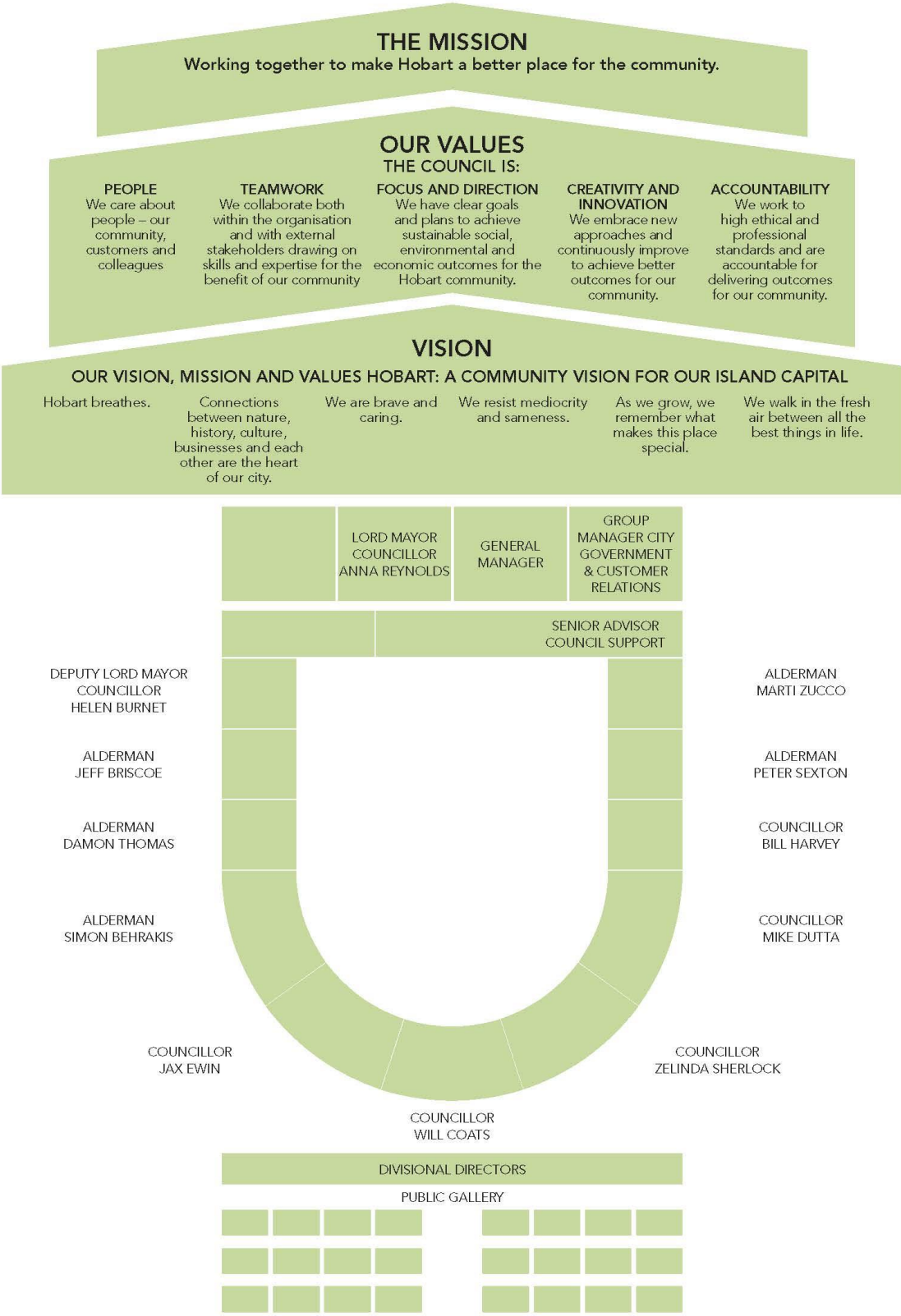




CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 25 MAY 2020
AT 5:00 PM





ORDER OF BUSINESS

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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD ON
MONDAY, 25 MAY 2020 AT 5:00 PM.**

**N D Heath
General Manager**

This meeting of the Council is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

ELECTED MEMBERS:

Lord Mayor A M Reynolds
Deputy Lord Mayor H Burnet
Alderman M Zucco
Alderman J R Briscoe
Alderman Dr P T Sexton
Alderman D C Thomas
Councillor W F Harvey
Alderman S Behrakis
Councillor M S C Dutta
Councillor J Ewin
Councillor Z E Sherlock
Councillor W N S Coats

APOLOGIES:

LEAVE OF ABSENCE: Nil.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 27 April 2020](#) and the minutes of the meeting of the Open Portion of the Special Council meeting held on [Monday, 18 May 2020](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

5. PUBLIC QUESTION TIME

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Elected Members 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 Council has resolved to deal with.

CITY PLANNING

9. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council 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 Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council 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.

9.1 10 Evans Street - Adjacent Road Reserve - Adjoining Council Land (CT 163943/1 and CT 163944/1), Hobart - New Road and Associated Works PLN-19-746 - File Ref: F20/49996

Application Expiry Date: 28 June 2020

RECOMMENDATION

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for new road and associated works at 10 Evans Street, adjacent road reserve, and adjoining Council land (CT. 163943/1 and CT. 163944/1) 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-19-746 - 10 EVANS STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw2.1

A pre-construction structural condition assessment and visual record within/adjacent to the proposed development, along with photos of any drainage structures to be connected to or modified, must be submitted to Council prior to the commencement of work or issue of consent under the Building Act (whichever occurs first).

The post-construction condition assessment will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with adequate pre-construction condition assessment then any damage to Council's infrastructure identified in the post-construction condition assessment will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG sw2.2

A post-construction structural condition assessment and visual record (eg video and photos) of the Council's stormwater infrastructure within/adjacent to the proposed development (ie Hobart Rivulet tunnel within 10m of the proposed works, mouth and floating litter trap), along with photos of any existing drainage structures connected to or modified as part of the development, must be submitted to Council upon completion of work.

The post-construction condition assessment will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with adequate pre-construction condition assessment then any damage to Council's infrastructure identified in the post-construction condition assessment will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG sw5

The development must be drained to Council infrastructure. The proposed new stormwater system must be constructed prior to issue of any Completion or first use (whichever occurs first).

Detailed engineering design drawings must be submitted and approved, prior to commencement of work or issue of any consent under the Building Act (whichever occurs first). The engineering design drawings must:

1. Be certified by a qualified and experienced Engineer.
2. Show in both plan and long-section the proposed stormwater system, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, pit types, easements and inspection openings.
3. Include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP flows as at 2100 (i.e including climate change loading) from a future fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment.
4. Provide for future development within the catchment to be adequately and efficiently serviced, noting outfall restrictions.
5. Clearly address climate change, including modelled tailwater level, outfall above HAT as at 2100, and any required backflow prevention.
6. Detail, including sections, of the outfall to the Rivulet mouth. These must include clearance from and any potential impact on the floating litter trap, level of outfall above the HAT as at 2100, and sufficient erosion protection.
7. Minimise impact on the Hobart Rivulet. Include a cross-section showing the extent of excavation in relation to the Hobart Rivulet.
8. Clearly distinguish between public and private infrastructure as at time of completion of the works, and in the future.
9. Be substantially in accordance with the LGAT drawings

A CCTV of all pipework to become public stormwater assets, taken no more than 1 month prior to the end of the maintenance period, must be submitted to Council prior to Council accepting the mains as public infrastructure.

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

Advice:

The applicant is encouraged to provide the information required above and obtain all inspections etc for all private stormwater which would need to be taken over by Council when/ if the road becomes public highway. Until that time, only the section outside the site's property boundary will be Council owned (i.e. from MHSW106 to outfall, and the existing Council pits in the Brooker turn-off). Private assets not demonstrated to be constructed to Council standards may not be taken over.

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

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure. Infrastructure protection bonds, maintenance period bond and CCTV will be required, along with additional holdpoints addressing the deep excavation adjacent to the Hobart Rivulet.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw7

Stormwater treatment for stormwater discharges from the development must be installed prior to commencement of use.

A stormwater management report and design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (which ever occurs first). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, demonstrating the system will reduce hydrocarbons and achieve the best practice removal targets of 80% total suspended solids, 45% total nitrogen and 45% total phosphorous.
3. Demonstrate low life cycle costs.
4. Demonstrate adequate access for maintenance

5. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken in accordance with the approved report and plan.

Advice:

Once the report and plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to commencement work (including demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.

5. Nominate a superintendant, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

Advice:

The construction traffic and parking management plan to be submitted to the Council via a condition endorsement (see general advice on how to obtain condition endorsement).

Once the construction traffic and parking management plan has been approved, the Council will issue a condition endorsement.

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

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 5b

This permit does not approve the "interconnector road to Evans Street" or "Building A", as referenced in the submitted Pitt and Sherry Traffic Impact Assessment (in particular at page 17 of that document).

Reason for condition

To clarify the scope of the permit.

ENG 1

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

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.

Any damage must be reported to Council immediately.

A photographic record of the Council's infrastructure adjacent to and within 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. Rivulet tunnel, mouth (including walls and base), floating litter trap, existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG s4

Detailed engineering design drawings must be submitted for approval prior to the commencement of construction works.

Design drawing must be submitted and approved prior to the issuing of any permit to construct public infrastructure, any approval under the Building Act 2016 or commencement of works (which ever occurs first). The design drawing must include:

1. A scaled and labelled site plan showing the location of new and proposed public infrastructure and boundaries in general accordance with TSD-R06-v1. The plan must clearly show the extent of land to be transferred to Council in the short or long term.

2. A pavement design, including CBR test results, in accordance with Austroads Guide to Pavement Technology.
3. Detail of how the new and old road and footways will connect, including removal of redundant vehicle crossings and kerb ramps.
4. Provision for bicycles and continuity with the existing shared path arrangement.
5. All traffic signs, signals and linemarking.
6. Available sight distance at all proposed accesses and intersections.
7. Swept paths for a 19m articulated bus must be shown at all intersections and curves
8. Trees and landscaping to the City's satisfaction.
9. All services or infrastructure to become City assets must be in accordance with the requirements of the relevant division.

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

Advice:

The design drawings to be submitted to the Council via a condition endorsement (see general advice on how to obtain condition endorsement). Once the design drawings have been approved, the Council will issue a condition endorsement.

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

Prior to construction of any alterations to signage and infrastructure on the City of Hobart public highway reservation, the applicant must prepare a detailed design plan and accompanying documentation for the separate approval of the General Manager under Clause 30(1) and 30(2) of the Local Government (Highways) Act 1982. This plan must be accompanied by a road safety audit of the proposed design prepared by a suitably qualified provider.

Reason for condition

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

ENV 2

Sediment and erosion control measures, sufficient to prevent contamination and sediment leaving the site and in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must:

1. be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).
2. be in accordance with any Site Contamination reports or requirements.
3. identify potential environmental impacts associated with the works, and identify measure to avoid or mitigate these risks.

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

Advice:

The SWMP to be submitted to the Council via a condition endorsement (see general advice on how to obtain condition endorsement).

Once the SWMP has been approved, the Council will issue a condition endorsement.

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

Reason for condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

HER 6

All onsite excavation and disturbance with the two areas identified in figure 20 on page 22 and described as Proposed Monitoring Areas of the Macquarie Point Access Road Archaeological Sensitivity Report, by Austral Tasmania, dated 29 May 2019, must be monitored and managed in accordance with section 4.4 Management Recommendations on page 20 of the above report. Further assessment must be undertaken on the excavation and disturbance associated with the stormwater connection into the Hobart Rivulet as shown on Drainage and Services Sheet 4 by Pitt and Sherry (drawing HB18477- C1204, Revision B) to ensure the proposed stormwater does not impact negatively on the significance of the Hobart Rivulet Diversion Tunnel (Domain Diversion Tunnel site ref.90). Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

In addition,

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with (2) above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with 2 days of the discovery; and
5. A copy of the archaeologists advice, assessment and recommendations obtained in accordance with paragraph (2) above must be provided to Council within 30 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 7

Contractors are to be made aware of the location of the Diversion Tunnel and other adjacent heritage features in site briefings and to take due care and avoid impacts during construction.

Reason for condition

To ensure recognition and protection of a place of archaeological significance and heritage features.

OPS s1

Compensation must be paid for the loss of the two *Eucalyptus globulus* (blue gums). The applicant must pay the amenity value of these two trees and also pay for two replacement trees, prior to their removal. The amenity value will be calculated by Council. The developer must also pay for the trees removal. To arrange payment of the fees, please contact Council's Open Space Planning Team on 6238 2488.

Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy and the amenity value calculation method endorsed by a meeting of the full Council on the 18th February 2019.

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

Up to \$20,000: \$150 per application.

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require a road closure permit for construction. Click [here](#) for more information.

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

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Amenity Division to initiate the application process for your [new stormwater connection](#).

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

Works within 10m of the Hobart Rivulet will require separate consent under section 13 of the *Urban Drainage Act 2013*.

WORK WITHIN THE HIGHWAY RESERVATION

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

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

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

DEDICATION OF ROAD AS HIGHWAY

The method of road dedication as highway is to be determined as part of the Stage 2 development application.

TEMPORARY TURNING HEAD

As the application is proposing only a temporary road turning head that encroaches substantially onto Lot 2 on Sealed Plan 176538 with the turning head proposed to be removed as part of the Stage 2 development, should Stage 2 not proceed, the encroachment will need to be legalised by means of a further subdivision or boundary adjustment.

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.

HERITAGE

The Unanticipated Discovery Plan for managing Aboriginal heritage (as specified in the Austral Report) should form part of the Project Specifications.

Attachment A:	PLN-19-746 - 10 EVANS STREET HOBART TAS 7000 - Council Report
Attachment B:	PLN-19-746 - 10 EVANS STREET HOBART TAS 7000 - Council Agenda Documents (Supporting Information)
Attachment C	PLN-19-746 - 10 EVANS STREET HOBART TAS 7000 Planning Referral Officer Cultural Heritage Report (Supporting Information)



City of HOBART

APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997

	Committee
Type of Report:	28 June 2020
Council:	28 June 2020
Expiry Date:	PLN-19-746
Application No:	10 EVANS STREET , HOBART
Address:	ADJACENT ROAD RESERVE ADJOINING COUNCIL LAND (CT 163943/1 and CT 163944/1)
Applicant:	XMR GREG COOPER GPO BOX 251 HOBART 7001
Proposal:	New Road and Associated Works
Representations:	One
Performance criteria:	Activity Area Controls (Use), Conservation of Cultural Heritage Values (Archaeology), Public Urban Space Schedule

1. Executive Summary

- 1.1 Planning approval is sought for New Road and Associated Works at 10 Evans Street, and including the adjacent road reserve and Council owned land.
- 1.2 More specifically the proposal includes a new road extending from the existing entry point onto the Macquarie Point site off the Tasman Highway, below the escarpment line on the Macquarie Point site, and terminating towards the eastern side of the site near the existing Taswater Waste Water Treatment Plant. The works also include upgrades to the existing slip lane coming off the Tasman Highway to facilitate the new access into the site, and associated stormwater infrastructure works.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Activity Areas 2.1 Domain Open Space, 2.0 Mixed Use and 3.0 Macquarie Point - Use
 - 1.3.2 Conservation of Cultural Heritage Values Schedule - Archaeology
 - 1.3.3 Public Urban Space Schedule - Major Road Works
- 1.4 One representation was received during the statutory advertising period.
- 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 Macquarie Point at 10 Evans Street. The proposed road is located toward the northern end of the site, under the escarpment, and extends from the existing western access off the Tasman Highway, through to the eastern end of the site adjacent to the existing TasWater Waste Water Treatment Plant. The site also includes part of the adjacent Tasman Highway road reserve, as well as part of two Council titles adjacent to the eastern side of the site which will be used for stormwater infrastructure.



Figure 1. The subject site is bordered in blue.

3. Proposal

- 3.1 Planning approval is sought for New Road and Associated Works at 10 Evans Street, and including the adjacent road reserve and Council owned land.

3.2 More specifically the proposal includes a new road extending from the existing entry point onto the Macquarie Point site off the Tasman Highway, below the escarpment line on the Macquarie Point site, and terminating towards the eastern side of the site near the existing Taswater Waste Water Treatment Plant. The works also include upgrades to the existing slip lane coming off the Tasman Highway to facilitate the new access into the site, and associated stormwater infrastructure works.

3.3 The applicant's documentation describes the proposal as follows:

- A new roadway into the Macquarie Point development, known as Stage 1.
- A new slip lane on the Tasman Highway south bound lane providing for separated vehicular access into the Macquarie Point development site.
- Minor changes to an existing traffic median and signalised pedestrian crossing at the Tasman Highway/Brooker Hwy/Macquarie St/Davey St intersection, including alteration to existing road linemarking and services.
- Alteration to the existing service road layout located adjacent to the aforementioned intersection.
- Provision of a new signalised pedestrian crossing running parallel to Davey St and in association with the entrance service road.



Figure 2. Plan of the proposed new road.

4. Background

4.1 General Manager consent to lodge the development application was initially granted on 10 December 2019, which covered the works in the Tasman Highway road reservation. Subsequent to that consent, a revised stormwater design resulted in new stormwater works being proposed on Council land adjacent to the eastern side of the site. GM consent for these works was granted on 16 April 2020.

5. Concerns raised by representors

- 5.1 One representation was received during the statutory advertising period.
- 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.

Impact on Northern Suburbs Rail Corridor:

Extremely concerned about the impact of the proposed road on the upcoming reactivation of the Northern Suburbs Rail Corridor.

Under the Hobart City Deal, signed last year, the Australian and Tasmanian governments, as well as the four Greater Hobart Councils, agreed to invest in establishing affordable, accessible public transport along the Northern Suburbs Rail Corridor in the next five years.

The Northern Suburbs Rail Corridor runs from Mawson Place in Hobart, through Macquarie Point, Glenorchy, and out to Brighton. The Hobart City Deal allocates \$25 million towards reactivating the Corridor, linking residents and visitors between Hobart and cities to its North, including New Town, Moonah, Glenorchy, Claremont, Bridgewater, Brighton and beyond.

Investment in the Northern Suburbs Rail Corridor will also unlock significant land development opportunities, creating much-needed affordable housing stock along the Corridor, delivering jobs and reducing congestion on our roads. Together with other projects under the Hobart City Deal, including the \$576 million Bridgewater Bridge upgrade, \$82.3 million to bring international flights to Hobart Airport and \$20 million to link Hobart to the South, reactivation of the Northern Suburbs Rail Corridor will see Greater Hobart connected to the world.

Earlier this year, the Department of State Growth commissioned Price Waterhouse Coopers Australia and sub-contractors - LUTI Consulting, Aurecon, Fission and Cox - to identify the preferred public transport mode for the Northern Suburbs Rail Corridor. The study has undertaken a strategic assessment to shortlist the potential transport modes, with one of the three shortlisted modes being light rail.

Of note, in March 2020, the Lord Mayor of Hobart, Councillor Anna

Reynolds wrote to the Australian Deputy Prime Minister outlining her support for investment in light rail along the Northern Suburbs Rail Corridor.

Reactivation of the Northern Suburbs Rail Corridor, which has the support of three levels of government and is due to commence within the coming year, is threatened by the application now before the City of Hobart for development of the new road at Macquarie Point (PLN-19-746).

As you are aware, to approve application, the City of Hobart must be assured that the development is consistent with the relevant Planning Scheme, in this case the Sullivans Cove Planning Scheme 1997 (as amended on 30 October 2019).

The Sullivans Cove Planning Scheme 1997 identifies the following Desired Future Character Statement in relation to Macquarie Point (Clause 32.3.5):

"Protect the operation of the Port of Hobart for the benefit of the local, regional, state and national economy by preserving the future connection to the Port of Hobart from the North by the Regatta Grounds".

The Scheme identifies the following Matter to be Considered (Clause 32.4):

"The impact of development on an operational transport corridor connecting to the North of the site."

Development of the road as proposed would be inconsistent with both these aspects of the Scheme. It would prevent the establishment of light rail along the Corridor and traffic flow along the Corridor and through the site.

The Northern Suburbs Rail Corridor passes through Macquarie Point, entering at the North of the Site and exiting onto Davey and Macquarie Streets where the new road is proposed to be developed. The proposed alignment of the vehicle / utility area would not enable light rail to be installed on the Corridor, nor to exit the site onto Macquarie and Davey Streets as has always been intended.

In light of the inconsistency of the proposed development with Clauses 32.3.5 and 32.4 of the Sullivans Cove Planning Scheme 1997, in relation to the development of the Northern Suburbs Rail Corridor, it is

absolutely inappropriate to approve application PLN-19-746.

I trust that you will take these concerns into account in your consideration of this development application and will not approve it in its current form.

6. Assessment

- 6.1 The *Sullivans Cove Planning Scheme 1997* is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The proposed works are predominantly located in Activity Area 3.0 Macquarie Point. However that part of the works located in the Tasman Highway slipway are within Activity Areas 2.1 Domain Open Space and 2.0 Sullivans Cove Mixed Use.
- 6.3 The proposal is for a road, which is considered to be an unlisted use across all three Activity Areas.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Parts A and B – Strategic Framework
 - 6.4.2 Part D – Clause 16.0, 17.0 and 18.0 – Activity Area Controls
 - 6.4.3 Part E – Schedule 1 – Conservation of Cultural Heritage Values
 - 6.4.4 Part E – Schedule 3 – Public Urban Space
 - 6.4.5 Part E – Schedule 5 – Traffic, Access and Parking
 - 6.4.6 Part E – Schedule 8 – Environmental Management
 - 6.4.7 Part E – Schedule 8 – Environmental Management
- 6.5 The proposal relies on the following performance criteria to comply with the

applicable standards:

6.5.1. Activity Area Controls (Use) – clause 16.3, 17.3 and 18.3

6.5.2 Archaeology – clause 22.6.5.

6.5.3 Public Urban Space (Building or Works) – clause 22.4.6

6.6 Each performance criterion is assessed below.

Use

6.7 The proposal is for a road, which is not considered to fall within any of the use classes at clause 14 of the planning scheme. As such, the proposal is considered to be for an unlisted use, and therefore a discretionary use across all three Activity Areas. The proposal is not considered to be inconsistent with the objectives and performance criteria across the Activity Areas. The proposal is not considered to be inconsistent with the Queens Domain Management Plan, as referenced in Activity Area 2.1 Domain Open Space.

Archaeology

6.8 The southern extent of the road will encroach within the boundaries of a place of archaeological sensitivity, namely place number 12: 'Royal Engineers Headquarters and Kings Yard'. An archaeology report was submitted with the application from Austral. The proposal was referred to the Council's Cultural Heritage Officer who has concluded as follows:

In an assessment of the proposal against the provisions, based on the report submitted, it is considered that the works are unlikely to result in the removal or destruction of an item of archaeological significance and that no reconnaissance or site sampling work is required. Contractor briefing and site awareness is a recommendation as is the necessity for work to stop should unexpected finds are uncovered. These two matter can be dealt with as a condition of permit.

6.9 The officer's full report can be found at Attachment C to this report. On the basis of the officer's conclusion, the proposal is considered to satisfy the relevant archaeology performance criteria at clause 22.6.5 of the planning scheme.

Public Urban Space

6.10 A small proportion of the proposed works within the Tasman Highway road reservation are located within the Enclosing Ridge (Streets) Public Urban Space Type. The proposed road works are discretionary on that basis pursuant to clause 24.4.6. The proposal is therefore required to be considered against the civic works and public street furniture guidelines at clause 24.4.8, and the function of the public

urban space type at clause 24.4.10.

Civic Works and Public Street Furniture Guidelines - Clause 24.4.8

- *Public street furniture must strengthen spaces by standing apart from and not softening, the junction of walls and pavement and by running parallel to the dominant lines in a space. Civic works must run parallel to the dominant walls of a space, building walls or edges of docks or wharves.*
- *Repeated elements, such as seats and trees must run parallel to the dominant lines of the buildings and streets.*
- *Where different elements occur in proximity, their co-location must reflect a 'squared up' relationship and they must be grouped into small clusters to minimise their impact on the space.*
- *Minor landscape works are discouraged within primary spaces.*
- *Sight lines should be provided between pedestrians and drivers and levels of night lighting are to be to the satisfaction of the Planning Authority.*

Function of the Public Urban Space Type - Clause 24.4.10

- *The primary function of this public urban space type is to facilitate major motor vehicle traffic movement. These spaces generally function as primary and secondary arterial roads and they serve a metropolitan transport movement function.*
- *The movement of motor vehicles is assigned priority over pedestrian and other movement in these areas. However, the design and layout of these roads must provide for a safe and comfortable environment for pedestrians and cyclists.*

- 6.11 With respect to the civic works and public street furniture guidelines, the proposal is considered to be consistent with them on the basis that it will facilitate improved access to the Macquarie Point site.
- 6.12 With respect to the the function of the Public Urban Space Type, the Tasman Highway is not specifically identified in clause 24.4.10A, however it adjoins Macquarie and Davey Streets which are in Public Urban Space Type Function 1 - Vehicle Movement. The proposal is considered to be consistent with this Function on the basis that it will improve the functionality of the existing slipway off the highway to facilitate access into the Macquarie Point site.
- 6.13 The proposal is considered to satisfy clauses 24.4.6, 24.4.8 and 24.4.10.

Key Site - Macquarie Point Site Development Plan

- 6.14 While not invoking a discretion under the Site Development Plan, the proposal is considered to be consistent with the Desired Future Character Statements for the site at clause 32.3 as well as the matters to be considered 32.4. The proposal's

location is considered to be consistent with the designation of the area in Figure 32.3 of the Plan as being an access link (refer to image below). There are no applicable use and development standards to road works.

- 6.15 One representation was received in relation to the application which indicated that the location of the road would compromise the Northern Suburbs Railway Corridor, and is contrary to the following clauses 32.3.5 and 32.4:

Protect the operation of the Port of Hobart for the benefit of the local, regional, state and national economy by Preserving the future connection to the Port of Hobart from the North by the Regatta Grounds.

and

The impact of development on an operational transport corridor connecting to the north of the site.

- 6.16 The proposed road is not considered to inhibit the connection of the Port of Hobart to the northern suburbs through the Regatta Grounds, given its location to the west of the Port of Hobart's physical connection to the Regatta Grounds. The applicant has stated that the proposed road will in fact facilitate an operational transport corridor through the site to its north because it is creating a road where one does not currently exist, with the potential for it to be connected into a future road to the north of the site.
- 6.17 It is noted that neither of the above clauses specifically refer to a rail corridor in general or the Northern Suburbs Rail Corridor specifically. Notwithstanding this, it is not considered that the proposed road's location is such that a future rail connection with the north is unacceptably impeded. There still remains a substantial portion of the site, including adjacent to the proposed road, where a rail corridor could be located. It is also reiterated that the proposed road is located in the area identified in the planning scheme as an access link. As such, it is considered hard to argue that the road is not appropriately located as envisaged by the planning scheme.



Figure 3: Extract from the Macquarie Point Site Development Plan identifying the location of the access link (in orange), which is where the road is proposed.

7. Discussion

- 7.1 Planning approval is sought for New Road and Associated Works at 10 Evans Street, and including the adjacent road reserve and Council owned land.

- 7.2 The application was advertised and one representation was received, raising concerns specifically with the impact the proposed road would have on any future rail connection to the northern suburbs of Hobart. The location of the proposed road is considered to be in accordance with the requirements of the planning scheme, in particular the Site Development Plan for Macquarie Point. Other matters raised, like the Hobart City Deal, are noted but are not relevant planning considerations under the planning scheme.
- 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, Roads Engineer, Traffic Engineer, Stormwater Engineer, Surveyor, Environmental Development Planner, and Open Space Planner. The officer's have indicated support for the proposal subject to conditions. The Council's Senior Engineer - Roads and Traffic provided the following specific comments.

I have reviewed the Traffic Impact Assessment submitted in support of the development application made by the Macquarie Point Development Corporation for the construction of a new road into the subject site at 8A Evans Street.

I note the following from the TIA:

- The application is for the construction of a new cul-de-sac road to provide for the future development of one building 'Building A' that would be accessed via that road.
- In the future (estimated as 2027 in the application), it is proposed in the TIA that a further interconnecting road through the site would be constructed to connect the proposed 'cul-de-sac' road to Evans Street. The TIA also discussed the potential future extension of the cul-de-sac to connect to the Tasman Highway at McVilly Drive. These future connections would, it is assumed, be to cater for increased vehicular traffic generated by further development at the subject site.
- The new access road forming part of the current application, would be accessed via the Tasman Highway and Brooker Avenue, between the 'Royal Engineers' Building and the former 'Boral' site. Both of these roads are under the management of the Department of State Growth.
- The only public highway under the ownership of the City of Hobart impacted by the proposal, is the approximately 90 meter long unnamed service road through which the proposed cul-de-sac would connect onto the Tasman Highway and Brooker Avenue.

In terms of providing comment on behalf of the City of Hobart regarding the public

highway under City of Hobart care and control:

- The unnamed service road currently performs two functions for the movement of people and goods in the City of Hobart.
- The first is to provide vehicular access to the former 'Boral' site, to the main 'Macquarie Point' development site, and to the 'Royal Engineers' building site. This would not be negatively impacted by the proposal.
- The second is to provide for the main pedestrian and cyclist linkage between the Hobart CBD and the Intercity Cycleway. This is the main area of impact of this proposal.

In its current form, the proposed new road will reduce the comfort and convenience of pedestrians and cyclists who currently utilize the shared path on the eastern side of the Tasman Highway – Davey Street to travel between the Hobart CBD / Waterfront and the Queens Domain / Intercity Cycleway. This includes both short trip recreational users, and those people who utilize this route to commute to and from employment. This reduction in comfort and convenience will occur due to the requirement for pedestrians and cyclists to cross an additional road as a part of their journey, and to follow a new path of travel that takes them away from their natural desire line by requiring them to walk or cycle a short distance away from the Tasman Highway road reserve before crossing the access road. It is considered likely that a portion of pedestrians and cyclists will attempt to reduce this inconvenience by walking or cycling on the road surface in a more direct line.

It is acknowledged however that the current shared cycling and pedestrian path on the eastern side of Davey Street – Tasman Highway between Brooker Highway and McVilly Drive does not provide a high quality facility, having a number of width and geometry constraints that make it poorly suited to catering for its current volumes of pedestrian and cyclist traffic. It is also acknowledged that the Development Framework Plan for the site in the Sullivan's Cove Planning Scheme (Figure 32.3 [reproduced at Figure 3 above in this report]) would allow for a high quality pedestrian and cycling link to be constructed between the current pedestrian and cycling link through the Macquarie Point site and the existing shared path on the eastern side of Davey Street between Evans Street and Brooker Highway. Such a future connection, following the City of Hobart also completing its own upgrade to the intercity cycleway between McVilly Drive and the Regatta Grounds, would provide a high quality convenient and appropriate cycling and pedestrian connection that would significantly improve overall user amenity and comfort, and would be expected to see the majority of commuting pedestrians and cyclists utilize the proposed new connection.

As such, while the proposed development would in the short term degrade pedestrian and cyclist amenity, assuming that future stages proceed in line with the

Macquarie Point Site Development Plan and include a high quality pedestrian and cycling link to connect the eastern side of Davey Street (between Evans Street and Brooker Avenue) to the existing off road path through the subject site in a direct and high quality form, then the overall development will carry overall benefits for pedestrians and cyclists moving through the area.

In its current form, there is however no certainty if and when this new connection would be constructed. There is likely to be some unknown period of time between the completion of the new road construction and the opening of a more direct pedestrian and cycling link through the site.

In the event that a permit is granted, prior to constructing infrastructure on road reserves under either State Growth or City of Hobart management, detailed design plans will need to be separately provided to and approved by both road authorities. In the City of Hobart's case, a main priority will be to try to mitigate so much as practical, the negative impacts on pedestrians and cyclists for the period of time where the eastern side of the Tasman Highways remains the primary pedestrian and cycling connection used by the travelling public. As a part of that process, the applicant would be required to provide additional detailed design information, and demonstrate via a road safety audit process that the treatments on the City of Hobart Highway reserve are appropriate.

In summary, after considering the TIA provided on behalf of the applicant, and the principles and information provided in Schedule 5 of the Sullivan's Cove Planning Scheme, can be supported on the assumption that a high quality pedestrian and cycling connection will be added separately to connect the eastern side of Davey Street (between Evans Street and Brooker Avenue) to McVilly Drive via the subject site in a convenient and direct manner that will reduce the demand and desire for pedestrians and cyclists to cross the proposed new access road at its intersection with the Tasman Highway.

Advice / Recommendations

It should be noted that prior to construction of any alterations to signage and infrastructure on the City of Hobart public highway reservation, the applicant shall prepare a detailed design plan and accompanying documentation for the separate approval of the General Manager under Clause 30(1) and 30(2) of the Local Government (Highways) Act 1982. This plan will need to be accompanied by a road safety audit of the proposed design prepared by a suitably qualified provider.

The Traffic Impact Assessment submitted with the application includes in its conclusions that: *"The swept paths for a 19m articulated bus at the intersection of the new road and the existing access indicate that the road needs to be widened across the wombat crossing to allow two vehicles to safely pass each other"*. This

will need to be addressed during the detailed design process.

7.5 The officer's recommendations and advice have been included in condition ENG s4, and an additional condition is recommended to clarify that no 'building a' or connector road to Evans Street, both of which are referenced in the TIA, are approved.

7.6 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed New Road and Associated Works at 10 Evans Street, Adjacent Road Reserve, and Adjoining Council Land (CT. 163943/1 and CT. 163944/1) satisfies the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for New Road and Associated Works at 10 Evans Street, Adjacent Road Reserve, and Adjoining Council Land (CT. 163943/1 and CT. 163944/1) 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-19-746 - 10 EVANS STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw2.1

A pre-construction structural condition assessment and visual record within/adjacent to the proposed development, along with photos of any drainage structures to be connected to or modified, must be submitted to Council prior to the commencement of work or issue of consent under the Building Act (whichever occurs first).

The post-construction condition assessment will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with adequate pre-construction condition assessment then any damage to Council's infrastructure identified in the post-construction condition assessment will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG sw2.2

A post-construction structural condition assessment and visual record (eg video and photos) of the Council's stormwater infrastructure within/adjacent to

the proposed development (ie Hobart Rivulet tunnel within 10m of the proposed works, mouth and floating litter trap), along with photos of any existing drainage structures connected to or modified as part of the development, must be submitted to Council upon completion of work.

The post-construction condition assessment will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with adequate pre-construction condition assessment then any damage to Council's infrastructure identified in the post-construction condition assessment will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG sw5

The development must be drained to Council infrastructure. The proposed new stormwater system must be constructed prior to issue of any Completion or first use (whichever occurs first).

Detailed engineering design drawings must be submitted and approved, prior to commencement of work or issue of any consent under the Building Act (whichever occurs first). The engineering design drawings must:

1. **Be certified by a qualified and experienced Engineer.**
2. **Show in both plan and long-section the proposed stormwater system, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, pit types, easements and inspection openings.**
3. **Include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP flows as at 2100 (i.e including climate change loading) from a future fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment.**
4. **Provide for future development within the catchment to be adequately and efficiently serviced, noting outfall restrictions.**
5. **Clearly address climate change, including modelled tailwater level, outfall above HAT as at 2100, and any required backflow prevention.**

6. Detail, including sections, of the outfall to the Rivulet mouth. These must include clearance from and any potential impact on the floating litter trap, level of outfall above the HAT as at 2100, and sufficient erosion protection.
7. Minimise impact on the Hobart Rivulet. Include a cross-section showing the extent of excavation in relation to the Hobart Rivulet.
8. Clearly distinguish between public and private infrastructure as at time of completion of the works, and in the future.
9. Be substantially in accordance with the LGAT drawings

A CCTV of all pipework to become public stormwater assets, taken no more than 1 month prior to the end of the maintenance period, must be submitted to Council prior to Council accepting the mains as public infrastructure.

