



CITY OF HOBART

AGENDA

City Planning Committee Meeting

Open Portion

Monday, 19 October 2020

at 5:00 pm

THE MISSION

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

THE VALUES

The Council is:

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

ORDER OF BUSINESS

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

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City Planning Committee Meeting (Open Portion) held Monday, 19 October 2020 at 5:00 pm.

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

COMMITTEE MEMBERS

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

Apologies:

Leave of Absence: Nil.

NON-MEMBERS

Lord Mayor Reynolds
Zucco
Sexton
Thomas
Ewin
Sherlock

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

2. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 28 September 2020](#) and the Special City Planning Committee meeting held on [Monday, 12 October 2020](#), are submitted for confirming as an accurate record.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

Recommendation

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

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

5. TRANSFER OF AGENDA ITEMS

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

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

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

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

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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

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

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

RECOMMENDATION

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

7. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

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

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.1.1 63 DAVEY STREET, HOBART AND 186 MACQUARIE STREET, HOBART, ADJACENT ROAD RESERVE - DEMOLITION, NEW BUILDING FOR 30 MULTIPLE DWELLINGS AND 21 STUDENT ACCOMMODATION UNITS INCLUDING CARPARKING, AND ASSOCIATED INFRASTRUCTURE AND ACCESS WORKS PLN-19-319 - FILE REF: F20/109787

Address:	63 Davey Street and 186 Macquarie Street, Hobart and Adjacent Road Reserve
Proposal:	Demolition, New Building for 30 Multiple Dwellings and 21 Student Accommodation Units including Carparking, and Associated Infrastructure and Access Works
Expiry Date:	27 October 2020
Extension of Time:	Not applicable
Author:	Cameron Sherriff






RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for demolition, new building for 30 multiple dwellings and 21 student accommodation units including carparking, and associated infrastructure and access works at 63 Davey Street and 186 Macquarie Street, HOBART and adjacent road reserve, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 22.4.1 A1 and P1.1(a) of the *Hobart Interim Planning Scheme 2015* because the development does not make a positive contribution to the streetscape and townscape, having regard to the height, bulk and design of existing and proposed buildings.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P1 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015* because the proposal results in detriment to the historic

cultural heritage significance of the precinct through its design and siting.

3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.1 P5 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015* because the proposed building unreasonably dominates and has a materially adverse impact on adjacent existing buildings of cultural heritage significance through its height.

- | | |
|---------------|--|
| Attachment A: | PLN-19-319 - 63 DAVEY STREET HOBART TAS 7000 - Planning Committee or Delegated Report  |
| Attachment B: | PLN-19-319 - 63 Davey Street Hobart TAS 7000 - CPC Agenda Documents (Supporting information)  |
| Attachment C: | PLN-19-319 - 63 DAVEY STREET HOBART TAS 7000 - Planning Referral Officer Cultural Heritage Report (Supporting information)  |
| Attachment D: | PLN-19-319 - 63 DAVEY STREET HOBART TAS 7000 - Planning Referral Officer Development Engineering Report (Supporting information)  |
| Attachment E: | PLN-19-319 - 63 DAVEY STREET HOBART TAS 7000 - UDAP Minutes (Supporting information)  |

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	26 October 2020
Expiry Date:	27 October 2020
Application No:	PLN-19-319
Address:	63 DAVEY STREET , HOBART 186 MACQUARIE STREET , HOBART ADJACENT ROAD RESERVE
Applicant:	(Tellyros Klonis Unit Trust, by their Agent, Ireneinc Planning and Urban Design) 49 Tasma Street 49 Tasma Street
Proposal:	Demolition, New Building for 30 Multiple Dwellings and 21 Student Accommodation Units including Carparking, and Associated Infrastructure and Access Works
Representations:	Three Hundred and Ninety Three (393)
Performance criteria:	Central Business Zone Development Standards; Parking and Access Code; Attenuation Code; Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Demolition, New Building for 30 Multiple Dwellings and 21 Student Accommodation Units including Carparking, and Associated Works, at 63 Davey Street, 186 Macquarie Street, and the adjacent Davey Street road reserve.

1.2 More specifically the proposal includes:

- The redevelopment of the site at 63 Davey Street, Hobart, involving the demolition of the existing single storey building at 63 Davey Street, including removal of the existing eight parking spaces in the forecourt immediately off Davey Street. The new works are to facilitate use and development for 51 apartments providing a mix of 30 residential and 21 student accommodation apartments.
- The proposed building is in the form of two interconnected building blocks, comprising a four storey building block that will front Davey Street. A second building component is set back 15m from the street frontage. This building component has 10 levels comprising a ground floor, two levels of student accommodation and a further seven levels of residential apartments. Single bedroom apartments are proposed for the student accommodation on levels 1 and 2, with two bedroom apartments across levels 3 to 9, and a three bedroom apartment on level 10 for residential occupation. The uppermost, rooftop level apartment includes a lift overrun and plant room above and is set back 30m from the street frontage. The proposal includes two levels of basement parking for 42 cars and five motorcycles accessed via car lifts. Bicycle parking, vehicle access and manoeuvring, a lobby, services and building access are provided at ground floor level.
- Infrastructure works are also proposed within the basement car parking level of the adjacent property at 186 Macquarie Street.
- Alterations to the access to the site, including altering the footpath levels, are proposed within the Davey Street road reservation.
- The building is proposed to have a maximum height of 35 metres above natural ground level measured to the top of its rooftop plant.
- The total gross floor area of the proposed building is 6,340m².
- External materials are listed as being contemporary, with a mix of precast concrete, stone/tile cladding, metal wall sheeting, timber, aluminium and glass shown. Green roof elements are proposed from level four upwards.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Central Business Zone Development Standards - Building Height; Setback
- 1.3.2 Parking and Access Code - Number of Car Parking Spaces (Central Business Zone); Design of Vehicular Accesses; and Facilities for Commercial Vehicles
- 1.3.3 Attenuation Code - Development for Sensitive Use in Proximity to Use with Potential to cause Environmental Harm

- 1.3.4 Historic Heritage Code - Heritage Precinct: Demolition and Buildings and Works; Places of Archaeological Potential: Building, Works and Demolition
- 1.4 Three Hundred and Ninety Three (393) representations (366 objecting to/ 27 supporting) the proposal were received within the statutory advertising period between 21/08 and 04/09/2020.
- 1.5 The proposal was considered by the Council's Urban Design Advisory Panel at its meeting on 27 August 2020. The minutes of this meeting are provided as an attachment to this report. The Panel found that the lower elements of the development were well-considered and made a positive contribution to the streetscape but felt more needed to be done in terms of landscaping, however ultimately the Panel concluded that the overall height of the proposal was not appropriate and that only a significant reduction in height could resolve their concerns in terms of the development's impact upon streetscape, townscape and heritage values.
- 1.6 The proposal is recommended for refusal.
- 1.7 The final decision is delegated to the Council, because the application is recommended for refusal, includes Council owned land, is for a major development, and more than five objections have been received.

2. Site Detail

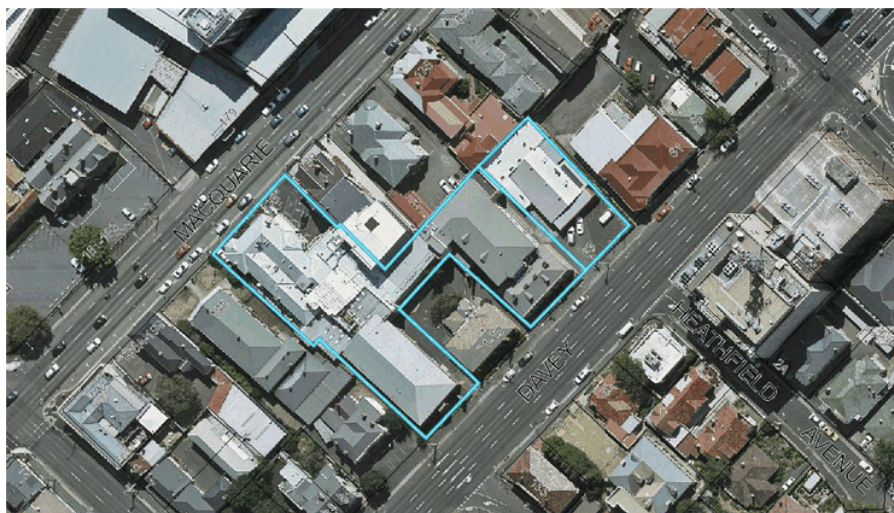


Figure 1: Aerial view of the overall subject property and surrounds. 63 Davey Street is the smaller rectangular-shaped outlined property to the north-east (Source: HCC Geocortex).

- 2.1 63 Davey Street, Hobart (Figures 1 and 2) has an area of approximately 810m² and contains a single storey brick building that has been used by the Navy Club of Tasmania in the past and more recently as an antiques dealership (the Sullivans Cove Emporium), and currently as a dance studio. The site has a south-easterly facing frontage to Davey Street. The adjacent property at 186 Macquarie Street is included in the description of the site as infrastructure works within this site's basement car parking level are proposed in order to adequately cater for the servicing of the proposed development.



Figure 2: 63 Davey Street as it currently presents to the street. (Source: Google).

- 2.2 The property and the land to the north-east and south-west is within the Hobart 1 Heritage Precinct. The adjoining properties (61 Davey Street, and 174, 176, and 186 Macquarie Street) are also individually listed as heritage places within the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015*. With the exception of the adjacent part of 186 Macquarie Street, the adjoining properties are also listed on the Tasmanian Heritage Register (Figure 3).



Figure 3: Showing heritage listings for the site and area. Purple denotes both Tasmanian Heritage Council and Hobart Interim Planning Scheme 2015 heritage listing. Red denotes Hobart Interim Planning Scheme 2015 heritage listing only. Light blue denotes a Heritage Precinct. The hatching indicates the area of archaeological potential (Source: HCC Geocortex).

- 2.3 The adjacent property to the north-east (at 61 Davey Street) contains a substantial two storey building that is used for consulting rooms, and also includes the Royal Australian Air Force Museum. The adjacent property to the south-west (part of 186 Macquarie Street) contains one of the several buildings that make up the St Helens Hospital complex. The properties to the rear of the site with frontage to Macquarie Street are used as consulting rooms and offices.
- 2.4 Under the *Hobart Interim Planning Scheme 2015*, the site is located within the Central Business Zone, the Central Business Core Area, and the area of archaeological sensitivity (Figures 4 and 5). The site is not within the Active Frontage Overlay and Davey Street is not a Solar Penetration Priority Street. The site's Davey Street frontage faces south east.



Figure 4: Showing the zoning of the site under the Hobart Interim Planning Scheme 2015 and surrounding area. The site is bordered in light blue. The blue denotes the Central Business Zone, the grey denotes the Urban Mixed Use Zone, and the green denotes the Open Space Zone. The uncoloured area around the Cove is covered by the Sullivans Cove Planning Scheme 1997. (Source: HCC Geocortex).



Figure 5: The site is bordered blue. The light blue highlighting is the Core Height Area, the yellow is the Fringe Height Area, the orange indicates a solar penetration priority street. (Source: HCC Geocortex).

3. Proposal

- 3.1 Planning approval is sought for Demolition, New Building for 30 Multiple Dwellings and 21 Student Accommodation Units including Carparking, and Associated Works, at 63 Davey Street, 186 Macquarie Street, and the adjacent Davey Street road reservation.

3.2 More specifically the proposal is for:

- The redevelopment of the site at 63 Davey Street, Hobart, involving the demolition of the existing single storey building at 63 Davey Street, including removal of the existing eight parking spaces in the forecourt immediately off Davey Street. The new works are to facilitate use and development for 51 apartments providing a mix of 30 residential and 21 student accommodation apartments.
- The proposed building is in the form of two interconnected building blocks, comprising a four storey building block that will front Davey Street. A second building component is set back 15m from the street frontage. This building component has 10 levels comprising a ground floor, two levels of student accommodation and a further seven levels of residential apartments. Single bedroom apartments are proposed for the student accommodation on levels 1 and 2, with two bedroom apartments across levels 3 to 9, and a three bedroom apartment on level 10 for residential occupation. The uppermost, rooftop level apartment includes a lift overrun and plant room above and is set back 30m from the street frontage. The proposal includes two levels of basement parking for 42 cars and five motorcycles accessed via car lifts. Bicycle parking, vehicle access and manoeuvring, a lobby, services and building access are provided at ground floor level.
- Infrastructure works are also proposed within the basement car parking level of the adjacent property at 186 Macquarie Street.
- Alterations to the access to the site, including altering the footpath levels, are proposed within the Davey Street road reservation.
- The building is proposed to have a maximum height of 35 metres above natural ground level measured to the top of its rooftop plant.
- The total gross floor area of the proposed building is 6,340m².
- External materials are listed as being contemporary, with a mix of precast concrete, stone/tile cladding, metal wall sheeting, timber, aluminium and glass shown. Green roof elements are proposed from level four upwards.

3.3 Images of the proposed development:



Figure 6: The Davey Street (south-eastern) elevation of the proposed building, in context with the existing buildings to either side. (Source: Irenelnc/JAWS)



Figure 7: North-eastern (side) elevation of the proposed building. (Source: Irenelnc/JAWS).

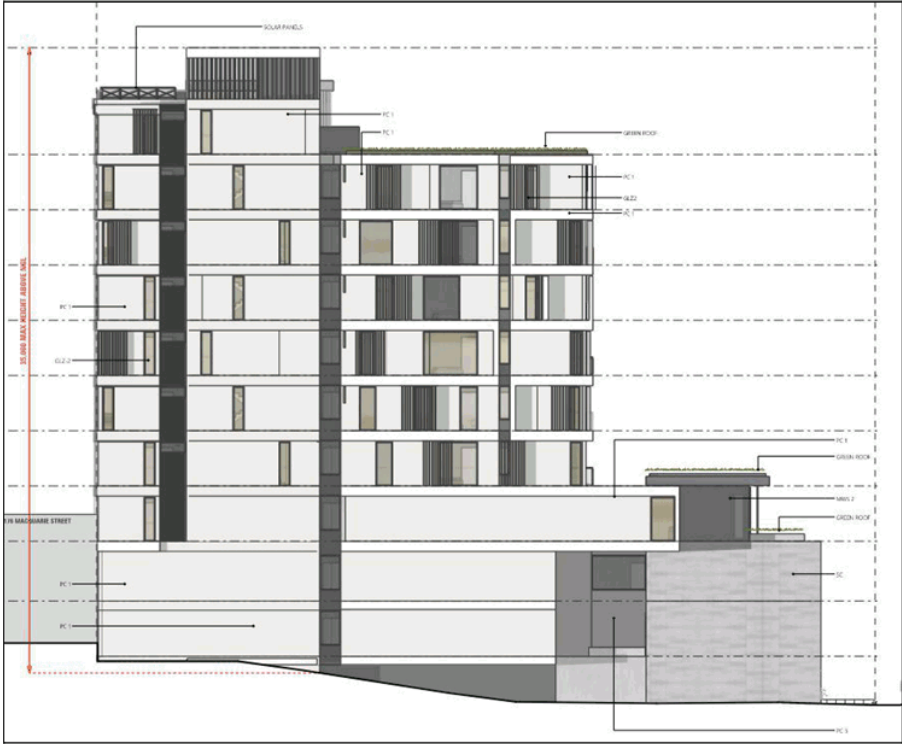


Figure 8: South-western (side) elevation of the proposed building (Source: Irenelnc/JAWS).

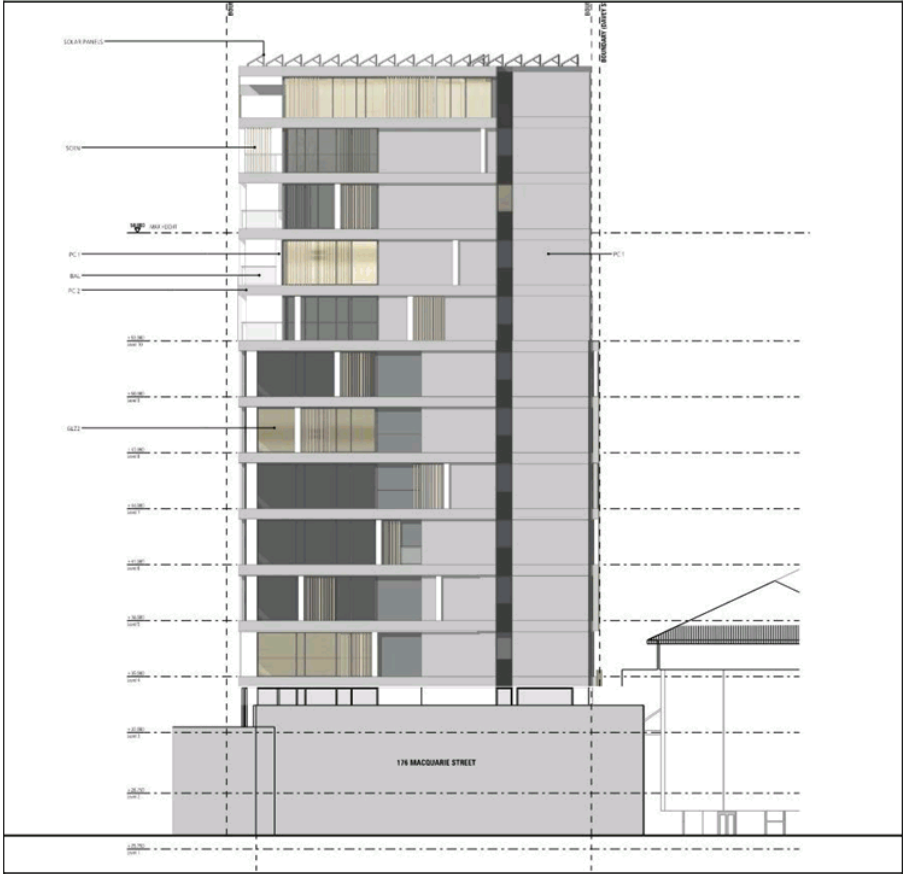


Figure 9: North-western (rear) elevation of the proposed building (Source: Irenelnc/JAWS).



Figure 10: Architect's render of the proposed building as viewed from further down Davey Street, adjacent St David's Park (Source: Irenelnc/JAWS).

4. Background

- 4.1 An early, pre-lodgement version of this proposal was considered by Council's Urban Design Advisory Panel in January 2019. The version considered by the Panel at the time consisted of 14 storeys and a total of 54 residential apartments, along with the two basement car parking levels and ground floor entry and services level. There was a greater number of three-bedroom apartments in this proposal and the maximum height of the building was 44.9m.

- 4.2 The current proposal was considered by the Council's Urban Design Advisory Panel at its meeting on 27 August 2020. The minutes of this meeting are provided as an attachment to this report. The Panel found that the lower elements of the development were well-considered and made a positive contribution to the streetscape but felt more needed to be done in terms of landscaping, however ultimately the Panel concluded that the overall height of the proposal was not appropriate and that only a significant reduction in height could resolve their concerns in terms of the development's impact upon streetscape, townscape and heritage values.
- 4.3 Alterations to the access to the site, including altering the footpath levels, are proposed within the Davey Street road reservation. Because of the dual ownership of Davey Street, both Crown and General Manager consent to lodge the application have been provided.

5. Concerns raised by representors

- 5.1 Three Hundred and Ninety Three (393) representations (366 objecting/ 27 supporting) to the proposal were received within the statutory advertising period between 21/08 and 04/09/2020.
- 5.2 The following table summarises 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>For</u>
The city needs more housing supply, helping to solve the current housing crisis.
The proposal provides more jobs and investment for Hobart and the construction sector. The development will help to stimulate the economy.
The design of the building is fantastic. The stepped design is appropriate, reduces bulk and perceived size. The proposal includes great streetfront activation and occupies only a small parcel of land.
The scale of the building is appropriate upon what is an under used site. The height of the development looks to be appropriate given nearby by tall buildings.
Hobart needs this kind of sensible infill housing. The proposal is a perfect example of what inner city living should be. Will bring greater energy and life to the area.
The development would be beneficial for local businesses.

The development will reduce traffic and parking issues – reduces the demand for vehicles to get people to Hobart.
The development would be a positive investment in these uncertain times.
The developers will be sympathetic to the heritage area and the development will look and feel outstanding for the current environment.
The city will be greatly enhanced by this type of development.
<u><i>Against</i></u>
Negative impact on streetscape, townscape and existing low-rise urban form.
Height too high. Bulk and scale inappropriate and not compatible. Proposal does not respect the human scale of the area or acknowledge its surroundings. The proposal is greedy, lacks foresight and is simply for profit and short-term gain. It is a poor planning outcome.
Negative impacts on the skyline.
Removal of existing building has merit, but the proposed replacement is not the right development for the site.
Would set an unwanted precedent.
Building out of character and of poor design. Low budget, an eye-sore, ugly and generic. Not at all complementary, unique or different. Development may suit some mainland cities but not Hobart.
Building out of context with surrounding area and does not allow for transition in height between the Macquarie Ridge and Sullivans Cove. The proposal is not sensitive to or appropriate for its surroundings.
Negative impact on and domination of Heritage Precinct, heritage streetscape and surrounding heritage buildings. Destroys the charm of the city. The desirable values that make Hobart so appealing and popular, particularly with tourists, are being degraded by such proposals.
Impact on views to Kunanyi / Mt Wellington and visual amenity, particularly from St Davids Park.
Where not compliant with scheme standards the proposal does not meet performance criteria. The proposal fails to meet key scheme requirements.
In comparing the height of the proposal with disconnected taller buildings nearby, the proposal fails to justify the position of the development within a heritage precinct with a distinct streetscape character.
Traffic impacts on Davey Street where traffic congestion is already an issue.

A low rise development would be more appropriate.
Density of apartments is too high. Will produce substandard living conditions.
No need for more student accommodation of which there is currently an excess. The proposed use of the building is questionable. Need more low-income housing not this type of accommodation.
Proposal completely disregards the recent decision on the Welcome Stranger proposal.
Negative impacts on adjacent public spaces. Shadowing and wind tunnel concerns.
Negative impacts on the amenity of rooms within the adjacent St Helens hospital.
Impacts on adjoining businesses some of which rely on quiet environments and are highly noise sensitive. Noise impacts during construction would be problematic. Concerns about construction impacts and inconveniences upon adjacent properties.
Privacy impacts caused by overlooking from apartment windows.
The proposal is another Empress Towers, which is a bad outcome.
Council must stand up to such developments and developers who show such disregard for the local area and be serious about protecting the values of Hobart.
The Leigh Woolley plan for height limits should have been adopted by Council to prevent proposal's such as this.
Poor provision for bicycles and their users in the design of the building.
Decisions on development must not be rushed given current economic uncertainty and recovery from the pandemic.
Proposals should be made to comply with planning standards.

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 Central Business Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The previously approved use is General Retail and Hire. The proposed use is

Residential (Multiple Dwelling and Communal Residence). The existing use is a No Permit Required use in the zone. The proposed use is a Permitted use in the zone, provided it is above ground floor level which is the case in this proposal.

6.4 The proposal has been assessed against:

6.4.1 Part D - 22 Central Business Zone

6.4.2 E5.0 Road and Railway Assets Code

6.4.3 E6.0 Parking and Access Code

6.4.4 E7.0 Stormwater Management Code

6.4.5 E13.0 Historic Heritage Code

6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1 D 22.0 Central Business Zone

Building Height - Part D 22.4.1 P1.1; P5
Setback - Part D 22.4.2 P1

6.5.2 E6.0 Parking and Access Code

Number of Car Parking Spaces - Central Business Zone - Part E 6.6.5 P1
Design of Vehicular Accesses 6.7.2 P1
Facilities for Commercial Vehicles 6.7.13 P1

6.5.3 E9.0 Attenuation Code

Development for Sensitive Use in Proximity to Use with Potential to cause Environmental Harm - Part E 9.7.2 P1

6.5.4 E13.0 Historic Heritage Code

Heritage Precinct - Demolition - Part E 13.8.1 P1
Heritage Precinct - Buildings and Works other than Demolition - Part E 13.8.2 P1
Places of Archaeological Potential - Building, Works and Demolition - Part E 13.10.1 P1

6.6 Each performance criterion is assessed below.

6.7 Building Height - Part D 22.4.1 P1.1

6.7.1 The acceptable solution A1 at clause Part D 22.4.1 requires building height for a new building within the Central Business Core Area for a site with a south-east facing frontage to be no more than 15m if on or within 15m of the frontage and 30m if set back more than 15m from a frontage.

6.7.2 The proposed building includes an initial height of 14.6m, which is maintained for 15m into the site before it rises to 30m in height, which continues for a further 15m into the site before the building rises to its maximum height of 35m. The height of the building then reduces to approximately 32m at the rear of the building, on the rear boundary line of the property. The proposed development exceeds the applicable acceptable solution but does not exceed the limitations of the amenity building envelope, which sets a maximum height of 45m, 30m into a site.

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 P1.1 at clause Part D 22.4.1 provides as follows:

Development contained within the Amenity Building Envelope in Figure 22.3 must make a positive contribution to the streetscape and townscape, having regard to:

(a) the height, bulk and design of existing and proposed buildings;

(b) the need to minimise unreasonable impacts on the view lines and view cones in Figure 22.6 and on the landform horizons to kunanyi/ Mt Wellington and the Wellington Range from public spaces within the Central Business Zone and the Cove Floor;

(c) the need to minimise unreasonable impacts on pedestrian amenity from overshadowing of the public footpath for city blocks with frontage to a Solar Penetration Priority Street in Figure 22.2; and

(d) the need to minimise unreasonable impacts on the amenity of public open space from overshadowing.

- 6.7.5 The subject site and proposed development are not implicated by the areas defined in Figure 22.6 as a view line or view cones.

The site does not have frontage to a solar penetration priority street.

The proximity and orientation of the subject site/proposed building to St David's Park downhill to the east/north-east are such that overshadowing of this nearest area of public open space will not be problematic. Shadow diagrams have not been supplied with the application, however analysis of shadow cast by the proposed development utilising Council's City Model demonstrates that shadow cast by the proposed building would not reach the park. Figures 11 to 13 below demonstrate the shadow cast on June 21. It should be noted that the local topography, the presence of taller buildings further to the west/north-west over Macquarie Street and other larger buildings such as 1 Sandy Bay Road and 2 Heathfield Avenue further to the east would prevent the proposed building contributing any significant degree of additional shadow. In any case it is concluded that public open space will not be affected by shadow.



Figure 11: Shadow cast by the proposed development at 9am on June 21. (Source: HCC K2Vi model).



Figure 12: Shadow cast by the proposed development at 12pm on June 21. (Source: HCC K2Vi model).



Figure 13: Shadow cast by the proposed development at 3pm on June 21. (Source: HCC K2Vi model).

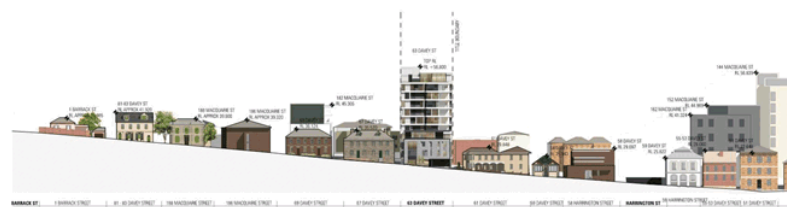
- 6.7.6 Part (a) of the performance criteria P1.1 therefore has the most relevance to the assessment of the proposal's height. The development must make a positive contribution to streetscape and townscape, having regard to the height, bulk and design of existing and proposed buildings. The assessment of the proposal's performance against this clause can be broken into two parts - how it performs in terms of contribution to streetscape; and how it performs in terms of contribution to townscape.

Streetscape

The proposed development exhibits a distinct response to the immediate streetscape in that its initial podium section scales well with existing

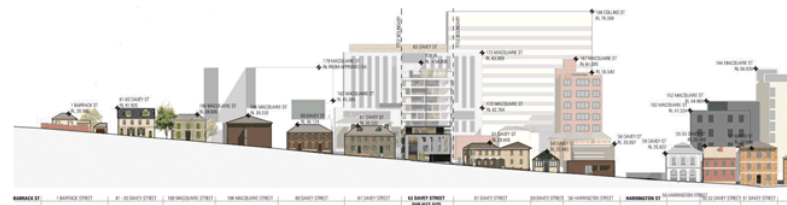
buildings to either side and within the surrounding block. It is noted from the application that the front part of the building has been designed in direct response to the facade scale and setback of adjacent heritage buildings. The front part of the building fills in the gap that currently exists given the existing building on the site has an irregular, larger front setback than adjoining and nearby buildings, and in doing so generates consistency of character and in turn a more positive contribution to the streetscape. Streetscape character is however not confined to the building's immediate appearance when viewed from street level immediately adjacent. So, whilst it may be possible to view the proposed building in relative isolation in direct context with the street from a vantage point close by, it must be viewed from further afield to appreciate its overall bulk and height and contribution to the streetscape, and therefore from this, the overall building must be considered in terms of contribution to streetscape.

The application includes the following representations of the proposed development within the Davey and Harrington Street elevations:



DAVEY STREET ELEVATION - WITHOUT BACKGROUND CONTEXT BUILDINGS

Figure 14: The proposed development in the context of Davey Street (Source: Irenelnc/JAWS).



DAVEY STREET ELEVATION - WITH BACKGROUND CONTEXT BUILDINGS

Figure 15: The proposed development in the context of Davey Street with taller buildings on the Macquarie ridge backdrop included (Source: Irenelnc/JAWS). Note that the backdrop building to the left at 179 Macquarie Street has been approved but does not currently exist.

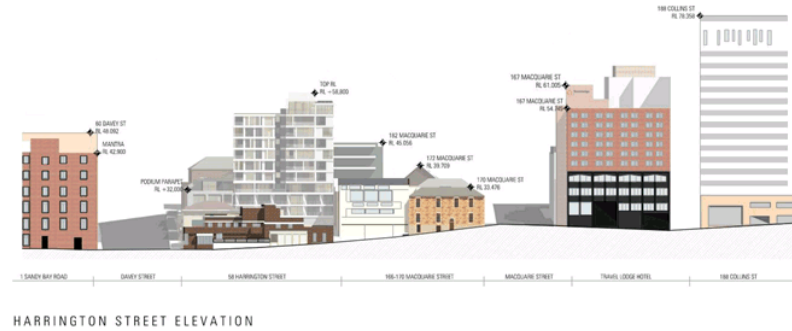


Figure 16: The proposed development in the context of Harrington Street (Source: IrenelInc/JAWS).

6.7.7 'Streetscape' is defined in the *Hobart Interim Planning Scheme 2015* as meaning:

'the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve. For the purposes of determining streetscape with respect to a particular site, the above factors are relevant if within 100 m of the site.'

As pointed out in the submitted documentation, the area within 100m of the site takes in the immediate block between Harrington/Barrack Street and Macquarie/Davey Street, and also areas beyond this which include some taller buildings. Depictions of this taken from the application's analysis of surrounding buildings can be seen in Figures 17 and 18, below.

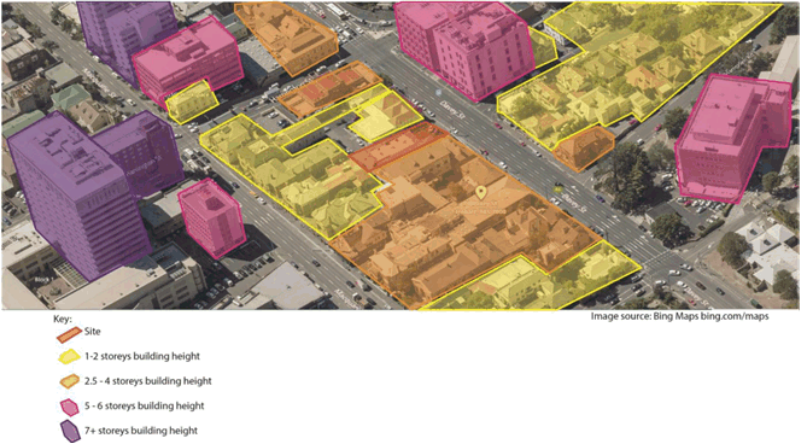


Figure 17: The application's depiction of building heights in urban context. The yellow covers buildings of 1-2 Storeys, the orange covers buildings of 2.5-4 Storeys. The subject site is highlighted red (Source: Irenelnc).

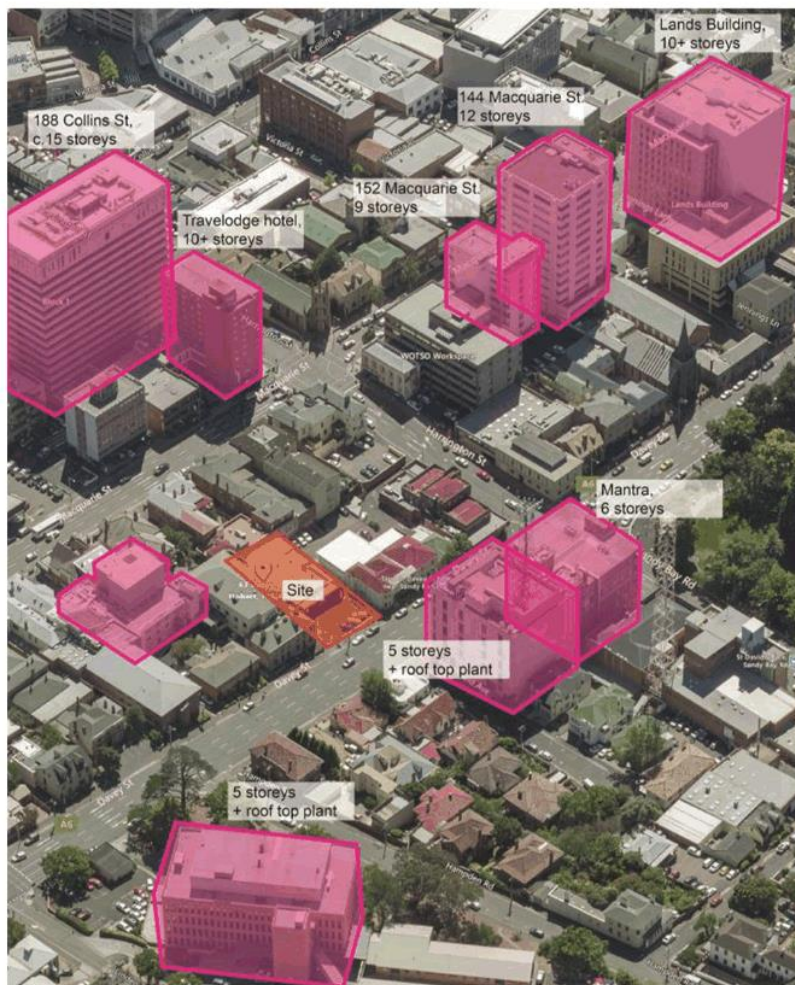


Figure 18: An additional depiction of surrounding building heights from the application (Source: Irenelnc).

- 6.7.8 The application identifies several taller buildings within 100m of the site including the Commonwealth Executive Building at 188 Collins Street over Macquarie Street, the Lands Building further down Macquarie Street, 1 Sandy Bay Road (Mantra) and the Telstra Exchange Building over and down Davey Street and well as the Repatriation Hospital further up and across Davey Street. However, it is arguable that the Executive Building, the Lands Building and the Repatriation Hospital are 'within' 100m of the site, as can be seen in Figure 16 below:



Figure 19: Analysis of properties within 100m radius (yellow outline) of the subject site (63 Davey Street title - highlighted red). The blue outlines represent the roofs of taller buildings not considered to be within the 100m radius. (Source: HCC Geocortex).

- 6.7.9 As can be seen in Figure 19 above, a number of the taller buildings identified in the application as contributing to the streetscape within 100m of the site aren't actually within 100m of the site. As such, using these buildings to consider streetscape, given its definition, is questionable. It is possible that they may contribute to wider townscape considerations however, which will be discussed further in due course.

For context, although a 100m radius extends beyond it, the local block within which the subject site is located, bounded by Davey and Macquarie Streets and Harrington and Barrack Streets has a distinct streetscape character that is worthy of detailed consideration. The block is occupied predominantly by older buildings with a typical scale of one to two storeys, with some taller examples up to four storeys.

The overall block has a low profile in the context of those closer to the centre of the city and this profile is generally consistent, following the slope of the block downwards from Barrack to Harrington Street and also from Macquarie to Davey Street. The single anomalous building within the block is a newer element of St Helen's Hospital which is more or less central within the block and rises above most other buildings at approximately 18m in height but with a relatively narrow cross-section. Most other buildings within the block exhibit a highly consistent, low rise form. Notably this block is covered entirely within a Heritage Precinct (H1) and contains numerous examples of heritage-listed properties, listed both with Hobart City Council and the Tasmanian Heritage Council.

The description of the prevailing Heritage Precinct, which extends across

additional city block further to the north-east, includes reference to it containing some of the most significant groups of early Colonial architecture in Australia with original external detailing, finishes and materials demonstrating a very high degree of integrity, distinctive and outstanding visual and streetscape qualities; as well the continuous two and three storey finely detailed buildings contribute to a uniformity of scale and quality of street space. Given other blocks within this precinct are not as uniform in terms of scale as the block in question, it can be considered that this particular block exhibits unique qualities given the uniformity of scale that remains and as such its streetscape is especially significant, readily identifiable and worthy of increased protection. In many respects therefore, because of the previous acknowledgement of these significant values and additional protections already applied to this block, streetscape as opposed to townscape is the more important consideration in terms of this proposal. Heritage impact considerations are discussed in greater detail elsewhere in this report.

The imagery above suggests that there is a clear disconnect between the subject site and taller buildings in the area. Within 100m of the subject site (63 Davey Street lot), there are a handful of taller buildings, including 1 Sandy Bay Road (Mantra), the Telstra Exchange Building at 2 Heathfield Avenue, the Travelodge and Ibis Hotels at 167-169 and 173 Macquarie Street respectively and the mixed commercial building further down at 156-162 Macquarie Street. These buildings are identified in the application as having between 5-6 storeys and 7+ storeys - The Travelodge and the Ibis are the two 7+ storey examples within 100m of the site. These buildings have heights of 36.9m and 39.7m respectively. The 5-6 storey buildings have heights of 26m, 28.9m and 19.73m.

Notably, none of these more prominent buildings are located within the street block surrounded by Harrington, Barrack, Macquarie and Davey Streets, which is the immediate block in which the subject site is located. As discussed above, it is possible to focus on this block as having the most relevance to streetscape in the context of this proposal, however simply put, in taking the character of buildings within 100m of the site into consideration, there are too few examples to confidently state that the streetscape character is overwhelmingly defined by taller buildings. Given none are immediately adjacent to the subject site, this highlights the individual prominence of the proposed building even further. The distinct prevailing lower scale character suggests that any new building should transition down to the lower buildings adjacent, not upwards to what are disconnected, taller ones further afield.

Townscape

The definition of townscape in the *Hobart Interim Planning Scheme 2015* is:

'the urban form of the city and the visual quality of its appearance, it includes the urban landscape and visual environment of the city. As a concept it strives to give order to the form of the city, the pattern of landscape and development of the urban landscape.'

Townscape is a broader concept to consider. This is essentially how a building fits when viewing an area at a more macro scale, wider than the 100m that is the focus for streetscape consideration. Consideration of townscape is to take into account the variety of heights and building forms that contribute to an area.

As previously mentioned there are more numerous examples of taller buildings if a wider view of the area is taken into account, including the Commonwealth Executive Building at 188 Collins Street (56.6m) and the Lands Building at 144 Macquarie Street (34m), however whilst this may be the case, there are still only a handful of taller buildings informing the local area around the subject site. It is not predominantly characterised by such development.

When viewed from certain vantage points, there is no doubt that the taller buildings in the nearby area, most notably on the Macquarie Ridge, provide a backdrop into which the proposed building would blend. The local topography may also assist when viewing from certain vantage points, however these vantage points are limited. When able to be read in context with the taller buildings nearby the subject site, taking into account local topography, on a broader, conceptual scale, the proposed building could be considered to be complementary. This might be achieved when viewing the building from elevated positions distant from the site, such as West Hobart or Sandy Bay, however this is considered to be neither an overriding factor, nor where the primary consideration of the impact of the building should be focused.

It is difficult to deny the fact that the proposed building would be the only example of such a building in the immediate block surrounding it, and the proposed building doesn't have the benefit of such scale context when viewed from all directions or from semi-close proximity. There are not always taller buildings to provide a backdrop, for instance on occasions when driving up Davey Street, or driving down Macquarie Street. Looking

up Davey Street for example, and as demonstrated in renders submitted with the application, the taller parts of the proposed building have nothing more than blue sky as a backdrop. There are not enough taller buildings immediately surrounding the site to confidently claim that the prevailing character of the local townscape can be defined by them. If some of the taller buildings were adjacent or even within the same block, it would be easier to conclude that is complementary in a practical, tangible sense. Before and after views of the proposed development taken from common public vantage points on Davey Street and Macquarie Street have been taken from Council's City Model and can be seen in Figures below. These views demonstrate some of the occasions when the proposed building makes a tangible change to the existing backdrop and highlight its individual prominence.

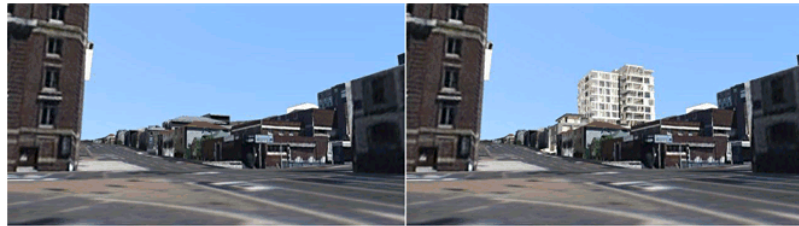


Figure 20: Before and after views towards the site/proposed development from the St David's Park corner on Davey Street and Sandy Bay Road. (Source: HCC K2Vi model).

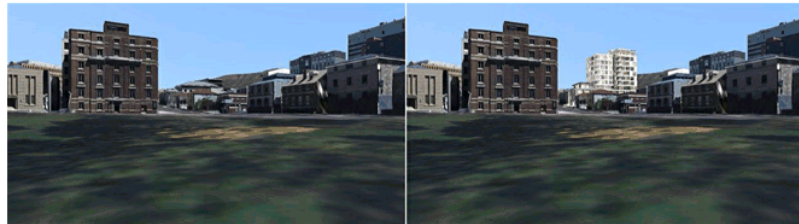


Figure 21: Noting the lack of trees in the model which would provide some relief, before and after views towards the site/development from within St David's Park close to Davey Street. (Source: HCC K2Vi model).



Figure 22: Noting the lack of trees in the model which would provide

some relief, before and after views towards the site/development from the corner of Salamanca Place and Davey Street, adjacent to the St David's Park corner. (Source: HCC K2Vi model).

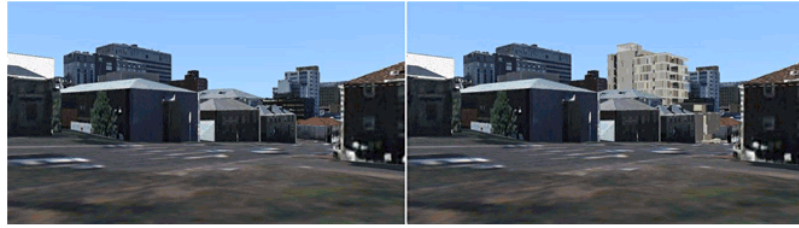


Figure 23: Before and after views towards the site/proposed development from the corner of Davey Street and Hampden Road. Note the presence of the taller buildings in the background allow for the proposed building to blend into the backdrop to some extent. (Source: HCC K2Vi model).



Figure 24: Before and after views towards the site/proposed development from Macquarie Street in front of the old Hutchins School building (181-183 Macquarie Street). Note the taller part of the St Helens Hospital appearing to provide some transition from this angle (Source: HCC K2Vi model).



Figure 25: Before and after views towards the site/proposed development from the northern side of the Macquarie Street/Harrington Street intersection. (Source: HCC K2Vi model).

- 6.7.10 The proposed building would change the form and character that the local block contributes to the wider townscape. This block represents a transition down and away from the centre of the city area, with the topography rising towards the south-east before levelling out. The block's

distinct character of lower buildings and consistent heights is representative of blocks continuing further to the south east up and along Davey Street. Taller, prominent buildings are not characteristic of the townscape in this direction. The proposed building would materially change this form, and in doing so would not positively contribute to the townscape. The lack of tall buildings in the local block is what makes it distinct in its form and character. Taller buildings need to be tucked closer to any that might currently exist in order to better provide for a non-prominent transition. To introduce such a variation where it cannot be anything but immediately prominent is hardly a positive outcome. Converse to the way that the proposed building can be considered to rectify the irregular front setback to Davey Street and therefore be seen as a positive outcome in terms of the immediate streetscape, the height of the proposed building does the opposite, creating an anomaly instead of rectifying one. The height, bulk and design of the building do not allow for consistency with the characteristics of the buildings immediately around it. If the proposed building was lower and not so individually prominent then there would be a greater argument for its consistency, appropriateness for the location and therefore the possibility of a positive contribution.

6.7.11 At its meeting to consider this application, the Council's Urban Design Advisory Panel commented on the various aspects of the proposal in terms of streetscape and townscape. There was broad support for the podium elevation on Davey Street and the Panel found that the massing, materials and height of this part of the proposed building to be well considered and made a positive contribution to the streetscape. However the principal concern of the Panel remained the overall height of the proposal, specifically with regard to impact on the values of the local Heritage Precinct, but categorically that the height of the tower elements would cause the proposal to be prominent in the townscape and streetscape, adversely impacting the qualities of the Heritage Precinct, especially the Davey Street streetscape and St Davids Park. The Panel concluded that objective (b) of Clause 22.4.1 (that a development does not unreasonably impact on historic heritage character) and P1.1(a) of the Scheme were not met.

6.7.12 The proposal does not comply with the performance criterion.

6.8 Building Height - Part D 22.4.1 P5

6.8.1 The acceptable solution A5 at clause Part D 22.4.1 requires building height of development within 15m of a frontage and not separated from a place listed in the Historic Heritage Code by another building, full lot or

road, must (a) not exceed 1 storey or 4m (whichever is the lesser) higher than the facade building height of a heritage building on the same street frontage; and (b) not exceed the facade building height of the higher heritage building on the same street frontage if the development is between to heritage places; or (c) comply with the acceptable building height applicable to the site's frontage orientation, whichever is the lesser.

- 6.8.2 The proposed development within 15m of the frontage exceeds the two storey facade of the adjacent heritage building at 61 Davey Street by more than 4m or 1 storey.
- 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 P5 at clause Part D 22.4.1 provides as follows:

Building height within 15m of a frontage and not separated from a place listed in the Historic Heritage Code by another building, full lot (excluding right of ways and lots less than 5m width) or road (refer figure 22.5 i), must:

(a) not unreasonably dominate existing buildings of cultural heritage significance; and
(b) not have a materially adverse impact on the historic cultural heritage significance of the heritage place;

(c) for city blocks with frontage to a Solar Penetration Priority Street in Figure 22.2, not exceed the Amenity Building Envelope illustrated in Figure 22.3, unless it can be demonstrated that the overshadowing of the public footpath on the opposite side of the Solar Penetration Priority Street does not unreasonably impact on pedestrian amenity.

- 6.8.5 The subject site does not have frontage to a Solar Penetration Priority Street.
- 6.8.6 The Council's Senior Cultural Heritage Officer has assessed this aspect of the proposal's impact upon the adjacent heritage buildings, and states that:

The heritage listed buildings in Davey Street are shown below. The discussion in relation to 22.4.1 P5 follows.



Adjacent heritage listed building at 61 Davey Street. Source: Council image



Adjacent heritage listed building at 65 Davey Street. Source: Council image

The adjacent heritage listed buildings have the following attributes: simple uncomplicated, well mannered, restrained and modest design, cohesive character and scale, symmetry or regular rhythm,

clear horizontal lines, and a fenestration pattern of traditional sash windows of similar proportions. In addition, they have narrow eaves and a simple roof form that has a practical purpose, but also offers an aesthetic function to delineate proportions and define the area between the walls and a pitched roof. Each heritage listed building is also solidly anchored to the ground.

65 Davey Street has two storeys with attic windows, 61 Davey Street has two storeys. This proposal is four storeys. There are no four storey buildings in this section of Davey Street. One of the characteristics in this block is that the buildings step down Davey Street in an orderly fashion and this can be seen in eaves line of each building and this is demonstrated in the applicant's documentation of the streetscape (see above). Even the recent infill to St Helen's Hospital, respects this pattern, and overall, the listed buildings exhibit a modulated height and rhythm that is rare in Hobart.

While the physical measurement of height difference might be considered minor, the new proposal has design features which contribute to the building having a taller perceived or apparent height, thus leading to it dominating and asserting itself within the existing streetscape.

In summary, the design features that give the proposal a greater perceived and less respectful height in this well mannered streetscape are as follows:

- The proposal is approximately 8.4 metres above the eaves line of the adjacent heritage listed property at 61 Davey Street.
- The proposal has three levels of square, sharp edged and contemporary lines which contrast with the subtle modulated elevations of the adjacent heritage listed buildings to create a more prominent and monolithic form.
- The projecting solid eaves of the darker 'mini penthouse' is a contemporary form that is heavier than any roof form of the heritage listed places adding to the height and heaviness of the four storey form.
- The proposal has a deep undercroft at ground level for vehicular and pedestrian access which results in the street façade being elevated above the ground and appearing higher than it actually is.
- The large vertical window configuration over two floors provide a

verticality to the three storey portion that gives the building even great height.



BEFORE: Davy Street



AFTER: Proposed

The above image demonstrates an obvious change in building height in the historic streetscape. Source: Applicant's supporting documentation

In addition, the four storey element including the dark 'mini penthouse' on top will obscure the roof scape including chimneys of adjacent buildings. A close look at the applicant's submitted

documentation demonstrates how much taller in the streetscape it will appear.



The above image demonstrates an obvious change in the historic streetscape and shows the real and perceived height of the front four storey element . Source: Applicant's supporting documentation

Not only is it higher than adjacent buildings, but the design of the proposal will result in it appearing even higher and more out of scale and proportion, 'stealing the thunder' of existing heritage listed buildings. It projects further into the streetscape and asserts itself, making its presence felt in all directions. It is sharper and of a form that is more prominent, flamboyant and 'monolithic' than the adjacent polite heritage listed buildings such that it will detract from and be more prominent than the heritage listed buildings. This has an unreasonable impact on the historic heritage character of heritage places such that they are obscured, appear dominated and lesser in scale.

A building that was two or two and half storeys high would be a more appropriate response where the heritage and streetscape values are the most significant in Hobart.

It is concluded that the proposal unreasonably dominates the adjacent buildings by virtue of the height of the lower element that is four storeys high and has a materially adverse impact on the restrained heritage qualities of the adjacent places through its height different design, form, fenestration pattern vertical facade treatment and alternative roof form by upstaging the adjacent buildings. The proposal does not satisfy 22.4.1 P5.

6.8.7 The Senior Cultural Heritage Officer's report is provided as an attachment

to this report.

6.8.8 The proposal does not comply with the performance criterion.

6.9 Setback - Part D 22.4.2 P1

6.9.1 The acceptable solution A1 at clause Part D 22.4.2 requires building setback to be parallel to a frontage and to be no more than 0m.

6.9.2 The proposal includes the front facade of proposed building's initial podium element above ground floor level having a front setback ranging between 2.4m at its north-eastern end to 2.9m at its south-western end. At ground level a 6m wide driveway access is located to the right hand side under the overhang of the building above, whilst to the left is the pedestrian access to the site, its lobby and reception, in front of which is an external entry forecourt accessed via a small number of stairs, with retained planters to either side.

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 P1 at clause Part D 22.4.2 provides as follows:

Building setback from frontage must satisfy all of the following:

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

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

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

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

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

- 6.9.5 The proposed development demonstrates a degree of consistency towards the frontage setbacks of existing buildings to either side on Davey Street, particularly those to the uphill side which have uniform frontage setbacks of a similar distance, whilst the adjacent building to the downhill side is set closer to its Davey street frontage. When considered in context with the existing building on the subject site, which maintains a highly atypical frontage setback of approximately 13m, the proposed development is much more consistent and therefore in keeping with the setback character in the immediate area on this side of Davey Street.

Desired Future Character Statements for the Central Business Zone address the siting, bulk and design of buildings, and where most relevant to setback refer to the need to reinforce streetscape pattern and consistency in building edges and height at the street wall.

In filling out and occupying the majority of the space left at the front of the site by the existing building, the proposal rectifies what is an irregular gap in the street edge and local streetscape character on this side of Davey Street. The proposed building replaces an unsightly carparking area with a more hardened street edge, promoting the street wall for its initial podium section and incorporating hard edges at ground level with planters on either side of the main access which is characteristic of properties to either side. Examples of small areas of landscaping within the immediate local streetscape allow for appropriate tree species and low lying plants to provide some softening of built form and promotion of greenery up and down both sides of Davey Street. The proposal suggests an intent to further promote this well established theme with the inclusion of planters and trees such as pines or conifers, examples of which can be seen in front of buildings to either side.

The alignment of the building to the frontage at ground level is not suggestive of any unreasonable inclusion of concealment spaces or or entrapment opportunities. All areas at the front of the site can be reasonably surveilled from the street or footpath.

Where the larger variations to the building alignment occur (vehicle access into building, entry forecourt) these variations are not considered to be significant, and in terms of the driveway access, this element of the development is encompassed by the overhang of the first floor of the building above.

- 6.9.6 At its meeting to consider the proposal the Urban Design Advisory Panel

considered that at ground level the extent of landscaping could be more substantial and that the use of quality materials (especially paving) must be extended to the full frontage of the site including the driveway and service areas. On the question of landscaping generally, the Panel felt that there remained a lack of detail and any approval should include appropriate conditions regarding the engagement of a landscape architect and the submission of detailed landscaping plans for approval.

- 6.9.7 The proposal complies with the performance criterion. The inclusion of conditions as recommended by the Urban Design Advisory Panel is considered appropriate.

6.10 Number of Car Parking Spaces - Central Business Zone - Part E 6.6.5 P1

- 6.10.1 The acceptable solution A1 at clause Part E 6.6.5 requires (a) no on-site parking to be provided; or (c) on-site parking to be provided at a maximum rate of 1 space per dwelling for residential uses.
- 6.10.2 The proposal includes 42 residential parking spaces catering for the 30 residential apartments, exceeding the acceptable requirement.
- 6.10.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.10.4 The performance criterion P1 at clause Part E 6.6.5 provides as follows:

Car parking provision:

(a) is in the form of a public car parking station provided as part of a development which utilises a major existing access; or

(b) must not compromise any of the following:

- (i) pedestrian safety, amenity or convenience;*
- (ii) the enjoyment of 'al fresco' dining or other outdoor activity;*
- (iii) air quality and environmental health;*
- (iv) traffic safety.*

- 6.10.5 The Council's Senior Development Engineer provides the following assessment of the proposal against this clause:

(i) pedestrian safety, amenity or convenience

- The proposed singular access for 42 car-parking spaces causes a concentration of vehicle movements across the footpath.
- The sight distance to pedestrians does not comply with the Australian

Standard due to the height of the proposed boundary fence exceeding 1.2m.

- Pedestrian safety and convenient use of the footpath will therefore be compromised. A condition is recommended for maximum boundary fence height.

(ii) *the enjoyment of 'al fresco' dining or other outdoor activity*

- None near the proposed development.

(iii) *air quality and environmental*

- This is not compromised (beyond what is typically accepted for a multi-storey apartment complex).

(iv) *traffic safety.*

- There are kerb-side parking spaces adjacent to the access that inhibit the sight distance to vehicles on Davey Street.
- Davey Street is heavily trafficked, particularly during peak hours.
- The gradient of Davey Street is in a favourable direction and improves the sight distance.
- Traffic safety is not compromised beyond what is typical for an access servicing a multi-storey apartment complex.
- The design has been assessed by a consulting traffic engineer and has been found to be acceptable (refer TIA).

6.10.6 The officer's report is provided as an attachment to this report.

6.10.7 The proposal complies with the performance criterion.

6.11 Design of Vehicle Accesses 6.7.2 P1

6.11.1 The acceptable solution A1 at clause Part E 6.7.2 requires the design of vehicular accesses to meet the relevant Australian Standard.

6.11.2 The proposal includes new access arrangements that do not meet the relevant Australian Standard.

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

6.11.4 The performance criterion P1 at clause Part E 6.7.2 provides as follows:

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

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

6.11.5 The Council's Senior Development Engineer provides the following assessment of the proposal against this clause:

- (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;*

Vehicles and Cyclists:

- There are kerb-side parking spaces adjacent to the access that inhibit the sight distance to vehicles on Davey Street.
- Davey Street is heavily trafficked, particularly during peak hours.
- The gradient of Davey Street is in a favourable direction and improves the sight distance.
- Traffic safety is not compromised beyond what is typical for an access servicing a multi-storey apartment complex.
- The design has been assessed by a consulting traffic engineer and has been found to be acceptable (refer TIA).

Pedestrians:

- The proposed singular access for 42 car-parking spaces causes a concentration of vehicle movements across the footpath.
- The sight distance to pedestrians does not comply with the Australian Standard due to the height of the proposed boundary fence exceeding 1.2m.
- Pedestrian safety and convenient use of the footpath will therefore be compromised. A condition is recommended for maximum boundary fence height.

- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;*

- Assessed by a consulting traffic engineer and found to be acceptable (refer TIA).

- (c) suitability for the type and volume of traffic likely to be generated by the use or development;*

- The width and gradient of the access is acceptable for servicing the 42 parking spaces proposed.

- Assessed by a consulting traffic engineer and found to be acceptable (refer TIA).

(d) *ease of accessibility and recognition for users.*

- The location of the access will permit easy use.
- The access is consistent with surrounding properties and as such ease of recognition is acceptable.

6.11.6 The officer's report is provided as an attachment to this report.

6.11.7 The proposal complies with the performance criterion.

6.12 Facilities for Commercial Vehicles 6.7.13 P1

6.12.1 The acceptable solution A1 at clause Part E 6.7.13 requires commercial vehicle facilities to be provided on site in accordance with the relevant Australian Standard.

6.12.2 The proposal does not provide commercial vehicle facilities on site in accordance with the relevant Australian Standard.

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

6.12.4 The performance criterion P1 at clause Part E 6.7.13 provides as follows:

Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.

6.12.5 The Council's Senior Development Engineer provides the following assessment of the proposal against this clause:

- The traffic engineering consultant has advised that private collection will be undertaken from the kerb-side, and that the associated risk and interruption to convenience is tolerable
- The Department of State Growth has endorsed the TIA with proposed private collection from the carriageway
- On this basis, the proposed commercial vehicle arrangements (i.e. waste collection) can be supported. A condition is recommended for a waste management plan.

6.12.6 The officer's report is provided as an attachment to this report.

6.12.7 The proposal complies with the performance criterion.

6.13 Development for Sensitive Use in Proximity to Use with Potential to cause Environmental Harm - Part E 9.7.2 P1

6.13.1 There is no acceptable solution for new sensitive (residential) uses located in close proximity (200m) of a use with the potential to cause environmental harm.

6.13.2 The proposal includes new residential use within 200m of a live music venue.

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

6.13.4 The performance criterion P1 at clause Part E 9.7.2 provides as follows:

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

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

(i) operational characteristics;

(ii) scale and intensity;

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

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

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

6.13.5 The Council's Environmental Development Planner provides the following assessment of the proposal against this clause:

The Duke Hotel has live music, a function room and an outdoor area, operating most nights and sometimes after midnight. The main source from the venue would be patron noise from the outdoor area.

The attenuation distance for the music venue is 200m under the Code, and the proposed residential development would be a minimum of 112m from the music venue.

The proposed apartment building would be of solid construction, with most of the proposed apartments being on the far side of the building away from the music venue, and no decks are proposed facing the venue.

Given the separation distance, building design, topography, buildings between the two sites and the relatively high ambient noise levels in the area, noise nuisance to the residents of the proposed apartments from The Duke Hotel is not considered a credible risk. The exercise of discretion is recommended.

A construction environmental management plan condition is also recommended.

6.13.6 The proposal complies with the performance criterion.

6.14 Heritage Precinct - Demolition - Part E 13.8.1 P1

6.14.1 There is no acceptable solution for demolition within a Heritage Precinct.

6.14.2 The proposal includes demolition of the existing building and associated elements on the site to make way for the proposed development within Heritage Precinct H1.

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

6.14.4 The performance criterion P1 at clause provides as follows:

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.

- 6.14.5 The Council's Senior Cultural Heritage Officer provides the following assessment of the proposal against this clause:

The building of 63 Davey Street, is of a scale and siting that results in it being subservient to and sits recessively in this highly important streetscape. However, it dates to 1979 and has a carpark to the front and little architectural merit and it does not make a positive contribution to the stated historic cultural heritage significance of the precinct. In this instance (a) and (b) of E13.8.1 P1 must be satisfied prior to meeting sub-clauses (i), (ii) and (iii). For the reasons outlined above it is concluded that clause E13.8.1 P1 is satisfied.

- 6.14.6 The officer's report is provided as an attachment to this report.

- 6.14.7 The proposal complies with the performance criterion.

6.15 Heritage Precinct - Buildings and Works other than Demolition - Part E 13.8.2 P1

- 6.15.1 There is no acceptable solution for buildings and works within a Heritage Precinct.

- 6.15.2 The proposal includes a new building and associated works within Heritage Precinct H1.

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

- 6.15.4 The performance criterion at clause Part E 13.10.1 P1 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.

- 6.15.5 The Council's Senior Cultural Heritage Officer provides the following

assessment of the proposal against this clause:

Assessment of this proposal must consider the building as a whole within the Heritage Precinct.

A Heritage Precinct is defined in E13.3.1 Definition of Terms in the Historic Heritage Code as:

"means an area shown on the planning scheme maps as a heritage precinct and described in Table E13.2 as having particular historic cultural heritage significance because of the collective heritage value of individual places as a group for their streetscape or townscape values."

Streetscape is defined in 4.1 of the Scheme as:

"means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.

For the purposes of determining streetscape with respect to a particular site, the above factors are relevant if within 100 m of the site."



Part of the streetscape on Davey Street with the subject site in the

centre. Source: Council image

For the purposes of assessing this proposed building against E13.8.2 P1 it is: a tiled/stone square facade element fronting Davey Street, that has three floors, a separate apartment element with a darker horizontal overhanging roof form, set back and in, that forms a street front element of four stories, a higher tower 15 metres back from the street frontage with a 'penthouse' and service structure on top. Overall, the building has a height of approximately 36 metres above the ground level at the street frontage, and a RL of 58.8. The proposal is shown below. The taller 'greyed out' buildings behind (eg Commonwealth Centre and Ibis Hotel) are not relevant in the consideration of clause E13.8.2 P1 as they are outside the Heritage Precinct and not in the streetscape as defined. The tower component of the proposed building is also 'greyed out' but this must not be misconstrued as 'being in the background' or outside the Heritage Precinct and therefore not part of this proposal.

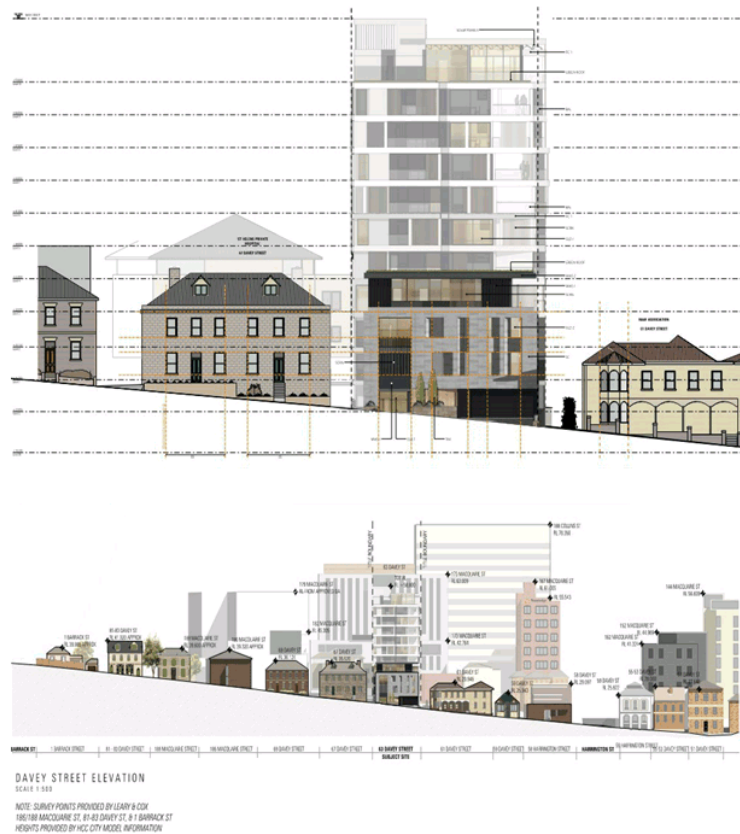


Image: The subject site is in the centre. The 11 storey building

behind is shown as 'greyed out' and the buildings outside the Heritage Precinct in Macquarie Street are also shown as 'grey out' which could be misconstrued as an existing building or not part of this proposal. Source: Screenshot from applicant's documentation.

In consideration of clause E13.8.2 P1, detriment means "damage or loss to such value or thing". This is stated in *Hexa Pacific Pty Ltd v Hobart City Council and Ors [2020] TASRMPAT 1* at [83].

Comparisons with the Welcome Stranger at 58 Harrington Street proposal and subsequent Tribunal decision must be drawn carefully. The sites are near (a heritage listed building separates them) and both are located in the same Heritage Precinct. The Welcome Stranger proposal differed by having two tower components of 10 floors and 13 floors and was located on a corner site. This proposal has a tower component of 11 floors.

However, in relation to that decision and clause E13.8.2 P1, the Tribunal stated "The Proposal is to be located within an area of the Precinct where the streetscape largely comprises buildings that fall within the description set out in Statement 3 for the Heritage Precinct. In the Tribunal's view, the Proposal whilst comprising elements of different heights and setbacks, includes two tower elements which introduce a development scale so at odds in the location with the identified statements of significance (and in particular Statement 3), and would result in the Heritage Precinct as a whole being detrimentally impacted." *Hexa Pacific Pty Ltd v Hobart City Council and Ors [2020] TASRMPAT 1* at [92].

The current proposal is, based on height measurement, approximately 4.3 metres lower than the Welcome Stranger proposal when the measurement is taken from the street ground level. The subject site is up the hill from the Welcome Stranger site with the subject site dropping down Davey Street approximately 1.6 metres across the street frontage. The RL of the top of the Welcome Stranger was 63.00, while in comparison the RL at the highest point for the current proposal is 58.80.

This proposal differs from the Welcome Stranger proposal in that it is 11 floors high (including the ground floor) and measures approximately 36 metres above the ground level at the street frontage. The following image shows the proposal inserted into the streetscape.



BEFORE: Davey Street



The above image demonstrates an obvious change in the historic streetscape. Source: Applicant's supporting documentation

In summary the proposal is of a scale that is at odds with the streetscape that is within an area of the precinct that largely comprises buildings that fall within the description within the statements of significance of '*continuous two to three storey finely detailed buildings*'. That is, within the block of Davey, Barrack, Macquarie and Harrington Street the buildings of the precinct are characterised by one, two and three storey buildings around the edge with the maximum height of any building to the rear is 5 storeys. Where the uniformity of streetscape and scale is so central

to the heritage values of this block, a building that is taller by the extent proposed cannot enhance the heritage values because it will be out of scale and context with its surroundings. In this respect, there is detriment to an element of a wider precinct and therefore there will be detriment in this case to the precinct values as a whole. The proposal does not satisfy E13.8.2 P1.

6.15.6 The officer's report is provided as an attachment to this report.

6.15.7 The proposal does not comply with the performance criterion.

6.16 Places of Archaeological Potential - Building, Works and Demolition - Part E
13.10.1 P1

6.16.1 The acceptable solution A1 at clause Part E 13.10.1 requires buildings and works to not involve excavation or ground disturbance.

6.16.2 The proposal includes demolition of the existing building and excavation for the proposed new development.

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

6.16.4 The performance criterion P1 at clause Part E 13.10.1 provides as follows:

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

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

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

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

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

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

- 6.16.5 The Council's Senior Cultural Heritage Officer provides the following assessment of the proposal against this clause:

The Praxis Environment report identifies an area of high archaeological potential and this is denoted in an area of red in figure 7.1 (p.48) of the Praxis report. It is acknowledged that the disturbance history may be greater than observations and historical records of the site, however, the report suggests taking a cautious approach and that structural remains associated with the c.1830 dwelling and outbuilding relating to the potential remains of the domestic occupation of the site. The report recommends that "Any excavation proposed in areas of high archaeological potential must be preceded by an archaeological impact assessment, and if necessary an archaeological method statement, which details measures to be taken to avoid or mitigate impact upon the archaeological resource. That method statement must be in accordance with industry standard (e.g. the Tasmanian Heritage Council's Practice Note 2 – Managing Historical Archaeological Significance in the Works Application Process) and implemented in the works process." This can be achieved by a condition of permit and as such the proposal can satisfy E13.10.1 P1.

- 6.16.6 The officer's report is provided as an attachment to this report.

- 6.16.7 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Demolition, New Building for 30 Multiple Dwellings and 21 Student Accommodation Units including Carparking, and Associated Infrastructure and Access Works, at 63 Davey Street, 186 Macquarie Street, and the adjacent Davey Street road reservation.

- 7.2 The application was advertised and received 393 representations. The representations raised concerns including the proposal's lack of compliance with scheme standards and lack of justification; its incompatibility with and impacts upon the surrounding area and heritage precinct; its impacts upon local amenity, traffic and adjacent properties and uses; the poor quality of the development; the lack of need for the accommodation being proposed; and the negative impacts the proposal would have on Hobart's character.

Twenty seven representations were in favour of the proposal, citing its provision of desperately needed housing; the provision of jobs and stimulation of the economy and construction sector; the good design and appropriate height and scale of the building; the proposal representing positive investment in uncertain times; and positive impacts on local businesses, city parking and Hobart in general.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Roads, Traffic and Environmental Engineers, Environmental Development Planner and Senior Cultural Heritage Officer. The Senior Cultural Heritage Officer has recommended the proposal be refused on heritage grounds. The other officers are supportive of the proposal subject to conditions. The proposal was also referred to the Tasmanian Heritage Council due to the property at 186 Macquarie Street being included in the overall development site. The Tasmanian Heritage Council's Regional Heritage Advisor was satisfied that the minimal level of works on the listed site was such that should the application be approved advice should be included on the permit to ensure heritage approval is gained before any works, excavation, ground disturbance or other heritage works occurs on the listed site.
- 7.5 The proposal is recommended for refusal.

8. Conclusion

- 8.1 The proposed Demolition, New Building for 30 Multiple Dwellings and 21 Student Accommodation Units including Carparking, and Associated Infrastructure and Access Works at 63 Davey Street and 186 Macquarie Street, and Adjacent Road Reserve, HOBART does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Demolition, New Building for 30 Multiple Dwellings and 21 Student Accommodation Units including Carparking, and Associated Infrastructure and Access Works at 63 Davey Street and 186 Macquarie Street, and Adjacent Road Reserve, HOBART for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 22.4.1 A1 and P1.1(a) of the Hobart Interim Planning Scheme 2015 because the development does not make a positive contribution to the streetscape and townscape, having regard to the height, bulk and design of existing and proposed buildings.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P1 of the Historic Heritage Code of the Hobart Interim Planning Scheme 2015 because the proposal results in detriment to the historic cultural heritage significance of the precinct through its design and siting.
- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.1 P5 of the Historic Heritage Code of the Hobart Interim Planning Scheme 2015 because the proposed building unreasonably dominates and has a materially adverse impact on adjacent existing buildings of cultural heritage significance through its height.



(Cameron Sherriff)

Development Appraisal Planner

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 6 October 2020

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Attachment D - Planning Referral Officer Senior Development Engineer

Attachment E - Urban Design Advisory Panel Minutes

7.1.2 518 HUON ROAD, SOUTH HOBART - SECURITY FENCE AND GATES
PLN-20-438 - FILE REF: F20/109348

Address: 518 Huon Road, South Hobart
Proposal: Security Fence and Gates
Expiry Date: 19 November 2020
Extension of Time: Not applicable
Author: Mark O'Brien

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for security fence and gates at 518 Huon Road, 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-20-438 - 518 HUON ROAD SOUTH HOBART TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENV 1

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

Advice:

For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click

[here](#).

Reason for condition

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

ADVICE

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

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


BUILDING PERMIT

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

WEED CONTROL

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

Attachment A: PLN-20-438 - 518 HUON ROAD SOUTH HOBART
TAS 7004 - Planning Committee or Delegated
Report ↓ 

Attachment B: PLN -20-438 - 518 HUON ROAD SOUTH HOBART
TAS 7004 - CPC Agenda Documents (Supporting
information) 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Council: 26 October 2020
Expiry Date: 19 November 2020
Application No: PLN-20-438
Address: 518 HUON ROAD , SOUTH HOBART
Applicant: RUTH PARRY
50 MACQUARIE STREET
Proposal: Security Fence and Gates
Representations: One
Performance criteria: Environmental Management Zone Development Standards

1. Executive Summary

- 1.1 Planning approval is sought for Security Fence and Gates, at 518 Huon Road South Hobart.
- 1.2 More specifically the proposal includes:
 - a new 2.4m high chain link fence surrounding the perimeter of the Council's Bushland Operations Depot;
 - a new 2.4m high entrance gate at the existing vehicular access point to Huon Road; and
 - two new 2.4m high chain link gates facilitating access to Ridgeway Park for operational reasons.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Environmental Zone Development Standards - Setback
- 1.4 One (1) representation objecting to the proposal was received within the statutory advertising period between 15 September 2020 and 29 September 2020.
- 1.5 The proposal is recommended for approval subject to conditions.

- 1.6 The final decision is delegated to the Council, because one objection has been received and Council is the applicant and the fence is located on Council owned land.

2. Site Detail

- 2.1 The site for the purposes of this application is the buildings and immediate surrounds of the Council's Bushland Operations Depot at 518 Huon Road, as shown by Figure 1 below. The site is not currently fenced and contains several buildings used by Council's Bushland Operations Depot, surrounded by native vegetation that forms part of Ridgeway Park. The site is adjoining land containing dwellings in the General Residential and Environmental Living Zones, as shown by Figure 2 below.



Figure 1: Location Plan (site depicted by blue outline)



Figure 2: Zoning Plan (General Residential Zone shown red, Environmental Living Zone shown olive green, Environmental Management Zone shown bottle green; Utilities Zone shown yellow))

3. Proposal

- 3.1 Planning approval is sought for a Security Fence and Gates, at 518 Huon Road South Hobart.
- 3.2 More specifically the proposal includes:
- a new 2.4m high chain link fence surrounding the perimeter of the Council's Bushland Operations Depot;
 - a new 2.4m high entrance gate at the existing vehicular access point to Huon Road; and
 - two new 2.4m high chain link gates facilitating access to Ridgeway Park for operational reasons.



Figure 3: Proposed Site Plan



Figure 4: Proposed Elevation Plan

4. Background

- 4.1 This is a Council application for works at the Council's Bushland Operations Depot. The proposal was submitted with the consent of Council's General Manager as the land is owned and managed by City of Hobart (GMC-20-44).
- 4.2 The applicant has provided the following background as to why the fence and gates are required.

The City's Bushland Operations Depot at 518 Huon Road, South Hobart has been subjected to various security breaches over the past few years. CCTV cameras were installed at the site in the last 12 months helping to keep the City's buildings and machinery monitored. To further protect these assets and other materials stored on the site it is proposed to build a chain link fence with a security gate around the complex.

This would upgrade the security on this site to be in line with the Cleary's Gates Depot. The City's Domain Quarry and Self's Point Depot are both also protected with similar fencing and CCTV cameras. This has been beneficial in keeping plant, equipment and assets secure.

5. Concerns raised by representors

- 5.1 One (1) representation objecting to the proposal was received within the statutory advertising period between 15 September 2020 and 29 September 2020.
- 5.2 The following table outlines the concerns raised in the representation received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Noise
<p>The security gate is proposed to be automatic, of steel construction and I am concerned about the noise it will make as it opens and closes as well as any noise the motor might make. This will occur numerous times throughout the day and I currently work from home a significant portion of the week.</p> <p>Vehicles will be driving up the shared driveway, waiting outside my gate with their engines running while the security gate opens and because the gate is located at the top of an incline they will have to rev their engines to enter once the gate opens. These vehicles are mostly large 4x4s, utes and trucks.</p>

Access

The gate will exacerbate the existing problems with congestion in my driveway – especially if visitors cannot readily access the site.

A recent example was during controlled burns undertaken in the immediate areas around the depot. The driveway was blocked for almost an hour by fire vehicles wanting access to the site. The vehicles backed-up along the length of the driveway and out onto Huon Road at a time I needed to leave for go to work.

Aesthetic Impact

Drive along Huon Road and you will see numerous signs protesting the proposed cable car. It is a reminder that many people move to this community to enjoy the character and natural values of the area. That is why I purchased 516 Huon Road.

The installation of a powered automatic gate at the end of our shared driveway will inevitably lead to further negative aesthetic impact including further mandatory site signage, road marking and possibly speed-humps are installed.

The installation of 2.4-meter-tall steel gate topped with spikes and the extended chain-link fencing will negatively impact the character of the area and create a harmful change that will impair my ability to enjoy my property. The gate will be imposing and clearly visible as I enter and leave my property. While at home, it will be visible from my kitchen and living areas of my house.

Recently the depot installed a large, white and orange sign in the same approximate location as the proposed gate and roughly the same height – it breaks the skyline and is impossible to ignore it whether inside or outside the house.

The Depot's application uses Cleary's Gates and Self's Point depots as a model and example of the sort of structures they want to install. Neither of cited depots share boundaries with residential properties or are even near them. The City's Bushland Depot is different and requires more consideration to its neighbours who will have to live every day with the both the changes they make and the unintended results of those changes.

Summary

I believe the plan will negatively affect my property through noise, access problems, security issues and amenity. I also believe these things will combine to reduce the value and saleability of my property. I believe the fence and gate should be located further back towards the depot buildings and not include the car park for private vehicles. Neither Self's Point nor Cleary's Gates have built fences to enclose the parking areas for private vehicles however the one at the City's Bushland Depot has been enclosed, significantly increasing the cost, size and impact of the fences.

As a Hobart City rate payer, a good neighbour to the Depot, and an otherwise happy member of the South Hobart community, I would like to discuss the way forward and reach a mutual agreement

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 Environmental Management Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing and proposed use of the site is for natural and cultural values management, which is a no permit required use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D - 29 Environmental Management Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.4 E10.0 Biodiversity Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1 Environmental Management Zone:-

Setback – Part D 29.4.2 P3

6.6 Each performance criterion is assessed below.

6.8 Setback - Part D 29.4.2 P3

6.8.1 The acceptable solution at clause 29.4.2 A3 requires development to be setback no less than 30m from the adjoining environmental living zoned land.

6.8.2 The proposal includes development of fencing that is within 30m of the adjoining environmental living zoned land.

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 29.4.2 P3 provides as follows:

Buildings and works must be setback from land zoned Environmental Living to satisfy all of the following:

(a) there is no unreasonable impact from the development on the environmental values of the land zoned Environmental Living;

(b) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Living is minimised;

(c) there is minimal potential for contaminated or sedimented water runoff impacting the land zoned Environmental Living;

(d) there are no reasonable and practical alternatives to developing close to land zoned Environmental Living;

6.8.5 A portion of the proposed fencing will run along the boundary of the adjoining Environmental Living zoned land at 520 Huon Rd. The fencing will act as typical boundary fencing in terms of functionality. Permeable chain-link fencing will not introduce an unreasonable impact on the environmental values of the land and will not require the removal of any trees or significant vegetation. A condition will be placed on any permit granted to ensure that appropriate soil and water management will be undertaken to minimise the spread of weeds and sediment throughout

construction. Following construction, the fencing will have no discernable impact on weeds and sediment. Given that the proposed fencing seeks to secure the perimeter of the facility, there is no practical alternative for development to occur further away from the Environmental Living zoned land.

6.8.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Security Fence and Gates at 518 Huon Road.

7.2 The application was advertised and received one representation. The representations raised concerns including noise, access and aesthetic impact. The representor commented:

As a Hobart City rate payer, a good neighbour to the Depot, and an otherwise happy member of the South Hobart community, I would like to discuss the way forward and reach a mutual agreement

It is understood that the Manager Bushland Operations has contacted the representor to discuss their concerns. Noting this, and the lack of discretions relating to the concerns raised by the representor, a site visit was not conducted by the assessing planning officer.

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 Environmental Development Planner and Parks Planner. The officers have raised no objection to the proposal, subject to conditions.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Security Fence and Gates at 518 Huon Road 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 Security Fence and Gates at 518 Huon Road 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-20-438 - 518 HUON ROAD SOUTH HOBART TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENV 1

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

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

Reason for condition

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

ADVICE

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

Prior to any commencement of work on the site or commencement of use the following


additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

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

WEED CONTROL

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



(Mark O'Brien)

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: **Date Missing****Attachment(s):**

Attachment B - CPC Agenda Documents

**7.1.3 354 MACQUARIE STREET, SOUTH HOBART - PARTIAL
DEMOLITION AND EXTENSION
PLN-20-40 - FILE REF: F20/109489**




Address: 354 Macquarie Street, South Hobart
Proposal: Partial Demolition and Extension
Expiry Date: 14 November 2020
Extension of Time: Not applicable
Author: Richard Bacon

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for a partial demolition and extension at 354 Macquarie Street, South Hobart TAS 7004 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A2 and P2 of the *Hobart Interim Planning Scheme 2015* because the proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance.

- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A3 and P3 of the *Hobart Interim Planning Scheme 2015* because the proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance.
- 4 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A4 and P4 of the *Hobart Interim Planning Scheme 2015* because the proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance.
- 5 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the proposed extension, by reason of its design and fully glazed elevations would result in development unsympathetic to, and of detriment to the character and historic cultural heritage significance of the South Hobart/Macquarie Street/Cascade Road (SH2) Heritage Precinct.
- 6 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because the proposed extension, by reason of its design and fully glazed elevations would result in development unsympathetic to, and of detriment to the character and historic cultural heritage significance of the South Hobart/Macquarie Street/Cascade Road (SH2) Heritage Precinct.

- Attachment A: PLN-20-40 - 354 MACQUARIE STREET SOUTH
HOBART TAS 7004 -  Planning Committee or
Delegated Report ↓
- Attachment B: PLN-20-40 - 354 MACQUARIE STREET SOUTH
HOBART TAS 7004 - CPC Agenda Documents
(Supporting information) 
- Attachment C: PLN-20-40 - 354 MACQUARIE STREET SOUTH
HOBART TAS 7004 - Planning Referral Officer
Cultural Heritage Report (Supporting information)


**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	26 October 2020
Expiry Date:	14 November 2020
Application No:	PLN-20-40
Address:	354 MACQUARIE STREET , SOUTH HOBART
Applicant:	Graham Hills (g Hills & Partners Architects) 31 Roslyn Avenue 31 Roslyn Avenue
Proposal:	Partial Demolition and Extension
Representations:	Nil
Performance criteria:	Local Business Zone Development Standards, Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for a partial demolition and extension at 354 Macquarie Street.
- 1.2 More specifically the proposal includes:
 - Proposed upper level extension.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Local Business Zone Development Standards - Rear Setback
 - 1.3.2 Historic Heritage Code - Listed Place and Heritage Precinct
- 1.4 No representations were received during the original statutory advertising period between the 14th and 28th February 2020.
- 1.5 The proposal is recommended for refusal on heritage grounds.
- 1.6 The final decision is delegated to the Council because the application is recommended for refusal.

2. Site Detail

- 2.1 The site 354 Macquarie Street, South Hobart. It is currently used as a single dwelling and is located within the Local Business Zone. The site is surrounded by a mix of residential and commercial uses. The site is individually heritage listed under the Hobart Interim Planning Scheme, as well as within a heritage precinct. It is not listed with Heritage Tasmania.



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



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



Figure 3 above: street view with site in centre of image.

3. Proposal

- 3.1 Planning approval is sought for a partial demolition and extension at 354 Macquarie Street.
- 3.2 More specifically the proposal is for:
- proposed upper level extension.

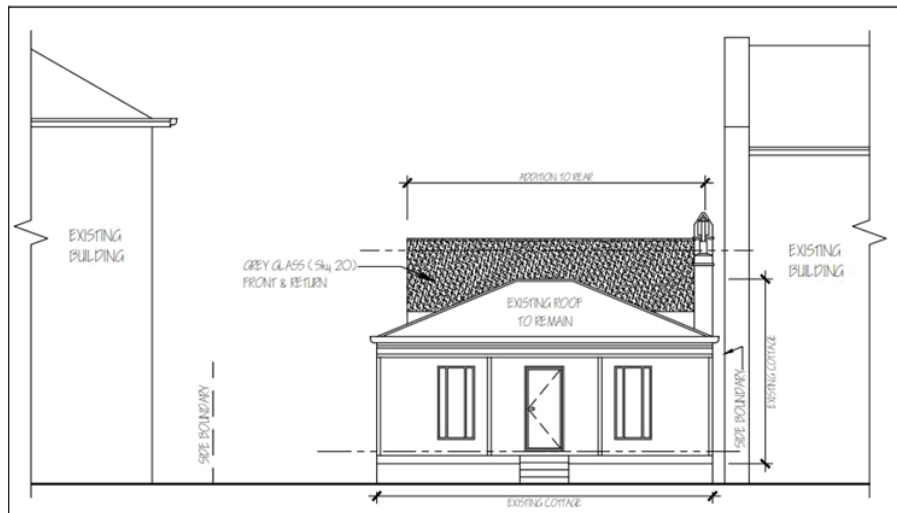


Figure 4: The street facing elevation of the proposal.

4. Background

- 4.1 No representations were received during the original statutory advertising period between the 14th and 28th February 2020.
Heritage advice to the applicant with regard to the initially advertised plan was that a recommendation of refusal was likely.
The applicant requested deferral of the application dated 23 March 2020, pending the submission of an amended design more acceptable with regard to heritage considerations under the Planning Scheme.
There has been lengthy consultation between the applicant and Council's Cultural Heritage Officer, as well as with the Development Appraisal Planner.
Council's Cultural Heritage Officer expressed concerns at the heritage acceptability of amended plans being put forward by the applicant, in an email to the applicant dated 29 May 2020.
The applicant in a submission dated the 10th June 2020 stated the desire to proceed to a Council decision and formally lodged the amended plans under discussion.
Further information was requested and an applicant response was submitted dated 25/6/2020.
The applicant lodgement of the amended plan dated 25/6/2020 introduced a rear boundary setback discretion.
The amended application was re-advertised accordingly between the 4th and 18th September 2020. No representations were received to the re-advertised application.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between the 4th and 18th September 2020.
- No representations were received during the original statutory advertising period between the 14th and 28th February 2020.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

- 6.2 The site is located within the Local Business Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing and proposed use is a dwelling. The existing use is a discretionary use in the zone. The proposed use is a discretionary use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 D20.0 Local Business 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 on 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, P2, P3*
 - 6.5.2 Local Business Zone:-
 - Rear Setback - 20.4.2 P2*
- 6.6 Each performance criterion is assessed below.
- 6.7 Historic Heritage Code - Demolition, Building and Works on a Listed Place in a Heritage Precinct - E13.7.1 P1, E13.7.2 P1, P2, P3, P4 E13.8.1 P1, and E13.8.2 P1, P2, P3
- 6.7.1 There are no acceptable solutions for Demolition, Building and Works on a Listed Place in a Heritage Precinct clauses E13.7.1 A1, E13.7.2 A1, A2, A3, A4, E13.8.1 A1, and E13.8.2 A1, A2, A3.
 - 6.7.2 The proposal includes development at heritage listed site within a heritage precinct.

- 6.7.3 There is no acceptable solution; therefore assessment against the performance criteria is relied on.
- 6.7.4 The performance criteria at clauses E13.7.1 P1, E13.7.2 P1, P2, P3, P4 E13.8.1 P1, E13.8.2 P1, P2, P3 provide as follows:

Demolition on a Listed Place

E13.7.1 P1

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

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

Building and Works on a Listed Place

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.*

E13.7.2 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.*

E13.7.2 P3

Materials, built form and fenestration must respond to the dominant

heritage characteristics of the place, but any new fabric should be readily identifiable as such.

E13.7.2 P4

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

Demolition in a Heritage Precinct

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.*

Building and Works in a Heritage Precinct

E13.8.2 P1

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

E13.8.2 P2

Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.

E13.8.2 P3

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

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

The application relates to a relatively modest single storey symmetrical Georgian style rendered residential cottage with open front veranda and typical rear skillion roofed addition likely to have been added early in its history. The building would appear to be the same property shown on the Sprent Map, the land granted to a John Dunn, thus placing the date of the building as c.1840. The building is individually heritage listed as set out in table E.13.1 of the Hobart Interim Planning Scheme 2015.

The property forms part of a small group of primarily commercial, but also residential development in the South Hobart stretch of Macquarie Street that forms part of a historical commercial centre and acts as small local high street. It is noted that the immediate streetscape is made up of both single storey and two storey properties, some detached, some forming terraces, and notably made up of mid to late Victorian, early and later Federation properties as well as some later 20th century infills. The coherence of the Precinct is considered to be the high quality of the built form extending in part from its role as a primary commercial and movement route from the earliest periods of European settlement. This strong thread of commercial and community activity associated with the space has been identified as being culturally important so that the site forms part of the South Hobart/Macquarie Street/Cascade Road (SH2) Heritage Precinct as set out in table E.13.2 of the Hobart Interim Planning Scheme 2015.

This precinct is significant for reasons including:

1. The intact early streetscape elements and buildings that demonstrate it as being an historical commercial, retail and residential route
2. The quality and variety of built forms from a range of periods that make up the homogenous streetscape.
3. The large number of heritage items and contributory buildings.
4. The pivotal role of the street in defining the commercial, retail and many of the social functions of the South Hobart precinct.

The proposal seeks permission for the demolition works to the rear roof plane and to parts of the rear skillion roofed rear addition to facilitate the erection of a new two storey rear extension that would sit immediately to the rear of the original roof with access link created to the existing attic space. The proposal would stand some 1.1 metres higher than the original cottage and take the form of a square flat roofed box, part of which would extend over an existing narrow wing and would utilise a fully glazed front and return facing elevation so as to appear as a fully glazed box. It is noted that the proposed extension would be deeper than the

existing ground floor, so that the proposed first floor would cantilever over the ground floor. The new extension would provide an additional bedroom, bathroom and study.

It is advised that Heritage Officers have previously provided advice the applicant would be better served by an enlarged single storey rear extension following an earlier proposal that involved the removal of the main roof to allow for the erection of a large glazed box. The applicant, however, has chosen not to pursue this approach and thus seeks approval for the current proposal.

With regard to Heritage Listed properties, E13.7.1 'Demolition' stipulates that its 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 considered to be no acceptable solution. Performance Criteria P1 stipulates 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 proposed extensions, E13.7.2 'Buildings and Works other than Demolition' states that its objective is:

'To ensure that development at a heritage place is:

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

There are considered to be no acceptable solutions. Performance Criteria P1 stipulates that

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.*

Performance Criteria P2 stipulates that:

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.*

Performance Criteria P3 stipulates that:

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.

Performance Criteria P4 stipulates that:

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

With regard to the Development Standards relating to heritage Precincts as set out in the Hobart Interim Planning Scheme, Policy E13.8.1 Demolition states that its objective is;

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

There are considered to be no acceptable solutions. Performance Criteria P1 stipulates that:

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.

Policy E13.8.2 - Buildings and Works other than Demolition stipulates that its overall objective is to ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct. As such,

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.

With regard to the proposed development, it is considered that the cottage as existing has almost entirely retained its general traditional form, silhouette and scale other than some later unfortunate limited bay windows added to the front elevation. The proposed extension would in contrast remove a section of the original roof fabric, and fundamentally alter the appearance of the cottage, especially at roof level. It is noted that the application does not provide any rationale or set out potential 'exceptional circumstances' as set out above.

The increase in overall bulk would be considerable, and would be particularly notable given both the modest scale of the original cottage. The architectural response would appear to have had no regard for the traditional form of the roof or the cottage and would fail to reflect or work alongside the style, dimensions or materials of the original cottage, or indeed of any of the properties within the wider Heritage Precinct.

Importantly, the proposed extension would be highly visible from the street and increase the height and significantly alter the overall appearance of the original cottage. It would create a highly unsympathetic roof form and form the context against which the existing hipped roof would be viewed, whilst also having a significant impact upon the wider group of buildings in which the cottage stands despite being set back from the street and partially obscured by the bulk of neighbouring buildings. It is considered that the impact would be particularly notable during dusk to morning hours when any internal lights are on and therefore likely to create a strong halo effect given the fully glazed elevations facing onto the street.

In relation to additional demolition and alterations, it is considered that although the provision of a new link to the rear roof form and associated demolition of section of roof plain and timber joists would be highly unfortunate, it is acknowledged that this element of the proposal would lead to only a marginal loss of original fabric and is therefore considered to be less problematic.

Overall, it is considered that the proposal would create a highly inappropriate two storey rear addition to a modest single storey Georgian cottage that would fail to represent the original traditional characteristics, scale, bulk, form, proportions and building materials of the original cottage, distorting its modest background and thus its role in contributing to the historical and cultural importance of the Heritage Precinct.

Given the above, it is therefore considered that the proposal would result in unfortunate demolition of original fabric and would result in development that is neither sympathetic, subservient nor complementary to the characteristics of the cottage, contrary to, E13.7.2 P1, P2, P3 and P4, and would neither sustain nor enhance the character of the Heritage Precinct, contrary to E13.8.2 P1 and P3.

As such, it is recommended that the application be refused for the following reasons:

1. The proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance, contrary to E13.7.2 P1, P2, P3 and P4.
2. The proposed extension, by reason of its design and fully glazed elevations would result in development unsympathetic to, and of detriment

to the character and historic cultural heritage significance of the South Hobart/Macquarie Street/Cascade Road (SH2) Heritage Precinct, as set out in table E.13.2 of the Hobart Interim Planning Scheme 2015, contrary to E13.8 Development Standards for Heritage Precincts, in particular E13.8.2 P1 and P3.

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

6.7.7 The proposal does not comply with the performance criterion.

6.8 Setback and Building Envelope - rear setback - Part D 20.4.2 P2

6.8.1 The acceptable solution at clause 20.4.2 A2 a building setback from a residential zone of 3 metres or half the height of the wall whichever is greater.

6.8.2 The proposal includes a rear wall 5.5 metres high setback 1.13 metres from the rear boundary with No.11 Elboden Street, which is within the Inner Residential Zone.

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 20.4.2 P2 provides as follows:

Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:
(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;
(b) overlooking and loss of privacy;
(c) visual impact when viewed from adjoining lots, taking into account aspect and slope.

6.8.5 Assessment of the performance criterion follows.

Impact on 11 Elboden Street.

This neighbouring property is to the south-southeast of and in an uphill position relative to the applicant site.

The submitted sunshade diagrams indicate there would be winter overshadowing of the adjacent property as follows.

At 9am in winter, the neighbouring property would be in shadow from the existing rear of the two storey building at No.352 Macquarie Street. Any shadow from the proposed extension would be within the shadow line of that other building, with regard to impact on the neighbour.

At 12noon in winter, the intervening part of the neighbouring garden and extending to part of the side wall of the dwelling itself, would be in shade.

By 3pm in winter, the neighbours dwelling itself would not be overshadowed by the proposal, but the portion of rear garden adjacent to the proposed extension would remain largely in shadow.

Given the position of the neighbouring property to the south of the substantial terrace of two storey commercial buildings at Nos. 356-360 Macquarie Street, and to the southwest of the further substantial two storey building at No.352 Macquarie Street, there appears to be a large amount of existing winter overshadowing. The proposed extension would add to the degree of overshadowing from around late morning into the afternoon according to the diagrams. It remains likely that a significant portion of the rear garden would remain in sun from around early afternoon onwards, according to the diagrams. The dwelling itself is likely to remain in sun from around late morning to early afternoon as the shadows progress, according to the diagrams.

With regard to the Performance Criteria, an extrapolation of the submitted sunshade diagrams indicates the neighbours dwelling itself would remain partly out of shadow at around 12 noon, and this period is likely to extend from an estimated 10am to an estimated 1pm. The neighbours private open space is largely overshadowed in the morning (9am) until after 12 noon. A portion of the rear garden is likely to remain in sun from around 12 noon and increasing over the duration of the afternoon to after 3pm.

In summary, there is an existing degree of overshadowing of the neighbouring dwelling and garden which would intensify under the proposal.

On balance, likely impact in terms of overshadowing is not considered likely to be excessive, and not sufficient as to warrant either any recommendation to refuse or further modify the proposal.

In terms of visual impact, the extension would range from a 1.13 metre to a 3.51 metre rear setback. The closest section of the two storey wall would be 2.3 metres in width, while that wall setback 3.5 metres would be 5.2 metres in length. The wall height would be 5.5 metres. Particularly in the context of the neighbouring higher two storey buildings at Nos. 356-

360 and 352 Macquarie Street, the relative uphill position of this neighbouring property, and screening provided by trees and a shed on the neighbours side of the boundary, the visual impact of the proposal is not considered likely to be excessive. Again, the likely degree of impact is not considered sufficient as to warrant either any recommendation to refuse or further modify the proposal.

6.8.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for a partial demolition and extension, at 354 Macquarie Street South Hobart.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered unacceptable in terms of heritage provisions under the Scheme.
- 7.4 The proposal has been assessed by other Council officers, being the Council's Development Engineer and Cultural Heritage Officer. The Cultural Heritage Officer has raised objection to the proposal, and recommends refusal.
- 7.5 There has been applicant consultation. The applicant has granted extensions of time to allow for further consideration of the proposal.
- 7.6 Council's Development Appraisal Planner met the owner on site dated the 15th September 2020.
- 7.7 The proposal is recommended for refusal on heritage grounds.

8. Conclusion

- 8.1 The proposed partial demolition and extension at 354 Macquarie Street South Hobart 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 a partial demolition and extension at 354 Macquarie Street South Hobart TAS 7004 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A1 and P1 of the Hobart Interim Planning Scheme 2015 because the proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A2 and P2 of the Hobart Interim Planning Scheme 2015 because the proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance.
- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A3 and P3 of the Hobart Interim Planning Scheme 2015 because the proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance.
- 4 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A4 and P4 of the Hobart Interim Planning Scheme 2015 because the proposed extension, by reason of its height, size, bulk, use of fully glazed elevations, additional fenestration and architectural form would represent an incompatible design that would fail to be sympathetic, subservient or complementary to the dominant characteristics of the Cottage, to the detriment to its recognised historic cultural heritage significance.

- 5 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 or P1 of the Hobart Interim Planning Scheme 2015 because the proposed extension, by reason of its design and fully glazed elevations would result in development unsympathetic to, and of detriment to the character and historic cultural heritage significance of the South Hobart/Macquarie Street/Cascade Road (SH2) Heritage Precinct.
- 6 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A3 or P3 of the Hobart Interim Planning Scheme 2015 because the proposed extension, by reason of its design and fully glazed elevations would result in development unsympathetic to, and of detriment to the character and historic cultural heritage significance of the South Hobart/Macquarie Street/Cascade Road (SH2) Heritage Precinct.



(Richard Bacon)

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 16 March 2020

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

**7.1.4 39 NICHOLAS DRIVE, SANDY BAY - PARTIAL DEMOLITION,
ALTERATIONS AND EXTENSION
PLN-19-468 - FILE REF: F20/106712**

Address: 39 Nicholas Drive, Sandy Bay
Proposal: Partial Demolition, Alterations and Extension
Expiry Date: 19 October 2020
Extension of Time: Not applicable
Author: Victoria Maxwell

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition, alterations and extension at 39 NICHOLAS DRIVE SANDY BAY TAS 7005 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-468 39 NICHOLAS DRIVE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s2

The dance studio is approved for the private use of the occupants of the dwelling at 39 Nicholas Drive only.

Reason for condition

To clarify the scope of this permit.

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 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS 1170.1:2002, must be submitted to the Council.

Advice:

If the development's building approval includes the need for a

building permit from the Council, the applicant is advised to submit detailed design of vehicular barrier as part of the building application.

If the development's building approval is covered under Notifiable Work the applicant is advised to submit detailed design of vehicular barrier as a condition endorsement of the planning permit condition. Once the certification has been accepted, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

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

ENG 2c

Prior to the commencement of use, vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS1170.1:2002.

Advice:

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

Reason for condition

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

ENG 3a

The access driveways and parking modules (parking spaces and manoeuvring areas) 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 3c

The access driveways and parking modules (parking spaces and manoeuvring areas) must be constructed in accordance with the Aldanmark Consulting Engineers documentation received by the Council on the 18th August 2020.

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

Advice:

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

Reason for condition

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

ENG 4

The access driveways and parking modules (car parking spaces and manoeuvring areas) approved by this permit must be

constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site is three (3).

Reason for condition

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

ENG 11

Prior to the first occupation, the proposed crossover to the Nicholas Drive highway reservation must be designed and constructed in general accordance with:

- 1. LGAT Standard Drawing - Urban - TSD-R09-v2 – Urban Roads Driveways and TSD R14-v2 Type KC vehicular crossing**
- 2. LGAT Standard Drawing - Footpath - Urban Roads Footpaths TSD-R11- v2**
- 3. Or a Council City Infrastructure Division approved alternate design.**

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.

Please contact the Council's City Amenity Division to discuss approval of alternate designs. Based on a site specific assessment, the Council's City Amenity Division's Road Engineer may permit extending non-approved concrete slab crossover, and where non-standard kerb and channel exists a concrete plinth to Council standards may be permitted for construction at the gutter.

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.

ADVICE

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

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

the Hobart City Council.

CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

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

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

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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

ACCESS

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

CROSS OVER CONSTRUCTION




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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

- | | |
|---------------|---|
| Attachment A: | PLN-19-468 - 39 NICHOLAS DRIVE SANDY BAY
TAS 7005 - Planning Committee or Delegated
Report ↓  |
| Attachment B: | PLN-19-468 39 NICHOLAS DRIVE SANDY BAY
TAS 7005 - CPC Agenda Documents (Supporting
information)  |
| Attachment C: | PLN-19-468 - 39 NICHOLAS DRIVE SANDY BAY
TAS 7005 - Planning Referral Officer Development
Engineering Report (Supporting information)  |

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Committee:	19 October 2020
Expiry Date:	19 October 2020
Application No:	PLN-19-468
Address:	39 NICHOLAS DRIVE , SANDY BAY
Applicant:	Belinda Weston (Duo Design) 155 Fergusson Road
Proposal:	Partial Demolition, Alterations and Extension
Representations:	One (1)
Performance criteria:	General Residential Zone Development Standards, Road and Railway Assets Code, Parking and Access Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 39 Nicholas Drive.
- 1.2 More specifically the proposal includes:
 - conversion of double garage on the ground floor (below road level) to private dance studio,
 - internal wall demolition on the ground floor between kitchen and living spaces and enlarging of master bedroom,
 - extension of front wall previous garage area 2.7m towards the front boundary,
 - new stairs from dance studio to upper parking deck,
 - new garage and vehicle access deck at road level,
 - new room to the north of the new garage, providing access to new staircase,
 - the new room will have north facing windows,
 - the vehicle access deck extends into Council's highway reserve (requiring General Manager Consent),
 - new car parking space adjacent to the proposed dance studio.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 General Residential Zone Development Standards - Setback and Building Envelope
 - 1.3.2 Parking and Access Code - Number of Parking Spaces, Number of Access Points, Design of Vehicle Accesses
 - 1.3.3 Road and Railway Access Code - Number of Access Points, and Sight Distances
- 1.4 One (1) representation objecting to the proposal was received within the statutory advertising period between 2nd and 16th September 2020.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because one objection has been received, the proposal involves works in the Council's road reservation, and the officer recommendation is for approval.

2. Site Detail

- 2.1 The site is located on the northern side of Nicholas Drive, Sandy Bay. Surrounding uses are predominantly large single dwellings on moderate urban lots.



Figure 1: Location Plan (Geo Cortex, 2020)

- 2.2 The site is a very steep, east facing slope, with a fall of 14m over 34m (almost 1:2). The frontage to Nicholas Drive falls away from the road sharply, with a driveway cutting across the contours from the south eastern corner. The house is located towards the front (south) of the lot, stretching across the lot with minimal side setbacks on both boundaries. A row of cypress trees has been planted on the front boundary, which appear to be approximately 10 year old (from previous Google Streetview photos). The property access and crossover is currently located on the south western corner. The driveway snakes around an embankment easement and retaining structure to access the garage under the dwelling.



Figure 2: Site Plan (Geo Cortex, 2020)

- 2.3 The proposed location for the new parking area is in the centre of the property frontage. There is an existing single crossover onto the road pavement in the north western corner, which is not used, but reduces further available on street parking. Properties to west generally have double crossovers, which with the existing and proposed crossovers for 39 Nicholas Drive, significantly reduces the opportunity for on street parking. If vehicles also park on the southern side of the street, the vehicle path is severely constricted.



Figure 3: View of existing and proposed Crossovers (Google Streetview, 2020)

- 2.4 The dwelling is a two storey substantial residence, cut into the hill. It was constructed in 1997.



Figure 4: View of crossovers for 41 Nicholas Dr and subject site proposed new entry (Google Streetview, 2020)

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 39 Nicholas Drive.
- 3.2 More specifically the proposal includes:
- conversion of double garage on the ground floor (below road level) to private dance studio,
 - internal wall demolition on the ground floor between kitchen and living spaces and enlarging of master bedroom,
 - extension of front wall previous garage area 2.7m towards the front boundary,
 - new stairs from dance studio to upper parking deck,
 - new garage and vehicle access deck at road level,
 - new room to the north of the new garage, providing access to new staircase
 - the new room will have north facing windows,
 - the vehicle access deck extends into Council's highway reserve (requiring General Manager Consent),
 - new car parking space adjacent to the proposed dance studio.

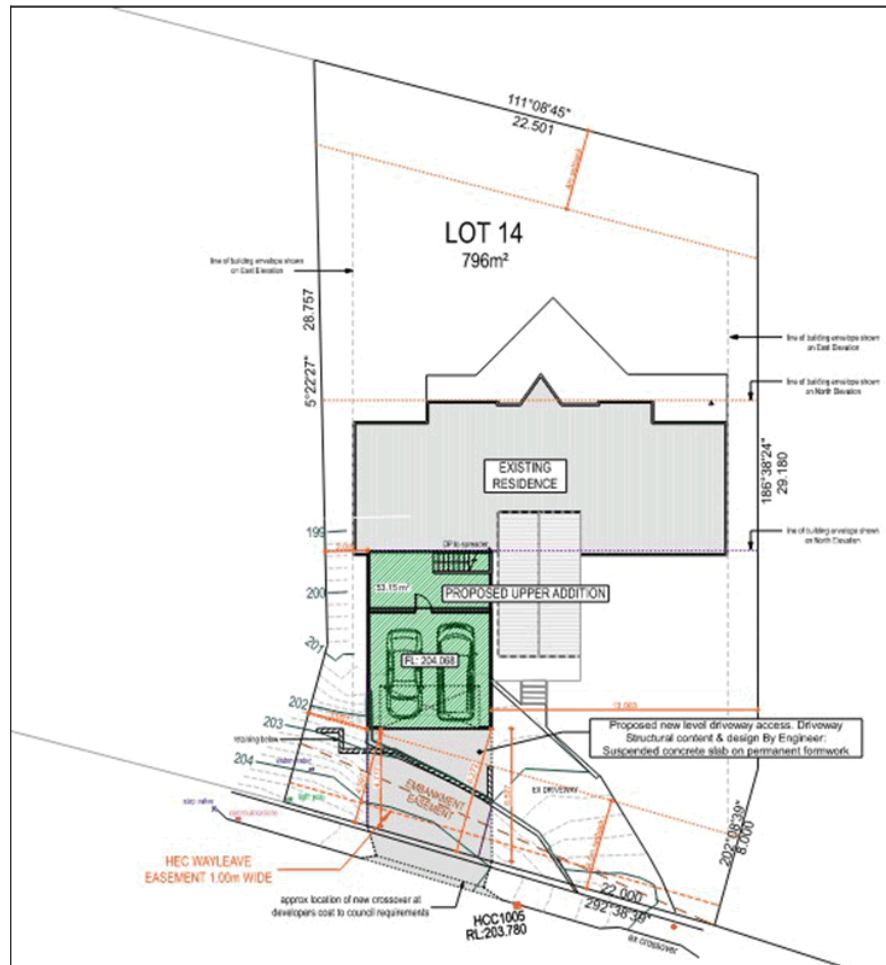


Figure 5: Applicant Site Plan (DuoDesigns, 2020)

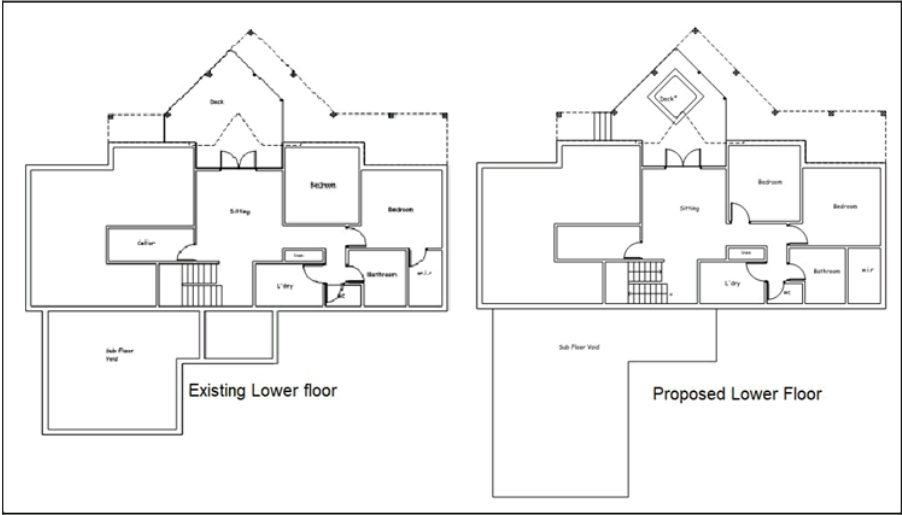


Figure 6: Existing and Proposed Lower Ground floor plan (DuoDesigns, 2020)

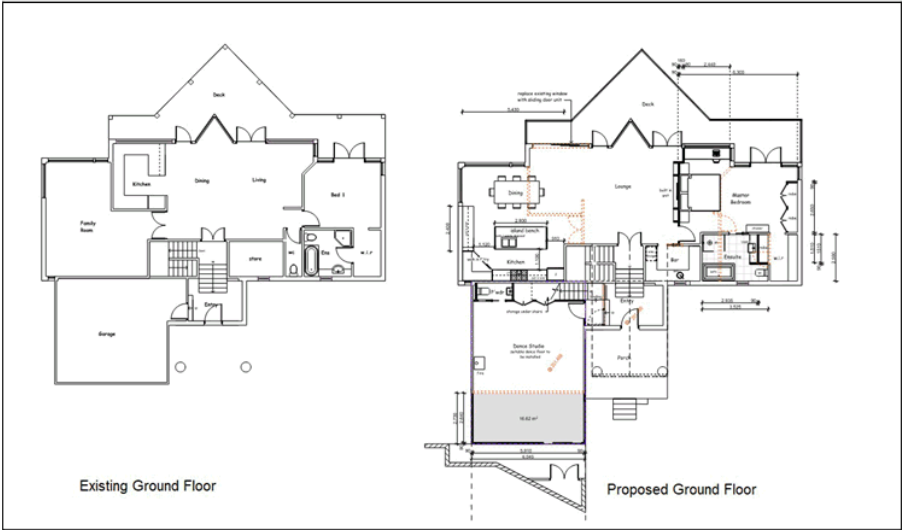


Figure 7: Existing and proposed ground floor plan (DuoDesigns, 2020)

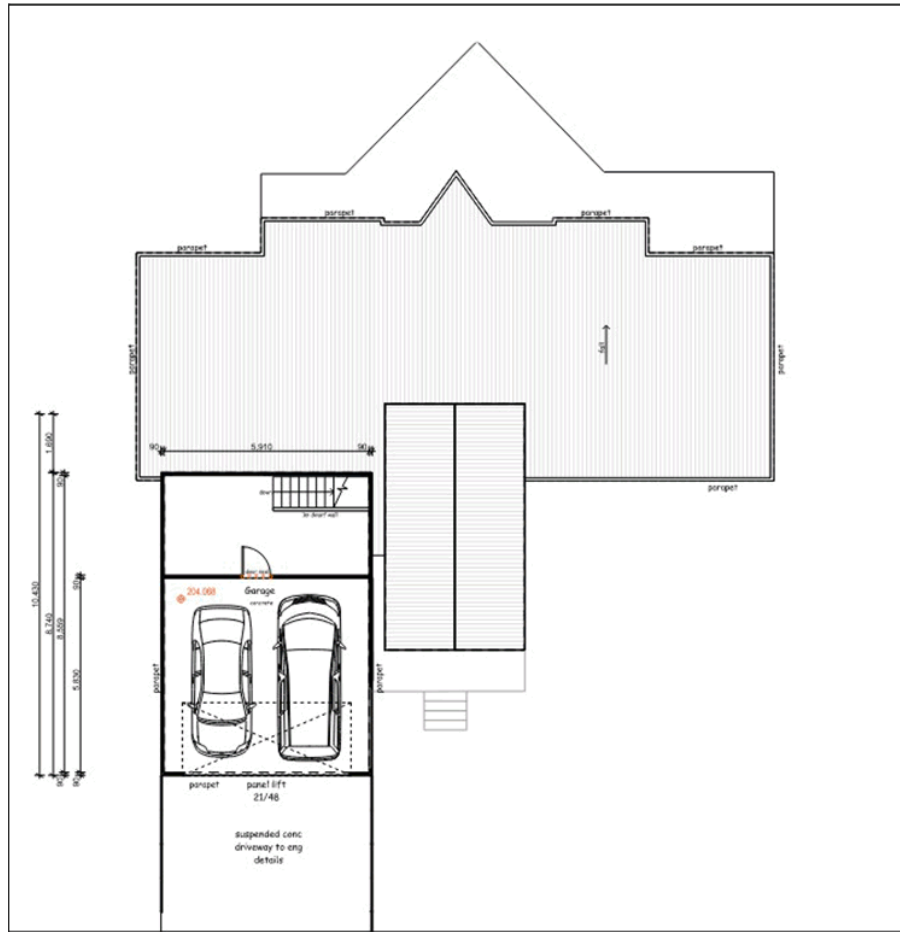


Figure 7: Proposed Upper Floor plan (DuoDesigns, 2020)

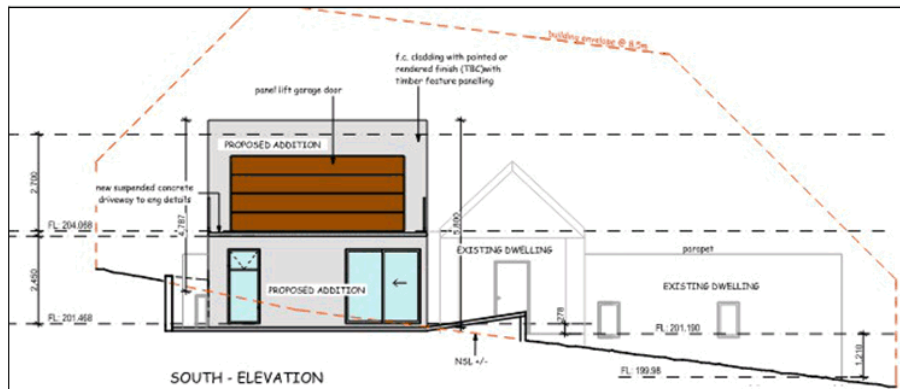


Figure 8: Southern (front) elevation (note the plan does not include the embankment - road level is approximately level with roller door) (DuoDesigns, 2020)

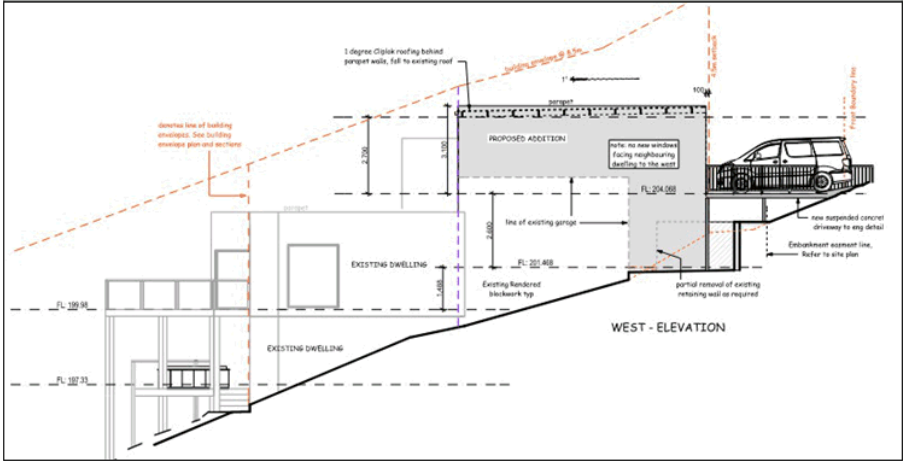


Figure 9: Western elevation (DuoDesigns, 2020)

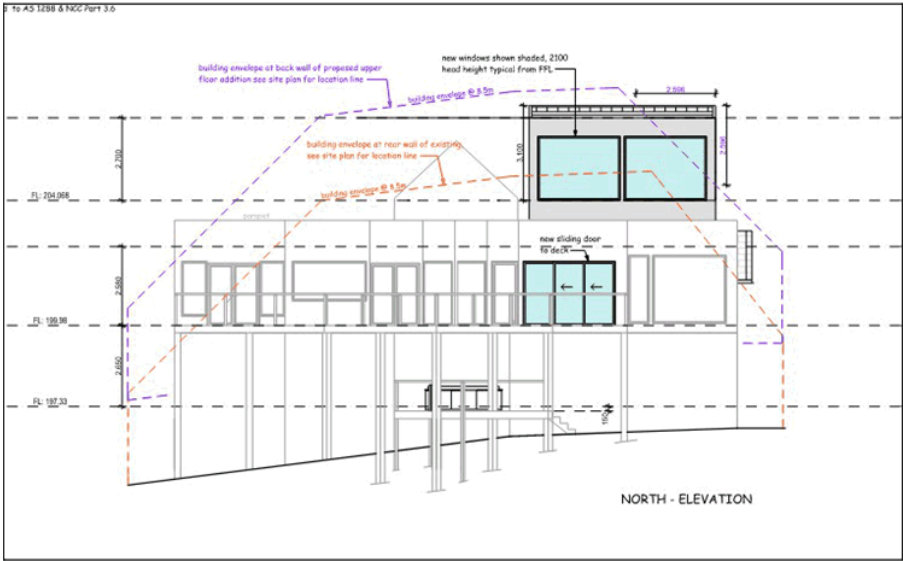


Figure 10: Northern (rear) elevation (DuoDesigns, 2020)

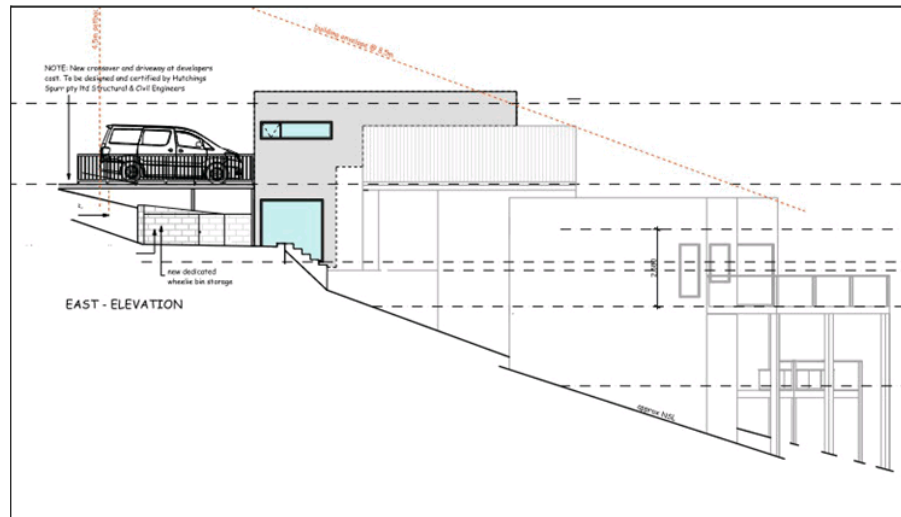


Figure 11: East Elevation (DuoDesigns, 2020)

4. Background

- 4.1 PLN-970148 approved the single dwelling on site.
- 4.2 The application includes works within the road reserve and therefore required General Managers consent. GMC-19-21 was refused as the proposed new entrance included changes to the levels of the footpath that are not in accordance with the Tasmanian Standard Drawings, resulting in a decrease in amenity and safety of the footpath for pedestrians and the direction of stormwater runoff into the property.

A second application for General Managers consent was applied (GMC-2-51) which was approved on 29th July and submitted to Council in support of this application on 18th August 2020. The second GMC application included a third parking space in front of the existing garage on the ground level. This was not included in the original application.

5. Concerns raised by representors

- 5.1 One (1) representation objecting to the proposal was received within the statutory advertising period between 2nd to 16th September 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.

Concern over commercial dance studio is contrary to the zone purpose of the General Residential zone,
Concern over increased parking, noise through loud music and hours of operation created by a commercial operation,
The building front setback for the garage is less than the required 5.5m,
The proposal extends beyond the existing garage by 2.7m and is incompatible with the height of buildings on adjoining lots,
The scale and proportions of the proposed extension will result in significant visual impact, completely obstructing views from the entrance to western neighbours' properties,
Having the the driveway higher, will overlook adjacent properties to the west, impacting on their privacy,
The proposed extension will detract from the streetscape, with the garage dominating the view.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the General Residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential - Single Use. The proposed use is Residential - Single Use. The existing use is a No Permit Required use in the zone. The proposed use is a No Permit Required use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 10 General Residential Zone
- 6.4.2 E 6.0 Parking and Access Code

- 6.4.3 E 7.0 Stormwater Management Code
- 6.4.4 E 5.0 Road and Railway Access Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 General Residential Zone Development Standards:-
Setbacks and Building Envelope – Part D 10.4.2 P1; P3
- 6.5.2 Parking and Access Code:-
Number of parking Spaces - E6.6.1 P1
Number of Vehicle Accesses - E6.7.1 P1
Design of Vehicle Accesses - E6.7.2 P1
- 6.5.3 Road and Railway Assets Code:-
Sight Distances - E5.6.4 P1
Number of Accesses - E5.6.2 P2
- 6.6 Each performance criterion is assessed below.
- 6.7 Setback and Building Envelope - 10.4.2 P1
- 6.7.1 The acceptable solution at clause 10.4.2 A1 requires setback of 4.5m from the front boundary.
- 6.7.2 The proposal includes a new parking deck on the front boundary.
- 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause 10.4.2 P1 provides as follows:
A dwelling must:

(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and
(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental

impacts associated with proximity to the road.

- 6.7.5 The applicants have applied to convert the existing garage to a private dance studio, which is located on the ground floor (below the road level). Consequently, they have applied to construct two new parking spaces on a parking deck directly off Nicholas Drive which, because of the steep retaining wall on the front boundary, requires a reduction in front setback.

Whilst the setback to the new garage will be 4.7m, there is a substantial deck that connects from the road reserve to the proposed garage. This extends into the front setback and is not a minor protrusion. The deck is necessary due to the steep topographic conditions on site.

The structure is similar to adjacent parking areas off Nicholas Drive, including the neighbouring 41 and 45 to the west and 37 and 35 Nicholas Drive to the east. From this, the dwelling is considered compatible with existing dwellings in the street.

The lot does not abut a road identified in Table 10.4.2.

- 6.7.6 The proposal complies with the performance criterion.

6.8 Setback and Building Envelope Part D 10.4.2 P3

- 6.8.1 The acceptable solution at clause 10.4.2 A3 requires development to fit within a three dimensional building envelope.
- 6.8.2 The proposal includes the new garage extending beyond the building envelope in the western section.
- 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 The extension beyond the building envelope is adjacent to a landscape section of the western neighbour property and is more than 11m from the eastern neighbour. Because the slope extends up behind to the south, the area of overshadowing is the road reservation. The steep slope locates the natural ground level of the northern portion of the new garage and connecting room at approximately 4m below the road level. Therefore, whilst the new garage extends beyond the building envelope, it is not out of character with adjacent development, as it appears as single storey from the road.

The portion of the western neighbour's lot likely to be affected by shadowing is landscaping and not an area that can be used for private open space. The extension on the subject lot will not cause a loss of sunlight to any habitable room, beyond the existing impact of the dwelling on site. It will not overshadow the private open space of the adjoining dwellings. there are no adjoining vacant lots. As previously mentioned the extension will appear as a ground level structure from the road, in line with development on 41 Nicholas Drive. The setback proposed from front and side boundaries is similar to existing development and considered compatible with this.



Figure 12: View for 41 Nicholas Drive, showing subject properties roof (officer photo, 1 October 2020)

- 6.8.6 A representation was submitted against the bulk of the extension, which will obscure river views from the entrance to the adjacent property. However, the planning scheme does not consider loss of views and an apparent single storey extension at the entrance level of 41 Nicholas Drive is considered reasonable given the size of structures along this road.
- 6.8.7 The proposal complies with the performance criterion.
- 6.9 Number of Accesses - E5.6.2 P2
- 6.9.1 The acceptable solution at clause E 5.6.2 requires no more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.
- 6.9.2 The submitted documentation appears to indicate more than one access providing both entry and exit, to a road in an area subject to a speed limit of 60km/h or less.
- 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 E 5.6.2 P2 provides as follows:

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

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

6.9.5 Council's Road Services Unit have indicated that because the existing driveway will serve one car parking space, the number of accesses is acceptable. They note that General Manager Consent was granted for the proposal including the retention of the existing driveway and access.

6.9.6 The proposal complies with the performance criterion.

6.10 Sight Distances - E5.6.4 P1

6.10.1 The acceptable solution at clause E 5.6.4 requires sight distances at:
(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and
(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

6.10.2 The proposal includes, the required SISD is 80 metres, noting that the vehicle speed has been assumed to be equal to the posted speed limit of 50-km/h.

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

6.x.4 The performance criterion at clause E5.6.4 P1 provides as follows:

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

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

- (b) the frequency of use of the road or rail network;*
- (c) any alternative access;*
- (d) the need for the access, junction or level crossing;*
- (e) any traffic impact assessment;*
- (f) any measures to improve or maintain sight distance; and*
- (g) any written advice received from the road or rail authority.*

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

Acceptable solution - A1: - NON COMPLIANT

Sight distances at:

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

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

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

Performance Criteria – P1: The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
 - All traffic generated by the proposed development will be residential in nature. This is compatible with the existing traffic utilising Nicholas Drive near the subject site.
- (b) the frequency of use of the road or rail network;
 - Nicholas Drive is a minor collector road that has a relatively low traffic volume near the site. It provides access to a residential catchment that is relatively stable and closed in nature. The driveway access servicing the site will operate at a high level of service based on the relatively low traffic volumes. The general urban speed limit of 50-km/h applies to Nicholas Drive. This speed limit is appropriate for the residential nature of the development.

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

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

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

(f) any measures to improve or maintain sight distance; and
- The available sight distance generally exceeds the required 80 metres except during times when cars are parked adjacent to the site.

(g) any written advice received from the road or rail authority.
- Supported by the Roads Services Unit given the General Manager's Consent (GMC-20-51) granted.

Council is of the opinion that the Acceptable Solution for clause E5.6.4 is not met due to sight lines being obstructed by fencing and on-street car parking adjacent to the access however, given the submitted plans and documentation the development may therefore be accepted under Performance Criteria P1:E5.6.4 of the Planning Scheme.

6.10.6 The proposal complies with the performance criterion.

6.11 Number of Parking Spaces - E6.6.1 P1

6.11.1 The acceptable solution at clause E 6.6.1 A1 requires the number of onsite parking spaces to be no less or greater than specified in Table E 6.1 (two parking spaces for a single dwelling).

6.11.2 The proposal includes three (3) parking spaces,

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

6.11.4 The performance criterion at clause E 6.6.1 provides as follows:

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

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

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

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

Acceptable solution - A1: - NON COMPLIANT

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

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

- Submitted documentation does not satisfy this requirement, a surplus of one (1x) car parking space proposed.

Performance Criteria - P1:

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

- (a) car parking demand;

- The empirical parking assessment indicates that the provision of three (3x) on-site car parking spaces will sufficiently meet the likely demands associated with the development.

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

- There is a relatively large supply of on-street parking in the surrounding road network.

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

- N/A as surplus car parking proposed.

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

- N/A as surplus car parking proposed.

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

- N/A as surplus car parking proposed.

(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;

- Not applicable.

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

- Not applicable.

(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;

- Not applicable.

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

- Not applicable.

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

- Not applicable.

(k) any relevant parking plan for the area adopted by Council;
- Not applicable.

(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; and
- Not applicable.

(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.
- No impact.

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

With regard to the parking concerns mentioned in the representation:

1. "Establishment of a 'dance studio' would likely attract increased numbers of visitors to the property. We are concerned about increased traffic and parking to a narrow street where on-street parking is an existing issue. The parking concern is compounded by use of the adjoining property to the east of the applicants (at 37 Nicholas Dr) for short-stay Airbnb accommodation, with letting facilities for six separate groups, all requiring on street parking."

Development Engineering was informed by the planner during the assessment process that the "dance studio" is for private use by the owner and not intended to be for a commercial use, the planner is to condition the planning permit accordingly. Therefore it is envisaged that on-street car parking should not be impacted by the private/residential "dance studio".

The issues pertaining to 37 Nicholas Drive is not a planning consideration for this development. The representor may choose to pursue this matter via Council's Development Compliance Unit to follow-up on any possible breaches of approvals granted for the use.

6.11.6 The proposal complies with the performance criterion.

6.12 Number of Vehicle Accesses - E6.7.1 P1

6.12.1 The acceptable solution at clause 6.7.1 A1 requires 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.

6.12.2 The proposal includes two (2) vehicle access points.

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

6.12.4 The performance criterion at clause E 6.7.1 P1 provides as follows:

The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;

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

(i) pedestrian safety, amenity and convenience;

(ii) traffic safety;

(iii) residential amenity on adjoining land;

(iv) streetscape;

(v) cultural heritage values if the site is subject to the Local Historic Heritage Code; and

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

6.12.5 Council's Road Services Unit have indicated that because the existing driveway will serve one car parking space, the number of accesses is acceptable. They note that General Manager Consent was granted for the proposal including the retention of the existing driveway and access.

6.12.6 The proposal complies with the performance criterion.

6.13 Design of Vehicle Accesses - E6.7.2 P1

6.13.1 The acceptable solution at clause 6.7.2 A1 requires the design of vehicle access points to 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.

- 6.13.2 The proposal plans indicate 2m x 2.5m sight triangle areas abutting the driveway are not kept clear of obstructions to visibility due to proposed vehicular barriers and vegetation.
- 6.13.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.13.4 The performance criterion at clause 6.7.2 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; and*
- (d) ease of accessibility and recognition for users.*

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

Acceptable Solution - A1: - NON COMPLIANT

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.

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;
- Acceptable, submitted documentation appears to satisfy this requirement as it is supported by the Roads Services Unit given the

General Manager's Consent (GMC-20-51) granted.

(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;

- Acceptable, submitted documentation appears to satisfy this requirement as it is supported by the Roads Services Unit given the General Manager's Consent (GMC-20-51) granted.

(c) suitability for the type and volume of traffic likely to be generated by the use or development; and

- Acceptable, submitted documentation appears to satisfy this requirement as it is supported by the Roads Services Unit given the General Manager's Consent (GMC-20-51) granted.

(d) ease of accessibility and recognition for users.

- Acceptable, submitted documentation appears to satisfy this requirement as it is supported by the Roads Services Unit given the General Manager's Consent (GMC-20-51) granted.

Condition on planning permit to address fence transparency for sight lines in order to promote a safe, efficient and convenient use of the driveway accesses.

Based on the above assessment and given the submitted documentation, sight lines that may be accepted under Performance Criteria P1:E6.7.2 of the Planning Scheme. Given the location of the accesses and driveways, and the low volume of traffic on the road from which the property gains access.

6.13.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 39 Nicholas Drive Sandy Bay.

- 7.2 The application was advertised and received one (1) representation. The representation raised concerns including potential change of use, associated increase in parking demand, increased noise and hours of operation, incompatible setback and extension outside the building envelope, loss of visual amenity, views and privacy.

Whilst the space is classed as a dance studio, the applicants advised that this is not a commercial operation. The dance studio is purely for the enjoyment of the residents of the property. A condition will be imposed to prevent its use as a commercial activity, without further reference to Council. However it is noted that such an activity might fit into the provisions for a Home Based Business.

From this, representor concerns over parking, noise and hours of operation are not relevant considerations. The impact of reduced setback and building envelope extension have been discussed previously. It is considered that the visual impact will be minimal in the streetscape, given other structures constructed close to the road. The representor is concerned that the structure will obscure water views from the front entrance. The planning scheme does not protect views. Notwithstanding this, the affected views are on the roadside of the dwelling. The area is a transient passing point at the western threshold of the dwelling; which has expansive eastern water views in the living areas. The representation ground is not supported.

The portion of 41 Nicholas Drive affected by the proposed extension is landscaping and not used as private open space or habitable space for that neighbour. The extension will appear single storey from the road. This concerns is also not supported.

- 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 road engineers. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations and Extension at 39 NICHOLAS DRIVE SANDY BAY TAS 7005 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 City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Partial Demolition, Alterations and Extension at 39 NICHOLAS DRIVE SANDY BAY TAS 7005 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-468 39 NICHOLAS DRIVE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s2

The dance studio is approved for the private use of the occupants of the dwelling at 39 Nicholas Drive only.

Reason for condition

To clarify the scope of this permit.

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 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS1170.1:2002, must be submitted to Council.

Advice:

- *If the development's building approval includes the need for a Building Permit from Council, the applicant is advised to submit detailed design of vehicular barrier as part of the Building Application.*
If the development's building approval is covered under Notifiable Work the applicant is advised to submit detailed design of vehicular barrier as a condition endorsement of the planning permit condition. Once the certification has been accepted, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

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

ENG 2c

Prior to the commencement of use, vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS1170.1:2002.

Advice:

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

Reason for condition

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

ENG 3a

The access driveways and parking modules (parking spaces and manoeuvring areas) 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 3c

The access driveways and parking modules (parking spaces and manoeuvring areas) must be constructed in accordance with the Aldanmark Consulting Engineers documentation received by the Council on the 18th August 2020.

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

Advice:

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

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site is three (3).

Reason for condition

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

ENG 11

Prior to the first occupation, the proposed crossover to the Nicholas Drive highway reservation must be designed and constructed in general accordance with:

1. **LGAT Standard Drawing - Urban - TSD-R09-v2 – Urban Roads Driveways and TSD R14-v2 Type KC vehicular crossing**
2. **LGAT Standard Drawing - Footpath - Urban Roads Footpaths TSD-R11-v2**
3. **Or a Council City Infrastructure Division approved alternate design.**

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.*
- *Please contact Council City Infrastructure Division to discuss approval of alternate designs. Based on a site specific assessment, Council City Infrastructure Division Road Engineer may permit extending non-approved concrete slab crossover, and where non-standard kerb and channel exists a concrete plinth to Council standards may be permitted for construction at the gutter.*
- *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.

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g.

placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

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

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

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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

ACCESS

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

CROSS OVER CONSTRUCTION

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

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.



(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: 25 September 2020

Attachment(s):

Attachment A - CPC Agenda Documents

Attachment B - Referral Officer Reports

**7.1.5 23 SUMMERHILL ROAD, WEST HOBART AND ADJACENT ROAD
RESERVE, TWO MULTIPLE DWELLINGS (ONE EXISTING, ONE
NEW)
PLN-20-148 - FILE REF: F20/105973**

Address:	23 Summerhill Road, West Hobart and Adjacent Road Reserve
Proposal:	Two Multiple Dwellings (One Existing, One New)
Expiry Date:	2 November 2020
Extension of Time:	Not applicable
Author:	Cameron Sherriff

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for two multiple dwellings (one existing, one new) at 23 Summerhill Road, WEST 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-20-148 - 23 SUMMERHILL ROAD WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No.

TWDA 2020/00463-HCC dated 25/08/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, gull drains, retaining wall gull drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior first occupation of Unit 2 or commencement of use (whichever occurs first).

Advice:

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

Reason for condition

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

ENG sw4

Any new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation of Unit 2 or commencement of use (whichever occurs first).

Detailed engineering drawings must be submitted and approved, prior commencement of works. The detailed engineering drawings must include:

- 1. the location of the proposed connection;**
- 2. the size of the connection appropriate to satisfy the needs of the development;**

3. the material of the proposed stormwater connection;
and
4. the interface between Council and private
infrastructure.

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

Advice:

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

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

Reason for condition

To ensure the site is drained adequately.

ENG sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation of Unit 2 or commencement of use (whichever occurs first). All costs associated with works required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage and connections to the Council's stormwater infrastructure must be submitted and approved

prior to the commencement of work. The design drawings and calculations must:

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

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

Advice:

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

Reason for condition

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

ENG 2a

Prior to first occupation of Unit 2 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

Prior to the first occupation of Unit 2 or commencement of use (whichever occurs first), the access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 (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 (parking spaces, aisles and manoeuvring area) design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016*.

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

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

Advice:

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

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

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

Reason for condition

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

ENG 3c

The access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by conditions ENG 3b, ENG r1 and ENG r3.

Prior to the first occupation of Unit 2 or commencement of use (whichever occurs first), documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be lodged with the Council.

Advice:

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

Reason for condition

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

ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation of Unit 2 or the commencement of use (whichever occurs first).

Reason for condition

To ensure the safety of users of the access driveway and

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

ENG 1

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

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

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

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

Reason for condition

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

ENG r1

The excavation and earth-retaining structures (ie embankments, cuttings, retaining walls) within or

supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates and associated geotechnical assessments of the retaining wall within the Hillside Crescent highway reservation must be submitted and approved, prior to issuing of any approval under the *Building Act 2016* and must:

- 1. Be prepared and certified by a suitable qualified person and experienced engineer.**
- 2. Not undermine the stability of the highway reservation.**
- 3. Be designed in accordance with AS 4678, with a design life in accordance with table 3.1 typical application major public infrastructure works.**
- 4. Take into account any additional surcharge loadings as required by relevant Australian Standards.**
- 5. Take into account and reference accordingly any Geotechnical findings.**
- 6. Detail any mitigation measures required.**
- 7. The structure certificated and/or drawings should note accordingly the above.**

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

Advice:

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

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

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

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

ENG r3

Prior to the first occupation of Unit 2 or commencement of use (whichever occurs first), the proposed driveway crossover within the Hillside Crescent highway reservation must be designed and constructed in accordance with:

- **Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing**
- **Footpath - Urban Roads Footpaths TSD-R11-v1**
- **or a Council City Amenity Division approved alternate design**

Design drawings must be submitted and approved prior to any approval under the *Building Act 2016*. The design drawing must:

- 1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.**
- 2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover.**
- 3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings.**
- 4. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.**

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

Advice:

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

Please note that your proposal 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 or the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

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

Please contact the Council's City Amenity Division to discuss approval of alternate designs.

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

Reason for condition

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

ENG r4

Vehicle crash barriers with the Hillside Crescent highway reservation compliant with the Australian/New Zealand Standard AS / NZS 1170.1 and/or the (IPWEA) LGAT – Tasmanian Standard Drawings must be installed or modified as per the plans prior to the first occupation of

Unit 2 or commencement of use (whichever occurs first).

A certified design/report prepared by a suitably qualified engineer, to satisfy the above requirements, must be provided to the Council prior to the issuing of any approval under the *Building Act 2016*.

All works, required by this condition must be undertaken in accordance with certified design/report. Upon completion the barriers must be inspected by a qualified engineer and a certification submitted to the Council, confirming that the installed barriers comply with the above requirement.

Advice:

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

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

Upon completion of the barriers the certification that the installed barriers comply with the relevant requirements may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement).

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

To ensure that the safety of users of the driveway/parking and compliance with the standard.

ENV 1

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

Advice:

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

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on

the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National

Construction Code. Click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). 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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION


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

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-20-148 - 23 SUMMERHILL ROAD WEST
HOBART TAS 7000 - Planning Committee or
Delegated Report ↓
- Attachment B: PLN-20-148 - 23 SUMMERHILL ROAD WEST
HOBART TAS 7000 - CPC Agenda Documents
(Supporting information) 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Committee:	19 October 2020
Expiry Date:	2 November 2020
Application No:	PLN-20-148
Address:	23 SUMMERHILL ROAD , WEST HOBART ADJACENT ROAD RESERVE
Applicant:	Jason Nickerson (Pinnacle Drafting & Design) 2/2 Kennedy Dr
Proposal:	Two Multiple Dwellings (One Existing, One New)
Representations:	One (1)
Performance criteria:	General Residential Zone Development Standards; Road and Railway Assets Code; Parking and Access Code

1. Executive Summary

- 1.1 Planning approval is sought for Two Multiple Dwellings (One Existing, One New), at 23 Summerhill Road West Hobart, and the adjacent road reserve.
- 1.2 More specifically the proposal is as follows:
 - The proposed dwelling is located in the lower half of the lot and would have its own access from Hillside Crescent.
 - A new retained access driveway is required within the Hillside Crescent Road Reserve, which necessitated the consent of the Council's General Manager for the submission of the development application.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes.
 - 1.2.1 General Residential Zone Development Standards - Setbacks and Building Envelope, Private Open Space; Sunlight and Overshadowing
 - 1.2.2 Road and Railway Assets Code - Sight Distances at Accesses, Junctions and Level Crossings
 - 1.2.3 Parking and Access Code - Design of Vehicular Accesses
- 1.4 One representation was received within the statutory advertising period between 10/09 to 24/09/2020.

- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because the proposal includes development on Council's road reservation, less than five objections have been received, and the officer recommendation is for approval.

2. Site Detail

Image 1: Aerial view of the subject site and surrounds.

- 2.1 23 Summerhill Road, West Hobart (Image 1) is a 680sq.m moderately sloping residential lot between Summerhill Road and Hillside Crescent. A single dwelling currently exists in the top half of the lot, accessed from the property's Summerhill Road frontage (Plates 1 and 2). There is evidence of the previous formation of a graded access across the front of the site as it addresses Hillside Crescent, however the area of the site exists as a well established garden (Plate 2). The subject site is surrounded by residential properties.



Plate 1: The upper part of the subject property's Summerhill Road frontage.



Plate 2: The subject property's Summerhill Road frontage as viewed from further downhill.



Plate 3: The subject property's Hillside Crescent frontage, where the proposed dwelling will be located. Access extends from the right-hand side, with the road reserve behind the existing retaining wall and in front of the adjoining property.

3. Proposal

- 3.1 The proposal seeks approval for Two Multiple Dwellings (One Existing, One New), at 23 Summerhill Road West Hobart, and the adjacent road reserve. More specifically a second dwelling in the lower half of the lot, being a primarily single storey building with a carport underneath. The proposed dwelling is accessed via a new retained driveway structure proposed within the road reserve leading from Hillside Crescent. Several retaining walls are proposed in and around the front part of the new dwelling to assist with levels and provide better use of space.

- 3.2 The proposed two bedroom dwelling is contemporary in design with a flat roof, corresponding with the upper floor height of the existing dwelling at the top of the site. A deck extends across the northern (front) side of the proposed dwelling. Access to upper level habitable spaces of the proposed dwelling is via a set of stairs leading up to this deck. Outdoor living and private open spaces for the new dwelling are shared between the deck and a partially levelled space to the eastern and north-eastern side of the new dwelling. For the existing dwelling, outdoor living/private open space is also shared between an upper level deck on its eastern side, ground level space between the existing and proposed dwellings, and also a ground level area at the top of the site between the existing dwelling, its two driveway accesses and the road.
- 3.3 External materials and finishes for the proposed dwelling include rendered and timber-grained cement sheet cladding with steel roofing. Proposed retaining walls within the site and also for the driveway access are to be constructed with concrete blocks. Decks and external stairs are to include glass and timber balustrading.
- 3.4 The proposed development results in four parking spaces across the site, with two existing for the current dwelling and two proposed for the new dwelling.

4. Background

- 4.1 The same proposal was approved by Council under PLN-16-00605-01 in November 2016 however this permit lapsed after substantial commencement did not occur within 2 years of the issue of the permit.
- 4.2 A separate application to partially demolish, alter and extend the existing dwelling on the site was approved by the Council in December 2017 and this development has since been completed. This development was distinct from the 2016 permit mentioned above.

5. Concerns raised by representors

- 5.1 One (1) representation objecting to the proposal was received within the statutory advertising period between 10/09 to 24/09/2020.
- 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 am concerned that the proposed second dwelling (Unit 2) will impact on the view from my units and affect the resale price of the property and rental price.

The current plans do not appear to have the new dwelling sit higher than the first level of the existing dwelling.

I have also been verbally advised by one of the property owners that the proposed dwelling will be no higher than the plans indicate.

I want to ensure that this does not change when building commences.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential (single dwelling). The proposed use is Residential (multiple dwelling). The existing use is a No Permit Required 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 E5.0 Road and Railway Assets Code
 - 6.4.3 E6.0 Parking and Access Code
 - 6.4.4 E7.0 Stormwater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

- 6.5.1 General Residential Zone Development Standards:
- Setbacks and Building Envelope - Part D 10.4.2 P1; P3*
Site Coverage and Private Open Space - Part D 10.4.3 P2
Sunlight and Overshadowing - Part D 10.4.4 P3
- 6.5.4 Road and Railway Assets Code:-
- Sight Distances at Accesses, Junctions and Level Crossings - Part E 5.6.4 P1*
- 6.5.5 Parking and Access Code:-
- Design of Vehicle Accesses - Part E 6.7.2 P1*
- 6.6 Each performance criterion is assessed below.
- 6.7 Setback and building envelope Part D 10.4.2 P1 - Front Setback
- 6.7.1 The acceptable solution A1 of Part D 10.4.2 requires a 4.5m setback from a primary frontage.
- 6.7.2 The deck on the front of the proposed dwelling extends to 3m from the Hillside Crescent frontage boundary of the property, whilst some timber stairs to access the deck are even closer at 1.3m. This boundary is considered the primary frontage of the property as it is marginally shorter than the Summerhill Road frontage of the property.
- 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 P1(a) at clause Part D 10.4.2 provides as follows:
- A dwelling must:*
- (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints;*
- 6.7.5 The timber stairs, part of the deck and lower retaining wall below the proposed dwelling extend closer than 4.5m from the Hillside Crescent property frontage. Overall the extent of encroachment is minimal, and these elements are entirely subservient to the primary form of the

structure. As such, from the road side, they would not appear obviously closer to the front boundary than the dwelling itself, which rises behind.

Much of what was a vegetated streetscape associated with the Hillside Crescent frontage of the property will be displaced by the development. The predominant structure will be the proposed driveway retaining wall within the road reserve, however there will remain an ability to vegetate a terrace in front of this wall. As the site rises above the roadside, the reduced front setback of the deck and lower retaining wall associated with the dwelling will not be obtrusive, and no unreasonable impact will result.

6.7.6 The proposal complies with the performance criterion.

6.8 Setback and building envelope Part D 10.4.2 P3 - Building Envelope

6.8.1 The acceptable solution A3 under Part D 10.4.2 requires all development aside from protrusions such as eaves to be contained within the shape created by the acceptable building envelope as it applies to the site. Walls within 1.5m of a boundary line must be no longer than 9m in length or one third the length of the boundary line, whichever is the lesser.

6.8.2 Elements of the front part of the proposed dwelling are elevated above ground level and, as such, extend partly outside of the applicable building envelope which follows natural ground level. The western side wall of the proposed dwelling is located on the boundary line and extends for a length of 9.9m.

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 P3 at clause Part D 10.4.2 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 A relatively small section of the upper wall and living room window at the eastern front of the proposed dwelling extends outside of the 45° tangent of the acceptable building envelope, as does a very small section of boundary wall on the dwelling's western front corner. This wall has an overall length of 9.9m on the western side boundary line. Overall, the low profile of the proposed dwelling is such that it sits comfortably under the height limit created by the envelope.

With regard to the eastern front side, this element of the proposed dwelling is to the west of the corresponding neighbouring property. An established tree grows in what is effectively the backyard of this adjacent triangular corner site where there is a deck attached to the neighbouring dwelling. It is considered that the degree of impact upon this adjacent property would be minimal, and not unreasonable. The neighbouring dwelling on the adjacent site is oriented away from the subject property, and enjoys a expansive outlook between the arc from east to north. Overshadowing caused by the proposed development is shown to be restricted to mid to late afternoon on the June 21 yardstick, the impact of which is not considered to be unreasonable. Nevertheless, the acceptable building envelope allows for a larger building than what is proposed, which could easily cast greater shadow while being taller and bulkier but still compliant.

In terms of the western front corner, the extent of the wall outside of the envelope is minimal, and could be considered a minor protrusion similar to an eave, although not in the horizontal plane. Impact of this specific element would be negligible. The length of the proposed western boundary wall exceeds the maximum acceptable length by 0.9m. The northern end of this boundary wall is reduced in height. On the adjacent property to the west, the outlook towards the subject site from existing dwellings appears to be largely above the roof line of the proposed dwelling. The proposed development immediately addresses the driveway access and carport on this adjacent site, and it is only to this area that overshadowing has been shown to impact. The dwellings upon the site have their primary outlooks to the north and not directly at the proposed dwelling. Any impacts produced by overshadowing from the proposed dwelling are considered acceptable as they would not be unreasonable given the circumstances. The same conclusion applies in terms of visual impacts and building separation. Existing levels of amenity would largely be preserved.

- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Site coverage and private open space - Part D 10.4.3 P2 - Private open space dimensions
- 6.9.1 The acceptable solution A2(b)(i) under Part D 10.4.3 requires a minimum horizontal dimension of 4m for private open space areas.
- 6.9.2 Both dwellings are allocated multiple areas of private open space between ground level spaces and elevated decks. The proposed dwelling's spaces exceed minimum area requirements but do not meet minimum dimension requirements.
- 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 P2 at clause Part D 10.4.3 provides as follows:
- A dwelling must have private open space that:*
- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:*
- (i) conveniently located in relation to a living area of the dwelling; and*
- (ii) orientated to take advantage of sunlight.*
- 6.9.5 The proposed dwelling's private open space areas combine to be more than double the minimum area requirement. They are split between the deck across the front of the dwelling and a partially levelled area to the east, north-east of the dwelling at ground level. Both areas are acceptably oriented to take advantage of sunlight, and the deck is directly accessible from the dwelling's living and dining areas. Both areas are considered to serve as an extension to the dwelling and would comfortably allow for outdoor relaxation, dining, entertaining and children's play.
- 6.9.6 The proposal complies with the performance criterion.
- 6.10 Sunlight and Overshadowing - Part D 10.4.4 P3
- 6.10.1 The acceptable solution A3 at clause Part D 10.4.4 requires dwellings to the north of private open space areas of other dwellings on the same site

to be 3m clear of the northern edge of the private open space area, and then from this point contained within the shape vertically to a height of 3m and then at an angle of 45 degrees from the horizontal; or to not cause 50% of the private open space area to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.

- 6.10.2 The proposal includes the proposed dwelling immediately to the north of and abutting a ground level private open space area for the existing dwelling and within 1.7m of a ground level deck in the same area. The proposed dwelling would cast significant shadow to this area on June 21.
- 6.10.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.10.4 The performance criterion P3 at clause Part D 10.4.4 provides as follows:
- A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3.*
- 6.10.5 The existing dwelling maintains other areas of private open space such that a more than reasonable degree of amenity will be preserved in this regard. The principle area of private open space for the existing dwelling is an upper level deck on its eastern side and this will be unaffected by the proposed development. During other times of the year the private open space area between the two dwellings is affected by a reduced level of shadowing and as such this space will maintain an acceptable level of amenity and usability.
- 6.10.6 The proposal complies with the performance criterion.
- 6.11 Sight Distances at Accesses, Junctions and Level Crossings - Part E 5.6.4 P1
- 6.11.1 The acceptable solution A1(a) at clause Part E 5.6.4 requires sight distances at accesses to comply with the relevant safe intersection sight distance as per Table E5.1, which in this case is 80m.
- 6.11.2 The proposal includes a new access with compliant sight distance to the west but not to the east.
- 6.11.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

- 6.11.4 The performance criterion P1 at clause Part E 5.6.4 provides as follows:

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

- (a) the nature and frequency of the traffic generated by the use;*
- (b) the frequency of use of the road or rail network;*
- (c) any alternative access;*
- (d) the need for the access, junction or level crossing;*
- (e) any traffic impact assessment;*
- (f) any measures to improve or maintain sight distance; and*
- (g) any written advice received from the road or rail authority.*

- 6.11.5 The Council's Development Engineer provides the following comments:

All traffic generated by the proposed development will be residential in nature. This is compatible with the existing traffic utilising Hillside Crescent near the subject site. The increased traffic generated by the proposed development is likely to be low and less than 10 vehicle movements per day.

Hillside Crescent is a minor road that has a relatively low traffic volume near the site. It provides access to a residential catchment that is relatively stable and closed in nature. The driveway access servicing the site will operate at a high level of service based on the relatively low traffic volumes. The general urban speed limit of 50-km/h applies to Hillside Crescent. This speed limit is appropriate for the residential nature of the development.

No alternative access is possible for the proposed development.

The vehicular access for Unit 2 is only achievable from Hillside Crescent, therefore the new access is necessary.

No Traffic Impact Statement was submitted.

No measures are proposed to improve sight distance.

No written advice was requested by the road authority (Council) relating to the access.

Council is of the opinion that the Acceptable Solution for clause E5.6.4 is not met due to sight lines being obstructed however, given the low speed environment and low traffic generation of the development the development may therefore be accepted under Performance Criteria P1:E5.6.4 of the Planning Scheme.

- 6.11.6 The proposal complies with the performance criterion.

6.12 Design of Vehicle Accesses - Part E 6.7.2 P1

6.12.1 The acceptable solution A1 at clause Part E 6.7.2 requires vehicle accesses to be designed to comply with AS2890.1:2004 with regard to location, sight distance, width and gradient.

6.12.2 The proposal includes a new access that does not meet compliant sight distances.

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

6.12.4 The performance criterion P1 at clause Part E 6.7.2 provides as follows:

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

(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;

(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;

(c) suitability for the type and volume of traffic likely to be generated by the use or development;

(d) ease of accessibility and recognition for users.

6.12.5 The Council's Development Engineer states that:

In this case, the required SISD is 40 metres, noting that the vehicle speed has been assumed to be equal to the posted speed limit of 50-km/h. The required sight distance is achievable to the west of the new crossover along Hillside Crescent however is not achievable to the east due to obstructions. The access has been identified as right turn entry only and left turn exit only not provided for all entry and exit manoeuvres. The proposed access is considered to be feasible in terms of the tests of the performance criteria. Based on the above assessment and given the submitted documentation, the vehicle access may be accepted under Performance Criteria P1:E6.7.2 of the Planning Scheme. Given the location of the access and driveway, and the low volume of traffic on the road from which the property gains access.

6.12.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Two Multiple Dwellings (One Existing, One New), at 223 Summerhill Road West Hobart, and the adjacent road reservation.
- 7.2 The application was advertised and received one (1) representation. The representation raised concerns including the height of the proposed development as it potentially could impact on the existing outlook of adjacent dwellings. The representation noted the height of the proposed development not being higher than the first floor level of the existing dwelling and wanted to ensure the development was constructed in accordance with this. If approved it is expected that the development is constructed as shown in the plans.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well. The proposal is the same as that approved in 2016 under planning permit PLN-16-00605-01, which lapsed before it was substantially commenced.
- 7.4 The proposal has also been assessed by the Council's Development Engineer who raises no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Two Multiple Dwellings (One Existing, One New) at 23 Summerhill Road, WEST HOBART satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Two Multiple Dwellings (One Existing, One New) at 23 Summerhill Road, WEST 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-20-148 - 23 SUMMERHILL ROAD WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2020/00463-HCC dated 25/08/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior first occupation of Unit 2 or commencement of use (whichever occurs first).

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

Reason for condition

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

ENG sw4

Any new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation of Unit 2 or commencement of use (whichever occurs first).

Detailed engineering drawings must be submitted and approved, prior commencement of works. The detailed engineering drawings must include:

1. **the location of the proposed connection;**
2. **the size of the connection appropriate to satisfy the needs of the development;**
3. **the material of the proposed stormwater connection; and**
4. **the interface between Council and private infrastructure.**

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

Advice:

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

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

Reason for condition

To ensure the site is drained adequately.

ENG sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with sufficient

receiving capacity prior to first occupation of Unit 2 or commencement of use (whichever occurs first). All costs associated with works required by this condition are to be met by the owner.

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

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

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

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

Reason for condition

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

ENG 2a

Prior to first occupation of Unit 2 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

Prior to the first occupation of Unit 2 or commencement of use (whichever occurs first), the access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (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 (parking spaces, aisles and manoeuvring area) design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016*.

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

1. **Be prepared and certified by a suitably qualified engineer,**
2. **Be generally in accordance with the Australian Standard AS/NZS2890.1:2004,**
3. **Where the design deviates from AS/NZS2890.1:2004 the designer must**

- demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and
4. **Show dimensions, levels, gradients & transitions, and other details as Council deem necessary to satisfy the above requirement.**

Advice:

- *It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*
- *Once the design has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

ENG 3c

The access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by conditions ENG 3b, ENG r1 and ENG r3.

Prior to the first occupation of Unit 2 or commencement of use (whichever occurs first), documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be lodged with Council.

Advice:

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

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with

the relevant Australian Standard.

ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation of Unit 2 or the commencement of use (whichever occurs first).

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

cost.

ENG r1

The excavation and earth-retaining structures (ie embankments, cuttings, retaining walls) within or supporting the highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates and associated geotechnical assessments of the retaining wall within the Hillside Crescent highway reservation must be submitted and approved, prior to issuing of any approval under the *Building Act 2016* and must:

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

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

Advice:

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

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

ENG r3

Prior to the first occupation of Unit 2 or commencement of use (which ever occurs first), the proposed driveway crossover within the Hillside Crescent highway reservation must be designed and constructed in accordance with:

- Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing
- Footpath - Urban Roads Footpaths TSD-R11-v1
- or a Council City Amenity Division approved alternate design

Design drawings must be submitted and approved prior to any approval under the *Building Act 2016*. The design drawing must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover.
3. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings.
4. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

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

for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *Please contact Council City Amenity Division to discuss approval of alternate designs.*
- *You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*

Reason for condition

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

ENG r4

Vehicle crash barriers with the Hillside Crescent highway reservation compliant with the Australian/New Zealand Standard AS / NZS 1170.1 and/or the (IPWEA) LGAT – Tasmanian Standard Drawings must be installed or modified as per the plans prior to the first occupation of Unit 2 or commencement of use (whichever occurs first).

A certified design/report prepared by a suitably qualified Engineer, to satisfy the above requirements, must be provided to the Council prior to the issuing of any approval under the *Building Act 2016*.

All works, required by this condition must be undertaken in accordance with certified design/report. Upon completion the barriers must be inspected by a qualified engineer and a certification submitted to the Council, confirming that the installed barriers comply with the above requirement.

Advice:

- *The applicant is required submit detailed design/report documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *Upon completion of the barriers the certification that the installed barriers comply with the relevant requirements may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see*

general advice on how to obtain condition endorsement).

- *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

To ensure that the safety of users of the driveway/parking and compliance with the standard.

ENV 1

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

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

Reason for condition

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

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

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

that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). 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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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



(Cameron Sherriff)

Development Appraisal Planner

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 28 September 2020

Attachment(s):

Attachment B - CPC Agenda Documents

**7.1.6 1 DIGNEY STREET AND 3 DIGNEY STREET, DYNMYRNE AND
ADJACENT RIVULET - PARTIAL DEMOLITION, ALTERATIONS
AND EXTENSION
PLN-20-429 - FILE REF: F20/104016**

Address: 1 Digney Street and 3 Digney Street, Dynmyrne
and Adjacent Rivulet

Proposal: Partial Demolition, Alterations and Extension

Expiry Date: 2 November 2020

Extension of Time: Not applicable

Author: Victoria Maxwell

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition, alterations and extension at 1 DIGNEY STREET AND 3 DIGNEY STREET, DYNMYRNE TAS 7005 AND ADJACENT RIVULET 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-20-429 1 DIGNEY STREET DYNMYRNE 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).

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG s1

The stormwater floodway along the western side boundary of the property must be retained.

Detailed design of the works in the floodway (including but not limited to footing and walls) demonstrating that overland flows will minimise the impedance of flow must be submitted and approved prior to issue of any consent under the *Building Act 2016*. The detailed design must include:

- **Certification from an accredited and qualified structural engineer that all proposed structures within the flood zone are designed to resist inundation, erosion, undermining and likely forces from a flood event.**
- **Drawings of the works within the floodway in accordance with the Stormwater Inundation report by Flussig (dated 13 July 2020 and forming part of the Final Planning Documents).**

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

Reason for condition

To ensure that the risks associated with building in a flood zone and near Council's stormwater infrastructure are managed.

ENV 2

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

A SWMP must be submitted prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program,

2008), available [here](#).

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

Advice:

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

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

Reason for condition

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

ENV s1

The void space shown between the underside of the extension floor and the ground as shown in the submitted plans must be established and maintained for the life of the extension. The void must be kept open and free from obstructions for the life of the extension.

Reason for condition

To ensure the development does not unreasonably increase the risk from flooding.

OPS 1

The title boundary shared between the Council's Highway Reserve, 3 Digney Street Right of Way, the Sandy Bay Rivulet and the subject property must be remarked by a registered Land Surveyor and clearly marked on the ground prior to

commencement of works on site. All works (excluding the demolition of the car port) must only be undertaken within the subject property.

Reason for condition

To ensure development is contained within the subject private property.

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

HABITABLE ROOM FLOOR LEVELS

The applicant is advised that s159 of the *Building Act 2000* (and s3(2) of the *Building Regulations 2016*) states:

A person must not erect or place a building containing habitable rooms on land subject to flooding unless the floor level of each habitable room in the building is 300 millimetres or more above the prescribed designated flood level for that land.

From current plans, it appears that the proposed floor level does not meet this.

Therefore the floor level may need to be raised in the building application. Please be advised that an amendment to this permit will be required and no guarantee is given at this point that approval of such will be forthcoming.

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.

STORMWATER / ROADS / ACCESS

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

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in

respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

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-20-429 - 1 DIGNEY STREET DYNMYRNE
TAS 7005 - Planning Committee or Delegated
Report ↓ 

Attachment B: PLN-20-429 1 DIGNEY STREET DYNMYRNE TAS
7005 - CPC Agenda Documents (Supporting
information) 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Committee: 19 October 2020
Expiry Date: 2 November 2020
Application No: PLN-20-429
Address: 1 DIGNEY STREET , DYNMYRNE
3 DIGNEY STREET , DYNMYRNE
ADJACENT RIVULET
Applicant: tom scott
1 digney street
Proposal: Partial Demolition, Alterations and Extension
Representations: No representations.
Performance criteria: Inner Residential Zone Development Standards, Parking and Access Code
Inundation Prone Areas Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 1 and 3 Digney Street Sandy Bay and the adjacent Rivulet.

- 1.2 More specifically the proposal includes:
- demolition of the western and southern portion of the dwelling, including external and internal walls for the living room, office, laundry and eastern bedroom,
 - other internal demolition of bathroom, kitchen/dining walls and fire place,
 - demolition of the existing carport and shed to the rear of the dwelling,
 - removal of the existing rear dwelling landing and steps,
 - removal of a substantial mature deciduous tree,
 - construction a new extension on the southern side, comprising living, dining and kitchen area,
 - the extension will be connected to the existing dwelling by a link way along the eastern side of the house and a deck,
 - the existing kitchen dining, bathroom and laundry area will be converted to bathroom, powder room and laundry,
 - a new ensuite will be installed in the bedroom 1 and the existing sunroom will be incorporated in the bedroom area,
 - a new ramp will be installed along the eastern external wall, and
 - the finished floor level of the extension will be 34.26 AHD, following the existing dwelling floor level.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Inner Residential Zone Development Standards - Front Setback and Building Envelope
 - 1.3.2 Parking and Access Code - Layout of Parking Areas
 - 1.3.3 Inundation Prone Areas - Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas
- 1.4 No representations were received during the statutory advertising period between 2nd and 16th September 2020.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because it involves Council owned land (the adjacent rivulet), and no representations were received.

2. Site Detail

- 2.1 The site is located on the southern side of Digney Street at the western end of the street. Public open space surrounds the site to the north (Fitzroy Gardens) and south (Parliament St Playing fields). Residential development is located directly to the east and beyond the open space reserves on all other sides. The residential uses are a mix of single dwellings and multiple dwellings and apartment buildings. The Sandy Bay Rivulet forms the southern boundary, along with the roadway of 3 Digney Street in the north east corner.



Figure 1: Location Plan (Geo Cortex, 2020)

- 2.2 The site is relatively flat, with a gentle slope to the creek reserve boundary. Access is gained via a Right of Way over 3 Digney St on the north east corner of the property. This Right of Way curves away to the east to the dwelling on 3 Digney St, but also kinks to the west between the parking area of the subject site and the rivulet channel. This portion of land is currently used for parking, with no fencing or identifying property boundaries. The parking also extends into the Sandy Bay Rivulet property, with a carport (to be removed), built over the boundary and into the rivulet lot.

The site is lower than the Digney Street road pavement level, with a wide verge below the footpath at the western end of the subject property. The western property boundary is incorrectly located with the boundary fence extending to the pedestrian footpath on Digney Street. The cadastral plan below shows the correct property boundary. The affected area of road reserve has been occupied by the property for some time with established landscaping clearly extending into the road reserve.



Figure 2: Site plan (Geo Cortex, 2020)

- 2.3 The owners have previously requested a licence to occupy the highway reservation. No evidence that this has been granted was found in Council records.



Figure 3: Real Estate photo, showing proximity to Sandy Bay Rivulet
(www.realestate.com.au, 2020)

- 2.4 The southern boundary along the Sandy Bay Rivulet bank is reinforced with a stepped gabion wall. Whilst the rivulet is normally a couple of metres below the natural ground level of the subject land, in times of flood and high rainfall events, the creek level extends into the subject property and the whole of the site may be inundated.



Figure 4: View over Sandy Bay Creek channel to subject site building area (Google Streetview, 2015)



Figure 5: 1% AEP Flood level for Sandy Bay Rivulet (Geo Cortex, 2020)



Figure 5a: Tree and shed to be removed (Eade Design, 2020)

3. Proposal

3.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 1 and 3 Digney Street Sandy Bay and the adjacent Rivulet.

3.2 More specifically the proposal includes:

- demolition of the western and southern portion of the dwelling, including external and internal walls for the living room, office, laundry and eastern bedroom,
- other internal demolition of bathroom, kitchen/dining walls and fire place,
- demolition of the existing carport and shed to the rear of the dwelling,
- removal of the existing rear dwelling landing and steps,
- removal of a substantial mature deciduous tree,
- construction a new extension on the southern side, comprising living, dining and kitchen area,
- the extension will be connected to the existing dwelling by a link way along the eastern side of the house and a deck,
- the existing kitchen dining, bathroom and laundry area will be converted to bathroom, powder room and laundry,
- a new ensuite will be installed in the bedroom 1 and the existing sunroom will be incorporated in the bedroom area,
- a new ramp will be installed along the eastern external wall, and
- the finished floor level of the extension will be 34.26 AHD, following the existing dwelling floor level.

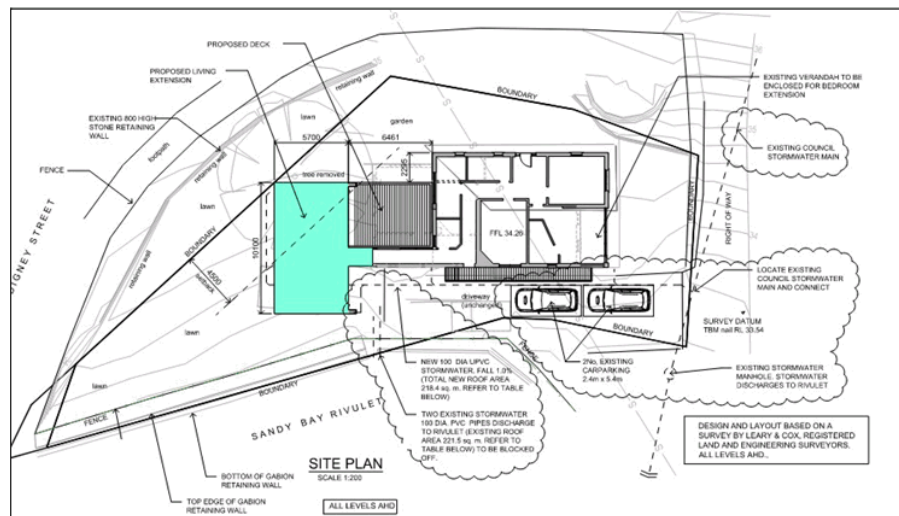


Figure 6: Applicant Site plan (Eade Designs, 2020)

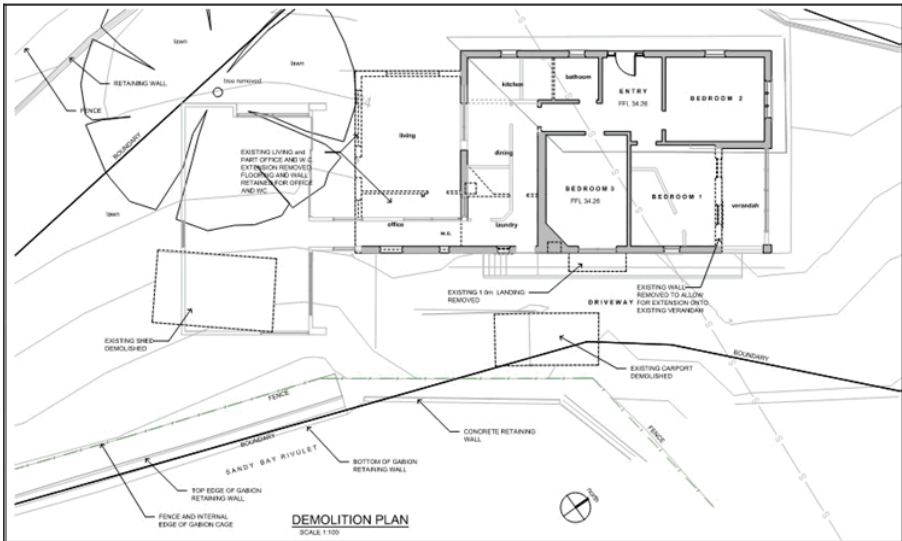


Figure 7: Existing floor plan and proposed demolition (Eade Designs, 2020)

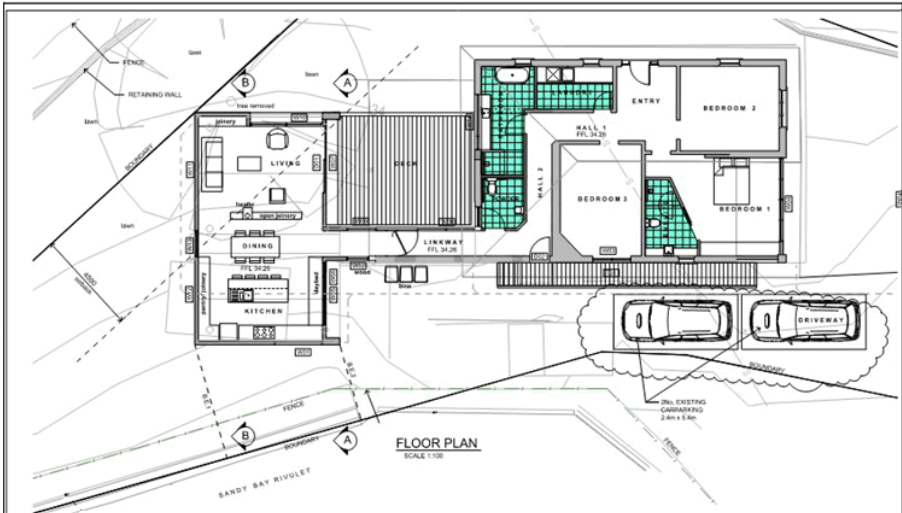


Figure 8: Proposed Floor Plan (Eade Designs, 2020)

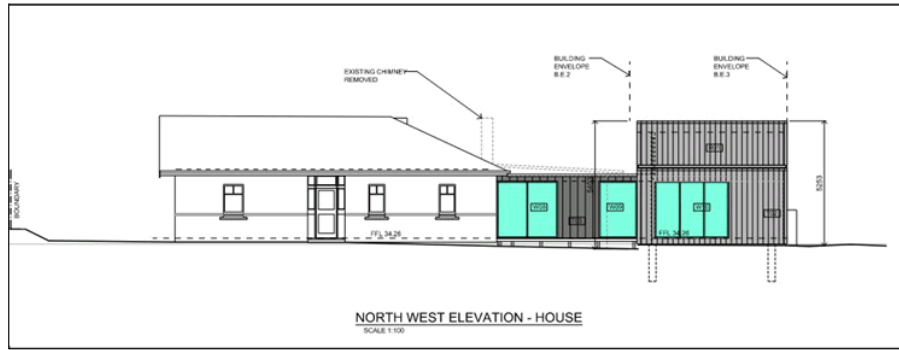


Figure 9: Front Elevation (Eade Designs, 2020)

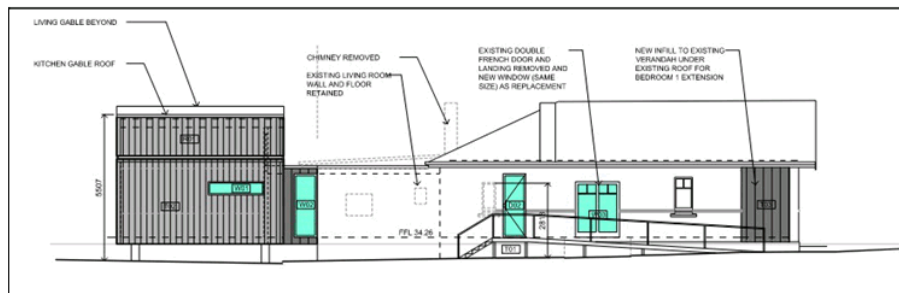


Figure 10: Rear Elevation (Eade Designs, 2020)

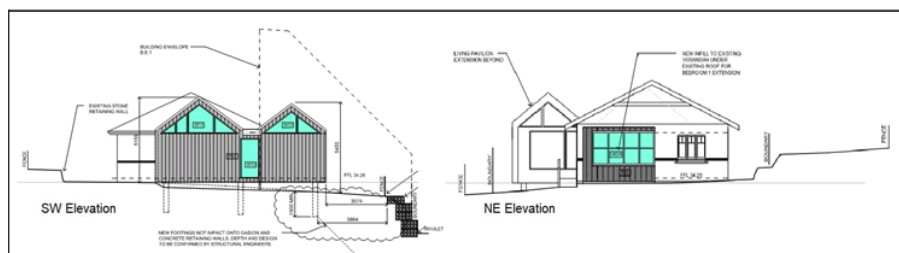


Figure 11: SW and NE Elevations (Eade Designs, 2020)

4. Background

- 4.1 The applicants are in negotiations to acquire an occupancy licence for the area of garden on Council's Highway Reservation. The applicants have been advised that Council could support this, however no evidence of a licence having been granted was found.
- 4.2 Previously a permit was granted for a change of use in PLN-940075 - House of Herbs.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 2nd and 16th September 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 Required use in the zone. The proposed use is a No Permit Required use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11 Inner Residential Zone
 - 6.4.2 E 6.0 Parking and Access Code
 - 6.4.3 E 7.0 Stormwater Management Code
 - 6.4.4 E 15.0 Inundation Prone area Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Inner Residential Zone:-
Setbacks and Building Envelope – Part D 11.4.2 P1; P3
 - 6.5.2 Parking and Access Code:-
Layout of Parking Areas - E6.7.5 P1

6.5.3 Inundation Prone Areas Code:-

Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas - E15.7.5 P2

6.6 Each performance criterion is assessed below.

6.7 Front Setback Part D 11.4.2 P1

6.7.1 The acceptable solution at clause 11.4.2 A1 requires a 3m setback from the front boundary.

6.7.2 The proposal includes a zero setback for the north western corner of the proposed extension.

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

6.7.4 The performance criterion at clause 11.4.2 P1 provides as follows:

The setback of a dwelling from a frontage must:

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

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

6.7.5 The front boundary is located approximately 5.5m from the footpath on Digney Street. The front fencing follows the footpath along the northern and western boundaries and is completely removed from the legal boundary. The applicants initiated a request for an occupancy licence for the Highway Reserve, which would enable the owners to maintain the landscaped garden and practical boundaries. This provides a greater perceived setback than adjacent properties. Even if the licence were refused and fencing was required to follow the lawful boundary, the setback from the publicly used portion of the road reserve and the sloping nature of the land would still appear similar in character to nearby properties. It should be noted that there is a low likelihood that the road pavement would change and the sloping section of road reserve on the western side revert to Council for practical public use.

6.7.6 The proposal complies with the performance criterion.

6.8 Building Envelope Part D 11.4.2 P3

6.8.1 The acceptable solution at clause 11.4.2 A3 requires development to fit within a three dimensional building envelope, which identifies a 3m front setback.

6.8.2 The proposal includes a zero front setback, which extends outside of the building envelope.

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 11.4.2 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 The extension will not cause a reduction in sunlight or overshadowing to any adjoining or vacant lot. There are no properties likely to be visually affected by the single storey extension, because it is located lower than the road level. The distance from the road pavement and the property boundary is sufficient to be compatible with the prevailing setback and separation of nearby properties.

Because the boundary is not clearly defined within the garden and to ensure that all development is retained within the lawful property boundary, a condition will be imposed to identify and mark the property boundary prior to commencement of building.

6.8.6 The proposal complies with the performance criterion.

6.9 Parking and Access Code - 6.7.5 - Layout of Parking Areas

- 6.9.1 The acceptable solution at clause 6.7.5 A1 require the layout of car parking areas to comply section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.
- 6.9.2 The proposal includes jockey parking, which does not comply with the above mentioned standard.
- 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause 6.7.5 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 that the proposed jockey parking arrangement and less than the Australian Standard buffer zone around the parking spaces, can both be supported under the performance criteria, noting the spaces will be for a residential use and users will be familiar with the characteristics of the parking area.
- 6.9.6 The proposal complies with the performance criterion.
- 6.10 Inundation Prone Land Areas code - E 15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas
- 6.10.1 The acceptable solution at clause 15.7.5 A2 requires that in order to meet the acceptable solution, landfill or solid walls must be no greater than 5m.
- 6.10.2 The proposal includes an extension to an existing building with a wall length longer than 5m.
- 6.10.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.10.4 The performance criterion at clause 15.7.5 P2 provides as follows:
- Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:*

- (a) no adverse affect on flood flow over other property through displacement of overland flows;*
- (b) the rate of stormwater discharge from the property must not increase;*
- (c) stormwater quality must not be reduced from pre-development levels.*

6.10.5 The application was referred to Council's Environmental Development Planner, who advised as follows;

Approval is sought for demolition, alterations and additions at 1 Digney Street, Sandy Bay.

The Code applies because development is proposed on flood-prone land. The relevant standards are under clauses E15.7.4 and E15.7.5.

With regard to E15.7.4:

A1/P1 is not applicable.

The proposal complies with acceptable solution A2(b) as the area of the extension would be less than 60m².

The proposal complies with A3 as the total area of non-habitable buildings would be less than 60m².

With regard to E15.7.5, there is no acceptable solution for solid walls more than 0.5m in height and 5m in length. Performance criterion P2 states the following:

Landfill, or solid walls greater than 5 m in length and 0.5 m in height, must satisfy all of the following:

- (a) no adverse affect on flood flow over other property through displacement of overland flows;*
- (b) the rate of stormwater discharge from the property must not increase;*
- (c) stormwater quality must not be reduced from pre-development levels.*

The submitted flood study indicates that the proposed development would not have a significant adverse effect on flood flow over other properties. The extension would have a void space between the ground and the underside of the building and the 1% AEP flood level would be below the walls of the building so there would no impact.

As the modelling included the void and the flood study recommends the void is maintained a condition to this effect is recommended.

6.10.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 1 and 3 Digney Street Sandy Bay and the adjacent Rivulet.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Open Space Planner, Stormwater Technical Officer and Environmental Development Planner. The officers have raised no objection to the proposal, subject to conditions.

It was detected during assessment that the floor level proposed is less than 300mm above the 1% AEP flood level identified in the applicant's report. Whilst the Hobart Interim Planning Scheme 2015 does not require this and the proposed floor level is above the anticipated flood level, it does not comply with the requirements of the current building legislation, which stipulates that the floor level of each habitable room be 300mm or more above the prescribed designated flood level for that land. The applicant was alerted to this fact, but preferred to proceed with the plans as is, because the proposed floor level mimics the existing dwelling floor level.

The applicant advised that should this not be able to be signed off by their Building Surveyor, then an amendment to this planning permit would be necessary. The applicant was advised that it was not possible to confirm at this point if such an amendment would be approved. The applicants nominated to proceed with the current proposal and attend to such matters in the future, should they eventuate. An advisory note is included in the permit for this.

As noted in the site detail, existing development and works associated with this dwelling extend beyond the lawful boundary to the north, west and south east. To ensure that the proposed development remains within the property of 1 Digney Street, a condition is imposed as suggested by Council's Cadastral Surveyor that the applicant be required to survey the boundaries and correctly identify such prior to commencement of works, to ensure that all development (excluding the demolition of the car port) is undertaken entirely within the subject property.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Partial Demolition, Alterations and Extension at 1 DIGNEY STREET DYNMYRNE TAS 7005 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 City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Partial Demolition, Alterations and Extension at 1 DIGNEY STREET DYNMYRNE TAS 7005 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-20-429 1 DIGNEY STREET DYNMYRNE 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).

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG s1

The stormwater floodway along the western side boundary of the property must be retained.

Detailed design of the works in the floodway (including but not limited to footing and walls) demonstrating that overland flows will minimise the impedance of flow must be submitted and approved prior to issue of any consent under the *Building Act 2016*. The detailed design must include:

- **Certification from an accredited and qualified structural engineer that all proposed structures within the flood zone are designed to resist inundation, erosion, undermining and likely forces from a flood event.**
- **Drawings of the works within the floodway in accordance with the Stormwater Inundation report by Flussig (dated 13 July 2020 and forming part of the Final Planning Documents).**

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

Reason for condition

To ensure that the risks associated with building in a flood zone and near Council's stormwater infrastructure are managed.

ENV 2

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

A SWMP must be submitted prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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

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

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

Reason for Condition

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

ENV s1

The void space shown between the underside of the extension floor and the ground as shown in the submitted plans must be established and maintained for the life of the extension. The void must be kept open and free from obstructions for the life of the extension.

Reason for condition

To ensure the development does not unreasonably increase the risk from flooding

OPS 1

The title boundary shared between the Council's Highway Reserve, 3 Digney

Street Right of Way, the Sandy Bay Rivulet and the subject property must be remarked by a registered Land Surveyor and clearly marked on the ground prior to commencement of works on site. All works (excluding the demolition of the car port) must only be undertaken within the subject property.

Reason for condition

To ensure development is contained within the subject private property.

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

HABITABLE ROOM FLOOR LEVELS

The applicant is advised that s159 of the Building Act 2000 (and s3(2) of the Building Regulations 2016) states *A person must not erect or place a building containing habitable rooms on land subject to flooding unless the floor level of each habitable room in the building is 300 millimetres or more above the prescribed designated flood level for that land.* From current plans, it appears that the proposed floor level does not meet this.

Therefore the floor level may need to be raised in the Building Application. Please be advised that an amendment to this permit will be required and no guarantee is given at this point that approval of such will be forthcoming.

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.

STORM WATER / ROADS / ACCESS

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

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

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.



(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: 21 September 2020

Attachment(s):

Attachment B - CPC Agenda Documents

**7.1.7 19 ALLISON STREET, WEST HOBART - PARTIAL DEMOLITION
AND ALTERATIONS
PLN-20-550 - FILE REF: F20/105923**

Address: 19 Allison Street, West Hobart
Proposal: Partial Demolition and Alterations
Expiry Date: 20 November 2020
Extension of Time: Not applicable
Author: Cameron Sherriff

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition and alterations at 19 Allison Street, WEST 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-20-550 - 19 ALLISON STREET WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 1

Screening to a height above deck surface level equivalent to that of the rear end of the skillion roof section on the back of the adjacent dwelling at 17 Allison Street, with no more than 25% uniform transparency must be installed and maintained along that part of the north-eastern edge of the deck for a length equivalent to the current north-eastern end of the existing deck prior to first occupation.

Prior to the issue of any approval under the *Building Act*

2016, revised plans must be submitted and approved showing screening in accordance with the above requirement.

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

Reason for condition

To provide reasonable opportunity for privacy for dwellings.

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*.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

- Attachment A: PLN-20-550 - 19 ALLISON STREET WEST
HOBART TAS 7000 -  Planning Committee or
Delegated Report ↓
- Attachment B: PLN-20-550 - 19 ALLISON STREET WEST
HOBART TAS 7000 - CPC Agenda Documents
(Supporting information) 
- Attachment C: PLN-20-550 - 19 ALLISON STREET WEST
HOBART TAS 7000 - Planning Referral Officer
Cultural Heritage Report (Supporting information)


**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Committee: 19 October 2020
Expiry Date: 20 November 2020
Application No: PLN-20-550
Address: 19 ALLISON STREET , WEST HOBART
Applicant: KRISTY LITTLE
71 NELSON ROAD
Proposal: Partial Demolition and Alterations
Representations: Three (3)
Performance criteria: General Residential Zone Development Standards; Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition and Alterations, at 19 Allison Street West Hobart.
- 1.2 More specifically the proposal includes:
- Demolition of an existing elevated deck attached to the rear of the dwelling.
 - A new, larger deck (6.85m wide by 4.5m deep) extending from the rear of the dwelling at the same level with a finished floor level of 2.7m above ground level. The existing and proposed decks correspond with the primary floor level of the dwelling, which at the rear is equivalent to first floor level.
 - The proposed deck maintains the existing side boundary setbacks of the dwelling at 1.3m and 1.9m.
 - The deck includes a 1.7m high aluminium horizontal slat screen along its south-western side. The remaining sides of the deck are surrounded by a 1m high glass balustrade.
 - Composite wood decking is proposed.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 General Residential Zone Development Standards - Building Envelope; Privacy

- 1.3.2 Historic Heritage Code - Demolition and Buildings/Works in a Heritage Precinct
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 07/09 and 21/09/2020.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because more than two and less than five objections to the application have been received, and the officer recommendation is for approval.

2. Site Detail



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

- 2.1 19 Allison Street, West Hobart is a 600m² residential property occupied by a single weatherboard dwelling located to the front of the lot. The site exhibits a degree of cross slope both from left down to right and also from front down to rear, meaning that what appears as a single storey dwelling at the front becomes a two storey dwelling at the rear. The property is surrounded by residential properties with similar characteristics and falls inside the West Hobart 3 Heritage Precinct.

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition and Alterations, at 19 Allison Street West Hobart.

3.2 More specifically the proposal is for:

- Demolition of an existing elevated deck attached to the rear of the dwelling.
- A new, larger deck (6.85m wide by 4.5m deep) extending from the rear of the dwelling at the same level with a finished floor level of 2.7m above ground level.
- The existing and proposed decks correspond with the primary floor level of the dwelling, which at the rear is equivalent to first floor level.
- The proposed deck maintains the existing side boundary setbacks of the dwelling at 1.3m and 1.9m.
- The deck includes a 1.7m high aluminium horizontal slat screen along its south-western side. The remaining sides of the deck are surrounded by a 1m high glass balustrade.
- Composite wood decking is proposed.

4. Background

4.1 None relevant.

5. Concerns raised by representors

- 5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 07/09 and 21/09/2020.
- 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.

Concerns about impact upon light and sunlight capture.
Concerns about impacts upon views and outlook.
Concerns about non-compliance with scheme standards - setbacks, height and privacy. The deck has not been designed to minimise the impacts caused.
Concerns about the visual impact caused by the proposed deck.
Concerns about privacy impacts from overlooking from the deck into habitable rooms and private open spaces.
Concerns that any screen planting required by Council will impact solar access to adjacent properties.
Concerns about screening and the overall proposal not being considerate of heritage values.
Concerns about impact upon current levels of residential amenity through the introduction of a larger deck and the potential for its unsociable use.
Concerns about the non-residential use of the property for visitor accommodation without approval.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential (single dwelling). The proposal maintains this use. A single dwelling is a No Permit Required Use in the Zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 10 General Residential Zone
- 6.4.2 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:

6.5.1 General Residential Zone Development Standards:-

*Setbacks and Building Envelope – Part D 10.4.2 P3**Privacy – Part D 10.4.6 P1*

6.5.2 Historic Heritage Code:-

*Demolition - Heritage Precinct - Part E 13.8.1 P1**Buildings and Works - Heritage Precinct - Part E 13.8.2 P1; P3*

6.6 Each performance criterion is assessed below.

6.7 Setbacks and Building Envelope – Part D 10.4.2 P3

6.7.1 The acceptable solution A3 at clause Part D 10.4.2 requires development to be contained within the shape produced by the acceptable building envelope as it responds to the characteristics of the site, along with development that is within 1.5m of a side boundary being a total length of 9m or one third the length of the boundary line, whichever is the lesser.

6.7.2 The proposal includes all parts of the proposed deck and screen contained within the shape of the envelope as it applies to the site. The proposed deck however maintains the existing 1.3m side setback of the dwelling and this setback occurs for the full 21m length of this side of the dwelling. The additional 4.5m of deck brings the total length within 1.5m to 25.5m, equating to 42% of the length of the corresponding 61m side boundary line.

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 P1 at clause Part D 10.4.2 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 proposed deck maintains the existing setbacks of the dwelling from both side boundaries. These setbacks are typical for dwellings in the area which is characterised by older dwellings on reasonably narrow lots where much of the lot frontage is occupied. Whilst there is some variation in side setbacks, typical distances are not substantially greater than what is being maintained here, and there are numerous instances of more minimal setbacks.

There are no adjoining vacant lots.

Taking into account the orientation and topography of adjoining lots and the positioning/orientation of the dwellings and open space areas upon them, along with the presence of well-established and vegetated gardens and boundary line vegetation, the availability of vantage points to gain a clear view of the proposed deck is limited. To the south-west and west, where the natural ground level is more elevated, the proposed deck corresponds with thickly vegetated gardens and boundary line vegetation (Plates 1, 2 and 3) The proposed deck is well-screened from these properties and given the existing circumstances and the more-or-less open form of the proposed deck, visual impacts are minimised and overshadowing would not affect primarily protected areas to any extent that could be deemed to be unreasonable.



Plate 1: The adjoining property (21 Allison Street) opposite the existing proposed deck.



Plate 2: The adjoining property (2 Blackwood Avenue) opposite the proposed, extended deck location.



Plate 3: Looking back (towards the front of the site) at the existing deck, dwelling and south western side boundary from ground level.

- 6.7.6 To the east/north-east (Plate 4), the existing dwelling on this adjoining property has a single window opposite the existing deck which would similarly correspond with the initial part of the proposed deck. This window (Plate 5) is set below the balustrade level of the existing deck, with essentially half the window below and half above the deck surface level.



Plate 4: Looking from the existing deck to the adjacent property to the east/north-east. The adjacent window is obscured by the side balustrade. This neighbour's screened deck can be seen in the middle of the image and boundary line vegetation is to the left.



Plate 5: The adjacent window as viewed from the existing deck.

- 6.7.7 On the subject site, between the existing deck and the shared boundary line, is a lattice structure that butts up to the side of the existing deck

(Plate 6). Growing on this structure is an ornamental grape which has extended up to be entwined in the balustrade of the existing deck. This vegetation, when not devoid of leaves, assists to screen the appearance of the deck when viewed from the window in the adjacent dwelling. Discussions with the applicant confirm an intent to retain the lattice structure and vine adjacent to the new deck. Beyond the rear of this adjacent dwelling is a batten screen along the length of a rear deck, before boundary line vegetation extends for effectively the full length of this boundary obscuring the adjacent property's rear yard space from view from the existing deck.



Plate 6: The lattice structure (partially obscured by the tree in the foreground), existing deck, side boundary line and adjacent dwelling's window in context and as viewed from ground level.

- 6.7.8 The view of the proposed deck from the adjacent property, either from the side window or the rear yard is limited. The window is not large, nor does it contribute to the primary outlook from this end of the adjacent dwelling. Whilst the subject site, and with it the existing dwelling and the proposed deck, is situated upon higher ground level, the more or less open form of the deck and the limited opportunity for a direct view from the adjacent site are such that no unreasonable visual impact by way of apparent scale, bulk or proportions would result. The proposed deck is also not considered likely to cast any unreasonable degree of shadow onto this adjoining property. Limited angled shadowing towards the side of the dwelling on the adjacent property may result in the latter parts of the

shorter days of the year, however local topography around the distant Mount Stuart hillside further to the north/north-west and the orientation of the subject and adjacent sites and the development upon them combine to make it likely that access to sunlight at this time would already be compromised and would not be of a high quality or frequency.

6.7.9 The proposal complies with the performance criterion.

6.8 Privacy – Part D 10.4.6 P1

6.8.1 The acceptable solution A1 at clause Part D 10.4.6 requires decks with surface levels above 1m to have a minimum setback of 3m from side boundaries and 4m from rear boundaries unless having a permanently fixed screen to 1.7m above surface level with a maximum transparency of 25%.

6.8.2 The proposal includes a deck with a surface level 2.7m above natural ground level, with side setbacks of 1.3m and 1.9m, with a 1.7m high horizontal slat screen along the side with the 1.3m setback. The deck has a rear setback of approximately 30m.

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

6.8.4 The performance criterion P1 at clause Part D 10.4.6 provides as follows:

A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining lot or its private open space; or*
- (b) another dwelling on the same site or its private open space; or*
- (c) an adjoining vacant residential lot.*

6.8.5 The proposed deck is non-compliant for privacy where at a setback of 1.9m from the side boundary to the east/north-east. No screen has been proposed along this side of the deck as the applicant seeks to retain a distant outlook to the north/north-east. On the adjacent property, and as mentioned earlier, corresponding with this side of the proposed deck is a window in the rear side of the adjacent dwelling, a screened deck and boundary line vegetation, which extends for the remainder of the side boundary line. The height offset between the two adjoining dwellings is

such that there is no direct outlook from one to another on the same horizontal plane. The existing deck and the proposed deck surface level is elevated enough from the window in the side of the adjacent dwelling that the outlook from users of the deck is not directly into the interior of the room inside but instead out and across this adjacent dwelling and site (Plate 7). Nevertheless, if one wished to they could stand at the edge of the deck and look down into window of the adjacent dwelling and the room inside, albeit the field of view would be limited and as experienced during an inspection of the site the view into this window was at least to some extent obscured by reflection. Whilst it would be possible to look into this window from the deck in this way, this is not the typical behaviour of any reasonable person using a deck and this certainly does not look to be unavoidable as a direct consequence of the deck's design.



Plate 7: Horizontal view through the end of the existing deck balustrade with the adjacent window offset in height beyond.

- 6.8.6 There are no further privacy concerns in terms of overlooking from the deck into the adjoining property's deck which is well screened to substantial height or the private open space beyond which is well-screened by boundary line vegetation growing on the adjacent site.

Despite the conclusions above, it is considered that privacy impact could be better managed with the inclusion of a section of screening adjacent to the window in the side of the adjacent dwelling. Such screening would need not be overly tall, and would simply need to overlap the top of the

adjacent window, approximately 1.3m or to the top of the rear edge of the adjacent dwelling's skillion roof, and would need only to extend in length to correspond with the rear corner of the adjacent dwelling, or for the length of this side of the existing deck. The proposed glass balustrade could then extend further to the rear of the deck where privacy impact is not a concern. Primary outlook from the deck would be maintained, and given its limited length would prevent the addition of any unreasonable visual impact. Such a screen should give some comfort to representors concerned about privacy impact to this side of the deck. A screen of this extent has been discussed with the applicant who indicated a willingness to accept a requirement for such an addition to the design.

- 6.8.7 With the inclusion of a screen as described above the proposal complies with the performance criterion. This can be achieved by way of a condition on any permit issued for the proposal.

6.9 Demolition (Heritage Precinct) - Part E 13.8.1 P1

- 6.9.1 There is no acceptable solution for demolition within a Heritage Precinct.
- 6.9.2 The proposal includes removal of the existing deck.
- 6.9.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion P1 at clause Part E 13.8.1 provides as follows:

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.

- 6.9.5 The Council's Cultural Heritage Officer states that:

Demolition of an existing deck at rear of a house in a heritage precinct. Drawings indicate that a new deck is proposed in the same location. Plans held at Hobart City Council indicate that the area of building where development is proposed is well beyond the footprint of early and original fabric. The proposed deck is similar in size and location to the existing structure and the proposed demolition and development are not anticipated to result in the loss of cultural heritage values. It is very unlikely that the proposed development will be discernible from the street.

The proposed development satisfies E 13.8.1 P1.

- 6.9.6 The officer's report is included as an attachment to this report.

- 6.9.7 The proposal complies with the performance criterion.

- 6.10 Buildings and Works (Heritage Precinct) - Part E 13.8.2 P1 and P3

- 6.10.1 There is no acceptable solution for buildings and works within a Heritage Precinct.

- 6.10.2 The proposal includes a new deck at the rear of the property within Heritage Precinct

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

- 6.10.4 The performance criteria P1 and P3 at clause Part E 13.8.2 provide as follows:

P1

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

P3

Extensions to existing buildings must not detract from the historic

cultural heritage significance of the precinct.

- 6.10.5 Demolition of an existing deck at rear of a house in a heritage precinct. Drawings indicate that a new deck is proposed in the same location. Plans held at Hobart City Council indicate that the area of building where development is proposed is well beyond the footprint of early and original fabric. The proposed deck is similar in size and location to the existing structure and the proposed demolition and development are not anticipated to result in the loss of cultural heritage values. It is very unlikely that the proposed development will be discernible from the street.

The proposed development satisfies E 13.8.2 P1 & P3.

- 6.10.6 The officer's report is included as an attachment to this report.

- 6.10.7 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition and Alterations, at 19 Allison Street West Hobart.
- 7.2 The application was advertised and received three (3) representations. The representations raised concerns including privacy, visual bulk, overshadowing and residential amenity impacts. These matters have been considered in context with the proposal's degree of compliance with relevant development standards. The proposal is subject to performance criteria that consider such impacts, and for the most part the impacts generated are not considered to be unreasonable. Nonetheless, the matter of privacy to the north-eastern side of the deck has been deemed worthy of increased attention, and as previously detailed in the assessment it has been concluded that more could be done to reduce this impact. As such a condition requiring some additional screening to part of the north-eastern side of the deck is recommended for inclusion on any permit issued for the development.
- 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 Partial Demolition and Alterations at 19 Allison Street, WEST HOBART satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Partial Demolition and Alterations at 19 Allison Street, WEST 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-20-550 - 19 ALLISON STREET WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 1

Screening to a height above deck surface level equivalent to that of the rear end of the skillion roof section on the back of the adjacent dwelling at 17 Allison Street, with no more than 25% uniform transparency must be installed and maintained along that part of the north-eastern edge of the deck for a length equivalent to the current north-eastern end of the existing deck prior to first occupation.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing screening in accordance with the above requirement.

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

Reason for condition

To provide reasonable opportunity for privacy for dwellings.

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*.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).



(Cameron Sherriff)

Development Appraisal Planner

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 28 September 2020

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

8. REPORTS

8.1 Amendment PSA-18-2 - Hobart Interim Planning Scheme 2015 - 66 Summerhill Road Rezoning File Ref: F20/97691; PSA-18-2

Report of the Development Planner and the Director City Planning of 13 October 2020 and attachments.

Delegation: Council

**REPORT TITLE: AMENDMENT PSA-18-2 - HOBART INTERIM
PLANNING SCHEME 2015 - 66 SUMMERHILL ROAD
REZONING**

REPORT PROVIDED BY: Development Planner
Director City Planning

1. Report Purpose and Community Benefit

- 1.1. The purpose of this report is to consider an application under the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA), from ERA Planning on behalf of Newdegate Nominees Pty Ltd, to amend the *Hobart Interim Planning Scheme 2015* (HIPS 2015) by rezoning the property at 66 Summerhill Road to Low Density Residential from Environmental Management, Environmental Living and General Residential. The amendment is described in the applicant's rezoning plan and accompanying submission in **Attachments A and B**.
- 1.2. The Biodiversity Protection Area overlay is also proposed to be extended across the entire area rezoned to Low Density Residential.
- 1.3. As requested by the applicant, this report also recommends the initiation of an amendment to the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) to amend the Urban Growth Boundary (UGB) to allow for the rezoning to occur.
- 1.4. The proposal benefits the community by ensuring that land is appropriately zoned and that use and development is undertaken in a fair and orderly manner.

2. Report Summary

- 2.1. The proposal is to rezone 66 Summerhill Road (title reference: CT 178330/1) to Low Density Residential. The site is currently zoned General Residential, Environmental Management and Environmental Living.
- 2.2. The proposed rezoning plan is provided as **Attachment A**.
- 2.3. The applicant's supporting documentation relating to the rezoning is provided as **Attachment B**.
- 2.4. The site is located on the fringe of existing residential development at the end of Summerhill Road in West Hobart, and adjoins the City-owned Knocklofty Reserve.
- 2.5. The land is generally east facing and partly vegetated. The dominant vegetation type is *Eucalyptus globulus* dry forest and woodland, although it is significantly weed infested.

- 2.6. The subject site comprises part of the balance lot of a previous subdivision for 9 lots plus balance at 66 Summerhill Road (PLN-16-1296).
- 2.7. Council purchased some of this balance lot following the subdivision to formalise existing informal use of the area by the public and provide a strategic link between the southern and northern parts of Knocklofty Reserve.
- 2.8. Submitted documentation demonstrates that the land subject to the rezoning is capable of being developed to a density commensurate with the Low Density Residential Zone.
- 2.9. In order for the rezoning to occur, the Urban Growth Boundary (UGB) of the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) will need to be extended.
- 2.10. The applicant has also requested that Council initiate an amendment to the STRLUS. Justification for this change is provided as **Attachment C**.
- 2.11. It is considered that both the proposed rezoning and the amendment to the STRLUS are capable of meeting the requirements of LUPAA for the following reasons:
 - 2.11.1. The land is not considered to be suitable for retention under the Environmental Management Zone given it does not contain high conservation value vegetation;
 - 2.11.2. The Low Density Residential Zone provides for a transition in residential density between the adjacent General Residential Zone and neighbouring Council-owned Knocklofty Reserve;
 - 2.11.3. The development potential following the rezoning is not significantly different in terms of number of permitted dwellings compared to the existing situation;
 - 2.11.4. The rezoning is not considered to increase potential for land use conflicts considering surrounding land uses and the likely location and number of future dwellings.
- 2.12. It is recommended that the Biodiversity Protection Area Overlay should be extended across the entire rezoned area, in order to consider existing vegetation at the development stage and to protect a significantly old, large, hollow-bearing white gum.
- 2.13. The proposed amendment is recommended for initiation, and it is recommended that a letter be sent to the Minister for Planning to request a STRLUS amendment to extend the UGB.

3. Recommendation

That:

- 1. Pursuant to Section 34(1) (a) of the former provisions of the Land Use Planning and Approvals Act 1993, the Council resolve to initiate an amendment to the Hobart Interim Planning Scheme 2015 to rezone the property at 66 Summerhill Road to Low Density Residential from General Residential, Environmental Living and Environmental Management, as indicated in the rezoning plan provided in Attachment A, and to extend the Biodiversity Protection Area Overlay over the entire area rezoned to Low Density Residential.***
- 2. Pursuant to Section 35 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council certify that the amendment to the Hobart Interim Planning Scheme 2015 PSA-18-2 meets the requirements of Section 32 of the former provisions of the Land Use Planning and Approvals Act 1993 and authorise the General Manager and the Deputy General Manager to sign the Instrument of Certification (Attachment E).***
- 3. Pursuant to Section 38 of the former provisions of the Land Use Planning and Approvals Act 1993, the Council place Amendment PSA-18-2 to the Hobart Interim Planning Scheme 2015 on public exhibition for a 28 day period following certification.***
- 4. Council resolve to request the Minister for Planning to amend to the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) to extend the Urban Growth Boundary to include the area of 66 Summerhill Road to be rezoned Low Density Residential.***

4. Background

- 4.1. The land subject to the rezoning comprises part of the balance lot of a previous subdivision at 66 Summerhill Road (PLN-16-1296). This subdivision was for 9 lots plus balance.
- 4.2. Council purchased some of the balance lot following the subdivision to formalise existing informal use of the area by the public and provide a strategic link between the southern and northern parts of Knocklofty Reserve. The remainder of the balance lot is the subject of this application.
- 4.3. The ownership of the subject site has changed since the amendment request was submitted.
- 4.4. Since submission, a parcel of land acquired through an adverse possession claim has been adhered to the title for 66 Summerhill Road, and forms part of the proposal.
- 4.5. There is no application for subdivision or development as part of this amendment, although an indicative subdivision and servicing plan has been submitted to demonstrate a possible scenario.

Existing situation

- 4.6. The site is located on the fringe of existing residential development at the end of Summerhill Road in West Hobart, and adjoins the City-owned Knocklofty Reserve (see Figure 1).
- 4.7. The land is generally east facing and partly vegetated. The dominant vegetation type is *Eucalyptus globulus* dry forest and woodland, although it is significantly weed infested.
- 4.8. The site is currently partly zoned General Residential, Environmental Living and Environmental Management.
- 4.9. It is noted that the zoning maps of the Council's GIS overlays (see Figure 1) align differently with the underlying property boundaries compared to the State Government's LISTmap property boundaries (see Figure 2).
- 4.10. Advice from the Tasmanian Planning Commission (TPC) GIS unit is that this is due to adjustments made to the LISTmap cadastre to align property boundaries more closely with zone boundaries, although there does not appear to have been any formal amendments to the zoning maps to reflect this. It is recommended that the TPC formally resolve this mapping inconsistency.



Figure 1: Subject site showing existing zoning (Council GIS)

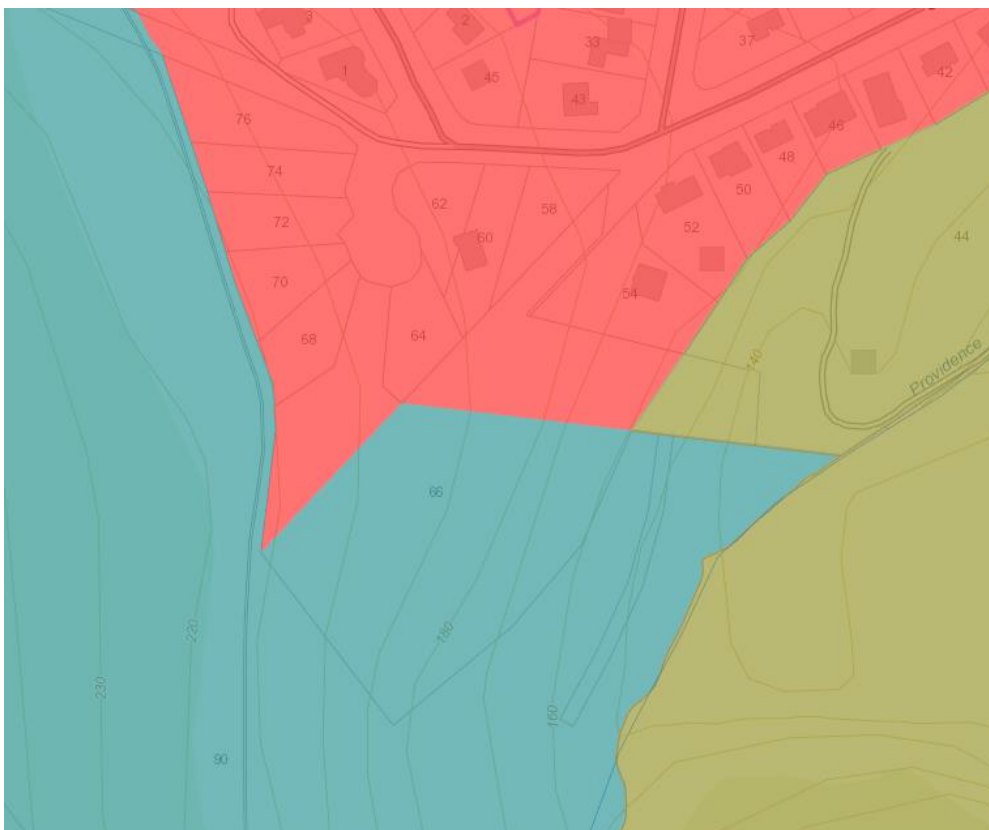


Figure 2: Subject site showing existing zoning (LISTmap)

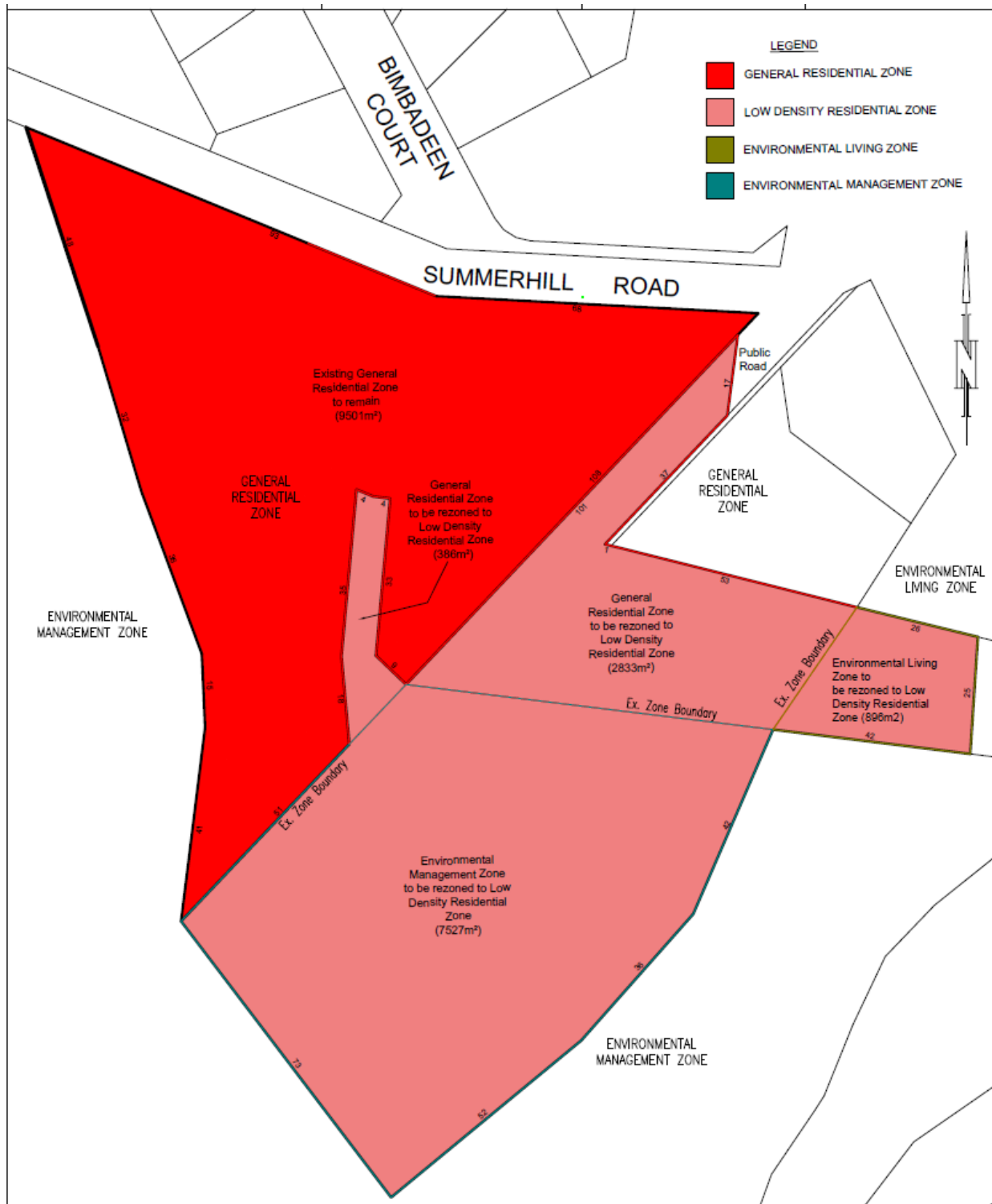


Figure 3: Proposed rezoning of subject site

Planning Scheme Provisions

- 4.11. The Zone Purpose Statements of the Environmental Management Zone are:

To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value or with a significant likelihood of risk from a natural hazard.

To only allow for complementary use or development where consistent with any strategies for protection and management.

To facilitate passive recreation opportunities which are consistent with the protection of natural values in bushland and foreshore areas.

To recognise and protect highly significant natural values on private land.

To protect natural values in un-developed areas of the coast.

- 4.12. Allowable uses under the Environmental Management Zone are generally limited to those that have a public benefit. Permitted uses are generally only those compatible with a reserve management plan. Use and development standards under this zone are primarily focussed towards protecting vegetation and landscape values.

- 4.13. The Zone Purpose Statements of the Environmental Living Zone are:

To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.

To ensure development is reflective and responsive to the natural or landscape values of the land.

To provide for the management and protection of natural and landscape values, including skylines and ridgelines.

To protect the privacy and seclusion that residents of this zone enjoy

To provide for limited community, tourism and recreational uses that do not impact on natural values or residential amenity.

To encourage passive recreational opportunities through the inclusion of pedestrian, cycling and horse trail linkages.

- 4.14. Allowable uses under the Environmental Living Zone are generally focussed towards residential or recreation uses, as well as some discretionary community uses. Use and development standards are

primarily focussed towards retaining residential amenity and natural values.

4.15. The Zone Purpose Statements of the General Residential Zone are:

To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

To provide for compatible non-residential uses that primarily serve the local community

To provide for the efficient utilisation of services.

To encourage residential development that respects the neighbourhood character.

To provide a high standards of residential amenity.

To allow commercial uses which provide services for the needs of residents of a neighbourhood and do not displace an existing residential use or adversely affect their amenity particularly through noise, traffic generation and movement, and the impact of demand for on-street parking.

4.16. Allowable uses under the General Residential Zone are focussed towards residential uses, with some commercial uses (primarily in existing commercial buildings) that serve the local community. Use and development standards are generally focussed towards achieving residential amenity, allowing for suburban level of density.

4.17. The Zone Purpose Statements of the Low Density Residential Zone are:

To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

To provide for non-residential uses that are compatible with residential amenity.

To encourage residential development that respects the neighbourhood character.

To provide a high standard of residential amenity.

To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.

4.18. Allowable uses under the Low Density Residential Zone are generally focussed towards residential uses, with a limited number of other

community-focussed uses. The only allowable commercial use is Domestic animal breeding, boarding or training, with discretion.

- 4.19. Use and development standards under the Low Density Residential Zone are generally focussed towards achieving residential amenity, at a lower density level than for general urban areas.

Tasmanian Planning Scheme

- 4.20. The Environmental Management, General Residential and Low Density Residential zones under the Tasmanian Planning Scheme (TPS) are substantially similar to the equivalent zones under the HIPS 2015. There is no equivalent 'Environmental Living' zone.
- 4.21. Some differences in the Low Density Residential Zone under the TPS compared to the HIPS 2015 include that a slightly wider range of discretionary non-residential uses are allowable. In addition, the site area per dwelling for multiple dwellings is set at the same area as the minimum lot size for serviced lots (1500m²), and there is no maximum permitted lot size. The absolute minimum lot size is 1200m².
- 4.22. Under the HIPS 2015, the site area per dwelling requirement under the Low Density Residential Zone is greater than the minimum lot size (1500m² and 1000m² respectively), and there is a maximum lot size of 2,500m². There is no discretion to approve lots either below the minimum or above the maximum permitted lot sizes unless for open space purposes.

5. Proposal and Implementation

- 5.1. The proposal is to amend the *Hobart Interim Planning Scheme 2015* (HIPS 2015) zoning maps by rezoning part of the property at 66 Summerhill Road to Low Density Residential from Environmental Management, Environmental Living and General Residential.
- 5.2. The proposal is also to submit a request to the Minister of Planning to amend the STRLUS by extending the UGB to include the rezoned area.

Justification – Applicant's Submission

- 5.3. The applicant considers that the requested rezoning amendment is justified for the following reasons:
- 5.3.1. The subject site is capable of being serviced by sewer and water infrastructure.
- 5.3.2. A natural values report indicates that the conservation value of the vegetation community on the site is significantly diminished due to substantial weed infestation. Many of the large trees on the site can be retained even following subdivision.

- 5.3.3. It is considered that following the proposed rezoning, three lots and a balance could be provided. This would provide for a transition of density from the General Residential Zone through to Environmental Management and Environmental Living zoned land, reflecting orderly development and reducing bushfire clearance and vegetation maintenance on non-residentially zoned land.
- 5.3.4. The proposal includes an element of 'back-zoning' from General Residential to Low Density Residential, and therefore the change in overall development potential will not be significantly altered.
- 5.3.5. The proposed rezoning removes split zoning of the site and provides for a more logical and systematic pattern of residential development reflective of site constraints.
- 5.3.6. The proposed rezoning and development potential will not have an unreasonable impact on visual landscape values. The land is at a similar or lower contour level compared to adjoining land that is already developed, and the vegetated ridgeline will remain.
- 5.3.7. The site is highly modified already and the area that is suitable for development is substantially cleared of vegetation.
- 5.3.8. While part of the site is subject to the Landslide Hazard Area Overlay, building envelopes can be accommodated outside of these areas. A submitted landslide risk management report concludes the risk posed on the site is low, instability and erosion from vegetation removal is low and acceptable, and expected development should not have a significant effect on land stability on the site or neighbouring properties.
- 5.3.9. A submitted Bushfire Hazard Management Plan (BHMP) indicates that hazard management areas based on BAL-19 construction could be contained within the lot boundaries for a four lot subdivision with building envelopes close to the northern lot boundary.
- 5.3.10. The proposal is consistent with the STRLUS in that:
- Future lot sizes are such that house sites and associated bushfire hazard management areas can be adequately accommodated within the lot boundaries, minimising the impact on broader vegetation values and managing bushfire risk;
 - Adequate land area will be provided to enable a future subdivision that incorporates house sites outside of landslide hazard risk areas;

- An area of the original site has been provided to Council to formalise walking tracks and links to Knocklofty Reserve;
- The rezoning presents a logical transition in the pattern of development and the existing potential of the site;
- the proposal does not represent residential growth but rather an alternative layout for residential development that is more sustainable and responsive to site characteristics;
- the application of the Low Density Residential Zone is reflective of the constraints of the site;

5.3.11. The proposal is consistent with the Objectives of the Resource Management and Planning System, in particular that it:

- Promotes sustainable development given it minimises impacts on bushland while allowing for appropriate residential development;
- Provides for the fair, orderly and sustainable use and development of land given it enables a transition of density without further impacting on significant vegetation or landscape values;
- Encourages public involvement through a public exhibition process;
- Facilitates economic development in that it contributes to the provision of housing and maximises use of infrastructure and services;
- Promotes the sharing of responsibility between government, community and industry by way of the rezoning process;
- Represents sound strategic planning as it is a logical and orderly expansion of a residential area at an appropriate density, removing split-zoning of sites;
- Does not affect the established system of planning instruments, allowing future development of the land to be considered against the planning scheme;
- Considers effects on the environment and social and economic impacts as environmental values on the land can be managed appropriately;
- Contributes to a pleasant, efficient and safe working, living and recreational environment in that it allows of a transition of land between established residential areas and Knocklofty Reserve;

- Conserves places of aesthetic interest as it retains the existing contour line beyond which the existing development pattern does not currently extend.
 - Does not impact on the coordination of public and other facilities and infrastructure.
- 5.3.12. The proposal does not contravene the *State Policy on Water Quality Management 1997* as the planning scheme provisions will ensure use and development is undertaken in accordance with the policy.
- 5.3.13. There are unlikely to be any potential land use conflicts as the proposal provides for an orderly graduation of lot sizes and sustainable utilisation of land that is otherwise constrained.
- 5.3.14. The size and configuration of potential lots means development opportunities will be limited on the site, and therefore the regional impact of the proposal is negligible.
- 5.4. In relation to the amendment to the STRLUS to extend the UGB, the applicant considers the request is justified for the following reasons:
- 5.4.1. The STRLUS was declared 9 years ago, and has had little review since.
- 5.4.2. Maintaining a forward rolling supply of residential land is critical to orderly land release that does not have adverse effects on affordability of housing supply.
- 5.4.3. The UGB was originally intended to be a 'management' tool to control orderly release of new land, not a 'restrictive' tool requiring all land to be converted and used for urban purposes before more is released.
- 5.4.4. The UGB was developed through a relatively inexact process that took into account the best available data on capacity of infrastructure, values, hazards, existing zoning and proposed zoning amendments. There were some constraints associated with this data, and with the dwelling forecast and dwelling yield analysis conducted.
- 5.4.5. Originally the UGB was not intended to be read at a cadastral level and the map was notated to reflect the indicative nature of the line, which was anticipated to adjust taking into account local investigations into values, hazards and other constraints.
- 5.4.6. In 2013 the UGB was changed from a 'fuzzy' line to a 'black and white line', at the behest of some councils in order to provide for easier application. This has caused an unreasonable degree of regulatory burden on proposed small

scale land releases around the UGB such as the one proposed for this amendment.

- 5.4.7. Population increase in greater Hobart since the STRLUS was prepared has been greater than predicted, and 2019 predictions from the Department of Treasury and Finance confirms greater increases into the future than accounted for under the STRLUS.
- 5.4.8. The rezoning at 66 Summerhill Road would facilitate potentially 3 additional lots suited to single dwellings in a well serviced and located area. This is only 0.01% of the dwelling demand underlying the UGB which is negligible and has no effect on the overall attainment of the residential and settlement policies within the STRLUS.

Justification - Comment

- 5.5. The applicant has submitted some valid reasons in support of the rezoning.
- 5.6. As the land has been assessed to not contain vegetation that is of high conservation value, and the potential hazards are manageable, retention of the site within the Environmental Management Zone is not warranted.
- 5.7. It is not considered that the land reflects the Zone Purpose Statements of the Environmental Management Zone, particularly:

To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value or with a significant likelihood of risk from a natural hazard.
- 5.8. The area of the original site that did have conservation and recreation value has now been transferred to City of Hobart ownership.
- 5.9. It is considered that the Low Density Residential Zone is a reasonable alternative zone for the remainder of the site, including the portion currently zoned General Residential which includes site constraints, such as landslide hazard areas, that will likely limit potential development density.
- 5.10. The replacement of the small section zoned Environmental Living is appropriate as the vegetation community is compromised and it is unlikely any housing will be developed in this area. The indicative subdivision plan suggests this area will likely remain part of a large balance lot that does not have further subdivision potential. The Low Density Residential Zone with a Biodiversity Protection Area Overlay will still allow consideration of any hazards and values in this section of land if further development were to be proposed.
- 5.11. The Low Density Residential Zone will recognise existing site constraints and limit high density development in the area. Future

development on the site is considered to be capable of meeting the zone purpose statements of the Low Density Residential Zone.

- 5.12. The zone provides for a transition in density between the General Residential Zone and adjoining Environmental Living and Environmental Management zoned areas.
- 5.13. In terms of development potential, the difference in the number of lots or developments theoretically possible is not significant.
- 5.14. Under the current zoning, there is the theoretical capacity for 5-6 permitted dwellings on the site (0 on the Environmental Management zoned land and 5-6 on the General Residential/Environmental Living zoned land).
- 5.15. If the site were to be rezoned as proposed, under the HIPS 2015, the Low Density Residential Zone could theoretically yield up to 11 lots or 7 multiple dwellings (minimum lot size of 1000m², minimum land per multiple dwelling of 1500m²). It is noted however that, in terms of subdivision, available frontage to a road is restricted and therefore the maximum number of lots would not be achievable.
- 5.16. The draft Hobart Local Provisions Schedule (LPS) currently proposes that the areas of this site currently zoned Environmental Living or Environmental Management be zoned Rural Living C. This zone has a minimum permitted lot size of 5 hectares.
- 5.17. Under the LPS, the multiple split zoning of the site would continue. Removal of the site's split zoning as proposed by the amendment will be a positive outcome as it consolidates development potential and simplifies assessments.
- 5.18. Under the draft LPS as currently zoned, the development potential would theoretically allow for approximately 6-7 permitted dwellings (1 on the Rural Living C zoned portion of land, 5-6 on the General Residential zoned portion of land.) If the site were to be rezoned as proposed when the LPS is approved, the development potential would be approximately 7 lots or 7 multiple dwellings.
- 5.19. The number of lots or dwellings that could be practically realised on the site following rezoning is highly likely to be lower than the maximum theoretical number due to access constraints, servicing constraints, natural hazards and gradient.
- 5.20. The applicant has provided an indicative subdivision plan that shows three additional lots plus balance. This is considered to be a more realistic potential, assuming servicing for each potential dwelling can be achieved.
- 5.21. Essentially, the rezoning will result in a larger area of land available for residential purposes, but not a significantly greater number of permitted dwellings or lots, compared to the existing situation.

- 5.22. Avoiding zoning privately owned land as Environmental Management is consistent with the established strategic direction favoured under the Tasmanian Planning Scheme.
- 5.23. It is agreed that the development of additional houses in the northern section of the site will not have a significant adverse impact from a visual point of view, given the existing line of development, the recently approved subdivision, the primarily cleared nature of the building areas, and the small number of possible dwellings.
- 5.24. The proposal was referred to relevant Council officers. Comments are provided below:

Open Space and Recreation

- 5.24.1. There does not appear to be any clearing for bushfire protection required on Council land outside the indicative new blocks.
- 5.24.2. Almost all trees could be retained on the new lots, and there would be some reduction in the area covered by gorse. Ongoing gorse control to provide a buffer for the reserve is highly desirable.
- 5.24.3. Pedestrian access between the existing cul-de-sac and Knocklofty Reserve is desirable in the subsequent subdivision;
- 5.24.4. The rezoning proposal is supported in principle.

Stormwater

- 5.24.5. The indicative subdivision plan shows 4 building areas clustered to the north of the site to allow access, servicing, avoid landslide areas and minimise bushfire clearing.
- 5.24.6. Both the Northern and Southern tributaries of Providence Rivulet have identified capacity issues, as does the public stormwater system in Hillside Crescent. Flow maintenance would be required for future subdivision/development, including for the proposed zone's acceptable density. This would likely be conditioned on any subdivision permit as a Part 5 agreement.
- 5.24.7. The submitted concept servicing plan shows only a very small area of the indicative Lots could drain via gravity. Some lots (particularly 'lot 11' and the balance lot) of the indicative subdivision would struggle to get through LG(BMP) or the planning scheme provisions relating to services for subdivision (HIPS 2015 Clause 12.5.4) if not submitted simultaneously with house plans as the building area (considered as the ground surface) could not drain by gravity. Onsite disposal would not be supported due to the steepness and landslip risk, and

Council does not accept pumped drainage disposal for subdivisions.

- 5.24.8. There are, however, possible alternative servicing layouts (for example mains below the building area roughly following 186m contour but above the landslide zone, subject to geotechnical advice, rather than confined to access strips). The majority of the rezoned area is not able to be developed - the building areas must be clustered along the northern boundary, as indicated in the concept subdivision layout.
- 5.24.9. The fire trail to the west of the site has previously concentrated water, causing issues over the site. As part of the Council contract to purchase land, it was proposed to redirect some of these flows to above Bimbadeen Court. The remaining section would sheet flow to Providence Rivulet. If these works have been carried out, the proposed land will be largely unaffected. If it has not, this is still unlikely to be an issue given the likely building areas.
- 5.24.10. The new outcome for maximum acceptable developed area following the rezoning is difficult to judge, but theoretically stays fairly consistent (1924m² of existing General Residential land could yield 5 multiple dwellings with 75% impervious surfaces. Approx. 11,000m² of Low Density Residential land could yield 7 dwellings).
- 5.24.11. In reality, however, it would be difficult to develop the current General Residential zoned lot to this density given the site constraints. The proposed rezoning will therefore slightly increase the practicable development potential of the land.
- 5.24.12. In summary, the rezoning is supported, noting:
- Only a small area of the proposed rezoned land is able to be serviced by future public stormwater, and Council would not support the development of the unserviced land. Future subdivision/development would require extensive stormwater design.
 - Future subdivision/development would require flow management/detention.
 - Whilst development suited to the proposed zone could occur, the indicative subdivision would face some challenges in its current form.

Development Engineering

- 5.24.13. There are concerns that the recently constructed cul-de-sac head on Summerhill Road is insufficiently sized to allow fire

trucks to turn around. As such, a sign was installed as part of that subdivision which prohibits fire trucks to enter the cul-de-sac. Inability for fire trucks to access the Fire Hydrant would mean the Bushfire Hazard Management Plan (BHMP) does not adequately cover fire protection.

5.24.14. Despite these concerns, however, the Tasmania Fire Service (TFS) have provided some advice that indicates they consider access to the cul-de-sac fire hydrant as viable and adequate for appliance manoeuvring. However, the TFS do have concerns regarding all building areas being within 120m unobstructed hose lay of the hydrant, and do not believe the BHMP adequately addresses this issue and proposes an adequate solution. An updated BHMP will need to be provided at subdivision stage to demonstrate an adequate water access solution can be achieved

5.24.15. Notwithstanding the TFS advice relating to access, a suggestion to improve ease of access to the Fire Hydrant is to connect the shared driveway servicing indicative lots 10 and 11. From review of JMG Concept Servicing Plan C100 it appears this may be possible (with alterations to driveway gradients requiring review) with realignment permitting a fire truck to drive through from one shared driveway to the other.

Environmental Planning

5.24.16. A full report by Council's Environmental Development Planner is provided as **Attachment D**.

5.24.17. Generally, it is concluded that the site can reasonably accommodate development consistent with the proposed zone (Low Density Residential).

5.24.18. It is noted that some design alterations may need to be made to the indicative subdivision plan to meet bushfire hazard management requirements. A Bushfire Hazard Management Plan prepared for a subsequent subdivision will need to resolve the issue of adequate hose-lay distance to each building site to ensure compliance with the Bushfire Prone Areas Code.

5.24.19. It is recommended that as part of the rezoning the Biodiversity Protection Area should be extended to cover all areas of the site that were previously not covered by this overlay. This will help to protect a particular very large white gum which may represent the most significant value on the lot from a conservation perspective for its age, size and habitat potential (including hollows). Protection of this tree and other existing vegetation that is outside of the current extent of the

Biodiversity Protection Area is considered to go a considerable way in offsetting the impact of any future development of the land.

- 5.25. In relation to the request to amend the UGB under the STRLUS, it is considered that this is a reasonable request given the minor nature of the extension, and the suitability of the site to be used for low density residential purposes.
- 5.26. An information sheet (RLUS 1) was issued by the Planning Policy Unit (Department of Justice) to provide guidance on amending regional land use strategies.
- 5.27. Under the RLUS 1, amendments to strategies must include justification on how the change being sought:
- (a) *Further the Schedule 1 objectives of LUPAA;*
 - (b) *Is in accordance with State Policies made under section 11 of the State Policies and Project Act 1993;*
 - (c) *Is consistent with the Tasmanian Planning Policies, once they are made; and*
 - (d) *Meets the overarching strategic directions and related policies in the regional land use strategy.*
- 5.28. Further justification is required for those amendments that relate to the development of greenfield sites, including impacts on natural values, risks from hazards, impacts on road networks, impacts on adjoining land use and consideration of agricultural values.
- 5.29. It is considered that each of the above issues have been adequately covered in this report in relation to the proposed rezoning.
- 5.30. The RLUS 1 strongly recommends that proposed amendments are accompanied by an endorsement from other planning authorities in the relevant region, and that State Service agencies, State authorities and infrastructure providers are consulted. However, given the minor nature of this proposal and the unlikely event of any impact on other planning authorities, this is considered unnecessary at this stage. TasWater will be notified during the exhibition process if the amendment is initiated, as per usual process.
- 5.31. The RLUS 1 specifically requests the following information where a modification to the Urban Growth Boundary is sought:
- (a) *Justification for any additional land being required beyond that already provided for under the existing regional land use strategy. This analysis should include the current population growth projections prepared by the Department of Treasury and Finance;*

- (b) Analysis and justification of the potential dwelling yield for the proposed additional area of land;*
 - (c) Analysis of land consumption (i.e. land taken up for development) since the regional land use strategy was declared;*
 - (d) Justification for any additional land being located in the proposed area, considering the suitability of the area in terms of access to existing physical infrastructure, public transport, and activity centres that provide social services, retail and employment opportunities;*
 - (e) Consideration of appropriate sequencing of land release within the local area and region;*
 - (f) Consideration of any targets for infill development required by the regional land use strategy;*
 - (g) Potential for land use conflicts with use and development on adjacent land that might arise from the proposed amendment.*
- 5.32. The applicant has submitted a response to these requirements (see **attachment C**). The position of the applicant generally is that the minor nature of the extension and the low potentially dwelling yield means detailed analysis against many of the RLUS 1 requirements are unnecessary.
- 5.33. It is considered that this is a reasonable position, and the Planning Policy Unit under the Department of Justice has confirmed that in this instance the documentation provided is sufficient to advance the request to amend the STRLUS.
- 5.34. The proposal to amend the Urban Growth Boundary under the STRLUS is supported.

6. Strategic Planning and Policy Considerations

- 6.1. The proposed amendment is consistent with the objectives of the Capital City Strategic Plan 2019-29, in particular with the following outcomes:
- 6.1.1. Hobart keeps a strong sense of place and identity, even as the city changes;
 - 6.1.2. Hobart's cityscape reflects the heritage, culture and natural environment that make it special;
 - 6.1.3. In City decision-making, we consider how different aspects of Hobart life connect and contribute to sense of place;
 - 6.1.4. The natural environment is part of the city and biodiversity is preserved, secure and flourishing;

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

6.1.6. Community involvement and an understanding of future needs help guide changes to Hobart's built environment.

7. Financial Implications

7.1. Funding Source and Impact on Current Year Operating Result

7.1.1. None.

7.2. Impact on Future Years' Financial Result

7.2.1. None.

7.3. Asset Related Implications

7.3.1. None.

8. Legal, Risk and Legislative Considerations

8.1. The *Land Use Planning and Approvals Act 1993* (LUPAA) requires that planning scheme amendments must seek to further the Objectives of Schedule 1 of the Act and be prepared in accordance with the State Policies.

8.2. The Objectives of LUPAA require use and development to occur in a fair, orderly and sustainable manner and for the planning process to facilitate economic development in accordance with the other Schedule 1 Objectives.

8.3. It is considered that the proposed amendment meets the Objectives of LUPAA, in particular it:

8.3.1. Does not unreasonably compromise natural resources or ecological processes and encourages serviced land with easy access to public infrastructure to be effectively utilised;

8.3.2. Is a fair, orderly and sustainable use of the site as it does not adversely impact on environmental values, and provides for economic development through increased housing provision in close proximity to the city;

8.3.3. Assists sound strategic planning by not prejudicing the achievement of the relevant zone objectives or the STRLUS objectives;

8.3.4. Is consistent with the objective to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;

- 8.3.5. Provides greater flexibility to address changes in local, environmental, social and economic circumstances;
 - 8.3.6. Allows for more efficient use of existing infrastructure and facilities;
 - 8.3.7. Considers the provision of a pleasant, efficient and safe environment for residents and visitors to Hobart;
 - 8.3.8. Considers the capability of the zone and allowable uses that are likely to have minimal land use conflict with surrounding uses.
- 8.4. The only State Policy relevant to the proposed rezoning is the State Policy on Water Quality Management 1997. As the HIPS 2015 includes provisions that ensure use and development is undertaken in accordance with the policy, it is considered that the rezoning and future development on the site will not contravene this policy.
- 8.5. S32(e) of the former provisions of LUPAA requires that planning scheme amendments must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area. This amendment is considered to be appropriate in the context of adjoining land use. It provides for a transition in residential density, and the area of the site that is capable of containing dwellings is concentrated close to the existing General Residential Zone boundary. The site is not adjacent to any areas controlled by a different planning scheme.
- 8.6. S32(f) of the former provisions of LUPAA requires that planning scheme amendments must have regard to the impact that use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms. The proposed amendment is relatively minor in nature, and will not have any significant impact on use or development at a regional level. The proposal is not considered to impact negatively on environmental values of the site, given the extent and condition of vegetation on the site. Supporting use of appropriate city fringe land for housing supports economic development, housing choice, and accessibility to transport and services for future residents.
- 8.7. S300 of LUPAA requires that an amendment to an interim planning scheme is as far as practicable consistent with the regional land use strategy. It is considered that this amendment is consistent with the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS), in particular that it:
- 8.7.1. Manages significant native vegetation at the earliest possible stage of the land use planning process by considering the conservation value of the site, and extending the Biodiversity Protection Area Overlay to include some currently unprotected

vegetation (particularly a very old and large white gum with hollows) – in accordance with policy BNV 1;

- 8.7.2. Adequately manages the risk from natural hazards from bushfire and land instability, in accordance with policies MRH 1 and MRH 3;
 - 8.7.3. Maximises the efficiency of existing physical infrastructure, in accordance with policy PI 1;
 - 8.7.4. Gives preference to urban expansion in close physical proximity to existing transport corridors and higher order Activity Centres, in accordance with policy LUTI 1;
 - 8.7.5. Provides a sustainable and compact pattern of residential development, only utilising the Low Density Residential Zone where it is necessary to manage land constraints in accordance with policy SRD 1 and SRD 2.
- 8.8. It is noted that consistency with the UGB of the STRLUS is dependent on the Minister's determination of the concurrent application to amend the STRLUS.

9. Environmental Considerations

- 9.1. The proposed amendment has been considered in terms of its impact on the environmental values of the site. The documentation submitted indicates the proposed rezoning will not have an unreasonable environmental impact, and this has been supported by Council's Environmental Development Planner.

10. Social and Customer Considerations

- 10.1. The proposal is not considered to have any negative impact on social inclusion.

11. Marketing and Media

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

12. Community and Stakeholder Engagement

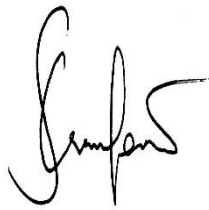
- 12.1. The Council has requested that reports which recommend the initiation of planning scheme amendments address the need to conduct a public meeting or forum to explain the proposed amendments and also outline the explanatory information to be made available. These are addressed below:
 - 12.1.1. It is not considered that a public forum is necessary to explain the proposed amendment to the public as it is relatively simple and self-explanatory.

- 12.1.2. The following information will be made available on the website:
a copy of this report, a copy of the formal amendment document and the applicant's submission.

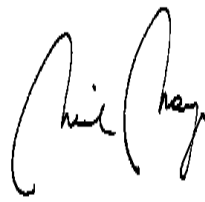
13. Delegation

- 13.1. Delegation rests with the Council.

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








Sarah Crawford
DEVELOPMENT PLANNER



Neil Noye
DIRECTOR CITY PLANNING

Date: 13 October 2020
File Reference: F20/97691; PSA-18-2

Attachment A: Rezoning Plan ↓ 
Attachment B: Rezoning Supporting Documentation ↓ 
Attachment C: STRLUS Amendment Justification ↓ 
Attachment D: Environmental Development Planner Assessment ↓ 
Attachment E: Instrument of Certification ↓ 

**Brooks, Lark
and Carrick
SURVEYORS**

UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6246 5898
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This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval

All measurements and areas are subject to the final survey

OWNER: P.M. BANKS, S.M. ROSE, K.M. & D.B. MILLER	PROPOSED REZONING (PROPOSED ZONING)	
TITLE REFERENCE C.T. 176525/1	LOCATION 66 Summerhill Road WEST HOBART	
PROPOSED EASEMENTS AS REQUIRED	SCALE 1:750 (A3)	DATE 23-10-2019
	MUNICIPALITY HOBART CITY	REF. NO. MILLK02

LEGEND

- GENERAL RESIDENTIAL ZONE
- LOW DENSITY RESIDENTIAL ZONE
- ENVIRONMENTAL LIVING ZONE
- ENVIRONMENTAL MANAGEMENT ZONE

**PROPOSED REZONING
(PROPOSED ZONING)**

LOCATION 66 Summerhill Road
WEST HOBART

LEGEND

- GENERAL RESIDENTIAL ZONE
- LOW DENSITY RESIDENTIAL ZONE
- ENVIRONMENTAL LIVING ZONE
- ENVIRONMENTAL MANAGEMENT ZONE

Map details include: BIMBADEEN COURT, SUMMERHILL ROAD, Public Road, GENERAL RESIDENTIAL ZONE, ENVIRONMENTAL MANAGEMENT ZONE, ENVIRONMENTAL LIVING ZONE, and various zone boundaries and areas (e.g., Existing General Residential Zone to remain (9501m²), General Residential Zone to be rezoned to Low Density Residential Zone (386m²), General Residential Zone to be rezoned to Low Density Residential Zone (2833m²), Environmental Management Zone to be rezoned to Low Density Residential Zone (7527m²), Environmental Living Zone to be rezoned to Low Density Residential Zone (896m²)).



66 Summerhill Road, West Hobart

Submission to City of Hobart in support of
a Section 33 request to amend the
Hobart Interim Planning Scheme 2015

3 May 2018

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- A. Titles
- B. Owners Consent
- C. Supporting Natural Values letter

NOTE

References in this document to the provisions of the *Land Use Planning and Approvals Act 1993* are references to the former provisions of the Act as defined in Section 2 of Schedule 6 – Savings and transitional provisions of the Act.

1. Introduction

1.1 Purpose of the Report

ERA Planning have been engaged by David Miller on behalf of Phillip Banks, Sharon Rose, David and Kim Miller to request an amendment to the *Hobart Interim Planning Scheme 2015 (Interim Planning Scheme)* pursuant to Section 33 of the *Land Use Planning and Approvals Act 1993 (the Act)*.

The proposed amendment has a number of elements and involves two separate land titles, which are zoned Environmental Management, General Residential and Environmental Living and will be rezoned to Low Density Residential and Environmental Living. This is shown in map form in Figure 1.

This report forms the basis of the application and has been prepared taking into account the provisions of the Interim Planning Scheme, the requirements under Section 32 of the Act and other relevant strategic documents.

Enquiries relating to this report can be directed to:

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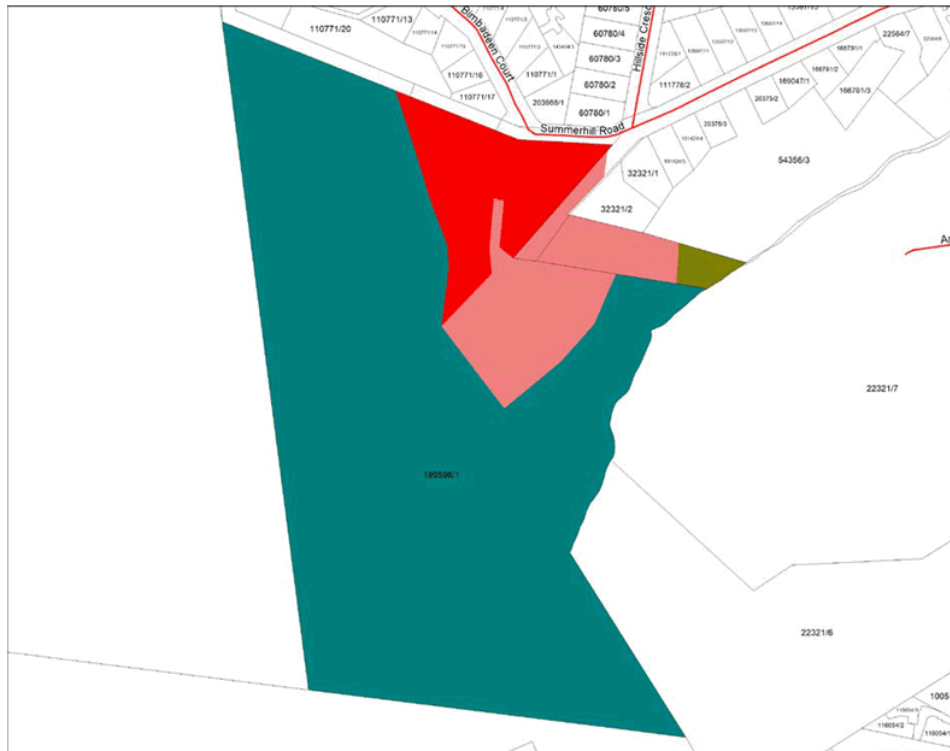


Figure 1: Proposed rezoning of the subject site.

An electronic copy of the shapefile is available on request.

1.4 Statutory References

1.4.1 Name of Planning Instrument

The subject of the proposed amendment is the *Hobart Interim Planning Scheme 2015* (hence forth referred to as the Interim Planning Scheme).

1.4.2 Name of Planning Authority

The Planning Authority is the **City of Hobart**.

1.5 Title Information

The proposed amendment relates to the following titles:

Address	Owner(s)	Title Reference	Land Area
66 Summerhill Road	Phillip Banks, Sharon Rose, David Miller and Kim Miller	199596/1	10.67 ha
Land to east of 66 Summerhill Road	Phillip Banks, Sharon Rose, David Miller and Kim Miller (in accordance with the conveyancing agreement dated 8 th July 2016.)	General Law Deed GL7424	5020m ² .

The Certificates of Title is attached for this property and can be found in **Appendix A**.

Owners consent has been provided in **Appendix B** along with the conveyancing information in relation to the smaller parcel of land.

1.6 Description of Proposed Amendment

The proposed amendment is the second stage of a broader redevelopment on this site. The site is partially zoned General Residential and was the subject of planning approval for subdivision into 9 lots and balance (PLN-16-1296).

The remainder of certificate of Title 199596/1 is zoned Environmental Management. It is currently utilised as open space and part of Knocklofty Reserve, although it is in private ownership.

The amendment involves rezoning to Low Density Residential, a 7095m² parcel of land which is currently zoned Environmental Management to the south of the General Residential zoned land.

In addition, the lot over which the developers are seeking adverse possession (see the conveyancing documentation provided and the previous agreement) is currently zoned partially General Residential, and partially Environmental Living Zone. Part of this land is proposed to be zoned Low Density Residential also, with a section left as Environmental Living which is not being claimed through the adverse possession process by our clients, but rather will be adhered to the adjacent title at 44 Summerhill Road through the same process.

This parcel of land has an easterly orientation and is partially vegetated with *Eucalyptus globulus* dry forest and woodland with a shrubby/weedy understorey.

The section of land which has already been subdivided is primarily cleared and heavily covered in weeds. The area proposed for rezoning is also heavily modified with occasional *Eucalyptus globulus* and *Eucalyptus viminalis* present.

The rezoning to Low Density Residential will assist in the retention of the more important vegetation values that exist on the site, including a number of *Eucalyptus globulus* and *Eucalyptus viminalis* trees that were specified to be retained in the subdivision permit PLN-16-1296. Any future building areas will be located close to the boundary with the General Residential zone. This will ensure that they remain on the flatter sections of the site. It will also ensure that any bushfire management is

clustered within the existing approved impact area and does not extend onto Council land, or onto land with more significant vegetation values.

2. The Site and Surrounds

2.1 The Subject Land

The subject site is irregular in shape and is located to the south of Summerhill Road and Knocklofty Reserve to the west. There is a walking track that bisects the land that is not formally for public access, however is used by local residents with some regularity.



Figure 2: The subject sites are large parcels of predominantly bushland on the urban/bushland interface in West Hobart.

The site is large with a generally eastern facing slope with varying vegetation types. For the most part the site contains intact native vegetation dominated by *Eucalyptus globulus* dry forest and woodland and patches of *Eucalyptus viminalis*. There are however substantial weed infestations along the access track and on the eastern side of the access track. Recorded weeds on the site include boneseed, gorse, English broom, cotoneaster, pampas grass, blackberry and forget me nots.



Figure 3: The properties are currently zoned General Residential at the Summerhill Road end, Environmental Management for the remainder of the larger lot, and Environmental Living on half of the smaller lot to the east. (source: www.maps.lhelist.tas.gov.au).

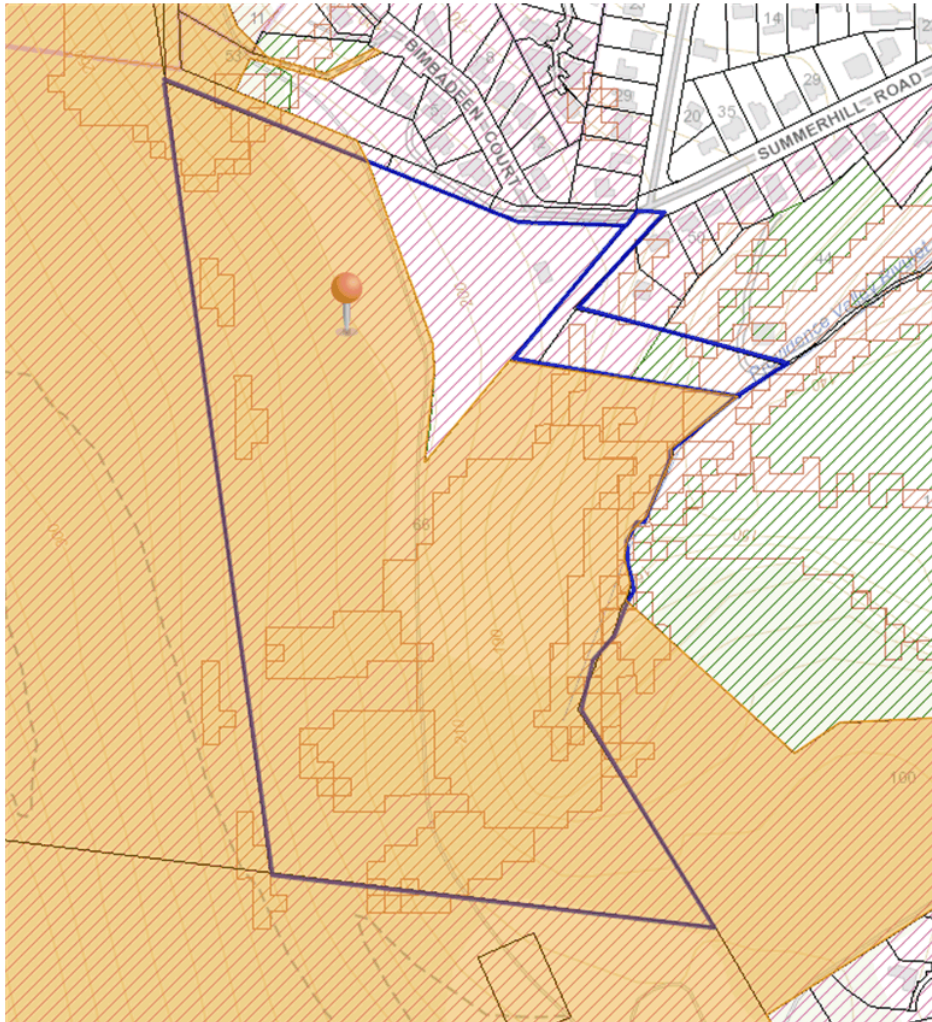


Figure 4: The Biodiversity protection area as it applies to the site. The section it doesn't apply to includes the existing General Residential zone.

The land is currently vacant except for the remains of a derelict building to the northern edge of the lot. This building is proposed to be removed as part of the approved subdivision application within the General Residential Zone.

The remainder of the land is bushland in variable condition and is dominated by *Eucalyptus globulus* dry forest and woodland. The land closest to the residential development areas includes significant weed infestations. This area has historically been used as a chicken farm and more recently for residential purposes and passive recreation which is occurring informally through the lot.

A number of overlays apply to the site including the Biodiversity Code as shown in Figure 4, and the Landslide Code as shown in Figure 5 and 6,

A natural values letter supporting the previously approved subdivision application confirms the vegetation values found in this area and is attached in Appendix C. These values include *Eucalyptus globulus* dry forest and woodland and sections of *Eucalyptus viminalis*. The *E. globulus* forest is however considered to be of poor condition on account of significant weed infestations and modifications through historic ground works. As such, the conservation value has been diminished.

The natural values letter identifies trees to be retained as part of the previously approved subdivision. A subdivision layout has not been finalised for consideration in the event of the approval of the rezoning, however the majority of the trees identified in this letter are within the bushfire hazard management area for the approved subdivision. These trees will still be able to be retained as building areas can be located around them. Of note is the fact that trees 4 and 5 as identified in this letter, are within the General Residential zoned land and not within the Biodiversity Code overlay. Despite this they have still been identified for retention.

In regard to the remaining land within the subject site zoned Environmental Management, the applicants have come to an agreed position with Council. This is that it is to be purchased by Council as public open space to formalise the informal use of this area by the public, and to provide a strategic link between the southern and northern parts of Knocklofty Reserve.

2.2 Description of Surrounding Area

The subject site is located on the western edge of Hobart, at the foothills of Mount Wellington. It is one of the last remaining parcels of privately owned land in this area of Hobart, and the owners have been in negotiation with Council regarding selling the balance lot to the City of Hobart as part of Knocklofty reserve in this area.

To the west and south the area is dominated by vegetation as part of Knocklofty Reserve. To the north the area is zoned General Residential and for the most part has an established pattern of development of single dwellings on average residential sized lots. To the east there are several titles of Environmental Living zoned land, which adjoin the second title which is also partially zoned Environmental Living. This land is steeply sloping forming part of the Providence Rivulet gully. These lots are more substantial in size and may be constrained by vegetation values, or by infrastructure provision.

2.3 Servicing

The subject site is capable of being serviced by sewer and water infrastructure being within the relevant districts, and given the proximity of the site to the General Residential land to the north. Furthermore, considering the recently approved subdivision on this land to the north, it is anticipated that connections to services should be achievable.

This will be considered in further detail at the subdivision stage of any future development.

2.4 Consideration of Natural Values

The subject site overall is heavily vegetated, and as part of the application for a subdivision on the General Residential zoned land, a number of Natural Values Reports were undertaken. This report highlights that the area to be rezoned to Low Density Residential is a mixture of *Eucalyptus Globulus* dry forest and woodland vegetation community, with patches of *Eucalyptus viminalis* and cleared urban land overlain by a woody weeds area. In addition, a large area of the lot is within the Bushfire Hazard Management Zone for the recently approved subdivision to the north.

The conservation value of this vegetation community has been significantly diminished on account of the substantial weed infestations occurring on the site. This results in the remaining vegetation community being of low conservation value.

Notwithstanding this, the supporting letter from enviro-dynamics provides details of the trees to be retained from the previously approved subdivision. These trees are within the area to be rezoned Low Density Residential and given the potential size of the lots, will continue to be able to be retained in the event of a subdivision.

2.5 Consideration of Landslide Hazards

The Landslide Hazard overlay as shown in Figure 5 below, includes the medium level landslide hazard risk area. It is considered that the future size of the lots facilitated by the proposed rezoning will provide opportunities for development outside of these overlay areas. If necessary, at the subdivision stage supporting geotechnical reports can be provided to demonstrate safe building sites for future development.

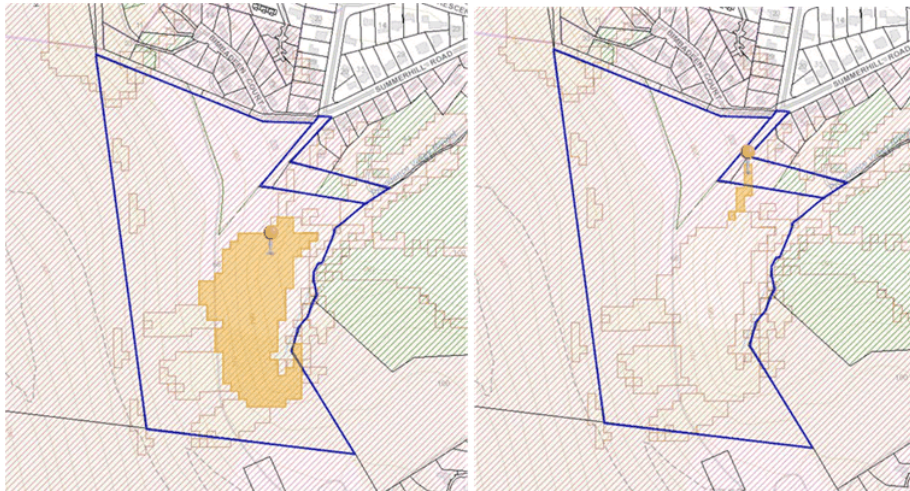


Figure 5: The Medium landslide hazard area applies to the sections shown above.

2.6 Consideration of Bushfire Risk

The land is within a bushfire prone area. As part of the subdivision for the area to the north, a Bushfire Hazard Management plan was undertaken which determined clearance areas necessary for residential development on those lots. Part of these clearance areas extend into the land proposed to be zoned Low Density Residential. Subject to a future subdivision approval, future house sites could be located within the Bushfire hazard management areas, further limiting the risk.

Whilst a bushfire hazard management plan is not necessary for a rezoning, considering the plan provided for the north of the site, and the fact that the Low Density Residential area is limited in scope and therefore cannot provide for substantial tracts of housing, means that it is anticipated a bushfire hazard management plan showing all management areas within the property boundaries of a future subdivision, could be achieved.

2.7 Future Development Potential

As part of the owner's due diligence regarding the proposed rezoning, the future development potential of this site has been considered. It has been concluded that following a rezoning to Low Density Residential and over the two titles, three lots and a balance could be provided. This would provide for a transition of density from the General Residential zoned land through to the Environmental Management and Environmental Living zoned land. This not only reflects orderly development, but also reduces any necessary bushfire clearance and maintains vegetation values.

It is of note that as the proposal includes an element of back-zoning from General Residential, to Low Density Residential, the change in overall development potential will not be increased.

The parcel of land half zoned General Residential and half zoned Environmental Living, is able to be developed with up to 5 dwelling units and still comply with the density provisions under the existing situation. The development potential therefore does change. Rather the proposed rezoning provides for a more logical and systematic pattern of residential development reflective of site constraints and avoids the challenges of split zonings on parent titles.

2.8 Consideration of Landscape Values

The site is on the western edge of the established residential area of West Hobart. To the west it adjoins Knocklofty Reserve which represents one of the more significant vegetated back drops to the City of Hobart and is part of the foothills of mountain.

Much of the land above the 210-220 contour is in the ownership of the City of Hobart and it links into kunyari/Wellington Park. This is one of the special landscape characteristics of Hobart that is valued by the community. It allows for the edge to the urban environment to be easily read within the broader landscape.

The physical link between urban areas and the bushland setting of the City of Hobart is also valued from a recreational perspective.

The area subject to the proposed rezoning within the subject site sits at the 200-210 contour. To the north of the site, the General Residential area extends to the 200m – 210m contour with housing and cleared sections up until that point. To the south the area around Fielding Drive extends beyond the 210m contour with development up until that point.

The proposed rezoning will extend at a maximum point to the 210m contour however the majority of the area to be rezoned is well below the 200m contour. This is consistent with the pattern of urban development along the foothills of the mountain in the surrounding area. Furthermore, the site is highly modified and the area which is suitable for future development is for the most part cleared of vegetation already.

In summary the proposed rezoning not only reflects of the pattern of development along the urban fringe in the City of Hobart, but also responds to the vegetation values and location of vegetation on the site. This will ensure that the visual impact of the development, when viewed from afar, will be minimised and the landscape value placed on the vegetated backdrop, will be retained.

2.9 Photos



Photo 1: The subject site, including the General Residential zoned land already subdivided, looking east.



Photo 2: Looking north across the area to be rezoned and into the General Residential zone. The tree to the right of the picture is tree 5 as marked in the enviro-dynamics report.



Photo 3: Looking south across the area to be rezoned. The trees include those in the cluster marked 6-13 in the enviro-dynamics report.



Photo 4: Looking down the land acquired through adverse possession which will be rezoned from General Residential to Low Density Residential and Environmental Living to the south.

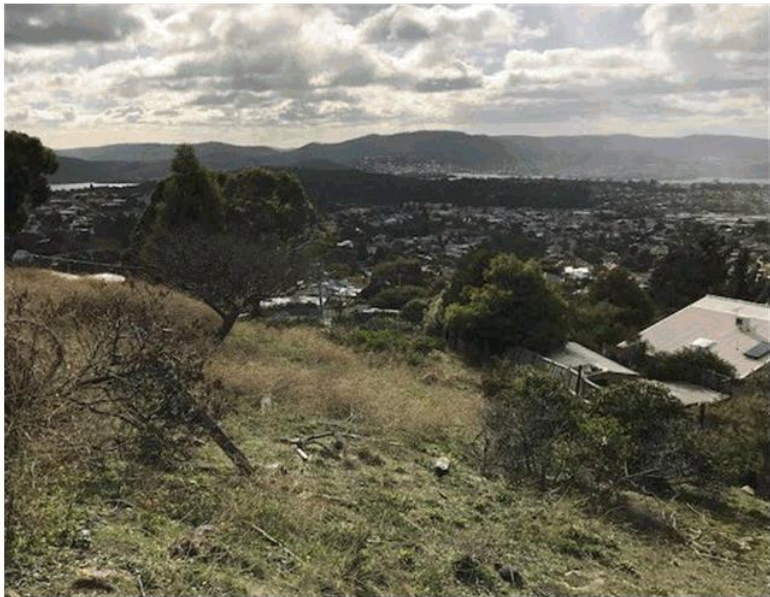


Photo 5: Looking down the access way on the land zoned General Residential which is being acquired through adverse possession.

3. Assessment of Proposed Amendment

3.1 Requirements of the Act

Section (2)(b) of Schedule 6 of the *Land Use Planning and Approvals Act 1993* (the Act) saves Parts 2A and 3 of the former provisions under the Act.

Pursuant to Section 32(1) of the former provisions, a draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)–

(a)....

(b)....

(c).....

(d)....

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 30O; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

(2) The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.

Section 30O of the Act requires that an amendment to an interim planning scheme is as far as practicable, consistent with the regional land use strategy. Section 30O also sets a number of requirements relating to the insertion of a local provision and its relationship to a common provision.

In addition to these requirements, Section 20(1) is also relevant, as a planning scheme amendment is also the making of a planning scheme:

(1) A relevant decision-maker, in preparing, accepting, declaring or making a relevant scheme, or giving approval in relation to the making or approving of a relevant scheme, must, in the opinion of the relevant decision-maker–

(a) seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and

(b) prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and

(c) ...

(d) have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and

(e) have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

3.2 Southern Tasmanian Regional Land Use Strategy

The *Southern Tasmanian Regional Land Use Strategy* was declared in October 2011 with an amended strategy declared in October 2013 and then again on 14 September 2016. This *Regional Land Use Strategy* provides direction on future use and development within the Southern Region.

3.2.1 Strategic Directions

There are certain Strategic directions within this strategy that are critical for consideration. These include:

- Managing Risks and Hazards;
- Recreation and Open Space;
- Settlement and Residential Development;

3.2.2 Managing Risks and Hazards

The site is located on an east facing slope which is vegetated and adjacent to Knocklofty Reserve. It is covered by a Landslide Hazard Risk Area (medium risk) and Bushfire Prone Area.

Accordingly, the following Regional Policies require consideration:

MRH 1.J Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning is required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.

The land in question is to the south and east of a recently approved general residential subdivision. Part of the bushfire hazard management area covers the land to be rezoned and as such there is already a level of impact on this land and its biodiversity values. In addition, the land currently zoned General Residential and Environmental Living which is proposed for rezoning to Low Density Residential also, can accommodate a level of development consistent with residential densities for at least part of the site. This proposed rezoning will allow for 1.16ha area of land to be zoned Low Density Residential. The future lot sizes are such that house sites and associated hazard management areas can be adequately accommodated within the low density residential land. This

will ensure that the impact is minimised on the broader vegetation values and that there will be no impact upon Council land to the west and south, but also that any subsequent houses can be clustered with General Residential land to the north, thereby reducing the bushfire risk.

Sections of the land are covered by the medium landslide hazard risk. The following policies require consideration:

MRH 3.1 Prevent further development in declared landslip zones

MRH 3.2 Require the design and layout of development to be responsive to the underlying risk of land instability.

The proposed rezoning provides for adequate land to enable a future subdivision which can incorporate house sites outside of the medium landslide hazard risk area.

Future residential development will be able to locate within the area close to the General Residential zone for the western lots and outside of the Landslide hazard area, or to the east of any landslide hazard risk on the land currently zoned General Residential.

This ensures the land to be rezoned, is capable of residential development that is responsive to the underlying risk of land instability. It also highlights the appropriateness of applying the Low Density Residential zone, as opposed to the General Residential zone, as it facilitates a density more appropriate to addressing risks on the site.

This will be addressed in greater detail in any future subdivisions.

3.2.3 Recreation and Open Space.

The land is currently privately owned. However, the zoning of the Title CT 199596/1 as Environmental Management, the informal use of parts of the land by the community, as well as the ongoing negotiations between Council and the landowners suggests at Council's interest in having it as part of their Open Space network. The following regional policies are relevant:

ROS 1.5 Ensure residential areas, open spaces and other community destinations are well connected with a network of high quality walking and cycling routes.

Providing the remaining Environmental Management land to Council and formalising the walking track will secure the missing spatial link between Knocklofty Reserve and Bimbadeen Court and Weerona Avenue to the north, as well as other trails within the reserve such as Fiona Allan Memorial Walkway. It will also enable Council to undertake formal maintenance works within the reserve improving on the quality of tracks in the area. This is consistent with the strategic objective.

3.2.4 Settlement and Residential Development

The City of Hobart is an established settlement and is the primary urban centre for the region as identified in the Regional Land Use Strategy. Its expansion as a settlement is managed through an urban growth boundary of which this site exists on the edge of. The strategic direction in relation to the Low Density Residential zone is reflected in the current policies:

SRD 1.6 Utilise the low density residential zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.

Broader residential policy requirements that should be considered include:

SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.

SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the need for greater sustainability, housing choice and affordability.

When considering the Regional Land Use Strategy and consistency with it or otherwise, it is important to consider 30O(1) which states:

(1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.

The strategy provides guiding principles for the development pattern of the southern region. This strategy was drafted in a way to promote a broad interpretation of the rules applicable, rather than strict application of policies as assessment test as is required under a planning scheme.

Furthermore, the act specifies "consistency". The legal meaning of this term has been established through a number of Planning Appeal Tribunal decisions as being "in harmony with". Accordingly, in our opinion, the assessment of any rezoning must be in harmony with the regional land use strategy.

The land is currently zoned Environmental Management which is not suitable for residential development. However, the site is on the urban fringe and has the characteristics of an urban area with heavily modified vegetation, and substantial cleared sections. Additionally, the proposed rezoning is at the same contour as the developed area nearby. Both of these factors provide the visible edge to the urban areas as viewed in the landscape.

When considering managing residential growth on a whole of settlement basis in a sustainable manner, this rezoning represents a logical transition in the pattern of development and the existing potential of the site.

On the land in question, currently three separate zonings apply; Environmental Management, General Residential, and Environmental Living Zone. The General Residential zone has the capacity to accommodate 5 dwelling units through a multiple dwelling scenario, although it exists on the same title as the Environmental Living zone land.

With the application of the Low Density Residential zone to this parcel of land 1.16ha in area, due to constraints on site such as landslide hazards and bushfire restrictions, the anticipated number of lots is likely to be 4-5. Accordingly, the dwelling yield is comparable to what could occur now.

As such, it is our position that this does not represent residential growth, but rather represents an alternative layout for the residential development within this area that is more sustainable and more responsive to the restrictions on site.

The proposed rezoning is considered to be consistent with the Regional Land Use Strategy as it is in harmony with the intent of the strategy; that being the land should be zoned Low Density in reflection of the constraints on site, whilst providing a more logical and considered pattern of development without increasing the possible dwelling yield. This is managing the development potential sustainably and on a whole of settlement basis.

3.3 Local and Common Provisions

3.4 Municipal Plan

Section 20(d) of the Act requires the Commission to have regard to the strategic plan of a Council prepared in accordance with Division 2 of Part 7 of the *Local Government Act 1993*.

The following strategic plans from the City of Hobart are relevant for consideration:

- Hobart 2025 Strategic Framework;
- Capital City Strategic Plan 2015;
- City of Hobart Housing and Homelessness Strategy, 2016-2019;

None of these strategies articulate the future pattern of housing development that the City of Hobart wants to see.

Beyond the planning scheme, there is no local strategic document that informs the areas to be considered for future residential development that appropriately respond to infrastructure constraints, environmental constraints, or accessibility.

The proposed rezoning will enable additional lots, within 3km of the city centre to be created which will respond to the bushfire, environmental and geological constraints on the site more appropriately, and utilise land that will provide sensible lot sizes given the constraints on site.

3.5 Objectives of the Resource Management and Planning System.

Objective	Response
<i>Part 1</i>	
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	The subject land is adjacent to an established residential area to the north and east, and bushland to the south and west. The proposed rezoning represents an orderly staggering of residential development that is at an appropriate density to minimise impacts on the bushland, whilst still allowing for an appropriate residential development. As part of this proposal, the finalisation of the transfer of land to the Council will be resolved facilitating an environmental benefit for the broader community.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	<p>The proposed rezoning represents orderly and sustainable use and development of air, land and water.</p> <p>The proposed rezoning enables a transition of density from general residential, to low density</p>

Objective	Response
	residential through to the Environmental Management Zone without further impacting on vegetation values or landscape values as part of the backdrop to the City of Hobart.
<i>(c) to encourage public involvement in resource management and planning</i>	Public involvement will be achieved through the public exhibition process for the draft amendment and draft permit.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	The proposed rezoning will facilitate economic development through the change of use for residential. It will contribute to the provision of housing, maximising use of infrastructure and services existing in the area.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i>	The rezoning process demonstrates the sharing of responsibility for resource management and planning between different spheres of government, the community and industry.
<i>Part 2</i>	
<i>(a) to require sound strategic planning and co-ordinated action by State and local government</i>	<p>The proposed rezoning is consistent with the Southern Tasmania Regional Land Use Strategy.</p> <p>The area to be rezoned is a logical and orderly expansion of residential use in an area that does have constraints, inhibiting its development to higher densities. In addition, the rezoning reflects a reconsideration of the zone boundaries in general in this area, enabling the removal of the split zoning by rezoning the section Environmental Living to Low Density Residential.</p>
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i>	The proposed rezoning does not affect the established system of planning instruments: it will allow for the future development of the land to be considered against the provisions of the planning scheme.

Objective	Response
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i>	<p>The proposed rezoning will enable a low density residential use and development, adjacent to existing and approved general residential use and development.</p> <p>It has been demonstrated that the residual environmental values on the land on which there will be residential potential under the proposed rezoning can be appropriately managed through the existing planning scheme provisions.</p> <p>The remainder of the site which has high environmental and recreational value will be retained in the Environmental Management Zone and ultimately transferred to Council ownership.</p>
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels</i>	The proposed rezoning does not affect the attainment of this objective.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals</i>	The proposed rezoning does not affect the attainment of this objective.
<i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania</i>	The proposed rezoning will provide for low density residential lots. The previous subdivision and agreement with Council enables an expansion of an established and well used recreational area and this rezoning allows for a transition from the General residential land, to the Environmental Management land of the reserve beyond, representing a sustainable development response.
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	<p>The subject site has not been identified with having heritage values.</p> <p>The site more broadly does have landscape value forming part of the vegetated back drop</p>

Objective	Response
	of the City and forming part of the foothills of kunyani/Mt Wellington. The proposed rezoning appropriately responds to this by ensuring the low density residential zone does not extend further upslope than the existing pattern of development, and is occurring on an area that is already highly modified.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.</i>	<p>The proposed rezoning will support the orderly provision of residential use and will have no adverse impact on the coordination of public utilities and other facilities.</p> <p>There are adequate safeguards through the permit application process to protect the public infrastructure that is within the subject site and adjacent.</p>
<i>(i) to provide a planning framework which fully considers land capability.</i>	The proposed rezoning does not affect the attainment of this objective.

3.6 State Policies

3.6.1 State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* does not apply to the proposed rezoning.

3.6.2 State Policy on Water Quality Management 1997

The existing Interim Planning Scheme includes provisions that ensure that future use and development is undertaken in accordance with the *State Policy on Water Quality Management 1997*. Given the physical characteristics of the site these are considered to provide adequate safeguards.

3.6.3 State Coastal Policy 1996

The subject site is over 1 kilometre from the coast. The State Coastal Policy therefore does not apply to the proposed rezoning.

3.6.4 National Environmental Protection Measures

National Environmental Protection Measures (NEPMs) are developed under the *National Environment Protection Council (Tasmania) Act 1995* and outline objectives and protections for aspects of the environment. Section 12A of the *State Policies and Projects Act 1993* provides NEPMs with the status of a State Policy.

Seven NEPMs have been made to date that deal with:

- Ambient air quality;
- Air Toxins;
- Assessment of Site Contamination;
- Diesel Vehicle Emissions;
- Movement of Controlled Waste Between States and Territories;
- National Pollutant Inventory; and
- Used Packaging Materials.

The site is not identified as potentially contaminated and the rezoning does not involve any potential use or development that will give rise to the environmental considerations under the NEPMs.

3.7 Gas Pipelines Act 2000

The subject land is not affected by a Gas Pipeline. This requirement is therefore not applicable.

3.8 Potential Land Use Conflict

The subject land is currently zoned Environmental Management, General Residential and Environmental Living. The proposed rezoning will rezone a section of Environmental Management Zoned land to Low Density Residential providing a transition in residential density, to the bushland of Knocklofty Reserve.

The second element of the proposed rezoning is to zone a parcel of General Residential land and Environmental Living zoned land, to Low Density Residential, in recognition of the constraints on site.

Given the residential development nearby, and the proposed rezoning facilitating lower density residential development, it is unlikely there will be any potential land use conflicts. It provides for an orderly graduation of lot size, and a sustainable and efficient utilisation of land on a site that is otherwise constrained.

3.9 Regional Impact

The proposed rezoning will facilitate additional low density residential land adjacent to existing residential land. The size and configuration of the lots means that the development opportunities are limited. Therefore, the regional impact is negligible in this instance.

3.10 Other requirements of Section 20

The proposed rezoning is also consistent with the other requirements under Section 20(2), (3), (4), (5), (6), (7), (8) and (9) of the Act. In particular, the proposed rezoning does not:

- prevent the continuance or completion of any lawful use or development.

As there are no buildings on site, there is no impact upon the ongoing use of buildings on the property.

4. Conclusion

The application is a request pursuant to Section 33 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

The proposed rezoning is in two parts:

1. to rezone part of the land from Environmental Management to Low Density Residential Zone, and
2. to rezone part of the land from General Residential and Environmental Living, to Low Density Residential.

in the proposed rezoning results a number of overall land use benefits.

Firstly, it provides for an improved and appropriate transition of lot size from the General Residential, through Low Density Residential to the Environmental Management Zone. Secondly it removes the difficulty of assessing applications, particularly for subdivision, over split zones, where the lot size may be met for one zone, but the balance of the land in the second zone may not be met (and indeed may be unable to be met irrelevant of the subdivision). This ensures that the zone intent and provisions of the zone can be carried out as drafted by the scheme provisions.

Overall the proposed rezoning does not affect the total capacity of the land to accommodate a given number of dwellings. The area to be rezoned is primarily cleared and it has been demonstrated that the low density residential zone is appropriate to accommodate bushfire hazard management, protection of natural values and a response to land stability risk in accordance with the existing provisions within the Interim Planning Scheme.

The proposed rezoning is considered to further the relevant legislative requirements under *Land Use Planning and Approvals Act 1993* and is consistent with the *Southern Tasmanian Regional Land Use Strategy*, and the *Hobart Interim Planning Scheme 2015*. It provides for a logical and systematic use of land, adjacent to an existing residential area.

Appendix A
Titles

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
178330	1
EDITION	DATE OF ISSUE
2	29-Jul-2020

SEARCH DATE : 12-Oct-2020

SEARCH TIME : 02.41 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Plan 178330

Derivation : Part of 317A-2R-0P and Part of 19A-1R-0P Granted
to Susan Ross and Valentine Griffiths.

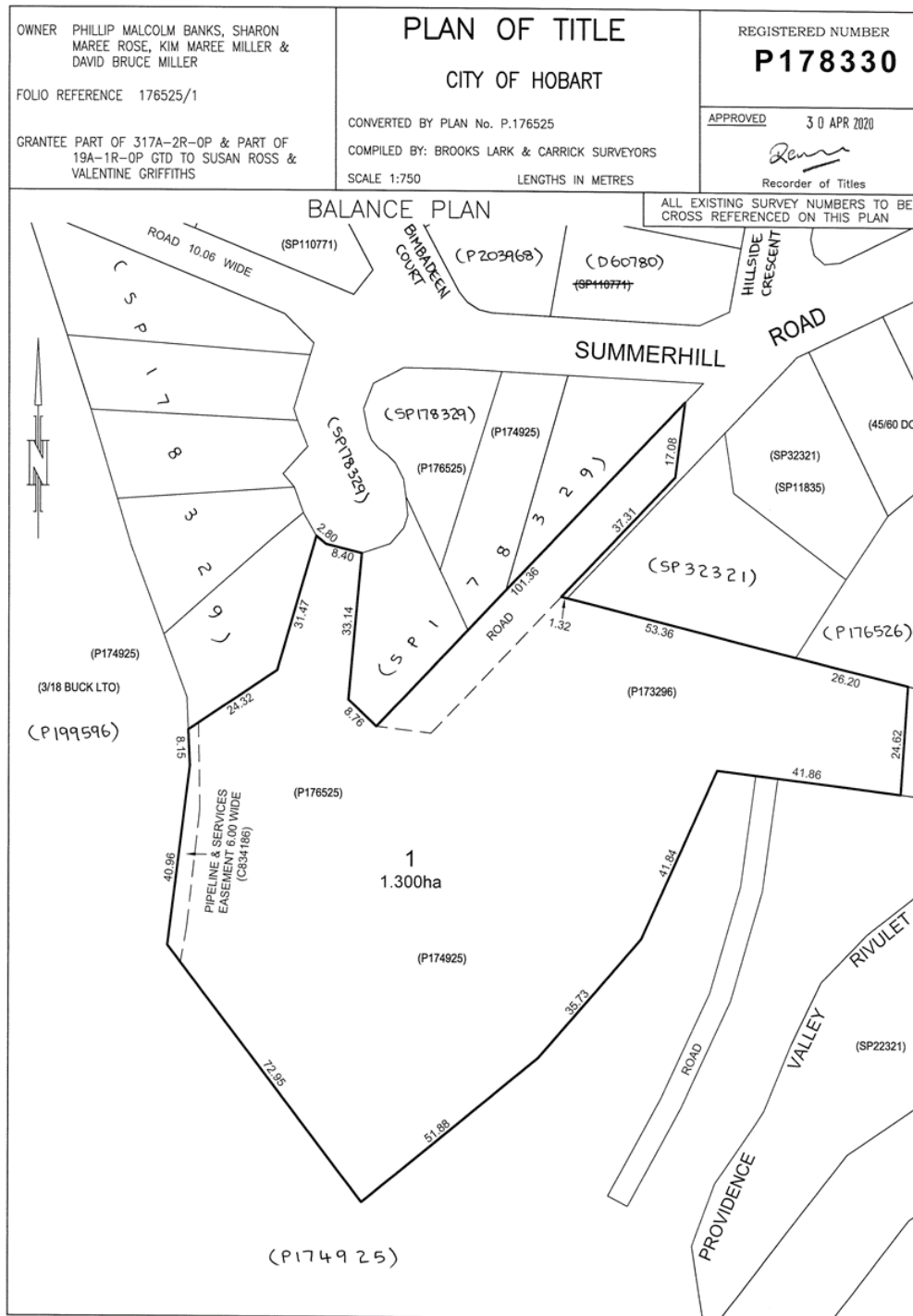
Prior CT 176525/1

SCHEDULE 1M825359 TRANSFER to NEWDEGATE NOMINEES PTY LTD Registered
29-Jul-2020 at 12.01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

C834186 BURDENING EASEMENT: a pipeline and services easement
in favour of Tasmanian Water and Sewerage Corporation
Pty Limited over the land marked Pipeline & Services
Easement 6.00 wide on Plan 178330 Registered
03-Jul-2018 at 12.03 PM3/8993 BURDENING EASEMENT: Subject to such Rights of Way
created by and more fully set forth in Indenture No.
3/8993 over that part of the said land within
described formerly comprised in folio of the Register
Volume 173296 Folio 1E139574 ADHESION ORDER under Section 110 of the Local
Government (Building and Miscellaneous Provisions)
Act 1993 Registered 29-Jan-2019 at noonUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



Appendix B
Owners Consent

TASMANIAN PLANNING COMMISSION

Form No. 1

Owners' consent

Accompanying draft planning scheme amendment requests under section 33(1), including combined permit applications under section 43A of the *Land Use Planning and Approvals Act 1993*.

Requests for draft amendments or combined permit applications require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

John Kelly - Director
Newdegate Nominees
P/L.

Address:

375 Elizabeth St
North Hobart 7000.

Email address:

jkellycontact@gmail.com

Contact number:

0417 300111

2. Site address:

Address:

66 Summerhill Rd
West Hobart 7000.

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner : *Newdegate Nominees P/L*

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable): *Sole Director*

Signature: *Jaely* Date: *14/9/20*

Registered owner (please print):

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature: Date:

Registered owner (please print):

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature: Date:

Appendix C

Supporting Natural Values letter

183 Macquarie Street, Hobart
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E: enquiries@eraplanning.com.au

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Document Status

Author:	Caroline Lindus
Reviewer:	Emma Riley
Version:	Final Draft for Client Review



22nd December 2017

Hobart City Council
16 Elizabeth Street
Hobart.

Attention: Planning Officer

RE: Request of additional information re 10 lot subdivision at 66 Summerhill Road, West Hobart (Application No. PLN-16-1296).

Dear Planner,

This letter provides additional information regarding the provisions of the Biodiversity Code in relation to vegetation clearance for bushfire hazard management as your letter dated 21st December 2017.

BC1 *Details (location, extent, species and numbers) of the clearing/modification of native vegetation required to comply with the hazard management area requirements in section 5.1 of the submitted bushfire report, and any clearing of native vegetation for the proposed fire trail and track and drainage works.*

Vegetation modification for bushfire hazard management

Further to the detailed provided in the revised report (August 2017) the following outlines the number of trees, size and species within the HMA and which can be retained (refer to Table 1 and Figure 1).

The Bushfire Hazard Management Plan (JMG, 2017) outlines the vegetation removal to reduce fuel loads within the HMA as per the following;

Trees – canopies to be separated by a minimum of 2.0 m; tree branches to be removed from a height of 2.0m above ground, no branches to overhang dwellings.

Understorey – maintain grass <100mm in height; maintain shrubs < 2.0m in height; shrubs to be maintained in clumps <10m² and separated by at least 10.0m from each other; avoid planting directly under trees and periodically remove dead branches, bark and leaves from under trees.



Based on these parameters the majority of the larger trees within the HMA will be retained. An estimated 12 – 15 white gum (*E. viminalis*) saplings and small trees will need to be removed to achieve the fuel reduction however all trees indicated in Figure 1 and listed in Table 1 can be retained. Whist clumps of shrubs can be retained with the HMA downslope on the balance lot (as per the bushfire plan) as the understorey is predominantly woody weed species the clearance of the shrub layer and maintenance in a low fuel condition is recommended to assist with weed control on the site (approximate area to be modified 3000m²).

The vegetation along the rear of lots 5 – 9 will be modified to remove most understorey and most saplings and small trees will be cleared (approximate area 850m²). The understorey in this area is the same as mentioned above and can be managed in the same manner. A small number of larger blue gums (*E. globulus*) that occur within the HMA are can be retained.

Table 1 – List of trees within HMA

Tree #	Species Name	Common Name	Height	DBH (cm)	Comment
1	<i>Eucalyptus globulus</i>	Blue gum	20 m	80 cm	Retain
2	<i>Eucalyptus globulus</i>	Blue gum	15-20m	60, 90, 70cm	Retain – 3 trees clustered close together
3	<i>Eucalyptus globulus</i>	Blue gum	20m	70cm	Retain
4	<i>Eucalyptus globulus</i>	Blue gum	20m	70cm	Retain
5	<i>Eucalyptus viminalis</i>	white gum	20m	150cm	Retain – within residential zoning. Remove lower branches
6	<i>Eucalyptus globulus</i>	Blue gum	20m	90cm	Retain
7	<i>Eucalyptus viminalis</i>	white gum	12m	70cm	Retain
8	<i>Eucalyptus viminalis</i>	white gum	15m	40 and 30 cm	Retain – double stem
9	<i>Eucalyptus viminalis</i>	white gum	15m	40 cm	May need to be removed or treated as cluster with tree # 9, 12 and 12
10	<i>Eucalyptus globulus</i>	Blue gum	18m	80cm	Retain
11	<i>Eucalyptus globulus</i>	Blue gum	18 m	70 cm	Retain
12	<i>Eucalyptus viminalis</i>	white gum	12m	60 cm	May need to be removed or treated as cluster with tree # 9, 12 and 12
13	<i>Eucalyptus viminalis</i>	white gum	20m	100cm	Retain
14	<i>Eucalyptus viminalis</i>	white gum	12 m	90cm	Retain
15	<i>Eucalyptus viminalis</i>	white gum	10m	2 x 30cm	Retain– double stem
16	<i>Eucalyptus viminalis</i>	white gum	15m	50cm	Retain

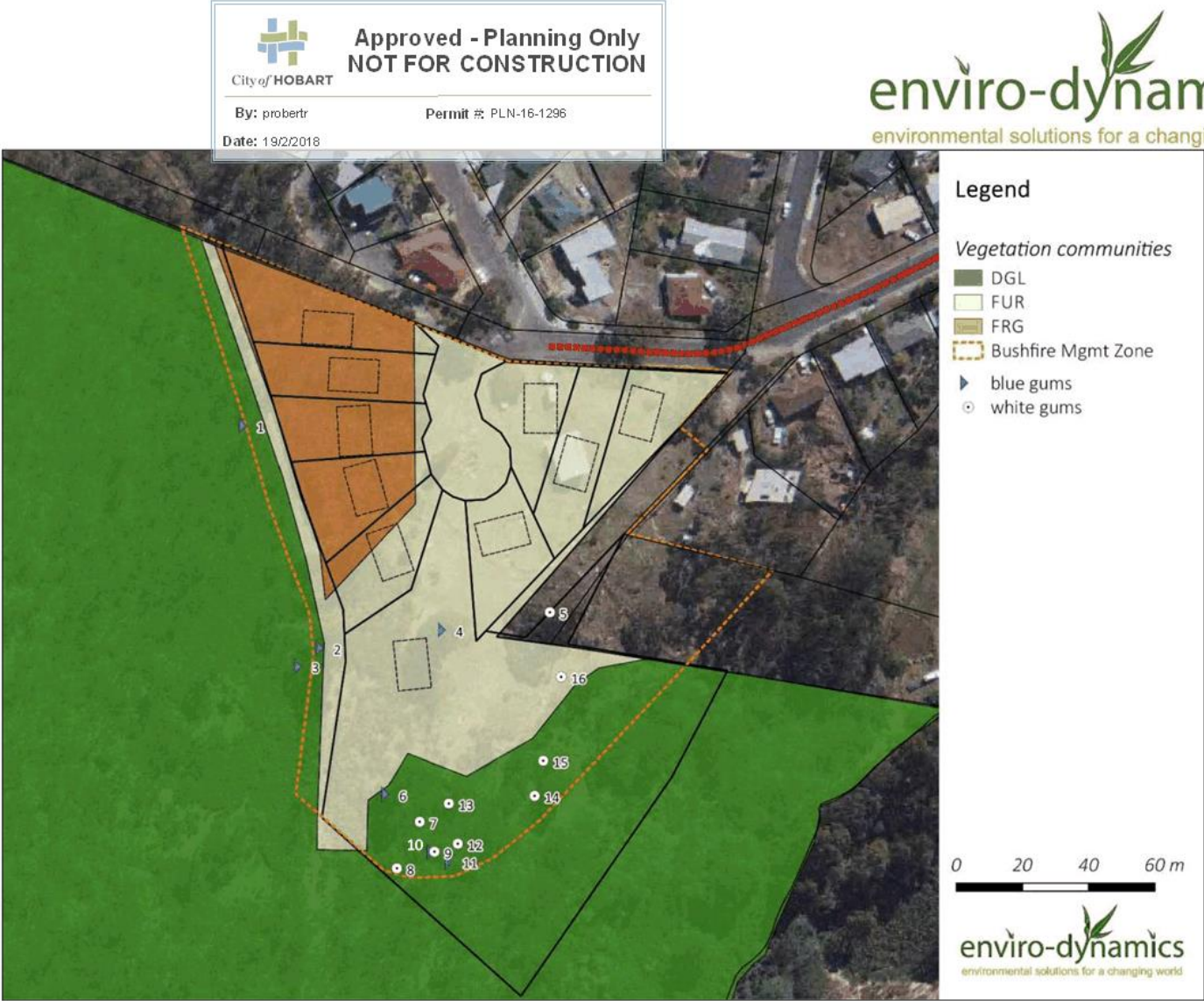


Figure 1 – location of mature trees within bushfire hazard management area.



Vegetation Impacts from fire trail relocation and drainage works

An assessment of the vegetation on the top side of the existing fire trail (for a width of 5-10m) along the length of 51 Summerhill Road (Figure 1) was undertaken on the 14th December 2017.

The area was found to contain degraded regrowth eucalypt woodland with an understorey dominated by exotic species (Figure 2). The tree layer contains a mixture of white gum (*E. viminalis*), blue gum (*E. globulus*) and white peppermint (*E. pulchella*) saplings with most <10m high. The understorey is dominated by winter euryops daisy (*Euryops abrotanifolius*), boneseed seedlings (*Chrysanthemoides monilifera*) and scotch thistle (*Cirsium vulgare*). There are also a range of native grasses and herbs along the drain and on the bank. This includes wallaby grass (*Rytidosperma caespitosum* and *R. racemosa*), speargrass (*Austrostipa stiposa* and *A. mollis*), tussock grass (*Poa labillardierei*), native cranberry (*Astroloma humifusum*) and raspwort (*Gonocarpus tetragynus*).

No threatened flora species were recorded and the site contain no significant habitat for threatened fauna species.



Figure 2 – vegetation along top side of existing fire trial.

The required vegetation removal for fire trail and drainage works will require the removal of most vegetation across a narrow strip above the existing fire trail. No significant natural values



were recorded and as such the works will have no significant detrimental impacts. The area is heavily infested with weed species (as is the adjoining subdivision land) and as such all works will need to be carried out to ensure weeds do not spread into uninfested areas as a result of the works.

Please do not hesitate to contact me if you require any further information or clarification on the information provided in this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'AW', followed by a long horizontal stroke.

Andrew Welling
Enviro-dynamics Pty Ltd
Mobile: 0400151205
Email: andy.welling@enviro-dynamics.com.au



27 March 2019

Mr James McIlhenny
Manager Planning Policy and Heritage

Email: rfi-information@hobartcity.com.au

Dear Sir,

**66 SUMMERHILL ROAD, WEST HOBART
PLANNING SCHEME AMENDMENT PSA-18-2,**

Thank you for your letter dated 12 June 2018 regarding the Planning Scheme amendment for 66 Summerhill Road, West Hobart. Please find attached our responses below:

1. Please find attached (Appendix A) the zoning plan overlain with the potential subdivision layout as existing, and as proposed. This includes reference to the approximate areas of each zone, a legend showing zoning colours, and a Title reference.
2. A Bushfire Hazard Management report was undertaken by Andrew Welling at Enviro Dynamics as associated with PLN-16-1296. This application is not for a subdivision at this stage so there is not the requirement to provide a Bushfire Hazard Management Report in the same manner as a standard subdivision would need. Notwithstanding this, a subsequent Bushfire Hazard Management Report has been undertaken and is provided in Appendix E which addresses the area to be rezoned.
3. The Environmental Management Report in Appendix B provides commentary regarding the vegetation values of the adverse possession lot.
4. The Environmental Management Report within Appendix B provides commentary regarding the risk of bird collisions, weed spread and threatened vegetation communities.
5. Council has requested a landslide hazard risk assessment. It is our position that this is not necessary as all building envelopes are outside of the medium level landslide hazard area, as is the access points to the site.
6. Please provide attached a concept servicing plan to support the rezoning (Appendix C).
7. The concept servicing plan provides details around existing and proposed vehicular access for all proposed rezoned land.
8. In relation to overland flow from Council's reserve, all stormwater should be contained within Council's reserve and not impact upon adjoining properties, irrelevant of the zoning. None the less the approach taken is to cluster the building areas for the proposed dwellings on the Low Density Residential Zoned land closer to the General Residential Zone. This serves to minimise any impacts of development on the broader landscape, but in addition, the contours of the land suggest that any overland flow would need to traverse the General Residential zone in the first instance, before crossing the building envelopes on the rezoned parcels of land. The JMG Stormwater Report for

66 Summerhill Road, dated December 2016 that supported that subdivision application for the General Residential Zone provide a Concept Services Stormwater Catchments Plan, Sheet 2, show the overland flow path being directed to Summerhill Road in reflection of the contours on the site, and the most logical design outcome. This plan is provided as Appendix D.

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

Yours sincerely,



Caroline Lindus, MPIA
Senior Planner

Appendix A: Subdivision and Zoning Plan

Appendix B: Addendum to Environmental Values Report

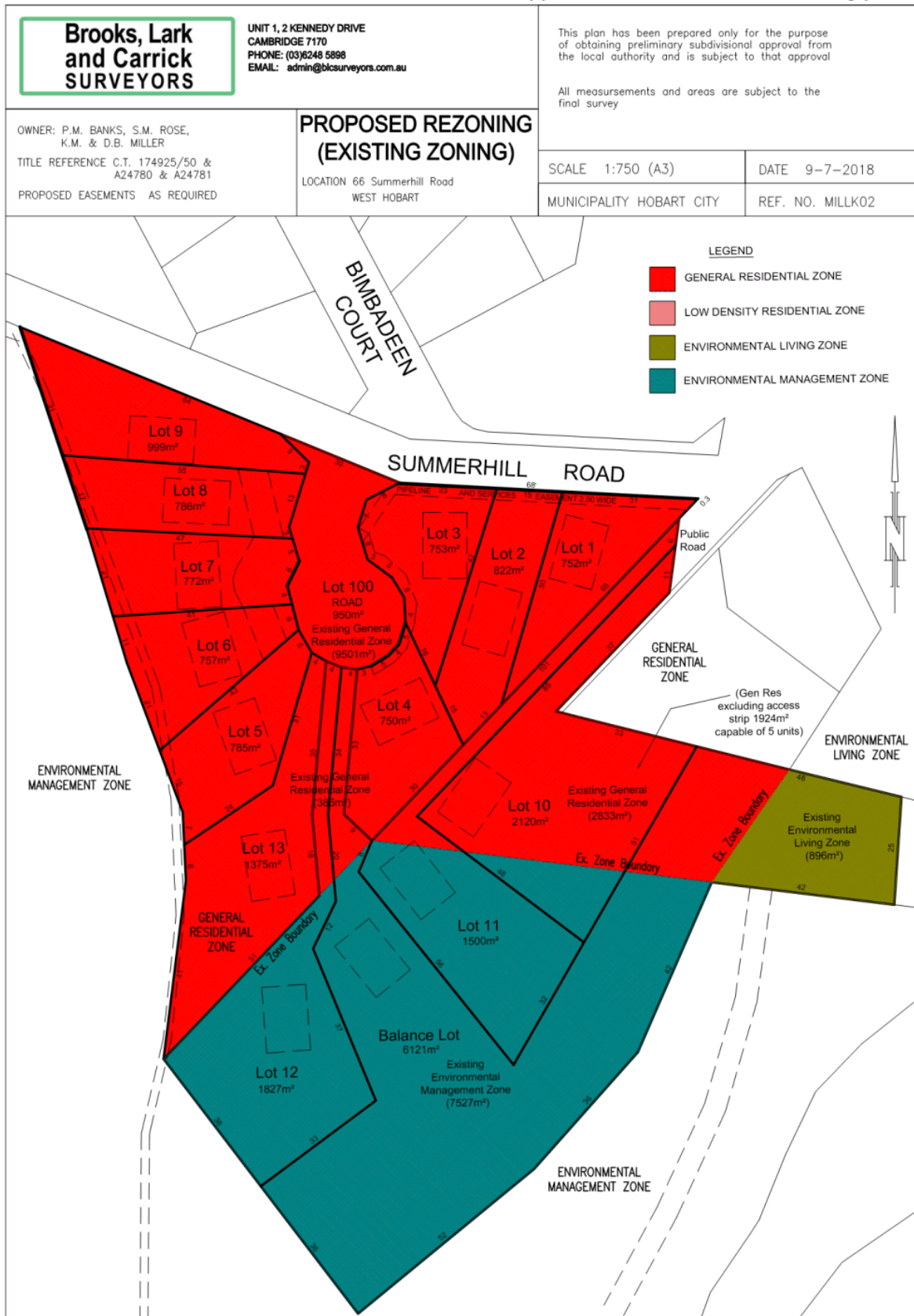
Appendix C: Concept Servicing Plan

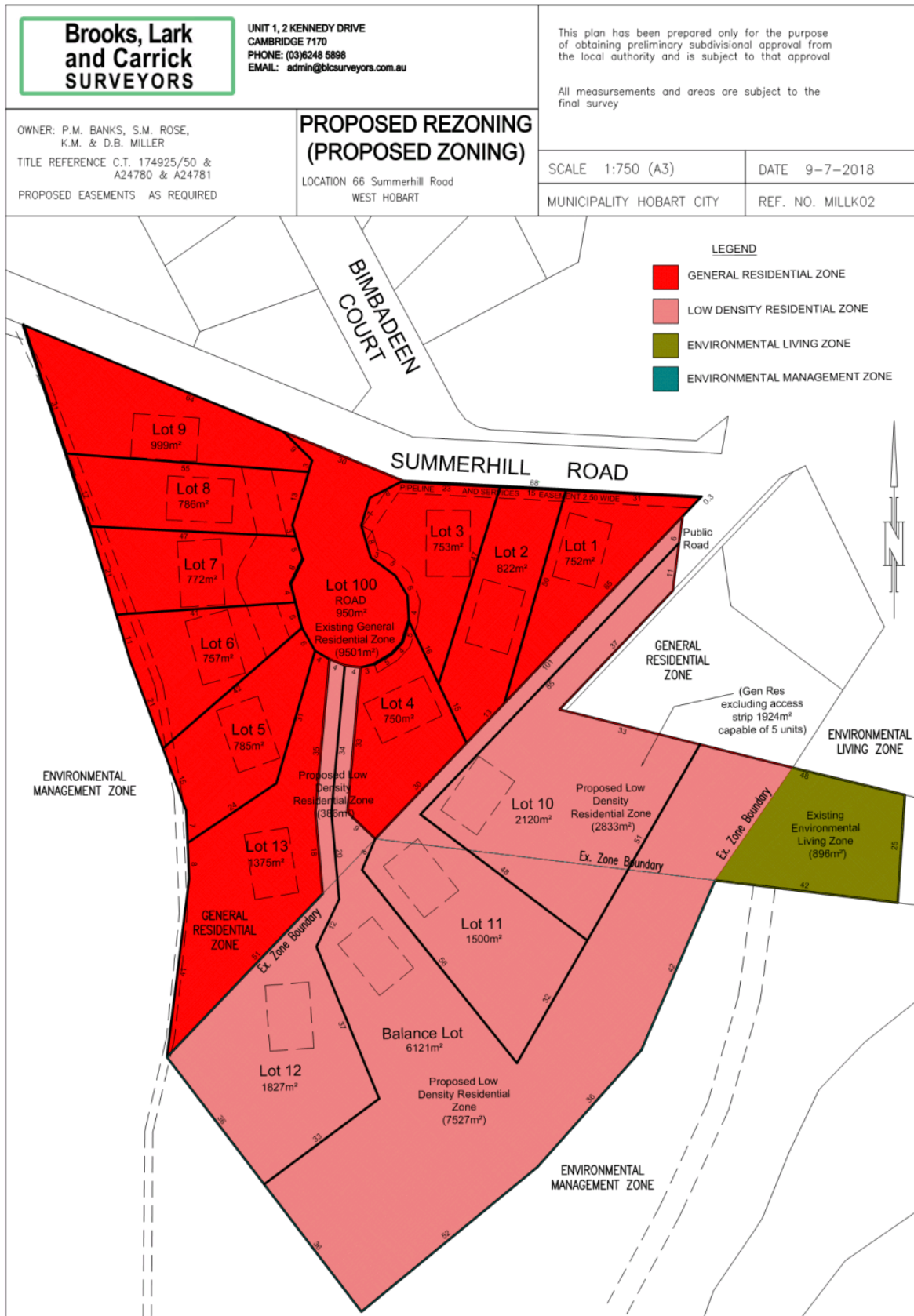
Appendix D: Subdivision Development Stormwater Flow Calculation

Appendix E: Bushfire Hazard Management Plan

p2

Appendix A: Subdivision and zoning plans





Appendix B: Environmental Management
Report

Addendum to Natural Values Report

For proposed rezoning of land at 66 Summerhill Road, West Hobart



For: P. Banks, S. Rose, D & K Miller

3rd October 2018


enviro-dynamics
environmental solutions for a changing world

Level 1, 2 Edward Street, Glebe – andy.welling@enviro-dynamics.com.au

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

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Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

1. Introduction

The following *Addendum to the Natural Values Report* has been carried out to accompany an application to the Hobart City Council for the rezoning of land at 66 Summerhill Road from Environmental Management, General Residential and Environmental Living to Low Density Residential and Environmental Living (refer to Submission Document – ERA Planning, May 2018).

The natural values of the site were initially assessed in 2016 as part of a subdivision application for 9 lots. The initial assessment surveyed all land that was to be impacted by the subdivision including land downslope to the south which forms part of the bushfire hazard management areas for that subdivision.

An additional assessment of the land further downslope to the south east was carried out on the 25th September 2018. The area assessed will be within the proposed low density residential zone and will form the bushfire hazard management area for any new lots formed in the future. An assessment of the bushfire requirements has been carried out as part of the rezoning submission to broadly quantify the potential environmental impacts associated with a future subdivision development of the rezoned area (refer to Bushfire Hazard Risk Assessment, Enviro-dynamics October 2018).

Limitations of the survey

Whilst every effort was made to compile a complete list of vascular plant species occurring at the site, limitations of the survey method (Time Meander Method), seasonal conditions and the timing of the survey means that additional flora species may be present on the site and be revealed during subsequent surveys.

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart - October '18

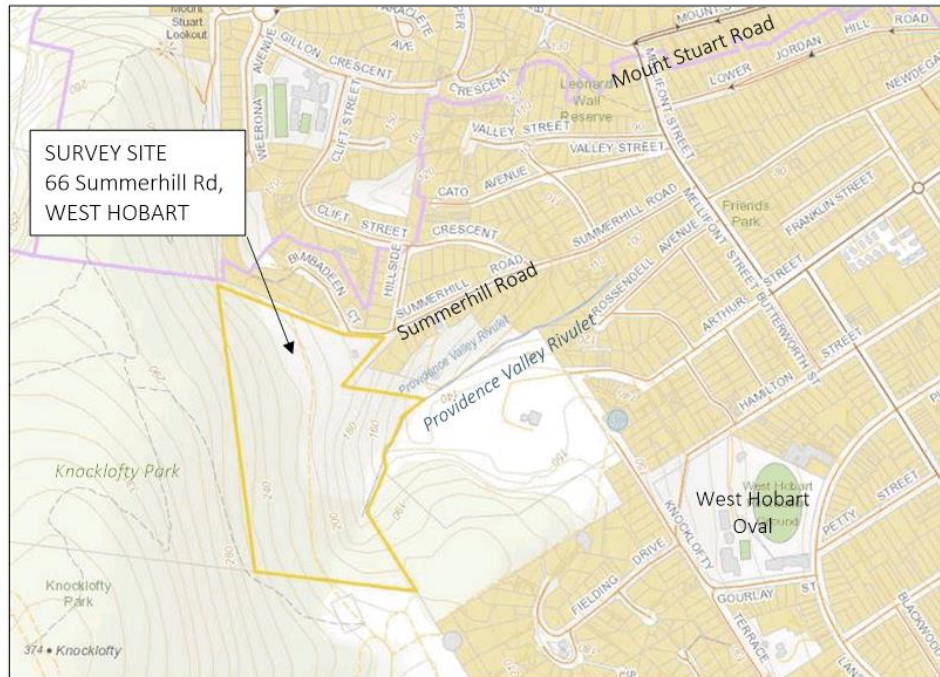


Figure 1 - Location Plan (Source LIST 2016)

2. Natural Values Assessment

Vegetation Communities

The intact vegetation on the site was identified as *Eucalyptus globulus* grassy forest (DGL) in the April 2017 natural values report for the site.

The 2018 survey of the vegetation further down slope (which was not initially assessed) identified a higher percentage of white gums (*E. viminalis*) than the higher slope with blue gums sub-dominant. The broad classification of the community remains as DGL however. The slope is heavily degraded by woody weeds and historic quarrying and earthworks which have altered the hillside (Figures 2 and 3).

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

There are scattered native cherry (*Exocarpos cupressiformis*), silver wattle (*Acacia dealbata*) and isolated prickly box (*Bursaria spinosa*) trees over a shrub layer that is dominated by exotic woody weeds including boneseed (*Chrysanthemoides monilifera*), gorse (*Ulex europaeus*), cotoneaster (*Cotoneaster frigida*), pampas grass (*Cortaderia selloana*), blackberry (*Rubus fruticosus*) and english broom (*Cytisus scoparius*). The ground layer is dominated by exotic grasses and herbs and large areas of forget me nots (*Myosotis sylvatica*), fumitory (*Fumaria muralis*) and cleavers (*Galium aparine*). Native species including fireweed (*Senecio linearifolius*), bracken (*Pteridium esculentum*), tussock grass (*Poa labillardierei*) amongst the weeds.

Due to the weed infestations the community is considered to be in poor to moderate condition.



Figure 2 – quarried area downslope with eucalypt over storey and weedy understorey.

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18



Figure 3 – Vegetation broadly classified as DGL with understorey dominated by woody weeds.

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

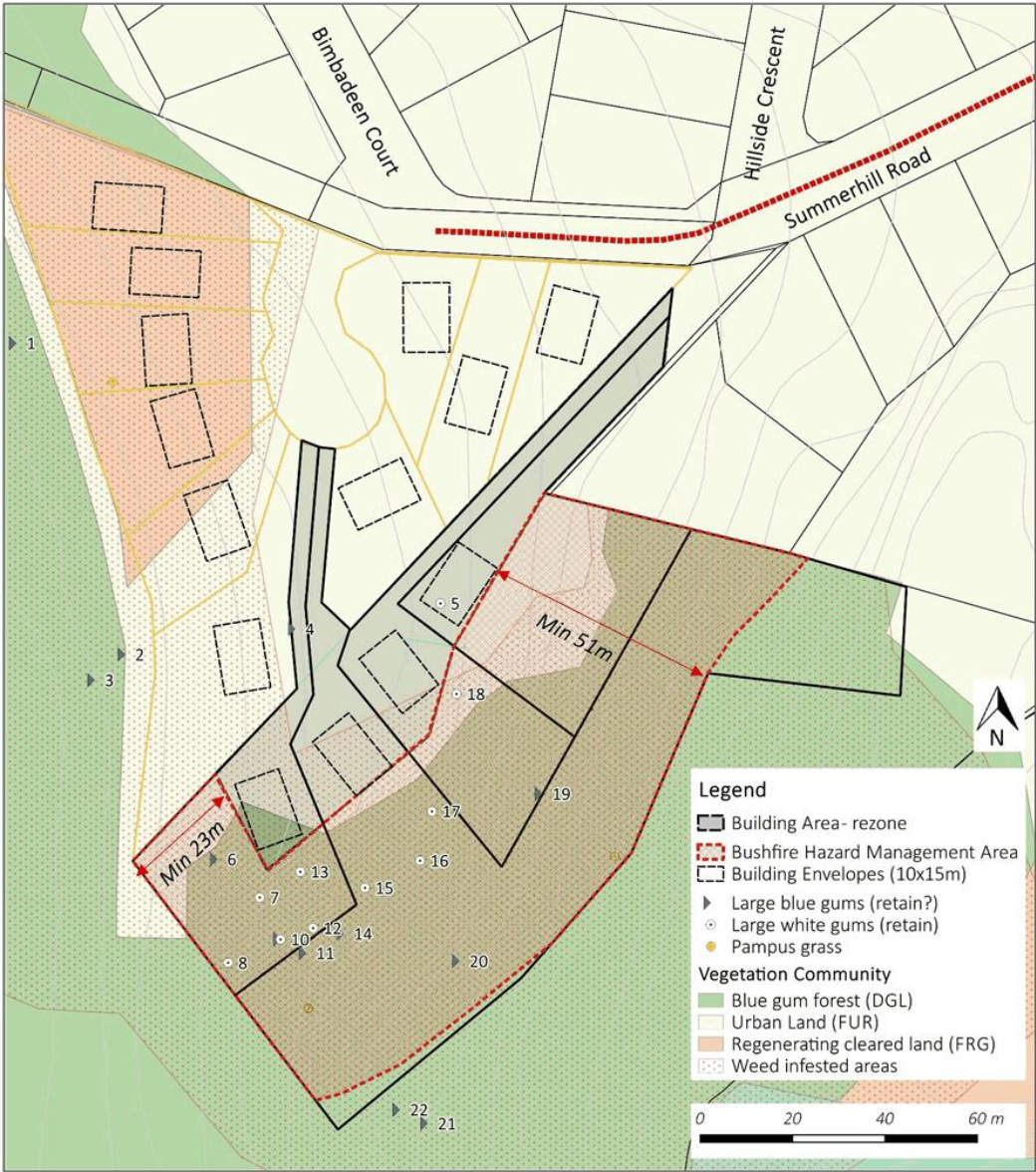


Figure 4 - Vegetation communities, weeds and significant trees and potential impacts of rezoning.

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

Flora Values

No threatened flora species were recorded during the additional survey. Species known from within 1km of the site were outlined in the initial report with a comment on the likelihood of them occurring on this site. The initial comments remain relevant for the additional area that was surveyed.

The slope contains a number of larger trees that were plotted and measured during the previous survey with additional trees further downslope measured as part of the rezoning survey. Larger trees are shown in Figure 4 and list in Table 1 below.

Table 1 – List of trees within land to be rezoned.

Tree #	Species Name	Common Name	Height	DBH (cm)	Comment
1	<i>Eucalyptus globulus</i>	blue gum	20 m	80 cm	Retain
2	<i>Eucalyptus globulus</i>	blue gum	15-20m	60, 90, 70cm	Retain
3	<i>Eucalyptus globulus</i>	blue gum	20m	70cm	Retain
4	<i>Eucalyptus globulus</i>	blue gum	20m	70cm	To be removed
5	<i>Eucalyptus viminalis</i>	white gum	20m	150cm	To be removed
6	<i>Eucalyptus globulus</i>	blue gum	20m	90cm	Retain
7	<i>Eucalyptus viminalis</i>	white gum	12m	70cm	Retain
8	<i>Eucalyptus viminalis</i>	white gum	15m	40 and 30 cm	Retain – double stem
9	<i>Eucalyptus viminalis</i>	white gum	15m	40 cm	May need to be removed or retained in cluster.
10	<i>Eucalyptus globulus</i>	blue gum	18m	80cm	Retain
11	<i>Eucalyptus globulus</i>	blue gum	18 m	70 cm	Retain
12	<i>Eucalyptus viminalis</i>	white gum	12m	60 cm	May need to be removed or treated as cluster with tree # 9, 10 and 11
13	<i>Eucalyptus viminalis</i>	white gum	20m	100cm	Retain
14	<i>Eucalyptus viminalis</i>	white gum	12 m	90cm	Retain
15	<i>Eucalyptus viminalis</i>	white gum	10m	2 x 30cm	Retain– double stem
16	<i>Eucalyptus viminalis</i>	white gum	15m	50cm	Retain
17	<i>Eucalyptus viminalis</i>	white gum	?	?	Retain – may need to prune canopy
18	<i>Eucalyptus viminalis</i>	white gum	15m	50cm	May need to be removed depending on location of future dwelling
19	<i>Eucalyptus globulus</i>	blue gum	20m	120cm	Retain
20	<i>Eucalyptus globulus</i>	blue gum	15m	60cm	Retain
21	<i>Eucalyptus globulus</i>	blue gum	20m	70cm	Retain - Outside HMA
22	<i>Eucalyptus globulus</i>	blue gum	18m	80cm	Retain - Outside HMA

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

Fauna Values

The fauna habitat provided by the vegetation is similar to that outlined in the initial report. The slope contains scattered mature blue gums which provide potential foraging habitat for the swift parrot. There are also mature white gums downslope. No trees within hollows were recorded downslope. A mature white gum with hollows and a mature blue gum are present within the cleared land that is zoned as general residential (Figure 4 – trees 4 and 5).

The vegetation downslope (including the weed infestations) provides some foraging and shelter habitat for the eastern barred bandicoot and other native mammals. This species may shelter in the understorey amongst woody weeds such as gorse and forage over the cleared land in the evenings. The rocky outcrops and rubble piles down the slope may also provide marginal shelter sites for the Tasmanian devil however there was no suitable den sites recorded.

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

3. Rezoning Impacts

The following section outlines the impacts of the proposed rezoning of a portion the site. A rezoning to low density residential would allow for the subdivision of the land to create new lots. Given the steep slope of most of the land any residential development would be restricted to the hill top. The natural values of the hill top area are limited to an isolated white gums and blue gums over introduced woody weeds, grasses and herbs.

Impacts of the future Bushfire Hazard Management Areas

Due to the bushfire prone nature of the surrounding vegetation any future development of residential lots would require bushfire hazard management areas to be established around dwellings.

Hazard Management Areas (HMA) for any new lots within the rezoned area would extend downslope for a minimum distance of 51m and across and up slope for 23m from the edge of designated building envelopes (refer to bushfire hazard assessment, Enviro-dynamics 2018). The existing approved subdivision to the north will provide a managed area in this direction.

A restrictive building area is proposed on the south eastern side of the hilltop to ensure that the required HAM for A BAL 19 solutions can be contained within the area of the site to be rezoned to Low Density residential. No vegetation on the adjoin HCC title in the bottom of the gully will be impacted by the proposal.

The majority of the HMA downslope and across slope contains degraded DGL vegetation. This vegetation would need to be modified to reduce fuel loads in the event of development on the hilltop. Modification of the vegetation would include the removal of most understorey vegetation and the thinning of the trees to reduce the canopy density and separation trees. As the understorey is dominated by woody weeds the clearance of the understorey will not have significant environmental impact.

Within the HMA larger blue gums and white gums can be retained provided they do not overhang dwellings, separation between canopies is established and maintained (min 2-6m) and have

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

branches below 2m removed. Smaller eucalypts and silver wattles would need to be removed to reduce fuel loads however. All significant trees within the rezone area were plotted during the site survey (Figure 2). The majority of large the trees could be retained within the HMA for hence most important natural values of the hills side can be retained. The management of the understorey would remove a significant seed source for weed species and contribute to the ongoing management of the intact vegetation within the adjacent Knocklofty Reserve.

An estimated 3000m² of degraded regrowth DGL vegetation will need to be managed to significantly reduce the fuel loads.

Overall the area of native vegetation to be impacted by the formation of the HMA for the subdivision will be approximately 1.2ha. Provided larger blue gums are retained within the HMA to protect the foraging habitat for the endangered swift parrot, the impacts will be limited. The majority of the vegetation to be removed to reduce the fuel load will be woody weed species. Some clusters of understorey shrubs can be retained or planted within the HMA provided clusters are less than 10m², there is separation between clusters (minimum 10m) and they are not located under retained trees.

The removal of the woody weeds within the HMA will reduce shelter habitat for mammals such as the eastern barred bandicoot and wallabies. This is unlikely to have a significant impact these species as there are large areas of similar habitat within the adjoining HCC land and the management of the HMA area is likely to lead to an increased foraging resource for these species.

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

3. Summary

An assessment of the natural values of land at Summerhill Road, West Hobart were undertaken as part of a proposed rezoning of the balance lot to the south east of the site. The proposed rezoning of the land to Low Density Residential would allow for the subdivision of the land to form new lots. Due to the steepness of the site and access restrictions, any building envelopes for new lots would be restricted to the upper slope of the land.

The survey found that the upper slope contains cleared land with remnant white gum and blue gum trees and scattered introduced species. The steep slope contains degraded DGL vegetation dominated by white gums and blue gums with an understorey of woody weeds including gorse, broom, pampas grass and boneseed.

The rezoning and future subdivision of the balance lot would require the clearing of vegetation with the building area the modification of vegetation downslope to accommodate the bushfire hazard management areas (HMA) for each new lot. Whilst the vegetation in the building areas has limited significance a large white gum and a blue gum tree will need to be removed.

An assessment of the bushfire risk of the surrounding land determined that a HMA would need to extend across the entire balance lot or to a minimum of 51m wide downslope and 23m wide across slope or upslope.

on the naturvla alvaleu of the Balance land he impacts of a proposed subdivision on the natural values of land at 60 Summerhill Road, West Hobart were assessed during a site survey in July 2016. The impact of the required Bushfire Hazard Management Areas on the land than is zoned Environmental Management and is within a Biodiversity Protection Area was assessed.

Some additional natural values occur on the land zoned general residential including mature blue gums and white gums however this impact is not assessed as part of this report as they occur within the general residential zone and a NVR of this area is not required under the scheme.

The vegetation to be impacted (for the establishing of the HMA) is generally in poor condition with significant infestations of the declared weeds boneseed, gorse and pampas grass. The control of

Addendum to Natural Values Report for proposed rezoning at 66 Summerhill Road, West Hobart -October '18

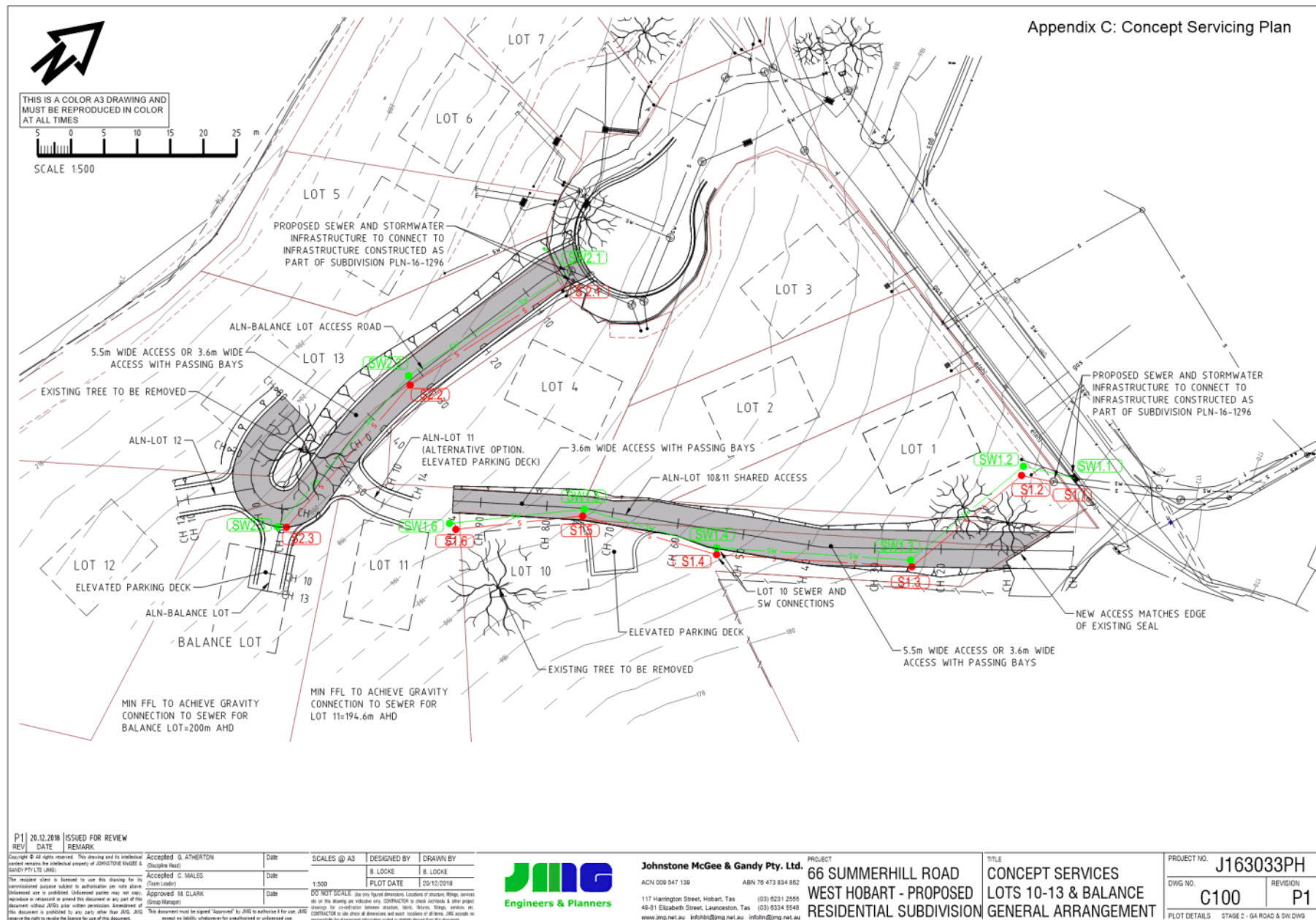
these weeds as part of the development may be required to prevent the spread of weeds of the site.

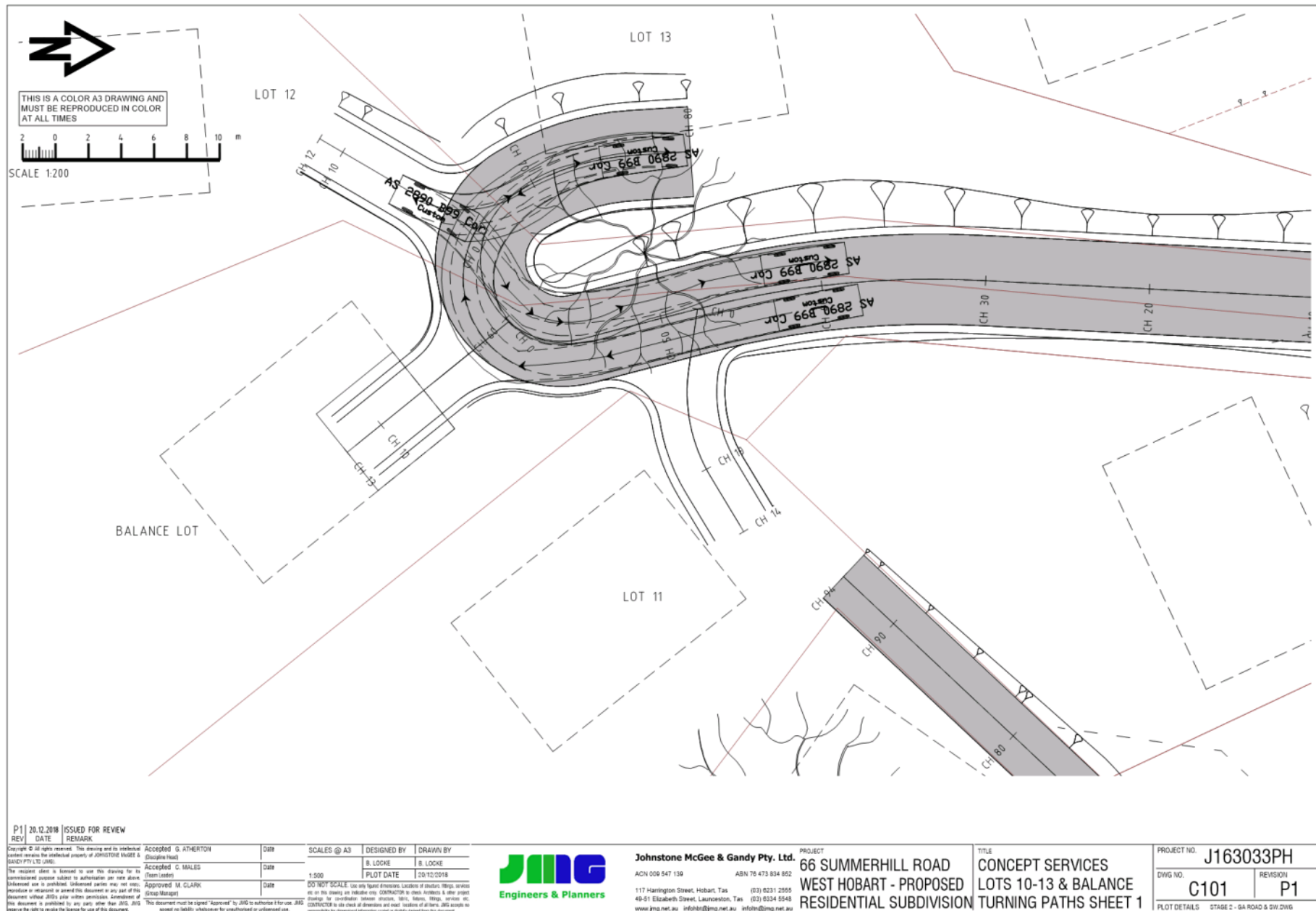
The area of vegetation which was classified as blue gum forest (DGL - listed as a threatened vegetation community under the *Nature Conservation Act 2002*) contained a layer of blue gum saplings and some smaller trees. The understorey contains significant woody weed infestations. Some mature trees (in particular blue gums) can be retained within the HMA provided there is minimum 2m separation between canopies and there is separation between the ground and the canopy. Clusters of native understorey can also be retained as per the provisions of the bushfire hazard report (Section 5.1 - JMG).

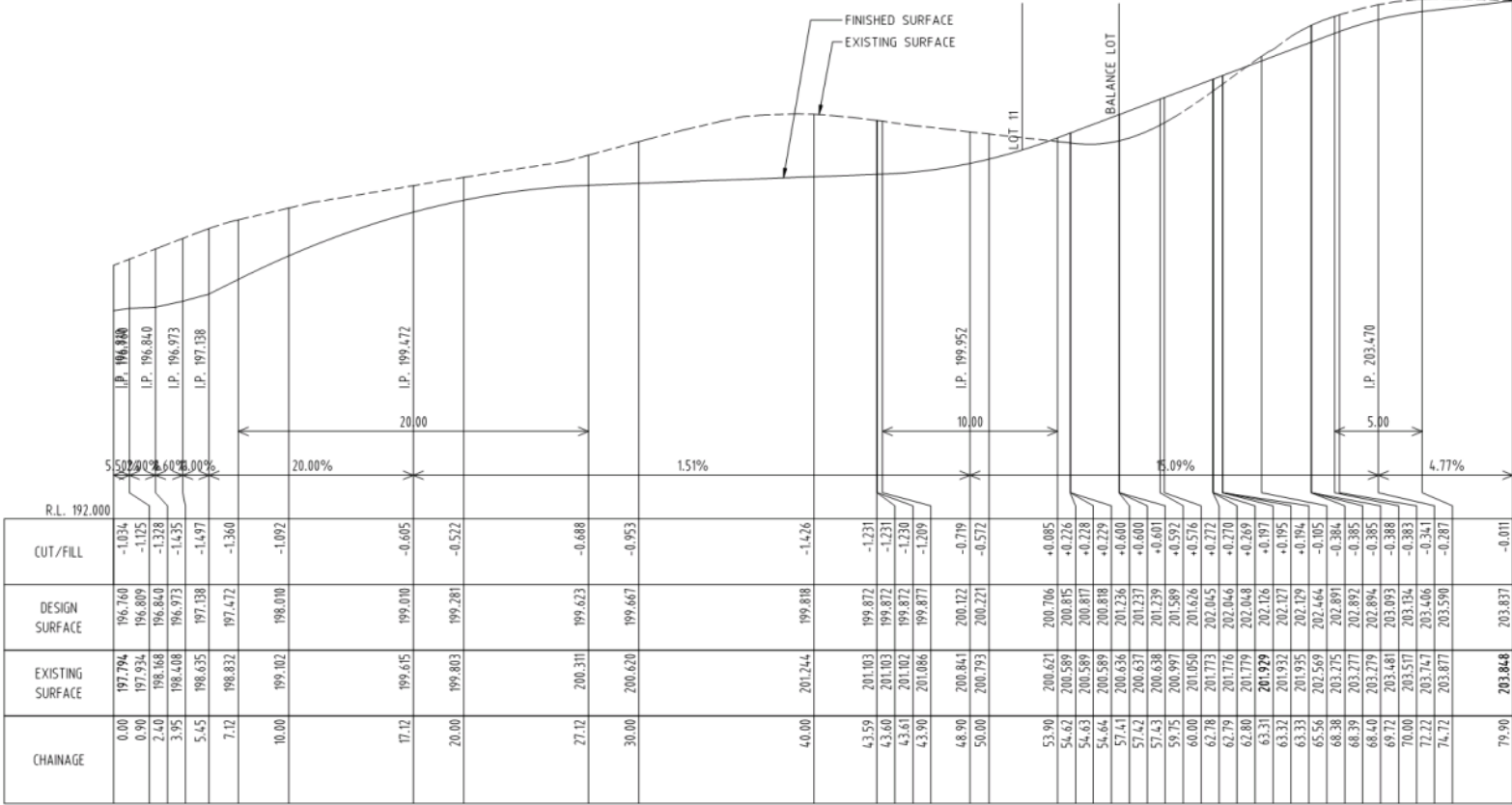
No threatened flora species were recorded on the site and the habitat for threatened fauna species was limited to regrowth blue gum - which provide a minor foraging resource for the swift parrot; and some habitat for the eastern barred bandicoot. Due to the present of large area of similar vegetation, in better condition, adjacent to the site the impact on the fauna habitat is very limited.

The removal of the vegetation was able to meet the performance criteria under E10. 0 for a high priority community due to its degraded condition. An estimated 3850m² of DGL will be impacted by the subdivision which represents < 0.2% of the DGL within local area. The vegetation to be modified is also degraded by weeds including gorse and as such the vegetation clearance will be largely restricted to weed control and removal of the shrub layer with any mature blue gums to be retained. The blue gums within the HMA are generally small (<10m – 15m high) and provide a limited foraging resource for the swift parrot. Any larger blue gum trees within the HMA will be retained.

and the presence of the adjoining DGL forest (on proposed balance lot which may be transferred to the HCC) and within the Knocklofty Reserve.







Profile ALN-Balance Lot Access Rd From 0.000 To 79.901
Scales: (H) 1:250 (V) 1:100

P1 20.12.2018 ISSUED FOR REVIEW
REV DATE REMARK

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Accepted C. MALES (Team Leader)			
Approved M. CLARK (Group Manager)			

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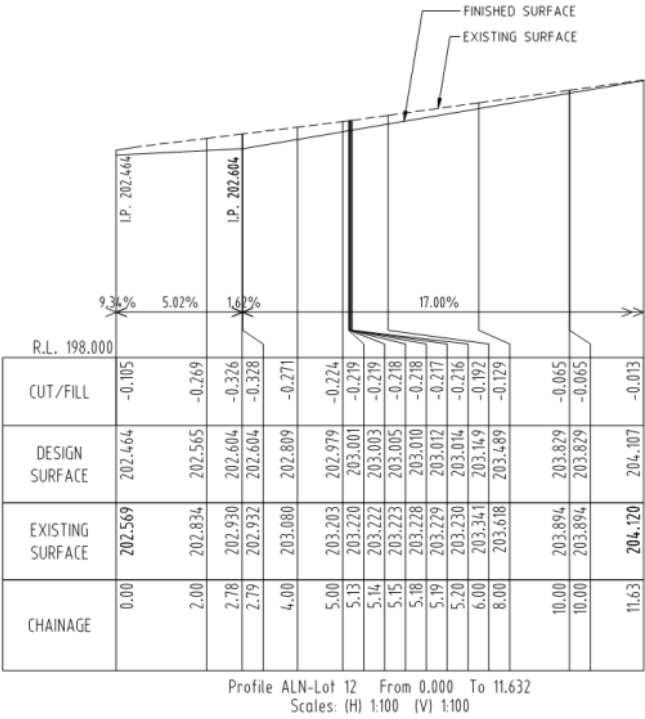


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40-51 Elizabeth Street, Launceston, Tas (03) 6334 3548
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PROJECT
**66 SUMMERHILL ROAD
WEST HOBART - PROPOSED
RESIDENTIAL SUBDIVISION**

TITLE
**CONCEPT SERVICES
LOTS 10-13 & BALANCE
PROFILE - BALANCE LOT ACCESS RD**

PROJECT NO.	J163033PH
DWG NO.	C102
REVISION	P1
PLOT DETAILS STAGE 2 - ROAD PROFILES DWG	



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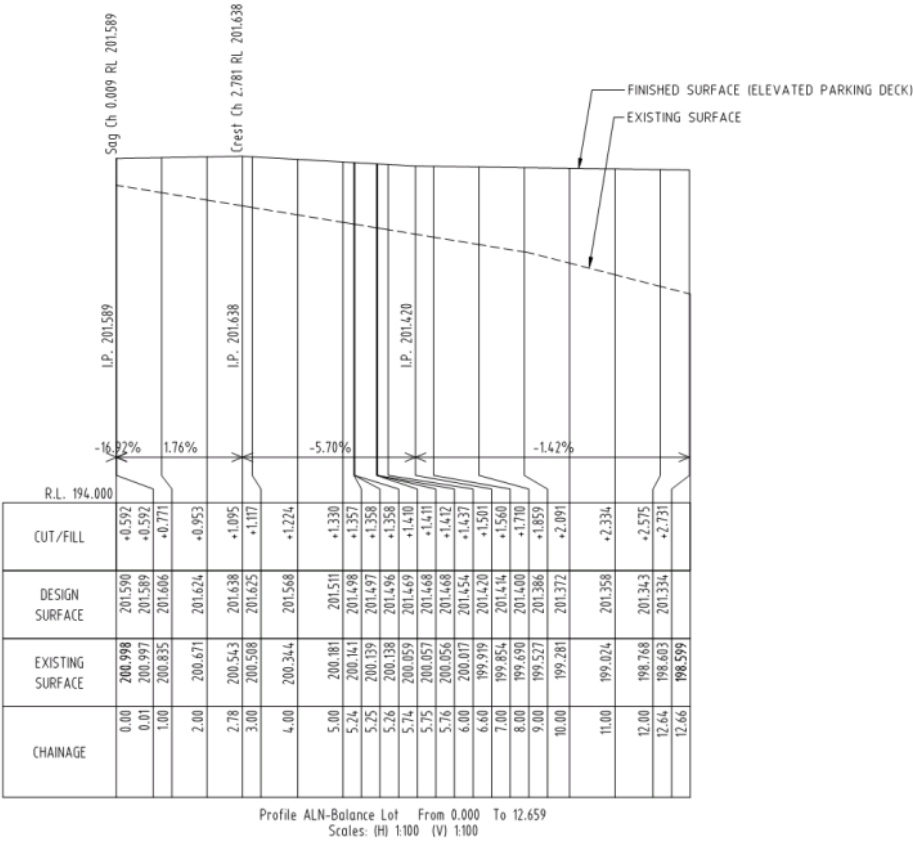


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PROJECT
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WEST HOBART - PROPOSED
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TITLE
CONCEPT SERVICES
LOTS 10-13 & BALANCE
PROFILE - LOT 12 ACCESS

PROJECT NO. J163033PH
DWG NO. C103
PLOT DETAILS
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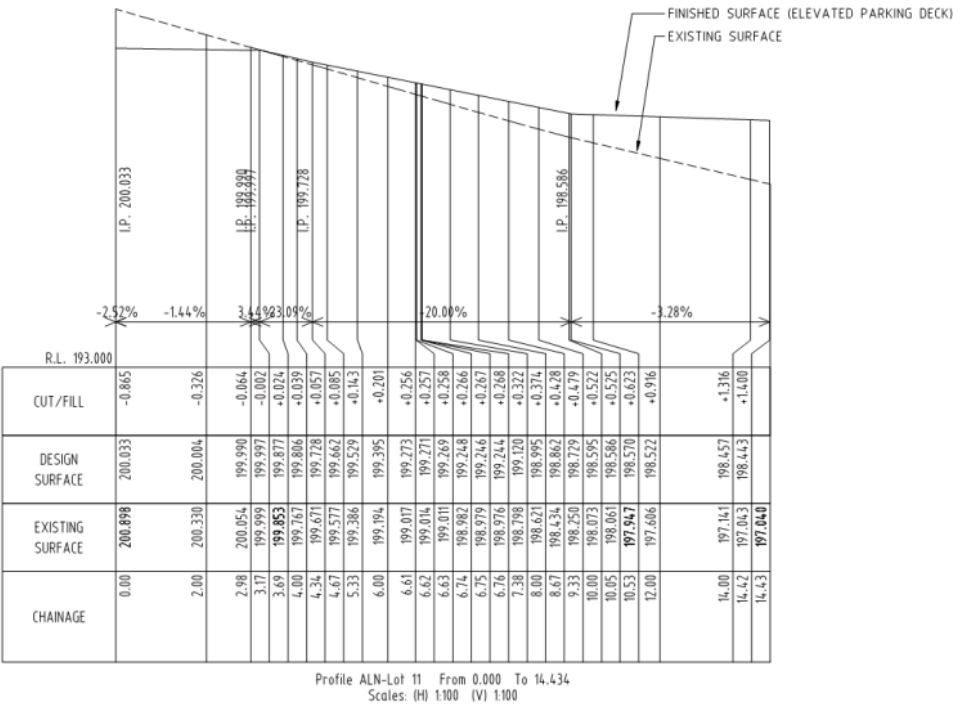


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[ALTERNATE OPTION 2 - REFER ALN-LOT 10 & 11 SHARED ACCESS FOR OPTION 1]

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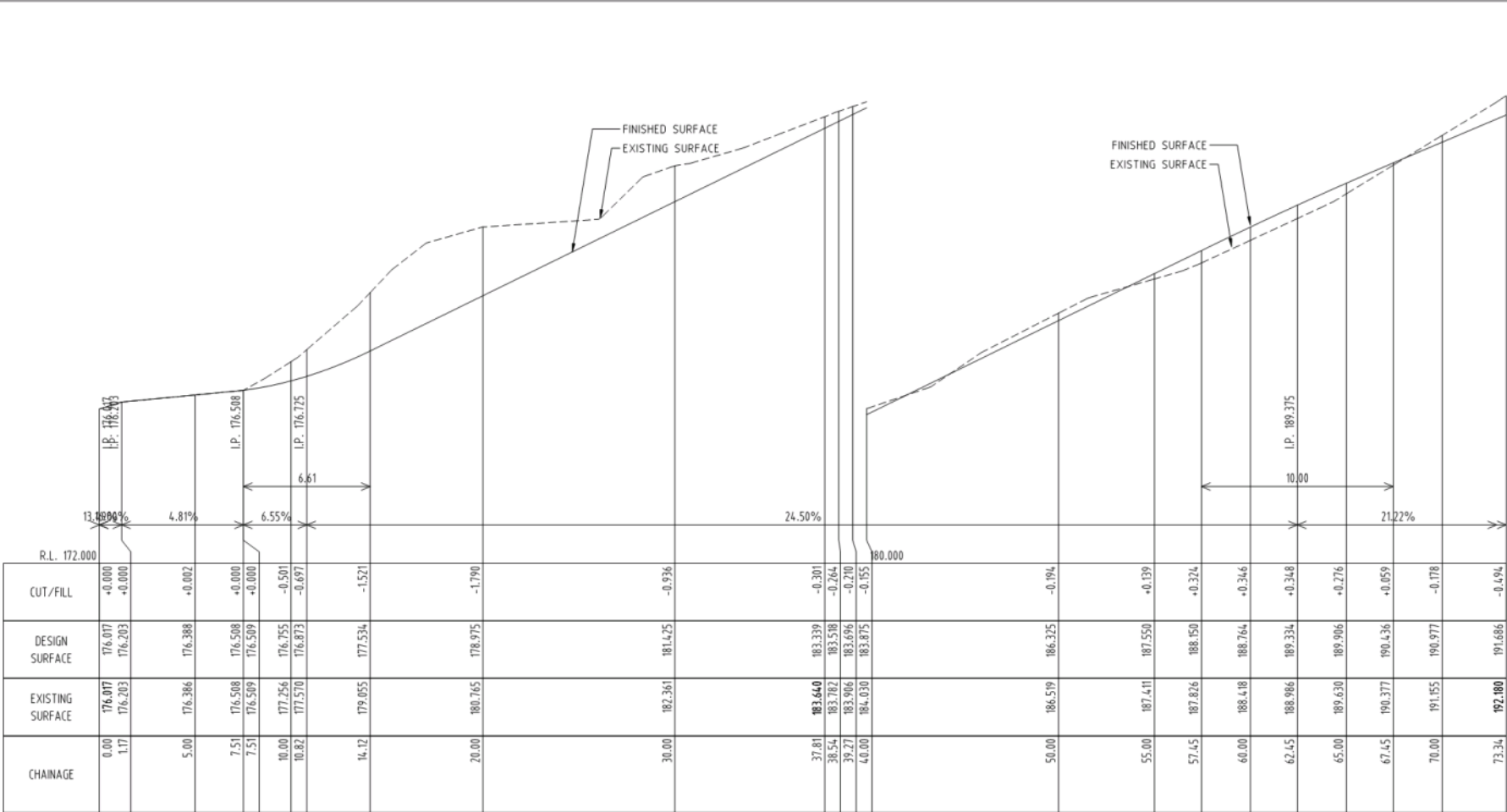


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Profile ALN-Lot 10&11 Shared Access From 0.000 To 73.338
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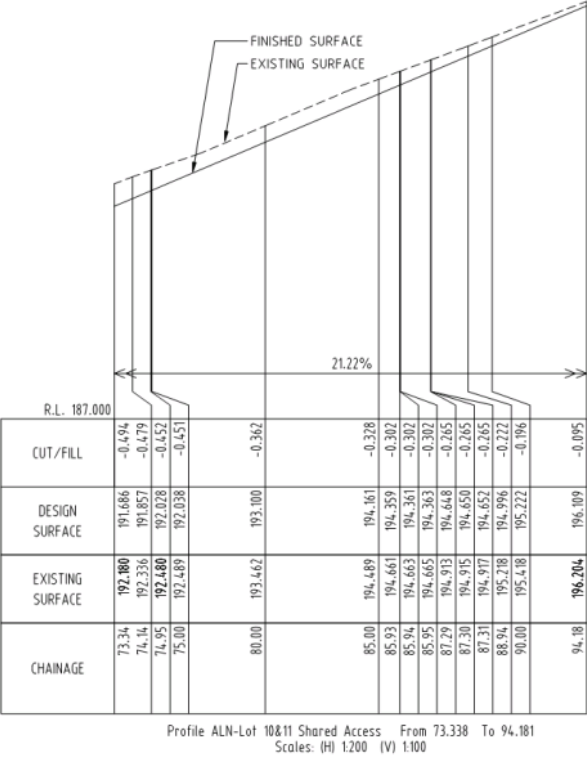


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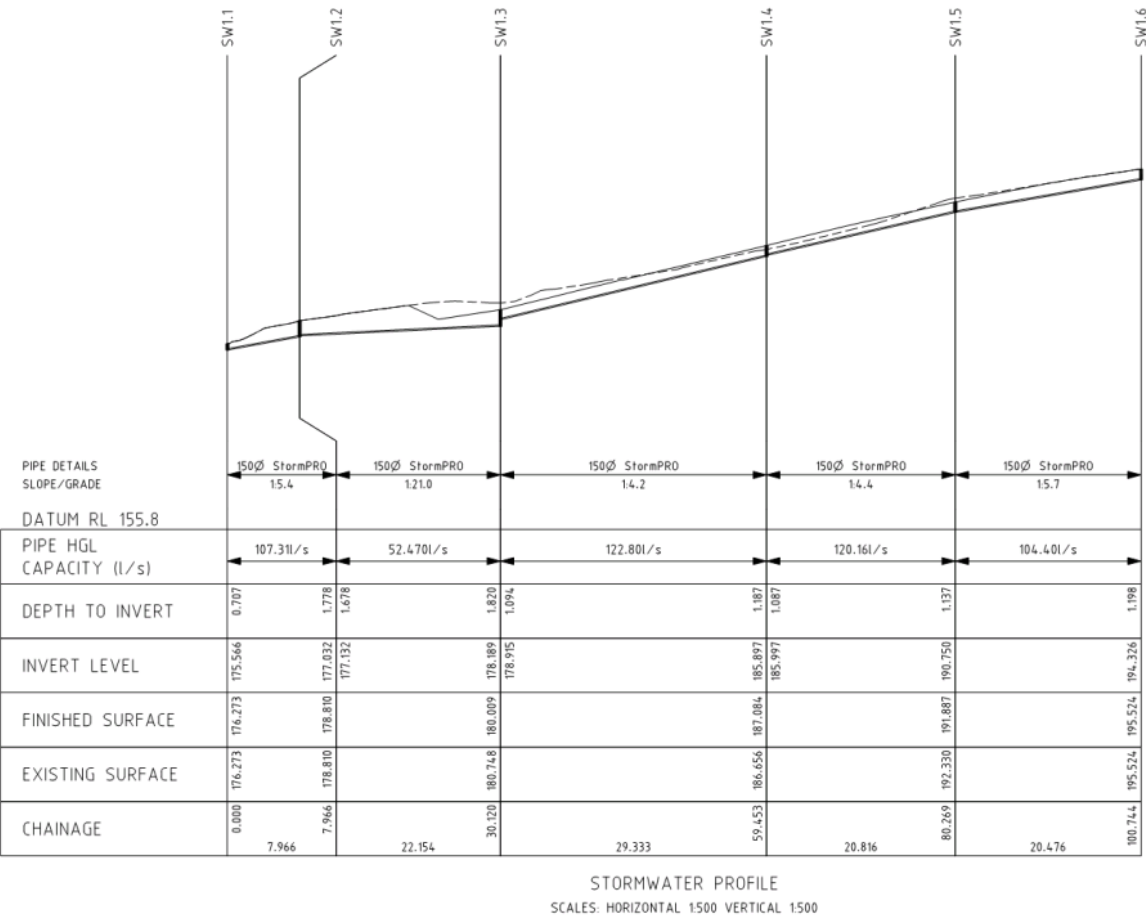
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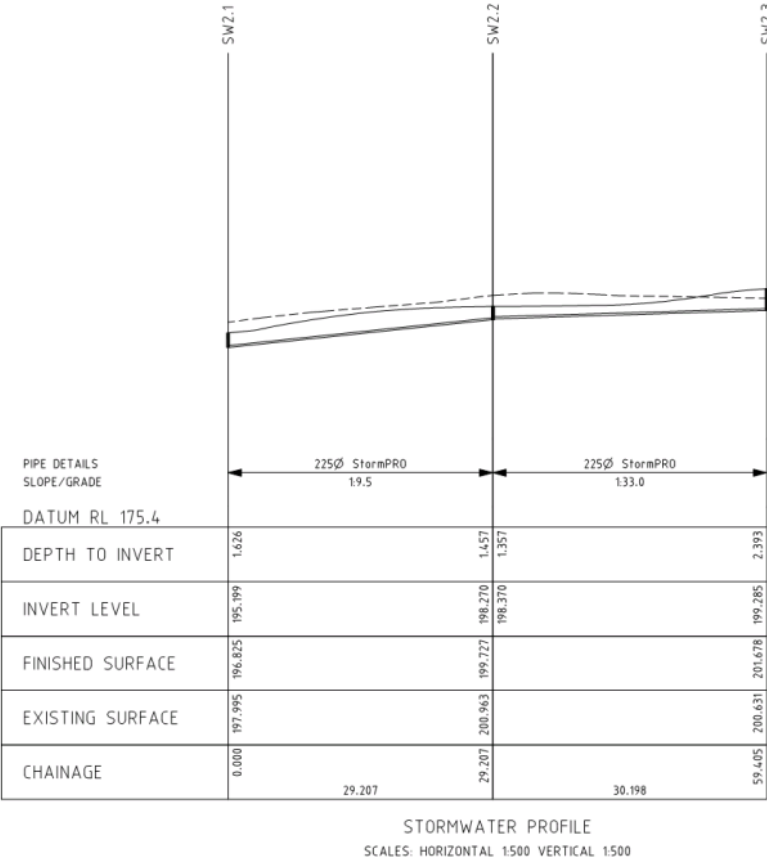


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PLOT DETAILS
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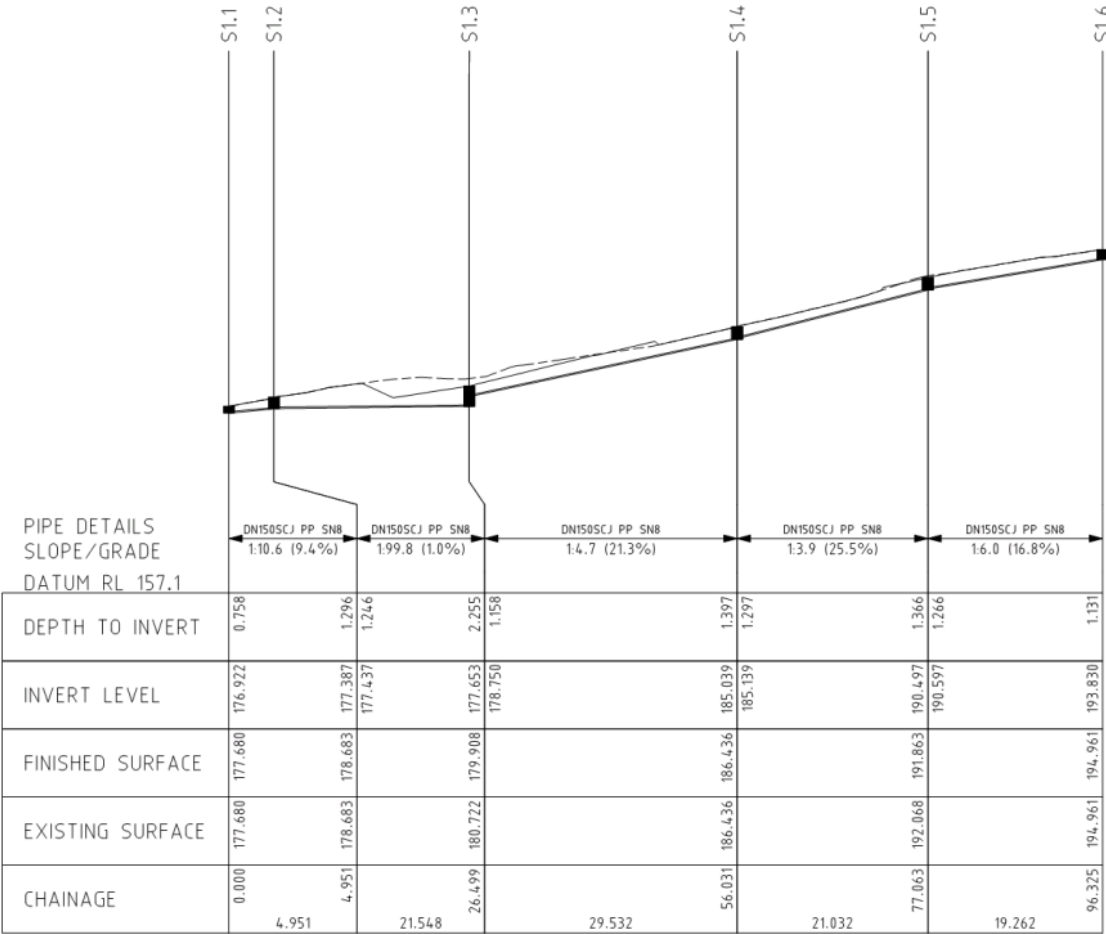
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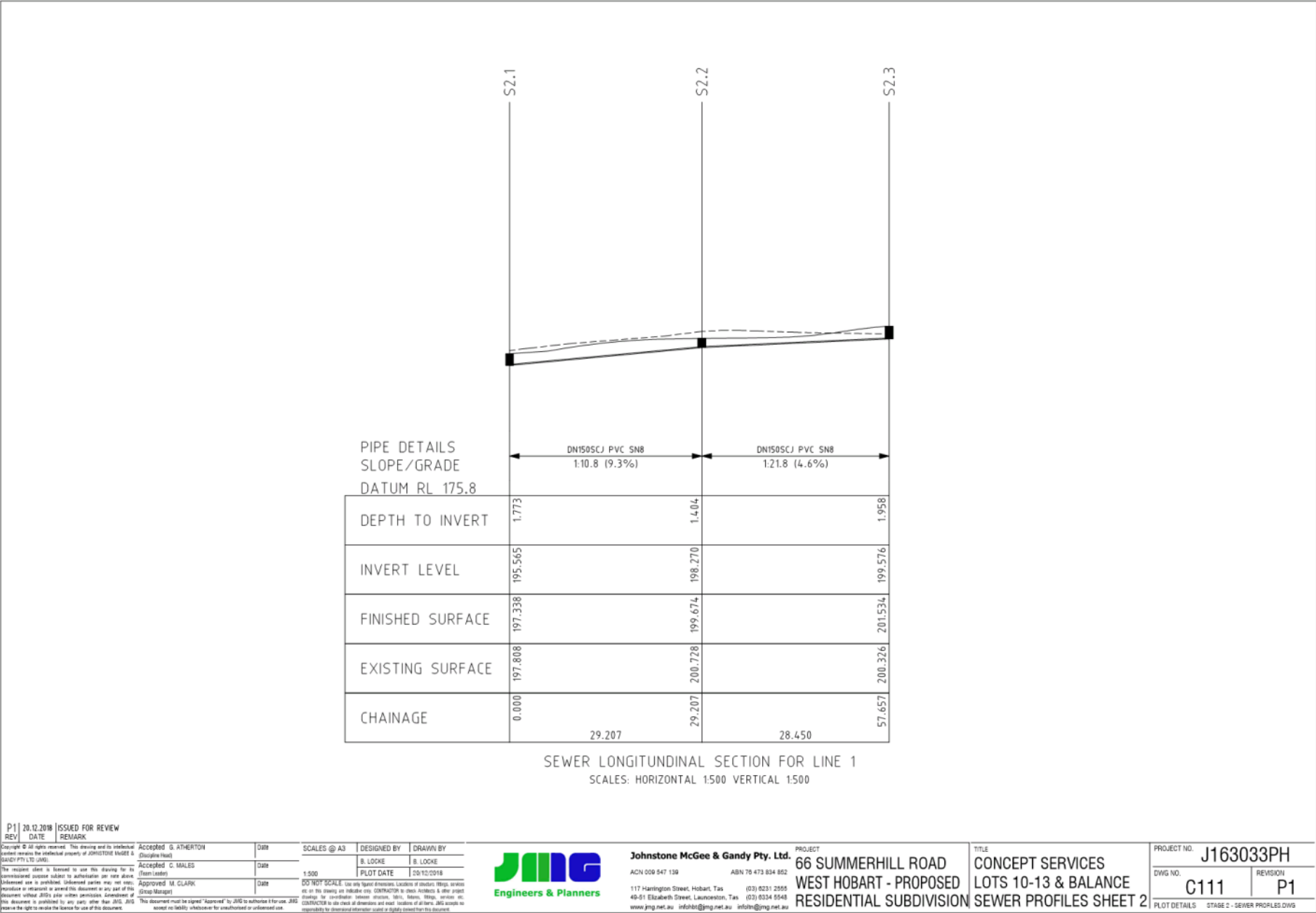


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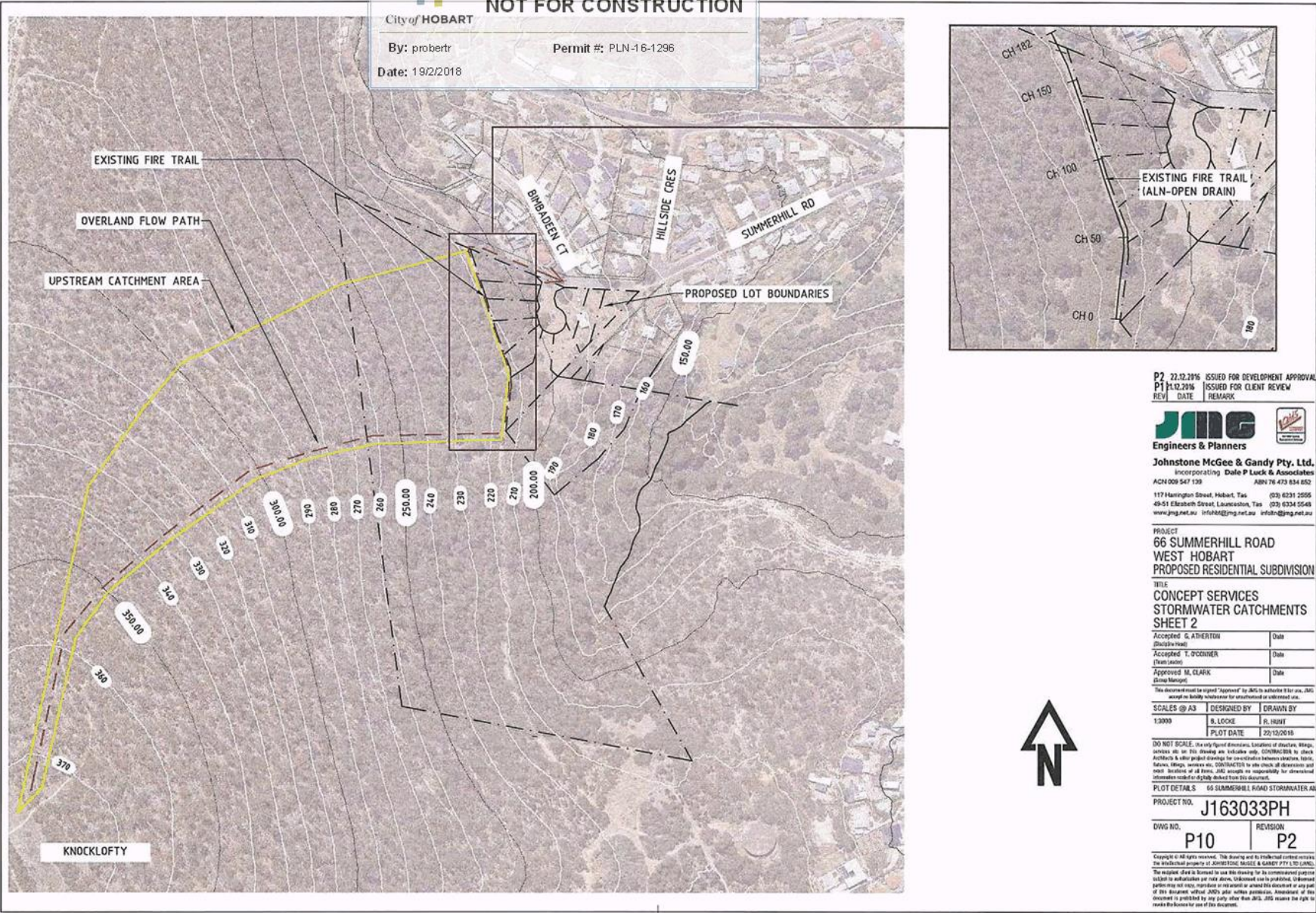
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SEWER PROFILES SHEET 1

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DWG NO. C110
REVISION P1
PLOT DETAILS STAGE 2 - SEWER PROFILES DWG



Appendix D: Stormwater Overland Flow plan



Bushfire Hazard Assessment

For proposed Rezone application at 66 Summerhill Road, West Hobart



Landowner: P. Banks, S. Rose, D & K Miller

Prepared by: Andrew Welling (BFP-135)

Date of Assessment: 13th September 2018

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – September 2018

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Disclaimer

The assessor has taken all reasonable steps to ensure that the information provided in this assessment is accurate and reflects the conditions on and around the site and allotment on the date of this assessment. Whilst measures outlined in this report are designed to reduce the bushfire risk to future dwellings located within the subdivision, due to the unpredictable nature of wildfires and impacts of extreme weather conditions the survival of the structures on the site during a fire event cannot be guaranteed.

1. Introduction

The following Bushfire Hazard Assessment has been undertaken as part of a rezoning application for land at 66 Summerhill Road, West Hobart (FR 199596/1).

The document provides an assessment of the risk that bushfire poses to future dwellings which may be developed on the lot, within a designated building area. In addition, the document outlines the extent of bushfire hazard management areas required to achieve a Bushfire Attack Level of $>12.5 \text{ kW/m}^2$ to $\leq 19 \text{ kW/m}^2$ (BAL 19). The assessment has been used to inform the likely impacts on the natural values of the lot (refer to Addendum to Natural Values Report, Enviro-dynamics October 2018).

The designated building area is located along the northern side of the area to be rezoned (Figure 1).

1.2 Site Description

The bushfire hazard assessment relates to the southern portion of land at 66 Summerhill Road, West Hobart (FR 174925/50) and the adjoining lot (FR 173296/2) acquired through adverse possession. The land subject to a rezoning application includes the eastern side of small hilltop and the steep east facing slope. The land is proposed to be rezoned from Environmental Management, General Residential and Environmental Living to Low Density Residential and Environmental Living (refer to Submission Document – ERA Planning, May 2018).

The natural values of the site were initially assessed in 2016 as part of a subdivision application for 9 lots. The initial assessment surveyed all land that was to be impacted by the subdivision including land downslope to the south which formed part of the bushfire hazard management areas for the subdivision.

An additional assessment of the land further downslope to the south east was carried out on the 25th September 2018. The area assessed will be within the proposed low-density residential zone and will form the bushfire hazard management area for any new lots formed in the future.

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – October 2018

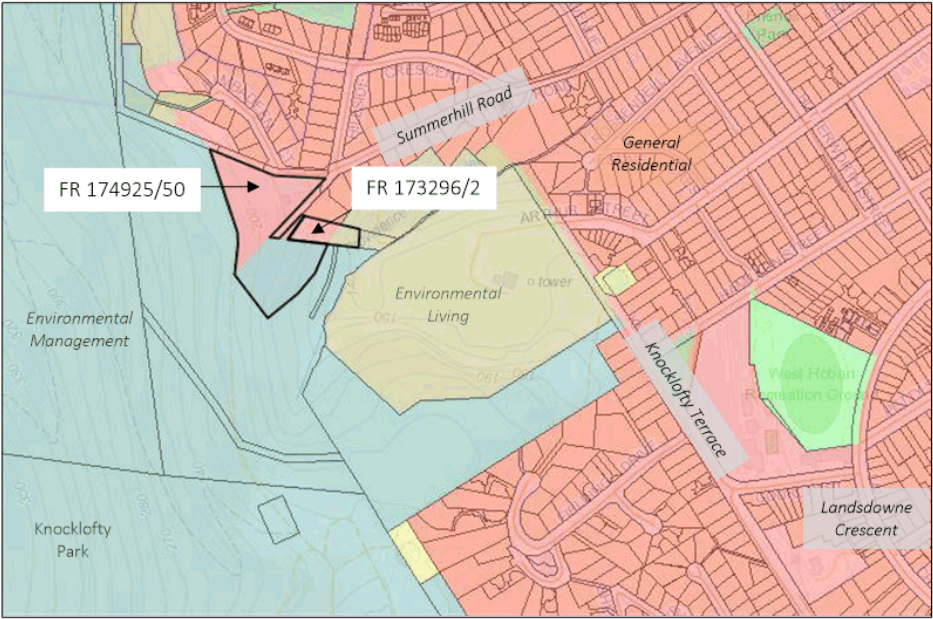


Figure 1: Location of Lots on Summerhill Road and adjacent to Environmental Management Zone

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – October 2018

2. Bushfire Site Assessment

The following is a summary of the bushfire risk at the property.

Bushfire Hazard: Slope and forest vegetation

Bushfire Attack Mechanisms: Radiant heat, ember attack, wind, direct flame and smoke

Bushfire Threat Direction: The bushfire threat to the land, subject to the proposed subdivision, is from the north and northwest which is mainly developed and zoned general residential. Due to the managed land to the north, the bushfire risk is reduced.

Fires have burned in the hills to the northwest but would have to travel downslope to reach the proposed subdivision. It is noted that a fire in this forest could be a source of embers from the west and northwest. The fire threats from the west and northwest are moderate due to distance to forest vegetation, refer to Figure 2 and Appendix 1 for Photos.

Fire Danger Index: FDI 50 (this index applies across Tasmania).

Vegetation: Vegetation was assessed within 100 m in all directions from the proposed building area and classified as per Table 2.3 of AS 3959-2009.

The site contains managed land to the north and forest vegetation to the east and west.

There are a number of established residences surrounding the site to the north and east.

Refer to Table 1 for the summary of the BAL Assessment.

Table 1 – Summary of Bushfire Site Assessment

Direction of slope	Northeast	Southeast	Southwest	Northwest
Balance Lot				
Vegetation Classification ^A	MANAGED LAND	FOREST	FOREST	MANAGED LAND
Distance to classified vegetation	0 m	0 - 20 m	0 m	0 m
Effective slope under vegetation	Downslope >5-10°	Downslope >15-20°	Upslope	Across slope
Current BAL value for each side of the site	BAL LOW	BAL FZ	BAL FZ	BAL LOW
Separation distances to achieve BAL-19	n/a	51-<67 m	23-<32 m	n/a

^A Vegetation within 100 m of the proposed lots identified as *Forest* has a woody weed understorey with some native trees and shrubs.

Managed Land surrounding the development is classified as an exclusion as per definitions in paragraph 2.2.3.2 of AS3959-2009, an 'Exclusion' is provided by Low threat vegetation and non-vegetated areas:

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – October 2018

(e) Non-vegetated areas, including roads and buildings; and

(f) Low threat vegetation, including grassland managed in a minimal fuel condition such as maintained lawns, cultivated gardens and windbreaks. NOTE: minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognised as short-cropped grass to a nominal height of 100 mm).

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – September 2018

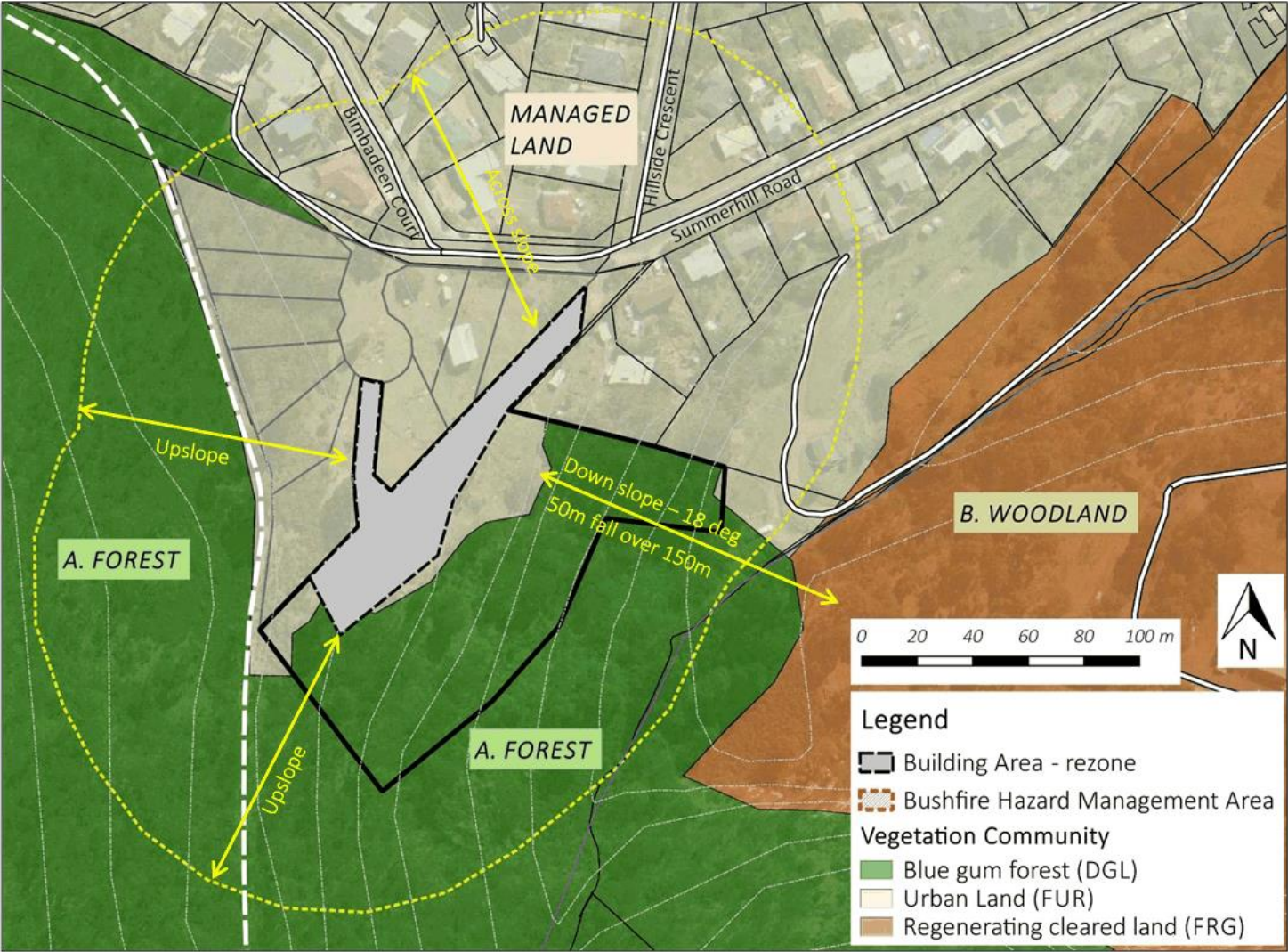


Figure 2 – Bushfire hazard assessment area (100m radius yellow dash line) showing surrounding managed areas and vegetation

3. Bushfire Management Measures

3.1 Hazard Management Areas

Future development within the designated building area will require the establishment of a bushfire hazard management area (HMA). The HMA provides a cleared space between the buildings and the bushfire hazard. Vegetation within the HMA needs to be strategically modified and then maintained in a low fuel state to protect buildings from direct flame contact and intense radiant heat thereby allowing built infrastructure to be defended from lower intensity bushfires. Fine fuel loads must be minimal: to reduce the quantity of windborne sparks and embers reaching buildings, to reduce the radiant heat at the building, and to halt or check direct flame attack.

Further information on the maintenance of the equivalent 'defendable space' are provided in the Tasmania Fire Service document: Guidelines for Development in Bushfire Prone Areas of Tasmania (2005). This document identifies different protection zones including a Bushfire Protection Zone and a Fuel Modified Buffer Zone.

Requirements

To comply with PD5.1 Acceptable solutions under E1.6.1 – A1. Acceptable solutions A1 future subdivision must:

- show building areas for each lot; and
- indicate HMAs which separate building areas from bushfire prone vegetation with separation distances required for BAL 19 as a minimum as per Table 2.4.4 of AS 3959-2009 Construction of Buildings in Bushfire Prone Areas.

Indicative building areas have been designated on the lots subject to the rezone application and an HMA with separation distances sufficient to achieve BAL 19 as set out in Table 1 and are shown in Attachment 1.

Current conditions:

- The land subject to the rezoning application contains cleared land on the hilltop and intact forest vegetation with a weedy understory downslope to the southeast and upslope to the southwest. The land to the northwest and northeast is cleared and will be developed as residential lots in the future. There are existing suburban areas beyond the cleared land in these directions.

Compliance:

- The future development of the land (subdivision and then housing) will require the modification of vegetation to the northeast and northwest as indicated in Attachment 1. Vegetation modification will require reduction of fuel loads by the removal of trees, shrubs and groundcover fuels. The HMA does not need to be cleared of all vegetation. The retention of some trees can act to reduce wind speeds and catch embers in the event of bushfire.
- The following vegetation management requirements apply within the HMA:

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – October 2018

- All vegetation including trees to be cleared from within 10m of future buildings;
- Non-flammable features such as paved areas, lawns, driveways and paths should be included around buildings.
- Trees can be retained within the HMA provided there is: horizontal separation between canopies (min 2m); and vertical separation between the ground and the canopy. This can be achieved by removing low branches up to a minimum height of 2m from ground level. No trees to overhang dwellings. Most of the large trees within the HMA can be retained at the site (refer to Natural Values Report, enviro-dynamics Oct 2018).
- Understorey shrubs may be retained provided they are not contiguous with dwellings. Clusters should be a maximum of 10m² in area with a minimum 10m separation between clusters. Clusters should not be located under retained trees. This can be largely achieved through the removal of woody weeds from the HMA.
- The ground layer (grasses) is always to be maintained at a height of <100mm.
- All leaf litter, twigs, branches and bark are to be removed and will require on-going management.

Maintenance of Hazard Management Areas

The HMA around all the building areas (existing and proposed) must always be maintained in a minimal fuel condition to ensure bushfire protection mechanisms are effective. An annual inspection and maintenance of the HMA should be conducted prior to the bushfire season and any flammable material such as leaves, litter and wood piles should be removed.

3.2 Access

Access to the land for future development will be from the end of newly formed cul-de-sac or from Summerhill Road via a right-of-way. All access requirements of PD5.1, Section E.1.6.2 and Table E2 can be satisfied for future site development (i.e. subdivision).

3.3 Water Supply

Water supply for fire-fighting will be available to the site through a reticulated system with water hydrants. As such all requirements PD5.1, Section E1.6.3 and Table E5 can be satisfied for future site development (i.e. subdivision).

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – October 2018

4. Conclusions

The assessment of the bushfire risk of the proposed four Lot subdivision at 66 Summerhill Road, West Hobart indicates that it is able to meet the requirements of PD5.1, E1.0 Bushfire-Prone Areas Code for a BAL 19 rating provided compliance with the following measures:

- Building areas are designated for the new lots and minimum Hazard Management Areas are maintained as per Table 1 of this report and the Bushfire Hazard Management Plan (Attachment 1).
- Subdivision access to the lots meets the relevant requirements of PD5.1 E.1.6.2.
- Provision of reticulated water supply meets the requirements of PD5.1 E1.6.3.

Based on this bushfire risk assessment the property is suitable for rezoning.

Limitations of Plan

The bushfire protection measures outlined in this plan are based on a fire danger rating of 'very high'. Defending the property or sheltering within a structure constructed to AS3959-2009 on days when the fire danger rating is greater than FDI 50 (i.e. 'severe' or higher) is not recommended. Due to the unpredictable nature of bushfire behaviour and the impacts of extreme weather no structure built in a bushfire-prone area can be guaranteed to survive a bushfire. The safest option in the event of a bushfire is to leave the area early and seek shelter in a safe location.

This report does not include a certified Bushfire Hazard Management Plan, as the information provided is intended to inform the decision whether the area is suitable for rezoning from Environmental Management to General Residential.

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – October 2018

APPENDIX 1 – Photos of vegetation surrounding land to be rezoned



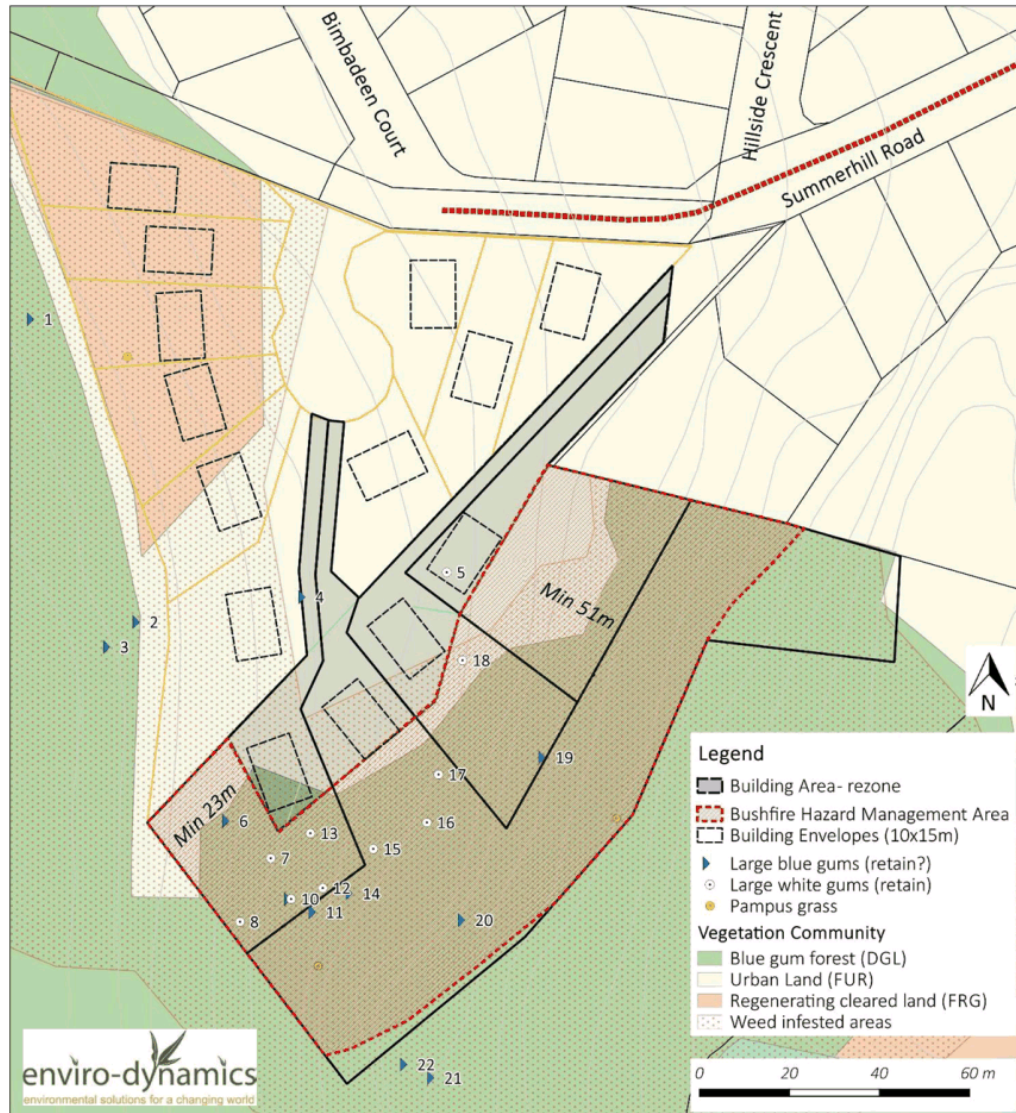
Photo 1: SOUTH EAST - Forest Vegetation downslope (15 -<20°)



Photo 2: SOUTH WEST - Forest Vegetation upslope

Bushfire Hazard Assessment for rezoning application, 66 Summerhill Road, West Hobart – September 2018

ATTACHMENT 1 – Bushfire Hazard Management Area Plan – October 2018



NOTES

Construction Standards

- Future dwellings on new lots to be constructed to comply with BAL 19 as per AS3959-2009 (Sections 3 and 6).

Hazard Management Zone

- HMAs to be established and/or maintained to distances indicated on this plan and as set out in Table 1 of Bushfire Attack Level Assessment for BAL 19 as a minimum.
- Vegetation in HMA to be strategically modified and maintained in low fuel state to protect future dwellings from direct flame contact and intense radiant heat. Annual inspections and maintenance of HMA is to be conducted prior to bushfire season. All grasses or pastures to be kept short (<100 mm) within the HMA. Fine fuel loads at ground level (leaves, litter and wood piles) must be minimal to reduce the windborne sparks and embers; and halt flame attack.
- Some trees can be retained provided horizontal separation between canopies; and low branches are removed to create vertical separation between ground and canopy. Small clumps of established trees and/or shrubs may act to trap embers and reduce wind speeds.
- No trees to overhang houses to prevent branches or leaves from falling on the building.
- Non-combustible elements including driveways, paths and short cropped lawns are recommended within the HMA.

Access Requirements

- Public and fire-fighting access to house sites to comply with Section 3.4 of the Bushfire Hazard Report.

Water Supply

- Reticulated fire-fighting water supply to comply with Section 3.5 of the Bushfire Hazard Report to ensure reliable water supply for fire-fighting at all dwellings.

This plan should be printed at A3 and read in conjunction with the preceding Bushfire Hazard Assessment Report (enviro-dynamics October 2018).

For: P. Banks, S. Rose, D & K Miller –
Summerhill Road, West Hobart

Titles: FR 199596/1 and FR 173296/2

Oct 2018

Assessment #: ED1872

andy.welling@enviro-dynamics.com.au



2 Edward Street, Glebe Mobile: 0400151205
Email: andy.welling@enviro-dynamics.com.au

13th November 2019

Sarah Crawford
Hobart City Council
crawfords@hobartcity.com.au

Dear Sarah,

RE: HOBART INTERIM PLANNING SCHEME – PLANNING SCHEME AMENDMENT PSA-18-2 – 66 SUMMERHILL ROAD, WEST HOBART

The following letter addresses a request for additional information (letter dated 19th April 2019) regarding a rezoning application and in particular dot point 2.

2. Please provide a clear statement regarding the long-term viability of the DGL community on the area previously part of the 'adverse possession lot' with regard to clause (b) in the definition of 'special circumstances' in the Biodiversity Code.

Response

The lower half of the 'adverse possession lot' contains vegetation classified as *Eucalyptus globulus* forest and woodland (DGL). DGL is a threatened vegetation community as per the *Nature Conservation Act 2002* and is a high priority biodiversity value under Table E10.1 of the Hobart Interim Planning Scheme 2015. Approximately half of the DGL in the far eastern portion of the lot is within a Biodiversity Protection Area (BPA).

The rezoning of the portion of the DGL that is outside the BPA to low density residential is likely to facilitate future subdivision development. A future subdivision would require modification of a portion of the DGL vegetation to establish bushfire hazard management areas.

Under the Biodiversity Code (E10.0) clearance (or modification) of a high priority vegetation must satisfy the 'special circumstances' clause of the Code. Whilst the area of the site to be rezoned is outside the BPA the special circumstances (b) can be met as per the following.

The DGL vegetation to be rezoned is in poor condition due to significant woody weed infestations and a long-term history of disturbance. Without significant sustained management of the woody weeds in conjunction with revegetation works the remnant will continue to degrade. The management of the DGL area for bushfire hazard reduction will predominantly involve the removal of the woody weeds with mature trees able to be retained. As such the highest value of the vegetation (the mature trees) can be retained and the modification will not lead to a loss of biodiversity value.

Please do not hesitate to contact me if you require further clarification regarding the biodiversity value associated with the rezoning application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Welling', with a stylized flourish at the end.

Andrew Welling
Ecological Consultant

GEOTECHNICAL SITE ASSESSMENT

66 Summerhill Road

West Hobart

April 2017



Disclaimer: The author does not warrant the information contained in this document is free from errors or omissions. The author shall not in any way be liable for any loss, damage or injury suffered by the User consequent upon, or incidental to, the existence of errors in the information.

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment

Introduction

Client: ERA Planners
Date of inspection: 10/2/20
Location: 66 Summerhill Road, West Hobart, Tasmania
Land Zoning: General Residential
Building type: Proposed future subdivision
Investigation: 5.5 Tonne Excavator
Inspected by: A. Plummer

Background information

Map: Mineral Resources Tasmania sheet 1:25 000
Rock type: Triassic Sandstone.
Soil depth: ~1.0m
Planning Overlays: None Known
Local meteorology: Annual rainfall approx 550 mm
Local services: Reticulated water and services on site.

Site conditions

Slope and aspect: Approx. 20-30% slope to the South East.
Site drainage: Moderately drained
Vegetation: Grass & weed species & native scrub
Weather conditions: Fine, approx. 5 mm rainfall received in preceding 7 days.
Ground surface: Disturbed

Investigation

Geo-Environmental Solutions Pty. Ltd. (GES) were engaged by ERA Planners ("the Client") to undertake a Geotechnical Investigation at 66 Summerhill Road ("The Site") (see Figure 1). This report presents the findings of the Geotechnical Investigation undertaken by GES at the investigation site in West Hobart, Tasmania.

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment

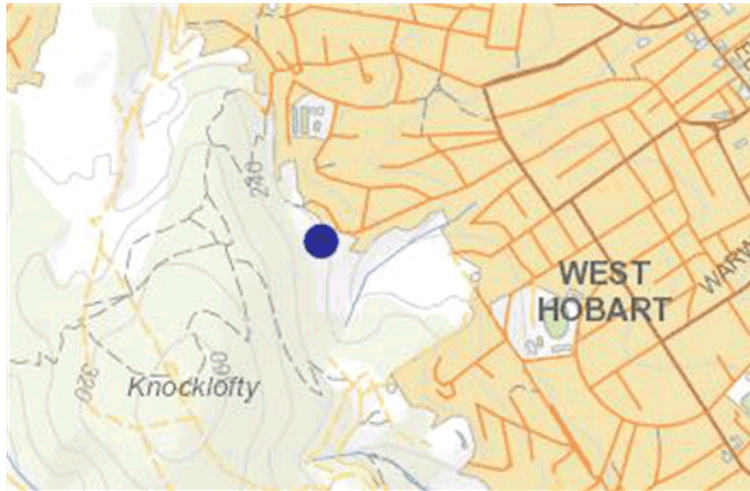


Figure 1 – Location of the site. (Indicated by blue dot)

A number of auger holes were completed to identify the distribution of, and variation in soil materials on the site. Auger holes completed on site were used for testing and classification according to AS1726-1993 (see Profile Summary).

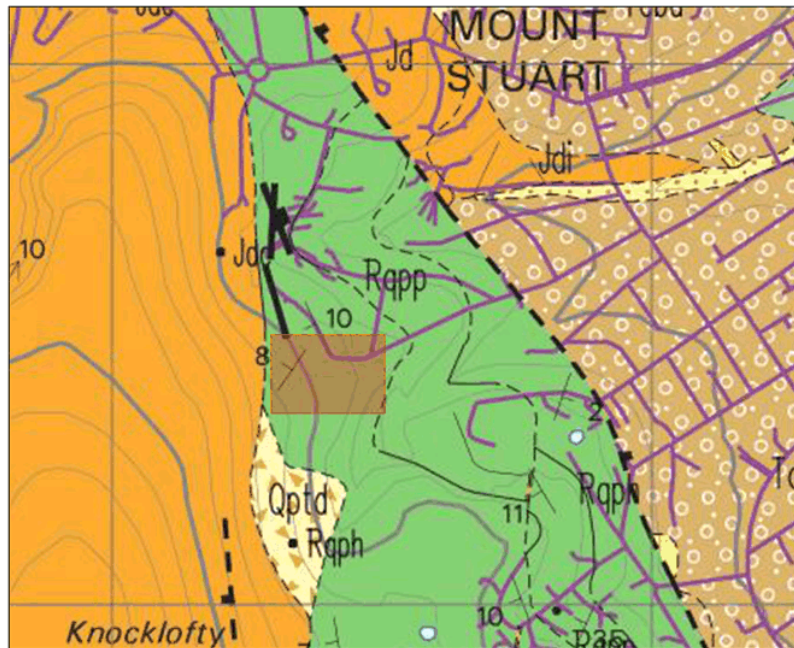
The purpose of the investigation was to:

- Provide information on the geotechnical conditions encountered.
- Provide advice on the depth to underlying rock.
- Comment on stability of any existing slopes
- Assess the impact of vegetation removal upon slope stability
- Address the relevant code within the Hobart City Council Interim Planning Scheme

Profile Summary

The subsurface conditions encountered during field drilling were generally consistent with available geological mapping of Triassic aged sediments (MRT 1:25 000 sheets). See Plate 1 & Table 1 below.

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment

Plate 1 – Mapped Geology of the area with the site assessed marked by red square.**Table 1** – Typical soil conditions on site

Depth (m)	USCS/Rock	Description
0 – 0.20	SC	CLAYEY SAND: dark brown, slightly moist, very dense, some fine to coarse gravel
0.20 – 0.90	CI	Sandy CLAY: orange-brown/grey/brown, slightly moist, very stiff, medium plasticity
0.90 – 1.0	MW	Moderately Weathered Rock (SANDSTONE): orange/yellow, dry, low to moderate rock strength. Refusal

Soil Profile Notes

The site is situated on a mid-slope of 'Knocklofty' hill with a moderate to steep slope angle of approx. 20-30% with some undulations, the soil profile across the site is generally consistent and moderately shallow over weathered basement material of Triassic Sandstone, weathering degree is relatively uniform with some variables. The site has undergone

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment

previous excavation with isolated cut and ill evident, and prior removal of vegetation. From the field assessment there was no instability noted.

Geotechnical Assessment of site stability

Site and published geological information was integrated to complete a detailed geotechnical assessment of the site according to the principles outlined in AS1726-1993 *Geotechnical Site Investigations* and the *Australian Geomechanics Society* (2007).

Site location and context

The proposed development site is located on Triassic aged sandstone, in an upper slope position. The site has a moderately steep slope of up to 15°, and the slope morphology shows no visible signs of past land instability. The site is not in a declared landslip zone, but is close to an area mapped by Mineral Resources Tasmania (Mazengarb 2004) as having possible geological hazards (see figure 1). Therefore, in accordance with local government requirements an investigation of possible land instability hazards has been undertaken in the following sections.

Geological setting

The site is underlain by Triassic aged sandstone (knocklofty formation) which is known to be a stable foundation material and construction product where quarried. The rock at depth has a relatively high load point index, but the surface of the rock has generally undergone moderate weathering. The excavated profiles examined in the current development area appear to be stable in its present state. Therefore, the local geology confirms the general stable nature that sandstone is renowned for. Sites developing on sandstone on easterly facing slopes generally feature shallow residual soils less than 1m in depth with medium reactivity, therefore the parent material generally imparts a low geological hazard to a site. However, where deeper weathered soils or colluvial deposits overly the bedrock, then localised slope stability may be an issue as some of the dolerite soils can be prone to soil creep. The soils examined in site appear to be largely residual in their nature and the profiles are generally less than 1.0m in depth, therefore the risk posed by the underlying geology of the site is rated as low.

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment



Figure 1 – extract of landslide hazard area and proposed vegetation removal

Potential for landslip

The site has a moderately steep slope of approximately 10-15°, with vegetative cover of mixed scrub and a few large eucalypt species. The slope angle in the proposed construction area is far less than the modelled instability threshold for sandstone bedrock in the MRT hazard analysis. There was no evidence of landslip or soil creep, notably those trees still present on the site on the slope were growing straight and vertical. Further, the ground surface showed no hummocks, terracing or patterns from past slips or soil creep. The site therefore appears stable in its present state, and there is no evidence of mass movement of soil materials on site. There is however evidence of previous construction/demolition and excavation with cut and fill on parts of the site. This historical activity has not resulted in any significant instability and it appears much of the material has remained in place for a considerable amount of time. The assessment of possible land instability has been undertaken for the most likely failure mechanisms, a shallow debris slide in soil material on site.

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment

Debris Flow hazard

The possibility of a debris flow in the highly weathered upper layer of the soils and weathered rock in the local area has been modelled due to the moderate slope. In particular where excavation and filling has occurred there is a small possibility of shallow seated instability if the ground cover conditions altered. Field inspection on the subject site revealed predominantly shallow residual soils overlying weathered sandstone with an inherent low potential for slope movement. Therefore, any shallow surface instability would only have some chance of occurring where deep excavation and poorly placed fill is present. The proposed future residential construction is likely to result in some disturbance to the site in its present state, and as such the risk of slope instability has been modelling for this scenario.

Based upon the scale of development and the site conditions the risk is considered low and acceptable (see quantitative risk model).

Potential for vegetation removal to cause instability & erosion

There is open forest present on site, the removal of which is likely to only have a small effect upon surface soil stability. The shallow sandstone-based soils are well structured and resistant to erosion, therefore the risk of site instability and erosion from vegetation removal is low and acceptable. Care must be taken following the removal of trees in any future construction footprint to ensure any voids and roots are removed, and all foundations in the area must ensure founding into underlying rock. It is also recommended that any root balls removed are backfilled with suitable material to prevent any water accumulation and potential for weakening of soils on the site. The risk of soil erosion should not be ignored either, such that I recommend standard Soil and Water Management Planning (SWMP) is undertaken prior to any earthworks. The SWMP must also address the potential for liberated soil and rocks to move downslope and ensure adequate barriers are in place during excavation.

Geotechnical Risk Assessment

The following quantitative risk assessment is based upon the Australian Geomechanics Society Sub-committee report (March 2007) Landslide Risk Management Concepts and Guidelines. The risk assessment has been undertaken for the most limiting hazard identified for the site – potential for shallow seated instability – debris flow.

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment

Landslide Risk Management Model

Adapted from AGS Sub-committee (March 2007) Landslide Risk Management Concepts and Guidelines.

Date 16/04/20
Site 66 Summerhill Road
Project Proposed residential subdivision
Scoping Residential dwelling on Triassic Sandstone with slope angle up to 15°
Hypothetical Shallow (<2m deep) slide develops in soil/fill on site above adjacent properties

1. **Hazard Identification**
 - a. **Type of potential instability** Debris slide
 - b. **Location** down-slope of proposed dwelling
 - c. **Estimated area affected(m²)** 100 (10m across and 10 m downslope)
 - d. **Estimated volume (m³)** 100 (soil/sediments 1 m deep)
 - e. **Initiating event(s)** Extreme heavy/prolonged rainfall
 - f. **Estimated velocity of movement** Slow (5×10^{-5} mm/sec)
 - g. **Estimated travel distance** 10m
2. **Frequency Analysis**
 - a. **Estimated frequency of event (P_H)** 0.002 (1 in 500 yr event)
 - b. **Justification of frequency** Stability of sediments on site & existing cuttings
3. **Consequence Analysis**
 - a. **Element at risk** Property, services & occupants
 - b. **Value at risk (E)** \$300 000 (dwelling)
 - c. **Temporal probability (P_{T:S})** 0.5 (probability of occupation)
 - d. **Property vulnerability (V_{P:S})** 0.10 (proportion of property value lost)
 - e. **Probability of effect (P_{S:H})** 0.10 (probability of debris affecting building)
 - f. **Human vulnerability (V_{D:T})** 0.001 (probability of loss of life)
4. **Quantitative Risk Calculation**
 - a. **Property [R_{prop} = (P_H) x (P_{S:H}) x (V_{P:S}) x (E)]** = \$15 (annual loss of dollar value)
 - b. **Loss of life [R_{DI} = (P_H) x (P_{S:H}) x (P_{T:S}) x (V_{D:T})]** = 2.5×10^{-7}
5. **Semi-quantitative risk estimation for property**
 - a. **Likelihood of event** Level E- Rare (exceptional conditions req)
 - b. **Consequence to property** Level 4 – Minor (limited damage)
 - c. **Combined level of risk** Very Low – risk acceptable
6. **Sensitivity Analysis**
Most uncertainty surrounds frequency of event (item 2a)
7. **Risk Evaluation (should the risk be accepted, reduced, avoided or rejected?)**
From the assessment in 4a&4b the risk to life and property is acceptable
8. **Risk Treatment**
 - a. **Options**

Accept risk	Recommended
Avoid risk	
Reduce likelihood	Yes – utilise drainage controls on site
Reduce consequences	yes – footing design based upon best practice
Transfer	
 - b. **Treatment Plan**
Installation of appropriate drainage
Stormwater and wastewater correctly connected to council services
Any site cuts to be adequately retained and fill minimised
 - c. **Implement Plan**
Yes
 - d. **Monitoring**
Project monitoring required – professional supervision of sensitive earthworks recommended

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment

Conclusions

The geotechnical risk associated with residential development on the site is classified as **Very low** according to *Australian Geomechanics Society* Guidelines and **minor** according to *AS1726-2011 Geotechnical Site Investigations*.

- The development is not expected to have any significant effect upon land stability on the subject or neighbouring properties.
- All excavation and placement of fill should be in accordance with Australian Geomechanics Society Guidelines for Hillside Construction (please refer to appendix 2) - In particular batter angles of 45° in natural soils and 70° in weathered sandstone should not be exceeded unless cuts are retained where over 1m height
- Any controlled fill on site should have a Plasticity Index of less than 10 and ensure adequate compaction in controlled layers
- All earthworks on site must comply with AS3798-2007 and sediment and a sediment and erosion control plan should be implemented on site during and after construction
- In particular the felling any clearing of any large trees should ensure adequate controls are in place
- All stormwater should be immediately directed to appropriately designed absorption areas upon the construction of hard surfaces to minimise any possible water accumulation and excess flows onto the slopes below
- It is concluded that the development proposal complies with the landslide hazard code of the Hobart City Interim Planning Scheme 2015

It is my opinion that the risk of land instability will not increase substantially as a result of the proposed development provided that current best practice for construction on sloping sites and soil and water management practices are followed.

I do however recommend that during construction that I and/or the design engineer be notified of any major variation to the foundation conditions as predicted in this report.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD
Environmental and Engineering Soil Scientist

Geo-Environmental Solutions – 66 Summerhill Road - Geotechnical Assessment

Appendix 1 – Geotechnical risk assessment terminology

Geotechnical Risk Assessment – Example of Qualitative Terminology

Adapted from AGS Sub-committee (March 2007) Landslide Risk Management Concepts and Guidelines.

Qualitative Measures of Likelihood

Level	Descriptor	Description	Indicative Annual Probability
A	Almost Certain	The event is expected to occur	$> \sim 10^{-1}$
B	Likely	The event will probably occur under adverse conditions	$\sim 10^{-2}$
C	Possible	The event could occur under adverse conditions	$\sim 10^{-3}$
D	Unlikely	The event might occur under very adverse circumstances	$\sim 10^{-4}$
E	Rare	The event is conceivable only under exceptional circumstances	$\sim 10^{-5}$
F	Barely Credible	The event is inconceivable or fanciful	$\sim 10^{-6}$

Note: “~” means approximate

Qualitative Measures of Consequences to Property/Element at risk

Level	Descriptor	Description
1	Catastrophic	Structure completely destroyed or large scale damage requiring major engineering works for stabilization.
2	Major	Extensive damage to most of structure, or extending beyond site boundaries requiring significant stabilization works.
3	Medium	Moderate damage to some of structure, or significant part of site requiring large remedial works.
4	Minor	Limited damage to part of structure or part of site requiring some reinstatement or remedial works.
5	Insignificant	Little damage or effect.

Note: The “Description” may be edited to suit a particular case.

Qualitative Risk Analysis Matrix – Level of Risk to Property/Element at Risk

Likelihood	Consequences to Property				
	1: Catastrophic	2: Major	3: Medium	4: Minor	5: Insignificant
A – Almost Certain	VH	VH	VH	H	M or L
B – Likely	VH	VH	H	M	L
C – Possible	VH	H	M	M	VL
D – Unlikely	H	M	L	L	VL
E – Rare	M	L	L	VL	VL
F – Not Credible	L	VL	VL	VL	VL

Risk Level Implications

Risk Level	Example Implications
VH	Very High Risk
H	High Risk
M	Moderate Risk
L	Low Risk
VL	Very Low Risk

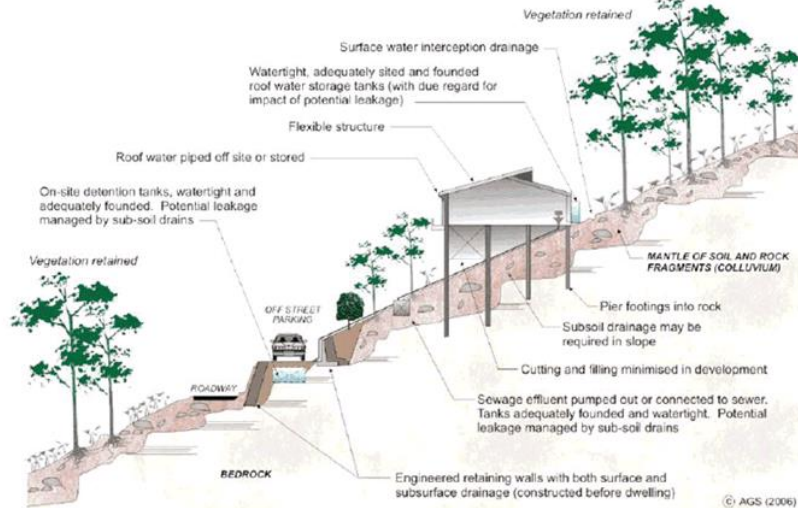
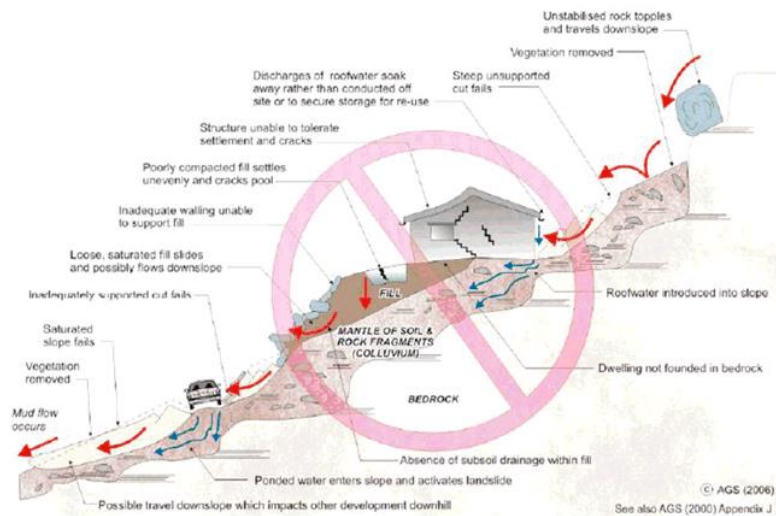
- Notes:**
- (1) The implications for a particular situation are to be determined by all parties to the risk assessment; these are only given as a general guide.
 - (2) Judicious use of dual descriptors for likelihood, Consequence and Risk to reflect the uncertainty of the estimate may be appropriate in some cases

Appendix 2 – Guidelines for Hillside Construction

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007

APPENDIX G - SOME GUIDELINES FOR HILLSIDE CONSTRUCTION

ADVICE		GOOD ENGINEERING PRACTICE	POOR ENGINEERING PRACTICE
GEOTECHNICAL ASSESSMENT		Obtain advice from a qualified, experienced geotechnical practitioner at early stage of planning and before site works.	Prepare detailed plan and start site works before geotechnical advice.
PLANNING			
SITE PLANNING		Having obtained geotechnical advice, plan the development with the risk arising from the identified hazards and consequences in mind.	Plan development without regard for the Risk.
DESIGN AND CONSTRUCTION			
HOUSE DESIGN		Use flexible structures which incorporate properly designed brickwork, timber or steel frames, timber or panel cladding. Consider use of split levels. Use decks for recreational areas where appropriate.	Floor plans which require extensive cutting and filling. Movement intolerant structures.
SITE CLEARING		Retain natural vegetation wherever practicable.	Indiscriminately clear the site.
ACCESS & DRIVEWAYS		Satisfy requirements below for cuts, fills, retaining walls and drainage. Council specifications for grades may need to be modified. Driveways and parking areas may need to be fully supported on piers.	Excavate and fill for site access before geotechnical advice.
EARTHWORKS		Retain natural contours wherever possible.	Indiscriminatory bulk earthworks.
CUTS		Minimise depth. Support with engineered retaining walls or batter to appropriate slope. Provide drainage measures and erosion control.	Large scale cuts and benching. Unsupported cuts. Ignore drainage requirements.
FILLS		Minimise height. Strip vegetation and topsoil and key into natural slopes prior to filling. Use clean fill materials and compact to engineering standards. Batter to appropriate slope or support with engineered retaining wall. Provide surface drainage and appropriate subsurface drainage.	Loose or poorly compacted fill, which if it fails, may flow a considerable distance including onto property below. Block natural drainage lines. Fill over existing vegetation and topsoil. Include stumps, trees, vegetation, topsoil, boulders, building rubble etc in fill.
ROCK OUTCROPS & BOULDERS		Remove or stabilise boulders which may have unacceptable risk. Support rock faces where necessary.	Disturb or undercut detached blocks or boulders.
RETAINING WALLS		Engineer design to resist applied soil and water forces. Found on rock where practicable. Provide subsurface drainage within wall backfill and surface drainage on slope above. Construct wall as soon as possible after cut/fill operation.	Construct a structurally inadequate wall such as sandstone flagging, brick or unreinforced blockwork. Lack of subsurface drains and weepholes.
FOOTINGS		Found within rock where practicable. Use rows of piers or strip footings oriented up and down slope. Design for lateral creep pressures if necessary. Backfill footing excavations to exclude ingress of surface water.	Found on topsoil, loose fill, detached boulders or undercut cliffs.
SWIMMING POOLS		Engineer designed. Support on piers to rock where practicable. Provide with under-drainage and gravity drain outlet where practicable. Design for high soil pressures which may develop on uphill side whilst there may be little or no lateral support on downhill side.	
DRAINAGE			
SURFACE		Provide at tops of cut and fill slopes. Discharge to street drainage or natural water courses. Provide general falls to prevent blockage by siltation and incorporate silt traps. Line to minimise infiltration and make flexible where possible. Special structures to dissipate energy at changes of slope and/or direction.	Discharge at top of fills and cuts. Allow water to pond on bench areas.
SUBSURFACE		Provide filter around subsurface drain. Provide drain behind retaining walls. Use flexible pipelines with access for maintenance. Prevent inflow of surface water.	Discharge roof runoff into absorption trenches.
SEPTIC & SULLAGE		Usually requires pump-out or mains sewer systems; absorption trenches may be possible in some areas if risk is acceptable. Storage tanks should be water-tight and adequately founded.	Discharge sullage directly onto and into slopes. Use absorption trenches without consideration of landslide risk.
EROSION CONTROL & LANDSCAPING		Control erosion as this may lead to instability. Revegetate cleared area.	Failure to observe earthworks and drainage recommendations when landscaping.
DRAWINGS AND SITE VISITS DURING CONSTRUCTION			
DRAWINGS		Building Application drawings should be viewed by geotechnical consultant	
SITE VISITS		Site Visits by consultant may be appropriate during construction/	
INSPECTION AND MAINTENANCE BY OWNER			
OWNER'S RESPONSIBILITY		Clean drainage systems; repair broken joints in drains and leaks in supply pipes. Where structural distress is evident see advice. If seepage observed, determine causes or seek advice on consequences.	

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007**EXAMPLES OF GOOD HILLSIDE PRACTICE****EXAMPLES OF POOR HILLSIDE PRACTICE**



28 September 2020

City Planning Unit
Hobart City Council
GPO Box 503
HOBART TAS 7000

Attn: Sarah Crawford

By email: crawfords@hobartcity.com.au

Dear Sarah,

**PSA-2018-2 – 66 SUMMERHILL ROAD
RESPONSE TO INFORMATION SHEET RLUS 1**

I refer to your email of 2 September 2020 and a request for further information to satisfy *Information Sheet RLUS 1 – Reviewing and Amending the Regional Land Use Strategies* in order to progress with the formal consideration of PSA-18-2 to rezone part of 66 Summerhill Road to Low Density Residential.

While I understand that following conversations with the Planning Policy Unit you are now of the opinion that the further information may not be necessary, I provide the following response in any event.

- 1.1 The Southern Tasmania Regional Land Use Strategy (STRLUS) was initially declared on 27 October 2011 after a lengthy 2 year preparation. Since its initial declaration, there has been one housekeeping review in 2013 followed by a series of minor 'ad-hoc' amendments in response to various requests as well as the inclusion of an addendum to assist in the implementation of the Tasmanian Planning Scheme.
- 1.2 The STRLUS provides for an overall settlement network and growth strategy for all settlements within the southern region. At its core is the Greater Hobart area. The growth strategy and growth scenario for Greater Hobart is by way of an Urban Growth Boundary (UGB) shown in Map 10 of the STRLUS.
- 1.3 The UGB was identified in the original version of the STRLUS on the basis of a dwelling yield analysis (Background Report No. 14), a forecast of 26,500 additional dwellings for Greater Hobart and a policy goal of 50:50 ratio of infill development to greenfield development.
- 1.4 Importantly the UGB includes around a 15-year supply of land and was intended to be maintained as a rolling supply of land. Maintaining a forward rolling supply of land is absolutely critical to effective and orderly land release that does not have adverse effects on affordability of the housing supply. Sufficient supply within the UGB must be maintained in order to accommodate the relatively long lead times required to progress land through the rezoning, subdivision and land release process and provide sufficient options within the market to suit a broad range of housing needs. The UGB boundary was intended to be a 'management' tool to control this orderly release of new land; not a 'restrictive' tool requiring all land to be converted and used for urban purposes before more is released.
- 1.5 The actual setting of the UGB was a relatively inexact 'science'. It was a GIS based exercise that took into account the best available data on capacity of infrastructure, existing and recognised values (such as

biodiversity, heritage and landscape) and potential hazards and mapping on existing residentially zoned land. There were clearly some constraints associated with this data.

- 1.6 At the time of its preparation (first half of 2011), the UGB also took into account known draft amendments already initiated and certified, as well as seriously entertained rezoning proposals, as far as these were practicable and consistent with other policies in the Regional Land Use Strategy.
- 1.7 Because of potential limitations of the data used to support the mapping, it was recognised by the authors at the time that the UGB was not spatially perfect. Hence the notation on Map 10 in the original version of the UGB that the features on the map are indicative and require local investigations such as the identification of values, hazards and other constraints to determine their specific application.
- 1.8 It should also be recognised that the identification of greenfield areas in the UGB was focused on either single very large lots or conglomerations of small lots with significant potential dwelling yields. The potential dwelling yields from this land was a theoretical calculation assuming net densities of 15 dwelling per hectare.
- 1.9 It was envisaged at the time that the STRLUS was prepared that the refinement of the Urban Growth Boundary would occur through the preparation of zoning maps in the new planning schemes. There was a clear intention at that time that the UGB should not be read to the cadastral level and that there would be adjustments once read at a site level, taking into account specific site analysis.
- 1.10 Unfortunately in 2013, at the behest of some Council's in order to provide an 'easier' application, the UGB was changed from a 'fuzzy' line to a 'black and white' line in the absence of any further site specific analysis. This has in my opinion caused an unreasonable degree of regulatory burden on proposed small scale land releases around the UGB, such as the one proposed under this amendment.
- 1.11 The dwelling yield analysis informing the UGB was also a desktop GIS exercise to determine vacant land parcels across the range of residential zones in the Greater Hobart area at that time. To determine developability of vacant land a 5% sample of the different categories was undertaken. All in all the dwelling yield analysis while important and useful was still high level being premised on the basis of broad assumptions.
- 1.12 The 26,500 additional dwelling forecast was on the basis of predicted growth (which is outlined in Background Report No.2: The Regional Profile), predicted demographic changes (such as a reduction in average household size), as well as a known undersupply of housing at that time. The population forecast came from the then Demographic Change Advisory Council under the auspices of the Department of Treasury and Finance. It assumed that across Greater Hobart the population was to increase by 38,698 persons through to 2032, of which 16,715 would be by 2017 (based on the medium scenario). As of the 2016 Census, the population of Greater Hobart has increased to 222,356 persons from 200,525 persons at the 2006 Census or 205,113 persons which was the estimated residential population in 2009. The population increase in Greater Hobart since the STRLUS was prepared has been greater than what was predicted. By 2016 the predicted population increase of 16,715 persons had already been exceeded.
- 1.13 The Department of Treasury and Finance in 2019 released population projections for Tasmania and local government areas. This population projects unfortunately do not provide a clear understanding for the Greater Hobart area which includes all of four LGAs and part of two LGAs. However, as an indication across those 6 LGAs, the population is predicted to grow by an additional 37,179 persons (based on the medium scenario) from the 2016 actual population.
- 1.14 In summary the STRLUS predicted a population increase of 38,698 across Greater Hobart from 2008 to 2032. We have already experienced a known increase to 2016 of 16,715 persons and the new Department of Treasury and Finance predicts a further 37,179 persons, in total being 53,894 additional persons by 2032.

p2

- 1.15 It is undeniable that the growth experienced over the last 10 years and that predicted to continue through to 2032 under the Department of Treasury and Finance's predictions well exceed the growth analysis underlying the setting of the UGB. This alone should be sufficient justification to require a complete review of the STRLUS.
- 1.16 Turning more specifically to the subject site (66 Summerhill Road), the proposed amendment would facilitate potentially 3 additional lots suited to single dwellings and in an area in close proximity to services and the largest activity centre for the Southern Tasmania region (indeed for some people in walking distance). This is 3 additional dwellings of the 26,500 forecast additional dwellings or 0.01% of the dwelling demand underlying the UGB. In anyone's mind this is negligible and has no affect on the overall attainment of the Residential and Settlement policies within the STRLUS.

In summary, it is my opinion that there is clear and apparent justification for amending the UGB in the STRLUS to accommodate the proposed amendment.

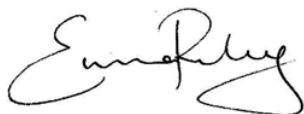
For the record, I do note that the requirements outlined in Information Sheet RLUS No. 1 are very burdensome for individual proponents and completely out of proportion with the scale of the majority of land releases across Greater Hobart. It does not take into account the approach and data that informed the setting of the policies under the STRLUS and in particular the UGB. That the UGB continues to be maintained as a hard and fast 'black and white' line when it was never designed to be such in the continuing delay full review of the STRLUS, is in my opinion particularly problematic for effective and sound strategic planning that keeps pace with changing conditions across the urban environment.

Our discussions with the Planning Policy Unit indicates that a full review of the STRLUS is still approximately 5 years away. If the economic and social consequences of continuing to plan for what is Tasmania's largest urban area and an important 'engine of economic growth' (including the current very significant roll out of transport related infrastructure), on the basis of a Strategy which is so clearly outdated, has serious long term consequences and is hardly 'sound strategic planning'.

Instead collectively Tasmania continues to focus its planning effort on regulatory changes and development assessment rather than strategic planning systems. The latter would not only bring significant cost-benefit to the Tasmanian economy, but overtime be the most effective way to reduce regulation.

I trust that Council can progress the proposed amendment for 66 Summerhill Road under PSA-18-02 through to initiation and certification along with a formal request from Council to amend the UGB. Should you have any queries please do not hesitate to contact me on 0409 787 715 or at emma@eraplanning.com.au.

Yours sincerely,



Emma Riley, RPIA (Fellow), GAICD
Director

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Environmental Development Planner Assessment

The applicant has requested that Council initiate an amendment to the planning scheme to rezone land at 66 Summerhill Road, West Hobart.

The land is currently zoned General Residential, Environmental Living and Environmental Management and it proposed to amend the zoning to Low Density Residential.

The effect of the rezoning would be provide greater flexibility for development of the lot.

Bushfire

All of the land is within a bushfire-prone area. A bushfire hazard management plan for an indicative four-lot subdivision was submitted to demonstrate the land can be developed with adequate bushfire risk mitigation measures.

The submitted BHMP indicates that hazard management areas based on BAL-19 construction could be contained within the lot boundaries for a four-lot subdivision with building envelopes close to the northern lot boundary. Future buildings will be required to have hazard management areas of 51m to the south-east and 23m to the south-west.

The additional area of the lot that would be required as a bushfire hazard management area (HMA) beyond that approved for the existing subdivision, based on the indicative building envelope for future dwellings is shown in Figure 1 below.

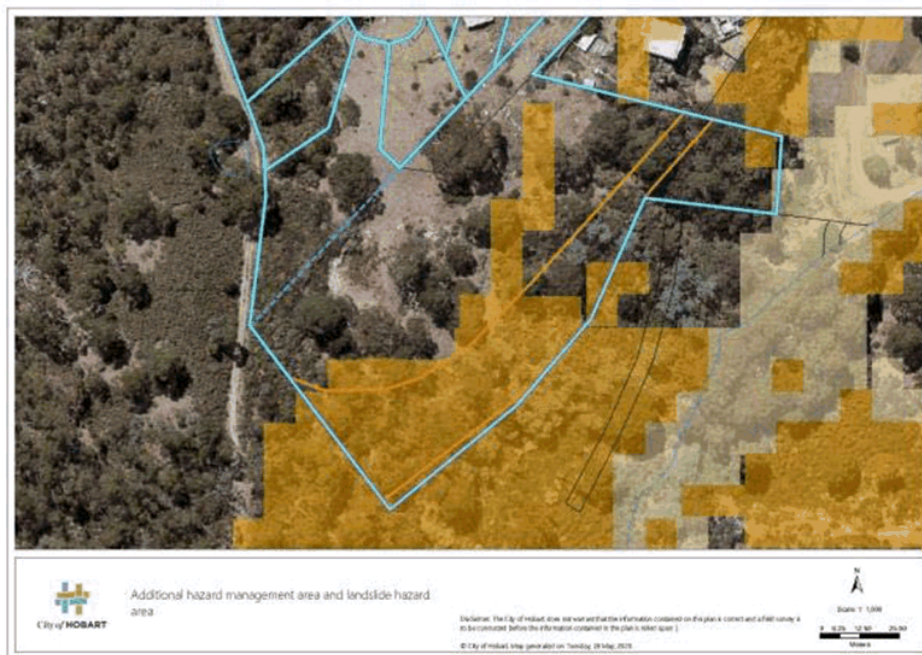


Figure 1: Additional area required for hazard management area (between orange lines)

Vegetation management requirements to establish the indicative HMA are discussed in

greater detail below with regard to biodiversity, however in summary the future development of the land will require the modification of vegetation to the northeast and northwest including reduction of fuel loads by the removal of trees, shrubs and ground-level fuels.

With regard to access, the submitted BHMP states the following:

Access to the land for future development will be from the end of newly formed cul-de-sac or from Summerhill Road via a right-of-way. All access requirements of PD5.1, Section E.1.6.2 and Table E2 can be satisfied for future site development (i.e. subdivision).

An indicative access design was submitted showing an access off the existing cul-de-sac serving four lots. The access design appears not to comply with the design parameters specified in the Bushfire Code, particularly with regard to the proposed inner radius of the bend. However, it appears there is ample room to redesign the access to comply with the design parameters.

With regard to fire-fighting water supply, the submitted BHMP states the following:

Water supply for fire-fighting will be available to the site through a reticulated system with water hydrants. As such all requirements PD5.1, Section E1.6.3 and Table E5 can be satisfied for future site development (i.e. subdivision).

All of the indicative building envelope is within 120m of fire hydrants in Summerhill Road and the new cul-de-sac. However, the hydrant in the cul-de-sac was not an element of the approved BHMP for the existing subdivision, and that BHMP proposed a hydrant at the entrance to the cul-de-sac as the cul-de-sac does not have the required turning area dimensions. The TFS was contacted to determine if the hydrant in the cul-de-sac could be relied upon to satisfy the water supply provisions of the Bushfire-prone Areas Code, and the advice was that 'given the cul-de-sac head is a no standing zone, we are satisfied it is adequate in terms of access to the hydrant in the cul-de-sac head and for appliance manoeuvring'.

While the indicative building area is entirely within 120m of existing fire hydrants with hose paths over public land and the subject lot only, the TFS raised concern that boundary fencing between future lots could obstruct fire hose-lays to all areas of the indicative building envelope. This will certainly need to be addressed in any BHMP submitted for a future subdivision application however I am confident an acceptable solution can be found by the bushfire practitioner. A solution could be a prohibition on complete boundary fencing, a requirement for an unlocked gate through boundary fencing or alternatively reliance on static water supplies (e.g. tanks) rather than mains supply. Obstructions to hose lays are a standard issue that need consideration during any bushfire hazard management plan assessment.

It is recommended that advice be included to the applicant that this issue will need to be addressed as part of any future subdivision application.

Landslide

Parts of the lot are within Landslide Hazard Areas specified in the Landslide Code of the planning scheme (orange areas in Figure 1 above). This is a medium landslide hazard area due to the modelled risk of rockfall and debris flow (source area).

The indicative building envelope for future dwellings is wholly outside the landslide hazard area, so the main risk is that development works could increase the likelihood of a landslide occurring that impacts down-slope properties (e.g. vegetation removal in source area leads

to debris flow).

A landslide risk management report was submitted that concluded:

- the risk posed by the underlying geology of the site is rated as low;
- the shallow sandstone-based soils are well structured and resistant to erosion, therefore the risk of site instability and erosion from vegetation removal is low and acceptable; and
- the development is not expected to have any significant effect upon land stability on the subject or neighbouring properties.

Some recommendations are included in the report to further reduce the risk to 'as low as reasonably practicable'. These recommendations can be easily implemented.

Biodiversity

The Natural Values Assessment submitted for the subdivision application covers most of the land subject to the proposed rezoning. An addendum to that report covers the additional land subject to the proposed rezoning.

The findings of the NVA and addendum in relation to the land proposed for rezoning include:

- the land supports a native vegetation community ('*Eucalyptus globulus* dry forest/woodland') and areas that don't constitute native vegetation communities (refer to Figure 2 below);
- No threatened flora species were recorded during the survey and the species recorded within 1km of the site are all unlikely to occur on the site due to the highly-degraded nature of the vegetation.
- The site is heavily dominated by woody weeds with gorse dominant on the western perimeter of the vegetation and boneseed dominant on the southern and eastern portions of the area assessed. English broom and pampas grass are also scattered across the site. The complete dominance of these weeds across large portions of the property means that the native species have been suppressed.
- No threatened fauna species were recorded on the site.
- Four listed fauna species have previously been recorded within 1km of the site - *Chaostola* skipper, eastern quoll, swift parrot and eastern-barred bandicoot.

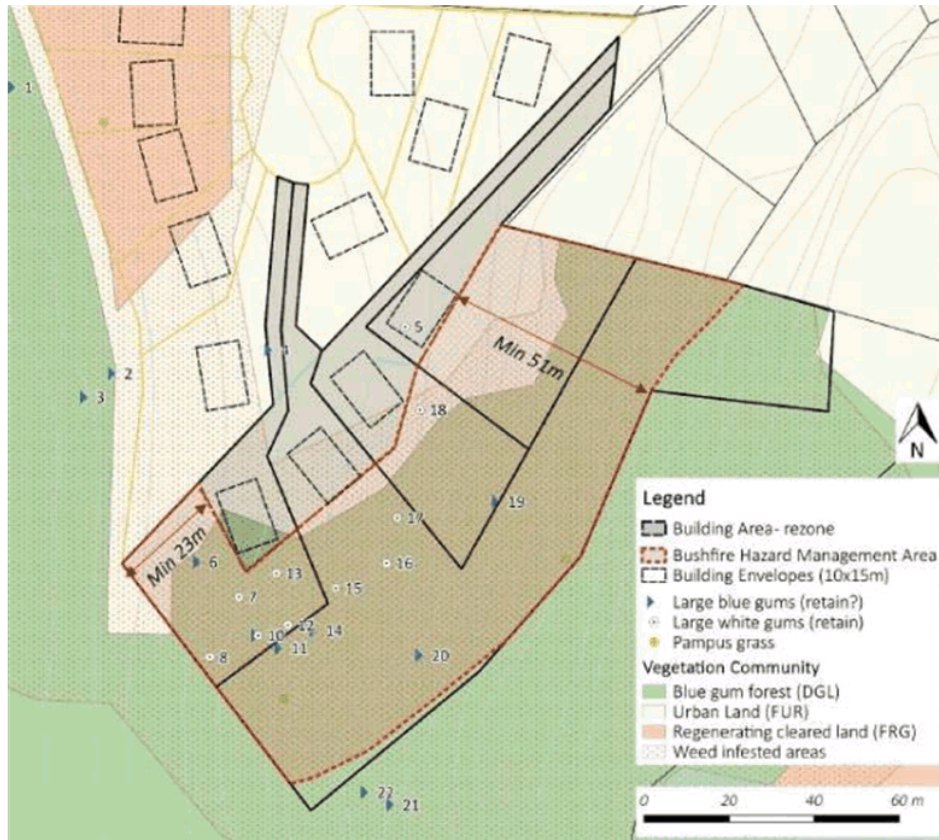


Figure 2: TASVEG mapping units (also showing mature trees, indicative subdivision and associated bushfire hazard management area)

It should be noted that not all mature trees on the site are shown on this map, and there are a number of mature trees in the north-eastern part of the lot on the lower slopes that are not shown.

Eucalyptus globulus dry forest/woodland ('DGL') is listed as a threatened native vegetation community under the *Nature Conservation Act 2002*. The DGL community on the land is described as follows:

This community occurs across the majority of the site and into the reserved land to the west... Blue gum is the dominant tree species although both white peppermint (E. pulchella) and white gum (E. viminalis) are present and in small areas may be dominant. The shrub layer is almost entirely dominated by boneseed, gorse and English broom... There are isolated occurrences of native cherry (Exocarpos cupressiformis), Prickly box (Bursaria spinosa), Blanketleaf (Bedfordia salicina) and silver banksia (Banksia marginata).

The ground layer in areas where weeds are not entirely dominant contains isolated occurrences of groundcover shrubs, native grasses and sedges such as peachberry heath (Lissanthe strigosa), native cranberry (Astroloma humifusum), spear grass (Austrostipa sp.), tussock grass (Poa rodwayi), sagg (Lomandra longifolia) and white flag iris (Diplarrena

moreaea).

The community is in poor condition due to the infestations of boneseed and gorse and other weeds including english broom (*Cytisus scoparius*), cotoneaster (*Cotoneaster frigida*), pampas Grass (*Cortaderia selloana*), blackberry (*Rubus fruticosus*) and forget me nots (*Myosotis sylvatica*).



Figure 3: Typical DGL vegetation on the lot



Figure 4: Typical DGL vegetation on the lot in former quarry site

Eucalyptus globulus dry forest and woodland has an approximate Tasmania-wide extent of 19 800 hectares. Of this, 25% of the community is mapped within the secure National Reserve System increasing to 29% in the wider Tasmanian Reserve Estate, which also includes informal and fixed-term reserves. In the Hobart Municipal Area, approximately 100ha of DGL vegetation has been mapped, or around 1% of the total mapped in Tasmania. Of the mapped community in Hobart, approximately 32% is located within reserves.

With regard to the long-term viability of the DGL community, the NVA includes the following statement:

Due to the high level of woody weeds in the site, only trees are likely to persist in the area to be cleared without significant long-term management. In its current form with a dominant understorey of gorse the persistence of native grasses is unlikely to occur.

The remaining 'FUR' areas are described as follows:

The north eastern section of the site is classified as FUR as it has been cleared of most native vegetation including most trees. The remaining ground layer is predominately exotic grasses and plants including boneseed, gorse and broom... There are scattered regrowth blue gums and silver wattle around the edge of the site and one mature blue gum and white gum (with hollows) in the southern end of the site.

It should be noted that the white gum and blue gums referred to are not currently within a biodiversity protection area, however they are on, or at least partially on, the land proposed for rezoning.



Figure 5: Extent of Biodiversity Protection Area on lot and location of large White Gum with hollows

With regard to the general habitat values of the vegetation, the NVA makes the following comments:

The native vegetation on the site provides foraging habitat for a range of common fauna species such as wallabies and possums and variety of native bird, reptile, and invertebrate species. The habitat is part of a large intact area of vegetation on the eastern side of Knocklofty Reserve.

There are scattered blue gums and the occasional white gum present on the site which provide potential feeding habitat for the swift parrot. A mature white gum with hollows and a mature blue gum are present within the cleared land that is zoned as general residential...

The vegetation also provides some foraging and shelter habitat for the eastern barred bandicoot as the bandicoot may shelter in the bushland vegetation (including amongst woody weeds such as gorse) and forage over the cleared land at night. No potential denning habitat for the Tasmanian devil occurs on the site.

With regard to the four threatened species previously recorded from within 1km of the site, the NVA makes the following comments:

Chaostola skipper - Specie relies on Gahnia spices. Small number of G. radula within survey site however no sign of this species present

Eastern quoll - Site provides habitat for this species and likely to occur on site. Impacts of residence will be the removal of small area of forest only and no significant habitat located in this area.

Swift parrot - This species has a strong association with blue gum and black gum which provide their primary foraging resource. Site contain a number of saplings and scattered mature trees within the land zoned general residential. The loss of saplings will not significantly impact on current foraging habitat but will remove potential future foraging habitat.

Eastern-barred bandicoot - Widespread and common species. Likely to occur on site. Loss of vegetation associated with HMA will not impact on this species.

The NVA addendum summarises the impact of future development (based on the indicative subdivision arrangement) as follows:

Given the steep slope of most of the land any residential development would be restricted to the hill top. The natural values of the hill top area are limited to an isolated white gums and blue gums over introduced woody weeds, grasses and herbs...

Due to the bushfire prone nature of the surrounding vegetation any future development of residential lots would require bushfire hazard management areas to be established around dwellings.

Hazard Management Areas (HMA) for any new lots within the rezoned area would extend downslope for a minimum distance of 51m and across and up slope for 23m from the edge of designated building envelopes...

The majority of the HMA downslope and across slope contains degraded DGL vegetation. This vegetation would need to be modified to reduce fuel loads in the event of development on the hilltop. Modification of the vegetation would include the removal of most understorey vegetation and the thinning of the trees to reduce the canopy density and separation trees. As the understorey is dominated by woody weeds the clearance of the understorey will not have significant environmental impact.

Within the HMA larger blue gums and white gums can be retained provided they do not overhang dwellings, separation between canopies is established and maintained (min 2-6m) and have branches below 2m removed. Smaller eucalypts and silver wattles would need to be removed to reduce fuel loads however. All significant trees within the rezone area were plotted during the site survey... The majority of large the trees could be retained within the HMA for hence most important natural values of the hills side can be retained. The management of the understorey would remove a significant seed source for weed species and contribute to the ongoing management of the intact vegetation within the adjacent Knocklofty Reserve.

An estimated 3000m² of degraded regrowth DGL vegetation will need to be managed to significantly reduce the fuel loads...

Provided larger blue gums are retained within the HMA to protect the foraging habitat for the endangered swift parrot, the impacts will be limited. The majority of the vegetation to be removed to reduce the fuel load will be woody weed species. Some clusters of understorey shrubs can be retained or planted within the HMA provided clusters are less than 10m², there is separation between clusters (minimum 10m) and they are not located under retained trees.

The removal of the woody weeds within the HMA will reduce shelter habitat for mammals such as the eastern barred bandicoot and wallabies. This is unlikely to have a significant impact these species as there are large areas of similar habitat within the adjoining HCC land and the management of the HMA area is likely to lead to an increased foraging resource for these species...

An estimated 3850m² of DGL will be impacted by the subdivision which represents < 0.2% of the DGL within local area. The vegetation to be modified is also degraded by weeds including gorse and as such the vegetation clearance will be largely restricted to weed control and removal of the shrub layer with any mature blue gums to be retained. The blue gums within the HMA are generally small (<10m – 15m high) and provide a limited foraging resource for the swift parrot. Any larger blue gum trees within the HMA will be retained.

It should be noted that approximately two thirds of the indicative HMA for future dwellings on the land is within the approved HMA for the existing subdivision, however the lower slope supports more vegetation than the upper slope.

It should also be noted that approximately 500m² of that additional HMA area is not covered by the Biodiversity Protection Area overlay, so current opportunities to enforce retention of that vegetation are limited (refer to Figure 5 above).

While land use planning decisions should generally try to avoid placing threatened native vegetation communities at risk of further decline, the vegetation on this land a poor candidate for the biodiversity conservation of this community generally. The vegetation community has been substantially modified through historical disturbance and weed infestation and does not reflect an intact DGL community. Based on the submitted natural values assessments, the weed infestation is so severe that in the short term the vegetation would be reduced to a native canopy with an exotic understorey. In the long term, if the weed infestation is not controlled it is reasonably likely that the canopy will be lost as the existing trees die and the exotic understorey precludes recruitment of new trees.

It is likely that the vast majority of large trees on the lot could be retained if the lot was developed for several dwellings. Several may need to be removed, however some of these trees are not within a Biodiversity Protection Area so are afforded little protection currently. While some native saplings and understorey vegetation would need to be removed to establish bushfire hazard management areas, for a large part the HMA can be established through the removal of exotic species.

If it is proposed to rezone the land, Council could recommend that those parts of the lot not currently within the Biodiversity Protection Area overlay be included, providing much greater protection for that vegetation. That vegetation includes very large white gum which may represent the most significant specific value on the lot from a conservation perspective. The tree has a diameter of 1.5m and contains hollows that will provide important habitat for local fauna. Protection of this tree and other vegetation outside the BPA would go a considerable way in offsetting the impact of any future development of the land.

Another conservation advantage of allowing the land to be developed is that any approval could be conditional upon the implementation of a weed management plan to address the current weed infestation. This would not only benefit the condition of the community on the lot, but also reduce the risk of weed spread to the neighbouring Council land which also supports DGL vegetation. Even if not subject to a weed management plan, the weed infestation is likely to be reduced if the land is developed given the requirements for bushfire hazard management and landowner's personal motivations for managing weeds.

The vegetation is not considered to be highly significant habitat for fauna, and the majority of

the blue gums could be retained meaning a food source for the endangered swift parrot would not be lost.

On balance, the proposed rezoning is supported from a biodiversity perspective, subject to the lot (excluding access strip) being included within the biodiversity protection area overlay, because:

- the area of DGL vegetation is relatively small, and an insignificant proportion of the total area of this community in the Municipality and the State;
- the community is significantly degraded and unlikely to persist in the long-term without concerted active management;
- much of the land is within the approved bushfire hazard management area of the existing subdivision;
- any future proposal to clear vegetation on the land would be subject to assessment under the Biodiversity Code;
- development of the land will provide an opportunity to address the weed infestations on the lot;
- it would provide an opportunity to provide protection for the significant white gum on the lot; and
- the mature trees on the lot could largely be retained.

Waterway

While a development proposal on the land is likely to require assessment against the Waterway and Coastal Protection Code, I am confident an application can comply with the Code provisions and that the land can be developed without unacceptable impacts upon Providence Valley Rivulet. The minimum setback of the lot from the creek is approximately 40m.

Recommendation

The proposed rezoning is supported subject to amendment of the Biodiversity Protection Area overlay to include the entirety of the lot excluding the access strips.

Advice to applicant

Please note that the submitted indicative access design may not comply with the relevant standards of the Bushfire-prone Areas Code. The access off the existing *cul-de-sac* appears to serve three or more properties and is longer than 30m so it is understood that the access would have to comply with the specifications for Element D in Table E2 of the Code. Element D requires private accesses to have curves with an inner minimum radius of 10m, however the submitted plans appear to show a curve with a radius of less than 10m. Therefore the access design may need to be amended or compliance with the relevant performance criterion certified.

The Natural Values Assessment that was submitted as part of the previous subdivision for 9 lots plus balance at 66 Summerhill Road (PLN-16-1296) is attached for reference.



Natural Values Report

For proposed 9 lot subdivision at 66 Summerhill Road, West Hobart



For: P. Banks, S. Rose, D & K Miller

December 2016 (ver 2)

Project No. ED1603


enviro-dynamics
environmental solutions for a changing world

Level 1, 32 Murray Street, Hobart – andy.welling@enviro-dynamics.com.au



City of HOBART

Approved - Planning Only
NOT FOR CONSTRUCTION

Natural Values Report for proposed subdivision at 66 Summerhill Road, West Hobart

By: probertr Permit #: PLN-16-1296

Date: 19/2/2018

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1. Introduction

The following *Environmental Values Report* has been carried out as a requirement of a subdivision application under the Hobart Interim Planning Scheme (HIPS) 2015. The site at 66 Summerhill Road, West Hobart (PID 5560461; Grid ref. 524470E, 5252465N – GDA94) is partially zoned 'General Residential' in the northeast corner of the site (approx. 1.7 ha) and 'Environmental Management' across the remaining approx. 8.7 ha. The land has a Biodiversity Protection Area (BioPA) across the environmental management zone and Landslide Hazard Areas (LHA) associated with steeper parts of the site. Due to the presence of the BioPA a 'Natural Values Assessment' (as per E10.0 Biodiversity Code) is required to assess the impacts of the subdivision.

Property Information

The 10.4 ha site (approx.) is located at the west end of Summerhill Road and extends from the road up the hill slope to the Knocklofty Reserve boundary (Figure 1).

The site contains a derelict building adjacent to Summerhill Road. There is cleared land in the vicinity of the building and across the General Residential zone portion of the site. The site is bisected by an access track which runs from the southern boundary through to the northern boundary and onto Weerona Avenue, Mount Stuart. The site has an east facing slope except in the southeast corner where a gully causes the slope to face north. The majority of the site contains intact native vegetation (Figure 2). However weed infestations are dense along the access track and on the eastern side of the access track.

The site is bordered by Knocklofty Park to the west, south and southeast. Along the middle of the eastern boundary the adjoining land is zoned Environmental Living and consists of an old quarry, Telstra Utilities and Providence Valley Rivulet. Adjacent to the northeast boundary of the site are existing residences at the top of Summerhill Road (Figure 2).

An assessment of the natural values on the site was conducted on the 19th July 2016. The assessment was restricted to the area of the site that is zoned as environmental management and is within the proposed bushfire hazard management area for the proposed subdivision. The balance of the land to the west – south west of the development area was not surveyed. Within



the survey area the broad vegetation communities were determined, vascular plants and significant fauna habitat assessed and the impact of the proposed subdivision investigated.

Whilst the natural values assessment is not required for the land zoned as general residential, an assessment of the declared weeds present was undertaken during the survey.

Limitations of the survey

Whilst every effort was made to compile a complete list of vascular plant species occurring at the site, limitations of the survey method (Time Meander Method), seasonal conditions and the timing of the survey means that additional flora species may be present on the site and be revealed during subsequent surveys.

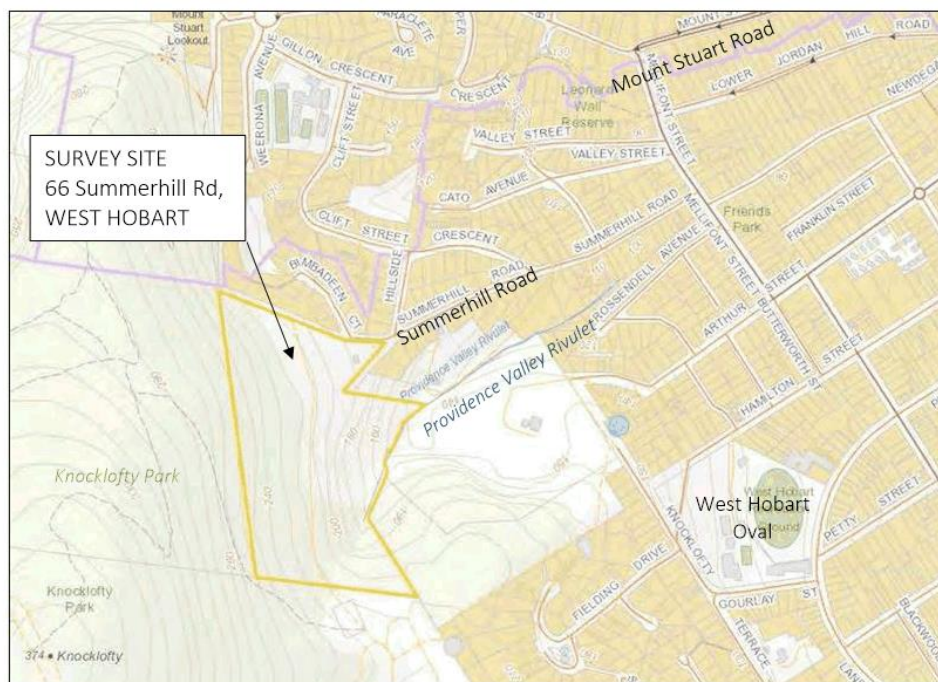
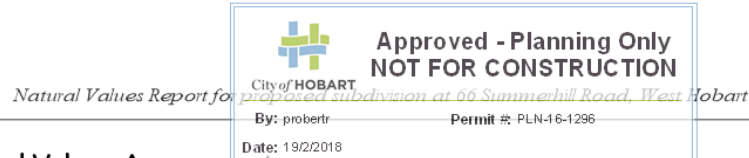


Figure 1 - Location Plan (Source LIST 2016)



2. Natural Values Assessment

Vegetation Communities

The site contains one native vegetation community and two disturbance induced communities as per the TASVEG (v3.0) vegetation classification system (Figure 2).

TASVEG Unit – *Eucalyptus globulus* dry forest and woodland

Community Description – Eucalypt forest dominated by blue gum with a shrubby/weedy understorey.

TASVEG Code – DGL

General Description – DGL is a community of *E. globulus* (and occasionally *E. viminalis* and *E. pulchella*) dominated forest and woodland associated with drainage flats and moderate to poorly-drained fertile soils. Most typically characterised by shrubby or sedgy understoreys although grassy and even broad leaved facies occur.

Site Specific Description – This community occurs across the majority of the site and into the reserved land to the west (Figure 2). Blue gum is the dominant tree species although both white peppermint (*E. pulchella*) and white gum (*E. viminalis*) are present and in small areas may be dominant. The shrub layer is almost entirely dominated by boneseed, gorse and English broom (see Figure 3) There are isolated occurrences of native cherry (*Exocarpos cupressiformis*), Prickly box (*Bursaria spinosa*), Blanketleaf (*Bedfordia salicina*) and silver banksia (*Banksia marginata*).

The ground layer in areas where weeds are not entirely dominant contains isolated occurrences of groundcover shrubs, native grasses and sedges such as peachberry heath (*Lissanthe strigosa*), native cranberry (*Astroloma humifusum*), spear grass (*Austrostipa* sp.), tussock grass (*Poa rodwayi*), sagg (*Lomandra longifolia*) and white flag iris (*Diplarrena moraea*).

The community is in poor condition due to the infestations of boneseed and gorse and other weeds including english broom (*Cytisus scoparius*), cotoneaster (*Cotoneaster frigida*), pampas Grass (*Cortaderia selloana*), blackberry (*Rubus fruticosus*) and forget me nots (*Myosotis sylvatica*).

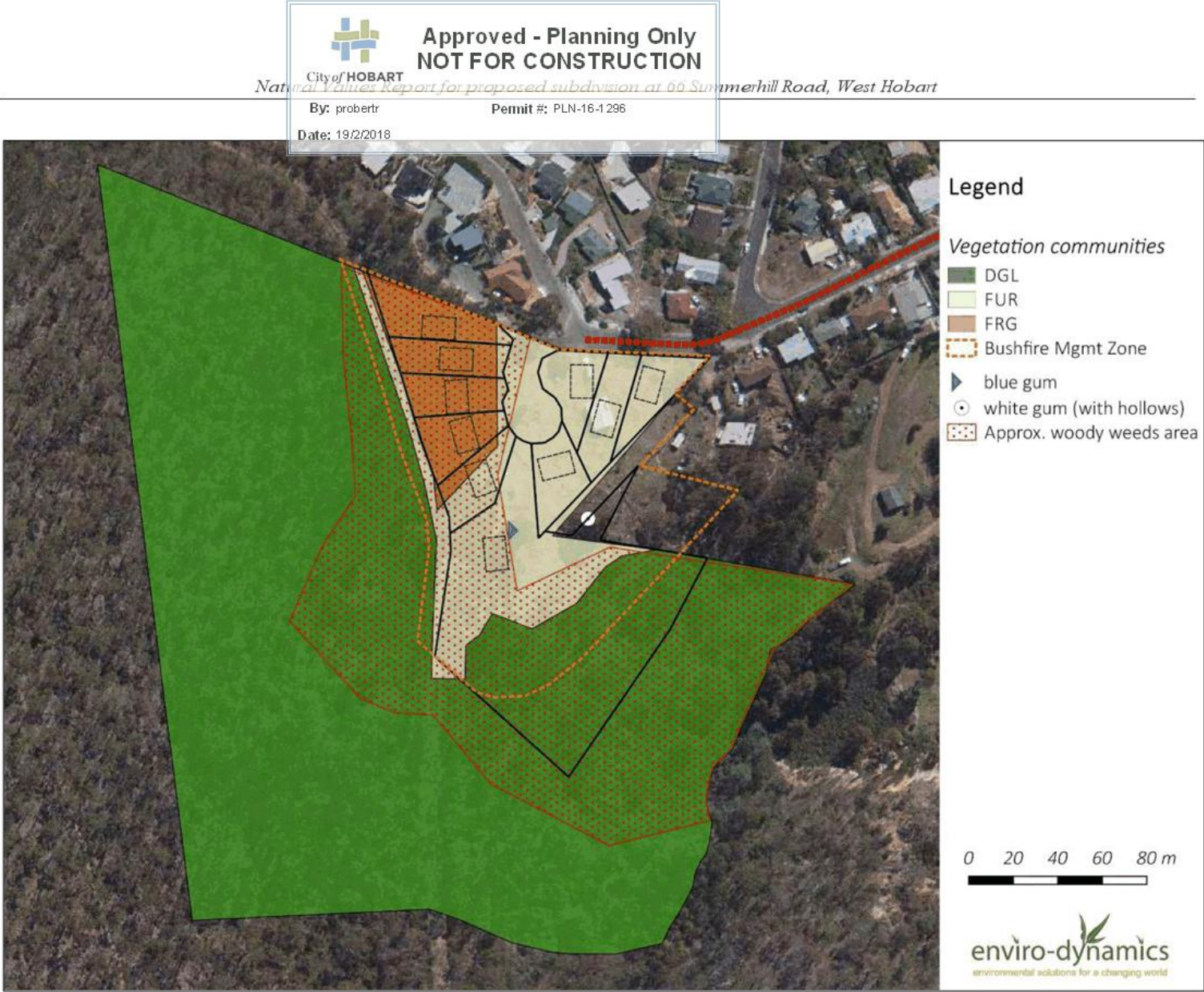


Figure 2 - Distribution of vegetation communities, threatened flora and weeds across site.

