



CITY OF HOBART

# **AGENDA**

## **City Planning Committee Meeting**

### **Open Portion**

**Monday, 15 March 2021**

**at 5:00 pm**

**Council Chamber, Town Hall**

## THE MISSION

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

## THE VALUES

**The Council is:**

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



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## **ORDER OF BUSINESS**

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

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- 2. CONFIRMATION OF MINUTES..... 5**
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**City Planning Committee Meeting (Open Portion) held Monday, 15 March 2021 at 5:00 pm in the Council Chamber, Town Hall.**

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

**COMMITTEE MEMBERS**

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

**Apologies:**

**Leave of Absence:** Nil.

**NON-MEMBERS**

Lord Mayor Reynolds  
Zucco  
Sexton  
Thomas  
Ewin  
Sherlock

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

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**2. CONFIRMATION OF MINUTES**

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The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 1 March 2021](#) and the Special City Planning Committee meeting held on [Tuesday, 9 March 2021](#), are submitted for confirming as an accurate record.

**3. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

**Recommendation**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **RECOMMENDATION**

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

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

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

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

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

## 7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

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### 7.1.1 51/1 COLLINS STREET, HOBART AND COMMON LAND OF PARENT TITLE - CHANGE OF USE TO VISITOR ACCOMMODATION PLN-21-63 - FILE REF: F21/20621

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Address:	51/1 Collins Street, Hobart and Common Land of Parent Title
Proposal:	Change of Use to Visitor Accommodation
Expiry Date:	26 March 2021
Extension of Time:	Not applicable
Author:	Michael McClenahan

#### **RECOMMENDATION**

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for change of use to visitor accommodation at 51/1 Collins Street, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

#### **GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-63 - 51/1 COLLINS STREET HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

#### **PLN 18**

**Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the Council's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts**

**upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:**

- 1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
- 2. To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
- 3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
- 4. To specify the maximum permitted occupancy of the visitor accommodation.**
- 5. To provide a contact number in the case of issues that require resolution.**

**Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. In the event that the property is sold, the management plan must be updated within 14 days of the transfer of ownership.**

Reason for condition

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

## **ADVICE**

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

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

## **BUILDING PERMIT**

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

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

### VISITOR ACCOMMODATION

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


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


If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2715.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the Food Act 2003. Click [here](#) for more information, or call our Environmental Health team on 6238 2715.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable “bed and breakfast” parking permit.

Attachment A: PLN-21-63 - 51/1 COLLINS STREET HOBART  
TAS 7000 - Planning Committee or Delegated  
Report ↓ 

Attachment B: PLN-21-63 - 51/1 COLLINS STREET HOBART  
TAS 7000 -CPC Agenda Documents ↓ 



**APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997**

Type of Report: Committee  
Council: 26 March 2021  
Expiry Date: 26 March 2021  
Application No: PLN-21-63  
Address: 51 / 1 COLLINS STREET , HOBART  
COMMON LAND OF PARENT TITLE  
Applicant: SIMON ROBUSTELLI  
70 LIPSCOMBE AVENUE  
Proposal: Change of Use to Visitor Accommodation  
Representations: Ten  
Performance criteria: Planning Directive No.6 - Exemption and Standards for Visitor  
Accommodation in Planning Schemes - Clause 3.3 (e)

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**1. Executive Summary**

- 1.1 Planning approval is sought for a Change of Use to Visitor Accommodation, at 51/1 Collins Street, Hobart.
- 1.2 More specifically the proposal includes the complete change of use of the unit from long term residential to short term visitor accommodation.
- 1.3 The proposal relies on performance criteria to satisfy the following:
  - 1.3.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes Clause 3.3 (e).
- 1.4 Ten (10) representations objecting to the proposal were received within the statutory advertising period between 15/02/21 - 01/03/21.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council because more than six (6) objections were received within the statutory advertising period.

**2. Site Detail**

- 2.1 The application site is one of 65 lots on the strata title for 1 Collins Street, Hobart, on the corner of Collins Street and Brooker Avenue. Of these lots there are five visitor accommodation lots, and the remainder are residential. The subject dwelling has 2-3 bedrooms (two bedrooms and a study), an open kitchen dining living area, and a balcony for private open space. Access to the dwelling is via a common lobby and corridor area, with car parking provided in a shared, secure parking area at ground level.
- 2.2 A visit to the site was undertaken, however, due to security doors, this was only in the form of a walk around the perimeter of the complex, not an internal inspection of the dwelling and shared spaces.



**Figure 1:** Aerial image of the subject site (highlighted in yellow) and surrounding area.



**Figure 2:** Detail image of specific strata lot of unit that is the subject of this application (bordered in blue). The large parcel is located on the fifth floor of the main building with the smaller parcel to the lower left representing the designated parking space.

### 3. Proposal

- 3.1 Planning approval is sought for a Change of Use to Visitor Accommodation, at 51/1 Collins Street, Hobart.
- 3.2 More specifically the proposal is for the complete change of the use of Unit 51, 1 Collins Street from a long term accommodation multiple dwelling to a short term visitor accommodation unit. No development is proposed as part of this change of use application.

### 4. Background

- 4.1 Council has issued planning permits for Visitor Accommodation Use to operate within several other apartments on the property.

- 4.2 Three of these apartments are those at 8, 9, and 29 /1 Collins Street (PLN-17-541, PLN-17-963, and PLN-18-250 respectively). All of these approvals were permitted and issued in accordance with section 58 of the *Land Use Planning and Approvals Act 1993* when the previous *Interim Planning Directive No. 2* *Exemption and Standards for Visitor Accommodation in Planning Schemes* was in effect.
- 4.3 Council has also issued two approvals for visitor accommodation to operate from 37 and 53 / 1 Collins Street (PLN-19-30 and PLN-20-762). These approvals were discretionary and issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993* under the current *Planning Directive 6 Exemption and Standards for Visitor Accommodation in Planning Schemes*.
- 4.4 A further application to change the use of 35/1 Collins Street (PLN-18-513) remains on hold with Council subject to the provision of additional information from the applicant.

## 5. Concerns raised by representors

- 5.1 Ten (10) representations objecting to the proposal were received within the statutory advertising period between 15/02/21 - 01/03/21.
- 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.

Noise:
Representors felt that short term accommodation guests can lead to problems such as noise and late night parties at a much greater frequency than a normal residential tenancy. The representors felt that the change of use would have a detrimental impact on the amenity they currently enjoy.
Security:
Representors raised concern that the flow of unknown visitor accommodation guests contributed towards a feeling of insecurity in the complex. One representor also noted that even those long-term residents living on the wing blocks (Units 1-19) do not have access to the tower block.

Representors raised concerns for the security access for guests and that there would be limited opportunity to monitor or restrict the flow of people entering or leaving.
<b>Residential Character:</b>
Several representations raised concern that the continuing trend of visitor accommodation use supplanting long term residential use will have negative impacts on the quiet and respectful residential character of the complex. This contrasts with the family and group occupancy of group stays which apartments of 2 or 3 bedrooms would target on the short stay market.
Representors felt the complex was not designed for short term stay and visitor accommodation use and the increasing numbers of units being approved is exacerbating the negative impacts of the use.
One representation noted Wapping was envisaged as a residential area and such changes of use are changing the village feel.
<b>Housing Availability:</b>
One representor felt the location is ideally suited for long term residents, particularly those who have jobs at nearby hospitals and arts precincts.
Representors cited the ongoing Hobart housing crisis and that the community is best served by increasing the number of residential opportunities.
<b>Visitor Accommodation Alternatives:</b>
Several representors felt that the surrounding area provided sufficient visitor accommodation options, particularly with new hotels opening, and that these would be more suitable for visitors to stay in.
<b>Body Corporate:</b>
Representors were concerned that visitor accommodation guests will lead to increased costs for owners due to extra cleaning in the common areas and repairing damage to the building, security gates and lifts. Representors that visitors who have no vested interest in the building will have no interest in keeping the complex safe and pleasant for all.

Representors felt there would be increased use of common facilities (pool, gymnasium, and barbeque area) by visitors, ignoring By-laws prohibiting use by short-term visitors, to the detriment of long-term residents.
One representor raised concern that increased visitor accommodation use in the complex would see an increase in strata insurance.
One representor noted inappropriate use of common areas and recalled finding a tent pitched in an upstairs corridor, speculating it was visitor accommodation overflow.
Previous Decisions:
Representors noted that a limit of four approvals existed on the building and this was already too much. Any further approvals were recognised as taking the building over the limit set out in Interim Planning Directive No.6.
One representor felt that the lack of a strong stance by Council over the issue is now threatening the Wapping precinct and expressed concern over the erosion of the area identity as a residential precinct.
Representors felt that the lodgment of objections was not being taken seriously by the Council but wished to make their concerns known.
COVID-19:
One representor raised concern that the constant movement of short-stay visitors may not adhere to government policy and rules in regards to combating the COVID virus.

## 6. Assessment

- 6.1 The *Sullivans Cove Planning Scheme 1997* is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located in the Inner City Residential (Wapping) Activity Area of the



*Sullivans Cove Planning Scheme 1997.*

- 6.3 The existing use is Residential (Multiple Dwelling) The proposed use is Visitor Accommodation. The existing use is a permitted use in the Activity Area. The proposed use is a discretionary use in the Activity Area.
- 6.4 The proposal has been assessed against:
- 6.4.1 Planning Directive No.6 - Exemption and Standards for Visitor Accommodation in Planning Schemes
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Planning Directive No.6 - Exemption and Standards for Visitor Accommodation in Planning Schemes - Clause 3.3 (e)
- 6.6 Each performance criterion is assessed below.
- 6.7 Planning Directive No. 6 ("PD6") Exemption and Standards for Visitor Accommodation in Planning Schemes Clause 3.3 (e)
- 6.7.1 The permitted standard at clause 3.3(d) allows a total of 200sqm of visitor accommodation use per parent strata lot.
- 6.7.2 The proposal includes the change of use of a 160sqm unit in Activity Area 1 of the *Sullivans Cove Planning Scheme 1997* from Residential to Visitor Accommodation. There are already other units operating as visitor accommodation use, the floor area in use for visitor accommodation exceeds 200sqm.
- 6.7.3 The proposal does not comply with the permitted standard; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause 3.3(e) provides as follows:

*Unless 3.3(a) applies, Bed and Breakfast Establishment and Visitor Accommodation that does not comply with the provisions in 3.3(d) is 'Discretionary' in Activity Area 1.0 Inner City Residential (Wapping) subject to the following conditions:*

*Bed and Breakfast Establishment and Visitor Accommodation must:*

*(i) not cause an unreasonable loss of privacy to adjoining properties;*

*(ii) not likely to cause an unreasonable increase in noise;*

*(iii) be of a scale that respects the character and use of the area;*

*(iv) not adversely impact the safety and efficiency of the local road network;*

*(v) not unreasonably disadvantage owners and users of rights of way;*

*(vi) not be located on the same site as a dwelling providing long-term residential accommodation, unless:*

*a. it has a separate ground level pedestrian access to a road; or*

*b. there is an existing mix of uses on the site;*

*and the impact on the amenity of the long term residents within the site is not unreasonable.*

- 6.7.5 Clause 3.3(a) of PD6 does not apply as the dwelling in question is not used by the owner as their main place of residence. The proposal does not comply with clause 3.3(d) as the proposal would result in there being a floor area used for visitor accommodation greater than 200m<sup>2</sup> on the lot. Therefore, the proposed visitor accommodation is discretionary and requires justification against the above conditions.

**Privacy - clause 3.3(e)(i)**

- 6.7.6 The proposed visitor accommodation would be contained within an existing apartment. No additional features that may affect privacy such as windows or elevated decks are proposed. Therefore, the proposal is considered unlikely to cause a loss of privacy. It is noted that the proposal may have an impact upon areas on the site such as lifts, corridors, and entry spaces. However, these spaces are already shared spaces that are not considered to provide privacy.

**Noise - clause 3.3(e)(ii)**

- 6.7.7 While some guests may generate additional noise, the proposed use is considered to be fundamentally similar to a permanent residential use of a unit of the same size. The number of occupants would be no greater in the



unit and the use of the space for cooking, sleeping, relaxation and occasional social activities would be also similar to that found in a permanent residential use. On the assumption that the unit would operate in a similar nature under these different uses, the likelihood of events leading to an unreasonable increase in noise (loud sustained music, large parties, unruly and anti-social guests) would be no greater than if the unit were to remain occupied by a long-term resident.

A requirement of a Visitor Management Plan is recommended, requiring a maximum occupancy, as well as limiting, management and mitigation of noise generated in the unit. Whilst the actions of individuals or groups using the short term stay service to rent the subject site for a Visitor Accommodation Use cannot be predicted or guaranteed, it is expected that the Visitor Management Plan would reduce the likelihood of guests causing an unreasonable increase in noise. It is important that the expectations and requirements of this plan are made clear to any guests with regard to noise generation. It is also considered appropriate to require that the management plan provide contact details for residents should there be any issues arising from Visitor Accommodation guests. It is assessed therefore, that it is unlikely that the occupation of this unit for a Visitor Accommodation use would see an unreasonable increase in noise.

**Scale - clause 3.3(e)(iii)**

- 6.7.8 The question that was raised by representors, and which is also apparent for planning assessment against subclause (iii), is: what number can be classified as a threshold amount of Visitor Accommodation units on the site that would represent being of a scale that does not respect the character and use of the area?
- 6.7.9 The Wapping area has been specified under the *Sullivans Cove Planning Scheme 1997* as an Activity Area with unique characteristics in the inner city area of Hobart. Under clause 15.2, the objectives of the Activity Area make clear that the area is to "*provide for the development of an inner city residential neighbourhood*" and "*to ensure that residential development is the primary focus throughout the Activity Area*" whilst also allowing "*non-residential uses to be developed on a flexible performance approach based on the amenity and characteristics of specific sites.*"

In the context of the subject site, the "*specific site*", the apartment complex at 1 Collins Street was approved by Council in 2003 as "development and

use of the land for the purpose of Demolition, Residential Accommodation and Retail/Commercial." The amenity and characteristics of the site could therefore be understood to reflect the design, operation, and expected enjoyment of the development. The apartment complex presents as a standard multi-residential design with large self-contained dwellings, and no on-site concierge or management who control access or can address resident complaints or issues. The majority of these dwellings are in the multi-storey tower with the remaining dwellings on separate wings and which are a townhouse-style with individual street access.

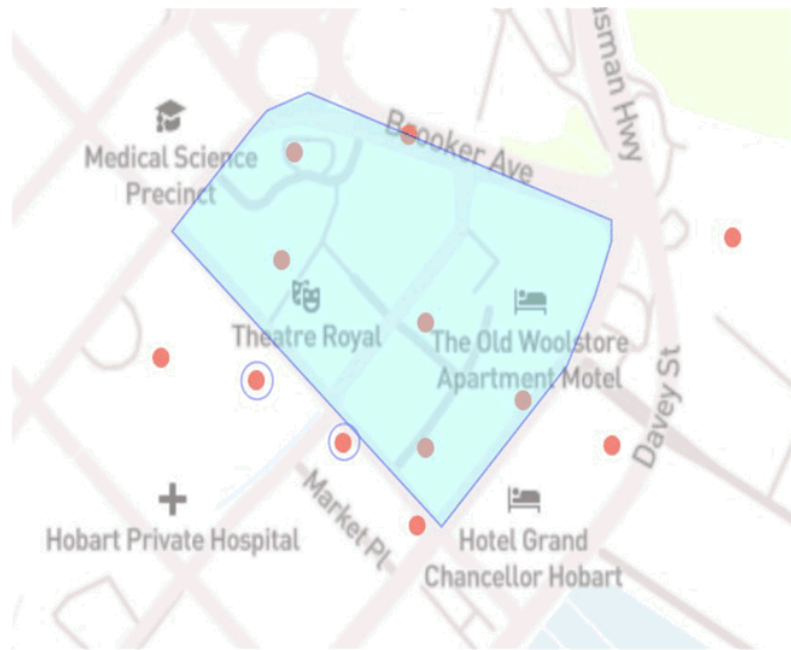
Subsequent to construction there has been no major change of use to the site which has continued to exist for Residential uses, specifically long term tenants. As raised by several representors, the expectation is a standard of reasonable residential amenity that could be found in any Residential use, whether single or multiple dwelling and that these remain of particular uniqueness to the Wapping Activity Area. This sets out the existing character and use of the area that any approval of a non-residential use, specifically Visitor Accommodation, would need to respect. A concern raised by representors is that an increased in Visitor Accommodation would represent a continued erosion of these elements outlined under clause 15.2 to the detriment of the Activity Area.

There are 64 residential lots recorded on the strata title for the site and as discussed in Section 4 of this report, there have also been a total of five Visitor Accommodation units approved on the site. If this application was to be approved, the total number of approved Visitor Accommodation units on the site would be six, and would see the use class make up just over 9% of the total units on the site. The site contains three separate buildings, two wings and one tower. The unit in question is located on the fourth floor of the tower that presently contains 45 units, three of which are visitor accommodation approvals. Visitor Accommodation uses therefore make up 7% of units in the building, with an approval of an additional unit increasing this to 9%.

- 6.7.10 Looking at the scale of Visitor Accommodation use beyond the specific address of 1 Collins Street, several representations also cited the importance of the area as being of residential character and that the continued supplanting of long-term residential use for short-stay guests would be to the detriment of the unique feel and characteristics that the Wapping area possesses. The determination of appropriate scale can be measured not only in the number of previous approvals in the Activity Area, but also the intensity in which they are used. There are already established Visitor Accommodation uses already operating in the Activity

Area, both in the form traditional dedicated accommodation, The Old Woolstore Apartment Hotel, as well as a number of short-term stay uses in residential complexes on Campbell Street, Collins Street, Sackville Street, and Sun Street. A comprehensive study of whether these uses have operated to the detriment of the amenity and characteristics of specific sites within the Activity Area has not been undertaken for the purposes of this assessment.

- 6.7.11 A speculative argument is that the five previously approved units on the site, or even every approved visitor accommodation unit in the activity area, could be operating with booked guests every night and all year long, and that on this basis, the addition of an additional unit may operate with the same success. In this scenario the proposal would arguably demonstrate an operation that would be of a scale that does not respect the character of the area. However, a more reasonable assumption would be that this scenario is exaggerated, although no official data is available to support the number of visitor nights. Data provided by the website Inside Airbnb ([www.insideairbnb.com](http://www.insideairbnb.com)) indicates that within the Hobart City Council Local Government Area the recently and frequently booked listings have an estimation of 193 occupied nights a year with several identified listings under this category being located in the Wapping Activity Area (Figure 3). On the basis of this information, it would be reasonable to predict that any future listing, like the current proposal, may have a similar level of occupation. In the absence of regulatory power to limit the number of guest nights Council has made efforts to manage the operation of these approved Visitor Accommodation uses through a condition of a management plan. Of the five previous approvals in the 1 Collins Street complex, only two units have had conditions of a management plan, both of which are located in the central tower block. The complaints raised by representors from visitor accommodation guests in the building do not specify whether these are linked to these specific units, although there were specific references to disturbances by potential guests in this building.



**Figure 3:** 'Recent and frequently booked' Airbnb listings in the Wapping Activity Area (highlighted in blue). Please note: confirmed additional listings incorrectly located outside the Activity Area have been circled in blue. *Source: www.insideairbnb.com accessed 03/03/2021.*

- 6.7.12 The continued growth of Visitor Accommodation uses in the Wapping Activity Area has been argued by representors to be unreasonable. The representations uniformly raise concerns about the land use conflict within the 1 Collins Street complex, as well as the wider Activity Area. The concern for the erosion of the residential character by a non-residential use is not an element of the criteria for assessment under clause 3.3(e), rather the requirement is that the scale of the use would respect those character elements.
- 6.7.13 Given that the Scheme anticipates uses in Wapping other than Residential and that there is already existing Visitor Accommodation use in the area (including the Old Woolstore Apartment Hotel and other individual properties), the use of Visitor Accommodation clearly falls within the character and use of the area. The question of scale is difficult to answer conclusively. However, given that the occupancy rate is anticipated to be approximately 50% of the year, and that this unit would bring the total use of Visitor Accommodation to 9% within the site, it is concluded that the scale of the use does respect the character and use of the area.

**Impact on road network - clause 3.3(e)(iv)**

- 6.7.14 The building is existing, along with car parking allocated for the use of the individual residences. As such, there is limited scope for vehicles associated with the proposed visitor accommodation use. Given the vehicles associated with the existing approved residential use of the site, it is considered that there will be little or no impact on the safety and efficiency of the road networks resulting from the proposed change of use.

**Rights of Way - clause 3.3(e)(v)**

- 6.7.15 There are no rights of way relied upon to facilitate access to the site.

**Impact on amenity of long term residents - clause 3.3(e)(vi)**

- 6.7.16 There is an existing mix of uses on the site, earlier approved Visitor Accommodation units alongside existing long term Residential Use, such that separate ground floor access is not required for the unit to facilitate its proposed change of use. One representor raised issue with the appropriate consideration of 'mixed use' under subclause (vi) (b) for Visitor Accommodation if the only other use on the site is earlier approved Visitor Accommodation. PD6 does not define 'mixed use' and there is no reason to depart from the usual interpretation of this phrase, to mean simply more than one use. This is satisfied here, given that there is Residential use and Visitor Accommodation use on the site.
- 6.7.17 The representations assert that the existing Visitor Accommodation use on the site is creating issues for long term resident amenity through noise, disturbance, repairs, and security concerns. While those concerns have not been raised with the Council to date, they have apparently been raised with the Body Corporate. In assessing this requirement, it is relevant that if a permit is granted, this would be the only unit with planning permission to carry out Visitor Accommodation on that floor; the units which already have Visitor Accommodation are on different floors and on the wings. This will minimise the impact to any specific residents. It is considered that a Visitor Management Plan is adequate to manage the risks posed to the amenity of long term residents within the sites, so that any impacts will not be unreasonable.

Correctly following the directions of this plan, it could reasonably be considered the proposed use would be able to operate in a manner respectful of the Amenity Area character and use. In the absence of other

regulatory options for management of the use, the recommendation will be that a condition for a visitor management plan to a similar standard with the previous approvals under PLN-19-30 and PLN-20-762 be included in the permit of approval. This will seek to guarantee that the operation and scale of the use is appropriately managed to the satisfaction of Council, long term residents, as well as ensuring the character and use of the Amenity Area is respected.

6.7.18 The proposal complies with the performance criterion.

## **7. Discussion**

7.1 Planning approval is sought for a Change of Use to Visitor Accommodation, at 51/1 Collins Street, Hobart.

7.2 The application was advertised and received ten (10) representations. The representations raised a number of concerns including noise, security, residential character, visitor accommodation alternatives, housing availability, body corporate management, COVID-19, and previous decisions made by Council. The concerns of the representors are acknowledged, and where they relate to the discretion invoked, they have been dealt with comprehensively in section 6 of this report.

Fundamentally, it is a difficult question to resolve the question: at what point does approving Visitor Accommodation units in this apartment complex become of such a scale that it is out of character with the area. It is noted that even if this application is approved, still less than 10% of all apartments in this complex are approved to operate as visitor accommodation. Concerns regarding amenity impacts and behavioural issues of potential guests in the Visitor Accommodation unit are also acknowledged. Again this is a difficult issue to resolve. However it is considered that so long as the requirements of the proposed management plan are adhered to, then it seems reasonable to assume that guests of the visitor accommodation unit would not have an unacceptable impact on the amenity of long term residents.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well, with safeguarding conditions.

7.4 The proposal is recommended for approval.

## **8. Conclusion**

- 8.1 The proposed change of use to Visitor Accommodation at 51/1 Collins Street, Hobart satisfies the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for approval.

**9. Recommendations**

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for change of use to Visitor Accommodation at 51/1 Collins Street, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-63 - 51 1 COLLINS STREET HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**PLN 18**

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

1. **To limit, manage, and mitigate noise generated as a result of the visitor accommodation.**
2. **To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation.**
3. **To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.**
4. **To specify the maximum permitted occupancy of the visitor accommodation.**
5. **To provide a contact number in the case of issues that require resolution.**

**Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. In the event that the property is sold, the management plan must be updated within 14 days of the transfer of**



**ownership.**

## Reason for condition

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

**ADVICE**

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

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

**BUILDING PERMIT**

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

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

**VISITOR ACCOMMODATION**

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

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

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2715.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the Food Act 2003. Click [here](#) for more

information, or call our Environmental Health team on 6238 2715.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable "bed and breakfast" parking permit.



(Michael McClenahan)  
**Assistant Planner**

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



(Ben Ikin)  
**Senior Statutory Planner**

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

Date of Report: 9 March 2021

**Attachment(s):**

Attachment B - CPC Agenda Documents

Planning: #224136

**Property**

51/1 COLLINS STREET HOBART TAS 7000

**People**

Applicant

\*

SIMON ROBUSTELLI  
0407 096 167  
simonrobustelli@gmail.com

Owner

\*

SIMON ROBUSTELLI  
0407 096 167  
simonrobustelli@gmail.com

Entered By

SIMON ROBUSTELLI  
0407 096 167  
simonrobustelli@gmail.com**Use**

Visitor accomodation

**Details**

Have you obtained pre application advice?

•

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

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

\*

• ☐ Yes

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

\*

• ☐ No

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

**Details**

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

\*

Residential/ long term accommodation

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

\*

Short Term accommodation

Estimated cost of development

\*

25000.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

**Carparking on Site**

N/A

Total parking spaces

Existing parking spaces

☐ Other (no selection  
chosen)
**Other Details**

Does the application include signage?

\*

☐ No

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

\*

0

**Tasmania Heritage Register**

Is this property on the Tasmanian Heritage Register?

•

**Documents****Required Documents**

Title (Folio text and Plan and Schedule of Easements)

\*

Title.pdf

Plans (proposed, existing)

\*

Plan.pdf

51 1 Collins Street - Additional Attachment

51 1 Collins Street - Additional Attachment.pdf

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 143029	FOLIO 51
EDITION 4	DATE OF ISSUE 26-May-2010

SEARCH DATE : 15-Dec-2020

SEARCH TIME : 10.39 AM

DESCRIPTION OF LAND

City of HOBART

Lot 51 on Strata Plan 143029 and a general unit entitlement  
operating for all purposes of the Strata Scheme being a 499  
undivided 1/37910 interest

Derived from Strata Plan 143029

Derivation : For grantees see Sealed Plan No. 142611

SCHEDULE 1

M150297 TRANSFER to NEDA MIRKAZEMI Registered 30-Oct-2007  
at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 143029 folio 0

SP 142611 EASEMENTS in Schedule of Easements

SP 142611 COVENANTS in Schedule of Easements

A164683 FENCING CONDITION in Transfer

C579899 FENCING CONDITION in Transfer

C816791 MORTGAGE to Australia and New Zealand Banking Group  
Limited Registered 30-Oct-2007 at 12.02 PM

C969876 MORTGAGE to Australia and New Zealand Banking Group  
Limited Registered 26-May-2010 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME 143029	FOLIO 0
EDITION 3	DATE OF ISSUE 29-Aug-2005

SEARCH DATE : 15-Dec-2020

SEARCH TIME : 10.39 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 143029

Derivation : For grantees see Sealed Plan No. 142611

Prior CT 142611/1

SCHEDULE 1

STRATA CORPORATION NUMBER 143029, ONE COLLINS

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 143029 FIRST BY-LAWS lodged with the strata plan  
 SP 142611 EASEMENTS in Schedule of Easements  
 SP 142611 COVENANTS in Schedule of Easements  
 A164683 FENCING CONDITION in Transfer  
 C579899 FENCING CONDITION in Transfer  
 C606279 DECLARATION pursuant to Section 75CA of the  
 Conveyancing and Law of Property Act 1884 Registered  
 04-Jan-2005 at noon  
 C559634 APPLICATION by body corporate to amend strata plan  
 Registered 01-Mar-2005 at noon  
 C617228 DECLARATION pursuant to Section 75CA of the  
 Conveyancing and Law of Property Act 1884 Registered  
 01-Mar-2005 at noon  
 C628834 BURDENING EASEMENT: Pipeline Easement for the Hobart  
 City Council over the Pipeline Easement shown on  
 Strata Plan No.143029 Registered 29-Aug-2005 at noon  
 C866786 APPLICATION by owners to amend strata plan 143029 by  
 deleting area of Lot 100 and increasing area of Lot  
 23 Registered 06-Aug-2009 at 12.01 PM  
 C947677 APPLICATION by owners to amend strata plan 143029 by  
 amending Lots 31 & 33 by exchanging car parks  
 Registered 09-Jun-2010 at noon  
 C987724 APPLICATION for registration of change of by-laws  
 Registered 01-Nov-2010 at noon  
 C949798 APPLICATION by owners to amend strata plan 143029 by  
 decreasing area of Lot 100 & increasing areas of Lots

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

39 & 58 Registered 25-May-2011 at noon  
D110502 ORDER FOR RELIEF by the Recorder of Titles  
Registered 10-Jan-2014 at noon  
D160965 APPLICATION for registration of change of by-laws  
Registered 14-Apr-2015 at noon  
M526718 APPLICATION by owners to amend strata plan 143029 by  
transferring car park space from Lot 23 to Lot 25  
Registered 01-Dec-2015 at noon  
E81379 ORDER of the Recorder of Titles under Part 9 Strata  
Titles Act 1998 Registered 12-Apr-2017 at noon  
C628684 APPLICATION to amend strata by adding new lots 20 to  
59 Registered 29-Aug-2005 at noon  
C630415 APPLICATION by lot owners to amend strata plan by  
amending Lot 100 and adding Lots 68, 71 & 6970  
Registered 13-Jan-2006 at noon  
C728338 APPLICATION by body corporate to amend strata plan by  
amending Lot 100, adding Lots 72 & 73 and increasing  
common property Registered 06-Mar-2007 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

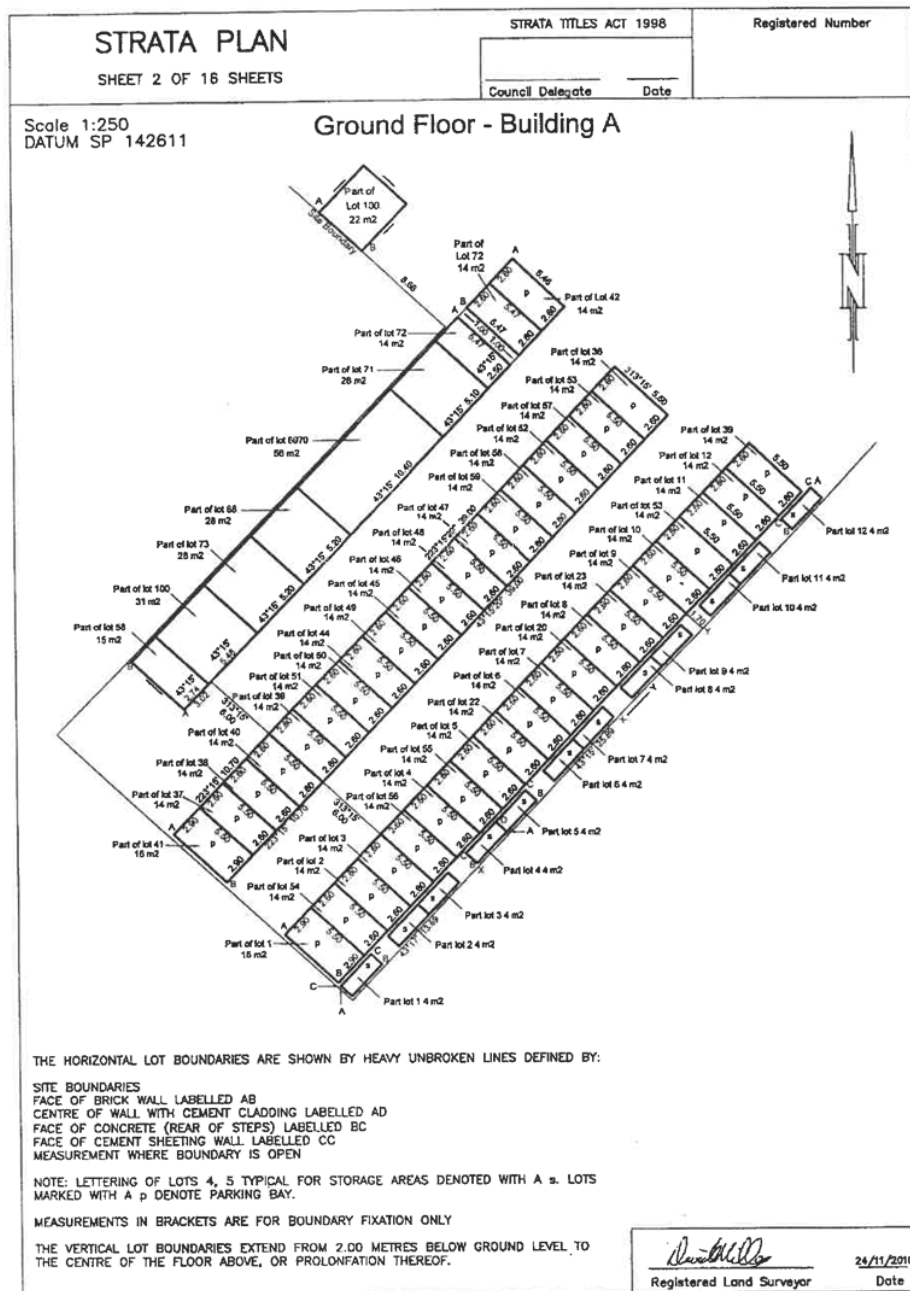




## PLAN-RELATED DOCUMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





# FOLIO PLAN

## RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



CITY/TOWN HOBART SUBURB/LOCALITY HOBART FOLIO REFERENCE C.T.142611/1 SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. S.P.142611		STRATA PLAN NEW SHEET 1 OF 16		Registered Number <b>143029</b>
NAME OF STRATA SCHEME ONECOLLINS		STRATA TITLES ACT 1998 REGISTERED 4 JAN 2005 <i>Alie Kawa</i> Recorder of Titles.		
MAPSHEET MUNICIPAL CODE No. 114 (5225-42)	LAST UP1 No.	SCALE 1: 500	LENGTHS IN METRES	

SITE PLAN

NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1.  
(ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1.

STAGED/COMMUNITY DEVELOPMENT. SCHEME No. (IF APPLICABLE)	<i>Wong</i> Council Delegate	19/8/2005 Date	<i>Alie Kawa</i> Registered Land Surveyor	04/08/05 Date
---	---------------------------------	-------------------	--	------------------

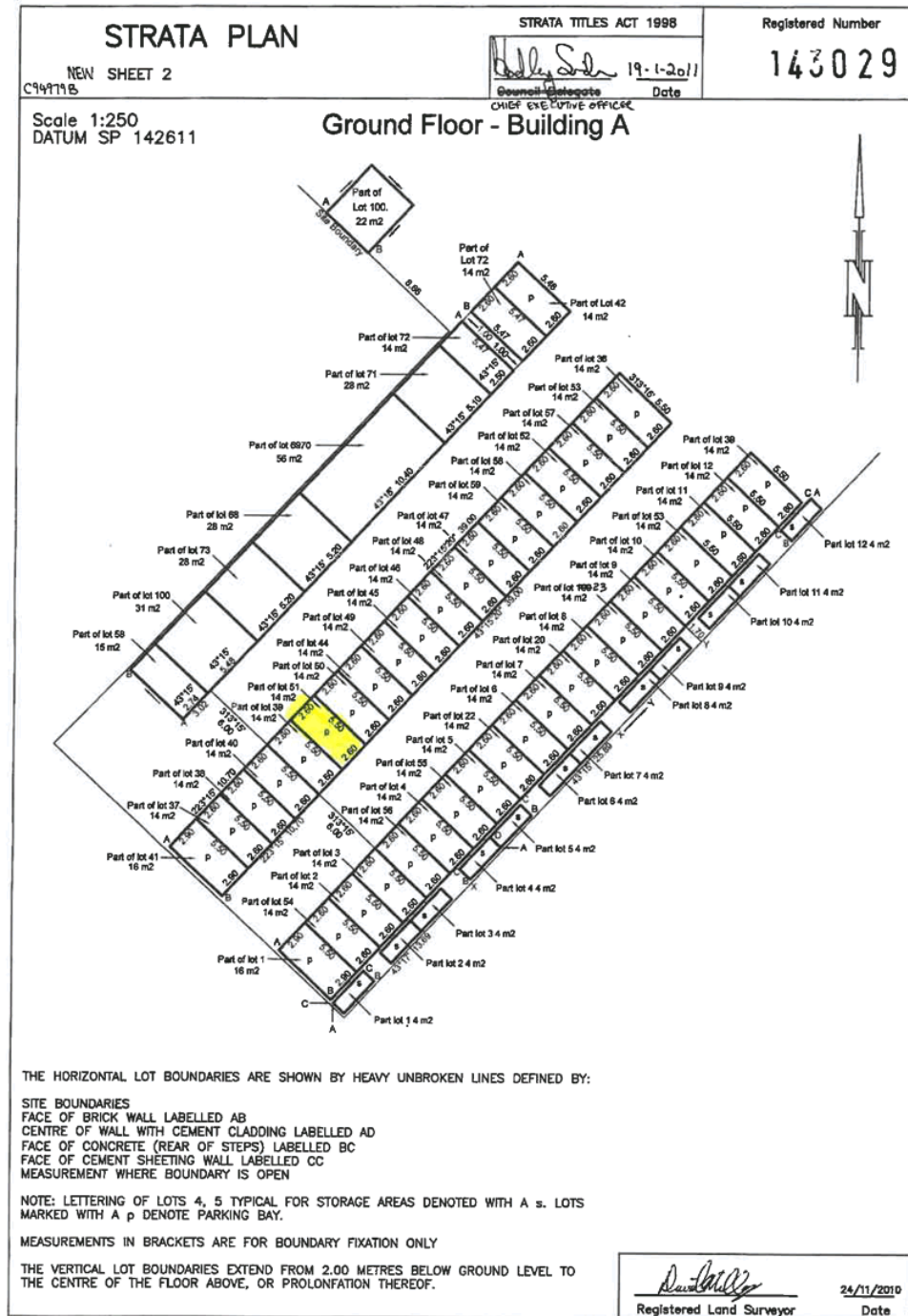
LODGED BY : Wong, McDermott & White



# FOLIO PLAN

## RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

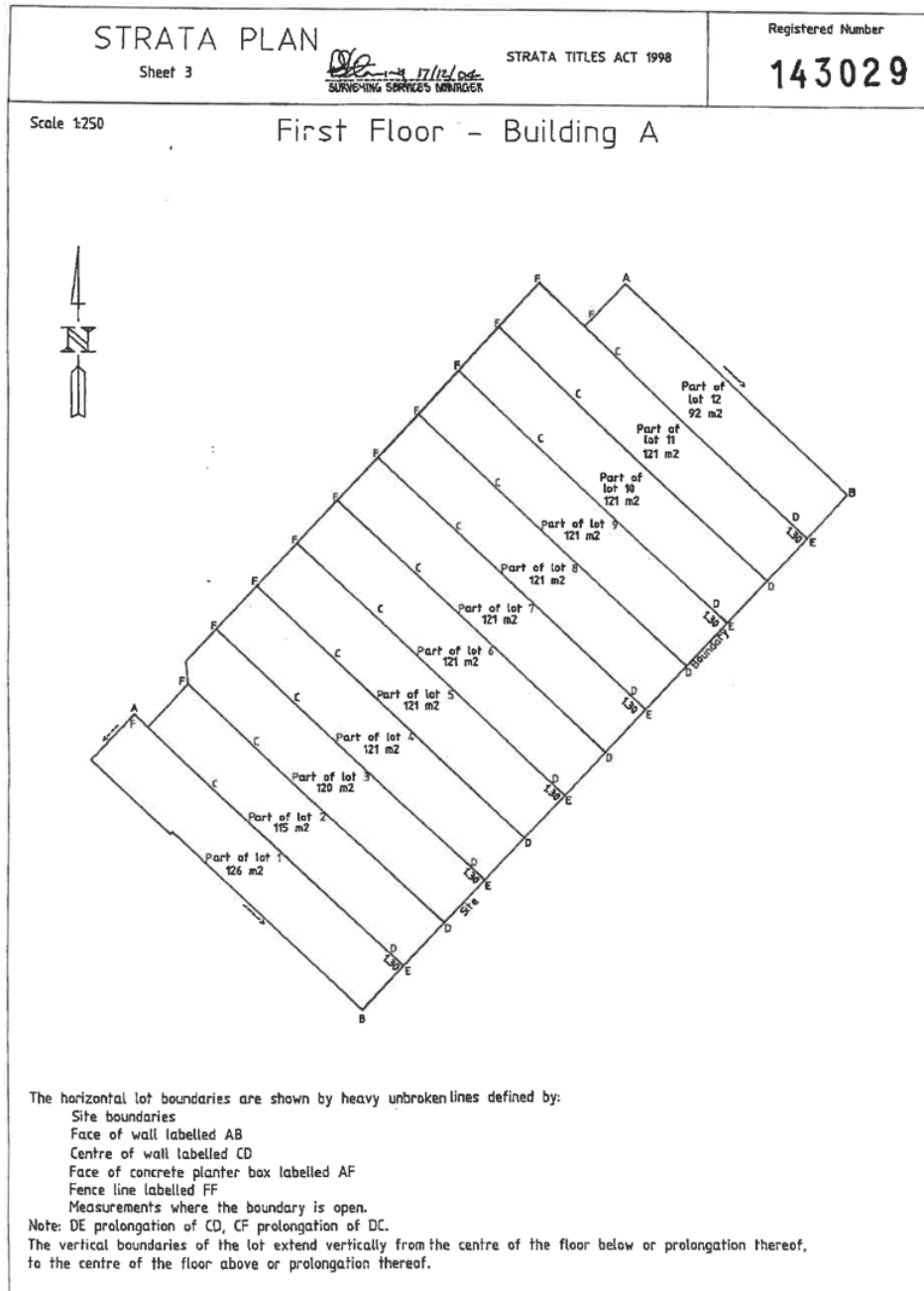




## FOLIO PLAN

RECORDER OF TITLES

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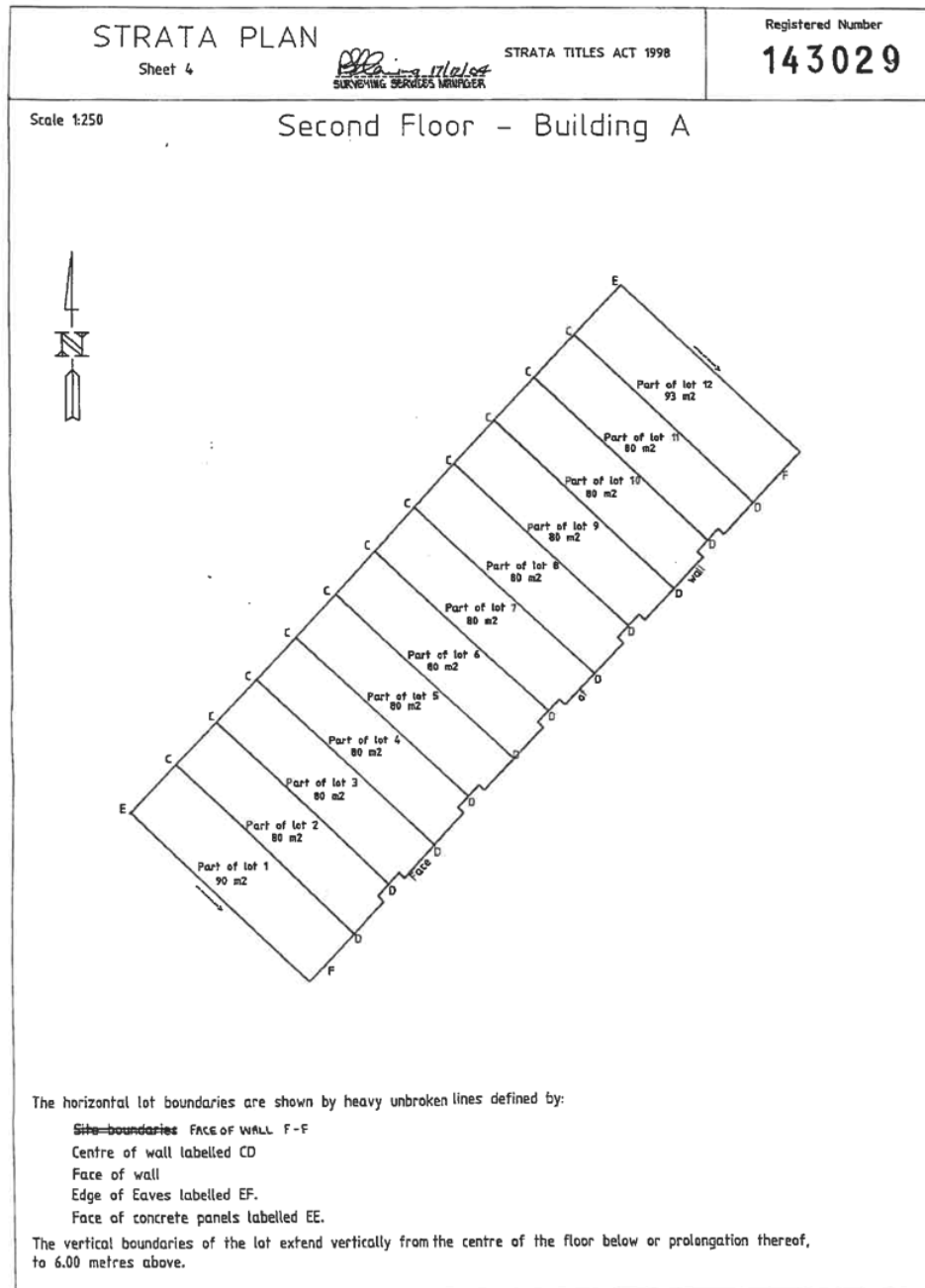




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





# FOLIO PLAN

## RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



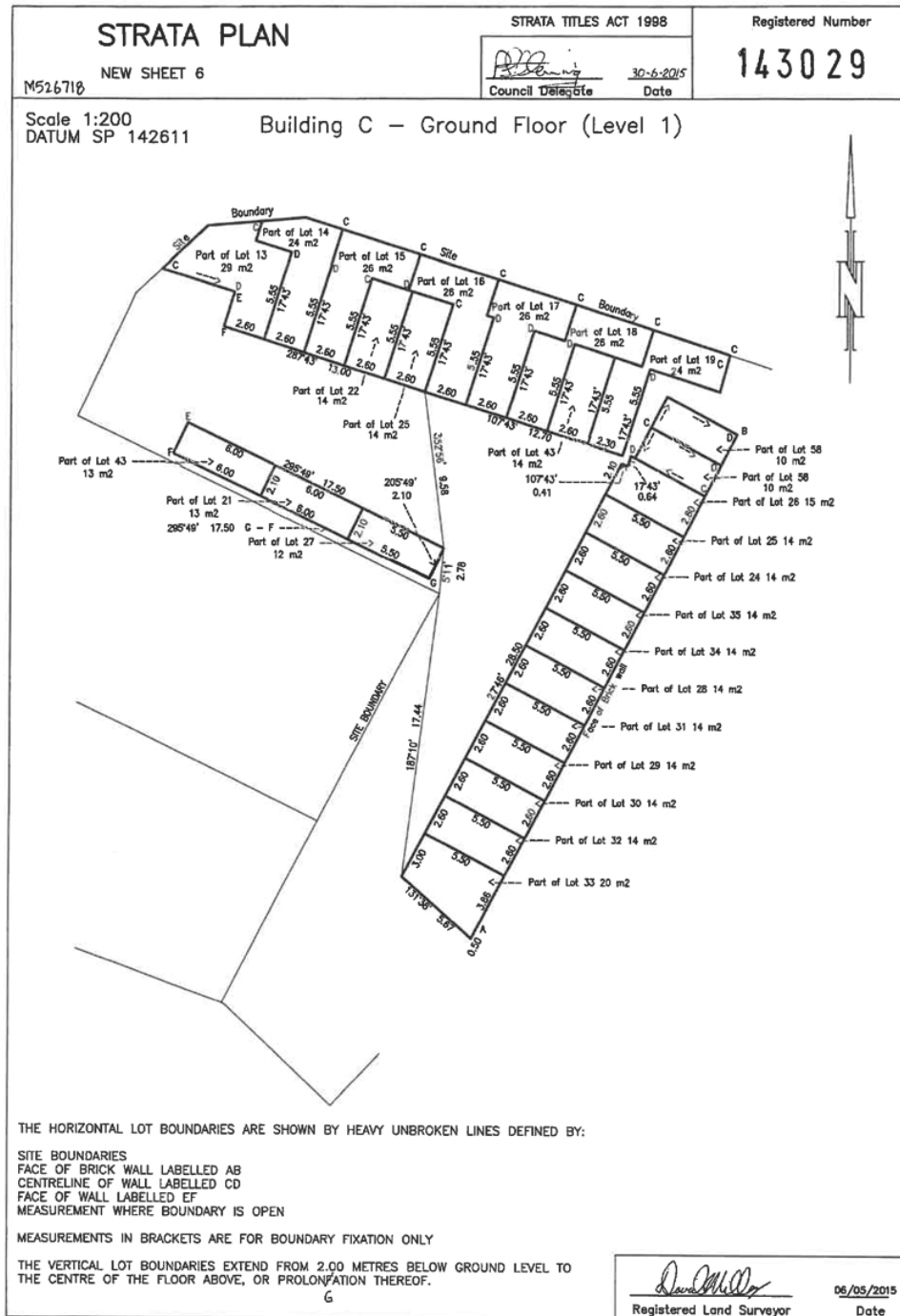
<b>STRATA PLAN</b> NEW SHEET 5 C72.633B		STRATA TITLES ACT 1998	Registered Number <b>143029</b>				
NAME OF BODY CORPORATE: ONECOLLINS, STRATA CORPORATION No. 143029 ADDRESS FOR THE SERVICE OF NOTICES: * The Body Corporate SP 143029 C/- Tas Strata & Property Group Pty Ltd 85 Main Road MOONAH TAS 7008		* The Body Corporate, Strata Plan No. 143029 C/- Tas Strata & Property Group Pty Ltd Level 2/29 Salamanca Place Battery Point TAS 7004					
<b>SURVEYORS CERTIFICATE</b>  I, <u>Anthony Owen Carrick</u> of <u>Hobart</u> a surveyor registered under the Land Surveyors Act 1989 certify that the building erected on the site and drawn on sheet 1 of this plan is within the external boundaries of the folio stated on sheet 1.	<b>Council Certificate</b>  I certify that the <u>Sullivan Cove Watersport Authority</u> has: (a) approved the lots shown in this plan and (b) issued this certificate of approval in accordance with section 31 of the Strata Titles Act 1998.						
<u>Anthony Owen Carrick</u> Registered Land Surveyor	<u>21/04/06</u> Date	<u>04244</u> Ref No.	<u>[Signature]</u> date <u>21.07.06</u> ref no				
<b>GENERAL UNIT ENTITLEMENTS</b>							
LOT	UNIT ENTITLEMENT	LOT	UNIT ENTITLEMENT	LOT	UNIT ENTITLEMENT	LOT	UNIT ENTITLEMENT
1.	480	18	469	35	379	52	496
2.	479	19	489	36	499	53	579
3	479	20	519	37	495	54	585
4	479	21	499	38	489	55	599
5	450	22	509	39	509	56	589
6	450	23	499	40	529	57	529
7	450	24	509	41	489	58	509
8	450	25	499	42	479	59	535
9	450	26	519	43	519		
10	450	27	395	44	489	68	1450
11	450	28	499	45	509	6970	2845
12	475	29	449	46	529	71	1495
13	389	30	459	47	539	72	1474
14	489	31	489	48	529	73	1598
15	469	32	499	49	519	100	2
16	469	33	509	50	489		
17	469	34	499	51	499		
TOTAL ENTITLEMENTS FOR STRATA PLAN = 37910							



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>STRATA PLAN</b> SHEET 7		STRATA TITLES ACT 1998 <div style="display: flex; justify-content: space-between;"> <div> <i>David Miller</i>            Council Delegate         </div> <div>           8/2/2005            Date         </div> </div>	Registered Number <div style="font-size: 1.5em; font-weight: bold;">143029</div>
<div style="display: flex; justify-content: space-between;"> <span>Scale 1:200</span> <span>Building C - First Floor (Level 2)</span> </div> <div style="text-align: right; margin-top: 20px;"> </div> <div style="text-align: center; margin-top: 20px;"> </div> <div style="margin-top: 20px;"> <p>The horizontal lot boundaries are shown by heavy unbroken lines defined by:</p> <ul style="list-style-type: none"> <li>Site Boundaries</li> <li>Outside face of wall labelled AB</li> <li>Centreline of wall labelled CD</li> <li>Fence line labelled BE</li> <li>CF is the prolongation of DC</li> </ul> <p>Measurements where the boundary is open.</p> <p>The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to the centre of the ceiling above or the prolongation thereof</p> <p>Measurements in brackets are for boundary fixation only.</p> </div> <div style="text-align: right; margin-top: 20px;"> <div style="display: flex; justify-content: space-between;"> <div> <i>Ray Bawick</i>            Registered Land Surveyor         </div> <div>           12/01/05            Date         </div> </div> </div>			





## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>STRATA PLAN</b> SHEET 8	STRATA TITLES ACT 1998 <i>Randall Miller</i> Council Delegate	8/2/2005 Date	Registered Number <b>143029</b>
-------------------------------	---	------------------	------------------------------------

Scale 1:200      Building C - Second Floor (Level 3)

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

- Face of wall
- Centrelines of wall labelled CD
- Face of deck labelled DD

Measurements where the boundary is open.

The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to the centre of the ceiling above or the prolongation thereof

Measurements in brackets are for boundary fixation only.

*Rybausick*  
 Registered Land Surveyor      12/01/05  
 Date



## FOLIO PLAN

RECORDER OF TITLES

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<b>STRATA PLAN</b> SHEET 9	STRATA TITLES ACT 1998 <div style="display: flex; justify-content: space-around; font-size: small;"> <div> <i>[Signature]</i>              Council Delegate           </div> <div> <i>[Signature]</i>              Date           </div> </div>	Registered Number <div style="font-size: large; font-weight: bold;">143029</div>
-------------------------------	--	---

Scale 1:200      Building C - Third Floor (Level 4)

The horizontal lot boundaries are shown by heavy unbroken lines defined by:  
 Face of wall  
 Centreline of wall  
 Measurements where the boundary is open.

The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to 6.00 metres above.

Measurements in brackets are for boundary fixation only.

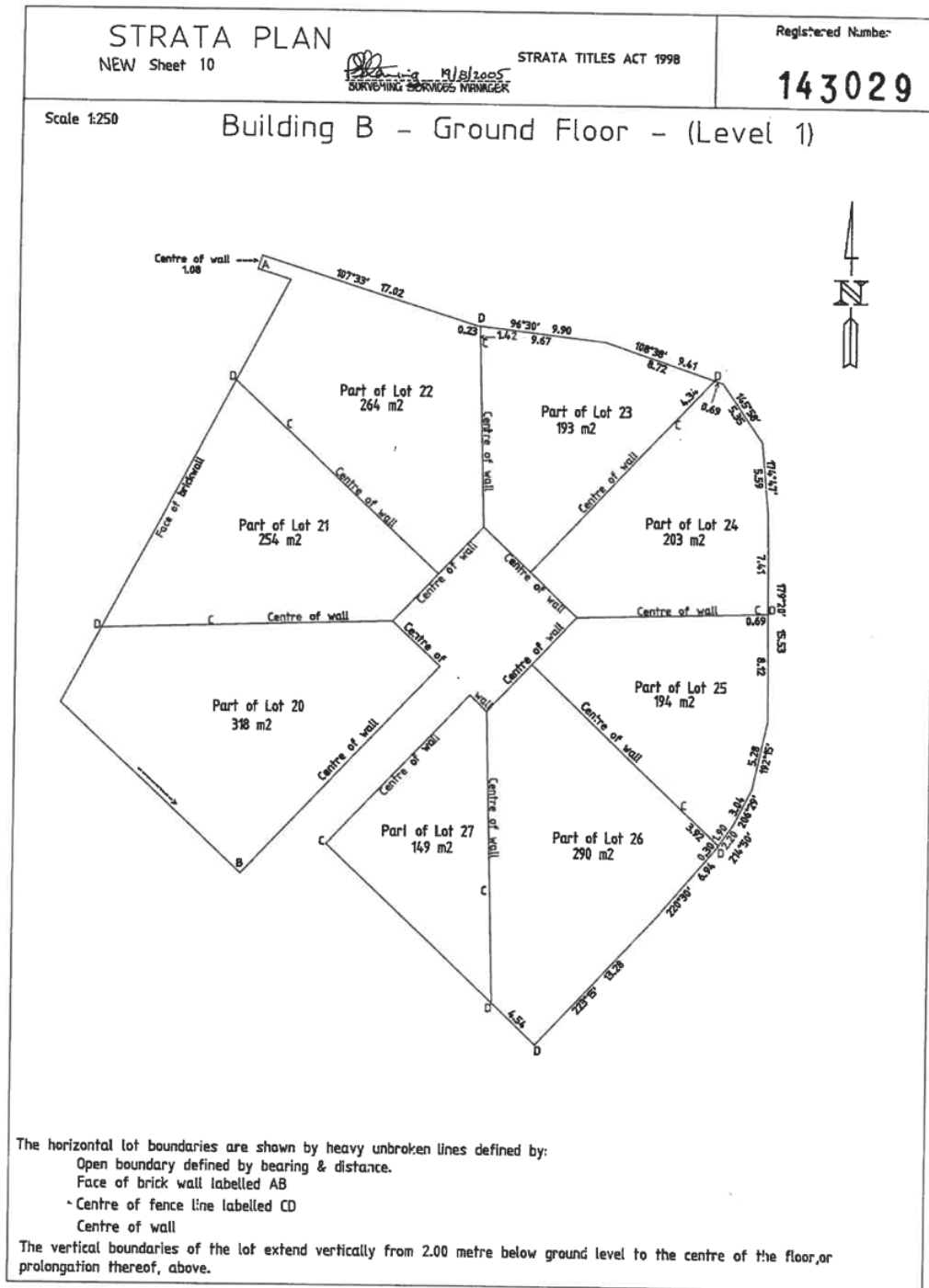
*[Signature]*  
 Registered Land Surveyor

12/01/05  
 Date

the **List**...**FOLIO PLAN**

RECORDER OF TITLES

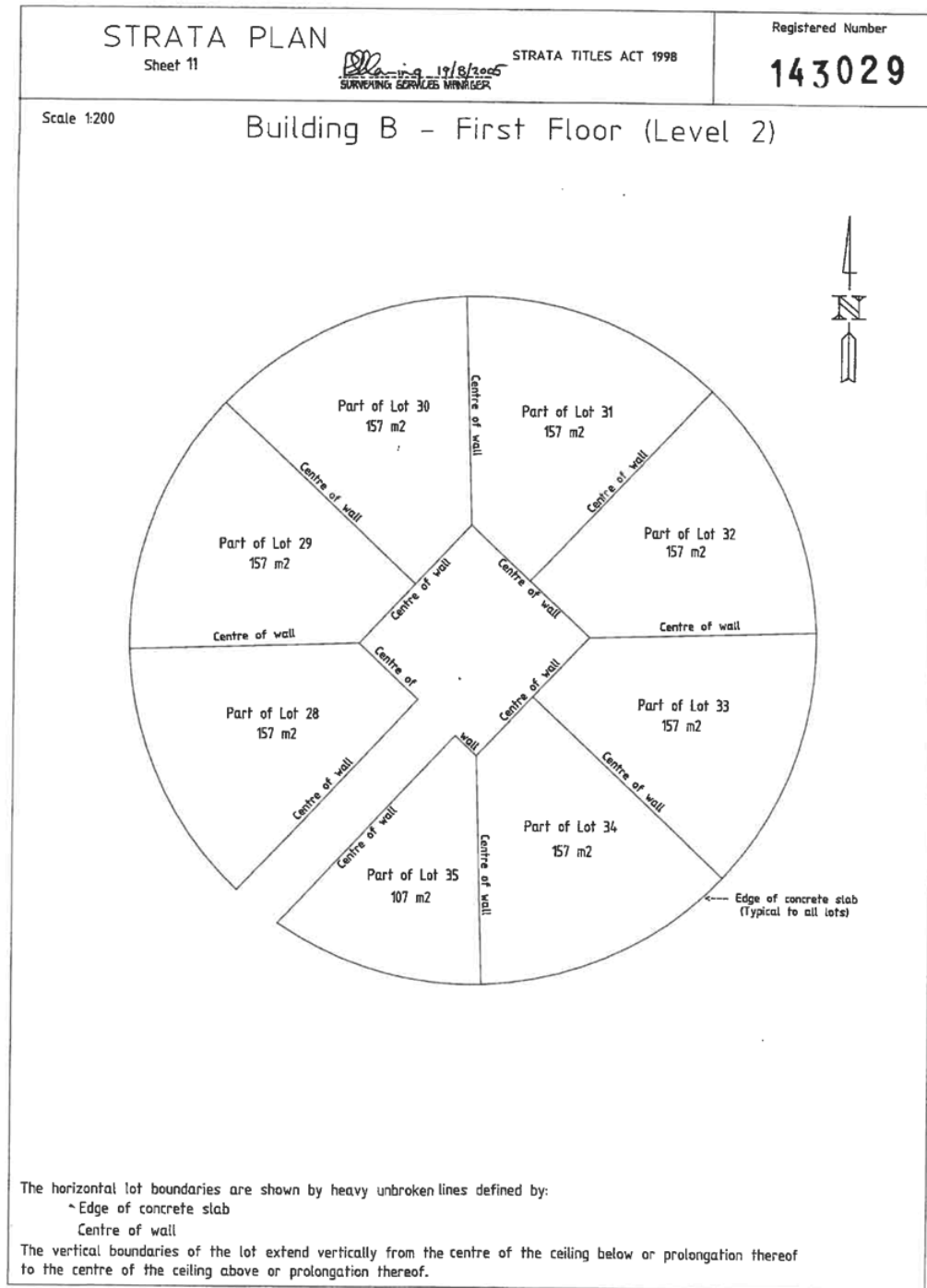
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the **List**...**FOLIO PLAN**

RECORDER OF TITLES

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RECORDER OF TITLES

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**STRATA PLAN**

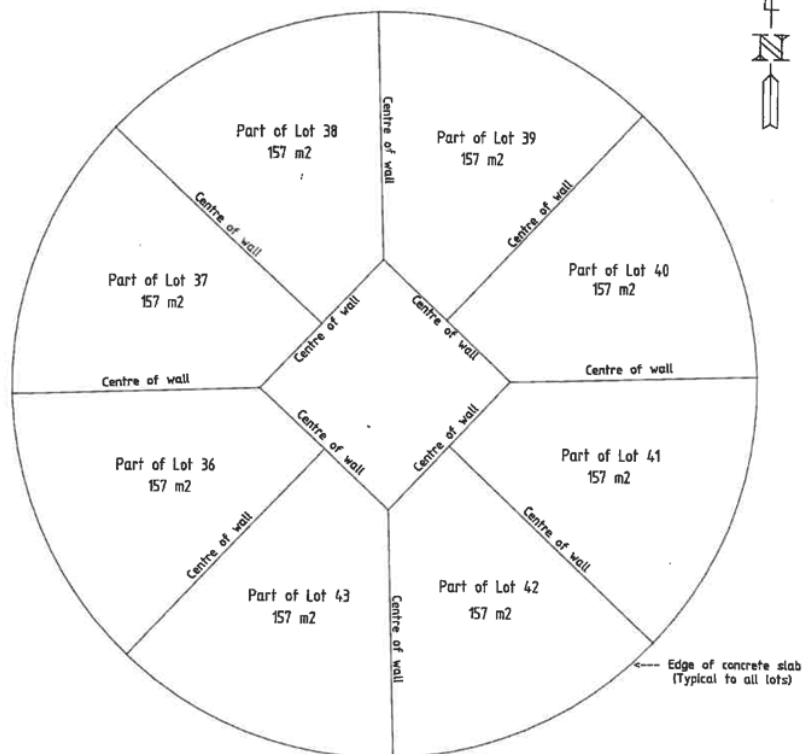
Sheet 12

STRATA TITLES ACT 1998

Registered Number

**143029**

Scale 1:200

**Building B - Second Floor (Level 3)**

The horizontal lot boundaries are shown by heavy unbroken lines defined by:  
 ^ Edge of concrete slab  
 Centre of wall

The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to the centre of the ceiling above or prolongation thereof.

the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**STRATA PLAN**

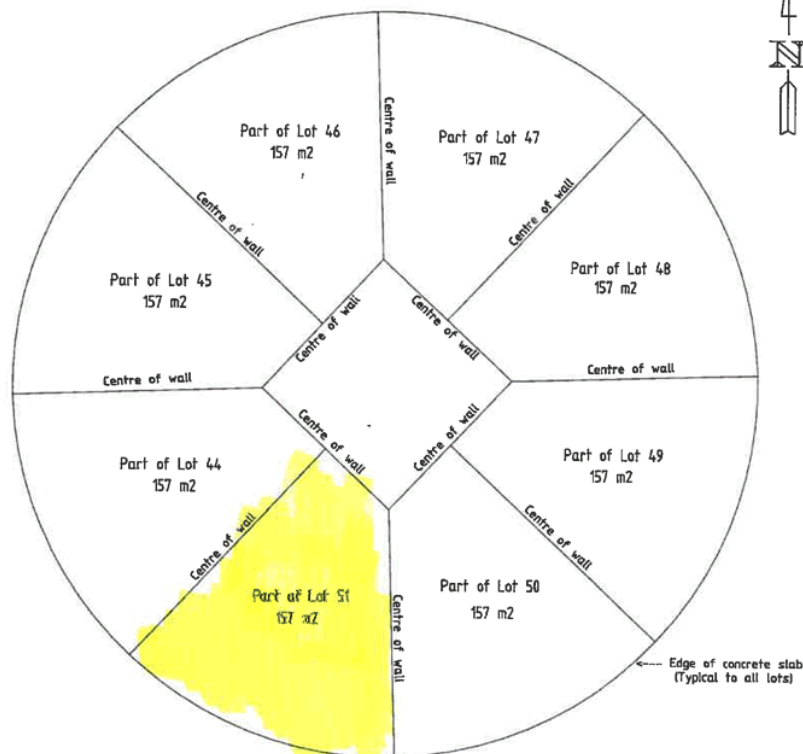
Sheet 13

STRATA TITLES ACT 1998

Registered Number

**143029**

Scale 1:200

**Building B - Third Floor (Level 4)**

The horizontal lot boundaries are shown by heavy unbroken lines defined by:  
 ~ Edge of concrete slab  
 Centre of wall

The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to the centre of the ceiling above or prolongation thereof.

the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**STRATA PLAN**

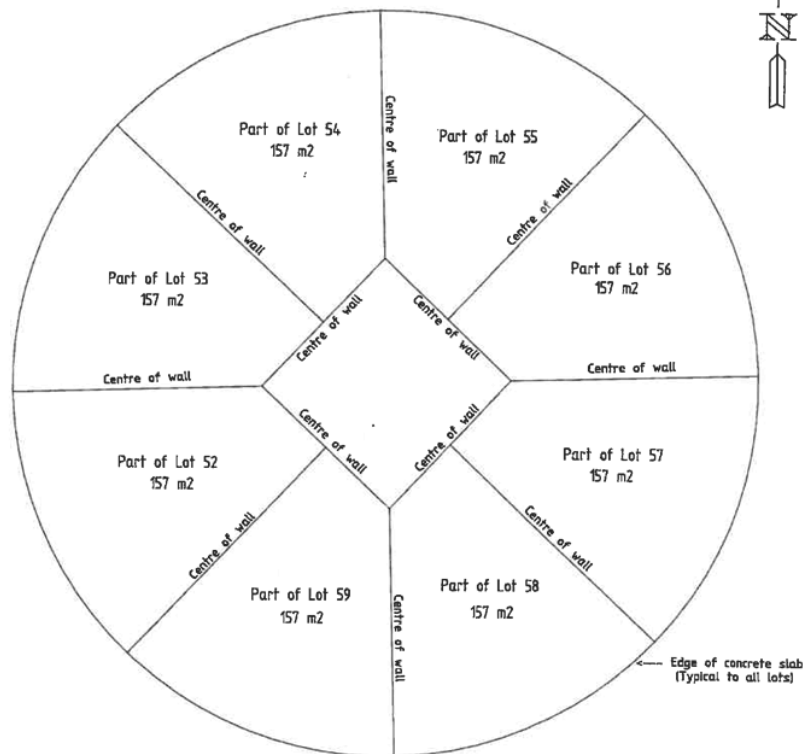
Sheet 14

STRATA TITLES ACT 1998

Registered Number

**143029**

Scale 1:200

**Building B - Fourth Floor (Level 5)**

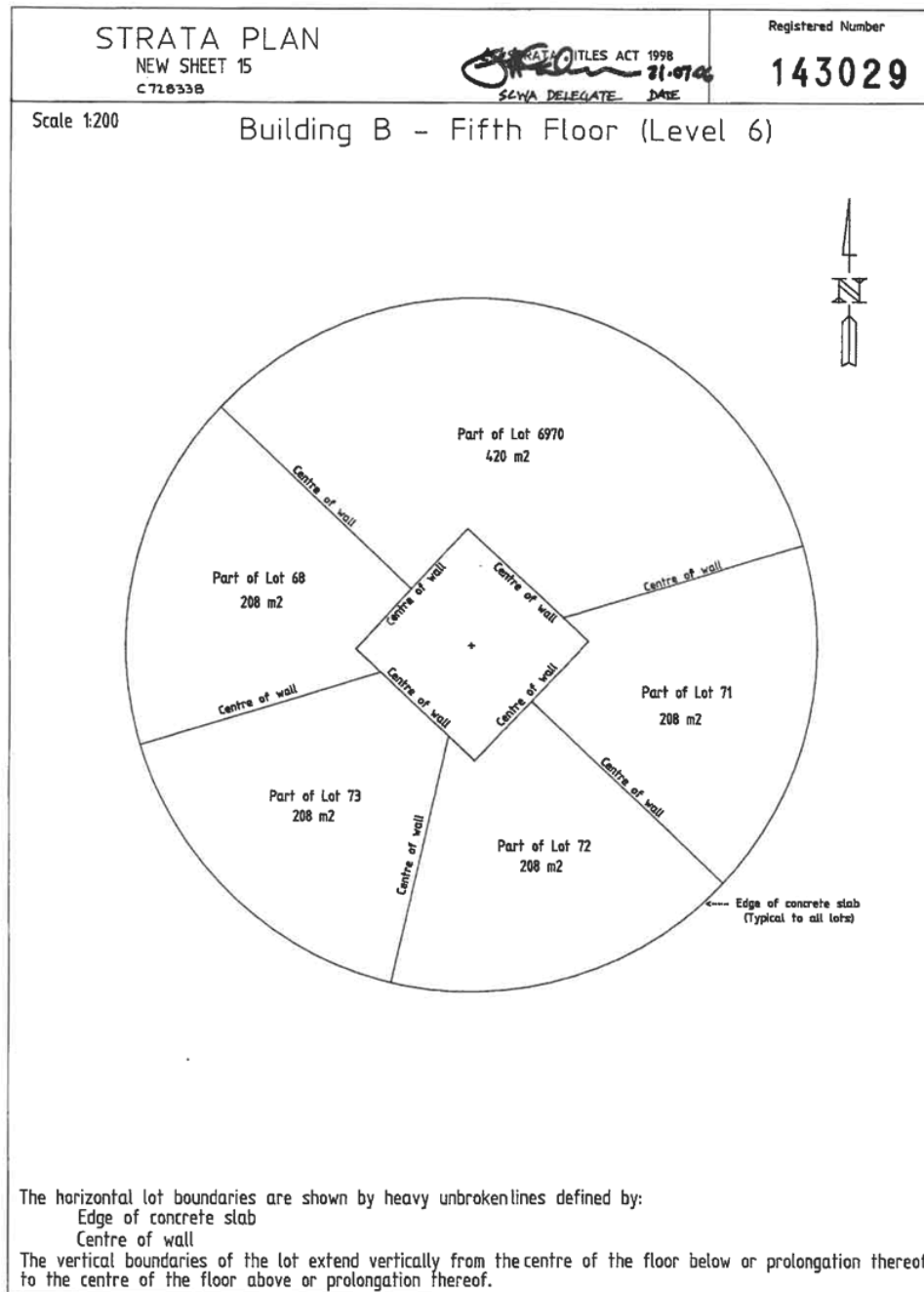
The horizontal lot boundaries are shown by heavy unbroken lines defined by:  
 ~Edge of concrete slab  
 Centre of wall

The vertical boundaries of the lot extend vertically from the centre of the ceiling below or prolongation thereof to the centre of the ceiling above or prolongation thereof.

the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

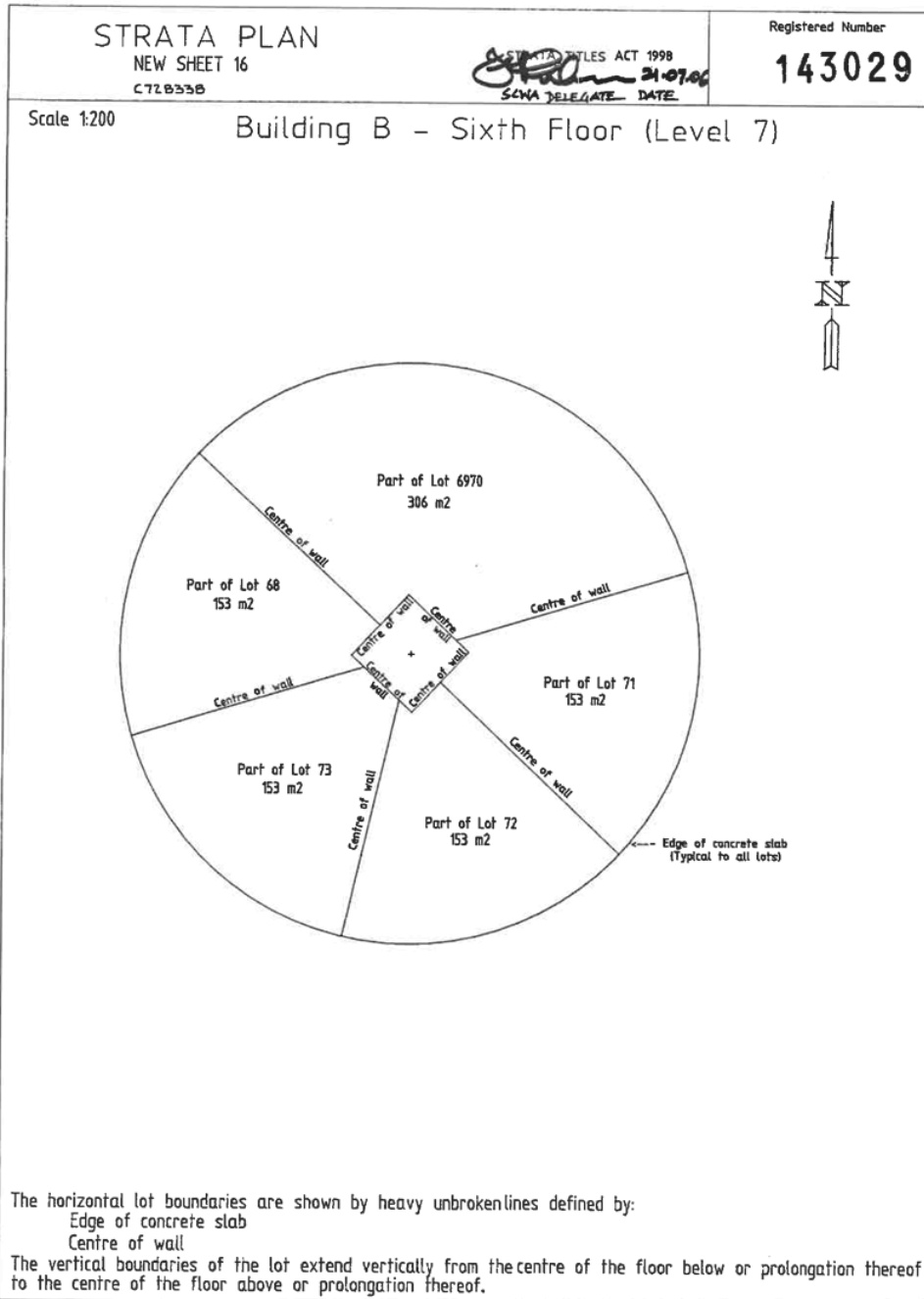




the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



1 Collins St  
Sullivan Cove Planning  
Scheme  
Activity Area 1.0  
Mapping

### Planning Directive No. 6

## Exemption and Standards for Visitor Accommodation in Planning Schemes

This Planning Directive has been issued by the Minister for Planning under section 13(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) and came into effect on 1 August 2018<sup>1</sup>. It replaces *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes* which came into effect on 1 July 2018

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<sup>1</sup> References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **former provisions** apply to a planning scheme that was in force prior to the **commencement day** of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **commencement day** was 17 December 2015.

Version	Issue date	Description
1.0	1 July 2018	Original version, replaces Interim Planning Directive No. 2
2.0	1 August 2018	Modification to clarify clause 3.1(e) Acceptable Solution A1

Planning Directive No. 6  
Exemption and Standards for Visitor Accommodation in Planning Schemes

---

**1.0 Citation**

This planning directive may be cited as Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes.

**2.0 Application****2.1 This planning directive applies to the following planning schemes:**

- (a) interim planning schemes that have been declared or made under the *Land Use Planning and Approvals Act 1993* (the Act);
- (b) notwithstanding 2.1(a), the area identified as Battery Point Heritage Precinct (BP1) in the Hobart Interim Planning Scheme 2015 is excluded from the application of 3.1(c), 3.1(d) and 3.1(e);
- (c) the *Flinders Planning Scheme 2000*; and
- (d) the *Sullivans Cove Planning Scheme 1997*.

**3.0 Effect of the planning directive (Mandatory provisions)****3.1** For all interim planning schemes to which this planning directive applies must have the effect that:

- (a) the description for the Use Class of Visitor Accommodation is:  
use of land for providing short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.
- (b) the following use is exempt from requiring a planning permit:  
Visitor Accommodation in a dwelling (including an ancillary dwelling) if:
  - (i) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
  - (ii) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (c) unless 3.1(b) applies, Visitor Accommodation is 'Permitted' with no qualification within the Use Tables for General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone.
- (d) Unless 3.1(b) applies, the following standards must be complied with:
  - (i) all relevant zone development standards for buildings and works; and
  - (ii) all relevant use and development standards if within an applicable zone or code.
- (e) the following use standard for Visitor Accommodation is in substitution for all Visitor Accommodation use standards in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone, Environmental Living Zone and Village Zone:

Planning Directive No. 6

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Exemption and Standards for Visitor Accommodation in Planning Schemes

**Visitor Accommodation**

<b>Objective:</b>	
<p>That Visitor Accommodation:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the character and use of the area;</li> <li>(b) does not cause an unreasonable loss of residential amenity; and</li> <li>(c) does not impact the safety and efficiency of local roads or rights of way.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Visitor Accommodation must:</p> <ul style="list-style-type: none"> <li>(a) accommodate guests in existing habitable buildings; and</li> <li>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</li> </ul>	<p><b>P1</b></p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the privacy of adjoining properties;</li> <li>(b) any likely increase in noise to adjoining properties;</li> <li>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</li> <li>(d) retaining the primary residential function of an area;</li> <li>(e) the impact on the safety and efficiency of the local road network; and</li> <li>(f) any impact on the owners and users rights of way.</li> </ul>
<p><b>A2</b></p> <p>Visitor Accommodation is not for a lot, as defined in the <i>Strata Titles Act 1998</i>, that is part of a strata scheme where another lot within that strata scheme is used for a residential use.</p>	<p><b>P2</b></p> <p>Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the privacy of residents;</li> <li>(b) any likely increase in noise;</li> <li>(c) the residential function of the strata scheme;</li> <li>(d) the location and layout of the lots;</li> <li>(e) the extent and nature of any other non-residential uses; and</li> <li>(f) any impact on shared access and common property.</li> </ul>

Planning Directive No. 6

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Exemption and Standards for Visitor Accommodation in Planning Schemes

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- (f) For the purpose of A2 and P2 in the Visitor Accommodation Use Standard in 3.1(e), the meaning of "lot"<sup>2</sup> and "strata scheme"<sup>3</sup> is as defined in the *Strata Titles Act 1998*.
- 3.2 For the *Flinders Planning Scheme 2000* to which this planning directive applies must have the effect that:
- (a) The use of a House, House and Ancillary Apartment or Grouped Housing (the premises) for Visitor Accommodation is exempt from requiring a planning permit, if:
- (i) the premises is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
  - (ii) the premises is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (b) For the purposes of clause 3.2(a) Visitor Accommodation means:  
means the use of land for providing short or medium-term accommodation, for persons away from their normal place of residence, on a commercial basis.
- 3.3 For the *Sullivans Cove Planning Scheme 1997* to which this planning directive applies must have the effect that:
- (a) Bed and Breakfast Establishment and Visitor Accommodation uses in a dwelling are exempt from requiring a planning permit, if:
- (i) the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or
  - (ii) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.
- (b) the definition for Bed and Breakfast Establishment is:  
A Dwelling used, by a resident of the dwelling for permanent accommodation, to provide accommodation for persons away from their normal place of residence, on a commercial basis.
- (c) the definition for Visitor Accommodation is:  
Means the use of habitable buildings and spaces for short term occupancy by people who are visitors to the Planning Area, on a commercial basis, including Residential Hotel, Holiday Unit and Motel.
- (d) Unless 3.3(a) applies, Bed and Breakfast Establishment use and Visitor Accommodation use are 'Permitted' within Activity Area 1.0 Inner City Residential (Wapping), subject to the following:

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<sup>2</sup> *Strata Titles Act 1998* defines 'lot' as:

'lot, in respect of a site, means a part of the site –

(a) allocated for separate occupation by the owner of the lot or a person deriving rights of occupation from the owner; or

(b) consisting of land that, by virtue of a certificate under section (A of the Meander Dam Project Act 2003, is to be treated as a lot'

<sup>3</sup> *Strata Titles Act 1998* defines 'strata scheme' as:

'strata scheme means the complex of lots and common property (together with the system of administration and management) created on the registered strata plan'

Planning Directive No. 6

Exemption and Standards for Visitor Accommodation in Planning Schemes

- (i) guests are accommodated in existing habitable buildings; and
  - (ii) the use has a floor area of not more than 200m<sup>2</sup> per lot
- Otherwise 'Discretionary'.

1 Collins St  
4 existing  
1 proposed  
at the  
moment,

⇒ 7200m<sup>2</sup>

New visitor  
accommodation  
is a discretionary  
application.

- (e) Unless 3.3(a) applies, Bed and Breakfast Establishment and Visitor Accommodation that does not comply with the provisions in 3.3(d) is 'Discretionary' in Activity Area 1.0 Inner City Residential (Wapping) subject to the following conditions:

Bed and Breakfast Establishment and Visitor Accommodation must:

- (i) not cause an unreasonable loss of privacy to adjoining properties;
  - (ii) not likely to cause an unreasonable increase in noise;
  - (iii) be of a scale that respects the character and use of the area;
  - (iv) not adversely impact the safety and efficiency of the local road network;
  - (v) not unreasonably disadvantage owners and users of rights of way;
  - (vi) not be located on the same site as a dwelling providing long term residential accommodation, unless:
    - a. it has a separate ground level pedestrian access to a road; or
    - b. there is an existing mix of uses on the site;
 and the impact on the amenity of the long term residents within the site is not unreasonable.
- Otherwise 'Prohibited'.

#### 4.0 Application of Standards and planning requirement

- 4.1 If any provision or requirement in a planning scheme to which this planning directive applies is directly or indirectly inconsistent with the provisions or requirements specified in subclauses 3.1, 3.2 or 3.3, that provision or requirement does not apply to the extent of the inconsistency.
- 4.2 Notwithstanding 4.1, any provision or requirement in the Flinders Planning Scheme 2000 and the Sullivans Cove Planning Scheme 1997 that would normally apply to Visitor Accommodation use or development, remains in force providing it does not cause the substitution for, modification of or an addition to:
  - (i) the definitions for Visitor Accommodation to that stated in 3.2(b) and 3.3(c) and the definition for Bed and Breakfast Establishment to that stated in 3.3(b);
  - (ii) the exemption from requiring a planning permit to that stated in 3.2(a) and 3.3(a) and;
  - (iii) the use status for Visitor Accommodation to that stated in 3.3(d) and 3.3(e), including any applicable conditions, in the use tables of Activity Area.

#### 5.0 Suspension of Provisions

The description of Visitor Accommodation under Table 8.2 - Use Class in Planning Directive No. 1 – The Format and Structure of Planning Schemes is suspended for the period this planning directive is in force.

#### 6.0 Commencement

This planning directive takes effect on 1 August 2018.





## **7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

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### **7.2.17 Nixon Street, Sandy Bay - Partial Demolition, Alterations, Extension and Front Fencing - PLN-20-460 File Ref: F21/20055**

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Memorandum of the Acting Director City Planning of 9 March 2021 and attachments.

Delegation: Council



City of **HOBART**

## MEMORANDUM: CITY PLANNING COMMITTEE

### **7 Nixon Street, Sandy Bay - Partial Demolition, Alterations, Extension and Front Fencing - PLN-20-460**

Planning application PLN-20-460 is for partial demolition, alterations, extension and front fencing at 7 Nixon Street Sandy Bay. The application was recommended for refusal by officers on heritage grounds. The application was considered by the City Planning Committee at its meeting of 14 December 2020. The vote on the recommendation was tied, which meant that the application was referred to the Council without a recommendation. However, at the request of the applicant, the item was withdrawn from the Council agenda, to allow the applicant to consider the comments made at the City Planning Committee meeting.

The original Committee Report is provided at Attachment A below, and the original plans are provided at Attachment B.

The application will expire on 12 April 2021.

The applicant has since provided updated plans, which are at Attachment D. The only change the applicant is proposing to alter the entire roof colour, existing and proposed, to 'Colourbond Ironstone.' In support of the changes the applicant states as follows:

*In response to the advice received post City Planning Committee Meeting 14.12.2020, we hereby submit roof colour changes to the entire house, both existing and proposed.*

*The heritage department of the HCC was concerned that the existing 'Manor Red' and proposed 'Galvanised' roof would look incongruous with the surrounding area.*

*Colorbond Ironstone is present on 11 Nixon St, the mirror image of 7 Nixon. The roof colour is also present on the conjoined terrace houses 14-28 Nixon St.*

Council officers have assessed the proposed change, but do not consider that it addresses the heritage concerns regarding the proposal, and as such the recommendation for refusal remains unchanged.

**RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations, extension and front fencing, at 7 Nixon Street, Sandy Bay for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposal includes demolition that will result in the loss of parts of a building that contribute to the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed rear extension will result in detriment to the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A3 and P3 of the *Hobart Interim Planning Scheme 2015* because the proposed rear extension will detract from the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.

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





Karen Abey  
**ACTING DIRECTOR CITY PLANNING**

Date: 9 March 2021  
File Reference: F21/20055

Attachment A: PLN-20-460 - 7 NIXON STREET SANDY BAY TAS 7005 -  
Planning Committee or Delegated Report ↓ 

Attachment B: PLN-20-460 - 7 NIXON STREET SANDY BAY TAS 7005 - CPC  
Agenda Documents ↓ 

Attachment C: PLN-20-460 - 7 NIXON STREET SANDY BAY TAS 7005 -  
Planning Referral Officer Cultural Heritage Report ↓ 

Attachment D: PLN-20-460 - 7 NIXON STREET SANDY BAY TAS 7005 -  
Covering Letter and Amended Plan ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	17 December 2020
Expiry Date:	18 January 2021
Application No:	PLN-20-460
Address:	7 NIXON STREET , SANDY BAY
Applicant:	ALEXANDER REED 26 / 93 SALAMANCA PLACE
Proposal:	Partial Demolition, Alterations, Extension and Front Fencing
Representations:	Four (in support)
Performance criteria:	Inner Residential Zone Development Standards, Parking and Access Code, Historic Heritage Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Partial Demolition, Alterations, Extension and Front Fencing, at 7 Nixon Street, Sandy Bay.
- 1.2 More specifically the proposal includes:
  - Demolition of laundry, bathroom, and rear external wall of dwelling
  - Demolition of existing rear outbuilding
  - Construction of lower floor extension and deck to rear of existing dwelling
  - Construction of new upper floor extension for main bedroom and ensuite
  - Installation of new skylights on roof
  - Installation of new windows on ground floor on north east elevation
  - Construction of new fencing along Nixon and Marsden Street frontages
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Inner Residential Zone Development Standards -Setbacks and Building Envelope, Frontage Fences
  - 1.3.2 Parking and Access Code- Number of Car Parking Spaces, Design of Vehicular Access, Surface Treatment of Parking Areas
  - 1.3.3 Historic Heritage Code - Heritage Precinct

- 1.4 Four (4) representations supporting the proposal were received within the statutory advertising period between 10/11/20 - 24/11/20.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council, because the officer recommendation is for refusal.

## 2. Site Detail

- 2.1 The subject site is located at 7 Nixon Street, Sandy Bay and comprises a small rectangular shaped single residential lot approximately 323m<sup>2</sup> in size. The site presently contains a single storey brick dwelling with rear outbuilding. The site is bounded by Nixon Street to the west and Marsden Street to the north. The surrounding area is characterised by residential uses with a combination of single and multiple dwellings. The site is also located in close proximity to Short Beach to the east and the Sandy Bay retail precinct to the west. Site visits were conducted by Council Officers during the assessment period.



Figure 1: The subject site is bordered in blue.





**Figure 2:** External view of subject site from corner of Nixon and Marsden Streets (Google Streetview October 2018).

### 3. Proposal

3.1 Planning approval is sought for Partial Demolition, Alterations, Extension and Front Fencing, at 7 Nixon Street Sandy Bay.

3.2 More specifically the proposal is for:

- Demolition of laundry, bathroom, and rear external wall of dwelling
- Demolition of existing rear outbuilding
- Construction of lower floor extension and deck to rear of existing dwelling
- Construction of new upper floor extension for main bedroom and ensuite
- Installation of new skylights on roof
- Installation of new windows on ground floor on north east elevation
- Construction of new fencing along Nixon and Marsden Street frontages



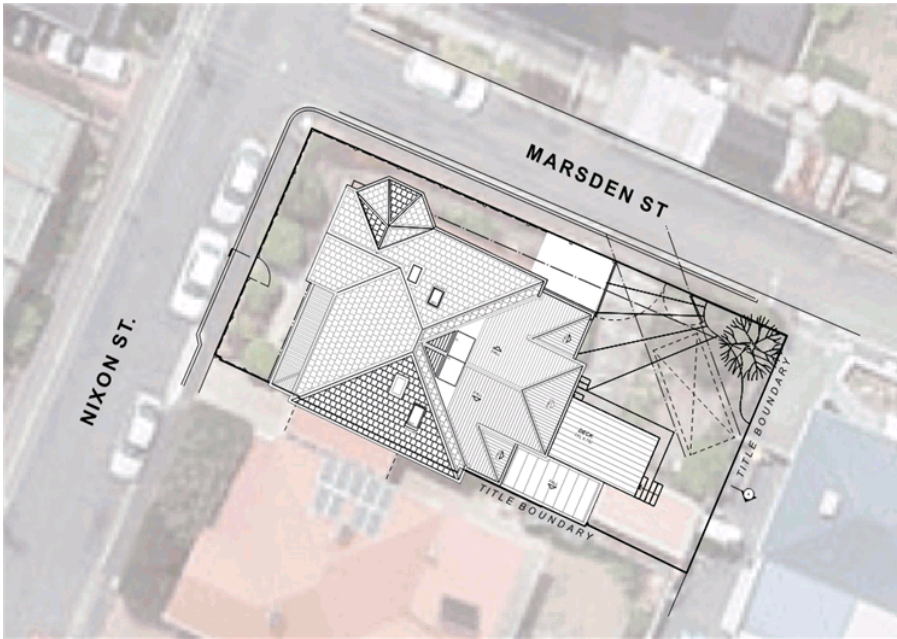


Figure 3 :Site plan of subject site.

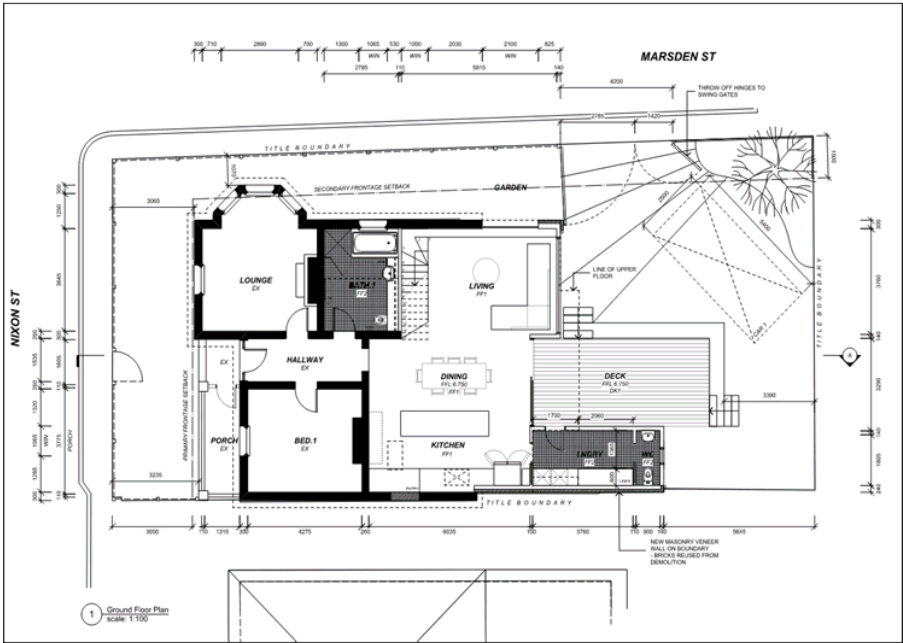


Figure 4: Proposed ground floor plan.

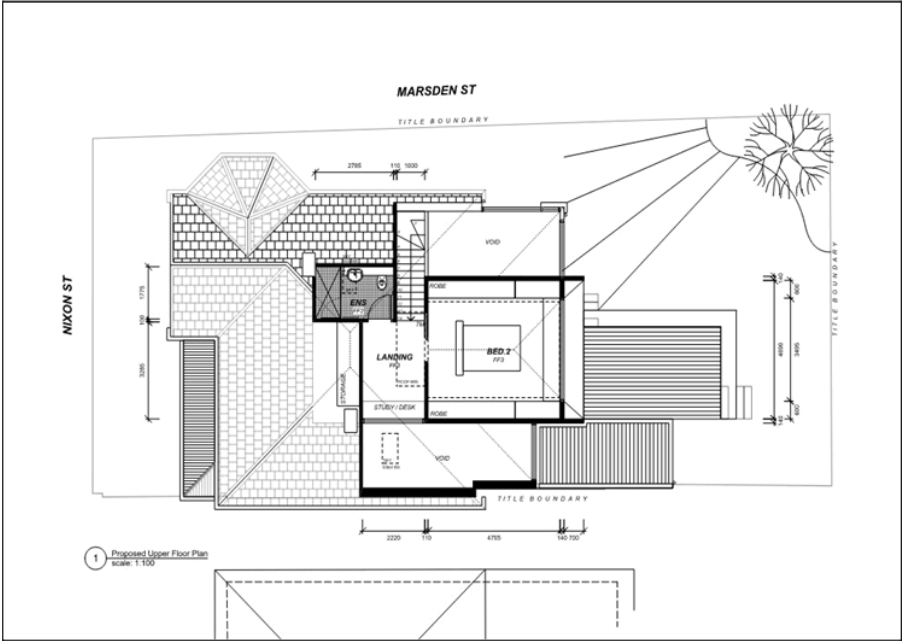


Figure 5: Proposed upper floor plan

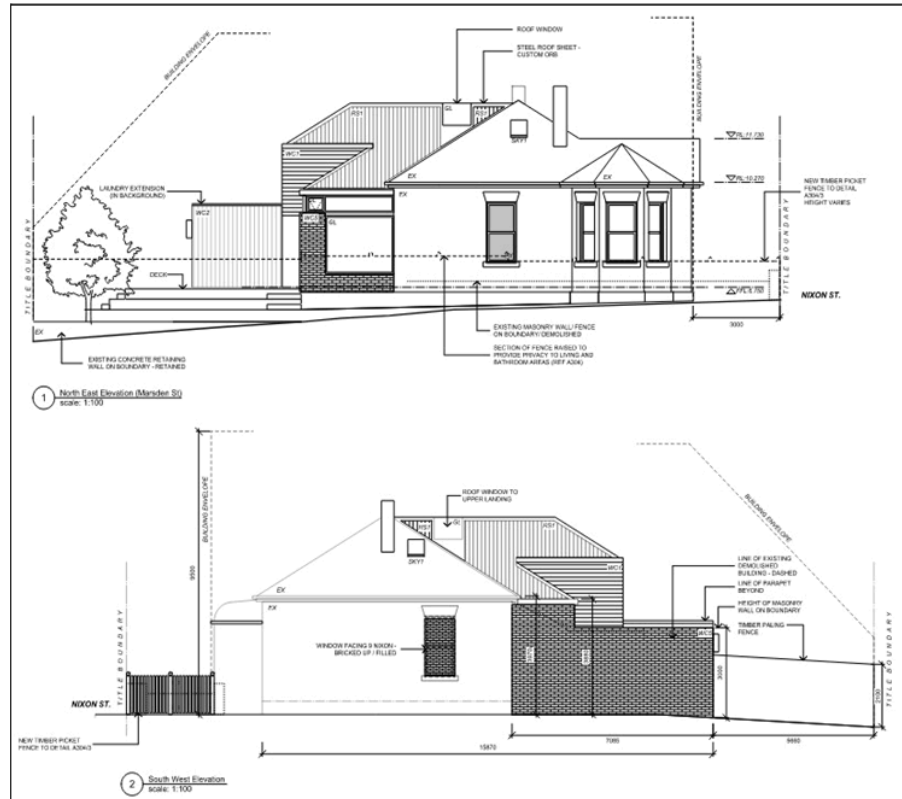
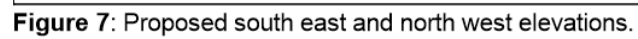
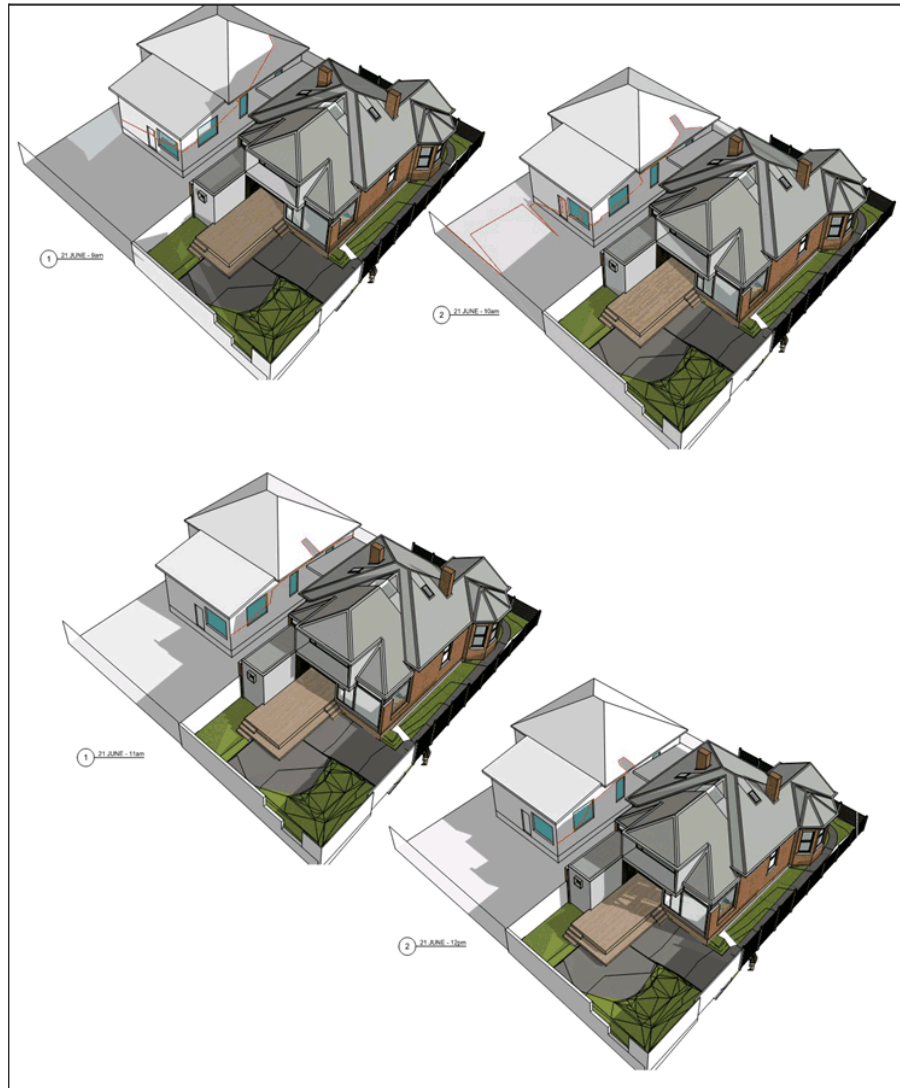


Figure 6: Proposed north east and south west elevations.





**Figure 8:** Projected overshadowing caused by proposed alterations and extensions 9:00AM - 12:00PM on June 21st (existing overshadowing outlined in red).

#### 4. Background

4.1 There is no relevant background for this application

#### 5. Concerns raised by representors

- 5.1 Four (4) representations supporting the proposal were received within the statutory advertising period between 10/11/20 - 24/11/20.
- 5.2 The following table outlines the comments raised in the representations received in support of the proposal.

I have inspected this application and the supporting photos showing renovated heritage facades and modern extensions and alterations in the areas proximate to the address. From these it is obvious that the applicants wish to preserve the integrity of the street frontage presented by numbers 7, 9 and 11 Nixon Street and renovations of their property will enhance it by restoring those elements which make it special.
The proposed replacement fencing is consistent with other styles in the vicinity and will improve the overall presentation of the property.
This Application provides an outcome which restores the heritage aspects of the Nixon Street frontage, replaces unsightly fencing and outbuildings in a way which is sympathetic to the streetscape of the area and positively contributes to the characteristics of this intimate residential area.
The applicants have been careful in their design to minimise any impact to neighbouring houses and that is appreciated.
The proposed development is the right balance between heritage and modern and is in keeping with other nearby extensions in the area. The cultural significance of the houses in the street are not impacted and I'm in favour of development application PLN-20-460.
As with other renovations, including in Marsden Street and very near by, this Application would provide an outcome that would be entirely in place and blend with previously approved and built extensions within the homogenous style of the village

## 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). There is no proposed change of use. The existing use is a no permit required use in the zone.

6.4 The proposal has been assessed against:

6.4.1 D11.0 Inner Residential Zone

6.4.2 E6.0 Parking and Access Code

6.4.3 E7.0 Stormwater Management Code

6.4.4 E13.0 Historic Heritage Code

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

6.5.1 Inner Residential Zone Development Standards:

*Setbacks and Building Envelope – D11.4.2 P3*  
*Frontage Fences - D11.4.7 P1*

6.5.2 Parking and Access Code E6.0

*Number of Car Parking Spaces - E6.6.1 P1*  
*Design of Vehicular Accesses - E6.7.2 P1*  
*Surface Treatment of Parking Areas - E6.7.6 P1*

6.5.3 Historic Heritage Code E13.0

*Demolition in Heritage Precincts - E13.8.1 P1*  
*Building and Works other than Demolition in Heritage Precincts-*  
*E13.8.2 P1; P2 ; P3*

6.6 Each performance criterion is assessed below.

6.7 Setbacks and Building Envelope – D11.4.2 P3

6.7.1 The acceptable solution at clause 11.4.2 A3 requires that a dwelling must be contained within a building envelope determined by projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 3m from the

rear boundary; to a building height of not more than 9.5 m above natural ground level; and only have a setback within 1.5m of a side boundary if the dwelling does not exceed a total length of 9m of the side boundary.

- 6.7.2 The proposal includes an extension to the existing dwelling which will project beyond the building envelope and will extend the building along the side boundary within 1.5m for greater than 9m.
- 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause 11.4.2 P3 provides as follows:

*The siting and scale of a dwelling must:*

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

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

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

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

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

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

- 6.7.5 The recent Tribunal decision of *McCullagh v Glamorgan Spring Bay Council and Ors*, which specifically considered this clause, determined that once a proposal extends outside the acceptable solution building envelope, a detailed assessment of the performance criterion must be carried out, without reference to the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or



proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?

Shadow diagrams provided by the applicant for June 21 from 9:00am - 12:00pm are provided in Figure 8 of this report. These diagrams illustrate there will be an increase in overshadowing to a habitable room on the north eastern elevation of the adjoining property at 9 Nixon Street. The supporting documentation advises that the room to which this impacted window opens into is a kitchen, which is classified as a habitable room under the *Hobart Interim Planning Scheme 2015* definition. The window currently sees overshadowing from the existing dwelling from 9:00am on June 21st across the lower half with this reducing to only the lower quarter from 10:00am until 11:30am after which the shadows gradually increase along the northern edge until three quarters of the window is overshadowed by 1:00pm and the majority of the window is in shadow from 2:00pm onwards.

The proposed alterations and extensions will see majority overshadowing of this window starting from 10:00am until sunset. Understanding the provided projections this would see the window lose almost all direct sunlight on June 21st. The applicant has argued that this sunlight loss will only be restricted to the winter months with all other period of the year featuring minimal changes to direct sunlight. The nature of the room, as a space of transit and temporary and infrequent use, will not be one where direct sunlight would be prioritised, as opposed to a living room. The room also has a second large window on the eastern elevation which will not provide for additional direct light but will further allow for greater daylight throughout the day.

The applicant has stated in support of the impact on this window as follows:

*THE PROPOSED ADDITION REDUCES THE WINTER SOLSTICE SUNLIGHT INTO THE KITCHEN AREA IN THE ADJOINING KITCHEN AT 9 NIXON ST. THE LOSS OF DIRECT SUNLIGHT INTO THE KITCHEN AREA IS REASONABLE BECAUSE;*

- IT'S ONLY DURING THE WINTER SOLSTICE MONTH THAT DIRECT SUNLIGHT IS LOST INTO THE KITCHEN WINDOW, ALL OTHER MONTHS THERE IS LITTLE TO NO CHANGE TO DIRECT SUNLIGHT, THEREFORE THE LOSS OF AMENITY IS LIMITED;*
- THE AREA OF THE KITCHEN THAT IS IMPACTED DURING THE*

WINTER SOLSTICE MONTH IS A KITCHEN BENCH AND SINK (NOT AN AREA THAT IS FREQUENTLY USED FOR AMENITY SUCH AS A DINING TABLE/SEATED AREA. THE KITCHEN BENCH AND SINK SIT DIRECTLY AGAINST THE WINDOW/WALL ADJOINING NUMBER 7 NIXON ST. THE KITCHEN AREA HAS OTHER WINDOWS ON AN ADJACENT WALL THAT PROVIDES SUN/LIGHT INTO THE KITCHEN/DINING AREA.

- THE PROPOSED ADDITION IS DESIGNED TO ENSURE THERE IS MINIMAL IMPACT ON THE AMENITY OF 9 NIXON ST AND SPECIFICALLY TO ENSURE THERE IS NO UNREASONABLE OVERSHADOWING OF ANY HABITABLE ROOM. CONSIDERATION FOR THE NEIGHBOURING DWELLING WAS GIVEN AND THE OWNER OF THE DWELLING WAS CONSULTED THROUGHOUT THE DESIGN PROCESS. THIS INCLUDES HAVING THE ROOF LINE AND CEILING HEIGHTS AS LOW AS POSSIBLE TO MINIMISE THE IMPACT OF THE PROPOSED ADDITION'S ROOF LINE.
- OVERALL THE KITCHEN AREA RECEIVES AMPLE DAYLIGHT AND SUNLIGHT DURING WINTER SOLSTICE DUE TO THE OTHER WINDOWS ON ADJOINING WALLS.
- THE PROPOSED ADDITION SITS WITHIN THE BUILDING ENVELOPE. THE EXISTING DWELLING (BUILT IN 1915 BEFORE BUILDING ENVELOPES EXISTED) IS THAT PART OF THE DWELLING THAT SITS OUTSIDE THE CURRENT BUILDING ENVELOPE. IF IT WASN'T FOR THE EXISTING DWELLING, THE REDUCED DIRECT SUNLIGHT DURING THE WINTER SOLSTICE CAUSED BY THE PROPOSED ADDITION WOULD BE CONSIDERED REASONABLE IN THE CIRCUMSTANCES AND THIS SHOULD BE GIVEN MERIT WHEN ASSESSING THE PROPOSED ADDITION.

On balance these comments are supported in particular that the area impacted will see infrequent use, that there is another window to the same room, and at all other times of the year this window is unimpacted. While a site visit inside the dwelling at 9 Nixon Street was not undertaken by officers, the comments above are taken at face value and it is noted that consultation with this neighbour has occurred. In addition no representation from this neighbour has been received.

- 6.7.6 With respect to subclause (ii) the proposed alterations and extension will see an overall reduction in overshadowing of the adjoining private open space at 9 Nixon Street, with a large area of shadowing reduced from

10:00am onwards due to the removal of outbuildings at the rear of the subject site. Given this overall reduction the proposal is assessed as not causing an unreasonable loss of amenity by overshadowing open space.

- 6.7.7 With respect to subclause (iii) there is no adjoining vacant lots.
  - 6.7.8 In terms of visual impacts as assessed under subclause (iv), the proposed alterations and extensions will see a minor change to the ground floor footprint which will be maintaining a consistent scale with that already present on the subject site as well as in surrounding dwellings. Whilst the proposed upper floor extension will create a more visually identifiable change to the dwelling, the extension will be designed into the existing form of the dwelling and therefore reduce the perceived bulk and scale when viewed from an adjoining lot. The extension will use similar materials and will not create a new visual intrusion into existing views. It is therefore assessed that the proposed extension will not cause an unreasonable loss of amenity through visual impacts.
  - 6.7.9 The separation between dwellings on adjoining lots is not to change beyond what presently exists. This separation will remain consistent with what presently exists in the surrounding residential area.
  - 6.7.10 The proposal complies with the performance criterion.
- 6.8 Frontage Fences - D11.4.7 P1
- 6.8.1 The acceptable solution at clause 11.4.7 A1 requires that a fence (including a free-standing wall) within 3m of a frontage must have height above natural ground level of not more than 1.2m if the fence is solid; or 1.5m if any part of the fence that is within 3m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.
  - 6.8.2 The proposal includes new fencing and a gate along the Marsden Street frontage which will include a paling fence between 1.58m and 2.2m in height with approximately 36% transparency, and a solid fence and gates between 2.09 and 2.76m in height.
  - 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 11.4.7 P1 provides as follows:

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

- 6.8.5 The proposed fence along the Marsden Street frontage will remain at a lower height between 1.58 and 2.2m adjacent to the dwelling and will feature palings with approximately 36% transparency so as to allow mutual passive surveillance between the dwelling and the road. The area of higher and solid fence will be adjacent to private open space and therefore not require passive surveillance. The frontage is also a secondary frontage, where privacy and passive surveillance are not as prioritised as the primary frontage. Finally, the existing streetscape is a narrow roadway with limited room for footpaths and large gardens with several dwellings featuring higher fences. The proposed fencing on this frontage is assessed as continuing to maintain the streetscape.
- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Number of Car Parking Spaces - E6.6.1 P1
- 6.9.1 The acceptable solution at clause 6.6.1 A1 requires that the number of on-site car parking spaces must be no less than and no greater than the number specified in Table E6.1, which is two spaces for a dwelling with two or more bedrooms.
- 6.9.2 The proposal includes one car parking space.
- 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 clause at 6.6.1 P1 provides as follows:
- The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:*
- (a) car parking demand;*
  - (b) the availability of on-street and public car parking in the locality;*
  - (c) the availability and frequency of public transport within a 400m walking distance of the site;*
  - (d) the availability and likely use of other modes of transport;*
  - (e) the availability and suitability of alternative arrangements for car parking provision;*

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

- 6.9.5 Referral was made to Council's Development Engineer who has provided the following assessment:

*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 # on-site car parking spaces will sufficiently meet the likely demands associated with the development, with the exception of onsite visitor parking.
- (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. Much of the available parking is in the form of time-restricted parking, with authorised residents excepted. Observations indicate that there is a large pool of parking that would be available to meet the potential demands of visitor and overflow parking, particularly after normal working hours.
- (c) the availability and frequency of public transport within a 400m*

*walking distance of the site;*

- Metro Tasmania operate regular bus services along Sandy Bay Road which is within 400 metres of the subject site.

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

- The site is located a convenient walking distance from shops, schools and services.

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

- No alternative parking provision is available or considered necessary.

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

- 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.

6.9.6 The proposal complies with the performance criterion.

6.10 Design of Vehicular Accesses - E6.7.2 P1

6.10.1 The acceptable solution at clause 6.7.2 A1 requires that the design of vehicle access points must, in the case of non-commercial vehicle access, 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;

6.10.2 The proposed access point does not comply with AS/NZS 2890.1:2004

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 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;*

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

6.10.5 Referral was made to Council's Development Engineer who has provided the following assessment:

*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 given the statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment.

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

- Acceptable, submitted documentation appears to satisfy this requirement given the statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment.

*(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 given the statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment.

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

- Acceptable, submitted documentation appears to satisfy this requirement given the statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment.

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 access and driveway, and the low volume of traffic on the road from which the property gains access.

Surrounding properties exhibit similar access provisions.

6.10.6 The proposal complies with the performance criterion.

6.11 Surface Treatment of Parking Areas - E6.7.6 P1

6.11.1 The acceptable solution at clause 6.7.6 A1 requires that parking spaces must be paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway.



6.11.2 The proposal does not feature paved or treated pavement.

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 6.7.6 P1 provides as follows:

*Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:*

- (a) the suitability of the surface treatment;*
- (b) the characteristics of the use or development;*
- (c) measures to mitigate mud or dust generation or sediment transport.*

6.11.5 Referral was made to Council's Development Engineer who has provided the following assessment:

*Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:*

- (a) the suitability of the surface treatment;*  
- Acceptable, submitted documentation appears to satisfy this requirement

- (b) the characteristics of the use or development; and*  
- Acceptable, submitted documentation appears to satisfy this requirement

- (c) measures to mitigate mud or dust generation or sediment transport.*  
- Acceptable, submitted documentation appears to satisfy this requirement

Based on the above assessment and given the submitted documentation, the surface treatment may be accepted under Performance Criteria P1:E6.7.6 of the Planning Scheme.

6.11.6 The proposal complies with the performance criterion.

6.12.2 Historic Heritage Code - E13.0

- 6.12.1 The subject site is located within the Sandy Bay 1 Heritage Precinct and as such was referred to Council's Senior Cultural Heritage Officer who has provided the following assessment:

This application is for a rear extension, internal and external alterations and new front and side boundary fencing. The site is located within the Sandy Bay 1 Heritage Precinct and has the following attributes as expressed through the Statements of Significance in Table E13.2 of the Historic Heritage Code of the Scheme.

*This precinct is significant for reasons including:*

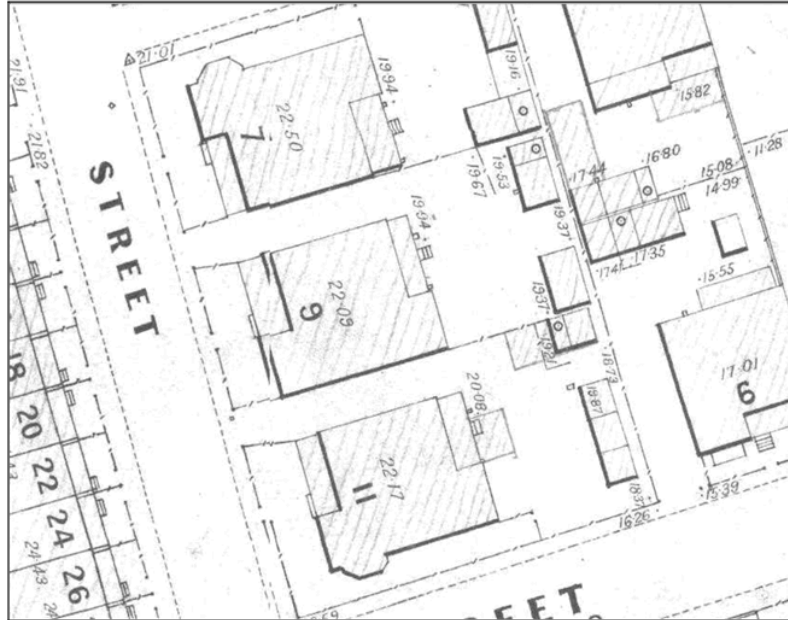
- 1. The early subdivision pattern of the main streets enhanced by the streets developed later form a coherent precinct of high integrity.*
- 2. The very fine examples of various periods of housing often set in well established gardens and settings.*
- 3. The consistency of housing forms and the relatively low level of intrusive elements.*
- 4. The high visual integrity of the streetscapes and the mix of development that allows historical layers and development to be seen and understood.*

The subject site is shown in the following images:



Subject site from the corner of Marsden and Nixon Street. Source: Council image.

The house is one of three single storey brick houses that form a coherent and consistent group of houses, all constructed within the same period of time, of the same architectural style, character and detailing. The subject house at 7 Nixon Street is the mirror image of 11 Nixon Street. This can be seen in the following Metropolitan Drainage Board Plans Sheet No. 2 which illustrates the floor plan of the three houses and the projecting bay window.



Metropolitan Drainage Board Plans Sheet No. 2. Source: Council documentation

This proposal includes demolition of the front and side (Marsden St) boundary fences and construction of a new timber fences and gates. Other works include internal demolition, the construction of an internal staircase and a bedroom and bathroom in the roof space. Demolition of 1.93 metres of the rear section of brick wall and the rear hipped roof section is proposed.

The proposal must be assessed against E13.8.1 P1, E13.8.2 P1, P3 and P4 of the Historic Heritage Code of the Scheme.

The area of demolition and roof extension is shown in the image below which is taken from Marsden Street..



Subject property from Marsden Street. Source: Council image

Four (4) representations were received, all in support of the proposal.  
Heritage matters raised include:

- restores the heritage aspect of the Nixon Street frontage.
- renovations of their property will enhance it by restoring those elements which make it special.
- The proposed development is the right balance between heritage and modern and is in keeping with other nearby extensions in the area.
- It is apparent that the applicants have been careful to maintain the Nixon Street elevation to ensure the three properties (7, 9 and 11 Nixon) retain their original facade elevations, brickwork and fenestrations.
- The removal of the brick fence and replacement with something less austere but which provides a greater level of privacy for the owners is also appropriate.

•

Response:

- No changes, restoration or renovations to the Nixon St facade are proposed.
- The works proposed include the demolition of original building fabric and a new rear extension.
- The rear extensions to the group of 3 properties of 7, 9 and 11 are single storey extensions that appear as skillion (see image below of 11 Nixon St)

- The existing side fence and gate do not contribute to the heritage significance of the precinct and their replacement with a sympathetic fence would not be considered problematic.



Rear of 11 Nixon St with single storey rear extension. Source: Council image

The existing fence is shown in the image below with the existing side fence measuring 2.3 metres high (including the concrete base) with lattice toppers above this.

The top of the proposed fence along Marsden Street will be horizontal with steps, such that, as the street slopes away from Nixon Street, the fence increases in height from 1.3 metres along the front boundary and around the corner increasing to 1.58 metres with a step up to 2.2 metres on the right hand side of the gate to 2.765 metres including a 500mm high concrete plinth on the rear corner adjacent to the property of 1 Marsden Street.





Subject property from Marsden Street. The brown paling fence measure, including the concrete plinth measures 2.3 metres high. Source: Council image

The proposed fencing must be assessed against E13.8.2 P4 which states:

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

The proposed front fence is in a street of low front fences. The existing fence of 7 Nixon Street has brick piers that are 1.0 metre high and infill brick panels that are 0.7 metres high. The fence at 9 Nixon Street is 1.1 m high and at 11 Nixon Street is 0.8 metres high. On the opposite side of the road, fences are all in this height range and are consistent in being of this traditional height. The proposal is quite inconsistent with the prevailing pattern of fence height in the street and should be lower, although it is acknowledged that fences to 1.2 metres are exempt from requiring a planning permit in a heritage precinct.

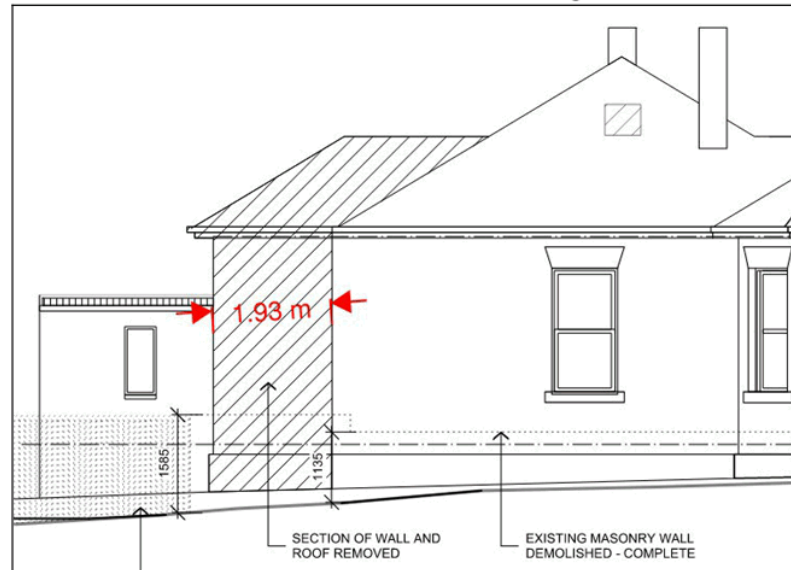
The rear demolition must be assessed against E13.8.1 P1 which states:

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

*(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;*

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

The proposal demolishes 1.93 metre section of brick wall, sandstone foundation, eaves and roof. This is shown in the image below.



Existing house showing the extent of demolition. Source: Applicant's documentation

The statements of significance describe the precinct as being: "a coherent precinct of high integrity" and having "consistency of housing forms and the relatively low level of intrusive elements" and "high visual integrity of the streetscapes". Advice has been offered to the applicant for a design solution that minimises demolition and results in less demolition of a part of building that can be clearly viewed from both Nixon and Marsden Street, part of the building that is acknowledged as being part of that cohesive character. No advice has been offered that outlines why this is an exceptional circumstance warranting the extent of demolition a required by clause E13.8.1 P1. The proposed demolition will result in the loss of fabric and building that demonstrates a consistent and high level of

visual integrity. There are prudent and feasible alternatives that could be pursued to provide the same, and even more floor area, than what is being proposed at ground level, as well as increasing light levels into the building and creating the contemporary living space sought by the owners. The internal demolition is not considered problematic as it creates a large open rear living, kitchen and dining space that is not viewed or discernable as such from the streetscape. However, in respect to the demolition of the 1.9 metres section of brick wall, foundations, eaves and roof, it is considered that the proposal does not satisfy E13.8.1 P1 (a) and (b).

The proposed extension must be assessed against E13.8.2 P1 which states:

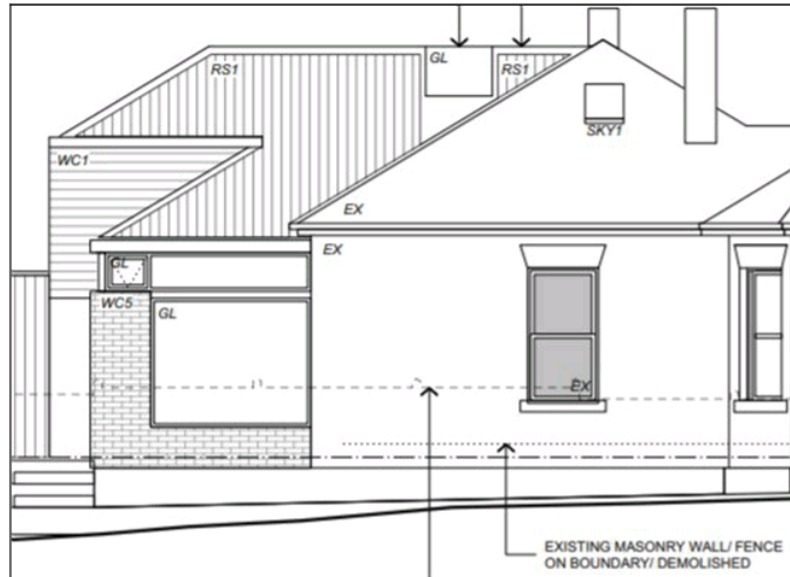
*Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*

Clause E13.8.2 P3 states:

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

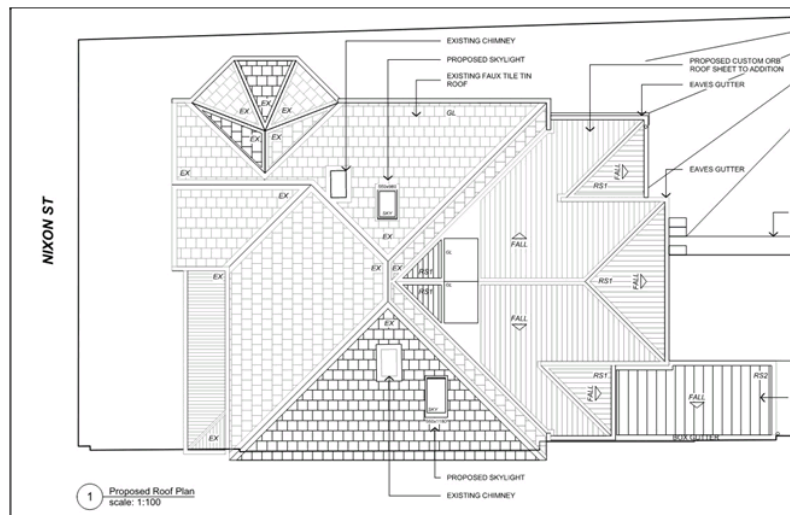
The proposal introduces a new rear extension visible from Marsden Street and partially from Nixon Street with a mix of brick and contemporary windows. The following images shows the change including the demolition of the rear section of brick wall, eaves line and section of hipped roof.





Proposed house extension with new window and roof form. Source: Applicant's documentation

The colour of the materials of the proposed extension is considered acceptable. However, the new roof in Colorbond 'Shale Grey' is completely incompatible and is incongruous with the old roof of red pressed tin tile resulting in a discordant and intrusive extension that is not sympathetic to the character of the precinct. The following roof plan demonstrates the incongruity between the existing and proposed roof material and altered eaves line.



Roof plan showing the proposed roof form and different roofing materials .

Source: Applicant's documentation.

Advice was provided to the applicant that a simpler extension that resulted in the same internal footprint could be achieved in the form of a simple skillion of 1 metre or even larger which would not require the same degree of demolition or alteration. Additional new windows could be introduced into the northern (Marsden St) elevation again without so much intervention, alteration and demolition of original brick fabric and without having to change the eaves. In addition the upper roof extension could also be achieved by shifting the internal spaces toward the northern (Marsden St) elevation.

In summary, this proposed extension increases the footprint of the house at ground level by 1 metre. The proposed extension is an overly complicated and costly design approach that results in demolition and then reconstruction in a form that is quite inconsistent with the cohesive character of the precinct. With this section of the house visible from both Nixon and Marsden Streets, the demolition and new extension results in different eaves, narrower and of a style that is not compatible with the traditional form.

By reference to clauses E13.8.2 P1 and E13.8.2 P3 of the Historic Heritage Code of the Scheme, the word '*detract*' means to '*take away, to draw away or divert*' and '*detriment*' means '*to take away some part from, as from quality, value or reputation.*' While a number of rear extensions have been put forward in the applicant's submission as illustrations of new development, the majority of these were approved prior to the current planning scheme, the *Hobart Interim Planning Scheme 2015*. As examples they illustrate quite well, the cumulative impact of development that is inconsistent with the prevailing heritage character, the reason the heritage precinct was created. The gradual erosion and loss of heritage values through the demolition of small, significant parts of buildings within heritage precincts combined with unsympathetic design is not the objective of the Historic Heritage Code of the Scheme which states:

*E13.8.2: To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.*

It is considered that the proposal is not sympathetic to the character of the precinct and is recommended for refusal. The proposal does not satisfy E13.8.1 P1, E13.8.2 P1 and E13.8.2 P2.

The grounds for refusal are:

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 P1 of the *Hobart Interim Planning Scheme 2015* because the proposal will result in demolition of parts of a building that contribute to the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P1 of the *Hobart Interim Planning Scheme 2015* because the proposed rear extension will result in detriment to the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P3 of the *Hobart Interim Planning Scheme 2015* because the proposed rear extension will detract from the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.

Sarah Waight  
Senior Cultural Heritage Officer  
2 Dec 2020

6.12.2 The proposal does not comply with the performance criteria.

## 7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Alterations, Extension and Front Fencing, at 7 Nixon Street Sandy Bay.
- 7.2 The application was advertised and received our (4) representations. The representations were all in support of the proposed development.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not perform well on heritage grounds.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Cultural Heritage Officer. The Senior Cultural Heritage Officer has raised objection to the proposal.
- 7.5 The proposal is recommended for refusal.

**8. Conclusion**

- 8.1 The proposed Partial Demolition, Alterations, Extension and Front Fencing at 7 Nixon Street, Sandy Bay does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Partial Demolition, Alterations, Extension and Front Fencing, at 7 Nixon Street, Sandy Bay for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposal includes demolition that will result in the loss of parts of a building that contribute to the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed rear extension will result in detriment to the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.
- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A3 and P3 of the *Hobart Interim Planning Scheme 2015* because the proposed rear extension will detract from the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.



(Michael McClenahan)  
**Assistant Planner**

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



(Ben Ikin)  
**Senior Statutory Planner**

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

Date of Report: 3 December 2020

**Attachment(s):**

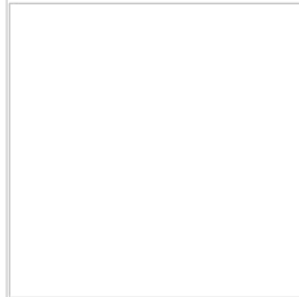
Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Planning: #209356

**Property**

7 NIXON STREET SANDY BAY TAS 7005

**People**

Applicant

\*

ALEXANDER REED  
26 / 93 SALAMANCA PLACE  
BATTERY POINT TAS 7004  
0400672203  
admin@mccarthyreed.com.au

Owner

\*

SARAH KIMBER  
7 NIXON ST  
SANDY BAY TAS 7005  
0400602783  
sarahkimber@gmail.com

Owner

\*

JUSTIN BLACK  
7 NIXON STREET  
SANDY BAY TAS 7005  
0409233189  
justin.black@cub.com.au

Entered By

ALEXANDER REED  
26 / 93 SALAMANCA PLACE  
BATTERY POINT TAS 7004  
0400672203  
admin@mccarthyreed.com.au

**Use**

Single dwelling

**Details**

Have you obtained pre application advice?

☒ No

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

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

\*

☒ No

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

\*

☒ No

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

### Details

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

\*

RESIDENTIAL DWELLING

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

\*

DEMOLITION, ALTERATION AND ADDITION,

Estimated cost of development

\*

200000.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

116.35

150.30

325

### Carparking on Site

N/A

Total parking spaces

Existing parking spaces

☐ Other (no selection chosen)

1

1

### Other Details

Does the application include signage?

\*

☒ No

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

\*

0

### Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

☒ No

### Documents

#### Required Documents

Title (Folio text and Plan and Schedule of Easements)

\*

7 NIXON TITLE.pdf

Plans (proposed, existing)

\*

2020.07.22 - 7 NIXON ST\_DEVELOPMENT APPLICATION.pdf



**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME 126491	FOLIO 1
EDITION 6	DATE OF ISSUE 06-Sep-2018

SEARCH DATE : 22-Jul-2020

SEARCH TIME : 12.26 PM

DESCRIPTION OF LAND

City of HOBART  
Lot 1 on Plan 126491  
Being the land described in Conveyance 40/0942  
Derivation : Part of 89A-2R-0Ps. Granted to William Morgan.  
Derived from A16831

SCHEDULE 1

M706932 TRANSFER to SARAH RENEE KIMBER of one undivided 1/3 share and JUSTIN JAMES BLACK of two undivided 1/3 shares as tenants in common Registered 05-Sep-2018 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
16/4475 CONVEYANCE: Benefiting Easement: Drainage right over the land marked "drain" on Plan 126491 in common with the owners of the lands now of formerly owned by Tasman Morrisby and Rosa Ellen Large.  
16/4475 CONVEYANCE: Benefiting Easement: Right to allow eaves and spouting to overhang the land marked "Eaves and Spouting" on Plan 126491  
E148252 MORTGAGE to Commonwealth Bank of Australia  
Registered 05-Sep-2018 at 12.03 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**FOLIO PLAN**

RECORDER OF TITLES

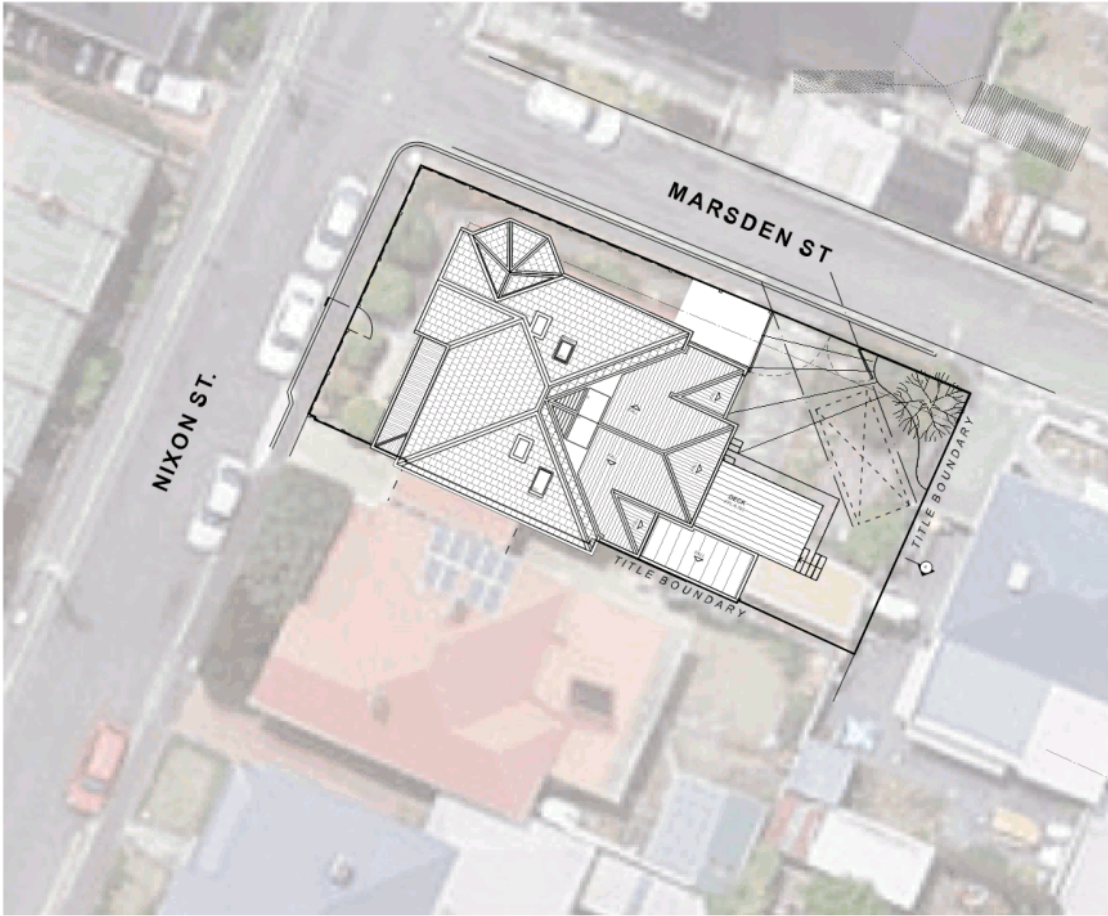
Issued Pursuant to the Land Titles Act 1980



FILE NUMBER A.16831		<b>CONVERSION PLAN</b>		REGISTERED NUMBER
GRANTEE PART OF 89 <sup>A</sup> 2 <sup>R</sup> 0 <sup>P</sup> , GRANTED TO WILLIAM MORGAN.		LOCATION CITY OF HOBART		<b>P126491</b>
		CONVERTED FROM (40/942)		APPROVED 21 NOV 1996
		NOT TO SCALE LENGTHS IN METRES		<i>Michael Smith</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 114 (5225)	LAST UPJ No.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		DRAWN D.B.