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

Advice:

The applicant is encouraged to provide the information required above and obtain all inspections etc for all private stormwater which would need to be taken over by Council when/ if the road becomes public highway. Until that time, only the section outside the site's property boundary will be Council owned (i.e. from MHSW106 to outfall, and the existing Council pits in the Brooker turn-off). Private assets not demonstrated to be constructed to Council standards may not be taken over.

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

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure. Infrastructure protection bonds, maintenance period bond and CCTV will be required, along with additional holdpoints addressing the deep excavation adjacent to the Hobart Rivulet.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw7

Stormwater treatment for stormwater discharges from the development must be installed prior to commencement of use.

A stormwater management report and design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (which ever occurs first). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, demonstrating the system will reduce hydrocarbons and achieve the best practice removal targets of 80% total suspended solids, 45% total nitrogen and 45% total phosphorous.
3. Demonstrate low life cycle costs.
4. Demonstrate adequate access for maintenance
5. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken in accordance with the approved report and plan.

Advice:

Once the report and plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to commencement work (including demolition). The construction traffic and parking management plan must:

- 1. Be prepared by a suitably qualified person.**
- 2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.**
- 3. Include a start date and finish dates of various stages of works.**
- 4. Include times that trucks and other traffic associated with the works will be allowed to operate.**
- 5. Nominate a superintendant, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.**

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

Advice: The construction traffic and parking management plan to be submitted to the Council via a condition endorsement (see general advice on how to obtain condition endorsement).

Once the construction traffic and parking management plan has been approved, the Council will issue a condition endorsement.

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

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 5b

This permit does not approve the "interconnector road to Evans Street" or

"Building A", as referenced in the submitted Pitt and Sherry Traffic Impact Assessment (in particular at page 17 of that document).

Reason for condition

To clarify the scope of the permit.

ENG 1

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

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.**

Any damage must be reported to Council immediately.

A photographic record of the Council's infrastructure adjacent to and within 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. Rivulet tunnel, mouth (including walls and base), floating litter trap, existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG s4

Detailed engineering design drawings must be submitted for approval prior to the commencement of construction works.

Design drawing must be submitted and approved prior to the issuing of any permit to construct public infrastructure, any approval under the Building Act 2016 or commencement of works (which ever occurs first).

The design drawing must include:

1. **A scaled and labelled site plan showing the location of new and proposed public infrastructure and boundaries in general accordance with TSD-R06-v1. The plan must clearly show the extent of land to be transferred to Council in the short or long term.**
2. **A pavement design, including CBR test results, in accordance with Austroads Guide to Pavement Technology.**
3. **Detail of how the new and old road and footways will connect, including removal of redundant vehicle crossings and kerb ramps.**
4. **Provision for bicycles and continuity with the existing shared path arrangement.**
5. **All traffic signs, signals and linemarking.**
6. **Available sight distance at all proposed accesses and intersections.**
7. **Swept paths for a 19m articulated bus must be shown at all intersections and curves**
8. **Trees and landscaping to the City's satisfaction.**
9. **All services or infrastructure to become City assets must be in accordance with the requirements of the relevant division.**

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

Advice:

- *The design drawings to be submitted to the Council via a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Once the design drawings have been approved, the Council will issue a condition endorsement.*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *Prior to construction of any alterations to signage and infrastructure on the City of Hobart public highway reservation, the applicant must prepare a detailed design plan and accompanying documentation for the separate approval of the General Manager under Clause 30(1) and 30(2) of the Local Government (Highways) Act 1982. This plan must be accompanied by a road*

safety audit of the proposed design prepared by a suitably qualified provider.

Reason for condition

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

ENV 2

Sediment and erosion control measures, sufficient to prevent contamination and sediment leaving the site and in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must:

- 1. be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).**
- 2. be in accordance with any Site Contamination reports or requirements.**
- 3. identify potential environmental impacts associated with the works, and identify measure to avoid or mitigate these risks.**

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

Advice: The SWMP to be submitted to the Council via a condition endorsement (see general advice on how to obtain condition endorsement).

Once the SWMP has been approved, the Council will issue a condition endorsement.

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

Reason for Condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

HER 6

All onsite excavation and disturbance with the two areas identified in figure 20 on page 22 and described as Proposed Monitoring Areas of the Macquarie Point Access Road Archaeological Sensitivity Report, by Austral Tasmania, dated 29 May 2019, must be monitored and managed in accordance with section 4.4 Management Recommendations on page 20 of the above report. Further assessment must be undertaken on the excavation and disturbance associated with the stormwater connection into the Hobart Rivulet as shown on Drainage and Services Sheet 4 by Pitt and Sherry (drawing HB18477-C1204, Revision B) to ensure the proposed stormwater does not impact negatively on the significance of the Hobart Rivulet Diversion Tunnel (Domain Diversion Tunnel site ref.90). Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

In addition,

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with (2) above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with 2 days of the discovery; and
5. A copy of the archaeologists advice, assessment and recommendations obtained in accordance with paragraph (2) above must be provided to Council within 30 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 7

Contractors are to be made aware of the location of the Diversion Tunnel and

other adjacent heritage features in site briefings and to take due care and avoid impacts during construction.

Reason for condition

To ensure recognition and protection of a place of archaeological significance and heritage features.

OPS s1

Compensation must be paid for the loss of the two *Eucalyptus globulus* (blue gums). The applicant must pay the amenity value of these two trees and also pay for two replacement trees, prior to their removal. The amenity value will be calculated by Council. The developer must also pay for the trees removal. To arrange payment of the fees, please contact Council's Open Space Planning Team on 6238 2488.

Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy and the amenity value calculation method endorsed by a meeting of the full Council on the 18th February 2019.

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

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

commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require a road closure permit for construction. Click [here](#) for more information.

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in

the road reserve). Click [here](#) for more information.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Amenity Division to initiate the application process for your [new stormwater connection](#).

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

Works within 10m of the Hobart Rivulet will require separate consent under section 13 of the *Urban Drainage Act 2013*.

WORK WITHIN THE HIGHWAY RESERVATION

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

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

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

DEDICATION OF ROAD AS HIGHWAY

The method of road dedication as highway is to be determined as part of the Stage 2 development application.

TEMPORARY TURNING HEAD

As the application is proposing only a temporary road turning head that encroaches substantially onto Lot 2 on Sealed Plan 176538 with the turning head proposed to be removed as part of the Stage 2 development, should Stage 2 not proceed, the

encroachment will need to be legalised by means of a further subdivision or boundary adjustment.

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.

HERITAGE

The Unanticipated Discovery Plan for managing Aboriginal heritage (as specified in the Austral Report) should form part of the Project Specifications.



(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.



(Karen Abey)

Manager Development Appraisal

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

Date of Report: 18 May 2020

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

9.2 5-7 Sandy Bay Road and Adjacent Road Reserve, Hobart - Demolition and New Building for 55 Multiple Dwellings, Food Services and Associated Works within the Adjacent Road Reserve
PLN-19-706 - File Ref: F20/50303

Application Expiry Date: 26 May 2020

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for demolition and new building for 55 multiple dwellings, food services and associated works within the adjacent road reserve at 5-7 Sandy Bay Road, Hobart for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Building Height - Part D 15.4.1 P1 (b) of the *Hobart Interim Planning Scheme 2015* because the proposed larger western apartment tower is not compatible with the scale of nearby buildings.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 15.4.1 P1 (d) of the *Hobart Interim Planning Scheme 2015* because the proposed larger western apartment tower does not allow for a transition in height between adjoining buildings.

Attachment A:	PLN-19-706 - 5-7 SANDY BAY ROAD HOBART TAS 7000 - Council Report
Attachment B	PLN-19-706 - 5-7 SANDY BAY ROAD HOBART TAS 7000 - Council Agenda Documents (Supporting Information)
Attachment C	PLN-19-706 - 5-7 SANDY BAY ROAD HOBART TAS 7000 - Planning Referral Officer Cultural Heritage Report (Supporting Information)
Attachment D	PLN-19-706 - 5-7 SANDY BAY ROAD HOBART TAS 7000 - Urban Design Advisory Panel Minutes (Supporting Information)
Attachment E	PLN-19-706 - 5-7 SANDY BAY ROAD HOBART TAS 7000 - Planning Referral Officer Development Engineering Report (Supporting Information)

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	25 May 2020
Expiry Date:	26 May 2020
Application No:	PLN-19-706
Address:	5 - 7 SANDY BAY ROAD , HOBART ADJACENT ROAD RESERVE
Applicant:	(Fragrance TAS-Hobart (Sandy Bay) Pty Ltd, by their Agent, Ireneinc Planning and Urban Design) 49 Tasma Street
Proposal:	Demolition and New Building for 55 Multiple Dwellings, Food Services and Associated Works within the Adjacent Road Reserve
Representations:	Three hundred and fifty two (352) representations objecting and one (1) in support.
Performance criteria:	Urban Mixed Use Zone Development Standards, Road and Railway Assets Code, Parking and Access Code, Stormwater Management Code, Attenuation Code, and Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Demolition and New Building for 55 Multiple Dwellings, Food Services and Associated Works within the Adjacent Road Reserve at 5-7 Sandy Bay Road, Hobart.

- 1.2 The proposal is for the demolition of the existing 'Conservatorium of Music' building and steel tower to facilitate the construction of two apartment buildings containing a total of 55 dwellings, communal spaces and a café. The building on the corner of Wilmot Street and Sandy Bay Road is to contain the café and is to be seven storeys with a maximum height of 22.35m. The other larger apartment building is to be 10 storeys and extend to a maximum height of 33.23m. There will be two levels of basement car parking containing 86 spaces and bicycle storage which is accessed via a ramp from Wilmot Street.

The two buildings with a total floor area of 7290m² will feature a mix of larger sized, two and three bedroom apartments with a single four bedroom penthouse, all with balconies. The development will include a number of communal spaces and facilities including gardens, BBQ areas, pool and gym. The development features the siting of the apartment buildings on a shared platform with the street level brick facade wall Sandy Bay Road frontage to include public art as well incorporating the existing Tasmanian Heritage Council listed mosaic mural. The design utilises articulated facade elements and layers to fragment the visual mass of the buildings. The key palette of materials are face bricks, coloured rendered panels, concrete panels and the feature use of mosaic tiles.

The development also includes associated infrastructure and road reservation works proposed within Wilmot Street and Sandy Bay Road.

- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Urban Mixed Use Zone Development Standards - 15.4 Development Standards for Buildings and Works
 - 1.3.2 Road and Railway Assets Code - E5.5 Use Standards
 - 1.3.3 Parking and Access Code - E6.6 Use Standards and E6.7 Development Standards
 - 1.3.4 Attenuation Code - E9.7 Development Standards
 - 1.3.5 Historic Heritage Code - E13.10 Development Standards for Places of Archaeological Potential
- 1.4 Three hundred and fifty two (352) representations objecting and one (1) in support of the proposal were received during and up to two weeks beyond the statutory advertising period of 8 April to 27 April 2020.
- 1.5 The application was referred to the Urban Design Advisory Panel. The item was presented to the Panel at its meeting of 21 April 2020. The minutes are included in full as attachment to this report. The Panel's advice concluded they were not supportive of the height of the proposal.

- 1.6 The proposal is recommended for refusal.
- 1.7 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The property address of 5-7 Sandy Bay Road includes four titles with three containing the existing cottages fronting Heathfield Avenue. The development however is only proposed within the title boundaries of CT 106816/1 with an approximate area 2095m² to be developed as shown highlighted purple in figure 1. This site area currently contains the former University of Tasmania's Conservatorium of Music Building and steel tower with open car parking area located on the corner of Sandy Bay Road and Wilmot Street.

The site is within the Urban Mixed Use Zone of the *Hobart Interim Planning Scheme 2015*. The site area itself contains a heritage listed component being that of the existing mosaic mural which is listed on the Tasmania Heritage Register. The full address of 5-7 Sandy Bay Road contains properties within the Hobart Heritage Precinct 2 overlay as well also being individually listed in both the Tasmania Heritage Register and within the planning scheme's Historic Heritage Code.

The site is adjacent to St David's Park and adjoins Hobart Masonic Hall to the north-west with Wilmot Street forming the boundary to the south-east. The rear of the site adjoins the cottages fronting Heathfield Avenue and the large existing warehouse building on Wilmot Street. Further afield on the Davey Street corner of the block there is the significant buildings of Mantra Hotel at approximately 27m high and the Telstra Exchange Building at approximately 36m high. The western section of the block extending to Hampden Road and upper areas of Wilmot Street predominantly contains lower scale residential dwellings, the majority of which are both listed in the Tasmania Heritage Register and within the planning scheme's Historic Heritage Code. The adjacent site to the south-east on the other side of Wilmot Street is the 9 Sandy Bay Road property which currently contains two mid-century residential apartment buildings which are three and two storeys respectively, and accommodate 18 dwellings.

2.2



Figure 1: GIS Map Image. The blue bordered properties comprise 5-7 Sandy Bay Road. The area to be developed is shown highlighted purple.

2.3



Figure 2: Subject site viewed from Wilmot Street side

2.4



Figure 3: Subject site and existing mural

2.5



Figure 4: Streetscape including subject site Masonic Hall and Mantra buildings (left to right)

2.6



Figure 5: View from Heathfield Avenue through to existing Conservatorium of Music building

2.7



Figure 6: View from Heathfield Avenue towards subject site

3. Proposal

- 3.1 Planning approval is sought for Demolition and New Building for 55 Multiple Dwellings, Food Services and Associated Works within the Adjacent Road Reserve at 5-7 Sandy Bay Road, Hobart.
- 3.2 The proposal is for the demolition of the existing 'Conservatorium of Music' building and steel tower to facilitate the construction of two apartment buildings containing a total of 55 dwellings, communal spaces and a café. The building on the corner of Wilmot Street and Sandy Bay Road is to contain the café and is to be seven storeys with a maximum height of 22.35m. The other larger apartment building is to be ten storeys and extend to a maximum height of 33.23m. There will be two levels of basement car parking containing 86 spaces and bicycle storage which is accessed via a ramp from Wilmot Street.

The two buildings with a total floor area of 7290m² will feature a mix of larger sized, two and three bedroom apartments with a single four bedroom penthouse, all with balconies. The development will include a number of communal spaces and facilities including gardens, BBQ areas, pool and gym. The development features the siting of the apartment buildings on a shared platform with the street level brick facade wall Sandy Bay Road frontage to include public art as well incorporating the existing Tasmanian Heritage Council listed mosaic mural. The design utilises articulated facade elements and layers to fragment the visual mass of the buildings. The key pallet of materials are face bricks, coloured rendered panels, concrete panels and the feature use of mosaic tiles.

The development also includes associated infrastructure and road reservation works proposed within Wilmot Street and Sandy Bay Road.

3.3



Figure 7: Artist montage of proposal

3.4

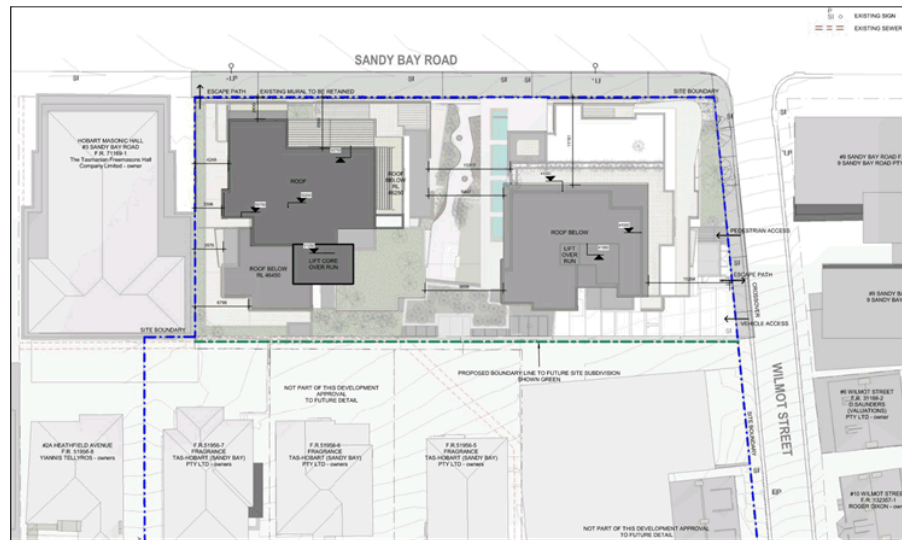


Figure 8: Proposed site plan

4. Background

- 4.1 The applicant was advised prior to advertising the application of officer concerns in respect of the overall height of the larger apartment tower, the compatibility of its scale and absence of transition to adjoining buildings. The developer however wished to proceed with the proposal in its current form.
- 4.2 The application was referred to the Urban Design Advisory Panel. The item was presented to the Panel at a meeting on the 21 April 2020. The minutes are included in full as attachment to this report.
- 4.3 It is noted that the property at 9 Sandy Bay Road, which is on the other corner of Wilmot Street and Sandy Bay Road, is subject to a current planning application, PLN-19-641, for demolition and new building for 28 multiple dwellings and associated works within adjacent road reserve. The proposal is for the apartments to be contained within a 19.35m high six storey (one partially below ground) building form. The application is also currently before the Council for determination, with an officer recommendation for approval subject to conditions.

5. Concerns raised by representors

- 5.1 Three hundred and fifty two (352) representations objecting and one (1) in support of the proposal were received during and up to two weeks beyond the statutory advertising period of 8 April to 27 April 2020. It should be noted that a number of late representations were received and for each of these the representation period was extended at the discretion of the Manager Development Appraisal in accordance with S.57(5) of the Land Use Planning and Approvals Act 1993, which can allow an extension of up to 14 days to be granted.
- 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.

Incompatibility of the scale of the development to nearby buildings.
A disregard of compatibility to the 3 conjoined heritage-listed buildings on Heathfield Avenue.
The proposed 33m height is three times the permitted height of 10m.
The proposed absolute maximum height is 14 metres, recommended by Leigh Woolley's report (Zone 9), and also recommended to Council by the City's planning officers. 14,000 City of Hobart electors voted in favour of the 14 metre absolute maximum in this area. Why deviate to such a large degree from an expert's opinion of building heights which was based on thorough and educated research.
Decisions should not be made on such proposals while the height standards are being reviewed.
Distinct lack of height transition between the proposed buildings and adjacent properties.
Comparing the height to taller buildings in the CBD, blocks away and in a different zone as well as the inclusion of an unbuilt proposal distracts from the considerable height discrepancy between this proposal and its neighbouring buildings.
Another attempt, after 9 Sandy Bay Road's and Welcome Stranger Hotel of inappropriate development in this sensitive area.
Consideration needs to be given design to ensure it compliments and not detracts from the neighbouring buildings and streetscape.
It may claim variations to height and materials fit into the streetscape, this still does not mitigate the excessive scale of the development.
The colour and finish would appear to be completely at odds with local sandstone buildings.

Mundane architecture.
It is possible to build successful and money-making buildings that work with the existing built environment.
The proposal is incompatible with the character of the heritage precinct and historic buildings in the surrounding area.
High-rise developments like these impact on the liveability of cities.
The proposal does not meet a need for affordable housing.
The development is out of character and not suitable for Hobart, it would be more appropriate in the larger cities of the world.
Hobart's beautiful uniqueness needs to be retained. Hobart is in serious danger of damaging its heritage appeal for visitors.
The density of the building being proposed is approximately 37.85 m2, which is too dense for a small regional city such as Hobart.
The recent poll conducted by Hobart City Council on building heights in the city showed that 88% of respondents are opposed to developments of the type proposed for 5-7 Sandy Bay Road.
Significant overshadowing of nearby properties.
Developers like Fragrance have no connection to Hobart and their relationship with its heritage and its arts culture. They continue to propose inappropriate development substantially outside the height limits of what has been stipulated for the city.
The recent poll conducted by Hobart City Council on building heights in the city showed that 88% of respondents are opposed to developments of the type proposed for 5-7 Sandy Bay Road.
Developer will take the profits overseas with no on flowing benefit to our community.
It will overshadow, and reduce the amenity of St David's Park.
The proposal will impact on views and vistas from historic St David's Park.
The George Davis mosaic mural is the only one of its kind in Tasmania and probably the only one of its size and complexity still standing in Australia.
To demolish the building would result in the loss of the context for which the mural was created and diminish its significance.
Concerns about how the fragile and sensitive mural will be protected during this extensive demolition, excavation and building works.

It's important to retain Hobart's 20th century architecture. The Conservatorium of Music building is an outstanding example of mid-20th century.
Conservatorium of Music building should be heritage registered and not demolished.
Concern of decision making of major developments during the Covid 19 Crisis, community is significantly limited and the community's ability to respond is restricted due to people facing numerous other concerns. There is also a changed perspective since the COVID-19 pandemic.
Concern regarding the amount of traffic being generated by this proposal.
The proposal will create additional traffic issues in this already congested area, with impacts on traffic and parking situation on Sandy Bay Road and Wilmot Street.
Twice weekly garbage collection proposed by locating the collection vehicle on the street will further exacerbate the congestion for other users. Who will manage bins for collection?
The proposed parking all though less than that require under the Planning Scheme is still too generous given the Council's strategic objectives to reduce car usage in the city as well as walkable and bikeable nature of the location.
Inadequate bicycle parking and bike storage.
Driveway ramp should be constructed without a lip to reduce potential for bicycle falls.
The proposal is deficient in the required amount of car parking under the Scheme.
The cladding, breaking up of the facade, gradation of heights and respect for the surrounding environs is to be lauded.

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 Urban Mixed Use Zone of the *Hobart Interim Planning Scheme 2015*.

- 6.3 The proposed uses are for Multiple Dwellings and Food Services. The uses are all permitted in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 15.0 Urban Mixed Use Zone
 - 6.4.2 E5.0 Road and Railway Assets Code
 - 6.4.3 E6.0 Parking and Access Code
 - 6.4.4 E7.0 Stormwater Management Code
 - 6.4.5 E9.0 Attenuation Code
 - 6.4.6 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 15.0 Urban Mixed Use Zone:-
 - Building Height 15.4.1 P1*
 - Setback 15.4.2 P1*
 - Landscaping 15.4.5 P1*
 - Residential Amenity 15.4.8 P1*
 - 6.5.2 Road and Railway Assets Code:-
 - Existing Road Accesses and Junctions - Part E5.5.1 P3*
 - 6.5.3 Parking and Access Code:-
 - Number of Car Parking Spaces - Part E6.6.1 P1*
 - Parking and Access Code - Layout of Parking Areas - Part E6.7.5 P1*
 - 6.5.4 Historic Heritage Code:-
 - Building, Works and Demolition within a Place of Archaeological Potential Part E13.10.1 P1*
 - 6.5.6 Attenuation Code:-

Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm Part E9.7.2 P1

- 6.6 Each performance criterion is assessed below.
- 6.7 Building Height - Part D 15.4.1 P1
- 6.7.1 The acceptable solution at clause Part D 15.4.1 A1 requires a maximum building height of 10m.
- 6.7.2 The proposed smaller apartment tower has maximum height of 22.35m and the larger apartment tower is to have a maximum height of 33.23m.
- 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 Part D 15.4.1 Building Height provides as follows:

P1

Building height must satisfy all of the following:

- (a) be consistent with any Desired Future Character Statements provided for the area;*
- (b) be compatible with the scale of nearby buildings;*
- (c) not unreasonably overshadow adjacent public space;*
- (d) allow for a transition in height between adjoining buildings, where appropriate;*

- 6.7.5 In respect of sub-clause (a), this is not relevant as there are no Desired Future Character Statements provided for the area.
- 6.7.6 In respect of sub-clause (b), the recent Tribunal decision of *9 Sandy Bay Road Pty Ltd v Hobart City Council and Ors - Appeal 100/16P* provides clarity on the meaning of the terms "scale", "nearby" and "compatibility". In the decision the Tribunal stated the following:

... To be compatible is to be consistent or congruous with that which comparison is required to be made. The Tribunal holds that to be "compatible" requires that the building height be capable of co-existing with the scale of nearby buildings.

The decision also stated:

The Tribunal defined the term 'compatible' in two recent decisions: Henry Design & Consulting v Clarence City Council and Flood v George Town Council. In Henry Design, the Tribunal held at [50] that 'compatible' meant "not necessarily the same... but at least similar to, or in harmony or broad correspondence with the surrounding area".

In terms of scale, the Tribunal found that "scale" should be read in the context of the above performance criterion, commenting that "the reference to scale in this part is an inference to height and requires compatibility in that respect". The Tribunal further commented that when considering a proposal against the above standard "the intent is that building height must be compatible with the scale (height) of "nearby" buildings".

When considering what the term "nearby" should mean, the Tribunal found that it "means "close to" the subject development".

Therefore it is considered that the scale (height) of the proposal, must be consistent, congruous, similar to, and in harmony, broad correspondence and capable of coexisting with buildings that are close to the subject site.

It is also noted that when assessing the compatibility of the proposal's height, regard must be had to the objective of the height standard which is that a building's height contributes positively to the streetscape.

- 6.7.7 Firstly, in respect of the Sandy Bay Road streetscape, the applicant's submission draws consideration of the compatibility of the building's scale in respect of a broader context that includes the streetscape of Harrington Street extending into the Central Business Zone to Collins Street as shown below:

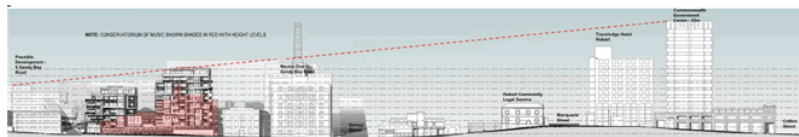


Figure 9: Applicant's Submitted Streetscape Elevation

- 6.7.8 Not only are the significant buildings of Travel Lodge Hotel and the Commonwealth Government Centre building over 200m from the site, it also presents a streetscape that is not viewed a single context nor is there an opportunity to perceive the transition in scale as suggested. The section of the Central Business Zone between Davey Street and

Macquarie Street shown also presents one of Hobart's more significant Heritage Precincts. The likely future scale of development in this area to be limited as has been evidenced by recent Tribunal Decision 67/19P in respect of the refusal of the Welcome Stranger Development at 58 Harrington Street.

The site is located in a unique section of streetscape. It is bookended by the corner building of Mantra at 1 Sandy Bay Road contains the Masonic Hall, the existing Conservatorium of Music building on the subject site before tapering to the two and three storey residential building of 9 Sandy Bay Road and beyond on the adjacent side of Wilmot street. This area is considered to be read in its own context, and therefore it represents the relevant section of 'nearby buildings' to draw from to determine compatibility of scale.

This approach is also supported by the Urban Design Advisory Panel:

"The Proponent presents an analysis of building height and form in the area and arrives at a height plane within which, it is claimed development can reasonably occur. The height plane is presented as a line drawn from the top of the proposed new development at 9 Sandy Bay Road (which has since been reduced in height) to the top of the distant Commonwealth Centre Building in Collins Street. It in essence concludes that, because the proposal falls within this plane, it is acceptable.

The Panel considers that this extended height plane has no credible basis and that, for the purpose of this assessment, the cluster of buildings within which the subject site is located finishes at the southern side of Davey Street.

The Panel considers that if a theoretical height plane is to be of any assistance at all in determining an appropriate height for this proposal then it should be drawn from the top of the existing units adjacent to 9 Sandy Bay Road to the top of the Mantra building on the corner of Davey Street and Sandy Bay Road. Building within such a plane would likely have the effect of reducing the height of the taller of the two proposed buildings by several storeys – possibly two or three.

In conclusion the Panel is of the opinion that the height and character of any new development within this conspicuous row of buildings (1-9 Sandy Bay Road) should be determined within the narrower context presented by those buildings. The development should also be

cognisant of its impact on the adjacent heritage precinct, its character and values."

- 6.7.9 The tallest nearby building is the Telstra Exchange Building at approximately 36m high. It is of significant scale, responds to its Davey Street frontage, and its visual prominence is amplified by its elevation relative to the ground level of Sandy Bay Road. In the context of nearby buildings to the site, it is clearly perceived as a building form in the backdrop of this contained section of the Sandy Bay Road streetscape, and its scale is considered to be an exception rather than the rule; it is a building that is already incongruous in the streetscape. As such, relying on the scale of this building as a justification for the height of the current proposal is not considered to be appropriate. In other words, proposing a building comparable in height to an already incongruous building does not equate to a compatibility of scale of nearby buildings

It is also considered that the existing two steel tower structures (the one on the subject site is to be removed) although visually prominent are not relevant building forms for the purposes assessing compatibility of scale.

- 6.7.10 In light of the above assessment it is considered appropriate to draw from the scale of the Mantra corner building in determining the compatibility of the scale of the proposed development. It is acknowledged that it is not necessarily appropriate for the height of the proposed development to directly respond to the scale of the adjoining Masonic Hall (14m high) building particularly considering the scale of the existing adjoining Conservatorium of Music building (22m high). However the relative scale of the Masonic Hall building does accentuate the height of the adjoining development. From the 27m high Mantra building's role in reinforcing the corner of Davey Street and Sandy Bay Road the scale of buildings tapers down to the two and three storey form of the existing residential buildings of 9 Sandy Bay Road and beyond. It is noted that 9 Sandy Bay Road is likely to be developed at some stage with previous and current applications submitted for the site (refer also to the background section of this report).
- 6.7.11 In respect of the larger tower (refer images below) with its maximum height of 33.23m and ten storeys, it has a proposed height of approximately 6m above that of the existing Mantra building and approximately 11m higher than the existing Conservatorium of Music building on the site. Because it has sought to inappropriately rely on the higher buildings of the Telstra Exchange, the Travel Lodge Hotel and the Commonwealth Government Centre, it presents as a building of

considerable height and scale which is incongruous within and detrimental to the streetscape. It is considered that its height does not respect the scale of the Mantra building that reinforces the Davey Street/Sandy Bay Road corner and bookends the built form of this section of Sandy Bay Road, or the tapering down of the scale of buildings to the two and three storey residential building of 9 Sandy Bay Road. As such, the proposed larger tower is not considered to be consistent, similar, in harmony, or in broad correspondence with the scale of nearby buildings. And as currently proposed, it is not considered that the scale of the large tower makes a positive contribution to the streetscape.

In respect of the design of this tower, it is acknowledged that there has been considerable effort to break down the apparent scale through the use variety of a materials, colours and finishes. It is considered that a reduction in height of the larger tower to be comparable to or lower than the Mantra building would present a building more compatible in scale with nearby buildings and to contribute positively to the streetscape, while still allowing for a significant density of residential apartments.



Figure 10: Montage of proposed development from the pedestrian crossing at St Davids Park

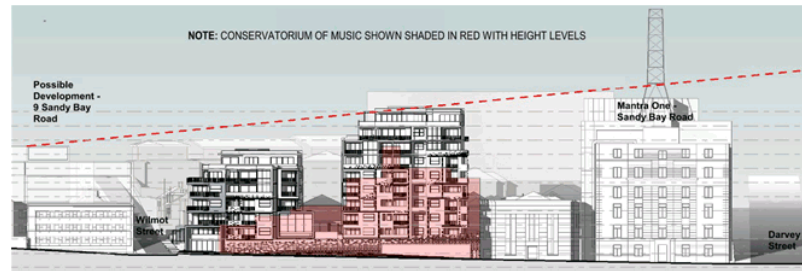


Figure 11: Nearby Streetscape Elevation

- 6.7.12 In respect of the smaller proposed tower on the corner of Wilmot Street, although perhaps at the limit of compatibility of scale in this location, in respect of the Sandy Bay Road frontage and the Wilmot Street frontage it is considered to fall within an acceptable compatibility of scale. In respect of the Sandy Bay Road streetscape, Wilmot Street provides separation to 9 Sandy Bay Road and the smaller apartment building's seven storey height steps down to a five storey form as it meets this street. Similarly in respect of the Wilmot Street streetscape, there is a stepped down form of the proposed building in a combination with significant setback to the bulky form of the existing commercial brick warehouse building, whose roof height is at a comparable level to the proposed building's third storey, due to its elevated location relative to the subject site. This existing building also provides additional curtilage to the two smaller scale (heritage listed) cottages sited further up Wilmot Street. It is also noted that the maximum height of the small tower is marginally lower than the maximum height of the existing Conservatorium of Music building. The height of the smaller apartment building is considered to present as a building of compatible scale in this location. As with the larger tower, it is acknowledged that there has been considerable effort to break down the apparent scale through the use variety of a materials, colours and finishes.
- 6.7.13 In respect of subclause (c) which is for the building's height to not unreasonably overshadow adjacent public space, the subject site is adjacent to one of Hobart's more significant public open space areas. St David's Park is located to the north-northeast of the subject site. Therefore due to this orientation as demonstrated in submitted shadow diagrams the park will not be overshadowed at any point throughout the year during the day with the exception of the potential minor encroachment in the early evening during the periods of daylight saving. Therefore the overshadowing is not considered to be unreasonable.
- 6.7.14 In respect of subclause (d), the performance criteria requires development to allow for a transition in height between adjoining buildings, but

importantly it also allows for the consideration of whether a transition is appropriate. In respect of the adjoining Masonic Hall Building it is currently sited between the Conservatorium of Music at approximately 22m, and the Mantra building at 27m. The 14m height of the Masonic Hall presents a visibly lower form to the existing neighbouring buildings. There is a question of how appropriate a proposed transition to the Masonic Hall would be, given the adjoining buildings are the existing unarticulated form of the Mantra building and the marginally articulated form of the Conservatorium of Music building. At the current maximum 33.23m height of the proposal it is considered that any attempted transition to the Masonic Hall which sought to still achieve that maximum height would be trivial. Ultimately, the absence of any transition to the Masonic Hall from the proposed larger tower is a result of the proposed height disparity of 19m between them. A building of lower height, comparable to that of the Mantra building for instance, may be viewed as presenting an acceptable transition due to the existing relationship of the Masonic Hall to the adjoining buildings on either side of it.

In respect of the properties adjoining the rear of the larger tower development site to the south-west there are the three Heathfield Avenue cottages of 4, 6 and 8 (now included in the address of 5-7 Sandy Bay Road) with heights of approximately 8.8m, 4.9m and 6.9m. These dwellings predominately adjoin the proposed location of the larger tower block and are setback 11.4m, 13.3m and 14.3m from the larger tower respectively, which itself is proposed to be setback 3.9m from its rear boundary. Although the existing Conservatorium of Music building abuts the existing rear boundary, this section of the building is considerably lower in scale than the Sandy Bay Road street frontage section of building as visible in the site photos above. The proposed larger tower although setback 3.9m from the rear boundary with a marginally split form extends straight up to approximately 23m and then 25m with no appreciable articulation in the building form. At this height the building form then steps in 3m before extending to its maximum height (in this location) of approximately 30m.

In the Tribunal decision *9 Sandy Bay Road Pty Ltd v Hobart City Council & Ors* [2017] TASRMPAT 19, it stated the following:

P1(d) requires something in the height of the proposal more closely matching the adjoining building. It could be expected that a transitioning element would be much closer to the height of adjoining building, or treated in some other, more acceptable, manner.

This comment was in respect of the lack of transition to the cottage at 6 Wilmot Street from the proposed three storey element of the development of 9 Sandy Bay Road. The Tribunal found the 2.5m height difference and three storey element of the proposal close to 6 Wilmot Street meant there was “an insufficient transition”. Although for the setback of the proposed large tower in this application to the existing cottage buildings on Heathfield Avenue is greater than in the case of the Tribunal decision, it is nonetheless considered very hard to argue that the level of height disparity even at the proposed proximity provides any form of transition.



Figure 12: Image capture from Council's K2vi Model showing relationship to Heathfield Avenue properties



Figure 13: Image capture from Council's K2vi Model showing relationship to Heathfield Avenue properties from the rear.

6.7.15 The above images captured from Council's K2vi model illustrate the lack

of transition, noting that these images are not intended to present view lines as such but to demonstrate the physical scale and proximity of the buildings.

