



CITY OF HOBART

# **AGENDA**

## **City Planning Committee Meeting**

### **Open Portion**

**Monday, 20 July 2020**

**at 5:10 pm**

## THE MISSION

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

## THE VALUES

**The Council is:**

<b>People</b>	We care about 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.**

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**City Planning Committee Meeting (Open Portion) held Monday, 20 July 2020 at 5:10 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, 29 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 10 WHELAN CRESCENT, WEST HOBART - PARTIAL DEMOLITION, ALTERATIONS, EXTENSION, CARPORT AND FRONT FENCING PLN-20-340 - FILE REF: F20/74251

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Address:	10 Whelan Crescent, West Hobart
Proposal:	Partial Demolition, Alterations, Extension, Carport and Front Fencing
Expiry Date:	29 July 2020
Extension of Time:	Not applicable
Author:	Richard Bacon

#### **RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial demolition, alterations, extension, carport and front fencing at 10 Whelan Crescent West Hobart TAS 7000 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

#### **GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-340 - 10 WHELAN CRESCENT WEST HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

#### **PLN s1**

**Planning approval under this planning permit is on the basis of a single dwelling development of the site only.**

Reason for condition

To clarify the scope of the permit

## **PLN s2**

**All works are to be fully contained within the property boundaries of No.10 Whelan Crescent.**

Reason for condition

To clarify the scope of the permit.

## **ENG sw1**

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

*Advice:*

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

Reason for condition

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

## **ENG sw2.1**

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

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

**CCTV recording then any damage to Council's infrastructure identified in the post-construction CCTV recording will be deemed to be the responsibility of the owner.**

Reason for condition

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

#### **ENG sw2.2**

**A post-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any existing drainage structures connected to or modified as part of the development, must be submitted to Council upon completion of work.**

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

Reason for condition

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

#### **ENG sw4**

**The new stormwater connection 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 connection; and
2. the size of the connection appropriate to satisfy the needs of the development.

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

*Advice:*

*The applicant must submit detailed design drawings via the planning condition endorsement process, and once approved an application for a new stormwater connection must be completed.*

*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 detention for stormwater discharges from the development must be installed prior to commencement of use.**

**Plans and specifications to the satisfaction of the responsible authority for the stormwater detention system, 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 plans and specifications must:**

1. Be prepared by a suitably qualified person
1. Include a detention system that limits flows from the site to a PSD of 3.5 L/s

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

*Advice:*

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

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

Reason for condition

To ensure the capacity of the Council's drainage network is not exceeded

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

#### *Advice:*

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

#### Reason for condition

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

### **ENG 3b**

**The access driveway and parking module design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016*.**

**The access driveway and parking module design must:**

- 1. Be prepared and certified by a suitably qualified engineer,**
- 2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004,**
- 3. Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and**
- 4. Show the crossover as 5.5m wide, and 7.5m wide including transitions**

*Advice:*

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

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

## Reason for condition

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

**ENG 4**

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

## Reason for condition

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

**ENG 11**

**Prior to the commencement of use, the proposed crossover to the Whelan Crescent highway reservation must be 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 - Footpath - Urban Roads Footpaths TSD-R11-v1**

*Advice:*

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

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

*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.*

*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 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.

## **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.

### **NEW SERVICE CONNECTION**

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

### **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.

### **STORMWATER / ROADS / ACCESS**

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

### **WORK PLACE HEALTH AND SAFETY**

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

## PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

## 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-20-340 - 10 WHELAN CRESCENT WEST  
HOBART TAS 7000 - Planning Committee or  
Delegated Report ↓ 

Attachment B: PLN-20-340 - 10 WHELAN CRESCENT WEST  
HOBART TAS 7000 - CPC Agenda Documents ↓  


**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Council: 27 July 2020  
Expiry Date: 29 July 2020  
Application No: PLN-20-340  
Address: 10 WHELAN CRESCENT , WEST HOBART  
Applicant: Jeremiah Dwyer (JJJDWYER Design)  
111 Alford Street  
Proposal: Partial Demolition, Alterations, Extension, Carport and Front Fencing  
Representations: Ten (10)  
Performance criteria: General Residential Zone Development Standards

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**1. Executive Summary**

- 1.1 Planning approval is sought for a partial demolition, alterations, extension, carport and front fencing, at 10 Whelan Crescent in West Hobart.
- 1.2 More specifically the proposal includes:
  - two storey rear extension with deck; and
  - new front parking deck.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 General Residential Zone Development Standards - Side setback, front setback.
- 1.4 Ten (10) representation/s objecting to the proposal were received within the statutory advertising period between the 18th June and 2nd July 2020.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council.



## 2. Site Detail

- 2.1 The site is within the General Residential Zone. The site contains an existing single residential dwelling and is within an established residential area.
- 2.2 The site and neighbouring properties were visited dated 14/11/2019 under the previous withdrawn application under PLN-19-377. The neighbouring property at 8 Whelan Crescent was revisited on 14 July 2020 in relation to the current proposal.

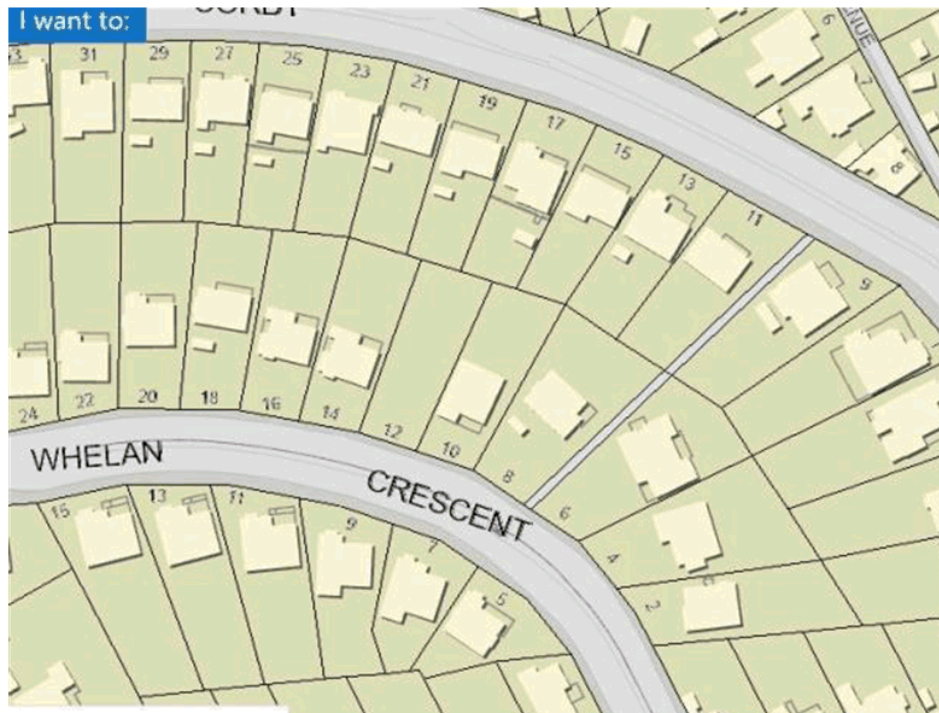


Figure 1 above: location plan with site to centre of image.



Figure 2 above: aerial photograph with site highlighted in centre left of image.



Figure 3: view from neighbouring property at No.12 Whelan Crescent looking towards applicant site (photograph taken 14/11/2019).



Figure 4: street view showing side wall of existing garage from direction of No.12 Whelan Crescent (photograph taken 14/11/2019).





Figure 5: view from rear deck of the neighbouring property at No.8 Whelan Crescent, towards applicant site (photograph taken 14/11/2019).



Figure 6: view from kitchen window of neighbouring property at No.8 Whelan Crescent, towards applicant site (photograph taken 14/7/2020).



Figure 7: view within combined kitchen/dining and lounge area of neighbouring dwelling at No.8 Whelan Crescent. To the extreme left is the edge of the kitchen window shown in Figure 6. To the extreme right is the edge of the glass doors opening to the rear deck (deck shown in Figure 5) (photograph taken 14/7/2020).

### 3. Proposal

- 3.1 Planning approval is sought for a partial demolition, alterations, extension, carport and front fencing, at 10 Whelan Crescent West Hobart.
- 3.2 More specifically the proposal is for:
- two storey rear extension with deck
  - new front parking deck.



Figure 8. Montages of the proposal.



Figure 9. : A site plan of the proposal imposed onto a GIS image. The red hatching denotes existing building to be demolished. Dark green denotes the carport at the front and extension at the rear. The light green denotes the proposed deck.



#### 4. Background

- 4.1 The current proposal under PLN-20-340 is essentially the third version of the design. The first version was advertised under PLN-19-377 and attracted 15 objections. Following that round of advertising, the proposal was modified and that second version was then readvertised. The second version attracted 10 objections, and was recommended for refusal by the Council's Development Appraisal Officer, however it was withdrawn by the applicant prior to determination by Committee and Council. As indicated, the current proposal is the third version of the proposal and has again attracted 10 objections. There has been ongoing applicant and neighbour consultation throughout.

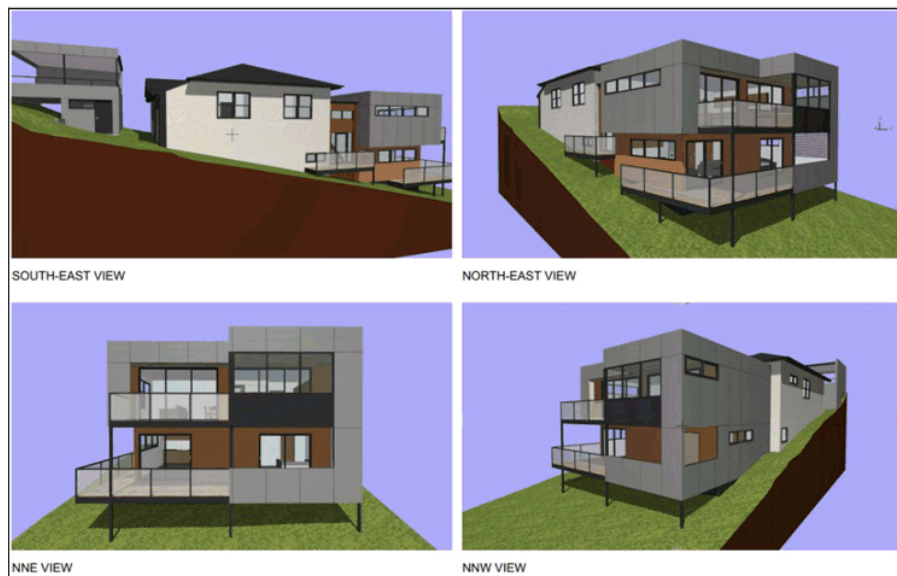


Figure 10. The original version of the proposal which attracted 15 objections and lead to a redesign.



Figure 11. The second version of the proposal under PLN-19-377 which attracted 10 objections and was recommended for refusal.



Figure 12. The current proposal being considered.

5. Concerns raised by representors

- 5.1 Ten (10) representations objecting to the proposal were received within the statutory advertising period between the 18th June and 2nd July 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.

<u>Heritage</u>
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<p>-The building materials do not suit the heritage values of the street, and conceal the existing structure of the building by rendering brickwork and removing weatherboards to be replaced with fibre cement sheet. These materials and the mix of colorbond and timber and different coloured renderd block and rendered brick and glass balustrading etc suit a new-development area, with builders' budget homes, not an established suburb. Replacing the windows further degrades the streetscape, removing charm from the street. The street is full of old, character homes, not 'flipped' homes which builders use to make a quick buck using utilitarian materials;</p> <p>-concern at external cladding.</p>
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Use

-The downstairs self contained area seems clearly aimed at Airbnb, with parking already tight in the street. This also seems the purpose for the over sized garage, with the reasoning that it is large to accommodate building materials during the build being questionable;

-Misleading Plan and Dual-occupancy development. The plan is for a dual occupancy, though this is not noted on the plans: it has clearly separate entrances and with separate amenities included (equipped with kitchen, bathroom, living room, bedrooms) on both the upper and lower levels.

It is not consistent on this basis with the Hobart Interim Planning Scheme, Clause 10.4.1 A dual occupancy of this nature will impact on the amenity of the area, and set precedents for over intensification of development in an area that is valued for medium density housing. It has the effect of essentially doubling the negative impact on the privacy of adjoining properties through the visual impact of two 'frontages' at the rear of the building and the associated noise pollution coming from two dwellings;

-In principle, I support the applicants in wanting to renovate and extend their dwelling for their and their family's own peaceful enjoyment of this wonderful pocket of Hobart. I commend the applicants' efforts to reduce the bulk and scale of the proposal to minimise the impact of the development on their neighbours. However, I am concerned that the proposal is for two dwellings rather than one and this level of intensity would be incompatible with the density of the surrounding area and adversely impact my and my neighbours' amenity significantly.

There are clearly two self contained residences proposed; each of which includes food preparation facilities, a bath or shower, room for laundry facilities, a toilet and sink. Both dwellings meet the definition of 'dwelling' under Hobart Interim Planning Scheme 2015. The proposal does not meet the requirements of clause 10.4.1 'Residential density for multiple dwellings' under the Hobart Interim Planning Scheme 2015, because each dwelling would have a site area of less than 325 square metres and neither would provide a significant social or community housing benefit. The smaller of the two dwellings does not meet the definition of 'ancillary dwelling' under the Hobart Interim Planning Scheme 2015 because it is greater than 60 square metres;

-ambiguous regarding multiple dwelling regulations.

Streetscape, townscape, character and amenity

-The parapet on the very large garage is not in keeping with the pitched roofs which every house on the street shares. A more suitable garage was built a few doors up recently which used weatherboard materials and pitch suiting the house and the street. Having a large garage with fibre cement sheet, rendered blockwork and an imposing parapet facade degrades the amenity of the street;

-The proposal is out of keeping with the character of the neighbourhood.

West Hobart is a very special and highly valued residential area, prized for its historic significance, its sense of community, and its extent local architectural vernacular. This proposal shows no sensitivity for the existing character of the area, and no consideration for any of the neighbours that the proposed building will impact upon. The green corridor created by the dwellings having substantial rear setbacks provides sanctuary for birdlife and ample spaces for private enjoyment. The proposed development significantly departs from the existing nature of the dwellings on Corby Avenue and Whelan Crescent both in terms of bulk and scale, and lacks any awareness and sensitivity to the established character of the area;

-neighbourhood character not respected;

-negative impact on quality of life.

Privacy

-There is some existing impact on privacy created by houses on Whelan crescent, but all these houses are built approximately 18 metres from the rear boundary. This development creates massive visual bulk far closer than any of these existing buildings (more than 8 metres closer), with living areas (of two dwellings) looking straight into our private space. I note that this will also severely impact on the privacy of my adjoining neighbours at numbers 15 and 19 Corby Ave. It will also impact drastically on the immediate neighbours of the proposed development on Whelan Crescent, in terms of not only their privacy, but sunlight/overshadowing and acoustic impact as well.

The proposed development would result in us suffering an unacceptable loss of privacy to our back garden space, and living areas. This would be exacerbated by the loss of the trees at the rear of 10 Whelan Cres, which would be difficult to avoid given the impact on the root protection zone of the trees by the excavation work required for such a development. The loss of these trees would also impact on the much valued green corridor that exists where the rear of the properties on Corby Ave and Whelan Cres meet;

-proposed decks will overlook neighbouring properties;

-I note that the developers had verbally agreed to use frosted film with 25% transparency on the fixed glazing on Entry 2 and windows above Entry 2 and that this was included on the previous plan, but not included on this plan.

Given that Entry 2 is directly opposite a window of a habitable room of my property an acceptable solution would be that they keep to this verbal agreement and if council pass this proposal that this be a condition of the development;

-concern at removal of trees along boundary and subsequent loss of privacy.

Overshadowing

-increase overshadowing of neighbouring property.

#### Bulk and scale

The proposed development projects beyond the prevailing rear setbacks of adjoining houses in Whelan Crescent, and others in the immediate area. Given sloping site and the fact that it encroaches beyond all other dwellings in the area, the rear projection of the proposed development creates unreasonable bulk and scale. The proposal is likely to dominate the views from our back yard, with the proposed living areas that constitute this bulk looming directly over us. The 17-18m prevailing rear setbacks of dwellings on Whelan Crescent create a green corridor and separation from dwellings on Corby Avenue, mitigating loss of privacy and any negative impact that outdoor living spaces have on neighbours.

The proposed 'deck' is made of concrete, and whilst the 'hot tub' has been removed, it would appear the engineering and balustrades are designed to support the installation of a Jacuzzi in the future;

- large and bulky;
- overbearing and unsympathetic.

#### Building envelope

The proposed car port dramatically exceeds the building envelope, and will result in the loss of public parking in the area, not creating more parking as the plan suggests;

- still very large and obtrusive (compared to earlier withdrawn proposal).

#### Parking

- wider carport reduces public street parking.

#### Noise

- negative impact on acoustic amenity.

#### Open space

-Our street contains modest historic houses which have good sized gardens for the enjoyment of the residents' private amenity. These gardens exist because the houses do not dominate their blocks. The gardens also provide greening of the urban environment and allow for connection with the nearby bushland. We have concerns that the large development proposed will subtract from the current greenbelt and is not sympathetic with balanced development.

**Tree protection**

-A large walnut tree currently provides privacy and an acoustic buffer between our properties. This wonderful tree is also a 'home' for local birdlife.

The tree would serve to soften the overall impact of the proposed extension however it does not appear on the application drawings, suggesting it is to be removed. In light of this an instruction to retain the large walnut tree would serve to mitigate a number of the aforementioned negative impacts on some of the adjoining properties;

-concern at removal of trees along boundary.



Jacuzzi

-Despite the Jacuzzi being taken off the drawings, it appears that there is provision for a Jacuzzi to be installed on the second floor deck in the future for the following reasons:

a) the deck is shown in concrete - where logically and economically it would be timber and therefore appears to be engineered to support the weight of a Jacuzzi

b) there is a double height balustrade which seems to serve no other purpose than to prevent a fall from a Jacuzzi.

Loud pumping equipment and the likelihood that people using the Jacuzzi would speak loudly over the noise of pumping equipment would create unacceptable negative impacts on our amenity. I am not against Jacuzzis, however there is ample room for a Jacuzzi to be accommodated indoors.

I do not see that the applicants' desire for an external Jacuzzi - as lovely as it sounds - should outweigh my and my neighbours' right to peace;

-The upper deck is noted to be concrete which raises the question as to whether they plan to install a jacuzzi at a later date as was on the original plan submitted, but omitted from this plan. The concern here is one of noise from the pumps. If this proposal is to be approved I would ask that a condition of the approval is that a jacuzzi be prohibited from being installed at a later date;

-concern at increased outdoor social activity associated with jacuzzi;

-Regarding privacy and acoustic amenity we are particularly concerned regarding the balustrade and balcony designs that seem conducive to the future installation of an outdoor hot tub. Our main objection to an outdoor Jacuzzi, on an elevated plane directly overlooking our backyard and main living spaces, relates to the increased noise levels associated with the equipment used to pump the water, in addition to the increased outdoor 'social' activity. In light of this we would request a condition relocating any Jacuzzi to an internal space with the necessary acoustic consideration.

Materials

-exterior cladding out of character.

Other

-Changing a few dimensions to make it fit inside the planning envelope does not significantly change the inappropriateness of this development in this street;

-The applicant has withdrawn the second application and submitted exactly the same, I assume in order to confuse neighbours into thinking they have already put in a submission.

Comment

I request that Council make any development approval conditional on the following:

1. That the plan is consistent with the development of a single dwelling, as cited in Hobart Interim Planning Scheme, Clause 10.4.1.
2. That any 'hot tub' be located inside the house, and that it be stipulated that the deck is not used for such purpose.
3. That the privacy afforded by the existing trees is maintained by the retention and protection of the trees at the rear of the property.

I would like to re-iterate my strong objection to the proposal in its current form, and invite the Planning Officer and Hobart City Councillors to please contact me regarding the impact that this would have on our amenity.

Unless there are overwhelming arguments to the contrary, I call upon Council to make any development approval conditional upon the following:

- a) any Jacuzzi be located within a bathroom with adequate acoustic separation from adjoining neighbours
- b) the deck be engineered in a manner that prevents a Jacuzzi being installed in the future (eg built in timber)
- c) approval for use as a single dwelling house only - not as two dwellings, unless the requirements of clause 10.4.1 of the Hobart Planning Scheme 2015 can be met.

As per (commitments made to the representor by the applicant), conditions should be placed on the permit that ensure:

- The window in the Main bathroom on Drawing DA.03 will have a frosted film applied that provides a maximum of 25% transparency to provide privacy between dwellings.
- The window in the Ensuite on Drawing DA.05 will have a frosted film applied that provides a maximum of 25% transparency to provide privacy between dwellings.
- Prior to the works commencing on site, the boundary between the two properties (10 Whelan Cres, West Hobart and 12 Whelan Cres, West Hobart) is clearly delineated, in the form of a boundary fence (or otherwise approved by Council), that accords with a site survey plan.

I note that the developers had verbally agreed to use frosted film with 25% transparency on the fixed glazing on Entry 2 and windows above Entry 2 and that this was included on the previous plan, but not included on this plan.

Given that Entry 2 is directly opposite a window of a habitable room of

my property an acceptable solution would be that they keep to this verbal agreement and if council pass this proposal that this be a condition of the development.

If this proposal is to be approved I would ask that a condition of the approval is that a jacuzzi be prohibited from being installed at a later date.

We would request a condition relocating any Jacuzzi to an internal space with the necessary acoustic considerations.

## 6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing and proposed use is a dwelling. 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 - 10 General Residential Zone
  - 6.4.2 E6.0 Parking and Access Code
  - 6.4.3 E7.0 Stormwater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 General Residential Zone:-
    - Front Setback – Part D 10.4.2 P2*
    - Side Setback – Part D 10.4.2 P3*

6.6 Each performance criterion is assessed below.

6.7 Front setback Part D 10.4.6 P1

6.7.1 The acceptable solution at clause 10.4.6 A2 states a front setback of 5.5 metres.

6.7.2 The proposal includes a front carport positioned on the front property boundary.

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

6.7.4 The performance criterion at clause 10.4.6 P21 provides as follows:

*A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.*

6.7.5 Assessment of the performance criterion follows.

The front carport would replace an existing single garage that is also positioned on the front property boundary. Other front garage/carport arrangements exist at a number of other properties on the lower side of Whelan Crescent in the vicinity. Given the steep slope, options for any practicable alternatives would appear limited.

The proposal is considered consistent with the Performance Criteria.

6.7.6 The proposal complies with the performance criterion.

6.8 Side Setback and Building Envelope Part D 10.4.2 P3

6.8.1 The acceptable solution at clause 10.4.2 A3 requires compliance with the building envelope and side boundary setback.

6.8.2 The proposal includes a carport positioned at the side property boundary.

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

6.8.4 *The performance criterion at clause 10.4.2 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.*

- 6.8.5 It should be noted that only the new carport element of the proposal doesn't meet the acceptable solution. The rear extension element is wholly contained within the building envelope and meets the acceptable solution. However, because of recent Tribunal decisions, if the acceptable solution is not complied with by any element of the proposal, the consequence is that the entire proposal (i.e. the car port and the rear extension), must be assessed for compliance against the performance criteria. Assessment of the proposal against the performance criteria follows.

- 6.8.6 Impact on neighbouring property with regard to proposed carport: 12 Whelan Crescent.  
This side neighbouring property is to the west/northwest of the applicant site and is on a similar gradient.  
In terms of visual impact, it is acknowledged that the existing garage is positioned on this same section of side boundary, and that there is vegetation on the applicant side behind the garage and adjacent to the boundary. Given the limited additional length of side facing wall over and above that existing, and its position at or near the site frontage, the carport component of the proposal is not considered likely to have an excessive impact.

In terms of overshadowing, the submitted sunshade diagrams indicate as follows.

No midday or afternoon overshadowing at any time of the year.

Morning (9am) overshadowing at all times of the year. The extent of shadow from the carport would be over the adjacent section of neighbours front garden, to the front of the neighbours dwelling. Main northerly sun would not be effected by the proposal.

On balance, there would be some impact on neighbour amenity.

Such impact is not considered sufficient to warrant any recommendation

to either refuse or further modify.

6.8.7 Impact on neighbouring property with regard to proposed rear extension:  
12 Whelan Crescent.

As stated, this side neighbouring property is to the west/northwest of the applicant site on a similar gradient.

Overshadowing:

The submitted sunshade diagrams indicate as follows.

Summer: Moderate impact along side boundary, eastern side of house, and front yard at 9am. No impact at midday or 3pm.

Autumn: Moderate impact along side boundary, eastern side of house and front yard at 9am. No impact at midday or 3pm.

Winter: Small impact along side boundary and front yard, and very small impact to house at 9am. No impact at midday or 3pm.

Spring: Small impact along side boundary and front yard, and negligible impact to house at 9am. No impact at midday or 3pm.

Given the entire rear yard remains unaffected by the proposal through out the year, the overshadowing impact of the proposal on this property's private open space is not considered to be unacceptable.

Similarly in terms of the overshadowing of the dwelling, given that it remains unaffected by the proposal at least from 12 midday at all times of the year (and notably significantly earlier than that in winter), the proposal is not considered to have an unreasonable impact on this dwelling in terms of overshadowing/loss of solar access.

Visual impact:

In terms of visual impact, the dwelling with rear extension would present as a virtually continuous side wall of a total of 20.8 metres in length. This compares with the side wall length of the present building of around 12.5 metres. This 20.8 metres length would be added the 6 metre side wall length of the carport, which would be separated from the front of the dwelling by a gap of around 2.2 metres. The height would range from the single to two storey height of the existing dwelling, to the full two storey height of the proposed extension, and the single to two storey height of the proposed carport.

The existing dwelling has a side setback of 1.163 metres. The extension would have a side setback of from 2.148 metres, and the carport would be virtually on the side boundary with a minimal setback of 0.164 of a metre.

It is acknowledged that the extension uses a variety of materials and is articulated to an extent, which do help to lessen the visual impact of the proposal.

In this case, the likely degree of impact of the rear extension is not considered to warrant either any refusal or further modification of the proposal. On balance, likely impact on the amenity of this neighbour is considered to be within reasonable bounds.

6.8.8 Impact on neighbouring property with regard to proposed rear extension:  
8 Whelan Crescent.

This side neighbouring property is to the east/southeast of the applicant site on a similar gradient.

Shadowing:

The submitted sunshade diagram indicates as follows.

Summer: No impact at 9am, no impact at midday, small impact along side boundary at 3pm.

Autumn: No impact at 9am, no impact at midday, small impact to front yard and side boundary at 3pm.

Winter: No impact at 9am, small impact along side boundary at midday, large impact to front yard and house at 3pm.

Spring: No impact at 9am, no impact at midday, moderate impact to front yard and house at 3pm.

In terms of this property's private open space, it is noted that the rear yard remains unaffected by the proposal at all times of the day throughout the year. In line with recent Tribunal decisions, because the dwelling retains a significant portion of private open space (the entire rear garden) that is unaffected by the proposal, the overshadowing of open space is not considered unreasonable.

In terms of overshadowing of the dwelling, no elevational plans were provided to demonstrate where the shadows fall with regard to side walls and windows. A site visit to this neighbouring property confirmed that there is one window in the north west elevation, to the kitchen. Without elevational plans it is not possible to identify exactly how much of the window will be impacted by shadow, and when the window will be impacted by shadow. However, it is possible to conclude based on the submitted shadow diagrams that the dwelling will only be affected by shadow by 3pm in winter, and by 3pm in spring. In summer and autumn the dwelling is not impacted at all by shadowing from the proposal. It is also reasonable to conclude given the length of shadow in winter that the

kitchen window would be completely in shade by 3pm. However, given the length of shadow in spring, it is more difficult to conclude if the window would be affected at all, and if it is affected, how much of it would be affected. However, the shadow diagrams do indicate that at all times of the year the dwelling will be free from shading for more than three hours at all times of the year. In relation to the kitchen window it is also noted that it is part of a semi-open plan kitchen/dining lounge area, which itself has good solar access via large north facing glazed double doors. That is, the kitchen has an alternative source of sunlight. Further, in front of the kitchen window is an existing tree, sited on this neighbour's property, which would to a degree impede sun accessing this window as well as shade it. Based on the above, the proposal is not considered to have an unreasonable impact on the amenity of this neighbour's dwelling in terms of reducing solar access or by overshadowing.

Visual impact:

In terms of visual impact, the dwelling with rear extension would present as a virtually continuous side wall of 20.8 metres in length. This compares with the side wall length of the present building of around 12.5 metres. The height would range from the single to two storey height of the existing dwelling, to the two storey height of the proposed extension. The existing dwelling has a side setback from this neighbouring side boundary ranging from 2.105 to 2.864 metres. The extension would have a side setback ranging from 2.280 to 2.613 metres.

It is acknowledged that the extension uses a variety of materials and is articulated to an extent, which do help to lessen the visual impact of the proposal.

In this case, the likely degree of impact of the rear extension is not considered to warrant either any refusal or further modification of the proposal. On balance, likely impact on the amenity of this neighbour is considered to be within reasonable bounds.

- 6.8.9 In terms of the impact on 15 Corby Avenue, this rear neighbouring property is to the northeast of the applicant site on a steep downhill gradient. The submitted sunshade diagrams indicate there would be no overshadowing of this property at any time of the year. The amended plan meets the building envelope in terms of rear setback. The impact of the proposal on this neighbour is considered to be acceptable.
- 6.8.10 In terms of the impact on 17 Corby Avenue, this rear neighbouring property is to the north of the applicant site on a steep downhill gradient.



The submitted sunshade diagrams indicate there would be no overshadowing of this property at any time of the year. The amended plan meets the building envelope in terms of rear setback. The impact of the proposal on this neighbour is considered to be acceptable.

6.8.11 Lastly, the objectives for this standard include the following:

*(c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings*

The neighbourhood between Whelan Crescent and Corby Avenue is characterised by dwellings of a variety of front setbacks but mostly sited near the respective street frontages on a steep cross-slope. Dwellings generally display a reasonable compatibility in terms of overall size, and the block is characterised by a continuous strip of open space generally along the alignment of the rear fences. The proposal would extend the length of the existing dwelling from around 12.5 metres to a total of 20.8 metres, and would extend into the central area of the block. The rear setback of the dwelling at No.15 Corby Avenue is of the order of 10 metres, and that of No.17 Corby Avenue, of the order of 15 metres. The proposed rear setback would be a minimum of 8.424 metres.

The proposal in complying with the rear setback Acceptable Solution is not considered to be incongruous with this consistency.

6.8.12 The proposal complies with the performance criterion.

## 7. Discussion

- 7.1 Planning approval is sought for a partial demolition, alterations, extension, carport and front fencing, at 10 Whelan Crescent West Hobart.
- 7.2 The application was advertised and received ten (10) representations. The representations raised concerns including with regard to building envelope, character and amenity, privacy, overshadowing, use and heritage. In response it is noted that the proposed rear extension to the dwelling would meet Acceptable Solutions under the Planning Scheme with regard to building envelope and privacy. Representor concern was also raised with regard to any proposed multiple dwelling use of the site. The proposal is considered to remain as a single dwelling only, on the basis that there would be a single only laundry for the use. A condition of any planning permit issued is nevertheless considered warranted.

- 7.3 The site and neighbouring properties were visited dated 14/11/2019 under the previous withdrawn application under PLN-19-377. The previous application is directly related to the current one, it that there were two successive advertised plans under the former application, leading to effectively the third advertised plan under the current application.

The site and neighbouring property at 8 Whelan Crescent was visited again under the current application, dated 14/7/2020.

- 7.4 The proposal has been assessed against the relevant provisions of the planning scheme and is considered acceptable.
- 7.5 The proposal has been assessed by the Council's Development Engineer. The officer has raised no objection to the proposal, subject to conditions.
- 7.6 The proposal is recommended for approval.

## 8. Conclusion

- 8.1 The proposed partial demolition, alterations, extension, carport and front fencing at 10 Whelan Crescent West Hobart TAS 7000 satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

**9. Recommendations**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial demolition, alterations, extension, carport and front fencing at 10 Whelan Crescent West Hobart TAS 7000 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-340 - 10 WHELAN CRESCENT WEST HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**PLN s1**

**Planning approval under this planning permit is on the basis of a single dwelling development of the site only.**

Reason for condition

To clarify the scope of the permit

**PLN s2**

**All works are to be fully contained within the property boundaries of No.10 Whelan Crescent.**

Reason for condition

To clarify the scope of the permit.

**ENG sw1**

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

occurs first).

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

Reason for condition

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

#### **ENG sw2.1**

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

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

Reason for condition

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

#### **ENG sw2.2**

**A post-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any existing drainage structures connected to or modified as part of the development, must be submitted to Council upon completion of work.**

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

Reason for condition

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

**ENG sw4**

**The new stormwater connection 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 connection; and**
2. **the size of the connection appropriate to satisfy the needs of the development.**

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

*Advice:*

- *The applicant must submit detailed design drawings via the planning condition endorsement process, and once approved an application for a new stormwater connection must be completed.*
- *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 detention for stormwater discharges from the development must be installed prior to commencement of use.**

Plans and specifications to the satisfaction of the responsible authority for the stormwater detention system, 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 plans and specifications must:

1. Be prepared by a suitably qualified person
2. Include a detention system that limits flows from the site to a PSD of 3.5 L/s

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

*Advice: Once the plans have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

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

Reason for condition

To ensure the capacity of the Council's drainage network is not exceeded

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

*Advice:*

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

Reason for condition

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

#### **ENG 3b**

**The access driveway and parking module design must be submitted and approved, prior to the issuing of any approval under the Building Act 2016.**

**The access driveway and parking module design must:**

1. **Be prepared and certified by a suitably qualified engineer,**
2. **Be generally in accordance with the Australian Standard AS/NZS2890.1:2004,**
3. **Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and**
4. **Show the crossover as 5.5m wide, and 7.5m wide including transitions**

*Advice:*

- *It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the*

*parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

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

Reason for condition

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

#### **ENG 4**

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

Reason for condition

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

#### **ENG 11**

**Prior to the commencement of use, the proposed crossover to the Whelan Crescent highway reservation must be 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 - Footpath - Urban Roads Footpaths TSD-R11-v1**

*Advice:*

- *Local Government Association (LGAT) Tasmanian Standard Drawings (TSD)*



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

**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.

#### **NEW SERVICE CONNECTION**

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

#### **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.

**STORM WATER / ROADS / ACCESS**

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

**WORK PLACE HEALTH AND SAFETY**

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

**PROTECTING THE ENVIRONMENT**

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

**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.



(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: 7 July 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents

**DEVELOPMENT APPLICATION: PROPOSED ALTERATIONS AND ADDITIONS TO 10 WHELAN CRESCENT, WEST HOBART****DIRECTOR'S LIST:**

FOR: DYLAN BURNIE & ANDREW RYAN

SITE: 10 WHELAN CRESCENT, WEST HOBART, 7000

LAND TITLE: 57809/41

PLANNING PERMIT: TBD

ZONING: GENERAL RESIDENTIAL

SITE AREA: 516.65m<sup>2</sup>

PROPOSED FOOTPRINT: 222.01m<sup>2</sup>

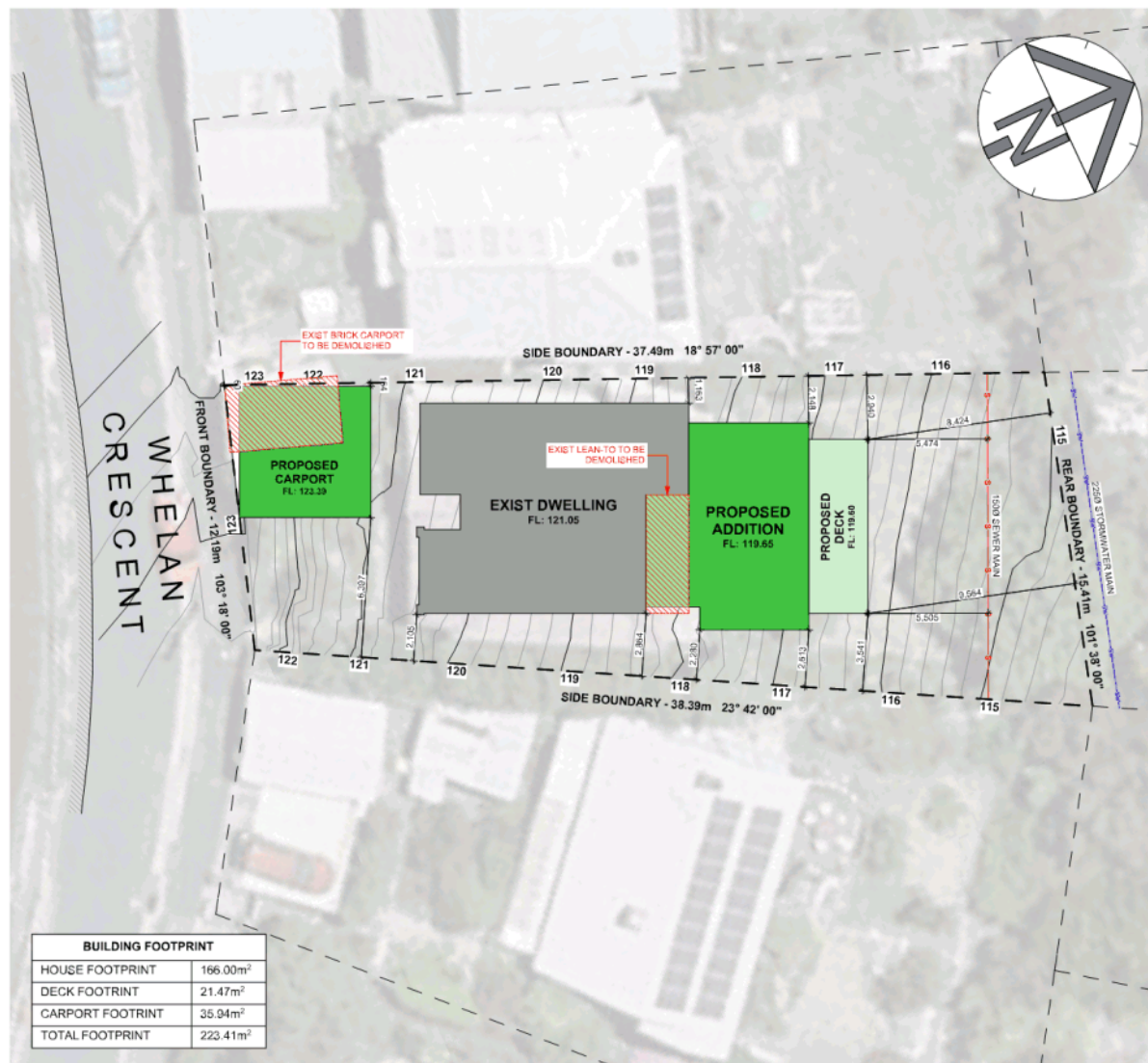
SITE COVERAGE: 43.24%

BAL: BAL LOW

SOIL CLASSIFICATION: TBD

**DRAWING SCHEDULE:**

DA.01	SITE PLAN	15.06.20
DA.02	EXIST GROUND FLOOR PLAN	15.06.20
DA.03	PROPOSED GROUND FLOOR PLAN	15.06.20
DA.04	EXIST SUB-FLOOR PLAN	15.06.20
DA.05	PROPOSED SUB-FLOOR PLAN	15.06.20
DA.06	EXIST CARPORT	15.06.20
DA.07	PROPOSED CARPORT	15.06.20
DA.08	ROOF PLAN	15.06.20
DA.09	ELEVATIONS 1 OF 2	15.06.20
DA.10	ELEVATIONS 2 OF 2	15.06.20
DA.11	SUN STUDY 1 OF 2	15.06.20
DA.12	SUN STUDY 2 OF 2	15.06.20
DA.13	3D IMAGES 1 OF 2	15.06.20
DA.14	3D IMAGES 2 OF 2	15.06.20



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HOWRAH, TAS. 7018  
0439336257  
jazzdwyer@gmail.com

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**PROJECT:**

PROPOSED EXTENSION TO RESIDENCE AT 10  
WHELAN CRESCENT, WEST HOBART, TAS 7000

**DRAWING TITLE:**

DA.01 SITE PLAN

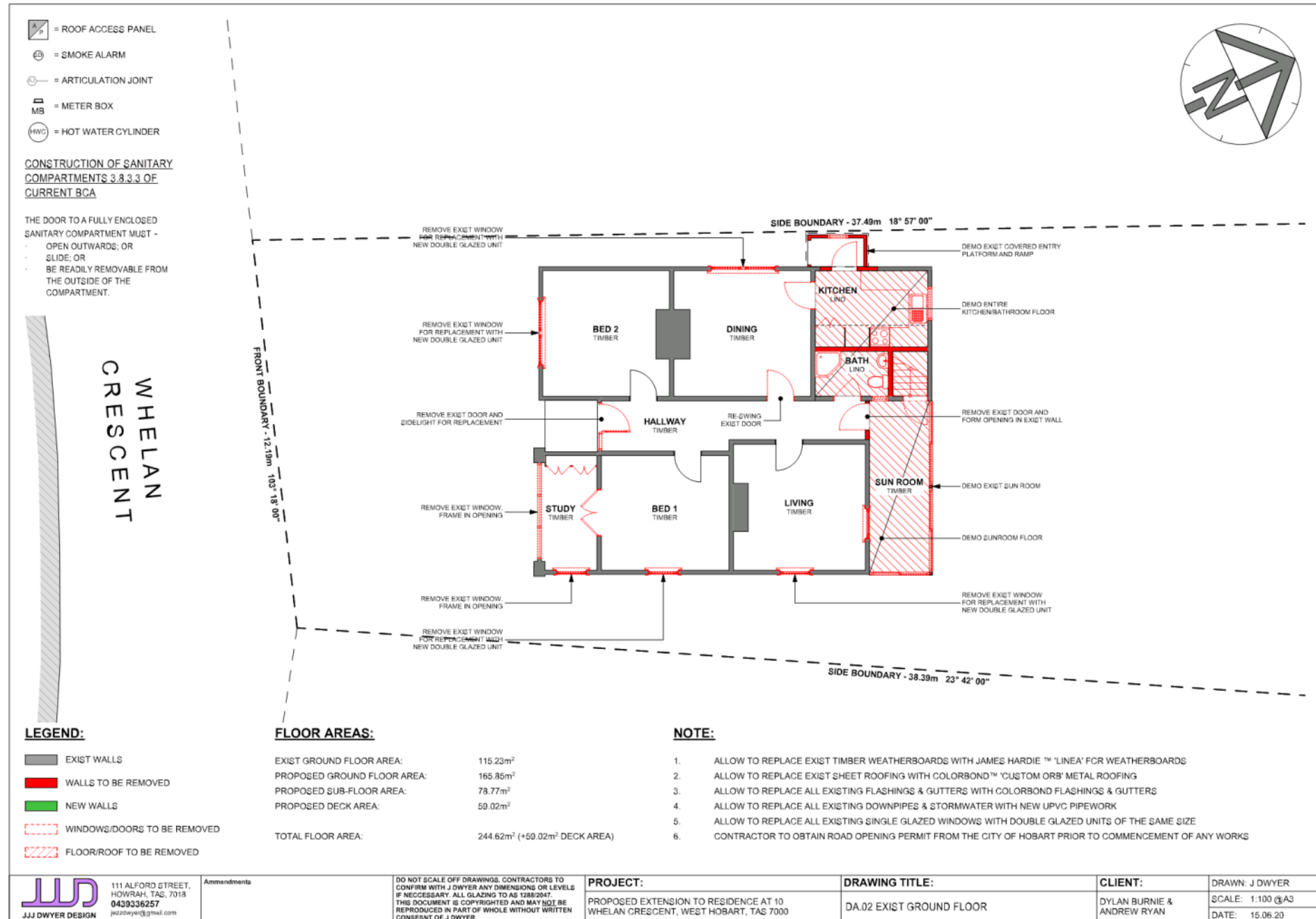
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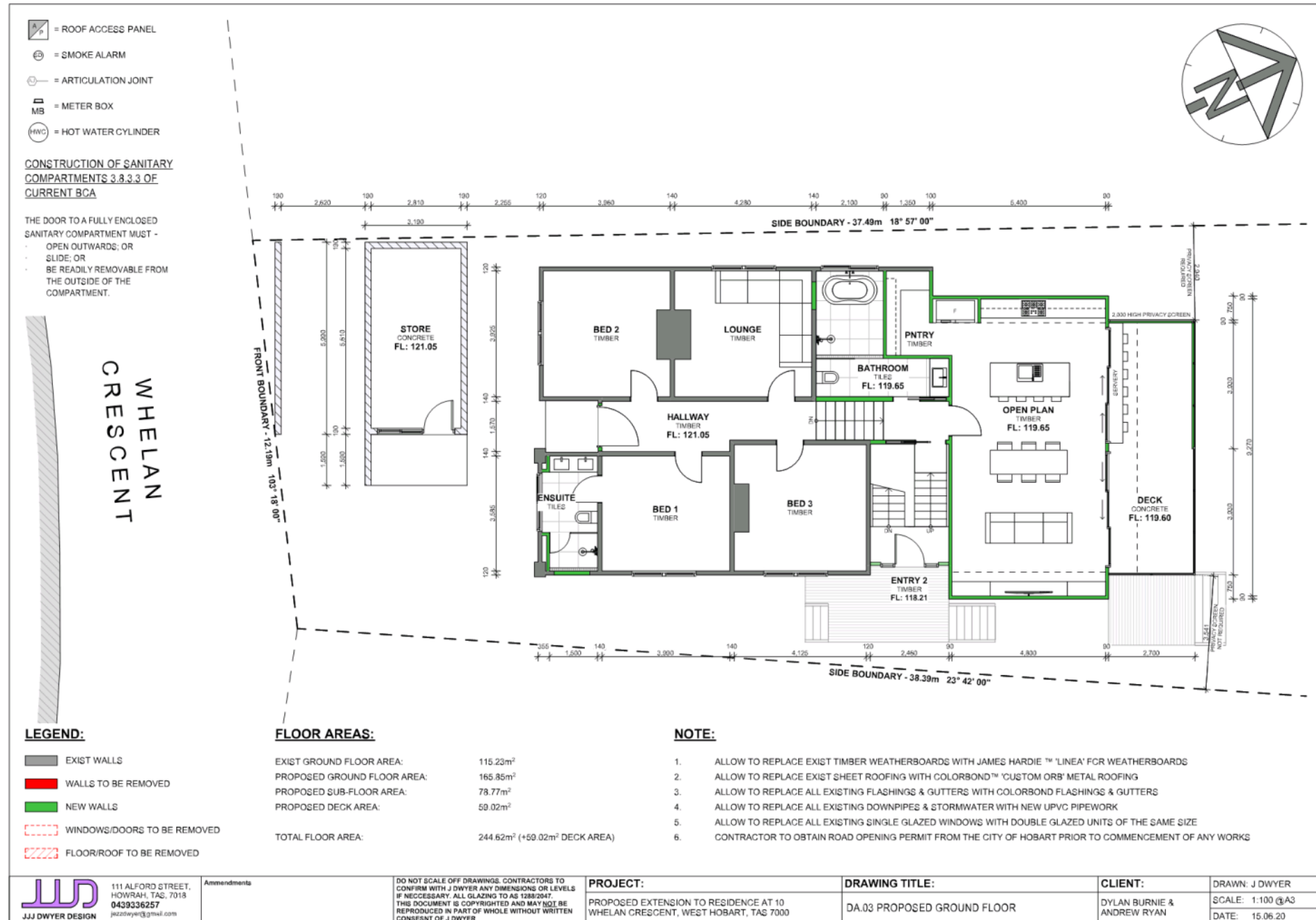
DYLAN BURNIE &  
ANDREW RYAN

**DRAWN: J DWYER**

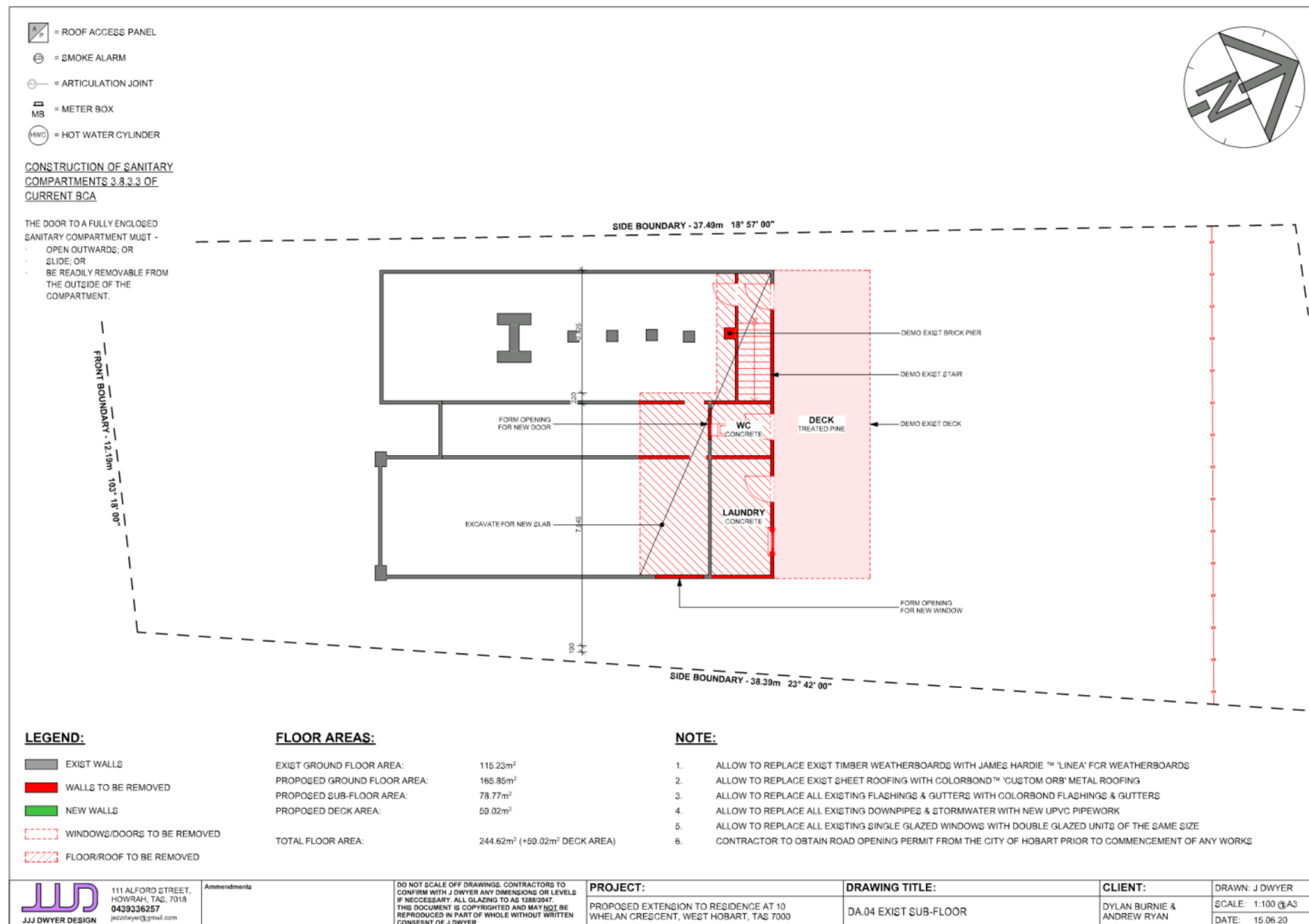
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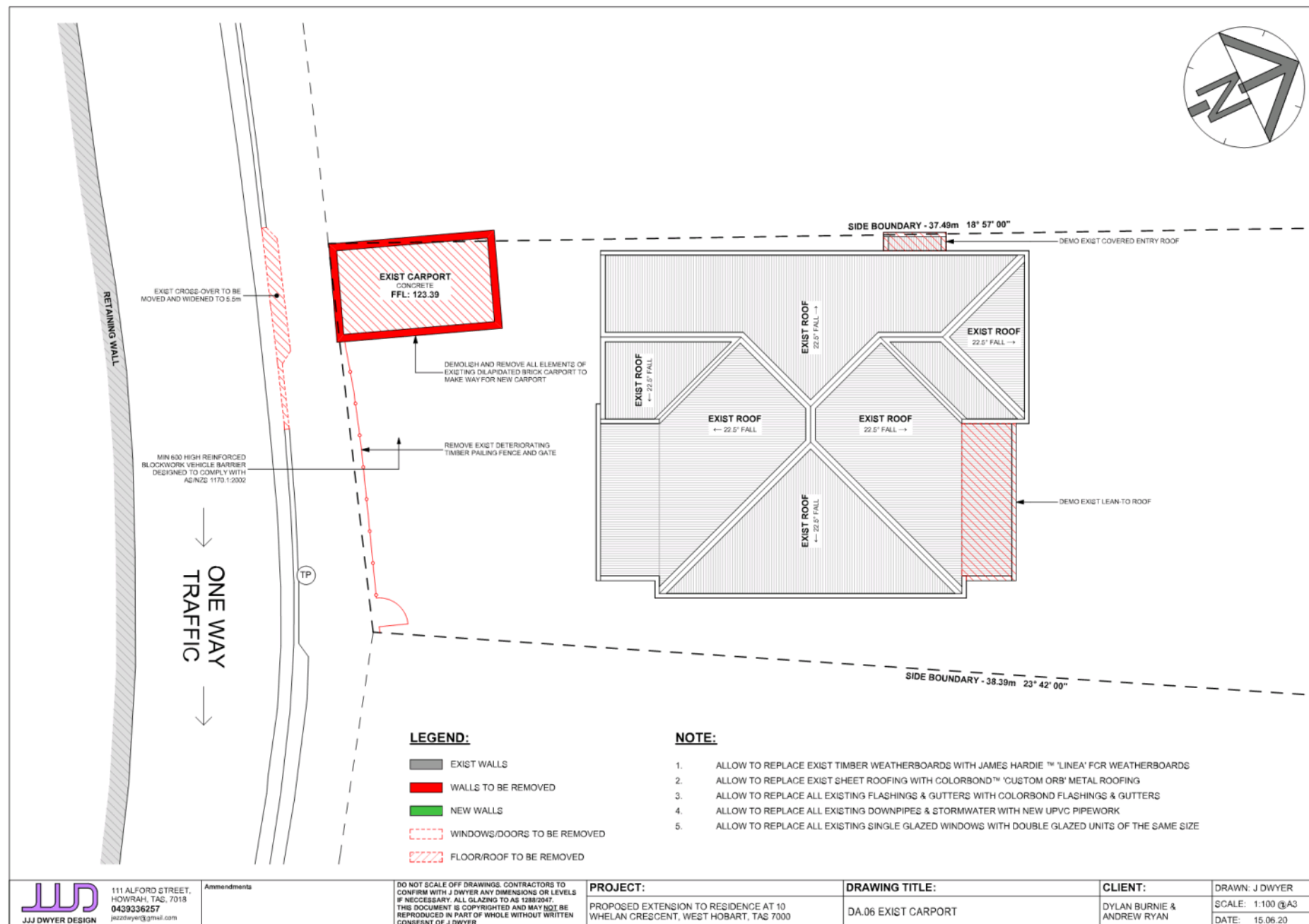