Natural Values Report for proposed subdivision at 66 Summerhill Road, West Hobart



TASVEG Unit – Cleared urban land

Community Description - Urban areas (FUR) include urban and suburban landscapes. These areas are largely or wholly devoid of vegetation apart from areas such as suburban gardens, street trees and parks.

TASVEG Code – FUR

The north eastern section of the site is classified as FUR as it has been cleared of most native vegetation including most trees. The remaining groundlayer is predominately exotic grasses and plants including boneseed, gorse and broom (Figure 3). There are scattered regrowth blue gums and silver wattle around the edge of the site and one mature blue gum and white gum (with hollows) in the southern end of the site (Figure 2).



Figure 3 – Cleared land with dense gorse and boneseed around the edges.

**TASVEG Unit - Regenerating cleared land**

Community Description - Regenerating cleared land (FRG) is used to map abandoned farmland or other degraded land (e.g. abandoned mines, quarries etc.) where there has been significant natural recolonisation by native species of rushes and shrubs. Native restoration plantings are also included within FRG.

TASVEG Code – FRG

A portion of the central northern area of the site has been classified as regenerating cleared land. Whilst the vegetation on the site does not fit exactly with the TasVeg description it provides the best fit. The community is dominated by an over storey of a regenerating blue gum saplings with a dense understorey of woody weeds including gorse, broom and boneseed (Figure 4). This area contains no mature trees and has clearly regenerated following historical clearance and long term use as farmland.

Conservation status of the vegetation communities

Eucalyptus globulus dry forest and woodland (DGL) is classified as a threatened native vegetation community under Schedule 3A of the *Nature Conservation Act 2002*.

Under 'Table E10.1 Priority Biodiversity Values' of the Hobart Interim Planning Scheme *Eucalyptus globulus* forest and woodland (DGL) is considered to have 'High Priority Biodiversity Value' due to the listing under the NCA and/or the presence of threatened species habitat.



Figure 3 – Vegetation classified as FRG due to regenerating blue gum layer with weed understorey

Flora Values

During the survey 41 native plant species were recorded at the site plus 9 common exotic weed species (refer to Appendix 1). Whilst every effort was made to compile a complete list of native plant species in the area surveyed, limitations of the survey technique and factors such as seasonality and absence of identifying features of some plants means that additional species may be found in subsequent surveys.

The search of the Natural Values Atlas (DPIPWE database) revealed that 7 threatened species has been recorded within 500m of the site and a further 4 species within a 1km radius of the site. These species are listed in Table 1 & 2 including a likelihood of them occurring at this site.

Natural Values Report for proposed subdivision at 66 Summerhill Road, West Hobart



Table 1 – Threatened flora recorded within a 500m radius of site

Species	Status TSPA	Status EPBC	Comments
<i>Prasophyllum apoxychilum</i> tapered leek-orchid	e-v	EN	Not recorded. Survey outside flowering period however unlikely to occur due to highly disturbed nature of the vegetation.
<i>Prasophyllum perangustum</i> Knocklofty leek-orchid	e	CR	Not recorded. Survey outside flowering period however unlikely to occur due to highly disturbed nature of the vegetation.
<i>Pterostylis squamata</i> Ruddy greenhood	r-v		Not recorded. Survey outside flowering period however unlikely to occur due to highly disturbed nature of the vegetation.
<i>Rytidosperma indutum</i> Tall wallabygrass	r		Multiple records nearby to site however records from intact vegetation. Not recorded within survey site and unlikely to occur due to highly disturbed nature of vegetation.
<i>Senecio squarrosus</i> Leafy groundsel			Not recorded during survey
<i>Velleia paradoxa</i> Spur Velleia	v		Not recorded during survey
<i>Vittadinia muelleri</i> Narrowleaf new-holland daisy	r		Not recorded during survey

Table 2 – Threatened flora recorded within a 1km radius of site

Species	Status TSPA	Status EPBC	Comments
<i>Dianella anaemia</i> Grassland flaxlily			No <i>Dianella</i> plants recorded on site. Unlikely to occur in impact are due to degraded nature of site.
<i>Goodenia geniculata</i> bent native-primrose	e		Not recorded during survey. Unlikely to occur in impact are due to degraded nature of site.
<i>Lachnagrostis punicea</i> subsp. <i>filifolia</i> narrowleaf blowgrass	r		No <i>Lachnagrostis</i> species recorded. Unlikely to occur in impact are due to degraded nature of site.
<i>Epacris virgata</i> Pretty Heath			Distinctive species – Not recorded at site.
<i>Prasophyllum apoxychilum</i> tapered leek-orchid	e-v	EN	As per Table 1
<i>Prasophyllum perangustum</i> Knocklofty leek-orchid	e	CR	As per Table 1
<i>Pterostylis squamata</i> Ruddy greenhood	r-v		As per Table 1
<i>Rytidosperma indutum</i>	r		As per Table 1

<div style="display: flex; justify-content: space-between; align-items: center;"> <div> <p><i>Natural Values Report for</i></p> <p><small>City of HOBART</small></p> <p><small>By: probertr</small></p> <p><small>Date: 19/2/2018</small></p> </div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Approved - Planning Only NOT FOR CONSTRUCTION</p> </div> <div> <p><i>proposed subdivision at 66 Summerhill Road, West Hobart</i></p> <p><small>Permit #: PLN-16-1296</small></p> </div> </div>			
Tall wallabygrass			
<i>Senecio squarrosus</i> Leafy groundsel			As per Table 1
<i>Velleia paradoxa</i> Spur Velleia	v		As per Table 1
<i>Vittadinia muelleri</i> Narrowleaf new-holland daisy	r		As per Table 1

Significant flora species

No threatened flora species were recorded during the survey and the species recorded within 1km of the site are all unlikely to occur on the site due to the highly degraded nature of the vegetation. A number of orchid species are also known from nearby and whilst the survey was carried out outside optimal flowering period for these species rosettes of all species would be apparent at this time if the species were present.

Introduced Plants

The site is heavily dominated by woody weeds with gorse dominant on the western perimeter of the vegetation and boneseed dominant on the southern and eastern portions of the area assessed (Figure 2). English broom and pampas grass are also scattered across the site. The complete dominance of these weeds across large portions of the property means that the native species have been suppressed and that weed control must be a priority in the future as the infestation represents a fire hazard and they provide a constant seed source for the adjacent to Knocklofty Reserve.



Figure 4 - Photos of weed infestations at site.

Fauna Values

To assess the conservation significance of the site for fauna species a visual search and a search for scats, tracks and diggings was undertaken and habitat types were recorded. This data was then assessed against the requirements of threatened species known to occur in the area.

No threatened fauna species listed under Schedule 3, 4 or 5 of the Threatened Species Protection Act 1995 or under the Environmental Protection and Biodiversity Act 1999 were recorded during the survey.



The search of the Natural Values Atlas (DPIPWE database) revealed that four (2) threatened species have been recorded within a 1km radius of the site. These species are listed in Table 3 including a comment on the likelihood of them occurring at this site.

Table 2 – Threatened Fauna recorded within a 1km radius of site

Species	Status TSPA	Status EPBC	Comments
<i>Antipodia Chaostola</i> Chaostola Skipper	e	EN	Specie relies on <i>Gahnia</i> spices. Small number of <i>G. radula</i> within survey site however no sign of this species present
<i>Dasyurus viverrinus</i> eastern quoll		EN	Site provides habitat for this species and likely to occur on site. Impacts of residence will be the removal of small area of forest only and no significant habitat located in this area.
<i>Lathamus discolor</i> Swift parrot	e	CR	This species has a strong association with blue gum and black gum which provide their primary foraging resource. Site contain a number of saplings and scattered mature trees within the land zoned general residential. The loss of saplings will nor significantly impact on current foraging habitat but will remove potential future foraging habitat.
<i>Perameles gunnii</i> Eastern Barred Bandicoot		VU	Widespread and common species. Likely to occur on site. Loss of vegetation associated with HMA will not impact on this species.

General Habitat Values

The native vegetation on the site provides foraging habitat for a range of common fauna species such as wallabies and possums and variety of native bird, reptile and invertebrate species. The habitat is part of a large intact area of vegetation on the eastern side of Knocklofty Reserve.

There are scattered blue gums and the occasional white gum present on the site which provide potential feeding habitat for the swift parrot. A mature white gum with hollows and a mature blue gum are present within the cleared land that is zoned as general residential (Figure 2).

The vegetation also provides some foraging and shelter habitat for the eastern barred bandicoot as the bandicoot may shelter in the bushland vegetation (including amongst woody weeds such as gorse) and forage over the cleared land at night. No potential denning habitat for the Tasmanian devil occurs on the site.

A record of Chaostola skipper is known from nearby to the site. This species has an intrinsic link with *Gahnia radula* and other *Gahnia* species. A small number of *G radula* plants were recorded in the survey area however they represent very marginal habitat for this species and there was no



evidence of the skipper or larvae within these plants (evidence of skipper includes distinctive feeding marks on leaf stems and larvae shelters).

3. Development Impacts

The following section outlines the impacts of the proposed subdivision development on the natural values of the lot.

Subdivision Proposal

The proposed subdivision will see 9 new lots and a balance lot created within the area of the lot zoned as General Residential (Figure 5) and an additional lot containing the remaining native vegetation which borders Knocklofty Reserve (Lot 200 on Plan). As there is no Biodiversity Protection Area designated across the portion of the site to be developed a natural values assessment of this area was not carried out. There is a mature white gum with hollows and a mature blue gum are present within the land zoned as general residential however these trees have not been assessed as part of the impacted to be offset as they are outside the biodiversity protection area.

The subdivision is however within a Bushfire Prone Area (as per E1.0 of the HIPC) and as such a bushfire hazard assessment and Bushfire Hazard Management Plan are required for the subdivision.

Area to be impacted

The HMA for lots 5 - 9 extends upslope to the west for a distance of 10m onto land outside of the individual lots (onto proposed Lot 200 which may be transferred to the HCC in the future) (Figure 6). Approximately half of this additional land contains native vegetation (estimated as 850m² of DGL) which will need to be altered to reduce the fuel loads. This will involve the removal of all understorey vegetation and the shrub layer. Mature trees can be retained provided there is separation between canopies of a least 2m and there is separation between the ground and the canopy (may require pruning of lower branches). The other half of the HMA contains an existing fire trail.

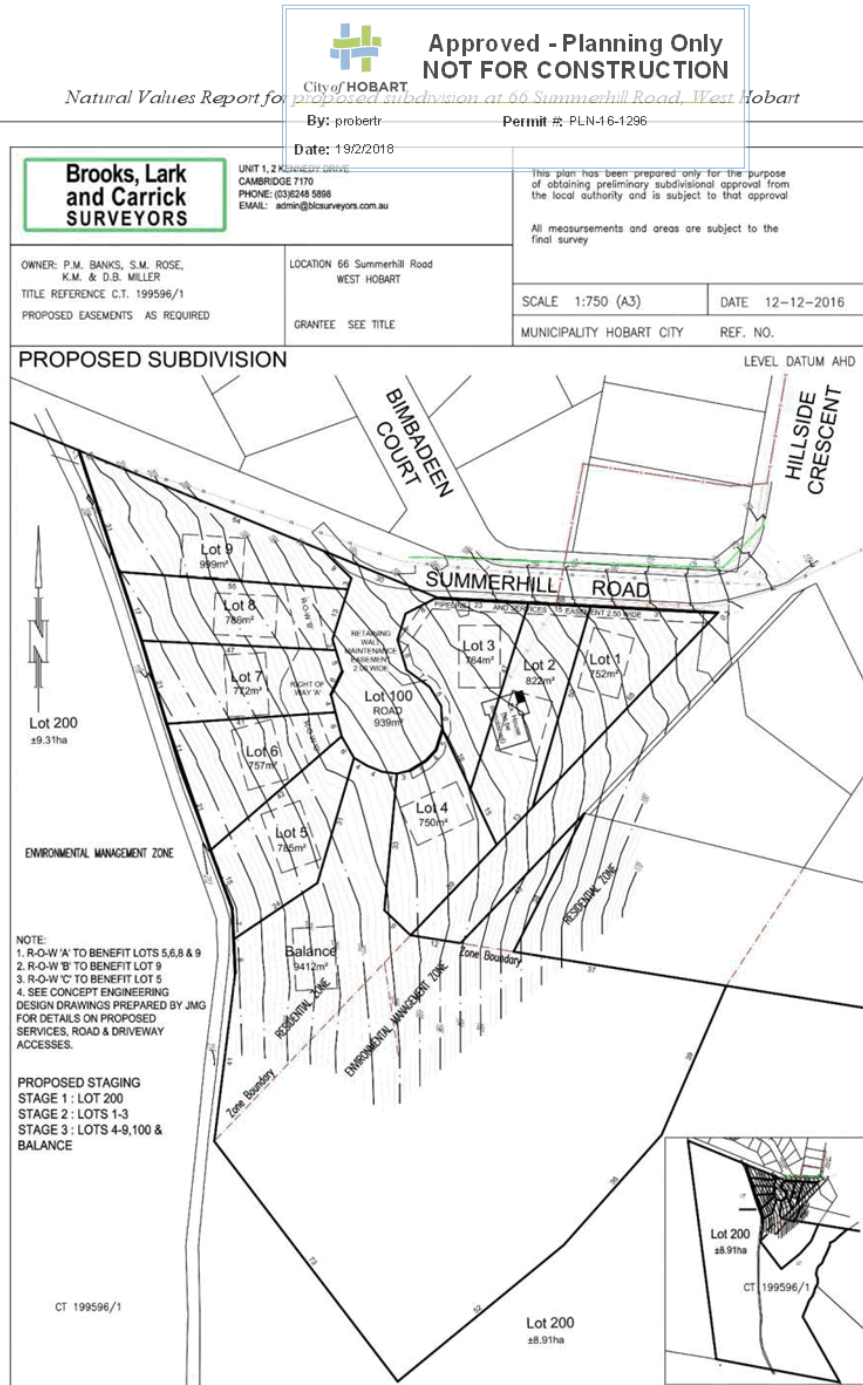


Figure 5 – Subdivision proposal (reproduced from Brooks Lark and Carrick Subdivision Plan).



The HMA will also extend downslope of proposed lots 1, 2, 4 and the Balance lot (Figure 6). The majority of the HMA will be within cleared land which will require limited clearance of exotic vegetation and scattered regrowth native species; whilst an estimated 2400m² of degraded DGL vegetation will also need to be managed to significantly reduce the fuel loads. As mentioned previously this will include the clearance of the understorey and shrub layer however trees can be retained provided there is protection between trees. When selecting trees to be retained blue gums should be preferred as they provide potential swift parrot foraging habitat.

This equates to an area of approximately 3250m² needs to be modified to meet bushfire requirements.

Requirements under the Biodiversity Code (E10.0)

The clearance of vegetation within the HMA that is also within the Biodiversity Protection Area must meet Performance Criteria as per the Biodiversity Code (E10.0) per the Hobart Interim Planning Scheme 2015. As such development within this area must comply with the objective and criteria of the Biodiversity Code (E10.0).

The biodiversity values of the vegetation (DGL) under E10.7.1 is 'high due to the presence of the vegetation community listed as threatened under the Nature Conservation Act 2002.

As such the following performance criteria must be addressed (text in bold provides comment on each criteria);

- i. *development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; **The proposed subdivision is on land zoned as General Residential that is predominantly cleared. The majority of the HMA is within degraded land with only 1/3 of the area containing an intact vegetation community. As such the design of the subdivision minimises impact on priority nature values as much as possible. In addition the DGL vegetation to be impacted is severely degraded by weed infestations and the more intact healthy vegetation is retained.***

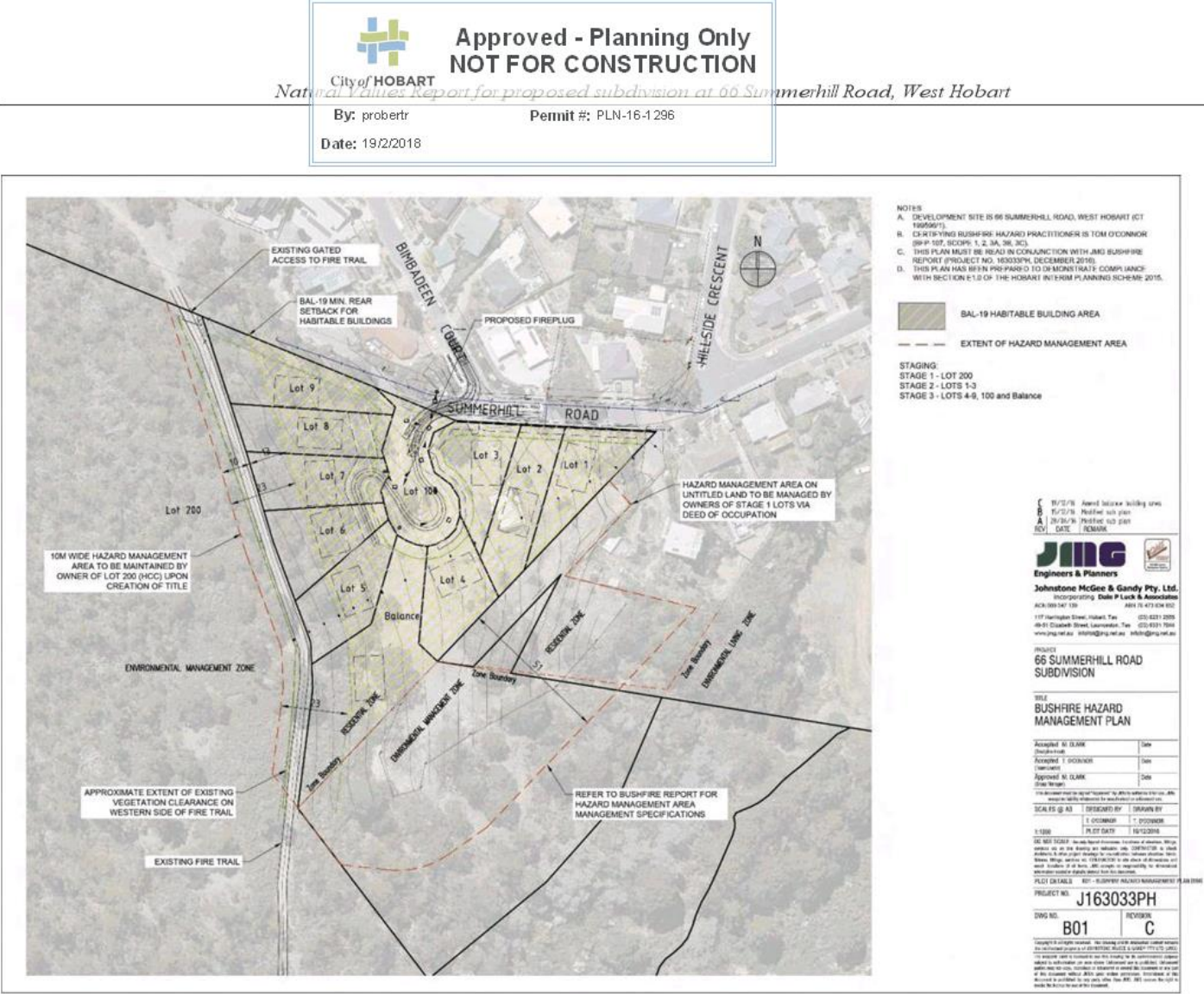


Figure 6 – Bushfire Hazard Management Plan (Reproduced from Drawing B01 v3 - Project # J163033PH) JMG Engineers and Planners

Natural Values Report for *proposed subdivision at 66 Summerhill Road, West Hobart*



- ii. impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area; **The subdivision is design to meet BAL19 separation distances which is a minimum requirement. The building envelopes have been located on each lot so as to minimise clearance to the west and to the south east of the general residential area the HMA is predominantly located within cleared land or degraded vegetation.**
- iii. high priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title; **The remaining DGL (outside HMA) on the title is to be retained and will not be impacted. The vegetation (Lot 200 on survey drawing) may be transferred to the HCC in the future. This vegetation is generally in better condition with fewer woody weeds present than the area to be cleared.**
- iv. *special circumstances exist*; **Development can comply with (b) and (c):**
 - (b) ongoing management cannot ensure the survival of the high priority biodiversity values on the site and there is little potential for recruitment or for long term persistence. **Due to the high level of woody weeds in the site the only trees are likely to persist in the area to be cleared without significant long term management.**
 - (c) the extent of proposed removal of high priority biodiversity values on the site is insignificant relative to the extent of the community elsewhere in the vicinity. **Less than 0.1% of the DGL within immediate area will be impacted.**

4. Summary & Recommendations

The impacts of a proposed subdivision on the natural values of land at 60 Summerhill Road, West Hobart were assessed during a site survey in July 2016. In particular the impact of the required Bushfire Hazard Management Areas on the land than is zoned Environmental Management and is within a Biodiversity Protection Area were assessed.



Some additional natural values occur on the land zoned general residential including mature blue gums and white gums however this impact is not assessed as part of this report as they occur within the general residential zone and a NVR of this area is not required under the scheme.

The vegetation to be impacted (for the establishing of the HMA) is generally in poor condition with significant infestations of the declared weeds boneseed, gorse and pampas grass. The control of these weeds as part of the development may be required to prevent the spread of weeds of the site.

The area of vegetation which was classified as blue gum forest (DGL - listed as a threatened vegetation community under the *Nature Conservation Act 2002*) contained a layer of blue gum saplings and some smaller trees however the understorey was also largely degraded by weeds. Some mature trees (in particular blue gums) can be retained within the HMA provided there is minimum 2m separation between canopies and there is separation between the ground and the canopy.

No threatened flora species were recorded on the site and the habitat for threatened fauna species was limited to blue gum saplings- which provide a minor foraging resources; and some habitat for the eastern barred bandicoot. Due to the present of large area of similar vegetation in better condition adjacent to the site the impact on the fauna habitat is very limited.

The removal of the vegetation was able to meet the performance criteria under E10.0 for a high priority community due to its degraded condition and the presence of the adjoining DGL forest (on proposed Lot 200 which may be transferred to the HCC) and within the Knocklofty Reserve.

Overall the proposed subdivision will have very limited impacts on the natural values in the local vicinity.



Appendix 1 – Species list for 66 Summerhill Road, West Hobart

Recorder: J. Kelman Date: 19th July 2016

e = endemic i = introduced d = declared weed

Dicotyledonae

Family name	Species name	Common name
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ASTERACEAE

e	<i>Bedfordia salicina</i>	Tasmanian Blanket Leaf
i	<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	Boneseed
i	<i>Cirsium vulgare</i>	Spear Thistle
i	<i>Hypochoeris radicata</i>	Cat's ear
	<i>Senecio linearifolius</i> var. <i>linearifolius</i>	
i	<i>Sonchus oleraceus</i>	Sow Thistle

BORAGINACEAE

i	<i>Myosotis sylvatica</i>	
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EPACRIDACEAE

	<i>Astroloma humifusum</i>	Native Cranberry
	<i>Lissanthe strigosa</i> subsp. <i>subulata</i>	

FABACEAE

i	<i>Cytisus scoparius</i>	Scotch Broom
i	<i>Ulex europaeus</i>	Gorse

FUMARIACEAE

i	<i>Fumaria muralis</i>	Fumitory
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GENTIANACEAE

i	<i>Centaurium erythraea</i>	Common centaury
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Natural Values Report for proposed subdivision at 66 Summerhill Road, West Hobart

MIMOSACEAE

<i>Acacia dealbata</i> subsp. <i>dealbata</i>	Silver Wattle
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MYRTACEAE

<i>Eucalyptus globulus</i> subsp. <i>globulus</i>	Tasmanian Blue Gum
<i>Eucalyptus pulchella</i>	White peppermint
<i>Eucalyptus viminalis</i> subsp. <i>viminalis</i>	White gum

OXALIDACEAE

<i>Oxalis perennans</i>	Native Oxalis
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PITTOSPORACEAE

<i>Bursaria spinosa</i> subsp. <i>spinosa</i>	Prickly box
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PRIMULACEAE

<i>Anagallis arvensis</i> var. <i>arvensis</i>	Scarlet Pimpernel
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PROTEACEAE

<i>Banksia marginata</i>	Silver Banksia
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ROSACEAE

<i>Cotoneaster franchetii</i>	Cotoneaster
<i>Rubus fruticosus</i>	Blackberry

SANTALACEAE

<i>Exocarpos cupressiformis</i>	Native Cherry
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SAPINDACEAE

<i>Dodonaea viscosa</i> subsp. <i>spatulata</i>	
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Monocotyledonae

Family name	Species name	Common name
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CYPERACEAE

Natural Values Report for proposed subdivision at 66 Summerhill Road, West Hobart



Gahnia radula
Lepidosperma laterale

Thatch Saw Sedge
 Variable Sword-sedge

IRIDACEAE

Diplarrena moraea

White Flag Iris

JUNCACEAE

Juncus pallidus

Pale Rush

POACEAE

Austrodanthonia caespitosa

Common Wallaby-grass

Austrostipa mollis

Soft Spear Grass

i *Cortaderia selloana*

Pampas Grass

i *Dactylis glomerata*

Cock's Foot

Poa labillardierei var. *labillardierei*

Tussock Grass

XANTHORRHOEACEAE

Lomandra longifolia

Sagg



HOBART INTERIM PLANNING SCHEME 2015

PSA-18-2 AMENDMENT

INSTRUMENT OF CERTIFICATION

It is hereby certified that draft Amendment PSA-18-2 to the Hobart Interim Planning Scheme 2015 meets the requirements specified in section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

The Common Seal of the Hobart City
Council is fixed hereon, pursuant to
Council's resolution of ???
in the presence of:

.....General Manager

.....Deputy General Manager

Date:

8.2 Delegated Decisions Report (Planning)
File Ref: F20/109245

Memorandum of the Director City Planning of 14 October 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 21 September 2020 to 9 October 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 October 2020
File Reference: F20/109245

Attachment A: Delegated Decisions Report (Planning) ↓

13 October 2020

Delegated Decisions Report (Planning)

51 applications found.

Planning Description	Address	Works Value	Approved	Withdrawn / All Cancelled
			Decision	Authority
PLN-19-330 Signage	MELVILLE STREET HOBART TAS 7000	\$ 60,000	Withdrawn	Applicant
PLN-19-71 Retaining Wall and Fencing	8 RUSHWOOD COURT LENA VALLEY TAS 7008	\$ 25,000	Approved	Delegated
PLN-20-140 Partial Demolition, Alterations and Extension	42 DEGRAVES STREET SOUTH HOBART TAS 7004	\$ 175,000	Withdrawn	Applicant
PLN-20-196 Tree Removal	6 COLE CLOSE MOUNT NELSON TAS 7007	\$ 0	Approved	Delegated
PLN-20-278 Partial Demolition, Alterations, Extension, Subdivision (Boundary Adjustment and Consolidation), Front Fencing and New Building for Visitor Accommodation	161 DAVEY STREET HOBART TAS 7000	\$ 450,000	Approved	Delegated
PLN-20-300 Driveway and Carparking	35 SALVATOR PLACE WEST HOBART TAS 7000	\$ 20,000	Approved	Delegated
PLN-20-322 Signage	6 EVANS STREET HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-20-325 Change of Use to Boarding House	303 DAVEY STREET SOUTH HOBART TAS 7004	\$ 0	Approved	Delegated
PLN-20-362 Visitor Accommodation Unit, New Front Gate and Signage	391 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 100,000	Approved	Delegated
PLN-20-372 Demolition and Outbuilding	90 PEDDER STREET NEW TOWN TAS 7008	\$ 25,000	Approved	Delegated
PLN-20-419 Dwelling	36 WILLIAM COOPER DRIVE NEW TOWN TAS 7008	\$ 500,000	Approved	Delegated
PLN-20-427 Flood Mitigation Works	2 CHURCHILL AVENUE SANDY BAY TAS 7005	\$ 130,000	Approved	Delegated
PLN-20-439 Dwelling	3 HEARTWOOD ROAD LENA VALLEY TAS 7008	\$ 550,000	Approved	Delegated
PLN-20-454 Alterations and Partial Change of Use to Visitor Accommodation	20 PITT STREET NORTH HOBART TAS 7000	\$ 0	Withdrawn	Applicant
PLN-20-465 Garage	1/5 COWLEY PLACE LENA VALLEY TAS 7008	\$ 16,000	Approved	Delegated
PLN-20-467 Partial Demolition, Alterations and Extension	72 LIVERPOOL CRESCENT WEST HOBART TAS 7000	\$ 140,000	Approved	Delegated
PLN-20-473 Outbuilding	54 SUMMERHILL ROAD WEST HOBART TAS 7000	\$ 12,000	Approved	Delegated
PLN-20-476 Carport	578A NELSON ROAD MOUNT NELSON TAS 7007	\$ 15,000	Not Required	Delegated
PLN-20-506 Alterations (Re-Roofing)	127 ARGYLE STREET HOBART TAS 7000	\$ 60,000	Approved	Delegated
PLN-20-510 Alterations and Ancillary Dwelling	7 WORLEY STREET NORTH HOBART TAS 7000	\$ 50	Approved	Delegated
PLN-20-513 Partial Demolition, Alterations, Signage and Partial Change of Use to Food Services	119 COLLINS STREET HOBART TAS 7000	\$ 500,000	Approved	Delegated
PLN-20-514 Change of Use to General Retail and Hire and Signage	163 ELIZABETH STREET HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-20-520 Partial Demolition, Alterations and Extension	1 BAKER STREET NEW TOWN TAS 7008	\$ 150,000	Approved	Delegated
PLN-20-521 Partial Demolition, Alterations and Extension	26 HAMILTON STREET WEST HOBART TAS 7000	\$ 350,000	Approved	Delegated
PLN-20-523 Alterations	3 ALBUERA STREET BATTERY POINT TAS 7004	\$ 16,000	Approved	Delegated

CITY OF HOBART

Planning Description	Address	Works Value	Decision	Authority
PLN-20-528 Partial Change of Use to Food Services and Signage	50-62 SANDY BAY ROAD BATTERY POINT TAS 7004	\$ 5,000	Approved	Delegated
PLN-20-530 Outbuilding	13 TOWER ROAD NEW TOWN TAS 7008	\$ 16,500	Approved	Delegated
PLN-20-535 Partial Demolition and Alterations	9 CANE STREET WEST HOBART TAS 7000	\$ 100,000	Approved	Delegated
PLN-20-540 Partial Demolition, Alteration and Extension	12 HICKMAN STREET LENA VALLEY TAS 7008	\$ 190,000	Approved	Delegated
PLN-20-542 Partial Demolition and Relocation of Outbuilding	5 HARBROE AVENUE NEW TOWN TAS 7008	\$ 5,000	Approved	Delegated
PLN-20-544 Partial Demolition and Alterations	25 LEFROY STREET NORTH HOBART TAS 7000	\$ 80,000	Approved	Delegated
PLN-20-546 Partial Demolition, Alterations, Signage and Partial Change of Use to Business and Professional Services	121-127 NEW TOWN ROAD NEW TOWN TAS 7008	\$ 150,000	Withdrawn	Applicant
PLN-20-548 Extension to Operating Hours	24 SALAMANCA SQUARE BATTERY POINT TAS 7004	\$ 0	Approved	Delegated
PLN-20-549 Partial Demolition, Alterations and Partial Change of Use to Visitor Accommodation	98 MOLLE STREET WEST HOBART TAS 7000	\$ 10,000	Approved	Delegated
PLN-20-552 Partial Demolition and Alterations	2/5 FITZROY PLACE SANDY BAY TAS 7005	\$ 55,000	Approved	Delegated
PLN-20-555 Partial Demolition, Alterations and Extension	15 ALLISON STREET WEST HOBART TAS 7000	\$ 80,000	Approved	Delegated
PLN-20-565 Partial Demolition, Alterations and Extension	12 SEYMOUR STREET NEW TOWN TAS 7008	\$ 180,000	Approved	Delegated
PLN-20-571 Partial Change of Use to Educational and Occasional Care	21-27 ELIZABETH STREET HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-20-576 Dwelling	14 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 280,000	Approved	Delegated
PLN-20-581 Partial Demolition and Alterations and New Deck	136 NELSON ROAD MOUNT NELSON TAS 7007	\$ 20,000	Approved	Delegated
PLN-20-585 Partial Demolition, Alterations, and Partial Change of Use to Food Services	3 GREGORY STREET SANDY BAY TAS 7005	\$ 5,000	Approved	Delegated
PLN-20-589 Partial Demolition, Alterations, and Extension	20 BENJAFIELD TERRACE MOUNT STUART TAS 7000	\$ 45,000	Approved	Delegated
PLN-20-592 Signage	391 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 500	Withdrawn	Applicant
PLN-20-594 Partial Demolition, Alterations, Extension, and Carport	15 POETS ROAD WEST HOBART TAS 7000	\$ 200,000	Withdrawn	Applicant
PLN-20-602 Partial Demolition and Alterations	25 APSLEY STREET SOUTH HOBART TAS 7004	\$ 9,000	Not Required	Delegated
PLN-20-615 Subdivision (Boundary Adjustment)	33 HALL STREET RIDGEWAY TAS 7054	\$ 0	Approved	Delegated
PLN-20-620 Alterations	232 DAVEY STREET SOUTH HOBART TAS 7004	\$ 0	Exempt	Delegated
PLN-20-623 Partial Change of Use to Home Occupation	15/15 HUNTER STREET HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-20-629 Partial Demolition and Alterations	23 BROADWATERS PARADE SANDY BAY TAS 7005	\$ 15,000	Not Required	Delegated
PLN-20-672 Alterations	3 KIRVAL COURT WEST HOBART TAS 7000	\$ 20,000	Exempt	Delegated
PLN-20-77 Partial Demolition, Alterations and Extension	22 EDGE AVENUE LENA VALLEY TAS 7008	\$ 180,000	Approved	Delegated

CITY OF HOBART

8.3 City Planning - Advertising Report
File Ref: F20/109574

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

Delegation: Committee



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

City Planning - Advertising Report

Attached is the advertising list for the period 21 September 2020 to 9 October 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 October 2020
File Reference: F20/109574

Attachment A: City Planning - Advertising Report ↓ 

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-394	393 LENA VALLEY ROAD	LENAH VALLEY	Outbuilding	\$100,000	22/10/2020	ayersh	Director	24/09/2020	08/10/2020
PLN-20-459	1 SALAMANCA PLACE	HOBART	Partial Demolition and Alterations	\$850,000	12/10/2020	ayersh	Director	24/09/2020	08/10/2020
PLN-20-541	207 A STRICKLAND AVENUE	SOUTH HOBART	Dwelling	\$150,000	27/10/2020	ayersh	Director	02/10/2020	16/10/2020
PLN-20-603	190 BRISBANE STREET	WEST HOBART	Partial Demolition, Alterations, and Extension	\$50,000	07/11/2020	ayersh	Director	08/10/2020	23/10/2020
PLN-20-650	1 WASHINGTON STREET	SOUTH HOBART	Partial Demolition, Alterations, and Extension	\$120,000	09/11/2020	ayersh	Director	08/10/2020	23/10/2020
PLN-20-461	118 - 124 BATHURST STREET	HOBART	Demolition	\$100,000	22/10/2020	baconr	Director	22/09/2020	06/10/2020
PLN-20-584	8 STEVENS FARM DRIVE	WEST HOBART	Partial Demolition, Alterations and Deck	\$90,000	10/11/2020	baconr	Director	08/10/2020	23/10/2020
PLN-20-659	58 ANGLESEA STREET	SOUTH HOBART	Alterations	\$7,000	11/11/2020	baconr	Director	08/10/2020	23/10/2020
PLN-20-504	68 GROSVENOR STREET	SANDY BAY	Partial Demolition, Alterations, Extension and Carport	\$60,000	17/11/2020	baconr	Director	09/10/2020	24/10/2020
PLN-20-539	6 ANCANTHE AVENUE	LENAH VALLEY	Fencing and Retaining Wall	\$25,000	12/10/2020	langd	Director	21/09/2020	05/10/2020
PLN-20-605	71 NELSON ROAD	SANDY BAY	Carport	\$9,000	28/10/2020	langd		22/09/2020	06/10/2020
PLN-20-494	10 WARWICK STREET	HOBART	Change of Use to General Retail and Hire and Signage	\$0	13/10/2020	langd	Director	24/09/2020	08/10/2020
PLN-20-455	11 TOORAK AVENUE	MOUNT STUART	Partial Demolition, Alterations and Extension	\$275,000	30/10/2020	langd	Director	29/09/2020	30/09/2020
PLN-20-621	15 ROSSENDELL AVENUE	WEST HOBART	Partial Demolition, Alterations, and Extension	\$300,000	02/11/2020	langd	Director	08/10/2020	23/10/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-524	45 ELIZABETH STREET	HOBART	Partial Demolition, Alterations, Extension and Change of Use to General Retail and Hire and Five Multiple Dwellings	\$1,000,000	20/10/2020	maxwellv	Council (Council Land)	22/09/2020	06/10/2020
PLN-20-170	8 DEGRAVES STREET	SOUTH HOBART	Partial Demolition and Alterations	\$20,000	25/11/2020	maxwellv	Council (Council Land)	24/09/2020	08/10/2020
PLN-20-519	83 CARLTON STREET	NEW TOWN	Partial Demolition, Alterations, Extension and Carport	\$250,000	26/10/2020	maxwellv	Director	24/09/2020	08/10/2020
PLN-20-485	5 SALVATOR ROAD	WEST HOBART	Partial Demolition and Alterations	\$55,000	21/10/2020	maxwellv	Director	25/09/2020	09/10/2020
PLN-20-239	23 TOWER ROAD	NEW TOWN	Partial Demolition, Alterations and Extension	\$100,000	11/11/2020	maxwellv	Director	28/09/2020	12/10/2020
PLN-20-610	342 ARGYLE STREET	NORTH HOBART	Extension to Operating Hours	\$0	28/10/2020	maxwellv	Director	28/09/2020	12/10/2020
PLN-18-830	13 VALLEY STREET	WEST HOBART	Partial Demolition and Subdivision (One Additional Lot)	\$0	05/11/2020	maxwellv	Director	05/10/2020	08/10/2020
PLN-20-624	22 A CLARE STREET	NEW TOWN	Partial Demolition, Alterations, and Extension	\$300,000	08/11/2020	maxwellv	Director	06/10/2020	20/10/2020
PLN-20-585	3 GREGORY STREET	SANDY BAY	Partial Demolition, Alterations, and Partial Change of Use to Food Services	\$5,000	20/10/2020	mcclenaham	Director	22/09/2020	06/10/2020
PLN-20-607	184 - 186 SANDY BAY ROAD	SANDY BAY	Signage	\$0	28/10/2020	mcclenaham	Director	24/09/2020	08/10/2020
PLN-20-618	60 - 64 ELIZABETH STREET	HOBART	Signage	\$0	30/10/2020	mcclenaham	Director	24/09/2020	08/10/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-547	53 CASCADE ROAD	SOUTH HOBART	Partial Demolition, Alterations, Front Fencing and Outbuilding	\$2,500	01/11/2020	mcclenaham	Director	05/10/2020	19/10/2020
PLN-20-656	34 BRINSMEAD ROAD	MOUNT NELSON	Partial Demolition, Alterations, and Extension	\$275,000	10/11/2020	mcclenaham	Director	06/10/2020	20/10/2020
PLN-20-568	11 MORRISON STREET	HOBART	Partial Change of Use for Ancillary Bar, Eating Establishment, and Function Centre	\$0	14/10/2020	nolanm	Director	22/09/2020	06/10/2020
PLN-20-595	7 MURRAY STREET	HOBART	Extension to Operating Hours	\$0	26/10/2020	nolanm	Director	28/09/2020	12/10/2020
PLN-20-554	3 BAKER STREET	NEW TOWN	Two Multiple Dwellings (One Existing, One New)	\$300,000	02/11/2020	nolanm	Director	30/09/2020	14/10/2020
PLN-20-228	27 VALENTINE STREET	NEW TOWN	Demolition and Dwelling	\$329,000	21/10/2020	nolanm	Director	05/10/2020	19/10/2020
PLN-20-245	20 MCVILLY DRIVE	HOBART	Alterations to Stormwater Infrastructure	\$30,000	28/10/2020	nolanm	Council (Council Land)	07/10/2020	21/10/2020
PLN-20-576	14 BEAUMONT ROAD	LENAH VALLEY	Dwelling	\$280,000	16/10/2020	obrienm	Director	21/09/2020	05/10/2020
PLN-20-381	1 / 266 CHURCHILL AVENUE	SANDY BAY	Three Multiple Dwellings (Two Existing, One New)	\$400,000	19/11/2020	obrienm	Director	02/10/2020	16/10/2020
PLN-20-648	35 ELIZABETH STREET	HOBART	Signage	\$0	09/11/2020	obrienm	Director	06/10/2020	20/10/2020
PLN-20-414	68 HAMPDEN ROAD	BATTERY POINT	Partial Demolition, Front Fencing and Alterations to Car Parking	\$2,000	29/10/2020	sherriffc	Director	25/09/2020	09/10/2020
PLN-20-593	435 MACQUARIE STREET	SOUTH HOBART	Partial Demolition, Alterations, Signage, and Partial Change of Use to General Retail and Hire	\$8,000	29/10/2020	sherriffc	Director	25/09/2020	09/10/2020
PLN-20-527	15 JEANNETTE COURT	LENAH VALLEY	Three Multiple Dwellings	\$1,200,000	03/11/2020	sherriffc	Director	28/09/2020	12/10/2020

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-453	6 FORBES AVENUE	WEST HOBART	Partial Demolition and Alterations	\$55,000	29/10/2020	sherriffc	Director	30/09/2020	14/10/2020
PLN-18-230	2 EVELYN CRESCENT	SANDY BAY	Two Multiple Dwellings (One Existing, One New), Carparking and Associated Works	\$250,000	28/10/2020	sherriffc	Director	06/10/2020	20/10/2020
PLN-20-609	307 - 311A ELIZABETH STREET	NORTH HOBART	Signage	\$0	28/10/2020	sherriffc	Director	06/10/2020	20/10/2020
PLN-20-497	2 / 3 GIBLIN STREET	LENAH VALLEY	Alterations, Two Carports, Workshop, and Front Fencing	\$40,000	10/11/2020	sherriffc	Director	07/10/2020	21/10/2020
PLN-20-588	85 - 91 ELIZABETH STREET	HOBART	Signage	\$0	21/10/2020	widdowsont	Director	21/09/2020	05/10/2020
PLN-20-590	213 NELSON ROAD	MOUNT NELSON	Partial Demolition, Alterations, and Extension	\$400,000	24/10/2020	widdowsont	Director	21/09/2020	05/10/2020
PLN-20-649	65 A NEWDEGATE STREET	WEST HOBART	Change of Use to Visitor Accommodation	\$0	09/11/2020	widdowsont	Director	09/10/2020	24/10/2020
PLN-20-622	32 DUKE STREET	SANDY BAY	Outbuilding	\$16,000	02/11/2020	wilsone	Director	30/09/2020	14/10/2020

**8.4 Monthly Building and Planning Statistics - 1 September - 30
September 2020
File Ref: F20/109807**

Memorandum of the Director City Planning of 14 October 2020 and
attachments.

Delegation: Committee



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

Monthly Building and Planning Statistics - 1 September - 30 September 2020

Attached is the monthly building and planning permit issue statistics for the period 1 September – 30 September 2020.

RECOMMENDATION

That:

During the period 1 September 2020 to 30 September 2020, 69 building permits were issued to the value of \$18,767,569 which included:

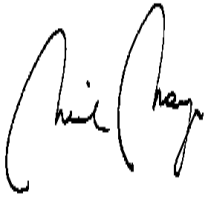
- (i) 29 for extensions/alterations to dwellings to the value of \$4,482,300;
 - (ii) 22 new dwellings to the value of \$3,778,393; and
 - (iii) 2 major projects:
 - (a) 48 Liverpool Street, Hobart - Commercial Internal Alterations - \$4,100,000;
 - (b) 4-12 Elizabeth Street, Hobart - Commercial Internal Alterations - \$2,000,000
2. During the period 1 September 2019 to 30 September 2019, 42 building permits were issued to the value of \$13,543,595 which included:
- (i) 22 for extensions/alterations to dwellings to the value of \$4,453,986;
 - (ii) 4 new dwellings to the value of \$773,209; and
 - (iii) 2 major projects:
 - (a) 93 Elizabeth Street, Hobart - Alterations and Change of Use - \$1,500,000;
 - (b) 160-162 Elizabeth Street, Hobart - New Building and Alterations - \$6,600,000

In the twelve months ending 30 September 2020, 628 permits were issued to the

value of \$224,352,929; and

In the twelve months ending 30 September 2019, 635 permits were issued to the value of \$318,201,388.





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.



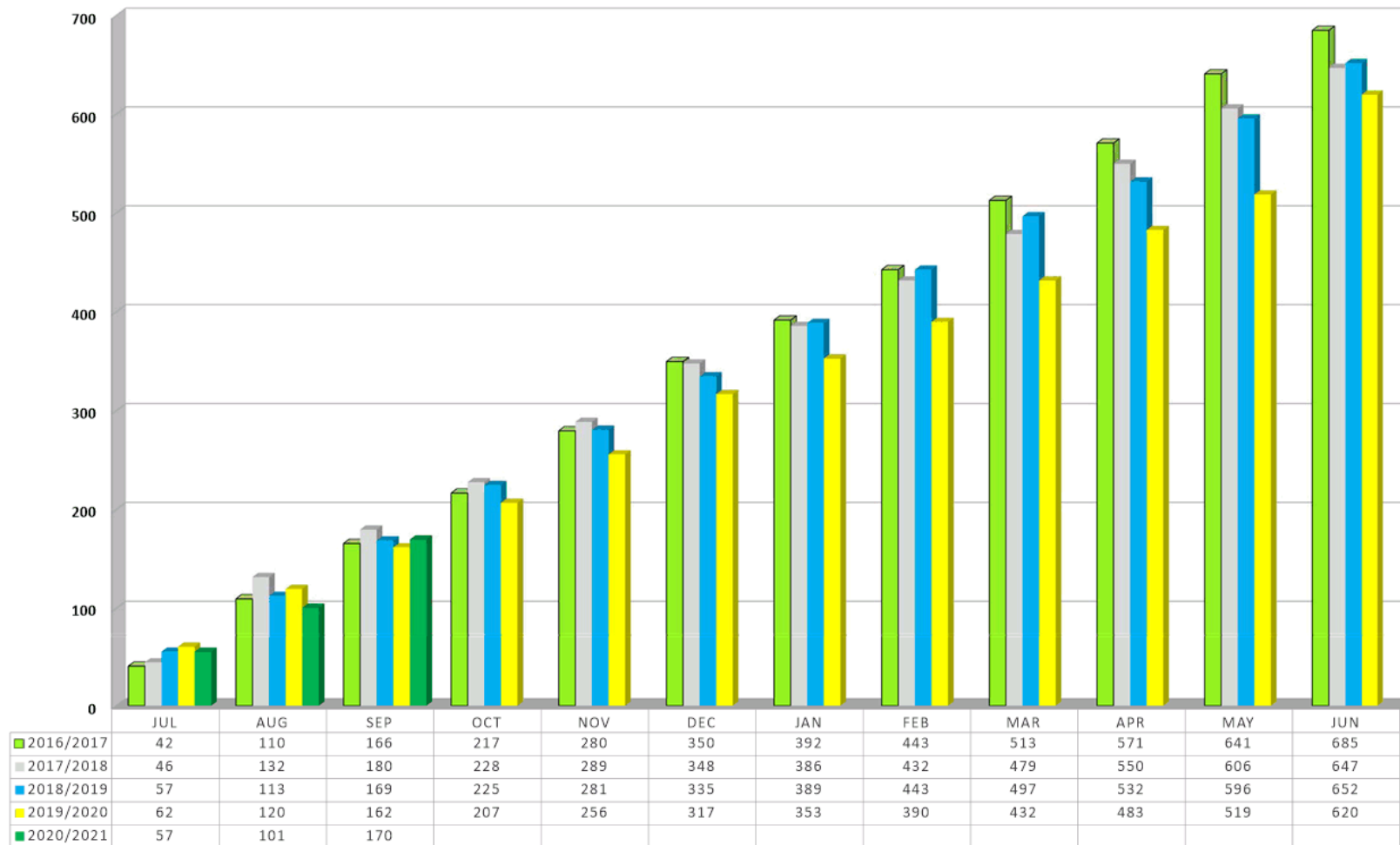
Neil Noye

DIRECTOR CITY PLANNING

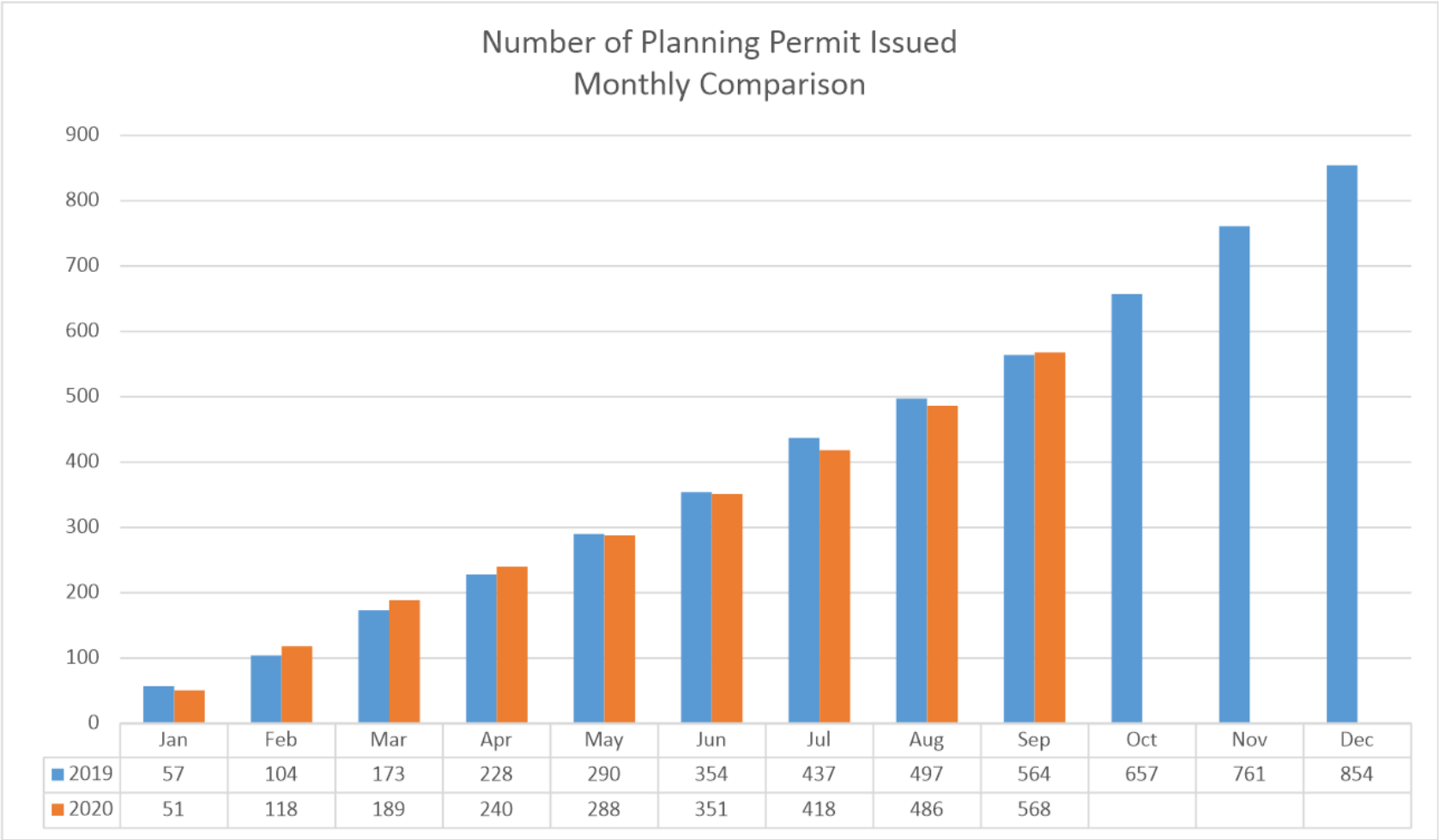
Date: 14 October 2020
File Reference: F20/109807

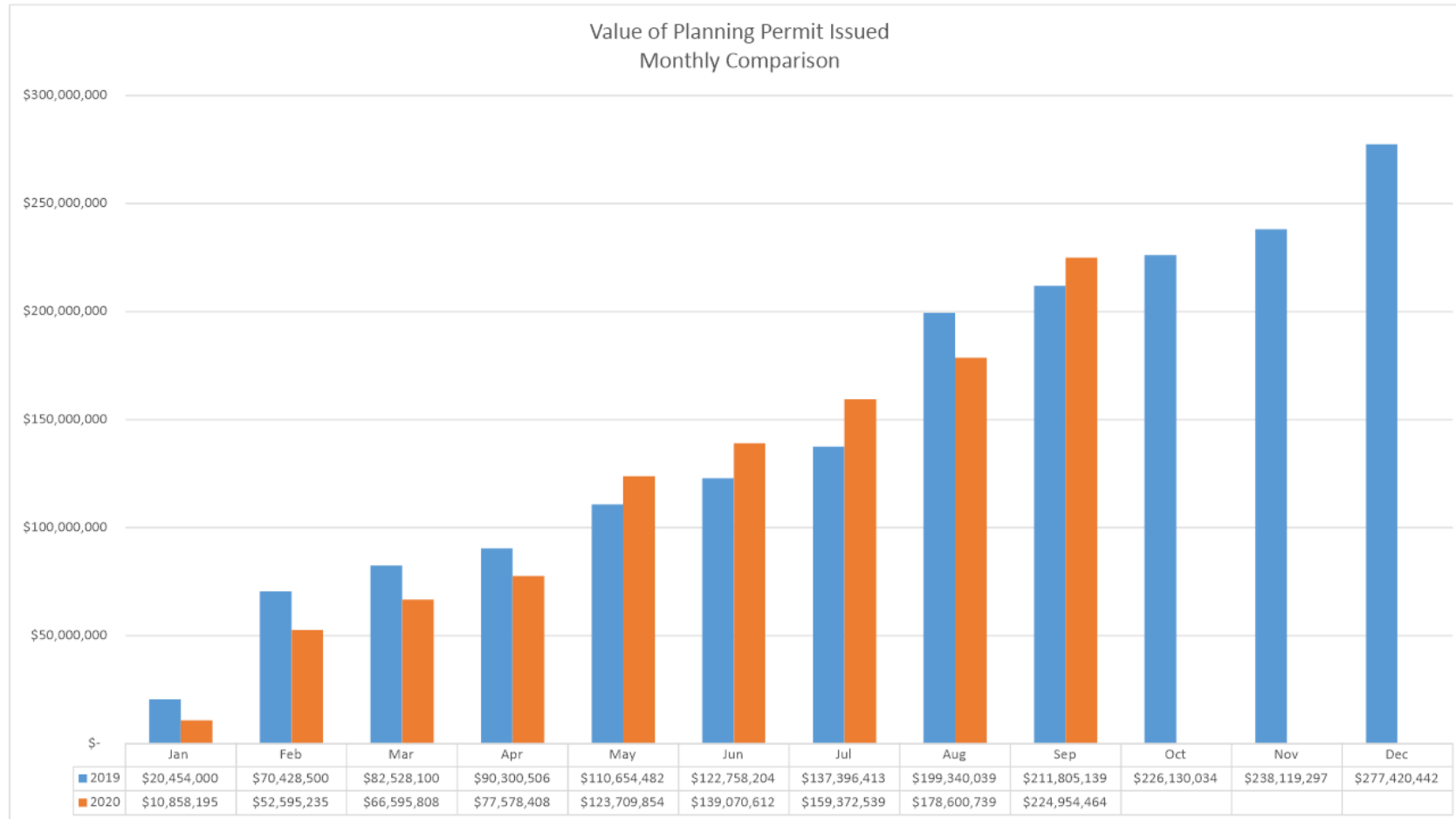
- Attachment A: Number of Building Permits Issued - 5 Year Comparison - September 2020 ↓ 
- Attachment B: Value of Building Permits Issued - 5 Year Comparison - September 2020 ↓ 
- Attachment C: Number of Planning Permits Issued (Accumulative Monthly Totals) - September 2020 ↓ 
- Attachment D: Value of Planning Approvals (Accumulative Monthly Totals)- September 2020 ↓ 

Building Permits Issued (Accumulative Monthly Totals)
5 Year Comparison 2016/2017 - 2020/2021



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9. RESPONSES TO QUESTIONS WITHOUT NOTICE

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

The General Manager reports:-

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

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

9.1 Planning Decisions - Residential Dwellings**File Ref: F20/30674; 13-1-10**

Memorandum of the Director City Planning of 14 October 2020.

9.2 Section 56 Land Use Planning Approvals Act 1993 - Minor Amendments**File Ref: F20/100950; 13-1-10**

Memorandum of the Director City Planning of 14 October 2020.

9.3 Building Heights - Planning Recommendations**File Ref: F20/100971; 13-1-10**

Memorandum of the Director City Planning of 13 October 2020.

9.4 Building Permits - Policy**File Ref: F20/109745**

Memorandum of the Director City Planning of 14 October 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

PLANNING DECISIONS - RESIDENTIAL DWELLINGS

Meeting: City Planning Committee

Meeting date: 2 March 2020

Raised by: Alderman Behrakis

Question:

Of the 5% Council delegated and 95% officer delegated decisions for residential dwellings how many have come to the Council and how many have been dealt with by the officers in the past 18 months?

Response:

In the period from 01/09/2018 to 31/03/2020 there were a total of 50 applications for residential dwellings delegated to the Council. 44 applications were approved, these applications amounted to 347 new dwellings.

In the same period there were 136 approved officer delegated applications, these applications amounted to 167 new dwellings.

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 October 2020
File Reference: F20/30674; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

SECTION 56 LAND USE PLANNING APPROVALS ACT 1993 - MINOR AMENDMENTS

Meeting: City Planning Committee

Meeting date: 14 September
2020

Raised by: Deputy Lord Mayor Burnet

Question:

Can the Director advise how many applications under Section 56 of the *Land Use Planning and Approvals Act 1993* for minor amendments have occurred in decisions made by the Council in the past 12 months?

Response:

In the past 12 months there have been 31 approvals under Section 56 of the *Land Use Planning Approval Act 1993* for a minor amendment which the original planning permit was issued by Council delegation.

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 October 2020
File Reference: F20/100950; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

BUILDING HEIGHTS - PLANNING RECOMMENDATIONS

Meeting: City Planning Committee

Meeting date: 14 September
2020

Raised by: Deputy Lord Mayor Burnet

Question:

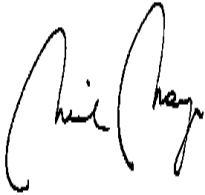
The decision of the Council on Monday 7 September 2020 for approval of 5-7 Sandy Bay Rd was made in part according to a discretion relating to height. The applicant's information was referenced in the report to Committee Item 7.1.1 of City Planning Committee meeting 31 August 2020, which referred to the height of a building of 19 metres at 9 Sandy Bay Rd. As yet, whilst the most recent application for 9 Sandy Bay Rd was approved, it has not been built. Could the Director advise as to how many times in the past 3 years has the height of an unconstructed building has been considered relevant in a planning recommendation?

Response:

Reference to unconstructed buildings are made from time to time more by way of background. They are also presented from time to time within the Council's K2VI digital model of the city and a recent example of that was the approved proposal at 125 Bathurst Street when the proposal for multiple dwellings at 90 Melville Street was being considered.

In the case of the proposal for 5-7 Sandy Bay Road determined at the City Planning Committee meeting of 31st August 2020 it is noted that the officer's assessment of the proposal was careful to recognise the current height of the building at 9 Sandy Bay Road as two to three storey. Notwithstanding the applicants submission the assessment was correctly determined against the current building form on adjacent sites including 9 Sandy Bay Road not what had been approved by the Council and not yet constructed.

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

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

Neil Noye
DIRECTOR CITY PLANNING

Date: 13 October 2020
File Reference: F20/100971; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

BUILDING PERMITS - POLICY

Meeting: City Planning Committee

Meeting date: 28 September
2020

Raised by: Alderman Briscoe

Question:

Can the Director advise if there is any internal policy or efficiency measure to limit the amount of time it takes to receive a building permit?

Response:

Numerous business system improvement measures have been introduced over several years to reduce building approval timeframes including paperless applications and internal referral systems. A new business system is currently being introduced to manage all development applications and we are taking the opportunity to identify and implement additional efficiencies where ever possible. However the timeframe for the determination of an application for a building permit is governed by the Building Act 2016.

The Director's Specified List specifies a timeframe of 7 days for a permit to refuse or grant a building permit. However, the Permit Authority, when granting a building permit has to be satisfied as the following matters:

- (a) the suitability of the premises where proposed permit building work is to be performed;
- (b) whether the premises are in, or are, a hazardous area, including the stability of the site;
- (c) whether, in the opinion of the permit authority, all appropriate protection work has been performed in respect of the work;
- (d) the means of access to the premises, during and after the work, and the provision of water and sanitation to those premises;

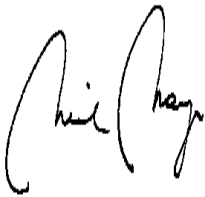
- (e) any relevant requirements of this Act or of a permit, consent or authority in force under any other Act in respect of those premises;
- (f) any other matter that the Director of Building Control determines to be relevant to an application under this Subdivision;
- (g) any other matter that the permit authority considers relevant.

If the Permit Authority cannot be satisfied as to the above matters it is bound to refuse the application.

While officers undertake the assessment as quickly as possible with available resources consideration of the above matters cannot always be completed in 7 days. In a large number of applications, the information submitted is deficient and does not allow the Permit Authority to complete its assessment. Rather than refuse an application where the documentation submitted is not sufficient as to be satisfied as to these matters, the Permit Authority requests further information until it is satisfied the building works will comply. While this may lead to delays in granting the permit, it is considered a better outcome for an applicant rather than the application being refused for lack of sufficiency of information.

If an applicant is not satisfied with the timeframe for a decision by the Permit Authority, the Building Act 2016 provides a right of appeal to the Resource Management and Planning Appeal Tribunal against the refusal, or failure, to grant an application for the permit in accordance with the Act. We have had no such appeal against the failure to determine a building application in the last 10 years.

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 October 2020
File Reference: F20/109745

10. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the General Manager or the General Manager's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, General Manager or General Manager's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
 - (ii) a written response will be provided to all Elected Members, at the appropriate time.
 - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

11. CLOSED PORTION OF THE MEETING

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