The properties directly to the rear at 4, 6 and 8 Heathfield Avenue and the surrounding area are in a Heritage Precinct with the majority of the properties heritage listed therefore the built character of this area is unlikely to change in the near future. While the significant height of the larger tower is not considered to provide transition, the building form itself also does not attempt to respond to the established and likely unchanging built character of the Heritage Precinct extending from the rear of the site to Hampden Road. It is considered that the proposed built form must provide a transitioning element which meaningfully acknowledges the scale of the adjoining Heathfield Avenue cottages and the low rise residential built scale character beyond.

The smaller of the towers adjoins the existing commercial scale brick warehouse building and although not significant in height, due to its elevation in Wilmot Street, its roof height is equivalent to the proposed buildings third storey. It is setback approximately 8m from proposed smaller tower and provides a buffer to adjoining Heritage listed cottage in Willmott Street. Due to the relative heights between the properties and the bulk of the commercial form of the adjoining building the transition is considered appropriate. The separation of Heathfield Avenue properties of 4, 6 and 8 to the smaller tower at its relative height, provides a curtilage that is considered to afford an acceptable transition in height.

- 6.7.16 The Urban Design Advisory Panel concluded the following on the proposed height of the development:

Accordingly it is the Panel's advice that the height of the proposed development, particularly the West Building, does not satisfy the City of Hobart Planning Scheme performance criteria to provide an acceptable transition in heights of adjoining buildings along Sandy Bay Road, and also is not compatible with the scale of the nearby heritage listed buildings in Wilmot Street and Heathfield Avenue.

- 6.7.17 The proposed larger tower building does not comply with the performance criterion (b) and (d).

6.8 Setback Part D - 15.4.2 P1

- 6.8.1 The acceptable solution at clause Part D - 15.4.2 A1 requires a building

setback from frontage that is parallel to the frontage and no more than 1m from the median street setback of all existing buildings on the same side of the street within 100m of the site.

- 6.8.2 The proposed minimum setback of the buildings to Sandy Bay Road is approximately 0m, whilst the setback to Wilmot Street varies between 0m to 3m. The proposal does not comply with acceptable solution for its setback to both Sandy Bay Road and Wilmot Street, with the median setback of the buildings fronting Sandy Bay Road within 100m of the site approximately 1.5m, and the median setback of the buildings fronting Wilmot Street within 100m of the site approximately 1.1m.
- 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 Part D - 15.4.2 P1 provides as follows:

P1

Building setback from frontage must satisfy all of the following:

(a) be consistent with any Desired Future Character Statements provided for the area;

(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;

(c) enhance the characteristics of the site, adjoining lots and the streetscape;

(d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created;

(e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.

- 6.8.5 The proposed 0m setback to Sandy Bay Road of the development

maintains the established continuous building line set by the existing Conservatorium of Music building on the subject site, the adjoining Masonic Hall building and the Mantra Building at 1 Sandy Bay Road. The proposed setback from Wilmot Street varies 0m to 3m, the area of setback allows for landscaping and the proposed retention of a section existing trees on the Wilmot Street frontage. The section of Wilmot Street where the development is proposed is currently car parking that extends to the Sandy Bay Road frontage. The proposed setback for Wilmot Street will enhance the characteristics of the site, allows for landscaping and will not generate entrapment places.

6.8.6 The proposal complies with the performance criterion.

6.9 Landscaping - Part D 15.4.5 P1

6.9.1 The acceptable solution at clause Part D 15.4.5 A1 requires landscaping along a frontage unless the building extends across the width of the frontage, and the building has a setback of no more than 1m.

6.9.2 The proposal does not comply with the acceptable solution as its setback is more than 1m from the Wilmot Street frontage. Existing and proposed landscaping will be included along the Wilmot Street frontage.

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

6.9.4 The performance criterion at clause Part D 15.4.5 P1 provides as follows:

P1

Landscaping must be provided to satisfy all of the following:

(a) enhance the appearance of the development;

(b) provide a range of plant height and forms to create diversity, interest and amenity;

(c) not create concealed entrapment spaces;

(d) be consistent with any Desired Future Character Statements provided for the area.

6.9.5 The proposed setback allows for the retention of a section existing trees

on the Wilmot Street frontage and an area of landscaping. The taller trees in combination with opportunity of low level planting is considered to be able create diversity, interest and amenity whilst enhancing the appearance of the development within Wilmot Street.

6.9.6 The proposal complies with the performance criterion.

6.10 Residential Amenity - Part D 15.4.8 P1

6.10.1 The acceptable solution at clause Part D 15.4.8 A1 requires that dwellings have at least one habitable room window (other than a bedroom) facing between 30 degrees east and west of north.

6.10.2 The proposal does not meet this standard due to the orientation of the lot, the alignment of its street frontages and the orientation of the proposed building.

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

6.10.4 The performance criterion at clause (Part D 15.4.8 P1) provides as follows:

P1

A dwelling must be sited and designed to optimise sunlight to at least one habitable room (other than a bedroom).

6.10.5 The architect's submission stated that a high level of consideration during the design stage was given to ensuring the apartments exposure to natural light. The orientation of the development site and the existing condition places limitations on aspect achievable of the living spaces. However for 80% of the apartments the habitable rooms (other than a bedroom) will be exposed to a northern aspect with windows that are either 45 degrees west of north or east of north. To maximise sunlight to the other 20% southern apartments the architects employed measures such as increasing the living area openings and removing façade treatment to allow light to enter without obstruction. The design of the apartments is considered to optimise sunlight to habitable rooms (other than a bedrooms).

6.10.6 The proposal complies with the performance criterion.

6.9 Road and Railway Assets Code - Existing road accesses and junctions - Part E5.5.1 P3

6.9.1 The proposal does not meet the Acceptable Solution for Existing road accesses and junctions under clause Part E5.5.1 A3; therefore assessment against the performance criterion is relied on.

6.9.2 The proposal must therefore be assessed against the applicable performance criteria, which at clause Part E5.5.1 P3 provide as follows:

P3

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

6.9.3 The Council's Development Engineering Officer is satisfied the increase in vehicle traffic at the existing access that is proposed to be used meets the performance criteria and will not unreasonably impact on the efficiency of the road.

6.9.4 The proposal complies with the performance criterion.

6.10 Parking and Access Code - Number of Car Parking Spaces - Part E6.6.1 P1

6.10.1 The proposal does not meet the Acceptable Solution for Layout of Parking Areas under clause Part E6.6.1 A1; therefore assessment against the performance criterion is relied on.

6.10.2 The performance criterion at clause Part E6.6.1 P1 provides as follows:

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;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

- 6.10.3 The Council's Development Engineering Officer is satisfied the development meets the performance criteria and has provided the following response:

86 carparking spaces are proposed for 55 apartments that have two or more bedroom which are required to provide a total of 110 carparking spaces plus 14 visitor spaces in accordance with Table E.6.1. The TIA has identified the provision of car parking spaces will be 80 spaces for residents and 6 spaces for visitors. 26 apartments will have access to one car parking space and 27 apartments will have access to two car parking

spaces. No car parking spaces are proposed for the cafe tenancy included in this development which requires 16 car parking spaces in accordance with Table E.6.1. Therefore the total number of car parking spaces required for the full development is 140 with only 86 spaces provided, this creates a deficiency of 54 car parking spaces. TIA identifies that the residential parking demand of the development is considered to be less than what the development generates under the scheme given its proximity to the city centre, services and employment. Many of the cafe customers would likely be residents of the apartments on site or those living or working in the area. It is therefore considered that the parking provided is sufficient to meet the demand of the development.

6.10.4 The proposal complies with the performance criterion.

6.11 Parking and Access Code - Layout of Parking Areas - Part E6.7.5 P1

6.11.1 The proposal does not meet the Acceptable Solution for Layout of Parking Areas under clause Part E6.7.5 A1; therefore assessment against the performance criterion is relied on.

6.11.2 The performance criterion at clause Part E6.7.5 P1 provides as follows:

P1

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

6.11.3 The Council's Development Engineering Officer is satisfied that is considered acceptable for residential use to utilise 'Jockey Parking' configuration in which one car parking space is behind another car parking space and this arrangement is considered reasonable if it only serves the same apartment and is not designated for visitors. The proposals can satisfy these parameters.

6.11.4 The proposal complies with the performance criterion.

6.12 Historic Heritage Code - Places of Archaeological Potential - Part E13.10 P1

6.12.1 The acceptable solution at clause E13.10.1 A1 requires building and works to not involve excavation. The proposal includes excavation, therefore the performance criterion is relied on.

6.12.2 The performance criterion at clause Part E13.10 P1 provides as follows:

P1

Buildings, works and demolition must not unnecessarily impact on archaeological resources at places of archaeological potential, having regard to:

(a) the nature of the archaeological evidence, either known or predicted;

(b) measures proposed to investigate the archaeological evidence to confirm predictive statements of potential;

(c) strategies to avoid, minimise and/or control impacts arising from building, works and demolition;

(d) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;

(e) measures proposed to preserve significant archaeological evidence 'in situ'.

6.12.3 The Council's Cultural Heritage Officer has provided the following comment:

This application relates to site containing a collection of mid to late 20th century buildings of between 2 to 6 storeys in height, associated car parking area, tall metal pylon and collection of Victorian cottages and later two storey Federation residential style properties. Principally facing onto Sandy Bay Road, the Victorian units face onto Wilmot Street and the Federation units onto Heathfield Avenue.

The principal building to the front is a largely glazed building dating from the mid 19th Century and built to contain the then new offices and studios of the ABC in Hobart. Most recently used as the Conservatorium of the University of Tasmania, the site is notable for its distinctive architectural form and a commissioned tiled mural that forms part of the front façade. The Wilmot facing cottages (Numbers 9, 11 and 13) are brick single storey Georgian style cottages, one of which has later larger Dormer windows added to the front roof plane. Both properties have narrow front

yards. Rear gardens have been lost and have instead been built over with large flat roofed 'warehouse' style structures associated with the former use of the wider site. The Federation properties facing onto Heathfield Ave (Numbers 4 and 6) are two storey, brick developments properties, one of which has been converted into office accommodation and the other sub-divided into flats.

The site forms part of the mixed use area set between Sandy Bay Road and Hampden Road. The site falls within the area identified as being of Archaeological Potential and the three Wilmot Street and two Heathfield Avenue properties to the rear are individually heritage listed and form part of the Hampden Road Heritage Precinct (H2). The circumstances regarding referral are unusual in that only these smaller properties to the rear are designated as individually heritage listed whilst the Heathfield Avenue properties also form part of the Hampden Road Heritage Precinct. As such, other than the Archaeological considerations, Heritage Considerations can only be applied to those parts of the plot covered by these designations and not the bulk of the site.

The proposal seeks approval for the demolition of the former ABC building in its entirety, and the erection of two blocks of residential accommodation based on a shared 'podium' of two levels of partial and entirely subterranean parking for 86 cars accessed from Wilmot Street. The 'East' block would then rise by an additional 6 stories, and the 'West' by 9, providing 55 apartments of between 2, 3 and 4 bedrooms, as well as communal swimming pool, gym, open space and a standalone commercial café.

It is noted that the entirety of the proposed development would fall outside of the areas identified as Heritage Listed or within the Hampden Road Heritage Precinct. Whilst views into and out of the Precinct would be extremely affected, this is not a heritage consideration under the HIPS.

With regard to the issue of Archaeological Potential, a Statement of Archaeological Potential has been produced by a recognised Historical Archaeologist & Heritage Consultant in support of the application. The report is considered to follow correct established research methodology and provides a detailed examination of the development of the site, subdividing it into different zones based on the passed uses and the associated strength of potential archaeological finds. It sets out the degree to which the site remained largely free of significant development and that the construction of the former ABC building would have removed any likely potential for archaeological finds of any significance. Given the

above, the report recommends that only a relatively small area close to the corner of Wilmot Street and Sandy Bay on the site of a former 1840's building holds potential for finds and should be subject to a full archaeological investigation, monitoring reporting and potential response in the event of finds and how best they can be utilised for public benefit.

The report is considered to be reasonable and the recommendations as set out in the report are considered to represent an appropriate method based process for site investigation and response. As such, in the event of permission being granted, it is considered reasonable that any approval contain a condition requiring the implementation of the recommendations set out in the report in full.

Representations

It is noted that representations have been received in response to the consultation process which raise concerns as to the impact of the proposal upon neighbouring and nearby heritage buildings and sites, the surrounding streetscape, the loss of the former ABC site building itself and the potential impact upon the ABC mosaic Mural that forms part of the Sandy Bay frontage.

With regard to the above, as previously noted, the site contains five heritage listed properties at Wilmot Street and Heathfield Avenue, the latter of which also form part of the Hampden Road Heritage Precinct. The site also neighbours the heritage listed Masonic Hall at 3 Sandy Bay Road and is located directly opposite St David's Park, therefore playing a significant role in setting the context to these sites and the character of the immediate streetscape. Further, it is noted that all of the above mentioned sites also appear on the Tasmanian Heritage Register, as does the distinctive ABC Mural on the front façade of the existing Conservatorium.

Notwithstanding the above, the proposed demolition and new development sit outside of the Planning Scheme's Heritage Provisions. It is noted that 15.4.1 relating to Development Standards for Buildings and Works with regard to height within the Urban Mixed use Zone requires that 'building height contributes positively to the streetscape', and Performance Criteria P1 requires that building height must be compatible with the scale of nearby buildings and allow for a transition in height between adjoining buildings, where appropriate. However, both of these are not relevant to the heritage discretions of the planning scheme and would instead fall under the consideration of the Planning Officer.

By way of advice and comment, with regard to the distinctive ABC Mural on the front façade of the existing Conservatorium, the mosaic is considered to be both a unique piece of public art and a significant contributor to the cultural and social wealth of the city. Designed by Tasmanian artist George Davis (b1930) in 1960 for the Australian Broadcasting Commission's new staff offices and studios designed by Hungarian immigrant architect Oscar Gimsey, (itself considered to be an important example of the 1960's architectural expression), it was produced in an era of growing cooperation and collaboration between architects and artists in Tasmania, and a growing emphasis on public art. Designed specifically to reflect the use of the building as the regional headquarters of the national broadcaster, its depiction of the nine Muses of Greek classical mythology, contained within a sound wavelength (in a figure later adopted as the ABC's formal logo), is indelibly linked to the building and its original occupier. The mosaic tiling then extends beyond the depiction and is applied to the external front façade supporting columns to the entire height of the building, essentially making the façade a continuation of the Mural. It is therefore considered to be a major and prominent piece of public art, the only one of its kind in Tasmania and in its size, complexity and as a representation of its method of construction, almost unique in Australia.

It is noted that George Davis, the Murals artist has provided a representation with regard to the current application, and has provided specific permission to allow his comments to be reproduced within this report. With regard to the Mural he writes:

My work was designed to relate to the vertical elements of the one time ABC TV Studios. The attempt to relate the fenestration in groupings in the facade of this proposal to elements of my design does not do so. They are massive and monotonous. The colour too of the fabric is so markedly different that it swamps the work of art below. I think that another solution must be found that preserves the unique concept and the meticulous design of this work of art.

Whilst the proposed plans show the retention and incorporation of the Mural into the fabric of the front elevation of the proposed development, it is questioned as to whether this would be appropriate. Given the specific design, and intention of the curator and artist it could be argued that the Mural is indelible linked to the building and its significant role in the cultural and social history of the state and broadcasting history. Given the above, its continued presence on the site if the building were to be removed

could be argued to be both culturally diminishing and arbitrary to the point of inappropriate. Rather, it could be argued that a more appropriate resolution were to see the mural carefully removed from the site, renovated and relocated to a public museum or appropriate public space as a standalone piece of public art.

Notwithstanding the above, as stated above, as no demolition or development would occur to any heritage listed structures as defined in the Hobart Interim Planning Scheme 2015, it is therefore considered that the proposals would not result in detriment to the historic cultural heritage significance of the site and that subject to the adaption of the submitted Archeological Report and recommendations in full, the proposal is considered acceptable when measured against the performance criteria of HIPS 2015.

6.12.4 The officer's report is provided as an Attachment to this report.

6.12.5 The proposal complies with the performance criterion.

6.13 Attenuation Code - Part E9.7.2 P1

6.13.1 The acceptable solution at clause Part E 9.7.2 A1 requires development for 'sensitive use' within 200m of 'late night music venues' to be assessed against the performance criterion.

6.13.2 The performance criterion at clause Part E E9.7.2 P1 provides as follows:

P1

Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:

(a) the nature of the use with potential to cause environmental harm; including:

(i) operational characteristics;

(ii) scale and intensity;

(iii) degree of hazard or pollution that may emitted from the activity;

(b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;

(c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions

- 6.13.3 The Council's Environmental Development Planner has provided the following comment:
- 6.13.4 Approval is sought to demolish an existing 6-story building and construct a multi-storey building for apartments, carparking, communal facilities and a cafe.

Attenuation Code

The Attenuation Code applies because development for 'sensitive use' (residential) is proposed within the attenuation distance of an activity listed in Table E9.1 of the Code. A small portion of the site is within 200m of a 'late night music venue' at 21-23 Salamanca Place ('Irish Murphy's'). The site relative to the attenuation area is shown in Figure 1 below.



Figure 1: Area of the site within the attenuation area of Irish Murphy's

No Code exemptions apply to the proposal.

The relevant standards are under clause E9.7.2 of the Code ('Development for Sensitive Use in Proximity to Use with Potential to cause Environmental Harm').

There is no acceptable solution for A1.

Performance criterion P1 states the following:

Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:

(a) the nature of the use with potential to cause environmental harm; including:

(i) operational characteristics;

(ii) scale and intensity;

(iii) degree of hazard or pollution that may emitted from the activity;

(b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;

(c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions

Irish Murphy's is a live music venue with performances 5 nights a week. The venue has live music after midnight on Fridays and Saturdays, with the venue closing at 3am. Performances are exclusively inside the building. The venue does not have history of receiving significant numbers of noise complaints.

The proposed sensitive use is only partially within the attenuation area for Irish Murphy's. Most of the site is outside the attenuation area. The nearest proposed residential unit would be approximately 195m from the music venue.

No specific noise attenuation design features have been specified in the proposal plans.

Given the minimum separation distance of approximately 195m², and given that this is a relatively-high noise environment due to traffic noise, in my opinion it is inconceivable that residents of the proposed dwellings would be subject to unreasonable noise from music at Irish Murphy's. The proposal is therefore considered consistent with the performance criterion and the exercise of discretion is recommended.

Construction Management

This is a relatively large development with the potential for significant impacts upon occupants of nearby land or the environment during the construction phase. It is recommended that a condition be applied to any permit granted requiring the implementation of a Council approved Construction Management Plan to minimise potential impacts.

6.13.5 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Demolition and New Building for 55 Multiple Dwellings, Food Services and Associated Works within the Adjacent Road Reserve at 5-7 Sandy Bay Road, Hobart.

7.2 The application was advertised and received Three hundred and fifty two (352) representations objecting and one (1) in support of the proposal. Through the individual review of each representation there was a clear concern in the majority received that the proposed scale of the development was inappropriate for the area. This concern of incompatibility of scale and lack of transition extended to both the adjoining Masonic Hall building, the existing Conservatorium of Music building on the subject site as well as the adjoining Heathfield Avenue cottages. Also the distinct departure from the predominantly low rise residential Heritage Precinct and heritage listed properties of Wilmot Street, Heathfield Avenue and extending to Hampden Road.

The concern and passion for Hobart's unique character and built form is appreciated. There is a strong sentiment in the representations received that developments of the type and scale proposed don't necessarily have a place in Hobart, particularly locations such as the subject site. Also that there is a risk of Hobart's character being eroded by such development.

Another prevalent concern raised was that the development should be restricted to a maximum height of 14m in line with the recommendations for the site of Leigh Woolley in his Building Height Standards Review prepared for Council. The subject site falls into the fringe zone where he recommended a height of 18m. Through the review and upon consideration by Council officers, 15m was then recommended as an appropriate maximum height for the Urban Mixed Use Zone applying to the subject site. However it is to be noted the Central Hobart Building Height Standards Review Project and subsequent recommended changes to planning

provisions are under review, and they do not form part of the planning scheme or assessment.

The significant George Davis mosaic mural adorning the existing Conservatorium of Music building was subject of concern in respect of its protection during extensive demolition, excavation and building works. Also that its context is lost when the building is demolished. It is noted that there has been specific consideration of the protection of the mural by the Tasmanian Heritage Council with multiple requests for additional information in respect of how the mural is to be protected with further conditions recommended.

There was also concern raised in respect of traffic congestion and parking with suggestion that the development both provided too much parking as well others acknowledging the parking deficiency in respect of the planning scheme requirements. Also the issues of waste management for the site. The Council's Engineering Officers were satisfied with proposal in respect of these concerns through consideration of the submitted Traffic Impact Assessment and the provision of private waste contractor for the site. The issue of insignificant provision of bicycle parking and facilities was raised. It is noted that the proposal complies with the planning scheme requirements in this regard however the provision of more facilities is generally encouraged by Council.

There was one representation in support of the proposal which praised the proposed development's scale in the location as well as the materials and facade treatment.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to meet the relevant performance criteria in respect of its discretions under Urban Mixed Use Zone Development Standards Setback, Landscaping and Residential Amenity, Road and Railway Assets Code, Parking and Access Code, Attenuation Code, and Historic Heritage Code.

The design of the development is well considered and has a number of positive attributes, with high density residential accommodation presenting an appropriate fit in terms of use for this location. The approach of two towers on the podium reduces the visual mass and scale of the development whilst allowing view lines through the site. The proposed reduced footprint of the development above the podium allows for significant areas of open space for soft and hard landscaping with the apartments themselves providing a high level of amenity for their residents. The articulated facade elements, layered variation of materials and colours are effectively used to fragment the apparent scale of the building with the use of brick and mosaic tiles considered to reflect the local context of the site. The inclusion of a public art element, although considered a necessary element along the frontage wall of the development, would present a positive attribute to the streetscape. Also considered as a positive is the Heritage listed George Davis ABC Mural to be adequately protected and incorporated into the development. The inclusion of the cafe tenancy and associated activation of the Wilmot Street and Sandy Bay Road corner would be a desirable outcome for the area.

The scale of the smaller apartment tower is considered to present an appropriate transition to the surrounding built form and ultimately a building of compatible scale in this location. The proposed height of the larger apartment tower however was viewed as being incongruous and out of step of the rhythm of the distinct pocket of the Sandy Bay Road streetscape the site is part of and ultimately not compatible with the scale of nearby buildings. The overall height of the building relative to the adjoining buildings was not considered to provide transition and its form does not attempt to respond to the adjoining Heathfield Avenue cottages and the established low rise residential scale built character beyond. Therefore it was considered that the large tower does not allow for an adequate transition in height between the adjoining buildings.

A reduction in height of the larger tower to respect the transition of scale from the corner Mantra building at 1 Sandy Bay Road in combination with consideration of transitioning the building form to the Heathfield Avenue properties to the rear would be more likely to meet the requirements of the performance criteria. However in the development's current proposed form with the proposed height and absence of transition, the larger tower is not considered to meet clause Part D 15.4.1 Building Height P1 (b) and (d) and is therefore recommended for refusal.

- 7.3 The application was referred to the City of Hobart's Urban Design Advisory Panel. Their minutes are included in full at Attachment D.

The Panel concluded the following:

In conclusion the Panel is of the opinion that the height and character of any new development within this conspicuous row of buildings (1-9 Sandy Bay Road) should be determined within the narrower context presented by those buildings. The development should also be cognisant of its impact on the adjacent heritage precinct, its character and values.

Accordingly it is the Panel's advice that the height of the proposed development, particularly the West Building, does not satisfy the City of Hobart Planning Scheme performance criteria to provide an acceptable transition in heights of adjoining buildings along Sandy Bay Road, and also is not compatible with the scale of the nearby heritage listed buildings in Wilmot Street and Heathfield Avenue.

- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, Environmental Development Planner as well as Council's Roads, Traffic, Stormwater and Waste units. The officers have raised no objection to the proposal, subject to conditions. The proposal was also approved by the THC subject to one condition relating to the mural, which is the extent of their interest on the development site (included in the CPC Agenda Documents).
- 7.5 The proposal is recommended for refusal.

8. Conclusion

- 8.1 The proposed Demolition and New Building for 55 Multiple Dwellings, Food Services and Associated Works within the Adjacent Road Reserve at 5-7 Sandy Bay Road, Hobart does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Demolition and New Building for 55 Multiple Dwellings, Food Services and Associated Works within the Adjacent Road Reserve at 5-7 Sandy Bay Road, Hobart for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Building Height - Part D 15.4.1 P1 (b) of the *Hobart Interim Planning Scheme 2015* because the proposed larger western apartment tower is not compatible with the scale of nearby buildings.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 15.4.1 P1 (d) of the *Hobart Interim Planning Scheme 2015* because the proposed larger western apartment tower does not allow for a transition in height between adjoining buildings.



(Tristan Widdowson)

Development Appraisal Planner

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 19 May 2020

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report Cultural Heritage

Attachment D - Urban Design Advisory Panel Minutes

Attachment E - Referral Officer Report Development Engineering

**9.3 9 Sandy Bay Road and Adjacent Road Reserve, Hobart - Demolition and New Building for 28 Multiple Dwellings and Associated Works within Adjacent Road Reserve
PLN-19-641 - File Ref: F20/50044**

Application Expiry Date: 26 May 2020

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and new building for 28 multiple dwellings and associated works within adjacent road reserve at 9 Sandy Bay Road, 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-19-641 - 9 SANDY BAY ROAD HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Amended Submission to Planning Authority Notice, Reference No. TWDA2019/01572-HCC dated 09/04/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15

A demolition waste management plan must be implemented throughout demolition.

A demolition waste management plan must be submitted and approved, prior to commencement of work on the site. The demolition waste management plan must include provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

All work required by this condition must be undertaken in accordance with the approved demolition waste management plan.

Advice:

Once the demolition waste management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

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 can also be found on the Council's website.

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

PLN s1

An amended Landscaping Plan prepared by a suitably qualified person for the landscaped spaces, private open space areas and other areas of planting around the site must be submitted and approved by the Council's Director City Planning prior to the issue of any consent under the *Building Act 2016*, excluding for demolition and excavation.

The Landscaping Plan must include (in addition to that already proposed):

1. More consideration to the provision and nature of additional landscaping in Wilmot Street to reinforce a transition to that street's residential scale and character - further opportunities should be pursued for additional hard and soft landscaping in Wilmot Street around the main entry and by extending the Level 3 landscaping over the adjacent façade.
2. More consideration to the provision of private open space for the ground level apartments on Sandy Bay Road.

All trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Director City Planning prior to commencement of use.

The trees and landscaping must be maintained, and replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost.

Confirmation by the person who prepared the landscaping plan that the landscaping has been completed in accordance with the approved landscaping plan must be submitted to the Council to the satisfaction of the Director City Planning, prior to commencement of use. Once this has been received, and all trees shown on the approved Landscaping Plan have been planted in accordance with the approved plan to the satisfaction of the Council's Director City Planning, the Council will issue a statement confirming satisfactory planting of all trees and landscaping.

Reason for condition

To ensure that the development achieves a high standard of public amenity and to ensure appropriate landscaping close to the property boundary.

PLN s2

The exterior of the building must be finished to a high quality standard, substantially in accordance with that shown on the approved plans, and prior to first use.

Full details of all external materials must be submitted and approved, prior to construction works occurring (excluding construction works for demolition and excavation of the site), in accordance with the above requirement and to the satisfaction of the Council's Directory City Planning.

The documentation must:

1. Detail each external material, its form and finish, as well as detailing its longevity and maintainability, to satisfy the above requirement.

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

Advice:

Once the documentation has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure the building is finished to a high standard ensuring a positive contribution to the streetscape and townscape.

ENG 12

A construction waste management plan must be implemented throughout construction.

A construction waste management plan must be submitted and approved, prior to commencement of work on the site. The construction waste management plan must include:

Provisions for commercial waste services for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development (refer also condition ENG 13 below); and Provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement (refer also to condition PLN 15 above).

All work required by this condition must be undertaken in accordance with the approved construction waste management plan.

Advice:

Once the construction waste management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

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 can also be found on the Council's [website](#).

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

ENG sw2.1

A pre-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any drainage structures to be connected to or modified, must be submitted to Council prior to the commencement of work.

The post-construction CCTV recording and photos will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with pre-construction CCTV recording then any damage to Council's infrastructure identified in the post-construction CCTV recording will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG sw4

The development (including hardstand) must be drained to Council infrastructure with sufficient receiving capacity. The new stormwater connection must be constructed and all existing kerb connections to be abandoned must be removed and reinstated by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work or issue of any consent under the Building Act (whichever occurs first but excluding for demolition and excavation). The detailed engineering drawings must include:

1. the location of the proposed connection.

2. the size and design of the connection appropriate to satisfy the needs of the development.
3. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure. Connections must be free-flowing gravity.

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

Advice:

The applicant is advised to submit detailed design drawings via a Council City Amenity Division application for a new stormwater connection. If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Amenity Division.

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

Reason for condition

To ensure the site is drained adequately.

ENG sw5

The new stormwater manhole must be constructed prior to the commencement of the use.

Engineering drawings must be submitted and approved, prior to commencement of work or issue of any consent under the Building Act (whichever occurs first but excluding for demolition or excavation). The engineering drawings must:

1. Be certified by a qualified and experienced civil engineer
2. Be substantially in accordance with LGAT Drawings (TSD-SW02-v1, TSD-SW03-v1).
3. Be designed to suit the profile of the existing DN300 stormwater main.
4. A post-construction photos of the Council's new stormwater manhole as part of the development, must be submitted to council upon completion of work.

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

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

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

All stormwater 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 discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation. All costs associated with works required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage and connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work (excluding for demolition and excavation). The design drawings and calculations must:

1. prepared by a suitably qualified person; and
2. include long section(s)/levels and grades to the point of discharge.

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

Advice:

The applicant is advised to submit detailed design drawings and calculations as part of their Plumbing Permit Application. If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to obtain a plumbing permit for the works.

Reason for condition

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

ENG sw8

Stormwater pre- treatment and detention for stormwater discharges from the development must be installed prior to issue of a Certificate of Completion.

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the Building Act 2016 or commencement of work (whichever occurs first but excluding for demolition or excavation). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, including final estimations of contaminant removal.
3. Include detailed design and supporting calculations of the detention tank, sized such that there is no increase in flows from the developed site up to 5% AEP storm events and such that flows are limited to the receiving capacity of the infrastructure. All assumptions must be clearly stated.
4. Include design drawings of the detention tank showing the layout, the inlet and outlet (including long section), the overflow mechanism.
5. Clarification of the emptying times and outlet size.
6. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice:

Once the stormwater management report and design has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG 13

An ongoing waste management plan for all domestic waste and recycling must be implemented post construction.

A waste management plan must be submitted and approved, prior to any approval under the *Building Act 2016* (excluding for demolition and excavation). The waste management plan must:

1. Include provisions for commercial waste services for the handling, storage, transport and disposal of domestic waste and recycle bins from the development.
2. Demonstrate that all commercial domestic waste collection processes can be undertaken wholly within the boundaries of the property.

All work required by this condition must be undertaken in accordance with the approved waste management plan.

Advice:

Once the waste management plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

The Council will not permit roadside bin collection from the Wilmot Street highway reservation for the proposed development.

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to commencement work (including demolition).

The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.
5. Nominate a superintendant, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

Advice:

Once the construction traffic and parking management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 3a

The access driveway, ramps and parking module (parking spaces, aisles, manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

Advice:

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

Reason for condition

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

ENG 3b

The access driveway, ramps and parking module (parking spaces, aisles and manoeuvring area) design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* (excluding for demolition and excavation).

The access driveway, ramps and parking module (parking spaces, aisles and manoeuvring area) design must:

1. Be prepared and certified by a suitably qualified engineer.
2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004.
3. Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use.
4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

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

Once the design has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement) Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

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

ENG 3c

The access driveway, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the commencement of use, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be lodged with Council.

Advice:

Certification may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 7

The number of car parking spaces approved for the development is twenty-two (22). Each car parking space must be allocated to an individual apartment, and the minimum number of apartments allocated a car parking space(s) is eighteen (18).

Plans and specifications must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* (excluding for demolition and excavation). The plans and specifications must:

1. Show the layout of the car parking for the 22 spaces in accordance with the Australian Standards AS/NZS 2890.1 2004, to satisfy the above requirement.

2. Demonstrate that each of the car parking spaces can be independently accessed as appropriate (refer Condition ENG 9).
3. Include line-marking details with the car parking spaces delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004.
4. Include signage details with a sign for each car parking space that clearly displays the apartment number the space is allocated to.
5. Include signage details with a sign, approved by Council, and in accordance with Australian Standards AS/NZS1742.11:2016 at the entry of the basement parking access to indicate the parking area is a private car park for residents only.

All work required by this condition must be undertaken in accordance with the approved plans and specifications prior to the first occupation.

Advice:

Once the drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure safe and efficient parking adequate to provided for the use.

ENG 8

The use of the car parking spaces is restricted to User Class 1A (residential, domestic) in accordance with Australian Standards AS/NZS2890.1 2004 Table 1.1.

A sign, approved by council, and in accordance with Australian Standards AS/NZS1742.11:2016, must be erected at the entry of the parking access to indicate the parking area is for residents only prior to first occupation.

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 9

The car parking stackers must be fitted and operating on the site prior to the first occupation. The car parking stackers must:

Provide independent access to each space where the stacker is shared between more than one apartment.

Reason for condition

To clarify the scope of the permit and to ensure safe and efficient parking adequate to provided for the use

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.

This must be done within 30 days of the completion of the development or any demand from Council (whichever occurs first). Any damage must be reported immediately to 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.

Advice:

An infrastructure protection bond will be taken by Council for the works associated with this permit and returned upon satisfactory reinstatement and repair of public infrastructure.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG r1

The excavation and/or earth-retaining structures and/or footings within or supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates and associated geotechnical assessments of the retaining walls supporting the Wilmot Street and Sandy Bay Road highway reservation must be submitted and approved, prior to the commencement of work and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer.
2. Not undermine the stability of the highway reservation.
3. Be designed in accordance with AS4678, with a design life in accordance with table 3.1 typical application major public infrastructure works.
4. Take into account any additional surcharge loadings as required by relevant Australian Standards.
5. Take into account and reference accordingly any Geotechnical findings.
6. Detail any mitigation measures required.
7. Detail the design and location of the footing adjacent to the highway reservation.
8. The structure certificated and/or drawings should note accordingly the above.

All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.

Advice:

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

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

Reason for condition

To ensure that the stability and integrity of the Council's highway reservation is not compromised by the development.

ENGR 3

Prior to the commencement of use, the proposed driveway crossover Wilmot Street highway reservation must be designed and constructed in accordance with:

- Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing.
- Footpath - Urban Roads Footpaths TSD-R11-v1.

Design drawings must be submitted and approved prior to the issue of a building permit (excluding for demolition and excavation). The design drawing must:

1. Show the cross and long section of the Wilmot Road footpath and driveway within the highway reservation and onto the property.
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover.
3. The existing footpath and kerb and channel along the full length of the Wilmot Street frontage must be removed and reconstructed with all redundant stormwater connections removed.
4. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template)
5. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside.
6. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
7. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

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

A permit to construct public infrastructure will be required for the works to satisfy this condition.

A Traffic Management Permit will be required for the works including footpath closure. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

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

ENV 2

An approved Demolition and Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Demolition and Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*.

The plan must include, but is not limited to, the following:

1. Details of the proposed construction methodology and expected likely timeframes.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site).
3. Details of potential environmental impacts associated with the development works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate to acceptable levels all identified potential environmental impacts during development works including, but not limited to:
 - a. A noise and vibration management plan including:
 - i. identification of potentially noisy or vibration-causing construction activities;

- ii. procedures to ensure that all reasonable and feasible noise and vibration mitigation measures are applied during operation of the management plan; and
 - iii. details of neighbor consultation, complaint handling and response, monitoring measures and triggers for corrective actions.
 - b. A soil and water management plan including:
 - i. measures to minimise erosion and the discharge of contaminated stormwater off-site;
 - ii. measures to minimise dust emissions from the site;
 - iii. measures to manage the disposal of surface and groundwater from excavations; and
 - iv. measures to prevent soil and debris being carried onto the street.
5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

The approved Demolition and Construction Environmental Management Plan forms part of this permit and must be complied with.

