. National Australia Bank Limited, Level 1, 800 Bourke Street, Docklands VIC 3008  
Mortgagee noted on C/T 167642/2 AND 167642/8
5. Ronda Elizabeth Monachetti and Peter Palmerino Monachetti, 113 Proctors Road,  
Kingston TAS 7050  
Registered owners of C/T 167642/3
6. The Occupier, 2 Satchell Drive, Kingston TAS  
Assumed tenant of C/T 167642/3
7. Tracey Louise Tobin, 7 Watkins Avenue, West Hobart TAS 7000  
Registered owner of C/T 167642/4
8. Australia and New Zealand Banking Group Limited, ANZ Centre Melbourne, Level  
9, 833 Collins Street, Docklands VIC 3008  
Mortgagee noted on C/T 167642/4
9. The Occupier, 5 Satchell Drive, Kingston TAS 7050  
Assumed tenant of C/T 167642/4
10. Davin Anthony Hibberd and Michelle Louise Hibberd, 6 Butterworth Street, West  
Hobart TAS 7000  
Registered owners of C/T 167642/6
11. Commonwealth Bank of Australia, 201 Sussex Street, Sydney NSW 2000  
Mortgagee noted on C/T 167642/6 AND 167642/5
12. The Occupier, 6 Satchell Drive, Kingston TAS 7050  
Assumed tenant of C/T 167642/6
13. Kim Allan Briggs and Mary Briggs, 'Athlone' 197 Melville Street, West Hobart  
TAS 7000  
Registered owners of C/T 167642/7
14. The Occupier, 8 Satchell Drive, Kingston TAS 7050  
Assumed tenant of C/T 167642/7
15. Skatepail Pty Ltd, PO Box 1459, Alice Springs NT 0870  
Registered owner of C/T 167642/8
16. The Occupier, 7 Satchell Drive, Kingston TAS 7050  
Assumed tenant of C/T 167642/8
17. Hobart City Council, GPO Box 503, Hobart TAS 7001  
Registered owner of C/T 167642/100 and 167642/101 (road lot)

IN THE MATTER of Sealed Plan No 167642

and

IN THE MATTER of Section 103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*

**PETITION**

**TO HOBART CITY COUNCIL TO AMEND SEALED PLAN 167642**

TO: the Hobart City Council

This is a Petition by Damien William Styles being the registered proprietor of all lands comprised in the Folio of the Register Volume 167642 Folio 5, also being a person with interest in the land subject to Sealed Plan No 167642.

Damien William Styles hereby petitions the Hobart City Council pursuant to Section 103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* (Tas) to amend Sealed Plan No 167642 by;

1. Amending the size of the area marked A B C D and E as it relates to the covenant affecting Lot 5 only on the Sealed Plan as follows;
  - a. increase the length of B C from 43.642 metres to 60 metres; and
  - b. consequently, increase the length of C D from 78.708 metres to approximately 80 metres,

as shown on the amended plan of survey annexed on page 2 herein.

I have served this Petition on the persons and corporations appearing on the Register under the *Land Titles Act 1980* (Tas) and the *Registration of Deeds Act 1935* (Tas) to have any estate or interest in the said lands affected by the proposed amendments.

Dated this 5<sup>th</sup> day of December 2019.

SIGNED by DAMIEN WILLIAM  
STYLES in the presence of:

)  
)

  
Witness Signature

CAITLIN FIFE  
Witness Print Name

83 DAVEY STREET

HOBART TAS 7000  
Witness Address

## TASMANIAN LAND TITLES OFFICE

## Blank Instrument Form

Land Titles Act 1980



DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
167642	1 – 8, 100, 101		

REQUEST TO AMEND  
SEALED PLAN NO. 167642

TO: The Recorder of Titles  
Land Titles Office  
1/134 Macquarie Street  
HOBART TAS 7000

IN THE MATTER OF section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*

The Council Requests that Sealed Plan No. 167642 be amended in the following terms;

AMENDMENT TO PLAN

Amending the size of the area marked A B C D and E as it relates to the covenant affecting Lot 5 only on the Sealed Plan as follows;

1. increase the length of B C from 43.642 metres to 60 metres; and
  2. consequently, increase the length of C D from 78.708 metres to approximately 80 metres,
- as shown on the amended plan of survey annexed on page 2 herein.

AMENDMENTS TO SCHEDULE

Not required

The **COMMON SEAL** of the **HOBART CITY** )  
**COUNCIL** was hereunto affixed in accordance )  
with the *Local Government Act 1993* in the )  
presence of the following authorised officer(s): )

Signature: .....

Signature: .....

Print Name: .....

Print Name: .....

Office Held: .....

Office Held: .....

Land Titles Office Use Only

Duty

Version 1

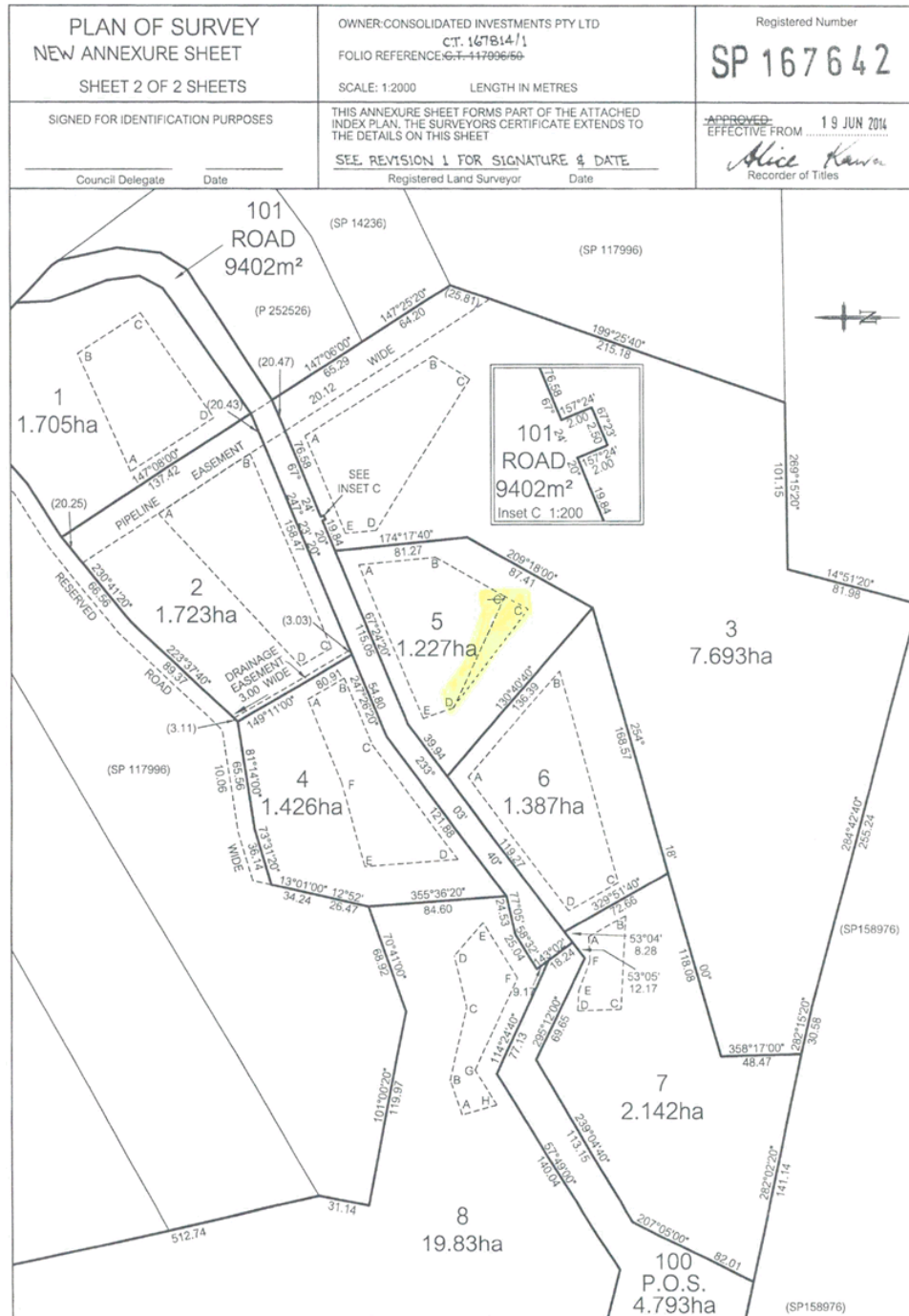
THE BACK OF THIS FORM MUST NOT BE USED



## FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

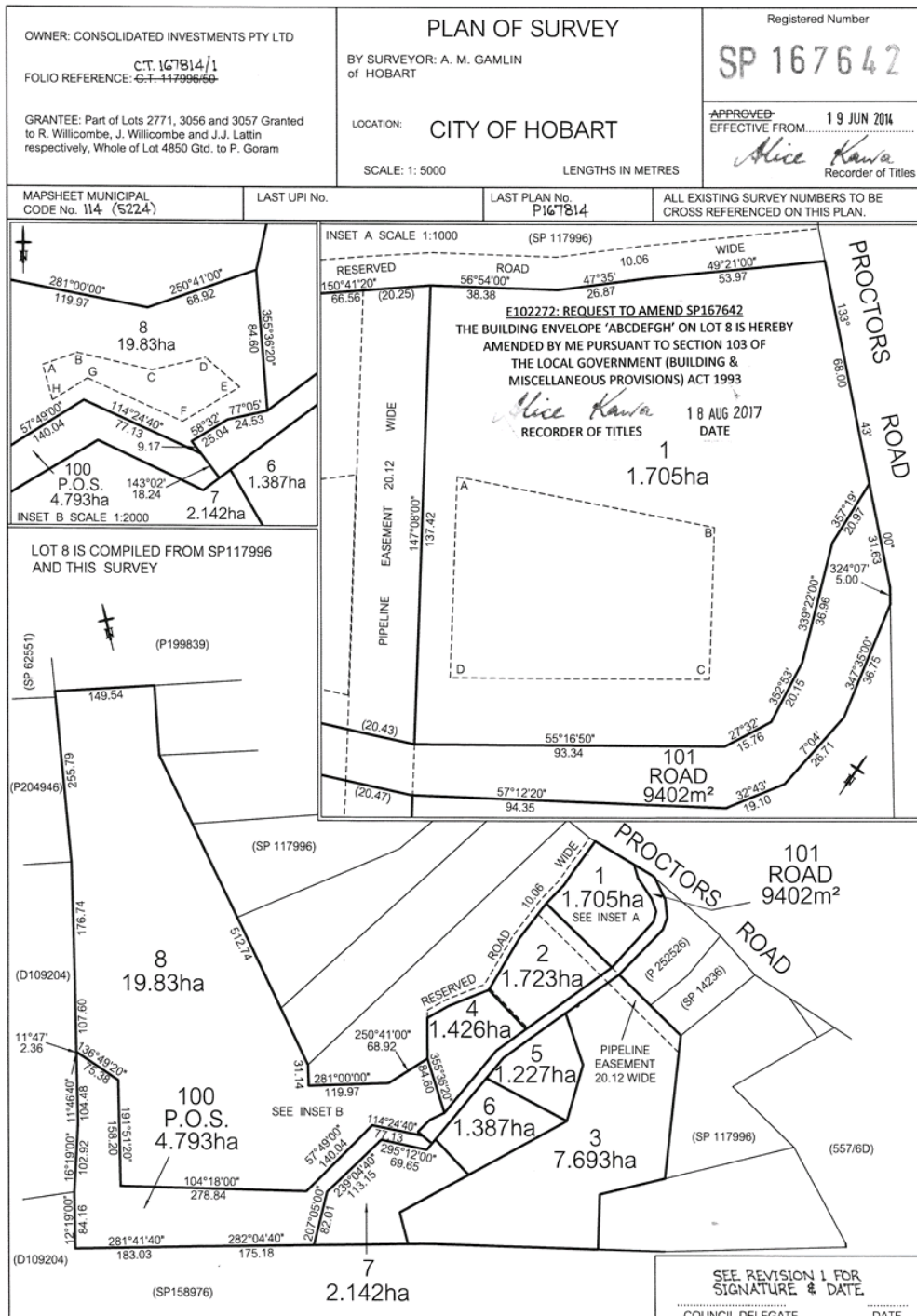




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

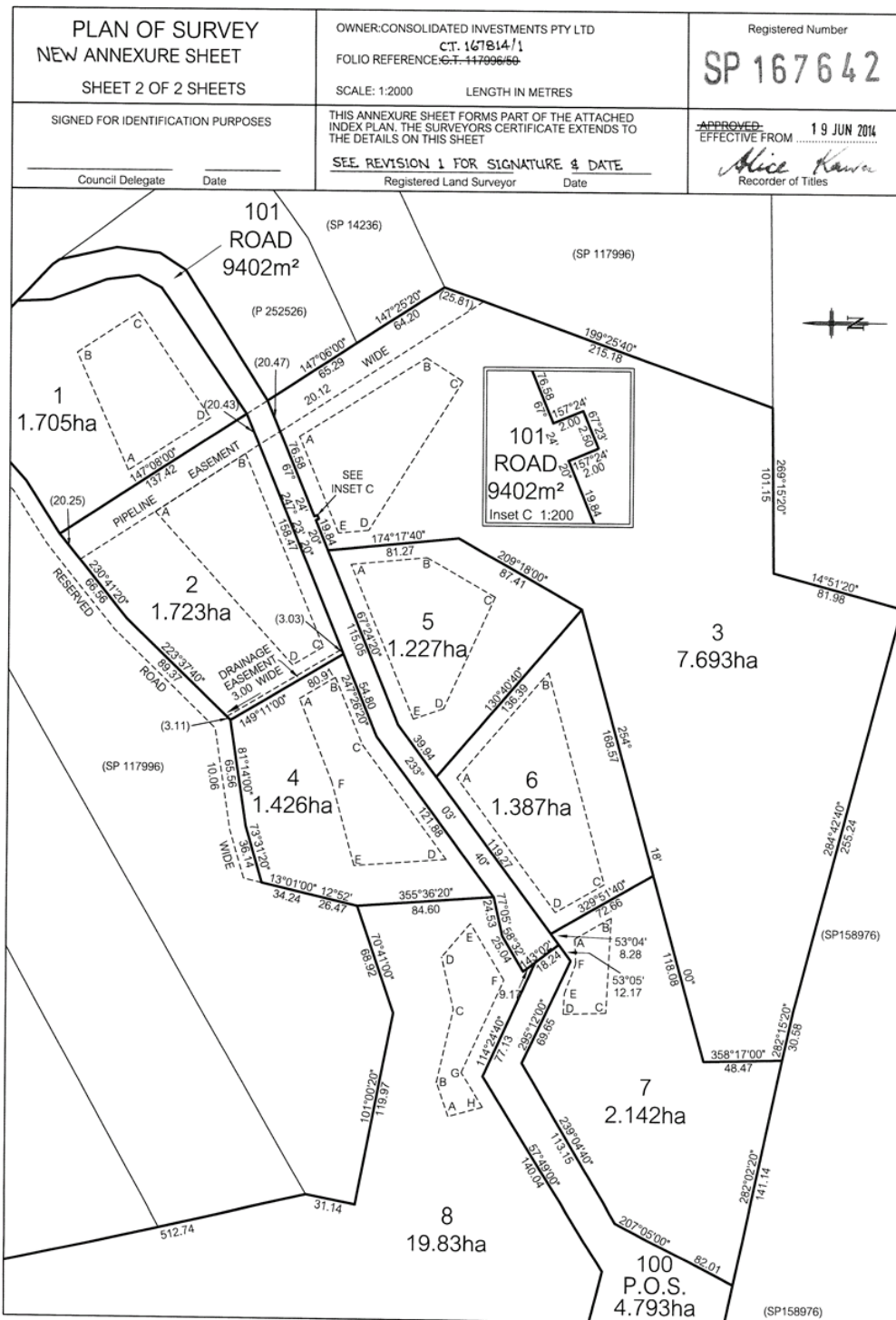




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p align="center"><b>SCHEDULE OF EASEMENTS</b></p> <p><b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS &amp; MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 167642</b></p>
--	--

PAGE 1 OF 5 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

in favour of Tasmanian Water and Sewerage Corporation Pty Ltd

**LOTS 2, 3 and 101** on the plan are **SUBJECT TO** a pipeline easement <sup>20.12 wide</sup> over the pipeline easement, shown on the plan.

20.12 wide

in favour of Hobart City Council

**LOT 2** on the plan is **SUBJECT TO** a Drainage Easement (herein defined) <sup>3.00 wide</sup> over the Drainage Easement 3.00, shown on the plan

wide

**LOTS 2, 3 and 101** on the plan are **SUBJECT TO** a pipeline easement in favour of the Hobart Regional Water Board over the Pipeline Easement 20.12 wide on the plan more fully defined in Sealed Plan 117996.

DEFINITIONS

*Pipeline Easement* means the full right and liberty for the Tasmanian Water and Sewerage Corporation Pty. Limited at all times to:-

(USE ANNEXURE PAGES FOR CONTINUATION)

<p>SUBDIVIDER: CONSOLIDATED INVESTMENTS PTY LTD</p> <p>FOLIO REF: 117996/50</p> <p>SOLICITOR &amp; REFERENCE: OGILVIE JENNINGS</p>	<p>PLAN SEALED BY: HOBART CITY COUNCIL</p> <p>DATE: 14.5.2014</p> <p>761.10</p> <p>REF NO.</p> <p align="right">             Council Delegate         </p>
<p><b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.</p>	

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 5 PAGES	Registered Number <b>SP 167642</b>
SUBDIVIDER: CONSOLIDATED INVESTMENTS PTY LTD FOLIO REFERENCE: 117996/50	

- (a) Enter upon the land marked as Pipeline Easement on the plan ("*Pipeline Easement Land*") with employees, contractors, agents and all other persons duly authorised by it and with machinery, vehicles, plant and equipment; and
- (b) Open, break up and excavate the Pipeline Easement Land to lay and maintain on or in the Pipeline Easement Land, sewer pipes, water pipes, valves and fittings for any purposes Tasmanian Water and Sewerage Corporation Pty. Limited may deem necessary; and
- (c) Run and pass sewerage and water through and along the same and from time to time to inspect, cleanse, repair and maintain the same and when and where necessary to lay new pipes, valves and fittings in substitution for and in addition to any other pipes, valves and fittings; and
- (d) Do all necessary works in connection with such activities or as may be authorised by any legislation:-
  - (i) Without doing unnecessary damage to the Pipeline Easement Land; and
  - (ii) Leaving the Pipeline Easement land in a clean and tidy condition.