**SKETCH BY WAY OF ILLUSTRATION ONLY**  
"EXCEPTED LANDS"

A-30



**SITE INFORMATION:**

ZONING:	116 INNER RESIDENTIAL
OVERLAY:	116 HERITAGE PRECINCT
BAL RATING:	N/A
CORROSION ENVIRONMENT:	SEVERE
DESIGN WIND SPEED:	N3
SOIL CLASSIFICATION:	TBA
CLIMATE ZONE:	7
LAND TITLE REFERENCE:	12649/1/1
MAX ALLOWED SITE COVERAGE:	50%

**EXISTING AREAS:**

EXISTING FLOOR AREA:	116.25m <sup>2</sup>
EXISTING OUTBUILDINGS:	18.55m <sup>2</sup>
EXISTING ROOFED AREA (excluding eaves up to 0.6m):	135m <sup>2</sup>
SITE AREA	325.75m <sup>2</sup>
EXISTING SITE COVERAGE	41.44%

**PROPOSED AREAS:**

PROPOSED GROUND FLOOR AREA:	127.14m <sup>2</sup>
PROPOSED 2ND FLOOR:	34.78m <sup>2</sup>
DECK:	25.63m <sup>2</sup>
PROPOSED ROOFED AREA (excluding eaves up to 0.6m):	150.30m <sup>2</sup>
SITE AREA	325.75m <sup>2</sup>
PROPOSED SITE COVERAGE	46.94%

**DRAWING REGISTER :**

A100	SITE PLAN
A201	EXISTING FLOOR
A202	EXISTING ROOF
A203	PROPOSED FLOOR PLAN
A204	PROPOSED UPPER PLAN
A205	PROPOSED ROOF
A301	EXISTING ELEVATIONS
A302	PROPOSED ELEVATIONS
A303	PROPOSED ELEVATIONS
A304	FENCE DETAILS
A401	SECTION A
A402	SECTION B+C
A403	SECTION D+E
M1	PROPOSED WINTER SOLSTICE 9am - 10am
M2	EXISTING WINTER SOLSTICE 9am - 10am
M3	PROPOSED WINTER SOLSTICE 11am - 12pm
M4	EXISTING WINTER SOLSTICE 11am - 12pm
M5	PROPOSED WINTER SOLSTICE 1pm - 2pm
M6	EXISTING WINTER SOLSTICE 1pm - 2pm
M7	PROPOSED + EXISTING WINTER SOLSTICE 3pm
M8	PROPOSED MARCH EQUINOX
M9	PROPOSED SEPTEMBER EQUINOX
T1	OFF STREET PARKING

ALTERATION + ADDITION  
**7 NIXON ST.**  
SANDY BAY



1 Site / Location  
scale: 1:200

REVISION NOTES: REV. DESCRIPTION DATE



**MCARTHUR**  
ARCHITECTS  
M: 0419 132 035 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 CC: 6211

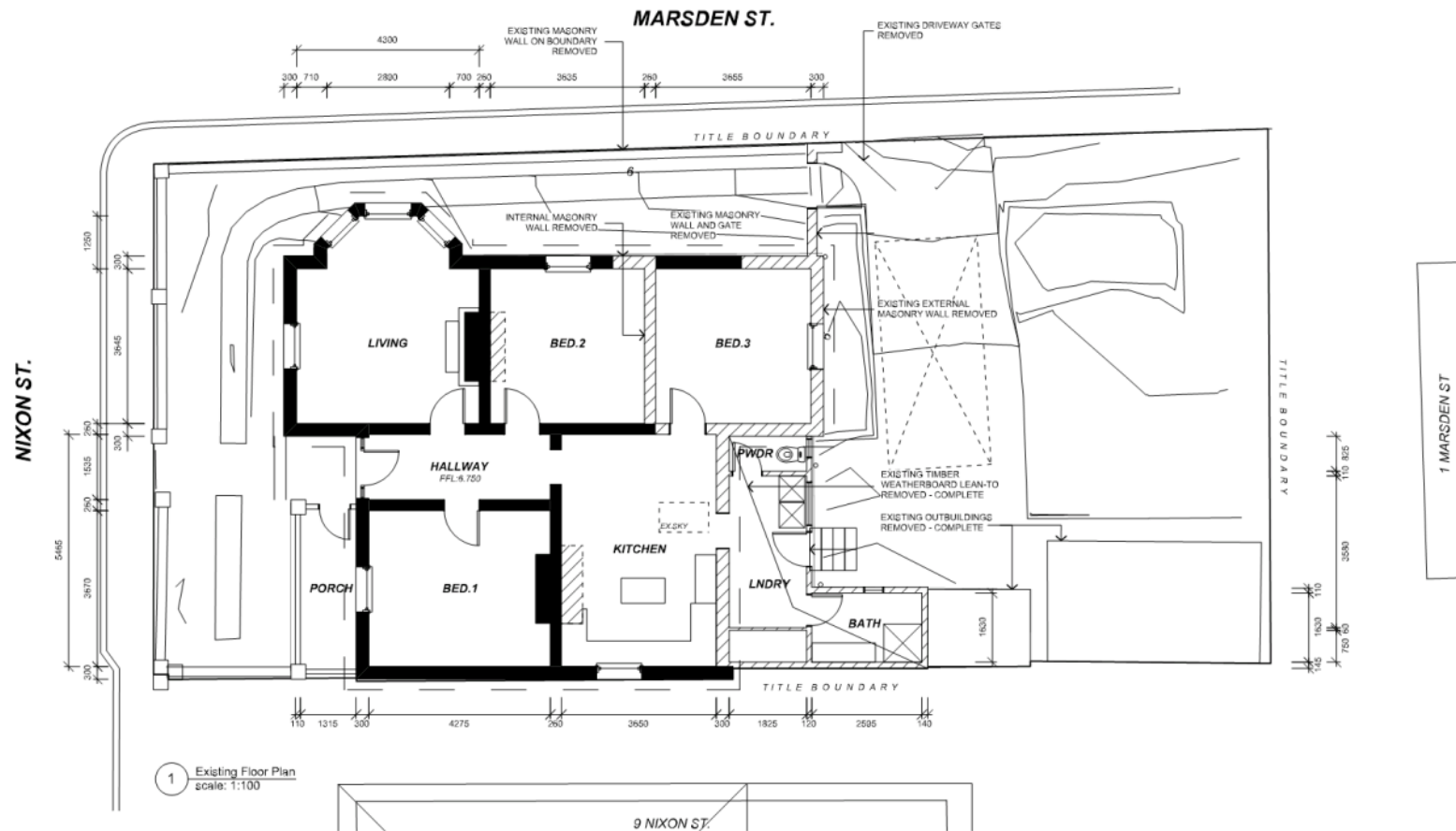
ALT. ADDITION  
**7 NIXON STREET**  
**SANDY BAY**  
**KIMBER BLACK**

JOB No.: 1901  
DRAWING: SITE PLAN  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN & A3  
DRAWN: ARR  
REVISION: -

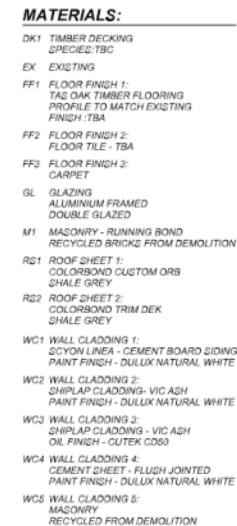
**A100**

DATE: 29.10.2020

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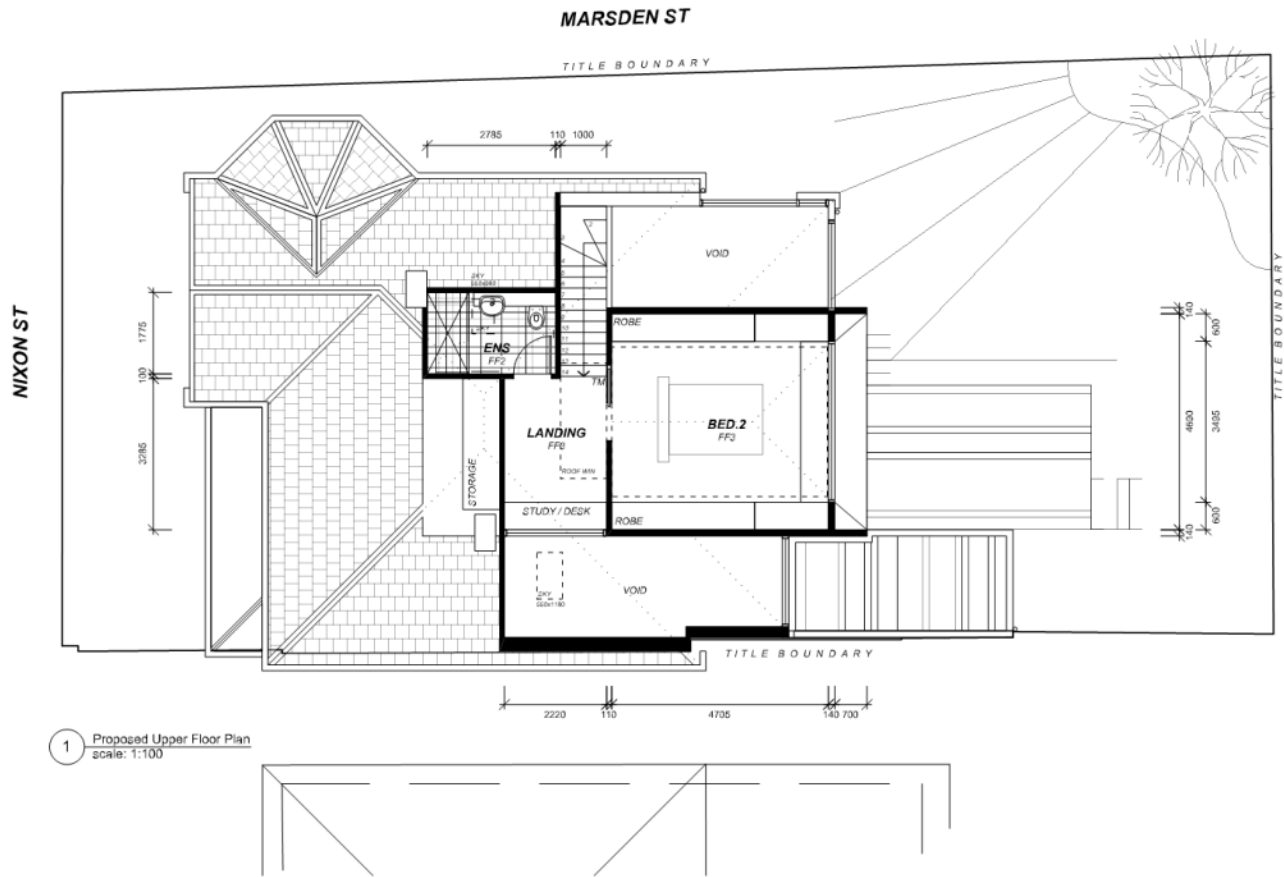








- MATERIALS:**
- DK1 TIMBER DECKING  
SPECIES: TBC
  - EX EXISTING
  - FF1 FLOOR FINISH 1:  
TAS OAK TIMBER FLOORING  
PROFILE TO MATCH EXISTING  
FINISH: TBA
  - FF2 FLOOR FINISH 2:  
FLOOR TILE - TBA
  - FF3 FLOOR FINISH 3:  
CARPET
  - GL GLAZING  
ALUMINIUM FRAMED  
DOUBLE GLAZED
  - M1 MASONRY - RUNNING BOND  
RECYCLED BRICKS FROM DEMOLITION
  - RS1 ROOF SHEET 1:  
COLORBOND CUSTOM ORB  
SHALE GREY
  - RS2 ROOF SHEET 2:  
COLORBOND TRIM DEK  
SHALE GREY
  - WC1 WALL CLADDING 1:  
SCYON LINEA - CEMENT BOARD SIDING  
PAINT FINISH - DULUX NATURAL WHITE
  - WC2 WALL CLADDING 2:  
SHIPLAP CLADDING - VIC ASH  
PAINT FINISH - DULUX NATURAL WHITE
  - WC3 WALL CLADDING 3:  
SHIPLAP CLADDING - VIC ASH  
OIL FINISH - CUTEK CD50
  - WC4 WALL CLADDING 4:  
CEMENT SHEET - FLUSH JOINTED  
PAINT FINISH - DULUX NATURAL WHITE
  - WC5 WALL CLADDING 5:  
MASONRY



REVISION NOTES:	REV.	DESCRIPTION	DATE
	A	PLANNING - RFI RESPONSE	2020/09/09



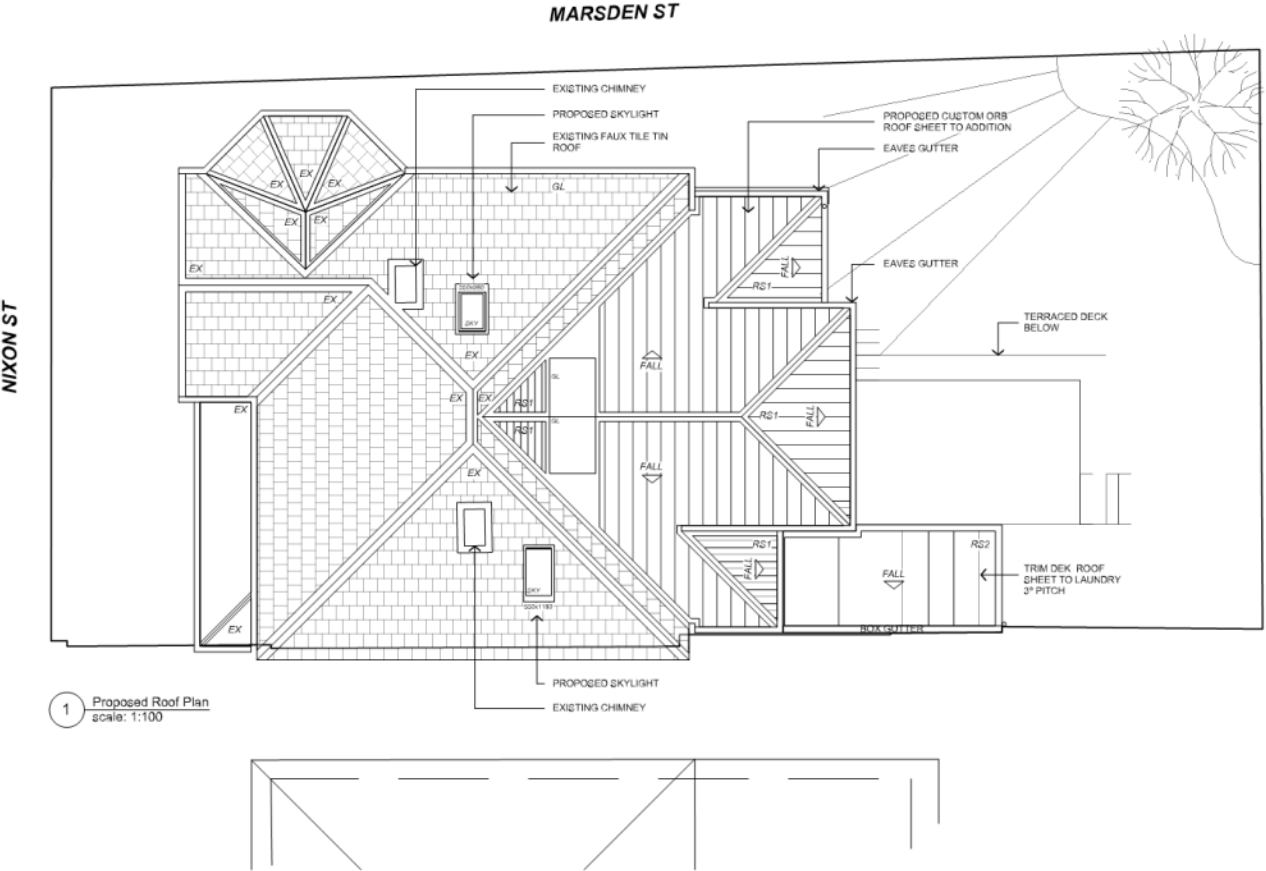
**MCCARTHY**  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: PROP UPPER PLAN  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ART  
REVISION: A

DA  
**A204**  
DATE: 29.10.2020

- MATERIALS:**
- DK1 TIMBER DECKING  
SPECIES: TBC
  - EX EXISTING
  - FF1 FLOOR FINISH 1:  
TAS OAK TIMBER FLOORING  
PROFILE TO MATCH EXISTING  
FINISH: TBA
  - FF2 FLOOR FINISH 2:  
FLOOR TILE - TBA
  - FF3 FLOOR FINISH 3:  
CARPET
  - GL GLAZING  
ALUMINIUM FRAMED  
DOUBLE GLAZED
  - M1 MASONRY - RUNNING BOND  
RECYCLED BRICKS FROM DEMOLITION
  - RS1 ROOF SHEET 1:  
COLORBOND CUSTOM ORB  
SHALE GREY
  - RS2 ROOF SHEET 2:  
COLORBOND TRIM DEK  
SHALE GREY
  - WC1 WALL CLADDING 1:  
SCYON LINEA - CEMENT BOARD SIDING  
PAINT FINISH - DULUX NATURAL WHITE
  - WC2 WALL CLADDING 2:  
SHIPLAP CLADDING - VIC ASH  
PAINT FINISH - DULUX NATURAL WHITE
  - WC3 WALL CLADDING 3:  
SHIPLAP CLADDING - VIC ASH  
OIL FINISH - CUTEK CD50
  - WC4 WALL CLADDING 4:  
CEMENT SHEET - FLUSH JOINTED  
PAINT FINISH - DULUX NATURAL WHITE
  - WC5 WALL CLADDING 5:  
MASONRY



REVISION NOTES	REV.	DESCRIPTION	DATE
	A	PLANNING - RFI RESPONSE	2020/09/09



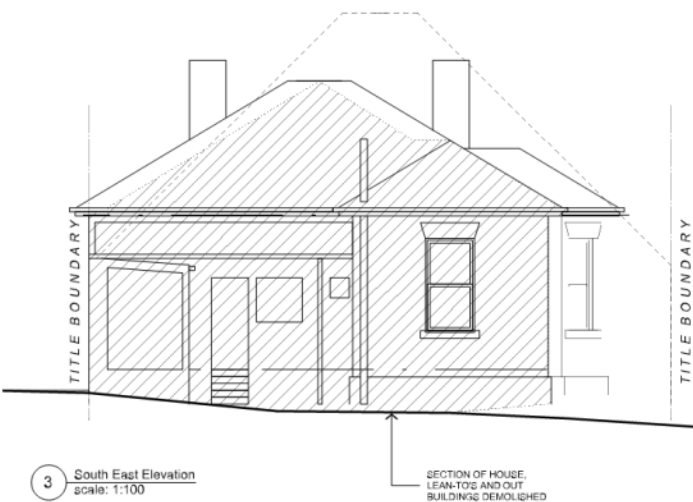
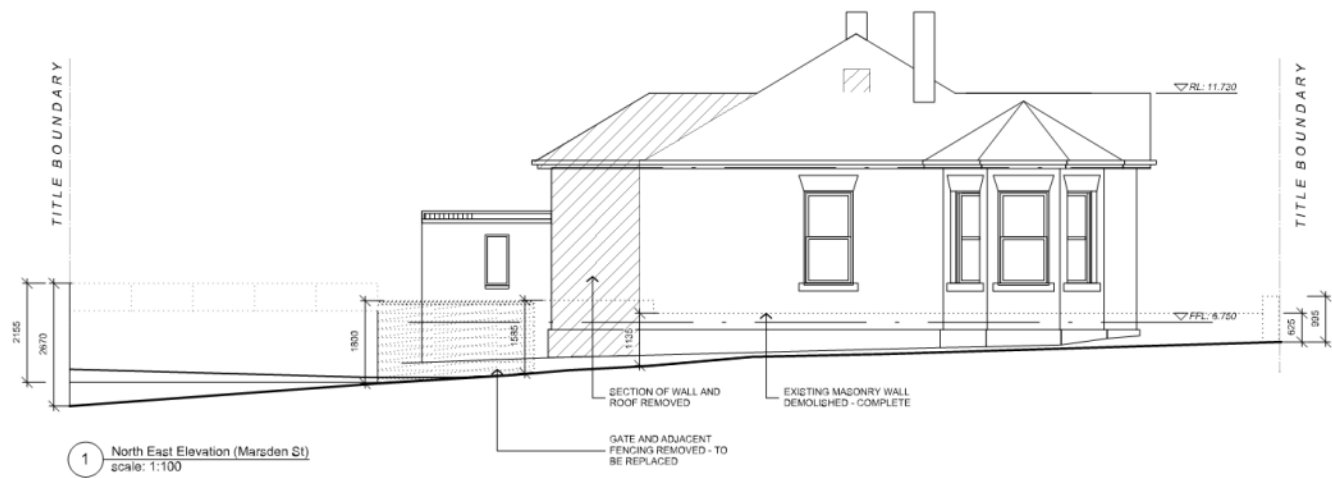
**MCCARTHY**  
ARCHITECTS  
M: 0499 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

ALT. ADDITION  
**7 NIXON STREET**  
**SANDY BAY**  
**KIMBER BLACK**

JOB No: 19.01  
DRAWING: PROPOSED ROOF PLAN  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ART  
REVISION: A

**DA**  
**A205**  
DATE: 29/10/2020





REVISION NOTES: REV. DESCRIPTION DATE

0 2 3 4 5 M

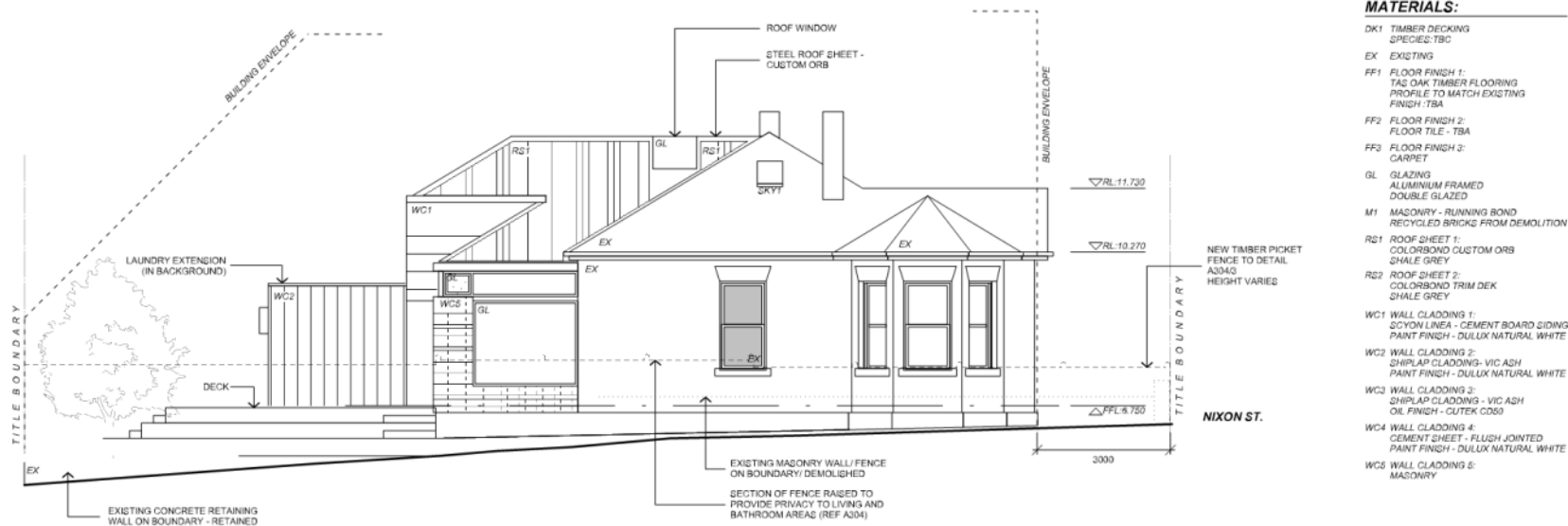
MCARTHUR  
ARCHITECTS  
M: 0499 132 038 - STEVE MCARTHUR  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

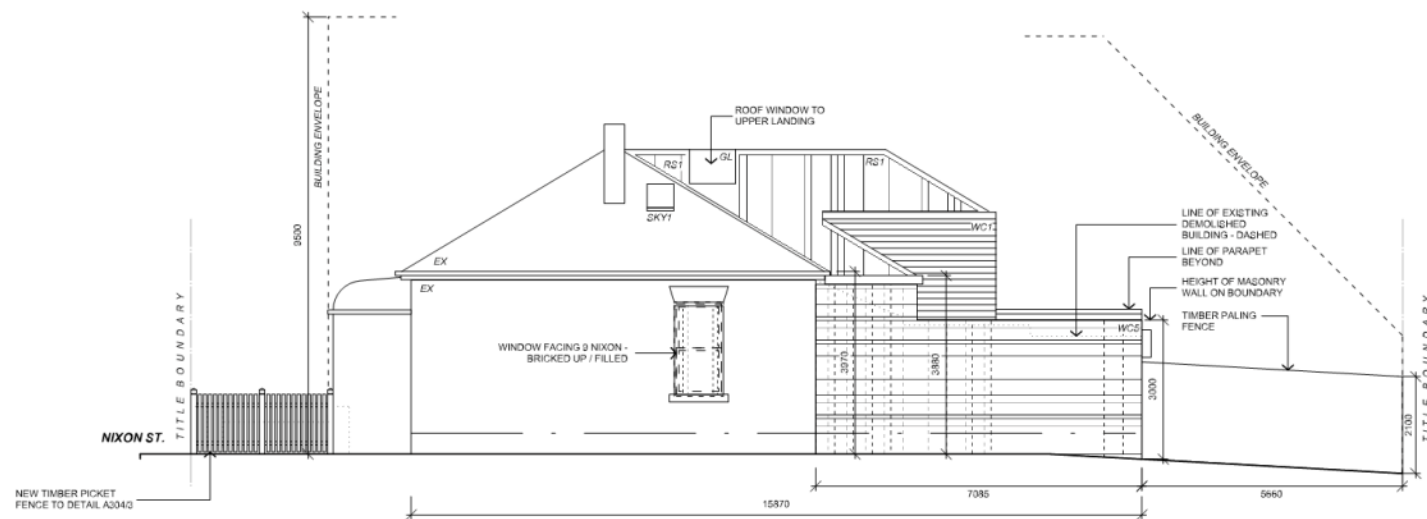
JOB No: 19.01  
DRAWING: EX. ELEVATIONS  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (S.A.)  
DRAWN: ARR  
REVISION: -

DA  
A301

DATE: 29.10.2020



1 North East Elevation (Marsden St)  
scale: 1:100



2 South West Elevation  
scale: 1:100

REVISION NOTES:	REV.	DESCRIPTION	DATE
	A	STREET FENCING HEIGHTS ROOF COLOURS	2020.10.29

NORTH KE  
ARCHITECTS

M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 CC: 6311

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

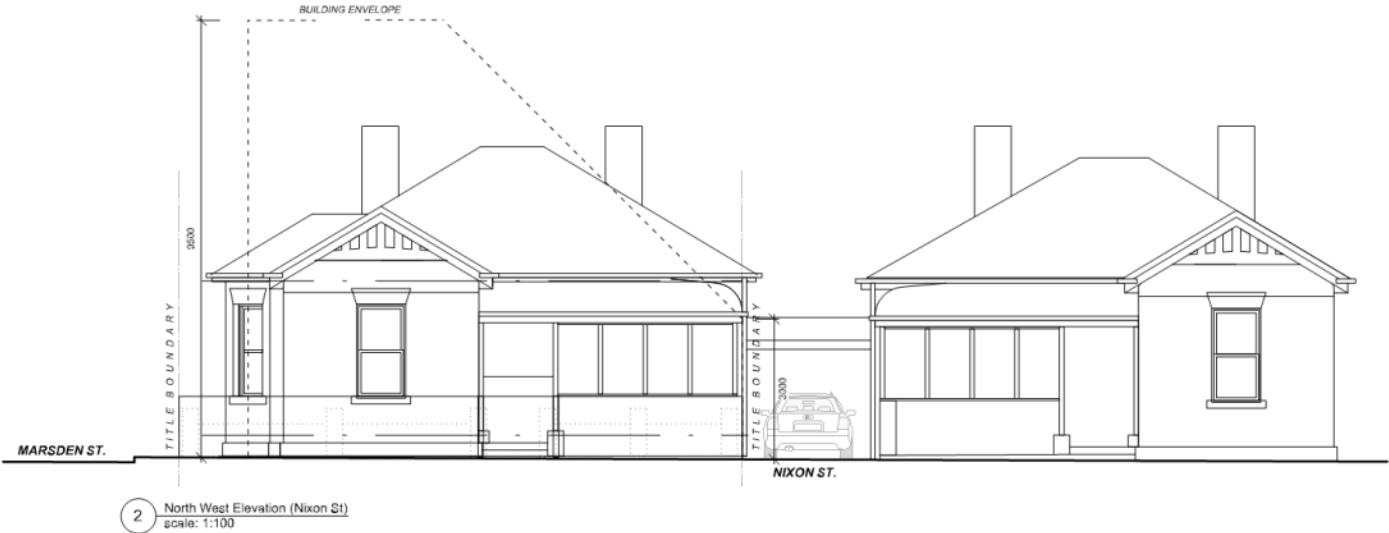
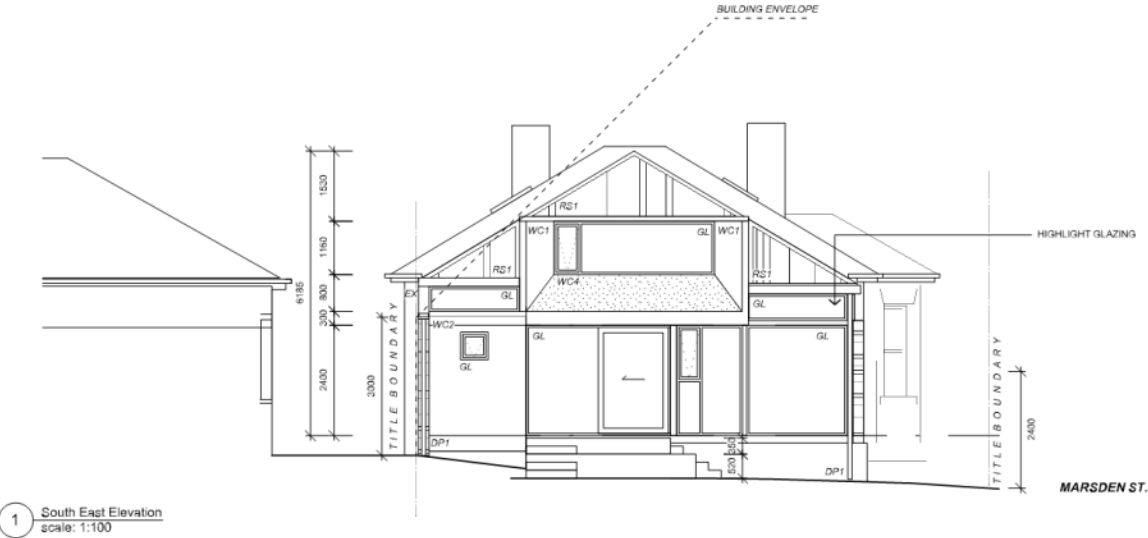
JOB No: 13.01  
DRAWING: PROP. ELEVATIONS  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN @ A3  
DRAWN: ARR  
REVISION: A

DA

A302

DATE: 29.10.2020

- MATERIALS:**
- DK1 TIMBER DECKING  
SPECIES: TBC
  - EX EXISTING
  - FF1 FLOOR FINISH 1:  
TAS OAK TIMBER FLOORING  
PROFILE TO MATCH EXISTING  
FINISH: TBA
  - FF2 FLOOR FINISH 2:  
FLOOR TILE - TBA
  - FF3 FLOOR FINISH 3:  
CARPET
  - GL GLAZING  
ALUMINIUM FRAMED  
DOUBLE GLAZED
  - M1 MASONRY - RUNNING BOND  
RECYCLED BRICKS FROM DEMOLITION
  - RS1 ROOF SHEET 1:  
COLORBOND CUSTOM ORB  
SHALE GREY
  - RS2 ROOF SHEET 2:  
COLORBOND TRIM DEK  
SHALE GREY
  - WC1 WALL CLADDING 1:  
SCYON LINEA - CEMENT BOARD SIDING  
PAINT FINISH - DULUX NATURAL WHITE
  - WC2 WALL CLADDING 2:  
SHIPLAP CLADDING - VIC ASH  
PAINT FINISH - DULUX NATURAL WHITE
  - WC3 WALL CLADDING 3:  
SHIPLAP CLADDING - VIC ASH  
OIL FINISH - CUTEK CD50
  - WC4 WALL CLADDING 4:  
CEMENT SHEET - FLUSH JOINTED  
PAINT FINISH - DULUX NATURAL WHITE
  - WC5 WALL CLADDING 5:  
MASONRY



REVISION NOTES:	REV.	DESCRIPTION	DATE
A		STREET FENCING HEIGHTS ROOF COLOURS	2020.10.29

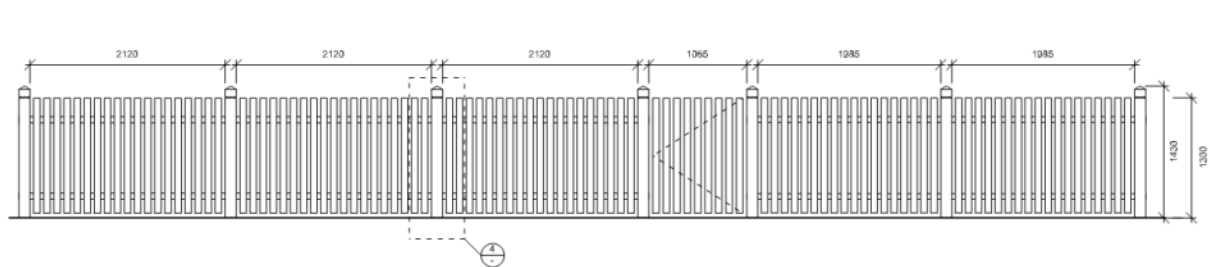
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**MCCARTHY**  
ARCHITECTS  
M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GIG: 6211

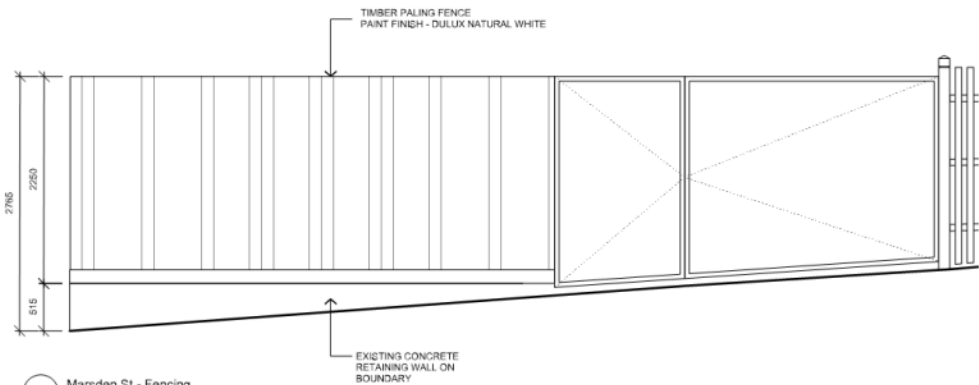
ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: PROPP. ELEVATIONS  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (S.A.)  
DRAWN: AM  
REVISION: A

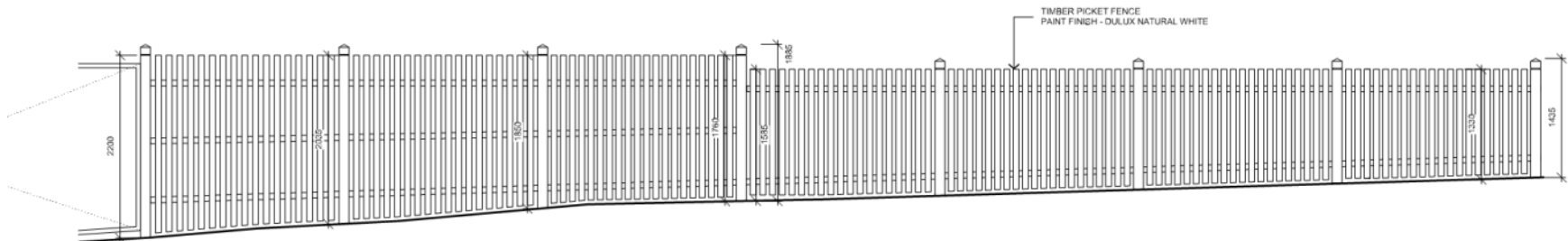
DA  
**A303**  
DATE: 29.10.2020



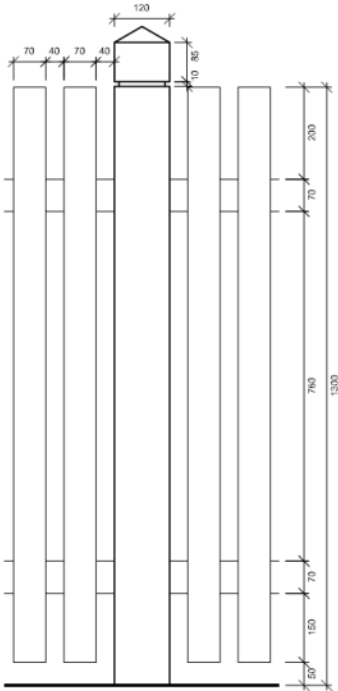
1 Nixon St - Fencing  
scale: 1:50



2 Marsden St - Fencing  
scale: 1:50



3 Marsden St - Fencing  
scale: 1:100



4 Fence Detail - Typical  
scale: 1:10

REVISION NOTES: REV. DESCRIPTION DATE

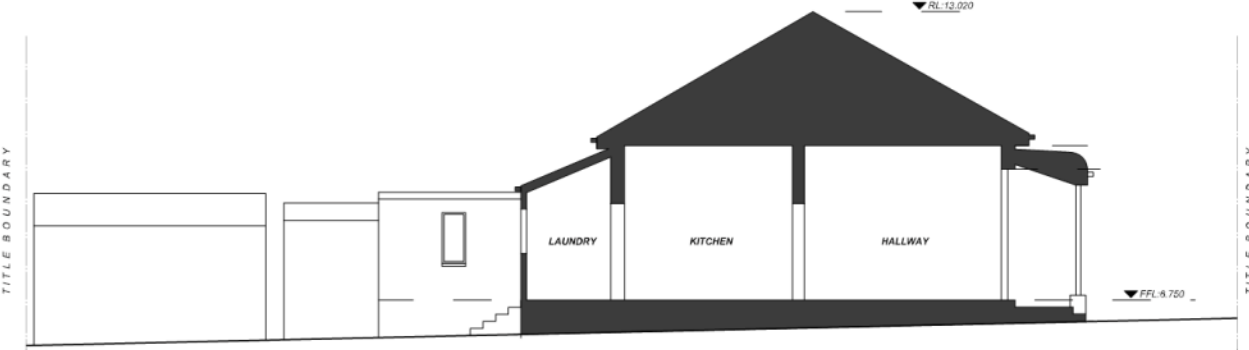
MCARTHY ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GQ: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

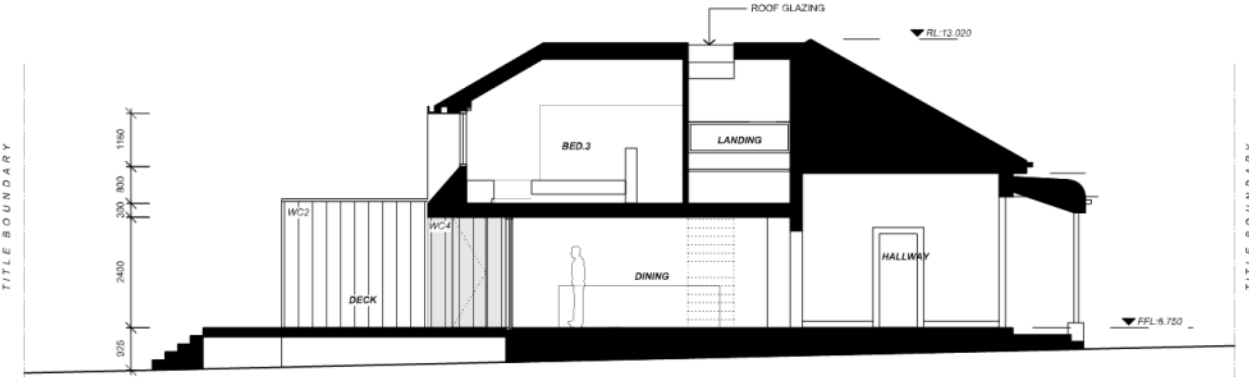
JOB No: 19.01  
DRAWING: STREET FENCING  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ARR  
REVISION: -

DA  
A304

DATE: 29.10.2020



1 Existing Section A  
scale: 1:100



2 Section A - Proposed  
scale: 1:100

REVISION NOTES:	REV.	DESCRIPTION	DATE
	A	ROOF GLAZING	2020.10.29

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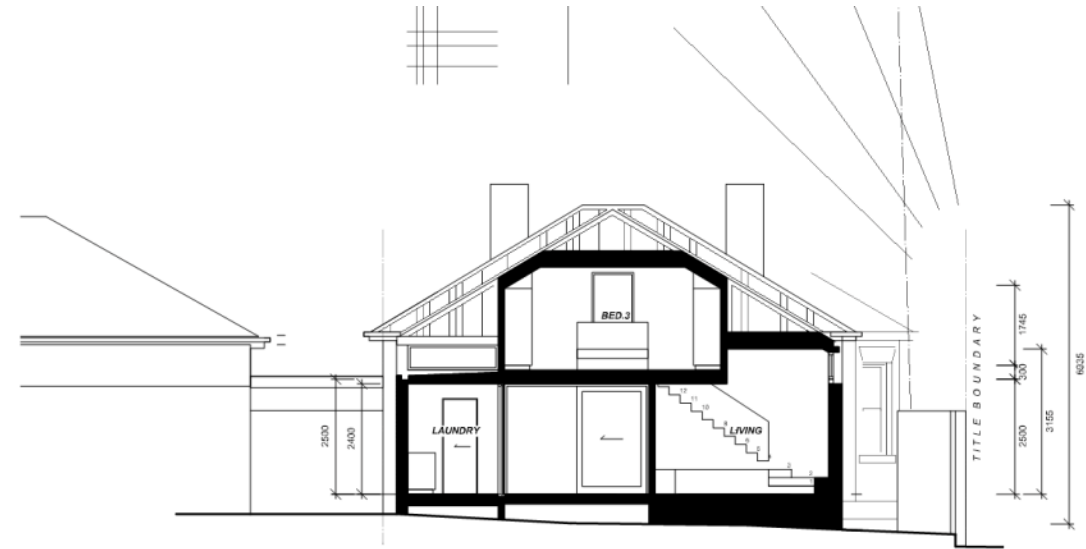
MCARTHY  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

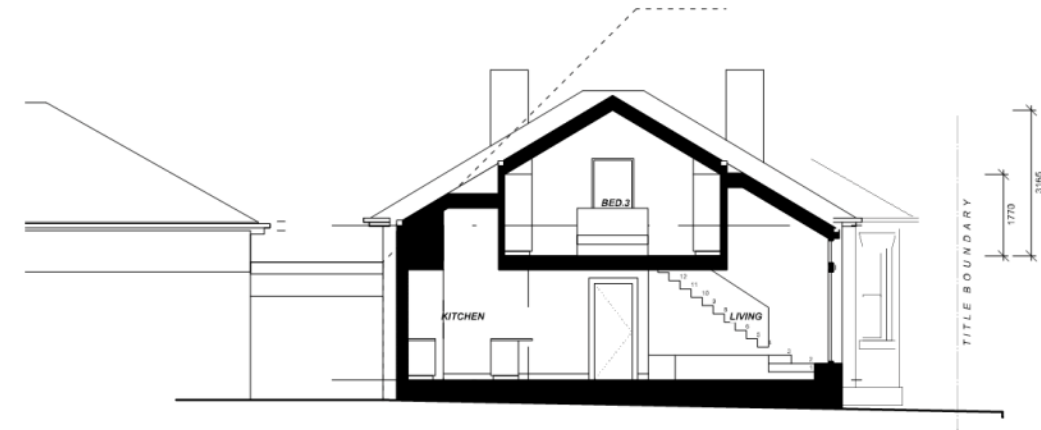
JOB No: 19.01  
DRAWING: SECTION A  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (S.A.)  
DRAWN: ARN  
REVISION: A

DA  
A401

DATE: 29.10.2020



1 Section B  
scale: 1:100



2 Section C  
scale: 1:100

REVISION NOTES: REV. DESCRIPTION DATE

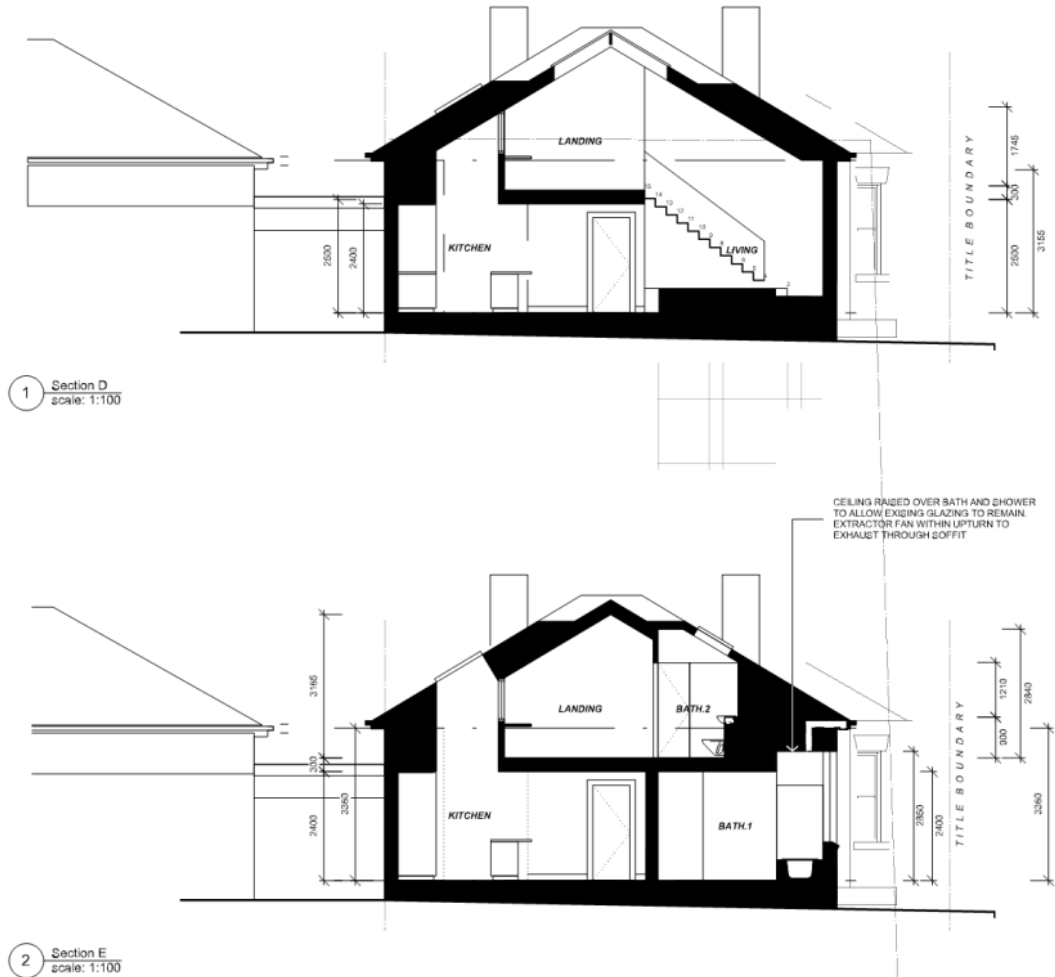
**MCCARTHY**  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

JOB No: 19.01  
DRAWING: SECTION B+C  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (B & A)  
DRAWN: ARR  
REVISION: -

**DA**  
**A402**

DATE: 29.10.2020



REVISION NOTES: REV. DESCRIPTION DATE

MCARTHY  
ARCHITECTS  
M: 0419 132 035 - STEVE MCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 CC: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 1901  
DRAWING: SECTION D-E  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN & A3  
DRAWN: ARR  
REVISION: -

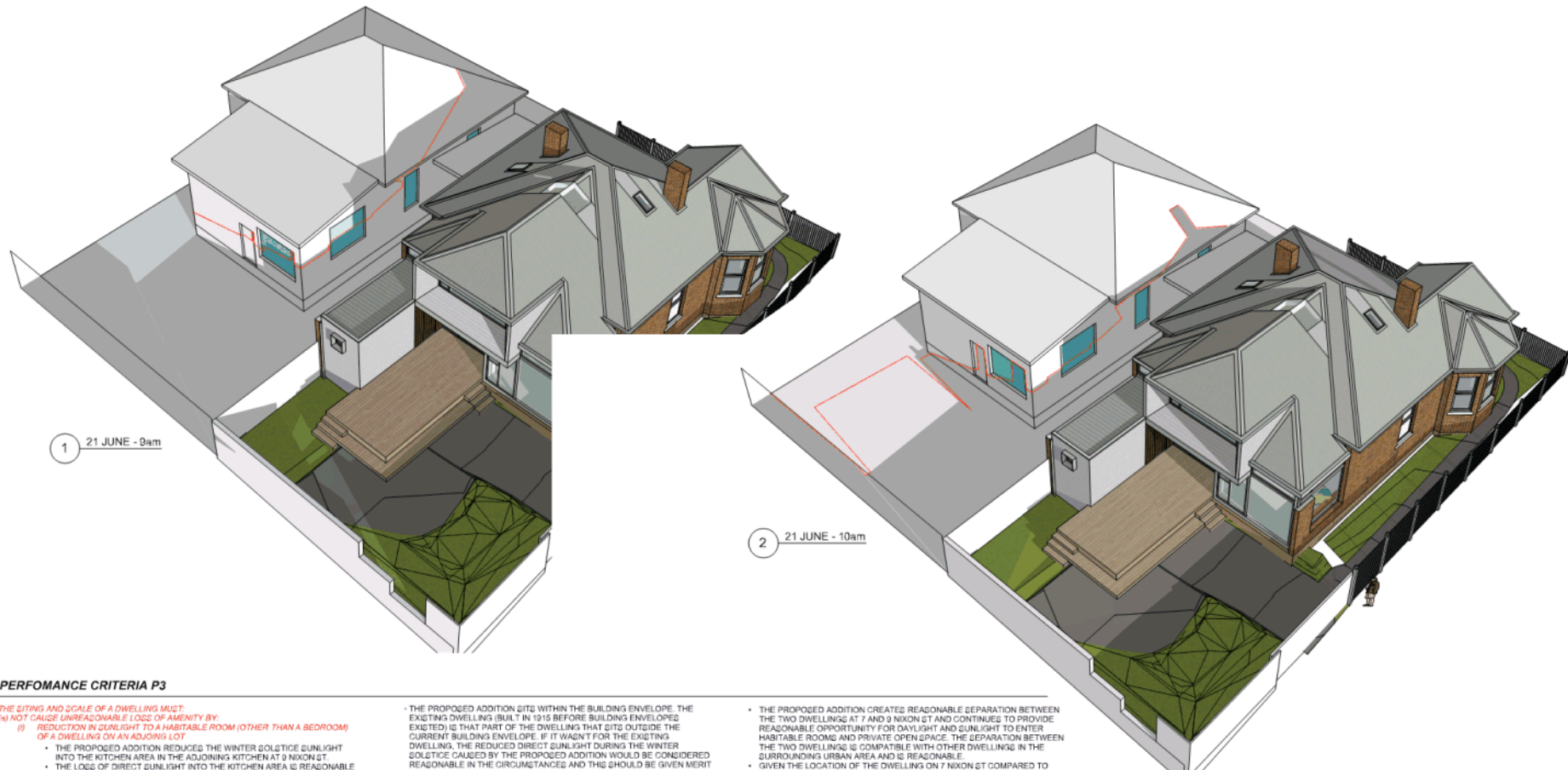
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DA

A403

DATE: 29.10.2020



**PERFORMANCE CRITERIA P3**

THE SITING AND SCALE OF A DWELLING MUST:  
(iv) 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

- THE PROPOSED ADDITION REDUCES THE WINTER SOLSTICE SUNLIGHT INTO THE KITCHEN AREA IN THE ADJOINING KITCHEN AT 9 NIXON ST.
- THE LOSS OF DIRECT SUNLIGHT INTO THE KITCHEN AREA IS REASONABLE BECAUSE:  
• IT IS ONLY DURING THE WINTER SOLSTICE MONTH THAT DIRECT SUNLIGHT IS LOST INTO THE KITCHEN WINDOW. ALL OTHER MONTHS THERE IS LITTLE TO NO CHANGE TO DIRECT SUNLIGHT, THEREFORE THE LOSS OF AMENITY IS LIMITED.
- THE AREA OF THE KITCHEN THAT IS IMPACTED DURING THE WINTER SOLSTICE MONTH IS A KITCHEN BENCH AND SINK NOT AN AREA THAT IS FREQUENTLY USED FOR AMENITY SUCH AS A DINING TABLE SEATED AREA. THE KITCHEN BENCH AND SINK SIT DIRECTLY AGAINST THE WINDOW WALL ADJOINING NUMBER 7 NIXON ST. THE KITCHEN AREA HAS OTHER WINDOWS ON AN ADJACENT WALL THAT PROVIDES SUNLIGHT INTO THE KITCHEN DINING AREA.
- THE PROPOSED ADDITION IS DESIGNED TO ENSURE THERE IS MINIMAL IMPACT ON THE AMENITY OF 9 NIXON ST AND SPECIFICALLY TO ENSURE THERE IS NO UNREASONABLE OVERSHADOWING OF ANY HABITABLE ROOM. CONSIDERATION FOR THE NEIGHBOURING DWELLING WAS GIVEN AND THE OWNER OF THE DWELLING WAS CONSULTED THROUGHOUT THE DESIGN PROCESS. THIS INCLUDED HAVING THE ROOF LINE AND CEILING HEIGHTS AS LOW AS POSSIBLE TO MINIMISE THE IMPACT OF THE PROPOSED ADDITION'S ROOF LINE.
- OVERALL THE KITCHEN AREA RECEIVES AMPLE DAYLIGHT AND SUNLIGHT DURING WINTER SOLSTICE DUE TO THE OTHER WINDOWS ON ADJOINING WALLS.

• THE PROPOSED ADDITION SITS WITHIN THE BUILDING ENVELOPE. THE EXISTING DWELLING (BUILT IN 1915 BEFORE BUILDING ENVELOPES EXISTED) IS THAT PART OF THE DWELLING THAT SITS OUTSIDE THE CURRENT BUILDING ENVELOPE. IF IT WADNT FOR THE EXISTING DWELLING, THE REDUCED DIRECT SUNLIGHT DURING THE WINTER SOLSTICE CAUSED BY THE PROPOSED ADDITION WOULD BE CONSIDERED REASONABLE IN THE CIRCUMSTANCES AND THIS SHOULD BE GIVEN MERIT WHEN ASSESSING THE PROPOSED ADDITION.

(ii) OVERSHADOWING THE PRIVATE OPEN SPACE OF A DWELLING ON AN ADJOINING LOT

THERE IS AN INCREASE IN SUNLIGHT TO THE PRIVATE OPEN SPACE DURING THE MARCH EQUINOX WITH THE PROPOSED REMOVAL OF THE EXISTING OUTBUILDINGS

(iii) OVERSHADOWING AN ADJOINING VACANT LOT

N/A

(iv) VISUAL IMPACTS CAUSED BY THE APPARENT SCALE, BULK OR PROPORTIONS OF THE DWELLING WHEN VIEWED FROM AN ADJOINING LOT

- EVERY CONSIDERATION HAS BEEN MADE TO ENSURE THE PROPOSED ADDITION SITS THE SIZE OF THE EXISTING DWELLING AND HAS BEEN DESIGNED TO REDUCE THE BULK OF THE PROPOSED ADDITION AS MUCH AS POSSIBLE. WHIST STILL ALLOWING FOR A REASONABLY SIZED DWELLING FOR MODERN LIVING. IT IS CONSISTENT WITH OTHER SCALE, BULK AND PROPORTION OF DWELLINGS IN THE AREA. ABET IS MODEST IN COMPARISON.

- THE PROPOSED ADDITION CREATES REASONABLE SEPARATION BETWEEN THE TWO DWELLINGS AT 7 AND 9 NIXON ST AND CONTINUES TO PROVIDE REASONABLE OPPORTUNITY FOR DAYLIGHT AND SUNLIGHT TO ENTER HABITABLE ROOMS AND PRIVATE OPEN SPACE. THE SEPARATION BETWEEN THE TWO DWELLINGS IS COMPATIBLE WITH OTHER DWELLINGS IN THE SURROUNDING URBAN AREA AND IS REASONABLE.
- GIVEN THE LOCATION OF THE DWELLINGS ON 7 NIXON ST COMPARED TO THE ADJOINING LOTS IN NIXON ST (MARGOLDEN ST) AND THE WAY THOSE DWELLINGS ARE SITUATED, ANY VISUAL IMPACT FROM THE PROPOSED ADDITION TO THOSE OTHER ADJOINING LOTS IS REASONABLE.
- THE PROPOSED ADDITION DOES NOT BLOCK OR CAUSE VISUAL IMPACT TO THE HOUSES ON THE OPPOSITE SIDE OF NIXON ST (INCLUDING THE TERRACES) DUE TO THE ROOF HEIGHT OF THE PROPOSED ADDITION BEING WITHIN THE EXISTING ROOFLINE (I.E. THE PROPOSED ADDITION DOES NOT BLOCK ANY WATER VIEWS) AND IS THEREFORE REASONABLE.
- MINIMUM CEILING HEIGHTS HAVE BEEN UTILIZED IN THE PROPOSED ADDITION TO ENSURE THE PROPOSED ADDITION SITS AS LOW AS POSSIBLE ON THE DWELLING.
- THE HIPPED ROOF FORM IS IN-KEEPING WITH THE SURROUNDING BUILDINGS AND HAS BEEN SELECTED FOR BOTH AESTHETICS AND FUNCTION. A FUNCTIONAL ASPECT OF THE HIPPED ROOF MEANS BEING ABLE TO UTILISE THE CATHEDRAL CEILING SPACES (DUE TO THE EXISTING DWELLING'S HIGH CEILING) TO ALLOW FOR A MODERN SPACE.
- THE SEPARATION BETWEEN 7 NIXON ST AND 9 NIXON ST HAS NOT CHANGED. THE BULK ON THE BOUNDARY BETWEEN THE TWO DWELLINGS IS REDUCED IN THE PROPOSED PLANS BY DEMOLITION OF MULTIPLE OUTBUILDINGS.
- THE BOUNDARY MATERIALS BETWEEN THE TWO DWELLINGS WILL BE CONSOLIDATED BY CONTINUING THE BRICK AND WITH A SMALL SECTION OF TIMBER FENCING TO THE REAR OF THE PROPERTY. THEREBY MAKING THE VISUAL IMPACT OF THE DWELLING ON 9 NIXON STREET TIDY AND REASONABLE.

REVISION NOTES: REV. DESCRIPTION DATE

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**NEOARTISTS**  
ARCHITECTS  
M: 0419 132 035 - STEVE MCCARTHY  
M: 0420 072 203 - ALI RUSO  
ABN: 41 943 954 898 CC: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

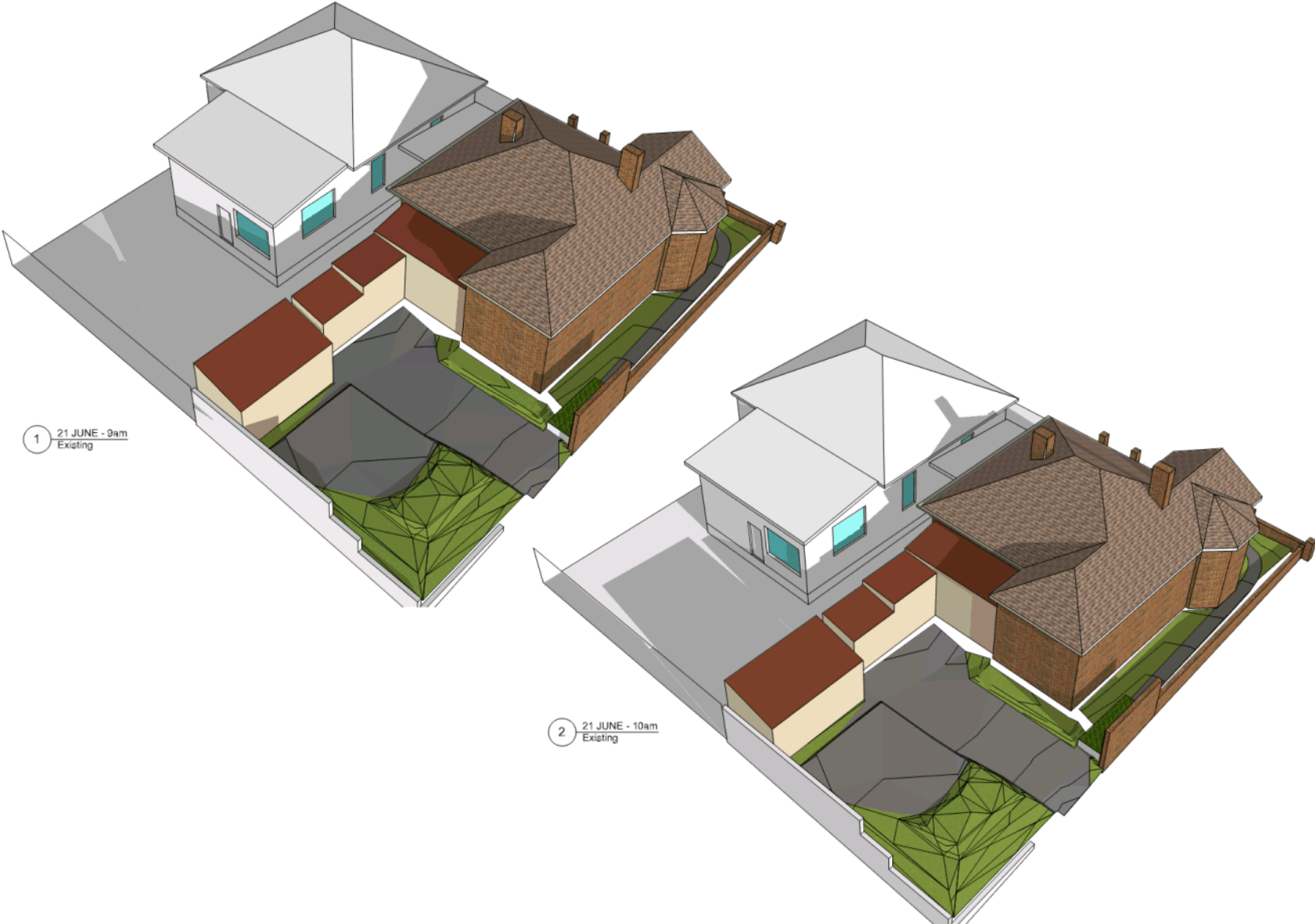
JOB No.: 1901  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN @ A3  
DRAWN: ARR  
REVISION: -

DA

M1

DATE: 29.10.2020





DA

M2

DATE: 28.10.2020

REVISION NOTES: REV. DESCRIPTION DATE

MCARTHY ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: EXISTING WINTER SOLSTICE  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3.00)  
DRAWN: ARR  
REVISION: -

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DA

M3

DATE: 29.10.2020

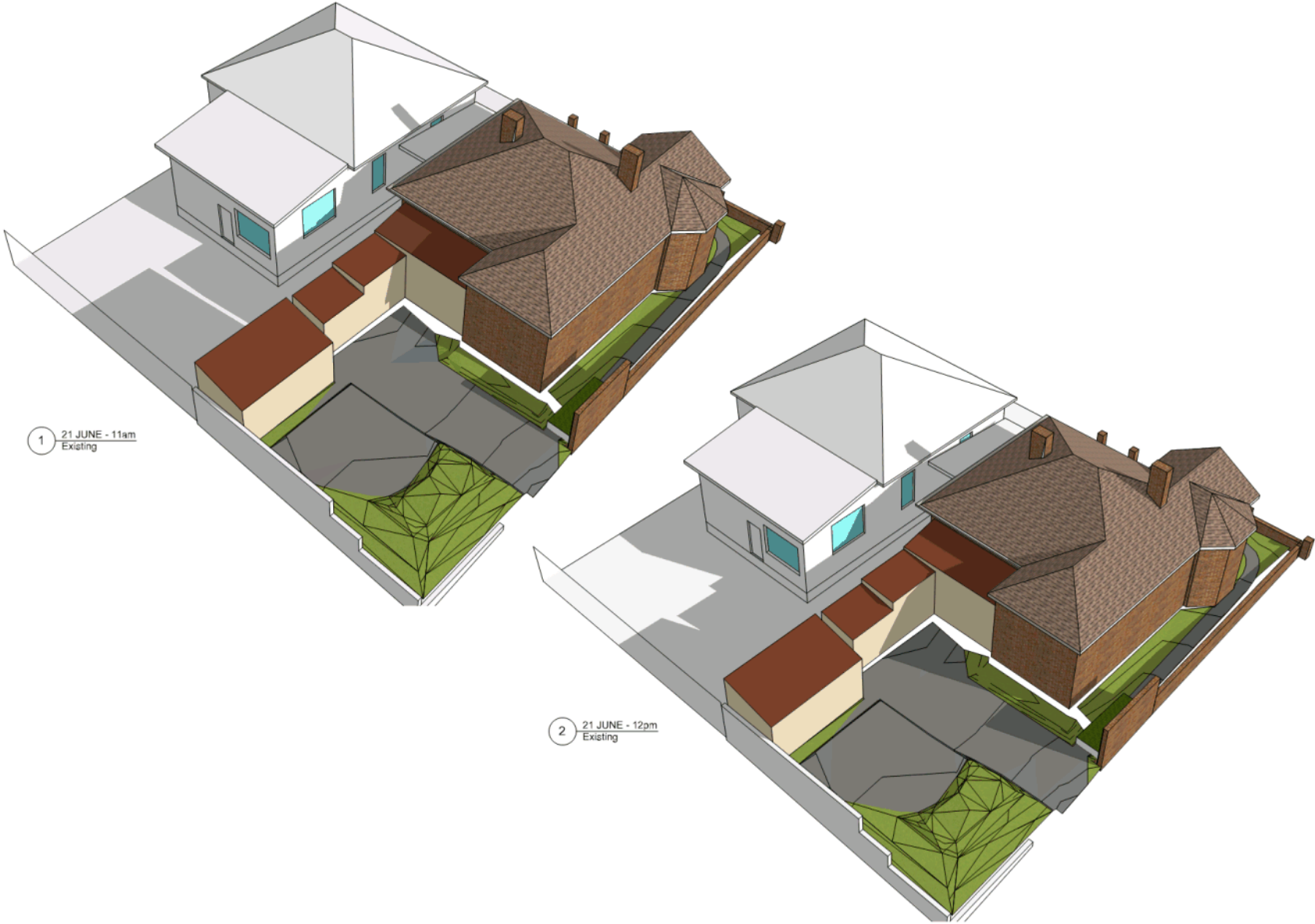
REVISION NOTES: REV. DESCRIPTION DATE

MC CARTHY ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ARR  
REVISION: -

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DA

M4

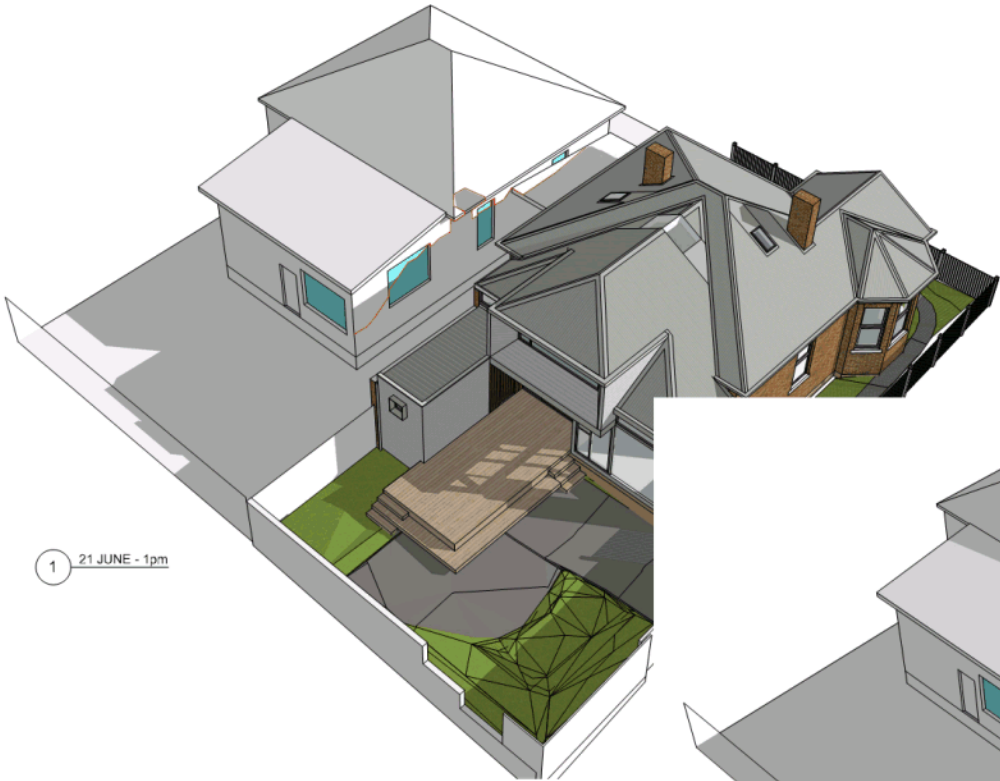
DATE: 29.10.2020

REVISION NOTES: REV. DESCRIPTION DATE

**MCCARTHY REED**  
ARCHITECTS  
M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

JOB No: 19.01  
DRAWING: EXISTING WINTER SOLSTICE  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ARR  
REVISION: -



DA

M5

DATE: 29.10.2020

REVISION NOTES: REV. DESCRIPTION DATE

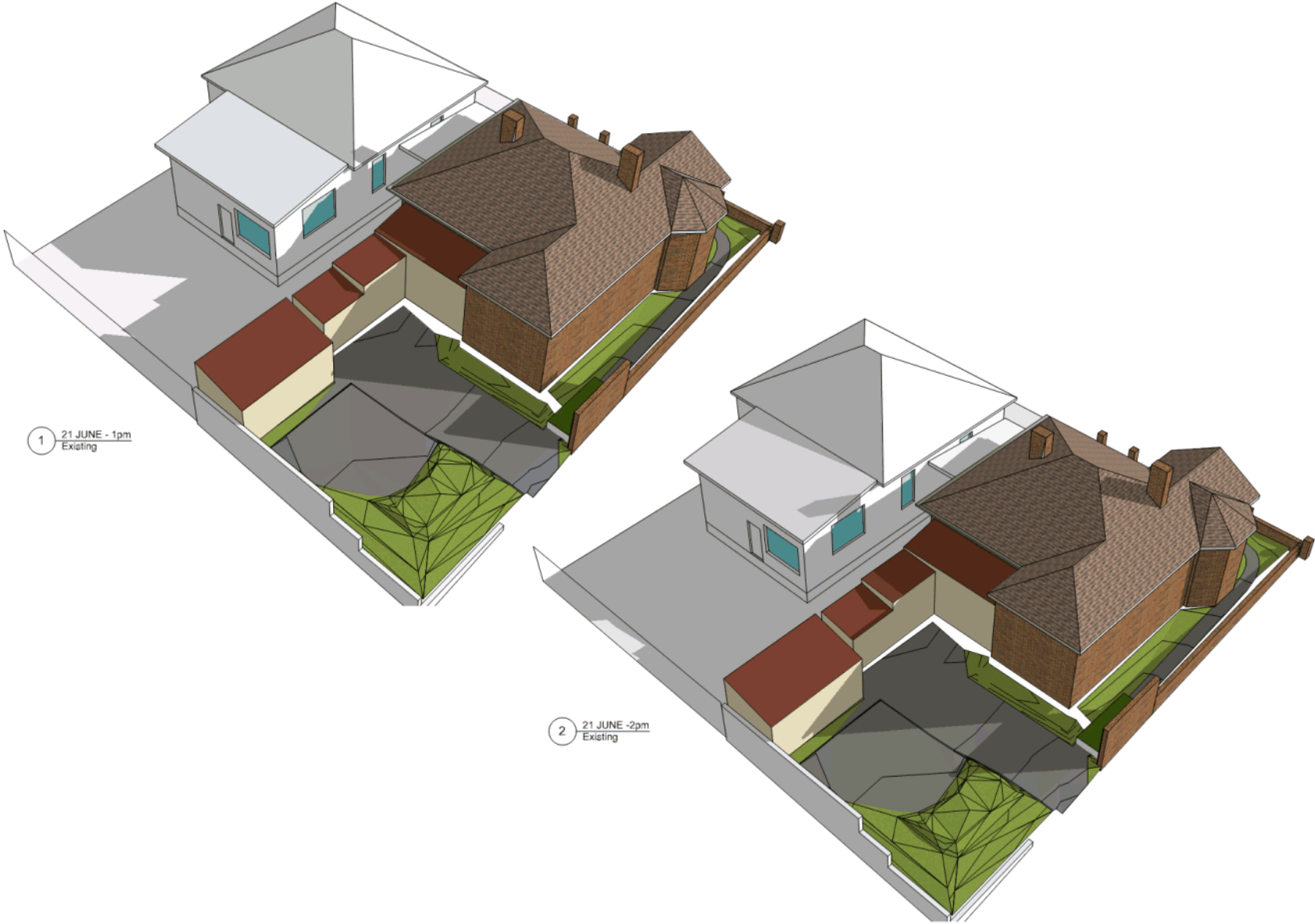
MC CARTHY ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ARR  
REVISION: -

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DA

M6

DATE: 29.10.2020

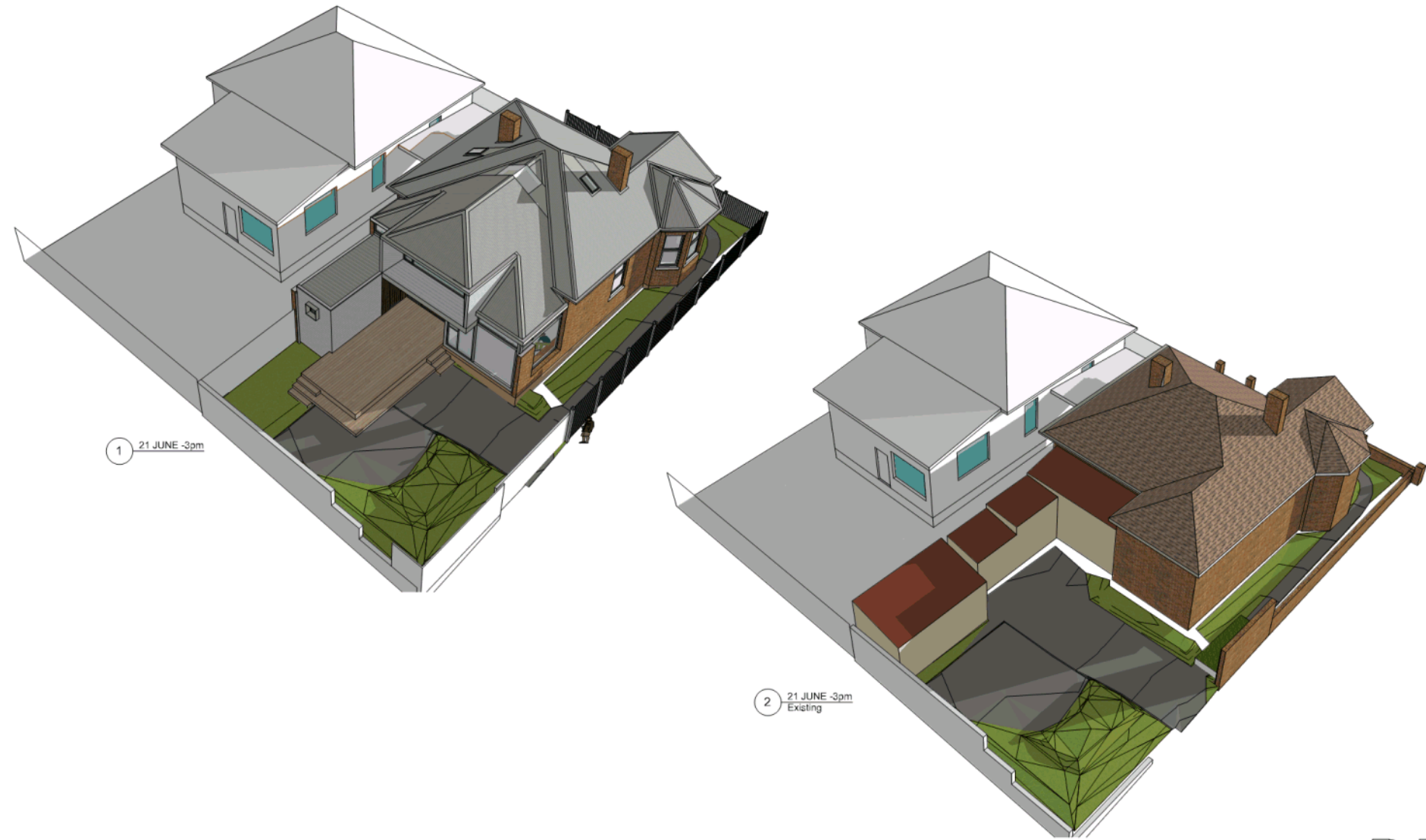
REVISION NOTES: REV. DESCRIPTION DATE

**MCCARTHY**  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

JOB No: 19.01  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3.00)  
DRAWN: ARR  
REVISION: -

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DA

M7

DATE: 29.10.2020

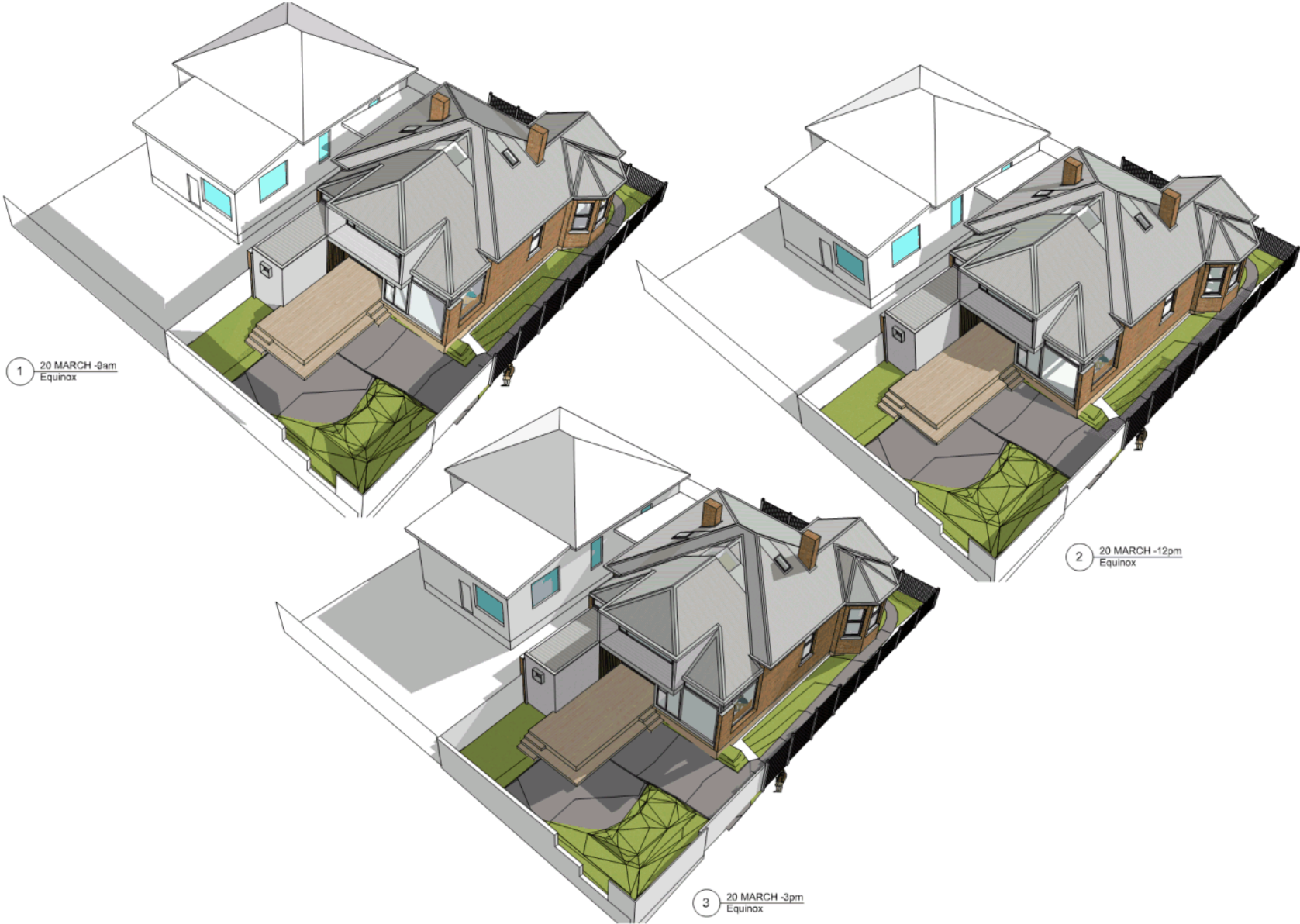
REVISION NOTES: REV. DESCRIPTION DATE

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MC CARTHY  
ARCHITECTS  
M: 0489 132 038 - STEVE MC CARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ARR  
REVISION: -



REVISION NOTES: REV. DESCRIPTION DATE

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**MCCARTHY**  
ARCHITECTS  
M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GIG: 6211

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

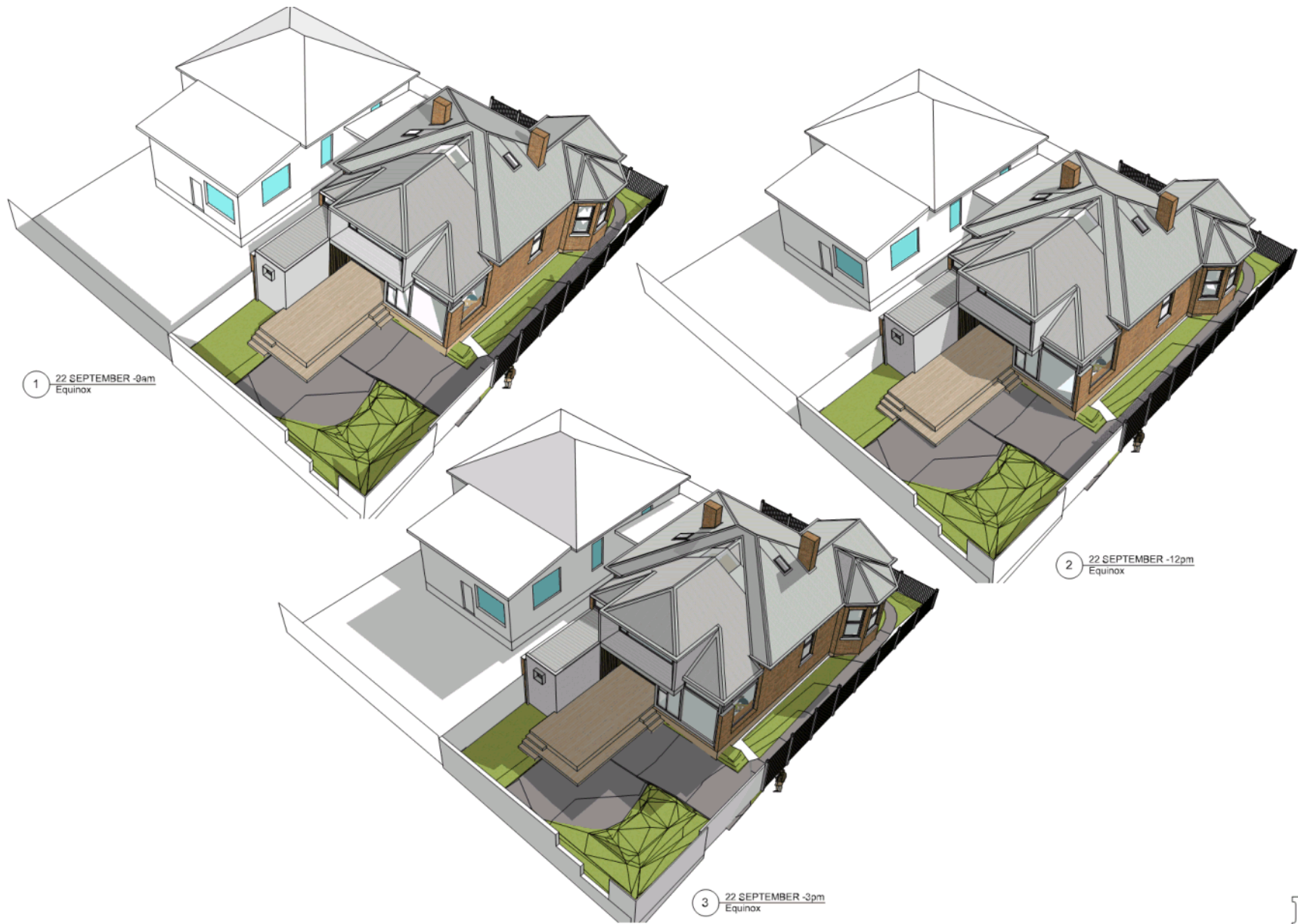
JOB No.: 19.01  
DRAWING: MARCH EQUINOX  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3.0)  
DRAWN: ARR  
REVISION: -

DA

M8

DATE: 29.10.2020





REVISION NOTES: REV. DESCRIPTION DATE

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**MCCARTHY**  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

JOB No: 19.01  
DRAWING: SEPTEMBER EQUINOX  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 AD  
DRAWN: ARR  
REVISION: -

DA

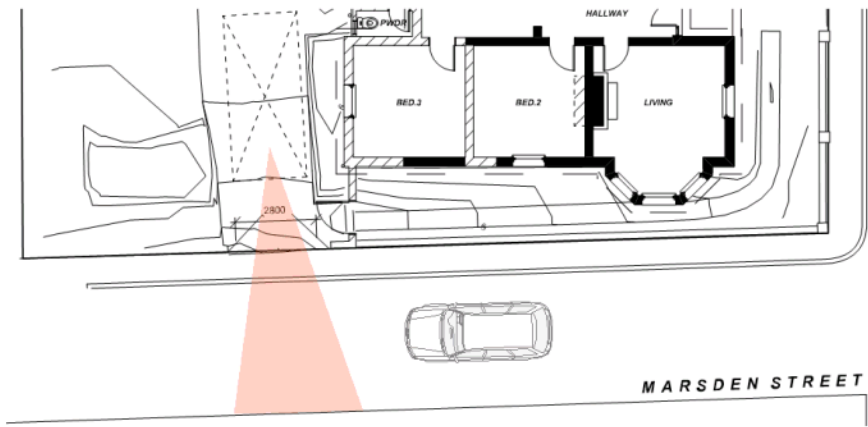
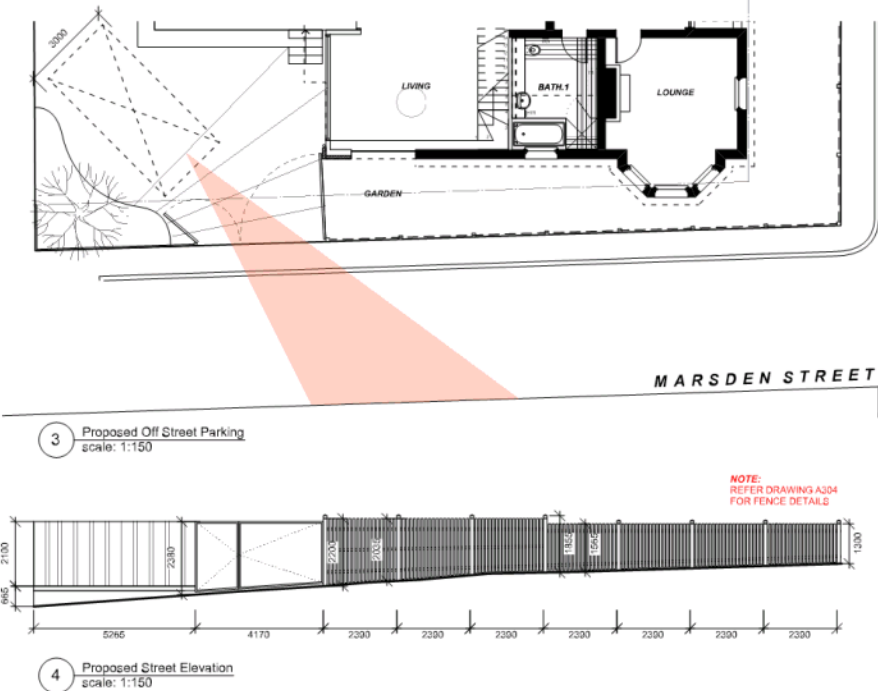
M9

DATE: 29.10.2020

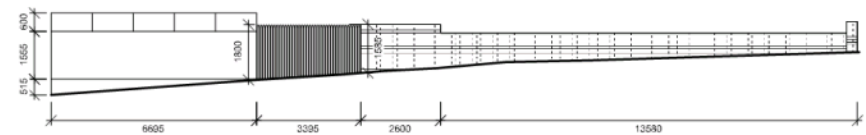


E6.7.2 Design of Vehicular Accesses

Objective:	
To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.	
Acceptable Solutions	Performance Criteria
<b>A1</b>  Design of vehicle access points must comply with all of the following:  (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;  (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	<b>P1</b>  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.



1 Existing Off Street Parking  
scale: 1:150

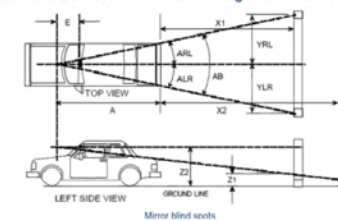


2 Existing Street Elevation  
scale: 1:150

PERFORMANCE CRITERIA

- P1**
- (A) THE PROPOSED OFF-STREET PARKING IS AN IMPROVEMENT TO THE EXISTING PARKING CONDITION. THE 45° ANGLED PARKING ALLOWS GREATER OBSERVATION OF THE ONCOMING VEHICULAR, PEDESTRIAN AND CYCLING TRAFFIC DOWN MARSDEN ST (ONE WAY). PEDESTRIANS / CYCLIST WALKING/CYCLING UP MARSDEN ST WILL BE TRAVELLING IN THE SAME DIRECTION AS THE EXISTING VEHICLE WHICH SIGNIFICANTLY DECREASES THE LIKELIHOOD OF INTERFERENCE.
- (B) THERE WILL BE NO CHANGE TO THE FLOW OF TRAFFIC ON ADJOINING ROADS
- (C) TABLE E6.1 STIPULATES 2 PARKING SPACES FOR A SINGLE DWELLING CONTAINING 2 OR MORE BEDROOMS. THE PROPOSAL IS MAINTAINING THE EXISTING 1 OFF STREET CARPARK WHILST COMPLYING WITH THE MINIMUM PRIVATE OPEN SPACE PROVISIONS. THE PROPOSED AISLE WIDTH IS WIDER THAN THE EXISTING AND THE TOTAL GATE 'CLEAR' OPENING HAS INCREASED
- (D) THE DRIVEWAY IS LOCATED ON A QUITE SIDE STREET WITH LOW VEHICULAR TRAFFIC. THE PROPOSED OFF STREET PARKING IS A MARKED IMPROVEMENT TO THE EXISTING WITH BOTH GREATER VISUAL SURVEILLANCE AND DRIVEWAY AISLE WIDTH. THE GATE IS VISUALLY DIFFERENT TO THE SURROUNDING FENCES, HELPING USERS OF THE STREET IDENTIFY THE DRIVEWAY

Inside rearview mirror field of view test grid and marker setup



DA

T1

DATE: 29.10.2020

REVISION NOTES: REV. DESCRIPTION DATE

MCARTHUR ARCHITECTS  
M: 0419 132 038 - STEVE MCARTHUR  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 1621

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: DRIVEWAY  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ARR  
REVISION: -

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Mr Ben Ikin  
Senior Statutory Planner  
And  
Ms Sarah Waight  
Hobart City Council

9 October 2020

Dear Ben and Sarah

**7 NIXON STREET, SANDY BAY PARTIAL DEMOLITION, ALTERATIONS, EXTENSION  
AND FRONT FENCING APPLICATION NO. PLN20460**

We, Sarah Kimber and Justin Black, the owners of the above property are applying for development approval to create a quality level of modernity for our home at 7 Nixon Street, Sandy Bay.

The home was owned for approx. 50 years prior to our ownership by brothers Rex and Morrie Lansdell. The home has not been renovated, since it was originally built in 1915, although some facilities were brought inside decades ago.

An issue presently under consideration is our request to partially demolish a section of wall facing Marsden St and inserting a north facing window into the proposed living area. The proposed northern glazing is beneficial to the warmth and amenity of the house, as this is the only living area in the house that faces north. Access to Northerly sunlight is critical in reducing heating loads in winter, which has both fiscal and environmentally sustainable benefits.

The alterations to the north facing wall reflect the need to alter and adapt to the modern desire for more natural light, fresh air, open space and outdoor connections.

The demolished section of wall does not result in any loss of the heritage significance of the precinct. Those parts of the house and sheds that are of no architectural merit or historical cultural significance will be removed and replaced with modern additions. The parts of the house that contribute to the heritage significance of the precinct, notably the Nixon St streetscape, will be retained and restored.

A criterion of concern is the consistency between similar building in the precinct. In Nixon Street, there are a range of building eras, including; timber federation, Edwardian brick duplex, Victorian brick terraces and the subject Victorian brick houses.

The singular obvious continuity in the precinct is in regard to the street frontage of the houses, where bay windows, verandas and entrances have remained predominantly the same, whilst modern additions have been made towards the rear.

No.7 and No.11 Nixon St are mirror images of one another, not including the lean-to's which vary in scale and material. The most notable feature of the two residences are the bay windows that face the intersecting corners of Nixon and Marsden Streets (number 7) and Nixon and King street (number 11). The proposal to demolish 2m of the Northern masonry wall (Facing Marsden St) will have little impact on the visual mirrored symmetry of the two residences. The two residences cannot be viewed simultaneously, therefore reference to symmetry would be hard to attain.

The proposed addition roof design has clearly identified the line between new and old, whilst we plan to re-use the existing bricks in the addition, an articulation joint could be used to further strengthen the delineation of new and old.

We submit that the part of the house that has heritage value and has consistency with the other two houses in the row is being preserved, and in fact will be restored to highlight and enhance the characteristic elements of the era and precinct.

The house will have the character filled heritage front and the bay window restored and remaining, with the new additions being modest and subservient to the original house. Overall the house will be rejuvenated, and no detriment will be caused to the significance of the house or precinct. We submit that being able to clearly identify the original house from the new building highlights the heritage significance as we're preserving the heritage front.

Heritage precinct SB1 states *'the high visual integrity of the streetscapes and the mix of development that allows historical layers and development to be seen and understood'*.

We suggest that the planning scheme and heritage considerations allow for change in heritage precincts, and there are examples of change below as stated previously. Inevitably there must be room for change, and our overall renovation has been very clear in retention, preservation and improvement without changing the most significant parts of the building. The plans do not detract from the historical cultural significance but rather they strengthen it.

We submit that a balance between retention of the significant fabric and structure with newness is necessary and we urge sympathetic acceptance by the planning authority of our request that the changes to the north facing wall be permitted without future delay.

We look forward to discussing this with you further.

Yours faithfully

Sarah Kimber and Justin Black

1. 11 Nixon St (looking down Nixon St towards 9 and 7 Nixon St)  
The ability to see both 7 (additions) & 11 simutaiously is not possible.



2. 9 Nixon St  
Colorbond roof and overall house hidden by large hedge (this is hedged trimmed back)



Examples of modern homes and extensions in the Nixon St area:

3. Marieville Esplanade  
Similar era home with a large “monument” colorbond second level attached on top (Still under construction). This is fully visible from the street and area at all angles.





4. Corner of Queen St and Princes St  
Modern extension at the back of the house, clear distinction between old and new sections and very visible from the street (on a corner block) as it's sitting above the fenceline



5. Corner of King St and Russell Crescent  
Modern extension visible from the street.



6. Queen St  
Modern extension visible from the street, clear distinction between old and new. Similar colouring to the 7 Nxion St DA proposal.







7. King St (photo from RealEstate.com.au)  
Large modern extension at the back of the house, similar colouring to 7 Nixon St proposal.  
Elevated so clearly visible from surrounding streets and general area.



8. King St  
House newly substantially renovated, changes to the front windows are significant. Large modern extension at the back. Very modern timber features that provide clear distinction between old and new.



## 9. Corner of King St and Marieville Esplanade

Large Modern extension with modern glazing at the front and back. Corner block so very exposed to visuals in surrounding streets.



## 10. Corner of Marsden St and Marieville Esplanade

Large modern extension on corner block, clear distinction between the old and new sections of the house.



11. Corner Queen St and Marieville Esplanade

No original features shown from existing house, corner block so the 2 units are very visible.







## 12. Corner of Balmoral St and Queen St

Large modern timber extension at the back of the original house. Clear distinction between old and new and visible due to corner location.



13. Queen St

Large modern extension at the back of the original house. Visible from the street.



## Application Referral Cultural Heritage - Response

<b>From:</b>	Sarah Waight
<b>Recommendation:</b>	Proposal is unacceptable.
<b>Date Completed:</b>	
<b>Address:</b>	7 NIXON STREET, SANDY BAY
<b>Proposal:</b>	Partial Demolition, Alterations, Extension and Front Fencing
<b>Application No:</b>	PLN-20-460
<b>Assessment Officer:</b>	Michael McClenahan,

### Referral Officer comments:

This application is for a rear extension, internal and external alterations and new front and side boundary fencing. The site is located within the Sandy Bay 1 Heritage Precinct and has the following attributes as expressed through the Statements of Significance in Table E13.2 of the Historic Heritage Code of the Scheme.

*This precinct is significant for reasons including:*

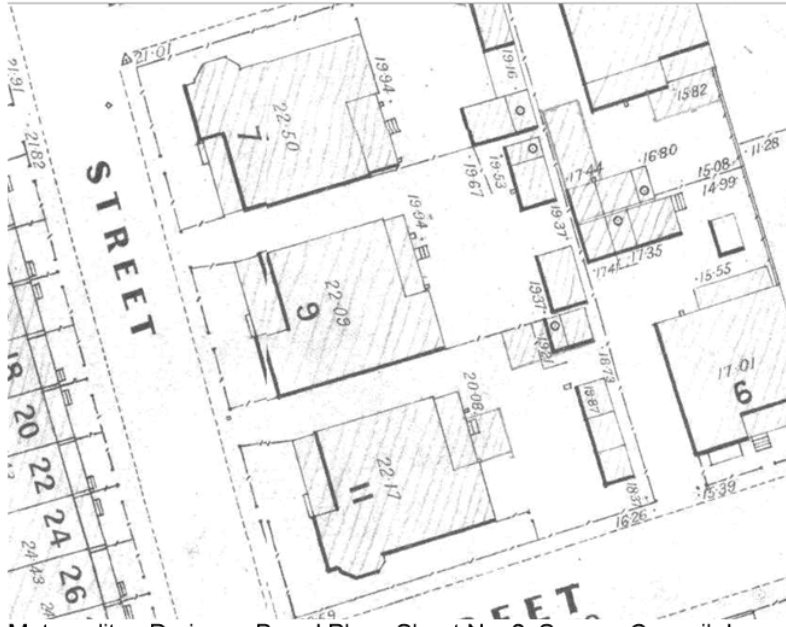
- 1. The early subdivision pattern of the main streets enhanced by the streets developed later form a coherent precinct of high integrity.*
- 2. The very fine examples of various periods of housing often set in well established gardens and settings.*
- 3. The consistency of housing forms and the relatively low level of intrusive elements.*
- 4. The high visual integrity of the streetscapes and the mix of development that allows historical layers and development to be seen and understood.*

The subject site is shown in the following images:



Subject site from the corner of Marsden and Nixon Street. Source: Council image.

The house is one of three single storey brick houses that form a coherent and consistent group of houses, all constructed within the same period of time, of the same architectural style, character and detailing. The subject house at 7 Nixon Street is the mirror image of 11 Nixon Street. This can be seen in the following Metropolitan Drainage Board Plans Sheet No. 2 which illustrates the floor plan of the three houses and the projecting bay window.



Metropolitan Drainage Board Plans Sheet No. 2. Source: Council documentation

This proposal includes demolition of the front and side (Marsden St) boundary fences and construction of a new timber fences and gates. Other works include internal demolition, the construction of an internal staircase and a bedroom and bathroom in the roof space. Demolition of 1.93 metres of the rear section of brick wall and the rear hipped roof section is proposed.

The proposal must be assessed against E13.8.1 P1, E13.8.2 P1, P3 and P4 of the Historic Heritage Code of the Scheme.

The area of demolition and roof extension is shown in the image below which is taken from Marsden Street..





Subject property from Marsden Street. Source: Council image

Four (4) representations were received, all in support of the proposal. Heritage matters raised include:

- restores the heritage aspect of the Nixon Street frontage.
- renovations of their property will enhance it by restoring those elements which make it special.
- The proposed development is the right balance between heritage and modern and is in keeping with other nearby extensions in the area.
- It is apparent that the applicants have been careful to maintain the Nixon Street elevation to ensure the three properties (7, 9 and 11 Nixon) retain their original facade elevations, brickwork and fenestrations.
- The removal of the brick fence and replacement with something less austere but which provides a greater level of privacy for the owners is also appropriate.
- 

Response:

- No changes, restoration or renovations to the Nixon St facade are proposed.
- The works proposed include the demolition of original building fabric and a new rear extension.
- The rear extensions to the group of 3 properties of 7, 9 and 11 are single storey extensions that appear as skillion (see image below of 11 Nixon St)
- The existing side fence and gate do not contribute to the heritage significance of the precinct and their replacement with a sympathetic fence would not be considered problematic.



Rear of 11 Nixon St with single storey rear extension. Source: Council image

The existing fence is shown in the image below with the existing side fence measuring 2.3 metres high (including the concrete base) with lattice toppers above this.

The top of the proposed fence along Marsden Street will be horizontal with steps, such that, as the street slopes away from Nixon Street, the fence increases in height from 1.3 metres along the front boundary and around the corner increasing to 1.58 metres with a step up to 2.2 metres on the right hand side of the gate to 2.765 metres including a 500mm high concrete plinth on the rear corner adjacent to the property of 1 Marsden Street.



Subject property from Marsden Street. The brown paling fence measure, including the concrete plinth measures 2.3 metres high. Source: Council image

The proposed fencing must be assessed against E13.8.2 P4 which states:

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

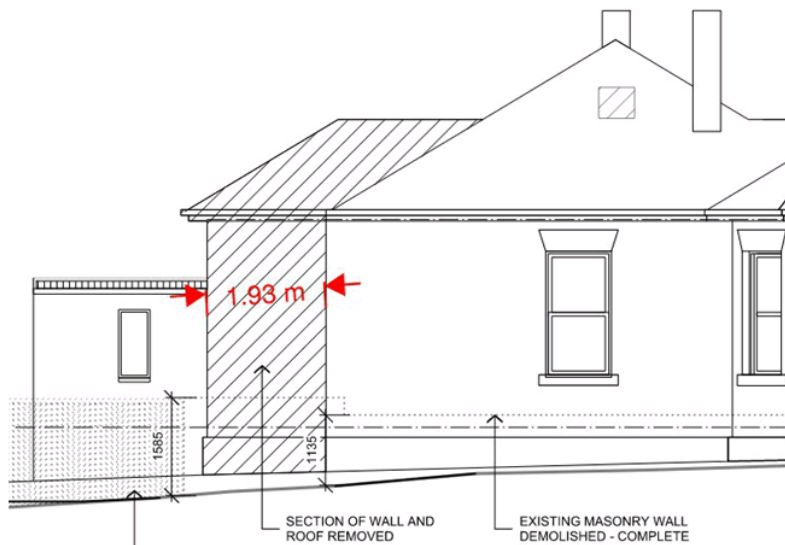
The proposed front fence is in a street of low front fences. The existing fence of 7 Nixon Street has brick piers that are 1.0 metre high and infill brick panels that are 0.7 metres high. The fence at 9 Nixon Street is 1.1 m high and at 11 Nixon Street is 0.8 metres high. On the opposite side of the road, fences are all in this height range and are consistent in being of this traditional height. The proposal is quite inconsistent with the prevailing pattern of fence height in the street and should be lower, although it is acknowledged that fences to 1.2 metres are exempt from requiring a planning permit in a heritage precinct.

The rear demolition must be assessed against E13.8.1 P1 which states:

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

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

The proposal demolishes 1.93 metre section of brick wall, sandstone foundation, eaves and roof. This is shown in the image below.



Existing house showing the extent of demolition. Source: Applicant's documentation

The statements of significance describe the precinct as being: "*a coherent precinct of high integrity*" and having "*consistency of housing forms and the relatively low level of intrusive elements*" and "*high visual integrity of the streetscapes*". Advice has been offered to the applicant for a design solution that minimises demolition and results in less demolition of a part of building that can be clearly viewed from both Nixon and Marsden Street, part of the building that is acknowledged as being part of that cohesive character. No advice has been offered that outlines why this is an exceptional circumstance warranting the extent of demolition a required



by clause E13.8.1 P1. The proposed demolition will result in the loss of fabric and building that demonstrates a consistent and high level of visual integrity. There are prudent and feasible alternatives that could be pursued to provide the same, and even more floor area, than what is being proposed at ground level, as well as increasing light levels into the building and creating the contemporary living space sought by the owners. The internal demolition is not considered problematic as it creates a large open rear living, kitchen and dining space that is not viewed or discernable as such from the streetscape. However, in respect to the demolition of the 1.9 metres section of brick wall, foundations, eaves and roof, it is considered that the proposal does not satisfy E13.8.1 P1 (a) and (b).

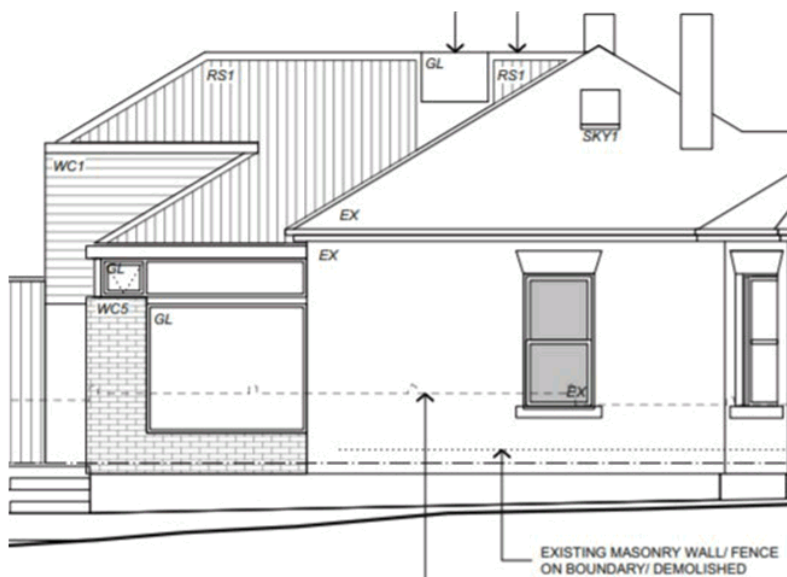
The proposed extension must be assessed against E13.8.2 P1 which states:

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

Clause E13.8.2 P3 states:

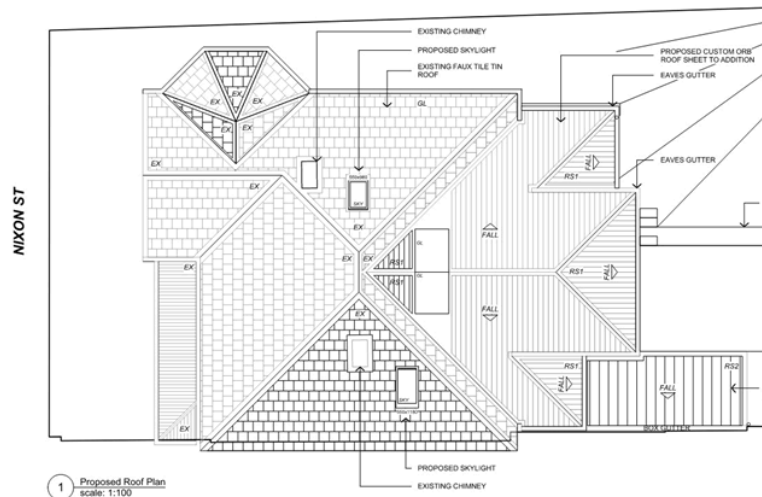
*Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.*

The proposal introduces a new rear extension visible from Marsden Street and partially from Nixon Street with a mix of brick and contemporary windows. The following images shows the change including the demolition of the rear section of brick wall, eaves line and section of hipped roof.



Proposed house extension with new window and roof form. Source: Applicant's documentation

The colour of the materials of the proposed extension is considered acceptable. However, the new roof in Colorbond 'Shale Grey' is completely incompatible and is incongruous with the old roof of red pressed tin tile resulting in a discordant and intrusive extension that is not sympathetic to the character of the precinct. The following roof plan demonstrates the incongruity between the existing and proposed roof material and altered eaves line.



Roof plan showing the proposed roof form and different roofing materials . Source: Applicant's documentation.

Advice was provided to the applicant that a simpler extension that resulted in the same internal footprint could be achieved in the form of a simple skillion of 1 metre or even larger which would not require the same degree of demolition or alteration. Additional new windows could be introduced into the northern (Marsden St) elevation again without so much intervention, alteration and demolition of original brick fabric and without having to change the eaves. In addition the upper roof extension could also be achieved by shifting the internal spaces toward the northern (Marsden St) elevation.

In summary, this proposed extension increases the footprint of the house at ground level by 1 metre. The proposed extension is an overly complicated and costly design approach that results in demolition and then reconstruction in a form that is quite inconsistent with the cohesive character of the precinct. With this section of the house visible from both Nixon and Marsden Streets, the demolition and new extension results in different eaves, narrower and of a style that is not compatible with the traditional form.

By reference to clauses E13.8.2 P1 and E13.8.2 P3 of the Historic Heritage Code of the Scheme, the word '*detract*' means to '*take away, to draw away or divert*' and '*detriment*' means '*to take away some part from, as from quality, value or reputation.*' While a number of rear extensions have been put forward in the applicant's submission as illustrations of new development, the majority of these were approved prior to the current planning scheme, the *Hobart Interim Planning Scheme 2015*. As examples they illustrate quite well, the cumulative impact of development that is inconsistent with the prevailing heritage character, the reason the heritage precinct was created. The gradual erosion and loss of heritage values through the demolition of small, significant parts of buildings within heritage precincts combined with unsympathetic design is not the objective of the Historic Heritage Code of the Scheme which states:

*E13.8.2: To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.*

It is considered that the proposal is not sympathetic to the character of the precinct and is recommended for refusal. The proposal does not satisfy E13.8.1 P1, E13.8.2 P1 and E13.8.2 P2.

The grounds for refusal are:

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 P1 of the *Hobart Interim Planning Scheme 2015* because the proposal will result in demolition of parts of a building that contribute to the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P1 of the *Hobart Interim Planning Scheme 2015* because the proposed rear extension will result in detriment to the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P3 of the *Hobart Interim Planning Scheme 2015* because the proposed rear extension will detract from the historic cultural heritage significance of the precinct as stated in the statements of significance for the Sandy Bay 1 Heritage Precinct.

Sarah Waight  
Senior Cultural Heritage Officer  
2 Dec 2020



7 Nixon Street  
Sandy Bay  
TASMANIA, 7005

ATTN: Michael McClenahan

Dear Michael,

Please find attached revised DA drawings for the proposed alteration and addition at 7 Nixon St, Sandy Bay.

In response to the advice received post City Planning Committee Meeting 14.12.2020, we hereby submit roof colour changes to the entire house, both existing and proposed.

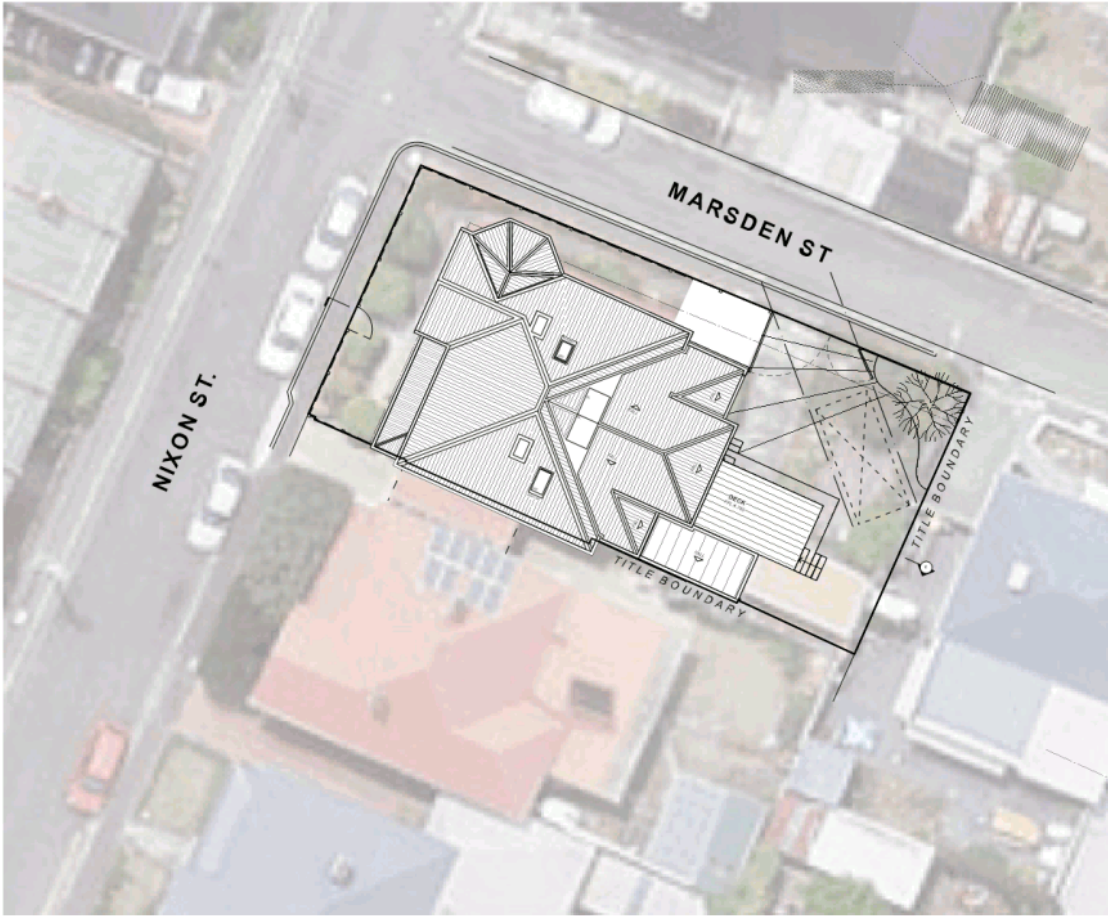
The heritage department of the HCC was concerned that the existing 'Manor Red' and proposed 'Galvanised' roof would look incongruous with the surrounding area.

Colorbond Ironstone is present on 11 Nixon St, the mirror image of 7 Nixon. The roof colour is also present on the conjoined terrace houses 14-28 Nixon St.

Kind Regards

A handwritten signature in black ink, appearing to be 'AR' with a vertical line extending downwards.

Alex Reed



1 Site / Location  
scale: 1:200

**SITE INFORMATION:**

ZONING:	116 INNER RESIDENTIAL
OVERLAY:	116 HERITAGE PRECINCT
BAL RATING:	N/A
CORROSION ENVIRONMENT:	SEVERE
DESIGN WIND SPEED:	N3
SOIL CLASSIFICATION:	TBA
CLIMATE ZONE:	7
LAND TITLE REFERENCE:	12649/1/1
MAX ALLOWED SITE COVERAGE:	50%

**EXISTING AREAS:**

EXISTING FLOOR AREA:	116.25m <sup>2</sup>
EXISTING OUTBUILDINGS:	18.55m <sup>2</sup>
EXISTING ROOFED AREA (excluding eaves up to 0.6m):	135m <sup>2</sup>
SITE AREA	325.75m <sup>2</sup>
EXISTING SITE COVERAGE	41.44%

**PROPOSED AREAS:**

PROPOSED GROUND FLOOR AREA:	127.14m <sup>2</sup>
PROPOSED 2ND FLOOR:	34.78m <sup>2</sup>
DECK:	25.63m <sup>2</sup>
PROPOSED ROOFED AREA (excluding eaves up to 0.6m):	150.30m <sup>2</sup>
SITE AREA	325.75m <sup>2</sup>
PROPOSED SITE COVERAGE	46.94%

**DRAWING REGISTER :**

A100	SITE PLAN
A201	EXISTING FLOOR
A202	EXISTING ROOF
A203	PROPOSED FLOOR PLAN
A204	PROPOSED UPPER PLAN
A205	PROPOSED ROOF
A301	EXISTING ELEVATIONS
A302	PROPOSED ELEVATIONS
A303	PROPOSED ELEVATIONS
A304	FENCE DETAILS
A401	SECTION A
A402	SECTION B+C
A403	SECTION D+E
M1	PROPOSED WINTER SOLSTICE 9am - 10am
M2	EXISTING WINTER SOLSTICE 9am - 10am
M3	PROPOSED WINTER SOLSTICE 11am - 12pm
M4	EXISTING WINTER SOLSTICE 11am - 12pm
M5	PROPOSED WINTER SOLSTICE 1pm - 2pm
M6	EXISTING WINTER SOLSTICE 1pm - 2pm
M7	PROPOSED + EXISTING WINTER SOLSTICE 3pm
M8	PROPOSED MARCH EQUINOX
M9	PROPOSED SEPTEMBER EQUINOX
M10	STREET PERSPECTIVES
T1	OFF STREET PARKING

ALTERATION + ADDITION  
**7 NIXON ST.**  
SANDY BAY



REVISION NOTES: REV. DESCRIPTION DATE



**MC CARTHY**  
ARCHITECTS  
M: 0419 132 035 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 CC: 60311

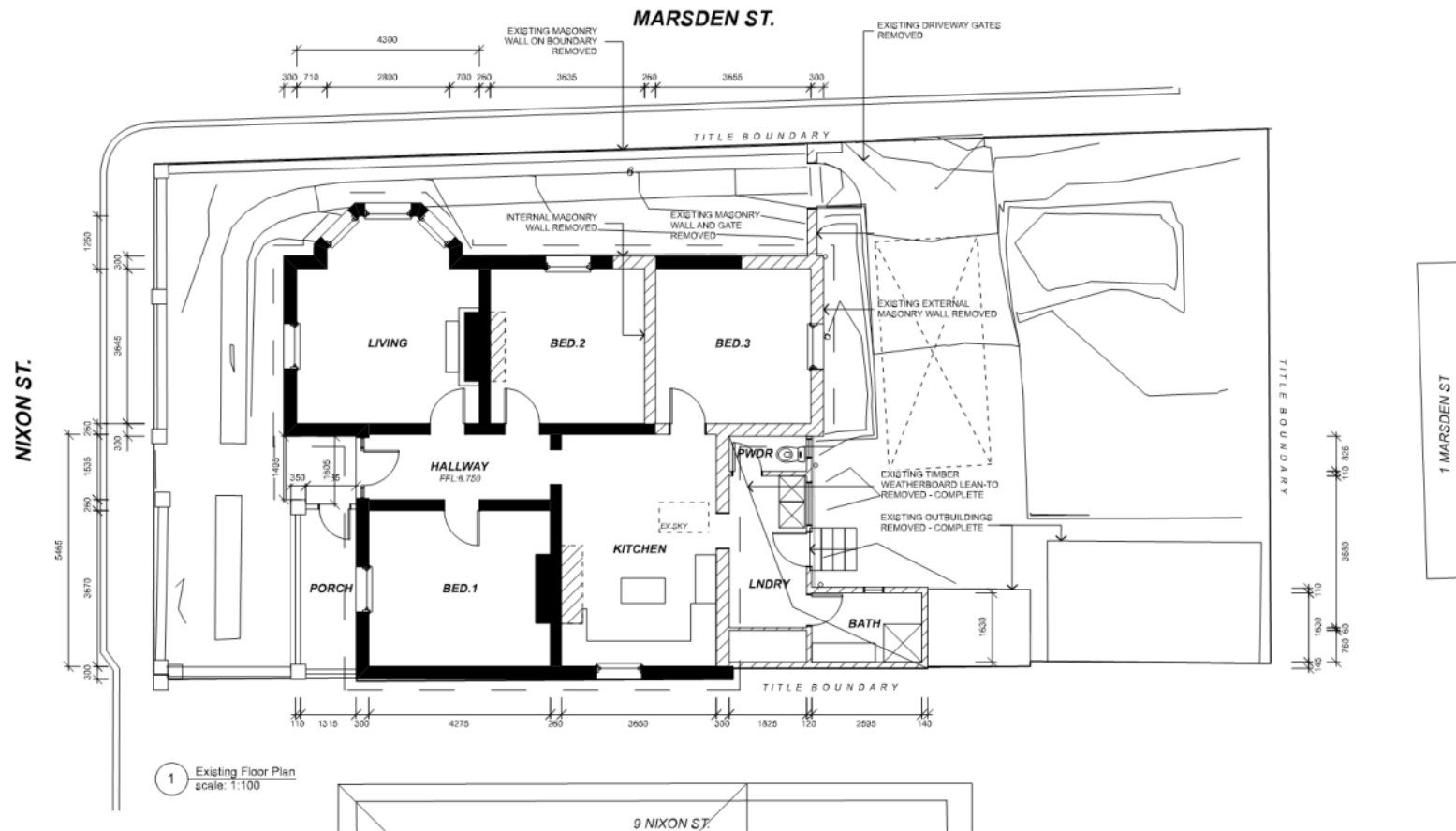
ALT. ADDITION  
**7 NIXON STREET**  
**SANDY BAY**  
**KIMBER BLACK**

JOB No: 1901  
DRAWING: SITE PLAN  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN & A3  
DRAWN: ARR  
REVISION: -

**A100**

DATE: 25.02.2021





1 Existing Floor Plan  
scale: 1:100

REVISION NOTES: REV. DESCRIPTION DATE



STEVE MCCARTHY  
ARCHITECTS  
M: 0419 132 035 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX RUSSELL  
ABN: 41 943 954 898 CC: 6311

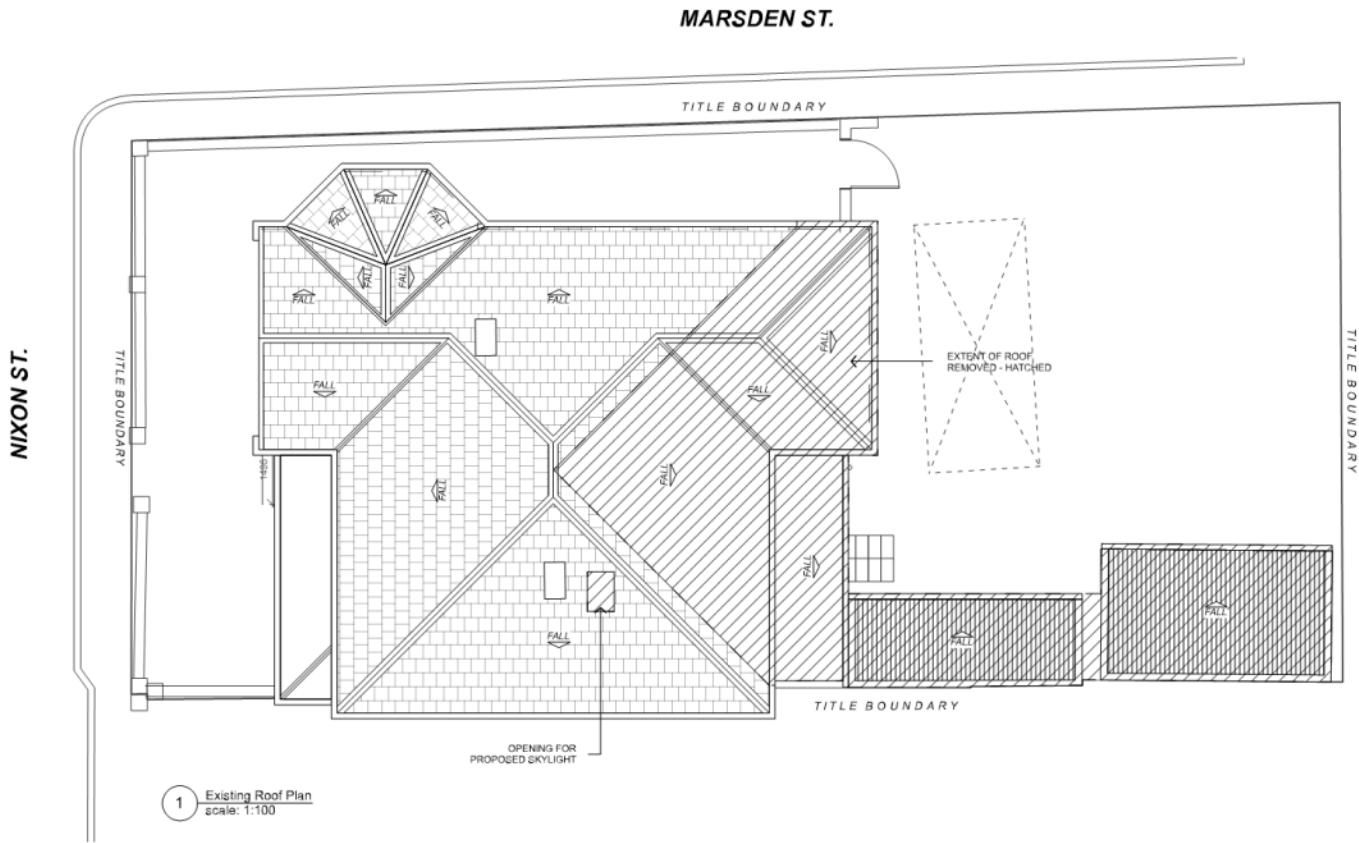
ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 1901  
DRAWING: EXISTING PLAN  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN & A3  
DRAWN: ARR  
REVISION:



A201

DATE: 25.02.2021



1 Existing Roof Plan  
scale: 1:100

REVISION NOTES: REV. DESCRIPTION DATE



MCARTHY ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: EX. ROOF PLAN  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 AS  
DRAWN: ARR  
REVISION: -

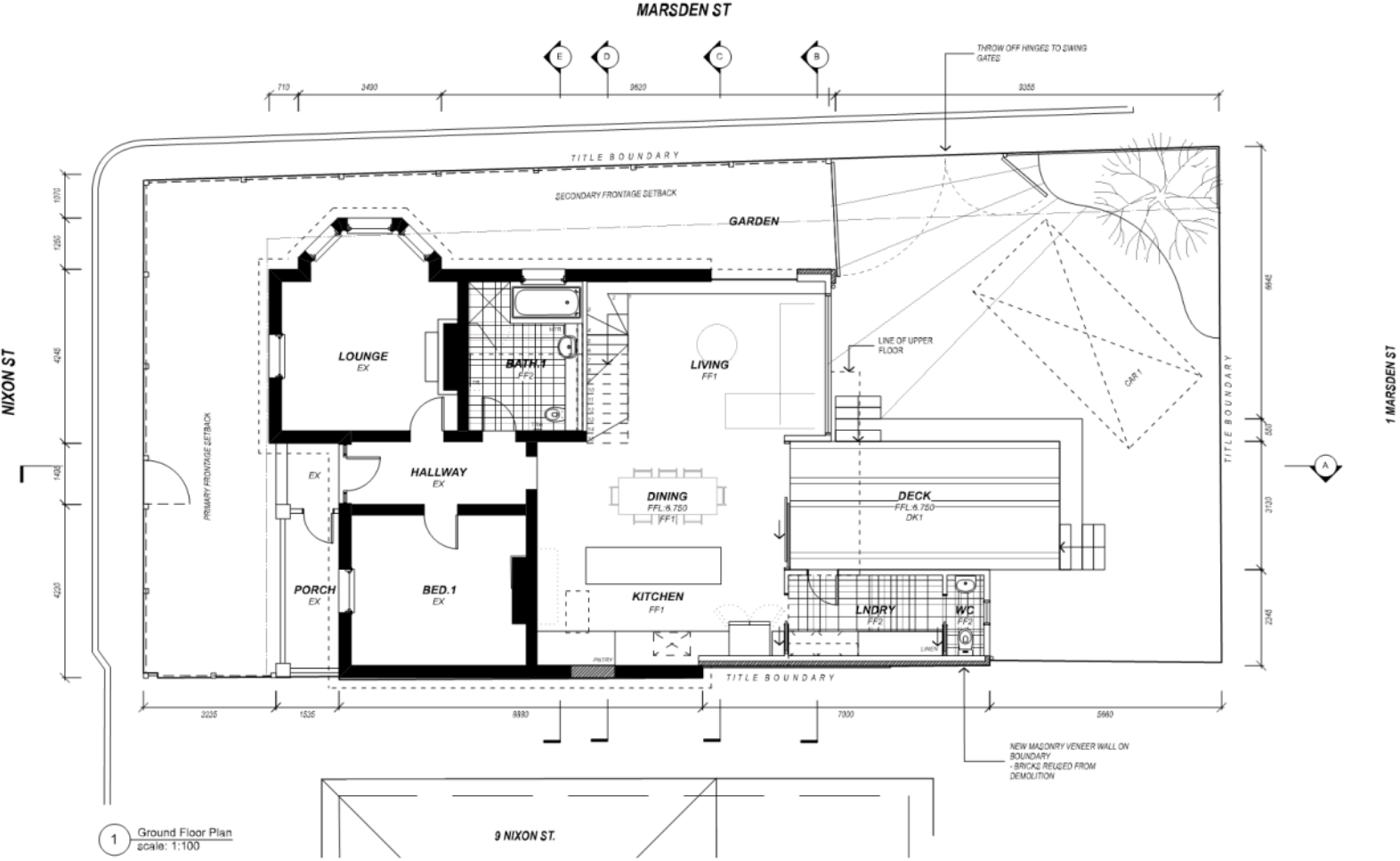


A202

DATE: 26.02.2021

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- MATERIALS:**
- DK1 TIMBER DECKING  
SPECIES: TBC
  - EX EXISTING
  - FF1 FLOOR FINISH 1:  
TAS OAK TIMBER FLOORING  
PROFILE TO MATCH EXISTING  
FINISH: TBA
  - FF2 FLOOR FINISH 2:  
FLOOR TILE - TBA
  - FF3 FLOOR FINISH 3:  
CARPET
  - GL GLAZING  
ALUMINIUM FRAMED  
DOUBLE GLAZED
  - M1 MASONRY - RUNNING BOND  
RECYCLED BRICKS FROM DEMOLITION
  - RS1 ROOF SHEET 1:  
COLORBOND CUSTOM ORB  
IRONSTONE
  - RS2 ROOF SHEET 2:  
COLORBOND TRIM DEK  
IRONSTONE
  - WC1 WALL CLADDING 1:  
SCYON LINEA - CEMENT BOARD SIDING  
PAINT FINISH - DULUX NATURAL WHITE
  - WC2 WALL CLADDING 2:  
SHIPLAP CLADDING - VIC ASH  
PAINT FINISH - DULUX NATURAL WHITE
  - WC3 WALL CLADDING 3:  
SHIPLAP CLADDING - VIC ASH  
OIL FINISH - CUTEK CD50
  - WC4 WALL CLADDING 4:  
CEMENT SHEET - FLUSH JOINTED  
PAINT FINISH - DULUX NATURAL WHITE
  - WC5 WALL CLADDING 5:  
MASONRY -  
RECYCLED FROM DEMOLITION



REVISION NOTES:	REV.	DESCRIPTION	DATE
	A	PLANNING-RI RESPONSE	2020.09.09



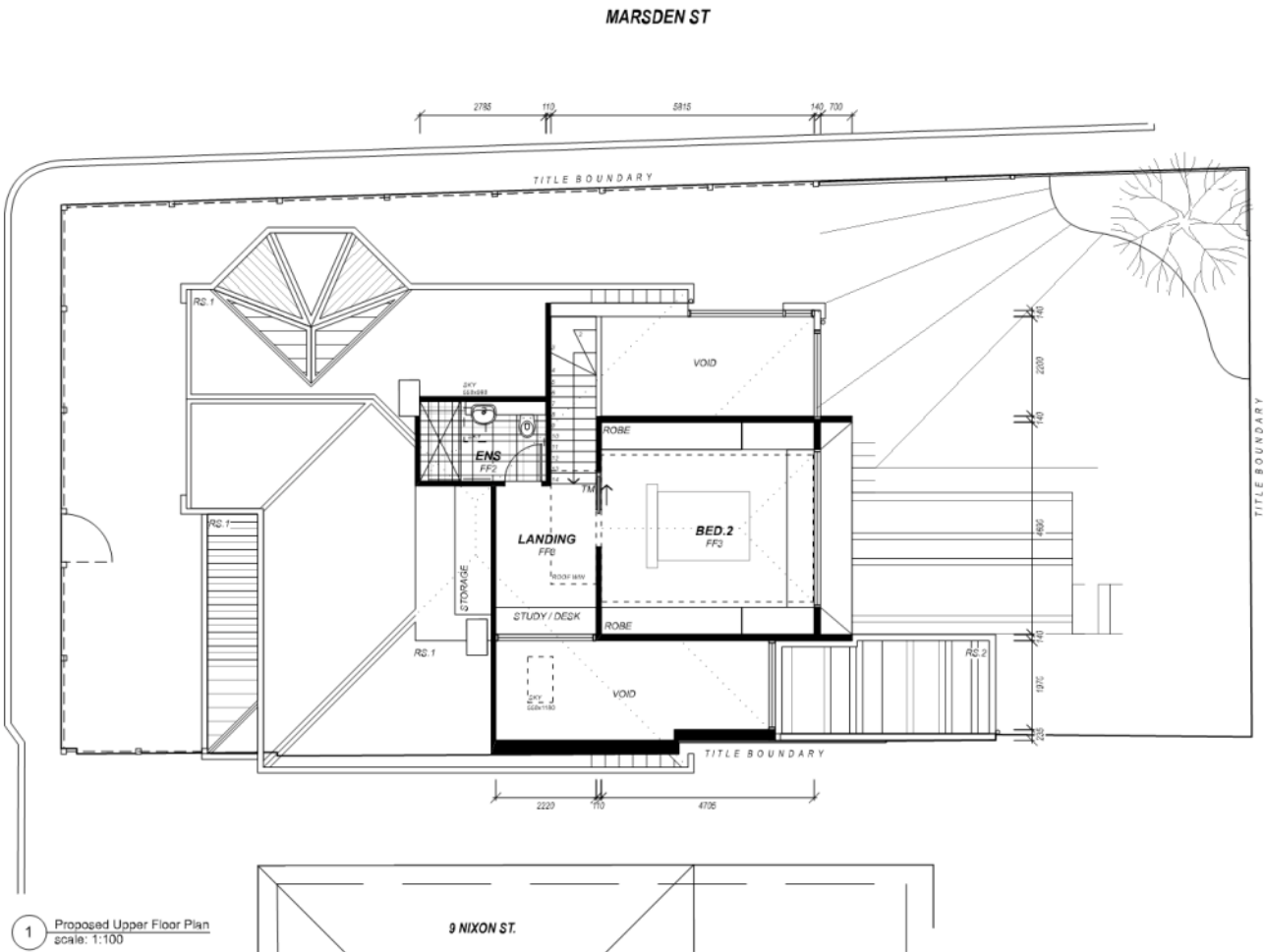
**MCCARTHY ARCHITECTS**  
M: 0499 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GIG: 6211

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

**JORN:** 19.01  
**DRAWING:** PROPOSED FLOOR PLAN  
**STAGE:** DEVELOPMENT APP  
**SCALE:** AS SHOWN (3 AS)  
**DRAWN:** ARN  
**REVISION:** A

**DA**  
**A203**  
DATE: 25.02.2021

- MATERIALS:**
- DK1 TIMBER DECKING  
SPECIES: TBC
  - EX EXISTING
  - FF1 FLOOR FINISH 1:  
TAS OAK TIMBER FLOORING  
PROFILE TO MATCH EXISTING  
FINISH: TBA
  - FF2 FLOOR FINISH 2:  
FLOOR TILE - TBA
  - FF3 FLOOR FINISH 3:  
CARPET
  - GL GLAZING  
ALUMINIUM FRAMED  
DOUBLE GLAZED
  - M1 MASONRY - RUNNING BOND  
RECYCLED BRICKS FROM DEMOLITION
  - RS1 ROOF SHEET 1:  
COLORBOND CUSTOM ORB  
IRONSTONE
  - RS2 ROOF SHEET 2:  
COLORBOND TRIM DEK  
IRONSTONE
  - WC1 WALL CLADDING 1:  
SCYON LINEA - CEMENT BOARD SIDING  
PAINT FINISH - DULUX NATURAL WHITE
  - WC2 WALL CLADDING 2:  
SHIPLAP CLADDING - VIC ASH  
PAINT FINISH - DULUX NATURAL WHITE
  - WC3 WALL CLADDING 3:  
SHIPLAP CLADDING - VIC ASH  
OIL FINISH - CUTEK CD50
  - WC4 WALL CLADDING 4:  
CEMENT SHEET - FLUSH JOINTED  
PAINT FINISH - DULUX NATURAL WHITE
  - WC5 WALL CLADDING 5:  
MASONRY  
RECYCLED FROM DEMOLITION



1 Proposed Upper Floor Plan  
scale: 1:100

REVISION NOTES	REV.	DESCRIPTION	DATE
	A	PLANNING - RFI RESPONSE	2020.09.09

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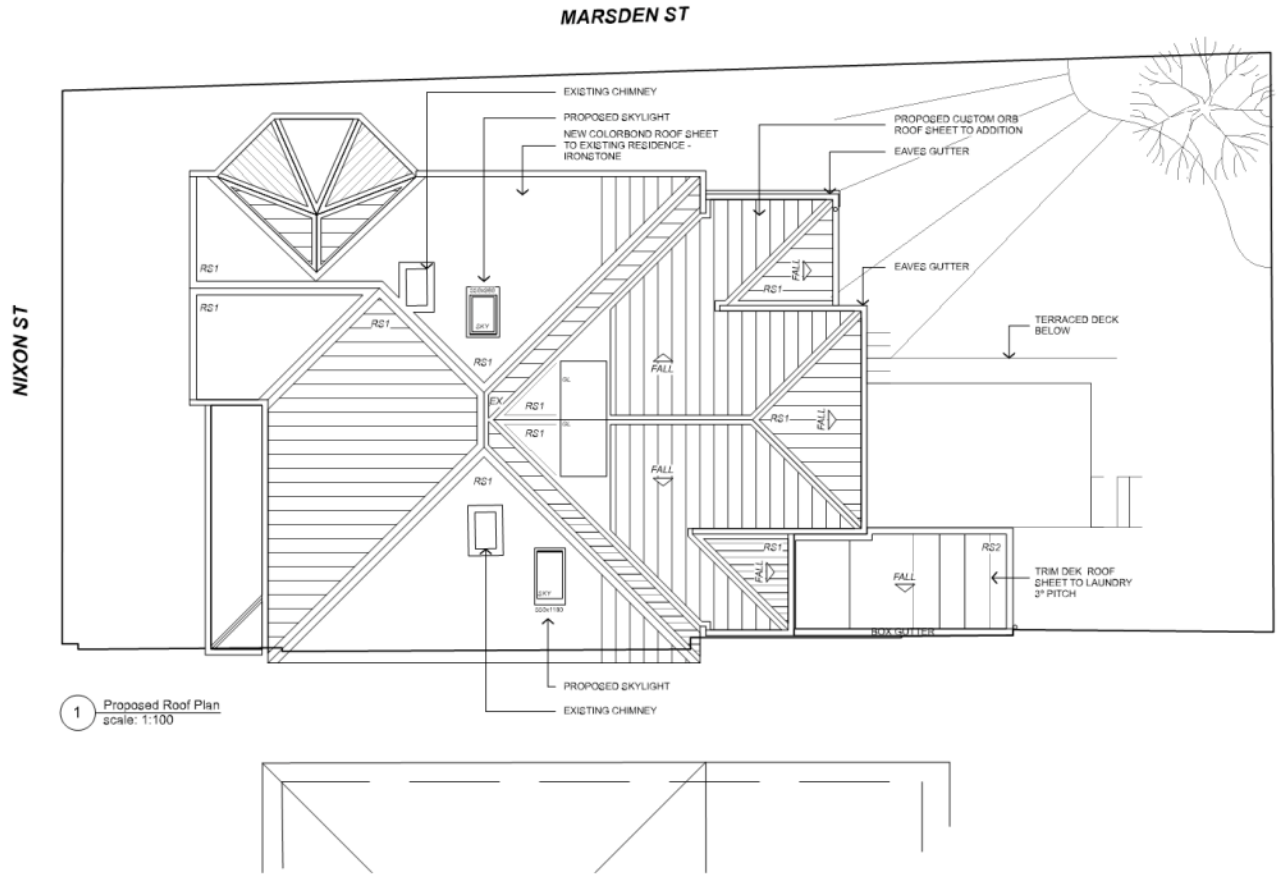
**MCCARTHY**  
ARCHITECTS  
M: 0499 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: PROPOSED UPPER PLAN  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (3 AS)  
DRAWN: AM  
REVISION: A