Advice:

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

Reason for condition

To minimise the potential for environmental impacts from the construction works

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require a road closure permit for construction or special event. Click [here](#) for more information.

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

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure. (please contact the Hobart City Council's City Amenity Division to initiate the permit process).

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Amenity Division to initiate the application process for your [new stormwater connection](#).

BICYCLE PARKING

You are encouraged to consider in greater detail the provision of increased bicycle parking and security facilities for the occupants of the property.

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.

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the Council's infrastructure. For information regarding appropriate designs please contact the Council's City Amenity Division.

WORK WITHIN THE HIGHWAY RESERVATION

Please note 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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

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

STORM WATER / ROADS / ACCESS

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

TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

NOISE REGULATIONS

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

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-19-641 - 9 SANDY BAY ROAD HOBART TAS 7000 - Council Report
Attachment B	PLN-19-641 - 9 SANDY BAY ROAD HOBART TAS 7000 - Council Agenda Documents (Supporting Information)
Attachment C	PLN-19-641 - 9 SANDY BAY ROAD HOBART TAS 7000 - - UDAP Meeting Minutes (Supporting Information)
Attachment D	PLN-19-641 - 9 SANDY BAY ROAD HOBART TAS 7000 - Taswater SPAN (Supporting Information)
Attachment E	PLN-19-641 - 9 SANDY BAY ROAD HOBART TAS 7000 -- Referral Officer Reports (Heritage and Development Engineering) (Supporting Information)



City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	25 May 2020
Expiry Date:	26 May 2020
Application No:	PLN-19-641
Address:	9 SANDY BAY ROAD , HOBART ADJACENT ROAD RESERVE
Applicant:	(9 Sandy Bay Road Pty Ltd, by their agent, Ireneinc Planning and Urban Design) c/o 49 Tasma Street
Proposal:	Demolition and New Building for 28 Multiple Dwellings and Associated Works within Adjacent Road Reserve
Representations:	Two-hundred and nine (209)
Performance criteria:	Urban Mixed Use Zone Development Standards, Parking and Access Code, Stormwater Management Code, Attenuation Code, and Historic Heritage Code.

1. Executive Summary

- 1.1 Planning approval is sought for demolition and new building for 28 multiple dwellings and associated works within adjacent road reserve.
- 1.2 More specifically the proposal includes:
 - Demolition of the existing apartment buildings on the site. These buildings are two and three storeys respectively and are not heritage listed.
 - Construction of a new building that would contain 28 apartment style, multiple dwellings. There would be 10 one-bedroom apartments, 10 two-bedroom apartments and eight three-bedroom apartments.
 - The new building would have a maximum of six storeys (one partially below ground level) and a maximum height above ground level of 19.35 metres.
 - The building would occupy the majority of the site. Areas of landscaping would be provided between the façade and Sandy Bay Road and the adjoining properties to the south-west, fronting onto Wilmot Street. Some landscaping elements would also be incorporated around the entrance to the property from Wilmot Street.

- The proposed apartments would have a combined floor area of approximately 2475m². This figure does not include associated terraces which would provide private open space, or floor area that would be taken up by circulation spaces and services.
 - Of the 28 apartments, a larger penthouse would occupy the upper level of the building and have a total floor area of 518m².
 - The external material palette for the proposed building includes concrete, brass pipes, and “Equitone Natura” which is a fibre cement cladding product.
 - Car parking would be provided on the site for 22 cars, underneath the building and utilising automobile stackers.
 - Work within the adjacent Wilmot Street reservation is also proposed, including replacement of a water main and crossover.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 15.0 Urban Mixed Use Zone - 15.4 Development Standards for Buildings and Works
 - 1.3.2 E6.0 Parking and Access Code - E6.6 Use Standards and E6.7 Development Standards
 - 1.3.3 E7.0 Stormwater Management Code - E7.7 Development Standards
 - 1.3.4 E9.0 Attenuation Code - E9.7 Development Standards
 - 1.3.5 E13.0 Historic Heritage Code - E13.10 Development Standards for Places of Archaeological Potential
- 1.4 Council received a total of two-hundred and nine (209) representations objecting to the proposal during and up to two weeks beyond the statutory advertising period of 31 March to 17 April 2020.
- 1.5 The proposal was referred to the Urban Design Advisory Panel who considered it at their meeting on 9 April 2020. The minutes of the Panel's meeting are an Attachment to this report. The Panel were generally supportive of the proposal.
- 1.6 The proposal is recommended for approval.
- 1.7 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The site is a larger residential property on the eastern corner of Sandy Bay Road and Wilmot Street (Figure 1). The property is comprised of two titles which have a combined area of 965m². The property is currently occupied by two apartment buildings containing 18 apartments which appear to date from the mid-20th century period. The larger of these existing buildings has three storeys and has been built up to the site frontage with Sandy Bay Road (Plate 1). The smaller building has two storeys and is closer to the site's south-western boundary (Plate 2). The site is sloping with a northerly aspect.
- 2.2 The site is within the planning scheme's Urban Mixed Use Zone (Figure 2). A small area within the southern part of the property is within the Hobart 2 Heritage Precinct, although no development other than landscaping is proposed within this area. This precinct extends to the west and south of the site. Many of the nearby properties, including the adjacent properties to the south-west, are individually listed as heritage places on the Tasmania Heritage Register (THR) and/or within the planning scheme's Historic Heritage Code (HHC). The overall site is also recognised by this Code as a place of archaeological potential (Figure 3).
- 2.3 The land use around the site varies. Residential use and development occurs on the adjoining properties to the south-west and south-east. There are single dwellings on the properties to the south-west while there is an apartment complex on the property to the south-east, which includes a three storey building adjacent to the site and fronting onto Sandy Bay Road. Further residential development occurs to the south of the site along Hampden Road. The Repatriation Centre is further to the south, on the opposite side of this road.
- 2.4 The property to the west of the site, on the opposite side of Wilmot Street, was occupied until recently by the Tasmanian Conservatorium of Music. The complex of buildings formerly occupied by the Conservatorium includes a six storey building built close to the property frontage with Sandy Bay Road. Residential development, generally consisting of single storey single dwellings, occurs further to the west of the site. St David's Park is to the north of the site, on the opposite side of Sandy Bay Road.
- 2.5 Additional views from around the site follow at Plate 3.



Figure 1: aerial view of site (outlined in blue) and surrounding land (source CoH GIS, accessed 01/04/2020).



Plate 1: The site as viewed from Sandy Bay Road with the larger of the two existing buildings located to the front. Wilmot Street runs upwards to the right. The building adjacent to the left is part of 12 Wilmot Street, which is an internal property of thirteen multiple dwellings across multiple buildings (Planner's photo).



Plate 2: The smaller of the two buildings on the site is located behind the larger, further up Wilmot Street. It is partially obscured by screening vegetation (Planner's photo).



Figure 2: aerial view of site (outlined in blue) and surrounding land, overlaid with layers indicating the zoning of individual properties. Key: grey shading: UMUZ, Yellow : Utilities Zone, Green: Open Space Zone, Light Blue: Sullivans Cove Mixed Use Activity Area (source CoH GIS, accessed 01/04/2020).



Figure 3: aerial view of site (outlined in blue) and surrounding land, overlaid with layers indicating the heritage status of individual properties. Key: purple hatching: THR listed property, red shading: HHC listed property, grey shading: HHC heritage precinct, orange shading: Sullivans Cove Planning Scheme listed property (source CoH GIS, accessed 01/04/2020).



Plate 3: The site in context with other buildings on Sandy Bay and beyond, as viewed from the west (Planner's photo).



Plate 4: The view to the east towards the subject site. The Conservatorium of Music building is situated to the right of the image (Planner's photo).



Plate 5: Looking down Wilmot Street towards the site. The cream cottage in the centre of the image is adjacent to the subject site (Planner's photo).



Plate 6: The view north towards the subject site from the interior of 12 Wilmot Street. The proposed building would occupy part of the space and project upwards into the skyline from the centre of the image beyond the existing buildings and boundary line vegetation (Planner's Photo).



Plate 7: The view towards the site from the interior of St David's Park. Note the reduced level of screening provided by some of the established trees given the Autumn season at the time of the photo (Planner's photo).

3. Proposal

- 3.1 Planning approval is sought for demolition and new building for 28 multiple dwellings and associated works within adjacent road reserve.
- 3.2 More specifically the proposal is for:
- Demolition of the existing apartment buildings on the site. These buildings are two and three storeys respectively and are not heritage listed.
 - Construction of a new building that would contain 28 apartment style, multiple dwellings. There would be 10 one-bedroom apartments, 10 two-bedroom apartments and 8 three-bedroom apartments.
 - The new building would have a maximum of six storeys (one partially below ground level) and a maximum height above ground level of 19.35 metres.
 - The building would occupy the majority of the site. Areas of landscaping would be provided between the façade and Sandy Bay Road and the adjoining properties to the south-west, fronting onto Wilmot Street. Some landscaping elements would also be incorporated around the entrance to the property from Wilmot Street.

The proposed apartments would have a combined floor area of approximately 2475m². This figure does not include associated terraces which would provide private open space, or floor area that would be taken up by circulation spaces and services.

- Of the 28 apartments, a larger penthouse would occupy the upper level of the building and have a total floor area of 518m².
- The external material palette for the proposed building includes concrete, brass pipes, and "Equitone Natura" which is a fibre cement cladding product. The brass pipes would feature upon the walls adjacent to the entrance to the development, as well as upon a centrally located lift shaft and stairwell structure. Extensive areas of glazing are also proposed, particularly upon the upper levels of the development. Black tinted, clear, and frosted glass would be used. Fixed and operable black aluminium vertical screen awnings are proposed in front of sections of glazing shown on the Sandy Bay Road façade of the building.
- Car parking would be provided on the site for 22 cars, underneath the building and utilising automobile stackers.
- Work within the adjacent Wilmot Street reservation is also proposed, including replacement of a water main and crossover.

3.3 Excerpts from the submitted plans follow at Image 1 below:



Image 1: Architect's render of the proposed development (Source: Room11 Architects).

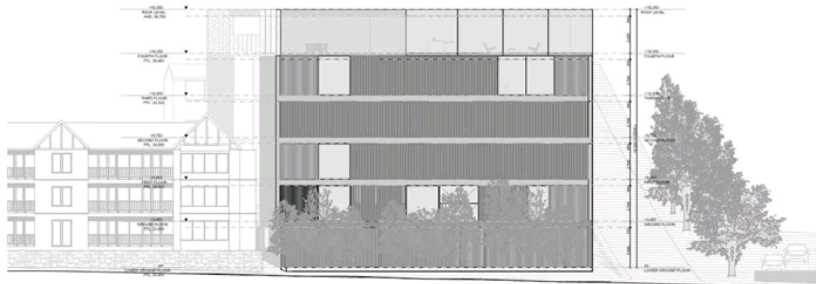


Image 2: The Sandy Bay Road Elevation of the proposed development, with the adjacent 12 Wilmot Street building to the left (Source: Room11 Architects).

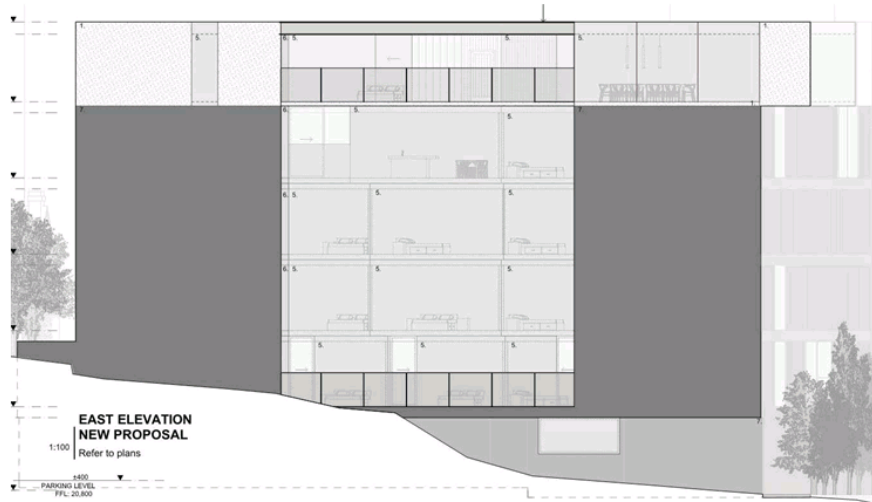


Image 3: The Eastern Elevation of the proposed development (Source: Room11 Architects).

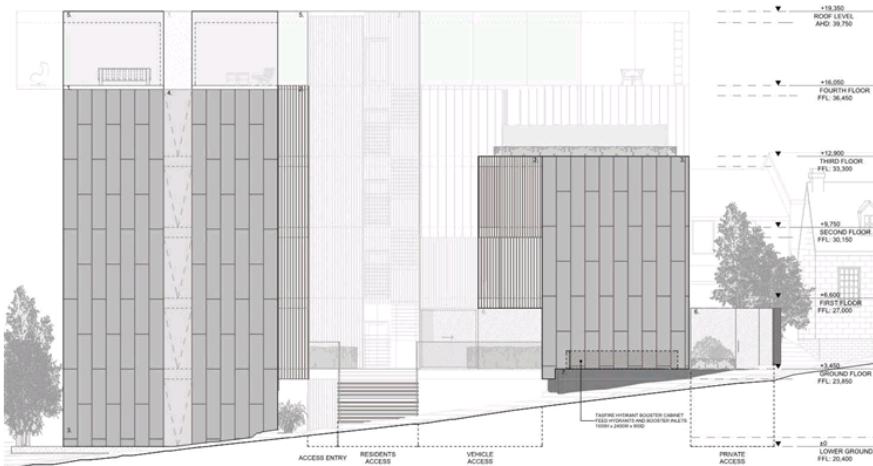


Image 4: The Wilmot Street (Western) Elevation of the proposed development (Source: Room11 Architects).

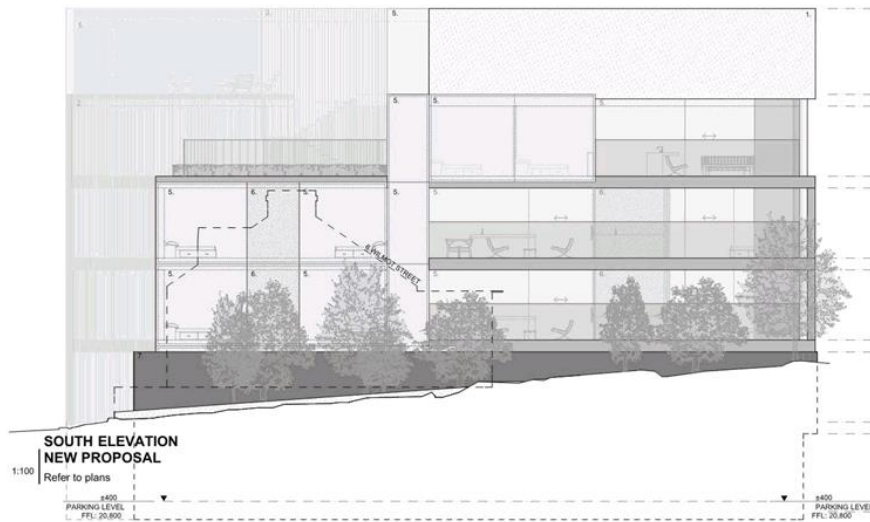


Image 5: The Southern Elevation of the proposed development (Source: Room11 Architects).



Image 6: Architect's mock-up render of the proposed development viewed from close to the Harrington Street/Macquarie Street intersection (Source: Room11 Architects).



Image 7: Closer view of the Architect's mock-up render of the development from the Davey Street/Sandy Bay Road intersection (Source: Room11 Architects).



Image 8: Architect's mock-up render of the development looking to the west along Sandy Bay from the top of Gladstone Street (Source: Room11 Architects).



Image 9: Architect's mock-up render of the development as viewed from the mid-point of Wilmot Street looking down to Sandy Bay Road (Source: Room11 Architects).



Image 10: Architect's mock-up render of the development as viewed from the Hampden Road (top) end of Wilmot Street (Source: Room11 Architects).

4. Background

- 4.1 Council considered a previous application for approval for development on the site in 2016. This previous application was for demolition of the existing buildings on the site, a new building that would have included a hotel with a cafe and a bar, and associated minor road works (Council's reference PLN-15-01476-01). The hotel as originally proposed would have accommodated 125 rooms. The building would have had a similar height to what was originally proposed in this application - i.e. the maximum height of the

building would have also been approximately 23m above natural ground level. This previous application was refused by Council on the following grounds:

- a) the proposal did not meet the purpose of the Urban Mixed Use Zone as it did not provide for the integration of a commercial use with the surrounding residential uses or a density responsive to the character of the surrounding area, and it did not encourage the retention of the existing residential use on the site;
- b) the height of the proposed development would have been incompatible with that of nearby buildings; and,
- c) the amount of car parking provided onsite would not have been sufficient to meet the reasonable needs of users.

- 4.2 Council's decision to refuse the previous application for the site was appealed to the Resource Management and Planning Appeal Tribunal (Council's reference APP-16-19, Tribunal appeal number: 100/16P). As part of the appeal process, the design of the previously proposed development was revised to reduce its height at its western corner - i.e. at the point where it would have been adjacent to the single storey dwelling on the property at 6-8 Wilmot Street. In the revised design, this part of the development would have had a height of approximately 11.3m above ground level, reduced from a height of 14.37m as originally proposed. Partly as a result of this revision, Council determined to enter into a consent memorandum with the proponent agreeing to grant a permit for the development. However, the other parties joined to the appeal, which included the owners of properties close to the site, remained opposed to the development and the appeal continued to a full hearing. As a result of this hearing, the Tribunal decided to dismiss the appeal - i.e. Council's original decision to refuse the application was upheld. The Tribunal found that the proposed development would not have been compatible in scale with nearby buildings, and would not have allowed for a transition in height between adjoining buildings that would be consistent with the Objective for the applicable building height standard (i.e. clause 15.4.1) .
- 4.3 The Tribunal decision relating to the previous application for the site is considered to contain several findings that assist in the assessment of the current proposal. While any proposal must be considered on its merits against the relevant planning scheme provisions, the Tribunal decision provides guidance on several matters relevant to the current proposal, including the operation of the Objective for clause 15.4.1 and the meaning of several key terms used in this standard, such as "scale", "nearby", and "adjoining".
- 4.3 In terms of the current proposal, initially the design included one additional level with a total height of 23m, as mentioned above, but with improved transition towards Wilmot Street. This version of the application was advertised and received 18 representations (two in support), raising concerns regarding height,

scale and bulk, traffic and car and bicycle parking, impact upon St David's Park and the surrounding heritage area, incompatibility with the surrounding area and streetscape in terms of scale and design, impacts on surrounding residential amenity, and quality of construction and finishes, practicalities of waste collection from the site. Post advertising, concerns by the assessing planner regarding the building's height were put to the applicant and the applicant subsequently chose to reduce the height of the building by one level, bringing the uppermost, penthouse apartment down from two levels to one level. Slight revisions and refinements to the design have occurred, however for the most part the proposal remains the same – same number of apartments and car parking spaces. This revised version of the development is the proposal now being considered in this report.

- 4.4 The current version of the proposal was considered by the Council's Urban Design Advisory Panel at their meeting of 09 April 2020. The panel's comments are set out in the Discussion section of this report, and the minutes of the meeting are provided at Attachment C.
- 4.5 It is noted that the property at 5-7 Sandy Bay Road is subject to a current planning application, PLN-19-706, for Demolition and New Building for 55 Multiple Dwellings, Food Services and Associated Works within the Adjacent Road Reserve. The proposal includes two apartment buildings - the one closest to the subject site would be 22.35m high (seven storeys), while the second and larger building is to be 33.23m high (ten storeys). The application is also currently before the Council for determination, with an officer recommendation for refusal.

5. Concerns raised by representors

- 5.1 209 representations objecting to the proposal were received within and up to two weeks after the statutory advertising period between 31 March and 17 April 2020. It should be noted that a number of late representations were received and for each of these the representation period was extended at the discretion of the Manager Development Appraisal in accordance with S.57(5) of the Land Use Planning and Approvals Act 1993, which can allow an extension of up to 14 days to be granted.
- 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.

Proposal addresses some concerns from previous application considered by the RMPAT but not enough.
--

Excessive height – not compatible. Beyond the planning scheme and Leigh Woolley recommendation – should not be allowed to exceed the Leigh Woolley recommended height of 14m for the zone.
Incompatible Scale and Bulk.
Overdevelopment of the site
Concerns about the extent of excavation affecting neighbouring buildings.
Impact on local Heritage, St David's Park, local area and streetscape character.
Displacement of current low-income tenants.
Traffic and access concerns.
Car and Bike Parking concerns. Not enough of either. Car stacker concerns, including the noise of its operation.
Lack of consideration for residential amenity in the design; Lack of open space.
Amenity impacts including overshadowing of neighbouring properties; lack of screening.
Materials and build quality; lack of general information; concerns of a modular, pre-fab build; In contrast with surrounding area.
Inappropriate timing for the proposed development given the current COVID-19 pandemic.

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 Urban Mixed Use Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential (multiple dwelling). The proposed use is also Residential (multiple dwelling). Residential (multiple dwelling) is a Permitted use in the Urban Mixed Use Zone.
- 6.4 The proposal has been assessed against:

- 6.4.1 15.0 Urban Mixed Use Zone
- 6.4.2 E5.0 Road and Railway Assets Code
- 6.4.3 E6.0 Parking and Access Code
- 6.4.4 E7.0 Stormwater Management Code
- 6.4.5 E9.0 Attenuation Code
- 6.4.6 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 15.0 Urban Mixed Use Zone:-
 - 15.4.1 Building Height P1*
 - 15.4.2 Setback P1*
 - 15.4.5 Landscaping P1*
 - 15.4.8 Residential Amenity P1 and P3*
 - 6.5.2 E6.0 Parking and Access Code:-
 - E6.6.1 Number of Car Parking Spaces P1*
 - E6.7.2 Design of Vehicular Accesses P1*
 - E6.7.4 On-Site Turning P1*
 - E6.7.5 Layout of Parking Areas P1*
 - 6.5.3 E7.0 Stormwater Management Code:-
 - E7.7.1 Stormwater Drainage and Disposal P1*
 - E7.7.1 Stormwater Drainage and Disposal - Treatment P2*
 - 6.5.4 E9.0 Attenuation Code:-
 - E9.7.2 Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm P1*
 - 6.5.5 E13.0 Historic Heritage Code:-
 - E13.10.1 Building, Works and Demolition within a Place of Archaeological Potential P1*

6.6 Each relevant performance criterion is assessed below.

6.7 15.0 Urban Mixed Use Zone - 15.4.1 Building Height P1

6.7.1 The acceptable solution A1 at clause 15.4.1 requires building height to be no more than 10m.

6.7.2 The proposal includes a building height of more than 10m. The proposed development would have a maximum building height of 19.35m. This maximum height occurs at the front of the building where it is closest to Sandy Bay Road. This is also where the upper level is proposed to be finished predominantly in glazing. The building's overall height reduces somewhat given its design and also due to the fact that the site level rises to the south-west and moving up Wilmot Street. In plan view, the building has a 'U-shaped' form. From its tallest section at the Sandy Bay Road end of the site, the building steps back in towards the middle of the site where fronting Wilmot Street. This is the location of the pedestrian and vehicle access. A consistent roofline runs from the Sandy Bay Road frontage back towards the southern boundary where adjacent to 12 Wilmot Street, which also fronts Sandy Bay Road. Given the rising slope in this direction, height reduces to approximately 14.6m at the south-eastern, rear corner of the building. The return section of building from this point towards Wilmot Street maintains a consistent roofline for approximately 15m (where for approximately half of this length setbacks are greatest due to an irregularity in the title shape), before stepping down to a lower, terrace level, which is the point of the building that corresponds with the position of the existing building at 6-8 Wilmot Street. There is a step between the taller part of the building and this terrace level. Height drops down from approximately 14.7m, to 11.7m (inset void link), to then between 8.5m and 9.3m (terrace level), where at the front of the terrace section at 9.3m high the building fronts Wilmot Street once again. In summary the building in terms of height takes advantage of the rise in elevation of the site, being partially dug in, and in terms of the design steps down in its overall form where adjacent buildings are of a lesser scale.

6.7.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.7.4 The performance criterion P1 at clause 15.4.1 provides as follows:

Building height must satisfy all of the following:

- (a) be consistent with any Desired Future Character Statements provided for the area;*
- (b) be compatible with the scale of nearby buildings;*
- (c) not unreasonably overshadow adjacent public space;*
- (d) allow for a transition in height between adjoining buildings, where appropriate;*

- 6.7.5 The above sub-clause (a) is not relevant as there are no Desired Future Character Statements provided for the area.
- 6.7.6 With regard to the above sub-clause (b), as noted in the background section of the report, the meaning of the terms "scale" and "nearby" was considered in the Tribunal decision regarding the previous proposal for the site. The meaning of the term "compatible" was also considered, although the Tribunal largely drew upon findings made in previous cases when considering this term. The Tribunal referred to the *Henry Design & Consulting v Clarence City Council* case, where "compatible" was found to mean "not necessarily the same... but at least similar to, or in harmony or broad correspondence with the surrounding area" (see page 11 of the decision).
- 6.7.7 In the above decision, the Tribunal found that "scale" should be read in the context of the above performance criterion, commenting that "the reference to scale in this part is an inference to height and requires compatibility in that respect". The Tribunal further commented that when considering a proposal against the above standard "the intent is that building height must be compatible with the scale (height) of "nearby" buildings". When considering what the term "nearby" should mean, the Tribunal found that it "means "close to" the subject development". The Tribunal accepted that the buildings at 1 (the Mantra visitor accommodation building) and 3 (the Hobart Masonic Hall) Sandy Bay Road may be considered to be nearby in this context. The Tribunal stated what other buildings it considered to be nearby in this context by reference to diagrams included in the decision. These buildings included all of those on properties with frontage to Wilmot Street, to the south-west of the site, and the apartment buildings on the adjoining property to the south-east (12 Wilmot Street), which also has frontage to Sandy Bay Road. The former Tasmanian Conservatorium of Music building, on the opposite side of Wilmot Street to the site, was also included.
- 6.7.8 Given the above context established by the Tribunal, it can be seen that the development is proposed within two distinct streetscapes. As the

site is on a corner, the proposed development would be within both the Sandy Bay Road streetscape and the Wilmot Street streetscape. The two streetscapes have been modelled by the proposal's architect, and these can be seen in Images 11 and 12 below. Given the nature of the two streetscapes, the site is more evident in the wider Sandy Bay Road streetscape, with the site contributing to a wider context. In Wilmot Street however, being a narrower, steeper and shorter street with buildings to either side and some well-established street trees towards the bottom, similar wide views cannot be achieved. It is harder to read the site, and in turn the proposed building in context with all of the buildings along Wilmot Street as it is difficult to achieve enough separation for a clear wider view, or a view where the proposed building, or alternatively the existing buildings, do not become partially obstructed, part of the background or lost from the field of view. As such, and whilst it may seem contradictory, the proposed building's impact upon the wider Wilmot Street streetscape is not considered to be as direct or as immediate.

- 6.7.9 The proposed development is considered to be reasonably compatible with the scale of buildings within the Sandy Bay Road streetscape. The nearby buildings along Sandy Bay Road include the buildings at 1 (the Mantra) and 5-7 (the former Tasmanian Conservatorium building) Sandy Bay Road, as well as that part of 12 Wilmot Street fronting Sandy Bay Road. The proposed building would have a similar height to these existing buildings and is therefore considered to be compatible in the context of the Sandy Bay Road streetscape. The predominant use of glazing in the external surfaces of the uppermost level of the proposed building is such that, whilst still evident as contributing to its overall height, the majority of the upper level is softened by the somewhat visually permeable material. Removing what could have been a somewhat solid element of the building through the use of glazing will result in a softening of the building's apparent height and its bulk. This in turn assists with softening the building's presence in the streetscape and provides a more recessive backdrop for the taller parts of the building where set behind the lower more solid elements. The use of glazing also assists in reducing the perception and impact of any greater transitions in height between existing buildings and the proposed.

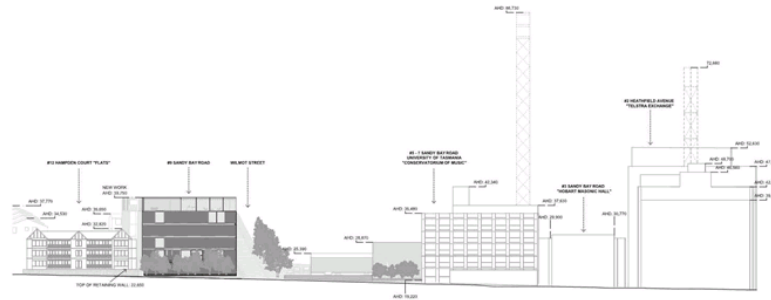


Image 11: Architect's modelling of the proposed development in context with the Sandy Bay Road streetscape (Source: Room11 Architects).

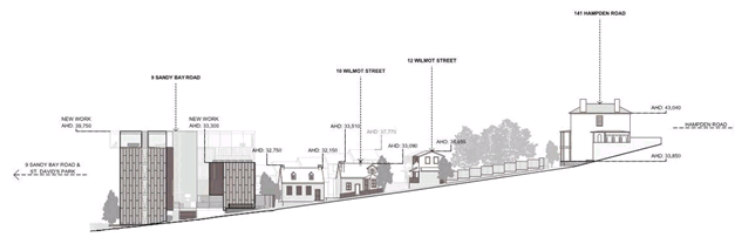


Image 12: Architect's modelling of the proposed development in context with the Wilmot Street streetscape (Source: Room11 Architects).

- 6.7.10 The Wilmot Street streetscape includes several heritage listed buildings that were originally constructed as dwellings. This streetscape includes the substantial three storey buildings on the corner of Wilmot Street and Hampden Road. However, the remaining buildings along this street (excluding the existing three storey building on the site that would be demolished) are two storey at most. The existing buildings on the subject site have a two-fold presence in the Wilmot Street streetscape. The forwardmost building has a hard edge directly to the footpath with a bland, painted masonry wall. The secondary building to its rear is lower in height and has a greater setback, and is screened partially by established shrubs and small trees.
- 6.7.11 The proposed building's design in terms of its reduction in height further to the rear, and up Wilmot Street, its predominant use of glazing around the upper floor, and its lower return element adjacent to the cottage at 6-8 Wilmot Street assist, particularly where directly adjacent to this lower cottage, in providing transition in scale within the immediate streetscape. The immediate difference in height here is actually less than the difference in height between the proposed building and the building adjacent at 12 Wilmot Street, where fronting Sandy Bay Road.

This is to be expected and is an appropriate design consideration given the scale differences between the two adjacent buildings and the proposed building. Whilst the existing buildings up Wilmot Street are lower in height, they are also situated upon higher ground levels given the rise in local topography. The height difference between the proposed building and those existing up Wilmot Street becomes less evident moving further up the street. As the proposed building's primary bulk and tallest parts are pushed back to the south-eastern side of the subject property and the rear of the immediately adjacent cottage, and then around towards the Sandy Bay Road end of the site, with a section of greater setback in the building's central entrance part where fronting Wilmot Street, the immediate streetscape presence in Wilmot Street where able to be read clearly in context with the adjacent cottage at 6-8 Wilmot Street, and then those further along and up the street, is softened. The scale of the development where read in immediate context would demonstrate a broad correspondence and harmony with the scale of nearby buildings to the south-west on properties with frontage to Wilmot Street. The proposal therefore satisfies the above sub-clause (b).

- 6.7.12 With regard to the above sub-clause (c), the overshadowing impact of the proposed development upon adjacent public space would be limited to the adjacent section of Wilmot Street. This impact would be further limited to early to mid-morning periods and may not be significantly greater than that caused by the existing building on the site. Therefore, the proposal is considered to satisfy sub-clause (c) as the proposed development would not unreasonably overshadow adjacent public space.
- 6.7.13 With regard to the above sub-clause (d), in the previous decision regarding the site, the Tribunal stated that the term adjoining "should be construed to mean 'next to', without a requirement for physical connection between structures" (page 14 of the decision). Therefore, sub-clause (d) is considered to apply to the proposal, even though the proposed development would not be physically connected to adjacent buildings. Given that there are existing buildings on the lots adjacent to the site, it is also considered appropriate for the height of the proposed development to allow for a transition in height between adjoining buildings.
- 6.7.14 The Tribunal noted in the previous decision regarding the site that sub-clause (d) is one of several provisions in the above performance criterion that is aimed at achieving the Objective of clause 15.4.1, which is to "to ensure that building height contributes positively to the

streetscape" (see page 17 of the decision). Therefore, in considering the proposal against sub-clause (d), it is considered that it must allow for a transition in building height (understood as the change in height between adjoining buildings) that contributes positively to the relevant streetscape. The planning scheme definition of streetscape considers "the quality, scale, bulk and design of buildings and structures fronting the road reserve".

- 6.7.15 The relevant adjoining buildings in this context are the three storey apartment building to the south-east of the site at 12 Wilmot Street (fronting Sandy Bay Road), and the two storey cottage on the adjoining property at 6-8 Wilmot Street. The elevation plans submitted with the application indicate that the 12 Wilmot Street building has a maximum height above ground level of approximately 12m. The highest part of the proposed development would be located directly adjacent to this building. As noted earlier in the report, this part of the development would have a height above ground level of 19.35m. Therefore, the height of the development at this point would be approximately 38% greater than that of the adjacent building. The difference in height here, given that height reduces rearward with the slope of the land, is considered to provide a reasonable transition, particularly with the visual softening provided by, although not as extensive here as on other elevations, the substantial glazed sections of the upper level. The existing building at 9 Sandy Road Road currently transitions downwards from the height of the 12 Wilmot Street building fronting Sandy Bay Road. The proposal flips the transition by being taller than the adjacent building, but at what remains a reasonable, albeit greater degree of change in terms of scale context. Particularly when viewed from the east, the degree of transition and the proposed materials allows the proposed building to blend into the background of taller buildings closer to Davey Street and beyond where the ground level rises to Macquarie Street. The lower 12 Wilmot Street building at the Sandy Bay Road frontage would also screen much of the proposed building from view and would also contribute to the scale of buildings at the Davey Street end of Sandy Bay Road and beyond to the north-west.
- 6.7.16 The submitted elevation plans indicate that the apex of the pitched roof of the cottage at 6-8 Wilmot Street is approximately 8m above ground level. This figure is consistent with what was accepted in evidence in the appeal regarding the previous proposal for the site, as the maximum height of this building. That the part of the proposed development that would be directly adjacent to the cottage would have a height above ground level of approximately 8.8m (terrace surface

level). There would therefore be a difference in height between this part of the development and the apex of the roof of the adjacent cottage of approximately 0.8m.

- 6.7.17 The proposed development includes a three storey element with roof terrace within the part of the site closest to Wilmot Street and cottage on the adjoining property at 6-8 Wilmot Street. Behind this three storey element the building rises an additional two storeys above ground level (albeit due to the ground level rising to the eastern boundary only 4.5 storeys above the natural ground level) immediately to the rear of this three storey element at a horizontal separation distance of approximately 5m from the closest part of the cottage. The elevation plans indicate that this element would have a height above ground level of approximately 14.3m at this closest point. There would therefore be a difference in height of approximately 6.3m between the apex of the roof of the cottage and the closest corner of the 4.5 storey element. Height differences here can be made out in the supplied Architect's diagram included as Image 13, below.