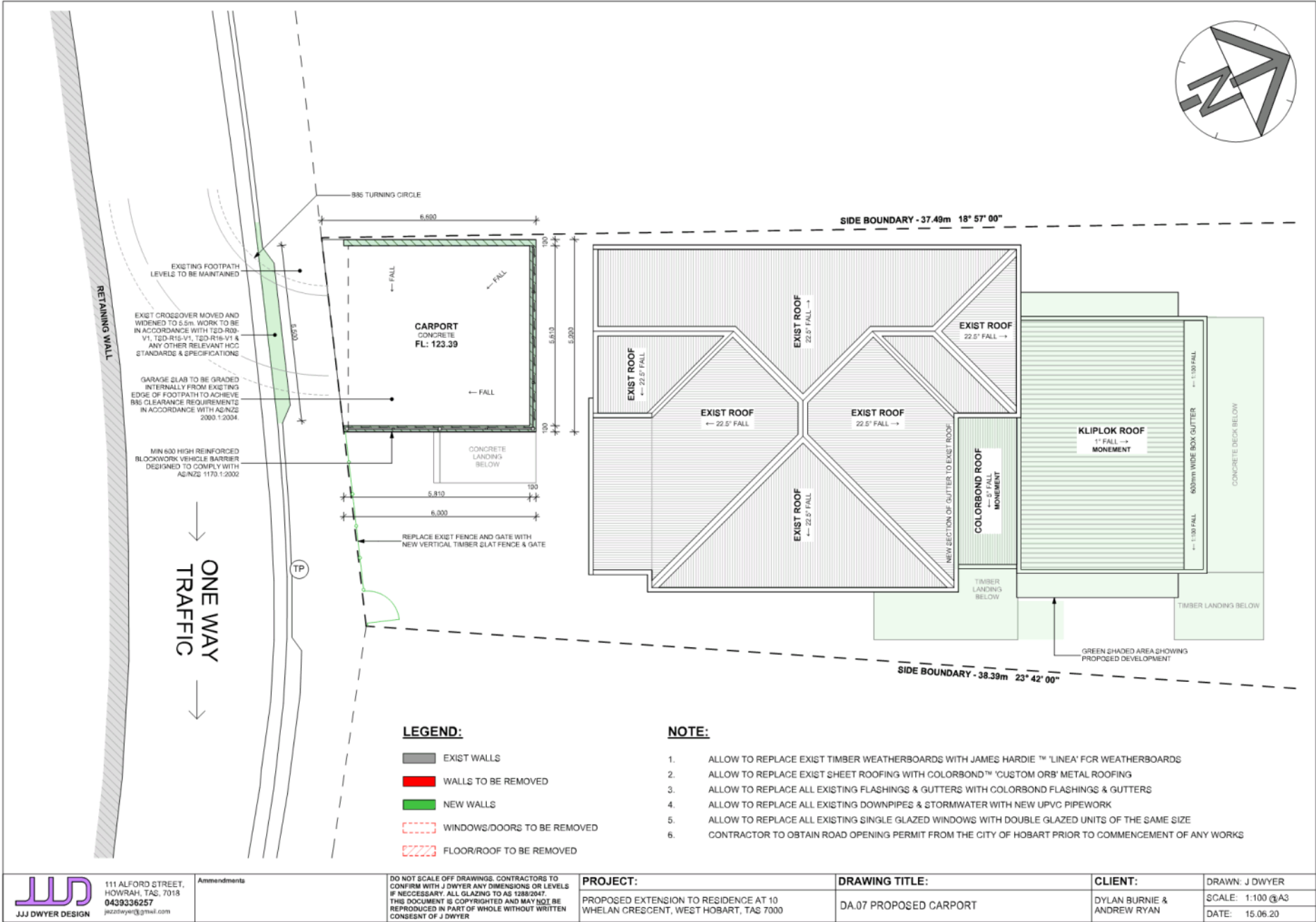


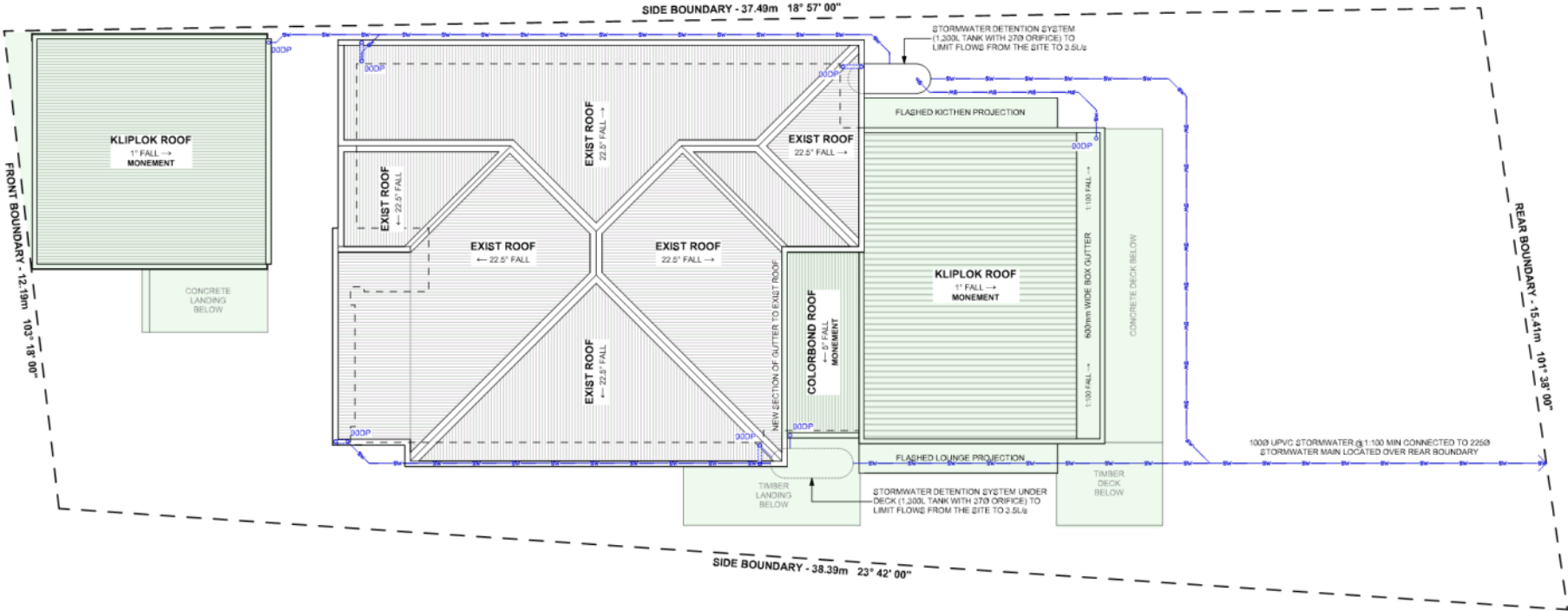









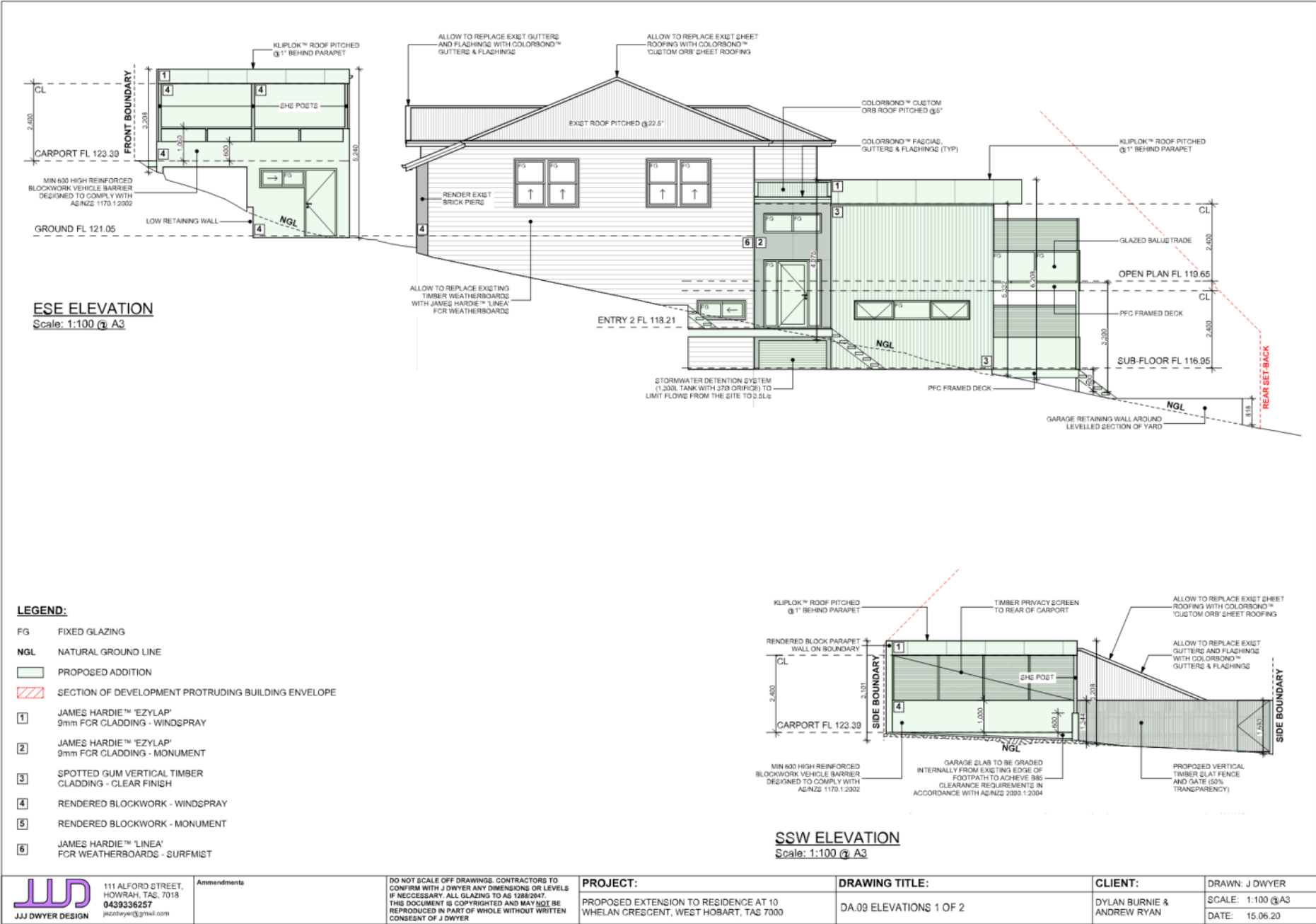




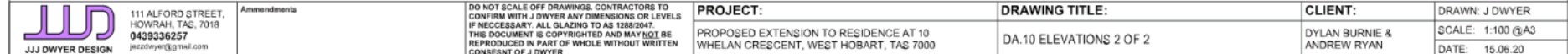
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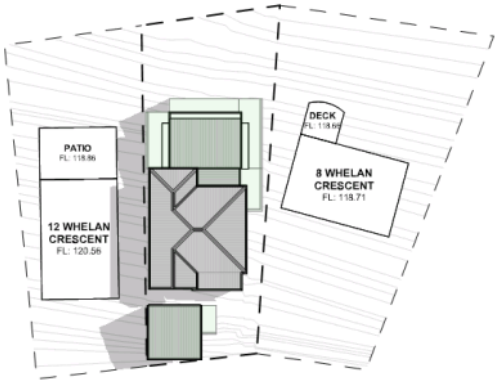
- 1. ALLOW TO REPLACE EXIST TIMBER WEATHERBOARDS WITH JAMES HARDIE™ 'LINEA' FCR WEATHERBOARDS
- 2. ALLOW TO REPLACE EXIST SHEET ROOFING WITH COLORBOND™ 'CUSTOM ORB' METAL ROOFING
- 3. ALLOW TO REPLACE ALL EXISTING FLASHINGS & GUTTERS WITH COLORBOND FLASHINGS & GUTTERS
- 4. ALLOW TO REPLACE ALL EXISTING DOWNPIPES & STORMWATER WITH NEW UPVC PIPEWORK
- 5. ALLOW TO REPLACE ALL EXISTING SINGLE GLAZED WINDOWS WITH DOUBLE GLAZED UNITS OF THE SAME SIZE
- 6. CONTRACTOR TO OBTAIN ROAD OPENING PERMIT FROM THE CITY OF HOBART PRIOR TO COMMENCEMENT OF ANY WORKS

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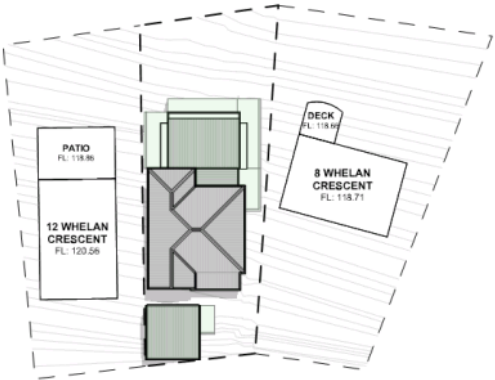




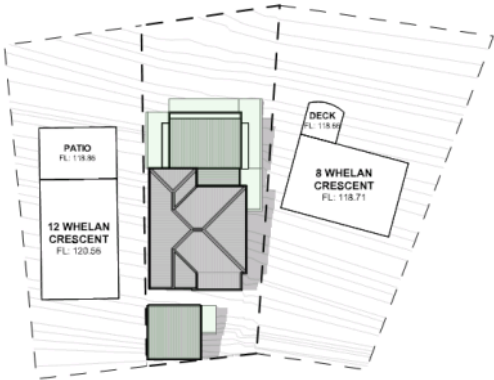




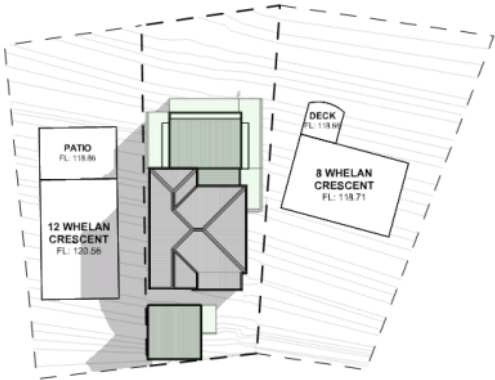
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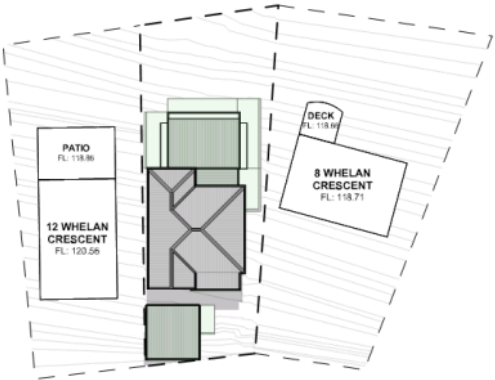
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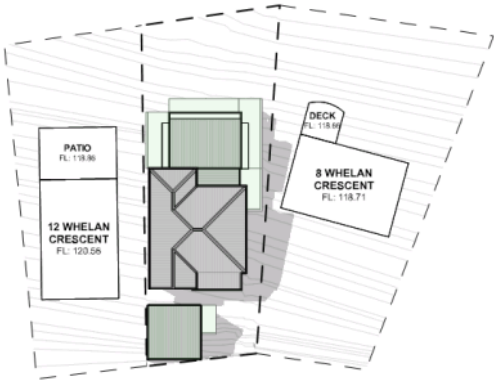
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MARCH 21 - 9am  
Scale: 1:500 @ A3




MARCH 21 - 12pm  
Scale: 1:500 @ A3

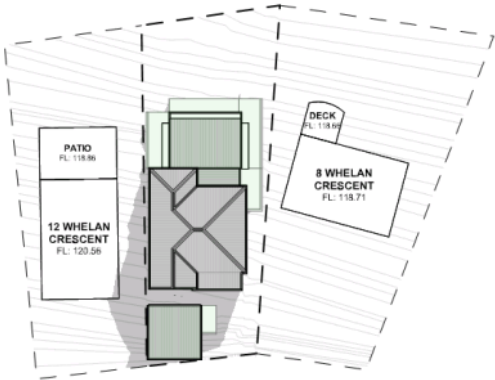


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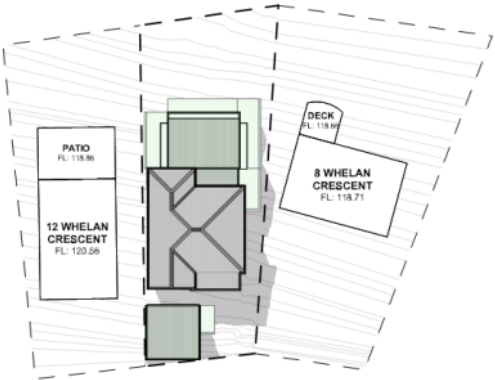


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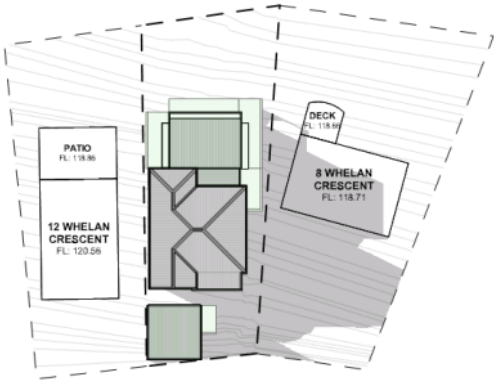




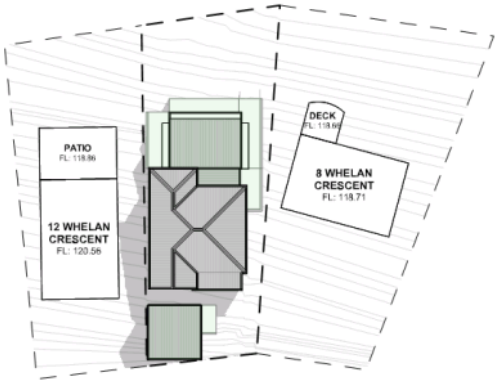
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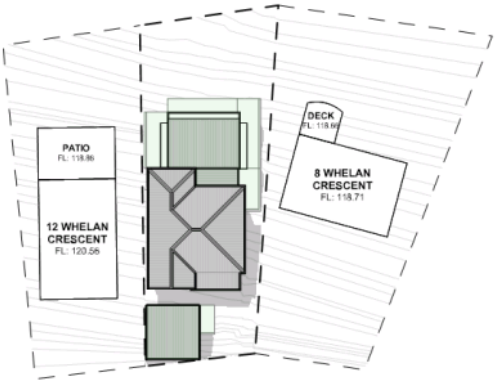
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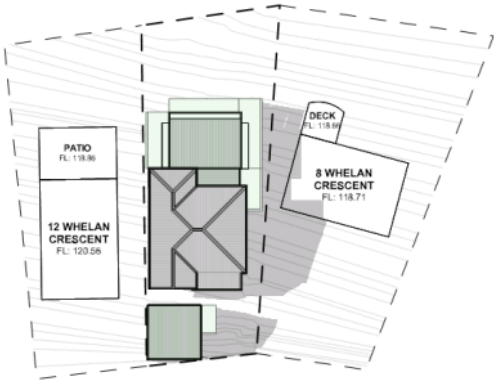
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SEPTEMBER 21 - 9am  
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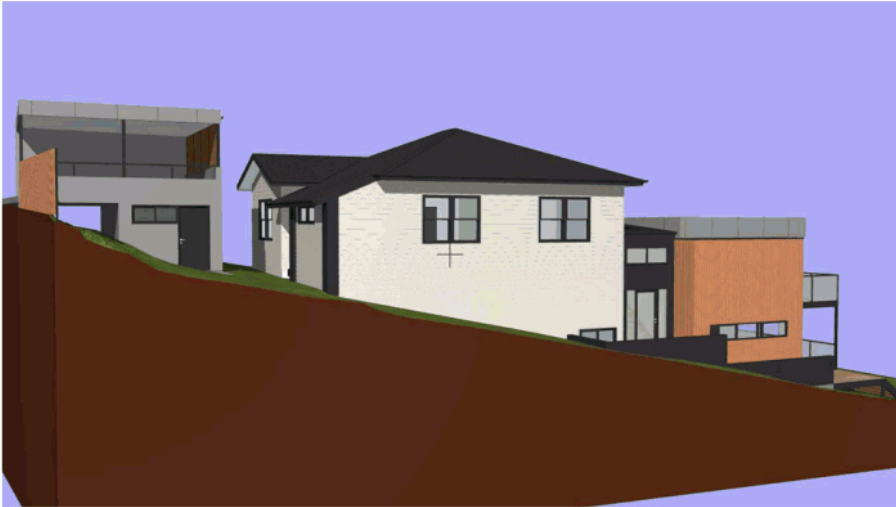
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SEPTEMBER 21 - 3pm  
Scale: 1:500 @ A3



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SOUTH-EAST VIEW




NORTH-EAST VIEW



NNE VIEW



NNW VIEW

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SERVERY AREA



OPEN PLAN



KITCHEN



SPLIT LEVEL ENTRY



111 ALFORD STREET,  
HOWRAH, TAS. 7018  
0439336257  
jdwyer@gmail.com

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PROJECT:

PROPOSED EXTENSION TO RESIDENCE AT 10  
WHELAN CRESCENT, WEST HOBART, TAS 7000

DRAWING TITLE:

DA.14 3D IMAGES 2 OF 2

CLIENT:

DYLAN BURNIE &  
ANDREW RYAN

DRAWN: J DWYER

SCALE: N/A @A3  
DATE: 15.06.20

**JJJ DWYER DESIGN**

0439336257

jezzdwyer@gmail.com

To whom it may concern,

Please accept this proposal for additions and renovations to the residence at 10 Whelan Crescent, West Hobart:

Proposed Development includes removing the existing single car garage located on the front boundary and replacing it with a new open carport for two vehicles:

The existing blockwork garage is 2,680mm high and 3,090mm wide.

The existing carport is rather derelict and too small to safely park my client's work vehicle. It also is built slightly over the neighbouring boundary (12 Whelan Crescent).

Aside from creating more parking spaces on a very tight street, the main reason for the proposed new carport is to act as an area for materials deliveries and space for subcontractor vehicles to park during construction.

One of the main challenges highlighted for this development will be site access as Whelan street is very tight, with a lot of parked cars. Therefore, an area of off-street parking will be essential to minimise the potential inconvenience that work vehicles and materials deliveries could have on the residents of Whelan Crescent.



Fig. 1: Existing garage on front boundary at 10 Whelan Crescent

The proposed open carport is to be built at the same FFL as the existing, and with the core-filled blockwork parapet wall on the boundary being 3,000mm above the slab, it is only 320mm higher than existing one.



**JJD DWYER DESIGN**

0439336257

jezzdwyer@gmail.com

Although the proposed carport is to be wider to accommodate multiple vehicles, the fact that it will not have a roof will effectively reduce the feeling of mass on the front boundary than what the current closed brick garage does.

HCC Interim planning scheme Clause 10.4.2 Performance criteria 2 (P2) states:

*'A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.'*

The neighbouring properties of 10 Whelan Crescent all have some form of Carport/garage on their front boundary.

This is because the land of all the properties on the bottom side of Whelan crescent slope sharply away from the road and therefore need to build carports/garages hard on the boundary to get any off-street parking.



Fig. 2: Garages on property front boundary (12 & 14 Whelan Crescent)



**JJJ DWYER DESIGN**

0439336257

jezzdwyer@gmail.com

Fig. 3: Garage and double carport on property front boundary (8 Whelan Crescent)



Fig.4 Garages on property front boundary (6 & 4 Whelan Crescent)

As displayed in Fig. 2, 3 and 4 you can see that garages/carports on the boundary are the norm for bottom side of Whelan Crescent.

It is with this in consideration, as well as the obvious practical and logistical implications, that I believe that the proposed carport satisfies the HCC Interim planning scheme Clause 10.4.2 Performance criteria 2 (P2).

Yours sincerely,

**Jeremiah Dwyer** Principal – JJJDwyer Design

BEnvDes, CPP50911 Diploma of Building Design



To whom it may concern,

We, Dylan Burnie and Andrew Ryan, give our consent to Jeremiah Dwyer to act as our agent to deal with the Hobart City Council in regards to our Proposed development at 10 Whelan Crescent, West Hobart.

We give permission for Jeremiah to lodge the Planning Application, as well as the Applications for Building and Plumbing Permits on our behalf.

Signed  

Dylan Burnie & Andrew Ryan

25/06/2019

**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 57809	FOLIO 41
EDITION 5	DATE OF ISSUE 14-Jun-2018

SEARCH DATE : 25-Jun-2019

SEARCH TIME : 01.11 PM

DESCRIPTION OF LAND

City of HOBART

Lot 41 on Plan 57809 (formerly being P773)

Derivation : Part of 9A-1R-36Ps. Gtd. to J. Bowden.

Prior CT 2758/1

SCHEDULE 1

M641891, M693429 & M695263 TRANSFER to ANDREW PETER WILLIAM  
RYAN and DYLAN ROYCE BURNIE as tenants in common in  
equal shares Registered 14-Jun-2018 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
E136802 MORTGAGE to Commonwealth Bank of Australia  
Registered 14-Jun-2018 at 12.03 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

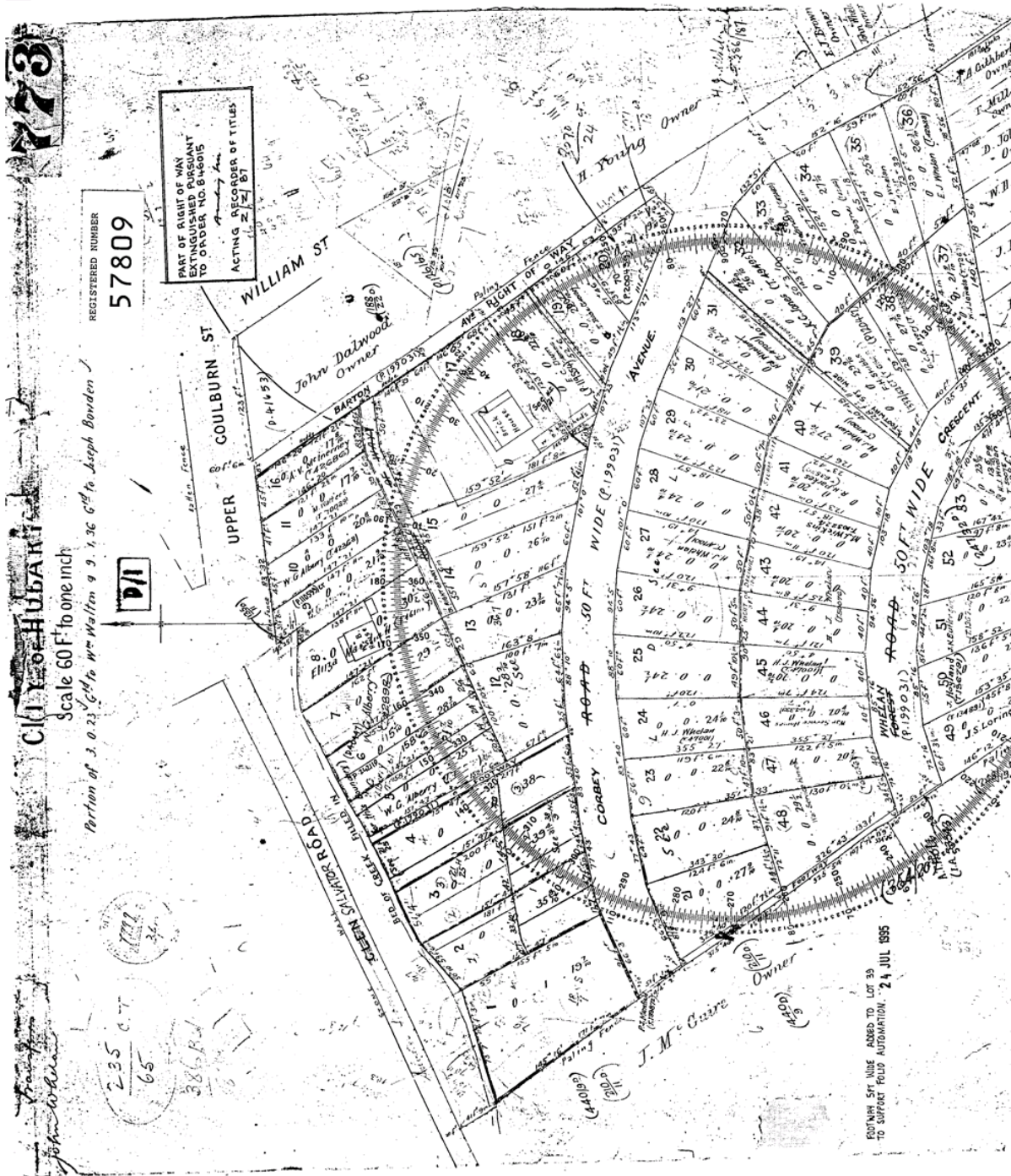




## FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

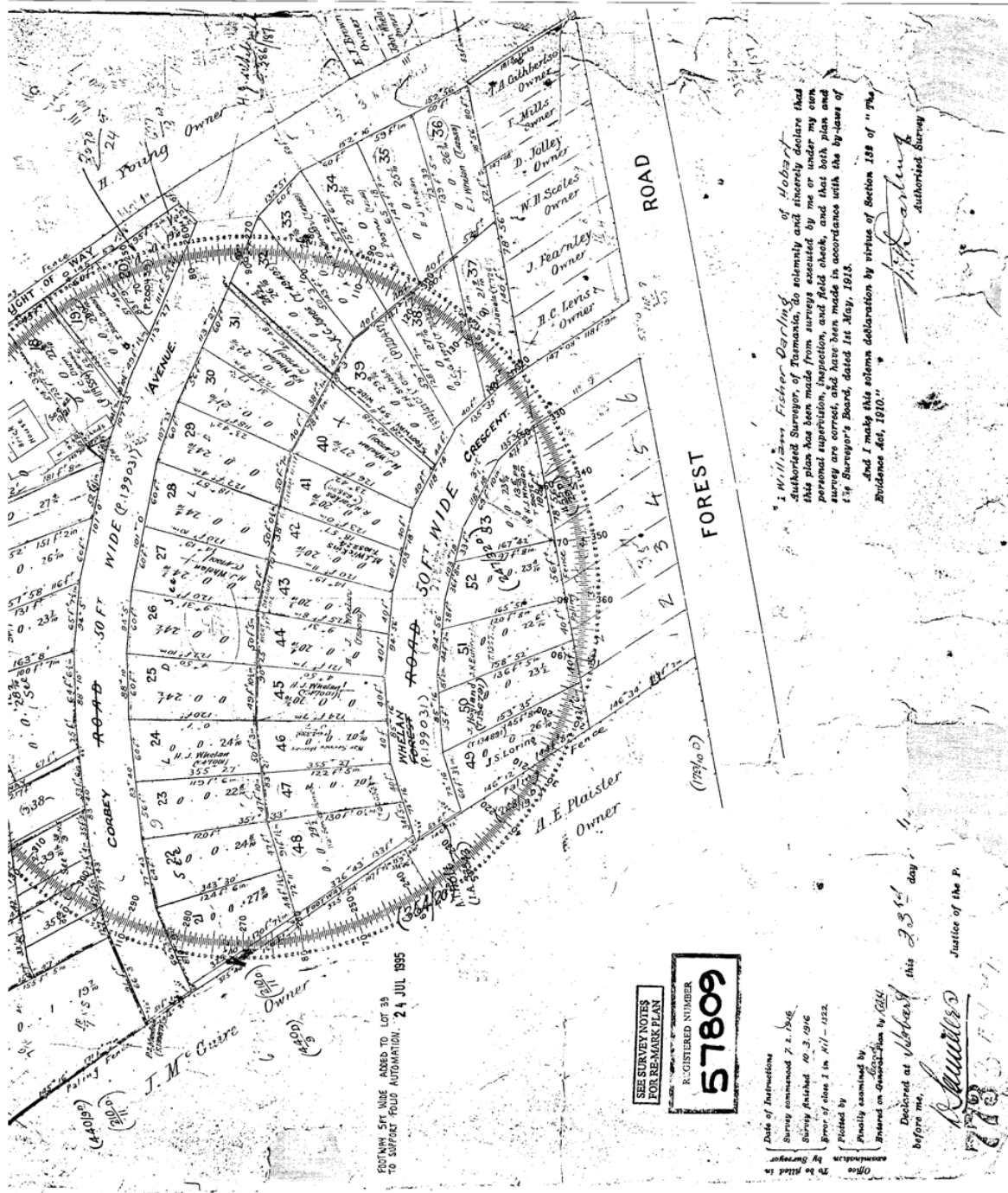




## FOLIO PLAN

DEPUTY RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*



**7.1.2 409 ARGYLE STREET, NEW TOWN - FRONT FENCING AND  
ALTERATIONS TO ACCESS  
PLN-20-233 - FILE REF: F20/71890**

---

Address: 409 Argyle Street, New Town  
Proposal: Front Fencing and Alterations to Access  
Expiry Date: 14 August 2020  
Extension of Time: Not applicable  
Author: Michaela Nolan

**RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for front fencing at 409 Argyle Street, New Town 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-20-233 - 409 ARGYLE STREET NEW TOWN TAS 7008 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**ENG 13**

**The fence taper (from 1.75m to 1.2m over the first 1.5m in length) must be installed within 60 days of the date of this permit.**

Reason for condition

To ensure the safety of pedestrians whilst vehicles are entering and leaving the development.



## ADVICE





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

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

## BUILDING PERMIT

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

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

Attachment A:	PLN-20-233 - 409 ARGYLE STREET NEW TOWN TAS 7008 - Planning Committee or Delegated Report ↓ 
Attachment B:	PLN-20-233 - 409 ARGYLE STREET NEW TOWN TAS 7008 - CPC Agenda Documents ↓ 
Attachment C:	PLN-20-233 - 409 ARGYLE STREET NEW TOWN TAS 7008 - Planning Referral Officer Development Engineering Report ↓ 
Attachment D:	PLN-20-233 - 409 ARGYLE STREET NEW TOWN TAS 7008 - Planning Referral Officer Cultural Heritage Report ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	27 July 2020
Expiry Date:	14 August 2020
Application No:	PLN-20-233
Address:	409 ARGYLE STREET , NEW TOWN
Applicant:	Caroline Lindus (ERA Planning and Environment) 7 Commercial Road
Proposal:	Front Fencing and Alterations to Access
Representations:	Eight (8)
Performance criteria:	Development Standards, Parking and Access Code, Historic Heritage Code

---

**1. Executive Summary**

- 1.1 Planning approval is sought for Front Fencing at 409 Argyle Street, New Town.
- 1.2 More specifically the proposal includes:
  - A paling fence on the south western boundary of 2/409 Argyle Street. This boundary divides the driveway and car parking area between units 1 and 2.
  - The fence would be sited 0.1m within the boundary of unit 2.
  - The fence would be 5.41m long and would have a setback of 0.66m from the front boundary to Stoke Street.
  - The fence would have a maximum height of 1.75m and would taper down to a maximum height of 1.2m at the end closest to the street.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Inner Residential Zone Development Standards - Frontage Fences
  - 1.3.2 Parking and Access Code - Design of Vehicular Access
  - 1.3.3 Historic Heritage Code - Buildings and Works other than Demolition
- 1.4 Eight (8) representations objecting to the proposal were received within the statutory advertising period between 10 June 2020 and 24 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 subject site is located in an established residential area on the northern side of Stoke Street, near the intersection with Argyle Street. The site is a strata titled lot which sits on the corner of Argyle and Stoke Streets with the development located on Lot 2 in the north eastern part of the parent lot.



Figure 1: location of the subject site at 2/409 Argyle Street, New Town (outlined in blue).



Figure 2: the subject site at 2/409 Argyle Street, New Town (outlined in blue). The parent lot is outlined in red.



Figure 3: Site visit to 409 Argyle Street showing the fence located on the boundary between 1/409 Argyle Street (left) and 2/409 Argyle Street (right).





*Figure 4: Site visit to 409 Argyle Street showing the visibility of the fence from either side of the driveway. The 'visitor' car parking space at 1/409 Argyle Street is partially visible in the right hand side photo where the green wheelie bin is located.*

### 3. Proposal

3.1 Planning approval is sought for Front Fencing at 2/409 Argyle Street, New Town.

3.2 More specifically the proposal is for:

- A paling fence on the south western boundary of 2/409 Argyle Street. This boundary divides the driveway and car parking area between units 1 and 2.
- The fence would be sited 0.1m within the boundary of unit 2.
- The fence would be 5.41m long and would have a setback of 0.66m from the front boundary to Stoke Street.
- The fence would have a maximum height of 1.75m and would taper down to a maximum height of 1.2m at the end closest to the street.

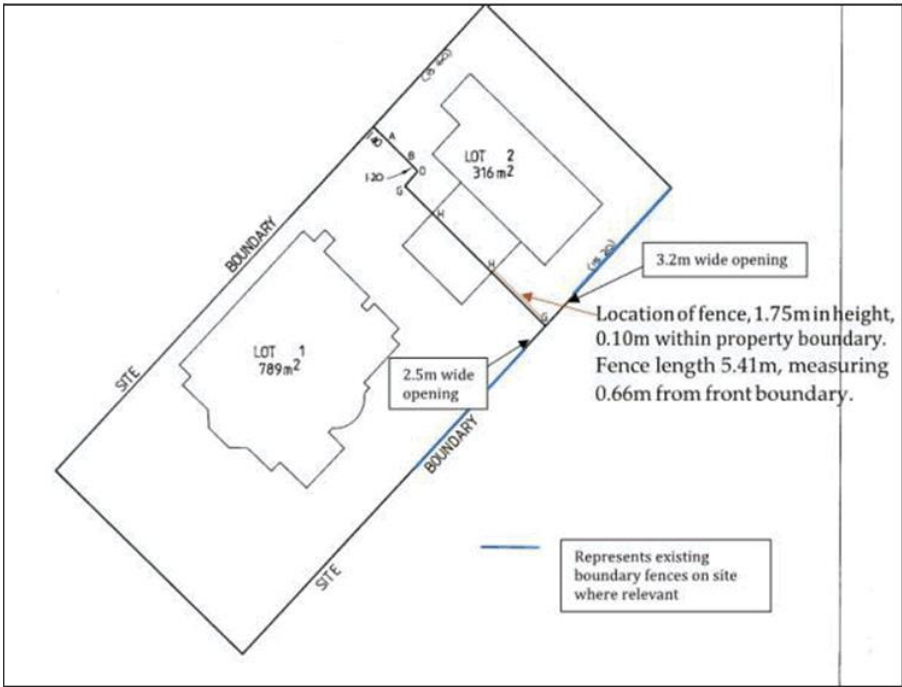


Figure 5: location of the proposed fence at 2/409 Argyle Street, New Town.



Figure 6: the proposed fence at 2/409 Argyle Street, New Town.



The fence is proposed to be amended in a similar manner, reducing from the existing height of 1.75m, to a height of 1.2m. The length of the taper will be approximately 1.5m.

*Figure 7: the fence will be tapered down to 1.2m from its current 1.75m over the first 1.5m back from the frontage.*

#### 4. Background

- 4.1 The fence is the subject of enforcement action as it was built without the required approvals. As such this application is seeking retrospective planning approval.
- 4.2 Approval was granted in 2017 (PLN-16-1302) to convert the existing carport at 2/409 Argyle Street into a habitable room. The approval included a car parking space in the driveway for this unit. The approval was granted retrospectively as the works had already commenced.
- 4.3 The driveway and car parking space were in common land under the original strata plan. However this was amended in 2001 through an application to amend the strata plan. The amendment removed all common land and split the driveway between the units. As such, half the driveway and the visitor space was on the the strata title for 1/409 Argyle Street and the other half of the driveway was on the strata title for 2/409 Argyle Street, with no common land.

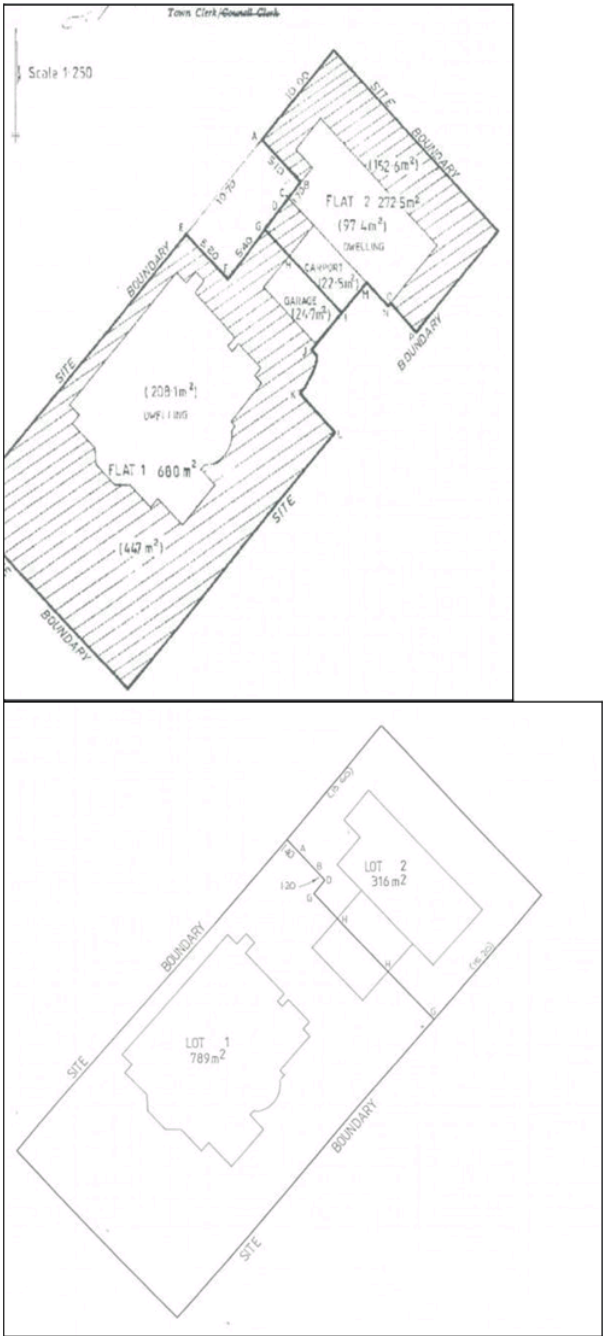


Figure 8: the original (left) and the amended (right) strata plan for 409 Argyle Street.

5. Concerns raised by representors

- 5.1 Eight (8) representation/s objecting to the proposal were received within the statutory advertising period between 10 June 2020 and 24 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.

<u>Parking</u> <ul style="list-style-type: none"> <li>• Parking is difficult on the street because of the nearby school, parking by commuters and a nearby bus stop.</li> <li>• Without the visitor space, visitors will have to park further away and walk to 1/409 Argyle Street.</li> <li>• Two car parking spots were available on both lots. 2/409 Argyle Street has already been reduced to one. Access to the visitor spot on 1/409 Argyle Street should be considered.</li> </ul>
<u>Sight lines</u> <ul style="list-style-type: none"> <li>• The fence restricts sightlines and visibility of pedestrians.</li> <li>• Sight lines are already obstructed when vehicles are parked in Stoke Street.</li> <li>• With the fence sight lines of pedestrians and cars are severely obstructed and dangerous.</li> <li>• Impossible for a car existing the site to see pedestrian traffic.</li> <li>• A pedestrian was nearly hit by a car existing the site. The car was not visible until they were halfway across the footpath.</li> <li>• The fence is a hazard to both parties and serves no functional use other than to mark the shared boundary.</li> <li>• Even with the fence being tapered, sightlines would be reduced and prevent pedestrians from seeing vehicles.</li> <li>• The fence should be reduced in length to restore sightlines.</li> </ul>
<u>Access to car parking</u> <ul style="list-style-type: none"> <li>• Movement into and out of 1/409 Argyle Street is restricted by the fence.</li> <li>• The fence prevents access to a 'visitor' parking space on 1/409 Argyle Street.</li> <li>• The Australian Standard requires a minimum 3m wide access. The fence reduces the access for 1/409 Argyle Street to 2.5m.</li> <li>• The width of the car at 1/409 Argyle Street is 2.15m from mirror tip to mirror tip.</li> </ul>

- The fence restricts access to 1/409 Argyle Street.
- With the fence there is not sufficient space to open a car door and get out of the car. Cars must be parked on an angle.
- Has caused the loss of a second off street car parking space.
- The driveway is more of a shared access and to get into the visitor space it is necessary to use most of the driveway.
- The driveway used to be shared with car parking for 2/409 Argyle Street in a now enclosed carport. The driveway was free for visitors. The enclosing of the carport has reduced off street car parking numbers.
- The car parking situation worked if everyone was considerate.
- The submitted report doesn't address that the access to 1/409 Argyle Street will be inadequate.
- The visitor parking space is marked on plans from 1982.
- The application does not mention access to the visitor space.
- Strata approval in 1982 required the visitor space. This fence has taken access to it away.
- The driveway or visitor space is not available to visitors or deliveries.
- The driveway is close to the intersection with Stoke Street which is very busy at peak times. There is a short opening in which it is safe to pull out of the driveway.
- Understand that the strata prevents vehicles from crossing the boundary. This should be considered by the Council.
- Crossing of the strata boundary for access has never been a problem before.
- Councils Development Engineer has advised that assessment of sight lines is triggered and the fence should stop 1m from the boundary. A fence is not always a fence, it can also be a modification to vehicle access.
- With a fence, an additional 300mm is required to open car doors.

Heritage

- The fence is not in keeping with the heritage precinct – NH8.
- Negative impact on the visual amenity of the area and streetscape of the heritage precinct.
- Does not comply with the heritage requirements for amenity, streetscape or surrounding properties.
- The fences in the area are predominantly brickwork. There are no wooden fences nearby.

Other

- The property is close to a school and other services so there are many pedestrians including children and mothers with prams and young children.
- The fence would not increase privacy to 2/409 Argyle Street as there is an existing front boundary fence and the window is a highlight window.
- The application should be refused.
- The fence was erected while the owners of 1/409 Argyle Street were away and there was no consultation.
- An agreement about use of the driveway had been in use for 20 years, this is in breach of that agreement.
- The driveway has been used as a common driveway for 20 years with no complaint and to the advantage of both properties.
- The fence was constructed without the required approvals. They should not be rewarded with retrospective approval.
- The fence does not meet the strategic intention of the planning instrument
- The fence serves no practical purpose.
- The fence is of poor quality and does not comply with planning or building standards.
- There would be a negative impact on property values and sets an undesirable precedent for building activity and heritage standards.
- The fence should be removed.
- The fence is very narrow and not easily visible end on.
- The fence will reduce the value of 1/409 Argyle Street.
- In the last 20 years two cars have been stolen and one written off. Need access to the car parking spaces for safety.
- Should have gained an entitlement over that land after using it for over 12 years to access the visitor space.

## 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 multiple dwelling. The proposal is for development only, there would be no change of use and no intensification of the existing use. The existing use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 10 Inner Residential Zone
  - 6.4.2 E6.0 Parking and Access Code
  - 6.4.3 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Inner Residential Zone  
*Frontage Fences - Part D 11.4.7 P1*
  - 6.5.2 Parking and Access Code  
*Design of Vehicular Accesses - Part E6.7.2.P1*
  - 6.5.3 Historic Heritage Code  
*Buildings and Works Other than Demolition - Part E13.8.2.P4*
- 6.6 Each performance criterion is assessed below.
- 6.7 Frontage Fences - Part D 11.4.7 P1



- 6.7.1 The acceptable solution at clause 11.4.7.A1 requires fences within 3m of a frontage that isn't the primary frontage to have a maximum height of 1.5m.
- 6.7.2 The proposal includes a fence within 3m of the front boundary to Stoke Street that would have a maximum height of 1.75m.
- 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 11.4.7.P1 provides as follows:
- A fence (including free-standing walls) within 3m of frontage must allow for mutual passive surveillance between the road and the dwelling (particularly on primary frontages), and maintain or enhance the streetscape.*
- 6.7.5 The proposed fence would be perpendicular to the street and would largely be hidden by existing high front fences on the front boundary either side of the driveway for pedestrians and vehicles on Stoke Street. As such it is considered that there would be no detriment to the streetscape.
- 6.7.6 There is no front gate across the driveway, as such passive surveillance between the dwellings and the street would not be significantly less than the existing situation. Passive surveillance of the footpath from this part of the property is already minimal as it consists of a driveway and parking spaces, a garage and a dwelling with highlight windows.
- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Design of Vehicular Accesses - Part E6.7.2.P1
- 6.8.1 The acceptable solution at clause E6.7.2.A1 requires vehicle access points to comply with the relevant Australian Standard.
- 6.8.2 The proposal includes modifications to an existing access with the construction of a fence which would make the existing access non-compliant with the relevant Australian Standard.
- 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 E6.7.2.P1 provides as follows:

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

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

6.8.5 The Council's Senior Development Engineer has assessed the proposal and has provided the following assessment against the performance criteria:

(a) conflicts between pedestrian/cyclists and vehicles existing the property must be considered. The proposed fence is set back 600mm from the front boundary giving a 600x600mm sight triangle free from objects. The tapering down of the fence towards the front boundary to 1.2m. Given that the position of the eye from a vehicle is 1.5m in height, this means that there is scope for an exiting vehicle to see over the tapered section of the fence to a reasonable degree. A side fence tapering down to 1.2m on the property boundary is typically approved as meeting the Performance Criteria of E.6.7.2 by Council and is typically supported by the Road Authority. On the basis of the above the Council SDE supports P1 (a) approval.

(b) given the property boundary is approximately 6.4m away from the conflict point of passing vehicles, the modifications to the access are unlikely to interference with the flow of traffic on adjoining roads.

(c) Residential traffic with a volume of approximately 5-7 trips per day per access (RTA estimates) is likely to occur. The proposed modification of the access is suitable for this type and volume of traffic.

(d) It is noted that 1/409 Argyle Street (which forms part of this application) and 2/409 Argyle Street initially, when the Strata was first established for the property had a COMMON property combined driveway access of approximately 5.7m wide. Subsequent removal of COMMON property combined with 2/409 Argyle Street filling in their garage and getting formal approval to

park in the driveway, negated the viability of this combined access for use by 1/409 Argyle Street as (1) it could not legally be accessed without intruding onto 2/409 Argyle Street title and (2) the formal approval of a parking space in the driveway of 2/409 Argyle Street made physical access to the previously combined driveway problematic. On this basis the impact of the proposed side boundary fence (and associated modification to vehicular access to both 1/409 and 2/409 Argyle Street) on the width of the 1/409 Argyle Street driveway access is moot. 1/409 Argyle Street access was formally 2.5m wide when the removal of the COMMON property occurred, and is to remain 2.5m wide.

On the basis of the above the access modifications are supported under E6.7.2 P1 by the SDE.

6.8.6 The proposal complies with the performance criterion.

6.9 Historic Heritage Code - Buildings and Works Other than Demolition - Part E13.8.2.P4

6.9.1 The acceptable solution at clause E13.8.2.A4 requires new front fences to accord with original design, based on photographic, archaeological or other historical evidence.

6.9.2 The proposal includes a paling fence that does not accord with the original design of fences for the precinct.

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 E13.8.2.P4 provides as follows:

*New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.*

6.9.5 The Council's Cultural Heritage Officer has assessed the proposal and has provided the following assessment against the performance criteria:

The fencing with the tapered down design is considered to be appropriate, the fence will read as a side boundary fence not a front fence. The fencing will not result in loss of significance to the

precinct, Performance Criteria 4 of E13.8.2 is considered satisfied.

The proposal meets the relevant provisions of the Historic Heritage Code of HIPS 2015.

6.9.6 The proposal complies with the performance criterion.

## 7. Discussion

- 7.1 Planning approval is sought for Front Fencing at 409 Argyle Street, New Town.
- 7.2 The application was advertised and received eight (8) representations. The representations raised concerns including access to 1/409 Argyle Street, safety for pedestrians and users of the driveway and the impact of the fence on the appearance of the property and the heritage precinct.
- 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 and Cultural Heritage Officer. The officers have raised no objection/objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

## 8. Conclusion

- 8.1 The proposed Front Fencing at 409 Argyle Street, New Town 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 Front Fencing at 409 Argyle Street, New Town 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-20-233 - 409 ARGYLE STREET NEW TOWN TAS 7008 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### ENG 13

**The fence taper (from 1.75m to 1.2m over the first 1.5m in length) must be installed within 60 days of the date of this permit.**

Reason for condition

To ensure the safety of pedestrians whilst vehicles are entering and leaving the development.

### ADVICE

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

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

### BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click

[here](#) for more information.

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



(Michaela Nolan)

**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: 2 July 2020

**Attachment(s):**

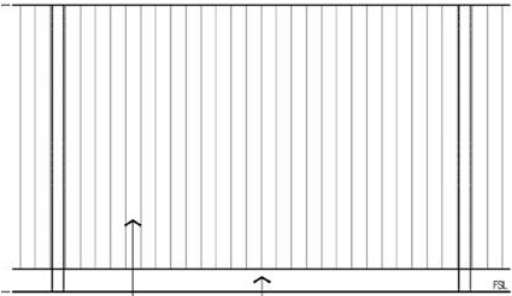
Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Development Engineering Report

Attachment D - Planning Referral Officer Cultural Heritage Report



Fence as constructed on site, set in 600mm from the street boundary. The fence will be altered so for the section closest to the road, it will taper down to 1.2m for 1.5m of its length within the property.



