



CITY OF HOBART

# **AGENDA**

## **City Planning Committee Meeting**

### **Open Portion**

**Monday, 29 June 2020**

**at 5:00 pm**

## THE MISSION

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

## THE VALUES

**The Council is:**

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

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## ORDER OF BUSINESS

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

### **APOLOGIES AND LEAVE OF ABSENCE**

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**City Planning Committee Meeting (Open Portion) held Monday, 29 June 2020 at 5:00 pm.**

**This meeting of the City Planning Committee 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*.**

**COMMITTEE MEMBERS**

Deputy Lord Mayor Burnet (Chairman)  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**Apologies:**

**Leave of Absence:** Nil.

**NON-MEMBERS**

Lord Mayor Reynolds  
Zucco  
Sexton  
Thomas  
Ewin  
Sherlock

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

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**2. CONFIRMATION OF MINUTES**

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The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 15 June 2020](#), are submitted for confirming as an accurate record.

**3. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

**Recommendation**

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



#### **4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

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

#### **5. TRANSFER OF AGENDA ITEMS**

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

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

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

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

#### **6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS**

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

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

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

#### **RECOMMENDATION**

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

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

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

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

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

## 7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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### 7.1.1 14 STOKE STREET, NEW TOWN - MULTIPLE DWELLINGS (ONE EXISTING, ONE NEW) PLN-20-186 - FILE REF: F20/63179

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Address:	14 Stoke Street, New Town
Proposal:	Multiple Dwellings (One Existing, One New)
Expiry Date:	15 July 2020
Extension of Time:	No applicable
Author:	Richard Bacon

#### **RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for multiple dwellings (one existing, one new) at 14 Stoke Street New Town TAS 7008 for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.1 P1 of the *Hobart Interim Planning Scheme 2015* because it involves demolition which would result in the loss of significant landscape elements which contribute to the historical cultural heritage significance of the place, and it has not been demonstrated that (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; and that (b) there are no prudent and feasible alternatives.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 P1(b) of the *Hobart Interim Planning Scheme 2015* because it involves demolition which would result in the loss of landscape elements that contribute to the historic cultural heritage significance of the precinct, and it has not been demonstrated that (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values

of the place; that (b) there are no prudent or feasible alternatives; and that (c) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.

- Attachment A: PLN-20-186 - 14 STOKE STREET NEW TOWN  
TAS 7008 - Planning Committee or Delegated  
Report ↓ 
- Attachment B: PLN-20-186 - 14 STOKE STREET NEW TOWN  
TAS 7008 - CPC Agenda Documents ↓ 
- Attachment C: PLN-20-186 - 14 STOKE STREET NEW TOWN  
TAS 7008 - Planning Referral Officer Development  
Engineering Report ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	6 July 2020
Expiry Date:	15 July 2020
Application No:	PLN-20-186
Address:	14 STOKE STREET , NEW TOWN
Applicant:	Graeme Corney (Graeme Corney architect & heritage consultant) 3/78A Esplanade
Proposal:	Multiple Dwellings (One Existing, One New)
Representations:	NIL
Performance criteria:	Inner Residential Zone Development Standards, Parking and Access Code Historic Heritage Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for multiple dwellings (one existing, one new) at 14 Stoke Street New Town TAS 7008.
- 1.2 More specifically the proposal includes:
  - new single storey dwelling to the rear of the site.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Inner Residential Zone Development Standards - Rear Setback
  - 1.3.2 Parking and Access Code - Onsite Car Parking Spaces
  - 1.3.3 Historic Heritage Code - Listed Place and Heritage Precinct
- 1.4 No representations were received during the statutory advertising period between the 12th and 26th May 2020.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council.

**2. Site Detail**

- 2.1 No.14 Stoke Street contains a single dwelling and is within the Inner Residential Zone. The dwelling is sited close to its street frontage, leaving a good sized rear garden behind. Behind the subject site is 12 Stoke Street, and the historical relationship between these two sites is set out by the Council's Cultural Heritage Officer below under section 6 of this report, as well as at Attachment C.



Figure 1: The subject site is bordered in blue.



Figure 2: A Google Streetview image of the subject site. The access on the left hand side of the image is to the larger property behind the subject site, known as 12 Stoke Street.

### 3. Proposal

- 3.1 Planning approval is sought for multiple dwellings (one existing, one new) at 14 Stoke Street New Town TAS 7008.
- 3.2 More specifically the proposal is for:
  - new single storey dwelling to the rear of the site.



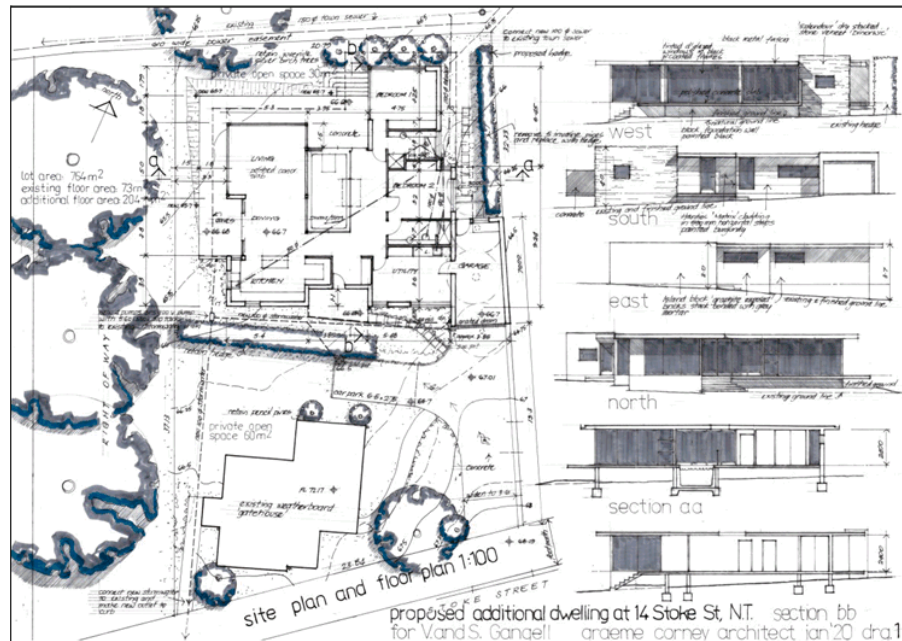


Figure 3: Proposed site plan, floor plan and elevations.

#### 4. Background

- 4.1 An application for a change of use to visitor accommodation under PLN-18-557 was lodged dated the 21st August 2018 and remains the subject of a further information request. However it is noted that in the current application the applicant has stated that:

*The existing use [of the building on site] is a one bedroom residence. I misunderstood information from the owners who intend in the future to consider running it as a visitor accommodation. If so, they will make a planning application for that purpose.*

#### 5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between the 12th and 26th May 2020.

#### 6. Assessment



- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is a dwelling. The proposed use is multiple dwellings (one existing, one new). The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11 Inner Residential Zone
  - 6.4.2 E6.0 Parking and Access Code
  - 6.4.3 E7.0 Stormwater Management Code
  - 6.4.4 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 D11.0 Inner Residential Zone:-  
*Setbacks and Building Envelope (Rear Setback) – Part D 11.4.2 P3*
  - 6.5.2 E6.0 Parking and Access Code:-  
*Number of Onsite Parking Spaces - E6.6.1 P1*
  - 6.5.3 E13.0 Historic Heritage Code:-  
*Demolition, Building and Works on a Heritage Listed Place - E13.7.1 P1, E13.7.2 P1, P2, and P3*  
*Demolition, Building and Works in a Heritage Precinct - E13.8.1 P1, E13.8.2 P1*
- 6.6 Each performance criterion is assessed below.

## 6.7 Rear Setback 11.4.2 P3

6.7.1 The acceptable solution at clause 11.4.2 A3 required 3 metre rear boundary setback.

6.7.2 The proposal includes a 1.8 metre rear boundary setback.

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 11.4.2 P3 provides as follows:

*The siting and scale of a dwelling must:*

*(a) not cause unreasonable loss of amenity by:*

*(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*

*(ii) overshadowing the private open space of a dwelling on an adjoining lot; or*

*(iii) overshadowing of an adjoining vacant lot; or*

*(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*

*(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

6.7.5 The adjoining property to the rear, 12 Stoke Street, is to the north/northwest of the applicant site and is on a similar gradient. This neighbouring property is an internal lot of large size and containing a very large building which is rated as being in residential use. The nearest side wall of the neighbouring building is some 10 metres from the property boundary with the subject site. As such, in terms of this neighbour, the proposal is not considered likely to result in any excessive degree of visual impact, and is unlikely to result in any significant degree of overshadowing.

No other neighbour is considered to be unreasonably impacted by the proposal.

The proposal is considered acceptable in terms of rear setback provisions under the Planning Scheme.

6.7.6 The proposal complies with the performance criterion.

## 6.8 Onsite Parking Provision Part E 6.6.1 P1

- 6.8.1 The acceptable solution at clause E6.6.1 A1 and Table E1 requires the provision of four parking spaces for two two bedroom multiple dwellings.
- 6.8.2 The proposal includes the provision of two on site parking spaces.
- 6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause E6.6.1 P1 provides as follows:

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

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

- 6.8.5 Assessment of the performance criterion follows.

The proposal would be deficient in terms of on site parking. On the other hand, Stoke Street is a public transport route. The site is also in close proximity to major public transport bus routes on both Argyle Street (150 metres) and New Town Road (220 metres). The site is reasonably centrally located being some 2.4 kilometres from the city centre (GPO) and less than 800 metres from North Hobart (the North Hobart Post Office). Therefore, in addition to public transport accessibility, the site is considered reasonably accessible with regard to walking.

Council's Development Engineer recommends conditional approval.

- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Demolition, Building and Works on a Heritage Place and in a Heritage Precinct - Part E 13.7.1 P1 and E13.7.2 P1, P2, P3, and E13.8.1 P1, and E13.8.2 P1
- 6.9.1 There are no acceptable solutions for E13.7.1 A1 and E13.7.2 A1, A2, A3, and E13.8.1 A1, and E13.8.2 A1
- 6.9.2 The proposal includes demolition, building and works at a heritage listed site within a heritage precinct.
- 6.9.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criteria at clauses E 13.7.1 P1 and E13.7.2 P1, P2, P3, and E13.8.1 P1, and E13.8.2 P1 provide as follows:
- E13.7.1  
P1  
*Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;*
- (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (b) there are no prudent and feasible alternatives;*
- (c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;*
- (d) significant fabric is documented before demolition.*

## E13.7.2

## P1

*Development must not result in any of the following:*

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

## P2

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

## P3

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

## E13.8.1

## P1

*Demolition must not result in the loss of any of the following:*

- (a) buildings or works that contribute to the historic cultural heritage significance of the precinct;*
- (b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;*  
*unless all of the following apply;*
  - (i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
  - (ii) there are no prudent or feasible alternatives;*
  - (iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.*

## E13.8.2

P1

*Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*

- 6.9.5 Assessment of the performance criteria by Council's Cultural Heritage Officer follows.

Background

14 Stoke Street is a property with a complex cultural heritage.

Located as it is on high ground above New Town, the geographical location gets good sun and affords excellent views. These attributes no doubt made it a desirable location for settlement during the colonial period.

The design and physical fabric of some building fabric on the subject site most probably dates from the 1830s or 1840s onwards.

The lot and buildings are oriented askew from Stoke Street itself. This anomaly suggests that the development of the site predates the street – which is indeed named after an association with the Spode family of potters, from Stoke-on-Trent in the Midlands of England.

The buildings at the subject site at 14 Stoke Street most certainly were originally accessed off New Town Road.

Two important structures exist from a cultural heritage perspective – the large, stone, double storey residence dating from the 1880s [on the site known as 12 Stoke Street], and a smaller timber building which is in fact an older construction – part of it dating to 1830 or 1840 [on the subject site at 14 Stoke Street]. A garden is situated around and between them.

The land was originally owned by the Spode family and a house, built in the 1830s, was demolished by later owners in order to make way for the Victorian era stone house which remains today [on 12 Stoke Street].

The smaller black and white timber building which sits close to Stoke Street [on 14 Stoke Street], has been modified with an older hipped portion embedded within a latter steeply pitched, ornamented addition.

Some cladding, windows and footings appear to be modifications - they do not appear to be 19th century fabric. It is suffice to say the historic

heritage of this site is complex, layered and modified.

In order to understand its significance – it is important to consider not only the physical fabric but also the social significance of the place.

Josiah Spode (1790-1858) was born into wealthy family and arrived in Tasmania in 1821. He was the grandson of Josiah Spode of Stoke Lodge, Stoke-on-Trent, founder of the famous Staffordshire pottery. This is only 17 years after the commencement of European settlement/invasion. Spode was an important colonial figure who was intimately involved in the daily operations of Van Diemen's Land. He kept meticulous records and was a well-respected figure.

In 1827 Spode was appointed (by Governor Sir George Arthur) as muster master with charge of convict records. In 1828 he became Coroner. In 1839 Chief Police Magistrate and a Member of the Legislative Council.

The Black Wars (1824-31) were the most intense frontier conflict in Australia. Spode, it must be assumed, would have been aware of unfolding events.

Further to this, the relative merit of the Van Diemen's prison system (administered in no small part by Spode) was the subject of a report prepared by the penal reformer, Alexander Macnochie (1787-1860).

Macnochie was by all accounts an enlightened gentleman and friend of Charles Darwin. Macnochie spent time in the navy, was a geographer and penal reformer. Born in Edinburgh, he had some legal training before joining the navy during the Napoleonic Wars. He was held as a prisoner of war and was involved the American War of Independence. Macnochie was one of the founders of the Royal Geographical Society of London in 1830. He was the First Professor of Geography at the University of London.

Macnochie was Private Secretary to Sir John Franklin – Governor of Hobart Town. Macnochie came into ideological conflict with Spode – regarding the state of prison discipline on the island (around 1837). His report was sent (by Governor Franklin) to the Home Office in the London. This document, critical as it was of the cruel practices which were routine in the colony, has proven to be pivotal in the history of Tasmania. Transportation eventually came to an end and the work of Macnochie went on to be the foundation of modern prison practices.

Critically, despite the Macnochie report, Spode (and his colleagues) decided to uphold the cruel convict system via his various administrative roles – including one as a member of the Legislative Council.

Following his public service, Spode was awarded a very generous annual 220 pound pension. 14 [and 12] Stoke Street is the land upon which Spode lived during his comfortable retirement in Tasmania. His story is part of the dark and still somewhat obscure 19th century history of this island. Brutal practices sanctioned by a government who had been informed otherwise. Grave matters indeed.

Moving back into the present, a subdivision enabled the separation of the smaller timber building from its parent title [to create 14 and 12 Stoke Street respectively] – however the historical association between the two buildings, the property and Mr Spode remains.

Despite the subdivision, the large and small buildings still share a sense of being in the 'grounds' and there are remnant trees which augment the sense of the history of the property.

This site is an important one in the history of Tasmania. It is not so much the architectural things which are significant - the larger house was built following the demolition of the original Stoke House, while the smaller building is significantly modified. But the grounds of the 19th century estate endures between these structures. A remnant landscape. It is this landscape which is proposed to be demolished to enable a dwelling to be built.

As noted previously, the land behind the small black and white cottage is not so much a rear garden as an integral part of the 19th century estate [originally] accessed from New Town Road.

It is not being asserted that the entire garden is a fine example of a 19th century landscape architecture. Rather it contains remnants of a landscape which are associated with an estate which appear to be of great social significance.

This is a place where things remain from the 19th century which communicate to us of in the 21st century. As a society still coming to terms with the grim history of Tasmania – this site is considered to be very significant in the social history of Tasmania.

Source: SF. C. Green, 'Spode, Josiah (1790–1858)', Australian



Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/spode-josiah-2686/text3733>, published first in hardcopy 1967, accessed online 14 May 2020.

#### Proposal

Council has received an application to build an additional dwelling in the garden between the 1880s and the 1830s buildings. The site is a listed place and also in a heritage precinct and therefore the Historic Heritage Code applies.

Mature plantings and remnant vegetation associated with larger estates of the 19th century are specifically referred to (and thereby protected) in the statement of significance for the Stoke Street Heritage Precinct:

- 1. The larger, prominent buildings are intact examples of architectural styles and have a high degree of integrity and social and community history.*
- 2. This precinct represents a collection of residential buildings of historic and architectural merit including Federation Queen Anne and Federation architectural style.*
- 3. The uniformity of form and scale and subdivision pattern contributes to consistent and impressive streetscapes.*
- 4. The mature plantings and remnant vegetation associated with larger estates of the nineteenth century.**

#### Demolition

The applicant is proposing to build a new dwelling on a grassed area which is located between the timber 'gatehouse' and larger, later stone residence [on 12 Stoke Street]. As has been previously noted, the estate would have originally been accessed from New Town Road. Stoke Street was constructed after the 19th century estate was established. The space in which the new dwelling is proposed is within of the 'grounds' of the 19th century estate.

It is not unusual for historic houses to predate, and thus be at odds with, current street configurations.

The applicant proposes the demolition of garden. This is the demolition of landscape elements - open green space - which formed part of the Spode estate. The proposed demolition fails to satisfy E13.7.1 P1 and E 13.8.1

P1 (b).

Given the significance of Spode as a historical figure in Hobart Town, it is also worth noting that there may be archaeological remains underground which could yield archaeological knowledge. Whilst not within the zone of archaeological potential, as defined in the Planning Scheme, it seems would seem prudent to assume that it is a very real possibility that the surrounds of a building dating from the 1830s site could potentially contain historic remains - which ought to be investigated and protected. [Note that the Tasmanian Heritage Council's conditional approval stipulates that archaeological works must be undertaken if significant archaeological material is uncovered.]

#### Works

The Architect for the proposal has designed a sensible and modest single storey concrete and glass house. The scale and materiality of the design will not have an unacceptable impact on the listed place and precinct. The proposed works are able to satisfy E 13.7.2 P1 (a).

The proposed works fail to satisfy E13.7.1 P1 and E13.8.1 P1 (b). Demolition of the garden would result in loss of historic heritage values and an understanding of the former 19th century estate. The applicant has not provided any evidence to demonstrate that this proposal offers environmental, social, economic and safety benefits of greater value to the community than the historic cultural heritage significance of the landscape elements proposed to be demolished. The application must therefore be refused.

#### Representations

Council has not received any representations in regard to this application.

#### THC

The Tasmanian Heritage Council has approved the proposal subject to conditions regarding archaeology given the association with Spode.

The recommendation of this report is at odds with the THC approval. It should be noted that Hobart City Council and the Tasmanian Heritage Council operate under different Acts - and this assessment is against the provisions of the Historic Heritage Code of the City of Hobart Interim Planning Scheme 2015. It is not unexpected (or indeed unprecedented) that assessment against different provisions can precipitate a different outcome.

Recommendation

It is considered that the proposal does not satisfy clauses E13.7.1 P1 and E13.8.1 P1 (b) of the Historic Heritage Code of the Hobart Interim Planning Scheme 2015 and is recommended for refusal.

Reasons for Refusal

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.1 P1 of the Hobart Interim Planning Scheme 2015 because it involves demolition of the landscape elements of a heritage listed building.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 P1 (b) of the Hobart Interim Planning Scheme 2015 because it involves demolition of landscape elements associated with a historic building located in a heritage precinct.

6.9.6 The proposal does not comply with the performance criterion.

**7. Discussion**

- 7.1 Planning approval is sought for multiple dwelling (one existing, one new) at 14 Stoke Street New Town.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered unacceptable on heritage grounds.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Cultural Heritage Officer. The Cultural Heritage Officer recommends refusal of the proposal. The Development Engineer has raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for refusal.

**8. Conclusion**

- 8.1 The proposed multiple dwellings (one existing, one new) at 14 Stoke Street New Town TAS 7008 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 multiple dwellings (one existing, one new) at 14 Stoke Street New Town TAS 7008 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.1 P1 of the *Hobart Interim Planning Scheme 2015* because it involves demolition which would result in the loss of significant landscape elements which contribute to the historical cultural heritage significance of the place, and it has not been demonstrated that (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; and that (b) there are no prudent and feasible alternatives.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 P1(b) of the *Hobart Interim Planning Scheme 2015* because it involves demolition which would result in the loss of landscape elements that contribute to the historic cultural heritage significance of the precinct, and it has not been demonstrated that (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; that (b) there are no prudent or feasible alternatives; and that (c) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.



(Richard Bacon)

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



(Ben Ikin)

**Senior Statutory Planner**

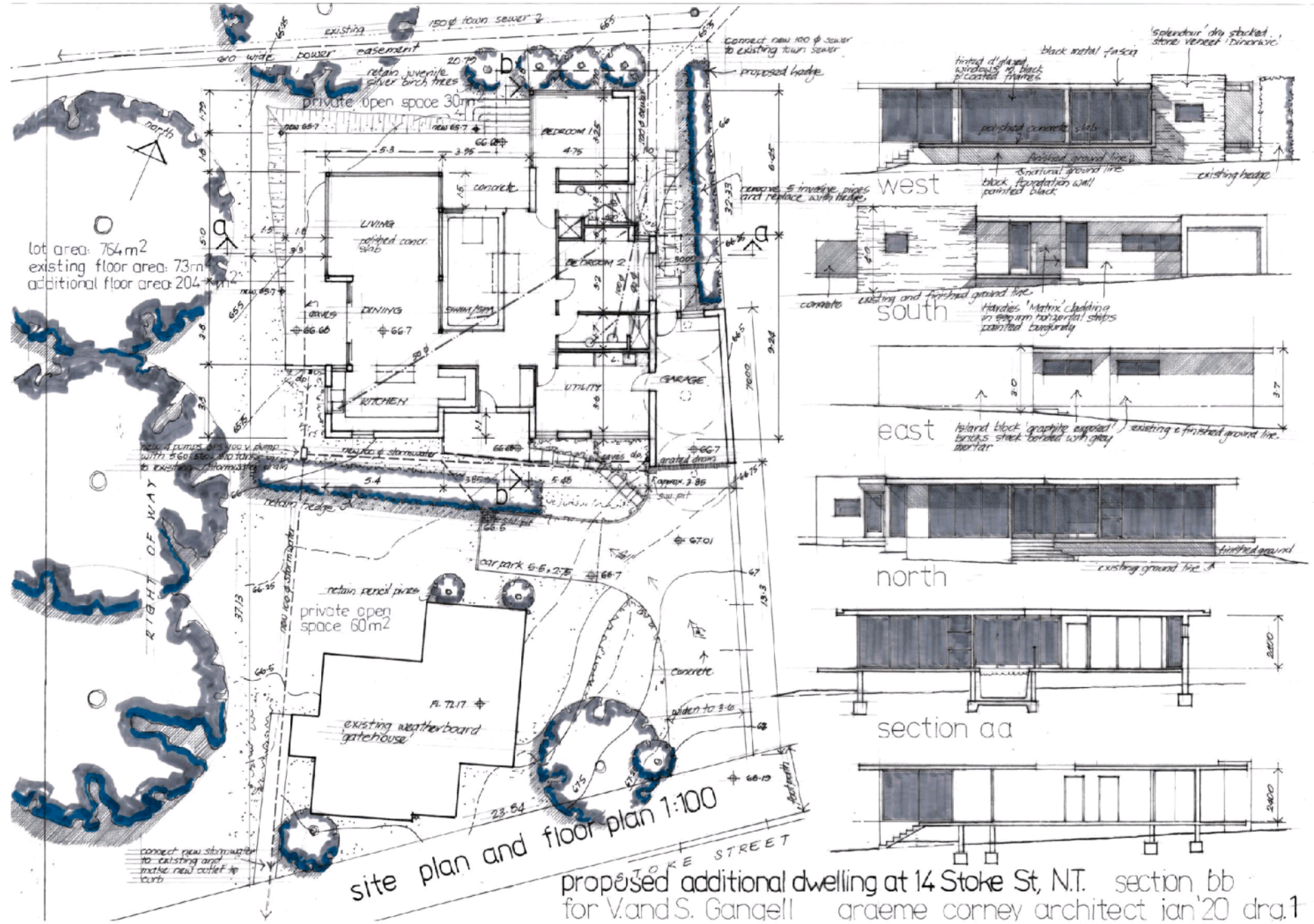
*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

Date of Report: 17 June 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Development Engineering Report



**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 198077	FOLIO 1
EDITION 9	DATE OF ISSUE 26-Sep-2018

SEARCH DATE : 11-Mar-2020

SEARCH TIME : 05.46 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Plan 198077

Derivation : Part of 10A-2R-30Ps. Gtd. to J. Spode.

Prior CT 2855/56

SCHEDULE 1

M709658    TRANSFER to STEVEN GEOFFREY GANGELL and VICKI ANNE  
                 GANGELL    Registered 26-Sep-2018 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
BENEFITING EASEMENT: the right (in common with others having  
the like right) to construct lay and maintain a drain  
through or beneath the surface of the strip of land  
marked A.B.C. and D.E. on Plan No. 198077 for the  
free passage and running of water and soil from the  
said piece of land or any part or parts thereof and  
to enter on the said strip of land marked A.B.C. and  
D.E. with or without servants and workmen from time  
to time for that purpose and for the purpose of  
repairing and cleansing the said drain and removing  
therefrom any obstruction but without doing any  
unnecessary damage and making good any damage done.

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

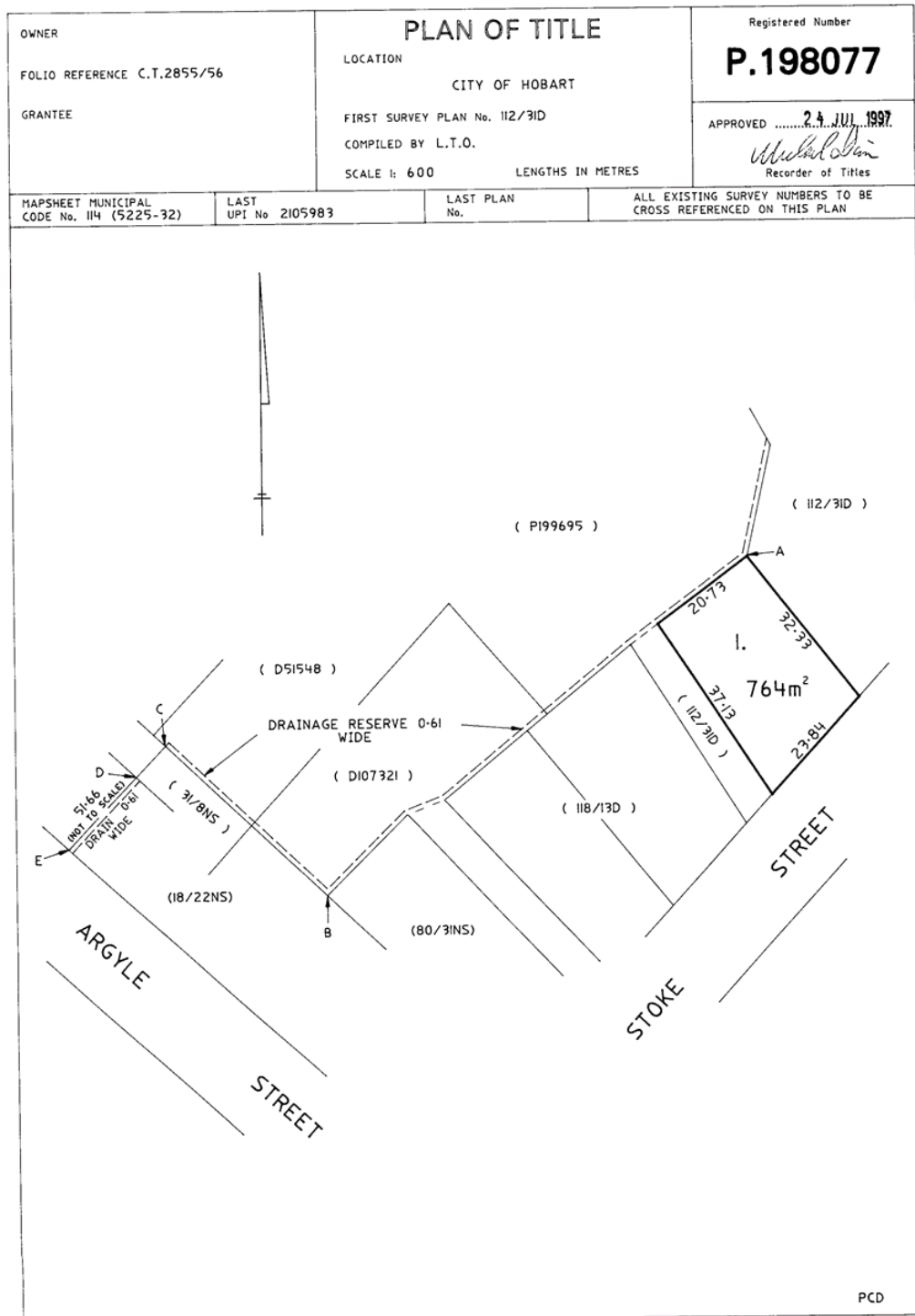




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





**REQUEST FOR INFORMATION, PLN-20-186****14 Stoke Street, New Town**

16 April 2020

Prepared by

**graeme corney** architect & heritage consultant  
3/78a Esplanade, Rose Bay 7015 tel (03) 6243 1994 or 0448 014 005

On 9 April 2020 Council requested more information for this DA.

"1 Please confirm the use of the existing building on site. Council records indicate the existing use as a dwelling. If any visitor accommodation use is proposed, a prior application to and approval from Council is required."

My response....

The existing use is a one bedroom residence. I misunderstood information from the owners who intend in the future to consider running it as a visitor accommodation. If so, they will make a planning application for that purpose.

**DEVELOPMENT APPLICATION,  
14 Stoke Street, New Town**

31 March 2020

Prepared by

**graeme corney** architect & heritage consultant  
3/78a Esplanade, Rose Bay 7015 tel (03) 6243 1994 or 0448 014 005

**Figure 1** Façade of the gatehouse at 14 Stoke Street as seen from Stoke Street

**1 Introduction and brief summary of history**

The cottage at 14 Stoke Street contains the building known as the gatehouse to Stoke House, an 1887 two storey sandstone gentleman's residence. Stoke House now is on an internal lot on a separate title with different ownership to the gatehouse and with ROW past the gatehouse.

It seems that the cottage was not built as a gatehouse, but instead the town house of public servant Josiah Spode who constructed it in the late 1830s or early 1840s.

Josiah Spode (1790-1858), landowner and public servant, was the grandson of Josiah Spode of Stoke Lodge, Stoke-on-Trent, England, founder of the famous Staffordshire pottery. He served in the navy, first as a midshipman and then in 1809-10 as an officer. He retired from the navy to manage the family pottery, but on the birth of a first cousin he was no longer the heir and decided to leave England. He married the daughter of the wealthy Garner family and sailed in the *Brixton* for Hobart Town,

where he arrived in 1821. With declared assets of £821 16s. 9d. and credentials from the Colonial Office, he was given a grant of land near Hamilton, about thirty miles (48 km) from New Norfolk. He later exchanged it for land at Macquarie Plains which he leased after making sufficient improvements to earn an additional grant of 1000 acres (405 ha) at Shooter's Hill, eight miles (13 km) from New Norfolk.

His interest in farming was secondary to his aspirations in the colonial service. In 1827 he was appointed muster master with charge of convict records and assistant police magistrate for Hobart. In 1828 he also became coroner. In 1831 he was promoted principal superintendent of convicts, and in 1839 became chief police magistrate and also a member of the Legislative Council, where he upheld the existing convict system in the face of [Alexander Maconochie](#)'s criticism. Two years later he resigned from the council when reappointed principal superintendent of convicts. In 1844 this office was abolished and next year he retired with an annual pension of £220 from the colonial service, in which he had for seventeen years been a most efficient officer. In the meantime he had built at New Town a town house known as Stoke Cottage. He continued to live there but still owned the Shooter's Hill property where in 1846 he had bought an additional 640 acres (259 ha). In 1851 he advertised his intention to lease this property, which included a new house with 2137 acres (865 ha) of land, 100 (40 ha) of them under cultivation. In 1854 he sailed for England with his wife and two youngest sons in the *Antipodes*. He died on 1 November 1858 at Grange Villa, Tring, aged 68.<sup>1</sup>

The original house was likely little more than a simple rectangle and later extended late in the 19<sup>th</sup> century. Some surviving colonial beaded weatherboards and rose head nails demonstrate the original smaller cottage. Little other original fabric has survived.

It is likely that its use as a gatehouse began following the completion of Stoke House.

Stoke House was built in 1887 by former parliamentarian and Chief Justice of Tasmania Sir John Stokell Dodds (1848-1914). The sandstone was transported from England and Scotland.

The gatehouse allotment has the cottage itself set close to Stoke Street with a disused grassed parcel of land behind a hedge which separates the gatehouse from the grassed area. The owners of the gatehouse Vicki and Steven Gangell operate a B & B from the building and wish to move onto the site into a new residence on the grassed area.

I have been commissioned to design a modern house for their new residence.

<sup>1</sup> Australian Dictionary of Biography Vol. 2 (MUP), 1967

## 2 Urban Context



**Figure 2** Aerial of Stoke House, photo from real estate column on web.

The two principle fronts of Stoke House are to the south-west and north-west as can be seen in the aerial photograph above. The pleasure gardens are also in the area of those two fronts. The R.O.W. enters on the far side of the row of pine trees seen to the right of Stoke House. The gatehouse is screened in this photo by the pine trees.

It can be seen that the landscape between the gatehouse and Stoke House is not prominent nor does it play a significant role in the overall landscape of Stoke House (the exception is the row of very tall old pine trees which are prominent and important in marking the driveway).

The grassed area (see figure 4) which will take the new house construction is concealed from Stoke Street by mature landscaping in particular a hedge behind the gatehouse. The grassed area can be seen only from the R.O.W. The new house, if not overly tall, will be seen only from the R.O.W.





**Figure 3** rear view of Stoke House as seen from the Stoke Street R.O.W. past the gatehouse.



**Figure 4** Grassed area left of hedge which separates the gatehouse from the proposed house site  
A row of Cyprus trees grows against the northern boundary (left of the hedge in figure 4).



**Figure 5** Gatehouse as seen from R.O.W. immediately off Stoke Street

### **3 The Proposal**

The proposal is to construct a new low-roofed modern house on the grassed area. The design concept is a low, contemporary 'garden pavilion' sitting quietly amongst the established landscape and invisible from Stoke Street.

The house will be of dark colours (tinted glass, black painted steelwork, black flashings and gutters); and stacked stone. It will not be visible from Stoke Street and will appear from the R.O.W. as an unobtrusive recessive element.

Several 20-30 year old Leyland cypress trees exist on the site. There are two (one large and one small) very close to Stoke Street near the gatehouse. There are 5 along the northern boundary of the grassed area behind the gatehouse. It is likely that the row was intended as a controlled hedge but has never received any trimming.

The northern neighbor has given written notice of damage to his property caused by the row of cypress trees. The neighbor has warned of legal action if the damage worsens.

This application includes the removal of those 5 trees and replacement with a more suitable and less invasive hedge. An arborist's report written by Alister Hodgman supports the cypress removal. That report is included with this application.



The documents that accompany this DA are as follows:

Drg	Content
1	Site Plan and Floor Plan including Elevations Title Folio Plan 198077/1 Title Folio Text: Schedule of Easements Arborists report on Tree Removal Survey of Site by Rogerson & Birch

#### 4 Heritage significance of the place

*14 Stoke Street, New Town* is entered in the following heritage schedules:

##### 3.1 *Tasmanian Heritage Register*

The Tasmanian Heritage Register (THR) has this site entered as R2265

The site was permanently entered on 9 December 1998.

The THR is administered by the Tasmanian Heritage Council.

##### 3.2 *Hobart Interim Planning Scheme 2015*

*14 Stoke Street, New Town* is entered as item 3025 on the HIPS Table E13.1 title 198077/1 of Heritage Places. This scheme is administered by the Hobart City Council.

The Statements of heritage significance held in the Tasmanian Heritage Register for *14 Stoke Street* are as follows:

Criterion (a)	<i>none</i>
Criterion (b)	<i>none</i>
Criterion (c)	<i>none</i>
Criterion (d)	<i>14 Stoke Street is of historic heritage significance because of its ability to demonstrate the principal characteristics of single storey weatherboard Victorian Rustic Gothic domestic building.</i>
Criterion (e)	<i>none</i>
Criterion (f)	<i>This building is of historic heritage significance because its townscape associations are regarded as important to the community's sense of place.</i>
Criterion (g)	<i>none</i>
Criterion (h)	<i>none</i>

More appropriate statements of significance could be as follows:

The Statements of heritage significance held in the Tasmanian Heritage Register for *14 Stoke Street* are as follows:

Criterion (a)	<i>none</i>
Criterion (b)	<i>none</i>
Criterion (c)	<i>none</i>
Criterion (d)	<i>14 Stoke Street is of historic heritage significance because of its ability to demonstrate the characteristics of single storey weatherboard Colonial Georgian cottage with Victorian Rustic Gothic additions.</i>
Criterion (e)	<i>none</i>

- Criterion (f) *This building is of historic heritage significance because its townscape associations are regarded as important to the community's sense of place.*
- Criterion (g) *14 Stoke Street is of historic heritage significance because of its associations with colonial public servant Josiah Spode who built it; and former parliamentarian and Chief Justice of Tasmania Sir John Stokell Dodds who built Stoke House behind and used the cottage as a gatehouse for his manor house.*
- Criterion (h) *none*

## 5 Heritage impact assessment

The heritage values of the former gatehouse are associated with the original owner Josiah Spode; the surviving Colonial Georgian fabric (which demonstrates Spode's residence); Sir John Stokell Dodds of Stoke house; the surviving fabric which demonstrates Dodds use of the cottage as a gatekeeper's house; and the surviving landscape which has connections with those two uses.

There are later plantings most of which are less than 30 years old which are not considered to be of heritage significance as individual plantings but do contribute to a cultural landscape of garden setting.

The pleasure gardens of Stoke House were to its northern and western fronts –as shown in Figure 2. The carriage drive past the gatekeepers cottage had (and still has) large pine trees but there has been no evidence uncovered of any other significant plantings between the cottage and Stoke House. Given that the carriage way past the cottage was to the rear service part of the house it is unlikely that significant plantings would have been present other than a row of trees to mark the carriage way itself. It is more likely that the carriage drive had mature pines to both sides, however there is no evidence to support the earlier existence of a second row or pines.

Given that context the potential heritage impact of the proposed house should be measured against the values described above.

The proposal does not impact on any of the fabric of the cottage, nor the mature pines that mark the carriage way. The proposed house is low in profile and has recessive finishes so its visual impact will be very discrete. It will not be visible from Stoke Street, only from the carriage way itself. When looking from Stoke Street towards Stoke House the proposed house will not be seen so any visual relationship between the gatekeepers cottage and Stoke House will remain unaffected.

It is my view that the proposed house will have no impact on the heritage significance of the gatekeepers cottage nor Stoke House.



**Figure 6** Looking down R.O.W. towards Stoke House, new house will be beyond the hedge immediately past the paling fence

## 6 The City of Hobart Planning Scheme

The Hobart City Interim Planning Scheme 2015 has *14 Stoke Street* entered in its table E13.1. *14 Stoke Street* is also within Heritage Precinct NT8 Stoke Street.

Precinct NT8 is significant for reasons including:

1. The larger, prominent buildings are intact examples of architectural styles and have a high degree of integrity and social and community history.
2. This precinct represents a collection of residential buildings of historic and architectural merit including Federation Queen Anne and Federation architectural style.
3. The uniformity of form and scale and subdivision pattern contributes to consistent and impressive streetscapes.
4. The mature plantings and remnant vegetation associated with larger estates of the nineteenth century.

'E13.7 Development Standards for Heritage Places' and 'E13.8 Development Standards for Heritage Precincts' both apply to this application.

For proposed development within the *14 Stoke Street* site the Planning Scheme provides the following heritage protection:

- E13.7.1 Objective To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

- E13.7.2 Objective To ensure that development at a heritage place is: (a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and (b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.
- E13.8.1 Objective To ensure demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.
- E13.8.2 Objective To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.
- E13.8.3 Objective To ensure that subdivision within a heritage precinct is consistent with historic patterns of development and does not create potential for future incompatible development.

All these aspects of development require the approval of the Hobart City Council.

## **7 Assessment of Proposal against Planning Scheme**

The following list of considerations is taken from the HCC Interim Planning Scheme.

### **E13.7 Development Standards for Heritage Places**

#### **E13.7.1 Demolition**

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>discussion</b>
<b>A1</b> No acceptable solution	<b>P1</b> Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied: (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; (b) there are no prudent and feasible alternatives; (c) n/a; and (d) significant fabric is documented before demolition.	Demolition is limited to the removal of 5 invasive cypress trees 20-30 years old. To quote the arborist Alister Hodgman "Although these trees are providing greenery in the setting, the species are not in keeping with the period of the cottage. (...) Arboriculturally, I believe there is more suitable plants that will require less maintenance and will contribute to the heritage setting in a more sympathetic way." When this 'not in keeping' is combined with the damage that the row of cypress trees is causing to the neighbour's property at 16 Stoke Street I believe that firstly the cypress trees do not contribute to the historic cultural significance of the place and secondly that there is justification under P1(a) for their removal. There will be a more suitable hedge replacement planted as part of this project.

#### **E13.7.2 Buildings and Works other than Demolition**

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>discussion</b>
-----------------------------	-----------------------------	-------------------

<b>A1</b> No acceptable solution	<b>P1</b> Development must not result any of the following: (a) loss of historic cultural heritage to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes; (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.	The height and scale, design and subdued colours of the proposed house is intended to prevent it from being seen from Stoke Street. The 'compatibility' of the design is based on it being low and invisible from the public domain and from the streetscape rather than it reproducing design elements of the gatehouse –which would require a steep pitched roof which would then be visible from Stoke Street as a new element in the streetscape. The removal of the row of cypress trees is discussed in E13.7.1 and will be required for reasons of damage to neighbour's property - whether or not the proposed house is approved.
<b>A2</b> No acceptable solution	<b>P2</b> Development must be designed to be subservient and complementary to the place through characteristics including: (a) Scale and bulk, materials, built form and fenestration; (b) Setback from the frontage; (c) Siting with respect to buildings, structures and listed elements; (d) Using less dominant materials and colours.	The low roof, tinted glass, recessive dark colours, stacked stone walls, location behind an existing hedge set well behind the gatehouse are all designed to make the new house subservient and complementary to the gatehouse. It is ONLY from the R.O.W. that both gatehouse and new house will be seen adjacent each other.
<b>A3</b> No acceptable solution	<b>P3</b> Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.	The dominant heritage characteristics of the gatehouse are weatherboard walling; steep pitched iron roof; Victorian Rustic Gothic style; and landscaped setting. The new house responds by allowing all of those characteristics to remain without being visually or physically impacted in any way.
<b>A4</b> No acceptable solution	<b>P4</b> Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.	n/a
<b>A5</b> New front fences	<b>P5</b> n/a	n/a
<b>A6</b> Areas of landscaping between a dwelling and the street must be retained.	<b>P5</b> The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.	n/a

### E13.8 Development Standards for Heritage Precincts

#### E13.8.1 Demolition

Acceptable Solutions	Performance Criteria	discussion
<b>A1</b> No acceptable solution	<b>P1</b> Demolition must not result in the loss of any of the following: (a) buildings or works that contribute to the historic cultural heritage significance of the precinct; (b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct ;  unless all of the following apply: (i) There are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; (ii) There are no prudent and feasible alternatives; (iii) Opportunity is created for a replacement building that will be more complimentary to the heritage values of the precinct.	Demolition is limited to the removal of 5 invasive cypress trees 20-30 years old. To quote the arborist Alister Hodgman "Although these trees are providing greenery in the setting, the species are not in keeping with the period of the cottage. (...) Arboriculturally, I believe there is more suitable plants that will require less maintenance and will contribute to the heritage setting in a more sympathetic way." When this 'not in keeping' is combined with the damage that the row of cypress trees is causing to the neighbour's property at 16 Stoke Street I believe that firstly the cypress trees do not contribute to the historic cultural significance of the place and secondly that there is justification under P1(i) for their removal. There will be a more suitable hedge replacement planted as part of this project.

#### E13.8.2 Buildings and Works other than Demolition

Acceptable Solutions	Performance Criteria	discussion
<b>A1</b> No acceptable solution	<b>P1</b> Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.	The height and scale, design and subdued colours of the proposed house is intended to prevent from being seen from Stoke Street. The 'compatibility' of the design is based on it being low and invisible from the public domain and from the streetscape rather than it reproducing design elements of the gatehouse –which would require a steep pitched roof which would then be visible from Stoke Street as a new element in the streetscape.