DA  
**A204**  
DATE: 26.02.2021

- MATERIALS:**
- DK1 TIMBER DECKING  
SPECIES: TBC
  - EX EXISTING
  - FF1 FLOOR FINISH 1:  
TAS OAK TIMBER FLOORING  
PROFILE TO MATCH EXISTING  
FINISH: TBA
  - FF2 FLOOR FINISH 2:  
FLOOR TILE - TBA
  - FF3 FLOOR FINISH 3:  
CARPET
  - GL GLAZING  
ALUMINIUM FRAMED  
DOUBLE GLAZED
  - M1 MASONRY - RUNNING BOND  
RECYCLED BRICKS FROM DEMOLITION
  - RS1 ROOF SHEET 1:  
COLORBOND CUSTOM ORB  
IRONSTONE
  - RS2 ROOF SHEET 2:  
COLORBOND TRIM DEK  
IRONSTONE
  - WC1 WALL CLADDING 1:  
SCYON LINEA - CEMENT BOARD SIDING  
PAINT FINISH - DULUX NATURAL WHITE
  - WC2 WALL CLADDING 2:  
SHIPLAP CLADDING - VIC ASH  
PAINT FINISH - DULUX NATURAL WHITE
  - WC3 WALL CLADDING 3:  
SHIPLAP CLADDING - VIC ASH  
OIL FINISH - CUTEK CD50
  - WC4 WALL CLADDING 4:  
CEMENT SHEET - FLUSH JOINTED  
PAINT FINISH - DULUX NATURAL WHITE
  - WC5 WALL CLADDING 5:  
MASONRY  
RECYCLED FROM DEMOLITION



1 Proposed Roof Plan  
scale: 1:100

REVISION NOTES:	REV.	DESCRIPTION	DATE
	A	PLANNING - RFI RESPONSE	2020.09.09

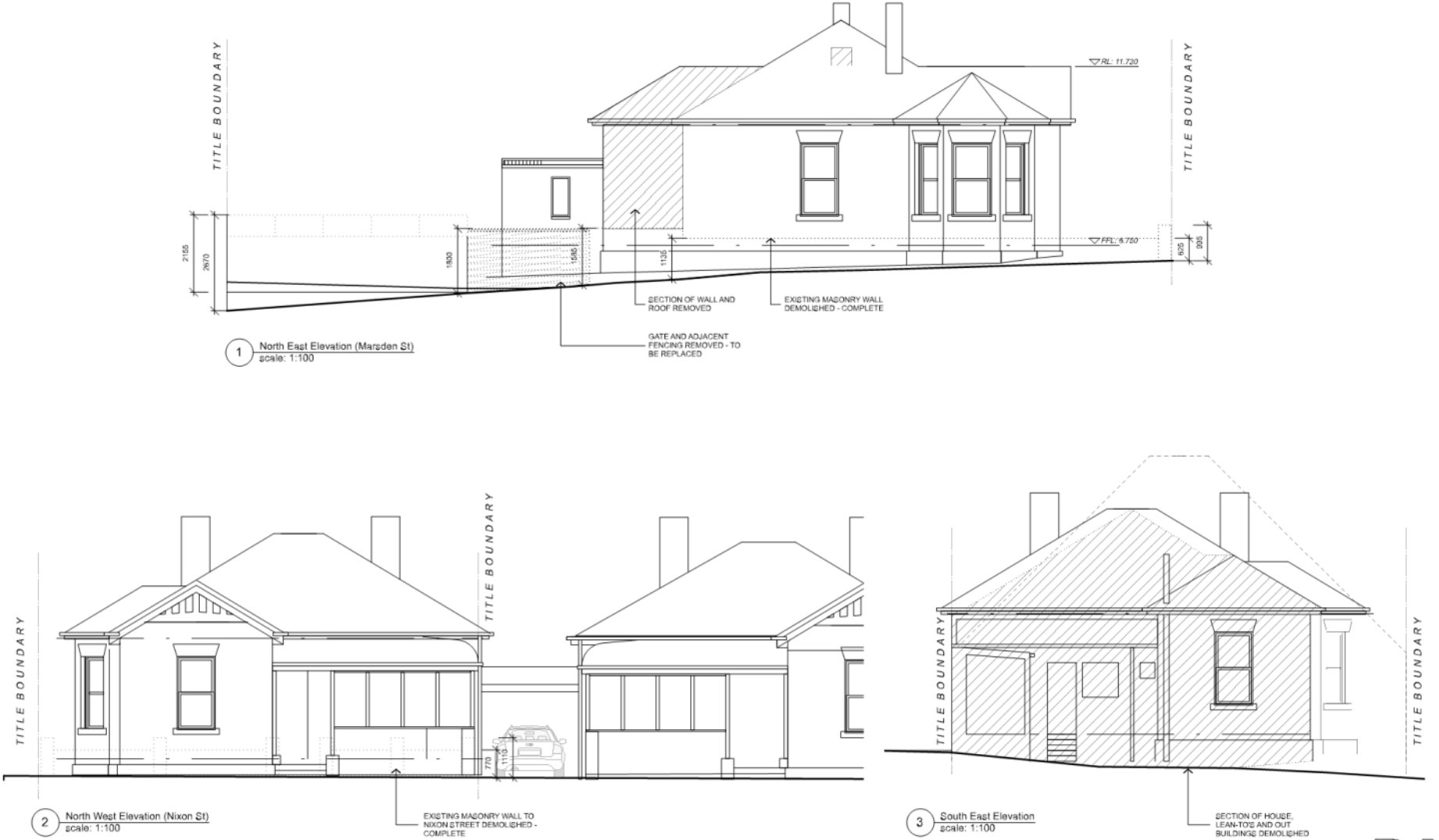


**MCCARTHY**  
ARCHITECTS  
M: 0499 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: PROPOSED ROOF PLAN  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (E.A.)  
DRAWN: ART  
REVISION: A

DA  
**A205**  
DATE: 25.02.2021



REVISION NOTES: REV. DESCRIPTION DATE

0 2 3 4 5 M

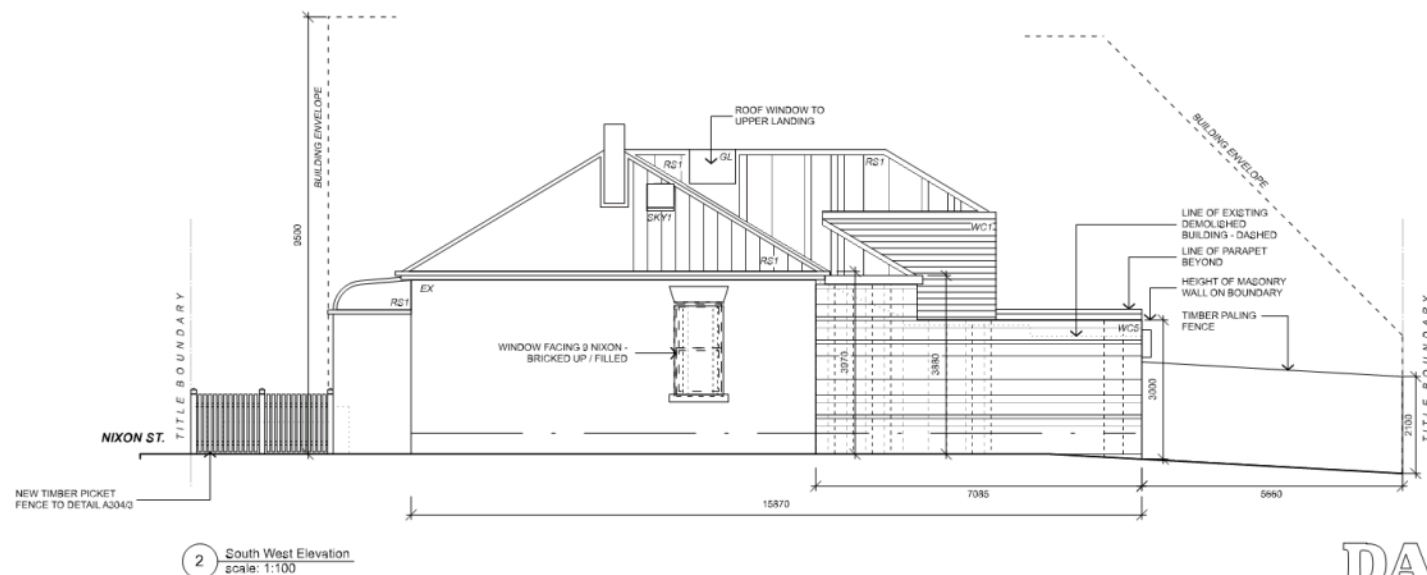
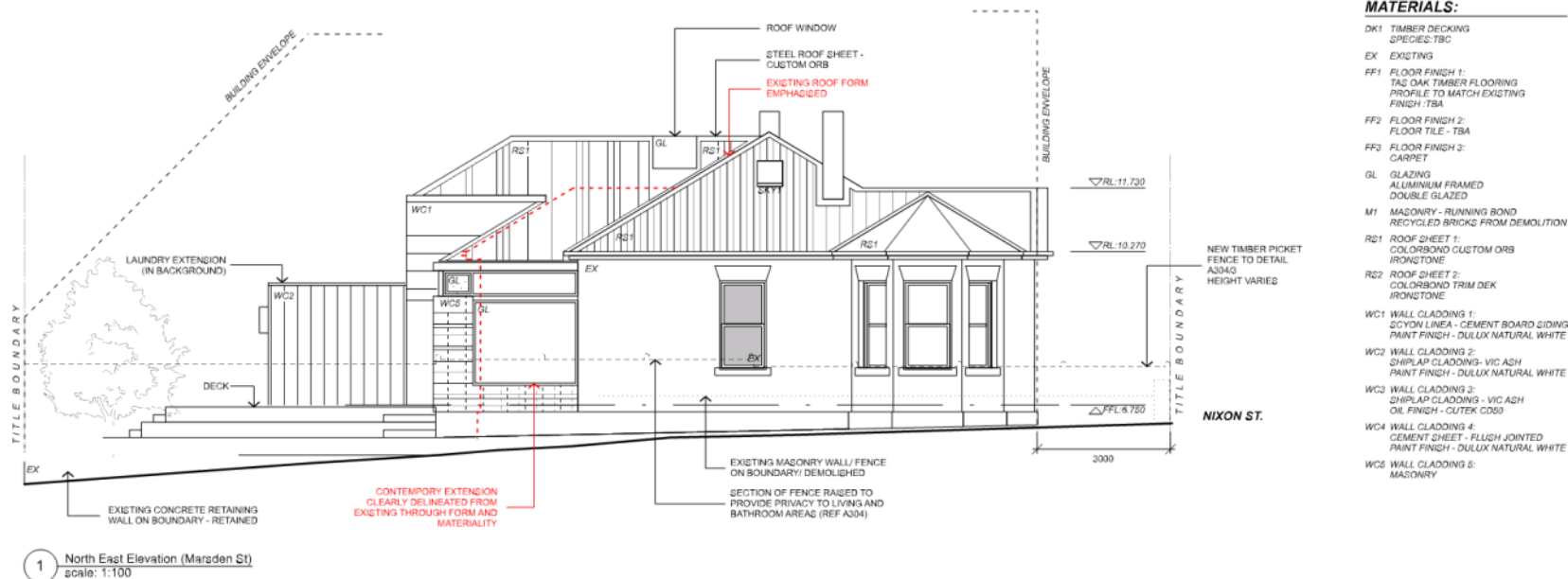
MC CARTHY ARCHITECTS  
M: 0499 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 QQ: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

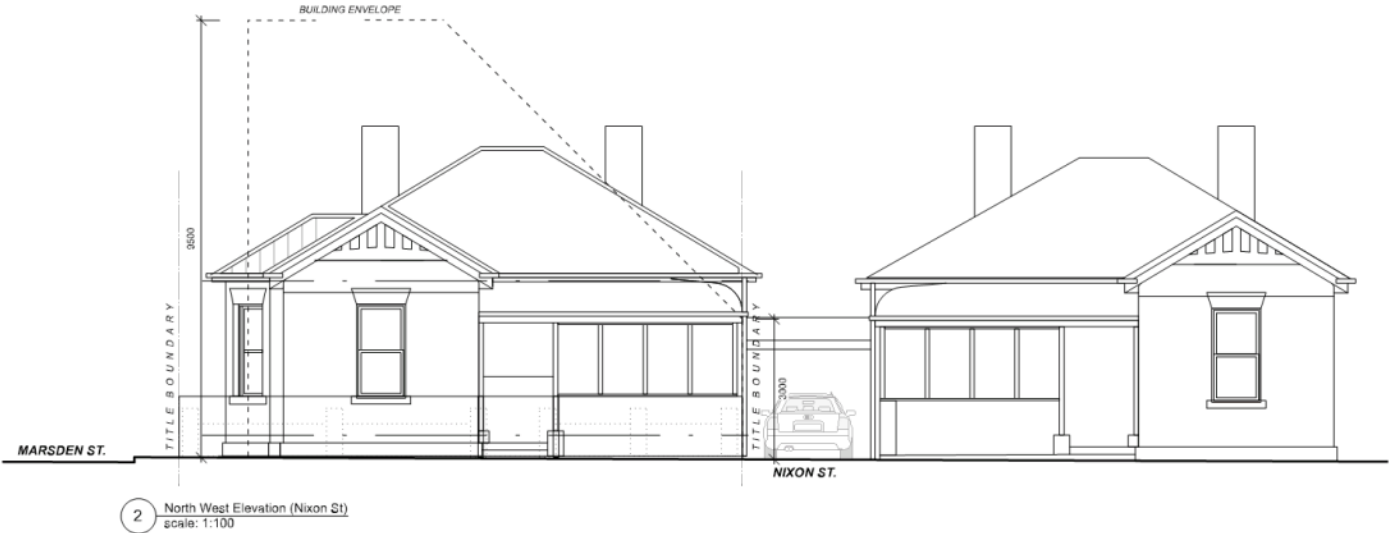
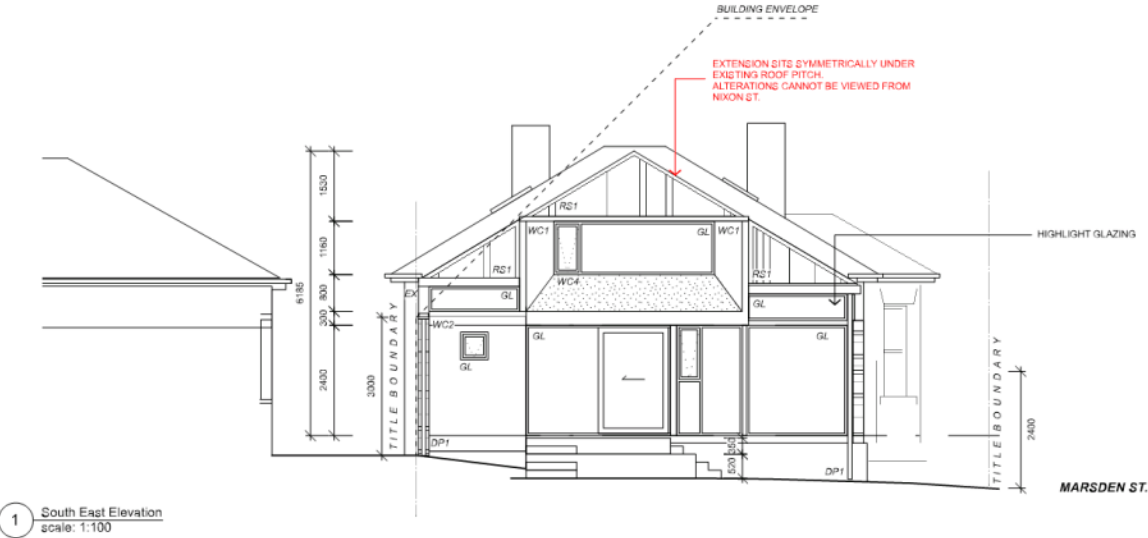
JOB No: 19.01  
DRAWING: EX. ELEVATIONS  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (3 A3)  
DRAWN: ARR  
REVISION: -

DA  
A301

DATE: 26.02.2021



- MATERIALS:**
- DK1 TIMBER DECKING  
SPECIES: TBC
  - EX EXISTING
  - FF1 FLOOR FINISH 1:  
TAS OAK TIMBER FLOORING  
PROFILE TO MATCH EXISTING  
FINISH: TBA
  - FF2 FLOOR FINISH 2:  
FLOOR TILE - TBA
  - FF3 FLOOR FINISH 3:  
CARPET
  - GL GLAZING  
ALUMINIUM FRAMED  
DOUBLE GLAZED
  - M1 MASONRY - RUNNING BOND  
RECYCLED BRICKS FROM DEMOLITION
  - RS1 ROOF SHEET 1:  
COLORBOND CUSTOM ORB  
IRONSTONE
  - RS2 ROOF SHEET 2:  
COLORBOND TRIM DEK  
IRONSTONE
  - WC1 WALL CLADDING 1:  
SCYON LINEA - CEMENT BOARD SIDING  
PAINT FINISH - DULUX NATURAL WHITE
  - WC2 WALL CLADDING 2:  
SHIPLAP CLADDING - VIC ASH  
PAINT FINISH - DULUX NATURAL WHITE
  - WC3 WALL CLADDING 3:  
SHIPLAP CLADDING - VIC ASH  
OIL FINISH - CUTEK CD50
  - WC4 WALL CLADDING 4:  
CEMENT SHEET - FLUSH JOINTED  
PAINT FINISH - DULUX NATURAL WHITE
  - WC5 WALL CLADDING 5:  
MASONRY



REVISION NOTES:	REV.	DESCRIPTION	DATE
	A	STREET FENCING HEIGHTS ROOF COLOURS	2020.10.29
	B	COUNCIL MEETING	2020.12.14

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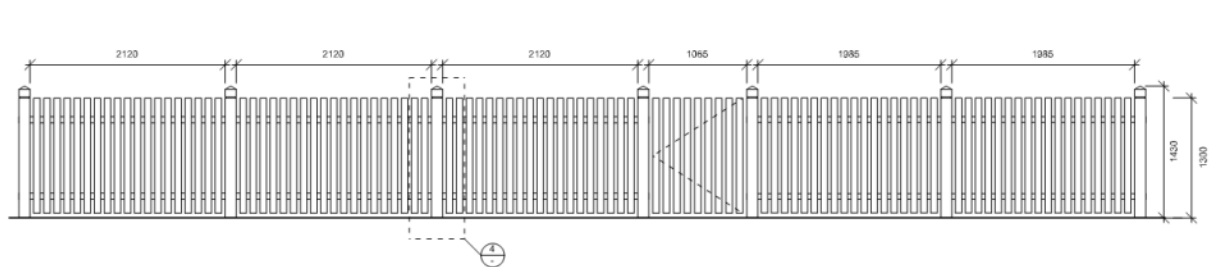
**MCCARTHY ARCHITECTS**  
M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GIG: 6211

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

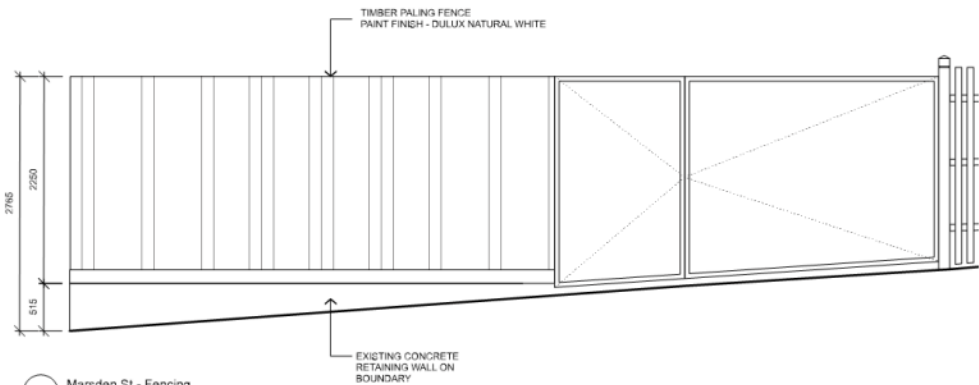
JOB No: 19.01  
DRAWING: PROPP ELEVATIONS  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (S.A.)  
DRAWN: AM  
REVISION: B

**DA**  
**A303**  
DATE: 25.02.2021

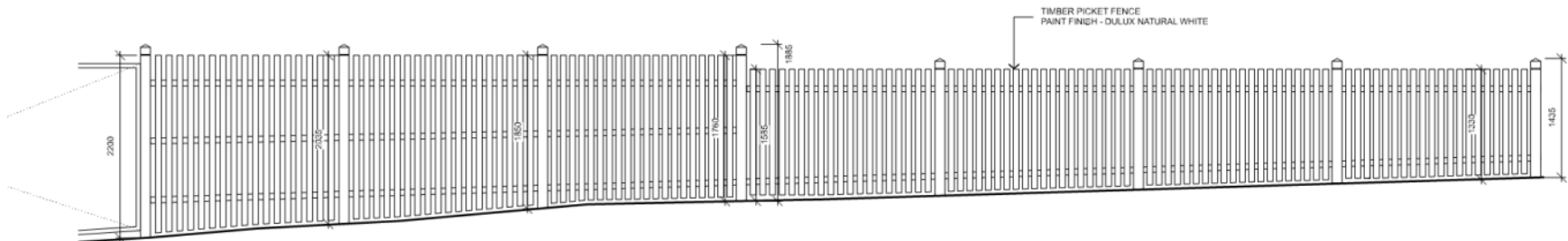




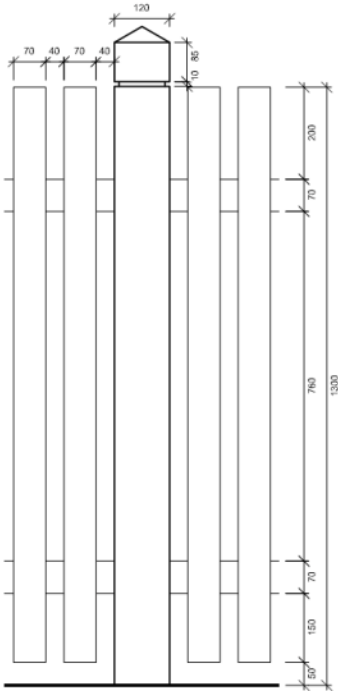
1 Nixon St - Fencing  
scale: 1:50



2 Marsden St - Fencing  
scale: 1:50



3 Marsden St - Fencing  
scale: 1:100



4 Fence Detail - Typical  
scale: 1:10

REVISION NOTES: REV. DESCRIPTION DATE

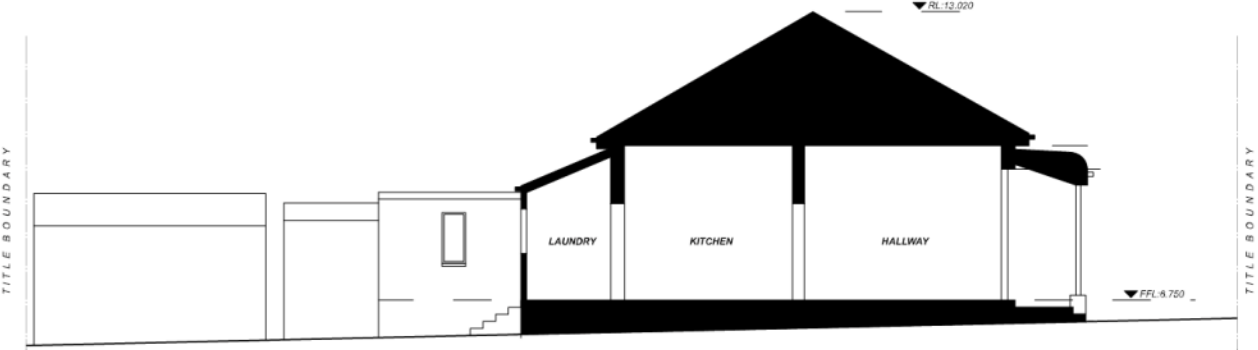
MCARTHY ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

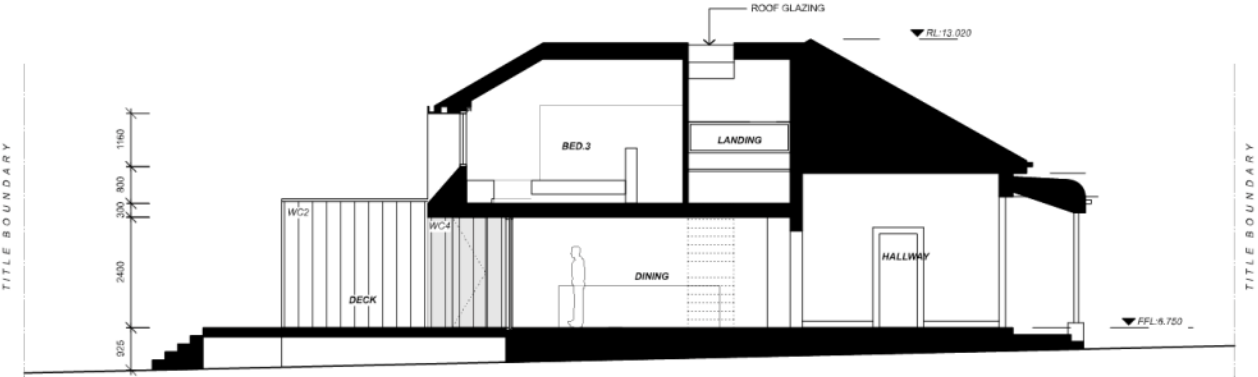
JOB No: 19.01  
DRAWING: STREET FENCING  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (3 A3)  
DRAWN: ARR  
REVISION: -

DA  
A304

DATE: 26.02.2021



1 Existing Section A  
scale: 1:100



2 Section A - Proposed  
scale: 1:100

REVISION NOTES:	REV.	DESCRIPTION	DATE
	A	ROOF GLAZING	2020.10.29

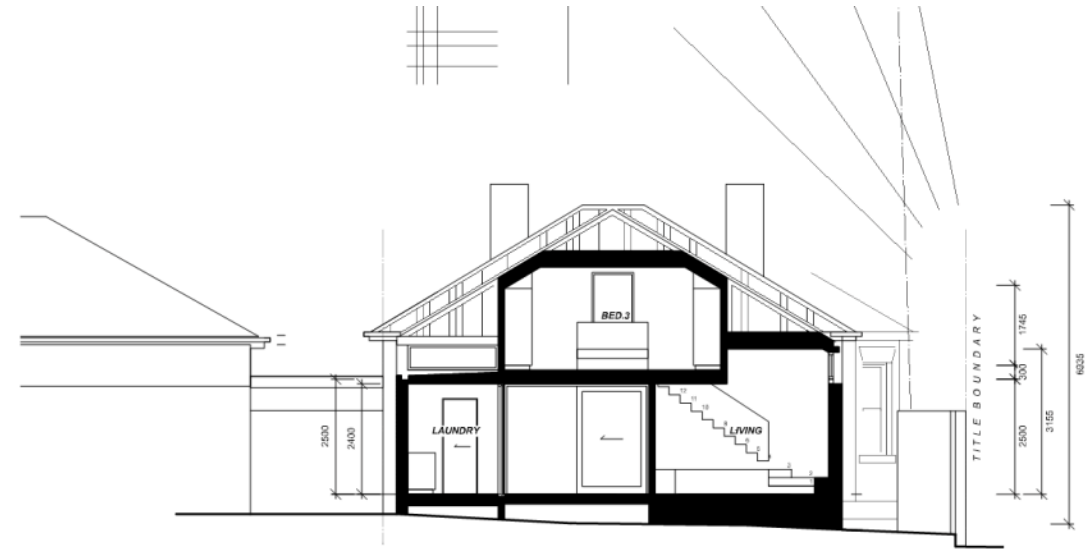
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MCARTHY  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

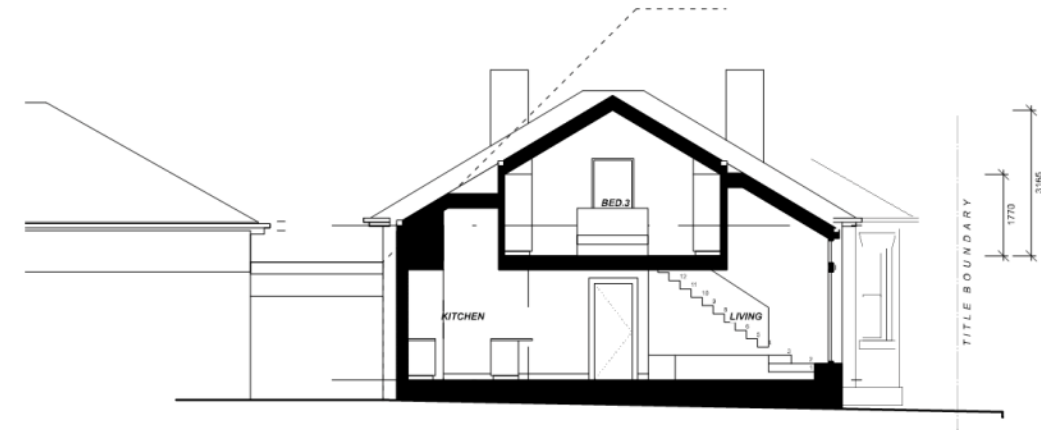
ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: SECTION A  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (S.A.)  
DRAWN: ARN  
REVISION: A

DA  
A401  
DATE: 26.02.2021



1 Section B  
scale: 1:100



2 Section C  
scale: 1:100

REVISION NOTES: REV. DESCRIPTION DATE

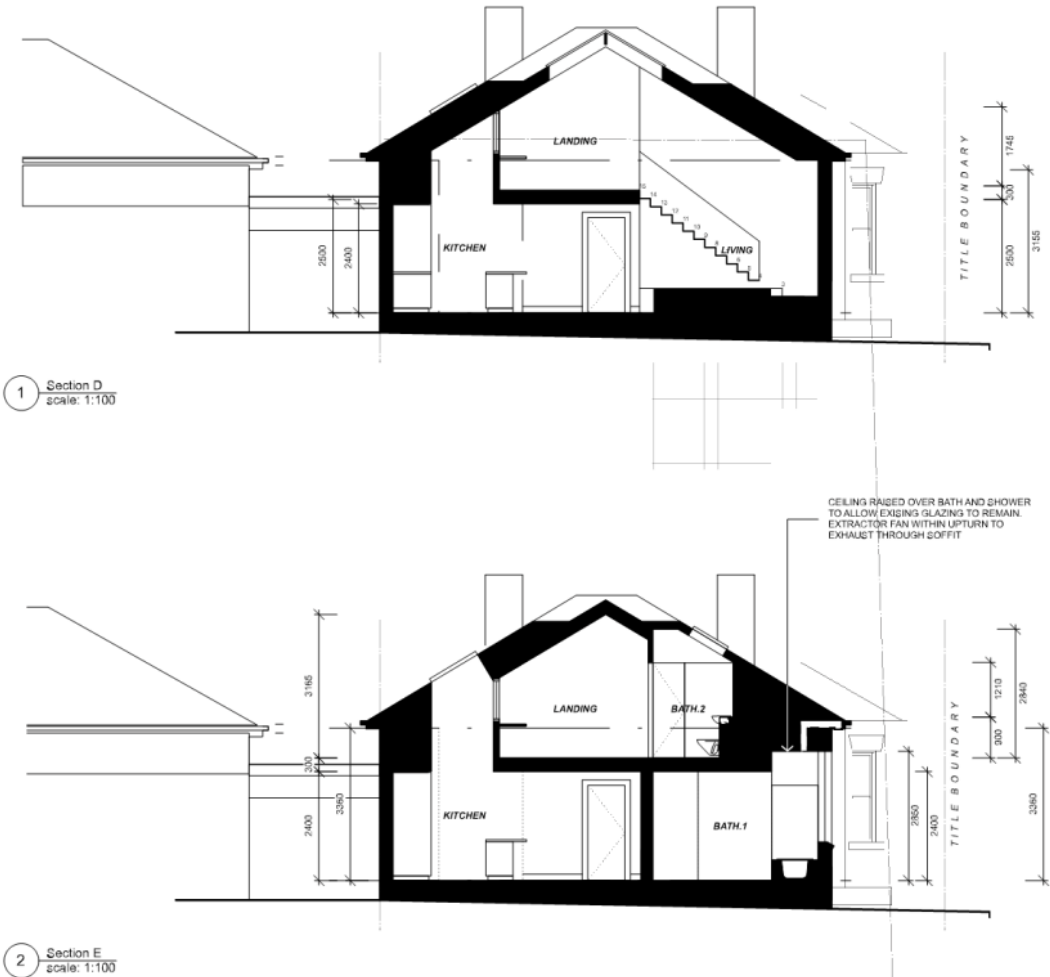
**MCCARTHY**  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: SECTION B+C  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN (B & C)  
DRAWN: ARR  
REVISION: -

DA  
**A402**

DATE: 26.02.2021



REVISION NOTES: REV. DESCRIPTION DATE

MCARTHY  
ARCHITECTS  
M: 0419 132 035 - STEVE MCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 CC: 6311

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 1901  
DRAWING: SECTION D+E  
STAGE: DEVELOPMENT APP.  
SCALE: AS SHOWN & A3  
DRAWN: ARR  
REVISION: -

DA

A403

DATE: 25.02.2021



PERFORMANCE CRITERIA P3

THE SITING AND SCALE OF A DWELLING MUST:  
(iv) 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

- THE PROPOSED ADDITION REDUCES THE WINTER SOLSTICE SUNLIGHT INTO THE KITCHEN AREA IN THE ADJOINING KITCHEN AT 9 NIXON ST.
- THE LOSS OF DIRECT SUNLIGHT INTO THE KITCHEN AREA IS REASONABLE BECAUSE:
  - IT IS ONLY DURING THE WINTER SOLSTICE MONTH THAT DIRECT SUNLIGHT IS LOST INTO THE KITCHEN WINDOW. ALL OTHER MONTHS THERE IS LITTLE TO NO CHANGE TO DIRECT SUNLIGHT, THEREFORE THE LOSS OF AMENITY IS LIMITED.
- THE AREA OF THE KITCHEN THAT IS IMPACTED DURING THE WINTER SOLSTICE MONTH IS A KITCHEN BENCH AND SINK NOT AN AREA THAT IS FREQUENTLY USED FOR AMENITY SUCH AS A DINING TABLE SEATED AREA. THE KITCHEN BENCH AND SINK SIT DIRECTLY AGAINST THE WINDOW WALL ADJOINING NUMBER 7 NIXON ST. THE KITCHEN AREA HAS OTHER WINDOWS ON AN ADJACENT WALL THAT PROVIDES SUNLIGHT INTO THE KITCHEN DINING AREA.
- THE PROPOSED ADDITION IS DESIGNED TO ENSURE THERE IS MINIMAL IMPACT ON THE AMENITY OF 9 NIXON ST AND SPECIFICALLY TO ENSURE THERE IS NO UNREASONABLE OVERSHADOWING OF ANY HABITABLE ROOM. CONSIDERATION FOR THE NEIGHBOURING DWELLING WAS GIVEN AND THE OWNER OF THE DWELLING WAS CONSULTED THROUGHOUT THE DESIGN PROCESS. THIS INCLUDED HAVING THE ROOF LINE AND CEILING HEIGHTS AS LOW AS POSSIBLE TO MINIMISE THE IMPACT OF THE PROPOSED ADDITION'S ROOF LINE.
- OVERALL THE KITCHEN AREA RECEIVES AMPLE DAYLIGHT AND SUNLIGHT DURING WINTER SOLSTICE DUE TO THE OTHER WINDOWS ON ADJOINING WALLS.

• THE PROPOSED ADDITION SITS WITHIN THE BUILDING ENVELOPE. THE EXISTING DWELLING (BUILT IN 1915 BEFORE BUILDING ENVELOPES EXISTED) IS THAT PART OF THE DWELLING THAT SITS OUTSIDE THE CURRENT BUILDING ENVELOPE. IF IT WADNT FOR THE EXISTING DWELLING, THE REDUCED DIRECT SUNLIGHT DURING THE WINTER SOLSTICE CAUSED BY THE PROPOSED ADDITION WOULD BE CONSIDERED REASONABLE IN THE CIRCUMSTANCES AND THIS SHOULD BE GIVEN MERIT WHEN ASSESSING THE PROPOSED ADDITION.

(ii) OVERSHADOWING THE PRIVATE OPEN SPACE OF A DWELLING ON AN ADJOINING LOT  
THERE IS AN INCREASE IN SUNLIGHT TO THE PRIVATE OPEN SPACE DURING THE MARCH EQUINOX WITH THE PROPOSED REMOVAL OF THE EXISTING OUTBUILDINGS

(iii) OVERSHADOWING AN ADJOINING VACANT LOT  
N/A

(iv) VISUAL IMPACTS CAUSED BY THE APPARENT SCALE, BULK OR PROPORTIONS OF THE DWELLING WHEN VIEWED FROM AN ADJOINING LOT

- EVERY CONSIDERATION HAS BEEN MADE TO ENSURE THE PROPOSED ADDITION SITS THE SIZE OF THE EXISTING DWELLING AND HAS BEEN DESIGNED TO REDUCE THE BULK OF THE PROPOSED ADDITION AS MUCH AS POSSIBLE. WHILE STILL ALLOWING FOR A REASONABLY SIZED DWELLING FOR MODERN LIVING. IT IS CONSISTENT WITH OTHER SCALE, BULK AND PROPORTION OF DWELLINGS IN THE AREA. ABET IS MODEST IN COMPARISON.

- THE PROPOSED ADDITION CREATES REASONABLE SEPARATION BETWEEN THE TWO DWELLINGS AT 7 AND 9 NIXON ST AND CONTINUES TO PROVIDE REASONABLE OPPORTUNITY FOR DAYLIGHT AND SUNLIGHT TO ENTER HABITABLE ROOMS AND PRIVATE OPEN SPACE. THE SEPARATION BETWEEN THE TWO DWELLINGS IS COMPATIBLE WITH OTHER DWELLINGS IN THE SURROUNDING URBAN AREA AND IS REASONABLE.
- GIVEN THE LOCATION OF THE DWELLINGS ON 7 NIXON ST COMPARED TO THE ADJOINING LOTS IN NIXON ST (MARGOLDEN ST) AND THE WAY THOSE DWELLINGS ARE SITUATED, ANY VISUAL IMPACT FROM THE PROPOSED ADDITION TO THOSE OTHER ADJOINING LOTS IS REASONABLE.
- THE PROPOSED ADDITION DOES NOT BLOCK OR CAUSE VISUAL IMPACT TO THE HOUSES ON THE OPPOSITE SIDE OF NIXON ST (INCLUDING THE TERRACES) DUE TO THE ROOF HEIGHT OF THE PROPOSED ADDITION BEING WITHIN THE EXISTING ROOF LINE (I.E. THE PROPOSED ADDITION DOES NOT BLOCK ANY WATER VIEWS) AND IS THEREFORE REASONABLE.
- MINIMUM CEILING HEIGHTS HAVE BEEN UTILISED IN THE PROPOSED ADDITION TO ENSURE THE PROPOSED ADDITION SITS AS LOW AS POSSIBLE ON THE DWELLING.
- THE HIPPED ROOF FORM IS IN-KEEPING WITH THE SURROUNDING BUILDINGS AND HAS BEEN SELECTED FOR BOTH AESTHETICS AND FUNCTION. A FUNCTIONAL ASPECT OF THE HIPPED ROOF MEANS BEING ABLE TO UTILISE THE CATHEDRAL CEILING SPACES (DUE TO THE EXISTING DWELLING'S HIGH CEILING) TO ALLOW FOR A MODERN SPACE.
- THE SEPARATION BETWEEN 7 NIXON ST AND 9 NIXON ST HAS NOT CHANGED. THE BULK ON THE BOUNDARY BETWEEN THE TWO DWELLINGS IS REDUCED IN THE PROPOSED PLANS BY DEMOLITION OF MULTIPLE OUTBUILDINGS.
- THE BOUNDARY MATERIALS BETWEEN THE TWO DWELLINGS WILL BE CONSOLIDATED BY CONTINUING THE BRICK AND WITH A SMALL SECTION OF TIMBER FENCING TO THE REAR OF THE PROPERTY. THEREBY MAKING THE VISUAL IMPACT OF THE DWELLING ON 9 NIXON STREET TINY AND REASONABLE.

REVISION NOTES: REV. DESCRIPTION DATE

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NEOCARTH ARCHITECTS  
M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 072 203 - JESSICA  
ABN: 41 943 954 898 CC: 60311

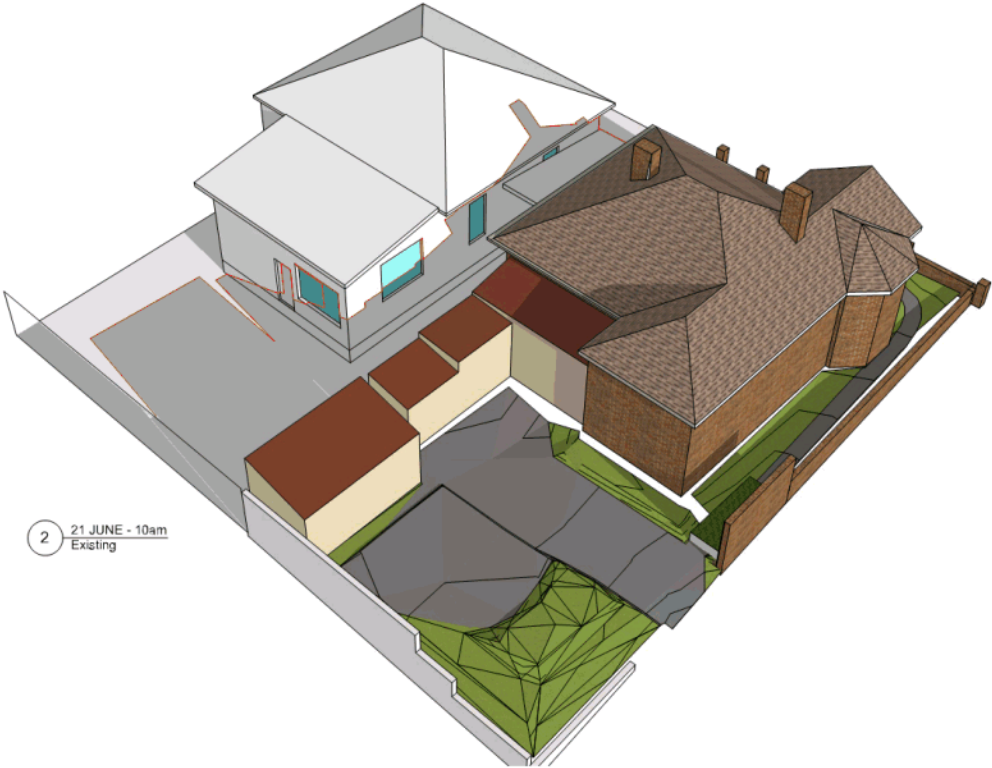
ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 1901  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN & AS  
DRAWN: ARR  
REVISION: -

DA

M1

DATE: 25.02.2021



DA

M2

DATE: 25.02.2021

REVISION NOTES: REV. DESCRIPTION DATE

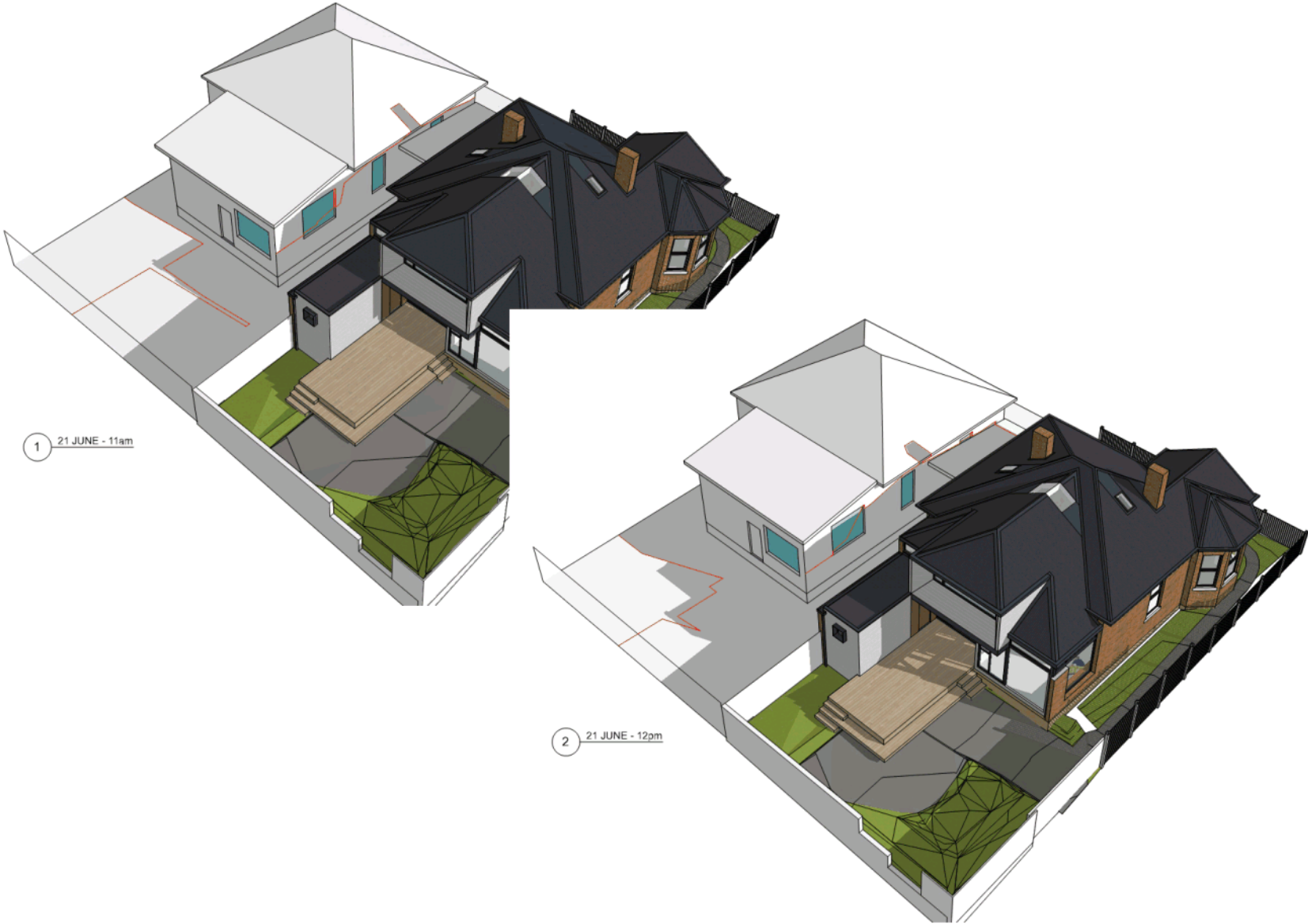
MC CARTHY  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: EXISTING WINTER SOLSTICE  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (3 AS  
DRAWN: ARR  
REVISION: -

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DA

M3

DATE: 25.02.2021

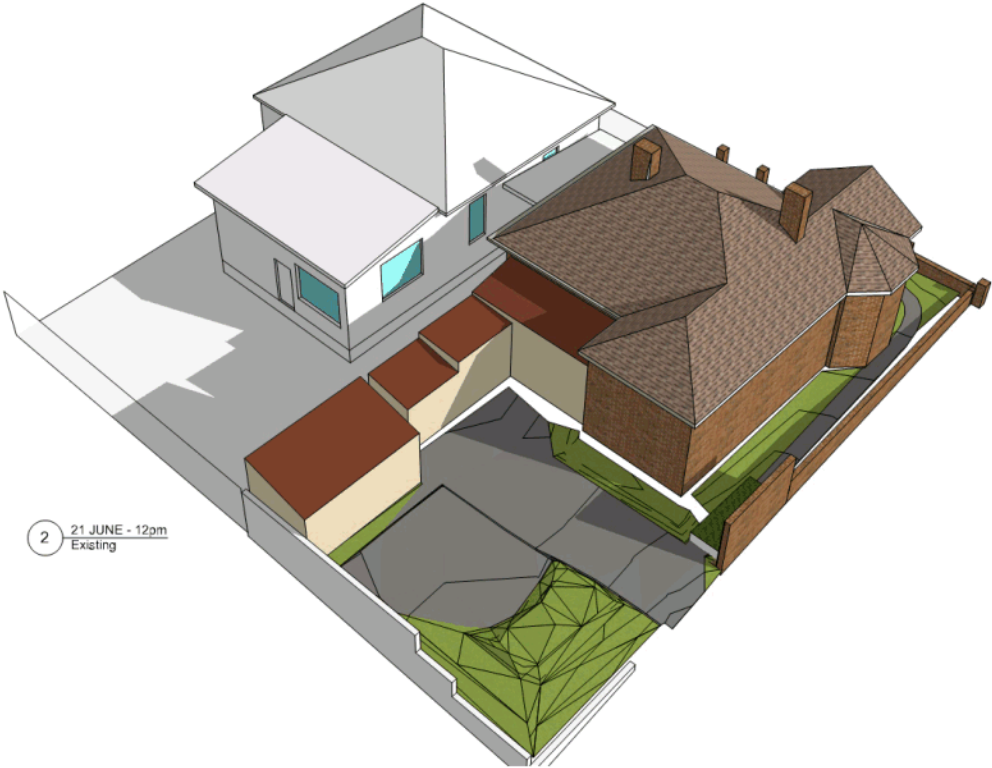
REVISION NOTES: REV. DESCRIPTION DATE

MC CARTHY  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (3 AS  
DRAWN: ARR  
REVISION: -

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**MCCARTHY REED**  
ARCHITECTS  
M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

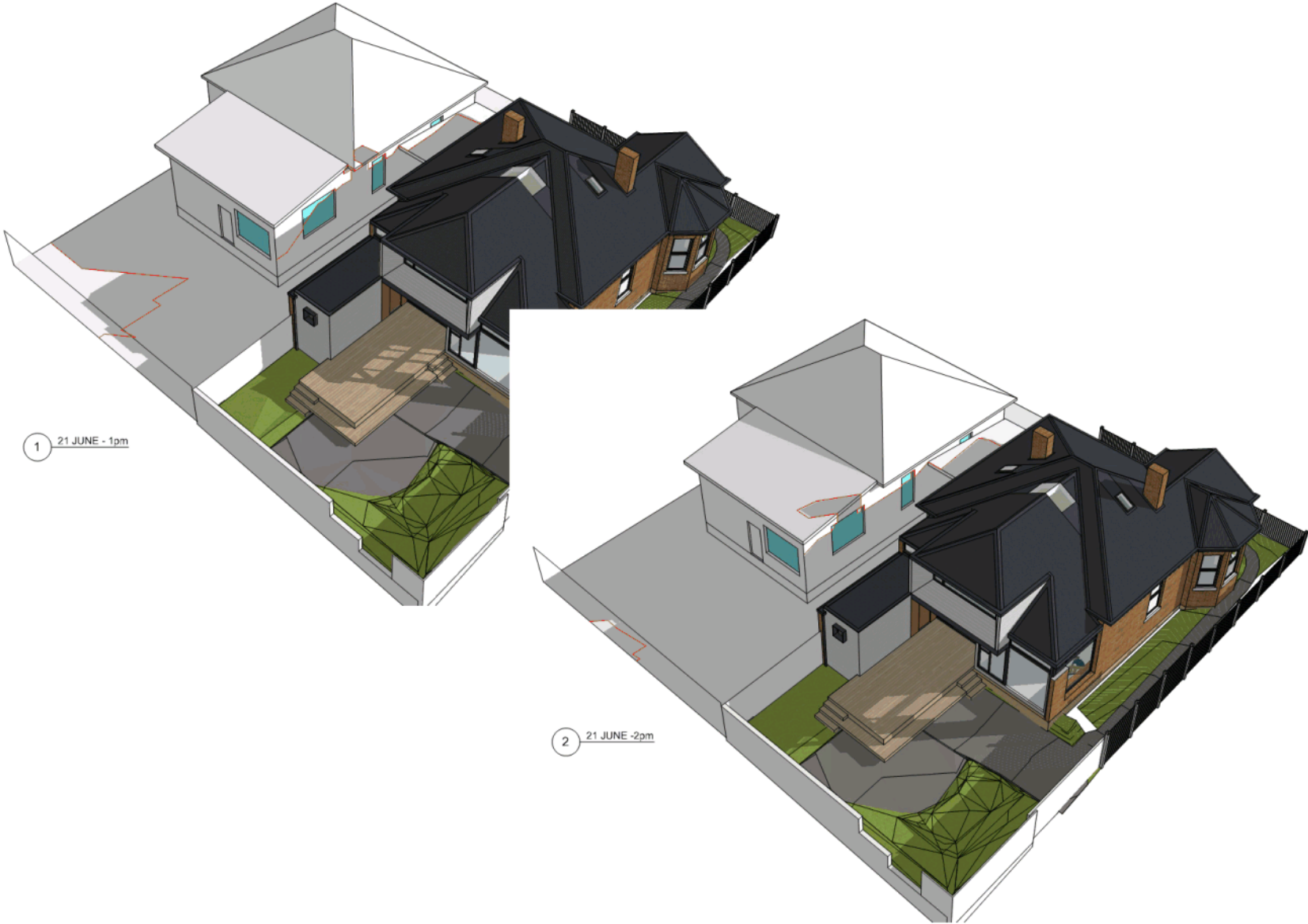
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STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (S.A.)  
DRAWN: ARR  
REVISION: -

DA

M4

DATE: 25.02.2021





DA

M5

DATE: 25.02.2021

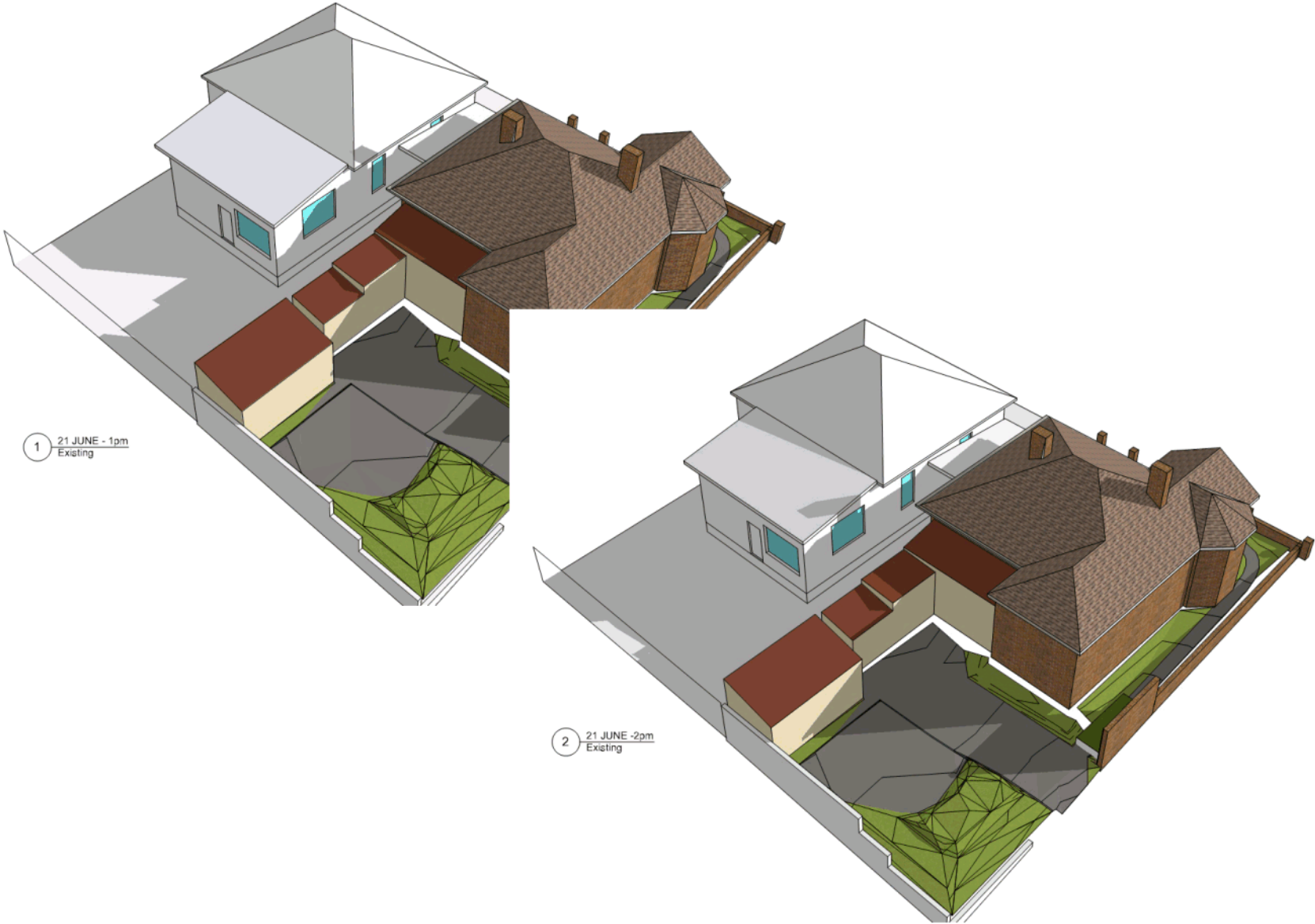
REVISION NOTES: REV. DESCRIPTION DATE

**MCCARTHY REED**  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG: 6211

**ALT. ADDITION**  
**7 NIXON STREET**  
**SANDY BAY**  
**KIMBER BLACK**

JOB No: 19.01  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (S.A.)  
DRAWN: ARR  
REVISION: -

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DA

M6

DATE: 25.02.2021

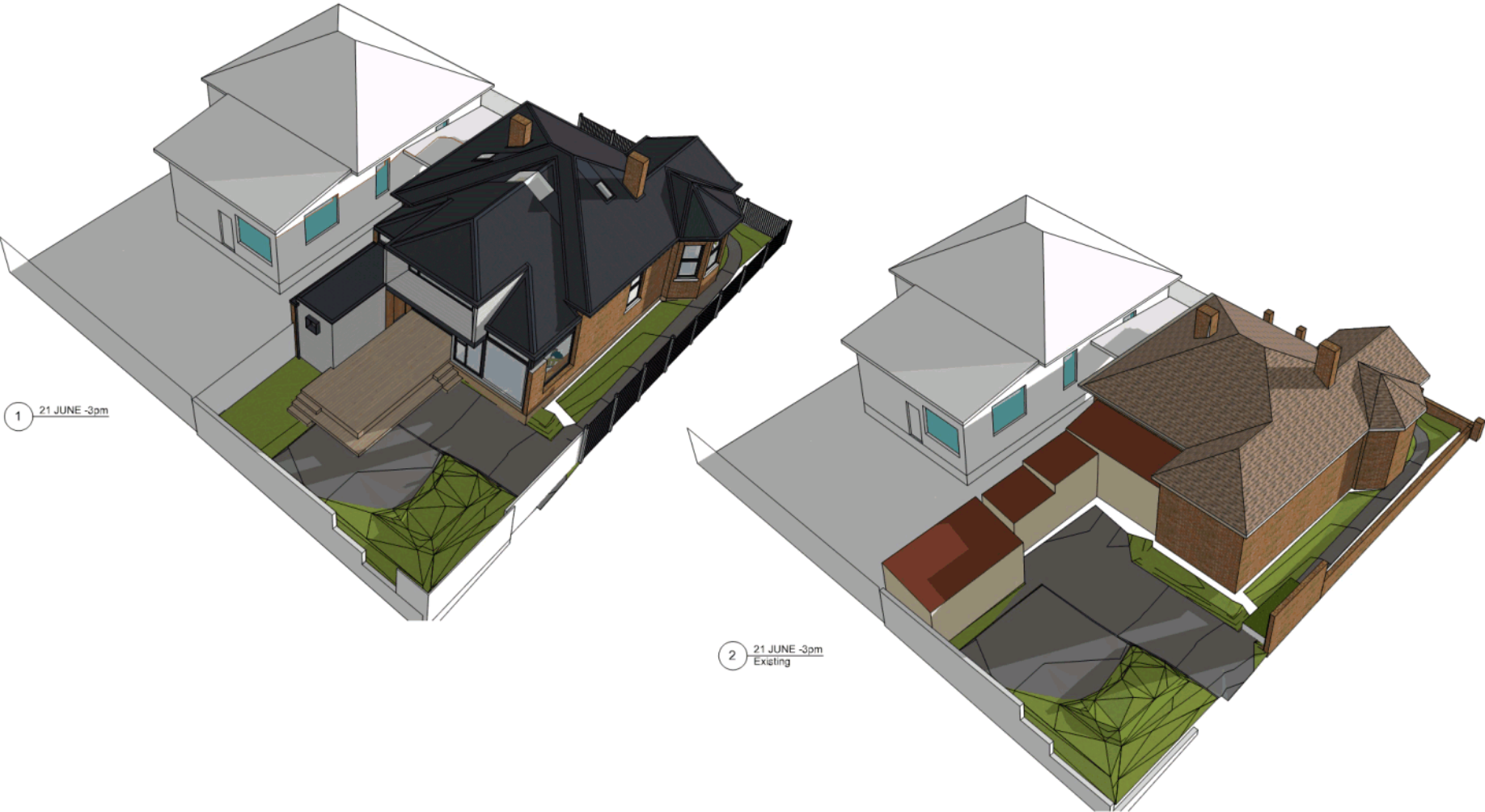
REVISION NOTES: REV. DESCRIPTION DATE

MCARTHY  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (3 AS  
DRAWN: ARR  
REVISION: -

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DA

M7

DATE: 25.02.2021

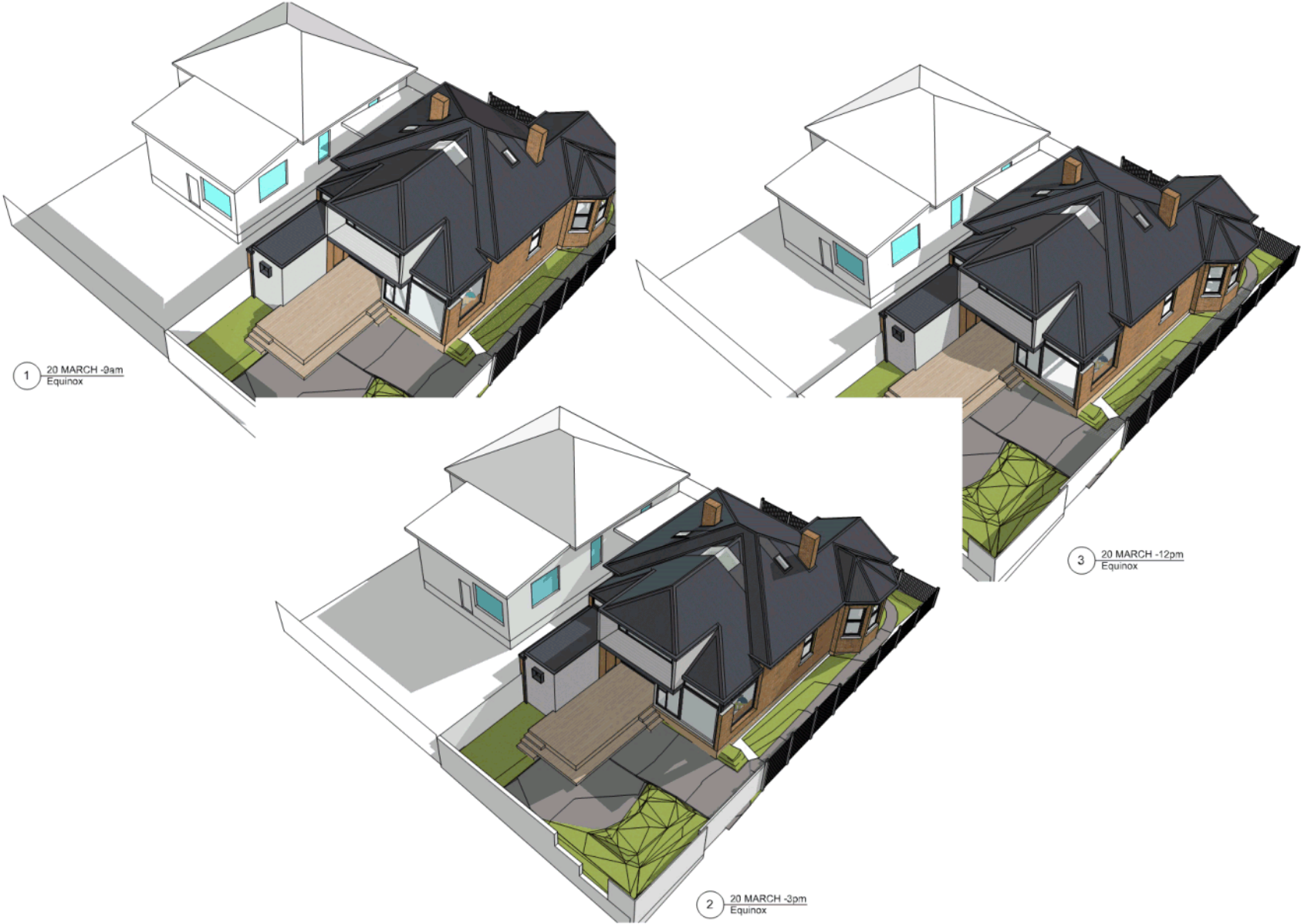
REVISION NOTES: REV. DESCRIPTION DATE

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MC CARTHY  
ARCHITECTS  
M: 0489 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG: 6211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: WINTER SOLSTICE  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (3 AS  
DRAWN: ARR  
REVISION: -



REVISION NOTES: REV. DESCRIPTION DATE

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ARCHITECTS  
M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

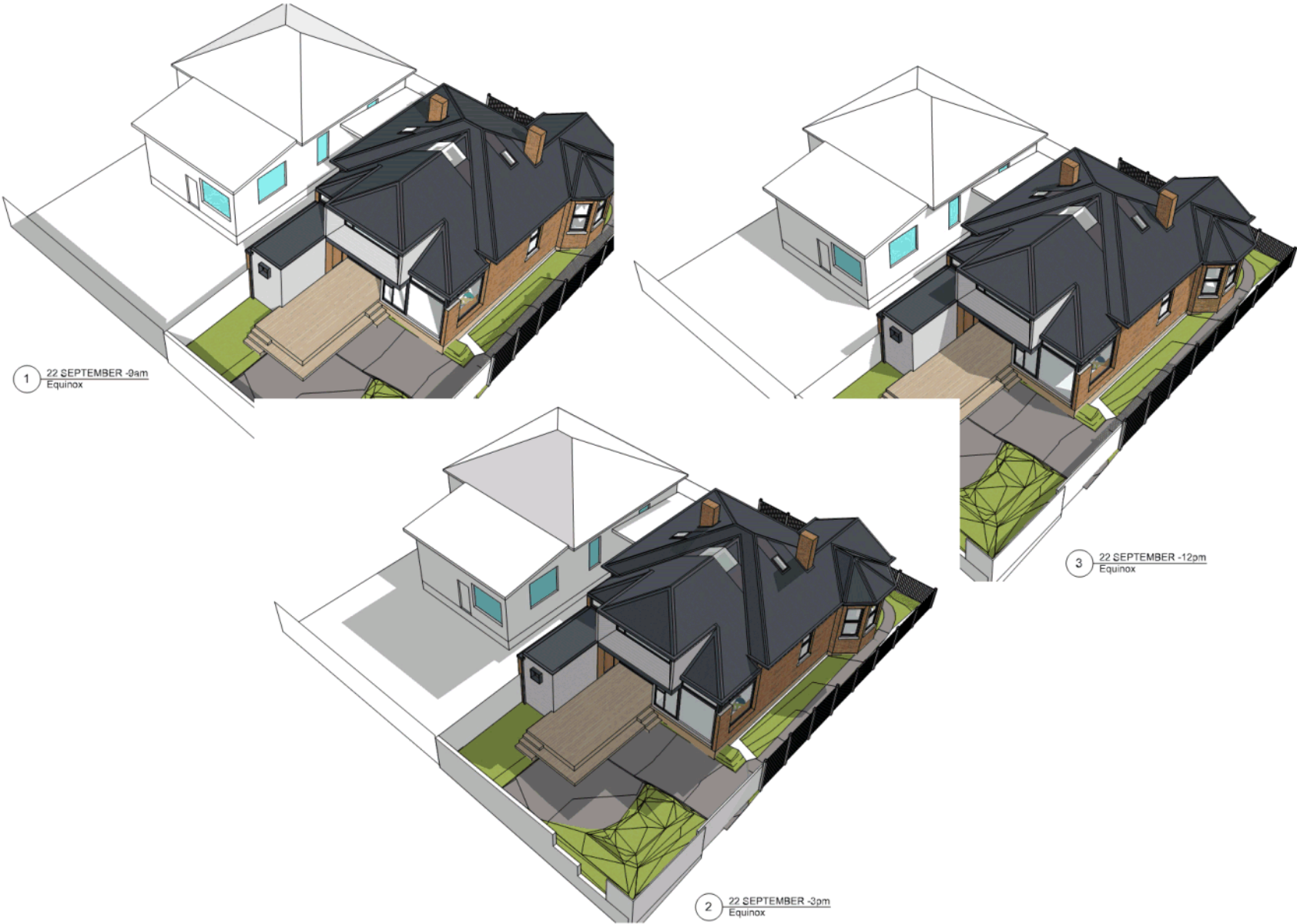
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DRAWING: MARCH EQUINOX  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (3 AS  
DRAWN: ARR  
REVISION: -

DA

M8

DATE: 25.02.2021





REVISION NOTES: REV. DESCRIPTION DATE

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ARCHITECTS  
M: 0419 132 038 - STEVE MCCARTHY  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16311

**ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK**

JOB No: 19.01  
DRAWING: SEPTEMBER EQUINOX  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (3 AS  
DRAWN: ARR  
REVISION: -

**DA  
M9**

DATE: 26.02.2021



1 Nixon Street - Perspective



2 Margden Street - Perspective

REVISION NOTES: REV. DESCRIPTION DATE

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**MCCARTHY**  
ARCHITECTS  
M : 0489 132 038 - STEVE MCCARTHY  
M : 0400 672 203 - ALEX REED  
ABN : 41 943 954 898 GG : 6311

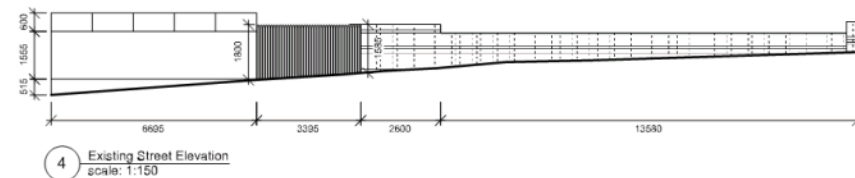
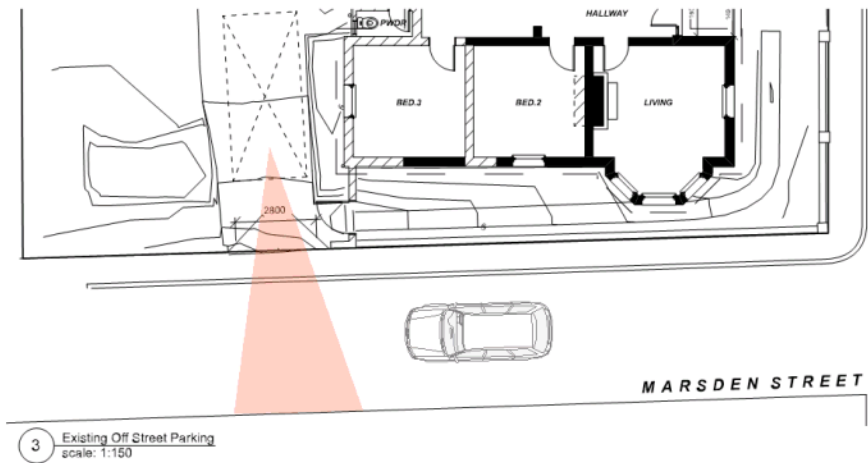
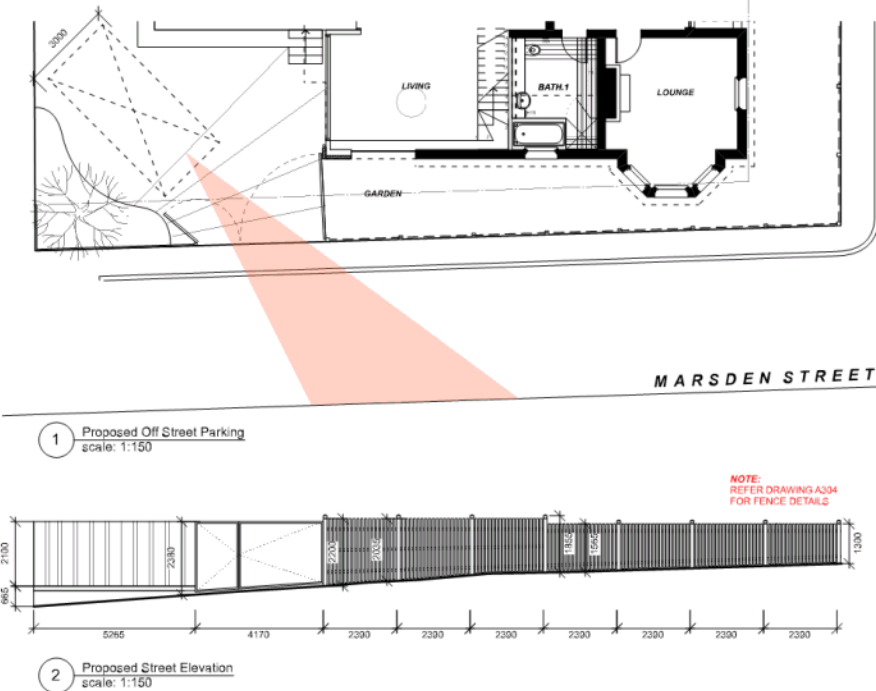
**ALT. ADDITION**  
**7 NIXON STREET**  
**SANDY BAY**  
**KIMBER BLACK**

JOB No : 19.01  
DRAWING : STREET PERSPECTIVES  
STAGE : DEVELOPMENT APP  
SCALE : AS SHOWN (8 A3)  
DRAWN : ARR  
REVISION : -

**DA**  
**M10**  
DATE : 26.02.2021

E6.7.2 Design of Vehicular Accesses

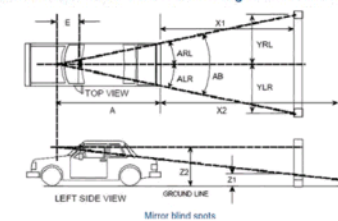
Objective:	
To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.	
Acceptable Solutions	Performance Criteria
<b>A1</b>  Design of vehicle access points must comply with all of the following:  (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;  (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	<b>P1</b>  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.



PERFORMANCE CRITERIA

- P1**
- (A) THE PROPOSED OFF-STREET PARKING IS AN IMPROVEMENT TO THE EXISTING PARKING CONDITION. THE 45° ANGLED PARKING ALLOWS GREATER OBSERVATION OF THE ONCOMING VEHICULAR, PEDESTRIAN AND CYCLING TRAFFIC DOWN MARDEN ST (ONE WAY). PEDESTRIANS / CYCLIST WALKING/CYCLING UP MARDEN ST WILL BE TRAVELLING IN THE SAME DIRECTION AS THE EXISTING VEHICLE WHICH SIGNIFICANTLY DECREASES THE LIKELIHOOD OF INTERFERENCE.
- (B) THERE WILL BE NO CHANGE TO THE FLOW OF TRAFFIC ON ADJOINING ROADS
- (C) TABLE E6.1 STIPULATES 2 PARKING SPACES FOR A SINGLE DWELLING CONTAINING 2 OR MORE BEDROOMS. THE PROPOSAL IS MAINTAINING THE EXISTING 1 OFF STREET CARPARK WHILST COMPLYING WITH THE MINIMUM PRIVATE OPEN SPACE PROVISIONS. THE PROPOSED AISLE WIDTH IS WIDER THAN THE EXISTING AND THE TOTAL GATE 'CLEAR' OPENING HAS INCREASED
- (D) THE DRIVEWAY IS LOCATED ON A QUITE SIDE STREET WITH LOW VEHICULAR TRAFFIC. THE PROPOSED OFF STREET PARKING IS A MARKED IMPROVEMENT TO THE EXISTING WITH BOTH GREATER VISUAL SURVEILLANCE AND DRIVEWAY AISLE WIDTH. THE GATE IS VISUALLY DIFFERENT TO THE SURROUNDING FENCES, HELPING USERS OF THE STREET IDENTIFY THE DRIVEWAY

Inside rearview mirror field of view test grid and marker setup



DA

T1

DATE: 25.02.2021

REVISION NOTES: REV. DESCRIPTION DATE

MCARTHUR ARCHITECTS  
M: 0419 132 038 - STEVE MCARTHUR  
M: 0400 672 203 - ALEX REED  
ABN: 41 943 954 898 GG 16211

ALT. ADDITION  
7 NIXON STREET  
SANDY BAY  
KIMBER BLACK

JOB No: 19.01  
DRAWING: DRIVEWAY  
STAGE: DEVELOPMENT APP  
SCALE: AS SHOWN (B A3)  
DRAWN: ARR  
REVISION: -

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**7.2.2 118 YORK STREET, SANDY BAY AND ADJACENT ROAD  
RESERVE - PARTIAL DEMOLITION, SUBDIVISION (ONE  
ADDITIONAL LOT), AND ASSOCIATED WORK  
PLN-20-259 - FILE REF: F21/20536**

---

Address:	118 York Street, Sandy Bay and Adjacent Road Reserve
Proposal:	Partial Demolition, Subdivision (One Additional Lot) and Associated Work
Expiry Date:	8 April 2021
Extension of Time:	Not applicable
Author:	Michaela Nolan

**RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and subdivision (one additional lot) at 118 York Street, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-259 - 118 YORK STREET SANDY BAY TAS 7005 - CPC Agenda 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 2020/00590-HCC dated 11 May 2020 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

**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. 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. be 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 3a**

**The access driveway and parking module (parking spaces 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, 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 driveway and parking module (parking spaces and manoeuvring area) must be constructed in strict accordance with the PDA Surveyors documentation received by the Council on the 18th October 2020 prior to sealing of the final plan.**

*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 sealing of the final plan.**

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 r3**

**Prior to the sealing of the final plan, the proposed driveway crossover within the York Street highway reservation must be designed and constructed in general accordance with:**

- **Urban - TSD-R09-v2 – Urban Roads Driveways;**
- **Non-standard K&C- a concrete plinth to Councils standards shall be constructed at the gutter, contact the Council's Road Services Engineer for details; and**
- **Footpath - Urban Roads Footpaths TSD-R11-v2.**

**Design drawings must be submitted and approved prior to any approval under the *Building Act 2016* or commencement of works on site (whichever occurs first). The design drawing(s) 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 (i.e. light poles, pits, awnings) at or near the proposed driveway crossover, show proposed location of the power pole as approved by TasNetworks.**
- 3. If the design deviates from the requirements of the TSD, then the drawings must demonstrate that a B85 vehicle (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside**
- 4. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.**
- 5. Not show a grated wedge, asphalt wedge or the standard open wedge driveway crossover. Grated wedges are permitted on highly used bike routes and details of the grate (i.e. mass) will be required. The design drawings should show access via a concrete plinth to Councils**

**standards to be constructed at the gutter. A drawing of a standard concrete plinth can be obtained from Councils Road Services Engineer. Note: that the agreement of the Council's is required to adjust footpath levels.**

- 6. 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.*

Reason for condition

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

## **ENV 1**

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

*Advice:*

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

Reason for condition

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

#### **HER s1**

**The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* to limit the height, location and boundary treatments of any future development of Lot 1 in accordance with the Plan of Subdivision dated 24 February 2021, PDA reference 44832CT-1E. More specifically all future building works must be located within the building envelope labeled ABCD on that Plan, and must not exceed a maximum height of 72.5AHD (4.5m above natural ground level).**

**All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.**

**The owner must comply with the Part 5 Agreement which will be placed on the property title.**

*Note:*

*For further information with respect to the preparation of a Part 5 agreement please contact the City Planning Staff*

Reason for condition

To ensure that any future development of the plot hereby approved would not lead to significantly large and visible residential development including associated boundary treatments forward of the existing building line to the detriment of the historical and cultural significance of the Heritage Precinct.

#### **HER s2**



**No fencing is approved for a distance of 7.5m from the front boundary on the western side of the Lot 1 driveway.**

Reason for condition

To ensure that any future development of the plot hereby approved would not lead to significantly large and visible residential development including associated boundary treatments forward of the existing building line to the detriment of the historical and cultural significance of the Heritage Precinct.

### **HER s3**

**The proposed fence and proposed gate shown on the Plan of Subdivision dated 24 February 2021 must be 1.8m high and sited no closer than 7.5m from the front boundary.**

**The fence must be installed prior to the sealing of the final plan.**

Reason for condition

To ensure that any future development of the plot hereby approved would not lead to visible boundary treatments forward of the existing building line to the detriment of the historical and cultural significance of the Heritage Precinct.

### **SURV 1**

**The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.**

Reason for condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

### **SURV 2**

**The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.**

Reason for condition

To ensure that the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

#### **ENG 14**

**Services to each lot must be designed and installed to meet the needs of future development, prior to the sealing of the final plan.**

**Engineered drawings must be submitted and approved prior to commencement of work on the site. The engineered drawings must:**

- a) **be prepared by a suitable qualified person and experienced engineer;**
- b) **be generally in accordance with LGAT - IPWEA - Tasmanian Standard Drawings and Subdivision Guidelines 2013 and include the following;**
  - 1) **Clearly distinguish between public and private infrastructure.**
  - 2) **Specify lot connection sizes appropriate for the developable area of each lot.**
  - 3) **Show the proposed location of each lot connection such that the majority of the lot, including the driveway, can be adequately and economically drained.**
  - 4) **The new stormwater system design must include:**
    - i. **prepared by a suitably qualified person; and**
    - ii. **include long section(s)/levels and grades to the point of discharge**
    - iii. **Size, material and grade of the new connection**

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

*Advice:*

*Once the engineering drawings have been approved the Council will issue a condition endorsement.*

*Please note that once the condition endorsement has been issued*

*you will need to contact Council's City Amenity Division to obtain a Permit to Construct Public Infrastructure and an application for new stormwater connection.*

Reason for condition

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

#### **ENG 16**

**Prior to the sealing of the final plan, private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.**

Reason for condition

To ensure that each lot is services separately.

#### **ENG 17**

**Prior to the sealing of the final plan, the developer must verify compliance with condition ENG 16 by supplying the Council with an as-installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as- installed services plan must be accompanied by certification from a suitably qualified person that all engineering work required by this permit has been completed.**

*Advice:*

*Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a suitably qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A 'suitably qualified person' must be a professional engineer or professional surveyor or other persons acceptable to Council.*

Reason for condition

To ensure that the developer provides the Council with clear written confirmation that the separation of services is complete.

#### **OPS 1**

**The owner must pay a cash contribution to the Council for contribution to public open space, prior to sealing of the final plan.**

**The open space contribution is equal to 5% of the undeveloped value of Lot 1 in the final plan, in lieu of the provision of public open space within the subdivision.**

*Advice:*

*The value is to be determined by a registered valuer commissioned by the Council at the developer's cost. Please contact the Council's Development Appraisal Unit on 6238 2715 to instigate the valuation process.*

*Reason for condition*

*Approval of the subdivision will create further demand upon Hobart's Public Open Space System. The funds obtained will be used for future expenditure on the purchase or improvement of land for public open space in Hobart.*

#### **SUB s1**

**The existing outbuildings at the rear of the existing dwelling on the balance lot are to be demolished, prior to the sealing of the final plan.**

Reason for condition

To ensure that the new boundary does not pass through the outbuildings.

#### **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.

### **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.

### **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.

### **STREET LIGHTING**

The relocation of a light pole must be in accordance with TasNetworks and Hobart City Council requirements. 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.

### **EXISTING BURDENING EASEMENT**

Lot 1 and the Balance of CT 121081/1 are subject to an existing burdening easement in favour of Co-operative Estates Limited and its successors in title owners or occupiers for the time being of Lot 105 and the balance of Lots 103 and 104 or any of them shown on Plan No. 767 of making and laying sewers and drains and of using all sewers and drains now or hereafter to be made in or over the land marked A B C D on Plan No. 121081 with power at any time upon giving reasonable notice to enter upon the land marked A B C D on Plan No. 121081 to make lay repair cleanse and maintain any pipes or drains the person or persons entering to make good all damage to the surface occasioned thereby.

It would appear that this is a historical easement that may now be redundant. The application should consider applying to the Recorder of Titles to have this easement extinguished prior to the sealing of the final plan in order that it does not burden Lot 1 on the final plan.

When a future owner wishes to build on Lot 1 it appears that the provisions of section 74 of the *Building Act 2016* will be applicable:



*74. Works involving, or in proximity of, service easements A person must not perform any building work over or within a service easement unless the person obtains written consent to do so from the person on whose behalf the service easement was created.*

## **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.

## **UTILITIES**




The designer must ensure that the needs of all affected authorities, ie TasNetworks, Telstra and NBN Co., are catered for both in the design and construction of the works, in particular adjustments to any underground cables or other infrastructure.





## **SUBDIVISION ADVICE**

For information regarding standards and guidelines for subdivision works click [here](#). All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

## **PUBLIC OPEN SPACE - CASH IN LIEU VALUATION**

Please contact the Council's Development Appraisal Unit on 6238 2715 to instigate the valuation process.

- |               |   |
|---------------|---|
| Attachment A: | PLN-20-259 - 118 YORK STREET SANDY BAY<br>TAS 7005 - Planning Committee or Delegated<br>Report ↓                 |
| Attachment B: | PLN-20-259 - 118 YORK STREET SANDY BAY<br>TAS 7005 -CPC Agenda Documents ↓                                     |
| Attachment C: | PLN-20-259 - 118 YORK STREET SANDY BAY<br>TAS 7005 - Additional Plan of Subdivision dated 24<br>February 2021 ↓  |

- Attachment D: PLN-20-259 - 118 YORK STREET SANDY BAY  
TAS 7005 - Planning Referral Officer Cultural  
Heritage Report ↓ 
- Attachment E: PLN-20-259 - 118 YORK STREET SANDY BAY  
TAS 7005 - Planning Referral Officer Development  
Engineering Report ↓ 
- Attachment F: PLN-20-259 - 118 YORK STREET SANDY BAY  
TAS 7005 - Planning Referral Officer Road and  
Environmental Engineering - Road Report ↓ 
- Attachment G: PLN-20-259 - 118 YORK STREET SANDY BAY  
TAS 7005 - Planning Referral Officer Traffic  
Engineering Report ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Council: 17 December 2020  
Expiry Date: 8 April 2021  
Application No: PLN-20-259  
Address: 118 YORK STREET , SANDY BAY  
ADJACENT ROAD RESERVE  
Applicant: CRAIG TERRY  
PEACOCK DARCEY & ANDERSON 127 BATHURST STREET  
HOBART 7000  
(PDA Surveyors)  
127 Bathurst Street  
Proposal: Partial Demolition, Subdivision (One Additional Lot), and Associated Work  
Representations: Nine (9)  
Performance criteria: Inner Residential Zone Development Standards and Subdivision Standards  
Road and Railway Assets Code, Parking and Access Code, Historic  
Heritage Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Partial Demolition & Subdivision (One-Additional Lot), at 118 York Street and the adjacent road reserve.
- 1.2 More specifically the proposal includes:
- Subdivision to create a Balance Lot at the front of the site containing the existing dwelling.
  - A new Lot 1 at the rear.
  - The Balance Lot is 544m<sup>2</sup> and Lot 1 is 460m<sup>2</sup> with a 3.6m access strip to York Street.
  - The outbuilding at the rear of the dwelling will be demolished.
  - Minor works in the road reservation to facilitate the provision of access to the new Lot 1.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Inner Residential Zone Development Standards - Building Envelope
  - 1.3.2 Inner Residential Zone Development Standards for Subdivision - Lot Size, Lot Design, Frontage, Internal Lot, Arrangement and Provisions of Lots, Ways and Public Open Space
  - 1.3.3 Road and Railway Assets Code - Sight Distances at Accesses, Junctions and Level Crossings
  - 1.3.4 Parking and Access Code - Design of Vehicular Accesses, Vehicular Passing Areas along an Access, Layout of Parking Areas,
  - 1.3.5 Historic Heritage Code -Subdivision and Demolition within a Heritage Precinct
- 1.4 Nine (9) representations objecting to the proposal were received within the statutory advertising period between 6 November 2020 and 20 November 2020.
- 1.5 The proposal is recommended for approval.
- 1.6 The final decision is delegated to the Council, because nine (9) representations were received during the statutory advertising period.

**2. Site Detail**

- 2.1 The subject site is located in an established residential area on the southern side of York Street, approximately 60m east of the intersection with Proctors Road. The lot is 1004m<sup>2</sup> and contains a single dwelling sited towards the front of the lot.



*Figure 1: location of the subject site at 118 York Street, Sandy Bay (outlined in blue).*



Figure 2: the subject site at 118 York Street, Sandy Bay (outlined in blue).



Figure 3: The existing dwelling at 118 York Street. Source: Realestate.com.





*Figure 4: Property at rear. Source: Realestate.com.*



*Figure 5: Rear garden of the subject site. Source: Realestate.com*





*Figure 6: Existing front fence at 118 York Street. This part of the existing fence is proposed to be demolished for the driveway to the proposed rear lot.*



*Figure 7: the rear of the subject site as viewed from the adjoining property at 120 York Street. This is the approximate location of the proposed boundary between Lot 1 and the Balance Lot.*



*Figure 8: the rear of the subject site as viewed from the adjoining property at 116 York Street. This is looking over the main part of the proposed Lot 1 and the rear part of the existing dwelling on the proposed Balance Lot..*

### 3. Proposal

- 3.1 Planning approval is sought for Subdivision (One Additional Lot), at 118 York Street and the adjacent road reserve.
- 3.2 More specifically the proposal includes:
- Subdivision to create a Balance Lot at the front of the site containing the existing dwelling.
  - A new Lot 1 at the rear.
  - The Balance Lot is 544m<sup>2</sup> and Lot 1 is 460m<sup>2</sup> with a 3.6m access strip to York Street.
  - The outbuilding at the rear of the dwelling will be demolished.
  - Minor works in the road reservation to facilitate the provision of access to the new Lot 1.

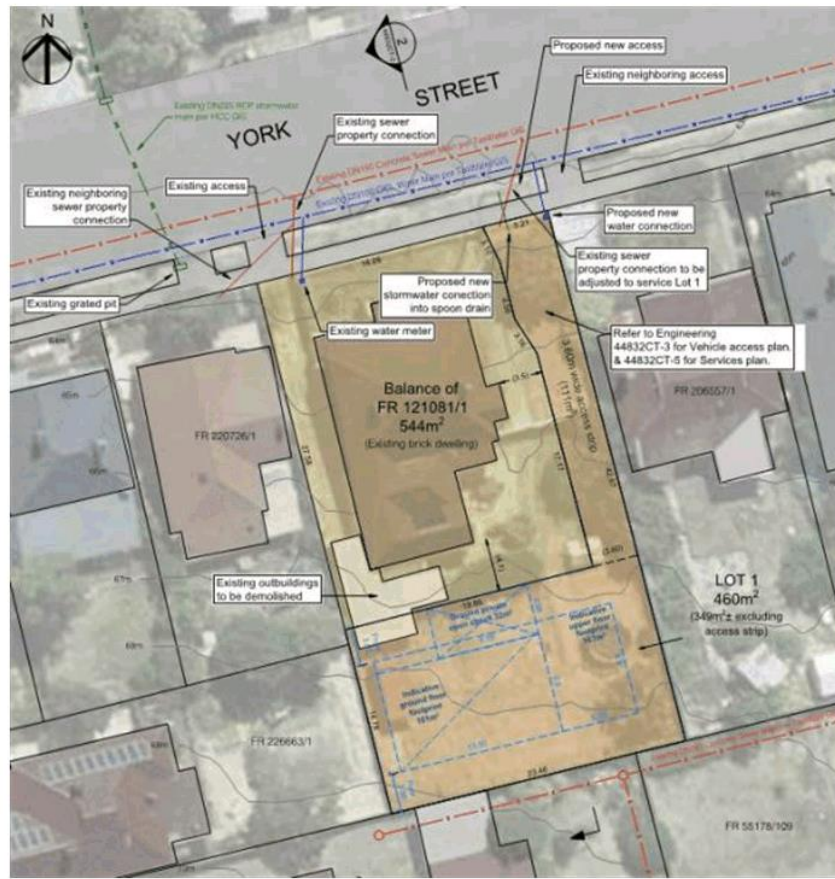


Figure 9: the proposed subdivision at 118 York Street, Sandy Bay.

## 4. Background

4.1 N/A

## 5. Concerns raised by representors

5.1 Nine (9) representations objecting to the proposal were received within the statutory advertising period between 6 November 2020 and 20 November 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.

#### Subdivision

- The proposed lot is small.
- The area is stated to be 455m<sup>2</sup>, however without the driveway there is only 293m<sup>2</sup> left to build a house.
- The remaining open space would be very small compared to both the existing lot and the precinct standards.
- The proposed lots would be different to the current large lot with free standing Edwardian house. This does not maintain the original subdivision pattern. Retaining the original fence line and boundary is not sufficient.
- The driveway and small internal lot with undersized balance lot would disrupt the current subdivision form.
- If this lot were to be subdivided it would set a precedent that would allow subdivision of more lots. This would change the value and character of the neighbourhood for the worse.
- There are no other subdivided lots within this block.
- Subdivision of the lot would be detrimental to the character of the neighbourhood.
- The proposal does not satisfy lot size requirement. The planning scheme says that an internal lot should be 400m<sup>2</sup>. This lot is 460m<sup>2</sup>, but that includes the access drive (111m<sup>2</sup>). The net and usable lot size is only 349m<sup>2</sup> which is 51m<sup>2</sup> below the requirement. The proposal does not meet the Acceptable Solution of minimum lot sizes. Because of other mitigating issues described in this submission the proposal should not be considered for approval under Performance Criteria P1.

#### Heritage

- Simply extracting commercial benefit from 100 years of architectural heritage by degrading the Sandy Bay Golf Links Estate Heritage Precinct
- The driveway will be detrimental to the heritage value of the property
- The driveway and a dwelling on the proposed lot would not be subservient to the existing building.
- It is not appropriated to degrade a heritage property for commercial benefit.
- The pattern of development is significantly altered because the only thing not being altered is the existing house. Everything else changes, the fence, the land, the presentation of the property, the physical amenities, and the heritage value of the area

- Rear gardens are an integral part of the Golf Links Estate. This subdivision will result in the loss of a rear garden area.
- Subdivision of this lot would be detrimental to the heritage precinct and would allow for future subdivision of other lots or for lots to be adhered to allow for subdivision. This would undermine the heritage subdivision integrity of the Golf Links Estate.
- Subdivision pattern is created by the layout of lots. The claim in the submitted report that subdivision pattern is the layout of the streets is incorrect.
- A fundamental aspect of the precinct is to retain the rear gardens and not to divide them into separate lots
- Linking objectives of the Planning Scheme, (which is comprised of the Inner Residential Zone and the Heritage Code), to the Conservation Policy for the GLE results in the conclusion that lots in the GLE should not be subdivided. Subdivision of this lot will erode the heritage significance and encourage other like subdivisions and this should be discouraged and completely resisted by Council.
- This is one of Hobart's older suburbs and the proposal is not sensitive to that.
- There is much value in heritage, on so many levels, that we have a responsibility now to maintain for future generations.
- Significant negative impact to the existing fabric of the front fence, the block, the vegetation and therefore the heritage value of the property and the street
- A two storey dwelling would not fit with the heritage landscape of the area.
- A modern house would not fit with the heritage character of the area. even if not visible from the street, it would be visible to surrounding properties.
- Recycling of bricks would not mitigate the impact of the proposal.
- In the sandy bay conservation policy of January 2019 (new scheme) it specifically refers to the significant of the rear gardens of the properties in the area and that lot boundary changes should not occur where the original subdivision pattern remains intact.
- The values of the Golf Links Estate heritage precinct includes rear garden areas and garden settings.
- The subdivision pattern is of historical significance and the proposal would undermine this.
- If we start approving these types of subdivisions in the golf



links estate, it will be the start of moving from beautiful streetscapes with intact deep lots and gardens, to a roofscape as can be seen in metropolitan cities on the mainland. This would remove the attractivity of this precinct and what Hobart's heritage stands for, and why so many chose to live and move here
<p>Future development of the proposed new lot</p> <ul style="list-style-type: none"> <li>• Due to the size and shape of the proposed lot, it would only allow for the construction of a two storey dwelling. This would likely exceed the building envelope.</li> <li>• A smaller building footprint leads to a taller dwelling</li> <li>• The building footprint must also include car parking and turning.</li> <li>• The shape of the lot also restricts the location of future dwellings to the highest point of the property. This would dominate the block and be visible from the street.</li> <li>• Development of a driveway and dwelling would dominate the site.</li> <li>• A dwelling on the proposed lot would have trouble meeting the planning scheme. This would be difficult and frustrating for future owners.</li> <li>• Acknowledge that the building on the plans is indicative only, however it is representative of what could be built which is a two storey dwelling.</li> <li>• Development of the proposed lot will be detrimental to adjoining residences which will reduce house and land values.</li> <li>• It is not appropriate to replace a rear garden with a one or two storey dwelling.</li> </ul>
<p>Impact on adjoining properties</p> <ul style="list-style-type: none"> <li>• The existing rear gardens provide privacy. Subdivision of this rear garden would create a loss of privacy.</li> <li>• A smaller unit is more likely to be a rental and lead to a less stable neighbourhood.</li> <li>• There would be a loss of view from adjoining properties.</li> <li>• The proposed internal lot would be located in a fishbowl. Loss of privacy to new residents and the adjoining back yards.</li> <li>• A two storey dwelling would overshadow adjoining properties.</li> <li>• Sunshadow diagrams should be provided by the applicant.</li> </ul>

<p>Driveway and car parking</p> <ul style="list-style-type: none"><li>• The driveway will be the defining feature of the subdivision when viewed from the street. It will intrude on the view as it rises 40m to the back fence.</li><li>• The presence of vehicles within the backyard section of the block will create extra noise and pollution in an area that does not currently have vehicular traffic.</li><li>• The area is already congested with traffic and limited parking, an increase in population and traffic would make this worse.</li><li>• Concerns about the noise from increased traffic and population</li><li>• The proposed driveway would dominate the existing and proposed lot.</li></ul>
<p>Fencing and landscaping</p> <ul style="list-style-type: none"><li>• The proposal includes demolition of part of the fence and a magnolia tree.</li><li>• The existing garden, fence and tree contribute to the precinct and should be retained.</li></ul>



## General comments

- Plans indicate that there is no intent to develop any additional housing stock
- The performance criteria and the intent of the planning scheme have not been met.
- Would have no concern about alterations to extend the house or build a granny flat.
- The applicant's response to the performance criteria does not resolve the issues.
- The proposal does not meet the requirements of either the Hobart Interim Planning Scheme 2015 or the conservation criteria of the Hobart Heritage Precincts. Its shortcomings far exceed any merits proposed by the developers.
- Chose to live in the area because of the large lots, lack of subdivision and outlook.
- The application should be refused.
- Additional noise and disturbance to adjoining lots.
- Specific to this application, the increasing roof scape is also associated with other issues such as reduced groundwater percolation and increased stormwater runoff, for which the council's infrastructure may not be prepared. There is a diversity of native fauna including many birds in this area, which we have already noticed to decline in recent years. Further urbanisation of this precinct will likely accelerate this observed loss on biodiversity.
- Negatively changing the character of our neighbourhood (particularly this block). One of the beautiful aspects of this area is the space, people have gardens, the houses are not overcrowded;
- Destroy open, green space (backyard) of great value to all nearby residents, present and future and replace it with a densely built lot and
- Radically change the housing density of the area. this level of housing density is perhaps appropriate at mid or inner city but not in suburban area

**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 and proposed use is single dwelling, which is a no permit required use in the zone.

6.4 The proposal has been assessed against:

6.4.1 Part D - 11.0 Inner Residential Zone Standards

6.4.2 Part E - E5.0 Road and Railway Assets Code

6.4.3 Part E - E6.0 Parking and Access Code

6.4.4 Part E - E7.0 Stormwater Management Code

6.4.5 Part E - E13.0 Historic Heritage Code

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

6.5.1 Inner Residential Zone:

*Building Envelope – Part D 11.4.2 P3*

*Lot Size - Part D 11.5.1 P1*

*Lot Design - Part D 11.5.1 P2*

*Lot Frontage - Part D 11.5.1 P3*

*Internal Lot - Part D 11.5.1 P4*

*Arrangement and Provision of Lots - Part D 11.5.1 P5*

6.5.2 Road and Railway Assets Code:

*Sight distance at accesses, junctions and level crossings - Part E5.6.4.P1*

6.5.3 Parking and Access Code:

*Design of Vehicular Accesses - Part E6.7.2P1*

*Vehicular Passing Areas Along an Access - Part E6.7.3P1*

*Layout of Parking Areas - Part E6.7.5.P1*

## 6.5.4 Historic Heritage Code:

*Demolition - Part E13.8.1.P1**Subdivision - Part E 13.8.3 P1*

## 6.6 Each performance criterion is assessed below.

## 6.7 Building Envelope – Part D 11.4.2 P3

6.7.1 The acceptable solution at clause 11.4.2 A3 requires that development is sited within a prescribed building envelope.

6.7.2 The proposal includes a new rear boundary which is 3.7m from the wall of the existing dwelling. The existing dwelling is therefore outside the building envelope relative to the new rear 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 11.4.2 P3 provides as follows:

*The siting and scale of a dwelling must:*

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

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

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

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

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

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

6.7.5 The recent Tribunal decision of *McCullagh v Glamorgan Spring Bay Council and Ors*, which specifically considered this clause, determined that once a proposal extends outside the acceptable solution building envelope, a detailed assessment of the performance criterion must be carried out, without reference to the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the

performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?

- 6.7.6 The existing dwelling will have a setback of 3.7m from the new rear boundary and so is outside the envelope relative to this boundary. There is no change to the siting of the dwelling relative to the two side boundaries and therefore no change to the existing overshadowing of the two side neighbours, the visual bulk for these neighbours or the separation between dwellings. As there is no change in impact to these neighbours, they will not be considered in the assessment.
- 6.7.7 The new Lot 1 is to the south of the dwelling and so will receive some overshadowing over both the area of private open space and the northern facing wall of a future dwelling sited in the building area. The rear of the existing dwelling on the Balance Lot is single storey and it is approximately 1/3 the length of the boundary. Overshadowing would therefore not be unreasonable and northerly sun would still be achieved to both the private open space and the northern wall of a new dwelling. Siting of windows in the northern wall of the new dwelling could be arranged at design stage to maximise the amount of sunlight received. The proposal is therefore considered to meet clause 11.4.2 P3 (a) (i), (ii) and (iii).



*Figure 10: The rear of the existing dwelling (coloured orange). The outbuilding covered in vines will be demolished.*

- 6.7.8 The existing dwelling is single storey and would not cause unreasonable visual impacts to a future dwelling on the rear lot. Clause 11.4.2 P3 (a)(iv) is therefore met.
- 6.7.9 The rear setback provides separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area and so clause 11.4.2 P3 (b) is met.
- 6.7.10 The proposal complies with the performance criterion.
- 6.8 Lot Size - Part D 11.5.1 P1
- 6.8.1 The acceptable solution at clause 11.5.1 A1 requires that the size of each lot must comply with the minimum and maximum lot sizes in table 11.1 which are as follows:
- Ordinary Lot - minimum 250m<sup>2</sup>; maximum 400m<sup>2</sup>
  - Balance Lot - minimum 250m<sup>2</sup>; no maximum.
- 6.8.2 The proposal includes the following lot sizes:
- Lot 1 - 455m<sup>2</sup>
  - Balance Lot - 549m<sup>2</sup>
- 6.8.3 The Balance Lot complies with the acceptable solution. The new Lot 1 meets the minimum lot size, but not the maximum lot size, and so assessment of Lot 1 against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause 11.5.1 P1 provides as follows:
- The size of each lot must satisfy all of the following:*  
*(a) variance above the maximum lot size in Table 11.1 by no more than 15% and only to the extent necessary due to site constraints, unless for terrace housing development;*  
*(b) be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area.*
- 6.8.5 Lot 1 exceeds maximum lot size by less than 15% (15% is 460m<sup>2</sup>). The size of the lot is partially a product of the size of the access strip, which is 99m<sup>2</sup> in area. The developable area is 356m<sup>2</sup> which is less than the maximum lot size. The lot is therefore only larger than 400m<sup>2</sup> in order to accommodate the access strip from York Street. This is considered to be

a topographical constraint (i.e. the lot can't be subdivided without a long access strip). There is no Local Area Objective or Desired Future Character Statement.

6.8.6 The proposal complies with the performance criterion.

6.9 Lot Design - Part D 11.5.1 P2

6.9.1 There is no acceptable solution for lot design for new lots.

6.9.2 The proposal includes new lots.

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

6.x.4 The performance criterion at clause 11.5.1 P1 provides as follows:

*The design of each lot must contain a building area able to satisfy all of the following:*

*(a) be reasonably capable of accommodating residential use and development at a density of no lower than one dwelling unit per 250m<sup>2</sup> of site area;*

*(b) meets any applicable standards in codes in this planning scheme;*

*(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land and the intention for density of development higher than that for the General Residential Zone.*

6.9.5 A building area is shown on Lot 1 which is capable of accommodating residential use and development at a density not lower than one dwelling unit per 250m<sup>2</sup> and so (a) is met. The building area is rectangular in shape, relatively flat, and should be able to accommodate a dwelling which will meet the applicable code development standards (the Parking and Access Code, Stormwater Management Code and Historic Heritage Code) and so (b) is met. The building area will achieve good solar access from the north, east and west and so (c) is met.

6.9.6 The proposal complies with the performance criterion.

6.10 Lot Frontage - Part D 11.5.1 P3

6.10.1 There is no acceptable solution for lot frontage for new lots.

- 6.10.2 The proposal includes new lots.
- 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 11.5.1 P3 provides as follows:
- The frontage of each lot must satisfy all of the following:*  
*(a) provides opportunity for practical and safe vehicular and pedestrian access;*  
*(b) is no less than 6 m except if an internal lot.*
- 6.10.5 Both lots provide opportunity for practical and safe vehicular and pedestrian access and so (a) is met. The Balance Lot has a frontage of 19.86m and so meets (b). Lot 1 is an internal lot and so does not need to meet (b). The Council's Development Engineer has also advised that the proposed development would satisfy the performance criteria.
- 6.10.6 The proposal complies with the performance criterion.
- 6.11 Internal Lot - Part D 11.5.1 P4
- 6.11.1 The acceptable solution at clause 11.5.1 A4 is that no lot is an internal lot.
- 6.11.2 The proposal includes an internal lot (Lot 1).
- 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 11.5.1 P4 provides as follows:
- An internal lot must satisfy the following:*  
*(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;*  
*(b) it is not reasonably possible to provide a new road to create a standard frontage lot;*  
*(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;*  
*(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;*



- (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;*
- (f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;*
- (g) passing bays are provided at appropriate distances to service the likely future use of the lot;*
- (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;*
- (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.*
- (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.*

6.11.5      *An internal lot must satisfy the following:*

- (a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;*

Lot 1 gains access from York Street which existed prior to the planning scheme coming into effect in May 2015. It cannot achieve frontage to a road other than in an internal lot configuration and so (a) is met.

- (b) it is not reasonably possible to provide a new road to create a standard frontage lot;*

It is not reasonably possible to provide a new road to create a standard lot frontage as the subdivision is proposed in an inner suburban area, with all surrounding lots owned by third parties.

- (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;*

An internal lot is the only reasonable way to subdivide the rear of the parent lot.

- (d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;*

The lot allows for the development of at least one additional dwelling and

so contributes to the efficient use of land and infrastructure in the inner residential zone.

*(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;*

A dwelling could be designed for Lot 1 that does not unreasonably impact on neighbours.

Representations were received during the statutory advertising period with concerns about the future development of the lot and the impact of overshadowing, loss of privacy and loss of view. It is noted that the design in the submitted plans is an indicative design, it is not proposed to be constructed as part of this application. Any future development on the lot will need to be assessed against the relevant provisions of the planning scheme in a future application. However it is considered that a dwelling could be constructed on the lot that would not be unreasonably detrimental to the neighbouring lots. The dwellings on the lots to the south and west at 30 and 32 Proctors Road and 89 view street sit at a higher elevation and as such it would be possible to design a dwelling that would have minimal impact in relation to visual bulk and loss of sunlight to habitable rooms. The lots at 116 and 120 York Street are at a similar elevation to the subject site, however as they are sited beside, to the east and north-west of the proposed lot, it is considered that the extent of overshadowing would likely be minimal and for 116 York Street would be late in the afternoon.

It is also considered that with the arrangement of the lots, it would be possible to minimise the impact of overshadowing on adjoining private open space. Four of the five adjoining properties are sited easterly or westerly of the proposed lot, and as such would continue to receive morning or afternoon sunlight respectively. The remaining lot, at 32 Proctors Road is adjacent to the southern boundary and is sited to the south and south-west of the proposed lot. Nevertheless, it is considered that with the slope of the land and the size of this lot, it would be possible for a dwelling to be constructed on the proposed lot that would not unreasonably overshadow the private open space.

In regards to privacy, any future development would be assessed against the privacy provisions of the planning scheme.

View is not a consideration under the *Hobart Interim Planning Scheme 2015*.

As such it is considered that subsequent use and development of the lot would not be unreasonably detrimental to the amenity of neighbouring land, subject to assessment of any proposed development against the planning scheme.

*(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;*

The access strip is 3.6m wide.

*(g) passing bays are provided at appropriate distances to service the likely future use of the lot;*

The Council's Development Engineer has advised that assessment of passing bays is not required as none are proposed.

*(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;*

The access strip is not adjacent to, or combined with, other access strips.

*(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.*

A sealed driveway will be provided.

*(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.*

The lot does not front onto public open spaces.



*Figure 11: View over the proposed lot at 118 York Street from the rear corner of the adjoining lot at 116 York Street.*



*Figure 11: View over the proposed lot at 118 York Street from the rear corner of the adjoining lot at 120 York Street.*



*Figure 11: View over to the lots to the south of the proposed lot at 118 York Street from the rear corner of the adjoining lot at 116 York Street.*

- 6.11.6 The Council's Development Engineer has also advised that the proposed subdivision would be acceptable under the performance criteria for an engineering perspective.
- 6.11.7 The proposal complies with the performance criterion.
- 6.12 Arrangement and Provision of Lots - Part D 11.5.1 P5
- 6.12.1 There is no acceptable solution for arrangement and provision of lots.
- 6.12.2 The proposal includes new lots.
- 6.12.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.12.4 The performance criterion at clause 11.5.1 P5 provides as follows:

*Arrangement and provision of lots must satisfy all of the following;*

- (a) have regard to providing a higher net density of dwellings along;*
- (i) public transport corridors;*
- (ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;*
- (iii) within 200 m of business zones and local shops;*
- (b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;*
- (c) staging, if any, provides for the efficient and ordered provision*

*of new infrastructure;*

*(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;*

*(e) is consistent with any applicable Local Area Objectives or Desired Future.*

- 6.12.5 The subject site is not located in close proximity to public open space or a business zone. However there is a general store located on Regent Street, approximately 516m to the east. The site is also located within 60m of a bus route on Proctors Road and 516m from a bus route on Regent Street.
- 6.12.6 The balance lot is proposed to have an area of 544m<sup>2</sup> and the minimum lot size for the inner residential area is 250m<sup>2</sup> for an ordinary lot. As such, subject to assessment under other parts of the planning scheme, the proposed subdivision would not compromise future subdivision of the entirety of the parent lot.
- 6.12.7 The proposal is for one additional lot that is not adjacent to public spaces and there are no Local Area Objectives or Desired Future Character for the Inner Residential Zone. As such, parts c), d) and e) of the performance criteria do not apply

The Council's Development Engineer has advised the following:

Based on the above assessment and given the submitted documentation, the arrangement and provision of lots may therefore be accepted under Performance Criteria P5:11.5.1 of the Planning Scheme.

- 6.12.8 The proposal complies with the performance criterion.
- 6.13 Ways and Public Open Space - Part D 11.5.3 P1
- 6.13.1 There is no acceptable solution for provision of ways and public open space for subdivision.
- 6.13.2 The proposal includes a subdivision where no ways or public open space is proposed.
- 6.13.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.

- 6.13.4 The performance criterion at clause 11.5.3 P1 provides as follows:

*The arrangement of ways and public open space within a subdivision must satisfy all of the following:*

- (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;*
- (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;*
- (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;*
- (d) convenient access to local shops, community facilities, public open space and public transport routes is provided;*
- (e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;*
- (f) provides for a legible movement network;*
- (g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;*
- (h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.*
- (i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:*
  - (i) the width of the way;*
  - (ii) the length of the way;*
  - (iii) landscaping within the way;*
  - (iv) lighting;*
  - (v) provision of opportunities for 'loitering';*
  - (vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).*

- 6.13.5 The subdivision does not propose new ways, and cash-in-lieu of public open space will be required as a condition of planning approval.

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

- 6.14 Sight distance at accesses, junctions and level crossings - Part E5.6.4.P1

- 6.14.1 The acceptable solution at clause E5.6.4.A1 requires sight distance at an access to comply with the Safe Intersection Sight Distance shown in Table E5.1.



- 6.14.2 The proposal includes a new driveway with sight distances that do not meet the requirements of the Safe Intersection Sight Distance table.
- 6.14.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.14.4 The performance criterion 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.*

- 6.14.5 The proposal was referred to the Council's Development Engineer who has provided the following assessment:

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

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

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

*Performance Criteria – P1:*

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

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

- All traffic generated by the proposed development will be residential in nature. This is compatible with the existing traffic

utilising York Street near the subject site.

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

- York Street 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 York Street. This speed limit is appropriate for the residential nature of the development.

*(c) any alternative access;*

- No alternative access is possible for the proposed development.

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

- 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.*

- 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 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.

6.14.6 The proposal complies with the performance criterion.

## 6.15 Design of Vehicular Accesses - Part E6.7.2P1

- 6.15.1 The acceptable solution at clause E6.7.2.A1 requires vehicle access points to comply with the relevant Australian Standard.
- 6.15.2 The proposal includes an access that does not comply with the relevant Australian Standard.
- 6.15.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.15.4 The performance criterion at clause E6.7.2P1 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.*

- 6.15.5 The proposal was referred to the Council's Development Engineer who has provided the following assessment:

Submitted plans indicate 2m x 2.5m sight triangle areas abutting the driveway are not kept clear of obstructions to visibility due to existing front fence and neighbouring garage wall.

*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

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

- Acceptable, submitted documentation appears to satisfy this

requirement

*(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

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

- Acceptable, submitted documentation appears to satisfy this requirement

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.

The submitted drawings state the following; "CONCRETE POWER POLE TO BE RELOCATED IN ACCORDANCE WITH THE REQUIREMENTS OF TASNETWORKS + HOBART CITY COUNCIL AT DEVELOPERS COST"

Condition on planning permit for design drawing indicating the final location.

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 access and driveway, and the low volume of traffic on the road from which the property gains access.

Surrounding properties exhibit similar access provisions.

6.15.6 The proposal complies with the performance criterion.

6.16 Vehicular Passing Areas Along an Access - Part E6.7.3P1

6.16.1 The acceptable solution at clause E6.7.3.A1 requires passing bays to be provided where an access is more than 30m long.

6.16.2 The proposal includes an access that is more than 30m long from the back of the kerb.

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 at clause (insert clause number) provides as follows:

*Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is 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.*

6.16.5 The proposal was referred to the Council's Development Engineer who has provided the following assessment:

*Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is 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

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

- Acceptable, submitted documentation appears to satisfy this requirement

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

- Acceptable, submitted documentation appears to satisfy this requirement

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

- Acceptable, submitted documentation appears to satisfy this requirement

Based on the above assessment and given the submitted documentation, vehicle passing areas may be accepted under Performance Criteria P1:E6.7.3 of the Planning Scheme. Given the driveway configuration, and the low volume of traffic.

6.16.6 The proposal complies with the performance criterion.

6.17 Layout of Parking Areas - Part E6.7.5.P1

6.17.1 The acceptable solution at clause E6.7.5.A1 requires the layout of parking areas to comply with the relevant Australian Standard.

6.17.2 The proposal includes parking areas that do not comply with the relevant Australian Standard.

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

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

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

6.17.5 The proposal was referred to the Council's Development Engineer who has provided the following assessment:

Acceptable, submitted documentation appears to satisfy this requirement

Residential car parking space layout may utilise 'Jockey Parking' configuration in which the one car parking space is behind another car parking space provided it serves it serves the same dwelling and is not designated for visitors. Submitted documentation appears to meet these parameters and therefore may be accepted under Performance Criteria P1:E6.7.5 given the driveway configuration.

6.17.6 The proposal complies with the performance criterion.

## 6.18 Historic Heritage Code - Part E13.0

- 6.18.1 There is no acceptable solution for demolition and subdivision in a heritage precinct.
- 6.18.2 The proposal includes partial demolition and subdivision in heritage precinct Sandy Bay 6.
- 6.18.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.18.4 The relevant performance criterion provide as follows:

## E13.8.1.P1:

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

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

*unless all of the following apply;*

- (i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (ii) there are no prudent or feasible alternatives;*
- (iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.*

## E.13.8.3 P1

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

- (a) detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2;*
- (b) a pattern of subdivision unsympathetic to the historic cultural heritage significance of the precinct;*
- (c) potential for a confused understanding of the development of the precinct;*
- (d) an increased likelihood of future development that is incompatible with the historic cultural heritage significance of the precinct.*

- 6.18.5 The proposal was referred to the Council's Cultural Heritage Officer who has provided the following assessment:



This application relates to the rear and side garden area of a single storey residential property at 118 York Street, Sandy Bay. The property is not identified as a Heritage Listed Place, but does form part of the Golf Links Estate (SB6) Heritage Precinct within the Hobart Interim Planning Scheme 2015.

The proposal seeks the demolition of a small number of outbuildings and approval for the subdivision of the plot to form an additional plot. Submitted plans indicate a potential building footprint and provide for a future access driveway from the rear to York Street adjacent to the boundary with 116 York Street, requiring a new dropped curb.

Whilst the form of any such future development cannot be considered under the current proposal, the performance criteria within the Hobart Interim Planning Scheme 2015 do stipulate that the applications for sub-division of a site within a heritage precinct can be adjudged on the potential of an increased likelihood for future development that is incompatible with the described characteristics of the heritage Precinct. Therefore, an 'in principle' approach can be adopted to a degree when considering applications solely for sub-division.

Hobart Interim Planning Scheme 2015

Demolition within Heritage Precincts are dealt with under E13.8.1 'Demolition'. The stated objective of the provision 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.'*

Subdivision within Heritage Precincts are dealt with under E13.8.3 'Subdivision' of the Hobart Interim Planning Scheme 2015. The stated objective of E13.8.3 is:

*'To ensure that subdivision within a Heritage Precinct is consistent with historic patterns of development and does not create potential for future incompatible development.'*

E 13.8.3 provides no acceptable solution and stipulates that subdivision must not result in -

- (a) detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2;*
- (b) a pattern of subdivision unsympathetic to the historic cultural heritage significance of the precinct;*
- (c) potential for a confused understanding of the development of the precinct;*
- (d) an increased likelihood of future development that is incompatible with the historic cultural heritage significance of the precinct.*

With regard to Golf Links Estate Heritage Precinct, as set out in Table E13.2, the Precinct is considered significant for reasons including:

- 1. Its value as the largest single subdivision in Sandy Bay with a very fine group of c1920-1930 houses, the best such group in Hobart.*
- 2. Its predominantly single storey Edwardian character with very intact streetscapes. The houses are all very good examples of Edwardian cottages and Californian Bungalow styles.*
- 3. The predominantly intact building stock.*
- 4. The connection of the site with the former golf links which is still readable in the subdivision pattern.*

#### Existing Place

118 York Street is a detached single storey brick built property constructed in 1924 and built with a raised front entrance, partially enclosed front veranda and detailing that clearly identifies it as a largely intact and Edwardian in character. It sits back and up from the roadside consistent with the general built form of the immediate townscape and sits behind a low front boundary wall and has a relatively large side and rear garden in keeping with the surrounding streetscape. It is therefore considered that the building is one of the earlier developments within the estate and is entirely consistent with the described characteristics of the Precinct. It is therefore regarded as a contributory element that enhances the coherency of the streetscape.

With regards to the proposed demolition, the rear outbuildings in question are entirely hidden from public view and offer no contribution to the character of the Heritage Precinct. It is therefore

considered that their removal would have no detrimental impact upon the character of the Precinct in this instance.

With regards to the proposed sub-division, it is considered that E13.8.3 (d) above would appear to indicate that the intention of the scheme is that the proposed subdivision must be determined based on the potential final development that may occur as a result. As set out above, the Precinct is described as being clearly identifiable as a predominantly single storey townscape with an identifiable pattern of development. It is considered therefore that the ability of 'potential' new development to impact to these qualities is largely determined on two factors. First, whether the resulting building envelope produced would allow for development that would run contrary to the above characteristics in terms of height and subdivision pattern and second; the extent to which possible conflict with these characteristics, would be mitigated by the degree to which such potential development would be hidden from public view by the existing built form.

Within the originally submitted plans in support of the proposal, it was demonstrated that the maximum building envelope height of 9.5m permissible for this zone could be achieved under the proposed plot size. It is noted that indicative plans submitted showed a potential two storey development on the proposed plot and supporting Planning Assessment Report provided by the Applicant comments that given the degree of setback and the extent to which the bulk of the existing dwelling would obscure development to the rear,

*'a dwelling with a height of up to 6-7m might be able to be accommodated on the site without undue visual impact to the historic streetscape'*

and that

*'it is considered unnecessary to limit any building area through vertical limits as this discretion should remain to provide sufficient flexibility in building design, given the reasonably modest horizontal footprint.'*

On site observations noted that 118 York Street has a relatively wide side garden, so that the distance between 118 York Street and 116 York Street is some 9.5 metres between built forms. It was also

noted that 118 York Street stands on a rising gradient so that the rear parts of the site stands some 4 metres higher than the front boundary. Given this change in levels, the gap within the streetscape between 118 and 116 York Street and the 9.5m permissible building envelope, it is considered that contrary to the suggestion made within the supporting Planning Assessment Report, development within the area identified within the originally submitted plans as the proposed would be substantially visible from the street. The greater the height of any such development, the greater its likely visual impact.

As stated above, it is considered that E 13.8.3 (d) above would appear to indicate that the intention of the scheme is that we must determine the proposed subdivision based on the 'potential' final development that may occur as a result. Given that both the single storey character of the Precinct, and its identifiable pattern of subdivision and the coherent role it played in the development of Hobart as its largest single sub-division estate in Hobart are specifically identified within the characteristics of the Golf Links Estate Heritage Precinct, a potential two storey dwelling or higher would appear to run contrary to E13.8.3 (a), (b), (c) and (d) as set out in the Hobart Interim Planning Scheme 2015.

Based on the above and the likely recommendation in the negative, discussions were undertaken with the Applicant's representative. As part of that discussion, the Applicant was informed that a single storey dwelling that was located to the rear of the existing parent building, especially one that reflected the same built form and materials, would likely read as an addition to the original house and as such would not necessarily appear as a distraction to the character of the Precinct. This could be further enhanced should it be enclosed by a 1.8m boundary fence set back from the front elevation of the existing house, enclosing the rear of the site as if a single rear garden.

Alternatives were discussed and the ability to limit future development in terms of height and location within the proposed plot by way of a Part 5 Agreement was suggested. Subsequently, written confirmation was received from the Applicant that they would be prepared to enter into an appropriately worded Part 5 Agreement and provided a supporting annotated plan in which the location of any future building would be behind the parent building and limited to a maximum height of 4.5m. In addition, the section of subdivided

front garden forward of the front building of the existing building would not be fenced to the retain the appearance of a single front garden and a new fence would be constructed back from the front elevation of the existing house, limiting views of any potential rear development.

The signing of a Part 5 Agreement would effectively place a non-negotiable legal control over the land providing certainty over the maximum height and location of future development. Based on the above, it is considered that a structure not exceeding 4.5m in height and located to the rear of the massing of the parent building is not likely to create a significant impact by visually retaining both the consistency of scale and pattern of development from within the public realm.

#### Response to Representations

It is noted that a number of representations make reference to the City of Hobart Local Heritage Precincts Description, Statement of Local Historic Heritage

Significance and Design Criteria / Conservation Policy January 2019. It should be noted that whilst these documents have been approved for adoption by the Elected Members, they have yet to be formally adopted into the Interim Planning Scheme 2015 and as such have no statutory weight as this time.

Comments relating to heritage can be summarised as follows –

- a) The proposal would damage the subdivision pattern of the former Golf Links Estate and the retention of rear gardens should be viewed as an integral part of the Precinct.

#### Response -

It has been confirmed by the Planning Tribunal that impact upon Heritage Precincts should be judged from what is visible from within the public realm of the Precinct. That is, if alterations, extensions or demolition occurs in parts of the Precinct that are not visible from the public realm, it is not reasonable to argue that those actions have had an impact, either positive or negative, upon the cultural significance of the Precinct, regardless of what the described characteristics are considered to be. Therefore the greater the

visibility, the greater it's potential to have a detrimental impact.

With regard to pattern of subdivision of the Precinct, this would occur where notably separate development would be clearly visible, would clearly be understood not to be an extension of the existing house, and/or the associated access or boundary fencing were clearly associated with a separate plot to that of the parent building. In this instance, the final design of future development is not known. However, by agreeing to sign a Part 5 Agreement, limitations on the final height, location and boundary treatment can be determined. In this instance, it is considered that the legal agreement would limit future development to a height and location whereby the subsequent development would be largely visibly obscured by the existing building whilst visually retaining the front garden and boundary treatment as a single entity.

- b) The likely new building would be two stories, located at the highest point of the property, so dominating the block and clearly visible from the street.

Response –

As stated above, it is considered that should an approval of subdivision and any subsequent proposal be limited by a Part 5 Agreement, a 4.5m height restriction would limit future development to a height similar to that of the parent building. As such, it is considered that such a development is likely not to appear out of scale or keeping with the predominantly single storey streetscape of the precinct.

- c) The driveway will be the defining feature of the subdivision when viewed from the street. It will intrude on the view as it rises 40 m to the back fence.

Response –

The inclusion of side driveways is a consistent feature within the streetscape of the precinct and would not in of itself appear out of keeping with the character of the area. The proposed Part 5 Agreement would re-enforce this by omitting any boundary treatment between the parent block and any proposed drive way forward of the front building line, creating what would appear as a single front garden. Any new fencing would then be set back from the front

elevation of the existing house, and would likely read as a standard enclosure of the back yard, considered to be in keeping with the character of the streetscape.

- d) The building of any modern house in this location does not fit with the heritage character of the area.

The current application seeks the formal subdivision of the site and any subsequent development should approval be granted would be the subject of separation application.

#### Conclusion

Given the above, it is therefore considered that following the submission of a revised indicative Plan of Subdivision (dated 24 February 2021) and subject to the placing of a condition requiring the signing of a Part 5 Agreement limiting the height, location, boundary treatment of any future development on the new plot, the proposal would meet the heritage performance criteria of HIPS 2015 as stated under Clauses E.13.8.3.

#### Suggested Condition

1. The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 with respect to limiting the height, location and boundary treatments of any future development of the plot to that shown but not limited by the indicative Plan of Subdivision dated 24 February 2021.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

Note: For further information with respect to the preparation of a Part 5 agreement please contact the City Planning Staff

#### Reason for condition

To ensure that any future development of the plot hereby approved would not lead to significantly large and visible residential



development including associated boundary treatments forward of the existing building line to the detriment of the historical and cultural significance of the Heritage Precinct.

6.18.6 The proposal complies with the performance criterion.

## **7. Discussion**

- 7.1 Planning approval is sought for Partial Demolition & Subdivision (One Additional Lot) at 118 York Street and the adjacent road reserve.
- 7.2 The application was advertised and received nine (9) representations. The representations raised concerns including the size and shape of the proposed lot, the impact of future development on adjoining properties, the impact of the proposed subdivision and future development on the heritage precinct, an increase in traffic and car parking and demolition of part of the existing front fence and landscaping.
- 7.3 The concerns relating to the impact of future development on adjoining properties has been addressed under the relevant performance criteria assessment above. Nevertheless it is noted that the recommended condition from the Council's Cultural Heritage Officer, to restrict future development on the lot to a maximum height of 4.5m would, as well as protecting the heritage character of the area, reduce the impact of future development on adjoining properties from overshadowing, visual bulk and loss of view.
- 7.4 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.5 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, Manager Surveying Services, Stormwater Services Engineer, Park Planner, Program Leader Road Services and Graduate Traffic engineer. The officers have raised no objection to the proposal, subject to conditions.
- 7.6 The proposal is recommended for approval.

## **8. Conclusion**

- 8.1 The proposed Partial Demolition & Subdivision (One Additional Lot) at 118 York Street, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

**9. Recommendations**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition & Subdivision (One Additional Lot) at 118 York Street, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-259 - 118 YORK STREET SANDY BAY TAS 7005 - CPC Agenda 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 2020/00590-HCC dated 11 May 2020 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

**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. 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. **be 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 3a**

**The access driveway and parking module (parking spaces 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, 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 driveway and parking module (parking spaces and manoeuvring area) must be constructed in strict accordance with the PDA Surveyors documentation received by the Council on the 18th October 2020 prior to sealing of the final plan.**

*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 sealing of the final plan.**

## 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 r3**

Prior to the sealing of the final plan, the proposed driveway crossover within the York Street highway reservation must be designed and constructed in general accordance with:

- Urban - TSD-R09-v2 – Urban Roads Driveways;
- Non-standard K&C- a concrete plinth to Councils standards shall be constructed at the gutter, contact Council's Road Services Engineer for details; and
- Footpath - Urban Roads Footpaths TSD-R11-v2.

Design drawings must be submitted and approved prior to any approval under the Building Act 2016 or commencement of works on site (whichever occurs first). The design drawing(s) 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 (i.e. light poles, pits, awnings) at or near the proposed driveway crossover, show proposed location of the power pole as approved by TasNetworks.
3. If the design deviates from the requirements of the TSD, then the drawings must demonstrate that a B85 vehicle (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside
4. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
5. Not show a grated wedge, asphalt wedge or the standard open wedge driveway crossover. Grated wedges are permitted on highly used bike routes and details of the grate (i.e. mass) will be required. The design drawings should show access via a concrete plinth to Councils standards to be constructed at the gutter. A drawing of a standard concrete plinth can be obtained from Councils Road Services Engineer.

**Note:** that the agreement of the Council's is required to adjust footpath levels.

6. **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.*

Reason for condition

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

#### **ENV 1**

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

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

Reason for condition

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

**HER s1**

The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* to limit the height, location and boundary treatments of any future development of Lot 1 in accordance with the Plan of Subdivision dated 24 February 2021, PDA reference 44832CT-1E. More specifically all future building works must be located within the building envelope labeled ABCD on that Plan, and must not exceed a maximum height of 72.5AHD (4.5m above natural ground level).

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

*Note: For further information with respect to the preparation of a Part 5 agreement please contact the City Planning Staff*

**Reason for condition**

To ensure that any future development of the plot hereby approved would not lead to significantly large and visible residential development including associated boundary treatments forward of the existing building line to the detriment of the historical and cultural significance of the Heritage Precinct.

**HER s2**

No fencing is approved for a distance of 7.5m from the front boundary on the western side of the Lot 1 driveway.

**Reason for condition**

To ensure that any future development of the plot hereby approved would not lead to significantly large and visible residential development including associated boundary treatments forward of the existing building line to the detriment of the historical and cultural significance of the Heritage Precinct.

**HER s3**

The proposed fence and proposed gate shown on the Plan of Subdivision dated 24 February 2021 must be 1.8m high and sited no closer than 7.5m from the front boundary.



**The fence must be installed prior to the sealing of the final plan.**

Reason for condition

To ensure that any future development of the plot hereby approved would not lead to visible boundary treatments forward of the existing building line to the detriment of the historical and cultural significance of the Heritage Precinct.

#### **SURV 1**

**The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.**

Reason for Condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

#### **SURV 2**

**The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.**

Reason for Condition

To ensure that the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

#### **ENG 14**

**Services to each lot must be designed and installed to meet the needs of future development, prior to the sealing of the final plan.**

**Engineered drawings must be submitted and approved prior to commencement of work on the site. The engineered drawings must:**

**(a) be prepared by a suitable qualified person and experienced engineer;**

**(b) be generally in accordance with LGAT - IPWEA - Tasmanian Standard Drawings and Subdivision Guidelines 2013 and include the following;**

- (1) Clearly distinguish between public and private infrastructure.
- (2) Specify lot connection sizes appropriate for the developable area of each lot.
- (3) Show the proposed location of each lot connection such that the majority of the lot, including the driveway, can be adequately and economically drained.
- (4) The new stormwater system design must include:
  - (i) prepared by a suitably qualified person; and
  - (ii) include long section(s)/levels and grades to the point of discharge
  - (iii) Size, material & grade of the new connection

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

*Advice: Once the engineering drawings have been approved the Council will issue a condition endorsement.*

*Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure and an application for new stormwater connection.*

Reason for condition

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

#### **ENG 16**

**Prior to the sealing of the final plan, private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.**

Reason for condition

To ensure that each lot is services separately.

#### **ENG 17**

**Prior to the sealing of the final plan, the developer must verify compliance with condition ENG 16 by supplying the Council with an as-installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as-installed services plan must be accompanied by certification from a suitably**

**qualified person that all engineering work required by this permit has been completed.**

*Advice: Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a suitably qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A 'suitably qualified person' must be a Professional Engineer or Professional Surveyor or other persons acceptable to Council.*

Reason for condition

To ensure that the Developer provides the Council with clear written confirmation that the separation of services is complete.

#### **OPS 1**

**The owner must pay a cash contribution to the Council for contribution to public open space, prior to sealing of the final plan.**

**The open space contribution is equal to 5% of the undeveloped value of Lot 1 in the final plan, in lieu of the provision of public open space within the subdivision.**

*Advice: The value is to be determined by a registered valuer commissioned by the Council at the developer's cost. Please contact the Council's Development Appraisal Unit on 6238 2715 to instigate the valuation process.*

Reason for condition

*Approval of the subdivision will create further demand upon Hobart's Public Open Space System. The funds obtained will be used for future expenditure on the purchase or improvement of land for public open space in Hobart.*

#### **SUB s1**

**The existing outbuildings at the rear of the existing dwelling on the balance lot are to be demolished, prior to the sealing of the final plan.**

Reason for condition

To ensure that the new boundary does not pass through the outbuildings.

#### **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.

#### **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.

**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.

**STREET LIGHTING**

The relocation of a light pole must be in accordance with TasNetworks and Hobart City Council requirements. 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.

**EXISTING BURDENING EASEMENT**

Lot 1 and the Balance of CT 121081/1 are subject to an existing burdening easement in favour of Co-operative Estates Limited and its successors in title owners or occupiers for the time being of Lot 105 and the balance of Lots 103 and 104 or any of them shown on Plan No. 767 of making and laying sewers and drains and of using all sewers and drains now or hereafter to be made in or over the land marked A B C D on Plan No. 121081 with power at any time upon giving reasonable notice to enter upon the land marked A B C D on Plan No. 121081 to make lay repair cleanse and maintain any pipes or drains the person or persons entering to make good all damage to the surface occasioned thereby.

It would appear that this is a historical easement that may now be redundant. The application should consider applying to the Recorder of Titles to have this easement extinguished prior to the sealing of the final plan in order that it does not burden Lot 1 on the final plan.

When a future owner wishes to build on Lot 1 it appears that the provisions of section 74 of the Building Act 2016 will be applicable:

*74. Works involving, or in proximity of, service easements*

*A person must not perform any building work over or within a service easement unless the person obtains written consent to do so from the person on whose behalf*

*the service easement was created.*

#### **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.

#### **UTILITIES**

The designer must ensure that the needs of all affected authorities, ie TasNetworks, Telstra and NBN Co., are catered for both in the design and construction of the works, in particular adjustments to any underground cables or other infrastructure.

#### **SUBDIVISION ADVICE**

For information regarding standards and guidelines for subdivision works click [here](#).

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

#### **PUBLIC OPEN SPACE - CASH IN LIEU VALUATION**

Please contact the Council's Development Appraisal Unit on 6238 2715 to instigate the valuation process.