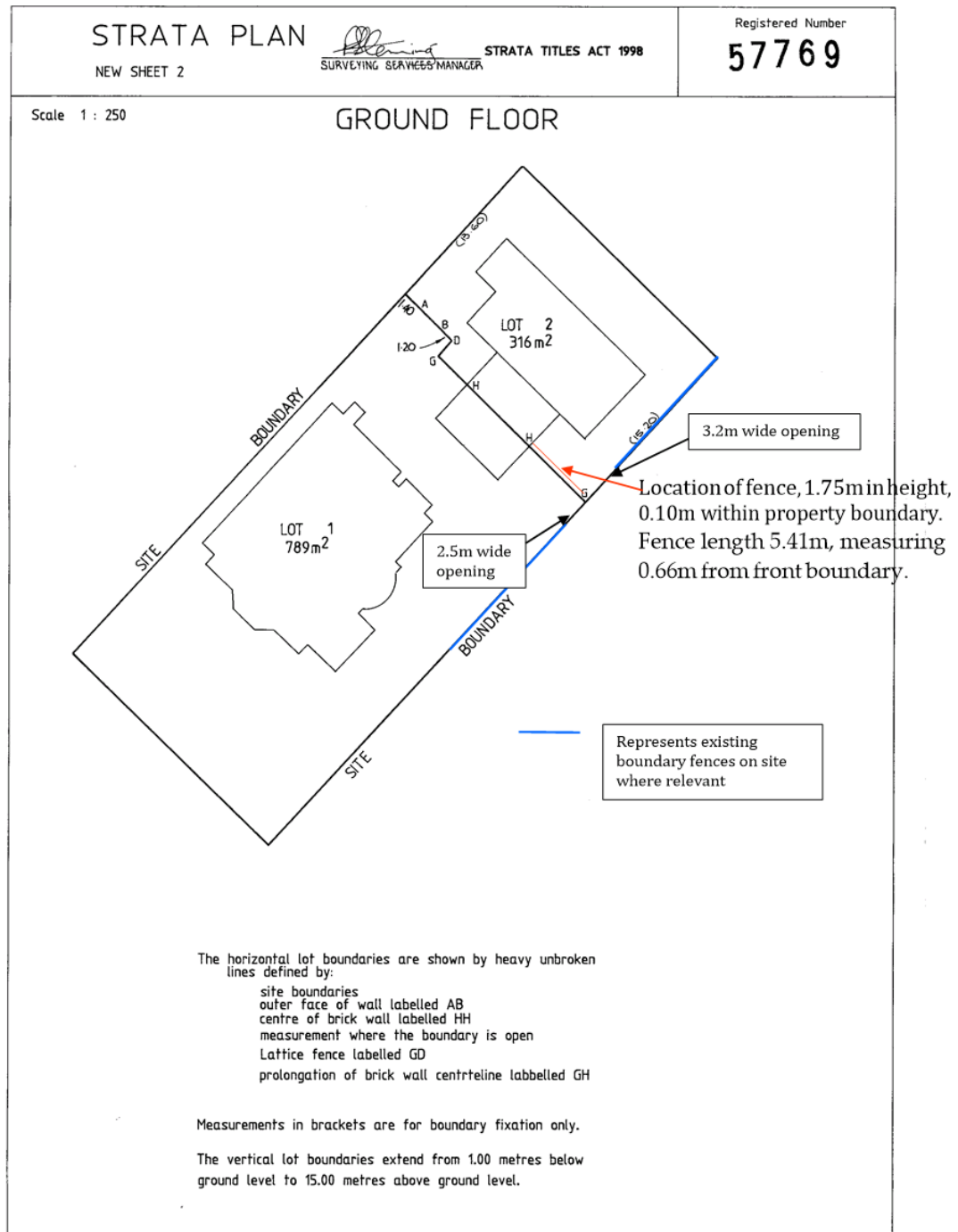
Length of fence 5.41m.

Height of fence currently, 1.75m.



The fence is proposed to be amended in a similar manner, reducing from the existing height of 1.75m, to a height of 1.2m. The length of the taper will be approximately 1.5m.







17 April 2020

Mr Ben Ikin  
16 Elizabeth Street  
Hobart TAS 7000

By email: [coh@hobartcity.com.au](mailto:coh@hobartcity.com.au)

Dear Ben,

**2/409 ARGYLE STREET, NORTH HOBART  
PLANNING APPROVAL FOR A SIDE FENCE**

ERA Planning and Environment have been engaged by Roger and Emelia Dixon of 2/409 Argyle Street to assist in the resolution of an enforcement notice, ENF-20-112. The notice is in relation to the construction of a side fence, between two strata properties, which is within 3m of the street boundary with Stoke Street.

The fence represents a rear boundary fence for 1/409 Argyle Street, and a side boundary fence for 2/409 Argyle Street on account of the parent title's corner location. The fence, whilst only 1.75m in height, is not exempt under the Boundary Fences Act on account of being within 3m of the street boundary with Stoke Street.



*Figure 1: The fence as constructed. Note the existing high solid fence along the street frontage of the site.*



*Figure 2: The car parking at 1/409 Argyle Street.*



*Figure 3: The car parking at 2/409 Argyle Street.*

p2





**Figure 4: Looking along Stoke Street to the fencing along the street edge.**

#### 1. Zone Standards

The following standard within the Inner Residential Zone requires assessment:

*A1*

*A fence (including a free-standing wall) within 3m of a frontage must have a height above natural ground level of not more than:*

*(a) 1.2m if the fence is solid; or*

*(b) 1.5m, if any part of the fence that is within 3m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).*

The fence is currently setback 0.66m from the boundary with Stoke Street. It has a height of 1.75m which does not have any transparency. The following performance criteria requires consideration:

*P1*

*A fence (including free-standing walls) within 3m of a frontage must allow for mutual passive surveillance between the road and the dwelling (particularly on primary frontages), and maintain or enhance the streetscape.*

The amount of passive surveillance between the road and the properties will not change. The fence applied for is a side fence and as such, for people viewing into the property, they will continue to maintain a clear line of site to both strata properties. It is noted that the properties in this location do not have windows looking out to the street, so fundamentally passive surveillance is prevented by the existing dwelling design. However, there will be no impact upon the streetscape from the construction of the fence as the fence is perpendicular to the street and as such visually unobtrusive.

p3

**2. Code Standards****Historic Heritage Code**

The property is within a Heritage area: NT8 Stoke Street. There are exemptions that apply to development within Heritage precincts. This includes an exemption for a side fence under Clause E13.4.1(i) which states:

- i) *the construction or demolition of:*
  - (i) *side and rear boundary fences:*
    - a. *not adjoining a road or public reserve; and*
    - b. *not more than a total height of 2.1m above natural ground level;*
  - except where they are within the garden or grounds that are specifically part of the General Description column in Table E13.1;*
  - (ii) *fencing of agricultural land or for protection of wetlands and watercourses;*
  - (iii) *temporary fencing associated with occasional sporting, social and cultural events, construction works and for public safety;*

The application proposed is for a side fence, which has a height of less than 2.1m. The fence is not within the grounds that are specifically listed nor will there be any impact upon vegetation on the site. Given this, it is considered that the fence is exempt from consideration under the Historic Heritage Code.

**Parking and Access Code**

It is of note that there is no change to the parking and access arrangements on site. The fence is located between two parking spaces for separate properties. Whilst these properties are separated through a strata title, the access and parking area is not communal. The fence has been constructed 10cm within the property boundary of 2/409 Argyle Street. Concerns have been raised by Council in initial discussions that accessing the property for 1/409 Argyle Street may be made more difficult due to the location of the fence. It is unclear whether these concerns are related to manoeuvrability, or to sight lines.

It is important to note that the owners of 1/409 Argyle Street have no rights of access over the land at 2/409 Argyle Street. While they may have been utilising the access driveway at 2/409 Argyle Street, they had no legal right to do so. Any concerns held in relation to the width of the access and manoeuvrability for 1/409 Argyle Street must be addressed on their property alone. However as can be noted in Figure 2, vehicles can and are accessing that property currently.

In relation to sight lines, the constructed fence is setback 0.66m from the front boundary. The most significant impediment to achieving sight lines from the property is the existing fences that are located along the boundary with Stoke Street (see Figure 1 and Figure 4). The reduction in height of the recently constructed fence in that location will not improve the sight lines for vehicles exiting the property.

Notwithstanding this, consideration is given to a number of clauses within the Parking and Access Code. These are:

**E6.7.2, Design of Vehicular Accesses**

A1

*Design of vehicle access points must comply with all of the following:*

p4

(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) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.

There is no change to the vehicular access at 1/409 Argyle Street. The vehicular access at 2/409 Argyle Street will be reduced in width by 10cm however there remains 3.2m of driveway with between the recently constructed fence, and the existing side fence on the site. This is considered adequate.

#### E6.7.5, Layout of Parking Areas

A1

*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.*

There are no changes to the layout of the parking areas on site. The parking area at 1/409 Argyle Street remains the same as it has previously been. The parking area at 2/409 Argyle Street is slightly narrower by a distance of 10cm however remains adequate for vehicles to park.

### 3. Conclusion

The application proposes the construction of a side fence, 5.41m in length, between two properties in Argyle Street. The fence has a height of 1.75m and separates two parking areas. The fence was constructed to provide some privacy for the owners of 2/409 Argyle Street and to delineate the parking areas appropriately. The fence does not adversely impact upon the streetscape or impact upon passive surveillance between the street and houses. Whilst the access to the two separate parking areas and houses is not expansive, this is a reflection of the location of the existing fences along the street as much as the proposed side fence.

We request that Council considers this application and recommend for approval.

Yours sincerely,



Caroline Lindus  
**Principal Planner**

Attachments    Site Plan  
                         Fence Plan

p5

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME 57769	FOLIO 2
EDITION 8	DATE OF ISSUE 17-Sep-2019

SEARCH DATE : 17-Apr-2020

SEARCH TIME : 03.38 PM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Strata Plan 57769 (formerly being STR1463) and a  
general unit entitlement operating for all purposes of the  
Strata Scheme being a 1 undivided 1/2 interest

Derived from Strata Plan 57769

Derivation : Part of 10A-2R-30Ps. and Part of 1A-3R-0Ps. Gtd.  
to J. Spode

Prior CT 4014/48

SCHEDULE 1

C162137 TRANSFER to ROGER DIXON and EMILIA DIXON Registered  
08-Jun-1999 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property

Folio of the Register volume 57769 folio 0

The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property

Folio of the Register volume 57769 folio 0

60792 BOUNDARY FENCES CONDITION in Transfer

A787548 INSTRUMENT Creating Restrictive Covenants Registered  
24-Mar-1982 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyancing and Law of Property Act 1884

## STRATA PLAN

REGISTERED NUMBER

No. 1463

Sheet 1 of 3 Sheets

City or Town HOBART

57769

Locality NEW TOWN

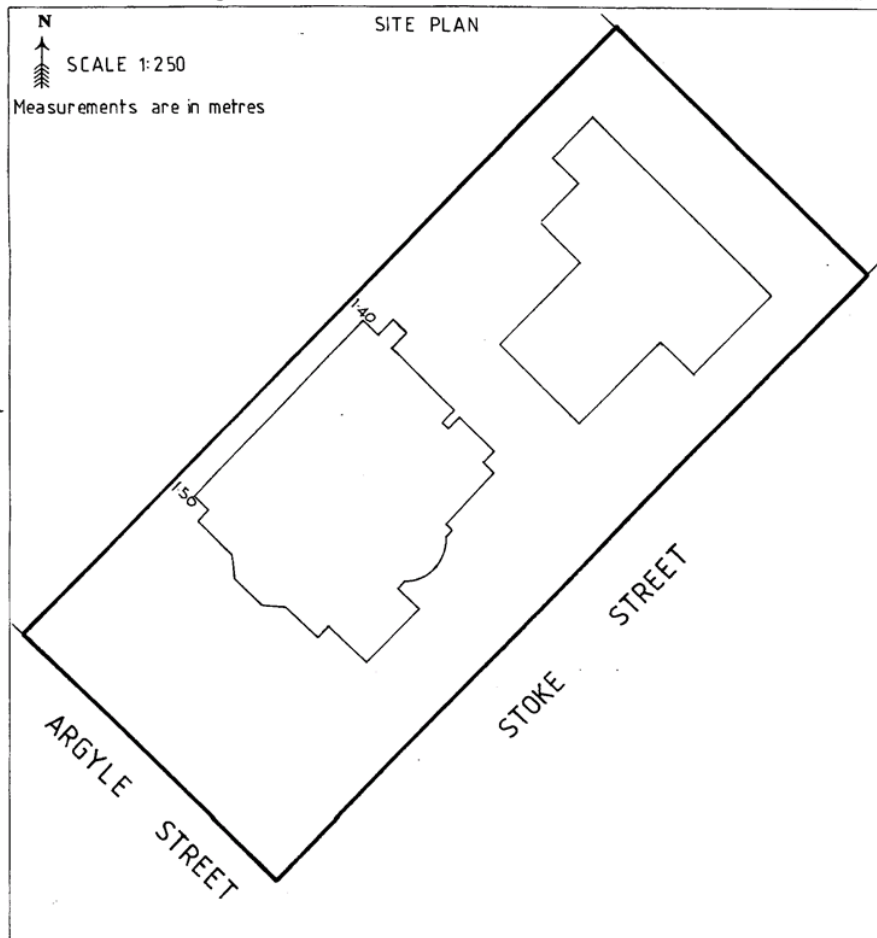
Reference to Title C.T. 3008-46

Site comprises the whole portion of Lot 6 on Plan Diagram No. 18-22 N.S. in the

Lands Titles Office

The name of the building is NO. 409 ARGYLE STREET HOBART

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



REGISTERED this 15th day of DECEMBER 1963, No. 1463

*J. Broad*  
ACTING DEPUTY Recorder of Titles

This plan is lodged for registration by Simpson &amp; Co.

OL 1335





## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## STRATA PLAN

NEW SHEET 2

  
SURVEYING SERVICES MANAGER

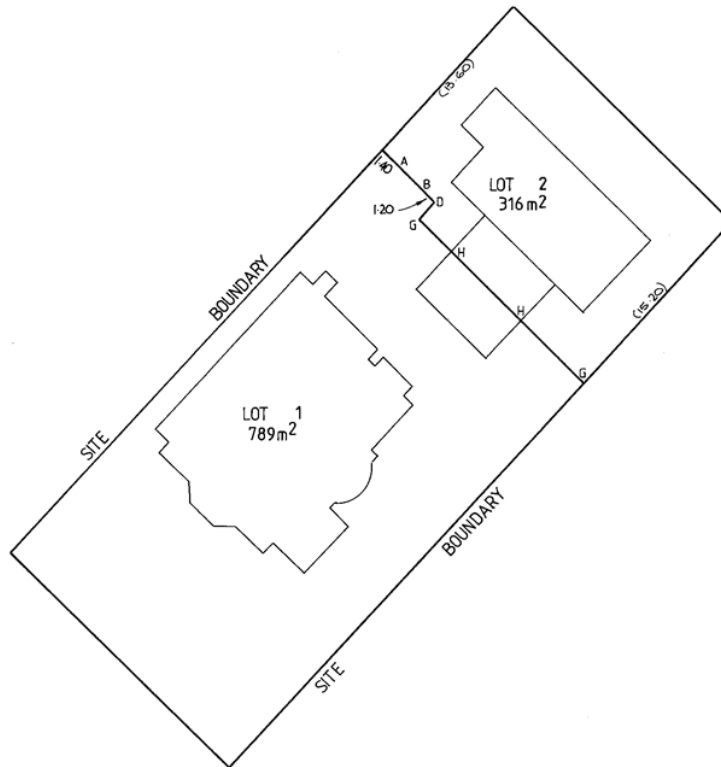
STRATA TITLES ACT 1998

Registered Number

57769

Scale 1 : 250

## GROUND FLOOR



The horizontal lot boundaries are shown by heavy unbroken lines defined by:

- site boundaries
- outer face of wall labelled AB
- centre of brick wall labelled HH
- measurement where the boundary is open
- Lattice fence labelled GD
- prolongation of brick wall centrelines labelled GH

Measurements in brackets are for boundary fixation only.

The vertical lot boundaries extend from 1.00 metres below ground level to 15.00 metres above ground level.



**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
57769	0
EDITION	DATE OF ISSUE
4	23-Nov-2000

SEARCH DATE : 14-May-2020

SEARCH TIME : 05.09 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 57769 (formerly being STR1463)

Derivation : Part of 10A-2R-30Ps. and Part of 1A-3R-0Ps. Gtd. to J. Spode

Prior CT 3008/46

SCHEDULE 1

STRATA CORPORATION NO. 57769, NO 409 ARGYLE STREET HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

60792 BOUNDARY FENCES CONDITION in Transfer

A787548 INSTRUMENT Creating Restrictive Covenants Registered  
24-Mar-1982 at 12.01 PMC263103 APPLICATION by owners to amend strata plan  
Registered 23-Jan-2001 at noonUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME 57769	FOLIO 1
EDITION 6	DATE OF ISSUE 07-Oct-2004

SEARCH DATE : 14-May-2020

SEARCH TIME : 05.09 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Strata Plan 57769 (formerly being STR1463) and a  
general unit entitlement operating for all purposes of the  
Strata Scheme being a 1 undivided 1/2 interest

Derived from Strata Plan 57769

Derivation : Part of 10A-2R-30Ps. and Part of 1A-3R-0Ps. Gtd.  
to J. Spode

Prior CT 4014/47

SCHEDULE 1

C269387 TRANSFER to DENNIS RAYMOND GRUBB and LAURELL NORMA  
GRUBB Registered 23-Jan-2001 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 57769 folio 0

The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 57769 folio 0

60792 BOUNDARY FENCES CONDITION in Transfer

A787548 INSTRUMENT Creating Restrictive Covenants Registered  
24-Mar-1982 at 12.01 PM

C586126 MORTGAGE to Island State Credit Union Ltd  
Registered 07-Oct-2004 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyancing and Law of Property Act 1884

## STRATA PLAN

REGISTERED NUMBER

No. 1463

Sheet 1 of 3 Sheets

City or Town HOBART

57769

Locality NEW TOWN

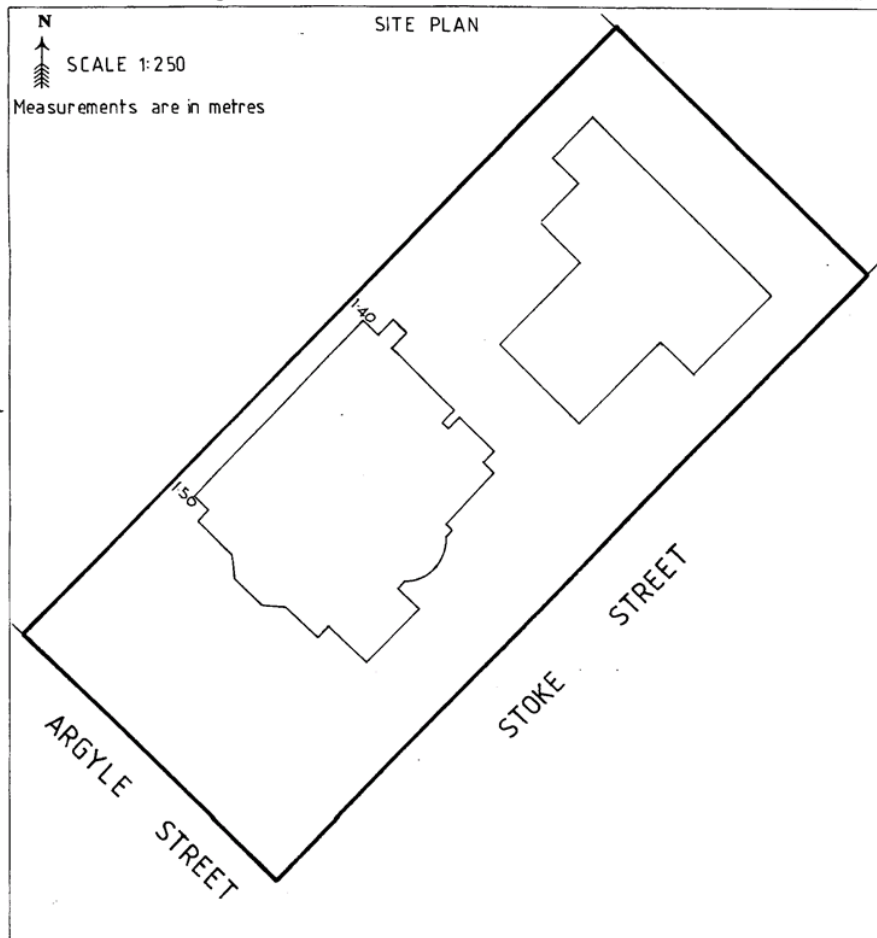
Reference to Title C.T. 3008-46

Site comprises the whole portion of Lot 6 on Plan Diagram No. 18-22 N.S. in the

Lands Titles Office

The name of the building is NO. 409 ARGYLE STREET HOBART

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



REGISTERED this 15th day of DECEMBER 1963, No. 1463

  
ACTING DEPUTY Recorder of Titles

This plan is lodged for registration by Simpson &amp; Co.

OL 1335

**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1998

**STRATA PLAN**

NEW SHEET 2

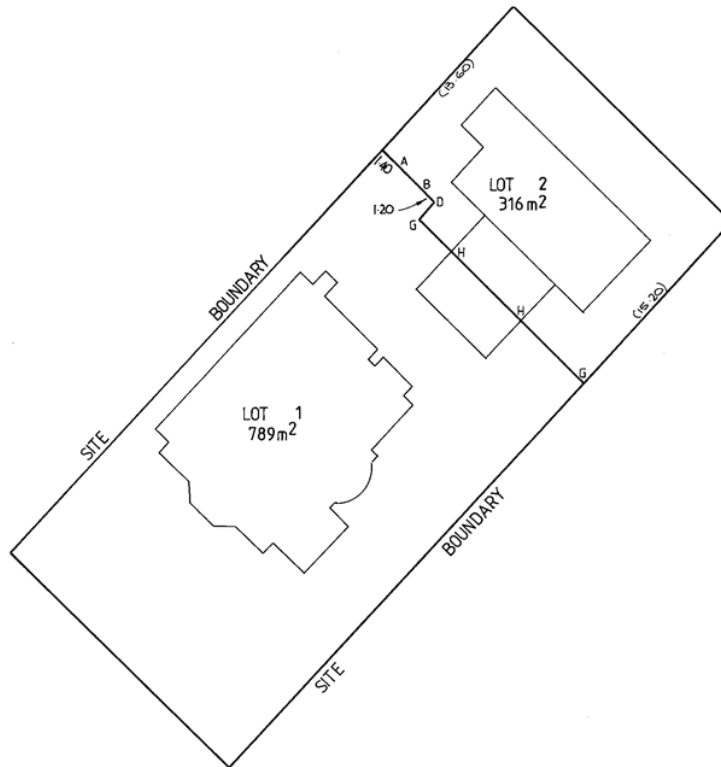
  
SURVEYING SERVICES MANAGER

STRATA TITLES ACT 1998

Registered Number

**57769**

Scale 1 : 250

**GROUND FLOOR**

The horizontal lot boundaries are shown by heavy unbroken lines defined by:

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- centre of brick wall labelled HH
- measurement where the boundary is open
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- prolongation of brick wall centrteline labelled GH

Measurements in brackets are for boundary fixation only.

The vertical lot boundaries extend from 1.00 metres below ground level to 15.00 metres above ground level.



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Sheet 3 of 3 Sheets

57769

The address for service of notices on the company is:—  No. 409 Argyle Street New Town 7008 NAME OF BODY CORPORATE: STRATA CORPORATION NO. 57769 No. 409 ARGYLE STREET HOBART			<b>SURVEYOR'S CERTIFICATE</b> I, Nicholas Griggs of 295 Elizabeth Street Hobart a surveyor registered under the Land Surveyor's Act 1909, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boundaries of the title stated on sheet 1. Dated this 1 <sup>st</sup> day of October 19 82  Registered Surveyor		
<b>GENERAL UNIT ENTITLEMENTS</b>					
Flat LOT	Unit Entitlement	FOR OFFICE USE ONLY			
1	1	4014 - 47			
2	1	4014 - 48			
TOTAL		2			
			<b>COUNCIL CLERK'S CERTIFICATE</b> I certify that the subdivision shown in this plan has been approved by the Hobart City Council Dated this 27 <sup>th</sup> day of October 1982  Town Clerk/Council Clerk		
			FOR OFFICE USE ONLY		





14 May 2020

Mr D and Mrs L Grubb  
Unit 1/409 Argyle Street  
NEW TOWN TAS 7008

Dear Mr and Mrs Grubb,

**2/409 ARGYLE STREET, NEW TOWN  
SIDE BOUNDARY FENCE**

ERA Planning and Environment have been engaged by the owners of 2/409 Argyle Street, New Town, Mr Roger and Emelia Dixon to prepare a planning application to gain approval for a side fence at their property.

Because you share a strata title with this property, we are notifying you under S52 of the *Land Use Planning and Approvals Act 1993*. No works will occur on your property, with the fence located within the title boundary for 2/409 Argyle Street.

Under s52 of the *Land Use Planning and Approvals Act 1993*, the applicant must declare that they have notified the owner of the land that any development may include. As such, please accept this letter as formal notification of the development which has been lodged with the City of Hobart.

Should you have any queries regarding this response do not hesitate to contact me at [caroline@eraplanning.com.au](mailto:caroline@eraplanning.com.au) or on 0417 246 474.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Caroline Lindus'.

Caroline Lindus

***Principal Planner and Stakeholder Engagement Consultant***

## Application Referral Development Engineering - Response

From:	Rob Cooper
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	409 ARGYLE STREET, NEW TOWN
Proposal:	Front Fencing and Alterations to Access
Application No:	PLN-20-233
Assessment Officer:	Michaela Nolan,

### 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	<del>YES</del> NO	
		<b>This Code applies to use or development of land:</b>
	<del>Yes</del> No	(a) that will require a new vehicle crossing, junction or level crossing; or
	<del>Yes</del> No	(b) that intensifies the use of an existing access; or
	<del>Yes</del> No	(c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
	<del>Yes</del> No	(i) a rail network;
	<del>Yes</del> 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		<b>Comments / Discussion (in bold)</b>
Clause 5.5.1 Existing road accesses and junctions		<u>Documentation submitted to date appears not to invoke clause E5.5.1.</u>
NOT APPLICABLE		No intensification of existing road accesses and/or junctions proposed.

Clause 5.5.2 Existing level crossings			<u>Documentation submitted to date appears not to invoke clause E5.5.2.</u>
NOT APPLICABLE			No intensification of an existing level crossings proposed.
Clause 5.6.1 development adjacent to roads and railways			<u>Documentation submitted to date appears not to invoke clause E5.6.1.</u>
NOT APPLICABLE			No development adjacent to category 1 or category 2 road proposed.
Clause 5.6.2 road and access junctions			<u>Documentation submitted to date appears not to invoke clause E5.6.2.</u>
NOT APPLICABLE			No new accesses or access junctions proposed.
Clause 5.6.3 new level crossings			<u>Documentation submitted to date appears not to invoke clause E5.6.3.</u>
NOT APPLICABLE			No new level crossings proposed.
Clause 5.6.4 sight distance at access and junctions			<u>Documentation submitted to date appears not to invoke clause E5.6.4.</u>
NOT APPLICABLE			The proposed modification to the driveway access does not alter the vehicular sight distances as assessed under E5.6.4. Figure E5.1 considers sight triangles from 5m from the conflict point. Given the footpath is approximately 2.9m from the kerb, plus the 600mm setback of the fence, plus the fact there is a bus stop (including onstreet line marking which moves the conflict point approximately 3.5m from the kerb, results in the fence being outside of the sight triangle.

**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;
	<del>Yes</del>	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>NOT APPLICABLE</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). <u>Documentation submitted to date appears not to invoke clause E6.6's.</u></p> <p>No change to the existing car parking numbers or layout proposed.</p> <p>It is noted that 1/409 Argyle Street (which forms part of this application) initially had a visitor parking space when the Strata was first established for the property. Subsequent removal of COMMON property combined with 2/409 Argyle Street filling in their garage and getting formal approval to park in the driveway, negated the viability of this visitor parking space as (1) it could not legally be accessed without intruding onto 2/409 Argyle Street title and (2) the formal approval of a parking space in the driveway of 2/409 Argyle Street made physical access to the visitor parking space problematic.</p> <p>On this basis the impact of the proposed side boundary fence (and associated modification to vehicular access to both 1/409 and 2/409 Argyle Street) on the visitor parking space is moot as this space can not formally exist based on previous planning approvals.</p>
<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). <u>Documentation submitted to date appears to be able to satisfy the Acceptable Solution for clause E6.7.1.</u></p> <p>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. - <b>COMPLIANT</b></p> <p><b>There are technically 2x existing vehicular access which are to be retained.</b></p>
<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). <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</u></p>

be kept clear of obstructions to visibility] and as such, shall be assessed under Performance Criteria.

*Submitted plans indicate 2m x 2.5m sight triangle areas abutting the driveway are not kept clear of obstructions to visibility due to proposed 1.2m high front fence **and gate**.*

Acceptable Solution - A1:

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 - **NON COMPLIANT**

**The vehicular access for both 1/402 and 2/402 Argyle Street is proposed to be modified by the construction of a side boundary fence which alters the sight triangles for both vehicular accesses. This requires assessment under Performance Criteria.**

Performance Criteria - P1:

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; - **Feasible discussed below**
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; - **Feasible**
- (c) suitability for the type and volume of traffic likely to be generated by the use or development; - **Feasible**
- (d) ease of accessibility and recognition for users. - **Feasible discussed below**

**(a) conflicts between pedestrian/cyclists and vehicles existing the property must be considered. The proposed fence is set back 600mm from the front boundary giving a 600x600mm sight triangle free from objects. The tapering down of the fence towards the front boundary to 1.2m. Given that the position of the eye from a vehicle is 1.5m in height, this means that there is scope for an exiting vehicle to see over the tapered section of the fence to a reasonable degree. A side fence tapering down to 1.2m on the property boundary is typically approved as meeting the Performance Criteria of E.6.7.2 by**

		<p>Council and is typically supported by the Road Authority. On the basis of the above the Council SDE supports P1 (a) approval.</p> <p>(b) given the property boundary is approximately 6.4m away from the conflict point of passing vehicles, the modifications to the access are unlikely to interference with the flow of traffic on adjoining roads.</p> <p>(c) Residential traffic with a volume of approximately 5-7 trips per day per access (RTA estimates) is likely to occur. The proposed modification of the access is suitable for this type and volume of traffic.</p> <p>(d) It is noted that 1/409 Argyle Street (which forms part of this application) and 2/409 Argyle Street initially, when the Strata was first established for the property had a COMMON property combined driveway access of approximately 5.7m wide. Subsequent removal of COMMON property combined with 2/409 Argyle Street filling in their garage and getting formal approval to park in the driveway, negated the viability of this combined access for use by 1/409 Argyle Street as (1) it could not legally be accessed without intruding onto 2/409 Argyle Street title and (2) the formal approval of a parking space in the driveway of 2/409 Argyle Street made physical access to the previously combined driveway problematic. On this basis the impact of the proposed side boundary fence (and associated modification to vehicular access to both 1/409 and 2/409 Argyle Street) on the width of the 1/409 Argyle Street driveway access is moot. 1/409 Argyle Street access was formally 2.5m wide when the removal of the COMMON property occurred, and is to remain 2.5m wide.</p> <p>On the basis of the above the access modifications are supported under E6.7.2 P1 by the SDE.</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). <u>Documentation submitted to date appears not to invoke clause E6.7.4.</u></p> <p>Submitted documentation appears to indicate no facility / requirement for vehicle passing.</p> <p>Acceptable solution - A1: 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; - <u>No</u> (ii) is more than 30 m long; - <u>No</u> (iii) it meets a road serving more than 6000 vehicles per day; - <u>No</u> (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; - <u>N/A</u> (c) have the first passing area constructed at the kerb; - <u>N/A</u> (d) be at intervals of no more than 30 m along the access. - <u>N/A</u></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). <u>Documentation submitted to date appears not to invoke clause E6.7.4.</u></p> <p>Acceptable solution - A1: 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; - <u>COMPLIES</u> (b) it meets a road carrying less than 6000 vehicles per day. - <u>COMPLIES</u></p> <p>Submitted documentation appears to indicate no facility / requirement for on-site turning.</p>

<p>Clause 6.7.5 layout of parking area</p> <p><b>NOT APPLICABLE</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><u>Documentation submitted to date appears not to invoke clause 6.7.5.</u></p> <p>No change to the existing car parking numbers or layout proposed.</p> <p>It is noted that 1/409 Argyle Street (which forms part of this application) initially had a visitor parking space when the Strata was first established for the property. Subsequent removal of COMMON property combined with 2/409 Argyle Street filling in their garage and getting formal approval to park in the driveway, negated the viability of this visitor parking space as (1) it could not legally be accessed without intruding onto 2/409 Argyle Street title and (2) the formal approval of a parking space in the driveway of 2/409 Argyle Street made physical access to the visitor parking space problematic.</p> <p>On this basis the impact of the proposed side boundary fence (and associated modification to vehicular access to both 1/409 and 2/409 Argyle Street) on the visitor parking space is moot as this space can not formally exist based on previous planning approvals.</p>
<p>Clause 6.7.6 surface treatment</p> <p><b>NOT APPLICABLE</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).</p> <p><u>Documentation submitted to date appears not to invoke clause E6.7.6.</u></p> <p>No change to existing surface.</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). <u>Documentation submitted to date appears not to invoke clause E6.7.9.</u></p> <p><u>Acceptable Solution A1 (E6.6.3):</u> 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 <b>bulky goods sales</b>, (rounded to the nearest whole number). Where an existing use or <b>development</b> 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>

Clause 6.7.11 bicycle end trip Planner to assess	—	—	Planner to assess
Clause 6.7.12 siting of car parking Planner to assess based on DE assessment of Clause 6.7.5 layout of parking area	—	—	Planner to assess
Clause 6.7.13 facilities for commercial vehicles  <b>NOT APPLICABLE</b>			<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>Submitted documentation appears to indicate no commercial vehicles loading, unloading or manoeuvring.</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). <u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E6.7.14.</u></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>On the basis of the discussion under E6.7.2 clause, the acceptable solution has been met.</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). <u>Documentation submitted to date appears not to invoke clause E6.7.15.</u></p> <p>No development proposed within Niree Lane.</p>

**E 7.0 Stormwater**

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<b>E7.1.1 Purpose</b>			<b>E7.1.1</b>  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.
<b>E7.2 Application of this Code</b>	<b>YES</b>	N/A	<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>
A1 (SW disposed to Public SW Inf via Gravity / P1 (onsite/pump))  NOT APPLICABLE			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). <u>Documentation submitted to date appears not to invoke clause E7.7.1 (A1).</u>  No new impervious areas proposed.
A2 (WSUD) /P2 (Mechanical Treatment)  NOT APPLICABLE			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). <u>Documentation submitted to date appears not to invoke clause E7.7.1 (A2).</u>  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>  Submitted documentation appears to indicate no requirement for stormwater treatment.
A3 (Minor SW System)  NOT APPLICABLE			The stormwater drainage and disposal must satisfy the Acceptable Solutions of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E7.7.1 (A3).</u>  No increase in impervious areas, clause not triggered.

A4 (Major SW System accommodates 1:100 ARI)			The stormwater drainage and disposal must satisfy the Acceptable Solution of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E7.7.1 (A4).</u>
NOT APPLICABLE			No increase in impervious areas, clause not triggered.

**PROTECTION OF COUNCIL INFRASTRUCTURE**

Council infrastructure at risk	Why?
Stormwater pipes	Not required
Council road network	Not required

**COMMENTS:**

**Summary:** The proposal is for a new side strata boundary fence and the alterations to the vehicular access this causes to both 1/402 and 2/402 Argyle Street vehicular accesses.

The proposal is supported based on the fact that the fence is tapered down to 1.2m from 1.75m over a distance of 1.5m. This taper is typically undertaken in order for Council to support accesses adjacent to side boundary fences.

There were a number of representations raising safety concerns for the modifications to the accesses, and the ability for vehicles to no longer gain access to the visitor parking space on 1/402 Argyle Street. It is the SDE's opinion that the removal of COMMON property from the strata combined with the filling in of 2/402 garage and formal approval to park in the driveway via proper planning approvals has negated the ability for access to this visitor parking space when the approvals were gained many years ago. On this basis the visitor parking space has not been viable for a number of years and the access to it should not be considered as part of this application.

**CONDITIONS:**

In a council related engineering context, the proposal can be supported in principal subject to the following conditions and advice.

**General Conditions:**

ENG 13: Side boundary fence to be tapered prior to commencement of use.

**ADVICE:**

- Nil

## Application Referral Cultural Heritage - Response

<b>From:</b>	Allie Costin
<b>Recommendation:</b>	Proposal is acceptable without conditions.
<b>Date Completed:</b>	
<b>Address:</b>	409 ARGYLE STREET, NEW TOWN
<b>Proposal:</b>	Front Fencing and Alterations to Access
<b>Application No:</b>	PLN-20-233
<b>Assessment Officer:</b>	Michaela Nolan,

### Referral Officer comments:

The side boundary fence is located within 4.5m of the site's primary frontage and as such does not meet the heritage code exemptions for side boundary fences. The property is located within the New Town 8 Heritage Precinct and the proposal must be assessed against E13.8 Development Standards for Heritage Precincts. The proposed fence currently has a height of 1.75m and is proposed to be tapered down to 1.2m towards to street.

### 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 4

New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.

The fencing with the tapered down design is considered to be appropriate, the fence will read as a side boundary fence not a front fence. The fencing will not result in loss of significance to the precinct, Performance Criteria 4 of E13.8.2 is considered satisfied.

The proposal meets the relevant provisions of the Historic Heritage Code of HIPS 2015.

Allie Costin  
17th of June 2020



**7.1.3 32 DE WITT STREET, BATTERY POINT - PARIAL DEMOLITION,  
ALTERATIONS AND EXTENSION  
PLN-20-102 - FILE REF: F20/71933**

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Address: 32 De Witt Street, Battery Point

Proposal: Partial Demolition, Alterations and Extension

Expiry Date: 25 August 2020


Extension of Time: Not applicable




Author: Victoria Maxwell

**RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations and extension at 32 DE WITT STREET BATTERY POINT TAS 7004 for the following reason:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E 13.7.1 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the proposed demolition of the original rear structural wall, associated window and openings would result in the loss of fabric and form that contribute to the 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;
  - 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.

Attachment A: PLN-20-102 - 32 DE WITT STREET BATTERY POINT TAS 7004 - Planning Committee or Delegated Report ↓ 

- Attachment B: PLN-20-102 32 DE WITT STREET BATTERY  
POINT TAS 7004 CPC Agenda Documents ↓ 
- Attachment C: PLN-20-102 - 32 DE WITT STREET BATTERY  
POINT TAS 7004 - Planning Referral Officer  
Cultural Heritage Report ↓ 
- Attachment D: PLN-20-102 32 DE WITT STREET BATTERY  
POINT TAS 7004 - Applicant's Consultant Planning  
Report in Support of Proposal ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Council: 27 July 2020  
Expiry Date: 25 August 2020  
Application No: PLN-20-102  
Address: 32 DE WITT STREET , BATTERY POINT  
Applicant: John Weston (John Weston Architectural Design P/L)  
Unit. 1  
18 Childs Drive  
Proposal: Partial Demolition, Alterations and Extension  
Representations: No representations received.  
Performance criteria: Historic Heritage Code and Parking and Access Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 32 De Witt Street, Battery Point.
- 1.2 More specifically the proposal includes:
- Demolish original external rear wall (now enclosed by subsequent 1980s extension).
  - Wall demolition involves removal of original 1890s window and doorway of external wall.
  - The demolition of a section of the load bearing wall will create a 2.33m high incision in the original external fabric.
  - Install domestic lift including punching hole in dining room ceiling and first floor bedroom floor.
  - Install Velux skylights in rear extension.
  - Extend side wall into car port space for built-in entertainment unit.
  - Remove column and various internal fixtures in 1980s extension to make open plan kitchen / living area.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Historic Heritage Code - Demolition, Building and Works on a Listed Place, Demolition, Building and Works in a Heritage Precinct, and Building and Works in Heritage Precinct BP1
- 1.3.2 Parking and Access Code - Layout of Carparking Spaces
- 1.4 No representations were received during the statutory advertising period between 17th to 31st March 2020.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council.

## 2. Site Detail

- 2.1 The site is located on the eastern side of De Witt St between Cromwell St and St Georges Terrace. Surrounding uses are predominantly single residential dwelling, with many intact and well maintained heritage buildings. To the north east is St George's Church and to the north is Council public open space.



Figure 1: Location Plan (GEO Cortex, 2020)

- 2.2 The site is a two storey co joined Georgian terrace residence. The dwelling is located at the front of the lot, sharing its northern wall. The original house forms the two-storey section fronting the street, with a later addition from the 1990s to the rear. The rear extension is single storey and includes a carport on the southern side.



Figure 2: Site Plan (Geo Cortex, 2020)

- 2.3 The terrace is directly mirrored to the north in 30 De Witt Street. The footprints of the original buildings remain intact, although both have more recent extension to the rear. The aerial photograph show both dwelling retain the original roof form and defined external wall.

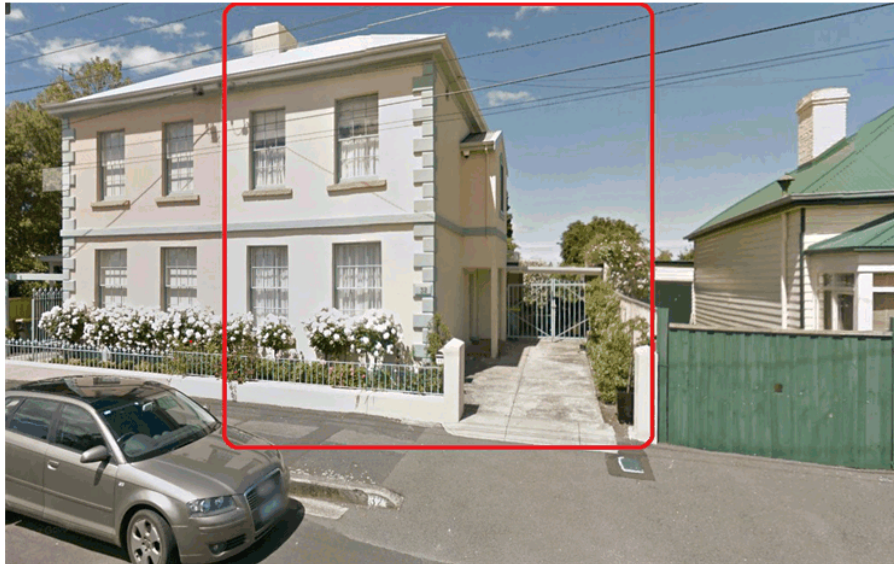


Figure 3: Front elevation (Google Streetview, 2020)

- 2.4 The applicant provided supplementary photographs, showing the rear elevations and subsequent development over time. The photograph below, shows the relevant section of external wall, within the glazed skillion, with the following photograph showing the skillion removed, exposing the external wall again temporarily.





Figure 7: Image showing the rear of the property taken in approximately 1990.



Figure 4: Applicant photo of rear elevation of the building prior to the 1990s extension (E3 Planning, 2020)

- 2.5 The 1990s extension demonstrates a clear distinction from the earlier terrace, with the rear walls still retaining the original footprint and explanation of the building as shown in the photograph below in Figure 5.

Figure 9: Image showing extensions to the rear of the property taken in approximately 1990.



Figure 5: Rear elevation showing the construction of 1990s extension (E3 Planning, 2020)





Figure 6: Internal view from dining room to kitchen (J Weston, 2020)

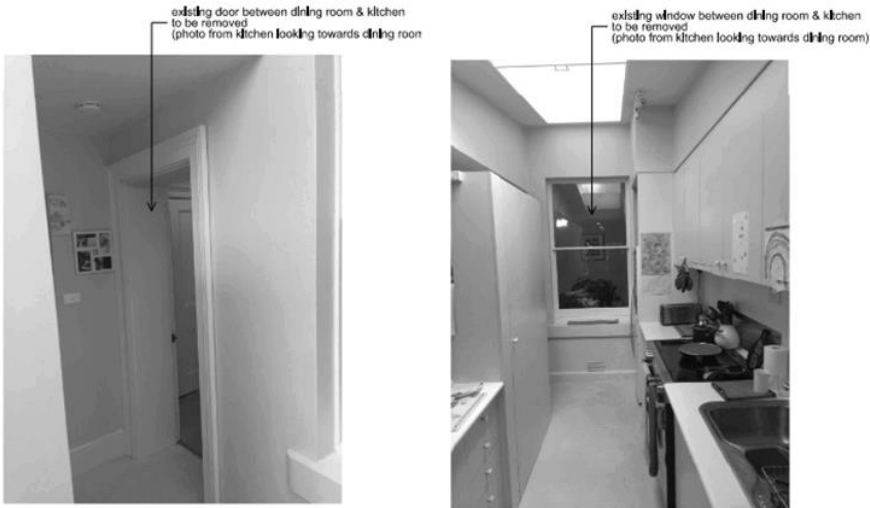


Figure 7: View from kitchen to dining room (J Weston, 2020)



Figure 8: view of location for lift in ground and upper floors (J Weston, 2020)

### 3. Proposal

3.1 Planning approval is sought for Partial Demolition, Alterations and Extension.

3.2 More specifically the proposal includes:

- Demolish original external rear wall (now enclosed by subsequent 1980s extension).
- Wall demolition involves removing original 1890s window and doorway.
- The demolition of a section of the load bearing wall will create a 2.33m high incision in the original external fabric.
- Install domestic lift including punching hole in dining room ceiling and first floor bedroom floor.
- Install Velux skylights in rear extension.
- Extend side wall into car port space for built-in entertainment unit.
- Remove column and various internal fixtures in 1980s extension to make open plan kitchen / living area.

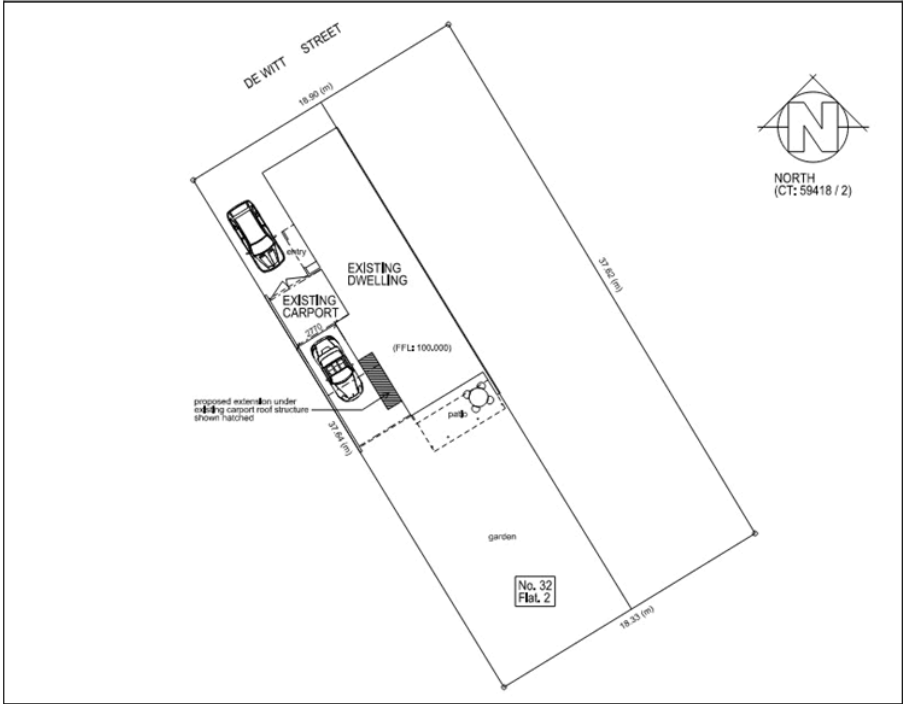


Figure 8: Applicant's Site Plan (J Weston, 2020)

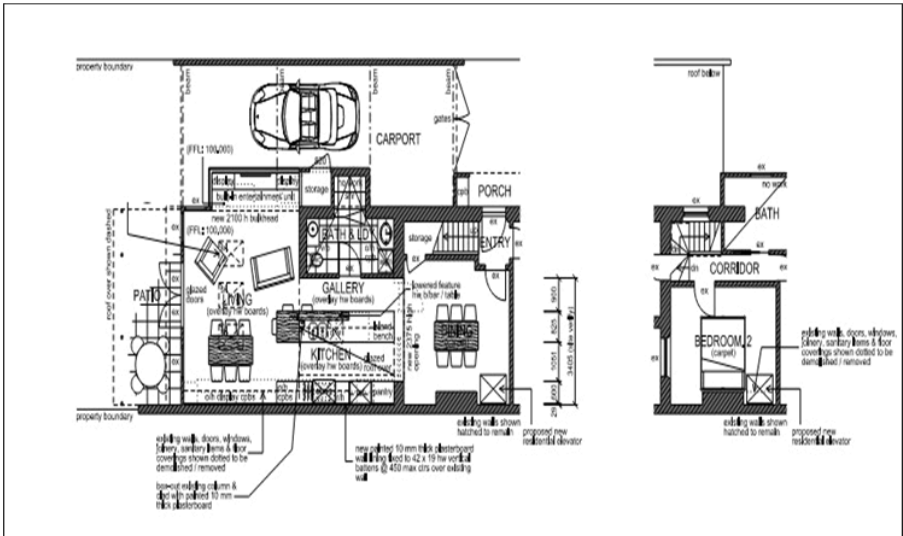


Figure 9: Proposed floor plan (J Weston, 2020)

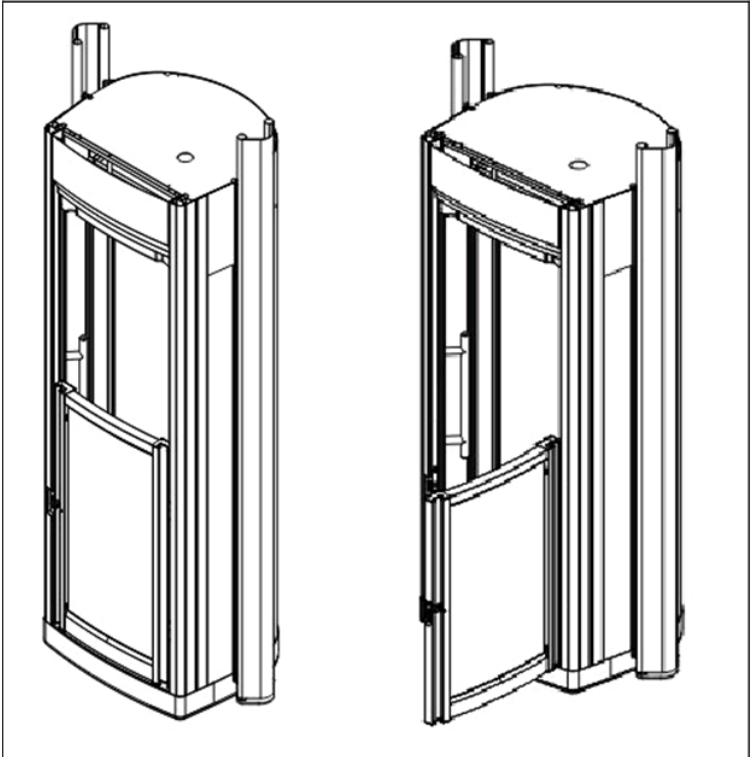


Figure 10: Lift details (J Weston, 2020)

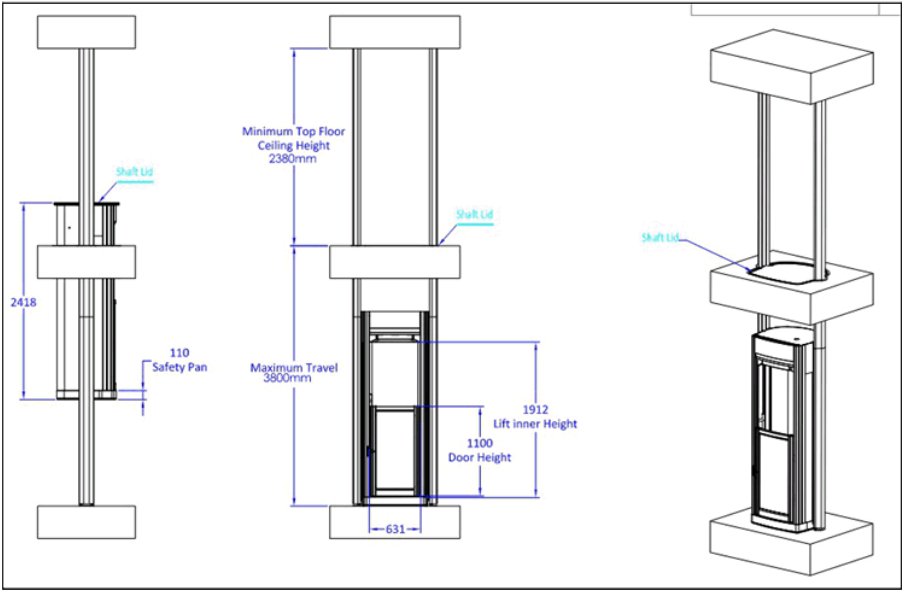


Figure 11: Lift structural detail (J Weston, 2020)

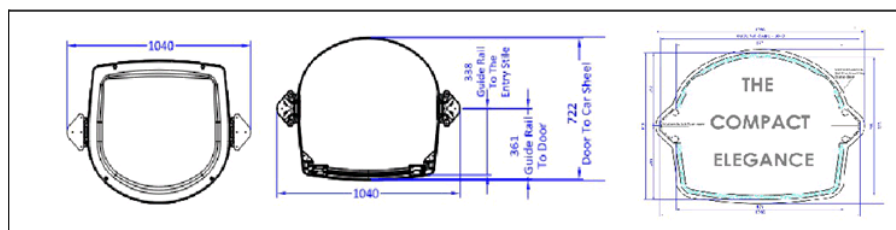


Figure 12: Lift Plan View (J Weston, 2020)

#### 4. Background

- 4.1 The applicant provided a planning report in support of the application after the advertising period had concluded. That report is provided at Attachment D to this report. It is also addressed in the Cultural Heritage Officer's report in section 6 of this report, below.

#### 5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 17th to 31st March 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 Residential - Single Dwelling. The proposed use is Residential - Single Dwelling. The existing use is a No Permit Require (NPR) use in the zone. The proposed use is a NPR 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 Historic Heritage Code -
    - Demolition on a Listed Place - E13.7.1 P1*
    - Building and Works to a Listed Place - E13.7.2 P1, P2, P3, P4*
    - Demolition in a Heritage Precinct - E13.8.1 P1*
    - Building and Works in a Heritage Precinct - E13.8.2 P1, P3*
    - Building and Works in Heritage Precinct BP 1 - E13.8.4 P6*
  - 6.5.2 Parking and Access Code -
    - Layout of Carparking Spaces E6.7.5 P1*
- 6.6 Each performance criterion is assessed below.
- 6.7 Heritage Place - Demolition - E 13.7.1 P1
- 6.7.1 There is no acceptable solution for E 13.7.1 A1.
  - 6.7.2 The proposal includes demolition of original external wall, now located between dining and kitchen areas of the dwelling.
  - 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 E 13.7.1 P1 provides as follows:
    - 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.*

- 6.7.5 The application was referred to Council's Cultural Heritage Officer, who advised the following;

The application site relates to a two storey conjoined residential property with original shallow half width two storey rear wing. The property has been altered in the form of a single storey infill extension of the courtyard formed by the wing and its conversion into a kitchen, a rear full width single storey extension and a two storey side addition forming a new entrance porch and upper floor bathroom.

The property is stratum titled with the neighbouring 30 De Witt Street. The two properties were built as a terrace pair in the later Victorian period and appear to have shared almost identical footprints, wing and floor plans when first completed. The site, like its twin neighbour, is individually heritage listed within the Hobart Interim Planning Scheme 2015, whilst also forming part of the Battery Point Heritage Precinct BP1). The two sites also appear on the Tasmanian Heritage Register.