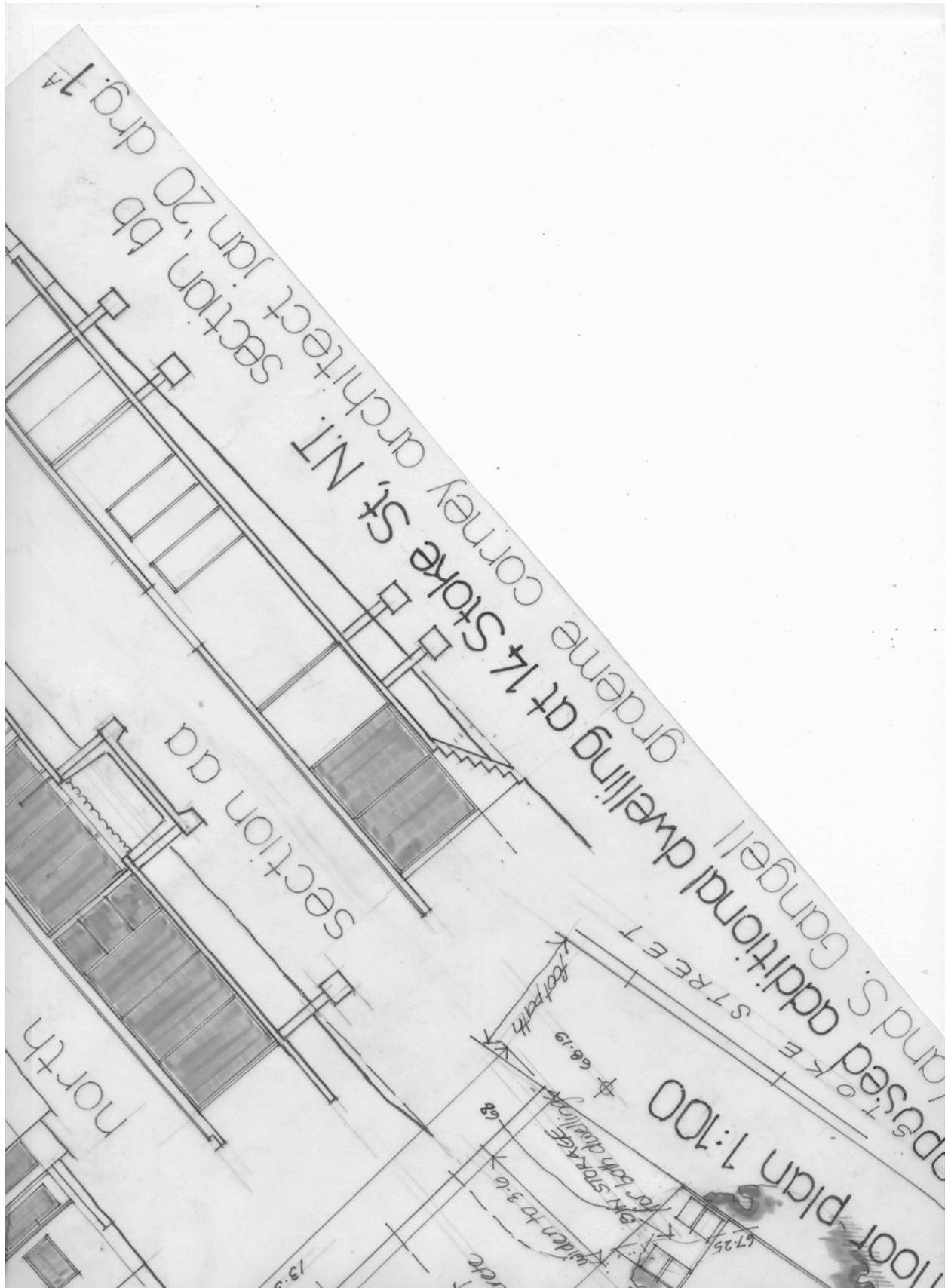
		The removal of the row of cypress trees is discussed in E13.7.1 and will be required for reasons of damage to neighbour's property -whether or not the proposed house is approved. There will be no detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.
<b>A2</b> No acceptable solution	<b>P2</b> Design and siting of buildings and works must comply with any relevant design criteria /conservation policy listed in Table E13.2, except if a heritage place or an architectural style different from that characterising the precinct.	There is no relevant design criteria/conservation policy listed in Table E13.2
<b>A3</b> No acceptable solution	<b>P3</b> Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.	n/a
<b>A4</b> New front fences	<b>P4</b> n/a.	No new front fence is proposed.
<b>A5</b> Areas of landscaping between a dwelling and the street must be retained.	<b>P5</b> The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the precinct.	n/a

## 8 Discussion and Conclusions

This proposal departs from the more common approach to infill ie to repeat 'historic' elements from the adjacent heritage buildings. To do so would require a steep pitched roof and would make the new house visible from the heritage streetscape of Stoke Street. Instead the proposal is to construct a modern 'pavilion' structure that looks comfortable in its garden setting and is invisible from Stoke Street. It will in effect appear as a modern 'garden pavilion' from the R.O.W.

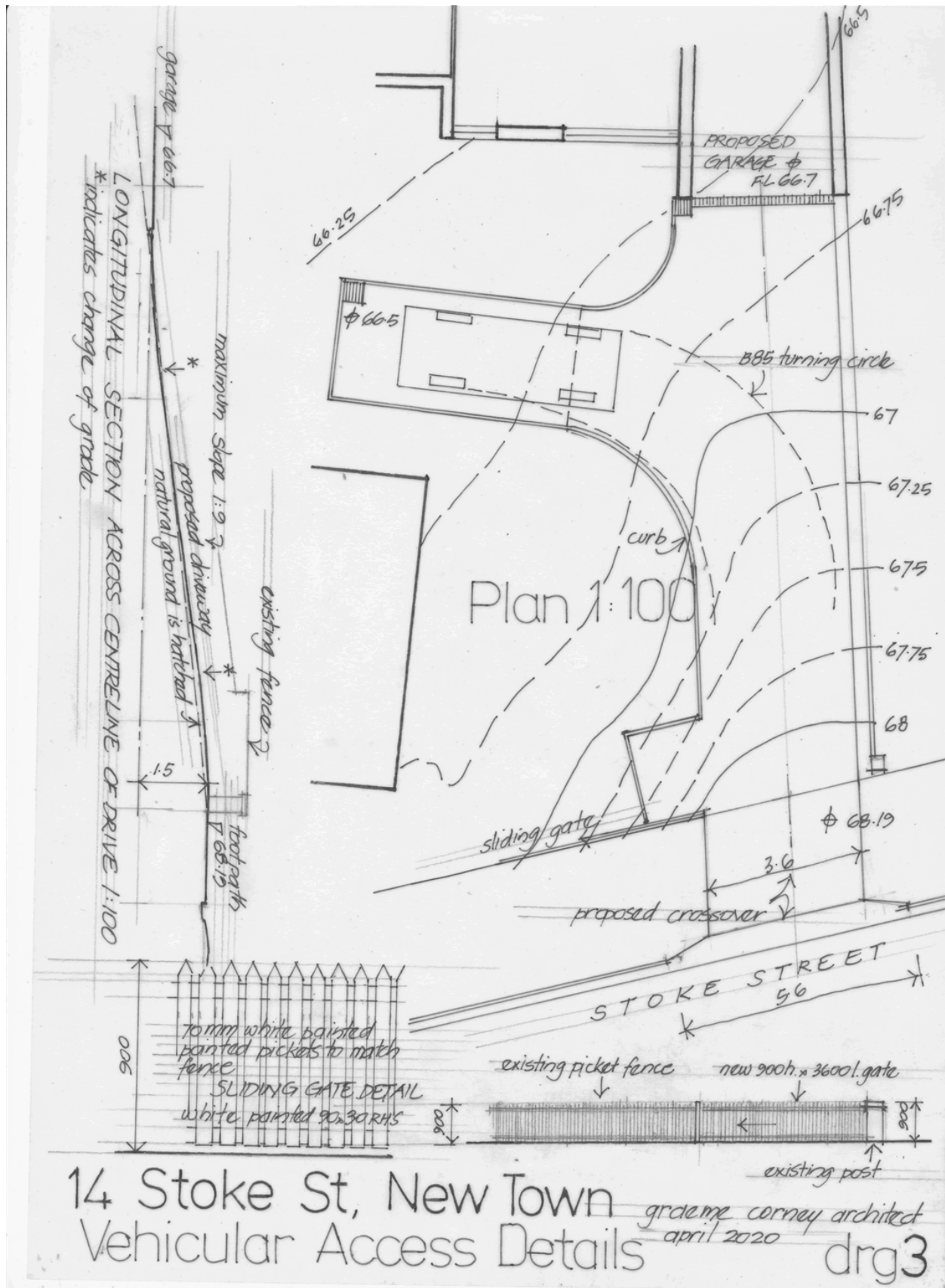
The retention of the cypress trees was initially part of the design brief, however the neighbor at 16 Stoke Street highlighting damage to that property from the trees has brought their removal into the brief. More suitable replacement planting will be carried out as part of this project.

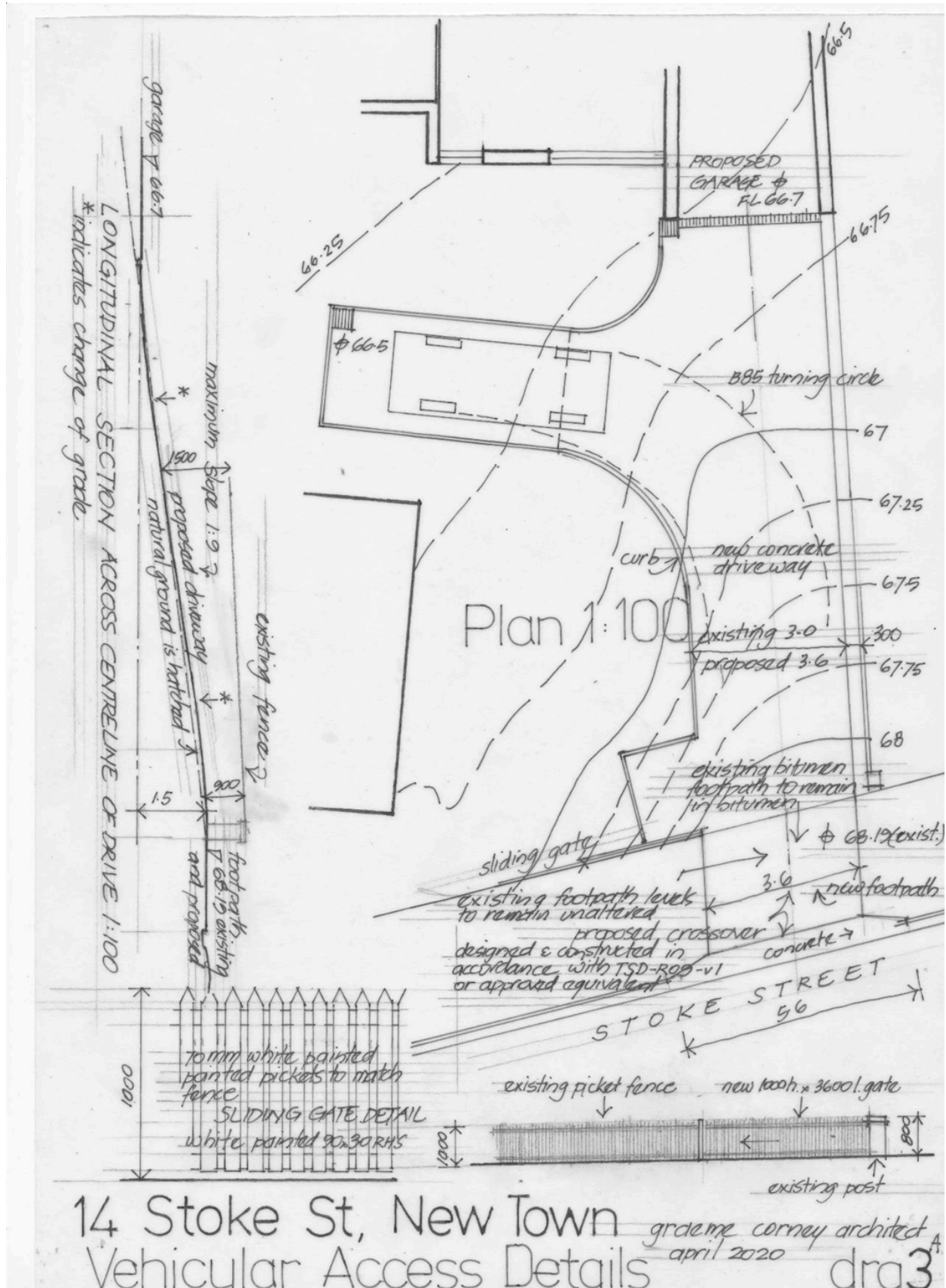
The proposal complies with the performance criteria heritage provisions of the planning scheme.













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# PROPOSED TREE REMOVAL

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14 Stoke Street, New Town

6<sup>th</sup> March 2020

**For:** Vicki and Steven Gangell  
14 Stoke Street  
New Town  
TAS 7008

**Via email:** [vgangell@yahoo.com.au](mailto:vgangell@yahoo.com.au)

**Alister Hodgman**  
Diploma (Hort/Arb)

Element Tree Services  
Ph. 0417144192

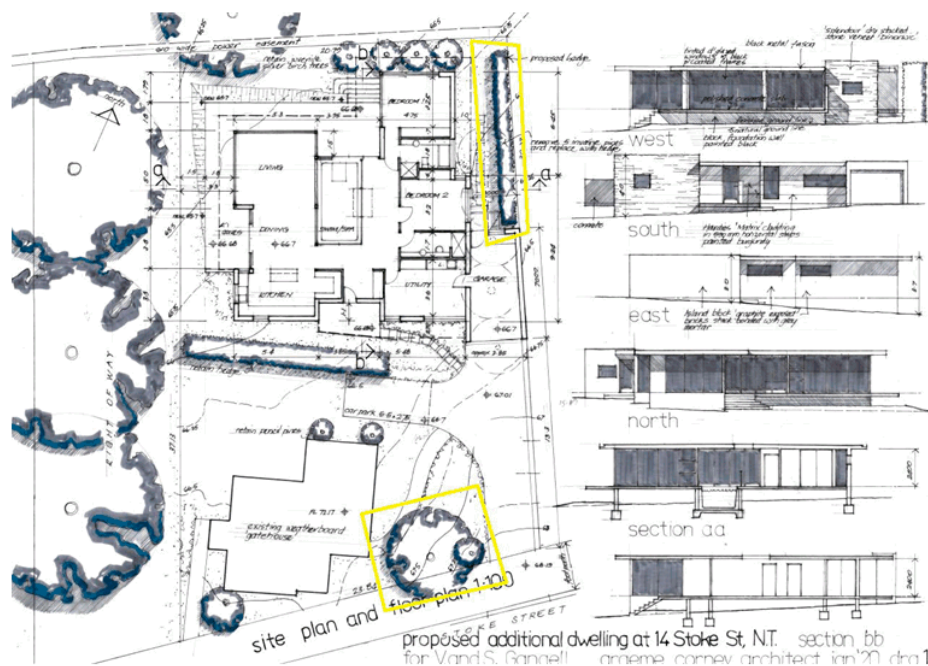
[alister@elementtree.com.au](mailto:alister@elementtree.com.au)

## 1. Terms of reference

This report was requested by Vicki and Steven Gangell to inspect selected trees growing at 14 Stoke Street, New Town. An inspection of the site was completed on the 28<sup>th</sup> of February 2020. The report will provide information on the condition of the trees and give comment on their replacement.

## 2. Site Findings

The subject trees are growing on the Stoke Street boundary and to the rear of the proposed dwelling (fig. 1).



**Fig. 1** the architect plans identifying the locations of the trees. Plan courtesy of Graeme Corney Architect.

The trees, all hybrid forms of Leyland cypress (*Cupressus x leylandii*), are likely to have been planted approximately 20 - 30 years previously. Given the species selection, planting density and location, it is likely they were intended to become screening hedges.

In their current situation, they appear very vigorous and likely to contribute to the landscape for many years to come.

Given their vigorous nature, they have developed significant root systems, particularly to the east, throughout the adjacent property. Inspection of the rear yard of 16 Stoke Street revealed significant damage to the concrete surrounding the dwelling.

Although there was no damage noted to the Gatekeepers Cottage, the two trees on the Stoke Street boundary have potential to physically damage this dwelling through root development.

### 3. Discussion

Although these trees are providing greenery in the setting, the species are not in keeping with the period of the cottage. Leyland cypress became popular due to their fast growth rates, but unfortunately this can become problematic due to the maintenance required to keep them manageable within a garden.

Removal of these two cypresses has been proposed. Arboriculturally, I believe there is more suitable plants that will require less maintenance and will contribute to the heritage setting in a more sympathetic way.

### 4. Replacement plantings

As space is limited on the Stoke Street boundary, I recommend smaller growing trees or shrubs that will compliment the cottage. Species to consider include:

- *Cornus kousa* – Chinese dogwood
- *Magnolia stellata* – Star magnolia
- *Rhododendron sp.* – Rhododendron
- *Lonicera nitida* – Box honeysuckle

The loss of the larger trees on the eastern boundary should be offset through planting more suitable trees to develop an informal screen. Species to consider include:

- *Luma apiculata* – Myrtus luma
- *Azara microphylla* – Vanilla tree
- *Syzygium australe* – Lilly pilly
- *Cupressus sempervirens* – Italian cypress
- *Laurus nobilis* – Bay tree



**5. Conclusion**

It is my opinion that the Leyland cypresses are not appropriate in this location. The list of plants I have provided are more sympathetic to the heritage site and reflect species that were more available in the 1800's. If planted, they are much less likely to cause structural damage to the surrounding buildings.

Yours sincerely,



Alister Hodgman

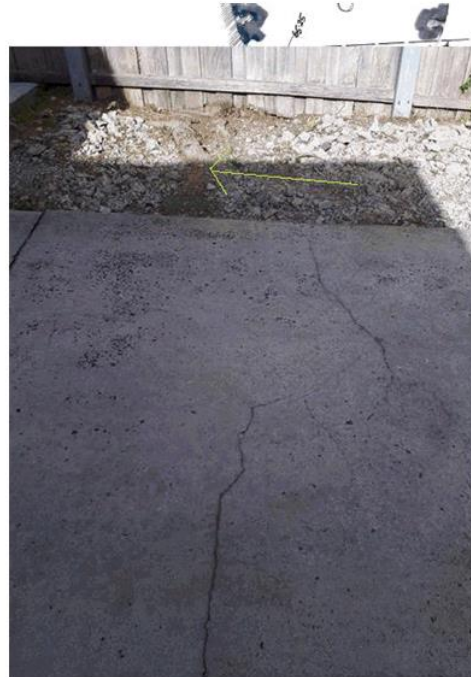
**Appendix 1 – Selected Images**



*The cypresses currently growing on the eastern boundary.*



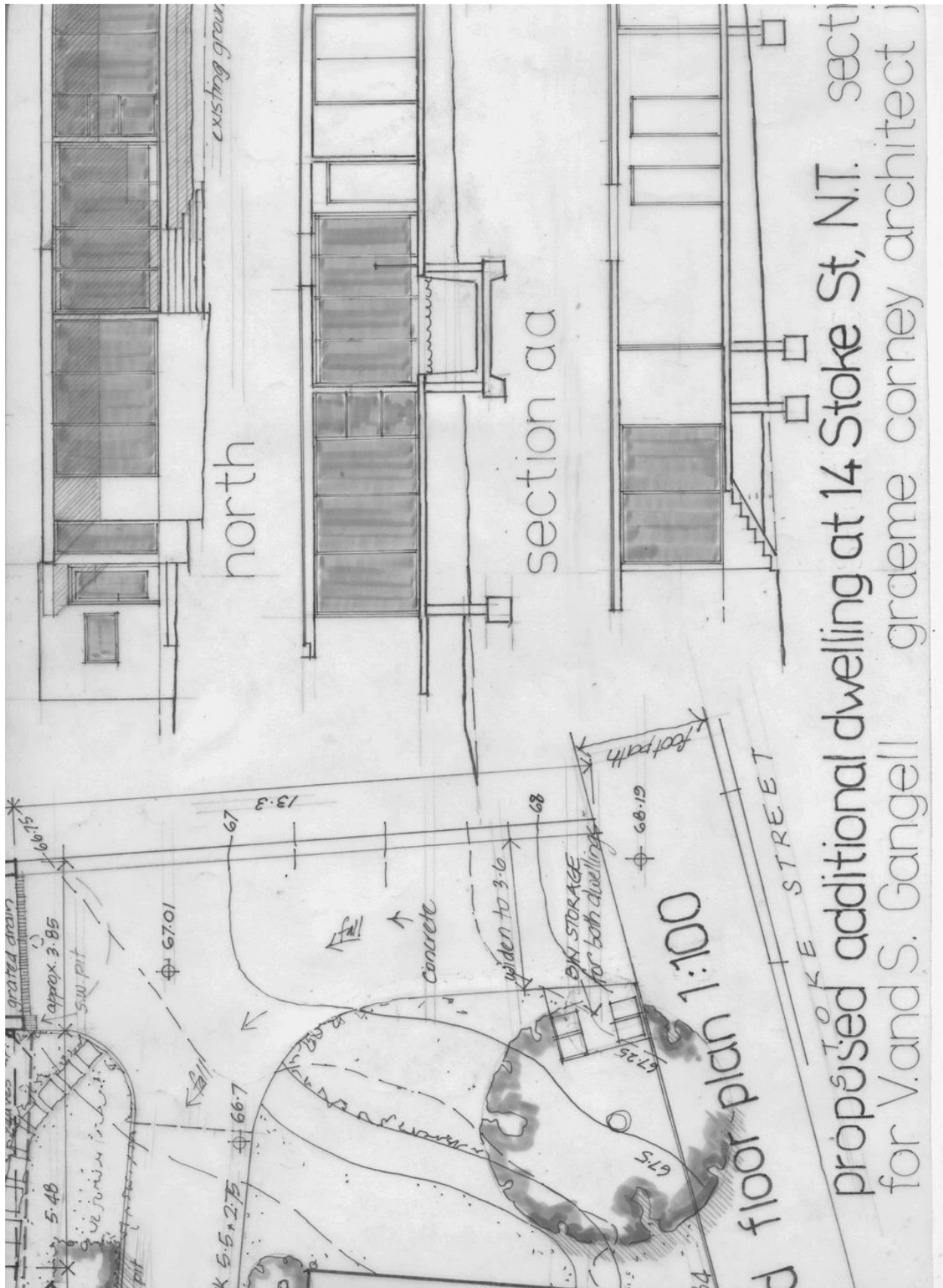
*The trees on the Stoke Street boundary.*



*The large root and damage being caused in the neighbouring property.*









## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-20-186	Council notice date	24/03/2020
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2020/00377-HCC	Date of response	01/04/2020
TasWater Contact	Daria Rech	Phone No.	(03) 6237 8222
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
<b>Development details</b>			
Address	14 STOKES ST, NEW TOWN	Property ID (PID)	5529050
Description of development	Multiple dwellings x 2 (1 existing)		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Graeme Corney Architect	Site Plan / drg. 1	--	January 2020
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<p>1. A suitably sized water supply with metered connections / sewerage system and connections to each dwelling unit of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</p> <p><b>Advice:</b> <i>The new dwelling unit is to be connected to the existing sewer property connection to ensure only one sewer property service connection to the lot.</i></p>			
<p>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</p>			
<p>3. Prior to commencing construction /use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</p>			
<b>BOUNDARY TRAP AREA</b>			
<p>4. The proposed development is within a boundary trap area and the developer must provide a boundary trap that prevents noxious gases or persistent odours back venting into the property's sanitary drain. The boundary trap must be contained within the property boundaries and the property owner remains responsible for the ownership, operation and maintenance of the boundary trap.</p>			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
<p>5. The applicant or landowner as the case may be, must pay a development assessment fee of \$211.63 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.</p> <p>The payment is required by the due date as noted on the statement when issued by TasWater.</p>			



#### Advice

##### General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/Development/Technical-Standards>

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

##### Service Locations

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

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

#### Declaration

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

#### Authorised by

**Jason Taylor**

Development Assessment Manager

#### TasWater Contact Details

Email	<a href="mailto:development@taswater.com.au">development@taswater.com.au</a>	Web	<a href="http://www.taswater.com.au">www.taswater.com.au</a>
Mail	GPO Box 1393 Hobart TAS 7001		



Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@heritage.tas.gov.au  
www.heritage.tas.gov.au

PLANNING REF: PLN-20-186  
THC WORKS REF: 6216  
REGISTERED PLACE NO: 2744  
APPLICANT: G Corney  
DATE: 27 May 2020

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: 14 Stoke Street, New Town.  
Proposed Works: New dwelling.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PLN-20-186, advertised on 12/05/2020, subject to the following conditions:

1. In the event that the works uncover significant archaeological material:
  - (i) work in that area must cease and an historical archaeologist must be engaged to record and, where practicable, recover the significant archaeological material; and,
  - (ii) Within 3 months of the excavation work having been completed, an excavation report which includes analysis of the finds must be completed by the historical archaeologist engaged under Condition 1(i), and this report submitted to Heritage Tasmania.

Reason for conditions

To ensure that sub-surface heritage information is considered and appropriately managed, consistent with the appropriate outcomes described in Section 7 of the *Works Guidelines*.

2. Replacement planting in accordance with the *Proposed Tree Removal* report prepared by Element Tree Services (dated 06/03/2020) must be undertaken within 1 year of the commencement of the new use. These plantings must be:
  - (i) Semi-advanced (or larger) at the time of planting; and
  - (ii) Effectively maintained to promote vigour, and formatively pruned by persons with suitable experience for a period of at least 3 years; and,
  - (iii) Replaced in the event of their death, removal, or other significant failure to adequately thrive.

Reason for conditions

To perpetuate significant landscape characteristics of the place, consistent with the appropriate outcomes in Section 13 of the *Works Guidelines*.

3. (i) The hedge proposed for retention on drawing no. 1 prepared by Graeme Corney (dated January 2020) must be clearly identified to all contractors and site users for the duration of the building project; and,  
(ii) A Tree Protection Zone consistent with the recommendations in AS4970-2009 must also be clearly indicated using stakes and barrier tape, and remain so indicated for the duration of the construction project.

Reason for condition

To protect the tree(s) that contribute to the significant landscape characteristics of the place.

Advice

The place was occupied circa 1840 by Josiah Spode (1790-1858), who arrived in Hobart in 1821 and was a prominent public servant from 1827. Subsurface deposits and other artefacts may remain that have potential to yield information that will contribute to an understanding of Tasmania's history.

Please ensure the details of this notice, including conditions, are included in any permit issued, and forward a copy of the permit or decision of refusal to the Heritage Council for our records.

Should you require clarification of any matters contained in this notice, please contact Russell Dobie on 1300 850 332.



Ian Boersma  
**Works Manager – Heritage Tasmania**  
*Under delegation of the Tasmanian Heritage Council*

## Application Referral Development Engineering - Response

From:	Stefan Gebka - Development Engineering
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	14 STOKE STREET, NEW TOWN
Proposal:	Multiple Dwellings (One Existing, One New)
Application No:	PLN-20-186
Assessment Officer:	Richard Bacon,

### Referral Officer comments:

#### E5.0 Road and railway access code

E5.1 Purpose		E5.1.1
		The purpose of this provision is to:
		(a) protect the safety and efficiency of the road and railway networks; and
		(b) reduce conflicts between sensitive uses and major roads and the rail network.
E5.2 Application of this Code	YES	NO
		<b>This Code applies to use or development of land:</b>
	Yes	No (a) that will require a new vehicle crossing, junction or level crossing; or
	Yes	No (b) that intensifies the use of an existing access; or
	Yes	No (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
	Yes	No (i) a rail network;
	Yes	No (ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.
Clause for Assessment		Comments / Discussion (in bold)



Clause 5.5.1 Existing road accesses and junctions  <b>NOT APPLICABLE</b>		<p><u>Documentation submitted to date appears not to invoke clause E5.5.1.</u></p> <p>No intensification of existing road accesses and/or junctions proposed.</p> <p>Existing access not approved.</p>
Clause 5.5.2 Existing level crossings  <b>NOT APPLICABLE</b>		<p><u>Documentation submitted to date appears not to invoke clause E5.5.2.</u></p> <p>No intensification of an existing level crossings proposed.</p>
Clause 5.6.1 development adjacent to roads and railways  <b>NOT APPLICABLE</b>		<p><u>Documentation submitted to date appears not to invoke clause E5.6.1.</u></p> <p>No development adjacent to category 1 or category 2 road proposed.</p>
Clause 5.6.2 road and access junctions  <b>ACCEPTABLE SOLUTION</b>		<p>The road and access junctions must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E5.6.2.</u></b></p> <p><u>Acceptable solution - A1</u> No new access or junction to roads in an area subject to a speed limit of more than 60km/h. - <b>N/A</b></p> <p><u>Acceptable solution - A2</u> No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less. - <b>COMPLIANT</b></p>
Clause 5.6.3 new level crossings  <b>NOT APPLICABLE</b>		<p><u>Documentation submitted to date appears not to invoke clause E5.6.3.</u></p> <p>No new level crossings proposed.</p>
Clause 5.6.4 sight distance at access and junctions  <b>PERFORMANCE CRITERIA</b>		<p>The sight distance at access and junctions must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E5.6.4 and as such, shall be assessed under Performance Criteria.</u></b></p>



Acceptable solution - A1:

Sight distances at:

(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and -

**NON COMPLIANT**

(b) rail level crossings must comply with AS1742.7

Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia. - **N/A**

**In this case, the required SISD is 80 metres, noting that the vehicle speed has been assumed to be equal to the posted speed limit of 50-km/h.**

**The available sight distance generally exceeds the required 80 metres except during times when cars are parked adjacent to the site.**

**Based on the available sight distances exceeding the minimum Planning Scheme requirements, the access complies with Acceptable Solution A1 of Clause E5.6.4.**

Performance Criteria – P1:

The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

(a) the nature and frequency of the traffic generated by the use; - **All traffic generated by the proposed development will be residential in nature. This is compatible with the existing traffic utilising Stoke Street near the subject site.**

(b) the frequency of use of the road or rail network; - **Stoke Street is a collector road that has a relatively low traffic volume near the site. It provides access to a residential catchment that is relatively stable in nature. The driveway access servicing the site will operate at a high level of service based on the relatively low traffic volumes. The general urban speed limit of 50-km/h applies to Stoke Street. This speed limit is appropriate for the residential nature of the development.**

(c) any alternative access; - **No alternative access is possible for the proposed development.**

(d) the need for the access, junction or level crossing; - **Proposed dwelling.**

(e) any traffic impact assessment; - **No Traffic Impact Statement was submitted.**

		<p>(f) any measures to improve or maintain sight distance; and - <b>The available sight distance generally exceeds the required 80 metres except during times when cars are parked adjacent to the site.</b></p> <p>(g) any written advice received from the road or rail authority. - <b>No written advice was requested by the road authority (Council) relating to the access.</b></p> <p><b>Council is of the opinion that the Acceptable Solution for clause E5.6.4 is not met due to sight lines being obstructed by fencing and on-street car parking adjacent to the access however, given the submitted plans and documentation the development may therefore be accepted under Performance Criteria P1:E5.6.4 of the Planning Scheme.</b></p>

**E 6.0 Parking and Access Code**

<b>E6.1 Purpose</b>			E6.1.1 The purpose of this provision is to:
	Yes	N/A	(a) ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;
	Yes	N/A	(b) ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;
	Yes	N/A	(c) ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;
	Yes	N/A	(d) ensure parking areas are designed and located in conformity with recognised standards to enable safe, easy and efficient use and contribute to the creation of vibrant and liveable places;
	Yes	N/A	(e) ensure access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles; and by reducing opportunities for crime or anti-social behaviour;
	Yes	N/A	(f) ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards;
	Yes	N/A	(g) recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;
	Yes	N/A	(h) provide for safe servicing of use or development by commercial vehicles.

<b>E6.2 Application of this Code</b>	<b>YES</b>	<b>—</b>	<b>This code applies to all use and development.</b>
<b>Clause for Assessment</b>			<b>Comments / Discussion (in bold)</b>
<p>Clauses 6.6's are all to do with parking number assessment. These will be assessed by planner based on DE assessment of the following relevant clauses.</p> <p><b>PERFORMANCE CRITERIA</b></p>			<p>The parking number assessment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.6.1 (a) and as such, shall be assessed under Performance Criteria.</u></b></p> <p><b>Single dwelling containing 2 or more bedrooms (including all rooms capable of being used as a bedroom) = Two (2x)</b></p> <p><b>Existing dwelling "Gatehouse" requires two (2x) spaces and the proposed dwelling requires two (2x) spaces.</b></p> <p><b>Therefore the proposal requires four (4x) car parking spaces on-site. Only two (2x) spaces are possible on-site resulting in a deficiency of two (2x) spaces.</b></p> <p><b>Two (2x) car parking spaces shown on site as shown on the submitted plans.</b></p> <p><u>Acceptable solution - A1:</u> The number of on-site car parking spaces must be: (a) no less than and no greater than the number specified in Table E6.1; - <b>NON COMPLIANT</b></p> <p><u>Performance Criteria - P1:</u> 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:</p> <p>(a) car parking demand; - <b>The empirical parking assessment indicates that the provision of 2 on-site car parking spaces will sufficiently meet the likely demands associated with the development, with the exception of onsite visitor parking.</b></p> <p>(b) the availability of on-street and public car parking in the locality; - <b>There is a relatively large supply of on-street parking in the surrounding road network. Observations indicate that there is a large pool of parking that would be available to meet the potential demands of visitor and overflow parking, particularly after normal working hours.</b></p> <p>(c) the availability and frequency of public transport within a 400m walking distance of the site; - <b>Metro Tasmania operate regular bus services along Stoke Street which is within 100 metres of the</b></p>

		<p>subject site.</p> <p>(d) the availability and likely use of other modes of transport; - <b>The site is located a convenient walking distance from shops, schools and services.</b></p> <p>(e) the availability and suitability of alternative arrangements for car parking provision; - <b>No alternative parking provision is available or considered necessary.</b></p> <p>(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; - <b>Not applicable.</b></p> <p>(g) any car parking deficiency or surplus associated with the existing use of the land; - <b>Not applicable.</b></p> <p>(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; - <b>Not applicable.</b></p> <p>(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; - <b>Not applicable.</b></p> <p>(j) any verified prior payment of a financial contribution in lieu of parking for the land; - <b>Not applicable.</b></p> <p>(k) any relevant parking plan for the area adopted by Council; - <b>Not applicable.</b></p> <p>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; - <b>Not applicable.</b></p> <p>(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. - <b>No impact.</b></p> <p><b>Based on the above assessment and given the submitted documentation, the parking provision may be accepted under <i>Performance Criteria P1:E6.6.1</i> of the Planning Scheme. This is particularly due to the actual parking demands that will be generated by the development.</b></p>
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<p>Clause 6.7.1 number of vehicle accesses</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The number of vehicle accesses must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date appears to be able to satisfy the Acceptable Solution for clause E6.7.1.</u></b></p> <p><u>Acceptable solution:</u> The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater. - <b>COMPLIANT</b></p> <p><b>Existing access (plinth crossover) serving the lot that was constructed around 2016. A DA (PLN-16-00230) for a crossover and driveway was lodged however, this DA appears to have lapsed and no determination was made, therefore not approved.</b></p> <p><b>One (1x) crossover (Stoke Street frontage) - Proposed.</b></p>
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<p>Clause 6.7.2 design vehicle access</p> <p><b>PERFORMANCE CRITERIA</b></p>		<p>The design of the vehicle access must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.2 (a) [sight distance: 2m x 2.5m sight triangles - These areas to be kept clear of obstructions to visibility] and as such, shall be assessed under Performance Criteria.</u></b></p> <p><b><i>Submitted plans indicate 2m x 2.5m sight triangle areas abutting the driveway are <u>not</u> kept clear of obstructions to visibility due to proposed 0.9m high front fence and gate.</i></b></p> <p><u>Acceptable Solution - A1:</u> Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking - <b>NON COMPLIANT</b></p> <p><u>Performance Criteria - P1:</u> 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>Feasible</b> (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; - <b>Feasible</b> (c) suitability for the type and volume of traffic likely to be generated by the use or development; - <b>Feasible</b> (d) ease of accessibility and recognition for users. - <b>Feasible</b></p> <p><b>Condition on planning permit to address fence transparency for sight lines in order to promote a safe, efficient and convenient use of the driveway accesses.</b></p> <p><b>Based on the above assessment and given the submitted documentation, sight lines that may be accepted under <i>Performance Criteria P1:E6.7.2</i> 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.</b></p> <p><b>Surrounding properties exhibit similar access provisions.</b></p>
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<p>Clause 6.7.3 vehicle passing</p> <p><b>NOT APPLICABLE</b></p>		<p>Vehicle passing must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <b><u>Documentation submitted to date appears not to invoke clause E6.7.4.</u></b></p> <p><b>Submitted documentation appears to indicate no facility / requirement for vehicle passing.</b></p> <p><u>Acceptable solution - A1:</u>  Vehicular passing areas must:  (a) be provided if any of the following applies to an access:  (i) it serves more than 5 car parking spaces; - <b><u>No</u></b>  (ii) is more than 30 m long; - <b><u>No</u></b>  (iii) it meets a road serving more than 6000 vehicles per day; - <b><u>No</u></b>  (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; - <b><u>N/A</u></b>  (c) have the first passing area constructed at the kerb; - <b><u>N/A</u></b>  (d) be at intervals of no more than 30 m along the access. - <b><u>N/A</u></b></p>
<p>Clause 6.7.4 on site turning</p> <p><b>NOT APPLICABLE</b></p>		<p>On-site turning must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <b><u>Documentation submitted to date appears not to invoke clause E6.7.4.</u></b></p> <p><u>Acceptable solution - A1:</u>  On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:  (a) it serves no more than two dwelling units; - <b><u>COMPLIES</u></b>  (b) it meets a road carrying less than 6000 vehicles per day. - <b><u>COMPLIES</u></b></p> <p><b>Submitted documentation appears to indicate no facility / requirement for on-site turning.</b></p>

<p>Clause 6.7.5 layout of parking area</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The layout of the parking area must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date appears to satisfy the Acceptable Solution for clause 6.7.5.</u></b></p> <p>Acceptable Solution A1: - <b>COMPLIANT</b></p> <p>The layout of car parking spaces, access aisles, circulation roadways and ramps must 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.</p> <p>Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A): - <b>Feasible</b></p> <p>Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side): - <b>Feasible</b></p> <p>Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance): - <b>Feasible</b></p> <p>Parking Space Gradient (5%): - <b>Feasible</b></p> <p>Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A): - <b>Feasible</b></p> <p>Garage Door Width &amp; Apron (AS2890.1 Fig 5.4 = 2.4m wide =&gt; 7m wide apron): - <b>Feasible</b></p> <p>Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance): - <b>Feasible</b></p> <p>Driveway Gradient &amp; Width (AS2890.1 Section 2.6 = 25% and 3m): - <b>Feasible</b></p> <p>Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag =&gt; 2m transition): - <b>Feasible</b></p> <p>Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope): - <b>Feasible</b></p> <p>Blind Aisle End Widening (AS2890.1 Fig 2.3 = 1m extra): - <b>N/A</b></p> <p>"Jockey Parking" (Performance Assessment): - <b>Not indicated</b></p>
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<p>Clause 6.7.6 surface treatment</p> <p><b>ACCEPTABLE SOLUTION</b></p>			<p>The surface treatment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <b><u>Documentation submitted to date does satisfy the Acceptable Solution for clause E6.7.6.</u></b></p> <p>Acceptable Solution - A1: - <b>COMPLIANT</b></p> <p>Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</p> <p>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</p> <p>(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p> <p><b>Submitted plans indicate a concrete surface treatment and able to be drained to an approved stormwater system. Condition on Planning Permit to ratify timing.</b></p>
<p>Clause 6.7.7 Lighting of parking area</p> <p>Planner and health unit to assess</p>	—	—	Planner to assess
<p>Clause 6.7.8 Landscaping</p> <p>Planner to assess</p>	—	—	Planner to assess
<p>Clause 6.7.9 motor bike parking</p> <p><b>NOT APPLICABLE</b></p>			<p>The motor bike parking must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <b><u>Documentation submitted to date appears not to invoke clause E6.7.9.</u></b></p> <p>Acceptable Solution A1 (E6.6.3):</p> <p>The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.</p> <p><b>NO REQUIREMENT</b> (&lt;19 car parking spaces).</p>

<p>Clause 6.7.10 bicycle parking</p> <p><b>NOT APPLICABLE</b></p>			<p>The bicycle parking must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.10.</u></p> <p><u>Acceptable Solution A1:</u> The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.</p> <p><u>Acceptable Solution A2:</u> The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.</p> <p>User Class: <b>Residential</b></p> <p>Table E6.2 sets out the number of bicycle parking spaces required. The requirement for spaces for a use or development listed in the first column of the table is set out in the second and forth columns of the table with the corresponding class set out in the third and fifth columns. If the result is not a whole number, the required number of (spaces) is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.</p> <p><b>NO REQUIREMENT</b></p>
<p>Clause 6.7.11 bicycle end trip</p> <p>Planner to assess</p>	—	—	Planner to assess
<p>Clause 6.7.12 siting of car parking</p> <p>Planner to assess based on DE assessment of Clause 6.7.5 layout of parking area</p>	—	—	Planner to assess
<p>Clause 6.7.13 facilities for commercial vehicles</p> <p><b>NOT APPLICABLE</b></p>			<p>The facilities for commercial vehicles must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.13.</u></p> <p><b>Submitted documentation appears to indicate no commercial vehicles loading, unloading or manoeuvring.</b></p>

Clause 6.7.14 access to a road  <b>ACCEPTABLE SOLUTION</b>			<p>The access to a road must satisfy the Acceptable Solutions of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E6.7.14.</u></b></p> <p>Acceptable Solution A1: Access to a road must be in accordance with the requirements of the road authority. - <b>COMPLIANT</b></p> <p>Performance Criteria - P1: <b>No Performance Criteria</b></p> <p><b>Submitted plans appear to indicate access to a road in accordance with relevant LGAT drawings.</b></p>
Clause 6.7.15 access to Niree Lane  <b>NOT APPLICABLE</b>			<p>The access to Niree Lane must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date appears not to invoke clause E6.7.15.</u></b></p> <p><b>No development proposed within Niree Lane.</b></p>

**E 7.0 Stormwater**

<b>E7.1.1 Purpose</b>			<p>E7.1.1</p> <p>The purpose of this provision is to ensure that stormwater disposal is managed in a way that furthers the objectives of the State Stormwater Strategy.</p>
<b>E7.2 Application of this Code</b>	<b>YES</b>	<b>N/A</b>	<b>This code applies to development requiring management of stormwater. This code does not apply to use.</b>
<b>Clause for Assessment</b>			<b>Comments / Discussion (in bold)</b>

<p>A1 (SW disposed to Public SW Inf via Gravity / P1 (onsite/pump))</p> <p><b>PERFORMANCE CRITERIA</b></p>		<p>The stormwater drainage and disposal must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E7.7.1 (A1) and as such, shall be assessed under Performance Criteria.</u></b></p> <p><u>Acceptable Solution A1:</u> Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. - <b>NON COMPLIANT</b></p> <p><u>Performance Criteria - P1:</u> 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>N/A</b> (b) collected for re-use on the site; - <b>N/A</b> (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. - <b>Feasible</b></p> <p><b>Submitted plans appear to indicate stormwater from new impervious surfaces being able to be disposed of via a pumped system to public stormwater infrastructure.</b></p> <p><b>Based on the above assessment and given the submitted documentation, the stormwater disposal may be accepted under <i>Performance Criteria P1:E7.7.1 (A1)</i> of the Planning Scheme.</b></p> <p><b>To be verified at Plumbing Permit stage.</b></p>
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<p>A2 (WSUD) /P2 (Mechanical Treatment)</p> <p><b>NOT APPLICABLE</b></p>		<p>The stormwater drainage and disposal must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date appears not to invoke clause E7.7.1 (A2).</u></p> <p>Acceptable Solution A2: A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m<sup>2</sup>; - <b>No</b> (b) new car parking is provided for more than 6 cars; - <b>No</b> (c) a subdivision is for more than 5 lots - <b>No</b></p> <p>Submitted documentation appears to indicate no requirement for stormwater treatment.</p>
<p>A3 (Minor SW System)</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The stormwater drainage and disposal must satisfy the Acceptable Solutions of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E7.7.1 (A3).</u></p> <p>Acceptable Solution A3: A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; - <b>Feasible</b> (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. - <b>Feasible</b></p> <p>Performance Criteria – P3: <b>No Performance Criteria.</b></p>
<p>A4 (Major SW System accommodates 1:100 ARI)</p> <p><b>NOT APPLICABLE</b></p>		<p>The stormwater drainage and disposal must satisfy the Acceptable Solution of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date appears not to invoke clause E7.7.1 (A4).</u></p> <p>Submitted documentation does not appear to show any proposal for construction of major stormwater drainage.</p>

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**PROTECTION OF COUNCIL INFRASTRUCTURE**

Council infrastructure at risk	Why?
Stormwater pipes	Not required
Council road network	Yes - During construction

**COMMENTS:****Summary:**

Planning approval is sought for multiple dwellings (one existing, one new) at 14 Stoke Street New Town TAS 7008.