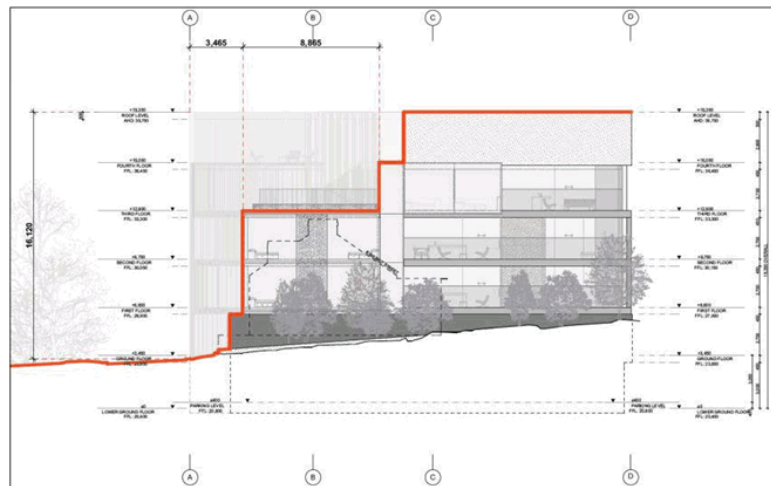


Image 13: The highlighted height transition of the proposed development at its southern elevation where adjacent to the cottage at 6-8 Wilmot Street, shown dotted in (Source: Room 11 Architects).

- 6.7.18 The proposed three storey return element assists in mitigating the streetscape impact of the higher parts of the development when viewed from the section of Wilmot Street immediately adjacent to the site. A height comparison diagram for Wilmot Street has been submitted as part of the proposal and can be seen in Image 14, with a close up in Image 15, both below. As touched on previously, with the difficulties in

reading the Wilmot Street streetscape as a whole, and given local topography and the fact that the taller parts are pushed away and separated from the commencement of lower buildings in the street, the larger scale and bulk of the higher parts of the proposed development would be less immediately apparent within the overall Wilmot Street streetscape. There is a disconnection between the Sandy Bay Road end of the Wilmot Street streetscape, and the Wilmot Street streetscape from 6-8 Wilmot Street and beyond towards Hampden Road. By the time the street is viewed from the top end back towards Sandy Bay Road, the subject site and proposed building become more subservient to the streetscape, with the lower element of the proposed building contributing the most to the streetscape at a reasonable adjacent transition in height, and the taller elements behind and disconnected to the side being softened by the substantial use of glazing around the upper level.



Image 14: A comparison of building heights within the Wilmot Street streetscape in context with the proposed development (Source: Room11 Architects).

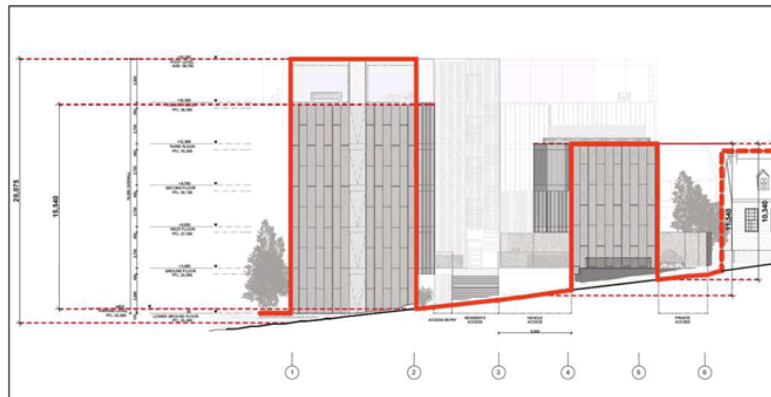


Image 15: A closer view of the height comparison of existing and proposed buildings at the Sandy Bay Road end of Wilmot Street (Source: Room11 Architects).

- 6.7.19 In reference to sub-clause (d), the Tribunal concluded in the previous decision that it "requires something in the height of the proposal more closely matching the adjoining building. It could be expected that a transitioning element would be much closer to the height of adjoining building, or treated in some other, more acceptable, manner". The proposed three storey element described above provides an acceptable transitioning element immediately adjacent the lower cottage at 6-8 Wilmot Street. Transition in height and the scale of the adjacent cottage have clearly been considered in the design here. Rising further in height behind the cottage with the 4.5 storey section of the building is considered acceptable and provides adequate separation, promotes transition and reduces immediate impacts upon the cottage and in turn the streetscape. The dimensional attributes of the cottage which are considered essential to the provision of an acceptable transitioning element between the buildings have been adequately recognised and considered by the immediate, lower three storey element. Aspects of the design of the taller parts of the building beyond this, such as the glazing and articulation in cladding further add to the acceptability of the transition between existing and proposed. The proposal satisfies the above sub-clause (d).
- 6.7.20 The proposal complies with the performance criterion.
- 6.8 15.0 Urban Mixed Use Zone - 15.4.2 *Setback P1*
- 6.8.1 The acceptable solution A1 at clause 15.4.2 requires a building setback from frontage that is parallel to the frontage and no more than 1m from the median street setback of all existing buildings on the same side of the street within 100m of the site.
- 6.8.2 The proposal maintains similar setbacks to the current buildings on the site, at least where closest to front boundaries, and includes a primary setback to Sandy Bay Road of approximately 2m. Its setback to Wilmot St varies between 0m to 8.1m. The upper level overhang addressing Sandy Bay Road extends up to the front boundary with a 0m setback. The median setback of the buildings fronting Sandy Bay Road within 100m of the site is approximately 6m, and the median setback of the buildings fronting Wilmot Street within 100m of the site is approximately 3m.
- 6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion P1 at clause 15.4.2 provides as follows:

Building setback from frontage must satisfy all of the following:

(a) be consistent with any Desired Future Character Statements provided for the area;

(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;

(c) enhance the characteristics of the site, adjoining lots and the streetscape;

(d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created;

(e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.

6.8.5 There is no Desired Future Character Statement for the area. Compliance with sub-clause (a) is therefore not relevant.

6.8.6 As previously discussed, "compatible" is understood to mean not necessarily the same... but at least similar to, or in harmony or broad correspondence with the surrounding area. It is also understood that "adjoining" should be read to mean 'next to', without a requirement for physical connection between structures. On Sandy Bay Road, the adjoining building at 12 Wilmot Street is set behind a stone boundary wall, providing a front courtyard before the facade of the building which is parallel to the boundary line, and which at its closest point to the front boundary has a setback of approximately 3.2m. The adjoining building fronting Wilmot Street (the cottage at number 6-8) has a consistent setback to the front boundary of approximately 2.1m.

6.8.7 In maintaining a consistent (at least for the levels below the uppermost) building line and setback to Sandy Bay Road, the proposed building provides a uniform edge behind landscaping, similar to the impression given by the existing building at 12 Wilmot Street where fronting Sandy Bay Road. The proposed setback of two metres places the building line in between that of this adjoining building and its solid stone front boundary wall. The proposed setback is considered to be compatible,

demonstrating a broad correspondence and the building line in the immediate streetscape will be more or less maintained as continuous behind the proposed landscaped area. The upper level overhang to the front boundary departs from this approach somewhat, but is at such a disconnect in terms of height that it would not detract from the street level impression of the building's continuous form, and would likely provide wider visual interest. The setback of the overhang to Sandy Bay Road is considered to be acceptable given the circumstances.

- 6.8.9 To Wilmot Street, that part of the proposed building closest to the corner with Sandy Bay Road is slightly skewed to the boundary line with a setback ranging between 0.7m and 0m. The open entrance forecourt increases this setback quite substantially before the return, lower terrace element of the building extends forward to maintain a setback between approximately 2.9m and 2.1m, eventually matching that of the cottage at 6-8 Wilmot Street. Where close to the front boundary in Wilmot Street a uniform, yet not parallel to boundary building line is maintained before the inset forecourt entrance to the property. The return section of the building concludes with a setback to match that of the cottage at 6-8 Wilmot Street. This proposed setback provides an acceptable connection and transition to that of the adjoining building. The proposed setbacks to Wilmot Street are varied but not significant, and this is considered compatible given character of development in the street and particularly since the setbacks of the frontal parts of the proposed building are more in keeping with the setback of the adjacent cottage. The proposal is considered to satisfy sub-clause (b).
- 6.8.10 The proposed setbacks of the building provide opportunities for landscaping both to enhance the street level appearance of the overall site and to soften the building's form. The landscaped areas also assist in the transition to the adjacent buildings both on Sandy Bay Road and Wilmot Street. In setting back the building to various extents on both frontages for the provision of landscaping, the edges of the proposed building closest to the outer sides of the site will not dominate or jar with adjoining buildings. Hard corner edges would be set in from frontages and landscaping can then be used to soften these corners and the building's impact upon adjacent properties, providing an enhanced transition. Sub-clause (c) is satisfied.
- 6.8.11 The building's design where relative to front setbacks does not introduce small variations which could become entrapment spaces. Although not always parallel to frontages, the elements of the building closest to front boundaries are relatively uniform. The proposal does

not include unreasonably long uniform facades, however the proposed landscaping will in places assist in breaking up the street level facade appearance. The proposal satisfies sub-clause (d).

6.8.12 There is one large variation in the building's alignment which is an integral part of its design being that it provides for an access forecourt and vehicle access driveway into the site from Wilmot Street. This area would be overviewed by a number of apartments and thus would be passively surveilled. This forecourt area is relatively uniform in its shape and minimal entrapment spaces are apparent in the plans. Landscaping is also proposed in what is effectively semi-public space where visitors and deliveries etc would access the site along with occupants of the dwellings. The proposal satisfies sub-clause (e).

6.8.13 The proposal complies with the performance criterion.

6.9 15.0 Urban Mixed Use Zone - 15.4.5 Landscaping P1

6.9.1 The acceptable solution A1 at clause 15.4.5 requires landscaping along a frontage unless the building extends across the width of the frontage, and the building has a setback of no more than 1m.

6.9.2 The proposal includes a setback of more than 1m from the Sandy Bay Road and Wilmot Street frontages.

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

6.9.4 The performance criterion at clause 15.4.5 P1 provides as follows:

Landscaping must be provided to satisfy all of the following:

(a) enhance the appearance of the development;

(b) provide a range of plant height and forms to create diversity, interest and amenity;

(c) not create concealed entrapment spaces;

(d) be consistent with any Desired Future Character Statements provided for the area.

6.9.5 Landscaping is proposed along the Sandy Bay Road frontage and at and around the entrance point to the building relative to the Wilmot

Street frontage. Further landscaping will run along the south-western boundary of the site and into a proposed courtyard garden at the southern rear corner. Where proposed along frontages, these landscaped areas will act to enhance the appearance of the development as discussed above with regard to setbacks. There is an opportunity for a mix of plantings, with the intention being to reuse and incorporate existing birch trees from the site along the Sandy Bay Road frontage of the site, along with additional birch trees elsewhere, with a mix of other plant varieties of varying heights and forms. There is opportunity to further explore the incorporation of landscaping particularly along the Wilmot Street frontage of the site. This was encouraged by the Council's Urban Design Advisory Panel during its consideration of the application, with the intent being to reinforce a transition to Wilmot Street's residential character. An amended landscaping plan that addresses this area more thoroughly could be required by condition of approval. As previously discussed, entrapment spaces are not evident in the proposed design and the areas of landscaping are unlikely to diminish this feature or inadvertently create such spaces. The proposal is considered to satisfy sub-clauses (a), (b) and (c). As previously stated there are no Desired Future Character Statements for the area so sub-clause (d) is not a relevant consideration.

6.9.6 The proposal complies with the performance criterion.

6.10 15.0 Urban Mixed Use Zone - 15.4.8 Residential Amenity P1

6.10.1 The acceptable solution A1 at clause 15.4.8 requires a dwelling to have at least one habitable room window (other than a bedroom) facing between 30 degrees west of north and 30 degrees east of north.

6.10.2 The proposal includes dwellings that would not have a habitable room window facing within 30 degrees west or east of north. The proposal does not meet this standard due to the orientation of the lot, the alignment of its street frontages and the orientation of the proposed building.

6.10.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.10.4 The performance criterion P1 at clause 15.4.8 provides as follows:

A dwelling must be sited and designed to optimise sunlight to at least

one habitable room (other than a bedroom).

- 6.10.5 The majority of the proposed dwellings are considered to be sited and designed so that sunlight would enter into a habitable room (other than bedroom) at various times of the day. The apartments that would be orientated toward Sandy Bay Road would have sunlight into their main living areas during the morning period. The apartments within the three storey element fronting onto Wilmot Street would have some direct sunlight into living areas at midday.
- 6.10.6 The apartments orientated toward the site's south-eastern boundary (apartments G.04, G.05, 1.04, 1.05, 2.04, and 3.03) and at the southern corner of the building (apartments G.06, 1.06, 2.05, and 3.04) would not however have any direct sunlight into their living areas. While there may be some opportunity for these apartments to receive direct sunlight during morning periods, the majority of these apartments have been designed with bedrooms and not other living areas located in the eastern part of each dwelling.
- 6.10.7 The proposal includes terraces across each elevation that directly adjoin living areas which promote daylight/sunlight capture and ventilation across all levels, particularly on the building's northern and western elevations. Void spaces also integrate with terraces to capture and direct light. Terraces and windows along the southern and eastern elevations will continue to receive natural light, benefiting from the smaller scale of adjoining buildings combined with the setback of the proposed building to these boundaries. Whilst these apartments may not gain as much exposure to natural light as others within the building they have still been appropriately considered in terms of this amenity and where possible access to sunlight/natural light has been optimised. In some instances bedrooms have been located in what appears to be the optimum location for sunlight capture in the abovementioned apartments however when it is considered practically the constraints of an alternative apartment layout with regard to where central access hallways and apartment entrances are located, there is logic to placing bedrooms further away from the less private parts of the building.
- 6.10.6 The proposal complies with the above performance criterion.
- 6.11 15.0 Urban Mixed Use Zone - 15.4.8 Residential Amenity P3
- 6.11.1 The acceptable solution A3 at clause 15.4.8 requires outdoor living space to be provided for a dwelling that is no less than 10m² and has a

width no less than 2m.

6.11.2 The proposal includes dwellings that would have outdoor living space of less than 10m² and/or less than 2m in width. All but apartments LG.01, LG.02, LG.03, 1.06, G.06, G.07, 2.03, 2.05, 3.04 and 4.01 would have outdoor living spaces with areas less than 10m². Where larger than 10m² in area, most spaces are narrower than 2m.

6.11.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.11.4 The performance criterion P3 at clause 15.4.8 provides as follows:

Outdoor living space must be provided for a dwelling with dimensions sufficient for the projected requirements of the occupants.

6.11.5 A shared open terrace of approximately 80m² is proposed on the third level of the building. At ground level a larger shared landscaped garden space is provided in the southern rear corner of the site. These additional areas, combined with the location of the site close to a large public park (St David's Park, which is to the north of the site) and the range of services offered by the Hobart CBD, are considered sufficient to offset and complement the private spaces allocated to each apartment, such that overall the proposed areas of outdoor living space are sufficient for the projected requirements of the occupants of the proposed apartments.

6.11.6 The proposal complies with the above performance criterion.

6.12 E6.0 Parking and Access Code - E6.6.1 Number of Car Parking Spaces P1

6.12.1 The acceptable solution A1 at clause 6.6.1 requires car parking to be provided at a rate of one space for each one bedroom dwelling, and two spaces for each dwelling with two or more bedrooms, with additional visitor parking to be provided at a rate of one space per four dwellings. For this proposal to meet the standard, a total of 53 parking spaces would need to be provided, seven of which would be for visitors.

6.12.2 The proposal includes 22 car parking spaces using 11 car stackers aligned in two rows in the lower ground level of the building. The allocation of parking is such that the ten one-bedroom apartments in the total of 28 apartments would not be allocated on site parking spaces. No visitor parking is proposed. A Traffic Impact Assessment

prepared by a suitably qualified Traffic Engineer has been submitted with the proposal.

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

- 6.12.4 The performance criterion P1 at clause 6.6.1 provides as follows:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

- 6.12.5 The submitted Traffic Impact Assessment states that the development is a high density residential apartment building with limited parking aimed at professionals who may work nearby and have a relatively low reliance on private motor vehicles. The assessment has based its

review of parking demand on the RMS guide from New South Wales. In terms of parking number the assessment has used the RMS guide to determine that for high density residential dwellings such as the one proposed, there is a demand for 25 parking spaces, however this demand is reduced to 21 when visitor parking is not proposed as part of the development. As proposed the development exceeds this number. Sub-clause (a) is considered met.

- 6.12.6 There is limited on-street parking available in the surrounding road network. Much of this parking is timed but is within reasonable walking distance of the site. There are multiple public car parking options also within reasonable walking distance. The proposal is acceptable in terms of sub-clause (b).

- 6.12.7 Sandy Bay Road is a public transport route and is serviced frequently. The development fronts this road. Sub-clause (c) is met.

Other modes of transport other than private vehicle are highly likely to be utilised by occupants of the development. Noting that there are currently no on site parking spaces available for the existing apartments, the site is well situated to access nearby services and attractions on foot and by bicycle. Provision for bicycle parking and storage has been incorporated into the proposal. The proposal is considered to meet sub-clause (d).

- 6.12.8 The submitted Traffic Impact Assessment states that alternative parking arrangements for the development are not considered necessary as the proposed parking allocation provides sufficient parking to cater for the likely needs of the site. The proposal meets sub-clause (e).

- 6.12.9 The proposal does not include multiple uses, so shared parking is not a valid consideration. Sub-clause (f) is not applicable.

- 6.12.10 The existing apartments on the site are allocated no on street car parking spaces. This existing deficiency is somewhat offset by the proposed parking provision which in terms of the difference in number of apartments (an increase from 18 to 28) is considered to be a reasonable improvement upon existing conditions. It is notable that the ten proposed one bedroom apartments would not be allocated any on street car parking, which essentially absorbs the current site condition with regard to car parking demand. The proposal is acceptable in terms of sub-clause (g)

- 6.12.11 Sub-clauses (h) through (m) are not applicable in this proposal or to this

site.

- 6.12.12 The submitted Traffic Impact Assessment has been considered by the Council's Development Engineer and Manager Traffic Engineering, who have both endorsed its conclusions with regard to the acceptability of the proposed parking provision. The Manager Traffic Engineering states that:

I have reviewed the Traffic Impact Assessment provided in support of the application. I support its conclusions and recommendations.

The supply of parking provided on the subject site may not be sufficient to cater for the demand from residents. To protect the amenity of existing residents in the area who are eligible for on-street parking permits, I request that the following advice clause be added to any permit should it be issued.

Residents of the property will not be eligible for permits under the City of Hobart resident parking permit scheme.

- 6.12.13 The assessing Development Engineer comments that:

This has been satisfactorily addressed in the traffic impact assessment by Midson Traffic Pty Ltd dated August 2019.

It is noted that there is an (estimated) existing deficiency of 36 parking spaces associated with the current use of the site. The proposal would result in a deficiency of 31 spaces (ie. a potential net gain of five parking spaces). However, in order to realise the parking concept thus proposed the car stacker will need to be an independent type stacker such that each of the car parking spaces can be independently accessed (ie. do not rely on one vehicle being manually moved in order to access another). A condition is therefore required in this respect.

- 6.12.14 The proposal complies with the performance criterion.

6.13 E6.0 Parking and Access Code - E6.7.2 Design of Vehicular Accesses P1

- 6.13.1 The acceptable solution A1 at clause 6.7.2 requires vehicular accesses to be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.

- 6.13.2 The proposal includes a vehicular access that is not fully detailed to

comply with the standard referred to in the acceptable solution.

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

- 6.13.4 The performance criterion P1 at clause 6.7.2 provides as follows:

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

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

- 6.13.5 The Council's Development Engineer has endorsed the proposed vehicle access as compliant in terms of its location and width, and considers it feasible with regard to all other relevant aspects subject to a more detailed design. Pedestrian sight distances have been confirmed to have been satisfactorily addressed in the submitted Traffic Impact Assessment.

- 6.13.6 The proposal complies with the performance criterion.

6.14 E6.0 Parking and Access Code - E6.7.4 On-Site Turning P1

- 6.14.1 The acceptable solution A1 at clause 6.7.4 requires on site turning to be provided to enable vehicles to exit a site in a forward direction where the access serves no more than two dwelling units or meets a road carrying less than 6000 vehicles per day.

- 6.14.2 The proposal includes a parking design that does not fully address on site turning.

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

- 6.14.4 The performance criterion P1 at clause 6.7.4 provides as follows:

On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:

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

6.14.5 The Council's Development Engineer confirms that on-site turning is achievable for the development but is subject to a more detailed design.

6.14.6 The proposal complies with the performance criterion.

6.15 E6.0 Parking and Access Code - E6.7.5 Layout of Parking Areas P1

6.15.1 The acceptable solution A1 at clause 6.7.5 requires the layout of car parking spaces, access aisles, circulation roadways and ramps to be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.

6.15.2 The proposal includes a parking layout that is not fully detailed to comply with the standard referred to in the acceptable solution.

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

6.15.4 The performance criterion P1 at clause 6.7.5 provides as follows:

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

6.15.5 The Council's Development Engineer confirms that the proposed parking layout is compliant in many areas but its turning paths and transitions, whilst feasible in terms of acceptability, are subject to more detailed design to demonstrate compliance.

6.15.6 The proposal complies with the performance criterion.

6.16 E7.0 Stormwater Management Code - E7.7.1 Stormwater Drainage and Disposal P1

6.16.1 The acceptable solution A1 at clause 7.7.1 requires that stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.

6.16.2 The proposal includes the concept of disposal of stormwater by gravity to public stormwater infrastructure, without a detailed design.

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

6.16.4 The performance criterion P1 at clause 7.7.1 provides as follows:

Stormwater from new impervious surfaces must be managed by any of the following:

(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles

(b) collected for re-use on the site;

(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.

6.16.5 The Council's Development and Environmental Engineers have assessed this aspect of the proposal and confirm that the proposed concept is feasible and the concept design suggests drainage by gravity will be possible, although no invert levels or structure depths have been included at this stage hence the acceptable solution cannot be considered as met. A detailed design can however be conditioned for.

6.16.6 The proposal complies with the performance criterion.

6.17 E7.0 Stormwater Management Code - E7.7.1 Stormwater Drainage and Disposal - Treatment P2

6.17.1 The acceptable solution A2 at clause 7.7.1 requires that stormwater systems for new development must incorporate water sensitive urban design principles for the treatment and disposal of stormwater if either

a) the size of the new impervious area is more than 600m or b) new car parking is provided for more than 6 cars.

6.17.2 The proposal includes a concept for stormwater treatment.

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

6.17.4 The performance criterion P2 at clause 7.7.1 provides as follows:

A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.

6.17.5 The Council's Development and Environmental Engineers have assessed this aspect of the proposal and confirm that a conceptual treatment system and location has been included in the plans which is sufficient for planning approval, however detailed design will be required and can be conditioned for.

6.17.6 The proposal complies with the performance criterion.

6.18 E9.0 Attenuation Code - E9.7.2 Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm P1

6.18.1 There is no acceptable solution for the development for a sensitive use within the defined attenuation distance of a use with potential to cause environmental harm.

6.18.2 The proposal includes a new residential use within the 200m attenuation distance of late night music venues.

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

6.18.4 The performance criterion at clause E9.7.2 P1 provides as follows:

Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:

(a) the nature of the use with potential to cause environmental harm; including:

- (i) operational characteristics;
- (ii) scale and intensity;
- (iii) degree of hazard or pollution that may emitted from the activity;

(b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;

(c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions

- 6.18.5 This aspect of the development application has been considered by the Council's Environmental Development Planner, who provides the following assessment:

The Attenuation Code applies because development for 'sensitive use' (residential) is proposed within the attenuation distance of an activity listed in Table E9.1 of the Code. Part of the site is within 200m of a 'late night music venue' at 21-23 Salamanca Place ('Irish Murphy's'). The extent of the attenuation distance in relation to the site is shown in Figure 1 below.

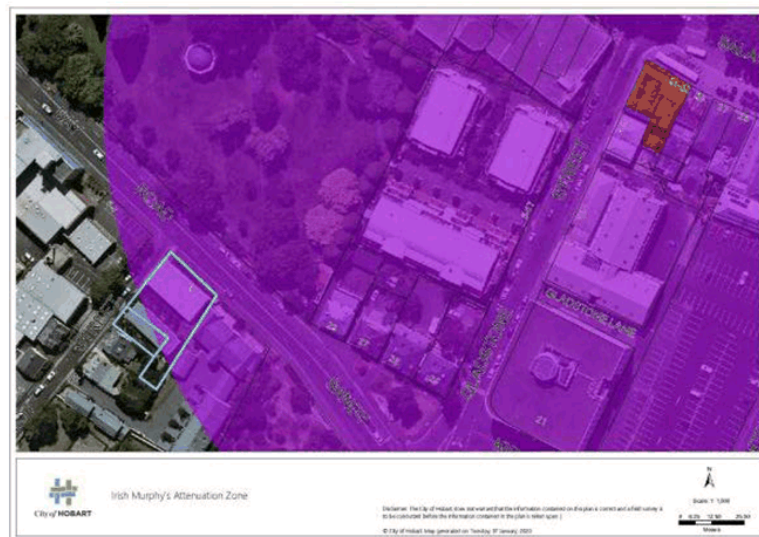


Figure 1: Extent of attenuation distance for Irish Murphy's

No Code exemptions apply.

The relevant standards are under clause E9.7.2 of the Code

(‘Development for Sensitive Use in Proximity to Use with Potential to cause Environmental Harm’).

There is no acceptable solution for A1.

Performance criterion P1 states the following:

Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:

(a) the nature of the use with potential to cause environmental harm; including:

- (i) operational characteristics;*
- (ii) scale and intensity;*
- (iii) degree of hazard or pollution that may emitted from the activity;*

(b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;

(c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions.

Irish Murphy's is a live music venue, with live music five nights a week (Wed-Sun). Performances generally conclude by 10.30pm on Wednesday and Thursday nights but later on Fridays and Saturdays. The venue is open until 3am on Fridays and Saturdays.

The minimum separation distance between the late night music venue and the proposed development site is approximately 173m.

No specific noise attenuation features have been specified for the proposed building in the submitted plans.

In my opinion it is not credible that the residents of the proposed dwellings could be subject to environmental harm from noise emanating from the late night music venue given:

- the music is performed inside the venue;*
- the separation distance would be 173m or more;*
- there are a number of screening buildings between the two sites;*
and
- the high background noise levels in the area, particularly traffic*

noise on Sandy Bay Road.

The proposal is considered compliant with the performance criterion.

6.18.6 The proposal complies with the performance criterion.

6.19 E13.0 Historic Heritage Code - E13.10 Development Standards for Places of Archaeological Potential - *E13.10.1 Building, Works and Demolition P1*

6.19.1 The acceptable solution at clause E13.10.1 A1 requires there to be no excavation or ground disturbance for any proposed building or works, including demolition.

6.19.2 The proposal includes excavation and ground disturbance for the proposed development.

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

6.19.4 The performance criterion at clause E13.10.1 P1 provides as follows:

Buildings, works and demolition must not unnecessarily impact on archaeological resources at places of archaeological potential, having regard to:

(a) the nature of the archaeological evidence, either known or predicted;

(b) measures proposed to investigate the archaeological evidence to confirm predictive statements of potential;

(c) strategies to avoid, minimise and/or control impacts arising from building, works and demolition;

(d) where it is demonstrated there is no prudent and feasible alternative to impacts arising from building, works and demolition, measures proposed to realise both the research potential in the archaeological evidence and a meaningful public benefit from any archaeological investigation;

(e) measures proposed to preserve significant archaeological evidence 'in situ'.

6.19.5 This aspect of the development application has been considered by the

Council's Cultural Heritage Officer, who provides the following assessment:

This application relates to a pair of residential three and two storey blocks located one behind the other facing onto Sandy Bay Road. The building to the front is a heavily modified terrace dating from as far back as the mid 19th Century, whilst the second is a later structure added in the 1950's at the same time as the substantial alterations were undertaken to the front structure.

The site forms part of the established inner residential and mixed use area set between Sandy Bay Road and Hampden Road. The site falls within the area identified as being of Archaeological Potential. In addition, although the circumstances regarding referral are unusual in that only a small section of the wider plot to the rear is designated as standing within the Hampden Road Heritage Precinct and similarly, a small section of a much larger substantial sandstone wall also shares a common boundary and appears to fall just within the site. As such, these small elements of Heritage Designation have therefore triggered additional consideration under the heritage provisions of the Hobart Interim Planning Scheme 2015. However, it is noted that Heritage Considerations can only be applied to those parts of the plot covered by these designations.

The proposal seeks approval for the demolition of the residential blocks and the erection of multi-storey blocks for use as Residential accommodation, reaching heights of 19.3 to the Sandy Bay Road frontage, 16 m and 12.9 m at its lowest point. One small element of the site falls within the Hampden Road Heritage Precinct. This small element is located to the rear of the site and is not shown for development save for the inclusion of area as part of the associated outdoor space.

This precinct is significant for reasons including:

- 1. The quality and quantity of Colonial and Victorian/Federation period housing stock represent the economic boom period of the early to late nineteenth/early twentieth centuries.*
- 2. A large number of individual buildings are intact examples of early to late nineteenth/early twentieth century architecture of high quality, many with landmark qualities.*
- 3. The section of continuous two and three-storey early to late Victorian facades constructed from a variety of materials and located along an eastern section of Bathurst Street create a*

distinctive visual impression and outstanding streetscape qualities.

4. *The section of continuous single-storey Colonial/Victorian Georgian residences constructed from brick and sandstone and located along a western section of Bathurst Street, create a distinctive visual impression and strong streetscape.*
5. *The small number of intact nineteenth/early twentieth century industrial structures located along Harrington Street are physical and working reminders of early Hobart industry.*
6. *The social significance of sections of streetscape and individual items to the local and broader community.*

The proposed development does not seek the demolition or erection of any structure within the small rear part of the site that falls within the Heritage Precinct. Whilst views into and out of the Precinct would be extremely affected, this is not a heritage consideration under the HIPS. As such, it is considered that the proposal would have no impact upon the characteristics of those areas of land within the Heritage Precinct.

With regard to the potential impact of the proposal upon the small section of Heritage Listed Sandstone wall, it is noted that the building and all associated servicing would be set off from the boundary, and as such, the proposal would not have any direct impact upon the wall itself.

With regard to the issue of Archaeological Potential, a Statement of Archaeological Potential has been produced by a recognised Historical Archaeologist & Heritage Consultant in support of the application. The report is considered to follow correct established research methodology and provides a detailed examination of the development of the site. It sets out the degree to which the site remained largely free of significant development until the erection of the Victorian Terrace and that the later alterations and erection of secondary block removed any potential for archaeological finds of any significance. Given the above, it is therefore considered that the site does not require the provision of conditions requiring the monitoring for archaeological finds prior or during the construction phase.

It is therefore considered that the proposals would not result in detriment to the historic cultural heritage significance of the site and is considered acceptable when measured against the performance criteria of HIPS 2015.

- 6.19.6 The officer's report is provided as an Attachment to this report.

6.19.7 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for demolition and new building for 28 multiple dwellings and associated works within adjacent road reserve.
- 7.2 The application was advertised and received 209 representations. Many of these representations included the same content and it is understood many were the result of individuals prompted by way of a mailing list. The representations raised concerns regarding the height, scale, design and finish of the proposed development, as well as its impact upon the local streetscape, local heritage and surrounding properties, including St Davids Park across Sandy Bay Road. Concerns were raised around traffic impacts and insufficient car and bicycle parking. The representations also raised concern about the social impact of the displacement of current residents of the existing building on the site. Several representations attempted to mount an argument against the application based on its timing and the current impacts caused by the COVID-19 pandemic. This is clearly not a planning scheme consideration.
- 7.3 Many of the representations concerned with height demanded that any development on the site be restricted to the 14m height limit for the zone as per the recommendations of Leigh Woolley in his Building Height Standards Review prepared for Council. It is unclear as to why so many representors mistakenly understood this recommendation to have been 14m. This figure was not recommended by Leigh Woolley, and 14m has never been referred to. In his report, the subject site falls into the fringe of a zone where he recommended a height of 18m. Coming out of the review however and upon consideration by Council officers, 15m was then recommended as an appropriate maximum height for the Urban Mixed Use Zone applying to the subject site. It should be noted however that Council has not endorsed any of the building height recommendations following on from the Leigh Woolley review nor initiated any planning scheme amendments in response. As such, none of the recommendations of the review or by officers have any bearing on the assessment of the current proposal.
- 7.4 Height is a worthy consideration and as expected is the most common concern raised in the representations. The proposal clearly in part exceeds the maximum acceptable height, and almost doubles this figure at its highest point. However the proposal incorporates measures to reduce its apparent height and immediate impacts upon adjacent and nearby properties, as well as the local area. When considered against the relevant standards of the *Hobart Interim*

Planning Scheme 2015 with regard to height, the proposal is deemed to represent a reasonable departure from the acceptable solutions and its height is supportable when tested against corresponding performance criteria, interpreted in line with the direction of the Resource Management and Planning Appeal Tribunal in their consideration of the previous, unsuccessful application for this site. The proposed development is a superior proposal than the one previously considered for the site. The proposal is considered to be compatible with the scale of nearby buildings and allows for an adequate transition with adjoining buildings. It is considered to be a high quality design that is not significantly or unreasonably higher than surrounding buildings.

- 7.5 The current proposal was considered in detail by the Council's Urban Design Advisory Panel at its meeting of 9 April 2020. Despite a number of concerns raised by the panel in response to the earlier, taller version of this application, the panel expressed a much more positive view of the revised design, noting that previous comments made, primarily with regard to height had been addressed in the redesigned building. The panel also noted changes to private open space provision and changes to landscaping within the site and also on Sandy Bay Road and Wilmot Street frontages.
- 7.6 The Urban Design Advisory Panel considered the relationship and transition of the proposal to the City Centre and the adjacent historic residential character of the area. Members discussed the view from Sandy Bay Road and whether a fence could be incorporated as a formal delineation between public and private land and preserve open space for ground level apartments here. Materials were discussed and the panel was informed that the black panels would have a textures or matt surface of high quality and not a coloured off form concrete finish.
- 7.7 The Panel acknowledged that the extensive glazing of the uppermost floor of the building may reduce the overall perceived height of the building. There was some uneasiness from the Panel regarding the overhang on the upper level, however it was acknowledged that this element could add interest and character to the streetscape, particularly at nighttime.
- 7.8 The proposed areas of landscaping were acknowledged by the Panel as highly important, given the current value landscaping has, particularly in Wilmot Street. It was noted that the proponent has already engaged a landscape architect. The Panel considered the proposed relocation of the existing birch trees for reuse within the proposed development as central to the successful integration and transitioning of the new development into the existing streetscapes of Sandy Bay Road and Wilmot Street, primarily to reinforce the residential character of the immediate area. To this end, the Panel encouraged the pursuit of further opportunities for additional hard and soft landscaping in Wilmot Street around

the main entry and by extending the Level 3 landscaping over the adjacent facade.