**PROVIDED THAT ALWAYS:-**

- (e) The owner and its successors and assigns ("*Owner*") must not without the consent of Tasmanian Water and Sewerage Corporation Pty. Limited first had and obtained and only in compliance with the conditions which form the consent (if any):-
  - (i) Alter or permit to be altered the ground level of the Pipeline Easement Land;
  - (ii) Erect or permit to be erected any building, structure, pipeline, paving, tree, shrub or other object on or in the Pipeline Easement Land;
  - (iii) Remove any soil, rock or other matter that supports, protects or covers any works of Tasmanian Water and Sewerage Corporation Pty. Limited on or in the Pipeline Easement Land;
  - (iii) Remove any soil, rock or other matter that supports, protects or covers any works of Tasmanian Water and Sewerage Corporation Pty. Limited on or in the Pipeline Easement Land;
  - (iv) Do or permit to be done any manner of thing which shall damage or contribute to damage or be likely to cause or contribute to damage to the sewer pipes, water pipes, valves and fittings laid now or later or constructed in or on the Pipeline Easement Land; or

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 3 OF 5 PAGES	Registered Number <b>SP 167642</b>
SUBDIVIDER: CONSOLIDATED INVESTMENTS PTY LTD FOLIO REFERENCE: 117996/50	

- (v) In any way prevent or interfere with the proper exercise and benefit of this easement by the Tasmanian Water and Sewerage Corporation Pty. Limited or its employees, contractors, agents and all other persons duly authorised by it.
- (f) Tasmanian Water and Sewerage Corporation Pty. Limited is not required to fence any part of the Pipeline Easement Land.
- (g) The Owner shall be at liberty to erect any fence across the Pipeline Easement Land whenever it may reasonably require the same provided that:-
  - (i) Tasmanian Water and Sewerage Corporation Pty. Limited shall be at liberty to provide in such a fence a gate suitable for its purposes; and
  - (ii) The Owner shall provide Tasmanian Water and Sewerage Corporation Pty. Limited with a key to any lock which would prevent the opening of any gate so provided.
- (h) In the event that the Owner causes damage to any sewerage or water pipes, valves or fittings laid, maintained or substituted by Tasmanian Water and Sewerage Corporation Pty. Limited such that Tasmanian Water and Sewerage Corporation Pty. Limited is required to repair such damage, the Owner shall be liable for the actual costs of the repair of the water pipes, valves and fittings so damaged.
- (i) Tasmanian Water and Sewerage Corporation Pty. Limited shall be at liberty without forfeiting any right of action, damages or otherwise against the Owner to reinstate any alteration to the ground level and to remove from the Pipeline Easement Land any buildings, structure, pipeline, paving, tree, shrub or other object or replace any soil, rock or other matter that supported, protected or covered by works of Tasmanian Water and Sewerage Corporation Pty. Limited on or in the Pipeline Easement Land which contravenes the provisions of this easement and shall not be required to replace or remove the same.
- (j) Tasmanian Water and Sewerage Corporation Pty. Limited with employees, contractors, agents and all other persons duly authorised by it and with machinery, plant and equipment shall be at liberty to access and enter upon the Pipeline Easement Land for the purposes of this Easement, such access to be from the road frontage or from any gate.
- (k) Tasmanian Water and Sewerage Corporation Pty. Limited shall be permitted to access the Pipeline Easement Land from the adjoining land of the Owner provided that in doing so no damage or inconvenience is caused.

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 4 OF 5 PAGES	Registered Number <b>SP 167642</b>
SUBDIVIDER: CONSOLIDATED INVESTMENTS PTY LTD FOLIO REFERENCE: 117996/50	

- (l) The Owner shall not place any obstruction which would prevent access to the Pipeline Easement Land.

*Drainage Easement* means the full right and liberty for the Hobart City Council to construct drains to carry away stormwater and other surplus water over or under Lot 2 on the plan and through all sewers and drains and any natural water courses or flood paths which may hereafter be made or exist or passing under or through and along Lot 2 and the right for the Councils workers surveyors and workmen from time to time and at all times hereafter if Council should think fit to enter into and upon the land and to inspect repair cleanse and amend any such sewer or drain without doing unnecessary damage to the land

**COVENANTS**

1. The Lots on the plan are burdened by the Restrictive Covenants created by Sealed Plan 117996
2. The owner of each Lot on the plan covenants with the Vendors Consolidated Investments Pty Ltd and the owner for the time being of every other lot on the plan to the intent that the burden of these covenants may run with and bind the covenantors lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulations:-
  1. not to erect any building whatsoever on that part of Lots 1 2 and 6 lying between the boundaries of the lots and the areas marked A B C and D on the lots
  2. not to erect any building whatsoever on that part of the lots 3<sup>5</sup> ~~and 8~~ lying between the boundaries of the lots and the areas marked A B C D and E on the lots
  3. not to erect any building whatsoever on that part of the lots 4 and 7 lying between the boundaries of the lots and the areas marked A B C D E and F on the lots
  4. not to erect any building whatsoever on that part of Lot 8 lying between the boundaries of the Lot and the area marked ABCDEFGH on the Lot.

**FENCING COVENANT**

The owner of each lot on the Plan covenants with the Vendor that

The Vendor Consolidated Investments Pty Ltd shall not be required to fence.

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Restrictive covenant hereon re Lot 8 amended by me pursuant to Request to Amend No. E102272 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993  
 18 Aug 2017  
 Date  
 Recorder of Titles

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 5 OF 5 PAGES	Registered Number <b>SP 167642</b>
SUBDIVIDER: CONSOLIDATED INVESTMENTS PTY LTD FOLIO REFERENCE: 117996/50	

Executed by **CONSOLIDATED INVESTMENTS  
PROPRIETARY LIMITED (A.C.N. 009 478 559)**  
in accordance with Section 127 of the Corporations  
Act 2001 by the Director and Secretary:

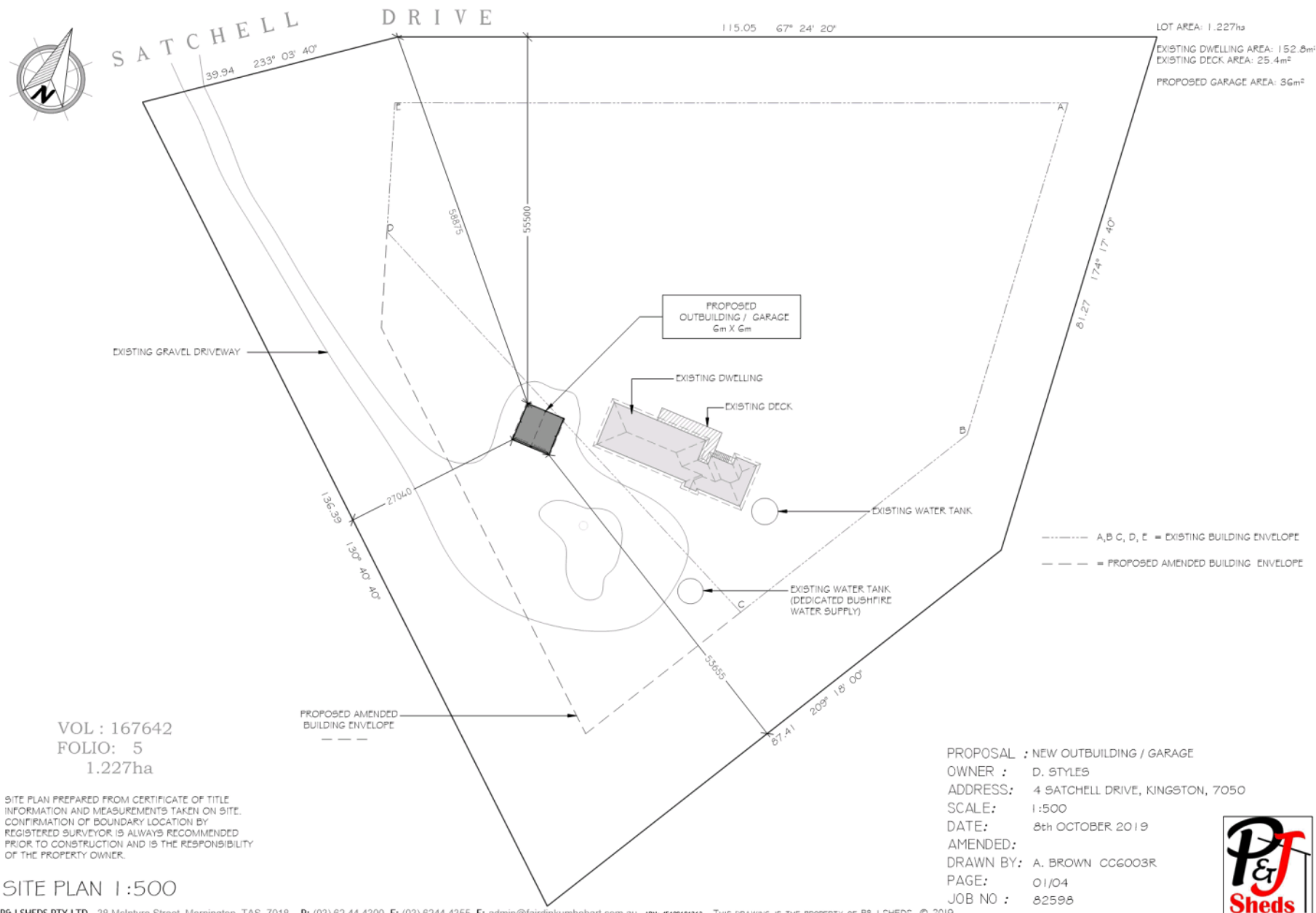
.....  
Director

.....  
Director Full Name

.....  
Secretary

.....  
Secretary Full Name

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



**8.4 City Planning - Advertising Report**  
**File Ref: F20/22161**

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Memorandum of the Director City Planning of 25 February 2020 and attachment.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**City Planning - Advertising Report**

Attached is the advertising list for the period 10 February 2020 to 21 February 2020.

**RECOMMENDATION**

**That:**

- 1. The report titled City Planning – Advertising Report 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: 25 February 2020  
File Reference: F20/22161

Attachment A: City Planning - Advertising Report ↓

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-665	34 OLDHAM AVENUE	NEW TOWN	Demolition and Four Multiple Dwellings	\$990,000.00	14/11/2019	ayersh	Director	12/02/2020	26/02/2020
PLN-19-929	4 PROCTORS ROAD	DYNNYRNE	Partial Demolition, Alterations and Extension	\$200,000.00	29/01/2020	ayersh	Director	19/02/2020	04/03/2020
PLN-19-873	4 MIDWOOD STREET	NEW TOWN	Partial Demolition, Alterations and Partial Change of Use to Two Multiple Dwellings	\$149,500.00	15/01/2020	ayersh	Director	21/02/2020	06/03/2020
PLN-20-18	48 POTTERY ROAD	LENAH VALLEY	Dwelling	\$184,100.00	25/02/2020	baconr	Director	11/02/2020	25/02/2020
PLN-20-4	2 / 19 - 21 CASTRAY ESPLANADE	BATTERY POINT	Outdoor Dining Furniture	\$3,000.00	18/02/2020	baconr	Council	12/02/2020	26/02/2020
PLN-20-40	354 MACQUARIE STREET	SOUTH HOBART	Partial Demolition and Extension	\$45,000.00	05/03/2020	baconr	Director	14/02/2020	28/02/2020
PLN-19-878	20 ANCANTHE AVENUE	LENAH VALLEY	Dwelling, Carport and Driveway Extension	\$290,000.00	16/01/2020	baconr	Director	17/02/2020	02/03/2020
PLN-20-58	6 MIDWOOD STREET	NEW TOWN	New Building and Outbuilding for Educational and Occasional Care, Alterations to Car Parking and Tree Removal	\$800,000.00	13/03/2020	Foalem	Director	13/02/2020	27/02/2020
PLN-19-883	10 DAVID AVENUE	SANDY BAY	Front Fencing	\$10,000.00	17/01/2020	langd	Director	11/02/2020	25/02/2020
PLN-20-44	2 / 122 LIVERPOOL STREET (AKA 2/65 MURRAY ST)	HOBART	Partial Demolition, Alterations and Signage	\$49,500.00	06/03/2020	langd	Director	11/02/2020	25/02/2020
PLN-19-715	4 / 4 ELLERSLIE ROAD	BATTERY POINT	Partial Change of Use to Visitor Accommodation	\$0.00	02/12/2019	langd	Director	18/02/2020	03/03/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-19-762	2 / 24 A CLARE STREET	NEW TOWN	Partial Demolition, Alterations and Extension	\$85,000.00	16/12/2019	langd	Director	18/02/2020	03/03/2020
PLN-20-42	4 ASCOT AVENUE	SANDY BAY	Partial Demolition, Extension and Alterations	\$250,000.00	06/03/2020	maxwellv	Director	11/02/2020	25/02/2020
PLN-19-584	5 GIBLIN STREET	LENAH VALLEY	Partial Demolition, Alterations, Ancillary Dwelling, and Driveway	\$150,000.00	23/10/2019	maxwellv	Council	13/02/2020	27/02/2020
PLN-19-943	1 - 3 ELIZABETH STREET	HOBART	Partial Change of Use (Mawsons Hut Replica Museum)	\$0.00	31/01/2020	maxwellv	Council	17/02/2020	02/03/2020
PLN-20-30	54 ALEXANDER STREET	SANDY BAY	Partial Change of Use to Boarding House	\$1.00	04/03/2020	maxwellv	Director	18/02/2020	03/03/2020
PLN-20-81	18 DUKE STREET	SANDY BAY	Front Fencing	\$9,500.00	24/03/2020	maxwellv	Director	21/02/2020	06/03/2020
PLN-20-69	2 THIRZA STREET	NEW TOWN	Partial Demolition and Alterations	\$50,000.00	18/03/2020	mcclenahanm	Director	12/02/2020	26/02/2020
PLN-20-79	183 HARRINGTON STREET	HOBART	Partial Change of Use to Visitor Accommodation	\$0.00	43910	mcclenahanm	Director	43878	43892
PLN-19-841	250 MACQUARIE STREET	HOBART	Partial Demolition and Alterations for Three Multiple Dwellings (One Existing, Two New)	\$450,000.00	03/01/2020	mcclenahanm	Director	19/02/2020	04/03/2020
PLN-19-937	33 A YORK STREET	SANDY BAY	Partial Demolition and Extension	\$50,000.00	30/01/2020	nolanm	Director	12/02/2020	26/02/2020
PLN-20-66	92 WARWICK STREET	HOBART	Partial Demolition, Alterations and Extension	\$60,000.00	18/03/2020	nolanm	Director	20/02/2020	05/03/2020
PLN-20-68	104 SANDY BAY ROAD	BATTERY POINT	Alterations (Deck)	\$25,000.00	18/03/2020	obrienm	Director	12/02/2020	26/02/2020
PLN-20-61	5 BIRNGANA AVENUE	SANDY BAY	Partial Demolition and Alterations (Deck)	\$20,000.00	16/03/2020	widdowsont	Director	14/02/2020	28/02/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-34	11 FELTHAM STREET	NORTH HOBART	Partial Demolition, Extension and Alterations	\$150.00	04/03/2020	widdowsont	Director	18/02/2020	03/03/2020
PLN-20-43	10 EVANS STREET	HOBART	Stairway	\$200,000.00	06/03/2020	widdowsont	Director	21/02/2020	06/03/2020
PLN-20-28	5 HUDSON COURT	LENAH VALLEY	Extension and Two Multiple Dwellings (One Existing, One New)	\$400,000.00	03/03/2020	wilsone	Director	17/02/2020	02/03/2020
PLN-20-60	29 A MELLIFONT STREET	WEST HOBART	Partial Demolition, Alterations and Extension	\$120,000.00	16/03/2020	wilsone	Director	20/02/2020	05/03/2020