More specifically the proposal includes:

- new single storey dwelling to the rear of the site.

**CONDITIONS:**

In a council related engineering context, the proposal can be supported in principal subject to the following conditions and advice. however, due to the scope of the proposal, the application has been referred to the Council's Manager Roads & Capital Works. The delegated officers' responses, including recommendations are inserted in the respective referral reports.

**General Conditions:**

ENG1: Pay Costs

ENG 2a: Vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed

ENG 3a: The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004

ENG 3c: The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the Graeme Corney Architect documentation received by the Council

ENG 4: Surface treatment

ENG 5: The number of car parking spaces approved on the site, for use is two (2)

ENG 11: The proposed crossover within the Stoke Street highway reservation must be designed and constructed in general accordance with TSD's

ENG s1: Design drawings and calculations of the proposed private stormwater drainage and connection (including pumped system) to the Council's stormwater infrastructure must be submitted and approved

ENV1: SWMP

**ADVICE:**

- Dial before you dig
- Fees and charges
- Building Permit
- Plumbing Permit
- Driveway surfacing over highway reservation
- Occupation of the Public Highway
- Access
- Stormwater

- New Service Connection

**REPRESENTATIONS:**

Nil

**7.1.2 11 SWAN STREET, NORTH HOBART - PARTIAL DEMOLITION, ALTERATIONS, EXTENSION, LANDSCAPING (INCLUDING TREE REMOVAL), AND CARPARKING  
PLN-20-67 - FILE REF: F20/63122**

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Address: 11 Swan Street, North Hobart

Proposal: Partial Demolition, Alterations, Extension, Landscaping (including tree removal), and Carparking

Expiry Date: 10 July 2020

Extension of Time: Not applicable

Author: Ben Ikin

**RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension, landscaping (including tree removal), and car parking at 11 Swan Street, North Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-67 - 11 SWAN STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**TW**

**The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2020/00179-HCC dated 09/04/2020 as attached to the permit.**

Reason for condition



To clarify the scope of the permit.

## **THC**

**The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6173 dated 18 June 2020, as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

## **PLN 15a**

**A demolition waste management plan must be implemented throughout demolition. 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.**

*Advice:*

*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 10**

**No signage is approved by this permit.**

*Advice:*

*The interpretation panel required by condition HER 3 is not proscribed by this condition.*

Reason for condition

To clarify the scope of the permit.

#### **PLN 17**

**The external lighting of the site must operate in accordance with Australian Standard AS4282- Control of the obtrusive effects of outdoor lighting.**

Reason for condition

To ensure that the non-residential use does not unreasonably impact residential amenity.

#### **ENG sw1**

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

*Advice:*

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

Reason for condition

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

#### **ENG sw4**

**The two (2) new stormwater connections must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.**

**Detailed engineering drawings must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first). The detailed engineering drawings must include:**

- 1. the location of the proposed connections; and**
- 2. the size of the connections appropriate to satisfy the needs of the development.**
- 3. the capacity of the connections and capacity of kerb**

**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 sw7**

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

**The stormwater pre-treatment system must incorporate a treatment system of a size and design sufficient to achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010. Detailed design and calculations must be submitted and approved prior to any approval under the Building Act 2016 or commencement of works (whichever occurs first). The stormwater pre-treatment design must:**

- 1. be prepared by a suitably qualified person;**
- 2. take into consideration any detention and peak discharge rate permitted; and**
- 3. include supporting maintenance plan.**

*Advice:*

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

Reason for condition

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

**ENG sw8**

**A stormwater detention system in must be installed to limit stormwater discharges from the development to the capacity of the downstream Council stormwater system.**

**A stormwater detention design must be submitted and approved**

by Council, prior to the issuing of any approval under the ***Building Act 2016*** or commencement of works (whichever occurs first). The stormwater detention design must:

1. be prepared by a suitably qualified engineer;
2. include detailed design and supporting calculations of the detention tank, sized such that there is no increase outflow from kerb and gutter connections from the developed site up to 5% AEP storm events (regardless of duration) and such that flows are limited to the receiving capacity of the downstream Council stormwater system. All assumptions must be clearly stated;
3. include design drawings of the detention tank showing the layout, the inlet and outlet (including long section), the overflow mechanism; and
4. 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 the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement and the associated fees).*

*It is advised that documentation for condition endorsement is lodged well before a building / plumbing permit is required, as failure to address design requirements until building / plumbing permit stage may result in unexpected delays.*

*Please contact Council Stormwater Engineers to discuss the capacity of any proposed kerb and gutter connection, as this will dictate the detention volume required.*

Reason for condition

To ensure that the stormwater runoff quantity is managed to take into account the limited receiving capacity of the downstream Council stormwater infrastructure.

## **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 any approval under the *Building Act 2016* (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 2a**

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

*Advice:*

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

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



Reason for condition

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

### **ENG 3a**

**The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required) and accessible parking spaces with Australian Standard AS/NZS2890.6:2009.**

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 first occupation or commencement of use (whichever occurs first).**

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 parking spaces within the proposed development must include:**

1. **A minimum number of fourteen (14) User Class 3 car**

**parking spaces.**

2. **A minimum number of one (1) User Class 4 (Accessible) car parking spaces.**
3. **A minimum of two (2) bicycle parking spaces for employees to Class 2**
4. **A minimum of six (6) bicycle parking spaces for visitors to Class 3**

**Prior to first occupation or commencement of use (whichever occurs first):**

- **All User Class 3 car parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS 2890.1:2004.**
- **All User Class 4 car parking spaces must be delineated in accordance with Australian Standards AS 2890.6:2009**

*Advice:*

*Carparking space User Class is as defined in Australian Standards AS 2890.1:2004 Bicycle parking space Class is as defined in Hobart Interim Planning Scheme 2015 table E6.2, with Class 2 requiring a locked compound with communal access using duplicate keys and Class 3 requiring facilities which a bicycle frame and wheels can be locked.*

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

## **ENG 11**

**Prior to the first occupation or commencement of the use (whichever occurs first), the existing (to be abandoned) vehicular access must be reinstated, and the proposed crossover to the Elphinstone Road highway reservation designed and constructed in general accordance with:**

1. **LGAT Standard Drawing - Urban - TSD-R09-v1 – Urban**

**Roads Driveways and TSD R14-v1 Type KC vehicular crossing;**

2. **LGAT Standard Drawing - Commercial Urban- TSD-R09-v1 – Urban Roads Driveways and TSD R16-v1 Type KCR and B1 or Type KCRB and B1; and**
3. **LGAT Standard Drawing - Footpath - Urban Roads Footpaths TSD-R11- v1; or**
4. **A Council City Amenity Division approved alternate design.**

*Advice:*

*Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).*

*Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*

*Please contact Council City Amenity Division to discuss approval of alternate designs.*

*You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*

Reason for condition

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

**ENG s1**

**The proposed service enclosure adjacent to Elphinstone Road (shown on plan A302) must not have doors which open into the highway reservation.**

Reason for condition

To ensure that pedestrian and vehicular safety within the highway reservation.

### **ENG 1**

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

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

**A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.**

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

Reason for condition

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

### **ENV 1**

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

*Advice:*

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

Reason for condition

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

#### **HER 11**

**Further details of the cleaning of the fire and smoke damaged external brickwork must be provided. The cleaning method must not use abrasive sand or high pressure blasting and must not damage the original brick surface or pointing including any tuck-pointing.**

**Prior to the issue of any approval under the *Building Act 2016*, revised details must be submitted and approved showing how the fire and smoke damaged external brickwork is to be cleaned in accordance with the above requirement.**

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

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

#### **HER 12**

Further detailed plans documenting the proposed new 'terrace to heritage detail' as shown on drawing titled Section, A401C, dated January 2020 must be provided. The new terrace is to:

- be of a design that is compatible with the heritage listed building; and
- be connected/attached in a manner that does not result in damage to the heritage listed building.

Prior to the issue of any approval under the *Building Act 2016*, documentation must be submitted and approved which details the new 'terrace to heritage detail' in accordance with the above requirement.

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

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

### HER 13

Further detailed plans documenting the proposed new slate roof of the Peacock Centre heritage listed building as described in the Architectural Design Statement by Xsquared dated 23 January 2020, p.16 must be provided and include;

- details of the guttering, downpipes, flashing and ridge capping; and
- the type and colour of the slate.

Prior to the issue of any approval under the *Building Act 2016*, documentation must be submitted and approved which details the new roof in accordance with the above requirement.

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

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

#### **HER 14**

**The service roof that extends over the reconstructed Peacock Centre roof as shown on drawings; Roof Plan A207D, dated Jan 2020; Elevations 1, A301F, dated April 2020 and Section, A401C, dated Jan 2020 is not approved.**

**Prior to the issue of any approval under the *Building Act 2016*, documentation must be submitted and approved which details a revised service roof in accordance with the requirements below:**

- **be reduced in scale; and**
- **be of a different form and use different materials; and**
- **be of a design that is sympathetic and subservient to the roof form of the heritage listed building.**

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

*Advice:*

*The applicant is to note that one option is that any mechanical units that extend into the reconstructed Peacock Centre, can be revealed and do not necessarily have to be obscured by screening or walls. Alternatively, the service roof can be reduced in scale and limited to the area over the lift shaft and mechanical unit in the proposed extension.*

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

#### **HER 3**



**An historical interpretation panel is to be provided in a publicly accessible location as approved by Council. The panel should include information regarding the site's history, occupants, photographs and any other relevant information to tell the story of the Peacock Centre, the building and the Peacock family. Details of the location, design and content of the interpretation panel are to be submitted for approval by Council and installed prior to occupation.**

Reason for condition

To ensure there is public benefit in the recognition of the history of the heritage listed building and all its historical associations.

### **HER 18**

**All trees, shown to be retained, and original garden features and plantings must be protected throughout construction and post construction.**

**Prior to the issue of any approval under the *Building Act 2016*, a report must be submitted and approved in accordance with the requirements of this condition. The report must;**

- 1. Be prepared by a suitable qualified person/s.**
- 2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS4970-2009 Protection of trees on development sites, around all trees in particular the tree in the front Swan Street garden located immediately adjacent to the boundary with 15 Swan Street in front of the proposed new extension.**
- 3. Show how all original sandstone walls and steps and other garden plantings, shown to be retained or unaltered in the approved plans, are to be protected during construction.**

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

Reason for condition

To ensure that development at a heritage place and in a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

### **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.

### **PUBLIC HEALTH**

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

### **FOOD BUSINESS REGISTRATION**

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

### **PUBLIC HEALTH RISK**

Public health risk activities (tattooing and piercing) licence. 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 are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve) in order to construct the new crossover. 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.

## **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.

## **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.

## **WEED CONTROL**

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

## **NOISE REGULATIONS**

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

## **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.

## **HERITAGE**

No signage is approved as part of this permit. A further planning application is required to be submitted and it is recommended that the applicant discuss future signage requirements with Council.

Attachment A: PLN-20-67 - 11 SWAN STREET NORTH HOBART  
TAS 7000 - Planning Committee or Delegated  
Report ↓ 

Attachment B: PLN-20-67 - 11 SWAN STREET NORTH HOBART  
TAS 7000 - CPC Agenda Documents ↓ 

- Attachment C: PLN-20-67 - 11 SWAN STREET NORTH HOBART  
TAS 7000 - Planning Referral Officer Cultural  
Heritage Report ↓ 
- Attachment D: PLN-20-67 - 11 SWAN STREET NORTH HOBART  
TAS 7000 - CPC Agenda Supporting Documents  
(Supporting information) 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	29 June 2020
Expiry Date:	10 July 2020
Application No:	PLN-20-67
Address:	11 SWAN STREET , NORTH HOBART
Applicant:	(Xsquared Architects Pty Ltd) 1st Floor, 125 Collins Street
Proposal:	Partial Demolition, Alterations, Extension, Landscaping (including Tree Removal), and Car Parking
Representations:	Five (5)
Performance criteria:	Special Provisions - Changes to Existing Non-Conforming Use, Inner Residential Zone Development Standards, Road and Railway Assets Code Parking and Access Code, Stormwater Management Code, Historic Heritage Code

**1. Executive Summary**

- 1.1 Planning approval is sought for Partial Demolition, Alterations, Extension, Landscaping (including Tree Removal), and Car Parking.
- 1.2 More specifically the proposal includes:
  - Internal alterations to the original heritage building and demolition of the 1960's addition.
  - Construction of a new, two storey addition generally in the location of the earlier 1960's addition to house accommodation for in patients.
  - Alterations to the existing carpark.
  - Construction of a second carpark, accessed from Elphinstone Road, adjacent to the eastern boundary requiring removal of some landscaping.
  - Installation of a new service enclosure on the Elphinstone Road front boundary.
  - Restoration of the original Glasshouse.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Special Provisions - Changes to an Existing Non-conforming Use

- 1.3.2 Inner Residential Zone Development Standards - Setbacks and Building Envelope
  - 1.3.3 Road and Railway Assets Code - Number of Access and Site Distance at an Access
  - 1.3.4 Parking and Access Code: Number of Car Parking Spaces and Number of Vehicle Accesses
  - 1.3.5 Stormwater Management Code - Stormwater Drainage and Disposal
  - 1.3.6 Historic Heritage Code - Development Standards for Heritage Places and Precincts
- 1.4 Five (5) representations objecting to the proposal were received within the statutory advertising period between 26 May and 10 June 2020.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.



## 2. Site Detail

- 2.1 The application site is a 4499m<sup>2</sup> lot with frontage to Swan Street and to Elphinstone Road. There is an existing heritage listed building centrally located on the site that has historically been used to provide mental health services. The building on the site is also on the Tasmanian Heritage Register. The Swan Street frontage has a landscaped setback with large, established trees. The Elphinstone Road frontage has a mixture of landscaping, car parking, and pathways in front of the building.
- 2.2 The area immediately surrounding the application site contains residential use. However, there is a mixture of shops, restaurants, cinema and public houses along the North Hobart strip of Elizabeth Street, which is within 150m of the application site.



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

## 3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations, Extension, Landscaping (including Tree Removal), and Car Parking.

3.2 More specifically the proposal is for:

- Internal alterations to the original heritage building.
- Demolition of the 1960's addition.
- Construction of a new, two storey addition generally in the location of the earlier 1960's addition to house accommodation for in patients.
- Alterations to the existing carpark.
- Construction of a second carpark, accessed from Elphinstone Road, adjacent to the eastern boundary.
- Removal of some landscaping in the Elphinstone Road front garden.
- Installation of a new service enclosure on the Elphinstone Road front boundary.
- Restoration of the original Glasshouse.

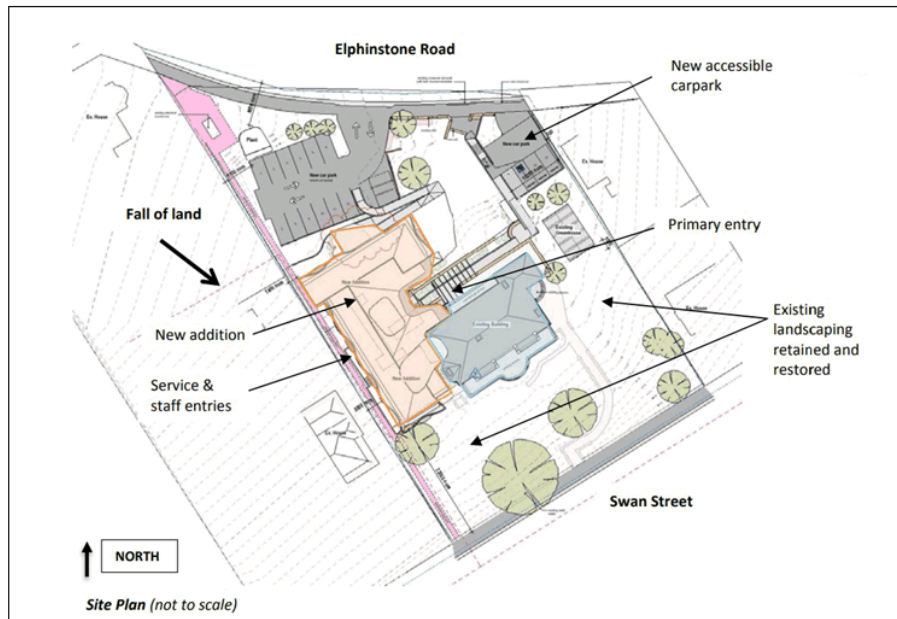


Figure 2: Proposed site plan (Source: X Squared Architects).



Figure 3: 3D Visualisations of the proposal as seen from Swan Street and Elphinstone Rd.

4. Background

- 4.1 The history of the use of the site is understood to be as follows:
- The subject site was bequeathed to the crown by William Davidson Peacock when he died in 1921. The crown accepted the building, and with it the terms of the bequest in 1940, and in 1943 the building commenced use as a convalescent home. At this time there was capacity for 24 in patients.
  - In 1965 a nurses wing addition to the building was constructed, and the existing scale of in patient services continued on site until around 1984.
  - Sometime in the mid 1980s the use of the site changed slightly, and the use of the site evolved with a reduction to between 4 and 6 in patients, and the introduction of the base for the Mobile Intensive Support Team (MIST) being housed within the building. The MIST team were potentially on site 7 days a week between 8am and 10pm.
  - In patient services ceased on the site in the late 2000s, with overnight stays for mental health reasons being relocated to an alternative location.
  - A 2006 reorganisation of Tasmanian mental health services saw a further evolution of the use of the site. At this time, it became the base for for the Hobart and Southern Districts Adult Community Mental Health Service. The operating hours at this time became 8:30am to 10pm seven days a week.
  - In early 2016, the Mental Health Hotline was added to the existing use of the site. This operates 24 hours, seven days a week.
  - On 7 December 2016, a deliberately lit fire cause significant damage to the building, and it was unable to be utilised for any purpose for a period of time. Since the fire, the Crown has been consulting with specialists and has been preparing plans to redevelop the site for the use that is described in the current planning application.
- 4.2 Council has no record of any planning approvals for the evolution of the use of the site as a mental health facility.
- 4.3 At the time of lodgement of this planning application, there was a concern by Council Officers that the application as present represented a change to the use of the site, which for over 10 years has been used as business and professional services, not hospital services, back to a much earlier use as hospital services. This concern was discussed with the applicant, who advised that the Solicitor General has provided advice regarding the use of the sight. Council officers were not provided a copy of this advice for Council records, but were allowed to view the document. The Solicitor General's advice supports the application.
- 4.4 The Council's Manager Development Appraisal has also considered the legal issues regarding existing use rights under the applicable legislation, the common law and Clause 9.1.1 of the *Hobart Interim Planning Scheme 2015*. The result of this review was a number of key considerations relevant to the current application which are summarised as follows:

- When considering existing use rights, it is necessary to consider the use from an overall purpose point of view, rather than defining it by the individual activities, transactions or processes. It is not necessary to pigeonhole the historical activities on the site into a current Planning Scheme Use Definition.
- When a use ceases on a site as a result of accident or incident precluding the use from continuing, it is possible that the property will still be "used" in a planning sense, even when there are no activities being carried out on the site. That is, the use rights are not necessarily abandoned if it is not possible to carry out the activities associated with that use, on the site. As a consequence, the legislative restriction on existing use rights expiring if they have been stopped for 2 years or more, will not apply here.

- 4.5 Council's Manager Development Appraisal review also indicated that the use of the site has remained a Mental Health Facility throughout its evolution, and that the current proposal is consistent with this existing use and can therefore be considered under Clause 9.1.1 of the *Hobart Interim Planning Scheme 2015*.

## 5. Concerns raised by representors

- 5.1 Five (5) representations objecting to the proposal were received within the statutory advertising period between 26 May and 10 June 2020.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Use:
One representor has expressed concern that the proposed re-introduction of in patient services, whilst retaining the outpatient services previously offered, will significantly increase the intensity of the use of the site. The representor has suggested that the increase in the intensity of the use of the site will result in significant loss of residential amenity in terms of privacy and increased noise from the application site.
General Support:
Several representors have expressed general support for some form of restoration and re-activation of the site to improve on it's current condition.
Bicycle Parking:

One representor is concerned that the bicycle parking location and design has not been provided. They suggest that the parking area should have weather protection, and the capacity to charge e-bikes. They further request that this be located as close as possible to the building entry.
One representor has requested that the driveway be design ed to a 'pram-ramp' standard, and not include any lips to minimise the risk of injury to bicycle users.
New Car Park:
One representor is concerned that the proposed new car parking area in the north eastern corner of the site does not include any screening or plantings between it and the adjacent property, or capacity to include them.
One representor is concerned that the proximity of the carpark to the eastern property boundary will result in loss of residential amenity to the adjacent property through noise, fumes and light spill.
One representor is concerned that the location of the access to the new north eastern car parking area will result in potential damage to the adjacent front fence to the east as the representor is concerned that the access will be difficult to navigate from the street.
One representor is concerned that there is currently a timber sleeper retaining wall holding up the fence and the garden in the area where the new carpark is proposed. The representor is concerned that the retaining wall is not strong enough to support car parking in that location.
One representor has requested that the north eastern carpark be relocated so that it is a minimum of 2.5m from the eastern boundary, and that screening planting be provided in the created space to protect the residential amenity of the adjacent property.
The representor has further requested that this car parking be dedicated as staff parking so that there is less frequency of vehicle movements directly adjacent to the eastern adjoining residence, and that vehicles only be allowed to park in a forward direction.
One representor has requested that the carpark lighting be low level so that it does not spill onto adjoining residential properties.
Stormwater:

One representor is concerned that changes to the development site will result in a change to the flow of stormwater from the site, and may cause problems, such as rising damp, for adjacent heritage listed buildings.
One representor has requested that a detailed stormwater assessment and design be undertaken to ensure that all stormwater from the site is directed away from adjacent properties to avoid any nuisance, and to ensure that the existing boundary retaining walls are protected.
Solar Access:
Representors are concerned that the orientation of the in patient rooms will limit the amount of sun entering the rooms, which the representor says will be detrimental to the health of the in patients.
Residential Amenity:
Representors are concerned that the combination of the locations of the in patient rooms and the staff amenities area will result in noise and potential cigarette smoke intrusion into the adjacent residential property to the west.
One representor is concerned that staff may engage in confidential discussions in the courtyard adjacent to the residential property to the west.
One representor is concerned that the proposed setback variation to the west is not as common in the area as is represented in the application, and will cause sunlight and privacy concerns for the adjacent residence.
One representor is concerned that operable windows along the western building facade will result in increased noise from the site, and possible privacy issues for the site, with sensitive conversations being heard outside of the application site.
One representor has expressed concern that the current security lighting, and associated light spill will continue when the site is in use. They have requested that lighting of the site not cause a nuisance by spilling into nearby residential properties.
Heritage:
Representors are concerned that the construction works, as well as changes to the stormwater disposal from the site will result in damage to the adjacent heritage listed properties, as well as to the heritage listed building on the site itself.

One representor is seeking restoration and protection of the heritage values of the site, such as the greenhouse, which demonstrate the historic use of the site.
One representor has requested heritage interpretation plaques to relay the history of the site.
One representor has suggested that separation between dwellings and boundaries in this section of Swan Street and Elphinstone Road should be preserved.
<b>Parking and Access:</b>
One representor is concerned that the car parking requirement of the Planning Scheme appears to differ from the car parking provided and associated supporting Traffic Impact Assessment.
One representor has noted that there has historically been good pedestrian access to and around the site. They have requested that this be retained for the safety of all users of the site
<b>Informal Access Agreement:</b>
The property to the west of the application site has enjoyed informal access to the rear of their dwelling through the application site on an as-requested basis. There is concern that the proposed alterations to the building will extend the building beyond the point where access has historically been granted. The representor is concerned that this will impact the ability to maintain the adjacent property, and to undertake recently approved works to the rear of the adjacent dwelling.
<b>Landscaping:</b>
One representor has commended the retention of the large trees in the Swan Street frontage, but has asked that screening planting be provided between the car park and Elphinstone Road wherever possible, whilst retaining views into the site.

## 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 Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 There is no change proposed to the existing Mental Health Facility use of the site. The existing use is a prohibited use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part C - 9.0 Special Provisions
  - 6.4.2 Part D - 11.0 Inner Residential Zone
  - 6.4.3 Part E - E5.0 Road and Railways Assets Code
  - 6.4.4 Part E - E6.0 Parking and Access Code
  - 6.4.5 Part E - E7.0 Stormwater Management Code
  - 6.4.6 Part E- E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following provisions and performance criteria to comply with the applicable standards:
- 6.5.1 Special Provisions:-  
*Changes to an Existing Non-conforming Use - 9.1.1 (c)*
  - 6.5.2 Inner Residential Zone:-  
*Non Dwelling Development - 11.4.9 P1 (Setbacks and Building Envelope – Part D 11.4.2 P1 and P3)*
  - 6.5.3 Road and Rail Assets Code:-  
*Road and Access Junctions - Part E E5.6.2 P2*  
*Site Distance at Access and Junction - Part E E5.6.4 P1*
  - 6.5.4 Parking and Access Code:-  
*Number of Car Parking Spaces - Part E E6.6.1 P1*  
*Number of Vehicle Accesses - Part E E6.7.1 P1*
  - 6.5.5 Stormwater Code:-

*Stormwater Drainage and Disposal - Part E E7.7.1 P2*

## 6.5.6 Historic Heritage Code:-

*Development Standards for Heritage Places - Part E E13.7.1 P1 and E13.7.2 P1, P2, P3, P4 and P6**Development Standards for Heritage Precincts - Part E E13.8.1 P1 and E13.8.2 P1, P3 and P5*

## 6.6 Each performance criterion is assessed below.

## 6.7 Changes to an Existing Non-conforming Use - 9.1.1 (b)

6.7.1 The current Mental Health Facility Use of the site is prohibited in the Inner Residential Zone under the *Hobart Interim Planning Scheme 2015*. As such, any development associated with this use would ordinarily be prohibited.

6.7.2 As such, the works proposed need to satisfy Clause 9.1.1 of the Planning Scheme in order to be able to be considered for the site.

6.7.3 Clause 9.1.1 provides as follows:

*Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:*

*(a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or*

*(b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or*

*(c) for a minor development to a non-conforming use,*

*where there is –*

*(a) no detrimental impact on adjoining uses; or*

*(b) the amenity of the locality; and*

*(c) no substantial intensification of the use of any land, building or work.*

*In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable*

*codes.*

- 6.7.4 The proposal needs to trigger one of (a), (b) or (c) first occurring to be able to rely on this clause. However, it does not need to trigger all of them. The applicant contends the proposal triggers all three.
- 6.7.5 In relation to (a), the proposal will result in the appearance of the site being improved, facilities modernised, and the mental health facility use continued in substantially the same way as in previous years. This is not considered to bring the existing use into greater conformity with the scheme necessarily, but at the same time, it is not considered to reduce the existing use's conformity with the scheme. As such, (a) is not triggered.
- 6.7.6 In relation to (b), the proposal will result in development associated with the use being extended to areas that are not currently developed. As such, (b) is triggered.
- 6.7.7 In relation to (c), the proposal seeks to remove a fire damaged earlier addition to the heritage building on site and replace it with a new, modern addition to the heritage building on site, that has in the order of a 107sqm larger footprint than the existing. This is considered to be 'minor development' in the context of this use and this site, and as such, (c) is triggered.
- 6.7.8 Because the proposal is considered to trigger (b) and (c) first occurring, it can continue to be assessed against the remainder of the clause.
- 6.7.9 In relation to (c) second occurring the proposal is not considered to be a substantial intensification of the existing use. The use will continue to be a mental health facility and operate in accordance with the way the site has operated over the many years preceding the fire, and in accordance with the bequest of the site to the Crown (refer also to Background above for the history of the use of the site). As the documentation from the applicant demonstrates, indicators of the intensity of this use, like number of beds, hours of operation, car parking spaces, and staff numbers are all very similar to those of the existing use rights at the time that the current Scheme came into effect (20 May 2015), which is the relevant date for the assessment of existing use rights. The changes to the existing use included in this proposal will result in an improved mental health facility, but those improvements are not considered to give rise to a substantial or material increase in the capacity of the mental health use of the site.

- 6.7.10 In relation to (b) second occurring, noting that there is no substantial intensification of the existing use, it is considered that the proposed built form and associated works including landscaping are considered to result in an improvement to the visual appearance of the site. As such, the proposal is not considered to have an unreasonable impact on the amenity of the locality. Note further in this regard that the proposal is supported (subject to conditions) by both the Council's Senior Cultural Heritage Officer and Senior Development Engineer. The latter who has specifically assessed the proposal in terms of traffic, access and parking issues.
- 6.7.11 In relation to (a), all adjoining uses are residential. The proposal has been assessed against the zone provisions of the planning scheme which seek to protect the residential amenity of adjoining neighbours. The proposal is compliant with all the applicable acceptable solutions, except for the front setback requirement which is exceeded by the service enclosure fronting Elphinstone Road. This aspect of the proposal is not considered to have any impact on the adjoining residential uses. As such, the proposal is not considered to have a detrimental impact on any adjoining uses.
- 6.7.12 On the basis of the above the proposal is considered to satisfy (a), (b) and (c) second occurring. Assessment of the discretions invoked under the applicable zone and codes is set out below.
- 6.7.13 The proposal complies with this provision, and as such can be entertained, subject to assessment against all other relevant Planning Scheme provisions.
- 6.8 Non Dwelling Development - 11.4.9 P1 (Setbacks and Building Envelope – Part D 11.4.2 P1 and P3)
- 6.8.1 The acceptable solution at clause 11.4.9 A1 requires works to comply with the building envelope standards outlined at clause 11.4.2 A1 and A3. The acceptable solution at clause 11.4.2 A1 and A3 requires works to be contained within a three dimensional building envelope as described.
- 6.8.2 The proposal includes a service enclosure within the front boundary setback to Elphinstone Road, and outside the building envelope on the western side.
- 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 11.4.9 P1 provides as follows:

*Non-dwelling development must comply with the related performance criteria as if it were a dwelling.*

- 6.8.5 The performance criterion at clauses 11.4.2 P1 and P3 provide as follows:

*P1 - The setback of a dwelling from a frontage must:*

*(a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and*

*(b) have regard to streetscape qualities or assist the integration of new development into the streetscape.*

*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.*

- 6.8.6 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?

- 6.8.7 The service enclosure at the back of the footpath on the Elphinstone Road front boundary has a maximum height of 1.5m and is 4m wide. As such, it is comparable to a fence in its scale. Other properties within Elphinstone Road have fencing of a comparable height, and of varying degrees of transparency. As such, the proposed service enclosure is considered acceptable for the site.
- 6.8.8 The existing part of the building that is proposed to be demolished is set back approximately 1.5m from the western site boundary. The proposed new building will be set back between 1.8m and 3m from the western boundary. Both the existing and the proposed parts of the building are two stories in height. As such, there will be minimal change to the overshadowing impacts of the building on the adjoining property to the west. Further to this, given the orientation of the site, any impacts from the building will be gone from the western property shortly after midday, so afternoon sun will not be unreasonably impacted.
- 8.8.9 The existing western portion of the building that is to be demolished is a continuous two storey facade, with windows overlooking the adjacent property to the west. The proposed new section of building steps up from the lower to the upper level, and the second storey is not the full length of the first. The facade has been treated with curves and windows and other design features to minimise the visual bulk of the new section of the building. As such, the visual bulk is considered to be an improvement of the current situation on site.
- 6.8.10 The proposal complies with the performance criterion.
- 6.9 Number of Accesses - Part E E5.6.2 P2
- 6.9.1 The acceptable solution at clause E5.6.2 A2 requires no more than one access to a road.
- 6.9.2 The proposal includes a second access to Elphinstone Road.
- 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 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.*

6.9.5 The application has been assessed by Council's Development Engineer, who has provided the following comment:

The road and access junctions must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E5.6.2 and as such, shall be assessed under Performance Criteria.

Acceptable solution - A1

No new access or junction to roads in an area subject to a speed limit of more than 60km/h. -

Comment: N/A

Acceptable solution - A2

No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less. -

Comment: NON COMPLIANT

The proposal is for 2x accesses which provide both entry and exit.

Requires Performance Assessment.

Performance Criteria - P2:

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; -

Comment: The traffic for the site will be similar to existing traffic frequency and nature. Existing access being relocated and parking numbers kept similar to existing..

(b) the nature of the road; -

Comment: Elphinstone Rd is a local collector road that has a relatively medium traffic volume near the site. It provides access to a residential catchment that is relatively stable and closed in nature.

(c) the speed limit and traffic flow of the road; -

Comment: The general urban speed limit of 50km/h applies to Elphinstone Rd. This speed limit is suitable.

(d) any alternative access to a road; -

Comment: Due to topography and historic value Swan St is not a viable access.

(e) the need for the access or junction; -

Comment: Due to topography it is difficult to service the parking areas by one crossover.

(f) any traffic impact assessment; and -

Comment: Impact discussed within Council.

(g) any written advice received from the road authority. -

Comment: No formal or informal advice issued by the road authority.

Based on the above assessment and given the submitted documentation, the proposed access / access junction meets the requirements may therefore be accepted under Performance Criteria P2:E5.6.2 of the Planning Scheme. This is mainly due to the new access being a relocation of an existing access rather than an entirely new access.

6.9.6 The proposal complies with the performance criterion.



## 6.10 Site Distance at Access and Junction - Part E E5.6.4 P1

6.10.1 The acceptable solution at clause E5.6.4 A1 requires a minimum site distance of 80m.

6.10.2 The proposal includes a site distance of 51m from the site access.

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 E5.6.4 P1 provides as follows:

*The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:*

*(a) the nature and frequency of the traffic generated by the use;*

*(b) the frequency of use of the road or rail network;*

*(c) any alternative access;*

*(d) the need for the access, junction or level crossing;*

*(e) any traffic impact assessment;*

*(f) any measures to improve or maintain sight distance; and*

*(g) any written advice received from the road or rail authority.*

6.10.5 The application has been assessed by Council's Development Engineer, who has provided the following comment:

The sight distance at access and junctions must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E5.6.4 and as such, shall be assessed under Performance Criteria.

Acceptable solution - A1:

Sight distances at:

- (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and - NON COMPLIANT
- (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia. - N/A

The TIA states:

The available sight distances to approaching vehicles along Elphinstone Road from a vehicle entering from either of the two driveways at the proposed development site are at least around 72m to the west and over 100m to the east. The sight distances to and from a vehicle waiting to turn right into the proposed development site entry driveway are around 51m to the west and around 100m to the east.

On this basis Performance Assessment is required.

Performance Criteria – P1:

The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use; -  
Comment: Traffic will be of a similar nature to existing.

- (b) the frequency of use of the road or rail network; -  
Comment: Elphinstone Rd is a local collector road that has a relatively medium traffic volume near the site. It provides access to a residential catchment that is relatively stable and closed in nature.

- (c) any alternative access; -  
Comment: No alternative access is possible for the proposed development.

- (d) the need for the access, junction or level crossing; -  
Comment: The need for the use has not been assessed and is this report.

- (e) any traffic impact assessment; -  
Comment: Traffic Impact Statement was submitted and concludes:

The speed limit along Elphinstone Road is 50km/h. A speed gun survey of approach vehicle speeds along Elphinstone Road found the 85th percentile speed of traffic is 46.5km/h for eastbound traffic

and 48km/h for westbound traffic.

The required sight distances for these speeds are 73m to the west and 76m to the east, based on Code E5 of the planning scheme, which applies to public road intersections. Based on AS 2890.1, which applies to private driveway junctions with public roads, such as is under consideration with this development, the desirable sight distances are 64m to the west and 66m to the east.

The available sight distances are sufficient to meet the above requirements except for the sight distance between vehicles waiting to turn right into the driveway and any following eastbound vehicles. This sight distance is around 13m less than the desirable sight distance, as detailed on Figure 3.2 of AS 2890.1, but it is 9m more than the minimum required sight distance of 42m, as outlined in Figure 3.2 of AS 2890.1.

The right turn movement into the driveways from the west would be the lowest turning volume of all turns into or out of the driveways. Overall, all sight distances at the driveways for the development site are considered to be sufficient to meet minimum requirements.

(f) any measures to improve or maintain sight distance; and -  
Comment: None

(g) any written advice received from the road or rail authority. -  
Comment: No written advice was requested by the road authority (Council) relating to the access.

Given the submitted plans and documentation the development may therefore be accepted under Performance Criteria P1:E5.6.4 of the Planning Scheme. This is mainly due to the sight distances mostly exceeding the desirable sight distances in AS2890.1 and exceed the minimum sight distance in AS2890.1

6.10.6 The proposal complies with the performance criterion.

6.11 Number of Car Parking Spaces - Part E E6.6.1 P1

6.11.1 The acceptable solution at clause E6.6.1 A1 requires 30 car parking spaces for the proposed use and development of the site.

6.11.2 The proposal includes 15 car parking spaces to be provided on site.

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 E6.6.1 P1 provides as follows:

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

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

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

*(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.*

- 6.11.5 The application has been assessed by Council's Development Engineer, who has provided the following comment:

The parking number assessment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.6.1 (a) and as such, shall be assessed under Performance Criteria.

Acceptable solution - A1:

The number of on-site car parking spaces must be:

- (a) no less than and no greater than the number specified in Table E6.1; - NON COMPLIANT

The TIA states: Clause E6.6.1 of the Hobart Interim Planning Scheme requires 1 car parking space for each 40m<sup>2</sup> of floor area for a 'hospital services' use.

The total floor area will be around 1,404m<sup>2</sup>; the parking requirement based on the planning scheme is 35 car parking spaces.

On this basis Performance Assessment is required.

Performance Criteria - P1:

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

- (a) car parking demand; -

Comment: The TIA states: the use of the development site will not be as a normal hospital. The assessment of the traffic generation by the proposed development also allows a determination of the parking demand based on staff and expected visitor numbers. Based on the analysis in Section 5 of this report, there would be a need for 6-7 staff car parking spaces at the start and end of the day shift. This analysis also determined the traffic generation by visitors

would be around 36 vehicles/day or 18 visitor vehicle arrivals per day. The visitor arrivals and departures will be generally spread between 8:00am and 6:00pm each day but most are expected between 11:00am and 3:00pm. Based on an average one-hour visit period and two thirds of these visitors arriving over the busier four-hour period, the parking demand would be up to three to four car parking spaces. A slightly higher peak in visitor arrivals over any one-hour period could demand a parking supply of up to five spaces. The total car parking demand by the proposed development is determined to be up to 12 car parking spaces, much less than the planning scheme indicates.

(b) the availability of on-street and public car parking in the locality; -  
Comment: There is limited onstreet parking on Swan Street which is over subscribed at present due to the demand from North Hobart commercial area. Elphinstone Rd has some onstreet parking available.

(c) the availability and frequency of public transport within a 400m walking distance of the site; -  
Comment: Metro Tasmania operate regular bus services along Elizabeth Street which is within 400 metres of the subject site.

(d) the availability and likely use of other modes of transport; -  
Comment: Unlikely.

(e) the availability and suitability of alternative arrangements for car parking provision; -  
Comment: No alternative parking provision is available or considered necessary.

(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; -  
Comment: Not applicable.

(g) any car parking deficiency or surplus associated with the existing use of the land; -  
Comment: Not applicable.

(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which

existed before the change of parking requirement, except in the case of substantial redevelopment of a site; -

Comment: Not applicable.

(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity; -

Comment: Not applicable.

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

Comment: Not applicable.

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

Comment: Not applicable.

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

Comment: Not applicable.

(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code. -

Comment: No impact.

Based on the above assessment and given the submitted documentation, the parking provision may be accepted under Performance Criteria P1:E6.6.1 of the Planning Scheme. This is particularly due to the actual parking demands that will be generated by the development and proximity to public transport.

6.11.6 The proposal complies with the performance criterion.

6.12 Number of Vehicle Accesses - Part E E6.7.1 P1

6.12.1 The acceptable solution at clause E6.7.1 A1 requires one vehicle access per frontage.

6.12.2 The proposal includes two vehicle accesses to the Elphinstone Road property frontage.

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 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.*

6.12.5 The application has been assessed by Council's Development Engineer, who has provided the following comment:

The parking number assessment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.1 and as such, shall be assessed under Performance Criteria.

Acceptable solution:

The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater. - NON COMPLIANT

Performance Criteria - P1:

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; -  
Comment: Feasible

(b) whether the additional access points can be provided without compromising any of the following:-  
Comment: Feasible

(i) pedestrian safety, amenity and convenience;-  
Comment: Feasible

(ii) traffic safety; -  
Comment: Feasible

(iii) residential amenity on adjoining land; -  
Comment: Feasible

(iv) streetscape; -  
Comment: Feasible

(v) cultural heritage values if the site is subject to the Local Historic Heritage Code; -  
Comment: Feasible

(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity. -  
Comment: Feasible

Based on the fact the new access is a relocation of the existing and given the submitted documentation, the number of vehicle accesses may be accepted under Performance Criteria P1:E6.7.1 of the Planning Scheme.

6.12.6 The proposal complies with the performance criterion.

6.13 Stormwater Drainage and Disposal - Part E E7.7.1 P2

6.13.1 The acceptable solution at clause E7.7.1 A2 requires the incorporation of water sensitive urban design in the development of the site.

6.13.2 The proposal includes no provision for water sensitive urban design.

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

- 6.13.4 The performance criterion at clause E7.7.1 P2 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.*

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

The stormwater drainage and disposal must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E7.7.1 (A2) and as such, shall be assessed under Performance Criteria.

Performance Criteria – P2:

*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.*

Comment: Submitted documentation indicates proposed stormwater treatment by mechanical means to meet the treatment targets.

Based on the above assessment and given the submitted documentation, the stormwater disposal may be accepted under Performance Criteria P1:E7.7.1 (A2) of the Planning Scheme.

- 6.31.6 The proposal complies with the performance criterion.

- 6.14 Development Standards for Heritage Places - Part E E13.7.1 P1 and E13.7.2 P1, P2, P3, P4 and P6

- 6.14.1 There is no acceptable solution for E13.7.1 A1 and E13.7.2 A1, A2, A3, A4 and A6.

- 6.14.2 The proposal includes partial demolition, internal alterations, additions,

landscaping and new car parking.