(Michaela Nolan)

**Development Appraisal Planner**

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



(Ben Ikin)

**Senior Statutory Planner**

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

Date of Report: 30 November 2020

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Additional Plan of Subdivision dated 24 February 2021

Attachment D - Planning Referral Officer Cultural Heritage Report

Attachment E - Planning Referral Officer Development Engineering Report

Attachment F- Planning Referral Officer Road and Environmental Engineering - Road Report

Attachment G - Planning Referral Officer Traffic Engineering Report





## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-20-259	Council notice date	4/05/2020
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2020/00590-HCC	Date of response	11/05/2020
TasWater Contact	David Boyle	Phone No.	6345 6323
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
<b>Development details</b>			
Address	118 YORK ST, SANDY BAY	Property ID (PID)	5651988
Description of development	1 Lot Subdivision Plus Balance		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
PDA Surveyors	44832CT		4/02/2020
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol>			
<b>FINAL PLANS, EASEMENTS &amp; ENDORSEMENTS</b>			
<ol style="list-style-type: none"> <li>4. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made. <i>Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.</i></li> </ol>			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
<ol style="list-style-type: none"> <li>5. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows: <ol style="list-style-type: none"> <li>a. \$211.63 for development assessment; and</li> <li>b. \$149.20 for Consent to Register a Legal Document</li> </ol> </li> </ol>			



The payment is required by the due date as noted on the statement when issued by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit

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

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

#### Declaration

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

#### Authorised by

A handwritten signature in black ink, appearing to read "J Taylor".

##### Jason Taylor

Development Assessment Manager

#### TasWater Contact Details

Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		

Planning: #203432

Property

118 YORK STREET SANDY BAY TAS 7005

People

Applicant  
PDA Surveyors  
127 Bathurst Street  
HOBART TAS 7000  
6234 3217  
bronwyn.mellor@pda.com.au

Owner  
P & K Van Dal  
118 York Street  
SANDY BAY TAS 7005  
6234 3217  
bronwyn.mellor@pda.com.au

Entered By  
BRONWYN MELLOR  
127 BATHURST STREET  
HOBART TAS 7000  
03 6234 3217  
bronwyn.mellor@pda.com.au

Use

Subdivision

Details

Have you obtained pre application advice?  

No

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

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

No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the

number of signs under Other Details below.

☒ - No

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

**Details**

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

residential

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

Subdivision

is the application for subdivision only? If yes enter \$0 in estimated cost of development to calculate related fees.

☒ - Yes

If yes, how many new lots are proposed?

1

Estimated cost of development

0.00

Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)

**Carparking on Site**

N/A

Total parking spaces	Existing parking spaces	<input type="checkbox"/> Other (no selection chosen)

**Other Details**

Does the application include signage?

☒ - No

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

0

**Tasmania Heritage Register**

is this property on the Tasmanian Heritage Register?

☒ - No

**Documents**

**Required Documents**

Title (Folio text and Plan and Schedule of Easements)

FolioPlan-121081-1\_merged.pdf

Plans (proposed, existing)

44832CT-1A (Proposal).pdf

Covering Letter

cover letter 44832CT.pdf

**Supporting Documents**

Planning Report

FINAL Planning Assessment Report 44832CT.pdf

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME 121081	FOLIO 1
EDITION 5	DATE OF ISSUE 03-Feb-2017

SEARCH DATE : 20-Feb-2020

SEARCH TIME : 02.40 PM

DESCRIPTION OF LAND

City of HOBART  
Lot 1 on Plan 121081  
Derivation : Portion of 167A-2R-0Ps Gtd to D Lord  
Prior CT 2385/76

SCHEDULE 1

D108450 TRANSFER to PETER JOHN VAN DAL and KATHRYN VAN DAL  
Registered 04-Dec-2013 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
BURDENING EASEMENT: as relates to the land marked A B C D on  
Plan No. 121081 the full and free right of  
Co-operative Estates Limited and its successors in  
title owners or occupiers for the time being of Lot  
105 and the balance of Lots 103 and 104 or any of  
them shown on Plan No. 767 of making and laying  
sewers and drains and of using all sewers and drains  
now or hereafter to be made in or over the land  
marked A B C D on Plan No. 121081 with power at any  
time upon giving reasonable notice to enter upon the  
land marked A B C D on Plan No. 121081 to make lay  
repair cleanse and maintain any pipes or drains the  
person or persons entering to make good all damage to  
the surface occasioned thereby  
M607923 MORTGAGE to HSBC Bank Australia Limited Registered  
03-Feb-2017 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER FOLIO REFERENCE C.T. 2385/76 GRANTEE		<b>PLAN OF TITLE</b> LOCATION CITY OF HOBART FIRST SURVEY PLAN No. (22/29NS) (P.767) COMPILED BY LTO SCALE 1: 250 LENGTHS IN METRES		REGISTERED NUMBER <b>P121081</b> APPROVED 23 OCT 1995 <i>Michael J. ...</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 114	LAST UPI No. 2110050	LAST PLAN No.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

**BALANCE PLAN**

The diagram shows a rectangular lot labeled 'LOT 1 1004m²'. The boundaries are defined by dashed lines with the following measurements: top side 23.46, right side 42.67, bottom side 23.46, and left side 42.67. The lot is situated between two streets: 'STREET B' at the top and 'YORK' at the bottom. A dashed line labeled '64.25 FROM PROCTORS ROAD' runs parallel to the left boundary. Survey references include (23/22 HOB), (21/35 HOB), (23/22 HOB), (22/29 NS), and (P.767). A north arrow is located to the right of the lot. The diagram is signed 'DC' at the bottom right.

# PLAN OF SUBDIVISION

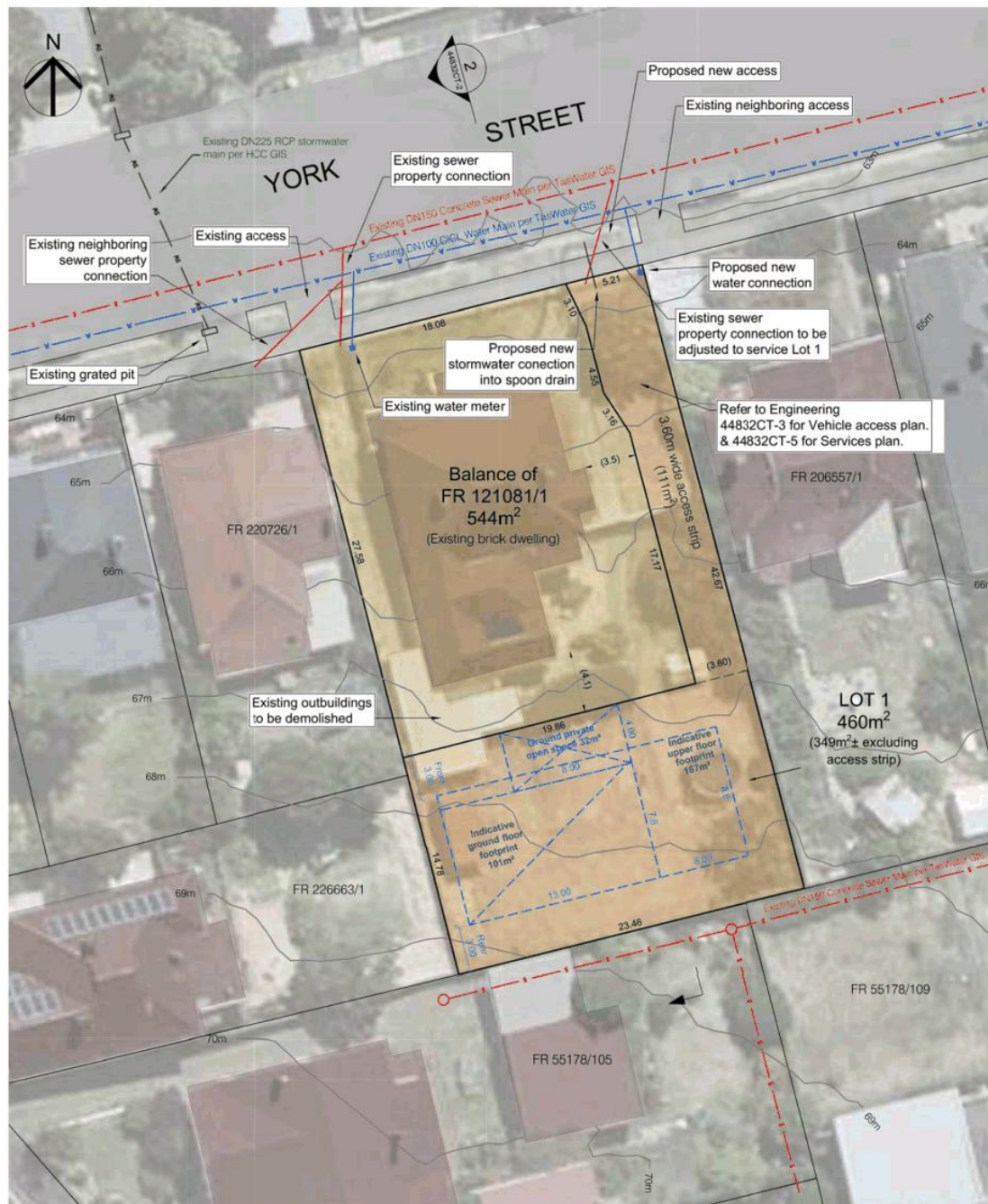


**PDA Surveys**  
Surveying, Engineering & Planning  
ABN 71 217 806 305

**WALTER SURVEYS**


127 Bathurst Street  
Hobart, Tasmania, 7000  
www.pda.com.au  
Also at: Kingston,  
Launceston & Burnie  
PHONE: +61 03 6234 3217  
FAX: +61 03 6234 5085  
EMAIL: pda.hob@pda.com.au

<b>Owners</b>	Peter John van Dal & Kathryn van Dal	<b>Address</b>	118 York Street, Sandy Bay	This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.
<b>Title References</b>	FR 121081/1	<b>Council</b>	Hobart City Council	
<b>Schedule Of Easements</b>	Existing Easements to be carried forward.	<b>Planning Scheme</b>	Hobart Interim Planning Scheme 2015	
		<b>Zone &amp; Overlay</b>	11.0 Inner Residential & 116.HER	
<b>Scale</b>	1:250	<b>Date</b>	16 September 2020	
<b>PDA Reference</b>	44832CT-1C	<b>Map reference</b>	5224-12	
<b>PID</b>	5651988	<b>Point of Interest</b>	GD484 MGASS	526 020 E, 5 250 072 N

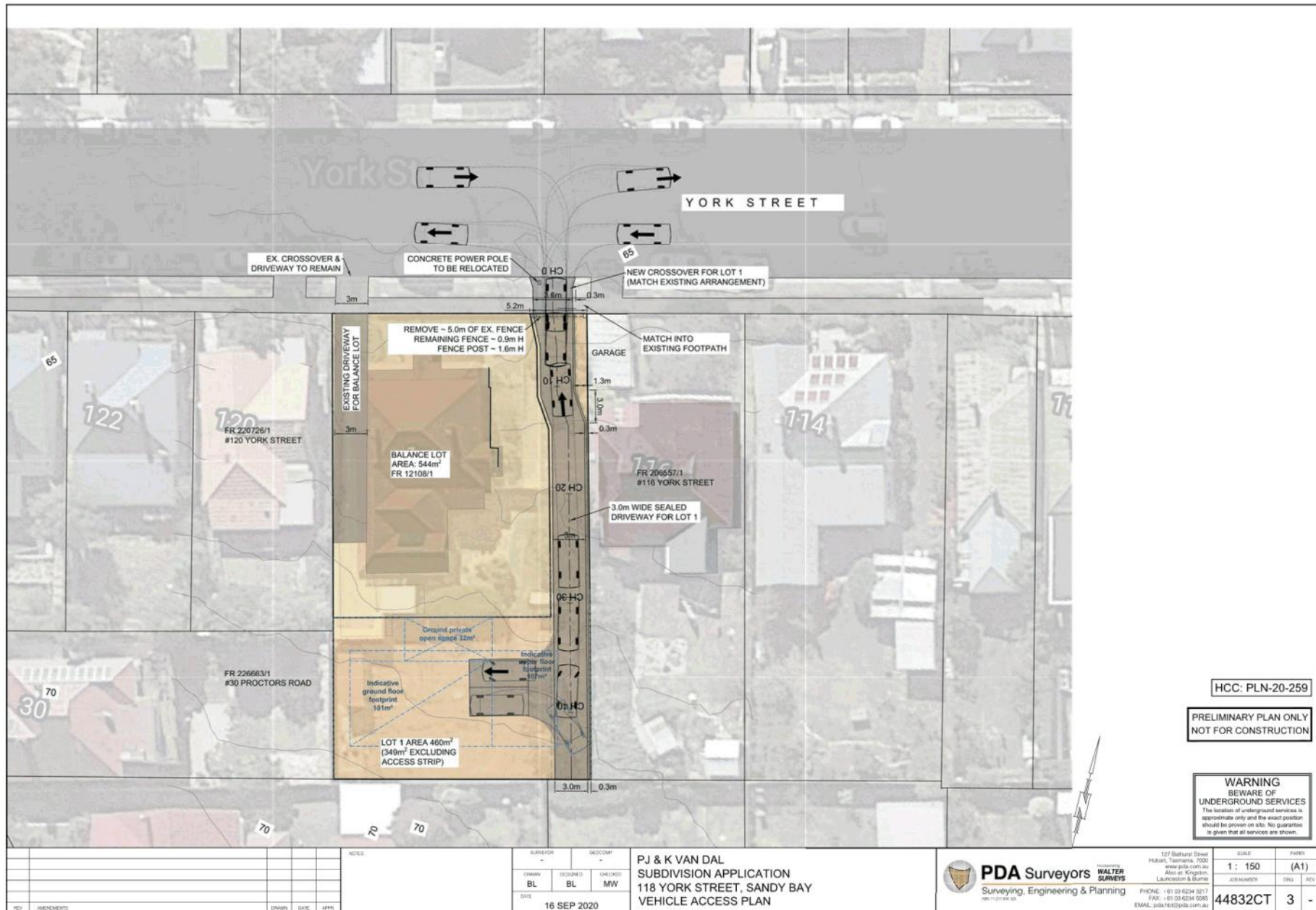


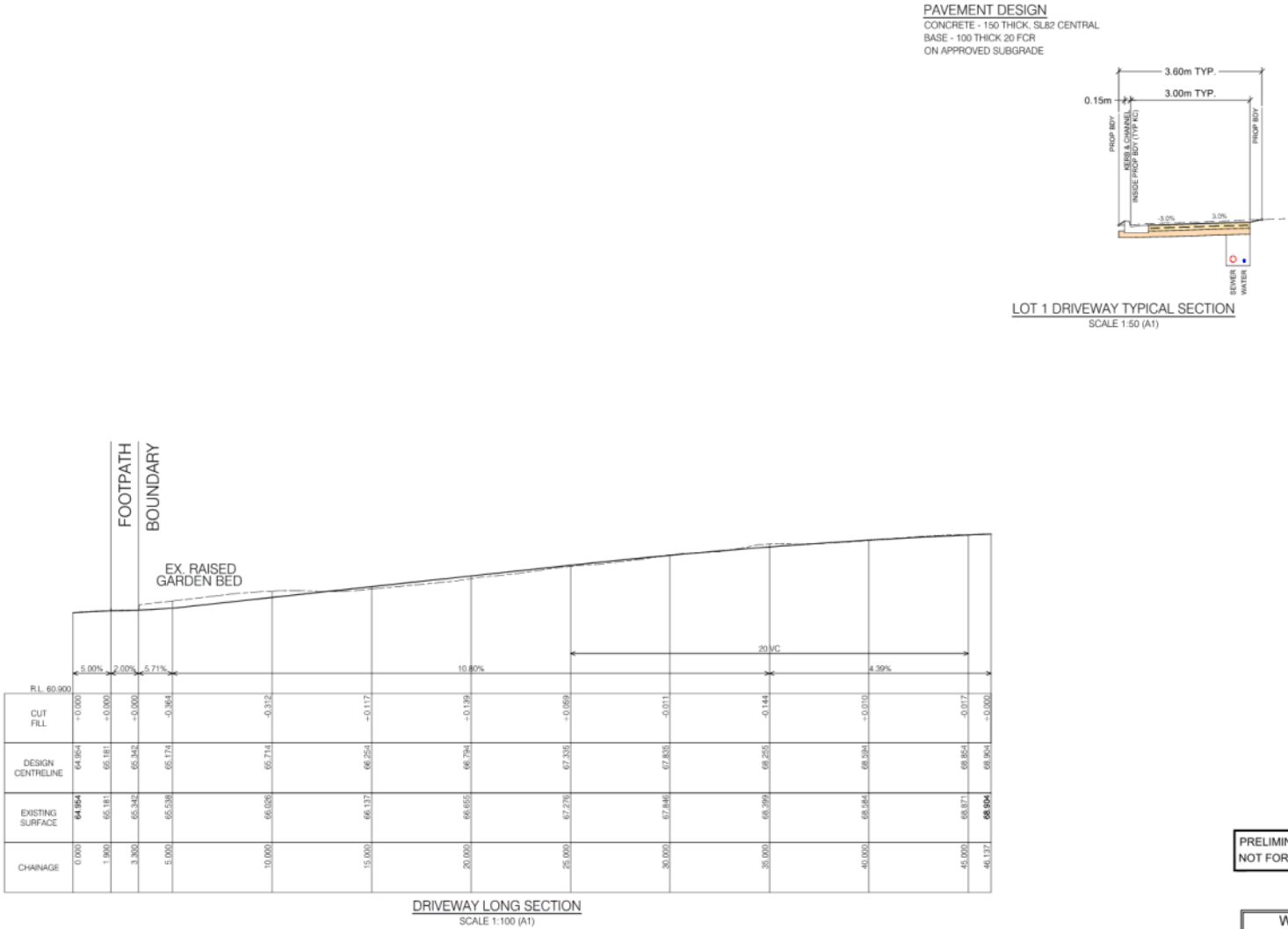




				SCALE		SURVEYOR		SECON		PLAN OF SUBDIVISION 118 YORK STREET, SANDY BAY for PETER VAN DAL		 <b>PDA Surveyors</b> Surveying, Engineering & Planning <small>484 71 07 86</small>		127 Bathurst Street Hobart, Tasmania, 7000 <a href="http://www.pda.com.au">www.pda.com.au</a> PDA is a company incorporated in Australia ABN 61 117 861 800		SCALE		TWOICE	
D						DRAWN		CHECKED								1:200		(A3)	
C				REFLECT BOUNDARY ADJUSTMENT		MM		SS.SS.SS								MM		JOB NUMBER	
								MK		BM									
								DATE		10 JUNE 2020									
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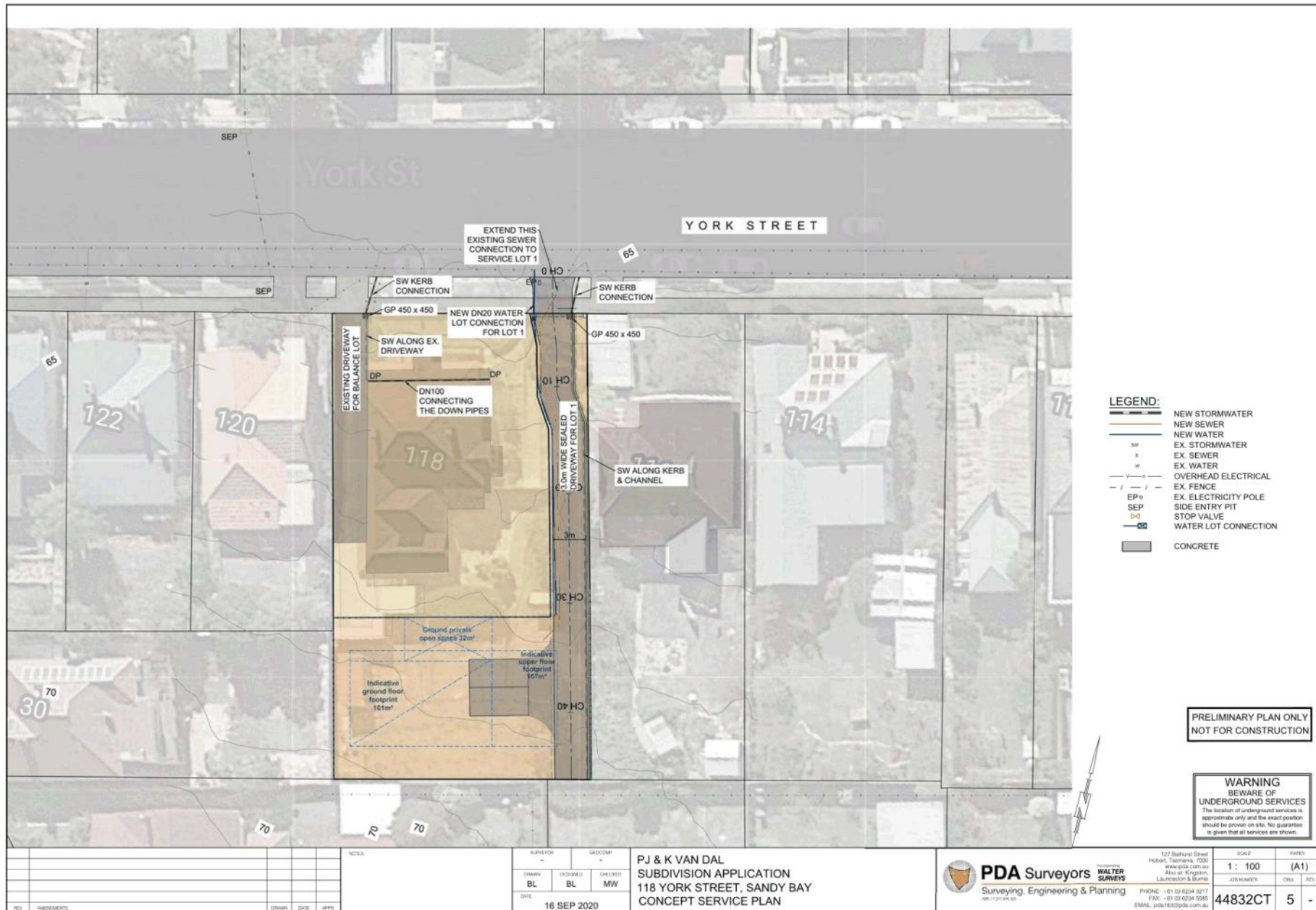




PRELIMINARY PLAN ONLY  
NOT FOR CONSTRUCTION

**WARNING**  
BEWARE OF  
UNDERGROUND SERVICES  
The location of underground services is  
approximate only and the exact position  
should be proven on site. No guarantee  
is given that all services are shown.

				NOTES				SUPERVISOR + DESIGNED BL CHECKED BL DATE 16 SEP 2020				PJ & K VAN DAL SUBDIVISION APPLICATION 118 YORK STREET, SANDY BAY LOT 1 DRIVEWAY LONG & TYPICAL SECTIONS				 <b>PDA Surveyors</b> Surveying, Engineering & Planning 177 Seaford Street Hobart, Tasmania, 7000 www.pda.com.au Also at Kingston, Launceston & Burnie. PHONE: +61 03 6234 3217 FAX: +61 03 6234 5085 EMAIL: pda@pda.com.au				SCALE 1 : 100 44832CT				PANEL (A1) 4			
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## HOBART

C.M. Terry, B. SURV. (Tas.), M.SSI. (Director)  
 H. Clement, B. SURV. (Tas.), M.SSI. (Director)  
 M.S.G. Denholm, B. GEOM. (Tas.), M.SSI. (Director)  
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## BURNIE/DEVONPORT

A.J. Hudson, B. SURV. (Tas.), M.SSI. (Director)  
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**PDA Surveyors**

Incorporating  
**WALTER  
SURVEYS**

Surveying, Engineering & Planning

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 Hobart Tasmania, 7000  
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 Email: pda.hbt@pda.com.au  
 www.pda.com.au

PDA Reference 44832CT

1 May 2020

The General Manager  
 Hobart City Council  
 Submitted via: Online Portal

Dear Sir/Madam,

**Planning Permit Application for a One lot subdivision  
 For land at 118 York Street, Sandy Bay (FR121081/1)**

In accordance with instructions from our client attached is an application for planning permit to subdivide the land creating one additional lot.

To support this application, the following is provided:

- A Planning Assessment Report;
- A proposed Plan of Subdivision; and
- A current copy of title

Pursuant to S52 of the Land Use Planning and Approvals Act 1993, the landowner has been notified of this application.

The prescribed fee for this application has been paid as part of the online submission process.

If you need to clarify any information in this application, please contact me at this office.

Yours faithfully  
 PDA Surveyors

Per: 

Craig Terry  
 Managing Director & Registered Land Surveyor

## OFFICES ALSO AT:

- |  |                |                                    |                |
|--|----------------|------------------------------------|----------------|
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| • 8/16 Main Road, Huonville, 7109        | (03) 6264 1277 | • 6 Queen Street, Burnie, 7320     | (03) 6431 4400 |
| • 3/23 Brisbane Street, Launceston, 7250 | (03) 6331 4099 | • 63 Don Road, Devonport, 7310     | (03) 6423 6875 |



## PLANNING ASSESSMENT REPORT

Proposal: One lot subdivision  
The Land: 118 York Street, Sandy Bay  
Owner: P & K Van Dal  
Report Author: Bronwyn Mellor – Senior Planner

### THE LAND

The subject land is located on the southern side of York Street at the western end of the Street. The land contains a single storey Federation Bungalow style dwelling, associated outbuildings with an established garden setting. Most of the external original features of the dwelling appear to remain, which also includes a front fence that connects to the design of the dwelling and is part of the original fabric of the circa 1920's development.

The surrounding area is part of a larger subdivision of land that occurred between 1915 and 1922. The subdivision area commonly known as the Golf Links Estate (because of its previous golf course use circa 1900, prior to the residential development of the land) is most significantly identified for its large scale regular grid pattern subdivision that remains evident and large collection of intact Federation/Edwardian style dwellings.

The Golf Links Estate is likened to the well-known urban design philosophy "Garden City", which was developed by Ebenezer Howard in 1898 and aimed to capture the primary benefits of a countryside environment and a city environment. His concept was to plan whole areas which included boulevards (roads), public spaces, planned in regular patterns on a larger scale, normally being concentric patterns in the strictest sense. The most commonly known 'Garden City' being the city of Canberra, ACT.

### THE PROPOSAL

The application proposes to subdivide the land by creating one additional lot and the balance lot. The balance lot will contain the existing Federation Bungalow with vehicular access to that lot being obtained via the existing driveway. It is proposed to demolish a small outbuilding/garage at the rear of the dwelling that would intersect the proposed boundary.

The new lot being created will be an internal lot by creating a vehicle crossover and accessway leading towards the rear of the land where an existing elevated flat area will provide approximately 455m<sup>2</sup> for future residential development. The works to establish the new accessway will involve the removal of a portion of the front fence a portion of the garden area along the existing eastern boundary. Other minor works may also include smaller internal retaining walls to enable construction of the new driveway and common boundary fencing. It is possible that the brick fabric from the fence portion to be demolished may be able to be used in a retaining wall to establish the new vehicle accessway.

The vision for this proposal is to provide an additional infill residential lot within an inner residential area; that has good connections to established transport routes, that is capable of providing for high quality future residential development and is able to conserve/maintain the heritage significance of existing heritage fabric and the heritage precinct.

### PLANNING SCHEME

The land is located in the Inner Residential zone in the Hobart Interim Planning Scheme 2015 and is also subject to the Heritage Precinct Overlay (SB6).

**INNER RESIDENTIAL ZONE**

Relevant to the proposal, the purpose of the Inner Residential Zone is:

- To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.
- To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.
- To encourage residential development that respects the neighbourhood character.
- To provide a high standard of residential amenity.

There are no specific Local Area Objectives or Desired Future Character Statements for this Zone.

The following commentary provides a design response to all relevant acceptable solutions or performance criteria as set out at Clause 11.5.1, 11.5.3 & 11.5.4 including Table 11.1.

**11.5.1 LOT DESIGN****P1**

On the basis that the internal lot does not meet the minimum lot size at Table 10.1, it is necessary to assess this lot against the provisions of the performance criteria. It is noted that the lot at the front is the 'balance lot' and as such is not subject to the provisions listed in Table 10.1.

The internal lot complies with the performance criteria in the following manner:

- 15% above the listed maximum lot size for "all other lots" is equal to 460m<sup>2</sup>. The internal lot is 455m<sup>2</sup> and is able to meet this 15% variation measure.
- There are no Local Area Objectives or Desired Future Character Statements.

It is considered that this performance criteria has been met.

**P2**

In response to design considerations for this performance criteria, the plan of subdivision shows a building area, parking areas, vehicle turning areas and private open space to demonstrate that the additional lot has the capacity to reasonably contain future residential development.

The proposal complies with the performance criteria in the following manner:

- The residential density of no less than one dwelling per 250m<sup>2</sup> is met by both lots with their respective lot sizes being above the minimum measure;
- This report has detailed that the proposal is consistent with the applicable standards in any relevant Codes; and
- The internal lot is located and oriented so that its long axis is directly north facing for maximising solar access to future development. The internal lot also has an advantage in its slightly elevated position of the building area sitting at a higher elevation than surrounding dwellings and will therefore have less shadowing impacts from other development.

The proposed subdivision does not intend to transfer the indicative building area through to a restriction on a future title. The indicative building area is only shown on the plan of subdivision for the purpose of showing the capacity of the lot to be able to comply with development standards for future planning permit applications for residential development.

The indicative building area does not imply any agreement or acceptance of Council requiring a building envelope via a condition on any permit that might be issued for this proposal. The building area is indicative only and should be treated/considered as a tool to demonstrate capacity only.

**P3**

The proposal complies with the performance criteria in the following manner:

- Each lot provides for vehicular access via each driveway and reasonable areas along the frontages provide for pedestrian access.
- The lot containing the existing dwelling maintains a regular sized frontage at almost 20m; and the internal lot is exempt from the minimum frontage size listed in this performance criteria.

**P4**

The proposal complies with the performance criteria in the following manner:

- a) The internal lot gains access onto York Street. Based on the dates from the Survey Notes for the title, the road and titles are dated circa 1920.
- b) All lots in the vicinity contain existing buildings and therefore it would not be possible to create a lot with a traditional frontage given the limited space between built forms.
- c) To ensure that visual alterations are limited to continue to conserve the heritage significance of the site, the current proposal is considered the only way to reasonably achieve this primary design consideration. The new vehicle crossover and accessway was located so as to only alter a small section of the front fence, while at the same retaining a garden setting around the existing dwelling.
- d) The addition of another lot increases the efficient use of land for residential purposes using existing services.
- e) The subsequent residential development has been demonstrated that it can comply with the design standards of the General Residential Zone. On the basis that the Planning Scheme states the current expectation of residential amenity through the use of design standards, it is reasonable to conclude that future development will not cause adverse amenity impacts.
- f) The new accessway has a width of 3.6m.
- g) The accessway is less than 30m in length, and therefore does not need to provide a passing bay in its design.
- h) There are no other adjacent accessways adjoining the new lot.
- i) It is expected that Council will require the new accessway/driveway to be constructed as a condition of any permit that it might issue for the subdivision.
- j) The new lot does not address any public rights of way or public open space. The existing dwelling on the front lot will continue to provide passive surveillance to the street.

**P5**

The proposal complies with the performance criteria in the following manner:

- a) There are public transport services provided along both Proctors Road that is approximately 70m to the west of the site; and in Regent Street that is approximately 500m to the east, which are conservatively within a 20 minute neighbourhood/800m distance which is a best practice standard for current urban design practices.
- b) Both lots are consistent with the preferred residential density of 250m<sup>2</sup> or greater.
- c) Not applicable.
- d) The passive surveillance to the street is maintained by the existing dwelling.
- e) There are no Local Area Objectives or Desired Future Character Statements.

11.5.3 WAYS AND PUBLIC OPEN SPACE**P1**

Most of the performance criteria is not applicable to this type of application as there is no public open space being provided. It is expected that the Council will apply a condition to any permit that it may grant requiring a 5% cash contribution of the unimproved value of the new lot, not including the balance lot in line with Council's existing policy.

11.5.4 SERVICES**A1**

Reticulated water supply provided from existing infrastructure in York Street via a new connection.

**A2**

Reticulated sewer connection provided from existing infrastructure in York Street by altering the existing connection.

**A3**

New connection for Lot 1 will be created to the street that links into existing grated stormwater system to the west of the site.

**A4**

No new roads being created.

**CODES****E5.0 ROAD AND RAILWAY ACCESS CODE**E5.6.2 ROAD ACCESSES AND JUNCTIONS**A2**

Each lot has a single access that provides entry and exit with a road speed limit of less than 60kms p/hr.

E5.6.4 SITE DISTANCE AT ACCESSES**A1**

The existing vehicle access is not being altered. The new vehicle access has site distances in excess of 80m to the east and west as required by Table E5.1

**E6.0 PARKING AND ACCESS CODE**E6.7.1 NUMBER OF VEHICLE ACCESSES**A1**

Each lot has 1 vehicle crossover only.

E6.7.2 DESIGN OF VEHICULAR ACCESSES**A1**

Driveway width for the new lot will be at least 3m (Table 3.2). No passing bays are required as the new driveway is less than 30m. See plan for turning circles to demonstrate on-site turning (Clause 3.2.2). Site distances along the street (east and west) are not inhibited and are able to achieve the site distances listed in Clause 3.2.4. Clear sight lines can be provided



for pedestrians to the west, however because of the location of the adjoining garage against the frontage of 116 York Street, limited visibility will be available to the east. Gradient estimation is between 12 to 15%.

#### E6.7.4 ONSITE TURNING

##### **A1**

Both accesses will only serve a single dwelling each so there is no absolute requirement for the lots to provide for on-site turning. Given the limited width of the accessway for Lot 1 it was considered important to demonstrate that this capacity was possible for ease of access daily use, which has been demonstrated on the plan of subdivision.

#### E6.7.14 ACCESS TO A ROAD

##### **A1**

The vehicle crossover will be constructed to Council's satisfaction as the road authority.

### **E7.0 STORMWATER MANAGEMENT CODE**

##### **A1**

The new driveway will be designed and constructed to incorporate a cut off drain at the street front and connected to the reticulated stormwater system in the street.

##### **A2**

There is no requirement for this scale of development to use water sensitive urban design principles.

### **E13.0 HISTORIC HERITAGE CODE**

#### E13.8.1 DEMOLITION

##### **P1**

The small cluster of outbuildings at the rear of the dwelling are proposed to be demolished as part of the works for the subdivision on the basis that the new boundary line intersects these buildings. The outbuildings include a small scale garage/storage and separate garden shed.

An inspection of the garage and its built form relative to the existing dwelling is different and is likely to have been constructed at a later period to that of the dwelling. In this regard it is considered to have no substantial contributory fabric to the significance of the heritage precinct or individual dwelling. There will remain sufficient space at the rear of the driveway to locate a new garage/carport behind the façade of the dwelling, should that be necessary in the future without compromising the integrity and significance of the dwelling.

Similarly, the separate garden shed at the rear of the garage is of a similar built form and materials as the garage and therefore has no contributory fabric to the precinct or individual dwelling.

#### E13.8.2 BUILDINGS AND WORKS OTHER THAN DEMOLITION

##### **P4**

The portion of the front fence that is to be removed to establish the new accessway for the internal lot can be achieved by removing the section of fence in between the two brick pillars of the fence. In the event that the demolition is undertaken properly, the bricks could be re-used for the purpose of any retaining walls at the new driveway entrance and therefore the

fabric is retained substantially in-situ to mitigate any impact to the significance of the heritage precinct.

It would be ideal that any retaining walls/entrance walls at the driveway entrance be constructed in the same design and form as the existing fence (simple bricked base with a horizontal steel pole feature top). The entrance walls should only be a feature at the frontage of the driveway as an effective visual connection to the existing brick fence.

#### P5

The associated works to establish the new accessway for the internal lot will remove a linear area along the boundary of 3.6m of the garden setting around the existing dwelling. This will result in at 4-5m of garden setting on the eastern side of the dwelling that is retained, so as to conserve a substantial amount of the garden setting/visual context for the existing contributory dwelling.

It is considered that any impact has been mitigated sufficiently by limiting the width of the accessway for the internal lot, and therefore not causing any substantial detriment the significance of the heritage precinct through loss of garden setting for the dwelling.

#### E13.8.3 SUBDIVISION

##### P1 a)

Table E13.2 states that the precinct is significant for the following reasons:

1. The Golf Course Estate is the largest single subdivision in Sandy Bay with a very fine group of c1920-1930 houses, the best such group in Hobart.
2. Its predominantly single storey Edwardian character with very intact streetscapes. The houses are very good examples of Edwardian cottages and Californian Bungalow styles.
3. The predominantly intact building stock.
4. The connection of the site with the former golf links which is still readable in the subdivision pattern.

There are two distinct themes in the above reasons for significance of the precinct. The first being the intact Edwardian housing stock and streetscapes. The second being the original Golf Course Estate subdivision and the 'subdivision pattern'.

This report has demonstrated that the retention of the contributory built form will be retained as a part of this proposal. The final consideration that needs to be made is whether or not the creation of an internal lot within the context of the existing subdivision pattern is detrimental to the significance of the precinct.

Firstly, it is acknowledged that the emphasis to retain the current subdivision pattern, which links back to the original Golf Course Estate subdivision is evident in the Hobart Interim Planning Scheme controls. It is apparent that the shape of the existing boundary lines are important to retain, so as to maintain the link to the original subdivision pattern.

The proposal does not alter the original rectangular block pattern that currently exists, it is merely inserting another boundary line within that existing rectangular block pattern of the subject land. The original shape and pattern is retained, with only a minor alteration. It is considered that the readable nature of the original subdivision pattern will still remain evident on this basis.

**P1 b) & c)**

For the most part, understanding of any area of heritage significance is commonly considered to be through what is seen from the street. In this situation the regular orientation/grid pattern of the roads, the regular plantings of street trees and the large collection of generally intact Edwardian/Federation building stock are the easily understood components that make up the contributory fabric in the precinct. These aspects need to remain the dominant items in the precinct to avoid confusing how the precinct was developed. This report has reasonably demonstrated that there will be limited impact to the visual fabric of the precinct.

The less visual components of the precinct are how the land was divided into separate ownership (subdivided) and the location of services. The Table at E13.2 particularly states that the subdivision pattern is important to the significance of the precinct. In a lot of cases, because of the location of contributory buildings, it is unlikely that a substantial amount of additional lots could be created that are able to meet current development standards. Therefore, it is reasonably considered that the subdivision pattern of the former Golf Links Estate will still remain evident and the dominant subdivision pattern through this area, with limited changes.

**P1 d)**

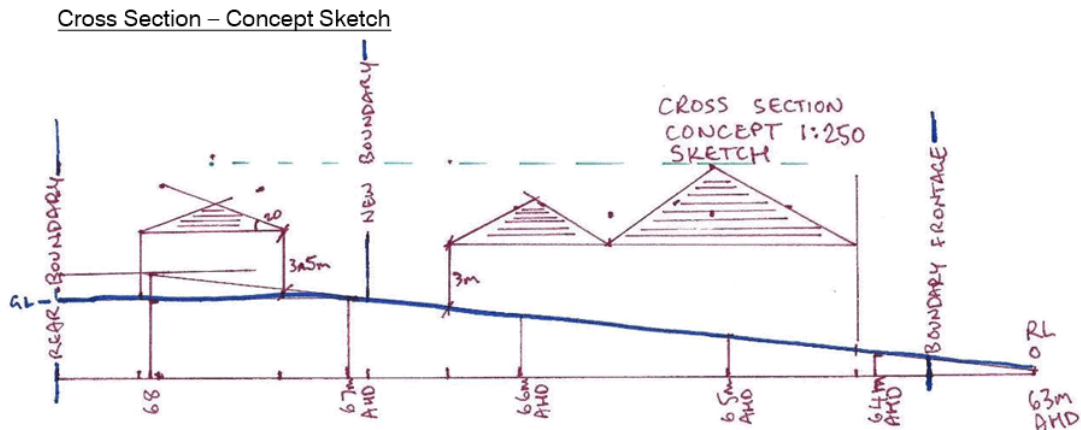
The plan of subdivision details a building area on the rear lot that demonstrates compliance with the development standards of the planning scheme for residential development. The location of this building area at the rear of all existing dwellings will enable any new development to be subservient to the contributory dominant built form of the existing dwellings at the street frontage for the following reasons:

The building area is predominantly located directly behind the existing dwelling;  
On the basis that vehicle turning areas on the internal lot are a preferred design outcome, the effective/available buildable area on the internal lot for a dwelling will likely have a larger setback from the eastern boundary, which will result in the main bulk and mass of any future dwelling being further concealed from the streetscape.

For the purpose of further demonstrating the capacity of the internal lot to provide for future development, a cross section sketch (shown below) shows that the lot could provide a single storey building.

The sketch also reveals that it could be reasonably considered that because of the significant setback from the street and the bulk and mass of the existing dwelling that a dwelling with a height of up to 6-7m might be able to be accommodated on the site without undue visual impact to the historic streetscape.

It is important to note that this application is not proposing development on the site, it is for the subdivision of the land, and it is quite reasonably expected that a building area might be required to be an encumbrance on the internal lot, should the Council determine to support this application, limiting the horizontal development expanse on the internal lot. Given the above commentary, it is considered unnecessary to limit any building area through vertical limits as this discretion should remain to provide sufficient flexibility in building design, given the reasonably modest horizontal footprint.

**P2**

This report has detailed compliance with the content in Table E13.2 in suitable detail in previous sections.

**CONCLUSION**

As detailed in this report, it is considered that with very modest alterations to the fabric in the front fence, and retention and re-use of the materials in-situ, that any impact to the significance of the precinct can be reasonably mitigated.

The critical heritage fabric being the existing Edwardian bungalow is retained within the context of a singular lot, which in turn conserves the significance of the heritage precinct by protecting not only the dwelling but also the streetscape.

Aside from strict interpretation regarding subdivision patterns, it is always important and best practice to consider adaptive re-use of heritage places so as to be able to conserve what is important. In this regard, the proposal to subdivide the land to provide opportunities for limited in-fill residential development, also provides an opportunity to better conserve existing heritage buildings.

The pattern of development will always remain, because the streets are not changing, the significant dwelling is not changing, and the portion of the fence being removed is limited by only one section being demolished.

It is also contended that the subdivision pattern is not changing, because the rectangular shape of the existing lot will still remain, with the new lot boundary being set inside the original lot shape. The Golf Course Estate subdivision pattern will continue to be recognisable, despite this proposal.

## HOBART

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PDA Reference 44832CT

7 May 2020

The General Manager  
 Hobart City Council  
 Submitted via: Online Portal

Dear Sir/Madam,

**Planning Permit Application for Subdivision (One additional lot) PLN-20-259  
 For land at 118 York Street, Sandy Bay (FR121081/1)**

In response to Council's letter dated the 7<sup>th</sup> May 2020, the following information is provided regarding TasWater's request for further information.

The attached plan (without some of the proposal detail shown) clearly shows that the accessway is part of the rear lot (Lot 1) on the plan and is not part of the Balance Lot.

The total area for Lot 1 is equal to 455m<sup>2</sup>. The total area of the accessway is equal to 99m<sup>2</sup>. As required by Table 10.2, the calculation of a lot size does not include any accessway strip.

If you need to clarify any information in this application, please contact me at this office.

Yours faithfully  
 PDA Surveyors

Per:

Bronwyn Mellor  
 Senior Planner

## OFFICES ALSO AT:

- |  |                |                                    |                |
|--|----------------|------------------------------------|----------------|
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Email: pda.hbt@pda.com.au  
www.pda.com.au

Our Ref: 44832CT  
Council Ref: PLN-20-259

22 July 2020

The General Manager  
Hobart City Council

Sent via: Online Application Portal

Dear Sir/Madam

**Planning Permit Application for Subdivision (one additional lot)  
Land at 118 York Street, Sandy Bay**

In response to Council's letter of the 20<sup>th</sup> May 2020, the following information is now provided:


- Long Section Plan detailing an indicative building area/conceptual development;
- Vehicle Access Plan;
- Long Section Plan and Typical Cross Section Plan for Lot 1;
- Concept Servicing Plan;
- Site Distance Plan; and
- Supplementary Planning Report.

Given the substantial amount of information detailed in Council's RFI letter, it was determined that the most efficient way to provide a comprehensive response was to provide a set of plans (as detailed above) and a supplementary written response to each point raised (Supplementary Planning Report).

Please contact me further should any clarification be needed about this information.

We look forward to the Council now being in a position to progress the application and advertise the proposal as prescribed.

Yours faithfully  
PDA Surveyors

Per: 

Bronwyn Mellor  
Senior Planner

OFFICES ALSO AT:

- |  |                |                                    |                |
|--|----------------|------------------------------------|----------------|
| • 6 Freeman Street, Kingston, 7050       | (03) 6229 2131 | • 16 Emu Bay Road, Deloraine, 7304 | (03) 6362 2993 |
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A.W. Eberhardt, B. GEOM. (Tas.), M.SSI. (Director)  
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PDA Ref: 44832CT  
Council Ref: PLN-20-259

## SUPPLEMENTARY PLANNING REPORT

Proposal: One lot subdivision  
The Land: 118 York Street, Sandy Bay  
Owner: P & K Van Dal  
Report Author: Bronwyn Mellor – Senior Planner

**FURTHER TO COUNCIL'S RFI LETTER DATED 20<sup>TH</sup> MAY 2020 FOR PLANNING PERMIT APPLICATION PLN-20-259 THE FOLLOWING SUPPORTING RESPONSE IS PROVIDED.**

### PLANNING PERMIT APPLICATION: PLN-20-259

Note: This report is to be read in conjunction with the main planning assessment report and submitted plans.

### TASWATER

#### TW 1

Previous information has already satisfied this matter – 8<sup>th</sup> May 2020.

### HISTORIC HERITAGE CODE

#### HER 1

As detailed on the 2<sup>nd</sup> page of the Plan of Subdivision (dated 10<sup>th</sup> June 2020) the proposal now shows an indicative building area that details horizontal and vertical scale to assist Council in determining that the subdivision will not create potential for future incompatible development.

To support this, the following is also provided:

- The indicative building details a modest footprint that is compliant with the Inner Residential Zone Buildings and works Development Standards (11.4) aside from a minor part of the roof line extending beyond the development standards. If future

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- 77 Gunn Street, Devonport, 7310 (03) 6423 6875

development were to propose a pitched roof design, this design response would not result in the minor variation to the development standards;

- The vertical and horizontal scale of the indicative building is similar/smaller to the existing contributory buildings in the heritage precinct, therefore the dominance of the heritage buildings/streetscape in the area is maintained;
- The subservient location of the indicative building at the rear of the site and orientation on the land (closer toward the western boundary and behind the existing dwelling) also limits the visual prominence of future development; and
- Any future development at the rear of the site will have limited visual interaction with the streetscape as there is only a singular view along the driveway that is really available. Dependant on where any future development is viewed from will also depend on the time and perceived scale that any future development might have. Viewing duration/visibility from a vehicle would be substantially limited based on reduced available time that future development is seen along the driveway viewing corridor. Whereas a pedestrian view of the streetscape and future development would reasonably have a longer interaction. It is considered that the subservient location of future development sufficiently mitigates/balances how new development is seen within the heritage precinct.

Note: Details relating to partial demolition of the front fence particularly regarding the new access to Lot 1 is detailed at PLN 2 (below). To be read in conjunction with the main planning assessment report regarding heritage consideration.

### **PLANNING**

#### **PLN 1 & HER 1**

1. The submitted Vehicle Access Plan details that the portion of fence that is proposed to be removed to establish the new driveway for Lot 1 is located in between two existing brick pillars of the front fence. This area is approximately 4.3m in width and therefore has a sufficient width for a compliant sealed driveway and pedestrian access for Lot 1.

Importantly, because the proposal involves limiting the removal of a limited width of the front fence as detailed above, the proposal ensures that the existing pedestrian gate/entrance is maintained for the existing house as it stands adjacent to the new vehicle crossover. The retention of the pedestrian entrance at this point will assist in the retention of linked internal pedestrian paths within the front garden setting of the existing dwelling that lead to the dwelling entrance, therefore assisting in the ability to conserve important parts of the contributory fabric within the garden setting/heritage precinct.

2. The Vehicle Access Plan details that the new driveway for Lot 1 will be sealed. This requirement of the Planning Scheme can be simply required as a condition of any permit that might be granted for this subdivision.

### **PARKING AND ACCESS CODE/ROAD AND RAILWAY ASSETS CODE**

#### **PA2.1**

The submission of the Vehicle Access Plan & Driveway Long Section Plan contains information as required by this request and the proposal is compliant with LGAT Standard Drawings and AS/NZS 2890.1:2004 Section 3 and **E6.7.2 A1 of the Code**:

- The plans now state that the new vehicle crossover will be constructed to LGAT standards;
- The vehicle driveway is at least 3 metres wide;
- The gradient/slope is consistent with Section 2 of the AS Standard 2890.1:2004; and



- Turning circles/swept paths (more particularly for Lot 1) are compliant with a B85 vehicle.

Note: Subject to any comments from the responsible Authority and final location of TasNetworks power/light pole, any necessary relocation will be considered at design detail stage.

#### PA2.2

The submission of the Site Distance Plan that has been prepared by PDA Surveyor's Engineers and provides a design response that ensures that pedestrian and vehicle site distances and sight lines are provided for the new vehicle crossover for Lot 1. A detailed assessment for the balance lot is deemed to be compliant on the basis that the vehicle access exists and the frequency of use is not increasing.

To support the concept design detailed on the Site Distance Plan, the following is a detailed response to each point in the **Performance Criteria at E5.6.4 P1**:

- a) The expected frequency of use of the new vehicle crossover will carry traffic levels that are the same as any other residential lot on the basis that it will only serve one dwelling in the future. On that basis, it is reasonable to determine that average daily traffic movements for Lot 1 would be 8-10 (10 trips per day based on the TIA Guidelines) which is considered to be low.
- b) York Street is a local road that provides residential traffic to more major collector roads such as Sandy Bay Road or Regent Street in the surrounding area.
- c) Within the context of the existing lot, there are no other alternatives for access to Lot 1. The main design constraint for this being the case is the retention/conservation of the contributory dwelling to the heritage precinct.
- d) The separate access to Lot 1 from the access for the balance lot is necessary on the basis that there is insufficient area on the site to provide for a shared driveway/accessway. If there were additional depth in the lot, it may have been possible that parking for the existing dwelling could have been at the rear of the existing dwelling with its access being shared with the access for Lot 1. However, in this situation with the siting of the existing buildings, this has not been possible. Therefore each lot will have its own separate accessway/vehicle crossover.
- e) Council has not required a formal Traffic Impact Assessment for this proposal. On the basis that this proposal is not a substantial increase in residential traffic or change to the road network, it is not considered necessary for the more minor proposal in this application.
- f) The provision of a convex mirror to provide sufficient site distance for both for the new access does not strictly comply with the Australian Standard, however the site line limitations created by a directly adjacent garage on the boundary is a design constraint that cannot be changed or moved. The other major design constraint is retention of contributory buildings, fences and garden setting is of substantial importance. Therefore in this instance (even though the proposal does not strictly comply with the prescriptions in the Australian Standard) the proposal provides a practical design solution that does ensure that safe, efficient and convenient access for Lot 1. This design has been developed and checked by a Chartered Civil Engineer at PDA Surveyors.
- g) Council has not indicated in its further information advice that achieving an alternate design outcome regarding this matter to that prescribed in Australian Standards is not possible, therefore the alternate proposal is submitted as a reasonable proposition and response to provide safe, efficient and convenient access for Lot 1.

#### PA5.1

Driveway Long Section Plans demonstrate that the driveway for Lot 1 is compliant E6.7.5 A1 and with AS/NZS 2890.1:2004:

- The construction of the driveway will only involve minor excavation of the site and as such consideration of any substantial differences in level will not be necessary.
- The driveway has a minimum width of 3 metres.
- Maximum slope of the driveway is minimal at a maximum slope of 10%.
- The concept building area with the addition of turning circle plans demonstrates that Lot 1 is capable of turning vehicles on site as required.

**PA6**

The proposal is consistent with E6.7.6 A1 as detailed on the concept servicing plan:

- The new driveway for Lot 1 will be sealed with an impermeable surface as selected and prior to the sealing of the final plan of survey.
- The concept servicing plan now details that stormwater runoff from the new driveway from Lot 1 will be controlled via the construction of a minor kerb along the eastern length of the driveway and diverted to the stormwater system in the street.

**SURVEYING SERVICES****SUR 1**

Stormwater connections are detailed on the now submitted Concept Servicing Plan and provide sufficient detail that each connection is wholly contained within each lot and do not rely on the provision of any easements for stormwater connection.

**SUR 2**

The Balance Lot will remain the Balance Lot on FR121081. From a Planning perspective, the lot containing the existing dwelling needs to be a balance lot to ensure compliance with the lot size requirements of the Zone.

HOBART  
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Our Ref: 44832CT  
Council Ref: PLN-20-259

18 September 2020

The General Manager  
Hobart City Council

Sent via: Online Application Portal

Dear Sir/Madam

**Planning Permit Application for 1 lot subdivision (plus balance lot)  
Land at: 118 York Street, Sandy Bay**

In response to Council's letter of the 5<sup>th</sup> August 2020, it is understood that the following matters needed to be resolved before the application progressing:

1. Clarification as to whether the proposal included a change in level of the footpath at the location for the new vehicle crossover for Lot 1;
2. That the vehicle crossover between the road formation and the property boundary needed to be a 3.6m width so as to comply with relevant standards;
3. That the new vehicle crossover for Lot 1 matches the profile of kerb and channel already in the street; and
4. That sufficient revision be made to the plans to provide compliant pedestrian sight distance for the new driveway at the Lot 1 frontage.

Please note that the revised plans also detail that the power pole at the frontage of the land will be moved should there be a planning permit granted for this subdivision. Works to move this infrastructure would be undertaken to TasNetworks requirements and guidelines.

In response to the above points, the following is now provided:

1. The revised plans detail that there will be no change in grade to the existing footpath level to establish the new vehicle crossover for Lot 1. On this basis, we understand that GM consent is not required for this proposal.
2. The revised plans now detail that the vehicle crossover is 3.6m wide between the road formation and the property frontage so as to comply with relevant standards.
3. The revised plans now detail that the new vehicle crossover will match kerb and channel in the street. The new crossover will be constructed to Council's satisfaction and it is expected that suitable conditions will be applied to any planning permit granted.
4. The driveway alignment and associated boundary for Lot 1 has now been altered on the revised plans so that the driveway formation is at least 1m from the adjacent garage wall of 116 York Street at the new lot frontage. The revised plans have been designed so as to be compliant for a B85 vehicle and can now reasonably provide pedestrian sight lines and safety where vehicles are exiting Lot 1.

OFFICES ALSO AT:

- |  |                |                                    |                |
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Now that this further information has been provided, we would appreciate Council confirmation as to the adequacy of the information at its earliest convenience.

We trust that further consideration of this application can now be progressed.

Please contact me further should any clarification be needed.

Yours faithfully  
PDA Surveyors

Per: 

Bronwyn Mellor  
**Senior Planner**

## HOBART

C.M. Terry, B. SURV. (Tas.), M.SSI. (Director)  
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Our Ref: 44832CT  
 Council Ref: PLN-20-259

28 October 2020

The General Manager  
 Hobart City Council

Sent via: Online Application Portal

Dear Sir/Madam

**Planning Permit Application for subdivision (one additional lot) & partial demolition  
 Land at: 118 York Street, Sandy Bay**

In response to Council's letter of the 1<sup>st</sup> October 2020, please find enclosed General Manager Consent for this application as required.

On the basis that this was the final remaining item of further information that Council needed to be able to progress this application, can Council now please advise what dates this application will be formally advertised, and a possible date for decision, subject to representations that might be received.

Please contact me further should any clarification be needed.

Yours faithfully  
 PDA Surveyors

Per:

Bronwyn Mellor  
 Senior Planner

## OFFICES ALSO AT:

- |  |                |                                    |                |
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Enquiries to: City Planning  
Phone: (03) 6238 2715  
Email: coh@hobartcity.com.au

27 October 2020

Bronwyn Mellor (PDA Surveyors)  
127 Bathurst Street  
HOBART TAS 7000

mailto:bronwyn.mellor@pda.com.au

Dear Sir/Madam

**118 YORK STREET, SANDY BAY - WORKS IN ROAD RESERVE NOTICE OF LAND  
OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-20-71**

**Site Address:**

118 York Street, Sandy Bay

**Description of Proposal:**

Partial Demolition & Subdivision (One Additional Lot). Including works in Road Reserve

**Applicant Name:**

Bronwyn Mellor  
PDA Surveyors

**PLN (if applicable):**

PLN-20-259

I write to advise that pursuant to Section 52 of the *Land Use Planning and Approvals Act 1993*, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority.

Hobart Town Hall  
50 Macquarie Street  
Hobart TAS 7000

Hobart Council Centre  
16 Elizabeth Street  
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CityofHobartOfficial  
ABN 39 055 343 428  
Hobart City Council

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

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

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

Yours faithfully



(Tim Short)

**ACTING GENERAL MANAGER**

Relevant documents/plans:

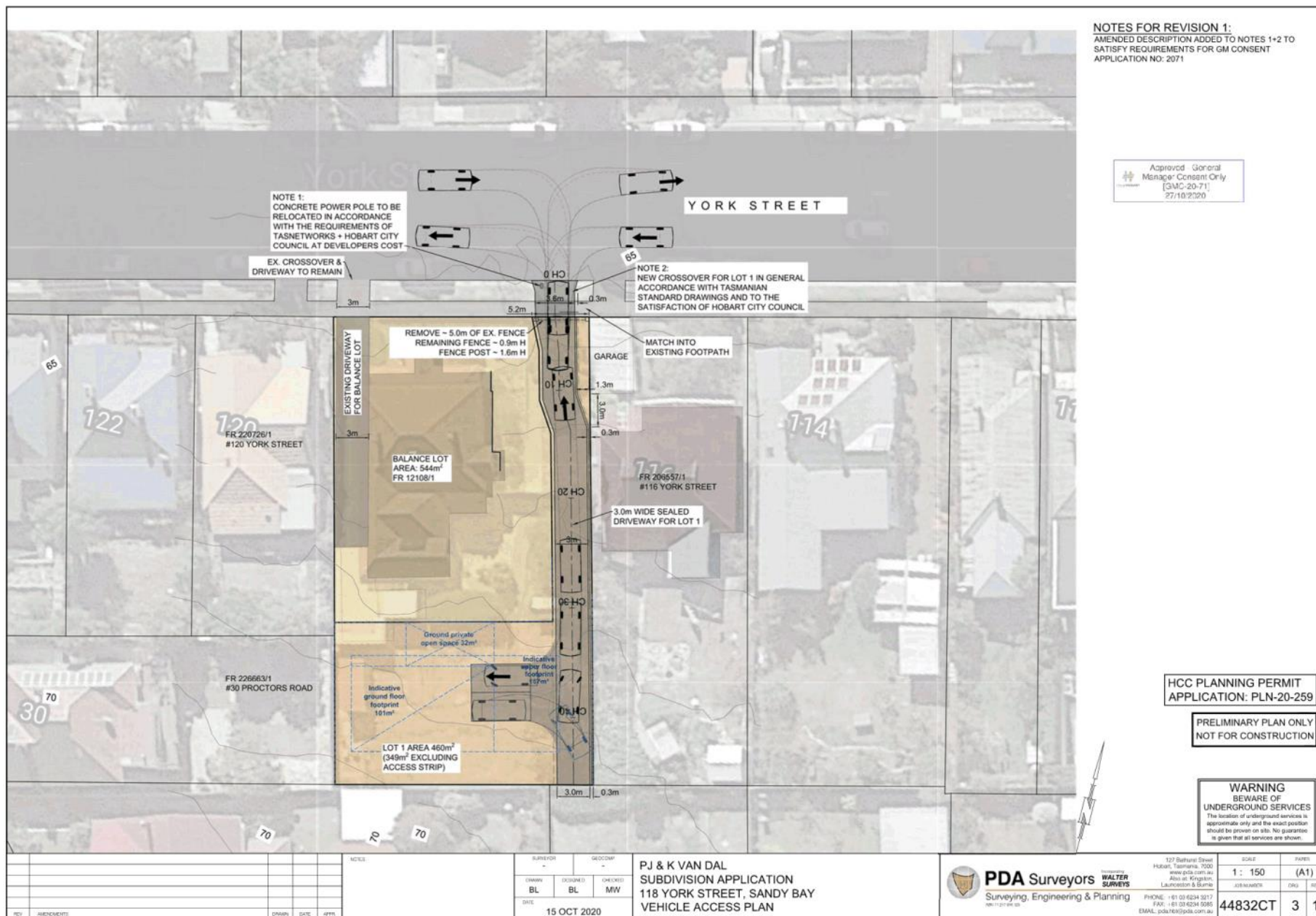
Plans by PDA Surveyors

Vehicle Access Plan Drawing 3 rev. 1

Lot 1 Driveway Long and Typical Sections Drawing 4 rev. 1

Concept Service Plan Drawing 5 rev. 1

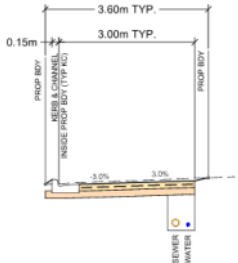




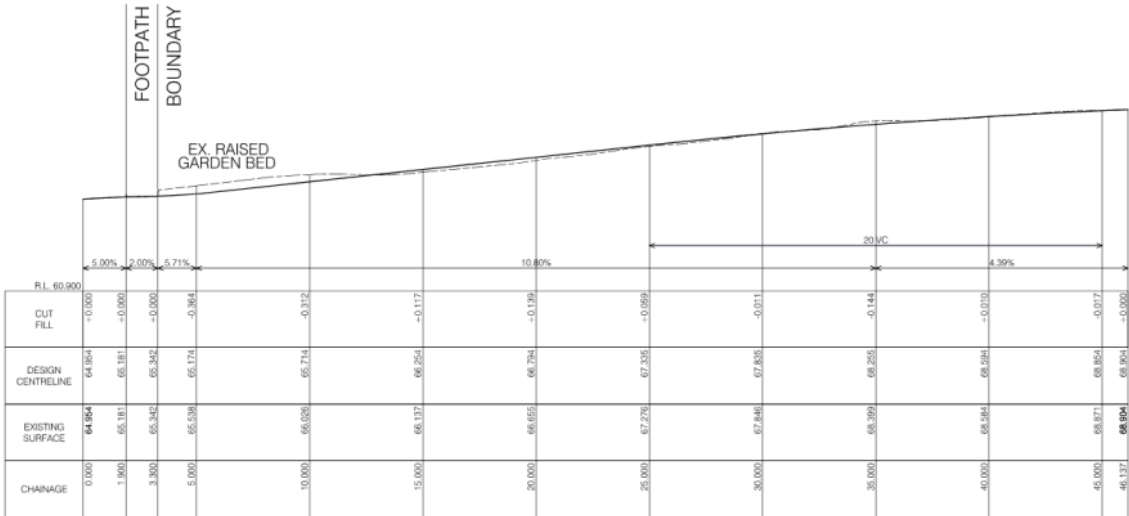


Approved - General  
Manager Consent Only  
(MAC-90-71)  
27/1/2020

PAVEMENT DESIGN  
CONCRETE - 150 THICK, SL&2 CENTRAL  
BASE - 100 THICK 20 FCR  
ON APPROVED SUBGRADE



LOT 1 DRIVEWAY TYPICAL SECTION  
SCALE 1:50 (A1)



DRIVEWAY LONG SECTION  
SCALE 1:100 (A1)

PRELIMINARY PLAN ONLY  
NOT FOR CONSTRUCTION

WARNING  
BEWARE OF  
UNDERGROUND SERVICES  
The location of underground services is  
approximate only and the exact position  
should be proven on site. No guarantee  
is given that all services are shown.

REV	AMENDMENTS	DRAWN	DATE	APPR

NOTES

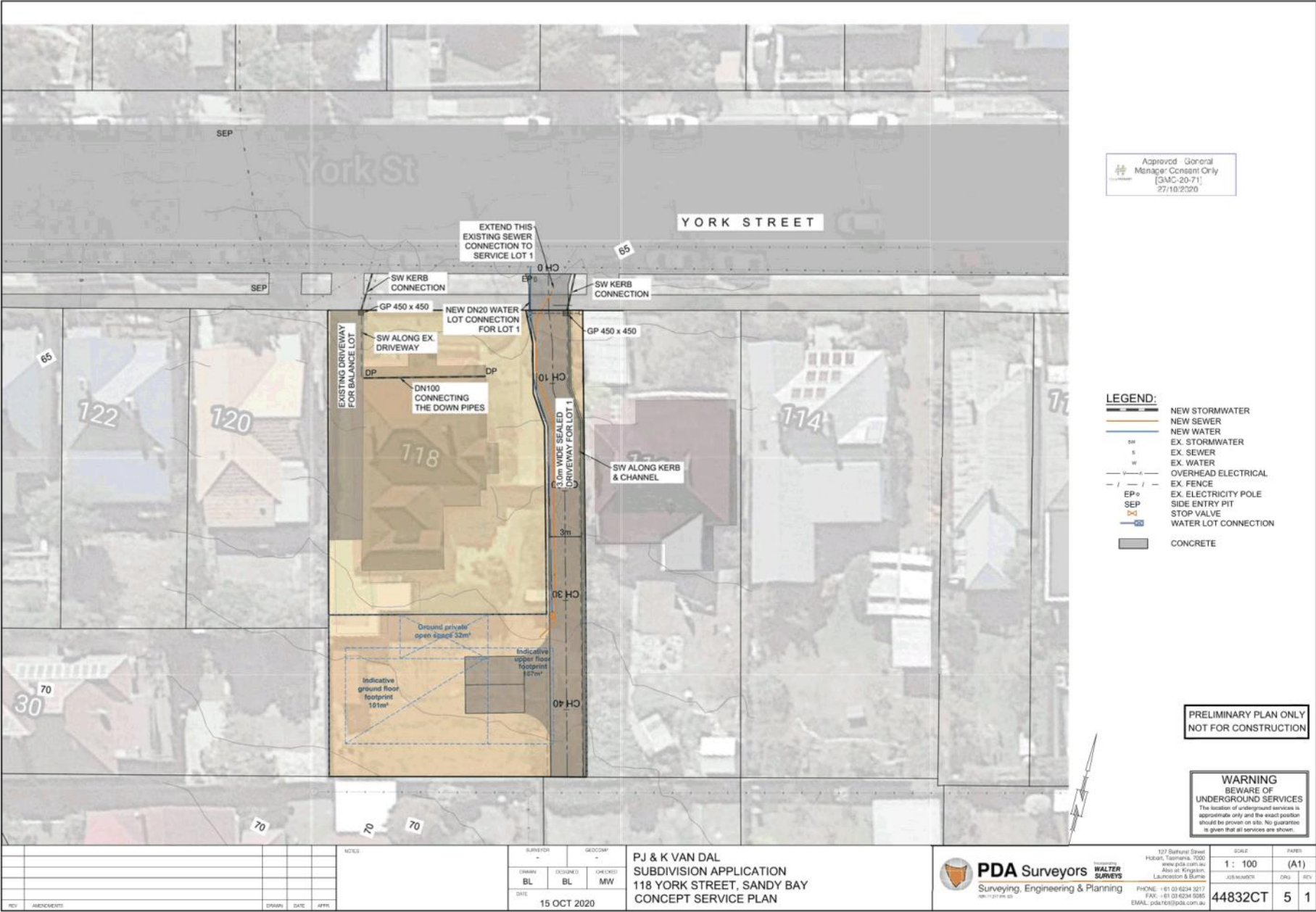
SUPERVISOR	DESIGNED	CHECKED
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DATE	15 OCT 2020	

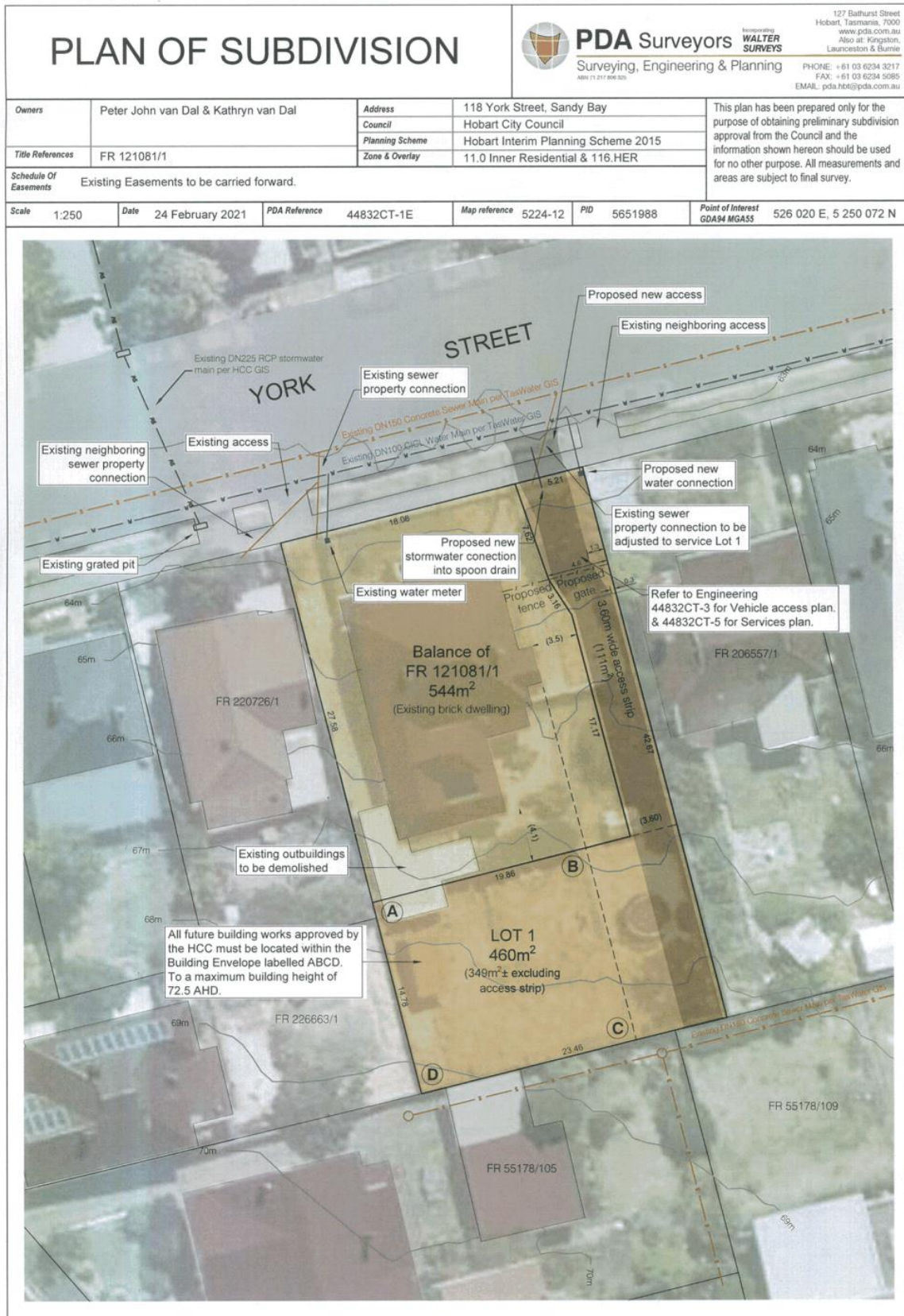
PJ & K VAN DAL  
SUBDIVISION APPLICATION  
118 YORK STREET, SANDY BAY  
LOT 1 DRIVEWAY LONG & TYPICAL SECTIONS



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SCALE	PANEL
1 : 100	(A1)
44832CT	4 1







## Application Referral Cultural Heritage - Response

<b>From:</b>	Nick Booth
<b>Recommendation:</b>	Proposal is acceptable subject to conditions.
<b>Date Completed:</b>	
<b>Address:</b>	118 YORK STREET, SANDY BAY ADJACENT ROAD RESERVE
<b>Proposal:</b>	Partial Demolition, Subdivision (One Additional Lot), and Associated Works
<b>Application No:</b>	PLN-20-259
<b>Assessment Officer:</b>	Michaela Nolan,

### Referral Officer comments:

This application relates to the rear and side garden area of a single storey residential property at 118 York Street, Sandy Bay. The property is not identified as a Heritage Listed Place, but does form part of the Golf Links Estate (SB6) Heritage Precinct within the Hobart Interim Planning Scheme 2015.

The proposal seeks the demolition of a small number of outbuildings and approval for the subdivision of the plot to form an additional plot. Submitted plans indicate a potential building footprint and provide for a future access driveway from the rear to York Street adjacent to the boundary with 116 York Street, requiring a new dropped curb.

Whilst the form of any such future development cannot be considered under the current proposal, the performance criteria within the Hobart Interim Planning Scheme 2015 do stipulate that the applications for sub-division of a site within a heritage precinct can be adjudged on the potential of an increased likelihood for future development that is incompatible with the described characteristics of the heritage Precinct. Therefore, an 'in principle' approach can be adopted to a degree when considering applications solely for sub-division.

### Hobart Interim Planning Scheme 2015

Demolition within Heritage Precincts are dealt with under E13.8.1 'Demolition'. The stated objective of the provision 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.'

Subdivision within Heritage Precincts are dealt with under E13.8.3 'Subdivision' of the Hobart Interim Planning Scheme 2015. The stated objective of E13.8.3 is:

'To ensure that subdivision within a Heritage Precinct is consistent with historic patterns of development and does not create potential for future incompatible development.'

E 13.8.3 provides no acceptable solution and stipulates that subdivision must not result in -

- (a) detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2;

- (b) a pattern of subdivision unsympathetic to the historic cultural heritage significance of the precinct;
- (c) potential for a confused understanding of the development of the precinct;
- (d) an increased likelihood of future development that is incompatible with the historic cultural heritage significance of the precinct.

With regard to Golf Links Estate Heritage Precinct, as set out in Table E13.2, the Precinct is considered significant for reasons including:

1. Its value as the largest single subdivision in Sandy Bay with a very fine group of c1920-1930 houses, the best such group in Hobart.
2. Its predominantly single storey Edwardian character with very intact streetscapes. The houses are all very good examples of Edwardian cottages and Californian Bungalow styles.
3. The predominantly intact building stock.
4. The connection of the site with the former golf links which is still readable in the subdivision pattern.

#### Existing Place

118 York Street is a detached single storey brick built property constructed in 1924 and built with a raised front entrance, partially enclosed front veranda and detailing that clearly identifies it as a largely intact and Edwardian in character. It sits back and up from the roadside consistent with the general built form of the immediate townscape and sits behind a low front boundary wall and has a relatively large side and rear garden in keeping with the surrounding streetscape. It is therefore considered that the building is one of the earlier developments within the estate and is entirely consistent with the described characteristics of the Precinct. It is therefore regarded as a contributory element that enhances the coherency of the streetscape.

With regards to the proposed demolition, the rear outbuildings in question are entirely hidden from public view and offer no contribution to the character of the Heritage Precinct. It is therefore considered that their removal would have no detrimental impact upon the character of the Precinct in this instance.

With regards to the proposed sub-division, it is considered that E13.8.3 (d) above would appear to indicate that the intention of the scheme is that the proposed subdivision must be determined based on the potential final development that may occur as a result. As set out above, the Precinct is described as being clearly identifiable as a predominantly single storey townscape with an identifiable pattern of development. It is considered therefore that the ability of 'potential' new development to impact to these qualities is largely determined on two factors. First, whether the resulting building envelope produced would allow for development that would run contrary to the above characteristics in terms of height and subdivision pattern and second; the extent to which possible conflict with these characteristics, would be mitigated by the degree to which such potential development would be hidden from public view by the existing built form.

Within the originally submitted plans in support of the proposal, it was demonstrated that the maximum building envelope height of 9.5m permissible for this zone could be achieved under the proposed plot size. It is noted that indicative plans submitted showed a potential two storey development on the proposed plot and supporting Planning Assessment Report provided by the Applicant comments that given the degree of setback and the extent to which the bulk of the existing dwelling would obscure development to the rear,

*'a dwelling with a height of up to 6-7m might be able to be accommodated on the site*

*without undue visual impact to the historic streetscape'*

and that

*'it is considered unnecessary to limit any building area through vertical limits as this discretion should remain to provide sufficient flexibility in building design, given the reasonably modest horizontal footprint.'*

On site observations noted that 118 York Street has a relatively wide side garden, so that the distance between 118 York Street and 116 York Street is some 9.5 metres between built forms. It was also noted that 118 York Street stands on a rising gradient so that the rear parts of the site stands some 4 metres higher than the front boundary. Given this change in levels, the gap within the streetscape between 118 and 116 York Street and the 9.5m permissible building envelope, it is considered that contrary to the suggestion made within the supporting Planning Assessment Report, development within the area identified within the originally submitted plans as the proposed would be substantially visible from the street. The greater the height of any such development, the greater its likely visual impact.

As stated above, it is considered that E 13.8.3 (d) above would appear to indicate that the intention of the scheme is that must we determine the proposed subdivision based on the 'potential' final development that may occur as a result. Given that both the single storey character of the Precinct, and its identifiable pattern of sub-division and the coherent role it played in the development of Hobart as its largest single sub-division estate in Hobart are specifically identified within the characteristics of the Golf Links Estate Heritage Precinct, a potential two storey dwelling or higher would appear to run contrary to E13.8.3 (a), (b), (c) and (d) as set out in the Hobart Interim Planning Scheme 2015.

Based on the above and the likely recommendation in the negative, discussions were undertaken with the Applicants representative. As part of that discussion, the Applicant was informed that a single storey dwelling that was located to the rear of the existing parent building, especially one that reflected the same built form and materials, would likely read as an addition to the original house and as such would not necessarily appear as a distraction to the character of the Precinct. This could be further enhanced should it be enclosed by a 1.8m boundary fence set back from the front elevation of the existing house, enclosing the rear of the site as if a single rear garden.

Alternatives were discussed and the ability to limit future development in terms of height and location within the proposed plot by way of a Part 5 Agreement was suggested. Subsequently, written confirmation was received from the Applicant that they would be prepared to enter in to an appropriately worded Part 5 Agreement and provided a supporting annotated plan in which the location of any future building would be behind the parent building and limited to a maximum height of 4.5m. In addition, the section of subdivided front garden forward of the front building of the existing building would not be fenced to retain the appearance of a single front garden and a new fence would be constructed back from the front elevation of the existing house, limiting views of any potential rear development.

The signing of a Part 5 Agreement would effectively place a non-negotiable legal control over the land providing certainty over the maximum height and location of future development. Based on the above, it is considered that a structure not exceeding 4.5m in height and located to the rear of the massing of the parent building is not likely to create a significant impact by visually retaining both the consistency of scale and pattern of development from within the public realm.

#### Response to Representations

It is noted that a number of representations make reference to the City of Hobart Local Heritage Precincts Description, Statement of Local Historic Heritage Significance and Design Criteria / Conservation Policy January 2019. It should be noted that whilst these documents have been approved for adoption by the Elected Members, they have yet to be formally adopted into the Interim Planning Scheme 2015 and as such have no statutory weight as this time.

Comments relating to heritage can be summarised as follows –

a) The proposal would damage the subdivision pattern of the former Golf Links Estate and the retention of rear gardens should be viewed as an integral part of the Precinct.

Response -

It has been confirmed by the Planning Tribunal that impact upon Heritage Precincts should be judged from what is visible from within the public realm of the Precinct. That is, if alterations, extensions or demolition occurs in parts of the Precinct that are not visible from the public realm, it is not reasonable to argue that those actions have had an impact, either positive or negative, upon the cultural significance of the Precinct, regardless of what the described characteristics are considered to be. Therefore the greater the visibility, the greater it's potential to have a detrimental impact.

With regard to pattern of subdivision of the Precinct, this would occur where notably separate development would be clearly visible, would clearly be understood not to be an extension of the existing house, and/or the associated access or boundary fencing were clearly associated with a separate plot to that of the parent building. In this instance, the final design of future development is not known. However, by agreeing to sign a Part 5 Agreement, limitations on the final height, location and boundary treatment can be determined. In this instance, it is considered that the legal agreement would limit future development to a height and location whereby the subsequent development would be largely visibly obscured by the existing building whilst visually retaining the front garden and boundary treatment as a single entity.

b) The likely new building would be two stories, located at the highest point of the property, so dominating the block and clearly visible from the street.

Response –

As stated above, it is considered that should an approval of subdivision and any subsequent proposal be limited by a Part 5 Agreement, a 4.5m height restriction would limit future development to a height similar to that of the parent building. As such, it is considered that such a development is likely not to appear out of scale or keeping with the predominantly single storey streetscape of the precinct.

c) The driveway will be the defining feature of the subdivision when viewed from the street. It will intrude on the view as it rises 40 m to the back fence.

Response –

The inclusion of side driveways is a consistent feature within the streetscape of the precinct and would not in of itself appear out of keeping with the character of the area. The proposed Part 5 Agreement would re-enforce this by omitting any boundary treatment between the parent block and any proposed drive way forward of the front building line, creating what would appear as a single front garden. Any new fencing would then be set back from the front elevation of the existing house, and would likely read as a standard enclosure of the back yard, considered to be in keeping with the character of the streetscape.

d) The building of any modern house in this location does not fit with the heritage character of the area.

The current application seeks the formal subdivision of the site and any subsequent development should approval be granted would be the subject of separation application.

#### Conclusion

Given the above, it is therefore considered that following the submission of a revised indicative Plan of Subdivision (dated 24 February 2021) and subject to the placing of a condition requiring the signing of a Part 5 Agreement limiting the height, location, boundary treatment of any future development on the new plot, the proposal would meet the heritage performance criteria of HIPS 2015 as stated under Clauses E.13.8.3.

#### Suggested Condition

1. The owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 with respect to limiting the height, location and boundary treatments of any future development of the plot to that shown but not limited by the indicative Plan of Subdivision dated 24 February 2021.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

Note: For further information with respect to the preparation of a Part 5 agreement please contact the City Planning Staff

#### Reason for condition

To ensure that any future development of the plot hereby approved would not lead to significantly large and visible residential development including associated boundary treatments forward of the existing building line to the detriment of the historical and cultural significance of the Heritage Precinct.

Nick Booth  
Heritage Office  
26 February 2021



## Application Referral Development Engineering - Response

<b>From:</b>	Stefan Gebka
<b>Recommendation:</b>	Proposal is acceptable subject to conditions.
<b>Date Completed:</b>	
<b>Address:</b>	118 YORK STREET, SANDY BAY ADJACENT ROAD RESERVE
<b>Proposal:</b>	Partial Demolition, Subdivision (One Additional Lot), and Associated Works
<b>Application No:</b>	PLN-20-259
<b>Assessment Officer:</b>	Michaela Nolan,

### Referral Officer comments:

#### Part D Zone Inner Residential Zone

<b>11.5 Development Standards for Subdivisions</b>			
<b>11.5.1 Lot Design</b>			
<b>Objective:</b>			<b>To provide for new lots that:</b>
	—	—	(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
	—	—	(b) contain building areas suitable for residential development at densities higher than that for the General Residential Zone and located to avoid hazards and other site restrictions;
	—	—	(c) result in a mix of lot sizes within the zone to enable a variety of dwelling and household types;
	—	—	(d) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;
	—	—	(e) ensure an average net density for new suburban areas no less than 25 dwellings per hectare with higher densities close to services, facilities and public transport corridors;
	Yes	No	(f) are provided in a manner that provides for the efficient and ordered provision of infrastructure
<b>Clause for Assessment</b>			<b>Comments / Discussion (in bold)</b>

<p>A3 (The frontage of each lot)</p> <p><b>PERFORMANCE CRITERIA</b></p>	<p>The frontage of each lot must satisfy the Performance Criteria of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does appear to satisfy the Performance Criteria for clause 11.5.1 (A3).</u></b></p> <p><u>Acceptable Solution - A3:</u> <b>No Acceptable Solution.</b></p> <p><u>Performance Criteria - P3:</u> The frontage of each lot must satisfy all of the following: (a) provides opportunity for practical and safe vehicular and pedestrian access; - <b>SATISFIED</b> (b) is no less than 6 m except if an internal lot. - <b>SATISFIED</b></p>
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<p>A4 (An internal lot)</p> <p><b>PERFORMANCE CRITERIA</b></p>		<p>The internal lot(s) must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).  <u><b>Documentation submitted to date does not satisfy the Acceptable Solution for clause 11.5.1 (A4) and as such, shall be assessed under Performance Criteria.</b></u></p> <p><u>Acceptable Solution - A4:</u>  No lot is an internal lot. - <b>NON COMPLIANT</b></p> <p><u>Performance Criteria - P4:</u>  An internal lot must satisfy the following:  (a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land; - <b>Satisfied</b>  (b) it is not reasonably possible to provide a new road to create a standard frontage lot; - <b>Satisfied</b>  (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot; - <b>Satisfied</b>  (d) the lot will contribute to the more efficient utilisation of residential land and infrastructure; - <b>Planner to assess</b>  (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use; - <b>Planner to assess</b>  (f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m; - <b>Satisfied</b>  (g) passing bays are provided at appropriate distances to service the likely future use of the lot; - <b>N/A</b>  (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road; - <b>N/A</b>  (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan. - <b>Satisfied by condition</b>  (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces. - <b>Planner to assess</b></p> <p><b>Based on the above assessment and given the submitted documentation, the internal lot(s) may therefore be accepted under <i>Performance Criteria P4:11.5.1</i> of the Planning Scheme.</b></p>
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<p>A5 (Arrangement and provision of lots)</p> <p><b>PERFORMANCE CRITERIA</b></p>		<p>The arrangement and provision of lots must satisfy the Performance Criteria of the Hobart Interim Planning Scheme 2015 (HIPS 2015).  <u><b>Documentation submitted to date does appear to satisfy the Performance Criteria for clause 11.5.1 (A5).</b></u></p> <p><u>Acceptable Solution - A5:</u>  <b>No Acceptable Solution</b></p> <p><u>Performance Criteria - P5:</u>  Arrangement and provision of lots must satisfy all of the following;  (a) have regard to providing a higher net density of dwellings along; - Planner to assess  (i) public transport corridors; - Planner to assess  (ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire; - Planner to assess  (iii) within 200 m of business zones and local shops; - Planner to assess  (b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone; - Planner to assess  (c) staging, if any, provides for the efficient and ordered provision of new infrastructure; - <b>Feasible</b>  (d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces; - Planner to assess  (e) is consistent with any applicable Local Area Objectives or Desired Future. - Planner to assess</p> <p><b>Based on the above assessment and given the submitted documentation, the arrangement and provision of lots may therefore be accepted under Performance Criteria P5:11.5.1 of the Planning Scheme.</b></p>
<b>11.5.2 Roads</b>		
<b>Objective:</b>		<p><b>To ensure that the arrangement of new roads within a subdivision provides for all of the following:</b></p>
	Yes <b>No</b>	(a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;
	Yes <b>No</b>	(b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;
	Yes <b>No</b>	(c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land.

A1 (New roads)			<p>The new road(s) must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause 11.5.2 (A1).</u></b></p> <p>Acceptable Solution - A1: The subdivision includes no new road. - <b>COMPLIANT</b></p>
<b>11.5.3 Ways and Public Open Space</b>			
<b>Objective:</b>			<p><b>To ensure that the arrangement of ways and public open space provides for all of the following:</b></p>
			<p>(a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community</p>
			<p>(b) the adequate accommodation of pedestrian and cycling traffic.</p>

<p>A1 (Arrangement of ways and public open space)</p> <p><b>PERFORMANCE CRITERIA</b></p>		<p>The arrangement of ways and public open space must satisfy the Performance Criteria of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <b><u>Documentation submitted to date does appear to satisfy the Performance Criteria for clause 11.5.3 (A1).</u></b></p> <p><u>Acceptable Solution - A1:</u> <b>No Acceptable Solution</b></p> <p><u>Performance Criteria - P1:</u> The arrangement of ways and public open space within a subdivision must satisfy all of the following: (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate; - <b>N/A</b> (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate; - <b>N/A</b> (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate; - <b>N/A</b> (d) convenient access to local shops, community facilities, public open space and public transport routes is provided; - <b>N/A</b> (e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate; <b>N/A</b> (f) provides for a legible movement network;- <b>N/A</b> (g) the route of new ways has regard to any pedestrian &amp; cycle way or public open space plan adopted by the Planning Authority; - <b>N/A</b> (h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy. - Planner to assess (i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following: (i) the width of the way; - <b>N/A</b> (ii) the length of the way; - <b>N/A</b> (iii) landscaping within the way; - Planner to assess (iv) lighting; - <b>N/A</b> (v) provision of opportunities for 'loitering'; - Planner to assess (vi) the shape of the way (avoiding bends, corners or other opportunities for concealment). - Planner to assess</p> <p><b>Based on the above assessment and given the submitted documentation, the arrangement of ways and public open space may therefore be accepted under <i>Performance Criteria P1:11.5.3</i> of the Planning Scheme as determined by COH Roads and Traffic Units.</b></p>
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11.5.4 Services		
Objective:		To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.
<p>A1 (Reticulated water supply)</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The reticulated water supply must satisfy the Acceptable Solution of the Hobart Interim Planning Scheme 2015 (HIPS 2015).  <b><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause 11.5.4 (A1).</u></b></p> <p>Acceptable Solution - A1:  Each lot must be connected to a reticulated potable water supply. - <b>COMPLIANT</b></p> <p>Performance Criteria - P1:  <b>No Performance Criteria.</b></p>
<p>A2 (Reticulated sewerage system)</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The reticulated sewerage system must satisfy the Acceptable Solution of the Hobart Interim Planning Scheme 2015 (HIPS 2015).  <b><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause 11.5.4 (A2).</u></b></p> <p>Acceptable Solution - A2:  Each lot must be connected to a reticulated sewerage system. - <b>COMPLIANT</b></p> <p>Performance Criteria - P2:  <b>No Performance Criteria.</b></p>
<p>A3 (Stormwater system able to service the building area by gravity)</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The stormwater system must satisfy the Acceptable Solution or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).  <b><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause 11.5.4 (A3).</u></b></p> <p>Acceptable Solution - A3:  Each lot must be connected to a stormwater system able to service the building area by gravity. - <b>COMPLIANT</b></p>



A4 (New Road)			<p>The new road(s) must satisfy the Acceptable Solution or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause 11.5.4 (A4).</u></b></p> <p>Acceptable Solution - A4: - <b>COMPLIANT</b></p> <p>The subdivision includes no new road.</p>

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

<b>E5.1 Purpose</b>			<p>E5.1.1</p> <p>The purpose of this provision is to:</p> <p>(a) protect the safety and efficiency of the road and railway networks; and</p> <p>(b) reduce conflicts between sensitive uses and major roads and the rail network.</p>
<b>E5.2 Application of this Code</b>	<b>YES</b>	<b>NO</b>	
			<b>This Code applies to use or development of land:</b>
	<del>Yes</del>	No	(a) that will require a new vehicle crossing, junction or level crossing; or
	<del>Yes</del>	No	(b) that intensifies the use of an existing access; or
	<del>Yes</del>	No	(c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
	<del>Yes</del>	No	(i) a rail network;
	<del>Yes</del>	No	(ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.
<b>Clause for Assessment</b>			<b>Comments / Discussion (in bold)</b>
<p>Clause 5.5.1 Existing road accesses and junctions</p> <p><b>ACCEPTABLE SOLUTION</b></p>			<p>The existing road access must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><b><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E5.5.1 (A3)</u></b></p> <p>Acceptable Solution A3: - <b>COMPLIANT</b></p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>



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

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

Performance Criteria – P1:

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

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

- All traffic generated by the proposed development will be residential in nature. This is compatible with the existing traffic utilising York Street near the subject site.

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

- York Street 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 York Street. This speed limit is appropriate for the residential nature of the development.

(c) any alternative access;

- No alternative access is possible for the proposed development.

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

- 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. - No written advice was requested by the road authority (Council) relating to the access.
		<b>Council is of the opinion that the Acceptable Solution for clause E5.6.4 is not met due to sight lines being obstructed by fencing and on-street car parking adjacent to the access however, given the submitted plans and documentation the development may therefore be accepted under Performance Criteria P1:E5.6.4 of the Planning Scheme.</b>

**E 6.0 Parking and Access Code**

<b>E6.1 Purpose</b>			E6.1.1 The purpose of this provision is to:
	Yes	N/A	(a) ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;
	Yes	N/A	(b) ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;
	Yes	N/A	(c) ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;
	Yes	N/A	(d) ensure parking areas are designed and located in conformity with recognised standards to enable safe, easy and efficient use and contribute to the creation of vibrant and liveable places;
	Yes	N/A	(e) ensure access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles; and by reducing opportunities for crime or anti-social behaviour;
	Yes	N/A	(f) ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards;
	Yes	N/A	(g) recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;
	Yes	N/A	(h) provide for safe servicing of use or development by commercial vehicles.
<b>E6.2 Application of this Code</b>	<b>YES</b>	—	<b>This code applies to all use and development.</b>

Clause for Assessment		Comments / Discussion (in bold)
<p>Clauses 6.6's are all to do with parking number assessment. These will be assessed by planner based on DE assessment of the following relevant clauses.</p> <p><b>NOT APPLICABLE</b></p>		<p>The design of the vehicle access must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date appears not to invoke clause E6.6's.</u></p> <p>Submitted documentation appears to indicate no car parking requirements. - Vacant lot.</p>
<p>Clause 6.7.1 number of vehicle accesses</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The number of vehicle accesses must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date appears to be able to satisfy the Acceptable Solution for clause E6.7.1.</u></p> <p>Acceptable solution: - <b>COMPLIANT</b></p> <p>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.</p> <p><b>One (1x) crossover (York Street frontage) per lot.</b></p> <p><b>One (1x) existing crossover - no change, and one (1x) proposed.</b></p>
<p>Clause 6.7.2 design vehicle access</p> <p><b>PERFORMANCE CRITERIA</b></p>		<p>The design of the vehicle access must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.2 (a) [sight distance: 2m x 2.5m sight triangles - These areas to be kept clear of obstructions to visibility] and as such, shall be assessed under Performance Criteria.</u></p> <p>Submitted plans indicate 2m x 2.5m sight triangle areas abutting the driveway are <b>not</b> kept clear of obstructions to visibility due to existing front fence and neighbouring garage wall.</p> <p>Acceptable Solution - A1: - <b>NON COMPLIANT</b></p> <p>Design of vehicle access points must comply with all of the following:</p> <p>(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</p>

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**

(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;  
- **Acceptable, submitted documentation appears to satisfy this requirement**

(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**

(d) ease of accessibility and recognition for users.  
- **Acceptable, submitted documentation appears to satisfy this requirement**

**Condition on planning permit to construct in strict accordance to the design drawings in order to promote a safe, efficient and convenient use of the driveway accesses.**

**The submitted drawings state the following;**

**"CONCRETE POWER POLE TO BE RELOCATED IN ACCORDANCE WITH THE REQUIREMENTS OF TASNETWORKS + HOBART CITY COUNCIL AT DEVELOPERS COST"**

**Condition on planning permit for design drawing indicating the final location.**

**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 access and driveway, and the low volume of traffic on the road from which the property gains access.**

**Surrounding properties exhibit similar access provisions.**

<p>Clause 6.7.3 vehicle passing</p> <p><b>PERFORMANCE CRITERIA</b></p>		<p>Vehicle passing must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <b><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.3 and as such, shall be assessed under Performance Criteria.</u></b></p> <p>Acceptable solution - A1: - <b>NON COMPLIANT</b></p> <p>Vehicular passing areas must:</p> <p>(a) be provided if any of the following applies to an access:</p> <p>(i) it serves more than 5 car parking spaces; - <b>NO</b></p> <p>(ii) is more than 30 m long; - <b>YES</b></p> <p>(iii) it meets a road serving more than 6000 vehicles per day; - <b>No</b></p> <p>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; - <b>N/A</b></p> <p>(c) have the first passing area constructed at the kerb; - <b>N/A</b></p> <p>(d) be at intervals of no more than 30 m along the access. - <b>N/A</b></p> <p>Performance Criteria - P1:</p> <p>Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; - <b>Acceptable, submitted documentation appears to satisfy this requirement</b></p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; - <b>Acceptable, submitted documentation appears to satisfy this requirement</b></p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development; - <b>Acceptable, submitted documentation appears to satisfy this requirement</b></p> <p>(d) ease of accessibility and recognition for users; - <b>Acceptable, submitted documentation appears to satisfy this requirement</b></p> <p><b>Based on the above assessment and given the submitted documentation, vehicle passing areas may be accepted under <i>Performance Criteria P1:E6.7.3</i> of the Planning Scheme. Given the driveway configuration, and the low volume of traffic.</b></p>

<p>Clause 6.7.4 on site turning</p> <p><b>NOT APPLICABLE</b></p>		<p>On-site turning must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.4.</u></p> <p><u>Acceptable solution - A1:</u> On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; - <b>COMPLIES</b> (b) it meets a road carrying less than 6000 vehicles per day. - <b>COMPLIES</b></p> <p>Submitted documentation appears to indicate no facility / requirement for on-site turning.</p> <p>Although not a requirement, on-site turning is feasible given the manoeuvring provisions.</p>
<p>Clause 6.7.5 layout of parking area</p> <p><b>NOT APPLICABLE</b></p>		<p>The layout of the parking area must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause 6.7.5.</u></p> <p>Submitted documentation appears to indicate no new parking area(s).</p>
<p>Clause 6.7.5 layout of parking area</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The layout of the parking area must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears to satisfy the Acceptable Solution for clause 6.7.5.</u></p> <p><u>Acceptable Solution A1: - COMPLIANT</u> The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.</p> <ul style="list-style-type: none"> <li>• Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A): - Submitted documentation appears to satisfy this requirement</li> <li>• Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side): - Submitted documentation appears to satisfy this</li> </ul>



		<p>requirement</p> <ul style="list-style-type: none"> <li>• Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance): - <b>Submitted documentation appears to satisfy this requirement</b></li> <li>• Parking Space Gradient (5%): - <b>Submitted documentation appears to satisfy this requirement</b></li> <li>• Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A): - <b>Submitted documentation appears to satisfy this requirement</b></li> <li>• Garage Door Width &amp; Apron (AS2890.1 Fig 5.4 = 2.4m wide =&gt; 7m wide apron): - <b>Submitted documentation appears to satisfy this requirement</b></li> <li>• Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance): - <b>Submitted documentation appears to satisfy this requirement</b></li> <li>• Driveway Gradient &amp; Width (AS2890.1 Section 2.6 = 25% and 3m): - <b>Submitted documentation appears to satisfy this requirement</b></li> <li>• Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag =&gt; 2m transition): - <b>Submitted documentation appears to satisfy this requirement</b></li> <li>• Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope): - <b>Submitted documentation appears to satisfy this requirement</b></li> <li>• Blind Aisle End Widening (AS2890.1 Fig 2.3 = 1m extra): - <b>N/A</b></li> <li>• "Jockey Parking" (Performance Assessment): - <b>Not indicated</b></li> </ul>
<p>Clause 6.7.5 layout of parking area</p> <p><b>PERFORMANCE CRITERIA</b></p>		<p>The layout of the parking area must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <b><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.5 and as such, shall be assessed under Performance Criteria.</u></b></p> <p>Acceptable Solution A1: - <b>NON COMPLIANT</b></p>



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

- Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A):

- **Submitted documentation appears able to satisfy this requirement**

- Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side):

- **Submitted documentation appears able to satisfy this requirement**

- Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance):

- **Submitted documentation appears able to satisfy this requirement**

- Parking Space Gradient (5%):

- **Submitted documentation appears unable to satisfy this requirement**

- Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A):

- **Submitted documentation appears able to satisfy this requirement**

- Garage Door Width & Apron (AS2890.1 Fig 5.4 = 2.4m wide => 7m wide apron):

- **Submitted documentation appears able to satisfy this requirement**

- Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance):

- **Submitted documentation appears to satisfy this requirement but assessed under Performance Criteria**

- Driveway Gradient & Width (AS2890.1 Section 2.6 = 25% and 3m):

- **Submitted documentation appears able to satisfy this requirement**

- Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag => 2m transition):

- **Submitted documentation appears able to satisfy this requirement**

- Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope):

- **Submitted documentation appears able to satisfy this requirement**

			<ul style="list-style-type: none"> <li>• Blind Aisle End Widening (AS2890.1 Fig 2.3 = 1m extra): - <b>N/A</b></li> <li>• "Jockey Parking" (Performance Assessment): - <b>YES but assessed under Performance Criteria</b></li> </ul> <p>Performance Criteria - P1: The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site. - <b>Acceptable, submitted documentation appears to satisfy this requirement</b></p> <p><b>Residential car parking space layout may utilise 'Jockey Parking' configuration in which the one car parking space is behind another car parking space provided it serves it serves the same dwelling and is not designated for visitors. Submitted documentation appears to meet these parameters and therefore may be accepted under Performance Criteria P1:E6.7.5 given the driveway configuration.</b></p>
Clause 6.7.6 surface treatment  <b>ACCEPTABLE SOLUTION</b>			<p>The surface treatment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <b>Documentation submitted to date does satisfy the Acceptable Solution for clause E6.7.6.</b></p> <p>Acceptable Solution - A1: - <b>COMPLIANT</b> Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; and (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p> <p><b>Submitted plans indicate the proposed driveway being a concrete surface treatment and able to be drained to an approved stormwater system. Condition on Planning Permit to ratify timing.</b></p>
Clause 6.7.7 Lighting of parking area Planner and health unit to assess	—	—	Planner to assess
Clause 6.7.8 Landscaping Planner to assess	—	—	Planner to assess

<p>Clause 6.7.9 motor bike parking</p> <p style="text-align: center;"><b>NOT APPLICABLE</b></p>		<p>The motor bike parking must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.9.</u></p> <p><u>Acceptable Solution A1 (E6.6.3):</u>  The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.</p> <p><b>NO REQUIREMENT</b> (&lt;19 car parking spaces).</p>
<p>Clause 6.7.10 bicycle parking</p> <p style="text-align: center;"><b>NOT APPLICABLE</b></p>		<p>The bicycle parking must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.10.</u></p> <p><u>Acceptable Solution A1:</u>  The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.</p> <p><u>Acceptable Solution A2:</u>  The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.</p> <p>User Class: <b>Residential</b></p> <p>Table E6.2 sets out the number of bicycle parking spaces required. The requirement for spaces for a use or development listed in the first column of the table is set out in the second and forth columns of the table with the corresponding class set out in the third and fifth columns. If the result is not a whole number, the required number of (spaces) is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.</p> <p><b>NO REQUIREMENT</b></p>

Clause 6.7.11 bicycle end trip Planner to assess	—	—	Planner to assess
Clause 6.7.12 siting of car parking Planner to assess based on DE assessment of Clause 6.7.5 layout of parking area	—	—	Planner to assess
Clause 6.7.13 facilities for commercial vehicles  <b>NOT APPLICABLE</b>			<p>The facilities for commercial vehicles must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.13.</u></p> <p>Submitted documentation appears to indicate no commercial vehicles loading, unloading or manoeuvring.</p>
Clause 6.7.14 access to a road  <b>ACCEPTABLE SOLUTION</b>			<p>The access to a road must satisfy the Acceptable Solutions of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E6.7.14.</u></p> <p>Acceptable Solution A1: - <b>COMPLIANT</b> Access to a road must be in accordance with the requirements of the road authority.</p> <p>Performance Criteria - P1: <b>No Performance Criteria</b></p> <p><b>Submitted plans indicate an existing access to a road with no changes proposed and a proposed crossover to serve the new lot.</b></p> <p><b>Submitted plans appear to indicate new access to a road in accordance with relevant LGAT drawings.</b></p> <p><b>The submitted drawings state the following; "CONCRETE POWER POLE TO BE RELOCATED IN ACCORDANCE WITH THE REQUIREMENTS OF TASNETWORKS + HOBART CITY COUNCIL AT DEVELOPERS COST"</b></p> <p><b>Condition on planning permit for design drawing indicating the final location.</b></p> <p><b>Referred to the Roads and Capital Works Unit for determination and conditioning.</b></p>

Clause 6.7.15 access to Niree Lane			<p>The access to Niree Lane must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date appears not to invoke clause E6.7.15.</u></p> <p>No development proposed within Niree Lane.</p>
NOT APPLICABLE			

**E 7.0 Stormwater**

<b>E7.1.1 Purpose</b>			<p>E7.1.1</p> <p>The purpose of this provision is to ensure that stormwater disposal is managed in a way that furthers the objectives of the State Stormwater Strategy.</p>
<b>E7.2 Application of this Code</b>	YES	N/A	<b>This code applies to development requiring management of stormwater. This code does not apply to use.</b>
<b>Clause for Assessment</b>			<b>Comments / Discussion (in bold)</b>
<p>A1 (SW disposed to Public SW Inf via Gravity / P1 (onsite/pump))</p> <p><b>ACCEPTABLE SOLUTION</b></p>			<p>The stormwater drainage and disposal must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E7.7.1 (A1).</u></p> <p>Acceptable Solution A1: - <b>COMPLIANT</b></p> <p>Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p> <p><b>Submitted plans appear to indicate stormwater from new impervious surfaces being able to be disposed of by gravity to public stormwater infrastructure.</b></p> <p>To be verified at Plumbing Permit stage.</p>

<p>A2 (WSUD) /P2 (Mechanical Treatment)</p> <p><b>NOT APPLICABLE</b></p>		<p>The stormwater drainage and disposal must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date appears not to invoke clause E7.7.1 (A2).</u></p> <p>Acceptable Solution A2: A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m<sup>2</sup>; - <b>No</b> (b) new car parking is provided for more than 6 cars; - <b>No</b> (c) a subdivision is for more than 5 lots - <b>No</b></p> <p>Submitted documentation appears to indicate no requirement for stormwater treatment.</p>
<p>A3 (Minor SW System)</p> <p><b>ACCEPTABLE SOLUTION</b></p>		<p>The stormwater drainage and disposal must satisfy the Acceptable Solutions of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E7.7.1 (A3).</u></p> <p>Acceptable Solution A3: - <b>COMPLIANT</b> A minor stormwater drainage system must be designed to comply with all of the following:</p> <p>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; and - <b>Acceptable, submitted documentation appears to satisfy this requirement</b></p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. - <b>Acceptable, submitted documentation appears to satisfy this requirement</b></p> <p>Performance Criteria – P3: <b>No Performance Criteria.</b></p> <p><b>Referred to the Stormwater Unit for determination and conditioning.</b></p>

A4 (Major SW System accommodates 1:100 ARI)			The stormwater drainage and disposal must satisfy the Acceptable Solution of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E7.7.1 (A4).</u>  Submitted documentation does not appear to show any proposal for construction of major stormwater drainage.
NOT APPLICABLE			

**PROTECTION OF COUNCIL INFRASTRUCTURE**

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

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

Planning approval is sought for Partial Demolition & Subdivision (One Additional Lot).

More specifically the proposal includes:

- Subdivision to create a Balance Lot at the front of the site containing the existing dwelling.
- A new Lot 1 at the rear.
- The Balance Lot is 544m<sup>2</sup> and Lot 1 is 460m<sup>2</sup> with a 3.6m access strip to York Street.
- The outbuilding at the rear of the dwelling will be demolished.

**CONDITIONS:**

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

**General Conditions:**

ENG1: Pay Costs

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

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

ENG 3c: The access driveway and parking module (parking spaces and manoeuvring area) must be constructed in strict accordance with the PDA Surveyors documentation received by the Council on the 18th October 2020

ENG 4: The access driveway and parking module (car parking spaces, aisles and manoeuvring area) must be constructed to a sealed standard and surface drained

ENG 14: Services to each lot must be designed and installed to meet the needs of future development

ENG 16: Private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served

ENG 17: The developer must verify compliance with condition ENG 16 by supplying the Council with an as-installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements).

ENG r3: The proposed driveway crossover in York Street highway reservation must be designed and constructed.

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. (Stormwater Unit Report)

SUB s1: The existing outbuildings at the rear of the existing dwelling on the balance lot are to be demolished, prior to the sealing of the final plan (Stormwater Unit Report)

SURV 1: The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan (Surveying Services Unit)

SURV 2: The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the Local Government (Building & Miscellaneous Provisions) Act 1993 (Surveying Services Unit Report)

ENV1: SWMP

**ADVICE:**

- Dial before you dig
- Fees and charges
- Building Permit
- Plumbing Permit
- Occupation of the Public Highway
- Driveway surfacing over highway reservation
- Condition endorsement engineering
- Work in the highway reservation
- New Service Connection
- Stormwater
- Permit To Construct Public Infrastructure
- Stormwater/roads/Access
- Street Lighting
- Access
- Existing burdening easement
- Utilities

**REPRESENTATIONS:**

Nine (9x) - Against.

Summary of engineering related concerns;

- Increase in population and traffic congestion in an already congested area. This part of sandy bay is suffering from traffic congestion, and very limited parking. This has been a big issue for people providing support to both 87 and 89 view street, they are already having to park streets away, often York Street is fully parked out. More cars and congestion are not within character of the area, it creates issues for residents already, along with the noise of



increased traffic and population.

**- Representations were referred to Council City Mobility Unit (Traffic) for comment and Development Engineering is unaware of any any concerns or objections raised by Council's traffic engineers.**

• Parking is already limited within the area, and the increase in new residences will further reduce street front parking, increasing the number of vehicles in the area, and reducing the number of car parks available in the street.

**- Representations were referred to Council City Mobility Unit (Traffic) for comment and Development Engineering is unaware of any any concerns or objections raised by Council's traffic engineers.**

These comments are more about the driveway, but you may still be interested:

• The driveway will be the defining feature of the subdivision when viewed from the street. It will intrude on the view as it rises 40m to the back fence.

**- The driveway configuration would not be considered unusual or out of place in a residential setting.**

• The presence of vehicles within the backyard section of the block will create extra noise and pollution in an area that does not currently have vehicular traffic.

**- The driveway configuration would not be considered unusual or out of place in a residential setting. There are numerous examples whereby Council has previously approved driveways in backyard sections of lots.**

• The area is already congested with traffic and limited parking, an increase in population and traffic would make this worse.

**- Representations were referred to Council City Mobility Unit (Traffic) for comment and Development Engineering is unaware of any any concerns or objections raised by Council's traffic engineers.**

• Concerns about the noise from increased traffic and population

**- Representations were referred to Council City Mobility Unit (Traffic) for comment and Development Engineering is unaware of any any concerns or objections raised by Council's traffic engineers.**

• The proposed driveway would dominate the existing and proposed lot.

**- Not a Development Engineering consideration**

## Application Referral Roads - City Amenity - Response

<b>From:</b>	Meg K-J
<b>Recommendation:</b>	Proposal is acceptable subject to conditions.
<b>Date Completed:</b>	
<b>Address:</b>	118 YORK STREET, SANDY BAY ADJACENT ROAD RESERVE
<b>Proposal:</b>	Partial Demolition, Subdivision (One Additional Lot), and Associated Works
<b>Application No:</b>	PLN-20-259
<b>Assessment Officer:</b>	Michaela Nolan,

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### Referral Officer comments:

The proposal for one additional lot includes a new access off York Street. The plans show a standard width (3.6m) crossover, separated from the adjoining crossover. The gutter will likely not allow a standard crossover design however a concrete 'tombstone' style to match the other crossovers in the street may be accepted if necessary for vehicle clearance. The gradients of the crossover and driveway are within standard requirements.

The additional crossover will remove one on-street parking space.

The most significant requirement is the relocation of a power and light pole. This has been shown on the plans and will be included as a permit condition if granted.

The proposal is not considered to have adverse impact on the road infrastructure and is acceptable under Clause E6.7.14 subject to conditions

## Application Referral Traffic - City Planning - Response

<b>From:</b>	Alon Coutinho - Graduate Traffic Engineer
<b>Recommendation:</b>	
<b>Date Completed:</b>	
<b>Address:</b>	118 YORK STREET, SANDY BAY ADJACENT ROAD RESERVE
<b>Proposal:</b>	Partial Demolition, Subdivision (One Additional Lot), and Associated Works
<b>Application No:</b>	PLN-20-259
<b>Assessment Officer:</b>	Michaela Nolan,

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### Referral Officer comments:

Within the Supplementary Planning Report provided by PDA Surveyors, reference is made to the provision of a convex mirror on a TasNetworks pole within Council's highway reservation. It is outlined within the report that installing this mirror would provide sufficient sight distance for vehicles exiting the proposed access to oncoming pedestrians on the footpath.

Firstly, any new development that requires the provision of a convex mirror to meet Australian sight distance standards is unsatisfactory. However, it is clear in this case that the existing garage next door (the main sight distance obstruction) cannot be relocated / removed.

In short, convex mirrors are not an approved traffic management device and have no legal status. The City of Hobart does not install / allow installation of them on public highway reservation. These mirrors can create problems, for example people unfamiliar with their use can misjudge the speed of oncoming vehicles and distance of pedestrians, and there can be problems with visibility in wet / misty conditions. In addition, the position of these mirrors causes drivers to shift their line of sight to an unfamiliar position, which can result in not taking notice of other vehicles, hazards, etc.

While Council do not approve of the installation of convex mirrors on public highway reservation, they can be installed on private property at the cost of the property owner.

A suggested alternative treatment is the installation of a simple speed hump (bolt-on or otherwise) approximately 1.5 to 2 metres from the proposed driveway (on the access road within private property). Such a treatment forces drivers to slow down and pay attention when approaching the footpath / driveway lip, and also creates a noise to alert approaching pedestrians.

**7.2.3 26 TABART STREET, NEW TOWN - TWO MULTIPLE DWELLINGS  
PLN-20-563 - FILE REF: F21/20415**

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Address: 26 Tabart Street, New Town  
Proposal: Two Multiple Dwellings  
Expiry Date: 4 April 2021  
Extension of Time: Not applicable  
Author: Victoria Maxwell


***RECOMMENDATION***

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for two multiple dwellings at 26 Tabart Street New Town TAS 7008 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 10.4.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the density of the proposal is not compatible with the density of the surrounding area.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 10.4.2 A3 and P3 of the *Hobart Interim Planning Scheme 2015* because the visual impact caused by the bulk and scale of the proposal when viewed from the western adjoining lot will cause an unreasonable loss of amenity.

Attachment A: PLN-20-563 - 26 TABART STREET NEW TOWN  
TAS 7008 - Planning Committee or Delegated  
Report ↓ 

Attachment B: PLN-20-563 - 26 TABART STREET NEW TOWN  
TAS 7008 - CPC Agenda Documents ↓ 

Attachment C: PLN-20-563 - 26 TABART STREET NEW TOWN  
TAS 7008 - Density Calculations ↓ 

Attachment D: PLN-20-563 - 26 TABART STREET NEW TOWN  
TAS 7008 - Applicant Response to Submissions ↓



**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	1 February 2021
Expiry Date:	4 April 2021
Application No:	PLN-20-563
Address:	26 TABART STREET , NEW TOWN
Applicant:	Dennis Cantwell P.O. Box 200
Proposal:	Two Multiple Dwellings
Representations:	Three (3)
Performance criteria:	General Residential Zone Development Standards, Parking and Access Code, Electricity Transmission Infrastructure Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Two Multiple Dwellings at 26 TABART STREET  
NEW TOWN TAS 7008.

- 1.2 More specifically the proposal includes:
- two co-joined double storey units located on a corner lot,
  - Unit 1 has a total floor area of approximately 243m<sup>2</sup>, whilst Unit 2 has a total area of approximately 248m<sup>2</sup>,
  - each unit is provided with a double garage accessed individually off Tabart Street and Noble Drive respectively,
  - each unit has a central stairwell with light well turret, raising the roof profile over the stairwells to the maximum height of 8.5m,
  - the units will have a combined kitchen, living dining area with laundry and study rooms off the main space,
  - the upper floor includes a second kitchen lounge area with three (3) bedrooms and two bathrooms,
  - private open space areas are provided on both front and rear sides of the ground floor for both units,
  - a number of small almost Juliette style balconies are proposed on the upper floor, again on both front and rear of the units,
  - a landscape plan is provided for the area of the site outside the private open space patios, driveways and paths,
  - front fencing is proposed along both street frontages to a height of 1.8m along Tabart Street and 1.2m along Noble Drive and around the intersection corner.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 General Residential Zone - Density, Setback, Building Envelope, Sunlight, Privacy and Fencing.
  - 1.3.2 Parking and Access Code - Sight distance, Design of vehicle access and Layout of parking area.
  - 1.3.3 Electricity Transmission Infrastructure - located within Inner Protection Area.
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 17th December 2020 and 7th January 2021.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council because it is recommended for refusal.

## 2. Site Detail

- 2.1 The site is located on the corner of Tabart Street and Noble Drive in the Garrington Park subdivision. Surrounding uses are predominantly single dwellings on small urban lots to the north, south and west. To the east is a large currently vacant lot, approved for the development of 22 units. Further to the north and west are Council and State government properties. The property to the west contains a recently constructed low profile single storey dwelling. The driveway to that dwelling follows the mutual boundary. The adjoining property to the south remains undeveloped, but an application for a two storey dwelling is currently under assessment. All lots across Tabart Street are undeveloped at this time.



Figure 1: Location Plan (Geo Cortex, 2021)

- 2.2 The site is a corner lot, with primary frontage (shorter) to Noble Drive. Whilst the lot is the same size as adjacent lots, it has frontage to two roads. Access is currently provided off Tabart Street in the south eastern corner, providing the maximum distance from the intersection with Nobel Drive.

The site is flat with a minimum slope to the south west. It is cleared and put down to grass. There are a couple of street trees adjacent to the existing and proposed accesses. These will need to be on Noble Drive in order to make way for the new access.





Figure 2: Site Plan (Geo Cortex, 2021)

- 2.3 Temporary safety barriers for the development on 2 Noble Drive extend more than a metre into the subject lot as seen below.





Figure 3: View of site from Noble Drive with approx location of lot boundaries (Officer photo, 2021)



Figure 4: View of site from Tabart Street with approx location of lot boundaries (officer photo, 2021)

### 3. Proposal

- 3.1 Planning approval is sought for Two Multiple Dwellings at 26 TABART STREET NEW TOWN TAS 7008.

## 3.2 More specifically the proposal includes:

- two co-joined double storey units located on a corner lot,
- Unit 1 has a total floor area of approximately 243m<sup>2</sup>, whilst Unit 2 has a total area of approximately 248m<sup>2</sup>,
- each unit is provided with a double garage accessed individually off Tabart Street and Noble Drive respectively,
- each unit has a central stairwell with light well turret, raising the roof profile over the stairwells to the maximum height of 8.5m,
- the units will have a combined kitchen, living dining area with laundry and study rooms off the main space,
- the upper floor includes a second kitchen lounge area with three (3) bedrooms and two bathrooms,
- private open space areas are provided on both front and rear sides of the ground floor for both units,
- a number of small almost Juliette style balconies are proposed on the upper floor, again on both front and rear of the units,
- a landscape plan is provided for the area of the site outside the private open space patios, driveways and paths,
- front fencing is proposed along both street frontages to a height of 1.8m along Tabart Street and 1.2m along Noble Drive and around the intersection corner.

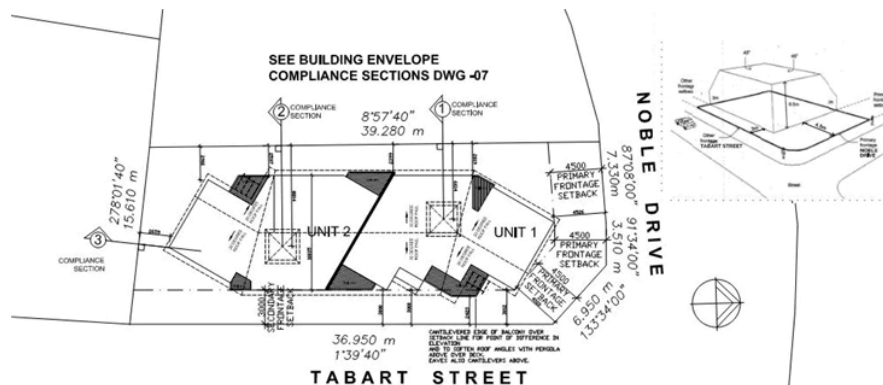


Figure 5: Applicant Site Plan (D Cantwell, 2020)

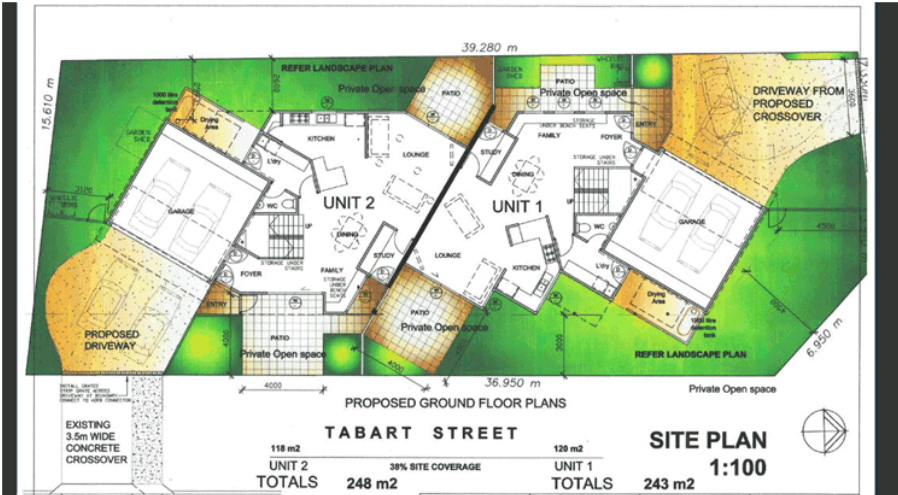


Figure 6: Ground floor plans (D Cantwell, 2020)



Figure 7: Upper Floor plans (D Cantwell, 2020)



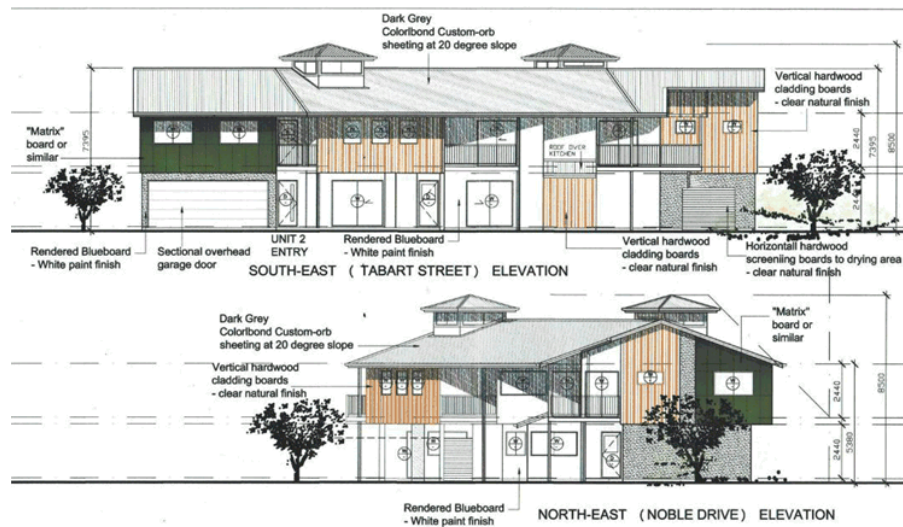


Figure 8: Front Elevations for Tabart St and Nobel Dr (D Cantwell, 2020)

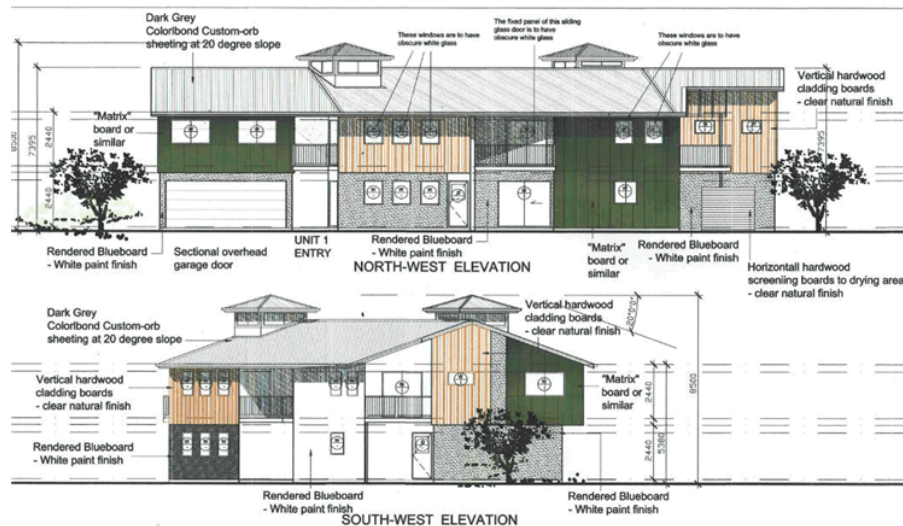


Figure 8: Rear Elevations (D Cantwell, 2020)

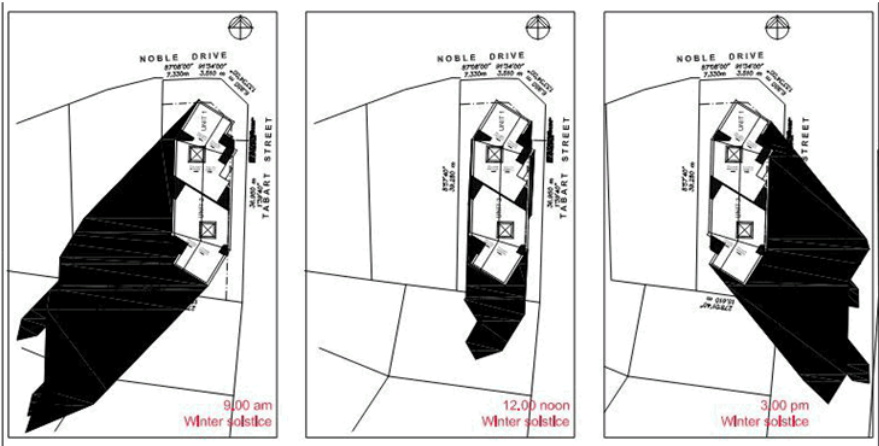


Figure 9: Shadow Diagrams for 21st June (D Cantwell, 2020)

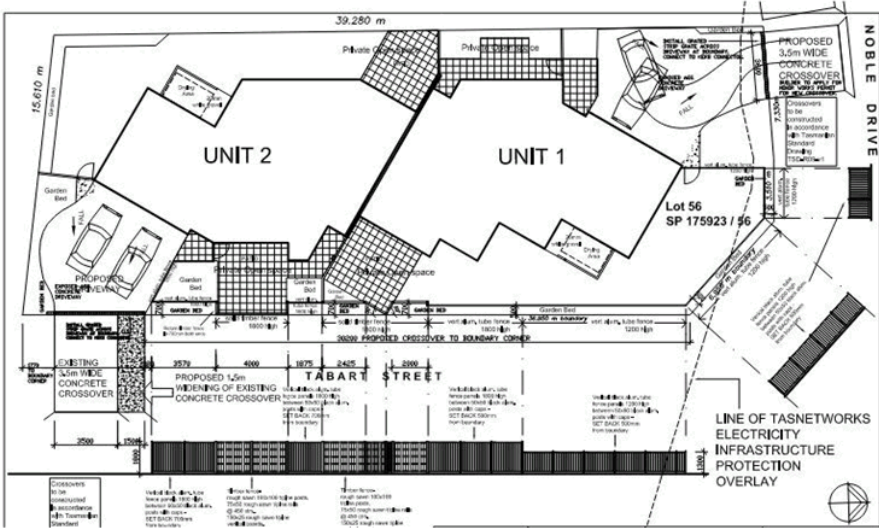


Figure 10: Front Fencing Details (D Cantwell, 2020)

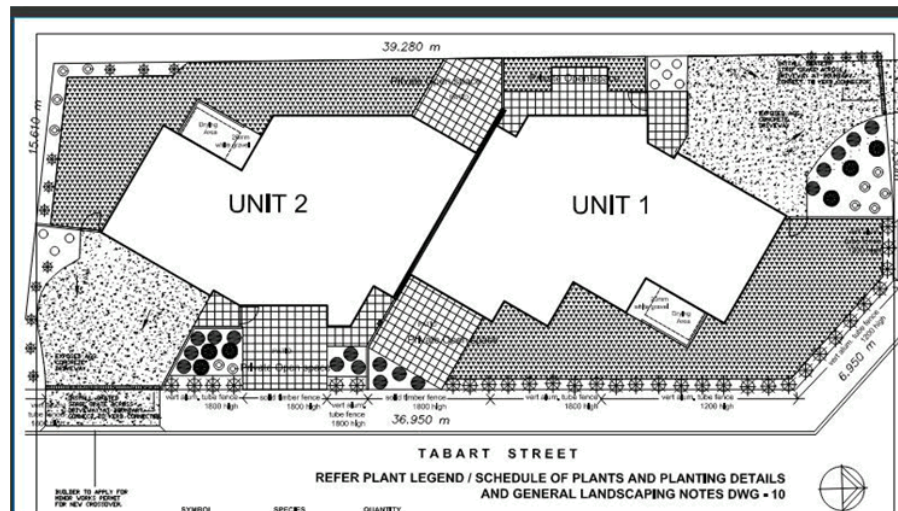


Figure 11: Landscaping plan (D Cantwell, 2020)

#### 4. Background

- 4.1 There is no relevant background for this application.

#### 5. Concerns raised by representors

- 5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 17th December 2020 and 7th January 2021.
- 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.

Overshadowing
The proposed development will cause unreasonable overshadowing of the living areas of neighbouring properties to the south.
The level of information provided is less than other applications, which also required March shadow diagrams. Is this not a standard information requirement?



The rear portion of the neighbouring southern property will have the living space shadowed by the proposal until at least midday on 21st June, providing only three hours of sunlight to the front of that lot, which is a bedroom not a living space.
Prior to Council determining this application, the applicant should be required to submit further shadow diagrams so that a full assessment can be made of the impact on the southern neighbouring dwelling living space.
Density
Council rezoned the Brickfields subdivision to General Residential, not Inner Residential, which has a significant impact on the character and density of the surrounding area. It is considered that it was Council's intent when rezoning to General Residential to create a character of single dwellings in a garden setting.
The Representators bought their property assuming in the General Residential zone that it would be essentially single dwellings with gardens. Whilst there are multiple dwellings in the subdivision, these are on larger lots with spacious garden areas, a single access point and do not impose on the neighboring dwellings (eg 4 Dowding Cres - 712m2, 6 Dowding Cres - 727m2 and 17 Dowding Cres 990m2).
The proposed development looks nothing like the other multiple dwelling complexes in the vicinity and is not consistent with surrounding development.
The proposal will make the representors feel "boxed in", due to the enormous scale of the structure.
The representors question the developer's comments that the proposed development is compatible with the density.
The density required for two units under the General Residential zone is 650m2. The subject site is 627m2 and therefore relies on the Performance Criteria 10.4.1 P1.
Sub-clause (b) is not relevant as it not for community housing, therefore the proposal must comply with sub-clause (a).
Compatible means the "same" or "similar to" as defined in numerous appeals.
A 100m radius from the subject site picks up new Brickfields subdivision development as well as established residential development on Giblin Street and Gregson Avenue. The newly subdivided lots vary from 450 to 700m2, with most under 600m2 and within the realm of 450-500m2. The majority have been developed for single dwellings, given their land area being under 600m2
The older areas are generally comprised of single dwellings on lots between 400 and 700m2.

The proposed 313.5m2 density per dwelling is not considered to be the "same".
Therefore the application should be refused as it fails to exhibit a density that is compatible with the surrounding area.
Privacy
Decks within 3m of a side boundary or 4m of a rear boundary must be screened with a transparency of no more than 25% and no less than 1.7m high. There are multiple decks on the first floor within 3m of the side boundary and therefore rely on the performance criteria for 10.4.6 P1.
The balconies have not been designed or screened to minimise overlooking of the western neighbour 2 Noble Drive.
The decks overlooking the western neighbour do not afford any privacy to bathrooms or bedrooms, which is a serious concern to parents of young children.
The decks appear to have been designed to enjoy mountain views and afternoon sun. Perhaps the developer was not aware of the proposed dwelling on 2 Noble Dr, which will obscure much of the solar access to the decks.
The balconies are small and "hotel" like rather than useable outdoor space.
It is therefore considered that the balconies are not required, especially as there is a large area of private open space available to each unit.
None of the balconies exhibit any design features to avoid overlooking of the neighbouring property. No screening is noted.
Given that no privacy screening has been proposed, the balconies do not comply with the Performance Criteria and therefore the proposal should be refused.
Clause 10.4.6 A2 requires windows within 3m of a boundary to be offset at least 1.5m from another window. This is not achieved in the proposal and therefore it relies on 10.4.6 P2.
Clause 10.4.6 P2 requires windows within 3m of the side boundary to be screened or otherwise located to minimise direct views into habitable rooms of another dwelling, the private open space or a vacant lot. The non-compliant windows are proposed to have white obscure glass. However no degree of transparency is indicated.
A better solution would be for the affected windows to have screening incorporated into their design or be high light windows, thereby avoiding the opportunity for direct views into the neighbouring dwelling.

The white obscure class is not considered to sufficiently respond to the performance criteria and it will be difficult to police and is an ineffective mechanism for avoiding direct overlooking.

In the absence of any other discretions, it is considered that these windows can only be dealt with by either permanently fixed screens or as part of the overall design of the offending windows to highlight windows.

## 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 vacant residential land . 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 - 10.0 General Residential Zone
  - 6.4.2 Part E - 5.0 Road and Railway Access Code
  - 6.4.3 Part E - 6.0 Parking and Access Code
  - 6.4.4 Part E - 7.0 Stormwater Management Code
  - 6.4.5 Part E - 8.0 Electricity Transmission Infrastructure Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
  - 6.5.1 General Residential Zone:
    - Density for Multiple Dwellings - Part D10.4.1 P1*

*Setbacks - Part D10.4.2 P1*

*Building Envelope - Part D10.4.2 P3*

*Sunlight - Part 10.4.4 P2*

*Privacy – Part D 10.4.6 P1: P2*

*Front Fence - Part D10.4.7 P1*

6.5.2 Road and Railway Access Code -

*Sight Distance - Part E5.6.4 P1*

6.5.3 Parking and Access Code:

*Design of Vehicle Access - Part E6.7.2 P1*

*Layout of Parking Area - Part E6.7.5 P1*

6.5.4 Electricity Transmission Infrastructure:

*Development located within the Inner Protection Area - Part E8.7.1 P1*

6.6 Each performance criterion is assessed below.

6.7 Residential Density for Multiple Dwellings - 10.4.1 P1

6.7.1 The acceptable solution at clause 10.4.1 requires that multiple dwellings have a site area of not less than 325m<sup>2</sup>, or in accordance with Table 10.4.1 (note Table 10.4.1 is not included in the Hobart Interim Planning Scheme 2015).

6.7.2 The proposal includes a site area of 627m<sup>2</sup> and two proposed units, which creates a site area per dwelling of 313.5m<sup>2</sup>.

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 10.4.1 P1 provides as follows:

*Multiple dwellings must only have a site area per dwelling that is less than 325 m<sup>2</sup>, or that specified for the applicable density area in Table 10.4.1, if the development will not exceed the capacity of infrastructure services and:*

*(a) is compatible with the density of the surrounding area; or*

*(b) provides for a significant social or community housing benefit and is in accordance with at least one of the following:*

*(i) the site is wholly or partially within 400 m walking distance of a public transport stop;*

*(ii) the site is wholly or partially within 400 m walking distance of a business, commercial, urban mixed use, village or inner residential zone.*

- 6.7.5 Recent Tribunal and Supreme Court decisions (in particular *Clarence City Council v Drury* [2021] TASSC 5) have accepted that 100m radius from the subject site was a reasonable as constituting the surrounding area.

A table of results of surrounding development is provided in the supplementary documents. Summarising the results in a 100m radius of the subject site, there are 52 residential lots (note Council and DIPIPWE land has been excluded). Of these 52 lots, there are three (3) unit lots. Two of the unit lots contain two dwellings each and the third lot is proposed to contain 22 units (15 Tabart Street). There are 10 vacant lots without proposed development within the 100m radius. All other (39) lots contain, or are proposed to contain, single dwellings.

The average lot size within the 100m radius is 611m<sup>2</sup>. Taking into account the proposed units, the residential density is 518m<sup>2</sup> per dwelling, with the 22 unit site included, (even though this is a significant outlier in the range of lot sizes and densities, and was approved by the Council on the basis that it provided for a significant social or community housing benefit). Because the character of surrounding area will be impacted by this 22 unit development, it should be included in the assessment. The median density is 490.5m<sup>2</sup>, with the 25th quartile being 403.5m<sup>2</sup> and the 75th quartile being 601m<sup>2</sup>. The proposed density of the two dwellings in this proposal is 313.5m<sup>2</sup>. Statistically speaking this is significantly less than the surrounding density.

Whilst the proposal generally complies with sub clause b (i), (ii) and (iii); being within 135m of Stop 12 on Forster Street and approximately 735m from the closest supermarket (Woolworths New Town) (approximately 990m from New Town Coles/Kmart complex) and approximately 115m from the Inner Residential zone bounded by Forster and Pedder Streets, the proposal is not considered to provide for a significant social or community housing benefit, and no evidence has been put by the applicant that it is intended to be so. As such, the main concern is the compatibility consideration with density.

The recent Tribunal and Supreme Court decisions have found that compatibility means 'in harmony with' or 'in broad correspondence'. Further, the decisions have found that a statistical analysis of compliance with the surrounding density should not be considered as determinative, and that a broad evaluative assessment of the proposed and surrounding density is required. In the context of these findings, it is noted that the proposed density is considerably less than the median density, the proposed density is outside the interquartile range (i.e. below the 25th percentile), and that of the surrounding 52 residential lots 39 contain or are proposed to contain single dwellings, 10 are vacant, two have two dwellings, and one has approval for 22 dwellings. As such, considering both the statistical analysis and the characteristics of density of the lots within 100m of the site, it is considered difficult to argue that the proposed density is in harmony or broad correspondence with that of the surrounding area. As such, the proposal is not considered to be compatible with the density of the surrounding area. The applicant provided information for consideration, however, assessed a 400m radius, which is not accepted as "surrounding".

6.7.6 The proposal does not comply with the performance criterion.

6.8 Front Setback - Part D 10.4.2 P1

6.8.1 The acceptable solution at clause 10.4.2 P1 requires a setback from secondary streets of 3m.

6.8.2 The proposal includes a minimum setback of 2.423m for the balcony for Unit 1.

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:

*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.*

- 6.8.5 The site is north south aligned on the corner of Tabart Street. The planning scheme defines the primary frontage on such a lot as the shorter frontage. Therefore the Noble Drive frontage is considered the primary frontage, requiring a 4.5m setback and Tabart Street is the secondary frontage, which allows a 3m setback from the road reservation.

Setbacks along Noble Drive are set by the abutting 2 Noble, which has a similar front setback to the proposal. Setbacks from Tabart Street do not reflect this site as their front setbacks are generally at least 4.5m from Tabart Street road reserve. Because this site is a corner lot, as mentioned above, the planning scheme classifies the long boundary as the secondary frontage which allows a 3m setback from the road reserve. This is not strictly in line with other dwellings along this building line, but is permissible under the zone standards.

There are no topographical constraints to the site, being relatively flat with a conventional rectangular design. Whilst the intersection requires a slightly curved corner, it is not this section of the lot where the setback variation occurs. The two unit structure is massive on the lot and indicates what the planning controls can permit, if the balcony was removed.

The site does not abut a high traffic road and so traffic noise protection is not relevant.

Whilst there is little justification for the reduction in setback and the whole structure does not conform to the existing building setback, this is more to do with the scheme development standards for a corner lot than the impact of the minor infringement of the balcony. The reduced setback for the balcony is considered acceptable in this case.

- 6.8.6 The proposal complies with the performance criterion.

6.9 General Residential zone - Building Envelope Part D 10.4.2 P3

- 6.9.1 The acceptable solution at clause 10.4.2 P3 requires development to fit within a 3 dimensional building envelope.
- 6.9.2 The proposal includes extension outside the building envelope in the north east and south eastern corners.
- 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 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.*

- 6.9.5 The recent Tribunal decision of *McCullagh v Glamorgan Spring Bay Council and Ors*, which specifically considered this clause, determined that once a proposal extends outside the acceptable solution building envelope, a detailed assessment of the performance criterion must be carried out, without reference to the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?

The western neighbour (2 Noble Dr) is a single storey dwelling with private open space proposed to the south and west. It will be overshadowed in the morning, but the sunshade diagrams show it will receive unimpeded sunshine from mid morning on 21st June. Figure 12 below provides scaled superimposed footprints and lot boundaries.

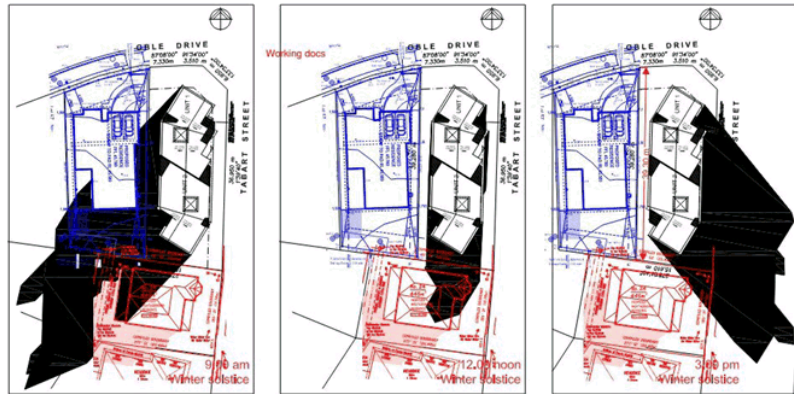


Figure 12: Officer superimposed neighbouring dwelling footprints in relation to applicant sunshade diagrams (D Cantwell, 2020, Wilson Homes 2019, Harkaway Homes, 2020)

- 6.9.6 Whilst the western neighbour will still receive acceptable amounts of sunshine in June, the visual impacts caused by the bulk and scale of the large two-unit structure is of significance when viewed from this property. A diagram superimposing the neighbouring dwelling onto the western elevation in Figure 13 gives some appreciation of the likely visual bulk of the building when viewed from the west. The two plans were accurately scaled prior to being superimposed and taken to have a similar ground level.



Figure 13: Officer superimposed view of subject site and 2 Noble St - western elevations (D Cantwell 2020 and Wilson Homes 2019)

- 2.9.7 Given the 4.5m separation between the two structures, the visual impact will be significant upon 2 Noble Drive. It is noted that the living space does not directly look out onto the subject lot, with the only living space windows being the home theatre and second bedroom. However, views towards the subject lot from the southern garden area will be compromised.

The neighbour to the south, (24 Tabart Street), currently has an application under assessment with Council. That proposes a two storey dwelling on a compact footprint, with living space along the whole of the northern side of

the ground floor. The sunshade diagrams in Figure 12 show that at any time of the day some part of the living space will be shaded. It is unlikely that any part of the living space will gain at least 3 hours of continuous sunshine on 21st June. However, overall the living space will receive 3 hours, because of the fact that the whole northern side is living space. The question is, is this reasonable to have the dining area having the dining room receiving three hours sunlight in the after noon, but the central living space in the middle of the northern elevation being likely to be shaded for most of the day. By 3pm the living space and front lounge gain sunlight, but it is likely that this won't happen until close to 3pm. A representation was received against the impact on solar access to southern neighbours. It is difficult to argue against this as quite clearly the loss of sunlight on the shortest day will be significant to the southern neighbour. However, given the overall living space will receive 3 hours of sunlight on June 21, it is considered to be in accordance with the performance criterion.

The visual impact on the southern neighbour, whilst significant, will be of less concern because views of this are along the short side of the building and its angle is such that the majority of the south western corner of the building is more than 5m from the mutual boundary.

Lots across Tabart Street are not developed yet, nor are there proposals under assessment. Given that the Tabart Street road reserve is 18m wide, there will be no unreasonable overshadowing concern. Whilst the structure will be substantial, the corner location will provide western views beyond the property, given the distance across the road. This is also the case for northern neighbour across Noble Drive. It is considered that there will be minimal impact on future or existing properties over the roads to the north or east.

In summary it is considered that the visual bulk of the conjoined double storey two unit structure will cause an unreasonable impact for the western neighbour.

6.9.8 The proposal does not comply with the performance criterion.

6.10 General Residential zone - Sunlight - 10.4.4 P2

6.10.1 The acceptable solution at clause 10.4.4 A1 requires a dwelling to have at least one habitable room with windows that face between 30 degrees west or east of north.

- 6.10.2 The proposal includes a monolithic structure aligned north south, with the second unit located on the southern side, with no opportunity for north facing windows
- 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 10.4.4 P1 provides as follows:
- A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).*
- 6.10.5 The southern unit (Unit 2) being located to the south of Unit 1 will not have any north facing windows. The orientation of windows in the east and western elevations will provide sun at an oblique angle, notwithstanding the fact that they will be frosted. Whilst this unit will not have direct access to northern sunshine, it will gain solar penetration through the pop-top light well in to the living space.
- 6.10.6 The proposal complies with the performance criterion.
- 6.11 General Residential zone - Privacy - Part D 10.4.2.6 P1
- 6.11.1 The acceptable solution at clause 10.4.6 A1 requires decks and balconies with a floor level 1m above natural ground level and within 3m of the side boundary to be screened.
- 6.11.2 The proposal includes three balconies with varying setbacks, all less than 3m from the side (western) boundary.
- 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 10.4.6 P1 provides as follows:
- A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:*
- (a) a dwelling on an adjoining lot or its private open space; or*  
*(b) another dwelling on the same site or its private open space; or*  
*(c) an adjoining vacant residential lot.*

- 6.11.5 The proposed balconies, whilst small in floor area do provide an opportunity for overlooking the private open space for 2 Noble Drive, as well as the private open space for Unit 1 in the north western portion of the lot. A representation was received, raising concerns about overlooking the neighbouring garden and bedrooms for that new dwelling. Whilst there is a driveway between the dwelling and mutual boundary, the risk of overlooking is substantial, given the minimal setback from that mutual boundary.

The applicant has agreed to install privacy screening to 1.7m high with a maximum 25% transparency on all upstairs decks. He indicated that the clients do not wish to enjoy the view, more they desire a flow of air. With the frosted glass sliding doors and permit conditions to screen the balconies on the western side. This satisfies the performance criteria requirement to minimise overlooking of adjoining private open space and the open space of other units on site.

The representation is supported and conditions will be imposed to protect resident privacy, through the installation of screens on all relevant balconies.

- 6.11.6 The proposal complies with the performance criterion.

6.12 General Residential zone - Front Fence - Part D 10.4.7 P1

- 6.12.1 The acceptable solution at clause 10.4.7 A1 permit front fencing to be solid to 1.2m or 1.8m with a uniform transparency of not less than 30% for any portion of fence above 1.2m.
- 6.12.2 The proposal includes 1.2m high fencing along the front boundary along Noble Drive and the curve around the intersection with Tabart Street and 1.8m high fencing along the remainder of the Tabart Street frontage to the crossover in the south eastern corner.
- 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 10.4.7 P1 provides as follows:

*A fence (including a free-standing wall) within 4.5 m of a frontage must:*

*(a) provide for the security and privacy of residents, while allowing for*

*mutual passive surveillance between the road and the dwelling; and  
(b) be compatible with the height and transparency of fences in the  
street, taking into account the:*

- (i) topography of the site; and*
- (ii) traffic volumes on the adjoining road.*

- 6.12.5 The 1.8m high fencing is mainly around the areas of private open space for Unit 2. It therefore facilitates privacy for that unit. Having living space on the upper floor with overhanging balconies will provide some degree of passive surveillance of the street. The fencing however, prevents any external (or mutual) surveillance of the property.

Surrounding lots along Tabart Street are yet to commence development. The closest developed property is 22 Tabart Street, this has a horizontal board fence approximately 1.2m high.

Being a relatively flat lot, the topography of the site does not provide justification for the increased height. Nor are the traffic volumes on Tabart Street or Noble Drive such that noise protection is required.

However, when viewed against the proposed bulk and scale of the unit structure, the 1.8m high fence is not dominating of the streetscape when viewed with the 5m front wall height to the eaves.

- 6.12.6 The proposal complies with the performance criterion.

6.13 Road and Railway Access Code - Sight distance - Part E 5.6.4 P1

- 6.13.1 The acceptable solution at clause 5.6.4 A1 requires sight distances in accordance with Tas Standard Drawings which require 80m sight distance for new accesses.
- 6.13.2 The proposal includes approximately 50m sightline to the west and 62m to the east in a 50km/h speed environment.
- 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 5.6.4 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.*

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

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

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

Acceptable solution - A1: - 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

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.
- (b) the frequency of use of the road or rail network; - New subdivision. Unable to determine
- (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; - Not provided; and

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

- 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 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 - E 5.6.4 of the Planning Scheme.

6.13.6 The proposal does not comply with the performance criterion, however it may meet an alternative clause in the Parking and Access Code.

6.14 Parking and Access Code - Design of Vehicle Access - E 6.7.2 P1

6.14.1 The acceptable solution at clause E 6.7.2 A1 requires non commercial access points to meet (amongst others) sight distances in accordance 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. This requires sight distance triangles of 2m x 2.5m clear of obstructions to visibility.

6.14.2 The proposal does not provide such sight distance triangles.

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

6.14.4 The performance criterion 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;*

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

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

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

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.2 (a) [sight distance: 2m x 2.5m sight triangles - These areas to be kept clear of obstructions to visibility] and as such, shall be assessed under Performance Criteria.

Submitted plans do not indicate 2m x 2.5m sight triangle

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; - Not demonstrated

(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; - Not demonstrated

(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

(d) ease of accessibility and recognition for users. - Acceptable, submitted documentation appears to satisfy this requirement

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 access and driveway, and the low volume of traffic on the road from which the property gains access.

6.14.6 The proposal complies with the performance criterion.

6.15 Parking and Access Code - Layout of parking area - Part E 6.7.5 P1

6.15.1 The acceptable solution at clause 6.7.5 A1 requires compliance with gradient, aisle widths and parking dimensions set out in the section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.

6.15.2 The proposal is deficient in detail for gradient, transitions for the accesses and parking areas.

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

6.15.4 The performance criterion 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.*

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

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

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.5 and as such, shall be assessed under Performance Criteria.

Acceptable Solution A1: - NON COMPLIANT

The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2

"Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.

- Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A): - Not shown
- Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side): - Not shown
- Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance): - Submitted documentation appears able to satisfy this requirement
- Parking Space Gradient (5%): - Not shown
- Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A): - Submitted documentation appears able to satisfy this requirement
- Garage Door Width & Apron (AS2890.1 Fig 5.4 = 2.4m wide => 7m wide apron): - Submitted documentation appears able to satisfy this requirement
- Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance): - Not shown
- Driveway Gradient & Width (AS2890.1 Section 2.6 = 25% and 3m): - Not shown
- Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag => 2m transition): - Not shown
- Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope): - N/A
- Blind Aisle End Widening (AS2890.1 Fig 2.3 = 1m extra): - N/A
- "Jockey Parking" (Performance Assessment): - NO

Performance Criteria - P1: The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.

- Acceptable, submitted documentation appears to satisfy this requirement.

6.15.6 The proposal complies with the performance criterion.

6.16 Electricity Transmission Infrastructure - Development located within the Inner Protection Area - Part E 8.7.1 P1

6.16.1 The acceptable solution at clause 8.7.1 A1 requires development to be located outside the electricity transmission Inner Protection area.

6.16.2 The proposal includes the front portion of Unit 1 and access extending into the Inner Protection area.

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 at clause 8.7.1 P1 provides as follows:

*Development must be located an appropriate distance from electricity transmission infrastructure, having regard to all of the following:*

*(a) the need to ensure operational efficiencies of electricity transmission infrastructure;*

*(b) the provision of access and security to existing or future electricity transmission infrastructure;*

*(c) safety hazards associated with proximity to existing or future electricity transmission infrastructure;*

*(d) the requirements of the electricity transmission entity.*

6.16.5 The application was referred to Council's Environmental Development Planner, who advised the following;

Approval is sought for two new dwellings on a vacant 627m<sup>2</sup> lot at 26 Tabart Street, New Town.

Electricity Transmission Infrastructure Protection Code

The Code applies because development is proposed within an electricity transmission corridor (ETC). New buildings are proposed within an

underground ETC and landscaping, fencing, services and a driveway are proposed within an Inner Protection Area (IPA).



No exemptions apply.

The relevant standards are under clause E8.7.1. The proposal does not comply with acceptable solution A1 because development within an inner protection area is proposed. Performance criterion P1 states the following:

Development must be located an appropriate distance from electricity transmission infrastructure, having regard to all of the following:

- (a) the need to ensure operational efficiencies of electricity transmission infrastructure;
- (b) the provision of access and security to existing or future electricity transmission infrastructure;
- (c) safety hazards associated with proximity to existing or future electricity

transmission infrastructure;

(d) the requirements of the electricity transmission entity.

TasNetworks was notified of the application by the applicant and TasNetworks advice was submitted with the application. The advice states that the proposal has been reviewed and TasNetworks has no objection to it proceeding. No conditions were recommended.

On this basis the application is considered consistent with E8.7.1 P1 and the exercise of discretion is recommended.

6.16.6 The proposal complies with the performance criterion.

## **7. Discussion**

- 7.1 Planning approval is sought for Two Multiple Dwellings at 26 TABART STREET NEW TOWN TAS 7008.
- 7.2 The application was advertised and received three (3) representations. The representations raised concerns including privacy, overshadowing and density of development.  
  
Concerns over density, privacy and the visual bulk of the structure are supported. The privacy concerns are able to be addressed through conditions, however the density and visual impact issues have not been able to be overcome.
- 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, Stormwater Engineer, Roads Engineer and Environmental Development Planner. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for refusal.

## **8. Conclusion**



- 8.1 The proposed Two Multiple Dwellings at 26 TABART STREET NEW TOWN TAS 7008 does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Two Multiple Dwellings at 26 TABART STREET NEW TOWN TAS 7008 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 10.4.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the density of the proposal is not compatible with the density of the surrounding area.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 10.4.2 A3 and P3 of the *Hobart Interim Planning Scheme 2015* because the visual impact caused by the bulk and scale of the proposal when viewed from the western adjoining lot will cause an unreasonable loss of amenity.



(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: 4 March 2021

**Attachment(s):**

Attachment A - CPC Agenda Documents

Attachment B - Referral Officer Reports

Attachment C - Density Calculations

Attachment D - Applicant Response to Submissions

Planning: #212276

Property

DEFAULT RESERVES BOOKING PROPERTY 18 ELIZABETH STREET HOBART  
TAS 7000

People

Applicant  
"  
Dennis Cantwell  
P.O. Box 290  
WOODBIDGE TAS 7162  
0414310328  
dennis@candlitt.com.au

Owner  
"  
Irfan Inayat  
3 Reece Court  
LUTANA TAS 7009  
0425567466  
inayatirfan@yahoo.com

Entered By  
DENNIS PAUL CANTWELL  
0414 310 328  
dennis@candlitt.com.au

Use

Multiple dwellings

Details

Have you obtained pre application advice?  

•

- Yes

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

Meetings with Helen Ayres 15/7/20 and 20/8/20

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

•

- No

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

☒ No

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

**Details**

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

Vacant residential

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

See Multiple Dwellings (s duplex)

**Estimated cost of development**

90000.00

Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)
0.00	411.00	627

**Carparking on Site**

Total parking spaces N/A

0 Existing parking spaces 11 Other (to include street)

**Other Details**

Does the application include signage?

No

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

0

**Tasmania Heritage Register**

Is this property on the Tasmanian Heritage Register?

☒ No

**Documents**

**Required Documents**

Title (Folio text and Plan and Schedule of Easements)

26 (Lot 56) Tabart St New Town -Copy of title and sched of easements.pdf

Plans (proposed, existing)

26 Tabart Street New Town -- PLANNING SET 30.8.20.pdf

**Supporting Documents**

Planning Report

26 Tabart St New Town --Report to support Planning Application 30.8.20.pdf

Shadow Diagrams

DWG-11 Shadow Diagrams.pdf

Multiple Housing Density Study

DWG-12 Multiple Dwelling Density Study.pdf



LOCALITY PLAN

Drawing Register

Cover sheet, Property ID, Proposed Areas, Drawing Register	DWG-01	-
Site Plan	DWG-02	1:200
Ground Floor Plan	DWG-03	1:100
Upper Floor Plan	DWG-04	1:100
Roof Plan	DWG-05	1:100
Elevations 1 ( Tabart Street & Noble Drive )	DWG-06	1:100
Elevations 2	DWG-07	1:100
Building Envelope Compliance Sections	DWG-08	1:100
Landscaping Plan & Schedule of Plants	DWG-09	1:100
Landscaping Notes & planting details	DWG-10	-
Shadow Diagrams	DWG-11	1:400
Multiple Housing Density Study plan	DWG-12	-

PROPOSED  
MULTIPLE DWELLING  
(A Duplex)  
at  
26 Tabart Street  
NEW TOWN  
Tasmania



NORTH-EAST ( NOBLE DRIVE ) ELEVATION

REAL PROPERTY DESCRIPTION  
Lot 56 on Plan SP175923  
PID 9864761  
Area of lot 627 m2

AREAS	
AREA OF UNIT 1	
GROUND FLOOR	120 m2
UPPER FLOOR	123 m2
TOTAL GFA	243 m2
Upper Floor Balconies	18 m2
TOTAL AREA	261 m2
AREA OF UNIT 2	
GROUND FLOOR	118m2
UPPER FLOOR	130 m2
TOTAL GFA	248 m2
Upper Floor Balconies	12 m2
TOTAL AREA	260 m2

PLANNING  
APPLICATION  
SET

TOTAL FOOTPRINT = 238 m2  
= 38 % OF LOT AREA

AMENDMENTS:  
A AMENDED 30.8.20

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PROPOSED  
MULTIPLE DWELLING  
(A Duplex)

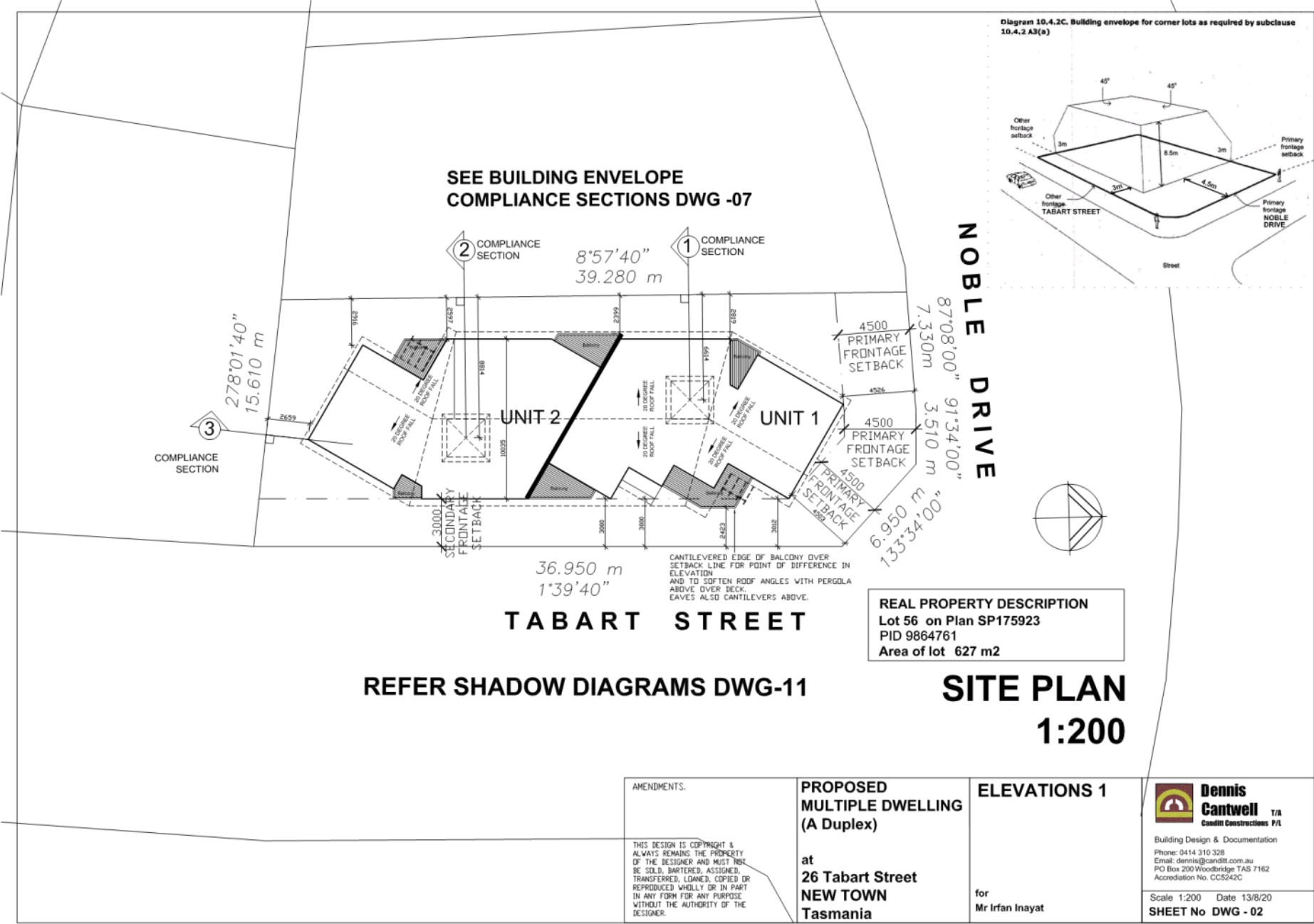
at  
26 Tabart Street  
NEW TOWN  
Tasmania  
for  
Mr Irfan Inayat

COVER SHEET,  
LOCALITY PLAN,  
PROPERTY ID,  
AREAS  
&  
DRAWING  
REGISTER

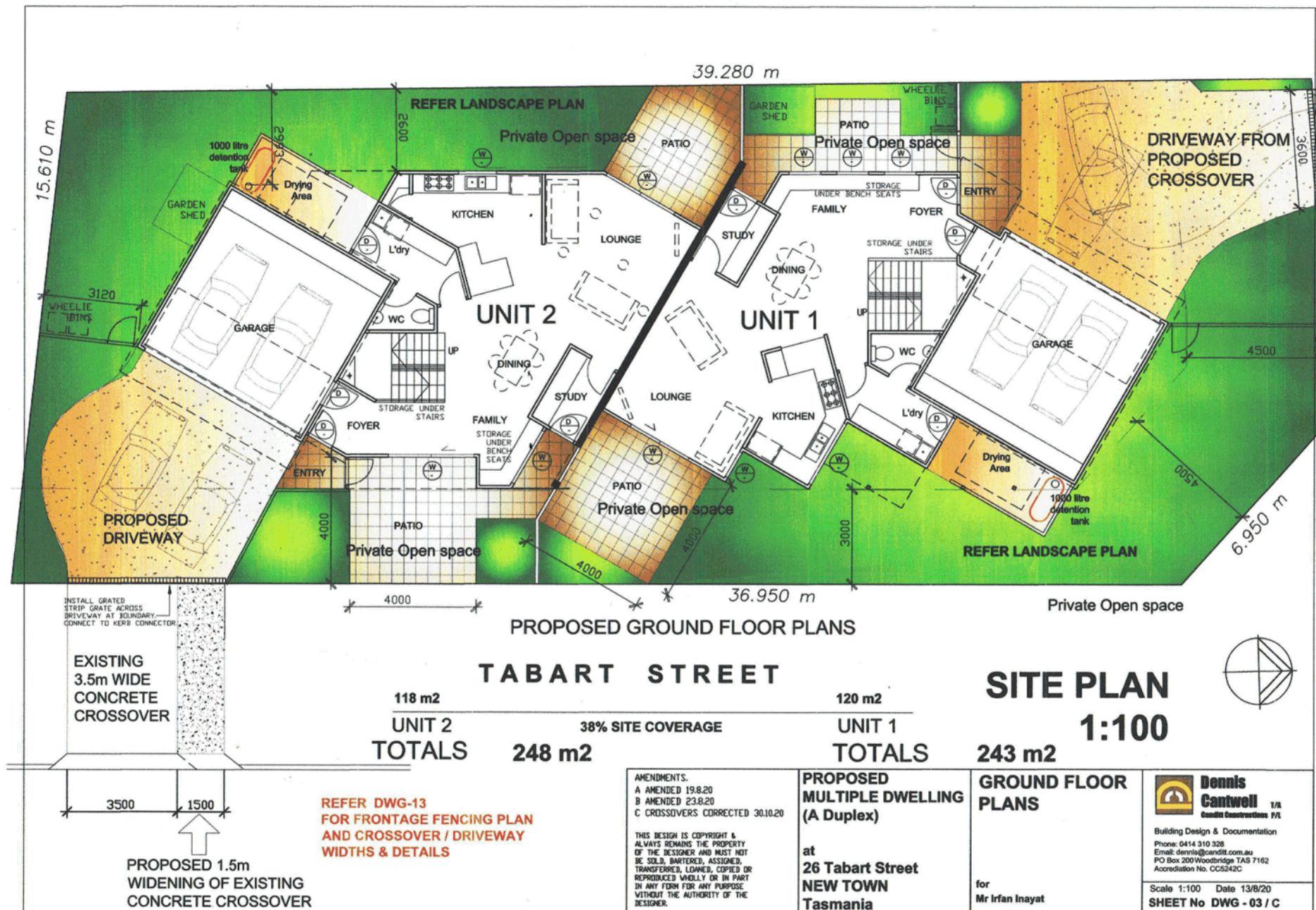


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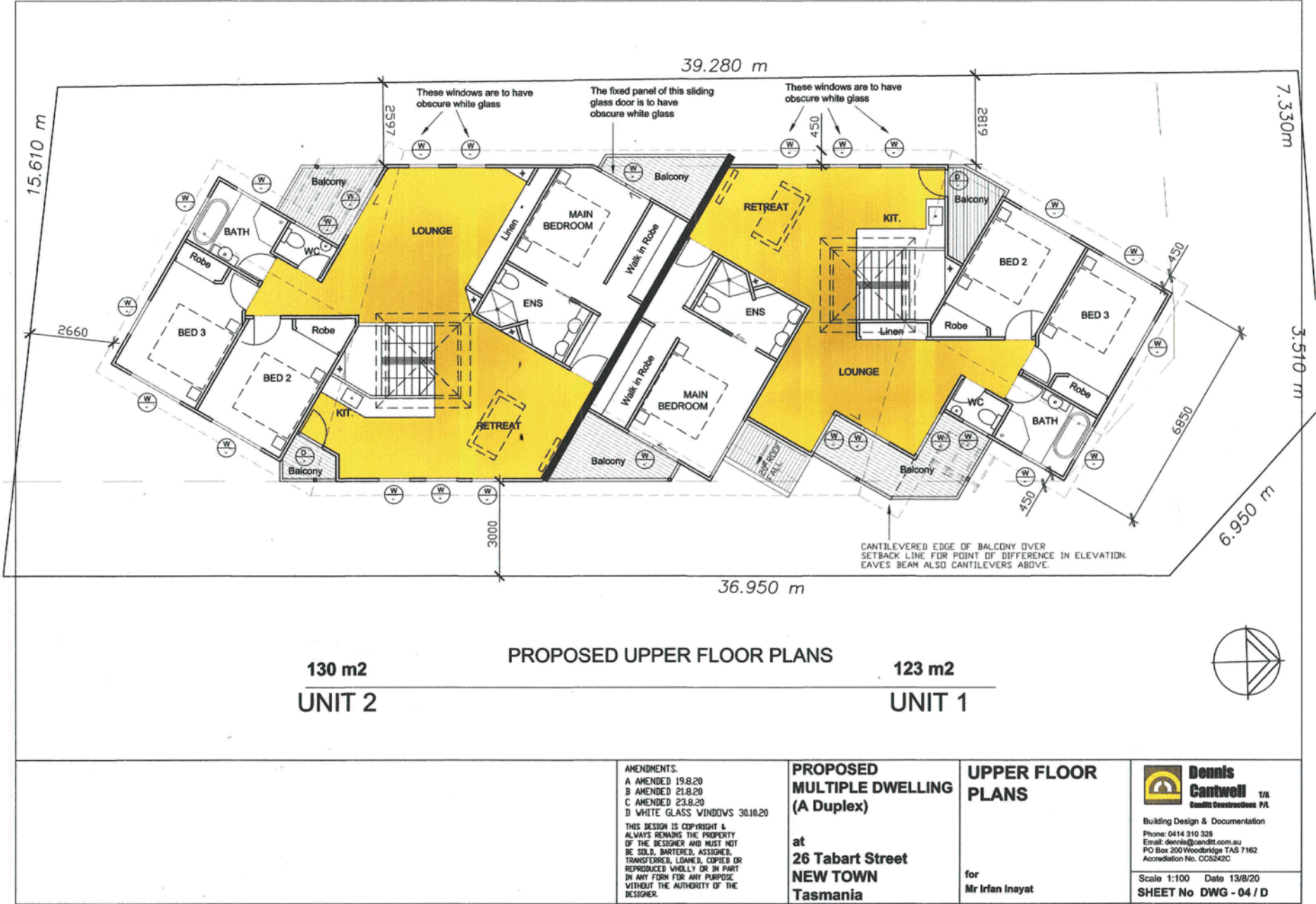
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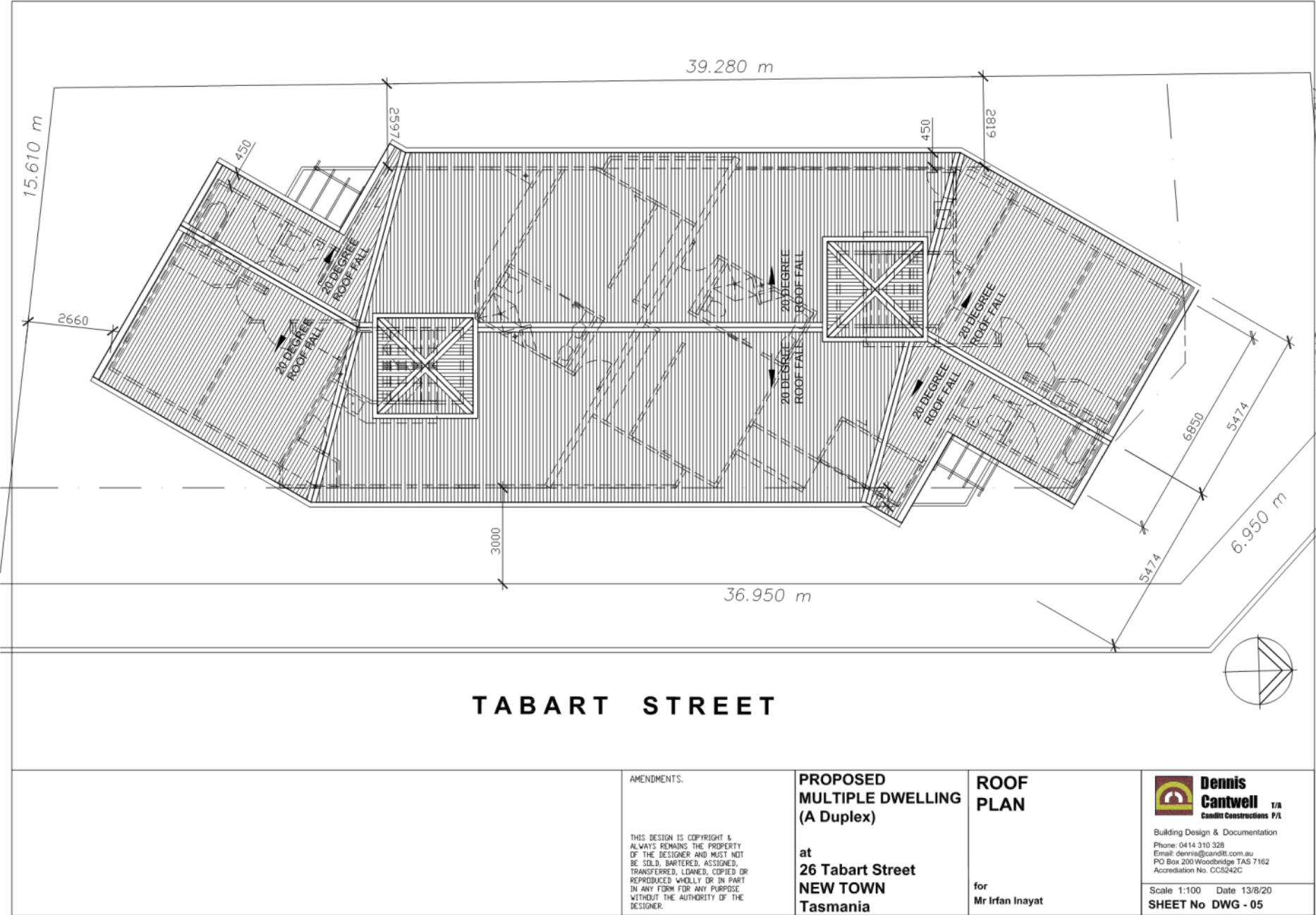




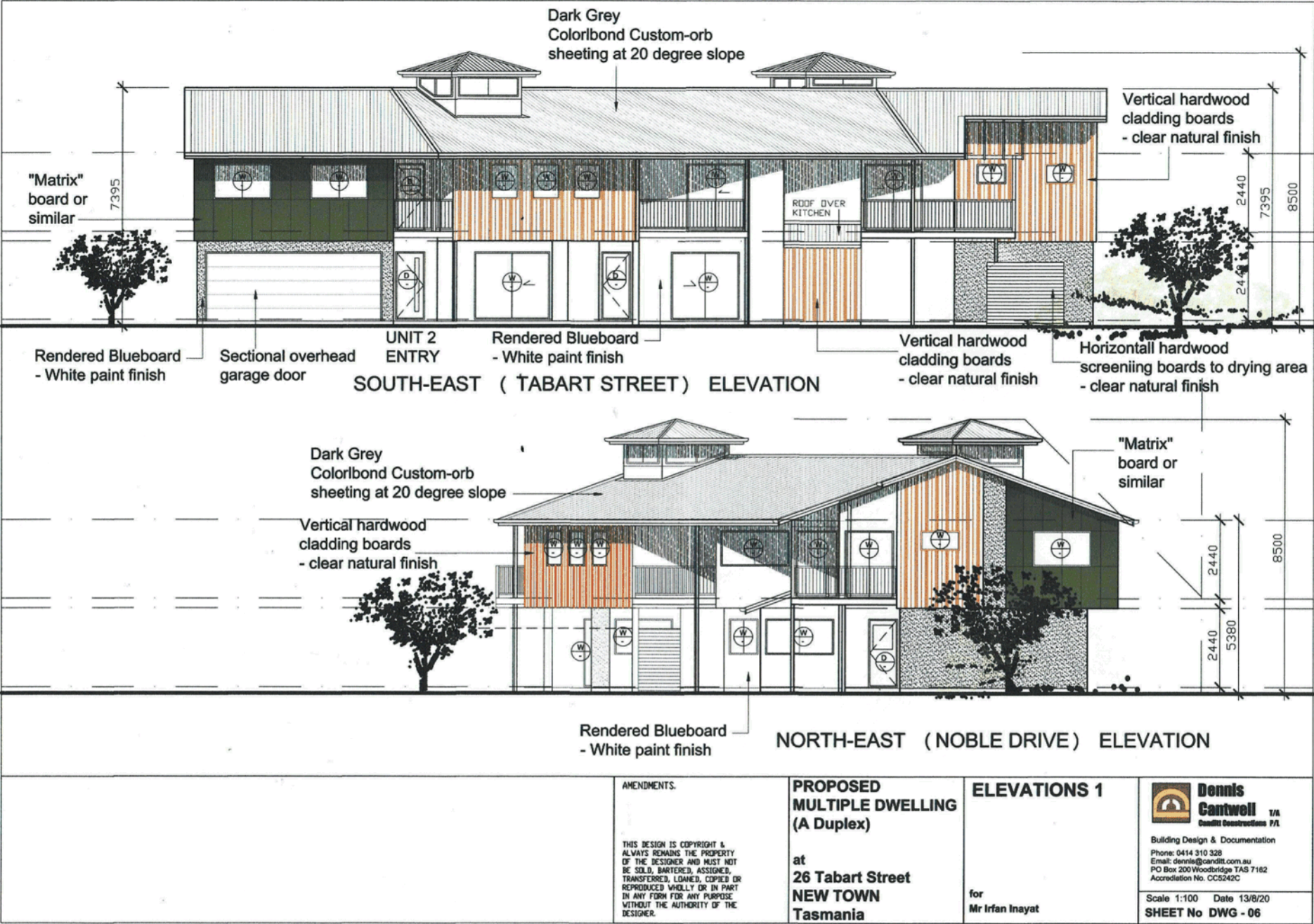




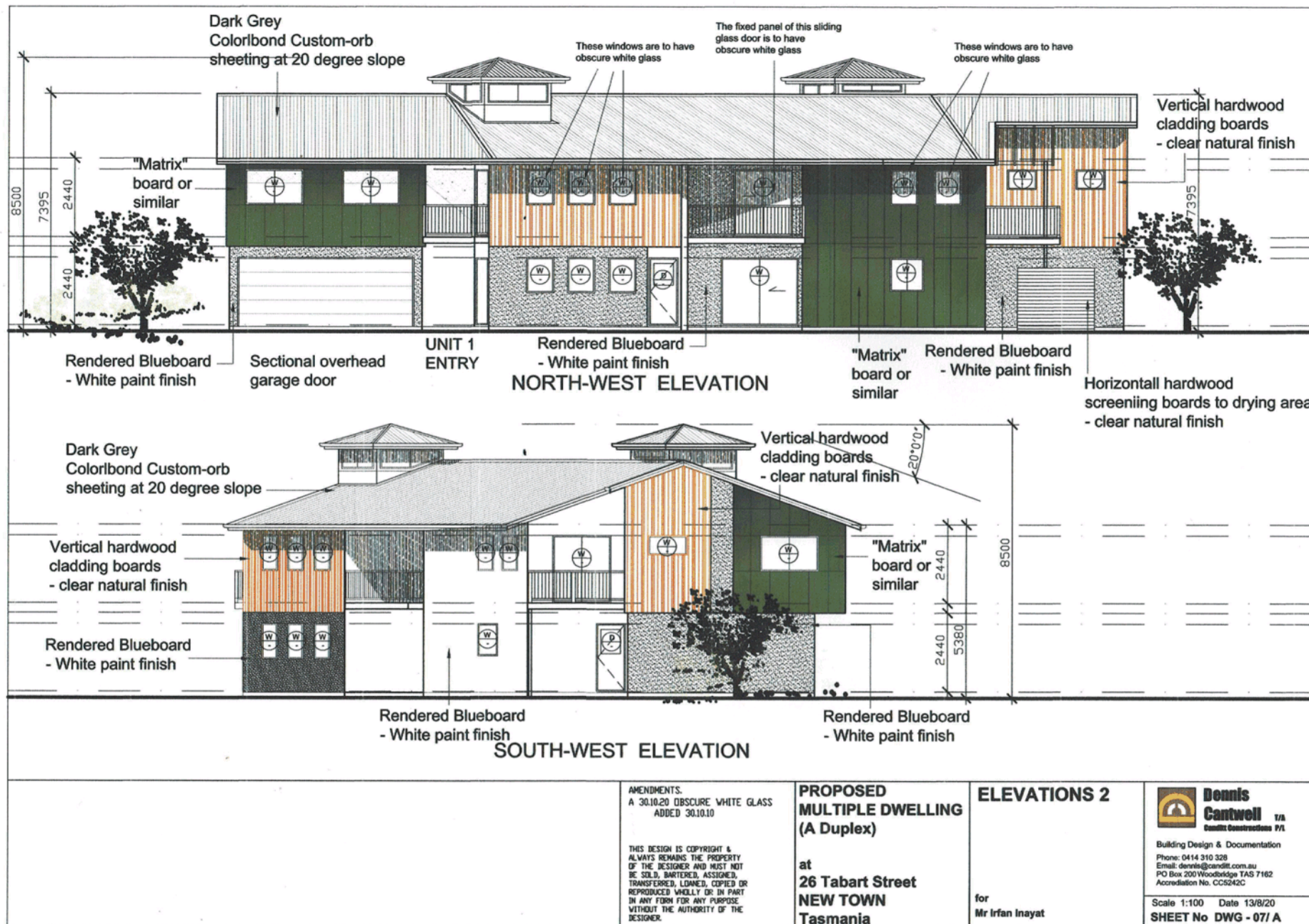


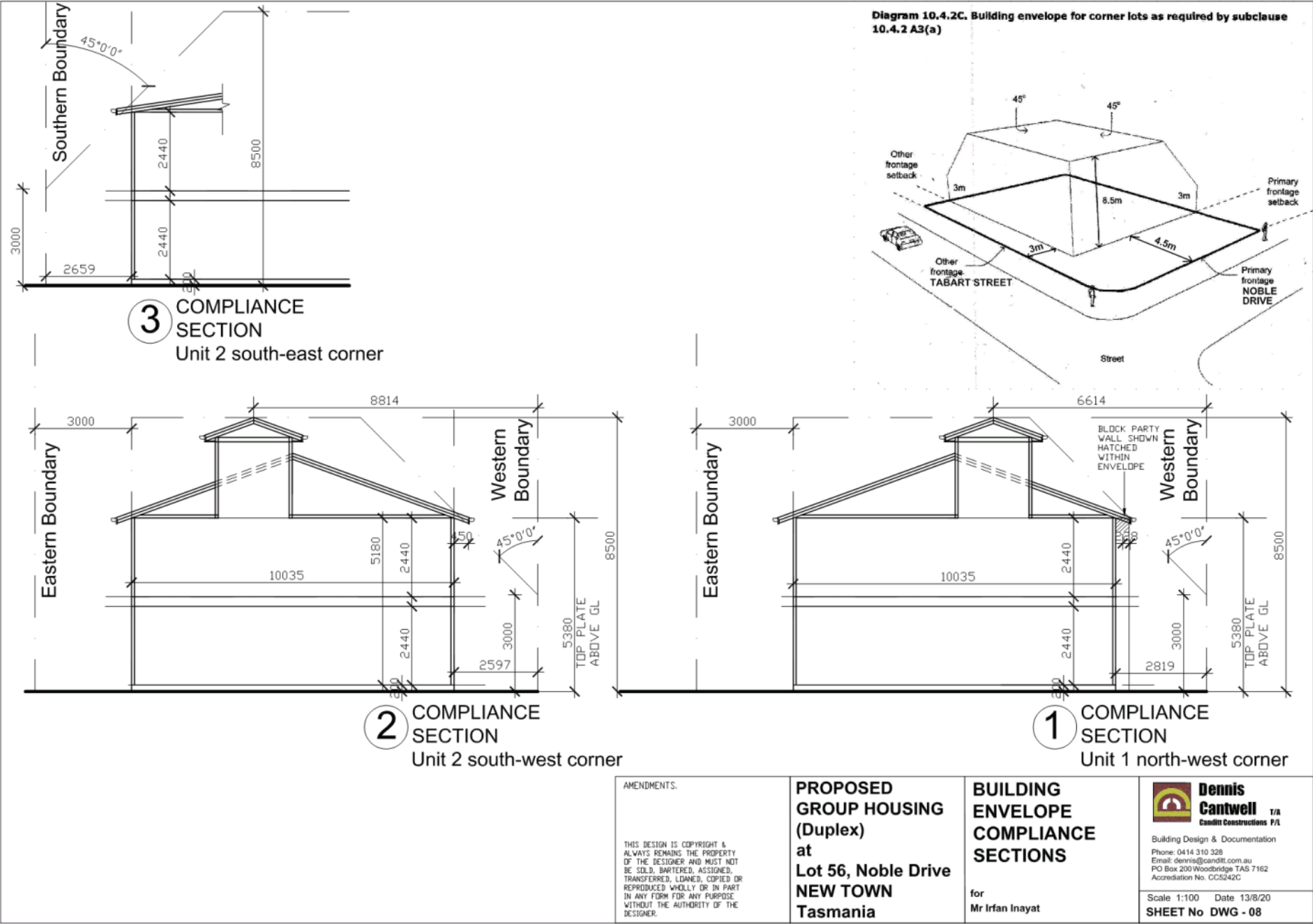




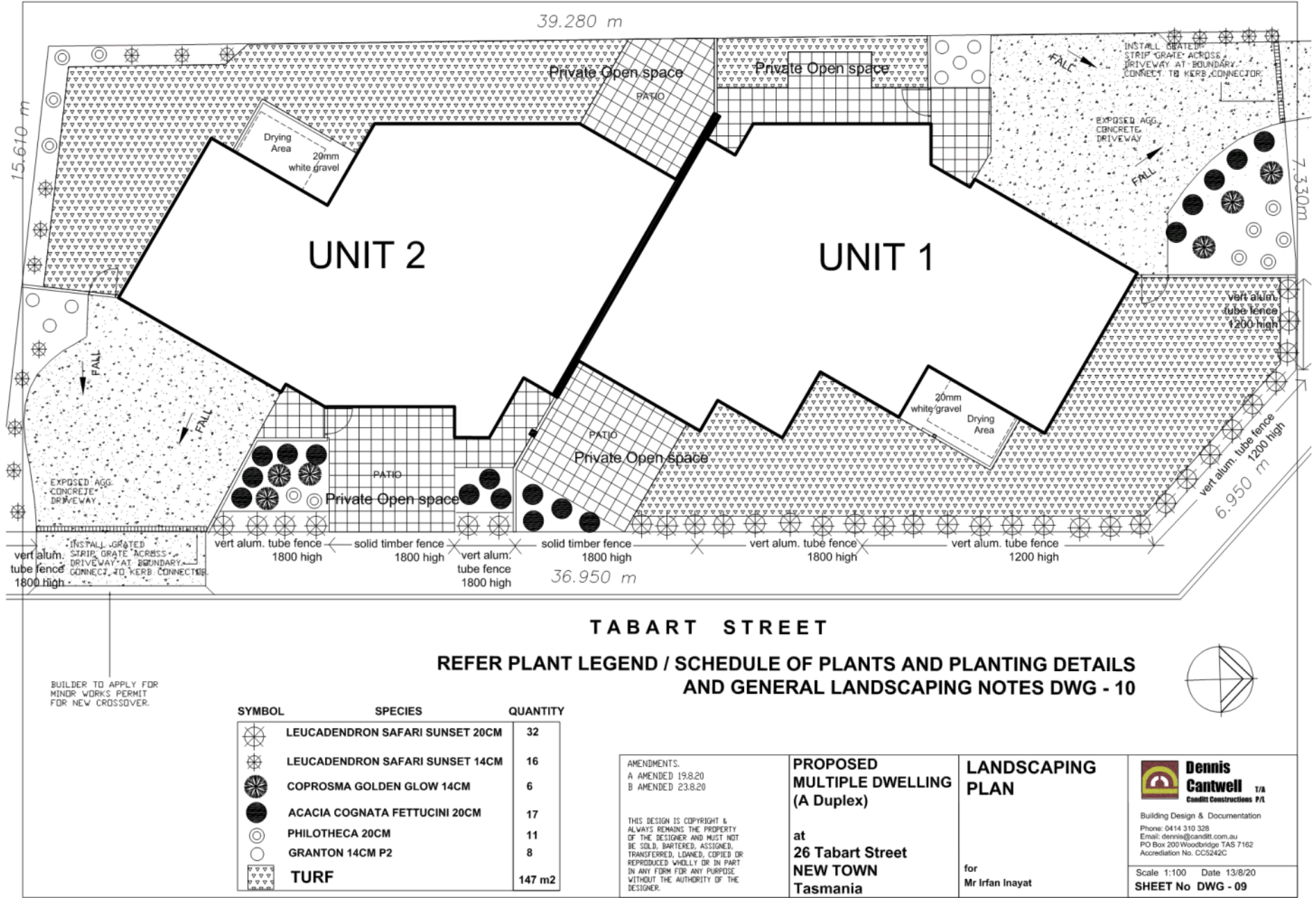















SYMBOL	SPECIES	QUANTITY
	LEUCADENDRON SAFARI SUNSET 20CM	32
	LEUCADENDRON SAFARI SUNSET 14CM	16
	COPROSMA GOLDEN GLOW 14CM	6
	ACACIA COGNATA FETTUCINI 20CM	17
	PHILOTHECA 20CM	11
	GRANTON 14CM P2	8
	TURF	147 m2



LEUCADENDRON SAFARI SUNSET



COPROSMA GOLDEN GLOW



ACACIA COGNATA FETTUCINI



PHILOTHECA



GRANTON

## GENERAL NOTES FOR LANDSCAPER

UNDERTAKE ALL WORK IN ACCORDANCE WITH AUSTRALIAN HORTICULTURAL AND LANDSCAPE STANDARDS.

### SITE PREPARATION:

ALL AREAS SHOWN AS BEING LANDSCAPED TO BE THOROUGHLY WEEDED AND ALL GRASS AND RUBBISH REMOVED PRIOR TO PLANTING.

ENSURE ANY EXISTING TREES THAT ARE TO BE RETAINED ARE PROTECTED BY BARRIER FENCING AT FOLIAGE LINE DURING CONSTRUCTION.

ALL PLANTED AREAS TO HAVE A WATER-HOLDING ADDITIVE ADDED DURING THE TILLING PROCESS TO ENSURE MAXIMUM WATER RETENTION BETWEEN MAINTENANCE VISITS.

### PLANTS:

ALL PLANTS ARE TO BE FREE FROM PEST AND DISEASES AND OF 'A' GRADE STOCK.

ALL PLANTS ARE TO BE FERTILISED AT TIME OF PLANTING WITH A SLOW-RELEASE 6-MONTH FERTILISER.

NATIVE PLANTS TO BE FERTILISED WITH 'NATIVE BLEND' OR SIMILAR.

### MULCH:

MULCH IS TO CONSIST OF 'A' GRADE ORGANIC MULCH INSTALLED ONTO FINISHED GARDENS AT 100MM - 200MM DEPTH AND IS TO BE FREE OF ALL WEEDS, PESTS AND DISEASES.

TURF: ROLL OUT SELECTED FARMED TURF (LOW MAINTENANCE) ON CLEAN GROUND TOPPED WITH 20mm OF SAND.

### SITE LAYOUT DISCREPANCIES:

REFER ANY DISCREPANCIES TO THE DESIGNER AS REQUIRED VIA BUILDER.

### MAINTENANCE PERIOD OF GARDENS:

6 MONTHS TOTAL TO BE ALLOWED AS FOLLOWS:

FOR THE FIRST MONTH, MAINTENANCE IS TO BE WEEKLY AND THEN FOR THE FOLLOWING 5 MONTHS A MONTHLY VISIT IS REQUIRED.

MAINTENANCE IS TO INCLUDE

WEEDING, WATERING, FERTILISING, PEST AND DISEASE CONTROL AND PLANT REPLACEMENT AS NECESSARY.

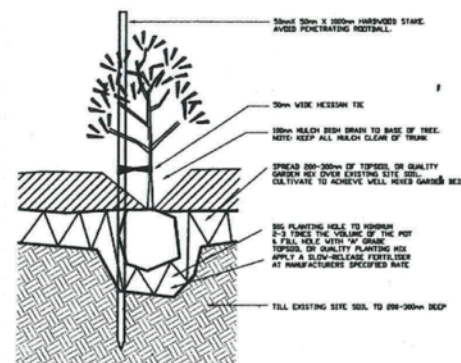
THE LANDSCAPER IS TO CONFIRM EACH VISIT TO THE BUILDER.

REMOVE ALL SUPPORT STAKES AT END OF MAINTENANCE PERIOD.

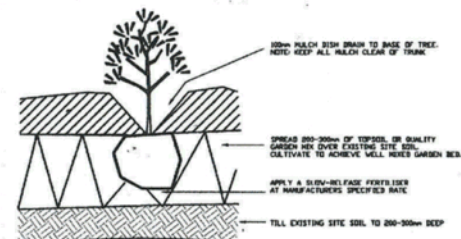
MINOR PRUNING WORK TO BE IMPLEMENTED TO PROMOTE DENSE FOLIAGE.

MAINTAIN MULCH DEPTHS.

REPORT ANY INCIDENCES OF PEST OR DISEASE ATTACK TO THE BUILDER AND OBTAIN INSECTICIDE OR FUNGICIDE SPRAYING FIRST IF THOUGHT NECESSARY AND FOLLOW MAUFACTURERS RECOMMENDATIONS AT ALL TIMES.



300mm SHRUB IN MULCHED BED



SHRUB IN MULCHED BED

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### PROPOSED MULTIPLE DWELLING (A Duplex)

at  
26 Tabart Street  
NEW TOWN  
Tasmania

### LANDSCAPING DETAILS & NOTES

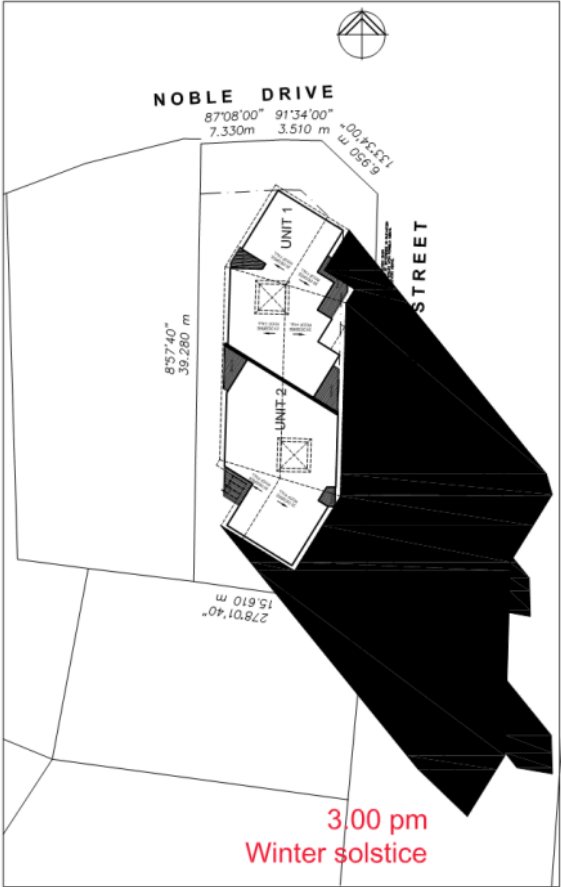
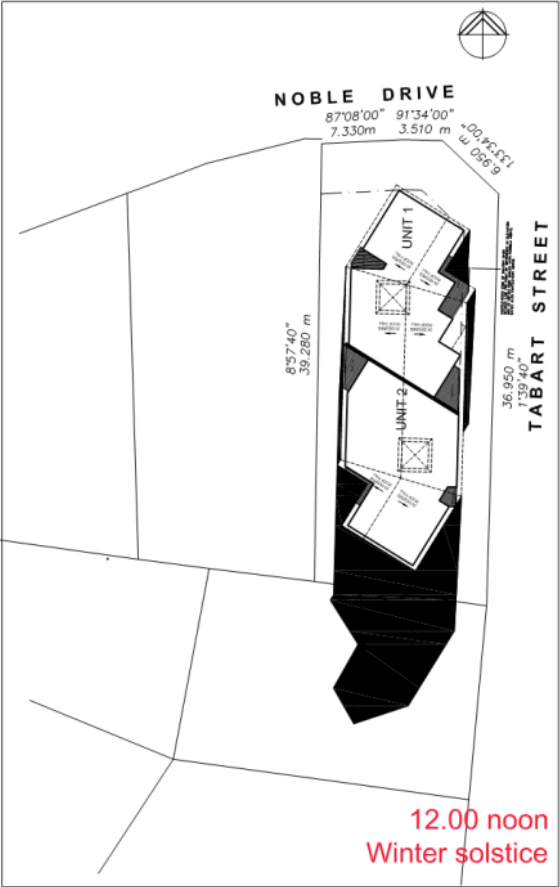
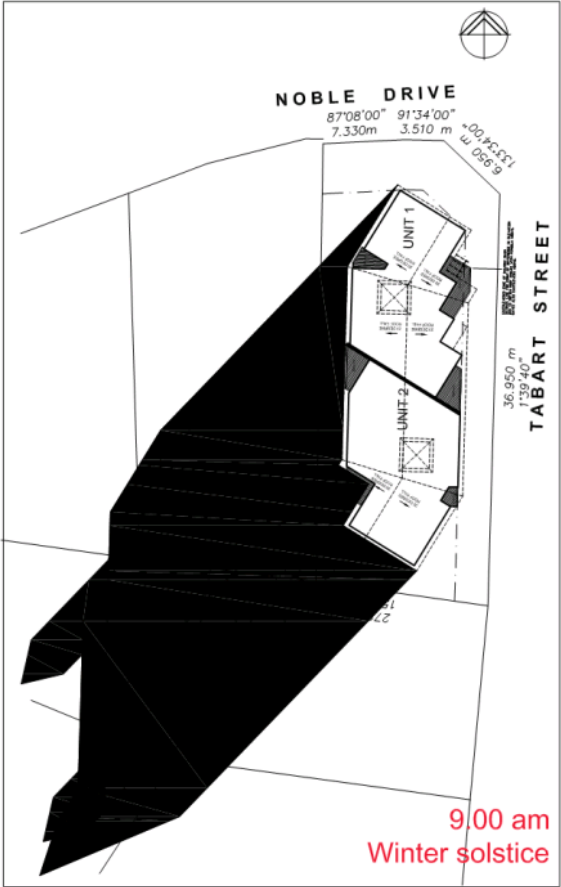
for  
Mr Irfan Inayat



Building Design & Documentation  
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Email: dennis@cantwell.com.au  
PO Box 200 Woodbridge TAS 7182  
Accreditation No. CC5242C

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**SHADOW SOFTWARE:**  
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**PROPOSED  
MULTIPLE DWELLING  
(A Duplex)**  
  
at  
**26 Tabart Street  
NEW TOWN  
Tasmania**

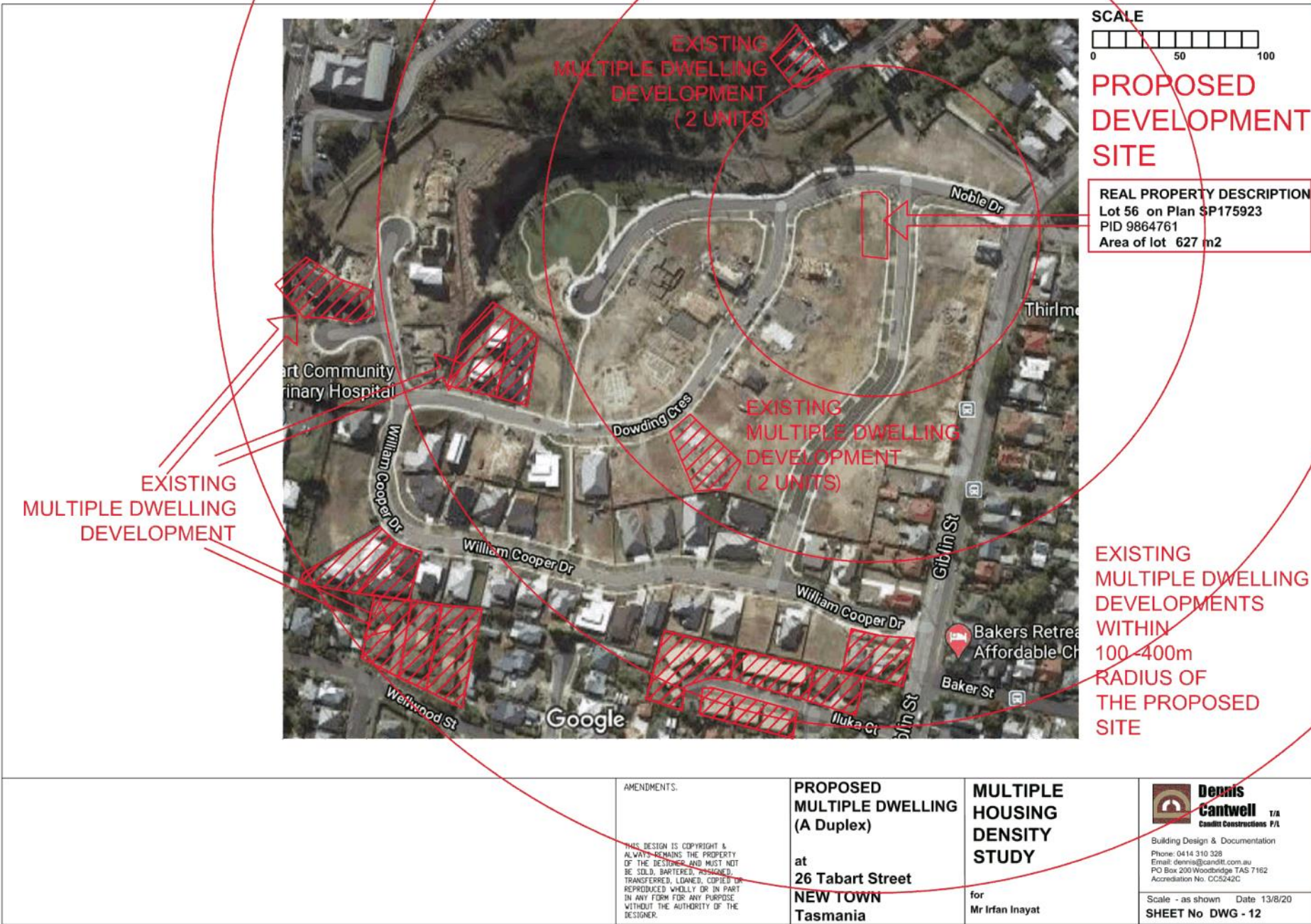
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DIAGRAMS**

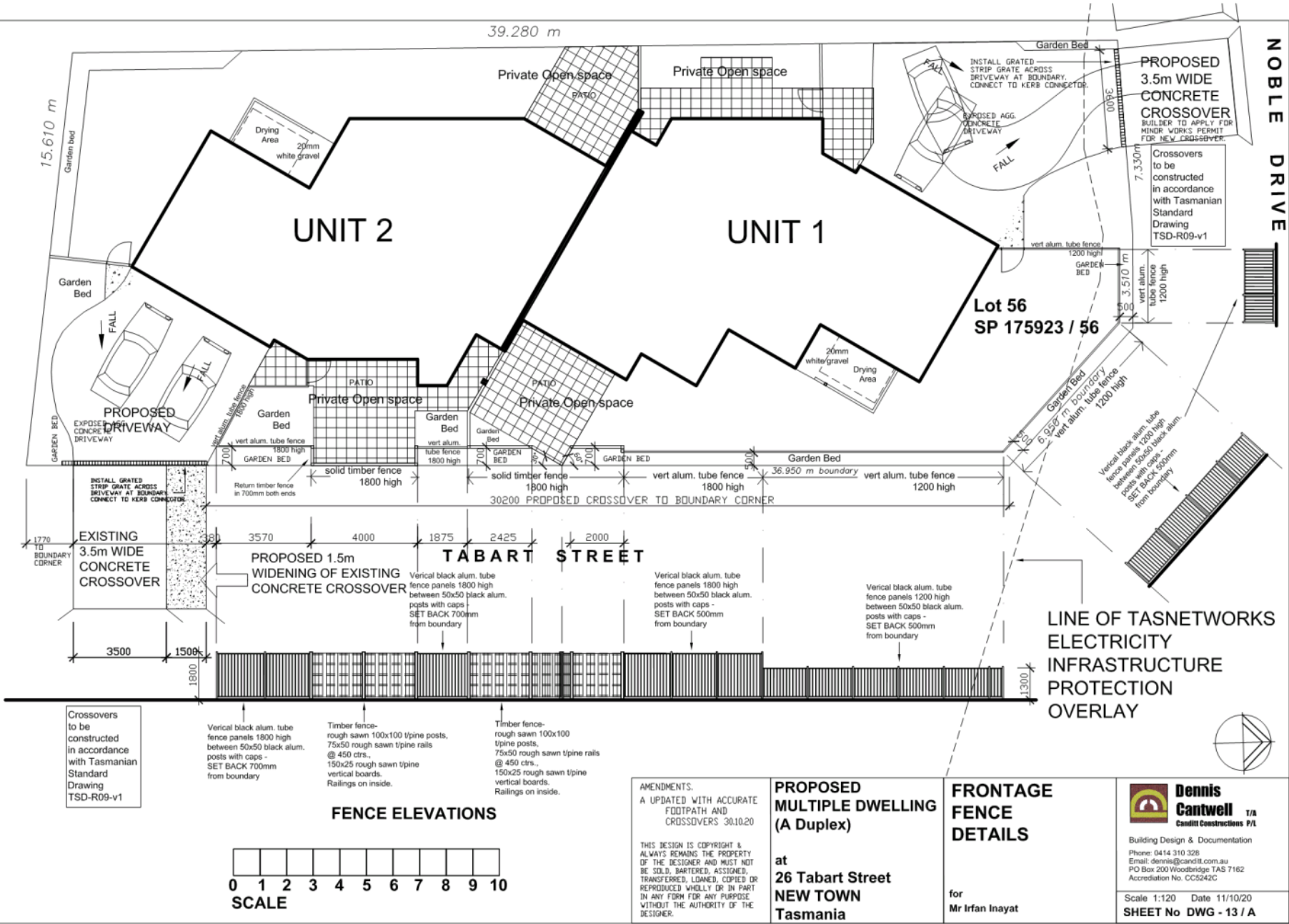
for  
**Mr Irfan Inayat**

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Cantwell** 1/A  
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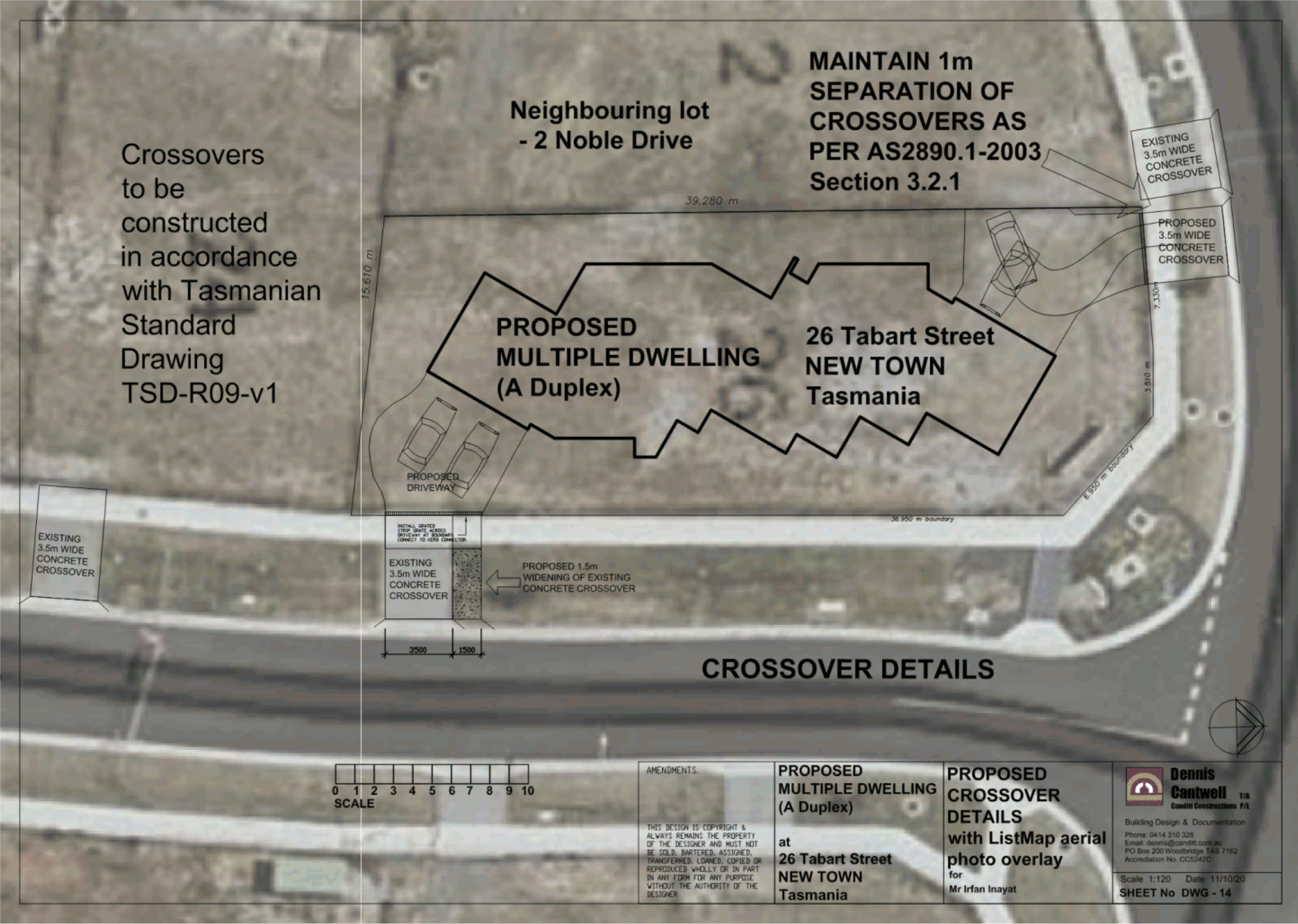
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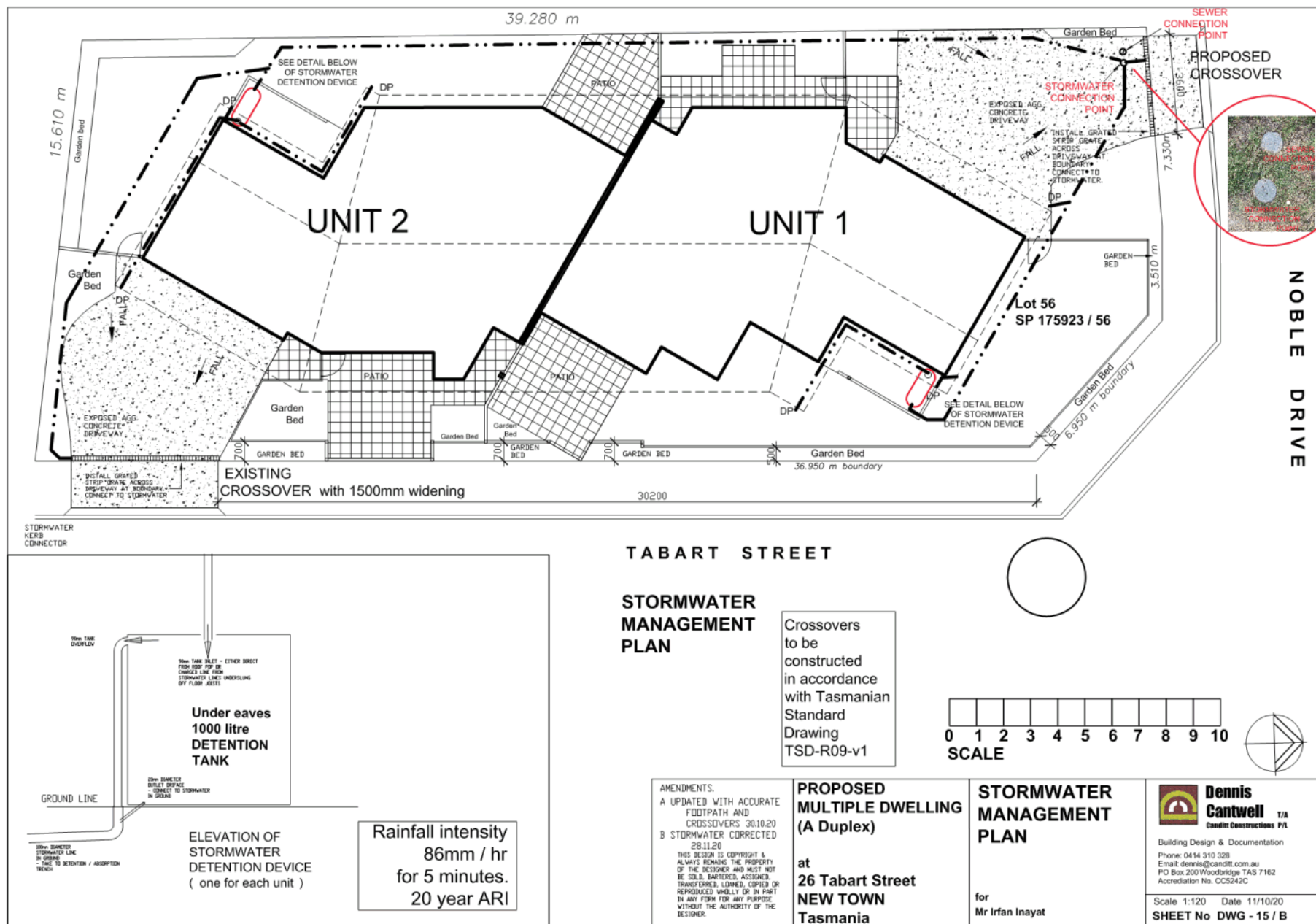














**Dennis Cantwell**  
building design & documentation

m 0414 310 328  
e dennis@canditt.com.au  
www.canditt.com.au



30/8/20

**Re: PROPOSED MULTIPLE DWELLING (Duplex)**

**At: 26 Tabart Street, NEW TOWN**

**Report to support Council Planning Application Submission.**

Dear Sir / Madam,

I have been engaged by the owner of the above property, Mr Irfan Inayat, to act as his agent, as an accredited building designer, to submit documents for a proposed multiple dwelling development ( a duplex) at the above address, a fairly recently established housing estate.

The lot (lot 56) is a corner lot, on the corner of Tabart Street and Noble Drive, New Town.

I have had two meetings with council's planning officer, Helen Ayers, on 13/7/20 and 20/8/20 to discuss the development from early sketch proposals through to preliminary CAD presentations.

This report addresses three aspects of the proposed development, as a result of these discussions, to support the planning application as follows:-

### **1) APPROPRIATENESS OF MULTIPLE DWELLING DENSITY**

There are two elements of this that I request council to consider.

- a) **The size of the lot** - at 627m<sup>2</sup>, is slightly under the 650m<sup>2</sup> required to support the dwellings of a 2 unit multiple dwelling. The attached "duplex" format adopted compensates for this by allowing sufficient space around the units.

Also the long thin proportions of the corner lot lends itself to a second crossover off Tabart Street. The existing crossover provided by the developer is in the north-west corner of the lot onto Noble Drive. The second crossover at the far south-east corner of the lot onto Tabart Street will ensure better safety and ease of access generally, as well as better off street parking for visitors.

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**b) The vicinity of other Multiple Dwelling developments in the area.**

Please refer drawing DWG-12, showing the other developments in the area. Some are within the new estate, some are older developments pre-dating the estate.

The closest duplex is in fact an older one, within 100m to the north-west at the end of Gregson Avenue.

The next closest is a development within the new estate of 3 units (a duplex and a free-standing unit) at No. 17 Dowding Crescent, around the corner off Noble Drive.

This appears, from aerial views, to be one of the first developments approved in the new estate. This is approximately 160m radially from No. 26 Tabart Street.

Other multiple dwelling developments of 2 free-standing units exist in the new estate further along Dowding Crescent at No. 4 and No. 6, approximately 220m away from No. 26 Tabart Street.

Another development of 2 free-standing units, again in the new estate, exists at the end of Dowding Crescent in the cul-de-sac off William Cooper Drive, approximately 310m away from No. 26 Tabart Street.

I would ask council to consider that the existence of multiple dwelling developments is already an established expectation in the new estate, and an appropriate development of No. 26 Tabart Street.

In addition, the new estate borders on a cluster of 10 multiple housing developments to the south, 250 – 350m away, off William Cooper Drive, Iluka Court, and Wellwood Street.

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## 2) A SHADOW DIAGRAM REPORT

This shadow diagram drawing DWG-10 attached demonstrates shadows that would be cast at the winter solstice at 9.00am, 12 noon, and 3.00pm.

Care has been taken to propose simple 20 degree pitched gable roofs that stay within the planning scheme corner lot envelope on the western side, and therefore minimise the effects of shadowing on the western neighbouring house at No. 2 Noble Drive.

The fact that No. 2 Noble Drive faces due north is of course helpful in ensuring this property would always have good access to sunlight regardless.

The effect of the proposed development at No. 26 is to only cast early morning shade to the rear of the lot, where bedrooms are located.

The current vacant neighbouring lot to the south, No 24 Tabart Street, will still receive 3 hours of continuous sunlight to the front of the lot.

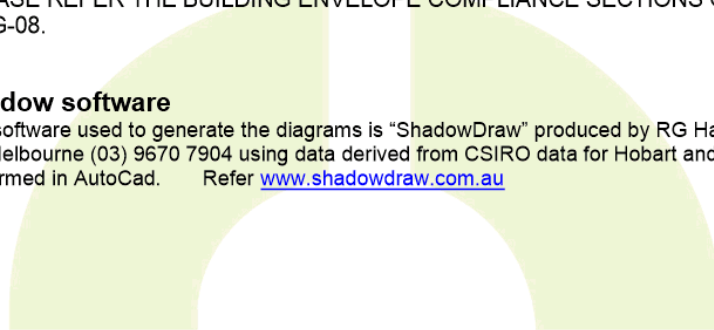
The proposed development is within the permissible building envelope to the south, minimising winter shadowing to No. 24.

All shadow diagrams are shown with north directly up the page on DWG-08. No. 26 Tabart Street and the surrounding lots are very flat in nature.

PLEASE REFER THE BUILDING ENVELOPE COMPLIANCE SECTIONS OF DWG-08.

### Shadow software

The software used to generate the diagrams is "ShadowDraw" produced by RG Harvey Pty Ltd Melbourne (03) 9670 7904 using data derived from CSIRO data for Hobart and performed in AutoCad. Refer [www.shadowdraw.com.au](http://www.shadowdraw.com.au)



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### 3) SETBACK & ENVELOPE COMPLIANCE

The only minor portion of the building where the structure protrudes past the planning scheme envelope is **the deck off the upstairs lounge of Unit 1.**

The corner of the small deck was proposed initially to extend 600mm past the envelope, which introduced a point of difference in the assembly of the Tabart street elevation. (The area of the extension was only 0.4m<sup>2</sup> at my last meeting).

It became apparent since, in preparing the roof plan and elevations, that there was merit in increasing this deck from 4.2m<sup>2</sup> to 11.8m<sup>2</sup>.

Not so that the 600mm deck extension past the envelope line increased, but rather by also letting the deck wrap around corner of the lounge.

Not so much the more usable deck area, the benefit of this was that it allowed a pergola to be constructed above the extra area of deck, and **this pergola is an important mechanism to soften the lines of the truncated roof gable above at this point, merging the intersection of the gable and truncated gable together much more aesthetically.**

Considering that these roof lines are the most highly visible portion of the building, **being right on the corner of the busiest intersection in the estate**, past which the majority of vehicles must pass, it is suggested the larger deck and pergola fenestration over it are well worthwhile for this reason.

**The total area of the deck outside the envelope is 2.3m<sup>2</sup>, the area of the pergola outside the envelope is only 0.4m<sup>2</sup>, and have no effect on shading.**

However, it also is proposed that the corner point of the **roof eaves** does extend more than the allowable 600mm into the secondary Tabart Street frontage. The eaves corner extends 1180mm into the secondary frontage (but only 0.6m<sup>2</sup> is past the allowable 600mm extension as it is a corner point).

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I trust this information helps council's assessment of the proposal.

Please contact me if further information is required.

Thanks & regards,

**Dennis Cantwell** - Building Designer - 0414 310 328 Tas Licence CC5242C





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30/10/20

**Re: PROPOSED TWO MULTIPLE DWELLINGS (Duplex)**  
**APPLICATION NO. PLN-20- 63**

**At: 26 Tabart Street, NEW TOWN**

**RE: Council RFI letter dated 1 20**

Dear Sir / Madam,

I write regarding the above planning application to provide responses to councils RFI letter of 22nd September 2020.

I submit the following, addressing each item as per the numbering in council's letter, with responses in red:-

**Planning**  
**PLN Fi1**

To enable the Council to assess the application against the relevant zone and code requirements of the Hobart interim Planning Scheme 2015, please provide the following:

1. elevation plans of the proposed boundary fencing.  
**See additional drawing DWG -13 showing fencing details**
2. written advice from the electricity transmission entity to address the requirements of the Electricity Transmission Infrastructure Protection Code (Advice: part of the proposed development, the driveway and fencing, is located within the inner protection area of underground electricity infrastructure. You are therefore required to refer your proposal to TasNetworks and provide their response to Council as part of your application documents).  
**See the attached Planning approval from TasNetworks.**

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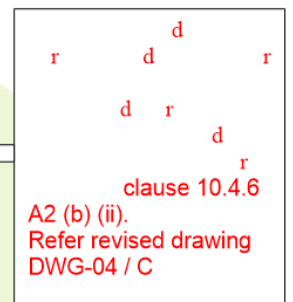
**DENNIS  
CANTWELL**

**Dennis Cantwell**  
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3. details of the proposed window treatment of all habitable room windows above ground floor level that are less than 3m from a boundary. (Advice: your documentation will need to be of sufficient detail to enable council to assess the proposal against clause 10.4.6 A2/P2 of the General Residential one development standard

A2	P2
A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):	A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:
(a) The window or glazed door:	(a) window or glazed door, to a habitable room of another dwelling; and
(i) is to have a setback of at least 3 m from a side boundary; and	(b) the private open space of another dwelling; and
(ii) is to have a setback of at least 4 m from a rear boundary; and	(c) an adjoining vacant residential lot.
(iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and	
(iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.	
(b) The window or glazed door:	
(i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or	
(ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or	
(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	



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4. plans clearly depicting the extent of existing driveways and proposed driveways/driveway extensions. In satisfying this request, please rectify on the plan that the crossover on Noble Drive is " proposed crossover" and the one on Tabart St is " existing crossover"**Rectified plans attached.**  
**Refer the additional plan DWG-13 which shows details of the existing & proposed crossovers and street frontage proposed fencing details.**
5. amended plan(s) depicting the location of onsite rainwater tanks that meet the requirements of the Part 5 Agreement under registered dealing EI 51234.  
**Refer additional drawing DWG-14 Stormwater Management Plan.**

#### Parking and Access PA 2.1

To enable the Council to assess the application against the relevant provisions of the Parking and Access Code of Hobart Interim Planning Scheme 2015 please provide:

- 1) Scaled and dimensioned drawing(s) demonstrating the vehicular access design, or a design that provides safe and efficient access.

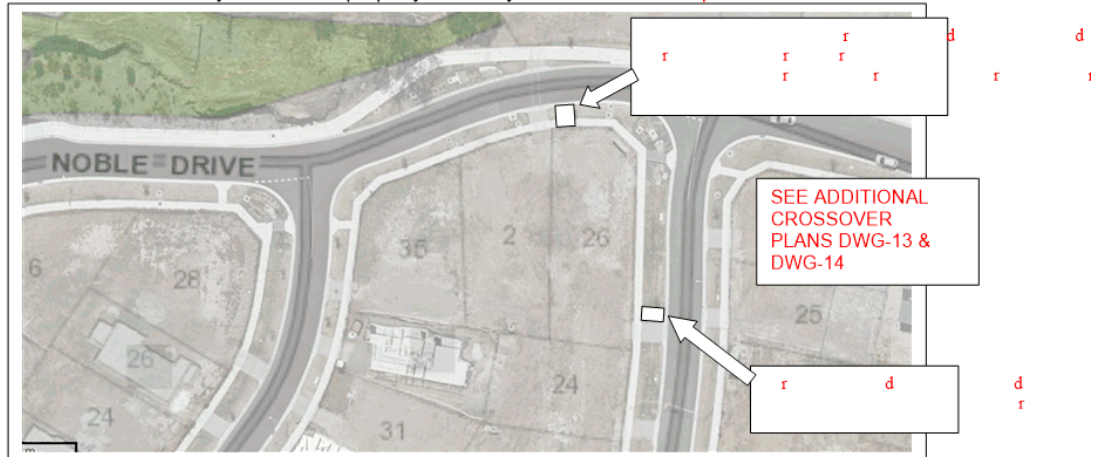
**RESPONSE: Refer DWG-13. Cars may compliantly leave the property from both crossovers in reverse, though space has been provided in both driveways so it is actually possible to turn around in both driveways and leave forwards if preferred.**

To satisfy Hobart Interim Planning Scheme 2015 clause E6.7.2 Acceptable Solution A1 (as included below):-

E6.7.2 Design of Vehicular Accesses	
<b>Objective:</b> To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.	
Acceptable Solutions	Performance Criteria
<b>A1</b>  Design of vehicle access points must comply with all of the following:  (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;  (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	<b>P1</b>  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.



and AS/N S 2890.1:2004 Section 3, the scaled and dimensioned design drawings must include:  
Site plan showing the location of the proposed vehicular access including driveway width at the property boundary. **Now on additional plans DWG-13 & 14.**



These additional plans also clarify that:-

- 1) the existing Tabart Street crossover is proposed to be widened by 1.5m,
- 2) and an additional 3.5m wide crossover (the estate standard width) proposed to be constructed at the Noble Drive frontage.

This is to facilitate separate access for the two proposed units to provide better site safety for resident children and a minimisation of driveway within the lot generally. It keeps the vehicles to the front entry of each unit.

The proposed Unit 1 crossover on Noble Drive is 25m from the middle of the intersection with Tabart Street and the same 3.5m compliant width as all the estate crossovers. **Unit 1 cars will be able to turn around and exit forwards**, for extra safety and to avoid conflict with cars turning west from Tabart Street. It will be 1m away from the existing crossover for neighbouring No2 Noble Drive as per AS/N S 2890.1:2004 Section 3.2.1.

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The proposed 1.5m widening of the existing Unit 2 crossover on Tabart Street is 40m to the middle of the intersection with Noble Drive. This will allow 2 car off street parking in front of the garage and eliminate any chance of interrupting traffic flow on Tabart Street.

The E6.7.2 P1 performance criteria of being safe, efficient and convenient are being met, having regard to :-

- 1) avoidance of conflict between users. The proposed crossovers service just the one dwelling each.
- 2) Avoidance of unreasonable interference with the flow of traffic on adjoining roads -
  - Both the proposed crossovers, on flat ground in a flat street, have extensive safe intersection sight distances in both directions
  - Unit 1 cars can turn around on the site and leave the site forwards onto Noble Drive, eliminating the risk conflicting with cars turning west into Noble Drive from Tabart Street
  - Unit 2 cars, with a wider driveway, can be assured of being able pull off Tabart Street with off-street parking for two cars in front of the garage.
- 3) Suitability for the volume and type of traffic. (As above, the crossovers will only serve one unit each).
- 4) Ease of accessibility and recognition for users – as above, very flat ground and easily accessed and recognised.
- 5) This is a safe arrangement under AS/NZS 2890.1:2004 Section 3.

Plan view showing the location and width of vehicular crossover (excluding transitions wings) to the property, including determination if a new crossover or alterations to an existing crossover is required. If a new / altered crossover is required indicate the location, width and type of proposed crossover with reference to the relevant Institute of Public Works Engineering Australia (IPWEA), Local Government Association Tasmania (LGAT) standard drawing. **Reference to the relevant drawing TSD-R0 -v1 now on additional plans DWG-13 & DWG-14.**

*Advice: for further clarification on this request item, please contact Council's Development Engineer on 6238 2162 or at [morleyd@hobartcity.com.au](mailto:morleyd@hobartcity.com.au).*

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**Stormwater Code**

To enable the Council to assess the application against the relevant provisions of the Stormwater Management Code of Hobart Interim Planning Scheme 2015, please provide:

**Sw 1** A site plan to demonstrate how stormwater from the proposed development (including roofed areas and impervious surfaces - driveways etc) will be disposed of via gravity to public stormwater infrastructure or to a Council approved system.  
**See additional drawing DWG-1 STORMWATER MANAGEMENT PLAN**

**Sw 6** A stormwater drainage design prepared by a suitable qualified person which demonstrates compliance with the following:

1. Accommodates a storm with an Annual Recurrence Interval (ARI) of 20 years when the land serviced by the system is fully developed.
2. Stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

**See the ARI 20 year flow rate of 3.8 litres per second for the Unit 1 roof catchment area of 159m<sup>2</sup>, and 3.56 litres per second for the Unit 2 roof catchment area of 149m<sup>2</sup>.**  
**(See the calculations attached produced by K en Sutherland "Storm Water Pipe Sizing Calculator for Building Sites").**  
**These produce 1140 litres in 5 minutes for Unit 1 and 1068 litres in 5 minutes for Unit 2.**  
**These are therefore the recommended detention volumes.**



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- Sw** A stormwater drainage design prepared by a suitable qualified person which complies with Folio of the Register Volume 175923 Folio 56 Schedule 2 Dealing E151234.

*Advice: The downstream Council storm water system has limited receiving capacity. At subdivision stage a Part 5 Agreement was placed on the title for each lot to require the future owner/developer of the land to install a detention tank with 2kL minimum volume with a minimum outlet orifice of 50mm. Please provide conceptual design for a detention tank noting the maximum private stormwater system outflow rate, noting that detailed design is not required at this stage.*

**See additional drawing DWG-1 STORMWATER MANAGEMENT PLAN with 2 x 1000 litre under eaves detention tanks shown (one for each unit). This was advised by council's planning officer Mark O'Brien as being an acceptable solution. Each tank is more appropriately drained by a minimum 20mm outlet orifice. It would appear to be in line with the stormwater detention calculations produced for the project (see response to Sw6).**

#### **Roads - Driveway**

**ENGr** To ensure that the Council's road infrastructure is protected please provide:  
**Fi 1**

1. amended plan(s) which clearly state that the driveway crossover within Tabart Street and Noble Drive highway reservation will be designed and constructed in accordance with Tasmanian Standard Drawing TSD-R09-v2 and
2. amended plan(s) showing the existing and proposed widths of the driveway crossovers.

*Advice: For further clarification on this request item, please contact Council's Development Engineer on 6238 2162 or at [morleyd@hobartcity.com.au](mailto:morleyd@hobartcity.com.au).*

**See response above to Parking and Access PA 2.1**

Thanks & regards,

**Dennis Cantwell** - Building Designer – Ph 0414 310 328 Tas Licence CC5242C

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11/10/20

To : TasNetworks Land Use / Planning

**Re: PROPOSED MULTIPLE DWELLING PROJECT (Duplex) APPLICATION**

**At: 26 Tabart Street, NEW TOWN**

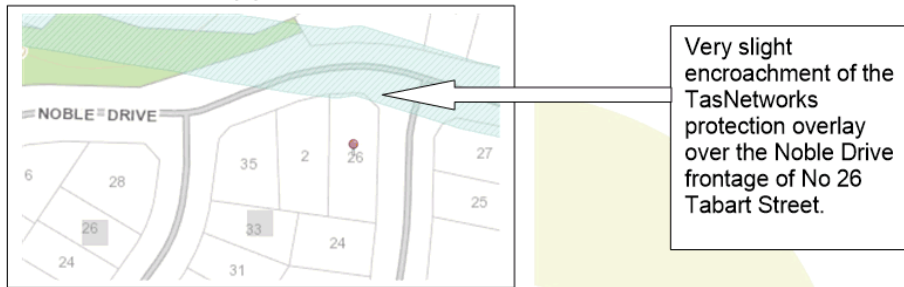
**RE: TASNETWORKS Electricity Infrastructure Protection Code Overlay  
- Planning application**

Dear Sir / Madam,

I currently have a planning application in with Hobart City Council – PLN-20-563.

The site – vacant land at 26 Tabart Street New Town- is on the corner of Noble Drive. Noble Drive has a TASNETWORKS Electricity Infrastructure Protection Code Overlay Running down it.

This overlay encroaches slightly across the Noble Drive frontage, approximately 1.5m into the lot. See the Listmap plan below:



This is the location of the existing crossover lay-back kerb, and as such will require a concrete driveway to run up to the back of the kerb. It is anticipated approximately 3-4m of the concrete driveway will be within the TasNetworks protection overlay.

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The proposed light-weight fencing proposed to the Noble Drive frontage is 1200 high aluminium "pool fence" type fencing panels, with 50x50 aluminium posts cast into 300x300x300 concrete pads at 2250mm centres.

See the attached site plan with fencing elevation details, DWG-13.  
I have also added the line of the southern edge of the electricity Infrastructure protection code overlay to this plan, as an annotated dashed line.

I attach:-

- 1) the TasNetworks planning application form
- 2) a copy of the title
- 3) the drawing DWG-13 referred to above
- 4) the full planning application set submitted to council, in case you need it.

May I request TasNetworks to accept and review this application.

Thanks & regards,

**Dennis Cantwell** - Accredited Building Designer - Tas Licence CC5242C – PH 0414 310 328





### Land Use Planning Application Form

- Step 1:** Go to [LISTMap](#) and apply the 'Electricity Transmission Infrastructure Protection Code Overlay' layer. If your proposed development is located in southern Tasmania, you should also apply the 'Tasmanian Planning Scheme Overlay' layer to the map. These layers will display current electricity transmission corridors, communication sites and substations, as well as their protected areas.
- Step 2:** If your proposed development is to be located inside an identified area within either of these layers, please complete this form and send it to us at [landuseplanning@tasnetworks.com.au](mailto:landuseplanning@tasnetworks.com.au) for review.

#### Applicant Details

<b>Full name(s)</b>	Dennis Cantwell
<b>Postal address:</b>	P.O. Box 200 Woodbridge TAS 7162
<b>Phone:</b>	0414 310 328
<b>Email:</b>	dennis@canditt.com.au

#### Details of proposed development

<b>Type of application:</b> <small>Select from drop down</small>	Planning Permit <input type="button" value="v"/>
<b>Description of site:</b> <small>Address, certificate of title, property ID, local government area</small>	26 Tabart Street New Town - PID 9864761 title SP175923 / 56 The current vacant site is the corner of Tabart Street & Noble Drive
<b>Description of proposal:</b> <small>Brief description of the proposed works</small>	One existing and one proposed concrete driveway into proposed Multiple dwelling (2 units) and proposed light-weight fencing to the street frontage boundaries
<b>Impact on the asset:</b> <small>Will any of the proposed works be within the easement? How will the proposed works affect the asset?</small>	Impacts at the Noble Drive frontage only. The existing crossover (existing lay-back concrete kerb) and the proposed concrete driveway up to it, and the proposed light-weight non-tens fencing 500mm back from the Noble drive frontage only
<b>Contact with local council:</b> <small>Provide details of any prior contact</small>	Planning Application No PLN-20-563. Planning Officer Mark O'Brien Ph 6238 2753
<b>Contact with TasNetworks:</b> <small>Provide details of any prior contact</small>	none so far

#### Please submit the following documents with your application:

- ☒ Completed Council Planning Application form
- ☒ All plans, reports and supporting documentation forming council application
- ☒ Current Certificate of Title details (folio text and plan, schedule of easements)
- ☒ If applicable, supporting reports (e.g. noise report etc)



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28/11/20

**Re: PROPOSED TWO MULTIPLE DWELLINGS (Duplex)**

**APPLICATION NO. PLN-20- 63**

**At: 26 Tabart Street, NEW TOWN**

**RE: Council RFI letter dated 12 11 20**

Dear Sir / Madam,

I write regarding the above planning application to provide responses to councils RFI letter of 12th November 2020.

I submit the following, addressing the one item in council's letter, with my responses in red:-

**Stormwater Code (SW1)**

A site plan Two demonstrate how storm water from the proposed development including roofed areas and impervious surfaces driveways etc will be disposed of via gravity to public stormwater infrastructure or to a council approved system.

See amended drawing DWG-15 / B – I have inspected the site and photographed the connection point. The revised plan shows the connection point, and a photo, and has amended stormwater lines connecting to this point.

Thanks & regards,

**Dennis Cantwell** -Building Designer – Ph 0414 310 328 Tas Licence CC5242C

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14/9/20

**Re: PROPOSED TWO MULTIPLE DWELLINGS (Duplex)**  
**APPLICATION NO. PLN-20- 63**

**At: 26 Tabart Street, NEW TOWN**

**RE: Council RFI letter dated 1 20**

Dear Sir / Madam,

As per the above letter, I provide the requested registered dealing E151234, and understand the condition therein for the installation of a 2 kilolitre boundary stormwater detention tank.

I will attend to the foreshadowed other additional information asap and forward to council.

Thanks & regards,

**Dennis Cantwell** -Building Designer - 0414 310 328 Tas Licence CC5242C



**GOOD DESIGN IS YOUR BEST INVESTMENT**



10/30/2020

SIMPLIFIED STORMWATER PIPE DESIGN FOR SMALL BUILDING SITES

## STORM WATER PIPE SIZING CALCULATOR FOR BUILDING SITES

[Site map](#) [advanced search](#) [search tips](#)[More Calculators](#)[Instructions](#)[Learn More/How to](#)[Videos](#)[About/Blogs](#)[Contact](#)[Login](#)[Prices](#)[Try a free trial of the Extra Features](#)

### Enter Details

Catchment Area (sqm) 159

Available Grade (1 vert : ? horiz) 1 in 100

Rainfall: Either choose a Location (*HOBBART*) I prefer to enter a known intensity ▼  
or enter intensity (mm/hr) 86[How to find the Intensity for other places.](#)

### EXTRA FEATURES

[ACTIVATE NOW](#)Program uses Plastic pipe,  
Runoff coefficient of 1.  
and Rainfall suitable for eaves gutters.

Use another material PVC ▼

Roughness coefficient k (mm) 

Use another runoff coefficient

Use a known flow (L/s)

*SEE  
NOTES  
NEXT  
PAGE.*[Press to Calculate Pipe Size \(or press 'Enter'\)](#)[https://www.roof-gutter-design.com.au/swpipe/swpipe\\_a.php?scrollPosition=314.6666564941406&cment=159&hgrade=100&choice1=Hobart&inten=8...](https://www.roof-gutter-design.com.au/swpipe/swpipe_a.php?scrollPosition=314.6666564941406&cment=159&hgrade=100&choice1=Hobart&inten=8...) 1/6

10/30/2020

SIMPLIFIED STORMWATER PIPE DESIGN FOR SMALL BUILDING SITES

Calculations, Code  
references and Results  
for your records.

### Pipe Size

Pipe Size Available (Dia mm)

90

Flow (Litres/sec)

3.8

Theoretical Pipe Size (dia mm)

76

Flow Velocity (m/s)

0.6

USED. CATCHMENT AREA OF  
UNIT 1 = 159 m<sup>2</sup>

3.8 l/sec for 5 minutes  
= 1140 litres  
to be retained.

RECOMMEND 1000 litre  
UNDER-EAVES TANK  
WITH A 20mm φ.  
OUTLET.

\* NOTE : UNIT 2 CATCHMENT IS 149 m<sup>2</sup> = 3.56 l/sec

RECOMMEND 1000  
ANOTHER litre TANK.

### Note:

This program is based on the Australian Plumbing Code AS/NZS 3500.3:2018 and as such it is a very simplified method of calculating pipe sizes. It takes no account of losses such as entry and exit losses, and losses due to bends and fittings (it only calculates pipeline friction losses).

**The rainfall intensity** used is 1:20 (ARI 20, AEP 5%), this means it is suitable for connecting the Down pipes from eaves gutters. However the code allows site drainage to be calculated from ARI 1 to ARI 20, depending on the likelihood of damage from overflow.

Therefore you are free to enter any intensity you desire.

All **overflowing** should be calculated for ARI 100 and carried away from the building without damage. The top water level of any overflowing should be at least 300mm below the floor level or damp course of any adjacent building.

**Losses due to fittings etc** are assumed to be compensated for, by allowing water to rise up a bit into the down pipe or catch pit. These losses are usually minor as the velocity is regulated as explained below, and the nearest available pipe size is usually bigger than the theoretical size required, resulting in the pipes not flowing full.

Also if the theoretical pipe diameter is greater than 4mm of an available pipe diameter, the next higher available pipe size is shown. This is to allow for the slight discrepancies when dealing with "nominal" diameters.(DN)



10/30/2020

SIMPLIFIED STORMWATER PIPE DESIGN FOR SMALL BUILDING SITES

The **velocity** shown, is calculated on this next higher pipe size, flowing full at the design flow, as per code requirement.

Please note that this is not necessarily the true velocity. It is a simple rule of thumb method used by the Plumbing Code as a means to reduce possible losses. The code requires this velocity to be kept below 2m/s. (Pipeline losses are dependent on the velocity). It is probably not that important for a single pipe, but when you start joining pipes together these (uncalculated) losses can add up. Hence the 2m/s requirement.

Some explanation, because we have selected the next larger pipe size than what is 'theoretically required', the pipe is unlikely to be flowing full, so to be strictly correct the 'flowing part full calculations' should be used if designing Municipal systems. Some brief info on 'part full velocity' is shown [here](#).

If you wish to join a number of pipes together [This calculator](#) makes it easy.

### GRADE, AND "CHARGED" PIPES

The term "charged" pipes in this context means pipes flowing full, under slight head, or pipes that stay full when the flow has stopped. For example pipes from a down pipe that go underground and up again to a tank, pipes that enter below the water level in a dam, creek or river etc. Or pipes where the water level is allowed to build up substantially in a down pipe to give it more head, and hence increase the flow.

If designing a pipe under these conditions the "Available grade" to enter in the program is the "hydraulic" grade, not the actual grade of the pipe. Read more about this [here](#).

Although the program will allow you to enter any grade, all Codes stipulate minimum allowable grades, and sometimes maximum allowable grades. Minimum allowable in the Australian Plumbing Code AS/NZS 3500 can be found [here](#).

### PIPE TYPES

The Formula used is Colebrook-White ( $k=0.015$ ) as per the Australian Plumbing Code.

This is suitable for smooth pipes like PVC, copper, stainless steel etc.

$$V = -2\sqrt{2gdS} \log \left( \frac{k}{3.7d} + \frac{2.51\nu}{d\sqrt{2gdS}} \right)$$

For other pipe types, you could activate the [extra features](#), allowing you to enter any resistance and runoff coefficient.

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SIMPLIFIED STORMWATER PIPE DESIGN FOR SMALL BUILDING SITES

**Roughness Coefficients Used**

Colebrook-White Roughness Coefficient (k)

Pipe Material	k
Smooth bore pipelines, Plastic, Copper, stainless steel etc	0.015
Fibre Reinforced Concrete (FRC)	0.15
Cast Iron, Ductile Iron, Galvanised Steel, Vitrified Clay (VC), Precast Concrete etc	0.6
Corrugated Aluminium and Steel	3

**RAINFALL**

*20 Y E M R.*

If using the drop down town list for rainfall intensity, the storm recurrence interval is 20 years. Duration is 5mins for Australia. (NZ towns ARI 10 years, duration 10mins)

This is the intensity for eaves gutters.

If using box gutters, pervious areas, or areas that will not cause any damage if overflowing, the allowable intensity can be different.

If you wish to take these factors into account this program may be more suitable.

However by using the extra features above, these requirements can be adjusted by calculating the design flow elsewhere, then adding in the box.

**COEFFICIENT OF RUNOFF**

The coefficient of runoff is taken a 1. That is, 100% runoff, as in a roof.

If using the program for a different coefficient of runoff, multiply the catchment area by that coefficient before entering it in the calculator. For example with a catchment area of 100sqm and a Coefficient of runoff of 0.6 (60%), the area to enter into the program is  $100 \times 0.6 = 60$  sqm.

Alternatively save yourself the agro and activate the extra features

**Storm water design for Municipal systems** is based on the Hydraulic Grade line, which takes into account all losses in the system. e.g. through access chambers, junctions, catch pits etc. And also allows for pipes discharging below water level.

To learn about this, and storm water design principles in general [click here..](#)

[https://www.roof-gutter-design.com.au/swpipe/swpipe\\_a.php?scrollPosition=314,6666564941406&cment=159&hgrade=100&choice1=Hobart&inten=8...](https://www.roof-gutter-design.com.au/swpipe/swpipe_a.php?scrollPosition=314,6666564941406&cment=159&hgrade=100&choice1=Hobart&inten=8...) 4/6



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SIMPLIFIED STORMWATER PIPE DESIGN FOR SMALL BUILDING SITES

However this level of detail is not required for single straight pipes, and is not required under the Australian Plumbing Code. The code makes allowances for losses by other means and a slightly different approach.

This method is explained more fully in the '[Notes and Instructions](#)' on using the [multiple pipeline calculator](#).

#### **How to Enter a Known Flow**

What if you have many catchments of varying coefficients of runoff and intensities, all draining to this pipe?

In this case you must calculate the total runoff by adding the runoff from each catchment separately.

The runoff equation is  $Q = C \cdot I \cdot A / 3600$ . Where Q is L/s; I is mm/hr; A is sqm.

To use this in the program without paying me any money, make the Area equal 3600, when divided by 3600 will cancel out, leaving the intensity equal to the required flow. ( $C = 1$ ).

For example, say your known flow is 20 L/s, enter 3600 as the area, set the location to "I prefer to enter a know Intensity", and enter 20 as the intensity. the flow will be calculated to be 20 L/s.

Or you could activate the [extra features](#) and have the program do it for you. This will give me half a six pack and bus fare home. Which will be good.

Entering a known flow, does not require any rainfall, catchment, or coefficient of runoff data. Any such data in these fields is ignored.

#### **HOW DOES THIS AFFECT DOWNPIPES**

What if we use this method to size a pipe from a down pipe, and find that the resulting pipe is smaller than the downpipe itself. (Assuming the Downpipe was sized in the [Downpipe calculator](#))

A Down pipe size is more dependent on the perimeter of the pipe (circular weir, or orifice) at the entrance, than the cross sectional area. And as such does not flow full. Whereas the underground pipe maybe flowing full, thereby resulting in a smaller pipe.

Now it is very bad practice to reduce a pipe size downstream. Besides which it is against all codes and requirements and laws. It is also a potential blockage problem.

So, we can put in more DP's to reduce their size, or we can flatten the grade of

10/30/2020

SIMPLIFIED STORMWATER PIPE DESIGN FOR SMALL BUILDING SITES

the underground pipe to increase it's size, or we can enlarge the Downpipe at the entrance to the diameter required by the downpipe calculator, thereby providing a "Funnel" into the vertical pipe. Or we could just enlarge the underground pipe and say nothing to anybody.

Note: Don't use this to design syphonic systems though, as a syphonic systems need special fittings to get it started, and also to remove entrapped air.

**What if ?**

What if the storm intensity is greater than the pipe was designed for? or what if the pipe gets blocked?

Then, if there is a risk of serious damage, you may wish to design an overland flow path.

[More Instructions](#)

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[Contact](#)

If you find that the programs useful, please feel free to buy me a beer.



**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 175923	FOLIO 56
EDITION 2	DATE OF ISSUE 18-Jul-2019

SEARCH DATE : 31-Aug-2020

SEARCH TIME : 09.36 AM

DESCRIPTION OF LAND

City of HOBART  
Lot 56 on Sealed Plan 175923  
Derivation : Part of 242 Acres Gtd. to Edward Samuel Pickard  
Bedford & William DeGillern  
Prior CT 175130/1

SCHEDULE 1

M767946 TRANSFER to IRFAN INAYAT Registered 18-Jul-2019 at  
noon

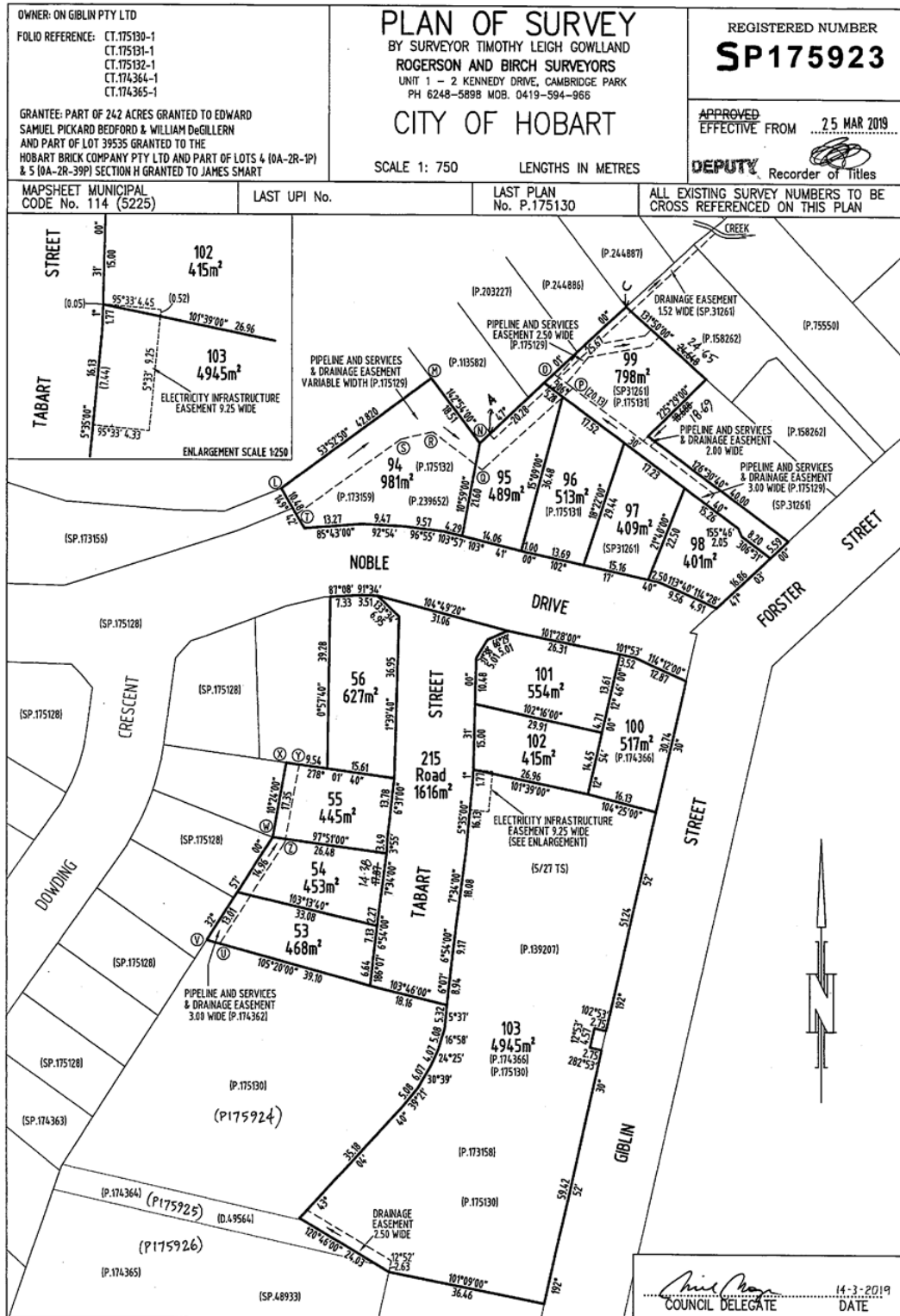
SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
SP175923 COVENANTS in Schedule of Easements  
SP175923 FENCING PROVISION in Schedule of Easements  
E151234 AGREEMENT pursuant to Section 71 of the Land Use  
Planning and Approvals Act 1993 Registered  
25-Mar-2019 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations





<b>SCHEDULE OF EASEMENTS</b>	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	<b>SP 175 9 23</b>

PAGE 1 OF 10 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:

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

Each lot on the plan is subject to:

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

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

EASEMENTS

Lots 53, 54 and 55 on the Plan are subject to a Pipeline and Services Easement (~~as defined in SP174362~~) in gross in favour of the Tasmanian Water & Sewerage Corporation Pty Ltd over the land marked PIPELINE AND SERVICES & DRAINAGE EASEMENT 3.00 WIDE (P.174362) on the Plan. and as created by and more fully set forth in E111245.

Lots 53, 54 and 55 on the Plan are subject to a Drainage Easement (~~as defined~~) in gross in favour of the Hobart City Council over the land marked PIPELINE AND SERVICES EASEMENT & DRAINAGE EASEMENT 3.00 WIDE (P.174362) on the Plan. and as created by and more fully set forth in E111246.

Lot 103 on the Plan is subject to a Drainage Easement (as defined) in gross in favour of the Hobart City Council over the land marked DRAINAGE EASEMENT 2.50 WIDE on the Plan.

Lots 94, 95, 96 and 99 on the Plan are subject to a Pipeline and Services Easement (~~as defined in SP175129~~) in gross in favour of the Tasmanian Water & Sewerage Corporation Pty Ltd over the land marked PIPELINE AND SERVICES & DRAINAGE EASEMENT VARIABLE WIDTH (P.175129) on the Plan, and as created by and more fully set forth in E127347.

  
 Director

  
 Director

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: On Gibling Pty Ltd	PLAN SEALED BY: Hobart City Council
FOLIO REF: 175130/1, 175131/1, 175132/1, 174364/1 & 174365/1	DATE: 14-3-2019
SOLICITOR	521-11 & STR-18-49
& REFERENCE: Page Seager (DAS 151616)	REF NO. PLN-13-01331-01
	Council Delegate

NOTE: The Council Delegate must sign the Certificate for the purposes of identification.

<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 2 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 175 9 23</b></p>
<p>SUBDIVIDER: On Giblin Pty Ltd</p> <p>FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 &amp; 174365/1</p>	

Lots 94, 95, 96 and 99 on the Plan are subject to a Drainage Easement ~~(as defined)~~ in gross in favour of the Hobart City Council over the land marked PIPELINE AND SERVICES & DRAINAGE EASEMENT VARIABLE WIDTH (P.175129) on the Plan, and as created by and more fully set forth in E127348.

Lot 99 on the Plan is subject to a Pipeline and Services Easement ~~(as defined in SP175129)~~ in gross in favour of the Tasmanian Water & Sewerage Corporation Pty Ltd over the land marked PIPELINE AND SERVICES & DRAINAGE EASEMENT 3.00 WIDE (P.175129) on the Plan, and as created by and more fully set forth in E127347.

Lot 99 on the Plan is subject to a Drainage Easement ~~(as defined)~~ in gross in favour of the Hobart City Council over the land marked PIPELINE AND SERVICES & DRAINAGE EASEMENT 3.00 WIDE (P.175129) on the Plan, and as created by and more fully set forth in E127348.

Lot 99 on the Plan is subject to a Pipeline and Services Easement ~~(as defined in SP175129)~~ in gross in favour of the Tasmanian Water & Sewerage Corporation Pty Ltd over the land marked PIPELINE AND SERVICES EASEMENT 2.50 WIDE (P.175129) on the Plan, and as created by and more fully set forth in E127347.

Lot 99 ("the Lot") is subject to a PIPELINE AND SERVICES EASEMENT<sup>^</sup> (as defined herein) in gross in favour of Tasmanian Water & Sewerage Corporation Pty Ltd, its successors and assigns ("TasWater") over the land marked PIPELINE AND SERVICES & DRAINAGE EASEMENT 2.00 WIDE shown on the Plan ("the Easement Land").

Lot 99 on the Plan is subject to a Drainage Easement (as defined) in gross in favour of the Hobart City Council over the land marked PIPELINE AND SERVICES & DRAINAGE EASEMENT 2.00 WIDE on the Plan.

  
Director

  
Director

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

<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 3 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 175 9 23</b></p>
<p>SUBDIVIDER: On Giblin Pty Ltd</p> <p>FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 &amp; 174365/1</p>	

That part of Lot 94 formerly comprised in Plan 175131, Lots 95, 96, 97, 98 & 99 are each  
~~That part of Lot 99 on the Plan formerly within Lot 2 on SP.31261 is together with a Right of drainage over~~  
the land marked DRAINAGE EASEMENT 1.52 WIDE (SP.31261) on the Plan, ~~situated within Lot 95.~~

~~Lot 95 on the Plan is subject to a Right of drainage (appurtenant to that part of Lot 99 on the Plan formerly within Lot 2 on SP.31261) over the land marked DRAINAGE EASEMENT 1.52 WIDE (SP.31261) on the Plan situated within Lot 95.~~

That part of Lot 99 on the Plan formerly within Lot 2 on SP.31261 is together with a Right of drainage over that part of Lot 99 on the Plan formerly within Lot 3 on SP.31261 and marked DRAINAGE EASEMENT 1.52 WIDE (SP.31261) on the Plan.

That part of Lot 99 on the Plan formerly within Lot 3 on SP.31261 is subject to a Right of drainage (appurtenant to that part of Lot 99 on the Plan formerly within Lot 2 on SP.31261) over the area marked DRAINAGE EASEMENT 1.52 WIDE (SP.31261) on the Plan.

That part of Lot 99 on the Plan formerly within Lot 2 on SP.31261 is together with a Right of drainage over that part of the land marked DRAINAGE EASEMENT 1.52 WIDE (SP.31261) on the Plan within Folio of the Register Volume 158262 Folio 2 and Folio of the Register Volume 75550 Folio 5.

Those parts of Lots 94 and 99 formerly comprised in Lot 3 on SP.31261 and lots 95, 96, 97 and 98 on the Plan are together with a Right of drainage over that part of Lot 99 on the Plan formerly within Lot 2 on SP.31261 marked DRAINAGE EASEMENT 1.52 WIDE (SP.31261) on the Plan.

That part of Lot 99 formerly within Lot 2 on SP.31261 is subject to a Right of drainage (appurtenant to those parts of Lots 94 and 99 formerly comprised in Lot 3 on SP.31261 and lots 95, 96, 97 and 98 on the Plan) over that part of the land marked DRAINAGE EASEMENT 1.52 WIDE (SP.31261) on the Plan

Director

Director

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<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 4 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 175923</b></p>
<p>SUBDIVIDER: On Giblin Pty Ltd</p> <p>FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 &amp; 174365/1</p>	

~~These parts of Lots 94 and 99 formerly comprised in Lot 3 on SP.31261 and lots 95, 96, 97 and 98 on the Plan are together with a Right of drainage over that part of the land marked DRAINAGE EASEMENT 1.52 WIDE (SP.31261) on the Plan within Folio of the Register Volume 75550 Folio 5.~~

Lots 102 and 103 on the Plan are subject to an Electricity Infrastructure Easement (as defined) in gross in favour of Tasmanian Networks Pty Ltd over the land marked ELECTRICITY INFRASTRUCTURE EASEMENT 9.25 WIDE on the Plan.

#### EASEMENTS CONTINUED PAGE 10

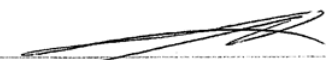

#### FENCING PROVISION

In respect of the Lots shown on the Plan, the Vendor (On Giblin Pty Ltd) shall not be required to fence.

#### COVENANTS

The owners of each lot on the Plan (excluding Lot 215) covenant with the Vendor (On Giblin Pty Ltd) and the owners for the time being of every other lot shown on the Plan to the intent that the burden of these covenants may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot shown on the Plan to observe the following stipulations:-

1. Not to park or permit to be parked any caravan or similar vehicle on such lot for the use as permanent or semi-permanent residential accommodation.
2. Not to erect or permit to be erected on such lot or any part thereof any kit home, removable or relocated dwellings or buildings of whatsoever nature.
3. The Vendor reserves the right to sell any part of the unsold land shown on the said survey plan freed and exempt from any one more of the restrictive covenants and conditions or to waive or alter any of such restrictive covenants as to any land not transferred.

 Director	 Director
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<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 5 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 175 9 23</b></p>
<p>SUBDIVIDER: On Giblin Pty Ltd</p> <p>FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 &amp; 174365/1</p>	

The owners of Lots 53, 54 and 55 on the Plan each covenant with the Hobart City Council to the intent that the burden of these covenants may run with and bind the covenantor's lot and every part thereof and that the benefit shall be in favour of the said Hobart City Council to observe the following stipulations:-

1. Not without the written consent of the Hobart City Council to erect or permit to be erected any building or structure or fence or carry out any landscaping that may change the contours of the land or restrict the free flow of water over the land within the area marked ~~LMNOPQRST~~ on the Plan.

The owners of Lots 94, 95 96 and 99 on the Plan each covenant with the Hobart City Council to the intent that the burden of these covenants may run with and bind the covenantor's lot and every part thereof and that the benefit shall be in favour of the said Hobart City Council to observe the following stipulations:-

1. Not without the written consent of the Hobart City Council to erect or permit to be erected any building or structure or fence or carry out any landscaping that may change the contours of the land or restrict the free flow of water over the land within the area marked LMNOPQRST on the Plan.

The owners of Lots 102 and 103 on the Plan each covenant with Tasmanian Networks Pty Ltd to the intent that the burden of these covenants may run with and bind the covenantor's lot and every part thereof and that the benefit shall be in favour of the said Tasmanian Networks Pty Ltd to observe the following stipulations:-

1. To not place, construct or develop, or allow any other person or entity to place construct or develop, any combustible structure within six (6) metres of any equipment, infrastructure or like matter installed within the boundary of the Electricity Infrastructure Easement marked ELECTRICITY INFRASTRUCTURE EASEMENT 9.25 WIDE on the Plan.

#### DEFINITIONS

  
Director

  
Director

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<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 6 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 175923</b></p>
<p>SUBDIVIDER: On Giblin Pty Ltd</p> <p>FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 &amp; 174365/1</p>	

**"Drainage Easement"** means a right of drainage (including the right of construction of drains) for Hobart City Council with which the right shall be capable of enjoyment for the purpose of carrying away stormwater and other surplus water from any land over or under the land herein indicated as the land over which the right is to subsist, and through all sewers and drains which may hereafter be made or passing under, through, and along the last-mentioned land and the right for Hobart City Council and its employees, agents and contractors from time to time and at all times hereafter if it or they should think fit to enter into and upon the last-mentioned land and to inspect, repair, cleanse, and amend any such sewer or drain without doing unnecessary damage to the said land.

The Pipeline and Services Easement is defined as follows:

THE FULL RIGHT AND LIBERTY for TasWater at all times to:

- (1) enter and remain upon the Easement Land with or without employees, contractors, agents and all other persons duly authorised by it and with or without machinery, vehicles, plant and equipment;
- (2) investigate, take soil, rock and other samples, survey, open and break up and excavate the Easement Land for any purpose or activity that TasWater is authorised to do or undertake;
- (3) install, retain, operate, modify, relocate, maintain, inspect, cleanse and repair the Infrastructure;
- (4) remove and replace the Infrastructure;
- (5) run and pass sewage, water and electricity through and along the Infrastructure;
- (6) do all works reasonably required in connection with such activities or as may be authorised or required by any law:
  - (1) without doing unnecessary damage to the Easement Land; and
  - (2) leaving the Easement Land in a clean and tidy condition; and
- (7) if the Easement Land is not directly accessible from a highway, then for the purpose of undertaking any of the preceding activities TasWater may with or without employees, contractors, agents and all other persons authorised by it, and with or without machinery, vehicles, plant and equipment enter the Lot from the highway at any then existing vehicle entry and cross the Lot to the Easement Land; and

Director

Director

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<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 7 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 175 9 23</b></p>
<p>SUBDIVIDER: On Giblin Pty Ltd</p> <p>FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 &amp; 174365/1</p>	

- (8) use the Easement Land as a right of carriageway for the purpose of undertaking any of the preceding purposes on other land, TasWater reinstating any damage that it causes in doing so to any boundary fence of the Lot.

**PROVIDED ALWAYS THAT:**

- (1) The registered proprietors of the Lot in the folio of the Register ("the Owner") must not without the written consent of TasWater first had and obtained (which cannot be unreasonably refused) and only in compliance with any conditions which form the consent:
- (a) alter, excavate, plough, drill or otherwise penetrate the ground level of the Easement Land;
  - (b) install, erect or plant any building, structure, fence, pit, well, footing, pipeline, paving, tree, shrub or other object on or in the Easement Land;
  - (c) remove any thing that supports, protects or covers any Infrastructure on or in the Easement Land;
  - (d) do anything which will or might damage or contribute to damage to any of the Infrastructure on or in the Easement Land;
  - (e) in any way prevent or interfere with the proper exercise and benefit of the Easement Land by TasWater or its employees, contractors, agents and all other persons duly authorised by it; or
  - (f) permit or allow any action which the Owner must not do or acquiesce in that action.
- (2) TasWater is not required to fence any part of the Easement Land.
- (3) The Owner may erect a fence across the Easement Land at the boundaries of the Lot.
- (4) The Owner may erect a gate across any part of the Easement Land subject to these conditions:
- (a) the Owner must provide TasWater with a key to any lock which would prevent the opening of the gate; and
  - (b) if the Owner does not provide TasWater with that key or the key provided does not fit the lock, TasWater may cut the lock from the gate.
- (5) If the Owner causes damage to any of the Infrastructure, the Owner is liable for the actual cost to TasWater of the repair of the Infrastructure damaged.

  
Director

  
Director

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<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 8 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 175 9 23</b></p>
<p>SUBDIVIDER: On Giblin Pty Ltd</p> <p>FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 &amp; 174365/1</p>	

- (6) If the Owner fails to comply with any of the preceding conditions, without forfeiting any right of action, damages or otherwise against the Owner, TasWater may:
- (a) reinstate the ground level of the Easement Land; or
  - (b) remove from the Easement Land any building, structure, pit, well, footing, pipeline, paving, tree, shrub or other object; or
  - (c) replace anything that supported, protected or covered the Infrastructure.


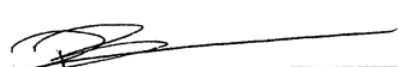
**Interpretation:**

**"Infrastructure"** means infrastructure owned or for which TasWater is responsible and includes but is not limited to:

- (a) sewer pipes and water pipes and associated valves;
- (b) telemetry and monitoring devices;
- (c) inspection and access pits;
- (d) power poles and lines, electrical wires, electrical cables and other conducting media (excluding telemetry and monitoring devices);
- (e) markers or signs indicating the location of the Easement Land, the Infrastructure or any warnings or restrictions with respect to the Easement Land or the Infrastructure;
- (f) anything reasonably required to support, protect or cover any of the Infrastructure;
- (g) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Easement Land or monitoring or managing that activity; and
- (h) where the context permits, any part of the Infrastructure.

**"Electricity Infrastructure Easement"** means:

**FIRSTLY** all the full and free right and liberty for Tasmanian Networks Pty Ltd and its successors and its and their servants agents and contractors at all times hereafter:

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

<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 9 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 175 9 23</b></p>
<p>SUBDIVIDER: On Giblin Pty Ltd</p> <p>FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 &amp; 174365/1</p>	

- (a) TO clear the lands shown as ELECTRICITY INFRASTRUCTURE EASEMENT 9.25 WIDE on the Plan annexed hereto (hereinafter called "the servient land") and contained in the land of the registered proprietors in the above folio of the Register (the "said land") and to erect construct place inspect alter add repair renew maintain and use in upon over and along and remove from the servient land towers poles wires cables apparatus appliances and other ancillary work (all of which are hereinafter collectively referred to as "the said lines") for the transmission and distribution of electrical energy and for purposes incidental thereto:-
- (b) TO cause or permit electrical energy to flow or be transmitted through and along the said lines;
- (c) TO cut away remove and keep clear of the said lines all trees and all other obstructions or erections of any nature whatsoever which may at any time overhang encroach or be in or on the servient land and which may in any way endanger or interfere with the proper operation of the said lines; and making good all damage occasioned thereby;
- (d) TO enter into and upon the servient land and if necessary to cross the remainder of the said land for the purpose of access and regress to and from the servient land for all or any of the above purposes with or without all necessary plant equipment machinery and vehicles of every kind, and making good all damage occasioned thereby.

**SECONDLY** the benefit of a covenant for Tasmanian Networks Pty Ltd and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures, objects or vegetation that could interfere with the proper and safe operation of the said lines to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement first hereinbefore described.


  
Director

  
Director

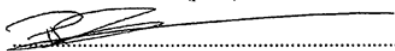
**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 10 OF 10 PAGES	Registered Number <b>SP 175 9 23</b>
SUBDIVIDER: On GIBLIN Pty Ltd FOLIO REFERENCE: 175130/1, 175131/1, 175132/1, 174364/1 & 174365/1	

EXECUTED by ON GIBLIN PTY LTD (ACN 602 471 )  
 518) as registered proprietor of the land comprised in Folio )  
 of the Register Volume 175130 Folio 1, Folio of the )  
 Register Volume 175131 Folio 1, Folio of the Register )  
 Volume 174364 Folio 1 and Folio of the Register Volume )  
 174365 Folio 1 pursuant to section 127 of the  
*Corporations Act 2001 (Cth)* by:

  
 .....  
 Director Signature

RONALD ALDEN BROOKS  
 .....  
 Director Full Name (print)

  
 .....  
 \*Director/\*Secretary Signature


PAUL ROBERT BROOKS  
 .....  
 \*Director/\*Secretary Full Name (print)


(\*please strike out inapplicable \*if Sole Director/Secretary write 'Sole')

#### EASEMENTS CONTINUED

Lots 95 & 99 on the plan are each subject to a Right of Drainage (appurtenant to Lots 1 & 2 on Sealed Plan 31261) over the land marked Drainage Easement 1.52 wide (SP31261) marked A O on the plan.

Lot 99 on the plan is subject to a Right of Drainage (appurtenant to Lot 3 on SP31261) over the land marked Drainage Easement 1.52 wide (SP31261) marked O C on the plan.

  
 .....  
 Director

  
 .....  
 Director

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

**TASMANIAN LAND TITLES OFFICE**  
**Notification of Agreement**  
**under the**  
**Land Use Planning and**  
**Approvals Act 1993**  
**(Section 71)**



E151234

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
175130	1		
175131	1		
175132	1		
174364	1		
174365	1		

REGISTERED PROPRIETOR:

**ON GIBLIN PTY LTD of Suite 8, 136 Davey Street, HOBART 7000 in Tasmania**

PLANNING AUTHORITY:

**HOBART CITY COUNCIL**

Dated this 10 day of October 2018

I **KIRSTEN ANNE TURNER**of **TOWN HALL, MACQUARIE STREET, HOBART IN TASMANIA, SOLICITOR ON BEHALF OF**

the abovenamed Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Signed  
 (on behalf of the Planning Authority)

Land Titles Office Use Only


**LUA** Version 1

**REGISTERED**  
**25 MAR 2019**  
**DEPUTY**  
**RECORDER OF TITLES**

Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED

I, Kirsten Anne Turner,  
solicitor, certify this to be  
a true copy of the original.

 1/10/2018

**HOBART CITY COUNCIL**

(ABN 65 904 844 993)

and

**ON GIBLIN PTY LTD**

(ACN 602 471 518)

---

**DEED MADE UNDER PART 5 OF THE  
LAND USE PLANNING AND APPROVALS ACT 1993**

---

**PAGE SEAGER**  
LAWYERS

Level 2, 179 Murray Street  
HOBART TAS 7000

Level 11, South Tower, 459 Collins Street  
MELBOURNE VIC 3000

P: (03) 6235 5155  
F: (03) 6231 0352

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## DETAILS

Date 20 The 9<sup>th</sup> day of SEPTEMBER 2018

Parties Council and Owner

## Council


Name HOBART CITY COUNCIL  
ABN 65 904 844 993  
Address 16 Elizabeth Street, Hobart in Tasmania  
Contact Ms Kirsten Turner, Manager Development Compliance

## Owner

Name ON GIBLIN PTY LTD  
ACN 602 471 518  
Address PO Box 1054, Sandy Bay in Tasmania  
Contact Mr Ron Brooks

## RECITALS

- A. Council is the planning authority under the Act and for the purposes of the Interim Scheme.
- B. The Owner is the registered proprietor of an estate in fee simple in the Land.
- C. The Owner has submitted the Planning Application to the Council and the Council has issued the Planning Permit.
- D. The stormwater management report approved by condition 34 of the Planning Permit required the installation of 2 kilolitre below-ground boundary stormwater detention tanks within each residential lot.
- E. Pursuant to condition 30 of the Planning Permit, the requirement in recital D above has been varied to the effect that any future development of a dwelling on the Land must instead incorporate the Infrastructure.
- F. The parties have agreed to enter into this Deed to ensure that the obligation to install and maintain the Infrastructure is recorded on the title to the Land.
- G. The Owner acknowledges that:
- (a) this Deed is being entered into pursuant to Part 5 of the Act and for the purpose of giving effect to the variation described in recital E above; and



- (b) the Council will register this Deed pursuant to the provisions of the *Land Titles Act* 1980 (Tas) and that the effect of registration will be that the burden and benefit of any covenant contained in this Deed will run with the Land as if it were a covenant to which section 102(2) of the *Land Titles Act* 1980 (Tas) applies.

## AGREED TERMS

---

### 1 DEFINITIONS AND INTERPRETATION

#### 1.1 Definitions

In this Deed, unless the contrary intention appears:

**Act** means the *Land Use Planning and Approvals Act* 1993 (Tas).

**Business Day** means any week day on which banks are generally open for business in Hobart, Tasmania.

**Council** means the party described as such in the Details.

**Deed** means this deed and includes any schedules, appendices, and annexures to this deed, made in accordance with Part 5 of the Act.

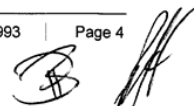
**Details** mean the section of this deed headed 'Details'.

**Infrastructure** means one or more rainwater detention devices (e.g. a rainwater tank installed above or below ground) with a minimum storage (or combined storage) volume of 2 kilolitres designed and installed to harvest rainwater run-off from non-permeable surfaces on the lot (e.g. roofs and/or driveways). The detention device (or devices) must be fitted with an orifice sized to restrict average outflows from the device (or devices) to a combined maximum flow of 3.3l/s for the lot. A high level overflow is to be provided for each device (or group of devices) which must be connected to the lot's stormwater connection.

**Interim Scheme** means the *Hobart Interim Planning Scheme 2015*.

**Land** means those parts of the land known as part of "110 Giblin Street, New Town in Tasmania" and being more particularly described in Folios of the Register 175130/1, 175131/1, 175132/1, 174364/1 and 174365/1 comprising lots 53 to 56 (inclusive), lots 94 to 99 (inclusive) and lots 100 to 103 (inclusive) within stage 8 of the subdivision approved by the Planning Permit.

**Owner** means the person or persons specified in the Details and includes the person or persons from time to time registered or entitled to be registered by the Recorder of Titles as proprietor or proprietors of an estate in fee simple in the Land or any part of the Land and includes a mortgagee in possession.

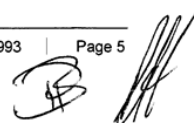


**Planning Application** means application number PLN-13-01331-01 lodged with Council.

**Planning Permit** means the permit dated 28 June 2016 granted by Council approving the Planning Application as amended on 24 October 2017

## 1.2 Interpretation

- (a) In this Deed, unless the contrary intention appears a reference to:
  - (i) one gender includes every other gender;
  - (ii) the singular includes the plural and the plural includes the singular;
  - (iii) a person includes a body corporate or unincorporate;
  - (iv) a party means a party to this Deed and includes the party's executors, administrators, successors and permitted assigns;
  - (v) a statute, regulation or provision of a statute or regulation (**Statutory Provision**) includes:
    - (A) that Statutory Provision as amended or re-enacted from time to time;
    - (B) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
    - (C) another regulation or other statutory instrument made or issued under that Statutory Provision.
- (b) "Including" and similar expressions are not words of limitation.
- (c) A reference to a clause or schedule is a reference to a clause of or a schedule to this Deed.
- (d) A reference to a document (including, without limitation, a reference to this Deed) is to that document as amended, novated or replaced.
- (e) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (f) Headings and any table of contents or index are for convenience only and do not form part of this Deed or affect its interpretation.
- (g) A provision of this Deed must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of this Deed or the inclusion of the provision in this Deed.



- (h) If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.

---

**2 CONFIRMATION OF RECITALS**

Each of the parties to this Deed confirms the Recitals that relate to that party.

---

**3 TERM**

In accordance with section 74 of the Act, this Deed commences on the Commencement Date and continues in effect until terminated in accordance with s.74(3) of the Act.

---

**4 COVENANTS BY OWNER**

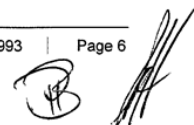
In consideration of the Council granting the Planning Permit, the Owner hereby covenants with the Planning Authority to:

- (a) install the Infrastructure in conjunction with and as part of the development of the Land; and
- (b) following the installation of the Infrastructure, periodically maintain, repair and replace the Infrastructure as and when required and conduct annual inspections to ensure correct operation of the Infrastructure.

---

**5 REGISTRATION OF DEED**

- (a) Following execution of this Deed, Council will lodge an executed copy of this Deed:
  - (i) at the office of the Tasmanian Planning Commission in accordance with s.76(1) of the Act; and
  - (ii) at the office of the Recorder of Titles pursuant to s.78 of the Act and in doing so register this Deed on the title to the Land.
- (b) For the avoidance of doubt:
  - (i) the effect of registration under clause 5.1(a)(ii) will be that the burden of any commitment contained in this Deed will run with and bind the future owners of the Land as if it were a covenant to which Section 102(2) of the *Land Titles Act 1980* (Tas) applies; and
  - (ii) the parties agree that this Deed is made pursuant to s.71 of the Act.



---

**6 NOTICES****6.1 Form**

Any notice, consent, approval, waiver and other communications to be given under or in connection with this Deed must be in writing, signed by the sender and marked for the attention as set out or referred to in the Details or, if the recipient has notified otherwise, then marked for attention in the way last notified.

**6.2 Delivery**

They must be:

- (a) left at the address set out or referred to in the Details; or
- (b) sent by prepaid post to the address set out or referred to in the Details.

However, if the intended recipient has notified a changed postal address, then the communication must be to that postal address.

**6.3 When effective**

They take effect from the time they are received unless a later time is specified in them.

---

**6.4 Receipt – postal**

If sent by post, they are taken to be received 3 days after posting (or 7 days after posting if sent to or from a place outside Australia).

**6.5 Receipt – general**

Despite clause 6.4 (Receipt - postal), if they are received after 5pm in the place of receipt or on a non-Business Day, they are taken to be received at 9am on the next Business Day.

---

**7 GENERAL****7.1 Amendments**

An amendment or variation to this Deed is not effective unless it is in writing and signed by the parties in accordance with s.75 of the Act.