- 7.9 The Urban Design Advisory Panel also noted that whilst there was provision for bicycle storage within the development, the fine detail of this could be made clearer to demonstrate the security and accessibility of the feature.
- 7.10 The Panel concluded that the reduced scale of the current proposal is appropriate from an urban design perspective and that in particular its transition in height to nearby residential properties is reasonably consistent with the relevant urban design elements of the Planning Scheme. The Panel advised that more consideration of landscaping should be carried out and that a condition of any planning approval include the submission of an amended landscaping plan to address matters raised.
- 7.11 The proposal is supported by a Traffic Impact Assessment prepared by a qualified and experienced traffic engineer. It is recognised that the site is in close proximity to the Hobart CBD, and that the provision of fewer car parking spaces than would otherwise be required under the Planning Scheme is acceptable.
- 7.12 While the need to use multiple car stackers within the proposed car parking areas may be considered less than ideal, it can lead to a more efficient use of space. Concerns raised with regard to the noise of the use of the car stackers are not without merit but in this instance are considered to be misapplied, as given these stackers will be largely enclosed and mostly located below ground level, the noise and vibration levels caused by their operation would be somewhat mitigated. There is a general acceptance that car stackers located in underground car parks are less likely to present a noise issue to surrounding properties. In addition, prevention of noise transmission into the levels above the car park would likely be a priority in design given the residential nature of the development. It is noted that in addition to fully or partially enclosing a car park, there are multiple other measures available with regard to reducing noise emissions resulting from the use of car stackers. These include the use of quieter stackers, placing solid walls adjacent to stackers, and the use of materials with good sound absorption properties.
- 7.13 Given that the site is not heritage listed and that the proposed development would not be located within a heritage precinct, there is no mechanism in the planning scheme that considers the heritage impact of the proposal beyond that of potential archaeological impacts, and this has been adequately addressed in the proposal. In addition, whilst concerns were raised regarding the proposal's impact upon St David's Park across Sandy Bay Road, there is little argument to support this, as aside from being a taller building and potentially being more

visible through the established trees around the Sandy Bay Road edge of the park, the development would have arguably no direct impact upon this area of public open space. Further to this, there are no additional scheme protections governing the development in terms of potential impact in this regard.

- 7.14 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to comply.
- 7.15 The proposal has been assessed by other Council officers, including the Council's Development, Roads and Traffic Engineers, Cultural Heritage Officer, and its Environmental Development Planner. The officers have raised no objection to the proposal, subject to conditions.
- 7.16 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Demolition and New Building for 28 Multiple Dwellings and Associated Works within Adjacent Road Reserve at 9 Sandy Bay Road, Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Demolition and New Building for 28 Multiple Dwellings and Associated Works within Adjacent Road Reserve at 9 Sandy Bay Road, 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-19-641 - 9 SANDY BAY ROAD HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Demolition and New Building for 28 Multiple Dwellings and Associated Works within Adjacent Road Reserve at 9 Sandy Bay Road, 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-19-641 - 9 SANDY BAY ROAD HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Amended Submission to Planning Authority Notice, Reference No. TWDA2019/01572-HCC dated 09/04/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15

A demolition waste management plan must be implemented throughout demolition.

A demolition waste management plan must be submitted and approved, prior to commencement of work on the site. The demolition waste management plan must include provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

All work required by this condition must be undertaken in accordance with the approved demolition waste management plan.

Advice:

Once the demolition waste management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

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 can also be found on the Council's [website](#).

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

PLN s1

An amended Landscaping Plan prepared by a suitably qualified person for the landscaped spaces, private open space areas and other areas of planting around the site must be submitted and approved by the Council's Director City Planning prior to the issue of any consent under the *Building Act 2016*, excluding for demolition and excavation.

The Landscaping Plan must include (in addition to that already proposed):

- 1. More consideration to the provision and nature of additional landscaping in Wilmot Street to reinforce a transition to that street's residential scale and character - further opportunities should be pursued for additional hard and soft landscaping in Wilmot Street around the main entry and by extending the Level 3 landscaping over the adjacent façade.**
- 2. More consideration to the provision of private open space for the ground level apartments on Sandy Bay Road.**

All trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Director City Planning prior to commencement of use.

The trees and landscaping must be maintained, and replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost.

Confirmation by the person who prepared the landscaping plan that the landscaping has been completed in accordance with the approved landscaping plan must be submitted to the Council to the satisfaction of the Director City Planning, prior to commencement of use. Once this has been received, and all trees shown on the approved Landscaping Plan have been planted in accordance with the approved plan to the satisfaction of the Council's Director City Planning, the Council will issue a statement confirming satisfactory planting of all trees and landscaping.

Reason for condition

To ensure that the development achieves a high standard of public amenity and to ensure appropriate landscaping close to the property boundary.

PLN s2

The exterior of the building must be finished to a high quality standard, substantially in accordance with that shown on the approved plans, and prior to first use.

Full details of all external materials must be submitted and approved, prior to construction works occurring (excluding construction works for demolition and excavation of the site), in accordance with the above requirement and to the satisfaction of the Council's Directory City Planning.

The documentation must:

1. Detail each external material, its form and finish, as well as detailing its longevity and maintainability, to satisfy the above requirement.

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

Advice:

- Once the documentation has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).
- Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition

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

Reason for condition

To ensure the building is finished to a high standard ensuring a positive contribution to the streetscape and townscape.

ENG 12

A construction waste management plan must be implemented throughout construction.

A construction waste management plan must be submitted and approved, prior to commencement of work on the site. The construction waste management plan must include:

- **Provisions for commercial waste services for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development (refer also condition ENG 13 below); and**
- **Provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement (refer also to condition PLN 15 above).**

All work required by this condition must be undertaken in accordance with the approved construction waste management plan.

Advice: Once the construction waste management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

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 can also be found on the Council's [website](#).

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

ENG sw2.1

A pre-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any drainage structures to be connected to or modified, must be submitted to Council prior to the commencement of work.

The post-construction CCTV recording and photos will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with pre-construction CCTV recording then any damage to Council's infrastructure identified in the post-construction CCTV recording will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG sw4

The development (including hardstand) must be drained to Council infrastructure with sufficient receiving capacity. The new stormwater connection must be constructed and all existing kerb connections to be abandoned must be removed and reinstated by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work or issue of any consent under the Building Act (whichever occurs first but excluding for demolition and excavation). The detailed engineering drawings must include:

- 1. the location of the proposed connection.**
- 2. the size and design of the connection appropriate to satisfy the needs of the development.**
- 3. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure. Connections must be free-flowing gravity.**

All work required by this condition must be undertaken in accordance with

the approved detailed engineering drawings.

Advice: The applicant is advised to submit detailed design drawings via a Council City Amenity Division [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Amenity Division.

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

Reason for condition

To ensure the site is drained adequately.

ENG sw5

The new stormwater manhole must be constructed prior to the commencement of the use.

Engineering drawings must be submitted and approved, prior to commencement of work or issue of any consent under the Building Act (whichever occurs first but excluding for demolition or excavation). The engineering drawings must:

1. **Be certified by a qualified and experienced civil engineer**
2. **Be substantially in accordance with LGAT Drawings (TSD-SW02-v1, TSD-SW03-v1).**
3. **Be designed to suit the profile of the existing DN300 stormwater main.**
4. **A post-construction photos of the Council's new stormwater manhole as part of the development, must be submitted to council upon completion of work.**

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

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

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

All stormwater 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 discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation. All costs associated with works required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage and connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work (excluding for demolition and excavation). The design drawings and calculations must:

- 1. prepared by a suitably qualified person; and**
- 2. include long section(s)/levels and grades to the point of discharge.**

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

Advice: The applicant is advised to submit detailed design drawings and calculations as part of their Plumbing Permit Application. If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to obtain a plumbing permit for the works.

Reason for condition

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

ENG sw8

Stormwater pre- treatment and detention for stormwater discharges from the

development must be installed prior to issue of a Certificate of Completion.

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the Building Act 2016 or commencement of work (whichever occurs first but excluding for demolition or excavation). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, including final estimations of contaminant removal.
3. Include detailed design and supporting calculations of the detention tank, sized such that there is no increase in flows from the developed site up to 5% AEP storm events and such that flows are limited to the receiving capacity of the infrastructure. All assumptions must be clearly stated.
4. Include design drawings of the detention tank showing the layout, the inlet and outlet (including long section), the overflow mechanism.
5. Clarification of the emptying times and outlet size.
6. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice: Once the stormwater management report and design has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG 13

An ongoing waste management plan for all domestic waste and recycling must be implemented post construction.

A waste management plan must be submitted and approved, prior to any approval under the *Building Act 2016* (excluding for demolition and excavation). The waste management plan must:

- 1. Include provisions for commercial waste services for the handling, storage, transport and disposal of domestic waste and recycle bins from the development.**
- 2. Demonstrate that all commercial domestic waste collection processes can be undertaken wholly within the boundaries of the property.**

All work required by this condition must be undertaken in accordance with the approved waste management plan.

Advice:

- Once the waste management plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- The Council will not permit roadside bin collection from the Wilmot Street highway reservation for the proposed development.*

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to commencement work (including demolition). The construction traffic and parking management plan must:

1. **Be prepared by a suitably qualified person.**
2. **Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.**
3. **Include a start date and finish dates of various stages of works.**
4. **Include times that trucks and other traffic associated with the works will be allowed to operate.**
5. **Nominate a superintendant, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.**

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

Advice: Once the construction traffic and parking management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 3a

The access driveway, ramps and parking module (parking spaces, aisles, manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

Advice:

- *It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces, as failure to do so may result in difficulty complying with this condition.*

Reason for condition

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

ENG 3b

The access driveway, ramps and parking module (parking spaces, aisles and manoeuvring area) design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* (excluding for demolition and excavation).

The access driveway, ramps and parking module (parking spaces, aisles and manoeuvring area) design must:

1. Be prepared and certified by a suitably qualified engineer.
2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004.
3. Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use.
4. Show dimensions, levels, gradients & transitions, and other details as Council deem necessary to satisfy the above requirement.

Advice:

- *It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*
- *Once the design has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

ENG 3c

The access driveway, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the commencement of use, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be lodged with Council.

Advice:

- *Certification may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement)*

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 7

The number of car parking spaces approved for the development is twenty-two (22). Each car parking space must be allocated to an individual apartment, and the minimum number of apartments allocated a car parking space(s) is eighteen (18).

Plans and specifications must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* (excluding for demolition and excavation). The plans and specifications must:

1. **Show the layout of the car parking for the 22 spaces in accordance with the Australian Standards AS/NZS 2890.1 2004, to satisfy the above requirement.**
2. **Demonstrate that each of the car parking spaces can be independently accessed as appropriate (refer Condition ENG 9).**
3. **Include line-marking details with the car parking spaces delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004.**
4. **Include signage details with a sign for each car parking space that clearly displays the apartment number the space is allocated to.**
5. **Include signage details with a sign, approved by Council, and in accordance with Australian Standards AS/NZS1742.11:2016 at the entry of the basement parking access to indicate the parking area is a private car park for residents only.**

All work required by this condition must be undertaken in accordance with the approved plans and specifications prior to the first occupation.

Advice:

- *Once the drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure safe and efficient parking adequate to provided for the use.

ENG 8

The use of the car parking spaces is restricted to User Class 1A (residential, domestic) in accordance with Australian Standards AS/NZS2890.1 2004 Table 1.1.

A sign, approved by council, and in accordance with Australian Standards AS/NZS1742.11:2016, must be erected at the entry of the parking access to indicate the parking area is for residents only prior to first occupation.

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 9

The car parking stackers must be fitted and operating on the site prior to the first occupation. The car parking stackers must:

- **Provide independent access to each space where the stacker is shared between more than one apartment.**

Reason for condition

To clarify the scope of the permit and to ensure safe and efficient parking adequate to provided for the use

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.**

This must be done within 30 days of the completion of the development or any demand from Council (whichever occurs first). Any damage must be reported immediately to 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.

Advice: An infrastructure protection bond will be taken by Council for the works associated with this permit and returned upon satisfactory reinstatement and repair of public infrastructure.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG r1

The excavation and/or earth-retaining structures and/or footings within or supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates and associated geotechnical assessments of the retaining walls supporting the Wilmot Street and Sandy Bay Road highway reservation must be submitted and approved, prior to the commencement of work and must:

1. **Be prepared and certified by a suitable qualified person and experienced engineer.**
2. **Not undermine the stability of the highway reservation.**
3. **Be designed in accordance with AS4678, with a design life in accordance with table 3.1 typical application major public infrastructure works.**
4. **Take into account any additional surcharge loadings as required by relevant Australian Standards.**
5. **Take into account and reference accordingly any Geotechnical findings.**
6. **Detail any mitigation measures required.**
7. **Detail the design and location of the footing adjacent to the highway reservation.**
8. **The structure certificated and/or drawings should note accordingly the above.**

All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.

Advice:

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

building approval may result in unexpected delays.

Reason for condition

To ensure that the stability and integrity of the Council's highway reservation is not compromised by the development.

ENGR 3

Prior to the commencement of use, the proposed driveway crossover Wilmot Street highway reservation must be designed and constructed in accordance with:

- Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing.
- Footpath - Urban Roads Footpaths TSD-R11-v1.

Design drawings must be submitted and approved prior to the issue of a building permit (excluding for demolition and excavation). The design drawing must:

1. Show the cross and long section of the Wilmot Road footpath and driveway within the highway reservation and onto the property.
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover.
3. The existing footpath and kerb and channel along the full length of the Wilmot Street frontage must be removed and reconstructed with all redundant stormwater connections removed.
4. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template)
5. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside.
6. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
7. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *A permit to construct public infrastructure will be required for the works to satisfy this condition.*
- *A Traffic Management Permit will be required for the works including footpath closure*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

ENV 2

An approved Demolition and Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Demolition and Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*.

The plan must include, but is not limited to, the following:

1. **Details of the proposed construction methodology and expected likely timeframes.**
2. **The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site).**
3. **Details of potential environmental impacts associated with the development works including noise, vibration, erosion and pollution (air, land and water).**
4. **Details of proposed measures to avoid or mitigate to acceptable levels all identified potential environmental impacts during development works including, but not limited to:**
 - a. **A noise and vibration management plan including:**
 - i. **identification of potentially noisy or vibration-causing construction activities;**
 - ii. **procedures to ensure that all reasonable and feasible noise and**

vibration mitigation measures are applied during operation of the management plan; and

iii. details of neighbor consultation, complaint handling and response, monitoring measures and triggers for corrective actions.

b. A soil and water management plan including:

i. measures to minimise erosion and the discharge of contaminated stormwater off-site;

ii. measures to minimise dust emissions from the site;

iii. measures to manage the disposal of surface and groundwater from excavations; and

iv. measures to prevent soil and debris being carried onto the street.

5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

The approved Demolition and Construction Environmental Management Plan forms part of this permit and must be complied with.

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

Reason for condition

To minimise the potential for environmental impacts from the construction works

ADVICE

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

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

BUILDING PERMIT

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

This is a Discretionary Planning Permit issued in accordance with section 57 of

the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require a road closure permit for construction or special event. Click [here](#) for more information.

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

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure. (please contact the Hobart City Council's City Amenity Division to initiate the permit process).

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Amenity Division to initiate the application process for your [new stormwater connection](#).

BICYCLE PARKING

You are encouraged to consider in greater detail the provision of increased bicycle parking and security facilities for the occupants of the property.

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.

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the

Council's infrastructure. For information regarding appropriate designs please contact the Council's City Amenity Division.

WORK WITHIN THE HIGHWAY RESERVATION

Please note 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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private

contractor, subject to Council approval of the design. Click [here](#) for more information.

STORM WATER / ROADS / ACCESS

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

TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

NOISE REGULATIONS

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

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.



(Cameron Sherriff)

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: 11 May 2020

Attachments:

Attachment B - CPC Agenda Documents

Attachment C - UDAP Meeting Minutes

Attachment D - Taswater SPAN

Attachment E - Referral Officer Reports (Heritage and Development Engineering)

9.4 654A Sandy Bay Road, Sandy Bay - Partial Demolition, Alterations and Extension
PLN-20-122 - File Ref: F20/49901

Application Expiry Date: 25 May 2020

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and extension at 654A Sandy Bay Road, Sandy Bay 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-20-122 - 654A SANDY BAY ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

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 3a

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

Advice:

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

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site is two (2).

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

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.

ENG r3

Prior to the commencement of use, the proposed driveway crossover in the highway reservation must be designed and constructed generally in accordance with:

Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing.

Design drawings must be submitted and approved prior to any approval under the *Building Act 2016*. The design drawing must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover and how these will be relocated if necessary.
3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings.
4. Show swept path templates in accordance with AS/NZS 2890.1 2004 (B85 or B99 depending on use, design template).
5. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside.

6. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
7. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

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

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

Where the Infrastructure By-law applies a permit will be required to undertake works within the highway reservation. Please ensure you have approved design drawings prior to applying for a Road Opening Permit.

Reason for condition

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

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.

CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

Up to \$20,000: \$150 per application.

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require a road closure permit for construction or special event. Click [here](#) for more information.

As your proposal involves a new crossover you will require a permit to open up the road and undertake works under the Infrastructure By-Law.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

STORMWATER

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

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

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

PRIVATE COVENANTS

Please be advised that this property is subject to covenants contained within the schedule of easements.

The approved development may require consent and/or a modification to the covenant to ensure it is undertaken lawfully. You must not act on this planning permit until you have obtained any necessary consent or modification to the covenant which is required for the approved development.

If you proceed with the development inconsistent with the terms of the covenant, the parties with the benefit of the covenant may be entitled to make an application in the Courts to restrain a breach. The grant of this planning permit does not constitute a waiver, modification or release of the terms of the covenant nor approval under the terms of the covenant to undertake the proposed development.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. A permit is required for works on Council land. The by-law is available [here](#).

WEED CONTROL

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

WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

NOISE REGULATIONS

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

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-20-122 - 654A SANDY BAY ROAD SANDY BAY TAS 7005 - Council Report
Attachment B	PLN-20-122 - 654A SANDY BAY ROAD SANDY BAY TAS 7005 - Council Agenda Documents (Supporting Information)

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Council: 25 May 2020
Expiry Date: 25 May 2020
Application No: PLN-20-122
Address: 654 A SANDY BAY ROAD , SANDY BAY
Applicant: (JMG OBO Mrs Sheila Barrett)
117 Harrington Street
Proposal: Partial Demolition, Alterations and Extension
Representations: Ten
Performance criteria: Low Density Residential Zone, Road and Railway Assets Code, Parking and Access Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 654A Sandy Bay Road, Sandy Bay.
- 1.2 More specifically the proposal includes:
- Internal demolition and alterations to the lower floor of the existing dwelling with an increase in the size of the existing garage, removal of the kitchen and living room, addition of two bedrooms, office, gym, and sauna.
 - Demolition, alterations and extension to the upper floor of the existing dwelling with an additional 175m² of gross floor area including kitchen, lounge, dining, and living living rooms.
 - Construction of a new upper floor roofed deck along north east elevation which will project beyond lower floor footprint.
 - Installation of a new stairwell and internal lift between lower and first floor.
 - Construction of new roofed storage space and unroofed car parking space along the south west elevation between existing dwelling and the boundary with 654 Sandy Bay Road.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Low Density Residential Zone Development Standards - Building Envelope, Site Coverage, Privacy
 - 1.3.2 Road and Railway Access Code - Number of Accesses
 - 1.3.3 Parking and Access Code - Number of Access, Design of Accesses
- 1.4 Ten (10) representations objecting to the proposal were received within the statutory advertising period between 21/04/20 - 05/05/20.
- 1.5 The proposal is recommended for approval.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

- 2.1 The subject site is located at 654A Sandy Bay Road, Sandy Bay and comprises a single title lot approximately 634m² in size. The site presently contains a large partly two storey dwelling. Vehicular access to the site is via an unnamed roadway off Sandy Bay Road which also provides access to the neighbouring dwellings at 650, 654B and 654 Sandy Bay Road and the adjacent Council Reserve along the River Derwent foreshore. The surrounding area is characterised predominately by large single dwelling residential uses. The site is also in close proximity to the Alexandra Battery Park to the west and Blinking Billy Point to the east which forms part of the greater River Derwent foreshore reserve.



Figure 1: Aerial image of the subject site (bordered in blue) and surrounding area.

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations and Extension at 654A Sandy Bay Road, Sandy Bay.

3.2 More specifically the proposal is for:

- Internal demolition and alterations to the lower floor of the existing dwelling with an increase in size of the existing garage, removal of the kitchen and living room, addition of two bedrooms, office, gym, and sauna.
- Demolition, alterations and extension to the upper floor of the existing dwelling with an additional 175m² of gross floor area including kitchen, lounge, dining, and living rooms.
- Construction of a new upper floor roofed deck along north east elevation which will project beyond lower floor footprint.
- Installation of a new stairwell and internal lift between lower and first floor.
- Construction of new roofed storage space and unroofed car parking space between along south west elevation between existing dwelling and the boundary with 654 Sandy Bay Road.

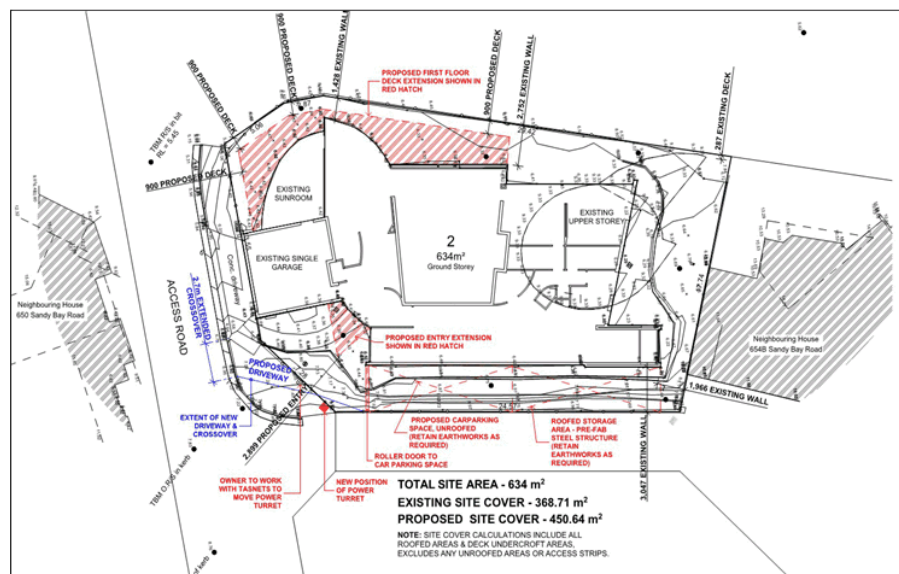


Figure 2: Site plan illustrating proposed alterations and extension.

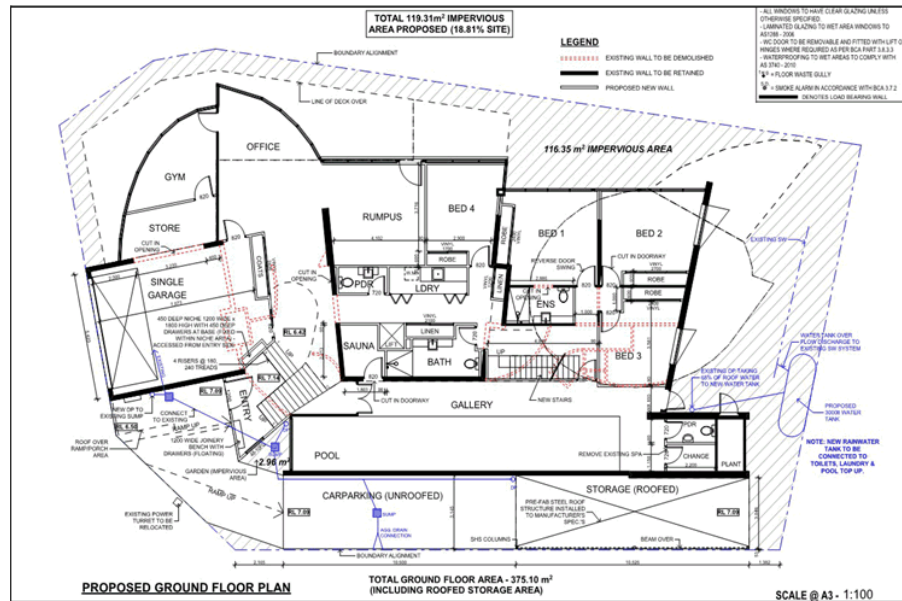


Figure 3: Proposed ground floor plan.

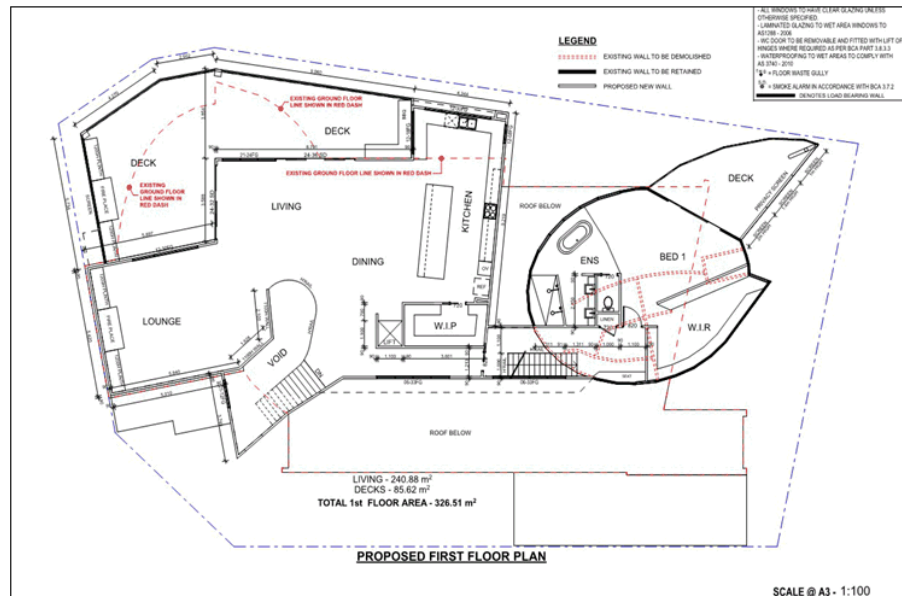


Figure 4: Proposed first floor plan.

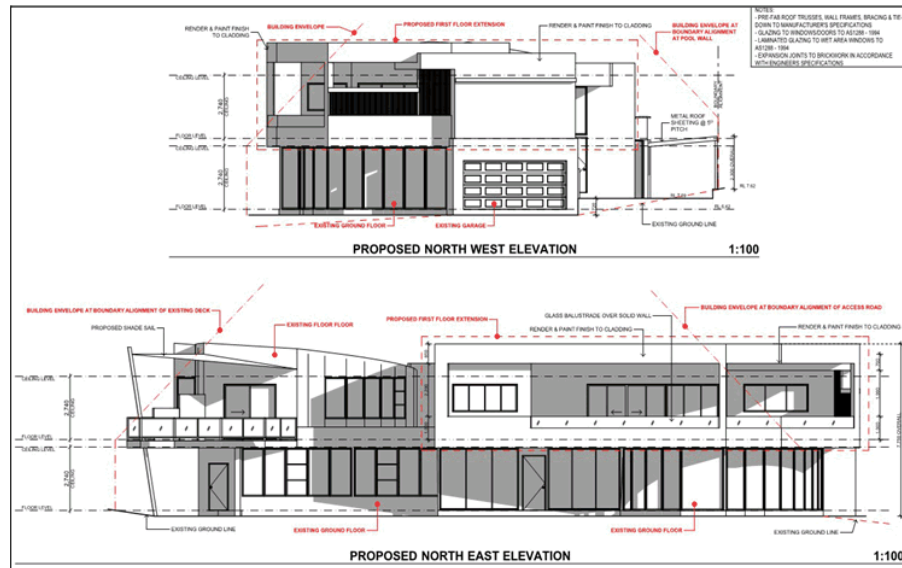


Figure 5: North West and North East elevations of proposed alterations and extension to dwelling.

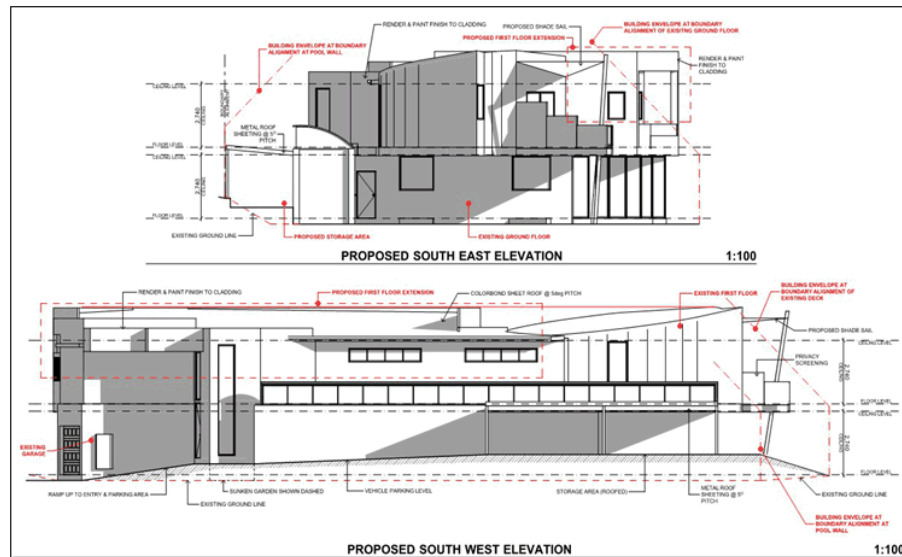


Figure 6: South East and North West elevations of proposed alterations and extension to dwelling.

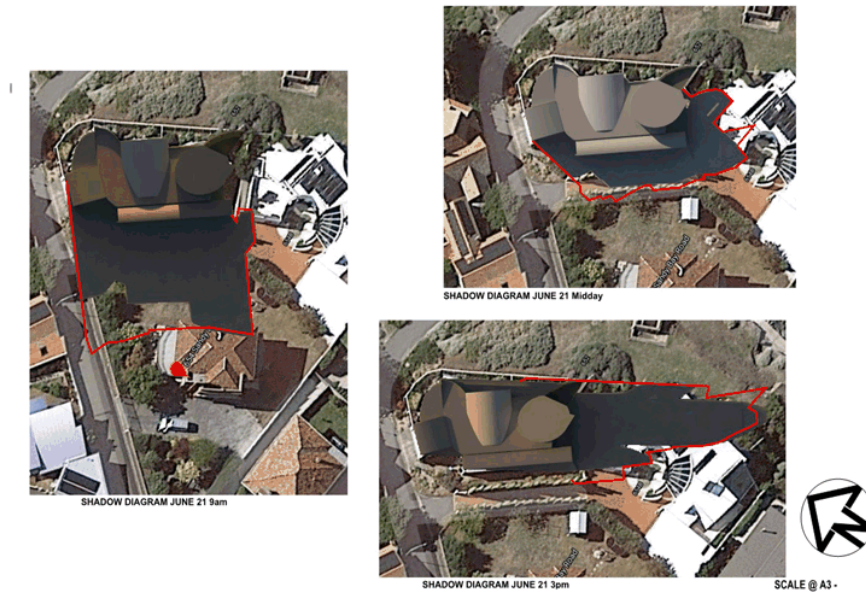


Figure 7: Shadow diagrams of existing dwelling (in grey) with shadows from proposed alterations and extension (in red).

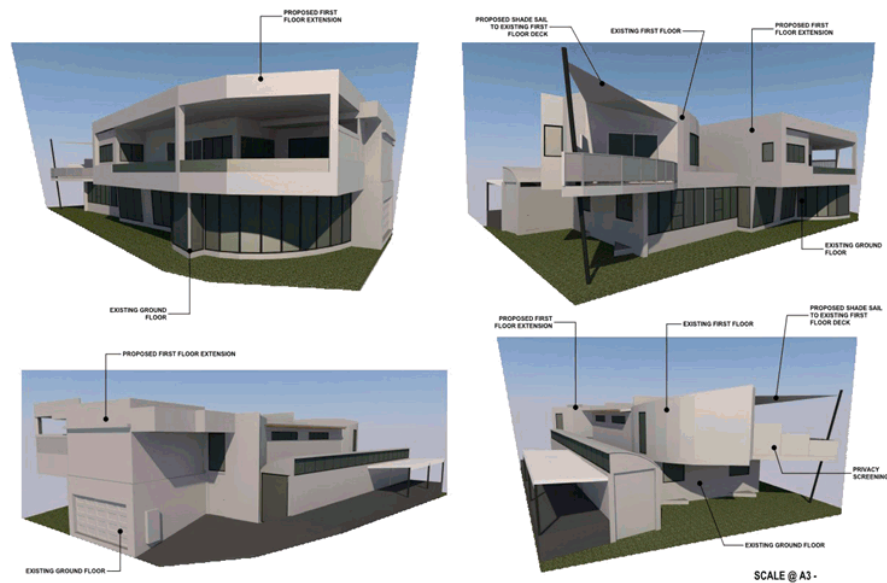


Figure 8: 3D Perspectives of dwelling with proposed alterations and extension.

4. Background

4.1 There is no relevant background for this application.

5. Concerns raised by representors

- 5.1 Ten (10) representations objecting to the proposal were received within the statutory advertising period between 21/04/20 - 05/05/20.
- 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.

<i>Loss of view</i>
<ul style="list-style-type: none"> We will lose a section of our view from our residence if the planned development proceeds. The second storey will change our northern outlook
<i>Building Form and Pattern of Development</i>
<ul style="list-style-type: none"> The original development on this site was inappropriate but to add to the mass of that building is offensive Properties nearby follow an incline and respect the neighbourhood character. Clearly the proposed development does not do this The proposed large extension to the property will undoubtedly be an imposing visual blot to what is an open natural space The proposed large extension, with virtually a new second storey, taking up more of the Lot, will provide unreasonable loss of public amenity due to the visual impacts caused by the large bulk and proportion of the dwelling The proposed development would result in a massive and unreasonably intrusive structure at a location of particular significance and public interest in Hobart Represents an exponential expansion of the existing residential structure that would impact negatively on public amenity Apparent scale, bulk, massing and proportion of the proposed development is inconsistent with adjoining and adjacent dwellings The proponent seeks to dominate the visual landscape, abutting the public reserve, with a greatly expanded, monolithic and uncompromisingly bulky structure. The two-storey structure would be setback from the public reserve by less than a metre. This would have the effect of exacerbating the development's negative visual impact. It would be out of character with the existing pattern of development

•	This large and bulky design pays little regard to streetscape qualities or the requirement for the design to integrate with the streetscape
•	The visual impact, especially the North Western elevation, impacts the amenity of the lane it adjoins
•	Main concern is the 'deck' on the North West boundary and the proposed first floor extension on the lane. This would affect the amenity of the lane with its overbearing visual bulk,
•	The deck's facades' apparent scale, mass and visual bulk gives it a substantial homogeneity with the building, creating a larger, more confronting appearance than just a simple deck
•	The visual impact of the development will not enhance the area and since it is used for recreation by so many, there needs to be respect for the natural and conservation values of the land, mitigating any visual impact on public views
•	Extended length of the proposed upper level – and overall height along its full length - would stand imposingly above the modest incline of landscaped public space
•	Development will be blatantly out of character with the houses with which it can be viewed from and well frequented public open space. The dwelling has an appearance of a commercial building, harsh and obtrusive
•	The proposed development would be out of character with the pattern of the area once the public interest is acknowledged along with whatever interests apply to the owners of adjoining properties.
•	Proposal does not consider the implications of relative location – public interest considerations will differ for a property facing the main Sandy Bay Rd from one situated at clifftop or one close to sea level abutting the public reserve with minimal setback. Neither does the opinion adequately take account of perspective – for example, the established dwelling at 654B also overlooks the public reserve whose visual impact is mitigated somewhat by the height of the house relative to the reserve walkway. Similarly, the heritage-listed Sentosa mitigates its visual impact in two relevant ways. First, its boundary from the foreshore walkway is set back and slightly higher. Second, the dwelling itself is well set back from its estuary-facing boundary fence
•	The entire waterfront of the Derwent River should be treated with respect and humility for all the community, and not tailored to individual wants.
<i>Overshadowing</i>	

<ul style="list-style-type: none"> • Would contribute significantly to overshadowing on adjacent properties, including a reduction of sunlight over the private yard
<i>Site Coverage</i>
<ul style="list-style-type: none"> • Lot originally had and still has a disproportionate ratio of building to green space which in this public scape, is incongruous • Proposal removes areas of existing native landscaping between the house and the foreshore reserve and retains very little land for planting of gardens and landscaping • By increasing the structure's site cover from 58% to 71%, the proposal would massively exceed the planning scheme's requirement of 25% and constitute a gross over-development. From a public interest perspective, this would be starkly out of character with the pattern of development elsewhere in the area and result in a loss of landscape values • This consultant's opinion takes no account of the fact that each of the five properties in the immediate area is in a different circumstance. No two have the same land area
<i>Privacy</i>
<ul style="list-style-type: none"> • I am concerned also that sightlines from the proposed upper level extension would look into all my bedrooms • The North West deck will impact the adjoining property's privacy by its proximity and height. Not only will the visual bulk of the two storey wall on its boundary affect the outlook from my home, but the new proposed second storey will impact our privacy.
<i>Zone Objectives and Purpose</i>
<ul style="list-style-type: none"> • Development proposal is contrary to the purpose and provisions of the low-density planning scheme • Enclosing a second story deck, to the extent of it becoming an additional, albeit open, living room, and justifying overdevelopment of the site by classifying the deck as open space seems like an abuse of the planning guidelines
<i>Traffic</i>

<ul style="list-style-type: none"> The proponent's consultant, Chris L. Potter, makes the factual error of claiming the road only allows vehicle access to properties on one side. He also recognises the likelihood of vehicles needing to make three-point turns on a road he describes as being 'akin to an access isle to a residential parking space'. This issue of traffic management – residential, Council and other service vehicles, and pedestrian usage - warrants further consideration
<ul style="list-style-type: none"> Report asserts low volume - Our experience is that pedestrians use the laneway from pre-dawn to dark throughout the year. Families, including children with bicycles and scooters, frequently use it
<i>Heritage</i>
<ul style="list-style-type: none"> Development must not be to the detriment of the area that has a heritage such as Blinking Billy
<ul style="list-style-type: none"> The increased mass and footprint of the building will have a negative impact on heritage items in the immediate vicinity of the site
<ul style="list-style-type: none"> Application is lacking in any detail about the impact of the development on heritage and does not seem to consider the interests of the many members of the public that visit the area
<ul style="list-style-type: none"> The demonstrable public interest in the place and its heritage value – juxtaposed by the brutal visual intrusion of the proposed development - should be reason enough to convince the Council not to waive its planning rules in this instance.
<i>Notification</i>
<ul style="list-style-type: none"> I knew nothing of this proposed development until very recently when told by a neighbour during a casual telephone conversation. In response to the COVID-19 crisis, my family and I have taken care to respect instructions of the government to minimise our movement outside the home. As a consequence, we had not recently walked past 654A (lot 2) or been in a position to see the notice posted on its fence. Were it not for the restrictions associated with COVID-19, I have no doubt that many more people would have petitioned against this aggressive and unwarranted development.
<i>Covenants</i>

- Lots 2 (654A) and 3(654B) came into being through a sub-division of the original property based around my property (lot 1). Since May 1996, all three properties have been subject to covenants regarding the erection of buildings. I note that the present dwelling on lot 2 was designed specifically with respect to its site and the relationship between lots 2 and 1 (654). For example, the existing second storey is limited in area so as to allow lot 1 to retain a partial outlook to the Derwent Estuary. However, the owner of 654A still has a massive water view to enjoy from the existing second storey.