- 6.14.3 There are no acceptable solutions; therefore assessment against the performance criterion is relied on.
- 6.14.4 The performance criterion at clauses E13.7.1 P1 and E13.7.2 P1, P2, P3, P4 and P6 provides as follows:

E13.7.1

*P1 - Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;*

*(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*

*(b) there are no prudent and feasible alternatives;*

*(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;*

*(d) significant fabric is documented before demolition.*

E13.7.2

*P1 - Development must not result in any of the following:*

*(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*

*(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

*P2 - Development must be designed to be subservient and complementary to the place through characteristics including:*

*(a) scale and bulk, materials, built form and fenestration;*

*(b) setback from frontage;*

*(c) siting with respect to buildings, structures and listed elements;*

*(d) using less dominant materials and colours.*

*P3 - Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

*P4 - Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.*

*P6 - The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance of the place.*

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

*The Objective of E13.7.1 Demolition for a Heritage Place states;:  
To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.*

*Clause E13.7.1 P1 states:*

*Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;*

- (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (b) there are no prudent and feasible alternatives;*
- (c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;*
- (d) significant fabric is documented before demolition.*

*Discussion:*

*The proposed demolition follows the general approach as defined in the Historic Heritage Management Strategy by Praxis Environment dated January 2019. The significant part of the demolition is to the rear of the house, the west and north sections of the wall and windows. This area is shown in the following image. While the proposed demolition includes original fabric, this is a*

*part of the Peacock Centre through which people will enter into the waiting room, providing a direct link through to the rear carpark and access into the site. This is not the only entry, with the front entry of the building, side entry and via the new building on what is the second floor.*

*While the proposed demolition will result in the loss of original fabric of the c.1912 house, it is considered on balance, a relatively small part of the original house, is located within the rear of the original house and is at ground level located within an area of lower terracing that is not visible from the wider area. There will be no changes to the front elevation of Swan Street, to the garden or c.1912 elevation, with the exception of the removal of the c.1960 extension to the west. The demolition of this wing will allow for the reinstatement of the original c.1912 facade and house form. On balance, the proposed demolition will allow for heritage gains through the reinstatement of the original c.1912 building form, including original windows, internal timber detailing and fire and smoke damaged decorative detailing. A representation raises the idea of the installation of interpretation of the building and the history of the site. To add to the social benefit of the proposal it would be appropriate to include a condition of permit that provides for interpretation of the building, site and Peacock family history. This outcome, including no further demolition of heritage fabric will be a positive heritage outcome. The proposal is considered to satisfy E13.7.1 P1.*

*The Objective of E13.7.2 Buildings and Works for a Heritage Place states:*

*To ensure that development at a heritage place is:*

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

*Clause E13.7.2 P1 states:*

*Development must not result in any of the following:*

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings*

*and other items that contribute to the significance of the place.*

*Clause E13.7.2 P2 states:*

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

*Clause E13.7.2 P3 states:*

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

*Clause E13.7.2 P4 states:*

*Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.*

*Discussion:*

*The proposed new extension, when viewed from Swan Street, is over two levels with the upper floor cantilevering over the new ground floor. The upper level has a curved planar front and fenestration pattern that is clearly distinct from the c.1912 building. The extension is approximately the same height of the eaves of the c.1912 building and is clad in light colour timber on the upper level and a dark coloured vertical timber cladding at ground level. The upper level projects in front of the original c.1912 brick Swan Street elevation, but behind the original projecting balcony/terrace with its curved central bay. The existing extension (to be demolished) from the 1960s, was an attempt to blend in with the original house and matched so closely that its difference was difficult to discern. As such the architectural response for the proposed extension differs and will appear new and of a different form and pattern.*

*The proposed extension occupies the area of a 1960s extension as well as that part of the site that was fire damaged and since demolished. The proposal extends over an existing concrete slab and over an area of miscellaneous outbuildings, retaining walls and pathways. When viewed from Elphinstone Road, the proposal will be visible, but only marginally, such that the slope of the site will result in it sitting down and below, such that the rear of the*

*c.1912 house will be partially obscured by the proposed extension. The proposed new wing has curved wall and roof elements, including a projecting curved skylight to allow light into the core and a curvilinear roof form described on the plans as 'new roof to lift and mechanical ducts - dark coloured vertical cladding'. This new service roof is located between two of the existing original chimneys of the c.1912 structure and located over the newly constructed roof to the c.1912 roof. No details are provided for the rational for it extending over the original roof, given the floor plans show only a new lift and mechanical area in the new extension where any lift over-run and therefore new roof structure would be required. As such, the proposed roof form is at odds with the original c.1912 dwelling and is of a design and form that is incompatible with the materials, form, design and scale of the heritage listed place. If the new roof form is required to mask mechanical equipment into the c.1912 dwelling, it is considered more appropriate to deal with it as functional equipment rather than shield it. In any case, a condition of permit is appropriate for the submission of an amended design proposal.*

*It is noted that the Praxis report identifies the north and west elevational corner where the proposed new extension is to be located as being of limited and compromised heritage significance given that this was the location of the c.1960s Nurses Wing that has been partially demolished and proposed to be fully demolished. Elsewhere on the site early and original landscaping elements are being retained and a new landscape plan will enhance the rear setting as viewed from Elphinstone Road, although it would be prudent to include a condition that protects trees and existing garden elements over the entire site. In addition, a new balcony is to be constructed across the rear of the c.1912 building. This is an area of the c.1912 building that shows significant fire damage and as such no clear details are provided as to how this will be achieved. Previously it was the site of a conglomeration of 1950s, 1970s and 1980s additions, but since the fire, these elements have been removed, revealing more of the rear of the dwelling that could be appreciated previously. While the balcony is a new element it is to the rear of the dwelling and will not be overly prominent as it will appear, because the land of the property is elevated, and the dwelling is set below, as an extension of the view over the proposed and existing landscaping and carparking. Details of the proposed new verandah are scant and is described as "terrace to heritage detail". Thus a condition of permit*

would be appropriate for additional plans to be submitted.

*The replacement roof is described in the Architectural Design Statement by Xsquared Architects, dated 23 January 2020 as slate with the scope of works described as 'Restore to original appearance using new slate over contemporary roof structure'. The use of slate is an appropriate response in this situation, although the submitted plans do not show this detail or any other flashing and guttering detail. Therefore it is considered appropriate that further details of the reroofing are submitted prior to the issue of a Building Permit. This can be achieved by a condition of permit.*

*The scope of the proposed 'restoration works' are described in the same Architectural Design Statement, although no details are provided on the proposed method for cleaning the fire and smoke damaged brickwork or for the restoration of the greenhouse in the garden. Both are a specialised areas of work and it is recommended that further details are provided. This can also be achieved by a condition of permit.*

*The proposed service enclosure in a minor element on Elphinstone Road is considered acceptable.*

*Clause E13.7.2 P6 is satisfied as there is no loss of landscaping that contributes to the heritage significance of the place between the c.1912 dwelling and Swan Street. The landscaping alterations to the rear are acceptable changes in what is the traditional rear yard of the property.*

*In summary, the new extension will be of a scale, bulk, form and have a fenestration pattern that does not result in the loss of significance. The proposed heritage conservation works are considered generally acceptable, although further clarification is required on the proposed rear verandah, the detailing of the roofing, a redesigned service roof and details, the cleaning of the brickwork and the restoration of the greenhouse. With appropriate conditions of permit, the proposal will satisfy E13.7.2 P1, P2, P3 and P4.*

6.14.6 The proposal complies with the performance criterion.

6.15 Development Standards for Heritage Precincts - Part E E13.8.1 P1 and E13.8.2



P1, P3 and P5

- 6.15.1 There is no acceptable solution for E13.8.1 A1 and E13.8.2 A1, A3 and A5.
- 6.15.2 The proposal includes partial demolition, internal alterations, additions, landscaping and new car parking.
- 6.15.3 There are no acceptable solutions; therefore assessment against the performance criterion is relied on.
- 6.15.4 The performance criterion at clause E13.8.1 P1 and E13.8.2 P1, P3 and P5 provides as follows:

E13.8.1

*P1 - Demolition must not result in the loss of any of the following:*

*(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;*  
*(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;*  
*unless all of the following apply;*

*(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*

*(ii) there are no prudent or feasible alternatives;*

*(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.*

E13.8.2

*P1 - Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*

*P3 - Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.*

*P5 - The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping*

*that contribute to the historic cultural significance or the streetscape values and character of the precinct.*

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

*Clause E13.8.1 P1 states:*

*Demolition must not result in the loss of any of the following:*

*(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;*  
*(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;*  
*unless all of the following apply;*

*(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*

*(ii) there are no prudent or feasible alternatives;*

*(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct*

*Discussion:*

*The proposed demolition follows the general approach as defined in the Historic Heritage Management Strategy by Praxis Environment dated January 2019 and involves the removal of fire damaged building elements and intrusive accretions that have been added to the site over time. There is no loss of landscape elements as the new building is over an area already occupied by a series of buildings. In summary, the proposal satisfies E13.8.1 P1.*

*The Objective of E13.8.2 Buildings and Works in a Heritage Precinct states::*

*To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.*

*Clause E13.8.2 P1 states:*

*Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*

*Clause E13.8.2 P3 states:*

*Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.*

*Clause E13.8.2 P5 is satisfied as there is no loss of landscaping that contributes to the heritage significance of the precinct between the c.1912 dwelling and Swan Street. The landscaping alterations to the rear are acceptable changes in what is the traditional rear yard of the property.*

Discussion:

*The proposed reinstatement of the c.1912 dwelling into its original form with a new slate roof is a positive heritage outcome. Based on the discussion above in regards to E13.7.2 P1, P2, P3 and P4 and with further refinement and clarification of the service roof, the proposal is not considered to result in detriment or detract from the heritage significance of the precinct. The proposal is considered to satisfy E13.8.2 P1 and P3.*

- 6.15.6 The proposal complies with the performance criterion, subject to conditions.

## 7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Alterations, Extension, Landscaping (including Tree Removal), and Car Parking, at 11 Swan Street North Hobart.
- 7.2 The application was advertised and received five (5) representations. The representations raised concerns including Use, Bicycle Parking, the New Car Park, Stormwater, Solar Access, Residential Amenity, Heritage, Parking and Access, Informal Access Agreement, Landscaping. In response to these concerns, it is considered that the use is an evolution of the mental health facility use of the site that is protected by existing non-conforming use rights. The development proposed is considered to be consistent with the special provision of the planning scheme that allows some development for existing non-conforming uses. The development has been assessed in terms of its impact on neighbouring amenity and is considered to be acceptable. It has also been assessed in terms of its heritage impact, and traffic, access and parking impact, and in all respects is considered to be acceptable (subject to conditions).
- 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, and Environmental Health Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal has been referred to TasWater, who have provided conditions for inclusion should a permit be granted.
- 7.6 The proposal has been referred to Heritage Tasmania, who have provided conditions for inclusion should a permit be granted.
- 7.7 The proposal is recommended for approval.

## 8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations, Extension, Landscaping (including Tree Removal), and Car Parking at 11 Swan Street, North Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition, Alterations, Extension, Landscaping (including Tree Removal), and Car Parking at 11 Swan Street, North Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### GEN

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-67 - 11 SWAN STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### TW

**The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2020/00179-HCC dated 09/04/2020 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

### THC

**The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6173 dated 18 June 2020, as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

### PLN 15a

**A demolition waste management plan must be implemented throughout**

**demolition. 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.**

*Advice:*

*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 10**

**No signage is approved by this permit.**

*Advice: The interpretation panel required by condition HER 3 is not proscribed by this condition.*

Reason for condition

To clarify the scope of the permit.

#### **PLN 17**

**The external lighting of the site must operate in accordance with Australian Standard AS4282- Control of the obtrusive effects of outdoor lighting.**

Reason for condition

To ensure that the non-residential use does not unreasonably impact residential amenity.

#### **ENG sw1**

**All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater**

infrastructure prior to first occupation or commencement of use (whichever occurs first).

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

Reason for condition

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

#### **ENG sw4**

The two (2) new stormwater connections must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings 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 detailed engineering drawings must include:

1. the location of the proposed connections; and
2. the size of the connections appropriate to satisfy the needs of the development.
3. the capacity of the connections and capacity of kerb

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 sw7**

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

**The stormwater pre-treatment system must incorporate a treatment system of a size and design sufficient to achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010. Detailed design and calculations must be submitted and approved prior to any approval under the Building Act 2016 or commencement of works (which ever occurs first). The stormwater pre-treatment design must:**

- 1. be prepared by a suitably qualified person;**
- 2. take into consideration any detention and peak discharge rate permitted; and**
- 3. include supporting maintenance plan.**

*Advice:*

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

Reason for condition

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

**ENG sw8**

**A stormwater detention system in must be installed to limit stormwater discharges from the development to the capacity of the downstream Council stormwater system.**

**A stormwater detention design must be submitted and approved by Council, prior to the issuing of any approval under the Building Act 2016 or**



commencement of works (which ever occurs first). The stormwater detention design must:

1. be prepared by a suitably qualified engineer;
2. include detailed design and supporting calculations of the detention tank, sized such that there is no increase outflow from kerb and gutter connections from the developed site up to 5% AEP storm events (regardless of duration) and such that flows are limited to the receiving capacity of the downstream Council stormwater system. All assumptions must be clearly stated;
3. include design drawings of the detention tank showing the layout, the inlet and outlet (including long section), the overflow mechanism; and
4. 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 the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement and the associated fees).*
- *It is advised that documentation for condition endorsement is lodged well before a building / plumbing permit is required, as failure to address design requirements until building / plumbing permit stage may result in unexpected delays.*
- *Please contact Council Stormwater Engineers to discuss the capacity of any proposed kerb and gutter connection, as this will dictate the detention volume required.*

Reason for condition

To ensure that the stormwater runoff quantity is managed to take into account the limited receiving capacity of the downstream Council stormwater infrastructure.

**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 any approval under the Building Act 2016 (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 2a**

**Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area)**

where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

*Advice:*

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

Reason for condition

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

**ENG 3a**

**The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required) and accessible parking spaces with Australian Standard AS/NZS2890.6:2009.**

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 first occupation or commencement of use (whichever occurs first).**

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 parking spaces within the proposed development must include:

1. A minimum number of fourteen (14) User Class 3 car parking spaces.
2. A minimum number of one (1) User Class 4 (Accessible) car parking spaces.
3. A minimum of two (2) bicycle parking spaces for employees to Class 2
4. A minimum of six (6) bicycle parking spaces for visitors to Class 3

Prior to first occupation or commencement of use (whichever occurs first):

- All User Class 3 car parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS 2890.1:2004.
- All User Class 4 car parking spaces must be delineated in accordance with Australian Standards AS 2890.6:2009

*Advice:*

- Car parking space User Class is as defined in Australian Standards AS 2890.1:2004
- Bicycle parking space Class is as defined in Hobart Interim Planning Scheme 2015 table E6.2, with Class 2 requiring a locked compound with communal access using duplicate keys and Class 3 requiring facilities which a bicycle frame and wheels can be locked.

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

#### ENG 11

Prior to the first occupation or commencement of the use (whichever occurs first), the existing (to be abandoned) vehicular access must be reinstated, and the proposed crossover to the Elphinstone Road highway reservation designed and constructed in general accordance with:

1. LGAT Standard Drawing - Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing;

2. **LGAT Standard Drawing - Commercial Urban- TSD-R09-v1 – Urban Roads Driveways and TSD R16-v1 Type KCR & B1 or Type KCRB & B1; and**
3. **LGAT Standard Drawing - Footpath - Urban Roads Footpaths TSD-R11-v1; or**
4. **A Council City Amenity Division approved alternate design.**

*Advice:*

- *Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).*
- *Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*
- *Please contact Council City Amenity Division to discuss approval of alternate designs.*
- *You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*

Reason for condition

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

**ENG s1**

**The proposed service enclosure adjacent to Elphinstone Road (shown on plan A302) must not have doors which open into the highway reservation.**

Reason for condition

To ensure that pedestrian and vehicular safety within the highway reservation.

**ENG 1**

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

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

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

**A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.**

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

Reason for condition

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

#### **ENV 1**

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

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

Reason for condition

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

#### **HER 11**

**Further details of the cleaning of the fire and smoke damaged external brickwork must be provided. The cleaning method must not use abrasive sand or high pressure blasting and must not damage the original brick surface or pointing including any tuck-pointing.**

Prior to the issue of any approval under the *Building Act 2016*, revised details must be submitted and approved showing how the fire and smoke damaged external brickwork is to be cleaned in accordance with the above requirement.

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

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

#### **HER 12**

Further detailed plans documenting the proposed new 'terrace to heritage detail' as shown on drawing titled Section, A401C, dated Jan 2020 must be provided. The new terrace is to:

- be of a design that is compatible with the heritage listed building; and
- be connected/attached in a manner that does not result in damage to the heritage listed building.

Prior to the issue of any approval under the *Building Act 2016*, documentation must be submitted and approved which details the new 'terrace to heritage detail' in accordance with the above requirement.

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

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

#### **HER 13**

Further detailed plans documenting the proposed new slate roof of the Peacock Centre heritage listed building as described in the Architectural Design Statement by Xsquared dated 23 January 2020, p.16 must be provided and include;

- details of the guttering, downpipes, flashing and ridge capping; and

- the type and colour of the slate.

Prior to the issue of any approval under the **Building Act 2016**, documentation must be submitted and approved which details the new roof in accordance with the above requirement.

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

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

#### HER 14

The service roof that extends over the reconstructed Peacock Centre roof as shown on drawings; Roof Plan A207D, dated Jan 2020; Elevations 1, A301F, dated April 2020 and Section, A401C, dated Jan 2020 is not approved.

Prior to the issue of any approval under the Building Act 2016, documentation must be submitted and approved which details a revised service roof in accordance with the requirements below:

- be reduced in scale; and
- be of a different form and use different materials; and
- be of a design that is sympathetic and subservient to the roof form of the heritage listed building.

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

*Advice:*

- *The applicant is to note that one option is that any mechanical units that extend into the reconstructed Peacock Centre, can be revealed and do not necessarily have to be obscured by screening or walls. Alternatively, the service roof can be reduced in scale and limited to the area over the lift shaft and mechanical unit in the proposed extension.*

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.



**HER 3**

An historical interpretation panel is to be provided in a publicly accessible location as approved by Council. The panel should include information regarding the site's history, occupants, photographs and any other relevant information to tell the story of the Peacock Centre, the building and the Peacock family. Details of the location, design and content of the interpretation panel are to be submitted for approval by Council and installed prior to occupation.

Reason for condition

To ensure there is public benefit in the recognition of the history of the heritage listed building and all its historical associations.

**HER 18**

All trees, shown to be retained, and original garden features and plantings must be protected throughout construction and post construction.

Prior to the issue of any approval under the *Building Act 2016*, a report must be submitted and approved in accordance with the requirements of this condition. The report must;

1. Be prepared by a suitable qualified person/s.
2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS4970-2009 Protection of trees on development sites, around all trees in particular the tree in the front Swan Street garden located immediately adjacent to the boundary with 15 Swan Street in front of the proposed new extension.
3. Show how all original sandstone walls and steps and other garden plantings, shown to be retained or unaltered in the approved plans, are to be protected during construction.

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

Reason for condition

To ensure that development at a heritage place and in a heritage precinct is

undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

### 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.

**PUBLIC HEALTH**

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

**FOOD BUSINESS REGISTRATION**

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

**PUBLIC HEALTH RISK**

Public health risk activities (tattooing and piercing) licence. 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 are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve) in order to construct the new crossover. 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.

#### **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.

#### **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.

#### **WEED CONTROL**

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

#### **NOISE REGULATIONS**

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

#### **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.

#### **HERITAGE**

No signage is approved as part of this permit. A further planning application is required to be submitted and it is recommended that the applicant discuss future signage requirements with Council.



(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.*



(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: 22 June 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Attachment D - CPC Supporting Documents

## Department of Health

CORPORATE SERVICES – ASSET MANAGEMENT SERVICES

GPO Box 125, HOBART TAS 7001 Australia

Ph: 1300 135 513

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

Contact: Amber Smith  
Phone: (03) 6166 1589  
Email: [amber.smith@health.tas.gov.au](mailto:amber.smith@health.tas.gov.au)  
File: F17/000010-008

General Manager  
Hobart City Council  
GPO Box 503  
Hobart TAS 7001

Dear Sirs,

**Subject: Department of Health – Peacock Centre – Consent to Act as an Agent**

Pursuant to Section 52 (b) of the *Land Use Planning and Approvals Act 1993* I consent to the lodgement of permit applications relating to land in the ownership of the Crown. I hereby authorise the applicant to act as my agent for any required permits (i.e Development Application, Certificate of Likely Compliance and Building Application) on behalf of the Crown.

**Applicant:** X-Squared Architects**Proposed Development:** Peacock Centre Rebuild**Address:** 11 Swan Street, North Hobart TAS 7000**PID:** 5560920

If you require further information please contact Amber Smith, Capital Works Project Manager on 6166 1589.

Yours sincerely

A blue ink signature of Scott Parnham, consisting of a stylized 'S' followed by a horizontal line.

Scott Parnham  
Director, Asset Management Services

22 October 2019

Planning: #197108

**Property**

11 SWAN STREET NORTH HOBART TAS 7000

**People****Applicant \***

Xsquared Architects Pty Ltd

1st Floor, 125 Collins Street  
HOBART TAS 7000  
62249370  
admin@xsquaredarchitects.com.au**Owner \***

Department of Health and Human Services

GPO Box 1  
HOBART TAS 7001  
1300 135 513  
info@dhhs.tas.gov.au**Entered By**FRANCES BEASLEY  
117 HARRINGTON STREET  
HOBART TAS 7000  
62312555  
iboss@jmg.net.au**Use**

Medical facility

**Details**

Have you obtained pre application advice?

☒ No

If YES please provide the pre application advice number eg PAE-17-xx

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application. \*

☒ No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the number of signs under Other Details below. \*

☒ No

If this application is related to an enforcement action please enter Enforcement Number



## Details

What is the current approved use of the land / building(s)? \*

Mental Health Facility

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage) \*

demolition, extension for mental health facility, and car park

Estimated cost of development \*

8206000.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

## Carparking on Site

Total parking spaces

Existing parking spaces

N/A

☒ Other (no selection chosen)

## Other Details

Does the application include signage? \*

☐ No

How many signs, please enter 0 if there are none involved in this application? \*

0

## Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register? ☐ Yes

## Documents

## Required Documents

Title (Folio text and Plan and PropertyReport-5560920.pdf  
Schedule of Easements) \*

Plans (proposed, existing) \* Final XSA DA Set.pdf

GM or Crown consent DHHS - Consent to Act as an agent.pdf

## Supporting Documents

Traffic Impact Assessment TIA (with final proposal plans).pdf

Landscape Plan Play Street Landscape Plan.pdf



JMG Ref: J183095PH  
Your Ref: PLN-20-67

2<sup>nd</sup> April 2020

General Manager  
Hobart City Council

Via email: HCC planning portal

Attention: Ben Ikin

Dear Ben,

11 SWAN STREET, NORTH HOBART - PARTIAL DEMOLITION, ALTERATIONS,  
EXTENSION, LANDSCAPING (INCLUDING TREE REMOVAL), AND CAR PARKING  
APPLICATION NO. PLN-20-67

On behalf of our client, Xsquared Architects, please find attached documents provided in response to Council's request for additional information regarding the above proposal. The submission documents have been updated accordingly and are attached.

The items contained within Council's request have been responded to as follows:

#### Planning

##### PLN Fi1:

- 1) Clarification of the use / activity since the fire.

The activity since the 2016 fire is not relevant given the use is continuous post the fire. The chronology of uses provided under point 2 below has greater information on the site use over time, including post the fire.

- 2) A table clearly explaining the chronology of the uses / activities on the site.

The site has been in continuous use for more than 100 years and it is not possible to provide a chronology of all uses / activities on the site over that time, including each change of use / activity.

What is clear is that the site was in residential use from about 1912 to 1940, and then in continuous "hospital or home for persons suffering from incurable diseases or ... a home or institution for the alleviation of human suffering" use from about 1940 onwards.

The 1982 City of Hobart Planning Scheme is not relevant as the current use of the site (Hospital Services) is prohibited in the zone (Inner Residential) under the current Hobart Interim Planning Scheme, thus the application is discretionary under clause 9.1 of that Scheme. It is our view that the use on the site needs to be assessed in terms of the principal use over the period it has been operating (i.e. Hospital Services), rather than breaking the use into its component parts and assessing them under the particular scheme of the day. Whilst there were no in-patient services at the point in time this scheme was gazetted, in our view this does not mean the use of the site for in-patient services was abandoned (as evidenced by this application). The overwhelming historic use of the site,

117 Harrington Street  
Hobart 7000  
Phone (03) 6231 2555  
Fax (03) 6231 1535  
infohbt@jmg.net.au

49-51 Elizabeth Street  
Launceston 7250  
Phone (03) 6334 5548  
Fax (03) 6331 2954  
infohbt@jmg.net.au

Johnstone McGee &  
Gandy Pty Ltd  
ABN 76 473 834 852  
ACN 009 547 139  
as trustee for Johnstone  
McGee & Gandy  
Unit Trust

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including the period of the previous planning scheme, included inpatient services. Thus the 'Hospital Services' use, which includes outpatient care, is the current use on the site. Hospital Services being defined as:

*use of land to provide health care (including preventative care, diagnosis, medical and surgical treatment, rehabilitation, psychiatric care and counselling) to persons admitted as inpatients. If the land is so used, the use includes the care or treatment of outpatients.*

A table explaining in as much detail as possible recent uses / activities on the site is nonetheless included below.

Use/Activity	Date
Residential convalescent home for 24 persons administered by the Royal Hobart Hospital. The intensity of residential convalescent home use intensified in 1951 when a solarium was added, and again around 1965 when new nurses' accommodation was constructed, and again around 1970 when a new kitchen and dining room and additional parking was constructed. By 1984 the home was reported to accommodate 25 patients.	Planning initiated about 1940, facility established by 1942, officially opened in 1943, and in continuous use as such until at least 1984
Mobile Intensive Support Team (MIST), operating over the extended hours of 8am - 10pm, 7 days a week. At this time the 25 person residential convalescent home use had morphed into a 4-6 person residential respite facility known as Tanderra. These were the uses at the time that the City of Hobart Planning Scheme came into force.	Established in the mid-1980s, operated until the late 2000s
City of Hobart Planning Scheme came into force	13/11/1994
Primary base for the Hobart & Southern Districts Adult Community Mental Health Service operating office hours, 5 days a week, but with a CAT team operating 8.30am - 10pm, 7 days a week.	Established in 2006, with services only suspended due to the 2016 fire
Hobart Interim Planning Scheme came into force	20/05/2015
Mental Health Helpline, operating 24 hours a day, 7 days a week. This use/activity, and the continuation of the work of the Hobart & Southern Districts Adult Community Mental Health Service and the CAT team were the uses at the time of the fire.	Established in 2016, with services only suspended due to the 2016 fire
Fire on the site - Peacock Centre was significantly damaged by a deliberately lit fire, forcing the relocation of the Hobart & Southern Districts Adult Community Mental Health Service, the Mental Health Helpline, and a number of staff from the	07/12/2016



Glenorchy and Northern Districts Adult Community Mental Health Service who were also working out of the site at that time. Work was immediately undertaken to relocate and allow for continual operation of the critical services that were operating from the Peacock Centre, this work involved a temporary relocation solution with a permanent solution being reached in October 2018 with the completion of the refurbishment of level 2 Carruthers Building at St Johns Park for the Southern Districts Adult Community Mental Health Service.	
Galloway Building Surveyors were engaged to undertake a report to assess the extent of the fire damage and the required remediation works that needed to occur to make the building safe for access, and to prepare it for repair to allow the existing services to re-occupy the site. "Make safe" and demolition work was carried out in line with the report.	Engaged 9/12/2016, with demolition and make safe work completed 21/02/2017
Advice from Treasury and Crown Law was sought regarding the terms of the bequest of the Peacock Centre to the Crown, determining that the State had a dual obligation under the bequest, first to reinstate the Peacock Centre to good repair, and second that it be used to provide overnight accommodation for persons suffering from an illness or disability with appropriate support services. A significant body of work was undertaken to identify the most appropriate service for the Peacock centre, in line with the existing service delivery at the time of the fire. A business case was developed to secure funding for the construction and restoration of the Peacock Centre as a Mental Health Facility, as additional funding was required above and beyond that provided in the insurance claim to meet current requirements/standards. Funding was secured as an outcome of the State Government Election, with the Liberal Government committing a 'Record Boost for Mental Health Care': 'A re-elected majority Hodgman Liberal Government will rebuild the Peacock Centre in Hobart, which was seriously damaged by fire last year, to provide 15 additional mental beds for safe, supportive 'step-down' care post-hospitalisation, or 'step up' care for those whose condition has escalated to avoid hospitalisation, and community mental health services'. Since then a detailed project scope for a competitive procurement process to secure a Principal Design Consultant and Consultant Team has been established, a Request for Consultant Quotation/Submission issued, a Consultant Contract executed, and Project design initiated, culminating in lodgement of a planning application. This was the use/activity at the time of the planning application lodgement.	Initiated 01/2017, development of business case initiated 03/2017, work to progress approvals to facilitate construction and restoration ongoing
Planning application lodged	05/02/2020

## PLN Fi2:

- 1) The Department of Health and Human Services has received advice from the Solicitor General and but does not wish this to be made public as it is internal preliminary advice and is not made with the benefit of the plans submitted with



the application. The relevant parts of this advice have been included in the submission letter by JMG.

- 2) The application is made under clause 9.1 of the Planning Scheme. Section 12 of the Act is not relevant to Council's assessment, and reference was only made to section 12 in the application to provide context. The only requirement is that the use is a 'non conforming' one. The current use of land is for 'Hospital Services' which is prohibited in the Inner Residential zone under the current Planning Scheme. To be clear, in our view clause 9.1 of the planning scheme and section 12 of LUPAA are not linked and thus operate independently.
- 3) As noted above, the application is made under clause 9.1 of the Planning Scheme. There is no obligation under clause 9.1 of the scheme to assess the proposal under section 12 of LUPAA.
- 4) Clause 9.1.1 has three categories under which development can be assessed under the clause, we have considered the proposal elements and would separate them as follows, with some elements of the proposal relevant to each category:

Proposal Element	Clause 9.1.1 Category
Works to both the existing heritage building and the re-constructed wing will bring the facility into greater conformity with the Scheme through compliance with current adult community mental health practice, technical compliance, and engineering standards. Amenity for surrounding residents will also be improved via increased compliance with Scheme standards (see attached updated Planning Report).	(a) to bring an existing use of land that does not conform to the Scheme into conformity, or greater conformity, with the Scheme
Demolition of the 1970s building and replacement with a new building on an extended footprint and re-location and re-construction of an existing car park in the northern corner of the site.	(b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site
Upgrade of building services, demolition of non-historic elements of the existing heritage listed building.	(c) for a minor development to a non-conforming use

- 5) The proposal is not required to comply with each specific provision of the scheme, but clause 9.1 does note that Council *"may have regard to the purpose and provisions of the zone and any applicable codes"*. We have included some further discussion of Scheme standards in our assessment of amenity under the test of clause 9.1 in the attached updated Planning Report in this regard.
- 6) The proposal will bring the former facility into conformity with current adult community mental health guidelines with best practice design for both mental health care and heritage restoration. Whether the improvement is a significant one is not a relevant test under clause 9.1 of the Scheme.
- 7) As noted under point 6 above, whether the development is more than a reconstruction of the structure destroyed by fire is not a relevant test under clause 9.1 of the scheme.
- 8) The site is owned by the Government of Tasmania and is an asset that provides a service to the Tasmanian community. The land will not be sold, so no investment on this site will be realised as an "enhancement" other than in an



increased quality of service to the Tasmanian community, compared with the position immediately prior to the fire.

**PLN Fi3**

- 1) The boundaries as shown on the site plan are drawn from recent site survey information have been confirmed by the land surveyor to be correct. Specifically, the Elphinstone Road boundary is correctly located on all plans provided with the application.
- 2) A new crossover onto Elphinstone Road is proposed, and an existing crossover removed, but we have been advised by Council (via email to Peter Scott 02-04-20) that a General Managers Consent is not required for the proposed works.
- 3) This information is currently being sought through the project engineers.
- 4) These dimensions have been shown in the revised architectural plans attached.
- 5) Boundary fencing / wall treatment has been clarified on the revised architectural plans attached.
- 6) The percentage of the site that will be covered in impervious surfaces is shown on the revised architectural plans. Details of the percentage of the site that is currently covered in impervious surfaces is also shown, for comparison.

**Taswater****TW1**

- 1(a) The sewer line now shown correctly on site plan as per the revised survey.
- 1(b) A note to this effect has been added to the revised architectural plans attached.
- 1(c) The proposed development is outside a 1m setback from the outside of the sewer pipe wall and 1m setback line has also been shown and noted on architectural site plan.
- 1(d) There is no driveway over the sewer alignment.
- 1(e) The architectural drawing revisions have been updated.
2. There is no title applying to the site. The information we have available forms part of Appendix A of our submission (attached).

**Parking and Access****PA2.1**

- 1) This information is currently being sought through the project engineers and will be provided in due course.





**Stormwater Code**

**Sw1**

- 1) This information is currently being sought through the project engineers and will be provided in due course.

**Sw6**

- 1) This information is currently being sought through the project engineers and will be provided in due course.

If Council requires any further information or clarification with respect to this application, please contact me on 6231 2555 or at [planning@jmg.net.au](mailto:planning@jmg.net.au)

Yours faithfully,

**JOHNSTONE MCGEE & GANDY PTY LTD**

A handwritten signature in blue ink, appearing to read 'Mat Clark', is positioned above the printed name.

**Mat Clark  
PRINCIPAL**



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## Attachment A Updated Application



## **PEACOCK CENTRE**

**MENTAL HEALTH FACILITY REDEVELOPMENT FOR THE  
DEPARTMENT OF HEALTH**

**CHANGES TO AN EXISTING NON-CONFORMING USE  
AT 11 SWAN STREET, NORTH HOBART (THE  
PEACOCK CENTRE)**

*29 April 2020*



Xsquared Architects Pty Ltd

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Hobart Tasmania 7000

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Alex Newman RAIA – Director  
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JMG Ref: J183095PH

30 April 2020

General Manager  
City of Hobart  
Via email - coh@hobartcity.com.au

Attention: Karen Abey

Dear Karen,

**CHANGES TO AN EXISTING NON-CONFORMING USE AT 11 SWAN ST NORTH HOBART  
(THE PEACOCK CENTRE)**

JMG has been engaged by Xsquared Architects to provide planning advice regarding the re-construction of the mental health facility on the above property. Xsquared Architects are the principal consultant for the project and act on behalf of the owner of the facility, the Department of Health and Human Services. Xsquared Architects are authorised by the department to act as its agent and to lodge applications for any permits required to carry out the project (see attached letter of consent - Attachment F).

This letter is in support of a Development Application under Section 9.1 (Changes to an Existing Non-conforming Use) of the *Hobart Interim Planning Scheme 2015*. Given this discretion to approve an application notwithstanding the other provisions of the scheme, no assessment of the other provisions is required. The application is however discretionary and subject to the tests of Section 9.1.

**Introduction**

The Peacock Centre in North Hobart was significantly damaged by fire on 7 December 2016. Since that event, action has been taken to reconstruct the facility. The Peacock Centre building was lawfully used as a mental health treatment facility. The land has not been used for any other use since the Peacock Centre was established. A mechanism in the *Land Use Planning and Appeals Act 1993* ('the Act') allows for reconstruction of a building that was damaged through no fault of the owner, provided that the use of the site has not ceased for a continuous or cumulative period of 2 years. The resultant building must not intensify the use as it existed before the building was destroyed. Were this mechanism not applicable to the site the Peacock Centre could not be rebuilt under the provisions of the current *Hobart Interim Planning Scheme 2015* ('the Planning Scheme'). It is therefore essential to ensure that the use of land can legally be considered to have continued on the site in lieu of the building, and that the proposed development does not result in intensification of use on the site.

The proposed development plans are enclosed as Attachment C.

**The Site**

The subject site is land located at 11 Swan Street, North Hobart (PID 5560920) (refer to Attachment A), also known as 'Mental Health Peacock Centre' and owned by the Department of Health and Human Services. The site has an area of 4,554 m<sup>2</sup> with

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frontages to Elphinstone Road and Swan Street. The site has a moderate southeast facing slope of around 15%.

The site was previously developed with a single habitable building with modern additions used as a mental health facility with associated parking, greenhouse and landscaping. There are existing water and sewerage connections on the site. Vehicular access to the site is via Elphinstone Road (refer to Figure 1).



Figure 1 - Location Plan

#### Planning Context

The site is located in the 'Inner Residential' zone under the Planning Scheme. It is also located in a 'Heritage Precinct' (Heritage Number: NH5) under the Historic Heritage Code.

The existing use was established in 1943 on the site prior to the commencement of the Planning Scheme. The closest use definition for the Peacock Centre is 'Hospital Services' under the current Planning Scheme, noting that the definition caters for both inpatient and outpatient treatment. The use of land for 'Hospital Services' is prohibited in the Inner Residential zone under the current Planning Scheme. Therefore, the use would need to meet existing use rights under the Act or Section 9.1 of the scheme. The Peacock Centre is also a State listed building/site, as such a works permit is required under Heritage Tasmania.





#### Historic Development and Use

The building was used as a convalescent home for 24 patients from 1943 with a nurse's wing constructed around 1965 (refer to Attachment D). This is confirmed by press reports as operating through to 1984.

Between the mid-1980s and late 2000s the Peacock Centre operated as the base of the Mobile Intensive Support Team (MIST). This service ran an extended hours (8:00 am to 10:00 pm) case management service 7 days a week from the ground floor, whilst the lower ground floor operated as a 4-6 bed overnight respite facility for MIST clients - known as Tanderra.

Tanderra closed in the late 2000s when this part of the service (respite) was transferred to a new facility at Tolosa Street. MIST continued to operate out of the ground floor of the site until late 2006.

A five day per week office hours rehabilitation service also operated out of the lower ground floor between late 2000 and late 2006.

In late 2006 MIST, the rehabilitation service and a metropolitan Crisis Assessment and Treatment Team or CATT (that was based at 4 Liverpool Street, Hobart) were merged with the existing x 3 five-day week mental health community case management teams in the South to form x 3 extended hours community mental health teams:

- Hobart and Southern Districts Adult Community Mental Health Service (H&SD ACMHS);
- Glenorchy and Northern Districts Adult Community Mental Health Service (G&ND ACMHS); and
- Clarence and Eastern Districts Adult Community Mental Health Service (C&ED ACMHS).

The Peacock Centre then became the primary base for the H&SD ACMHS team with the majority of staff working office hours Monday to Friday and a small CAT team working from 8.30 am - 10 pm hours 7 days a week.

The Mental Health Helpline (operating 24 hours 7 days per week) was also relocated to the Peacock Centre site in January in 2016 and remained there until the fire.

At the time of the fire the H&SD ACMHS staff comprised of approximately 30 FTE and the Mental Health Helpline 6 FTE.

The Mental Health Helpline did not see clients on site but required parking for up to three (3) staff. This was either sourced from the staff parking on site or on adjacent streets.

H&SD ACMHS had six (6) government vehicles all of which were parked on site.

H&SD ACMHS staff competed with Helpline staff for any remaining parking spots on site.

Daily on-site appointments averaged around 20 per day (Monday to Friday) with all other appointments occurring either within the client's home or another setting.

As per the Helpline, CATT generally did not see clients on site.

The majority of clients did not have their own car so the number of client vehicles using the site was low.

Service vehicle contacts were also limited and generally consisted of deliveries such as stationery, milk and drinking water etc.

At the time of the fire:

- the building footprint was 641sqm on the 4554sqm site,
- the total floor area of the building was 1127sqm;
- the hours of MIST operation were 7am - 10pm - 7 days a week, with the mental health helpline operating 24 hours per day 7 days per week;



- there are currently 18 car parks excluding the drop-off area, but these are not compliant with AS2890. If re-marked to current standards the 18 car parks would reduce to 15 car parks; and
- there were 36 FTE staff and an average of 20 patients per day;

Staff numbers and patient numbers fluctuated over time so the above numbers need to be viewed in that context.

#### **Proposed Development**

It is proposed to re-build the Peacock Centre to provide integrated clinical and community based care, enabling people to 'step up' into a more intensive level of care from the community if needed and to 'step down' from acute hospital care into community-based care, when ready.

To achieve this the proposal is to restore the heritage listed building and make it fit for purpose, demolish the modern extension on the north and west of the heritage building and create a new two storey extension on the western and northern facades creating an external courtyard. The greenhouse on the eastern side of the heritage building is also to be restored.

The proposed building has:

- A building footprint of 748sqm (an increase of 107sqm);
- A total floor area of 1215sqm (an increase of 88sqm);
- 12 beds (a decrease of 13 beds from the year 2000 levels);
- The hours of operation are 24 hours - 7 days per week (no change);
- There will be 15 car parks (excluding the ambulance bay);
- There will be a maximum of 50 staff and patients on the site at any one time (a decrease of 6 people on the site).

Early works are proposed to rectify some of the required demolition and services which are exempt development under the planning scheme.

Architectural drawings of the proposal are attached in Attachment C.

#### **Existing Use Rights under LUPAA**

Section 12 of the Act provides for the reconstruction of damaged buildings and continued use of land for use that was lawfully operating prior to the introduction of a planning scheme that prohibits the same use or development. This provision does not apply to use that has ceased for a continuous or cumulative period of two years.

The Peacock Centre was significantly damaged by fire on the 7<sup>th</sup> December 2016. Since then works have been undertaken to return the site to a functioning mental health facility. The proposed development is dependent on s. 12 provisions (1) - (4) and thus is subject to subclauses (5), (6) and (7). As it is two years since the fire on the site, the Department has taken legal advice from the Solicitor-General. The Solicitor-General's view about existing use rights is that the chronology strongly supports the proposition that the use of the land did not cease on the date of the fire and, in fact, has probably never ceased. Thus, the use remains lawful.

The above advice also notes that Section 12(7) states it is the use of the land that must be intensified, not the building or works, although an increase in size may be relevant to answer the question about the intensity of the use.

There are no empirical quantities that determine substantial intensification but rely on a range of considerations. In the *United Petroleum Pty Ltd v West Tamar Council [2018]* case the Tribunal stated:



*“Taking account of the relevant matters identified in the enforcement decisions, the Tribunal finds that the following aspects of use are relevant to a consideration of whether substantial intensification has occurred:*

- The number of vehicles on site, the frequency of arrivals and departures to and from the site;*
- The extended hours of operation;*
- Increasing intensity of use; and*
- Levels of activity, area of land subject to use, levels of traffic and extent of material involved in the use.”*

In our view, this is a useful framework by which to make an assessment in this instance.

The number of staff/patients on the site is approximately the same (perhaps a slight decrease). As such, it follows that the number of vehicle movements on site will also be approximately the same. Operating hours are the same but the frequency of vehicle movements may decrease. This is dependent on demand to some extent. The number of car parks on site is the same. Based on the above it is reasonable to conclude there is unlikely to be significant change to the frequency of vehicles arriving and departing the site. There will be a change in the distribution of these movements but this is not considered material as explained below.

The intensity of the use in this case is directly related to the staff, patient and visitor numbers using the facility, which in turn impacts on impacts such as traffic flows, parking, lighting, noise etc. The number of staff and patients on the site is approximately the same as immediately prior to the fire, however the distribution has changed in that the site will now accommodate a small number of patients (18 maximum) and staff (2 maximum) staying overnight. The intensity of overnight occupation has ranged from a maximum of 32 beds to no overnight accommodation prior to the fire. Given the principal activities of the site mostly occur within working hours (i.e. patient registration, patient treatment, visitation and deliveries) as was the case immediately prior to the fire and the overall numbers are equivalent, the intensity of the use is unchanged. Care would need to be taken during detailed design to ensure aspects such as lighting and noise were adequately controlled given a return to night-time accommodation use.

The levels of activity, such as traffic, parking, deliveries and reticulated services (water & sewer) are the same given the occupation of the site is unchanged from levels immediately prior to the fire. There will be a slight increase in stormwater generated by the site, given the increased building footprint, however given the proposed stormwater detention/water quality measures, flows are likely to decrease and the water quality improved. Parking area on the site is unchanged so any level of on-street parking by staff or visitors is not likely to increase. It is also important to note that most patients do not drive to the facility and are instead dropped off by friends, family or public transport. There will be an increase in night-time traffic but given this will be the vehicle movements of two staff only this increase is not considered substantial.

In conclusion, the intensity of the use on the site and the distribution of the intensity of the site use across the day has varied over time, although early records between 1943 and the mid-1980s are scant. Based on the Department of Health and Human Services records the use is lawful and operating continuously on the site well before the gazettal of the *City of Hobart Planning Scheme 1982* until the present where works are underway to restore the facility from the fire in 2016. In terms of the use the proposal drawings have been assessed in terms of whether the increase in use is a substantial one or not. It is my view based on the framework set out in the *United Petroleum Pty Ltd v West Tamar Council 2018* decision and comparison of the historic and proposed use that the use proposed not a substantial intensification and perhaps is slightly decreased in intensity from previous intensity levels.

It is therefore concluded the proposal can be considered under Section 12 of the Act and thus does not require a Planning Permit. There are however requirements under



the building approval process and the Tasmanian Heritage Council works approval process that require a determination under Section 9.1 of the *Hobart Interim Planning Scheme 2015*.

***Hobart Interim Planning Scheme 2015, Section 9.1***

The development is able to be constructed without obtaining a Planning Permit in accordance with s. 12 of the Act. However, the *Historic Cultural Heritage Act 1995* can only deal with exempt or discretionary applications. Without applying for a discretionary permit under 9.1.1 of the Planning Scheme, there would be no referral to Heritage Tasmania and therefore no assessment in relation to heritage standards. Applying for a planning permit under clause 9.1.1 ensures that heritage concerns will be considered and the Council will be able to apply relevant conditions under the planning permit.

The proposed development is considered a non-conforming use under the Planning Scheme and has therefore been considered against Clause 9.1.1.

Clause 9.1.1 of the Hobart Interim Planning Scheme 2015 states:

*9.1 .1 Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:*

*(a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or*  
*(b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or*  
*(c) for a minor development to a non-conforming use,*

*where there is –*

*(a) no detrimental impact on adjoining uses; or*  
*(b) the amenity of the locality; and*  
*(c) no substantial intensification of the use of any land, building or work.*

*In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.*

Elements of the proposal fall into the categories of (a), (b) and (c).

‘Detrimental impact’ on amenity generally relies on qualitative measures that can be subjective. To consider whether the use would be detrimental we have considered the current measures of amenity used in the *Hobart Interim Planning Scheme 2015*, including hours of operation, noise emissions, external light emissions, traffic and parking impacts, sunlight and overshadowing, privacy, waste storage and landscaping.

It should be noted that compliance with specific provisions under the scheme outside clause 9.1 is not required, however, in terms of the amenity tests reference to specific clauses has been included below.