**8.5 Delegated Decisions Report (Planning)**  
**File Ref: F20/21986**

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Memorandum of the Director City Planning of 25 February 2020 and attachment.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**Delegated Decisions Report (Planning)**

Attached is the delegated planning decision report for the period 12 February 2020 to 24 February 2020.

**RECOMMENDATION**

***That:***

- 1. The report titled Delegated Decisions Report (Planning) 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: 25 February 2020  
File Reference: F20/21986

Attachment A: Delegated Decisions Report (Planning) 12 February 2020 to 24 February 2020 ↓

25 February 2020

**Delegated Decisions Report (Planning)**

33 applications found.

Planning Description	Address	Works Value	Approved	Withdrawn / All Cancelled	All
			Decision	Authority	
PLN-19-480 Partial Demolition, Alterations and Intensification of Hotel Industry Use	3 BRISBANE STREET HOBART TAS 7000	\$ 35,000	Withdrawn	Applicant	
PLN-19-749 Temporary Partial Change of Use to Visitor Accommodation	2 MIDWOOD STREET NEW TOWN TAS 7008	\$ 0	Withdrawn	Applicant	
PLN-19-770 Dwelling and Garage	5 SATCHELL DRIVE KINGSTON TAS 7050	\$ 450,000	Approved	Delegated	
PLN-19-790 Partial Demolition, Extension, Alterations and Home-Based Business	15 SWAN STREET NORTH HOBART TAS 7000	\$ 200,000	Approved	Delegated	
PLN-19-815 Two Multiple Dwellings	9 NOBLE DRIVE NEW TOWN TAS 7008	\$ 400,000	Approved	Delegated	
PLN-19-822 Signage	118 MURRAY STREET HOBART TAS 7000	\$ 0	Approved	Delegated	
PLN-19-826 Partial Demolition, Extension, Alterations and Outbuilding (Workshop)	24 DOYLE AVENUE LENA VALLEY TAS 7008	\$ 250,000	Approved	Delegated	
PLN-19-872 Signage	54 KING STREET SANDY BAY TAS 7005	\$ 0	Approved	Delegated	
PLN-19-877 Extension and Alterations to Car Parking and Access	10 EVANS STREET HOBART TAS 7000	\$ 10,000	Approved	Delegated	
PLN-19-879 Dwelling	21 THELMA DRIVE WEST HOBART TAS 7000	\$ 400,000	Approved	Delegated	
PLN-19-891 Partial Demolition and Alterations	48 FOREST ROAD WEST HOBART TAS 7000	\$ 100,000	Approved	Delegated	
PLN-19-892 Partial Demolition, Extension and Alterations	123 STRICKLAND AVENUE SOUTH HOBART TAS 7004	\$ 200,000	Approved	Delegated	
PLN-19-903 Partial Demolition and Alterations (Retaining Wall)	1/4 CAPRI DRIVE SANDY BAY TAS 7005	\$ 30,000	Approved	Delegated	
PLN-19-904 Partial Demolition, Alterations, Garage and Retaining Walls	441 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 50,000	Approved	Delegated	
PLN-19-907 Partial Demolition, Extension and Alterations	13 MANRESA COURT SANDY BAY TAS 7005	\$ 450,000	Approved	Delegated	
PLN-19-911 Partial Demolition, Extension, Alterations and Partial Change of Use to Multiple Dwellings (Three New)	30 MURRAY STREET HOBART TAS 7000	\$ 1,000,000	Approved	Delegated	
PLN-19-914 Partial Demolition, Extension, Alterations, Carport, New Access Driveway and Front Fencing	6 BIRNGANA AVENUE SANDY BAY TAS 7005	\$ 250,000	Approved	Delegated	
PLN-19-924 Three Multiple Dwellings (Two Existing, One New), New Driveway and Car Parking	19 MOUNT STUART ROAD MOUNT STUART TAS 7000	\$ 340,000	Approved	Delegated	
PLN-19-936 Partial Demolition, Extension, Alterations and Front Fencing	3 STOKE STREET NEW TOWN TAS 7008	\$ 250,000	Approved	Delegated	
PLN-19-953 Signage	162 MACQUARIE STREET HOBART TAS 7000	\$ 0	Approved	Delegated	
PLN-20-108 Partial Demolition and Partial Change of Use to Educational and Occasional Care	212 LIVERPOOL STREET HOBART TAS 7000	\$ 50,000	Exempt	Delegated	
PLN-20-14 Extension to Operating Hours	37 ELIZABETH STREET HOBART TAS 7000	\$ 0	Approved	Delegated	

CITY OF HOBART

Planning Description	Address	Works Value	Decision	Authority
PLN-20-17 Partial Demolition and New Outbuilding	9 HAMILTON STREET WEST HOBART TAS 7000	\$ 25,000	Approved	Delegated
PLN-20-20 Change of Use to Visitor Accommodation	36 SMITH STREET NORTH HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-20-26 Partial Demolition and Alterations	1 LONGVIEW AVENUE SANDY BAY TAS 7005	\$ 90,000	Approved	Delegated
PLN-20-27 Partial Demolition, Extension and Alterations	68 MOUNT STUART ROAD MOUNT STUART TAS 7000	\$ 80,000	Approved	Delegated
PLN-20-45 Alterations	31 ROOPE STREET NEW TOWN TAS 7008	\$ 31,898	Approved	Delegated
PLN-20-62 Partial Demolition, Alterations and Extension	3 NICHOLAS DRIVE SANDY BAY TAS 7005	\$ 200,000	Not Required	Delegated
PLN-20-83 Partial Demolition, Alterations and Extension	77 LIPSCOMBE AVENUE SANDY BAY TAS 7005	\$ 300,000	Withdrawn	Applicant
PLN-20-9 Partial Change of Use to Visitor Accommodation	17 WASHINGTON STREET SOUTH HOBART TAS 7004	\$ 5,000	Approved	Delegated
PLN-20-91 Change of Use to Visitor Accommodation	151 NEW TOWN ROAD NEW TOWN TAS 7008	\$ 0	Approved	Delegated
PLN-20-93 Change of Use to Arts and Cultural Centre (Art Gallery)	158/13-17 CASTRAY ESPLANADE BATTERY POINT TAS 7004	\$ 0	Approved	Delegated
PLN-20-96 Change of Use to Visitor Accommodation	20 PILLINGER STREET DYNMYRNE TAS 7005	\$ 0	Approved	Delegated

**9. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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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 Preservation of Slate Roofing**  
**File Ref: F19/143157; 13-1-10**

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Memorandum of the Director City Planning of 25 February 2020.

**9.2 Policy on Material for Roof Replacement of Heritage Houses**  
**File Ref: F19/143161; 13-1-10**

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Memorandum of the Director City Planning of 25 February 2020.

**9.3 Slate Roof Replacement - Financial Assistance**  
**File Ref: F19/143120; 13-1-10**

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Memorandum of the Director City Planning of 25 February 2020.

**9.4 State Cinema North Hobart - Parking Spaces**  
**File Ref: F19/154373; 13-1-10**

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Memorandum of the Director City Planning of 12 February 2020.

**9.5 13 & 15 Gregory Street Sandy Bay - Compliance**  
**File Ref: F20/13469; 13-1-10**

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Memorandum of the Director City Planning of 25 February 2020.

Delegation: Committee

*That the information be received and noted.*



City of **HOBART**

**Memorandum:** Lord Mayor  
Deputy Lord Mayor  
Elected Members

## **Response to Question Without Notice**

### **PRESERVATION OF SLATE ROOFING**

**Meeting:** City Planning Committee

**Meeting date:** 28 October 2019

**Raised by:** Acting Lord Mayor Burnet

**Question:**

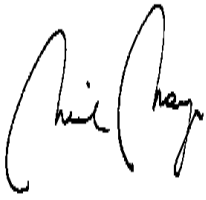
With a limited number of slate roofing on heritage housing still in good order within the City of Hobart, could the Acting Director please advise if there are any options available to report deterioration and to preserve and protect this style of roofing before it becomes non-existent?

**Response:**

Slate roofing will eventually deteriorate over time. The primary cause of deterioration is the failure of fixings and delamination. Once part of a roof exhibits decay, it is difficult to effect minor repairs without damaging the whole roof. For this reason, roof replacement is preferable to patching.

As a guiding principle, both the Tasmanian Heritage Council and local government agencies have encouraged the use of slate when re-roofing highly significant major buildings, e.g. St Mary's Cathedral, in preference to alternative roofing materials. On smaller domestic structures, there is certainly a preference for the use of slate (where that was the original material), but the planning scheme allows discretion to consider alternative approaches.

*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.*

A handwritten signature in black ink, appearing to read "Neil Noye". The signature is stylized with a large, sweeping "N" and a cursive "oye".

Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 25 February 2020  
File Reference: F19/143157; 13-1-10



City of **HOBART**

**Memorandum:** Lord Mayor  
Deputy Lord Mayor  
Elected Members

## **Response to Question Without Notice**

### **POLICY ON MATERIAL FOR ROOF REPLACEMENT OF HERITAGE HOUSES**

**Meeting:** City Planning Committee

**Meeting date:** 28 October 2019

**Raised by:** Alderman Briscoe

**Question:**

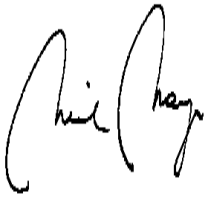
Could the Acting Director please advise if a policy position can be determined in relation to appropriate materials to be used in a slate roof replacement of a heritage house (galvanised v's colorbond) also considering the environmental footprint of the options?

**Response:**

There is no current policy position, however it is generally considered that the most appropriate authentic heritage outcome when a slate roof requires replacement is either new slate, or galvanised sheet roofing, complete with traditional detailing, e.g. stepped flashings around chimneys. Once timber shingles were abandoned because of fire risk, nineteenth century Hobart buildings were either roofed in slate or corrugated galvanised iron, with slate used on important commercial and public buildings, larger houses and significant groups of houses, often built by the same person. Toward the end of the nineteenth century, terra cotta tiles were often used.

A numerical standard that allows an easy comparison between the environmental footprint of galvanised and colorbond roofing material was not readily available to provide a definitive response to this part of the question.

*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.*

A handwritten signature in black ink, appearing to read "Neil Noye". The signature is stylized with a large, looping "N" and a cursive "y".

Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 25 February 2020  
File Reference: F19/143161; 13-1-10



City of **HOBART**

**Memorandum:** Lord Mayor  
Deputy Lord Mayor  
Elected Members

## **Response to Question Without Notice**

### **SLATE ROOF REPLACEMENT - FINANCIAL ASSISTANCE**

**Meeting:** City Planning Committee

**Meeting date:** 28 October 2019

**Raised by:** Councillor Harvey

**Question:**

Could the Acting Director please advise if there is any form of financial assistance available to assist with the repair or replacement of existing slate roofing on heritage houses within the City of Hobart?

**Response:**

Yes indeed; the City of Hobart operates a heritage funding program, supported by the financial resources of the Heritage Account. The program is administered by the Planning Policy and Heritage Unit, under guidance of the Heritage Account Special Committee. The grants are normally offered annually, but large allocations to the two cathedrals and St George's Church have meant that there have been no funding rounds since 2016. The committee has, however, endorsed a funding round for the current financial year, and this will be advertised shortly.

The primary stipulation in terms of eligibility is that the property must be heritage-listed, either on the Tasmanian Heritage Register or in one of the council's planning schemes.

*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: 25 February 2020  
File Reference: F19/143120; 13-1-10



City of **HOBART**

**Memorandum:** Lord Mayor  
Deputy Lord Mayor  
Elected Members

## **Response to Question Without Notice**

### **STATE CINEMA NORTH HOBART - PARKING SPACES**

**Meeting:** City Planning Committee

**Meeting date:** 25 November  
2019

**Raised by:** Councillor Harvey

#### **Question:**

How many parking spaces are provided by the state cinema for their business? Does the state cinema meet the planning scheme for the required number of parking spaces provided for this scale of development?

#### **Response:**

The State Cinema complex has 30 car parking spaces and a 312 car parking space discretion.

The State Cinema complex is known as 367-375 Elizabeth Street, 379 Elizabeth Street, and 31 Strahan Street, North Hobart.

The latest planning permit for the State Cinema component of the site is PLN-17-812: Partial Demolition, Alterations and Intensification of Community Meeting and Entertainment Use (Additional Cinema).

The car, bicycle, motorbike and commercial vehicle parking assessment in the delegated report for that assessment built on assessments of the car park for previous planning applications. This application showed 30 car parking spaces. The below figures are taken from the planning application (PLN-16-768) assessment (planning permit for the major site redevelopment) except for increase in cinema seats proposed in PLN-17-812.

Calculation of exact car parking spaces requirements is complex for this whole site. However, the following is provided by way of estimate:

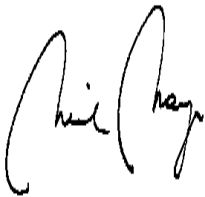
- Business and Professional Services (Office):  $824\text{m}^2$  floor area /  $30\text{m}^2 = 27$  spaces.
- Community Meeting and Entertainment (Cinemas): Proposed 12 cinemas with 753 seats / 3 seats per car space = 251 spaces.
- General Retail and Hire (Shops):  $710\text{m}^2$  floor area /  $30\text{m}^2 = 24$  spaces.
- Food Services (Restaurant):  $207\text{m}^2$  floor area / 15 spaces per  $100\text{m}^2 = 30$  spaces.
- Multiple Dwellings (three existing one bedroom dwellings, three proposed two bedroom dwellings) = 10 spaces.
- 

Total = 342 car parking spaces required under E6.6.1 A1.

$342 - 30 = 312$  car parking space discretion.

Planning permit PLN-17-812 included a condition (ENG5) re-iterating the number, standard and availability of parking spaces for cars, bikes, motorbikes, and several conditions about car park surfacing, driveway access and on-site vehicle movements.

*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: 12 February 2020

File Reference: F19/154373; 13-1-10



City of **HOBART**

**Memorandum:** Lord Mayor  
Deputy Lord Mayor  
Elected Members

## **Response to Question Without Notice**

### **13 & 15 GREGORY STREET SANDY BAY - COMPLIANCE**

**Meeting:** City Planning Committee

**Meeting date:** 3 February  
2020

**Raised by:** Deputy Lord Mayor Burnet

#### **Question:**

Can the Director advise if the 13 and 15 Gregory St properties, now operating as a mini supermarket and second hand furniture store respectively, received planning authority. If so, were there conditions associated with their use, including parking, and was there any traffic assessment?

#### **Response:**

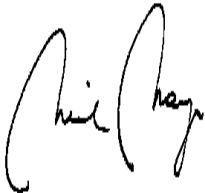
13 and 15 Gregory Street were approved as shops in 1989. It was not a planning approval as such, but rather approval of a dispensation of the Interim Order in force at the time. The dispensation came with nine conditions. The conditions included the provision of 11 onsite parking spaces, and the restriction of the hours of operation to be 9am to 6pm Monday to Friday, and 9am to 12 midday on Saturday (with the option to change these with the written approval of the Council).

While the full Council approved the dispensation, the officer recommendation for the proposal was refusal. The assessment report does not go into great detail about car parking or traffic, save that it is non-compliant with 'the current planning scheme, the consolidated planning scheme, and the preferred strategy of the Sandy Bay Shopping Centre Study'.

In 2015 discretionary planning approval was granted under delegation for a shed and alterations to car parking at 15 Gregory Street. The use of the building was shop, and no change of use was proposed. The proposed shed was to be located in the car park at the rear, reducing the car parking on site from five spaces to three. Council's GIS imagery shows that the shed has been installed. However, it also shows that the car park is not being used in accordance with the approved 2015 plan.

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*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.*

A handwritten signature in black ink, appearing to read 'Neil Noye', with a stylized, cursive script.

Neil Noye

**DIRECTOR CITY PLANNING**

Date: 25 February 2020  
File Reference: F20/13469; 13-1-10

## **10. QUESTIONS WITHOUT NOTICE**

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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:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an 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.
6. 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

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That the Committee resolve by 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:

- Confirm the minutes of the Closed portion of the meeting
- Questions without notice in the Closed portion

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   |