**7.2 No fettering of powers**

The parties expressly acknowledge that this Deed does not fetter the future exercise of any statutory discretion by Council whether in relation to the Land or otherwise and the provisions of this Deed must be read accordingly.



**7.3 Costs**

The Owner agrees that it must bear the costs and disbursements associated with the preparation and registration of this Deed including any costs or disbursements incurred or to be incurred by the Council.

**7.4 Further acts and documents**

Each party must promptly do all further acts and execute and deliver all further documents (in a form and content reasonably satisfactory to that party) required by law or reasonably requested by another party to give effect to this Deed.

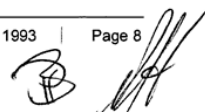
**7.5 Severance**

If anything in this Deed is unenforceable, illegal or void then it is severed and the rest of this Deed remains in force, unless the severance would change the underlying principal commercial purpose or effect of this Deed.

**7.6 Governing law and jurisdiction**

The laws of Tasmania govern this Deed and the parties submit to the non-exclusive jurisdiction of the courts of Tasmania.

---

Two handwritten signatures in black ink, one appearing to be a stylized 'B' and the other a more complex signature.

## SIGNING PAGE

EXECUTED by the parties as a Deed on the date set out in the Details

THE COMMON SEAL of the HOBART CITY COUNCIL )  
(ABN 65 904 844 993) was hereunto affixed in the presence of: )  
)



.....  
Deputy General Manager

.....  
Manager Legal and Governance

EXECUTED by ON GIBLIN PTY LTD (ACN 602 471 )  
518) in accordance with section 127 of the )  
Corporations Act 2001 (Cth) )

.....  
Director/Secretary

PETER AIDAN VERNEY HOLMES  
Print Full Name

.....  
Director/Secretary

PAUL ROBERT BROOKS  
Print Full Name





## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-20-563	Council notice date	15/09/2020
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2020/01463-HCC	Date of response	28/09/2020
TasWater Contact	Phil Papps	Phone No.	0474 931 272
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
<b>Development details</b>			
Address	26 TABART ST, NEW TOWN	Property ID (PID)	9864761
Description of development	Multiple dwellings x 2		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Dennis Cantwell Design	Site Plan / 02	--	13/08/2020
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol>			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
<ol style="list-style-type: none"> <li>4. The applicant or landowner as the case may be, must pay a development assessment fee of \$211.63 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.  The payment is required within 30 days of the issue of an invoice by TasWater.</li> </ol>			
<b>Advice</b>			
<b>General</b>			
For information on TasWater development standards, please visit <a href="http://www.taswater.com.au/Development/Development-Standards">http://www.taswater.com.au/Development/Development-Standards</a>			
For application forms please visit <a href="http://www.taswater.com.au/Development/Forms">http://www.taswater.com.au/Development/Forms</a>			
<b>Service Locations</b>			
Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor			



and/or a private contractor engaged at the developers cost to locate the infrastructure.  
The location of TasWater infrastructure as shown on the GIS is indicative only.

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

#### Declaration

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

#### Authorised by

A handwritten signature in black ink, appearing to read "J. Taylor".

**Jason Taylor**  
Development Assessment Manager

#### TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

Density Statistics of Properties within 100m of 26 Tabart Street (vacant lots excluded)						
	Address	Use	Site per dwelling	Site area	No Dwellings	New Permit
Forster	1	House	759	759	1	
	10	House	668	668	1	BLD_961139
	12	House	432	432	1	
	12A	House	745	745	1	
Pedder	98	House	500	500	1	
	100	Add to House	100	100	1	BLD-11-00543-01
Giblin	105	Ext to House	703	703	1	BLD-10-00882-01
	107	Ext House	557	557	1	PLN-950038
	109	House	563	563	1	
	110	House	517	517	1	BLD-19-206
	111	House	582	582	1	
Gregson	14	House	627	627	1	
	16	House	650	650	1	
	18	House	675	675	1	
	20	2 flats	350.5	701	2	
	21	House	1065	1065	1	
	23	House	465	465	1	
	25	House	564	564	1	
Dowding	27	House	607	607	1	
	20	House	402	402	1	
	22	House	405	405	1	
	23	House	401	401	1	
	24	House	401	401	1	BLD-19-180H
	25	House	400	400	1	BLD-19-556
	26	House	401	401	1	
	27	House	435	435	1	
	28	House	616	616	1	
	29	House	412	412	1	
	33	House	402	402	1	
	35	House	544	544	1	
Noble	1	House	401	401	1	BLD-20-47
	2	House	595	595	1	BLD-20-77
	3	House	409	409	1	
	5	House	513	513	1	NBW-20-141
	7	House	489	489	1	BLD-20-58
	8	House	801	801	1	
	9	2 units	490.5	981	2	BLD-20-264
	12	House	553	553	1	PLN-21-11 - undetermined
	15	22 units	224.8	4945	22	
	20	House	468	468	1	BLD-20-96
	22	House	453	453	1	
	24	Prop house	445	445	1	PLN-21-17 - undetermined
	26	Prop 2 units	313.5	627	2	subject site

27352.0

Total area excl site

Average area per dwellin

518.8

Median

490.5

27979.0 Total area incl site

25 Quartile	403.5	559.6 Ave area/density per dwelling
75 Quartile	601	

**Note:** excluded council reserves, parks, utility services, DPIPWE land



**Dennis Cantwell**  
building design & documentation  
m 0414 310 328  
e dennis@canditt.com.au  
www.canditt.com.au



5/3/21

**Re: PROPOSED TWO MULTIPLE DWELLINGS (Duplex)**  
**APPLICATION NO. PLN-20-563**

**At: 26 Tabart Street, NEW TOWN**

**RE: Response to submissions to council**

**Attention : Victoria Maxwell**

Dear Victoria,

Thank you for the meeting on 24/2/21 to discuss the submissions council has received on the above planning application.

I write to address two of the issues raised, privacy screening of the balconies, and shadowing to the southern proposed neighbouring dwelling.

#### **Balcony screening.**

I totally understand the western neighbour's concerns regarding the lack of privacy the proposed balconies would present. We have no wish to cause this problem at all.

The balconies were not proposed for reasons involving any particular views, but rather just to provide better ventilation to the rooms and access to a small "outdoor fresh air space" with pot plants / hanging plants, that could be totally screened (with 100% opaque screens if necessary) to the neighbours side.

My clients and I would have no objection to this condition being applied, or amended plans to this effect being submitted, if required.

#### **Southern shading.**

The winter solstice shadow diagrams provided show that the northern wall of the southern neighbouring proposed dwelling receives more than 3 hours of continuous sunshine.

GOOD DESIGN IS YOUR BEST INVESTMENT



The problem really is that the proposed southern neighbouring dwelling has lounge / living rooms along the **entire northern side, from front to back.**

I would suggest it is unreasonable for the southern neighbours to expect that this entire side of their proposed house should never be in shade at any time of the day, which is what it appears they require.

It is clear from the shadow diagrams that the front lounge room has sun at the start of the day, and the main rear living areas have sun at the later part of the day, prior to 3pm, and certainly for 3 continuous hours.

In fact, there will still always be some part of the entire northern lounge / living room side of the house that is getting sun in mid-winter at some time of the day.

It is also certain that due to the very long shadows at mid-winter, even a single storey house on my client's lot, set even further back than their proposal, would still cause shading to the southern neighbour's northern wall at some point in the day.

I would suggest the shadowing regulations were not intended to ensure 100% sunshine to entire northern sides of houses, for the entire day.

### **Setback infringement.**

The only setback infringement which is for one balcony and the roof corner above it is on the Tabart Street frontage. At my last pre-lodgement meet with Helen, I pointed this out this minor balcony infringement but Helen felt the "point of difference" to the other balcony forms, as she called it, was a positive thing. I believe she was absolutely correct, even adopting this terminology on the site plan note of this on DWG-02.

However, I have pushed this a bit further by introducing the small **roof corner** infringement above it, as the roof form then works well with a softening balcony pergola- (eaves being only considered infringements under the planning scheme if they exceed 600mm past the envelope, and this corner is 1170mm past ).

GOOD DESIGN IS YOUR BEST INVESTMENT



But if this now jeopardises the application, I am happy to review this and try truncate the roof corner, and pull the balcony back, but the resultant roof form will not look anywhere near as pleasing on the Tabart Street elevation.  
In fact, it will look very awful.

### Density issue.

The over-arching issue is of course the density issue.

I can only say that I held a pre-lodgement meeting with council to specifically discuss the fact the site is 627m<sup>2</sup>, instead of the 650m<sup>2</sup>.

I was clear in these meetings I did not wish to proceed and waste my client's money on very detail designs if this was not ever going to be acceptable.  
I was absolutely encouraged to proceed, so it is very disappointing that this now is being held as the most likely cause of refusal by council, now that submissions have come in.

I also prepared, as advised, a density study and there is one multiple dwelling lot touching the 100m radius and there are numerous multiple dwellings sites in the very immediate 400m area.

I suggest the 100m radius is simply an unreasonably small radius, but as I say, there is a well established older 2 unit development lot that touches the 100m radius to the north.

Thank you for your consideration of these matters.

**Dennis Cantwell** - Building Designer - Ph 0414 310 328 Tas Licence CC5242C

GOOD DESIGN IS YOUR BEST INVESTMENT



**7.2.4 41 BEAUMONT ROAD, LENA VALLEY - FIVE MULTIPLE DWELLINGS  
PLN-20-479 - FILE REF: F21/20190**

---

Address: 41 Beaumont Road, Lenah Valley  
Proposal: Five Multiple Dwellings  
Expiry Date: 9 April 2021  
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 five (5) multiple dwellings at 41 Beaumont Road Lenah Valley TAS 7008 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-20-479 - 41 BEAUMONT ROAD LENA VALLEY TAS 7008 - 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 2020/01155-HCC dated 11/08/2020 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

**PLN s1**

**Prior to first occupation, the west facing window in the upper floor living room for Units 2, 3, 4 and 5 must have a sill height of no less than 1.7m above floor, or other screening treatment with a transparency no greater than 25%.**

Reason for condition

To ensure privacy requirements are met.

**PLN s2**

**The roof pitch for Unit 1 must slope down to the south.**

Reason for condition

To ensure residential amenity is adequately protected.

**PLN s3**

**Prior to first occupation, screening devices must be installed in front of the master bedroom windows for Units 3, 4 and 5 to protect these windows from vehicles accessing the adjacent garages for Units 2, 3 and 4 respectively to minimise detrimental impacts of vehicle noise and light intrusion. The screening devices must be maintained for the life of the use.**

Reason for condition

To ensure compliance with privacy requirements of the General Residential zone.

**PLN s4**

**Prior to occupancy, the eastern side of decks for Units 1 and 4 must be screened to a height of 1.7m above the finished floor level of the deck, and with a uniform transparency of no more than 25%. The screening must be maintained for the life of the use.**

Reason for condition

To provide reasonable opportunity for privacy for the occupants of the proposed multiple dwellings.

**ENG sw1**

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

*Advice:*

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

Reason for condition

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

**ENG sw6**

**All stormwater from the proposed development (including hardstand runoff, ag drains and tank overflow) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation 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 issue of any consent under the *Building Act 2016* or the commencement of work (whichever occurs first). 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, demonstrating gravity-driven drainage.**

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

Reason for condition

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

**ENG sw7**

**Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment and detention for stormwater discharges from the development must be installed.**

**A stormwater management report and design must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:**

- 1. include detailed design of the proposed treatment train, including final estimations of contaminant removal;**
- 2. include detailed design and supporting calculations of the detention tanks showing:**
  - a) detention tank sizing such that there is no increase in flows from the developed site up to the 5% AEP event for an assumed initial runoff coefficient of 0.4;**
  - b) the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;**
  - c) the discharge rates and emptying times; and**
  - d) all assumptions must be clearly stated;**
- 3. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.**

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

*Advice:*

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

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

Reason for condition

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

## **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 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 first occupation, 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/NZS 1170.1:2002.**

*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 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/NZS 2890.1:2004,**
- 3. Where the design deviates from AS/NZS 2890.1:2004 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 Condition ENG 3b.**

**Prior to the first occupation, 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.**

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, for use is eleven (11). All parking spaces not contained within garages must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation.**

*Advice:*

*All parking spaces associated within the same jockey parking arrangement are to be associated with one dwelling only. Any future strata titling of the dwellings are to show the parking spaces associated with each dwelling are included in the strata title for the relevant dwelling and any visitor parking space/s are to be shown in common property.*

Reason for condition

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

**ENG 5b**

**Visitor parking spaces must be clearly marked as visitor parking by either pavement marking or sign posted prior to the first occupation.**

Reason for condition

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

**ENG 1**

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

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

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

**Any damage must be reported immediately to Council.**

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

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

Reason for condition

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

## **ENV 2**

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

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

## **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**

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

### **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.

### **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.

### **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-20-479 - 41 BEAUMONT ROAD LENA  
H VALLEY TAS 7008 - Planning Committee or  
Delegated Report ↓
- Attachment B: PLN-20-479 - 41 BEAUMONT ROAD LENA  
H VALLEY TAS 7008 - CPC Agenda Documents ↓

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Committee: 15 March 2021  
Expiry Date: 9 April 2021  
Application No: PLN-20-479  
Address: 41 BEAUMONT ROAD , LENA VALLEY  
Applicant: Graham Hills (G Hills & Partners Architects)  
31 Roslyn Avenue,, Kingston Beach., Tasmania.7050  
31 Roslyn Avenue,, Kingston Beach., Tasmania.7050  
Proposal: Five Multiple Dwellings  
Representations: Three  
Performance criteria: General Residential Zone Development Standards, Parking and Access Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Five (5) Multiple Dwellings at 41 BEAUMONT ROAD LENA VALLEY TAS 7008.



- 1.2 More specifically the proposal includes:
- construction of five (5) Multiple Dwellings,
  - each unit will comprise two storeys with ground floor having three (3) bedrooms and two (2) bathrooms and small sitting room and laundry,
  - on the upper floor there is a combined kitchen, living dining space with deck on eastern side,
  - a single garage is attached to the side of each dwelling,
  - the units 2 to 5 will form a terrace along the northern boundary, with unit 1 located on the southern boundary,
  - unit 1 is provided with a garage and additional parking space in front of the garage,
  - units 2 to 5 have a garage for each and additional parking spaces are provided along the western boundary in front of unit 1 and in the south east corner of the site adjacent to unit 1 deck,
  - one (1) visitor parking space is provided in this parking area,
  - onsite turning is provided with a passing bay in the access,
  - each unit is provided with an upper floor deck and ground floor private open space.
- 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, Private Open Space dimensions and area and Site coverage.
  - 1.3.2 Parking and Access Code - Vehicle Passing and Layout of parking area.
- 1.4 Three (3) representations objecting to the proposal.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because three (3) representations were received.

## 2. Site Detail

- 2.1 The site is located on the northern side of the extension to Beaumont Road in the north east corner of the original parent title. Surrounding uses are generally vacant or developing residential lots to the south and west. Established residential subdivisions of Ruth and Judith Drives are located to the north and east. These subdivisions developed predominantly single dwellings on moderately sized residential lots. There are double unit developments on the eastern boundary of the subject lot and at the end of the cul de sac off Ruth Court.



Figure 1: Location Plan (Geo Cortex, 2021)

- 2.2 The site is a corner lot with a relatively narrow frontage of 4.28m. Whilst the frontage is narrow, it extends out to more than 7m within the access, facilitating a relatively wide entrance for the units with two way passing achievable in the neck of the access. Notwithstanding the narrow frontage, the lot does not strictly follow the dimensions and characteristics of an internal lot as the majority of land is not located behind another lot.

The lot is considerably larger than adjacent lots, being 1646m<sup>2</sup>, compared to an average lot size of 822m<sup>2</sup> in this subdivision stage and a median lot size of 761m<sup>2</sup>. The building area is relatively flat, with a gentle slope down to the road to the south west. There is one large remaining tree located on site in the south east corner. This is located in the proposed turning area and will be lost if the proposal is approved.

The southern boundary abuts a public walkway connection to Ruth Court to the east.



Figure 2: Site Plan (Geo Cortex, 2021)

- 2.3 The subdivision is perched on top of the rise between Brushy Creek to the west and Pottery Creek to the east, with the subject lot located near the highest point of the subdivision. It has impressive mountain views.





Figure 3: 3D map of Beaumont Road Subdivision (Earthview.com, 2021)



Figure 4: View of frontage (Officer photo, 2021)



Figure 5: view from South East corner and walkway (Officer photo, 2021)

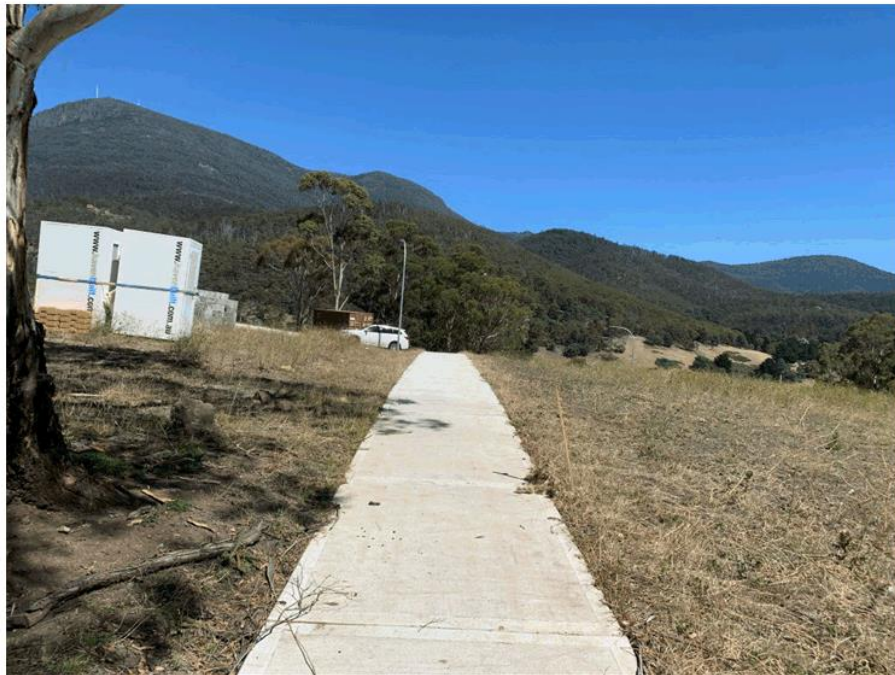


Figure 6: View to west along footway with shared boundaries with 43 Beaumont Road (left) and subject site (right) (Officer photo 2021)

### 3. Proposal

- 3.1 Planning approval is sought for Five (5) Multiple Dwellings at 41 BEAUMONT ROAD LENA VALLEY TAS 7008.

## 3.2 More specifically the proposal includes:

- construction of five (5) Multiple Dwellings,
- each unit will comprise two storeys with the ground floor having three (3) bedrooms and two (2) bathrooms and small sitting room and laundry.
- on the upper floor there is a combined kitchen, living dining space with deck on eastern side,
- a single garage is attached to the side of each dwelling,
- the units 2 to 5 will form a terrace along the northern boundary, with unit 1 located on the southern boundary,
- unit 1 is provided with a garage and additional parking space in front of the garage,
- units 2 to 5 have a garage for each and additional parking spaces are provided along the western boundary in front of unit 1 and in the south east corner of the site adjacent to unit 1 deck,
- one (1) visitor parking space is provided in this parking area,
- onsite turning is provided with a passing bay in the access,
- each unit is provided with an upper floor deck and ground floor private open space.

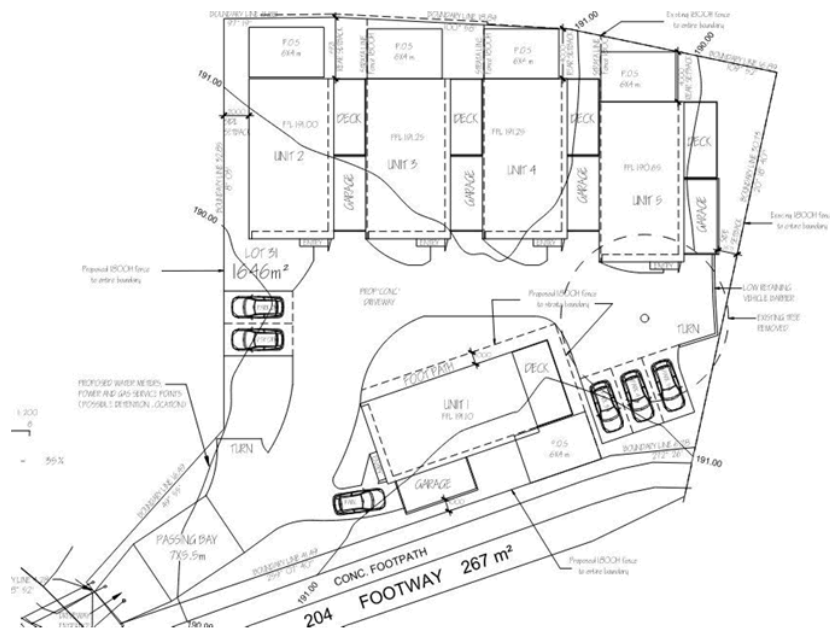


Figure 6: Applicant site plan (G Hills &amp; Partners Architects, 2020)

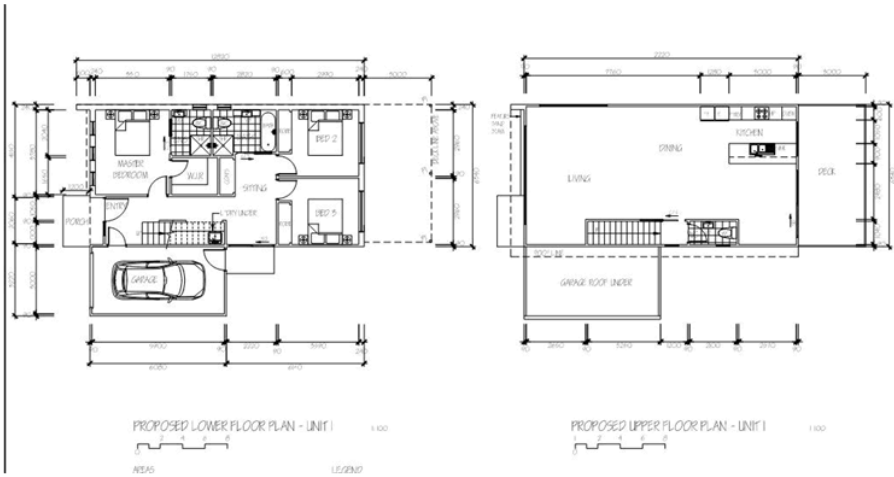


Figure 7: Unit 1 Floor layout (G Hills & Partners Architects, 2020)

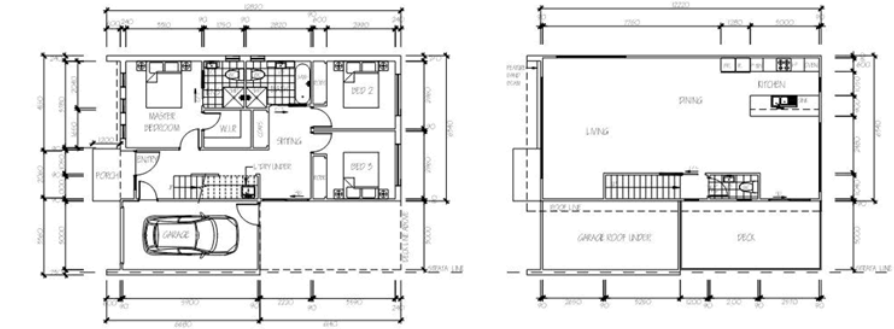


Figure 8: General floor layout (with minor modifications) Units 2-5 (G Hills & Partners Architects, 2020)

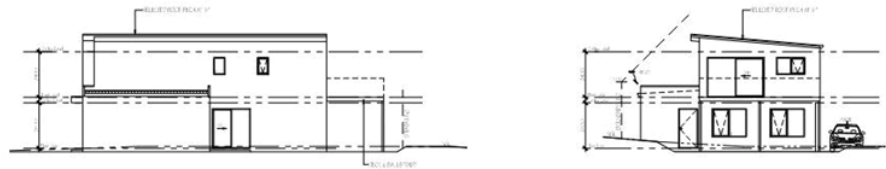


Figure 9: Unit 1 North East and South East Elevations (G Hills & Partners Architects, 2020)





Figure 10: Front (South) Elevation for Units 2 to 5 (G Hills & Partners Architects, 2020)



Figure 11: Rear (North) Elevations for Units 2 to 5 (G Hills & Partners Architects, 2020)

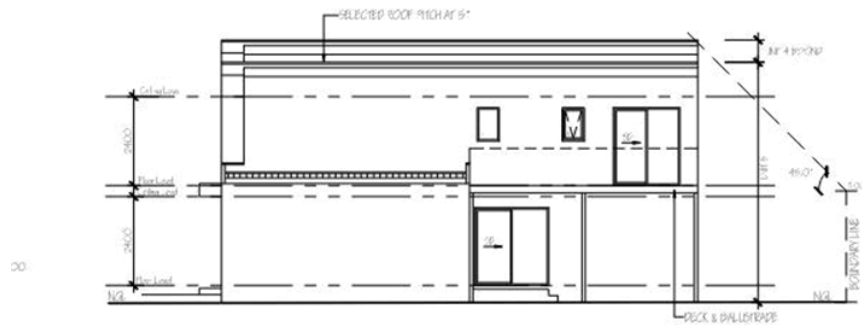


Figure 12: Eastern elevation for Units 2 to 5 (G Hills & Partners Architects, 2020)

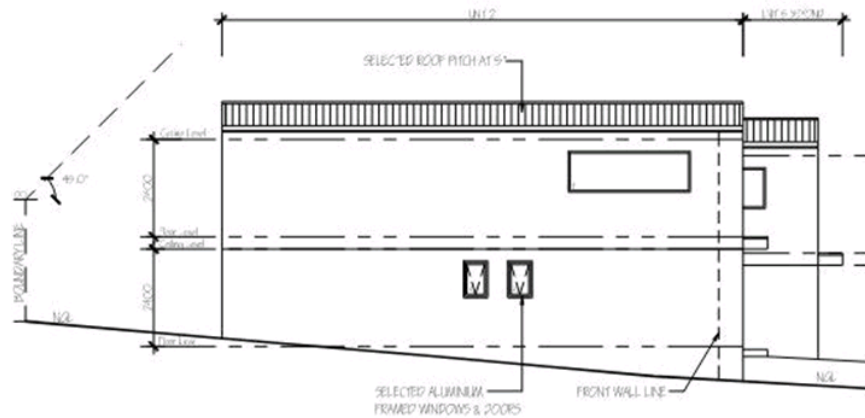


Figure 13: West Elevation for Units 2 to 5 (G Hills &amp; Partners Architects, 2020)



Figure 14: Sunshade diagrams for 21st June (G Hills &amp; Partners Architects, 2020)

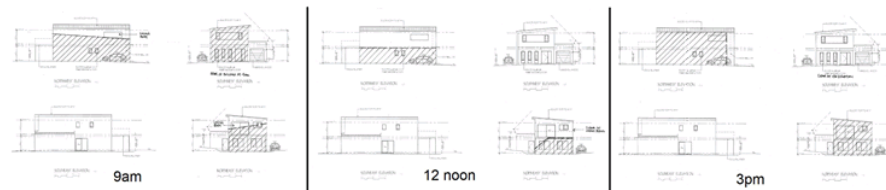


Figure 14: Plans showing degree of overshadowing (hatched areas) of Unit 1 by other units on 21st Jun (G Hills &amp; Partners Architects, 2020)

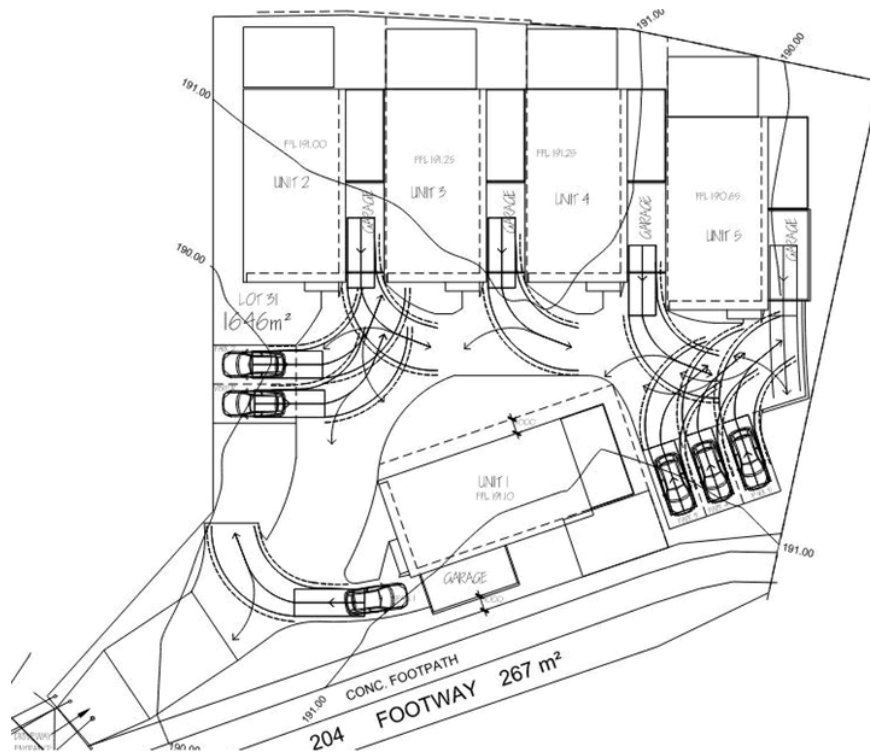


Figure 15: Vehicle turning arcs (G Hills & Partners Architects, 2020)

#### 4. Background

- 4.1 The lot was created in subdivision applications STR-20-22 and PLN-15-00245-01.

#### 5. Concerns raised by representors

- 5.1 Three (3) representations objecting to the proposal were received; the statutory advertising period was 28 January and 11th February 2021. Notification during the advertising process was limited to only properties directly adjoining the site. The interpretation of "adjoining" has now changed through a recent Appeal Tribunal decision to include properties also located over a public road or footpath.
- 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.

The representors bought into the subdivision because there are covenants on the purchase contract, stating no allowance for multiple dwelling units.
Concerns over extra noise created by 5 x 3 bedroom units, in terms of traffic and general living noise.
Even though there are two parking spaces per multiple dwelling, parking will overflow onto Beaumont Road, and most likely in front of neighbouring land to the south, which is away from the road corner and which will impinge on the ability to park residents' boats etc.
As a family orientated suburb, the preference is for public open space, which is more in line with the natural values of the suburb. Therefore a maximum of 3 multiple dwellings would be more appropriate and fitting for the area.
Unit 1 will cast significant shadow over the southern neighbouring property and over the footway. This will reduce the quality of private open space for the southern property.
Reduce solar access to the footway will reduce the sense of safety as increased shadows will impact on visibility and therefore natural surveillance of the footway.
The large two storey blank wall of Unit 1 will reduce the view of the northern sky from the proposed dwelling and private open space, with reduced outlook, daylight and sunlight.
Request the roof pitch of Unit 1 be changed to fall to the north, thereby reducing the southern facade by 600mm and reducing the impact of overshadowing and visual bulk on the neighbouring property and public walkway. This should not adversely impact on the proposed development.
Private Open Space noted on Sheet DD01 are not accessed by a habitable room and do not meet the Acceptable Solution 10.4.3 A2 (c).
The first floor decks do not comply with 10.4.3 A2 in that they are less than 24m <sup>2</sup> and have a horizontal dimension of less than 4m. Private open space is paramount for the quality of life of future occupants. This shortfall is due to the density and number of units proposed for this site.

## 6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a

proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

6.2 The site is located within the General Residential zone of the *Hobart Interim Planning Scheme 2015*.

6.3 The existing use is a vacant residential lot. The proposed use is Residential - Multiple Dwellings. 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 E6.0 Parking and Access Code

6.4.3 E7.0 Stormwater Management Code

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

6.5.1 General Residential Zone:

*Building Envelope - Part D 10.4.2 P3*

*Site coverage - Part D 10.4.3 P1,*

*Private open space dimensions - Part D 10.4.3 P2*

*Privacy – Part D 10.4.6 P1: P2,*

6.5.2 Parking and Access Code:

*Vehicle Passing - Part E 6.7.3 P1*

*Layout of Parking - Part E 6.7.5 P1*

6.6 Each performance criterion is assessed below.

6.7 General Residential zone - Building Envelope - 10.4.2 P3

6.7.1 The acceptable solution at clause 10.4.2 A3 requires development to fit within a three dimensional building envelope.

6.7.2 The proposal includes the western eave of Unit 2 and the north eastern portion of the deck for unit 4 extending beyond the building envelope.

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

6.7.4 The performance criterion at clause 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.*

6.7.5 The recent Tribunal decision of *McCullagh v Glamorgan Spring Bay Council and Ors*, which specifically considered this clause, determined that once a proposal extends outside the acceptable solution building envelope, a detailed assessment of the performance criterion must be carried out, without reference to the acceptable solution. That is, the permitted building envelope does not provide the test of 'reasonableness' against which a discretionary application is assessed. Instead, the development must be assessed on its merits against the provisions of the performance criterion; that is, (a) does the development cause an unreasonable loss of amenity to neighbours by reduction in sunlight to a habitable room (other than a bedroom), overshadowing of private open space, or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot, and (b) does the development provide separation between dwellings on adjoining lots that is compatible with that prevailing in the vicinity?

The site faces north west, with a very gradual slope towards that frontage. Therefore whilst the units are two storey and around 4m from the rear boundary, being to the south, the impact on the three (3) adjoining residences to the north (3, 5 and 7 Judith Drive) is minimal. Each of these dwellings are at least 10m from the mutual boundary. All enjoy northerly aspects. 3 Judith Dr has limited views to the west over the site. Whilst 5

and 7 Judith Dr are both two storey and have views to the west towards the mountain. Given the elevated position of both 5 and 7 Judith, they both should maintain those views over the proposed units 2 to 5, which, given the slightly depressed elevation should have minimal visual impact.



- 6.7.6 The property to the east, 32 Ruth Drive, contains two (2) units. The front of these units will be overshadowed in the afternoon of 21st June, but will receive more than 3 hours of sunlight on that day. The shaded front unit is located close to the mutual boundary, but does not directly face any unit within 6m. The rear unit is also setback more than 6m from the closest unit (unit 5). Bay windows, (suggesting living space) are noted on the eastern side of both units, reducing concerns about visual bulk and scale impacts by the proposed units.
- 6.7.7 A single dwelling was recently approved on the western neighbouring 39 Beaumont Road. That dwelling is proposed with almost no setback from the mutual boundary for the front garage and rear courtyard area. The main living space is located on the other side of the house with a kitchen dining area on the ground floor. A courtyard retaining wall is proposed for privacy with minimal ground floor glazing along the eastern elevation. The kitchen area will be overshadowed in the morning, but received more than 3 hours of sunlight in the afternoon. Having the main living area on the western side, again minimises the visual impact of the proposed unit, even though Unit 2 is less than 3m from the mutual boundary and double storey. Because views are directed away from the subject site for this



neighbour, again the visual impact is considered acceptable.

With recent Tribunal decisions, the interpretation of "adjoining" has changed to also include properties over roads, footpaths and Rights of Way. Given this, it is necessary to also consider the impact on 43 Beaumont Road, located across the footway that runs along the southern boundary of the subject site. The lot recently gained approval for a very large dwelling that extends along most of the boundary with the footway. A raised patio will be partially shaded during the middle of the day on 21st June, but will receive sunlight in the early morning and later afternoon. The roofed pool building will be significantly shaded in the afternoon.

Representation was received over the visual bulk of Unit 1 when viewed from this property. A request to switch the pitch of the roof, so that the southern elevation is reduced was presented to the applicant. This has been agreed to and a condition will be included to this end on the permit. Another benefit with this is the slightly improved solar access for 43 Beaumont Road.

6.7.8 The properties at 39 Beaumont Road and 43 Beaumont Road are current vacant and the approved dwellings may not be constructed. Given that both lots are currently vacant, an assessment is required under (a)(iii) of the performance criteria. That is, the proposal must not cause unreasonable loss of amenity by overshadowing of an adjoining vacant lot. In circumstances where it is possible to construct a dwelling on both of those lots which would satisfy the balance of the performance criteria, is reasonable to conclude that the overshadowing of the vacant lot does not cause unreasonable loss of amenity.

6.7.9 The proposal complies with the performance criterion.

6.8 General Residential zone - Private Open Space area - Part D 10.4.3 P1

6.8.1 The acceptable solution at clause 10.4.3 P1 requires 60m<sup>2</sup> private open space to be associated with each multiple dwelling and 24m<sup>2</sup> private open space in one location with a minimum dimension of 4m and which is directly accessible from a living space.

6.8.2 The proposal includes the following private open space areas for each unit;

Unit 1 - 52m<sup>2</sup>,  
Unit 2 - 69.5m<sup>2</sup>,

Unit 3 - 58.8m<sup>2</sup>,  
Unit 4 - 53.3m<sup>2</sup>; and  
Unit 5 - 106m<sup>2</sup>.

All units have upper floor decks 18m<sup>2</sup> in area, with ground floor access to the rear of the units.

6.8.3 Units 1, 3 and 4 in the proposal do not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause 10.4.3 P1 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.*

6.8.5 The plans show a sitting room on the ground floor outside the bathroom and bedrooms 2 and 3. The location and dimensions of this space (1.8m x 4m) effectively preclude it from functioning as a sitting room.

The main living space is on the upper floor which has direct access to the decks and these will most likely operate as the main open space area. The deck minimum dimension is 3m. Notwithstanding this, the decks are considered of sufficient area for each unit to have an area for outdoor relaxation and extension of the living space. The ground level rear gardens, whilst not strictly directly connected to a living space are considered suitable in design for children's plan,

Unit 1 is surrounded on all sides by public land and road. As well, the private open space (deck), whilst north facing is shaded at all times on 21st June by the terrace of other units. Notwithstanding this, the bar is low in terms of assessing whether the private open space is suitable. It only needs to be able to function as an extension of the dwelling for outdoor relaxation, dining, be suitable for children's play and orientated to take advantage of the sunlight. It achieves all of these criteria.

Units 3 and 4 have a similar arrangement and more of the open space

area capable of receiving at least three hours of sunlight to portions of the decks and ground floor garden.

6.8.6 The proposal complies with the performance criterion.

6.9 General Residential zone - Privacy for Decks - D 10.4.6 P1

6.9.1 The acceptable solution at clause privacy screening of decks more than 1m above natural ground level and within 6m of another dwellings private open space or a parking space not associated with that dwelling.

6.9.2 The proposal includes Unit 1 which has a deck 1.5m from the second parking space for Unit 3 and Unit 4 which has a deck that partially overlooks the ground floor private open space for Unit 5.

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 10.4.6 P1 provides as follows:

*A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:*

- (a) a dwelling on an adjoining lot or its private open space; or*
- (b) another dwelling on the same site or its private open space; or*
- (c) an adjoining vacant residential lot.*

6.9.5 The applicant has been contacted to discuss this and was agreeable to a condition being imposed requiring privacy screens for the eastern sides of both decks for Units 1 and 4.

6.9.6 The proposal complies with the performance criterion.

6.10 General Residential Zone - Privacy for Windows - 10.4.6 P2

6.10.1 The acceptable solution at clause 10.4.6 A2 requires windows with floors more than 1m above natural ground level within 2m of a side boundary and windows within 6m of the private open space of another unit to either be screened or have a sill height at least 1.7m above floor level. As well, shared driveways and parking spaces must be separated from a window of a habitable room by at least 2.5m

- 6.10.2 The proposal includes the upper floor window in the western elevation for Unit 2 which is located 2m from the side boundary. As well, units 2, 3 and 4 have upper floor decks 2.3m from the upper western window of the adjacent unit (3, 4 and 5). Units 3, 4 and 5 have master bedroom windows approximately 1.1m from the driveway to the garage for the adjacent unit.
- 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 10.4.6 P2 provides as follows:
- A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:*
- (a) window or glazed door, to a habitable room of another dwelling; and*  
*(b) the private open space of another dwelling; and*  
*(c) an adjoining vacant residential lot.*
- 6.10.5 The applicant has been alerted to the concerns for the upper floor windows and has agreed to raise the sill level to 1.7m in the western elevation for the upper floor windows.
- Frosting or window treatment will be conditioned for Units 3, 4 and 5. These conditions satisfy the clause requirements.
- 6.10.6 The proposal complies with the performance criterion.
- 6.11 Parking and access Code - Vehicle Passing - 6.7.3 P1
- 6.11.1 The acceptable solution at clause 6.7.3 requires access provisions to meet a number of engineering provisions, passing areas of 5.5x 6m long and at intervals at 30m with first one commencing at the kerb.
- 6.11.2 The proposal does not provide for a passing bay within 30m of the kerb but does provide for vehicle passing further within the site.
- 6.11.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.11.4 The performance criterion at clause 6.7.3 P1 provides as follows:

*Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is 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 application was referred to Council's Development Engineer, who advised the following;

Vehicle passing must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.3 and as such, shall be assessed under Performance Criteria.

Acceptable solution - A1: - NON COMPLIANT

Vehicular passing areas must:

- (a) be provided if any of the following applies to an access:
- (i) it serves more than 5 car parking spaces; - YES
- (ii) is more than 30 m long; - YES
- (iii) it meets a road serving more than 6000 vehicles per day; - No
- (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; - No
- (c) have the first passing area constructed at the kerb; - No
- (d) be at intervals of no more than 30 m along the access. - N/A

Performance Criteria - P1: Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:

- (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; - Acceptable
- (b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; - Acceptable

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

(d) ease of accessibility and recognition for users. - Acceptable

The first passing bay is to be located at the kerb to meet the acceptable solution, however the existing crossover does not provide for passing and to be assessed against the performance criteria. A passing area has been provided within the subject property. Based on the above assessment and given the submitted documentation, vehicle passing areas may be accepted under Performance Criteria P1:E6.7.3 of the Planning Scheme. Given the driveway configuration, and the low volume of traffic.

6.11.6 The proposal complies with the performance criterion.

6.12 Parking and Access Code- Layout of Parking Part E 6.7.5 P1

6.12.1 The acceptable solution at clause 6.7.5 A1 requires unfettered access to and 5% maximum gradients for all parking spaces.

6.12.2 The proposal includes jockey parking and a gradient of 5.6% for Unit 1.

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 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.*

6.12.5 The application was referred to Council's Development Engineer, who advised as follows;

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

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.5 and as such, shall be assessed under Performance Criteria.

## Acceptable Solution A1: - NON COMPLIANT

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

Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A): - Acceptable

Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side): - Acceptable

Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance): - Acceptable

Parking Space Gradient (5%): - Acceptable

Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A): - Acceptable

Garage Door Width & Apron (AS2890.1 Fig 5.4 = 2.4m wide => 7m wide apron): - Acceptable

Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance): - Feasible but assessed under Performance Criteria

Driveway Gradient & Width (AS2890.1 Section 2.6 = 25% and 3m): - Acceptable

Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag => 2m transition): - Acceptable

Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope): - Acceptable

Blind Aisle End Widening (AS2890.1 Fig 2.3 = 1m extra): - N/A

"Jockey Parking" (Performance Assessment): - YES but assessed under Performance Criteria

Performance Criteria - P1: The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site. - Acceptable

Residential car parking space layout may utilise 'Jockey Parking' configuration in which the one car parking space is behind another car parking space provided it serves it serves the same dwelling and is not designated for visitors. The gradient for the parking space within the driveway for Unit 1 exceeds the gradient required by AS/NZS2890.1:2004 and to be assessed under the performance criteria. Submitted documentation appears to meet these parameters and therefore may be accepted under Performance Criteria P1:E6.7.5 given the driveway configuration.



6.12.6 The proposal complies with the performance criterion.

## 7. Discussion

7.1 Planning approval is sought for Five (5) Multiple Dwellings at 41 BEAUMONT ROAD LENA VALLEY TAS 7008.

7.2 The application was advertised and received three (3) representations. The representations raised concerns including units being contrary to covenants, the site being more suitable for public open space, demand for parking, overshadowing and the bulk and scale of Unit 1.

Whilst not a matter addressed in the Planning Scheme, the issue of covenants is a civil matter between land owners in the subdivision. Notwithstanding this, the applicant was asked to respond to this concern, and in response provided evidence of the subdividers' authorisation being granted to the purchasers of the subject lot. This representation is not supported.

Whilst the site would be very suitable for public open space; being close to previous subdivisions and connected by the walkway to the south, Council did not designate it as such at the subdivision stage and therefore it is unreasonable for Council to now require this, without compensation to the landowner. This representation was referred to Council's Open Space Planner, who advised that there is other Council land in the area already designated for open space. It was confirmed that the lot was not identified at subdivision stage for such. Glenrose Park in Pottery Road, as well as a lot in Nursery Court have been designated for public open space. This representation is not supported.

The proposal provided two (2) parking spaces per unit and one additional visitor space as required by Table 6.1 of the Parking and Access Code. This complies with the Acceptable Solution and as such the representation concerned about parking spilling over onto Beaumont Road reserve also cannot be supported.

The representation regarding overshadowing and visual bulk has been addressed in Part 6 of this report above.

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, Stormwater Technical Officer and Open Space 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 Five (5) Multiple Dwellings at 41 BEAUMONT ROAD LENA VALLEY TAS 7008 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 Five (5) Multiple Dwellings at 41 BEAUMONT ROAD LENA VALLEY TAS 7008 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-20-479 - 41 BEAUMONT ROAD LENA VALLEY TAS 7008 - 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 2020/01155-HCC dated 11/08/2020 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

### PLN s1

**Prior to first occupation, the west facing window in the upper floor living room for Units 2, 3, 4 and 5 must have a sill height of no less than 1.7m above floor, or other screening treatment with a transparency no greater than 25%.**

Reason for condition

To ensure privacy requirements are met.

### PLN s2

**The roof pitch for Unit 1 must slope down to the south.**

Reason for condition

To ensure residential amenity is adequately protected.

**PLN s3**

**Prior to first occupation, screening devices must be installed in front of the master bedroom windows for Units 3, 4 and 5 to protect these windows from vehicles accessing the adjacent garages for Units 2, 3 and 4 respectively to minimise detrimental impacts of vehicle noise and light intrusion. The screening devices must be maintained for the life of the use.**

Reason for condition

To ensure compliance with privacy requirements of the General Residential zone.

**PLN s4**

**Prior to occupancy, the eastern side of decks for Units 1 and 4 must be screened to a height of 1.7m above the finished floor level of the deck, and with a uniform transparency of no more than 25%. The screening must be maintained for the life of the use.**

Reason for condition

To provide reasonable opportunity for privacy for the occupants of the proposed multiple dwellings.

**ENG sw1**

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

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

Reason for condition

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

**ENG sw6**

All stormwater from the proposed development (including hardstand runoff, ag drains and tank overflow) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation 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 issue of any consent under the *Building Act 2016* or the commencement of work (whichever occurs first). 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, demonstrating gravity-driven drainage.

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

Reason for condition

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

**ENG sw7**

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment and detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. include detailed design of the proposed treatment train, including final estimations of contaminant removal;
2. include detailed design and supporting calculations of the detention tanks showing:

- (a) detention tank sizing such that there is no increase in flows from the developed site up to the 5% AEP event for an assumed initial runoff coefficient of 0.4;
- (b) the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
- (c) the discharge rates and emptying times; and
- (d) all assumptions must be clearly stated;

3. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

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

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

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

Reason for condition

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

#### **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 first occupation, 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 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 Condition ENG 3b.**

**Prior to the first occupation, 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.**

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, for use is eleven (11).**

**All parking spaces not contained within garages must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation.**

*Advice:*

*All parking spaces associated within the same jockey parking arrangement are to be associated with one dwelling only. Any future strata titling of the dwellings are to show the parking spaces associated with each dwelling are included in the strata title for the relevant dwelling and any visitor parking space/s are to be shown in common property.*

Reason for condition

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

#### **ENG 5b**

**Visitor parking spaces must be clearly marked as visitor parking by either pavement marking or sign posted prior to the first occupation.**

Reason for condition

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

#### **ENG 1**

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

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

**Any damage must be reported immediately to Council.**

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

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

Reason for condition

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

## ENV 2

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

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

## 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**

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

#### **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.

#### **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.

#### **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: 3 March 2021

**Attachment(s):**

Attachment B - CPC Agenda Documents



Planning: #210036

Property

PTOF 11 BEAUMONT ROAD LENAH VALLEY TAS 7008

People

Applicant

"

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Graham Hills  
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31 Roslyn Avenue., Kingston Beach., Tasmania. 7050  
KINGSTON BEACH TAS 7050  
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Owner

"

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Entered By

MR GRAHAM HILLS - G HILLS & PARTNERS  
ARCHITECTS  
0419883370  
graham.hills@bigpond.com

Use

Multiple dwellings

Details

Have you obtained pre application advice?

No

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

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

No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the

number of signs under Other Details below.

• No

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

**Details**

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

Roadfront

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

Proposed multiple dwellings 5/6.

Estimated cost of development

120000.00

Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)
0.00	95.00	10.00

**Carparking on Site**

Total parking spaces Existing parking spaces N/A

11 0 Other (as indicated above)

**Other Details**

Does the application include signage?

No

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

0

**Tasmania Heritage Register**

Is this property on the Tasmanian Heritage Register?

• No

**Documents**

**Required Documents**

Title (Folio text and Plan and Schedule of Easements)

Titles.pdf

Plans (proposed, existing)


22068 Gillkum B.pdf



## Submission to Planning Authority Notice

Council Planning Permit No.	PLN-20-479	Council notice date	4/08/2020
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2020/01155-HCC	Date of response	11/08/2020
TasWater Contact	Sam Bryant	Phone No.	0474 933 294
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
<b>Development details</b>			
Address	LOT 200 BEAUMONT RD, LENA VALLEY	Property ID (PID)	9203504
Description of development	Multiple Dwellings x 5 (Lot 31)		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Graham Hills & Partners Architects	Site Plan	--	24/07/2020
<b>Conditions</b>			
<p><b>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</b></p> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing construction of the development, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p> <ol style="list-style-type: none"> <li>4. The applicant or landowner as the case may be, must pay a development assessment fee of \$351.28 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.</li> </ol> <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>			



Advice			
<b>General</b>  For information on TasWater development standards, please visit <a href="http://www.taswater.com.au/Development/Development-Standards">http://www.taswater.com.au/Development/Development-Standards</a>  For application forms please visit <a href="http://www.taswater.com.au/Development/Forms">http://www.taswater.com.au/Development/Forms</a>			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
<b>Authorised by</b>  <b>Jason Taylor</b> Development Assessment Manager			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

# ***PROPOSED MULTIPLE DWELLINGS***

---

for: Mr. S.S. Gillkum & Mrs. S.R. Gillkum  
at: Lot 31, Beaumont Road, LENA VALLEY

Project No. **22068**  
Date: Aug. 2020

## **DESIGN DEVELOPMENT DRAWINGS - STAGE 1: UNITS 2-5 - STAGE 2: UNIT 1**

### **Drawing Schedule**

DD01	Site Plan	DD14	Driveway Detail Plan
DD02	Site Civil Plan (Refer to Engineer stamped DWG)	DD15	Vehicle Manoeuvring Plan
DD03	Proposed Floor Plans - Unit 1	DD16	Vehicle Movement Long Sections
DD04	Proposed Floor Plans - Unit 2		
DD05	Proposed Floor Plans - Unit 3 & 4		
DD06	Proposed Floor Plans - Unit 5		
DD07	Proposed South & North Elevations		
DD08	Proposed Typical West & East Elevations		
DD09	Proposed Unit 1 Elevations		
DD10	Site Plan/ Strata Boundaries		
DD11	Shadow Diagram June 21st 9am		
DD12	Shadow Diagram June 21st 12pm		
DD13	Shadow Diagram June 21st 3pm		

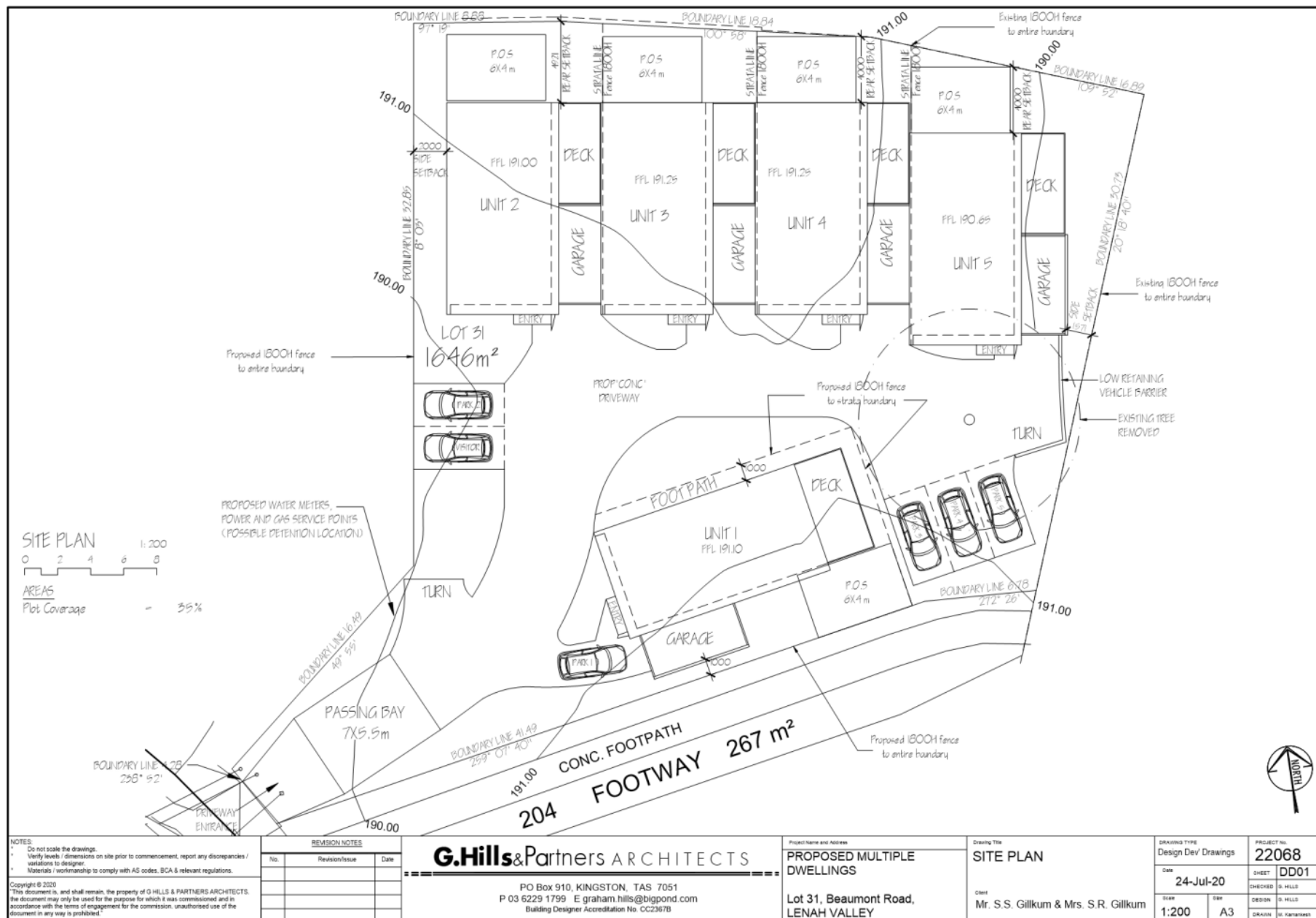
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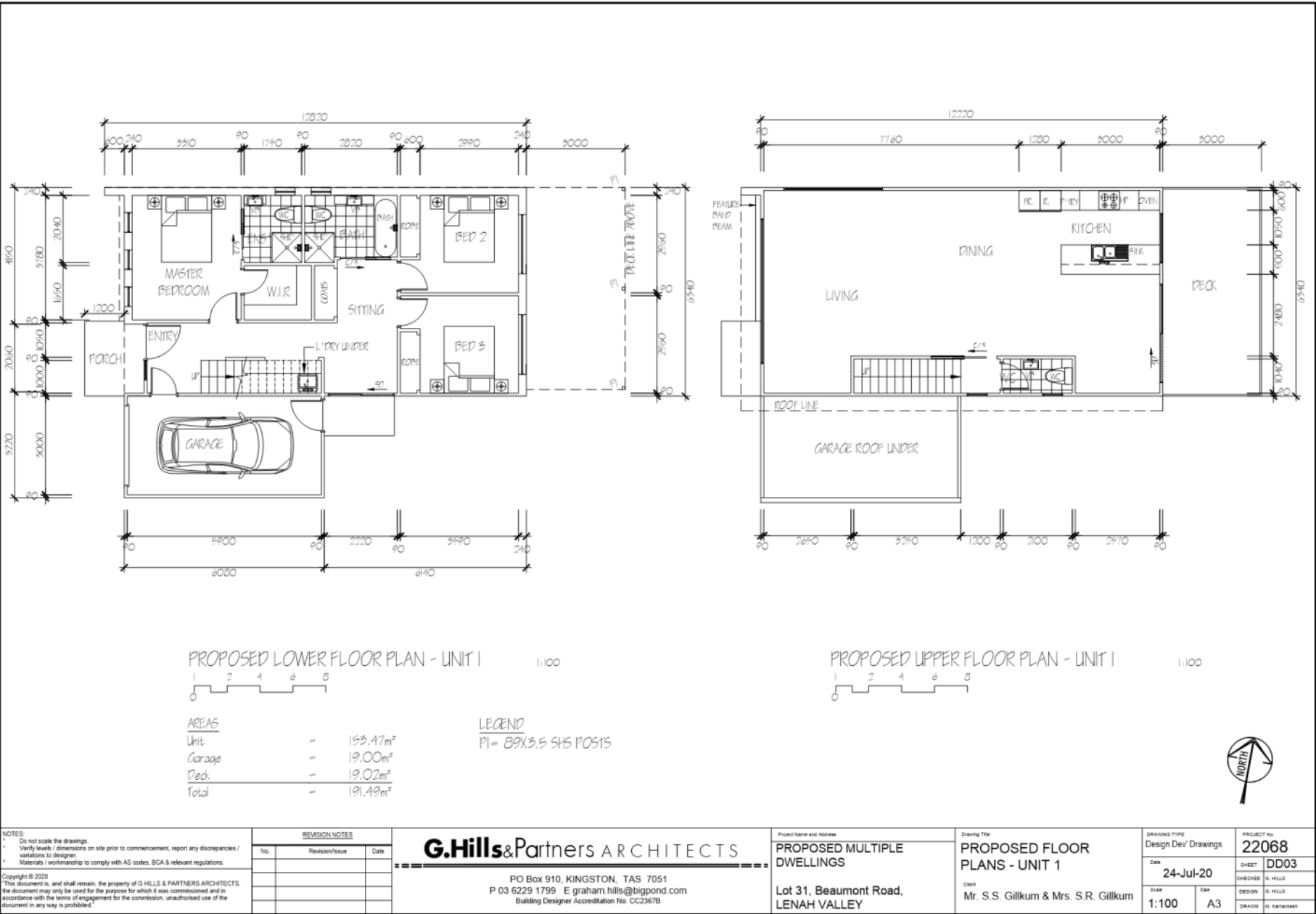
**G.Hills**&Partners

ARCHITECTS

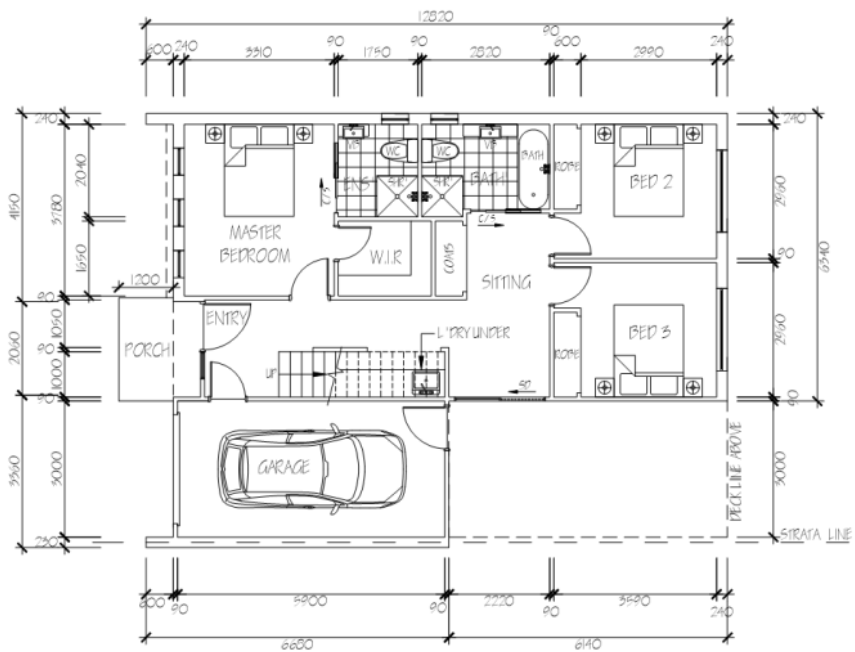


P.O. Box 910, Kingston, Tas 7051  
Ph: (03) 6229 1799 Mob: 0419 883 370  
Email: graham.hills@bigpond.com  
Tas Building Practitioner No. CC23678



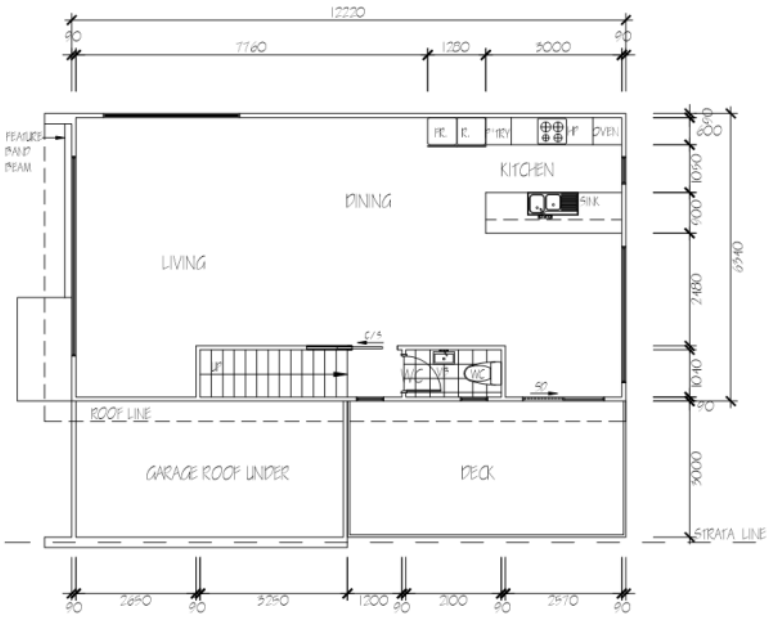






PROPOSED LOWER FLOOR PLAN - UNIT 2 1:100

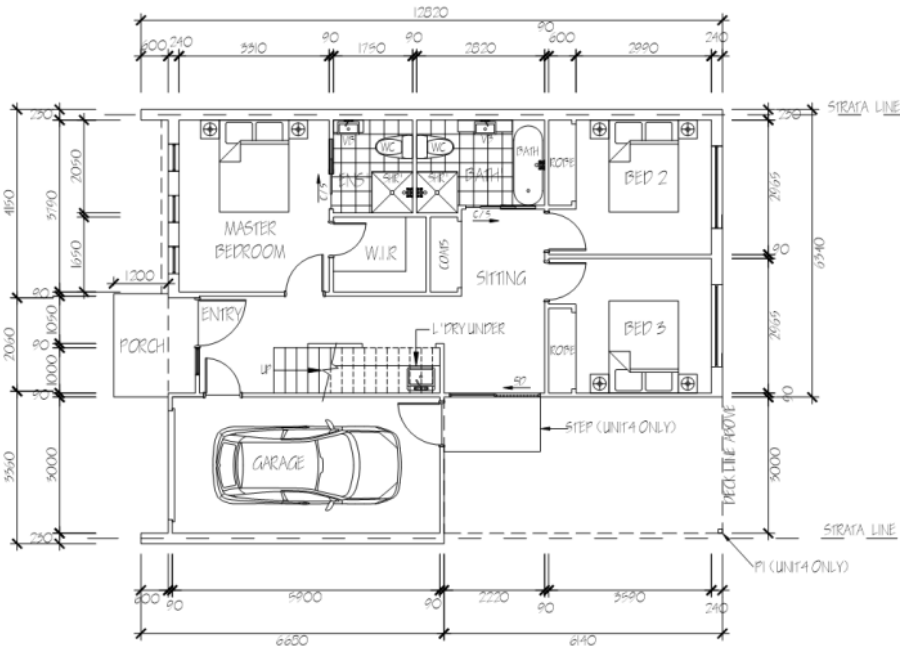
1	2	4	6	8
0				
AREAS				
Unit	=	154.32m <sup>2</sup>		
Garage	=	19.00m <sup>2</sup>		
Deck	=	18.42m <sup>2</sup>		
Total	=	191.74m <sup>2</sup>		



PROPOSED UPPER FLOOR PLAN - UNIT 2 1:100

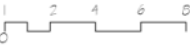


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	No.	Revision/Issue	Date			Date 24-Jul-20		SHEET DD04	
						Scale 1:100		DESIGN G. HILLS	
						Size A3		DRAWN M. Karamanli	



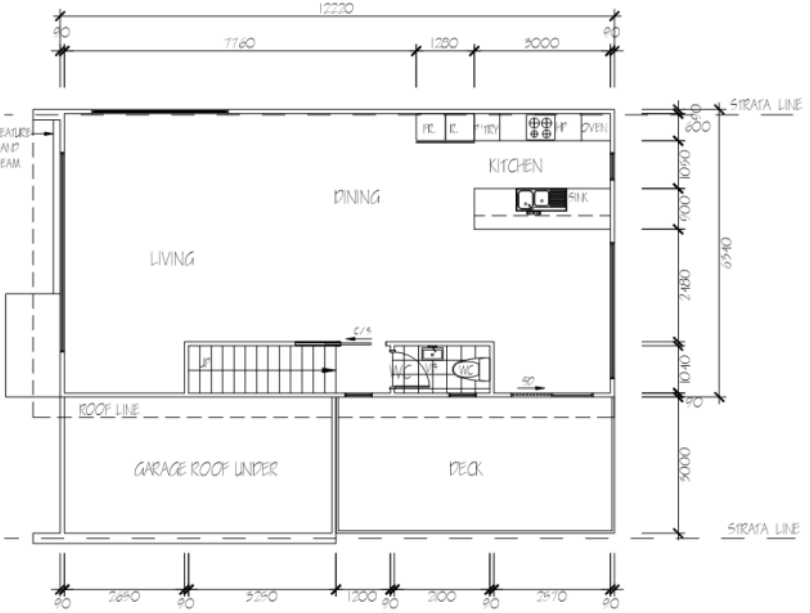
PROPOSED LOWER FLOOR PLAN - UNIT 3 & 4

1:100



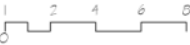
AREAS	
Unit	= 154.32m²
Garage	= 19.00m²
Deck	= 18.42m²
Total	= 191.74m²

LEGEND  
PI = 89X3.5 S/S POSIS



PROPOSED UPPER FLOOR PLAN - UNIT 3 & 4

1:100



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No.	Reason/Issue	Date

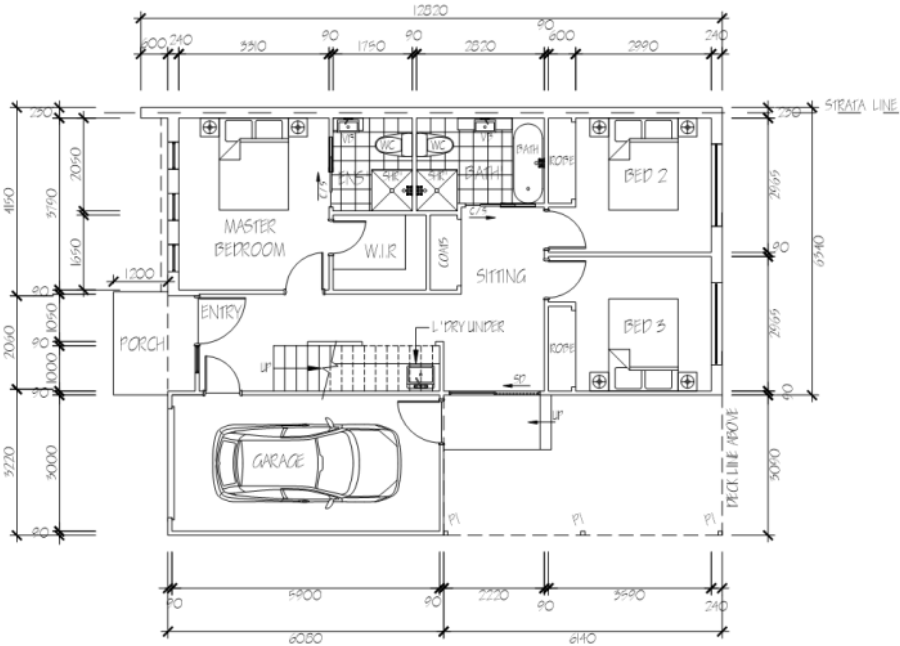
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Building Designer Accreditation No. CC2367B

PROJECT NAME AND ADDRESS  
**PROPOSED MULTIPLE DWELLINGS**  
  
Lot 31, Beaumont Road,  
LENAH VALLEY

Drawing Title  
**PROPOSED FLOOR PLANS - UNIT 3 & 4**  
  
Client  
Mr. S.S. Gillkum & Mrs. S.R. Gillkum

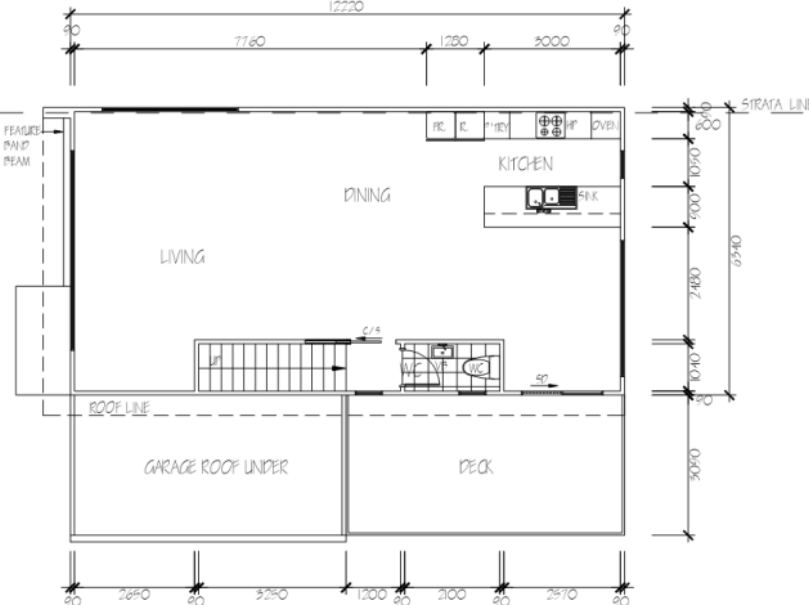
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Design Dev' Drawings		22068	
Date	20-Jul-20	SHEET	DD05
Scale	1:100	CHECKED	G. HILLS
Size	A3	DESIGN	G. HILLS
		DRAWN	M. Karamanli



PROPOSED LOWER FLOOR PLAN - UNIT 5 1:100

AREAS	
Unit	= 153.47m <sup>2</sup>
Garage	= 19.00m <sup>2</sup>
Deck	= 18.97m <sup>2</sup>
Total	= 191.44m <sup>2</sup>

LEGEND  
PI = 89X3.5 SHS POSTS



PROPOSED UPPER FLOOR PLAN - UNIT 5 1:100



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Building Designer Accreditation No. CC2367B

PROJECT NAME AND ADDRESS  
**PROPOSED MULTIPLE DWELLINGS**  
  
Lot 31, Beaumont Road,  
LENAH VALLEY

Drawing Title  
**PROPOSED FLOOR PLANS - UNIT 5**  
  
Client  
Mr. S.S. Gillkum & Mrs. S.R. Gillkum

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Design Dev Drawings  
  
Date  
24-Jul-20  
  
Scale  
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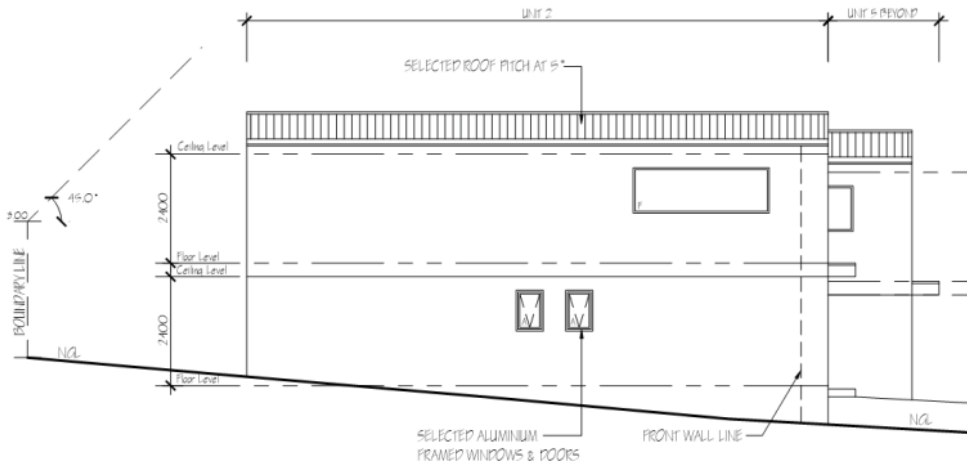
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**22068**  
  
SHEET  
DD06  
  
CHECKED  
G. HILLS  
  
DESIGN  
G. HILLS  
  
DRAWN  
M. Karamanli



TYPICAL EAST ELEVATION 1:100



TYPICAL WEST ELEVATION 1:100



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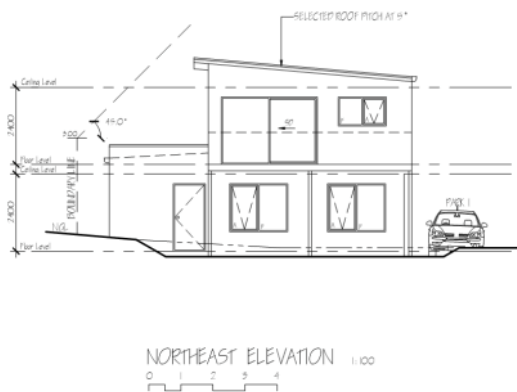
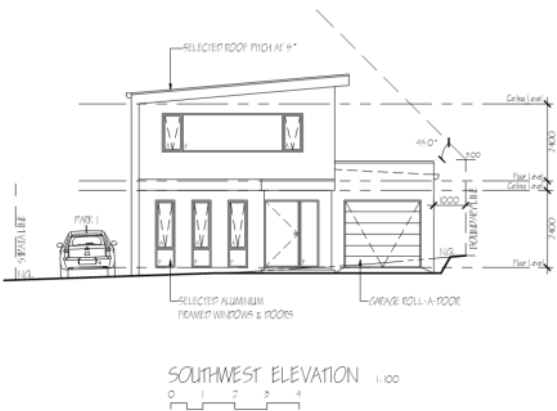
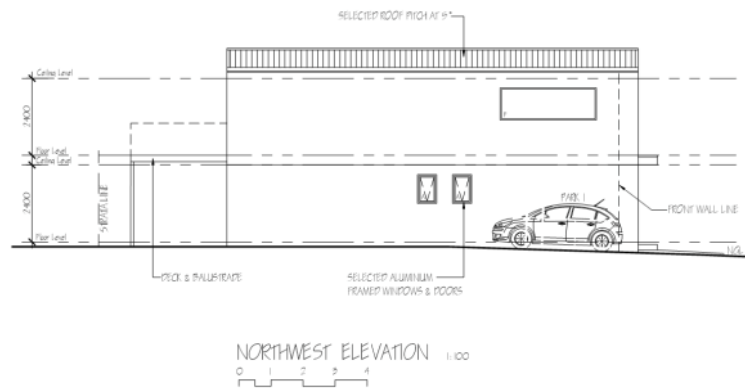
PO Box 910, KINGSTON, TAS 7051  
P 03 6229 1799 E graham.hills@bigpond.com  
Building Designer Accreditation No. CC2367B

PROJECT NAME AND ADDRESS  
**PROPOSED MULTIPLE DWELLINGS**  
  
Lot 31, Beaumont Road,  
LENAH VALLEY

Drawing Title  
**TYPICAL UNIT 2,3,4,5 EAST & WEST ELEVATIONS**  
  
Client  
Mr. S.S. Gillkum & Mrs. S.R. Gillkum

DRAWING TYPE  
Design Dev/ Drawings  
  
Date  
22-Jul-20  
  
Scale  
1:100

PROJECT No.  
**22068**  
  
SHEET  
DD08  
  
CHECKED  
D. HILL  
  
DESIGN  
D. HILL  
  
DRAWN  
M. KATZMANN



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REVISION NOTES		
No.	Revision/Issue	Date

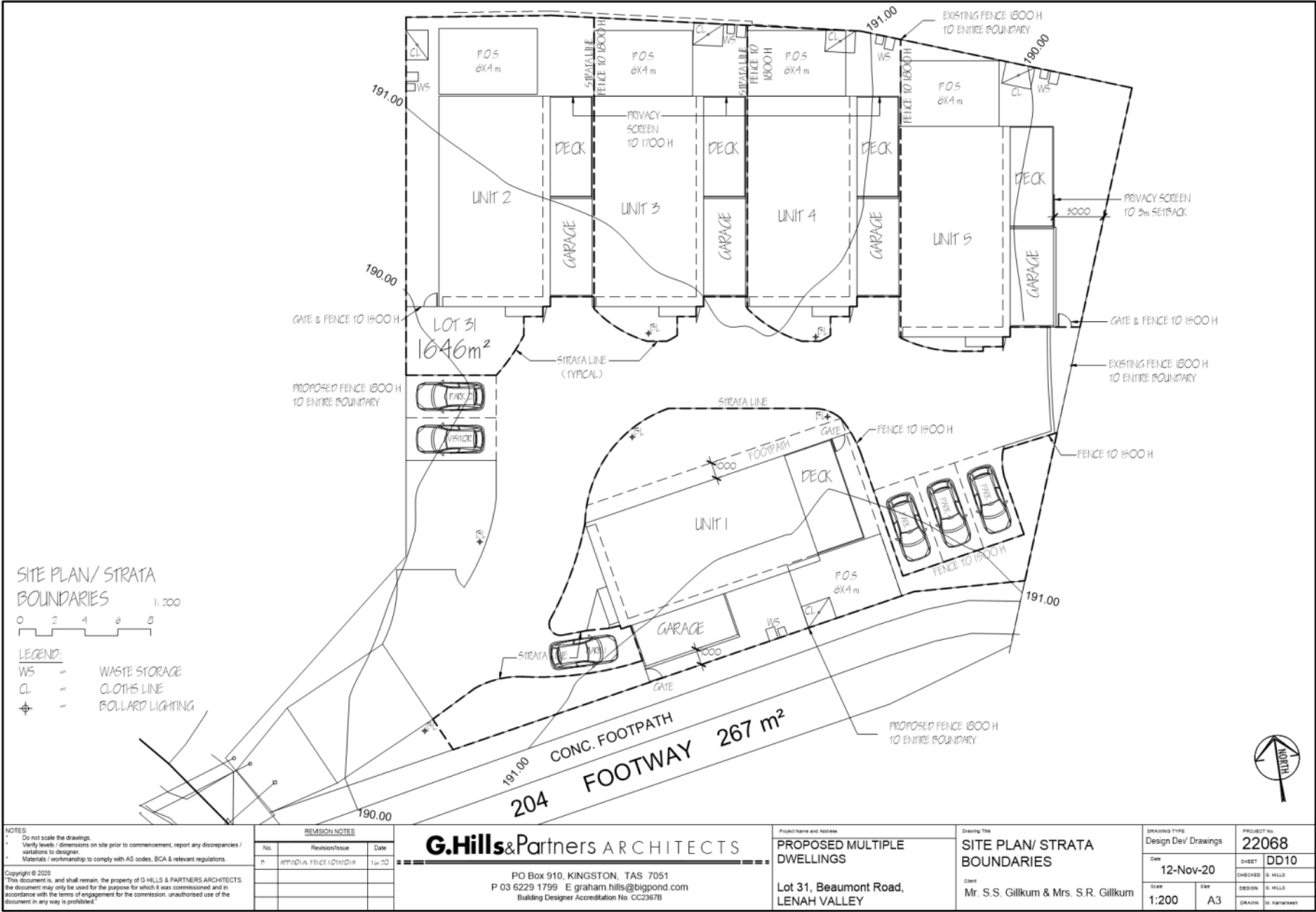
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P 03 6229 1799 E [graham.hills@bigpond.com](mailto:graham.hills@bigpond.com)  
Building Designer Accreditation No. CC2367B

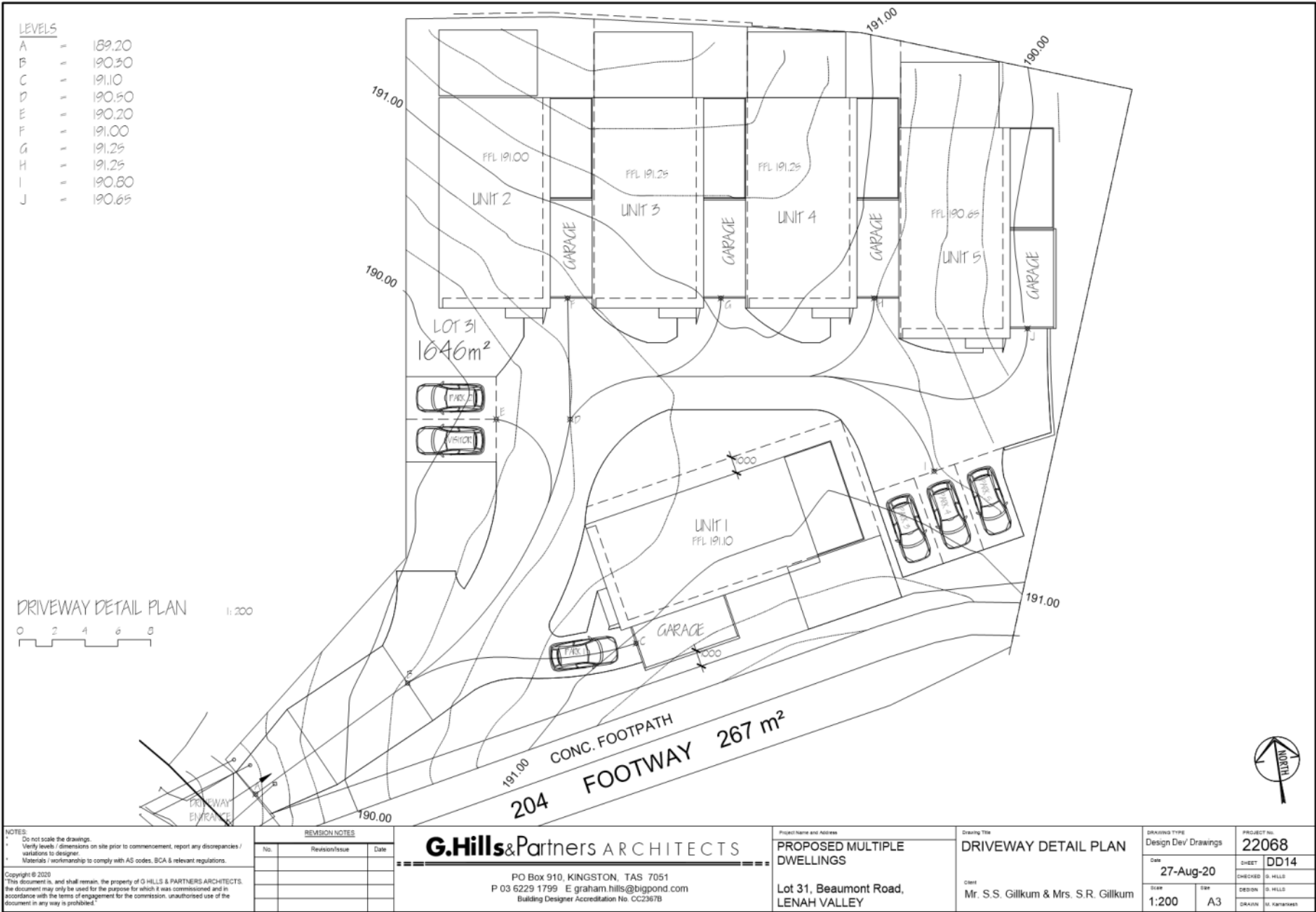
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**PROPOSED MULTIPLE DWELLINGS**  
  
Lot 31, Beaumont Road,  
LENAH VALLEY

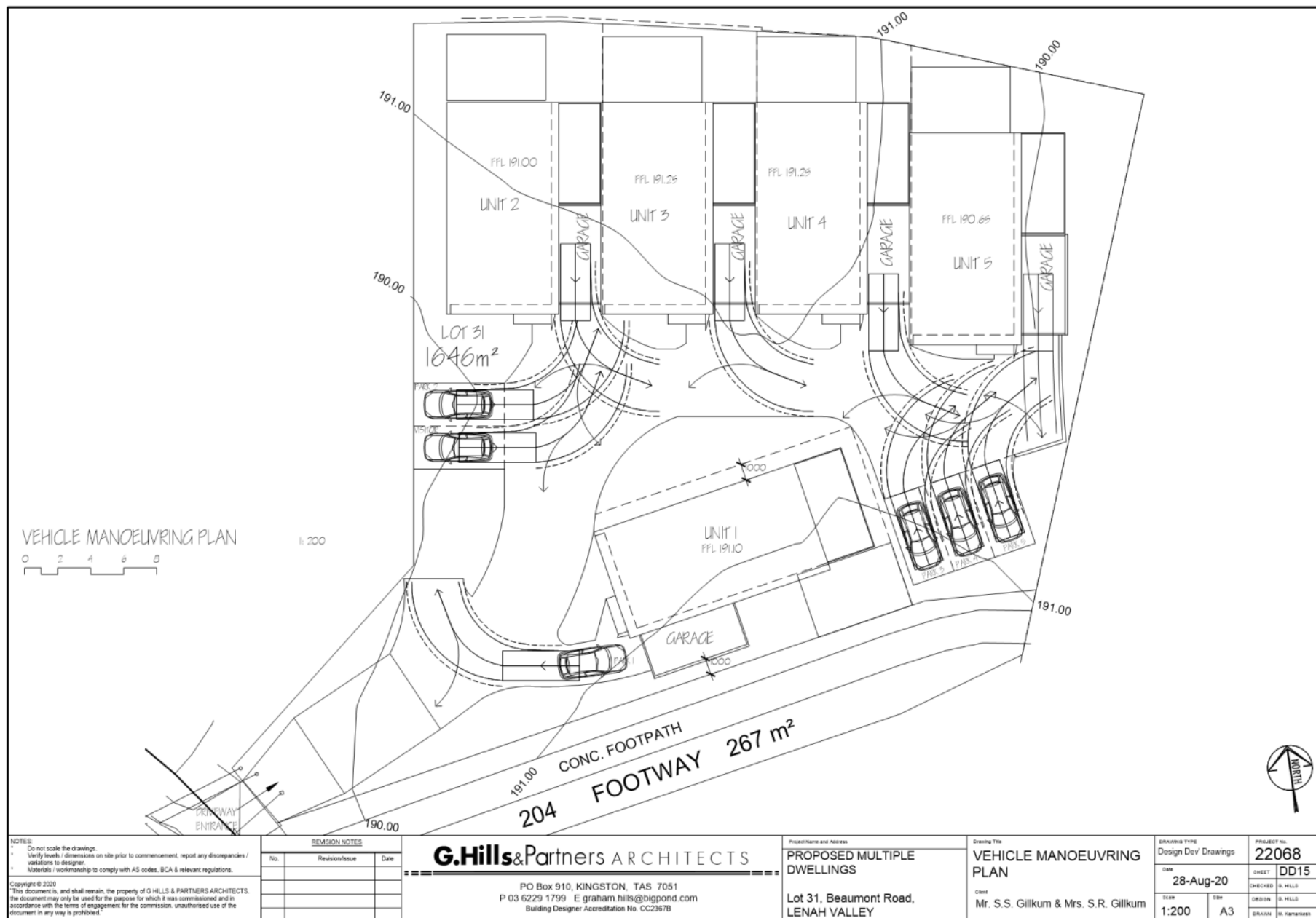
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**UNIT 1 ELEVATIONS**  
  
Client  
Mr. S.S. Gillkum & Mrs. S.R. Gillkum

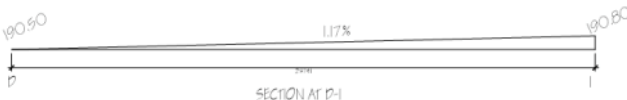
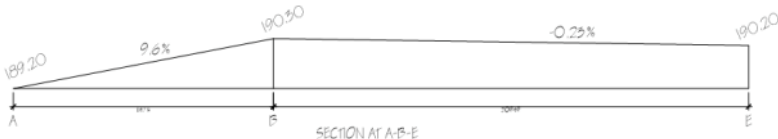
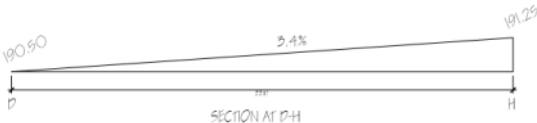
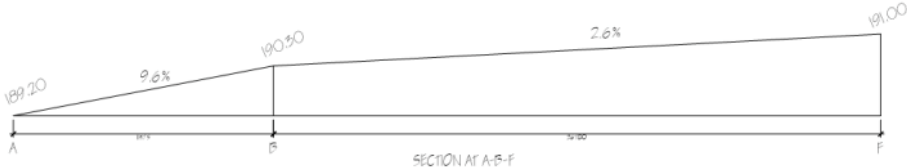
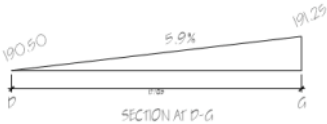
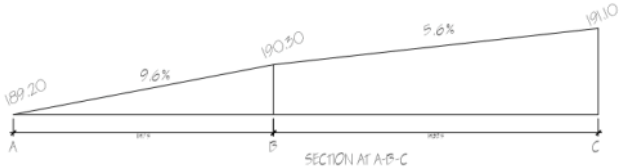
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Design Dev/ Drawings		22068	
Date	23-Jul-20	SHEET	DD09
Scale	1:100	CHECKED	G. HILLS
Size	A2	DESIGN	G. HILLS
		DRAWN	M. Hammond











VEHICLE MOVEMENT LONG SECTIONS  
SCALE V = 1:100 H = 1:200

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REVISION NOTES		
No.	Reason/Issue	Date

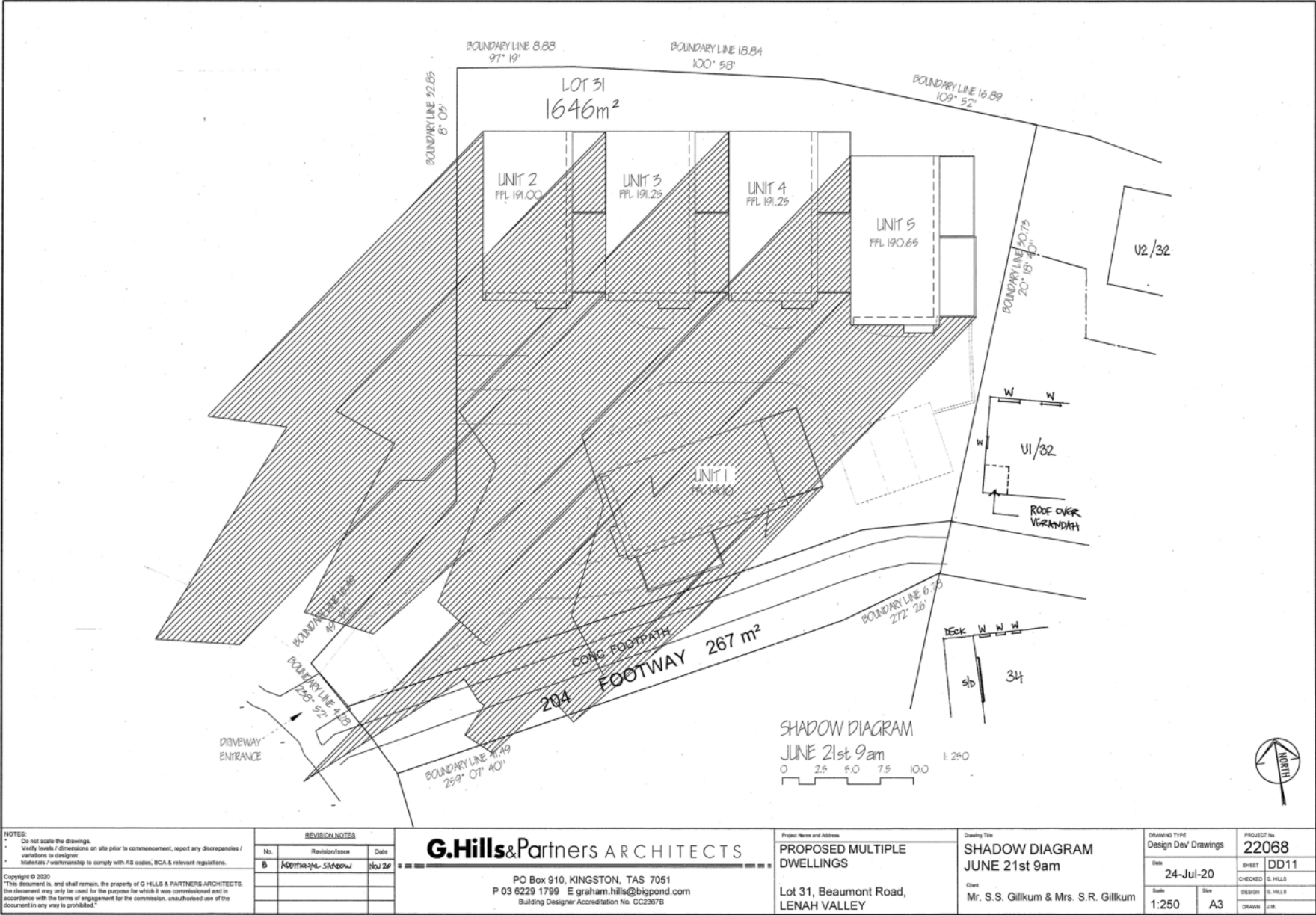
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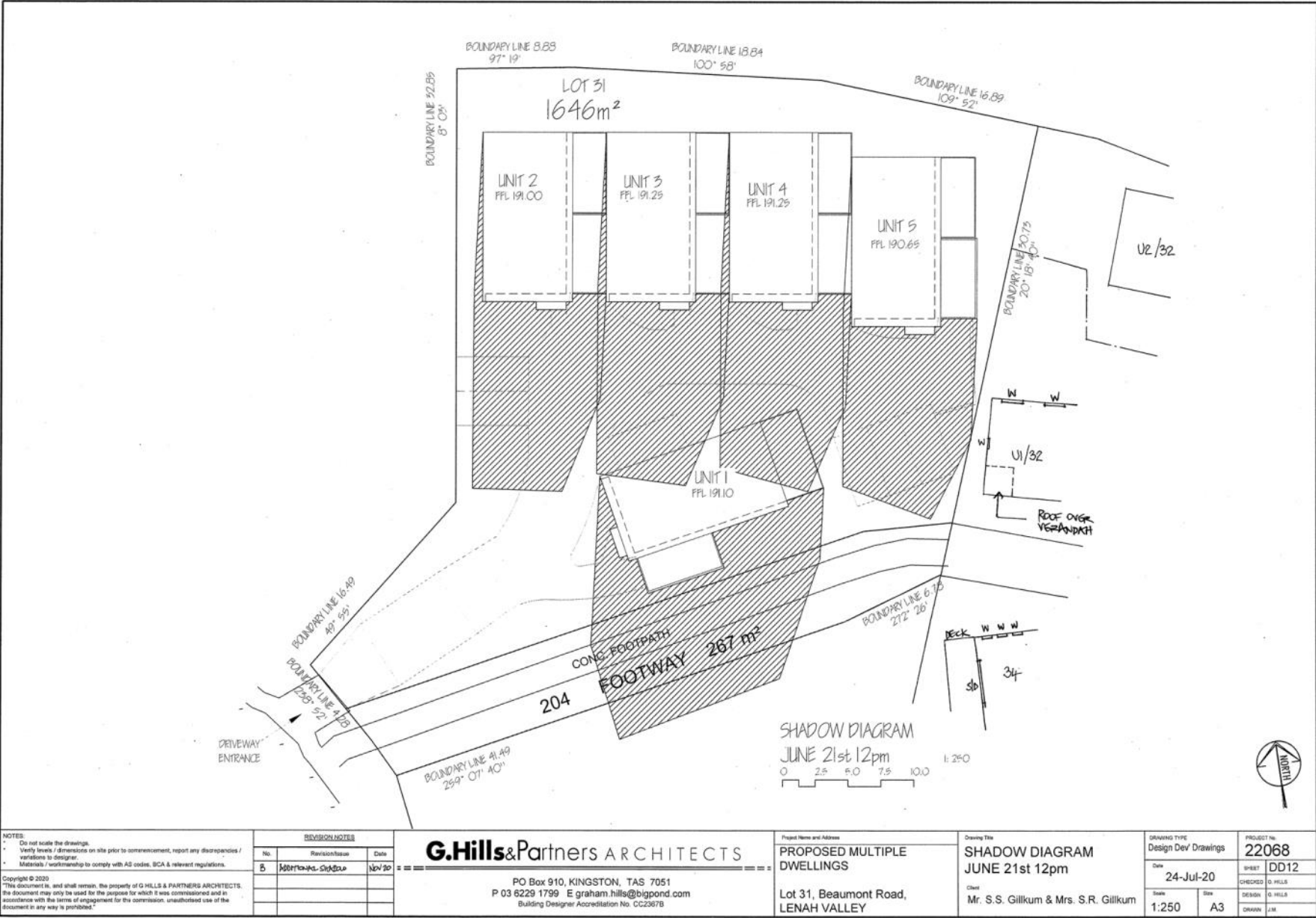
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Building Designer Accreditation No. CC2367B

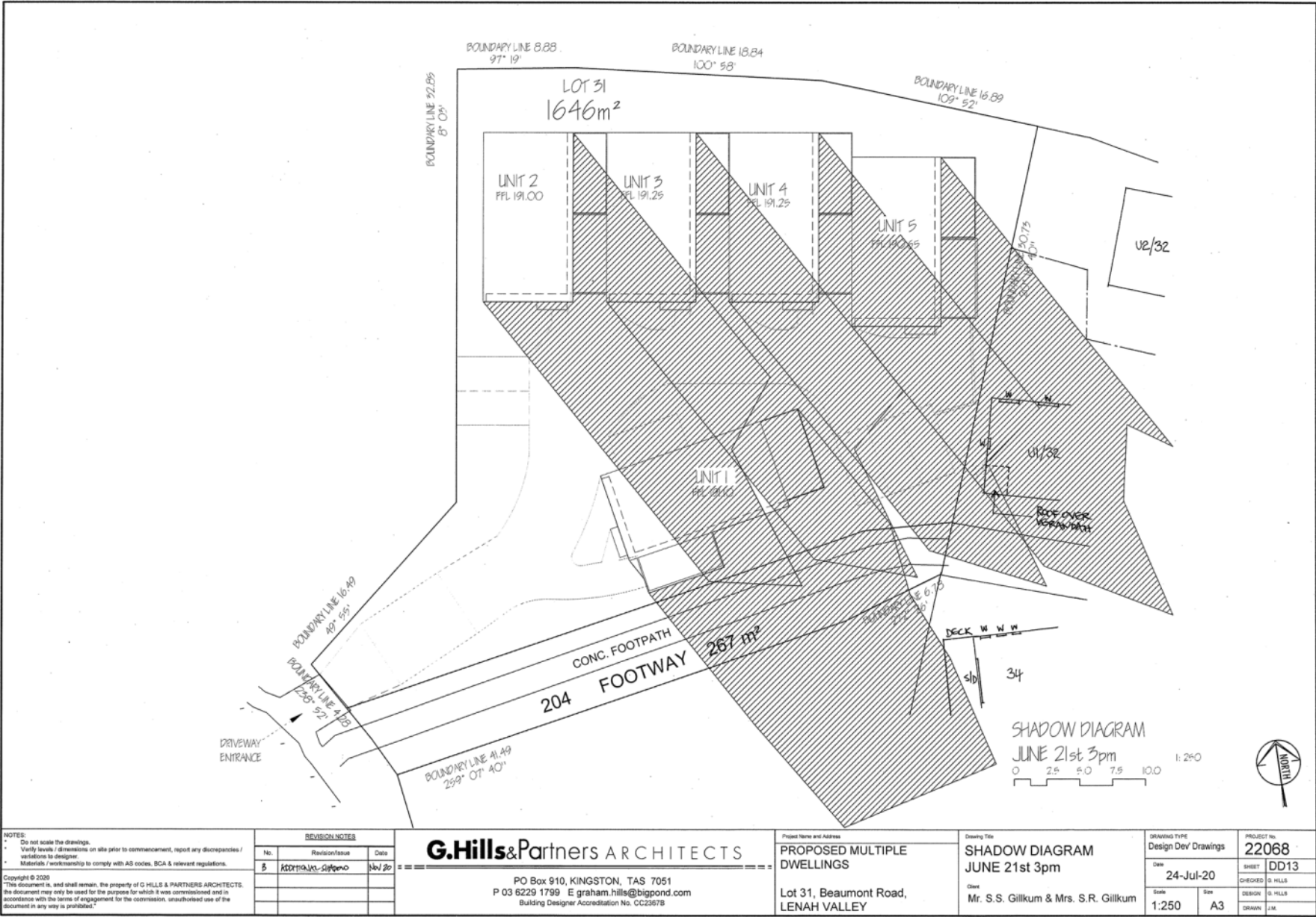
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**PROPOSED MULTIPLE DWELLINGS**  
**Lot 31, Beaumont Road, LENA VALLEY**

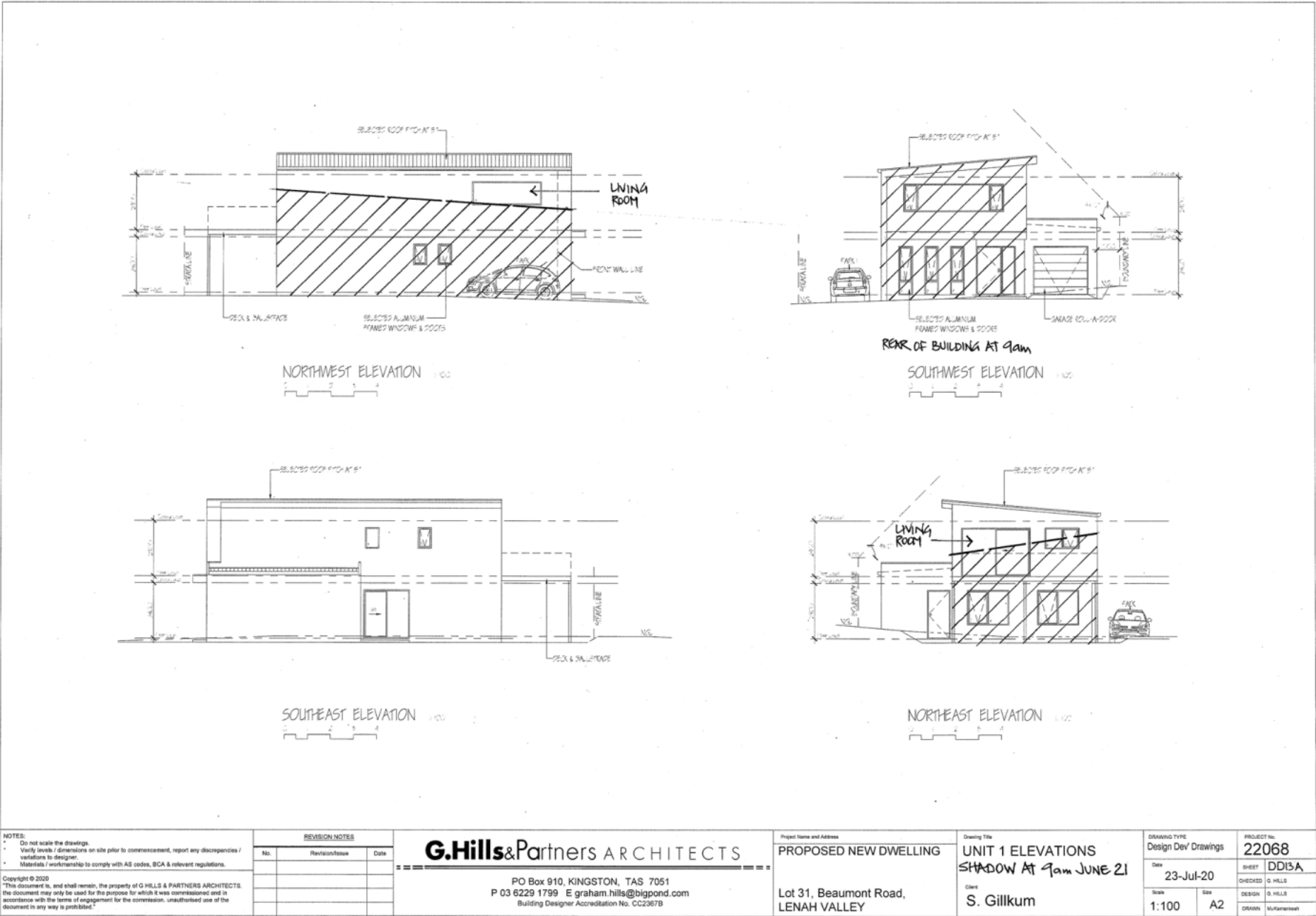
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**VEHICLE MOVEMENT LONG SECTIONS**  
Client  
**Mr. S.S. Gillkum & Mrs. S.R. Gillkum**

DRAWING TYPE		PROJECT NO.	
Design Dev Drawings		22068	
Date	28-Aug-20	SHEET	DD16
Checked	G. HILLS	DESIGN	G. HILLS
Drawn	M. KATZBERG	DRAWN	M. KATZBERG

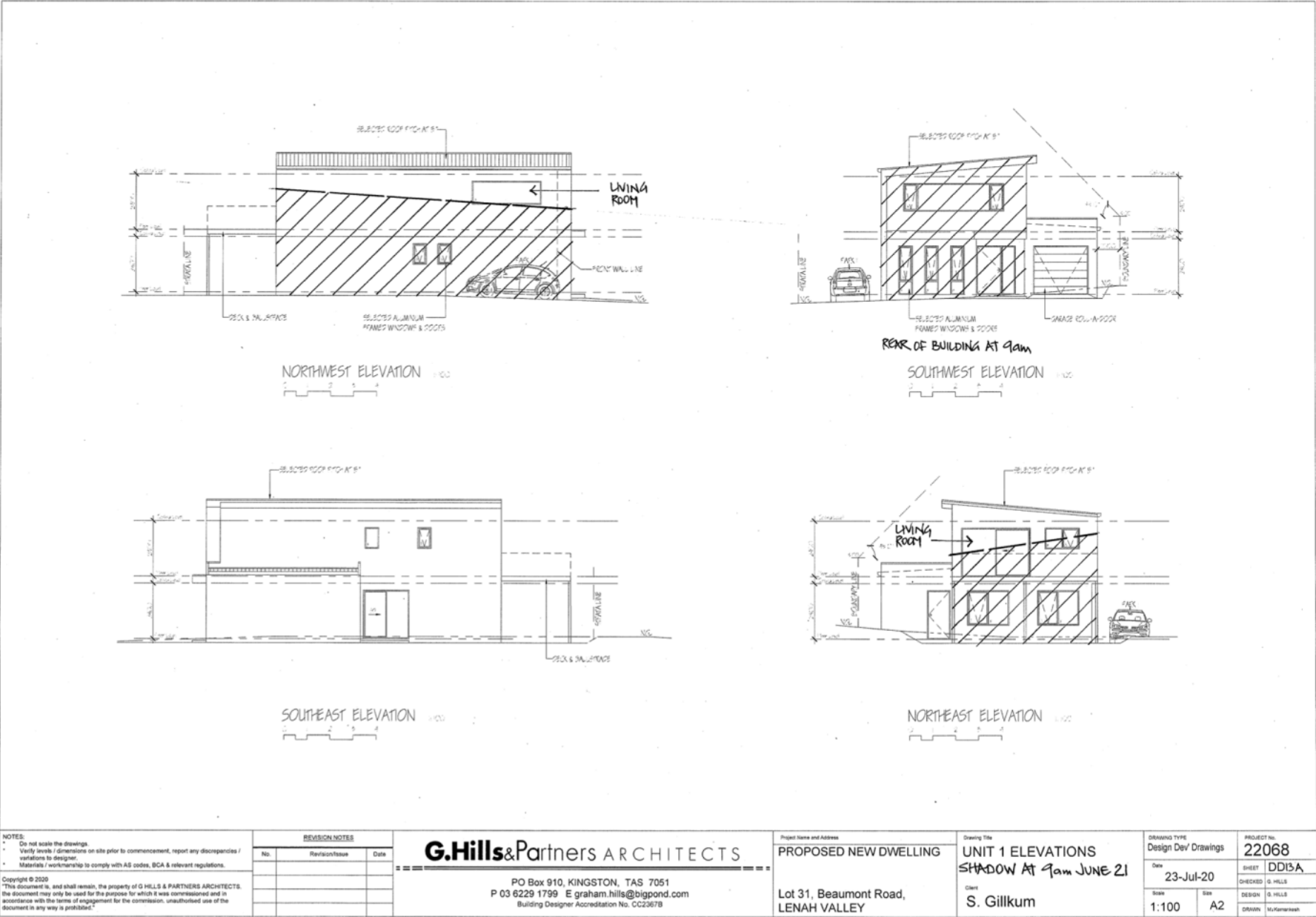


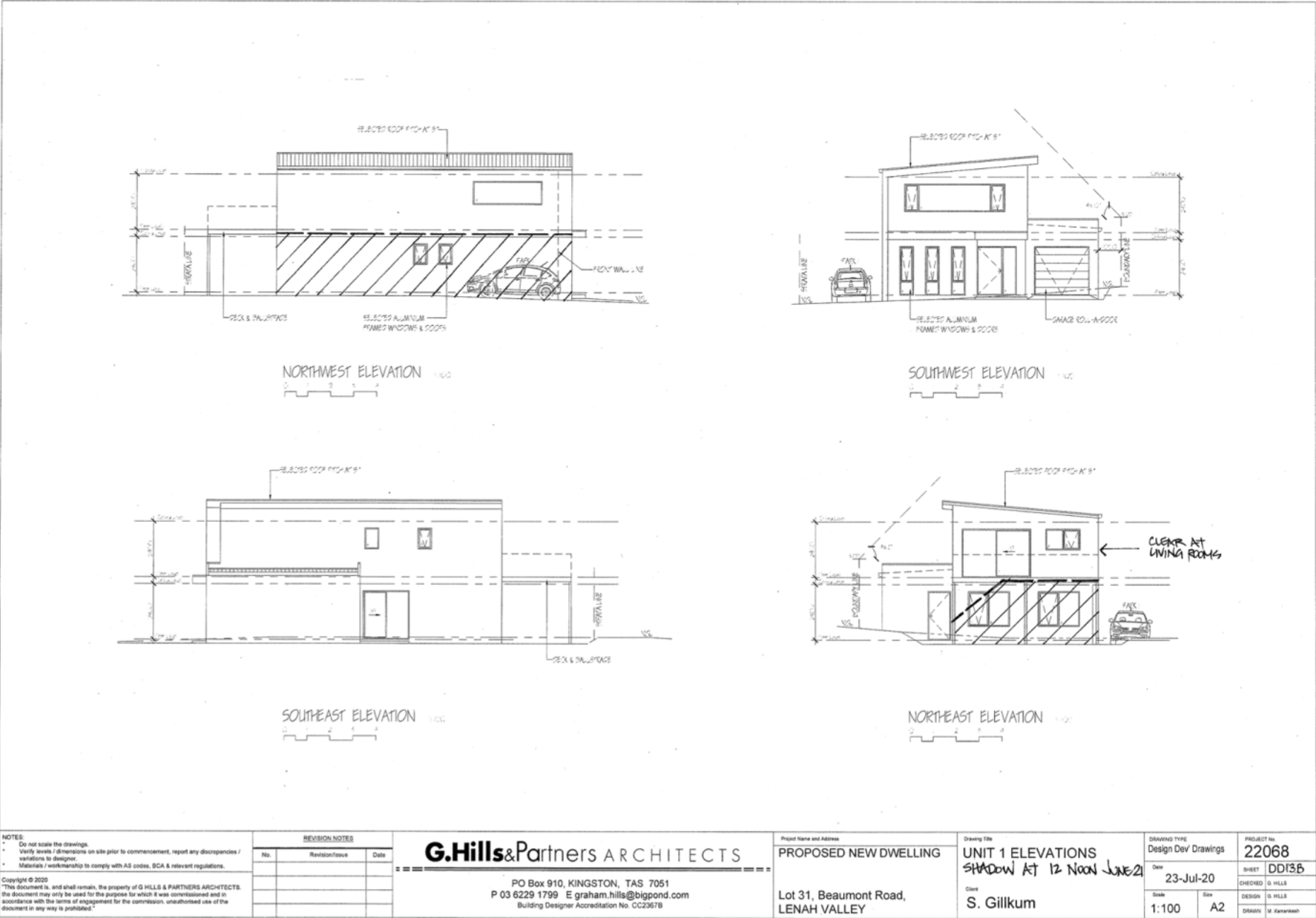


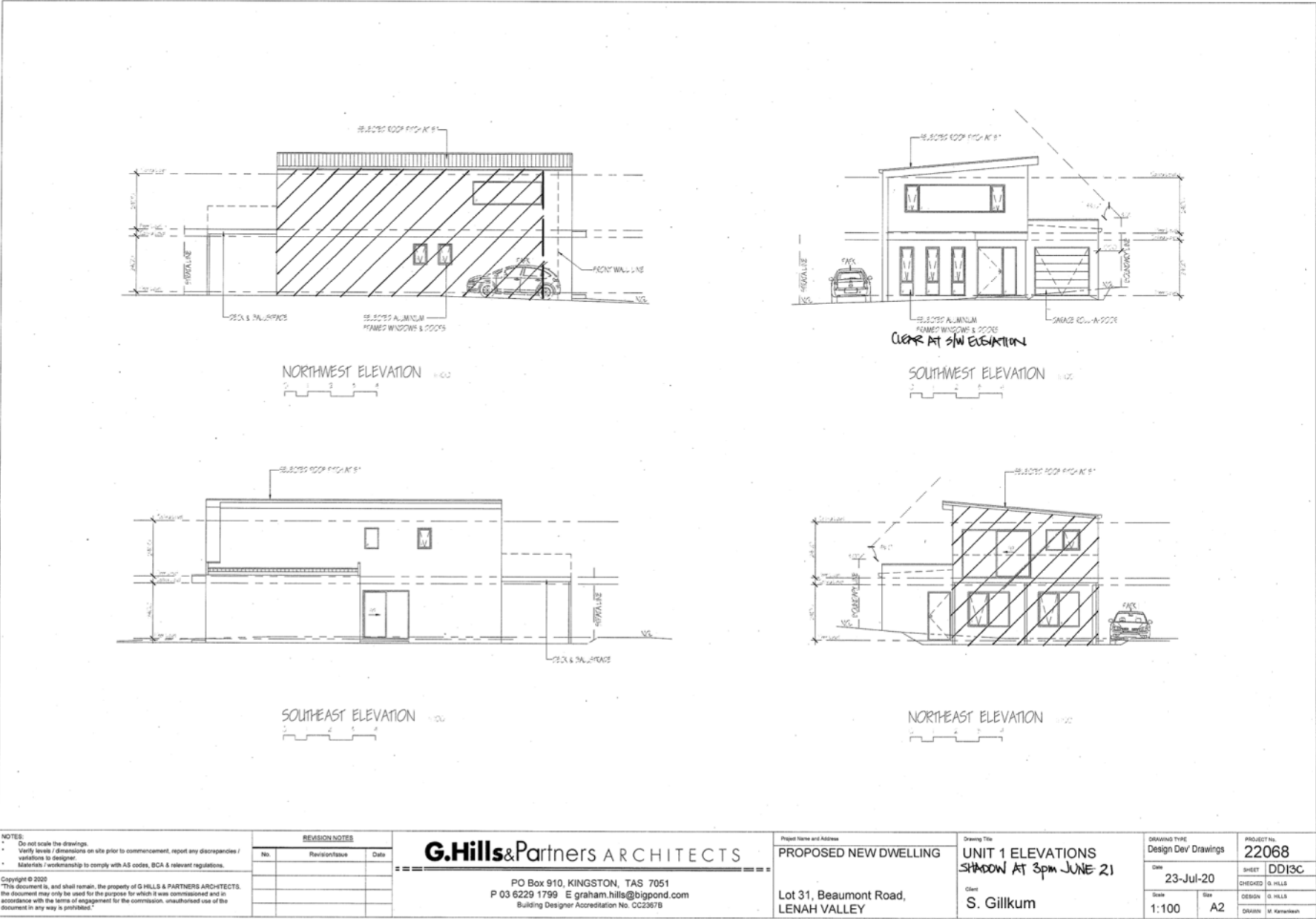


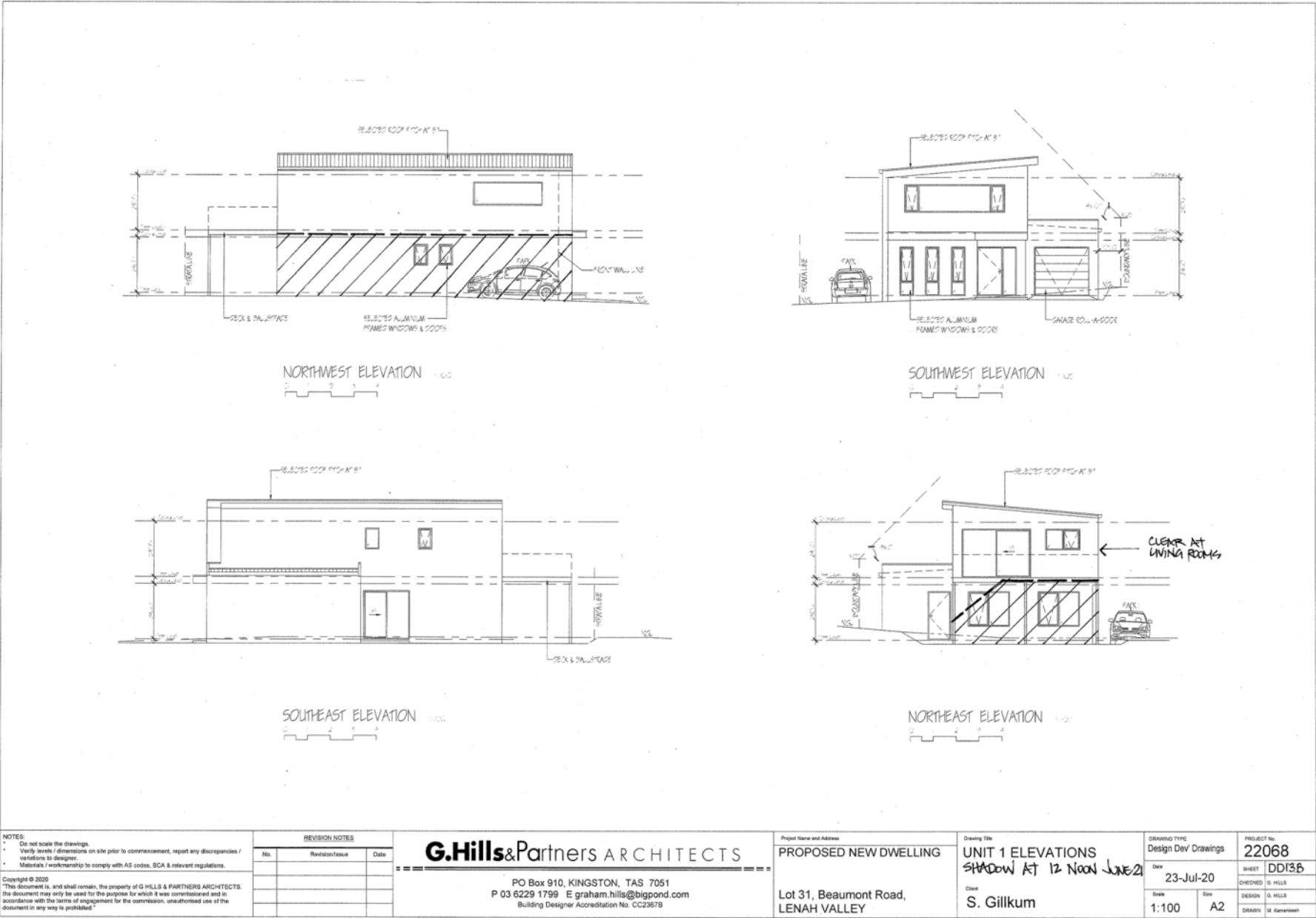


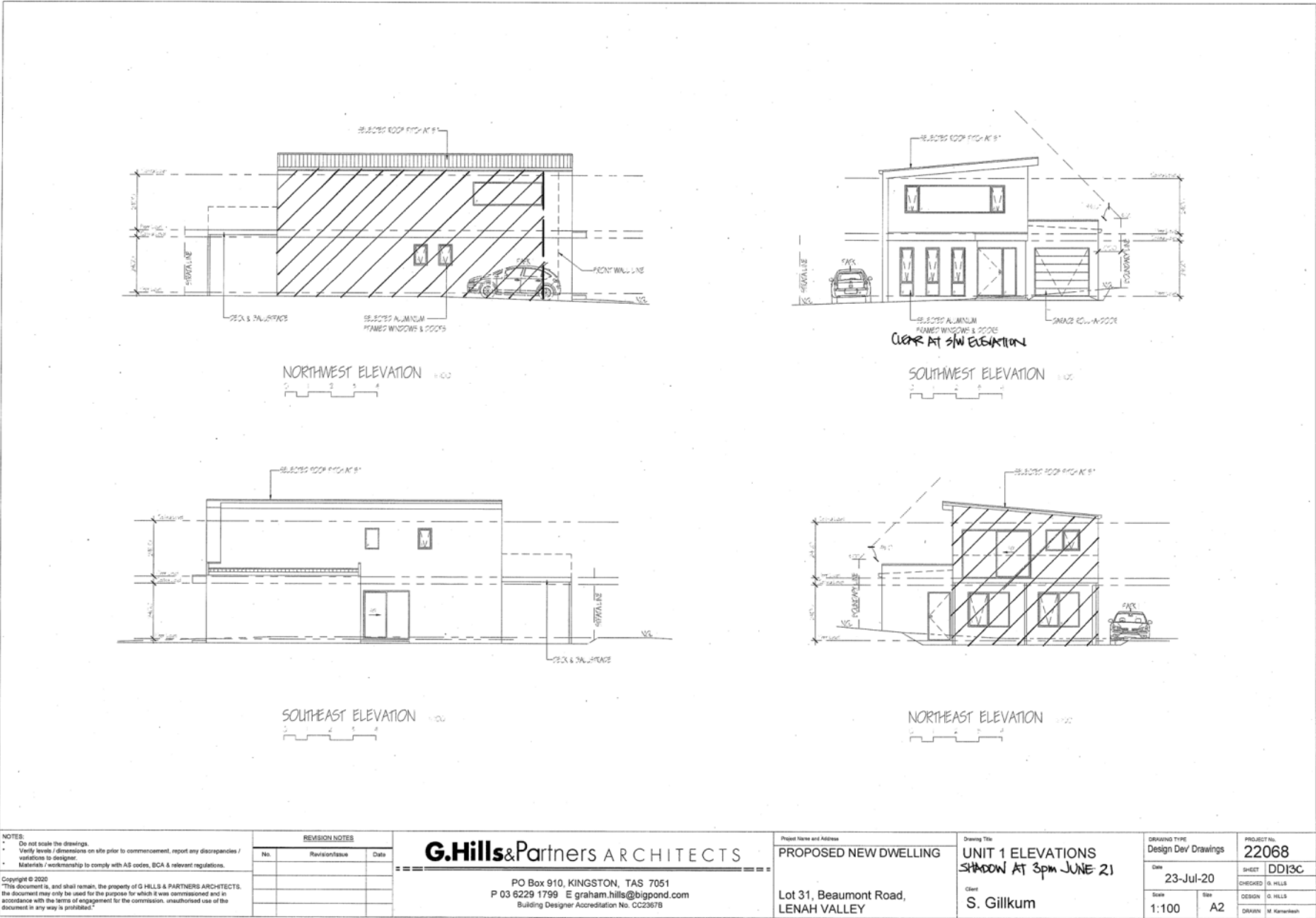




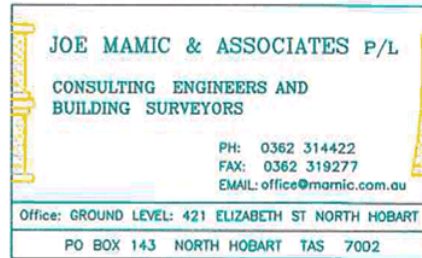








\* STRUCTURAL   \* CIVIL   \* BUILDING SURVEYING   \* GEOTECHNICAL   \* HYDRAULICS   \* BRIDGES   \* HERITAGE



## ENGINEERS INSPECTION / INSTRUCTION REPORT

**PROJECT:** 31-41 Beaumont Road, Lenah Valley

**SUBJECT:** Onsite Detention - Stormwater (Revised 21/01/21)

### Requirement

Preexisting can be taken as 0.4 of impervious allowed by HCC.

Flow post development 5min 20 year event.

Detention required when  $Q_{\text{post}} > Q_{\text{pre}}$

### Detention Model

Total site area = 1646m<sup>2</sup>, Detention volume to be determined using, coefficients of run-off:  
impervious area  $C=0.90$ , pervious area  $C=0.40$  orifice 50mm

Pre development – (no impervious area) for additional safety factor taken as 0 litres/second

Post development – impervious area 524.5 (roof & decks) + 483 (driveway/parking)

For 5 min duration – 20 Year event AEP Hobart  $I=114\text{mm/hr}$ , (BOM design intensity chart)

Calculations using Modified Rational Method for stormwater runoff

$$Q = \frac{C \times I \times A}{3600}$$

$Q$  = Volumetric design flow rate (l/s)

$C$  = Runoff coefficient  $I$  = Rainfall intensity  
(5min – 20 year event) mm/hr/s

$A$  = Sum of all equivalent catchment areas (m<sup>2</sup>)

Pre development  $Q$  (no impervious area) for additional safety factor taken as 0 litres/second

Post development    Roof     $Q = \frac{0.9 \times 524.5 \times 114}{3600} = 14.95 \text{ l/s}$

Driveway  $Q = \frac{0.9 \times 483 \times 114}{3600} = 13.77 \text{ l/s}$

$$\therefore Q_{\text{post}} - Q_{\text{pre}} = 28.7 \text{ l/s}$$

Roof stormwater require detention volume = 4485. Driveway stormwater detention volume = 4131.

Conclusion: - Total onsite detention volume required is minimum 8616litres. Thus provided a detention volume in total of 14,000 litres therefore adequate.

Maintenance of Detention System Schedule

Activity	Frequency
Visual inspection – check sludge depth does not exceed bottom of orifice	First two years – every 6 months Following years – once a year
Silt/sediment removal from tank by vacuum truck silt and sediment removal	When visual inspection reveals silt height has reached bottom of orifice
Part replacement	When visual inspection reveals specific functional part or parts require replacement
Charged stormwater lines	Unscrew cap, drain and remove collected debris every 3 months.

SIGNED



Joe Mamic 21/01/21  
BE MASc(FE) MIEAust MIABS

Should a cost variation arise from this inspection / instruction the contractor shall inform the Engineer or Architect prior to proceeding.

---





## Location

**Label:** Not provided

**Latitude:** -42.8677 [Nearest grid cell: 42.8625 (S)]

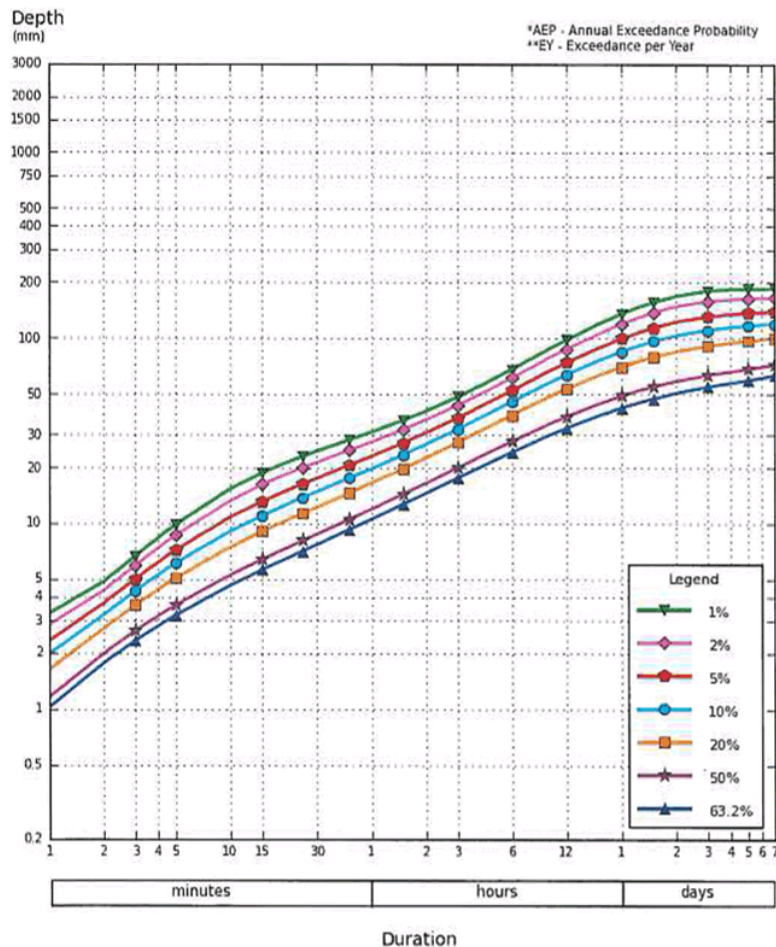
**Longitude:** 147.3049 [Nearest grid cell: 147.3125 (E)]

## IFD Design Rainfall Depth (mm)

Issued: 30 November 2020

Rainfall depth for Durations, Exceedance per Year (EY), and Annual Exceedance Probabilities (AEP).  
[FAQ for New ARR probability terminology.](#)

Unit: mm ▼



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## Location

**Label:** Not provided

**Latitude:** -42.8677 [Nearest grid cell: 42.8625 (S)]

**Longitude:** 147.3049 [Nearest grid cell: 147.3125 (E)]

## IFD Design Rainfall Depth (mm)

Issued: 30 November 2020

Rainfall depth for Durations, Exceedance per Year (EY), and Annual Exceedance Probabilities (AEP).

[FAQ for New ARR probability terminology](#)

Unit: mm ▼

Duration	Annual Exceedance Probability (AEP)						
	63.2%	50%#	20%*	10%	5%	2%	1%
1 min	1.02	1.16	1.63	1.97	2.33	2.85	3.27
2 min	1.76	1.98	2.70	3.20	3.71	4.34	4.83
3 min	2.33	2.64	3.62	4.31	5.01	5.92	6.63
4 min	2.80	3.17	4.39	5.26	6.15	7.36	8.32
5 min	3.20	3.63	5.06	6.09	7.16	8.63	9.83
10 min	4.63	5.27	7.44	9.05	10.8	13.2	15.3
15 min	5.63	6.40	9.04	11.0	13.1	16.2	18.7
20 min	6.42	7.30	10.3	12.5	14.9	18.3	21.2
25 min	7.10	8.07	11.3	13.8	16.3	20.0	23.0
30 min	7.70	8.74	12.2	14.8	17.5	21.4	24.6
45 min	9.24	10.5	14.5	17.5	20.6	24.8	28.2
1 hour	10.5	11.9	16.5	19.7	23.0	27.5	31.1
1.5 hour	12.7	14.4	19.7	23.5	27.2	32.1	36.0
2 hour	14.5	16.4	22.5	26.7	30.8	36.2	40.3
3 hour	17.6	20.0	27.4	32.3	37.1	43.4	48.1
4.5 hour	21.3	24.3	33.4	39.4	45.2	52.8	58.6
6 hour	24.3	27.8	38.5	45.5	52.3	61.2	68.0
9 hour	29.1	33.4	46.8	55.6	64.1	75.6	84.3
12 hour	32.8	37.8	53.3	63.7	73.8	87.5	98.1
18 hour	38.3	44.3	63.2	76.1	88.7	106	120
24 hour	42.2	48.9	70.2	84.9	99.6	120	136
30 hour	45.1	52.3	75.3	91.5	108	130	148
36 hour	47.3	54.9	79.3	96.6	114	138	157
48 hour	50.7	58.7	84.8	104	123	149	169
72 hour	54.8	63.2	91.0	111	131	159	181
96 hour	57.4	66.1	94.4	115	135	162	184
120 hour	59.4	68.2	96.7	117	137	164	185
144 hour	61.3	70.2	98.7	119	138	165	185
168 hour	63.0	72.1	101	120	139	165	186

Note:

# The 50% AEP IFD **does not** correspond to the 2 year Average Recurrence Interval (ARI) IFD. Rather it corresponds to the 1.44 ARI.

\* The 20% AEP IFD **does not** correspond to the 5 year Average Recurrence Interval (ARI) IFD. Rather it corresponds to the 4.48 ARI.

\* STRUCTURAL \* CIVIL \* BUILDING SURVEYING \* GEOTECHNICAL \* HYDRAULICS \* BRIDGES \* HERITAGE

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## CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE ITEM

Section 321

Form **55**

To:  Owner /Agent  
 Address  
  Suburb/postcode

### Qualified person details:

Qualified person:   
 Address:  Phone No:   
  Fax No:   
 Licence No:  Email address:   
 Qualifications and Insurance details:  (description from Column 3 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)  
 Speciality area of expertise:  (description from Column 4 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

### Details of work:

Address:  Lot No:   
  Certificate of title No:   
 The assessable item related to this certificate:  (description of the assessable item being certified)  
 Assessable item includes –  
 - a material;  
 - a design  
 - a form of construction  
 - a document  
 - testing of a component, building system or plumbing system  
 - an inspection, or assessment, performed

### Certificate details:

Certificate type:  (description from Column 1 of Schedule 1 of the Director's Determination - Certificates by Qualified Persons for Assessable Items n)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)

building work, plumbing work or plumbing installation or demolition work: ☒ X

or

a building, temporary structure or plumbing installation: ☐

ACCREDITATION No. CC411N

ABN 37 216 558 086

In issuing this certificate the following matters are relevant –

Documents:

Documents by – Engineers Instructions by  
J Mamic dated 21/Jan/21

Relevant  
calculations:

NIL

References:

AS3500, Sound Engineering Principles

*Substance of Certificate: (what it is that is being certified)*

On Site Stormwater Detention

(All other work is excluded from this Certification)

*Scope and/or Limitations*

The Certificate relates **ONLY** to the plans as listed in the documents section on the Certificate. If changes are made to the plans they **MUST** be resubmitted and a new Certificate will be issued for those specific changes.

I certify the matters described in this certificate.

Qualified person:

Signed:   
The Institution of Engineers, Australia  
MIEAust CPEng  
Chartered Professional Engineer  
Membership No. 619436

Certificate No:

201130ssg

Date:

21/Jan/21







**spelstormwater**  
joy in water



## Stormwater Management Plan Lot 31 – 41 Beaumont Road, Lenah Valley, Tasmania

ISSUE NUMBER:  
R1

CLIENT:  
Joe Mamic & Associates

DATE:  
October 28, 2020

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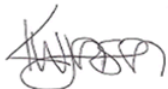
### Document Control Record

Approved By:	Kurt Jensen
Position:	Environmental Division Manager
Signed:	
Date:	28 October 2020



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## Revision Status

Revision No	Description Of Revision	Date:	Approved:
1	SUBMISSION	28 October 2020	

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This study, report and analysis have been based on the information available to SPEL Total Stormwater at the time of preparation. SPEL Total Stormwater accepts responsibility for the report and its conclusions to the extent that the information was sufficient at the time of preparation. SPEL Total Stormwater does not take responsibility for errors and emissions due to incorrect information or information not available to SPEL Total Stormwater at the time of preparation of the study, report or analysis



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## **Confidentiality**

### Section 1



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## 1 Confidentiality

### 1.1 Conferee

This entire document has been presented to Joe Mamic & Associates as **commercial-in-confidence** on the basis that it should not be disclosed in any part or whole to any third party without written consent from SPEL Total Stormwater.

This document contains:

- **Intellectual Property** – Material and design that are commercially sensitive intellectual property
- **Pricing Schedule** - Information from SPEL Total Stormwater and details about commercially sensitive pricing

### 1.2 Request for Information

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## **Executive Summary**

### **Section 2**



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## 2 Executive Summary

SPEL Total Stormwater has been commissioned by Joe Mamic & Associates to prepare a Conceptual Stormwater Management Plan (CSMP) for the proposed precinct development located at Lot 1 - 41 Beaumont Road, Lenah Valley TAS, Australia

The stormwater quality modelling was undertaken using the MUSIC version 6.3 software. The modelling results (see **Table 2.1**) indicate the 70%, 80%, 45% and 45% reduction targets for Gross Pollutants (GP), Total Suspended Solids (TSS), Total Phosphorus (TP) and Total Nitrogen (TN) respectively can be achieved.

**Table 2.1: Treatment Train Effectiveness**

Pollutant	Inflows (kg/yr)	Outflows (kg/yr)	Reduction Achieved (%)	Reduction Target (%)
<b>Flow (ML/yr)</b>	0.586	0.484	<b>17.4</b>	0
<b>Total Suspended Solids</b>	98.5	7.22	<b>92.7</b>	80
<b>Total Phosphorus</b>	0.203	0.051	<b>74.8</b>	45
<b>Total Nitrogen</b>	1.24	0.406	<b>67.3</b>	45
<b>Gross Pollutants</b>	18.7	0	<b>100</b>	70

Stormwater management for the site is achieved using the following devices:

- SPEL Stormsacks (All Grated & Side-entry Pits)
- One (1) x SPEL Hydrosystem (HS.400/1)
- Five (5) x 2kL Rainwater Tank (Others)



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## Overview

### Section 3





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### 3 Overview

#### 3.1 Company Background

SPEL Total Stormwater is a market leader in the environmental compliance sector since 1991. During that time, we have established many satisfied customers who return to SPEL Total Stormwater when they require new and more advanced technological solutions and services. SPEL Total Stormwater devotes a great deal of time, effort and financial investment to maintain our position as a market leader in a rapidly developing field. We employ the latest industry knowledge and advancements, providing our customers with the most progressive stormwater improvement technology.