***Hours of Operation***

The hours of operation for the existing use have varied over the lifetime of the centre. When in use as a convalescent home and a mental health helpline, the hours of operation were 24 hours a day, seven days a week. The outpatient and administrative services on the site were in operation 7am - 10pm, seven days a week. The proposal





includes the redevelopment of the building to provide both inpatient and outpatient services requiring operating hours of 24 hours a day, seven days a week. The main component of the use will retain the 7am - 10 pm operating hours for outpatient and administrative use. The portion of the use that would be in operation 24/7 is the inpatient services. This portion will cater to a maximum of 12 patients with associated staff.

The Acceptable Solution under the Inner Residential Zone is for hours of operation between 8am to 6 pm (clause 11.3.1 A1) with the exception of office and administrative tasks. The performance criteria P1 allows for operation outside these hours where it can be demonstrated that there is no unreasonable impact from commercial vehicle movements, noise or other emissions with respect to their timing, duration or extent. All commercial vehicle movements will occur during the normal operating hours of 8.30am to 10pm and can be further restricted to a 6 pm cut-off. The use outside the hours of 8am to 6pm will include consulting services and administrative tasks. After 10 pm the use would be limited to inpatient services and office work. It is reasonable to expect that there would be limited noise emissions from this use. The majority of occupants will likely be sleeping for the majority of the overnight operating hours. Any patients on site overnight will not be coming and going from the facility. Staff will access the site at regular intervals in accordance with shift times, but generally only two staff will be present overnight.

There are no other known emissions that would occur from the use that would impact on amenity outside the acceptable hours of operation.

#### *Noise*

Noise emissions from the site would be similar to residential activities and thus are likely to meet the noise levels under 11.3.1 A2 of the scheme. The main noise sources would include vehicles and people talking. There is no machinery or noise-emitting devices of significance. The majority of the noise will be contained within the building and unlikely to be heard outside. There will be no external speakers. The vehicle movements are generally limited to staff with some patient vehicle generation. The location of the site is very accessible by public transport and is in a densely populated area suggesting walking and cycling will be utilised.

The majority of vehicle movements would be limited to the hours of 8 am to 10 pm. All outpatient consulting is limited to these hours.

#### *External Lighting*

External lighting security will be provided in accordance with Australian Standards. This lighting will include baffling as appropriate and restrictions on use where possible. Thus compliance would be achieved with 11.3.1 A3.





#### *Traffic & Parking*

The on-site parking will be located in essentially the same area as the current car park with increased provision for manoeuvring onsite. There are 15 car parking spaces proposed including one accessible space. The onsite parking is accessed from the exiting crossover to Elphinstone Road.

The scheme requirement for parking under Table E6.1 is 1 space per 40sqm, which equates to 30 spaces. The Traffic Impact Assessment determines that the parking demand is 12 parking spaces for this type of facility, thus below the number of spaces provided. Based upon the Traffic Impact Assessment compliance with E6.6.1 P1 is achieved.

#### *Sunlight/Overshadowing and Bulk*

The proposed building will largely replicate the dimensions of the existing building with the exception of the new addition. The building will be a minimum of 1.8 m from the western boundary. The maximum height of the new building is 7.7m above natural ground level. The majority of the building will be contained within the acceptable building envelope described in the Inner Residential Zone of the Planning Scheme (clause 11.4.2 A3). The building is setback over 6 m from the closest dwelling to the west.

Shadow diagrams have been prepared and are provided with the attached proposed plans. These plans demonstrate that the proposed building will not result in further overshadowing of the neighbouring dwellings. The building will overshadow part of the garden on the neighbouring property (15 Swan Street), however, the total area is approximately 35 m<sup>2</sup> of about 850 m<sup>2</sup> of private open space and the overshadowing is limited to less than an hour between 9am and 12pm on 21 June. The overshadowing from the proposed building will be less than that of the existing building as demonstrated in the attached plans.

The façade has been modulated with a waved form and articulated with projections/recesses/louvers to reduce the impact of the bulk of the new structure upon 15 Swan Street to the west. Likewise the reduction in scale from the existing building will also be an improvement in the visual bulk. Thus the proposal would comply with clause 11.4.2 P3 and clause 11.4.9 P1 of the scheme. The setback of the building façade is generally 3m as required by 11.4.2 A1 but does reduce to 1.8m for an 8.4 section of this western façade. Given there are a number of party walls in the immediate area, this reduction of setback is reasonable.

#### *Privacy*

Windows are proposed on the western boundary with the potential to overlook the adjacent residential dwellings. However, these windows have permanently fixed full height screens with a uniform transparency of no more than 25% to maintain privacy consistent with clause 11.4.6 A1 of the scheme.

Outdoor areas on the site do not overlook adjoining dwellings or private open space.

#### *Waste Storage*

Waste storage will be located within the proposed building and collected by a commercial provider within the acceptable solution hours detailed above. This will ensure that any visual or odoriferous impact is minimised. It is not anticipated that the redevelopment will result in any waste storage issue. This accords with 11.4.8 P1 of the scheme.

#### *Conclusion*



The proposed changes are not considered to result in detriment to adjoining uses or the amenity of the locality. There is also not considered to be a substantial intensification of the use given the history of use on the site. The above assessment finds that the proposed development complies with clause 9.1.1 of the Planning Scheme and it is considered reasonable that Council exercise its discretion to approve the proposed development.

If Council requires any further information or clarification with respect to this application, please contact me on 6231 2555 or at [mclark@jmg.net.au](mailto:mclark@jmg.net.au).

Yours faithfully

JOHNSTONE MCGEE & GANDY PTY LTD

A handwritten signature in purple ink, which appears to read 'Mat Clark', is positioned below the company name.

Mat Clark  
PRINCIPAL



ATTACHMENT A

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Property ID: 5560920   [View Property in LISTmap](#)  
 Property Owner: DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 Address: MENTAL HEALTH PEACOCK CENTRE, 11 SWAN ST, NORTH HOBART, TAS - 7000

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## PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA  
Issued pursuant to the Valuation of Land Act 2001

PROPERTY ID: 5560920

MUNICIPALITY: HOBART

PROPERTY ADDRESS: MENTAL HEALTH PEACOCK CENTRE  
11 SWAN STREET  
NORTH HOBART TAS 7000

PROPERTY NAME: MENTAL HEALTH PEACOCK CENTRE

TITLE OWNER:

INTERESTED PARTIES: DEPARTMENT OF HEALTH AND HUMAN SERVICES

POSTAL ADDRESS: GPO BOX 125

(Interested Parties) HOBART TAS 7001

## MAIN IMPROVEMENTS SUMMARY

**Improvements:** PEACOCK CONVAL HOSPT

Improvement Sizes	Improvement:	Area:
(Top 3 by Size):	MAIN BUILDING	557.0 square metres
	MAIN BUILDING	537.0 square metres
	PARKING	

**Number of  
Bedrooms:****Construction Year****of Main Building:** 1912**Roof Material:** Tile**Wall Material:** Brick**Land Area:** 0.4499 hectares

## LAST VALUATIONS

Date Inspected	Levels At	Land	Capital	A.A.V.	Reason
26/03/2015	01/07/2014	\$950,000	\$2,350,000	\$152,750	Revaluation
10/07/2014	01/10/2008	\$790,000	\$2,220,000	\$88,800	RNJ - Refurbish office and toilet

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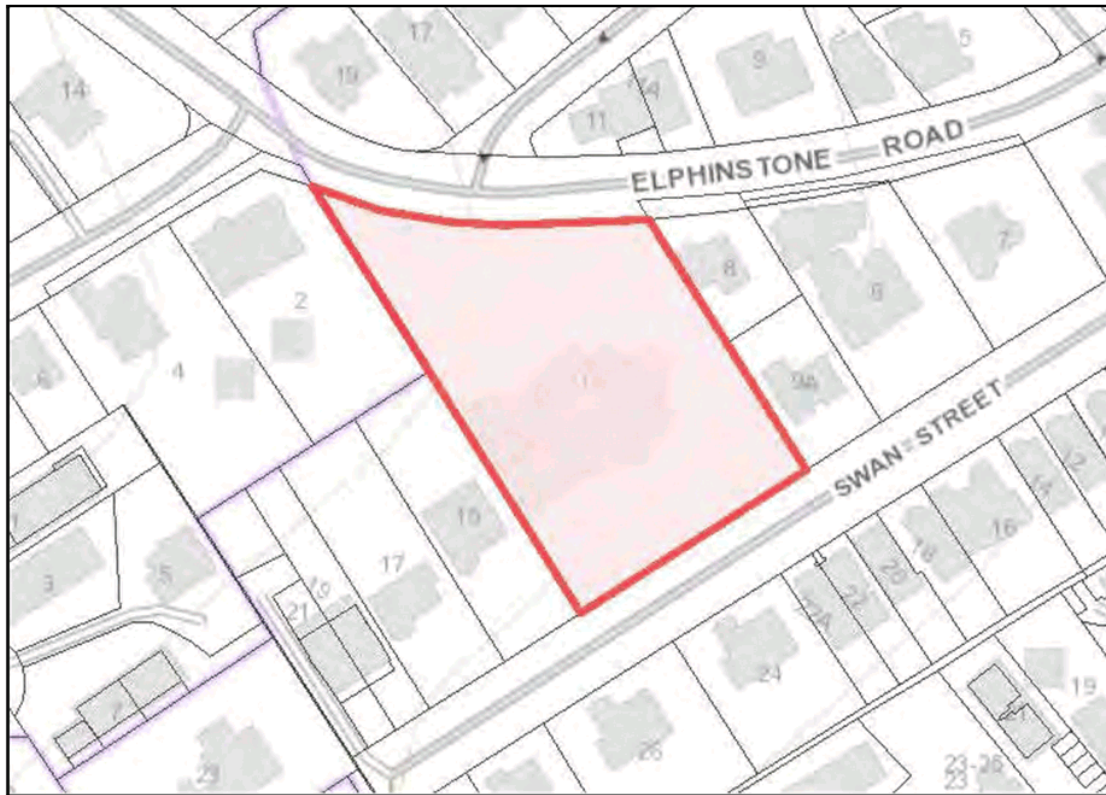
Much of this data is derived from the Valuation Rolls maintained by the Valuer-General under the provisions of the Valuation of Land Act 2001. The values shown on this report are as at the Levels At date.

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## PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA  
Issued pursuant to the Valuation of Land Act 2001**Explanation of Terms**

**Property ID** - A unique number used for Valuation purposes.

**Date Inspected** - The date the property was inspected for the valuation.

**Levels At** - Levels At - or Levels of Valuation Date means the date at which values of properties are determined for all valuations in a Municipal Area.

**Land Value** - Land Value is the value of the property including drainage, excavation, filling, reclamation, clearing and any other invisible improvements made to the land. It excludes all visible improvements such as buildings, structures, fixtures, roads, standings, dams, channels, artificially established trees and pastures and other like improvements.

**Capital Value** - Capital Value is the total value of the property (including the land value), excluding plant and machinery.

**AAV** - Assessed Annual Value. AAV is the gross annual rental value of the property excluding GST, municipal rates, land tax and fixed water and sewerage, but cannot be less than 4% of the capital value.

**Interested Parties** - This is a list of persons who have been recorded by the Valuer-General as having interest in the property (ie owner or Government agency).

**Postal Address** - This is the last advised postal address for the interested parties.

**Multiple Tenancies** - Properties that have multiple tenants are assessed for separate AAV's. e.g. a house and flat.



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**ATTACHMENT B**  
Survey









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**ATTACHMENT C**  
Proposal Plans

## **PEACOCK CENTRE**

MENTAL HEALTH FACILITY REDEVELOPMENT

## **HERITAGE REFURBISHMENT and ADDITION**

## **ARCHITECTURAL DESIGN STATEMENT**

*23<sup>rd</sup> January 2020 Rev. A*



Xsquared Architects Pty Ltd

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Peacock Centre – Architectural Design Statement



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*Peacock Centre – Architectural Design Statement***PEACOCK CENTRE MENTAL HEALTH FACILITY REDEVELOPMENT**  
**11 Swan Street, North Hobart, Tasmania**

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**Architectural Design Statement****1. Executive Summary**

The proposal for the redevelopment of the existing Peacock Centre building/s following their partial destruction in a fire will see the recreation of an adult community mental health facility with best practise design for mental health care and best practise heritage restoration of the original home of Dr. W.D. Peacock, known in his lifetime as Ruardean. In summary the proposed work involves:

**Exterior**

- Retention and restoration of the main original heritage building, including re-roofing and general repair, refurbishment, and maintenance of the existing envelope of the building (including terraces and patios)
- Removal of insensitive 1940s, 1960s and 1970s additions
- Construction of a new addition, compatible with and sensitive to the existing Ruardean building, that will provide for best practise mental health care needs
- Restoration of the existing heritage glasshouse/greenhouse and surrounding heritage gardens, including retention, restoration and reinforcement of gardens/sandstone walls to their former state on both north and south sides of the House (where feasible, and not affected by previous works and/or new landscaping works), but particularly on the south (Swan Street) side where no changes other than retention and restoration of the sandstone walls and reinforcement planting of the gardens is proposed
- Repair and making compliant the northern carpark, and the addition of a new small accessible carpark off Elphinstone Road (requiring the removal of some existing landscaping)
- The addition of landscaping and an accessible entrance to the north of the building (from Elphinstone Road)
- The discrete addition of a separate and external plant room and minor building services enclosures

**Interior**

- Best practise heritage restoration of the original Ruardean interior to its original condition (where feasible, and not permanently affected by previous works and/or fire damage and/or the competing demands of best practise mental health care) in accordance with the Burra Charter, Heritage Tasmania Guidelines and the Historic Heritage Management Strategy prepared specifically for this project by Praxis Environment to guide an appropriate heritage approach to the works
- Partial removal of existing north west facing, first floor wall and ground floor roof to allow connection to the proposed new building addition
- Removal and/or reconfiguration of some ground and first floor internal walls (both heritage and new additions) to create spaces that suit a best practise mental health care facility
- Removal of all existing outdated and non-compliant toilet/bathroom facilities from both ground and first floors
- Construction of a new addition, compatible with and sensitive to the existing Ruardean building, that will provide for best practise mental health care needs with high quality interior design features and a strong residential ambience

This Statement describes how the architectural design will provide an economically sustainable basis for the retention and refurbishment of a fine but substantially damaged building of high cultural and community heritage significance, and make a positive contribution to adjoining structures and to the urban character of North Hobart.

*Peacock Centre – Architectural Design Statement*

This Design Statement should be read in conjunction with the following documents and reports which have been prepared to support the development of the proposal:

- Xsquared Architects 'as existing' and 'as proposed' Drawings
- Playstreet Landscape Architecture Proposal
- JMG Planning Report
- Praxis Environment Historic Heritage Management Strategy
- Milan Prodanovic Traffic Impact Assessment





## Peacock Centre – Architectural Design Statement



## 2. Introduction

The property (established by Dr. W.D. Peacock) was formerly known as Ruardean, and then as the W.D Peacock Convalescent Home. Dr. Peacock's will was very specific in stating the purpose for which the property could be used after his death, being a '*... hospital or home ... or institution ... for the alleviation of human suffering*', and also that the home and gardens, including the glasshouse, be maintained in the condition that they had been kept during his lifetime. The site was heavily damaged by a fire in 2016, and Xsquared Architects has been engaged to design an adult community mental health redevelopment on the site, that incorporates Ruardean as the centrepiece, in the spirit of Dr. Peacock's will.

### a. The Site

The site has an approximate area of 4,554 square metres with two street frontages – the formal entry being via the street address of 11 Swan Street (a quiet residential street) but primary entry being via 10 Elphinstone Road (a road with a medium level of vehicular traffic to/from Lenah Valley). The site is located within a residential area, Zone 11 – Inner Residential, as well as on the fringe of the retail/café strip of North Hobart. Both the building and the site are currently in poor condition due to the catastrophic 2016 fire. Without improvement, the culturally significant Ruardean property is likely to continue to deteriorate.

The height of the Ruardean building at the Swan street facade gutter line is approximately 7.5 metres above existing floor level, with a ridge height of approximately 10.5 metres above existing floor level.

The existing 1900s heritage building sits elevated and is located almost centrally within the side boundary lines, with multiple later additions to the building adjoining it on the west side. The site rises approximately 19 metres from the Swan Street footpath to the north west corner at the rear of the site.

The 1900s heritage building is of brick construction with predominately Edwardian styling, and some Italianate hints. The Swan Street elevation is the most elaborate including an impressive tiled terrace, and Doric columns supporting a heavily balustraded balcony. Dominant brick chimneys protrude from the roofline, however the original roof is missing due to fire damage and therefore has a temporary metal roof that provides weather protection to the interior. Unfortunately, the majority of the rear of the heritage building has been progressively covered by later additions, including suspended concrete slabs. The 1960s addition to the west of the heritage building consists of near-matching colour face-brick but is of little or no cultural significance and dominates the western end of the original House.

It is proposed to retain and refurbish the substantive existing heritage buildings (Ruardean and glasshouse/greenhouse) and demolish the balance of the remaining built structures. The Historic Heritage Management Strategy prepared to guide the design approach describes the historical significance of these buildings, and notes the extensive previous unsympathetic modifications to the main building.



Figure 1 - Elphinstone Rd Photograph

Figure 2 - Swan St Photograph

*Peacock Centre – Architectural Design Statement*

Figure 3 - 11 Swan St (source: the List)  
Approx. boundary in yellow



Figure 4 - 11 Swan St (source: Google maps)  
Approx. boundary in yellow



Figure 5 & 6 - 11 Swan St (source: the List) Predominate views

### **b. Property Title Details**

The site does not appear to have a registered title, however the property is listed as being untitled Crown Land with a property ID of 5560920.

The Swan Street site boundary (which is parallel to the existing building, and faces south) is approximately 55.8 metres in length, with an existing sandstone wall spanning the entire

*Peacock Centre – Architectural Design Statement*

length of the boundary with an entry portal part way along it. This sandstone entry includes a single pedestrian gateway with a set of stairs that leads to an established garden, consisting of large established trees and plants which sit in front of the existing heritage building. The Swan Street frontage is significant to both the history and future of the design. The secondary access/boundary along Elphinstone Road is approximately 70.6 metres long and is adjacent to the existing building. It consists of a low sandstone wall spanning the length of the boundary, with two vehicular access points which lead to existing carparks.

The east boundary is approximately 60.2 metres long and the west boundary approximately 108.1 metres long, with both boundaries having existing residential properties abutting. The existing building is set back from the Elphinstone Road boundary approximately 56 metres, from the Swan Street boundary approximately 23.5 metres, from the east boundary approximately 15 metres, and from the west boundary approximately 1.5 metres.





*Peacock Centre – Architectural Design Statement***3. The Proposal****a. Design Description**

Refer to the Xsquared Architects' architectural and Playstreet's landscape drawings.

- *General Description:*

The proposed development is a community mental health redevelopment with a modern and sensitive rationale. The development includes the provision of 12 short term accommodation bedrooms, communal visitor spaces, personal reflection spaces, treatment/counselling spaces, staff facilities, a small cafe with a kitchen, ancillary facilities of entry/lobby/reception, and multipurpose spaces for both staff and users. All bedrooms have ensuite facilities and are to be accessible by a new lift and stairs. As well as internal personal reflection spaces, the proposed landscaping will provide external alternatives, both new and reinstated.

A new, modern, two storey building will replace the existing 1960s addition and will adjoin the west side of the heritage building (as the existing addition does). The new building will connect with the existing one at its western end to maintain the fluidity of the existing internal circulation between the two buildings. This small connection point allows a physical divide to be made between the old and new when viewed from Swan Street, with a recessed junction between the two buildings.

The proposed new building will both lengthen and widen behind the existing heritage building towards the existing Elphinstone Road carpark, creating an "L" shape. The general shape and composition of the proposed building does not mimic the existing architecture but rather focusses on more flexible and intangible qualities such as light, space, colour, materiality and the outdoor environment. The levels within the proposed new building will respond to the existing levels within the heritage building, therefore allowing the new building to recede into the slope of the land as the site climbs towards Elphinstone Road. The proposed height of the new building will also be lower than the 1960s addition, and it will be set further from the site boundary, therefore creating less shadow on neighbouring properties.

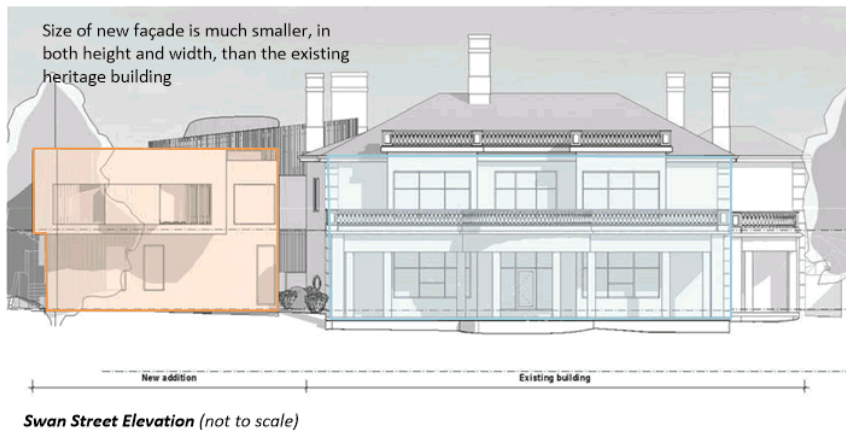
The main entry for guests and visitors will generally be from Elphinstone Road (as previously) via a new accessible and statutorily compliant walkway. This entry will lead into a waiting area in the heritage portion of the development. There is also an opportunity for a building user to enter via a more discrete entryway located within the new addition via a path leading from the main car park. A third access point is also available by entry through the existing southern terrace, and a fourth, potentially, via the original front door. Staff and service personnel can utilise either of two additional entry ways, either via a ramp from the main carpark (to the First Floor), or entry to staff and service facilities by stairs along the west boundary (to the Ground Floor).

There will be no (nor has there ever been) vehicular access to the site from Swan Street as the existing gardens, which extend for the full width of the site frontage, are to be retained and restored.

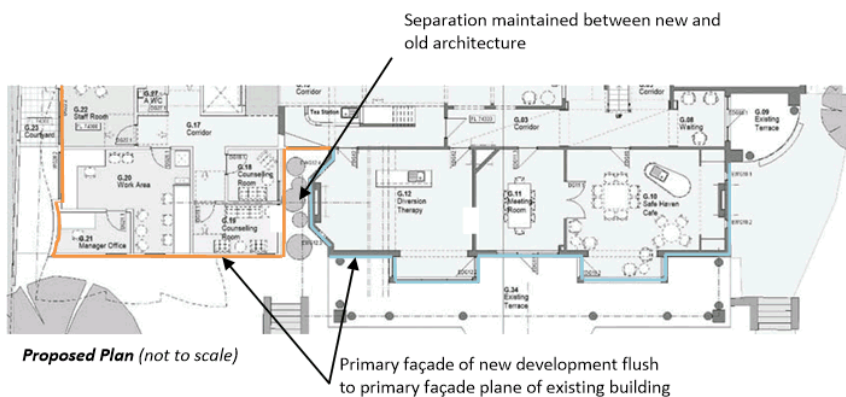
Vehicular access to the site is to be available in two areas accessed off Elphinstone Road. The large existing carpark will be used for service deliveries, emergency services access, staff, visitors and users. Extra staff and/or visitor parking will also be available in the refurbished carpark. The reconfigured smaller carpark off Elphinstone Road will offer access to a disability compliant parking space and provide a universal access pathway to the building. This location for the carpark is crucial to achieve an accessible and compliant walkway to the main entry, located at ground level, on a steep site. There will be no additional parking on site, however several bicycle racks will be provided (up to 8no.).

*Peacock Centre – Architectural Design Statement*

- *Design concept for streetscape (Swan Street):*



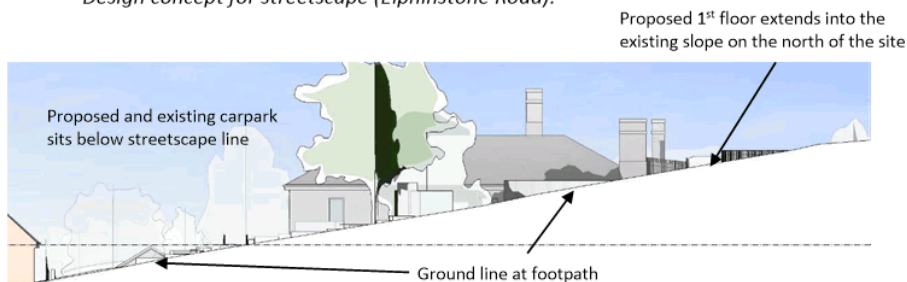
**Swan Street Elevation** (not to scale)



**Proposed Plan** (not to scale)

The Swan Street elevation provides a sympathetic architectural response to the heritage values of the existing building in the context of the streetscape of Swan Street and does not compete with the existing heritage façade and/or existing landscape. Indeed, the majority of the first-floor level of the new building is hidden behind the foliage of a large established tree. The main portion of the new façade is finished flush with the existing heritage building, therefore allowing the existing terracing and balconies to sit proud and retain dominance within the streetscape.

- *Design concept for streetscape (Elphinstone Road):*



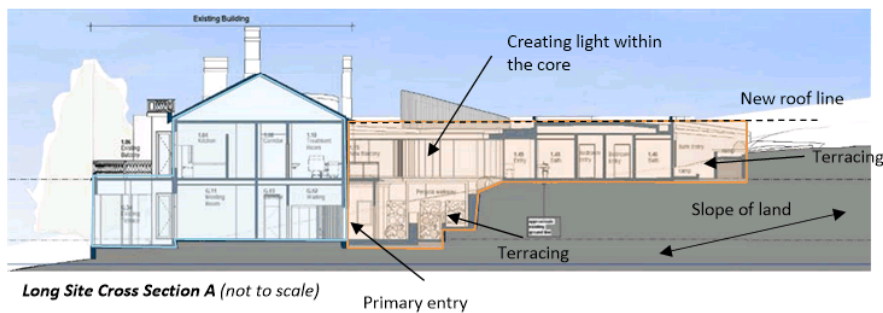
**Elphinstone Road Elevation** (not to scale)

*Peacock Centre – Architectural Design Statement*

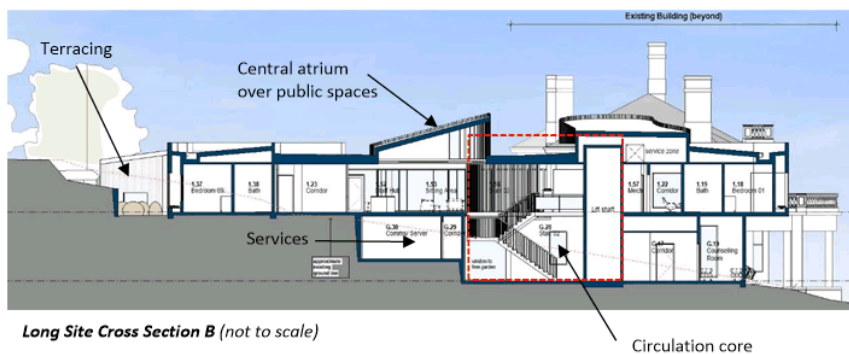
Primarily, the Elphinstone road elevation allows for access and servicing to the development. The majority of all proposed new works sits below the level of the Elphinstone Road footpath due to the approximate 19 metre natural slope in the land across the site, and visual impact is thus substantially reduced. Existing sandstone walls along the footpath are generally retained, including being re-purposed to create both pedestrian and vehicular access openings to the site, whilst maintaining a consistent site presentation to each public perimeter.

- *Design concept for existing site conditions:*

The new addition will incorporate two levels which will be a continuation from the existing levels within the heritage building. The first floor extends back into the slope of the site, therefore minimising the height difference between the existing ground line and new roof line (refer to Long Site Cross Section A on Xsquared Architects' drawing A401). The proposed roof is of a flat construction, allowing the existing heritage roof line and chimneys to remain a focal point when viewed from Elphinstone Road, and minimising shadow to the adjacent neighbour.



Existing sandstone walls on the north side of the existing heritage building offer an opportunity to incorporate terraced gardens into the primary entry approach (refer to Long Site Cross Section B on Xsquared Architects' drawing A401). This terracing manages the steep slope of the land at this point in the site and allows the central portion of the site to remain free of buildings, therefore allowing natural light to be utilised, both internally and externally. The landscaping at the primary entry point also allows for the new building to be immersed within external stimuli. The first floor hugs the entry zone below, allowing internal public spaces to be flooded with light. Similar terracing can be found along the rear/north side of the proposed building for the same purposes.



*Peacock Centre – Architectural Design Statement*

- *Design concept for internal arrangement:*

The design has recognised as predominant development controls the desire to minimise the impact of new development on the heritage significance of the existing Ruardean building but also to facilitate the re-creation of a best practise mental health facility. Xsquared Architects has retained Australia's leading mental health facility design consultant Dr. Stephanie Liddicoat to provide advice on the best form that the new facility should take, whilst simultaneously being respectful of the heritage context of the existing Ruardean building. Dr. Liddicoat has summarised the approach taken as follows:

"In short, there are key reasons justifying small scale removal of walls in the heritage building. Our client emphasised, from initial briefing stages, the aspiration of this building to provide a new gold standard of mental health care, in line with contemporary approaches of service delivery, and with a permeability and connection to community.

Best practice mental health service delivery emphasises the use of recovery-oriented practice, which sees the consumer in an empowered position, with a level of agency and insight, expert in their own lived experience, making decisions about their own care, and being supported to do so.

We reflect this in our design through the permeable nature of the waiting area/entry, which allows entering consumers a clear view through to spaces beyond, which enhances psychological comfort and reduces anxiety. We envisage this will support the development of therapeutic relationships by reducing distress during the entering and waiting experience. Enhanced transparency also increases permeability to outside/the community and permits larger and varied waiting areas for family/carer participation, which is also in line with best practice contemporary mental health care.

Contemporary research also emphasises how the physical spaces of entry and waiting influence a consumer's perception of the care that will be received. Again, the permeability achieved through the small scale removal of walls ensures the spaces feel more open, accessible, and psychologically comfortable, and reduces the stigma surrounding many mental health care facilities. We utilise this strategy to support the care, and access to care, at this facility."

Dr. Stephanie Liddicoat – email dated 11<sup>th</sup> October 2019

In light of this approach minimal demolition of some internal walls to secondary spaces on the ground floor has been proposed (to create a welcoming and open entry space) and minimal demolition of parts of some internal walls on the first floor, including some later walls of no heritage significance (to create visual connectivity between internal spaces and views across these spaces to outside).

The ground floor of the existing building will consist of the primary entrance from Elphinstone Road (with fully compliant disability access), a calming space and reflection pool conjoined with a waiting area, conference/multipurpose room with a second waiting area, and two counselling rooms with a waiting area and tea station nearby. On the south facing side (with views) a diversion therapy room, meeting room, and Safe Haven Café are located. There is little demolition proposed, allowing for the existing heritage form of the building to remain and to be easily understood.

On the north side of the existing heritage building first floor, rooms consist of a consulting and treatment room, accessible WC, and activities room. On the south facing side with views over the existing gardens are spaces such as a lounge, dining room, and supporting kitchen. Very minimal removal of existing walls is needed to facilitate appropriate internal openness, with much of the interior remaining and being reinstated to its original condition.

The first floor of the addition is predominately bedrooms (12 x individual bedrooms with ensuites) and results in a linear shape that allows for excellent daylight penetration into





*Peacock Centre – Architectural Design Statement*

each bedroom. Indeed, access to daylight has been a driving imperative in the design: views from bedrooms predominately face toward Mt Wellington and are externally screened with battens to achieve privacy between the facility and the neighbouring property, but all achieve outlook and light penetration. Only a minor number of facilities are located internally, without direct access to daylight, such as the laundry, storage and staff office. All remaining spaces are user-centric sitting areas with views to the exterior.

On the ground floor of the proposed addition, two counselling rooms and office spaces can be found on the south side, with the remaining spaces serving as staff ancillary rooms such as a staff room, change rooms, bathrooms, access toilet and ambulant toilet. These rooms extend toward the back (Elphinstone Road side) of the building and into the slope of the land. Services such as hydraulic, mechanical, communications and the building server are located at the very rear of this level and are fully enclosed within the slope of the land. Access for staff and services is available alongside the west boundary retaining wall.

A central lift and open stairwell within the addition provide access between the levels within the proposed design – for both staff and building users. As well, there is the option to use the existing, restored stairwell within the heritage portion of the building for vertical movement.

The transition spaces between the existing and proposed building are in near identical positions for both ground and first floor. These transition spaces are an extension of the existing heritage hallways, allowing a building user to easily locate themselves as they move around within the building.

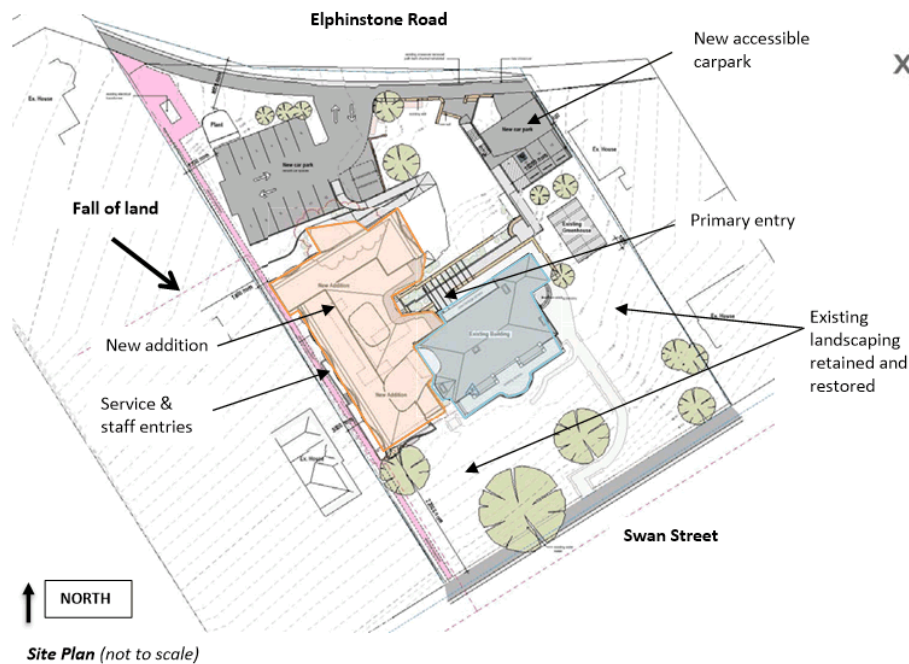
- *Design concept overall summary:*

The proposed new building (extension) to the rear of the site is set back approximately 29 metres at its maximum extent from Elphinstone Road. This facade of the extension is low lying and sympathetic to the existing heritage building in front of it. The integration of the building with the site contours on this side allows the integration of landscaping and services to the building.

The extension on the west side of the site sits approximately three metres from the boundary (the current 1960s addition sits closer to the boundary). This provides light, outlook and natural ventilation to all rooms. As the setback is greater than the 1960s addition, this creates less shadow onto the neighbouring property which comprises a raised single storey private residence with several small sheds.

The east side of the site does not have any new built additions, however a new small carpark is proposed and is located immediately off Elphinstone Road. The existing greenhouse to this side will be retained, restored and refurbished. Landscaping will involve retaining and restoring as much of the existing to its former state as possible. The adjacent neighbouring properties are raised, single storey residential buildings.

The south and most important boundary along Swan Street sees the addition of a small portion of the proposed building. The addition sits approximately 23 metres from the south boundary. All gardens on the south of the site will be retained and restored.

*Peacock Centre – Architectural Design Statement*- *Visual/Heritage Approach:*

The design has recognised as predominant development controls the desire to minimise the visual impact of new development on its heritage context and on neighbouring properties, whilst also facilitating an environment that is supportive of a best practise approach to mental health treatment. The form and materials proposed for the new development are, in all respects, 'recessive' so as not to detract from the adjacent streetscapes or heritage context, but also calming and beautiful, with a strong emphasis on the incorporation of natural planting into the overall design, and where it can be viewed from within the facility.

*Height/Bulk/Scale:*

The height of the development is generally within the maximum height scheduled as an acceptable solution for this location. The height and scale are appropriate to the facilities needed within the development, and the bulk and scale impacts of the overall development have been mitigated by ensuring that new building forms are respectful and sympathetic to the heritage context of and surrounding the site.

Building heights are also within the maximum envelope heights established in the Historic Heritage Management Strategy which have been established to mitigate heritage impacts.

*Shadow:*

Generally, the shadows cast into adjacent neighbouring properties by the development are less than current shading, due to the proposed height of the new building being less than the current 1960s addition and due to it being set further back from the side boundary than the current 1960s addition.

It is also worth noting that shadows cast by the proposed buildings on the site fall predominately over the site and not over neighbouring properties (refer to Shadow Diagrams 1 and 2 on Xsquared Architects' drawings A501 and A502).

*Peacock Centre – Architectural Design Statement*



*Heritage:*

An appropriate basis for establishing the nature of the heritage restoration scope of work, that also accords with the requirements of best practise heritage restoration, the Burra Charter, and the Historic Heritage Management Strategy drawn up specifically for this project, is in direct response to the relevant aspects of the Peacock Bequest, as follows:

To keep the property (building, grounds and greenhouses) in as good a state of repair and condition as they had been kept during the lifetime of Mr. Peacock

From historical evidence it is clear that the property was in a good state of repair during the lifetime of Dr. Peacock – indeed new when first built – and, if the building had been undamaged by fire, it is appropriate to interpret the Bequest as requiring maintenance of the existing building fabric in a good to new condition.

Given the destruction wrought by the 2016 fire we think it is now reasonable, in line with the Bequest, for the remaining existing building fabric to be made good or returned to good to new condition and for new work to match the appearance of the original and be in new condition but be, potentially, of contemporary rather than historically accurate materials. For example, it is considered that the use of plasterboard for new ceilings (as opposed to lath and plaster) is appropriate for areas of new work.

We also note a second relevant aspect of the Peacock Bequest, as follows:

That the site be used for the provision of (overnight) accommodation (with or without medical treatment) for persons suffering from any illness, injury or disability together with appropriate support services for such sufferers

The Bequest clearly anticipates a functional use not necessarily fully compatible with the materials and finishes in use during Dr. Peacock's lifetime. In this regard there are some aspects of the making good and/or returning to good to new condition scope of work that will best be carried out to match the appearance of the original but be constructed of contemporary materials. For example, we consider the use of contemporary acrylic paint finishes to be compatible with this aspect of the Bequest, particularly for interiors, as well as appropriate, even for areas of making good, where some traces of original finishes may persist.

In line with the above overall approach to heritage, the follow points summarise proposed heritage responses, and have been guided by specific recommendations within the Historic Heritage Management Strategy documented by Praxis Environment:

*The main Ruardean building:*

- The general form and layout of the existing building is to be retained
- The original heritage W.D. Peacock house Ruardean is to be retained and restored, and fire damage made good
- The purpose of the building is to be fulfilled, as per the Peacock Bequest
- The removal of the 1960s addition (of little or no heritage significance) will allow for better presentation of Ruardean and better resolution of the facilities needed in a contemporary mental health facility
- Later additions such as the northern sunroom are to be removed and a new terraced entry added
- The original roof form is to be reinstated, along with replacement of roofing with an appropriate roof material
- New apertures are to be limited to previously modified areas within the north west corner of the building
- All significant windows and doors are to be repaired and retained, or replaced in line with the Historic Heritage Management Strategy (e.g. where too fire damaged to be repaired)

*Peacock Centre – Architectural Design Statement*

- All secondary and new glazing within the heritage building (if required) is to be fitted discretely
- All terraces, balconies and verandas are to be made good. A new northern balcony is to be constructed in accordance with Burra Charter principles and to comply with NCC requirements
- A distinction between the original 'formal' and 'service' areas within the interior is to be maintained, even with the modification of some spaces on both the ground and first floor
- New openings in walls are to be kept to a minimum. New openings are only used to achieve better flow through the building. In some cases, original openings (that have subsequently been blocked up) will be reinstated

*Elevations:*

- Southern elevation retained as existing and restored, with the addition of a sympathetic and respectful form alongside the original heritage building in place of the existing 1960s addition
- East elevation has no new form and is to be restored
- North elevation retained and restored, and linked to the proposed new addition on the north-western corner
- West elevation improved by demolition of the 1960s extension, which is proposed to be replaced with a new, more sympathetic addition linked to the existing heritage building via established circulation axes. The original heritage bay window on this façade is to be reinstated

*Ceilings:*

- All significant remaining ceilings and cornices are to be retained and reinstated, with acoustic separation, insulation and fire separation to comply with NCC requirements

*Wall linings:*

- Original wall linings are to be retained. Any new linings will be matched to existing

*Floors:*

- All timber floors are to be retained and restored and any new flooring is to be constructed in accordance with Burra Charter principles and to comply with NCC requirements

*Joinery:*

- All significant joinery is to be retained and restored where feasible (architraves, skirtings, picture rails, fretwork, etc.)
- Doors are to be retained and restored with sympathetic alternatives and/or replicas where repair is not possible

*Stairs:*

- All three staircases are to be retained (basement, servant and main)

*Finishes:*

- Generally, finishes are to be in accordance with colour schemes and/or finishes compatible with the finishes of the house during the lifetime of Dr. Peacock but with contemporary materials (paint) that is compatible with the operational requirements of a best practise mental health facility



*Peacock Centre – Architectural Design Statement*



*Fireplaces:*

- Fireplaces are to be retained and restored (but are not intended to be operable). All significant detailing is to be restored and/or reinstated

*Installation of modern services:*

- All modern services such as plumbing, electrical, heating, data/AV, fire protection/suppression, etc. are proposed to be located in discrete locations (e.g. under the ground floor, in the first floor ceiling space) or to be of a similar nature to existing services
- All new services cabinetry, partitions, appliances, etc. is to have minimal impact and installation is to be as reversible as is practical

*Outbuildings, gardens and built landscape:*

- The greenhouse is to be retained and restored
- All southern retaining walls, paths and steps are to be retained and restored
- The wash house is not to be retained due to it inhibiting the viability of a new extension that explicitly aims to fulfil the intent of Peacock Bequest – it is noted that this building is of medium heritage significance
- Rear steps and retaining walls are to be retained and restored and incorporated into the new primary entry sequence and walkways
- The front garden is to be retained and restored as an Edwardian domestic garden with no new development forward of the building line
- Unnecessary post 1940s landscaping and construction to the rear garden is to be removed

In further detail, and for each major element of the existing significant heritage fabric (house, grounds and greenhouse) we summarise the anticipated approach for each of the building fabric elements of the proposed restoration work in the following table:

Element	Scope of work
<b>House - exterior</b>	
Brickwork	Restore to original condition using original materials, including tuck pointing
Stonework	Restore to original condition
Terracotta (chimney pots)	Restore to original condition
Render/stucco	Restore to original condition using original materials
Roofing (slate)	Restore to original appearance using new slate over contemporary roof structure
Downpipes, gutters, flashings, etc.	Restore to original appearance using galvanised steel
Timberwork (balustrades, etc.)	Restore to original appearance using salvaged original material and Accoya treated pine
Doors and windows, including stained glass	Restore to original appearance using original materials and contemporary glass (where required)
Hardware, fittings and fitments	Where original material survives, restore to original condition. Where original material is lost, match with contemporary materials
Paintwork	Restore to original colour scheme using contemporary materials
<b>House - interior</b>	
Plasterwork to walls	Restore to original condition using original materials and contemporary copies of

*Peacock Centre – Architectural Design Statement*



	cornices and mouldings over contemporary wall structure (if required)
Plasterwork to ceilings	Restore to original appearance using contemporary materials (plasterboard) and contemporary copies of roses and mouldings over contemporary ceiling structure
Pressed tin to ceilings	Restore to original condition using salvaged original material and contemporary copies of panels (where required)
Timber flooring	Restore to original condition using original materials
Timberwork (staircases, etc.)	Restore to original condition using original materials
Doors and windows, including stained glass	Restore to original appearance using original materials and contemporary glass (where required)
Hardware, fittings and fitments	Where original material survives, restore to original condition. Where original material is lost, match with contemporary materials
Fireplaces, mantels, etc.	Restore to original condition using original materials
Paintwork	Use contemporary materials, with original opaque and translucent finishes replicated
<b>Greenhouse</b>	
Stonework, brickwork	Restore to original condition using original materials
Structure	Restore to original condition using original materials
Glazing	Restore to original appearance using original materials and contemporary glass (where required)
Timberwork	Restore to original appearance using salvaged original material and original materials and/or Accoya treated pine
Doors and windows	Restore to original appearance using original materials and contemporary glass (where required)
Hardware, fittings and fitments	Where original material survives, restore to original condition. Where original material is lost, match with contemporary materials
Paintwork	Restore to original colour scheme using contemporary materials
<b>Garden</b>	
Stonework, including retaining walls	Restore to original condition using original materials
Cast ironwork	Restore to original condition using original materials
Hardware, fittings and fitments	Where original material survives, restore to original condition. Where original material is lost, match with contemporary materials
Planting	Where original plants survive, retain and maintain them

*Peacock Centre – Architectural Design Statement*

#### 4. Conclusion

The current Peacock Centre site, following a devastating fire in 2016, exhibits a number of very serious deficiencies compared with its potential.