Planning permission is sought for a number of pieces of demolition, principally in the demolition of the original external rear wall, including the original sash window and rear door opening, that previously faced onto the courtyard, but which now forms the interior wall between the rear dining room and the kitchen, the demolition of part of the return wall of the later rear single storey extension to facilitate its widening over part of the properties rear driveway; and the removal of part of the floor and ceiling of the front lounge and bedroom above to facilitate the installation of a lift.

Given that the property is individually heritage listed, the proposals must be deemed to comply with the provisions of E 13.7.1 'Demolition' and E 13.7.2 "Buildings and Works other than Demolition.

With regard to E 13.7.1 Demolition, the Interim Planning Scheme states that the objective is:

'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.'



There are no acceptable solutions. The Performance Criteria P1 states that:

'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.

With regard to the above, it is noted that the building has been the subject of previous alterations and extensions. However, it is also noted that these have been relatively minor and that, save for the small two storey side porch/bathroom addition, have not materially affected the main body and floor plan of the original house which remains largely unaltered. Importantly, they are not considered to have so altered or detracted from the original core parts of the house to have diminished the heritage characteristics of the place or erode the clear form, massing and floor plan of the property.

The proposed removal of sections of the floor and ceiling within the front living room and bedroom to accommodate a new lift, again, E13.7.1 'Demolition' is relevant. The proposed demolition would result in the loss of small sections of original fabric and a marginal alteration of the internal floor space. However, in terms of hierarchy, the fabric loss would be relatively small and would not represent highly significant or structural fabric. It would not interfere with the floor plan, nor the clear understanding of the extent of rooms. As such, this element of the proposal would not result in an unacceptable loss of significant factor and would therefore comply with E13.7.1.

With regard to the proposed partial demolition and slight extension of the more recent rear extension, this would result in the loss of no historical fabric and would not detract from the floor plan of the building

Of more concern is the large section of original rear wall identified for removal. This is a structural wall and, along with the associated original sash window, window and door openings, represent a significant element

of the original building. This wall clearly demonstrates the house's characteristic form, floor plan, room hierarchy and associated detailing. It represents the extent of the original building and provides a clear understanding of transitioning between the original house and its subsequent 'modern' extension. The combined loss of original fabric and the floor plan would be a substantial loss and be of detriment to the historic cultural heritage of the place.

In terms of satisfying all of the criteria of P1 as required under the Planning Scheme, it is noted that a supporting submission has been provided as part of the planning documentation. Submitted by a Planning Consultant rather than a specialist Heritage Consultant, it offers no rationale with regard to point (a), as set out above.

With regard to point (b), the rationale provided is that, given the desire of the Applicant to combine the Kitchen with the Dining Room as a single space, the only way of doing so would be to demolish the said wall. In response, it is noted that the rear additions that sit beyond the original floor plan of the building are relatively minor and offer substantial opportunity for expansion. In direct comparison, the neighbouring twin property at No.30 De Witt Street has chosen to retain the same section of rear wall, window and door and instead focused on building a large rear addition of a clearly modern design. This has subsequently allowed the older parts of the house to retain the original form and floor plan, whilst creating an open plan kitchen/dining room within the new addition. This 'alternative' clearly demonstrates that rear additions sitting beyond the original parts of the house are both feasible and can be undertaken in compliance with standard heritage approach of seeking new modern 'chapters' beyond the original parts of the house that both retain and clearly distinguish between the old and the new.

With regard to point (c), the rear wall is considered to be a structural element that would be removed. Point (d) is not pertinent.

In view of the above, based on the requirements of the Scheme that ALL of the stated requirements must be satisfied, it is considered that the proposed demolition of the original structural rear wall, removal of the sash window and demolition of original openings do not meet the requirements of E13.7.1 Demolition. It should be noted that in the course of the application, discussions were undertaken with the Applicant in which it was suggested that the removal of the sash window whilst retaining the openings as is might be viewed as an acceptable alternative. This however was rejected by the Applicant.

It is therefore considered that the proposed demolition of the original structural rear wall, sash window and window and door openings would result in the loss of cultural heritage values to this listed place without demonstrating exceptional circumstances and would therefore fail to comply with the requirements of the Hobart Interim Planning Scheme 2015.

The removal of this element of the proposal by condition would represent a tantamount refusal of the whole application. As such, the proposal must therefore be refused.

6.7.6 The proposal does not comply with the performance criterion.

6.8 Heritage Place, Heritage Precinct, Heritage Precinct BP1 - E13.7.2 P1, P2, P3, P4, E13.8.1 P1, E13.8.2 P1, P3, and E13.8.4 P6

6.8.1 There are no acceptable solutions for 13.7.2 A1, A2, A3 or A4 (building and works to a heritage place), E13.8.1 A1 (demolition in a heritage precinct), or E13.8.2 A1 or A3 (building and works in a heritage precinct). The existing building on the site exceeds one storey and so is not compliant with E13.8.4 A6.

6.8.2 The proposal includes demolition, building and works to an existing two storey dwelling that is a listed place, in a heritage precinct and within the BP1 heritage precinct.

6.8.3 The proposal does not comply with the acceptable solutions, therefore assessment against the performance criteria is relied on.

6.8.4 The performance criterion at clause E13.7.2 P1, P2, P3, P4, E13.8.1 P1, E13.8.2 P1, P3, and E13.8.4 P6 provides as follows:

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.*

*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.*

E13.8.4

P6

*The building must not detract from the pattern of development that is a characteristic of the cultural heritage significance of the Precinct in the vicinity of the site.*

- 6.8.5 The application was referred to Council's Cultural Heritage Officer, who advised as follows;

With regard to the associated works that would flow on from the proposed demolition, E 13.7.2 'Buildings and Works other than Demolition' stipulates that development at a heritage place be undertaken in a sympathetic manner, designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.

The principal associated works would be the aforementioned lift. The proposed lift would run from the front lounge up to the bedroom and would work on a magnetic track mechanism and rather than being reliant upon a pulley winch from above or a hydraulic ram from below. As such, it would come as a self-contained unit that requires only a narrow base and head, allowing the unit to sit within the confines of the existing rooms.

As noted above, the lift would operate as a largely self-contained unit. Such a feature would generally not be associated with a property of this period or size and thus it is perhaps debatable whether it can be a feature that is truly 'sympathetic' to the character of the building. However, the unit would be placed in one corner, avoiding obscuring any of the windows or requiring the demolition of a chimney breast, and as has been designed as best as possible to work within the floor plan and fabric of the building. Given also that the unit is demountable and the works reversible, it is considered that it would not so detract from the characteristics of the place as to warrant refusal in of itself.

With regard to the proposed minor extension to the rear, whilst extending the width of the rear extension beyond the original width of the building would normally be questioned, it is acknowledged that a similar extension beyond the original width has occurred to the neighbouring 'twin' property at No.30 and the works would be so minor to have minimal material impact upon the ability to interpret and understand the building. Given its small size, it is therefore considered that it would comply with both the requirements of E 13.7.2 and E 13.8.4 'Buildings and Works in Heritage Precinct BP1'.

6.8.6 The proposal complies with the performance criterion.

6.9 Parking and Access Code - Parking Space Dimensions E6.7.5 P1

6.9.1 The acceptable solution at clause E 6.7.5 requires parking spaces to be 2.4m wide with 300mm clearance - totaling 3m width.

6.9.2 The proposal includes one of the car parking spaces having 2.770m width between fence and house wall.

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 E6.7.5 P1 provides as follows:

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

6.9.5 The application was referred to Council's Development Engineer, who advised the following;

The proposal is for one of the car parking spaces to have 2.770m width between fence and house wall.

The existing car parking space has this width for 50% of its length so the existing design is not compliant with E6.7.5 A1.

A parking space is required to be 2.4m wide with 300mm clearance in certain places along the side in accordance with AS2890.1 Figure 5.2 This requires 3m total width.

For residential use where there is a regular user Council is willing to reduce the clearance needs to 0mm on one side of the vehicle, thus requiring 2.7m width.

On this basis Council SDE supports E6.7.5 P1 approval of 2.77m wide parking space with a second space as jockey parking.

No conditions required on the permit.

6.9.6 The proposal complies with the performance criterion.

## 7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Alterations and Extension.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not perform well with respect to the demolition of heritage fabric. The applicant has been made aware of this. The Council's Cultural Heritage Officer's report is provided as an attachment to this report.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, and Cultural Heritage Officer. The officers have raised objection to the proposal. The proposal has been conditionally approved by the Tasmanian Heritage Council. Their approval is included at Attachment B to this report.
- 7.5 The proposal is recommended for refusal.

## **8. Conclusion**

- 8.1 The proposed Partial Demolition, Alterations and Extension at 32 DE WITT STREET BATTERY POINT TAS 7004 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 Partial Demolition, Alterations and Extension at 32 DE WITT STREET BATTERY POINT TAS 7004 for the following reason:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E 13.7.1 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the proposed demolition of the original rear structural wall, associated window and openings would result in the loss of fabric and form that contribute to the 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;
  - (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.



(Victoria Maxwell)

*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: 2 July 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Attachment D - Applicant's Consultant Planning Report in Support of Proposal

Planning: #198436

**Property**

32 DE WITT STREET BATTERY POINT TAS 7004

**People**

## Applicant

\*

John Weston Architectural Design P/L  
John Weston  
Unit. 1  
18 Childs Drive  
OLD BEACH TAS 7017  
0427040343  
johnwestonarchitecturaldesign@gmail.com

## Owner

\*

Brian & Pamela Morey  
32 De Witt Street  
BATTERY POINT TAS 7004  
0428093529  
thelodgejiji@gmail.com

## Entered By

JOHN WESTON  
210 ELIZABETH STREET  
HOBART TAS 7000  
0427 040 343  
johnwestonarchitecturaldesign@gmail.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.

\*

☒ 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)?

\*

Residential

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

\*

Small extension under existing carport roof & minor internal changes for renovation.

Estimated cost of development

\*

80000.00

Proposed floor area (m2)

Existing floor area (m2)

3.76

Site area (m2)

### Carparking on Site

N/A

Total parking spaces

Existing parking spaces

2

2

☐ 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 Schedule of Easements)

\*

Morey Certificate of Title 13022020.pdf

Plans (proposed, existing)

\*

Morey Planning Application Plan Set 13022020.pdf

ARCHITECTURAL DRAWINGS SCHEDULE:

A01	Site Plan
A02	Existing Ground & Upper Floor Plans
A03	Proposed Ground & Upper Floor Plans
A04	Proposed External Elevations
A05	Ground Floor Historic Plan
A06	Upper Floor Historic Plan
A07	Existing Internal Photos

www.jwadesign.com.au

# Brian & Pamela Morey

**Dwelling Extension & Alterations**

**32 De Witt Street, Battery Point Tasmania**

February 2020

CC 4971 U

PLANNING APPLICATION SET

**John Weston**  
**Architectural Design**

Unit. 1 / 18 Childs Drive, Old Beach

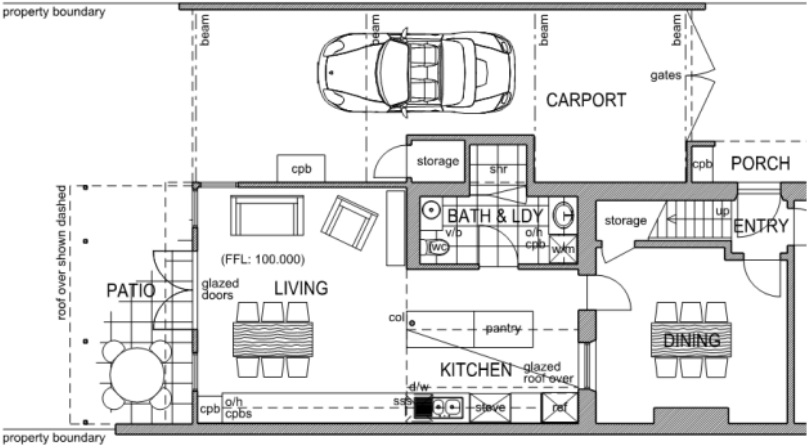
p: 0427 040 363  
e: johnwestonarchitecturaldesign@gmail.com



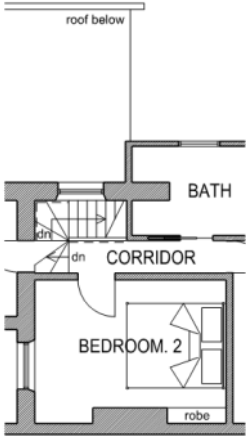
**DIMENSIONS NOTE:**  
Builder to site measure & check existing dimensions before commencing construction. Discrepancies to be discussed with the designer.



www.jwadesign.com.au



EXISTING GROUND FLOOR PLAN  
scale 1:100



EXISTING UPPER FLOOR PLAN  
scale 1:100

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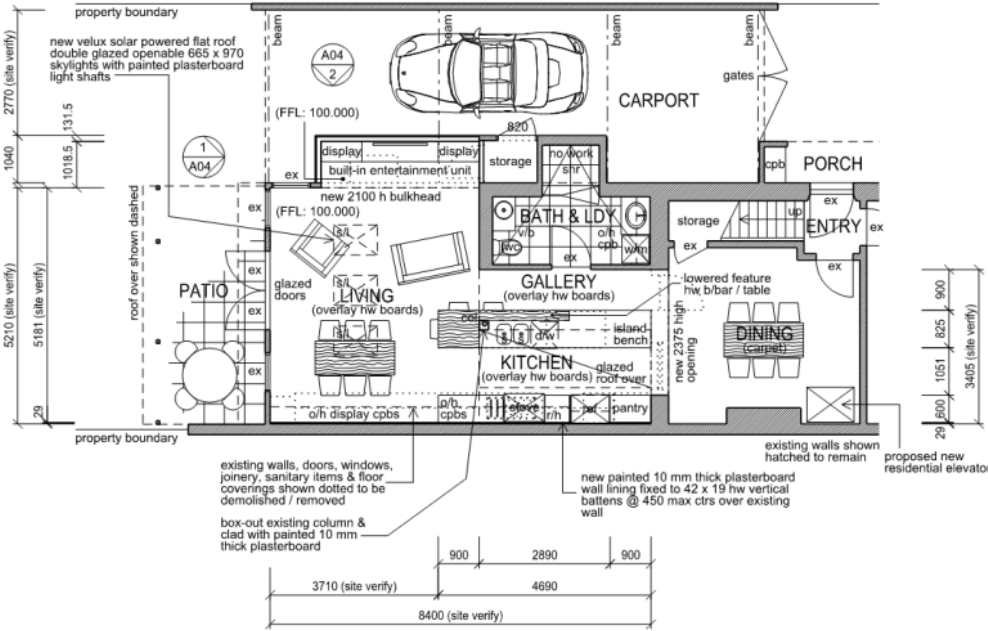
PLANNING APPLICATION SET

**John Weston**  
Architectural Design  
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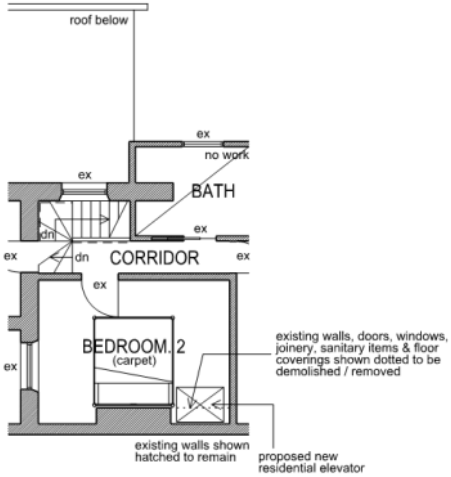
REVISED			
Existing Ground & Upper Floor Plans			
CLIENT	Brian & Pamela Morey	DESIGNER	JW
PROJECT ADDRESS	32 De Witt Street, Battery Point Tasmania	DATE	Feb 2020
			A02 B

**DIMENSIONS NOTE:**  
Builder to site measure & check existing dimensions before commencing construction. Discrepancies to be discussed with the designer.

**PROPOSED FLOOR AREA:**  
Dwelling extension floor area (measured from external face of external walls) - 3.761 m2



**PROPOSED GROUND FLOOR PLAN**  
scale 1:100



**PROPOSED UPPER FLOOR PLAN**  
scale 1:100

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PC 4971 U

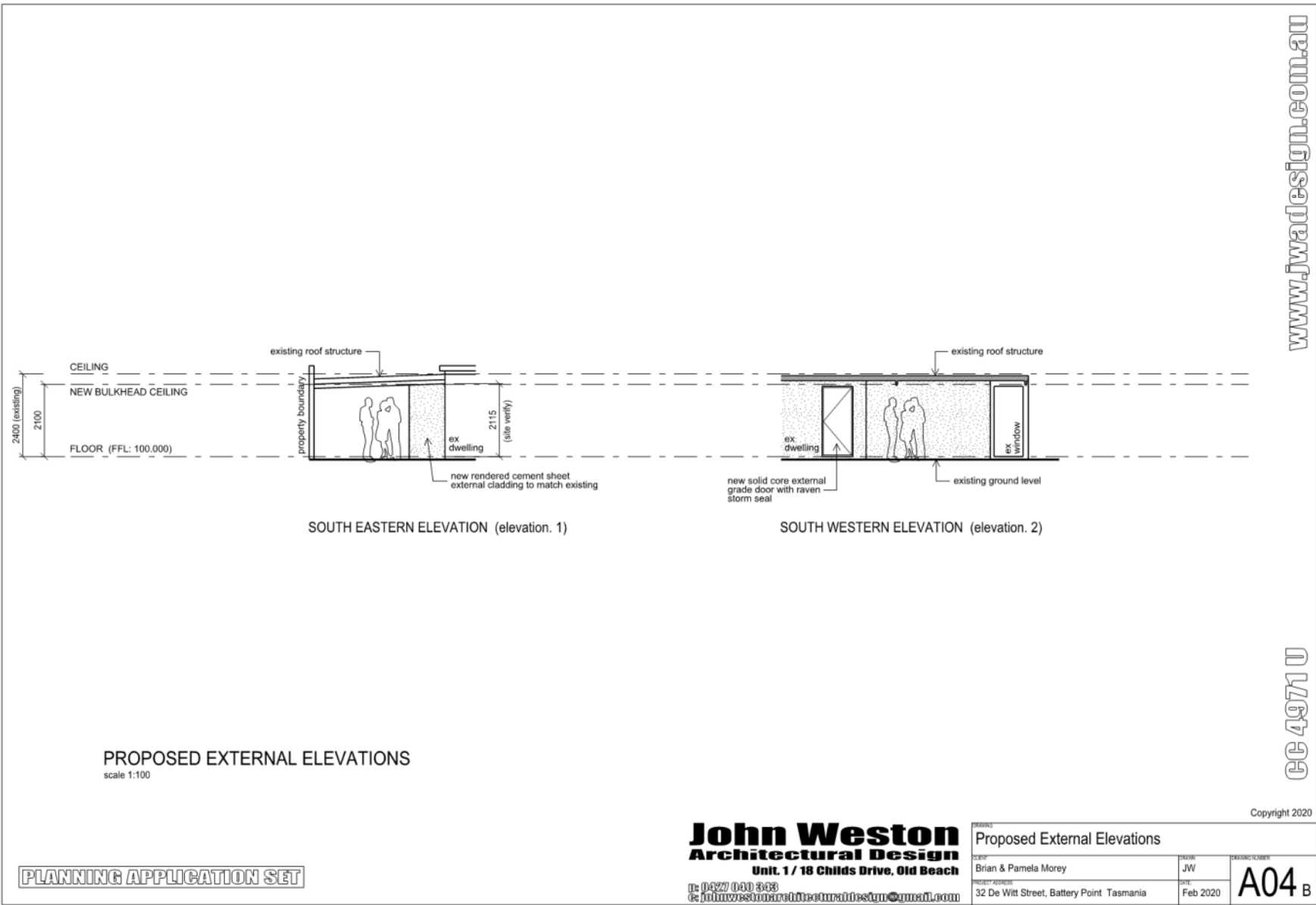
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PLANNING APPLICATION SET

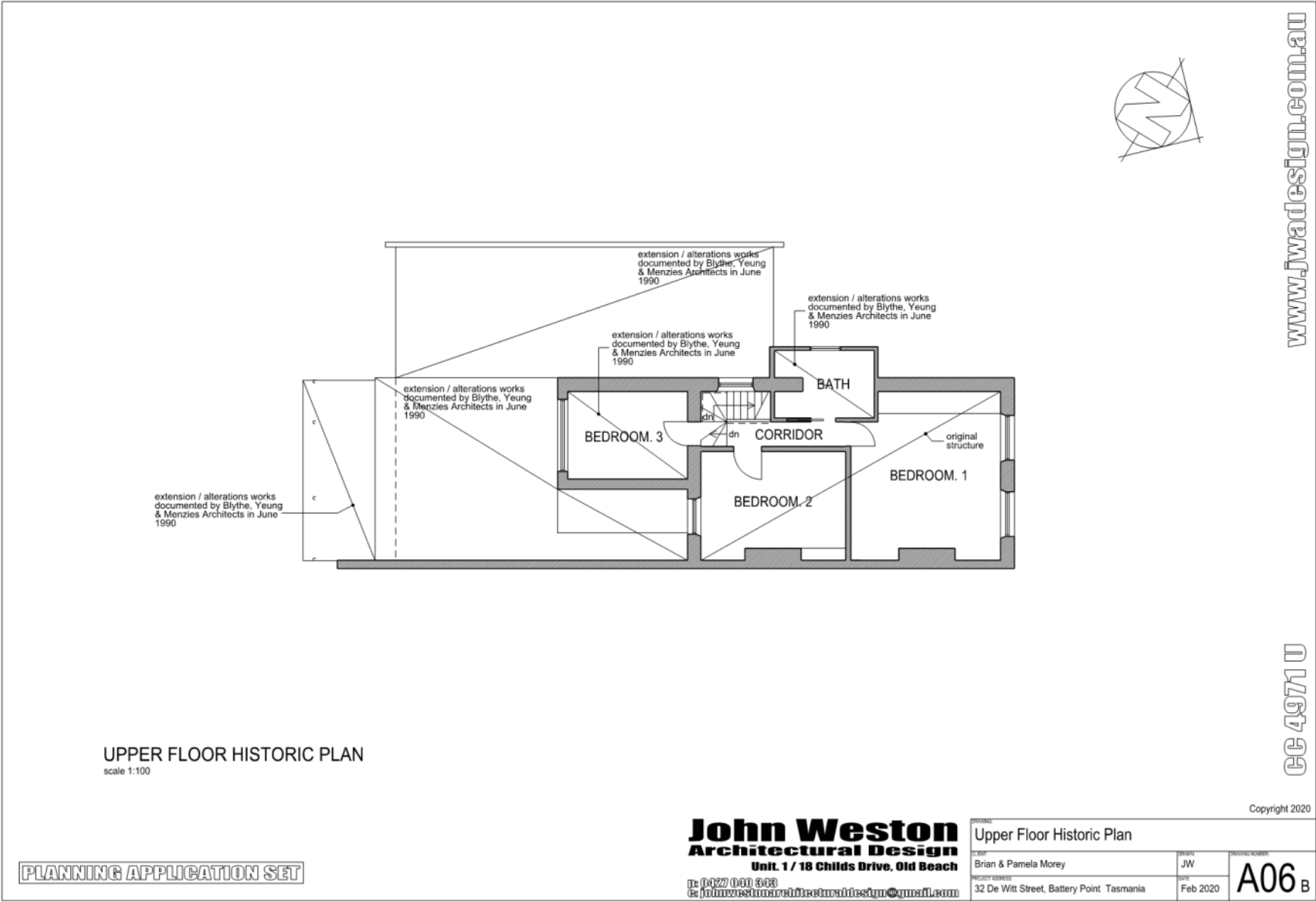
**John Weston**  
Architectural Design  
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Proposed Ground & Upper Floor Plans		
CLIENT	DESIGNER	DRAWING NUMBER
Brian & Pamela Morey	JW	A03 B
PROJECT ADDRESS	DATE	
32 De Witt Street, Battery Point Tasmania	Feb 2020	











part of recent extension external wall to be removed & new living room alcove extension to be built



ground floor (dining room) location of proposed new residential elevator



upper floor (bedroom, 2) location of proposed new residential elevator



existing wall between dining room & kitchen to be partly removed to a height of 2375 mm (photo from dining room looking towards kitchen)



existing window between dining room & kitchen to be removed (photo from kitchen looking towards dining room)



existing door between dining room & kitchen to be removed (photo from kitchen looking towards dining room)

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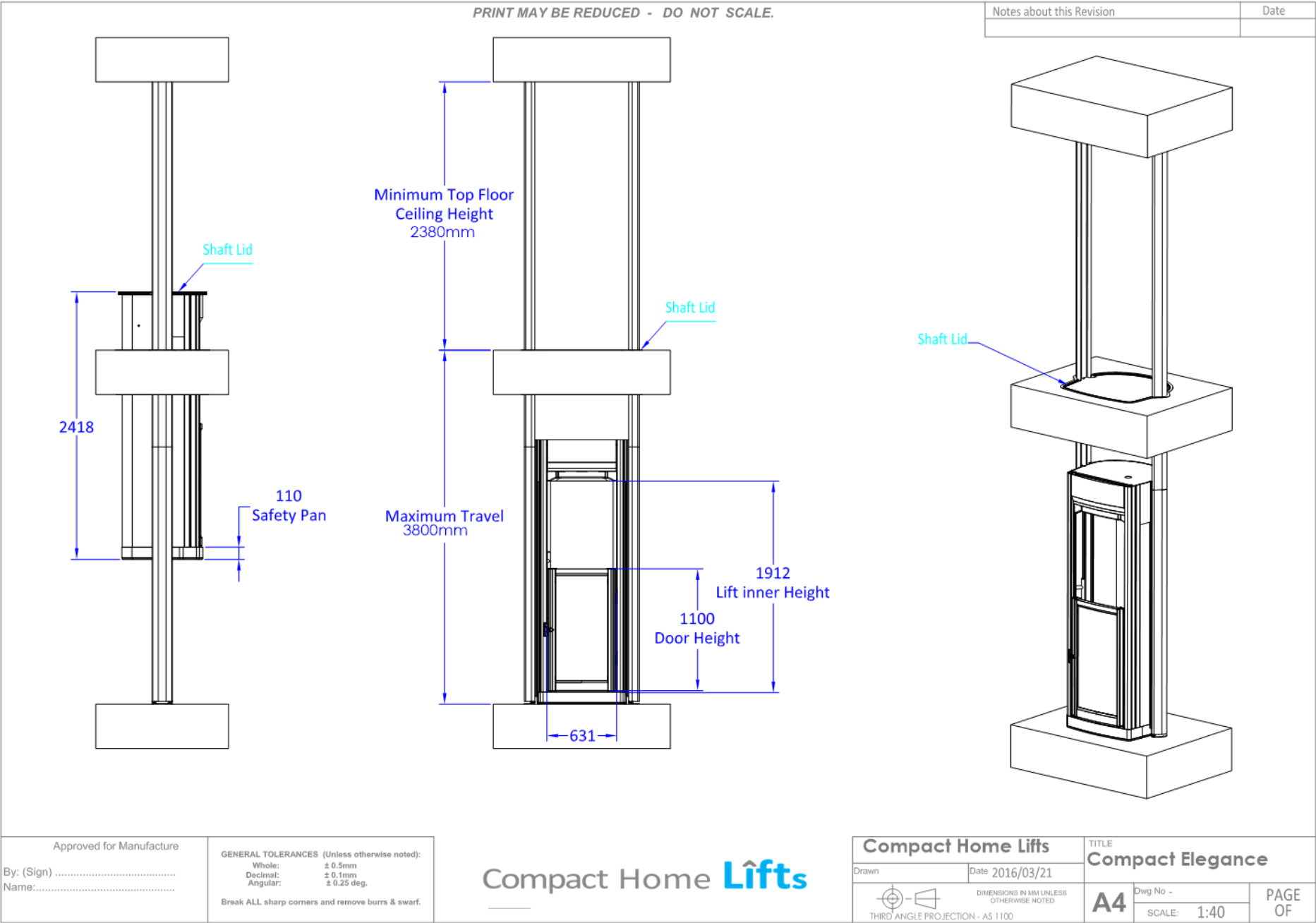
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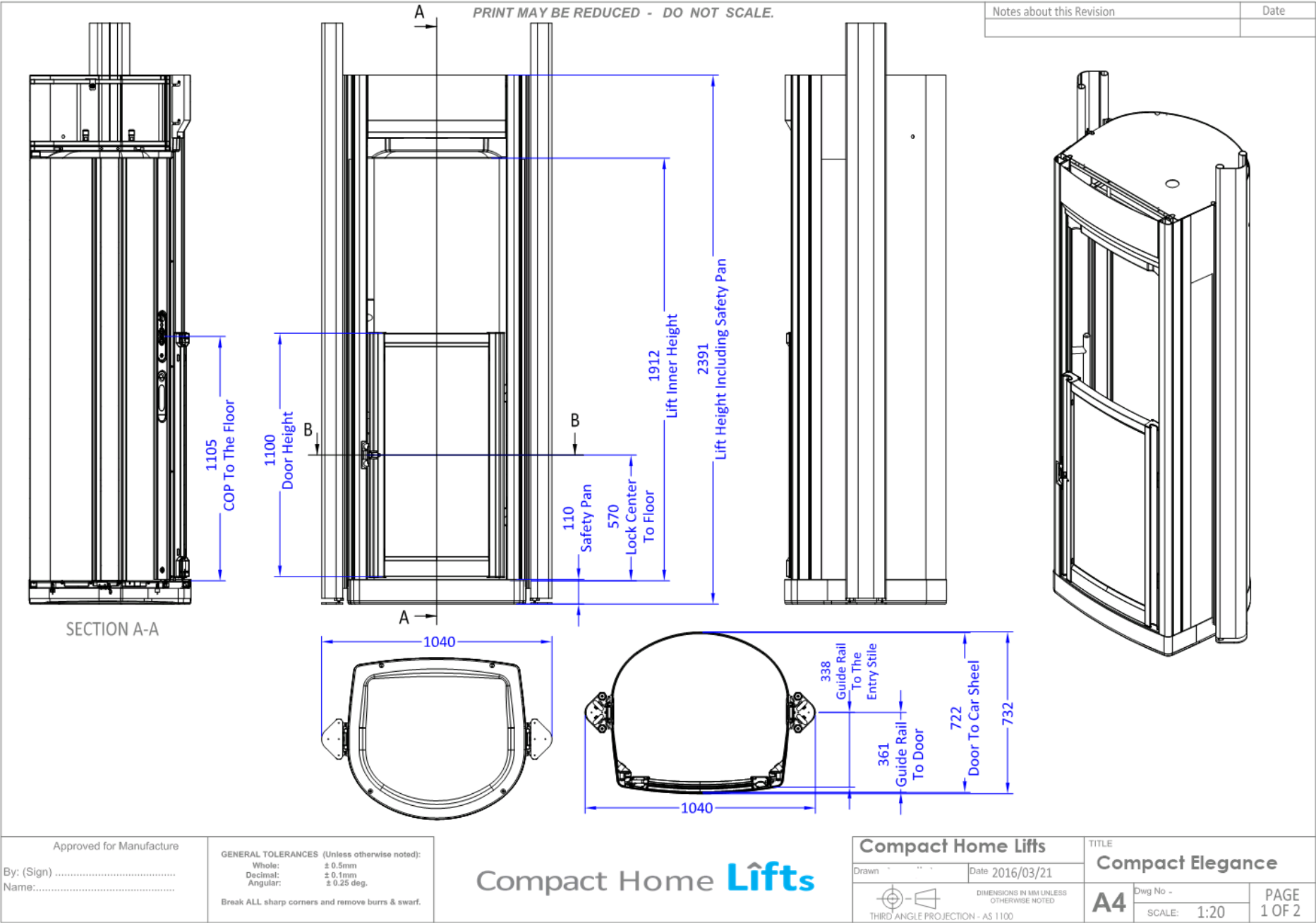
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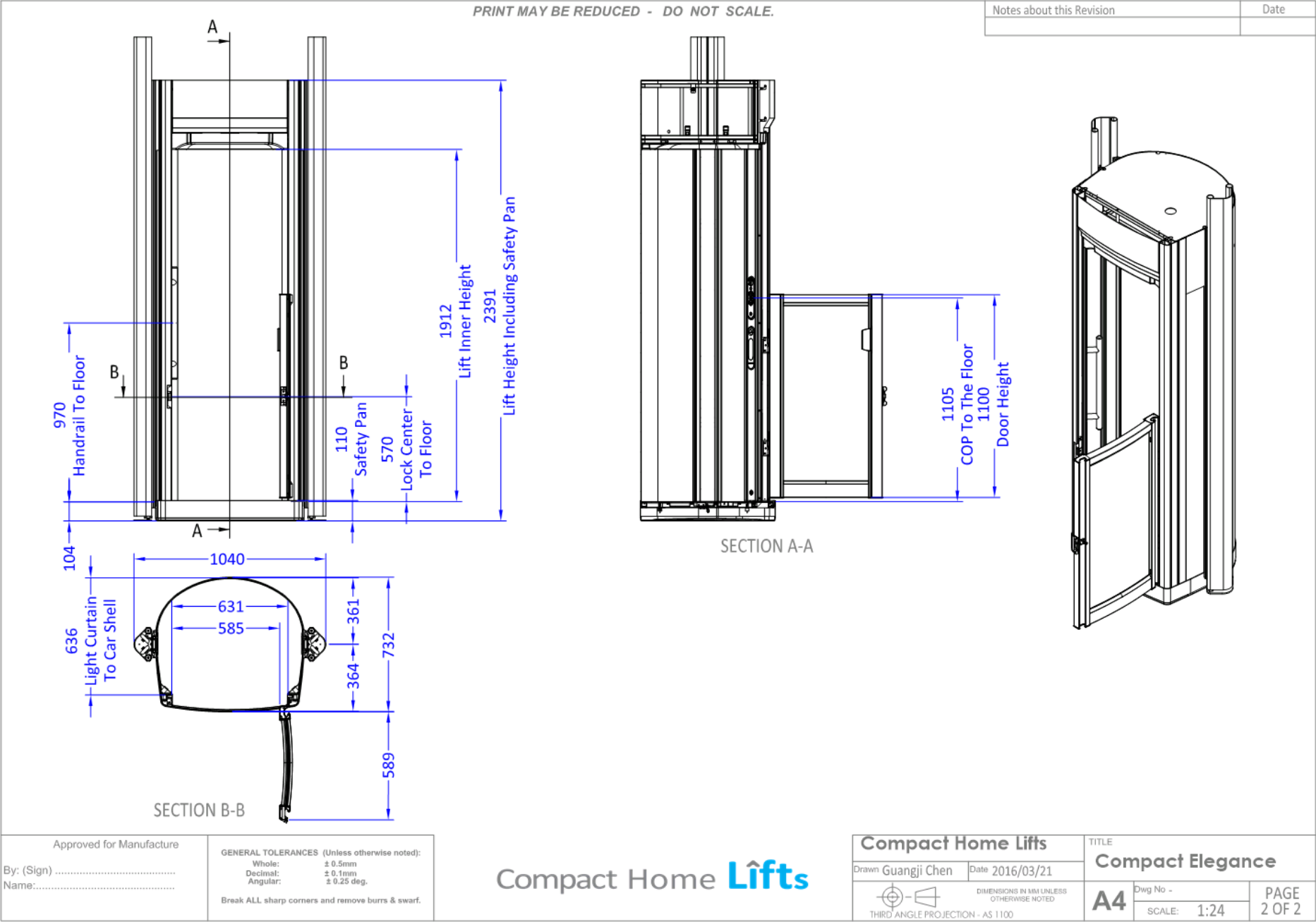
PLANNING APPLICATION SET

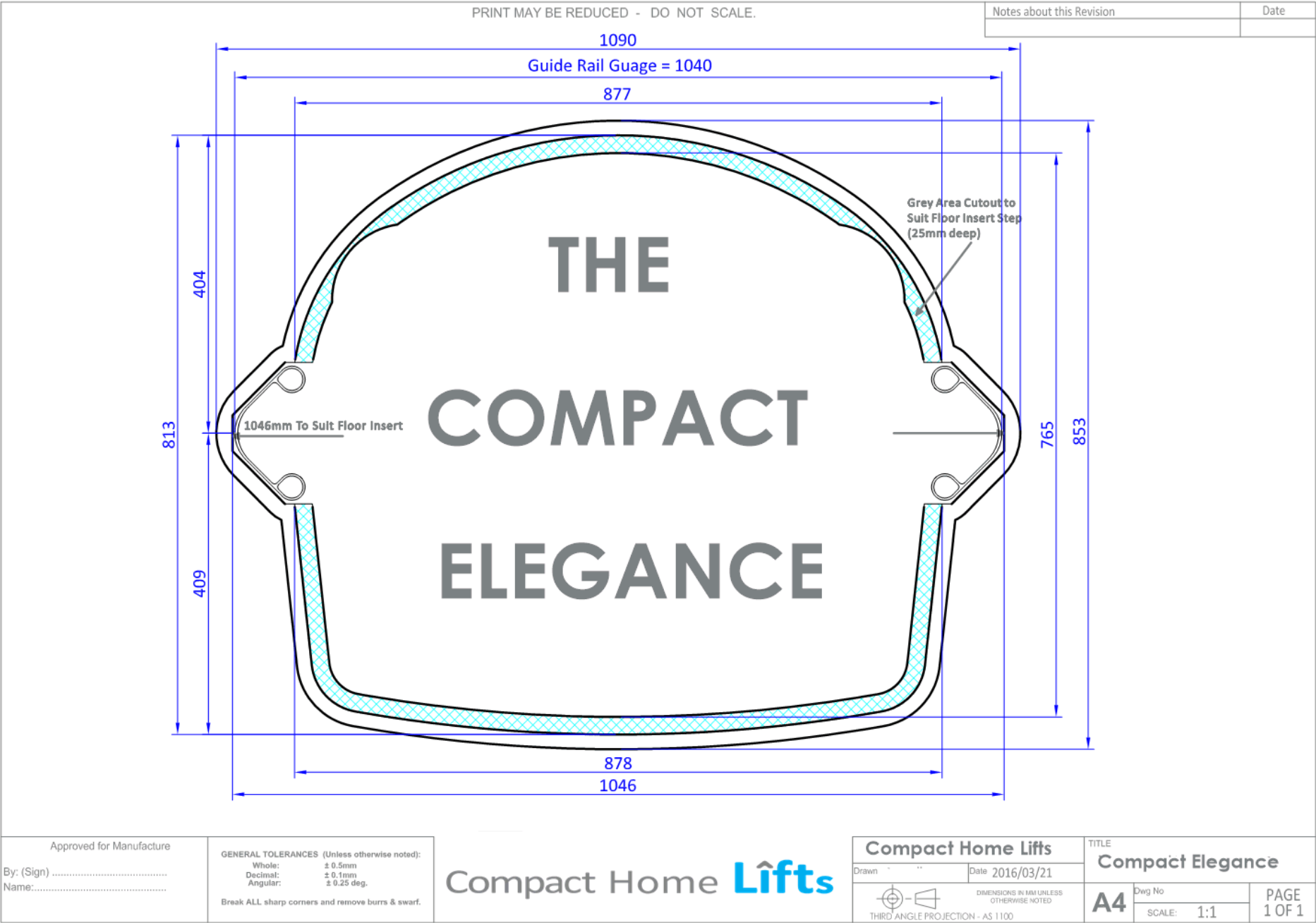
**John Weston**  
**Architectural Design**  
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E: johnwestonarchitecturaldesign@gmail.com

EXISTING Internal Photos			
CLIENT	DESIGNER	DRAWING NUMBER	
Brian & Pamela Morey	JW	A07	B
PROJECT ADDRESS	DATE		
32 De Witt Street, Battery Point Tasmania	Feb 2020		











**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
59418	2
EDITION	DATE OF ISSUE
6	01-Nov-2006

SEARCH DATE : 11-Feb-2020

SEARCH TIME : 03.56 PM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Strata Plan 59418 (formerly being STR135) and a  
general unit entitlement operating for all purposes of the  
Strata Scheme being a 1 undivided 1/2 interest

Derived from Strata Plan 59418

Derivation : Part of 90 Acres Located to W Sorell

Prior CT 3307/88

SCHEDULE 1C741912 TRANSFER to BRIAN VERNON MOREY and PAMELA KATHERINE  
MOREY Registered 01-Nov-2006 at 12.01 PMSCHEDULE 2Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 59418 folio 0UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyancing and Law of Property Act, 1884

## STRATUM PLAN

REGISTERED NUMBER

No. 135

Sheet 1 of 4 Sheets

59418

City or Town HOBARTLocality BATTERY POINTReference to Title C.T. 3299/21Site comprises the whole of Lot 1 on Plan No. D 156 in the  
portion Diagram

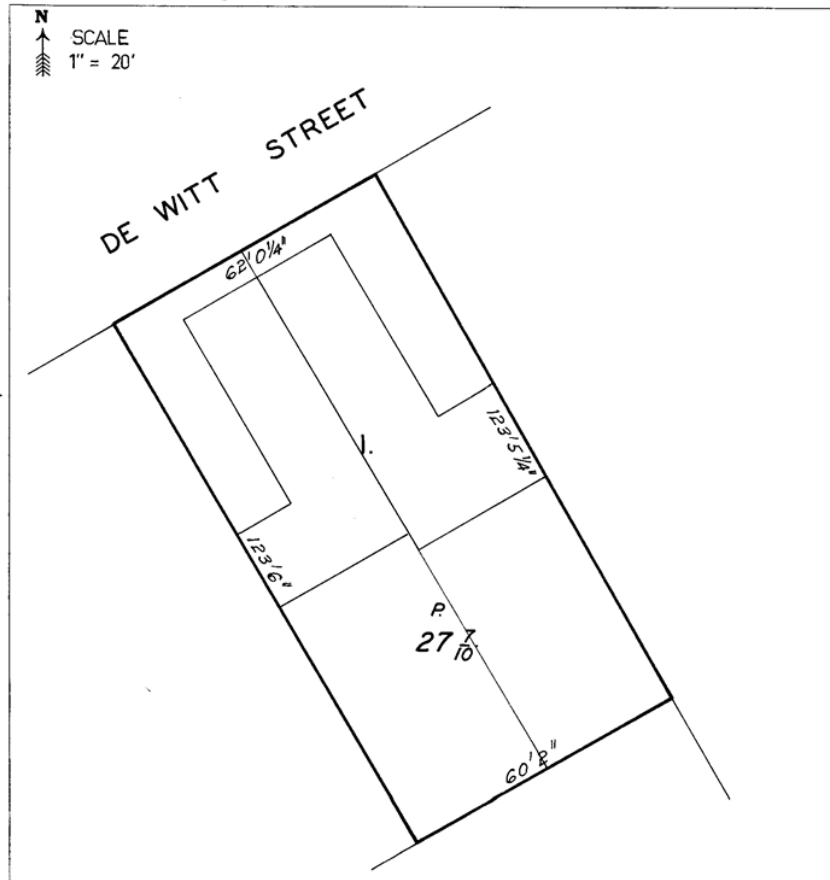
Lands Titles Office

~~Registry of Deeds~~The name of the building is 30-32 De Witt Street - Hobart

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



N  
↑ SCALE  
1" = 20'

REGISTERED this 24<sup>th</sup> day of November 19 72, No. 135

*M. L. L. L.*  
Recorder of Titles

~~Registrar of Deeds~~

This plan is lodged for registration by Creese, Crisp & Crisp



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

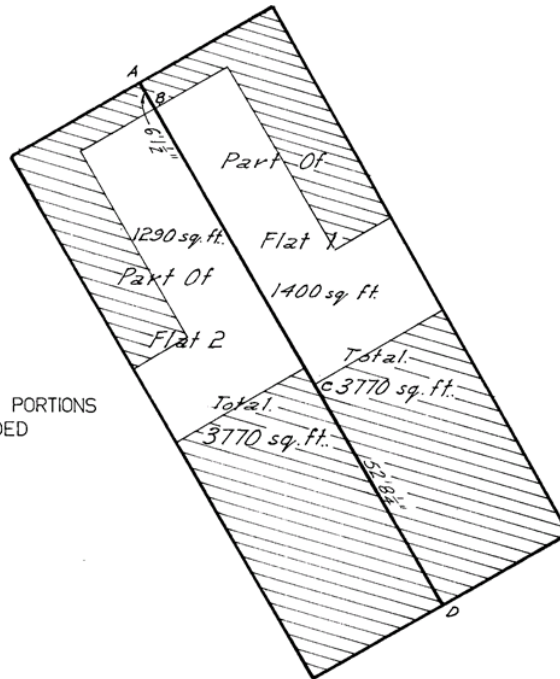


81072

Sheet 2 of 4 Sheets

## STRATUM PLAN

Acting Town Clerk/Council Clerk

of 30-32 De Witt Street  
(insert here name of the building)HATCHED PORTIONS  
ADDEDGROUND FLOOR.

The common boundary of a flat with another flat or with common property shall be the centre of the wall, floor or ceiling as the case may be.

Boundary AB is a wrought iron fence. Boundary CD is a paling fence. All other boundaries are the boundary of the site.

The hatched portions of each flat are open spaces forming portion of the site and are limited in height from the ground surface to the prolongation of the centre line of the ceiling of the first floor.



## FOLIO PLAN

RECORDER OF TITLES

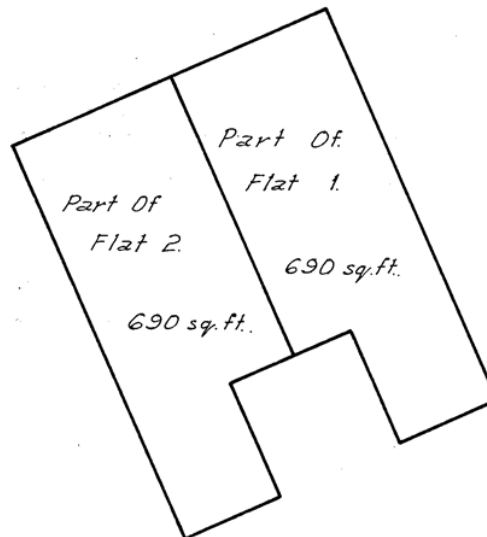
Issued Pursuant to the Land Titles Act 1980



If further sheets are required to illustrate the flats, the sheets should be pinned here. Further sheets must be of paper supplied for the purpose by the Recorder of Titles and bearing his seal, and be numbered consecutively, commencing from sheet 4.

Sheet 3 of 4 Sheets

*[Signature]*  
Tasmanian Town Clerk/Council Clerk



FIRST FLOOR

*The common boundary of a flat with another flat or with common property shall be the centre of the wall, floor or ceiling as the case may be.*



## FOLIO PLAN

REORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*



Sheet 4 of 4 Sheets

*Lenkou*  
Acting Town Clerk/Council Clerk

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

30-32 De Witt Street  
Battery Point  
7000

### UNIT ENTITLEMENTS

[illegible]

### SURVEYOR'S CERTIFICATE

I, Geoffrey William Griggs  
of 295 Elizabeth Street Hobart  
a surveyor registered under the Land Surveyor's  
Act 1909, hereby certify that the building  
erected on the site described and delineated on  
sheet 1 of this plan is within the external bound-  
aries of the title stated on sheet 1.

Dated this 13<sup>th</sup> day of Oct. 1971

Registered Surveyor

### COUNCIL CLERK'S CERTIFICATE

I certify that the subdivision shown in this plan  
has been approved by the.....

*HOBART CITY* Council

Dated this 23 day of November 1971.

~~Acting Town Clerk/Council Clerk~~

FOR OFFICE USE ONLY

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
59418	0
EDITION	DATE OF ISSUE
3	22-Feb-1999

SEARCH DATE : 11-Feb-2020

SEARCH TIME : 03.56 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 59418 (formerly being STR135)

Derivation : Part of 90 Acres Located to W Sorell  
Prior CT 3299/21SCHEDULE 1

STRATA CORPORATION NO. 59418, 30-32 DE WITT STREET, HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



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-20-102  
THC WORKS REF: 6185  
REGISTERED PLACE NO: 1728  
FILE NO: 15-19-73THC  
APPLICANT: John Weston Architectural Design P/L  
DATE: 07 April 2020

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: 32 De Witt Street, Battery Point  
Proposed Works: Partial demolition, alterations and extension.

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-20-102, advertised on 17/03/2020, subject to the following conditions:

- I. **The original position of the removed section of wall inclusive of door and window openings must permanently marked in the floor surface in a manner that enables the original position of the rear wall and placement of the door and window to be understood.**

Reason for condition

To retain meaningful vestiges of the original spatial layout of the interior, consistent with the appropriate outcomes described in Section 9.4 of the Heritage Council's *Works Guidelines for Historic Heritage Places* (November 2015).

Should you require clarification of any matters contained in this notice, please contact Russell Dobie 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>	Nick Booth
<b>Recommendation:</b>	Proposal is unacceptable.
<b>Date Completed:</b>	
<b>Address:</b>	32 DE WITT STREET, BATTERY POINT
<b>Proposal:</b>	Partial Demolition, Alterations and Extension
<b>Application No:</b>	PLN-20-102
<b>Assessment Officer:</b>	Victoria Maxwell,

### Referral Officer comments:

The application site relates to a two storey conjoined residential property with original shallow half width two storey rear wing. The property has been altered in the form of a single storey infill extension of the courtyard formed by the wing and its conversion into a kitchen, a rear full width single storey extension and a two storey side addition forming a new entrance porch and upper floor bathroom.

The property in question is 32 De Witt Street, stratum titled with the neighbouring 30 De Witt Street. The two properties were built as a pair in the later Victorian period and appeared to have shared almost identical footprints, wing and floorplans when first completed. The site, like its twin neighbour, is individually heritage listed within the Hobart Interim Planning Scheme 2015 whilst also forming part of the Battery Point Heritage Precinct BP1). The two site also appear on the Tasmanian Heritage Register.

Planning permission is sought for a number of pieces of demolition, principally in the demolition of the original external rear wall, including the original sash window and rear door opening that previously faced onto the courtyard but which now forms the interior wall between the rear dining room and the kitchen, the demolition of part of the return wall of the later rear single storey extension to facilitate its widening over part of the properties rear driveway; and the removal of part of the floor and ceiling of the front lounge and bedroom above to facilitate the installation of a lift.

Given that the property is individually heritage listed, the proposals must be deemed to comply with the provisions of E13.7.1 'Demolition' and E13.7.2 "Buildings and Works other than Demolition.

With regard to E13.7.1 Demolition, the Interim Planning Scheme states that the objective is:

'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.'

There are no acceptable solutions. The Performance Criteria P1 states that:

'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.

With regard to the above, it is note and acknowledged that the building has been the subject of previous alterations and extensions. However, it is also noted that these have been relatively



minor and that save for the small two storey side porch/bathroom addition, have not materially affected the main body and floorplan of the original house which remains largely unaltered. Importantly, they are not considered to have so altered or detracted from the original core parts of the house to have diminished the heritage characteristics of the place or erode the clear form, massing and floorplan of the property.

With regard to the Performance Criteria concerning demolition (P1), it is noted that the large section of original rear wall identified for removal is a structural wall and along with the associated original sash window, window and door openings represent a significant element of the original building by clearly demonstrating its form, floorplan, room hierarchy and associated detailing. It represents the clear extent of the original building and provides a clear understanding of transitioning between the original house, and its subsequent 'modern' extension. The combined loss of original fabric and the floorplan, would be a substantial loss and be of detriment to the historic cultural heritage of the place.

In terms of satisfying all of the criteria of P1 as required under the Planning Scheme, it is noted that a supporting submission has been provided as part of the planning documentation.

Submitted by a Planning Consultant rather than a specialist Heritage consultant, it offers no rationale with regard to point (a) as set out above.

With regard to point (b), the rationale provided is that given the desire of the Applicant to combine the Kitchen with the Dining Room as a single space, the only way of doing so would be to demolish the said wall. In response, it is noted that the rear additions that sit beyond the original floorplan of the building are relatively minor and offer substantial opportunity for expansion. In direct comparison, the neighbouring twin property at No.30 De Witt Street has chosen to retain the same section of rear wall, window and door and instead focused on building a large rear addition of a clearly modern design. This has subsequently allowed the older parts of the house to retain its form and floorplan, whilst creating an open plan kitchen/dining room within the new addition. This 'alternative' clearly demonstrates that rear additions sitting beyond the original parts of the house are both feasible and can be undertaken in compliance with standard heritage approach of seeking new modern 'chapters' beyond the original parts of the house that both retain and clearly distinguish between the old and the new.

With regard to point (c), the rear wall is considered to be a structural element that would be removed. Point (d) is not pertinent.

In view of the above, based on the requirements of the Scheme that ALL of the stated requirements are satisfied, it is considered that the proposed demolition of the original structural rear wall, removal of the sash window and demolition of original openings do not meet the requirements of E13.7.1 Demolition. It should be noted that in the course of the application, discussions were undertaken with the Applicant in which it was suggested that the removal of the sash window whilst retaining the openings as is might be viewed as an acceptable solution. This however was rejected by the Applicant.

Turning to the proposed removal of sections of the floor and ceiling within the front living room and bedroom to accommodate a new lift, again, E13.7.1 'Demolition' is relevant. The proposed lift would run from the front lounge up to the bedroom and would work on a magnetic track mechanism and rather than being reliant upon a pulley winch from above or a hydraulic ram from below. As such, it would come as a self-contained unit that requires only a narrow base and head, allowing the unit to sit within the confines of the existing rooms and require only the demolition of the associated parts of the floor and ceiling. The proposed demolition would therefore result in the loss of relatively small sections of original fabric and a marginal alteration of the internal floor space. However, unlike the proposed demolition of the structural rear wall, the small sections of ceiling and floor are considered not to be as significant in the perceived hierarchy of fabric and would not interfere with the floor plan nor the clear understanding of the extent of rooms. As such, this element of the proposal would not result in an unacceptable loss of significant factor and would therefore comply with E13.7.1.

Lastly, with regard to the proposed partial demolition of the more recent rear extension, this would result in the loss of no historical fabric and would not detract from the floorplan of the building. As such, it is considered that this element would comply with E13.7.1, E13.7.2 'Buildings and Works other than Demolition'.

With regard to the associated works that would flow on from the proposed demolition, E13.7.2 'Buildings and Works other than Demolition' stipulates that development at a heritage place be undertaken in a sympathetic manner, designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics. The principal associated works would be the provision of the aforementioned lift. As noted above, the lift would operate as a largely self-contained unit. Such a feature would generally not be associated with a property of this period or size and thus it is perhaps debatable whether it can be a feature that is truly 'sympathetic' to the character of the building. However, the unit would be placed in one corner, avoiding obscuring any of the windows or requiring the demolition of a chimney breast, and as has been designed as best as possible to work within the floorplan and fabric of the building. Given also that the unit is demountable and the works reversible, it is considered that it would not so detract from the characteristics of the place as to warrant refusal in of itself.