SPEL Total Stormwater develops long term partnerships with our clients and providing on-going technical support which include a comprehensive scheduled service and maintenance program. We take pride in delivering quality workmanship and customer satisfaction that has created a market reputation, taking SPEL Total Stormwater to where it is today. In order maintain this vision and standard, we are heavily committed to Australian manufacturing and site water quality testing programs to control and maintain consistent quality.

SPEL Total Stormwater is committed to the health and safety of its people and protecting the environment in which they work. We understand the challenges associated with a project of this nature and the physical environment involved. Our safety, environmental and quality standards apply to all our people, products and services, providing certainty that the client's safety, environmental and quality requirements are adhered to.

#### 3.2 Introduction

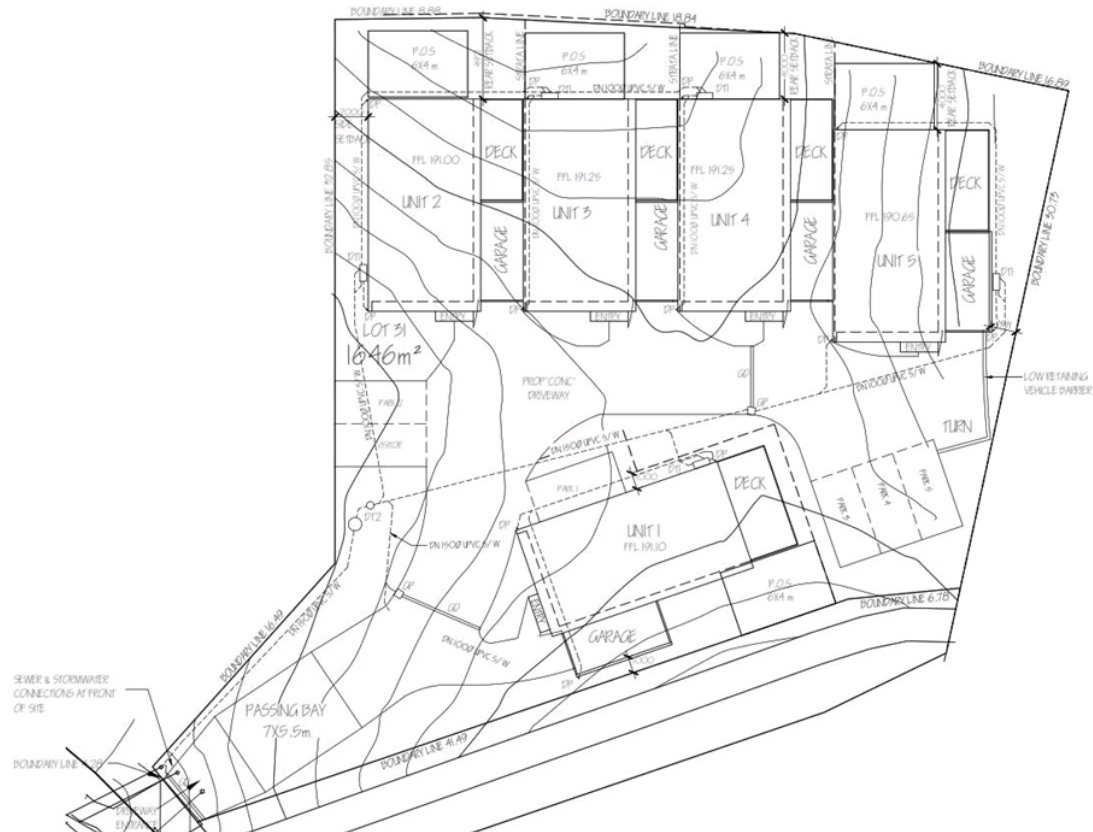
This report has been prepared by SPEL Total Stormwater to accompany and be considered part of a Development Application (DA) for a proposed precinct development located at Lot 1 - 41 Beaumont Road, Lenah Valley TAS, Australia. The site is located within the catchment of the Hobart City Council.



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### 3.3 Site Layout

The proposed development is presented on **Figure 3.1**.



**Figure 3.1 Proposed Site Layout**



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## Quality Management – Operational Controls

### Section 4



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## 4 Quality Management – Operational Controls

### 4.1 Water Quality Objectives

Melbourne Water (2018) requires treatment of stormwater so that annual pollutant loads achieve targets set out in the Best Practice Environmental Management Guidelines (BPEMG). These are:

- 80% reduction in Total Suspended Solids (TSS) from typical urban loads;
- 45% reduction in Total Nitrogen (TN) from typical urban loads;
- 45% reduction in Total Phosphorus (TP) from typical urban loads; and
- 70% reduction in Gross Pollutants (GP) from typical urban loads.

### 4.2 Treatment Train

Based on the site characteristics and the range of available Stormwater Quality Improvement Devices (SQIDs), this study has developed an overall concept that will satisfy the requirements of downstream environmental protection. **Figure 4.1** shows a schematic representation of the proposed treatment train elements.



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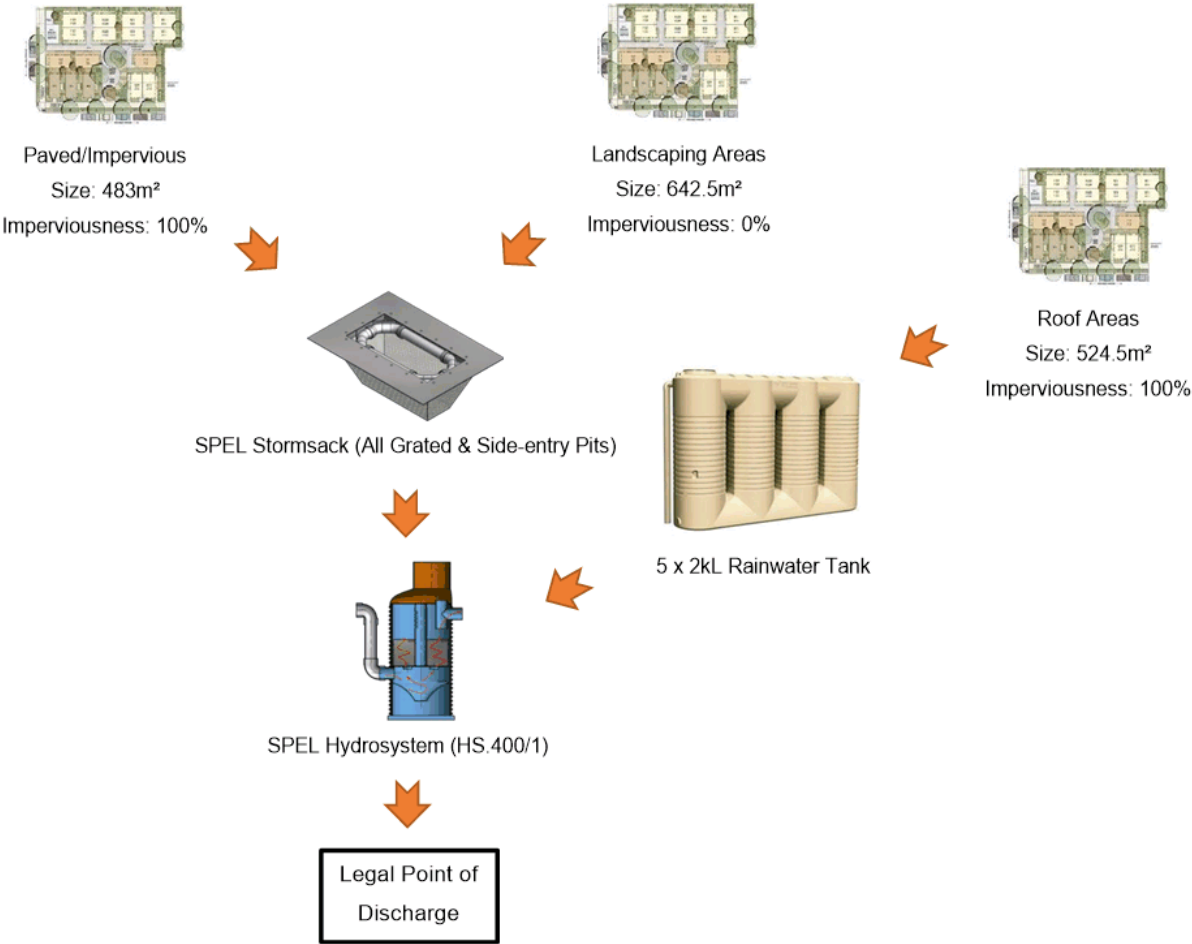


Figure 4.1 Treatment Train Schematic



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#### 4.2.1 SPEL Stormsack – General Information

The SPEL StormSack is an effective at source GPT proven to reduce Gross Pollutants (GP), Total Suspended Solids (TSS), and Nutrients (TN & TP) from developed urban catchments. The SPEL StormSack is designed to rest on the flanges of conventional inlet pits which allows for easy of access during maintenance periods. The general configuration of the SPEL StormSack includes the basic design features outlined in **Appendix 1**.

**Table 4.1: SPEL StormSack Features**

SPEL StormSack Components	Description
Structural Load	The filter sack, frame and support components (such as PE fascia, metal frame, sack support clips, etc.) are engineered to support a dead load when the filter sack is filled to capacity with pollutants.
Filter Sack Mesh	SPEL uses a 200µm mesh fabric with anti-tear innovation.
Bypass	The integrated bypass is designed to unobstructed runoff greater than treatment flows (first flush). Each StormSack has a treatment flow rate up to 11L/s before bypass.
Frame Type	The SPEL StormSack comes in a Light weight Polyethylene frame for easy installation and removal (see <b>Figure 4.2</b> below).
Filter Sack Liner	A protective filter liner made from HDPE mesh has been integrated into the StormSack design to facilitate maintenance and during operation.
Oil Boom (optional)	Replaceable oil booms are easily fitted for sites with expected hydrocarbon runoff (i.e. Shopping centre car parks and Industrial estates).
Frame Sizes	SPEL StormSacks are designed to fit standard and custom designed inlet pits ranging from 450mm up to 1200mm inlet pits (including retrofits).



Figure 4.2: General configuration of the 200µm mesh SPEL StormSack

##### 4.2.1.1 Australian Validation and Testing

Rigorous testing of the SPEL StormSack has been conducted locally under tier one (Laboratory) and tier two (field) conditions. QUT has published field test data on the SPEL StormSack which has since been peer-reviewed and published in the MDPI Water Journal August 2015 edition<sup>1</sup>, in accordance with the Water by Design guidelines. SPEL Total Stormwater has committed to on-going testing for the life of the SPEL StormSack and will continue providing published data on future events.





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#### 4.2.2 SPEL Hydrosystem – General Information

The SPEL Hydrosystem is a tertiary stormwater treatment filtration device targeting known pollutants of concern including Total Suspended Solids (TSS); Nutrients (TP & TN); Gross Pollutants; as well as Heavy Metals (i.e. Cu, Zn, Pb). This specialist stormwater filtration system is installed within conventional concrete manholes, polyethylene and fibreglass shafts. The pre-fabricated and pre-assembled SPEL Hydrosystem is quickly and safely installed using onsite diggers (see Figure 4.3 below). This system is designed for an array of applications with treatment flow rates ranging from 2.5l/s up to 144l/s. The Hydrosystem is designed in an off-line configuration and operates at full treatment flow with a hydraulic fall of 250mm across the system.



Figure 4.3: SPEL Hydrosystem (SHS.1000) installation using onsite digger

##### 4.2.2.1 International Validation and Testing

SPEL Hydrosystem have been lab and field tested by several Universities and Institutes across Germany. The German Institute for Structural Engineering (DIBt) granted a general technical approval (Z-84.2-4)<sup>1</sup> passing all test conditions under heavy trafficable conditions. Field test data has been obtained across Germany including Bremer Straße in Hamburg-Harburg<sup>2</sup> reinforcing the above approval.

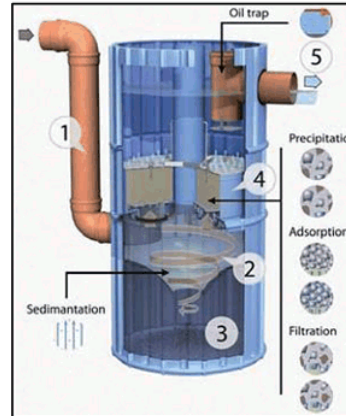




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#### Function Principles:

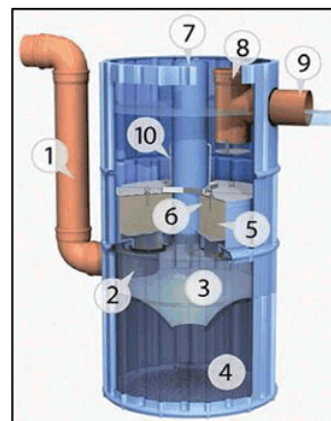
1. The rainwater from the connected area is fed into the basal section of the filter housing. The angled inlet generates a radial flow pattern.
2. The hydrodynamic separator converts turbulent waters into a radial laminar flow pattern, generating particle sedimentation, particularly of the sand fraction.
3. This takes place over an inlet to the lower section of the filter shaft. The sediment is retained in a silt trap chamber below the separator. The silt trap needs to be emptied out at intervals.
4. In the central section of the filter housing is the actual filter,
5. Filter Element: Metal. The filter element filters out the fine materials in an up-flow process and dissolved materials are precipitated and adsorbed. The filter can be backwashed. When exhausted the filter is easily exchanged.
6. The filter element is easily pulled up via shaft openings.
7. Above the filter element is the clean water. It passes via a blockade of light substances and then flows over the outlet into a soak away.



**Schematic of SPEL Hydrosystem Process**

#### Product Components:

1. Rainwater Inlet (DN 200).
2. Angled Inlet.
3. Separator Chamber.
4. Silt Trap.
5. Filter Elements (4 No.).
6. Removal Device for Filter Element.
7. Overflow.
8. Blockade of light substances and suction pipe
9. Outlet to storage or to waste.
10. Locking buoyancy control system



**Schematic of SPEL Hydrosystem Components**

#### 4.3 Maintenance Procedure

The SPEL treatment train specified above is an engineered stormwater treatment solution for the reduction in TSS, nutrients, gross pollutants and hydrocarbons. The Stormwater Quality Improvement Devices (SQIDs) identified in the stormwater treatment solution will require on-going maintenance for a prescribed period as specified by their respective council/authority. A draft of the proposed treatment train maintenance contract can be seen in **Appendix 2**.



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## Quality Analysis - MUSIC

### Section 5



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## 5 Quality Analysis – MUSIC

Water quality modelling has been undertaken of the post-development (mitigated) scenario using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) software to demonstrate the load based reduction targets are achieved. A stormwater treatment train has been developed and modelled to determine the effectiveness of the proposed system in achieving the relevant water quality objectives.

### 5.1 Rainfall and Evapotranspiration Parameters

**Table 5.1** summarized the meteorological and rainfall-runoff data used in the MUSIC model.

**Table 5.1 Meteorological and Rainfall Runoff Data**

Parameter	Value
Rainfall station	94145 – Hobart
Time step	6 minute
Modelling period	January 1996 – December 2008
Mean annual rainfall (mm)	626 mm
Evapotranspiration	903 mm

### 5.2 Catchment Parameters

Based on the proposed land uses within the development, the subject site has been modelled as an urban source node. The rainfall-runoff parameters and pollutant generation parameters are based on parameters recommended by Melbourne Water (2018) (**Tables 5.2** and **5.3**).

**Table 5.2 Rainfall Runoff Parameters**

Parameter	All Nodes
Rainfall threshold (mm)	1.0
Soil storage capacity (mm)	120
Initial storage (% capacity)	25
Field capacity (mm)	50
Infiltration capacity coefficient a	200
Infiltration capacity exponent b	1
Initial depth (mm)	10
Daily recharge rate (%)	25
Daily base flow rate (%)	5
Daily deep seepage rate (%)	0



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Table 5.3: Pollutant Export Parameters for Urban Sites

Catchment ID		Total Suspended Solids [log (mm/L)]		Total Phosphorous [log (mm/L)]		Total Nitrogen [log (mm/L)]	
		Mean	Std. Deviation	Mean	Std. Deviation	Mean	Std. Deviation
Landscape	Storm Flow Concentration	1.9	0.333	-0.7	0.242	0.243	0.182
	Base Flow Concentration	0.96	0.401	-0.731	0.36	-0.566	0.363
Hardstand	Storm Flow Concentration	2.431	0.333	-0.301	0.242	0.342	0.205
	Base Flow Concentration	0	0	0	0	0	0
Roof	Storm Flow Concentration	1.301	0.333	-0.886	0.242	0.301	0.205
	Base Flow Concentration	0	0	0	0	0	0

### 5.3 Treatment Node Parameters

The following sections describe the modelling parameters applied to MUSIC for each of the treatment nodes included as part of the water quality assessment.

#### 5.3.1 SPEL Stormsack Parameters

A GPT treatment node in MUSIC has been used to simulate the treatment efficiency of the SPEL StormSack based on third party field testing results. The SPEL StormSack treatment node parameters are summarised in Table 5.4.

Table 5.4 SPEL StormSack Treatment Node Parameters

Catchment ID	SPEL Stormsack
Are the proposed pollutant reduction efficiencies independently verified using a method suited to local conditions?	Y
Does the data provided include performance results under dry weather flows (to account for potential pollutant leeching?)	Y
Is the assumed high-flow bypass rate consistent with manufacturer specifications?	Y
High Flow by-pass (m <sup>3</sup> /s)	0.018
Low Flow	0.000
TSS Input (mg/L) Output (mg/L)	1000 390
TN Input (mg/L) Output (mg/L)	100 55
TP Input (mg/L) Output (mg/L)	100 72
Gross Pollutants Input (mg/L) Output (mg/L)	15 0



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### 5.3.2 SPEL Hydrosystem Parameters

A generic node has been utilized in MUSIC, for the purpose of simulating treatment efficacy of SPEL Hydrosystem and the transform function in the node has been modified based on SPEL Total Stormwater's 2nd and 3rd Party field testing product data. These test results and papers are available upon request from SPEL Total Stormwater. The SPEL Hydrosystem parameters utilised within MUSIC are summarised in **Table 5.5**.

**Table 5.5: SPEL Hydrosystem Parameters**

Catchment ID	SPEL Hydrosystem
Are the proposed pollutant reduction efficiencies independently verified using a method suited to local conditions?	Y
Does the data provided include performance results under dry weather flows (to account for potential pollutant leeching?)	Y
Is the assumed high-flow bypass rate consistent with manufacturer specifications?	Y
High Flow by-pass (m <sup>3</sup> /s) (for each separate system)	0.0025
Low Flow	0.000
TSS Input (mg/L) Output (mg/L)	1000 150
TN Input (mg/L) Output (mg/L)	100 57
TP Input (mg/L) Output (mg/L)	100 34
Gross Pollutants Input (mg/L) Output (mg/L)	15 0



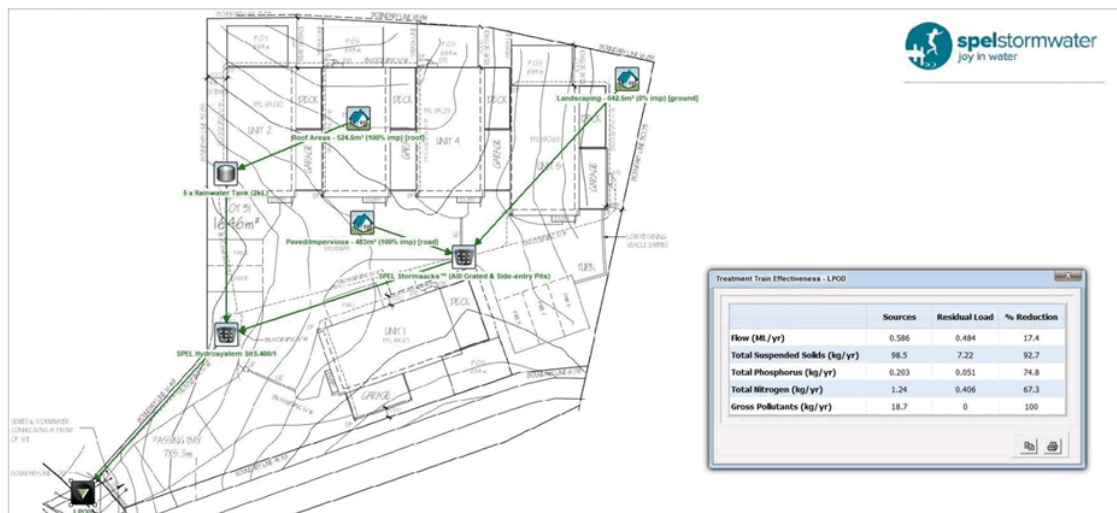
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## 5.4 MUSIC Results

Results of the MUSIC modelling for the treatment train effectiveness are summarised in **Table 5.6**. The results indicate the 80%, 45%, 45% and 70% reduction target for TSS, TP, TN and gross pollutants respectively are achieved. A screen capture of the MUSIC modelling results is included as **Figure 5.2**.

**Table 7.6: Treatment Train Effectiveness**

Pollutant	Inflows (kg/yr)	Outflows (kg/yr)	Reduction Achieved (%)	Reduction Target (%)
Flow (ML/yr)	0.586	0.484	17.4	0
Total Suspended Solids	98.5	7.22	92.7	80
Total Phosphorus	0.203	0.051	74.8	45
Total Nitrogen	1.24	0.406	67.3	45
Gross Pollutants	18.7	0	100	70



**Figure 5.2: Treatment Train Effectiveness & Layout**



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## Summary and Recommendation

### Section 6





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## 6 Summary and Recommendation

Based on the water quality assessment using the MUSIC software, it is found that the pollutant reduction targets can be achieved by adopting the SQIDs specified in **Table 6.1**.

**Table 6.1: Recommended Stormwater Quality Improvement Devices**

Stormwater Quality Improvement Device	Quantity
SPEL Stormsacks	All Grated & Side Entry Pits
SPEL Hydrosystem (SHS.400/1)	1

The recommended SQIDs are designed to capture stormwater at the downstream end of the drainage network and treat the runoff prior to discharging into the local waterway. The pollutant reduction targets achieved (as modelled in MUSIC) are summarised in **Table 6.2**.

**Table 6.2: MUSIC modelling results**

Pollutant	Inflows (kg/yr)	Outflows (kg/yr)	Reduction Achieved (%)	Reduction Target (%)
<b>Flow (ML/yr)</b>	0.586	0.484	<b>17.4</b>	0
<b>Total Suspended Solids</b>	98.5	7.22	<b>92.7</b>	80
<b>Total Phosphorus</b>	0.203	0.051	<b>74.8</b>	45
<b>Total Nitrogen</b>	1.24	0.406	<b>67.3</b>	45
<b>Gross Pollutants</b>	18.7	0	<b>100</b>	70



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## References

Section 7



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## 7 References

Melbourne Water (2018). *MUSIC Guidelines – Input Parameters and modelling approaches for MUSIC users in Melbourne Water's service area 2018*



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## List of Appendices

**Appendix 1 – SPEL SQID Product Guides**

**Appendix 2 – Draft Treatment Train Maintenance Contract**



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#### **Appendix 1 – SPEL SQID Product Guides**



# SPEL Stormsack

At-source Gross Pollutant Trap

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**SPEL** ENVIRONMENTAL  
INTEGRATED WATER SOLUTIONS



# Stormwater Treatment

An all too common issue with today's highly impervious landscape is how to meet stormwater regulations with limited budgets and tight space constraints.

SPEL StormSack filtration solutions are highly engineered water quality devices that are deployed directly in the stormwater sewer system to capture contaminants close the surface for ease of maintenance. Easily retrofitted into new or existing structures, SPEL StormSack filtration technology is a decentralized approach to stormwater treatment that essentially repurposes traditional site infrastructure and customizes it to meet specific site water quality goals. In this way, it satisfies important objectives of today's LID (Low Impact Development) criteria.

From an operations perspective, catch basins with SPEL StormSack filters are also easier and quicker to clean out because pollutants are trapped just under the grate.

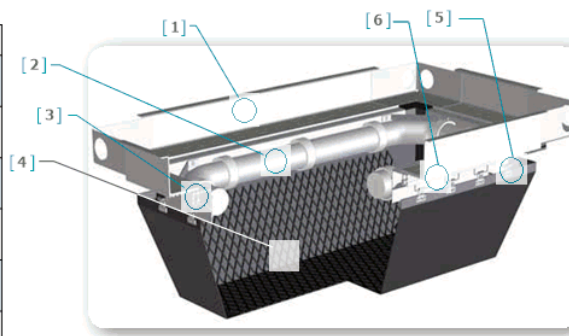
## StormSack

The SPEL StormSack is specifically designed for the capture of gross pollutants: sediment, litter, and oil and grease. Ideally suited for municipal storm drain retrofits, the SPEL StormSack's unique design allows maintenance to be performed using conventional vacuum suction equipment.



Application	Regulatory Issue	Target Pollutants
Council Storm Drain Retrofits	At-source litter capture	Sediment, Litter, O&G
Commercial/Retail/Residential	Stormwater Compliance	Sediment, Litter, O&G
Litter Prone Urban Areas	Cost effective litter control	Litter $\geq$ 5 mm
Scrap Metal/Solid Waste/Oil Storage/Etc	Industrial Multi-Sector General Permit	Gross Pollutants, O&G
Part of Treatment Train	Council Stormwater Quality Improvement Targets	Sediment, Litter, O&G
Construction Sediment/Erosion	Sediment Control Plan	Sediment/Erosion Control

Features	
1.	Durable, aluminum frame construction has 15 year service life
2.	Integral oil boom effectively captures oil and grease from spills
3.	Patented dovetailed flange – allows 12cm of length/width field adjustment
4.	Polypropylene netting protects sack from suction hose during maintenance
5.	Steel clip with locking tab holds replaceable filter sack in place
6.	Baffled bypass traps floatables



### Standard SPEL Stormsack to suit Pit Sizes

450x450mm
600x600mm
900x600mm
900x900mm

Custom sizes (i.e. 1200x900mm) can be manufactured on short lead times





## Specifications & Details

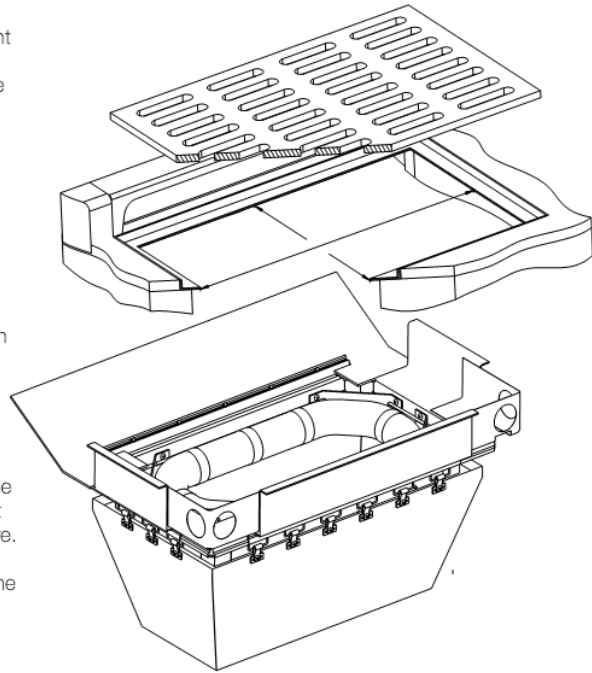
### General Description

This technology is a post developed stormwater treatment system. The SPEL StormSack provides effective filtration of solid pollutants and debris typical of urban runoff, while utilising the existing or new storm drain infrastructure. The StormSack is designed to rest on the flanges of conventional catch basin frames and is engineered for most hydraulic and cold climate conditions.

### Installation And Maintenance

Installation procedures shall include removing the storm grate, cleaning the ledge of debris and solids, measuring catch basin clear opening and adjusting flanges to rest on grate support ledge. Install SPEL StormSack with splash guard under curb opening so the adjustable flanges are resting on the grate support ledge. Install corner filler pieces. Reinstall storm grate directly on support flanges [rise shall be no more than 1/8 inch (3 mm)].

Maintenance: Typically the SPEL StormSack is serviceable from the street level, and therefore maintenance does not require confined space entry into the catch basin structure. The unit is designed to be maintained in place with a vacuum hose attached to a sweeper or a vactor truck. The oil boom is also designed to easily be replaced from the street level. Use only SPEL replaceable parts.



### Products

#### Material and Design

- A. Adjustable Flange and Deflector: Aluminum Alloy 6063-T6
- B. Splash Guard: neoprene rubber
- C. Stormsack: woven polypropylene geotextile with US Mesh 20
- D. Corner Filler: Aluminum Alloy 5052-H32
- E. Lifting Tabs: Aluminum Alloy 5052-H32
- F. Replaceable Oil Boom: polypropylene 3 inch (76 mm) diameter
- G. Mesh Liner: HDPE, diamond configuration
- H. Support Hardware: CRES 300 Series

#### Typical Performance Characteristics

- A. Debris capacity: 8.5cu. ft. (0.24 m<sup>3</sup>)
- B. Filtered flow rate: 7.3 cfs (207 lps)
- C. Primary baffled bypass flow rate: 4.2cfs (119 lps)
- D. Secondary bypass flow rate: 0.4 cfs (10 lps)
- E. Total bypass flow rate: 4.6 cfs (130 lps)
- F. Oil boom sorption capacity: 376 oz (11 L)

Recommended minimum clearance from bottom of SPEL StormSack to inside bottom of vault is 2 inches (50 mm)  
Typical frame adjustability range of 5 inches (127 mm) in each direction.

### Benefits

- Low cost gross pollutant capture
- Quick & easy installation
- Simple maintenance
- At source capture
- Adjusts to custom pit sizes

### Field Performance

The SPEL Stormsack was introduced to the Australian market in 2012 and field testing is underway at several locations in South-east Queensland. Laboratory testing has shown capture of 99.99% of gross pollutants up to the bypass flow rate.\* Further results will be provided as they become available.





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0033 SPEL Stormwater 201



# SPELFilter Hydrosystem

Environmentally aware and efficient.

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**SPEL** ENVIRONMENTAL  
INTEGRATED WATER SOLUTIONS



## The Technology

A specialist rainwater filter, designed for installation within load bearing shafts and chambers of concrete or plastic construction. The pre fitted plastic housing is safe and easy to fit at site.

The Hydrosystem 1000 Filter uses an up-flow process. This means there is a minimal head drop between the inlet and the outlet. The cleaned water is of an outstanding water quality. The rainwater is treated within the unit by the following processes: sedimentation, filtration, adsorption and precipitation.

The initial treatment steps take place in the Dynamic Separator, where sedimentation of solid particles occurs within a radial flow regime, characterised by secondary flows.

A settling funnel to the silt trap chamber entrance ensures sediments are not remobilised. Above the separator are the filter inserts, covering the entire diameter of the unit's housing, where the second treatment step takes place.

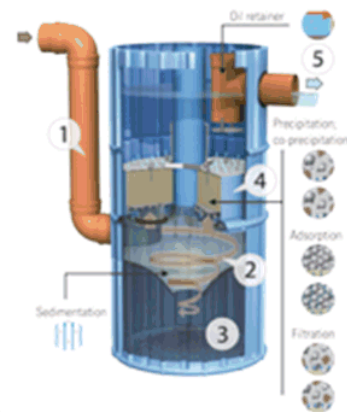
Water flows upwards through the removable filter element. As a result of both the upward flow within the filter element and the fact that the filter remains saturated, the rate of filter clogging by solids is both very limited and slow.

The filter inserts are easy to exchange.



## How it works

1. The stormwater from the drained area is fed into the inlet, which is at the lower end of the shaft. A deflector plate sets up a radial flow.
2. Here, sedimentation of particles, especially the sand fraction and above, takes place in the hydrodynamic separator. This is due to turbulent secondary flows within a radial laminar flow regime.
3. The settleable solids are collected via an opening in the silt trap chamber. This chamber is evacuated periodically, via the by-pass central tube at intervals.
4. Four filter elements are located within the filter shaft. As waters flow upwards the finer particles are filtered out, whilst the dissolved pollutants are precipitated and absorbed. The filter is easily backwashed, and if completely clogged or exhausted, is easily replaced.
5. Clean water above the filter elements passes to discharge via an oil trap assembly. In the event of major spill, free floating oils etc are retained here. Normal concentrations of dissolved oils are retained within the filter elements.



## Technical Data

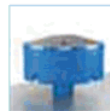
Stormwater filter complying with DIN 1989-2. Connections: DN 200; the various types of filter elements have different material structures.

Housing material: Polyethylene  
Housing weight: 68 kg  
Total weight: 220 to 350 kg depending on filter type

**Packing unit SPEL Hydrosystem 1000:** Pallet: 1 piece

## Accessories 1

SPELFilter element  
Weight per filter element:  
34 kg (roof / traffic)



## Accessories 2

SPELFilter element  
Weight per filter element:  
54 kg (heavy traffic)  
66 kg (metal)



Example: Installation in a shaft made of plastic

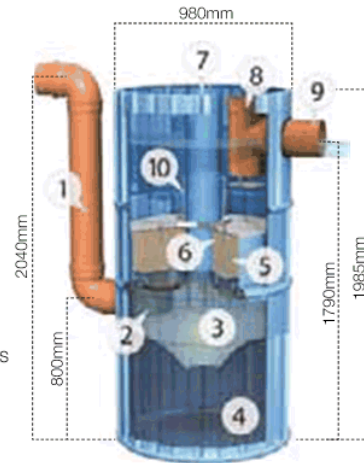


### Example:

The SPEL Hydrosystem 1000 traffic installed in a concrete shaft DN1000. The cleaned storm water is then discharged into an infiltration system using plastic crates.

### Product structure:

1. Stormwater inlet (DN 200)
2. Deflector plate
3. Hydrodynamic separator
4. Silt trap
5. Filter element
6. Extraction aid for filter element
7. Overflow and suction pipe
8. Oil trap
9. Outlet stormwater storage, soakaway system or surface waters
10. Buoyancy restraint for filter elements



The SPEL Hydrosystem is available with various filter types, depending on the usage of the connected area. The Roof type is used for roof areas that do not have a significant proportion of uncoated metals; the Metal type is employed for metal roof areas, and the Traffic type is used for slightly polluted traffic areas.

The Heavy Traffic type is employed for heavily polluted traffic areas and has been granted general technical approval (Z-84.2-4) by the German Institute for Structural Engineering (DIBt). The maximum areas that may be drained depend on the nature of the surfaces. These are given in the following table.

Type	Nature of the surface to be drained	Weight of filter element / piece	Total Weight
Heavy traffic with technical approval (Z-84.2-4)	Highly polluted traffic areas (car parks in front of supermarkets, main roads, HGV access roads)	54kg	300kg
Traffic	Slightly polluted traffic areas (side streets, staff car parks, yards)	34kg	220kg
Roof	Roofs without a significant proportion of uncoated metals (< 50m²)	34kg	220kg
Metal	Roofs made of uncoated metals (copper, zinc, lead)	66kg	350kg

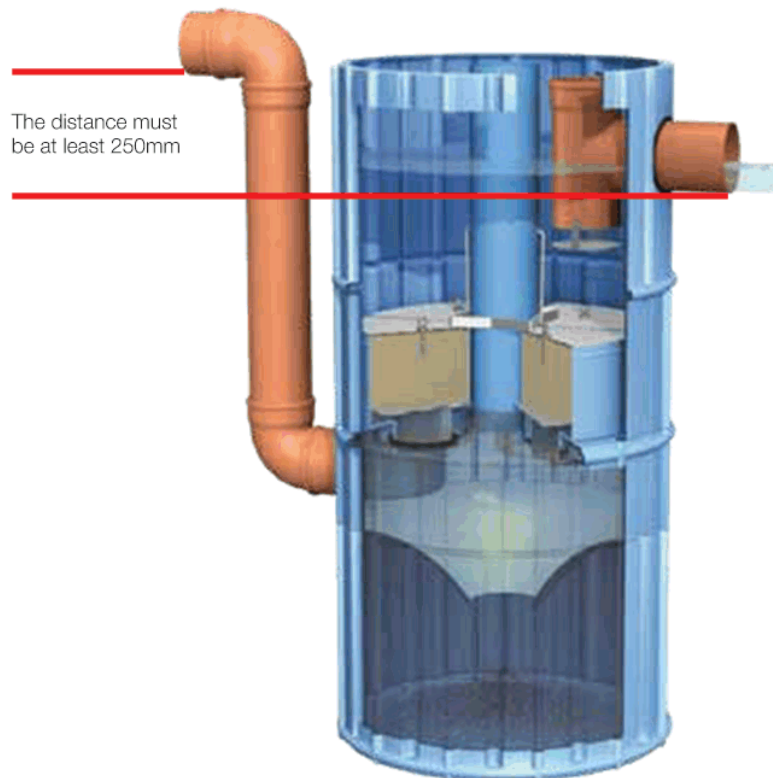
Parameter	Unit	Non Metal Roof	Copper Roof	Zinc Roof	Parking lot, residential street	Main road Distributor	1 Aims of LAWA	2 Drinking Water	3 Seepage	4 SPEL Hydrosystem
		from to	from to	from to	from to	from to	permissible limit	permissible limit	control value	aim
<b>Physico-chemical parameters</b>							90 Percentile			
electrical conductivity	[µS/cm]	25 270	25 270	25 270	50 2400	110 2400	–	2500	–	< 1500
pH value	[–]	4,7 6,8	4,7 6,8	4,7 6,8	6,4 7,9	6,4 7,9	–	6,5 – 9,5	–	7,0 – 9,5
<b>Nutrients</b>										
phosphorous (P ges)	[mg/l]	0,06 0,50	0,06 0,50	0,06 0,50	0,09 0,30	0,23 0,34	–	–	–	0,20
ammonium (NH <sub>4</sub> )	[mg/l]	0,1 6,2	0,1 6,2	0,1 6,2	0,0 0,9	0,5 2,3	–	0,5	–	0,3
nitrate (NO <sub>3</sub> )	[mg/l]	0,1 4,7	0,1 4,7	0,1 4,7	0,0 16,0	0,0 16,0	–	50,0	–	–
<b>Heavy Metals</b>										
cadmium (Cd)	[µg/l]	0,2 2,5	0,2 1,0	0,5 2,0	0,2 1,7	0,3 13,0	1,0	5,0	5,0	< 1,0
zinc (Zn)	[µg/l]	24 4.880	24 877	1.731 43.674	15 1.420	120 2.000	500	–	500	< 500
copper (Cu)	[µg/l]	6 3.416	2.200 8.500	11 950	21 140	97 104	20	2000	50	< 50
lead (Pb)	[µg/l]	2 493	2 493	4 302	98 170	11 525	50	10	25	< 25
nickel (Ni)	[µg/l]	2 7	2 7	2 7	4 70	4 70	50	20	50	< 20
chromium (Cr)	[µg/l]	2 6	2 6	2 6	6 50	6 50	50	50	50	< 50
<b>Organic Substances</b>										
polynuclear aromatic hydrocarbons (PAK)	[ug/l]	0,4 0,6	0,4 0,6	0,4 0,6	0,2 17,1	0,2 17,1	–	0,1 6 compounds	0,2	< 0,2
petroleum-derived hydrocarbons (MkV)	[mg/l]	0,1 3,1	0,1 3,1	0,1 3,1	0,1 6,5	0,1 6,5	–	–	0,2	< 0,2

1 Aims of the German working group on water issues of the Federal States and the Federal Government (LAWA) for surface water, usage as potable water (1998).  
2 Permissible of the German Drinking Water Ordinance (2001). 3 Control value for seepage of the German Federal Soil Protection Act an Ordinance (1999) according to § 8 1,2. 4 The aims of the system refer to average annual loads.



## Installation

**CAUTION! Important information, please observe.**



### The following is to be checked before installation:

The filter must be installed with a so-called fall. This means that the incoming pipe (stormwater inlet) is led downwards just ahead of the shaft and can be connected to the lower connection as described.

The difference in invert between the incoming pipe and the outlet to discharge must be at least 250mm.





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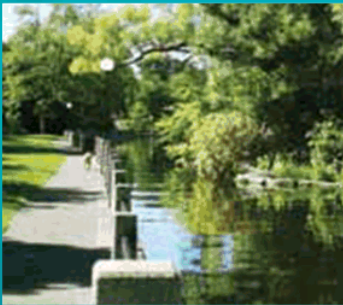


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**Appendix 2 – Draft Treatment Train Maintenance Contract**

# ***SPEL*** STORMWATER



31 - 41 BEAUMOUNT ROAD  
LENAH VALLEY TAS

TAS 20-0948 - MC

10 YEAR MAINTENANCE CONTRACT

PHONE 1300 SPEL 00 (773 500)  
FAX +61 (0) 28014 8699

## SPEL STORMWATER QUALITY TREATMENT DEVICE MAINTENANCE AGREEMENT

FOR

TAS 20-0948 - MC- 31 - 41 BEAUMOUNT ROAD LENAH VALLEY TAS

This Equipment Maintenance Agreement (the "Maintenance Agreement") is made and effective  
\_\_/\_\_/\_\_\_\_

BETWEEN: SPEL Total Stormwater (the "Service Provider"), of  
191 Station Street, Corio VIC 3214 (ABN:32 379 724 600) hereafter known as SPEL

AND: \_\_\_\_\_ (the "Client") of  
\_\_\_\_\_

## SUMMARY

**This 10 year maintenance contract covers the monitoring and servicing of the  
SPEL Stormsacks and SPEL Hydrosystem at 31 - 41 Beaumont Road Lenah Valley TAS**

Where the Client has requested the provision of maintenance and the Service Provider is willing to provide such services as per the terms of this agreement both parties agree to:

## 1. WARRANTY

SPEL operational warranty on the Stormsack and Hydrosystem is in place for as long as there is an active maintenance regime with SPEL on the specified units.

- Excludes construction silt loads
- Excludes unusual/accidental silt loads
- SPEL maintains the site

Goods sold shall only have the benefit of a manufacturer's warranty if the purchaser has complied with the manufacturer's instructions in relation to installation, maintenance and operation of the said goods.

## 2. MAINTENANCE CALLS

Service Provider agrees to provide maintenance service including three [3] times maintenance visit annually and interim calls as required at the installation address specified above on the equipment listed. All charges specified are those currently in effect and are subject to change only at the time of subsequent annual renewal. The new charges shall become effective upon the date specified in the renewal invoice. Client calls hereunder are restricted to the normal working hours of the Service Provider.

All service commenced outside of Service Provider's normal working hours will be charged at published rates for service time and expense only.

## 3. SERVICES

The following services are included:

**Maintenance Summary**

The SPEL Hydrosystem system will be inspected per visit.

**HEAD OFFICE:**  
100 Silverwater Road,  
Silverwater NSW 2128

**POSTAL:**  
PO BOX 7138,  
Silverwater NSW 2128

**EMAIL:**  
maintenance@spel.com.au

**ABN:**  
Total Stormwater  
(SPEL VIC)  
32 379 724 600

[spel.com.au](http://spel.com.au)



PHONE 1300 SPEL 00 (773 500)  
FAX +61 (0) 28014 8699

The SPEL Hydrosystem change out maintenance process comprises the removal and replacement of each SPEL Hydrosystem cartridge and the cleaning of the silt out of the vault or manhole. In the event these works are required, Client will be notified accordingly of the additional cost of vacuum truck prior to works being undertaken.

The SPEL personnel that enter the tank [if necessary] will be trained in confined space entry.

**Life Cycle Cost (LCC)** – The maintenance requirements for the SPEL Hydrosystem is very site specific and actually relates to the sediment load and sediment characteristics.

#### Maintenance Triggers

The basic activities included in the maintenance contract are as follows:

- Visual inspection of the vault and filter conditions per service
- If there is a silt build up, it will need to be vacuumed out an additional cost. Costing to be confirmed at time of activity and will be additional cost to the standard contract value outlined below.
- TSS accumulation in the filters is what dictates the life cycle of individual filter.

Optimum performance of the equipment covered by this Agreement can be expected only if supplies provided by, or meeting the specifications of Service Provider are used. Service Provider shall have full and free access to the equipment to provide service thereon. If persons other than Service Provider's representatives perform maintenance or repairs, and as a result further work is required by Service Provider to restore the equipment to operating condition, such repairs will be billed at Service Provider's published time and material rates then in effect.

#### 4. ANNUAL RATE FOR SERVICES

ACTIVITY	FREQUENCY [subject to site characteristics]	COST BREAK-DOWN [subject to CPI index]
2 SPEL Stormsacks and 1 Hydrosystem system - Visual inspection of the Stormsacks, vault and filter conditions – SPEL technician onsite. Empty the Stormsacks.	Every four months	\$3,957.00 per annum
SPEL Stormsack bags and SPEL Hydrosystem cartridge replacement – allowance for 3 times change out of Stormsacks and 1 time replacement of Hydrosystem throughout the 10 year period. All old cartridges removed, disposed and replaced. Vault to be cleaned out via vacuum truck prior to installation of new replacements.	Based on the past experience we estimate the life of the SPEL Hydrosystem to be between 5 – 7 years, subject to silt condition on the site. SPEL System Silt Removal is dictated by silt condition on site	1 x Labour, travel expenses 6 x SPEL Stormsack bags Replacement 1 x SPEL 400/1F Hydrosystem Replacement Total once in 10 years = \$3,885.00 Per annum = \$385.50
<b>SUMMARY</b>		
SPEL will inspect onsite 3 times per annum - \$3,957.00 per annum		
Replace the 2 Stormsacks and 1 Hydrosystem cartridge in accordance with above in 10 years, turnkey operation \$3,885.00 spread over 10 years equals \$385.50 per annum		
Total value Per Annum \$4,342.50 + GST		

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Silverwater NSW 2128

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Silverwater NSW 2128

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**ABN:**  
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(SPEL VIC)  
32 379 724 600

[spel.com.au](http://spel.com.au)



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The annual rate for maintenance of SPEL Stormsack & SPEL Hydrosystem for a 10 year term is \$4,342.50 + GST and shall be paid in advance as at the renewal date each year. The annual rate shall be indexed by CPI at each annual renewal date. Any payment not made by the 30<sup>th</sup> day of the month shall be considered overdue and in addition to Service Provider's other remedies, Service Provider may levy a late payment charge equal to 4% per month on any overdue amount. SPEL to send maintenance report per service.

#### 4.2 EXCLUSIONS

ACTIVITY	FREQUENCY [subject to site characteristics]	COST BREAK-DOWN [subject to CPI index]
Vacuum out the hydrodynamic separator, removal and disposal of pollutants  Note: Cigarette holes in Stormsack bags is not eligible for warranty	When necessary, based on the maintenance inspection and report	<b>This is an additional cost to the regular maintenance contract and has not been included in the annual rate indicated below.</b> Costing to be confirmed at time of activity based on extent of pollutants removed and disposed.

#### 5. PAYMENTS

For service as specified above on the equipment listed, the undersigned Client agrees to pay in advance the total annual charge specified below to Service Provider, in accordance with the terms specified on the face of the invoice. There shall be added to the charges provided for in this Agreement amounts equal to any taxes, however designated, levied or based on such charges or on this Agreement, or on the services rendered or parts supplied pursuant hereto, including GST.

#### 6. BINDING AGREEMENT

The undersigned Client represents that he is the owner of the equipment, or that they have the owner's authority to enter into this agreement.

This Agreement is subject to acceptance by Service Provider. It takes effect on the date written above and continues in effect for one year and will remain in force thereafter, with automatic annual renewal at the indexed rates, until cancelled in writing by either party or at the end of a ten year period – whichever is earlier.

**HEAD OFFICE:**  
100 Silverwater Road,  
Silverwater NSW 2128

**POSTAL:**  
PO BOX 7138,  
Silverwater NSW 2128

**EMAIL:**  
maintenance@spel.com.au

**ABN:**  
Total Stormwater  
(SPEL VIC)  
32 379 724 600

[spel.com.au](http://spel.com.au)





PHONE 1300 SPEL 00 (773 500)  
FAX +61 (0) 28014 8699

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

**Client Signature**

**SPEL Total Stormwater**

191 Station Street, Corio VIC 3214

\_\_\_\_\_  
Authorized Signature

Name:

Date:

Billing Entity:

ABN:

Contact:

Phone:

\_\_\_\_\_  
Authorized Signature

Name:

Date:

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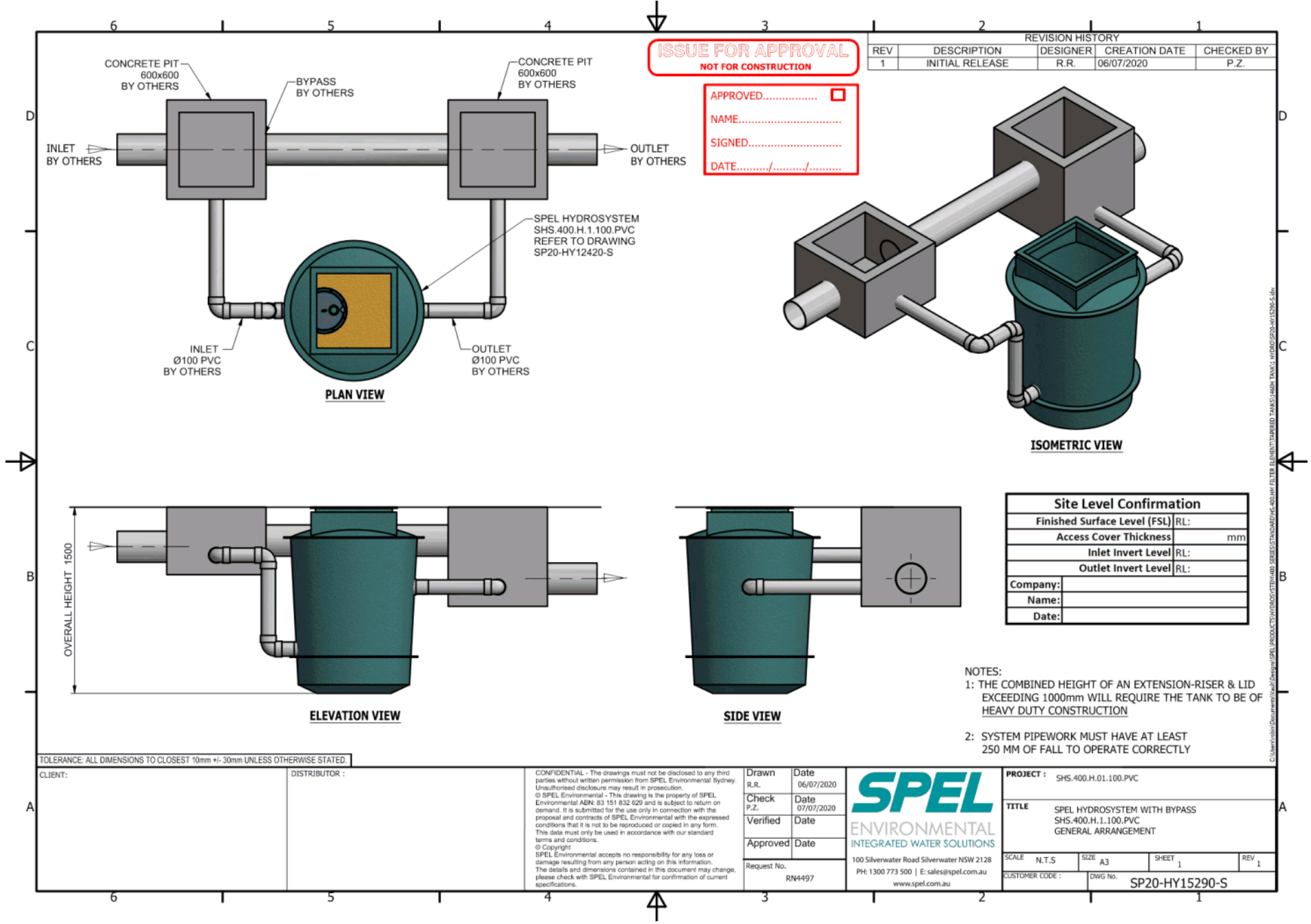
**HEAD OFFICE:**  
100 Silverwater Road,  
Silverwater NSW 2128

**POSTAL:**  
PO BOX 7138,  
Silverwater NSW 2128

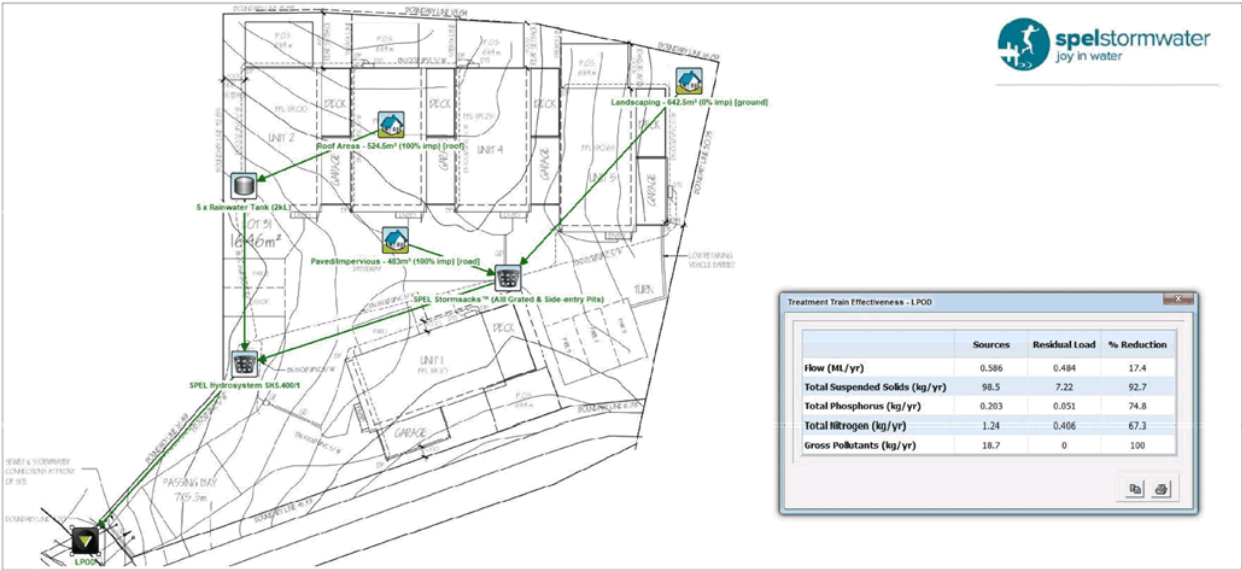
**EMAIL:**  
maintenance@spel.com.au

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Total Stormwater  
(SPEL VIC)  
32 379 724 600

[spel.com.au](http://spel.com.au)







**G.Hills**&Partners ARCHITECTS

ABN: 28 272 559 081

P.O. Box 910, Kingston, Tas 7051  
Ph: [03] 6229 1799  
Email: graham.hills@bigpond.com  
Tas Building Practitioner No. CC236782<sup>nd</sup> December, 2020

Ref: gh/hcc 22068

Ben Ikin  
Senior Statutory Planner  
Hobart City Council  
16 Elizabeth Street  
HOBART 7000

Dear Ben,

**PROJECT:** Beaumont Road, Lenah Valley – Five Multiple  
Dwellings Application No. PLN-20-479

**SUBJECT:** Additional Information 3

Thank you for your letter dated 23 November 2020. Please find attached additional information requested as follows;

- Additional Shadow diagrams noting adjoining property window positioning & Unit 1 sun reflection to the elevation treatment.
- We have attached additional stormwater information from the engineer re the calculations and information requested.
- We note that our client has requested Stage 1 for Units 2-5 and Stage 2 for the standalone Unit 1 due to cost constraints.
- All infrastructure including driveways and services connections will be undertaken in Stage 1 works.

Should you have any queries, please don't hesitate to contact the office.

Yours faithfully  
G Hills & Partners Architects

Graham Hills  
Member RAIA

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 179105	FOLIO 31
EDITION 2	DATE OF ISSUE 10-Sep-2020

SEARCH DATE : 06-Oct-2020

SEARCH TIME : 08.16 AM

DESCRIPTION OF LAND

City of HOBART  
 Lot 31 on Sealed Plan 179105  
 Derivation : Part of 66 Acres Loc. to John Orchard  
 Prior CT 175967/200

SCHEDULE 1

E1959 & M593870 TRANSFER to CASLAN PROPERTY DEVELOPMENTS PTY  
 LTD Registered 06-Oct-2016 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP179105 COVENANTS in Schedule of Easements  
 SP179105 FENCING PROVISION in Schedule of Easements  
 SP172477 & SP175967 COVENANTS in Schedule of Easements  
 SP17330, SP172477 & SP175967 FENCING PROVISION in Schedule of  
 Easements

UNREGISTERED DEALINGS AND NOTATIONS

M846013 PRIORITY NOTICE reserving priority for 60 days  
 D/MORTGAGE BUTLER MCINTYRE INVESTMENTS LTD TO CASLAN  
 PROPERTY DEVELOPMENTS PTY LTD  
 TRANSFER CASLAN PROPERTY DEVELOPMENTS PTY LTD TO  
 SATYANARAYAN SETHI GILLKUM AND SIVANAGA ROJA GILLKUM  
 MORTGAGE SATYANARAYAN SETHI GILLKUM AND SIVANAGA ROJA  
 GILLKUM TO MEMBERS EQUITY BANK LIMITED Lodged by  
 BAKER WILSON DAVIES on 07-Sep-2020 BP: M846013  
 E224505 MORTGAGE to Members Equity Bank Limited Lodged by  
 GALILEE on 29-Sep-2020 BP: M846081  
 M846081 TRANSFER to SATYANARAYAN SETHI GILLKUM and SIVANAGA  
 ROJA GILLKUM Lodged by GALILEE on 29-Sep-2020 BP:  
 M846081

**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER: CASLAN PROPERTY DEVELOPMENTS PTY LTD  FOLIO REFERENCE: C.T. 175967/200  GRANTEE: Part of 66 Acres Loc. to John Orchard		<b>PLAN of SURVEY</b>  BY SURVEYOR: NICHOLAS GRIGGS of Nick Griggs & Co. 295 Elizabeth Street, North Hobart, 7000 Ph: 6234 5022 Fax: 6231 2412  LOCATION: <b>CITY OF HOBART</b>  SCALE: 1: 1000      LENGTHS IN METRES		REGISTERED NUMBER <b>SP179105</b>  APPROVED EFFECTIVE FROM 26 AUG 2020 <i>René</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No. <b>114 (5225)</b>	LAST UPI No.	LAST PLAN No. SP.175967	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN.	

<b>INDEX PLAN</b>	
	(S P. 4 3 6 8 4)  (STR.108626)  (SP.47833)  (STR.103013)  (S P. 4 7 8 3 3)  (P.122678)  (SP.100787)  (SP.108845)  (P.130913)  (STR.122152)  (SP.115493)  (SP.121932)  (SP.115493)  (D 43096) (P.114219) (SP.120482) (P170468)

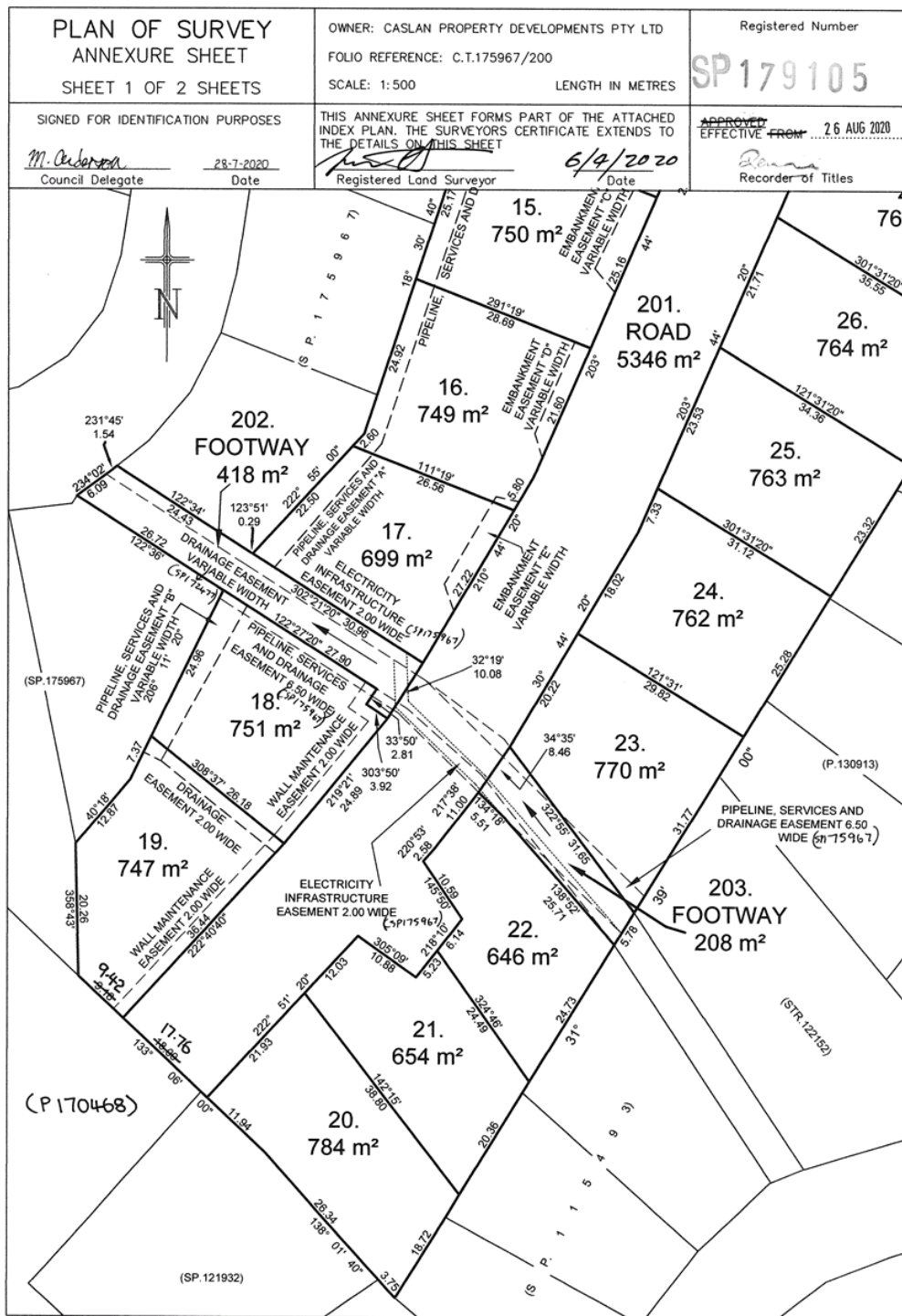
<i>M. Anderson</i> COUNCIL DELEGATE	28-7-2020 DATE
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## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



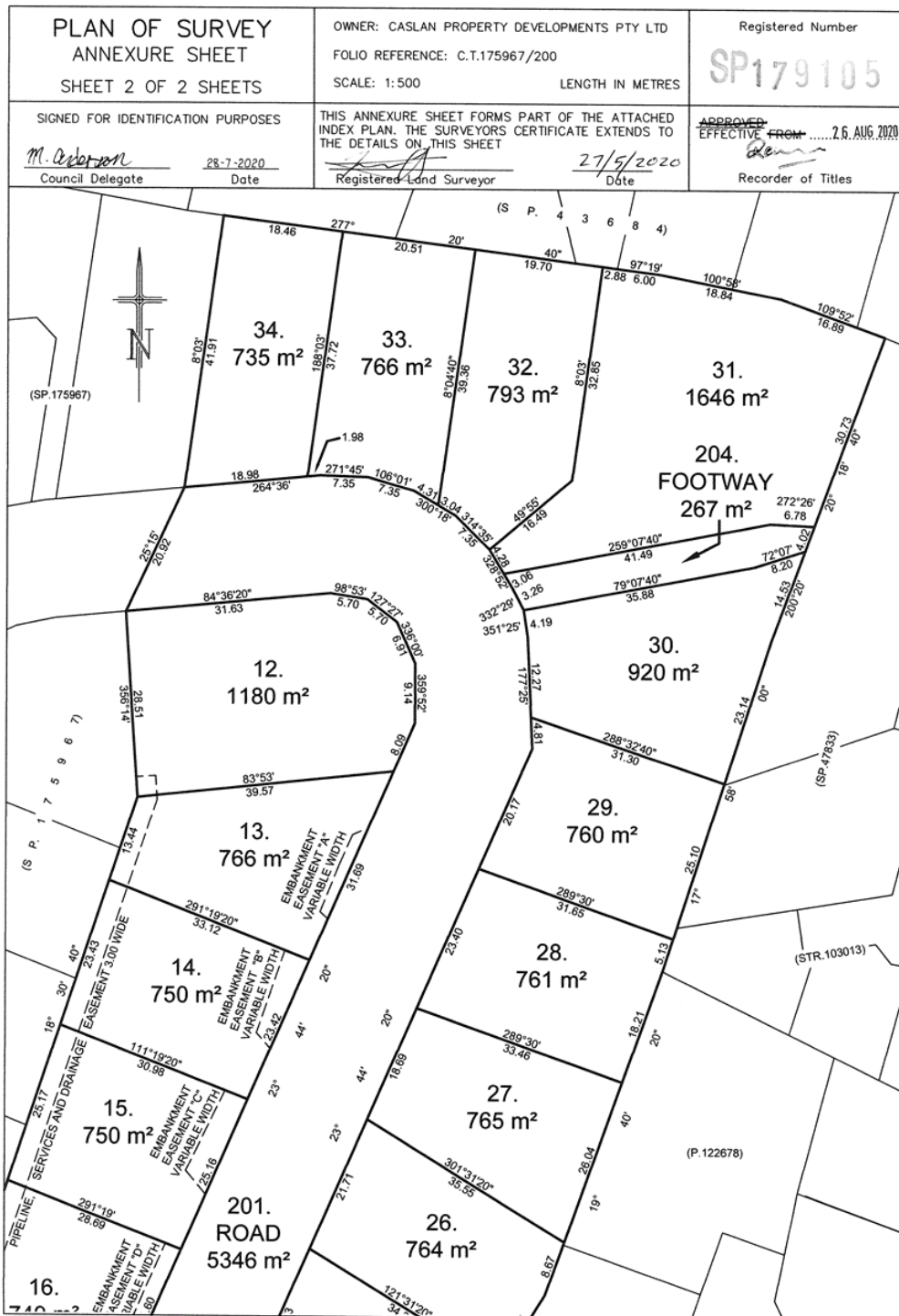




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>SCHEDULE OF EASEMENTS</b>	Registered Number
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 179105

PAGE 1 OF 7 PAGES

EASEMENTS

Each lot on the plan is together with:-

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

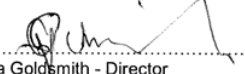
Each lot on the plan is subject to:-

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

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

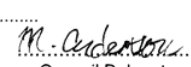
EASEMENTS

1. Lots 12, 13, 14, 15 and 16 on the Plan are subject to a **Pipeline and Services Easement** in gross in favour of the Tasmanian Water and Sewerage Corporation Pty Limited ("TasWater"), its successors and assigns over the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT 3.00 WIDE as shown passing through Lots 12, 13, 14, 15 and 16 on the Plan. *(as defined herein)*
2. Lot 17 on the Plan is subject to a **Pipeline and Services Easement** in gross in favour of TasWater, its successors and assigns over the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT "A" VARIABLE WIDTH as shown passing through Lot 17 on the Plan. *(as defined herein)*
3. Lots 18 and 19 on the Plan are subject to a **Pipeline and Services Easement** in gross in favour of TasWater, its successors and assigns over the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT "B" VARIABLE WIDTH as shown passing through Lots 18 and 19 on the Plan. *(as defined herein)*
4. Lots 12, 13, 14, 15 and 16 on the Plan are subject to a Right of Drainage in favour of the Hobart City Council over the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT 3.00 WIDE as shown passing through Lots 12, 13, 14, 15 and 16 on the Plan.
5. Lot 17 on the Plan is subject to a Right of Drainage in favour of the Hobart City Council over the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT "A" VARIABLE WIDTH as shown passing through Lot 17 on the Plan.
6. Lots 18 and 19 on the Plan are subject to a Right of Drainage in favour of the Hobart City Council over the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT "B" VARIABLE WIDTH as shown passing through Lots 18 and 19 on the Plan.

  
Gemma Goldsmith - Director

  
Fausto Lucio Langiu - Director

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Casian Property Developments Pty Ltd FOLIO REF: CT 175967 Folio 200 SOLICITOR: Con Tsamassiros & REFERENCE: CT:190221 Butler McIntyre & Butler	PLAN SEALED BY: HOBART CITY COUNCIL DATE: 28.7.2020 PLAN: S:00245 & S:18-20-22 REF NO.  Council Delegate
<b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.	

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## SCHEDULE OF EASEMENTS


RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 7 PAGES	Registered Number <b>SP179105</b>
SUBDIVIDER: Caslan Property Developments Pty Ltd FOLIO REFERENCE: CT 175967 Folio 200	

7. Lot 19 on the Plan is subject to a Right of Drainage in favour of the Hobart City Council over the land marked DRAINAGE EASEMENT 2.00 WIDE as shown passing through Lot 19 on the Plan.
8. Lots 18 and 19 on the Plan are subject to a **Wall Maintenance Easement** in gross in favour of the Hobart City Council over that part of the land marked WALL MAINTENANCE EASEMENT 2.00 WIDE as shown passing through Lots 18 and 19 on the Plan. *(as defined herein)*
9. Lot 13 on the Plan is subject to an **Embankment Easement** in favour of the Hobart City Council over that part of the land marked EMBANKMENT EASEMENT "A" VARIABLE WIDTH as shown passing through Lot 13 on the Plan. *(as defined herein)*
10. Lot 14 on the Plan is subject to an **Embankment Easement** in favour of the Hobart City Council over that part of the land marked EMBANKMENT EASEMENT "B" VARIABLE WIDTH as shown passing through Lot 14 on the Plan. *(as defined herein)*
11. Lot 15 on the Plan is subject to an **Embankment Easement** in favour of the Hobart City Council over that part of the land marked EMBANKMENT EASEMENT "C" VARIABLE WIDTH as shown passing through Lot 15 on the Plan. *(as defined herein)*
12. Lot 16 on the Plan is subject to an **Embankment Easement** in favour of the Hobart City Council over that part of the land marked EMBANKMENT EASEMENT "D" VARIABLE WIDTH as shown passing through Lot 16 on the Plan. *(as defined herein)*
13. Lot 17 on the Plan is subject to an **Embankment Easement** in favour of the Hobart City Council over that part of the land marked EMBANKMENT EASEMENT "E" VARIABLE WIDTH as shown passing through Lot 17 on the Plan. *(as defined herein)*
14. Lot 16 on the Plan is subject to an **Embankment Easement** in favour of the Hobart City Council over that part of the land marked EMBANKMENT EASEMENT "E" VARIABLE WIDTH as shown passing through Lot 16 on the Plan. *(as defined herein)*
15. Lot 18 on the Plan is subject to a **Pipeline and Services Easement** in gross in favour of TasWater, its successors and assigns over that part of the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT 6.50 WIDE as shown passing through Lot 18 on the Plan. *(SP175967)*
16. Lot 23 on the Plan is subject to a **Pipeline and Services Easement** in gross in favour of TasWater, its successors and assigns over that part of the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT 6.50 WIDE as shown passing through Lot 23 on the Plan. *(SP175967)*
17. Lot 18 on the Plan is subject to a Right of Drainage in favour of the Hobart City Council over that part of the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT 6.50 WIDE as shown passing through Lot 18 on the Plan. *(SP175967)*

  
 .....  
 Gemma Goldsmith - Director

  
 .....  
 Fausto Lucio Langiu - Director

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

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## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 3 OF 7 PAGES	Registered Number <b>SP 179105</b>
SUBDIVIDER: Caslan Property Developments Pty Ltd FOLIO REFERENCE: CT 175967 Folio 200	

18. Lot 23 on the Plan is subject to a Right of Drainage in favour of the Hobart City Council over that part of the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT 6.50 WIDE as shown passing through Lot 23 on the Plan. *(SP 175967)*
19. Lots 201, 202 and 203 on the Plan are subject to a **Pipeline and Services Easement** in gross in favour of TasWater, its successors and assigns over the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT 6.50 WIDE as shown passing through Lots 201, 202 and 203 on the Plan. *(SP 175967)*
20. Lots 201, 202 and 203 on the Plan are subject to a Right of Drainage in favour of the Hobart City Council over the land marked PIPELINE, SERVICES AND DRAINAGE EASEMENT 6.50 WIDE as shown passing through lots 201, 202 and 203 on the Plan. *(SP 175967)*
21. Lots 201, 202 and 203 on the Plan are subject to an **Electricity Infrastructure Easement** with the benefit of a restriction as to the user of land in favour of Tasmanian Networks Pty Ltd ("TasNetworks"), its successors and assigns and its and their servants, agents and contractors over the land marked ELECTRICITY INFRASTRUCTURE EASEMENT 2.00 WIDE as shown passing through Lots 201, 202 and 203 on the Plan. *(SP 175967)*
22. Lots 201, 202 and 203 on the Plan are subject to a Right of Drainage (appurtenant to Lots 1, 7, 8, 9, 11, 13, 14, 18, 19, 20 and 21 on Sealed Plan No. 115493) over the land marked DRAINAGE EASEMENT VARIABLE WIDTH as shown passing through Lots 201, 202 and 203 on the Plan. *(SP 172477)*

## DEFINITIONS

In this Schedule of Easements:

The **Pipeline and Services Easement** is defined to mean:-

THE FULL RIGHT AND LIBERTY for TasWater at all times to:

- (1) enter and remain upon the Easement Land with or without employees, contractors, agents and all other persons duly authorised by it and with or without machinery, vehicles, plant and equipment;
- (2) investigate, take soil, rock and other samples, survey, open and break up and excavate the Easement Land for any purpose or activity that TasWater is authorised to do or undertake;
- (3) install, retain, operate, modify, relocate, maintain, inspect, cleanse and repair the Infrastructure;
- (4) remove and replace the Infrastructure;
- (5) run and pass sewage, water and electricity through and along the Infrastructure;
- (6) do all works reasonably required in connection with such activities or as may be authorised or required by any law:
  - (a) without doing unnecessary damage to the Easement Land; and
  - (b) leaving the Easement Land in a clean and tidy condition; and
- (7) if the Easement Land is not directly accessible from a highway, then for the purpose of undertaking any of the preceding activities TasWater may with or without employees, contractors, agents and all other persons authorised by it, and with or without machinery, vehicles, plant and equipment enter the subject lot from the highway at any then existing vehicle entry and cross the subject lot to the Easement Land; and

  
Gemma Goldsmith - Director


  
Fausto Lucio Langiu - Director

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## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 4 OF 7 PAGES	Registered Number <div style="font-size: 2em; font-weight: bold;">SP 179105</div>
SUBDIVIDER: Caslan Property Developments Pty Ltd FOLIO REFERENCE: CT 175967 Folio 200	

- (8) use the Easement Land as a right of carriageway for the purpose of undertaking any of the preceding purposes on other land, TasWater reinstating any damage that it causes in doing so to any boundary fence of the subject lot.

## PROVIDED ALWAYS THAT:

- (a) The registered proprietors of each Lot on the Plan that are subject to the **Pipeline and Services Easement** (each described as "the Owner") must not without the written consent of TasWater first had and obtained and only in compliance with any conditions which form the consent:
- (i) alter, excavate, plough, drill or otherwise penetrate the ground level of the Easement Land;
  - (ii) install, erect or plant any building, structure, fence, pit, well, footing, pipeline, paving, tree, shrub or other object on or in the Easement Land;
  - (iii) remove any thing that supports, protects or covers any Infrastructure on or in the Easement Land;
  - (iv) do any thing which will or might damage or contribute to damage to any of the Infrastructure on or in the Easement Land;
  - (v) in any way prevent or interfere with the proper exercise and benefit of the Easement Land by TasWater or its employees, contractors, agents and all other persons duly authorised by it; or
  - (vi) permit or allow any action which the Owner must not do or acquiesce in that action.
- (b) TasWater is not required to fence any part of the Easement Land.
- (c) The Owner may erect a fence across the Easement Land at the boundaries of the subject Lot.
- (d) The Owner may erect a gate across any part of the Easement Land subject to these conditions:
- (i) the Owner must provide TasWater with a key to any lock which would prevent the opening of the gate; and
  - (ii) if the Owner does not provide TasWater with that key or the key provided does not fit the lock, TasWater may cut the lock from the gate.
- (e) If the Owner causes damage to any of the Infrastructure, the Owner is liable for the actual cost to TasWater of the repair of the Infrastructure damaged.
- (f) If the Owner fails to comply with any of the preceding conditions, without forfeiting any right of action, damages or otherwise against the Owner, TasWater may:
- (i) reinstate the ground level of the Easement Land; or
  - (ii) remove from the Easement Land any building, structure, pit, well, footing, pipeline, paving, tree, shrub or other object; or
  - (iii) replace any thing that supported, protected or covered the Infrastructure.

And for the purpose of the definition of **Pipeline and Services Easement**:

"Infrastructure" means infrastructure owned or for which TasWater is responsible and includes but is not limited to:

- (i) sewer pipes and water pipes and associated valves;
- (ii) telemetry and monitoring devices;
- (iii) inspection and access pits;
- (iv) power poles and lines, electrical wires, electrical cables and other conducting media (excluding telemetry and monitoring devices);
- (v) markers or signs indicating the location of the Easement Land, the Infrastructure or any warnings or restrictions with respect to the Easement Land or the Infrastructure;

  
 .....  
 Gemma Goldsmith - Director

  
 .....  
 Fausto Lucio Langiu - Director

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## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 5 OF 7 PAGES	Registered Number <b>SP179105</b>
SUBDIVIDER: Caslan Property Developments Pty Ltd FOLIO REFERENCE: CT 175967 Folio 200	

- (vi) any thing reasonably required to support, protect or cover any of the Infrastructure;
- (vii) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Easement Land or monitoring or managing that activity; and
- (viii) where the context permits, any part of the Infrastructure.

"Easement Land" means the land described as:

- (i) PIPELINE, SERVICES AND DRAINAGE EASEMENT 3.00 WIDE;
- (ii) PIPELINE, SERVICES AND DRAINAGE EASEMENT 6.50 WIDE;
- (iii) PIPELINE, SERVICES AND DRAINAGE EASEMENT VARIABLE WIDTH.

All as shown on the Plan.

The **Electricity Infrastructure Easement** is defined to mean:

FIRSTLY all the full and free right and liberty for TasNetworks at all times hereafter:

- (a) TO maintain, lay, erect and install anything used for, or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity (hereinafter called "electricity infrastructure") of such materials and type as TasNetworks may determine above, on or under the land respectively marked "ELECTRICITY INFRASTRUCTURE EASEMENT" 2.00 WIDE on the Plan (hereinafter called the "servient land");
- (b) TO enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby;
- (c) TO erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of TasNetworks these are necessary for reasons of safety;
- (d) TO cause or permit electrical energy to flow or be transmitted or distributed through the said electricity infrastructure;
- (e) TO enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the said land in consultation with the registered proprietor/s for the purpose of access and regress to and from the servient land;
- (f) NOTHING herein contained shall prevent the registered proprietor/s for themselves and their successors in title from using the servient land PROVIDED THAT such use does not derogate from this grant or, in the opinion of TasNetworks compromise the safe operation of TasNetworks electricity infrastructure located on, above or under the servient land.

SECONDLY the benefit of a covenant for TasNetworks and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures, objects,

  
Gemma Goldsmith - Director

  
Fausto Lucio Langiu - Director

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## SCHEDULE OF EASEMENTS

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<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 6 OF 7 PAGES	Registered Number <b>SP179105</b>
SUBDIVIDER: Caslan Property Developments Pty Ltd FOLIO REFERENCE: CT 175967 Folio 200	

or vegetation within the said easement without the prior written consent of TasNetworks to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

The **Embankment Easement** means the full and free right and liberty for the Hobart City Council its heirs assigns and employees, contractors and agents to enter upon the land to carry out any works from time to time that may be necessary to retain and maintain the earthworks and drainage associated with the local highway (as defined by the Local Government Highway Act 2002) but not precluding the servient tenements, subject to approval of the local authority, from constructing or erecting any structure on the land as required to provide access to any part of, or to maintain stability of the servient lots.

The **Wall Maintenance Easement** means the full and free right and liberty at all times for the Hobart City Council its heirs assigns and employees, contractors and agents to rest, support, intrude, excavate, maintain, repair, replace or renew any highway infrastructure, including walls, and other structural improvements protruding into, upon or adjacent to that part of the servient tenement shown on the Plan including carry on works on the servient tenement for the purpose of inspecting, repairing, maintaining, renewing and replacing a highway retaining wall, within the local highway (as defined by the Local Government Highways Act 1982) or any part of the wall, and for that purpose to bring upon the servient tenement any material, machinery and other things, but so as to cause as little inconvenience and damage as reasonably possible to the servient tenement, and provided that any damage occasioned in doing so must be made good and the servient tenement shall not without the written consent of the Hobart City Council first had and obtained:-

- (a) alter or permit to be altered the ground level of the said land;
- (b) erect or permit to be erected any building or structure on or in the said land; but not precluding the servient tenement(s), subject to approval of the Hobart City Council, from constructing or erecting any structure on the land as required to provide access to any part of the servient lot(s);
- (c) do or permit to be done any manner of things which shall damage or be likely to cause damage to the highway retaining wall or other infrastructure owned by the Hobart City Council on the said land or adjacent land;
- (d) in any way prevent or interfere with the proper exercise and benefit of this easement by the Hobart City Council or its workmen, servants, contractors, agents and all other persons duly authorised by it; or
- (e) place any obstruction which would unreasonably restrict access to the said land.

## COVENANTS

Each lot on the Plan is subject to the covenants as more fully set out within SP175967 and SP172477.

The Vendor, Caslan Property Developments Pty Ltd, reserves the right to sell any lot on the Plan free and exempt from any one or more of the covenants set forth in SP175967 and SP172477 in relation to any lot shown on the Plan and/or to waive modify alter or extinguish any one or more of the said covenants as to any lot not transferred. The exercise of this right by the Vendor in relation to any lot shall not release the owner of any other lot from any other covenants imposed upon such lot or give the owner of any lot any right of action against the Vendor or any person or persons.

.....  
Gemma Goldsmith - Director

.....  
Fausto Lucio Langiu - Director

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**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980




<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 7 OF 7 PAGES	Registered Number <b>SP 179105</b>
SUBDIVIDER: Caslan Property Developments Pty Ltd FOLIO REFERENCE: CT 175967 Folio 200	

**FENCING PROVISION**

In respect of the lots shown on the Plan the Vendor, Caslan Property Developments Pty Ltd, shall not be required to fence.

SIGNED by Caslan Property Developments Pty Ltd )  
 (ACN 149 753 597) as the Registered Proprietors of the )  
 land contained in Certificate of Title Volume 175967 )  
 Folio 200 pursuant to section 127(1) of the Corporations )  
 Act 2001 by the signature of two of its directors )

  
 .....  
 Gemma Goldsmith - Director

  
 .....  
 Fausto Lucio Langiu - Director

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

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**7.2.5 249A ELIZABETH STREET, NORTH HOBART - SIGNAGE  
PLN-20-612 - FILE REF: F21/20225**

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Address: 249a Elizabeth Street, North Hobart  
Proposal: Signage  
Expiry Date: 18 April 2021  
Extension of Time: Not applicable  
Author: Michael McClenahan

**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 signage at 249A Elizabeth Street, North Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-612 - 249A ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**PLN 12**

**The awning fascia sign on the western elevation must not be illuminated internally or externally at any time.**

Reason for condition

To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.



**HER 4**

**The vertical projecting wall sign must not be illuminated internally or externally at any time.**

Reason for condition

To ensure the design and siting of signs complements and does not impact on the cultural heritage significance of the heritage listed place and the North Hobart 6 Heritage Precinct, listed in the Historic Heritage code.

**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*.

**PLANNING**

Please be aware that the under awning strip lighting must be turned off between 10:00pm and 6:00am, except for security lighting. If the lighting is to operate during these hours then further planning approval will be required.

Please also be aware of the responsibilities under the *Environmental Management and Pollution Control Act 1994* and that any external lighting must not be considered to be an environmental nuisance, specifically it must not interfere and cause unnecessary and undue distraction to drivers or any persons enjoyment of the nearby environment.

## 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.

## HERITAGE

The applicant is advised that in the view of the Council, where internally illuminated signage is composed of individual letters (including business logo) set against a non- illuminated solid fascia background, the overall dimensions of the internally illuminated signage shall be calculated by measuring the perimeter enclosing the letters and/or logo with the encompassed area being considered the total sign area. As such, those areas of fascia beyond those perimeters do not constitute the internally illuminated 'sign'.

- |               |   |
|---------------|---|
| Attachment A: | PLN-20-612 - 249A ELIZABETH STREET NORTH<br>HOBART TAS 7000 - Planning Committee or<br>Delegated Report ↓                |
| Attachment B: | PLN-20-612 - 249A ELIZABETH STREET NORTH<br>HOBART TAS 7000 - CPC Agenda Documents ↓<br>                                 |
| Attachment C: | PLN-20-612 - 249A ELIZABETH STREET NORTH<br>HOBART TAS 7000 - Planning Referral Officer<br>Cultural Heritage Report ↓  |

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Committee: 18 April 2021  
Expiry Date: 18 April 2021  
Application No: PLN-20-612  
Address: 249 A ELIZABETH STREET , NORTH HOBART  
Applicant: Everard Richardson (E Richardson)  
38, Wellesley Street  
38, Wellesley Street  
Proposal: Signage  
Representations: Four  
Performance criteria: Signs Code

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**1. Executive Summary**

- 1.1 Planning approval is sought for Signage at 249A Elizabeth Street, North Hobart.
- 1.2 More specifically the proposal includes:
- Installation of three (3) illuminated awning fascia signs along the fascia and ends of the existing awning on the Elizabeth Street frontage.
  - Installation of a vertical projecting internally illuminated sign, above the eastern end of the awning. (Note Council records suggest this sign was first erected prior to 1991 without Council approval and not by the current applicant. This proposal is effectively to change the message on the existing sign, however given it has no approval it is being considered as a new sign.)
  - Signage to be illuminated during business hours and shut off at 9:30pm.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Signs Code - Use of Signs, Standards for Signs, Standards for Signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts
- 1.4 Four (4) representations objecting to the proposal was received within the statutory advertising period between 04/02/21 - 19/02/21.

- 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 recommendation is for approval and four objections were received.

**2. Site Detail**

- 2.1 The subject site is located at 249A Elizabeth Street, North Hobart and comprises of a small strata lot, approximately 232m<sup>2</sup> in area, and also shares the same strata plan with the adjacent properties at 251-253 Elizabeth Street. The site comprises a two storey mixed use tenancy with the ground floor containing an Restaurant and Take Away food premises as well as a residential unit on the first floor.

A site visit was undertaken following the conclusion of the advertising period to confirm the external signage on the site.



**Figure 1:** Aerial image of the subject site (bordered in blue) and surrounding area.



**Figure 2:** External image of subject site with proposed signage already installed. *Source: Officer photo 01/03/2021.*





**Figure 3:** External photo of western elevation of proposed signage already installed and location of nearby residential use (to left and above subject site). *Source: Officer photo 01/03/2021.*

### 3. Proposal

3.1 Planning approval is sought for Signage.

3.2 More specifically the proposal is for:

- Installation of three (3) illuminated awning fascia signs along the fascia and ends of cantilever of the existing awning on the Elizabeth Street frontage
- Installation of a vertical projecting internally illuminated sign, above the eastern end of the awning. (Note Council records suggest this sign was first erected prior to 1991 without Council approval and not by the current applicant. This proposal is effectively to change the message on the existing sign, however given it has no approval it is being considered as a new sign.)
- Signage to be illuminated during business hours and shut off at 9:30pm.



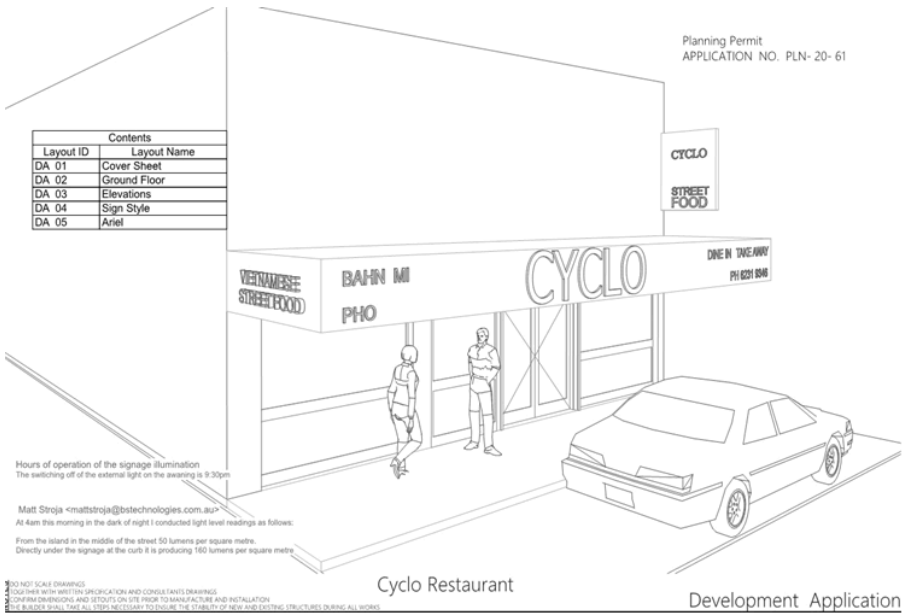


Figure 4: Illustration of proposed signage on subject site.

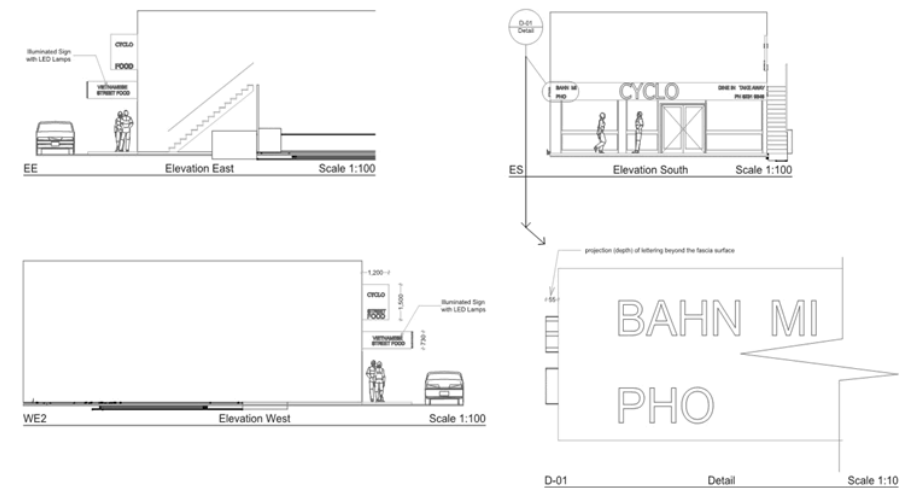


Figure 5: Elevations and detail of proposed signage.

4. Background

- 4.1 The subject site has historically operated as a shop and take away food premises under several different tenancies. Records from Council and the Tasmanian State Archives indicate that an awning and forms of signage have existed on the site since at least 1971. Council records indicate there have been recurring concerns of potential impacts to nearby residential properties as a result of proposed illuminated signage on the subject site.



**Figure 6:** Exterior photograph of 251 - 253 Elizabeth Street ('Prospect House') with signage and awning of tenancy at 249A Elizabeth Street on the right, circa (1971). *Source: Tasmanian State Archives - Item Number NS3195/2/1234*

- 4.2 An application for an above awning painted board sign (1200 (w) x 1500 (h)) (shown in Figure 7 and 8) was made in 1986 and refused by Council.

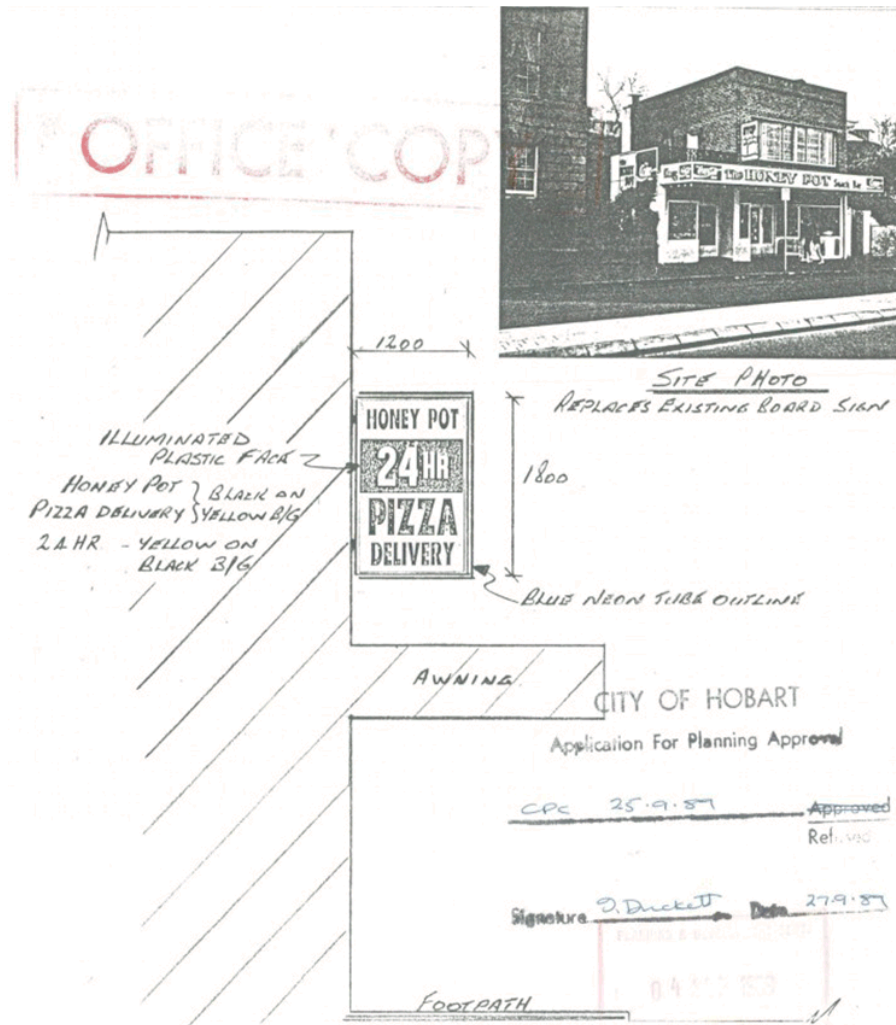


**Figure 7:** Exterior photograph of subject site (1986). *Source: Council Planning Records*



**Figure 8:** Exterior photograph of subject site (1989). *Source: Council Planning Records*

- 4.3 An application for an internally illuminated, with flashing blue neon outline, vertical projecting wall sign above the awning (Figure 9) was refused by Council in 1989 (PLN-890825). Records indicate that this signage was subsequently installed (Figure 10) and continues to operate on the property in the same position. No evidence could be found demonstrating a granted approval by Council. In the absence of evidence of approval Council will assess this vertical projecting wall sign in the current signage application as a new sign notwithstanding the proposal is to change the message on the sign only. This is because proposed content changes cannot be exempted under clause E17.4.3 of the Signs Code due to there being no evidence that the sign is a "legally existing sign."



**Figure 9:** Site photo and diagram illustrating proposed vertical projecting wall sign assessed under PLN-890825 (1989). Source *Tasmanian State Archives*



- 4.4 An application for an illuminated sky sign (900 (w) x 1800 (h)) to be located above the existing awning (Figure 10) was refused by Council in 1991.



**Figure 10:** External photograph of the subject site illustrating location of previously proposed sky sign and existing vertical projecting wall sign (1991). *Source: Council Planning Records*

- 4.5 Approval was granted for a partial change of use to Restaurant and Take Away shop in 2014 under PLN-14-00052-01 to allow for dining on the premises.
- 4.6 The awning fascia signage assessed under this current application was already installed and operating on the subject site without approval in July 2020. Compliance action was subsequently taken by Council (ENF-20-286).

## 5. Concerns raised by representors

- 5.1 Four (4) representations objecting to the proposal were received within the statutory advertising period between 04/02/21 - 19/02/21.
- 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.

Background
Representors took issue with the installation of the signage on the site prior to obtaining Council approval and felt seeking retrospective approval was grossly unfair.
Validity of Application:
Representors raised issue that the proposal did not provide a detailed response addressing the Objectives and Purposes of the <i>Hobart Interim Planning Scheme 2015</i> or the Signs Code provisions. One representor also noted the failure to provide a Heritage Impact Statement.
Representors noted that the proposed signage did not comply with the acceptable solutions or performance criteria of the Signs Code.
Representors raised that the proposal was misleading and deceptive in the proposal of the signage, not clearly stating that it was already installed or includes dimensions and colours of the lettering.
Impacts to Residential Amenity:
Representors raised serious concern with the impacts of the illuminated signage to nearby residential uses, providing evidence of lights shining in to the three levels of habitable rooms
Representors raised concern with the level of of visual clutter caused by the signage and the design was out of place in that location.
Below Awning Lights:
Representors also raised issue with the installation of below awning fluorescent lights and that these were not included in the application.
Vertical Projecting Wall Sign:

One representor noted there was no evidence the previously installed rectangular projecting sign attached above the awning had planning permission.
Accuracy of Lighting Information:
Representors felt the application was misleading and deceptive by not disclosing the qualifications of the persons named in the application quoting lighting impacts.
Representors questioned the accuracy of the lighting measurements, the specific location of measurement the date this was undertaken, and whether street lights were active.
One representor questioned why the lighting information could not have been provided by the lighting installer itself

## 6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Urban Mixed Use Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Food Services. There is no proposed change of use. The existing use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 D15.0 Urban Mixed Use Zone
- 6.4.2 E17.0 Signs Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Signs Code
- Use of Signs - E17.6.1 P1; P4*  
*Standards for Signs - E17.7.1 P1; P2*



*Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts - E17.7.2 P1*

- 6.6 Each performance criterion is assessed below.
- 6.7 Use of Signs - E17.6.1 P1
- 6.7.1 The acceptable solution at clause 17.6.1 A1 requires that a sign must be a permitted sign in Table E17.3
- 6.7.2 The proposal includes an awning fascia sign and vertical projecting wall sign which are not permitted signs under Table E17.3
- 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 17.6.1 P1 provides as follows:
- A sign must be a discretionary sign in Table E.17.3.*
- 6.7.5 The proposed awning fascia signs and vertical projecting wall sign are listed as discretionary signs under Table E17.3.
- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Use of Signs - E17.6.1 P4
- 6.8.1 The acceptable solution at clause 17.6.1 A4 requires that an illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.
- 6.8.2 The proposed awning fascia sign and vertical projecting wall sign will be illuminated and located within 30 metres of a residential use.
- 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 17.6.1 P4 provides as follows:
- An illuminated sign within 30 metres of a residential use must not have an unreasonable impact upon the residential amenity of that use caused by light shining into windows of habitable rooms.*

- 6.8.5" The proposed signage along the east, south, and west elevations of the awning fascia will have LED illumination. At least three dwellings are located within 30 metres of the proposed signage, including the dwelling above the restaurant tenancy and two dwelling at 251-253 Elizabeth Street. As part of the planning proposal the applicant has supplied details of a light measurement study which quoted that a study was undertaken at 4am (date not provided). This study recorded a measurement of 50 lumens per square metre from on the traffic island on Elizabeth Street and 160 lumens per square metre (lux) directly under the signage at the curb of Elizabeth Street. Whilst this measurement can give an indication of intensity of lighting, the criteria of assessment is only that the illuminated sign "must not have an unreasonable impact upon the residential amenity."

Representations received during the public notification period raised concerns as to the amenity impact of this illumination, with specific reference to the impacts that had occurred when the signage was installed and operating without Council approval. Representations describe bright lights shining into multiple habitable rooms over three stories. Photographs attached to the representations have been provided (Figure 11 and 12) and show the light shining into windows of habitable rooms by the awning fascia sign on the western elevation of the awning. Light is shown to shine into all three levels of the adjacent building which could be understood to impact upon the amenity that might be reasonably be expected by residents.

Referral was also made to Council's Environmental Health Officer, it must be noted their assessment is not against the above performance criterion but instead the standards under the *Environmental Management and Pollution Control Act 1994*. The officer has provided the following comment:

" I am not convinced that the business branding signage alone would be considered obtrusive or nuisance lighting. I note that none of the residential windows have curtains or blinds to block out light and it should be mentioned that seeing a light does not constitute that light to be a nuisance. To assist negate potential nuisance from direct light spill into habitable rooms of the residence, the northern edge of awning with business branding signage could have a shroud built above the sign to redirect light towards the ground and away from the residence. Consideration should also be given to luminance dimmers and hours of use for the lighting to partially address nuisance complaints.

It should be noted that fitting of a shroud will not affect nuisance created by reflected light and that reflected light should be considered in determining globe/LED luminance levels/watts for sign usage"

In response to representor concerns about the accuracy of the provided lighting measurements and offering feedback about the ideal luminance levels, the officer has provided the following response:

"The luminance report (Plans - drawing Ba5 of 5) by the specialist Matt Stroja does not include the equations or guideline limits or methodology of his assessment of brightness and as such does not supply enough information to be considered a formal part of the nuisance investigation. The lumens readings mean nothing without the equations per size of signage - Standards AS/NZS 4282:2019 - Control of obtrusive effects of outdoor lighting & AS 4852.1:2019 Variable message signs - Part 1 Fixed signs & Advertising Signs Assessment Guidelines for Road Safety - SA Govt - Department of Planning, Transport and Infrastructure.

...

Ambient light of the area is dim and mostly street lights with residential lighting background. There are few illuminated signs in the immediate vicinity. Luminance levels should not be dissimilar to other nearby ambient light sources."

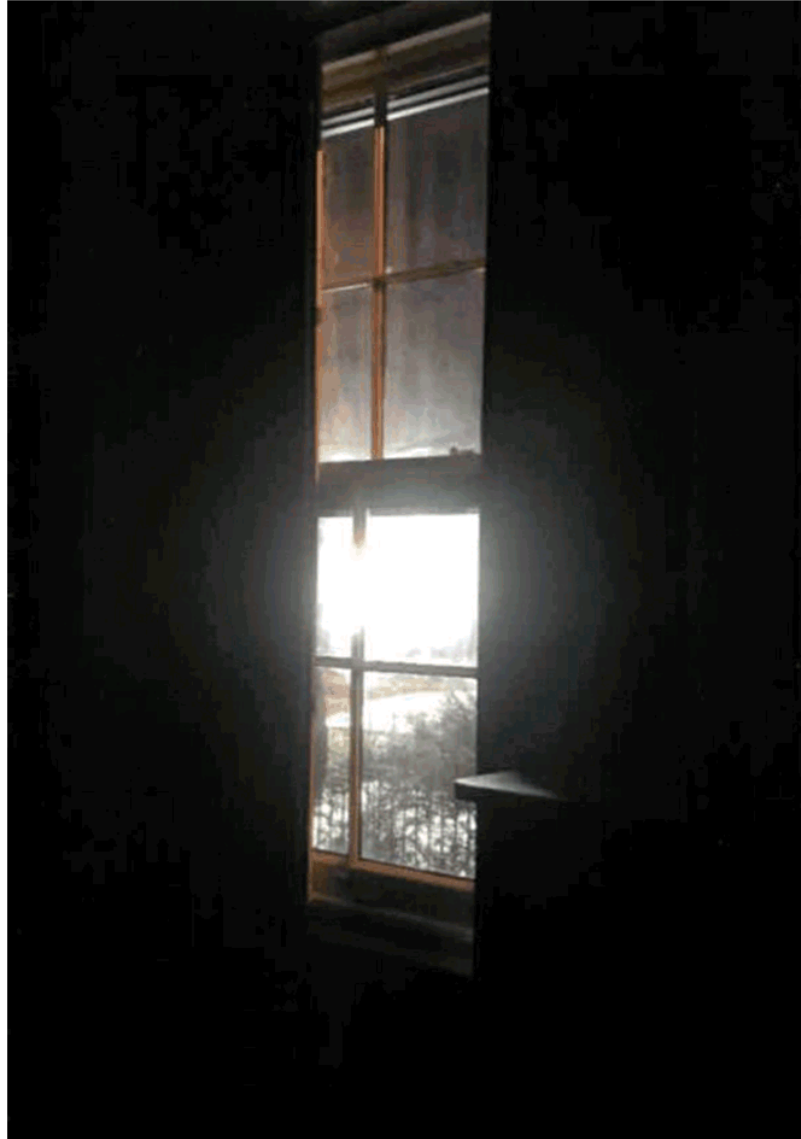
The applicant has proposed that the light on the signage would be shut off from 9:30pm. It is not considered that limiting the operation hours of the lighting in this way would adequately reduce the impacts to residential amenity as a result of light shining into windows of habitable rooms.

It is assessed that the proposed illuminated signage on the western awning elevation, on evidence provided, would cause an unreasonable loss of residential amenity to the adjacent residential use as a result of the light shining into windows of habitable rooms. Therefore this signage does not comply with the performance criterion. Supported by the comments by Council's Environmental Health Officer, it is proposed that the western elevation awning fascia signage be conditioned to not have any illumination so as to protect nearby residential amenity. A condition of shrouding would not be recommended as it would create conflict with the Historic Heritage Code, which also applies to the site. Satisfaction of this condition would ensure that the sign in question would meet compliance

with this standard.

The existing but unlawful vertical projecting wall sign is internally illuminated, and located adjacent to an upper floor habitable room window. This illumination is understood to not be made by LED lighting and therefore would be less intense than the evidence of illumination caused by the awning fascia signage. Provided this signage is illuminated to no later than 9:30, this signage is not assessed as having an unreasonable impact upon the residential amenity of the upper floor dwelling. (Note also the assessment of the Cultural Heritage Officer below for this sign, who recommends the sign not be illuminated at any time in the interests of protecting heritage values.)

The remaining illuminated signage is assessed as not having an unreasonable impact upon residential amenity within 30m.



**Figure 11:** Light from illuminated signage shining into ground floor bedroom of adjacent dwelling (Taken 29/07/20 at 9:00pm). *Source: Supplied by representor.*



**Figure 12:** Photos of light from illuminated signage shining into windows of 1st floor living room (l) and 2nd floor bedroom (r) of adjacent dwelling (Taken 29/07/20 at 9:00pm). *Source: Supplied by representor.*

- 6.8.6 The proposal complies with the performance criterion subject to the recommended condition.

6.9 Standards for Signs - E17.7.1 P1

- 6.9.1 The acceptable solution at clause 17.7.1 A1 requires that a sign must comply with the standards listed in Table E17.2 and be a permitted sign in Table E17.3.
- 6.9.2 The proposal includes awning fascia signs which will project 55mm from the surface to which they are attached and are not permitted signs in Table E17.3
- 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 at clause 17.7.1 P1 provides as follows:

*A sign not complying with the standards in Table E17.2 or has*

*discretionary status in Table E17.3 must satisfy all of the following:*

*(a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;*

*(b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;*

*(c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;*

*(d) not result in loss of amenity to neighbouring properties;*

*(e) not involve the repetition of messages or information on the same street frontage;*

*(f) not contribute to or exacerbate visual clutter;*

*(g) not cause a safety hazard.*

- 6.9.5 The awning fascia signs along the east, south and west elevations along the Elizabeth Street frontage are understood to replace existing awning fascia signage which has existed on the site for several decades. The new signage on the east and west elevations will have identical content to what previously existed on these fascia ends (Figure 12). The content is proposed to include, across two lines, "VIETNAMESE" and "STREET FOOD". The proposed change will be for three dimensional signage which will project approximately 55mm from the fascia surface and have the ability to be illuminated. The proposal will see a the removal of a logo on the south elevation of the awning fascia and replaced with larger text featuring the restaurant name "CYCLO" as well as reduced text along either ends.

Representations objecting to the proposal raised specific concern with the failure of the signage to comply with clause 17.7.1 A1 and P1 and that the depth of the lettering is 57mm, causing excessive visual clutter.

When assessed against subclause (a), accounting for the minimal change in content on the east and west elevations, as well as reduced content on the south elevation, the proposed awning fascia signage is assessed as being appropriately integrated into the premises. The three dimensional projection of the signage is considered to be of a limited extent and to not



dominate the building or streetscape.

Similarly, with respect to subclause (b), the signage will not project vertically beyond the awning and the horizontal projection will be limited in nature and is not assessed as representing as being to an extent that would dominate the streetscape or premises on which it is located.

With respect to (c), the signage will be constructed of materials which will be able to be maintained in a satisfactory manner at all times, and will be easily accessible for any future repair or maintenance.

With respect to subclause (d), several representations objecting to the proposal have raised concerns that the signage would see a loss in amenity to neighbouring properties due to visual impacts and as a result of the illumination. The physical signage is assessed as remaining compliant with the performance criterion and would not result in a loss of amenity to neighbouring properties. As raised in paragraph 6.8.5 the awning fascia signage on the western elevation will be conditioned to not be illuminated, therefore satisfying the requirement that residential amenity will be protected.

As previously discussed, the proposed signage will see an overall reduction in content along the awning fascia and therefore it is assessed that there will not be a repetition of messages or contribution to visual clutter along the Elizabeth Street frontage. The signage will be located on the awning fascia above the footpath and will not cause a safety hazard.



**Figure 13:** Previous awning fascia signage on east and west elevations. *Source: Google Streetview November 2019.*

6.9.6 The proposal complies with the performance criterion.

6.10 Standards for Signs - E17.7.1 P2

6.10.1 The acceptable solution at clause 17.7.1 A2 requires that the number of signs per business per street frontage must have a maximum of 1 of each sign type.

- 6.10.2 The proposal includes three (3) awning fascia signs along the Elizabeth Street frontage.
- 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 17.7.1 P2 provides as follows:
- The number of signs per business per street frontage must:*
- (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;*
- (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;*
- (c) not involve the repetition of messages or information.*
- 6.10.5 The proposed signage will not see the number of signs increase along the Elizabeth Street frontage. As discussed above, the content of the signage will change and it is assessed that the existing visual clutter will marginally reduce and there will not be any repetition of messages or information.
- 6.10.6 The proposal complies with the performance criterion.
- 6.11 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts - E17.7.2 P1
- 6.11.1 There is no acceptable solution at clause 17.7.2 A1
- 6.11.2 The proposal includes signs on a Heritage Place subject to the Heritage Code and within a Heritage Precinct.
- 6.11.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.11.4 The performance criterion at clause 17.7.2 P2 provides as follows:
- A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:*

*(a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*

*(b) be placed so as to allow the architectural details of the building to remain prominent;*

*(c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*

*(d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;*

*(e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*

*(f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*

*(g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*

*(h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;*

*(i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.*

6.11.5 Referral was made to Council's Cultural Heritage Officer who has provided the following assessment:

This application relates to proposed provision of internally illuminated signage to the awning of 249a Elizabeth Street, a two storey brick built mid-20th century commercial property within a mixed area of streetscape containing both commercial and residential properties. The site has been operated as a food outlet for a considerable number of years and the ground floor treatment reflects its use as such. The awning has been utilized for non-illuminated signage to both front and return elements for a number of years. although it is noted that it would appear that until relatively recently, the all faces of the awning contained a prominent strip of neon light which has only recently been removed.

Permission is also sought for the approval of a vertical projecting wall internally illuminated box sign at first floor level. The circumstances relating to this sign are unusual in that retrospective permission was sought for the sign in 1989 under the City of Hobart Planning Scheme 1982. The sign was deemed not to be in compliance with the Planning Scheme in that it was not judged to be in compliance with the Statement of Desired Future Character for the local precinct due to its location at first floor level and design, nor considered to respect or reinforce the environmental character of the Conservation Area in which it stood. Following the determination however, it would appear that no action was undertaken by the Council to enforce its removal. However, the Applicant has chosen to include the illuminated sign as part of the current application, and given that the previous Planning Scheme has been replaced by the Hobart Interim Planning Scheme 2015, the ability to consider the proposal under the current scheme is considered to be valid. The Council's duty is, nevertheless, to consider the discretionary application as though the work did not exist. Council also has, under the provisions of the Land Use Planning and Approval Act 1993 a duty to enforce its own planning schemes.

The site is designated as a Heritage Listed Place under the Hobart Interim Planning Scheme 2015. It would appear that the site originally formed part of the curtilage of the neighbouring 249 Elizabeth Street, an early but notably extended and altered heritage building located back and above the street. However, 249a Elizabeth Street itself is considered to be of limited heritage significance in of itself.

This site is also located in the North Hobart 6 Heritage Precinct. This precinct is significant for reasons including:

1. The fine quality and quantity of Old Colonial, mid to late Victorian, Federation and Inter War commercial/residential buildings demonstrate its original mixed use nature
2. Intact individual houses that are representative examples of Old Colonial and Federation residential architecture.
3. The continuous two storey (mostly brick) facades, general uniformity of form and scale together with a distinctive nineteenth century subdivision pattern that create a consistent and impressive streetscape.
4. The front gardens of a few properties south of Burnett Street, and more recent street art are important aesthetic features that reinforce its mixed use character.

The new signage must be assessed against E17.7.2 Standards for signs

within Heritage Precincts and satisfy all subclauses of the performance criteria (a) to (i). With regard to signage, E17.7.2 – 'Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts' states that applications for signage must satisfy the 10 stated requirements. With regard to this application, it is considered that those relevant are that signs must;

- a) be located in manner that minimises impact on cultural heritage significance of the place or precinct;
- c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;
- d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;
- h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

#### Awning Signage

With regard to the internally illuminated signage to the awning, it is noted that the sign would consist of cut out lettering on a black solid background. The placing of signage to the edges of awnings is considered a well established form of signage within the wider streetscape of the Precinct and that whilst the use of internal illumination of such signage is far less prevalent, it is considered that the degree of illumination elements are relatively minor, and that subject to the acceptability of the proposal being based on the limited illumination of the lettering as opposed to the total illumination of the awning as a single entity, it is considered that the impact would not be so great as to represent development that would detract from the heritage characteristics of the place or the wider Heritage Precinct. It is therefore considered that this element of the proposal would therefore comply with E17.7.2, but that should approval be granted, it would be prudent to stipulate in advice attached to any planning permission that approved signage extends solely to the dimensions of the lettering and not to the areas of the awning beyond on which it would sit.

#### First Floor Internally Illuminated Box Sign

With regard to the first floor illuminated box sign, as previously noted, that signage in question has been in place since at least 1989, but was refused in 1989. Its status therefore is as an unapproved sign that has

been determined and therefore is not deemed to have approval despite no enforcement action being undertaken to secure its removal. When looking at the wider streetscape of the Precinct, it is noted that whilst relatively little above awning signage occurs, there are some examples within the Precinct, mostly within the North Hobart Elizabeth Street high street strip. However, it is noted that all of the above appear to pre-date the current planning scheme or do not appear to have received formal consent. When looking at the more immediate streetscape, the proposal would represent the first internally illuminated above awning sign within the immediate group of buildings with upper floors remaining relatively signage free and thus maintaining a visual break between the ground and upper floors. This traditional approach to signage is considered to contribute to the clearly identifiable commercial townscape qualities that are part of the character of the designated Heritage Area in which the site stands. As such, the proposal would appear to represent a new and arguably 'jarring' element within this part of the local streetscape.

With regard to the above, it is however considered that due to the limited number of non-illuminated first floor signage within the Precinct, the primary negative impact of the proposal derives from its use of internally illumination and that arguably, should approval be granted solely for non-illuminated signage, this negative impact would be lessened. As the character and well managed street scene is a determining factor to the Precinct and to the Heritage Listed Buildings, it is considered that the proposal in its current form would have a detrimental and adverse impact upon the heritage values of the place and precinct.

In view of the above, it is considered that subject to a condition requiring that the first floor box sign be non-illuminated, the proposal would comply with the signage and heritage provisions of the planning scheme. It is also considered that should planning permission be granted, the following advice form part of the approval.

Advice - The Applicant is advised that in the view of the Council, where internally illuminated signage is composed of individual letters (including business logo) set against a non-illuminated solid fascia background, the overall dimensions of the internally illuminated signage shall be calculated by measuring the perimeter enclosing the letters and/or logo with the encompassed area being considered the total sign area. As such, those areas of fascia beyond those perimeters do not constitute the internally illuminated 'sign'.

6.11.6 The proposal complies with the performance criterion.



## 7. Discussion

7.1 Planning approval is sought for Signage at 249a Elizabeth Street North Hobart.

7.2 The application was advertised and received 4 (four) representations. The representations raised concerns including compliance with the Signs Code provisions including clutter and illumination, that the proposal was incomplete for not addressing the planning scheme, that the proposal was misleading for not disclosing that signage had been installed, and that there was no detailed disclosure of the lighting measurement. Representations also raised concern for new lighting underneath the awning and whether the existing vertical projecting wall sign had planning approval.

Concerns regarding the signage discretions have been addressed in Section 6 of this report. There is no requirement that an applicant specifically address the planning scheme objectives or clauses in their submission. Clause 8.1.2 of the *Hobart Interim Planning Scheme* (HIPS) outlines that an application "must" include, and all elements of these requirements have been met. Similarly, clause 17.7.2 of the Signs Code, under which assessment of signs in Heritage Places is made, does not require that a Heritage Impact Statement be provided and the assessing Cultural Heritage Officer made no further request for provision of such documentation.

Council officers do not agree that the application is misleading or deceptive in relation to disclosure of previously undertaken works. An application is being sought for approval under HIPS, whether development has already been undertaken does not influence the objective nature of the planning assessment process. Similarly, the advertised application included details of the name, contact number, and organisation of the individual who undertook a lighting measurement. This assessment was sufficiently clear in the location of measurements and was not found to be either misleading or deceptive for planning officers to make their assessment under the relevant Signs Code provisions. As previously discussed in Section 6, the Environmental Health Officer has raised concerns with the details and methodology of the providing lighting measurements although was in the context of being able to make an accurate assessment of the lighting for any formal nuisance investigation.

With respect to lighting underneath the awning, as discussed with representors during the public notification period, this is not a matter for planning officers to assess as the lighting does not relate to the proposed signage under assessment. Under clause 15.3.1 A1 of the Urban Mixed Use Zone use standards, external lighting (except for security lighting) must be turned off between 10:00pm and

6:00am. If any lighting does not comply with this clause then either compliance action can be undertaken by Council or additional planning approval can be sought. Any concerns that relate to intrusive lighting can also be raised with Council's Environmental Health Unit who can determine whether this represents an environmental nuisance under the *Environmental Management and Pollution Control Act 1994*.

Referral was made to Council's Environmental Health Unit who have provided the following comments with respect to the under awning lighting:

"Use of the strip lighting under the businesses street awning is considered to likely interfere (be too bright) and cause unnecessary and undue distraction to drivers passing by and also for safe use of the intersection. Consideration should be given to the side fascia business signage and the cyclo sign on front fascia and on top of the awning operating in combination with strip lighting - may lead to a more distracting clutter of illuminated objects which drivers subconsciously attempt to interpret, while also assessing potential dangers and safety risks of negotiating the near-by intersection, as well as potential customers and traffic utilising the business itself.

Consideration should be given to the type of light being emitted - is it continuous or cycling on-off - flashing? Flashing or blinking light is more likely to be considered a safety issue given proximity to the bend and intersection. Do the signs resemble warning signs or traffic lights? Do the colours compete with traffic signal lights? Flashing signs are also very likely to be a nuisance to nearby residences as flashing lights subconsciously signal danger to the observer.

Assess residential nuisance: Assessing the photos submitted as evidence of alleged nuisance, it is clear that the strip lighting would be a nuisance (through reflected light spill). The strip lighting would also likely cause driver nuisance/distraction and confusion when considered in the context of pedestrians and vehicles performing parking and egress maneuvers for driveway use. The strip lighting use should be discontinued in its current form - brightness."

- 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 Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval, subject to conditions.

**8. Conclusion**

- 8.1 The proposed Signage at 249A Elizabeth Street, North Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

## 9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Signage at 249A Elizabeth Street, North Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### GEN

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-612 - 249A ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### PLN 12

**The awning fascia sign on the western elevation must not be illuminated internally or externally at any time.**

Reason for condition

To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.

### HER 4

**The vertical projecting wall sign must not be illuminated internally or externally at any time.**

Reason for condition

To ensure the design and siting of signs complements and does not impact on the cultural heritage significance of the heritage listed place and the North Hobart 6 Heritage Precinct, listed in the Historic Heritage code.

### 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*.

#### **PLANNING**

Please be aware that the under awning strip lighting must be turned off between 10:00pm and 6:00am, except for security lighting. If the lighting is to operate during these hours then further planning approval will be required.

Please also be aware of the responsibilities under the *Environmental Management and Pollution Control Act 1994* and that any external lighting must not be considered to be an environmental nuisance, specifically it must not interfere and cause unnecessary and undue distraction to drivers or any persons enjoyment of the nearby environment.

#### **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.

#### **HERITAGE**

The Applicant is advised that in the view of the Council, where internally illuminated signage is composed of individual letters (including business logo) set against a non-illuminated solid fascia background, the overall dimensions of the internally illuminated signage shall be calculated by measuring the perimeter enclosing the letters and/or

logo with the encompassed area being considered the total sign area. As such, those areas of fascia beyond those perimeters do not constitute the internally illuminated 'sign'.



(Michael McClenahan)  
**Assistant Planner**

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



(Ben Ikin)  
**Senior Statutory Planner**

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

Date of Report: 9 March 2021

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Reports (Cultural Heritage and Environmental Health)



Planning: #213506

**Property**

249A ELIZABETH STREET NORTH HOBART TAS 7000

**People**

Applicant

\*

E Richardson  
Everard Richardson  
38, Wellesley Street  
38, Wellesley Street  
SOUTH HOBART TAS 7004  
0438374900  
everard.richardson@gmail.com

Owner

\*

Sapa De VN P/L  
Hoang Bui  
249A ELIZABETH STREET  
HOBART TAS 7000  
62319946  
cyclostreetfood@gmail.com

Entered By

EVERARD RICHARDSON  
34 WASHINGTON STREET  
SOUTH HOBART TAS 7004  
0438 374 900  
everardrichardson@gmail.com

**Use**

Cafe

**Details**

Have you obtained pre application advice?

☐ No

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

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

\*

☐ No

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

\*

☐ Yes

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

### Details

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

\*

Cafe

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

\*

Signs

Estimated cost of development

\*

0.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

### Carparking on Site

N/A

☐ Other (no selection chosen)

Total parking spaces

Existing parking spaces

### Hours of Business

Are the proposed hours of business different from the existing?

•

What days and hours of operation are proposed for the business?

Existing	Proposed				
	From	To		From	To
Monday to Friday			Monday to Friday		
				From	To
			Saturday		
	From	To			
Saturday					
	From	To		From	To
Sunday			Sunday		

### Number of Employees

List the total number of people who will be working on the site.

Proposed number of employees

Existing number of employees

### Goods Deliveries

Will there be any commercial vehicles accessing the site?

•

Type of Vehicle

Trips per Week

Very Large (Semi trailer)

Large

Medium

Small

### Outdoor storage / seating / number of beds

Is outdoor storage proposed?

•

**Other Details**

Does the application include signage?

\*

☐ Yes

*\* Please be advised that you are required to lodge plans of the sign. The plans should show: dimensions, location, colours, wording, method of illumination, does it flash, method of fixing to wall, etc.*

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

\*

**Tasmania Heritage Register**

Is this property on the Tasmanian Heritage Register?

• ☐ No**Documents****Required Documents**

Title (Folio text and Plan and Schedule of Easements)

\*

FolioPlan-56300-1.pdf

Plans (proposed, existing)

\*

Wang\_Sign\_DA01.pdf

GM or Crown consent

FolioText-56300-1.pdf

Covering Letter

FolioTextCommonLot-56300-1.pdf

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
56300	1
EDITION	DATE OF ISSUE
9	05-Oct-2015

SEARCH DATE : 20-Apr-2017

SEARCH TIME : 04.21 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Strata Plan 56300 (formerly being STR3238) and a  
general unit entitlement operating for all purposes of the  
Strata Scheme being a 10 undivided 1/40 interest

Derived from Strata Plan 56300

Derivation : Part of 0A-1R-2Ps Gtd to J Moir and Part of  
0A-1R-14Ps Gtd to J Moir

Prior CT 4762/49

SCHEDULE 1

M538576 TRANSFER to TRANG MONG DAI NGUYEN and HOANG HUY BUI  
Registered 05-Oct-2015 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 56300 folio 0

E23591 MORTGAGE to Australia and New Zealand Banking Group  
Limited Registered 05-Oct-2015 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
56300	0
EDITION	DATE OF ISSUE
3	25-Jul-2001

SEARCH DATE : 01-Feb-2021

SEARCH TIME : 12.07 PM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 56300 (formerly being STR3238)

Derivation : Part of 0A-1R-2Ps Gtd to J Moir and Part of 0A-1R-14Ps Gtd to J Moir

Prior CTs 3071/9 and 3526/23

SCHEDULE 1STRATA CORPORATION NO. 56300, 249A, 251, 253 ELIZABETH STREET,  
HOBARTSCHEDULE 2

Reservations and conditions in the Crown Grant if any

B831998 TRANSFER (to Flat 1) of that portion of Lot 1 on SP 112177 formerly comprised in Vol. 3168 Fol. 57  
Registered 2-May-1995 at noonC352174 APPLICATION by body corporate to amend strata plan  
Registered 24-Jan-2002 at noonUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



Tasmanian  
Government

CITY/TOWN HOBART SUBURB/LOCALITY NORTH HOBART FOLIO REFERENCE <del>C-7-56300-0-1-B-2</del> SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. SP 112177		<h1 style="margin: 0;">STRATA PLAN</h1> <p>SHEET 1 OF 3 SHEETS</p>		Registered Number  <h2 style="margin: 0;">56500</h2>
		NAME OF STRATA SCHEME <b>249A,251,253 ELIZABETH STREET, HOBART</b>		STRATA TITLES ACT 1998 REGISTERED <u>9-APR-1991</u> <i>(Sgt.) Michael Dixon</i> Recorder of Titles.
MAPSHEET MUNICIPAL CODE No. <b>32 114</b>	LAST UPI No. <del>446-447-448 EXM11</del>	SCALE 1: 200	LENGTHS IN METRES	

(5226-42)

## SITE PLAN

The site plan shows a large lot (ID 9964) containing three distinct building footprints labeled 1, 2, and 3. Building 1 has an area of 1049m². The lot is bounded by Elizabeth Street to the west. Various boundary offsets are indicated along the perimeter, such as 11.20 and 11.90. Surrounding lots are identified with codes like (SP 112177), (199/110), (ID 7616), (249/230), (P 112218), (P 458), and (327/90).

NOTES:

- (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1.
- (ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1.

STAGED/COMMUNITY DEVELOPMENT SCHEME No. (IF APPLICABLE)

---

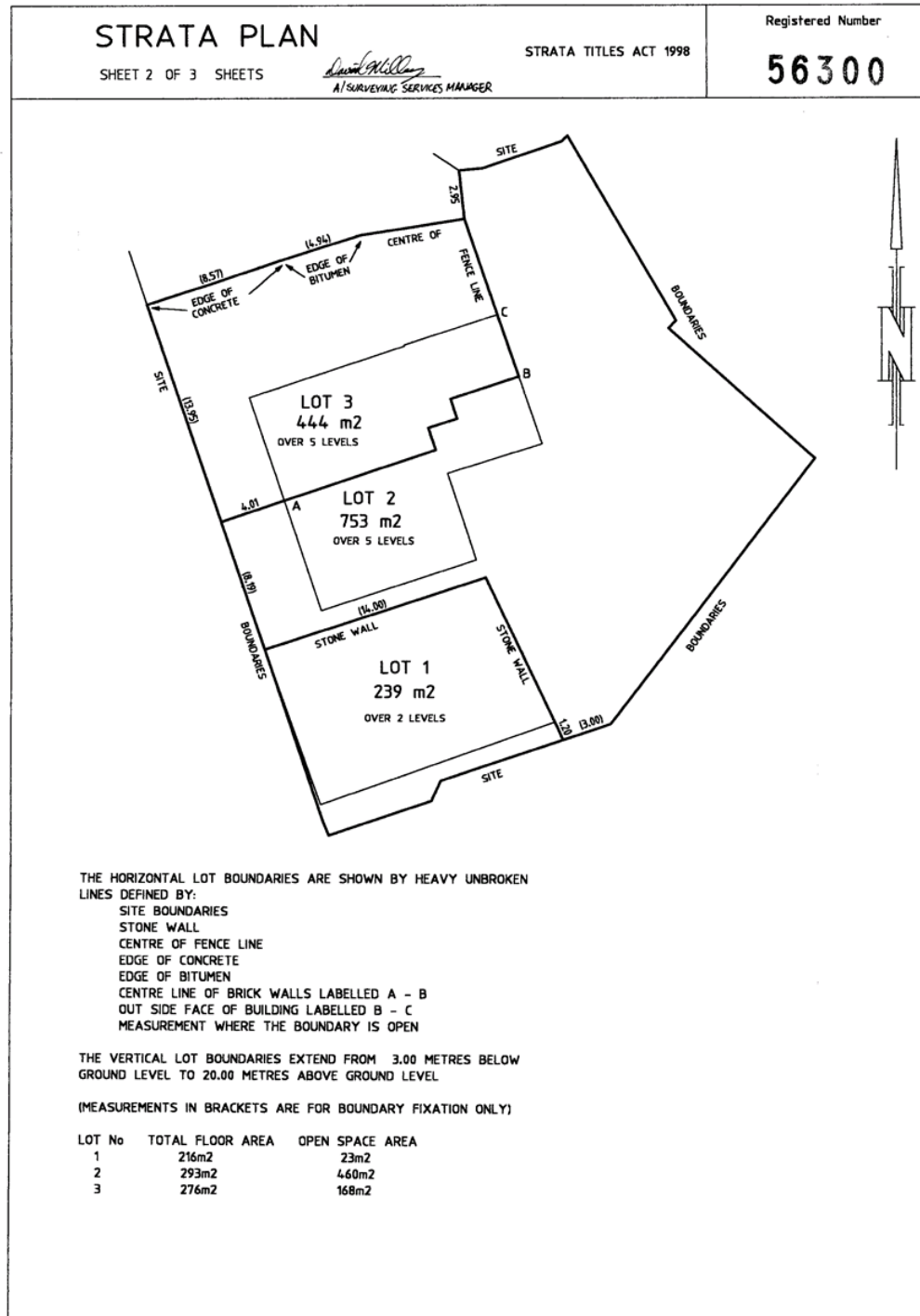
LODGED BY HAND OGILVIE & BREHENY



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980







## FOLIO PLAN

RECORDED OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

[illegible]

Monday, October 24, 2018 8 PM

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Contents	
Layout ID	Layout Name
DA 01	Cover Sheet
DA 02	Ground Floor
DA 03	Elevations
DA 04	Sign Style
DA 05	Ariel

Planning Permit  
APPLICATION NO. PLN- 20- 61

CYCLO  
STREET  
FOOD

VIETNAMESE  
STREETFOOD

BAHN MI  
PHO

CYCLO

DINE IN TAKEAWAY  
PH 6231 9346

Hours of operation of the signage illumination  
The switching off of the external light on the awaning is 9:30pm

Matt Stroja <mattstroja@bstechnologies.com.au>  
At 4am this morning in the dark of night I conducted light level readings as follows:  
  
From the island in the middle of the street 50 lumens per square metre.  
Directly under the signage at the curb it is producing 160 lumens per square metre

DO NOT SCALE DRAWINGS  
TOGETHER WITH WRITTEN SPECIFICATION AND CONSULTANTS DRAWINGS  
CONFIRM DIMENSIONS AND SETOUTS ON SITE PRIOR TO MANUFACTURE AND INSTALLATION  
THE BUILDER SHALL TAKE ALL STEPS NECESSARY TO ENSURE THE STABILITY OF NEW AND EXISTING STRUCTURES DURING ALL WORKS.

**Amendments**

Issue	Revision	Date	Issues	Date
			A Sketch Design	
			B Design Development	
			C Development Application	
			D Certificate for Likely Compliance	
			E Certificate for Certifiable Work	
			F Building Application	
			G Plumbing Application	

**Project**  
Cyclo Restaurant

**Site Location**  
249a Elizabeth Street North Hobart Tasmania

**Client**  
Trang Mong Dai Nguyen & Hoang Huy Bui

**Client Address**

**EVERARD**  
ARCHITECTURAL DESIGN  
CC4238D  
everardarchitectural@gmail.com

**Scale**  
1:100

**Date**  
7/11/2020

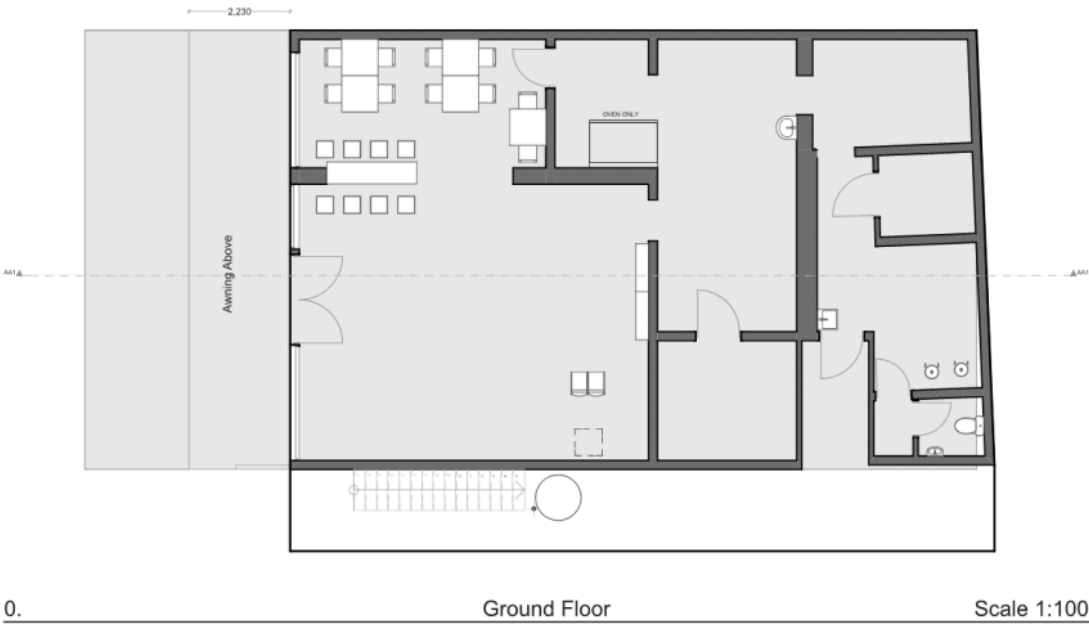
**Job no.**  
225

**Drawn**  
ER & RMcN

**Issue**  
A

**Cover Sheet**  
Ba 1 of 5

C:\Users\user\Documents\CurrentArchCAD\Projects\_Laptop\Wang\_Sign\ArchCAD\Cyclo\_Sign\_PA02.plt + Monday, October 24, 2016 8 PM SheetScale1:100



Matt Stroja <mattstroja@bstechnologies.com.au>  
At 4am this morning in the dark of night I conducted light level readings as follows:  
  
From the island in the middle of the street 50 lumens per square metre.  
Directly under the signage at the curb it is producing 160 lumens per square metre

SIGN DESIGN  
Cyclo Restaurant

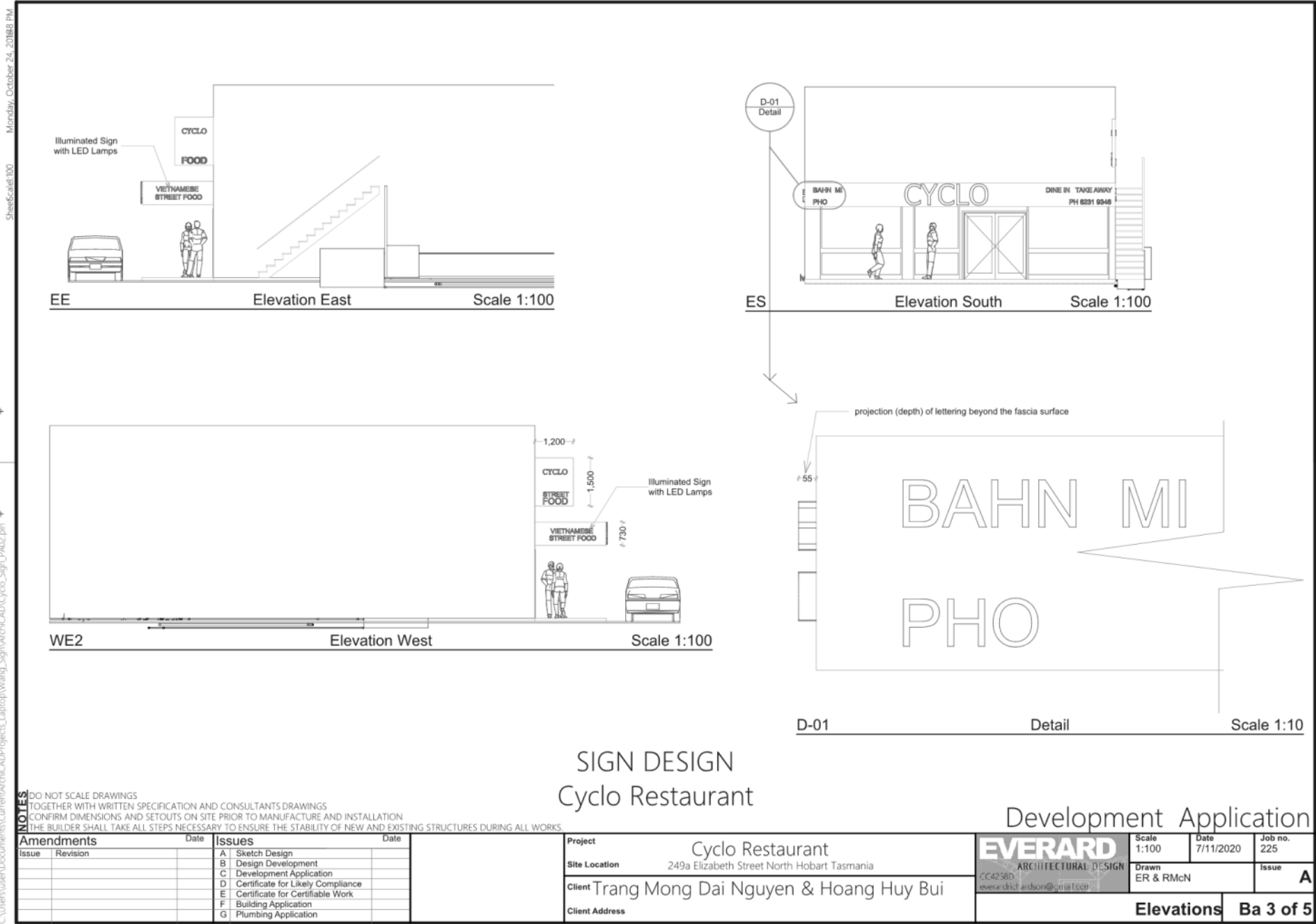
Development Application

DO NOT SCALE DRAWINGS  
TOGETHER WITH WRITTEN SPECIFICATION AND CONSULTANTS DRAWINGS  
CONFIRM DIMENSIONS AND SETOUTS ON SITE PRIOR TO MANUFACTURE AND INSTALLATION  
THE BUILDER SHALL TAKE ALL STEPS NECESSARY TO ENSURE THE STABILITY OF NEW AND EXISTING STRUCTURES DURING ALL WORKS.