First, the bulk of mental health facilities and services provided by the Centre have had to be relocated to other facilities and sites since the fire. This has negatively impacted on the ability of the Department of Health to efficiently and effectively deliver mental health services to consumers.

Second, the long term retention of the culturally significant Ruardean building (Dr. Peacock's original home and then health facility) is at risk. It has both been significantly damaged by the 2016 fire, and remains, while it is not in full time use, in danger of a further arson attack, vandalism, and decay. The associated greenhouse and gardens equally are at risk.

Third, the lack of site activation, and the lack of community engagement with the activities of the Centre represent a social loss to the neighbourhood.

This proposal aims to address all of these deficiencies and provide additional significant community benefits.

First, the reestablishment of mental health service delivery and facilities on the site will allow the Department of Health to once again efficiently and effectively deliver these services. Further however, the Department has made it a project ambition to turn the devastating fire to advantage and create a facility that represents world's best practise in the delivery of these services. The proposed design explicitly addresses this ambition with a high quality spatial design that incorporates current best practise thinking in regard to contemporary mental health care.

Second, the proposal not only seeks to improve on the service delivery previously offered from the site, but to do so from a new facility that incorporates a comprehensive restoration of the original Ruardean building to its original condition. This work will include the removal of later insensitive additions and applications, including clay roof tiles, and will return to the community a building in better condition than it was prior to the 2016 fire. Although minor changes to the building will be required, this commitment to a comprehensive restoration is a major one and will provide long term security for the future of the building and its outbuildings and gardens.

Third, the proposal will re-activate the site, and in a way that has a reduced impact on neighbouring properties. The limited bulk, height and scale of new proposed work, and the removal of existing insensitive development will reduce shading of adjoining properties, and enhance their privacy.

Finally, the wellbeing of the consumers of the proposed facility should not be forgotten. Many remember the Peacock Centre with affection, and the significance of their ability to see the building rehabilitated, and to draw parallels with their own health and wellbeing should not be understated. The incorporation of facilities within the redeveloped Centre that will encourage community engagement (e.g. Safe Haven Café) will also enable the facility to both embrace and be embraced by the local broader community.



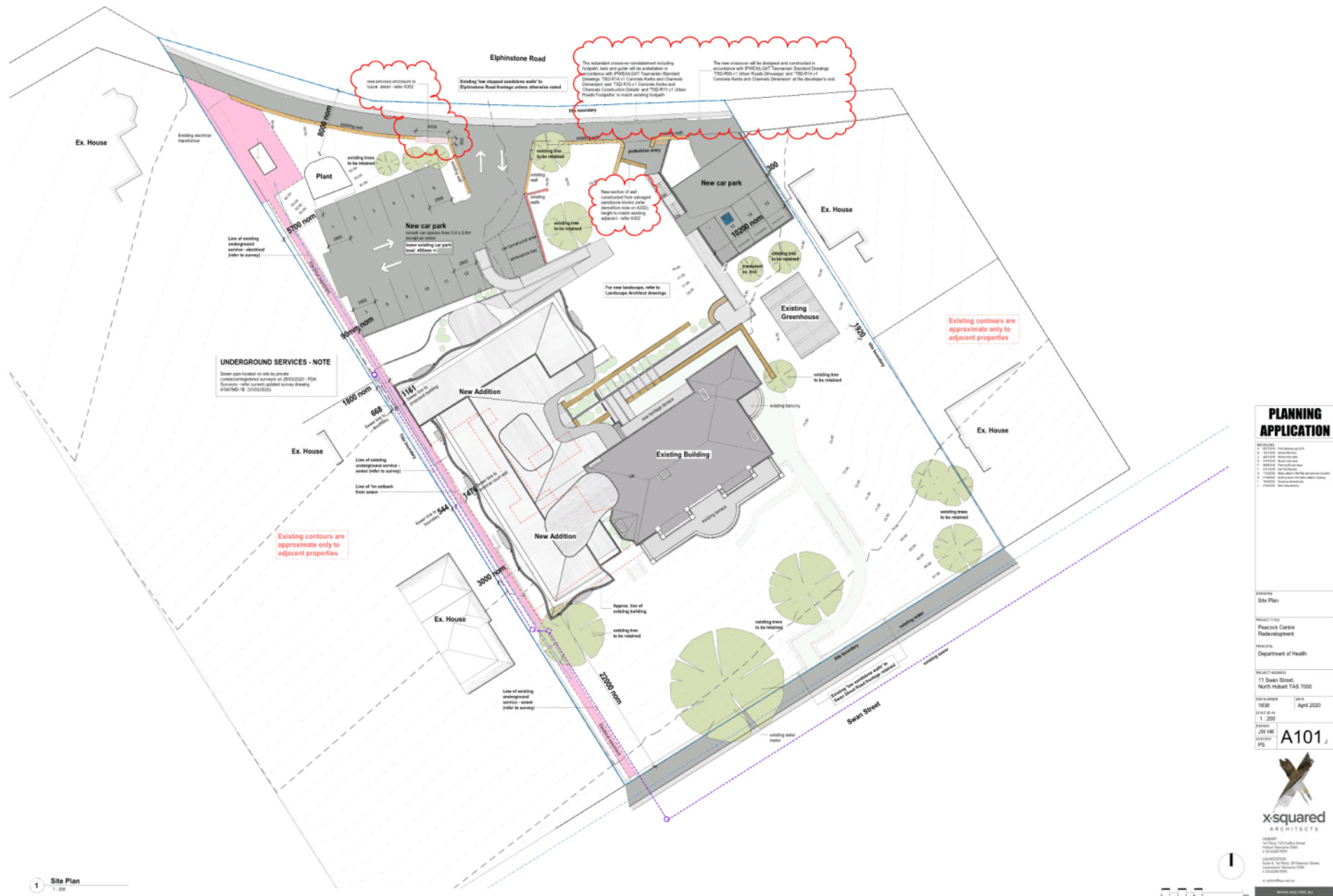
Peacock Centre Redevelopment

1838 11 Swan Street,  
North Hobart TAS 7000  
Mar 2020 Department of Health Contract No.: C0 836

PLANNING APPLICATION

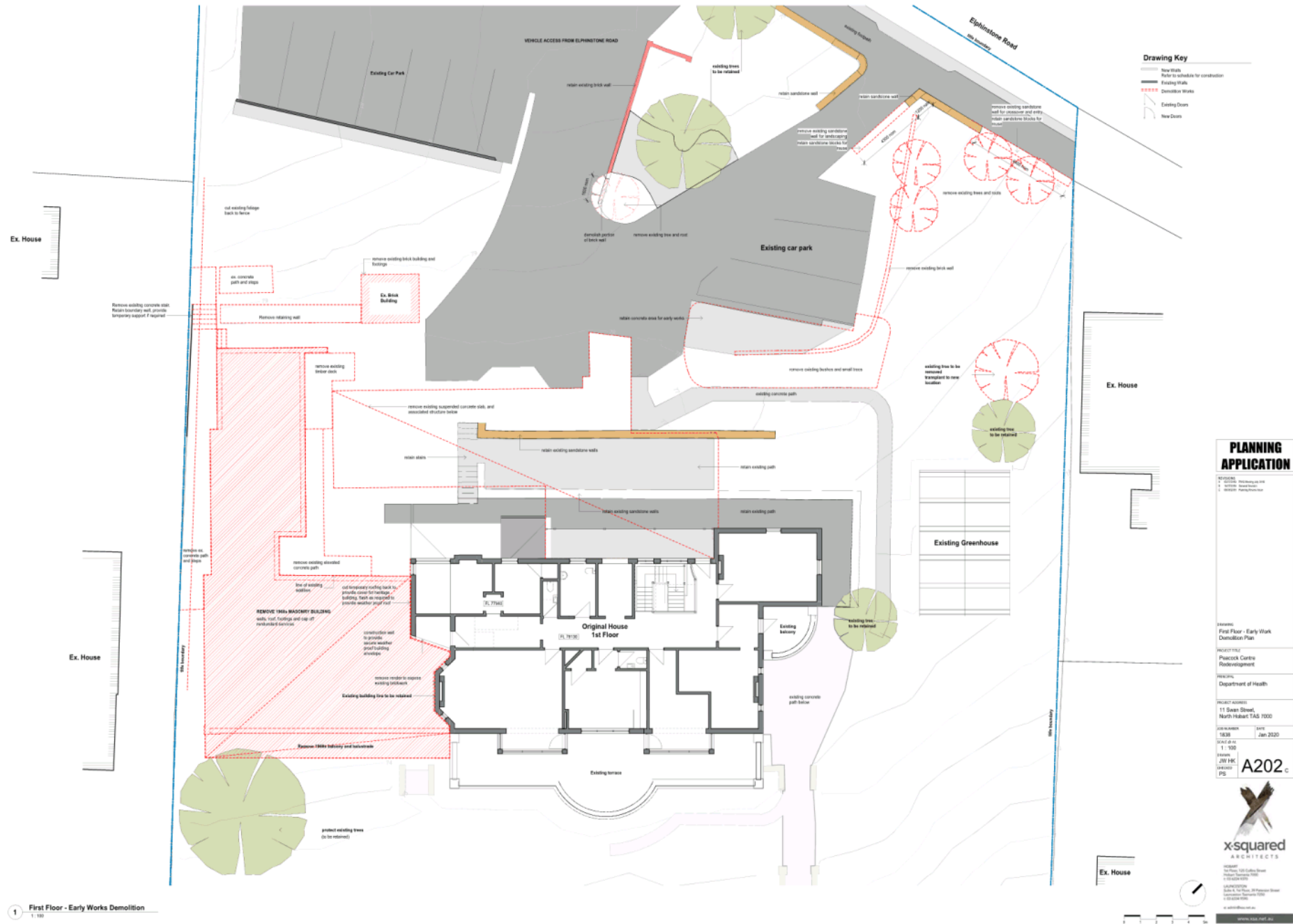
Drawing Schedule		
1838	A000 B	Coversheet
1838	A101 H	Site Plan
1838	A201 E	Ground Floor - Early Work Demolition Plan
1838	A202 E	First Floor - Early Work Demolition Plan
1838	A203 G	Ground Floor - Demolition Plan
1838	A204 E	First Floor - Demolition Plan
1838	A205 H	Ground Floor
1838	A206 J	First Floor Plan
1838	A207 E	Roof Plan
1838	A301 E	Elevations - 1
1838	A302 D	Sections
1838	A401 D	Sections
1838	A501 D	Shadow Diagrams - 1
1838	A502 D	Shadow Diagrams - 2
1838	A701 B	3D Visualisation



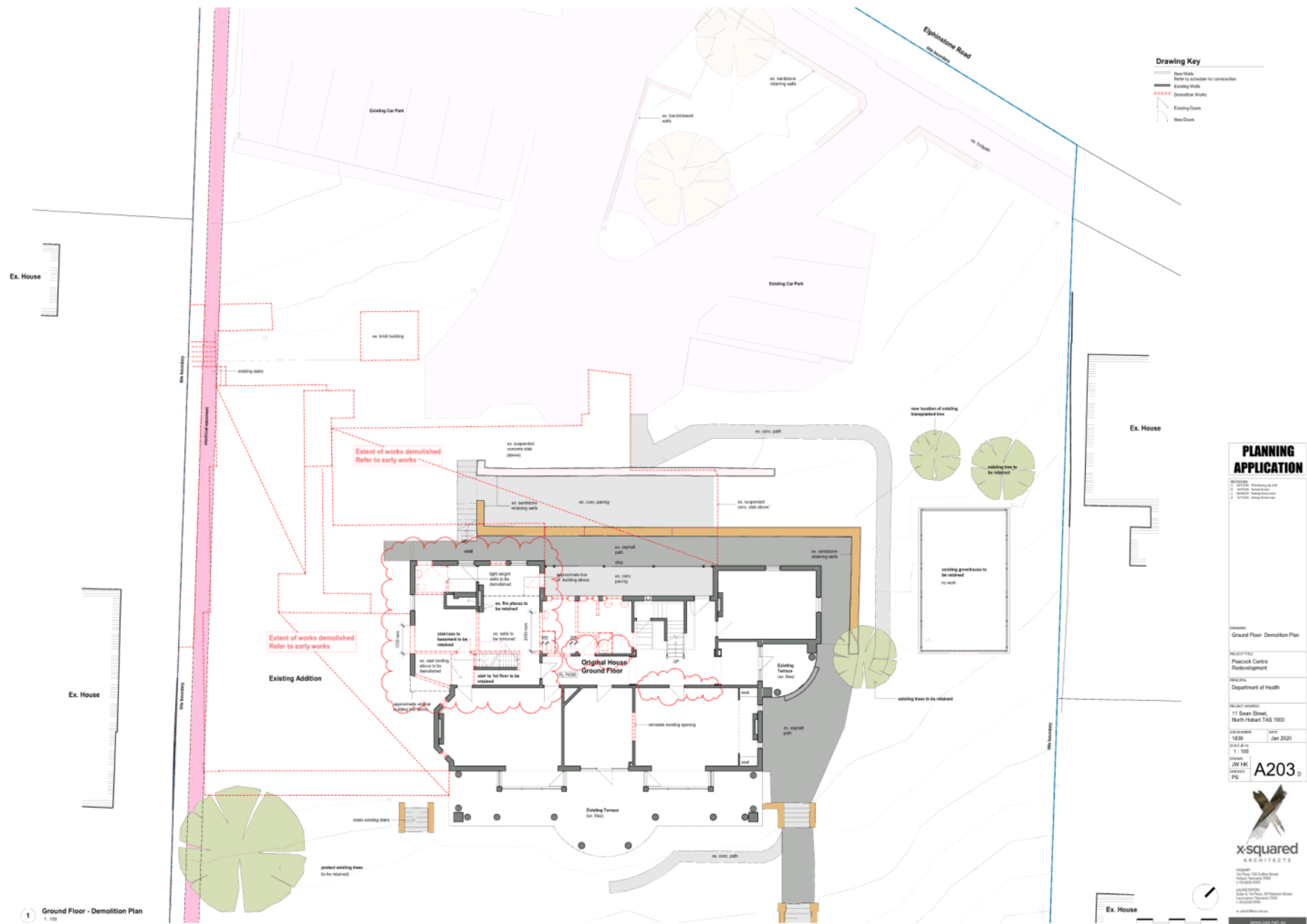




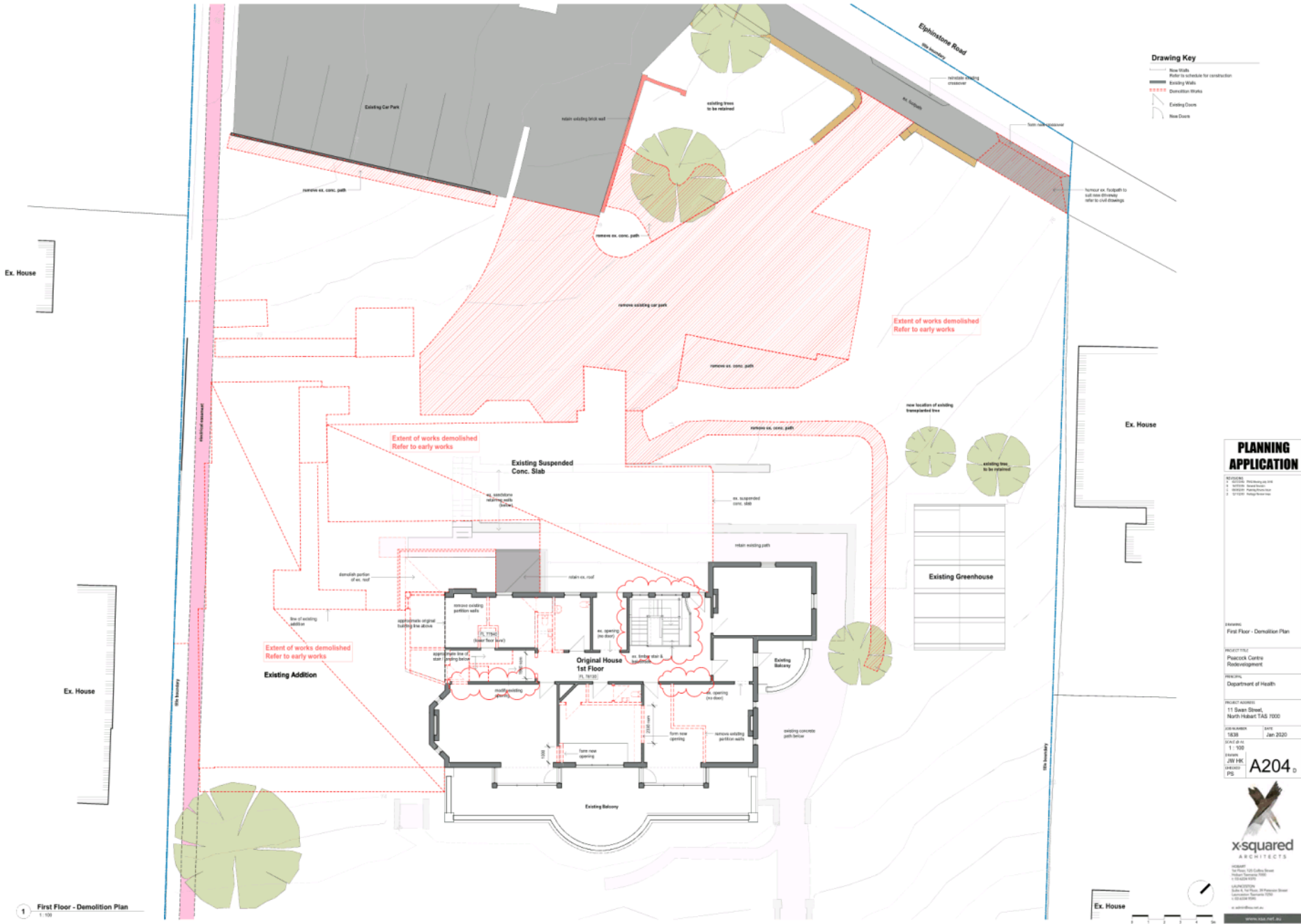


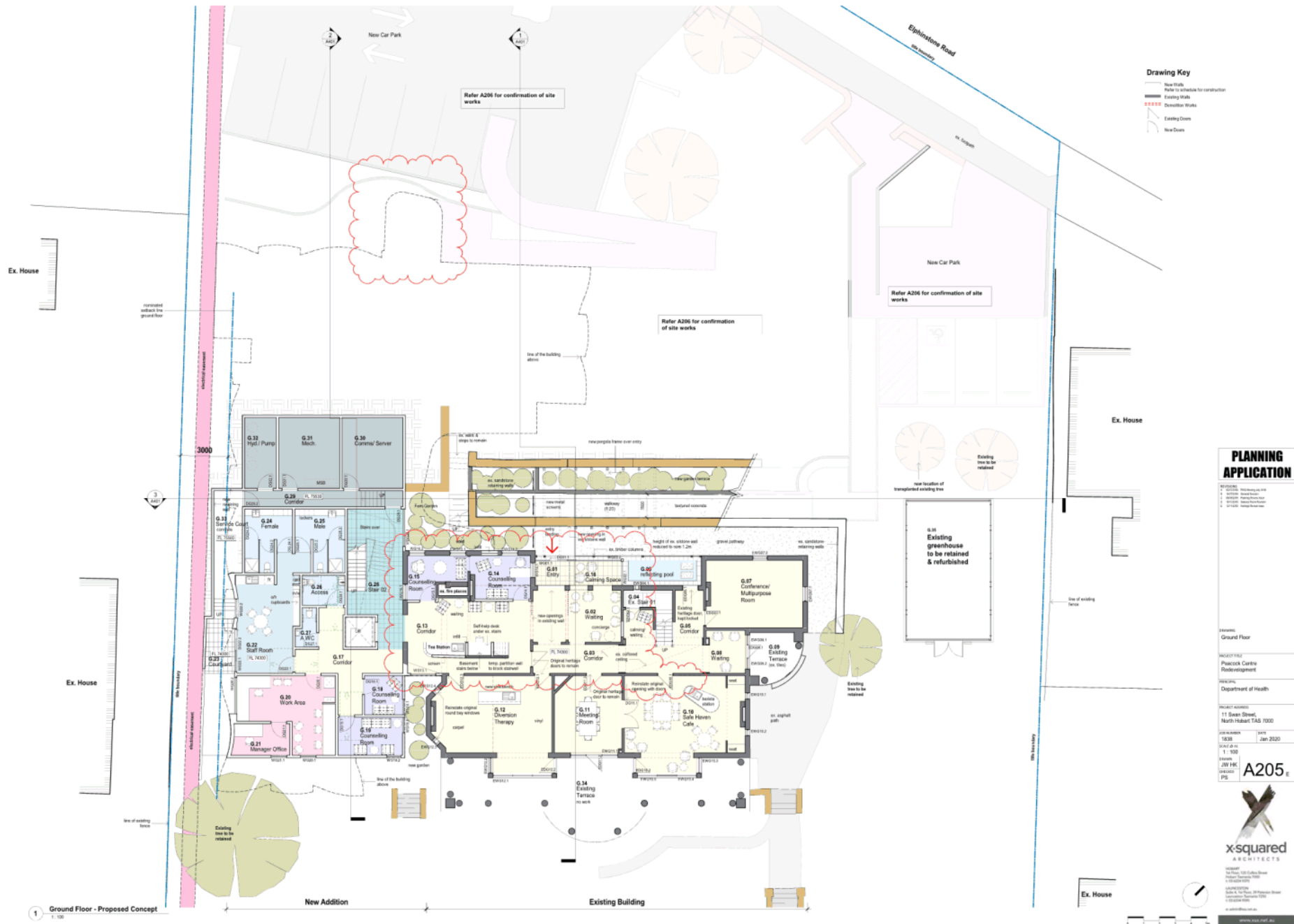


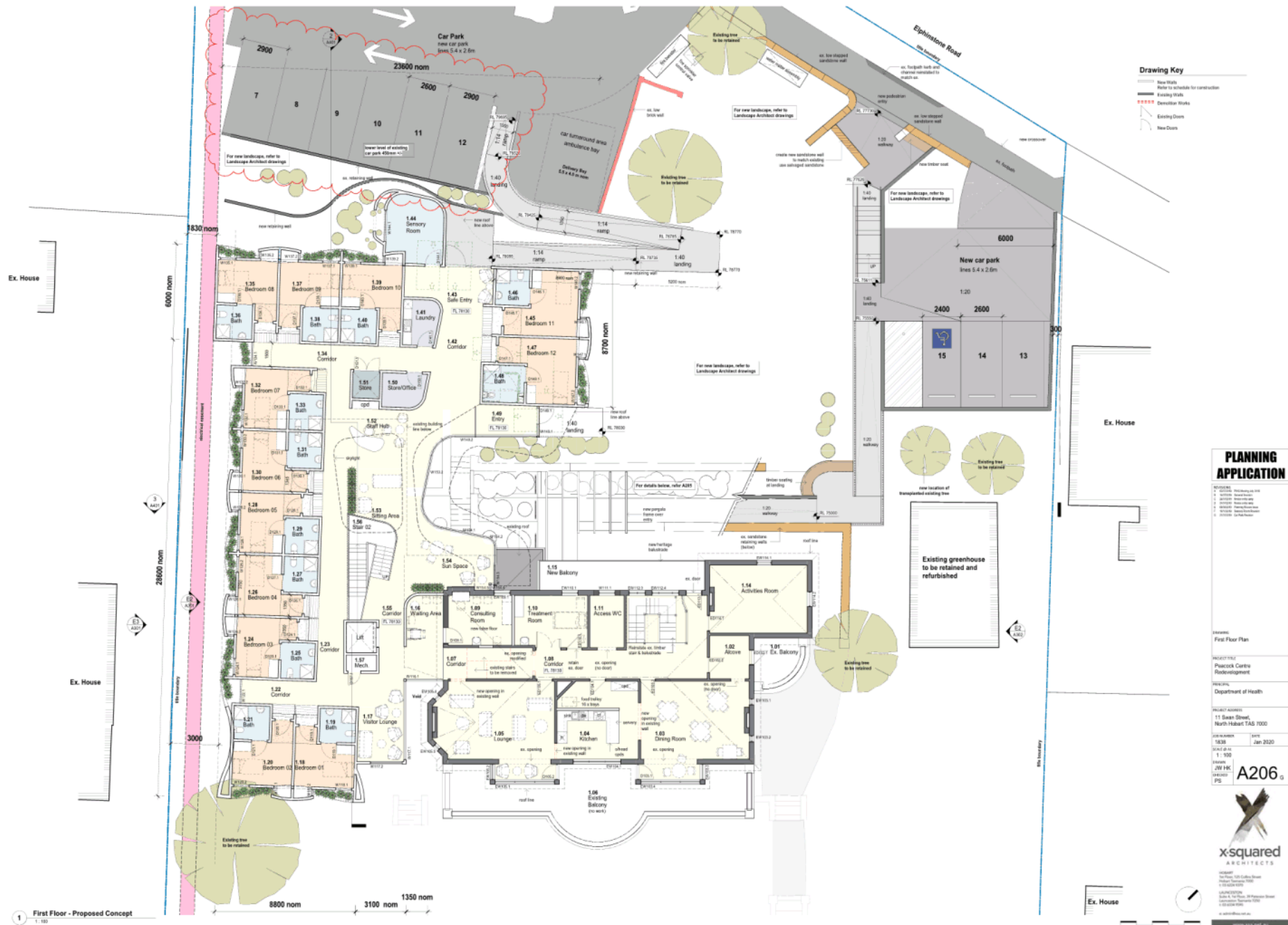
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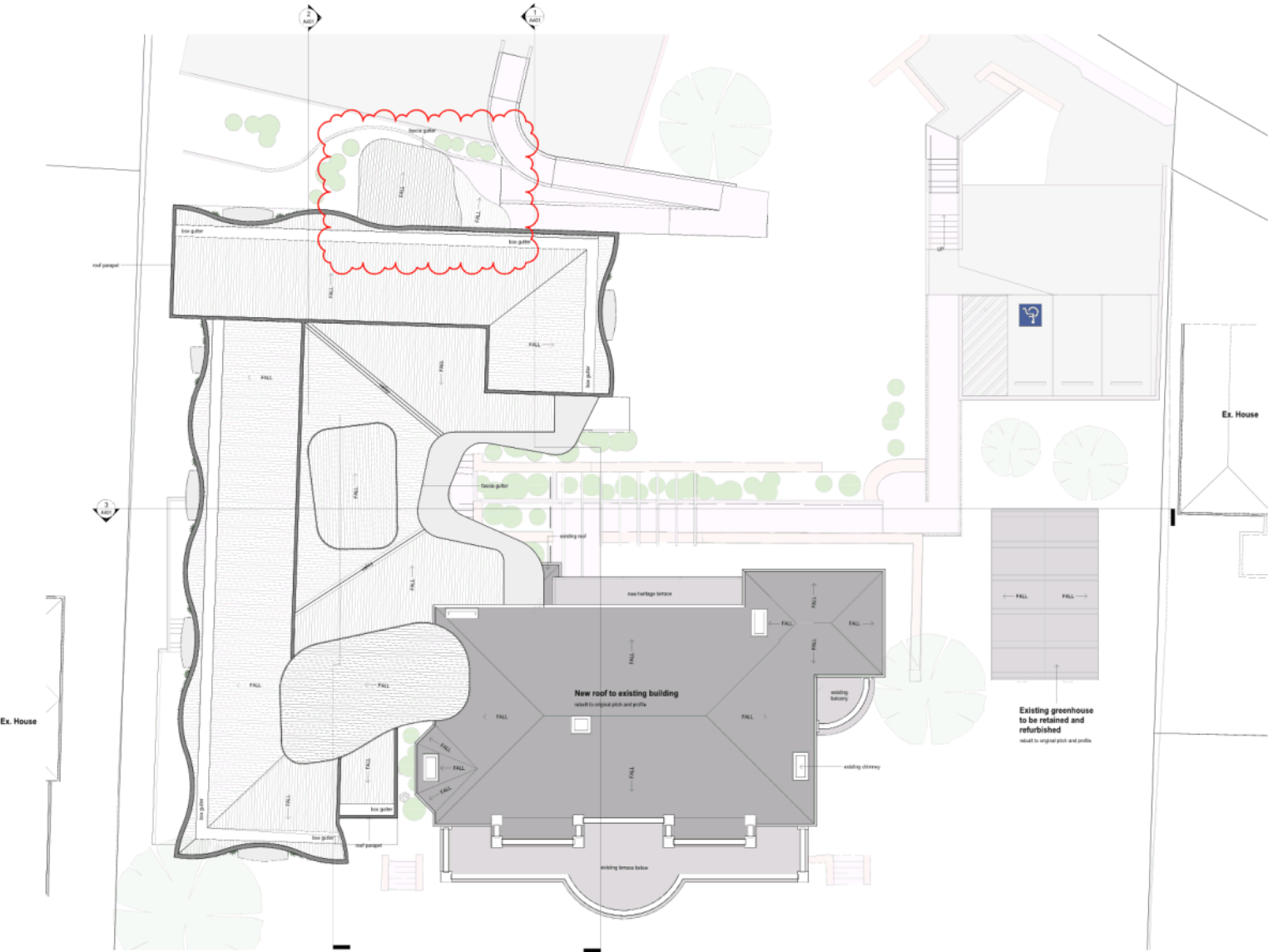












1 Roof Plan  
1:100

**PLANNING APPLICATION**

**NOTES**  
1. All works to be completed by 30/06/2020  
2. All works to be completed by 30/06/2020  
3. All works to be completed by 30/06/2020  
4. All works to be completed by 30/06/2020

**PROJECT**  
Roof Plan

**PROJECT**  
Placemore Centre  
Renovations

**PROJECT**  
Department of Health

**PROJECT**  
11 Swan Street,  
North Hobart TAS 7000

**DATE**  
18/08/2019

**DATE**  
24/01/2020

**SCALE**  
1:100

**DESIGNER**  
JW HK

**DATE**  
18/08/2019

**PROJECT**  
A207

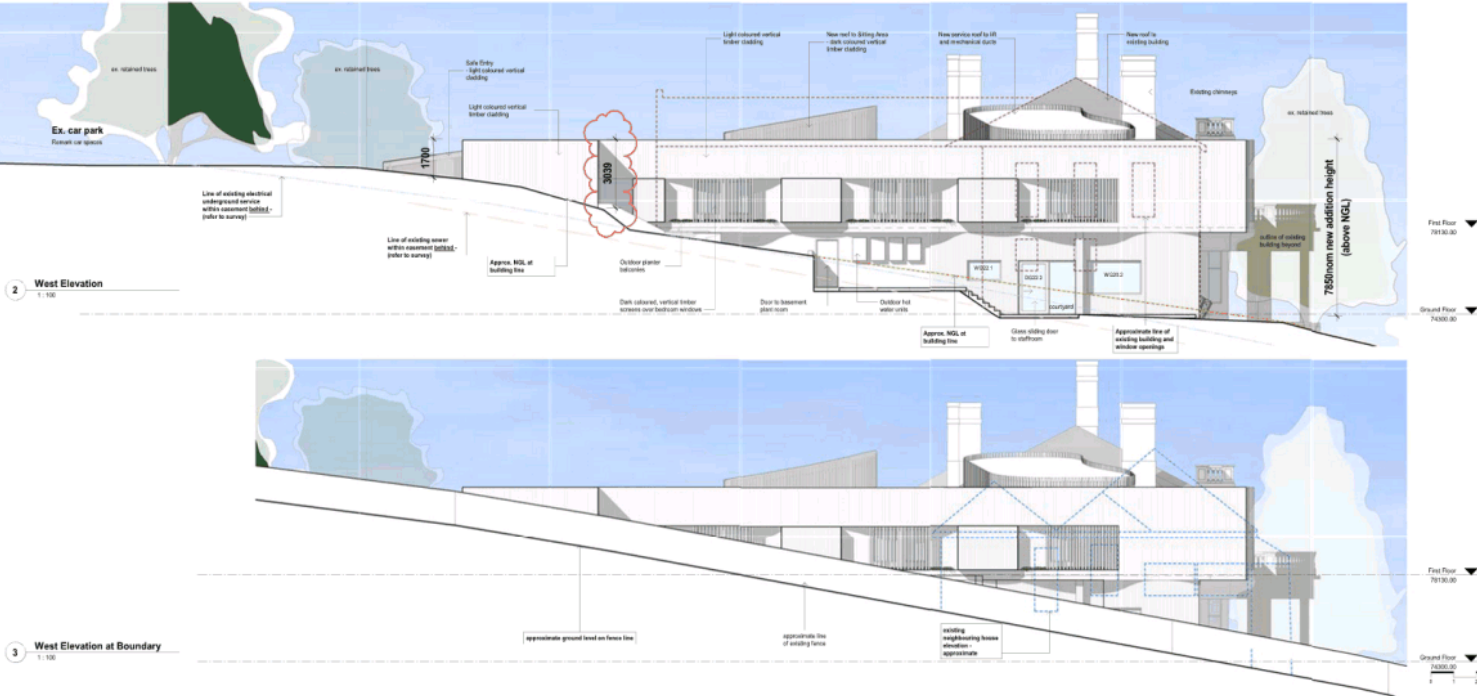


**CONTACT**  
111 Swan Street, 1st Floor  
North Hobart TAS 7000  
081 333 3333

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North Hobart TAS 7000  
081 333 3333





**PLANNING APPLICATION**

PROJECT NAME: 11 Swan Street, North Hobart TAS 7000

PROJECT NUMBER: A301

DATE: April 2020

SCALE: 1:100

DESIGNER: J.W. H.K.

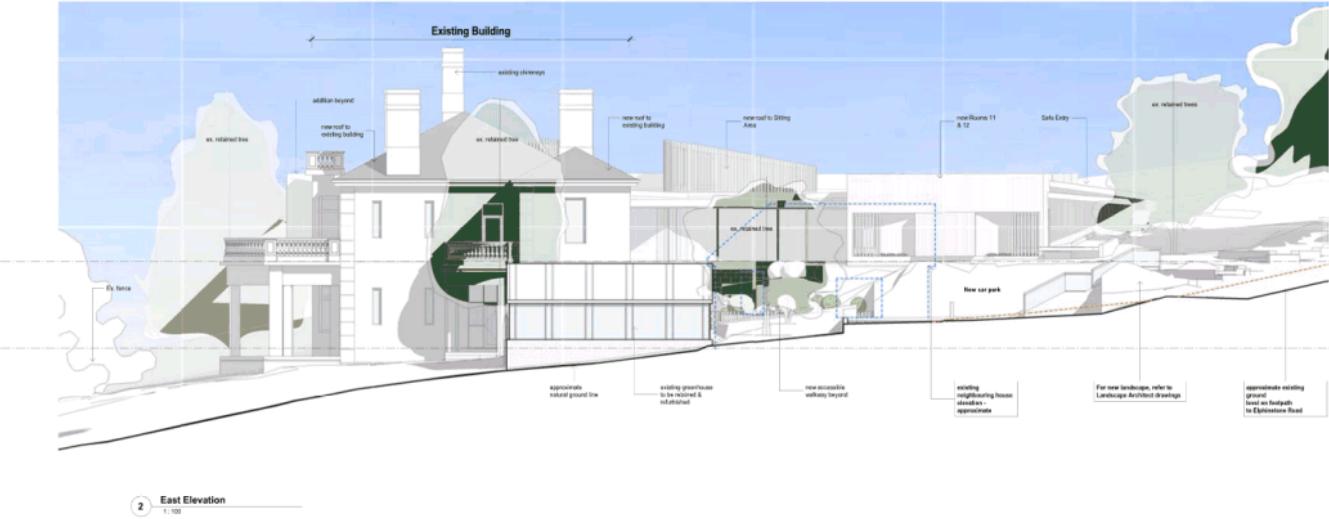
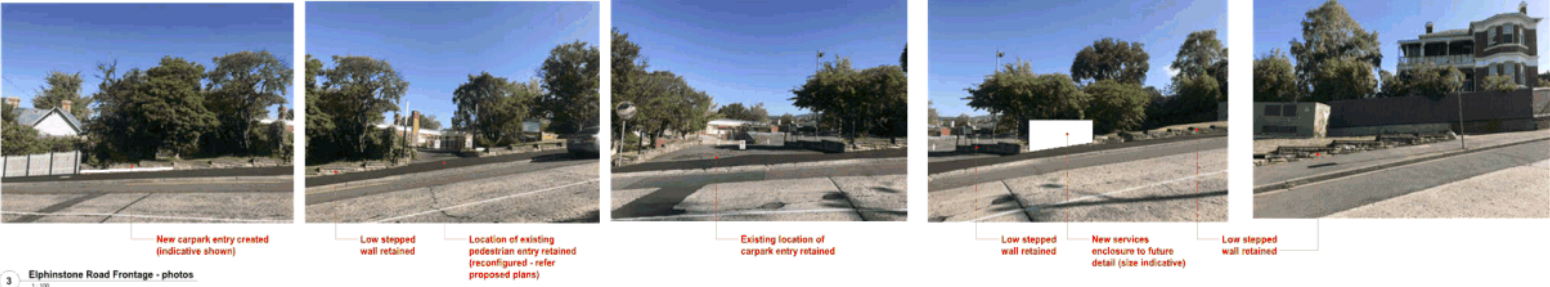
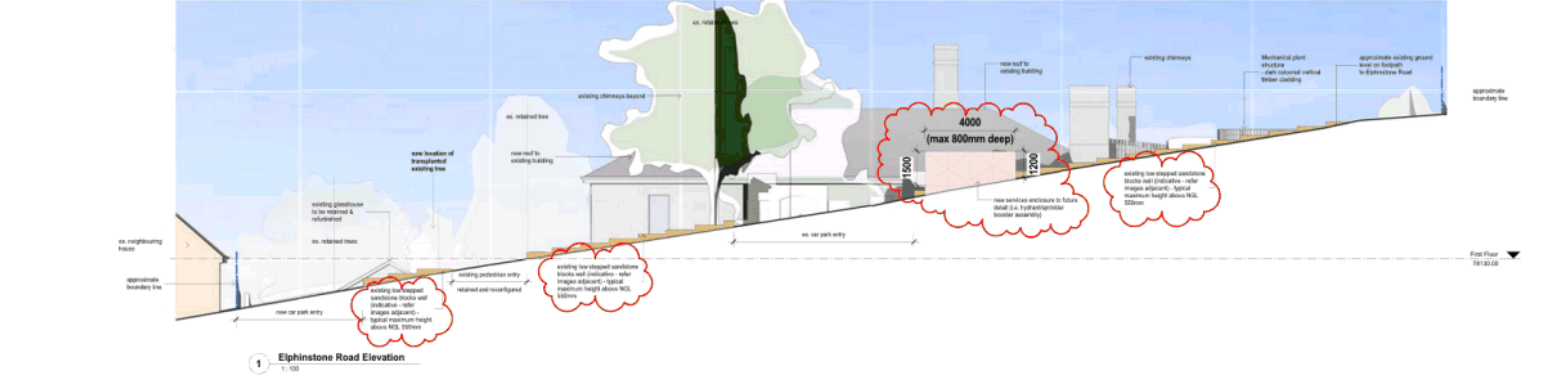
PROJECT: PS

**x-squared ARCHITECTS**

11 Swan Street, North Hobart TAS 7000

08 6234 1234

www.xsquaredarchitects.com.au



**PLANNING APPLICATION**

**PROJECT TITLE**  
Placemaking Centre Redevelopment

**PROJECT ADDRESS**  
11 Swan Street, North Hobart TAS 7000

**DATE**  
April 2020

**SCALE**  
1:100

**DATE**  
April 2020

**PROJECT NO.**  
A302



**ARCHITECTS**  
x-squared architects  
11 Swan Street, North Hobart TAS 7000  
081 422 4222  
info@xsquared.com.au



**PLANNING APPLICATION**

**PROJECT DETAILS**  
PROJECT NAME: Placemakers Centre Redevelopment  
CLIENT: Department of Health  
PROJECT ADDRESS: 11 Swan Street, North Hobart TAS 7000  
JOB NUMBER: 1828 DATE: Jan 2020  
SCALE: 1:100  
DRAWN BY: JMW/HK  
CHECKED BY: JMW/HK  
DATE: 18/01/20

A401 C

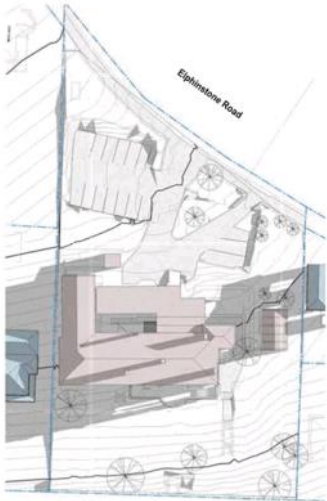


**x-squared architects**  
111 Swan Street, North Hobart TAS 7000  
03 6233 1111  
www.xsquaredarchitects.com.au

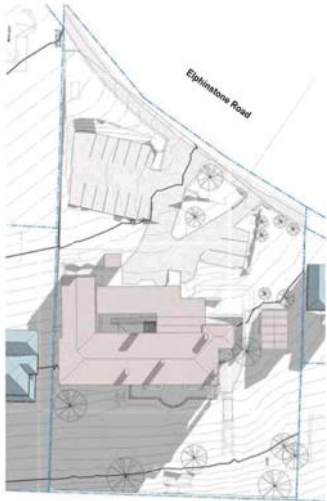








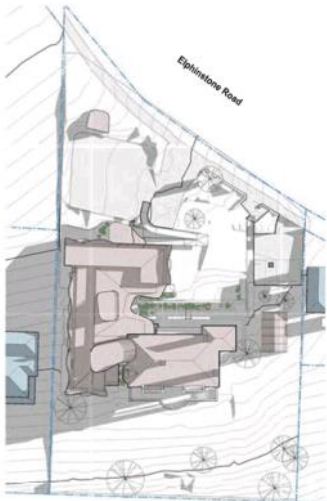
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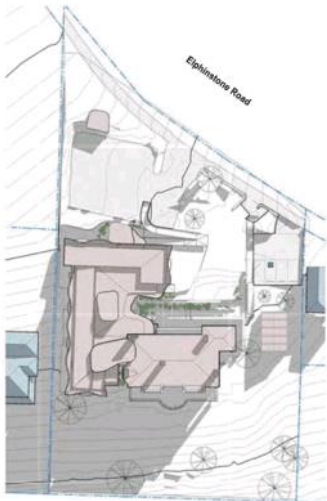
2 Sun Diagram (Existing) - 21 June 12pm  
1:500



3 Sun Diagram (Existing) - 21 June 3pm  
1:500



4 Sun Diagram (Proposed) - 21 June 9am  
1:500



5 Sun Diagram (Proposed) - 21 June 12pm  
1:500



6 Sun Diagram (Proposed) - 21 June 3pm  
1:500

**PLANNING  
APPLICATION**

**PROJECT DETAILS**  
11 Swan Street,  
North Hobart TAS 7000

**DATE**  
18/06/2020

**SCALE**  
1:500

**DATE**  
24/06/2020

**PROJECT**  
A502.C



**CONTACT**  
11 Swan Street,  
North Hobart TAS 7000  
081 422 2222  
info@xsquared.com.au



[illegible]



## PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA  
Issued pursuant to the Valuation of Land Act 2001

PROPERTY ID: 5560920

MUNICIPALITY: HOBART

PROPERTY ADDRESS: MENTAL HEALTH PEACOCK CENTRE  
11 SWAN STREET  
NORTH HOBART TAS 7000

PROPERTY NAME: MENTAL HEALTH PEACOCK CENTRE

TITLE OWNER:

INTERESTED PARTIES: DEPARTMENT OF HEALTH AND HUMAN SERVICES

POSTAL ADDRESS: GPO BOX 125

(Interested Parties) HOBART TAS 7001

## MAIN IMPROVEMENTS SUMMARY

**Improvements:** PEACOCK CONVAL HOSPT

Improvement Sizes	Improvement:	Area:
(Top 3 by Size):	MAIN BUILDING	557.0 square metres
	MAIN BUILDING	537.0 square metres
	PARKING	

**Number of  
Bedrooms:****Construction Year****of Main Building:** 1912**Roof Material:** Tile**Wall Material:** Brick**Land Area:** 0.4499 hectares

## LAST VALUATIONS

Date Inspected	Levels At	Land	Capital	A.A.V.	Reason
26/03/2015	01/07/2014	\$950,000	\$2,350,000	\$152,750	Revaluation
10/07/2014	01/10/2008	\$790,000	\$2,220,000	\$88,800	RNJ - Refurbish office and toilet

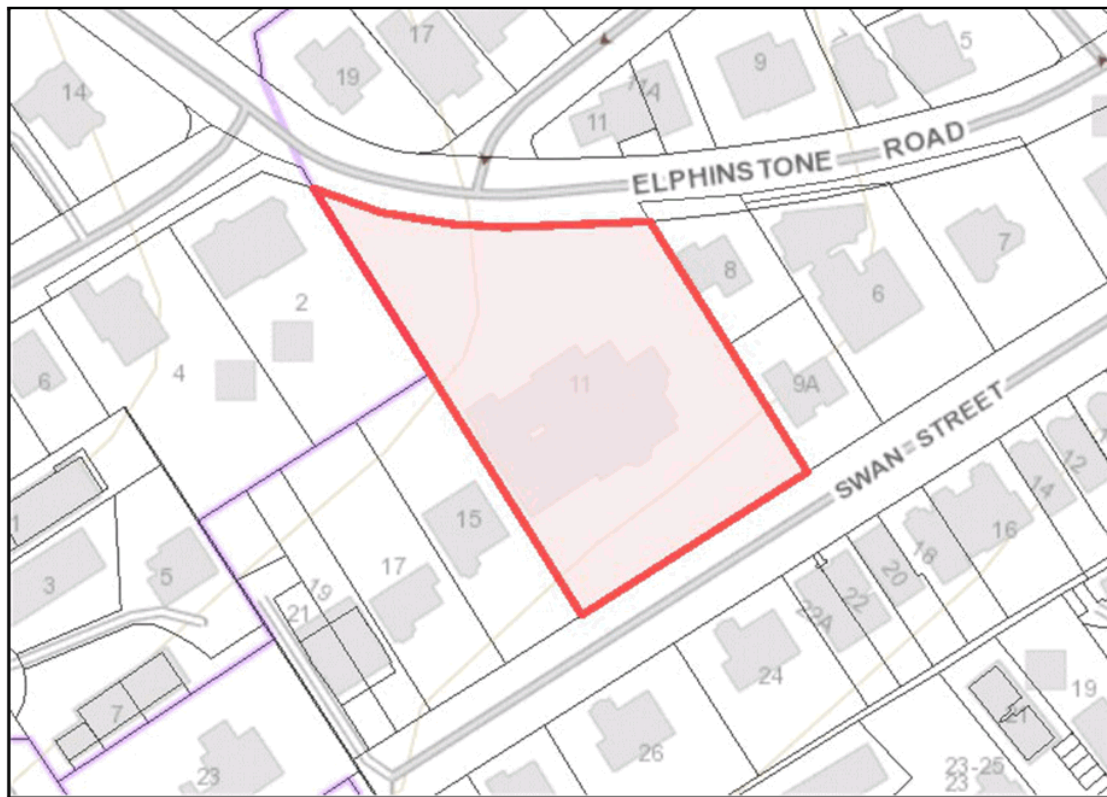
**No information obtained from the LIST may be used for direct marketing purposes.**

Much of this data is derived from the Valuation Rolls maintained by the Valuer-General under the provisions of the Valuation of Land Act 2001. The values shown on this report are as at the Levels At date.