With regard to the proposed minor extension to the rear, whilst extending the width of the rear extension beyond the original width of the building would normally be questioned, it is acknowledged that a similar extension beyond the original width has occurred to the neighbouring 'twin' property at No.30 and the works would be so minimal not to have any material impact upon the ability to interpret and understand the building. Given its small size, it is therefore considered that it would comply with both the requirements of E13.7.2 and E13.8.4 'Buildings and Works in Heritage Precinct BP1'.

#### Conclusion

It is therefore considered that the proposed demolition of the original structural rear wall, sash window and window and door openings would result in the loss of cultural heritage values to this listed place without demonstrating exceptional circumstances and would therefore fail to comply with the requirements of the Hobart Interim Planning Scheme 2015. The removal of this element of the proposal by condition would represent a tantamount refusal of the whole application. As such, the proposal should therefore be refused.

#### Reason for Refusal

1. The proposed demolition of the original rear structural wall, associated window and openings would result in the loss of historic cultural values of this heritage listed place with no demonstrable exceptional circumstances, contrary to E13.7.1 Demolition of the Hobart Interim Planning Scheme 2015.

Nick Booth  
Heritage Officer  
22 June 2020

**E3 Planning**

Environment • Sustainable Development • Economics

Tuesday 02 June 2020

Victoria Maxwell  
Hobart City Council  
GPO Box  
HOBART 7001

**RE: 32 DeWitt Street Battery Point**

Please find attached an amended set of plans and elevations of the proposed renovations at 32 Dewitt Street, the property.

The property is located at 32 De Witt Street Battery Point as shown in figure 1 below.



Figure 1: Property location source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)

The current appearance of street façade of the dwelling is shown in figure 2.



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0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au) [www.e3planning.com.au](http://www.e3planning.com.au)



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Environment • Sustainable Development • Economics

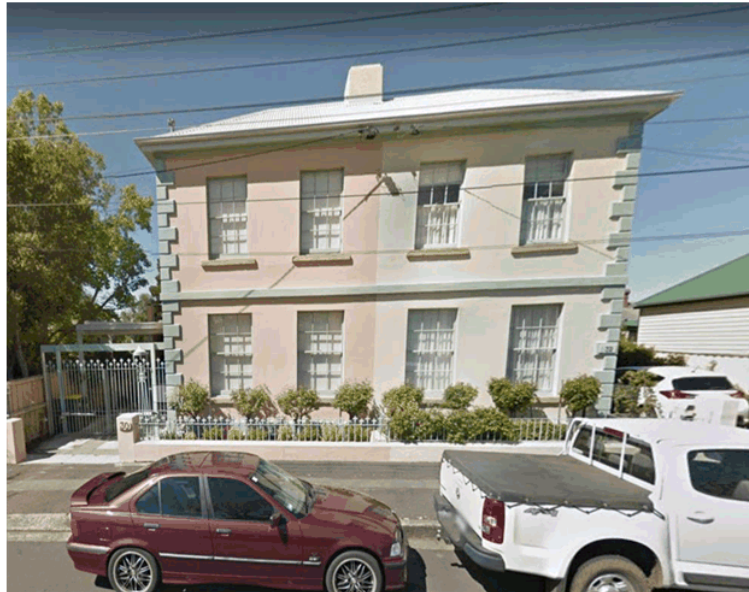
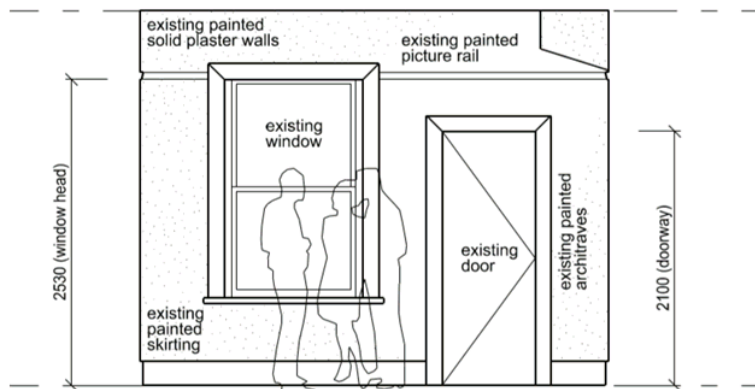


Figure 2: Street frontage appearance source: Google Earth

Following our discussions in April it is my understanding that you are principally concerned with the proposed removal of a portion of the rear wall of the original building, this correspondence and the proposed amendments to the plans seek to address this concern. The elevation of the rear wall looking south toward the kitchen is shown in figure 3.



EXISTING DINING ROOM WALL INTERNAL ELEVATION

Figure 3: Existing dining room wall elevation



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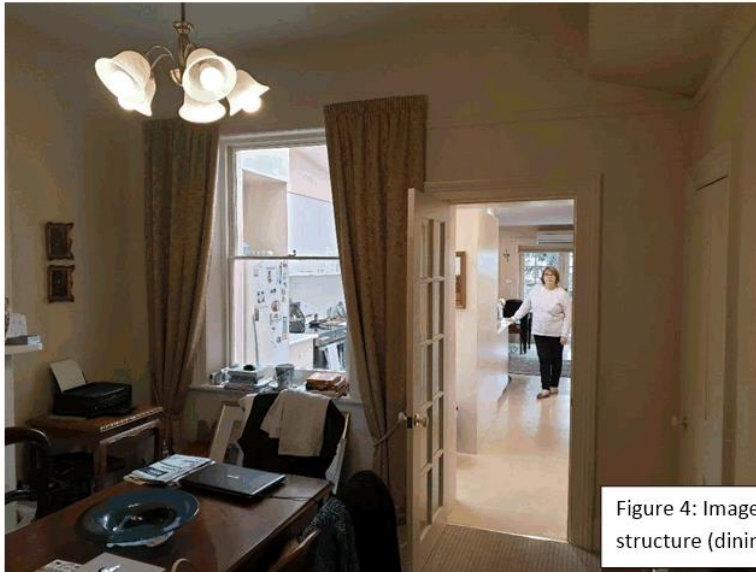


Figure 4: Image looking from original structure (dining room) toward the kitchen.



Figure 5: Image looking from kitchen original structure (dining room) toward.

Page3



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Figures 4 and 5 show the existing appearance of the wall part of which is proposed to be removed.

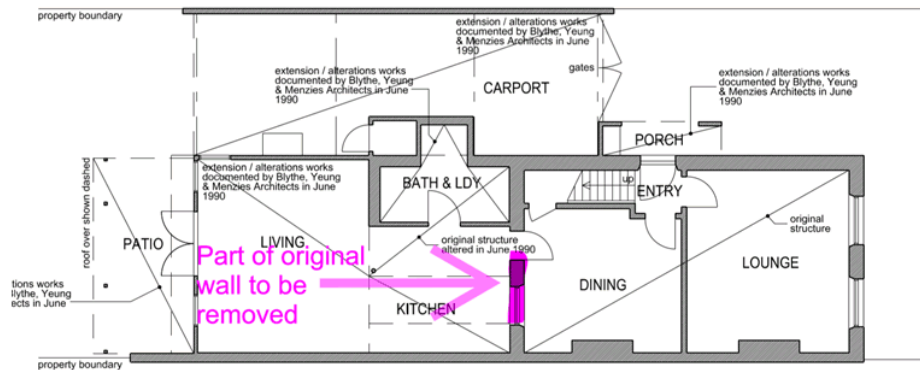


Figure 6: Floor Plan showing the portion of the original wall proposed to be removed

There have been numerous extensions to the rear of the property since it was originally constructed. These extensions have not necessarily respected the heritage character of the property.

Figure 7 shows the appearance of the property prior to the demolition and renovation works which were undertaken in the 1990's.

Figure 8 shows the rear of the property during renovation. The image highlights the steel post and I beams which were installed to support the second storey above. The resulting ground floor of the property is now heavily constrained by the support post and the lower ceiling height which no longer aligns with that of the dining room and the existing original dwelling, this can be seen in figure 5 in the top left of the image. These renovations have limited the possibility to redesign the floor plan of the rear extension to better connect it to the rest of the dwelling.



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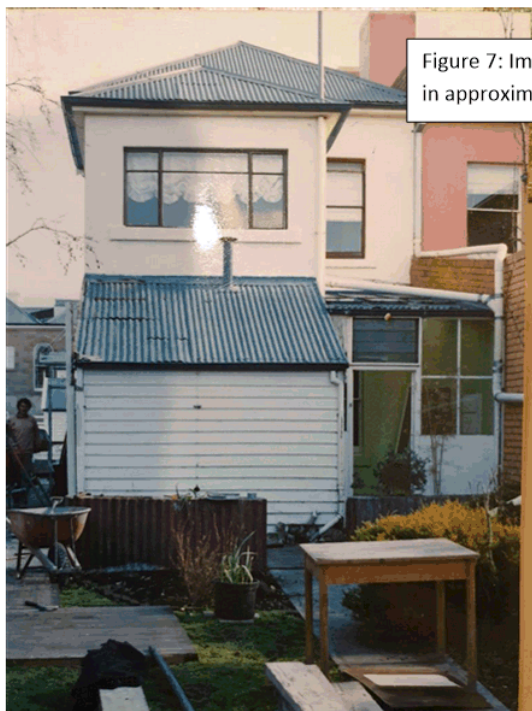


Figure 7: Image showing the rear of the property taken in approximately 1990.



Figure 8: Image showing demolition of the rear of the property taken in approximately 1990.

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0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au) [www.e3planning.com.au](http://www.e3planning.com.au)



Figure 9: Image showing extensions to the rear of the property taken in approximately 1990.



Access from the dining room to the rear extension to the property is via a relatively narrow doorway which provides extremely poor connectivity between the dining room and the kitchen. The existing original window between the dining room and the kitchen is in situ and appears awkward and out of place, as it is an external window.

It is proposed to demolish a portion of the rear wall 2.1 m in height x 2.4m. This is considered to be a minor change to the dwelling and would greatly improve the useability of the dwelling by making it practical to move from the kitchen to the dining room. The proposed demolition is shown in figure 10.



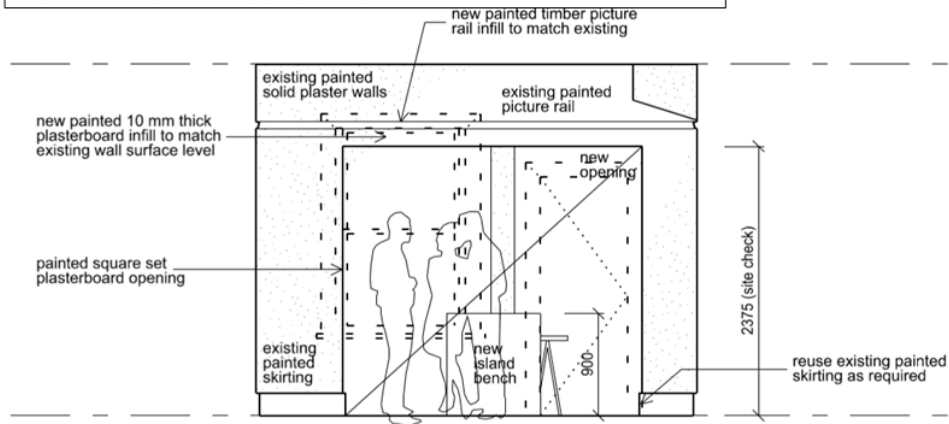




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Figure 10: Image showing proposed particle demolition of the rear wall.



PROPOSED DINING ROOM WALL INTERNAL ELEVATION

Consideration was given to exposing the brickwork and lintel of the rear wall, however the differential height of the top of the window and the door makes this not possible. A steel beam will be installed to support the brickwork above.

Clause E13.7.1 Demolition P1 specifies that for demolition to be approved by Council that it must be demonstrated that the following can be met.



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0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au) [www.e3planning.com.au](http://www.e3planning.com.au)

**Performance Criteria****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.

Demolition of the rear portion of the dwelling is considered minor and would not result in the loss of significant fabric or form of the dwelling.

- (a) It is not considered that the heritage values of the house would be significantly impacted by the proposed demolition. The existing rear wall of the dwelling would be retained and the proposed opening in the wall would appear as a part of the original building and not as part of the rear extension. It would be evident that the opening is not original and that a portion of the rear of the dwelling has been removed to provide for a connection to the rear extension.
- (b) There are no prudent or feasible alternatives to connect the kitchen to the dining room which do not involve demolition of a portion of the wall.
- (c) Due to the differing heights of the top of the window and the door it is not practically feasible to expose the original lintels. It is proposed that some of the original brickwork will be exposed to highlight the heritage fabric of the dwelling.
- (d) Photographs of the demolition will be undertaken during the building process and provided to Council.



**E3 Planning**

Environment • Sustainable Development • Economics

The proposed minor demolition is recommended to Council for approval. The demolition is not considered to be significantly different to any other rear extension to heritage listed properties as they all require some form of spatial connectivity between the rear of the heritage property and any extension.

If you have any further queries please do not hesitate to contact me on 0438 376 84 or email [evan@e3planning.com.au](mailto:evan@e3planning.com.au).

Regards

Evan Boardman  
Grad Dip URP, B ScEnv, B Econ



PO Box 58 SOUTH HOBART, Tasmania 7004  
0438376840 [evan@e3planning.com.au](mailto:evan@e3planning.com.au) [www.e3planning.com.au](http://www.e3planning.com.au)

ARCHITECTURAL DRAWINGS SCHEDULE:

A01	Site Plan
A02	Existing Ground & Upper Floor Plans
A03	Proposed Ground & Upper Floor Plans
A04	Proposed External Elevations
A05	Ground Floor Historic Plan
A06	Upper Floor Historic Plan
A07	Existing Internal Photos
A08	Existing & Proposed Dining Room Wall Internal Elevations

# Brian & Pamela Morey

**Dwelling Extension & Alterations**

**32 De Witt Street, Battery Point Tasmania**

February 2020

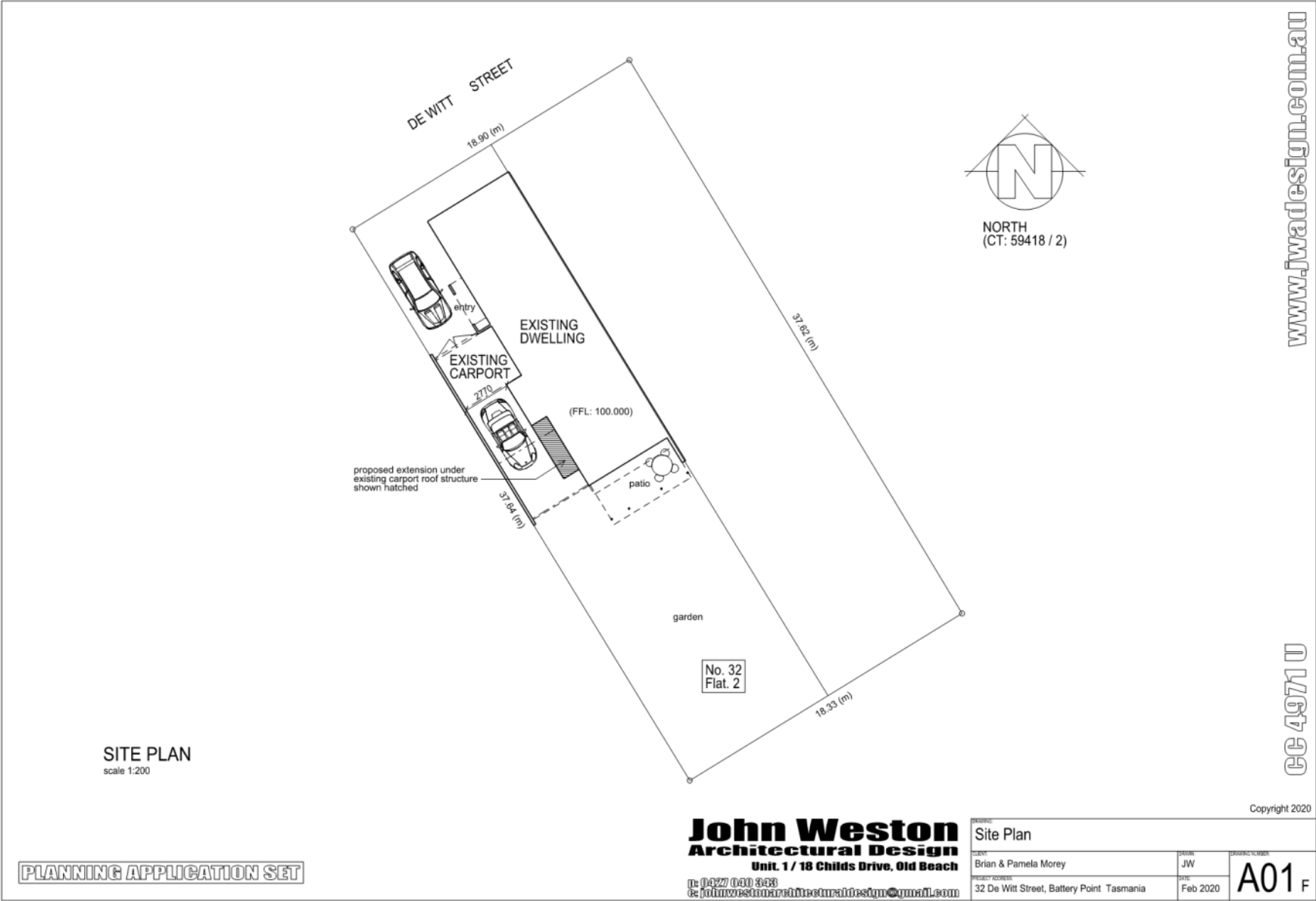
PLANNING APPLICATION SET

**John Weston**  
**Architectural Design**  
Unit. 1 / 18 Childs Drive, Old Beach

p: 0427 040 868  
e: johnwestonarchitecturaldesign@gmail.com

www.jwadesign.com.au

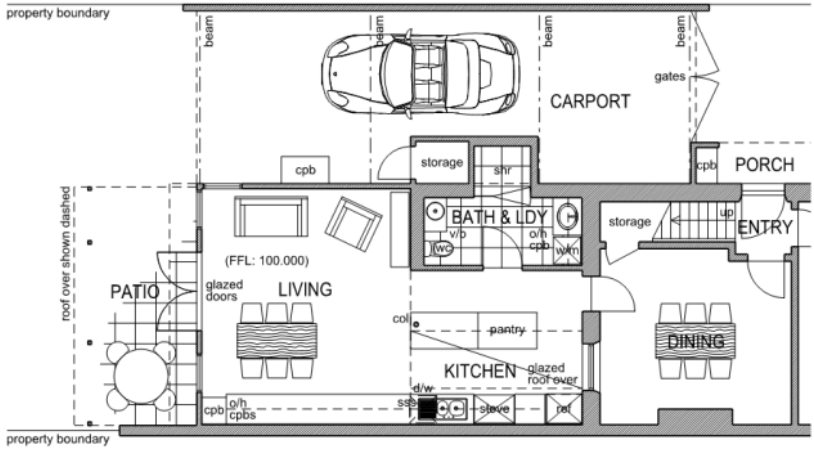
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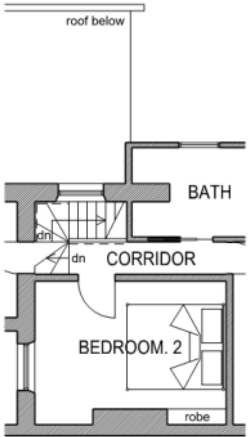
**DIMENSIONS NOTE:**  
Builder to site measure & check existing dimensions before commencing construction. Discrepancies to be discussed with the designer.



www.jwadesign.com.au



EXISTING GROUND FLOOR PLAN  
scale 1:100



EXISTING UPPER FLOOR PLAN  
scale 1:100

CC 4971 U

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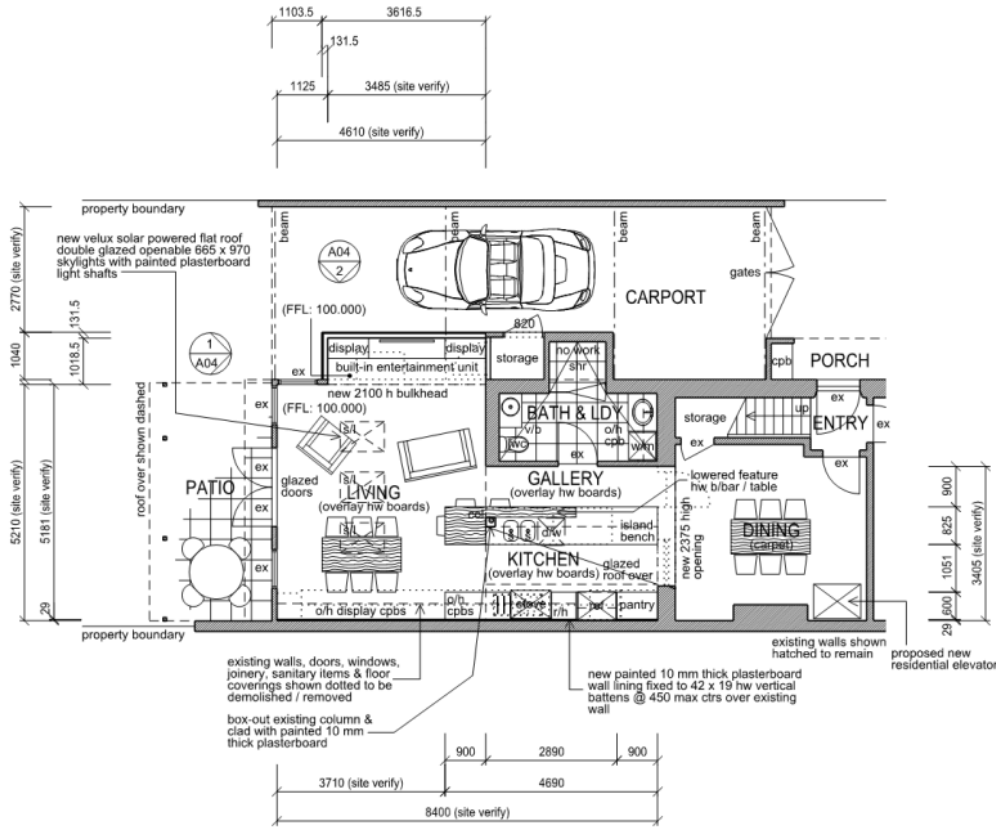
PLANNING APPLICATION SET

**John Weston**  
**Architectural Design**  
Unit. 1 / 18 Childs Drive, Old Beach  
p: 0427 040 343  
e: johnwestonarchitecturaldesign@gmail.com

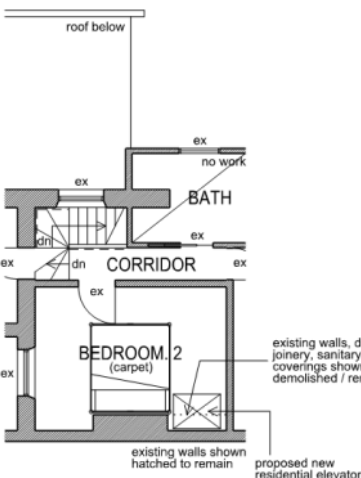
EXISTING			
Existing Ground & Upper Floor Plans			
CLIENT	Brian & Pamela Morey	DESIGN	JW
PROJECT ADDRESS	32 De Witt Street, Battery Point Tasmania	DATE	Feb 2020
			A02 F

**DIMENSIONS NOTE:**  
Builder to site measure & check existing dimensions before commencing construction. Discrepancies to be discussed with the designer.

**PROPOSED FLOOR AREA:**  
Dwelling extension floor area (measured from external face of external walls) - 3.761 m2



**PROPOSED GROUND FLOOR PLAN**  
scale 1:100



**PROPOSED UPPER FLOOR PLAN**  
scale 1:100

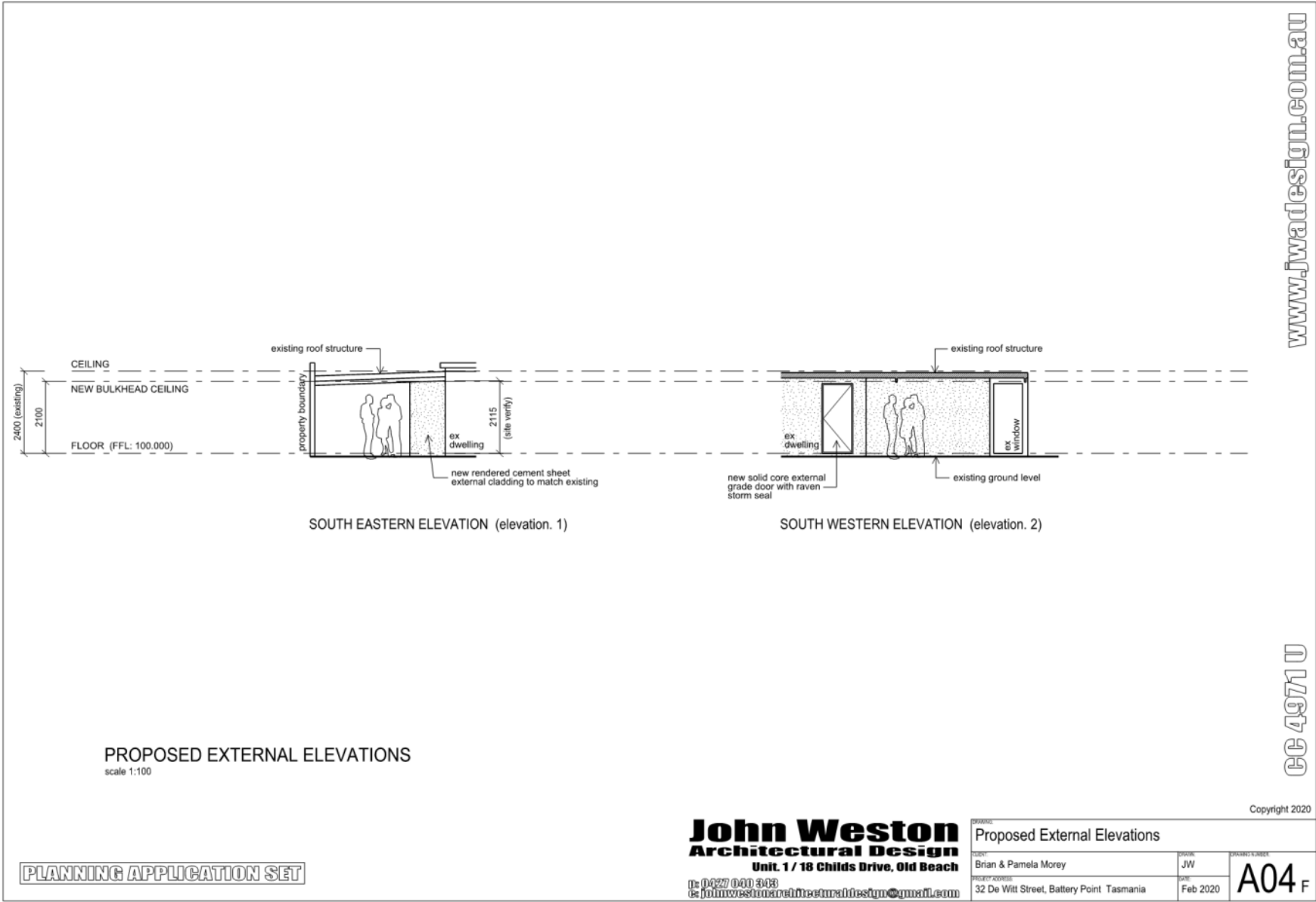
www.jwadesign.com.au

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PLANNING APPLICATION SET

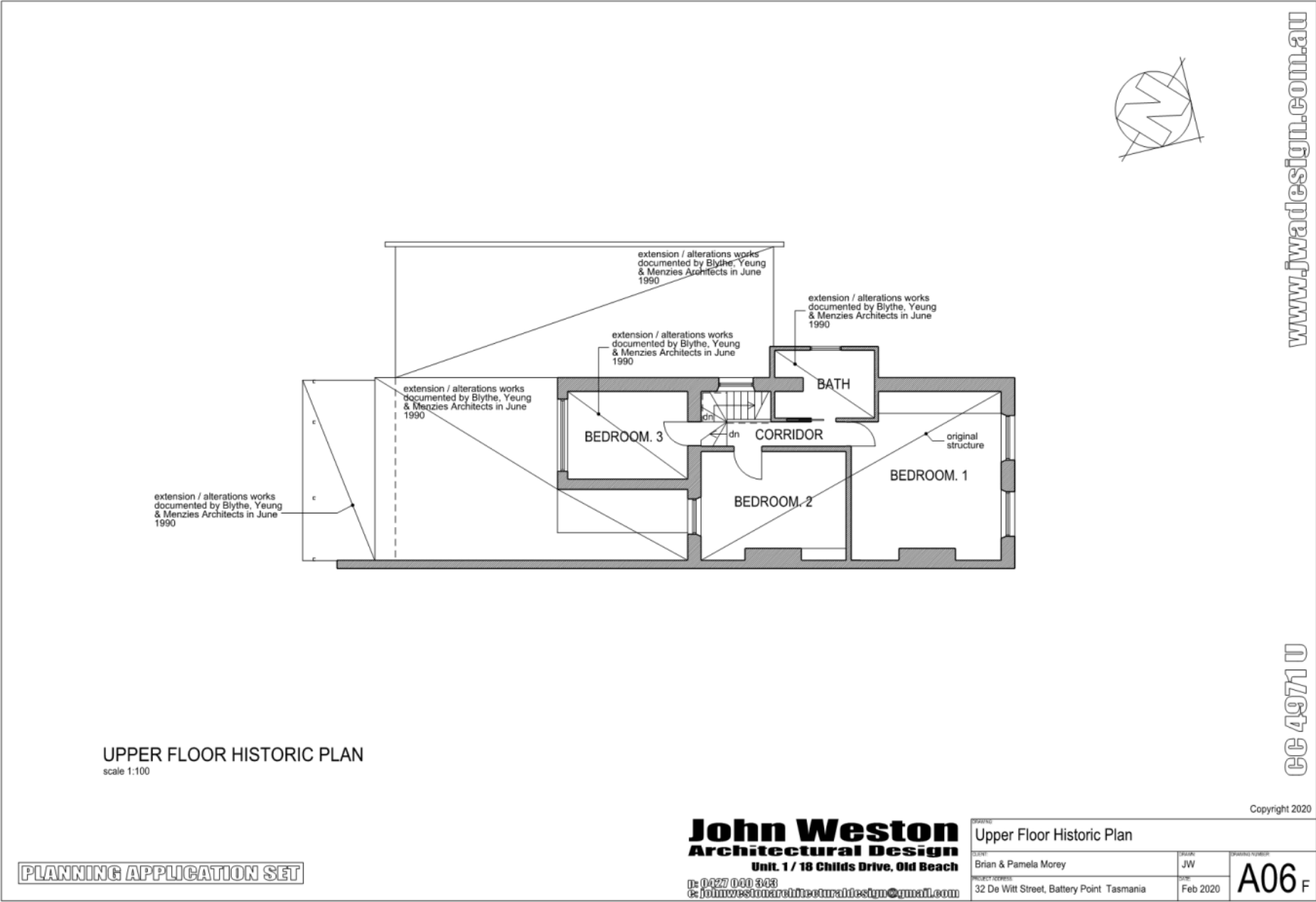
**John Weston**  
Architectural Design  
Unit. 1 / 18 Childs Drive, Old Beach  
P: 0427 040 543  
E: johnwestonarchitecturaldesign@gmail.com

Copyright 2020		
Proposed Ground & Upper Floor Plans		
CLIENT Brian & Pamela Morey	DESIGNER JW	DRAWING NUMBER A03 F
PROJECT ADDRESS 32 De Witt Street, Battery Point Tasmania	DATE Feb 2020	











part of recent extension external wall to be removed & new living room alcove extension to be built



ground floor (dining room) location of proposed new residential elevator



upper floor (bedroom, 2) location of proposed new residential elevator



existing wall between dining room & kitchen to be partly removed to a height of 2375 mm (photo from dining room looking towards kitchen)



existing window between dining room & kitchen to be removed (photo from kitchen looking towards dining room)



existing door between dining room & kitchen to be removed (photo from kitchen looking towards dining room)

www.jwadesign.com.au

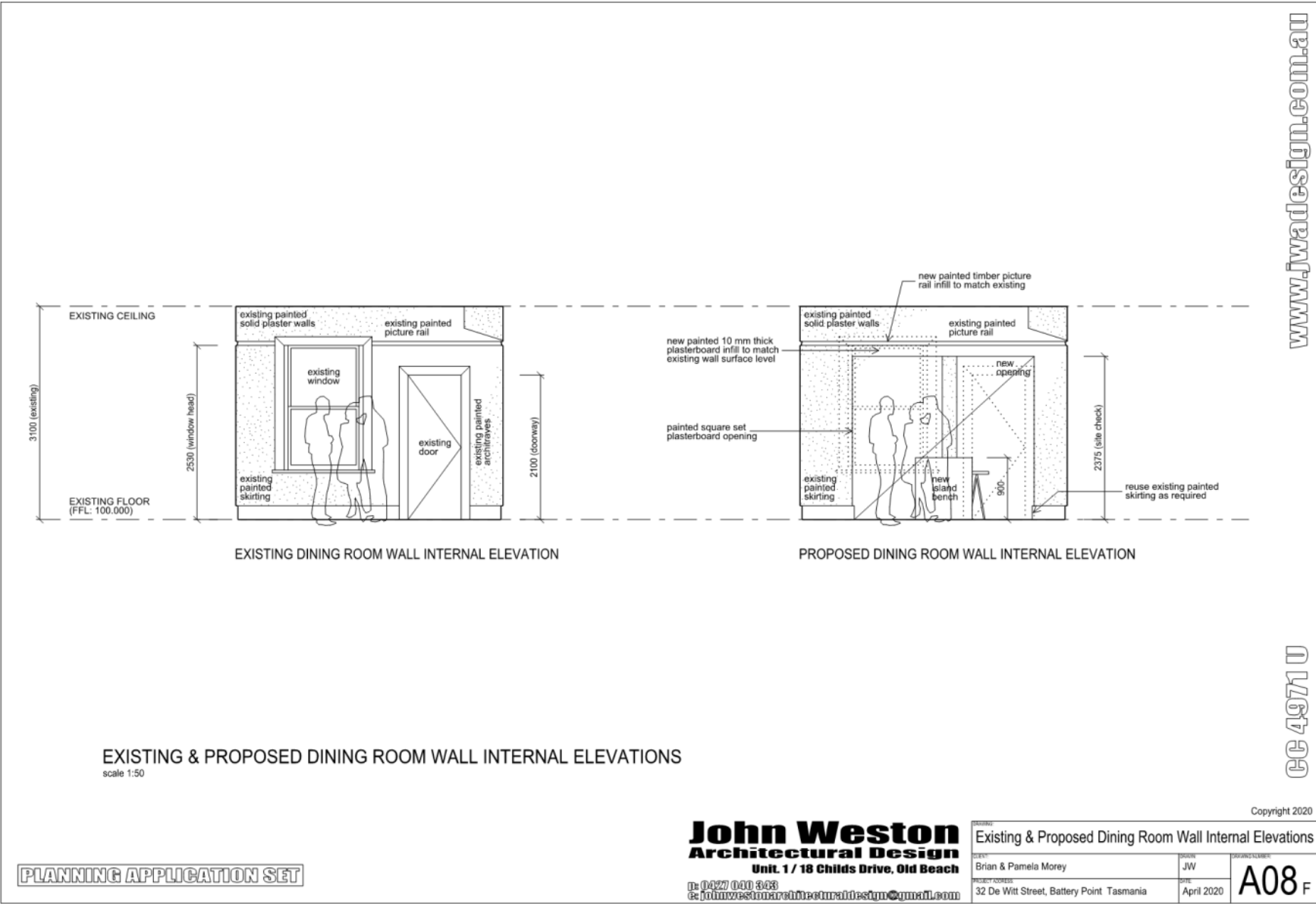
CC 4971 U

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PLANNING APPLICATION SET

**John Weston**  
**Architectural Design**  
Unit. 1 / 18 Childs Drive, Old Beach  
P: 0427 040 568  
E: johnwestonarchitecturaldesign@gmail.com

Existing Internal Photos			
PROJECT	Brian & Pamela Morey	DESIGNER	JW
PROJECT ADDRESS	32 De Witt Street, Battery Point Tasmania	DATE	Feb 2020
			A07 F



**7.1.4 324 DAVEY STREET, SOUTH HOBART - ALTERATIONS (DECK) TO  
PREVIOUSLY APPROVED DEVELOPMENT  
PLN-20-304 - FILE REF: F20/71987**

---

Address: 324 Davey Street, South Hobart

Proposal: Alterations (Deck) to Previously Approved Development

Expiry Date: 20 August 2020

Extension of Time: Not applicable

Author: Michaela Nolan

**RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations (deck) to previously approved development at 324 Davey Street, South 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-20-304 - 324 DAVEY STREET SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**ADVICE**

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

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



## **BUILDING PERMIT**

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

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

## **NOISE REGULATIONS**

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

- |               |  |
|---------------|--|
| Attachment A: | PLN-20-304 - 324 DAVEY STREET SOUTH<br>HOBART TAS 7004 - Planning Committee or<br>Delegated Report ↓  |
| Attachment B: | PLN-20-304 - 324 DAVEY STREET SOUTH<br>HOBART TAS 7004 - CPC Agenda Documents ↓<br>                   |

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Committee: 20 July 2020  
Expiry Date: 20 August 2020  
Application No: PLN-20-304  
Address: 324 DAVEY STREET , SOUTH HOBART  
Applicant: (Smeekes Drafting Pty Ltd)  
12 Warwick Street  
Proposal: Alterations (Deck) to Previously Approved Development  
Representations: Three (3)  
Performance criteria: Inner Residential Zone Development Standards, and Historic Heritage Cod

---

**1. Executive Summary**

- 1.1 Planning approval is sought for Alterations (Deck) to Previously Approved Development at 324 Davey Street, South Hobart.
- 1.2 More specifically the proposal includes:
  - An increase to the area of the deck on top of the rear garage. The proposed deck would cover the entire roof area of the previously approved garage.
  - 1.8m high opaque glass screens on the north and east elevations.
  - 1m high clear glass screen on the south elevation.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.2 Inner Residential Zone Development Standards - Building Envelope, Privacy
  - 1.3.3 Historic Heritage Code - Build and Works in a Heritage Precinct
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 5 June 2020 and 22 June 2020 .
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee.

## 2. Site Detail

- 2.1 The subject site is located on the eastern side of Davey Street opposite the intersection with Anglesa Street. The area consists predominantly of established medium density residential development. The site contained a two storey brick building, however this has recently been demolished and the construction of two dwellings is underway as approved by PLN-17-539.

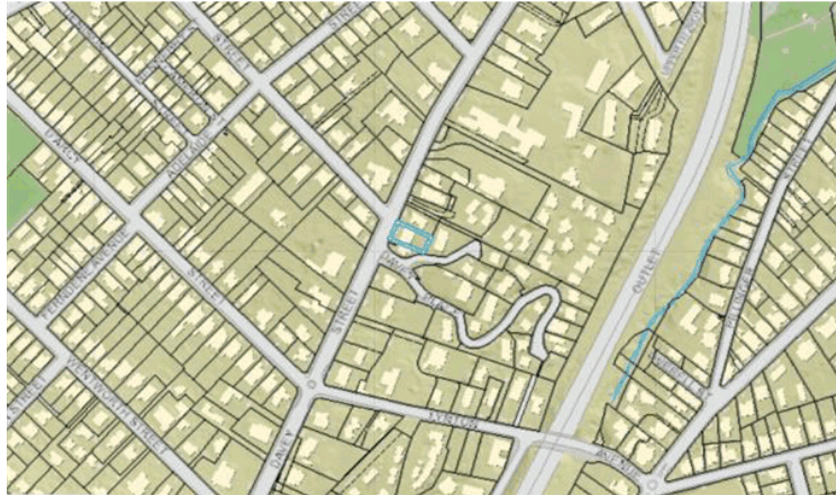


Figure 1: location of the subject site at 324 Davey Street (outlined in blue).





Figure 2: the subject site at 324 Davey Street (outlined in blue).

### 3. Proposal

- 3.1 Planning approval is sought for Alterations (Deck) to Previously Approved Development at 324 Davey Street, South Hobart.
- 3.2 More specifically the proposal is for:
  - An increase to the area of the deck on top of the rear garage. The proposed deck would cover the entire roof area of the previously approved garage.
  - 1.8m high opaque glass screens on the north and east elevations.
  - 1m high clear glass screen on the south elevation.

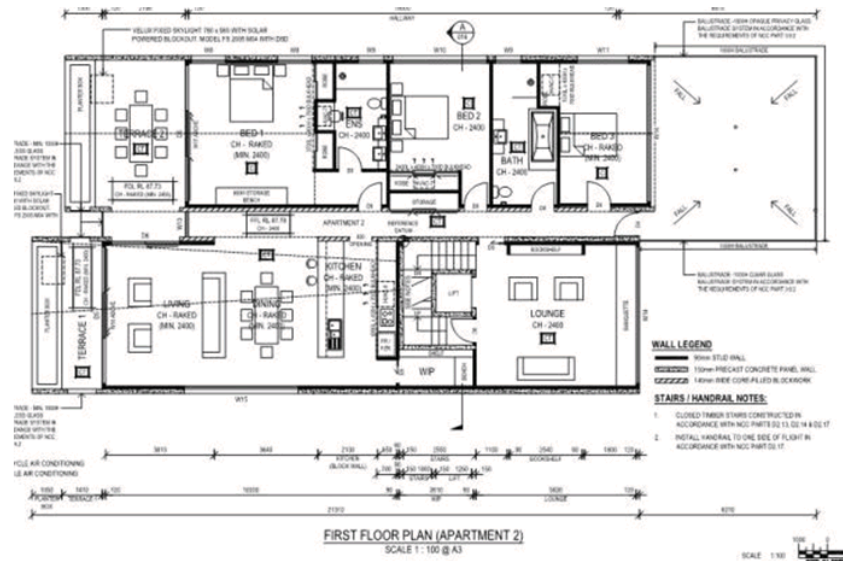


Figure 3: the proposed deck at 324 Davey Street, South Hobart. The deck would be located beside Bed 3 on the right hand side of the image.

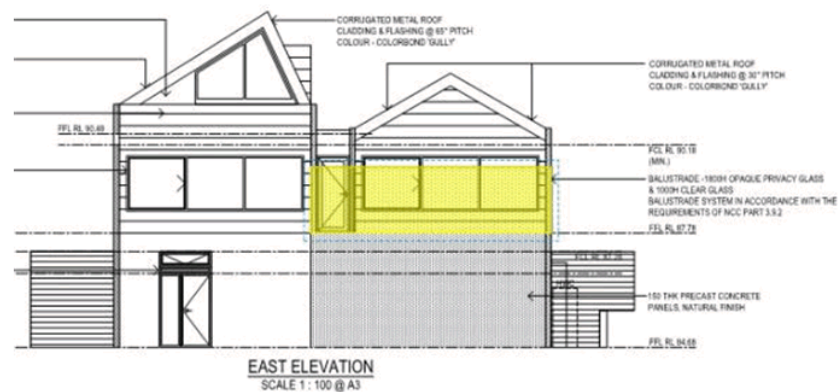


Figure 4: east elevation of the proposed deck at 324 Davey Street, South Hobart (highlighted in yellow).

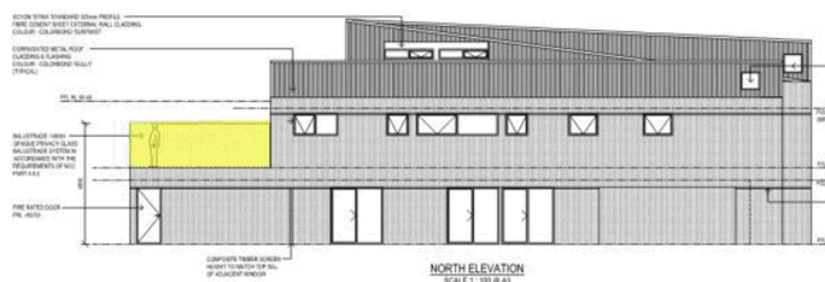


Figure 5: north elevation of the proposed deck at 324 Davey Street, South Hobart (highlighted in yellow).

## 4. Background

- 4.1 Approval was granted in 2017 (PLN-17-539) for demolition of the existing dwelling and construction of two dwellings on the site. The dwellings are currently under construction on site. The current application is to increase the area of deck at the rear of the dwelling on the upper level. This area was previously approved as roof garden.

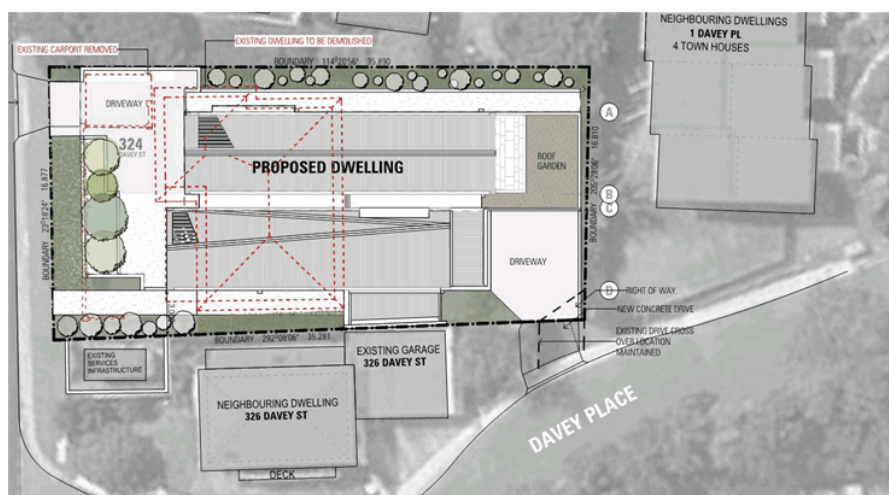


Figure 6: The approved site plan of the 2017 proposal, showing the smaller deck and roof garden at the rear, that is now proposed to be a deck in entirety.

## 5. Concerns raised by representors

- 5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 22 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.

Loss of privacy	<ul style="list-style-type: none"> <li>• Reflections of people on the proposed deck will be visible to people in the adjoining property and remove any sense of privacy and security</li> <li>• There is already a loss of privacy from other unobstructed windows.</li> <li>• The existing concrete slab of the garage already overlooks the adjoining property</li> <li>• The 1m high balustrade will allow unobstructed views over the side garden of 35/1 Davey Place. This area is enjoyed by children of guests.</li> <li>• Any sense of privacy in the adjoining property will be removed. Will see a large deck with people on it rather than an open garden.</li> </ul>
Noise and other emissions	<ul style="list-style-type: none"> <li>• A BBQ on the deck would billow smell and smoke over the adjoining property</li> <li>• Noise and emissions from the deck from BBQs and parties will be a nuisance to the adjoining property, particularly as the second bedroom windows will be level with the deck.</li> <li>• The design of the balustrades with a lower height on the south elevation will funnel noise towards the property at 35/1 Davey Place.</li> <li>• The increased size of the deck will allow for a larger number of people to gather.</li> </ul>
Bulk	<ul style="list-style-type: none"> <li>• Creates the appearance of high density which is not currently a feature of Davey Place</li> <li>• The imposing concrete slab structure is built right up to the boundary and this development would exacerbate the bulk</li> <li>• Davey Place is a low density enclave in South Hobart.</li> <li>• The development dwarfs the townhouses at 1 Davey Place.</li> <li>• The height and bulk is effectively adding another room.</li> <li>• Light will be blocked from adjoining properties.</li> </ul>

<p>Changes to existing development and future potential</p> <ul style="list-style-type: none"> <li>• Removal of the approved rooftop garden would further remove the limited amount of green space on the property.</li> <li>• Belief that there was never an intention to build the rooftop garden.</li> <li>• Concern that the space will be filled in to extend the dwelling and create another habitable room.</li> <li>• The existing development is beyond what was believed to be built in height, bulk and proximity to boundaries.</li> <li>• Concern that what has been built is not in accordance with the approved plans.</li> <li>• The development should comply with the originally approved plans.</li> <li>• The approved small deck and rooftop garden provided some separation between dwellings.</li> </ul>
<p>Proximity to adjoining property</p> <ul style="list-style-type: none"> <li>• People will be able to stand on the boundary of the adjoining property</li> </ul>
<p>Economic impact</p> <ul style="list-style-type: none"> <li>• Will be detrimental to an adjoining hospitality accommodation business</li> <li>• The accommodation in the adjoining townhouses is currently appealing to families because of the garden area, this will negatively impacted by the proposed development.</li> <li>• The development will create a loss of income and impact the capital value of properties.</li> </ul>

## 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 multiple dwellings. The proposal is for development only, there would be no change of use and no intensification of the existing use. The existing use is a permitted use in the zone.

- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 10 Inner Residential Zone
- 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 Inner Residential Zone:
- Building Envelope - Part D 11.4.2 P3*
- Privacy - Part D 11.4.6 P1*
- 6.5.2 Historic Heritage Code
- Buildings and Works Other than Demolition - Part E13.8.2*
- 6.6 Each performance criterion is assessed below.
- 6.7 Building Envelope - Part D 11.4.2 P3
- 6.7.1 The acceptable solution at clause 11.4.2.A3 requires buildings to be sited within the prescribed building envelope. This includes a height of 3m at a distance of 3m from the rear boundary, increasing at an angle of 45 degrees to a maximum height of 9.5m.
- 6.7.2 The proposal includes 1.8m high balustrades on the north and east elevation of the previously approved 3.1m high garage. This would create a total height of 4.8m.
- 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 11.4.3.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 recent Tribunal decision of *McCullagh v Glamorgan Spring Bay Council and Ors*, which specifically considered this clause, determined that once a proposal extends outside the acceptable solution building envelope, a detailed assessment of the performance criterion must be carried out, without reference to the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?
- 6.7.6 The proposed balustrade would be sited above an existing garage. Sunshade diagrams submitted by the applicant demonstrate that any increase in overshadowing would be to the driveway of the adjoining property at 35/1 Davey Place and to the road way of Davey Place. There would be no increase in overshadowing to habitable rooms or private open space to adjoining properties.
- 6.7.7 The balustrade would increase the total building height of the rear part of the building at 324 Davey Street from 3.1m to 4.9m on the eastern (rear) elevation and the northern (side) elevation, and 4.1m on the southern (side) elevation. The lower part of the structure, up to 3.1m, consists of the walls of the approved and recently constructed garage. The proposal is to add opaque glass balustrades to the top of the edges of the garage. These balustrades would be 1.8m high on the eastern and northern elevations and 1m high on the southern elevation. It is considered that in general the glass balustrade would minimise the visual bulk of the structure by allowing a degree of light to pass through and by providing some visual separation from the wall beneath.
- 6.7.8 The site is located to the south of the adjoining property at 322 Davey Street and the proposed balustrade would have a setback of 3m from the



boundary to this property. It is considered that this setback and its location to the south would not be unreasonably visually bulky when viewed from this adjoining property.

- 6.7.9 The site is located to the north of the adjoining property at 35/1 Davey Place and the proposed balustrade would have a setback of 7.2m from the boundary to this property. This part of 35/1 Davey Place consists of the a garage, a garden bed that is not part of the property's private open space and the driveway to the subject site. It is considered that there would be sufficient separation from this area that the visual impact would not be unreasonable.
- 6.7.10 The site is located to the west of the adjoining property at 31-34/1 Davey Place with the closest units being 31 and 32. The wall has a setback of 0.4m from this boundary and is proposed to have a maximum height of 4.9m. This adjoining property is a triangular lot and as such the boundary to the subject site can effectively be considered a side boundary, whereas it is the rear boundary of the subject site. It is also considered that the proposed height would not be out of character with the heights of existing buildings in the area as most are more than one storey in height. It is therefore considered that the scale, bulk and proportions of the building would not be unreasonably detrimental to residential amenity.



*Figure 7: The existing garage at 324 Davey Street and its proximity to the adjoining building at 31-34/1 Davey Place. The proposed deck would be sited on top of this garage with the balustrading located where the metal safety railings are currently sited.*





*Figure 8: The existing garage at 324 Davey Street and its proximity to the adjoining building at 31-34/1 Davey Place. The proposed deck would be sited on top of this garage with the balustrading located where the metal safety railings are currently sited.*

- 6.7.11 The proposed development would not reduce separation as the setback of the building would not be reduced. There are a number of buildings constructed on or close to lot boundaries in the surrounding area. It is considered that the proposed development would not be incompatible with that prevailing in the area.
- 6.7.12 The proposal complies with the performance criterion.
- 6.8 Privacy - Part D 11.4.6 P1
- 6.8.1 The acceptable solution at clause 11.4.6.A1 requires a deck with a surface level more than 1m above natural ground level to have screening to a height of 1.7m or have a setback of 3m from a rear boundary.
- 6.8.2 The proposal includes a deck that would have a height of 3.1m from natural ground level and a setback of 0.4m from the rear boundary. There would be a 1.8m high opaque glass balustrade on the elevation facing the boundary which would comply. However the side elevation would have a balustrade of 1m. As this is still within 3m of the rear boundary it is considered that assessment is required.

- 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 11.4.6.P1 provides as follows:
- A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:*
- a) a dwelling on an adjoining lot or its private open space; or*  
*b) another dwelling on the same site or its private open space; or*  
*c) an adjoining vacant residential lot.*
- 6.8.5 The proposed screening would shield the deck from the adjoining building at 31-34/1 Davey Place and the private open space directly between the building and the boundary. As such there would be no overlooking or habitable rooms or the main area of private open space. There would be a potential to overlook part of the garden between 31/1 Davey Place and the street. However it is considered that as this area is already visible from the street, and would still be partially screened by the balustrade on the eastern elevation of the deck, it is considered that any overlooking would not be unreasonably detrimental to residential amenity.
- 6.8.6 In regards to the concerns raised in the representations about loss of privacy, it is considered that the proposed development would increase privacy for the adjoining property as it would introduce a privacy screen around the deck where previously a low 1m balustrade was approved around the smaller deck. The proposed design would prevent overlooking of the property to the north from the deck and the property to the east from the deck and the bedroom window and to some degree from the lounge window. The southern elevation of the deck would have a lower balustrade, however this is 7m from the side boundary and as such would meet the setback requirements from the property to the south.
- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Historic Heritage Code - Buildings and Works Other than Demolition - Part E13.8.2
- 6.9.1 There is no acceptable solution for development on a place within a heritage precinct.
- 6.9.2 The proposal includes development on a place within Heritage Precinct

SH7.

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

6.9.4 The relevant performance criterion provide as follows:

E13.8.2.P1

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

E13.8.2.P3

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

6.9.5 The proposed development was referred to the Council's Cultural Heritage Officer who has provided the following comments:

A larger deck on the top of the rear garage is proposed. This deck would cover the whole roof of the garage. It would have 1.8m high opaque glass screens on the north and east elevations and a 1m high clear glass screen on the south elevation.