Amendments		Date	Issues		Date
Issue	Revision				
			A	Sketch Design	
			B	Design Development	
			C	Development Application	
			D	Certificate for Likely Compliance	
			E	Certificate for Certifiable Work	
			F	Building Application	
			G	Plumbing Application	

Project	Cyclo Restaurant
Site Location	249a Elizabeth Street North Hobart Tasmania
Client	Trang Mong Dai Nguyen & Hoang Huy Bui
Client Address	

<b>EVERARD</b> ARCHITECTURAL DESIGN CC4238D everardrichardson@gmail.com	Scale 1:100	Date 7/11/2020	Job no. 225
	Drawn ER & RMcN	Issue <b>A</b>	
Ground Floor		Ba 2 of 5	





SIGN DESIGN  
Cyclo Restaurant

Development Application

DO NOT SCALE DRAWINGS  
TOGETHER WITH WRITTEN SPECIFICATION AND CONSULTANTS DRAWINGS  
CONFIRM DIMENSIONS AND SETOUTS ON SITE PRIOR TO MANUFACTURE AND INSTALLATION  
THE BUILDER SHALL TAKE ALL STEPS NECESSARY TO ENSURE THE STABILITY OF NEW AND EXISTING STRUCTURES DURING ALL WORKS

Amendments		Date	Issues		Date
Issue	Revision				
			A	Sketch Design	
			B	Design Development	
			C	Development Application	
			D	Certificate for Likely Compliance	
			E	Certificate for Certifiable Work	
			F	Building Application	
			G	Plumbing Application	

Project	Cyclo Restaurant
Site Location	249a Elizabeth Street North Hobart Tasmania
Client	Trang Mong Dai Nguyen & Hoang Huy Bui
Client Address	

EVERARD ARCHITECTURAL DESIGN T: 042389 everard@architectural-design.com.au	Scale 1:100	Date 7/11/2020	Job no. 225
	Drawn ER & RMcN	Issue A	
Sign Style		Ba 4 of 5	



At 4am this morning in the dark of night I conducted light level readings as follows:

From the island in the middle of the street 50 lumens per square metre.  
Directly under the signage at the curb it is producing 160 lumens per square metre.

Matt Stroja - BS Tech - Electrical  
0418 267 806

SIGN DESIGN  
Cyclo Restaurant

Development Application

DO NOT SCALE DRAWINGS  
TOGETHER WITH WRITTEN SPECIFICATION AND CONSULTANTS DRAWINGS  
CONFIRM DIMENSIONS AND SETOUTS ON SITE PRIOR TO MANUFACTURE AND INSTALLATION  
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Issue	Revision				
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Project	Cyclo Restaurant
Site Location	249a Elizabeth Street North Hobart Tasmania
Client	Trang Mong Dai Nguyen & Hoang Huy Bui
Client Address	

<b>EVERARD</b> ARCHITECTURAL DESIGN 042380 everard.architectural@gmail.com	Scale 1:100	Date 7/11/2020	Job no. 225
	Drawn ER & RMcN		Issue <b>A</b>
Ariel		Ba 5 of 5	

## Application Referral Cultural Heritage - Response

<b>From:</b>	Nick Booth
<b>Recommendation:</b>	Proposal is acceptable subject to conditions.
<b>Date Completed:</b>	
<b>Address:</b>	249 A ELIZABETH STREET, NORTH HOBART
<b>Proposal:</b>	Signage
<b>Application No:</b>	PLN-20-612
<b>Assessment Officer:</b>	Michael McClenahan,

### Referral Officer comments:

This application relates to proposed provision of internally illuminated signage to the awning of 249a Elizabeth Street, a two storey brick built mid-20<sup>th</sup> century commercial property within a mixed area of streetscape containing both commercial and residential properties. The site has been operated as a food outlet for a considerable number of years and the ground floor treatment reflects its use as such. The awning has been utilized for non-illuminated signage to both front and return elements for a number of years. although it is noted that it would appear that until relatively recently, the all faces of the awning contained a prominent strip of neon light which has only recently been removed.

Permission is also sought for the approval of a vertical projecting wall internally illuminated box sign at first floor level. The circumstances relating to this sign are unusual in that retrospective permission was sought for the sign in 1989 under the Hobart Planning Scheme 1982. The sign was deemed not to be in compliance with the Planning Scheme in that it was not judged to be in compliance with the Statement of Desired Future Character for the local precinct due to its location at first floor level and design, nor considered to respect or reinforce the environmental character of the Conservation Area in which it stood. Following the determination however, it would appear that no action was undertaken by the Council to enforce its removal. However, the Applicant has chosen to include the illuminated sign as part of the current application, and given that the Statutory Planning Scheme has been replaced by the Hobart Interim Planning Scheme 2015, the ability to consider the proposal under the current scheme is considered to be valid. The Council's duty is, nevertheless, to consider the discretionary application as though the work did not exist. Council also has, under the provisions of the *Land Use Planning and Approval Act 1993* a duty to enforce its own planning schemes. The site is designated as a Heritage Listed Place under the Hobart Interim Planning Scheme 2015. It would appear that the site originally formed part of the curtilage of the neighbouring 249 Elizabeth Street, an early but notably extended and altered heritage building located back and above the street. However, 249a Elizabeth Street itself is considered to be of limited heritage significance in of itself.

This site is also located in the North Hobart 6 Heritage Precinct. This precinct is significant for reasons including:

1. The fine quality and quantity of Old Colonial, mid to late Victorian, Federation and Inter War commercial/residential buildings demonstrate its original mixed use nature
2. Intact individual houses that are representative examples of Old Colonial and Federation residential architecture.
3. The continuous two storey (mostly brick) facades, general uniformity of form and scale together with a distinctive nineteenth century subdivision pattern that create a consistent and



impressive streetscape.

4. The front gardens of a few properties south of Burnett Street, and more recent street art are important aesthetic features that reinforce its mixed use character.

The new signage must be assessed against E17.7.2 Standards for signs within Heritage Precincts and satisfy all subclauses of the performance criteria (a) to (i). With regard to signage, E17.7.2 – 'Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts' states that applications for signage must satisfy the 10 stated requirements. With regard to this application, it is considered that those relevant are that signs must;

- a) be located in manner that minimises impact on cultural heritage significance of the place or precinct;
- c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;
- d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;
- h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

#### Awning Signage

With regard to the internally illuminated signage to the awning, it is noted that the sign would consist of cut out lettering on a black solid background. The placing of signage to the edges of awnings is considered a well established form of signage within the wider streetscape of the Precinct and that whilst the use of internal illumination of such signage is far less prevalent, it is considered that the degree of illumination elements are relatively minor, and that subject to the acceptability of the proposal being based on the limited illumination of the lettering as opposed to the total illumination of the awning as a single entity, it is considered that the impact would not be so great as to represent development that would detract from the heritage characteristics of the place or the wider Heritage Precinct. It is therefore considered that this element of the proposal would therefore comply with E17.7.2, but that should approval be granted, it would be prudent to stipulate in advice attached to any planning permission that approved signage consisted solely to extend solely to the dimensions of the lettering and not to the areas of the awning beyond on which it would sit.

#### First Floor Internally Illuminated Box Sign

With regard to the first floor illuminated box sign, as previously noted, that signage in question has been in place since at least 1989, but was refused in 1989. Its status therefore is as an unapproved sign that has been determined and therefore is not deemed to have approval despite no enforcement action being undertaken to secure its removal. When looking at the wider streetscape of the Precinct, it is noted that whilst relatively little above awning signage occurs, there are some examples within the Precinct, mostly within the North Hobart Elizabeth Street high street strip. However, it is noted that all of the above appear to pre-date the current planning scheme or do not appear to have received formal consent. When looking at the more immediate streetscape, the proposal would represent the first internally illuminated above awning sign within the immediate group of buildings with upper floors remaining relatively signage free and thus maintaining a visual break between the ground and upper floors. This traditional approach to signage is considered to contribute to the clearly identifiable commercial townscape qualities that are part of the character of the designated Heritage Area in which the site stands. As such, the proposal would appear to represent a new and arguably 'jarring' element within this part of the local streetscape.

With regard to the above, it is however considered that due to the limited number of non-illuminated first floor signage within the Precinct, the primary negative impact of the proposal

derives from its use of internally illumination and that arguably, should approval be granted solely for non-illuminated signage, this negative impact would be lessened. As the character and well managed street scene is a determining factor to the Precinct and to the Heritage Listed Buildings, it is considered that the proposal in its current form would have a detrimental and adverse impact upon the heritage values of the place and precinct.

In view of the above, it is considered that subject to a condition requiring that the first floor box sign be non-illuminated, the proposal would comply with the signage and heritage provisions of the planning scheme. It is also considered that should planning permission be granted, the following advice form part of the approval.

Advice - The Applicant is advised that in the view of the Council, where internally illuminated signage is composed of individual letters (including business logo) set against a non-illuminated solid fascia background, the overall dimensions of the internally illuminated signage shall be calculated by measuring the perimeter enclosing the letters and/or logo with the encompassed area being considered the total sign area. As such, those areas of fascia beyond those perimeters do not constitute the internally illuminated 'sign'.



Nick Booth  
Heritage Officer  
19 February 2021

**7.2.6 410 ELIZABETH STREET, NORTH HOBART - PARK UPGRADE  
INCLUDING PARTIAL DEMOLITION, ALTERATIONS,  
LANDSCAPING, FURNITURE AND LIGHTING  
PLN-21-31 - FILE REF: F21/20487**

---

Address: 410 Elizabeth Street, North Hobart

Proposal: Park Upgrade including Partial Demolition,  
Alterations, Landscaping, Furniture and Lighting

Expiry Date: 14 April 2021

Extension of Time: Not applicable

Author: Michael McClenahan

**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 a park upgrade including partial demolition, alterations, landscaping, furniture, and lighting at 410 Elizabeth Street, North Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-31 - 410 ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**OPS s1**

**The two street trees adjacent to the park must be retained and protected from damage during the works. The street trees must not be removed or damaged. No vehicular access or parking, excavation, placement of fill, storage or stockpiling of materials or soil disturbance is to occur within the Tree Protection Zones. There must be no pruning, lopping or damage to the street trees, including their trunks and roots.**

#### Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

#### **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.

#### **GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS**

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

#### **CBD AND HIGH VOLUME FOOTPATH CLOSURES**

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's City Mobility Unit on 6238 2804.

### **WEED CONTROL**

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

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

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

### **NOISE REGULATIONS**

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

### **WASTE DISPOSAL**

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on

the Council's [website](#).




## FEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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

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- |               |   |
|---------------|---|
| Attachment A: | PLN-21-31 - 410 ELIZABETH STREET NORTH<br>HOBART TAS 7000 - Planning Committee or<br>Delegated Report ↓  |
| Attachment B: | PLN-21-31 - 410 ELIZABETH STREET NORTH<br>HOBART TAS 7000 - CPC Agenda Documents ↓<br>                   |
| Attachment C: | PLN-21-31 - 410 ELIZABETH STREET NORTH<br>HOBART TAS 7000 - Heritage Referral Officer<br>Report ↓      |

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee  
Council: 14 April 2021  
Expiry Date: 14 April 2021  
Application No: PLN-21-31  
Address: 410 ELIZABETH STREET , NORTH HOBART  
Applicant: Ken Betlehem (Ken Betlehem)  
16 Elizabeth Street  
Ken Betlehem  
Hobart City Council  
16 Elizabeth St  
Proposal: Park Upgrade including Partial Demolition, Alterations, Landscaping, Furniture, and Lighting  
Representations: One  
Performance criteria: Historic Heritage Code

---

**1. Executive Summary**

- 1.1 Planning approval is sought for a Park Upgrade including Partial Demolition, Alterations, Landscaping, Furniture, and Lighting at 410 Elizabeth Street, North Hobart.
- 1.2 More specifically the proposal includes:
  - Demolition of existing paths, kerbs, benches, light poles, paved areas, and two trees (Silver Birch and Ash).
  - Construction of new landscaping, park infrastructure, and play area.
  - Planting of four (4) new semi-mature deciduous trees (*Ginkgo biloba* and *Gleditzia*) and garden beds.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
  - 1.3.1 Historic Heritage Code - Heritage Precinct
- 1.4 One (1) representation supporting the proposal was received within the statutory advertising period between 01/02/21 - 16/02/21.



- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Committee, because Council is the applicant and there were no representations objecting to the application.

## 2. Site Detail

- 2.1 The subject site is located at 410 Elizabeth Street, North Hobart and comprises of a rectangular lot approximately 380m<sup>2</sup> in size. The lot has two frontages and is bounded by Elizabeth Street to the east and Swan Street to the north. The site presently comprises a small, relatively undeveloped, urban park with two established trees, two benches and open lawn area. The site topography follows the gentle slope to the south east and features a brick pathway leading diagonally across the park from Swan to Elizabeth street. A site visit was undertaken following the conclusion of the public notification period.



Figure 1: Aerial image of the subject (highlighted in yellow) and surrounding area.



**Figure 2:** Photograph of existing park on subject site, looking south west towards Elizabeth Street. *Source: Officer photograph 01/03/2021*

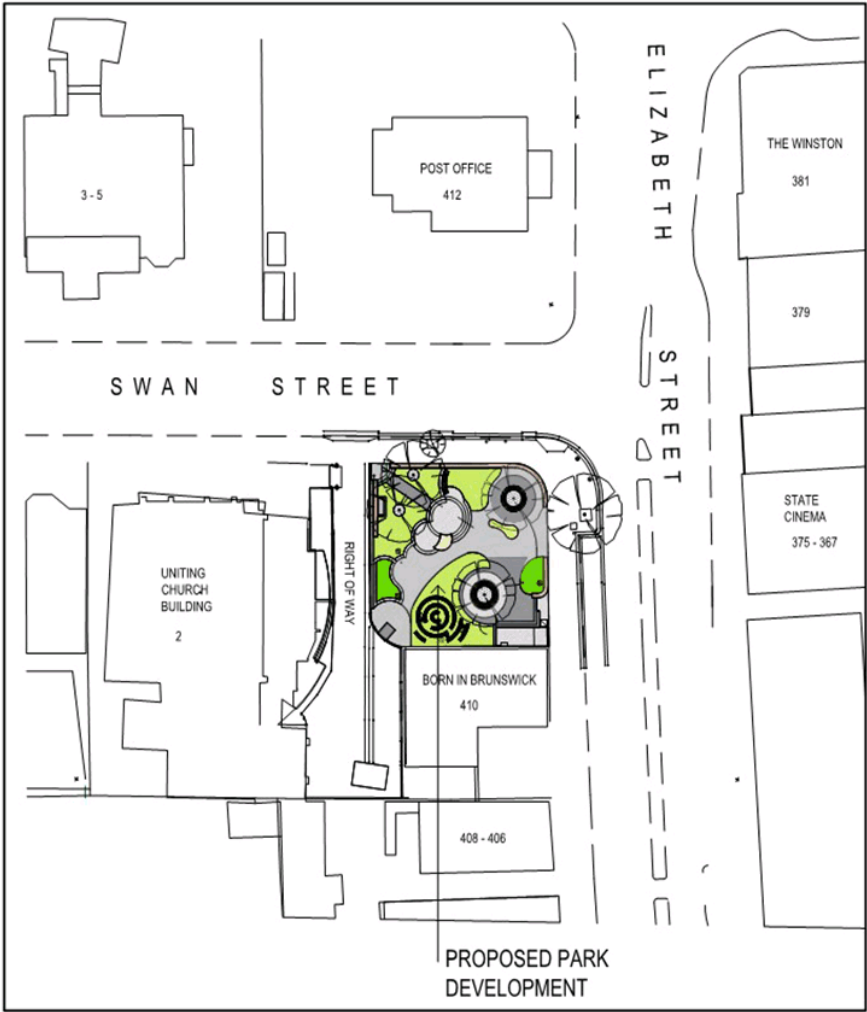


**Figure 3:** Photograph of existing park on subject site, looking north east towards Swan Street. Source: Officer photograph 01/03/2021

### 3. Proposal

- 3.1 Planning approval is sought for Park Upgrade including Partial Demolition, Alterations, Landscaping, Furniture, and Lighting, at 410 Elizabeth Street, North Hobart.
- 3.2 More specifically the proposal is for:
  - Demolition of existing paths, kerbs, benches, light poles, paved areas, and two trees (Silver Birch and Ash).
  - Construction of new landscaping, park infrastructure, and play area.
  - Planting of four (4) new semi-mature deciduous trees (*Gingko biloba* and *Gleditzia*) and garden beds.





2 SITE PLAN  
102 SCALE - 1:500@A3

Figure 4: Site plan of proposed park development.

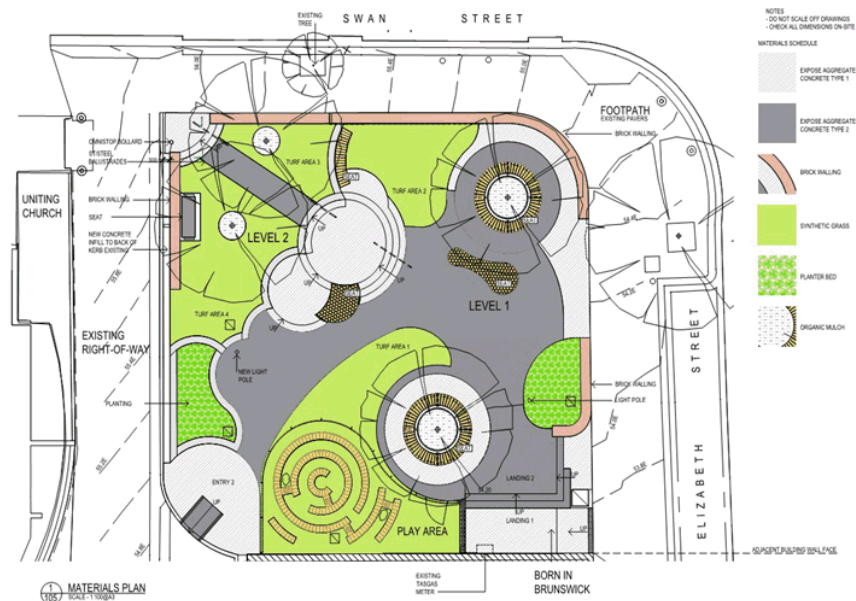


Figure 5: Layout and Materials Plan of subject site



Figure 6: Photomontage of proposed park development.

4. Background

- 4.1 Council is the applicant for this application although the work is not to occur on Council land. The site at 410 Elizabeth Street is currently owned by the North Hobart Uniting Church, and Council's Community Development Team has, in response to consultation and negotiations with the land owner and local stakeholders, proposed an upgrade to the urban park space.

**5. Concerns raised by representors**

- 5.1 One (1) representation supporting the proposal was received within the statutory advertising period between 01/02/21 - 16/02/21.
- 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.

In principle I support the plans as presented with the following suggestion. There is no connection to the rich heritage of the North Hobart / West Hobart precinct. Without this the space lacks a connection to the past and gives no insight or learning opportunities for the public. Without this, the design lacks cultural meaning or significance and under values the space. This area is extremely significant- perhaps the last open space to be redesigned in the area.
With this can I suggest the council investigate ways to integrate the "heros" of the past into this design.
There are no open spaces left in the area to tell our story and I believe there is much to be gained by not only making this space more functional as per the design, but also more educational, inclusive and welcoming to visitors. Ideas could include statue's, interpretive signs, artworks, playworks, water features or electronic display boards telling our story. This idea enhances the Councils published ten-year strategic plan in relation to open/communal spaces and the community.

**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 Business Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Passive Recreation. There is no proposed change of use. The



existing use is a permitted use in the zone.

6.4 The proposal has been assessed against:

6.4.1 D21.0 General Business Zone

6.4.2 E2.0 Potentially Contaminated Land 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

6.4.6 F2.0 North Hobart Specific Area Plan

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

6.5.1 Historic Heritage Code:

*Demolition (Place) - E13.7.1 P1*

*Building and Works other than Demolition (Place) - E13.7.2 P1*

*Demolition (Precinct) - E13.8.1 P1*

*Building and Works other than Demolition (Precinct) - E13.8.2 P1*

6.6 Each performance criterion is assessed below.

6.7 Historic Heritage Code

6.7.1 The subject site is listed as a Heritage Place and is also located within a Historic Heritage Precinct and as such was referred to Council's Cultural Heritage Officer who has provided the following assessment:

This application relates to a small area of public open space fronting onto both Elizabeth Street and Swan Street which is managed as a formal garden, including several small semi-mature trees and seating. The site is Heritage Listed and also forms part of the Elizabeth Street Heritage Precinct (NH6) as set out in the Hobart Interim Planning Scheme (HIPS) 2015. The site is also included within the area applying to the North Hobart Specific Area Plan as set out in the HIPS 2015

This precinct is significant for reasons including:

1. The fine quality and quantity of Old Colonial, mid to late Victorian, Federation and Inter War commercial/residential buildings demonstrate its original mixed use nature
2. Intact individual houses that are representative examples of Old Colonial and Federation residential architecture.
3. The continuous two storey (mostly brick) facades, general uniformity of form and scale together with a distinctive nineteenth century subdivision pattern that create a consistent and impressive streetscape.
4. The front gardens of a few properties south of Burnett Street, and more recent street art are important aesthetic features that reinforce its mixed use character.

The proposal seeks the removal of the two existing semi-mature trees, light poles, paving and curbing to facilitate the planting of 4 new trees, turfed and raised areas of planting and hardstanding, concrete retaining walls, 6 new areas of seating, small steel mesh enclosed play space, low brick enclosing walls onto both the Elizabeth and Swan Street boundaries with additional perforated steel fencing onto Swan Street and new lighting poles.

With regard to demolition within Heritage Places and Precincts, E13.7.1 and E13.8.1 are relevant and require that -

*'demolition in whole or part of a heritage place (precinct) does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.'*

The site in question appears as a gap within the built form and contains no materials or forms that are either of any heritage importance or speak of cultural heritage values other than being forms associated with the sites use as a public space. Whilst the removal of the trees could be considered as unfortunate, their proposed replacement and the lack of trees being identified as part of the cultural character of the Precinct would indicate that this would not represent a loss of cultural values.

With regards to the proposed development, E13.7.2 'Buildings and Works other than Demolition' states that development at a heritage place should be

- (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.*

Whilst E13.8.2 'Buildings and Works other than Demolition' states that development undertaken within a heritage precinct is sympathetic to the character of the precinct.

Of particular note is the requirements set out in the North Hobart Specific Area Plan which states in part that the purpose of the plan is to ensure that

- (a) development of land fronting Elizabeth Street in the Local Business Zone in North Hobart is in conformity with and reinforces the characteristic uses in the street and the building forms that comprise the streetscape;*
- (b) new development continues the traditional height and rectangular building form parallel to Elizabeth Street where buildings are either one or two storeys;*
- (c) all new development is built to the street edge and improves pedestrian amenity and convenience;*
- (e) the historic streetscape and particularly the red brick character of many individual buildings is retained;*
- (f) painting of intact brickwork on the Elizabeth Street frontage does not occur;*
- (h) development provides detail and architectural interest at various levels of the streetscape, inset doorways and associated detailing are encouraged as they contribute to the diverse pattern of the existing streetscape;*
- (i) development reinforces the existing hierarchy and network of public spaces and does not build in laneways; and*
- (j) integrated artwork/s are encouraged to contribute to the cultural and artistic focus that has developed in North Hobart.*

It is considered that the above described characteristics and requirements of the North Hobart Specific Area Plan are primarily intended to control development in the form of new buildings or extensions to existing buildings and that as such, much would not apply to the proposed area of land and hardscaping proposed at this area of public open space. However, it is considered that the area of land still forms part of the identified streetscape of this section of Elizabeth Street, and that where possible, should attempt to respond and re-enforce these characteristics.

As a result of initial concerns raised by heritage officers, the proposal has been modified to include new low brick walls along the Elizabeth and Swan Street boundaries. By doing so, the way in which front building lines within the street are built up to the street edge (a significant and identified characteristic of the immediate townscape) is carried through to the Park. This also the open space to still maintain a sense of coherency with the more dominant built form whilst also identifying the boundary of the space, allowing it to read as a coherent plot, again mirroring the regular pattern of plot widths within the street. Importantly, the use of red brick to these low walls and the openings within them that reference doorways reflects both the materials and form of the buildings within the street. The impression is therefore one of an open space that springs from the style and form of the street in which it sits as opposed to as an entirely separate piece of streetscape.

Given the above, it is therefore considered that the proposed form, layout and materials of the public open space represent a more coherent 'bookending' to the high street as opposed to the 'left over' remnant characteristic of the existing open space.

It is therefore considered that the proposal would have a positive impact upon the overall appearance of the Heritage Place and help to reinforce the significant characteristics of the Heritage Precinct as stated under Clauses E.13.8.1, E13.8.2 and P1, P2 and P3, and F2.0 and F2.3.

#### Response to Representation

One representation has been received which whilst broadly supportive of the proposal, queries why the opportunity hasn't been taken to include aspects of interpretive panels, statues or plaques intended to provide heritage overview. In response, whilst such markers of heritage can play an important role in explaining commemorating and celebrating aspects of social history, the site in of itself does not hold any specific cultural,

historical or social importance and the inclusion of such a marker on this site and in this instance is not considered a requirement to ensure that the set of proposals are acceptable.

The proposal is therefore considered acceptable when measured against the performance criteria of HIPS 2015.

- 6.7.2 The proposal complies with the performance criterion.

## **7. Discussion**

- 7.1 Planning approval is sought for a Park Upgrade including Partial Demolition, Alterations, Landscaping, Furniture, and Lighting at 410 Elizabeth Street, North Hobart.
- 7.2 The application was advertised and received one (1) representation. The representations raised suggestions for that further work be made to demonstrate a connection of the park to the heritage of the North Hobart and West Hobart precinct either through further design changes or interpretive features. In response, the Council's Cultural Heritage Officer noted that 'whilst such markers of heritage can play an important role in explaining commemorating and celebrating aspects of social history, the site in of itself does not hold any specific cultural, historical or social importance and the inclusion of such a marker on this site and in this instance is not considered a requirement to ensure that the set of proposals are acceptable.'
- 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 Cultural Heritage Officer, Environmental Health Office, and Open Space and Recreation Officer. 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 Park Upgrade including Partial Demolition, Alterations, Landscaping, Furniture, and Lighting at 410 Elizabeth Street, North Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

**9. Recommendations**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for a Park Upgrade including Partial Demolition, Alterations, Landscaping, Furniture, and Lighting at 410 Elizabeth Street, North Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

**GEN**

**The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-31 - 410 ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

**OPS s1**

**The two street trees adjacent to the park must be retained and protected from damage during the works. The street trees must not be removed or damaged. No vehicular access or parking, excavation, placement of fill, storage or stockpiling of materials or soil disturbance is to occur within the Tree Protection Zones. There must be no pruning, lopping or damage to the street trees, including their trunks and roots.**

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#### **FEES AND CHARGES**

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#### **DIAL BEFORE YOU DIG**

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



(Michael McClenahan)  
**Assistant Planner**

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



(Ben Ikin)  
**Senior Statutory Planner**

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

Date of Report: 1 March 2021

**Attachment(s):**

Attachment B - CPC Agenda Documents

Attachment C - Heritage Referral Officer Report

Planning: #222600

**Property**

410 ELIZABETH STREET NORTH HOBART TAS 7000

**People**

Applicant

\*

Ken Betlehem  
Ken Betlehem  
16 Elizabeth Street  
NORTH HOBART TAS 7000  
62382461  
betlehemk@hobartcity.com.au

Applicant

\*

Ken Betlehem  
Hobart City Council  
16 Elizabeth St  
62382461  
betlehemk@hobartcity.com.au

Owner

\*

THE UNITING CHURCH IN AUSTRALIA PROPERTY  
TRUST (TAS)  
James Milne  
27 Wentworth st  
SOUTH HOBART TAS 7004  
(03)92515244  
Lynda.Nel@victas.uca.org.au

Entered By

Ken Betlehem  
Hobart City Council  
16 Elizabeth St  
62382461  
betlehemk@hobartcity.com.au

**Use**

Other

**Details**

Have you obtained pre application advice?

<input type="radio"/> No		
If YES please provide the pre application advice number eg PAE-17-xx		
Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.		
<input type="radio"/> No		
Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the number of signs under Other Details below.		
<input type="radio"/> No		
If this application is related to an enforcement action please enter Enforcement Number		
<b>Details</b>		
What is the current approved use of the land / building(s)?		
The land is presently publicly accessible (privately owned) open space		
Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage)		
Public open space with new seating and play infrastructure		
Estimated cost of development		
400000.00		
Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)
		350
<b>Carparking on Site</b>		
Total parking spaces	Existing parking spaces	N/A
0	0	<input type="checkbox"/> Other (no selection chosen)
<b>Other Details</b>		
Does the application include signage?		
<input type="radio"/> No		
How many signs, please enter 0 if there are none involved in this application?		
0		
<b>Tasmania Heritage Register</b>		
Is this property on the Tasmanian Heritage Register?		
<input type="radio"/> No		
<b>Documents</b>		
<b>Required Documents</b>		
Title (Folio text and Plan and Schedule of Easements)		
SWAN ST_TITLE COMPLETE-165548-3.pdf		
Plans (proposed, existing)		
SWAN STREET PARK UPGRADE - REVISED DA - REV-E-210119.pdf		
<b>Supporting Documents</b>		

Architectural Description
SWAN STREET - DESIGN STATEMENT_210119.pdf
Land Owner Consent
Landowner Consent.pdf

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 165548	FOLIO 3
EDITION 1	DATE OF ISSUE 01-May-2013

SEARCH DATE : 11-Dec-2019

SEARCH TIME : 04.58 PM

DESCRIPTION OF LAND

City of HOBART

Lot 3 on Sealed Plan 165548

Derivation : Part of 7A-OR-20P Gtd. to John Swan

Prior CT 63449/3

SCHEDULE 1

B754586 Vesting the Land within described in THE UNITING  
CHURCH IN AUSTRALIA PROPERTY TRUST (TAS) pursuant to  
section 120 of the Land Titles Act 1980 Registered  
14-Jun-1994 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
SP165548 EASEMENTS in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

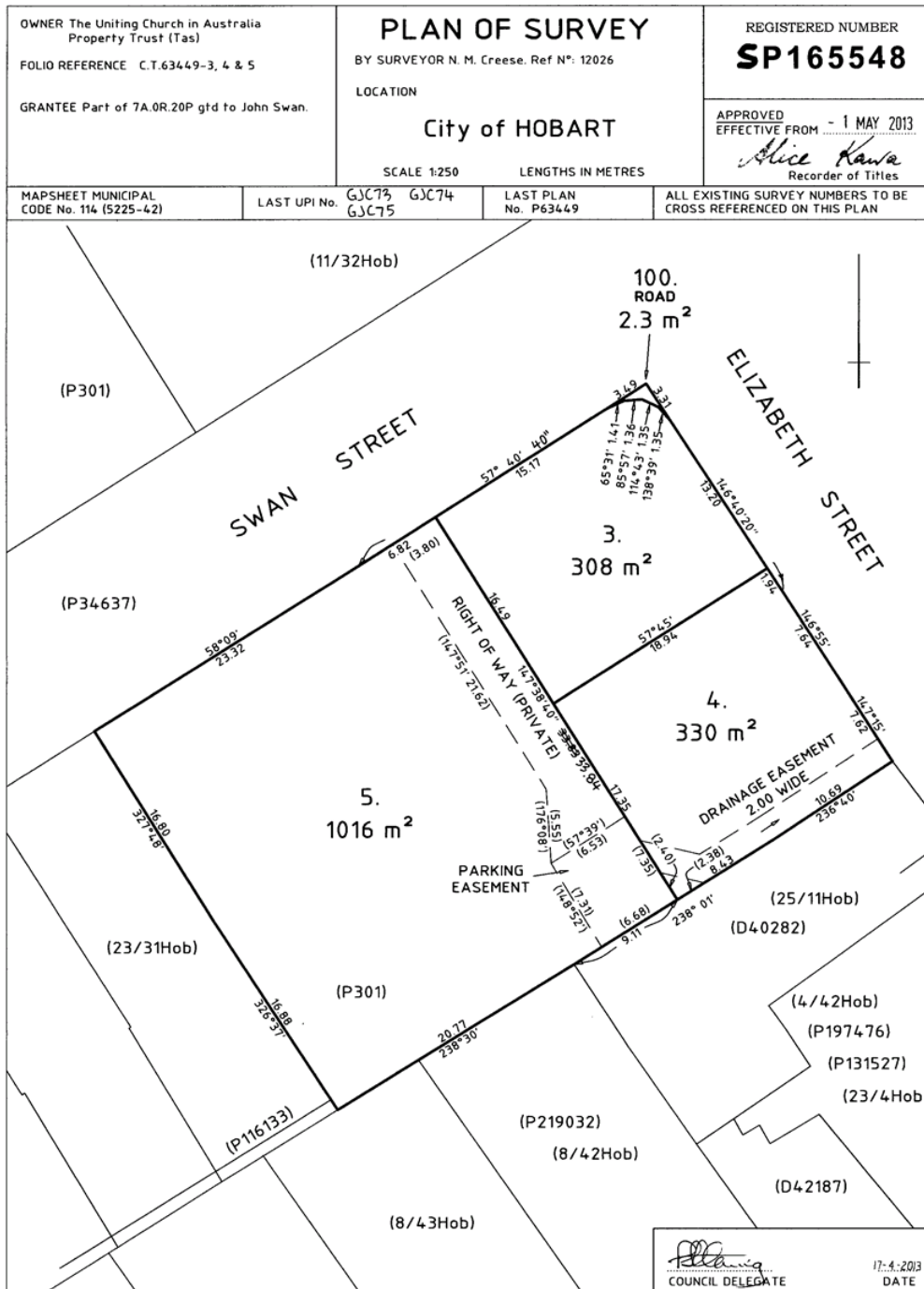




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>SCHEDULE OF EASEMENTS</b>	Registered Number
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	<b>SP165548</b>

PAGE 1 OF 2 PAGE/S

**EASEMENTS AND PROFITS**

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

**RIGHT OF WAY**

Lot 5 on the Plan is SUBJECT TO a Right of Carriageway marked as "Right of Way (Private)" appurtenant to Lots 3 and 4 on the Plan.

**PARKING EASEMENT**

Lot 5 is SUBJECT TO a General Parking Easement marked "Parking Easement" appurtenant to Lot 4 on the said Plan.

**DRAINAGE EASEMENT** - Right of Drainage

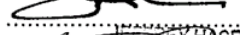
Lot 4 is SUBJECT TO a Drainage Easement marked "Drainage Easement 2.00 wide" appurtenant to Lot 5 on the Plan and the Hobart City Council.

**DEFINITION**

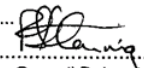
General Parking Easement is defined in Schedule 8 of the Conveyancing and Law of Property Act

EASEMENTS CONTINUED ON PAGE 2

The Common Seal of the Uniting Church in )  
Australia Property Trust (Tas) was hereunto )  
affixed in pursuance of a resolution passed at )  
a meeting of the Members of the Trust in the )  
presence of:- )

Member of Trust:   
Member of Trust:   
Isabel Thomas Dobson

**(USE ANNEXURE PAGES FOR CONTINUATION)**

SUBDIVIDER: Uniting Church in Australia FOLIO REF: Volume 63449 Folios 3, 4, 5 SOLICITOR & REFERENCE: Butler McIntyre & Butler, Jason Samec, 122080	PLAN SEALED BY: HOBART CITY COUNCIL DATE: 17-4-2013 5642513 (P1410/410) REF NO.  Council Delegate
<b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.	

F:\Data\Affinity\_Docs\UNIT-PRO\122080\UNIT-PRO\_122080\_013.DOT



The General Manager  
City of Hobart  
GPO Box 503  
HOBART 7001

Via Email: [mailto: coh@hobartcity.com.au](mailto:coh@hobartcity.com.au)

Dear Sir

**410 ELIZABETH STREET, NORTH HOBART**

I write as landowner of 410 Elizabeth Street, North Hobart.

We are writing to provide landowner consent for the City of Hobart to lodge a development action to redevelop the park on this site.

We have request to continue to work with the City of Hobart on the detailed design components.



Name **James Prentice Milne**

Organisation **THE UNITING CHURCH IN AUSTRALIA  
PROPERTY TRUST (TAS.)**

Position **Synod Property Officer**

NOTES  
- DO NOT SCALE OFF DRAWINGS  
- CHECK ALL DIMENSIONS ON-SITE

RFS  
19\_0092  
PROJECT  
'SWAN STREET PARK UPGRADE'

CoH CONTRACT NO.

-

- PURPOSE
- THIS SET OF DRAWINGS IS INTENDED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
  - THESE DRAWINGS ARE NOT FOR CONSTRUCTION

ISSUE  
E - DEVELOPMENT APPLICATION

PROJECT DATA

ADDRESS	410 ELIZABETH STREET HOBART
PID	3231947
TITLE REF	165548/3
LAND OWNER	UNITING CHURCH
LAND OWNER CONSENT	RECEIVED
CoH CLIENT GROUP	SHANNON AVERY - PARKS & CITY AMENITY
ARCHITECT	KEN BETLEHEM - DESIGN SERVICES - CoH
PROJECT DELIVERY	TO BE ADVISED
STRUCTURAL ENGINEER	JULIAN KONG - CoH
ELECTRICAL ENGINEER	JMG
HYDRAULIC ENGINEER	TBA
QUANTITY SURVEYOR	EXSTO
SITE AREA	TBA
ABORIGINAL HERITAGE TAS CONSENT	TBA
CULTURAL HERITAGE - CoH	DISCUSSIONS UNDERTAKEN
PLANNING PERMIT	REQUIRED
BUILDING PERMIT	NOT REQUIRED
DEVD	COMPLETED
UNDERGROUND ASSET INVESTIGATIONS	COMPLETED

DRAWING REGISTER

ARCHITECTURAL DRAWINGS BY DESIGN SERVICES - CITY OF HOBART

19-0092-A100	COVER PAGE
19-0092-A102	LAND OWNERSHIP & SITE PLAN
19-0092-A103	DEMOLITION PLAN
19-0092-A104	LAYOUT PLAN
19-0092-A105	MATERIALS PLAN
19-0092-A106	DRAINAGE PLAN
19-0092-A201	SECTIONS SHEET 1
19-0092-A202	SECTIONS SHEET 2
19-0092-A203	SECTIONS SHEET 3
19-0092-A301	PHOTO MONTAGE

REV	REVISION/ISSUE DESCRIPTION	DATE	 City of <b>HOBART</b>	HOBART COUNCIL CENTRE 10 ELIZABETH STREET GPO BOX 935 T: (03) 6238 2711 F: (03) 6234 9191 E: hag@hobartcity.com.au www.hobartcity.com.au	ISSUE: DEVELOPMENT APPLICATION		PROJECT DESCRIPTION SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART	DRAWN	RFS NUMBER
	DEVELOPMENT APPLICATION	17/10/2019						KB	RFS19_0092
	PRE-TENDER ESTIMATE BY QUANTITY SURVEYOR	28/04/2020						CHECKED	FILE
	DEVELOPMENT APPLICATION (REVISED)	10/09/2020						DRAWING TITLE	
	DEVELOPMENT APPLICATION (REVISED)	14/10/2020						JK	
REV	DEVELOPMENT APPLICATION (REVISED)	14/10/2020	 City of <b>HOBART</b>	HOBART COUNCIL CENTRE 10 ELIZABETH STREET GPO BOX 935 T: (03) 6238 2711 F: (03) 6234 9191 E: hag@hobartcity.com.au www.hobartcity.com.au	ISSUE: DEVELOPMENT APPLICATION		COVER PAGE	DRAWING TITLE	SHEET SIZE
	DEVELOPMENT APPLICATION (REVISED)	14/10/2020						JK	A3
	DEVELOPMENT APPLICATION (REVISED)	14/10/2020						DRAWING TITLE	
	DEVELOPMENT APPLICATION (REVISED)	14/10/2020						JK	
	DEVELOPMENT APPLICATION	19/01/2021						DRAWING TITLE	
CLIENT PARKS & CITY AMENITY		DATE 19/01/2021	SHEET NUMBER 100		VERSION E		SCALE 1:100@A3		

3-5

POST OFFICE  
412

SWAN STREET

ELIZABETH STREET

THE WINSTON  
381

379

STATE CINEMA  
375 - 367

UNITING CHURCH BUILDING  
2

BORN IN BRUNSWICK  
410

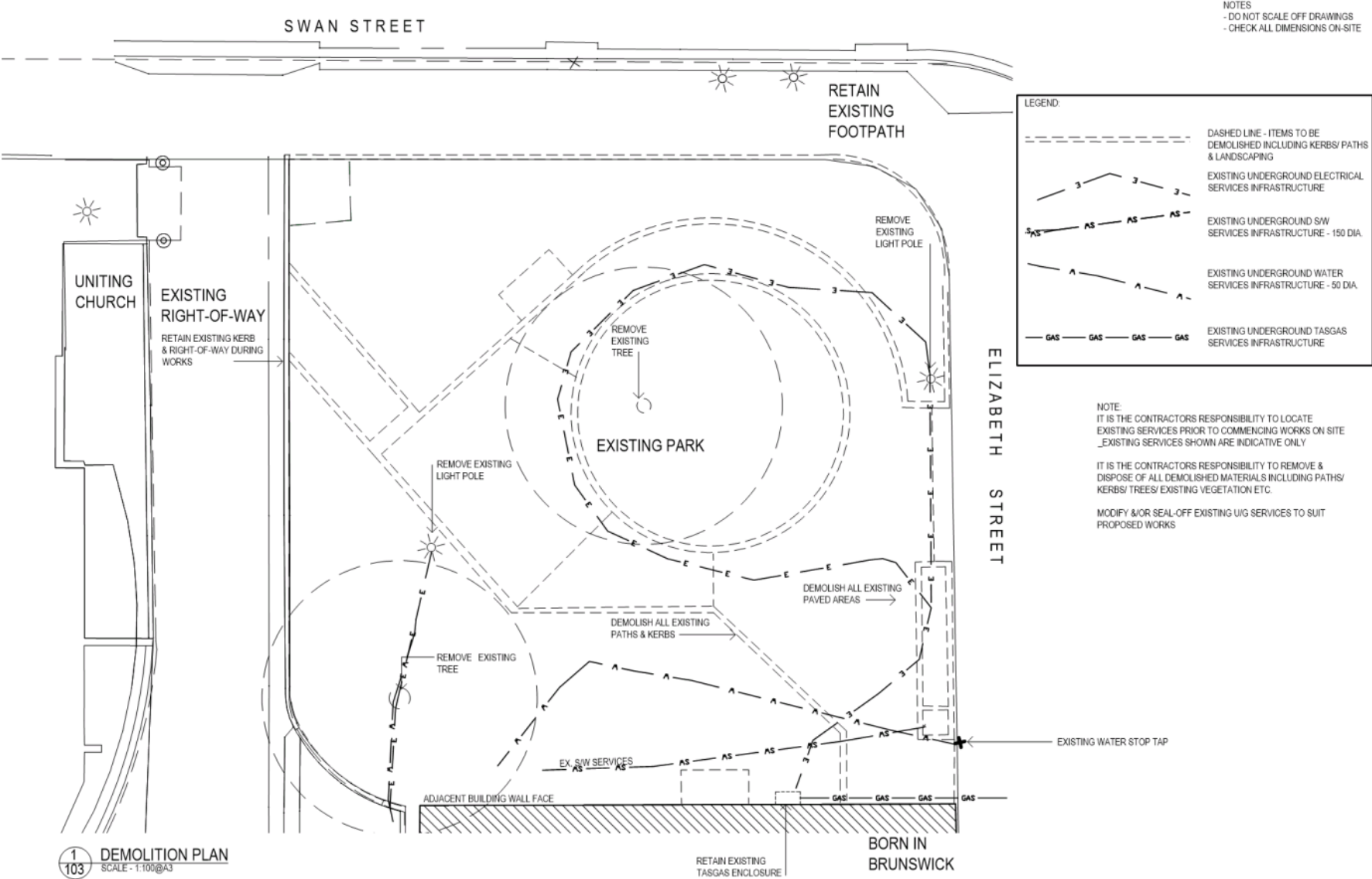
408 - 406

RIGHT OF WAY

PROPOSED PARK DEVELOPMENT

2 SITE PLAN  
102 SCALE - 1:500@A3

DRAWN	RFS NUMBER
KB	RFS19_0092
CHECKED	FILE
JK	
DISCIPLINE	SHEET SIZE
A	A3
SHEET NUMBER	REVISION
102	E



REV	REVISION/ISSUE DESCRIPTION	DATE
1	DEVELOPMENT APPLICATION	15/10/2019
2	PRE-TENDER ESTIMATE BY QUANTITY SURVEYOR	18/04/2020
3	DEVELOPMENT APPLICATION (REVISED)	16/09/2020
4	DEVELOPMENT APPLICATION (REVISED)	14/10/2020
5	DEVELOPMENT APPLICATION	19/01/2021



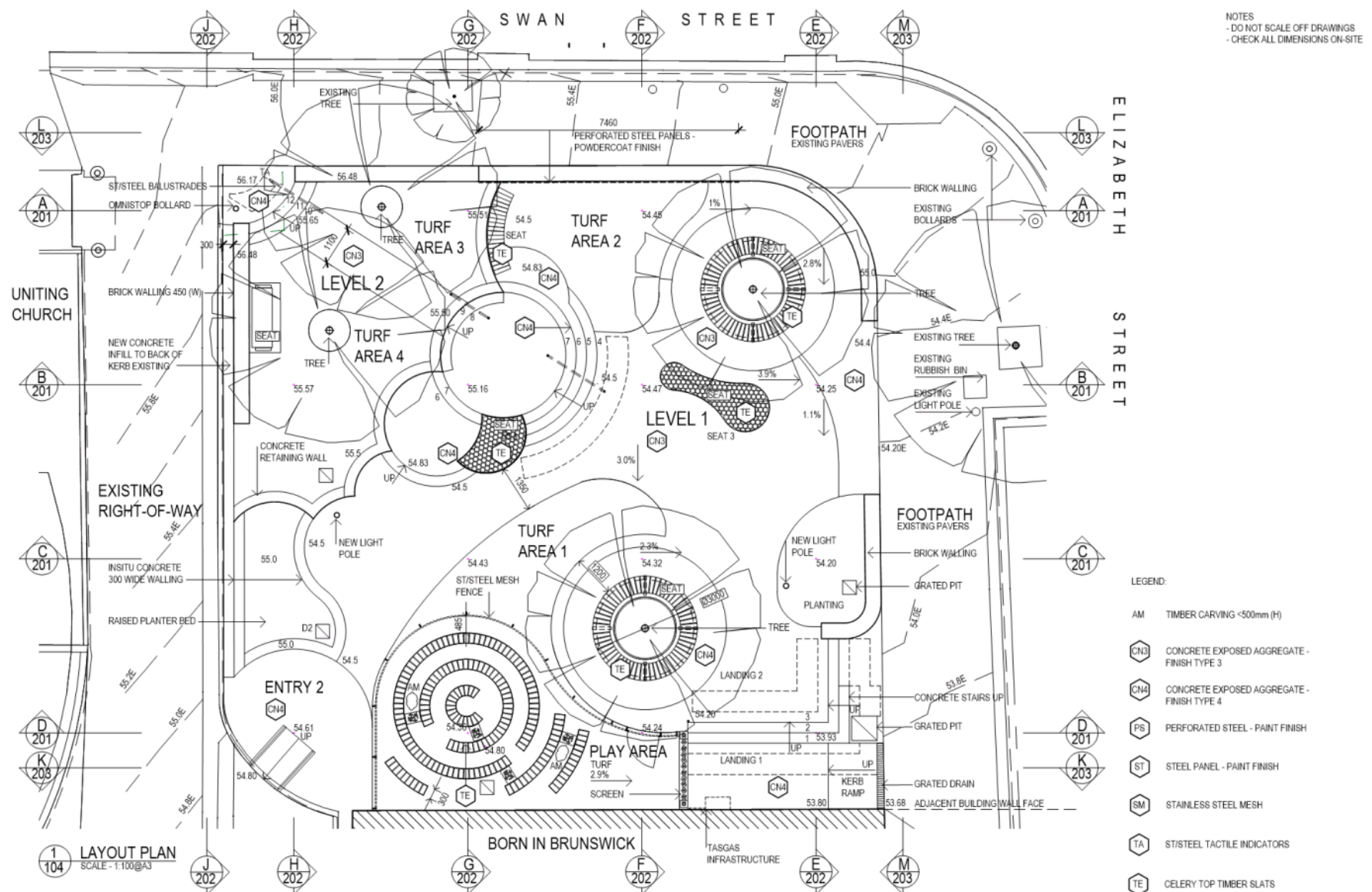
HOBART COUNCIL CENTRE  
10 ELIZABETH STREET  
GPO BOX 503  
T: (03) 6238 2711  
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[www.hobartcity.com.au](http://www.hobartcity.com.au)



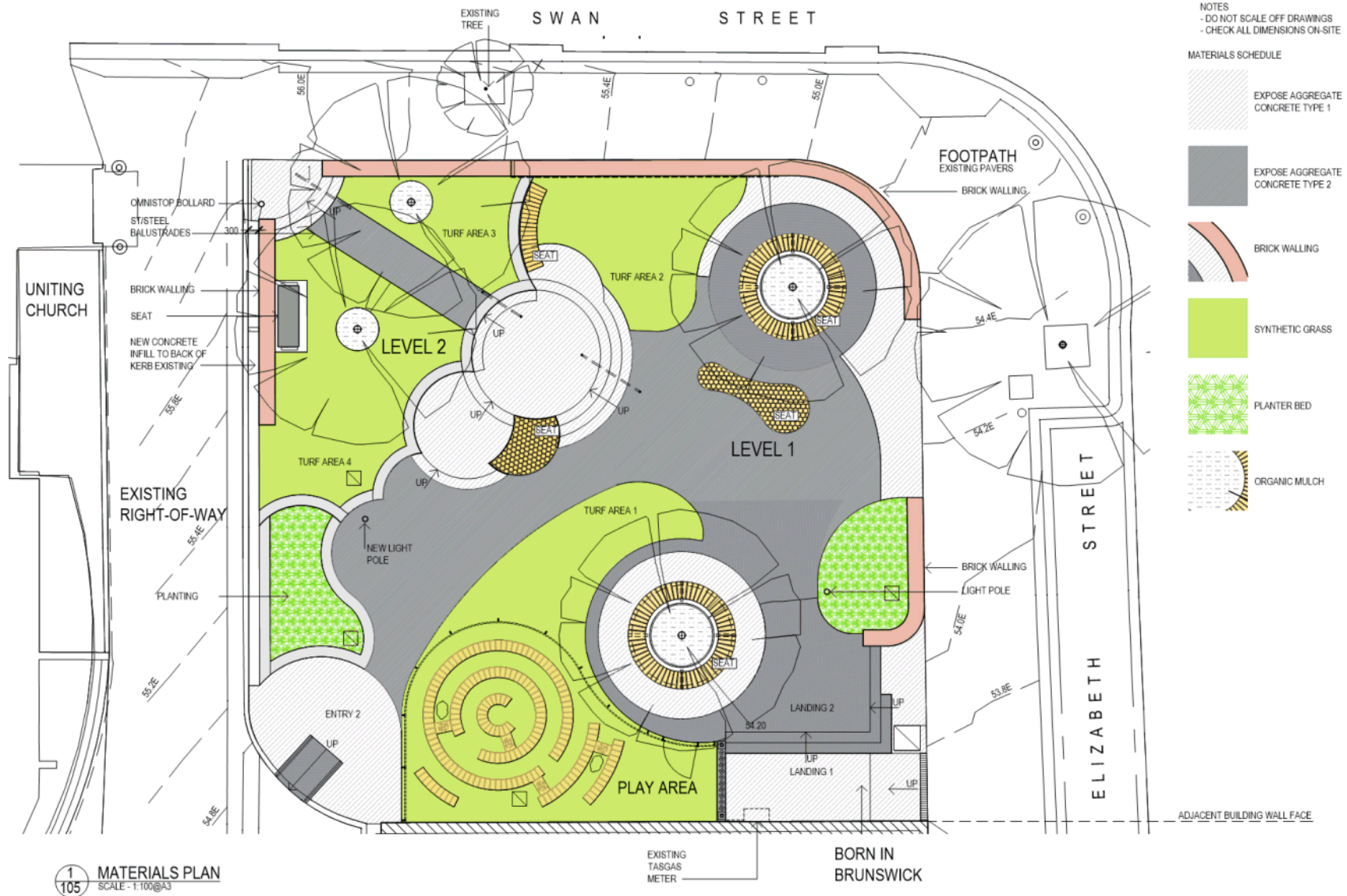
ISSUE: DEVELOPMENT APPLICATION

PROJECT DESCRIPTION	SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART	DRAWN	RFE NUMBER
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CLIENT	PARKS & CITY AMENITY	JK	DATE
DATE	19/01/2021	DECKONE	SHEET NUMBER
SCALE	1:100@A3	A	SHEET SIZE
			A3
			REVISION
			E





REV	REVISION/ISSUE DESCRIPTION		DATE	 <b>City of HOBART</b>	HOBART COUNCIL CENTRE 16 ELIZABETH STREET GPO BOX 633 HOBART TAS 7000 T: (01) 4228 2711 F: (01) 4224 4117 E: <a href="mailto:hobart@city.hobart.tas.au">hobart@city.hobart.tas.au</a> <a href="http://www.hobartcity.com.au">www.hobartcity.com.au</a>		ISSUE: DEVELOPMENT APPLICATION	PROJECT DESCRIPTION SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART	DRAWING NUMBER CHECKED J.K DEVELOPER A	SHEET NUMBER RFS19_0092 FILE SHEET SIZE A3 REGION E
	1	DEVELOPMENT APPLICATION	07/10/2019							
		PRE-TENDER ESTIMATE & QUANTITY SURVEYOR	09/04/2020							
		DEVELOPMENT APPLICATION (REVISED)	10/09/2020							
		DEVELOPMENT APPLICATION (REVISED)	14/10/2020							
	DEVELOPMENT APPLICATION	19/01/2021								
DATE		19/01/2021	SCALE		1:100(BA)	104				



REV	REVISION/ISSUE DESCRIPTION
01	DEVELOPMENT APPLICATION
02	PRI-TENDER ESTIMATE BY QUANTITY SURVEYOR
03	DEVELOPMENT APPLICATION (REVISED)
04	DEVELOPMENT APPLICATION (REVISED)
05	DEVELOPMENT APPLICATION



City of HOBART

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[www.hobartcity.com.au](http://www.hobartcity.com.au)



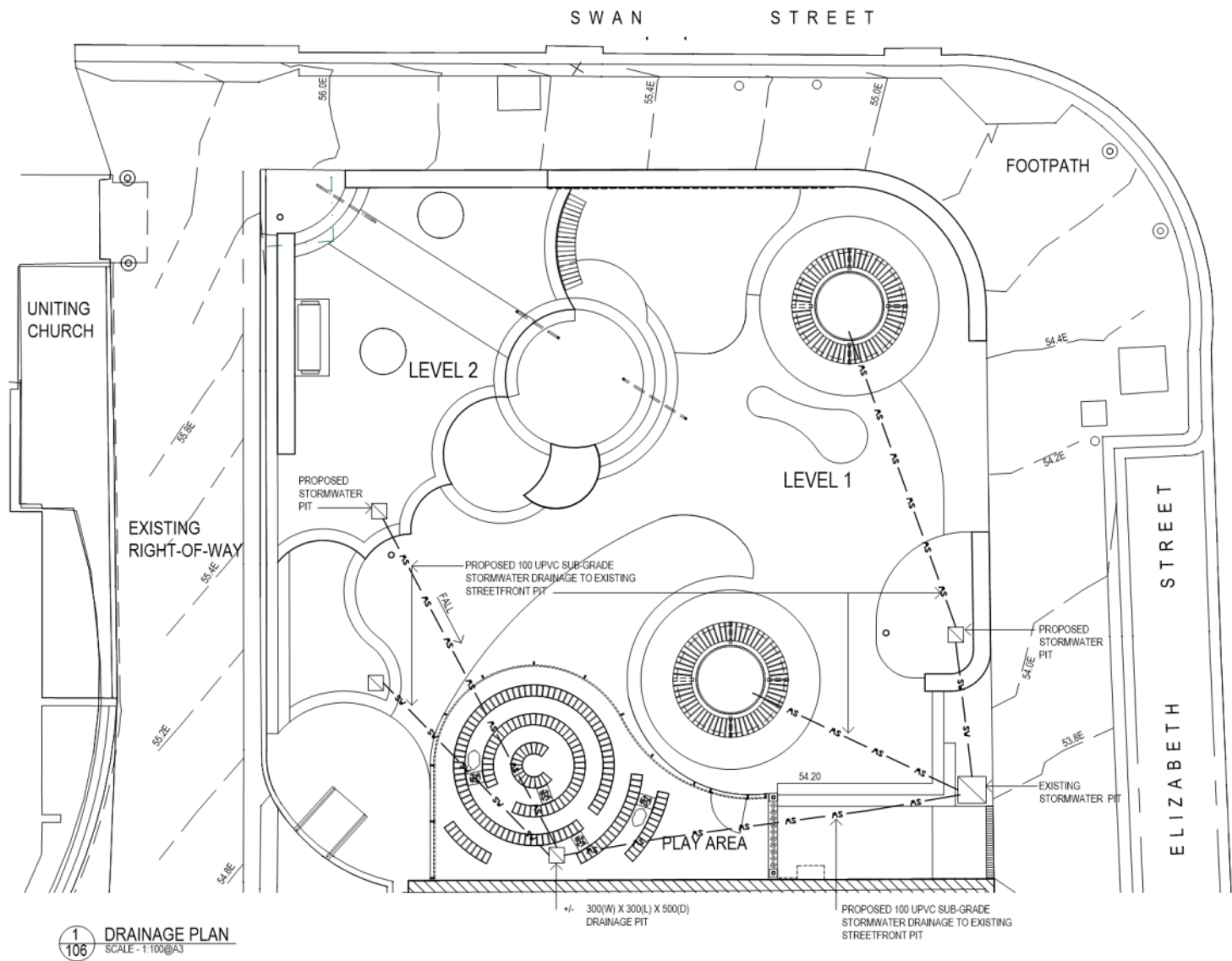
ISSUE: DEVELOPMENT APPLICATION

PROJECT DESCRIPTION
SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART

DRAWING TITLE  
MATERIALS PLAN

CLIENT	PARKS & CITY AMENITY
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DRAWN	RFS NUMBER
KB	RFS19_0092
CHECKED	FILE
JK	
DISCIPLINE	SHEET SIZE
A	A3
SHEET NUMBER	REVISION
105	E



NOTES  
- DO NOT SCALE OFF DRAWINGS  
- CHECK ALL DIMENSIONS ON-SITE

MATERIALS SCHEDULE

REV	REVISION/ISSUE DESCRIPTION	DATE
1	DEVELOPMENT APPLICATION	17/12/2019
2	PRE-TENDER ESTIMATE BY QUANTITY SURVEYOR	18/04/2020
3	DEVELOPMENT APPLICATION (REVISED)	16/09/2020
4	DEVELOPMENT APPLICATION (REVISED)	14/10/2020
5	DEVELOPMENT APPLICATION	19/01/2021



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[www.hobartcity.com.au](http://www.hobartcity.com.au)



ISSUE: DEVELOPMENT APPLICATION

PROJECT DESCRIPTION	SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART
DRAWING TITLE	DRAINAGE PLAN
CLIENT	PARKS & CITY AMENITY

DRAWN	KB	RFS 19_0092
CHECKED	ALC	
DATE	19/01/2021	
SCALE	1:100@A3	
SHEET NUMBER	106	
REVISION	A	



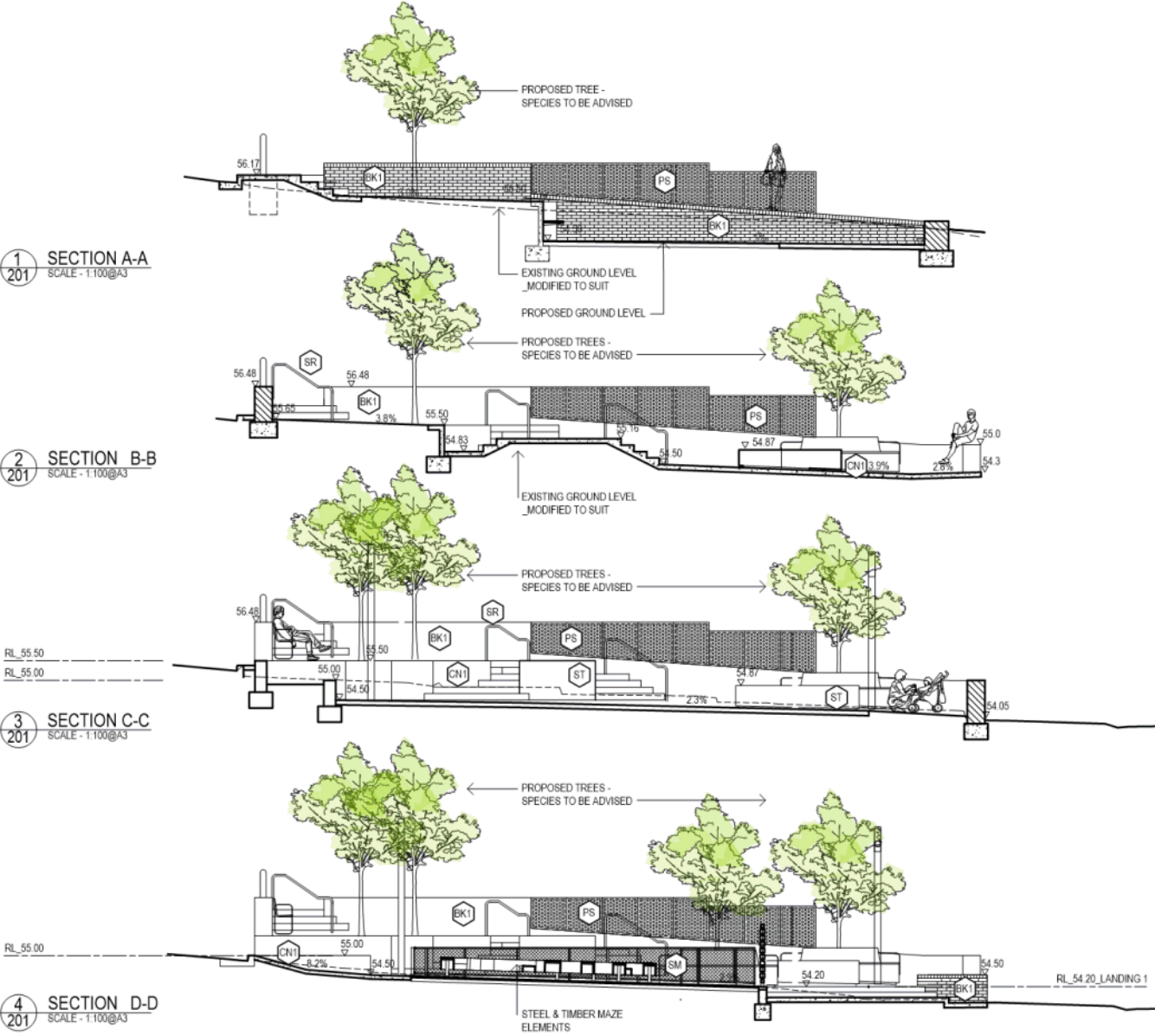
NOTES  
- DO NOT SCALE OFF DRAWINGS  
- CHECK ALL DIMENSIONS ON-SITE

1 SECTION A-A  
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2 SECTION B-B  
SCALE - 1:100@A3

3 SECTION C-C  
SCALE - 1:100@A3

4 SECTION D-D  
SCALE - 1:100@A3



LEGEND:	COLOUR:
BK1 BRICK - FINISH TYPE 1	
CN1 CONCRETE WALLING - FINISH TYPE 1	
PS PERFORATED STEEL - CHARCOAL FINISH	
ST STEEL PANEL - PAINT FINISH	
SM STAINLESS STEEL MESH	
SR STAINLESS STEEL HANDRAILS	

REV	REVISION/ISSUE DESCRIPTION	DATE
1	DEVELOPMENT APPLICATION	11/11/2019
2	PRO-TENDER ESTIMATE BY QUANTITY SURVEYOR	04/04/2020
3	DEVELOPMENT APPLICATION (REVISED)	10/09/2020
4	DEVELOPMENT APPLICATION (REVISED)	14/10/2020
5	DEVELOPMENT APPLICATION	19/11/2021

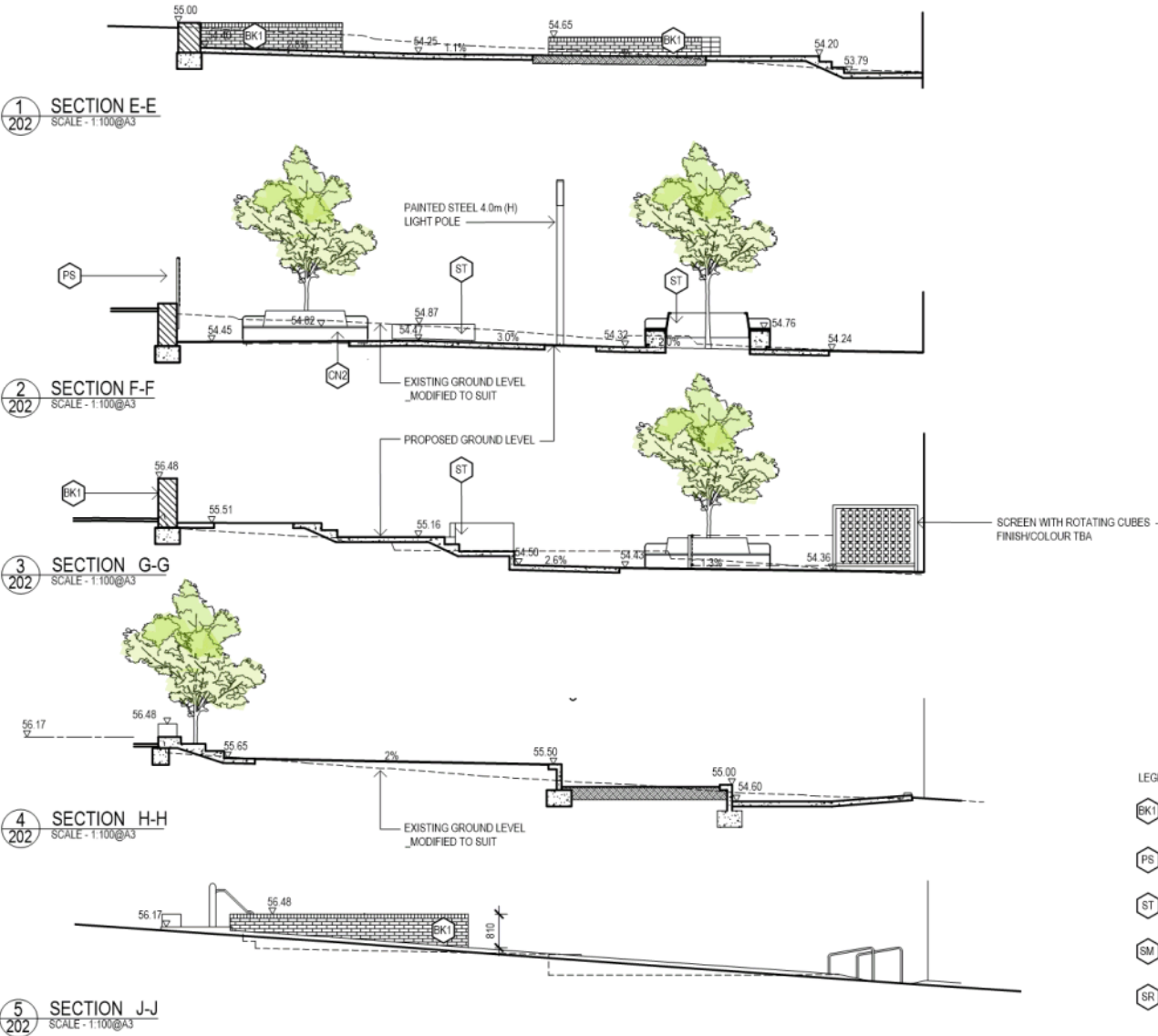


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ISSUE: DEVELOPMENT APPLICATION

PROJECT DESCRIPTION SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART	DRAWN KB	RFS NUMBER RFS19_0092
DRAWING TITLE SECTIONS - SHEET 1	CHECKED JK	FILE
CUSTOMER PARKS & CITY AMENITY	DESIGNED JA	SHEET SIZE A3
DATE 19/11/2021	SHEET NUMBER 201	REVISION E
SCALE 1:100@A3		

NOTES  
- DO NOT SCALE OFF DRAWINGS  
- CHECK ALL DIMENSIONS ON-SITE



LEGEND:	COLOUR:
BK1 BRICK - FINISH TYPE 1	
PS PERFORATED STEEL - CHARCOAL FINISH	
ST STEEL PANEL - PAINT FINISH	
SM STAINLESS STEEL MESH	
SR STAINLESS STEEL HANDRAILS	

REV	REVISION / ISSUE DESCRIPTION	DATE
1	DEVELOPMENT APPLICATION	17/11/2019
2	PROPOSED ESTIMATE BY QUANTITY SURVEYOR	26/04/2020
3	DEVELOPMENT APPLICATION (REVISED)	10/08/2020
4	DEVELOPMENT APPLICATION (REVISED)	14/10/2020
5	DEVELOPMENT APPLICATION	18/01/2021

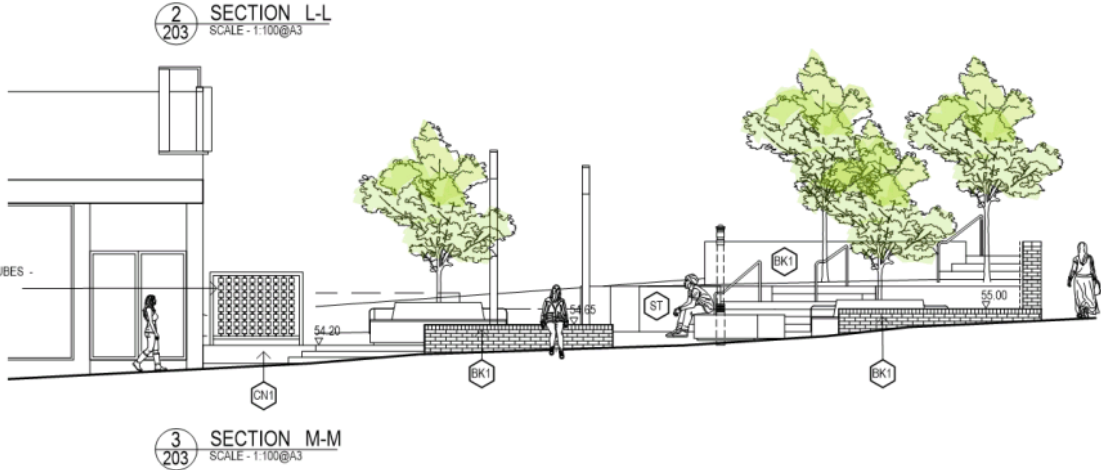
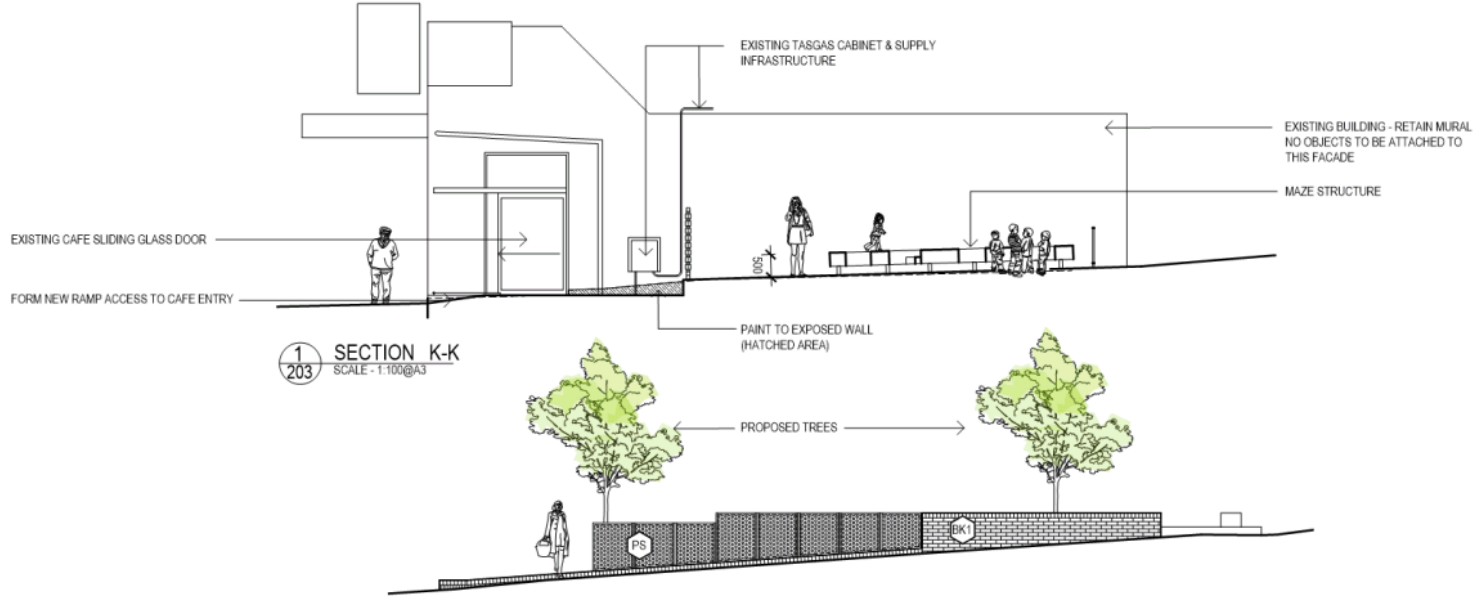


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[www.hobartcity.com.au](http://www.hobartcity.com.au)

ISSUE: DEVELOPMENT APPLICATION

PROJECT DESCRIPTION SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART	DRAWN KB	RFE NUMBER RFS19_0092
DRAWING TITLE SECTIONS - SHEET 2	CHECKED JLK	SHEET SIZE A3
CLIENT PARKS & CITY AMENITY	DATE 18/01/2021	CHEST NUMBER 202
	SCALE 1:100@A3	NOTES E

NOTES  
- DO NOT SCALE OFF DRAWINGS  
- CHECK ALL DIMENSIONS ON-SITE



LEGEND:		COLOUR:	
BK1	BRICK - FINISH TYPE 1		
CN1	CONCRETE WALLING - FINISH TYPE 1		
PS	PERFORATED STEEL - CHARCOAL FINISH		
ST	STEEL PANEL - PAINT FINISH		
SM	STAINLESS STEEL MESH		
SR	STAINLESS STEEL HANDRAILS		

REV	REVISION ISSUE DESCRIPTION	DATE
1	DEVELOPMENT APPLICATION	11/11/2019
2	PRO-TENDER ESTIMATE BY QUANTITY SURVEYOR	26/04/2020
3	DEVELOPMENT APPLICATION (REVISED)	10/08/2020
4	DEVELOPMENT APPLICATION (REVISED)	14/10/2020
5	DEVELOPMENT APPLICATION	19/01/2021



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[www.hobartcity.com.au](http://www.hobartcity.com.au)

ISSUE: DEVELOPMENT APPLICATION

PROJECT DESCRIPTION		DRAWN	RFE NUMBER
SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART		KB	RF S19_0092
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SECTIONS - SHEET 3		JK	
CLIENT		DISCIPLINE	SHEET SIZE
PARKS & CITY AMENITY		A	A3
DATE		CHECK NUMBER	REVISION
18/01/2021		203	E
SCALE			
1:100@A3			

NOTES  
- DO NOT SCALE OFF DRAWINGS  
- CHECK ALL DIMENSIONS ON-SITE



1 PHOTO MONTAGE  
301 SCALE: N/A



PROPOSED BRICKWORK.  
BOWRAL 76 'SHORTHORN' BRICKS BY  
AUSTRAL BRICKS - MORTAR COLOUR TBA

REV	REVISION/ISSUE DESCRIPTION	DATE
1	DEVELOPMENT APPLICATION	17/12/2019
2	PRE-FOUNDER ESTIMATE BY QUANTITY SURVEYOR	18/04/2020
3	DEVELOPMENT APPLICATION (REVISED)	10/06/2020
4	DEVELOPMENT APPLICATION (REVISED)	16/10/2020
5	DEVELOPMENT APPLICATION	19/01/2021



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ISSUE: DEVELOPMENT APPLICATION

PROJECT DESCRIPTION	DRAWN	DATE NUMBER
SWAN STREET PARK REDEVELOPMENT - 410 ELIZABETH STREET NORTH HOBART	KB	RFS 19_0092
DRAWING TITLE	CHECKED	DATE
PHOTO MONTAGE	JK	
CLIENT	DESCRIPTION	SHEET SIZE
PARKS & CITY AMENITY	A	A3
	DATE	DEVELOPER
	19/01/2021	
SCALE	301	E
N/A		



## DESIGN STATEMENT FOR SWAN STREET PARK UPGRADE

### involving

### DEMOLITION WORKS, TREE REMOVAL, PARK UPGRADE AND ASSOCIATED WORKS

### at

### 410 Elizabeth Street North Hobart

#### Introduction:

Presently Swan Street Park is a remnant urban park. There are existing paths in the park however access is limited and not DDA compliant. The park also contains 2 trees and 2 seats and some grassed areas. There are also existing non-functioning light poles. Whilst the seats do get some regular use and the park is evidently a short-cut through to Swan Street there is generally a sense that the space is poorly integrated & somewhat dilapidated in its highly regarded setting.

The park upgrade design has come about in light of this and in response to consultation & negotiations with the land owner – the North Hobart Uniting Church - together with North Hobart businesses & residents and City of Hobart Parks officers. The City of Hobart's Community Development team has also been across the development since its inception. Community consultation has been undertaken. There has also been an open discussion around the potential of the design to provide for indigenous involvement in the park's design.



*Swan Street Park – existing*

#### Use:

The desired use of this park developed from the stakeholder negotiations and has responded to the desire to see the space upgraded as an accessible, contemporary, playful and quiet space which provides the public with a variety of opportunities to sit, meet, rest & play. An earlier scheme which

effectively created an 'empty plaza' space was rejected. The intent here is to create a variety of intimate spaces accessible from the adjacent footpaths and right-of-way.



Swan Street Park – Proposal as seen from Elizabeth Street (note colours are illustrative only)

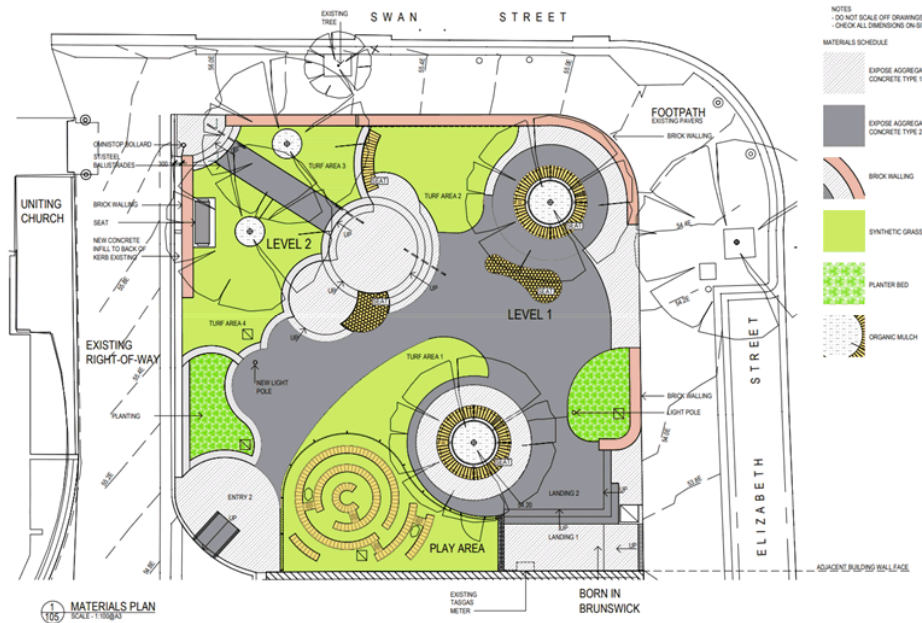
#### Heritage:

Any development on this site is required to meet the provisions of the 'Heritage Precinct Statement NH6' in the 'Hobart Interim Planning Scheme 2015'.

Discussions between the project architect – Ken Betlehem (CoH Design Services Unit) and City of Hobart Cultural Heritage Officer Nick Booth together with Development Appraisal Planner Officer Victoria Maxwell have been undertaken. The importance of the sites heritage value & context as outlined in NH6 is recognised in the design through the design layout and the use of brickwork in the proposal. In this way the project creates a visible & material connection with the heritage of North Hobart.

Brick masonry references the presence of brickwork across the precinct especially in the buildings of Swan Street. The use of brickwork softens the proposal & enables it to better integrate into the scale of the street. The colour of the proposed masonry responds to the tonal range of brickwork colours of the precinct. This is a contemporary scheme responding to – but not mimicking - the heritage context. The intent is to deliver a scheme appropriate to the historic setting.

Note that the colour and arrangement of the brick masonry shown is illustrative only. For reference the intent is to utilise brick unit is equal or similar to 'Bowral 76 Shorthorn' available from [australbricks.com.au](http://australbricks.com.au)



Swan Street Park – Proposed Layout

**Landscaping & Site Planning:**

The scheme makes two habitable platforms or levels of the site. Each level is accessed by a series of informal stairs that characterise the scheme. The platforms are furnished with turf areas together with timber seating areas containing trees. Exposed aggregate concrete paths and steps form the linkages across and through the site. The chosen materials help to create a visual softness in the heart of the scheme.

Access is primarily from Elizabeth Street however entry is also available from the right-of-way for people coming from the neighbouring church. The scheme also enables access diagonally across the park as well as for people coming from the adjoining café.

The proposed trees provide shading and ambience. Spaces are bound internally by smooth white concrete curved retaining walls. These curved concrete walls relate to the smooth rendered fenestration present on some of the adjacent buildings such as the State Cinema building and the 'Born in Brunswick' café next door.

A fenced turfed play area contains a low timber-and-steel 'maze' for young children and their carers to utilise.

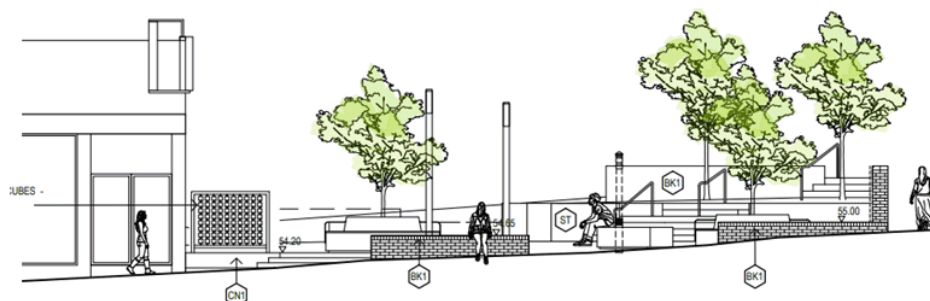
Exposed aggregate concrete paths are employed for their durability and visual softness and artificial turf is proposed to increase the ways in which people might engage with the space.

A familiar but soft & playful design language is thus employed. In this manner the work is one of sculpting the ground plane to create accessible and intimate spaces for people.

#### Planting:

There are two existing deciduous trees on the site, a Silver Birch and an Ash. These existing trees are proposed to be removed. The decision to remove the two existing trees is based on their relatively low landscape value and poor siting for wheelchair users.

The landscape design includes four (4) new semi-mature deciduous trees to replace these. The proposed trees are Ginkgo biloba 'Princeton Sentry' (x2) and Gleditzia "Ruby Lace" / "Sunburst". The proposed trees were selected for their fern-like foliage and autumn colour that complements the deciduous street trees in the surrounding streets and private gardens. The landscape design also includes two small garden beds that will be filled with a variety of colourful plants so as to be in-keeping with historic cottage gardens of the precinct.



#### Elizabeth Street Elevation

#### Conclusion:

Given the project context, the opportunity to completely re-design Swan Street Park is embraced in this scheme. The proposals utility, materials, scale and landscaping allow it to rightfully integrate into the heritage setting of the North Hobart café strip.

## Application Referral Cultural Heritage - Response

<b>From:</b>	Nick Booth
<b>Recommendation:</b>	Proposal is acceptable without conditions.
<b>Date Completed:</b>	
<b>Address:</b>	410 ELIZABETH STREET, NORTH HOBART
<b>Proposal:</b>	Park Upgrade including Partial Demolition, Alterations, Landscaping, Furniture, and Lighting
<b>Application No:</b>	PLN-21-31
<b>Assessment Officer:</b>	Michael McClenahan,

### Referral Officer comments:

This application relates to a small area of public open space fronting onto both Elizabeth Street and Swan Street which is managed as a formal garden, including several small semi-mature trees and seating. The site is Heritage Listed and also forms part of the Elizabeth Street Heritage Precinct (NH6) as set out in the Hobart Interim Planning Scheme (HIPS) 2015. The site is also included within the area applying to the North Hobart Specific Are Plan as set out in the HIPS 2015

This precinct is significant for reasons including:

1. The fine quality and quantity of Old Colonial, mid to late Victorian, Federation and Inter War commercial/residential buildings demonstrate its original mixed use nature
2. Intact individual houses that are representative examples of Old Colonial and Federation residential architecture.
3. The continuous two storey (mostly brick) facades, general uniformity of form and scale together with a distinctive nineteenth century subdivision pattern that create a consistent and impressive streetscape.
4. The front gardens of a few properties south of Burnett Street, and more recent street art are important aesthetic features that reinforce its mixed use character.

The proposal seeks the removal of the two existing semi-mature trees, light poles, paving and curbing to facilitate the planting of 4 new trees, turfed and raised areas of planting and hardstanding, concrete retaining walls, 6 new areas of seating, small steel mesh enclosed play space, low brick enclosing walls onto both the Elizabeth and Swan Street boundaries with additional perforated steel fencing onto Swan Street and new lighting poles.

With regard to demolition within Heritage Places and Precincts, E13.7.1 and E13.8.1 are relevant and require that -

‘demolition in whole or part of a heritage place (precinct) does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.’

The site in question appears as a gap within the built form and contains no materials or forms that are either of any heritage importance or speak of cultural heritage values other than being forms associated with the sites use as a public space. Whilst the removal of the trees could be

considered as unfortunate, their proposed replacement and the lack of trees being identified as part of the cultural character of the Precinct would indicate that this would not represent a loss of cultural values.

With regards to the proposed development, E13.7.2 'Buildings and Works other than Demolition' states that development at a heritage place should be

- (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.

Whilst E13.8.2 'Buildings and Works other than Demolition' states that development undertaken within a heritage precinct is sympathetic to the character of the precinct. Of particular note is the requirements set out in the North Hobart Specific Area Plan which states in part that the purpose of the plan is to ensure that

- (a) development of land fronting Elizabeth Street in the Local Business Zone in North Hobart is in conformity with and reinforces the characteristic uses in the street and the building forms that comprise the streetscape;
- (b) new development continues the traditional height and rectangular building form parallel to Elizabeth Street where buildings are either one or two storeys;
- (c) all new development is built to the street edge and improves pedestrian amenity and convenience;
- (e) the historic streetscape and particularly the red brick character of many individual buildings is retained;
- (f) painting of intact brickwork on the Elizabeth Street frontage does not occur;
- (h) development provides detail and architectural interest at various levels of the streetscape, inset doorways and associated detailing are encouraged as they contribute to the diverse pattern of the existing streetscape;
- (i) development reinforces the existing hierarchy and network of public spaces and does not build in laneways; and
- (j) integrated artwork/s are encouraged to contribute to the cultural and artistic focus that has developed in North Hobart.

It is considered that the above described characteristics and requirements of the North Hobart Specific Area Plan are primarily intended to control development in the form of new buildings or extensions to existing buildings and that as such, much would not apply to the proposed area of land and hardscaping proposed at this area of public open space. However, it is considered that the area of land still forms part of the identified streetscape of this section of Elizabeth Street, and that where possible, should attempt to respond and re-enforce these characteristics.

As a result of initial concerns raised by heritage officers, the proposal has been modified to include new low brick walls along the Elizabeth and Swan Street boundaries. By doing so, the way in which front building lines within the street are built up to the street edge (a significant and identified characteristic of the immediate townscape) is carried through to the Park. This also the open space to still maintain a sense of coherency with the more dominant built form whilst also identifying the boundary of the space, allowing it to read as a coherent plot, again mirroring the regular pattern of plot widths within the street. Importantly, the use of red brick to these low walls and the openings within them that reference doorways reflects both the materials and form of the buildings within the street. The impression is therefore one of an open space that springs from the style and form of the street in which it sits as opposed to as an entirely separate piece of streetscape.

Given the above, it is therefore considered that the proposed form, layout and materials of the



public open space represent a more coherent 'bookending' to the high street as opposed to the 'left over' remnant characteristic of the existing open space.

It is therefore considered that the proposal would have a positive impact upon the overall appearance of the Heritage Place and help to reinforce the significant characteristics of the Heritage Precinct as stated under Clauses E.13.8.1, E13.8.2 and P1, P2 and P3, and F2.0 and F2.3.

#### Response to Representation

One representation has been received which whilst broadly supportive of the proposal, queries why the opportunity hasn't been taken to include aspects of interpretive panels, statues or plaques intended to provide heritage overview. In response, whilst such markers of heritage can play an important role in explaining commemorating and celebrating aspects of social history, the site in of itself does not hold any specific cultural, historical or social importance and the inclusion of such a marker on this site and in this instance is not considered a requirement to ensure that the set of proposals are acceptable.

The proposal is therefore considered acceptable when measured against the performance criteria of HIPS 2015.

Nick Booth  
Heritage Officer  
25 February 2021



## **8. REPORTS**

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### **8.1 Building Statistics - 1 February 2021 - 28 February 2021 File Ref: F21/18966**

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Memorandum of the Acting Director City Planning of 9 March 2021 and attachments.

Delegation: Council



City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**Building Statistics - 1 February 2021 - 28 February 2021**

Attached is the building permits statistics for the period 1 February 2021 – 28 February 2021.

***RECOMMENDATION***

***That:***

The Director City Planning reports:

**Building Statistical Report:**

1. During the period 1 February 2021 to 28 February 2021, 46 permits were issued to the value of \$17,062,645 which included:
  - (i) 32 for extensions/alterations to dwellings to the value of \$8,743,350;
  - (ii) 7 new dwellings to the value of \$2,693,149; and
  - (iii) 2 Major Projects:
    - (a) 431 Elizabeth Street, North Hobart - new commercial building - \$3,950,000;
    - (b) 59 Sandy Bay Road, Sandy Bay - new commercial building - \$3,000,000;
2. During the period 1 February 2020 to 29 February 2020, 37 permits were issued to the value of \$6,405,825 which included:
  - (i) 22 for extensions/alterations to dwellings to the value of \$2,446,825;
  - (ii) 7 new dwellings to the value of \$1,900,000; and

(iii) No major projects:





1. In the twelve months ending February 2021, 655 permits were issued to the value of \$188,166,806; and
2. In the twelve months ending February 2020, 599 permits were issued to the value of \$243,723,952.

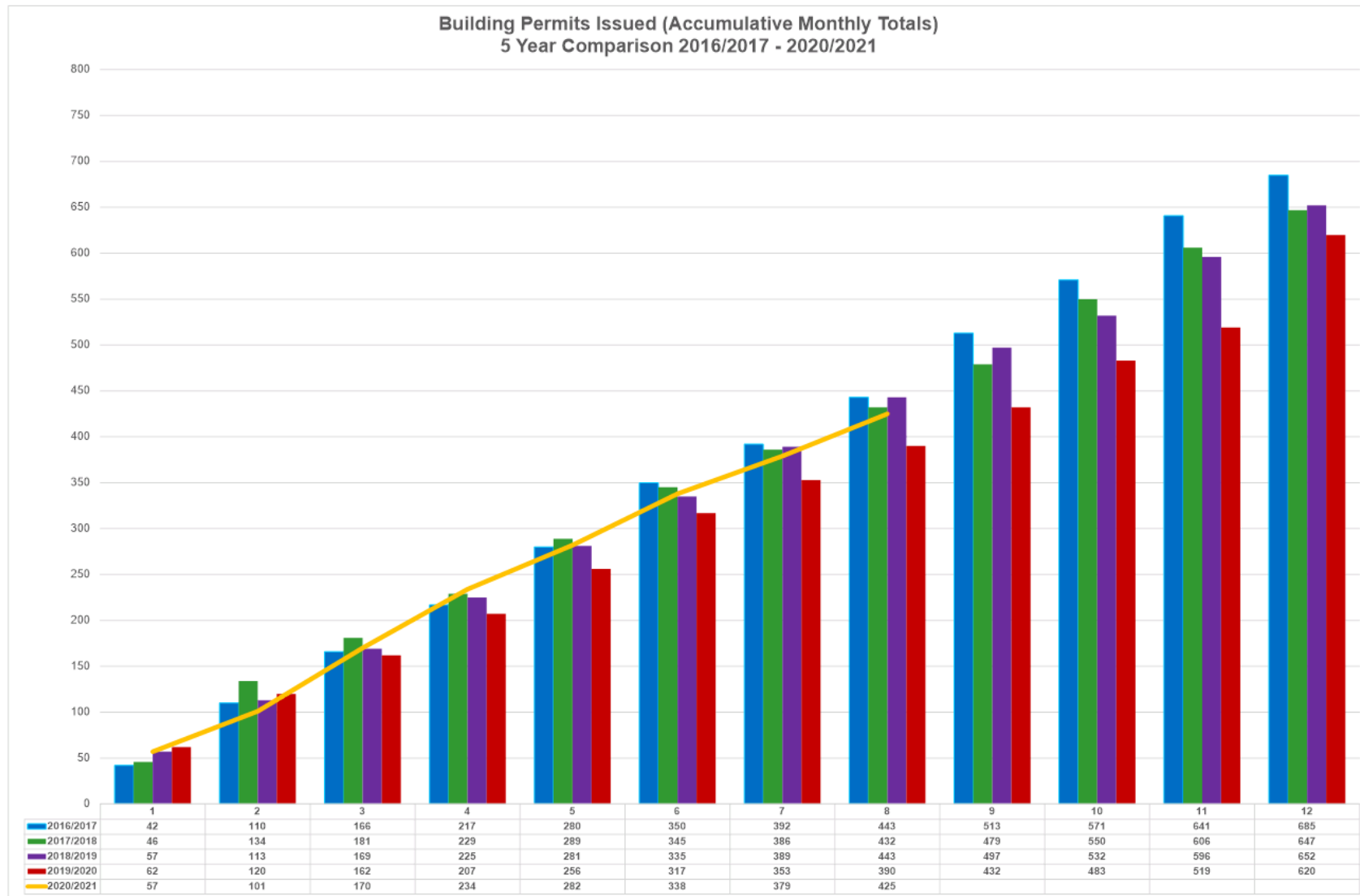
*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

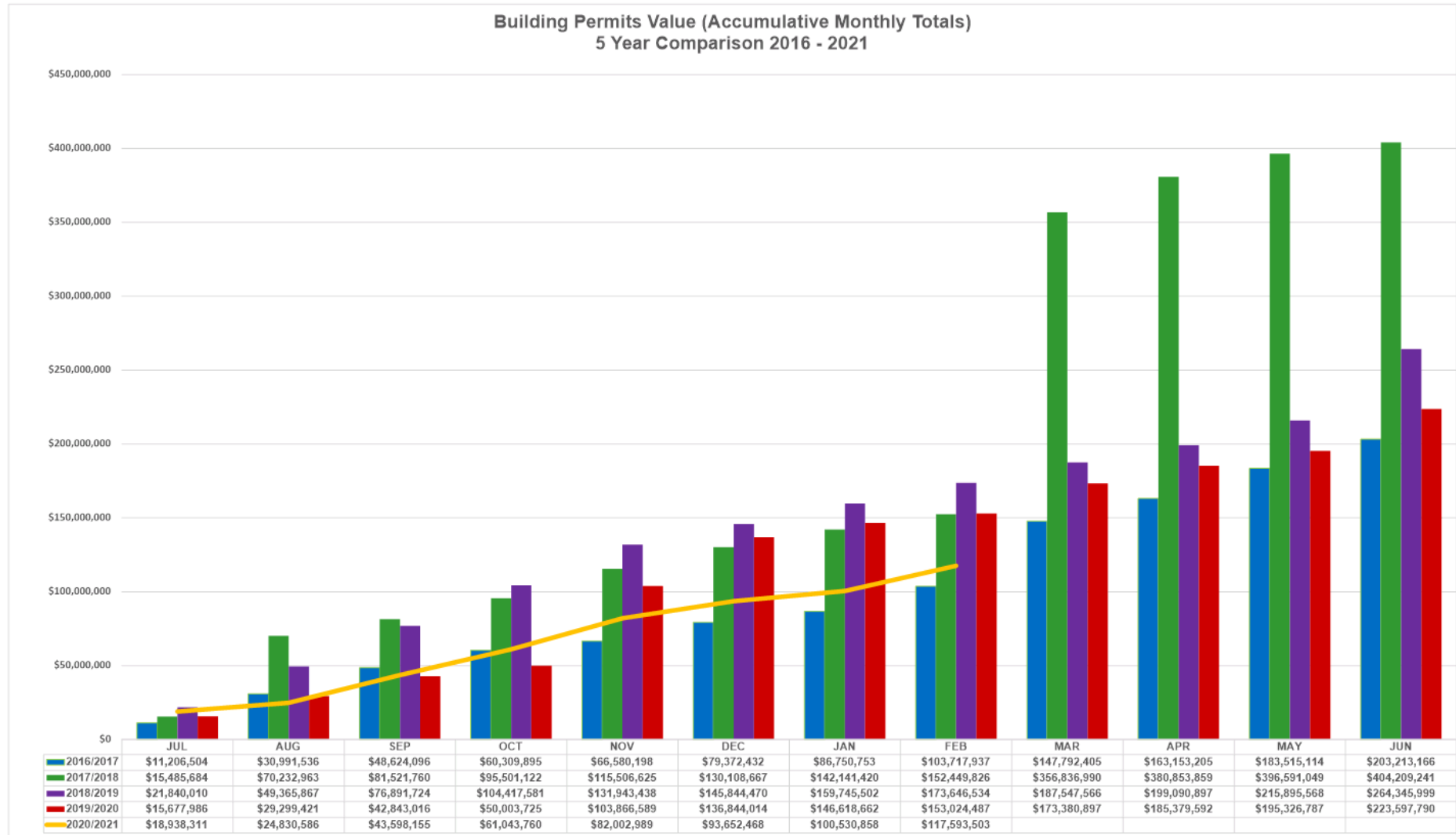


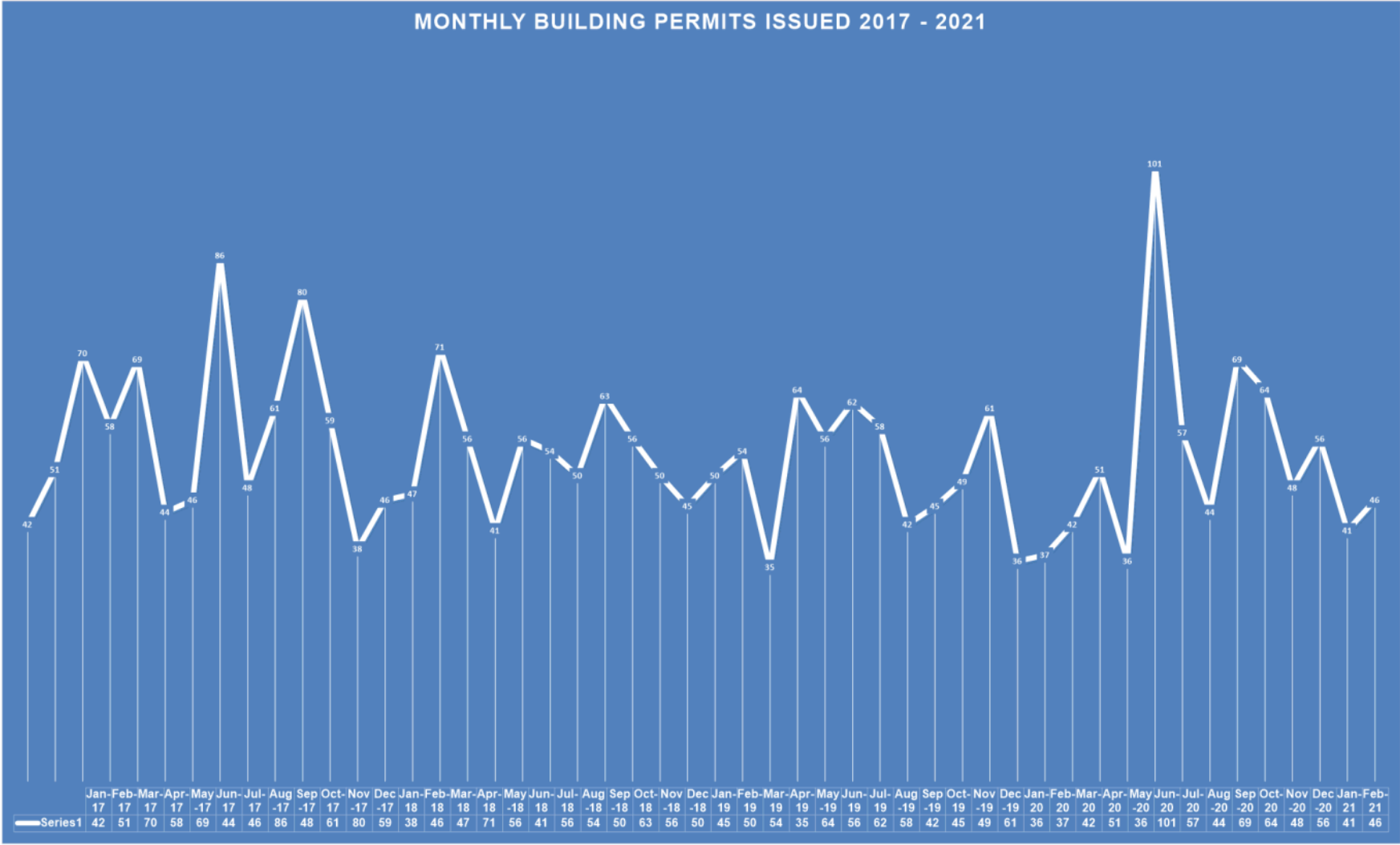
Karen Abey  
**ACTING DIRECTOR CITY PLANNING**

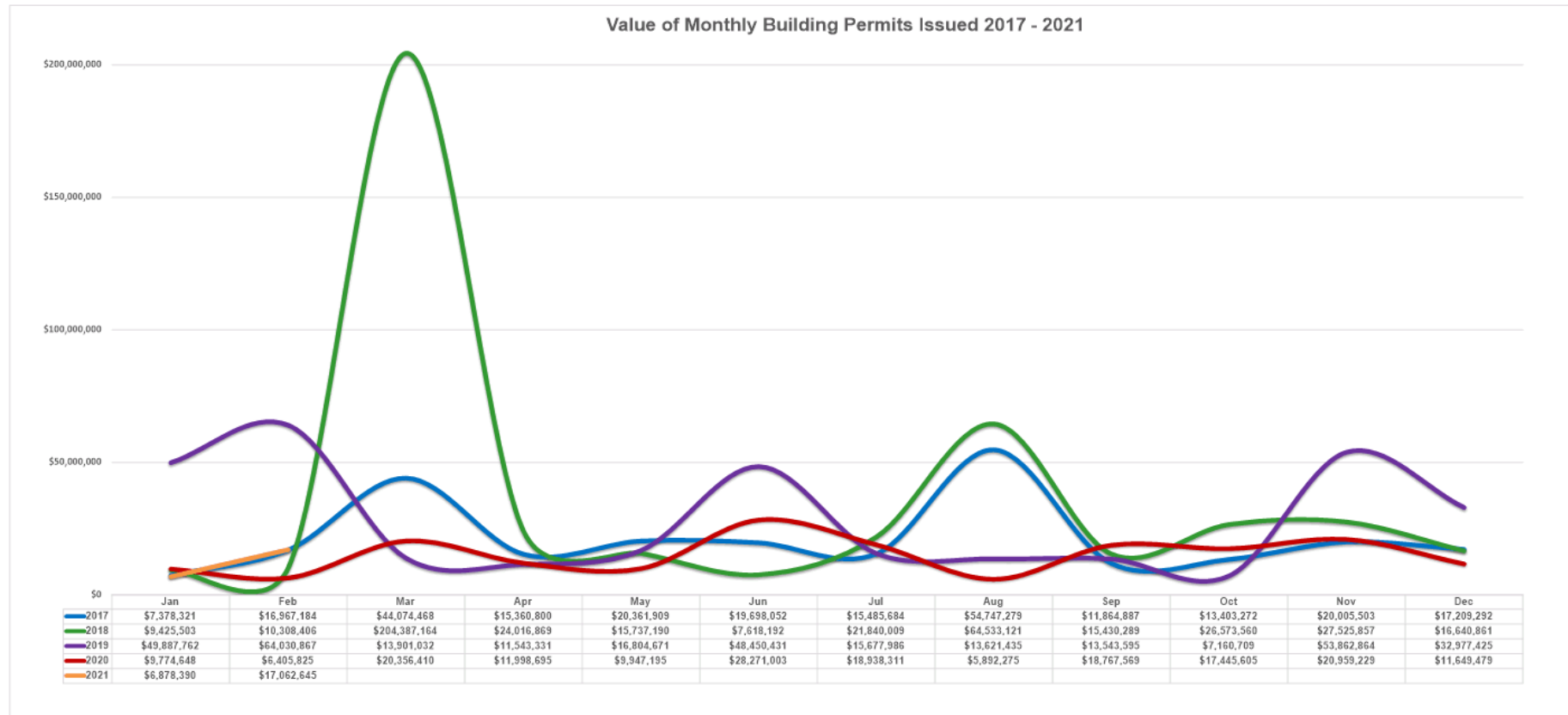
Date: 9 March 2021  
File Reference: F21/18966

- Attachment A: Building Permits Issued Accumulative Monthly Totals Bar Graph - Feb 2021 ↓ 
- Attachment B: Building Permits Value Accumulative Monthly Bar Graph - Feb 2021 ↓ 
- Attachment C: Monthly Building Permits Issued Line Graph 2017 - 2021 - Feb 2021 ↓ 
- Attachment D: Value of Monthly Building Permits Issued 2017 - 2021 Line Graph - Feb 2021 ↓ 











**8.2 Annual Development Data 2020**  
**File Ref: F21/19433**

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Memorandum of the Acting Director City Planning of 10 March 2021 and attachments.

Delegation: Committee



City of **HOBART**

## MEMORANDUM: CITY PLANNING COMMITTEE

### Annual Development Data 2020

The purpose of this report is to provide the Council with information on commercial and residential development within the municipality during 2020.

The information that is attached is:

- Major building approvals (\$1.5 million and over) issued in 2020.
- Visitor accommodation approvals July 2020 – December 2020; and
- Building approved residential dwellings 2020.

## RECOMMENDATION

**That:**



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

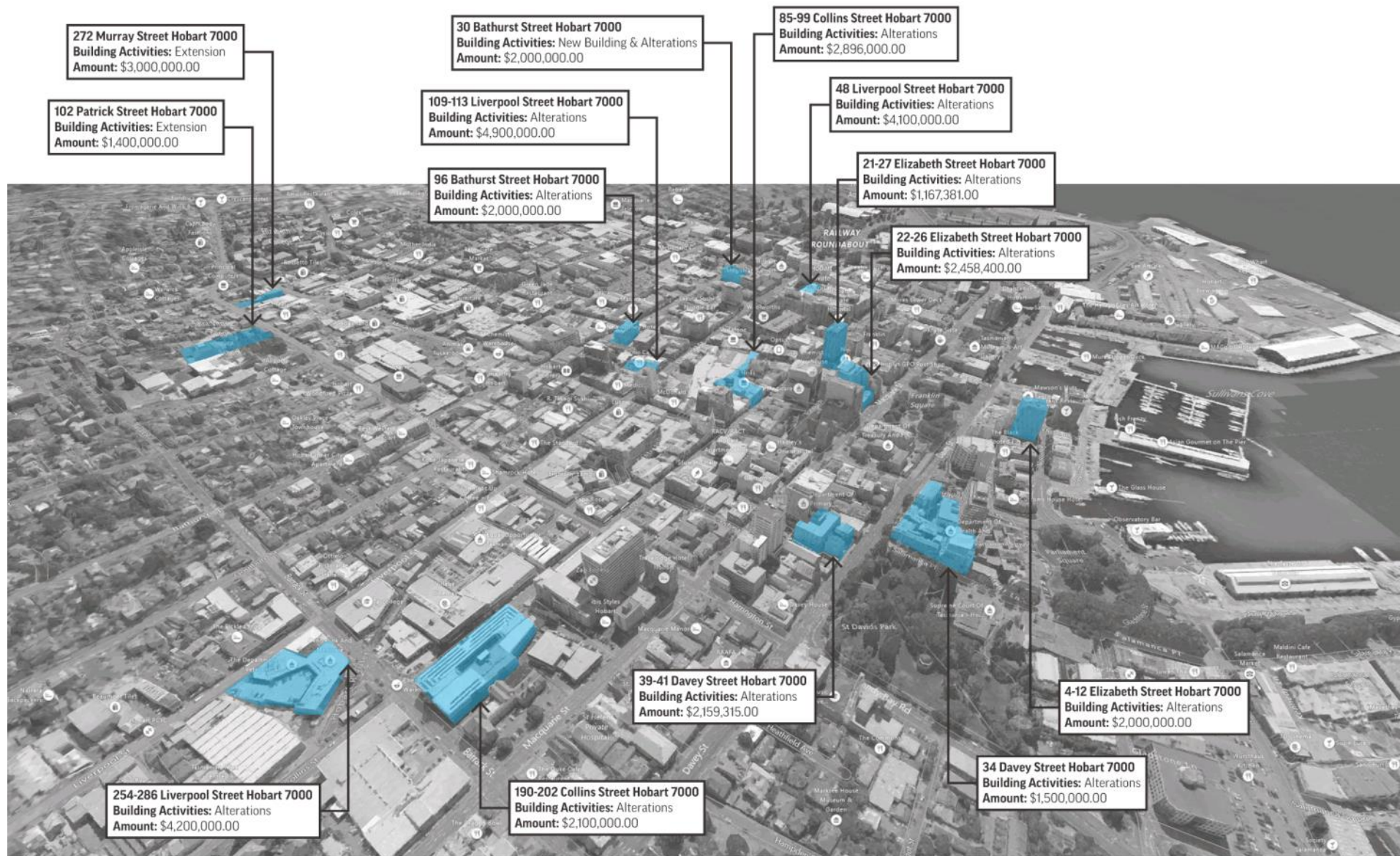
*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*

Karen Abey  
**ACTING DIRECTOR CITY PLANNING**

Date: 10 March 2021  
File Reference: F21/19433

Attachment A: Major Building Approvals 2020 ↓ 

- Attachment B: Visitor Accommodation Approvals - July 2020 to December 2020  
↓ 
- Attachment C: Approved Building Residential Dwellings 2020 ↓ 



**Major Building Applications / Activities 2020**



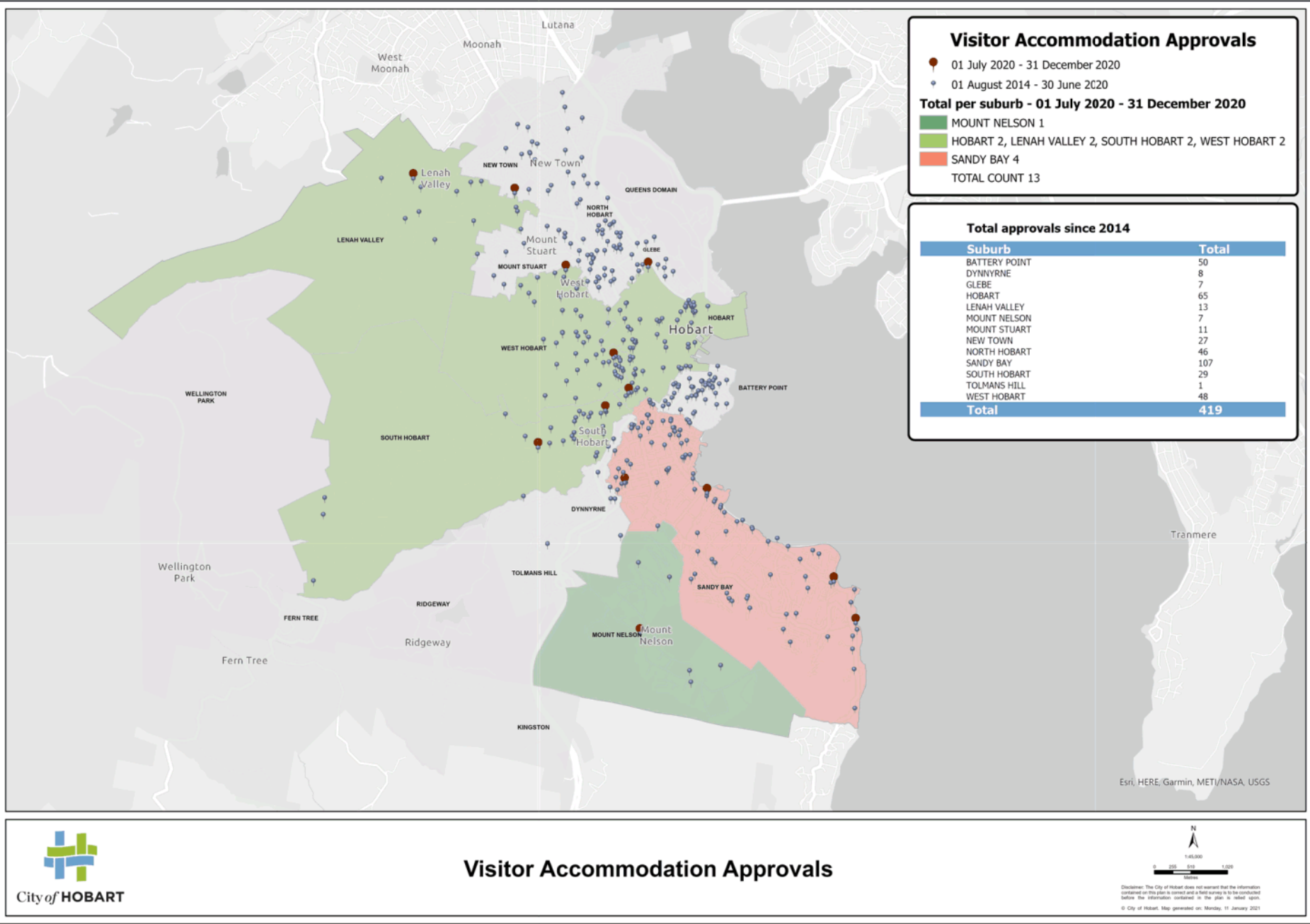


Major Building Applications / Activities 2020

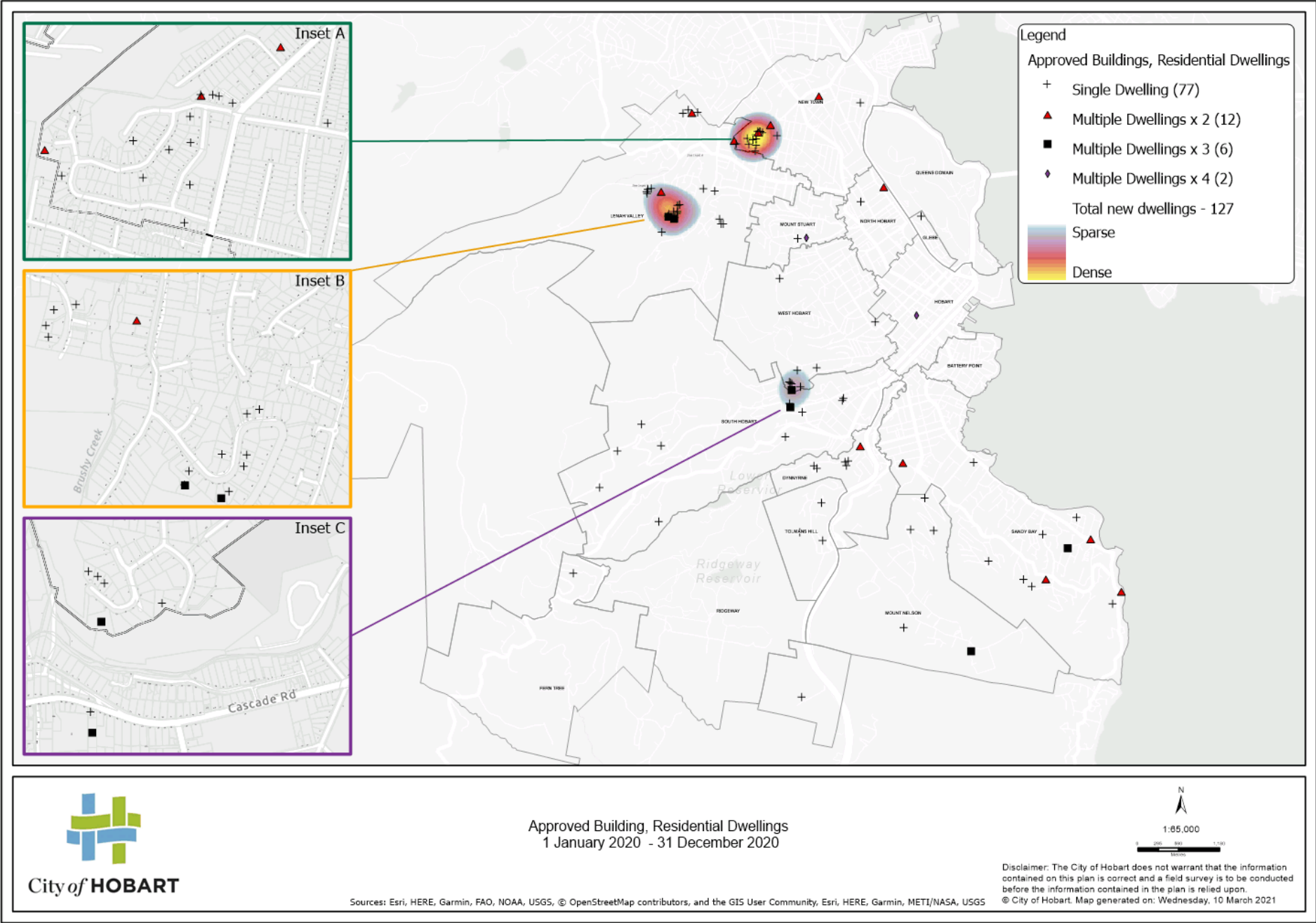


Major Building Applications / Activities 2020









**8.3 Planning Statistics - 1 February 2021 - 28 February 2021**  
**File Ref: F21/19886**

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Memorandum of the Acting Director City Planning of 9 March 2021 and attachments.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**Planning Statistics - 1 February 2021 - 28 February 2021**

Attached is the planning permits statistics for the period 1 February 2021 – 28 February 2021.

***RECOMMENDATION***

***That:***

The Director City Planning reports:

**Planning Statistical Report:**

1. During the period 1 February 2021 to 28 February 2021, 52 permits were issued to the value of \$10,987,100 which included:
  - (i) 28 extensions/alterations to dwellings to the value of \$6,025,000;
  - (ii) 10 new single dwellings to the value of \$3,680,000;
  - (iii) 2 multiple dwellings to the value of \$420,000;
  - (iv) 9 extensions/alterations to commercial properties to the value of \$862,000; and
  - (v) 1 major project:
    - (a) 2 Cross Street, New Town - demolition, addition and alterations to the value of \$2,500,000.
2. During the period 1 February 2020 to 29 February 2020, 67 permits were issued to the value of \$41,737,040 which included:

- (i) 38 extensions/alterations to dwellings to the value of \$7,573,040;
- (ii) 6 new single dwellings to the value of \$1,890,000;
- (iii) 79 multiple dwellings to the value of \$33,610,000;
- (iv) 14 extensions/alterations to commercial properties to the value of \$2,484,000; and
- (vi) 1 major project:
  - (a) 179-191 Murray Street, Hobart – 68 multiple dwellings to the value of \$30,000,000.





*# This report includes permits issued, exempt and no permit required developments*

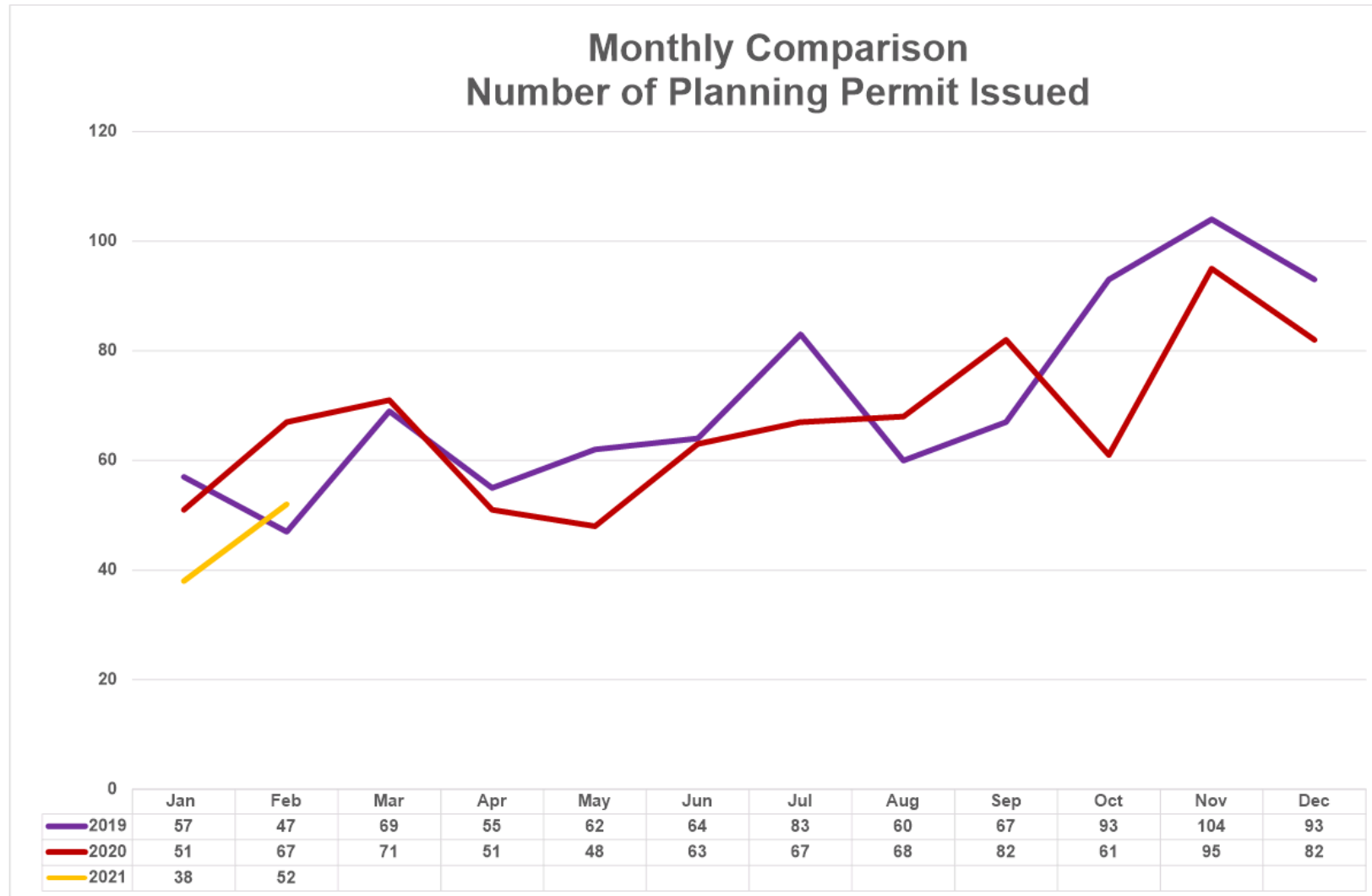
*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*



Karen Abey  
**ACTING DIRECTOR CITY PLANNING**

Date: 9 March 2021  
File Reference: F21/19886

- Attachment A: Monthly Comparison - Number of Planning Permit Issued Line Graph - Feb 2021 ↓ 
- Attachment B: Monthly Comparison Planning Approvals Value Line Graph - Feb 2021 ↓ 
- Attachment C: Number of Planning Permit Issued Accumulative Monthly Comparison Bar Graph - Feb 2021 ↓ 
- Attachment D: Value of Planning Permit Issued Bar Graph - Feb 2021 ↓ 





[illegible]





**8.4 City Planning - Advertising Report**  
**File Ref: F21/20096**

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Memorandum of the Acting Director City Planning of 9 March 2021 and attachment.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**City Planning - Advertising Report**

Attached is the advertising list for the period 22 February 2021 to 5 March 2021.

***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.*

Karen Abey  
**ACTING DIRECTOR CITY PLANNING**

Date: 9 March 2021  
File Reference: F21/20096

Attachment A: City Planning - Advertising Report ↓ 

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-900	33 A NEW TOWN ROAD	NEW TOWN	Partial Demolition, Alterations, and Change of Use to Business And Professional Services (Consulting Rooms)	\$200,000	22/03/2021	ayersh	Director	25/02/2021	12/03/2021
PLN-21-69	10 / 15 HUNTER STREET	HOBART	Partial Demolition, Alterations and Extension	\$75,000	27/03/2021	baconr	Committee	23/02/2021	10/03/2021
PLN-21-37	16 DUKE STREET	SANDY BAY	Partial Demolition, Alterations, Extension and Outbuilding	\$100,000	26/03/2021	baconr	Director	25/02/2021	12/03/2021
PLN-21-89	16 SMITH STREET	NORTH HOBART	Partial Demolition, Alterations and Partial Change of Use to Community Meeting and Entertainment (Art & Craft Centre)	\$5,000	04/04/2021	baconr	Director	26/02/2021	13/03/2021
PLN-20-574	19 RIDGEWAY ROAD	RIDGEWAY	Partial Demolition, Alterations, Extension, Carport, and Front Fencing	\$200,000	09/04/2021	baconr	Director	05/03/2021	20/03/2021
PLN-20-750	33 MARY STREET	NORTH HOBART	Extension and Deck	\$30,000	18/03/2021	langd	Director	23/02/2021	10/03/2021
PLN-21-77	20 BYRON STREET	SANDY BAY	Partial Demolition, Alterations, Extension and Outbuilding	\$500,000	18/04/2021	langd	Director	23/02/2021	10/03/2021
PLN-21-66	58 - 60 HALL STREET	RIDGEWAY	Partial Demolition, Alterations and Extension	\$150,000	09/04/2021	langd	Director	05/03/2021	20/03/2021
PLN-21-49	108 GIBLIN STREET	NEW TOWN	Partial Demolition, Alterations and Extension	\$75,000	03/04/2021	maxwellv	Director	26/02/2021	13/03/2021
PLN-21-91	12 CROSS STREET	NEW TOWN	Deck Extension	\$10,000	26/03/2021	maxwellv	Director	04/03/2021	19/03/2021

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-110	3 / 180 - 184 BATHURST STREET	HOBART	Alterations	\$3,000	31/03/2021	mcclenahan m	Director	04/03/2021	19/03/2021
PLN-21-129	217 MACQUARIE STREET	HOBART	Partial Demolition and Alterations	\$15,000	10/04/2021	mcclenahan m	Director	04/03/2021	19/03/2021
PLN-20-492	104 HARRINGTON STREET	HOBART	Change of Use to Dwelling	\$40,000	05/04/2021	mcclenahan m	Director	05/03/2021	20/03/2021
PLN-20-720	4 MCGUINNESS CRESCENT	LENAH VALLEY	Outbuilding	\$10,000	15/03/2021	nolanm	Director	22/02/2021	09/03/2021
PLN-20-657	43 LOWER JORDAN HILL ROAD	WEST HOBART	Partial Demolition, Alterations, and Extension	\$300,000	18/03/2021	nolanm	Director	01/03/2021	16/03/2021
PLN-21-19	4 - 5 MAGNET COURT	SANDY BAY	Signage	\$0	06/04/2021	nolanm	Director	02/03/2021	17/03/2021
PLN-21-59	134 MACQUARIE STREET	HOBART	Signage	\$0	27/03/2021	sherriffc	Director	25/02/2021	12/03/2021
PLN-21-76	163 WATERWORKS ROAD	DYNNYRNE	Partial Demolition, Alterations and Extension	\$250,000	24/03/2021	sherriffc	Director	25/02/2021	12/03/2021
PLN-21-75	4 - 5 MAGNET COURT	SANDY BAY	Signage	\$0	03/04/2021	sherriffc	Director	02/03/2021	17/03/2021
PLN-20-545	116 - 138 CAMPBELL STREET	HOBART	Partial Demolition, Extension, Alterations and Change of Use to Bulky Goods Sales	\$300,000	24/04/2021	sherriffc	Director	04/03/2021	19/03/2021
PLN-20-869	304 ELIZABETH STREET	NORTH HOBART	Partial Demolition, Alterations, Extension, Signage, Car Parking and Change of Use to Business and Professional Services	\$1,000,000	05/04/2021	sherriffc	Director	05/03/2021	20/03/2021
PLN-20-871	1 B BUCHANAN AVENUE	SANDY BAY	Partial Demolition, Alterations, and Carport	\$50,000	27/03/2021	smeea	Director	26/02/2021	13/03/2021

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-64	227 WARWICK STREET	WEST HOBART	Partial Demolition, Alterations and Extension	\$250,000	21/03/2021	smeea	Director	26/02/2021	13/03/2021
PLN-20-743	261 MACQUARIE STREET	HOBART	Partial Demolition, Alterations, Extension & Eight Multiple Dwellings (Six Existing, Two New)	\$850,000	18/03/2021	smeea	Director	01/03/2021	16/03/2021
PLN-21-65	16 OBERON COURT	DYNNYRNE	Partial Demolition, Alterations and Extension	\$65,000	18/03/2021	smeea	Director	01/03/2021	16/03/2021
PLN-21-87	10 EDWARD STREET (ALSO KNOWN AS 2 EDWARD STREET)	GLEBE	Partial Demolition, Alterations and Change of Use to Educational and Occasional Care	\$5,500,000	27/03/2021	smeea	Director	02/03/2021	17/03/2021
PLN-21-55	4 BUCHANAN AVENUE	SANDY BAY	Alterations and Works in Road Reserve	\$100,000	23/03/2021	smeea	Committee	04/03/2021	19/03/2021
PLN-21-95	1 / 65 HAMPDEN ROAD	BATTERY POINT	Partial Demolition, Alterations and Extension	\$250,000	06/04/2021	smeea	Director	04/03/2021	19/03/2021
PLN-21-97	40 SALAMANCA PLACE	BATTERY POINT	Signage	\$0	10/04/2021	smeea	Director	04/03/2021	19/03/2021
PLN-20-908	15 BEECHWORTH ROAD	SANDY BAY	Partial Demolition, Alterations, and Extension	\$400,000	24/03/2021	widdowsont	Director	26/02/2021	13/03/2021
PLN-21-24	36 FEDERAL STREET	NORTH HOBART	Partial Demolition	\$10,000	18/03/2021	widdowsont	Director	26/02/2021	13/03/2021
PLN-20-617	200 CAMPBELL STREET	NORTH HOBART	Partial Demolition, Alterations, Landscaping, Front Fencing, and Alterations to Carparking and Access	\$145,000	14/03/2021	widdowsont	Director	01/03/2021	16/03/2021

**8.5 Delegated Decision Report (Planning)**  
**File Ref: F21/20103**

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Memorandum of the Acting Director City Planning of 9 March 2021 and attachment.

Delegation: Committee





City of **HOBART**

**MEMORANDUM: CITY PLANNING COMMITTEE**

**Delegated Decision Report (Planning)**

Attached is the delegated planning decisions report for the period 22 February 2021 to 5 March 2021.

***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.*

Karen Abey  
**ACTING DIRECTOR CITY PLANNING**

Date: 9 March 2021  
File Reference: F21/20103

Attachment A: Delegated Decision Report (Planning) ↓ 

9 March 2021

**Delegated Decisions Report (Planning)**

21 applications found.

Planning Description	Address	Works Value	Approved	Withdrawn / Cancelled	All
			Decision	Authority	
PLN-19-859 Partial Demolition, Alterations, New Boat Shed and Extended Boat Ramp	8 CLARKE AVENUE BATTERY POINT TAS 7004	\$ 100,000	Approved	Delegated	
PLN-20-487 Subdivision (One Additional Lot)	44 FITZROY PLACE DYNMYRNE TAS 7005	\$ 0	Withdrawn	Applicant	
PLN-20-670 Partial Demolition, Alterations and Front Fencing	68 DAVEY STREET HOBART TAS 7000	\$ 45,000	Approved	Delegated	
PLN-20-714 Dwelling	47 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 500,000	Approved	Delegated	
PLN-20-808 Partial Demolition, Alterations, Extension, Ancillary Dwelling and Decks	18 NURSERY COURT LENA VALLEY TAS 7008	\$ 150,000	Approved	Delegated	
PLN-20-822 Fencing	8 BALDWIN PLACE LENA VALLEY TAS 7008	\$ 2,000	Exempt	Delegated	
PLN-20-848 Subdivision (Boundary Adjustment)	30 COMMERCIAL ROAD NORTH HOBART TAS 7000	\$ 0	Approved	Delegated	
PLN-20-884 Change of Use to Business and Professional Services and Alterations	10 WILMOT STREET HOBART TAS 7000	\$ 1,000	Approved	Delegated	
PLN-20-898 Demolition, Addition and Alterations	2 CROSS STREET NEW TOWN TAS 7008	\$ 2,500,000	Approved	Delegated	
PLN-20-910 Partial Demolition, Alterations and Extension	59A RED CHAPEL AVENUE SANDY BAY TAS 7005	\$ 150,000	Approved	Delegated	
PLN-21-147 Partial Demolition and Alterations	21 PEDDER STREET NEW TOWN TAS 7008	\$ 15,000	Exempt	Delegated	
PLN-21-2 Dwelling	11 RIBBON GUM COURT MOUNT NELSON TAS 7007	\$ 950,000	Approved	Delegated	
PLN-21-20 Partial Demolition and Alterations	32 DAVEY STREET HOBART TAS 7000	\$ 45,000	Approved	Delegated	
PLN-21-25 Dwelling	46 WILLIAM COOPER DRIVE NEW TOWN TAS 7008	\$ 809,482	Approved	Delegated	
PLN-21-30 Alterations	38 LORD STREET SANDY BAY TAS 7005	\$ 15,000	Approved	Delegated	
PLN-21-36 Partial Demolition and Alterations	11 CLARE STREET NEW TOWN TAS 7008	\$ 675,000	Approved	Delegated	
PLN-21-46 Partial Demolition & Alterations and Partial Change of Use to General Retail and Hire and Signage	152 MACQUARIE STREET HOBART TAS 7000	\$ 100,000	Approved	Delegated	
PLN-21-50 Partial Demolition, Alterations and Change of Use to Single Dwelling	13 JENNINGS STREET NEW TOWN TAS 7008	\$ 150,000	Approved	Delegated	
PLN-21-51 Outbuilding	361 STRICKLAND AVENUE SOUTH HOBART TAS 7004	\$ 10,000	Exempt	Delegated	
PLN-21-53 Signage	1 FRANKLIN WHARF HOBART TAS 7000	\$ 15,000	Approved	Delegated	
PLN-21-82 Change of Use to Visitor Accommodation	30 WELLESLEY STREET SOUTH HOBART TAS 7004	\$ 0	Approved	Delegated	

**9. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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

**The General Manager reports:-**

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

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

**9.1 Potential Development Sites - Rail Corridor**  
**File Ref: F21/5513; 13-1-10**

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Memorandum of the Director City Planning of 9 March 2021.

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**

### **POTENTIAL DEVELOPMENT SITES - RAIL CORRIDOR**

**Meeting:** City Planning Committee

**Meeting date:** 18 January  
2021

**Raised by:** Councillor Harvey

**Question:**

With regards the reports completed on the potential development sites along the rail corridor can the Director advise what action or further advancement on the recommendations from the report have been initiated?

**Response:**

As part of the Hobart City Deal, a further project is being undertaken to develop a growth strategy along the Northern Suburbs Transit Corridor (NSTC). A key outcome of this work will be identifying key development opportunities and priorities along the NSTC. The brief for this work is being finalised and will be progressed over the coming year.

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

Neil Noye  
**DIRECTOR CITY PLANNING**

**Date:** 9 March 2021  
**File Reference:** F21/5513; 13-1-10

## **10. QUESTIONS WITHOUT NOTICE**

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Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the General Manager or the General Manager's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
  - (i) offer an argument or opinion; or
  - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, General Manager or General Manager's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
  - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
  - (ii) a written response will be provided to all Elected Members, at the appropriate time.
  - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

## **11. CLOSED PORTION OF THE MEETING**

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

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

The following items were discussed: -

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Consideration of supplementary items to the agenda
Item No. 3	Indications of pecuniary and conflicts of interest
Item No. 4	Planning Authority Items – Consideration of Items with Deputations
Item No. 5	City Acting as Planning Authority
Item No. 6	Questions Without Notice