While all reasonable care has been taken in collecting and recording the information shown above, this Department assumes no liability resulting from any errors or omissions in this information or from its use in any way.

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## PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA  
*Issued pursuant to the Valuation of Land Act 2001*

### Explanation of Terms

**Property ID** - A unique number used for Valuation purposes.

**Date Inspected** - The date the property was inspected for the valuation.

**Levels At** - Levels At - or Levels of Valuation Date means the date at which values of properties are determined for all valuations in a Municipal Area.

**Land Value** - Land Value is the value of the property including drainage, excavation, filling, reclamation, clearing and any other invisible improvements made to the land. It excludes all visible improvements such as buildings, structures, fixtures, roads, standings, dams, channels, artificially established trees and pastures and other like improvements.

**Capital Value** - Capital Value is the total value of the property (including the land value), excluding plant and machinery.

**AAV** - Assessed Annual Value. AAV is the gross annual rental value of the property excluding GST, municipal rates, land tax and fixed water and sewerage, but cannot be less than 4% of the capital value.

**Interested Parties** - This is a list of persons who have been recorded by the Valuer-General as having interest in the property (ie owner or Government agency).

**Postal Address** - This is the last advised postal address for the interested parties.

**Multiple Tenancies** - Properties that have multiple tenants are assessed for separate AAV's. e.g. a house and flat.

Planning #107108	
<b>Property</b>	
11 SWAN STREET NORTH HOBART TAS 7000	
<b>People</b>	
<b>Applicant</b>	Xsquared Architects Pty Ltd 1st Floor, 125 Collins Street HOBART TAS 7000 62249370 admin@xsquaredarchitects.com.au
<b>Owner</b>	Department of Health and Human Services GPO Box 1 HOBART TAS 7001 1300 135 513 info@dhhs.tas.gov.au
<b>Prepared By</b>	FRANCES BEASLEY 117 HARRINGTON STREET HOBART TAS 7000 62312555 f.beasley@dhhs.tas.gov.au
<b>Use</b>	
Medical facility	
<b>Details</b>	
Have you obtained pre application advice?	
<input type="radio"/> Yes <input type="radio"/> No	
If YES please provide the pre application advice number eg PAE-17-xx	
Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Regulations 2015? If yes, please provide the name of the property you MUST include signed confirmation from the owner that they are aware of the application.	
<input type="radio"/> Yes <input type="radio"/> No	
Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the	



Number of signs under Other Details below.

☐ No  
 If this application is related to an enforcement action please enter Enforcement Number

**Details**

What is the current approved use of the land / buildings?

Mental Health Facility

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage)

demolition, extension for mental health facility, and car park.

**Estimated cost of development**

\$250000.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

**Carparking on Site**

Total parking spaces

Existing parking spaces

N/A  
(Other (no selection correct))

**Other Details**

Does the application include signage?

No

How many signs, please enter 0 if there are none involved in the application?

0

**Tasmania Heritage Register**

Is the property in the Tasmanian Heritage Register?

Yes

**Documents**

**Required Documents**

Title (Photo text and Plan and Schedule of Easements)

Engineering Report - 5/6/2020.pdf

Plans (proposed, existing)

Final NSA DA Set.pdf

GM or Crown consent

DHHS - Consent to Act as an agent.pdf

DA Letter under Section 9.1 - Poncock Centre - Final DRAFT 29.1.2020.pdf

**Supporting Documents**

Traffic Impact Assessment

TIA (with final proposal plans).pdf

Landscaping Plan

Final Landscaping Plan.pdf

Planning Report

Poncock Centre - Revised Completed Planning Submission.pdf

Final Planning Submission.pdf

HIMS including HIA Final (reviewed).pdf

DHHS Director Signed Application

D:\HS Signed Lodgement Review Report.pdf



Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@heritage.tas.gov.au  
www.heritage.tas.gov.au

PLANNING REF: PLN-20-67  
THC WORKS REF: 6173  
REGISTERED PLACE NO: 2882  
APPLICANT: JMG Engineers and Planners  
DATE: 18 June 2020

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: 11-13 Swan Street, North Hobart.  
Proposed Works: Partial demolition, alterations, extension, landscaping  
(including tree removal), and car parking.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PLN-20-67, advertised on 26/05/2020, subject to the following conditions:

1. **Restorative works to the staircase at the entrance foyer must be undertaken by a person with expertise relevant to the conservation of historic joinery and using appropriate traditional techniques. Applied finishes must match that of the earlier extant finishes to that staircase.**
2. **Refurbishment works to Edwardian period joinery within the place must be undertaken such that any applied finishes match that of the earliest extant finishes.**
3. **Where Edwardian period joinery is approved to be removed, this fabric must be retained on site and may be incorporated into the new restorative work. Where material is surplus to the restorative work, this material must be retained on site for future conservation work at the place.**

Reason for conditions 1 to 3

To ensure the standard of work to significant joinery is in accordance with best practice conservation.

4. **Where works necessitate the replacement of any part of window, the detail of the replacement section must match that of the original.**
5. **Extant tiles on the north eastern section of wall within the room marked 'Treatment room' Room 1.10 must be retained *in situ*.**



6. The ornate pressed tin ceiling in the location of the proposed new balcony must be retained *in situ*.

Reason for conditions 4 to 6

To ensure retention of the place's significant heritage fabric.

7. The demolition of early walls to create the 'corridor' shown as G.13 on the plans must be such that a bulkhead is retained to demonstrate the existence of those walls, for the width of the proposed openings.

Reason for condition

To ensure the early layout of the building may be understood in the new work.

8. The demolition of the wash house must be undertaken with due care, so that materials may be retained for reuse and incorporated into the new work to re-establish the original building line at the south-west corner.

Reason for condition

To ensure that heritage fabric may be meaningfully reused within the site.

9. The reconstruction of the south-west corner of the original house must be undertaken, as far as practicable, with bricks salvaged from the approved demolition within the site. Bricks must be laid in a manner consistent with the rest of the building, and mortar must be of a composition to match that of adjacent sections.

Reason for condition

To ensure that the minor addition is in keeping with the contiguous heritage fabric.

10. The restorative works to the conservatory must be carried out under the superintendence of a person familiar with the practical application of the articles of the Australia ICOMOS Burra Charter (current version) and with demonstrable expertise in the conservation of a historic heritage place. The physical work must be undertaken by or under the supervision of persons with competence in the conservation of the type of historic building fabric being worked on.

Reason for condition

To ensure the standard of work to this significant element will be in accordance with best practice conservation.

11. Prior to the commencement of works, a set of plans for construction must be supplied to the Tasmanian Heritage Council. These plans must demonstrate compliance with the above conditions, and be substantially in accordance with the approved plans and, where relevant, consistent with the recommendations of the approved Heritage Management Strategy authored by Praxis environment, dated January 2019.

Reason for condition

To ensure that the works will be undertaken in accordance with the consent issued.

Advice

The applicant should note that the consent of the Tasmanian Heritage Council has been issued on the understanding that the proposal is for the new roof to be clad in

slate, as applied for. Where any alternate cladding material is proposed, separate approval or amendment may be required.

The installation of interpretive plaques within the landscaped areas are supportable insofar as they relate to the history of the site.

Any works or development required for the proposal to satisfy relevant building requirements, not identified on the approved plans (i.e. fire safety, access, air conditioning) may require further approval from the Tasmanian Heritage Council.

Should you require clarification of any matters contained in this notice, please contact Peter Coney on 1300 850 332.



Ian Boersma

**Works Manager – Heritage Tasmania**

*Under delegation of the Tasmanian Heritage Council*



## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-20-67	Council notice date	12/02/2020
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2020/00179-HCC	Date of response	09/04/2020
TasWater Contact	Sam Bryant	Phone No.	(03) 6237 8642
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
<b>Development details</b>			
Address	11 SWAN ST, NORTH HOBART	Property ID (PID)	5560920
Description of development	Partial Demolition, Alterations, Extension, Landscaping and Car Parking		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
PDA Surveyors	Detail Survey Plan 'Peacock Centre' 41997MD-1B	B	31/03/2020
X Squared Architects	Ground Floor A205	E	12/11/2019
X Squared Architects	First Floor Plan A206	G	21/01/2019
X Squared Architects	Elevations A301	E	01/04/2020
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act</i> 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>In the event it is required a suitably sized water supply with metered connections and appropriate backflow device to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>A suitably sized sewerage system and connections for the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit</li> <li>Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> </ol>			
<b>56W CONSENT</b>			
<ol style="list-style-type: none"> <li>Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the Water and Sewerage Industry Act 2008 for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.  The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings of proposed buildings located over or within 2.0m from TasWater pipes and must be designed by a suitably qualified person to adequately protect the integrity of</li> </ol>			



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

- a. Existing pipe depth and proposed finished surface levels over the pipe;
  - b. The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
  - c. A note on the plan indicating how the pipe location and depth were ascertained.
5. A construction management plan must be submitted with the application for the Certificates for Certifiable Works (Building & Plumbing). The construction management plan must detail how the developer intends to protect existing TasWater infrastructure during excavation and construction. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Certificate for Certifiable Work (Building & Plumbing) being issued.

#### DEVELOPMENT ASSESSMENT FEES

6. The applicant or landowner as the case may be, must pay a development assessment fee of \$675.71 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater

The payment is required by the due date as noted on the statement when issued by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/Development/Technical-Standards>

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

##### Service Locations

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


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

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

#### Declaration

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



<b>Authorised by</b>  <b>Jason Taylor</b> Development Assessment Manager			
<b>TasWater Contact Details</b>			
Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		

## Application Referral Cultural Heritage - Response

<b>From:</b>	Sarah Waight
<b>Recommendation:</b>	Proposal is acceptable subject to conditions.
<b>Date Completed:</b>	
<b>Address:</b>	11 SWAN STREET, NORTH HOBART
<b>Proposal:</b>	Partial Demolition, Alterations, Extension, Landscaping (including Tree Removal), and Car Parking
<b>Application No:</b>	PLN-20-67
<b>Assessment Officer:</b>	Helen Ayers,

### Referral Officer comments:

This application is for a place listed in Table E13.1 of the Historic Heritage Code of the Scheme. The following images show the site as it is currently.



Subject site from Swan Street showing chimney bracing and temporary roofing. Source: Council Image





Subject site from within the site. Source: Council image



Subject site from Elphinstone Road showing chimney bracing and temporary roofing. Fire and smoke damage is visible on the external brickwork. Source: Council Image

The place is also located in the North Hobart 5 Heritage Precinct, Swan Street.

*This precinct is significant for reasons including:*

- 1. The quality and quantity of late Victorian and Federation period houses which demonstrate its original residential nature and the boom periods of suburban expansion.*
- 2. Individual houses that are intact representative examples of late Victorian and Federation architecture.*
- 3. Groups of houses that are impressive examples of late Victorian and Federation architecture that make a valuable contribution to the streetscape.*
- 4. The continuous two storey ornately decorated facades and general uniformity of form and scale together with a distinctive nineteenth/early twentieth century street pattern that creates a consistent and impressive streetscape.*
- 5. The front and rear gardens and retaining walls are important aesthetic features which reinforce its residential character.*
- 6. Buildings with social significance for the local and broader community because of their past and present social and religious functions.*

#### **Supporting Documentation**



The application is supported by a Historic Heritage Management Strategy by Praxis Environment, dated January 2019.

### Background

The application is for the building that is better known as the Peacock Centre. It was built as the home for the Peacock family by William Davidson Peacock and was originally called *Ruardean* and a construction date of 1912 is assumed. W D Peacock is better known for his involvement in the fruit exporting industry along with Henry Jones dominating the fruit export industry for many years. On Peacock's retirement he was bought out by Henry Jones but died only a couple of years later. His will entitled his wife Agnes to continue to live in the house until her death and then directed the Trustees to transfer the property to the Government of Tasmania under detailed conditions it be used for 'a hospital or home'. After Agnes's death in 1940, the house became the Peacock Convalescent Home. In 1965 an extension to house a nurses home to the side and rear was constructed, with a new kitchen and dining room in 1970. In December 2016, the building was the subject of an arson attack. Following on from that, the roof was demolished, chimneys were braced, windows boarded up and the Peacock Centre made watertight.

The site was visited by the author of this report in June 2019 in anticipation that the application would be lodged prior to the end of that financial year. In the end the application was not lodged until February 2020, and it can be confirmed that the site conditions have not changed in the interim.

### Proposal

This application involves the following:

- restore the heritage listed building
- demolish the later buildings to the north and west
- new two storey building to the north and west
- restore the heritage greenhouse.

More specifically, to the rear of the property where access is from Elphinstone Road, the following changes are proposed:

- New crossover with new access to a new carpark of 3 spaces,
- Removal of the existing central carpark, pedestrian pathways,
- Removal of existing vehicular cross over and conversion to a pedestrian entry,
- New service enclosure on the Elphinstone Road boundary,
- Reconfigured pathways, steps access and central landscaping,
- Demolition of the rear and side (north and west) fire damaged extension from the 1960s. This wing, also known as the nurse's home is visible from Swan Street.

Elsewhere on the site, the following changes are proposed:

- New two storey addition to the north and west of the Peacock Centre with a new separation to the west from the original c.1912 building.
- Partial reinstatement of the original c.1912 floor plan with the revealing of the bay window on the west elevation.
- Internal works to c.1912 building, including reinstatement of fire damaged interior.
- Removal of later partitions,
- Internal (in part and in whole) demolition of walls.
- 

### Representations:

Five (5) representations were received. The heritage issues raised included the following:

- Construction might have an adverse impact on the heritage values and fabric of neighbouring heritage listed properties.
- The history of the building should be captured and retained. eg. plaques to tell the history of the Peacock Centre
- Retain the Swan Street view of the Peacock Centre as a free standing building like the

- majority of buildings in Swan St and Elphinstone Rd.
- Positive to see the retention of large trees and important to have landscaping that improves the view from Elphinstone Rd, rather than carparking which detracts
- I look forward to the restoration and development of the site after the fire.
- I am concerned the run-off will worsen the rising damp problem in my heritage listed property.

### Planning Scheme Assessment

The following provisions of the Historic Heritage Code apply.

The Objective of E13.7.1 Demolition for a Heritage Place states::

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

Clause E13.7.1 P1 states:

Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;

- (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;
- (b) there are no prudent and feasible alternatives;
- (c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;
- (d) significant fabric is documented before demolition.

### Discussion

The proposed demolition follows the general approach as defined in the Historic Heritage Management Strategy by Praxis Environment dated January 2019. The significant part of the demolition is to the rear of the house, the west and north sections of the wall and windows. This area is shown in the following image. While the proposed demolition includes original fabric, this is a part of the Peacock Centre through which people will enter into the waiting room, providing a direct link through to the rear carpark and access into the site. This is not the only entry, with the front entry of the building, side entry and via the new building on what is the second floor.



Proposed removal of rear wall under the external verandah to lead into the proposed entry and waiting space. A new enclosed glazed entry vestibule will be inserted within the external verandah space. Source: Council Image



Area of proposed entry and sandstone wall to the right (with vegetation over) to be reduced in height. Source: Council Image

While the proposed demolition will result in the loss of original fabric of the c.1912 house, it is considered on balance, a relatively small part of the original house, is located within the rear of the original house and is at ground level located within an area of lower terracing that is not visible from the wider area. There will be no changes to the front elevation of Swan Street, to the garden or c.1912 elevation, with the exception of the removal of the c.1960 extension to the west. The demolition of this wing will allow for the reinstatement of the original c.1912 facade and house form. On balance, the proposed demolition will allow for heritage gains through the reinstatement of the original c.1912 building form, including original windows, internal timber detailing and fire and smoke damaged decorative detailing. A representation raises the idea of the installation of interpretation of the building and the history of the site. To add to the social benefit of the proposal it would be appropriate to include a condition of permit that provides for interpretation of the building, site and Peacock family history. This outcome, including no further demolition of heritage fabric will be a positive heritage outcome. The proposal is considered to satisfy E13.7.1 P1.

The Objective of E13.7.2 Buildings and Works for a Heritage Place states:

*To ensure that development at a heritage place is:*

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

Clause E13.7.2 P1 states:

*Development must not result in any of the following:*

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

Clause E13.7.2 P2 states:

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*

*(d) using less dominant materials and colours.*

Clause E13.7.2 P3 states:

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

Clause E13.7.2 P4 states:

*Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.*

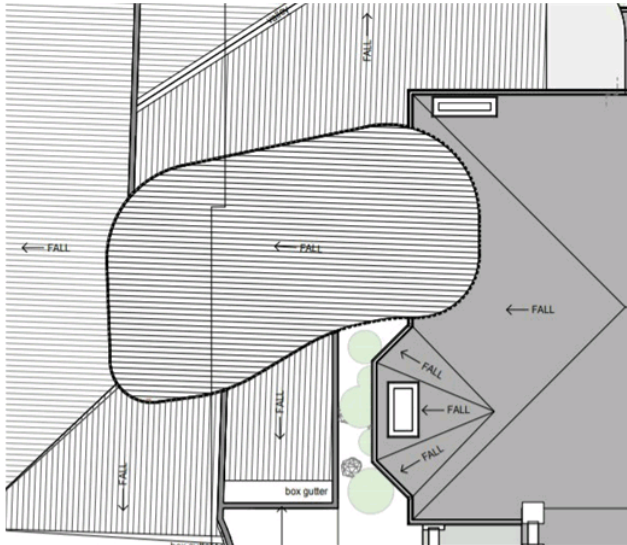
Clause E13.7.2 P6 is satisfied as there is no loss of landscaping that contributes to the heritage significance of the place between the c.1912 dwelling and Swan Street. The landscaping alterations to the rear are acceptable changes in what is the traditional rear yard of the property.

**Discussion:**

The proposed new extension, when viewed from Swan Street, is over two levels with the upper floor cantilevering over the new ground floor. The upper level has a curved planar front and fenestration pattern that is clearly distinct from the c.1912 building. The extension is approximately the same height of the eaves of the c.1912 building and is clad in light colour timber on the upper level and a dark coloured vertical timber cladding at ground level. The upper level projects in front of the original c.1912 brick Swan Street elevation, but behind the original projecting balcony/terrace with its curved central bay. The existing extension (to be demolished) from the 1960s, was an attempt to blend in with the original house and matched so closely that its difference was difficult to discern. As such the architectural response for the proposed extension differs and will appear new and of a different form and pattern.

The proposed extension occupies the area of a 1960s extension as well as that part of the site that was fire damaged and since demolished. The proposal extends over an existing concrete slab and over an area of miscellaneous outbuildings, retaining walls and pathways. When viewed from Elphinstone Road, the proposal will be visible, but only marginally, such that the slope of the site will result in it sitting down and below, such that the rear of the c.1912 house will be partially obscured by the proposed extension. The proposed new wing has curved wall and roof elements, including a projecting curved skylight to allow light into the core and a curvilinear roof form described on the plans as 'new roof to lift and mechanical ducts - dark coloured vertical cladding'. This new service roof is located between two of the existing original chimneys of the c.1912 structure and is located over the newly constructed roof to the c.1912 roof. No details are provided for the rationale for it extending over the original roof, given the floor plans show only a new lift and mechanical area in the new extension where any lift over-run and therefore new roof structure would be required. As such, the proposed roof form is at odds with the original c.1912 dwelling and is of a design and form that is incompatible with the materials, form, design and scale of the heritage listed place. If the new roof form is required to mask mechanical equipment into the c.1912 dwelling, it is considered more appropriate to deal with it as functional equipment rather than shield it. In any case, a condition of permit is appropriate for the submission of an amended design proposal.





Proposed new service roof. Source: Applicants documentation, (Roof Plan, A207D, dated Jan 2020)

It is noted that the Praxis report identifies the north and west elevational corner where the proposed new extension is to be located as being of limited and compromised heritage significance given that this was the location of the c.1960s Nurses Wing that has been partially demolished and proposed to be fully demolished. Elsewhere on the site early and original landscaping elements are being retained and a new landscape plan will enhance the rear setting as viewed from Elphinstone Road, although it would be prudent to include a condition that protects trees and existing garden elements over the entire site. In addition, a new balcony is to be constructed across the rear of the c.1912 building. This is an area of the c.1912 building that shows significant fire damage and as such no clear details are provided as to how this will be achieved. Previously it was the site of a conglomeration of 1950s, 1970s and 1980s additions, but since the fire, these elements have been removed, revealing more of the rear of the dwelling that could be appreciated previously. While the balcony is a new element it is to the rear of the dwelling and will not be overly prominent as it will appear, because the land of the property is elevated, and the dwelling is set below, as an extension of the view over the proposed and existing landscaping and carparking. Details of the proposed new verandah are scant and is described as "terrace to heritage detail". Thus a condition of permit would be appropriate for additional plans to be submitted.

The replacement roof is described in the Architectural Design Statement by Xsquared Architects, dated 23 January 2020 as slate with the scope of works described as 'Restore to original appearance using new slate over contemporary roof structure'. The use of slate is an appropriate response in this situation, although the submitted plans do not show this detail or any other flashing and guttering detail. Therefore it is considered appropriate that further details of the reroofing are submitted prior to the issue of a Building Permit. This can be achieved by a condition of permit.

The scope of the proposed 'restoration works' are described in the same Architectural Design Statement, although no details are provided on the proposed method for cleaning the fire and smoke damaged brickwork or for the restoration of the greenhouse in the garden. Both are a specialised areas of work and it is recommended that further details are provided. This can also be achieved by a condition of permit.

The proposed service enclosure in a minor element on Elphinstone Road is considered

acceptable.

In summary, the new extension will be of a scale, bulk, form and have a fenestration pattern that does not result in the loss of significance. The proposed heritage conservation works are considered generally acceptable, although further clarification is required on the proposed rear verandah, the detailing of the roofing, a redesigned service roof and details, the cleaning of the brickwork and the restoration of the greenhouse. With appropriate conditions of permit, the proposal will satisfy E13.7.2 P1, P2, P3 and P4.

The Objective of E13.8.1 Demolition for Heritage Precincts states:

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

Clause E13.8.1 P1 states:

*Demolition must not result in the loss of any of the following:*

*(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;*

*(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct; unless all of the following apply;*

*(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*

*(ii) there are no prudent or feasible alternatives;*

*(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct*

#### **Discussion:**

The proposed demolition follows the general approach as defined in the Historic Heritage Management Strategy by Praxis Environment dated January 2019 and involves the removal of fire damaged building elements and intrusive accretions that have been added to the site over time. There is no loss of landscape elements as the new building is over an area already occupied by a series of buildings. In summary, the proposal satisfies E13.8.1 P1.

The Objective of E13.8.2 Buildings and Works in a Heritage Precinct states::

To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.

Clause E13.8.2 P1 states:

*Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*

Clause E13.8.2 P3 states:

*Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.*

Clause E13.8.2 P5 is satisfied as there is no loss of landscaping that contributes to the heritage significance of the precinct between the c.1912 dwelling and Swan Street. The landscaping alterations to the rear are acceptable changes in what is the traditional rear yard of the property.

#### **Discussion:**

The proposed reinstatement of the c.1912 dwelling into its original form with a new slate roof is a positive heritage outcome. Based on the discussion above in regards to E13.7.2 P1, P2, P3 and P4 and with further refinement and clarification of the service roof, the proposal is not

considered to result in detriment or detract from the heritage significance of the precinct. The proposal is considered to satisfy E13.8.2 P1 and P3.

No signage is proposed as part of this application and therefore any new signage would be the subject of a further application. It is recommended that this be included as advice in any permit issued.

In summary, the proposal will satisfy E13.7.1 P1, E13.7.2 P1, P2, P3, P4, P6 E13.8.1 P1 and E13.8.2 P1, P3 and P5. Conditions of permit are required.

Sarah Waight  
Senior Cultural Heritage Officer  
16 June 2020



**7.1.3 55 RUNNYMEDE STREET, BATTERY POINT AND ADJACENT  
ROAD RESERVE - PARTIAL DEMOLITION AND ALTERATIONS  
PLN-20-7 - FILE REF: F20/63355**

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Address: 55 Runnymede Street, Battery Point and  
Adjacent Road Reserve

Proposal: Partial Demolition and Alterations

Expiry Date: 4 August 2020

Extension of Time: Not applicable

Author: Helen Ayers

***RECOMMENDATION***

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and alterations at 55 Runnymede Street, Battery Point for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-7 - 55 RUNNYMEDE STREET BATTERY POINT TAS 7004 - Final Planning Documents, except where modified below.**

Reason for condition

To clarify the scope of the permit.

**THC**

**The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6253 dated 16 June 2020, as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

#### **PLN s1**

**No changes to the front fence or gate are approved by this permit.**

Reason for condition

To clarify the scope of the permit.

#### **HER 11**

**The external window shutters are not approved and must be removed. Any damage to external brick work must be repaired with a lime based mortar, and painted to match existing brickwork. Photographs must be submitted showing the shutters removed in accordance with the above requirement within 45 days of the date of this planning permit.**

*Advice:*

*For the purposes of this condition, 45 days from the date of this planning permit is 20 August 2020.*

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

#### **ADVICE**

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

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

### **BUILDING PERMIT**

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

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

### **PLUMBING PERMIT**

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

### **OCCUPATION OF THE PUBLIC HIGHWAY**

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

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council.

Click [here](#) for more information.

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

### **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.

### **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.

### **HIGHWAY RESERVATION WORKS - REINSTATEMENT**

If works are required within the highway reservation by the Council or other service provider, there is no obligation of Council to match the finish or construction of the step on any reinstatement within the Highway Reservation required in the future.

### **RETROSPECTIVE APPROVAL ONLY**

This permit has been issued for the completed work (step and handrails) within the highway reservation and does not allow any further works within the highway reservation. No further works may occur without a permit to open and/or occupy the highway reservation.

### **DOOR OPENING TO HIGHWAY RESERVATION**

The door must not be altered to swing into the highway reservation.

### **NOISE REGULATIONS**

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

### **FEES AND CHARGES**

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

## **DIAL BEFORE YOU DIG**

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

- |               |  |
|---------------|--|
| Attachment A: | PLN-20-7 - 55 RUNNYMEDE STREET BATTERY<br>POINT TAS 7004 - Planning Committee or<br>Delegated Report ↓                |
| Attachment B: | PLN-20-7 - 55 RUNNYMEDE STREET BATTERY<br>POINT TAS 7004 - CPC Agenda Documents ↓                                   |
| Attachment C: | PLN-20-7 - 55 RUNNYMEDE STREET BATTERY<br>POINT TAS 7004 - Planning Referral Officer<br>Cultural Heritage Report ↓  |

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Council: 29 June 2020  
Expiry Date: 4 August 2020  
Application No: PLN-20-7  
Address: 55 RUNNYMEDE STREET , BATTERY POINT  
ADJACENT ROAD RESERVE  
Applicant: Maree Bock  
55 Runnymede street  
Proposal: Partial Demolition and Alterations  
Representations: Three (3)  
Performance criteria: Historic Heritage Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Partial Demolition and Alterations, at 55 Runnymede Street Battery Point.
- 1.2 More specifically the proposal includes:
  - Installation of window shutters on the Runnymede Street facade of the dwelling.
  - Replacement of the existing front step and addition of safety / hand rails either side of the step.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Historic Heritage Code - Listed Place and Heritage Precinct
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 25 May and 9 June 2020.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.

## 2. Site Detail

- 2.1 The application site is on the south western corner of the junction between Arthur Circus and the southern portion of Runnymede Street beyond it. There is an existing heritage listed cottage on the site, which has had some modern additions in the rear/side yard. The site is predominantly surrounded by residential scale development.

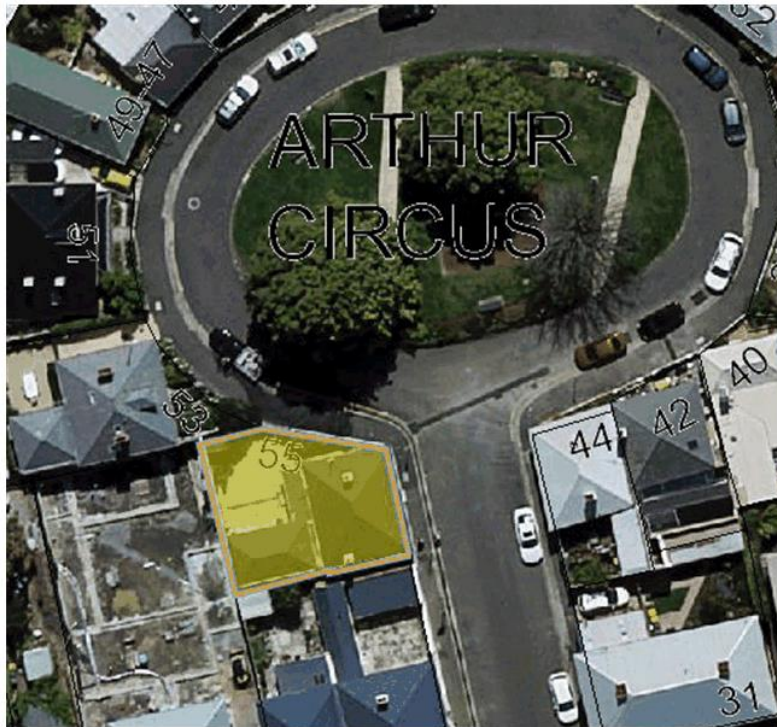


Figure 1: The location of the application site is highlighted in yellow.

## 3. Proposal

- 3.1 Planning approval is sought for Partial Demolition and Alterations, at 55 Runnymede Street Battery Point.



3.2 More specifically the proposal is for:

- Installation of window shutters on the Runnymede Street facade of the dwelling.
- Replacement of the existing front step and addition of safety / hand rails either side of the step.



*Figure 2: 55 Runnymede Street Battery Point, showing the proposed window shutters, front step and handrail.*

#### **4. Background**

- 4.1 The works seeking approval through this application were undertaken without the necessary Council approvals. This has come to the attention of Council's Compliance Officers, and compliance action commenced as a result.
- 4.2 The application originally sought approval for a new fence and gate, as well as the shutters and front step and rail, however, the property changed hands, and the fence was removed from the application.
- 4.3 Following public notification and detailed assessment it was determined that the shutters could not be supported. The applicant has subsequently requested their removal from the application. Conditions are recommended clarifying precisely what is approved and what is refused or no longer part of the application to avoid confusion.

#### **5. Concerns raised by representors**

- 5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 25 May and 9 June 2020.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Heritage:
One representor has indicated that there should be no permissible changes to the facade of any building within a heritage area, other than to restore them to their original form where earlier modifications have occurred.
One representor has suggested that the proposed shutters are out of character with the building itself, and with the wider area, and as such should not be supported.
One representor has suggested that the proposed shutters do not comply with the provisions of the Historic Heritage Code of the <i>Hobart Interim Planning Scheme 2015</i> , and as such should not be supported. The representor suggests that there is no historical evidence of the cottage having had shutters, and as such, they would detract from the significance of the place and of the precinct.
One representor is concerned that the shutters were installed without the appropriate approval and consideration of the bricks to which they were attached. The representor has requested that the shutters not be approved, and that the applicant be required to restore the potentially damaged brickwork to pre-development condition.

## 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 Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 There is no change proposed to the existing Single Dwelling, with limited visitor

accommodation use of the site. The residential component of the existing use is a permitted use in the zone. The visitor accommodation component of the existing use is a prohibited use in the zone.

6.4 The proposal has been assessed against:

6.4.1 Part D - 11 Inner Residential Zone

6.4.2 Part E - E13.0 Historic Heritage Code

6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1 Historic Heritage Code:

- *Development Standards for Heritage Places - Part E E13.7*
- *Development Standards for Heritage Precincts - Part E E13.8*

6.6 Each performance criterion is assessed below.

6.7 Buildings and Works other than Demolition - Development Standards for Heritage Places - Part E E13.7.2 P1, P2 and P3

6.7.1 There is no acceptable solution for E13.7.2 A1, A2 and A3.

6.7.2 The proposal includes new decorative shutters around a front window, a replacement front step, and new railings to the front step.

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

6.7.4 The performance criterion at clause E13.7.2 P1, P2 and P3 provides as follows:

*P1 - Development must not result in any of the following:*

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

*P2 - Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

*P3 - Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

- 6.7.5 The application has been assessed by Council's Cultural Heritage Officer, who has provided the following comments:

*E13.7.2*

*Objective:*

*To ensure that development at a heritage place is:*

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

*Performance Criteria 1*

*Development must not result in any of the following:*

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

*The front doorstep and handrails are considered acceptable, it is noted a previous step was located in this position and the new step is concrete with a sandstone veneer finish which is in keeping the traditional materials and finishes of the area. The handrails are simply designed and feature a black metal finish that is appropriate in this context. This part of the proposal satisfies*

*Performance Criteria 1 of E13.7.2*

*The traditional purpose of shutters is for functional use, they protect against storms or other inclement weather, provide relief from sun and heat, and extend window longevity. However the shutters at 55 Runnymede Street are installed purely for decorative purposes, they are fixed to the exterior brick wall and are non-operable. They result in loss of historic cultural heritage significance to the place through incompatible design. This part of the proposal does not satisfy Performance Criteria 1 of E13.7.2 and a condition has been applied to this application for the removal of the shutters.*

*Performance Criteria 2*

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

*The sandstone front door step and attached handrails are considered appropriate and satisfy Performance Criteria 2 of E.13.7.2.*

*The installation of the window shutters could be viewed as a faux or pastiche heritage interpretation that confuses and misconstrues the original architecture of the cottage. The Georgian cottages in Arthurs Circus were largely used by workers, and were modestly constructed with the functional purpose to provide adequate shelter. These cottages were never intended to be decorated or highly detailed pieces of architecture, the fixed shutters are viewed as disingenuous and do not respond to or complement the heritage characteristics of the place. The window shutters do not satisfy Performance Criteria 2 of E.13.7.2 and a condition has been applied to this application for the removal of the shutters*

*Performance Criteria 3*

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

*The sandstone front door step and attached handrails are*

*considered appropriate and satisfy Performance Criteria 3 of E.13.7.2.*

*As raised in representations the fixed shutters are not guided by any historical photographs, drawings, or physical evidence. The shutters do not identify as a new element but rather an imitation of a historical element that does not belong on the building. Buildings and structures should not nostalgically create a false impression or interpretation of age or a style. Decorative details or additions to heritage places should clearly show that they are new elements to the heritage place. The window shutters do not satisfy Performance Criteria 3 of E.13.7.2 and a condition has been applied to this application for the removal of the shutters*

- 6.7.6 The proposal complies with the performance criterion, subject to the above proposed condition.
- 6.8 Buildings and Works other than Demolition - Development Standards for Heritage Precincts - Part E E13.8.2 P1
- 6.8.1 There is no acceptable solution for E13.8.2 A1.
- 6.8.2 The proposal includes new decorative shutters around a front window, a replacement front step, and new railings to the front step.
- 6.8.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause E13.8.2 P1 provides as follows:
- P1 - Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*
- 6.8.5 The application has been assessed by Council's Cultural Heritage Officer, who has provided the following comments:

*Objective:*

*To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct*

*Performance Criteria 1*

*Design and siting of buildings and works must not result in*

*detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*

*The front doorstep and attached handrails are considered not to result in detriment to the significance of the precinct, this component of the proposal satisfies Performance Criteria 1 of E13.8.2*

*In regards to the fixed window shutters The Battery Point Precinct statement of significance number three states that; 'The original and/or significant external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character.' The window shutters do not meet Performance Criteria 1 of E13.8.2, as the fixed shutters serve a purely decorative purpose, and as stated by representors the shutters detract from the authenticity and integrity of the cottage and wider Heritage Precinct. Figures 1,2,3 demonstrate that no buildings in Arthur Circus currently display window shutters and figures 4,5,6 show that historically none of this buildings featured shuttered windows, and 55 Runnymede Street does not show evidence of shutters ever being attached to these windows. The fixed shutters result in detriment to the historic cultural heritage significance of the precinct, Performance Criteria 1 of E13.8.2 is not satisfied and a condition has been applied to this application for the removal of the shutters*

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

## **7. Discussion**

- 7.1 Planning approval is sought for Partial Demolition and Alterations, at 55 Runnymede Street, Battery Point.
- 7.2 The application was advertised and received three (3) representations. The representations raised concerns including heritage conservation.
- 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, and Roads Engineer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal has been referred to Heritage Tasmania, who have provided conditions of approval for inclusion in any permit granted by Council.
- 7.6 The proposal is recommended for approval.

## 8. Conclusion

- 8.1 The proposed Partial Demolition and Alterations at 55 Runnymede Street, Battery Point satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition and Alterations at 55 Runnymede Street, Battery Point for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### **GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-7 - 55 RUNNYMEDE STREET BATTERY POINT TAS 7004 - Final Planning Documents, except where modified below.**

Reason for condition

To clarify the scope of the permit.

### **THC**

**The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6253 dated 16 June 2020, as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

### **PLN s1**

**No changes to the front fence or gate are approved by this permit.**

Reason for condition

To clarify the scope of the permit.

### **HER 11**

**The external window shutters are not approved and must be removed. Any damage to external brick work must be repaired with a lime based mortar, and painted to match existing brickwork. Photographs must be submitted showing the shutters removed in accordance with the above requirement**

**within 45 days of the date of this planning permit.**

*Advice: For the purposes of this condition, 45 days from the date of this planning permit is 20 August 2020.*

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

### **ADVICE**

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

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

### **BUILDING PERMIT**

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

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

### **PLUMBING PERMIT**

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

### **OCCUPATION OF THE PUBLIC HIGHWAY**

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

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council.

Click [here](#) for more information.

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

#### **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.

#### **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.

#### **HIGHWAY RESERVATION WORKS - REINSTATEMENT**

If works are required within the highway reservation by the Council or other service provider, there is no obligation of Council to match the finish or construction of the step on any reinstatement within the Highway Reservation required in the future.

#### **RETROSPECTIVE APPROVAL ONLY**

This permit has been issued for the completed work (step and handrails) within the highway reservation and does not allow any further works within the highway reservation. No further works may occur without a permit to open and/or occupy the highway reservation.

#### **DOOR OPENING TO HIGHWAY RESERVATION**

The door must not be altered to swing into the highway reservation.

#### **NOISE REGULATIONS**

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

#### **FEES AND CHARGES**

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

#### **DIAL BEFORE YOU DIG**

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



(Helen Ayers)

**Development Appraisal Planner**

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



(Ben Ikin)

**Senior Statutory Planner**

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

Date of Report: 16 June 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report (Cultural Heritage Officer)

Amendment to PLN-20-7

I wish to make an amendment - removal of plans for New Fence and Sliding Gate.

I had proposed fencing and gate changes, side fence to be the same height as existing gate 1800mm. I proposed a 3200mm wide sliding gate. to be omitted from existing PLN -20-7.





City of HOBART

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

19 February 2020

Maree Bock  
55 Runnymede Street  
BATTERY POINT TAS 7004

mailto: 46kellyst@gmail.com

Dear Sir/Madam

**55 RUNNYMEDE STREET, BATTERY POINT - WORKS IN ROAD RESERVE NOTICE  
OF LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-20-5**

**Site Address:**

55 Runnymede Street, Battery Point

**Description of Proposal:**

Replacement front step, handrail and shutters protruding into the road reservation

**Applicant Name:**

Maree Bock

**PLN (if applicable):**

PLN-20-7

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

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

This consent does not constitute an approval to undertake any works and does not authorise

Hobart Town Hall  
50 Macquarie Street  
Hobart TAS 7000

Hobart Council Centre  
16 Elizabeth Street  
Hobart TAS 7000

City of Hobart  
GPO Box 503  
Hobart TAS 7001

T 03 6238 2711  
F 03 6234 7109  
E coh@hobartcity.com.au  
W hobartcity.com.au

 CityofHobartOfficial  
ABN 39 055 343 428  
Hobart City Council

the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

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

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

Yours faithfully



(N D Heath)

**GENERAL MANAGER**

Relevant documents/plans:

Photos x 2

Hobart Town Hall  
50 Macquarie Street  
Hobart TAS 7000

Hobart Council Centre  
16 Elizabeth Street  
Hobart TAS 7000


City of Hobart  
GPO Box 503  
Hobart TAS 7001

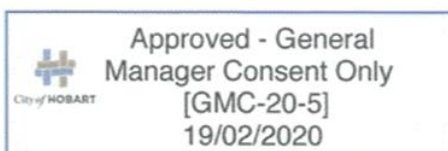
T 03 6238 2711  
F 03 6234 7109  
E [coh@hobartcity.com.au](mailto:coh@hobartcity.com.au)  
W [hobartcity.com.au](http://hobartcity.com.au)

 CityofHobartOfficial

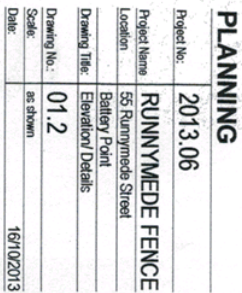
ABN 39 055 343 428  
Hobart City Council



 Approved - General  
Manager Consent Only  
[GMC-20-5]  
19/02/2020









55 RUNNYMEDE STREET - Alterations to property

Installation of Window Shutters - Construction of a New Front Step - and Hand Rails - in the road reserve.

#### FRONT STEP

The front step -replaced existing which was broken , it was cement step not of original fabric or original size. It was narrower, hollow in parts, which was approximately 5 years old. .(See photo 01, of cement step replaced when building renovations were done BLD-14-009990-01 issued 16/07/2015. See , photo 02, of original sandstone step taken before building renovations photo.

We have replaced existing step with a step of original fabric and original size - Sandstone - see photo 03, of ( original foundations of step). There are numerous examples of original Front Steps which are on the road reserve or boundaries in Battery Point see Photos.

#### HAND RAILS

Due to the height of step and difficulty of stepping up and down we were wanting to place hand rails to make it feel safe and secure. To meet todays regulations public safety etc, Jack (owner/ occupier) is 71, as this is going to be our retirement home we want to make it safe and accessible and usable. Hand rail design was from local artisan and in keeping with local examples, in keeping with architectural style of that era . Discreet and simple.