There are no concerns from a cultural heritage perspective.

The proposed works satisfy E 13.8.2 P1 and P3.

6.9.6 The proposal complies with the performance criterion.

## 7. Discussion

7.1 Planning approval is sought for Alterations (Deck) to Previously Approved Development at 324 Davey Street, South Hobart.

7.2 The application was advertised and received three (3) representations. The representations raised concerns including loss of privacy, noise and other emissions, visual bulk and proximity to the boundary.

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 Cultural Heritage Officer. The officer has raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.
- 8. Conclusion**
- 8.1 The proposed Alterations (Deck) to Previously Approved Development at 324 Davey Street, South 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 Alterations (Deck) to Previously Approved Development at 324 Davey Street, South 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-20-304 - 324 DAVEY STREET SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### ADVICE

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

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

### BUILDING PERMIT

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

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

### NOISE REGULATIONS

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



(Michaela Nolan)

**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)

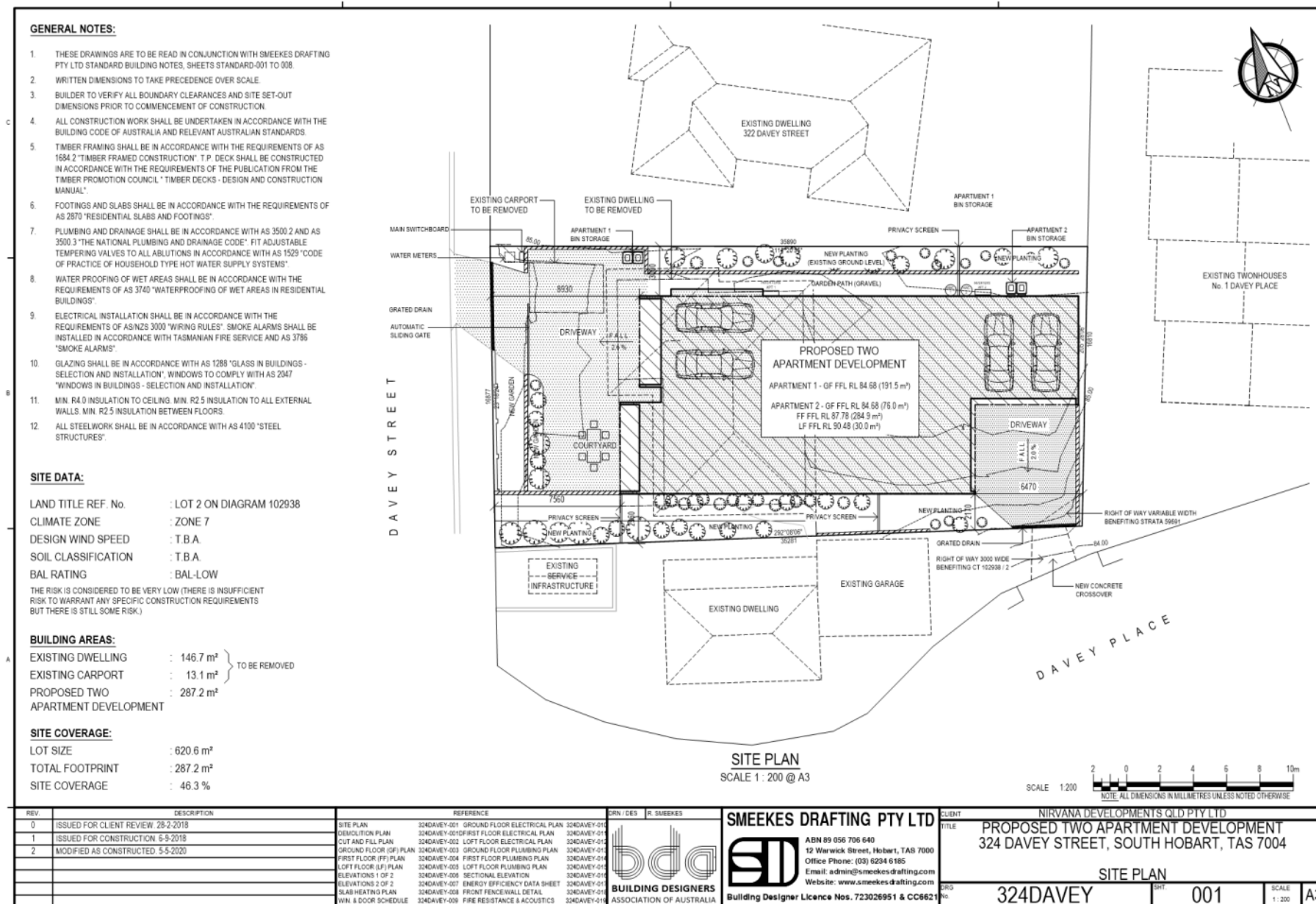
**Senior Statutory Planner**

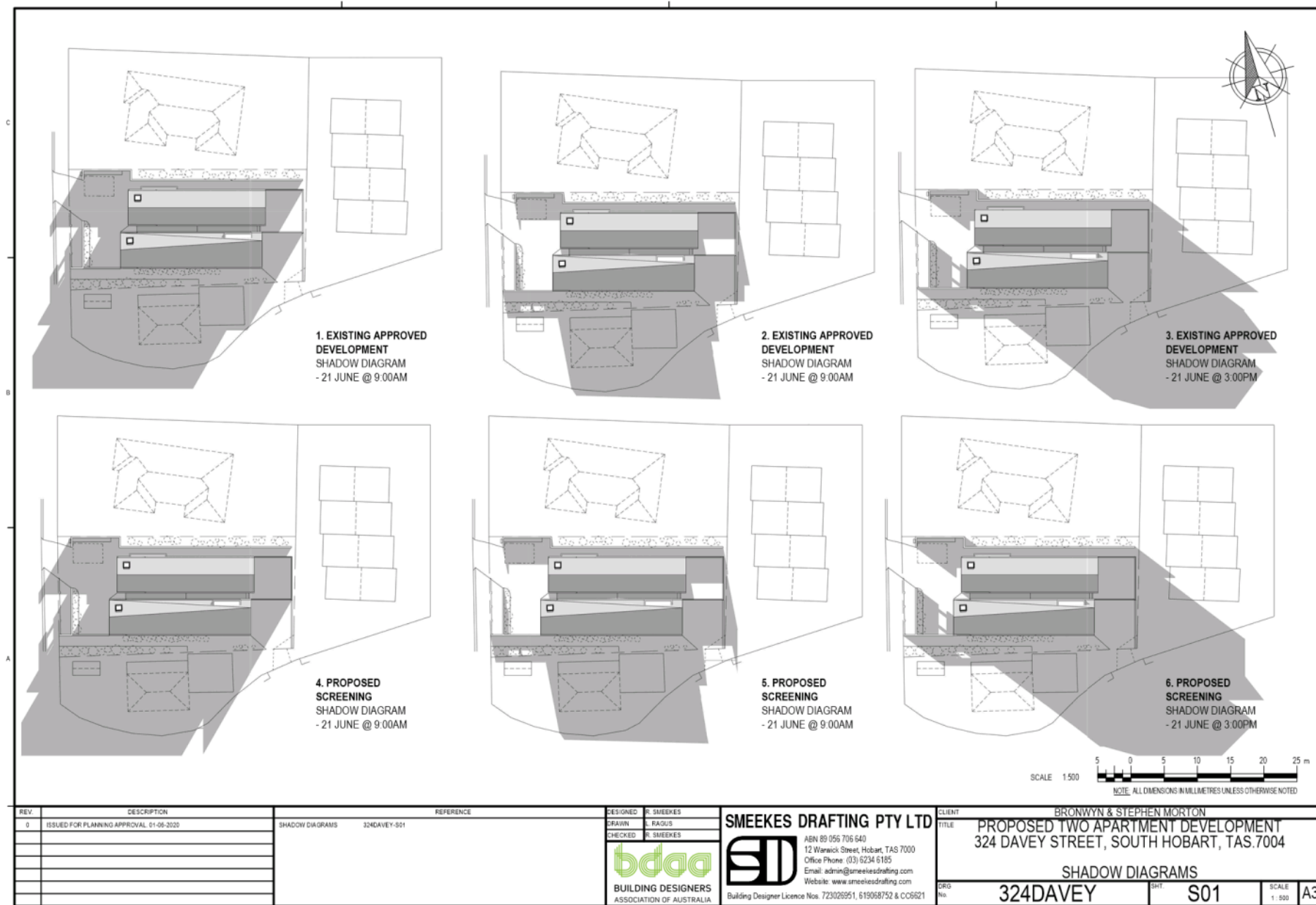
*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

Date of Report: 3 July 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents







PROTECTION WORKS NOTES:

1. THE SITE / AREAS BEING DEMOLISHED SHALL BE ADEQUATELY BARRICADED TO PROTECT THE OCCUPANTS OR PUBLIC FROM INJURY.

DEMOLITION NOTES:

1. ALL DEMOLITION WORKS SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE DEMOLITION WORK CODE OF PRACTICE.
2. ALL EXISTING STRUCTURES SHALL BE MAINTAINED IN A STABLE MANNER AND ALL TEMPORARY PROPPING SHALL BE DESIGNED AND CHECKED BY A QUALIFIED STRUCTURAL ENGINEER.
3. THE BUILDER IS RESPONSIBLE TO ENSURE THAT THE STRUCTURE REMAINS STABLE AND NO PART SHALL BE OVERSTRESSED.
4. DISPOSAL OF ALL WASTE MATERIAL SHALL BE AT AN APPROVED REFUGE SITE. FLOOR, ROOF AND WALL FRAMING MATERIAL TO BE DE-NAILED AND PREFERABLY RECYCLED WHERE APPROPRIATE. WINDOWS, DOORS, JOINERY, ELECTRICAL AND PLUMBING FIXTURES AND FITTING TO BE REMOVED WITH DUE CARE AND RECYCLED WHERE APPROPRIATE.
5. MAINS WATER SUPPLY TO BE ISOLATED AT WATER METER. SITE STORMWATER AND SEWER DRAINS TO BE IDENTIFIED, LABELLED AND DE-COMMISSIONED. CAP SERVICES AT BOUNDARY CONNECTION POINTS.
6. MAIN ELECTRICAL SUPPLY INTO THE SITE TO BE ISOLATED/DISCONNECTED AND REMOVED WORKS TO BE UNDERTAKEN IN STRICT ACCORDANCE WITH LOCAL ELECTRICITY AUTHORITY REQUIREMENTS.



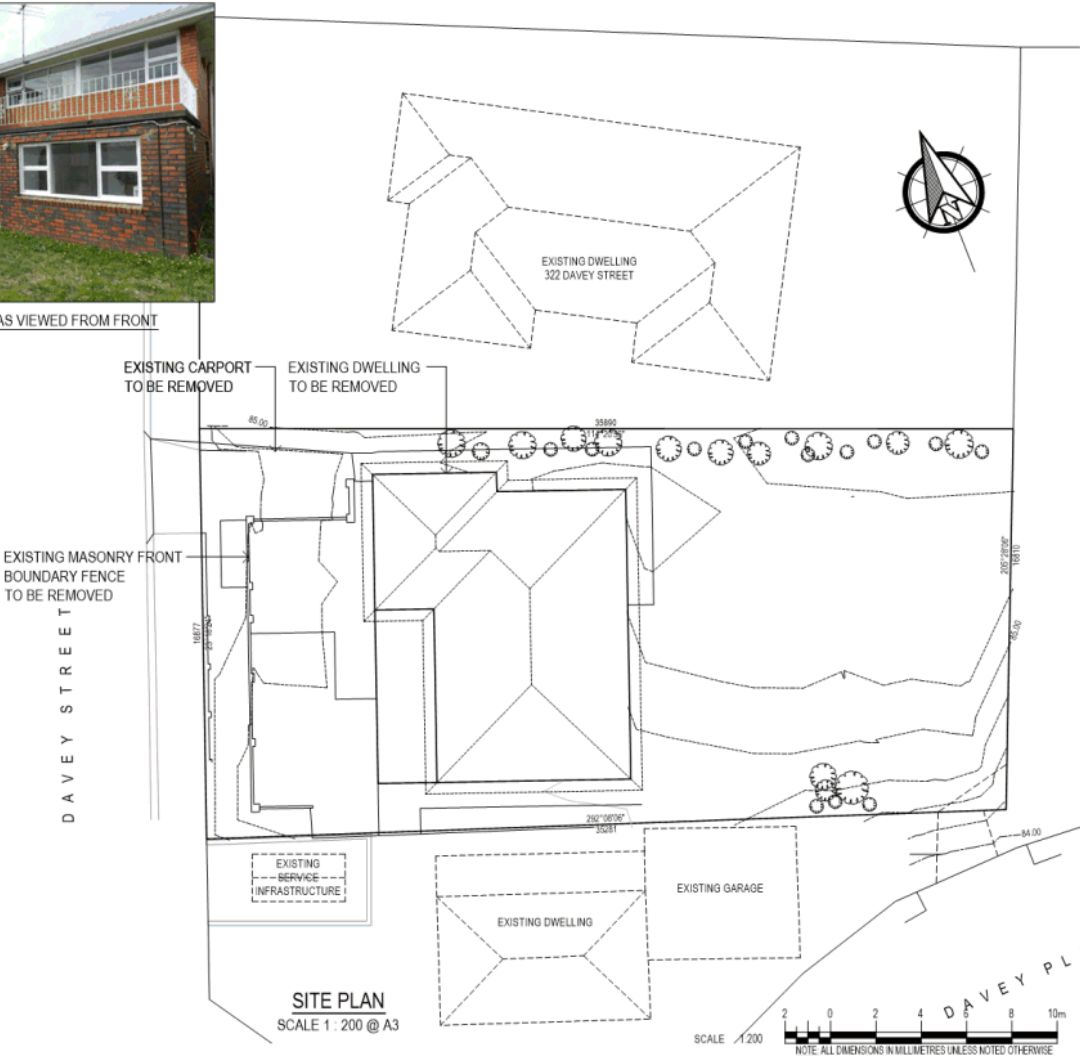
EXISTING DWELLING AS VIEWED FROM FRONT



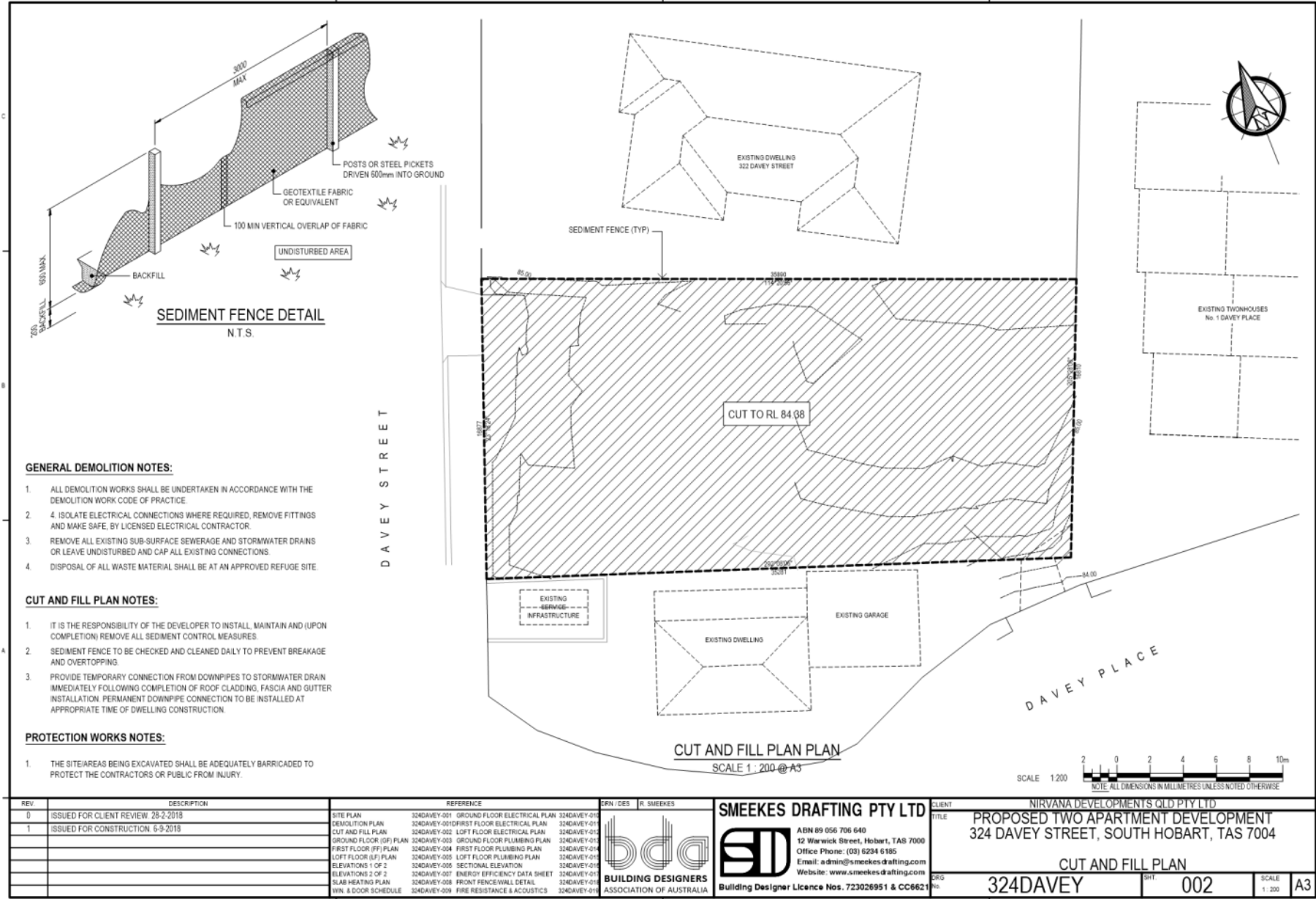
EXISTING DWELLING AS VIEWED FROM DAVEY STREET

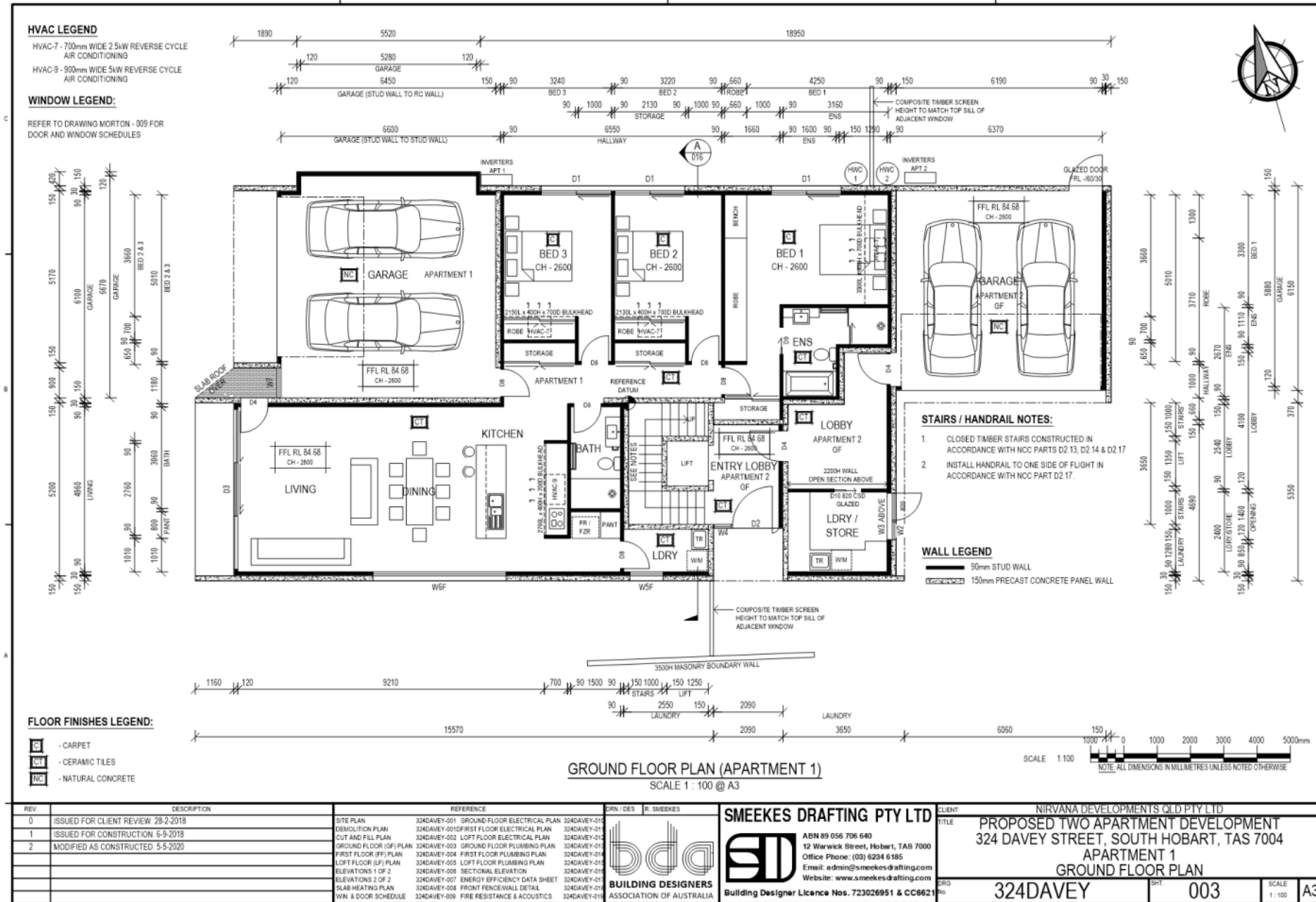


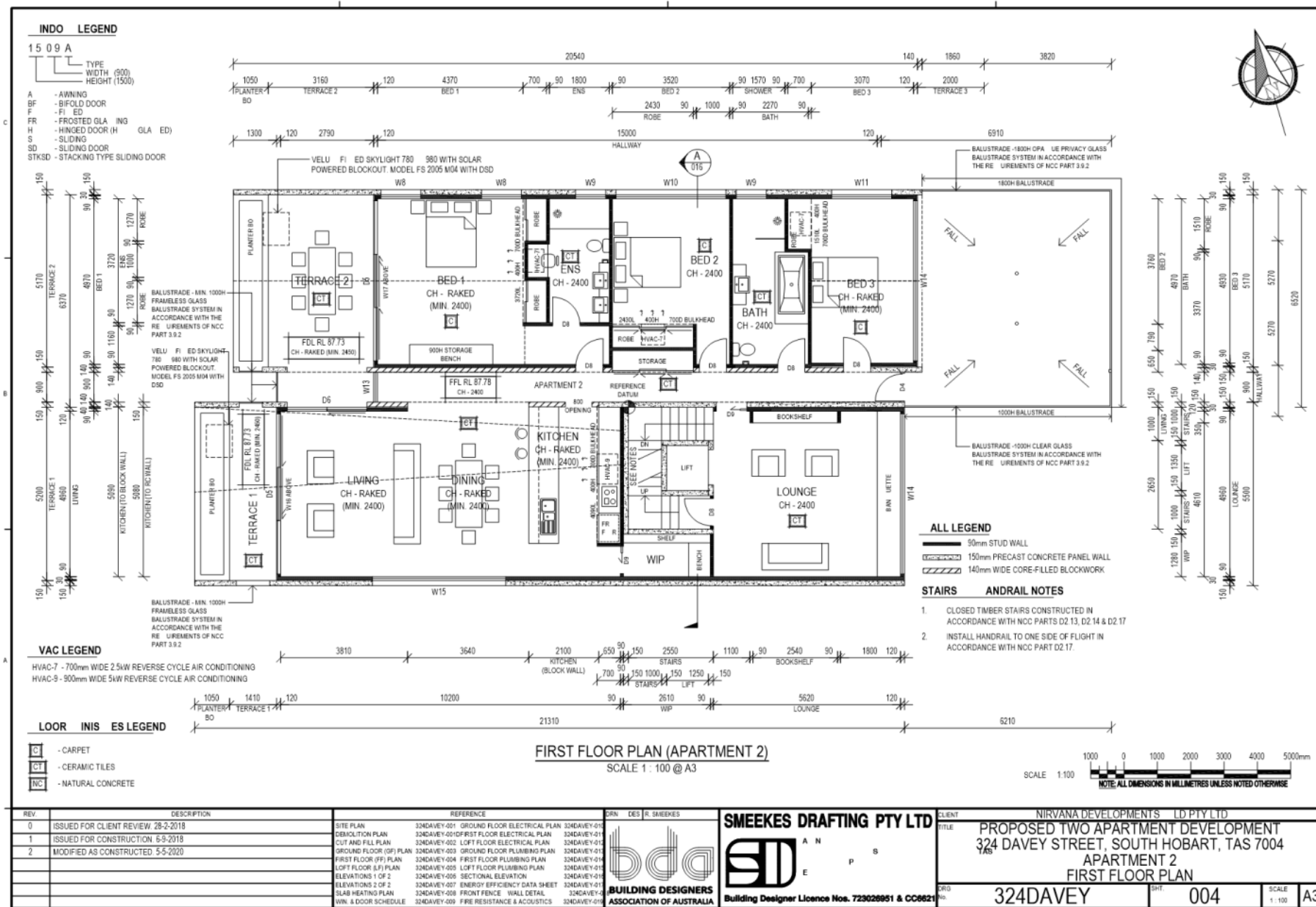
EXISTING DWELLING AS VIEWED FROM REAR

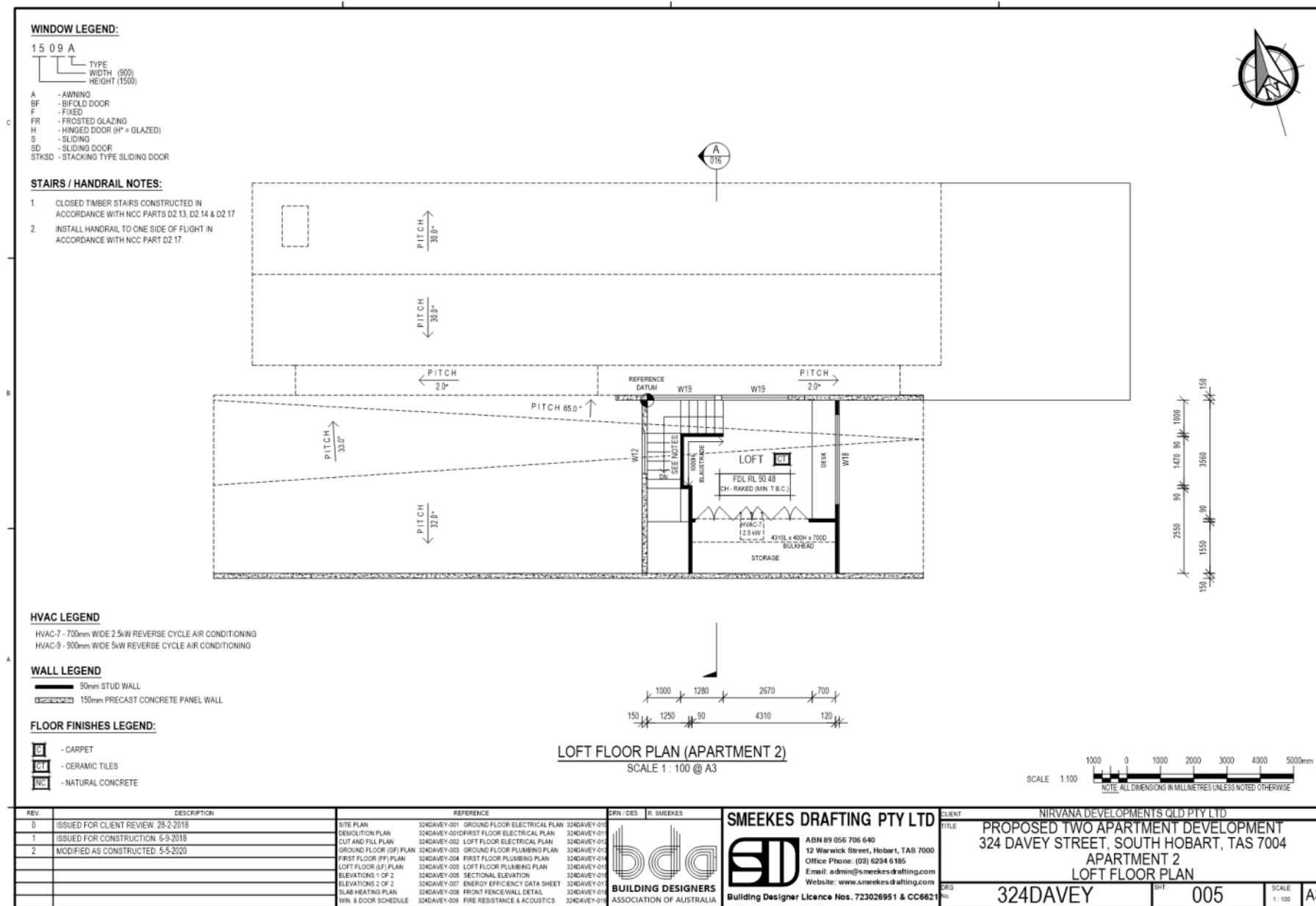


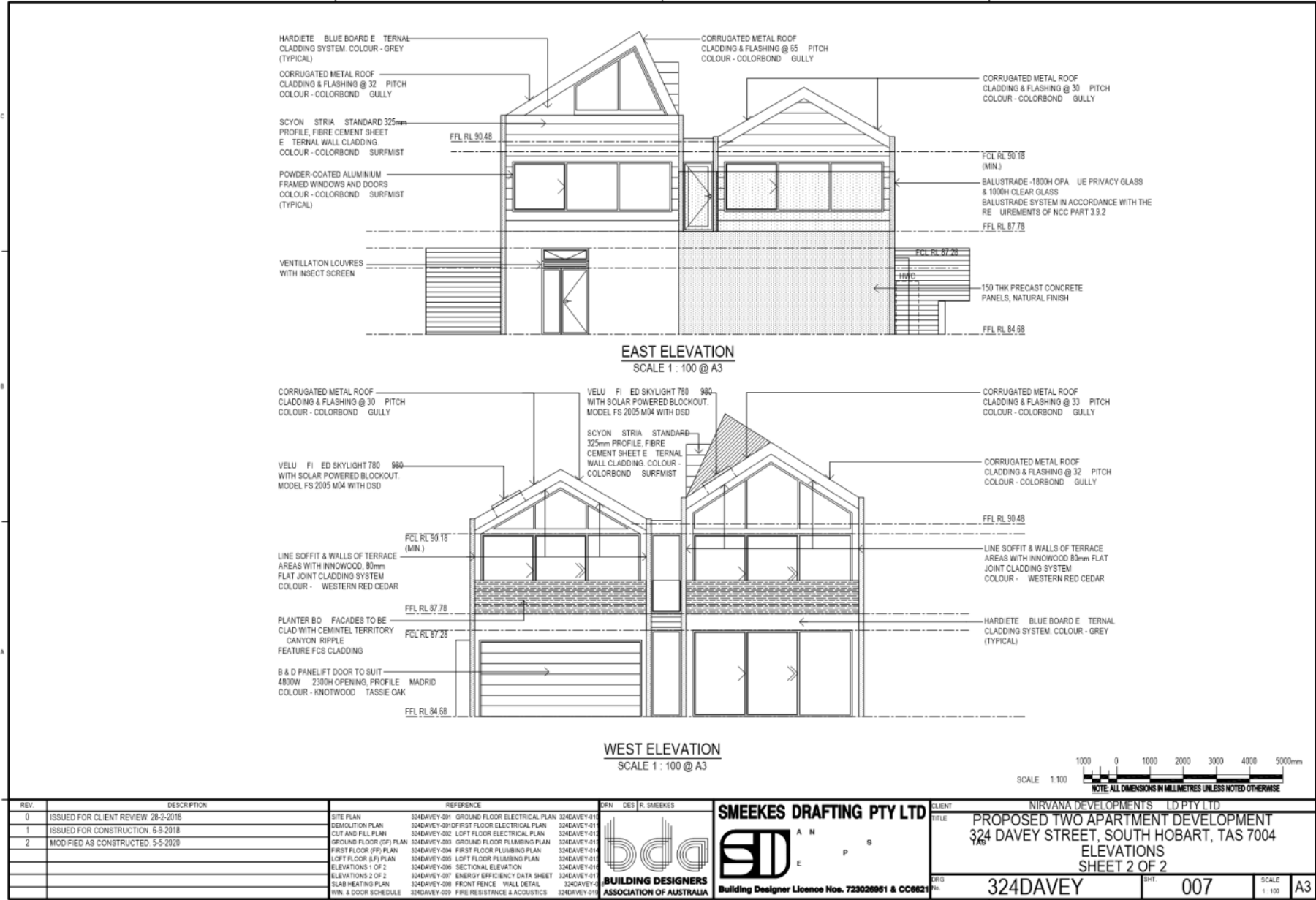
REV.	DESCRIPTION	REFERENCE	DRN / DES	R. SKEEKES	CLIENT	TITLE	SCALE	SHT.	A3
0	ISSUED FOR CLIENT REVIEW: 28-2-2018	SITE PLAN: 324DAVEY-001 GROUND FLOOR ELECTRICAL PLAN 324DAVEY-010			NIRVANA DEVELOPMENTS OLD PTY LTD	PROPOSED TWO APARTMENT DEVELOPMENT			
1	ISSUED FOR CONSTRUCTION: 23-4-2018	DEMOLITION PLAN: 324DAVEY-002 FIRST FLOOR ELECTRICAL PLAN 324DAVEY-011			12 Warwick Street, Hobart, TAS 7000	324 DAVEY STREET, SOUTH HOBART, TAS 7004			
		CUT AND FILL PLAN: 324DAVEY-003 LOFT FLOOR ELECTRICAL PLAN 324DAVEY-012			Office Phone: (03) 6294 6195				
		GROUND FLOOR (GF) PLAN: 324DAVEY-004 GROUND FLOOR PLUMBING PLAN 324DAVEY-013			Email: admin@smeekesdrafting.com				
		FIRST FLOOR (FF) PLAN: 324DAVEY-005 FIRST FLOOR PLUMBING PLAN 324DAVEY-014			Website: www.smeekesdrafting.com				
		LOFT FLOOR (LF) PLAN: 324DAVEY-006 LOFT FLOOR PLUMBING PLAN 324DAVEY-015							
		ELEVATIONS 1 OF 2: 324DAVEY-007 SECTIONAL ELEVATION 324DAVEY-016							
		ELEVATIONS 2 OF 2: 324DAVEY-007 ENERGY EFFICIENCY DATA SHEET 324DAVEY-017							
		SLAB HEATING PLAN: 324DAVEY-008 FRONT FENCE/WALL DETAIL 324DAVEY-018							
		WIN & DOOR SCHEDULE: 324DAVEY-009 FIRE RESISTANCE & ACOUSTICS 324DAVEY-019							

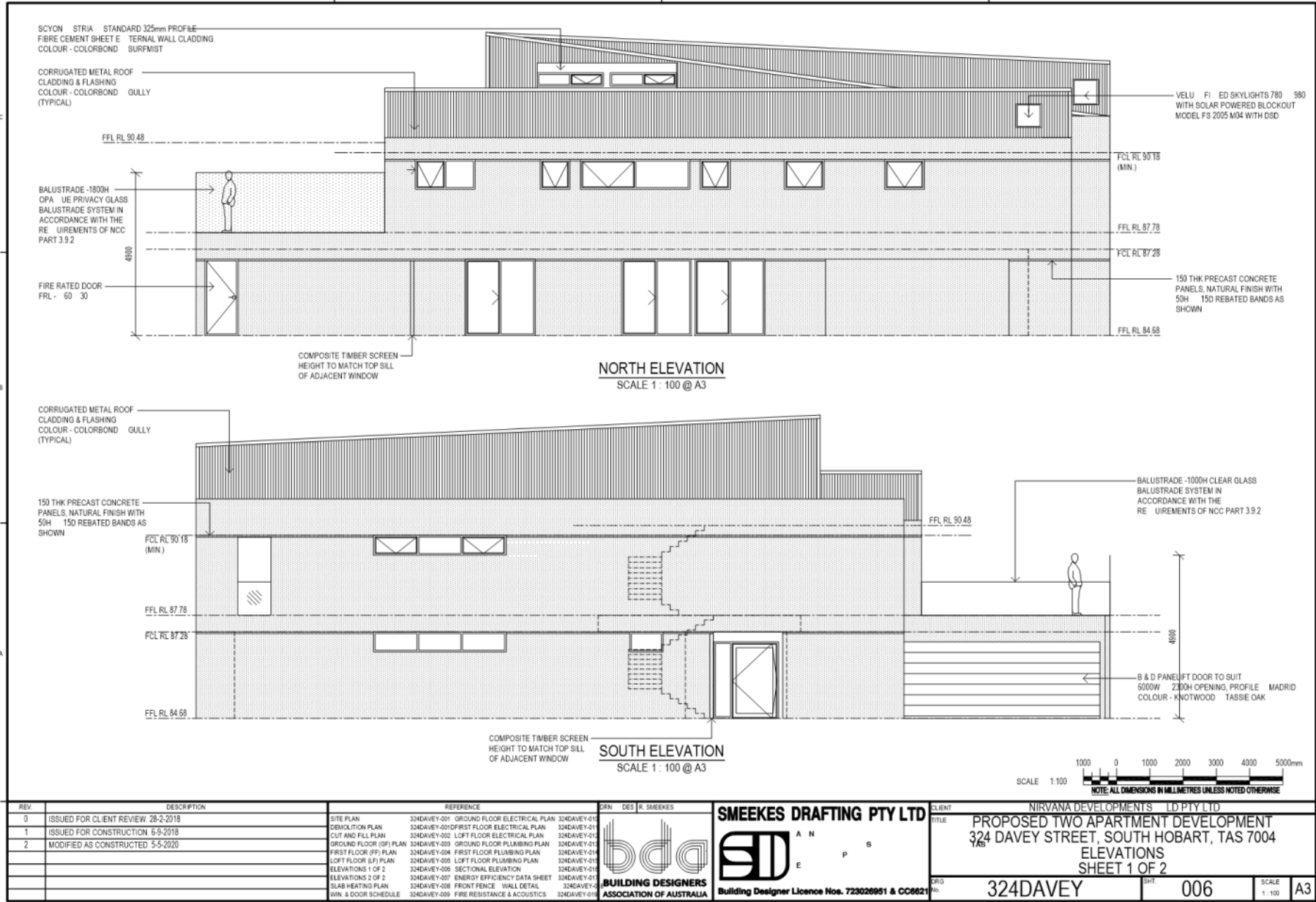


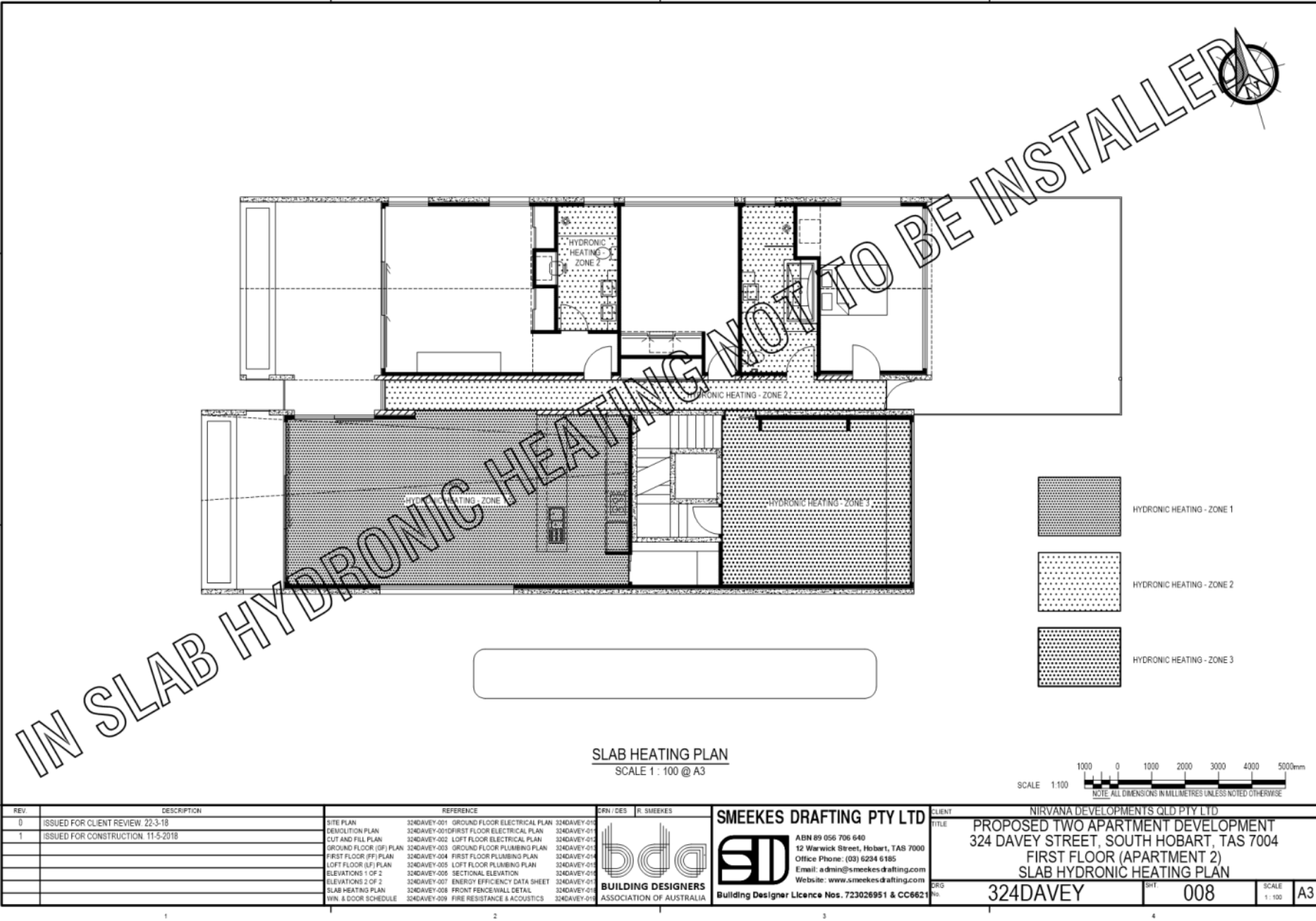




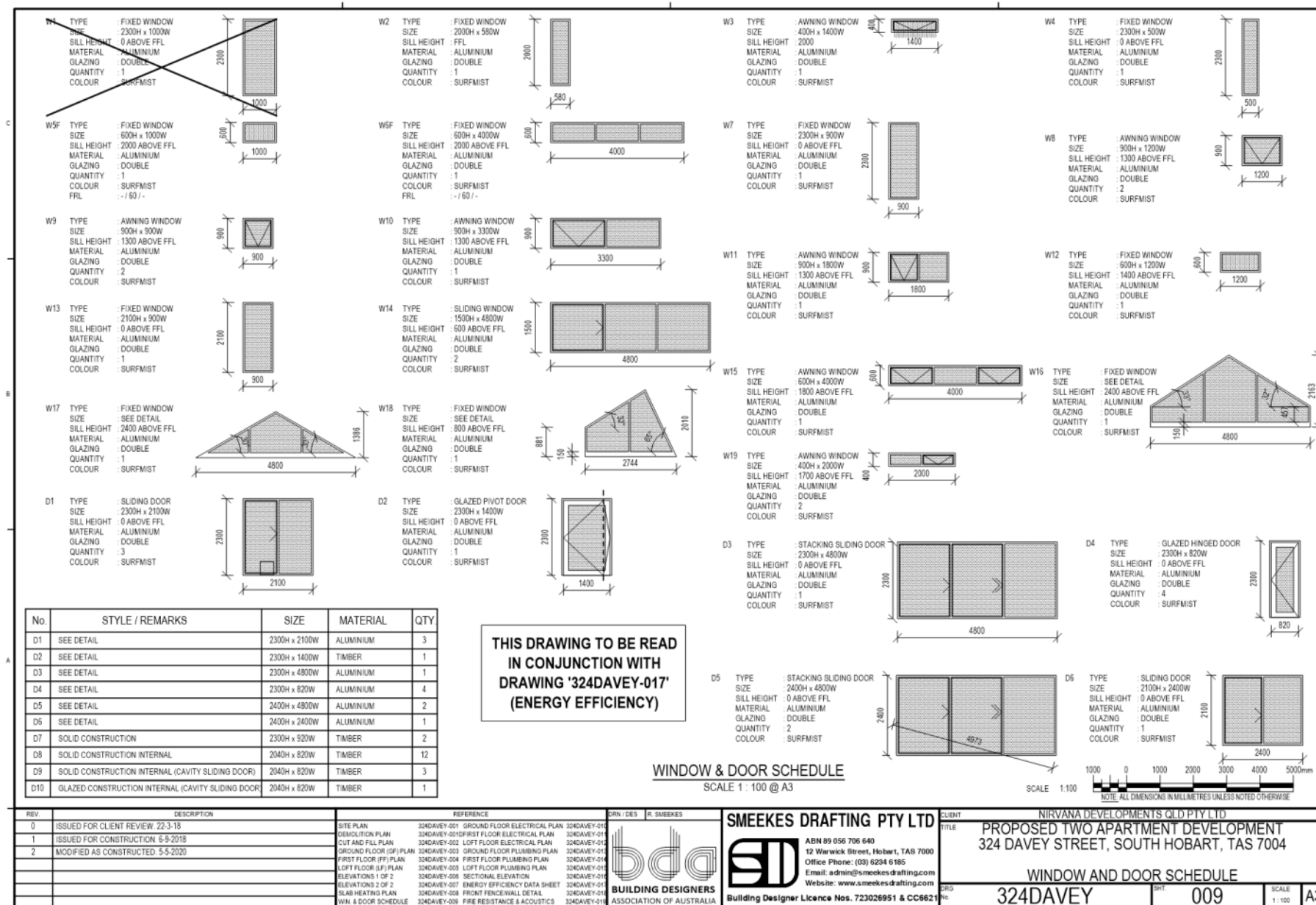


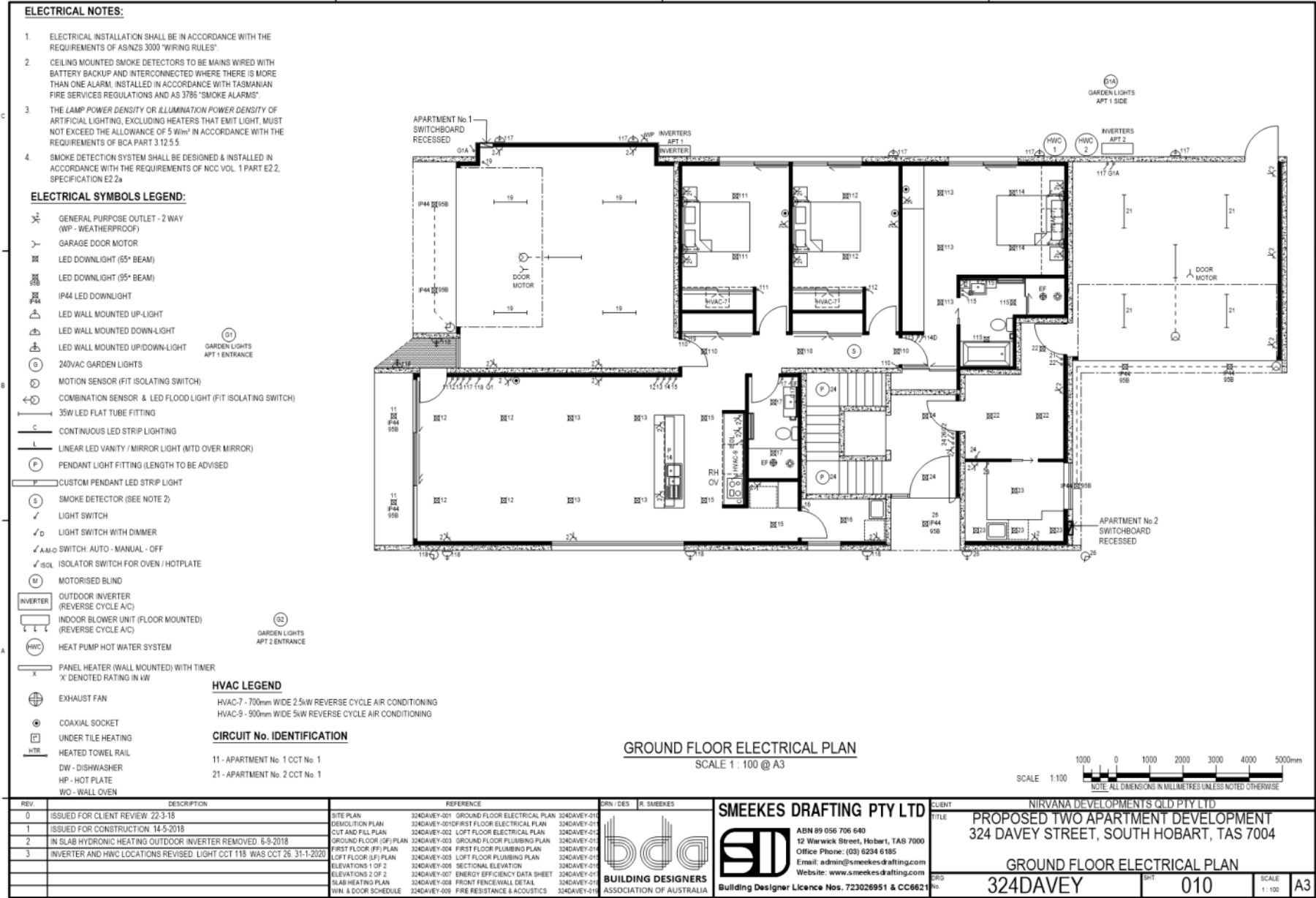


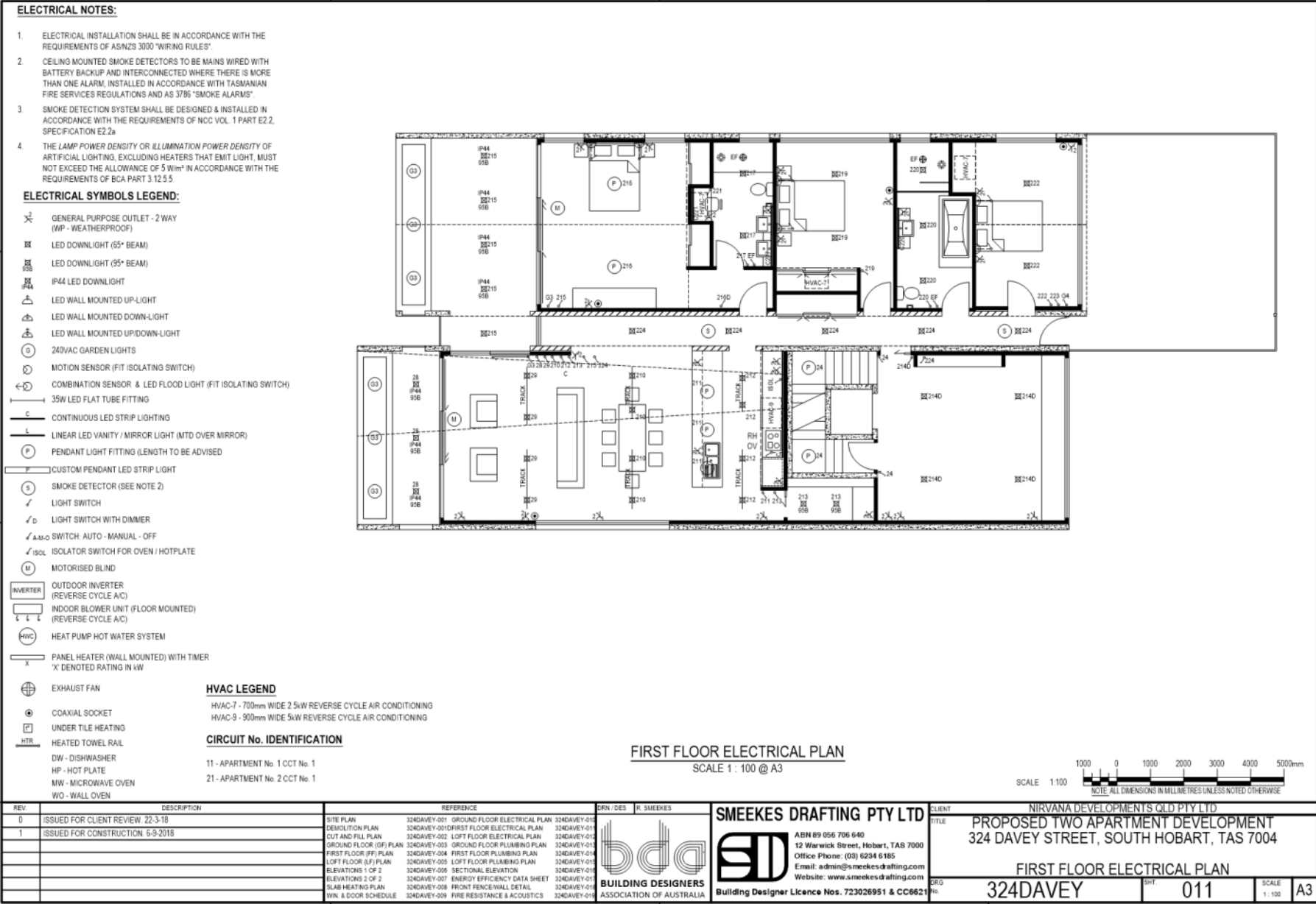


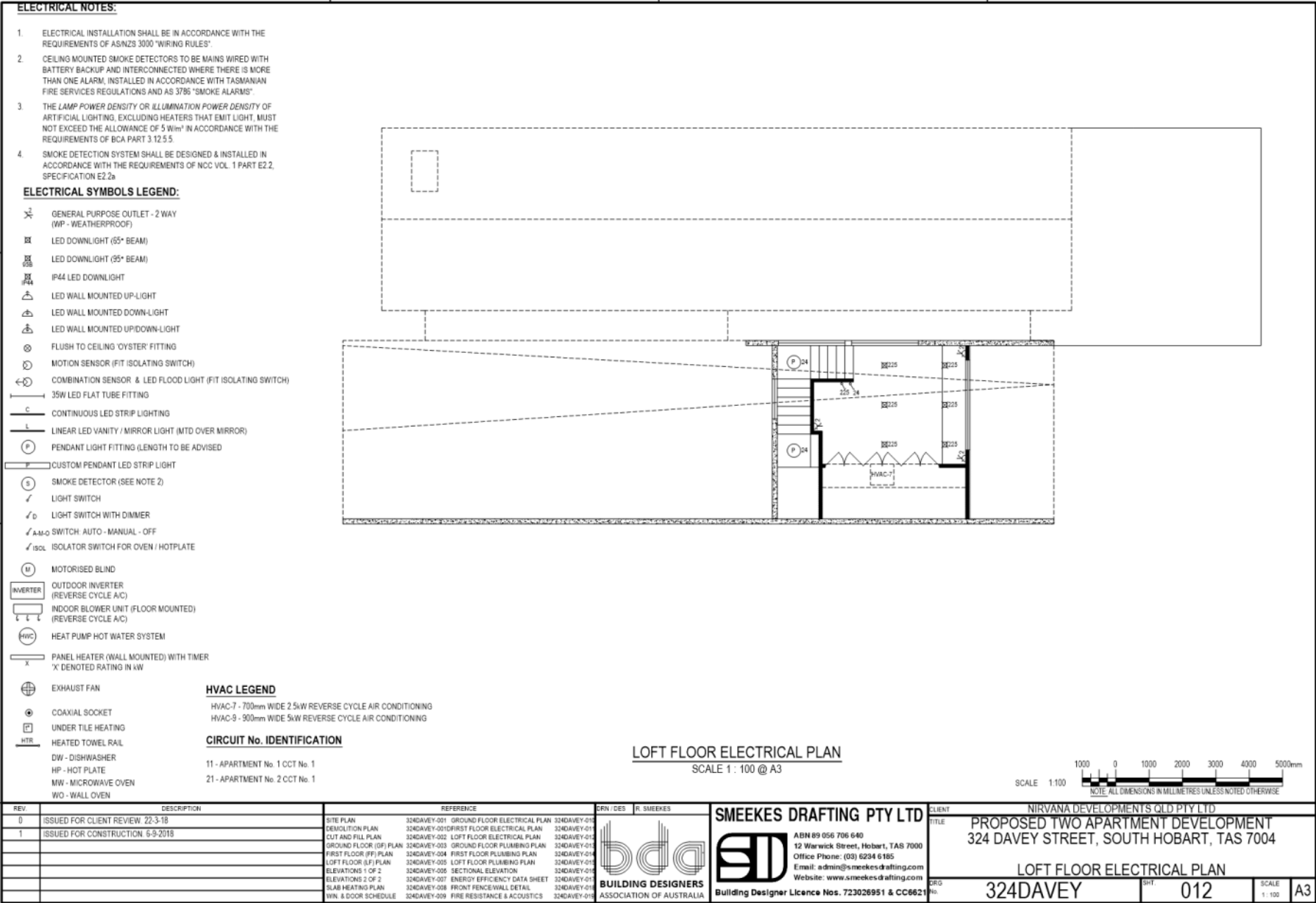












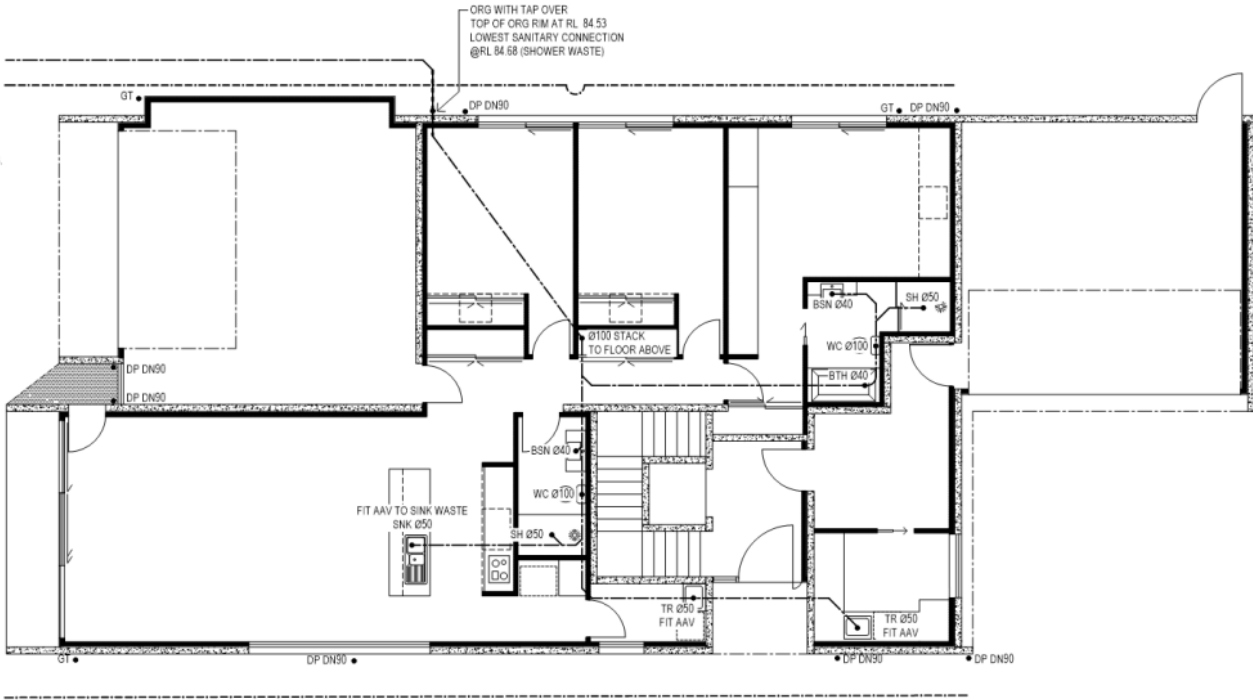
PLUMBING NOTES:

1. WATER 20NB, CLASS 20 PIPEWORK, BACKFLOW DEVICE AND MAX. 500kPa TO DWELLING AS PER AS 3500 'PLUMBING AND DRAINAGE'. HOT WATER TEMPERED TO MAX. 50°C TO ABLUTION FIXTURES.
2. FASCIA GUTTER TO HAVE MIN. 20mm OVERFLOW AND EFFECTIVE AREA OF MIN. 6300mm<sup>2</sup>.
3. DOWNPIPES TO BE MAX. 12m SPACING AND ADJACENT TO ALL VALLEY INTERSECTIONS.
4. PENETRATIONS THROUGH SLAB SHALL BE LAGGED IN ACCORDANCE WITH THE REQUIREMENTS OF AS 2870 'RESIDENTIAL SLABS & FOOTINGS - CONSTRUCTION' CLAUSE 5.5.4.
5. CONNECTION OF STORMWATER AND WASTE DRAINS SHALL INCLUDE FLEXIBLE CONNECTIONS.
6. PLUMBING AND DRAINAGE UNDER SLAB SHALL BE AVOIDED WHERE PRACTICAL.
7. AGRICULTURAL DRAIN MIN. 1:100 FALL GRADE, DEPTH AND DISCHARGE POINT TO BE DETERMINED ON SITE.
8. CLAD STACK IN 'SOUNDCHECK' GYPROCK, LINE INTERNALLY WITH ACOUSTIC BATTS.

THIS DRAWING TO BE READ  
IN CONJUNCTION WITH JSA  
ENGINEERS DRG No.S  
17E46-01-H01 TO H05

PLUMBING LEGEND:

- STORMWATER
- SEWER
- AAV AIR ADMITTANCE VALVE
- BSN BASIN
- DP DOWN PIPE
- GT GARDEN TAP
- FP FLUSHING POINT
- HP HIGH POINT ON EAVES GUTTER  
MIN. FALL 1:500
- HWC HOT WATER CYLINDER
- ORG OVERFLOW RELIEF GULLY  
(WITH TAP OVER)
- SH SHOWER
- SNK SINK
- TR TROUGH
- WC WATER CLOSET



GROUND FLOOR PLUMBING PLAN  
SCALE 1 : 100 @ A3

SCALE 1:100  
NOTE: ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE

REV.	DESCRIPTION	REFERENCE	DRN / DES	R. SKEEKES	CLIENT
0	ISSUED FOR CLIENT REVIEW 22-3-18	SITE PLAN 324DAVEY-001 GROUND FLOOR ELECTRICAL PLAN 324DAVEY-010			NIRVANA DEVELOPMENTS QLD PTY LTD
1	ISSUED FOR CONSTRUCTION 6-9-2018	DEMOLITION PLAN 324DAVEY-001 FIRST FLOOR ELECTRICAL PLAN 324DAVEY-010			PROPOSED TWO APARTMENT DEVELOPMENT
		CUT AND FILL PLAN 324DAVEY-002 LOFT FLOOR ELECTRICAL PLAN 324DAVEY-010			324 DAVEY STREET, SOUTH HOBART, TAS 7004
		GROUND FLOOR (GF) PLAN 324DAVEY-003 GROUND FLOOR PLUMBING PLAN 324DAVEY-010			
		FIRST FLOOR (FF) PLAN 324DAVEY-004 FIRST FLOOR PLUMBING PLAN 324DAVEY-010			
		LOFT FLOOR (LF) PLAN 324DAVEY-005 LOFT FLOOR PLUMBING PLAN 324DAVEY-010			
		ELEVATIONS 1 OF 2 324DAVEY-006 SECTIONAL ELEVATION 324DAVEY-010			
		ELEVATIONS 2 OF 2 324DAVEY-007 ENERGY EFFICIENCY DATA SHEET 324DAVEY-010			
		SLAB HEATING PLAN 324DAVEY-008 FRONT FENCE/WALL DETAIL 324DAVEY-010			
		WIN. & DOOR SCHEDULE 324DAVEY-009 FIRE RESISTANCE & ACOUSTICS 324DAVEY-010			
					GROUND FLOOR PLUMBING PLAN
					324DAVEY
					013
					SCALE 1:100
					A3

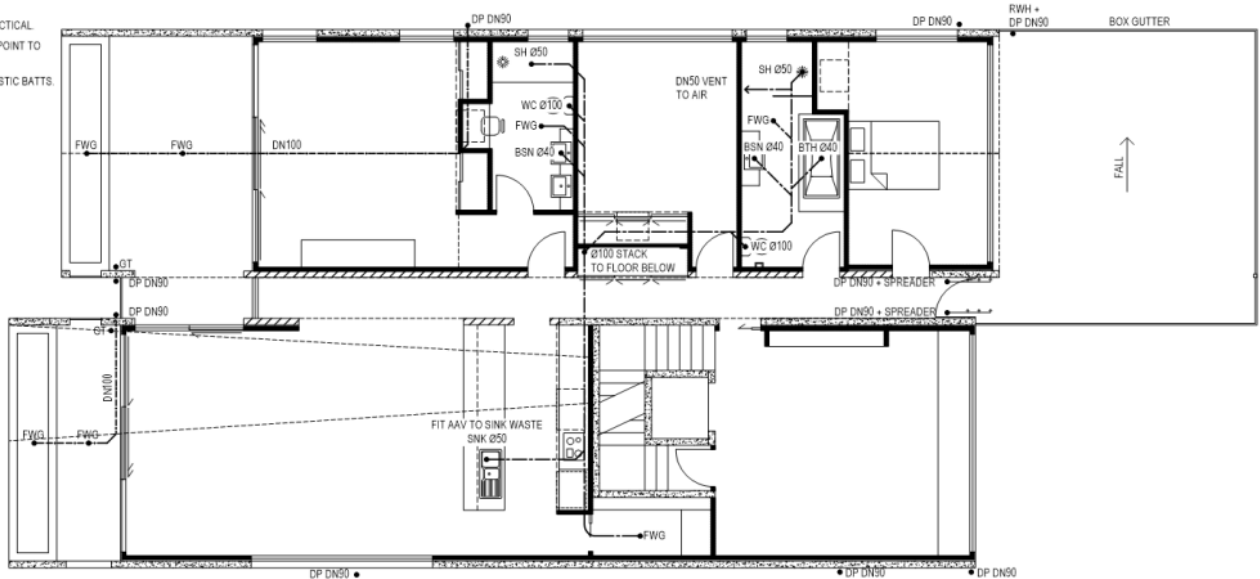
PLUMBING NOTES:

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THIS DRAWING TO BE READ  
IN CONJUNCTION WITH JSA  
ENGINEERS DRG No.S  
17E46-01-H01 TO H05

PLUMBING LEGEND:

- STORMWATER
- SEWER
- AAV AIR ADMITTANCE VALVE
- BSN BASIN
- DP DOWN PIPE
- GT GARDEN TAP
- FP FLUSHING POINT
- HP HIGH POINT ON EAVES GUTTER  
MIN. FALL 1:500
- FWG FLOOR WASTE
- HWC HOT WATER CYLINDER
- ORG OVERFLOW RELIEF GULLY  
(WITH TAP OVER)
- SH SHOWER
- SNK SINK
- TR TROUGH
- WC WATER CLOSET



FIRST FLOOR PLUMBING PLAN  
SCALE 1:100 @ A3

SCALE 1:100  
NOTE: ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE

REV.	DESCRIPTION	REFERENCE	DRN / DES	R. SNEEKES	CLIENT
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1	ISSUED FOR CONSTRUCTION 6-9-2018	DEMOLITION PLAN 324DAVEY-001 FIRST FLOOR ELECTRICAL PLAN 324DAVEY-011			PROPOSED TWO APARTMENT DEVELOPMENT
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		FIRST FLOOR (FF) PLAN 324DAVEY-004 FIRST FLOOR PLUMBING PLAN 324DAVEY-014			
		LOFT FLOOR (LF) PLAN 324DAVEY-005 LOFT FLOOR PLUMBING PLAN 324DAVEY-015			
		ELEVATIONS 1 OF 2 324DAVEY-006 SECTIONAL ELEVATION 324DAVEY-016			
		ELEVATIONS 2 OF 2 324DAVEY-007 ENERGY EFFICIENCY DATA SHEET 324DAVEY-017			
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		WIN. & DOOR SCHEDULE 324DAVEY-009 FIRE RESISTANCE & ACOUSTICS 324DAVEY-019			

**SMEEEKES DRAFTING PTY LTD**  
ABN 89 056 706 640  
12 Warwick Street, Hobart, TAS 7000  
Office Phone: (03) 6294 6185  
Email: admin@smeekesdrafting.com  
Website: www.smeekesdrafting.com

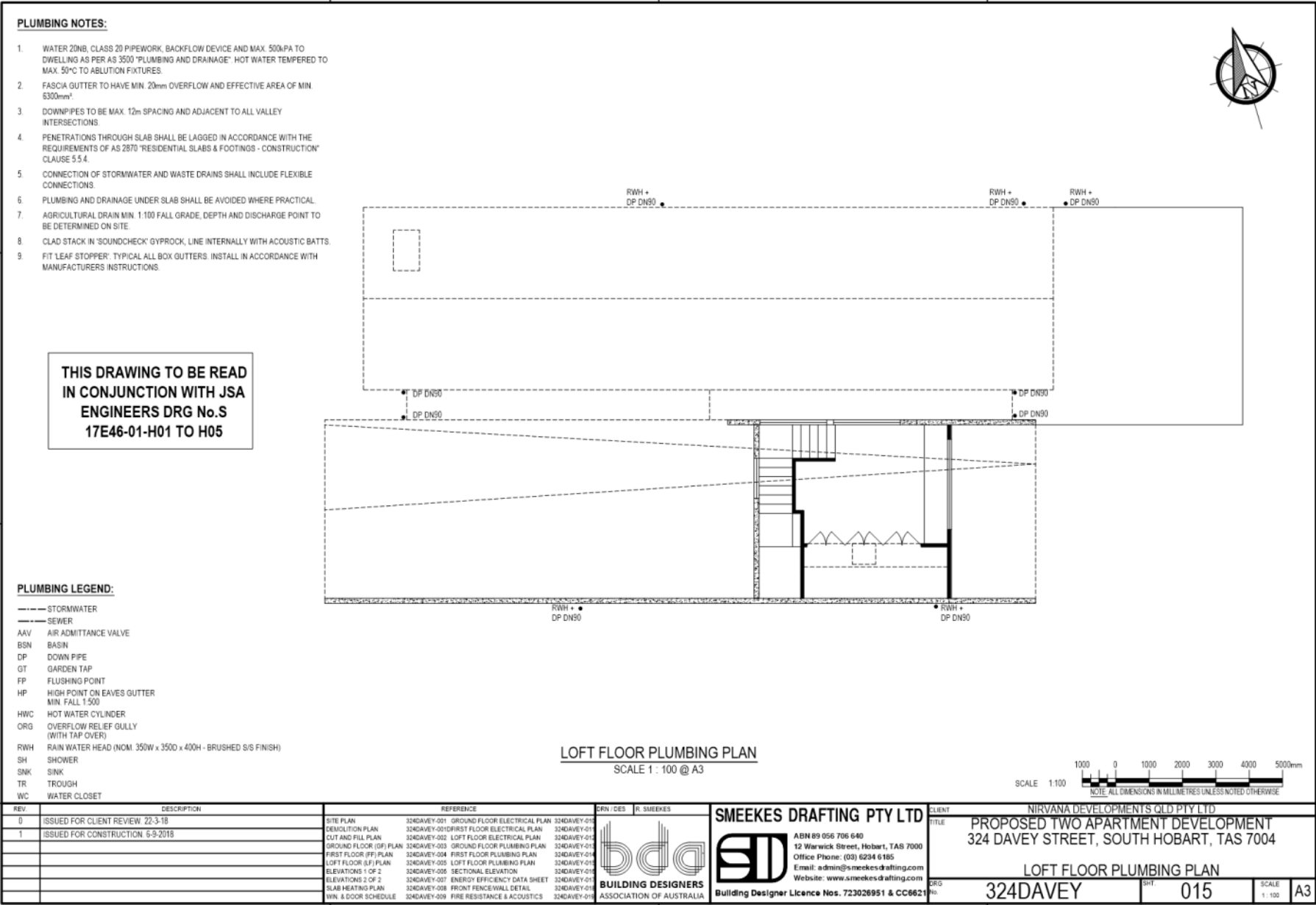
**Building Designers**  
ASSOCIATION OF AUSTRALIA

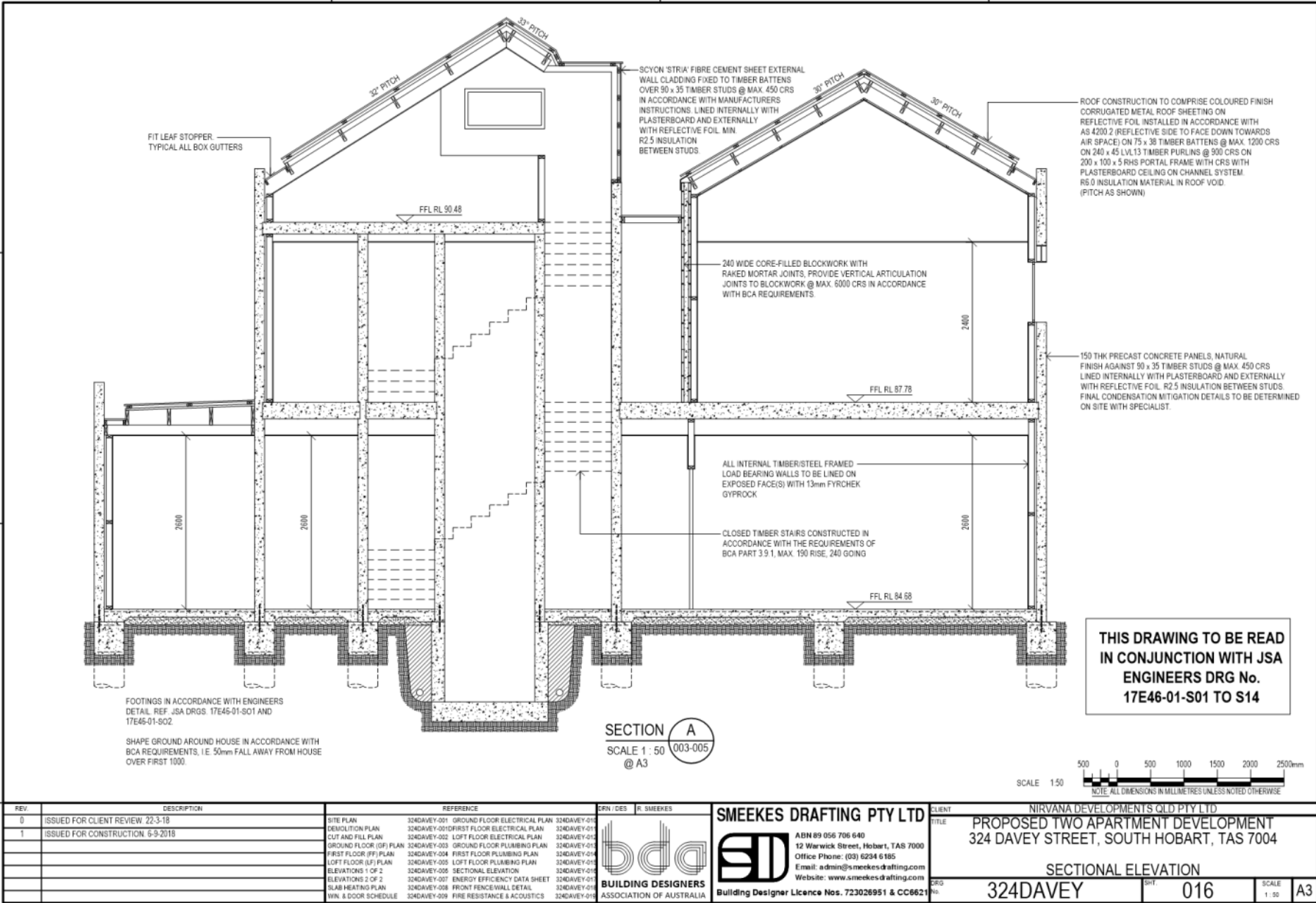
**324DAVEY**

**014**

**SCALE 1:100**

**A3**







GROUND FLOOR															
NORTH				SOUTH				EAST				WEST			
GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION	GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION	GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION	GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION
DOUBLE GLAZING u = 2.90, SHGC = 0.44	-W1 - FIXED-	-2.3 x 1.0 x 1-	-GARAGE-	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W5F - FIXED	0.6 x 1.0 x 1	LAUNDRY	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W2 - FIXED	2.8 x 0.6 x 1	LDRY	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W7 - FIXED	2.6 x 0.9 x 1	GARAGE
DOUBLE GLAZING u = 2.90, SHGC = 0.44	D1 - SLIDING DOOR	2.3 x 2.1 x 1	BED 3	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W6F - FIXED	0.6 x 4.0 x 1	DINING	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W3 - AWNING	0.4 x 1.4 x 1	LDRY	DOUBLE GLAZING u = 2.90, SHGC = 0.44	D3 - SLIDING DOOR	2.3 x 4.8 x 1	LIVING
DOUBLE GLAZING u = 2.90, SHGC = 0.44	D1 - SLIDING DOOR	2.3 x 2.1 x 1	BED 2	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W4 - FIXED	2.3 x 0.5 x 1	ENTRY LOBBY								
DOUBLE GLAZING u = 2.90, SHGC = 0.44	D1 - SLIDING DOOR	2.3 x 2.1 x 1	BED 1	DOUBLE GLAZING u = 2.90, SHGC = 0.44	D2 - PIVOT DOOR	2.3 x 1.4 x 1	ENTRY LOBBY								
		SUB TOTAL FACTOR	16.79 x 0.5												
		TOTAL	8.40			TOTAL	7.37			TOTAL	1.68			TOTAL	13.38

GARAGES & GROUND FLOOR AREA = 267.5 m<sup>2</sup>

% GLAZING = 30.83 / 267.5 = 11.53

UPPER FLOOR															
NORTH				SOUTH				EAST				WEST			
GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION	GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION	GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION	GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION
DOUBLE GLAZING u = 2.90, SHGC = 0.44	W8 - AWNING	0.9 x 1.2 x 2	BED 1	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W15 - AWNING	0.6 x 4.0 x 1	DINING	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W13 - FIXED	2.1 x 0.9 x 1	HALLWAY	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W16 - FIXED	2.2 x 3.05 x 1	LIVING
DOUBLE GLAZING u = 2.90, SHGC = 0.44	W9 - AWNING	0.9 x 0.9 x 1	ENSUITE					DOUBLE GLAZING u = 2.90, SHGC = 0.44	W14 - FIXED	1.5 x 4.8 x 1	LOUNGE	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W13 - FIXED	2.1 x 0.9 x 1	HALLWAY
DOUBLE GLAZING u = 2.90, SHGC = 0.44	W10 - AWNING	0.9 x 3.3 x 1	BED 2					DOUBLE GLAZING u = 2.90, SHGC = 0.44	W14 - FIXED	1.5 x 4.8 x 1	BED 3	DOUBLE GLAZING u = 2.90, SHGC = 0.44	W17 - FIXED	1.4 x 2.38 x 1	BED 1
DOUBLE GLAZING u = 2.90, SHGC = 0.44	W5 - AWNING	0.9 x 0.9 x 1	BATH									DOUBLE GLAZING u = 2.90, SHGC = 0.44	D5 - SLIDING DOOR	2.4 x 4.8 x 1	LIVING
DOUBLE GLAZING u = 2.90, SHGC = 0.44	W11 - AWNING	0.9 x 1.8 x 1	BED 3									DOUBLE GLAZING u = 2.90, SHGC = 0.44	D5 - SLIDING DOOR	2.4 x 4.8 x 1	BED 1
DOUBLE GLAZING u = 2.90, SHGC = 0.44	D6 - SLIDING DOOR	2.1 x 2.4 x 1	LIVING												
		SUB TOTAL FACTOR	13.41 x 0.5												
		TOTAL	6.71			TOTAL	2.40			TOTAL	16.29			TOTAL	34.97

UPPER FLOOR AREA = 284.9 m<sup>2</sup>

% GLAZING = 60.37 / 284.9 = 21.19

LOFT FLOOR			
EAST			
GLAZING TYPE	WINDOW TYPE	SIZE (H x W) x QTY	LOCATION
DOUBLE GLAZING u = 2.90, SHGC = 0.44	FIXED	2.0 x 1.78 x 1	LOFT
		TOTAL	3.56

LOFT FLOOR AREA = 30.0 m<sup>2</sup>

% GLAZING = 3.56 / 30.0 = 11.87

**ENERGY EFFICIENCY PROVISIONS:**

THE PROPOSED BUILDING IS LOCATED IN ZONE 7 AS SHOWN IN THE BUILDING CODE OF AUSTRALIA FIG. 1.1.4. ENERGY EFFICIENCY MEASURES ARE PROVIDED UNDER THE 'DEEMED TO SATISFY' REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA.

**BUILDING FABRIC:**  
 ROOF INSULATION, IN ADDITION TO SARKING, TO BE INSTALLED TO PROVIDE A MINIMUM TOTAL R VALUE OF 6.0.  
 WALL INSULATION, INCLUDING VAPOUR PERMEABLE BUILDING PAPER, TO BE INSTALLED TO PROVIDE A MINIMUM TOTAL R VALUE OF 2.8.  
 FLOOR INSULATION, TO BE INSTALLED TO PROVIDE A MINIMUM R VALUE OF 2.8.

**SEALING:**  
 WHERE INSTALLED, EXHAUST FANS SHALL BE PROVIDED WITH DAMPERS.  
 EXTERNAL DOORS AND OPENING EXTERNAL WINDOWS SHALL BE PROVIDED / FITTED WITH SEALS TO RESTRICT AIR INFILTRATION.

**GLAZING:**

THE FOLLOWING TABLE DEPICTS AREAS (m<sup>2</sup>) OF EFFECTIVE GLAZING IN ALUMINIUM FRAMED WINDOWS, TYPE OF GLAZING AND ASSOCIATED 'u' AND 'SHGC' VALUES

**SERVICES:**  
 WATER PIPING SHALL BE INSTALLED WITH APPROPRIATE INSULATION / LAGGING TO ACHIEVE THE REQUIRED R VALUE AS FOLLOWS:  
 HOT WATER PIPING WITHIN A CONDITIONED SPACE - R 0.4  
 HOT WATER PIPING WITHIN AN ENCLOSED SUBFLOOR - R 0.9  
 HOT WATER PIPING WITHIN A ROOF VOID - R 0.9  
 EXTERNAL HOT WATER PIPING AND COLD WATER INLET TO HOT WATER HEATER TO WITHIN 500mm OF CONNECTION POINT - R 1.3

REV.	DESCRIPTION	REFERENCE	CRN / DES	R. SNEEKES	CLIENT	TITLE	DATE	SCALE	NA
0	ISSUED FOR CLIENT REVIEW 22-3-18	SITE PLAN 324DAVEY-001 GROUND FLOOR ELECTRICAL PLAN 324DAVEY-010			NIRVANA DEVELOPMENTS QLD PTY LTD	PROPOSED TWO APARTMENT DEVELOPMENT			
1	ISSUED FOR CONSTRUCTION 6-9-2018	DEMOLITION PLAN 324DAVEY-001 FIRST FLOOR ELECTRICAL PLAN 324DAVEY-011				324 DAVEY STREET, SOUTH HOBBART, TAS 7004			
2	AS CONSTRUCTED 31-1-2020	CUT AND FILL PLAN 324DAVEY-002 LOFT FLOOR ELECTRICAL PLAN 324DAVEY-012							
		GROUND FLOOR (GF) PLAN 324DAVEY-003 GROUND FLOOR PLUMBING PLAN 324DAVEY-013							
		FIRST FLOOR (FF) PLAN 324DAVEY-004 FIRST FLOOR PLUMBING PLAN 324DAVEY-014							
		LOFT FLOOR (LF) PLAN 324DAVEY-005 LOFT FLOOR PLUMBING PLAN 324DAVEY-015							
		ELEVATIONS 1 OF 2 324DAVEY-006 SECTIONAL ELEVATION 324DAVEY-016							
		ELEVATIONS 2 OF 2 324DAVEY-007 ENERGY EFFICIENCY DATA SHEET 324DAVEY-017							
		SLAB HEATING PLAN 324DAVEY-008 FRONT FENCE/WALL DETAIL 324DAVEY-018							
		WIN. & DOOR SCHEDULE 324DAVEY-009 FIRE RESISTANCE & ACOUSTICS 324DAVEY-019							

**SNEEKES DRAFTING PTY LTD**

ABN 89 056 706 640

12 Warwick Street, Hobart, TAS 7000

Office Phone: (03) 6294 6185

Email: admin@sneekesdrafting.com

Website: www.sneekesdrafting.com

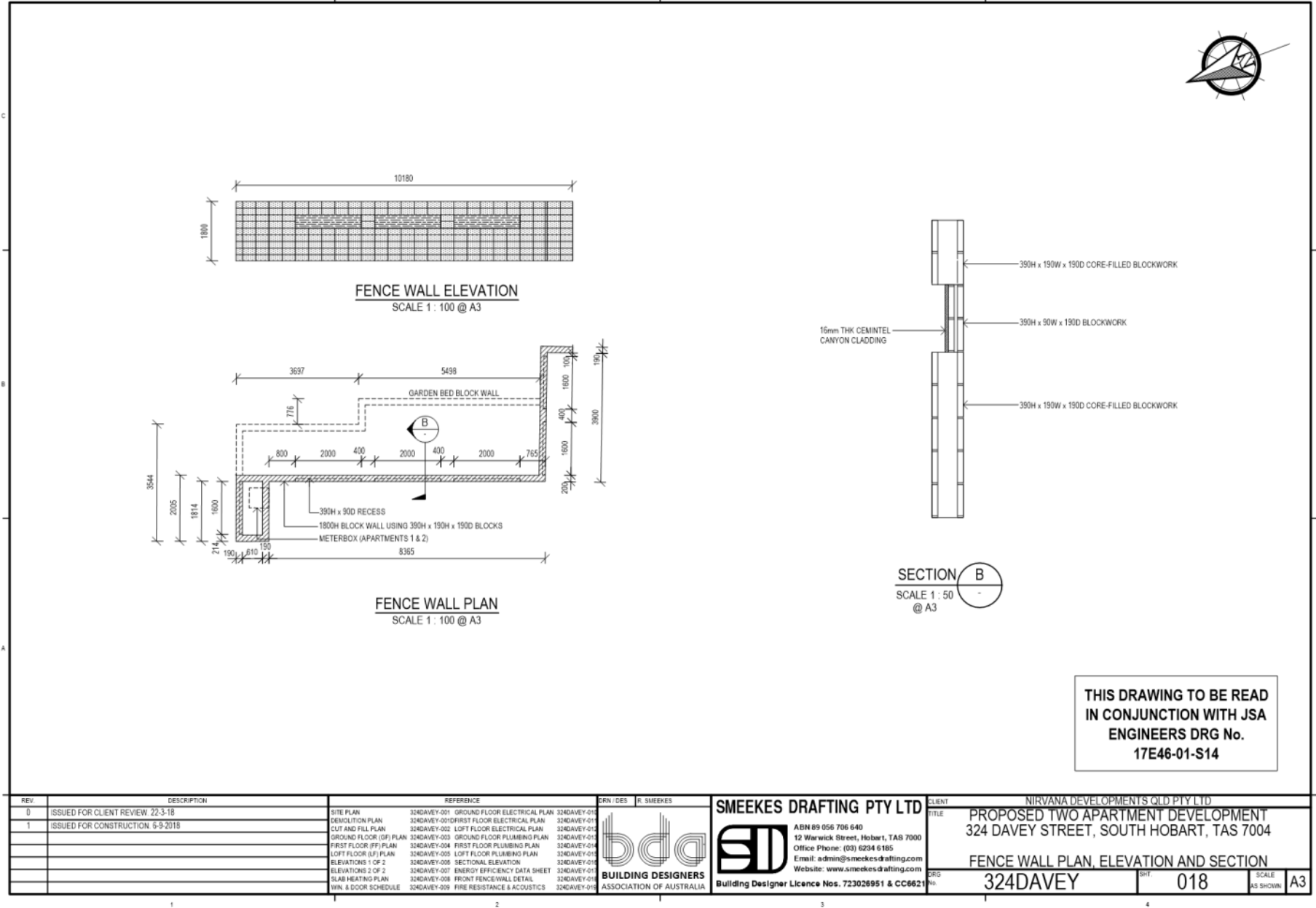
Building Designer Licence Nos. 723028951 &amp; CC6621

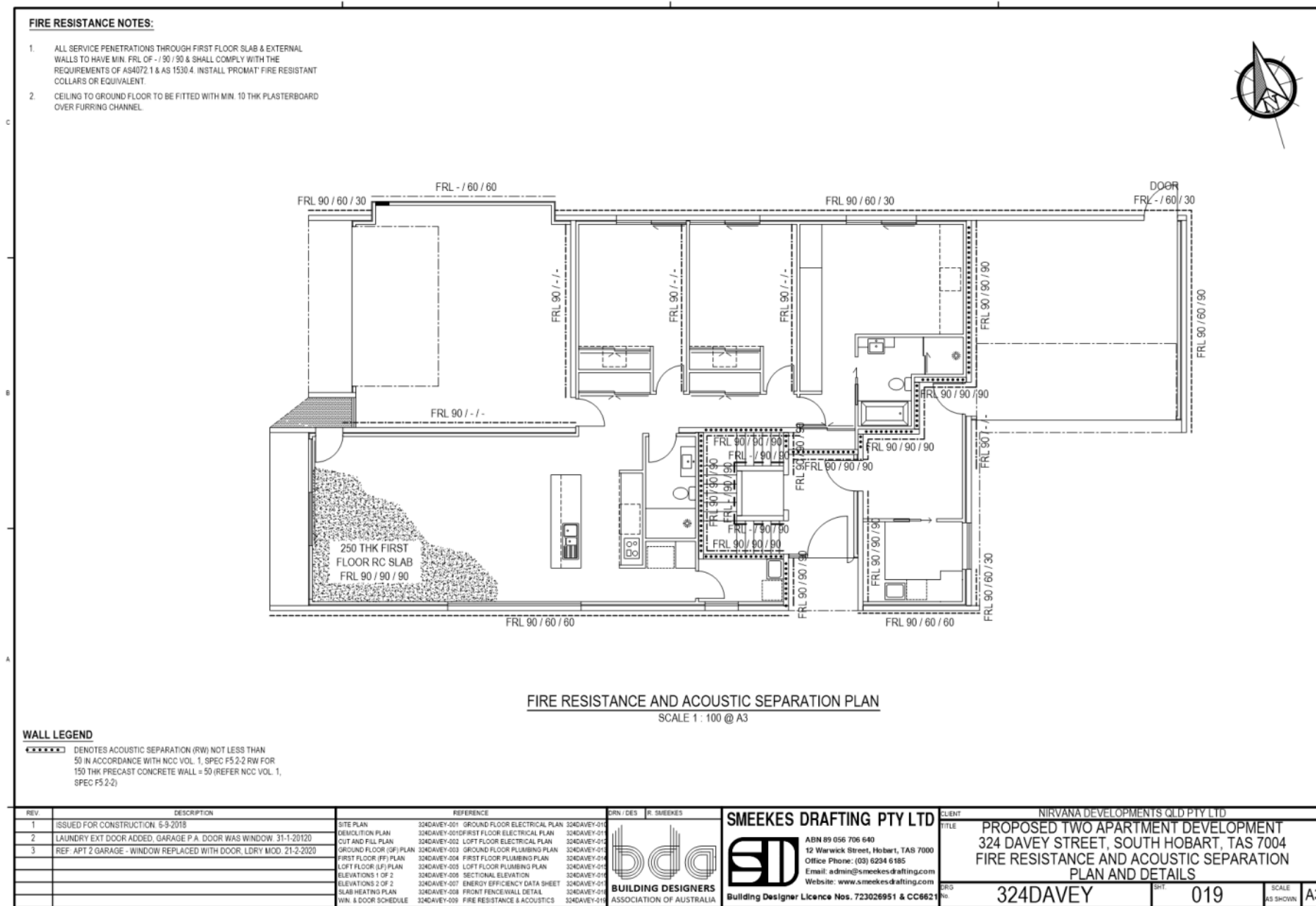
ENERGY EFFICIENCY DATA SHEET

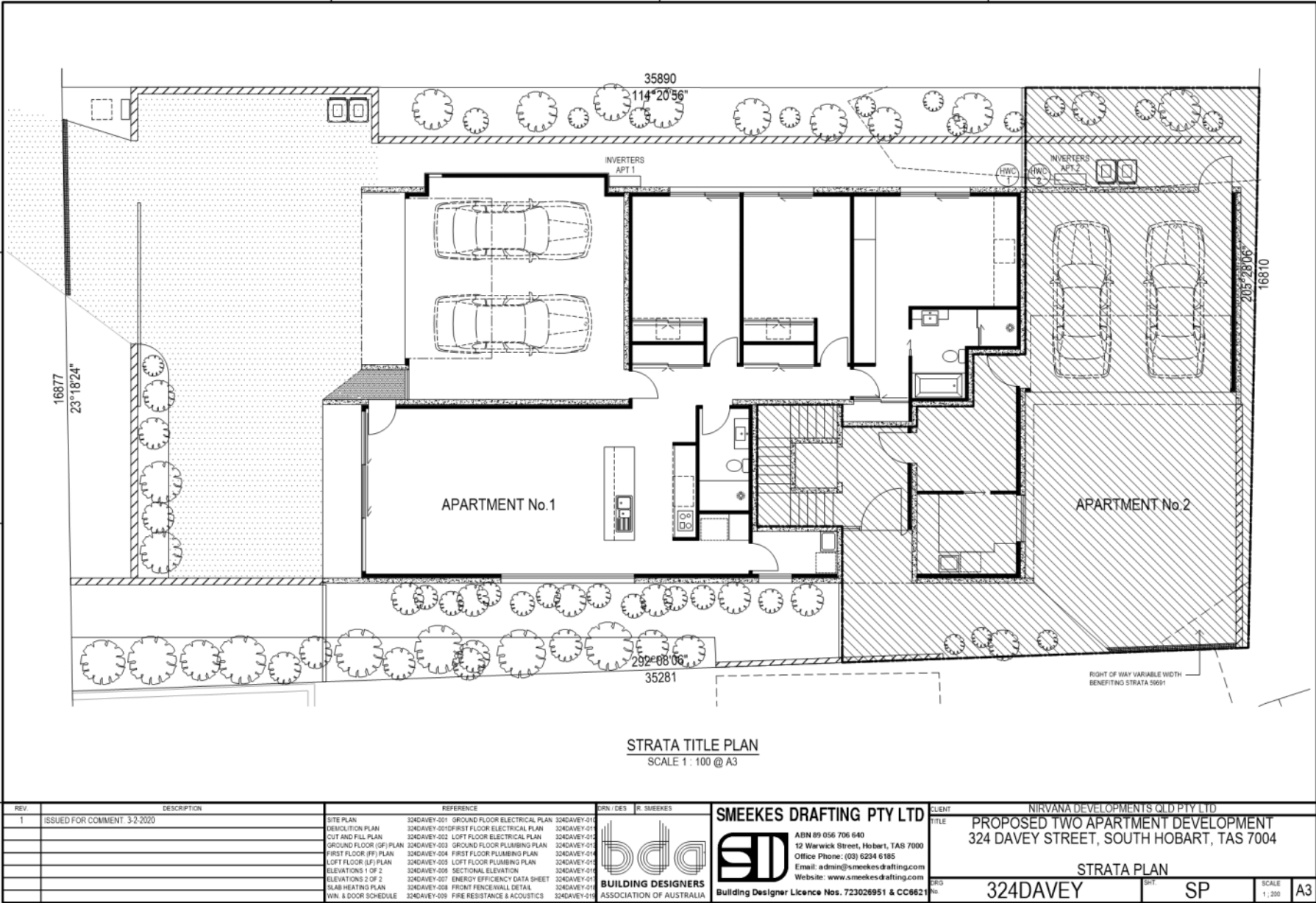
324DAVEY

SHT. 017

SCALE A3







**CERTIFICATE OF TITLE**

LAND TITLES ACT 1980



TASMANIA

**TORRENS TITLE**

VOLUME		FOLIO
102938		2
EDITION	DATE OF ISSUE	
7	04-Sep-2018	
Page 1		of 1

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.



Recorder of Titles.

**DESCRIPTION OF LAND**

City of HOBART  
 Lot 2 on Diagram 102938  
 Formerly SPD 273  
 Derivation : Part of 2A-1R-37Ps. Granted to George MacKillop  
 Derived from Y15771

**SCHEDULE 1**

M708206 TRANSFER to NIRVANA DEVELOPMENTS (QLD) PTY LTD  
 Registered 04-Sep-2018 at 12.01 PM

**SCHEDULE 2**

Reservations and conditions in the Crown Grant if any  
 55/2410 GRANT: BURDENING EASEMENT: Right of Carriageway  
 [appurtenant to the lands comprised in Certificate of  
 Title Volume 3769 Folios 70, 71, 72 and 73) over the  
 Right of Way shown on Diagram 102938  
 BENEFITTING EASEMENT: Right of Carriageway over the land marked  
 " Right of Way 3.00 wide" on Diagram 102938.

**WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER**



## FOLIO PLAN

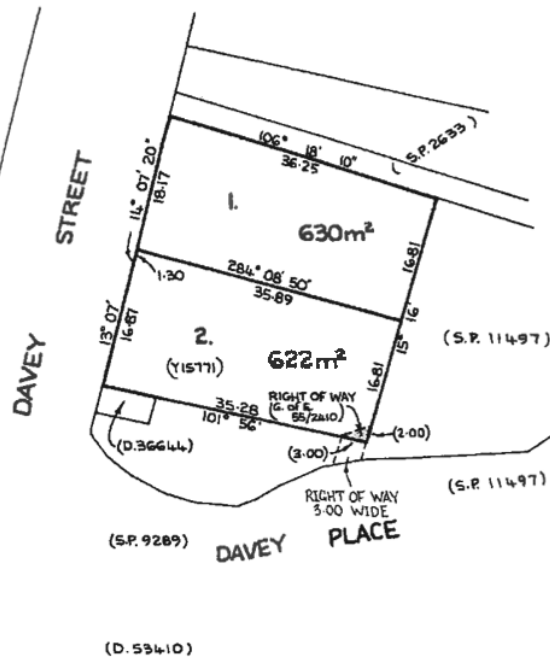
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: L. T. ACT 1980	PLAN OF TITLE of land situated in the	REGISTERED NUMBER <b>D 102938</b>
Title Reference: Y. 15771	CITY OF HOBART	Approved: <i>Michael O'Brien</i> Recorder of Titles
Grantee: PART OF 2 <sup>nd</sup> 1 <sup>st</sup> 31 <sup>st</sup> STD TO GEORGE MACKILLOP	COMPILED FROM: S.P.D. 273	
	SCALE 1:500 MEASUREMENTS IN METRES	

TASMAP MUNICIPAL CODE NO. 21	LAST TASMAP UPI NO.	LAST SURVEY PLAN NO.
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		



**7.1.5 22 BYRON STREET, SANDY BAY - OUTBUILDING  
PLN-20-336 - FILE REF: F20/73650**

---

Address: 22 Byron Street, Sandy Bay  
Proposal: Outbuilding  
Expiry Date: 31 July 2020  
Extension of Time: Not applicable  
Author: Cameron Sherriff

***RECOMMENDATION***

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for an outbuilding at 22 Byron Street, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-336 - 22 BYRON STREET SANDY BAY TAS 7005 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**ENG sw1**

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

### **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.




### **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-20-336 - 22 BYRON STREET SANDY BAY  
TAS 7005  Planning Committee or Delegated  
Report ↓
- Attachment B: PLN-20-336 - 22 BYRON STREET SANDY BAY  
TAS 7005 - CPC Agenda Documents ↓ 
- Attachment C: PLN-20-336 - 22 BYRON STREET SANDY BAY  
TAS 7005 - Planning Referral Officer Cultural  
Heritage Report ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Council: 27 July 2020  
Expiry Date: 31 July 2020  
Application No: PLN-20-336  
Address: 22 BYRON STREET , SANDY BAY  
Applicant: Trent Harvey  
24  
Byron Street  
Proposal: Outbuilding  
Representations: Two (2)  
Performance criteria: Historic Heritage Code

---

**1. Executive Summary**

- 1.1 Planning approval is sought for an Outbuilding, at 22 Byron Street Sandy Bay.
- 1.2 More specifically the proposal includes:
- Retrospective approval for a gable-roofed, 3m by 5m domestic outbuilding in the southern rear corner of the site. The maximum height of the outbuilding above natural ground level is 2.4m.
  - The outbuilding is partially cut in at one end, and partially elevated on a small base frame at the other to account for site grades.
  - External cladding consists of weatherboard, colorbond/laserlite, with timber framed windows and a timber double door.
  - The outbuilding will connect to existing stormwater for the site.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Historic Heritage Code
- 1.4 Two (2) representations objecting to the proposal were received within the statutory advertising period between 15/06 and 29/06/2020.
- 1.5 The proposal is recommended for approval subject to conditions.

- 1.6 The final decision is delegated to the Council as the applicant is an employee of Council and objections have been received.

## 2. Site Detail



**Image 1: Aerial view of the subject property and surrounds.**

- 2.1 22 Byron Street, Sandy Bay is an 857m<sup>2</sup> property occupied by a single dwelling, single garage and small outbuilding. The dwelling on the site has previously been approved for use as visitor accommodation. The site has a large rear yard that has been divided from the dwelling/garage/shed towards the front to enable its owner, who resides adjacent, to utilise the open space as a larger extension of their own backyard. The surrounding area on this side of Byron Street is residential in nature. Across Byron Street is Albuera Street Primary School.

## 3. Proposal

- 3.1 Planning approval is sought for an Outbuilding, at 22 Byron Street Sandy Bay.
- 3.2 More specifically the proposal is for:
- Retrospective approval for a gable-roofed, 3m by 5m domestic outbuilding in the southern rear corner of the site. The maximum height of the outbuilding above natural ground level is 2.4m.
  - The outbuilding is partially cut in at one end, and partially elevated on a small base frame at the other to account for site grades.
  - External cladding consists of weatherboard, colorbond/laserlite, with timber framed windows and a timber double door.
  - The outbuilding will connect to existing stormwater for the site.
- 3.3 The outbuilding can be seen in Plate 1, below.



*Plate 1: The proposed outbuilding as previously erected in the rear corner of the property.*

#### **4. Background**

- 4.1 The proposed shed was erected without approval being sought, and Council Compliance action was instigated. As a result, the current application for Planning Approval was submitted for consideration.

#### **5. Concerns raised by representors**

- 5.1 Two (2) representations objecting to the proposal were received within the statutory advertising period between 15/06 and 29/06/2020.
- 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.

I advise that the outbuilding has already been erected.  
It is behind my unit and is what I now look at from my living room.  
When the sun is on the roof one cannot look out because of the glare from the roof.  
The distance from the building on the south west side is only approximately 38 cm (15 inches ) from the boundary fence which my unit faces. Does this comply with the Building Code?  
I would suggest an inspection of this building is warranted as it has been erected without Council approval.



(Image supplied by representor)

The "proposed" outbuilding has already been built. It is disappointing that the applicant did not bother to apply for permission before building it, especially given that the applicant has previously objected to other applications and has knowledge of the planning laws.  
It is a substantial building - big enough to be used as a sleepout or other accommodation. I assume other council permission would be required before it could be used for anything other than a garden shed.  
The plan of the proposed shed shows drainage connected to an existing stormwater. Although the building appears complete, I can see no evidence that the drainage has been connected to the stormwater.  
I hope you will take my concerns into account. I look forward to hearing from you in due course.

## 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 Visitor Accommodation. The proposal is for domestic, Residential use. A Residential 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 E7.0 Stormwater Management Code
  - 6.4.3 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 -  
*Building and Works in a Heritage Precinct - Part E 13.8.2 P1*
- 6.6 Each performance criterion is assessed below.
- 6.7 Historic Heritage Code - Part E 13.8.2 P1
- 6.7.1 There is no acceptable solution for new, non-exempt outbuildings within a Heritage Precinct.
  - 6.7.2 The proposal includes an outbuilding that exceeds the limited exemption for minor outbuilding or structure given its 5m side length.
  - 6.7.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
  - 6.7.4 The performance criterion P1 at clause E 13.8.2 provides as follows:

*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.*

- 6.7.5 The Council's Cultural Heritage Officer has assessed the proposal and states:

Number 22 Fitzroy Place is located within the Hobart 4 Heritage Precinct. The proposal is for a storage / garden shed in the rear garden of the property. The structure will be constructed from weatherboard cladding and feature timber framed windows. The structure will measure Width 3m, Length 5m, Height 2.4m.

**The Hobart 4 Heritage Precinct is significant for reasons including:**

1. The quality and quantity of intact Colonial, Victorian, Federation and Inter-War residential buildings that exemplify the historical development phases of the precinct.
2. The large number of early colonial buildings that survive which provide evidence of the development of early Hobart.
3. The Victorian houses set on large allotments demonstrating the second major phase of development of the precinct.
4. The largely intact streetscape of Fitzroy Place that is created by a general uniformity of scale, external detailing, materials and building forms.
5. The character and historical relationship created by buildings, trees and views of Fitzroy Place, Crescent and Gardens.
6. The scale and style of buildings in Macquarie and Davey St has a high degree of coherence and continuity and has remained relatively free from intrusions.

**Assessment**

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

Objective:

To ensure that development within a heritage precinct 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 precinct 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 precinct.*

The proposed shed is located to the rear of the property and set back from the main residence. The proposal will not result in loss of or diminution of the significance of the precinct, the proposed outbuilding is subservient to the characteristics of the precinct, the scale and use of material is considered sympathetic and appropriate. The proposed development satisfies Performance Criteria 1 of E13.8.2

The proposal satisfies the relevant provisions of the Heritage Code.

6.7.6 The proposal complies with the performance criterion.

**7. Discussion**

7.1 Planning approval is sought for an Outbuilding, at 22 Byron Street Sandy Bay.

- 7.2 The application was advertised and received two (2) representations. The representations raised concerns including visual impact; the fact the 'proposed' development already exists; the proximity of the outbuilding to the boundary; a query regarding the potential use of the outbuilding given its size; and whether it will actually be connected to stormwater as this doesn't yet appear to have occurred.

Some of these concerns have no merit with regard to the standards of the Planning Scheme. The location of the outbuilding, given its 2.4m height is acceptable in terms of the applicable building envelope standard. This application seeks to rectify the fact that an approval has not previously been sought. Connection to stormwater is a standard requirement and this is shown as part of the proposal. A standard condition can be included in any permit granted to ensure this occurs. The proposed outbuilding is clearly for domestic purposes, and this is acceptable either in association with the approved visitor accommodation use of the site, but also for residential purposes which is more likely considering how the owner of the two properties utilises the space. Both such uses are however Permitted uses in the applicable zone. If there was any intent to use it for any use other than that related to these uses then this would require a separate planning approval.

- 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 also been assessed by the Council's Cultural Heritage Officer who has raised no objection to the proposal.
- 7.5 The proposal is recommended for approval.

## 8. Conclusion

- 8.1 The proposed Outbuilding at 22 Byron Street, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for an Outbuilding at 22 Byron Street, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### GEN

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-336 - 22 BYRON STREET SANDY BAY TAS 7005 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### ENG sw1

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

### 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.

**FEES AND CHARGES**

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

**DIAL BEFORE YOU DIG**

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



(Cameron Sherriff)

**Development Appraisal Planner**

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



(Ben Ikin)

**Senior Statutory Planner**

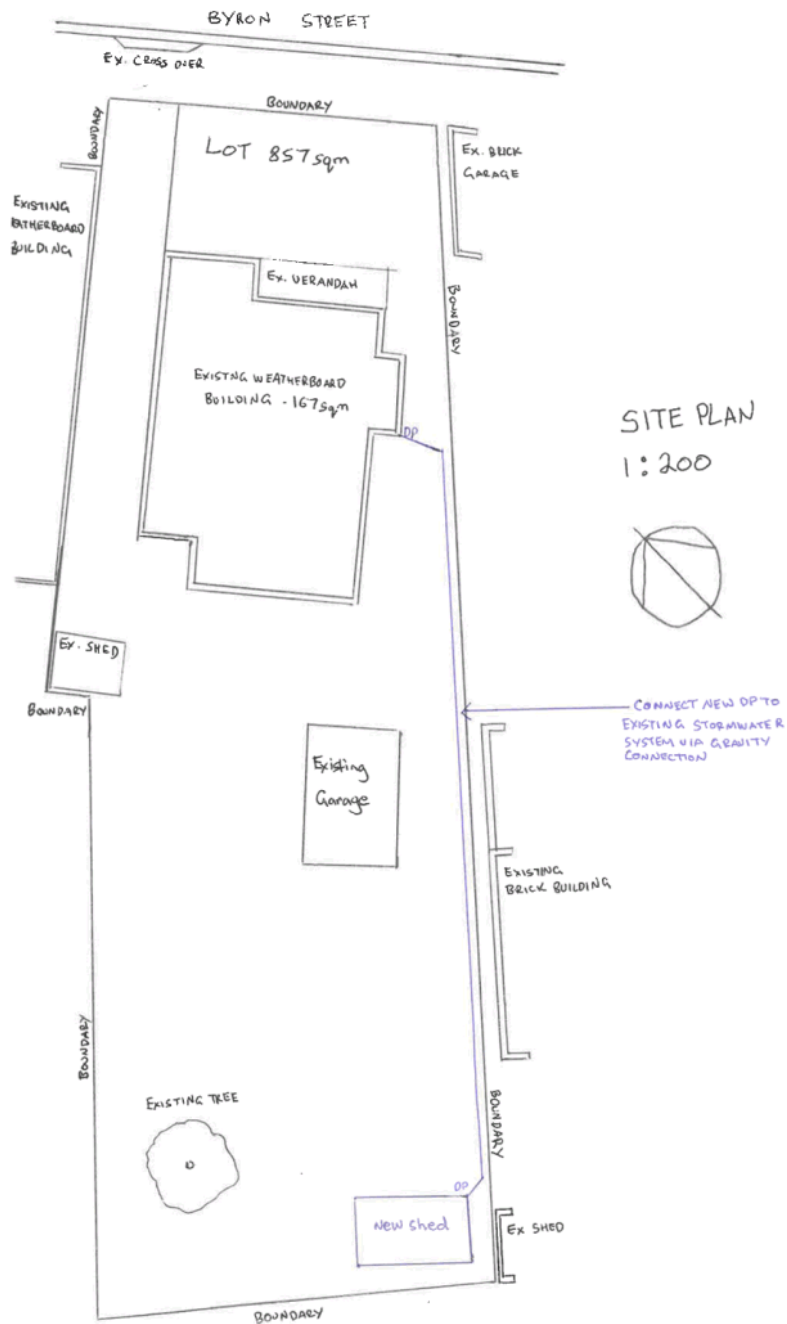
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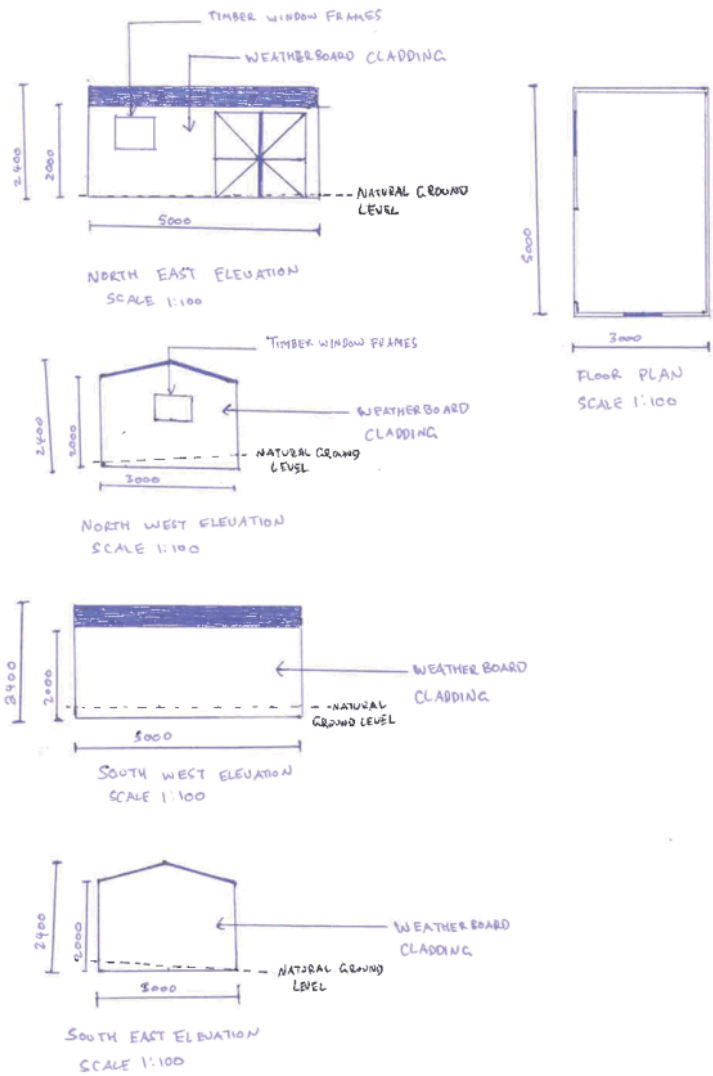
Date of Report: 7 July 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report





## Application Referral Cultural Heritage - Response

<b>From:</b>	Allie Costin
<b>Recommendation:</b>	Proposal is acceptable without conditions.
<b>Date Completed:</b>	
<b>Address:</b>	22 BYRON STREET, SANDY BAY
<b>Proposal:</b>	Outbuilding
<b>Application No:</b>	PLN-20-336
<b>Assessment Officer:</b>	Cameron Sherriff,

### Referral Officer comments:

Number 22 Fitzroy Place is located within the Hobart 4 Heritage Precinct. The proposal is for a storage / garden shed in the rear garden of the property. The structure will be constructed from weatherboard cladding and feature timber framed windows. The structure will measure Width 3m, Length 5m, Height 2.4m.

### The Hobart 4 Heritage Precinct is significant for reasons including:

1. The quality and quantity of intact Colonial, Victorian, Federation and Inter-War residential buildings that exemplify the historical development phases of the precinct.
2. The large number of early colonial buildings that survive which provide evidence of the development of early Hobart.
3. The Victorian houses set on large allotments demonstrating the second major phase of development of the precinct.
4. The largely intact streetscape of Fitzroy Place that is created by a general uniformity of scale, external detailing, materials and building forms.
5. The character and historical relationship created by buildings, trees and views of Fitzroy Place, Crescent and Gardens.
6. The scale and style of buildings in Macquarie and Davey St has a high degree of coherence and continuity and has remained relatively free from intrusions.

### Assessment

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

##### Objective:

To ensure that development within a heritage precinct 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 precinct 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 precinct.

The proposed shed is located to the rear of the property and set back from the main



residence. The proposal will not result in loss of or diminution of the significance of the precinct, the proposed outbuilding is subservient to the characteristics of the precinct, the scale and use of material is considered sympathetic and appropriate. The proposed development satisfies Performance Criteria 1 of E13.8.2

The proposal satisfies the relevant provisions of the Heritage Code.

Allie Costin  
17th of June 2020

## **8. REPORTS**

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### **8.1 Proposed Changes to Delegations to Determine Development Applications File Ref: F20/72893**

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Memorandum of the Manager Development Appraisal and the Director City Planning of 15 July 2020 and attachments.

Delegation: Council



City of **HOBART**

## MEMORANDUM: CITY PLANNING COMMITTEE

### **Proposed Changes to Delegations to Determine Development Applications**

#### **Updated Memorandum**

Elected Members will recall that an earlier version of this memorandum was considered by the City Planning Committee on 15 June 2020 and the item was deferred by the Council on 22 June 2020 for further consideration.

This memorandum:

- includes the alternative proposals by the Deputy Lord Mayor; and
- includes an additional delegation to allow the General Manager and Director City Planning to make a determination of an application in circumstances where the Council has not been able to make a determination due to a tied vote.

The earlier version of this memorandum is replaced by this memorandum.

#### **Background**

Reference is made to the resolution made by the City Planning Committee on 28 October 2019, that:

2. *Council officers further investigate delegation options for planning applications in relation to:*
  - (i) *Officer delegations;*
  - (ii) *City Planning Committee delegations; and*
  - (iii) *Council delegations.*

The current delegations have been reviewed. A table is attached (**Attachment A**) which summarises both the existing and proposed delegations to:

1. the General Manager;
2. the Director City Planning;
3. the Manager Development Appraisal;
4. the Manager Planning Policy and Heritage; and
5. the Senior Statutory Planner.

The table shows:

- existing delegations in black text;
- proposed delegations in red text; and
- alternative proposed delegations by the Deputy Lord Mayor in blue text.

The broad difference between the proposed delegations by the Director City Planning and the Deputy Lord Mayor is that the Director has proposed further delegations to the General Manager, his role and Council officers, while the Deputy Lord Mayor proposes further delegations to the Committee.

### Summary of Proposed Delegations

The proposals are, in summary:

1. **Representations:** Increase the number of representations which would trigger the consideration by the Council:
  - (a) Currently, where there are three (objecting) representations and a recommendation for approval, the application may be determined by the Committee. It is proposed:
    - (i) by the Director – where there are five (objecting) representations, the application may be determined by the City Planning Committee and if there are four or less, the application may be determined by the General Manager, Director or Council officers; and
    - (ii) by the Deputy Lord Mayor – where there are three to five (objecting) representations, the application may be determined by the Committee (with no change to the delegations to the General Manager, Director or Council officers).

- (b) Currently, a development application with four or more representations opposing a proposal must be determined by the Council – it is proposed by both the Director and the Deputy Lord Mayor to increase this to six or more (objecting) representations.
2. **Council Applications:** Applications which are made by the Council are currently all determined by the Council. It is proposed:
- (a) by the Director – if there are no (objecting) representations, the application would be determined by the General Manager, Director or Council officers;
  - (b) by the Deputy Lord Mayor – if there are no (objecting) representations, the application would be determined by the Committee; and
  - (c) there is no change proposed by the Director or the Deputy Lord Mayor if there are any (objecting) representations – the application would continue to be determined by the Council.
3. **Council Land:** Applications which are made in relation to Council land are currently all determined by the Council. It is proposed for applications made in relation to the road reservation:
- (a) by the Director – if there are four or less (objecting) representations, the application would be determined by the General Manager, Director or Council officers or if there are five or more representations then the application would be determined by the Council; and
  - (b) by the Deputy Lord Mayor – these applications would be determined by the Committee unless recommended for refusal.
4. **Subdivisions:** Subdivisions are currently determined by the Council where there is a proposal for more than one new lot. It is proposed:
- (a) by the Director – this is increased to more than three lots for the Council and otherwise determined by the General Manager, Director or Council officers; and
  - (b) by the Deputy Lord Mayor – one new lot would continue to be determined by the General Manager, Director or Council officers and all others to be determined by the Committee.
5. All recommendations for refusal (where time allows) are still to be determined by the Council, and the Elected Members still maintain the right to call any application in to be determined by the Council.

The proposed delegations by the Director are attached (**Attachment B**).

The proposed delegations by the Deputy Lord Mayor are attached (**Attachment C**).

### **Impact of Director's Proposed Delegations**

An analysis has been carried out which suggests that this may decrease the number of applications considered by the Council by half. The proposed changes to the delegations is not expected to remove particularly contentious applications.

As an example, of the 7 applications determined by the Director under the expanded COVID-19 delegation over a 2 month period, 5 of those would be able to be determined under the proposed delegations:

- 2 where the Council was the applicant;
- 3 where the applications related to Council land; and
- 1 application which attracted 3 representations.

### **Delegation for Tied Vote**

If the Council has considered an application but has not made a decision, as a result of a tied vote, the Director City Planning will make a decision which follows the recommendation of the Council's officers.

There is no change proposed to this process, except a new delegation is proposed to apply specifically in this circumstance. The delegation which is currently relied upon in this scenario relies on the statutory time frame expiring and the Director making a determination prior to the applicant making an application to the Resource Management and Planning Appeal Tribunal pursuant to section 59. If a section 59 application is made before the Director makes the determination then the Council faces the risk of costs of an appeal to the Tribunal. The additional proposed delegation removes this risk and allows the Director to make a determination before the expiry of the statutory time frame.

### **Power to Delegate**

The power to make delegations is contained in s.6(3) of the *Land Use Planning and Approvals Act 1993* (LUPAA), which states:

*A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority.*

The relevant power which would be delegated is the power to grant a planning permit pursuant to s.57 of LUPAA (discretionary permits) and s.58 of LUPAA (permitted permits), where certain requirements are met.

### **RECOMMENDATION**

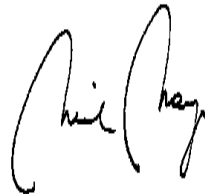
***That:***

- 1. The Council, pursuant to section 6(3) of the Land Use Planning and Approvals Act 1993, delegate the functions and powers detailed in Attachment B to this report.***

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






Karen Abey  
**MANAGER DEVELOPMENT  
APPRAISAL**



Neil Noye  
**DIRECTOR CITY PLANNING**

Date: 15 July 2020  
File Reference: F20/72893

Attachment A: Summary table of current and proposed - including DLM's proposed amendment ↓   
Attachment B: Proposed delegations ↓   
Attachment C: Deputy Lord Mayor's proposed delegations ↓ 



### CURRENT DELEGATIONS – DETERMINATION OF APPLICATIONS

Proposed changes to delegations shown in red

Amendment proposed by Deputy Lord Mayor shown in blue

Category	<ul style="list-style-type: none"> <li>General Manager</li> <li>Director City Planning</li> <li>Manager Planning Policy &amp; Heritage</li> <li>Manager Development Appraisal</li> <li>Senior Statutory Planner</li> </ul>	City Planning Committee	Council
Recommended for refusal	X except ✓ to refuse if proposal is prohibited	X	✓
Any representations if the applicant and/or owner of the subject property is: <ul style="list-style-type: none"> <li>an elected member;</li> <li>Council officer;</li> <li>the spouse or an immediate relative of an elected member or Council officer.</li> </ul>	X	X	✓
Not more than 2 representations (objections) – except if the applicant and/or owner of the subject property is: <ul style="list-style-type: none"> <li>an elected member;</li> <li>Council officer;</li> <li>the spouse or an immediate relative of an elected member or Council officer.</li> </ul> <p>Increase to not more than 4 representations opposing the proposal</p> <p>No change</p>	✓ if recommended for approval & doesn't need to go to full Council for any other reason	✓ but would not go to Committee unless called in by an elected member	✓ but would not go to Council unless called in by an elected member





Category	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Director City Planning</li> <li>• Manager Planning Policy &amp; Heritage</li> <li>• Manager Development Appraisal</li> <li>• Senior Statutory Planner</li> </ul>	City Planning Committee	Council
3 representations (objections) Increase to 5 representations opposing the proposal Where there are between 3 and 5 representations opposing the proposal	X	✓ if recommended for approval & doesn't need to go to full Council for any other reason, so long as the CPC decision is to approve	✓ but would not go to Council unless called in by an elected member
More than 3 representations (objections) Increase to 6 or more representations opposing the proposal Increase to 6 or more representations opposing the proposal	X	X	✓
Building proposed in excess of 2000m <sup>2</sup> of floor area and/or in excess of 3 storeys in height	X	X	✓
Council as applicant Allow these to be determined under delegation unless there is a representation opposing the proposal Allow these to be determined by the Committee unless there is a representation opposing the proposal	X ✓	X ✓	✓



Category	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Director City Planning</li> <li>• Manager Planning Policy &amp; Heritage</li> <li>• Manager Development Appraisal</li> <li>• Senior Statutory Planner</li> </ul>	City Planning Committee	Council
<p>Applications relating to Council owned land</p> <p>For applications relating to the road reservation, allow these to be determined under delegation unless there are 5 representations opposing the proposal</p> <p>For applications relating to the road reservation, allow these to be determined by Committee unless recommended for refusal</p>	<p>X</p> <p>✓</p>	<p>X</p> <p>✓</p>	<p>✓</p>
<p>Subdivisions that create more than 1 new lot</p> <p>Increase to more than 3 lots</p> <p>No change to number of lots but allow Committee to determine</p>	<p>X</p> <p>✓</p>	<p>X</p> <p>✓</p>	<p>✓</p>
<p>The application involves development in a Heritage Area or involves a heritage listed building and the Tasmanian Heritage Council has made an objection</p>	<p>X</p>	<p>X</p>	<p>✓</p>
<p>Applications where the Council is being requested to make or take a financial contribution from the applicant/owner (excluding cash in lieu contributions)</p>	<p>X</p>	<p>X</p>	<p>✓</p>



Category	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Director City Planning</li> <li>• Manager Planning Policy &amp; Heritage</li> <li>• Manager Development Appraisal</li> <li>• Senior Statutory Planner</li> </ul>	City Planning Committee	Council
<p>"Emergency"</p> <ul style="list-style-type: none"> <li>• To determine applications in circumstances where the applicant has refused to grant an extension of time to allow the application to be considered at a scheduled meeting of the full Council</li> <li>• To exercise the power of the Council as planning authority pursuant to Section 59(7) of the <i>Land Use Planning and Approvals Act 1993</i>, to determine applications where no request to make a decision has been lodged with the Resource Management and Planning Appeal Tribunal</li> </ul>	✓	X	n/a

## ATTACHMENT B

DELEGATIONS PURSUANT TO LAND USE PLANNING AND APPROVALS  
ACT 1993

## GENERAL MANAGER &amp; DIRECTOR CITY PLANNING

The Council, pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the General Manager and Director City Planning, the following functions and powers, to replace the corresponding delegations made on 11 May 2015 (with all other delegations made on that date to remain):

- (i) To approve applications for planning permits made under sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* provided that:
  - (a) not more than ~~four~~ statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an Alderman or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
  - (b) the building proposed does not exceed 2000 m<sup>2</sup> in floor area or 3 storeys in height;
  - (c) the Council is not the applicant, or where the Council is the applicant and there are no statutory objections;
  - (d) the application does not involve Council owned land, or where the application involves part of a road reservation which is owned or maintained by the Council;
  - (e) the Council is not being requested to make or take a financial contribution to or receive from the applicant/owner (excluding cash in lieu contributions);
  - (f) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
  - (g) in the case of applications for subdivision, the proposal results in the creation of not more than ~~three~~ additional lots; or
  - (h) an Alderman has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.

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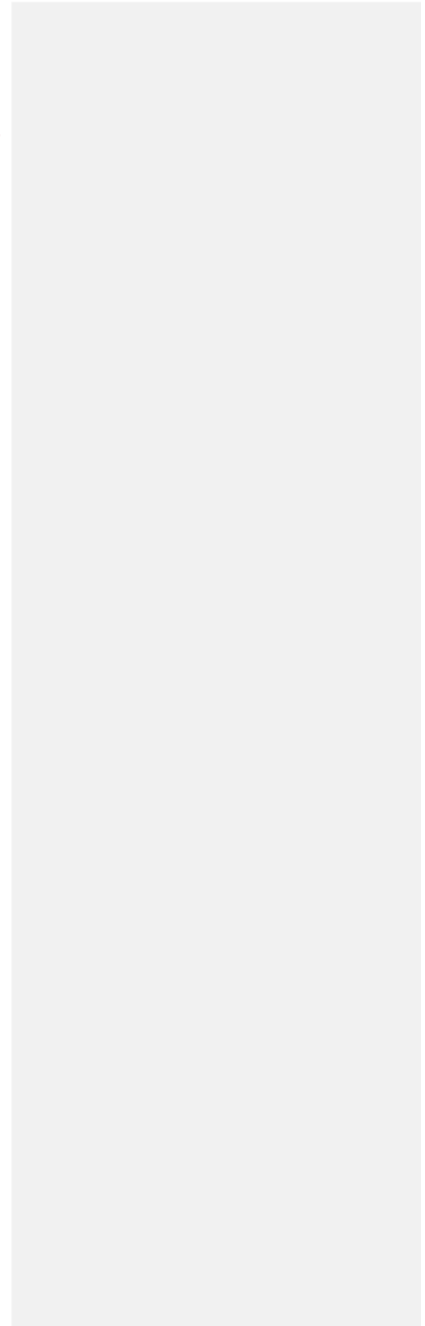
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- (xx) To determine applications for planning permits made under sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* in circumstances where the application has been considered by the Council and the Council has not determined the application due to the vote on a motion being tied. The application must be

**ATTACHMENT B**

determined by following the recommendation of the Council's officers, as specified in the report provided to the Council.



## ATTACHMENT B

**DELEGATIONS TO MANAGER DEVELOPMENT APPRAISAL, MANAGER  
PLANNING POLICY AND HERITAGE AND SENIOR STATUTORY PLANNER**

The Council, pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the Manager Development Appraisal, the Manager Planning Policy and Heritage and the Senior Statutory Planner the following functions and powers, to replace the corresponding delegations made on 11 May 2015 (with all other delegations made on that date to remain):

- (i) To approve applications for planning permits made under Sections 57 and 58 of the *Land Use Planning and Approvals Act 1993*, provided that:
- (a) not more than ~~four~~ statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an Alderman or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
  - (b) the building proposed does not exceed 2000 m<sup>2</sup> in floor area or 3 storeys in height;
  - (c) the Council is not the applicant, ~~or where the Council is the applicant and there are no statutory objections;~~
  - (d) the application does not involve Council owned land, ~~or where the application involves part of a road reservation which is owned or maintained by the Council;~~
  - (e) the Council is not being requested to make or take a financial contribution to receive from the applicant/owner (excluding cash in lieu contributions);
  - (f) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
  - (g) in the case of applications for subdivision the proposal results in the creation of not more than ~~three~~ additional lots; or
  - (h) An Alderman has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.

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## ATTACHMENT B

## DELEGATIONS TO CITY PLANNING COMMITTEE

The Council, pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the City Planning Committee the following functions and powers, to replace the corresponding delegations made on 11 May 2015 (with all other delegations made on that date to remain):

(iii) to approve the following classes of applications made under Sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* not delegated to the Director Development and Environmental Services, Manager Development Appraisal, Manager City Planning or the Senior Statutory Planner:

1. Not more than ~~five~~ statutory objections have been received;
2. The building development proposed does not exceed 2,000m<sup>2</sup> in floor area or 3 storeys in height;
3. The Council is not the applicant, ~~or where the Council is the applicant and there are no statutory objections~~, or the development is not on Council owned land, ~~or where the application involves part of a road reservation which is owned or maintained by the Council~~;
4. The Council is not being requested to make or take a financial contribution to or from the development (excluding cash in lieu contributions);
5. In the case of applications for subdivision, the proposal would create not more than ~~three~~ additional lots;
6. The decision of Committee would not overturn the recommendation of the Council officers assessing the application; and
7. The application is one that Council officers are not prepared to exercise their delegation on.

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## ATTACHMENT C

DELEGATIONS PURSUANT TO LAND USE PLANNING AND APPROVALS  
ACT 1993

## GENERAL MANAGER &amp; DIRECTOR CITY PLANNING

The Council, pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the General Manager and Director City Planning, the following functions and powers, to replace the corresponding delegations made on 11 May 2015 (with all other delegations made on that date to remain):

- (i) To approve applications for planning permits made under sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* provided that:
  - (a) not more than two statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an Alderman or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
  - (b) the building proposed does not exceed 2000 m<sup>2</sup> in floor area or 3 storeys in height;
  - (c) the Council is not the applicant;
  - (d) the application does not involve Council owned land, or where the application involves part of a road reservation which is owned or maintained by the Council;
  - (e) the Council is not being requested to make or take a financial contribution to or receive from the applicant/owner (excluding cash in lieu contributions);
  - (f) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
  - (g) in the case of applications for subdivision, the proposal results in the creation of not more than one additional lot; or
  - (h) an Alderman has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.

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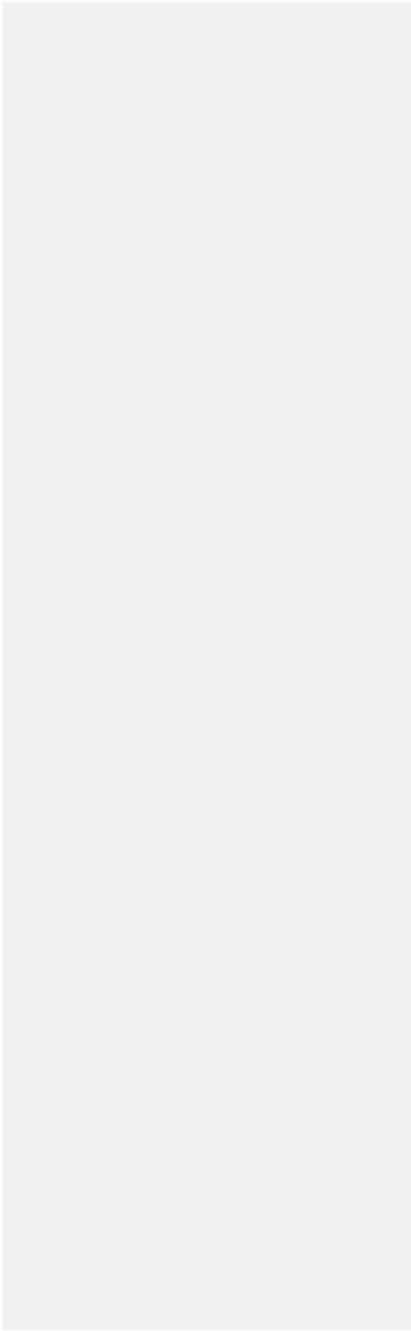
- (xx) To determine applications for planning permits made under sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* in circumstances where the application has been considered by the Council and the Council has not determined the application due to the vote on a motion being tied. The application must be determined by following the recommendation of the Council's officers, as specified in the report provided to the Council.

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ATTACHMENT C

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## ATTACHMENT C

**DELEGATIONS TO MANAGER DEVELOPMENT APPRAISAL, MANAGER PLANNING POLICY AND HERITAGE AND SENIOR STATUTORY PLANNER**

The Council, pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the Manager Development Appraisal, the Manager Planning Policy and Heritage and the Senior Statutory Planner the following functions and powers, to replace the corresponding delegations made on 11 May 2015 (with all other delegations made on that date to remain):

- (i) To approve applications for planning permits made under Sections 57 and 58 of the *Land Use Planning and Approvals Act 1993*, provided that:
  - (a) not more than two statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an Alderman or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
  - (b) the building proposed does not exceed 2000 m<sup>2</sup> in floor area or 3 storeys in height;
  - (c) the Council is not the applicant, or where the Council is the applicant and there are no statutory objections;
  - (d) the application does not involve Council owned land, or where the application involves part of a road reservation which is owned or maintained by the Council;
  - (e) the Council is not being requested to make or take a financial contribution to receive from the applicant/owner (excluding cash in lieu contributions);
  - (f) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
  - (g) in the case of applications for subdivision the proposal results in the creation of not more than one additional lot; or
  - (h) An Alderman has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.

## ATTACHMENT C

### DELEGATIONS TO CITY PLANNING COMMITTEE

The Council, pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the City Planning Committee the following functions and powers, to replace the corresponding delegations made on 11 May 2015 (with all other delegations made on that date to remain):

- (iii) to approve the following classes of applications made under Sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* not delegated to the Director Development and Environmental Services, Manager Development Appraisal, Manager City Planning or the Senior Statutory Planner:
1. ~~Where between three and five~~ statutory objections have been received;
  2. The building development proposed does not exceed 2,000m<sup>2</sup> in floor area or 3 storeys in height;
  - ▼
  - 3A. ~~Where the Council is the applicant, except where there is a representation opposing the proposal.~~
  - 3B. ~~Where the application relates to a road reservation which is administered by the Council, unless recommended for refusal.~~
  4. The Council is not being requested to make or take a financial contribution to or from the development (excluding cash in lieu contributions);
  5. In the case of applications for subdivision, the proposal would create not more than one additional lot;
  6. The decision of Committee would not overturn the recommendation of the Council officers assessing the application; and
  7. The application is one that Council officers are not prepared to exercise their delegation on.

**Deleted:** Not more than three

**Deleted:** 3. . The Council is not the applicant or the development is not on Council owned land;

**8.2 Visitor Accommodation Mapping - 1 January 2020 - 30 June 2020**  
**File Ref: F20/74303**

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Memorandum of the Director City Planning of 15 July 2020 and attachment.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**Visitor Accommodation Mapping - 1 January 2020 - 30 June 2020**

At its meeting on 14 August 2017, the Council requested a report be prepared on a six monthly basis in relation to the location of approvals of self-contained visitor accommodation.

Attached is the report showing approvals from the period 01 January to 30 June 2020.

**RECOMMENDATION**

***That:***

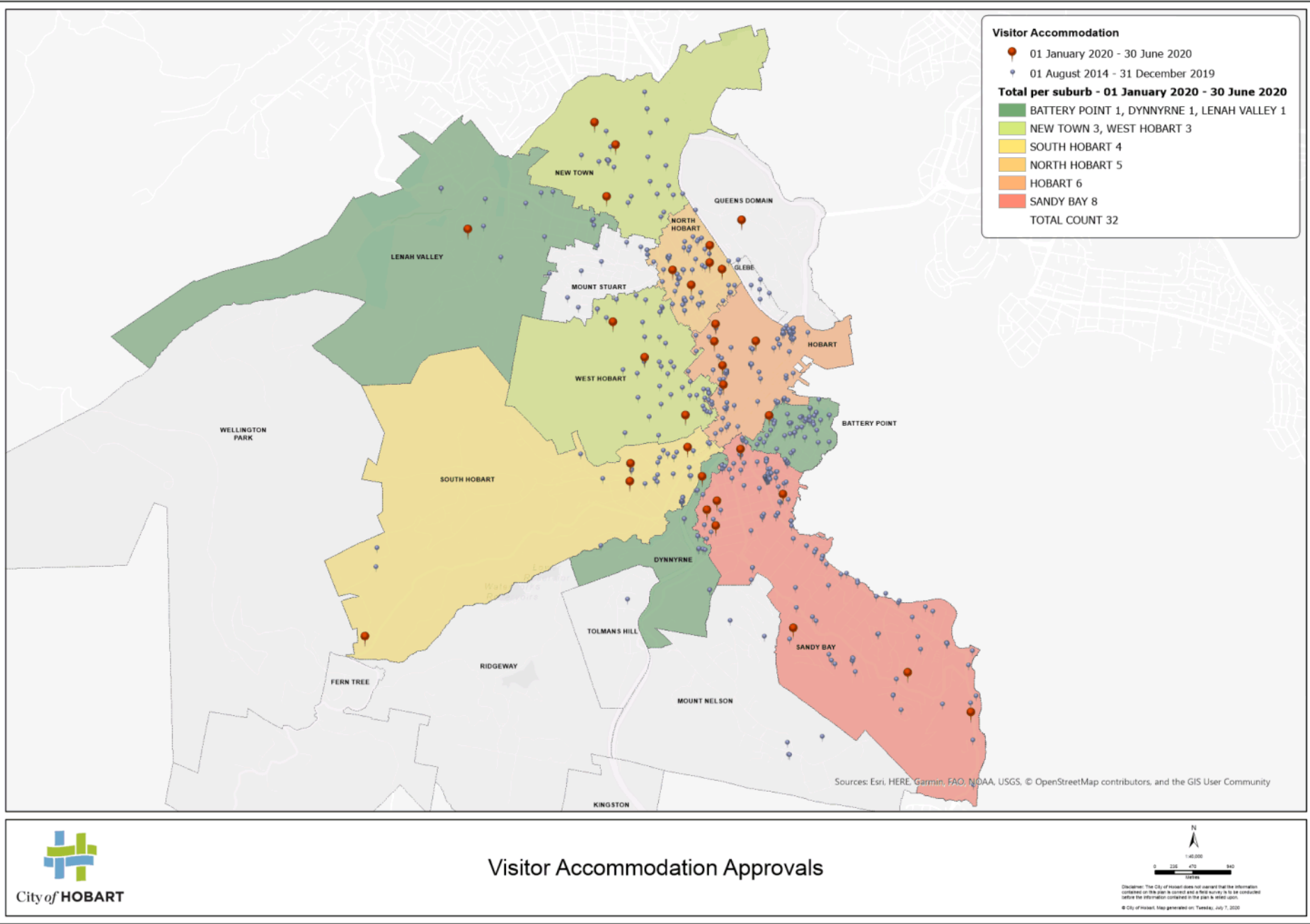
- 1. That the information be received and noted.***

*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: 15 July 2020  
File Reference: F20/74303

Attachment A: Visitor\_Accommodation\_July\_2020 ↓



**8.3 City Planning - Advertising Report**  
**File Ref: F20/74127**

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Memorandum of the Director City Planning of 14 July 2020 and attachment.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**City Planning - Advertising Report**

Attached is the advertising list for the period 22 June 2020 to 10 July 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: 14 July 2020  
File Reference: F20/74127

Attachment A: City Planning - Advertising Report ↓



Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-15	18 - 24 LETITIA STREET	NORTH HOBART	Partial Demolition and New Development for Eight Multiple Dwellings	\$2,200,000.00	28/07/2020	ayersh	Council	30/06/2020	14/07/2020
PLN-20-249	7 A CLARE STREET	NEW TOWN	Demolition, New Building for Hospital Services, Business and Professional Services, and General Retail and Hire, Signage, and Associated Infrastructure Works	\$57,000,000.00	21/07/2020	ayersh	Council	30/06/2020	14/07/2020
PLN-20-364	15 MARIEVILLE ESPLANADE	SANDY BAY	Alterations	\$30,000.00	31/07/2020	baconr	Council	02/07/2020	16/07/2020
PLN-20-23	8 MINALLO AVENUE	WEST HOBART	Partial Demolition, Extension and Alterations	\$350,000.00	28/02/2020	baconr	Director	06/07/2020	20/07/2020
PLN-20-210	14 DYNMYRNE ROAD	DYNMYRNE	Alterations and Fencing	\$5,000.00	11/08/2020	baconr	Director	06/07/2020	20/07/2020
PLN-20-383	1 HALL STREET	RIDGEWAY	Garage	\$80,000.00	06/08/2020	baconr	Director	09/07/2020	23/07/2020
PLN-20-227	11 HUTCHINSON PLACE	WEST HOBART	Dwelling	\$500,000.00	02/09/2020	baconr	Director	10/07/2020	24/07/2020
PLN-20-270	124 AUGUSTA ROAD	LENAH VALLEY	Partial Demolition, Alterations, Extension and Retaining Walls	\$60,000.00	04/08/2020	langd	Director	29/06/2020	13/07/2020
PLN-20-232	17 RUPERT AVENUE	MOUNT STUART	Partial Demolition, Alterations, Deck and Outbuilding (Carport)	\$300,000.00	08/08/2020	langd	Director	07/07/2020	21/07/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-303	38 BARRACK STREET	HOBART	Signage	\$6,500.00	23/08/2020	langd	Director	09/07/2020	23/07/2020
PLN-20-354	5 WILLIAM STREET	WEST HOBART	Partial Demolition, Alterations, Extension, Front Fencing and Outbuilding	\$60,000.00	28/07/2020	langd	Director	10/07/2020	24/07/2020
PLN-20-306	159 - 161 COLLINS STREET	HOBART	Signage	\$0.00	18/07/2020	maxwellv	Director	22/06/2020	06/07/2020
PLN-19-108	16 MCDEVITT AVENUE	DYNNYRNE	Dwelling	\$550,000.00	21/07/2020	maxwellv	Director	30/06/2020	14/07/2020
PLN-19-640	14 BYRON STREET	SANDY BAY	Partial Demolition, Extension, Alterations, Change of Use to Boarding House and Associated Works in the Road Reserve	\$525,000.00	29/08/2020	maxwellv	Council	30/06/2020	14/07/2020
PLN-20-187	22 ARTHUR STREET	WEST HOBART	Alterations	\$0.00	10/08/2020	maxwellv	Director	30/06/2020	14/07/2020
PLN-20-397	6 - 8 PATRICK STREET	HOBART	Signage	\$14,809.00	13/08/2020	maxwellv	Director	08/07/2020	22/07/2020
PLN-20-273	343 DAVEY STREET	SOUTH HOBART	Partial Demolition and Alterations	\$25,000.00	15/07/2020	mcclenahanm	Director	25/06/2020	09/07/2020
PLN-20-367	164 MURRAY STREET	HOBART	Signage	\$0.00	31/07/2020	mcclenahanm	Director	25/06/2020	09/07/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-226	25 FEDERAL STREET	NORTH HOBART	Demolition, Subdivision (Boundary Adjustment and Consolidation of Titles), New Building for Storage, Car Parking, and Signage	\$800,000.00	09/08/2020	mcclenahanm	Director	29/06/2020	13/07/2020
PLN-20-301	31 HALL STREET	RIDGEWAY	Dwelling and Garage	\$380,000.00	17/07/2020	mcclenahanm	Director	29/06/2020	13/07/2020
PLN-20-335	52 - 56 LIVERPOOL STREET	HOBART	Alterations	\$50,000.00	20/07/2020	mcclenahanm	Director	03/07/2020	17/07/2020
PLN-20-344	264 CHURCHILL AVENUE	SANDY BAY	Partial Demolition, Alterations and Carport	\$270,000.00	26/07/2020	nolanm	Director	30/06/2020	14/07/2020
PLN-20-223	8 KENNERLEY STREET	WEST HOBART	Alterations for Studio	\$43,000.00	12/08/2020	nolanm	Director	07/07/2020	21/07/2020
PLN-20-377	1 HEARTWOOD ROAD	LENAH VALLEY	Alterations and Garage	\$40,000.00	17/08/2020	nolanm	Director	08/07/2020	22/07/2020
PLN-20-152	1 / 461 NELSON ROAD	MOUNT NELSON	Change of Use to Visitor Accommodation	\$0.00	06/08/2020	obrienm	Director	30/06/2020	14/07/2020
PLN-20-371	259 NELSON ROAD	MOUNT NELSON	Partial Demolition, Alterations and Additions	\$150,000.00	05/08/2020	obrienm	Director	30/06/2020	14/07/2020
PLN-20-359	94 BARRACK STREET	HOBART	Partial Demolition, Alterations, Extension and Outbuilding (Bus Shed)	\$160,000.00	29/07/2020	obrienm	Director	02/07/2020	16/07/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-327	1 / 30 NEWDEGATE STREET	NORTH HOBART	Partial Demolition, Alterations and Extension	\$230,000.00	29/07/2020	sherriffc	Director	26/06/2020	10/07/2020
PLN-20-345	9 ELLINGTON ROAD	SANDY BAY	Partial Demolition, Skateboard Ramp, Outbuilding and Front Fencing	\$200,000.00	23/07/2020	sherriffc	Director	03/07/2020	17/07/2020
PLN-20-211	66 LANSDOWNE CRESCENT	WEST HOBART	Partial Demolition, Alterations and Extension	\$300,000.00	20/07/2020	widdowsont	Director	22/06/2020	06/07/2020
PLN-20-305	15 BEECHWORTH ROAD	SANDY BAY	Partial Demolition, Alterations and Extension	\$200,000.00	15/07/2020	widdowsont	Director	26/06/2020	10/07/2020
PLN-20-363	15 MARY STREET	NORTH HOBART	Partial Demolition, Alterations and Extension	\$150,000.00	30/07/2020	widdowsont	Director	01/07/2020	15/07/2020
PLN-20-295	6 EVANS STREET	HOBART	Land Decontamination	\$2,500,000.00	19/07/2020	widdowsont	Director	07/07/2020	21/07/2020
PLN-20-229	39 POTTERY ROAD	LENAH VALLEY	Partial Demolition, Alterations and Extension to Outbuilding	\$50,000.00	05/08/2020	widdowsont	Director	09/07/2020	23/07/2020
PLN-19-723	56 HILLCREST ROAD	TOLMANS HILL	Dwelling	\$600,000.00	15/07/2020	wilsone	Director	23/06/2020	07/07/2020
PLN-20-237	36 FEDERAL STREET	NORTH HOBART	Demolition and Two Multiple Dwellings	\$650,000.00	16/08/2020	wilsone	Director	23/06/2020	07/07/2020
PLN-20-351	222 ARGYLE STREET	NORTH HOBART	Signage	\$0.00	28/07/2020	wilsone	Director	23/06/2020	07/07/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-302	14 NOBLE DRIVE	NEW TOWN	Dwelling	\$391,000.00	21/07/2020	wilsone	Director	25/06/2020	09/07/2020
PLN-20-278	161 DAVEY STREET	HOBART	Partial Demolition, Alterations, Extension, Subdivision (Boundary Adjustment and Consolidation), Front Fencing and New Building for Visitor Accommodation	\$450,000.00	24/07/2020	wilsone	Director	26/06/2020	10/07/2020
PLN-20-202	68 HILLBOROUGH ROAD	SOUTH HOBART	Two Multiple Dwellings (One Existing, One New)	\$350,000.00	04/08/2020	wilsone	Director	01/07/2020	15/07/2020
PLN-20-368	19 VIEW STREET	SANDY BAY	Partial Demolition, Alterations, Extension and Front Fencing	\$500,000.00	01/08/2020	wilsone	Director	06/07/2020	20/07/2020
PLN-20-265	19 PEDDER STREET	NEW TOWN	Partial Demolition, Alterations and Extension	\$390,000.00	07/08/2020	wilsone	Director	07/07/2020	21/07/2020
PLN-20-342	3 ATHLEEN AVENUE	LENAH VALLEY	Garage	\$10,000.00	06/08/2020	wilsone	Director	07/07/2020	21/07/2020

**8.4 Delegated Decisions Report (Planning)**  
**File Ref: F20/74232**

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Memorandum of the Director City Planning of 14 July 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 23 June 2020 to 10 July 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: 14 July 2020  
File Reference: F20/74232

Attachment A: Delegated Decisions Report (Planning) ↓

14 July 2020

**Delegated Decisions Report (Planning)**

30 applications found.

Planning Description	Address	Works Value	Decision	Authority
PLN-19-514 Subdivision (One Additional Lot)	416 STRICKLAND AVENUE SOUTH HOBART TAS 7004	\$ 8,000	Approved	Delegated
PLN-20-142 Partial Demolition, Dwelling, and Associated Infrastructure	668 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 725,000	Approved	Delegated
PLN-20-175 Signage	19-27 CAMPBELL STREET HOBART TAS 7000	\$ 70,000	Approved	Delegated
PLN-20-179 Partial Demolition, Alterations and Extension	61 FISHER AVENUE SANDY BAY TAS 7005	\$ 45,000	Approved	Delegated
PLN-20-190 Partial Demolition, Alterations, Extension and Carport	46 LOCHNER STREET WEST HOBART TAS 7000	\$ 350,000	Approved	Delegated
PLN-20-198 Partial Demolition, Alterations and Extension	14 LOINA STREET NEW TOWN TAS 7008	\$ 120,000	Approved	Delegated
PLN-20-220 Subdivision (Boundary Adjustment)	12 MONTRIVALE RISE DYNMYRNE TAS 7005	\$ 0	Approved	Delegated
PLN-20-225 Partial Demolition, Alterations and Carport	6 WATKINS AVENUE WEST HOBART TAS 7000	\$ 10,000	Approved	Delegated
PLN-20-234 Demolition and Dwelling	20 FITZROY PLACE SANDY BAY TAS 7005	\$ 1,575,000	Withdrawn	Applicant
PLN-20-255 Alterations (Awning)	2/807 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 83,270	Approved	Delegated
PLN-20-275 Partial Demolition, Alterations and Signage	366 ELIZABETH STREET NORTH HOBART TAS 7000	\$ 200,000	Approved	Delegated
PLN-20-277 Change of Use to Visitor Accommodation	73 VIEW STREET SANDY BAY TAS 7005	\$ 60,000	Approved	Delegated
PLN-20-279 Partial Demolition and Outbuilding	26 APSLEY STREET SOUTH HOBART TAS 7004	\$ 42,000	Approved	Delegated
PLN-20-282 Partial Demolition, Alterations, and Extension	6 THIRZA STREET NEW TOWN TAS 7008	\$ 350,000	Approved	Delegated
PLN-20-283 Dwelling	22 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 529,538	Approved	Delegated
PLN-20-285 Partial Demolition and Garage/Studio	3 FISHER AVENUE SANDY BAY TAS 7005	\$ 150,000	Approved	Delegated
PLN-20-287 Partial Demolition and Alterations to Driveway and Carparking	57 HILLBOROUGH ROAD SOUTH HOBART TAS 7004	\$ 15,000	Approved	Delegated
PLN-20-293 Swimming Pool	5 ST GEORGES TERRACE BATTERY POINT TAS 7004	\$ 55,000	Approved	Delegated
PLN-20-307 Partial Demolition, Alterations and Deck	34 SEYMOUR STREET NEW TOWN TAS 7008	\$ 5,000	Approved	Delegated
PLN-20-321 Carport	88 AUGUSTA ROAD LENA VALLEY TAS 7008	\$ 12,000	Approved	Delegated
PLN-20-326 Partial Demolition, Alterations, Extension and Partial Change of Use to Dwelling	32 BURNETT STREET NORTH HOBART TAS 7000	\$ 450,000	Approved	Delegated
PLN-20-328 Alterations	8 JOYNTON STREET NEW TOWN TAS 7008	\$ 100,000	Not Required	Delegated
PLN-20-329 Alterations, Garage, Front Fencing and Landscaping	41 CARLTON STREET NEW TOWN TAS 7008	\$ 55,000	Approved	Delegated
PLN-20-334 Signage, Alterations and Partial Change of Use to General Retail and Hire	121-123 BATHURST STREET HOBART TAS 7000	\$ 0	Not Required	Delegated
PLN-20-338 Partial Demolition and New Signage	100 PINNACLE ROAD MOUNT WELLINGTON TAS 7054	\$ 0	Exempt	Delegated

CITY OF HOBART



Planning Description	Address	Works Value	Decision	Authority
PLN-20-348 Signage	3 BURNETT STREET NORTH HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-20-375 Swimming Pool	10 FEHRE COURT SANDY BAY TAS 7005	\$ 60,000	Not Required	Delegated
PLN-20-387 Partial Change of Use to Food Services	180-182 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 22,000	Exempt	Delegated
PLN-20-404 Partial Demolition, Alterations and Extension	149 NELSON ROAD MOUNT NELSON TAS 7007	\$ 150,000	Not Required	Delegated
PLN-20-63 Partial Demolition, Alterations and Front Fence	12A MOUNT STUART ROAD MOUNT STUART TAS 7000	\$ 40,000	Approved	Delegated

## **9. COMMITTEE ACTION STATUS REPORT**

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### **9.1 Committee Actions - Status Report**

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A report indicating the status of current decisions is attached for the information of Elected Members.

#### ***RECOMMENDATION***

***That the information be received and noted.***

Delegation: Committee

Attachment A: City Planning Status Report - June 2020

<p style="text-align: center;"><b>CITY PLANNING COMMITTEE – STATUS REPORT</b> OPEN PORTION OF THE MEETING June 2020</p>				
Ref.	Title	Report / Action	Action Officer	Comments
1	<p><b>SUSTAINABLE BUILDING PROGRAM</b> Open Council 15 December 2014 Item 10; Open CPC Item 8, 20 July 2015</p>	<ol style="list-style-type: none"> <li>1. The Council consider the development of a Sustainable Building Program based on Environmental Upgrade Finance (EUFs) in collaboration with the Tasmanian Government;</li> <li>2. A detailed report for the Council's consideration, including the segmentation study and business case, be prepared on the Sustainable Buildings Program, based on EUFs by June 2015;</li> <li>3. That a further report be prepared providing data on the uptake of EUFs in other cities; and</li> <li>4. A report be prepared on the merits of the Council joining the Green Building Council of Australia along with the 49 of local city councils that have joined this organisation, that provides networks, training and capacity for the private and public sectors understanding sustainable building work.</li> </ol>	Director City Innovation	<p>The Tasmanian Government closed the project on 30 May 2019 following submission of the final report by SGS Economics and Planning Consultants (Oct 2018).</p> <p>The report concluded that a EUF did not present a viable option for Tasmania due to there being insufficient demand to achieve necessary uptake.</p> <p>The State Government indicated that the SGS report is not for public release and that the City must seek approval of the Crown before making any media statements regarding the project.</p> <p>A closed council report is being prepared for the August 2020 meeting.</p>

2	<p><b>PROPOSED NEW HERITAGE ADVISORY COMMITTEE</b> Open CPC Item 9, 20 July 2015</p>	<p>A report be sought on the merits of establishing a Heritage Advisory Committee in line with other councils' Heritage Advisory Committees operating around Australia.</p>	Director City Planning	<p>A workshop regarding the application of heritage precincts under the <i>Hobart Interim Planning Scheme 2015</i> was conducted on 31 July 2018.</p> <p>A report in regard to the establishment of a Heritage Advisory Committee was considered by the City Planning Committee on 17 February 2020 and Committee deferred a decision to enable further consultation with Elected Members.</p>
3	<p><b>CLIMATE CHANGE POLICY REVIEW</b> Open CPC Item 7, 4 April 2016</p>	<p>A report be prepared that builds on the City's existing corporate mitigation measures and recommends new climate change mitigation policies, strategies and programs to further reduce both corporate and community emissions and considers potential targets.</p>	Director City Innovation	<p>The Draft Sustainable Hobart Action Plan was approved by Council for release for community consultation on May 25, 2020. A program of consultation and engagement, adapted to meet Covid-19 requirements, will begin in mid-July and be available on the City's YourSay site.</p> <p>Following community consultation, the Action Plan will be edited if necessary, and presented to Council to consider for endorsement.</p>

4	<p><b>19-27 CAMPBELL STREET, 29 CAMPBELL STREET, 19 COLLINS STREET, CT.198531/2, ADJACENT ROAD RESERVATIONS, HOBART (UTAS CIPAD)</b> Open CPC 4 April 2016 - Supp. item 6.2.1</p>	<p>That the Council explore options for increasing pedestrian and bicycle access in the vicinity of the UTAS Creative Industries and Performing Arts Development at 19-27 Campbell Street and 19 Collins Street, Hobart in conjunction with the redevelopment of the site.</p>	Director City Planning	<p>This will be addressed as part of the ICAP AP06 Campbell Street Upgrade project with initial project planning now commenced, with further design work to take place in 2019/2020.</p>
5	<p><b>FRONT FENCING</b> Open Committee 23 October 2017</p>	<p>That the Council significantly promote the risk of building front fences without appropriate Council approval and for this information to be promoted in writing to the architectural community and via suitable media platforms such as Capital City News and social media.</p>	Director City Planning	<p>Article placed in Capital City News and promoted via social media. Communication with architectural community still to be actioned.</p>
6	<p><b>GLENORCHY TO HOBART PUBLIC TRANSIT CORRIDOR PROJECT UPDATE</b> Open Council 20 August 2018</p>	<ol style="list-style-type: none"> <li>1. The Glenorchy to Hobart Public Transit Corridor Study Reports (GHD Oct 2016) be provided to the State Government.</li> <li>2. The Council engage with State and Federal Government in relation to process and opportunities for governance change to help drive urban renewal projects such as proposed with the Glenorchy to Hobart Public Transit Corridor Project.</li> </ol>	Director City Planning	<p>The Glenorchy to Hobart Public Transit Corridor Implementation Facilitation Report - LUTI Consultants (June 2018) was presented to the Open City Planning Committee of 13 August 2018.</p> <p>Based on the advice from Minister Gutwein and the decision of the Glenorchy City Council made on 30 July 2018, further activities by the Hobart Glenorchy Public Transit Corridor Committee were put on hold pending finalisation of the Hobart City Deal process.</p>

		<p>(i) A report be prepared on the formation of a steering committee, which is to be chaired by the Lord Mayor, to undertake the work required.</p> <p>3. The Glenorchy to Hobart Public Transit Corridor Study outcomes (GHD Oct 2016) be considered as part of a future City Deal proposal.</p> <p>4. A communications strategy be developed in relation to the Glenorchy to Hobart Public Transit Corridor Study Reports (GHD Oct 2016).</p> <p>5. A further report be prepared regarding the potential for a medium density mixed use development project on the Hobart owned land forming part of the corridor</p>		<p>The City Deal has now been finalised and the Northern Suburbs Transit Corridor has been recognised as a priority area for urban renewal. A greater diversity of housing solutions will be encouraged along the corridor. As well as providing housing outcomes, this will support the delivery of the most effective public transport solution, reduce congestion and the Australian Government will invest \$25 million as part of its congestion initiative.</p> <p>Further action in relation to this item will be progressed through the City Deal process.</p>
8	<p><b>HISTORIC URBAN LANDSCAPES BALLARAT</b> Open Committee 29 October 2018</p>	<p>A further report on:</p> <p>(i) The outcomes of discussions between City of Hobart officers and the City of Ballarat about its consultation process for any learning on getting people involved in supporting local heritage precincts in their city;</p> <p>(ii) A rolling consultation process be undertaken over the next four years for local heritage precincts</p>	Director City Planning	<p>Discussions have been held with the City of Ballarat and their plan to sustain Ballarat's Heritage has been reviewed. The plan took 4 years to develop and required the expenditure of considerable resources. Given current budgetary and resource constraints the City is not in a position to progress a project such as this.</p> <p><a href="http://www.hulballarat.org.au/cb_pages/ballarat_heritage_plan.php">http://www.hulballarat.org.au/cb_pages/ballarat_heritage_plan.php</a></p>

		<p>ratepayers, asking questions much like the City of Ballarat has, to check the planning premises; and</p> <p>(iii) To further investigate how planning conflicts between use of building stock in the precincts and desires for current and future use can be managed as social, cultural and economic demands change over time in our City.</p>		<p>Consultation in relation to heritage precincts will be undertaken as part of the exhibition of the Hobart Local Provisions Schedule.</p>
9	<p><b>PROJECTED POPULATION AND ECONOMIC GROWTH MODEL</b> Open Council 1 April 2019</p>	<p>A report be prepared into the development of a useable model of projected population and economic growth of the Greater Hobart region. This modelling tool is to be integrated into Hobart City Council planning, infrastructure, strategy development and decision-making.</p> <p>The report also consider using the United Nations Sustainable Development Goals as a framework to achieve sustainable development.</p>	Director City Life	Completed
10	<p><b>REGULATION OF SOCIAL FOOD DELIVERY VEHICLES</b> Open Council 19 August 2019</p>	<p>1. The Council develop and distribute to relevant persons and companies an information brochure that summarises the food safety obligations of social food delivery vehicle drivers.</p> <p>2. The Council's Environmental Health Officers undertake an audit within the next four (4) months of social food</p>	Director City Planning	<p>1. Completed</p> <p>2. The audit is not proceeding as per advice received from the Department of Health.</p> <p>3. Report in August still planned to be presented.</p>

		<p>delivery vehicles operating in North Hobart in order to determine compliance with the Food Act 2003 and Food Safety Standards.</p> <p>3. A further report be provided in relation to the monitoring of complaints in regards to the carriage of food in social food delivery vehicles in August 2020.</p>		
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**10. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 13-1-10

**The General Manager reports:-**

"In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response."

**10.1 City Planning Committee - Decisions**

**File Ref: F20/21960; 13-1-10**

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Memorandum of the Director City Planning of 13 July 2020.

Delegation: Committee

*That the information be received and noted.*



City of **HOBART**

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

## **Response to Question Without Notice**

### **CITY PLANNING COMMITTEE - DECISIONS**

**Meeting:** City Planning Committee

**Meeting date:** 17 February 2020

**Raised by:** Deputy Lord Mayor Burnet

**Question:**

Can the Director please advise over the past ten years, how many decisions of this committee were tied, and when? How many tied final decisions at Council level fell to the original officer recommendation?

**Response:**

There were thirteen tied decisions of the City Planning Committee over the past ten years.

The applicable dates being:

7 February 2011  
6 June 2011  
18 July 2011  
14 November 2011  
4 June 2012  
29 October 2012  
22 April 2013  
1 June 2015  
30 November 2015  
15 February 2016  
28 November 2016  
16 July 2018  
1 October 2018

There were five tied Council decisions over the past ten years that fell to the original officer recommendation.

The applicable dates being:

22 November 2010

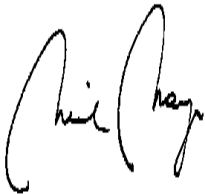
7 December 2015

23 October 2017

1 April 2019

6 July 2020

*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: 13 July 2020

File Reference: F20/21960; 13-1-10

## 11. 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.

## 12. CLOSED PORTION OF THE MEETING

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That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

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

The following items were discussed: -

- |            |  |
|------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Council Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda                       |
| Item No. 3 | Indications of pecuniary and conflicts of interest                       |
| Item No. 4 | Questions Without Notice   |