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 Low Density Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential (single dwelling). There is no proposed change of use. The existing use is a no permit required use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 D12.0 Low Density Residential Zone
 - 6.4.2 E5.0 Road and Railway Assets Code
 - 6.4.3 E6.0 Parking and Access Code
 - 6.4.4 E7.0 Stormwater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Low Density Residential Zone Development Standards: -
Setbacks and Building Envelope - D12.4.2 P3

Site Coverage and Private Open Space - D12.4.3 P1
Privacy - D12.4.6 P1

6.5.2 Road and Railway Assets Code:-

Road and Access Junctions - E5.6.2 P2

6.5.3 Parking and Access Code:-

Number of Accesses - E5.7.1 P1
Design of Accesses E6.7.2 P1

6.6 Each performance criterion is assessed below.

6.7 Setback and Building Envelope D12.4.2 P3

6.7.1 The acceptable solution at clause 12.4.2 A3 requires that a dwelling must be contained within a building envelope determined by projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level, and only have a setback within 1.5m of a side boundary if the dwelling does not exceed a total length of 9m or one-third the length of the side boundary.

6.7.2 The proposal includes an upper floor extension which will not be contained within the envelope relative to the site's north western and north eastern boundaries. The proposed additions will also extend within 1.5m of the side boundary for greater than 9m.

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 12.4.2 P3 and objective for the standard provide as follows:

Objective:-

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and*
- (b) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and*
- (c) provide separation between dwellings on adjacent sites to provide*

reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

P3:-

The siting and scale of a dwelling must:

(a) not cause unreasonable loss of amenity by:

(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or

(ii) overshadowing the private open space of a dwelling on an adjoining lot; or

(iii) overshadowing of an adjoining vacant lot; or

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

6.7.5 The recent Tribunal decision of *McCullagh v Glamorgan Spring Bay Council and Ors*, which specifically considered this clause, determined that once a proposal extends outside the acceptable solution building envelope, a detailed assessment of the performance criterion must be carried out, without reference to the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?

6.7.6 Shadow diagrams provided by the applicant illustrate that the proposed alterations and extensions to the upper floor of the existing dwelling will see an increase in the overshadowing to adjoining lots and dwellings. These diagrams are provided in Figure 7 and illustrate the proposed development would overshadow the property to the south west, 654 Sandy Bay Road at 9AM on June 21st with this overshadowing concluding by midday. The overshadowing change would see a larger portion of the rear yard of 654 Sandy Bay Road overshadowed, specifically the area between the dwelling on this site and the rear

boundary with the driveway of 654B Sandy Bay Road (assessed further below). The planning report for the proposal notes that the proposed development "is unlikely to overshadow a window to a habitable room upon the adjoining lot to the south-west" accounting for the topography of the site and the relative heights of the dwelling on the subject site and the property at number 654. This assertion is supported and it is assessed that the proposal will be unlikely to see a reduction in sunlight to a habitable rooms on the first and second floors of this property, with limited overshadowing likely to occur to windows to ground floor rooms.

- 6.7.7 The second adjoining lot which will see overshadowing impacts is the property to the south of the subject site, 654B Sandy Bay Road. The supplied diagrams in Figure 7 indicate that shadows will fall on the dwelling on the adjoining property at midday and throughout the afternoon until 3PM on 21 June with a minor increase beyond the overshadowing cast by the existing dwelling. Given this marginal increase in shadows on the adjoining dwelling, it is unlikely there will be any significant increase in the reduction in sunlight to habitable rooms. It is therefore assessed that the potential overshadowing impacts to the adjoining property to the south are consistent with sub clause P3(a)(i) and the increase in overshadowing will not be to an extent that would cause an unreasonable loss of amenity.
- 6.7.8 With respect to sub-clause P3(a)(ii), as indicated above the proposal will see an increase in the private open space overshadowed by the dwelling on the subject site, specifically the area between the dwelling on 654 Sandy Bay Road and the rear boundary with the driveway of 654B Sandy Bay Road. This overshadowing will be limited to the morning period with the area free of overshadowing from the subject site by midday through to the end of the day. Much of the private open space to the south of 654 Sandy Bay Road will remain unimpacted by the proposed development. One representation received during the public notification period raised concerns of the impacts of this overshadowing on the garden and private open space of adjoining properties. Given the duration of shadowing will be limited to the morning hours of June 21st and that this will only impact a portion of the rear yard on this property, the overshadowing of the private open space is assessed as not being to an extent that would cause an unreasonable loss of amenity. A similar assessment is made on the overshadowing of private open space on the property to the south. There will be little change to the existing shadows to the open space of this property with direct sunlight available from 9AM until midday. Therefore, the change in overshadowing illustrated is assessed as not being to an extent that would cause an unreasonable loss of amenity.

- 6.7.9 The subject site is not located adjacent to a vacant residential lot so the proposal is not assessed against sub clause P3(a)(iii), particularly noting the objective of the standard.
- 6.7.10 With respect to sub clause P3(a)(iv) several representations received during the public notification period raised concerns with the visual impact caused by the proposed alterations and extension. With respect to the adjoining lot at 654 Sandy Bay Road, the dwelling is set higher than the subject site. The north eastern elevation of the dwelling is three storeys and looks down on the existing dwelling on the subject site. The proposed ground floor roofed storage area and roller door, sited directly on the side boundary, will not represent any unreasonable visual impact caused by its apparent scale, bulk or proportions. The extension to the upper floor of the dwelling will represent a more noticeable increase in the bulk and form when viewed from the lot to the south west as the upper floor extends across the entire extent of the dwelling. There will be no change in the distance between dwellings, which is approximately 18m.
- 6.7.11 This will impact upon the principal view of the dwelling, which is towards the River Derwent. Noting that views are not protected by the planning scheme, the test is not that the proposed development will disrupt the view, but whether the view of the upper floor extension causes an unreasonable loss of amenity. Certainly there will be an overall increase in bulk and form of the dwelling although the maximum height of the dwelling will not change. The adjoining lot to the south west benefits from a reasonable degree of separation, increased height due to topography of the land, and increased height due to the three-storey height of the dwelling. The view from the garden, looking towards the subject site, will have some impact with the upper floor visible, although this impact will be reduced by the setback of the upper floor extension of almost 10m from the rear boundary of 654 Sandy Bay Road. This is further mitigated by the presence on this 654b Sandy Bay Road's property of established vegetation between the garden and the existing dwelling. Views from the second floor of the dwelling will likely see direct river views somewhat restricted with a direct perspective on the proposed extension. There will be sufficient distance between these dwellings to reduce this visual impact with existing established vegetation on both sites to further mitigate impacts. Furthermore, the upper floor of the dwelling at 654 Sandy Bay Road will remain well above the maximum height of the dwelling on the subject site and therefore still allow for unimpacted views from both habitable rooms and external balconies. Overall, the development is not considered to cause an unreasonable loss of amenity to the dwelling and garden at 654 Sandy Bay Road through visual

impacts.

- 6.7.12 With respect to visual impacts from the adjoining lot to the south, 654B Sandy Bay Road, there will be no significant change to the view of the subject site. The existing dwelling on the subject site features a second storey element closest to the dwelling at 654B with the proposed second storey extension to be set well behind this. The orientation of the dwelling on this neighbour's property is facing to the south east, and the proposed extension is in the opposite direction to that orientation. While it is acknowledged that when looking northwesterly from this property to the subject site the view will see a minor increase bulk or form, the majority of the extension will be obscured by the existing second story element. This change in form is assessed as not representing an unreasonable loss of amenity through visual impacts.
- 6.7.13 Whilst several representations raise concern with the failure of the proposal to comply with subclause P3(a)(iii) from the perspective of users in the public reserve and laneway, noting the objective of this standard, the focus of this clause is on the protection of residential amenity and therefore is not assessed against specific criterion. Concerns relating to impacts of the proposal with respect to compatibility with the existing environment are assessed below against clause 12.4.3 P1,
- 6.7.14 The second part of the performance criterion requires assessment of whether the development provides separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area. The proposed extension on the second floor will not be changing the setback between dwellings on adjoining lots at 654 or 654B Sandy Bay Road. The ground floor storage space on the south western elevation will reduce setback with the side boundary but this is not out of character with similar setbacks. Given there will be no change, the proposed separation is assessed as compatible with that prevailing in the surrounding area.
- 6.7.15 The proposal complies with the performance criterion.
- 6.8 Site Coverage and Private Open Space - D12.4.3 P1
- 6.8.1 The acceptable solution at clause 12.4.3 A1 requires that a dwelling must have a site coverage of not more than 25% and a site area of which at least 25% of the site area is free from impervious surfaces.
- 6.8.2 The existing site coverage is approximately 58% with the proposed extension to increase the coverage to approximately 71% with 18.35% of

the site remaining free from impervious surfaces. The increase is caused by the overhang of the new roofed deck at first floor, the new roofed storage space to the south west of the dwelling, and the small modification to the front entrance to the dwelling. The first floor extension, aside from the overhanging deck, is within the existing footprint of the dwelling.

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 12.4.3 P1 provides as follows:

Objective:

To provide:

- (a) for outdoor recreation and the operational needs of the residents; and*
- (b) opportunities for the planting of gardens and landscaping; and*
- (c) private open space that is integrated with the living areas of the dwelling; and*
- (d) private open space that has access to sunlight; and*
- (e) for development that is compatible with the existing built and natural environment of the area.*

P1:

Dwellings must have:

- (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
 - (i) outdoor recreational space consistent with the projected requirements of the occupants; and*
 - (ii) operational needs, such as clothes drying and storage; and**
- (b) have reasonable space for the planting of gardens and landscaping.*
- (c) not be out of character with the pattern of development in the surrounding area; and*
- (d) not result in an unreasonable loss of natural or landscape values.*

6.8.5 With respect to subclause P1(a) the proposed development will see an

increase in useable private open space with the addition of a new upper floor deck approximately 67m² in area, in addition to the existing 18.62m² upper floor deck. The new deck will include area for a barbecue, outdoor fireplace and entertaining space. This area is assessed as being of a size and dimension suitable to accommodate outdoor recreational space consistent with the projected requirements for the occupants of the dwelling as well as allow for any operational needs. In spite of the semi-enclosed nature along the eastern elevation of this deck space, the design is appropriate to be considered as “private outdoor space.” Outdoor areas to the site’s south western boundary will remain uncovered and free of development which will also provide space for any potential operational needs.

- 6.8.6 With respect to subclause P1 (b) the existing garden between the dwelling and the north eastern and southern boundaries will be retained. This will provide reasonable space on the site for the planting of gardens and landscaping.
- 6.8.7 The third subclause, P1 (c) requires that dwellings must “not be out of character with the pattern of development in the surrounding area.” Considering the particular extent of development in the area close to Blinking Billy Point, all serviced by the unnamed Council laneway, there are four dwellings which could be reasonably be taken to define the “surrounding area” through which a pattern of development can be determined, these are noted in the below Figure 9.



Figure 9: Aerial image of subject site and dwellings in the immediate surrounding area.

- 6.8.8 The supporting planning report contends that the proposed extension would see a building on the site “consistent with, and similar to, the apparent scale, bulk and proportions of the surrounding buildings” and could be “considered to be consistent with the character of the area.” Evidence was directed towards the similar large two storey dwelling to the south of the subject site, at 654B Sandy Bay Road, as well as to the north, at 650 Sandy Bay Road, also shown below in Figure 10. The adjacent property at 654B Sandy Bay Road includes a large two storey dwelling of a similar era to the subject site on slightly larger parcel of land, with only small area provided for gardens and landscaping. Whilst plans are not available to determine an accurate figure, it is estimated this property would present a site coverage of roughly 48%. The nearby property to the north at 650 Sandy Bay Road, also known as ‘Sentosa’, and includes a prominent two storey dwelling with a large footprint across two large titles of land. The building at 654 Sandy Bay Road is a large three storey brick dwelling which occupies a smaller footprint on what is the largest title of the five sites. The property at 650A Sandy Bay Road is a two storey dwelling which is the smallest of the five and sits on the smallest site. The final site to the north west of the subject site, 648 Sandy Bay Road, is also a large two storey dwelling which is built in close proximity to the public pathway adjacent to the foreshore.



Figure 10: External photography of the Blinking Billy Reserve, the subject site (below icon), and nearby dwellings. *Source: realestate.com.au.*



Figure 11: View (L to R) of 645B, 645A, and 650 Sandy Bay Road from Blinking Billy Reserve. *Source: Officer Photo.*



Figure 12: View of 654B Sandy Bay Road from pathway on Blinking Billy Reserve. *Source: Officer Photo.*



Figure 13: View of 648 Sandy Bay Road from pathway to west of Blinking Billy Reserve. *Source: Officer Photo.*

- 6.8.9 The pattern of development can therefore be defined as large dwellings that are two storeys or greater with a design focus in ensuring the facades facing the Derwent River have the greatest prominence, characterised by large windows and balconies overlooking the nearby foreshore and river

beyond. There is a high degree of visibility of these dwellings, particularly with the three that border the foreshore reserve. Whilst there is no uniformity in the size of the sites, the pattern indicates that they are well developed with the contemporary dwellings emphasising greater site coverage over gardens or open space.

- 6.8.10 Several representors have raised concerns that the proposal represents development out of character, referencing its design, the relative location of the site and perspective of the site itself. The subclause requires an assessment of the pattern of development evidenced in the wider area, not just of the individual elements of a dwelling its site. This is further supported by objective (e) of the standard which is to “provide for development that is compatible with the existing built and natural environment of the area.”
- 6.8.11 Whilst the proposal will increase the visual prominence of the dwelling, this feature of two storey dwellings with large facades along the Derwent River facing elevations is already evidenced on the subject site as well as adjoining properties to the south and north. Whilst the dwellings to the north and south have a greater setback from the foreshore reserve or are shielded in view by the topography of the land, as referenced by one representor, their development characteristics remain and define the pattern existing in the immediate residential area. The proposed extension would see an increase in size of the existing second floor and the addition of a wide balcony projecting over the existing dwelling footprint. A comparison of these proposed alterations and extension with the above discussed characteristics supports the assessment that the proposal is remaining in character with the pattern of development presently existing in the surrounding area.
- 6.8.12 The final subclause P1 (d) requires that a dwelling must not result in an unreasonable loss of natural or landscape values. The proposal will see an increase in site coverage although this will be primarily in the form of a storage shed on the south western boundary, extensions to the entry way on the northern elevation and an overhang of a new upper floor extension and balcony. Whilst the private open space and garden area on the subject site is small, the proposal will see limited change to the existing natural values on the site itself.
- 6.8.13 Several representations received raised concern that the proposed alterations and extension would create a visual impact and site coverage incongruous with the public scape, detrimentally intrude into the sense of openness of the foreshore with little respect for the natural and

conservation values of the land. It is agreed that, due to the proposed extension, the subject site would represent a more visually prominent structure when viewed from the foreshore reserve at Blinking Billy Point. In the existing context, viewing the area towards the Alexandra Battery the vista would incorporate adjoining properties with structures of a similar size and prominence as well as the existing partial second storey on the subject site. An increase in the overall form of the already prominent dwelling will impact on those landscape values, however when the existing context and pattern of development is taken into consideration, that impact is not unreasonable, and the proposed dwelling is considered to remain in keeping with both the built and natural character of the area.

6.8.14 The proposal complies with the performance criterion.

6.9 Privacy - D12.4.6 P1

6.9.1 The acceptable solution at clause 12.4.6 A1 requires that a balcony or deck that has a finished floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished floor level, with a uniform transparency of no more than 25%, along the sides facing a side boundary unless the deck has a setback of at least 3m from the side boundary.

6.9.2 The proposed upper floor deck will have a finished floor level more than 1m above natural ground level and will be setback less than 3m from the north eastern side boundary with a balustrade of 1m above the finished floor level.

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

6.9.4 The performance criterion at clause 12.4.6 P1 provides as follows:

A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining lot or its private open space; or*
- (b) another dwelling on the same site or its private open space; or*
- (c) an adjoining vacant residential lot.*

6.9.5 The proposed deck is adjacent to the north east part of the Derwent River

foreshore reserve - this land has no dwelling on it and is not a vacant residential lot. As such, the deck is considered to meet (a) and (c), with (b) not being applicable. The deck will not impact on the privacy of the adjacent dwelling at 654B Sandy Bay Road, given it will be obscured by the extension proposed as well as the existing first floor element of the dwelling. It is noted that the deck to the master bedroom at first floor is existing.

6.9.6 Notwithstanding the above, it is noted that concerns were raised by representors of the potential for overlooking into nearby dwellings. The nearest dwelling at 650 Sandy Bay Road will be separated by a laneway with an estimated distance of 10m and that part of the deck directly facing the laneway will have a 2.2m high privacy screen in accordance with the acceptable solution of clause 12.4.6 A1. For better or worse the privacy standard does not seek to protect the privacy of adjacent public spaces, with the objective for the standard being: *to provide reasonable opportunity for privacy for dwellings.*

6.9.7 The proposal complies with the performance criterion.

6.10 Road and Access Junctions Part E5.6.2 P2

6.10.1 The acceptable solution at clause E5.6.2 A2 requires no more than one access to a property.

6.10.2 The proposal includes two accesses - one existing one new.

6.10.3 The proposal does not meet the acceptable solution, and must therefore satisfy the relevant performance criterion.

6.10.4 The performance criterion at clause E5.6.2 P2 provides as follows:

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

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

- 6.10.5 Council's Senior Development Engineer has assessed the proposal and concluded that:

The proposed access / access junction meets the requirements may therefore be accepted under Performance Criteria P2:E5.6.2 of the Planning Scheme.

- 6.10.6 The proposal complies with the performance criterion.

6.11 Number of Vehicle Accesses E6.7.1 P1

- 6.11.1 The acceptable solution at clause E6.7.1 A1 requires no more than one access to a property.

- 6.11.2 The proposal includes two accesses - one existing, one new.

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

- 6.11.4 The performance criterion at clause E6.7.1 P1 provides as follows:

The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;

(b) whether the additional access points can be provided without compromising any of the following:-

(i) pedestrian safety, amenity and convenience;-

(ii) traffic safety;

(iii) residential amenity on adjoining land;

(iv) streetscape;

(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;

(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.

- 6.11.5 The proposal has been assessed by the Council's Senior Development Engineer who concludes as follows:

The number of vehicle accesses may be accepted under Performance Criteria P1:E6.7.1 of the Planning Scheme.

6.11.6 The proposal complies with the performance criterion.

6.12 Design of Vehicle Access E6.7.2 P1

6.12.1 The acceptable solution at clause E6.7.2 A1 requires vehicle access to meet the relevant Australian Standards.

6.12.2 The submitted plans indicate a shared crossover with the neighbouring property and as such the width does not comply with the Australian Standard.

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

6.12.4 The performance criterion at clause E6.7.2 P1 provides as follows:

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

(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;

(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;

(c) suitability for the type and volume of traffic likely to be generated by the use or development;

(d) ease of accessibility and recognition for users.

6.12.5 The proposal as been assessed by the Council's Senior Development Engineer has concluded as follows:

[Subject to a condition ENG r3] sight lines may be accepted under Performance Criteria P1:E6.7.2 of the Planning Scheme, given the location of the access and driveway, and the low volume of traffic on the road from which the property gains access.

6.12.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Partial Demolition, Alterations and Extension.

7.2 The application was advertised and received Ten (10) representations. The representations raised concerns including loss of views, the visual impact through building form, the inconsistency of the proposal with the pattern of development in the area, overshadowing of adjacent properties, the site coverage of the development, loss of privacy, inconsistency with zone objectives, traffic concerns, impact on heritage values, poor notification, and inconsistency with existing title covenants.

7.3 Most of the representations related to discretions that have been discussed in the body of this report. Some issues raised were not related to discretions and comments regarding some of these are provided below:

- *Views:* Loss of views are not a planning consideration.
- *Heritage:* A number of representors were concerned that the proposed alterations and extensions to the existing dwelling would have a detrimental impact upon the adjacent heritage site. Unfortunately, because the subject site is not identified as having cultural heritage significant, there is no provision under the Heritage Code to consider these matters. These concerns cannot form part of the assessment of the proposal.
- *Notification:* Direct notification of a discretionary planning application is made to adjoining land owners, public notices on street frontages or public reserves and public notice in *The Mercury* and the Hobart City Council website.
- *Covenants:* It is the applicant's responsibility that they comply with all covenants within the schedule of easements. The subject site is subject to a covenant not to exceed a height of 'reduced level 14.00m based on state datum'. The proposal will not exceed the height of the existing dwellings. Advice regarding the covenant is recommended.

- 7.4 In relation to the two main discretions it is concluded as follows:
- *Building Envelope*: This standard is aimed at ensuring the residential amenity of neighbours' is protected. The shadow diagrams submitted clearly demonstrate the proposal will not have an unreasonable impact on the sun to any neighbouring property. This standard also requires a consideration of the visual impact of the proposal on adjacent dwellings. Noting that the first floor extension is largely an infill development that doesn't exceed the existing two storey element of the dwelling, the existing two storey element obscures the majority of the extension from the neighbour at 654B, the generous setback between the proposed extension and the existing three storey dwelling at 654 Sandy Bay Road, the approximately 8m laneway separating the subject site's neighbour's to the north, and the pattern of development in the immediate area of large dwellings that are two or more storeys, the proposal is not considered to have an unreasonable visual impact on any neighbour.
 - *Site Coverage*: This is a measure of the amount of roofed buildings divided by the site area. As such, it is noted that the only proposed elements triggering this discretion are the overhanging first floor deck, the covered storage area to the southwest of the dwelling, and the alterations to the front entrance. None of these elements are of themselves considered to result in the site being overdeveloped. It is further noted that the vast majority of the first floor extension does not contribute at all to site coverage because it is contained within the existing building's footprint. Notwithstanding this, it is considered that the proposal as a whole is not out of character with the pattern of development in the area, or to have an unreasonable impact on the natural values of the area. The proposed extension will result in a dwelling considered to be entirely in keeping and in character with this area of Sandy Bay, and although there will be more building visible from the public area adjacent to the site, that increased built form is consistent with other existing dwellings also fronting the same public area, which itself is a modified foreshore.
- 7.5 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to be acceptable.
- 7.6 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Environmental Development Planner, Open Space and Recreation Officer, Roads Engineer, and Survey Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.7 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations and Extension at 654A Sandy Bay Road, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition, Alterations and Extension at 654A Sandy Bay Road, Sandy Bay 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-20-122 - 654A SANDY BAY ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

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 3a

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

Advice:

- *It is advised that designers consider the detailed design of the access and*

parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site is two (2).

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

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.

ENG r3

Prior to the commencement of use, the proposed driveway crossover in the highway reservation must be designed and constructed generally in accordance with:

- Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing.

Design drawings must be submitted and approved prior to any approval under the Building Act 2016. The design drawing must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover and how these will be relocated if necessary.
3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings.
4. Show swept path templates in accordance with AS/NZS 2890.1 2004 (B85 or B99 depending on use, design template).
5. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside.
6. Show that vehicular and pedestrian sight lines are met as per AS/NZS

2890.1 2004.

7. **Be prepared and certified by a suitable qualified person, to satisfy the above requirement.**

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

Advice:

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays*
- *Where the Infrastructure By-law applies a permit will be required to undertake works within the highway reservation. Please ensure you have approved design drawings prior to applying for a Road Opening Permit.*

Reason for condition

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

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.

CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require a road closure permit for construction or special event. Click [here](#) for more information.

As your proposal involves a new crossover you will require a permit to open up the road and undertake works under the Infrastructure By-Law.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. 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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

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

PRIVATE COVENANTS

Please be advised that this property is subject to covenants contained within the schedule of easements.

The approved development may require consent and/or a modification to the covenant to ensure it is undertaken lawfully. You must not act on this planning permit until you have obtained any necessary consent or modification to the covenant which is required for the approved development.

If you proceed with the development inconsistent with the terms of the covenant, the parties with the benefit of the covenant may be entitled to make an application in the Courts to restrain a breach. The grant of this planning permit does not constitute a waiver, modification or release of the terms of the covenant nor approval under the terms of the covenant to undertake the proposed development.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. A permit is required for works on Council land. The by-law is available [here](#).

WEED CONTROL

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

WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

NOISE REGULATIONS

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

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.



(Michael McClenahan)
Assistant Planner

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



(Ben Ikin)
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 May 2020

Attachment(s):

Attachment B - CPC Agenda Documents

SPECIAL REPORTS – GENERAL MANAGER
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10. Financial Report and Covid-19 - City Of Hobart Response (2)
File Ref: F20/49260

A report will be provided under separate cover.

11. Responses to Questions Without Notice
File Ref: F20/49537

Report of the General Manager of 20 May 2020 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

Responses to Questions Without Notice

A number of responses to Questions Without Notice from Committees, have been circulated recently in the usual manner.

In accordance with the procedures approved in respect to Questions Without Notice, responses to questions taken on notice are normally provided to the relevant Committee for information. In the absence of Committee meetings, the following responses are provided to the Council for information.

The Council 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.

1. Tascorp Loan Re-Negotiations

Memorandum Deputy General Manager of 12 March 2020.

2. Family and Domestic Violence Leave

Memorandum Deputy General Manager of 12 March 2020.

3. Family and Domestic Violence Leave

Memorandum Deputy General Manager of 12 March 2020.

4. Solar Panels

Memorandum Director City Innovation of 11 May 2020.

5. Navigation and Bookmarking of Agendas on the Hub

Memorandum of Manager Legal and Governance of 15 May 2020.

6. City Planning Committee – Member Outcomes

Memorandum of Alderman Briscoe of 18 May 2020.

7. Questions Without Notice Responses - Staff Time Estimates

Memorandum of the Manager Legal and Governance of 19 May 2020.

8. Footpaths – Mount Nelson

Memorandum of the Director City Amenity of 19 May 2020.

9. Lord Mayor Travel Expenses

Memorandum of the General Manager of 20 May 2020.

10. Carbon Offset Credits

Memorandum of the General Manager of 20 May 2020.

11. Lord Mayoral Vehicle Savings

Memorandum of the General Manager of 20 May 2020.

12. Event Attendance by the Lord Mayor and/or Delegate

Memorandum of the General Manager of 20 May 2020.

13. Elected Members Deputised to Cover a Lord Mayor Invitation or Event

Memorandum of the General Manager of 20 May 2020.

14. Media Release of 28 January 2020

Memorandum of the General Manager of 20 May 2020.

15. Uber Drivers

Memorandum of the Lord Mayor of 20 May 2020.

16. Questions Without Notice Responses - Staff Time Estimates

Memorandum of the General Manager of 20 May 2020.

17. Central Business District – Businesses Shopfronts

Memorandum of Director Community Life of 20 May 2020.

18. Rates and Charges for Council Sporting Facilities

Memorandum of Director City Amenity and Director Community Life of 20 May 2020.

RECOMMENDATION

That the information be received and noted.

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



N D Heath
GENERAL MANAGER

Date: 20 May 2020
File Reference: F20/49537

- Attachment A: TASCORP Loan Re-Negotiations - 12.03.2020 ↓
- Attachment B: Family and Domestic Violence Leave - 12.03.2020 ↓
- Attachment C: Family and Domestic Violence Leave - 12.03.2020 ↓
- Attachment D: Solar Panels - 11.05.2020 ↓
- Attachment E: Navigation and Bookmarking of Agendas on the Hub - 15.05.2020 ↓
- Attachment F: City Planning Committee - Member Outcomes - 18.05.2020 ↓
- Attachment G: Question Without Notice Responses - Staff Time Estimates - 19.05.2020 ↓
- Attachment H: Footpaths - Mount Nelson - 20.05.2020 ↓
- Attachment I: Lord Mayor Travel Expenses - 20.05.2020 ↓
- Attachment J: Carbon Offset Credits - 20.05.2020 ↓
- Attachment K: Lord Mayoral Vehicle Savings - 20.05.2020 ↓
- Attachment L: Event Attendance by The Lord Mayor or Delegate - 20.05.2020 ↓
- Attachment M: Elected Members Deputised to Cover a Lord Mayor Invitation or Event - 20.05.2020 ↓
- Attachment N: Media Release of 28 January 2020 - 20.05.2020 ↓
- Attachment O: Uber Drivers - 20.05.2020 ↓
- Attachment P: Questions Without Notice Responses - Staff Time Estimates - 20.05.2020 ↓
- Attachment Q: Central Business District - Businesses Shopfronts - 20.05.2020 ↓
- Attachment R: Rate Charges for Council Sporting Facilities - 20.05.2020 ↓



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

TASCORP LOAN RE-NEGOTIATIONS

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Alderman Sexton

Question:

In 2019, the Council resolved to write to TASCORP to re-negotiate interest on our current loans. Could the General Manager please advise if this has transpired, and if so, could the General Manager please circulate to Elected Members copies of the correspondence from the City of Hobart and TASCORP's response?

Response:

Council Officers met with TASCORP to discuss debt refinancing options. The response from TASCORP is attached – refer **Attachment A**.

Council Officers have also spoken with the Commonwealth Bank of Australia, with which the City has a loan. The response from the Commonwealth Bank is attached – refer **Attachment B**.

Given the further questions raised at the Elected Member Budget Workshop held on 3 March 2020, Officers will seek an independent financial analysis of the options available to Council and a report will be provided to Council in due course.

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.



Heather Salisbury
DEPUTY GENERAL MANAGER

Date: 12 March 2020
File Reference: F20/23580; 13-1-10

Attachment A: Letter from Tascorp
Attachment B: Email from the Commonwealth Bank of Australia

ATTACHMENT A



Tasmanian Public Finance Corporation

114 Murray Street Hobart Tasmania 7000
GPO Box 1207 Hobart Tasmania 7001
Phone (03) 8396 1200 Intl 61 3 8396 1200
Fax (03) 9086 4195 Intl 61 3 9086 4195

6 March 2020

Ms Heather Salisbury
Deputy General Manager
Hobart City Council
16 Elizabeth St
Hobart TAS 7000

Dear Heather

Hobart City Council (HCC) - Loan Portfolio with TASCORP

Thank you for the opportunity for Heath Baker and I to meet with you this week to discuss your loan portfolio.

Concerning the specific query raised by one of your elected members, I am happy to provide the following response.

2019 Banking Code of Practice

I note your elected member's question referred to the 2019 Banking Code of Practice. The Code was developed by the Australian Banking Association (ABA) whose members are the four major banks, regional banks and international banks with an Australian banking licence. TASCORP was established under an Act of Parliament and operates in accordance with the *Tasmanian Public Finance Corporation Act 1985* and the *Government Business Enterprises Act 1995*. As a central financing authority, TASCORP's operations and customer base are very different to those of retail and investment banks. TASCORP is therefore not a member of the ABA, nor a signatory to the Code.

Having said that, I can assure Council of TASCORP's commitment to its customers. TASCORP's principal purpose is to develop and implement borrowing and investment programs for the benefit of its Tasmanian public sector clients, which includes councils. TASCORP's goal is to meet the borrowing and investment needs of its clients at the best possible price, and thereby deliver economic value to the State of Tasmania.

Debt Refinancing Options

With regard to the question raised by your elected member on debt refinancing options, under the existing loan documentation, HCC may prepay a loan or any part of a loan on terms and conditions approved by TASCORP. The prepayment calculation method for loan break costs for Council will be the market value of the debt plus any actual costs incurred by TASCORP in unwinding any related market transactions.

The market value of a loan, in simplistic terms, calculates the value of the existing loan using current interest rates for the remaining term of that loan. If interest rates have risen

ATTACHMENT A

since the loan was taken out, the market value of the loan and loan break costs will be lower as TASCORP can re-lend the loan proceeds at a higher interest rate to another client. Conversely, if interest rates have fallen, the market value of the loan and loan break costs will be higher to compensate TASCORP for the lower return it will make going forward on the re-lent loan proceeds. The concept of market value ensures that TASCORP does not make a loss from refinancing a fixed interest rate loan with a client. This is important because, as the lender, TASCORP also locks in its own funding cost in the financial markets at the time the loan with a client is transacted.

If Council were to refinance by prepaying their existing loans and re-borrowing at current lower interest rates, it would result in no overall reduction in loan costs to Council. This is because, while Council's interest costs on the new loan would be lower going forward, these would be offset by the break cost when the existing loans were refinanced and prepaid.

With regard to broader strategies to assist in managing interest rate risks for HCC, TASCORP notes that council clients generally borrow for specific projects using amortising loans (paying down principal and interest) where the cost and retirement of capital for these projects is budgeted at the time of project approval. TASCORP is happy to work closely with HCC on its debt management strategy, irrespective of whether TASCORP is the lender, as it progresses with its upcoming capital works and borrowing program.

A copy of the market value of HCC's loans with TASCORP as at 28 February 2020 is included as Attachment 1 for your reference.

Please do not hesitate to contact me, or Heath Baker, on 8396 1231 if you wish to discuss the matter further.