#### WINDOW SHUTTERS

We wanted to define the Front Entrance and give the Cottage a sense of place in the street, and street scape. That part of Runnymede Street is bland and borders 1940 garage and side high boundary fences, the cottage gets lost and we wanted to draw attention to the facade of the 1840 Cottage. The Window Shutters are a replica of a tradition shutter. There are numerous examples of cottages in Battery Point and in Arthurs Circus with "Shutters". Cottages built on streets traditionally had shutters, although I can not find a photo of 55 Runnymede in any archives, there is a cottage in Arthurs Circus taken in the 1930's that still has its original Shutters. There is no evidence that 55 Runnymede , didn't have Shutters more probable that it did.

#### CONCLUSION

I think it is reasonable to propose such alterations ,they are in my opinion aesthetic and in keeping with Battery Point and Heritage values, fabric and style. There are plenty of examples of unsympathetic examples using Non Heritage values, fabric and style: such as Canvas Awnings over Front door ways , Metal Screen Doors, in Arthurs Circus.





55 Runnymede Street

PLANS-Proposed and Existing

Existing Cottage Fence BLD -14-00999-01

Approved plans for side fence and gate.- proposed to make a variation on existing plans to create privacy and access through driveway accessible .

Gate - to be a sliding electric gate to make more room in driveway to park car. Currently car has to be parked very close to house to allow gate to open and close in crocheting on outside space for entertaining.

A sliding gate would make better use of space and a safer option for pedestrian traffic in driveway.

Side fence to be the same height as gate and matching, 1800mm . We have had issues with privacy, and theft. People are leaning over low fence to access garden plants, and gain access to driveway and access to property. We would like to make our property and belongings secure and private. There are examples of similar side fences in Runnymede Street No. 41. We would not change the style of fence ( picket) just the height.





55 RUNNYMEDE STREET

PLANS - Proposed and Existing

Existing Cottage after building renovations BLD-14-00999-01

Font Door Step - was replaced with a replica cement step which was not of original fabric and size. It was narrower in width and depth, the height has stayed the same. The step was unusable for public health and safety, and unsympathetic to the fabric of the 1840 Cottage.

55 RUNNYMEDE STREET - BATTERY POINT

ALTERATIONS TO PROPERTY WITHOUT RELEVANT APPROVALS

ENFORCEMENT NO.ENF-19-427

FRONT STEP / WINDOW SHUTTERS/ HAND-RAILS

PROPOSED SIDE FENCE AND SLIDING GATE -

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
100076	1
EDITION	DATE OF ISSUE
9	18-Apr-2019

SEARCH DATE : 08-Jan-2020

SEARCH TIME : 04.20 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Diagram 100076

Being the land described in Conveyance No. 67/8423

Derivation : Part of 2A-2R-28P Gtd. to W.T. Parramore

Derived from Statement No. Y. 15,314

SCHEDULE 1M712211 TRANSFER to MAREE BOCK Registered 01-Oct-2018 at 12.  
01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

22/3617 GRANT BURDENING EASEMENT: Right to pass & repass  
[appurtenant to land in Conveyance No. 21/8294] over  
the land shown marked Right of Way on Diagram No.  
100076E174188 MORTGAGE to Australia and New Zealand Banking Group  
Limited Registered 18-Apr-2019 at noonUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**the List...**

**FOLIO PLAN**  
RECORDER OF TITLES  
Issued Pursuant to the Land Titles Act 1980

**Tasmanian Government**

FILE NUMBER Y.15314		<b>CONVERSION PLAN</b>		Registered Number <b>D.100076</b>	
GRANTEE PART OF Z-2-Z8 GTD. TO WILLIAM THOMAS PARRAMORE		LOCATION CITY OF HOBERT SECTION X3		APPROVED 17 JULY 1996 <i>Michael Dan</i> Recorder of Titles	
		CONVERTED FROM 67/8423			
		NOT TO SCALE		LENGTHS IN METRES	
MAPSHEET MUNICIPAL CODE No. 114	LAST UPI No. /	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		DRAWN J.V.	

SKETCH BY WAY OF ILLUSTRATION ONLY  
"EXCEPTED LANDS"

**AMENDED PLAN**

ARTHUR CIRCUS

(D.40697)

5.59

10.67

9.15

8.15 (BY 23/3808)

0.18 (BY 23/3808)

0.18 (BY 23/3808)

(P.124952)

(P.124954)

(D.42)

RIGHT OF WAY

RUNNYMEDE STREET

Search Date: 30 Jul 2018  
Search Time: 10:08 AM  
Volume Number: 100076  
Revision Number: 03  
Department of Primary Industries, Parks, Water and Environment



























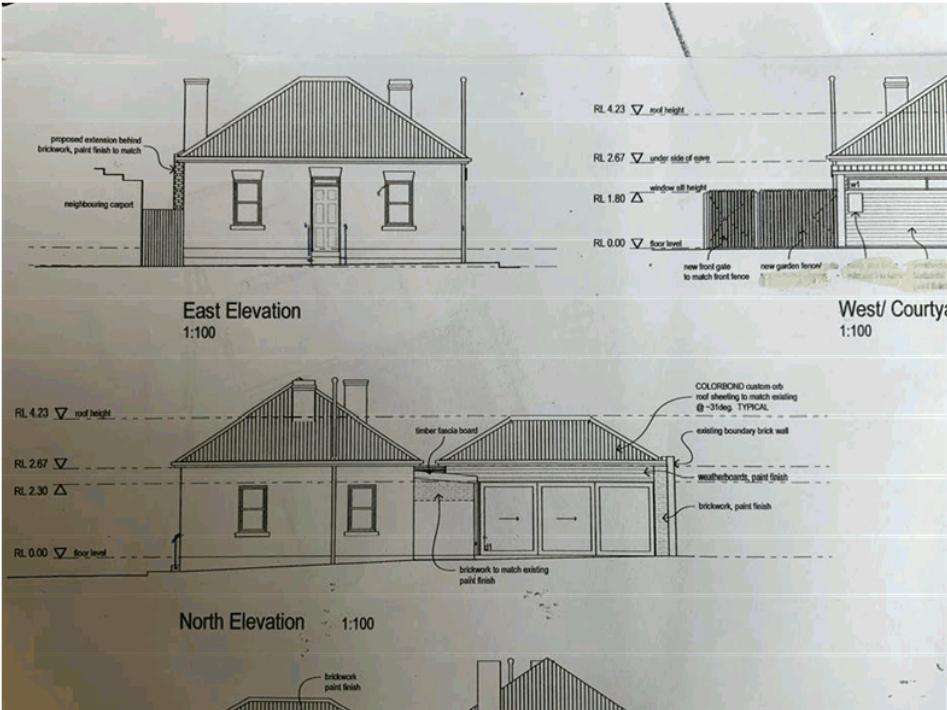
**Maree Damon**

---

**From:** Hugo Bock <46kellyst@gmail.com>  
**Sent:** Monday, 20 January 2020 4:16 PM  
**To:** CoH Mail  
**Subject:** General Manager No. PLN -20-7 55 RUNNYMEDE STREET

Dear General Manager,  
Further scaled drawings of proposed Step - Handrails - window shutters

Regards Maree and Jack  
Bock



**BUILDING PERMIT DOCUMENT**

This document is one of the documents relevant to the permit issued for building work as identified by Permit No. BLD-14-00999-01

Date Permit Issued: 16/07/2015

Permit Authority: Hobart City Council

**Energy Rating**

☐ single dwelling grade ☐ multi-unit development (including all types) ☐ other

For more information on energy rating see the Building Act 2012

Proposed Energy Rating: ☐ 1 star ☐ 2 star ☐ 3 star ☐ 4 star ☐ 5 star

Assessor Name/Number: Arthur Mather, 015 864 9711 1229

Assessor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PRELIM. BUILDING**

Project No: 2014.08

Project Name: RUNNYMEDE ST EXTENSION

Location: 55 Runnymede Street

Building Point: Battery Point

Drawing Title: Site Plan

Drawing No: 01.2

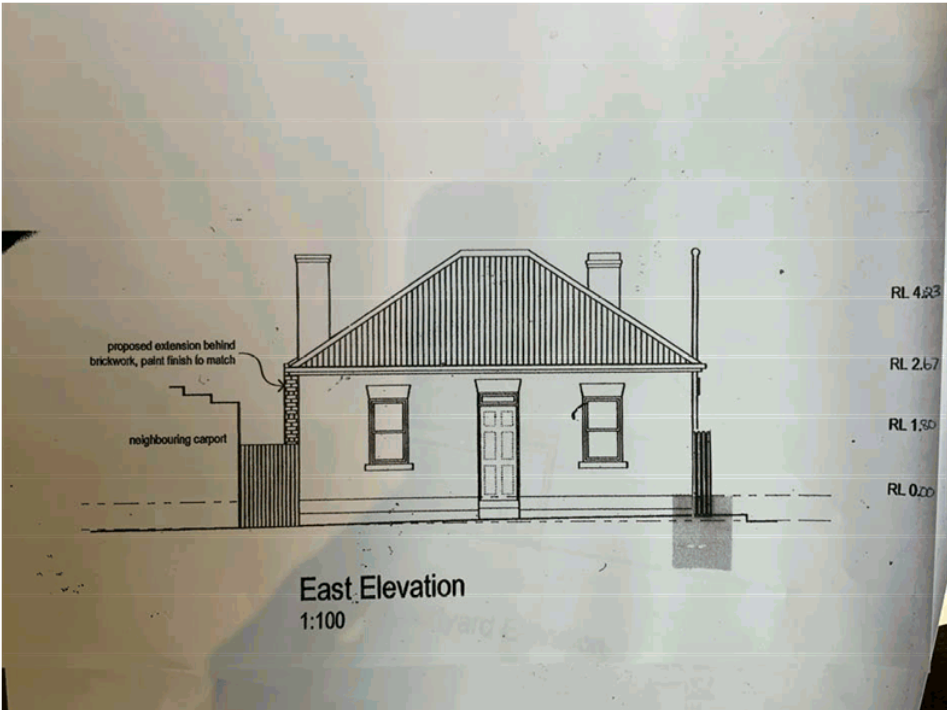
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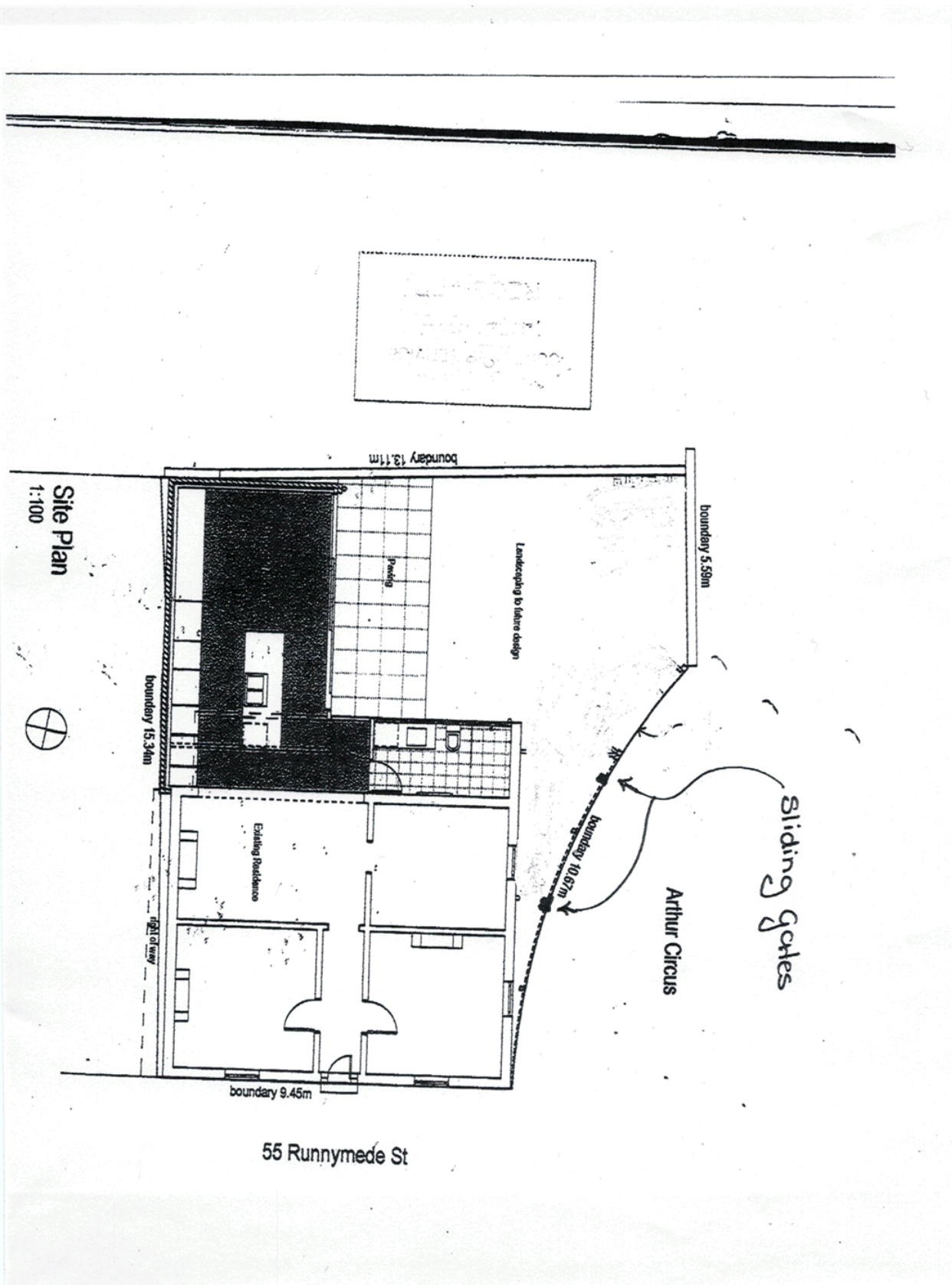
Date: 29/06/2020

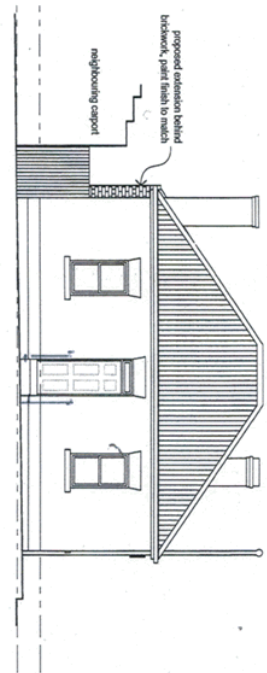
**Site Plan**  
1:100

boundary 5.58m  
boundary 15.67m  
boundary 15.34m  
boundary 9.46m  
55 Runnymede St  
Arthur Circus  
Landscaping to future design  
Parking  
Existing Roadhouse  
22.17m

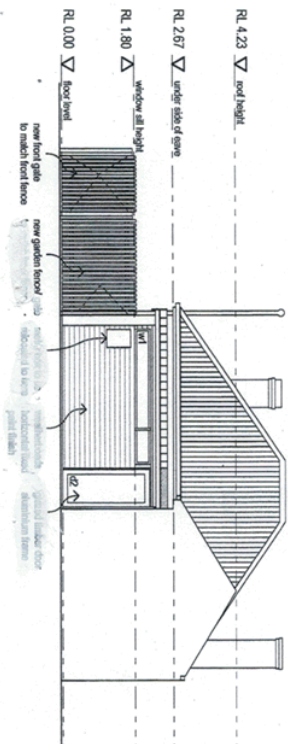




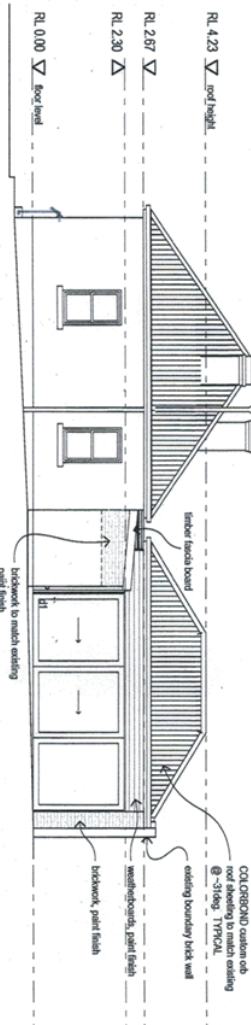




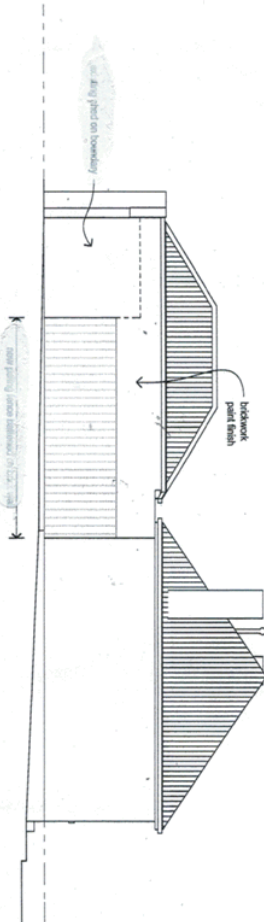
East Elevation  
1:100



West/ Courtyard Elevation  
1:100



North Elevation 1:100



South Elevation 1:100

CITY OF HOBART  
CUSTOMER SERVICE  
14/04/2015  
RECEIVED

**pitt&sherry**  
buildingsurveying

The 600,000 sq ft Texas State Office Building  
Certificate of Listing Comparison No. H-F201406622  
Dated 3/30/2015

This document is the property of the  
 Copyright of L. Gary Cummings, Inc.  
 Dated 3/20/2015

## BUILDING PERMIT DOCUMENT

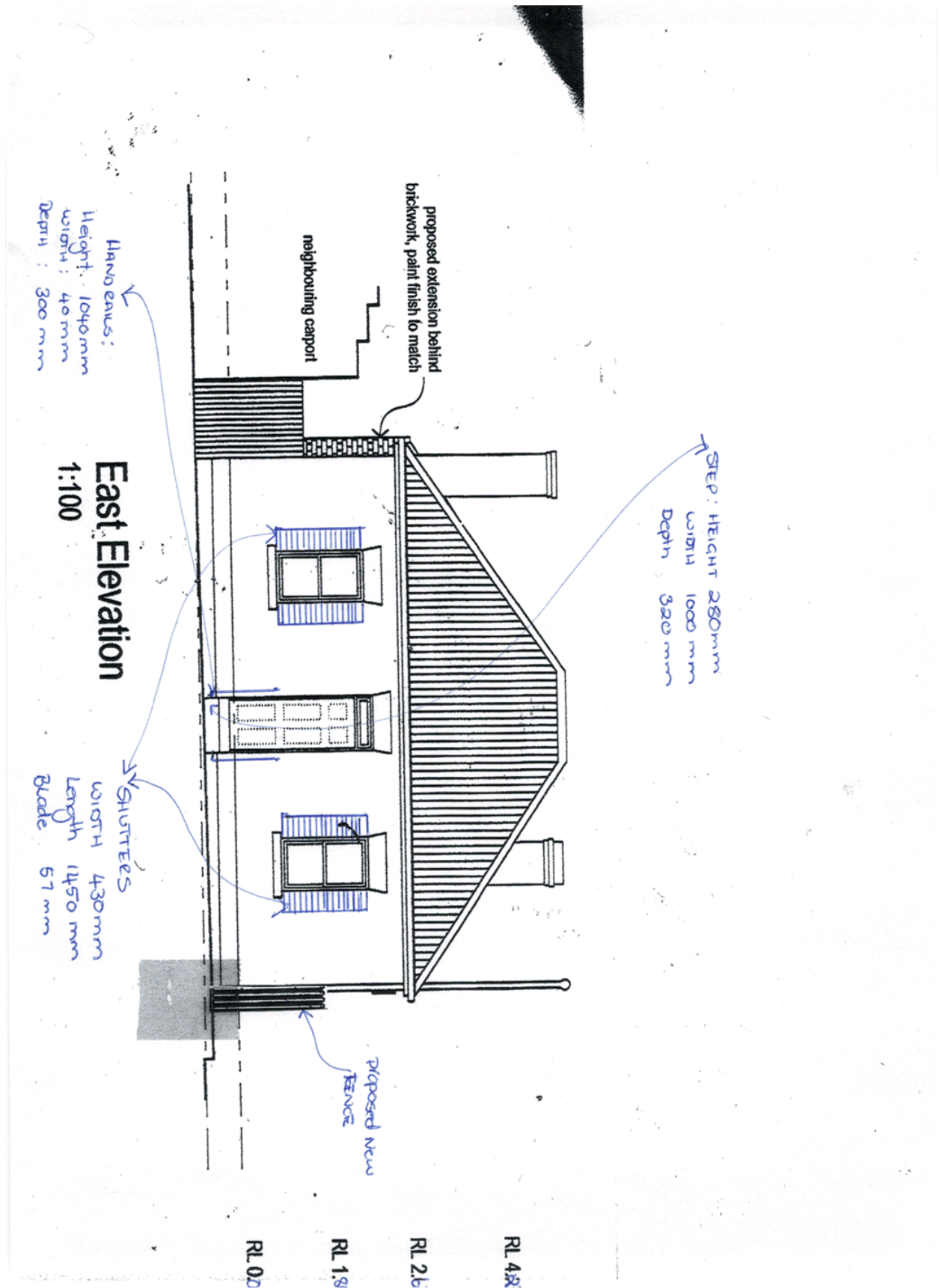
This document is one of the documents relevant to the permit issued for building work as identified by Permit No. BLD-14-00999-01

Date Permit Issued: 16/07/2015	
Permit Authority: Hobart City Council	

Permit Authority: Hobart City Council

## BUILDING

Project No:	2014.08
Project Name	RUNNYMEDE ST EXTENSION
Location	55 Runnymede Street
	Battery Point
Drawing Title:	Elevations
Drawing No.:	01.8
Scale:	as shown
Date:	5/03/2015







Her Fi

1

1. Window Shutter dimensions: Width 430 - Height 1450mm - Blade Width 57mm
2. Method of fixing Shutters to wall - screwed into brick work. At Top and Bottom of shutters, a traditional cast iron fastening would be preferable also, but at this stage they are only screwed.
3. Proposed fencing and gate changes, side fence to be same height as existing gate 1800mm. A 3200mm wide sliding gate. Gate to look as existing, 70mm x 40mm pickets, with a solid back as existing. Fence part to have 70mm x 40mm wooden pickets, as existing fence transparent, but with a straight picket head design. We are proposing to paint fence / sliding gate the same colour as window trims and shutters - "Old Church White".
4. The new sliding gate fence is to be constructed from wooden pickets with a steel frame, mechanised electric gates - opening for pedestrian width or vehicles.
5. New proposed Fence/Gate is to follow boundary line, which is curved. existing fence plinth foundations to be removed and reinstated to correct boundary. We are having a comprehensive survey done to mark boundary curve as per titles.

Planning: #195898

**Property**

55 RUNNYMEDE STREET BATTERY POINT TAS 7004

**People**Applicant  
=Maree Bock  
55 Runnymede street  
Battery Point Tasmania 7004  
61-438131684  
hugobock@live.comOwner  
=Maree Bock  
55 Runnymede Street  
BATTERY POINT TAS 7004  
438131684  
hugobock@live.comEntered By  
MAREE BOCK  
0438 131 684  
hugobock@live.com**Use**

Single dwelling

**Details**

Have you obtained pre application advice?

• No

If YES please provide the pre application advice number eg PAE-17-xx

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition, if you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.

• No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the number of signs under Other Details below.



<input type="radio"/> No		
If this application is related to an enforcement action please enter Enforcement Number <input type="text" value="ENF-19-427"/>		
<b>Details</b>		
What is the current approved use of the land / building(s)? <input type="text" value="Residential and visitor accommodation short term"/>		
Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage) <input type="text" value="replace old front step, new handrails and window shutters - sliding gate and side fence"/>		
Estimated cost of development <input type="text" value="6000.00"/>		
Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)
<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Carparking on Site</b>		
Total parking spaces	Existing parking spaces	N/A <input type="checkbox"/> Other (no selection chosen)
<input type="text" value="1"/>	<input type="text" value="1"/>	
<b>Other Details</b>		
Does the application include signage? <input type="radio"/> No		
How many signs, please enter 0 if there are none involved in this application? <input type="text" value="0"/>		
<b>Tasmania Heritage Register</b> Is this property on the Tasmanian Heritage Register? <input checked="" type="radio"/> Yes		
<b>Documents</b>		
<b>Required Documents</b>		
Title (Folio text and Plan and Schedule of Easements) <input type="text" value="Blank 9 55 runnymede title 2.pdf"/>		
Title (Folio text and Plan and Schedule of Easements) <input type="text" value="IMG_3010 folio plan 2.jpg"/>		
Title (Folio text and Plan and Schedule of Easements) <input type="text" value="FolioText-100076-1.pdf"/>		
Plans (proposed, existing) <input type="text" value="Blank 7 pages 55 Runnymede - Existing.pdf"/>		
Plans (proposed, existing) <input type="text" value="Blank 8 55 Runnymede proposed Side Fence and sliding gate.pdf"/>		
Covering Letter <input type="text" value="Blank 6 55 runnymede alterations 2.pdf"/>		
<b>Supporting Documents</b>		
Photos or Montages <input type="text" value="IMG_4691 Goose Cottage replaced front step.jpg"/>		
Photos or Montages <input type="text" value="IMG_4389 Goose Cottage old cement step 2.jpg"/>		

Photos or Montages
IMG1_2868 Goose Cottage old cement front step.jpg
Photos or Montages
IMG_0791 Goose Cottage old photo of original sandstone step.jpg
Photos or Montages
IMG1_4123Goose Cottage side fence and existing electric gates.jpg
Photos or Montages
IMG_3009 goose Cottage Front cement step removed to expose original sandstone foundation stones (note tuft of grass).jpg
Photos or Montages
IMG1_4382 Goose cottage Front cement step is narrower then original foot print.jpg



Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@heritage.tas.gov.au  
www.heritage.tas.gov.au

PLANNING REF: PLN-20-7  
THC WORKS REF: 6253  
REGISTERED PLACE NO: 5965  
FILE NO: 15-17-82THC  
APPLICANT: Maree Bock  
DATE: 16 June 2020

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: 55 Runnymede Street, Battery Point.  
Proposed Works: Replacement of front step, new handrails and shutters.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PLN-20-7, advertised on 25/05/2020, subject to the following condition:

### **1. The two sets of external shutters are not approved.**

#### Reason for condition

To appropriately conserve the heritage values of the place.

#### Advice

The external shutters must be removed as soon as practicable, taking care to minimise damage to the heritage building. Any resultant damage to heritage fabric must be repaired using traditional methods and like-for-like materials. Removal and repair work should be carried out by persons suitably qualified for this work.

Should you require clarification of any matters contained in this notice, please contact Deirdre Macdonald on 1300 850 332.

A handwritten signature in purple ink, appearing to read 'Ian Boersma'.

Ian Boersma  
**Works Manager – Heritage Tasmania**  
*Under delegation of the Tasmanian Heritage Council*

## Application Referral Cultural Heritage - Response

<b>From:</b>	Allie Costin
<b>Recommendation:</b>	Proposal is acceptable subject to conditions.
<b>Date Completed:</b>	
<b>Address:</b>	55 RUNNYMEDE STREET, BATTERY POINT ADJACENT ROAD RESERVE
<b>Proposal:</b>	Partial Demolition and Alterations
<b>Application No:</b>	PLN-20-7
<b>Assessment Officer:</b>	Helen Ayers,

### Referral Officer comments:

55 Runnymede Street

The application involves work already completed and as a result of compliance action a planning application has been submitted for the timber louvered window shutters, front door step, and handrails. The residence is listed as a Heritage Place in Table E13.9 of HIPS 2015, and is listed on the Tasmanian Heritage Register. The property is also located within the Battery Point 1 Heritage Precinct, and Arthur Circus (Runnymede Street), with its intact collection of mid-nineteenth century cottages, is widely recognised as a particularly important part of Battery Point.

### The Battery Point Precinct is significant for reasons including:

- 1. The wide variety of architectural styles and historic features ranging from entire streets of 19th century Colonial Georgian cottages, to Victorian, Edwardian and Pre and Post War examples of single and attached houses that are of historic and architectural merit, many of which demonstrate housing prior to mass car ownership.*
- 2. It is primarily a residential area with a mix of large substantial homes and smaller workers cottages on separate lots, gardens, an unstructured street layout, and lot sizes that show successive re-subdivision into narrow lots that demonstrate early settlement patterns of Hobart.*
- 3. The original and/or significant external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character.*

The proposal must be assessed against E13.7 Development Standards for Heritage Places and E13.8 Development Standards for Heritage Precincts. The proposal received three (3) representations during the advertising period. All representations were against the proposal and raised heritage concerns. These have been summarized below.

### Representation summary:

- There is no evidence that this cottage ever had louvered shutters.
- The 'proposed' louvered shutters are clearly fake and non-functional, poorly detailed and detract from the authenticity and integrity of the Heritage Precinct in one of its most intact and significant locations.
- If a property is purchased in an area of heritage significance, as is this one, then the street

frontage should not be altered.

- If there is photographic evidence dating to the 1800's that the front step, railings and shutters existed at that time then fair enough. However if this alteration has been done for cosmetic reasons at the owner's whim then it should not be permitted.
- Concerned that the shutters have been erected by boring into the soft hand-made bricks. Original shutters would have been incorporated into the actual construction and not merely pinned to the brickwork
- Strongly opposed to the erection of these shutters, obviously designed to 'prettify' the cottage. All photos of the cottage submitted with the application clearly show that it was never intended to have such shutters. The fact that a Heritage-listed façade has been abused is most concerning.

#### **Assessment:**

### **E13.7 Development Standards for Heritage Places**

#### **E13.7.2 Buildings and Works other than Demolition**

Objective:

To ensure that development at a heritage place is:

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

#### **Performance Criteria 1**

Development must not result in any of the following:

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

The front doorstep and handrails are considered acceptable, it is noted a previous step was located in this position and the new step is concrete with a sandstone veneer finish which is in keeping the traditional materials and finishes of the area. The handrails are simply designed and feature a black metal finish that is appropriate in this context. This part of the proposal satisfies Performance Criteria 1 of E13.7.2

The traditional purpose of shutters is for functional use, they protect against storms or other inclement weather, provide relief from sun and heat, and extend window longevity. However the shutters at 55 Runnymede Street are installed purely for decorative purposes, they are fixed to the exterior brick wall and are non-operable. They result in loss of historic cultural heritage significance to the place through incompatible design. This part of the proposal does not satisfy Performance Criteria 1 of E13.7.2 and a condition has been applied to this application for the removal of the shutters.

#### **Performance Criteria 2**

Development must be designed to be subservient and complementary to the place through characteristics including:

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

The sandstone front door step and attached handrails are considered appropriate and satisfy

Performance Criteria 2 of E.13.7.2.

The installation of the window shutters could be viewed as a faux or pastiche heritage interpretation that confuses and misconstrues the original architecture of the cottage. The Georgian cottages in Arthurs Circus were largely used by workers, and were modestly constructed with the functional purpose to provide adequate shelter. These cottages were never intended to be decorated or highly detailed pieces of architecture, the fixed shutters are viewed as disingenuous and do not respond to or complement the heritage characteristics of the place. The window shutters do not satisfy Performance Criteria 2 of E.13.7.2 and a condition has been applied to this application for the removal of the shutters

### **Performance Criteria 3**

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

The sandstone front door step and attached handrails are considered appropriate and satisfy Performance Criteria 3 of E.13.7.2.

As raised in representations the fixed shutters are not guided by any historical photographs, drawings, or physical evidence. The shutters do not identify as a new element but rather an imitation of a historical element that does not belong on the building. Buildings and structures should not nostalgically create a false impression or interpretation of age or a style. Decorative details or additions to heritage places should clearly show that they are new elements to the heritage place. The window shutters do not satisfy Performance Criteria 3 of E.13.7.2 and a condition has been applied to this application for the removal of the shutters

## **E13.8 Development Standards for Heritage Precincts**

### **E13.8.2 Buildings and Works other than Demolition**

Objective:

*To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct*

### **Performance Criteria 1**

*Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*

The front doorstep and attached handrails are considered not to result in detriment to the significance of the precinct, this component of the proposal satisfies Performance Criteria 1 of E13.8.2

In regards to the fixed window shutters The Battery Point Precinct statement of significance number three states that; 'The original and/or significant external detailing, finishes and materials demonstrating a high degree of integrity with a homogenous historic character.' The window shutters do not meet Performance Criteria 1 of E13.8.2, as the fixed shutters serve a purely decorative purpose, and as stated by representors the shutters detract from the authenticity and integrity of the cottage and wider Heritage Precinct. Figures 1,2,3 demonstrate that no buildings in Arthur Circus currently display window shutters and figures 4,5,6 show that historically none of this buildings featured shuttered windows, and 55 Runnymede Street does not show evidence of shutters ever being attached to these windows. The fixed shutters result in detriment to the historic cultural heritage significance of the precinct, Performance Criteria 1 of E13.8.2 is not satisfied and a condition has been applied to this application for the removal of the shutters



Fig. 1 Arthur Circus - Photo Date:10th of June 2020



Fig 2. Arthur Circus - Photo Date:10th of June 2020





Fig 3. Arthur Circus - Photo Date:10th of June 2020



Fig 4. Arthur Circus c.1940s - AOT: PH40-1-120



Fig 5. Arthur Circus c.1940s - AOT PH40-1-119



Fig 6. Arthur Circus c.1940s - AOT: PH40-1-118

## **8. REPORTS**

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### **8.1 Delegated Decisions Report (Planning) File Ref: F20/63050**

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Memorandum of the Director City Planning of 24 June 2020 and attachment.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**Delegated Decisions Report (Planning)**

Attached is the delegated planning decisions report for the period 8 June 2020 to 22 June 2020.

***RECOMMENDATION***

***That:***

- 1. That the information be received and noted.***

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

Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 24 June 2020  
File Reference: F20/63050

Attachment A: Delegated Decisions Report (Planning) ↓

23 June 2020

**Delegated Decisions Report (Planning)**

32 applications found.

Planning Description	Address	Works Value	Approved	Withdrawn / Cancelled	All
			Decision	Authority	
PLN-15-00369-01 Partial Demolition, Alterations, House Extension, Alterations to Driveway and New Garage	25 WENTWORTH STREET SOUTH HOBART TAS 7004	\$ 200,000	Approved	Delegated	
PLN-19-377 Partial Demolition, Alterations, Extension and Carport	10 WHELAN CRESCENT WEST HOBART TAS 7000	\$ 300,000	Withdrawn	Applicant	
PLN-19-469 Partial Demolition, Five Multiple Dwellings (Three Existing, Two New) and Alterations to Car Parking	678 HUON ROAD FERN TREE TAS 7054	\$ 300,000	Approved	Delegated	
PLN-19-514 Subdivision (One Additional Lot)	416 STRICKLAND AVENUE SOUTH HOBART TAS 7004	\$ 8,000	Approved	Delegated	
PLN-19-718 Subdivision (Boundary Adjustment) and Partial Demolition, Extension and Alterations for Seven Multiple Dwellings	224-226 LENA VALLEY ROAD LENA VALLEY TAS 7008	\$ 750,000	Approved	Delegated	
PLN-19-908 Partial Demolition, Alterations and Intensification of Use (Hotel Industry)	100 BURNETT STREET NORTH HOBART TAS 7000	\$ 45,000	Approved	Delegated	
PLN-19-916 Partial Demolition, Extension, Alterations and Front Fencing	9 CONGRESS STREET SOUTH HOBART TAS 7004	\$ 250,000	Approved	Delegated	
PLN-19-917 Outbuilding (Shed)	100 WOODCUTTERS ROAD TOLMANS HILL TAS 7007	\$ 7,000	Approved	Delegated	
PLN-20-118 Outbuilding, Signage and Partial Change of Use to Visitor Accommodation	224 CAMPBELL STREET NORTH HOBART TAS 7000	\$ 2,500	Approved	Delegated	
PLN-20-146 Subdivision (Lot Consolidation)	1/344-346 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 0	Approved	Delegated	
PLN-20-150 Lighting Upgrade	2 MURRAY STREET HOBART TAS 7000	\$ 500,000	Approved	Delegated	
PLN-20-168 Partial Demolition, Alterations, Extension and Garage	111 KING STREET SANDY BAY TAS 7005	\$ 350,000	Approved	Delegated	
PLN-20-174 Outbuilding	231 CAMPBELL STREET NORTH HOBART TAS 7000	\$ 30,000	Approved	Delegated	
PLN-20-188 Partial Demolition, Alterations and Extension	37 VIEW STREET SANDY BAY TAS 7005	\$ 150,000	Approved	Delegated	
PLN-20-207 Partial Demolition, Alterations and Extension	63 DERWENTWATER AVENUE SANDY BAY TAS 7005	\$ 250,000	Approved	Delegated	
PLN-20-209 Partial Demolition, Alterations and Extension	41 WELLESLEY STREET SOUTH HOBART TAS 7004	\$ 100,000	Approved	Delegated	
PLN-20-231 Dwelling	33 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 471,950	Approved	Delegated	
PLN-20-236 Partial Demolition, Alterations, Extension and Front Fencing	22 PROCTORS ROAD DYNRYNE TAS 7005	\$ 370,000	Approved	Delegated	
PLN-20-242 Partial Demolition, Alterations and Extension	1/678 HUON ROAD FERN TREE TAS 7054	\$ 35,000	Approved	Delegated	
PLN-20-243 Alterations	3/495 HUON ROAD SOUTH HOBART TAS 7004	\$ 9,000	Approved	Delegated	
PLN-20-244 Partial Demolition, Alterations and Extension	132 STRICKLAND AVENUE SOUTH HOBART TAS 7004	\$ 70,000	Approved	Delegated	
PLN-20-247 Partial Demolition, Alterations, Change of Use to Two Multiple Dwellings (One Existing, One New), and Front Fencing	129 FOREST ROAD WEST HOBART TAS 7000	\$ 200,000	Withdrawn	Applicant	

CITY OF HOBART

Planning Description	Address	Works Value	Decision	Authority
PLN-20-250 Partial Demolition, Alterations, Extension and Front Fencing	107 FOREST ROAD WEST HOBART TAS 7000	\$ 450,000	Approved	Delegated
PLN-20-257 Partial Demolition, Alterations and Extension	3/1-3 DATE COURT SANDY BAY TAS 7005	\$ 40,000	Approved	Delegated
PLN-20-266 Partial Demolition, Alterations, Change of Use to Sports and Recreation (Gymnasium) and Signage	121 ARGYLE STREET HOBART TAS 7000	\$ 60,000	Approved	Delegated
PLN-20-271 Dwelling	13 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 350,000	Approved	Delegated
PLN-20-274 Alterations to Previously Approved Development	58-60 ADELAIDE STREET SOUTH HOBART TAS 7004	\$ 750,000	Approved	Delegated
PLN-20-288 Extension, Carport, Workshop and Store	8A BRINSMEAD ROAD MOUNT NELSON TAS 7007	\$ 50,000	Approved	Delegated
PLN-20-297 Partial Demolition, Alterations and Extension	79-81 KING STREET SANDY BAY TAS 7005	\$ 100,000	Approved	Delegated
PLN-20-310 Pontoon	3-4 CASTRAY ESPLANADE BATTERY POINT TAS 7004	\$ 250,000	Approved	Delegated
PLN-20-346 Carport	38 SUSAN PARADE LENA VALLEY TAS 7008	\$ 8,000	Not Required	Delegated
PLN-20-353 Partial Change of Use to Visitor Accommodation	93 ELIZABETH STREET HOBART TAS 7000	\$ 40,000	Approved	Delegated

**8.2 City Planning - Advertising Report**  
**File Ref: F20/63125**

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Memorandum of the Director City Planning of 24 June 2020 and attachment.

Delegation: Committee





City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**City Planning - Advertising Report**

Attached is the advertising list for the period 8 June 2020 to 19 June 2020.

***RECOMMENDATION***

***That:***

- 1. That the information be received and noted.***

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

Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 24 June 2020  
File Reference: F20/63125

Attachment A: City Planning - Advertising Report ↓

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-321	88 AUGUSTA ROAD	LENAH VALLEY	Carport	\$12,000.00	21/07/2020	baconr	Director	15/06/2020	29/06/2020
PLN-20-340	10 WHELAN CRESCENT	WEST HOBART	Partial Demolition, Alterations, Extension, Carport and Front Fencing	\$300,000.00	22/07/2020	baconr	Director	18/06/2020	02/07/2020
PLN-20-307	34 SEYMOUR STREET	NEW TOWN	Partial Demolition, Alterations and Deck	\$5,000.00	06/07/2020	langd	Director	12/06/2020	26/06/2020
PLN-20-190	46 LOCHNER STREET	WEST HOBART	Partial Demolition, Alterations, Extension and Carport	\$350,000.00	12/07/2020	langd	Director	16/06/2020	30/06/2020
PLN-20-287	57 HILLBOROUGH ROAD	SOUTH HOBART	Partial Demolition and Alterations to Driveway and Carparking	\$15,000.00	29/06/2020	maxwellv	Director	10/06/2020	24/06/2020
PLN-20-320	3 / 117 SANDY BAY ROAD	SANDY BAY	Alterations, Signage and Change of Use to Sport and Recreation	\$10,000.00	03/08/2020	maxwellv	Director	17/06/2020	01/07/2020
PLN-20-330	106 YORK STREET	SANDY BAY	Demolition, Carport and Store	\$30,000.00	16/07/2020	maxwellv	Director	17/06/2020	01/07/2020
PLN-20-267	472 A NELSON ROAD	MOUNT NELSON	Outbuilding	\$5,000.00	16/07/2020	maxwellv	Director	18/06/2020	02/07/2020
PLN-20-233	409 ARGYLE STREET	NEW TOWN	Front Fencing and Alterations to Access	\$2,000.00	03/07/2020	nolanm	Council	10/06/2020	24/06/2020
PLN-20-285	3 FISHER AVENUE	SANDY BAY	Partial Demolition and Garage/Studio	\$150,000.00	02/07/2020	nolanm	Director	12/06/2020	26/06/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-142	668 SANDY BAY ROAD	SANDY BAY	Partial Demolition, Dwelling, and Associated Infrastructure	\$725,000.00	12/07/2020	obrienm	Director	10/06/2020	24/06/2020
PLN-20-329	41 CARLTON STREET	NEW TOWN	Alterations, Garage, Front Fencing and Landscaping	\$55,000.00	16/07/2020	obrienm	Director	19/06/2020	03/07/2020
PLN-20-283	22 BEAUMONT ROAD	LENAH VALLEY	Dwelling	\$529,538.00	26/06/2020	sherriffc	Director	09/06/2020	23/06/2020
PLN-20-220	12 MONTRIVALE RISE	DYNNYRNE	Subdivision (Boundary Adjustment)	\$0.00	11/07/2020	sherriffc	Director	11/06/2020	25/06/2020
PLN-20-336	22 BYRON STREET	SANDY BAY	Outbuilding	\$5,000.00	17/07/2020	sherriffc	Director	15/06/2020	29/06/2020
PLN-20-116	53 MONTAGU STREET	LENAH VALLEY	Partial Demolition, Alterations, Extension, Change of Use and New Building for Three Multiple Dwellings (One Existing, Two New) and Visitor Accommodation	\$500,000.00	15/07/2020	sherriffc	Director	17/06/2020	01/07/2020
PLN-19-732	358 ELIZABETH STREET	NORTH HOBART	Partial Demolition, Extension, Alterations, Front Fencing and Partial Change of Use to General Retail and Hire and Dwelling	\$500,000.00	13/08/2020	sherriffc	Director	19/06/2020	03/07/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-332	19 THOMAS STREET	NORTH HOBART	Outbuilding	\$5,000.00	16/07/2020	widdowson	Director	19/06/2020	03/07/2020
PLN-20-234	22 FITZROY PLACE	SANDY BAY	Demolition and Dwelling	\$1,575,000.00	10/07/2020	wilson	Director	11/06/2020	25/06/2020
PLN-20-230	15 POETS ROAD	WEST HOBART	Partial Demolition, Alterations and Carport	\$30,000.00	25/07/2020	wilson	Director	18/06/2020	02/07/2020
PLN-20-348	3 BURNETT STREET	NORTH HOBART	Signage	\$0.00	24/07/2020	wilson	Director	19/06/2020	03/07/2020

## **9. QUESTIONS WITHOUT NOTICE**

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Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the General Manager or the General Manager's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
  - (i) offer an argument or opinion; or
  - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, General Manager or General Manager's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
  - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
  - (ii) a written response will be provided to all Elected Members, at the appropriate time.
  - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

## 10. CLOSED PORTION OF THE MEETING

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That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

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

The following items were discussed: -

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Consideration of supplementary items to the agenda
Item No. 3	Indications of pecuniary and conflicts of interest
Item No. 4	Questions Without Notice