Yours sincerely



Anton Voss
Chief Executive Officer

ATTACHMENT A

Attachment 1

Quantum

Portfolio Report

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ATTACHMENT B

[CBA Information Classification: Customer and Personal]

The decision on whether or not to break a fixed rate loan will be up to Council to consider based on a range of factors.

The current details of the loan as at today are:

Principal Balance:	\$3,656,594.48 (does not include accrued interest)
Fixed Interest Rate:	6.41%
Loan & Fixed Rate Maturity Date:	30/06/2036
Indicative Early Repayment Adjustment (ERA):	\$1,735,537 (as at 3 rd March 2020, subject to change)

Note: The Reserve Bank reduced the Cash Rate to 0.50% today (0.25% reduction). The indicative ERA has been calculated following this reduction.

Although interest rates on new borrowings are now significantly lower than the interest rate on this borrowing, there would be a large ERA payable to break this loan interest rate. When a fixed rate loan is entered into the Bank locks in its funding costs at a fixed rate in the wholesale money market. We do this so that we can manage the risk of interest rate changes and lock in our own funding costs. If Council chooses to break a fixed rate loan the Bank is still required to pay our commitment in the wholesale market for the remaining period of the loan, so if we've made a loss as a result an ERA will apply. The ERA is not a charge we profit from it's an adjustment to recoup our estimated loss from the breaking of the fixed rate agreement. This rate can change on a daily basis and for this reason an ERA quote is only valid for the day it is issued and is subject to change.

Council would need to consider a wide range of factors in deciding whether or not to break a fixed rate loan, these may include (this is not an exhaustive list):

- Whether Council would enter into new borrowings and the timing of this;
- Whether any new borrowings would be fixed or variable;
- The amortisation structure of any new borrowings (if any change);
- Interest rate forecasts for both debt and investments;
- The total cost of any new borrowings (including any upfront and ongoing fees);
- If Council is not entering into new borrowings and using investment funds, the expected rate of return on Council investments;
- Council's short and long term financial strategies;
- Council's overall gearing level, debt structure and balance sheet management, including cash management and liquidity;



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

FAMILY AND DOMESTIC VIOLENCE LEAVE

Meeting: Finance and Governance Committee **Meeting date:** 10 December 2019

Raised by: Alderman Behrakis

Question:

Under the current City of Hobart Enterprise Bargaining Agreement, staff are able to access Family and Domestic Violence Leave. Could the General Manager please advise how this leave is triggered?

Response:

Under the current Hobart City Council Enterprise Agreement 2016 an employee (other than a casual employee) experiencing family and domestic violence is entitled to five (5) days per year of paid family and domestic violence leave in addition to access to paid personal leave for the purpose of: (a) attending legal proceedings, counselling, appointments with a legal practitioner; (b) relocation or making other safety arrangements; or (c) other activities associated with the experience of family and domestic violence.

In addition, an employee (other than a casual employee) who provides support to a person experiencing family and domestic violence is entitled to access the family and domestic violence leave for the purpose of: (a) accompanying that person to legal proceedings, counselling, or an appointment with legal practitioner; (b) assisting with relocation or other safety arrangements; or (c) other activities associated with family and domestic violence.

The family and domestic violence leave provided under this sub-clause is in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day, and can be taken without prior approval.

In order to provide support to an employee experiencing family and domestic violence and to provide a safe work environment to all employees, Council will approve any reasonable request from an employee experiencing family and domestic violence for: (a) changes to their span of hours or pattern of hours and/or shift patterns; (b) job redesign or changes to duties; (c) relocation to suitable employment within Council; (d) a change to their telephone number or email address to avoid harassing contact; or (e) any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements. Family Violence Leave is dealt with under a Special Leave Application that is completed by the employee and approved by their direct Manager.

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.



Heather Salisbury
DEPUTY GENERAL MANAGER

Date: 12 March 2020
File Reference: F19/160946; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice
FAMILY AND DOMESTIC VIOLENCE LEAVE

Meeting: Finance and Governance Committee **Meeting date:** 10 December 2019

Raised by: Alderman Sexton

Question:

In the event that Family and Domestic Violence Leave is taken, is there any procedure in place to follow-up and is the incident reported to Tasmania Police?

Response:

Since this leave was introduced in the 2016 HCC EA, there has been one employee who has made an application for family and domestic violence leave. In this particular case the Police were already involved.

The Council offers support through its Employee Assistance Program, currently provided by Amovita, to employees affected by family and domestic violence. Extended sessions are offered, depending upon the individual circumstances.

Support for the employee is also provided by the Work Health and Safety team where this is appropriate.

If an incident has not been reported to Police, part of the support process would be to advise the employee this is an avenue that they may wish to consider.

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.

Heather Salisbury
DEPUTY GENERAL MANAGER

Date: 12 March 2020
File Reference: F19/160940; 13-1-10

City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

SOLAR PANELS

Meeting: Finance and Governance Committee **Meeting date:** 12 November 2019

Raised by: Councillor Dutta

Question:

Could the General Manager please advise of the number of Council owned buildings with solar panels installed and the total amount of energy expenditure savings the Council is benefiting from due to the use of the panels?

Response:

The Director advises that PV installations undertaken to date include the following 16 sites:

PV System	PV system power [kW]
HCC DKHAC	100.0
HCC Centrepont Carpark	30.8
HCC Resource Tip Shop	5.3
HCC Athletics Centre	15.0
HCC Cat Centre	5.3
HCC Mathers House	13.5
HCC Mornington Nursery	13.5
HCC Hobart Central Car Park	19.8
HCC City Hall	31.1
HCC Bushlands Depot	25.7
HCC Town Hall	25.0
HCC Waste Transfer Station	46.2
HCC North Hobart Oval	45.0
HCC Clearys Gates	46.0
HCC DKHAC 300kW	300.0
HCC Mawson Pavilion	25.0
Total	~ 747.0

The average energy production from 747 kW of PV in Hobart is approximately 863,796 kWh (this is NREL data adjusted down to account for degradation over 25 years – from <https://pvwatts.nrel.gov/>).

Analysis shows a cost saving (after accounting for all costs including cost of capital, maintenance, inverter replacement and panel disposal at end of life) of about 5.5 cents per kWh between PV and grid energy, therefore savings of \$43,189.80 per year.

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.



Peter Carr
DIRECTOR CITY INNOVATION

Date: 5 May 2020
File Reference: F19/149359; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

NAVIGATION AND BOOKMARKING OF AGENDAS ON THE HUB

Meeting: City Planning Committee

Meeting date: 14 October 2019

Raised by: Former Alderman Denison

Question:

Could the Director please advise if it is possible for further drill down menus together with bookmarking and notations to be implemented on the Hub to assist with more precise navigation of City Planning Committee agendas?

Response:

Where an elected member is using the Apple or Microsoft application for the Hub, they have the ability to annotate on documentation directly. An elected member is able to notate and highlight where required by using the Annotations icon displayed as a toolbox, located on the Hub ribbon.

Bookmarks are already placed in the agendas providing links directly to each item plus the recommendation and attachments related to each item.

It is appreciated that navigating large City Planning Committee meeting agendas can be challenging and the general structure of agendas is currently being considered to assist in this regard.

If an elected member is using the WebApp platform, this version does facilitate annotations however these can have specific bookmarks added by the individual elected member and retained in the individual profile on the Hub.

If anyone wants any assistance with annotating or the Hub in general, please let the Council Support Unit know.

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 'Paul Jackson', with a stylized, flowing script.

Paul Jackson
**MANAGER LEGAL AND
GOVERNANCE**

Date: 15 May 2020
File Reference: F19/136003; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

CITY PLANNING COMMITTEE - MEMBER OUTCOMES

Meeting: City Planning Committee

Meeting date: 17 February 2020

Raised by: Deputy Lord Mayor Burnet

Question:

Members of the Committee

What are the main things that you wish to achieve with your membership of this committee?

How do you feel you can add value to achieving good outcomes for this committee?

How does that fit with the community vision and strategic plan of the Council?

Can you identify the gaps in your knowledge or skills?

Is this something that can be added to your professional development plan?

Response:

Thank you for the unusual question. I follow all the sections of the *Local Government Act 1993* relating to a committee acting as a planning authority. Questions relating to our role can also be found in the terms of reference of the planning committee.

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.

Jeff Briscoe
ALDERMAN

Date: 18 May 2020

File Reference: F20/37181; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

QUESTION WITHOUT NOTICE RESPONSES - STAFF TIME ESTIMATES

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Alderman Zucco

Question:

Could the General Manager please advise of the approximate cost incurred for staff to provide answers to all questions without notice asked from November 2018 to February 2020?

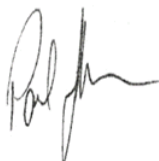
Response:

The approximate cost incurred for staff to provide an answer to a question without notice (QWON) is difficult to ascertain, as the cost incurred can fluctuate depending on the complexity, research required, external and cross divisional input and administration required to provide an answer.

During the course of the term of the current Council, a total of 184 QWON's have been asked during Committee meetings, with 153 of these QWON's provided with a response to date. Therefore an indicative estimate of the average cost is based on an average hourly rate of pay of \$40 for those employees responsible for the preparation and execution of a response to a QWON for the current term of the Council would be approximately \$48,960.

The approximate cost of \$48,960 has been derived by using a time estimation of 8 hours per response. As indicated above, both time and costs incurred responding a QWON can vary considerably depending on the complexity. The estimation of 8 hours per response includes officer time and the administrative costs incurred with the recording of the QWON from Committee, preparing, recording and distributing all relevant documentation for the response and the distribution and publishing of the QWON to a subsequent Committee meeting once completed for the information of the Elected Members.

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.



Paul Jackson
**MANAGER LEGAL AND
GOVERNANCE**

Date: 19 May 2020
File Reference: F20/23400; 13-1-10



City of **HOBART**

emorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

FOOTPATHS - MOUNT NELSON

Meeting: City Infrastructure Committee

Meeting date: 26 February 2020

Raised by: Lord Mayor Reynolds

Question:

Regarding footpaths in Mount Nelson, could the Director please advise:

- (i) If any new footpaths have been put in or have any upgrades been undertaken in the last 5 years?
- (ii) Are any new footpaths or upgrades to existing footpaths planned in the next 10 years?
- (iii) Has the council ever considered the cost and issues around provision of footpaths on the bends?

Response:

Regarding footpaths in Mount Nelson, the following advice is provided:

- (i) **If any new footpaths have been put in or have any upgrades been undertaken in the last 5 years?**

The works carried out on footpaths in Mount Nelson over the last 5 years was a Roads to Recovery funded project located on Olinda Grove (between Nelson Road to Onslow Place).

The cost of the project was approximately \$1.2M which included pavement renewal, kerb and channel, and pedestrian improvement.

(ii) Are any new footpaths or upgrades to existing footpaths planned in the next 10 years?

Current plans do not identify new footpaths for the area, however opportunities to improve pedestrian or cycling infrastructure is considered during road upgrade works, when these occur.

(iii) Has the Council ever considered the cost and issues around provision of footpaths on the bends?

A case study was developed in 2016 to review the feasibility of construction of footpath on Nelson Road bends between Bends 6 and 7 (being an asphalt footpath on the lower side of the road).

The assessment found the following:

- *That a retaining wall would be required along that stretch of the road, impacting on residential driveways that already struggle to meet standards.*
- *Existing infrastructure and established flora (trees and vegetation) would be adversely affected*
- *Sight distance of drivers coming out of driveways would likely be impeded by a new retaining wall and footpath*
- *Street lighting and associated underground electrical works would be difficult and costly to install due to the geotechnical condition of the area*

Based on concept ideas, indicative costs for that section well exceeding \$400,000. Given the issues highlighted above and a review of the cost and benefits of the footpath, the project was not considered practical for further consideration.

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.



Glenn Doyle
DIRECTOR CITY AMENITY

Date: 19 May 2020
File Reference: F20/32174; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

LORD MAYOR TRAVEL EXPENSES

Meeting: Finance and Governance Committee Meeting date: 18 February 2020

Raised by: Alderman Behrakis

Question:

What is the total number of official engagements or events (including interstate and overseas) that the Lord Mayor has attended since the last election for the year (November 2018 to October 2019) and what was the full cost?

As per the Council's website:

- (a) For the period November 2018 to October 2019, Lord Mayor Reynolds undertook the following travel:

May 2019:	Future Cities Summit, Sydney - \$909.82;
May 2019:	LGAT Meeting, Launceston - \$379.08;
June 2019:	CCCLM, Brisbane – No Cost to Council;
July 2019:	CCCLM Asia Pacific Summit, Brisbane - \$801.31;
September 2019:	CCCLM, Canberra - \$1,469.09;
October 2019:	CCCLM, Melbourne - \$974.09;
October 2019:	CCCLM, Seoul – No Cost to Council.

- (b) The cost of transport to and from those events (including airfares) for the current Lord Mayor and the mode (Uber, taxi, plane, personal transport or otherwise) was \$2,102.00;

The cost of transport (Uber/Taxi) claimed as an elected member as per the budget was \$885.09;

The cost of airfares for the period November 2018 to October 2019 was \$2,365.45.

The Lord Mayor claimed a total of \$354.00 in fuel expenses.

- (i) Do these figures represent the full cost as for example the May 2019 event in Sydney where the registration cost was over \$800.00?
- (ii) Have these figures been audited as these figures do not show the cost of any local events except the LGAT meeting?

Response:

The total number of official engagements or events (including interstate and overseas) that the Lord Mayor has attended since the election for the year November 2018 to October 2019 is 227.

The full cost to Council was \$6,858.39.

The costs set out in the question at (a) above represent the full cost to Council associated with the Lord Mayor's attendance at each of the events listed.

The attribution of costs set out in the question at (b) above is not accurate. The cost of \$2,102.00 is for transport (uber/taxi) to and from events/functions in the role of Lord Mayor. This figure does not include airfares. Airfares are separately costed within the figures provided at (b) and total \$2,365.45.

The Office of the Lord Mayor cannot confirm whether the registration fee for the Futures Cities Summit held in Sydney in May 2019 was \$800 because the City did not pay any fee. The Lord Mayor was an invited speaker asked to participate on a panel of Lord Mayors and so there was no registration fee levied for the Lord Mayor's participation.

The figures presented (a) are detailed on the travel register as costs incurred by elected members while travelling interstate and overseas on Council business. Whilst it doesn't meet the requirement for disclosure (not being interstate or overseas travel) the intrastate LGAT meeting was included to show the accommodation expense incurred.

Any costs associated with events or appointments within Hobart (Uber, metro fare, personal vehicle use or event costs) are costed to the Council's budget line items as they are for all elected members. The costs incurred by the Lord Mayor, or any other elected member, while undertaking their role are not independently subject to audit other than the annual audit of the Council's finances by the Tasmanian Audit Office.

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.



N D Heath
GENERAL MANAGER

Date: 19 May 2020
File Reference: F20/23557; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

CARBON OFFSET CREDITS

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Alderman Behrakis

Question:

Can the General Manager advise if any carbon offset credits were purchased to cover the carbon pollution from the Lord Mayor's air travel?

Response:

Yes, for all Lord Mayoral air travel.

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.

N D Heath
GENERAL MANAGER

Date: 19 May 2020
File Reference: F20/23551; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

LORD MAYORAL VEHICLE SAVINGS

Meeting: Finance and Governance Committee Meeting date: 18 February 2020

Raised by: Alderman Behrakis

Question:

Could the General Manager please advise, in the absence of a driver and a car being made available to the Lord Mayor, has there been a full audit (to quantify the savings, if any) and has there been a risk analysis undertaken for the safety of the Lord Mayor travelling to multiple events in own, taxi or Uber transport?

Response:

The Lord Mayor's chauffeuring budget has historically had an annual allocation of around \$41,000 for costs associated with the chauffeur as well as the lease and running costs of the vehicle.

As a result of the current Lord Mayor's decision to not use the Lord Mayor's vehicle, no expenditure was incurred for a driver post December 2018 or vehicle post January 2019 when the vehicle was sold.

An annual allocation for Lord Mayoral transportation of \$5,000 was quarantined from the chauffeuring savings and attributed to fund taxi and uber travel for the Lord Mayor or delegated Elected Members that would have otherwise been undertaken by the chauffeur in the Lord Mayor's vehicle as per the Council's Elected Members' Development and Support Policy.

The surplus budgeted funds of circa \$36,000 were returned as a recurring operational saving in the 2019/20 budget process.

There has been no independent audit of cost associated with the Lord Mayoral chauffeuring activity however, Council Officers are able to provide these details of expenditure against budget and are confident of their accuracy.

There has not been a formal risk analysis undertaken by the Council for the Lord Mayor or any elected member travelling to events.

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 'N. Heath', written in a cursive style.

N D Heath
GENERAL MANAGER

Date: 20 May 2020
File Reference: F20/23419; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

EVENT ATTENDANCE BY THE LORD MAYOR AND/OR DELEGATE

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Alderman Behrakis

Question:

Could the General Manger please advise how many events, functions or openings the Lord Mayor has received an invitation to for the period from November 2018 to October 2019?

How many of these events were accepted and attended by the Lord Mayor?

How many of these events were delegated and to whom were they delegated to?

Response:

548 invitations were received via the Office of the Lord Mayor during the period November 2018 to October 2019. This number includes a range of generic flyers, invitations and events held around Tasmania or Australia and events that clash with Council or Committee Meetings or other significant Council events.

The Lord Mayor accepted to represent the Council at 188 events/functions/openings.

113 other opportunities to represent the Council were delegated by the Lord Mayor among the other 11 elected members with the opportunity offered to the Deputy Lord Mayor in the first instance.

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.

N D Heath
GENERAL MANAGER

Date: 20 May 2020
File Reference: F20/23510; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

ELECTED MEMBERS DEPUTISED TO COVER A LORD MAYOR INVITATION OR EVENT

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Alderman Behrakis

Question:

Could the General Manager please advise the number and costs associated for Elected Members who were deputised to cover a Lord Mayoral invitation and/or event?

Could the General Manager also please provide details where no claim for transport was made?

Response:

Between November 2018 and October 2019, elected members were given the opportunity to deputise for the Lord Mayor and represent the Council on 113 occasions.

The costs associated with elected member attendance at these events was \$470.57.

It is difficult to accurately identify occasions and quantify costs where deputised elected members may have chosen not to claim transport costs. Whilst elected members are offered taxi vouchers when asked to deputise for predominantly local events, this offer is rarely taken up. In the alternative, elected members choose to seek reimbursement for transportation costs through the elected member reimbursement of expenses process, use their fuel entitlement or they personally absorb the cost.

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 'N. Heath', with a stylized flourish at the end.

N D Heath
GENERAL MANAGER

Date: 20 May 2020
File Reference: F20/23504; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

MEDIA RELEASE OF 28 JANUARY 2020

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Alderman Behrakis

Question:

Is it true that after the meeting of full Council on 28 January 2020, a media release was drafted, as is usual practice?

If so, is it true that the media release was re-written after being drafted to remove mention of one of the Elected Members?

If so, is it true that the Lord Mayor requested the media release be amended to remove the name of other Elected Members?

Response:

In accordance with normal practice, a draft media release was prepared for the Lord Mayor's consideration. The Lord Mayor, as spokesperson for the Council under the Local Government Act, approved the final version of the media release for distribution.

Media statements drafted and released immediately after Council meetings are designed to capture in dot points, a broad range of the decisions made on the night and for this reason, are often kept fairly high-level.

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.

N D Heath
GENERAL MANAGER

Date: 19 May 2020
File Reference: F20/23569; 13-1-10



City of **HOBART**

Memorandum: Deputy Lord Mayor
Elected Members

Response to Question Without Notice

UBER DRIVERS

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Alderman Behrakis

Question:

Does the Lord Mayor believe in the low wage economy where Uber drivers average \$5.00 per hour?

Response:

No, I don't "believe in the low wage economy". I use taxis and Uber services and when I chat to drivers of both services, they express both satisfaction and dissatisfaction with the nature of their business. While Uber has a lower per kilometre flag fall, it offers some drivers more flexibility and a lower cost of entry into the driving business.

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.

Councillor A M Reynolds
LORD MAYOR

Date: 19 May 2020
File Reference: F20/23412; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

QUESTIONS WITHOUT NOTICE RESPONSES - STAFF TIME ESTIMATES

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Lord Mayor Reynolds

Question:

Could the General Manager please advise of the approximate cost incurred for staff to provide answers to the questions without notice asked at this evening's Finance and Governance Committee meeting?

Response:

Some of the questions posed required complex and time-consuming gathering and collation of data.

The approximate cost to provide answers to the questions pertaining to the role of the Lord Mayor was \$595.00.

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.

N D Heath
GENERAL MANAGER

Date: 20 May 2020
File Reference: F20/23418; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

CENTRAL BUSINESS DISTRICT - BUSINESSES / SHOPFRONTS

Meeting: Economic Development &
Communications Committee

Meeting date: 30 January 2020

Raised by: Deputy Lord Mayor Burnet

Question:

Given the media reports earlier this week, can the Director please provide advice on the number of closures of businesses / shopfronts in the CBD, and how that compares to trends in other years?

Response:

This response answers a question posed before the COVID-19 pandemic and was appropriate at that time. As Tasmania moves from crisis into recovery, the impact on businesses with shop frontages in the city will become more apparent. The economic development team and a broader group from the City of Hobart have been reaching out to businesses to discuss the impacts of COVID-19 which in turn is being used to shape Council's response which to date has included an e-commerce grant and a professional assistance grant.

The attached table of data sourced from [economy id](#) which is derived from the Australian Business Register shows that from 2014 to 2018 the number of retail trade businesses in the Hobart local government area has dropped by a moderate 1.1 per cent i.e. from 488 to 458 retailers. Information is not available at CBD level.

While the media portrays a dire situation, when considering the vitality of the CBD, it is important to monitor more than one indicator.

Although there may be some vacancies on street level which are more noticeable, the office rental market is very strong. Hobart CBD has a total vacancy of 4.1 per cent which compares to the national CBD average of 8 per cent.

The nominal value of retail trade in Tasmania was estimated to be \$579.3M in trend terms in December 2019, up 0.9 per cent compared with the previous month and up 6.4 per cent from the level recorded one year earlier. As is evident below, Tasmania's retail growth is the highest of any state.

**Table 1: Percentage change in retail turnover
by jurisdiction, December 2019, nominal
trend data**

<i>Nominal</i> <i>trend</i>	monthly change (%)	annual change (%)
NSW	0.1	1.2
Vic	0.2	2.6
Qld	0.5	5.0
SA	0.1	1.7
WA	0.3	3.3
Tas	0.9	6.4
NT	0.4	3.5
ACT	0.4	4.3
Aus	0.3	2.8

SOURCE: RETAIL TRADE, AUSTRALIA, ABS CAT NO 8501.0: TABLE 3

There may have been a small drop in the number of retailers in our city and we may be seeing an increase in accommodation and food services but according to Louise Grimmer this is not apocalypse, this is a "correction in the market". Louise goes on to comment that:

...where once the focus of towns and cities was predominantly retail, there is now a greater emphasis on changing the mix of cities. This means including other drawcards such as hospitality, leisure, community and cultural facilities, events and experiences in addition to shopping.

Louise Grimmer is a Senior Lecturer in Marketing and a retail expert at the University of Tasmania.

Question:

What work is being undertaken by Hello Hobart to activate the city for business?

Response:

The response below was appropriate as of 30 January 2020. In response to the COVID-19 pandemic, Hello Hobart promptly expanded the traditional campaign boundaries to ensure support was available to all business owners in the City's municipal area.

The Hello Hobart team created a suite of online resources for both customers and business owners including a directory of business operating an online store and food businesses still operating. In addition, Hello Hobart begun a 'Support Local' campaign to encourage shopping from Hobart businesses on social media. Hello Hobart has regularly updated retailers through the email newsletter with relevant information including State Government initiatives and the City's own grants programs.

As at May 2020, Hello Hobart has a large cohort of dedicated followers, including through Facebook (9,806 followers) and Instagram (2,853 followers), with each post (or editorial piece) reaching an average of 11,000 people. An example of successful Hello Hobart's posts include a new store opening which reached 37,300 people in January 2020 and the launch of the online business directory for COVID-19 which reached 22,100 people.

In summary, Hello Hobart activates the business community through a number of ways. Primarily, Hello Hobart creates editorial style pieces celebrating/promoting stores within the Hello Hobart footprint. This is then shared on social media and through the Hello Hobart website.

Over 180 stores have been interviewed and featured on Hello Hobart since its inception in August 2016.

Hello Hobart has a number of targeted campaigns throughout the year. In 2019, campaigns included Christmas and a campaign to launch the new Information Hub in collaboration with the Tasmanian Tourism and Information Centre.

In the past, Hello Hobart has also held activations alongside openings such as H&M. Hello Hobart supported the Super Sidewalk Saturday events in 2016-17.

The Hello Hobart team continue to work closely with the business community and other key stakeholders within the Hello Hobart footprint.

The Economic Development, Engagement and Strategy Unit are also working on a wider business support strategy for the City of Hobart. This will include much of Hello Hobart's work and determine the gaps for support that the City may be able to provide in conjunction with existing programs from State and Federal Government.

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.



Tim Short
DIRECTOR COMMUNITY LIFE

Date: 20 May 2020
File Reference: F20/13463; 13-1-10

Attachment A: The ABS Business Register



ATTACHMENT A

Registered businesses by industry

Hobart City - Total registered businesses		2018		2017		2016		2015		2014		Change	Percentage
												2014 to 2018	2014 to 2018
Industry	Number	%	Tasmania %	Number	%	Tasmania %	Number	%	Tasmania %	Number	%	Tasmania %	Change
Agriculture, Forestry and Fishing	176	2.8	14.6	178	2.9	15.0	177	3.0	15.3	176	3.0	15.6	-5
Mining	10	0.2	0.4	9	0.1	0.3	9	0.2	0.3	7	0.1	0.4	+7
Manufacturing	218	3.4	4.4	196	3.2	4.4	192	3.2	4.5	185	3.2	4.4	+29
Electricity, Gas, Water and Waste Services	6	0.1	0.3	10	0.2	0.3	15	0.3	0.3	3	0.1	0.3	-3
Construction	501	7.9	15.5	492	8.0	15.3	455	7.6	15.2	480	8.2	15.0	+54
Wholesale Trade	154	2.4	2.5	167	2.7	2.6	172	2.9	2.6	154	2.6	2.8	+0
Retail Trade	455	7.2	6.9	484	7.8	7.1	494	8.3	7.3	491	8.4	7.5	-30
Accommodation and Food Services	534	8.4	5.7	495	8.0	5.5	443	7.4	5.5	442	7.5	5.4	+96
Transport, Postal and Warehousing	314	4.9	6.1	223	3.6	5.6	189	3.2	5.6	186	3.2	5.7	+125
Information Media and Telecommunications	54	0.8	0.6	46	0.7	0.6	51	0.9	0.5	62	1.1	0.7	+3
Financial and Insurance Services	660	10.4	7.1	661	10.7	7.1	654	10.9	7.1	662	11.3	6.9	+12
Rental, Hiring and Real Estate Services	816	12.8	9.9	826	13.4	10.1	811	13.6	10.0	811	13.8	10.2	+19
Professional, Scientific and Technical Services	1,023	16.1	9.3	973	15.8	9.2	963	16.1	9.0	924	15.7	8.8	+86
Administrative and Support Services	221	3.5	2.9	212	3.4	2.9	174	2.9	2.7	160	2.7	2.8	+37
Public Administration and Safety	17	0.3	0.3	13	0.2	0.3	15	0.3	0.3	14	0.2	0.3	-6
Education and Training	87	1.4	1.0	82	1.3	0.9	81	1.4	0.9	76	1.3	0.9	+2
Health Care and Social Assistance	790	12.4	6.3	788	12.8	6.4	746	12.5	6.1	693	11.8	6.0	+84
Arts and Recreation Services	99	1.6	1.2	82	1.3	1.1	96	1.6	1.2	98	1.7	1.2	-16
Other Services	182	2.9	4.3	185	3.0	4.5	206	3.4	4.5	196	3.3	4.3	-12
Industry not classified	39	0.6	0.8	49	0.8	0.9	37	0.6	0.8	52	0.9	0.9	-29
Total business	6,357	100.0	100.0	6,169	100.0	100.0	5,979	100.0	100.0	5,871	100.0	100.0	+453

Source: Australian Bureau of Statistics, Counts of Australian Businesses, including Entries and Exits, 2016 to 2018 Cat. No. 8165.0 Note: Non-employed businesses includes sole proprietors where the proprietor does not receive a wage or salary separate to the business income.
<https://home.id.com.au>

Notes: The ABS Business Register is extracted from the Australian Business Register maintained by the ATO. It is a count of businesses with an Australian Business Number (ABN) on the Australian Business Register (i.e. actively trading). Business register counts are published by the ABS on statistical level 2 boundaries (SA2), not Local Government Area boundaries. The data presented in economy id aggregates SA2 level data to Local Government Areas. Where an SA2 crosses an LGA boundary, an estimate has been made to apportion the businesses in an SA2 across two or more LGAs.



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

RATE CHARGES FOR COUNCIL SPORTING FACILITIES

Meeting: Finance and Governance Committee **Meeting date:** 18 February 2020

Raised by: Alderman Behrakis

Question:

- (a) Does the Council have a consistent rate charged to each sport to use Council facilities?

In answering this question, could the General Manager please also inform the Council on:

- (i) Council capital expenditure towards each sport played in the municipality over the past five years;
 - (ii) An estimate of recurrent annual Council expenditure towards each sport (including in-kind); and
 - (iii) An estimate of Council expenditure per player by sport.
- (b) Does Hobart City Council provide any funding to organisations for the delivery of school sporting programs?

If so, could the General Manager please provide a breakdown by sport of the funding Hobart City Council has given to organisations to deliver school sporting programs over the past five years, and outline the method in which sports can access such funding?

Response:

- (a) **Does the Council have a consistent rate charged to each sport to use Council facilities?**

Yes, the Council charges an hourly rate for usage of each of its facilities, no matter which sport is being played. Different hourly rates are determined across

different facilities, however the charge is based on the quality of the facility rather than the sport being played.

As an example North Hobart Oval is charged out at a much higher rate than Mt Nelson Oval due to the differing quality of the facilities and costs to maintain to them. Consideration is also given to a hirers ability to use facilities at the venue (e.g. kiosks, function room, charging entry) to make money a result of the hire.

(i) Council capital expenditure towards each sports played in the municipality over the past five years.

The Council manages 20 sporting facilities – 19 are managed by City Amenity, plus the Doone Kennedy Hobart Aquatic Centre (DKHAC) managed by Community Life. As 17 of these facilities are used for more than one sport, it is difficult to determine the quantum for each, as any improvements generally benefit more than one activity or sporting code.

A table has been included here to show the expenditure per facility, and the main sporting activities that take place at each location:

Facility	CAPITAL Expenditure (since 16/17)	Sporting activity
Clare St Oval	\$34,114	Soccer, Cricket,
Cornelian Bay	\$18,173	Cricket, Hockey, Soccer
Domain Crossroads	\$195,517	Soccer, Cricket
Soldiers Memorial Oval	\$306,712	Soccer, Cricket, Athletics
Domain Athletic Centre	\$355,601	Athletics, Soccer
John Turnbull Oval	\$4,934	Athletics, AFL
Mt Nelson Oval	\$6,310	Soccer, Cricket
New Town Oval	\$39,850	Cricket, AFL
North Hobart Oval	\$1,205,956	AFL
Parliament St Oval	\$7,800	Soccer, Cricket
Lower Queenborough Oval	\$678,758	Soccer, AFL, Cricket
Queenborough Oval	\$220,878	Cricket, AFL
Queens Walk Oval	\$34,511	Soccer, Cricket
Sandown Park (1 and 2)	\$407,347	Soccer, Athletics

South Hobart Oval	\$208,524	Soccer
TCA Ground	\$1,410,035	Cricket, AFL
Wellesley Park	\$47,702	Soccer
West Hobart Oval	\$869,090	Soccer, Cricket
Sub-TOTAL	\$6,051,812	
DKHAC	\$3,954,633	Swimming, diving, aqua aerobics, gym activities, group fitness, water polo, finswimming, water basketball, underwater hockey, underwater rugby
TOTAL CAPEX	\$10,006,445	

It should be noted from the above that greater expenditure has naturally occurred on the grounds with the highest value in assets (TCA Ground, North Hobart Oval) as well as facilities that have had a masterplan endorsed in recent years (Queenborough, Lower Queenborough and West Hobart Oval).

Expenditure for DKHAC represents a total across Centre activities, including general public access, school events, lessons and leisure activity. The majority of capital expenditure for DKHAC includes smaller projects associated with and in preparation for the overall redevelopment of the Centre.

(ii) An estimate of recurrent annual Council expenditure towards each sport (including in-kind)

Due to the multi-purpose nature of the City's facilities a table has been included below showing the cost of maintenance for the 2017/18 and 2018/19 financial years.

Facility	Recurrent Expenditure 2017/18	Recurrent Expenditure 2018/19	Sporting Activity
Clare St Oval	\$65,128	\$61,898	Soccer, Cricket,
Cornelian Bay	\$37,417	\$40,887	Cricket, Hockey, Soccer
Domain Crossroads	\$19,262	\$12,590	Soccer, Cricket
Soldiers Memorial Oval	\$58,743	\$78,995	Soccer, Cricket, Athletics

Domain Athletic Centre	\$40,567	\$43,241	Athletics, Soccer
John Turnbull Oval	\$31,453	\$22,546	Athletics, AFL
Mt Nelson Oval	\$27,806	\$20,176	Soccer, Cricket
New Town Oval	\$86,566	\$74,604	Cricket, AFL
North Hobart Oval	\$72,529	\$110,823 *	AFL
Parliament St Oval	\$26,261	\$17,159	Soccer, Cricket
Lower Queenborough Oval	\$33,488	\$9,960 **	Soccer, AFL, Cricket
Queenborough Oval	\$79,418	\$80,772	Cricket, AFL
Queens Walk Oval	\$25,001	\$21,459	Soccer, Cricket
Sandown Park (1 and 2)	\$50,402	\$41,042	Soccer, Athletics
South Hobart Oval	\$35,172	\$25,211	Soccer
TCA Ground	\$96,379	\$140,588 ***	Cricket, AFL
Wellesley Park	\$61,543	\$40,802	Soccer
West Hobart Oval	\$31,492	\$16,660	Soccer, Cricket
Sub-TOTAL	\$878,627	\$859,413	
DKHAC	\$5,512,170	\$5,541,501	Swimming, diving, aqua aerobics, gym activities, group fitness, water polo, finswimming, water basketball, underwater hockey, underwater rugby
TOTAL	\$6,390,797	\$6,400,914	

*Expenditure increased in FY18/19 at the North Hobart oval due to AFLW match preparation (costs reimbursed from the AFL).

** Expenditure decreased at the Lower Queen borough ground FY18/19 as it was closed following 2018 floods and then was refurbished.

*** Expenditure increased at the TCA as the ground had a new playing surface installed the previous season and as such additional maintenance was required.

Higher expenditure is also noted on grounds that have turf wickets for cricket (TCA, New Town, Queenborough, Clare St and Soldiers Memorial Oval). These assets require substantial works to maintain them during the summer season of cricket.

Expenditure for DKHAC represents a total across Centre activities, including general public access, school events, lessons and leisure activity.

(iii) An estimate of Council expenditure per player by sport

Due to facilities being multi-purpose this is a difficult question to answer and there is no way of obtaining accurate data from within the financial or bookings system to provide this information.

(b) Does Hobart City Council provide any funding to organisations for the delivery of school sporting programs?

At this point in time the Council does not provide any funding to organisations for the delivery of school sporting programs.

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.



Glenn Doyle
DIRECTOR CITY AMENITY



Tim Short
DIRECTOR COMMUNITY LIFE

Date: 20 May 2020
File Reference: F20/23576; 13-1-10

12. CLOSED PORTION OF THE MEETING

RECOMMENDATION

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Leave of Absence

The following items are listed for discussion:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairman
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest