



CITY OF HOBART

AGENDA

City Planning Committee Meeting

Open Portion

Monday, 19 April 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:

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

ORDER OF BUSINESS

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

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City Planning Committee Meeting (Open Portion) held Monday, 19 April 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

2. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 29 March 2021](#), are submitted for confirming as an accurate record.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

Recommendation

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

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

5. TRANSFER OF AGENDA ITEMS

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

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

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

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

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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

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

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

RECOMMENDATION

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

7. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

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

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.1.1 26 FITZROY PLACE, SANDY BAY AND 2 MONTGOMERY COURT, SANDY BAY - PARTIAL DEMOLITION, EXTENSION AND ALTERATIONS TO VISITOR ACCOMMODATION, CARPARKING AND SUBDIVISION (BOUNDARY ADJUSTMENT) PLN-20-827 - FILE REF: F21/31889

Address:	26 Fitzroy Place, Sandy Bay and 2 Montgomery Court, Sandy Bay
Proposal:	Demolition, Extension and Alterations to Visitor Accommodation, Carparking and Subdivision (Boundary Adjustment)
Expiry Date:	7 May 2021
Extension of Time:	Not applicable
Author:	Richard Bacon





RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, extension and alterations to visitor accommodation, car parking and subdivision (boundary adjustment) at 26 Fitzroy Place and 2 Montgomery Court Sandy Bay TAS 7005 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A1 or P1 (a) and (b) of the *Hobart Interim Planning Scheme 2015* because it is an incompatible design through its height, scale, bulk, form, fenestration and siting being adjacent to an historic house in a large garden and it also results in the substantial diminution of heritage values through the loss of streetscape elements.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A2 or P2 (a) to (d) of the *Hobart Interim Planning Scheme 2015* because it will not be subservient and complementary to the listed place of an historic house in a large garden due to its scale, bulk, built

form and fenestration, setback and siting with respect to listed buildings.

- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because it does not respond to the heritage characteristics of the place in its materials, built form and fenestration.
- 4 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because it will result in detriment to the historic cultural heritage values of the precinct of an historic house in a large garden.

- Attachment A: PLN-20-827 - 26 FITZROY PLACE SANDY BAY
TAS 7005 - Planning Committee or Delegated
Report ↓ 
- Attachment B: PLN-20-827 - 26 FITZROY PLACE SANDY BAY
TAS 7005 - CPC Agenda Documents ↓ 
- Attachment C: PLN-20-827 - 26 FITZROY PLACE SANDY BAY
TAS 7005 - Planning Referral Officer Cultural
Heritage Report ↓ 
- Attachment D: PLN-20-827 - 26 FITZROY PLACE SANDY BAY
TAS 7005 - Planning Referral Officer Development
Engineering Report ↓ 



APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	26 April 2021
Expiry Date:	7 May 2021
Application No:	PLN-20-827
Address:	26 FITZROY PLACE , SANDY BAY 2 MONTGOMERY COURT , SANDY BAY
Applicant:	Liam Kaukenas (Engineering Plus) 81 Elizabeth Street Tony Klapsis (Klapsis & Associates Pty. Ltd.) Blackmans Bay Narelle Lobdale (Engineering Plus) 81 Elizabeth Street
Proposal:	Partial Demolition, Extension and Alterations to Visitor Accommodation, Car Parking and Subdivision (Boundary Adjustment)
Representations:	Three (3)
Performance criteria:	Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes, Road and Railway Assets Code, Parking and Access Code, Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for a partial demolition, extension and alterations to visitor accommodation, car parking and subdivision (boundary adjustment) at 26 Fitzroy Place and 2 Montgomery Court Sandy Bay.
- 1.2 More specifically the proposal includes:
 - A total of 4 new buildings and one repositioned building comprising a reception and five visitor accommodation units.
 - A new carpark would front Montgomery Court, and would include a minor boundary adjustment.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes - Use Standards

- 1.3.2 Historic Heritage Code - Demolition, Building, Works and Subdivision to a Heritage Listed Place, and within a Heritage Precinct
 - 1.3.3 Road and Railway Assets Code - Sight Distance at Access and Junctions
 - 1.3.4 Parking and Access Code -Design of Vehicular Accesses, Facilities for Commercial Vehicles
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between the 12th and 26th March 2021.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council because the recommendation is for refusal.

2. Site Detail

- 2.1 The site is within the Inner Residential Zone.
- 2.2 The site has been visited and the applicant met on site.

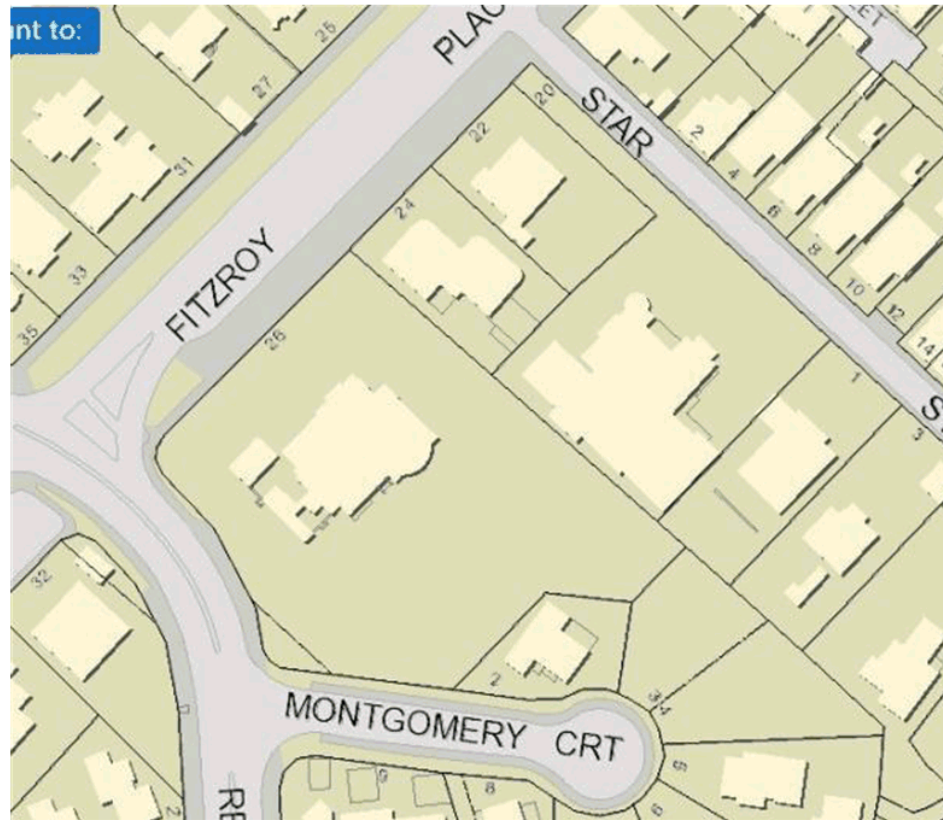


Figure 1 above: location plan.



Figure 2 above: aerial photograph.



Figure 3 above: Fitzroy Place frontage.



Figure 4 above: Regent Street and Montgomery Court frontage.



Figure 5 above: Montgomery Court frontage.

3. Proposal

- 3.1 Planning approval is sought for a partial demolition, extension and alterations to visitor accommodation, car parking and subdivision (boundary adjustment) at 26 Fitzroy Place and 2 Montgomery Court Sandy Bay TAS 7005.
- 3.2 More specifically the proposal is for:
- A total of 4 new buildings and one repositioned building comprising a reception and five visitor accommodation units.
 - A new carpark would front Montgomery Court, and would include a minor boundary adjustment.

4. Background

- 4.1 A previous similar application under PLN-19-918 was withdrawn dated the 10th November 2020.
- The withdrawal followed Council advice to the applicant that the application could not be re-advertised, pursuant to a recent decision of the Supreme Court with relation to Section 57 of the Land Use Planning and Approvals Act 1993.
- The application had been recommended for refusal of heritage and parking grounds. The City Planning Committee at its meeting dated the 31st August 2020 recommended deferral to allow further discussion with Council officers. Discussion had been continuing until the time of the Supreme Court decision.
- 4.2 A previous application under PLN-14-00413 for a Demolition (2 Montgomery Court), Alterations, Additions to Chapel for 2 Self Contained Visitor Accommodation Units, Partial Change of Use to Bed and Breakfast Accommodation, Parking Spaces, 6 New Flats, Fencing, Tree Removal and Landscaping was approved by Council dated 19 May 2019.

- 4.3 A further application under PLN-15-00606 for 26 Fitzroy Place and 2 Montgomery Court for a New Self Contained Visitor Accommodation Unit was approved by Council dated 7 July 2015.

5. Concerns raised by representors

- 5.1 Three (3) representation/s objecting to the proposal were received within the statutory advertising period between the 12th and 26th March 2021.
A legal opinion is attached to one of the representations.
- 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.

Parking and Access

-The proposed parking arrangement of three drive in/reverse out spaces and the 7.6m crossover will in our opinion result in removal of two of twelve on-street parking spaces in Montgomery not one as claimed by the applicant. These numbers are based on observation of every day parking practice and not the Australian Standard which does not appear to be followed;

-Montgomery Court is already very limited for on-street parking and is used by commuters for all day parking from early morning to early evening adding to pressure on the spaces available to residents. The approval of development at No.3-4 will bring further demand on the available spaces and we submit that any further reduction in on street parking should not be allowed when alternate options are available to the applicant;

-No. 26 Fitzroy Place already has two points of vehicle entry and associated parking areas and we suggest that the proposed additional 3 parking spaces could either be:

1. relocated to one of these other existing vehicle entries and parking areas or,
2. be re orientated in the current location such that it is accessed by a single width kerb crossing and loss of only one on street parking space. This would also allow vehicles to turn on site and exit the site in a safer forward direction;

-In terms of parking I fail to see how the introduction of a very wide access to Montgomery Court that would require residents to reverse into the road can be a safe option. I believe there is already two

driveways into the property so if the owners want to create a hotel out of the property I believe they should be required to accommodate parking requirements within the property. Imposing a new off-street parking area that would seriously detract from the leafy appeal of Montgomery court, remove public car parks and create a safety issue for their visitors backing into the road should not be approved;

- The proposed new 7.4m wide access crossover to Montgomery Court and three forward in reverse out parking spaces is completely inappropriate and contrary to the requirements within the HIPS Visitor Accommodation Zone Standards as well as the Parking and Access Code.

Assuming the proposed dwellings are maintained as Visitor Accommodation the proposal does not meet 11.3.2 A1(a) as the proposed 7.4m crossover and parking does not meet the Parking & Access Code.. The proposal does also not meet a number of the required Performance Criteria, namely:

- P1(a) not adversely impact residential amenity and privacy of adjoining properties (this requires additional information to assess as outlined below)
- P1(b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site
- P1(d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.

In regard to P1(b) the proposal clearly does not meet the maneuvering requirements as future visitors would be required to reverse into Montgomery Court 20m from the intersection with Regent Street rather than have the ability to turn onsite and exit in a forward motion.

In respect to 11.3.2 P1(d) there are a number of issues that would adversely impact the safety and efficiency of the road network;

- concern at road access and junctions;
- concern at number of vehicle accesses;
- Please refer to the attached legal review of traffic and access implications provided by

Naomi Billett of Billett Legal;

-The potential safety impacts of the proposed crossover and future occupant vehicle's entering the street in a reversing motion are significant. The site line of a vehicle entering Montgomery Court from Regent Street is extremely limited and will be further reduced with the introduction of the proposed landscaping. The distance of the proposed cross over to the Regent Street intersection is approximately 20m - fully one quarter of the minimum requirement of 80m under Table E5.1.

Heritage

-I don't believe the proposal meets the requirements of the Historic Heritage Code or the Road and Railway Assets Code
The Historic Heritage Code is there to protect beautiful historic properties like 26 Fitzroy Place. I understand short term stay accommodation can be a very lucrative business but heritage houses must be protected from inappropriate development trying to leverage off the boom in short term stay accommodation.
The proposed new accommodation units would form a significant addition to the historic place and I can't see how that level or scale of development can be complementary or subservient to the place. The modern design of the existing accommodation already looks out of place compared to the beautiful main dwelling and the addition of another four buildings with no consistency of design I believe would be completely inconsistent with the heritage place;
-The proposed introduction of three additional dwellings, making four short stay dwellings in total as well as a dedicated Reception means the heritage property would effectively become a heritage house with a large scale sprawling accommodation business surrounding it. It is hard to reconcile how the proposal is subservient and complementary to the heritage place.
A more detailed explanation of the inappropriate heritage impacts of the proposal is included in Billett Legal's attached report.
E13.7.1 Landscape Elements
The proposed demolition and new crossover will likely result in the loss of a mature ash as detailed in the included arborist report. The loss of this important

landscape element
that contributes to the historic significance of the site cannot be
justified under P1 and
could be avoided with a more thoughtful design to proposed parking
and access.

E13.7.2 Building and works other than demolition

P1(a) It is acknowledged that the assessment of the proposed new
dwellings against this
Performance Criteria is to a large extent subjective. Notwithstanding it
is submitted that
the proposed dwellings seem to include an ad hoc and inconsistent
mix of form,
fenestration, materials and finishes. The inconsistency of proposed
dwelling designs
appears to create a completely random aesthetic that is
unsympathetic to the beautiful
main building and heritage significance of the site and its curtilage.
There is no information in the proposal that attempts to draw a
connection or nexus
between the proposed ad hoc dwellings and existing site. The
inclusion of a sustainable
dwelling is to be commended but the radical difference in design
aesthetic between the
modern concepts and more traditional shed type aesthetic of the
proposed Reception is
difficult to reconcile. It is submitted that the proposal's design
inconsistency significantly
compromises the historic and heritage significance of such a grand
property.

P1(b) As outlined above the likely loss of a mature ash within the
streetscape as a result
of the poorly designed parking solution is unacceptable.

P6 Again the likely loss of one mature ash and potential compromise
of a second mature
tree as a result of the parking and additional site access is contrary to
the Performance
Criteria. It is submitted that the likely loss of either of these trees that
contribute to a
beautiful and historic streetscape is not acceptable. If the existing car
parking off Regent
Street cannot accommodate the three additional parks it would
appear reasonably straight
forward to include a single crossover with a parking solution enabling

both a forward
entry and exit from site.

Trees

-the arborist report indicates the proposed parking area will likely destroy at least one of the mature ash trees in the council reserve. The two mature trees provide a pleasant street scape for residents of Montgomery Court and any development should ensure they are not impacted. The provided render attached clearly illustrates the streetscape being significantly compromised by the removal of the large tree and imposition of a 7.4m crossover and associated parking. Again the subject site is a relatively large site and there is more than ample room for required parking and manoeuvring to be managed within the property. It is submitted proposed parking should be redesigned to ensure the longevity of the mature trees, reduce the need for an overly wide 3 car crossover and ensure vehicles leaving the site do so in a forward motion to reduce the safety risks for pedestrians and other vehicles using Montgomery Court.

Application accuracy and transparency
-The application does not include a professional planning report identifying the HIPS discretions triggered, how the proposal meets relevant Performance Criteria and a lack of relativity to neighbouring sites in the engineering and solar impact drawings. The absence of this information, though not required to be included in the proposal, results in a lack of transparency and difficulty in articulating the impacts of the proposal to neighbouring sites and the immediate community. The lack of transparency in the application is further highlighted by the inaccuracies in the "artist impression" montages included. I took the liberty of having a professional render of the Montgomery street facade undertaken based on the actual drawings and dimensions of the proposal. As can be seen the actual visual impact of the proposal is significantly different to the "artist impression" included in the application. Based on the drawings and plans the Bunker Cabin shown in the render has significantly more visual impact than is indicated in the inaccurate "artist impression". The Bunker Cabin depicted is the smallest of the four proposed dwellings. The more accurate render attached provides a good reference for the relative size and scale of the proposed developments. These impacts and the inappropriateness of the size of the proposal are discussed below and highlighted in the legal opinion of Billett Legal attached. The "artist impression" renders are used throughout the "Further Information" provided in the application to support the applicant's submission that the proposal meets a number of Performance Criteria. It is submitted that these impressions should not be relied upon at all as they do not represent an accurate portrayal of the proposal.

Waste Storage

The proposal does not appear to provide any information on the location of an appropriate waste storage area. Additional information and confirmation that the proposed area meets the Acceptable Solution or Performance Criteria of 11.4.8 is required.

Suggestion

No. 26 Fitzroy Place already has two points of vehicle entry and associated parking areas and we suggest that the proposed additional 3 parking spaces could either be:

1. relocated to one of these other existing vehicle entries and parking areas or,
2. be re orientated in the current location such that it is accessed by a single width kerb crossing and loss of only one on street parking space. This would also allow vehicles to turn on site and exit the site in a safer forward direction.

Other comment

As outlined above and in the attached legal opinion it is submitted that the current proposal does not meet the requirements of the Hobart Interim Planning Scheme and should be refused. It was recommended for refusal previously and has effectively not been amended since that time.

The impacts of the proposed additional parking and access hugely impact existing residents on Montgomery Court in terms of on-street parking, safety and roadway efficiency. The negative impacts of the proposed solution are exacerbated by the likely loss of a mature ash tree within the streetscape. With a vast site to work with it would appear that rather than come up with a solution that works within the site's boundaries and existing two crossovers the proponents have focused on minimising any disturbance to their own property with no regard to the impacts of the proposal on other residents within Montgomery Court or the safety of road users.

It is submitted that it would be reasonable to require the proponents to include appropriate parking and manoeuvrability on-site to allow forward entrance and exit and hence reduce the width of the proposed new crossover and remove the need to move the existing crossover at 2 Montgomery Court. This change would reduce the unnecessary safety and amenity impacts of the current proposal as well as reduce the need for the loss of a significant number of scarce on-street parking spots. The applicant attempts to justify some of the proposals shortcomings with reference to a previous development approval on the site and the recently approved five apartment building at 3-4 Montgomery Court. Both these examples are irrelevant to the merits of the proposal. The previously approved development was approved under a redundant planning scheme and the development at 3-4 Montgomery Court was a completely compliant proposal that met every Acceptable Solution of the HIPS. Unfortunately and perhaps ironically the proposal for 26 Fitzroy Place is anything but compliant and would significantly and detrimentally impact the residents of Montgomery Court and is inconsistent with the heritage requirements of the site. The size and scale of the proposal (as can be seen with reference to the more accurate render provided of the smallest proposed dwelling) is not subservient or consistent with the heritage place as required under the Historic Heritage Code. It is respectfully submitted that the proposal as it stands again be rejected by Council and the proponents submit appropriate changes that meet the requirements of the HIPS, more sympathetically impact the heritage value of the site and more considerably support the amenity and safety of other residents within Montgomery Court.

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 visitor accommodation. The existing use is a discretionary use in the zone. The proposed use is a discretionary use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11 Inner Residential Zone and Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes
 - 6.4.2 E5.0 Road and Railway Assets Code
 - 6.4.3 E6.0 Parking and Access Code
 - 6.4.4 E7.0 Stormwater Management Code
 - 6.4.5 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Inner Residential Zone:
Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes:

Use Standard - cl. 6 3.1(e) P1
 - 6.5.2 Historic Heritage Code:

Demolition, Building, Works and Subdivision on a Listed Place - Part E13.7.1 P1; E13.7.2 P1, P2, P3 and P6; and E13.7.3 P1
Demolition, Building, Works and Subdivision within a Heritage Precinct

- Part E13.8.1 P1; E13.8.2 P1 and P5; and E13.8.3 P1

6.5.3 Parking and Access Code:

Design of Vehicular Access - E6.7.2 P1

Facilities for Commercial Vehicles - E6.7.13 P1

6.5.4 Road and Railway Assets Code:

Sight Distances at Access and Junctions - E5.6.4 P1

6.6 Each performance criterion is assessed below.

6.7 Use Standard - cl. 6.3.1(3) P1

6.7.1 The acceptable solution at clause 3.1(e) A1 states as follows.

Visitor Accommodation must:

(a) accommodate guests in existing habitable buildings; and

(b) have a gross floor area of not more than 200m² per lot.

6.7.2 The proposal includes accommodation in new buildings. The total floor area of all five buildings proposed to be in visitor accommodation use would be 215 square metres.

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 3.1(e) P1 provides as follows:

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:

(a) the privacy of adjoining properties;

(b) any likely increase in noise to adjoining properties;

(c) the scale of the use and its compatibility with the surrounding character and uses within the area;

(d) retaining the primary residential function of an area;

(e) the impact on the safety and efficiency of the local road network; and

(f) any impact on the owners and users rights of way.

6.7.5 Assessment of the performance criterion follows.

The proposed five visitor accommodation units would, apart from a semi-detached pair, be in separate widely spaced buildings to the southern part of No.26 Fitzroy Place. The proposal is not considered likely to result in any unreasonable degree of impact on neighbouring residential properties in terms of privacy or noise. The site is within a generally intensively developed inner residential area and is bordered to its west by Regent Street, a major and heavily used arterial route.

The surrounding inner city neighbourhood displays a mix of uses including multiple dwelling development. Impact on the character and amenity of the surrounding neighbourhood is not considered likely to be excessive.

The proposal is considered acceptable in terms of use.

- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Demolition, Building, Works and Subdivision to a Heritage Listed Place, and within a Heritage Precinct - Part E13.7.1 P1; E13.7.2 P1, P2, P3 and P6, and E13.7.3 P1; and E13.8.1 P1; E13.8.2 P1 and P5; and E13.8.3 P1
- 6.8.1 The proposal includes demolition and development at a listed site within a heritage precinct.
- 6.8.2 Except for clauses E13.7.2 A6 and E13.8.2 A5, which relate to landscaping, there is no acceptable solution for any of the applicable clauses. Therefore, assessment against the performance criterion is relied on for each clause.
- 6.8.3 In relation to clauses E13.7.2 A6 and E13.8.2 A5, given that there is landscaping between a dwelling and the street which is proposed to be removed, the corresponding performance criteria are relied on.
- 6.8.4 The performance criteria at clauses provide as follows:
- E13.7.1 P1 Demolition - Heritage Place
 - E13.7.2 P1, P2, P3, and P6, Buildings and Works - Heritage Place
 - E13.7.3 P1 Subdivision - Heritage Place
 - E13.8.1 P1 Demolition - Heritage Precinct
 - E13.8.2 P1 and P5 Buildings and Works - Heritage Precinct
 - E13.8.3 P1 Subdivision - Heritage Precinct
- 6.8.5 Assessment of the performance criteria by Council's Senior Cultural Heritage Officer follows. The officer's report, which includes photographs,

is provided as an attachment to this report.

Background

This application is for three new self-contained cabins/structures, the relocation of an existing cabin, a new reception building and off street parking. Also proposed is a subdivision to alter the boundary of 2 Montgomery Court by adhering a small triangular piece of land to 26 Fitzroy Place.

There have been earlier schemes for additional units/townhouses on this site.

An application in 2013 (PLN-13-01323) for was for stages 1, 2 and 3 of visitor accommodation, the demolition of 2 Montgomery Court, including accommodation and 6 new townhouses. That application was withdrawn.

A reconfigured staged application (PLN-14-00413) was lodged for the demolition of 2 Montgomery Court, 6 new townhouses in the grounds of the premises, and two new visitor units in the vicinity of the former schoolhouse and a new garage/workshop. The six single storey terraces were set low into the ground with access from Montgomery Court and an open landscaped roof on top. Approval was granted for that proposal and stages 1 and 2 were completed (the two new visitor units near the schoolhouse and parking. The 6 townhouses (stage 3) were not constructed. The 2013 and 2014 applications differed with the six townhouse set below the ground, in order to establish a broader vista and garden setting with views from the house toward the Derwent. Those application were assessed under the previous Scheme, City of Hobart Planning Scheme 1982.

Since then, the owners have taken a different direction with the visitor accommodation. A new application was lodged in 2015 (PLN-15-00606) for a retrofitted shipping container accommodation in the south east corner of the property adjacent to the boundary with 2 Montgomery Court on the old tennis court.

Supporting documentation

This current application is supported by a Conservation Management Plan by Paul Davies (undated but refers to the 2014 proposal) and a January 2020 Heritage Impact Assessment prepared by Dermot Crean, the property owner.

Description and history of place

The proposal is on a place called 'Bishopscourt' located on the corner of Fitzroy Place, Regent Street and Montgomery Court. Part of 'Bishopscourt' was built in the 1830s and then altered and enlarged in the 1890s. The house at 2 Montgomery Court is a single storey dwelling built in the 1960s.

Bishopscourt is now privately owned and no longer serves as the official residence of the Bishop of Tasmania, having been sold by the Anglican Church in 2004.

The property is significant for several reasons - including its architectural values, historical values associated with former occupants and the aesthetic significance of the gardens and the garden setting including its setting on the ridge and outlook toward the river. The former schoolhouse is particularly significant as it was purpose built for the education of Bishop Montgomery's children - one of whom was Bernard, better known as Field Marshal Montgomery / 1st Viscount Montgomery of Alamein (b.1187 - d.1976) - or simply known as 'Monty'. He lived here between the age of 2 and 14 and was educated privately when his father was Bishop of Tasmania (1889-1901).

The proposal

The proposal involves the demolition of the following elements:

- a section of the timber paling fence on Montgomery Court,
- excavation of the ground/garden for the two cabins and their associated paving/pathways,
- excavation for three parking areas on Montgomery Court,
- removal of vegetation,
- removal of existing ground based solar panels and incidental garden structures.

The proposal involves the following development:

- Relocation of the existing 'Hideaway Cabin' in the south-east corner of the site to a new alignment that is roughly east-west and partially over its current location.
- The construction of 'Maud's Cottage', a single storey, one bedroom self contained cabin with a gable roof and skillion with a floor area of approximately 30m² (7.8 m x 4.9m).
- The construction of 'Bunker Cabin', a two storey, one bedroom self contained flat roof structure with a lift, limited window openings with a floor area of approximately 90m² (10m x 4.4m).
- The construction of 'Eco Cabins', a single storey, two one bedroom self contained structure with a skillion roof with a combined floor area

of approximately 108m² (9.7m x 9.9m).

- The construction of a Reception Building (4.5m x 5.5m including deck area) - adjacent to the existing carpark off Regent Street with a gable roof and skillion roof verandah.

The Bunker Cabin and the Eco Cabins are on the downslope side of the subject property in proximity to the street boundary on Montgomery Court and Regent Street. The Reception Building is located between the Eco Cabins and the carpark completed as part of the approval for PLN-14-00413. 'Maud's Cottage' is to be located at the rear of the property, on the original site of the tennis court and in close proximity to the 'Hideaway Cabin' which is to have a new alignment.

The new cabins are part of a concept for the site for story telling through visitor experience. The tallest of the new cabins is the 'Bunker Cabin', a two storey cabin designed to create an experience of a military bunker through an enclosed solid structure with limited window openings, telling the story of Field Marshal Montgomery and his military career. The 'Eco Cabin' is another form of visitor experience in that it is an off the grid option and contains two units. The design is not related to the 'Bunker Cabin' or other new elements on the site. The other new cabin is 'Maud's Cottage' based on the life of Field Marshal Montgomery's mother and is a simple traditional style of Australian cottage. In summary, 'Maud's Cottage' and the new Reception Building have a similar form and relate to each other in terms of scale, roof form, design and materiality. The 'Eco Cabin', 'Bunker Cabin' and 'Hideaway Cabin' have a more contemporary form.

Heritage Discretions

Bishopscourt is heritage listed in table E13.1 of the Historic Heritage Code of the Scheme. It is also located in the Hobart 4 Heritage Precinct.

The Precinct has a number of Statements of Significance, including;

'This precinct is significant for reasons including:

- 1. The quality and quantity of intact Colonial, Victorian, Federation and Inter-War residential buildings that exemplify the historical development phases of the precinct.*
- 2. The large number of early colonial buildings that survive which provide evidence of the development of early Hobart.*
- 3. The Victorian houses set on large allotments demonstrating the second major phase of development of the precinct.*
- 4. The largely intact streetscape of Fitzroy Place that is created by a*

general uniformity of scale, external detailing, materials and building forms.

5. The character and historical relationship created by buildings, trees and views of Fitzroy Place, Crescent and Gardens.

6. The scale and style of buildings in Macquarie and Davey St has a high degree of coherence and continuity and has remained relatively free from intrusions.'

The proposal involves demolition, new work and subdivision. Therefore the following provisions of the Scheme apply:

- E13.7.1 P1 Demolition - Heritage Place
- E13.7.2 P1, P2, P3, and P6, Buildings and Works - Heritage Place
- E13.7.3 P1 Subdivision - Heritage Place
- E13.8.1 P1 Demolition - Heritage Precinct
- E13.8.2 P1 and P5 Buildings and Works - Heritage Precinct
- E13.8.3 P1 Subdivision - Heritage Precinct

Other performance criteria do not apply or are not relevant in this instance.

Provisions of the Historic Heritage Code

The following provisions of the Scheme apply:

Clause E13.7.1 P1 applies. It states:

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

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

Clause E13.7.2 P1 applies. It states:

Development must not result in any of the following:

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

contribute to the significance of the place.

Clause E13.7.2 P2 applies. It states:

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

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

Clause E13.7.2 P3 applies. It states:

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

Clause E13.7.2 P6 applies. It states:

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

Clause E13.7.3 P1 applies. It states:

A proposed plan of subdivision must show that historic cultural heritage significance is adequately protected by complying with all of the following:

- (a) ensuring that sufficient curtilage and contributory heritage items (such as outbuildings or significant plantings) are retained as part of any title containing heritage values;*
- (b) ensuring a sympathetic pattern of subdivision;*
- (c) providing a lot size, pattern and configuration with building areas or other development controls that will prevent unsympathetic development on lots adjoining any titles containing heritage values, if required.*

Clause E13.8.1 P1 applies. It 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.

Clause E13.8.2 P1 applies. It 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 P5 applies. It states:

The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.

Clause E13.8.3 P1 applies. It states:

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.*

Representations

Three (3) representations (one of which includes legal advice) were received during the advertising period. The following heritage matters were raised.

- "I don't believe the proposal meets the requirements of the Historic Heritage Code:
- "The Historic Heritage Code is there to protect beautiful historic properties like 26 Fitzroy Place."
- "... but heritage houses must be protected from inappropriate development trying to leverage off the boom in short term stay accommodation."
- "The proposed new accommodation units would form a significant addition to the historic place and I can't see how that level or scale of development can be complementary or subservient to the place."
- "The modern design of the existing accommodation already looks out of place compared to the beautiful main dwelling and the addition of

another four buildings with no consistency of design I believe would be completely inconsistent with the heritage place."

- "I took the liberty of having a professional render of the Montgomery street facade undertaken based on the actual drawings and dimensions of the proposal. As can be seen the actual visual impact of the proposal is significantly different to the "artist impression" included in the application.
- "Based on the drawings and plans the Bunker Cabin shown in the render has significantly more visual impact than is indicated in the inaccurate "artist impression".
- "the heritage property would effectively become a heritage house with a large scale sprawling accommodation business surrounding it. It is hard to reconcile how the proposal is subservient and complementary to the heritage place."
- "The proposed demolition and new crossover will likely result in the loss of a mature ash as detailed in the included arborist report. The loss of this important landscape element that contributes to the historic significance of the site cannot be justified under P1 and could be avoided with a more thoughtful design to proposed parking and access."
- "it is submitted that the proposed dwellings seem to include an ad hoc and inconsistent mix of form, fenestration, materials and finishes. The inconsistency of proposed dwelling designs appears to create a completely random aesthetic that is unsympathetic to the beautiful main building and heritage significance of the site and its curtilage."
- "There is no information in the proposal that attempts to draw a connection or nexus between the proposed ad hoc dwellings and existing site. The inclusion of a sustainable dwelling is to be commended but the radical difference in design aesthetic between the modern concepts and more traditional shed type aesthetic of the proposed Reception is difficult to reconcile. It is submitted that the proposal's design inconsistency significantly compromises the historic and heritage significance of such a grand property."
- "the proposal does not meet the criteria with regard (E13.8.1 Development Standards for Heritage Precincts) there would appear to be completely feasible alternatives to the proposed parking and access."
- "... the proposal for 26 Fitzroy Place is anything but compliant and would significantly and detrimentally impact the residents of Montgomery Court and is inconsistent with the heritage requirements of the site."
- "The size and scale of the proposal (as can be seen with reference to the more accurate render provided of the smallest proposed dwelling -

see below) is not subservient or consistent with the heritage place as required under the Historic Heritage Code."

- "While the garden is not recognised to be significant in its own right, it does not follow that any development can occur within this space. Any development within the existing garden or grounds needs to be considered for how it impacts the significance of the place, such as by way of impacting the setting of the important buildings. This relates to more than merely the removal of garden elements and instead extends to a consideration of the forms that will be placed in the garden. .. The officer's assessment (this comment relates to the previous heritage assessment) makes it clear that the height of the bunker but also its design as well as the design of the eco-cabins is incompatible with significant buildings upon the site and that it is that incompatibility that leads to a loss of significance. This view holds for the present application."
- "By simply reviewing the site plan, it is possible to understand the scale of the proposal which, despite the dispersal of building forms across the site, demonstrates that the development is not subservient to the place."
- "The scale of the proposal, such as is evident from its footprint, demonstrates the absence of the subservient relationship. Rather than being a substantial home on a large allotment, the proposal converts the context within which the the original buildings are understood and diminishes the relationship between the house and its surroundings as to become 1 of several forms upon the site."
- "More concerning is however the absence of any clear relationship between the proposed development and the significance of the place as to demonstrate how the development services the existing values. To the contrary, the new development appears to turn its back upon the historical forms."
- "Of further relevance is that the documentation records that the place has been successively subdivided over time leading to a gradual loss of substantial garden setting. While the existing gardens nonetheless remain substantial, their further degradation and loss through incremental development such as this ought to be arrested and is an important consideration when it comes to an assessment of how a proposal impacts on the significance of the place."
- "I note 2 important concepts regarding the interpretation of the Heritage Code as observed by the Tribunal in *Solvyns v Hobart City Council & Ors*:
 - The test of incompatibility and therefore impact upon significance is not limited to an assessment of what can be seen from outside of the heritage place. Visibility of forms is only part of the relevant tests. As

observed by the Tribunal:

- "Heritage value is derived not just from the facade, but the entirety of the place - including that which is seen, that which is not seen so easily, and that which is not seen at all."
- -The relevant tests are expressed in mandatory terms. There must be no loss to significance. It is not sufficient that loss may be minimised."

Discussion of proposal

The new 'Maud's Cottage' and 'Reception Building' are designed to look like traditional 19th century timber cottages in the Australian vernacular style, single storey, gable roof and verandah to the front with vertical charred timber cladding and Colorbond roof in black. Both relate to the extension of the former school house (approved as part of the 2014 approval) through the type of cladding used.

The proposed 'Bunker Cabin' and associated parking area are in close proximity to two ash trees in the Council reserve on Montgomery Court. The Arborist report (prepared by Alister Hodgman) recommended that a modification to the design would ensure that Tree 2 (shown in the above photo to the right) does not suffer a decline in health and vigour. Notes are shown on the plans indicating how the trees are to be protected in accordance with the Arborists report.

As already mentioned, the 'Bunker Cabin' and the 'Eco Cabins' are different in form and have a very different fenestration pattern to 'Maud's Cottage' and the 'Reception Building', but share the same cladding, shown on the plans as; 'charred timber cladding, black in colour'. The fenestration pattern of the 'Eco Cabins' is for large expansive walls of window on the north east and south west elevations. Despite both the 'Eco Cabins' and the 'Bunker Cabin' being sited close to Montgomery Court and Regent Street, neither have a street frontage or address the street. The entry of the 'Eco Cabins' and the 'Bunker Cabin' is from the proposed parking area off Montgomery Court.

Assessment of proposal against the provisions of the Historic Heritage Code

The landscaping, aesthetics and general setting of the garden have been identified as one of the reasons for the property having significance. Bishopscourt was once sited on high land on a large parcel of land that has since been progressively subdivided. The house, however, retains a large garden and appropriate curtilage. It is also worth noting that Bishopscourt is described in the statements of significance for the precinct within the Historic Heritage Code a 'Victorian house set on large

allotments...' The statements of significance also refer to views and vistas.

The proposed demolition also involves works. Works is defined in the Land Use Planning and Approvals Act 1993 as:

"works includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the Forest Practices Act 1985, carried out in State forests."

The removal of vegetation and changes to the natural topography are also proposed in excavation for the 'Eco Cabins' and the 'Bunker Cabin' and the parking area. While the garden area being altered does not contain significant plantings, the proposal takes away large swathes of the garden for multiple structures. While the resultant effect will alter the character of a large Victorian house set on a large allotments, the proposal satisfies E13.7.1 P1 and E13.8.1 P1.

This current application is for 'themed' visitor cabins each individual and diverse in architectural style and form spread across the site, with the proposed 'Eco Cabin' located closer to Bishops court than any previous proposals. This and other comparisons are made in the applicant's submitted documentation, but it is also worth noting that comparisons with earlier proposals are not relevant or applicable as a benchmark, given the assessment was under a different planning scheme with different heritage provisions.

The diversity of design and themed approach to the hospitality options have been embraced enthusiastically by the applicant and as a consequence the proposal lacks architectural cohesiveness and a responsiveness to the street - with each new cabin, representing a erosion and eating away of the setting of the Bishops court, reducing the status of the property to being one of a large house in a large generous garden to one of a large house surrounded by mini themed cottages, not dissimilar to a holiday park. Their dispersal across the site of the different buildings shows a random, unplanned approach, lacking in cohesiveness or strategic thinking.

In regards to E13.7.2 P2 and when consideration is given to the word complementary, the Tribunal has held:

"that term should be taken to mean "in harmony with", "harmonious", "compatible" or "making up a harmonious whole". This produces an

outcome which is consistent with the Objective for this Clause of the Scheme." " (Solvyns v Hobart City Council & Ors [59]).

The significance of the property lies in the historic, architectural and social values, with evidence provided that the gardens, while not rare or uncommon, "provide a suitable setting for the building" and "is a good representative example of a large town house residence in a garden setting" and "that maintaining a good garden setting with outlook and view is important for the future of the house.

A policy in the heritage documentation notes: "Any new building should be modest in form and not interrupt views to and from the house..." (Conservation Management Plan Addendum)

The proposed 'Eco Cabin' is the same height as the 'Bunker Cabin' above the Montgomery Court footpath. See elevation below.

Although only single storey with a skillion roof, the Eco Cabins are sited further up the bank toward the corner of Montgomery Court and Regent Street and closer to Bishops court. The south west elevation of the 'Eco Cabins' has the same elevational treatment of the 'Bunker Cabin', which is two storey, therefore presenting to the street boundaries with no 'face' or 'street presence' and with only a small gap between the two, will be a continuous wall of built form, obscuring views from and to the house. From Montgomery Court, the two cabins will be prominent and highly visible. These two structures are, for comparison purposes only, taller by 1.5 metres than the 2014 proposal. The other factor that must be considered in an appreciation of these two structures, is that they have clear side and oblique views, that increase the bulk and perceived size of the new structures and being prominent in the front row, rather than secondary elements. The render submitted in one of the representations is reproduced above. While no details have been provided with regard to the methodology used to arrive at the new render, it is considered that it is a more accurate representation of the proposal than any of the 'artists impressions' submitted with the application, particularly in terms of depth and height.

Maud's Cottage and the re-sited 'Hideaway Cabin' are located to the rear of the site on an area that was once a tennis court, although it has not functioned as one for many decades. These structures are 31 metres from the Bishops court dwelling, and are sited in a separate 'garden room' and located behind the c.1960s red brick house at 2 Montgomery Court. This results in these two proposed cabins being secondary structures, and a

backdrop in the setting mostly obscured by the existing 1960s house. As such there will be no resultant loss of heritage values, with the structures being acceptable in terms of scale, setback, siting with respect to listed buildings and structures. In addition, this part of the proposal will not detract from or result in detriment of the heritage values of the place or precinct. This part of the proposal can be determined to satisfy E13.8.2 P1.

The proposed two structures the 'Eco Cabin' and 'Bunker Cabin' will involve the removal of landscaping elements between the Bishops court and Montgomery Court. While the landscaping elements earmarked for removal are not of heritage value in their own right, they are elements that contribute to the character and setting of Bishops court, it is a secondary and contributory frontage and while the proposal is considered to satisfy E13.7.2 P6 and E13.8.2 P5 the major issue remains the construction of carparking and a military style 'Bunker Cabin' and the 'Eco Cabins'.

As already stated above these two cabins together are located adjacent to Montgomery Court, and present as an almost solid wall of buildings with no design relationship to each other or the other structures on the listed site, namely the heritage listed house Bishops court, the historic Schoolhouse and the more contemporary, and subservient additions to that building and the standalone 'Hideaway Cabin'. The result is an ad hoc and disparate group of forms and mismatched designs with the new buildings not complementary to the heritage values of the place or precinct. In this respect the proposal, fails to satisfy E13.7.2 P1, P2 and P3 and E13.8.2 P1.

The subdivision is minor and does not result in the loss of heritage values of the place or precinct by altering the curtilage to any significant extent or impacting on any contributory heritage items. Thus the proposal satisfies E13.7.3 P1 and E13.8.3 P1.

Conclusion

Elements of this application satisfy the provisions of the Historic Heritage Code of the Scheme, namely the relocation of the existing 'Hideaway Cabin', 'Maud's Cottage', the new Reception Building and the demolition associated with work at a heritage place and precinct. The proposed subdivision is also acceptable when assessed against the relevant provisions of the Scheme.

It is the elements of the 'Eco Cabins' and the 'Bunker Cabin' and associated carparking that are problematic when assessed against the

Historic Heritage Code of the Scheme. In summary, this part of the proposal is not compatible with the significance of Bishops Court through the introduction of development that is incompatible in design, height, scale, bulk, form, fenestration pattern and siting. These new cabins and carparking spaces are not complementary to the place, in their siting with respect to the listed building and the overall garden setting of the place. In addition the two new cabins and carparking do not provide an adequate response to the heritage characteristics of the place through incompatible design intent and form. In this respect, the proposal does not satisfy E13.7.2 P1, E13.7.2 P2 and E13.7.2 P3.

In terms of the Heritage Precinct, the proposed 'Eco Cabins' and 'Bunker Cabin' and associated carparking, with their siting in respect to the streetscape of Montgomery Court and Regent Street, will lead to a confused and devalued understanding of the Precinct, interrupting the streetscape, reducing the significance of a large Victorian house on a large land parcel and important historical relationship created by the building in its setting and expansive views and landscape. As such the proposal will result in detriment of the heritage values of the precinct (ie "The Victorian houses set on large allotments demonstrating the second major phase of development of the precinct.") through the proposed demolition and the siting and construction of the 'Eco Cabins' and 'Bunker Cabin' and related infrastructure. It is considered that the proposal does not satisfy E13.8.2 P1 of the Historic Heritage Code of the Scheme.

The proposal is recommended for refusal.

If the proposed 'Eco Cabins' and 'Bunker Cabin' and associated carparking were to be removed from the proposal, such an application would satisfy the relevant provisions of the Historic Heritage Code of the Hobart Interim Planning Scheme 2015 and allow the applicant to undertake further design and development of these two cabin options to reduce their scale, improve the siting, presentation and relationship to the street.

The grounds for refusal are as follows:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P1 (a) and (b) of the Hobart Interim Planning Scheme 2015 because it is an incompatible design through its height, scale, bulk, form, fenestration and siting being adjacent to an historic house in a large garden and it also results in the substantial diminution of

heritage values through the loss of streetscape elements.

2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P2 (a) to (d) of the Hobart Interim Planning Scheme 2015 because it will not be subservient and complementary to the listed place of an historic house in a large garden due to its scale, bulk, built form and fenestration, setback and siting with respect to listed buildings.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P3 of the Hobart Interim Planning Scheme 2015 because it does not respond to the heritage characteristics of the place in its materials, built form and fenestration.
4. 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 it will result in detriment to the historic cultural heritage values of the precinct of an historic house in a large garden.

6.8.6 The proposal does not comply with the performance criterion.

6.9 Design of Vehicular Accesses - Part E6.7 P1 .2 P1

6.9.1 The acceptable solution at clause E6.7.2 A1 requires vehicular access points to comply with the relevant Australian Standard.

6.9.2 The proposal includes a new access point which is not compliant with the relevant Australian Standard with respect to sight distances.

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

6.9.4 The performance criterion at clause E6.7.2 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.

- 6.9.5 Council's Development Engineer has indicated that the proposal is acceptable with respect to the requirements of the above performance criteria. .
- 6.9.6 The proposal complies with the performance criterion.
- 6.10 Facilities for Commercial Vehicles - E6.7.13 P1
- 6.10.1 The acceptable solution at clause E6.7.13 A1 requires commercial vehicle facilities to be provided on site and in accordance with the relevant Australian Standard.
- 6.10.2 The proposal includes on-street private kerbside laundry collection services.
- 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 (insert clause number) provides as follows:
- Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.*
- 6.10.5 Council's Development Engineer has indicated that the laundry service collection on-street is acceptable in this instance.
- 6.10.6 The proposal complies with the performance criterion.
- 6.11 Sight Distances at Access and Junctions - E5.6.4 P1
- 6.11.1 The acceptable solution at clause E5.6.4 requires new access points to meet the sight distances specified in the relevant Table E5.1
- 6.11.2 The proposal includes a new access point that doesn't meet the requirements in Table E5.1.
- 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 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.*

6.11.5 Council's Development Engineer has indicated that the proposal is acceptable with respect to the requirements of the performance criteria.

6.11.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for a partial demolition, extension and alterations to visitor accommodation, car parking and subdivision (boundary adjustment) at 26 Fitzroy Place and 2 Montgomery Court Sandy Bay.
- 7.2 The application was advertised and received three (3) representations. The representations raised concerns including with regard to parking and access, heritage, trees, and accuracy and transparency.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not perform well in relation to heritage.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Program Leader Stormwater Services, Senior Cultural Heritage Officer, and Senior Park Planner. Aside from the Council's Senior Cultural Heritage Officer, the officers have raised no objection to the proposal subject to conditions.

- 7.5 The proposal was assessed against 9.3.1 Adjustment of a Boundary. The proposed boundary adjustment would amount to 10.87 square metres, and would provide increased space for proposed carparking on the subject site (No.26 Fitzroy Place) fronting Montgomery Court. No additional lot would be created, and there would be only minor change to the relative size, shape and orientation of the existing lots. The existing dwelling at No. 2 Montgomery Court would remain within minimum setback requirements, and would retain a frontage in compliance with the minimum frontage requirement. No lot boundary that aligns with a zone boundary would be changed. Therefore, the proposal complies with clause 9.3.1 and is permitted in that respect.
- 7.6 There has been consultation with the applicant and with third parties.
- 7.7 The applicant has consented to an extension of time to allow Council consideration of the proposal.
- 7.8 The proposal has been assessed and approved by the Tasmanian Heritage Council.
- 7.9 The proposal is recommended for refusal.

8. Conclusion

- 8.1 The proposed partial demolition, extension and alterations to visitor accommodation, car parking and subdivision (boundary adjustment) at 26 Fitzroy Place and 2 Montgomery Court Sandy Bay TAS 7005 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, extension and alterations to visitor accommodation, car parking and subdivision (boundary adjustment) at 26 Fitzroy Place and 2 Montgomery Court Sandy Bay TAS 7005 for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A1 or P1 (a) and (b) of the Hobart Interim Planning Scheme 2015 because it is an incompatible design through its height, scale, bulk, form, fenestration and siting being adjacent to an historic house in a large garden and it also results in the substantial diminution of heritage values through the loss of streetscape elements.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A2 or P2 (a) to (d) of the Hobart Interim Planning Scheme 2015 because it will not be subservient and complementary to the listed place of an historic house in a large garden due to its scale, bulk, built form and fenestration, setback and siting with respect to listed buildings.
- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A3 or P3 of the Hobart Interim Planning Scheme 2015 because it does not respond to the heritage characteristics of the place in its materials, built form and fenestration.
4. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 or P1 of the Hobart Interim Planning Scheme 2015 because it will result in detriment to the historic cultural heritage values of the precinct of an historic house in a large garden.



(Richard Bacon)

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 13 April 2021

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

Attachment D - Planning Referral Officer Development Engineering Report

**DRAWING SCHEDULE**

A00	COVER PAGE	-
A01	LOCALITY PLAN	-
A02	SITE PLAN	-
A03	FLOOR PLAN	ECO CABINS
A04	ELEVATIONS #1	ECO CABINS
A05	ELEVATIONS #2	ECO CABINS
A06	ROOF PLAN	ECO CABINS
A07	3D PERSPECTIVES	ECO CABINS
A08	FLOOR PLAN	BUNKER CABIN
A09	ELEVATIONS #1	BUNKER CABIN
A10	ELEVATIONS #2	BUNKER CABIN
A11	ROOF PLAN	BUNKER CABIN
A12	3D PERSPECTIVES	BUNKER CABIN
A13	FLOOR PLAN	MAUD'S COTTAGE
A14	ELEVATIONS #1	MAUD'S COTTAGE
A15	ROOF PLAN	MAUD'S COTTAGE
A16	3D PERSPECTIVES	MAUD'S COTTAGE
A17	FLOOR PLAN	RECEPTION
A18	ELEVATIONS #1	RECEPTION
A19	ROOF PLAN	RECEPTION
A20	3D PERSPECTIVES	RECEPTION
A21	ELEVATIONS #1	HIDEAWAY CABIN
A22	SHADOW PLAN	-
A23	SUBDIVISION SITE PLAN	-
A24	PARKING LAYOUT PLAN	-
A25	PARKING CROSS SECTION	-
A26	DRAINAGE SITE PLAN	EXISTING
A27	DRAINAGE SITE PLAN	PROPOSED
A28	DRAINAGE PLAN	MAUD'S COTTAGE
A29	DRAINAGE PLAN	HIDEAWAY CABIN
A30	DRAINAGE PLAN	RECEPTION
A31	DRAINAGE PLAN	BUNKER CABIN
A32	DRAINAGE PLAN	ECO CABINS
A33	ARBORICULTURAL ASSESSMENT	-
A34	LANDSCAPING PLAN	-
A35	MONTGOMERY COURT ELEVATION	-
A36	ARTISTS IMPRESSION	-
A37	ARTISTS IMPRESSION	-
A38	ARTISTS IMPRESSION	-
A39	ARTISTS IMPRESSION	-
A40	ARTISTS IMPRESSION	-

PROJECT INFORMATION

BUILDING DESIGNER:	GRANT JAMES PFEIFFER
ACCREDITATION No:	CC2211T
LAND TITLE REFERENCE NUMBER:	125649/1
PROPOSED ECO CABIN 1	31.74m ²
PROPOSED ECO CABIN 1 PORTICO	16.52m ²
PROPOSED ECO CABIN 2	39.79m ²
PROPOSED ECO CABIN 2 PORTICO	19.73m ²
PROPOSED BUNKER CABIN GL LEVEL	45.40m ²
PROPOSED BUNKER CABIN FF LEVEL	33.33m ²
PROPOSED BUNKER CABIN DECK	12.07m ²
PROPOSED MAUD'S COTTAGE	36.96m ²
EXISTING HIDEAWAY CABIN	27.45m ²
PROPOSED RECEPTION	11.69m ²
PROPOSED RECEPTION VERANDAH	13.06m ²
WIND CLASSIFICATION:	N2
SOIL CLASSIFICATION:	M
CLIMATE ZONE:	7
BUSHFIRE-PRONE BAL RATING:	N/A
ALPINE AREA:	N/A
CORROSION ENVIRONMENT:	LOW
FLOODING:	NO
LANDSLIP:	NO
DISPERSIVE SOILS:	UNKNOWN
SALINE SOILS:	UNKNOWN
SAND DUNES:	NO
MINE SUBSIDENCE:	NO
LANDFILL:	NO
GROUND LEVELS:	REFER PLAN
ORG LEVEL	75 ABOVE GROUND LEVEL SURFACE

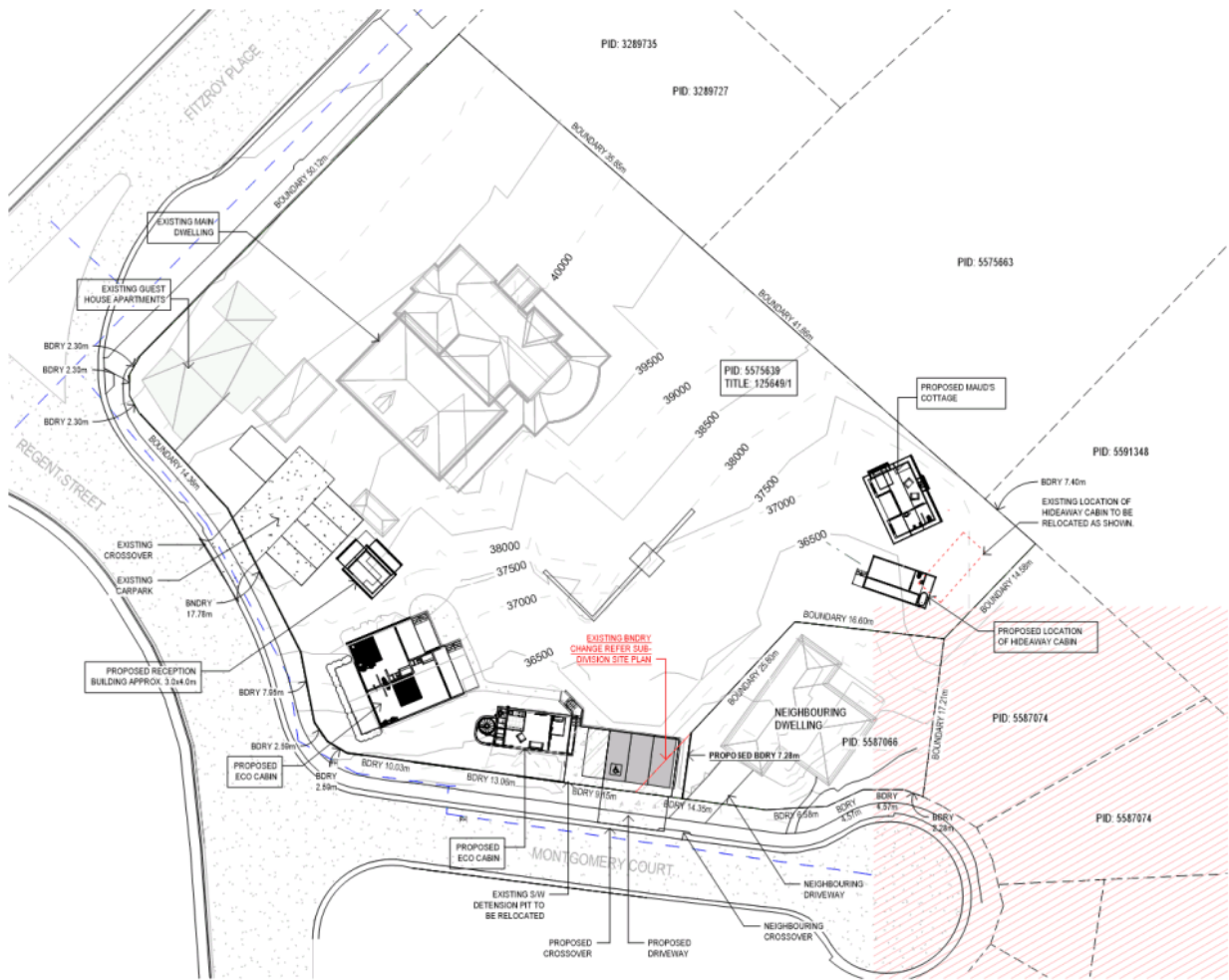
PROPOSED DEVELOPMENT

'BISHOPSCOURT' 26 FITZROY PLACE,
 SANDY BAY

FITZROY PLACE NOMINEES PTY LTD

HOBART CITY COUNCIL

ISSUED FOR APPROVAL



PLUMBING NOTES:
ALL DRAINAGE WORK SHOWN IS PROVISIONAL ONLY AND IS SUBJECT TO AMENDMENT TO COMPLY WITH THE REQUIREMENTS OF THE LOCAL AUTHORITIES.
ALL WORK IS TO COMPLY WITH THE REQUIREMENTS OF AS/NZS 3500 & THE TASMANIAN PLUMBING CODE. AND MUST BE CARRIED OUT BY A LICENCED TRADESMAN ONLY.

LEGEND OF DIAMETERS
TROUGH = 50mm
SINK = 50mm
BATH = 40mm
BASIN = 40mm
SHOWER = 50mm
WC = 100mm
SEWER = 100mm DIA. uPVC
ORG. OVERFLOW RELIEF GULLY
EV VENT
DP DOWNPIPE 90mm DIA
STORMWATER = 100mm DIA uPVC

THE INSTALLATION OF WATER PIPE LINES, INSTALLED WITH THE PRODUCT HIS 311 REHAU, WILL REQUIRE THE MAIN COLD WATER LINE TO BE DN 25mm WITH DN 16mm BRANCHES & HOT WATER MAIN LINES TO BE DN 20mm WITH DN 16mm BRANCHES TO FIXTURES. ALL OTHER PRODUCTS USED ARE TO COMPLY WITH THE REQUIREMENTS OF AS/NZS 3500.5.2000 & AS/NZS 3500.1.2003

HOT WATER INSTALLATION SHALL DELIVER HOT WATER TO ALL SANITARY FIXTURES USED FOR PERSONAL HYGIENE AT 50deg C. KITCHEN SINK & LAUNDRY SHALL BE 60deg C TO COMPLY WITH REQUIREMENTS OF AS/NZS 3500.5.2000 SECTION 3.4

DRAINAGE
ALL DRAINAGE WORK SHOWN IS PROVISIONAL ONLY AND IS SUBJECT TO AMENDMENT TO COMPLY WITH THE REQUIREMENTS OF THE LOCAL AUTHORITIES. ALL WORK IS TO COMPLY WITH THE REQUIREMENTS OF NATIONAL PLUMBING AND DRAINAGE CODE AS3500 AND MUST BE CARRIED OUT BY A LICENCED TRADESMAN ONLY.

NOTE
SEWER & STORMWATER FROM PROPOSED VISITOR ACCOMMODATION TO BE DIRECTED INTO EXISTING SEWER & STORMWATER SYSTEM TO LOCAL COUNCIL REQUIREMENTS & AS3500

LANDSLIP HAZARD AREA - 116 LDS - LOW RISK

DRAINAGE TABLE	
NOTE: EXISTING SEWER & STORMWATER PIPE LOCATIONS SHOWN ARE APPROXIMATE ONLY. SOME PROPOSED BUILDINGS SHOWN TO INTERSECT EXISTING SEWER & SW PIPES. BUILDER / PLUMBER TO DETERMINE LOCATION OF PIPES ON SITE AND REDIRECT.	
	EXISTING SEWER (APPROX. LOCATION)
	WATER (APPROX. LOCATION)
	STORMWATER (APPROX. LOCATION)

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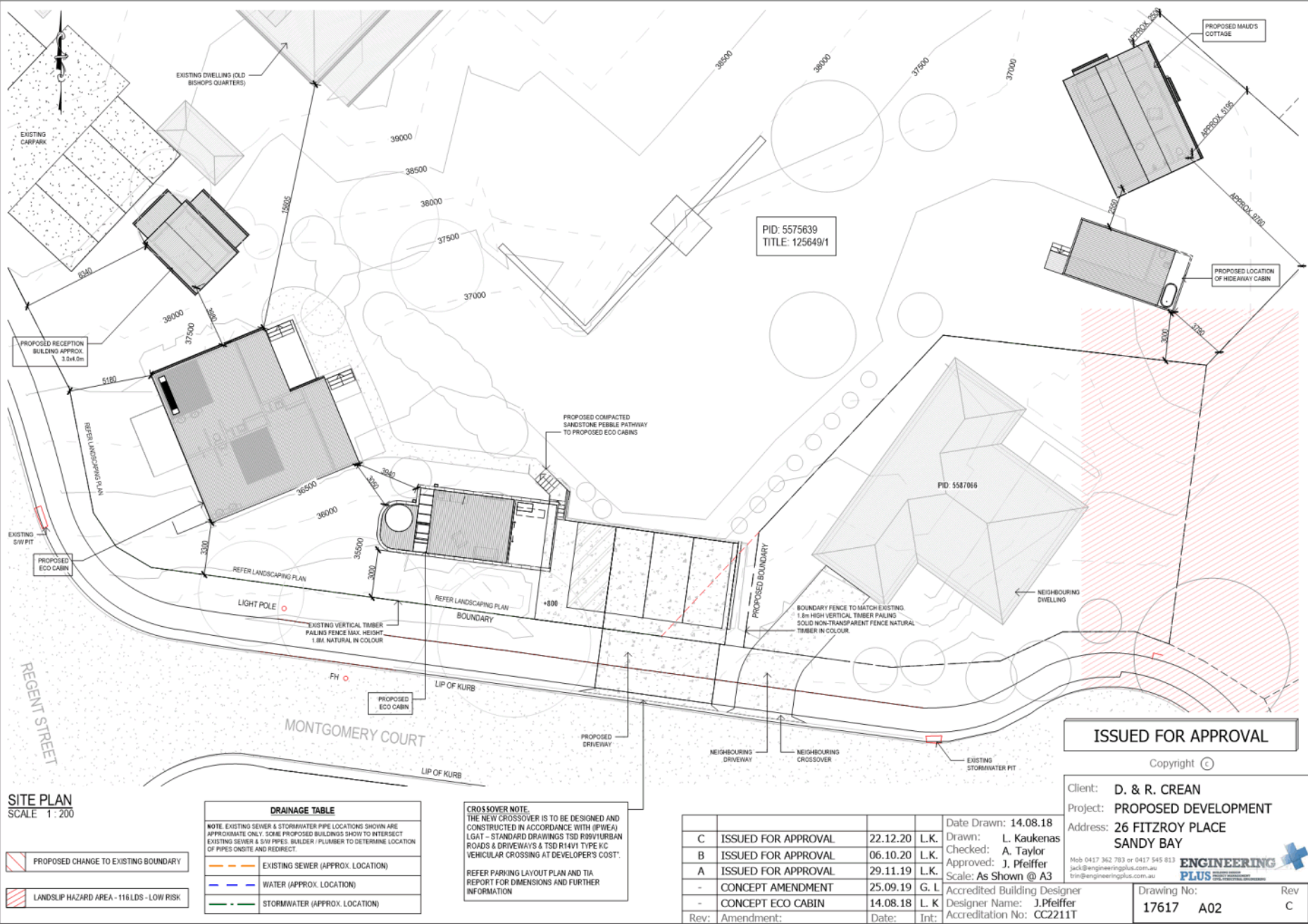
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Project: PROPOSED DEVELOPMENT
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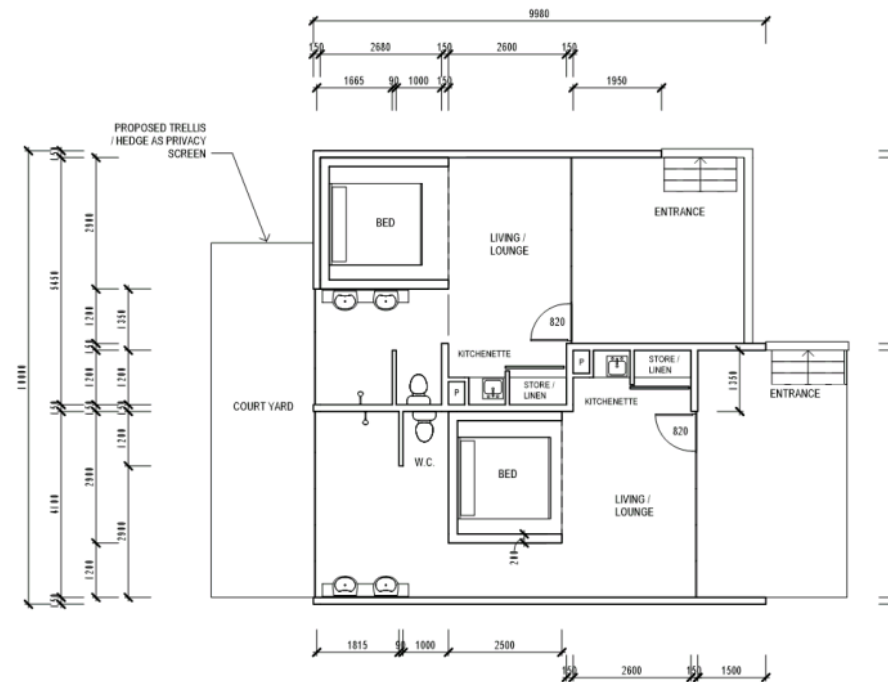
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juck@engineeringplus.com.au
triv@engineeringplus.com.au

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B	ISSUED FOR APPROVAL	06.10.20	L.K.	Drawn: L. Kaukenas
A	ISSUED FOR APPROVAL	29.11.19	L.K.	Checked: A. Taylor
-	CONCEPT AMENDMENT	25.09.19	G.L	Approved: J. Pfeiffer
-	CONCEPT ECO CABIN	14.08.18	L.K	Scale: As Shown @ A3
Rev:	Amendment:	Date:	Int:	Accredited Building Designer
				Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No: 17617 A01
Rev C





FLOOR PLAN - ECO CABIN
SCALE 1:100

Area Schedule (Gross Building)

Name	Area	Area (sq)
PROPOSE BUNKER CABIN - FF	33.33 m²	3.59
PROPOSED BUNKER CABIN - GF	45.40 m²	4.89
BUNKER DECK	12.07 m²	1.30
PROPOSED ECO CABIN #2 PORTICO	19.73 m²	2.12
PROPOSED ECO CABIN #1 PORTICO	16.52 m²	1.78
PROPOSED ECO CABIN #1	31.74 m²	3.42
PROPOSED ECO CABIN #2	39.79 m²	4.28
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EXISTING HIDEAWAY CABIN	27.45 m²	2.95
PROPOSED RECEPTION	11.69 m²	1.26
PROPOSED RECEPTION VERANDAH	13.06 m²	1.41
	280.85 m²	30.23

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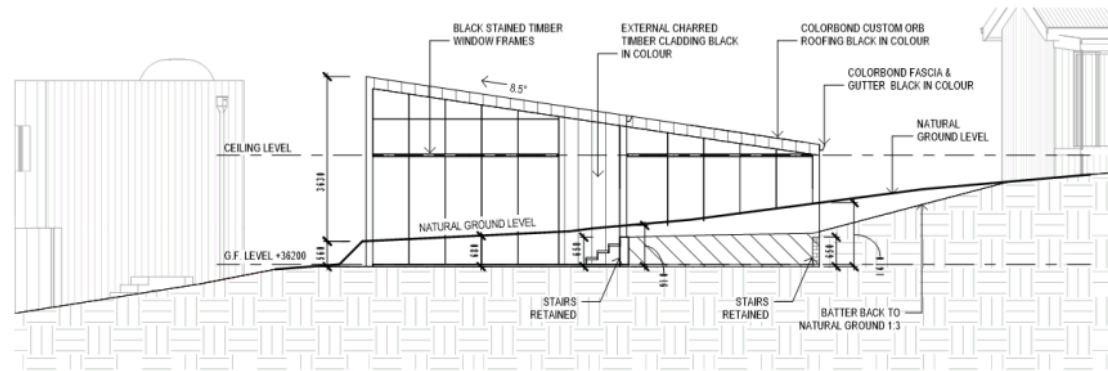
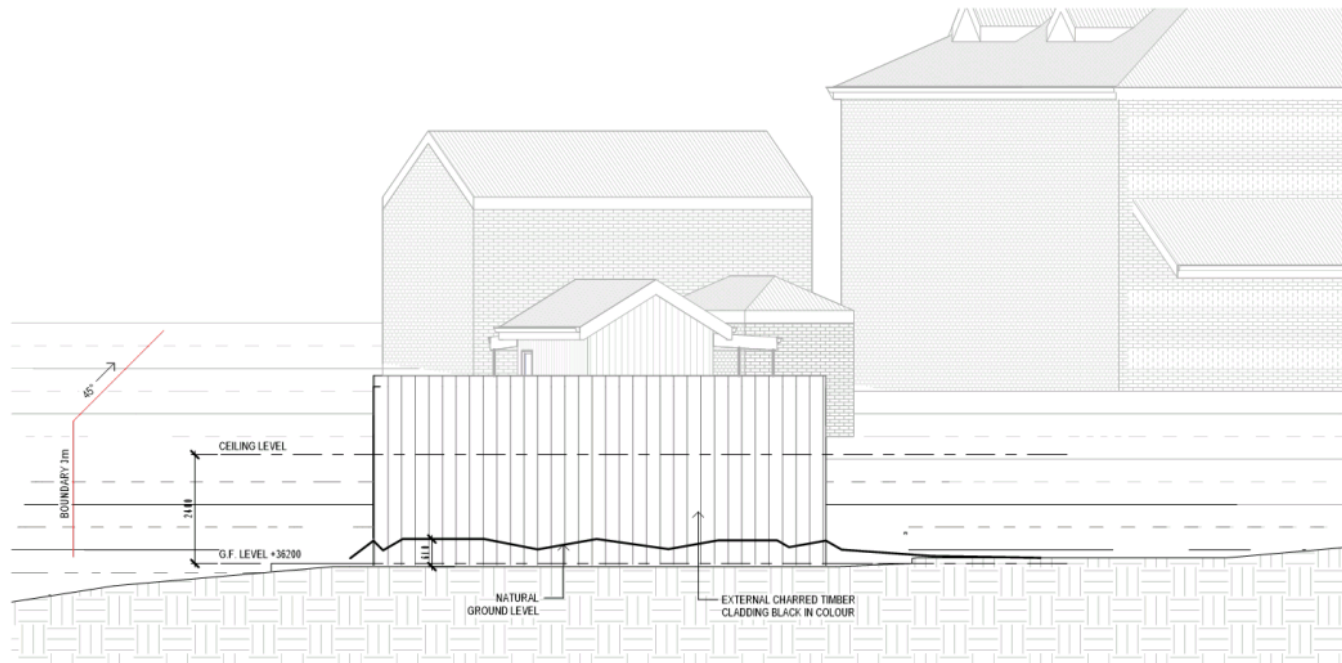
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				Accreditation No: CC2211T

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C1 - NORTH EAST ELEVATION
SCALE 1:100C1 - SOUTH EAST ELEVATION
SCALE 1:100

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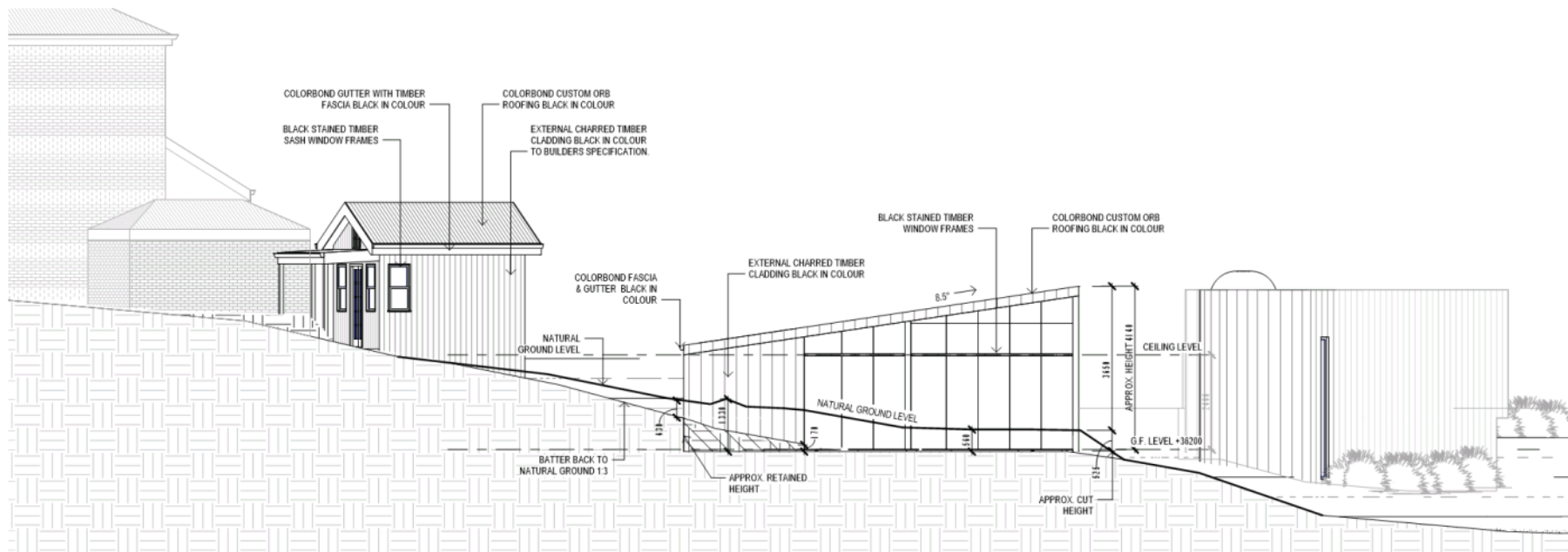
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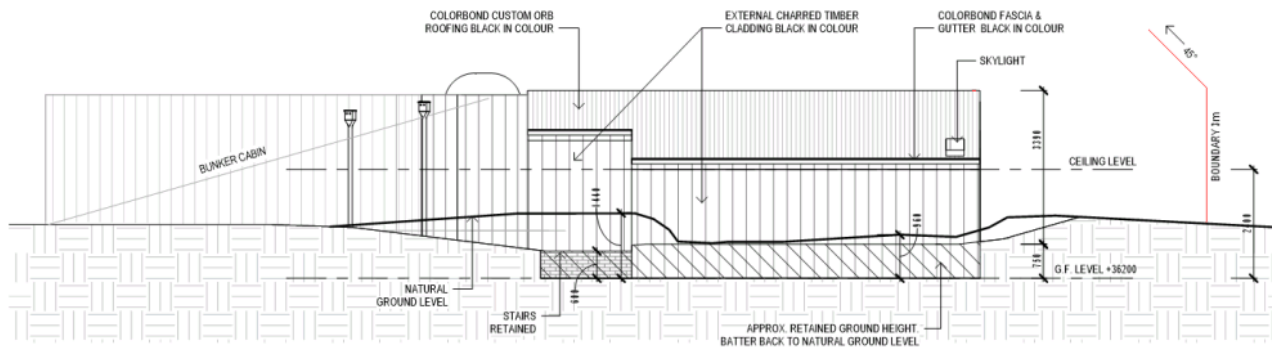
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				Accreditation No: CC2211T

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C1 - SOUTH WEST ELEVATION
 SCALE 1:100



C1 - NORTH WEST ELEVATION
 SCALE 1:100

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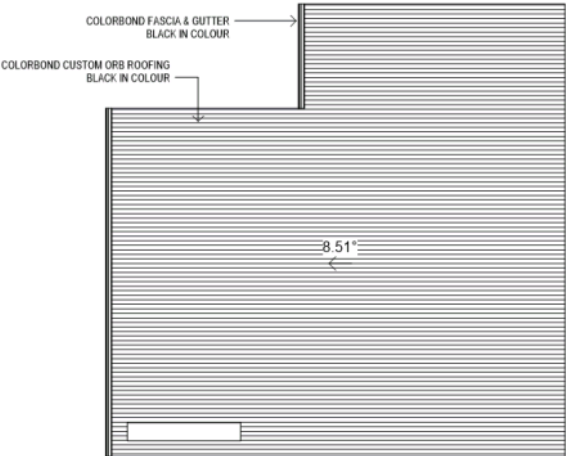
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				Accreditation No: CC2211T

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ROOF CLADDING, BCA VOLUME 2 PART 3.5.1.3
COLOURBOND 'CUSTOM ORB' METAL SHEETING INSTALLED IN
ACCORDANCE WITH THIS PART, AS 1562.1 AND MANUFACTURERS
RECOMMENDATIONS.

REFER TO LYSAGHT ROOFING & WALLING MANUAL FOR FULL DETAILS ON SHEET
INSTALLATION, FIXINGS & FLASHINGS

- MINIMUM PITCH 5 DEGREES.
- CORROSION PROTECTION IN ACCORDANCE WITH BCA TABLE 3.5.1.1.
- END LAP OF SHEETS 5-15 DEGREES - MINIMUM 200 MM.
- ABOVE 15 DEGREES - MINIMUM 150 MM.
- RIDGE LINE VALLEY TO BE TURNED UP (STOP ENDED).
- FASTENERS TO BE MADE OF COMPATIBLE MATERIAL WITH ROOFING MATERIAL.
- CREST FIXINGS OF END SPANS @ EVERY SECOND RIB AND INTERNAL SPANS @ EVERY THIRD RIB.
- WHERE POSSIBLE SHEETS TO BE LAID WITH SIDE LAPS FACING AWAY FROM PREVAILING WEATHER.
- REFLECTIVE FOIL INSULATION TO BE FITTED TO UNDERSIDE OF SHEETS.

R4.0 INSULATION BATTS TO ROOF SPACE ABOVE CEILING LINING.

RECOMMENDED FIXINGS FOR SEVERE EXPOSURE CONDITIONS TO AS
3566

USE CLASS 4 MATERIALS FOR SEVERE EXPOSURE & STAINLESS STEEL FOR
VERY SEVERE COASTAL ENVIRONMENTS.

ROOF PLAN - ECO CABIN
SCALE 1:100

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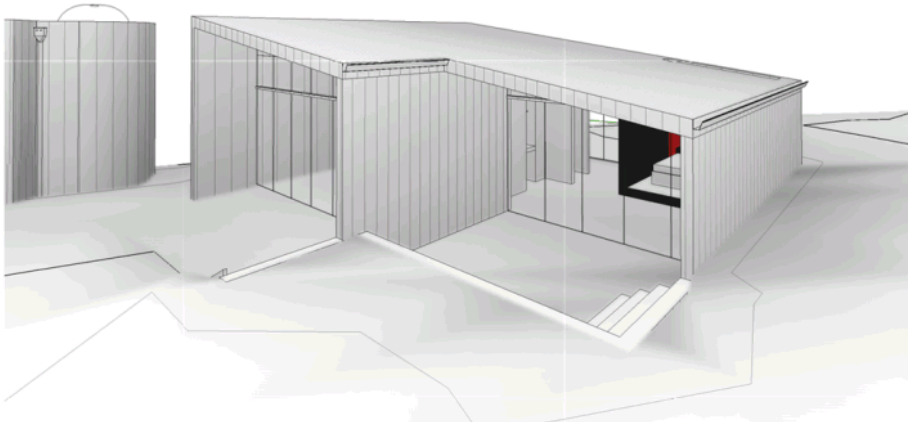
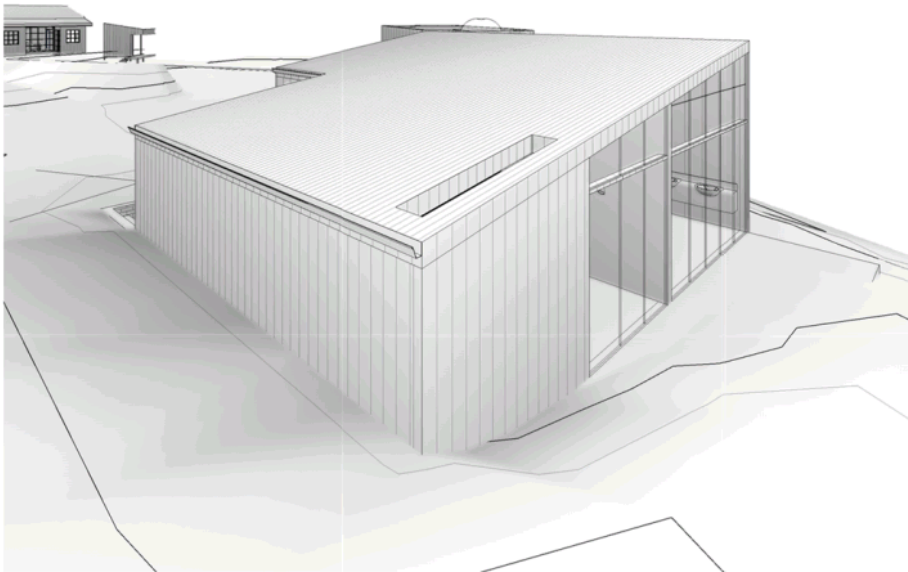
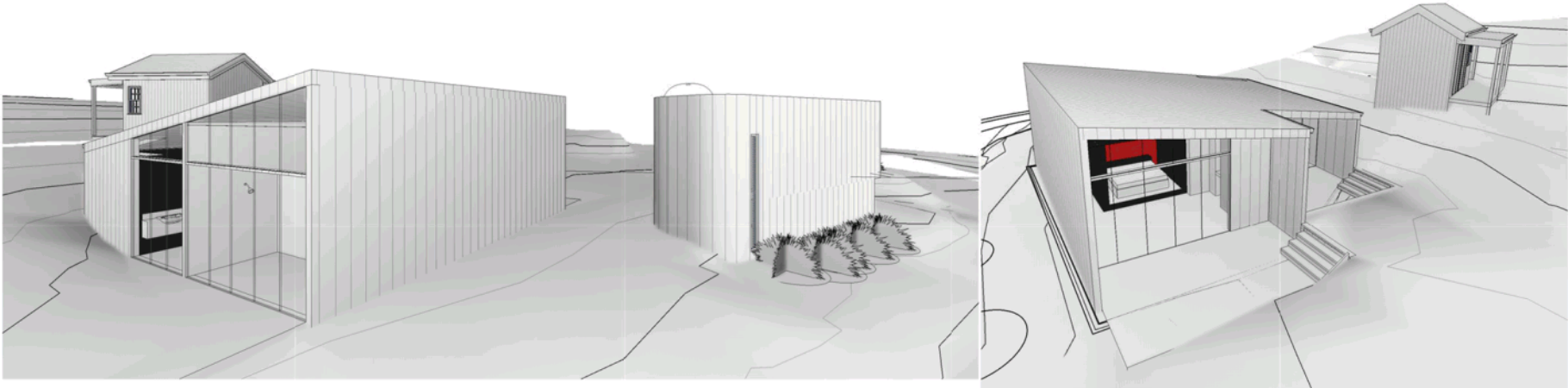
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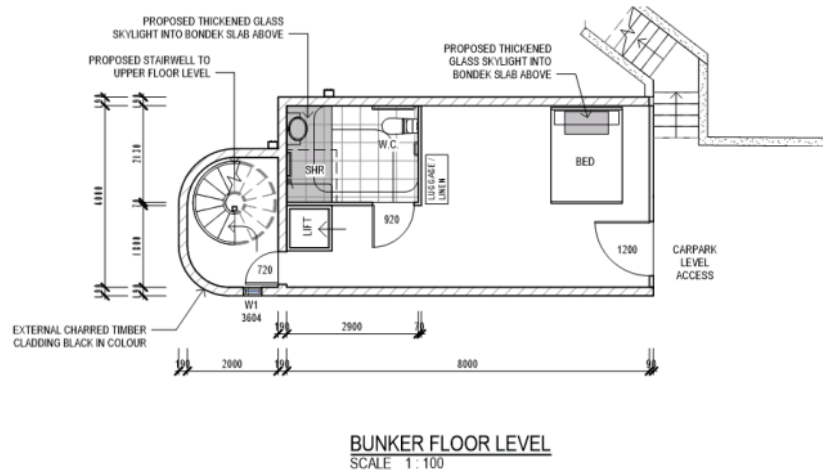
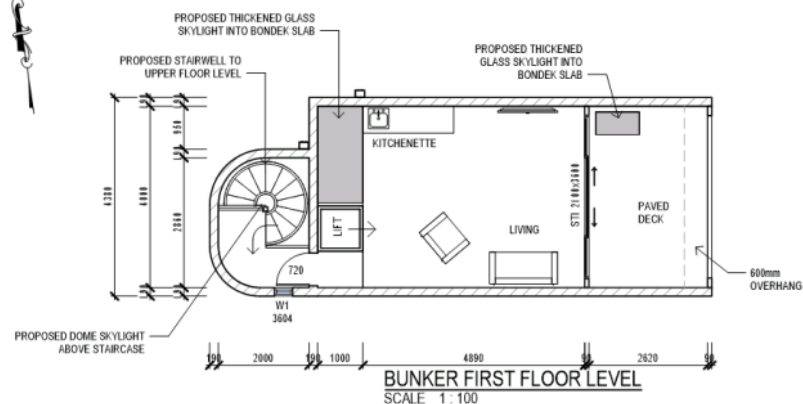
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				Accreditation No: CC2211T

Drawing No: 17617 A07
Rev C



Area Schedule (Gross Building)

Name	Area	Area (sq)
PROPOSE BUNKER CABIN - FF	33.33 m²	3.59
PROPOSED BUNKER CABIN - GF	45.40 m²	4.89
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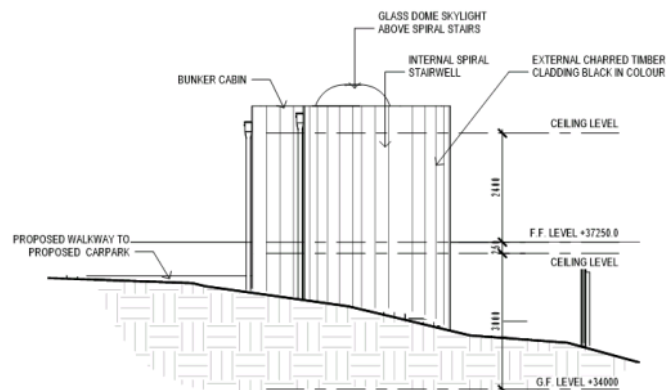
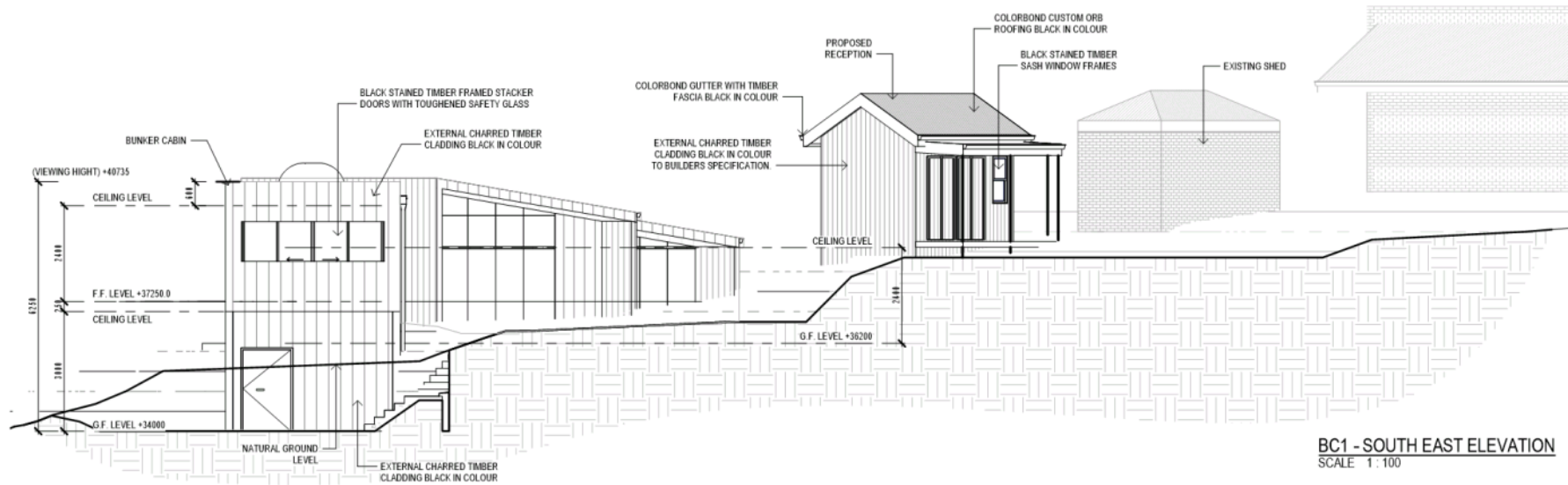
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REGISTERED BUILDING DESIGNER
REGISTERED ARCHITECT

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				Accreditation No: CC2211T

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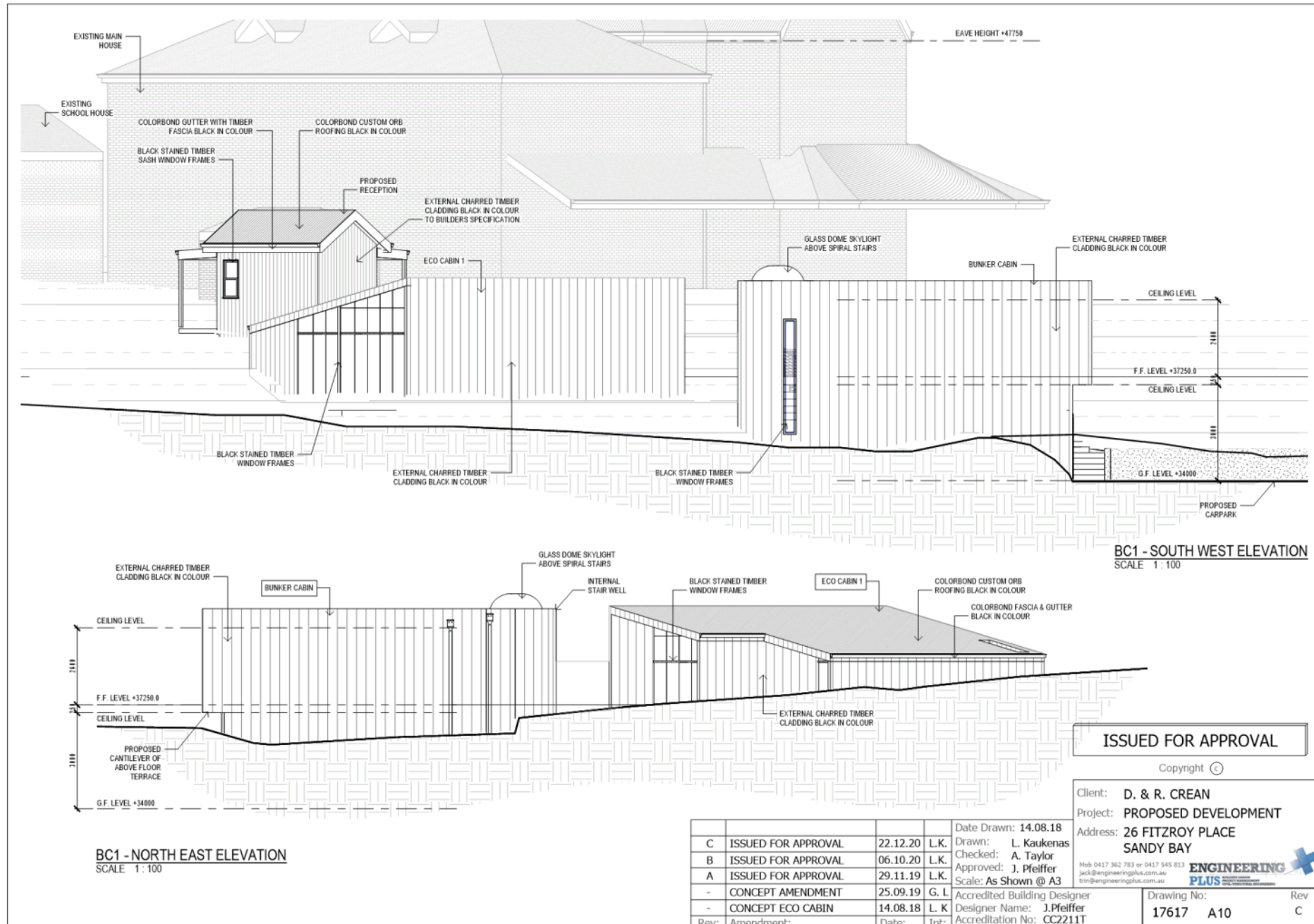
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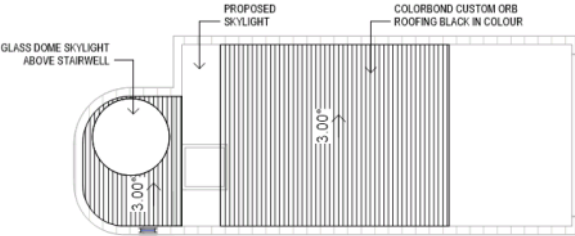
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Rev:	Amendment:	Date:	Int:	Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No: **17617 A09** Rev **C**





ROOF CLADDING. BCA VOLUME 2 PART 3.5.1.3
COLOURBOND 'CUSTOM ORB' METAL SHEETING INSTALLED IN
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R4.0 INSULATION BATTS TO ROOF SPACE ABOVE CEILING LINING.

RECOMMENDED FIXINGS FOR SEVERE EXPOSURE CONDITIONS TO AS 3566

USE CLASS 4 MATERIALS FOR SEVERE EXPOSURE & STAINLESS STEEL FOR VERY SEVERE COASTAL ENVIRONMENTS.

ROOF PLAN - BUNKER CABIN
SCALE 1 : 100

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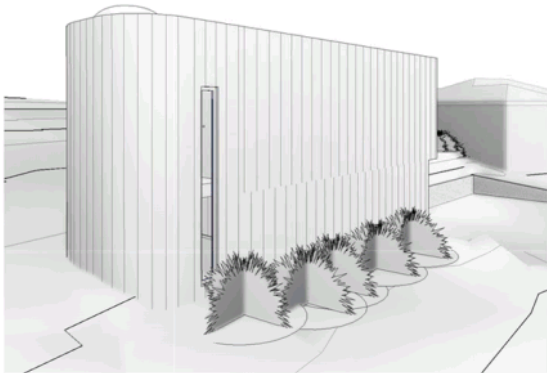
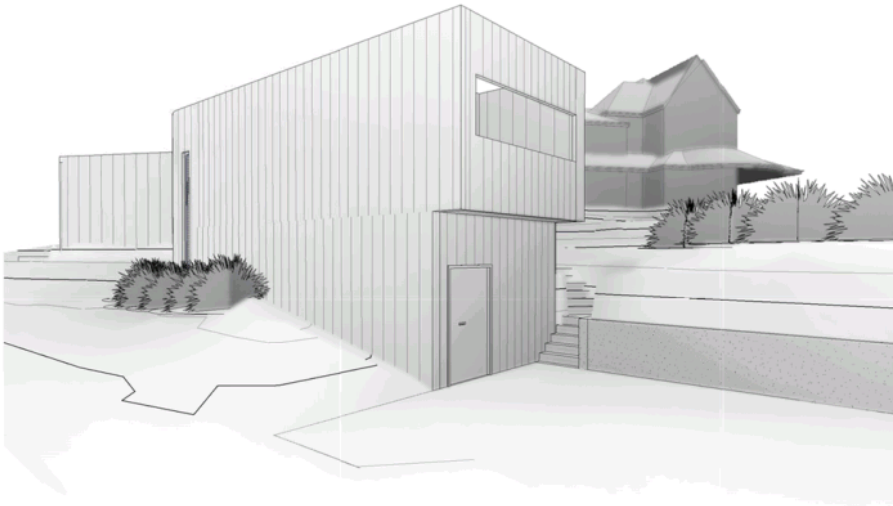
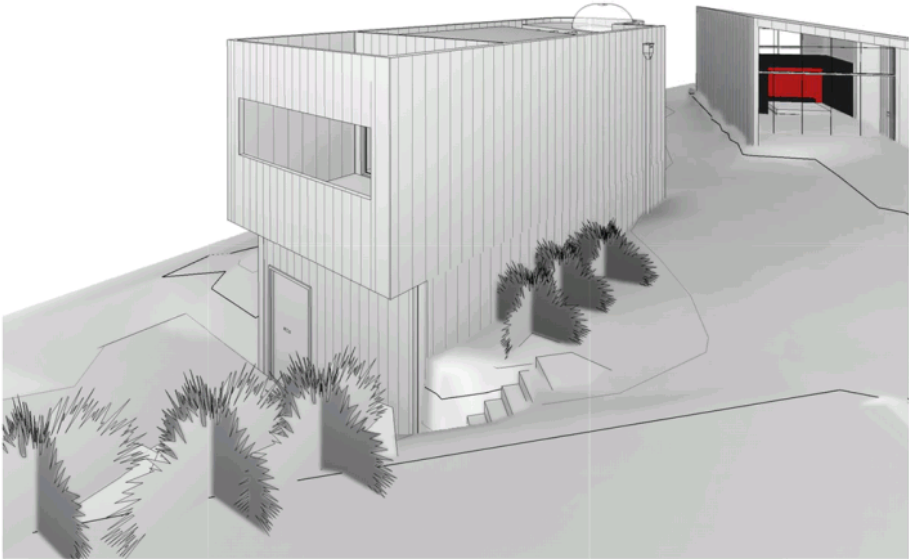
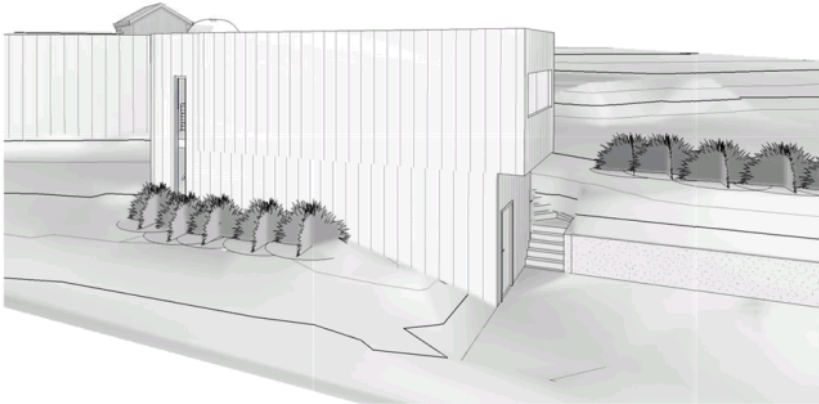
Client: D. & R. CREAN
Project: PROPOSED DEVELOPMENT
Address: 26 FITZROY PLACE
SANDY BAY

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-	CONCEPT AMENDMENT	25.09.19	G. L	Scale: As Shown @ A3
-	CONCEPT ECO CABIN	14.08.18	L. K	Accredited Building Designer
Rev:	Amendment:	Date:	Int:	Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No: 17617 A11
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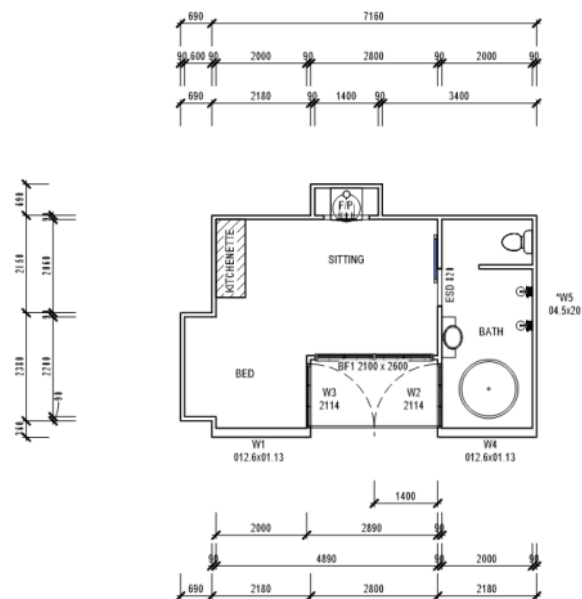
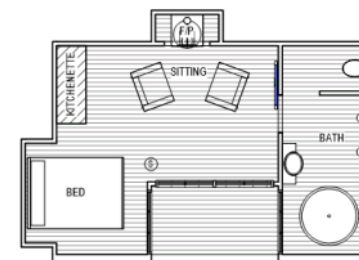
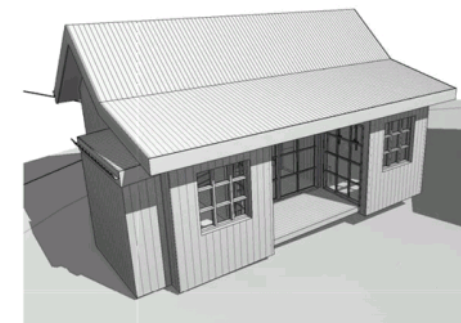
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Rev:	Amendment:	Date:	Int:	Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No:
17617 A12

Rev
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MAUD'S COTTAGE CONSTRUCTION PLAN
SCALE 1:100MAUD'S COTTAGE FLOOR PLAN
SCALE 1:100

FLOOR COVERINGS	
	CARPET
	CONCRETE
	TIMBER FLOORING
	TILE
	TIMBER DECKING

Area Schedule (Gross Building)		
Name	Area	Area (sq)
PROPOSE BUNKER CABIN - FF	33.33 m²	3.59
PROPOSED BUNKER CABIN - GF	45.40 m²	4.89
BUNKER DECK	12.07 m²	1.30
PROPOSED ECO CABIN #2 PORTICO	19.73 m²	2.12
PROPOSED ECO CABIN #1 PORTICO	16.52 m²	1.78
PROPOSED ECO CABIN #1	31.74 m²	3.42
PROPOSED ECO CABIN #2	39.79 m²	4.28
PROPOSED MAUD'S COTTAGE	30.07 m²	3.24
EXISTING HIDEAWAY CABIN	27.45 m²	2.95
PROPOSED RECEPTION	11.69 m²	1.26
PROPOSED RECEPTION VERANDAH	13.06 m²	1.41
	280.85 m²	30.23

WINDOW SCHEDULE

MARK	HEIGHT	WIDTH	TYPE	U-VALUE	SHGC
W1	1260	1130	DG	4.1	.55
W2	2100	1400	DG	4.1	.55
W3	2100	1400	DG	4.1	.55
W4	1260	1130	DG	4.1	.55
*W5	450	2000	DG	4.1	.55
BF1	2100	2600	DG	4.0	.61

NOTE:
* = HIGHLIGHT WINDOW

SMOKE ALARMS
PROVIDE AND INSTALL SMOKE ALARMS & HARD WIRE
TO BUILDING POWER SUPPLY TO AS 3786.
CEILING MOUNTED WITH 9VDC
ALKALINE BATTERY BACKUP
TO LOCATIONS INDICATED ON PLAN AND IN ACCORDANCE
WITH NCC PART 3.7.5.2

(S) - DENOTES INTERCONNECTED SMOKE DETECTORS

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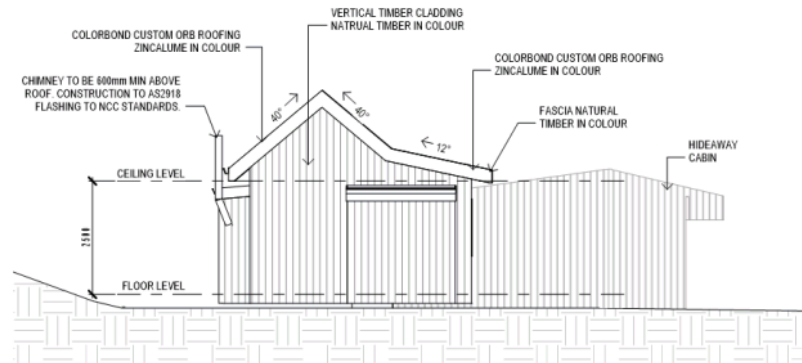
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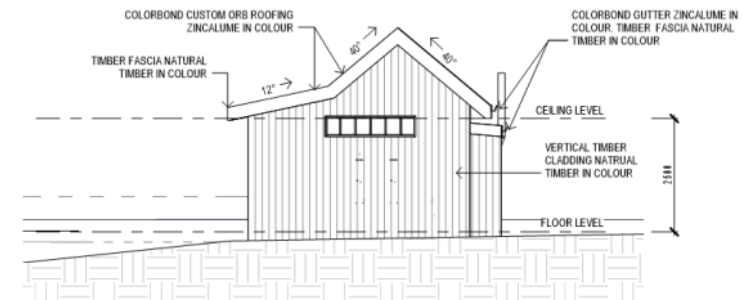
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Drawing No: 17617 A13

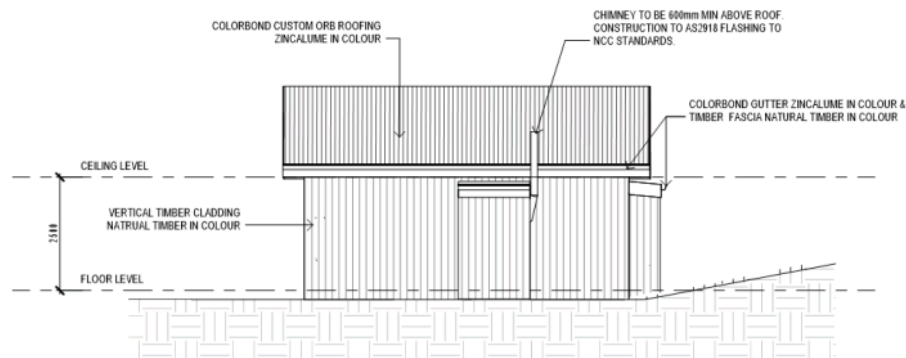
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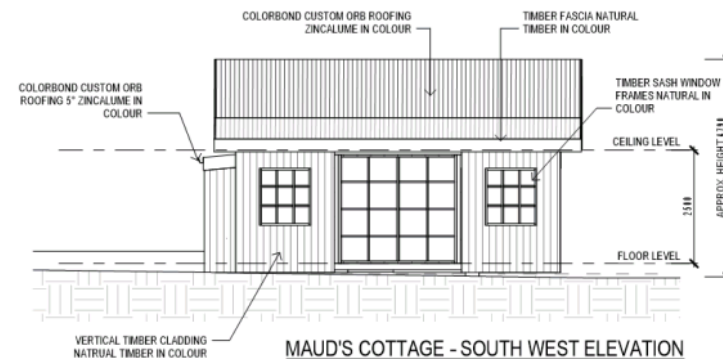
MAUD'S COTTAGE - NORTH WEST ELEVATION
SCALE 1:100



MAUD'S COTTAGE - SOUTH EAST ELEVATION
SCALE 1:100



MAUD'S COTTAGE - NORTH EAST ELEVATION
SCALE 1:100



MAUD'S COTTAGE - SOUTH WEST ELEVATION
SCALE 1:100

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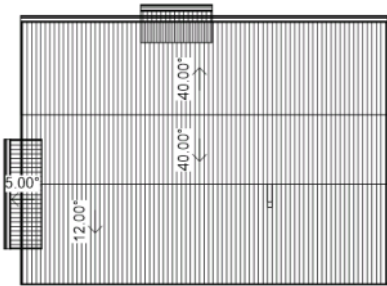
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Rev:	Amendment:	Date:	Int:	Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No:
17617 A14

Rev
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ROOF PLAN - MAUD'S COTTAGE
SCALE 1:100

ROOF CLADDING, BCA VOLUME 2 PART 3.5.1.3
COLOURBOND 'CUSTOM ORB' METAL SHEETING INSTALLED IN
ACCORDANCE WITH THIS PART, AS 1562.1 AND MANUFACTURERS
RECOMMENDATIONS.

REFER TO LYSAGHT ROOFING & WALLING MANUAL FOR FULL DETAILS ON SHEET
INSTALLATION, FIXINGS & FLASHINGS

- MINIMUM PITCH 5 DEGREES.
- CORROSION PROTECTION IN ACCORDANCE WITH BCA TABLE 3.5.1.1.
- END LAP OF SHEETS 5-15 DEGREES - MINIMUM 200 MM.
- ABOVE 15 DEGREES - MINIMUM 150 MM.
- RIDGE LINE VALLEY TO BE TURNED UP (STOP ENDED).
- FASTENERS TO BE MADE OF COMPATIBLE MATERIAL WITH ROOFING MATERIAL.
- CREST FIXINGS OF END SPANS @ EVERY SECOND RIB AND INTERNAL SPANS @ EVERY THIRD RIB.
- WHERE POSSIBLE SHEETS TO BE LAID WITH SIDE LAPS FACING AWAY FROM PREVAILING WEATHER.
- REFLECTIVE FOIL INSULATION TO BE FITTED TO UNDERSIDE OF SHEETS.

R4.0 INSULATION BATTS TO ROOF SPACE ABOVE CEILING LINING.

RECOMMENDED FIXINGS FOR SEVERE EXPOSURE CONDITIONS TO AS
3566
USE CLASS 4 MATERIALS FOR SEVERE EXPOSURE & STAINLESS STEEL FOR
VERY SEVERE COASTAL ENVIRONMENTS.

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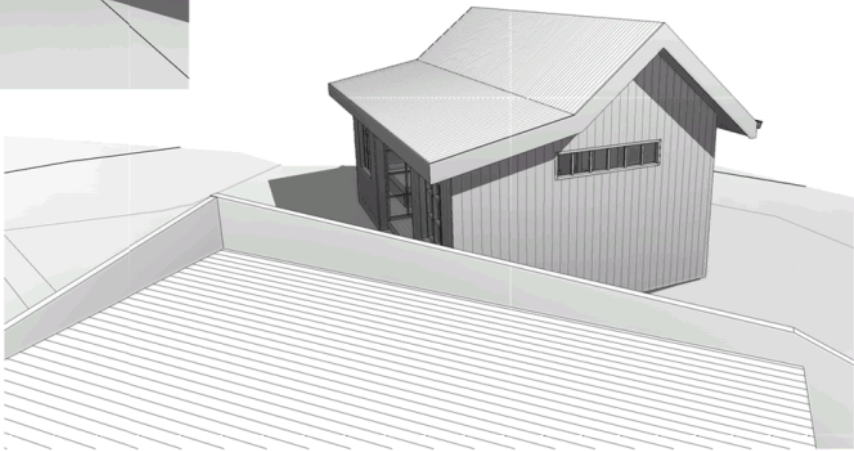
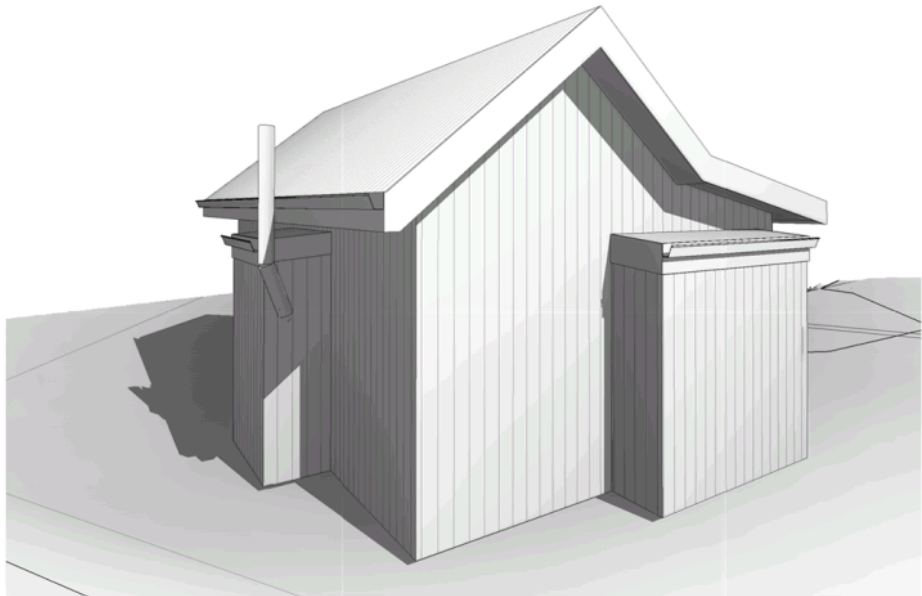
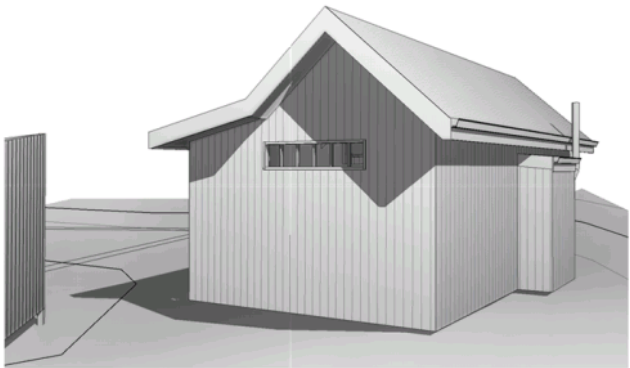
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Drawing No: 17617 A15 Rev C



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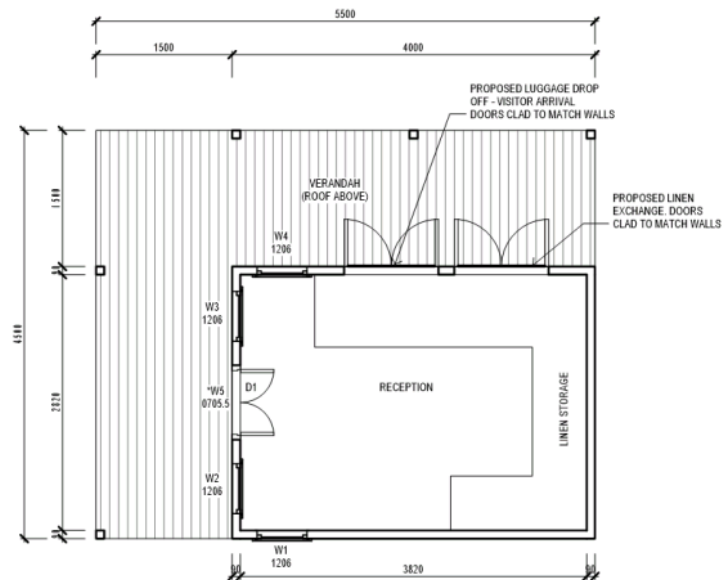
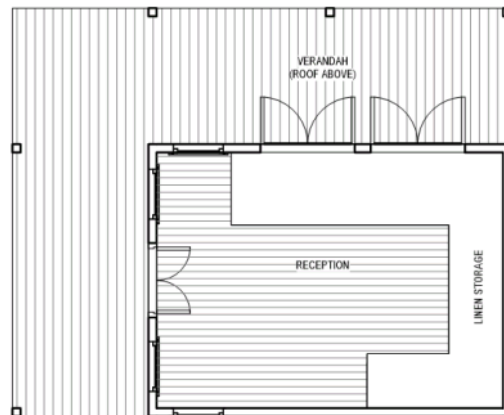
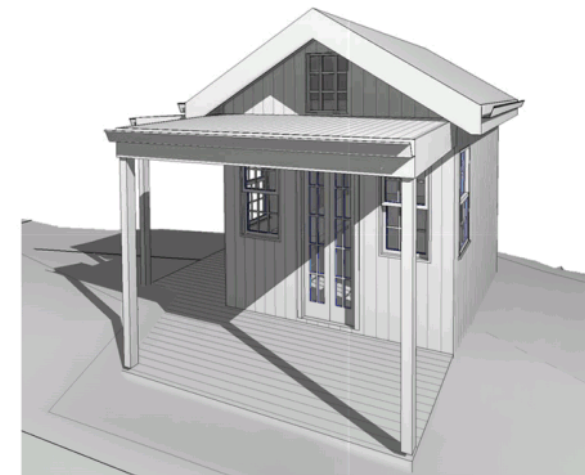
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				Accreditation No: CC2211T

Drawing No: 17617 A16
Rev: C

RECEPTION CONSTRUCTION PLAN
SCALE 1:50RECEPTION FLOOR PLAN
SCALE 1:50

WINDOW SCHEDULE

MARK	HEIGHT	WIDTH	TYPE	U-VALUE	SHGC
W1	1200	600	DG	4.1	.55
W2	1200	600	DG	4.1	.55
W3	1200	600	DG	4.1	.55
W4	1200	600	DG	4.1	.55
*W5	700	550	DG	4.1	.55
D1	2100	820	DG	4.0	.61

* = HIGHLIGHT WINDOW

FLOOR COVERINGS	
	CARPET
	CONCRETE
	TIMBER FLOORING
	TILE
	TIMBER DECKING

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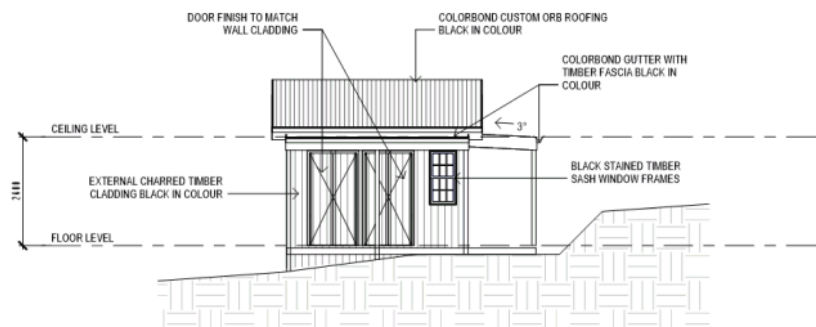
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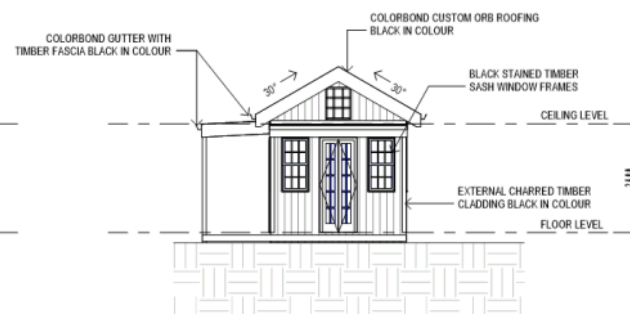
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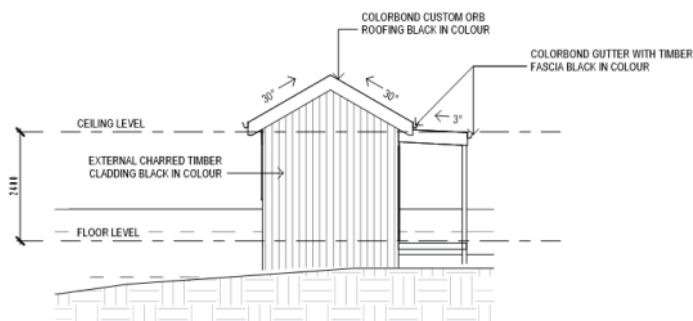
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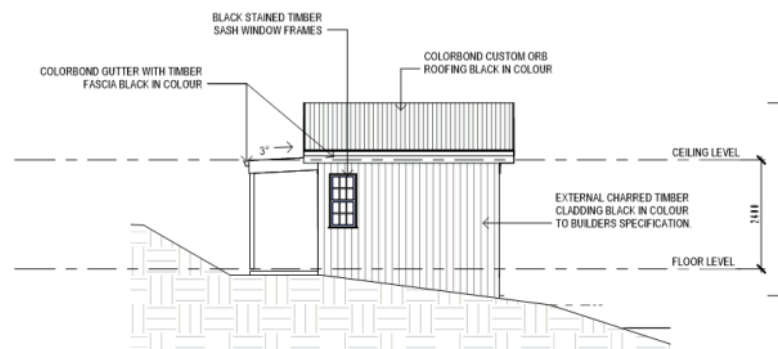
RECEPTION - NORTH EAST ELEVATION
SCALE 1:100



RECEPTION - NORTH WEST ELEVATION
SCALE 1:100



RECEPTION - SOUTH EAST ELEVATION
SCALE 1:100



RECEPTION - SOUTH WEST ELEVATION
SCALE 1:100

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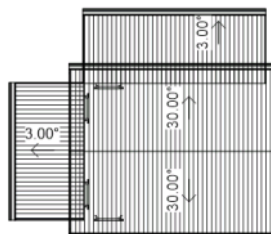
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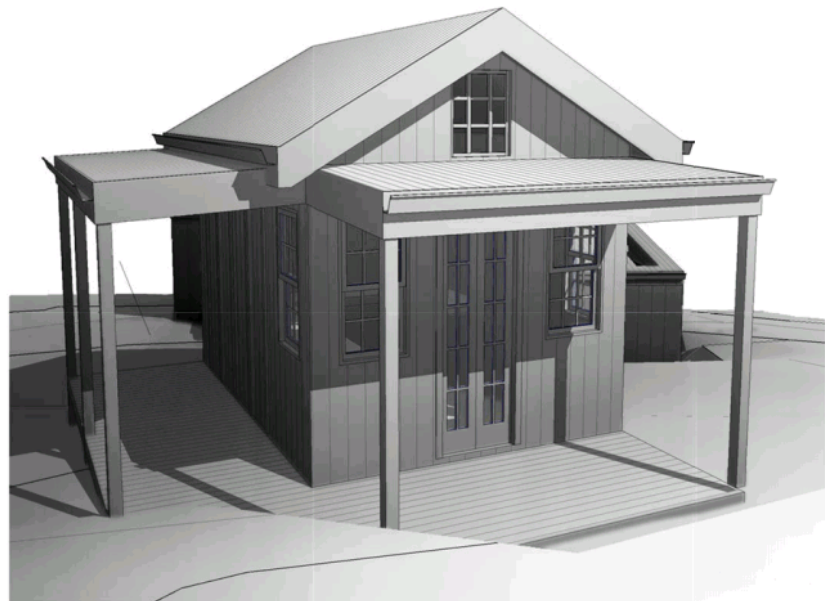
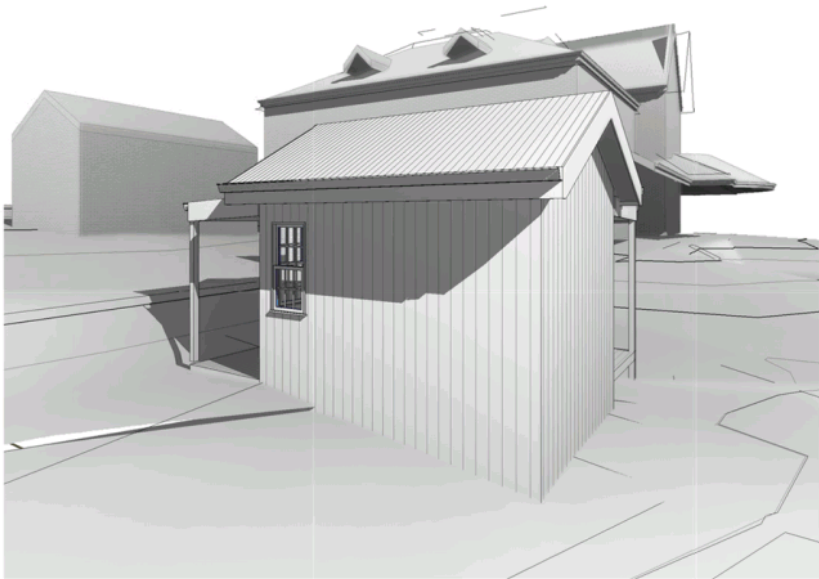
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Drawing No:	Rev
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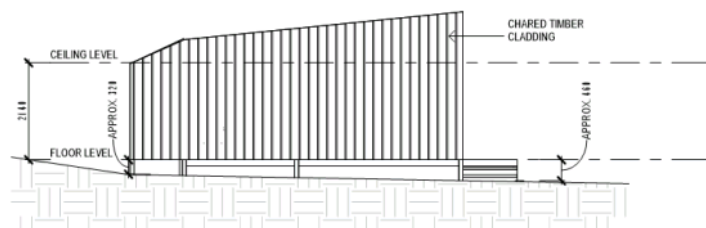
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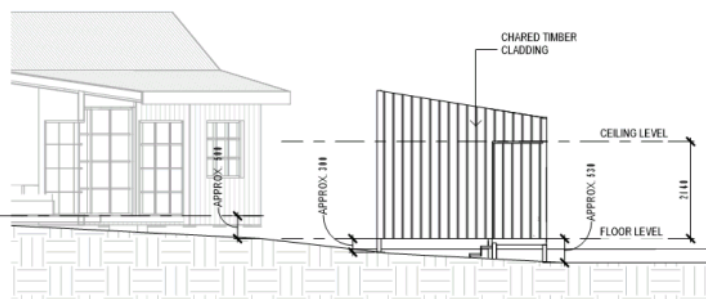
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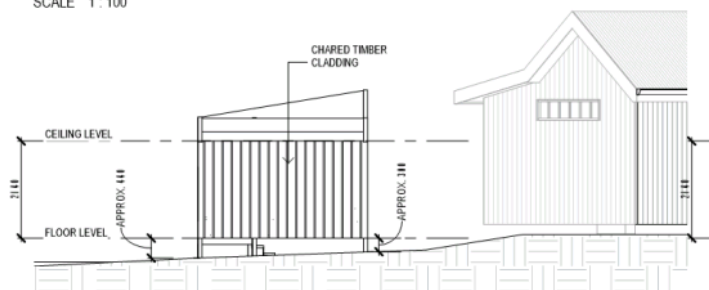
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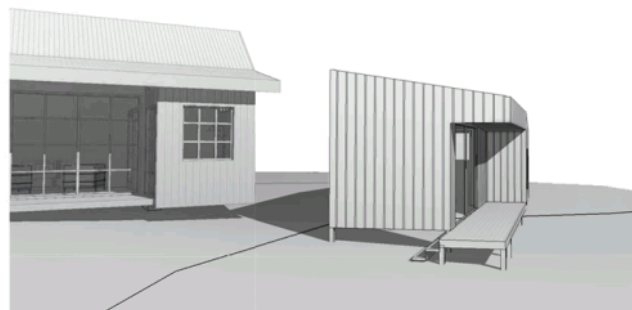
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SCALE 1:100



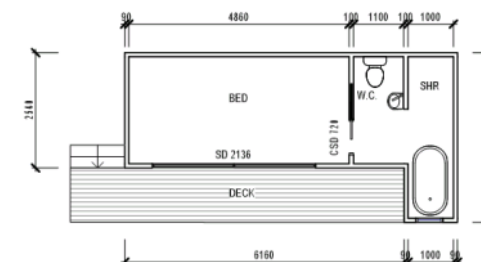
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SCALE 1:100



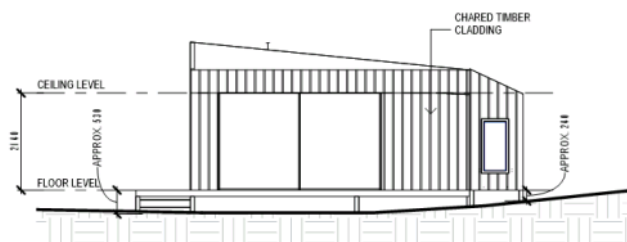
HIDEAWAY - SOUTH EAST ELEVATION
SCALE 1:100



EXISTING HIDEAWAY CABIN - DESIGN BY OTHERS. TO BE RELOCATED TO NEW LOCATION. REFER LOCALITY PLAN. HEIGHTS SHOWN TO BE CONFIRMED BY BUILDER PRIOR TO RELOCATION. ENSURE MIN. 300mm CLEARANCE FROM FLOOR HEIGHT OF CABIN TO GROUND LEVEL.



HIDEAWAY PLAN
SCALE 1:100



HIDEAWAY - SOUTH WEST ELEVATION
SCALE 1:100

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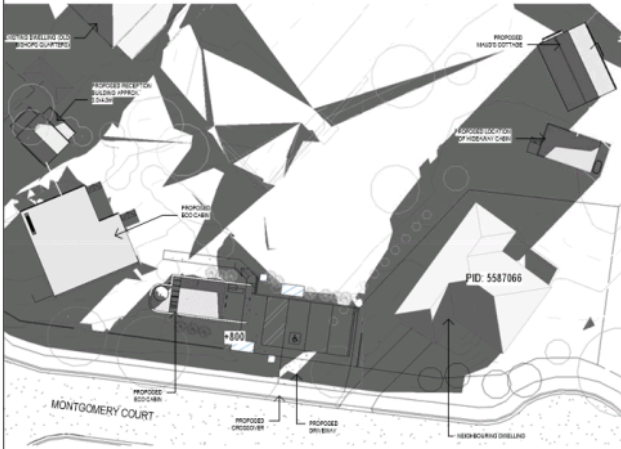
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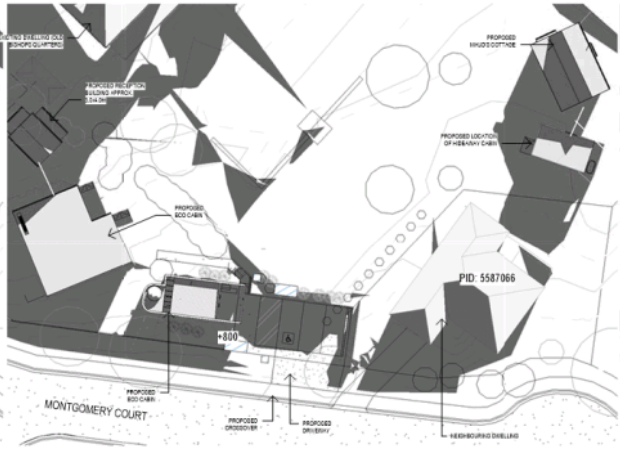
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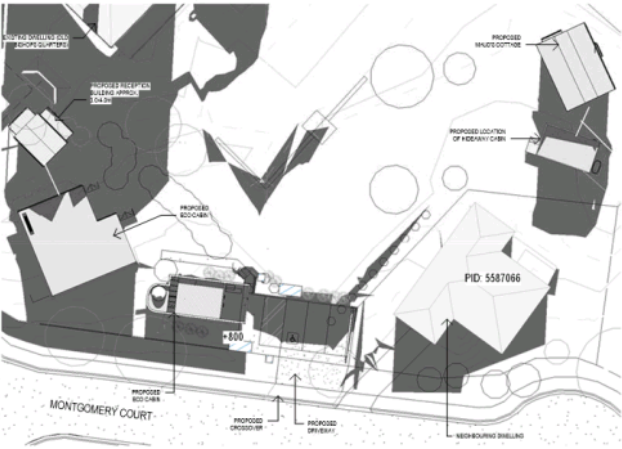
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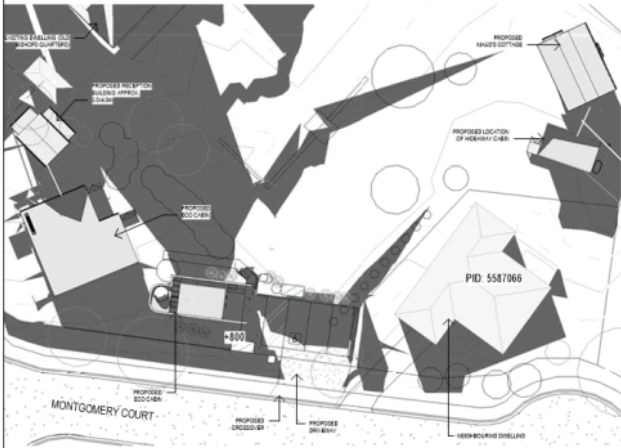
SITE SHADOW PLAN 9.00AM
SCALE 1:500



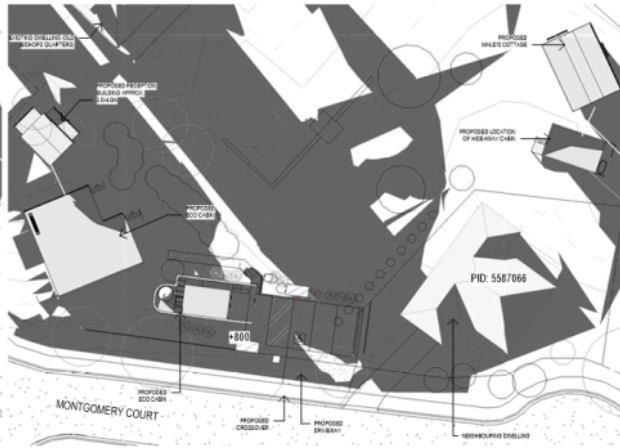
SITE SHADOW PLAN 10.30AM
SCALE 1:500



SITE SHADOW PLAN 12.00PM
SCALE 1:500



SITE SHADOW PLAN 1.30PM
SCALE 1:500



SITE SHADOW PLAN 3.00PM
SCALE 1:500

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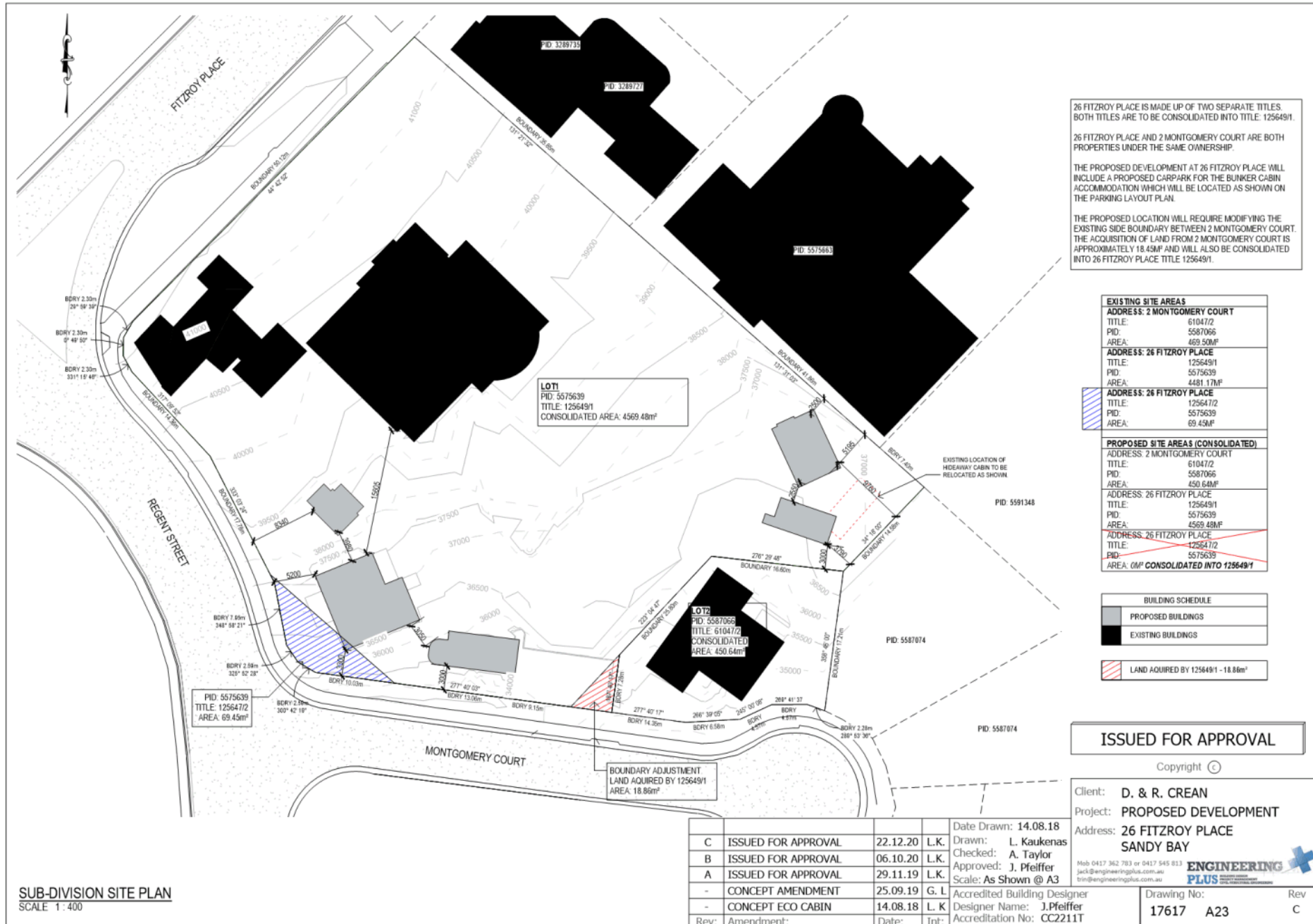
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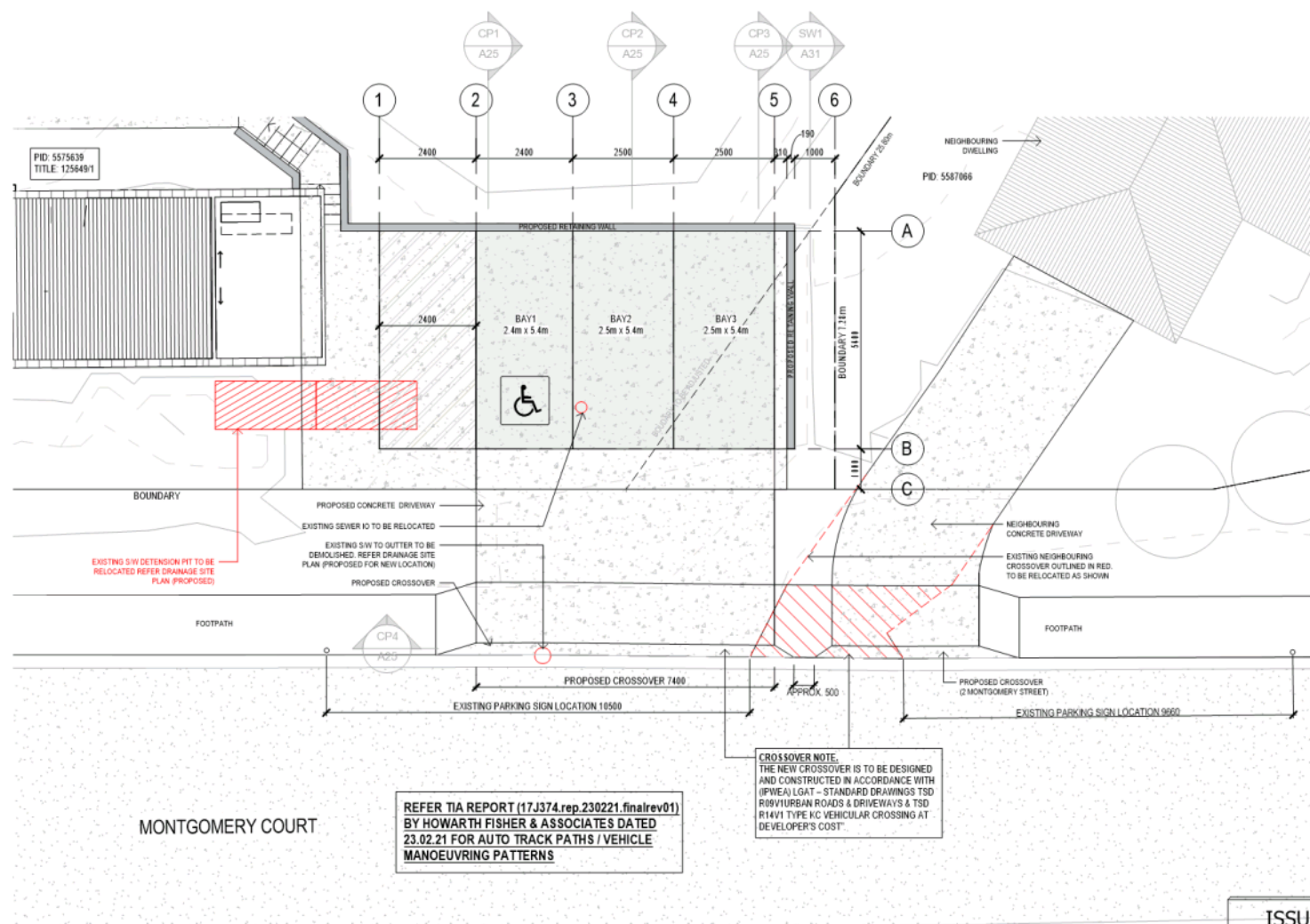
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CONSULTANTS
10/11/2019

				Date Drawn: 14.08.18
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-	CONCEPT ECO CABIN	14.08.18	L. K	Accredited Building Designer
Rev:	Amendment:	Date:	Int:	Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No:
17617 A22

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CARPARK LAYOUT PLAN
 SCALE 1:100

PROPOSED MONTGOMERY STREET PARKING SCHEDULE					
BAY No.	PURPOSE	ANGLE OF CAR SPACES TO MANOEUVRING SPACE	DIMENSIONS (W) x (H)	AISLE WIDTH REVERSING CLEARANCE	USER CLASS
BAY1	VISITOR PARKING	90° - REVERSE EXIT	2400 x 5400	1m TO BOUNDARY	4
BAY2	VISITOR PARKING	90° - REVERSE EXIT	2500 x 5400	1m TO BOUNDARY	2
BAY3	VISITOR PARKING	90° - REVERSE EXIT	2500 x 5400	1m TO BOUNDARY	2

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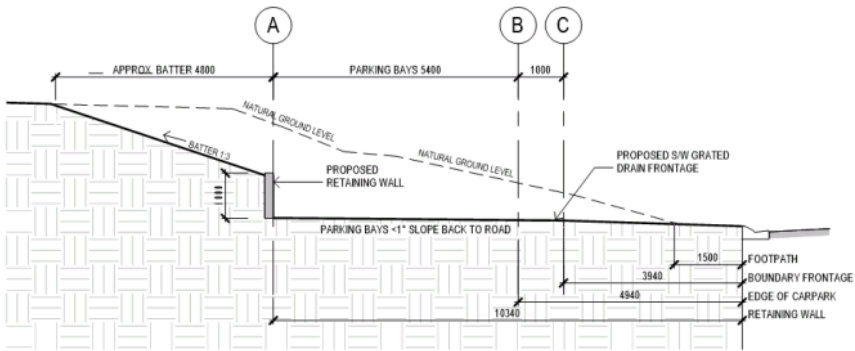
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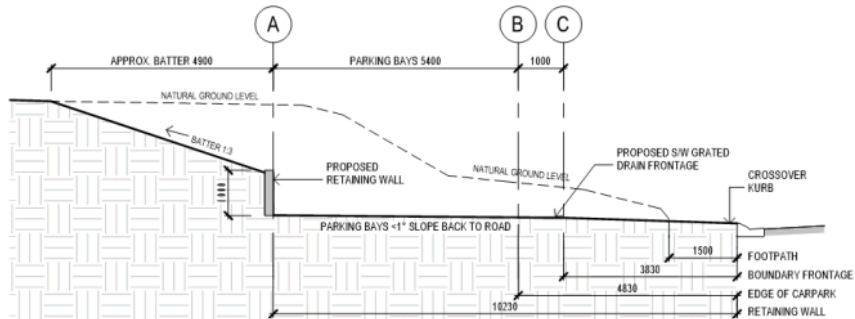
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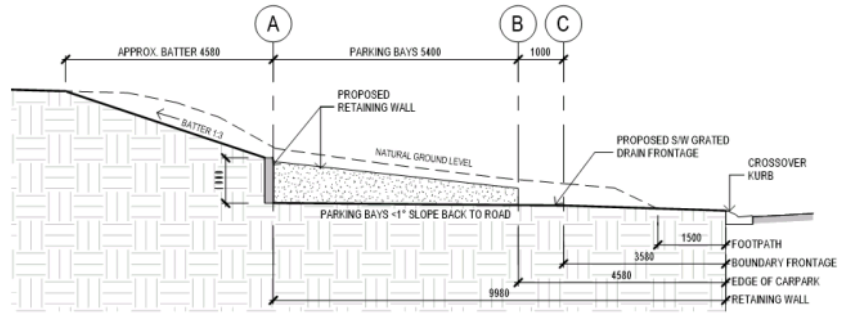
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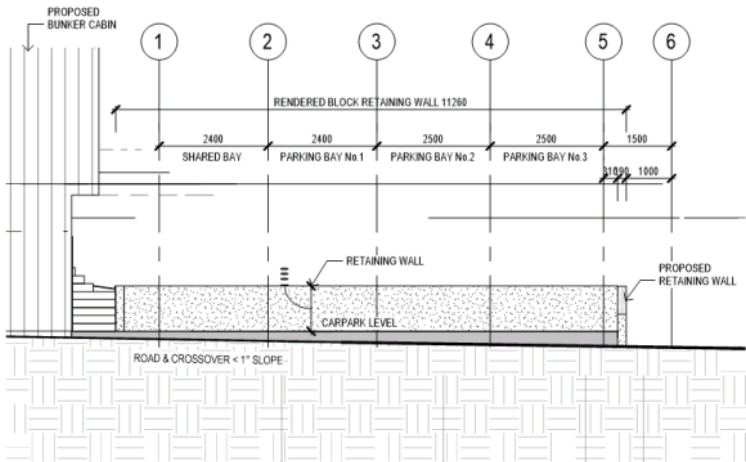
CP1
SCALE 1 : 100



CP2
SCALE 1 : 100



CP3
SCALE 1 : 100



CP4
SCALE 1 : 100



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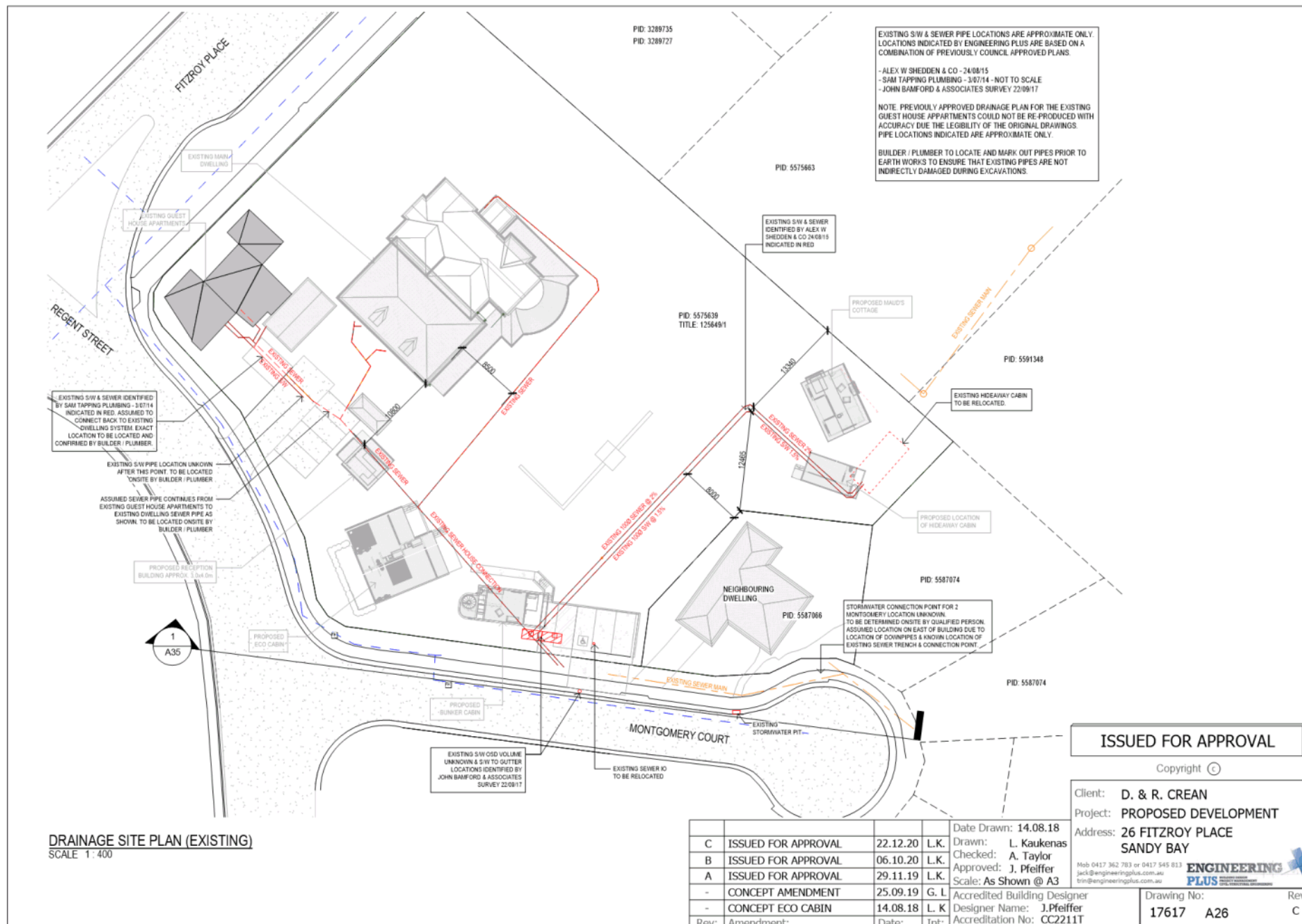
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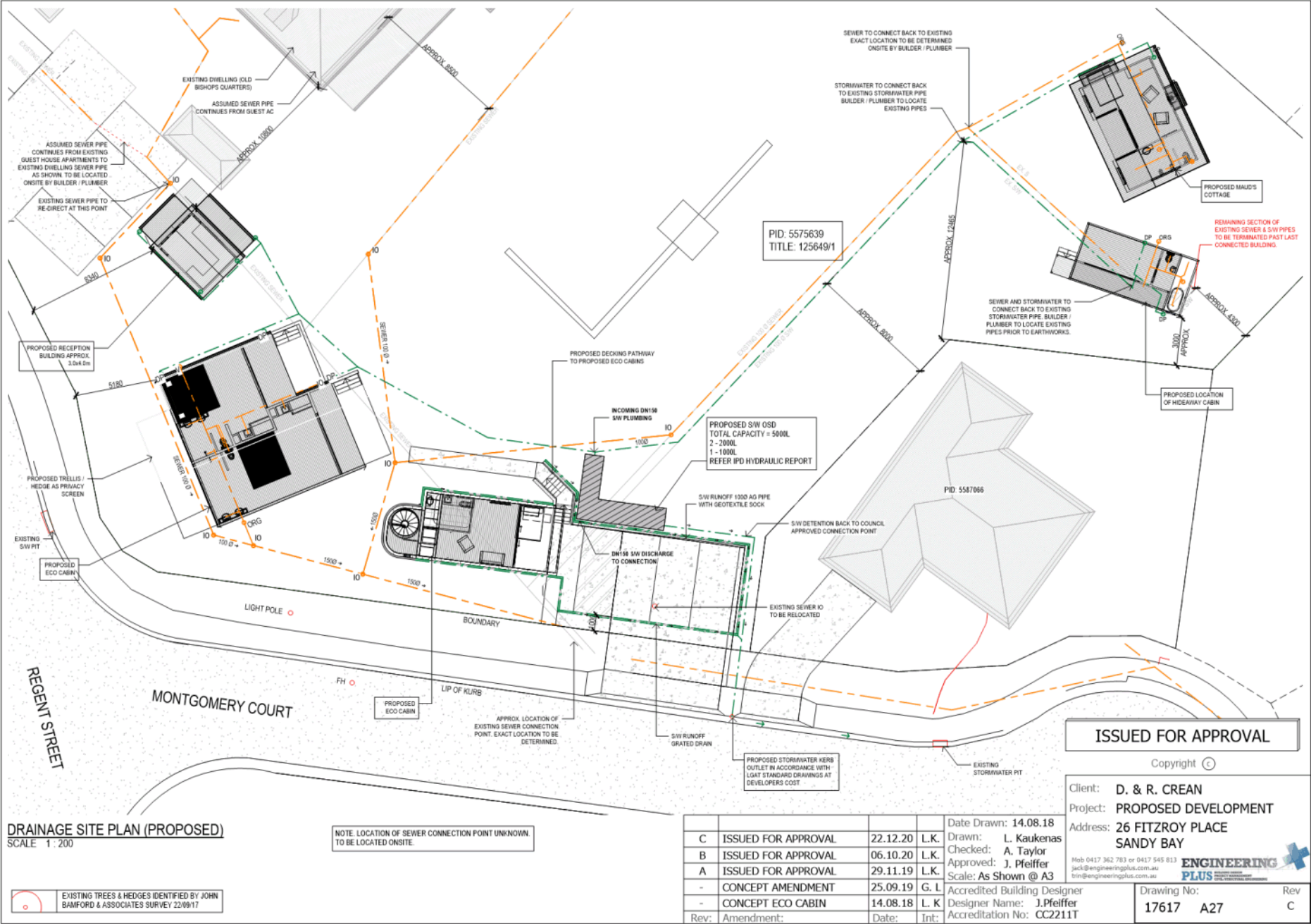
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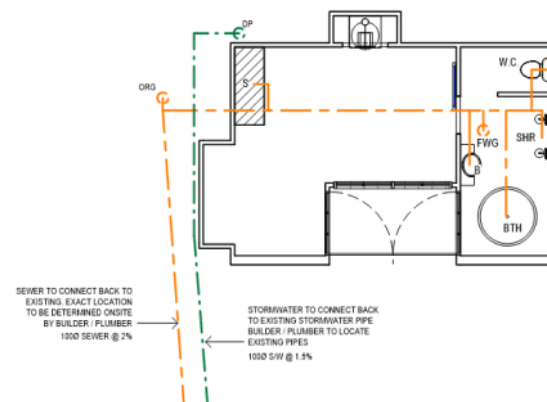
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Rev:	Amendment:	Date:	Int:	Accredited Building Designer
				Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No:
17617 A25

Rev
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DRAINAGE PLAN - MAUD'S COTTAGE
SCALE 1 : 100**PLUMBING NOTES:**

ALL DRAINAGE WORK SHOWN IS PROVISIONAL ONLY AND IS SUBJECT TO AMENDMENT TO COMPLY WITH THE REQUIREMENTS OF THE LOCAL AUTHORITIES.
ALL WORK IS TO COMPLY WITH THE REQUIREMENTS OF AS/NZS 3500 & THE TASMANIAN PLUMBING CODE. AND MUST BE CARRIED OUT BY A LICENCED TRADESMAN ONLY.

LEGEND OF DIAMETERS

TROUGH = 50mm
SINK = 50mm
BATH = 40mm
BASIN = 40mm
SHOWER = 50mm
WC = 100mm
SEWER = 100mm DIA. uPVC
ORG OVERFLOW RELIEF GULLY
EV VENT
DP DOWNPIPE 90mm DIA
STORMWATER = 100mm DIA uPVC

THE INSTALLATION OF WATER PIPE LINES, INSTALLED WITH THE PRODUCT HIS 311 REHAU, WILL REQUIRE THE MAIN COLD WATER LINE TO BE DN 25mm WITH DN 16mm BRANCHES & HOT WATER MAIN LINES TO BE DN 20mm WITH DN 16mm BRANCHES TO FIXTURES. ALL OTHER PRODUCTS USED ARE TO COMPLY WITH THE REQUIREMENTS OF AS/NZS 3500.5.2000 & AS/NZS 3500.1.2003

HOT WATER INSTALLATION SHALL DELIVER HOT WATER TO ALL SANITARY FIXTURES USED FOR PERSONAL HYGIENE AT 50deg C. KITCHEN SINK & LAUNDRY SHALL BE 60deg C TO COMPLY WITH REQUIREMENTS OF AS/NZS 3500.5.2000 SECTION 3.4

DRAINAGE

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NOTE

SEWER & STORMWATER FROM PROPOSED VISITOR ACCOMMODATION TO BE DIRECTED INTO EXISTING SEWER & STORMWATER SYSTEM TO LOCAL COUNCIL REQUIREMENTS & AS3500

DRAINAGE TABLE

NOTE: EXISTING SEWER & STORMWATER PIPE LOCATIONS SHOWN ARE APPROXIMATE ONLY. SOME PROPOSED BUILDINGS SHOW TO INTERSECT EXISTING SEWER & S/W PIPES. BUILDER / PLUMBER TO DETERMINE LOCATION OF PIPES ON SITE AND REDIRECT.

---	EXISTING SEWER (APPROX. LOCATION)
---	WATER (APPROX. LOCATION)
---	STORMWATER (APPROX. LOCATION)

PLUMBING FIXTURE	ABBREVIATION
BASIN	B
BATH	BTH
SHOWER	SHR
CLOTHES WASHING MACHINE	CWM
DISHWASHING MACHINE	DWM
FLOOR WASTE GULLY	FWG
OVERFLOW RELIEF GULLY	ORG
HOT WATER CYLINDER	HWC
SINK	S
TROUGH, LAUNDRY	TR.L
WATER CLOSET PAN	W.C
INSPECTION OPENING	IO
DOWNPIPE	DP

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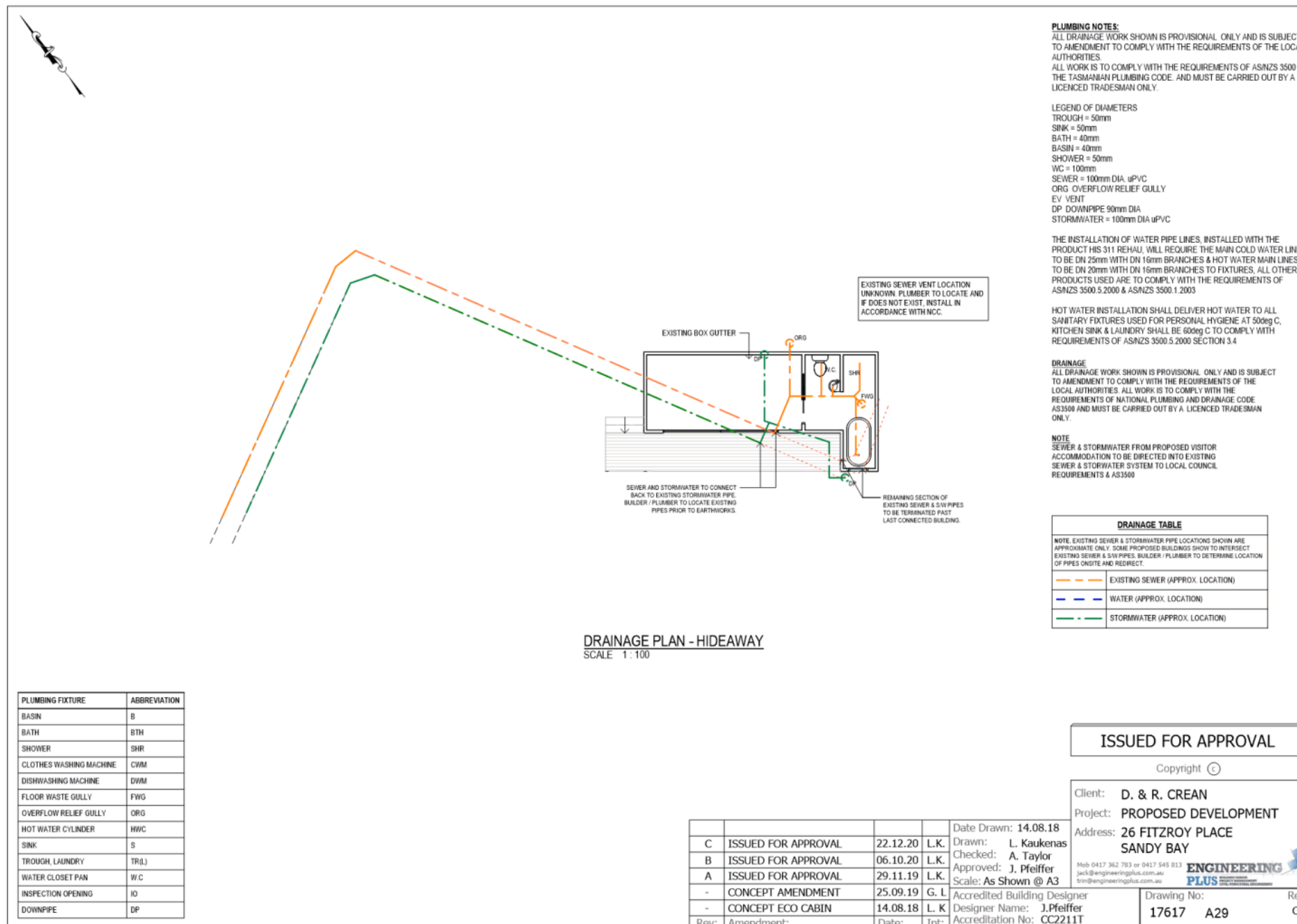
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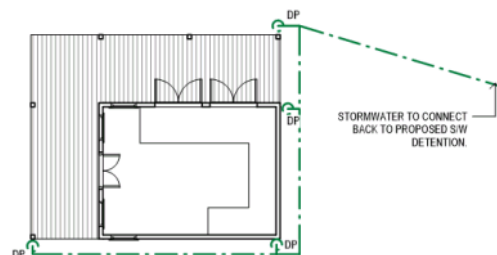
Drawing No:

17617 A28

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DRAINAGE PLAN - RECEPTION
 SCALE 1 : 100

PLUMBING NOTES:

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DRAINAGE

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FLOOR WASTE GULLY	FWG
OVERFLOW RELIEF GULLY	ORG
HOT WATER CYLINDER	HWC
SINK	S
TROUGH, LAUNDRY	TR(L)
WATER CLOSET PAN	WC
INSPECTION OPENING	IO
DOWNPIPE	DP

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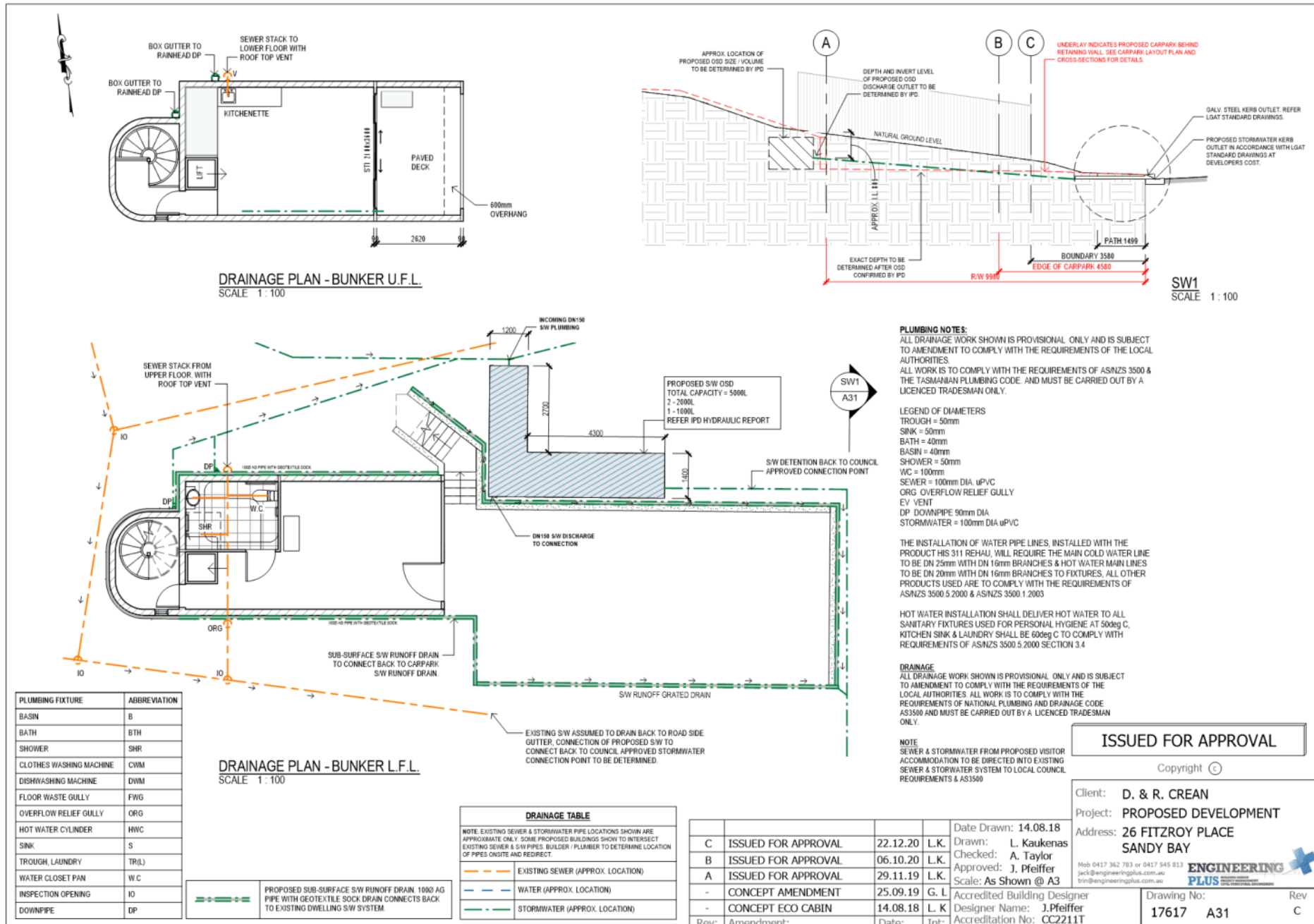
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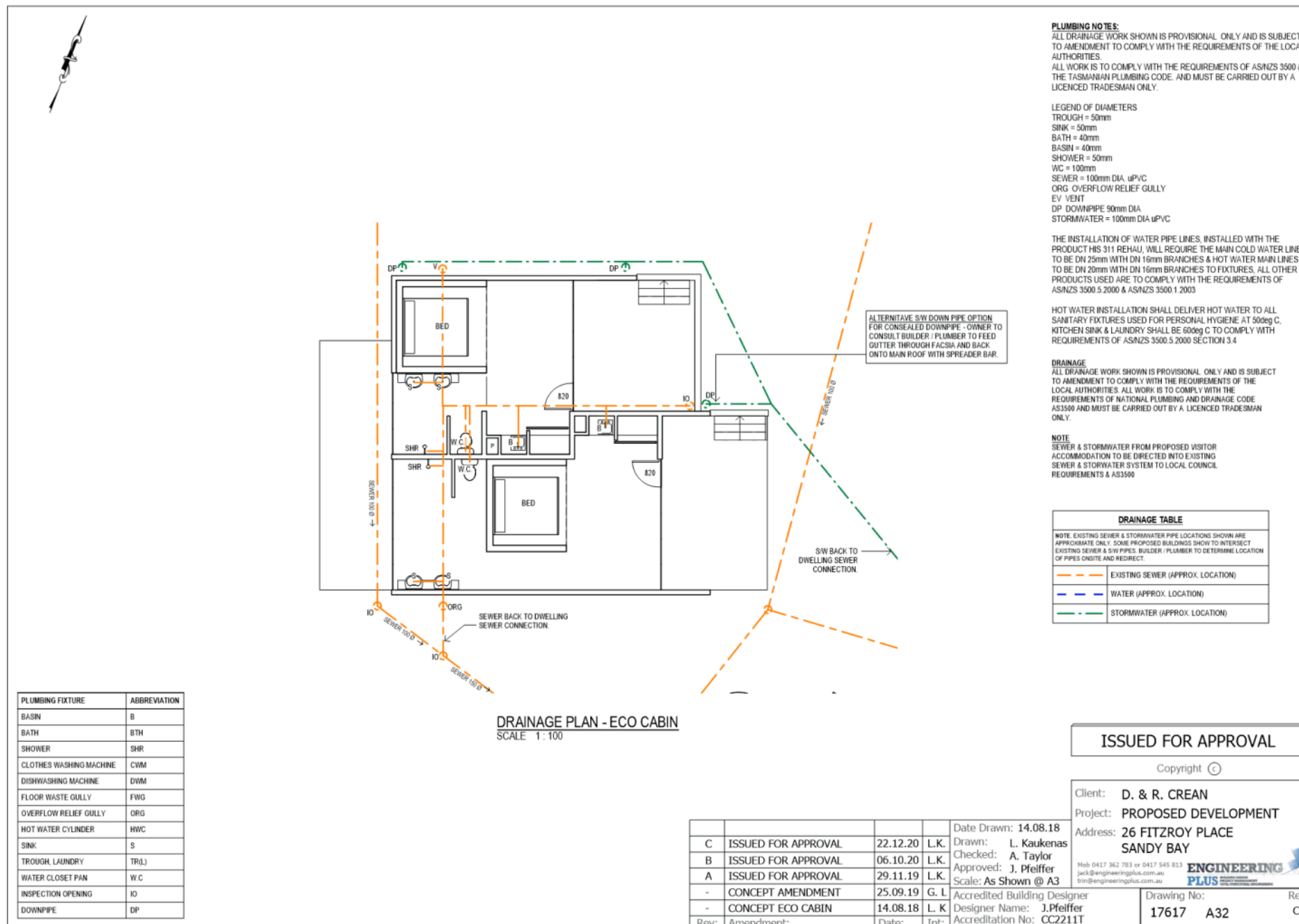
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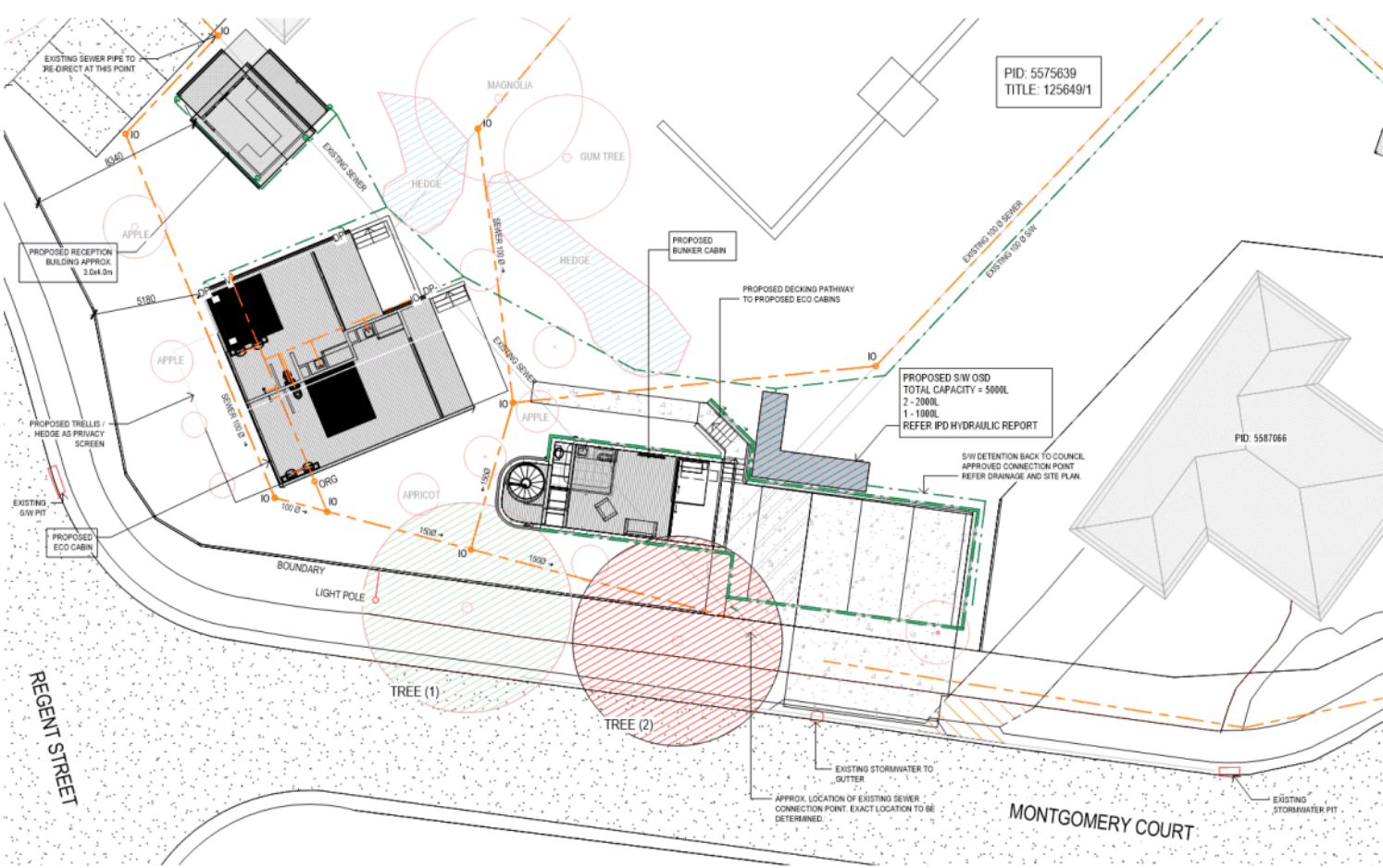
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Rev:	Amendment:	Date:	Int:	Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No:
17617 A30

Rev
C







ARBORICULTURAL ASSESSMENT
SCALE 1:200

TABLE AS NOTED ON PAGE 3 OF DEVELOPMENT IMPACT ASSESSMENT

TREE	BASAL DIA	SRZ	DBH	TPZ	INCURSION COMPONENT	INCURSION %
1	73m	2.9m	75m	9.6m	BUNKER CABIN	7.9 %
					ECO CABIN	- 1 %
					TOTAL INCURSION	8.9 %
2	69m	2.83m	56m	6.72m	BUNKER CABIN	7.6 %
					CROSSOVER TO CARPARK	5.1 %
					CARPARK	7.7 %
					TOTAL INCURSION	20.4 %

TREE (2) TPZ INCURSION AND IMPACT BY THE PROPOSED DEVELOPMENT IS LIKELY AS PER THE DEVELOPMENT IMPACT ASSESSMENT BY ELEMENT TREE SERVICES DATED 7TH MAY 2020.

OWNER TO PAY A PARTIAL BOND TO COUNCIL TOWARDS THE POTENTIAL IMPACT OF TREE (2) CAUSED BY THE DEVELOPMENT AS RECOMMENDED BY SENIOR PARK PLANNER OF H.C.C.

ELEMENT TREE SERVICES TO CONDUCT REGULAR INSPECTIONS DURING CONSTRUCTION STAGE & PROVIDE ADVICE ON PROTECTIVE MEASURES TO MINIMISE IMPACT DURING INCURSION OF TPZ.

ELEMENT TREE SERVICES TO CONDUCT FOLLOWUP ASSESSMENTS OF TREE (2) AFTER CONSTRUCTION AT INTERVALS INDICATED BY COUNCIL.

NOTE:
LOCATION AND CANOPY OF TREES MARKED ON SITE PLAN ARE REFERENCED FROM BAMFORD SURVEY DATED 22.09.17

REFER ARBORIST FINDINGS AND MEASUREMENTS WITH INCURSION PERCENTAGES INTO TREE ZONES

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Rev:	Amendment:	Date:	Int:
Date Drawn: 14.08.18 Drawn: L. Kaukenas Checked: A. Taylor Approved: J. Pfeiffer Scale: As Shown @ A3 Accredited Building Designer Designer Name: J. Pfeiffer Accreditation No: CC2211T			

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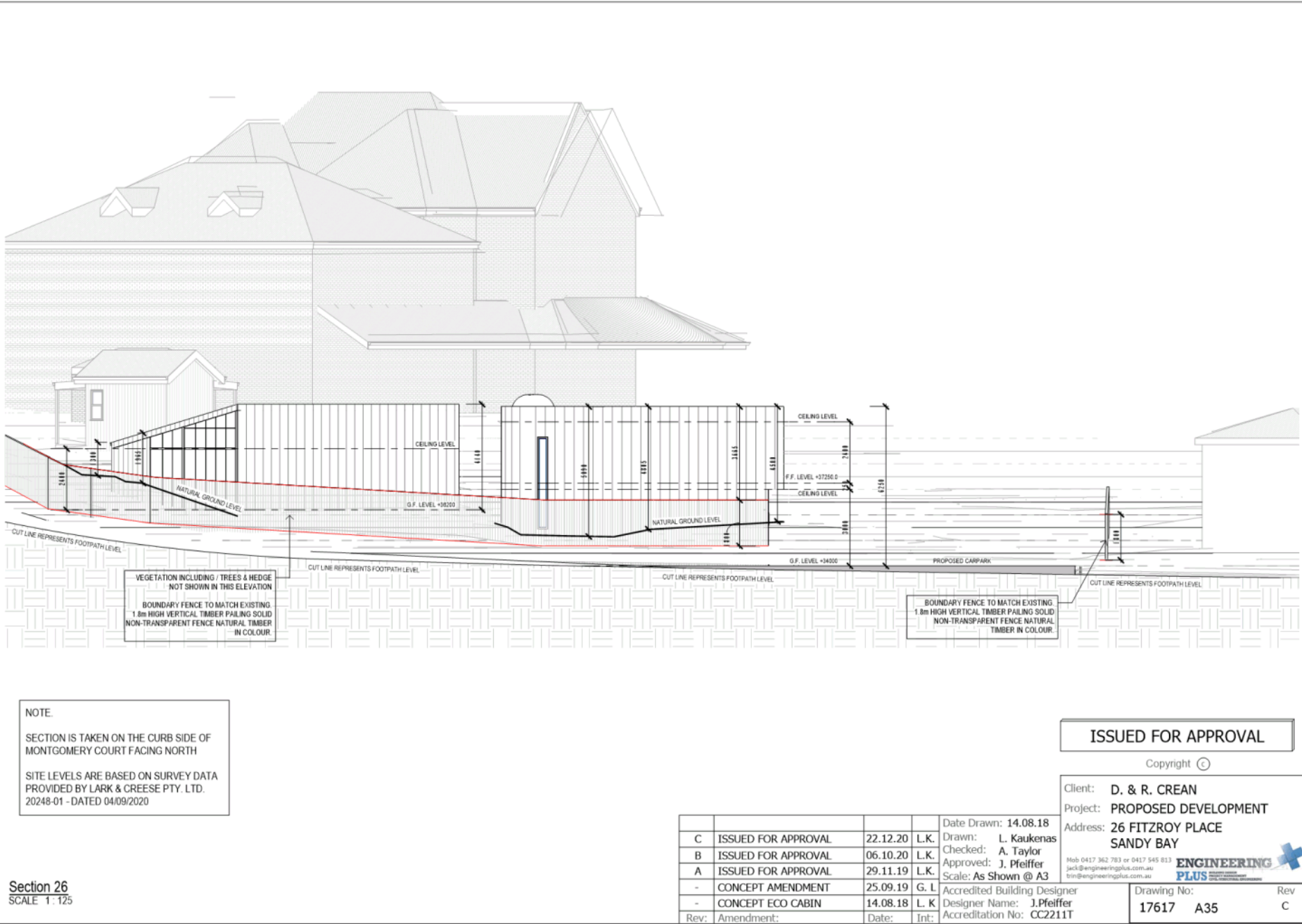
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Rev:	Amendment:	Date:	Int:	Designer Name: J. Pfeiffer
				Accreditation No: CC2211T

Drawing No: 17617 A40
Rev: C



DEVELOPMENT IMPACT ASSESSMENT

26 Fitzroy Crescent, Sandy Bay

For: Fitzroy Place Nominees P/L,
26 Fitzroy Place,
Sandy Bay 7005

Via email: info@bishopsquarters.com.au

Alister Hodgman
Diploma (Hort/Arb)
QTRA Register User: 3743

Element Tree Services
23 King Street
Bellerive
TAS 7018
alister@elementtree.com.au

7th May 2020

1. Terms of Reference

This report was requested by Tony Klapsis, to assess the impacts of development on trees growing in the council road reserve to the south of 26 Fitzroy Place, Sandy Bay. An assessment of the site was undertaken on the 30th of April 2020. This report will discuss those findings and make future management recommendations.

The Engineering Plus drawing 17617 A 27 was referenced as the most relevant design that was likely to show the impact of the works.



Fig. 1 - an aerial image indicating the two trees which are subject to this report. Image courtesy of Google maps.

2. Site Findings

The two narrow-leaved ashes (*Fraxinus angustifolia*) are situated within the council reserve bounded by private property to the north and Montgomery Court to the south.

Both trees currently appear healthy and have no obvious tree risk features to suggest that they present an elevated likelihood of failure, and therefore their risk is considered to be acceptable.

In their current situation, it is likely that the trees have a landscape life expectancy in excess of a further 20 years.

3. Development Impacts

The current proposal includes a building to the north of tree 1 and 2 and parking and associated crossover to the north-east of tree 2.

The table below will assess the impact on the structural root zone (SRZ) and tree protection zone (TPZ) of tree 1 and 2.

Tree	Basal Dia	SRZ	DBH	TPZ	Incursion component	Incursion %
1	.73m	2.9m	.75m	9.0m	Bunker cabin	7.9%
					Eco cabin	~ 1%
					Total incursion	8.9%
2	.69m	2.83m	.56m	6.72m	Bunker cabin	7.6%
					Crossover to carpark	5.1%
					Carpark	7.7%
					Total incursion	20.4%

No structural root zone components appear to be compromised by the works, so the structural integrity of the trees appear unchanged.

The incursion into the TPZ of tree 1 is less than 10% and is considered to be minor. As a result, I do not expect there to be a health impact on this tree as a result of the works.

The works have a significant incursion of 20.4% in the TPZ of tree 2. This calculation does not consider the requirements of construction and the need to connect plumbing and associated services. It is likely that the incursion may be significantly greater than the current calculation. This incursion has the potential to impact the health of this tree and may result in a significant decline of this specimen.

4. Discussion

As both trees are bounded by hard surfaces to the south, I suspect that they are obtaining the majority of their water and oxygen resources from the relatively undeveloped space to the north, east and west. Any incursions into this zone is likely to encounter and remove fine feeder roots that are responsible for the absorption and transportation of water.

As the work at the base of tree 2 will encounter a large amount of these and be replaced with future hard surfaces, it is likely that the tree will have insufficient resources to support itself in its current form.

Unless the carpark and crossover can be removed or modified, I am not confident that tree 2 will be unaffected.

5. Tree Protection Measures

If changes are made and tree 1 and 2 are retained, it is important to protect these during development. The following notes provide guidance on how to reduce the impacts of development on these trees.

Prior to the commencement of works, tree protection zones should be fenced off and signs installed to delineate the area. Where the tree is situated on the edge of the works, fencing should be installed along this alignment. Activities to avoid in this area include:

- Machine excavation including trenching;
- Excavation for silt fencing;
- Cultivation;
- Storage;
- Preparation of chemicals, including preparation of cement products;
- Parking of vehicles and plant;
- Refuelling;
- Dumping of waste;
- Wash down and cleaning of equipment;
- Placement of fill;
- Lighting of fires;
- Soil level changes;
- Temporary or permanent installation of utilities and signs, and
- Physical damage to the tree(s).

6. Conclusion

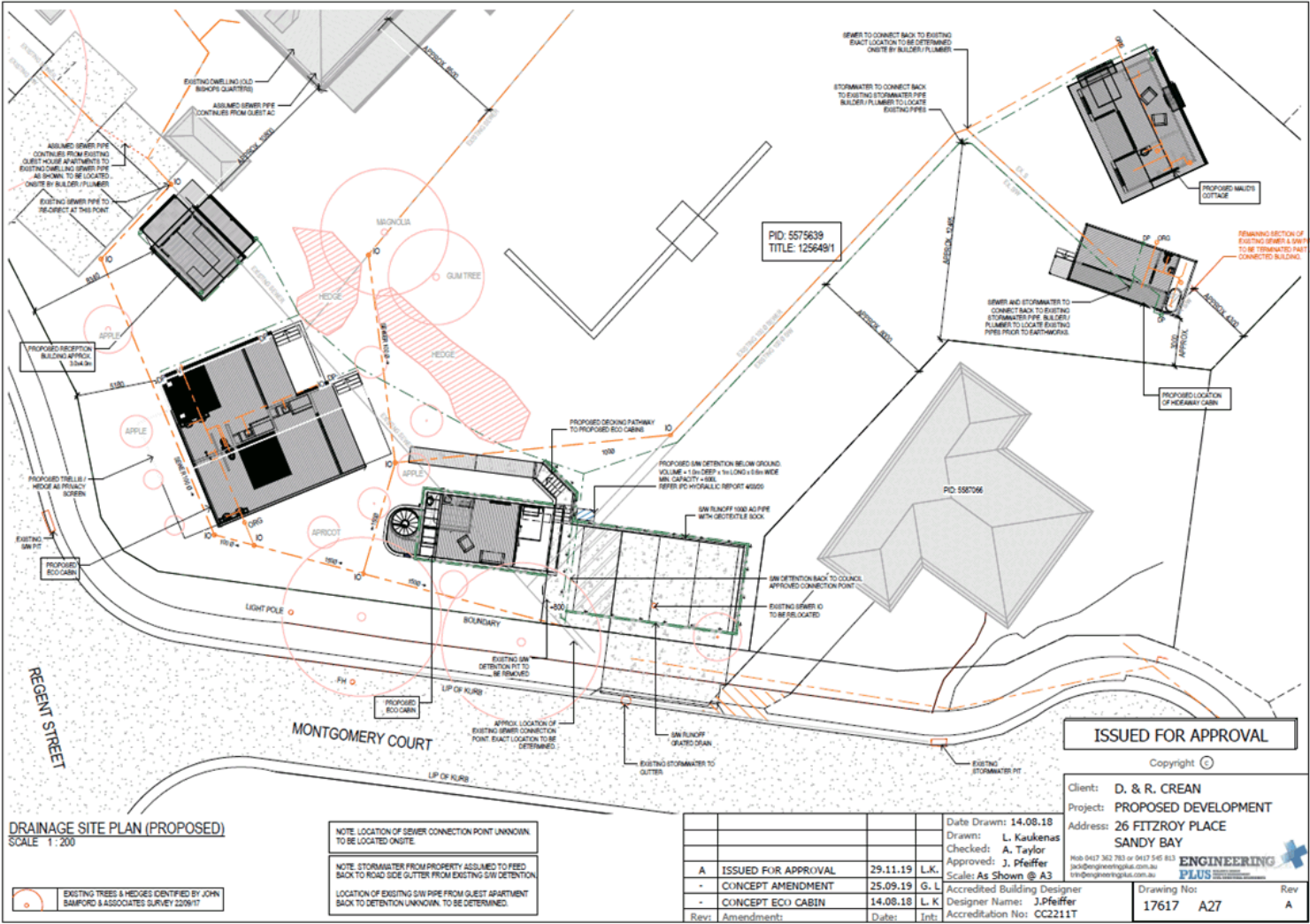
- **In the current design, I do not expect there will be critical damage to tree 1.**
- **Unless the design can be changed, I suspect tree 2 will decline as a result of these works.**

Yours sincerely,



Alister Hodgman

Appendix 1 – Referenced Plan



Appendix 2 – Selected Images

Both trees as seen from Montgomery Court



Tree 2 as seen looking to the north. The ideal root growing environment is within the council reserve and private property.

Further Information

26 FITZROY PLACE SANDY BAY, 2 MONTGOMERY COURT,
SANDY BAY - PARTIAL DEMOLITION, EXTENSION AND
ALTERATIONS TO VISITOR ACCOMMODATION USE, CAR
PARKING AND BOUNDARY ADJUSTMENT

4 February 2021

Heritage and Parking Considerations

This document demonstrates how the proposal meets the performance criterion with respect to the following clauses of the *Hobart Interim Planning Scheme 2015*:

A. Heritage aspects

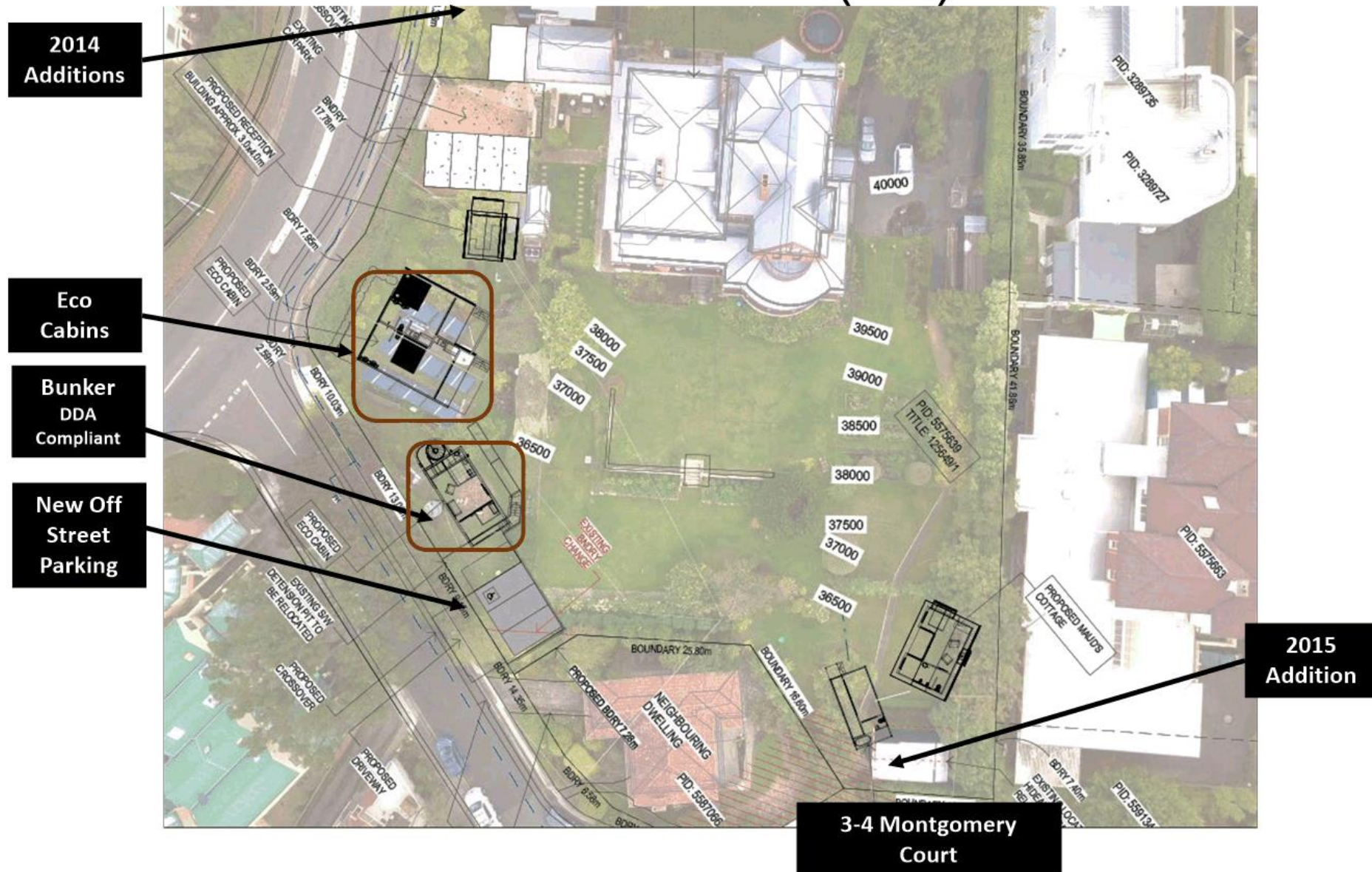
1. Clause E13.7.2 A1 and P1 (a) and (b)
2. Clause E13.7.2 A2 and P2 (a) to (d)
3. E13.7.2 A3 and P3
4. E13.8.1 A1 and P1
5. E13.8.2 A1 and P1
6. E13.8.2 A5 and P5

B. Parking

E6.6.1 A1 and P1 (a) and (b)

To be read in conjunction with legal opinion from Andrew B Walker (9.9.20) and traffic report from Howarth Fisher and Associates

Site Overview (1/2)



Site Overview (2/2)



Proposed Eco-Cabins and Bunker



1. E13.7.2 A1 and P1 (a) and (b)

Clause E13.7.2 P1 states:

Development must not result in any of the following:

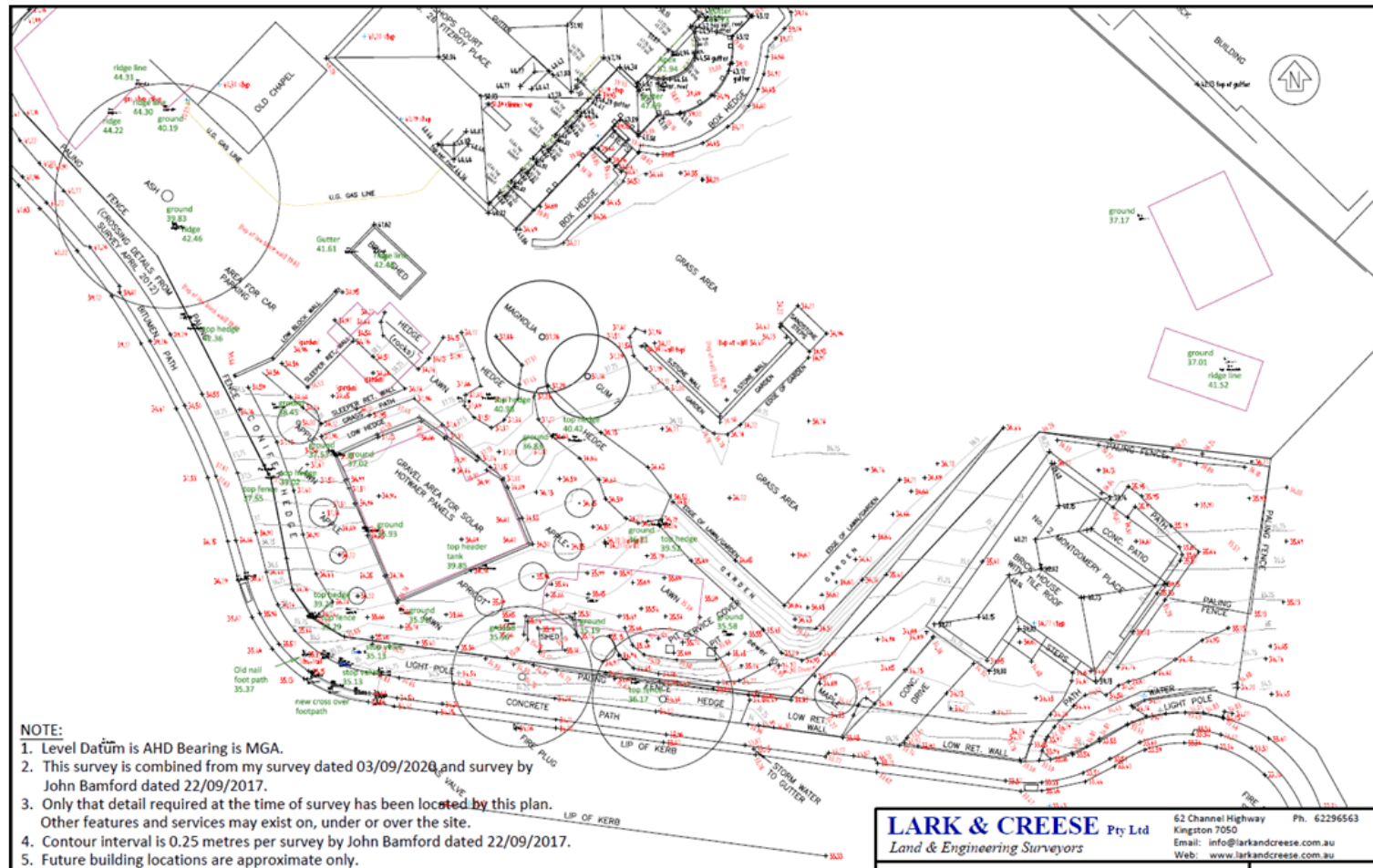
- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant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

E13.7.2 P1 (a): height data

Building	Storeys	RL Current/ Proposed Ground Level	Height from Current/ Proposed Grd Level	Height from Natural Grd Level	Distance from Main House	Floor Area (m ²)	Ridge height
Proposed Bunker	2	34.00	6.25m	4.30m	25.3m	G: 45.40 F:33.3 3	Ridge at RL40.25 is level with top of existing Prunus lusitanica hedging (RL 40.42-39.52). Existing fence is at RL36.17. New Cypress Leylandii hedge will grow to RL40.25+.
Proposed Eco Cabins	1	36.20	4.14m	3.44m	15.0m	71.53	Ridge at RL40.34 is level with top of existing internal Prunus lusitanica hedging (RL 40.42-39.52) and existing Regent St Cypress Leylandii hedge heavily trimmed back in May 2020 to RL39.21 which will be left to grow to RL40.34+ (same as height when DA submitted Dec 2019)
2014 Additions	1	40.19	4.12m	4.48m	6.1m	128	Ridge height RL44.31
2015 Addition - Hideaway	1	37.01	4.51m	4.51m	45.2m	27.45	Ridge height RL41.52
Main House	3	39.86	12.06m	n/a	n/a	631	Ridge height RL51.92
Outhouse	1	38.95	3.53m	n/a	6.5m	14	Ridge height RL42.48
2 Montgomery Court	2	34.60	6.22m	n/a	42.5m	107	Ridge height RL40.82
3-4 Montgomery Court (approved)	3	35.065	9.4m	13.0m	48.2m	811	Ridge height RL44.46

Per Lark & Creese survey 3 September 2020 in addition to original survey by John Bamford 2017

E13.7.2 P1 (a): height data



E13.7.2 P1 (a): height, scale, bulk, form, fenestration, siting, materials, colours and finishes

Compatible height, scale, bulk, form, fenestration, siting, materials, colours and finishes

Proposed Additions**Eco-Cabins - consistent with Bunker and 2014-15 Additions**

- Design: Sloping, angular lines
- External Walls: **Black** Burnt Timber
- Windows: **Black** Timber, oiled
- Roof: **Black** Colorbond Custom Orb

2014-15 Additions**Monty's Bunker (with Eco-Cabins in background)**

Design: DDA compliant Disabled Access, design is consistent with Eco-Cabins and 2014-15 Additions

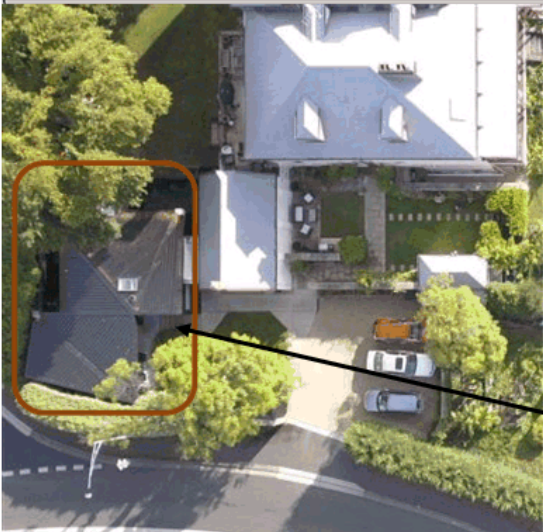
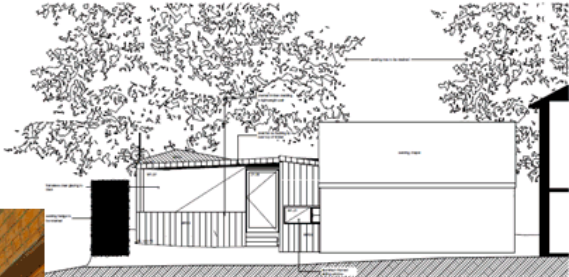
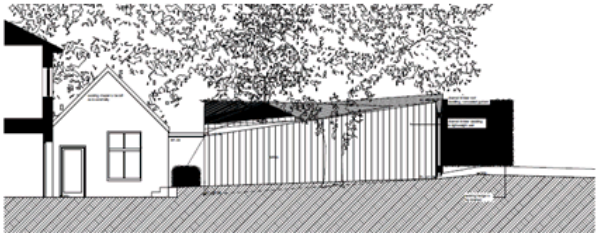
- External Walls: **Black** Burnt Timber
- Windows: **Black** Timber, oiled
- Roof: **Black** Colorbond Custom Orb



E13.7.2 P1 (a): height, scale, bulk, form, fenestration, siting, materials, colours and finishes

2014 Additions:
Similar height, scale, bulk, form, fenestration, siting, materials, colours and finishes to Eco-Cabins and Bunker
And **immediately adjacent** to Main House and Fitzroy Place without its own street frontage

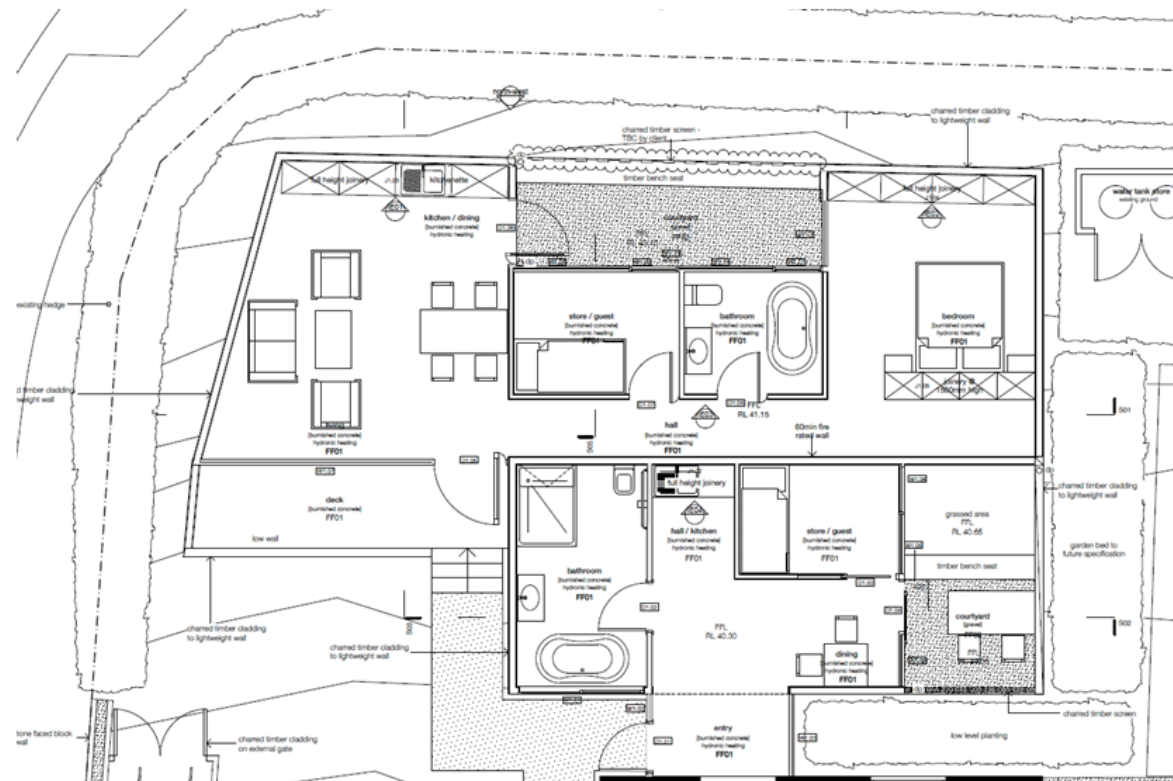
Finishes				
Type / Code	Material	Fixing	Finish	Colour
FF01	concrete (75mm topping slab)	n/a	burnished - clear matt penetrating sealer	natural
FF02	gravel	n/a	n/a	black
WF01	plasterboard	proprietary	painted	white - TBC
WF02	Tasmanian flame myrtle timber veneer	concealed	natural	n/a
WF03	charred timber boards, fixed to substructure, predrilled & countersunk	custom (refer to future detail)	clear matt acrylic sealant - TBC	clear
WF04	moisture resistant fibre cement sheet	proprietary	painted	white - TBC



E13.7.2 P1 (a): height, scale, bulk, form, fenestration, siting, materials, colours and finishes

2014 Additions:

**Similar height, scale, bulk, form, fenestration, siting, materials, colours and finishes to Eco-Cabins and Bunker
And immediately adjacent to Main House and Fitzroy Place without its own street frontage**



E13.7.2 P1 (a): height, scale, bulk, form, fenestration, siting, materials, colours and finishes**2015 Additions: Hideaway**

Similar height, scale, bulk, form, fenestration, siting, materials, colours and finishes to Eco-Cabins and Bunker.
Immediately adjacent to 3 Montgomery Court



**2015
Addition**



E13.7.2 P1 (a) height, scale, bulk, form, fenestration, siting, materials, colours and finishes

2014 Approved Additions - Stage 3 (not built) -> Larger Garden retained



Existing 2 Montgomery Court building superimposed on proposed 6 new dwellings (2014 DA). **We agreed to move the building shown in grey to location of current proposed Eco Cabins and Bunker on request of HCC Heritage.**

Work did not proceed on this stage, having substantially commenced and completed all other stages of the DA.



E13.7.2 P1 (b): there will be no diminution of heritage values through the loss of streetscape elements

E13.7.2 P1 (b): there will be no diminution of heritage values through the loss of streetscape elements



E13.7.2 P1 (b): there will be no diminution of heritage values through the loss of streetscape elements

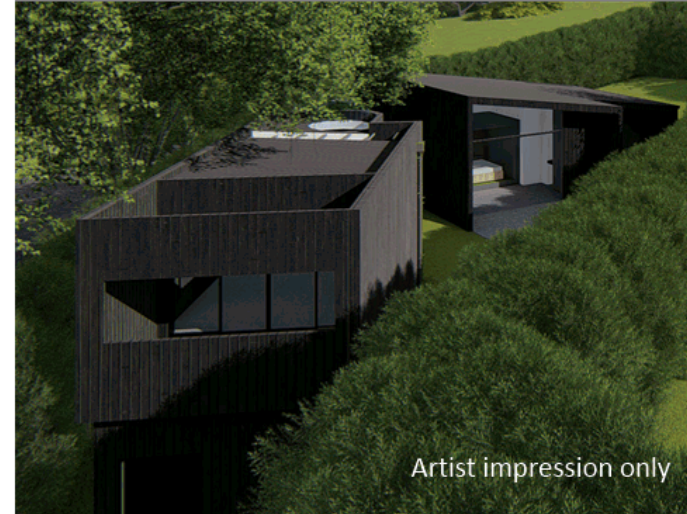


E13.7.2 P1 (b): there will be no diminution of heritage values through the loss of streetscape elements

BEFORE

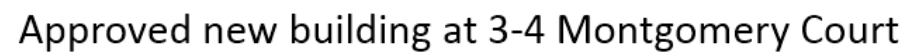


AFTER



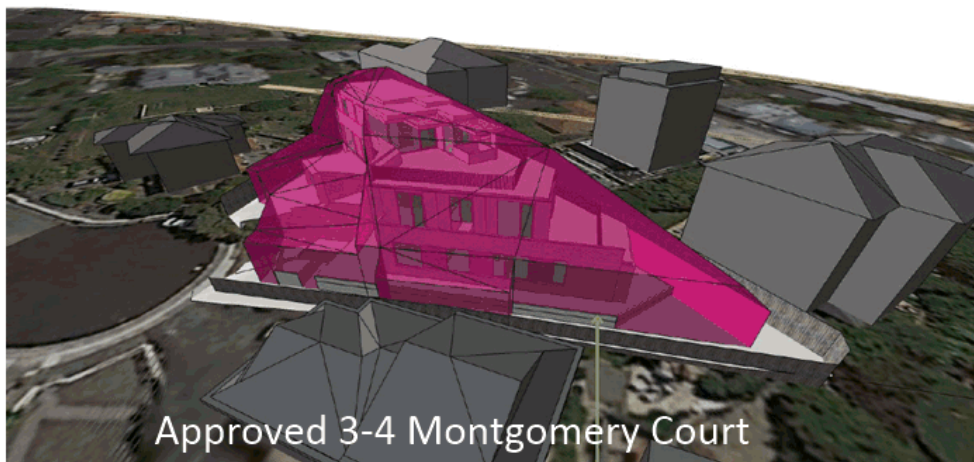
Please refer to Landscaping Plan in Section 4 below

Montgomery Court



E13.7.2 P1 (b): there will be no diminution of heritage values through the loss of streetscape elements

Montgomery Court



Approved 3-4 Montgomery Court



Existing 2 Montgomery Court

E13.7.2 P1 (b): there will be no diminution of heritage values through the loss of streetscape elements

Montgomery Court and nearby on Regent St



Regent St-surroundings

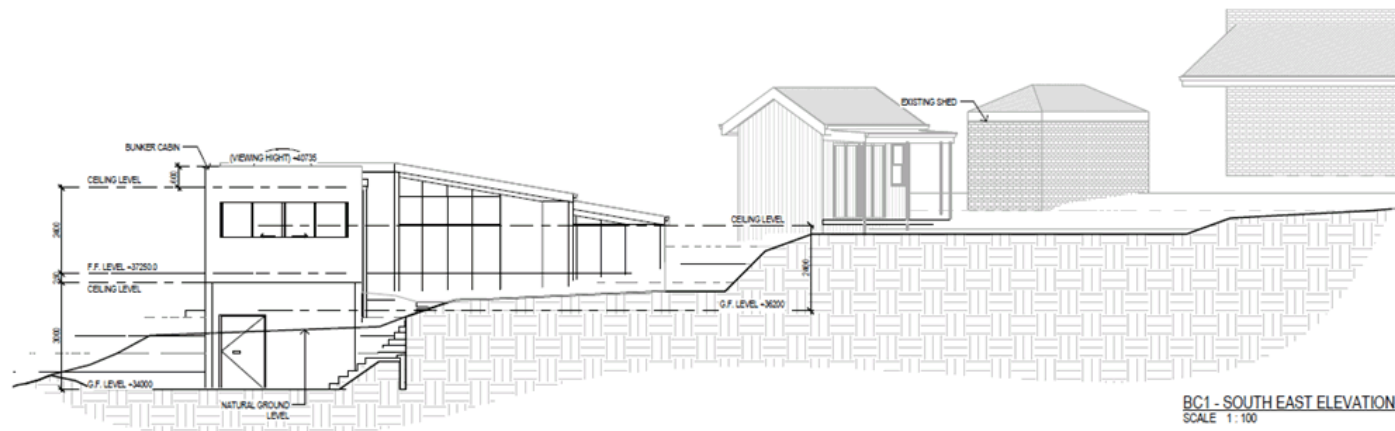
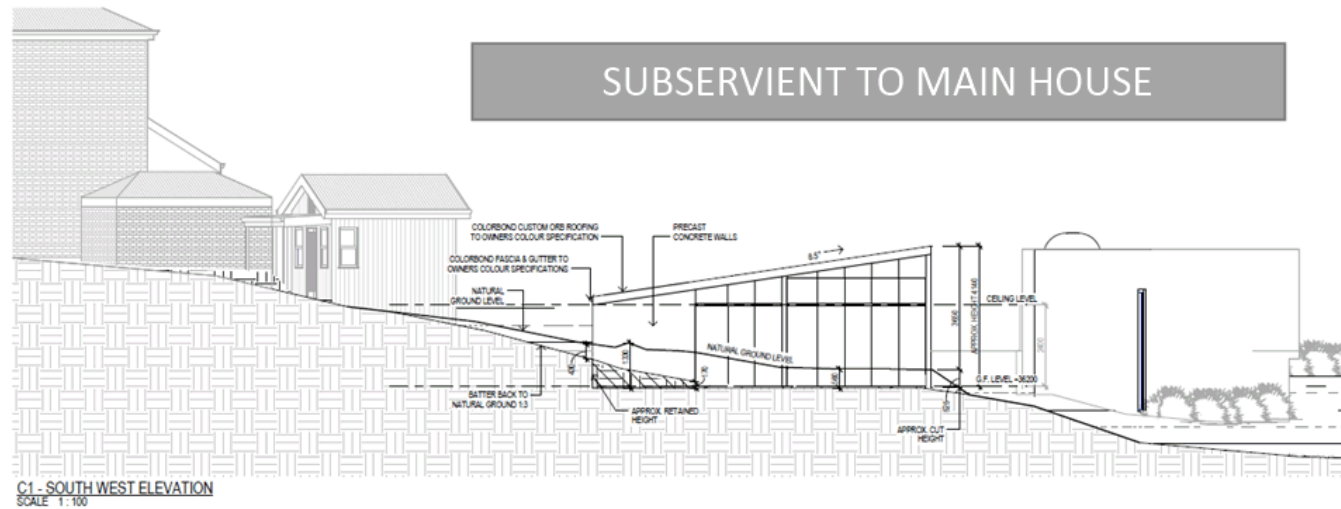
2. E13.7.2 A2 and P2 (a) to (d)

Clause E13.7.2 P2 states:

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

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

E13.7.2 P2: the proposal is subservient and complementary to the listed place of an historic house in a large garden due to its scale, bulk, materials, built form and fenestration, setback, siting and use of materials and colours



E13.7.2 P2: the proposal is subservient and complementary to the listed place of an historic house in a large garden due to its scale, bulk, materials, built form and fenestration, setback, siting and use of materials and colours



E13.7.2 P2: the proposal is subservient and complementary to the listed place of an historic house in a large garden due to its scale, bulk, materials, built form and fenestration, setback, siting and use of materials and colours

Proposed Additions – Consistent with 2014-15 and complementary to the listed place



Eco-Cabins

- **Built form and Design:** Sloping, angular lines
- External Walls: **Black** Burnt Timber
- Windows: **Black** Timber, oiled
- Roof: **Black** Colorbond Custom Orb

2014-15 Additions



Monty's Bunker

Built form and Design: DDA compliant Disabled Access, design is consistent with Eco-Cabins

- External Walls: **Black** Burnt Timber
- Windows: **Black** Timber, oiled
- Roof: **Black** Colorbond Custom Orb



E13.7.2 P2: the proposal is subservient and complementary to the listed place of an historic house in a large garden due to its scale, bulk, materials, built form and fenestration, setback, siting and use of materials and colours

2014 Additions: immediately adjacent to Main House and Fitzroy Place



2105 Additions: immediately adjacent to 3-4 Montgomery Court



3. E13.7.2 A3 and P3

The proposal is compliant with Clause E13.7.2 P3 which states:

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

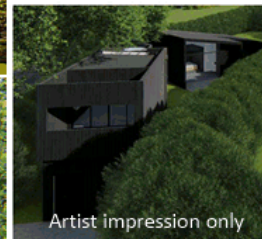


Compatible height, scale, bulk, form, fenestration, siting, materials, colours and finishes



Eco-Cabins - consistent with Bunker and 2014-15 Additions

- Design: Sloping, angular lines
- External Walls: **Black** Burnt Timber
- Windows: **Black** Timber, oiled
- Roof: **Black** Colorbond Custom Orb



Monty's Bunker

Design: DDA compliant Disabled Access, design is consistent with Eco-Cabins and 2014-15 Additions

- External Walls: **Black** Burnt Timber
- Windows: **Black** Timber, oiled
- Roof: **Black** Colorbond Custom Orb



Please refer to Landscaping Plan in Section 4 below

4. E13.8.1 A1 and P1

Clause E13.8.1 P1 states:

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

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

unless all of the following apply:

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

E13.8.1 A1 and P1: there is no loss and demolition of landscaping that contributes to the significance of the precinct

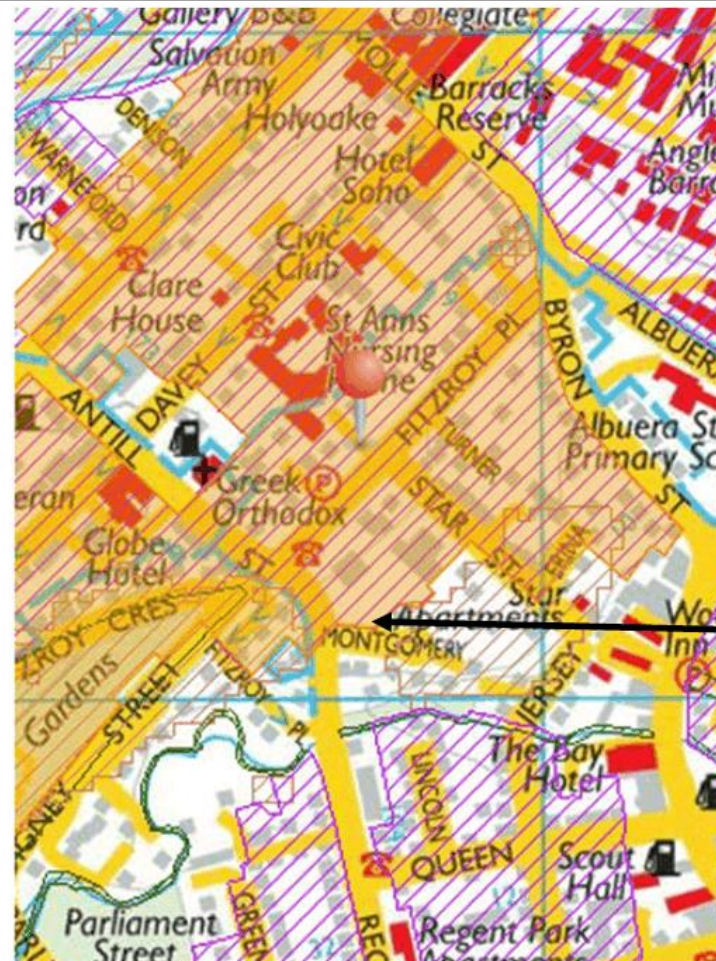


Please refer to Landscaping Plan in Section 4 below

E13.8.1 A1 and P1: there is no loss and demolition of landscaping that contributes to the significance of the precinct

Precinct

H4. Fitzroy Crescent,
Fitzroy Place, Davey
Street South and
Macquarie Street
South



Location of
Proposed Eco
Cabins and
Bunker – not
visible from
Fitzroy Place
ie in the
Precinct

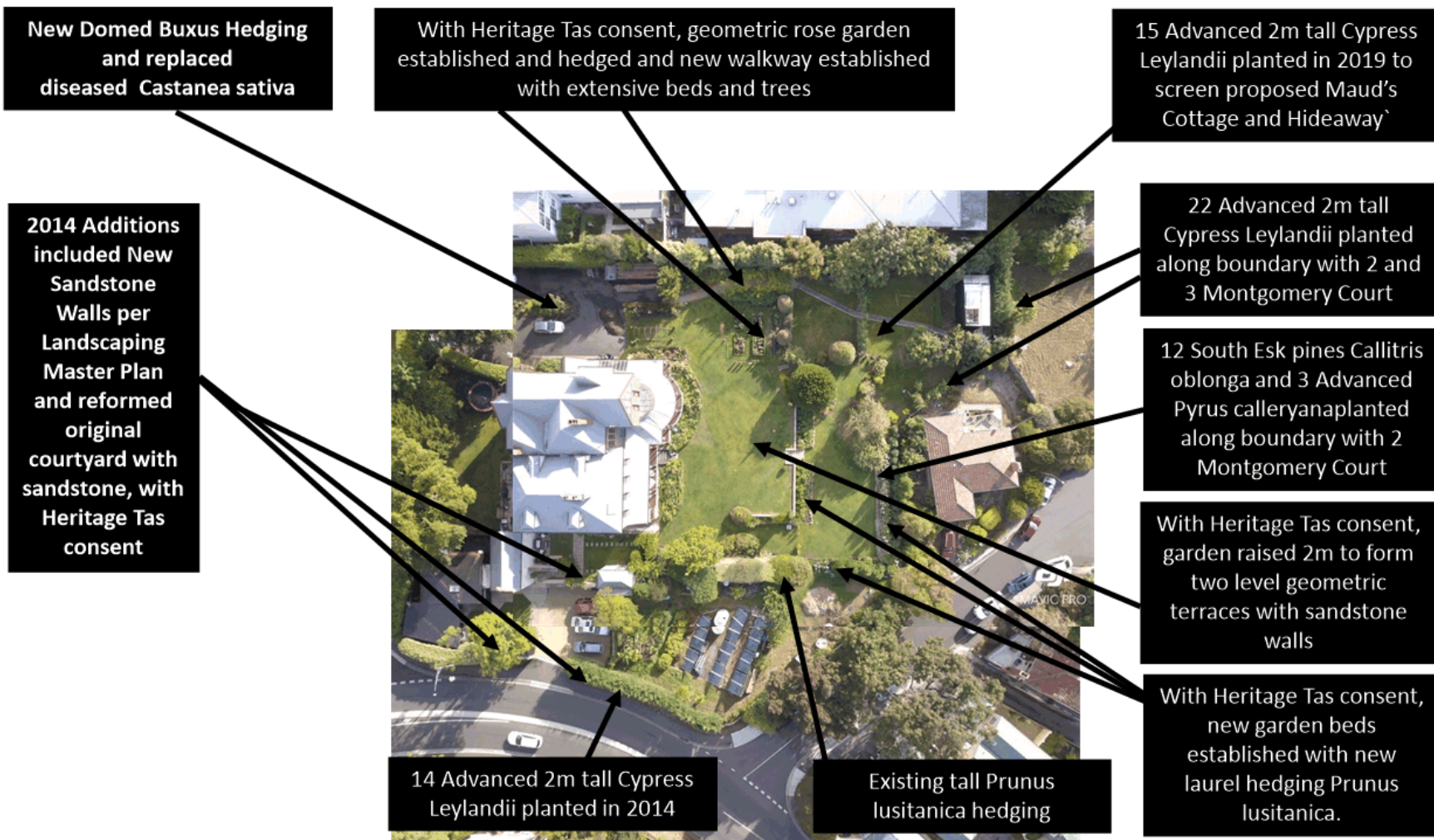
E13.8.1 A1 and P1: there is no loss and demolition of landscaping that contributes to the significance of the precinct



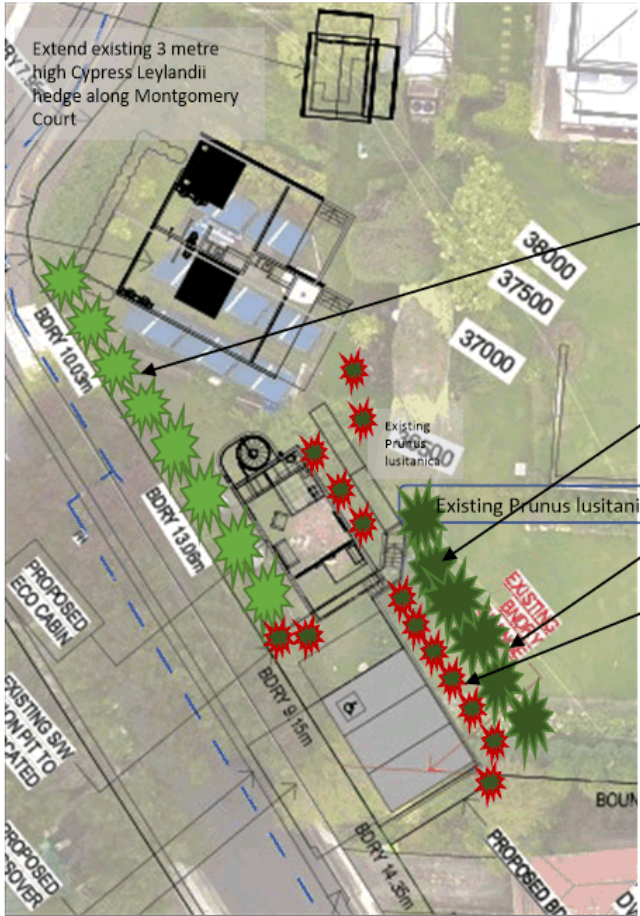
Artist impression only

Please refer to Landscaping Plan

Extensive Landscaping Works carried out 2014-2020



Landscaping Plan



1. For all new plantings, prepare soil with fertilizer and high quality 'veggie patch' mixed soil, add mulch, extend existing drip irrigation lines and ensure careful attention to development in first 24 months
2. To ensure new buildings are invisible from Montgomery Court, plant 8x Advanced 1.8m tall Cypress Leylandii spaced at 1.5 metre intervals along boundary with Montgomery Court to extend existing 3 metre high Cypress Leylandii hedge along Regent St
3. Plant 3x new Prunus lusitanica spaced at 1.5 metre intervals to join existing hedging of same type to grow to at least 2 metres high
4. Move 3x recently planted Prunus lusitanica hedging back 1000mm to form hedge on slope down to new off-street car parking spaced at 1.5 metre intervals
5. Plant 14x Camellia sasanqua - large growing plants which look their best at two to three metres high and 1.5 to 2 metres wide, spaced at two-metre intervals



Prunus lusitanica



Cypress Leylandii



Camellia sasanqua



5. E13.8.2 A1 and P1

6. E13.8.2 A5 and P5

E13.8.2 A1 and P1

Clause E13.8.2 P1 states:

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

E13.8.2 A5 and P5

Clause E13.8.2 A5 states:

Areas of landscaping between a dwelling and the street must be retained

Clause E13.8.2 P5 states:

The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.

E13.8.2 A1 and P1 : Design and siting of buildings and works will not result in detriment to the historic cultural heritage values of the precinct of an historic house in a large garden.

E13.8.2 A5 and P5 : The removal of areas of landscaping between the dwelling and the street will not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.



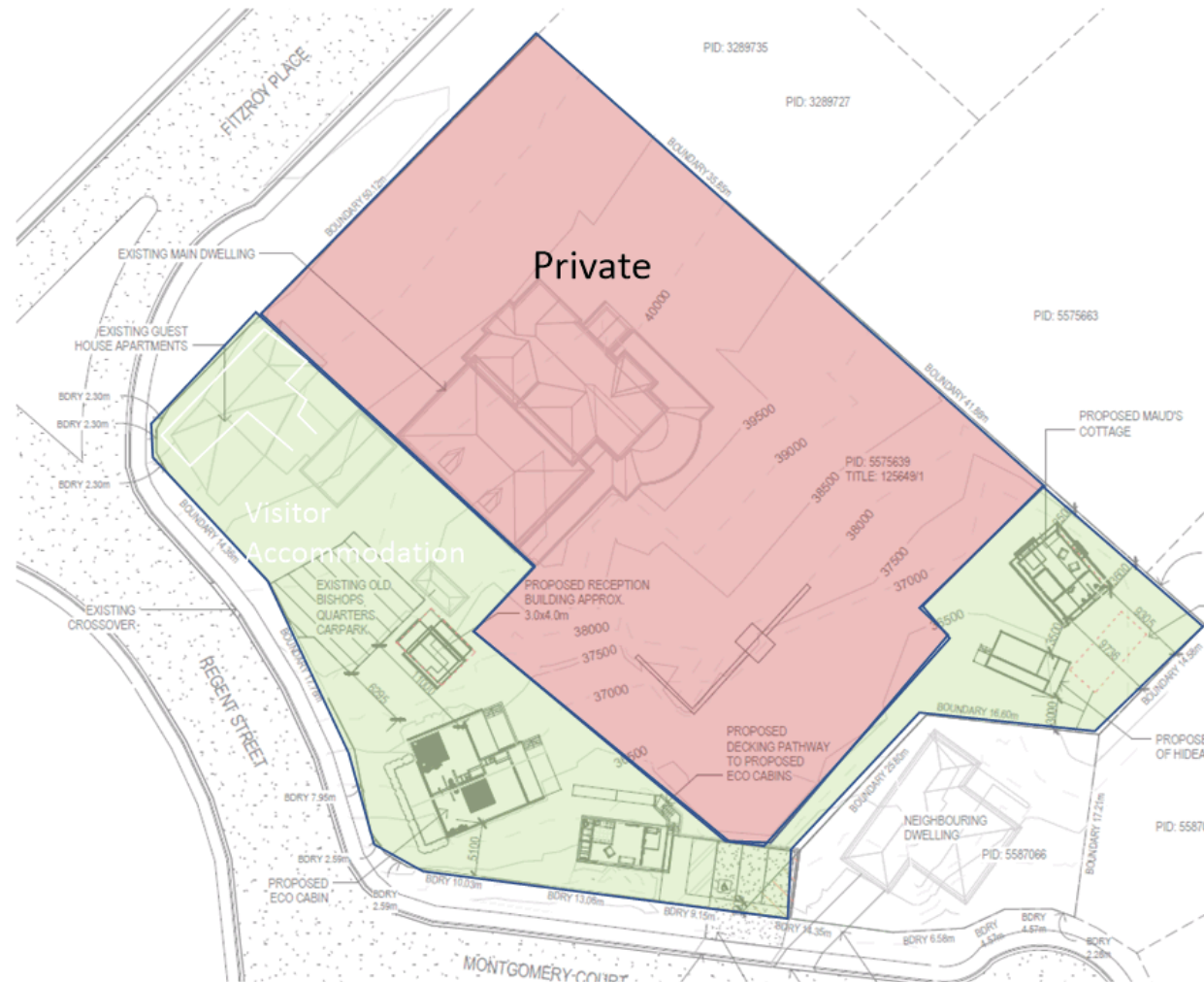
E13.8.2 A1 and P1 : Design and siting of buildings and works will not result in detriment to the historic cultural heritage values of the precinct of an historic house in a large garden.

E13.8.2 A5 and P5 : The removal of areas of landscaping between the dwelling and the street will not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.

Approved Additions 2014 – Stage 3 – not built upon completion of Stages 1 and 2

- In May 2014, HCC approved application PLN-14-00413-01 in relation to proposed Demolition (2 Montgomery Court), Alterations, Additions to Chapel for 2 Self Contained Visitor Accommodation Units, Partial Change of Use to Bed and Breakfast Accommodation, Parking Spaces, 6 New Flats, Fencing, Tree Removal and Landscaping
- Stage 3 involved the construction of 6 new townhouses with parking on the site of 2 Montgomery Court and a significant portion of the adjacent land of 26 Fitzroy Place. The bulk of the townhouses would have been located on land of 26 Fitzroy Place. Substantial landscaping works were required, including tree removal. This stage was not completed following the completion of Stages 1 and 2 of the proposal.
- The current proposal is modest in comparison with PLN-14-00413-01. Design and siting of buildings and works will not result in detriment to the historic cultural heritage values of the precinct of an historic house in a large garden. There is no loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.

Retaining Ample Curtilage and Gardens



7. E6.6.1 A1 and P1 (a) and (b) - Parking

The proposal meets the acceptable solution or the performance criterion with respect to clause E6.6.1 A1 and P1 (a) and (b) of the *Hobart Interim Planning Scheme 2015*.

The proposed development provides sufficient off-street parking for four (4) new short term accommodation units.

Contrary to the initial assessment by HCC, the proposal does not eliminate “three (3) existing unrestricted on-street parking spaces in the area of the proposed crossover”.

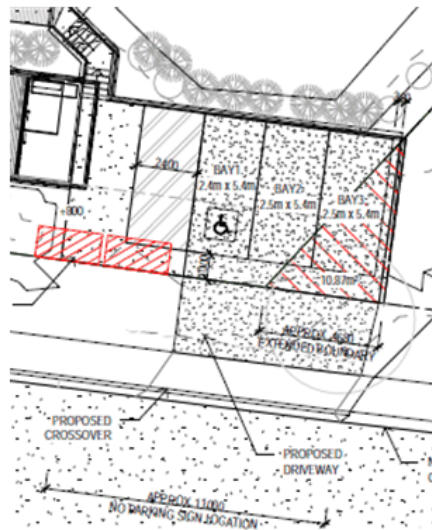
The proposal will not result in regular parking overspill and will not detract from the amenity of the locality.

It should be noted that the existing 3 unrestricted on-street parking spaces are primarily used by commuters, not residents of 2 Montgomery Court. Speaking to residents, it causes some difficulty for residents in using their own off-street parking due to the narrowness of the street.

It would be much better for residents if restricted rather than unrestricted parking spaces were provided on the street.

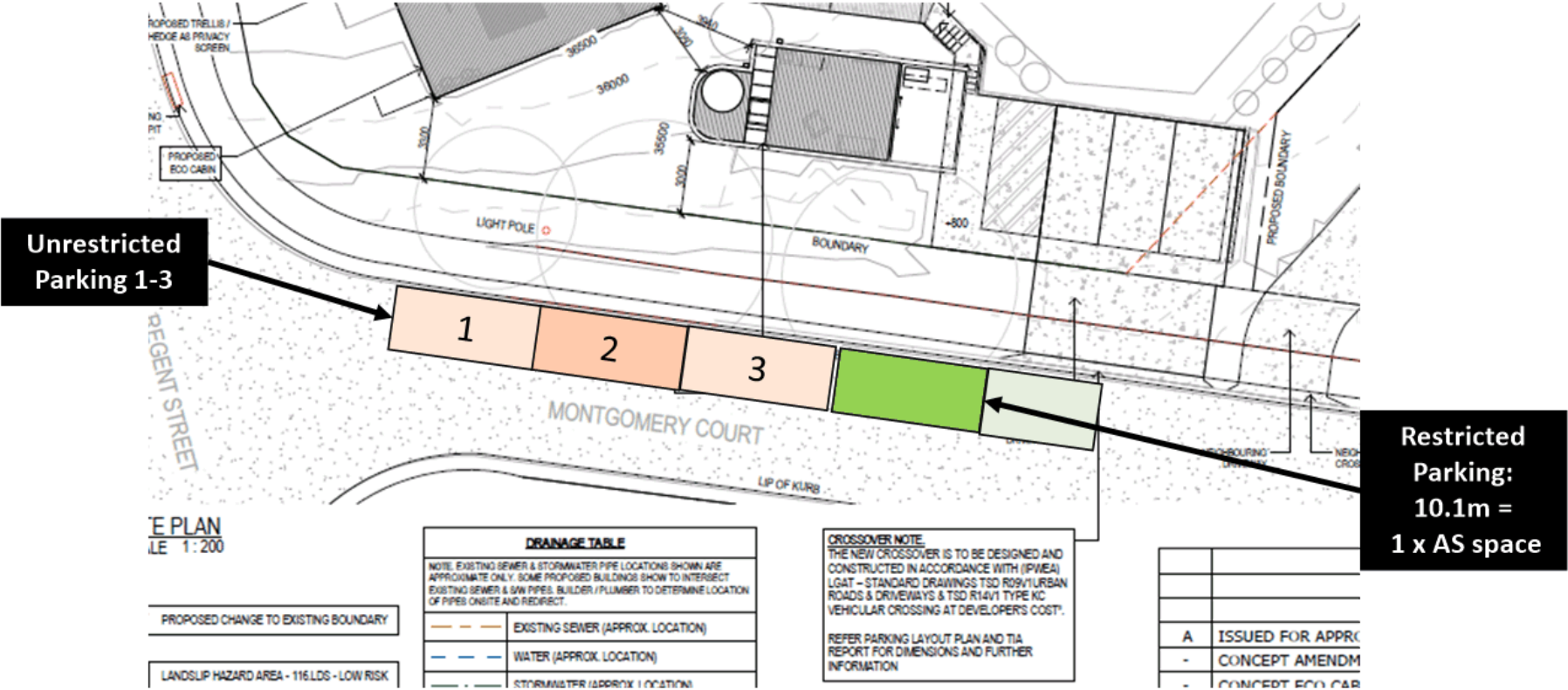
E6.6.1 A1 and P1 (a) and (b) - Parking

Additional Parking



- ◆ Please refer to September 2020 traffic report submitted to assist HCC.
- ◆ We are proposing (a) 3 additional off-street car park spaces on Montgomery Court, including disabled parking; plus (b) use of existing on-site parking for the 4th unit and manager
- ◆ Cross-over only affects **1 restricted on-street parking space** per Australian Standards (this was a no parking zone until recently)
- ◆ Any impact on parking between 2 and 3 Montgomery Court can be mitigated through minor adjustments, retaining all current spaces
- ◆ Our proposal has been assessed by traffic consultants as being modest in terms of its impact
- ◆ HCC has recently approved a development of 5 apartments (and previously 7 apartments) at 3-4 Montgomery Court
- ◆ In 2014 HCC approved a much larger development of 6 dwellings on this land and 2 Montgomery Court which did not proceed
- ◆ There are many wide multiple vehicle cross-overs in Montgomery Court

E6.6.1 A1 and P1 (a) and (b) - Parking





BISHOPSCOURT FITZROY PLACE HOBART HERITAGE IMPACT ASSESSMENT

1.0 BACKGROUND

There is an application for a range of works at Bishopscourt currently lodged with Hobart City Council and a request has been made for further information in the form of a heritage impact assessment. This document satisfies that request for information.

A further document has been submitted that updates the CMP that was prepared in 1995 prior to maintenance and restoration works taking place. While the CMP contains useful historical and detailed information about the property, it was prepared with the continuing use of the property by the Anglican Diocese as a basis for setting out recommendations. It was also prepared without the benefit of the significance criteria set out in the Tasmanian Cultural Heritage Act. Consequently that plan has been updated.

The site is listed both in the Hobart Panning Scheme and the Tasmanian Heritage register as a heritage item and the requirements of both those listings apply to the site. Principally, any application for work requires a heritage impact assessment and a conservation management planning document and the works need to protect the heritage values of the place and minimise any adverse impacts that may arise.

The documents submitted with the application satisfy the requirements for providing information and the works have been designed to both protect and enhance heritage values and also to minimise any adverse impacts.

Overall the proposal is sound and achieves significant heritage outcomes for the property.

The proposal falls into two sections. The first provides additions to the school house to provide accommodation as part of a business proposal to extend the current use of the place as short-term accommodation, the second section is to develop the lower part of the site, to the south, with an additional lot that has been acquired for residential accommodation fronting Montgomery Court. In conjunction with this work the garden areas are redesigned with changes to levels to the south of the house.

The works are set out in the DA drawings prepared by Circa Morris Nunn Architects.

The significance of Bishopscourt is clear and is set out in the CMP addendum, it is not repeated in this report. The history is also reasonably set out in the earlier CMP and the basic evolution of the house is understood. The more recent history including the creation of Regent Street, the sub-division to create Montgomery Place and the sale in 2003 to private ownership summarise the last 50 years of the sites history.

In summary Bishopscourt is significant for its historical links to the Bishops of Tasmania and as a fine house in a fine streetscape that demonstrates the gradual evolution of major housing in Hobart from an early colonial house to a late Victorian house.

It is within this context that the current proposal has been prepared.

2.0 THE PROPOSAL

The proposal is set out in other documents in detail, including the architectural plans. In outline the application is for three stages of work in three locations on the site:

Stage 1

Minor works to the interior of the house to re-arrange the current accommodation area. Works involve infilling a doorway, refitting several rooms and general repair and upgrade work.

Stage 2

The additions to the former schoolhouse to create two additional accommodation units. The schoolhouse is conserved and refitted, an existing doorway is used to connect to a new lightweight addition that is connected to the rear corner of the building and a low scaled articulated addition is set into the corner of the garden that is currently a service area.

A partially enclosed courtyard is located to the north of the schoolhouse and the area is separated by garden type walls from the front garden area.

Parking is formalised from Regent Street behind the kitchen courtyard in an area that was altered by the Regent Street Road extension.

Stage 3

The addition of six townhouses in the southern garden including the adjacent lot. This involves the demolition of the c1960s house on that lot.

Five units are located below garden level with a grassed and planted roof and the sixth unit with garaging for the main house are located on the site of the former tennis court.

The garden is altered to raise the ground level to the south, significant trees are retained and other trees and plants either relocated to new beds within the garden or removed. The rose gardens, planted from the 1960s are removed but the roses are to be relocated to new areas of the garden.

The main driveway is to be extended to the rear garages.

3.0 ASSESSMENT OF HERITAGE IMPACT

There are a number of matters that need to be discussed and determined in relation to heritage related to this application.

Is the use of the property for a combination of family home and accommodation acceptable?

Presently the property is used as a family home with some separated accommodation on the upper floor of the earlier section of the house. The house has been in this form for many years.

One of the typical and low impact ways to use older larger houses is to develop short-term guest accommodation in parts of the house or in additions to the place. It is perhaps the most benign way to retain a place in residential use and to generate some income towards the cost of maintenance and repair. It also provides a way in which the house can be experienced by a broader range of people.

The cost of maintenance of large older houses and the requirements of compliance are such that they are becoming increasingly non-viable for single residential use that places pressure on development or changes of use. In the past many large homes took on institutional uses as they became non-viable, often with significant change to the fabric of the place.

This proposal, to provide some additional separated accommodation and refurbish the existing rooms, in relation to extending the residential use is appropriate and of a scale that can establish a viable business. The use of part of the house for this use is considered acceptable. Providing new buildings in the former service area of the site is also an acceptable action, subject to the detail of the design proposal (this is considered separately).

Are the impacts on the main house acceptable?

The proposal has very limited works proposed to the house. The works relate largely to the existing separated accommodation on the first floor of the older section of the house and they involve minor room changes and re-arrangements. This area has previously been modified to create a separated accommodation unit.

The proposed works do not adversely affect any significant fabric and the architect, Robert Morris-Nunn, has won many awards for his creative adaptations of significant houses for short-term accommodation use. There is no doubt that the works proposed are well designed and will respect the fabric and form of the existing house.

Are the impacts on the outbuildings including the former schoolhouse acceptable?

The only outbuilding to be affected is the former schoolhouse that will be adapted as part of a residential unit. The physical changes to the building involve connection of a new structure to the rear corner of the building. The physical impacts are very minor and do not impact on significance. The retention of the schoolroom as a single space, albeit with a new use (noting that presently the building has no particular use) also retains significance.

Giving the building a viable use is important to ensure its protection into the future.

The additions to the building are modest and very low scale so that they do not affect the setting of the schoolhouse or its relationships to the main house and garden.

It is important to understand the siting of this building in considering how new work may impact on it.

The building is located at the rear of the main house, close enough to allow easy access to the back door of the house just outside the kitchen court area. It is a siting of convenience not one of aesthetic importance. However the building has been detailed in its principal façade to add a picturesque element to the garden to the side of the house and it achieves this well if modestly. The significance of the building is now principally an associative one, that is, the connection to Montgomery and a use that allows access such as an accommodation unit will allow interpretation of this to occupants and retains the structure within the garden.

In considering new work around the former schoolroom, retaining its relationship to the street garden and its sense of being separate are important and the revised design with the separated courtyard walls achieves this while providing new accommodation. The overall scale of the additions is carefully handled so that they have a low apparent small scale and are sitting behind a 'garden wall'. Views from the street to the main house are not affected by the proposal as it sits below the hedge line.

The proposed siting and location of the additions has in effect no impact on the values of the house or former schoolroom.

The addition of more formal parking to the west is rational and has no adverse impacts as the area is outside the core setting and adversely impacted by the alignment of Regent Street.

Is further development within the grounds acceptable?

Additional development is appropriate within the grounds provided it is located suitably, it retains a good setting around the house, does not have adverse visual impacts on the place and if possible recovers some aspects of significance.

The addition of the lot immediately to the south of the property to the overall footprint available allows considerable flexibility in approach to adding new structures to the site. The house built on this lot has had the greatest direct impact on the visual setting of Bishops court as it is two storeys and is located in the centre of the main outlook of the house, removing most of the view to the river beyond.

While other development in the area of Montgomery Court has also had some impact on the setting of Bishops court, it is located further away and further down the slope, minimising the more direct impacts of the sub-division.

Removal of the house on lot 2 will have a major beneficial impact on the setting of the house by allowing the broad and planned view to the river and lower Sandy Bay to be recovered to a large extent.

The construction of six new townhouses on lot 2 and extending into the garden of Bishops court could have an adverse impact visually and also in reducing the size of the garden however, the specific design response has addressed this with considerable finesse by placing the new dwellings below the view line and finishing the roofs with gardens.

The drawings clearly show the integration of the units into the slope that is achieved by setting the houses into the ground and by adjusting the garden levels around Bishops court (this is considered in the next point).

In considering the visual impact the new building has to be considered in two ways, firstly the units that are located below lawn level and secondly the unit and garage that is located on the east of the site that is set up above ground level.

When standing on the verandah or lawn of Bishops court the view and setting after this development takes place will be greatly enhanced and recovered from the current position. The present setting of the house is within a largely enclosed garden that has remnants of an earlier garden and which reflects untrained and largely insignificant garden design features. The present garden, while having some maturity, does not in any particular way enhance the setting of the house apart from being a garden. The change to remove the house at no 2 and provide a broad outlook will be a significant improvement to the setting of the house.

The 'ha-ha' separation between the garden of the house and the town houses is an effective device in this situation and the proposed edge planting will reduce any potential visual impact from this element.

The reduction in size of the lawn has no real impact on the setting of the house as the roofs of the town houses will visually extend the lawn setting. A large lawn is not required for the effective and enjoyable use of the house.

The construction of the garage and unit 6 also has little impact on the house. In fact it is understood that an earlier proposal for development was suggested by an officer of Heritage Tasmania for the tennis court as a preferred location for development on the site. This makes sense as the tennis court area is sufficiently removed and out of the main vista of the house to allow some form of development. It is the logical place to locate garaging from the main driveway and it can be expected in time that the now vacant lot below the tennis court will be developed for housing so that placing a carefully designed dwelling in that corner will both mask future development beyond and sit comfortably with the current proposal.

It is noted that the form of development is modest and designed to be of significantly lesser scale and form than Bishops court. The scale and appearance from Bishops court is very modest and appropriate.

Are changes to the garden and grounds acceptable?

Change to the garden and grounds is acceptable provided a good garden setting is provided around the house to give it context and a sense of place.

The original extensive setting of the land extending to the rivulet cannot be recovered, the outlook and a sense of space and place can be recovered and are in this proposal.

The garden changes involve removing the tennis court, elevating the lawn to remove some of the slope, removing much of the smaller scale planting, most of which will be relocated within the site (such as the rose bushes), removing some smaller trees but retaining all of the older and mature trees and re-planting and establishing new garden elements.

None of the features or elements to be removed are of significance in their own right and even in combination only provide a typical garden setting to the house as it is now found. While there will some changes to the garden, the overall form will be enhanced and the views and setting recovered in the proposal.

Is the setting and outlook of the house (in particular) retained in the proposal?

The setting and outlook from the house are both retained and enhanced by the proposal. There are significant gains in the design approach taken with minimal losses of significance so that the overall outcome is a major improvement in the setting of the place.

Summary

The proposed works across the three stages at Bishops court are well-designed, are thoughtful in the way the new work is integrated into the site, recover some of the significance of the setting by reinstating a key part of the outlook of the house and have very minimal heritage impacts on either fabric or setting. The impacts that do occur are more than offset by the enhancement of the setting, the conservation work taking place and the establishment of a viable future for the property.

The proposal is an excellent example of how to adapt a heritage property for new uses and some development while retaining core heritage values and improving the setting of the building.

I support the proposal and believe it satisfies the requirements of the Tasmanian Cultural Heritage Act and the Hobart Planning Scheme with regard to heritage and the various requirements of the act and the planning scheme.

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BISHOPSCOURT, FITZROY PLACE, HOBART

HERITAGE IMPACT ASSESSMENT

January 2020

1. BACKGROUND

An application has been made for a range of works at Bishopscourt. It is currently lodged with Hobart City Council and a request has been made for further information in the form of a heritage impact assessment. This document addresses that request for information.

In 2014, an updated Conservation Management Plan was prepared by Paul Davies. This refined the CMP that was prepared in 1995 prior to maintenance and restoration works taking place. The 2014 CMP addendum reflected the change of use of the property following the sale of Bishopscourt by the Anglican Diocese. It was also prepared to take account of the significance criteria set out in the Tasmanian Cultural Heritage Act.

The site is listed both in the Hobart Panning Scheme and the Tasmanian Heritage register as a heritage item and the requirements of both those listings apply to the site. Any application for work requires a heritage impact assessment and a conservation management planning document. The works need to protect the heritage values of the place and minimise any adverse impacts that may arise.

The documents submitted with the application address the requirements for providing information and explain how the works have been designed to both protect and enhance heritage values and also to minimise any adverse impacts.

The works have been subject to careful consideration and assessment over an extended period spanning from the original works in 2014 through to December 2019. Essentially, this application is a more modest refinement of Stage 3 works proposed and approved in 2014. Particular attention has been paid to the long term sustainability of Bishopscourt, well beyond the current owners. Therefore, we believe that the proposal is sound and achieves significant heritage outcomes for the property.

The 2014 works, prepared by Circa Morris Nunn Architects, fell into three parts:

1. The first (Stages 1 and 2) provided additions to the School House to provide accommodation as part of a business proposal to extend the use of the place as short-term accommodation. These were completed in 2014.
2. The second part (Stage 3) proposed developing the lower part of the site, to the south, with an additional lot that has been acquired for residential accommodation fronting Montgomery Court. This part did not proceed following development approval.
3. In conjunction with this work the garden areas were to be redesigned with changes to levels to the south of the house. These were completed in 2014.

As detailed by Paul Davies in his 2014 HIA ("**2014 HIA**"), *"the significance of Bishopscourt is clear and is set out in the 2014 CMP addendum, it is not repeated in this report. The history is also reasonably set out in the earlier CMP and the basic evolution of the house is understood. The more recent history including the creation of Regent Street, the sub-division to create Montgomery Place and the sale in 2003 to private ownership summarise the last 50 years of the site's history."*

In summary Bishopscourt is significant for its historical links to the Bishops of Tasmania and as a fine house in a fine streetscape that demonstrates the gradual evolution of major housing in Hobart from an early colonial house to a late Victorian house."

It is within this context that the current proposal has been prepared.

2. THE PROPOSAL

The proposal is set out in other documents in detail, including the architectural plans. In outline the application comprises three stages of work in three locations on the site:

Stage 1

A small single storey Reception building will be added next to the current guest car park off Regent Street between the existing Outhouse and an existing vegetable/fruit garden. This will provide a much needed focus for guest arrivals, as well as enabling the discreet handling of linen and supplies and an office for staff. Exterior finish will be black burnt timber (Shou Sugi Ban), consistent with existing nearby additions made in 2014-15. The roof will be grey Colorbond with black oiled timber windows.

Stage 2

Stage 2 will involve the creation of off-street parking from Montgomery Court with a walkway behind the lower rose garden to the location of the existing 'Hideaway' guest studio (a demountable unit added in 2015).

The 'Hideaway' will be moved to its new adjacent location and a new addition 'Maud's Cottage' will be built in a traditional weatherboard style. Maud's Cottage will celebrate the life of the remarkable wife of Bishop Montgomery, Maud Montgomery (1865-1949). Maud was the third daughter of the eminent English clergyman, preacher and author, Frederic William Farrar. She was known to maintain resolutely a wide range of domestic, diocesan and philanthropic responsibilities with a strong sense of moral righteousness and a high degree of resilience. The building design reflects these characteristics, emphasising tradition and simplicity, clad in natural timber with a galvanised Colorbond roof and natural timber windows.

Seclusion from the main house and other nearby properties is an essential factor in these units (see landscaping below).

Stage 3

In Stage 3, in a disused area at the corner of Regent Street and Montgomery Court hidden from the main rear garden by existing tall hedging, it is proposed to add two 'Eco-Cabins' and 'Monty's Bunker' built using pre-cast thermally bridged concrete panels.

The Eco-Cabins will comprise a single storey building designed to be architecturally complementary to the 2014 School House additions: angular lines, inner bedroom pods, burnished concrete floors, black exterior. They will be designed to help build understanding of energy efficiency, living off the grid, providing interactive displays on energy and water usage and the ability to opt to switch to 100% solar power. Grey water recycling will be provided and will connect with stormwater recycling for the garden.

Between the Eco-Cabins and the new off-street parking, it is proposed to add 'Monty's Bunker'. This building will celebrate the history of one of Bishops Court's famous residents (Field-Marshal Montgomery of WW2 – 'Monty'). Importantly, it will also satisfy the requirements of the Disability Discrimination Act 1992 and Disability (Access to Premises – Buildings) Standards 2010 ('DDA'). Satisfying DDA requirements is particularly challenging for heritage properties.

Landscaping

Landscaping will be carried out to achieve seclusion between Maud's Cottage, the Hideaway and the Main House. Over 30 advanced trees (Cypress Leylandii – consistent with those already planted on the Regent St boundary) have already been planted to delineate the area from the main house and private gardens. Additional landscaping will be carried out around the Eco-Cabins and Monty's Bunker to integrate the new buildings into the slope of the site. As noted above, the existing stormwater detention tanks will be used to redirect water for storage and use in watering the garden (along with grey water recycling).

Significant trees are retained. In fact, no trees will be removed. Some pruning within normal maintenance allowances (per Boundary Fences Act 1908 and Boundary Fences Regulations 2018) will be carried out along the boundary of Montgomery Court and Star Street (planned to be done in any event).

Since 2014, a significant number of trees and plants have been added to the garden, in conjunction with major approved works to create two level terraces in the principal area of the rear garden (advised by Playstreet Urban Design with Circa Morris Nunn Architects).

The roses which had become disjointed and neglected in a number of ill-considered informal beds near the old tennis court over the years were relocated in 2014 to a more prominent location near the house in a dedicated formal rose garden and are now thriving. The iceberg roses planted in the 1960s by Mrs Davies have stayed in the same location (the "lower rose garden") and will remain there.

3. ASSESSMENT OF HERITAGE IMPACT

There are a number of matters in this application that need to be discussed and determined in relation to heritage.

Is the use of the property for a combination of family home and accommodation acceptable?

This question was addressed in by Paul Davies in the 2014 HIA.

"One of the typical and low impact ways to use older larger houses is to develop short-term guest accommodation in parts of the house or in additions to the place. It is perhaps the most benign way to retain a place in residential use and to generate some income towards the cost of maintenance and repair. It also provides a way in which the house can be experienced by a broader range of people.

The cost of maintenance of large older houses and the requirements of compliance are such that they are becoming increasingly non-viable for single residential use that places pressure on development or changes of use. In the past many large homes took on institutional uses as they became non-viable, often with significant change to the fabric of the place.

This proposal, to provide some additional separated accommodation and refurbish the existing rooms, in relation to extending the residential use is appropriate and of a scale that can establish a viable business. The use of part of the house for this use is considered acceptable. Providing new buildings in the former service area of the site is also an acceptable action, subject to the detail of the design proposal."

The adaptive re-use of the property approved in 2014 has been successful¹ whilst making an almost invisible impact on neighbouring houses. This proposal involves a modest expansion of visitor accommodation to ensure that this aspect of the property is financially self-sustaining in the long run. At present, it is not possible financially to employ a receptionist nor sufficient gardening help. This proposal would make it financially feasible to add the necessary staff and therefore make the business sustainable. As a result, the main house can be maintained to a high standard whilst maintaining the bulk of it as a private dwelling.

"Giving the building a viable use is important to ensure its protection into the future." –2014 HIA.

Are the impacts on the main house acceptable?

The proposal has no works proposed to the main house.

The proposed works do not adversely affect any significant fabric.

The extensive works carried out to the main house in 2014 were assessed in the 2014 HIA as *"well designed"* and *"respect[ing] the fabric and form of the existing house"*. These included restoration of the original Bishop's dining room which had been lost in a 1960s division of this important room into two offices. In addition, there has been a complete restoration of all other rooms in the house to a high heritage standard employing highly skilled tradesmen and designers.

It should be noted that the proposed works will help add a buffer between Bishops Court and the substantial building planned for 3-4 Montgomery Court, consistent with observations in the 2014 HIA. Given the adverse impact of this new building on views from Bishops Court, it is now very much preferable in terms of heritage impacts to add trees in the area adjoining 3-4 Montgomery Court.

Is further development within the grounds acceptable?

Per the 2014 HIA, *"Additional development is appropriate within the grounds provided it is located suitably, it retains a good setting around the house, does not have adverse visual impacts on the place and if possible recovers some aspects of significance."*

"The present garden, while having some maturity, does not in any particular way enhance the setting of the house apart from being a garden...A large lawn is not required for the effective and enjoyable use of the house."

In relation to the proposed Stage 3 works in 2014 (not carried out), the 2014 HIA said that *"the construction of the garage and unit 6 also has little impact on the house. In fact it is understood that an earlier proposal for development was suggested by an officer of Heritage Tasmania for the tennis court as a preferred location for development on the site. This makes sense as the tennis court area is sufficiently removed and out of the main vista of the house to allow some form of development. It is the logical place to locate garaging from the main driveway and it can be expected in time that the now vacant lot below the tennis court will be developed for housing so that placing a carefully designed dwelling in that corner will both mask future development beyond and sit comfortably with the current proposal."*

It is noted that the form of development is modest and designed to be of significantly lesser scale and form than Bishops court. The scale and appearance from Bishops court is very modest and appropriate."

This proposal is entirely consistent with key conclusions in the 2014 HIA and the scale of this proposal is significantly more modest than Stage 3 works approved in 2014.

Are changes to the garden and grounds acceptable?

Per the 2014 HIA, *"change to the garden and grounds is acceptable provided a good garden setting is provided around the house to give it context and a sense of place."*

The original extensive setting of the land extending to the rivulet cannot be recovered, the outlook and a sense of space and place can be recovered and are in this proposal."

The garden changes involve removing the tennis court, elevating the lawn to remove some of the slope, removing much of the smaller scale planting, most of which will be relocated within the site (such as the rose bushes), removing some smaller trees but retaining all of the older and mature trees and re-planting and establishing new garden elements."

None of the features or elements to be removed are of significance in their own right and even in combination only provide a typical garden setting to the house as it is now found. While there will some changes to the garden, the overall form will be enhanced and the views and setting recovered in the proposal."

The impact of this proposal on the grounds is much more modest than Stage 3 works approved in 2014 but not carried out. A much larger curtilage is maintained around the main house.

Is the setting and outlook of the house (in particular) retained in the proposal?

This proposal is consistent with the 2014 HIA:

"The setting and outlook from the house are both retained and enhanced by the proposal. There are significant gains in the design approach taken with minimal losses of significance so that the overall outcome is a major improvement in the setting of the place."

Summary

We believe that the proposed works at Bishops Court are well-designed, carefully considered in the way the new work is integrated into the site and have very minimal heritage impacts on either fabric or setting. The modest impacts that do occur are more than offset by the enhancement of the setting, the conservation work taking place and securing a viable long term future for the property, beyond the efforts of the current owners.

We hope that the proposal is seen as a good example of how to adapt gradually a heritage property for new uses while retaining core heritage values and improving the setting of the building.

We believe that the proposal satisfies the requirements of the Tasmanian Cultural Heritage Act and the Hobart Planning Scheme in relation to heritage and the various requirements of the act and the planning scheme.



Dermot Crean
Director

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ⁱ TICT People's Award Top 10 Southern Region January 2020 ([Tourism Industry Council Tasmania](#)); Booking.com Traveller Review Awards 2020; and many other high ratings

TICT Tourism Industry Council Tasmania

9 January at 19:44

Drum roll, please!

From nearly 40,000 online consumer reviews and ratings across 180 travel review sites over the period October to December 2019, we're delighted to reveal Tassie's top rated operators for the quarter!

These are the operators in each tourism region with the very highest online ratings and reviews based on a minimum of twenty-five individual reviews and rating about their product over the period.

Congratulations especially to our four quarterly Gold Medalists - East Coast Cruises (East Coast), Valleybrook Wine on Wheels Tours (North), Overland Track Transport (Cradle Coast), and Roaring 40s Kayaking (South). These four operators now qualify for the People's Choice category in the 2020 Tasmanian Tourism Awards.

Here are the Top 10s for each region:

Southern Tasmania:

Gold: Roaring 40s Kayaking

Silver: Bellevue House

Bronze: Under Down Under

4. Tassie Bound Adventure Tours

5. Storm Bay B&B

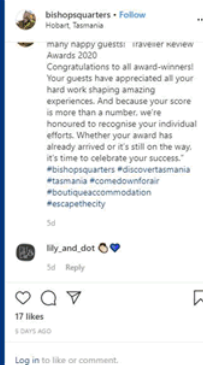
6. Every Man and His Dog Vineyard

7. Hillside Bed & Breakfast

8. Ashdowns of Dover hosted B&B

9. **Old Bishop's Quarters**

10. Bruny Island Safaris





BISHOPSCOURT CONSERVATION MANAGEMENT PLAN ADDENDUM

1.0 BACKGROUND

There is an application for a range of works at Bishopscourt currently lodged with Hobart City Council and a request has been made for further information in the form of a heritage impact assessment of the proposal. That assessment is being prepared for submission.

A CMP was prepared for the property in 1992, more than 20 years ago, when the property was the residence of the Anglican Bishop of Tasmania and with an anticipation of that use continuing.

The CMP has a range of issues that require adjustment and updating as the basis of preparing such documents has significantly changed since it was written, the property has changed ownership and use with a range of works being undertaken and the plan is predicated on a future that is no longer relevant. However the basic research and history and drawings etc. all remain relevant.

This addendum seeks to provide new material that brings the document into line with contemporary practice without providing a new CMP.

The sections of this addendum are:

- 1 Update on recent history of the site
- 2 Rewrite the statement of significance using the current Tasmanian Heritage Act criteria.
- 3 Provide new policy that reflects the status of the property and addresses issues that are now likely to arise.

2.0 RECENT HISTORY

The site was sub-divided around 1960 with the creation of the Regent Street extension which saw a small cul-de-sac formed, Montgomery Court, with 8 new residential lots excised from the garden that previously had extended to the rivulet. It is noted that the exact alignment of boundaries has not been researched as the road and later development removed all evidence of earlier boundaries and landforms in the area.

Lot 2, on the northern side of the new cul-de-sac was developed with a two storey house that remains in situ while the land adjacent to it has not been developed. The house on lot 2 is the only building within the development of the cul-de-sac that directly affected the immediate outlook and setting of Bishopscourt as it is located within the immediate view line of the front of the house. While there is considerable other development on the former grounds of Bishopscourt, due to the relatively steep slope of the land towards the rivulet, it is largely below the outlook of the main house.

The Anglican Diocese sold Bishopscourt in 2003 to raise funds that were needed at the time.

While this action was not supported by a number of people within the Anglican Diocese, it appears there was little choice at the time as the diocese required funds.

It is also interesting to observe that the sale of large bishops residences in both Anglican and Catholic dioceses around Australia has been and continues to take place, sometimes to raise funds but more often as the occupants find it difficult to justify living in relative grandeur (although often living in large residences with insufficient funds is far from grand) while there is financial and other need in the diocese and the broader church.

The property has been in private ownership since the diocesan sale and recently changed ownership with the Creans acquiring and occupying the house in late 2012.

The Crean family has undertaken conservation, maintenance and upgrade works to the house and property and overall the house and garden are in good general condition.

3.0 SIGNIFICANCE

3.1 DISCUSSION

The significance of a place can reside in a number of areas and for a range of reasons. To assist in setting out significance the Tasmanian Cultural Heritage Act provides a set of criteria to consider. These are addressed below in arriving at a statement of significance.

It is also important to determine how significant a place is, three general levels of significance being adopted by most council planning schemes. These are of precinct or contributory value, of local heritage value or of State level heritage value. Places of State value usually are entered onto the State Heritage Register although places of lesser value can also be entered onto that register.

The benefit of understanding levels of significance is to guide future actions. For example, it is unlikely that a place of State heritage value could be demolished, as provision is made in the Act to protect such places. However, adaptation may be possible.

Also it is important to understand that not all parts or aspects of a place may have the same level of significance. For example Bishopscourt overall is of State heritage significance, but some elements of the place have lesser value and some detract from the overall significance.

While retention of the form and detail of the building would be clear from its level of significance, particular management policies may be needed to guide removal of intrusive elements or to adapt items of minor significance. Consequently the statement of significance addresses the place as a whole and the itemised levels of significance (as listed) provides basic guidance on a range of features of the building.

Significance is also considered in a range of ways as different places have significance for different reasons. The Tasmanian Cultural Heritage Act sets out seven criteria or areas of significance that need to be considered in making assessments of how significant a place is. These address its historic, social, technical, creative, rarity, representative and associational values.

- The place is important in demonstrating the evolution and pattern of Tasmania's history.
- The place is important in demonstrating rare, uncommon or endangered aspects of Tasmania's heritage
- The place has potential to yield information that will contribute to an understanding of Tasmania's history

- The place is important as a representative in demonstrating the characteristics of a broader class of places
- The place is important in demonstrating a high degree of technical achievement
- The place has strong or special meaning for any group or community because of social, cultural or spiritual associations.
- The place has a special association with the life or work of a person, group or an organisation that was important in Tasmania's history.

Often these values overlap. Bishops court has heritage value in all seven criteria. It also has significance at State local and precinct levels.

State Heritage Listing State heritage comprises items in a state-wide historical or geographical context or attributed to an important and identifiable contemporary state-wide community. For research potential, historical, aesthetic and/or technical/research significance an item must be a fine representative example or be rare in the state-wide context.

Social significance at a state level would require recognition of an item's importance to the people of Tasmania or to an important and identifiable state-wide community. Most Aboriginal, multicultural and religious communities operate throughout the State, however, the item would have to be important to the entire group, not just a local branch.

Local Heritage Listing Local heritage comprises items significant in a local historical or geographic context or to an identifiable contemporary local community. The local context is defined in the analysis and statement of significance of the item. In a council heritage study the local context will approximate the local government area. When considering social significance it is important to identify the local community, which values the item. This needs to be established through consultation with community groups such as local historical societies. Indications of local social significance are often found in media coverage and local community group publications.

3.2 STATEMENT OF SIGNIFICANCE

The following statement of significance sets out the heritage values of the place using the criteria set out in the Tasmanian Cultural Heritage Act:

A it is important in demonstrating the evolution or pattern of Tasmania's history;

Bishops court is a fine example of a large city dwelling that has evolved through various stages of development to form a substantial and attractive house. This pattern of development can be seen in a range of similarly located and scaled house within the vicinity that also demonstrates the pattern of development of wealthy housing on the ridges that ascend from the Hobart waterfront.

As the former residence of the Bishop of Tasmania the property demonstrates a pattern of use where church and community leaders lived in significant houses in significant locations that marked the importance of their position within the community. This is a pattern that has largely been lost in relation to community leaders.

The garden and grounds are not important to the evolution or pattern of Tasmania's history except in providing a suitable setting for the house.

This criterion is satisfied at a local and state level.

B it demonstrates rare, uncommon or endangered aspects of Tasmania's heritage;

Bishopscourt is a rare example of a bishop's residence within Tasmania (and Australia although noting that most states have bishops residences most of which are no longer owned or occupied by the church).

The garden and grounds are not rare, uncommon or endangered and do not satisfy this criterion except in providing a suitable setting for the building.

This criterion is satisfied at a local and state level.

C it has potential to yield information that will contribute to an understanding of Tasmania's history;

The place has the ability to reveal information through potential archaeology in key areas but otherwise does not appear to demonstrate particular forms, techniques or use of materials that are rare or unusual.

This criterion is satisfied at a local and state level in relation to potential archaeological resources.

D it is important as a representative in demonstrating the characteristics of a broader class of cultural places;

Bishopscourt is essentially a "one-off" building developed as the residence of the Bishop of Tasmania (although not initially built for that purpose). As such it does not represent a class of places.

As a house, separate from the residence of the bishop, it does demonstrate the evolution of early housing to accommodate large additions in different styles and is a good representative example of a large town residence in a garden setting.

This criterion is satisfied at a local and state level.

E it is important in demonstrating a high degree of creative or technical achievement;

The house demonstrates fine design, detailing and craftsmanship from a range of architectural periods in an unusual but well managed overall architectural composition that demonstrates the skill of the architects and tradespeople involved.

The Fagg additions in particular are a very fine and well executed example of the later Victorian period.

The grounds while retaining some elements of the early garden have largely lost their scale and setting and no longer demonstrate this attribute.

This criterion is satisfied at a local and state level.

F it has strong or special meaning for any group or community because of social, cultural or spiritual associations;

Bishopscourt, although no longer the home of the Anglican Bishop of Tasmania, retains meaning as the former bishops residence to a group within the Anglican Community who were involved in the place through visitation, working or caring for the property.

This criterion is satisfied at a local and level.

G it has a special association with the life or work of a person, a group or an organisation that was important in Tasmania's history.

Bishopscourt is associated with architects Henry Hunter and G Fagg as a fine example of their designs.

Bishopscourt is associated with the various Bishops of Tasmania who occupied the house and with the history of the Anglican Church in Tasmania.

Bishopscourt has an association with the childhood of Bernard Montgomery who became an important leader in the second world war.

Bishopscourt has associations with the first owner and builder, Judge Thomas Horne, who held a range of government and elected positions in parliament and was a prominent leader in Hobart society in the 1830s and 1840s.

This criterion is satisfied at a local and state level.

6.3 GRADED AREAS OF SIGNIFICANCE

Tables i and ii sets out the relative significance of parts of the place, specific management recommendations are also included here to simplify the use of the CMP, these relate to policies set out later in the plan. The gradings used in this assessment are:

High	The feature is a core element of the place, is important in understanding the history, development or function of the site or has outstanding values under one of the THC criterion. It could be considered to have value at State rather than local level. Generally features of high significance would be expected to be retained although some modification may be appropriate.
Medium	The feature has significance at local level rather than at State level. Generally it is desirable to retain these elements however modification, adaptation or in some cases removal may be appropriate to achieve other conservation benefits.
Low	These are features that have minor heritage value only.
None	These are features that do not have particular heritage value but which do not detract from the significance of the place as a whole or from other features that have significance.
Intrusive	Features that detract from the place and the significance of the whole or of particular elements. These items should over time be removed or adapted to a more appropriate form.

Item or element	Date	Assessed Level of Significance	Policy and Recommendations
House and Built Elements			
Original house - remaining intact fabric	1837c	High	Elements of the original house are clearly readable both externally and internally and this material should remain and not be altered or obscured so that the phases of evolution of the building remain clear in the fabric. Minor internal changes to facilitate new uses or upgrades are possible but should be limited to only necessary changes to facilitate good planning and functionality.
Victorian Additions - External elements	1877-1889	High	Generally the external form of the house should be retained in its planned and significant form with materials and design elements. Some change and adaptation is possible to provide for new connections to the exterior or

			<p>possible additions to the house.</p> <p>Changes should be limited to service or rear areas with the principal designed elevations and facades retaining their form and appearance.</p>
- Internal elements	1877-1889	High to Medium	<p>The main Victorian fitout is very fine and should in general be retained, conserved and maintained. However the house is not exceptional in terms of internal finishes and fitout nor is it rare.</p> <p>Conservation applies in particular to the major rooms on the ground floor (noting that they have been restored recently), the hall and stairway and other significant spaces.</p> <p>Service areas and minor spaces, that have had a reasonable level of change already and which are generally less significant spaces within the building are capable of refitting, adaptation, etc to accommodate contemporary uses and fitout.</p> <p>This can extend to re-arranging room layouts, providing new element such as kitchens and fitouts and may involve some changes of use of spaces.</p> <p>All decisions about fabric change should be based on presenting the house as a largely Victorian/colonial house for the main rooms and areas with good quality and well designed new fitout.</p> <p>Changes may involve new openings, changing openings etc. any existing original joinery should be retained and re-used if changes are made.</p> <p>New services throughout the house are acceptable.</p>
Schoolhouse	1889	High	<p>The school house served several functions over its life, including in the late twentieth century a chapel, however this use was short-lived and not significant. Its first and most significant activity was as a Victorian schoolhouse that functioned from 1889 to 1901. This is the period during which Montgomery was a child at the property.</p> <p>The structure should be retained and should be a readable part of the built form of the site, that is it should be capable of being seen and understood as a separate structure to the main house.</p> <p>Adaptive re-use is appropriate and carefully designed additions to facilitate the use of the building could be undertaken provided they do not obscure the building.</p>
20 th C changes and additions to the house		Generally low, some elements intrusive	<p>There is little if any significance related to the various incremental changes that were made after the major building phases were completed. Most changes were of lesser quality and they can be removed, changed, adapted etc. as required.</p>

			Any new works should however be sympathetic and appropriate to the detail and form of the room or area of the house.
Sheds	1877c	High	<p>The remaining yard elements are significant in demonstrating the early arrangement of the house and it appears that the pavements and earlier foundations or removed structures will be extant in the courtyard area under the present lawn and pavements.</p> <p>They should be retained and maintained.</p>
Garden and Grounds			
Front Entry Gates	1889c original replaced early 21 st century	Medium Neutral	<p>The original timber gates were related to the major house additions, they were noted as extant but needing work in the 1995 study but have since been rebuilt removing the pedestrian gates. The metal gates are c1960, contain a cross in the wrought iron indicating the church use.</p> <p>The form of gate with the timberwork surround should be retained, however the metal gates are not of particular significance and there is no significant fabric remaining.</p>
Other fencing	Early 21 st century	Neutral	<p>The fencing generally around the property is not original and not significant.</p> <p>The front fence is a modern picket fence that may have been based on the early fence detail. It is not significant for its fabric but the general style of the fence is appropriate to the house.</p> <p>Other fences are timber palings of varying forms and heights that appear to have been added at different times. The fences have to date from after the 1960s sub-division as they reflect those boundaries but are most likely quite recent in origin. They are not significant.</p>
Garden Walls and elements relating to rear courtyard area	1877 onwards	High	<p>The extant fabric from the early additions that is seen in walls and potentially covered pavements is significant and should generally be retained and conserved.</p> <p>There is no requirement to recover material that is covered, however recovery of early pavements and elements can be undertaken.</p>
Garden Generally	1877 onwards	Low-High	<p>The present garden is a significant reduction of the original garden setting and it is not clear exactly what elements remain from the Victorian garden or from later periods.</p> <p>Providing a mature garden setting around the house is of significance and specific elements of the garden have differing levels of significance as set out below</p> <p>Overall the significance of the house is enhanced</p>

			<p>by a garden setting, but the form of the garden and the specific plantings, for the most part, are not of great significance in themselves.</p> <p>Maintaining a good garden setting with outlook and views is important for the future of the house.</p>
Major tree plantings	prob from 1880s	High	<p>The early and major trees have a significance in their own right and add to the overall setting of the house. They should be retained and maintained.</p>
Tennis court area	unknown	Low	<p>The former tennis court is a now leveled grass area set in one corner of the property that ceased use as a tennis court many years ago. The 1960s sub-division retained the court area as a small projection of the grounds on the eastern boundary but removed its setting as being part of a large landscaped area.</p> <p>The former court retains some significance as a remnant element of the early grounds, but is now separated from the main garden and setting losing much of its significance as part of a broader landscaped setting.</p>
Lawn	prob from 1850s	Low - Medium	<p>The lawn is significant as part of the setting for the house in conjunction with the other garden elements.</p> <p>It is not in itself a particularly significant item.</p>
Levelled lawn platform	1960sc	Low	<p>This is a minor garden element added probably during the 1960s along with other garden works. It is of low significance in relation to the house or garden as a minor change made by one incumbent.</p>
Rose and other gardens	Largely from 1960s but may contain some earlier elements	Low - medium	<p>The rose gardens are overall of low significance in relation to the property. However the gardens contain some interesting and a good collection of roses that are are worth preserving, even if not in their current locations.</p> <p>The gardens appear from the research to be the work of one occupant of the house from its more recent history and do not relate to any specific development or aspect of the place historically that allows significance to be attributed to them.</p> <p>If changes to the garden are made the roses should be incorporated or relocated to another site.</p> <p>However retaining a garden setting around the house is important to its overall value.</p>

4.0 Policy

The policy for the property is straightforward. Bishops Court was built as a private house, became the bishop's residence and has returned to being a private house. It is now historically significant for its occupation by the bishops of Tasmania but as it no longer serves that purpose the policies required for the future have to consider the place as it is now found while retaining important aspects of the historical development of the property.

The house itself is also relatively straightforward in terms of policy. The place should continue to function principally as a family home with potential to add selective new uses that are compatible and which allow the viable future of the place as an entity. The most significant parts of the house should be conserved and a level of adaptation to accommodate contemporary use is appropriate for other parts of the building.

While the house is a fine house with good detailing and an excellent location, it is not exceptional and does not contain elements of such importance that it cannot be carefully modified and adapted.

Key policies are:

House and Buildings

- 1 Retain the significant external form of the house generally in its 1889 configuration and appearance, that is, after the major additions were complete.
- 2 Allow external change to facilitate changes of use but limit changes to less significant parts of the house such as service areas.
- 3 It is unlikely that additions to the main building will be appropriate, however additional building to the west and north-west of the house may be appropriate to accommodate new uses or an extension to the place.
- 4 No new building should take place:
 - in the area between the house, the school house and Fitzroy Place
 - in the area of the main drive directly to the east of the house
 - in the lawn area immediately in front of the house to the south
- 5 Any new building should be modest in form and not interrupt views to and from the house or be visible from Fitzroy Place to any great extent.
- 6 Interior spaces such as formal rooms and the entry foyers should be conserved in their planned layout.
- 7 Ancillary rooms may be adapted sensitively to accommodate contemporary or new uses.
- 8 Retain significant fabric wherever possible.
- 9 Undertake regular maintenance and conservation work to ensure the place remains in sound condition.
- 10 Ensure that works undertaken are appropriate for the fabric and undertaken by skilled tradespeople with sound heritage advice.
- 11 Appropriate new uses for the house, that is, beyond being a family residence would generally be limited to other forms of residential use (as the house is quite large and can be separated into sections with relative ease) or for small scale commercial use in conjunction with residential activity.

Site Policies

- 1 Retain a garden setting around the house.

RATIONAL METHOD

**26 Fitzroy Place Development**

Stormwater Assessment

Rational Method Calculation

Client Name: Engineering Plus

Job Number: 1877

Assessment By

N Zanetto 1/05/2020

Reviewed By

M. Walters 1/05/2020

Table of Key Inputs and Results

Sub-Catchment	Catchment Area (A) ha	Annual Exceedance Probability (AEP) %	Time of Concentration (T _c) min	Rainfall Intensity (I) mm/hr	Runoff Coefficient (C) -	Design Flowrate (Q) L/s	
1	0.44	5.00%	5	86.9	0.26	27.8	Undeveloped
2	0.44	5.00%	5	86.9	0.32	33.6	Developed
3	0.44	5.00%	10	65.2	0.26	20.9	Developed
4	0.44	5.00%	15	52.9	0.32	20.5	Developed
5	0.44	5.00%	20	45	0.32	17.4	Developed
6	0.44	5.00%	25	39.5	0.32	15.3	Developed
7	0.44	5.00%	30	35.4	0.32	13.7	Developed
8	0.44	5.00%	45	27.7	0.32	10.7	Developed
9	0.44	5.00%	60	23.3	0.32	9.0	Developed
10		10.00%			-0.23	0.0	Not used
Total Flow (L/s)						-	Not used

Formula used from Australian Rainfall and Runoff 1987:

$$Q = \frac{CIA}{360} \times \frac{1}{1000}$$

$$C_{10} = 0.9 \times f + C_{10}^1 \times (1 - f)$$

$$C_{10}^1 = 0.1 + 0.0133 \times (1_{10} - 25)$$

$$C_Y = F_Y \times C_{10}$$

Total area approx. 4400 m2
 Existing main dwelling 447 m2 roof area
 Existing guest house apartments 168 m2 roof area
 Existing driveway and carpark 147 m2
 Existing building 13.2 m2 roof area
 Existing hideaway cabin 24 m2 roof area
 Existing carpark 2 (not on drawings but LISTmap) 360 m2
 Therefore existing is 1159.2 m2 impervious, 3394.8 m2 pervious
 Proposed reception building 29 m2 roof area
 Proposed eco cabin 99 m2 roof area

Runoff Coefficient Calculations

Sub-Catchment	10 year, 1 hour Rainfall Intensity (I ₁₀) mm/hr	Fraction Impervious (f) %	Pervious Area Runoff Coefficient (C ₁₀) -	10 year ARI runoff coefficient (C ₁₀) -	Average Recurrence Interval (ARI) -	Frequency Factor (F _Y) -	Other recurrence intervals (C _Y) -
1	20	25%	0.03	0.25	19.50	1.05	0.26
2	20	31%	0.03	0.30	19.50	1.05	0.32
3	20	25%	0.03	0.25	19.50	1.05	0.26
4	20	31%	0.03	0.30	19.50	1.05	0.32
5	20	31%	0.03	0.30	19.50	1.05	0.32
6	20	31%	0.03	0.30	19.50	1.05	0.32
7	20	31%	0.03	0.30	19.50	1.05	0.32
8	20	31%	0.03	0.30	19.50	1.05	0.32
9	20	31%	0.03	0.30	19.50	1.05	0.32
10			-0.23	-0.23	9.49	0.99	-0.23

Proposed eco cabin 26 m2 roof area
 Proposed driveway/parking 62 m2
 Proposed Maud's cottage 49 m2 roof area
 Therefore developed is 1424.2 m2 impervious, 3129.8 m2 pervious
 => Pre development 25% fraction impervious, 31% post
 ToC: longest route approx. 51 m => ToC = 7 min
 (assume 5 min, conservative)

NOTE: Refer page 2 for rainfall intensities

RATIONAL METHOD

**26 Fitzroy Place Development**

Stormwater Assessment

Rational Method Calculation

Client Name: Engineering Plus

Job Number: 1877

Frequency Factors for Rational Method Runoff Coefficients

ARI (years)	Frequency Factor (F _v)
1	0.80
2	0.85
5	0.95
10	1.00
20	1.05
50	1.15
100	1.20

EY, AEP, ARI Terminology

EY	AEP (%)	AEP (1 in x)	ARI	Use in Engineering Design
6.00	99.75%	1.00	0.17	Water sensitive urban design
4.00	98.17%	1.02	0.25	
3.00	95.02%	1.05	0.33	
2.00	86.47%	1.16	0.50	
1.00	63.21%	1.58	1.00	
0.69	50.00%	2.00	1.44	Stormwater/pit and pipe design
0.50	39.35%	2.54	2.00	
0.22	20.00%	5.00	4.48	
0.20	18.13%	5.52	5.00	
0.11	10.00%	10.00	9.49	
0.05	5.00%	20.00	19.50	Floodplain management and waterway design
0.02	2.00%	50.00	49.50	
0.01	1.00%	100.00	100.00	
0.01	0.50%	200.00	200.00	
0.00	0.20%	500.00	500.00	
0.00	0.10%	1000.00	1000.00	
0.00	0.05%	2000.00	2000.00	
0.00	0.02%	5000.00	5000.00	Design of critical infrastructure (eg dams)

Location Label: Sandy Bay, Hobart

Requested coordinate: -42.8924, 147.3221

Nearest grid cell: -42.8875, 147.3125

		Annual Exceedance Probability (AEP)							
Duration	Duration in min	63.20%	50%	20%	10%	5%	2%	1%	
1 min	1	61.8	70.3	98.7	120	142	173	198	
2 min	2	53.2	60.1	82	97.2	112	132	147	
3 min	3	47.1	53.3	73.2	87.3	101	120	135	
4 min	4	42.4	48.1	66.6	79.9	93.5	112	126	
5 min	5	38.8	44	61.4	74	86.9	105	120	
10 min	10	28	31.9	45.1	54.9	65.2	80.2	92.8	
15 min	15	22.7	25.8	36.5	44.5	52.9	65.2	75.5	
20 min	20	19.4	22.1	31.1	37.9	45	55.3	64	
25 min	25	17.2	19.5	27.4	33.3	39.5	48.3	55.7	
30 min	30	15.5	17.6	24.7	29.9	35.4	43.2	49.6	
45 min	45	12.4	14.1	19.6	23.6	27.7	33.4	38	
1 hour	60	10.6	12	16.7	20	23.3	27.9	31.6	
1.5 hour	90	8.57	9.71	13.4	15.9	18.5	21.8	24.5	
2 hour	120	7.37	8.37	11.5	13.6	15.8	18.5	20.7	
3 hour	180	5.99	6.81	9.37	11.1	12.8	14.9	16.6	
4.5 hour	270	4.86	5.55	7.68	9.09	10.4	12.2	13.6	
6 hour	360	4.19	4.8	6.67	7.91	9.1	10.7	11.9	
9 hour	540	3.37	3.87	5.44	6.49	7.49	8.84	9.87	
12 hour	720	2.86	3.3	4.67	5.6	6.5	7.71	8.65	
18 hour	1080	2.24	2.59	3.71	4.47	5.23	6.26	7.07	
24 hour	1440	1.85	2.15	3.09	3.75	4.41	5.3	6.02	
30 hour	1800	1.59	1.84	2.66	3.24	3.81	4.61	5.24	
36 hour	2160	1.39	1.61	2.33	2.84	3.36	4.07	4.63	
48 hour	2880	1.12	1.3	1.87	2.29	2.71	3.28	3.74	
72 hour	4320	0.807	0.931	1.34	1.63	1.93	2.33	2.65	
96 hour	5760	0.635	0.73	1.04	1.26	1.49	1.79	2.03	
120 hour	7200	0.526	0.604	0.854	1.03	1.21	1.44	1.63	
144 hour	8640	0.452	0.518	0.727	0.873	1.02	1.21	1.36	
168 hour	10080	0.399	0.457	0.638	0.761	0.88	1.05	1.18	

DETENTION SIZING USING MODIFIED RATIONAL METHOD

**26 Fitzroy Place Development**

Stormwater Assessment
 Modified Rational Method

Client Name: Engineering Plus
 Job Number: 1877

Assessment By: N. Zanetto Date: 1/05/2020
 Reviewed By: M. Walters Date: 1/05/2020

Site Details

Catchment Area	0.440	ha
Pre-development fraction impervious	25%	%
Post-development fraction impervious	31%	%

Event Details

Scenario	Annual Exceedance Probability AEP (%)	Storm Duration T (min)	Peak Flow Q (L/s)
Pre-development (allowable discharge)	-	-	24.0
Post-development	5%	5	33.6

Provided by Council as allowable site discharge

Maximisation Procedure

Scenario	Annual Exceedance Probability AEP (%)	Rainfall Average Period T _{av.} (min)	Peak Flow Q (L/s)	Storage Volume S (L)
Post-development	5%	5	33.6	3605
1	5%	10	25.2	4605
2	5%	15	20.5	3219
3	5%	20	17.4	1403
4	5%	25	15.3	-645
5	5%	30	13.7	-2873

Critical storm

NOTE - Peak less than allowable discharge -> not applicable

NOTE - Peak less than allowable discharge -> not applicable

NOTE - Peak less than allowable discharge -> not applicable

NOTE - Peak less than allowable discharge -> not applicable

Results Summary

Allowable site discharge	24.0	L/s
Post-development design storm	5% AEP, 5 min	-
Post-development peak flow	33.6	L/s
Critical storm scenario	5% AEP, 10 min	-
Required storage volume	4605	L

DETENTION SIZING USING MODIFIED RATIONAL METHOD

26 Fitzroy Place Development

Stormwater Assessment
 Modified Rational Method

Client Name:

Engineering Plus

Job Number:

1877

Location:

Sandy Bay, Hobart

Latitude:

-42.8875

Longitude:

147.3125

Date sourced:

29/04/2020



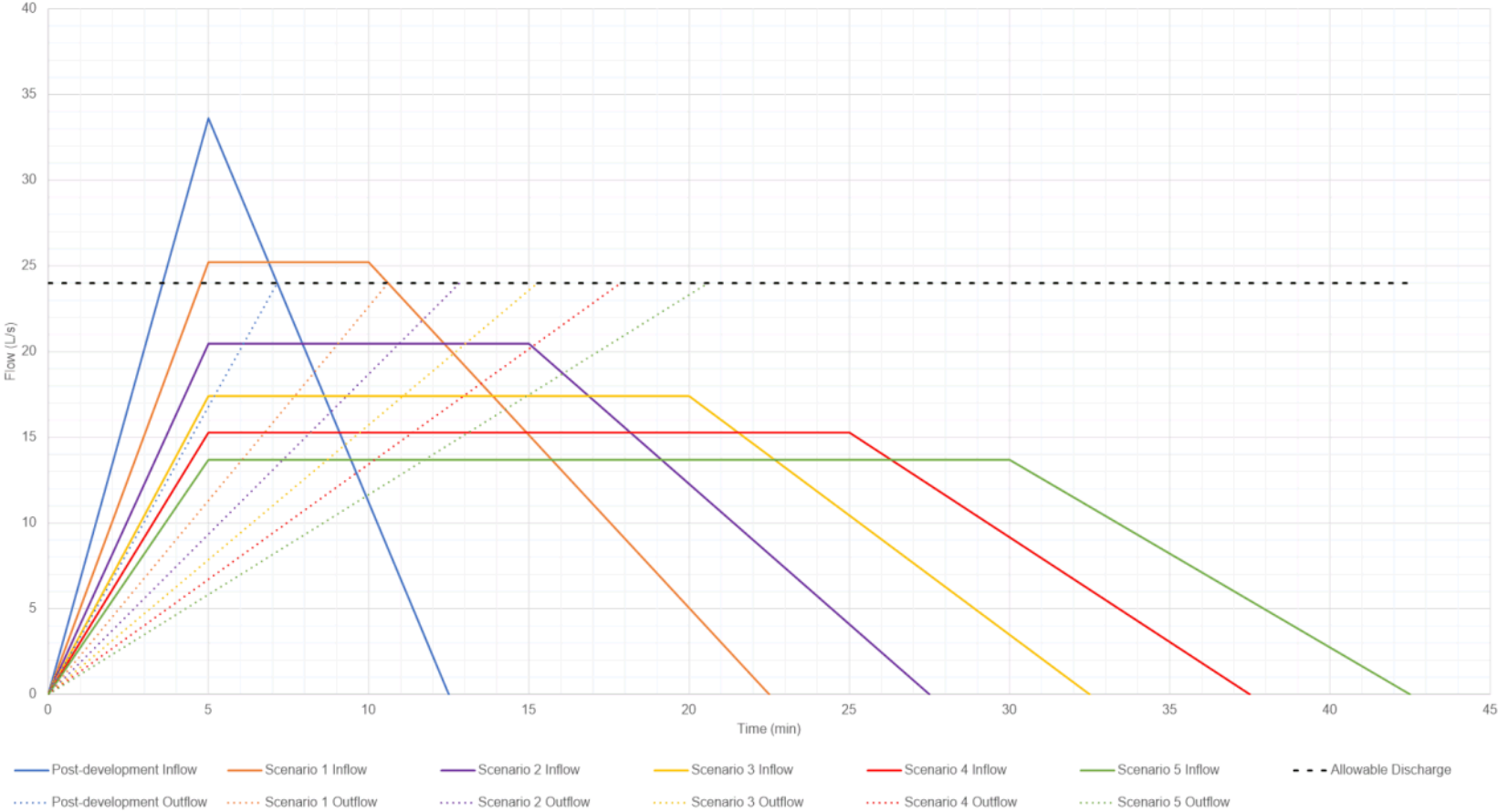
Annual Exceedance Probability (AEP)								
Duration	Duration in min	63.20%	50%	20%	10%	5%	2%	1%
1 min	1	61.8	70.3	98.7	120	142	173	198
2 min	2	53.2	60.1	82	97.2	112	132	147
3 min	3	47.1	53.3	73.2	87.3	101	120	135
4 min	4	42.4	48.1	66.6	79.9	93.5	112	126
5 min	5	38.8	44	61.4	74	86.9	105	120
10 min	10	28	31.9	45.1	54.9	65.2	80.2	92.8
15 min	15	22.7	25.8	36.5	44.5	52.9	65.2	75.5
20 min	20	19.4	22.1	31.1	37.9	45	55.3	64
25 min	25	17.2	19.5	27.4	33.3	39.5	48.3	55.7
30 min	30	15.5	17.6	24.7	29.9	35.4	43.2	49.6
45 min	45	12.4	14.1	19.6	23.6	27.7	33.4	38
1 hour	60	10.6	12	16.7	20	23.3	27.9	31.6
1.5 hour	90	8.57	9.71	13.4	15.9	18.5	21.8	24.5
2 hour	120	7.37	8.37	11.5	13.6	15.8	18.5	20.7
3 hour	180	5.99	6.81	9.37	11.1	12.8	14.9	16.6
4.5 hour	270	4.86	5.55	7.68	9.09	10.4	12.2	13.6
6 hour	360	4.19	4.8	6.67	7.91	9.1	10.7	11.9
9 hour	540	3.37	3.87	5.44	6.49	7.49	8.84	9.87
12 hour	720	2.86	3.3	4.67	5.6	6.5	7.71	8.65
18 hour	1080	2.24	2.59	3.71	4.47	5.23	6.26	7.07
24 hour	1440	1.85	2.15	3.09	3.75	4.41	5.3	6.02
30 hour	1800	1.59	1.84	2.66	3.24	3.81	4.61	5.24
36 hour	2160	1.39	1.61	2.33	2.84	3.36	4.07	4.63
48 hour	2880	1.12	1.3	1.87	2.29	2.71	3.28	3.74
72 hour	4320	0.807	0.931	1.34	1.63	1.93	2.33	2.65
96 hour	5760	0.635	0.73	1.04	1.26	1.49	1.79	2.03
120 hour	7200	0.526	0.604	0.854	1.03	1.21	1.44	1.63
144 hour	8640	0.452	0.518	0.727	0.873	1.02	1.21	1.36
168 hour	10080	0.399	0.457	0.638	0.761	0.882	1.05	1.18

DETENTION SIZING USING MODIFIED RATIONAL METHOD



26 Fitzroy Place Development

Stormwater Assessment
Modified Rational Method
Client Name: Engineering Plus
Job Number: 1877



Inflow and outflow hydrographs

NOTE: This spreadsheet has been developed based on Section 4-4.2 of the Virginia Stormwater Management Handbook First Edition 1999 Volume 2

ORIFICE PLATE SIZING

26 Fitzroy Place Development

Stormwater Assessment

Orifice Sizing

Client Name: Engineering Plus
 Job Number: 1877

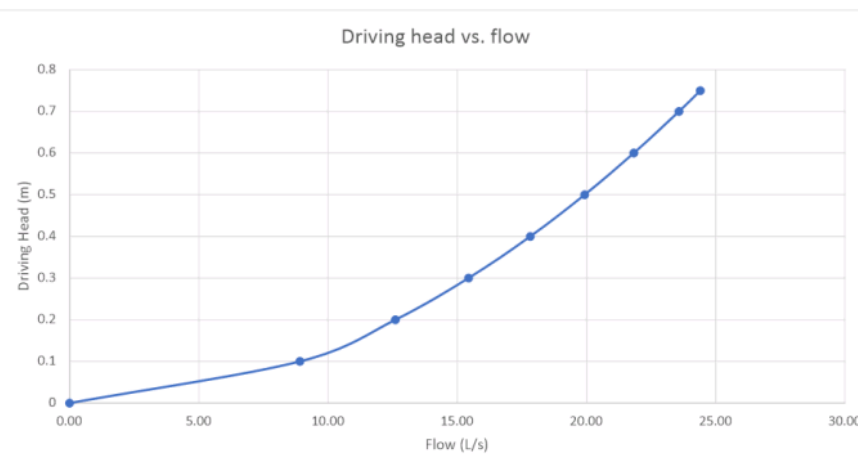
Assessment By: N. Zanetto
 Date: 1/05/2020
 Reviewed By: M. Walters
 Date: 1/05/2020

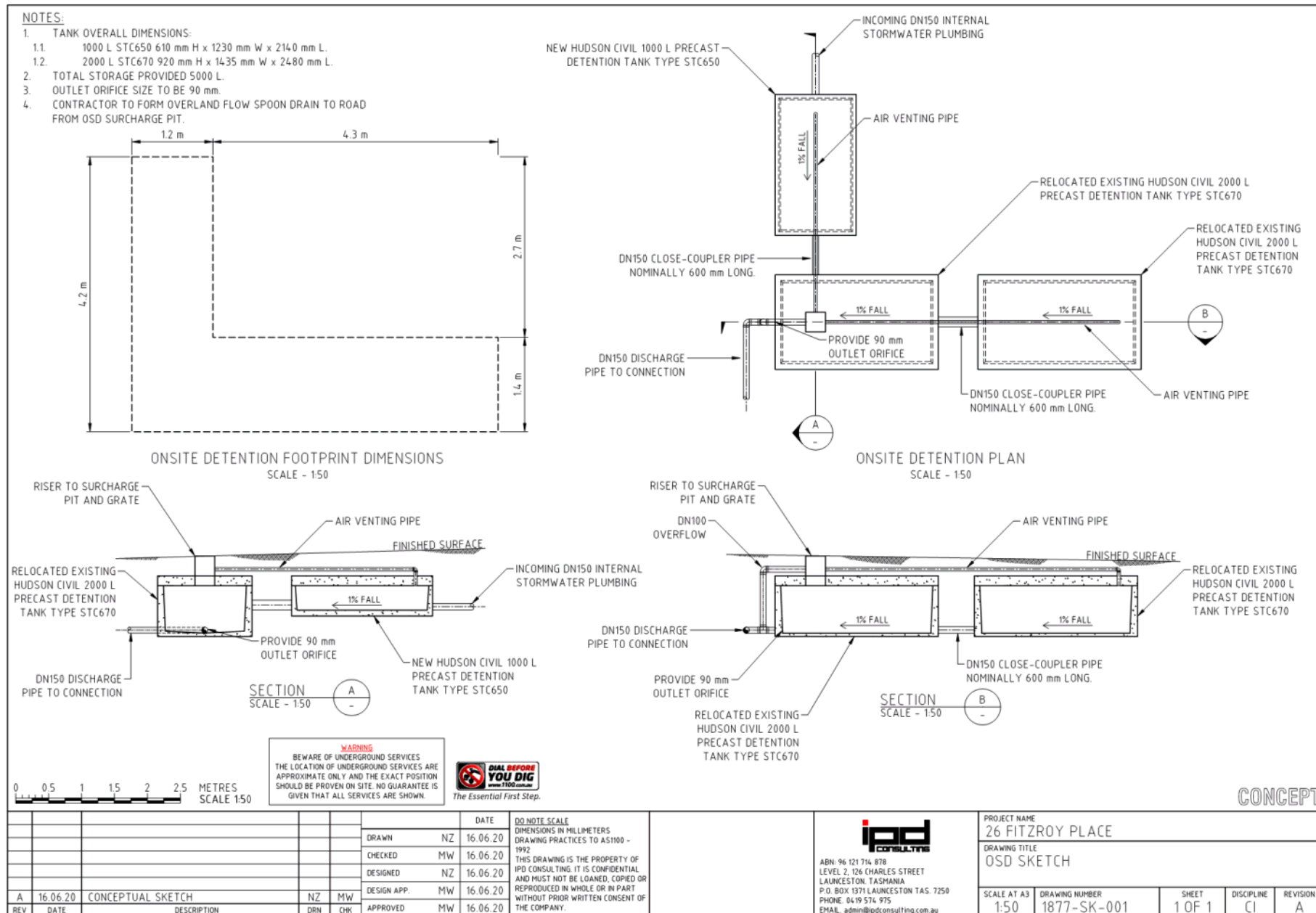
Allowable Discharge (L/s)	24
Entry Loss (k)	1

Driving head above pipe obvert (m)	Velocity (m/s)	Orifice Size (m)	Orifice Area (m ²)	Flow (L/s)
0.75	3.8360	0.12	0.0113	43.38
0.75	3.8360	0.11	0.0095	36.45
0.75	3.8360	0.1	0.0079	30.13
0.75	3.8360	0.09	0.0064	24.40
0.75	3.8360	0.08	0.0050	19.28
0.75	3.8360	0.07	0.0038	14.76
0.75	3.8360	0.06	0.0028	10.85

Therefore adopt 90 mm orifice

Driving head above pipe obvert (m)	Velocity (m/s)	Orifice Size (m)	Orifice Area (m ²)	Flow (L/s)
0	0.0000	0.09	0.0064	0.00
0.1	1.4007	0.09	0.0064	8.91
0.2	1.9809	0.09	0.0064	12.60
0.3	2.4261	0.09	0.0064	15.43
0.4	2.8014	0.09	0.0064	17.82
0.5	3.1321	0.09	0.0064	19.93
0.6	3.4310	0.09	0.0064	21.83
0.7	3.7059	0.09	0.0064	23.58
0.75	3.8360	0.09	0.0064	24.40





**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 61047	FOLIO 2
EDITION 5	DATE OF ISSUE 27-Jun-2019

SEARCH DATE : 20-Jan-2020

SEARCH TIME : 02.22 PM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Plan 61047 (formerly being P1516)

Derivation : Part of 2A-1R-29ps. Gtd.t o W. Anley

Prior CT 2078/63

SCHEDULE 1

M729304 TRANSFER to FITZROY PLACE NOMINEES PTY LTD
Registered 27-Jun-2019 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BENEFITING EASEMENT: Right of Drainage over the drainage
easement passing through lots 4 to 6 and D.C. on P.
61047

BENEFITING EASEMENT a right of carriageway over the piece of
land marked "Temporary Right of Way" on P. 61047 such
right however being limited in duration until such
time as the proposed extension of Regent St. on P.
61047 has been taken over and constructed by the
Hobart City Council whereupon the said right of
carriageway shall cease and determine

33/6535 Joseph Clarence Gregg and Florence Gregg for
themselves their personal representatives and assigns
jointly and each of them as a separate convenient did
severally covenant with the Trustees of the Property
of the Church of England in Tasmania to the intent
that the burden of this covenant should run at law
and equity with the above land but not so as to be
personally liable thereunder after they should have
parted with possession of the said land as follows:
1) that no building or other structure should be
erected on the said Lot 3 within 40 feet from the
frontage thereof to a greater height than 12 feet 2)
that no trade or business (other than the letting of
flats) should be conducted or advertisements or
hoardings displayed on any part of the above land

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

M737023 MORTGAGE to MyState Bank Limited Registered
27-Jun-2019 at 12.03 PM
E171714 MORTGAGE to Sandy Bay Services Pty Ltd Registered
27-Jun-2019 at 12.04 PM

UNREGISTERED DEALINGS AND NOTATIONS

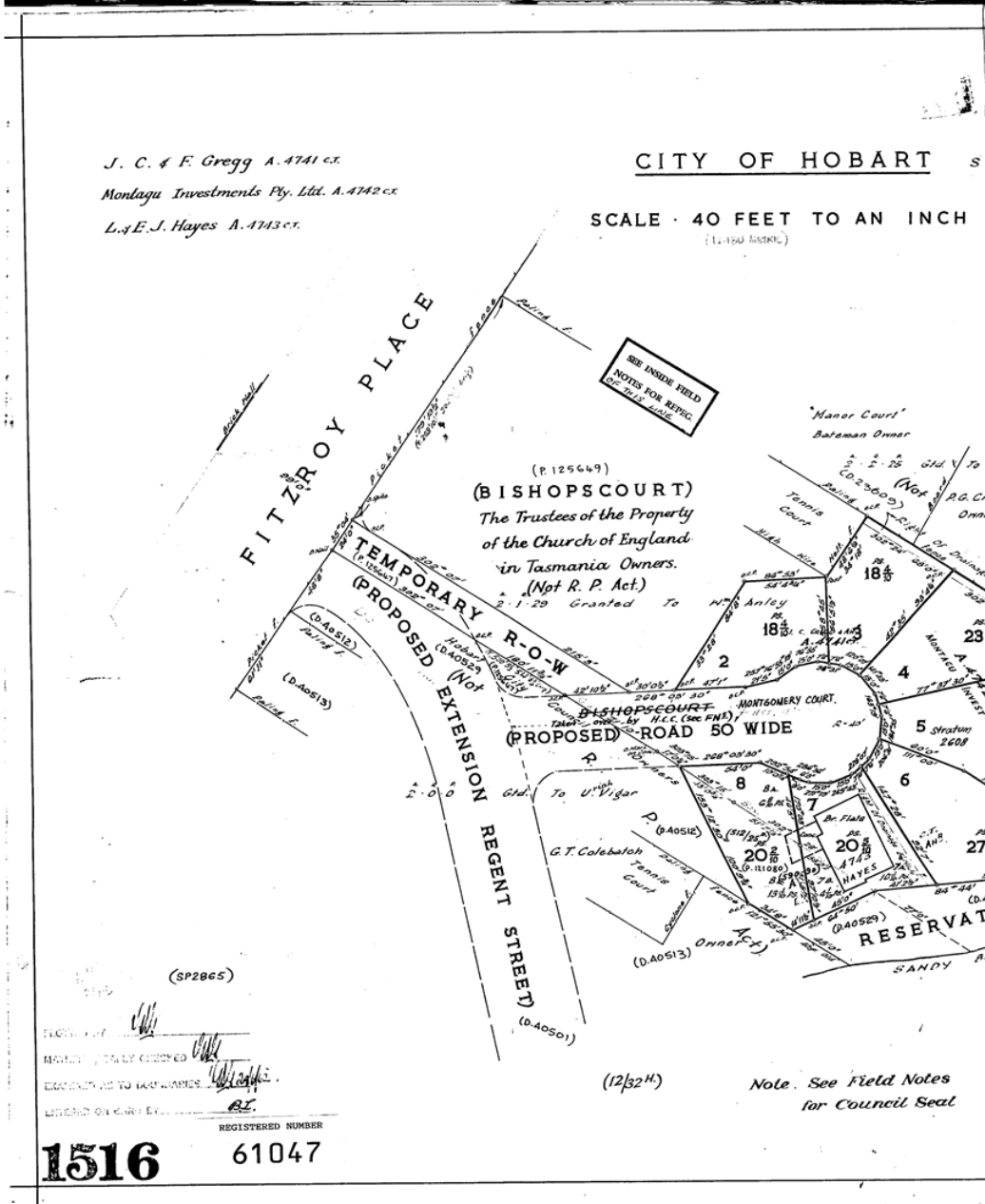
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

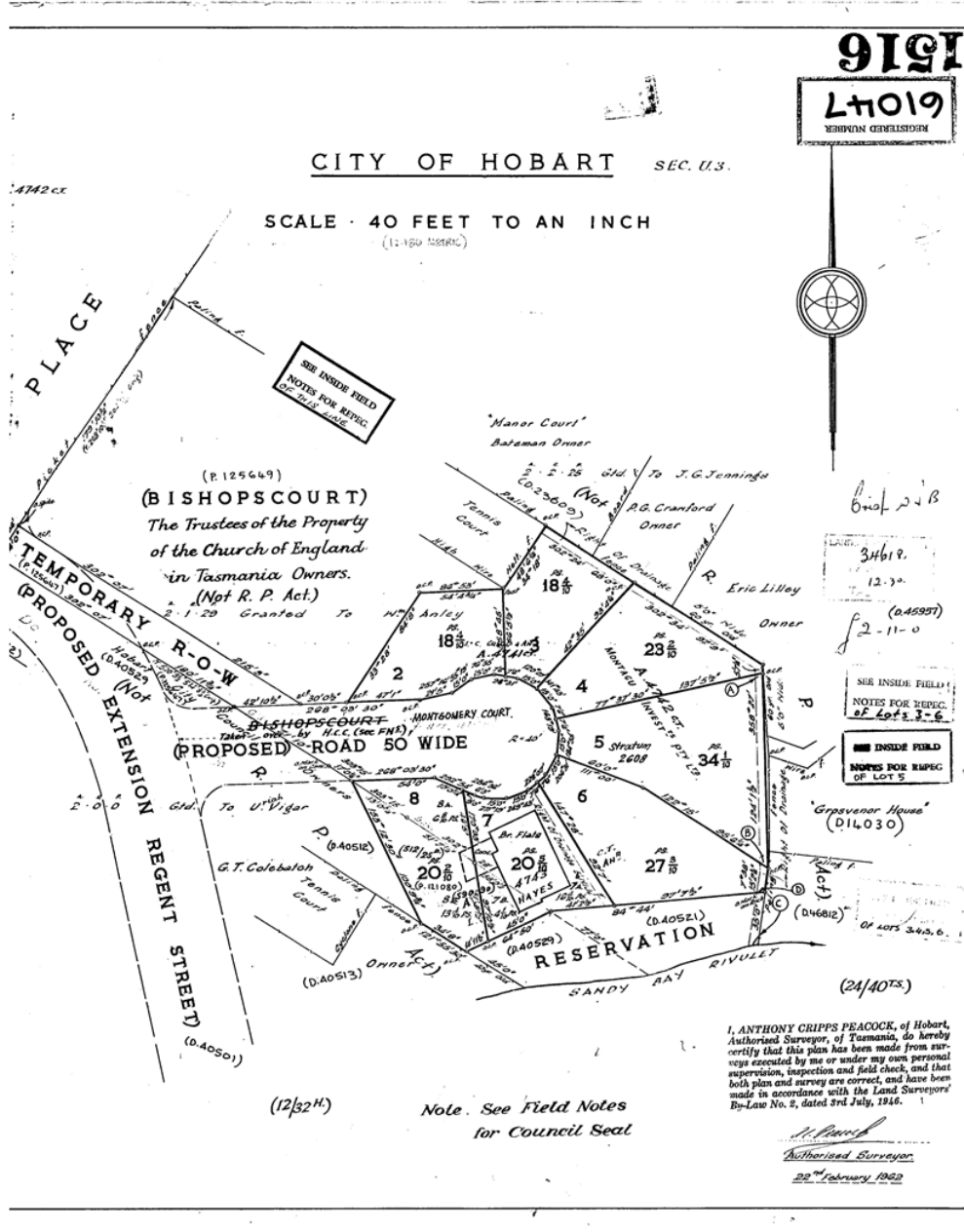




FOLIO PLAN

RECORDER OF TITLES

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**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 125649	FOLIO 1
EDITION 7	DATE OF ISSUE 27-Jun-2019

SEARCH DATE : 19-Dec-2019

SEARCH TIME : 10.10 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Plan 125649

Part of the land described in Conv.6/3338

Excepting thereout Conv 35/0392, (77/27D.O.), 172m Lots 6 & 7,
(P.778D.O.), (Conv.33/6533), 1275m Lots 4 & 5, (P.778D.O.),
(Conv.33/6534), 1444m Lots 2 & 3, (P.778D.O.), (Conv.33/6535),
931m

Derivation : Part of 2A-1R-29P's Gtd to William Anley.

Derived from W4764

SCHEDULE 1

M729301 TRANSFER to FITZROY PLACE NOMINEES PTY LTD
Registered 27-Jun-2019 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
33/6533 BENEFITING EASEMENT: Right of Drainage over the
drainage easement shown on Plan 125649.

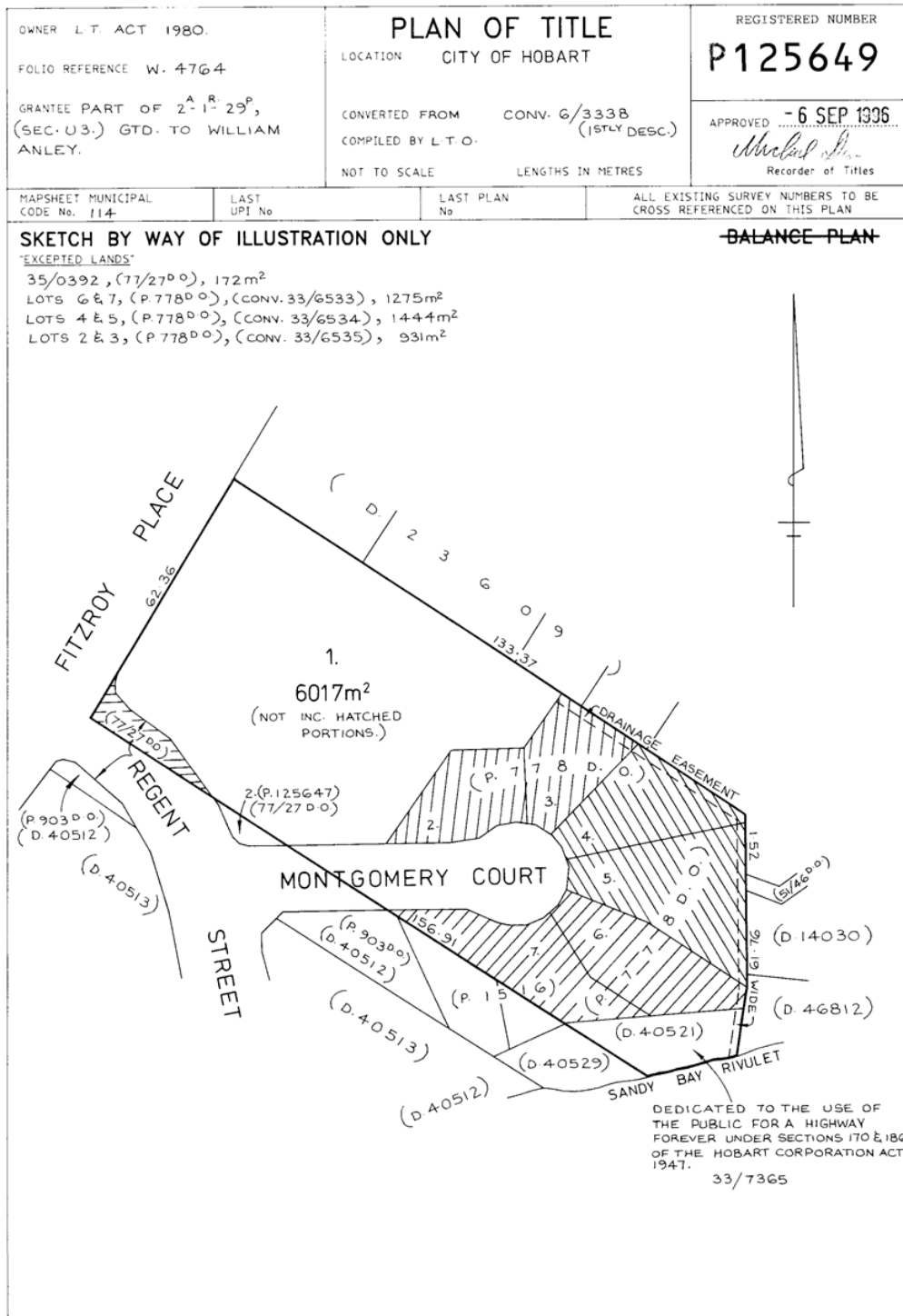
D153700 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
19-Jan-2015 at noon

M737023 MORTGAGE to MyState Bank Limited Registered
27-Jun-2019 at 12.03 PM

E171714 MORTGAGE to Sandy Bay Services Pty Ltd Registered
27-Jun-2019 at 12.04 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 125647	FOLIO 2
EDITION 7	DATE OF ISSUE 27-Jun-2019

SEARCH DATE : 19-Dec-2019

SEARCH TIME : 10.09 PM

DESCRIPTION OF LAND

City of HOBART
Lot 2 on Plan 125647
Whole of the land described in Conv.35/0675
Derivation : Part of 2A-0R-0P's Gtd to Uriah Vigar
Derived from W4764

SCHEDULE 1

M729301 TRANSFER to FITZROY PLACE NOMINEES PTY LTD
Registered 27-Jun-2019 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
D153700 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
19-Jan-2015 at noon
M737023 MORTGAGE to MyState Bank Limited Registered
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27-Jun-2019 at 12.04 PM

UNREGISTERED DEALINGS AND NOTATIONS

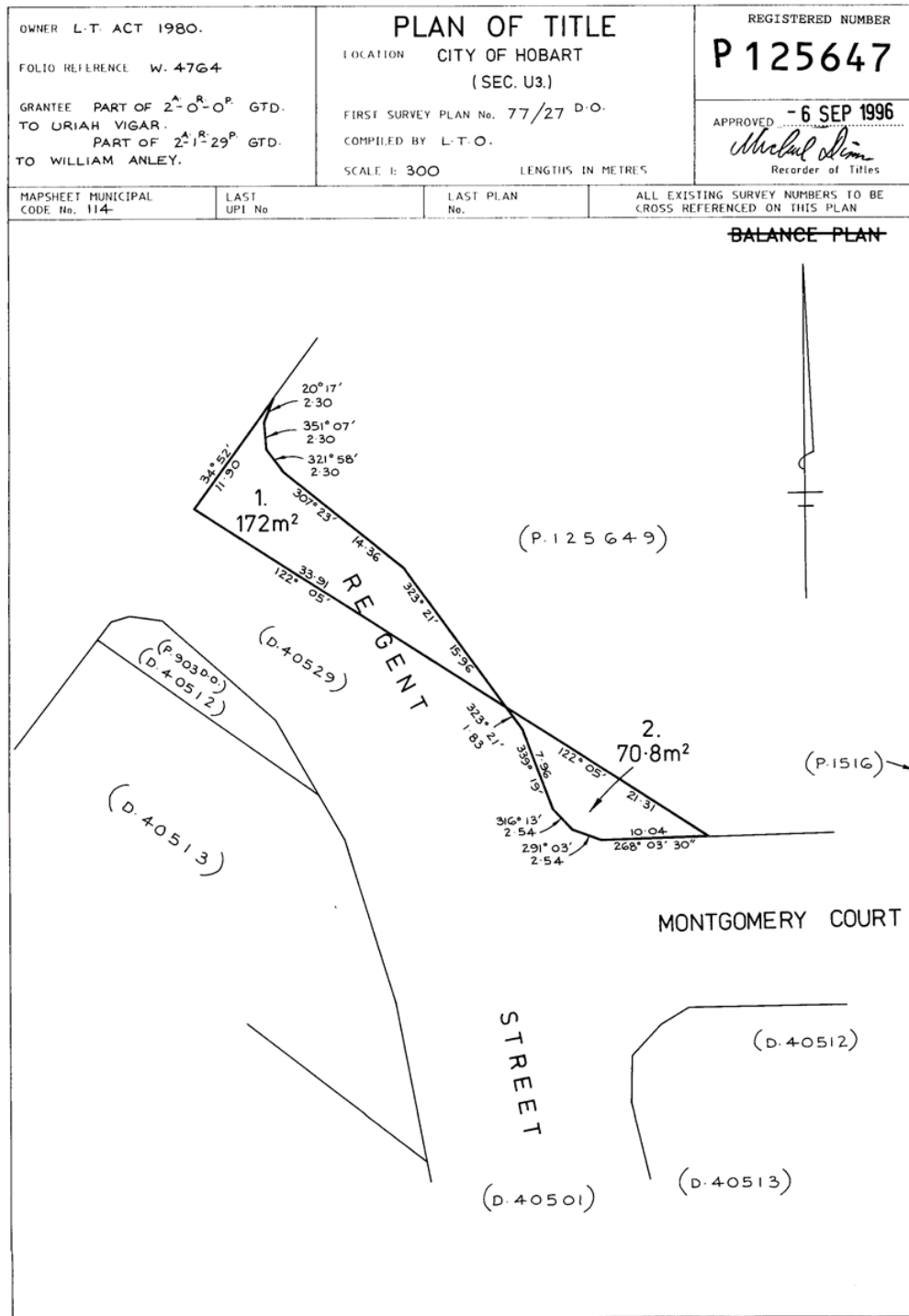
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





Howarth Fisher and Associates
ACN 119 043 051
Structural, Civil and Traffic Engineering

Structural and Civil Engineering

Project Design and Management
Forensic Engineering and Structural Inspections
Research and Development Facilitators

Traffic Engineering

Traffic Management Studies and Traffic Impact Assessment
Expert Witness Representation
Road Safety Audits

Traffic Engineering Assessment

26 Fitzroy Place

Visitor Accommodation



Prepared for
Fitzroy Place Nominees Pty Ltd

Date
February 2021

Prepared by
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Tasmania
Australia

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Appendix A Autotrack Paths.

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Name		Signature	Date
Authorised by:	Joanne Fisher		23rd February 2021



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1. Introduction

1.1 Client Details

This document has been prepared for the following:

Client Name: Fitzroy Place Nominees Pty Ltd
Bishopscourt
Address: 26 Fitzroy Place
Hobart
7005
Client Contact: Dermot Crean and Tony Klapsis

1.2 Project Details

The report is undertaken for the site at 26 Fitzroy Place, Sandy Bay, 7005.

A copy of the proposed development plans can be found at **Appendix A**.



2. Scope of Consultancy

The scope of consultancy involves the following:

- Site visit.
- Review drawings and supplied documents.
- Obtain background information (current accident history, traffic volume and road parameters).
- Assessment of proposed access in line with the requirements of the Hobart City Council Interim Planning Scheme, 2015.
- Assessment of sight distance in line with the requirements of the Hobart City Council Interim Planning, 2015.
- Assessment of parking provision against the requirements of the Hobart City Council Interim Planning Scheme, 2015.
- Undertake a day long parking survey to assess supply and demand to accommodate shortfall if appropriate.
- Assessment of trip generation rates.
- Assessment of access by sustainable transport modes.
- Document findings in a Traffic Impact Assessment Report.



3. Location of the Development

Figure 1 shows the location of the proposed development in the context of the surrounding street network.

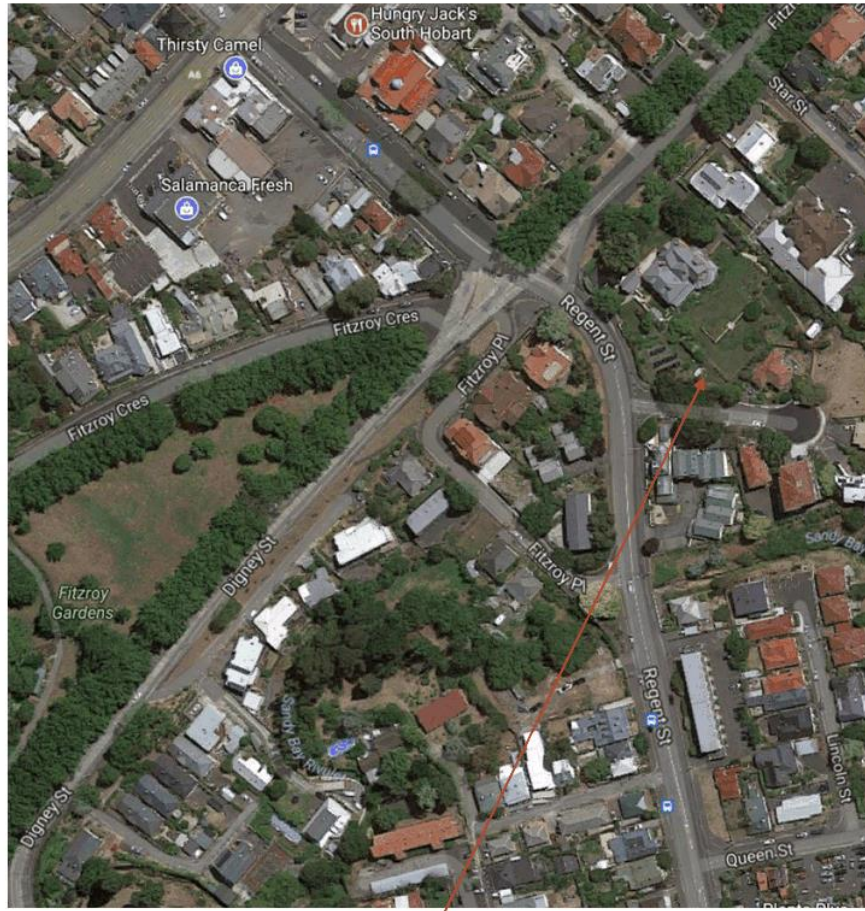


Figure 1: Location (source: Google Maps)



4. Existing Situation

4.1 Site Details

The existing adhered title has one main property, Bishops court, which is a residential dwelling with associated visitor accommodation units and one residential property located at 2 Montgomery Court.

The site has access onto Fitzroy Place, Montgomery Court and Regent Street.

The main access into the new proposed visitor accommodation is via Montgomery Court, where the proposed off street parking bays are located. One of the units will be accessed and parking provided via Fitzroy Place.

Regent Street is a major collector road, whilst Fitzroy Place and Montgomery Court are local access roads.

4.2 Road Width

The access to the proposed development of three of the visitor accommodation units is via Regent Street and Montgomery Court.

Regent Street is 11 metres wide, typically a 5 metre wide southbound lane and a 6 metre wide northbound lane. Montgomery Court is 7.5 metres wide. Fitzroy Place, in the vicinity of the main Bishops court entrance, is 12 metres wide and will provide access to the parking space associated with Maud's Cottage, as mentioned in section 4.1.

4.3 Traffic Volumes

The Hobart City Council has been contacted and has advised of the following traffic counts.

There were 7345 annual average weekday vehicles counted on Regent Street, based on metro count data supplied by Council, dated 2007.

An evening peak hour traffic count was undertaken on Monday 4th September 2017, between 4.30pm – 5.30pm which counted 7 vehicles on Montgomery Court. Typically, peak hourly flows represent 10% of Annual Average Daily Traffic (AADT) flows. It can therefore be estimated that Montgomery Court carries approximately 70 vehicle movements per day.



4.4 Posted Speed Limits

The posted speed limit in the vicinity of the site on Regent Street is the urban default speed limit of 50km/hr. Montgomery Court is also subject to the same urban default speed limit.

4.5 Accident History

In line with standard traffic engineering practice the accident history for the past five years has been obtained from the Department of State Growth.

Regent Street

There have been two accidents occurring on the Regent Street link between Fitzroy Place and Montgomery Court. One was a property damage only accident which involved a vehicle rolling backwards as they were queued (likely extending back from the traffic signals at the intersection of Regent Street and Davey Street). The other was a minor accident involving a vehicle striking an object on the carriageway.

Fitzroy Place / Regent Street Intersection.

There have been three accidents in the past five years at the intersection of Fitzroy Place and Regent Street.

One was a minor accident involving a vehicle and a pedestrian, the second was a property damage only, u turn accident, and the third was a property damage only, rear end accident.

Montgomery Court

There have been no reported accidents in Montgomery Court or at the intersection of Montgomery Court and Regent Street in the past five years.

4.6 Proposed Development

The proposed development comprises four visitor accommodation units in total (notably the bunker, two accommodation units and Maud's Cottage), where three units will require access from Montgomery Court and one via Fitzroy Place (Bishopscourt).



5. Assessment of Trip Generation

5.1 Existing Trip Rates

The peak hourly trip generation associated with the site has been outlined below.

Land Use	Trip Generation Rates	Total
Residential Dwelling 5 residents	10 trips per day based on AMCORD 1 during the peak hour Greater Hobart Household Travel Survey 2.9 trips per day per person per day	10 per day 1 peak hour 14.5 per day
Visitor accommodation 4 units	Daily vehicle trips - 3 trips per unit Evening peak hour vehicle trips – 0.1 - 0.2 per dwelling Based on casual accommodation units Daily vehicle trips = 3 per unit Evening peak hour trips = 0.4 per unit	12 per day 0.8 during the peak hour.
TOTAL		22- 26.5 trips per day 1.8 (2) during the peak hour

Table 1: Trip Generation Survey based on NSW, RTA Guide and Greater Hobart Travel Survey



5.2 Greater Hobart Travel Survey Findings

The daily trip generation has been assessed using two reference documents, notably the Greater Hobart Household Travel Survey 2008 - 2009, undertaken by the Department of State Growth. The survey showed that there were 2.9 trips per weekday per person in the municipality of Hobart.

Given that the existing household is occupied by 5 residents, it can be calculated there would be approximately 14.5 trips per weekday associated with the residential dwelling.

Based on the Greater Hobart Travel Survey there would be an estimated 24 daily weekday trips associated with the current site.

5.3 Proposed Trip Generation

The estimated trip generation has been assessed based on both the Greater Hobart Travel Survey and the NSW, RTA Guide to Traffic Generating Developments, 2002. The results are outlined in section 5.3.1 below:

5.3.1 Greater Hobart Travel Survey Results

Land Use	Trip Generation Rates	Total
Residential Dwelling 5 residents	10 trips per day based on AMCORD 1 during the peak hour Greater Hobart Household Travel Survey 2.9 trips per day per person	10 trips per day 1 during the peak hour 14.5 per day
Existing Visitor accommodation 4 units	Daily vehicle trips - 3 trips per unit Evening peak hour vehicle trips – 0.1 - 0.2 per dwelling Based on casual accommodation units Daily vehicle trips = 3 per unit Evening peak hour trips = 0.4 per unit	12 per day 0.8 during the peak hour.



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Visitor accommodation 4 new units	Based on casual accommodation Daily vehicle trips - 3 trips per unit Evening peak hour vehicle trips – 0.1 - 0.2 per dwelling Based on casual accommodation units	12 per day 0.8 during the peak hour
TOTAL		34 -38.5(39) trips per day 3 during the peak hour

Table 3: Proposed Trip Generation associated with the new visitor accommodation

The additional development will generate an estimated additional 1 trip during the peak hour and approximately twelve additional trips per day.

The trip generation rates are based on 100% occupancy of the visitor accommodation and therefore represents worst case scenario conditions.

One of the new units will be reliant on one parking space located within the main access driveway.



6. Assessment of Parking

6.1 Existing Situation

Currently there is capacity for 5 off street parking spaces and a service bay to accommodate a small rigid vehicle (6.4m) along the driveway to Bishops court, accessed from Fitzroy Place. This is shown in Appendix A.

There is also an existing off street parking area associated with the existing accommodation located off Regent Street (shown at Appendix A), which has a 3 space capacity. The photograph showing the existing layout of Bishops court is located below:



Photograph 1: Existing Parking Layout (Bishops court)

The proposed off-street parking area associated with the new proposed unit development is located on Montgomery Court (also shown in Appendix A), with the additional required spaces being provided on the driveway of Bishops court, accessed off Fitzroy Place.



6.2 Parking Requirements

There are four new visitor accommodation units.

Table 4: Parking requirements for Visitor Accommodation – Hobart City Council Interim Planning Scheme, 2015

Land Use	Parking Rates	Total Requirement
Visitor accommodation 4 x Assumed Holiday Unit	1 for each unit and 1 space for each manager's dwelling and 50% of the relevant requirement for any ancillary use	4 + managers bay (managers bay already provided as part of a previous application)

There will be a requirement for four parking spaces plus one existing managers bay associated with the four-unit development. All spaces can be provided on site, with the manager's space and the space for Maud's Cottage being provided on the Bishopscourt's driveway. Three additional parking spaces located off Montgomery Court are provided for the remainder of the new units. These are shown in Appendix A. A 7.4 metre wide crossover is proposed as part of the application to cater for the three off street bays, (including one accessible bay).

There is currently a section of 2-hour, Monday to Friday, 8am – 6pm parking restriction except for residents on Montgomery Court in the vicinity of the development frontage. An existing and proposed parking layout demonstrating on-street parking provision has been provided in Appendix B. This shows the impact of the proposed crossover on on-street parking availability. There is a reduction of just one parking space based on Australian Standard parking bay lengths. This is clearly demonstrated on the plans.

Autotrack paths have also shown there is no impact to onstreet parking from manoeuvring vehicles in and out of the 3 off street Montgomery Court parking bays associated with the development. This is shown in Appendix B.

Visitors will access the property via an internal footpath from the car parking bays to the accommodation properties.

Visitors of Maud's Cottage will utilise the parking area currently associated with the main Bishopscourt House. A pedestrian linkage will be provided to connect to each of these cottages as shown on the plan at appendix A of this report.



6.3 Proposed Parking Provision

The proposed layout of all the parking can be found in **Appendix A**.

6.4 Dimensions and Manoeuvring

The dimensions of the bays are in line with the requirements of the Australian Standard 2890.1: Off street parking 2004. Two 2.5 metre wide bays have been provided with 300mm clearance to side boundaries in line with the requirement of the Standard for medium term parking, typically associated with visitor accommodation. In addition, one accessible bay has been provided to comply with the design requirement of *AS2890.6:2009 – Off street parking for people with disabilities*.

The autotrack paths of a B99 design vehicle has been undertaken and shows the swept path of a vehicle accessing and egressing from the street into the parking bays. These are provided at Appendix B of this report.

6.5 Impact of the Development on On-Street Parking

Given that all parking can be accommodated off street there is minimal impact on on street parking. The installation of a 7.4metre wide crossover will result in the removal of one on street bay (based on on street parking dimensions taken from the Australian Standards).

6.6 Accessible Bay

In line with the requirements of the Hobart City Council Interim Planning Scheme, 2015:

Accessible bays must be provided in line with the requirements of the Building Code of Australia (NCC).

- a) Car parking for people with a disability must be provided to the degree necessary to give equitable access for car parking.*
- b) Designated and easy to find.*

One accessible parking bay has been provided, in line with the layout required by the code to cater for one DDA compliant unit.



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6.7 Bicycle Parking Requirement

The Hobart Interim Planning Scheme, 2015, has a requirement for the following staff and visitor parking associated with visitor accommodation.

The staff bicycle parking requirement is 1 for each 40 accommodation rooms. Given there are 4 new accommodation rooms there is a requirement of 0.1 spaces which, to the nearest whole number equates, to 0 bicycle parking spaces.

The visitor requirement is 1 for each 30 accommodation rooms. Given there are 4 new accommodation rooms this equates to 0.13 bicycle parking racks. Similarly, to the nearest whole number this equates to 0 bicycle parking spaces.

Therefore there is no requirement for bicycle parking associated with this development.



7. Assessment of Access

7.1 Existing Situation Access Width

There is currently no access to the Bishops court property from Montgomery Court. However, there are existing accesses located on Regent Street and Fitzroy Place to the Bishops court property.

7.2 Planning Scheme Access Widths Requirement

The Hobart City Council Interim Planning Scheme, 2015, states at section E6.7.4 On site turning. The objective of which is set out below:

To ensure, safe efficient and convenient access for all users, including drivers, passengers, pedestrians and cyclists, by generally requiring vehicles to enter and exit in a forwards direction.

A1) On site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:

a) It serves no more than two dwelling units;

Given that the parking provision serves four units, the access has also been evaluated against the performance criteria below (refer P1).

b) It meets a road carrying less than 6000 vehicles per day.

Given that the road carries less than 6000 vehicles per day there is no requirement for vehicles to enter and exit the parking spaces in a forward direction. Based on surveys undertaken by Howarth Fisher and Associates, on Monday 4th September 2017, between 5pm and 6pm, there were 7 vehicle trips along Montgomery Court. Based on peak hourly traffic flow typically representing 10% of AADT, this reflects an annual average daily traffic flow of 70 vehicles.

P1) On site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:

a) Avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians;

Given the low volume of traffic, pedestrian and cyclist flows along Montgomery Court observed during the peak hour, (there were seven vehicles which equates to one vehicle every eight minutes, plus two pedestrian movements), and given the peak hourly trip generation



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associated with the proposed three visitor accommodation units accessed from Montgomery Court is just one during the peak hour, there is minimal chance of conflict occurring.

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

The trip generation associated with the accommodation unit development is very low with just one additional trip forecast during the evening peak hour. Given these low volumes there is minimal impact and interference on Montgomery Court.

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

The proposed 90 degree off street angle parking is typical of standard units and drivers are familiar with a drive-in reverse out design on low volume residential access streets. Given the volume of traffic along the road is so low it is not envisaged that there will be any issues with the proposed layout.

The 7.4 metre street width provides enough manoeuvring space for vehicles using the 90 degree angle spaces and facilitates manoeuvring for users of the off street parking bays located on the opposite side of Montgomery Court.

d) Ease of accessibility and recognition for users.

Refer response above.

e) Suitability of the location of the access point and the traffic volumes on the road.

The driveway design provides a similar access provision as the residential units which are located on the opposite side to the proposed development (which also have the capacity to be used for short term rental, such as Air BNB and used by similar users). The access off Montgomery Court will lead to the removal of one on street bay.

As shown in photographs 4 and 5 the crossover widths required by the Australian Standard and the typical maximum 8 metre crossover width approved by Council are exceeded in these examples along the street. There have been no reported pedestrian accidents arising along the Court.



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Photographs 4 and 5: Showing the 14 metre long and 8 metre long crossover which exist on the southern side of Montgomery Court.

Given the low traffic volumes and no reported accidents arising from the drive in / reverse out arrangements on Montgomery Court it is not envisaged that the proposed arrangement will be an issue from a road safety perspective.

The location of the access and egress points can be found on the plan at **Appendix A**.

Given that more than one access is proposed an assessment against the performance criteria on the Hobart City Council Interim Planning Scheme, 2015 has been made.

The objective of this section states:

E6.7.1 Number of Vehicle Accesses, objective:

To ensure that:

- a) Safe and efficient access is provided to all road network users, including but not limited to drivers, passengers, pedestrians and cyclists, by minimising:***
 - i) The number of vehicle access points.***
 - ii) Loss of on street car parking spaces;***



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- b) Vehicle access points do not unreasonably detract from the amenity of adjoining land uses;*
- c) Vehicle access points do not have a dominating impact on local streetscape and character.*

Performance Criteria

P1 The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

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

The provision of the proposed 7.4 metre wide crossover results in the loss of one restricted on street bay and provides potential visitors to the development with three off street bays. The impact on the street frontage is therefore minimal.

There is just one residential property (and one empty block) located along the northern side of Montgomery Court beyond the proposed crossover. Observed pedestrian flows are typically very low along Montgomery Court.

- b) Whether the additional access points can be provided without compromising any of the following:*

- i) Pedestrian safety, amenity and convenience;*

There is just one residential property located along this side of the road beyond the proposed crossover, therefore the impact of the 7.5metre crossover will be negligible. There is a total of 14 properties on the road and the majority of the properties are located on the opposite side of the road.

- ii) Traffic safety;*

The traffic flows are very low along Montgomery Court, with just 7 vehicles during the peak hour.

The safety of traffic will potentially be improved by removing a section of on street parking, providing a passing opportunity for vehicles travelling along Montgomery Court and increasing manoeuvring space for vehicles accessing and egressing their properties.

- iii) Residential amenity on adjoining land;*



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The provision of the off-street parking will improve the residential amenity of people driving out of their driveways increasing the manoeuvring space for residents accessing and egressing their driveways and improving sight distances, particularly the unit development located on the southern side of Montgomery Court.

iv) *Streetscape;*

During the earlier Howarth Fisher and Associates survey undertaken in 2017, along Montgomery Court, parking was restricted along the section of road proposed to be used for a crossover to access the visitor parking.

The implementation of the crossover will create the same parking supply that was previously provided and will lead to the removal of one on street parking space.

v) *Cultural heritage values if the site is subject to the Local Historic Heritage Code;*

The Bishopscourt property is a listed heritage property. By dispersing the parking around the site the impact of parking on the property is minimised.

According to a Heritage Impact Assessment ('HIA') by Paul Davies in the lead up to this proposal:

"The significance of Bishopscourt is clear and is set out in the 2014 CMP addendum."

"One of the typical and low impact ways to use older larger houses is to develop short-term guest accommodation in parts of the house or in additions to the place. It is perhaps the most benign way to retain a place in residential use and to generate some income towards the cost of maintenance and repair. It also provides a way in which the house can be experienced by a broader range of people."

The cost of maintenance of large older houses and the requirements of compliance are such that they are becoming increasingly non-viable for single residential use that places pressure on development or changes of use. In the past many large homes took on institutional uses as they became non-viable, often with significant change to the fabric of the place."

The initial adaptive re-use of the property, approved by HCC and Heritage Tasmania in 2014, has been successful. This proposal



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involves a modest expansion of visitor accommodation to ensure that this aspect of the property is financially self-sustaining in the long run. As a result, the main house can be maintained to a high standard whilst maintaining the bulk of it as a private dwelling.

"Giving the building a viable use is important to ensure its protection into the future." – Paul Davies

It should also be noted that approval had been given to build 6 additional units with access off Montgomery Court. This was not undertaken. The current proposal is much more modest in traffic terms.

vi) *The enjoyment of any al fresco dining or other outdoor activity.*

Not applicable.

The design of vehicular accesses is also included in the Hobart Interim Planning Scheme, 2015. The objective of which is:

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.

Given that the acceptable solution required the width to be designed and constructed to comply with section 3 of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off street parking.

The acceptable solution would require a 5.5 metre crossover width for medium term user class 2 parking. A 7.4 metre crossover is proposed (Hobart City Council previously verbally advised that a maximum crossover width of 8 metres is allowed.)

The Hobart Interim Planning Scheme, 2015, also provides the opportunity to evaluate the design against the following performance criteria.

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

a) *Avoidance of conflicts between users including vehicles, cyclists and pedestrians;*

An extra 1.9 metre wide crossover beyond the 5.5metre minimum requirement will have minimal impact on potential conflicts between vehicles, cyclists and pedestrians. A pedestrian splay will be provided to ensure that vehicles can see pedestrians approaching from each direction. It should also be noted that there is currently only one property located



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beyond the proposed access on the northern side of Montgomery Court.

Traffic volumes are very low along Montgomery Court, with an evening peak hour volume count of 7 per hour, (this reflects one vehicle approximately 8 – 9 minutes recorded between 4.30pm – 5.30pm on Tuesday 4th September 2017. There were no bicycle movements observed.

The impact of a vehicle entering or exiting an access is minimal especially given the low vehicular speed.

b) Avoidance of unreasonable interference with the flow of traffic on adjoining roads.

Given there were only 7 vehicles observed during the peak hour along Montgomery Court it is anticipated that the one assumed trip during the peak hour associated with the proposed units will have minimal impact on the traffic flow.

c) Suitability for the type and volume of traffic likely to be generated by the use or development.

Visitor accommodation typically generates far fewer trips than a residential property. Based on forecast trips to the visitor accommodation units, there will be one trip during the evening peak hour.

d) Ease of accessibility and recognition for users.

The provision of a crossover and dedicated off street parking associated with the visitor accommodation will facilitate access, provide accessible parking opportunities and provide an increased provision of parking for the development.



8. Assessment of Sight Distance

8.1 Hobart Interim Planning Scheme, 2015

The parking bays will require vehicles to reverse out onto the street. The access has been assessed against the performance criteria of the scheme. The Australian Standard 2890.1 has been used as the basis for the assessment.

Sight distances were measured to be 40 metres in either direction from the bays (which is compliant with the requirement of the AS2890.1 for a domestic driveway on a 50km/hr road and exceeds the requirement of the minimum SSD for a 40km/hr frontage road speed). This is the maximum obtainable sight distance given the length of the street. Given the short length of the street, it is unlikely that the vehicle speeds will exceed 20-30km/hr. It is acknowledged that parked vehicles can temporarily obscure sight distance from the parking bays.



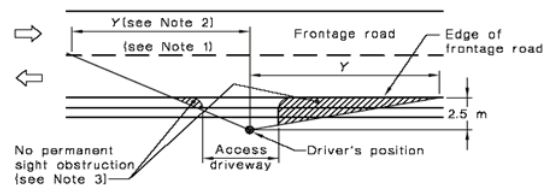
Photograph 5: Sight Distance from the proposed Montgomery Court parking bays were measured to be 40m (the maximum sight distance given the length of the road).



Photograph 6: Sight distance towards Regent Street was measured to be ~40 metres.

8.2 Australian Standard Sight Distance Requirements at Accesses

The table below shows the relevant section of the Australian Standard 'AS2890.1: 2004 - Off-street parking, 2004. The sight distances from the access point have been assessed both for vehicles and pedestrians.



Frontage road speed (Note 4) km/h	Distance (Y) along frontage road m		
	Access driveways other than domestic (Note 5)		Domestic property access (Note 6)
	Desirable 5 s gap	Minimum SSD	
40	55	35	30
50	69	45	40
60	83	65	55
70	97	85	70
80	111	105	95
90	125	130	Use values from 2 nd and 3 rd columns
100	139	160	
110	153	190	

FIGURE 3.2 SIGHT DISTANCE REQUIREMENTS AT ACCESS DRIVEWAYS



8.3 Pedestrian Sight Splays

The pedestrian sight splays has been provided in line with the requirement of the Standard. These are shown on the plans at Appendix A

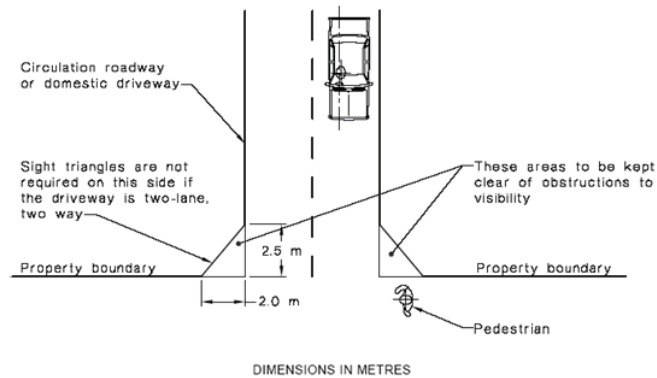


FIGURE 3.3 MINIMUM SIGHT LINES FOR PEDESTRIAN SAFETY



9. Sustainable Transport

9.1 Pedestrian

The site is located in close proximity to the City of Hobart and Salamanca as well as the commercial precinct in Sandy Bay, reducing the reliance on the use of the private car and enabling short distance walking trips.

There is a good network of pedestrian footpaths in the location of the site further facilitating walking as a mode of travel.

9.2 Cycling

The site is located in close proximity to the centre of Hobart, Salamanca and the commercial precinct of Sandy Bay, making the proposed accommodation ideally situated to facilitate bicycle tourism.

9.3 Buses

Bus Services 501, 601, 457 and 458 all operate along Regent Street, in close proximity to the development site, making the visitor accommodation ideally located for visitors who wish to use public transport, whilst staying at the proposed visitor accommodation units.



10. Servicing

10.1 Laundry

Laundry services to the site are via a 6.4metres small rigid vehicle. The laundry is delivered to 26 Fitzroy Place. The laundry van can enter and exit the Bishops court driveway in a forward direction.



Photograph 7: Showing the internal turning facility for a 6.4metre small rigid vehicle.

10.2 Refuse Collection.

Veolia are used to handle refuse and waste from the kerbside outside 26 Fitzroy Place. It is proposed that this will continue to be undertaken when the three proposed units are constructed.



11. Conclusion and Recommendation

The proposed development has been assessed in relation to the following:

- **Trip Generation**

The proposed increase in trip generation to the site is minimal with total daily trips increasing by nine trips of which one will occur during the peak hour.

This is based on surveys undertaken by the RTA, Guide to Traffic Generating Developments, 2002 and the Greater Hobart Travel Survey. Howarth Fisher and Associates have undertaken separate surveys to verify the peak hourly figures.

- **Parking**

The parking provision, associated with the new visitor accommodation will be predominantly accommodated off street, via Montgomery Court as shown in Appendix A. One parking bay associated with the Maud's Cottage will be provided in the driveway of Bishopscourt. Its location has minimal impact on the supply of parking, removing a section of 7.4metres of kerbside parking (which based on the Australian Standards on street parking bay dimensions results in the removal of one on street bay).

- **Access**

The access into and out of the site will be a crossover located in the newly converted section of restricted two hour parking, results in the removal of one on street parking bay in Montgomery Court. The drive in reverse out arrangement has been assessed against the performance criteria of the Planning Scheme, has concluded that there will be no issues with the proposed off street parking access design.

The provision of the proposed 7.4 metre wide crossover, results in the loss of one on street bay and provides potential visitors to the development with three off street bays. The impact on the street frontage is therefore minimal.

There is just one residential property (and one empty block) located along the northern side of Montgomery Court beyond the proposed crossover. Observed pedestrian flows are typically very low along Montgomery Court.



Howarth Fisher and Associates

- **Sight Distance**

Sight distances were measured to be 40metres in either direction. This is the maximum obtainable sight distance given the length of the street. Given the short length of the street, it is unlikely that vehicle speeds will exceed approximately 20-30km/hr. The sight distance meets the requirement of the Australian Standard for a road with a 40km/hr road speed.

- **Sustainable Transport**

The proposed development is well sited to take advantage of access to and from the visitor accommodation by pedestrians, cyclists and public transport.

The development is located in close proximity to the centre of Hobart, Salamanca as well as the commercial precinct in Sandy Bay, reducing the reliance on the use of the private car and facilitating access by sustainable transport modes.

- **Servicing**

The visitor accommodation will be serviced via a 6.4metre laundry vehicle and an on street private kerbside refuse collection service. There will be no change to the existing arrangement in this regard.

I, Joanne Fisher, am a qualified traffic engineer (CPEng, FIEAust) with 30+ years experience in this field. I can certify that the proposed 7.4m crossover is safe and can ensure the ease of access, egress and manoeuvring from the site. Consideration has been given based on the volume of traffic, pedestrian flows, traffic speed and existing crossover layout within Montgomery Court.



Howarth Fisher and Associates



Appendix A

AUTOTRACK PATHS/PARKING LAYOUTS

A3

DO NOT SCALE OFF DRAWINGS

GENERAL CONSTRUCTION NOTES

THE CONSTRUCTION NOTES FOUND ON THIS DRAWING PAGE ARE BASED ON THE RELEVANT AUSTRALIAN STANDARDS. FURTHER SPECIFIC CONSTRUCTION NOTES MAY BE FOUND ON THE SUBSEQUENT DRAWINGS PAGES. SPECIFIC CONSTRUCTION NOTES ON THE DRAWING PAGES OF THIS DRAWING SET TAKE PRECEDENCE OVER THE GENERAL NOTES ON THIS PAGE. IN THE EVENT OF A CONFLICT BETWEEN NOTES ON QUALITY AND STANDARDS THEN THE AUSTRALIAN STANDARDS SHALL TAKE PRECEDENCE. ADVICE SHOULD HOWEVER BE SOUGHT FROM THE DESIGN ENGINEER &/OR THE CLIENT TO PROVIDE A DECISION.

GENERAL

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ANY ACCOMPANYING SPECIFICATION, ARCHITECTURAL, CIVIL & RELEVANT ENGINEERING SERVICES DOCUMENTS AND WITH OTHER SUCH WRITTEN INSTRUCTIONS AS MAY BE ISSUED.

ALL DIMENSIONS SHOWN SHALL BE VERIFIED ON SITE. ENGINEERS DRAWINGS MUST NOT BE SCALED.

DURING CONSTRUCTION THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION & NO PART SHALL BE OVERSTRESSED.

ALL MATERIALS & WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE DRAWINGS AND A SPECIFICATION IF PROVIDED.

UNLESS OTHERWISE NOTED ALL LEVELS ARE IN METERS & ALL DIMENSIONS ARE IN MILLIMETERS.

U.N.O. DENOTES UNLESS NOTED OTHERWISE.

ALL DIMENSIONS WHICH TIE INTO OR OTHERWISE RELATE TO EXISTING STRUCTURES SHALL BE VERIFIED ON SITE PRIOR TO START OF CONSTRUCTION BY THE CONTRACTOR.

SITE WORKS

ALL THE WORKS SHALL BE IN ACCORDANCE WITH ANY INCLUDED SPECIFICATION, COUNCIL APPROVAL CONDITIONS AND THE MUNICIPAL STANDARD DETAILS & SPECIFICATIONS U.N.O. DETAILS & SPECIFICATIONS U.N.O. SPECIFIC CLIENT REQUIREMENTS IF ANY WILL BE NOTED ON THE SUBSEQUENT DRAWINGS.

ALL PIPES UNDER TRAFFIC ABLE AREAS ARE TO BE BACKFILLED FULL DEPTH WITH 20 F.C.R. AND FULLY COMPACTED.

ALL DRAIN INVERT LEVELS AND PIPE DIAMETERS ARE TO BE CONFIRMED BEFORE COMMENCEMENT OF DRAIN & PAVING WORK.

NO SERVICE LOCATIONS HAVE BEEN UNDERTAKEN. RESPONSIBILITY FOR THIS REMAINS WITH THE LANDOWNER AND THE CONTRACTOR U.N.O.

THE CONTRACTOR SHOULD CONFIRM ON SITE PRIOR TO THE START OF WORKS THE LOCATION OF ALL SERVICES. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON OR ADJACENT TO THE SITE, THE RELEVANT AUTHORITIES SHOULD BE CONTACTED FOR LOCATION OF ALL UNDERGROUND SERVICES.

WHERE NEW WORKS ABUT EXISTING SAWCUT ALL INTERFACES TO NEAT STRAIGHT LINES AND RECTANGULAR SHAPES AND MAKE GOOD TO MATCH.

FOLLOWING DEMOLITION AND REMOVAL OF SLABS, KERBS ETC AND STRIPPING OF THE SITE TO THE REQUIRED LEVELS, GRADE SUB-GRADE TO A SMOOTH PROFILE AND COMPACT. PROOF ROLL IN THE PRESENCE OF THE CONSULTING ENGINEER USING A SINGLE AXLE RIGID TRUCK WITH A FULL LEGAL LIMIT LOAD.

SEAL OFF ALL REDUNDANT EXISTING SITE SERVICES TO COUNCIL OR CLIENT APPROVAL.

THIS DRAWING & THE DESIGN SHOWN HEREIN IS THE PROPERTY OF HOWARTH & FISHER ASSOCIATES AND SHALL NOT BE COPIED NOR REPRODUCED IN PART OR IN WHOLE IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF HOWARTH & FISHER ASSOCIATES AND SHALL BE USED ONLY BY THE CLIENT OF HOWARTH & FISHER ASSOCIATES FOR THE PROJECT FOR WHICH IT WAS PROVIDED.

ISSUE	BY	APPROVED	DATE



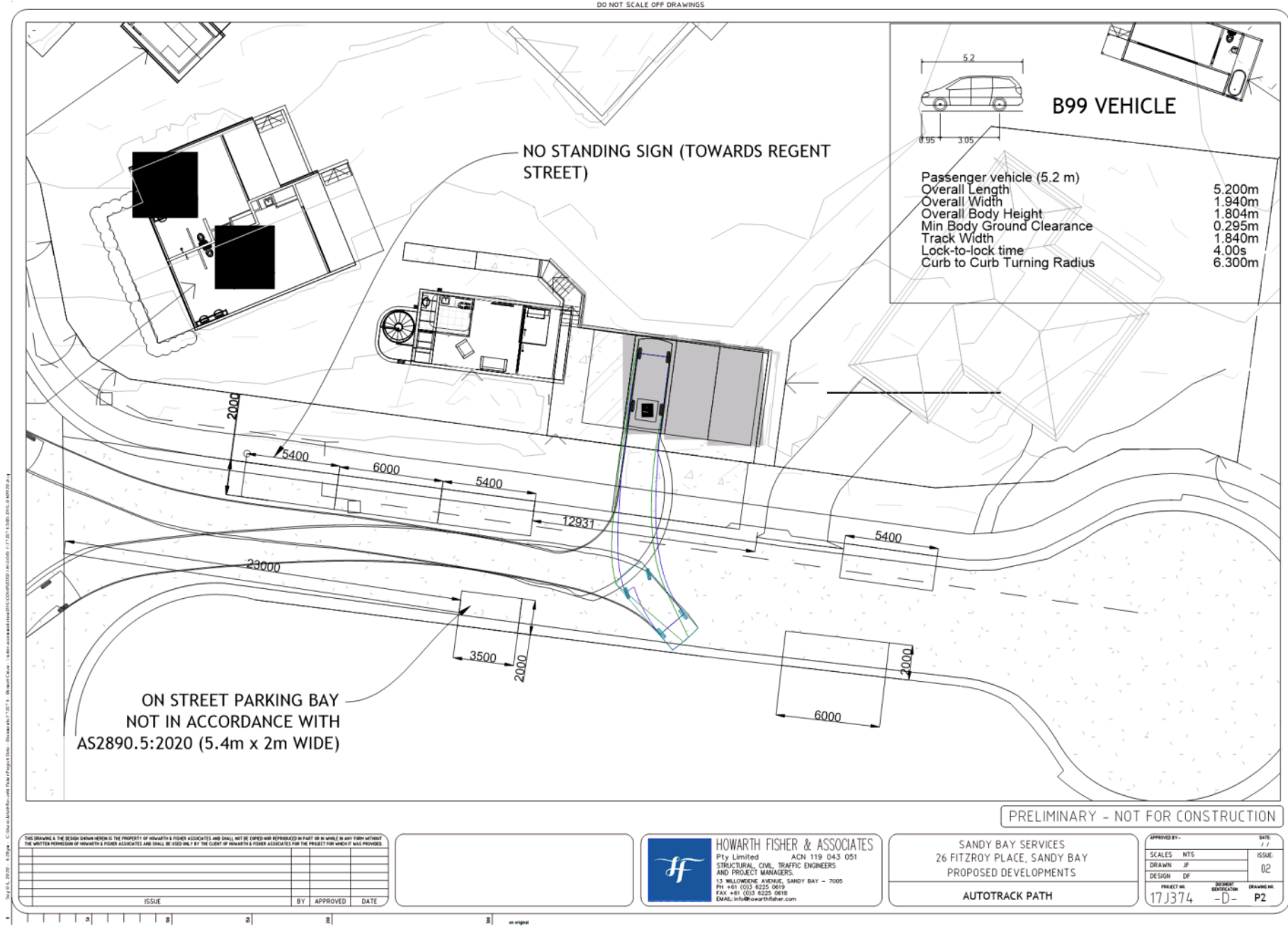
HOWARTH FISHER & ASSOCIATES
 Pty Limited ACN 119 043 051
 STRUCTURAL, CIVIL, TRAFFIC ENGINEERS
 AND PROJECT MANAGERS.
 13 WELLCOME AVENUE, SANDY BAY - 7005
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 EMAIL info@howarthfisher.com

SANDY BAY SERVICES
 26 FITZROY PLACE, SANDY BAY
 PROPOSED DEVELOPMENTS

CONSTRUCTION NOTES**PRELIMINARY - NOT FOR CONSTRUCTION**

APPROVED BY:	DATE:
SCALES NTS	1/1
DRAWN JF	ISSUE
DESIGN DF	00
PROJECT NO. 17J374	CLIENT 17J374
CONSTRUCTION -D-	DRAWING NO. C2

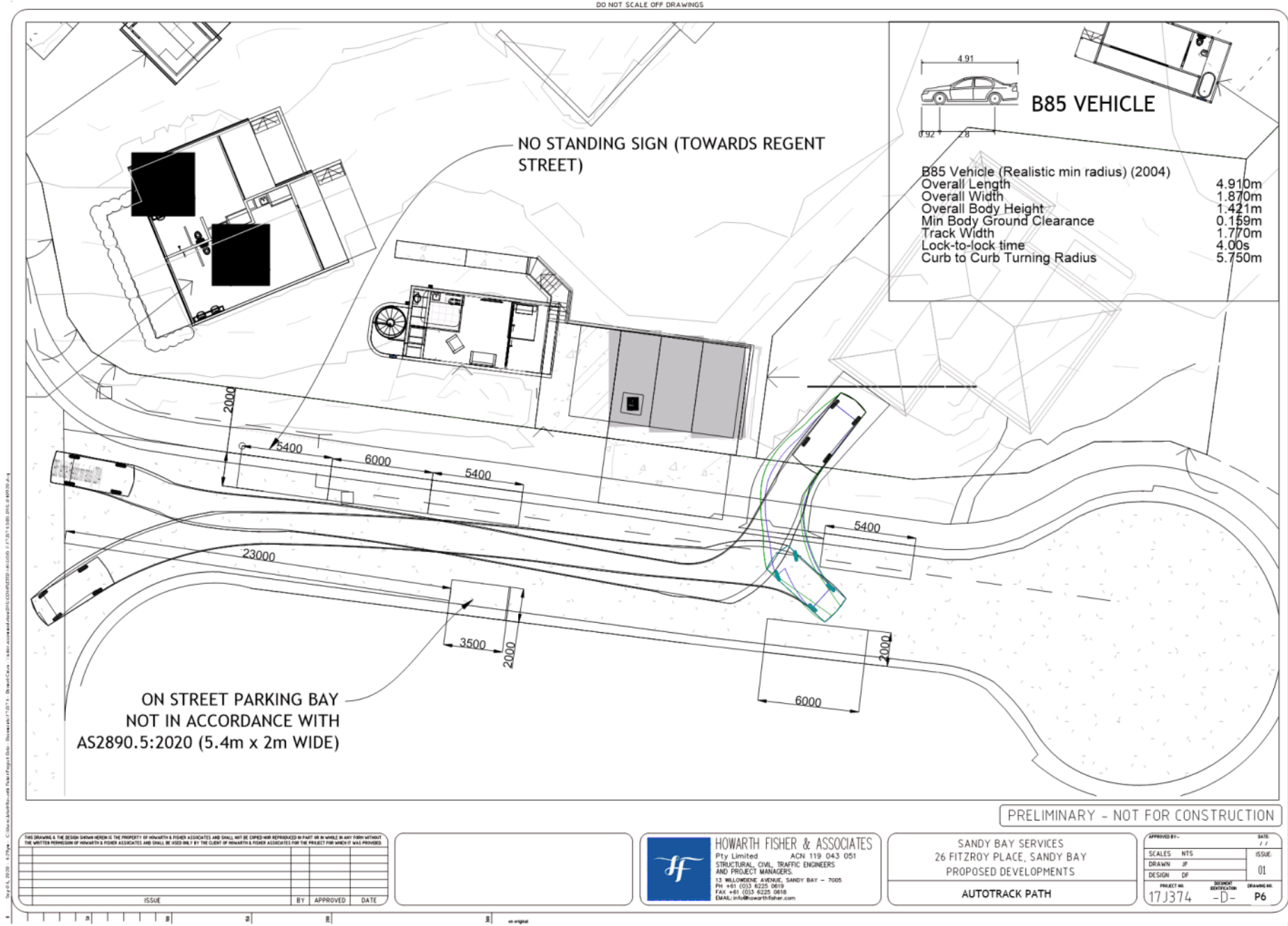
















The site plan illustrates the proposed development at 41-43 Fitzroy Place. The building footprint is shown with dimensions of 6000 by 5400. A service bay is located adjacent to the building, measuring 2500 by 6400. Residential spaces are situated to the right of the service bay, with dimensions of 5400 by 2400. The plan also shows the location of the Mauds Cottage, Managers Bay, and Hideaway (Bishops Quarters). The surrounding streets are Fitzroy Place and Mauds Lane. The plan includes various annotations such as '41.51', '41.52', and '41.53' along the boundary lines.

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HOWARTH FISHER & ASSOCIATES
Pty Limited ACN 119 043 051
STRUCTURAL, CIVIL, TRAFFIC ENGINEERS
AND PROJECT MANAGERS.
13 WILLODENE AVENUE, SANDY BAY - 7005
PH +61 (0)3 6225 0619
FAX +61 (0)3 6225 0618
EMAIL: info@howarthfisher.com

SANDY BAY SERVICES
26 FITZROY PLACE, SANDY BAY
PROPOSED DEVELOPMENTS

BISHOPSCOURT PARKING LAYOUT

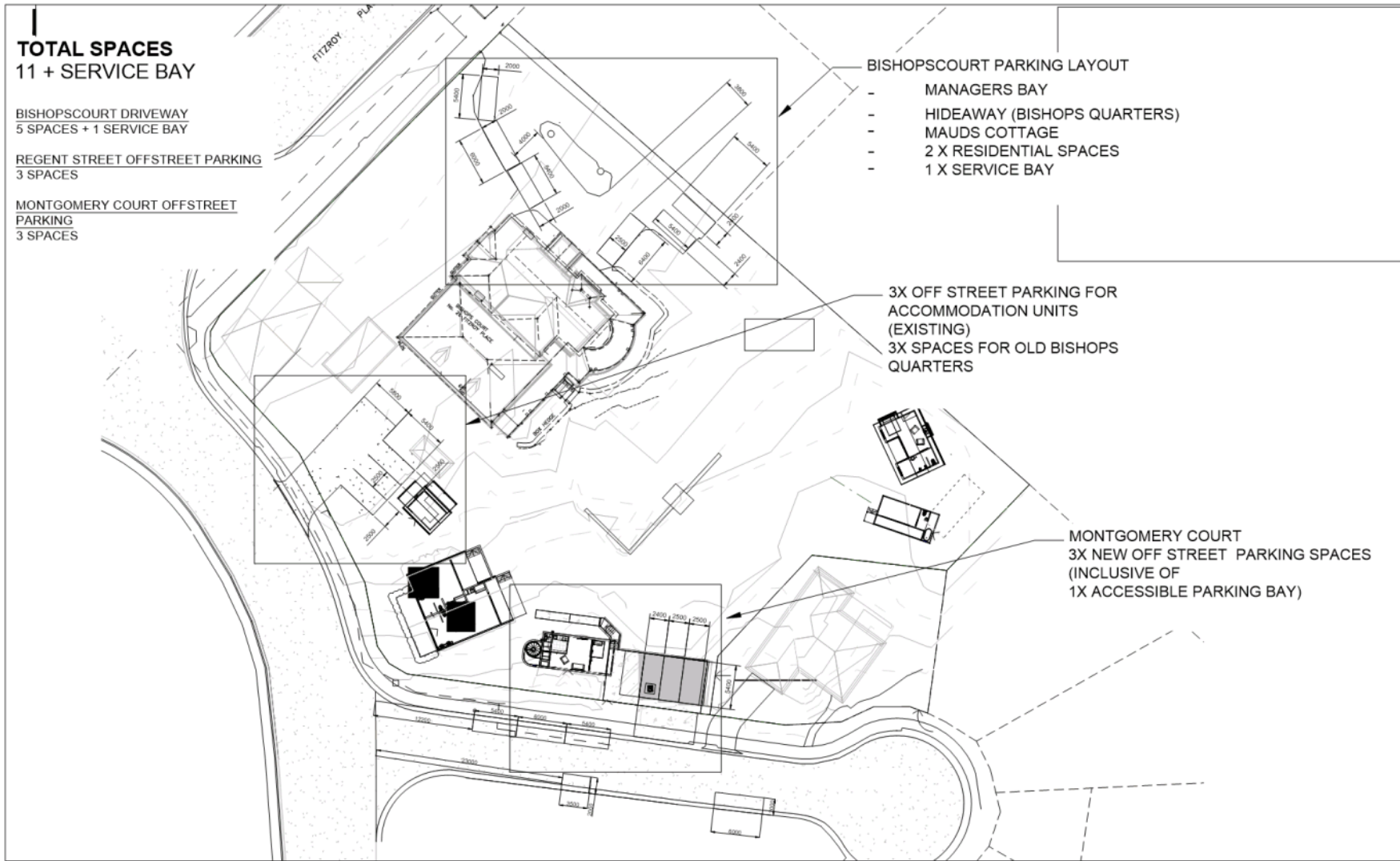
APPROVED BY:-		DATE: / /
SCALES	NTS	ISSUE:
DRAWN	JF	
DESIGN	DF	
PROJECT NO. 17J374	DRAWING IDENTIFICATION -D-	DRAWING NO. P9

The site plan illustrates the layout of a vehicle service area. It includes several vehicles with dimensions: a 6000x2000 vehicle, a 5400x2000 vehicle, and a 5400x2400 vehicle. A 'SERVICE BAY' is also indicated. The plan is oriented with 'FITZROY PLACE' at the top. A table in the bottom right corner provides specifications for the 'SRV - Small Rigid Vehicle'.

SRV - Small Rigid Vehicle	
Overall Length	6 400m
Overall Width	2 330m
Overall Body Height	3 500m
Min Body Ground Clearance	0 384m
Track Width	2 330m
Lock-to-lock time	4 00s
Curb to Curb Turning Radius	7 100m

APPROVED BY:-		DATE: / /
SCALES	NTS	ISSUE:
DRAWN	JF	
DESIGN	DF	
PROJECT NO. 171374		DRAWING NO. -D- P10

DO NOT SCALE OFF DRAWINGS



PRELIMINARY - NOT FOR CONSTRUCTION

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SANDY BAY SERVICES
26 FITZROY PLACE, SANDY BAY
PROPOSED DEVELOPMENTS
26 FITZROY PLACE PARKING OVERVIEW

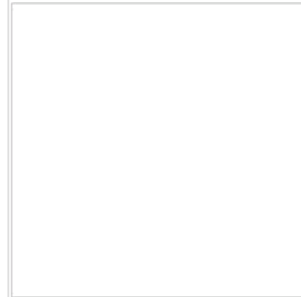
APPROVED BY:	DATE:
SCALES: NTS	1/1
DRAWN: JF	ISSUE: 01
DESIGN: DF	
PROJECT NO: 17J374	DRAWING NO: P11
REVISION: -D-	



Planning: #218640

Property

26 FITZROY PLACE SANDY BAY TAS 7005

**People**

Applicant
*
Engineering Plus
Liam Kaukenas
81 Elizabeth Street
LAUNCESTON TAS 7250
(03) 6331 7021
liam@engineeringplus.com.au

Applicant
*
Klapis & Associates Pty. Ltd.
Tony Klapis
Blackmans Bay
BLACKMANS BAY TAS 7052
0477031699
klapis@bigpond.com

Applicant
*
Engineering Plus
Narelle Lobdale
81 Elizabeth Street
LAUNCESTON TAS 7250
(03) 6331 7021
narelle@engineeringplus.com.au

Owner
*
Dermot Crean
26 Fitzroy Place
SANDY BAY TAS 7000
0404151276
dermot@allbridge.com.au

Entered By
LIAM KAUKENAS
0400 183 063
liam@engineeringplus.com.au

Use

Commercial

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.

*

☒ 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)?

*

Shared residential & short term visitor accommodation

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

*

Proposed additional short term accommodation

Estimated cost of development

*

750.00

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?

☒ Yes
Documents**Required Documents**

Title (Folio text and Plan and Schedule of Easements)

*

TITLES COMBINED.pdf

Plans (proposed, existing)

*
26 Fitzroy Place - Proposed Development 24.11.20.pdf
Supporting Documents
Traffic Impact Assessment
17J374.rep.rev04.080920.pdf
Heritage Report
7-080 140210 Bishops court CMP Addendum.pdf
Heritage Report
7-080 140210 Bishops court HIS.pdf
Heritage Report
Bishops court HIS 22 January 2020 final.pdf
Arborist Report
Development Impact Assessment - 26 Fitzroy Place (1.1).pdf
Hydrology Report
1877 - 26 Fitzroy Place OSD Sizing.pdf

Hobart City Council
16 Elizabeth Street, Hobart 7000

**Tax Invoice
Official Receipt**

ABN: 39 055 343 428

24/11/2020

Receipt No: 58856721739

To: Liam Kaukenas
81 Elizabeth Street
LAUNCESTON TAS 7250

Description	Reference	Amount
Transaction Total [*] :		\$ 300.00
Includes GST of:		\$ 0.00

Cheque payments subject to bank clearance

Enquiries to: City Planning
Phone: (03) 6238 2715
Email: coh@hobartcity.com.au

PAYMENT SUMMARY

ABN: 39 055 343 428

PLEASE NOTE: Payments can **only** be made via Council's online development portal payment gateway or by calling Customer Services on (03) 6238 2190.

24/11/2020

YOUR REFERENCE ONLY: 17617

To: Liam Kaukenas
81 Elizabeth Street
LAUNCESTON TAS 7250

Description	Amount
Planning Permit Fee	\$ 200.00
Tasmanian Heritage Property Fee	\$ 100.00
Total[†]:	\$ 300.00
Includes GST of:	\$ 0.00

Tax Receipt will be issued on payment.



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

PLANNING REF: PLN-20-827
THC WORKS REF: 6426
REGISTERED PLACE NO: 2962
FILE NO: 10-13-89THC
APPLICANT: Tony Klapsis
DATE: 07 April 2021

NOTICE OF HERITAGE DECISION

(Historic Cultural Heritage Act 1995)

The Place: 'Bishopscourt', 26 Fitzroy Place, Sandy Bay.
Proposed Works: Partial demolition, extension and alterations to visitor accommodation, car parking and boundary adjustment.

Under section 39(6)(a) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PLN-20-827, advertised on 12/03/2021.

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

A handwritten signature in purple ink, appearing to read 'Ian Boersma'.

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



Submission to Planning Authority Notice

Council Planning Permit No.	PLN-20-827	Council notice date	26/11/2020
TasWater details			
TasWater Reference No.	TWDA 2020/01998-HCC	Date of response	09/12/2020
TasWater Contact	Phil Papps	Phone No.	0474 931 272
Response issued to			
Council name	CITY OF HOBART		
Contact details	coh@hobartcity.com.au		
Development details			
Address	26 FITZROY PL, SANDY BAY	Property ID (PID)	5575639
Description of development	Partial demolition, extension and alterations to visitor accommodation and boundary adjustment		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Engineering Plus	Locality Plan / 17617 / A01	B	06/10/2020
Engineering Plus	Subdivision Plan / 17617 / A23	B	06/10/2020
Conditions			
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:			
CONNECTIONS, METERING & BACKFLOW			
<ol style="list-style-type: none"> 1. A suitably sized metered water connection and sewerage connection to the development must be provided/utilised to service the additional water and sewage demands generated by the proposed development in accordance with TasWater standards and any other conditions in this permit. 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. 3. Prior to use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. 			
FINAL PLANS, EASEMENTS & ENDORSEMENTS			
<ol style="list-style-type: none"> 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> 			
DEVELOPMENT ASSESSMENT FEES			
<ol style="list-style-type: none"> 5. The applicant or landowner as the case may be, must pay a development assessment fee of \$351.28 and a Consent to Register a Legal Document fee of \$149.20 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater. 			



Advice

General

For information on TasWater development standards, please visit
<http://www.taswater.com.au/Development/Development-Standards>

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

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure. The location of this 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 for a list of companies
- (c) TasWater will locate residential water stop taps free of charge
- (d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

Declaration

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

Authorised by

Jason Taylor
Development Assessment Manager

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

Application Referral Cultural Heritage - Response

From:	Sarah Waight
Recommendation:	Proposal is unacceptable.
Date Completed:	
Address:	26 FITZROY PLACE, SANDY BAY 2 MONTGOMERY COURT, SANDY BAY
Proposal:	Partial Demolition, Extension and Alterations to Visitor Accommodation, Car Parking and Subdivision (Boundary Adjustment)
Application No:	PLN-20-827
Assessment Officer:	Richard Bacon,

Referral Officer comments:

Background

This application is for three new self-contained cabins/structures, the relocation of an existing cabin, a new reception building and off street parking. Also proposed is a subdivision to alter the boundary of 2 Montgomery Court by adhering a small triangular piece of land to 26 Fitzroy Place.

There have been earlier schemes for additional units/townhouses on this site.

An application in 2013 (PLN-13-01323) for was for stages 1, 2 and 3 of visitor accommodation, the demolition of 2 Montgomery Court, including accommodation and 6 new townhouses. That application was withdrawn.

A reconfigured staged application (PLN-14-00413) was lodged for the demolition of 2 Montgomery Court, 6 new townhouses in the grounds of the premises, and two new visitor units in the vicinity of the former schoolhouse and a new garage/workshop. The six single storey terraces were set low into the ground with access from Montgomery Court and an open landscaped roof on top. Approval was granted for that proposal and stages 1 and 2 were completed (the two new visitor units near the schoolhouse and parking. The 6 townhouses (stage 3) were not constructed. The 2013 and 2014 applications differed with the six townhouse set below the ground, in order to establish a broader vista and garden setting with views from the house toward the Derwent. Those application were assessed under the previous Scheme, *City of Hobart Planning Scheme 1982*.

Since then, the owners have taken a different direction with the visitor accommodation. A new application was lodged in 2015 (PLN-15-00606) for a retrofitted shipping container accommodation in the south east corner of the property adjacent to the boundary with 2 Montgomery Court on the old tennis court.

Supporting documentation

This current application is supported by a Conservation Management Plan by Paul Davies (undated but refers to the 2014 proposal) and a January 2020 Heritage Impact Assessment prepared by Dermot Crean, the property owner.

Description and history of place

The proposal is on a place called 'Bishopscourt' located on the corner of Fitzroy Place, Regent

Street and Montgomery Court. Part of 'Bishopscourt' was built in the 1830s and then altered and enlarged in the 1890s. The house at 2 Montgomery Court is a single storey dwelling built in the 1960s.

Bishopscourt is now privately owned and no longer serves as the official residence of the Bishop of Tasmania, having been sold by the Anglican Church in 2004.

The following photograph shows the original 1830s house erected for Judge Thomas Thorne (on the left) and the 1889 additions designed by architect George Fagg (on the right). Part of the garden setting is shown.



Bishopscourt, Source: Council image 2020

The property is significant for several reasons - including its architectural values, historical values associated with former occupants and the aesthetic significance of the gardens and the garden setting including its setting on the ridge and outlook toward the river. The former schoolhouse is particularly significant as it was purpose built for the education of Bishop Montgomery's children - one of whom was Bernard, better known as Field Marshal Montgomery / 1st Viscount Montgomery of Alamein (b.1187 - d.1976) - or simply known as 'Monty'. He lived here between the age of 2 and 14 and was educated privately when his father was Bishop of Tasmania (1889-1901).

The proposal

The proposal involves the demolition of the following elements:

- a section of the timber paling fence on Montgomery Court,
- excavation of the ground/garden for the two cabins and their associated paving/pathways,
- excavation for three parking areas on Montgomery Court,
- removal of vegetation,
- removal of existing ground based solar panels and incidental garden structures.

The proposal involves the following development:

- Relocation of the existing 'Hideaway Cabin' in the south-east corner of the site to a new alignment that is roughly east-west and partially over its current location.
- The construction of 'Maud's Cottage', a single storey, one bedroom self contained cabin with a gable roof and skillion with a floor area of approximately 30m² (7.8 m x 4.9m).
- The construction of 'Bunker Cabin', a two storey, one bedroom self contained flat roof structure with a lift, limited window openings with a floor area of approximately 90m² (10m x 4.4m).

- The construction of 'Eco Cabins', a single storey, two one bedroom self contained structure with a skillion roof with a combined floor area of approximately 108m² (9.7m x 9.9m).
- The construction of a Reception Building (4.5m x 5.5m including deck area) - adjacent to the existing carpark off Regent Street with a gable roof and skillion roof verandah.

The Bunker Cabin and the Eco Cabins are on the downslope side of the subject property in proximity to the street boundary on Montgomery Court and Regent Street. The Reception Building is located between the Eco Cabins and the carpark completed as part of the approval for PLN-14-00413. 'Maud's Cottage' is to be located at the rear of the property, on the original site of the tennis court and in close proximity to the 'Hideaway Cabin' which is to have a new alignment.

The new cabins are part of a concept for the site for story telling through visitor experience. The tallest of the new cabins is the 'Bunker Cabin', a two storey cabin designed to create an experience of a military bunker through an enclosed solid structure with limited window openings, telling the story of Field Marshal Montgomery and his military career. The 'Eco Cabin' is another form of visitor experience in that it is an off the grid option and contains two units. The design is not related to the 'Bunker Cabin' or other new elements on the site. The other new cabin is 'Maud's Cottage' based on the life of Field Marshal Montgomery's mother and is a simple traditional style of Australian cottage. In summary, 'Maud's Cottage' and the new Reception Building have a similar form and relate to each other in terms of scale, roof form, design and materiality. The 'Eco Cabin', 'Bunker Cabin' and 'Hideaway Cabin' have a more contemporary form.

Heritage Discretions

Bishopscourt is heritage listed in table E13.1 of the Historic Heritage Code of the Scheme. It is also located in the Hobart 4 Heritage Precinct.

The Precinct has a number of Statements of Significance, including;

'This precinct is significant for reasons including:

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

The proposal involves demolition, new work and subdivision. Therefore the following provisions of the Scheme apply:

E13.7.1 P1 Demolition - Heritage Place

E13.7.2 P1, P2, P3, and P6, Buildings and Works - Heritage Place

E13.7.3 P1 Subdivision - Heritage Place

E13.8.1 P1 Demolition - Heritage Precinct

E13.8.2 P1 and P5 Buildings and Works - Heritage Precinct

E13.8.3 P1 Subdivision - Heritage Precinct

Other performance criteria do not apply or are not relevant in this instance.

Provisions of the Historic Heritage Code

The following provisions of the Scheme apply:

Clause E13.7.1 P1 applies. It states:

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

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

Clause E13.7.2 P1 applies. It states:

Development must not result in any of the following:

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

Clause E13.7.2 P2 applies. It states:

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

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

Clause E13.7.2 P3 applies. It states:

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

Clause E13.7.2 P6 applies. It states:

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

Clause E13.7.3 P1 applies. It states:

A proposed plan of subdivision must show that historic cultural heritage significance is adequately protected by complying with all of the following:

- (a) ensuring that sufficient curtilage and contributory heritage items (such as outbuildings or significant plantings) are retained as part of any title containing heritage values;*
- (b) ensuring a sympathetic pattern of subdivision;*
- (c) providing a lot size, pattern and configuration with building areas or other development controls that will prevent unsympathetic development on lots adjoining any titles containing heritage values, if required.*

Clause E13.8.1 P1 applies. It 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.

Clause E13.8.2 P1 applies. It 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 P5 applies. It states:

The removal of areas of landscaping between a dwelling and the street must not result in the loss of elements of landscaping that contribute to the historic cultural significance or the streetscape values and character of the precinct.

Clause E13.8.3 P1 applies. It states:

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) a 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.*

Representations

Three (3) representations (one of which includes legal advice) were received during the advertising period. The following heritage matters were raised.

- "I don't believe the proposal meets the requirements of the Historic Heritage Code:
- "The Historic Heritage Code is there to protect beautiful historic properties like 26 Fitzroy Place."
- "... but heritage houses must be protected from inappropriate development trying to leverage off the boom in short term stay accommodation."
- "The proposed new accommodation units would form a significant addition to the historic place and I can't see how that level or scale of development can be complementary or subservient to the place."
- "The modern design of the existing accommodation already looks out of place compared to the beautiful main dwelling and the addition of another four buildings with no consistency of design I believe would be completely inconsistent with the heritage place."
- "I took the liberty of having a professional render of the Montgomery street facade undertaken based on the actual drawings and dimensions of the proposal. As can be seen the actual visual impact of the proposal is significantly different to the "artist impression" included in the application.
- "Based on the drawings and plans the Bunker Cabin shown in the render has significantly more visual impact than is indicated in the inaccurate "artist impression".
- "the heritage property would effectively become a heritage house with a large scale sprawling accommodation business surrounding it. It is hard to reconcile how the proposal is subservient and complementary to the heritage place."
- "The proposed demolition and new crossover will likely result in the loss of a mature ash as detailed in the included arborist report. The loss of this important landscape element that contributes to the historic significance of the site cannot be justified under P1 and could be avoided with a more thoughtful design to proposed parking and access."
- "it is submitted that the proposed dwellings seem to include an ad hoc and inconsistent mix of form, fenestration, materials and finishes. The inconsistency of proposed dwelling designs appears to create a completely random aesthetic that is unsympathetic to the beautiful main building and heritage significance of the site and its

- curtilage."
- "There is no information in the proposal that attempts to draw a connection or nexus between the proposed ad hoc dwellings and existing site. The inclusion of a sustainable dwelling is to be commended but the radical difference in design aesthetic between the modern concepts and more traditional shed type aesthetic of the proposed Reception is difficult to reconcile. It is submitted that the proposal's design inconsistency significantly compromises the historic and heritage significance of such a grand property."
 - "the proposal does not meet the criteria with regard (E13.8.1 Development Standards for Heritage Precincts) there would appear to be completely feasible alternatives to the proposed parking and access."
 - "... the proposal for 26 Fitzroy Place is anything but compliant and would significantly and detrimentally impact the residents of Montgomery Court and is inconsistent with the heritage requirements of the site."
 - "The size and scale of the proposal (as can be seen with reference to the more accurate render provided of the smallest proposed dwelling -see below) is not subservient or consistent with the heritage place as required under the Historic Heritage Code."

Render Based on DA Submitted Drawings



Inaccurate & misleading "Artists Impression" Render submitted by the applicant



- "While the garden is not recognised to be significant in its own right, it does not follow

that any development can occur within this space. Any development within the existing garden or grounds needs to be considered for how it impacts the significance of the place, such as by way of impacting the setting of the important buildings. This relates to more than merely the removal of garden elements and instead extends to a consideration of the forms that will be placed in the garden. .. The officer's assessment (this comment relates to the previous heritage assessment) makes it clear that the height of the bunker but also its design as well as the design of the eco-cabins is incompatible with significant buildings upon the site and that it is that incompatibility that leads to a loss of significance. This view holds for the present application."

- "By simply reviewing the site plan, it is possible to understand the scale of the proposal which, despite the dispersal of building forms across the site, demonstrates that the development is not subservient to the place."
- "The scale of the proposal, such as is evident from its footprint, demonstrates the absence of the subservient relationship. Rather than being a substantial home on a large allotment, the proposal converts the context within which the the original buildings are understood and diminishes the relationship between the house and its surroundings as to become 1 of several forms upon the site."
- "More concerning is however the absence of any clear relationship between the proposed development and the significance of the place as to demonstrate how the development services the existing values. To the contrary, the new development appears to turn its back upon the historical forms."
- "Of further relevance is that the documentation records that the place has been successively subdivided over time leading to a gradual loss of substantial garden setting. While the existing gardens nonetheless remain substantial, their further degradation and loss through incremental development such as this ought to be arrested and is an important consideration when it comes to an assessment of how a proposal impacts on the significance of the place."
- "I note 2 important concepts regarding the interpretation of the Heritage Code as observed by the Tribunal in *Solvyns v Hobart City Council & Ors*:
- - The test of incompatibility and therefore impact upon significance is not limited to an assessment of what can be seen from outside of the heritage place. Visibility of forms is only part of the relevant tests. As observed by the Tribunal:

"Heritage value is derived not just from the facade, but the entirety of the place - including that which is seen, that which is not seen so easily, and that which is not seen at all."

- -The relevant tests are expressed in mandatory terms. There must be no loss to significance. It is not sufficient that loss may be minimised."

Discussion of proposal



'Maud's Cottage' is to be located in the area shown in the above image, on an flat area of land adjoining the rear boundary of properties in Star Street that was once a tennis court. The existing Hideaway Cabin is to the right (to be repositioned in this general area), Source: Council image 2020



Existing 'Hideaway Cabin' in its current location on the site which will be relocated in an approximate east west direction. Source: Council image 2020.



View of the proposed location of the 'Bunker cabin', 'Eco cabin' and cross-over and parking area viewed from Montgomery Court. Note that the existing vegetation on the site will be removed for the new proposal. Source: Council image 2020.



Location of two storey 'Bunker Cabin' sited to be visible between two Council street ash trees. Note, the vegetation on the site will be removed for the new proposal. Source: Council image 2020.

The new 'Maud's Cottage' and 'Reception Building' are designed to look like traditional 19th century timber cottages in the Australian vernacular style, single storey, gable roof and verandah to the front with vertical charred timber cladding and Colorbond roof in black. Both relate to the extension of the former school house (approved as part of the 2014 approval) through the type of cladding used.

The proposed 'Bunker Cabin' and associated parking area are in close proximity to two ash trees in the Council reserve on Montgomery Court. The Arborist report (prepared by Alister Hodgman) recommended that a modification to the design would ensure that Tree 2 (shown in the above photo to the right) does not suffer a decline in health and vigour. Notes are shown on the plans indicating how the trees are to be protected in accordance with the Arborists report.

As already mentioned, the 'Bunker Cabin' and the 'Eco Cabins' are different in form and have a very different fenestration pattern to 'Maud's Cottage' and the 'Reception Building', but share the same cladding, shown on the plans as; 'charred timber cladding, black in colour'. The fenestration pattern of the 'Eco Cabins' is for large expansive walls of window on the north east and south west elevations. Despite both the 'Eco Cabins' and the 'Bunker Cabin' being sited close to Montgomery Court and Regent Street, neither have a street frontage or address the street. The entry of the 'Eco Cabins' and the 'Bunker Cabin' is from the proposed parking area

off Montgomery Court.

Assessment of proposal against the provisions of the Historic Heritage Code

The landscaping, aesthetics and general setting of the garden have been identified as one of the reasons for the property having significance. Bishopscourt was once sited on high land on a large parcel of land that has since been progressively subdivided. The house, however, retains a large garden and appropriate curtilage. It is also worth noting that Bishopscourt is described in the statements of significance for the precinct within the Historic Heritage Code as a 'Victorian house set on large allotments...' The statements of significance also refer to views and vistas.

The proposed demolition also involves works. Works is defined in the *Land Use Planning and Approvals Act 1993* as:

"works includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the [Forest Practices Act 1985](#), carried out in State forests."

The removal of vegetation and changes to the natural topography are also proposed in excavation for the 'Eco Cabins' and the 'Bunker Cabin' and the parking area. While the garden area being altered does not contain significant plantings, the proposal takes away large swathes of the garden for multiple structures. While the resultant effect will alter the character of a large Victorian house set on a large allotments, the proposal satisfies E13.7.1 P1 and E13.8.1 P1.

This current application is for 'themed' visitor cabins each individual and diverse in architectural style and form spread across the site, with the proposed 'Eco Cabin' located closer to Bishopscourt than any previous proposals. This and other comparisons are made in the applicant's submitted documentation, but it is also worth noting that comparisons with earlier proposals are not relevant or applicable as a benchmark, given the assessment was under a different planning scheme with different heritage provisions.

The diversity of design and themed approach to the hospitality options have been embraced enthusiastically by the applicant and as a consequence the proposal lacks architectural cohesiveness and a responsiveness to the street - with each new cabin, representing an erosion and eating away of the setting of the Bishopscourt, reducing the status of the property to being one of a large house in a large generous garden to one of a large house surrounded by mini themed cottages, not dissimilar to a holiday park. Their dispersal across the site of the different buildings shows a random, unplanned approach, lacking in cohesiveness or strategic thinking.

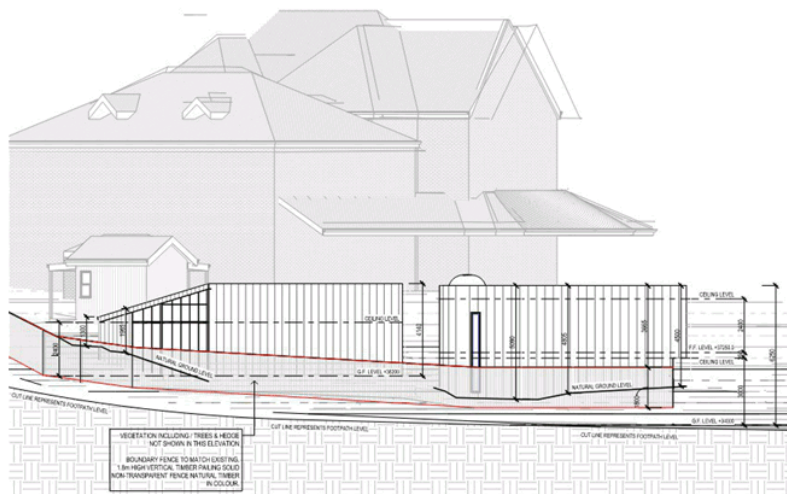
In regards to E13.7.2 P2 and when consideration is given to the word complementary, the Tribunal has held:

"that term should be taken to mean "in harmony with", "harmonious", "compatible" or "making up a harmonious whole". This produces an outcome which is consistent with the Objective for this Clause of the Scheme." " (*Solvyns v Hobart City Council & Ors* [59]).

The significance of the property lies in the historic, architectural and social values, with evidence provided that the gardens, while not rare or uncommon, "provide a suitable setting for the building" and "is a good representative example of a large town house residence in a garden setting" and "that maintaining a good garden setting with outlook and view is important for the future of the house.

A policy in the heritage documentation notes: "Any new building should be modest in form and not interrupt views to and from the house..." (Conservation Management Plan Addendum)

The proposed 'Eco Cabin' is the same height as the 'Bunker Cabin' above the Montgomery Court footpath. See elevation below.



Elevation showing proposed units (Eco Cabins and Bunker Cabin) facing Montgomery Court.
Source: Applicant's submission

Although only single storey with a skillion roof, the Eco Cabins are sited further up the bank toward the corner of Montgomery Court and Regent Street and closer to Bishops court. The south west elevation of the 'Eco Cabins' has the same elevational treatment of the 'Bunker Cabin', which is two storey, therefore presenting to the street boundaries with no 'face' or 'street presence' and with only a small gap between the two, will be a continuous wall of built form, obscuring views from and to the house. From Montgomery Court, the two cabins will be prominent and highly visible. These two structures are, for comparison purposes only, taller by 1.5 metres than the 2014 proposal. The other factor that must be considered in an appreciation of these two structures, is that they have clear side and oblique views, that increase the bulk and perceived size of the new structures and being prominent in the front row, rather than secondary elements. The render submitted in one of the representations is reproduced above. While no details have been provided with regard to the methodology used to arrive at the new render, it is considered that it is a more accurate representation of the proposal than any of the 'artists impressions' submitted with the application, particularly in terms of depth and height.

Maud's Cottage and the re-sited 'Hideaway Cabin' are located to the rear of the site on an area that was once a tennis court, although it has not functioned as one for many decades. These structures are 31 metres from the Bishops court dwelling, and are sited in a separate 'garden room' and located behind the c.1960s red brick house at 2 Montgomery Court. This results in these two proposed cabins being secondary structures, and a backdrop in the setting mostly obscured by the existing 1960s house. As such there will be no resultant loss of heritage values, with the structures being acceptable in terms of scale, setback, siting with respect to listed buildings and structures. In addition, this part of the proposal will not detract from or result in detriment of the heritage values of the place or precinct. This part of the proposal can be determined to satisfy E13.8.2 P1.

The proposed two structures the 'Eco Cabin' and 'Bunker Cabin' will involve the removal of landscaping elements between the Bishops court and Montgomery Court. While the landscaping elements earmarked for removal are not of heritage value in their own right, they are elements that contribute to the character and setting of Bishops court, it is a secondary and

contributory frontage and while the proposal is considered to satisfy E13.7.2 P6 and E13.8.2 P5 the major issue remains the construction of carparking and a military style 'Bunker Cabin' and the 'Eco Cabins'.

As already stated above these two cabins together are located adjacent to Montgomery Court, and present as an almost solid wall of buildings with no design relationship to each other or the other structures on the listed site, namely the heritage listed house Bishops Court, the historic Schoolhouse and the more contemporary, and subservient additions to that building and the standalone 'Hideaway Cabin'. The result is an ad hoc and disparate group of forms and mismatched designs with the new buildings not complementary to the heritage values of the place or precinct. In this respect the proposal, fails to satisfy E13.7.2 P1, P2 and P3 and E13.8.2 P1.

The subdivision is minor and does not result in the loss of heritage values of the place or precinct by altering the curtilage to any significant extent or impacting on any contributory heritage items. Thus the proposal satisfies E13.7.3 P1 and E13.8.3 P1.

Conclusion

Elements of this application satisfy the provisions of the Historic Heritage Code of the Scheme, namely the relocation of the existing 'Hideaway Cabin', 'Maud's Cottage', the new Reception Building and the demolition associated with work at a heritage place and precinct. The proposed subdivision is also acceptable when assessed against the relevant provisions of the Scheme.

It is the elements of the 'Eco Cabins' and the 'Bunker Cabin' and associated carparking that are problematic when assessed against the Historic Heritage Code of the Scheme. In summary, this part of the proposal is not compatible with the significance of Bishops Court through the introduction of development that is incompatible in design, height, scale, bulk, form, fenestration pattern and siting. These new cabins and carparking spaces are not complementary to the place, in their siting with respect to the listed building and the overall garden setting of the place. In addition the two new cabins and carparking do not provide an adequate response to the heritage characteristics of the place though incompatible design intent and form. In this respect, the proposal does not satisfy E13.7.2 P1, E13.7.2 P2 and E13.7.2 P3.

In terms of the Heritage Precinct, the proposed 'Eco Cabins' and 'Bunker Cabin' and associated carparking, with their siting in respect to the streetscape of Montgomery Court and Regent Street, will lead to a confused and devalued understanding of the Precinct, interrupting the streetscape, reducing the significance of a large Victorian house on a large land parcel and important historical relationship created by the building in its setting and expansive views and landscape. As such the proposal will result in detriment of the heritage values of the precinct (ie "*The Victorian houses set on large allotments demonstrating the second major phase of development of the precinct.*") through the proposed demolition and the siting and construction of the 'Eco Cabins' and 'Bunker Cabin' and related infrastructure. It is considered that the proposal does not satisfy E13.8.2 P1 of the Historic Heritage Code of the Scheme.

The proposal is recommended for refusal.

If the proposed 'Eco Cabins' and 'Bunker Cabin' and associated carparking were to be removed from the proposal, such an application would satisfy the relevant provisions of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015* and allow the applicant to undertake further design and development of these two cabin options to reduce their scale, improve the siting, presentation and relationship to the street.

The grounds for refusal are as follows:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P1 (a) and (b) of the *Hobart Interim Planning Scheme 2015* because it is an incompatible design through its height, scale, bulk, form, fenestration and siting being adjacent to an historic house in a large garden and it also results in the substantial diminution of heritage values through the loss of streetscape elements.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P2 (a) to (d) of the *Hobart Interim Planning Scheme 2015* because it will not be subservient and complementary to the listed place of an historic house in a large garden due to its scale, bulk, built form and fenestration, setback and siting with respect to listed buildings.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P3 of the *Hobart Interim Planning Scheme 2015* because it does not respond to the heritage characteristics of the place in its materials, built form and fenestration.
4. 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 it will result in detriment to the historic cultural heritage values of the precinct of an historic house in a large garden.

Sarah Waight
Senior Cultural Heritage Officer
1 April 2021

Application Referral Development Engineering - Response

From:	Cameron Cecil/Dave Morley
Recommendation:	
Date Completed:	
Address:	26 FITZROY PLACE, SANDY BAY 2 MONTGOMERY COURT, SANDY BAY
Proposal:	Partial Demolition, Extension and Alterations to Visitor Accommodation, Car Parking and Subdivision (Boundary Adjustment)
Application No:	PLN-20-827
Assessment Officer:	Richard Bacon,

Referral Officer comments:

COMMENTS:

Summary:

PLN-20-827 - 26 FITZROY PLACE PLN-20-827 - 2 MONTGOMERY COURT
Partial Demolition, Extension and Alterations to Visitor Accommodation, Car Parking and Subdivision (Boundary Adjustment)

The proposed development site currently comprises of a main dwelling and four (4) visitor accommodation units named The Old Bishop's Quarters. Parking for the visitor accommodation referred to as the Hideaway cabin is via the Fitzroy Place access. The remaining three parks can be accessed via Regent Street.

What is proposed:

- Three (3) new visitor accommodation units.
- One (1) reception building.
- Relocation of The Hideaway Cabin.
- Boundary change between the development site and 2 Montgomery Court
- Addition of a new triple crossover on Montgomery Court road frontage with three (3) new car parking spaces.
- The car park accessed via Regent Street will be reduced by one (1) space to three (3) and service the three and service the three (3) existing visitor accommodation.
- The car park accessed via 26 Fitzroy Place will provide one space to Maud's Cottage, Hideaway Cabin and the Managers Office.
- The car park via the triple crossing on Montgomery Court will provide three (3) parking spaces for the two ECO Cabins. One of these spaces will be a dedicated DDA space

Discretions:

Clause 5.6.4 sight distance at access and junctions

Clause 6.7.2 design vehicle access

Clause 6.7.13 facilities for commercial vehicles

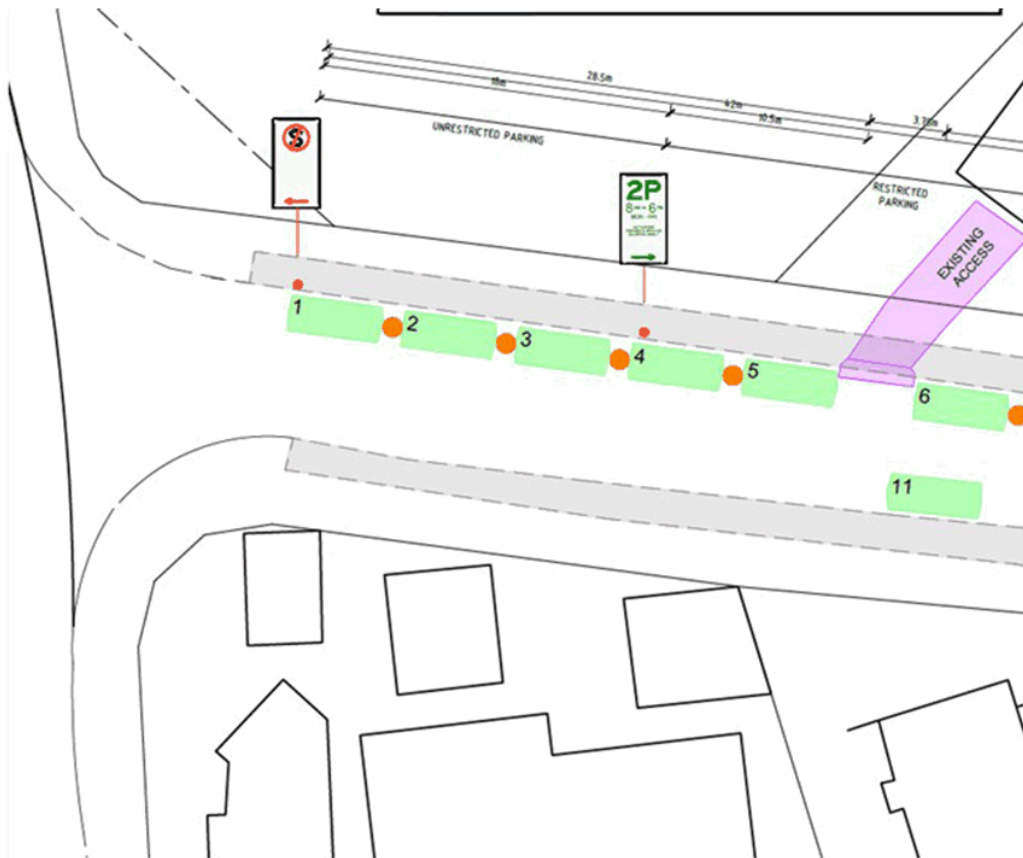
The development sees on street parking in Montgomery Court reduced by three car spaces as a result of the proposed addition of a triple crossover and relocation of the

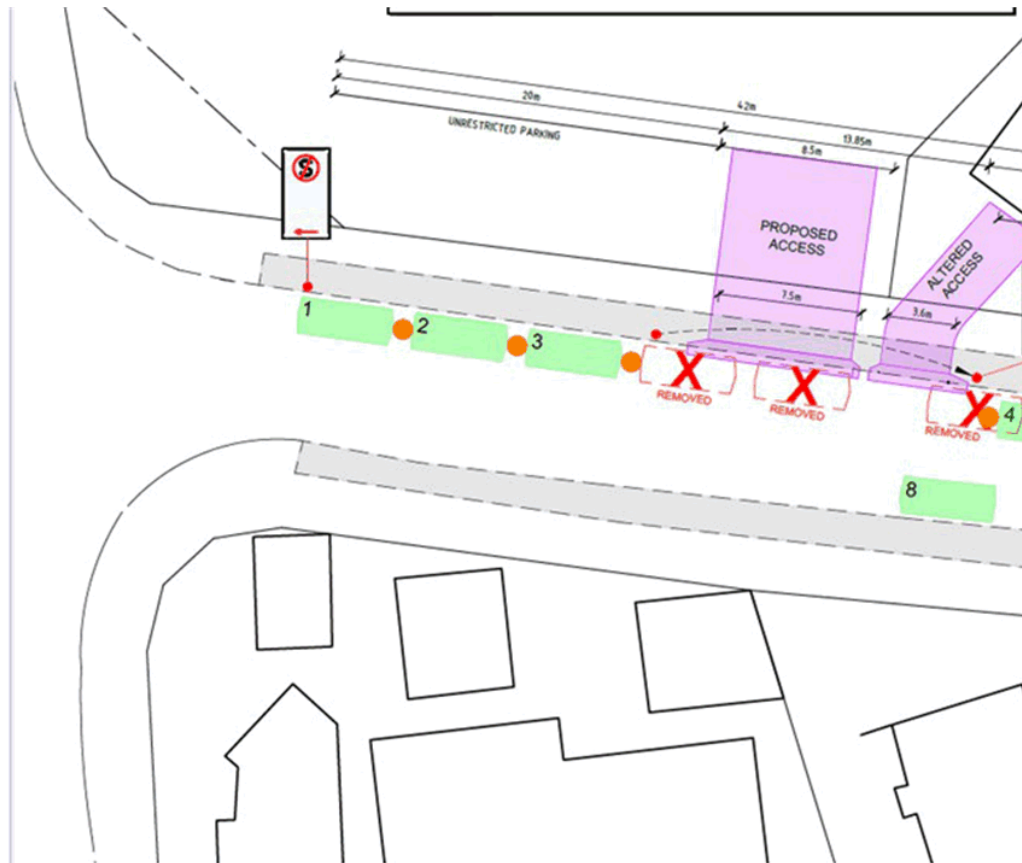
adjacent existing crossover. This reduction in parking will impact visitor spaces for other residents in Montgomery Court.

No other on street car parking spaces are available within 100 meters of Montgomery Court.

While the TIA does not acknowledge that there will be a loss of three (3) on street parking spaces due to the triple crossover in Montgomery Court, the updated off street parking may have less of an impact on this. Council's traffic engineer will support the updated parking arrangement and its reduced impact on the reduced on street parking arrangements of Montgomery Court.

Council's development engineer is not supportive of the proposal in principle, however Council's traffic engineer will support the new arrangement.



**CONDITIONS:**

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

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 3b: Driveway design

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

ENG 4: Surface treatment

ENG 5: The number of car parking spaces approved on the site, for use is *twelve* (12)

ENG 9: All car parking spaces for people with disabilities must be delineated to Australian/NZS Standard, Parking facilities Part 6: Off-street parking for people with disabilities AS/NZS 2890.6: 2009

ENG 13: An ongoing waste management plan for all commercial waste and recycling/compost bins must be implemented post construction

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 sw4: Development must be drained to Council infrastructure taking into account the limited receiving capacity of Council's infrastructure (Stormwater Unit Report)

ENG sw7: Stormwater pre- treatment and detention for stormwater discharges from the development (Stormwater Unit Report)

ENV 2: SWMP design (Stormwater Unit / EDP 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 Report)

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)

SURV 3: The final plan and schedule of easements must be submitted and approved (Surveying Services Unit Report).

SURV 9: Any lots on the final plan created from the addition of sub minimal lots on the plan of subdivision are to be notated on the final plan (Surveying Services Unit Report)

ENG tr2: A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

ENG r1: Excavation in the highway reservation

ENG r3: Crossover to TSD

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
- Redundant Crossover
- Work in the highway reservation
- New Service Connection
- Stormwater
- Permit To Construct Public Infrastructure
- Building Over An Easement
- Visitor Accommodation
- General exception (temporary) parking permits
- Access

E5.0 Road and railway access code

E5.1 Purpose			E5.1.1 The purpose of this provision is to: (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
E5.2 Application of this Code	YES	NO	
			This Code applies to use or development of land:

	Yes	No	(a) that will require a new vehicle crossing, junction or level crossing; or
	Yes	No	(b) that intensifies the use of an existing access; or
	Yes	No	(c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
	Yes	No	(i) a rail network;
	Yes	No	(ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.
Clause for Assessment			Comments / Discussion (in bold)
Clause 5.5.1 Existing road accesses and junctions NOT APPLICABLE			<u>Documentation submitted to date appears not to invoke clause E5.5.1.</u> No intensification of existing road accesses and/or junctions proposed.
Clause 5.5.2 Existing level crossings NOT APPLICABLE			<u>Documentation submitted to date appears not to invoke clause E5.5.2.</u> No intensification of an existing level crossings proposed.
Clause 5.6.1 development adjacent to roads and railways NOT APPLICABLE			<u>Documentation submitted to date appears not to invoke clause E5.6.1.</u> No development adjacent to category 1 or category 2 road proposed.

<p>Clause 5.6.2 road and access junctions</p> <p>ACCEPTABLE SOLUTION</p>		<p>The road and access junctions must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E5.6.2.</u></p> <p><u>Acceptable solution - A1</u> No new access or junction to roads in an area subject to a speed limit of more than 60km/h. - N/A</p> <p><u>Acceptable solution - A2</u> No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less. - COMPLIANT</p> <p>Fitzroy Place access - Existing, no change</p> <p>Regent Street access - Existing, no change</p> <p>Montgomery Court access - Proposed</p>
<p>Clause 5.6.3 new level crossings</p> <p>NOT APPLICABLE</p>		<p><u>Documentation submitted to date appears not to invoke clause E5.6.3.</u></p> <p>No new level crossings proposed.</p>
<p>Clause 5.6.4 sight distance at access and junctions</p> <p>PERFORMANCE CRITERIA</p>		<p>The sight distance at access and junctions must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><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></p> <p><u>Acceptable solution - A1:</u> Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and - NON COMPLIANT (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia. - N/A</p> <p>In this case the submitted Traffic Impact Assessment (T.I.A.) stated measured sight distances is 40 metres in either direction , the required SISD is 80 metres.</p> <p>Sight distance may be temporality obscured when cars are parked adjacent to the proposed access.</p>

		<p><u>Performance Criteria – P1:</u> 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:</p> <ul style="list-style-type: none"> (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. <p>The submitted Traffic Engineering Assessment stated the following;</p> <p><i>"The parking bays will require vehicles to reverse out onto the street. The access has been assessed against the performance criteria of the scheme. The Australian Standard 2890.1 has been used as the basis for the assessment. Sight distances were measured to be 40metres in either direction from the bays (which is compliant with the requirement of the AS2890.1 for a domestic driveway on a 50km/hr road and exceeds the requirement of the minimum SSD for a 40km/hr frontage road speed). This is the maximum obtainable sight distance given the length of the street. Given the short length of the street, it is unlikely that the vehicle speeds will exceed 20-30km/hr. It is acknowledged that parked vehicles can temporally obscure sight distance from the parking bays."</i></p> <p>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 <i>Performance Criteria P1:E5.6.4</i> of the Planning Scheme.</p>

E 6.0 Parking and Access Code

E6.1 Purpose		<p>E6.1.1</p> <p>The purpose of this provision is to:</p>
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	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.
E6.2 Application of this Code	YES	—	This code applies to all use and development.
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>ACCEPTABLE SOLUTION</p>			<p>The parking number assessment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.6.1 (a) and as such, shall be assessed under Performance Criteria.</u></p> <p>Acceptable solution - A1: The number of on-site car parking spaces must be: (a) no less than and no greater than the number specified in Table E6.1; - COMPLIANT</p> <p>Four (4x) new visitor accommodation units and one (1x) existing relocated on-site. Three (3x) car parking spaces proposed as shown on the submitted plans including one (1x) accessible car parking space.</p>

<p>Clause 6.7.1 number of vehicle accesses</p> <p>ACCEPTABLE SOLUTION</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: 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. - COMPLIANT</p> <p>Fitzroy Place access - Existing, no change</p> <p>Regent Street access - Existing, no change</p> <p>Montgomery Court access - Proposed</p>
<p>Clause 6.7.2 design vehicle access</p> <p>PERFORMANCE CRITERIA</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><i>Submitted plans indicate 2m x 2.5m sight triangle areas abutting the driveway are <u>not</u> kept clear of obstructions to visibility due to proposed retaining wall. Minimal changes for 2 Montgomery Court and the applicant's traffic engineer has not expressed any concerns,.</i></p> <p>Acceptable Solution - A1: Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking - NON COMPLIANT</p> <p>Performance Criteria - P1: Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following: (a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; - Feasible (b) avoidance of unreasonable interference with the flow</p>

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

The submitted Traffic Impact Assessment (T.I.A.) report stated the following;

"A 7.5metres wide crossover will be provided to cater for the three off street bays. Given that the crossover has been located in an area which is currently not signed for parking, it is not envisaged this will be an issue.

There is currently no access into the property into the property from Montgomery Court. However, there are existing accesses located on Regent Street and Fitzroy Place.

Given Montgomery Court has significantly less than 6000 trips per day (an estimated 70 trips per day) there is no requirement, under the Hobart Interim Planning Scheme, 2015, for the access to facilitate entry and exit in a forward direction. The access into and out of the site will be a crossover which will be located in the area of no parking between the two sections of restricted two hour parking, mitigating any impact of the crossover on the supply of on street parking along Montgomery Court.

The turning movements in and out of each space, with a front in, reverse out manoeuvre, have been shown on the plans attached and are in line with the requirements of AS2890.6: Parking facilities for people with disabilities, showing both reverse in/ forward out and forward in/reverse out movements. A B99 vehicle (5200mm x 1940mm) has been used to demonstrate the turning movements, in line with the requirements of AS2890.1. which requires use of this template for uses 'other than domestic'. For completeness, a B85 vehicle (4910mm x 1870mm) path has also been shown on the plans to enter and exit the neighbouring driveway to a single residential property with no issue to parked vehicles on the opposite side of the road."

<p>Clause 6.7.3 vehicle passing</p> <p>NOT APPLICABLE</p>		<p>Vehicle passing must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.4.</u></p> <p>Submitted documentation appears to indicate no facility / requirement for vehicle passing.</p> <p>Acceptable solution - A1: Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; - <u>No</u> (ii) is more than 30 m long; - <u>No</u> (iii) it meets a road serving more than 6000 vehicles per day; - <u>No</u> (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; - <u>N/A</u> (c) have the first passing area constructed at the kerb; - <u>N/A</u> (d) be at intervals of no more than 30 m along the access. - <u>N/A</u></p>
<p>Clause 6.7.4 on site turning</p> <p>NOT APPLICABLE</p>		<p>On-site turning must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.4.</u></p> <p>Acceptable solution - A1: On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; - <u>COMPLIES</u> (b) it meets a road carrying less than 6000 vehicles per day. - <u>COMPLIES</u></p> <p>Submitted documentation appears to indicate no facility / requirement for on-site turning.</p>

<p>Clause 6.7.5 layout of parking area</p> <p>ACCEPTABLE SOLUTION</p>		<p>The layout of the parking area must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p>Documentation submitted to date appears to satisfy the Acceptable Solution for clause 6.7.5.</p> <p>Acceptable Solution A1: - COMPLIANT</p> <p>The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.</p> <p>The submitted Traffic Impact Assessment (T.I.A.) report stated the following;</p> <p><i>"The parking provision, associated with the new visitor accommodation has been accommodated on Montgomery Court in the vicinity of an existing no parking zone. Its location has no impact on the supply of parking within the street given that the off street parking has been designed to have their crossovers located within the no parking zone. The crossover width proposed is approximately 7.5 metres wide to accommodate three bays with required clearances.</i></p> <p><i>The dimensions of the bays are in line with the requirements of the Australian Standard 2890.1: Off street parking 2004. Two 2.5metre wide bays have been provided with 300mm clearance to side boundaries in line with the requirement of the Standard for medium term parking for motels. In addition, one accessible bay has been provided to comply with the design requirement of AS2890.6:2009 – Off street parking for people with disabilities.</i></p> <p><i>The autotrack paths of a B99 design vehicle has been undertaken and shows the swept path of a vehicle accessing and egressing from the street into the parking bays. These are provided at Appendix B of this report."</i></p>
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<p>Clause 6.7.6 surface treatment</p> <p>ACCEPTABLE SOLUTION</p>			<p>The surface treatment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date does satisfy the Acceptable Solution for clause E6.7.6.</u></p> <p>Acceptable Solution - A1: - COMPLIANT</p> <p>Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</p> <p>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</p> <p>(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p> <p>Submitted plans indicate a concrete surface treatment and able to be drained to an approved stormwater system. Condition on Planning Permit to ratify timing.</p>
<p>Clause 6.7.7 Lighting of parking area</p> <p>Planner and health unit to assess</p>	—	—	Planner to assess
<p>Clause 6.7.8 Landscaping</p> <p>Planner to assess</p>	—	—	Planner to assess
<p>Clause 6.7.9 motor bike parking</p> <p>NOT APPLICABLE</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>Acceptable Solution A1 (E6.6.3):</p> <p>The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.</p> <p>NO REQUIREMENT (<19 car parking spaces).</p>

<p>Clause 6.7.10 bicycle parking</p> <p>ACCEPTABLE SOLUTION</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).</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. - COMPLIANT</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. - COMPLIANT</p>
<p>Clause 6.7.11 bicycle end trip Planner to assess</p>	—	—	Planner to assess
<p>Clause 6.7.12 siting of car parking Planner to assess based on DE assessment of Clause 6.7.5 layout of parking area</p>	—	—	Planner to assess

<p>Clause 6.7.13 facilities for commercial vehicles</p> <p>PERFORMANCE CRITERIA</p>		<p>The facilities for commercial vehicles must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.13 and as such, shall be assessed under Performance Criteria.</u></p> <p>Acceptable Solution A1: - NON COMPLIANT</p> <p>Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless:</p> <p>(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site;</p> <p>(b) the use is not primarily dependent on outward delivery of goods from the site.</p> <p>Performance Criteria - P1:</p> <p>Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users. - Feasible</p> <p>The visitor accommodation will be serviced via a 6.4metre laundry vehicle and an on street private kerbside collection service.</p> <p>Appears adequate space within the existing car parkig areas on-site for a 6.4 metres laundry vehicle.</p> <p>Condition for a solid waste managment plan for the site.</p> <p>Based on the above assessment and given the submitted documentation, the facilities for commercial vehicles may be accepted under <i>Performance Criteria P1:E6.7.13</i> of the Planning Scheme.</p>
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Clause 6.7.14 access to a road ACCEPTABLE SOLUTION		<p>The access to a road 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 E6.7.14.</u></p> <p>Acceptable Solution A1: Access to a road must be in accordance with the requirements of the road authority. - COMPLIANT</p> <p>Performance Criteria - P1: No Performance Criteria</p> <p>Submitted plans appear to indicate access to a road in accordance with relevant LGAT drawings for both 26 Fitzroy places and 2 Montgomery Court.</p> <p>Referred to the Roads Unit for determination and conditioning.</p>
Clause 6.7.15 access to Niree Lane NOT APPLICABLE		<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>

E 7.0 Stormwater

E7.1.1 Purpose		<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>
E7.2 Application of this Code	YES	N/A This code applies to development requiring management of stormwater. This code does not apply to use.
Clause for Assessment		Comments / Discussion (in bold)

<p>A1 (SW disposed to Public SW Inf via Gravity / P1 (onsite/pump))</p> <p>ACCEPTABLE SOLUTION</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: Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p> <p>Submitted plans appear to indicate stormwater from new impervious surfaces being able to be disposed of by gravity to public stormwater infrastructure.</p> <p>To be verified at Plumbing Permit stage.</p>
<p>A2 (WSUD) /P2 (Mechanical Treatment)</p> <p>NOT APPLICABLE</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 m²; - No (b) new car parking is provided for more than 6 cars; - No (c) a subdivision is for more than 5 lots - No</p> <p>Submitted documentation appears to indicate no requirement for stormwater treatment.</p>

<p>A3 (Minor SW System)</p> <p>ACCEPTABLE SOLUTION</p>		<p>The stormwater drainage and disposal must satisfy the Acceptable Solutions of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E7.7.1 (A3).</u></p> <p>Acceptable Solution A3: A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; - Feasible (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. - Feasible</p> <p>Performance Criteria – P3: No Performance Criteria.</p> <p>Submitted plans indicate proposed detention.</p> <p>Referred to the Stormwater Unit for determination and conditioning.</p>
<p>A4 (Major SW System accommodates 1:100 ARI)</p> <p>NOT APPLICABLE</p>		<p>The stormwater drainage and disposal must satisfy the Acceptable Solution of the Hobart Interim Planning Scheme 2015 (HIPS 2015).</p> <p><u>Documentation submitted to date appears not to invoke clause E7.7.1 (A4).</u></p> <p>Submitted documentation does not appear to show any proposal for construction of major stormwater drainage.</p>

PROTECTION OF COUNCIL INFRASTRUCTURE

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

**7.1.2 32A, 30A, 30B, 30C, 1/30C, 2/30C BRINSMEAD ROAD, MOUNT NELSON AND COMMON LAND OF PARENT TITLE - FIVE MULTIPLE DWELLINGS (ONE EXISTING, FOUR NEW) AND ASSOCIATED WORKS
PLN-20-496 - FILE REF: F21/31802**

Address:	32A, 30A, 30B. 30C, 1/30C , 2/30C Brinsmead Road, Mount Nelson and Common Land of Parent Title
Proposal:	Five Multiple Dwellings (One Existing, Four New) and Associated Works
Expiry Date:	19 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 five multiple dwellings (one existing, four new) and associated works at 32A Brinsmead Road, Mount Nelson 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-20-496 - 32A BRINSMEAD ROAD MOUNT NELSON TAS 7007 - 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 2020/01193-HCC dated 17/08/2020 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, 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 as a Condition Endorsement, prior to the issue of any consent under the *Building Act 2016* or 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.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

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

SW 5

Construction of the development must not adversely impact the watercourse gully

A construction management plan (CMP) must be submitted and approved prior to commencement of works. The CMP must be prepared by a suitably qualified and experienced engineer and must:

1. detail the proposed construction methodology and identify all potential risks to the existing watercourse gully during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
2. provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks;
3. include a monitoring regime.

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

SW 6

The new stormwater system must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved as a Condition Endorsement. The detailed engineering design and drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings, and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);
2. clearly distinguish between public and private infrastructure;
3. include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP event flows as at 2100 (including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP event flows from a

- fully-developed catchment;
4. demonstrate any excess stormwater runoff from the proposed development can be accommodated within the existing or upgraded public stormwater infrastructure;
 5. indicate overland flow paths for 1% AEP storm event can be safely conveyed through/around the site with no adverse impact on third-party land
 6. include provision for future development within the catchment to be adequately and efficiently serviced, i.e via appropriate easements;
 7. include a construction program demonstrating how services to external land will be maintained.

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

SW 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form for new connections which is available on its website and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure;
4. connections which are free-flowing gravity driven;

5. any connections to watercourse must demonstrate adequate erosion and scour control and minimise hydraulic intrusion. The cross-sections must clearly show the top of bank and invert of watercourse.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

SW 8

All stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the *State Stormwater Strategy 2010*.

Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC, must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first).

A maintenance management schedule must also be submitted and the facility must be maintained in accordance with this schedule.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved as Condition Endorsement, 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 and supporting calculations of the detention tank showing:
 - a) detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
 - 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;
2. 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:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

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 as a Condition Endorsement.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

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 or commencement of use (whichever occurs first), 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/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 as a Condition Endorsement, prior to the 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.

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

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

Advice:

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

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site, for use is ten (10).

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation or commencement of use

(whichever occurs first).

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. Any visitor parking spaces must not inhibit vehicles accessing the parking spaces associated with the dwellings.

Reason for condition

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

ENG 5b

The vehicle manoeuvre area for accessing the parking spaces for dwellings described as being on the future lot 3 and lot 5 must be clearly marked as no parking by either pavement marking or sign posed prior to the first occupation or commencement of use (whichever occurs first).

Advice:

The manoeuvre area associated with the dwellings described as being on the future lot 3 and lot 5 must be kept clear at all times and not used as a parking area for residents or visitors.

Reason for condition

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

ENG 1

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

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

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

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

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

Reason for condition

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

ENV 2

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

A SWMP must be submitted as a Condition Endorsement 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).

Reason for condition

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

ENV s1

An approved tree protection plan must be implemented throughout construction.

A tree protection plan prepared by a suitably qualified and experienced person must be submitted and approved, prior to the commencement of work. The tree protection plan must:

- ensure that adequate fencing/demarcations are erected around the structural root zone of trees mapped as being retained on site; and
- prevent works, construction vehicles, materials storage, and stockpiles from encroaching the structural root zone or make recommendations for suitable mitigation measures to be adhered to that would maximise the protection of trees during construction.

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

Reason for condition

To ensure that development is compatible with the existing built and natural environment of the area.

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.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

NEW SERVICE CONNECTION

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

[connection.](#)

PLANNING

To maximise the protection of native vegetation on the site that is being retained, tree protection measures should be employed during construction in accordance with *Australian Standard AS4970-2009 Protection of trees on development sites*.

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.

ACCESS

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

CROSS OVER CONSTRUCTION

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

STORM WATER / ROADS / ACCESS

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

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

FENCING

In order to ensure future privacy and alleviate issues with open fencing it is recommended that any future fencing along the northern and western boundaries be erected to a height of 1.8m with an unbroken solid paling construction or similar equivalent.

WEED CONTROL

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

WORK PLACE HEALTH AND SAFETY

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

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.


Further information regarding waste disposal can also be found on the Council's [website](#).


FEES AND CHARGES


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

DIAL BEFORE YOU DIG

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

Attachment A: PLN-20-496 - 32A BRINSMEAD ROAD MOUNT NELSON TAS 7007 - Planning Committee or Delegated Report ↓ 

Attachment B: PLN-20-496 - 32A BRINSMEAD ROAD MOUNT NELSON TAS 7007 - CPC Agenda Documents ↓ 

Attachment C: PLN-20-496 - 32A BRINSMEAD ROAD MOUNT NELSON TAS 7007 - Referral Officer Report ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Committee: 19 April 2021
Expiry Date: 19 April 2021
Application No: PLN-20-496
Address: 32 A BRINSMEAD ROAD , MOUNT NELSON
30 A BRINSMEAD ROAD , MOUNT NELSON
30 B BRINSMEAD ROAD , MOUNT NELSON
30 C BRINSMEAD ROAD , MOUNT NELSON
1/30C BRINSMEAD ROAD , MOUNT NELSON
2/30C BRINSMEAD ROAD , MOUNT NELSON
COMMON LAND OF PARENT TITLE

Applicant: uta green
207a strickalnd avenue

Proposal: Five Multiple Dwellings (One Existing, Four New) and Associated Works
Representations: Four
Performance criteria: Low Density Residential Zone Development Standards, Parking and Access Code

1. Executive Summary

- 1.1 Planning approval is sought for Five Multiple Dwellings (One Existing, Four New) and Associated Works.

- 1.2 More specifically the proposal includes:
- Construction of four additional dwellings (labelled 32B, 32C, 32D, and 32E)
 - 32B - two storey dwelling with three bedrooms, two bathrooms, and two parking spaces
 - 32C - two storey dwelling with three bedrooms and office, two bathrooms, and two parking spaces
 - 32D - one storey dwelling with two bedrooms, one bathroom, and two parking spaces
 - 32E - one storey dwelling with two bedroom, one bathroom, and two parking spaces
 - Construction of internal driveway to service each new dwelling
 - Extension of surfaced driveway across shared reciprocal rights of way with 30A, 30B, 1/30C and 2/30C Brinsmead Road
 - Installation of rain water tanks for each dwelling
 - Installation of new stormwater and sewerage infrastructure
 - Construction of new creek crossing across existing waterway protection area
 - Clearance of some existing vegetation on the site
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Low Density Residential Zone Development Standards - Setbacks and Building Envelope, Sunlight and Overshadowing, Privacy, Residential Density for Multiple Dwellings
 - 1.3.2 Parking and Access Code - Number of Car Parking Spaces, Layout of Parking Area
- 1.4 Four (4) representations objecting to the proposal were received within the statutory advertising period between 17/03/21 - 31/03/21.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee because four objections were received.

2. Site Detail

- 2.1 The subject site is located at 32A Brinsmead Road, Mount Nelson and is a large internal lot approximately 7160m² in size. The site presently contains a single two storey dwelling and a large detached outbuilding. The site features a watercourse running through the middle, running south to north, and is partially cleared with a number of mature trees which are primarily concentrated around the creek. The site is accessed via an extended driveway to the east, with a frontage to Brinsmead Road. This driveway is an access shared with 30A, 30B, 1/30C, and 2/30C Brinsmead Road. The surrounding area is characterised by residential uses with a mixture of single and multiple dwellings existing in the immediate locality.

A site visit was not undertaken as sufficient documentation and photographs were supplied for assessment.



Figure 1: Aerial image of the subject site (bordered in blue) and surrounding area.



Figure 2: View of shared driveway access from Brinsmead Road frontage (Supplied).



Figure 3: View of shared driveway access (Supplied).



Figure 4: View of site of proposed dwelling 32B (Supplied).



Figure 5: View of site of proposed dwelling 32C (Supplied).



Figure 6: View of site of proposed dwelling 32D (Supplied).

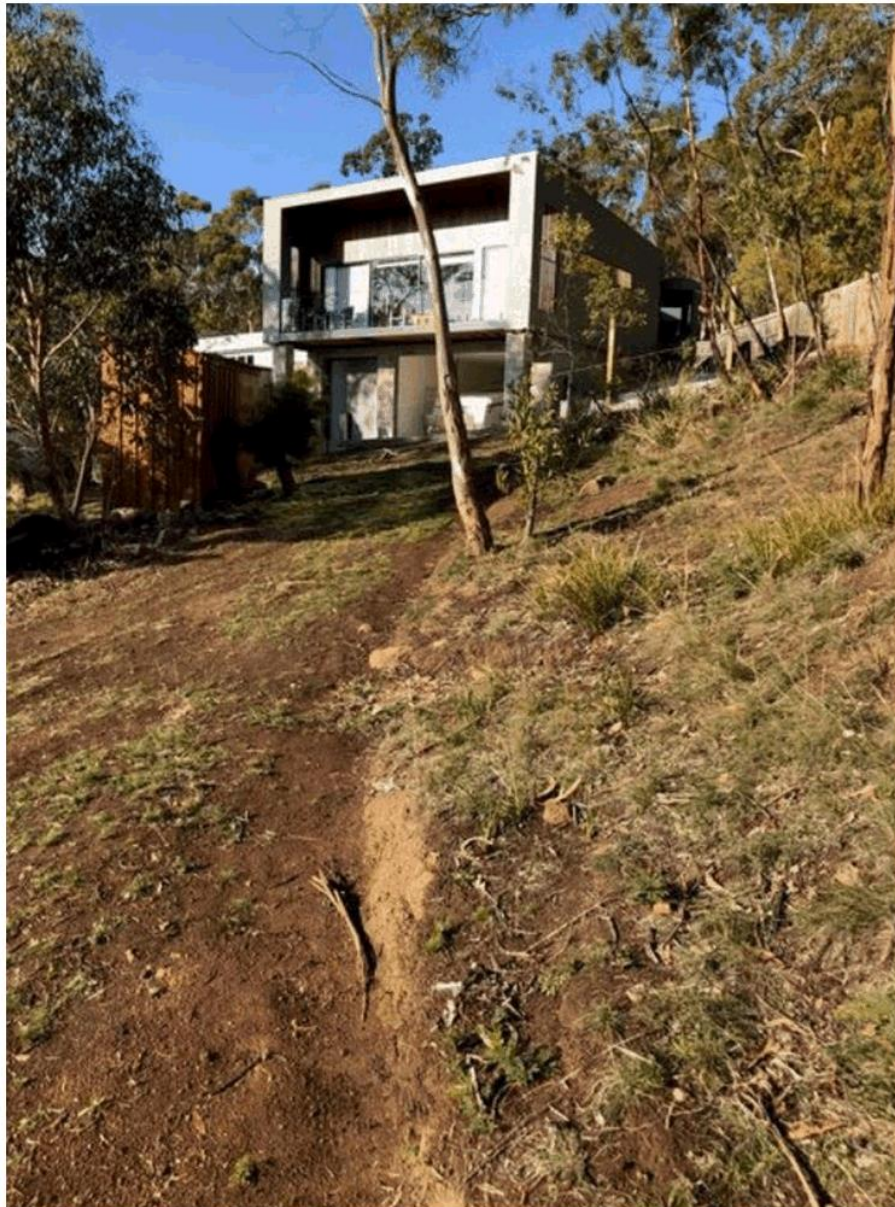


Figure 7: View of site of Dwelling 32E looking south towards 2/30C Brinsmead Road (Supplied).

3. Proposal

- 3.1 Planning approval is sought for Five Multiple Dwellings (One Existing, Four New) and Associated Works.

3.2 More specifically the proposal is for:

- Construction of four additional dwellings (labelled 32B, 32C, 32D, and 32E)
 - 32B - two storey dwelling with three bedrooms, two bathrooms, and two parking spaces
 - 32C - two storey dwelling with three bedrooms and office, two bathrooms, and two parking spaces
 - 32D - one storey dwelling with two bedrooms, one bathroom, and two parking spaces
 - 32E - one storey dwelling with two bedroom, one bathroom, and tow parking spaces
- Construction of internal driveway to service each new dwelling
- Extension of surfaced driveway across shared reciprocal rights of way with 30A, 30B, 1/30C and 2/30C Brinsmead Road
- Installation of rain water tanks for each dwelling
- Installation of new stormwater and sewerage infrastructure
- Construction of new creek crossing across existing waterway protection area
- Clearance of some existing vegetation on the site

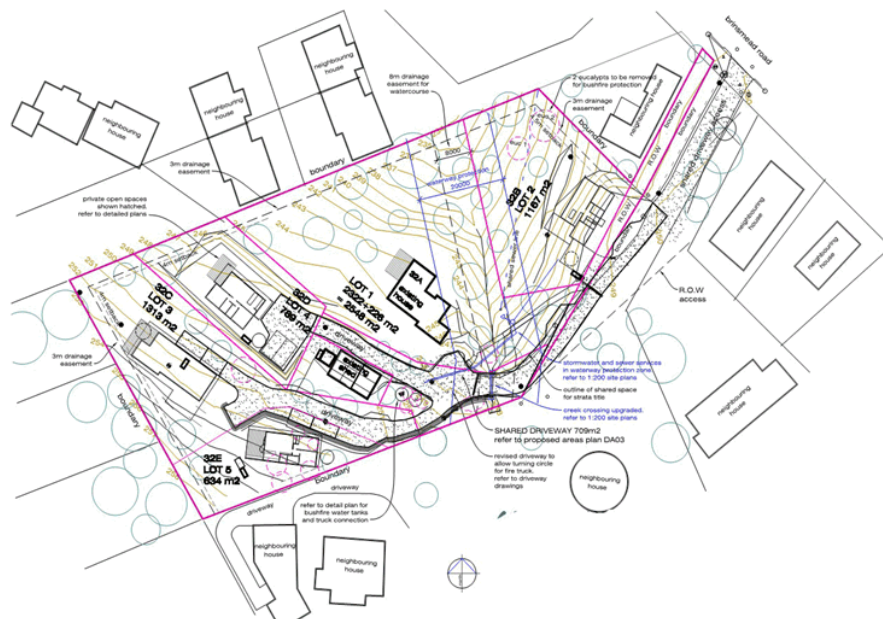


Figure 8: Site plan illustrating proposed dwellings and associated works.



Figure 9: Proposed dwelling 32B floor plan.

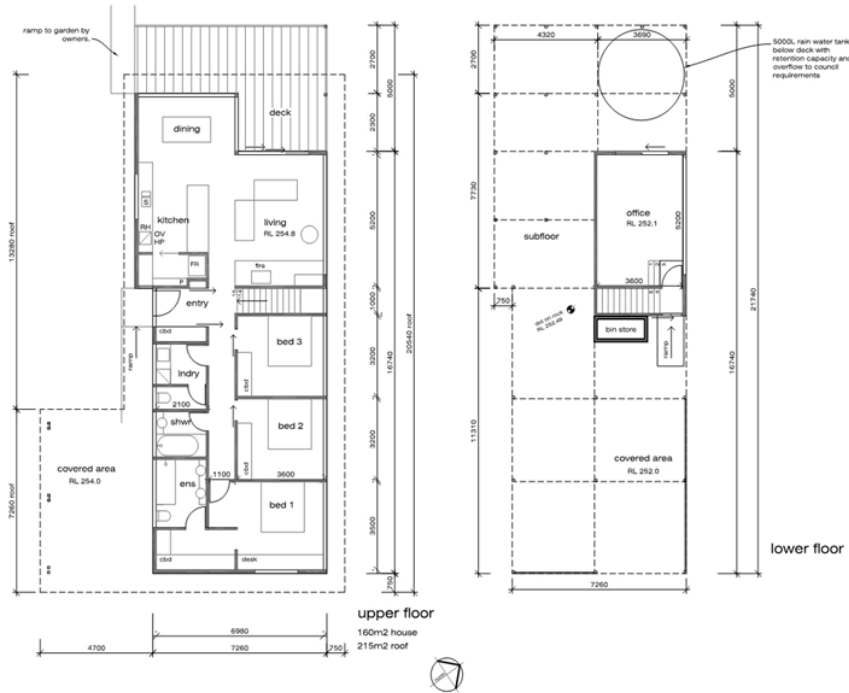
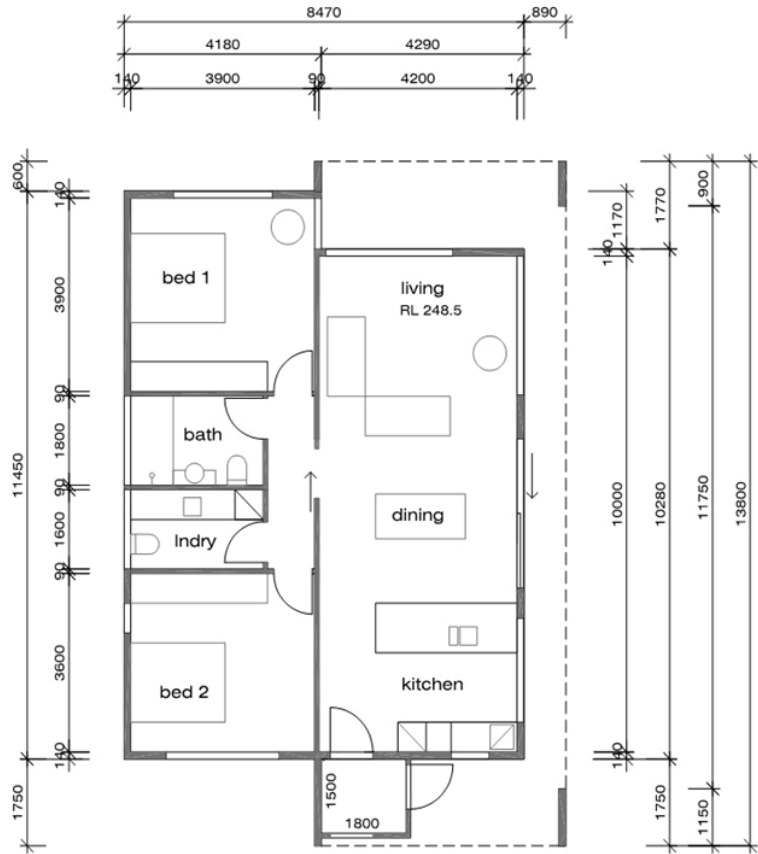


Figure 10: Proposed dwelling 32C floor plan.



floor plan
95m2 house
119m2 roof

Figure 11: Proposed dwelling 32D floor plan.

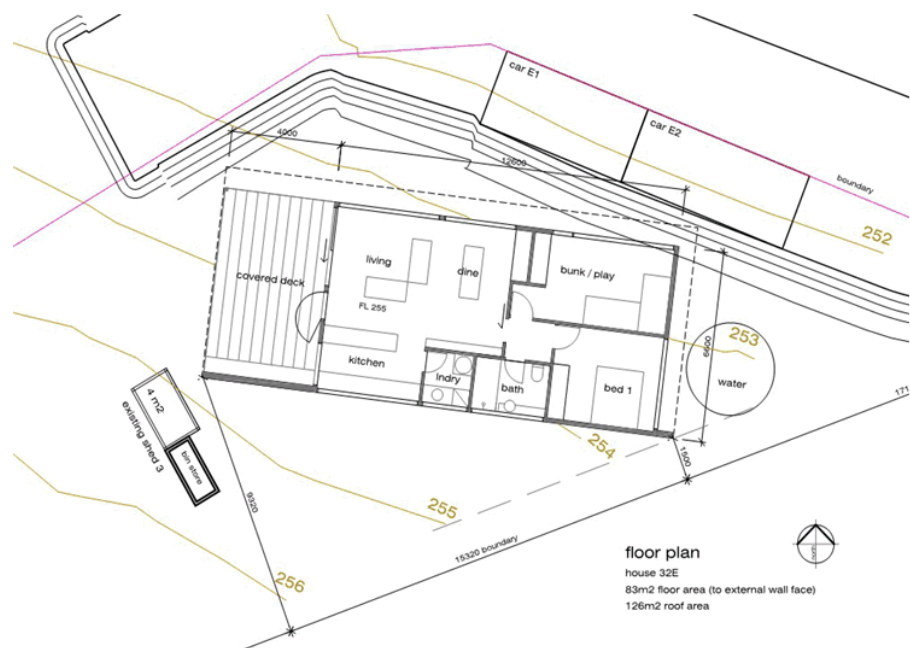


Figure 12: Proposed dwelling 32E floor plan.

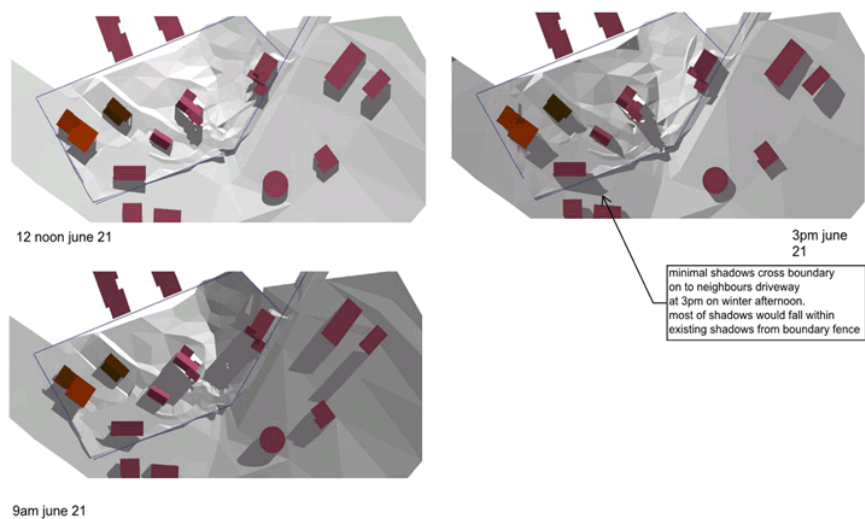


Figure 13: Shadow diagrams from proposed dwellings on June 21st.

4. Background

- 4.1 There is no relevant background for this application.
- 5. Concerns raised by representors**
- 5.1 Four (4) representations objecting to the proposal were received within the statutory advertising period between 17/03/21 - 31/03/21.
- 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.

Four new dwellings and associated roadworks will have a significant visual impact on the landscape
There will be much more traffic generated on the shared, private gravel access. A development of this size may not be completed within the standard 2 year period, resulting in heavy traffic generated by builders impacting on nearby properties and road degradation.
I would like Council to pay specific attention to a) the water overflow management particularly those from 32B Brinsmead road to the adjacent/below residential areas (36A Brinsmead road). There were cases of rushing overflow water in the past causing land erosion and inundating part of the private driveway of 36A Brinsmead Rd
The back of 32A and 32B Brinsmead road is frequented every night by groups of wallabies. Please ensure that this development will not restrict the movements of wildlife
The bitumen type of surface I believe can vary from rough through to smooth. Our representation is that the bitumen be made to the rougher end of the scale as an alternative treatment still meeting the standards under the Parking and Access Code.
Any ongoing future maintenance or repair for the planned upgraded Rd surface, foot paths or curbing installed between 30B / 30A and the newly proposed 32 B, to be ongoingly maintained and solely the responsibility and cost of the developer or future newly created lot owners.
That all flora, trees etc on 30B Brinsmead and surrounding area in relation to any aspect of the proposed development be respected, maintained and protected.
We would respectfully request that as part of the permit conditions for this proposal, should it be accepted, that the developer be required to erect an unbroken fence consistent with those found in the area which we assert should be a 1.8m high overlapped treated pine paling fence with three rails attached to "C" section steel posts and cemented in (plus removal of the existing fence) in order to:
1) provide an increased degree of privacy for both our property and the newly proposed dwellings (i.e. as it stands you can see directly through the fence);
2) alleviate any potential issues that may occur from the fence being open

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Low Density Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential (single dwelling). 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 D12.0 Low Density Residential Zone
 - 6.4.2 E5.0 Road and Railway Assets Code
 - 6.4.3 E6.0 Parking and Access Code
 - 6.4.4 E7.0 Stormwater Management Code
 - 6.4.5 E10.0 Biodiversity Code
 - 6.4.6 E11.0 Waterway and Coastal Protection Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Low Density Residential Zone Development Standards
 - Setbacks and Building Envelope - D12.4.2 P3*
 - Sunlight and Overshadowing - D12.4.4 P1*
 - Privacy - D12.4.6 P1*
 - Residential Density for Multiple Dwellings - D12.4.9 P1*
 - 6.5.2 Parking and Access Code
 - Number of Car Parking Spaces - E6.6.1 P1*
 - Layout of Parking Area - E6.7.5 P1*

6.6 Each performance criterion is assessed below.

6.7 Setback and Building Envelope D12.4.2 P3

6.7.1 The acceptable solution at clause 12.4.2 A3 requires that a dwelling must be contained within a building envelope determined by projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level.

6.7.2 The proposal includes a dwelling which will have a deck which will project beyond the envelope into the rear setback

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

6.7.4 The performance criterion at clause 12.4.2 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 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?

Supporting shadow diagrams indicate that the shadows from proposed dwelling 32C will narrowly extend into the adjacent property at 69 and 67 Olinda Grove at 9:00am on June 21st. This will not reach the dwellings and will only impact a small area of private open space. Given both properties have large yards, the area impacted will have no impact upon the amenity of the residents. The proposed dwelling 32E will also extend into the adjacent property at 30C Brinsmead Road between 9:00am and 3:00pm with an only minor incursion in the morning extending to a greater extent by mid afternoon. Indicative diagrams illustrate that there will be no impact to adjoining dwellings and the only area to be overshadowed will be a small area of gardens and driveway. It is therefore assessed that there will be no unreasonable loss of amenity due to these shadows. The final dwelling at 32B will overshadow outside the property boundary between 12:00pm and 3:00pm although this will be limited only the shared driveway area.

With respect to visual impacts, all proposed dwellings will be between one and two storeys which remain in character with existing dwellings in the immediate surrounding area. One representation was received that raised concern with the visual impacts the proposed development would have. The dwellings will be sufficiently spaced out around the block and not create any impression of conjoined bulk. The dwellings will not present as being out of scale or unreasonable bulk or proportions with three of the four presenting as a single storey structure when facing the nearest shared boundary. The proposed dwellings are therefore assessed as not being capable of causing an unreasonable visual impact when viewed from an adjoining lot

6.7.6 The proposal complies with the performance criterion.

6.8 Sunlight and Overshadowing - D12.4.4 P1

- 6.8.1 The acceptable solution at clause 12.4.4 A1 requires that a dwelling must have at least one habitable room (other than a bedroom) window that faces between 30 degrees west of north and 30 degrees east of north.
- 6.8.2 The proposal includes three dwellings which do not have windows which face between 30 degrees west of north and east of north.
- 6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause 12.4.4 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).*
- 6.8.5 All proposed dwellings will be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
- 6.8.6 The proposal complies with the performance criterion.
- 6.9.6 Privacy - D12.4.6 P1
- 6.9.1 The acceptable solution at clause 12.4.6 A1 requires that a deck that has a finished floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished floor level along the sides facing a rear boundary, unless that deck has a setback of at least 4m from the rear boundary.
- 6.9.2 The proposal includes deck at the rear of a proposed dwelling with no privacy screening and which will have a floor level greater than 1m above natural ground level and a setback of less than 4m from the rear boundary.
- 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause 12.4.6 P1 provides as follows:
- A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:*

- (a) a dwelling on an adjoining lot or its private open space; or*
- (b) another dwelling on the same site or its private open space; or*
- (c) an adjoining vacant residential lot.*

- 6.9.5 The proposed deck will have a setback of 3m from the rear boundary. The proposed deck will minimise overlooking of adjoining private open space through its setback from the rear boundary, angle and siting. The shared boundary is also well vegetated and there will remain a large proportion of the adjoining property which will have limited chance of overlooking. The adjoining property at 69 Olinda Grove has a large backyard area with the deck no presenting as any risk of overlooking of dwellings on adjoining lots. There is sufficient setback between dwellings on the same site and there will be limited opportunity for overlooking.
- 6.9.6 The proposal complies with the performance criterion.
- 6.10 Residential Density for Multiple Dwellings - D12.4.9 P1
- 6.10.1 The acceptable solution at clause 12.4.9 A1 requires that multiple dwellings must have a site area per dwelling of not less than 1500m²
- 6.10.2 The proposal includes a site area of 7050m² (excluding access strip) with a proposed density of 1410m² per dwelling.
- 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 12.4.9 P1 provides as follows:
- Multiple dwellings may only have a site area per dwelling of less than 1500m² if the number of dwellings:*
- (a) is not out of character with the pattern of development in the surrounding area; and*
 - (b) does not result in an unreasonable loss of natural or landscape values; and*
 - (c) does not exceed the capacity of the current or intended infrastructure services in the area.*
- 6.10.5 A supporting planning report and density study of the surrounding area (100m radius from boundary of the site) has presented that the average

density of dwellings in this area is 663m². The proposed density of 1410m² is considered to be much lower than the existing density, therefore the proposed development would not be out of character with the pattern of development in the surrounding area. The proposed dwellings are to be located on existing cleared area with further clearing to be only made on understory vegetation and young trees. It has been assessed that the proposal will not result in an unreasonable loss of natural or landscape values. Finally, the proposed development is being accommodation within existing infrastructure services and will not exceed the capacity in the area.

6.10.6 The proposal complies with the performance criterion.

6.11 Number of Car Parking Spaces - E6.6.1 P1

6.11.1 The acceptable solution at clause 6.6.1 A1 requires that each dwelling which contains two or more bedrooms requires two parking spaces and one visitor parking space per four dwellings is required.

6.11.2 The proposal includes five dwellings (one existing and four new) and no visitor parking space has been provided.

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 6.6.1 P1 provides as follows:

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

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*

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

- 6.11.5 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 ten (10) 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. Observations indicate that there is a large pool of parking that would be available to meet the potential demands of visitor and overflow parking.**
- (c) the availability and frequency of public transport within a 400m walking distance of the site; - **Metro Tasmania operate regular bus services 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; - **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.

6.11.6 The proposal complies with the performance criterion.

6.12 Layout of Parking Area - E6.7.5 P1

6.12.1 The acceptable solution at clause 6.7.5 A1 requires that 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/

6.12.2 The proposal includes documentation which does not satisfy the acceptable solution as the manoeuvring area is shown to have up to 10% gradient and some parking spaces will rely upon a "jockey parking" arrangement.

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

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.

6.12.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Five Multiple Dwellings (One Existing, Four New) and Associated Works.

- 7.2 The application was advertised and received four (4) representations. The representations raised concerns including concerns for the upgrade and maintenance of the shared driveway access, the appropriate management of stormwater and water overflow, reduction on impacts to existing mature vegetation and local fauna, and the inclusion of suitable solid boundary fencing. Concerns regarding driveway maintenance and waterflow have been addressed by Council's Development Engineer and Stormwater Engineer. Vegetation protection zones are also recommended by the assessing Environmental Development Planner. With respect to fencing, whilst boundary fencing is not a matter for planning assessment, advice on the permit will recommend the installation of solid fencing along the boundaries of concern.
- 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 Engineer, and Environmental Development 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 Multiple Dwellings (One Existing, Four New) and Associated Works at 32A Brinsmead Road, Mount Nelson 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 Multiple Dwellings (One Existing, Four New) and Associated Works at 32A Brinsmead Road, Mount Nelson 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-20-496 - 32A BRINSMEAD ROAD MOUNT NELSON TAS 7007 - 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 2020/01193-HCC dated 17/08/2020 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, 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 as a Condition Endorsement, prior to the issue of any consent under the *Building Act 2016* or 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.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

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

SW 5

Construction of the development must not adversely impact the watercourse gully

A construction management plan (CMP) must be submitted and approved prior to commencement of works. The CMP must be prepared by a suitably qualified and experienced engineer and must:

1. detail the proposed construction methodology and identify all potential risks to the existing watercourse gully during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
2. provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks;
3. include a monitoring regime.

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

SW 6

The new stormwater system must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the Building Act 2016 or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved as a Condition Endorsement. The detailed engineering design and drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings, and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);
2. clearly distinguish between public and private infrastructure;
3. include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP event flows as at 2100 (including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP event flows from a fully-developed catchment;
4. demonstrate any excess stormwater runoff from the proposed development can be accommodated within the existing or upgraded public stormwater infrastructure;
5. indicate overland flow paths for 1% AEP storm event can be safely conveyed through/around the site with no adverse impact on third-party land
6. include provision for future development within the catchment to be adequately and efficiently serviced, i.e via appropriate easements;
7. include a construction program demonstrating how services to external land will be maintained.

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

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

SW 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the Building Act 2016 or

commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form for new connections which is available on its website and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure;
4. connections which are free-flowing gravity driven;
5. any connections to watercourse must demonstrate adequate erosion and scour control and minimise hydraulic intrusion. The cross-sections must clearly show the top of bank and invert of watercourse.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

SW 8

All stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010.

Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC, must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first).

A maintenance management schedule must also be submitted and the facility must be maintained in accordance with this schedule.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

SW 9

Prior to occupancy or the commencement of the approved use (whichever

occurs first), stormwater detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved as Condition Endorsement, 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 and supporting calculations of the detention tank showing:
 1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
 2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. the discharge rates and emptying times; and
 4. all assumptions must be clearly stated;
2. 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: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

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 as a Condition Endorsement.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

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 or commencement of use (whichever occurs first), 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 as a Condition Endorsement, prior to the 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.*
- *This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.*

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

Advice:

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

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site, for use is ten (10).

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation or commencement of use (whichever occurs first).

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. Any visitor parking spaces must not inhibit vehicles accessing the parking spaces associated with the dwellings.

Reason for condition

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

ENG 5b

The vehicle manoeuvre area for accessing the parking spaces for dwellings described as being on the future lot 3 and lot 5 must be clearly marked as no parking by either pavement marking or sign posed prior to the first occupation or commencement of use (whichever occurs first).

Advice:

The manoeuvre area associated with the dwellings described as being on the future lot 3 and lot 5 must be kept clear at all times and not used as a parking area for residents or visitors.

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENV 2

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

A SWMP must be submitted as a Condition Endorsement 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).

Reason for Condition

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

ENV s1

An approved tree protection plan must be implemented throughout construction.

A tree protection plan prepared by a suitably qualified and experienced person must be submitted and approved, prior to the commencement of work. The tree protection plan must:

- ensure that adequate fencing/demarcations are erected around the structural root zone of trees mapped as being retained on site; and
- prevent works, construction vehicles, materials storage, and stockpiles from encroaching the structural root zone or make recommendations for suitable mitigation measures to be adhered to that would maximise the protection of trees during construction.

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

Reason for condition

To ensure that development is compatible with the existing built and natural environmental of the area.

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.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

NEW SERVICE CONNECTION

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

PLANNING

To maximise the protection of native vegetation on the site that is being retained, tree protection measures should be employed during construction in accordance with *Australian Standard AS4970-2009 Protection of trees on development sites*.

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.

ACCESS

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

CROSS OVER CONSTRUCTION

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

STORM WATER / ROADS / ACCESS

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

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

FENCING

In order to ensure future privacy and alleviate issues with open fencing it is recommended that any future fencing along the northern and western boundaries be erected to a height of 1.8m with an unbroken solid paling construction or similar equivalent.

WEED CONTROL

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

WORK PLACE HEALTH AND SAFETY

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

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's

[website](#).

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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



(Michael McClenahan)

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: 7 April 2021

Attachment(s):

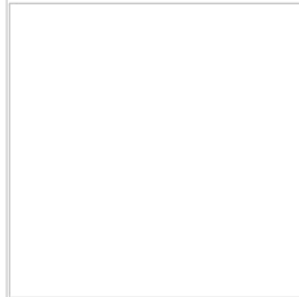
Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report

Planning: #210592

Property

32A BRINSMEAD ROAD MOUNT NELSON TAS 7007

**People**

Applicant

*

uta green
207a strickland avenue
SOUTH HOBART TAS 7004
62246810
green@greendesign.net.au

Owner

*

derek cropp
32A brinsmead road
MOUNT NELSON TAS 7007
0419 314 640
dcropp@tassie.net.au

Entered By

UTA GREEN
62246810
green@greendesign.net.au

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)?

* residential

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

* 4 new houses

Estimated cost of development

* 1980000.00

Existing floor area (m2)	Proposed floor area (m2)	Site area (m2)
287.00	763.00	7160

Carparking on Site

Total parking spaces	Existing parking spaces	N/A
10	2	<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)

* Certificates of Title 30A,B, C & 32A Brinsmead Rd.pdf

Plans (proposed, existing)

* brinsmead 2020.07.24 DA SET.pdf

Covering Letter

32A Brinsmead - Cover Letter for Multiple Dwelling DA.pdf

Supporting Documents

Photos or Montages

brinsmead . site photos.pdf

house 32B plans

32B Brinsmead Road - Mount Nelson - Cropp.pdf

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
51330	2
EDITION	DATE OF ISSUE
6	19-Aug-2019

SEARCH DATE : 04-Aug-2020

SEARCH TIME : 10.35 AM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Sealed Plan 51330

Derivation : Part of 507 Acres Gtd. to R.L. Murray

Prior CT 4833/80

SCHEDULE 1

B856527 TRANSFER to MARGARET EILEEN GRIFFIN Registered
25-May-1995 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 51330 EASEMENTS in Schedule of Easements
SP 51330 FENCING COVENANT in Schedule of Easements
E190162 MORTGAGE to Bendigo and Adelaide Bank Limited
Registered 19-Aug-2019 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



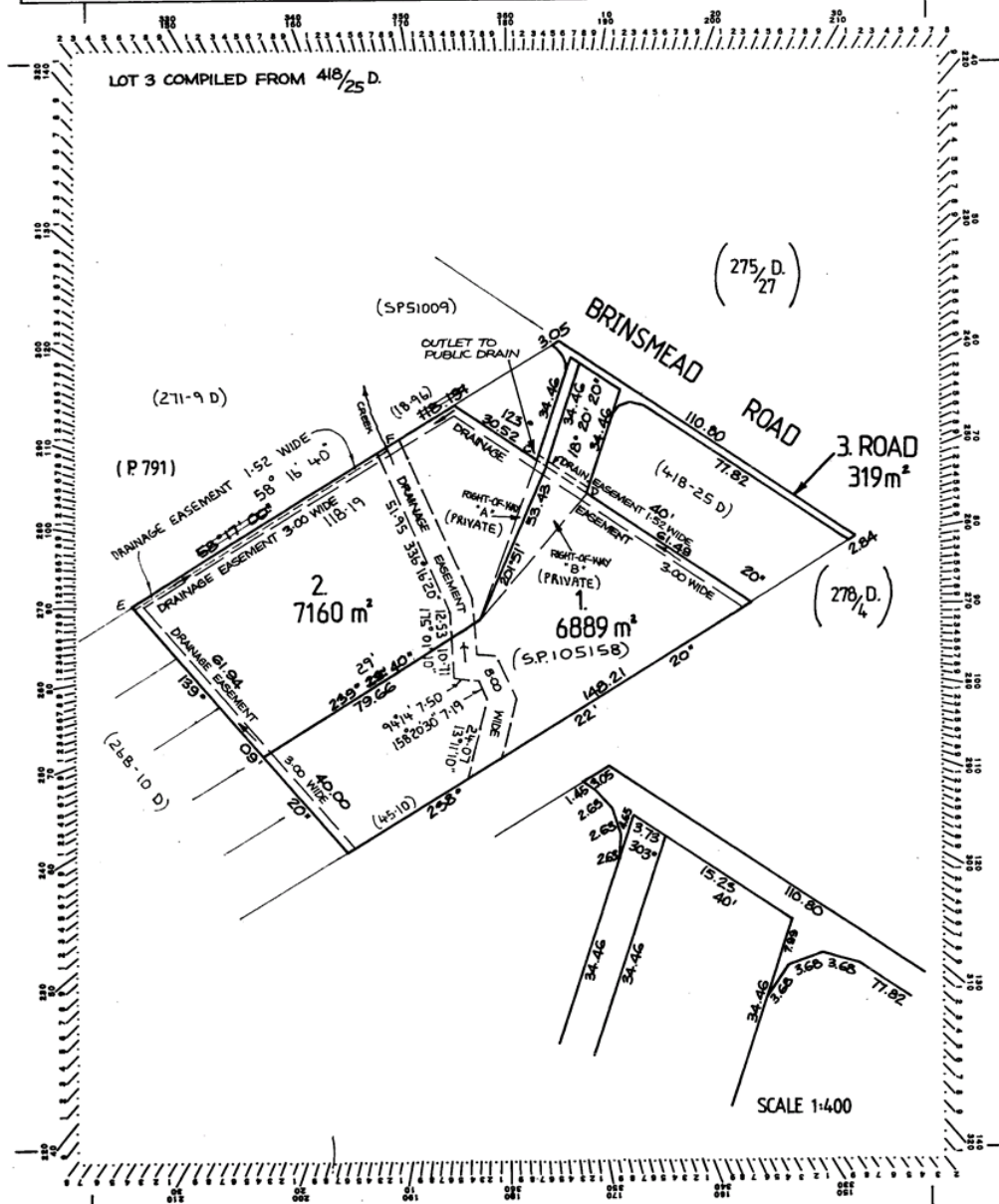
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: GWENDOLINE MARGARET PIERCE	PLAN OF SURVEY by Surveyor ANTHONY O. CARRICK of land situated in the CITY OF HOBART SCALE 1:1250 MEASUREMENTS IN METRES	Registered Number: SP51330
Title Reference: C.T.2868-83		Approved Effective from: 25 NOV 1991
Grantee: PART OF 507 ACRES GHD TO ROBERT LATHROP MURRAY.		Recorder of Titles <i>Michael Chin</i>





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PLAN NO.

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

SP51330

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested. Lots 1 and 2 on the plan are each subject to a right of drainage (appurtenant to Lots 2 to 5 on Diagram No. 418/25 over such portion of drainage easement CD on the plan shown passing through such lot. Lot 2 on the plan is subject to a right of drainage (appurtenant to Lots 1 to 5 on Diagram No. 268/10) over drainage easement 1.52 wide EF on the plan

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn 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 à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn 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 à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows. Lots 1 and 2 on the plan are each subject to a right of drainage for the Lord Mayor, Aldermen and Citizens of the City of Hobart over the drainage easements 3.00 wide and 8.00 wide shown on the plan.

Lot 1 is together with a right of carriageway over the right of way (private) of variable width marked "A" on the plan passing through Lot 2 on the plan.

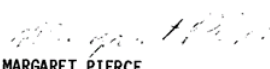
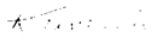
Lot 1 is subject to a right of carriageway (appurtenant to Lot 2 on the plan) over the right of way (private) of variable width marked "B" on the plan.

Lot 2 is together with a right of carriageway over the right of way (private) of variable width marked "B" on the plan passing through Lot 1 on the plan.

Lot 2 is subject to a right of carriageay (appurtenant to Lot 1 on the plan) over the right o way (private) of variable width marked "A" on the plan.

FENCING COVENANT

In respect of each Lot shown on the Plan the Vendor GWENDOLINE MARGARET PIERCE shall not be required to fence.

SIGNED by 
GWENDOLINE MARGARET PIERCE
as registered proprietor of the
land comprised in Folio of the
Register Volume 2868 Folio 83
in the presence of: 

)
)



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



51330

This is the schedule of easements attached to the plan of GINEDYNE MARGARET PIERCE
(Insert Subdivider's Full Name)

..... affecting land in

"CERTIFICATE OF TITLE VOLUME 2863 FOLIO 23"
(Insert Title Reference)

Scaled by HOBART CITY COUNCIL on 2ND OCTOBER 1991

Solicitor's Reference PETER WORRALL & CO. [Signature]
Counsellor/Town Clerk

OS 4 3134

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 179371	FOLIO 1
EDITION 1	DATE OF ISSUE 01-Jul-2020

SEARCH DATE : 04-Aug-2020

SEARCH TIME : 10.33 AM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Strata Plan 179371 and a general unit entitlement
operating for all purposes of the Strata Scheme being a 10
undivided 1/20 interest

Derived from Strata Plan 179371

Derivation : Part of 507 Acres Gtd. to R.L. Murray

SCHEDULE 1

C101282 TRANSFER to RODNEY MAURICE MILLS and SANDRA LEE
SHEPPERD as tenants in common in equal shares
Registered 04-May-1998 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 179371 folio 0

SP105158 EASEMENTS in Schedule of Easements

SP105158 COVENANTS in Schedule of Easements

SP105158 FENCING PROVISION in Schedule of Easements

SP 51330 FENCING COVENANT in Schedule of Easements

E180546 MORTGAGE to Commonwealth Bank of Australia
Registered 23-May-2019 at noon

UNREGISTERED DEALINGS AND NOTATIONS

M834165 PRIORITY NOTICE reserving priority for 60 days
D/MORTGAGE COMMONWEALTH BANK OF AUSTRALIA to RODNEY
MAURICE MILLS and SANDRA LEE SHEPPERD
TRANSFER RODNEY MAURICE MILLS and SANDRA LEE SHEPPERD
to SUSAN MULDER Lodged by FINLAY WATCHORN on
13-Jul-2020 BP: M834165

C785457 DISCHARGE OF MORTGAGE E180546 Lodged by FINLAY
WATCHORN on 03-Aug-2020 BP: C785457

M834161 TRANSFER to SUSAN MULDER Lodged by FINLAY WATCHORN
on 03-Aug-2020 BP: C785457

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 179371	FOLIO 0
EDITION 1	DATE OF ISSUE 01-Jul-2020

SEARCH DATE : 04-Aug-2020

SEARCH TIME : 10.33 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 179371

Derivation : Part of 507 Acres Gtd. to R.L. Murray

Prior CT 105158/1

SCHEDULE 1STRATA CORPORATION NUMBER 179371, 30C BRINSMEAD ROAD, MOUNT
NELSONSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP105158 EASEMENTS in Schedule of Easements

SP105158 COVENANTS in Schedule of Easements

SP105158 FENCING PROVISION in Schedule of Easements

SP 51330 FENCING COVENANT 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



CITY: HOBART SUBURB: MOUNT NELSON FOLIO REFERENCE: SP105158/1 SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. SP105158	STRATA PLAN SHEET 1 OF 3 SHEETS		Registered Number 179371
	NAME OF STRATA SCHEME 30C BRINSMEAD RD, MOUNT NELSON		STRATA TITLES ACT 1998 - 1 JUL 2020 REGISTERED <i>Rever</i> Recorder of Titles
	SCALE 1:500	LENGTHS IN METRES	

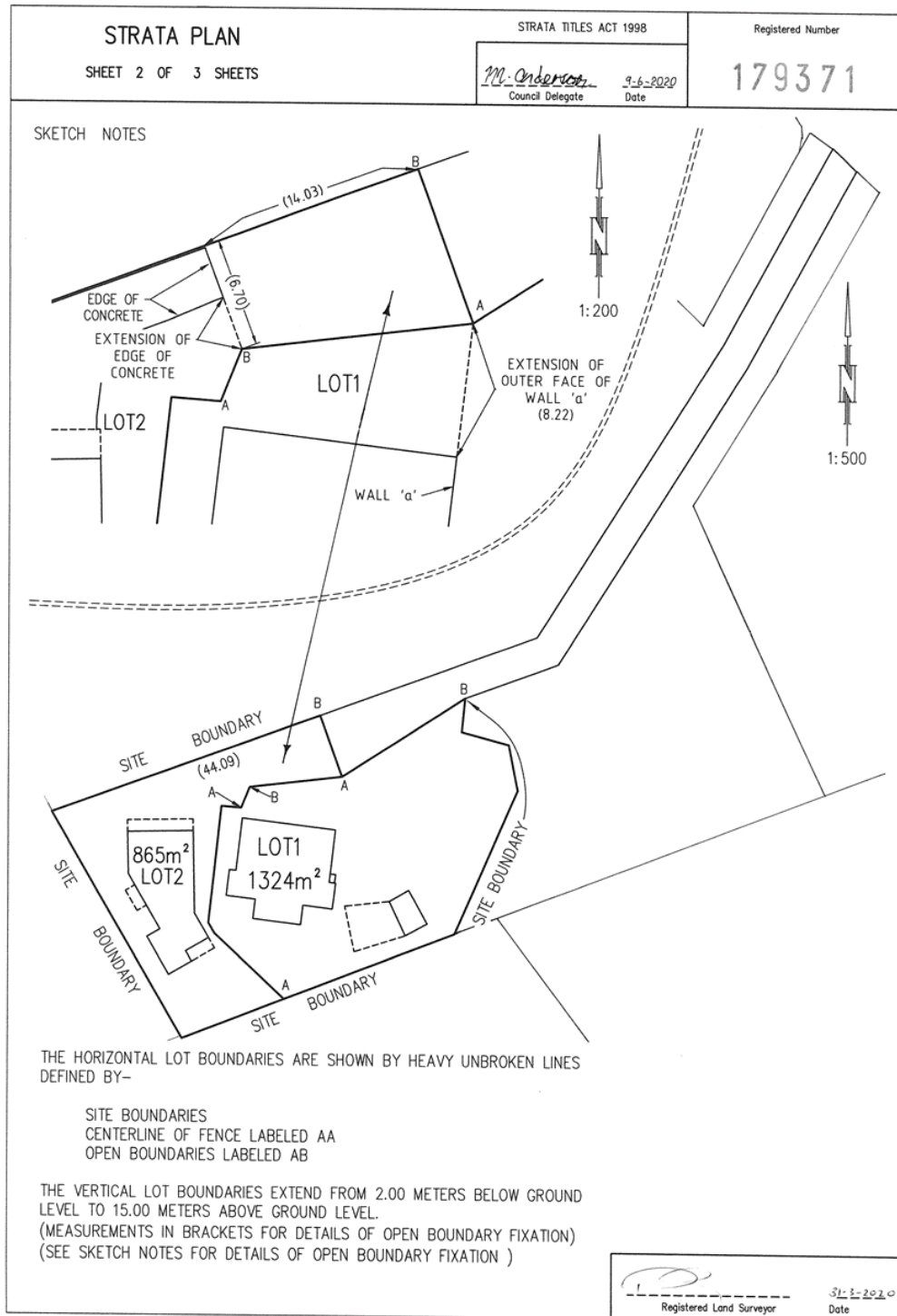
SITE PLAN

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.	<i>M. Gibson</i> Council Delegate	7-2-2020 Date	<i>[Signature]</i> Registered Land Surveyor	31-3-2020 Date
STAGED/COMMUNITY DEVELOPMENT. SCHEME No. (IF APPLICABLE)	LODGED BY: UDM Group			

**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



STRATA PLAN SHEET 3 OF 3 SHEETS		STRATA TITLES ACT 1998 <div style="float: right; text-align: right;"> Registered Number 179371 </div>
STRATA CORPORATION NO: 179371 NAME OF BODY CORPORATE: 30C BRINSMEAD RD, MOUNT NELSON ADDRESS FOR THE SERVICE OF NOTICES: 30C BRINSMEAD RD, MOUNT NELSON, TAS 7007		
SURVEYORS CERTIFICATE I, <u>RODNEY IAN BRUMBY</u> of <u>CAMBRIDGE</u> a surveyor registered under the Surveyors Act 2002 certify that the building or buildings erected on the site and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 and any encroachment beyond those boundaries is properly authorised according to law. <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> <u>Registered Land Surveyor</u> </div> <div style="text-align: center;"> <u>31-8-2020</u> Date </div> <div style="text-align: center;"> <u>1545</u> Ref No. </div> </div>	COUNCIL CERTIFICATE I certify that the Hobart City Council 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 <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> <u>Council Delegate</u> </div> <div style="text-align: center;"> <u>9-6-2020</u> Date </div> <div style="text-align: center;"> <u>15925039 STR-20-17</u> Ref No. </div> </div>	
GENERAL UNIT ENTITLEMENTS		
LOT	UNIT ENTITLEMENT	
1	10	
2	10	
TOTAL	20	

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 179371	FOLIO 2
EDITION 1	DATE OF ISSUE 01-Jul-2020

SEARCH DATE : 04-Aug-2020

SEARCH TIME : 10.33 AM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Strata Plan 179371 and a general unit entitlement
operating for all purposes of the Strata Scheme being a 10
undivided 1/20 interest

Derived from Strata Plan 179371

Derivation : Part of 507 Acres Gtd. to R.L. Murray

SCHEDULE 1

C101282 TRANSFER to RODNEY MAURICE MILLS and SANDRA LEE
SHEPPERD as tenants in common in equal shares
Registered 04-May-1998 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 179371 folio 0

SP105158 EASEMENTS in Schedule of Easements

SP105158 COVENANTS in Schedule of Easements

SP105158 FENCING PROVISION in Schedule of Easements

SP 51330 FENCING COVENANT in Schedule of Easements

E180546 MORTGAGE to Commonwealth Bank of Australia

Registered 23-May-2019 at noon

UNREGISTERED DEALINGS AND NOTATIONS

C785457 DISCHARGE OF MORTGAGE E180546 Lodged by FINLAY
WATCHORN on 03-Aug-2020 BP: C785457

**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



CITY: HOBART SUBURB: MOUNT NELSON FOLIO REFERENCE: SP105158/1 SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. SP105158	STRATA PLAN SHEET 1 OF 3 SHEETS		Registered Number 179371
	NAME OF STRATA SCHEME 30C BRINSMEAD RD, MOUNT NELSON		STRATA TITLES ACT 1998 - 1 JUL 2020 REGISTERED <i>Rever</i> Recorder of Titles
	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.	<i>M. Gibson</i> Council Delegate	7-2-2020 Date
STAGED/COMMUNITY DEVELOPMENT. SCHEME No. (IF APPLICABLE)	<i>[Signature]</i> Registered Land Surveyor	31-3-2020 Date

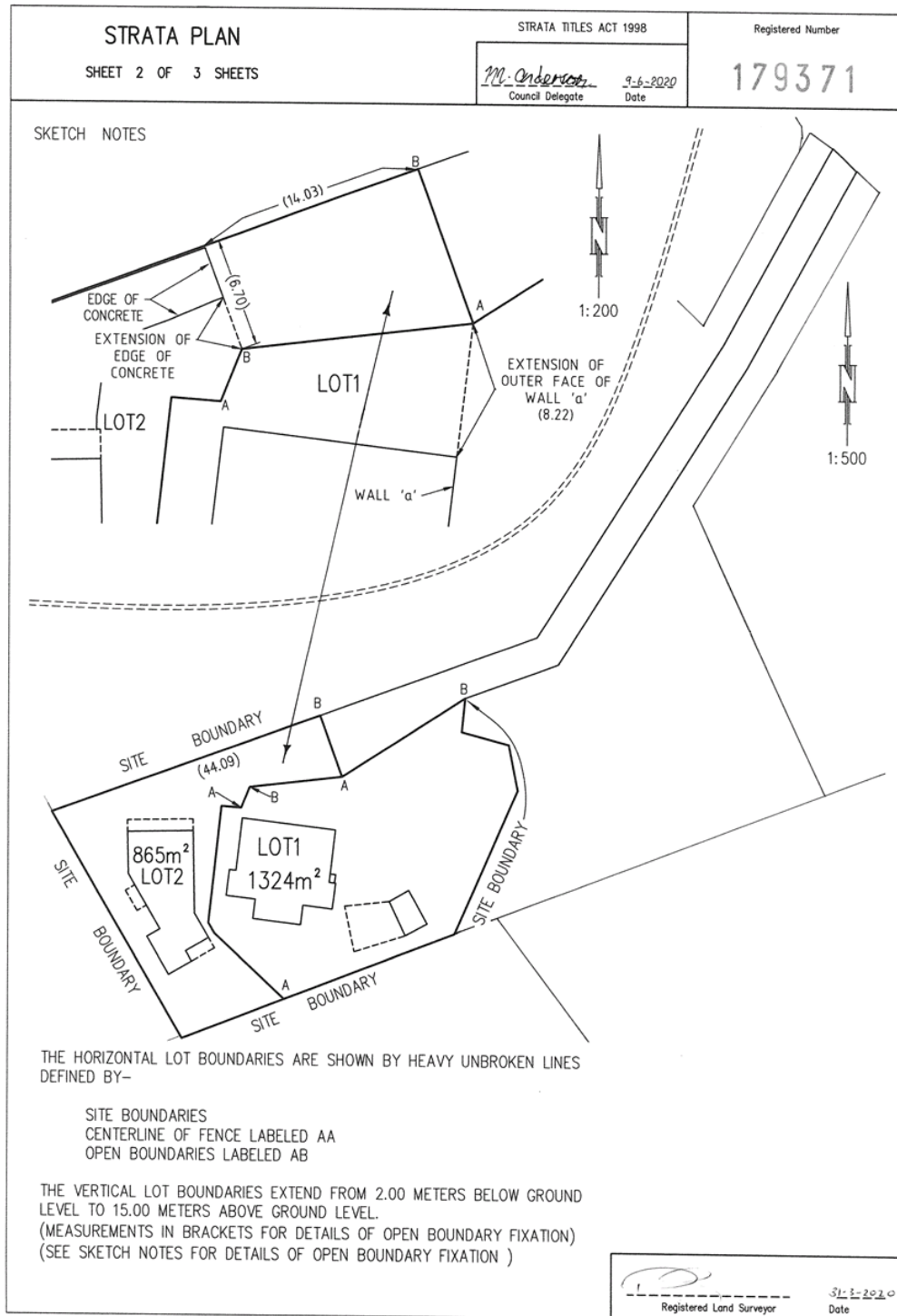
LODGED BY: UDM Group



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]

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 179371	FOLIO 0
EDITION 1	DATE OF ISSUE 01-Jul-2020

SEARCH DATE : 04-Aug-2020

SEARCH TIME : 10.34 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 179371

Derivation : Part of 507 Acres Gtd. to R.L. Murray

Prior CT 105158/1

SCHEDULE 1STRATA CORPORATION NUMBER 179371, 30C BRINSMEAD ROAD, MOUNT
NELSONSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP105158 EASEMENTS in Schedule of Easements

SP105158 COVENANTS in Schedule of Easements

SP105158 FENCING PROVISION in Schedule of Easements

SP 51330 FENCING COVENANT in Schedule of Easements

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 179371	FOLIO 0
EDITION 1	DATE OF ISSUE 01-Jul-2020

SEARCH DATE : 04-Aug-2020

SEARCH TIME : 10.33 AM

DESCRIPTION OF LAND

City of HOBART

The Common Property for Strata Scheme 179371

Derivation : Part of 507 Acres Gtd. to R.L. Murray

Prior CT 105158/1

SCHEDULE 1STRATA CORPORATION NUMBER 179371, 30C BRINSMEAD ROAD, MOUNT
NELSONSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP105158 EASEMENTS in Schedule of Easements

SP105158 COVENANTS in Schedule of Easements

SP105158 FENCING PROVISION in Schedule of Easements

SP 51330 FENCING COVENANT 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



CITY: HOBART SUBURB: MOUNT NELSON FOLIO REFERENCE: SP105158/1 SITE COMPRISES THE WHOLE OF LOT 1 ON PLAN No. SP105158	STRATA PLAN SHEET 1 OF 3 SHEETS		Registered Number 179371
	NAME OF STRATA SCHEME 30C BRINSMEAD RD, MOUNT NELSON		STRATA TITLES ACT 1998 - 1 JUL 2020 REGISTERED <i>Rever</i> Recorder of Titles
	SCALE 1:500	LENGTHS IN METRES	

SITE PLAN

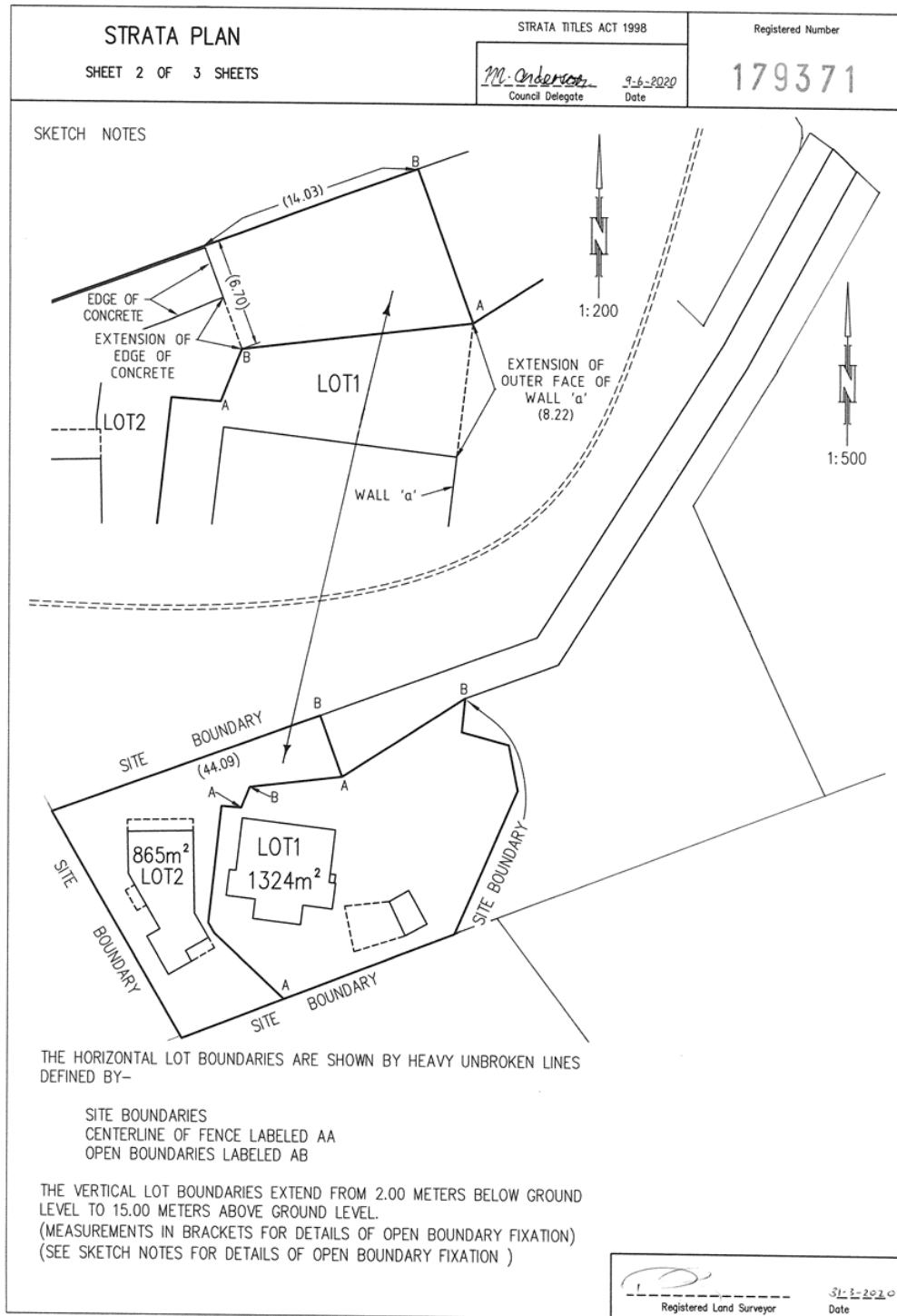
NOTES: (i) ALL BUILDINGS ON THE SITE TO BE SHOWN ON SHEET 1. (ii) BUILDING TO SITE BOUNDARY OFFSETS OF LESS THAN 2.00 METRES TO BE SHOWN ON SHEET 1.	<i>M. Gibson</i> Council Delegate Date: 7-2-2020	<i>[Signature]</i> Registered Land Surveyor Date: 31-3-2020
STAGED/COMMUNITY DEVELOPMENT. SCHEME No. (IF APPLICABLE)		
LODGED BY: UDM Group		



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



STRATA PLAN SHEET 3 OF 3 SHEETS		STRATA TITLES ACT 1998 <div style="float: right; text-align: right;"> Registered Number 179371 </div>
STRATA CORPORATION NO: 179371 NAME OF BODY CORPORATE: 30C BRINSMEAD RD, MOUNT NELSON ADDRESS FOR THE SERVICE OF NOTICES: 30C BRINSMEAD RD, MOUNT NELSON, TAS 7007		
SURVEYORS CERTIFICATE I, <u>RODNEY IAN BRUMBY</u> of <u>CAMBRIDGE</u> a surveyor registered under the Surveyors Act 2002 certify that the building or buildings erected on the site and drawn on sheet 1 of this plan are within the site boundaries of the folio stated on sheet 1 and any encroachment beyond those boundaries is properly authorised according to law. <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> <u>Registered Land Surveyor</u> </div> <div style="text-align: center;"> <u>31-8-2020</u> Date </div> <div style="text-align: center;"> <u>1545</u> Ref No. </div> </div>	COUNCIL CERTIFICATE I certify that the Hobart City Council 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 <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> <u>Council Delegate</u> </div> <div style="text-align: center;"> <u>9-6-2020</u> Date </div> <div style="text-align: center;"> <u>15925035 & STR-20-17</u> Ref No. </div> </div>	
GENERAL UNIT ENTITLEMENTS		
LOT	UNIT ENTITLEMENT	
1	10	
2	10	
TOTAL	20	

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
105158	2
EDITION	DATE OF ISSUE
6	13-Sep-1999

SEARCH DATE : 04-Aug-2020

SEARCH TIME : 10.32 AM

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Sealed Plan 105158

Derivation : Part of 507 Acres Gtd. to R.L. Murray

Prior CT 51330/1

SCHEDULE 1

C123665 TRANSFER to SHANE ELWIN LAREDO and ROSEMARY ANNE
LAREDO Registered 02-Aug-1998 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 105158 EASEMENTS in Schedule of Easements
SP105158 COVENANTS in Schedule of Easements
SP 51330 FENCING COVENANT in Schedule of Easements
SP105158 FENCING PROVISION in Schedule of Easements
C192080 MORTGAGE to Commonwealth Bank of Australia
Registered 13-Sep-1999 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	FOLIO
105158	3
EDITION	DATE OF ISSUE
3	04-Mar-2005

SEARCH DATE : 04-Aug-2020

SEARCH TIME : 10.31 AM

DESCRIPTION OF LAND

City of HOBART

Lot 3 on Sealed Plan 105158

Derivation : Part of 507 Acres Gtd. to R.L. Murray

Prior CT 51330/1

SCHEDULE 1C617135 TRANSFER to SARAH ANNE RAVANAT Registered
04-Mar-2005 at 12.01 PMSCHEDULE 2Reservations and conditions in the Crown Grant if any
SP 105158 EASEMENTS in Schedule of Easements
SP105158 COVENANTS in Schedule of Easements
SP 51330 FENCING COVENANT in Schedule of Easements
SP105158 FENCING PROVISION in Schedule of Easements
C617136 MORTGAGE to Commonwealth Bank of Australia
Registered 04-Mar-2005 at 12.02 PMUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



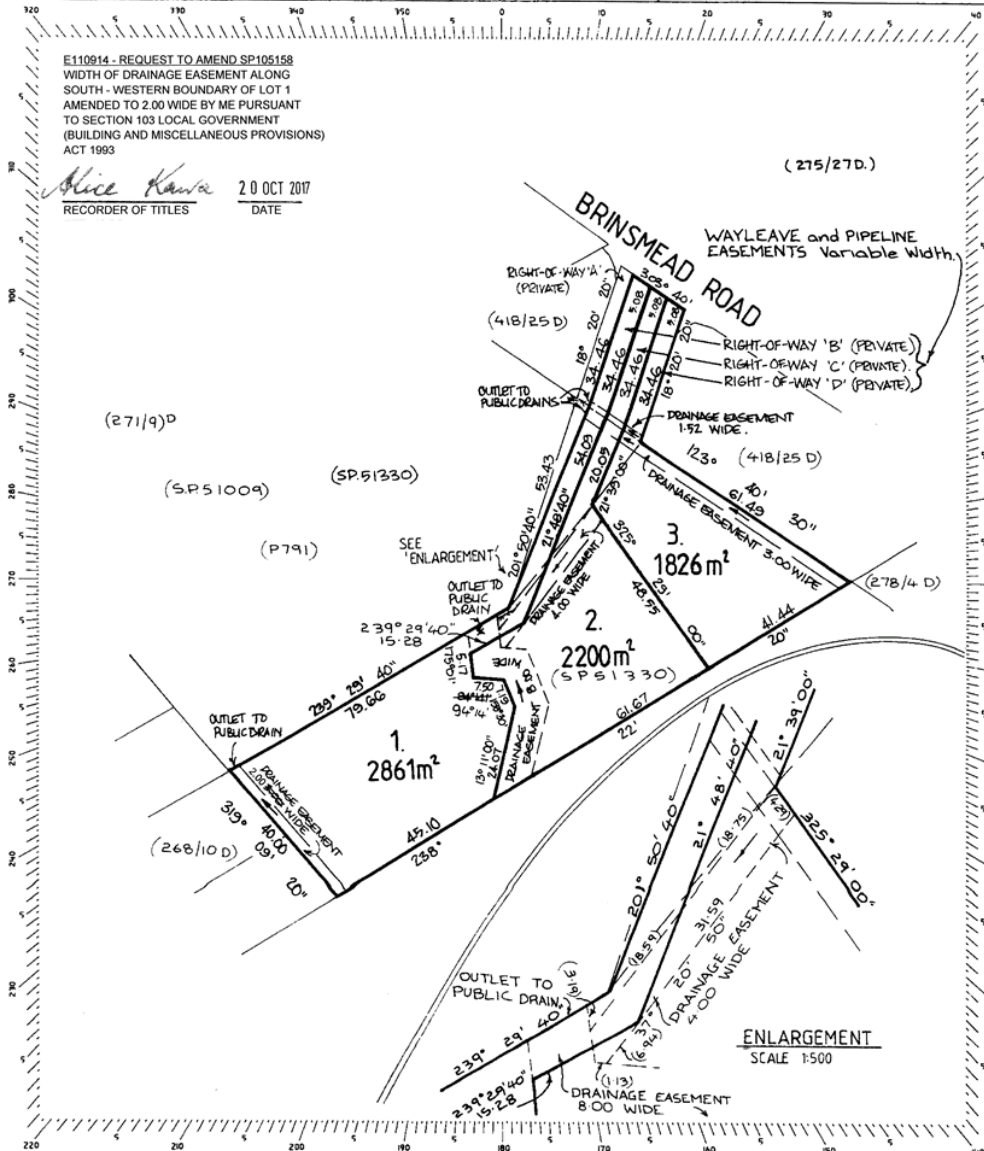
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER BALLERIN HOLDINGS PTY LTD.		PLAN OF SURVEY		REGISTERED NUMBER
FOLIO REFERENCE CT 4833-73 CT. 51330-1		BY SURVEYOR ANTHONY OWEN CARRICK.		SP105158
GRANTEE PART OF 507 acres gtd TO ROBERT LATHROP MURRAY.		LOCATION CITY OF HOBART		APPROVED EFFECTIVE FROM 2.0. JAN. 1994. <i>Handwritten Signature</i> Recorder of Titles
STATE MUNICIPAL CODE No. 21	LAST UPI No. 9911	LAST SURVEY PLAN No. SP51330	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



REGISTERED NUMBER

SCHEDULE OF EASEMENTS

SP105158



NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

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 à 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 à prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Right of drainage hereon amended by me pursuant to Request to Amend No. E110914 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993

COVENANTS

Alice Kawa
Recorder of Titles

20 OCT 2017
Date

The owners of Lot 1, Lot 2 and Lot 3 on the plan covenant with the Vendor BALLERIN HOLDINGS PTY LTD (A.C.N. 009 524 332) and the owners for the time being of each and 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 each and every part of it and that the benefit of these covenants shall be annexed to and devolve with each and every part of other lot shown on the plan to observe the following stipulations:

- (a) Not to erect or permit to be erected on Lot 1 more than three private dwelling houses or three stratum title flats and the outbuildings usually appurtenant thereto without the prior written consent of the Vendor.
- (b) Not to erect or permit to be erected on Lot 2 more than two private dwelling houses or two stratum title flats and the outbuildings usually appurtenant thereto without the prior written consent of the Vendor.
- (c) Not to erect or permit to be erected on Lot 3 more than one dwelling house.

Lot 1 on the plan is each subject to a right of drainage (appurtenant to Lots 2 to 5 on D418/25 over such portion of the drainage easement 1.52 wide shown passing through such lots.

Lots 2 & 3 on the plan are each subject to a right of drainage for the Lord Mayor, Aldermen & Citizens of the City of Hobart over the drainage easement 3.00 wide shown passing through such lots.
Lot 2 on the plan is subject to a right of drainage for the Lord Mayor, Aldermen & Citizens of the City of Hobart over the drainage easement 8.00 wide shown passing through such lot.
Lot 1 is:

- (a) together with rights of carriageway, pipeline easements and wayleave easements over the rights of way (private), pipeline and wayleave easements marked "C" and "D" on the plan.

M. Ballerina
Town of Ballerina



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



- (b) subject to a right of carriageway, a pipeline easement and a wayleave easement over the right of way (private), pipeline and wayleave easements marked "B" on the plan appurtenant to Lots 2 and 3 on the plan.
- (c) together with a right of carriageway over the right of way (private) of variable width marked "A" on ^{the plan} ~~Sealed Plan 51330 passing through Lot 2 on Sealed Plan 51330~~.
- (d) subject to a right of carriageway over the right of way (private) of variable width marked "B" on ^{the plan} ~~Sealed Plan 51330~~ appurtenant to Lot 2 on Sealed Plan 51330.

Lot 2 is:

- (a) together with rights of carriageway, pipeline easements and wayleave easements over the rights of way (private), pipeline and wayleave easements marked "B" and "D" on the plan.
- (b) subject to a right of carriageway, a pipeline easement and a wayleave easement over the right of way (private), pipeline and wayleave easements marked ^{"C"} ~~"B" and "B"~~ on the plan appurtenant to Lots 1 and 3 on the plan.
- (c) together with a right of carriageway over the right of way (private), of variable width marked "A" on ^{the plan} ~~Sealed Plan 51330 passing through Lot 2 on Sealed Plan 51330~~.
- (d) subject to a right of carriageway over the right of way (private) of variable width marked ^{"C"} ~~"B"~~ on ^{the plan} ~~Sealed Plan 51330~~ appurtenant to Lot 2 on Sealed Plan 51330.

Lot 3 is:

- (a) together with rights of carriageway, pipeline easements and wayleave easements over the rights of way (private), pipeline and wayleave easements marked "B" and "C" on the plan.
- (b) subject to a right of carriageway, a pipeline easement and a wayleave easement over the right of way (private), pipeline and wayleave easements marked "D" on the plan appurtenant to Lots 1 and 2 on the plan.
- (c) Together with a right of carriageway over the right of way (private) of variable width marked "A" on ^{the plan} ~~Sealed Plan 51330 passing through Lot 2 on Sealed Plan 51330~~.
- (d) Subject to a right of carriageway over the right of way (private) of variable width marked ^{"D"} ~~"B"~~ on ^{the plan} ~~Sealed Plan 51330~~ appurtenant to Lot 2 on Sealed Plan 51330.

INTERPRETATION

"Wayleave easement" means the right:

- (a) to lay and maintain cables for the transmission of electrical energy (including telephone lines) under and along the strips of land designated wayleave easements marked "wayleave easements, "B", "C" and "D" on the plan with the right for the registered proprietor or registered proprietors for the time being of the dominant land to enter into and upon the servient land for the purpose of laying, inspecting, repairing and maintaining any such cables without doing unnecessary damage to the servient land and to make good all damage occasioned thereby; and
- (b) to enter into and upon the servient land for all and any of the above purposes with or without necessary plant, equipment, machinery and vehicles of every kind.

U. Ballen
U. Ballen

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

"Pipeline easement" means the right:

- (a) to lay down pipes and cables in over along and through the strips of land marked "pipeline easements "B", "C" and "D"" on the plan for the purpose of carrying water through the pipes for the supply of water to the lot or any part thereof for domestic purposes, with the right for the registered proprietor or registered proprietors for the time being of the dominant land to enter into and upon the servient land for the purpose of laying, inspecting, repairing and maintaining any such pipes without doing unnecessary damage to the servient land and making good all damage occasioned thereby provided always that all pipes laid shall be laid at a depth no less than a clear three tenths of a metre below the natural surface of the soil; and
- (b) to enter into and upon the servient land for all and any of the above purposes with or without necessary plant, equipment, machinery and vehicles of every kind.

FENCING PROVISION

In respect of each Lot shown on the plan the Vendor BALLERIN HOLDINGS PTY LTD shall not be required to fence.

COMMON SEAL of BALLERIN HOLDINGS PTY LTD

as Registered Proprietor of the land
comprised in Folio of the Register Volume
4833 folio 79 was hereunto affixed in
the presence of:

Director *[Signature]*Secretary *[Signature]*

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

This is the schedule of easements attached to the plan of BALLERIN HOLDINGS PTY LTD
(Insert Subdivider's Full Name)

..... affecting land in

CT 4833 /79
(Insert Title Reference)

Sealed by HOBART CITY COUNCIL on 12 - 1 - 1994

Solicitor's Reference

OS 4 3124



4 August 2020

Ben Ikin
Senior Statutory Planner
Hobart City Council
GPO Box 503E
HOBART

Dear Ben

New Application for a Planning Permit –Multiple Dwellings – 32A Brinsmead Road including reciprocal right of way over 30A, 30B and 30C Brinsmead Road

Please see attached a new application for a planning permit to construct four additional new multiple dwellings at 32A Brinsmead Road, Mount Nelson.

Site

The proposal relates to an existing large internal bushland lot of 7160m² (including access strip).

The site has a moderate slope with a north west to north easterly aspect either side of a central gully and drainage line of Rifle Range Creek. There is an existing house and ancillary outbuildings sited approximately in the centre of the lot and a terraced parking and hardstand area to the west.

The site is accessed via a shared driveway with existing dwellings at 30A, 30B, 30C/1 and 30C/2 Brinsmead Road and surrounded by a mix of single and multiple dwellings in a bushland setting. 30C Units 1 & 2 are strata titled.

The site has a number of existing mature eucalypts as shown on the site plan but does not have an under-storey and is managed as low grass and garden areas. The proposed house sites are cleared.

AllUrbanPlanning

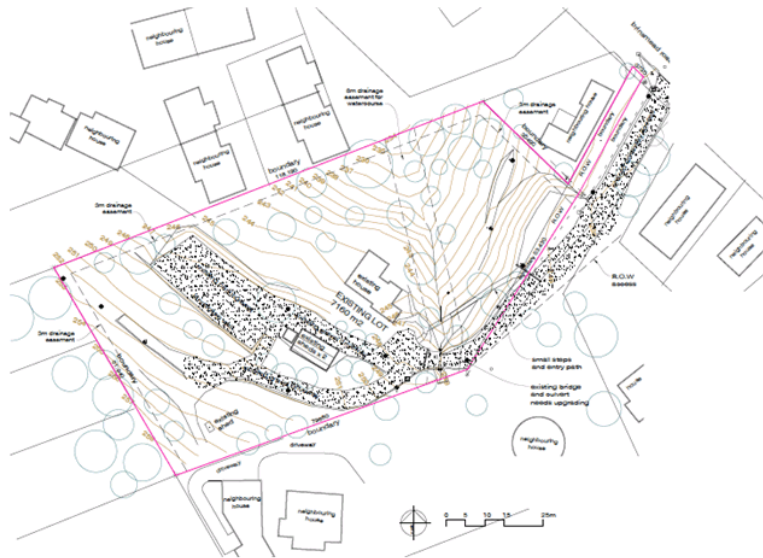


Figure 1 – Existing Site Plan (Source: Green Design)

The site includes the shared driveway and reciprocal right of way over 30A(105158/3), 30B (CT105158/1), 30C/1 (CT179371/1) and 30C/2 (CT105158/2) Brinsmead Road. 30C/1 and 30C/2 are strata titled within the common folio CT179371/0.

The existing driveway is high quality and over 20 years old. It includes many opportunities for vehicle passing.

Proposal

The proposal is shown in Figure 2 below and includes:

- Retention of the existing house (32A) and outbuildings
- Construction of four new houses:
 - 32B - a three bedroom, two storey dwelling;
 - 32C - a four bedroom plus office, two storey dwelling
 - 32D and 32E - both two bedroom, single storey dwellings
- Extended driveways and 12 carparking spaces;
- Water storage tanks;
- The dwellings are sited in existing cleared areas and do not require removal of mature trees;

The applicant has sought preliminary bushfire hazard management advice in relation to the house locations, fire fighting water supply and a turning circle for fire trucks in the centre of the site.

It is intended that the property will be strata titled as shown notionally on the proposed site plan.

AllUrbanPlanning

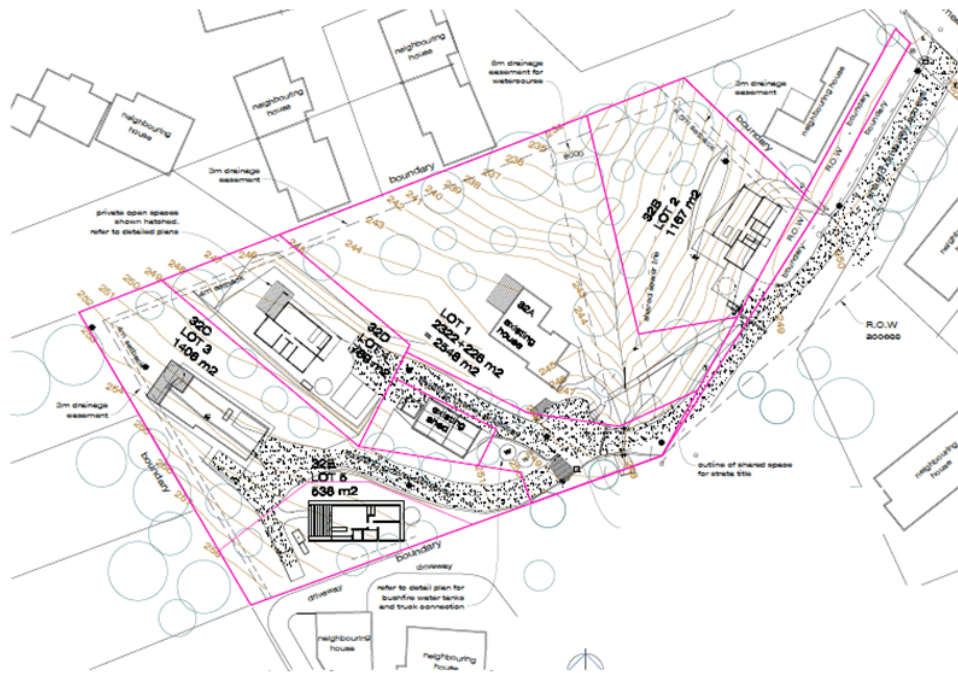


Figure 2 – Proposed Site Plan (Source: Green Design)

Planning Scheme

The site is zoned Low Density Residential under the Hobart Interim Planning Scheme 2015 (planning scheme). It is also within a Bushfire Prone Area and Biodiversity Protection Area shown on the planning scheme overlay maps.

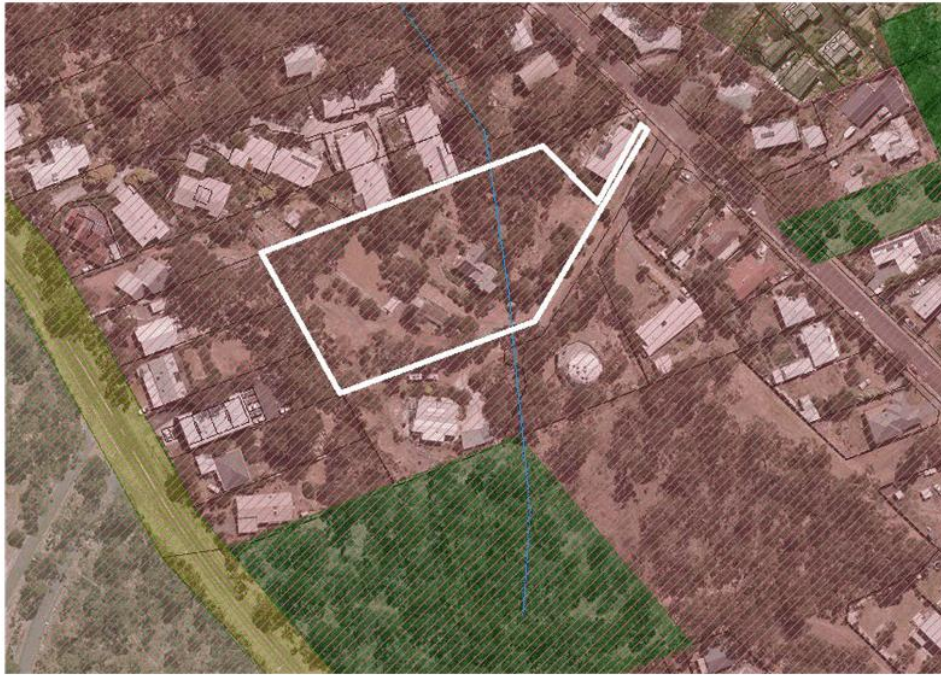


Figure 3 – Planning Scheme Maps (theList)

Low Density Residential Zone

1.1 Zone Purpose

The Purpose of the Low Density Residential Zone is:

- To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.
- To provide for non-residential uses that are compatible with residential amenity.
- To encourage residential development that respects the neighbourhood character.
- To provide a high standard of residential amenity.
- To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.

1.2 Local Area Objectives

There are no Local Area Objectives for this Zone.

1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
<i>The areas in a bushland setting covered by this zone should continue to develop primarily with detached housing in order to allow substantial retention of natural vegetation and landscaped open space. The use of materials that blend with the colours and textures of the natural vegetation is encouraged. In Lower Sandy Bay development should minimise impacts on the landscape values of the Derwent Estuary.</i>	<i>Use and Development Standards.</i>

1.4 Use

The proposed Multiple Dwellings are a Permitted use within the Low Density Residential Zone.

On the basis that the proposal is a permitted use, the proposal is to be determined in accordance with the applicable standards and requirements of the planning scheme (8.10.1).

The Zone Purpose, Local Area Objectives and desired future character statements are only relevant to the determination of an application for a discretionary use (8.10.2). In the case of these permitted uses, they do not apply. The Residential Density Standard is a Development Standard rather than a Use Standard.

1.5 Use Standards

There are no Use Standards applicable to Residential Use.

1.6 Residential Density for Multiple Dwellings (12.4.9)

For the purposes of the density assessment under this standard I calculate the site area as 7050m² (7160m² – the area of the access strip (approximately 110m²).

Objective:

To provide for densities for multiple dwellings that are compatible with the existing built and natural environment of the area and do not exceed the capacity of infrastructure services.

Development Standard	Assessment
A1 <i>Multiple dwellings must have a site area per dwelling of not less than 1500m².</i>	The proposal is for 4 additional dwellings (a total of 5 dwellings) on the 7050m ² site which equates to a density of 1410m ² and requires assessment under P1.

<p>P1</p> <p><i>Multiple dwellings may only have a site area per dwelling of less than 1500m² if the number of dwellings:</i></p> <p><i>(a) is not out of character with the pattern of development in the surrounding area; and</i></p> <p><i>(b) does not result in an unreasonable loss of natural or landscape values; and</i></p> <p><i>(c) does not exceed the capacity of the current or intended infrastructure services in the area.</i></p>	<p>The proposal is assessed to satisfy P1 in that:</p> <p>a) The average density of dwellings within the surrounding area (ie within a 100m radius of the site) is 663m² (see calculations in Attachment 1). The proposed number of dwellings equates to a density of 1410m² and is therefore well below the average density. The proposal is therefore not out of character with the pattern of development in the surrounding area and satisfies criterion P1a);</p> <p>b) The proposed dwellings are to be sited on existing hardstand areas or areas of managed garden and will not involve disturbance of native vegetation;</p> <p>c) The proposal can be accommodated within the existing infrastructure services for the area and proposed stormwater.</p>
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1.7 Setbacks and building envelope

Development Standard	Assessment
<p>A1</p> <p><i>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</i></p> <p><i>(a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</i></p> <p><i>(b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</i></p> <p><i>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback</i></p>	<p>Complies.</p>

<p>for the equivalent frontage of the dwellings on the adjoining sites on the same street.</p>	
<p>A2</p> <p><i>A garage or carport must have a setback from a frontage of at least:</i></p> <p>(a) 5.5 m, or alternatively 1m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.</p>	<p>Complies. The proposal does not involve a garage or carport within the front setback.</p>
<p>A3</p> <p><i>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</i></p> <p>(a) be contained within a building envelope (refer to diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary</p>	<p>The permitted setbacks are as follows:</p> <ul style="list-style-type: none"> - 4.5m from the (NE) rear boundary of 34 Brinsmead Road; - 0m from side boundaries (N, S & SE) (subject to length and height); - 4m from the rear (SW) boundary. <p>The proposal complies with these permitted setbacks</p>

<p>of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	
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1.8 Site Cover and Private Open Space (12.4.3)

Objective:

To provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight; and
- (e) for development that is compatible with the existing built and natural environment of the area.

Development Standard	Assessment
<p>A1</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 25% (excluding eaves up to 0.6m); and</p> <p>(b) a site area of which at least 25% of the site area is free from impervious surfaces;</p> <p>(c) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling.</p>	<p>The proposal involves a site cover of 856m² on the 7160m² site. This equates to a site cover of 12% and complies with A1a) of 12.4.3.</p> <p>The proposal complies with A1b) of 12.4.3 in that the majority of the 7160m² site will be retained as impervious surface.</p> <p>The complies with A1 c) in that each dwelling will have at least 60m² of designated POS as shown notionally by the draft strata boundaries.</p>
<p>A2</p> <p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24 m²; or</p> <p>(ii) 12 m², if the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	<p>The dwellings comply with A2 in that each will have a 24m² minimum POS area directly accessible from living areas with a minimum dimension of 4m.</p> <p>The areas are located on the northern or NW side of the dwellings and have a flat surface.</p>

<p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4 m; or</p> <p>(ii) 2 m, if the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
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1.9 Amenity

The proposal complies with the sunlight and privacy considerations under Clauses 12.4.4 and 12.4.6 in that each dwelling will have north facing windows from the living areas and the dwellings are well separated to achieve the privacy considerations.

1.10 Waste storage for multiple dwellings

Development Standard	Assessment
<p>A1</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area between the</p>	<p>The proposal complies with A1a) in that each dwelling will have a separate bin store area.</p>

<p><i>dwelling and the frontage; or</i></p> <p><i>(b) in a communal storage area with an impervious surface that:</i></p> <p><i>(i) has a setback of at least 4.5 m from a frontage; and</i></p> <p><i>(ii) is at least 5.5 m from any dwelling; and</i></p> <p><i>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.</i></p>	
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Planning Scheme Codes**2. Bushfire Prone Areas Code**

The proposal does not involve subdivision, a vulnerable or hazardous use and this Code does not apply. The applicant however has sought preliminary advice in relation to bushfire hazard management matters including the siting of dwellings, water storage and fire truck access and turning. These matters have been incorporated into the design.

3. Road and Railway Assets Code

The proposal for five dwellings on the site will not generate more than 40 vehicles per day and complies with E5.5.1(A3) of this Code.

The existing driveway achieves the Safe Intersection Sight Distance of 80m under E5.6.4 (A1a).

4. Parking and Access Code

The proposal for a total of 5 dwellings requires 2 car parking spaces per dwelling plus 1 visitor space per 4 dwellings. A total of 12 carparking spaces. The proposal complies.

Development Standards

The existing driveway access is well constructed with an all-weather surface including bitumen for the first 30m from Brinsmead Road. The access also accommodates a 6m long x 5.5 wide passing bay at the Brinsmead Road frontage as well as opportunities for passing every 30m.

The existing and extended driveway can comfortably achieve the required grade and dimensions to satisfy AS2890.1.

5. Stormwater Management Code

The proposal is to incorporate on site rainwater tanks for each dwelling with overflow and runoff from driveway and other hard surfaces to be managed through suitable WSUD mechanisms before being directed to Rifle Range Creek.

6. Biodiversity Code

The site is within a Biodiversity Protection Area.



Figure 3 – TasVeg overlay showing Eucalyptus Pulchella community in SW corner of the site (Source: theList).

TasVeg 3.0 data indicates that majority of the site exists as urban and exotic vegetation (FUR) and that the south western corner of the site is Eucalyptus Pulchella (DPU). The site including the area indicated as DPU exists as managed garden.

Building and Works (E10.7.1)

Objective:

To ensure that development for buildings and works that involves clearance and conversion or disturbance within a Biodiversity Protection Area does not result in unnecessary or unacceptable loss of priority biodiversity values.

Development Standard	Assessment
<p>P1</p> <p>Clearance and conversion or disturbance must satisfy the following:</p> <p>(a) if low priority biodiversity values:</p> <p>(i) development is designed and located to minimise impacts, having regard to constraints</p>	<p>The proposal for multiple dwellings is to be assessed under P1.</p> <p>The proposal is considered to comply in that the dwellings have been sited in existing cleared areas.</p>

<p>such as topography or land hazard and the particular requirements of the development;</p> <p>(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;</p> <p>(b) if moderate priority biodiversity values:</p> <p>(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;</p> <p>(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;</p> <p>(iii) remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;</p> <p>(c) if high priority biodiversity values:</p> <p>(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;</p> <p>(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;</p> <p>(iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;</p> <p>(iv) special circumstances exist;</p>	
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7. Waterway and Coastal Protection Code

The site is not covered by a mapped Waterway and Coastal Protection Area. However under Table E11.1 a 10m setback applies to Rifle Range Creek that bisects the site.

The proposed dwellings are sited clear of this setback.

Conclusions

The proposed multiple dwellings have been sited to avoid the removal of native vegetation and to comply with the permitted height and siting standards for the Low Density Residential Zone.

The proposal involves a density slightly higher than the permitted standard of 1 dwelling per 1500m² with a proposed density of 1410m² per dwelling. This density however is well below the average density of approximately 663m² in the surrounding area and is considered to satisfy the relevant performance criteria for Residential Density.

The dwellings have also been set out to comply with open space and privacy considerations of the Zone and will therefore avoid unreasonable impacts on residential amenity of surrounding neighbours.

In my assessment the proposal is acceptable under the Planning Scheme and is recommended for approval as a discretionary application pursuant to Section 57 of the Act.

I would be pleased to discuss as necessary.

Yours sincerely



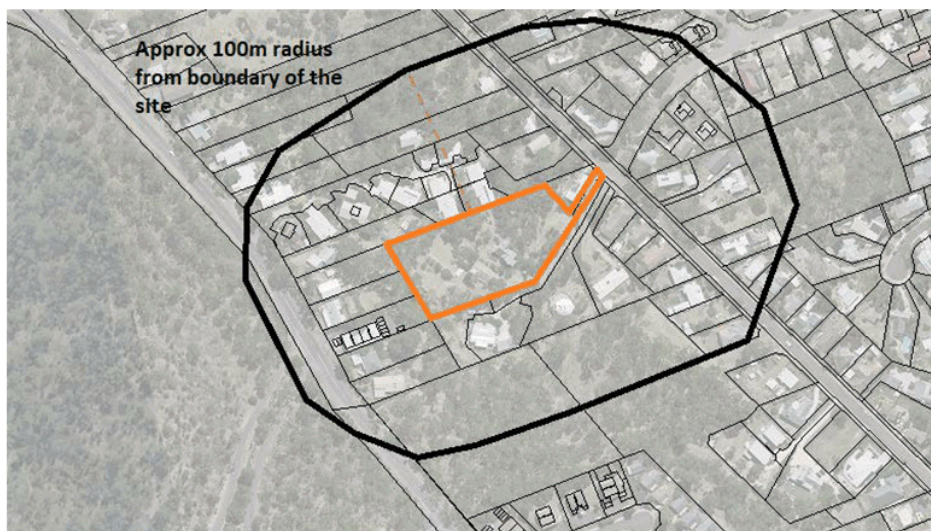
Frazer Read
Principal
All Urban Planning Pty Ltd

AllUrbanPlanning

Attachment 1

Density Calculations in the surrounding area (within 100m radius of the site)

AllUrbanPlanning

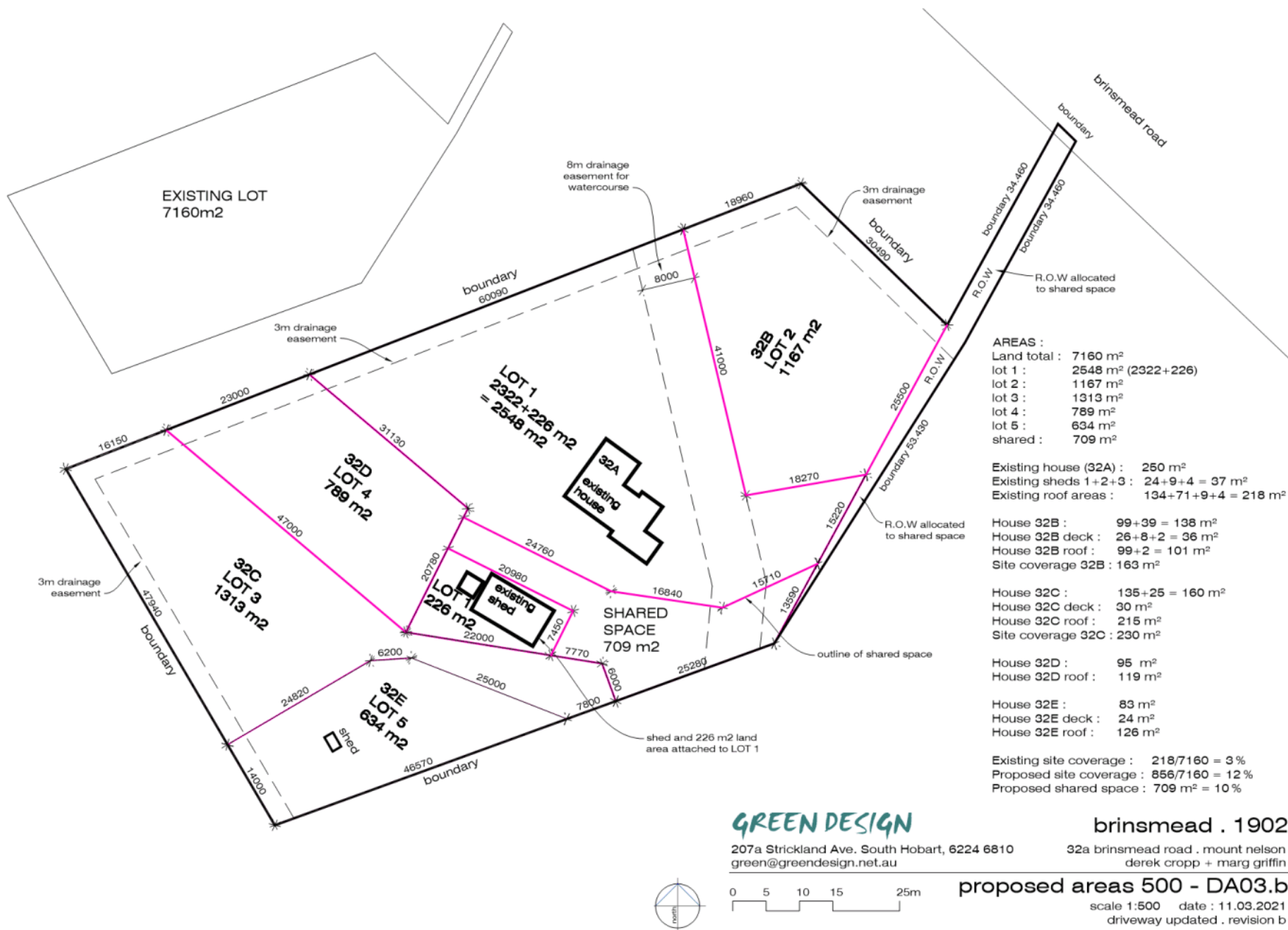


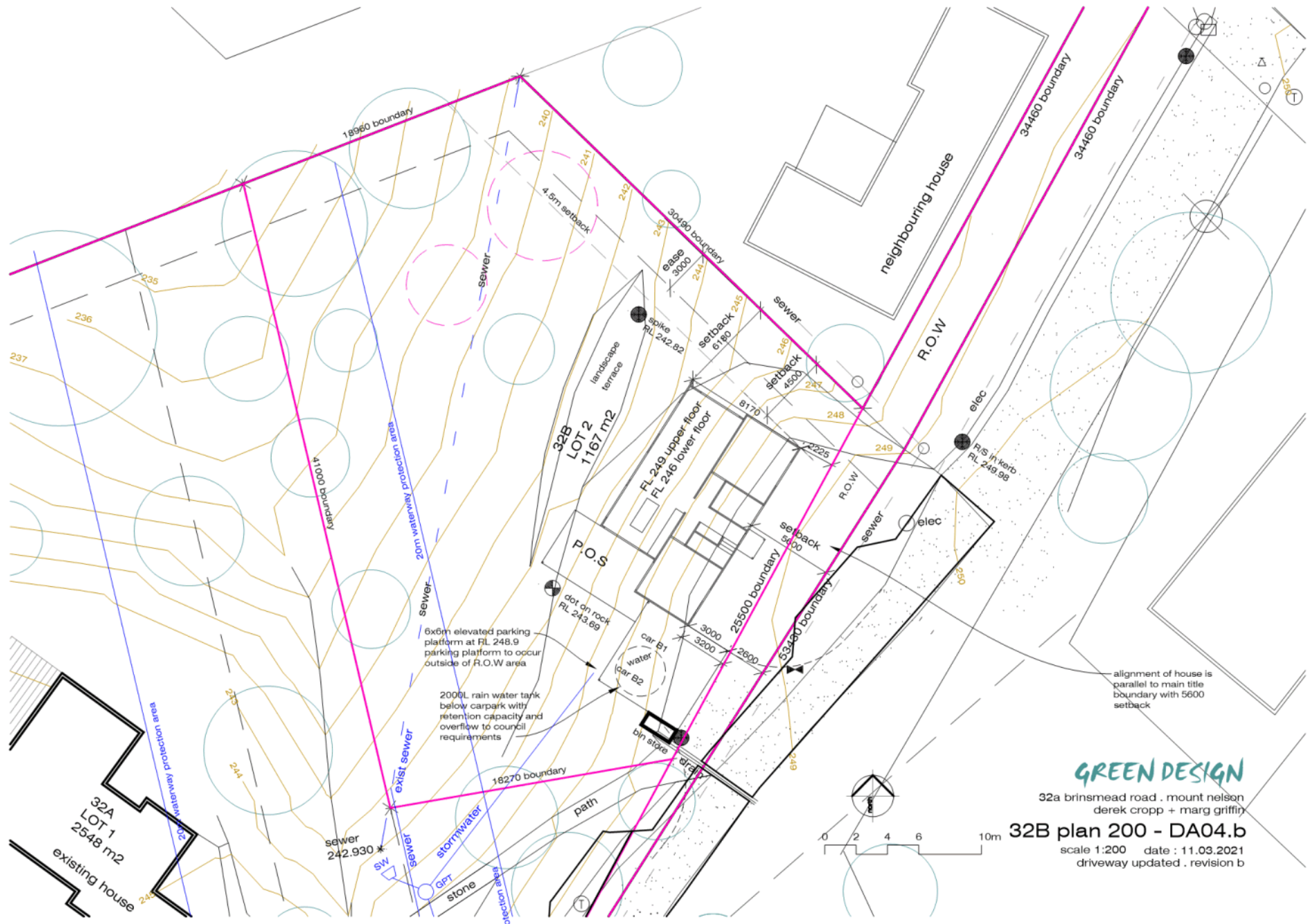
Address	Site Area m2	No. of Dwellings	Density m2
18 Brinsmead Rd	744	1	744
20 Brinsmead Rd	775	Vacant	Vacant
22 Brinsmead Rd	745	1	745
24 Brinsmead Rd	615	1	615
26 Brinsmead Rd	598	1	598
28 Brinsmead Rd	605	1	605
30 Brinsmead Rd	570	1	570
30A Brinsmead Rd	1530	1	1530
30B Brinsmead Rd	1750	1	1750
30C Brinsmead Rd	2144	2	1072
34 Brinsmead Rd	570	1	570
36 Brinsmead Rd	1280	1	1280
38 Brinsmead Rd	830	1	830
40 Brinsmead Rd	2480	1	2480
42 Brinsmead Rd	4250	1	4250
23 Brinsmead Rd	555	1	555
25 Brinsmead Rd	950	1	950
29 Brinsmead Rd	1080	1	1080
31 Brinsmead Rd	685	1	685
33 Brinsmead Rd	705	1	705
37 Brinsmead Rd	714	1	714

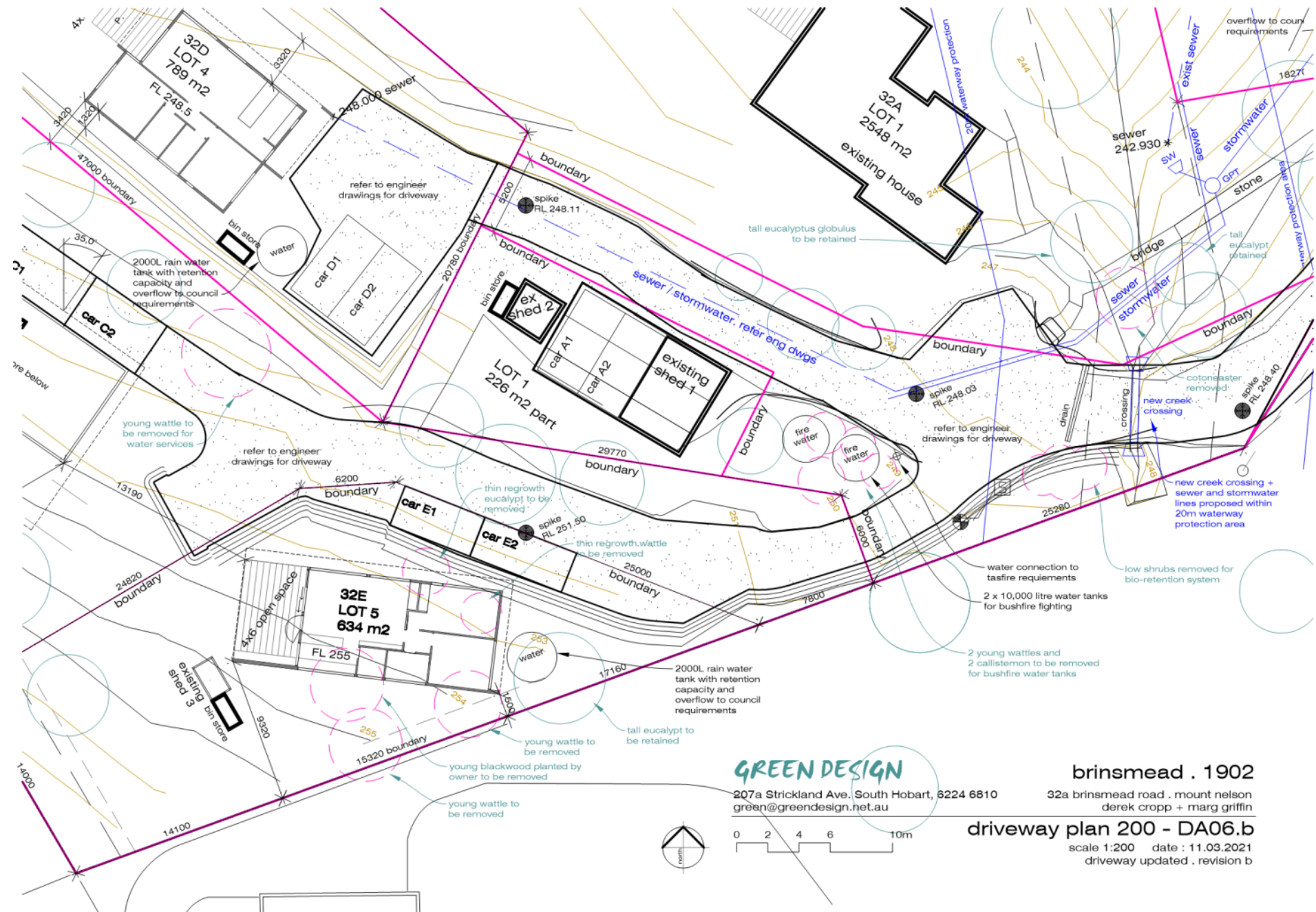
AllUrbanPlanning

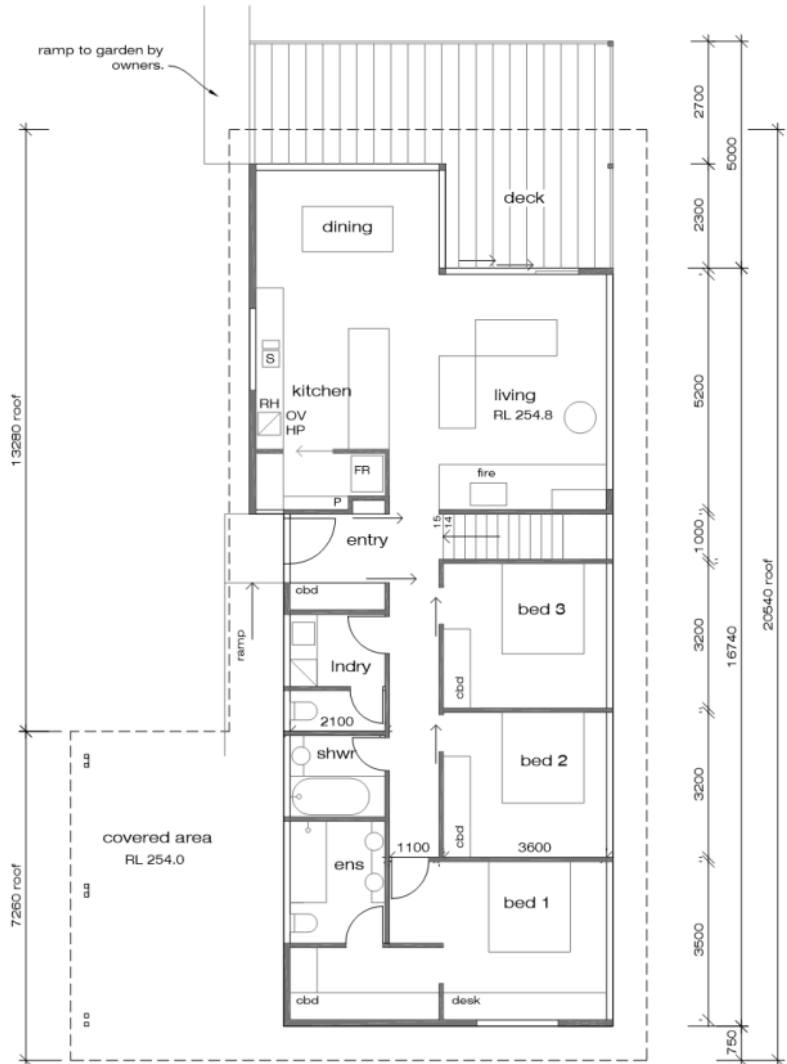
39 Brinsmead Rd	770	1	770
41 Brinsmead Rd	1370	1	1370
43 Brinsmead Rd	700	1	700
3 Lachlan Drive	730	1	730
5 Lachlan Drive	570	1	570
7 Lachlan Drive	800	2	400
2 Lachlan Drive	590	1	590
4 Lachlan Drive	680	2	340
6 Lachlan Drive	850	2	425
8 Lachlan Drive	595	1	595
10 Lachlan Drive	650	1	650
3 Ord Court	700	1	700
63 Olinda Grove	1330	1	1330
65 Olinda Grove	1440	1	1440
67 Olinda Grove	1460	8	182
69 Olinda Grove	1427	1	1427
69A Olinda Grove	1490	1	1490
69B Olinda Grove	1800	1	1800
69C Olinda Grove	6960	11	632
71 Olinda Grove	1350	1	1350
73 Olinda Grove	1370	1	1370
	Total No. of dwellings	61	Ave density 663m2





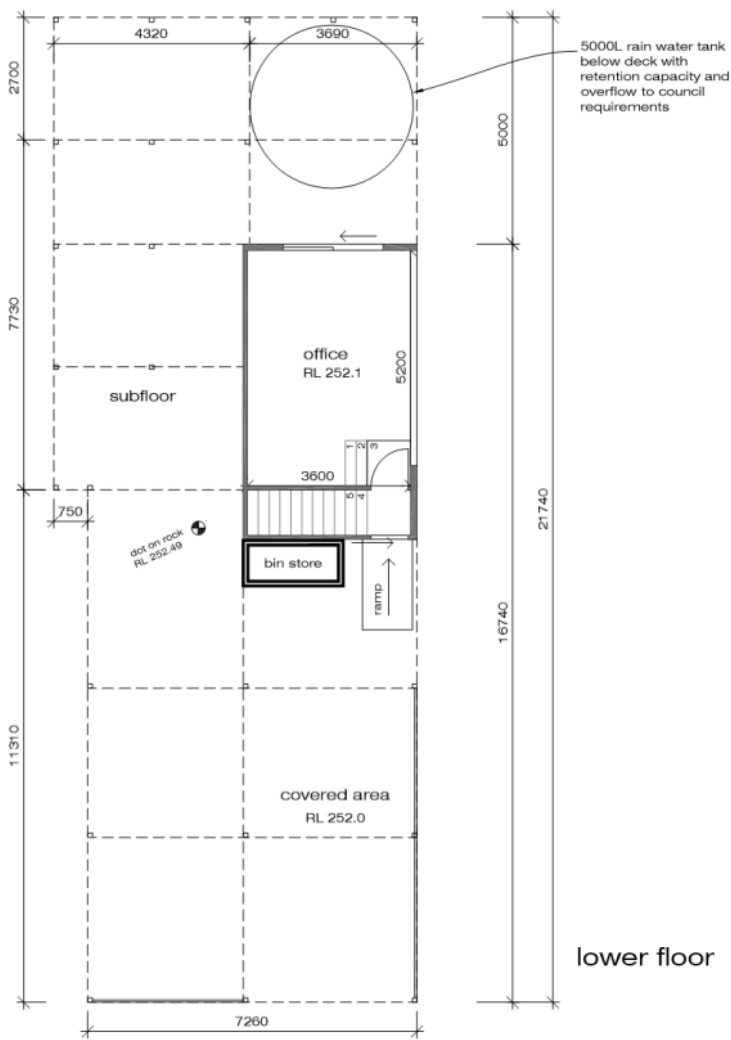






upper floor

160m² house
215m² roof



lower floor

GREEN DESIGN

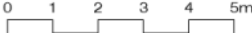
207a Strickland Ave. South Hobart, 6224 6810
green@greendesign.net.au

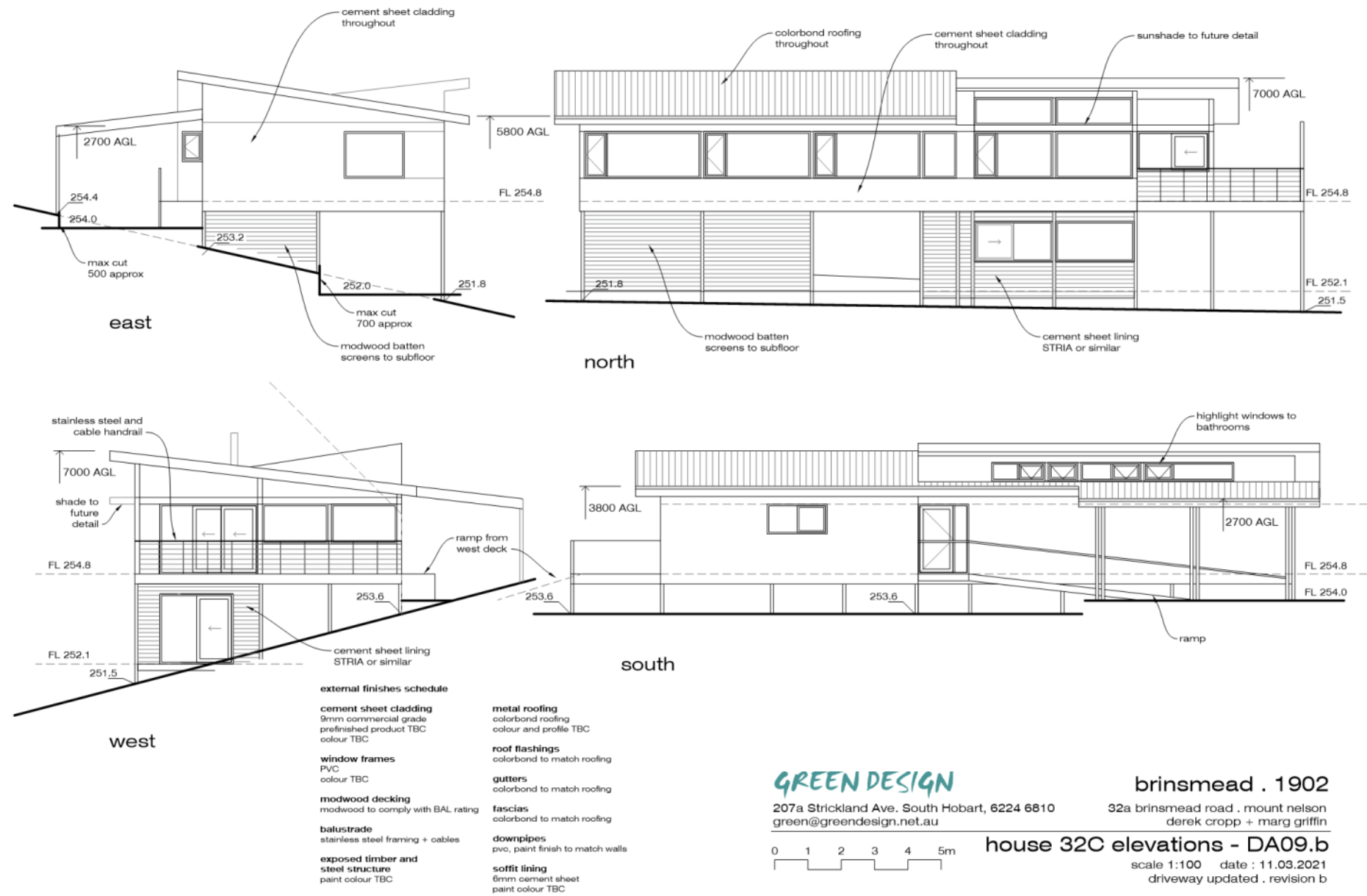
brinsmead . 1902

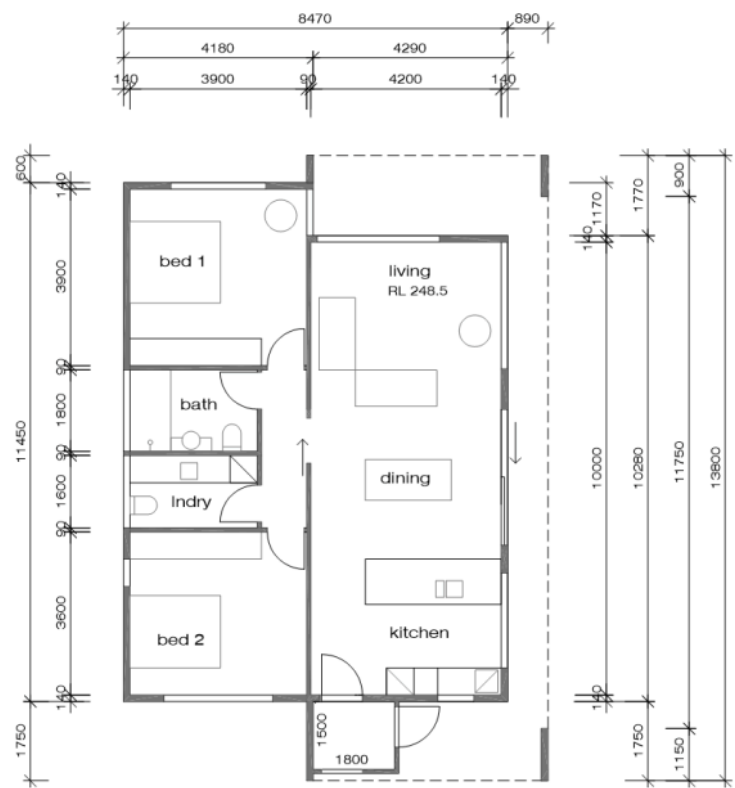
32a brinsmead road . mount nelson
derek cropp + marg griffin

house 32C plan - DA08.b

scale 1:100 date : 11.03.2021
driveway updated . revision b







floor plan
95m2 house
119m2 roof

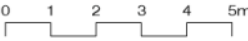


GREEN DESIGN

207a Strickland Ave. South Hobart, 6224 6810
green@greendesign.net.au

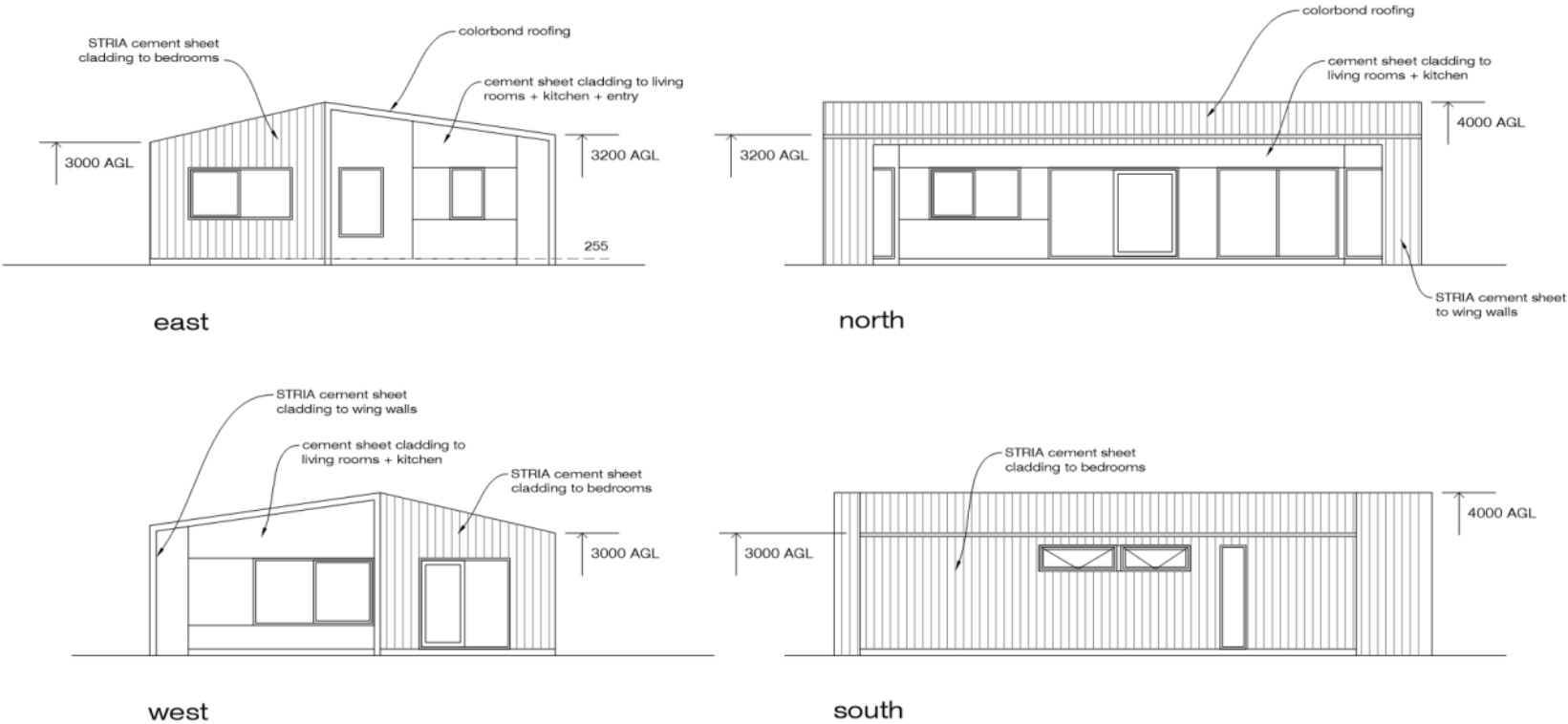
brinsmead . 1902

32a brinsmead road . mount nelson
derek cropp + marg griffin



house 32D plan - DA10.b

scale 1:100 date : 11.03.2021
driveway updated . revision b



external finishes schedule

cement sheet cladding 1
9mm commercial grade
prefinished product TBC
colour TBC

cement sheet cladding 2 (bedrooms)
STRIA or similar product TBC
colour TBC

window frames
PVC
colour TBC

soffit lining
6mm cement sheet
paint colour TBC

metal roofing
colorbond roofing.
trimdek profile
colour TBC

roof flashings
colorbond to match roofing

gutters
colorbond to match roofing

fascias
colorbond to match roofing

downpipes
pvc, paint finish to match walls

GREEN DESIGN

207a Strickland Ave. South Hobart, 6224 6810
green@greendesign.net.au

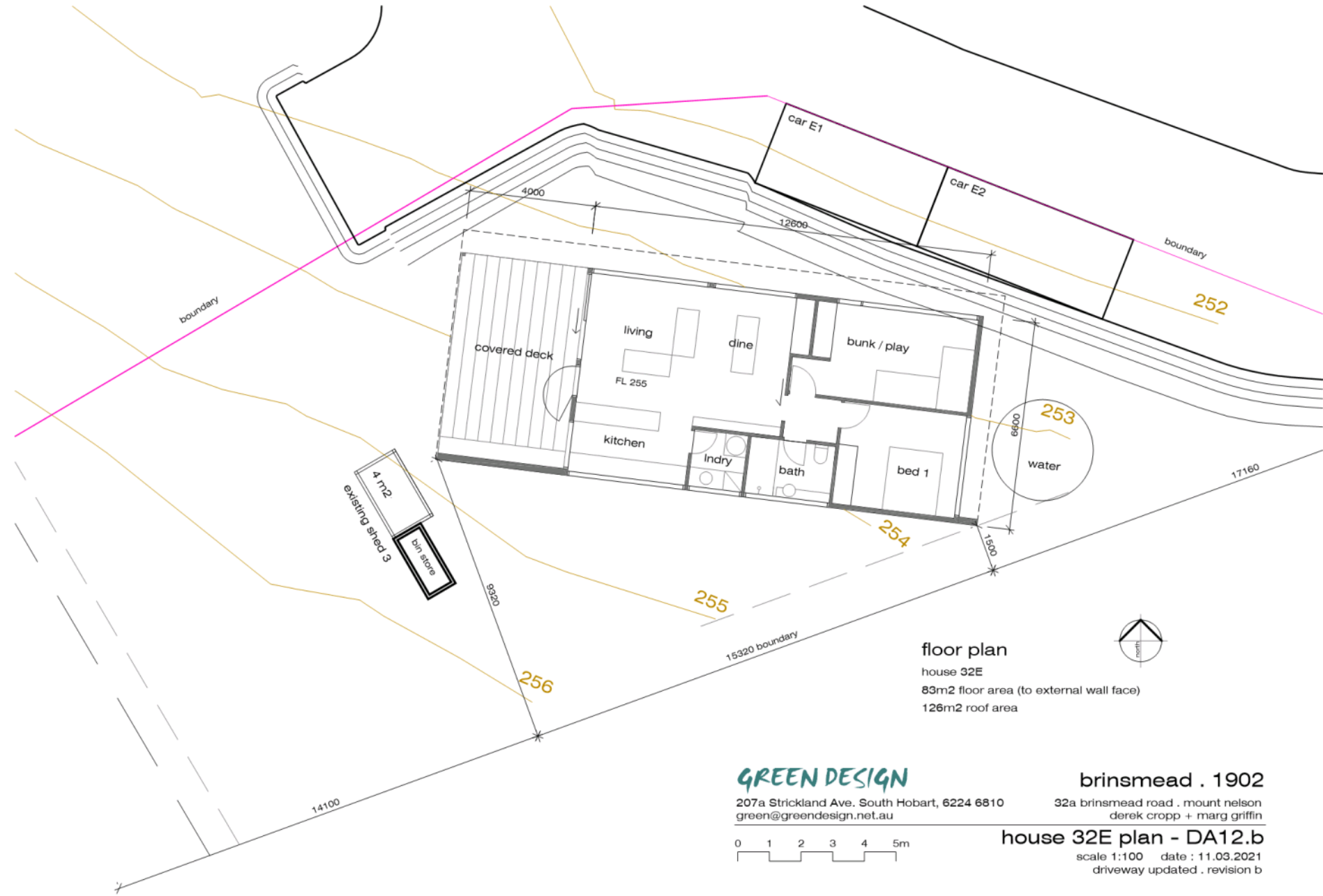
brinsmead . 1902

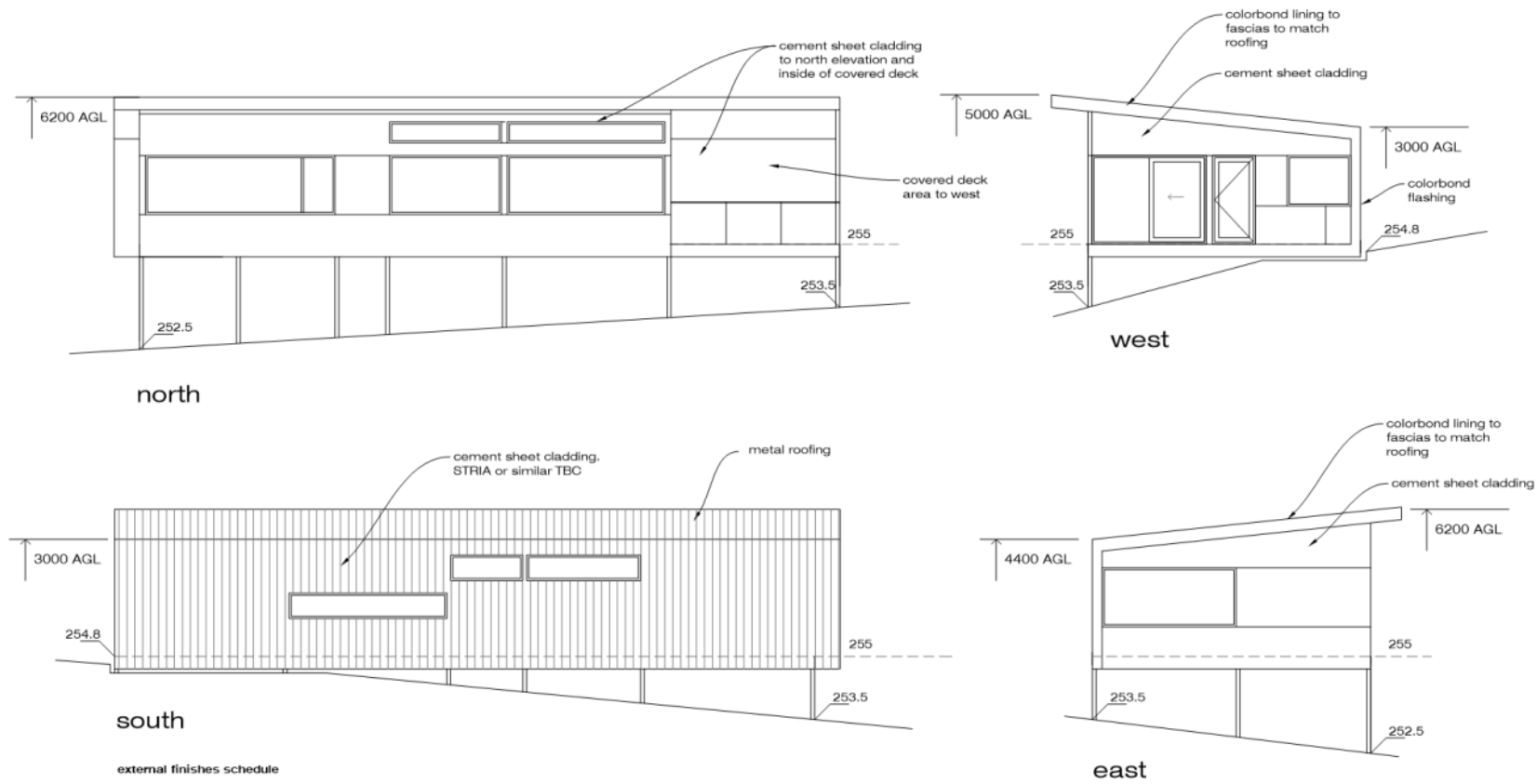
32a brinsmead road . mount nelson
derek cropp + marg griffin

0 1 2 3 4 5m

house 32D elevations - DA11.b

scale 1:100 date : 11.03.2021
driveway updated . revision b





external finishes schedule

cement sheet cladding 1
9mm commercial grade
prefinished product TBC
colour TBC

cement sheet cladding 2 (south)
STRIA or similar product TBC
colour TBC

window frames
PVC
colour TBC

modwood decking
modwood to comply with BAL rating

balustrade
stainless steel framing + cables

**exposed timber and
steel structure**
paint colour TBC

metal roofing
colorbond roofing
colour and profile TBC

roof flashings
colorbond to match roofing

gutters
colorbond to match roofing

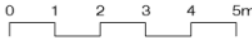
fascias
colorbond to match roofing

downpipes
pvc, paint finish to match walls

soffit lining
6mm cement sheet
paint colour TBC

GREEN DESIGN

207a Strickland Ave. South Hobart, 6224 6810
green@greendesign.net.au

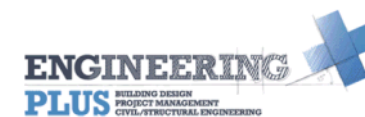


brinsmead . 1902

32a brinsmead road . mount nelson
derek cropp + marg griffin

house 32E elevations - DA13.b

scale 1:100 date : 11.03.2021
driveway updated . revision b



DRAWING SCHEDULE

A00	COVER PAGE
A02	CONSTRUCTION PLAN
A03	FLOOR PLAN
A04	ELEVATIONS #1
A05	ELEVATIONS #2
A06	ROOF PLAN
A07	3D PERSPECTIVES

PROJECT INFORMATION

BUILDING DESIGNER:	GRANT JAMES PFEIFFER
ACCREDITATION No:	CC2211T
LAND TITLE REFERENCE NUMBER:	51330/2
PROPOSED GROUND FLOOR AREA:	38.72m ²
PROPOSED GROUND FLOOR DECK AREA:	8.16m ²
PROPOSED GROUND FLOOR LANDING AREA:	1.44m ²
PROPOSED FIRST FLOOR AREA:	98.57m ²
PROPOSED FIRST FLOOR DECK AREA:	25.71m ²
PROPOSED PARKING DECK AREA:	36.00m ²
PROPOSED ENTRY LANDING AREA:	1.80m ²
DESIGN WIND SPEED:	N3
SOIL CLASSIFICATION:	UNKNOWN
CLIMATE ZONE:	7
BUSHFIRE-PRONE BAL RATING:	UNKNOWN
ALPINE AREA:	N/A
CORROSION ENVIRONMENT:	LOW
FLOODING:	N/A
LANDSLIP:	N/A
DISPERSIVE SOILS:	UNKNOWN
SALINE SOILS:	UNKNOWN
SAND DUNES:	NO
MINE SUBSIDENCE:	NO
LANDFILL:	NO
GROUND LEVELS:	REFER PLAN
ORG LEVEL	75 ABOVE GROUND LEVEL

PROPOSED DWELLING

D. CROPP & M. GRIFFIN
32B BRINSMEAD ROAD,
MOUNT NELSON

HOBART CITY COUNCIL

ISSUED FOR APPROVAL



WINDOW SCHEDULE

MARK HEIGHT WIDTH TYPE U-VALUE SHGC

W1	600	1800	DG	4.3	.55
W2	1800	2100	DG	4.3	.55
*W3	1500	2900	DG	4.3	.55
*W4	900	2700	DG	4.3	.55
W5	600	1800	DG	4.3	.55
W6	600	1800	DG	4.3	.55
W7	600	1800	DG	4.3	.55
*W8	1200	2400	DG	4.3	.55
W9	2100	2100	DG	4.3	.55
*W10	1200	2400	DG	4.3	.55
SD1	2100	1800	DG	4.0	.61
SD2	2100	2100	DG	4.0	.61
SD3	2100	2700	DG	4.0	.61

*W3, 4, 8 & 10 - IF FALL HEIGHT TO GROUND IS GREATER THAN 2.0m WINDOW TO HAVE A PERMANENTLY FIXED ROBUST SCREEN INSTALLED OR HAVE AN OPENING RESTRICTED TO 125mm

Area Schedule (Gross Building)

Name	Area	Area (sq)
GROUND FLOOR	38.72 m ²	4.17
GROUND FLOOR DECK	8.16 m ²	0.88
GROUND FLOOR LANDING	1.44 m ²	0.16
FIRST FLOOR	98.57 m ²	10.61
FIRST FLOOR DECK	25.71 m ²	2.77
PARKING DECK	36.00 m ²	3.88
ENTRY LANDING	1.80 m ²	0.19
	210.40 m ²	22.65

ISSUED FOR APPROVAL

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Client: D. CROPP & M. GRIFFIN
Project: PROPOSED DWELLING
Address: 32B BRINSMEAD ROAD,
MOUNT NELSON

Mob 0417 362 783 or 0417 545 013
jack@engineeringplus.com.au
trn@engineeringplus.com.au



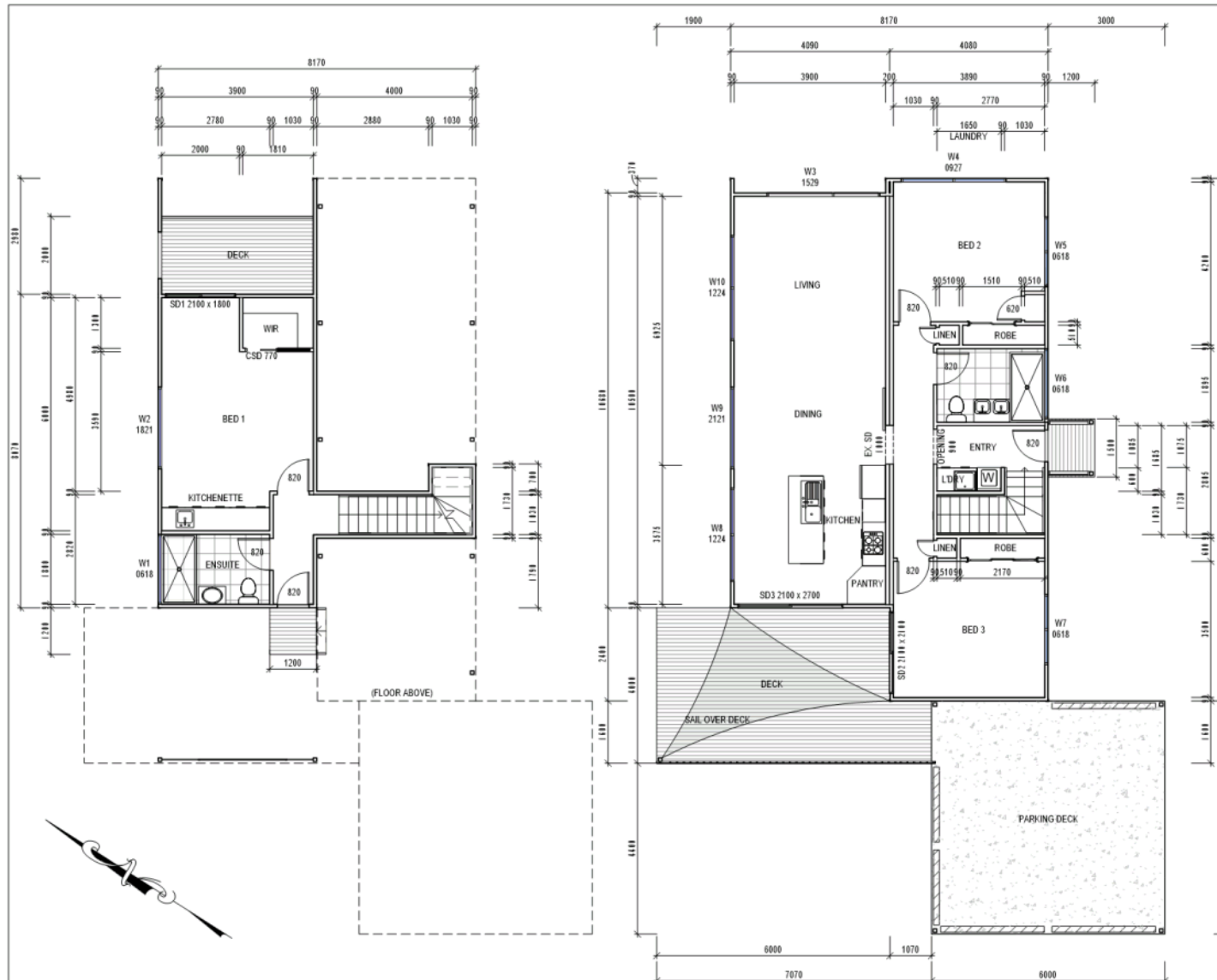
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Drawn: O. Jones
Checked: C. Parry
Approved: J. Pfeiffer
Scale: As Shown @ A3

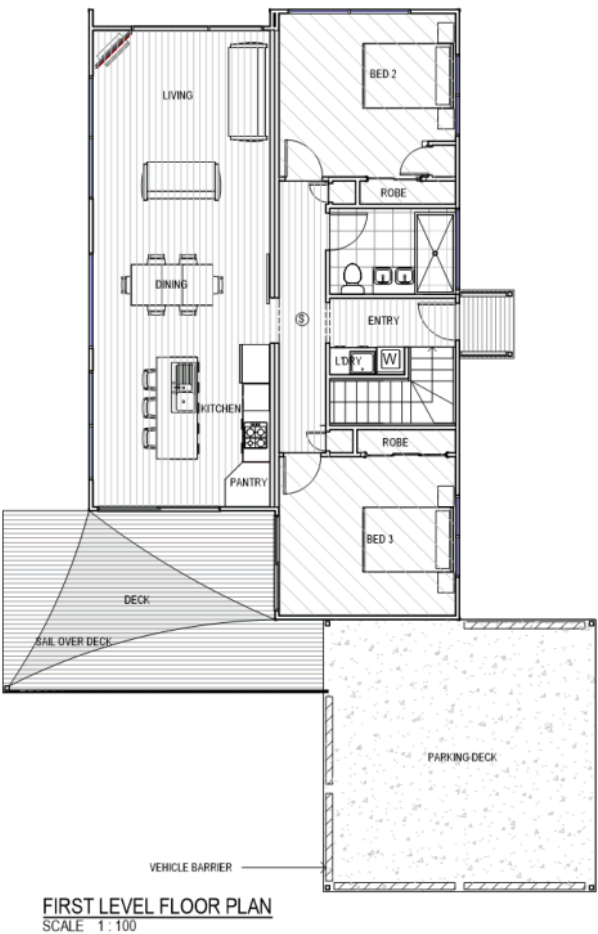
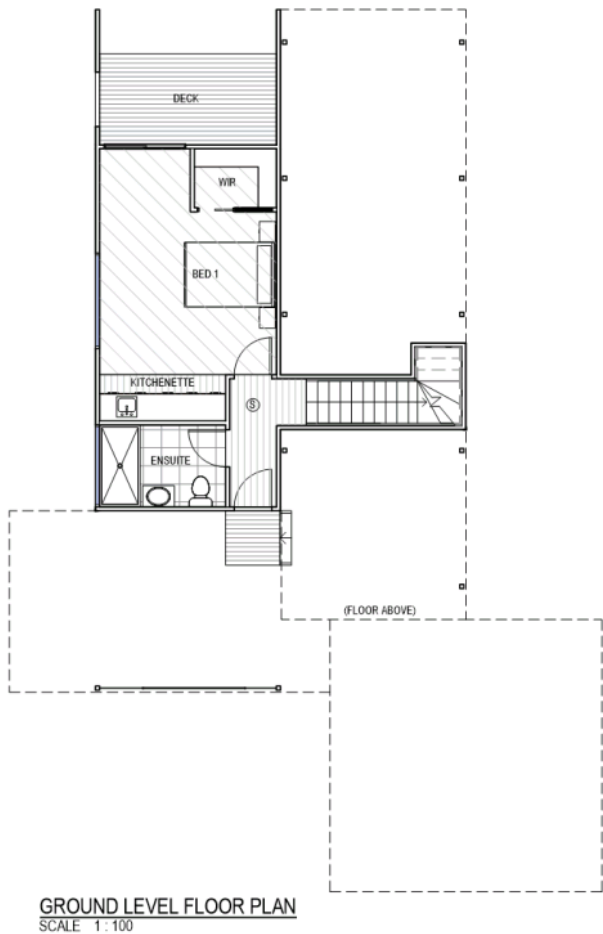
Accredited Building Designer
Designer Name: J. Pfeiffer
Accreditation No: CC2211T

Drawing No: 137020 A03 Rev A

GROUND LEVEL CONSTRUCTION PLAN
SCALE 1:100

FIRST LEVEL CONSTRUCTION PLAN
SCALE 1:100





SMOKE ALARMS
PROVIDE AND INSTALL SMOKE ALARMS & HARD WIRE
TO BUILDING POWER SUPPLY TO AS 3786.
CEILING MOUNTED WITH 9VDC
ALKALINE BATTERY BACKUP
TO LOCATIONS INDICATED ON PLAN AND IN ACCORDANCE
WITH NCC PART 3.7.2.5

⑤ - DENOTES INTERCONNECTED SMOKE DETECTORS
BETWEEN LEVELS

FLOOR COVERINGS	
	CARPET
	CONCRETE
	TIMBER DECKING
	TILE
	VINYL TIMBER FLOORING

Area Schedule (Gross Building)		
Name	Area	Area (sq)
GROUND FLOOR	38.72 m²	4.17
GROUND FLOOR DECK	8.16 m²	0.88
GROUND FLOOR LANDING	1.44 m²	0.16
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FIRST FLOOR DECK	25.71 m²	2.77
PARKING DECK	36.00 m²	3.88
ENTRY LANDING	1.80 m²	0.19
	210.40 m²	22.65

				Date Drawn: 27.04.20
				Drawn: O. Jones
				Checked: C. Parry
				Approved: J. Pfeiffer
				Scale: As Shown @ A3
				Accredited Building Designer
				Designer Name: J. Pfeiffer
				Accreditation No: CC2211T
A	ISSUED FOR APPROVAL	25.05.20	O.J	
Rev:	Amendment:	Date:	Int:	

ISSUED FOR APPROVAL

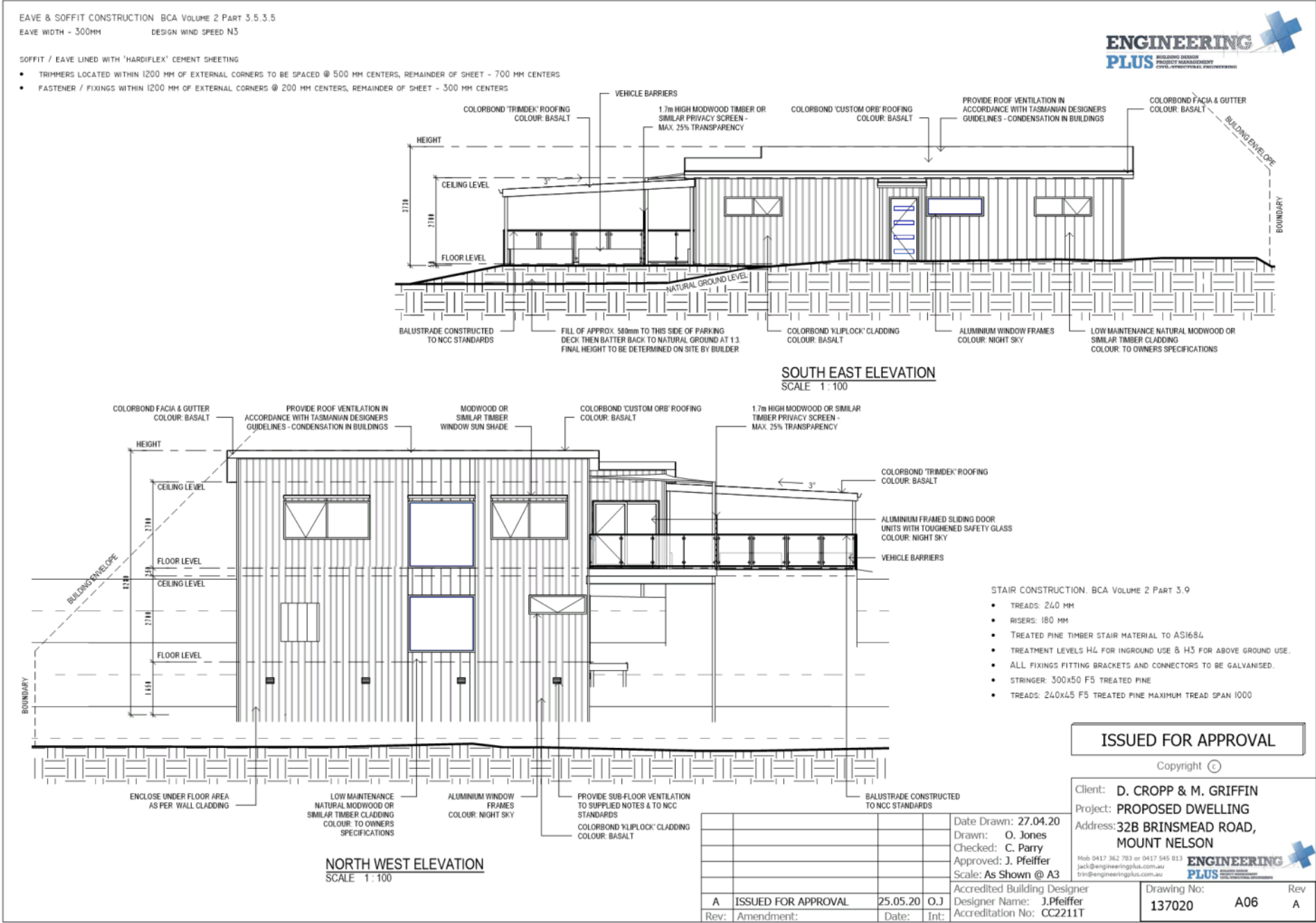
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Client: D. CROPP & M. GRIFFIN
Project: PROPOSED DWELLING
Address: 32B BRINSMEAD ROAD,
MOUNT NELSON

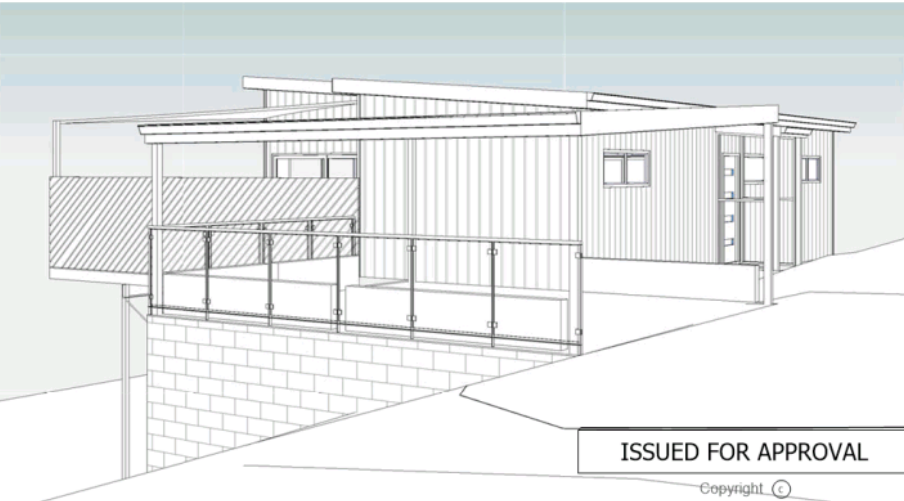
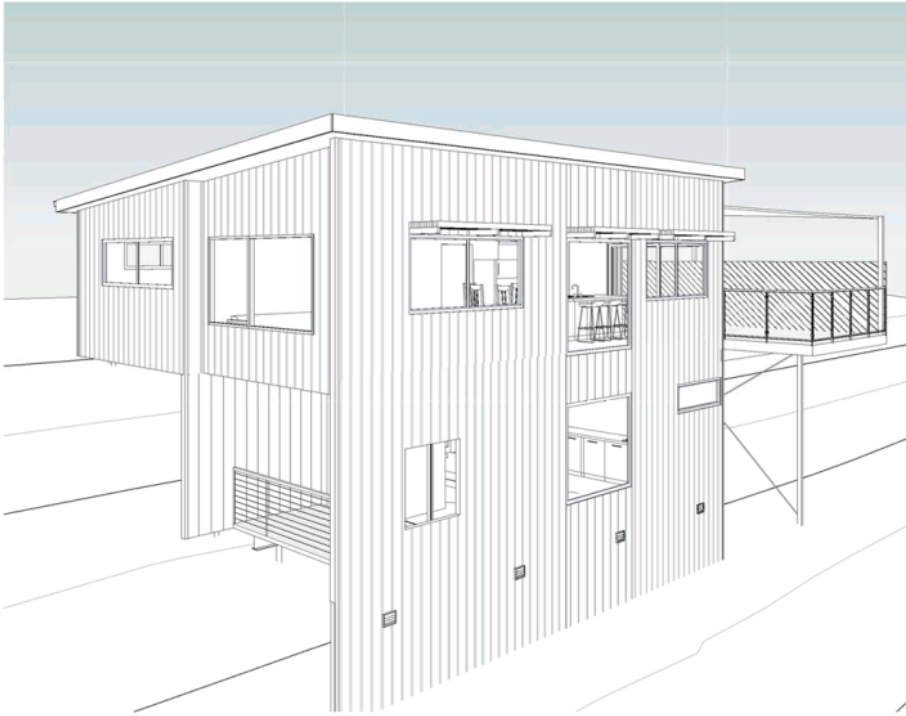

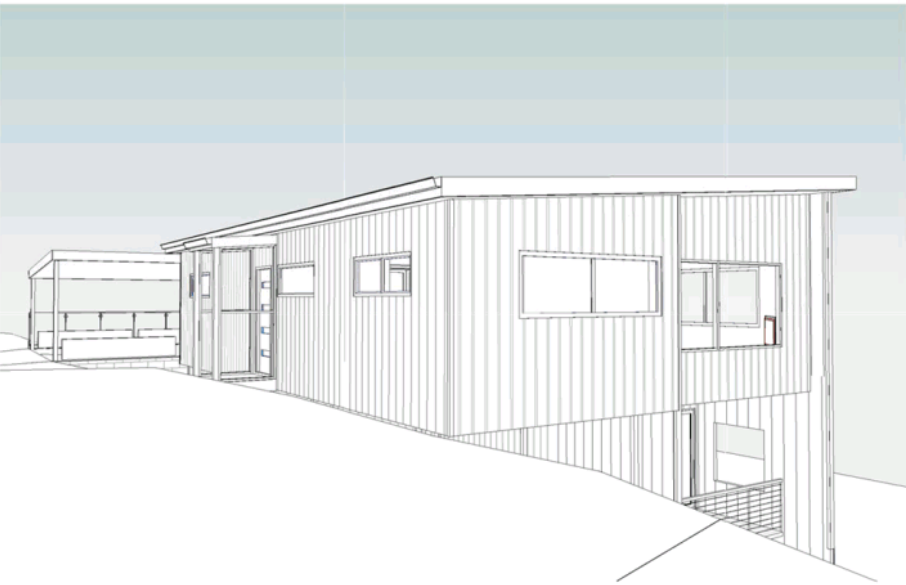
Mob 0417 362 783 or 0417 545 813
jack@engineeringplus.com.au
trn@engineeringplus.com.au

ENGINEERING PLUS

Drawing No: 137020
A04
Rev A



Drawing No:	Rev
137020	A07 A



ENGINEERING PLUS
BUILDING DESIGN
PROJECT MANAGEMENT
CIVIL/STRUCTURAL ENGINEERING

ISSUED FOR APPROVAL

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Client: D. CROPP & M. GRIFFIN
Project: PROPOSED DWELLING
Address: 32B BRINSMEAD ROAD,
MOUNT NELSON

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jack@engineeringplus.com.au
trn@engineeringplus.com.au

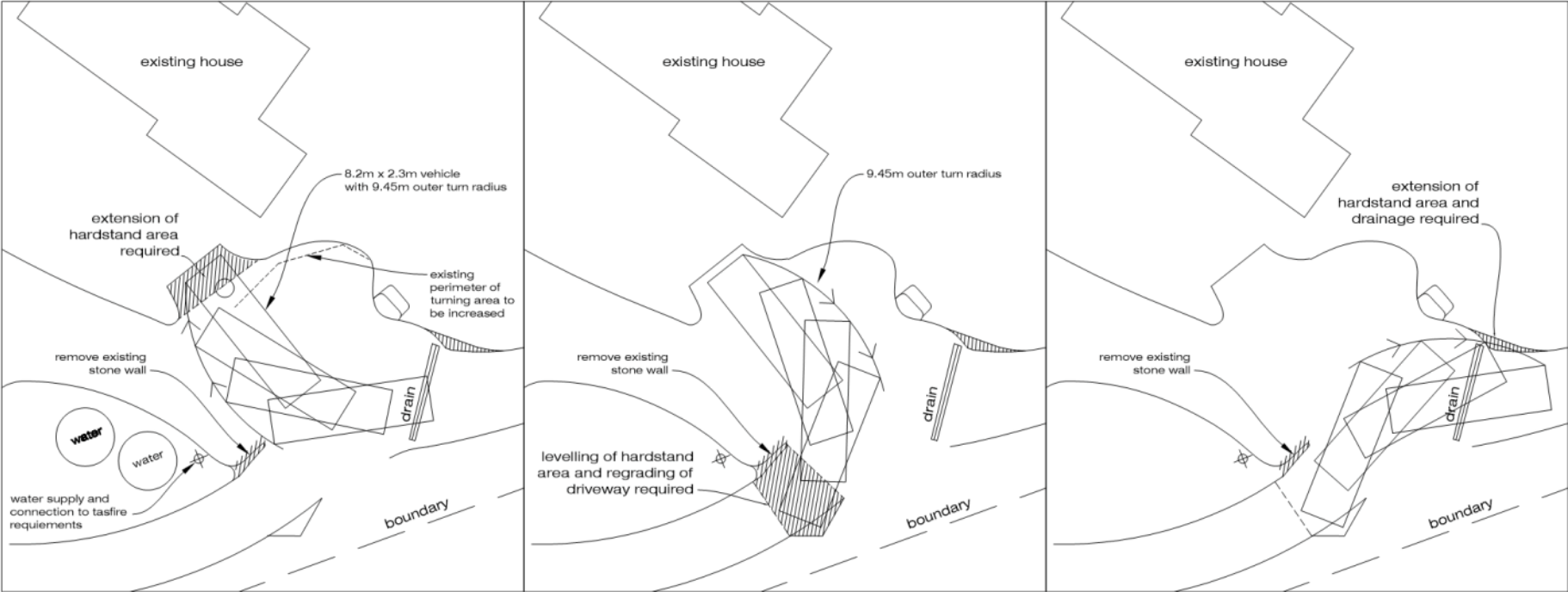
ENGINEERING PLUS
REGISTERED BUILDING DESIGNER
ACCREDITED BUILDING DESIGNER

A	ISSUED FOR APPROVAL	25.05.20	O.J
Rev:	Amendment:	Date:	Int:

Date Drawn: 27.04.20
Drawn: O. Jones
Checked: C. Parry
Approved: J. Pfeiffer
Scale: As Shown @ A3

Accredited Building Designer
Designer Name: J. Pfeiffer
Accreditation No: CC2211T

Drawing No: 137020
A11
Rev A



fire truck entry

fire truck reversing

fire truck exit

GREEN DESIGN

207a Strickland Ave. South Hobart, 6224 6810
green@greendesign.net.au

brinsmead . 1902

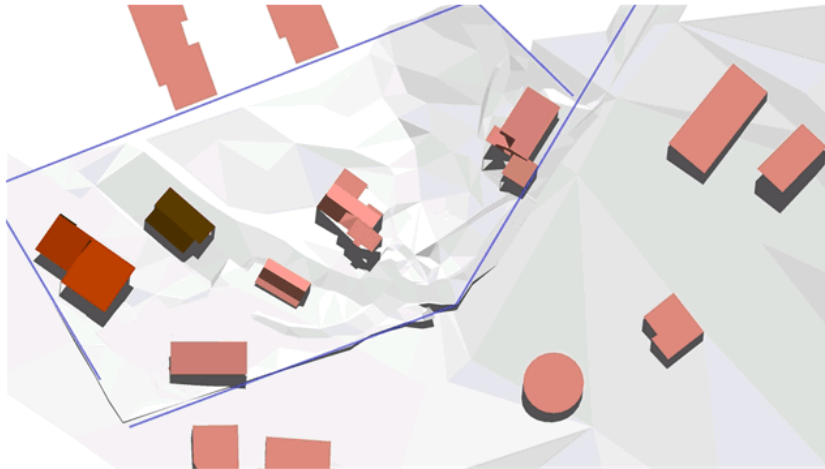
32a brinsmead road . mount nelson
derek cropp + marg griffin



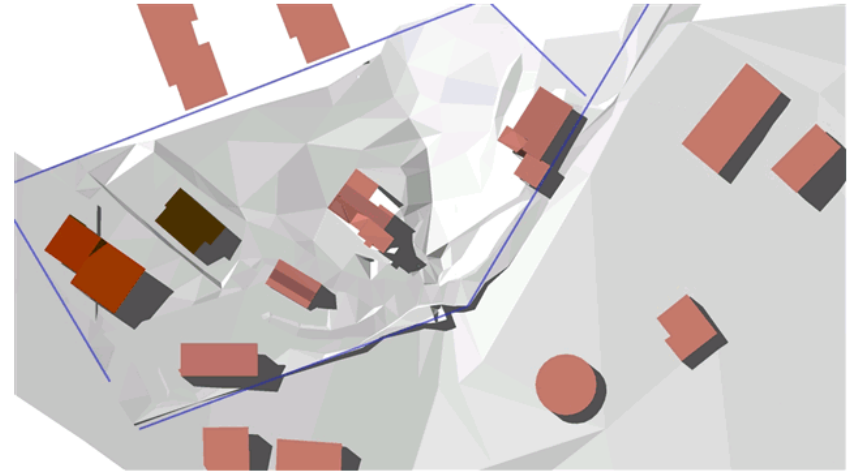
0 2 4 6 10m

fire truck turning - DA07

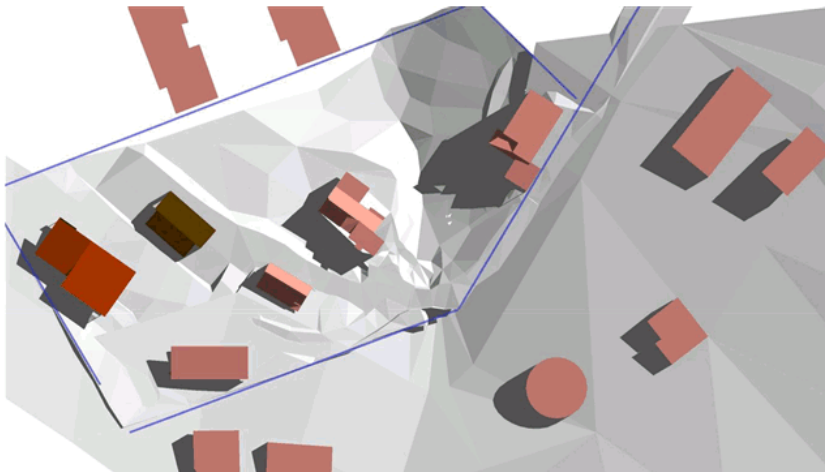
scale 1:200 date : 24.07.2020



12 noon march 21



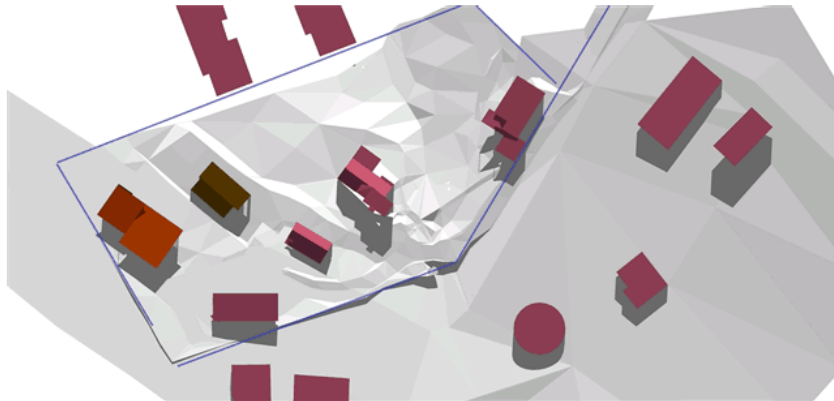
3pm march 21



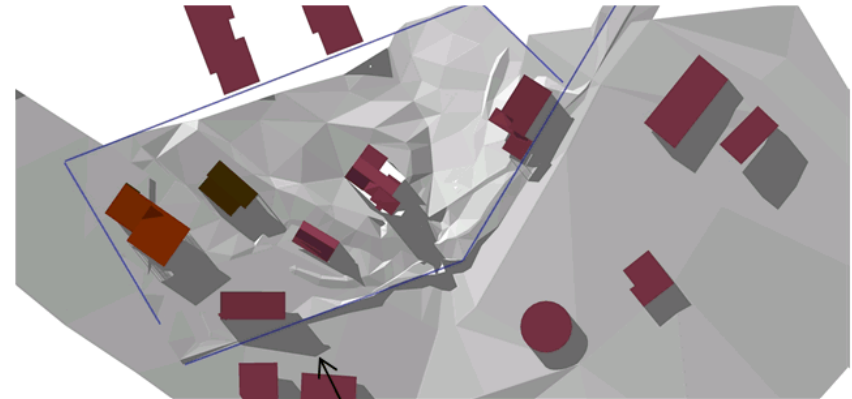
9am march 21

GREEN DESIGN
sustainable architecture

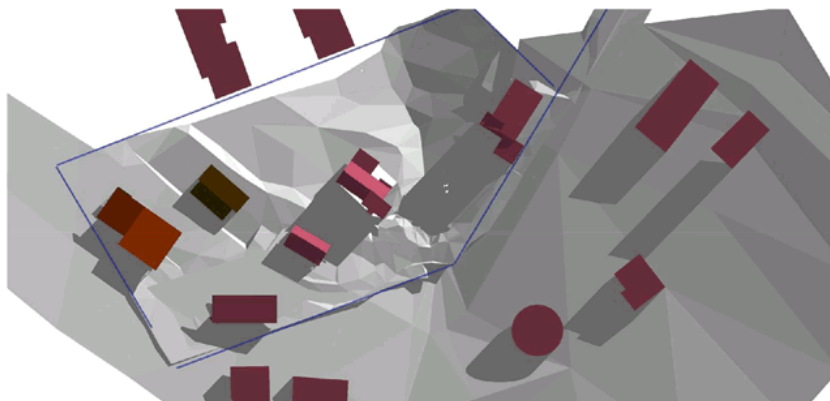
32a brinsmead road . mount nelson
march . shadow diagrams
23.09.2020



12 noon june 21



minimal shadows cross boundary
on to neighbours driveway
at 3pm on winter afternoon.
most of shadows would fall within
existing shadows from boundary fence

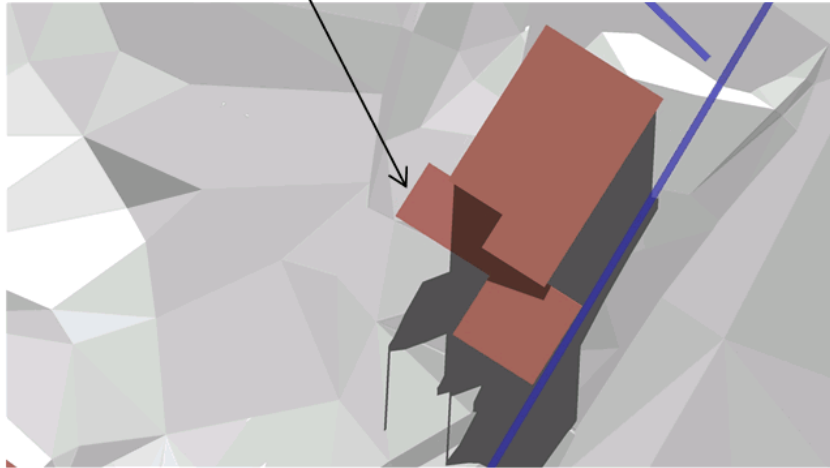


9am june 21

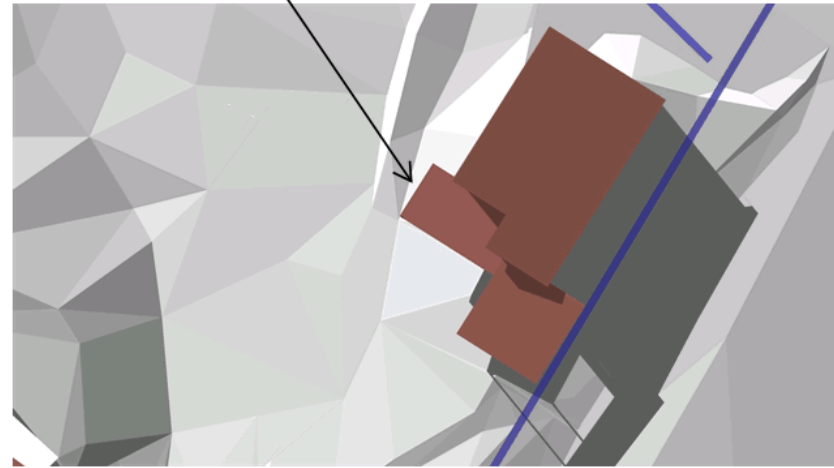
GREEN DESIGN
sustainable architecture

32a brinsmead road . mount nelson
june . shadow diagrams
23.09.2020

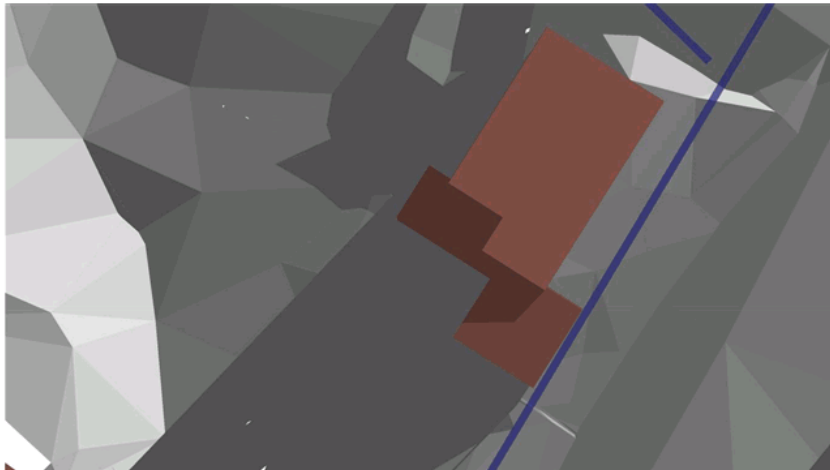
50% of deck gets full sun
from 12 noon onwards



deck gets full sun in
hours after noon



3pm june 21



GREEN DESIGN
sustainable architecture

32a brinsmead road . mount nelson
house 32B . shadow diagrams
23.09.2020

GREEN DESIGN

Green Design Architects Pty. Ltd.

proposed multiple dwellings at 32A brinsmead road , mount nelson



shared driveway access from brinsmead road



shared driveway access photo 2 (existing house 32A seen in trees)

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proposed multiple dwellings at 32A brinsmead road , mount nelson



shared driveway access photo 3 (pedestrian path towards existing house seen on right)



site for proposed house 32B

GREEN DESIGN

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proposed multiple dwellings at 32A brinsmead road , mount nelson



site for proposed house 32C



site for proposed house 32D

GREEN DESIGN

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proposed multiple dwellings at 32A brinsmead road , mount nelson



view of existing house 32A



view of existing shed and parking for house 32A

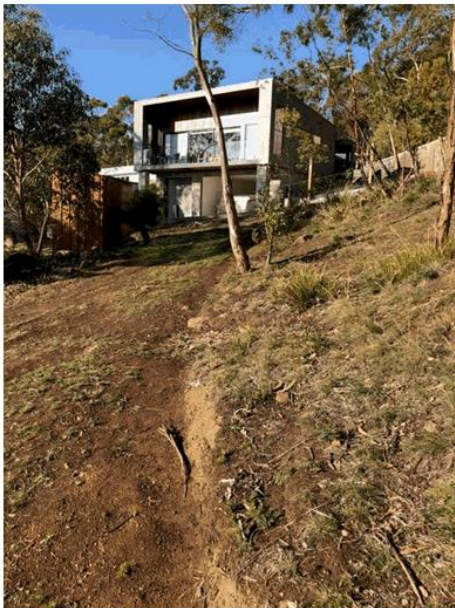
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Green Design Architects Pty. Ltd.

proposed multiple dwellings at 32A brinsmead road , mount nelson



view of south neighbour recently completed



view of south neighbour recently completed



Green Design Architects Pty. Ltd.

26 November 2020

Dear HCC planning / Michael McClenahan,

PLN 20-496
PROPOSED HOUSES, 32a BRINSMEAD ROAD, MOUNT NELSON
additional information request

Further to councils further information request dated 18.08.2020 please find the following documents attached :

- . shadow diagrams : brinsmead 2020.09.23 DA shadow diagrams 2.pdf
- . driveway drawings : CSD turn templates_20200914(2).pdf
- . stormwater and services drawings : 05 C_20201124(2).pdf
- . report regarding engineering items : 32A Brinsmead Report_20201124_1727.pdf

In reply to councils information request, we note the following :

Planning
PLN Fi6 Shadow diagrams

Refer to the attached shadow diagrams.

Shadow diagrams have been created for the times required.

1. As shown in the diagrams no shadows will fall on the private open spaces of adjacent lots at the required times.
2. As shown in the diagrams no shadows will fall over habitable rooms of adjacent lots, and habitable rooms within the site at the required times.
3. As shown on the shadow diagrams for dwelling 32B, over 50% of the private open space will receive full sun from 12 noon onwards.

Parking and access

PA 3
PA 4
PA 5.1
PA 5.2
PA 6
ENG 1

Refer to brinsmead report by Civil Design Australia.

Refer to driveway drawings by Civil Design Australia.

Stormwater

Sw 1
Sw 5
Sw 6
Sw 7

Refer to brinsmead report by Civil Design Australia.

Refer to driveway drawings by Civil Design Australia.

GREEN DESIGNGreen Design Architects Pty. Ltd.

INFsw 1

The council infrastructure under the driveway creek crossing will be replaced by a new creek crossing as noted in the drawings by Civil Design Australia.

As shown on the site plans the nearest building proposed will be over 30 metres away from the external surface of this council infrastructure.

Biodiversity Code

We will answer these further information items shortly.


Waterway and Coastal Protection Code

We will answer these further information items shortly.

Please don't hesitate to call if you have any queries.

We look forward to your review of the above information.

regards



scott christensen
green design
0426 207 676

GREEN DESIGN

Green Design Architects Pty. Ltd.

04 December 2020

Dear HCC planning / Michael McClenahan,

PLN 20-496**PROPOSED HOUSES, 32a BRINSMEAD ROAD, MOUNT NELSON****additional information request . further items**

In reply to councils further information request dated 18.08.2020 please find the following documents attached :

- . biodiversity and waterway plans : brinsmead 2020.12.04 DA02.06 revA.pdf
- . biodiversity site photos : brinsmead . site photos 2 biodiversity impacts.pdf
- . revised stormwater and services drawing : brinsmead C201 revised drainage plan (revB2).pdf

In reply to councils information request, we note the following :

Biodiversity Code**BC1**

Please find the attached plans and site photos with detailed notes regarding vegetation.

Species, numbers, and photos have been provided.

There is very little vegetation removal required for this project.

Our estimate of the canopy cover removed for the entire works is approximately 110m2 (shown in the dashed pink circles on the attached plan).

As shown on the revised drainage plan attached, we have grouped the sewer and stormwater lines to minimise impact on the creek and vegetation.

BC1 bushfire

We have a preliminary bushfire report for the project that has identified several trees for removal on proposed lots 2 and 5. 2 eucalypts are proposed for removal on Lot 2 to thin the canopy, and several young wattles are proposed for removal on Lot 5. It is the owners aim to retain as many trees as possible on the site by employing ground and understorey management in accordance with the Tasmania Fire Service recommendations (as the owner has done for many years).

BC2

As stated in our original cover letter by Frazer Read dated 04.08.2020 performance criterion E10.7.1 P1 is considered appropriate because all of the proposed houses are located in existing cleared areas of the site. Refer also to the new site photos attached.

BC3

As stated by council, a Natural Values Determination may not be required. Please advise if you need further information.

Waterway and Coastal Protection Code**WCPC1**

The extent of the waterway protection area is shown in the new plans attached.

WCPC2


The works within the waterway protection are clearly indicated on the plans attached.

The works are limited to an updated creek crossing and sewer and stormwater pipework including a bio-retention system. Further detail on these elements can be found in the engineering drawings previously supplied.

Please don't hesitate to call if you have any queries.

We look forward to your review of the above information.

regards

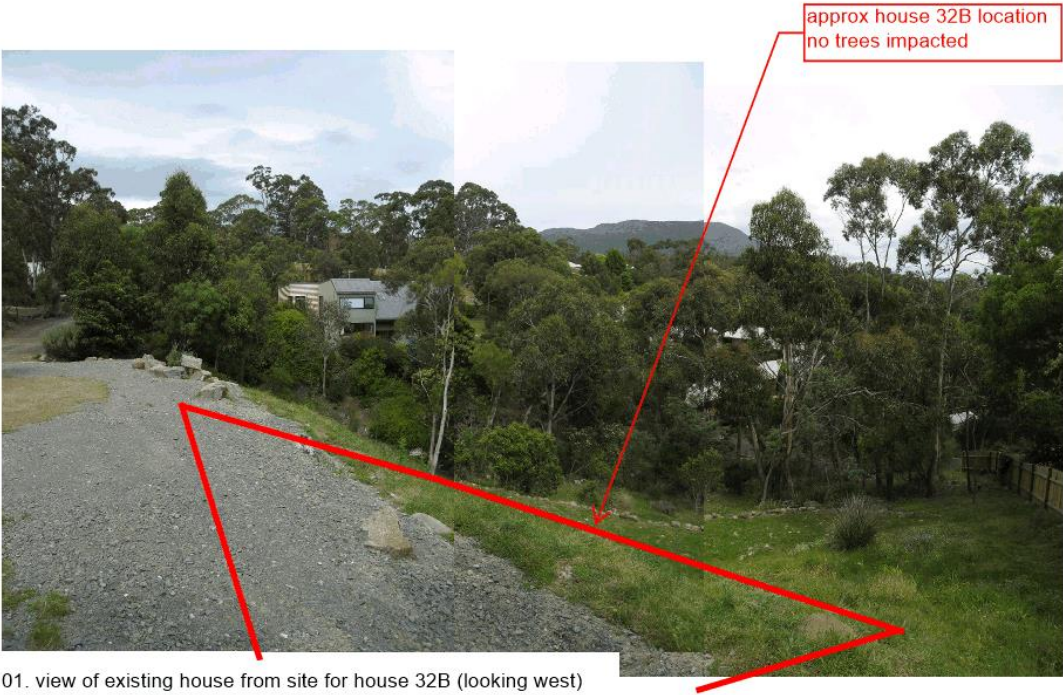


scott christensen
green design
6224 6810

GREEN DESIGN

Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 1



GREEN DESIGN

Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 2



03. view of existing parking area to be used for fire truck turning area



04. view of site for house 32D (looking north west)



Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 3



05. proposed driveway location to houses 32C and 32E



06. proposed driveway location to houses 32C and 32E



07. proposed site for house 32C (looking north west)

approx location of water services
to houses 32C and 32E.
no vegetation is impacted

08.
area of service pipes connecting
to proposed houses 32C and 32E
(looking north east)



GREEN DESIGN

Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 4



09. proposed site for house 32E (looking south east)



GREEN DESIGN

Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 5



11. existing driveway (looking south west)



12. existing driveway 2 (looking west)



13. existing creek crossing and proposed fire truck turning area (looking south west)

GREEN DESIGN

Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 6



14. existing creek crossing (looking south to neighbours crossing)



15. existing creek crossing (looking south)



16. existing creek crossing (looking north)

GREEN DESIGN

Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 7

approx stormwater + sewer lines
proposed will remove cotoneaster



17. existing timber bridge (looking south west)



18. existing timber bridge (looking south west)



19. existing creek (looking south)



20. existing creek (looking south)

GREEN DESIGN

Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 8



21. lower creek (looking north)



22. lower creek (looking north)

GREEN DESIGN

Green Design Architects Pty. Ltd.

file: brinsmead . site photos 2 9



23. existing bridge and creek crossing (looking east)



24. preferred stormwater connection point (looking east)

GREEN DESIGN

Green Design Architects Pty. Ltd.

i e r i n s e d . s i t e h t s

eucalypt 1 and 2 on lot 5 to be removed for bushfire protection



. e c y t t . r

. r sed t ing n rth e st



28 . e c y t t . r

. r sed t ing n rth est

32a Brinsmead Road, Mount Nelson: Natural Values Determination

28 Suncrest Avenue
Lenah Valley, TAS 7008
mark@ecotas.com.au
www.ecotas.com.au
(03) 62 283 220
0407 008 685
ABN 83 464 107 291

Green Design

ATTENTION: Scott Christensen
207a Strickland Avenue
South Hobart TAS 7004

17 December 2020

Dear Scott

RE: 32a Brinsmead Road, Mount Nelson
Proposed development/use – PLN-20-496

Preamble

I refer to engagement to assist with addressing Item BC3 of correspondence from City of Hobart dated 15 Dec. 2020, which states:

Biodiversity Code

To enable the Council to assess the application against the relevant provisions of the Biodiversity Code of the *Hobart Interim Planning Scheme 2015* please provide:

BC3 A Natural Values Determination as defined under clause E10.3 of the scheme.

Advice: Please identify the location and type of any native vegetation communities on the site and provide a determination of the priority of the biodiversity values that would be impacted by the proposed development in accordance with Table E10.1 of the Code.

The present statement is intended to provide a response to this request.

Site details

Address: 32a Brinsmead Road, Mount Nelson (Figures 1-3)

Zone: Low Density Residential (Figure 4)

Overlays (relevant to natural values assessment): Biodiversity Protection Area (Figure 5)

Area: computed area = 7,152.915 m² [source: LISTmap]

Geology: wholly mapped as Jurassic dolerite (geocode: Jd) (Figure 6)

Topography: variably sloped terrain with a generally northerly to northwesterly aspect

Elevation: ca. 235 m a.s.l. (Rifle Range Creek) to ca. 260 m a.s.l. (southern corner)

Drainage features: Rifle Range Creek

ECOtas...providing options in environmental consulting



32a Brinsmead Road, Mount Nelson: Natural Values Determination

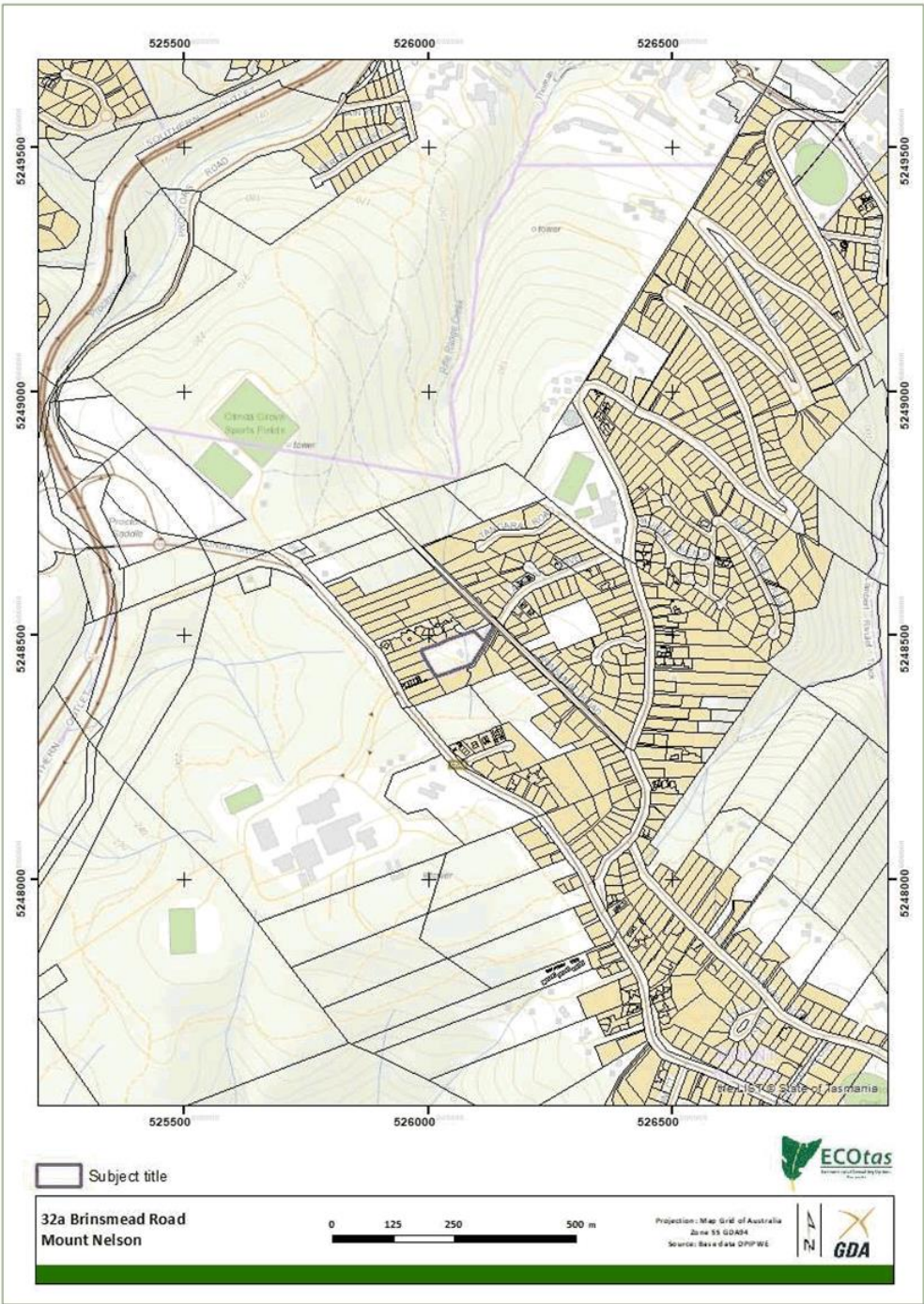


Figure 1. General location of subject title



32a Brinsmead Road, Mount Nelson: Natural Values Determination

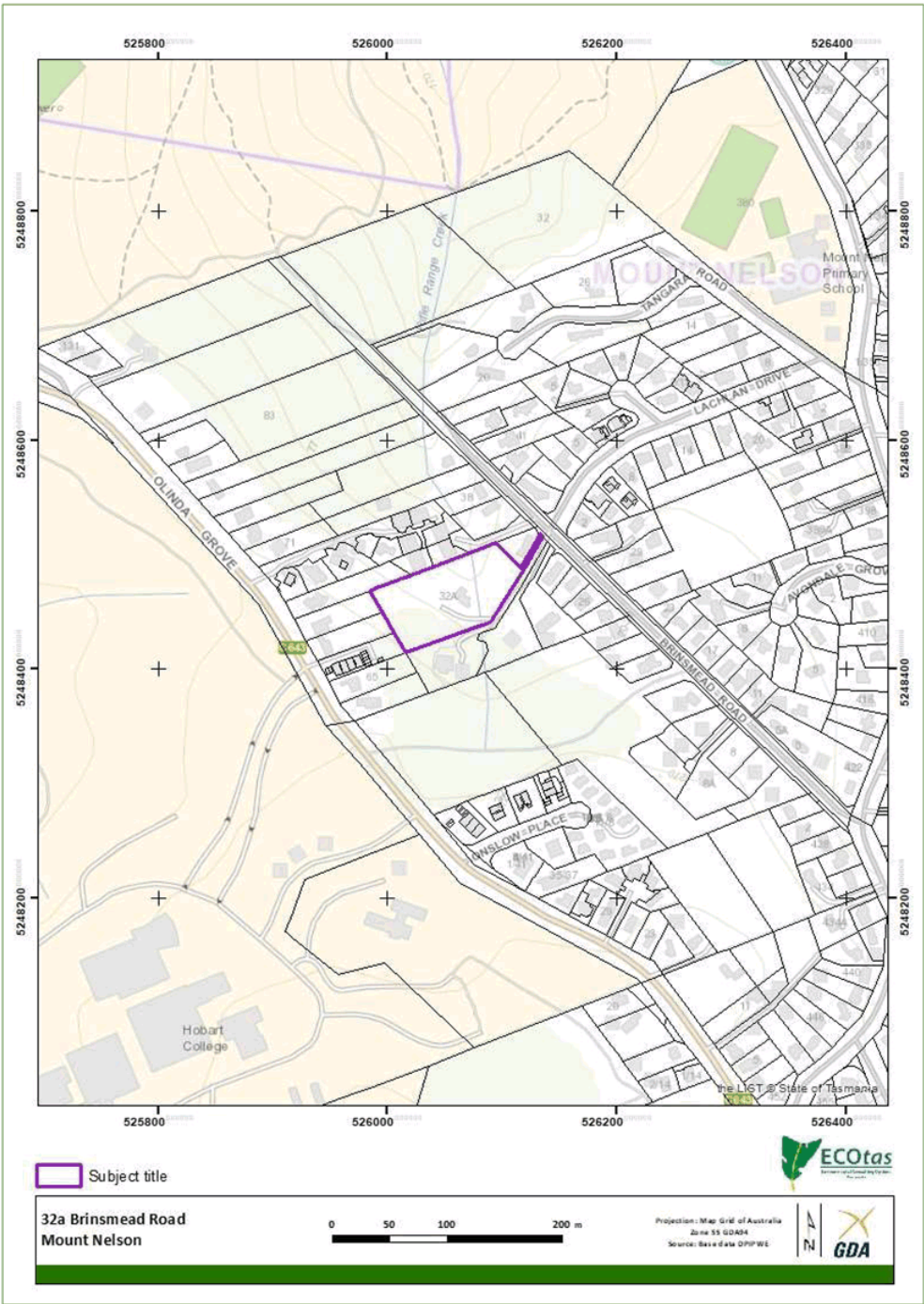


Figure 2. Detailed location of subject title showing cadastral and topographic features

ECotas...providing options in environmental consulting

32a Brinsmead Road, Mount Nelson: Natural Values Determination

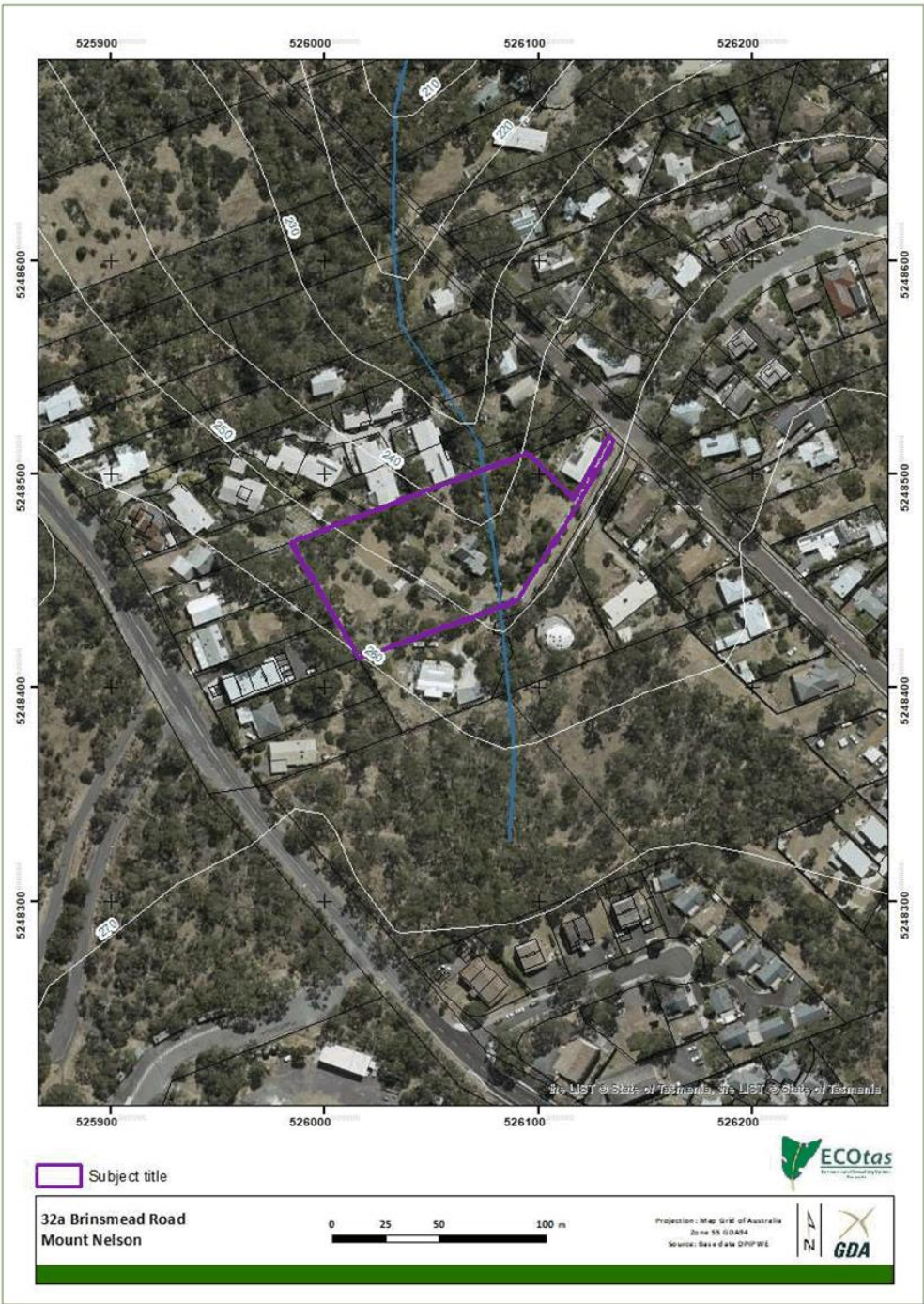


Figure 3. Detailed location of subject title showing cadastral, topographic features and recent aerial imagery

ECotas...providing options in environmental consulting

32a Brinsmead Road, Mount Nelson: Natural Values Determination



Figure 4. Zoning of subject title and surrounds pursuant to Clarence Interim Planning Scheme 2015

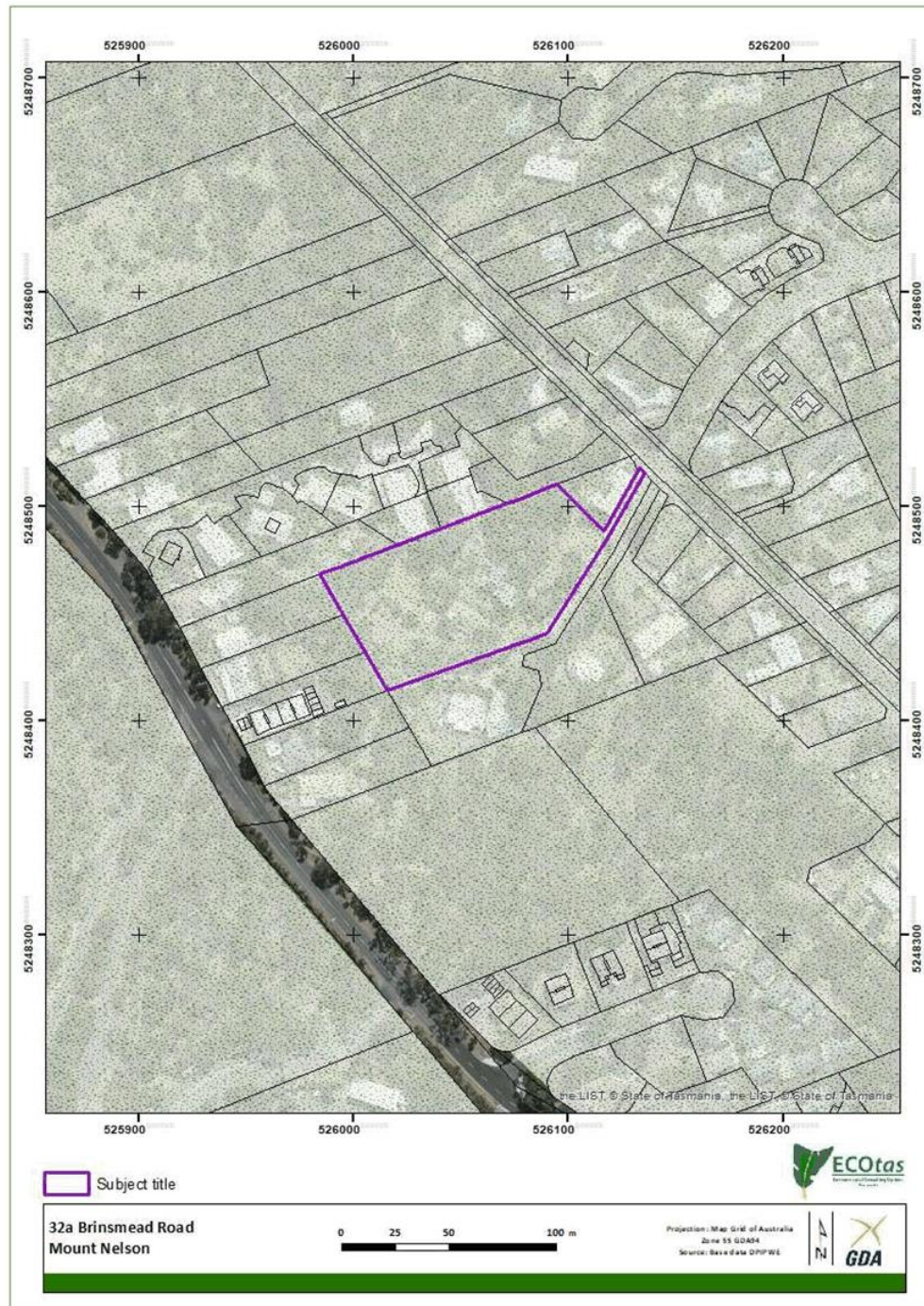
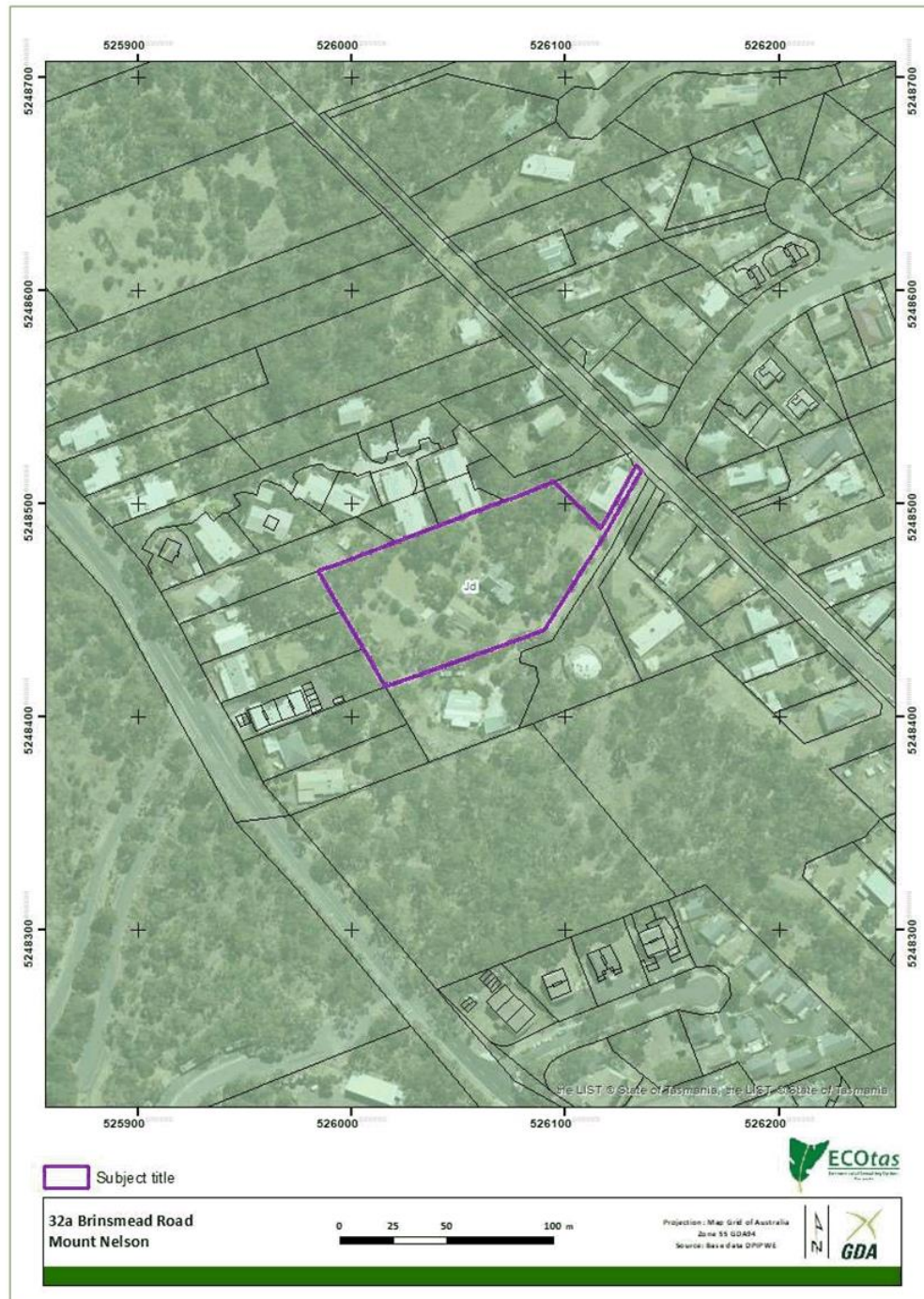
32a Brinsmead Road, Mount Nelson: Natural Values Determination

Figure 5. Extent of Biodiversity Protection Area within subject title and surrounds pursuant to *Clarence Interim Planning Scheme 2015*

ECotas...providing options in environmental consulting

32a Brinsmead Road, Mount Nelson: Natural Values Determination**Figure 6.** Geology of subject title and surrounds (refer to text for code)**ECOtas...providing options in environmental consulting**

32a Brinsmead Road, Mount Nelson: Natural Values Determination**Assessment**Preliminary database checks

LISTmap was examined to determine existing vegetation mapping and known sites for threatened flora and fauna. Database reports were produced under DPIPW's *Natural Values Atlas* (DPIPW 2020), the Forest Practices Authority's *Biodiversity Values Database* (FPA 2020) and the Commonwealth Department of Agriculture, Water and the Environment's *Protected Matters Search Tool* (CofA 2020) to support the assessment process (all appended for reference).

Site assessment

I attended the site on 16 Dec. 2020.

FindingsVegetation types

Under TASVEG 4.0 (which is identical to the immediately previous version, TASVEG 3.0, mentioned because that version was largely used to inform such overlays as the current Biodiversity Protection Area overlay and the future Priority Vegetation Overlay in the incoming *Statewide Planning Scheme*), the title is mapped as mainly urban areas (TASVEG code: FUR) with a small area of *Eucalyptus pulchella* forest and woodland (TASVEG code: DPU) in the southwestern corner (Figure 8)

Site assessment indicated that the whole title is now best mapped (Figure 9) as urban areas (TASVEG code: FUR), reflecting current land use and structure/composition of the vegetation. The site's natural values have been documented in Green Design's information package (PDF labelled "brinsmead site photos 2 biodiversity impacts"). The whole site has a long history of residential occupation and management. While there are scattered native species present, the vegetation is predominantly composed of non-native species. That the whole site is best classified as a residential yard is the only tenable classification. I note that recent changes to TASVEG 4.0 have resulted in quite extensive areas of highly modified suburban and peri-urban areas with even quite dense canopy cover of eucalypt species but a virtually wholly modified understorey being re-coded as FUR, presumably because classification as a native vegetation mapping unit is simply not justifiable (i.e. such classification would lead to a vast over-estimation of the extent of some vegetation types at the municipal, bioregional and Statewide scales).

While I accept that the definition of "native vegetation" under the *Hobart Interim Planning Scheme 2015* (and in fact virtually all interim schemes and the incoming *Statewide Planning Scheme*) is "plants that are indigenous to Tasmania including trees, shrubs, herbs and grasses that have not been planted for domestic or commercial purposes", this is a virtually all-encompassing definition that means sites such as old paddocks regenerating with even a scattering of native species or most road verges become "native vegetation". This is highly unlikely to have been the direct intent of the definition used in the interim schemes (although sometimes it has conservation benefits such as road verges with remnant native grassland including threatened flora). However, in my opinion, it is difficult to justify classifying sites mapped as FUR, which is one of the modified land classifications under TASVEG (Kitchener & Harris 2013+), as "native vegetation" in any reasonable sense, otherwise this "ball of string" has no end (from a suburban yard with one native tree to one such as the present one with scattered native trees and shrubs).



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Figure 8. Existing TASVEG 4.0 vegetation mapping for subject title and surrounds
(refer to text for codes)

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Figure 9. Revised vegetation mapping for subject title (refer to text for code)

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Plates 1-6 provide images that I believe are representative of the classification of the subject title as FUR, rather than any native vegetation mapping unit. Further images of specific proposed development sites are provided in Green Design's information package (PDF labelled "brinsmead site photos 2 biodiversity impacts").



Plates 1 & 2. Southwestern corner of the title that is clearly a suburban residential backyard *Eucalyptus pulchella* forest and woodland (TASVEG code: DPU), which is what this patch is currently coded as on TASVEG 4.0

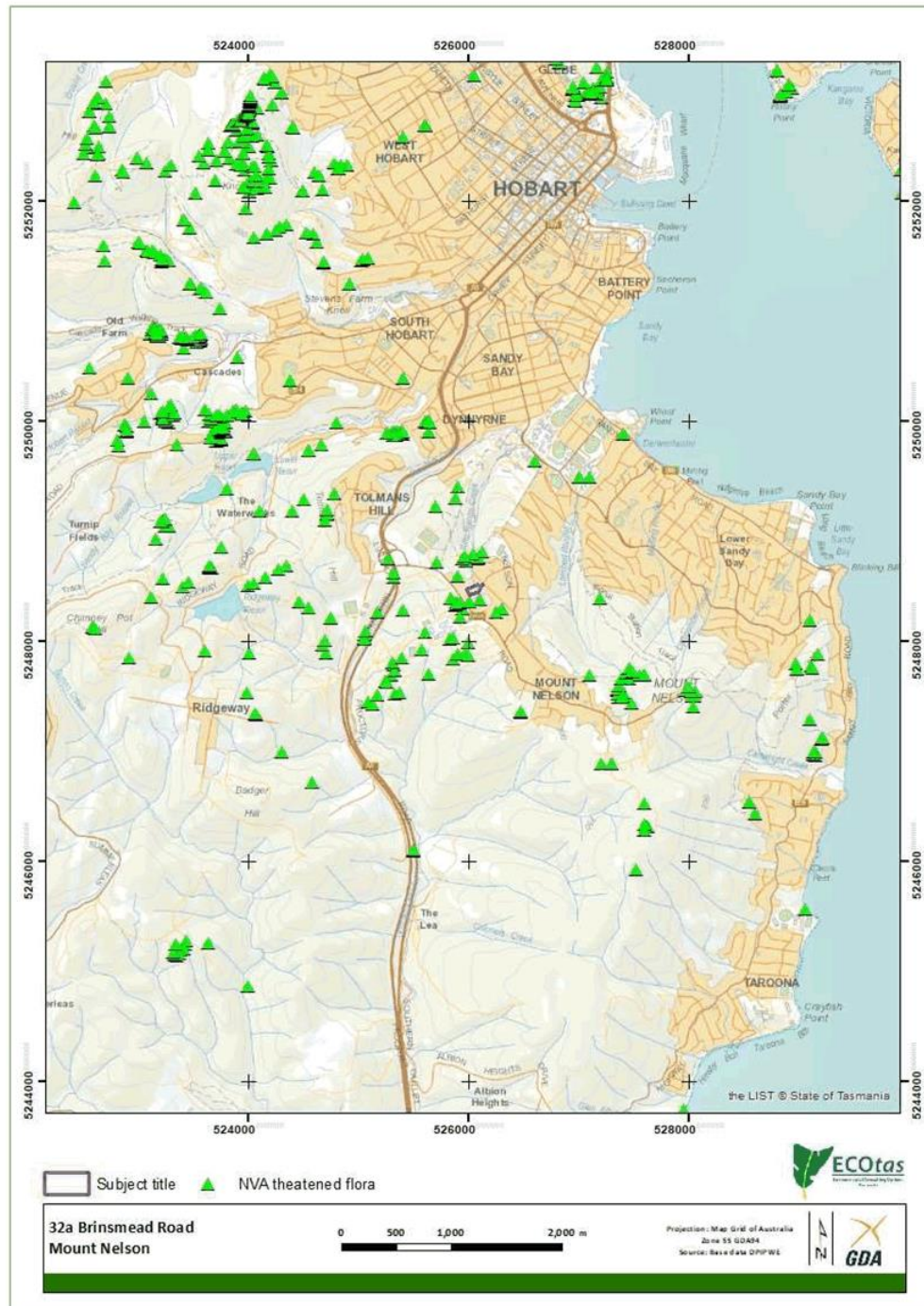


Plates 3 & 4. Other parts of the title currently correctly classified as urban areas (TASVEG code: FUR) on TASVEG 4.0



Plates 5 & 6. Looking into Rifle Range Creek, with a highly modified upper canopy and even more modified understorey that precludes classification as a native vegetation mapping unit, hence the classification on existing TASVEG 4.0 mapping as FUR (confirmed by site assessment)



32a Brinsmead Road, Mount Nelson: Natural Values Determination**Figure 10a.** Distribution of threatened flora within vicinity of title (overview)**ECotas...providing options in environmental consulting**

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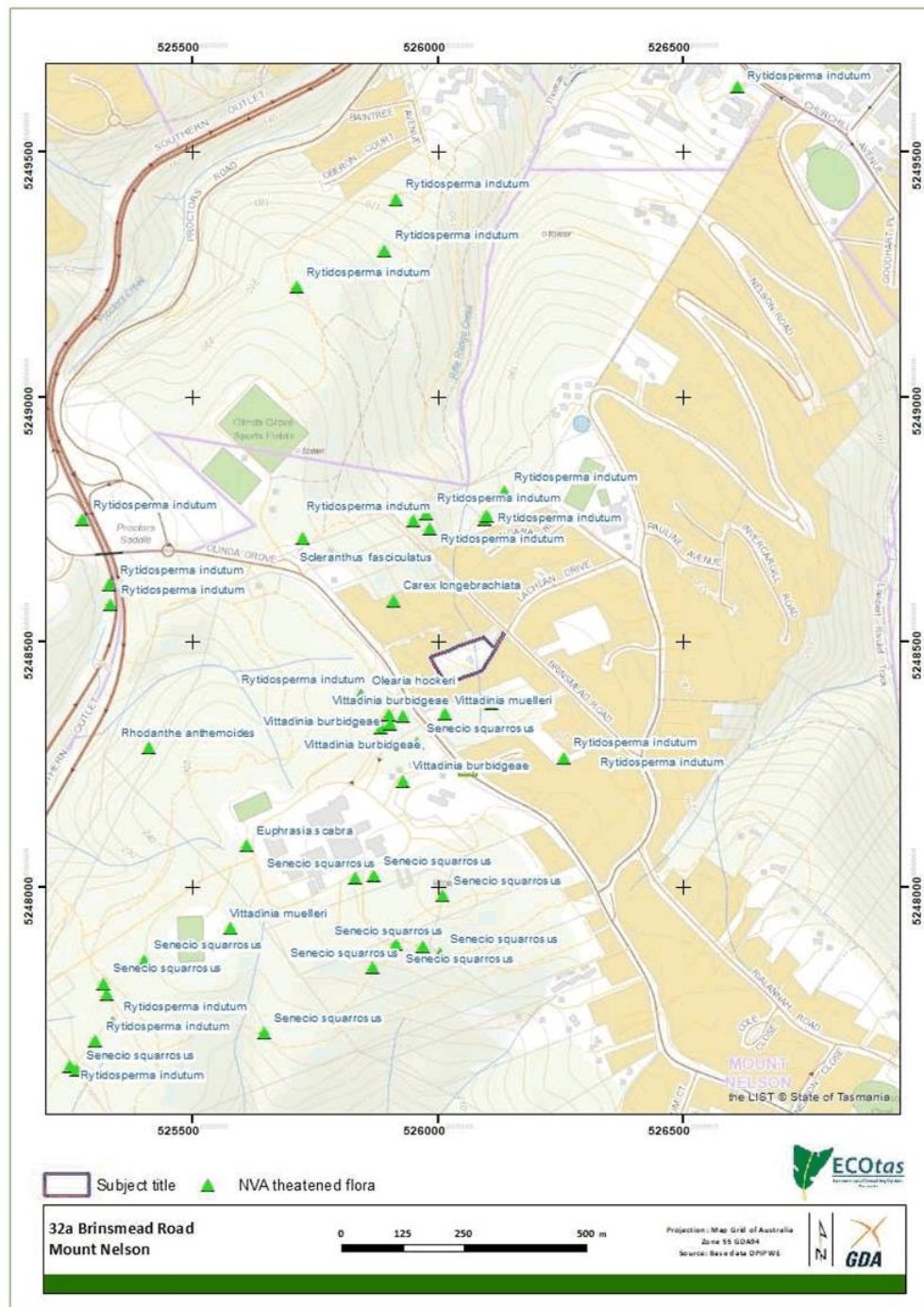


Figure 10b. Distribution of threatened flora within vicinity of title (narrow view)

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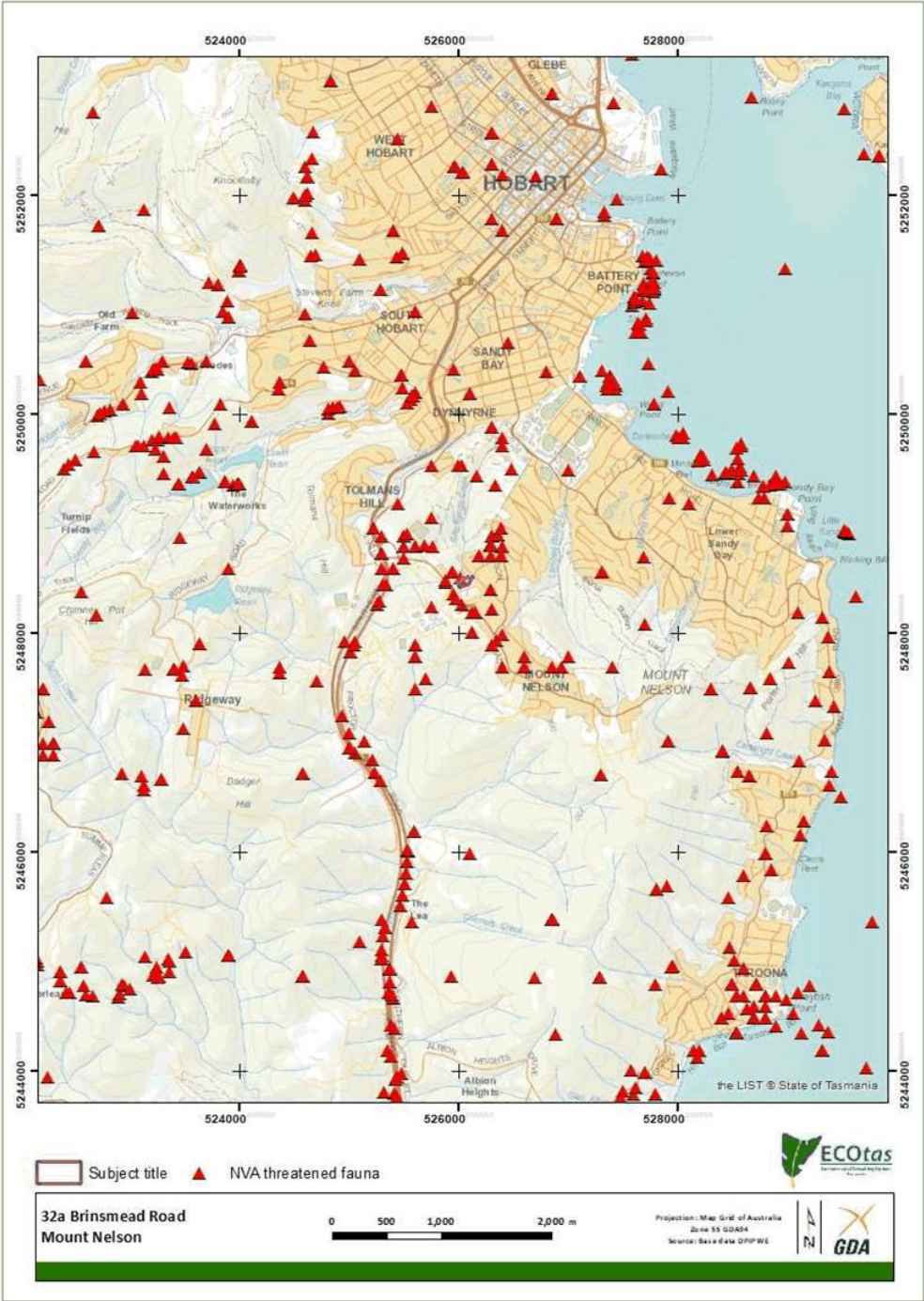
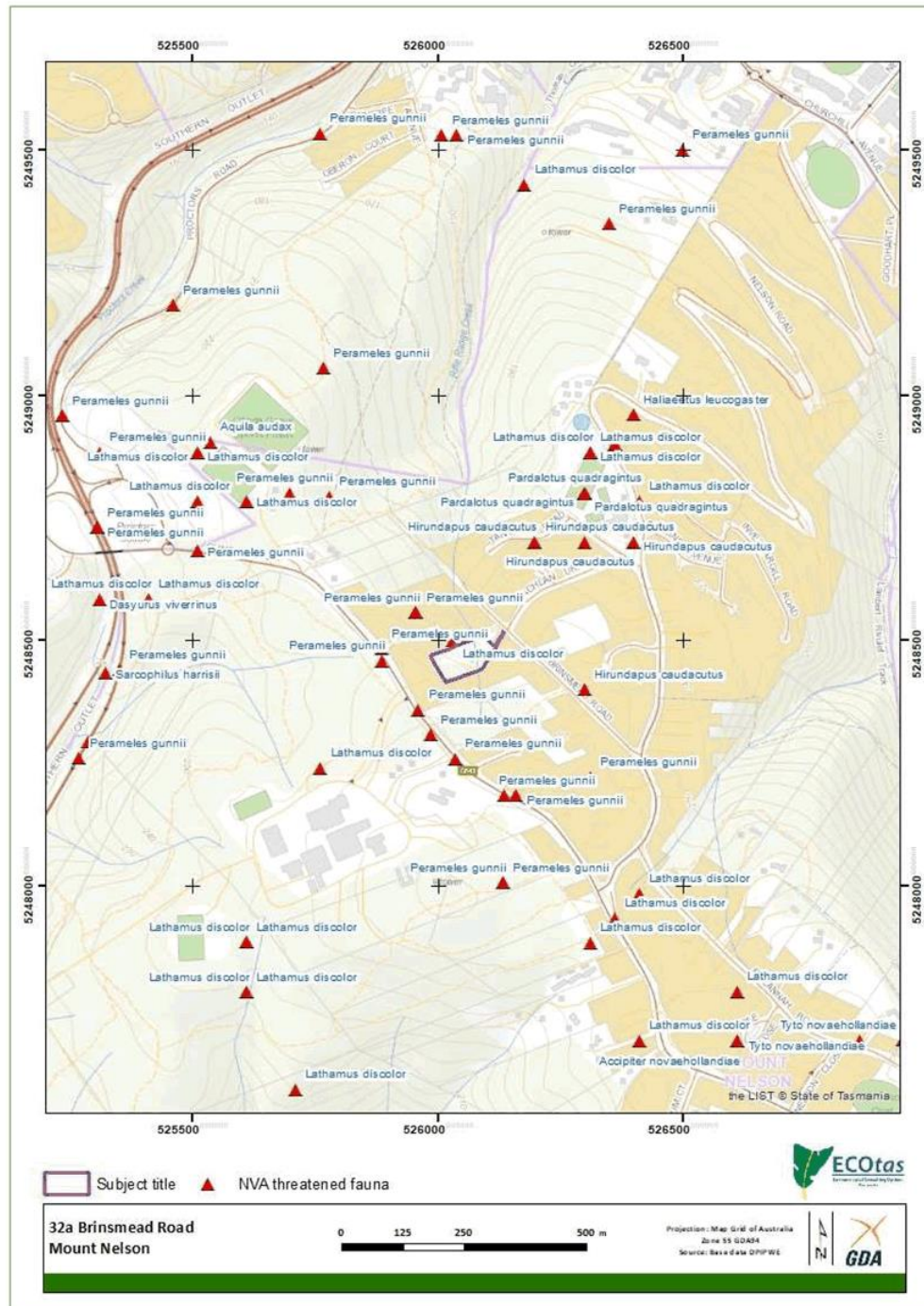


Figure 11a. Distribution of threatened fauna within vicinity of title (overview)

32a Brinsmead Road, Mount Nelson: Natural Values Determination**Figure 11b.** Distribution of threatened fauna within vicinity of title (narrow view)**ECOTAS...providing options in environmental consulting**

32a Brinsmead Road, Mount Nelson: Natural Values DeterminationThreatened flora

Database information indicates that the subject title does not support known populations of flora listed as threatened on either the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Protection Act 1999* (Figure 10).

Site assessment did not detect any such species.

Threatened fauna

Database information indicates that the subject title does not support known populations of fauna listed as threatened on either the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Protection Act 1999* (Figure 11).

Site assessment did not detect any such species, nor significant potential habitat of such species (but see further commentary under consideration of the categories of priority biodiversity values in Table E10.1 of the Biodiversity Code)

Biodiversity Code

The PURPOSE of the Biodiversity Code is stated below:

E10.1 Purpose**E10.1.1**

The purpose of this provision is to:

- (a) minimise loss of identified threatened native vegetation communities and threatened flora species;
- (b) conserve identified threatened fauna species by minimising clearance of important habitat and managing environmental impact;
- (c) minimise loss of other biodiversity values that are recognised as locally significant by the Planning Authority.

The development area does not support threatened vegetation communities or threatened flora, such that E10.1.1(a) should not have direct application.

The development area does support potential habitat of threatened fauna, such that E10.1.1(b) may have some application.

I am not aware of the development area supporting other biodiversity values that are recognised as locally significant by the Planning Authority, such that E10.1.1(c) may have limited application. Refer also to detailed examination of Table E10.1.

In my opinion, at a broad level development within the subject title should not compromise the purpose of the Biodiversity Code.

The APPLICATION of the Biodiversity Code is stated below:

E10.2 Application**E10.2.1**

This code applies to development involving clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area.

"Native vegetation" is defined in the *Scheme* as:

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"means plants that are indigenous to Tasmania including trees, shrubs, herbs and grasses that have not been planted for domestic or commercial purposes".

While I have re-classified the entire title as urban areas (TASVEG code: FUR), which is part of the "modified land" super-category under the TASVEG classification (Kitchener & Harris 2013+) and hence logically not necessarily "native vegetation" in an ecological sense, the title still supports some native trees, shrubs and ground layer species such that technically "native vegetation" in the sense of the *Scheme* is present, meaning that E10.2.1 may have application (see previous commentary on this matter).

"Clearance and conversion" is defined under the Code as:

"means the process of removing native vegetation from an area of land and:

- (a) leaving the area of land, on a permanent or extended basis, in a state predominantly unvegetated with native vegetation; or
- (b) replacing the native vegetation so removed, on a permanent or extended basis, with residential, commercial, mining, agriculture or other non-agricultural development".

It is reasonable to consider that clearing of vegetation for the purposes of dwellings and access (and other project elements) would comprise "clearance and conversion", such that E10.2.1 may have application.

It is noted, however, that Green Design has indicated (see correspondence dated 4 Dec. 2020) that "there is very little vegetation removal required for this project; our estimate of the canopy cover removed for the entire works is approximately 110 m² (shown in the dashed pink circles on the attached plan); as shown on the revised drainage plan attached, we have grouped the sewer and stormwater lines to minimise impact on the creek and vegetation". Based on my owner-guided site assessment, I concur with these statements in general terms. I find it difficult to conclude that the development will lead to the manifest "clearance and conversion" of "native vegetation" per se.

"Disturbance" is defined under the Code as:

"the alteration of the structure and species composition of a native vegetation community through actions including cutting down, felling, thinning, logging, removing or destroying of a native vegetation community"

It is reasonable to consider modification for bushfire hazard management to comprise "disturbance", such that E10.2.1 may have application.

It is noted, however, that Green Design has indicated (see correspondence dated 4 Dec. 2020) that "we have a preliminary bushfire report for the project that has identified several trees for removal on proposed lots 2 and 5; 2 eucalypts are proposed for removal on Lot 2 to thin the canopy, and several young wattles are proposed for removal on Lot 5; it is the owners aim to retain as many trees as possible on the site by employing ground and understorey management in accordance with the Tasmania Fire Service recommendations (as the owner has done for many years". Based on my owner-guided site assessment, I concur with these statements in general terms. I find it difficult to conclude that the development will lead to the manifest "disturbance" of "native vegetation" per se. I did examine the individual trees notionally proposed for removal (based on site guidance by the accredited bushfire practitioner to the owner) and these include one small girth *Eucalyptus ovata* (ca. 30 cm DBH) and one even smaller *Eucalyptus globulus* (ca. 20 cm DBH) from the slope above Rifle Range Creek. Elsewhere, removal of native trees and shrubs would be restricted to regrowth *Acacia* species and small regrowth eucalypts that have either coppiced from long-term management (e.g. a now multi-stemmed ca. 4 m tall *Eucalyptus ovata* on the slope above the gravelled area) or naturally sprung up (e.g. the small-girthed *Eucalyptus globulus* next to the footbridge near the house). At any reasonable level, this degree of canopy management hardly comprises "disturbance" because the definition of such requires the "alteration of the structure **and** species composition of a **native vegetation community**" [my emphasis] – the proposed management will marginally alter the structure but not the composition and the site is not classified as a



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"native vegetation community" (this term now no longer linked to the definition of "native vegetation").

Based on the above review, in my opinion, the proposal hardly triggers the formal application of the Biodiversity Code.

I also believe it is prudent to review the relevant provisions of E10.4 (i.e. developments exempt from the Biodiversity Code), with the following of possible direct relevance.

E10.4 Development Exempt from this Code**E10.4.1**

The following development is exempt from this code:

- (m) clearance and conversion or disturbance of an area no more than 100 m², from the commencement of this planning scheme, provided that none of the vegetation communities or ecological communities identified as being of 'high' or 'moderate' biodiversity value in Table E10.1 are affected.

The site has been classified as urban areas (TASVEG code: FUR) such that it cannot qualify as a vegetation community classified as threatened under Schedule 3A of the Tasmanian *Nature Conservation Act 2002* or as an ecological community listed as threatened on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, such that as a "vegetation type" the site cannot qualify as high or moderate priority value under Table E10.1. Based on the information provided, I find it highly doubtful if there will be "clearance and conversion or disturbance" (presumably of "native vegetation" although E10.4.1(m) does not specify this obvious link) that exceeds 100 m². However, I have assumed that this exemption may not necessarily be applicable and review the balance of the provisions of the Biodiversity Code accordingly.

Correspondence from City of Hobart dated 15 Dec. 2020 specifically requested a "Natural Values Determination as defined under clause E10.3 of the scheme", which is stated as:

means an ecological assessment, generally consistent with the Guidelines for Natural Values Assessment, (DPIPWE July 2009), by a suitably qualified person (biodiversity) to identify and convey:

- (a) the location of priority biodiversity values affecting the site;
- (b) the significance of priority biodiversity values, with particular reference to Table E10.1.

The present statement is intended to provide a response to this request. The site assessment and values reported on are consistent with the *Guidelines for Natural Values Surveys - Terrestrial Development Proposals* (DPIPWE 2015) and a detailed review of Table E10.1 is provided below.

Table E10.1 defines the criteria that may comprise categories of priority biodiversity values, separating these into vegetation communities, ecological communities, and fauna habitat, which are considered below.

High priority biodiversity values	
Description	Comment
Native vegetation communities listed as threatened under the <i>Nature Conservation Act 2002</i> excluding wetlands	Not present.
<i>Eucalyptus amygdalina</i> forest/woodland on sandstone (DAS)	Not present.



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High priority biodiversity values	
Description	Comment
<i>Eucalyptus globulus</i> dry forest/woodland (DGL)	Not present.
<i>Eucalyptus ovata</i> forest/woodland (DOV)	Not present.
<i>Eucalyptus tenuiramis</i> forest/woodland on sediments (DTO)	Not present.
<i>Notelaea</i> – <i>Pomaderris</i> – <i>Beyeria</i> forest (SBR)	Not present.
Ecological communities listed as threatened under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	Not present.
Lowland <i>Themeda triandra</i> grassland (GTL) meeting the condition thresholds specified in the <i>Environment Protection and Biodiversity Conservation Act Policy Statement</i> for 'Lowland Native grasslands of Tasmania'	Not present.
Highly significant actual or potential habitat for fauna species listed as 'endangered' or 'vulnerable' under the <i>Threatened Species Protection Act 1995</i> as determined by a natural values determination or natural values assessment based on the likelihood of use by the species and the importance of that habitat for the species taking into consideration the matters specified in Table E10.1A	The title does support potential habitat for various threatened fauna, although these are all unlikely to utilise the title in anything other than a highly opportunistic and ephemeral nature. As such, I do not regard the habitat as "highly significant actual or potential habitat" at any reasonable scale.
Highly significant actual or potential habitat for threatened or migratory fauna species listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> as determined by a natural values determination or natural values assessment based on the likelihood of use by the species and the importance of that habitat for the species taking into consideration the matters specified in Table E10.1A.	See section above – this effectively refers to the migratory swift parrot. In the case of the title, scattered <i>E. globulus</i> (blue gum) and <i>E. ovata</i> (black gum) within the title is not considered as "highly significant actual or potential habitat" at any reasonable scale.

The degree to which the site proposed for some form of development supports high priority biodiversity values depends on the interpretation of the guidance statements in relation to fauna habitat assessment considerations (Table E10.1A), as follows:

Fauna habitat assessment considerations:

- the known and potential range of the species;
- the specific habitat requirements and preferences of the species for successful completion of its lifecycle including feeding, shelter and reproduction;
- the extent, distribution, prevalence, condition and likely availability of the specific habitat requirements and preferences of the species on the site;
- the extent, distribution, prevalence, condition and likely availability of the specific habitat requirements and preferences of the species elsewhere;
- observations of species on the site;
- records of species observations on the site and elsewhere.

Determinations of habitat significance should consider:

- habitat descriptions published by the State or Federal Governments and independent statutory authorities;
- published scientific literature; and/or
- expert opinion.

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Taking these into account, and cross-referencing to the descriptions of potential habitat in FPA (2020), I do not believe that the title supports high priority biodiversity values.

Moderate priority biodiversity values	
Description	Comment
Broad-leaf scrub (SBR) excluding <i>Notelaea</i> – <i>Pomaderris</i> – <i>Beyeria</i> forest (SBR)	Not present.
<i>Eucalyptus amygdalina</i> forest on mudstone (DAM)	Not present.
<i>Eucalyptus globulus</i> wet forest (WGL)	Not present.
<i>Eucalyptus subcrenulata</i> forest/woodland (WSU)	Not present.
<i>Eucalyptus tenuiramis</i> forest/woodland on dolerite (DTD)	Not present.
Highland low rainforest and scrub (RSH)	Not present.
<i>Nothofagus</i> – <i>Atherosperma</i> rainforest (RMT)	Not present.
<i>Nothofagus</i> rainforest (undifferentiated) (RMU)	Not present.
Lowland <i>Themeda triandra</i> grassland (GTL) not meeting the condition thresholds specified in the <i>Environment Protection and Biodiversity Conservation Act 1995</i> Policy Statement for 'Lowland Native grasslands of Tasmania'	Not present.
Highly significant actual or potential habitat for fauna species listed as 'rare' under the <i>Threatened Species Protection Act 1995</i> as determined by a natural values determination or natural values assessment based on the likelihood of use by the species and the importance of that habitat for the species taking into consideration the matters specified in Table E10.1A	Not applicable (except perhaps in relation to the spotted-tail quoll, which is listed as rare and may occasionally utilise the area).
Moderately significant actual or potential habitat for fauna species listed as endangered or vulnerable under the <i>Threatened Species Protection Act 1995</i> as determined by a natural values determination or natural values assessment based on the likelihood of use by the species and the importance of that habitat for the species taking into consideration the matters specified in Table E10.1A	<p>The <i>Scheme</i> (or Code) does not provide definitions to separate the concepts of "highly significant" and "moderately significant" but it is reasonable to consider that if a site does not support potential habitat that is considered "highly significant" (as I have done in relation to the swift parrot and other species), that it may still constitute "moderately significant" potential habitat (depending on its condition and some other factors).</p> <p>In this case, I do not consider scattered <i>E. globulus</i> (blue gum) and <i>E. ovata</i> (black gum) within the title to comprise "moderately significant actual or potential habitat" at any reasonable scale (in relation to the swift parrot).</p> <p>While the subject title provides habitat for a species such as the eastern barred bandicoot, this species is not listed on the Tasmanian <i>Threatened Species Protection Act 1995</i> (as required by the criterion). Highly opportunistic potential habitat for species such as the grey goshawk, masked owl, spotted-tailed quoll and Tasmanian devil, which may simply pass through or over, is not considered to comprise "moderately significant actual or potential habitat" at any reasonable scale</p>



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Moderate priority biodiversity values	
Description	Comment
Moderately significant actual or potential habitat for threatened or migratory fauna species listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> as determined by a natural values determination or natural values assessment based on the likelihood of use by the species and the importance of that habitat for the species taking into consideration the matters specified in Table E10.1A.	See section above.

Taking these into account the guidance statements in relation to fauna habitat assessment considerations (Table E10.1A), and cross-referencing to the descriptions of potential habitat in FPA (2019), I believe that the subject title does not support moderate priority biodiversity values.

Low priority biodiversity values	
Description	Comment
All other fauna habitat.	The title does support low priority biodiversity values.

On the basis of the above review of the Table E10.1, I believe that the title is reasonably concluded to only support low priority biodiversity values.

The DEVELOPMENT STANDARDS for subdivision are stated below:

E10.8 Subdivision Standards**E10.8.1 Subdivision**

Objective:

To ensure that:

- (a) works associated with subdivision resulting in clearance and conversion or disturbance will not have an unnecessary or unacceptable impact on priority biodiversity values;
- (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority biodiversity values.

If the general purpose of the land is taken into account (i.e. zoned as Low Density Residential with a clear intent for development as proposed) and the identified natural values considered (i.e. now mapped as FUR with no identified populations of threatened flora and marginal potential habitat of threatened fauna), any development should not "result in an unnecessary or unacceptable impact of priority biodiversity values", noting such values have been identified as low (Table E10.1) such that the intent of E10.8.1(a) should be satisfied. Examination of E10.7 (i.e. development standards – see below) indicates that the Acceptable Solution of that provision will be satisfied meaning that E10.8.1(b) should also be satisfied.

The ACCEPTABLE SOLUTION is stated below:

Acceptable Solutions**A1**

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Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following:

- (a) be for the purposes of separating existing dwellings;
- (b) be for the creation of a lot for public open space, public reserve or utility;
- (c) no works, other than boundary fencing works, are within the Biodiversity Protection Area;
- (d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.

To my knowledge and interpretation, the Acceptable Solution A1 cannot be satisfied, meaning the PERFORMANCE CRITERIA need to be assessed.

The PERFORMANCE CRITERIA are stated below, with reference to those for low priority biodiversity values only (see previous analysis of Table E10.1):

Performance Criteria**P1**

Clearance and conversion or disturbance must satisfy the following:

- (a) if low priority biodiversity values:
 - (i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;
 - (ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;

I have reviewed the proposed site plan and associated documentation in the context of a guided site visit and I can only conclude that the proposed locations for dwellings have been designed to very much minimise impacts on any values that could be construed as "native vegetation" and/or having some level of conservation value. That is, I believe that the intent of P1(a)(i) is fully satisfied. I have also reviewed the draft bushfire hazard management plan and also discussed the implications of this on site. It is my conclusion that the prescriptions for hazard management will absolutely minimise impact on any values that could be construed as "native vegetation" and/or having some level of conservation value. That is, I believe that the intent of P1(a)(ii) is fully satisfied.

Any future development will also presumably need to specifically address E10.7 (buildings and works) such that these are now reviewed. The DEVELOPMENT STANDARDS for buildings and works are stated below:

E10.7 Development Standards**E10.7.1 Buildings and Works**

Objective:

To ensure that development for buildings and works that involves clearance and conversion or disturbance within a Biodiversity Protection Area does not result in unnecessary or unacceptable loss of priority biodiversity values.

If the general purpose of the land is taken into account (i.e. zoned as Low Density Residential with a clear intent for development as proposed) and the identified natural values considered (i.e. now mapped as FUR with no identified populations of threatened flora and marginal

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potential habitat of threatened fauna), any development should not “result in [the] unnecessary or unacceptable loss of priority biodiversity values”, noting such values have been identified as low (Table E10.1). That is, the objective statement is should be satisfied.

The ACCEPTABLE SOLUTION is stated below:

Acceptable Solutions**A1**

Clearance and conversion or disturbance must comply with one of the following:

- (a) be within a Building Area on a plan of subdivision approved under this planning scheme.
- (b) the development is for a single dwelling on an existing lot within the Low Density Residential Zone, Rural Living Zone or Environmental Living Zone and:
 - (i) clearance and conversion or disturbance is confined to Low Priority Biodiversity Values;
 - (ii) the area of clearance and conversion is no more than 3,000 m²;
 - (iii) the area of disturbance is no more than 3,000 m²;
- (c) the development is other than for a single dwelling on an existing lot within the Low Density Residential Zone, Rural Living Zone or Environmental Living Zone and:
 - (i) clearance and conversion or disturbance is confined to Low Priority Biodiversity Values;
 - (ii) the area of clearance and conversion is no more than 1,000 m²;
 - (iii) the area of disturbance is no more than 1,000 m².

To my knowledge and in my interpretation, A1(a) may not applicable. Whether A1(b) or A1(c) becomes applicable (depends on nature of lot classification I believe) is not of particular relevance because in either case, the site is zoned as Low Density residential (such that basic element of (b) or (c) is satisfied) and any “clearance and conversion or disturbance [presumably of “native vegetation” – see previous discussion of such] will be confined to Low Priority Biodiversity Values” and it will be physically impossible for the area of clearance and conversion of [again, presumably of “native vegetation”] in any single lot to exceed 1,000 m² or 3,000 m² and for disturbance to exceed 1,000 m² or 3,000 m². On this basis, the ACCEPTABLE SOLUTION will be satisfied and the PERFORMANCE CRITERIA should not need to be examined. However, for completeness and in case the above is not the same interpretation by the planning authority, I explore the PERFORMANCE CRITERIA.

The PERFORMANCE CRITERIA are stated below, with reference to those for low priority biodiversity values only (see previous analysis of Table E10.1):

Performance Criteria**P1**

Clearance and conversion or disturbance must satisfy the following:

- (a) if low priority biodiversity values:
 - (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;
 - (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through fire-resistant design of habitable buildings;

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I have reviewed the proposed site plan and associated documentation in the context of a guided site visit and I can only conclude that the proposed locations for dwellings have been designed to very much minimise impacts on any values that could be construed as "native vegetation" and/or having some level of conservation value. That is, I believe that the intent of P1(a)(i) is fully satisfied. I have also reviewed the draft bushfire hazard management plan and also discussed the implications of this on site. It is my conclusion that the prescriptions for hazard management will absolutely minimise impact on any values that could be construed as "native vegetation" and/or having some level of conservation value. That is, I believe that the intent of P1(a)(ii) is fully satisfied.

Note that this statement does not constitute legal advice, and provides my interpretation of the provisions of the *Hobart Interim Planning Scheme 2015*, which may not represent the views of City of Hobart. It is recommended that formal advice be sought from the relevant agency prior to acting on any aspect of this report.

Please do not hesitate to contact me further if additional information is required.

Kind regards



Mark Wapstra
Senior Scientist/Manager

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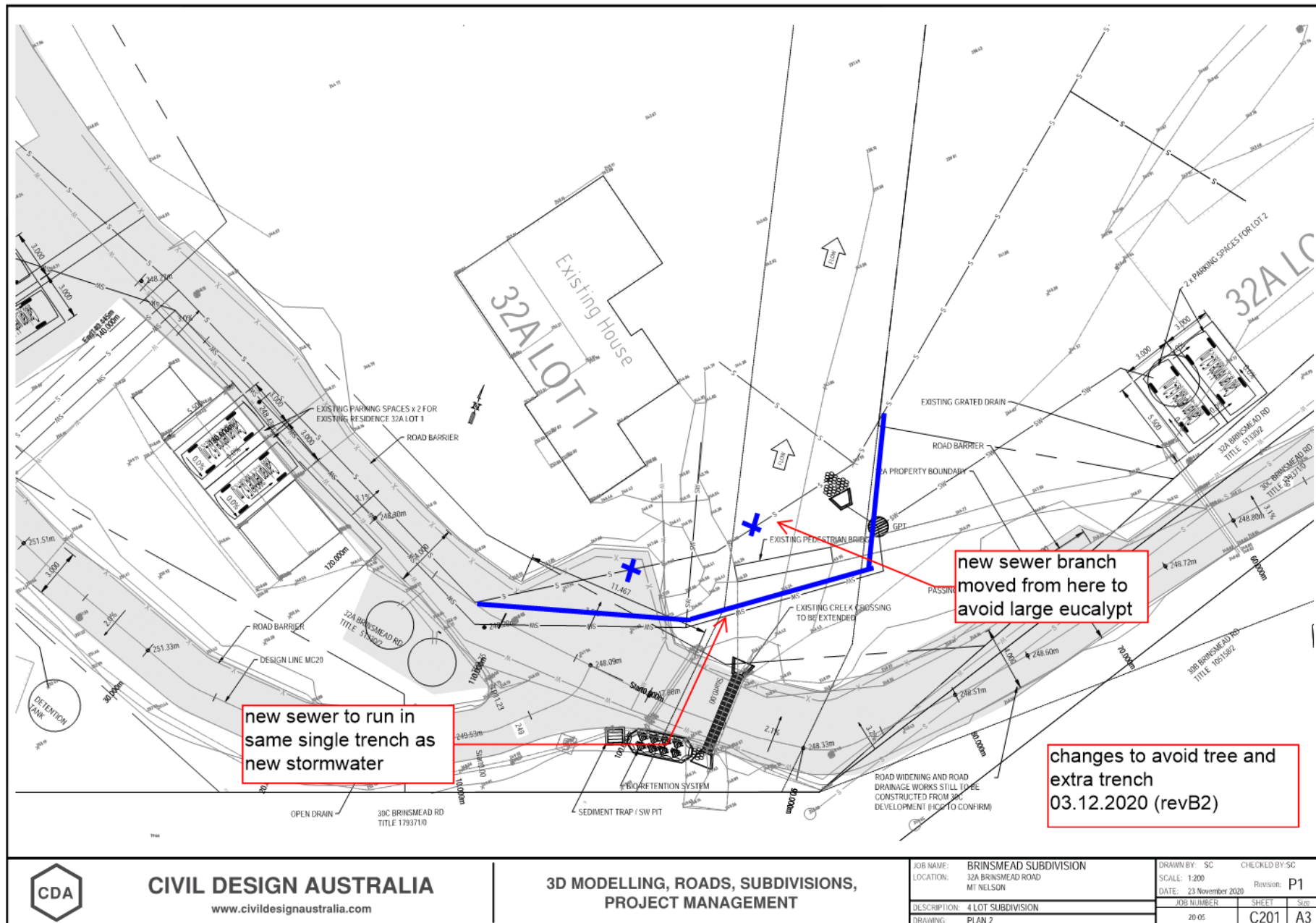


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Project background and Description

i Civil Design Australia Pty Ltd have been engaged by Derek Croft, owner of 32a Brinsmead Rd Mt Nelson to provide engineering services and management for the proposed development. The development is a planning approval for five dwellings, one existing and four new, at the property in accordance with Interim Planning Scheme 201 guidelines. Access to the property is gained via a Right of Way from the adjacent properties 30B and 30C Brinsmead Rd. This private road is asphalt sealed for the first 3m and serves 30A, 30B, Unit 1 30C, Unit 2 30C plus the existing residence on 32A.

Project objectives

i The project is to build 2 new Off the grid, plus 2 On the grid residential habitable buildings in an ecofriendly surrounding that is in harmony with the surrounding bushland environs.

Additional information requested by the community

i Answers to Hobart City Councils request for additional information are listed

PA Scaled and dimensioned plans demonstrating vehicle access areas. Passing area along driveway MC20

Passing Bay has been added to MC20 and also parking for Lot 5 has been added in this area. Refer to drawings PLAN 2 and PLAN

PA : Scaled and dimensioned car parking spaces, access aisles, circulation roadway, turning areas and driveway designed to Section 2 of AS2 90 1 2004 DESIGN OF PARKING MODULES, CIRCULATION ROADWAYS AND RAMPS

Plan view showing the layout of car parking spaces refer to drawings PLAN1, PLAN2, PLAN

Plan view showing the minimum width of the entire driveway refer to drawings PLAN1, PLAN2, PLAN

Plan view and long section of the proposed driveway refer to drawings PLAN1, PLAN2, PLAN , MC10-PROFILE-1, MC10-PROFILE-2, MC20-PROFILE-1, MC20-PROFILE-2, LOT DRIVE-PROFILE-1

Plan view and long section showing gradient of the turning area for the centreline refer to drawings PLAN1, PLAN2, PLAN , MC10-PROFILE-1, MC10-PROFILE-2, MC20-PROFILE-1, MC20-PROFILE-2, LOT DRIVE-PROFILE-1

Plan view and long section showing gradient of the parking areas - refer to drawings PLAN1, PLAN2, PLAN , MC10-PROFILE-1, MC10-PROFILE-2, MC20-PROFILE-1, MC20-PROFILE-2, MC 0-PROFILE-1

Plan view showing the extent of vehicle safety barriers Refer to drawings OVERALL PLAN, PLAN1, PLAN2, PLAN

Construction details in a typical driveway cross section - Refer to drawing TY PICAL CROSS SECTIONS

Construction details in a typical parking cross section - Refer to drawing TY PICAL CROSS SECTIONS

PA : **Scaled and dimension drawing showing swept paths in and out of the proposed car access**
 drawings T RN PATHS 1, T RN PATHS 2, T RN PATHS , T RN PATHS 4, T RN PATHS 5

PA **A scaled and dimension drawing showing the surface treatment for the proposed access, driveway, turning area and car in s access**
 refer to drawings PLAN1, PLAN2, PLAN and TY PICAL CROSS SECTIONS. The durable all weather pavement that we are proposing is a SPRAY SEAL road on 2A Brinsmead Rd and adjacent properties where the access traverses. The existing access is already sealed for the first 7m. The road will be drained to a stormwater system via a road invert draining to grated pits and be discharged into the existing creek via a stormwater system.

The existing HCC stormwater pipes at Ch. 5 are to be upgraded to from 2 x DN 00 RCP's to 2 x DN525 RCP's. This upgrade in size has been to accommodate a 5 AEP flood See attached report from PDA.

Report demonstrating that the new development incorporates Water Sensitive Urban Design WSUD principles for the treatment and disposal of stormwater

As the site is located in a watercourse gully catchment and the general slope of the site is approximately 1(v) to (h) increasing to 1(v) to 1.5(h) it is rather difficult to accommodate WS D bio-retention systems. The only available place is at the intersection of MC20 and MC10. I have proposed a 00 grated pit (00 deep) with an outlet at 400 high up from the pit invert. This will act as a sediment trap to catch any polluted gravel from the drives MC20 and Lot Drive. The sediment will have to be removed from the pit at regular monthly intervals. The water will then exit the pit and flow into the stormwater pipe system.

For the new roofs the water is stored into a detention tank and roof sediment will settle in the bottom of the tank as the tank slowly drains (they will require cleaning every year). The roof stormwater is then piped to a Gross Pollutant Trap (GPT) which will be able to remove a certain amount of suspended pollutants as well as gross pollutants and then enter the creek.

The stormwater system has been modelled to include Stormwater Quality Improvement Devices (SQID) and also remove suspended solids, phosphorus and nitrogen by a proprietary off the shelf unit see M SIC model submitted.

- a) **A stormwater drainage system to accommodate a storm with an ARI of 20 years**
 - i. The stormwater system has been designed using software (Civil Site Design Plus) that allows for a 5 AEP storm. See Stormwater report exported from Civil Site Design software
- b) **Stormwater run-off will be no greater than re-e istin run-off**
 - ii. The development proposes an increase in impervious surface due to the extra roof area of the 4 additional residences. Each of these new residences has a detention tank which will control the discharge of roof stormwater. The capacity of each detention tank and its corresponding outlet orifice has been determined refer to the on-site detention report, the overall result will be a lesser flow from the roof area compared to the equivalent area as grassed bushland.

- iii. The sealed driveways MC10, MC20 and Lot Drive and will add an increase in run-off. This will be offset by the roof area detention tanks so that the net result of the property 2A does not increase in stormwater run-off.
- iv. Refer to stormwater Existing and Post Development Calcs and On Site Detention report for detailed analysis.

SW7: A concept stormwater drainage design which will

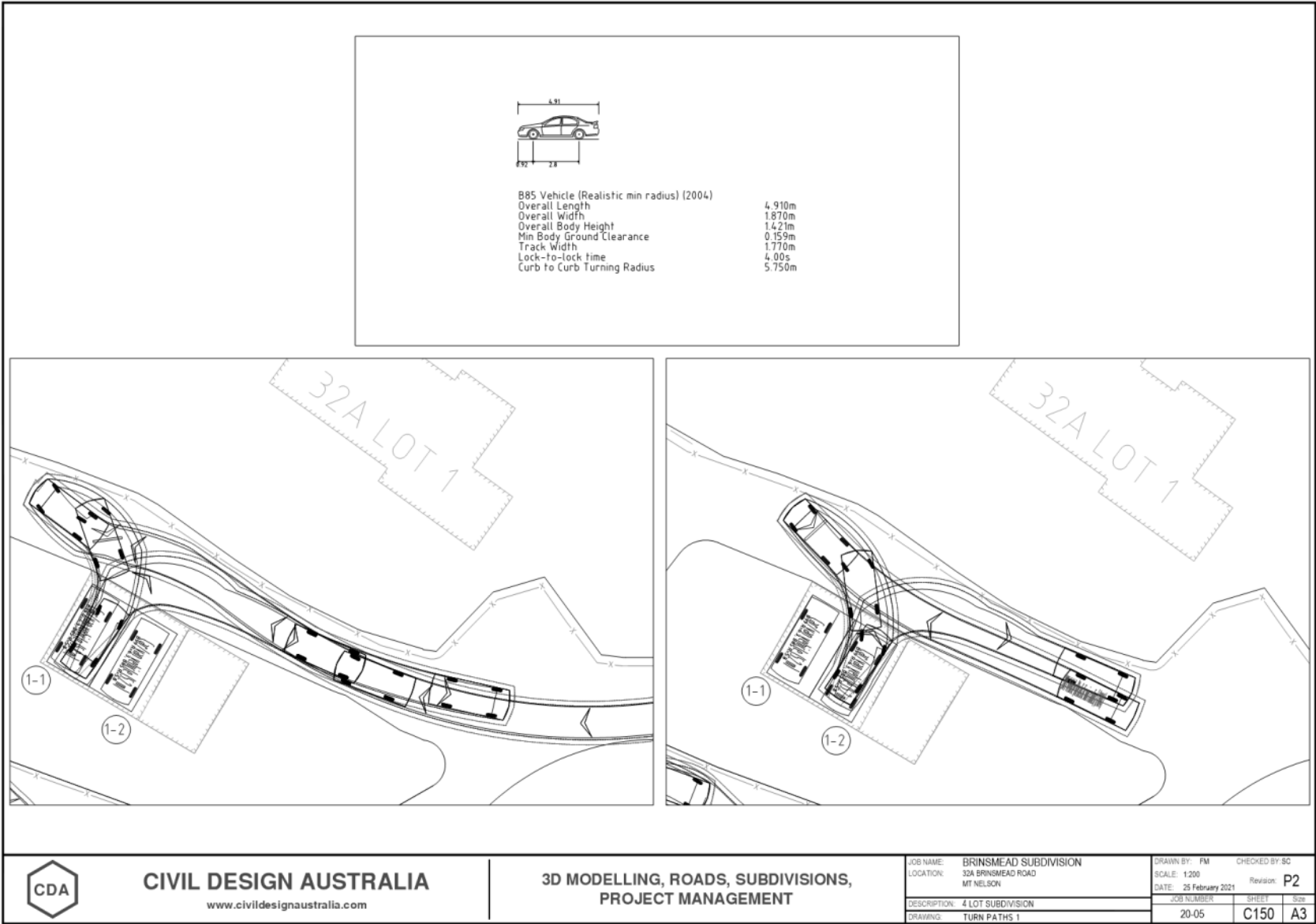
1. A designed stormwater system to handle the 20yr ARI event and overland flow paths shown for the 100yr ARI event including 30 loading for climate change. The stormwater system has been designed using software (Civil Site Design Plus) that allows for a 5 AEP storm with 0 loading for climate change. Hydraulic grade lines and water flows and velocities are available on request. Refer to drawings STORMWATER 1, STORMWATER 2, STORMWATER and associated long sections. Hydraulic analysis is detailed from the stormwater report exported from Civil Site Design and also a DRAINS model from PDA.
2. Clearly show overland flow paths for the developed site. Refer to drawing C700 OVERLAND FLOW PATHS for the projects elimination of flow paths reaching the proposed units.
3. Council notes that flow capacities of the stormwater infrastructure within the property are limited. analysis of the existing stormwater culvert on the property has confirmed that the 2 x DN 600 RCP's need to be upgraded to 2 x DN525 RCP's to be able to handle the projected 1 AEP storm for the fully developed upstream catchment refer to hydraulic report from PDA.

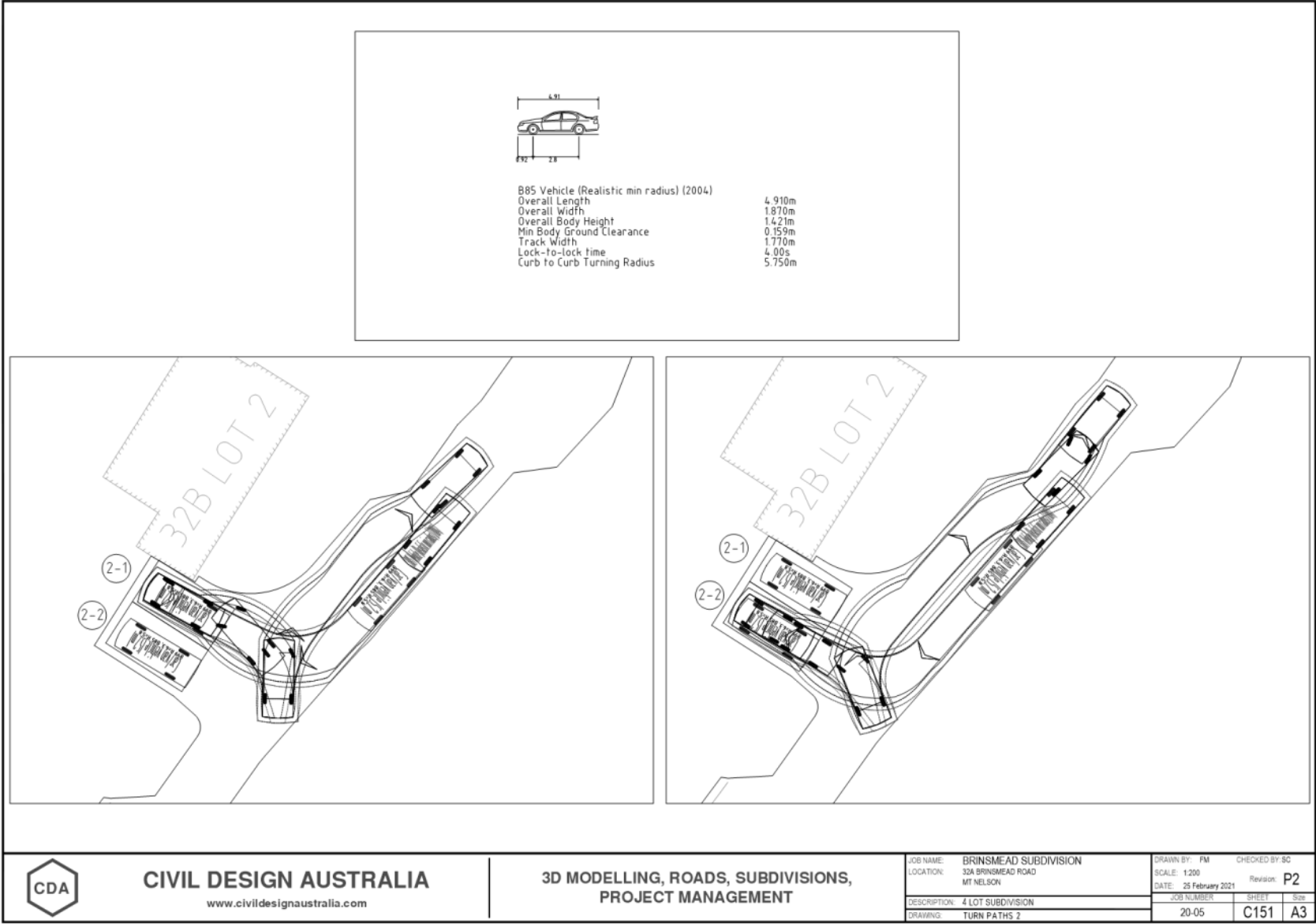
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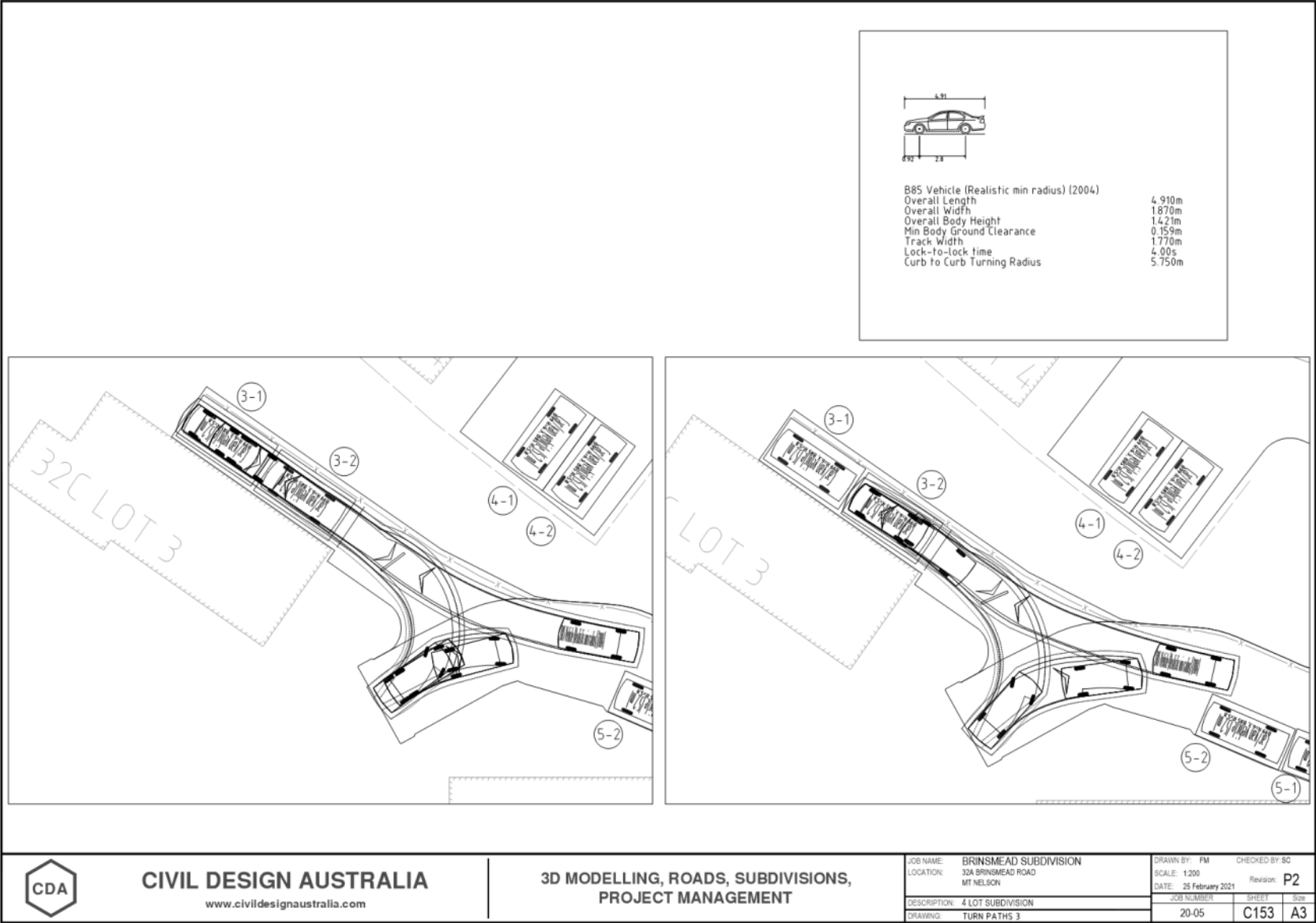
We approve the project as described above, and authorize the team to proceed.

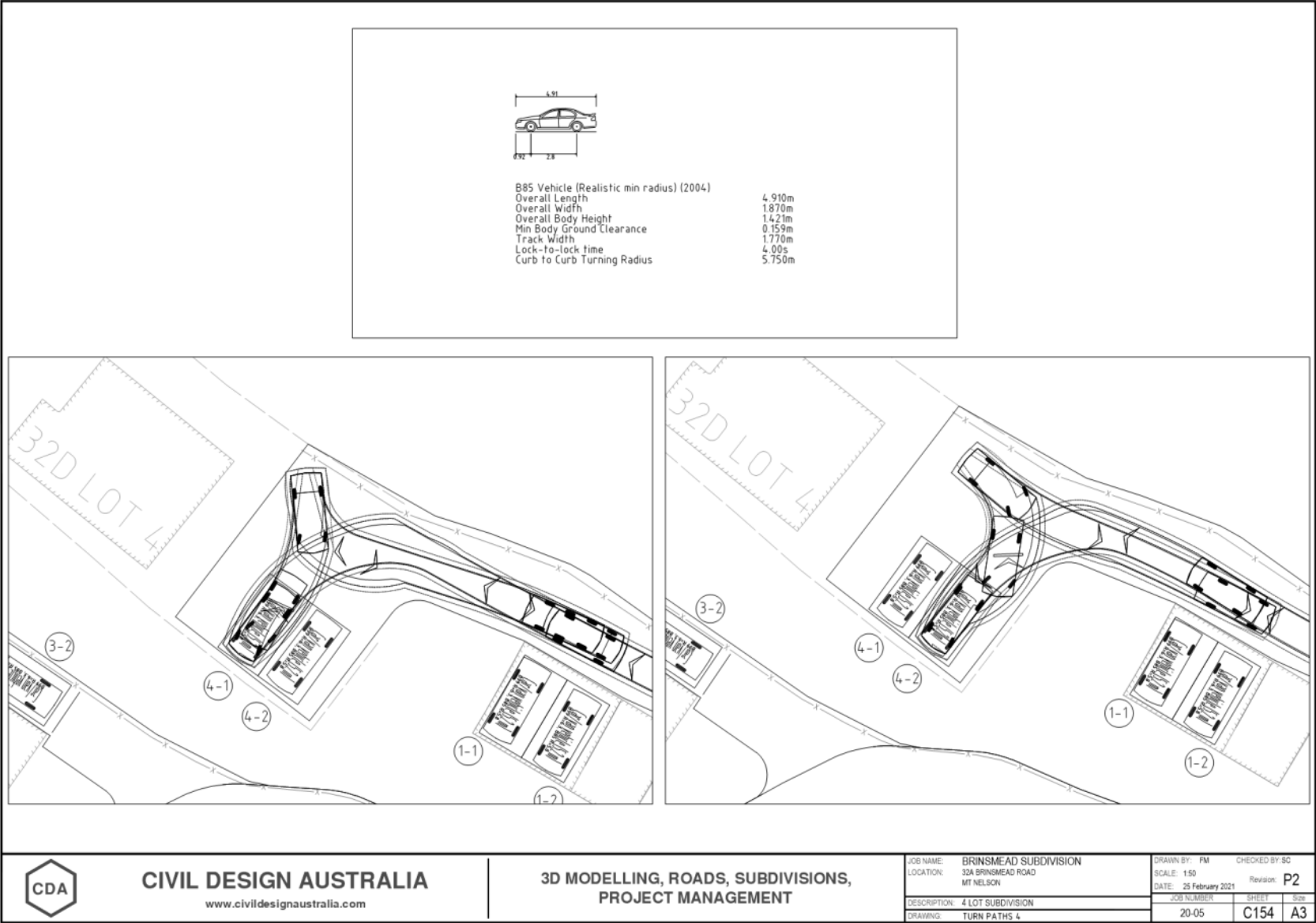
Signature	Signature	Date
Steven Chaffey	Senior Civil Designer	26-02-2021
E:steve@civildesignaustralia.com.au	Ph: 0417 611 67	

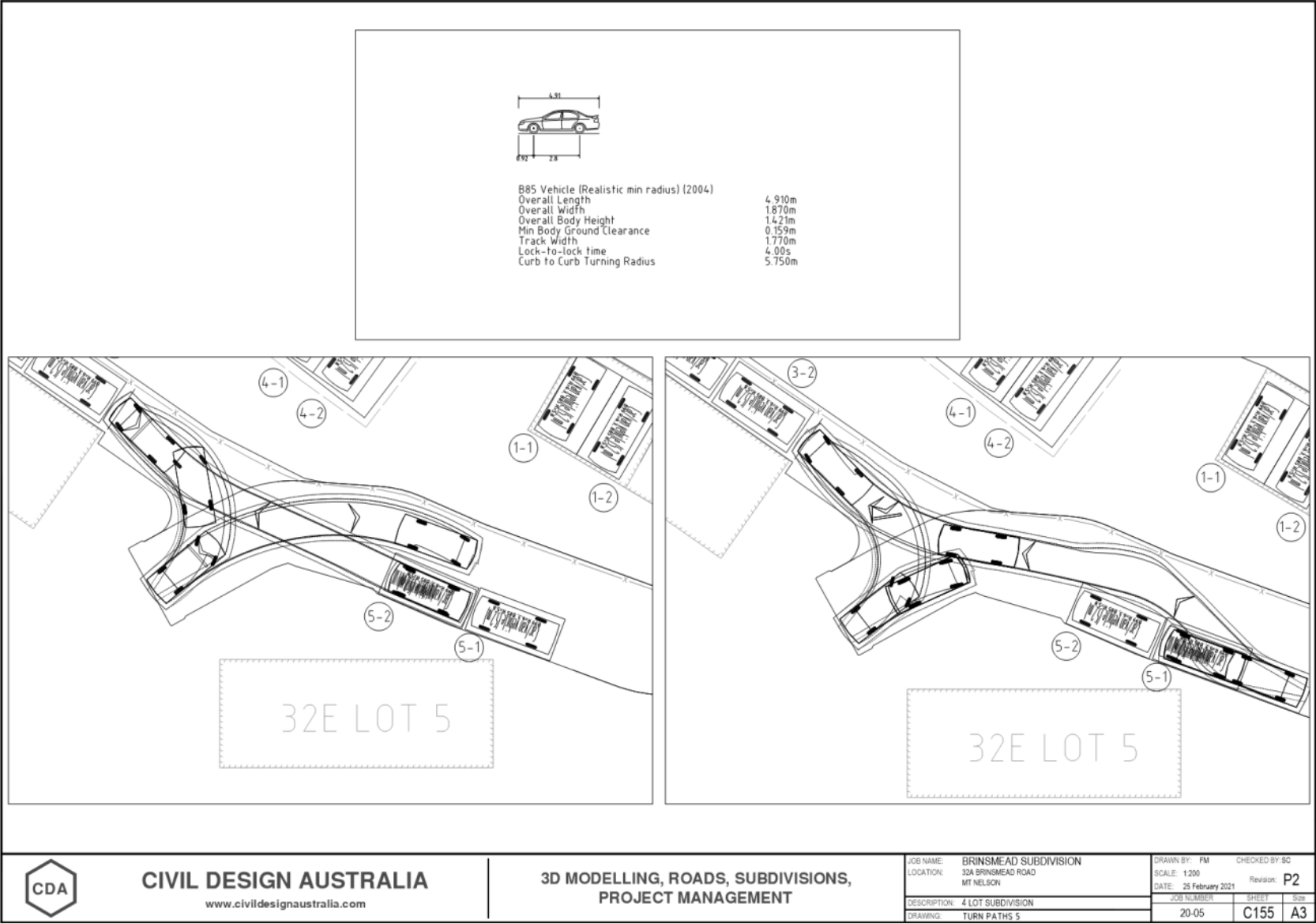
Author Date Approved By Date











32A BRINSMEAD RD, MT NELSON 4 LOT SUBDIVISION (PLUS BALANCE)

DRAWING INDEX

C001 DRAWING INDEX AND NOTES	C400 STORMWATER 1
C100 OVERALL PLAN	C401 STORMWATER 2
C150 TYPICAL CROSS SECTIONS	C402 STORMWATER 3
C200 PLAN 1	C410 Pipes-SW2-1
C201 PLAN 2	C411 Pipes-SW1-1
C202 PLAN 3	C412 Pipes-SW1-2
C250 MC10-PROFILE-1	C413 Pipes-SW1-3
C251 MC10-PROFILE-2	C490 CONCEPT SEWER & WATER PLAN
C260 MC20-PROFILE-1	C500 SEWER 1
C261 MC20-PROFILE-2	C501 SEWER 2
C270 LOT 3 DRIVE-PROFILE-1	C502 SEWER 3
C300 Xsect-MC10-1	C510 Sewerage-S2-1
C301 Xsect-MC10-2	C511 Sewerage-S2-2
C302 Xsect-MC10-3	C512 Sewerage-S2-3
C310 Xsect-MC20-1	C513 Sewerage-S2-4
C320 Xsect-LOT 3 DRIVE	C600 WATER 1
	C601 WATER 2
	C602 WATER 3
	C700 OVERLAND FLOW PATHS



LOCALITY MAP

GENERAL NOTES:

- THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL, HYDRAULIC AND STRUCTURAL DRAWINGS AND SPECIFICATIONS. STANDARDS REFERENCED ARE TO BE THE MOST CURRENT VERSION.
- THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION UNLESS ENDORSED FOR CONSTRUCTION AND AUTHORISED FOR ISSUE ACCORDINGLY.
- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH IPWEA/GAT STANDARD DRAWINGS AND SPECIFICATIONS, AUSTRALIAN STANDARD CODE OF PRACTICE (AS) AND WATER SUPPLY CODE OF AUSTRALIA (AS) AND TO THE SATISFACTION OF COUNCIL'S DEVELOPMENT ENGINEER.
- IPWEA/GAT STANDARD DRAWINGS TO BE READ IN CONJUNCTION WITH COUNCIL EXCLUSION SHEETS TSD-021-v1 & TSD-022-v1.
- ALL WORKS ARE TO BE MAINTAINED IN A SAFE CONDITION.
- CONFIRM ALL LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.
- CONTRACTOR TO OBTAIN APPROVALS, SERVICE CLEARANCES AND COORDINATE WORK WITH ALL RELEVANT AUTHORITIES PRIOR TO COMMENCEMENT.
- A 'START OF WORKS NOTICE' MUST BE OBTAINED FROM COUNCIL PRIOR TO ANY WORKS COMMENCING.
- SURVEY DATA UNDERTAKEN AND PROVIDED BY WOOLCOT SURVEYS.
- ARCHITECTURAL UNIT AND SITE LAYOUT UNDERTAKEN AND PROVIDED BY G.TILLEY.
- FLOOR LEVELS SET BY ARCHITECT. DRIVEWAY GRADING BASED ON THESE.
- COUNCIL APPROVED PLANNING PERMIT REFERENCE DA 2020-437
- TASWATER APPROVED PLANNING AUTHORITY NOTICE TWCA 2020-01207-KIN

WORKPLACE HEALTH & SAFETY NOTES:

BEFORE THE CONTRACTOR COMMENCES WORK THE CONTRACTOR SHALL UNDERTAKE A SITE SPECIFIC PROJECT PRE-START HAZARD ANALYSIS (JSA) WHICH SHALL IDENTIFY IN DOCUMENTED FORM:

- THE TYPE OF WORK
- HAZARDS AND RISKS TO HEALTH AND SAFETY
- THE CONTROLS TO BE APPLIED IN ORDER TO ELIMINATE OR MINIMIZE THE RISK POSED BY THE IDENTIFIED HAZARDS
- THE MANNER IN WHICH THE RISK CONTROL MEASURES ARE TO BE IMPLEMENTED

THESE ARE TO BE SUBMITTED TO THE SUPERINTENDENT AND/OR OTHER RELEVANT WORKPLACE SAFETY OFFICERS.

FOR THIS PROJECT, POSSIBLE HAZARDS INCLUDE (BUT ARE NOT LIMITED TO):

- EXCAVATION OF ANY TYPE & DEPTHS
- CONTAMINATED SOILS
- CONSTRUCTION IN GROUND WITH HIGH WATER TABLE
- FELLING / LOPPING &/OR REMOVAL OF EXISTING TREES/VEGETATION
- UNDERGROUND STRUCTURES (MANHOLES / PUMPS / ETC)
- CONFINED SPACES
- OVERHEAD POWER LINES
- UNDERGROUND STORMWATER, WATER AND SEWER PIPES
- TELECOMMUNICATION CABLES - BOTH UNDERGROUND & OVERHEAD
- ELECTRICAL POWER CABLES - BOTH UNDERGROUND & OVERHEAD
- WORKING AT HEIGHTS
- WORKING WITH ASBESTOS CONTAINING MATERIALS
- TRAFFIC MANAGEMENT

DRAINAGE AND SERVICES NOTES:

- ALL WORKS ASSOCIATED WITH PUBLIC STORMWATER INFRASTRUCTURE IS TO BE CARRIED OUT IN ACCORDANCE WITH IPWEA (TAS) LGAT STANDARD DRAWINGS AND SPECIFICATION AND TO THE SATISFACTION OF COUNCIL.
- ALL WORKS ASSOCIATED WITH PUBLIC SEWER AND WATER IS TO BE CARRIED OUT IN ACCORDANCE WITH THE WSA PARTS 02 & 03 (WATER AND SEWERAGE CODES OF AUSTRALIA), TASWATER SUPPLEMENTS TO THE SAME, AND TO THE SATISFACTION OF TASWATER.
- ALL CONNECTIONS TO EXISTING MAINS TO BE CARRIED OUT BY THE REGULATING AUTHORITY AT COST TO BUILDER UNLESS APPROVED OTHERWISE.
- HYDRAULIC LAYOUT TO BE COORDINATED WITH OTHER SERVICES. HYDRAULIC LAYOUT AS SHOWN IS NOTIONAL, LAYOUT TO BE CONFIRMED ON SITE.
- ALL EXISTING SERVICES TO BE LOCATED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.
- GENERAL MATERIALS, INSTALLATION & TESTING SHALL COMPLY WITH AS3500 AND THE NCC VOLUME 3 (PCA).
- INSTALL ALL SUB-SOIL DRAINS TO THE REQUIREMENTS OF AS3500, PART 3.1.3 OF THE NCC 2019 - VOLUME 2 AND PART PP2 OF THE NCC 2019 - VOLUME 3.
- PAVEMENT AND HARDSTAND AREAS SHALL FALL AT A MINIMUM OF 1% (1:100) TOWARD AN APPROVED DISCHARGE POINT.
- ALL PIPE WORK UNDER TRAFFICABLE AREAS, INCLUDING DRIVEWAYS, IS TO BE BACKFILLED WITH COMPACTED FCR.
- DRAINAGE PIPES TO BE MIN. uPVC CLASS 3NA. PIPES UNDER TRAFFICABLE AREAS TO BE 3NA U.N.O.
- MINIMUM GRADES FOR PRIVATE DRAINAGE PIPES SHALL BE 1% FOR STORMWATER AND 1.67% FOR SEWER U.N.O.
- MINIMUM COVER FOR PRIVATE DRAINAGE PIPES SHALL BE 300mm FOR STORMWATER AND 500mm FOR SEWER U.N.O.
- TASWATER SEWER MAINS TO BE MINIMUM DNV CLASS 3NA DN150 UPVC WITH MINIMUM CLASS 3NA10 DN100 PROPERTY CONNECTIONS.
- STORMWATER MAINS TO BE MINIMUM DNV CLASS 3NA DN225 UPVC OR APPROVED EQUIVALENT UNLESS NOTED OTHERWISE.
- WATER PIPES TO BE MIN. DN20 POLY PN16 AND FITTINGS TO BE MIN. CLASS 16 U.N.O.
- WATER CONNECTIONS SHALL BE PROVIDED WITH METERAGE AND BACKFLOW PREVENTION AS PER TASWATER STANDARD DRAWING TWS-WI-0022.
- ALL PIPEWORK TO BE INSPECTED BY COUNCIL PRIOR TO BACKFILL.
- PIT DIMENSIONS SHOWN HAVE BEEN DESIGNED BY PIT CAPACITY TABLES. THESE PITS MAY NEED TO BE INCREASED IN MINIMUM INTERNAL SIZE DUE TO THE DEPTH AS PER AS3500.3 AS PER TABLE BELOW WHICH IS THE CONTRACTORS RESPONSIBILITY TO ENSURE COMPLIANCE TO AS3500.

DEPTH TO INVERT OF OUTLET	MINIMUM INTERNAL DIMENSIONS mm	
	WIDTH	LENGTH
≤600	450	450
>600	600	600
>900	600	900
>1200	900	900

EARTHWORKS & DRIVEWAY NOTES:

- ALL EARTHWORKS SHALL BE IN ACCORDANCE WITH AS3798 'GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS'.
- ALL VEGETATION AND TOPSOIL SHALL BE STRIPPED AND GRUBBED IN THE AREA OF PROPOSED WORKS.
- NEW OR MODIFIED DRIVEWAY CROSSINGS SHALL BE IN ACCORDANCE WITH IPWEA STANDARD DRAWING TSD-R09-v2 AND MUST BE INSPECTED AND APPROVED BY COUNCIL.
- EXCAVATED AND IMPORTED MATERIAL USED AS FILL IS TO BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION.
- FILL MATERIAL SHALL BE WELL GRADED AND FREE OF BOULDERS OR COBBLES EXCEEDING 150mm IN DIAMETER UNLESS APPROVED TO BE OTHERWISE.
- FILL REQUIRED TO SUPPORT DRIVEWAYS INCLUDING FILL IN EMBANKMENTS THAT SUPPORT DRIVEWAYS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
 - TOP SOIL AND ORGANIC MATTER SHALL BE STRIPPED TO A MINIMUM OF 100mm.
 - THE SUB GRADE SHALL HAVE A MINIMUM BEARING CAPACITY OF 100 kPa.
 - FILL IN EMBANKMENTS SHALL BE REVED 150mm INTO NATURAL GROUND.
 - THE FILL SHALL BE COMPACTED IN HORIZONTAL LAYERS OF NOT MORE THAN 200mm.
 - EACH LAYER SHALL BE COMPACTED TO A MINIMUM DENSITY RATIO OF 95% STD, IT IS THE BUILDERS RESPONSIBILITY TO ENSURE THAT THIS IS ACHIEVED.
- WHERE THE ABOVE REQUIREMENTS CANNOT BE ACHIEVED THE ENGINEER SHALL BE CONSULTED AND THE FORMATION SHALL BE PROOF ROLLED (UNDER SUPERVISION OF THE ENGINEER) TO CONFIRM AN APPROVED BASE.
- CONCRETE PAVEMENTS SHALL BE CURED FOR A MINIMUM OF 3 DAYS USING A CURRENT BEST PRACTICE METHOD.
- SAWN CONTROL JOINTS SHALL BE CONSTRUCTED AS SOON AS POSSIBLE WITHOUT RAVELLING THE JOINT, GENERALLY THIS SHALL BE WITHIN 24 HOURS.
- BATTERS SHALL BE SET TO A SAFE ANGLE OF REPOSE IN ACCORDANCE WITH THE BCA VOL 2 AS INDICATED BELOW:

SOIL TYPE (* REFER BCA 3.2.4)	EMBANKMENT SLOPES H:L	
	COMPACTED FILL	CUT
STABLE ROCK (A*)	2:3	8:1
SAND (A*)	1:2	1:2
SILT (P*)	1:4	1:4
CLAY	FIRM CLAY	1:1
	SOFT CLAY	2:3
SOFT SOILS (P)	NOT SUITABLE	NOT SUITABLE

NOTE: WHERE SITE CONDITIONS ARE UNSUITABLE FOR A BATTERED BANK CONSULT THE ENGINEER FOR A SUITABLE RETAINING WALL DESIGN. EMBANKMENTS THAT ARE TO BE LEFT EXPOSED MUST BE STABILISED BY VEGETATION OR SIMILAR WORKS TO PREVENT SOIL EROSION.

CIVIL INSPECTIONS / HOLD POINTS:

THE BUILDER IS TO ALLOW TO ENGAGE CIVIL ENGINEERS TO UNDERTAKE INSPECTIONS AT THE FOLLOWING HOLD POINTS OF A CIVIL WORKS NATURE:

- SUBGRADE/FORMATION LEVEL OF DRIVEWAY PAVEMENT INCLUSIVE OF PROOF ROLL
- BASE OF ROAD PAVEMENT INCLUSIVE OF PROOF ROLL
- STEEL WORK OF DRIVEWAY PRIOR TO CONCRETE POUR



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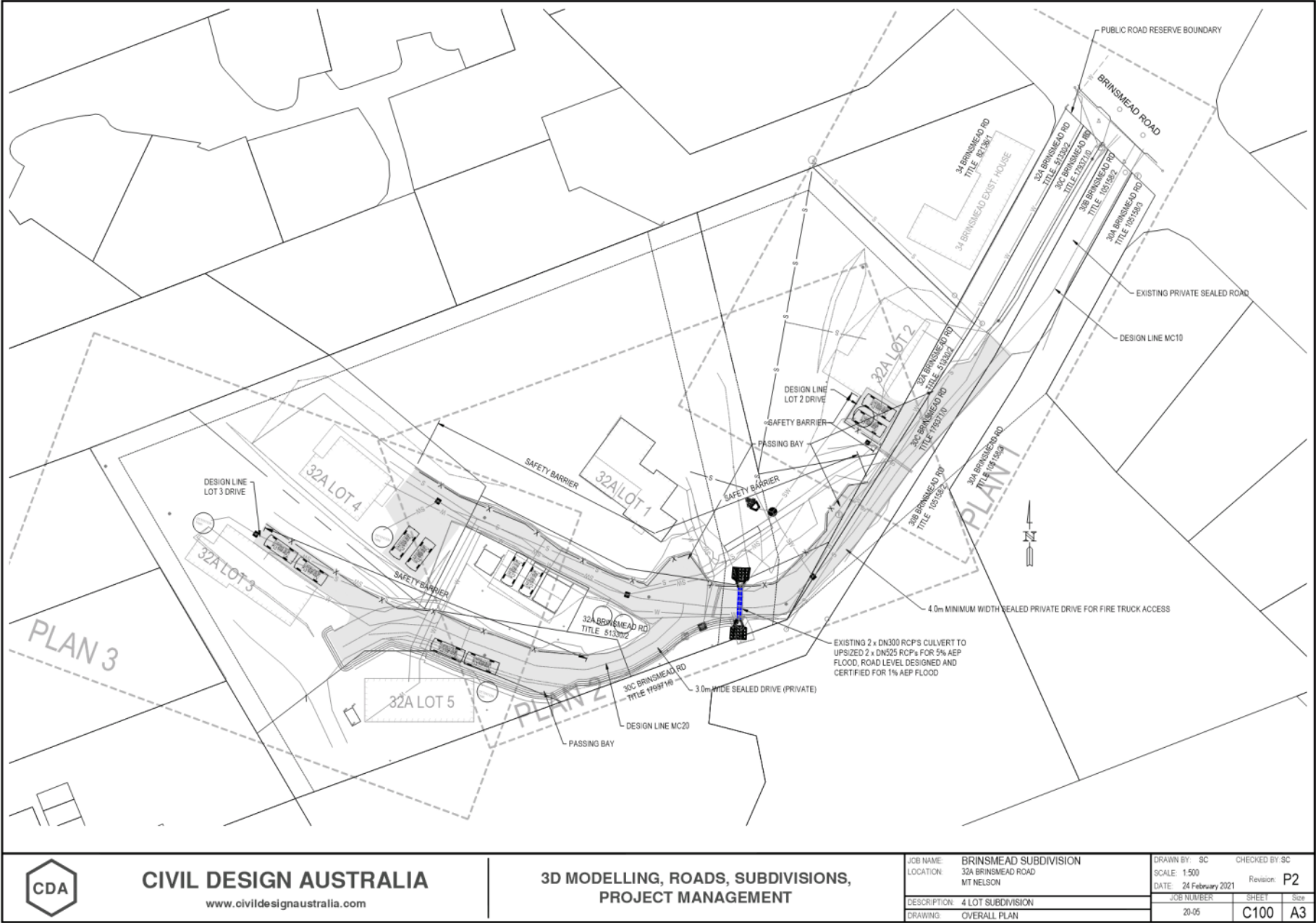
**3D MODELLING, ROADS, SUBDIVISIONS,
 PROJECT MANAGEMENT**

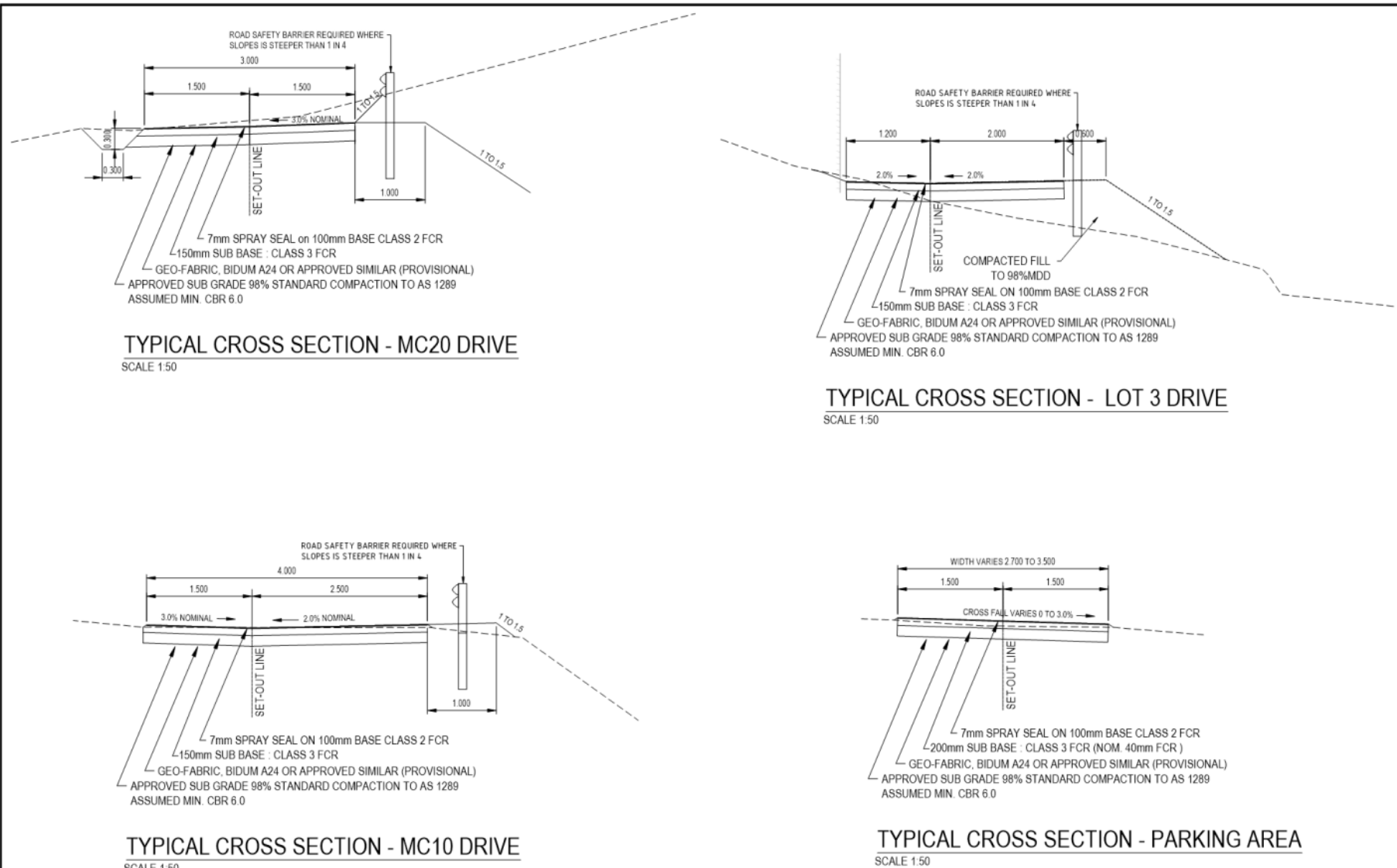
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 LOCATION: 32A BRINSMEAD ROAD
 MT NELSON

DESCRIPTION: 4 LOT SUBDIVISION
 DRAWING: DRAWING INDEX AND NOTES

DRAWN BY: SC CHECKED BY: SC
 SCALE: 1:500
 DATE: 24 February 2021 Revision: P2

JOB NUMBER: 20-05 SHEET: C001 Size: A3





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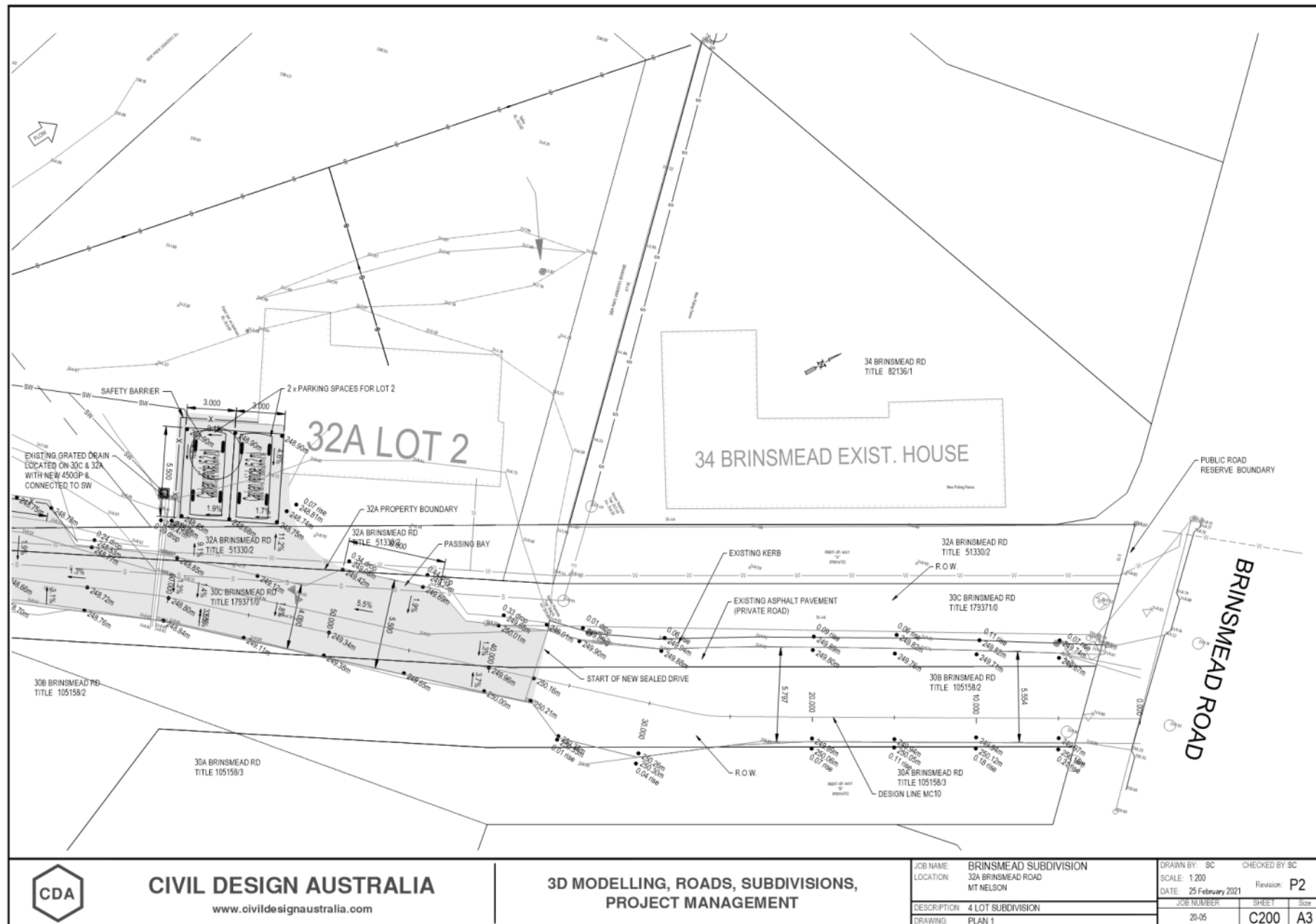
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PROJECT MANAGEMENT**

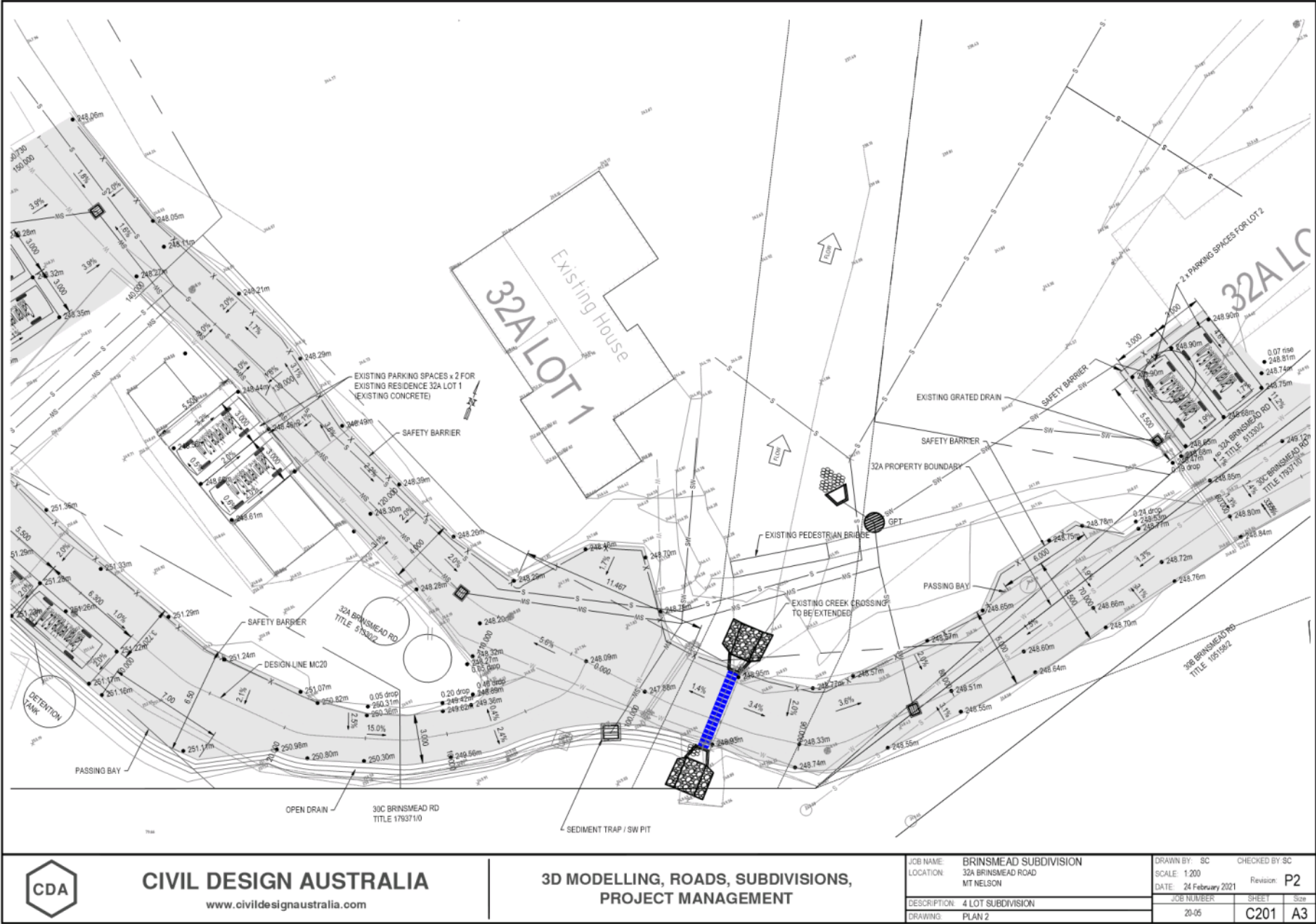
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LOCATION: 32A BRINSMEAD ROAD
MT NELSON

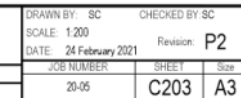
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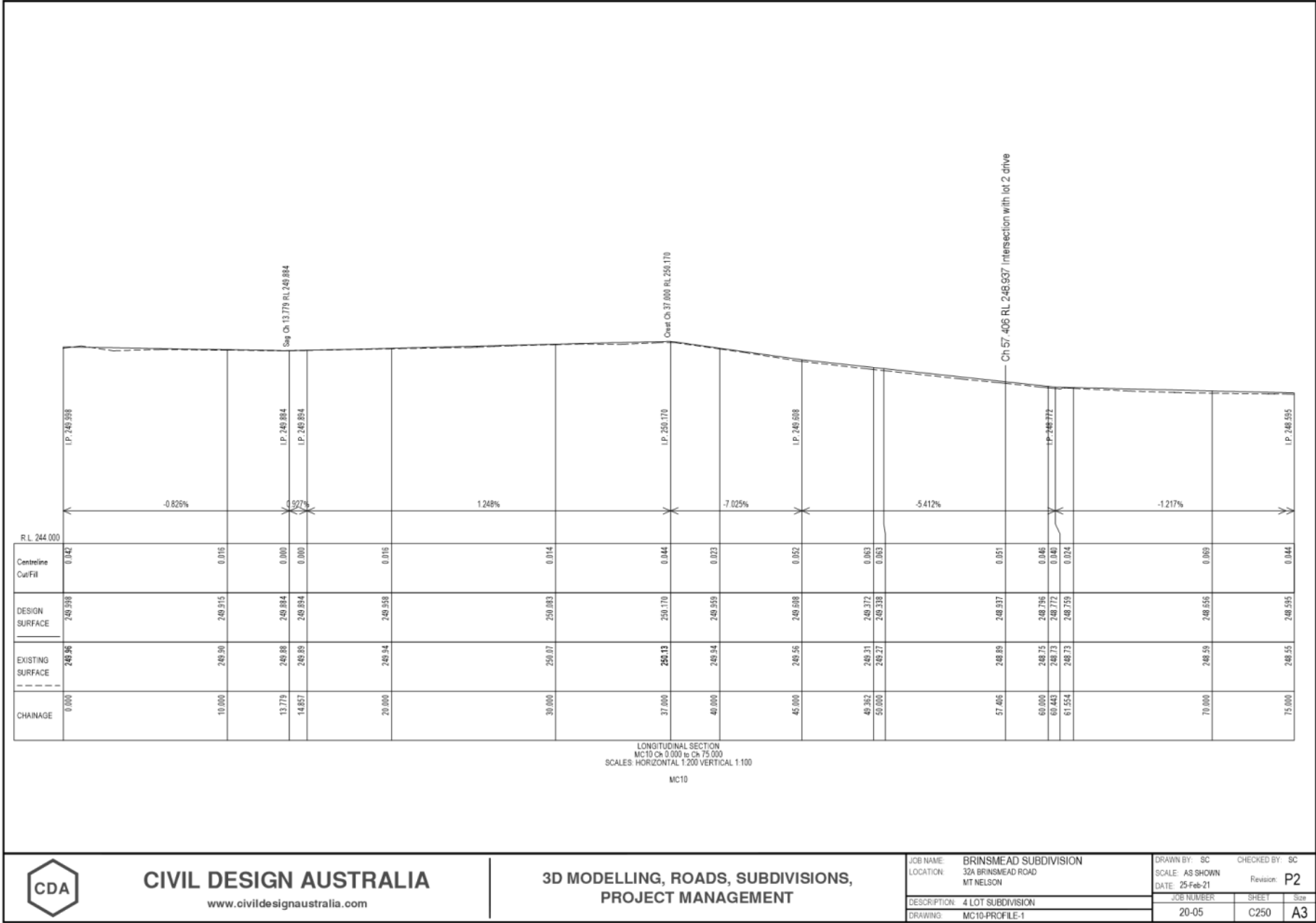
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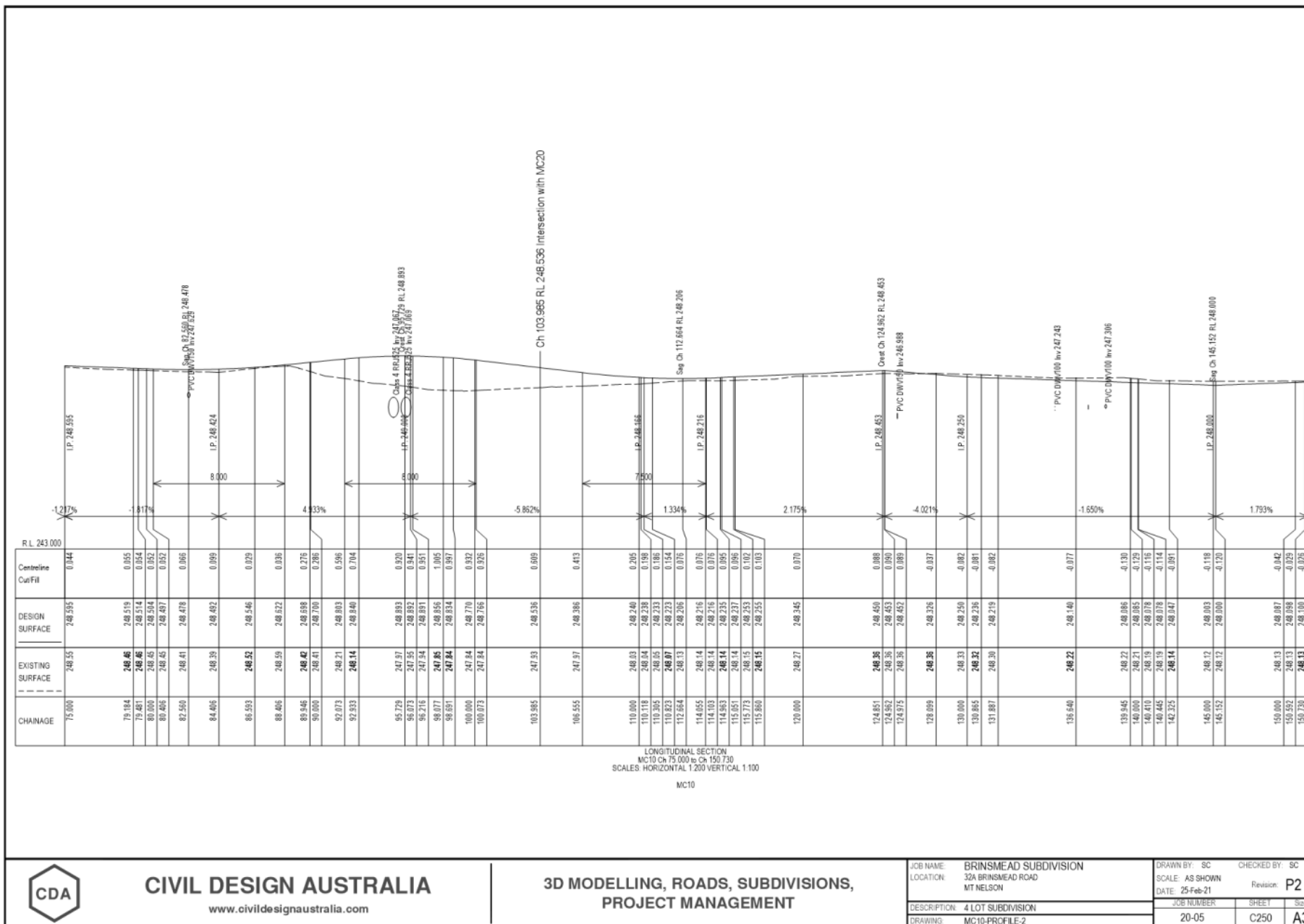


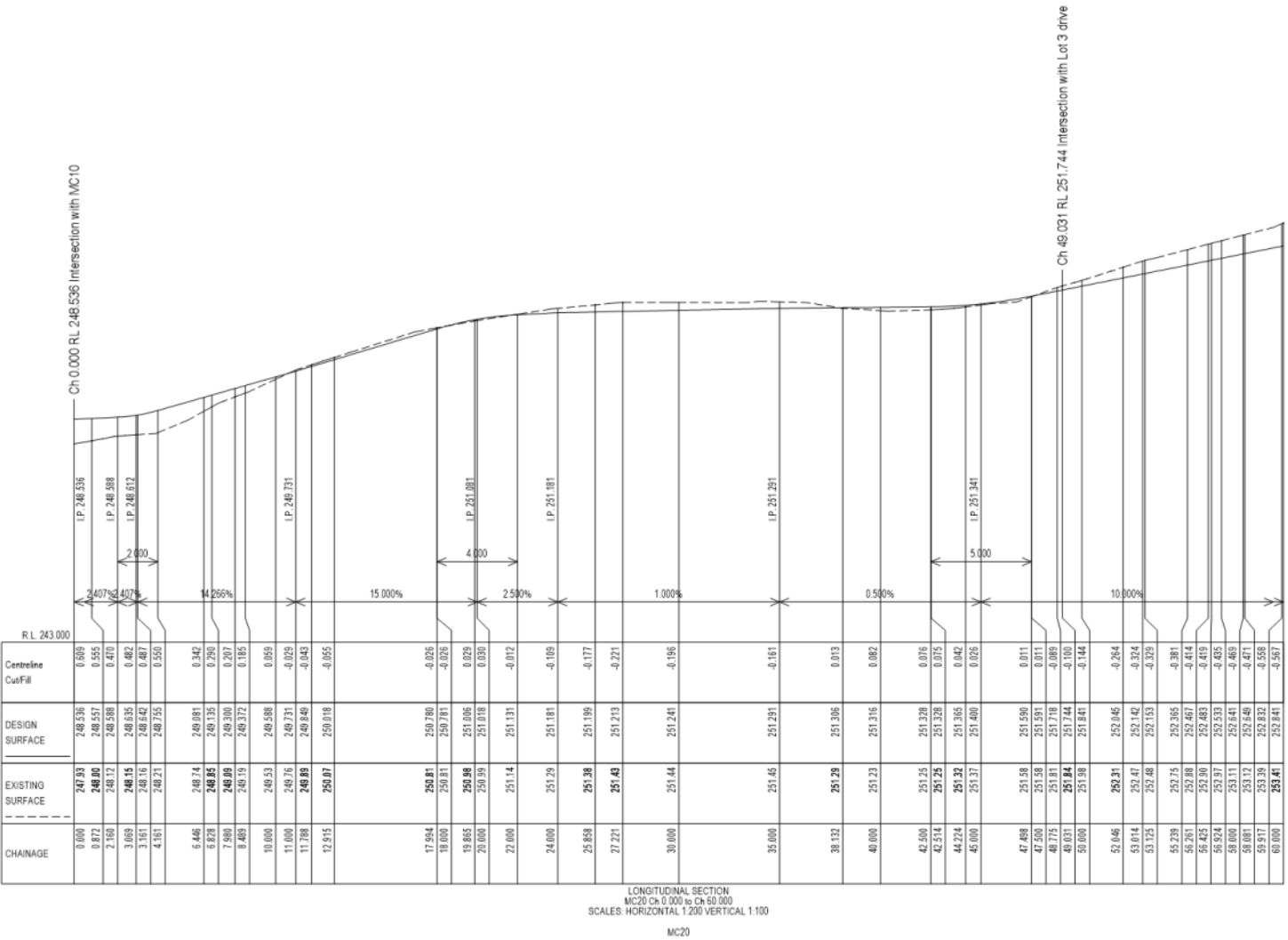


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3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT

JOB NAME:	BRINSMEAD SUBDIVISION	DRAWN BY:	SC	CHECKED BY:	SC
LOCATION:	32A BRINSMEAD ROAD MT NELSON	SCALE:	AS SHOWN	Revision:	P2
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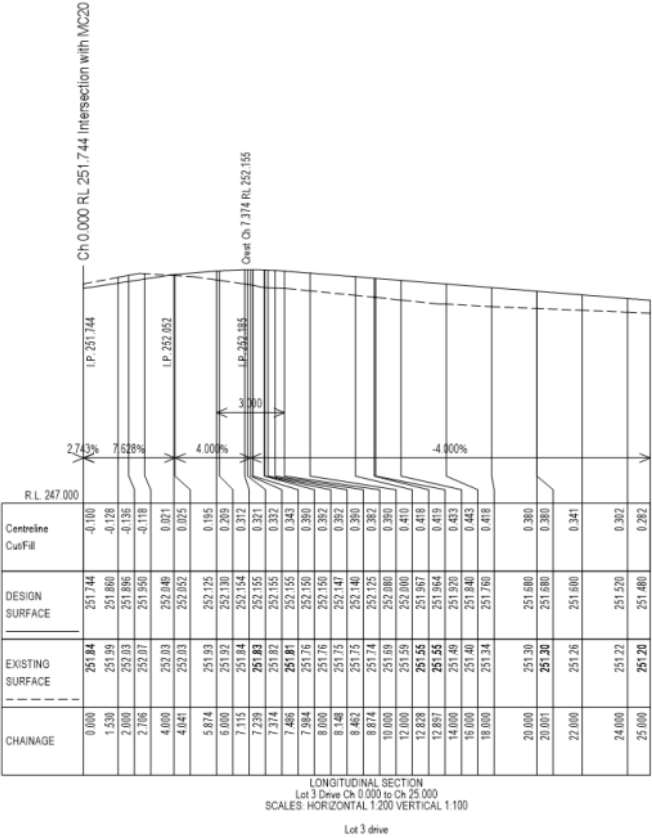


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3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT

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LOCATION: 32A BRINSMEAD ROAD
MT NELSON
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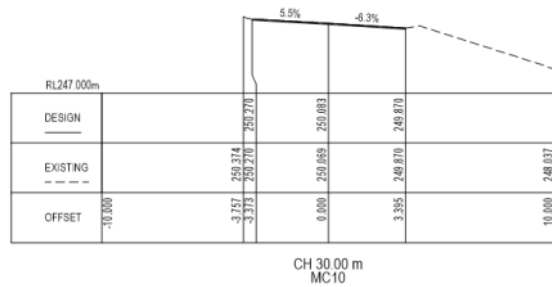
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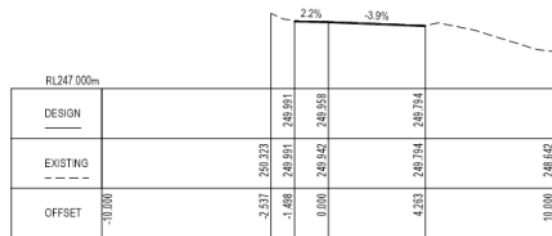
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**3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT**

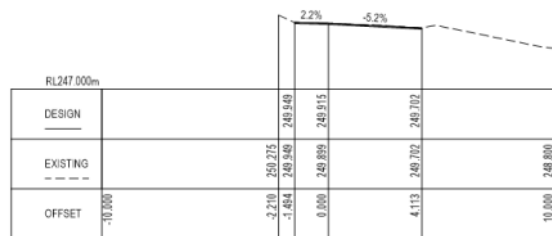
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DATE:	25-Feb-21	JOB NUMBER:	20-05	SHEET:	C270
DESCRIPTION:	4 LOT SUBDIVISION	Size:			A3
DRAWING:	LOT 3 DRIVE PROFILE				



CH 30.00 m
MC10



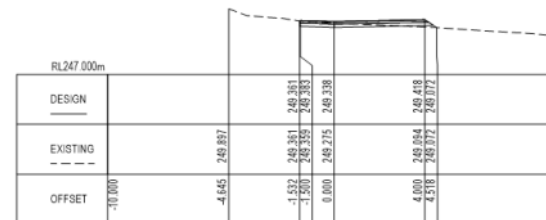
CH 20.00 m
MC10



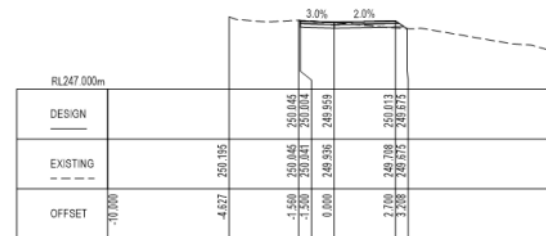
CH 10.00 m
MC10



CH 60.00 m
MC10



CH 50.00 m
MC10



CH 40.00 m
MC10

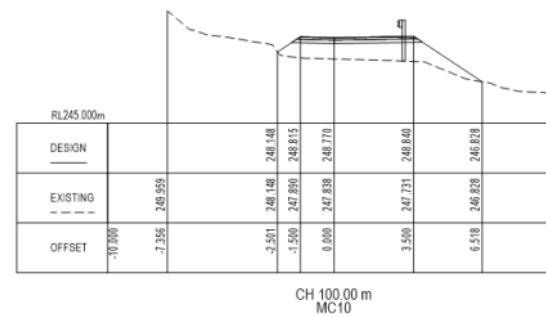
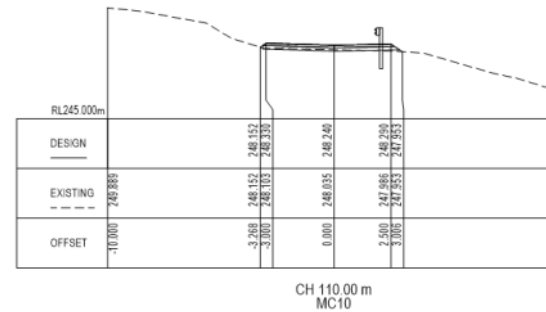
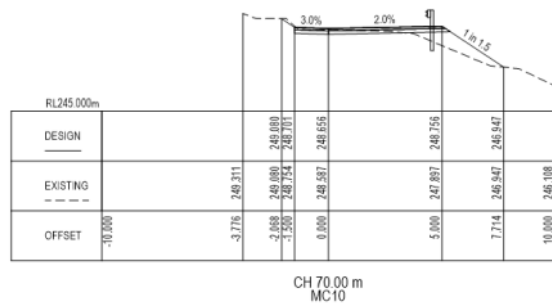
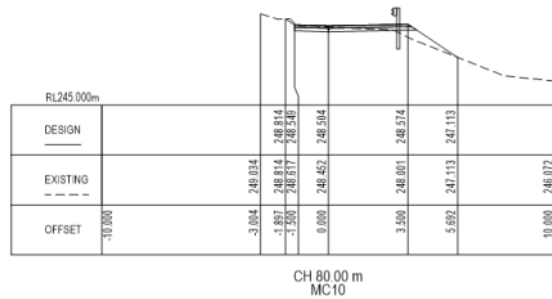
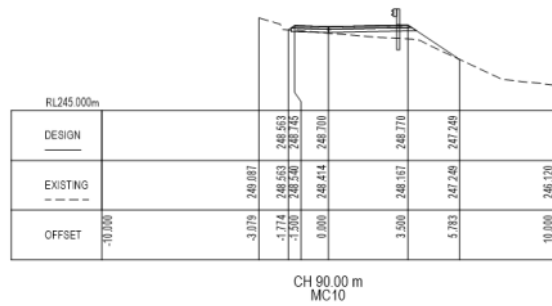


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**3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT**

JOB NAME: BRINSMEAD SUBDIVISION
LOCATION: 32A BRINSMEAD ROAD
MT NELSON
DESCRIPTION: 4 LOT SUBDIVISION
DRAWING: Xsect-MC10-1

DRAWN BY: SC CHECKED BY: SC
SCALE: AS SHOWN
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Revision: P2
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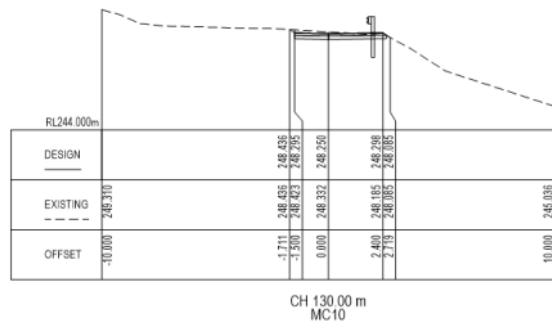
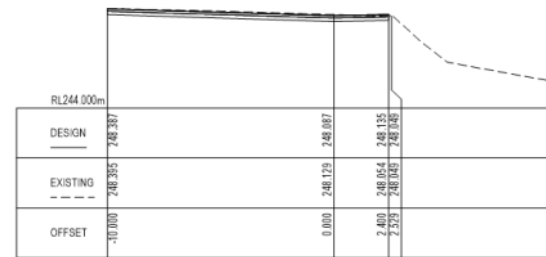
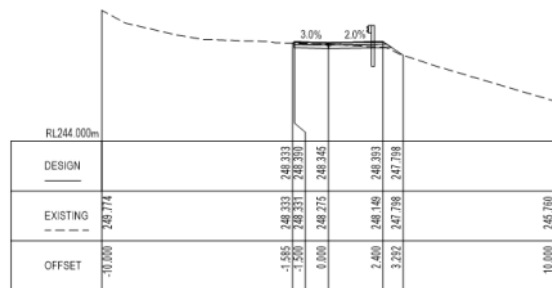
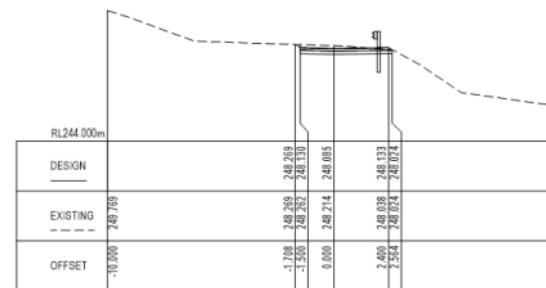


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**3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT**

JOB NAME: BRINSMEAD SUBDIVISION
LOCATION: 32A BRINSMEAD ROAD
MT NELSON
DESCRIPTION: 4 LOT SUBDIVISION
DRAWING: Xsect-MC10-2

DRAWN BY: SC CHECKED BY: SC
SCALE: AS SHOWN
DATE: 25-Feb-21
Revision: P2
JOB NUMBER: 20-05
SHEET: C301
Size: A3

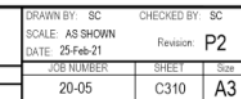
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MC10CH 150.00 m
MC10CH 120.00 m
MC10CH 140.00 m
MC10

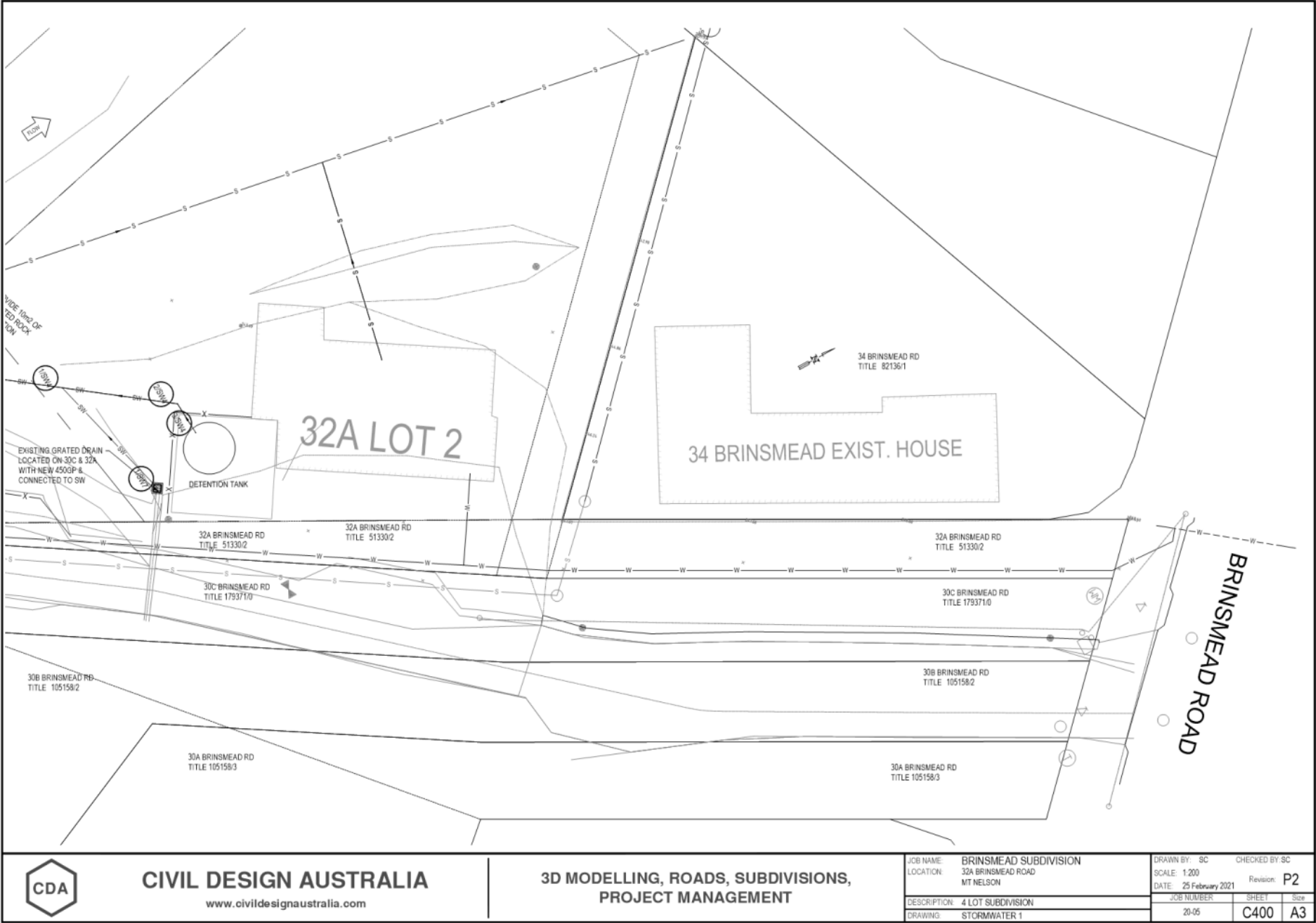
CIVIL DESIGN AUSTRALIA
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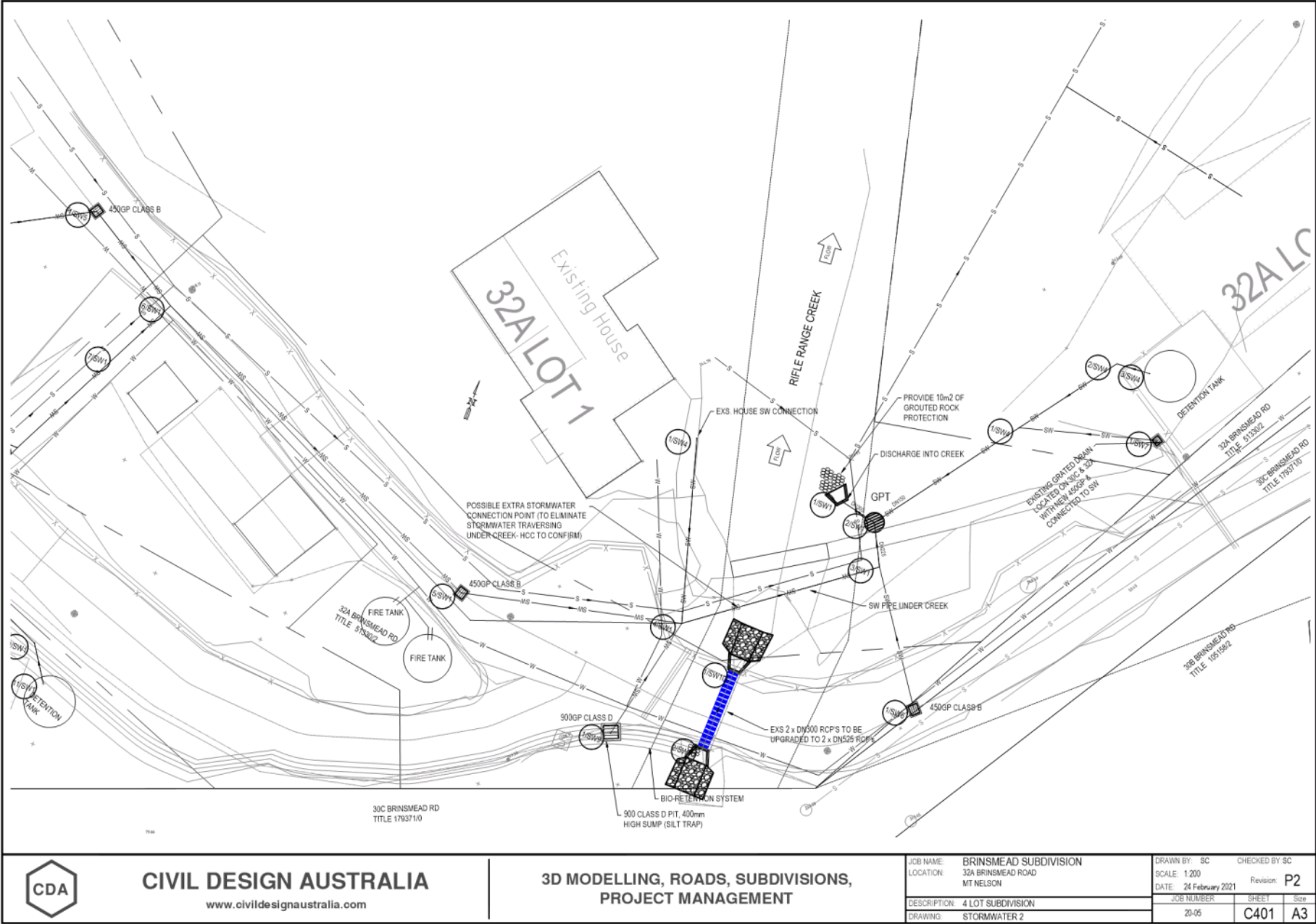
**3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT**

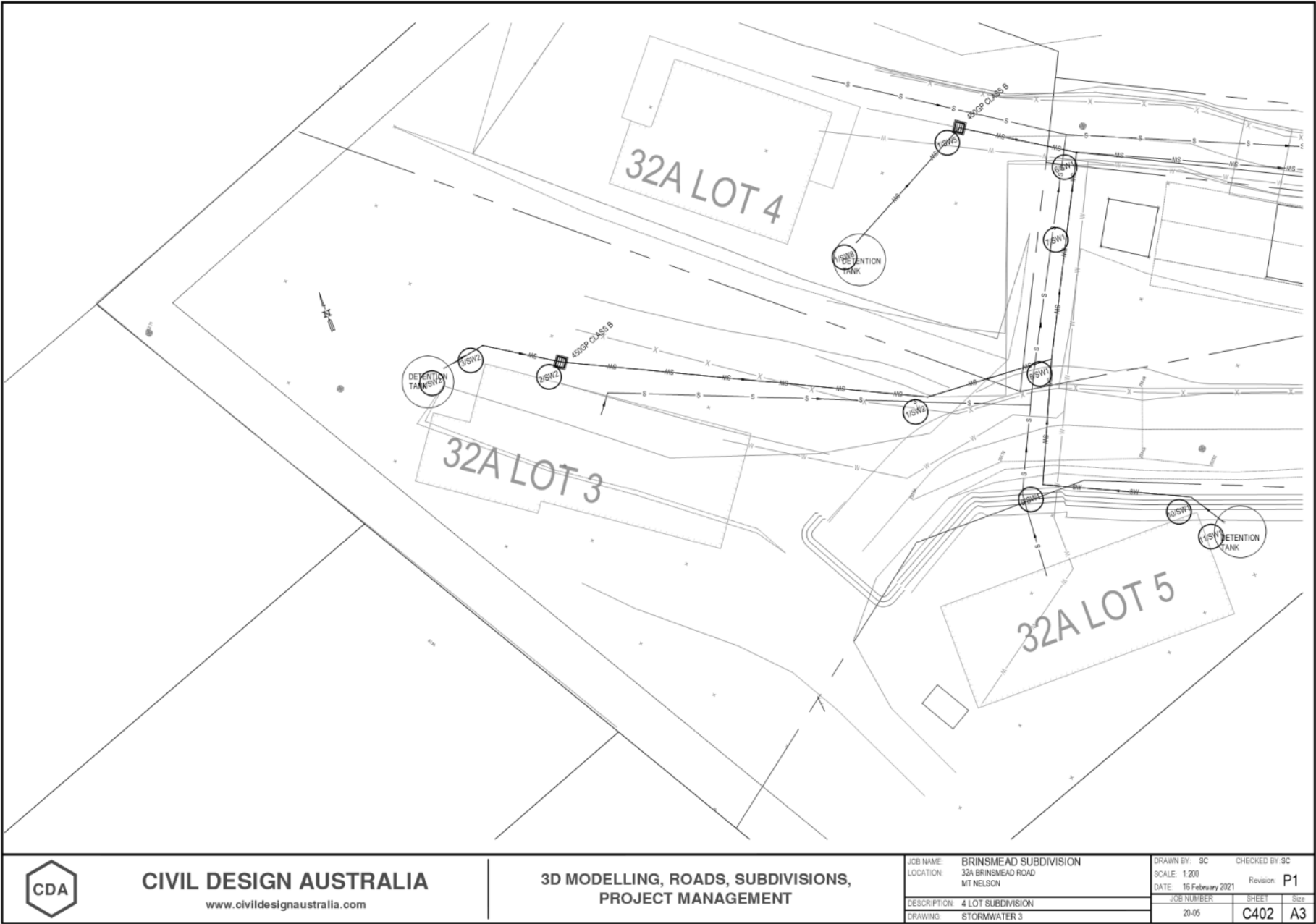
JOB NAME: BRINSMEAD SUBDIVISION
LOCATION: 32A BRINSMEAD ROAD
MT NELSON
DESCRIPTION: 4 LOT SUBDIVISION
DRAWING: Xsect-MC10-3

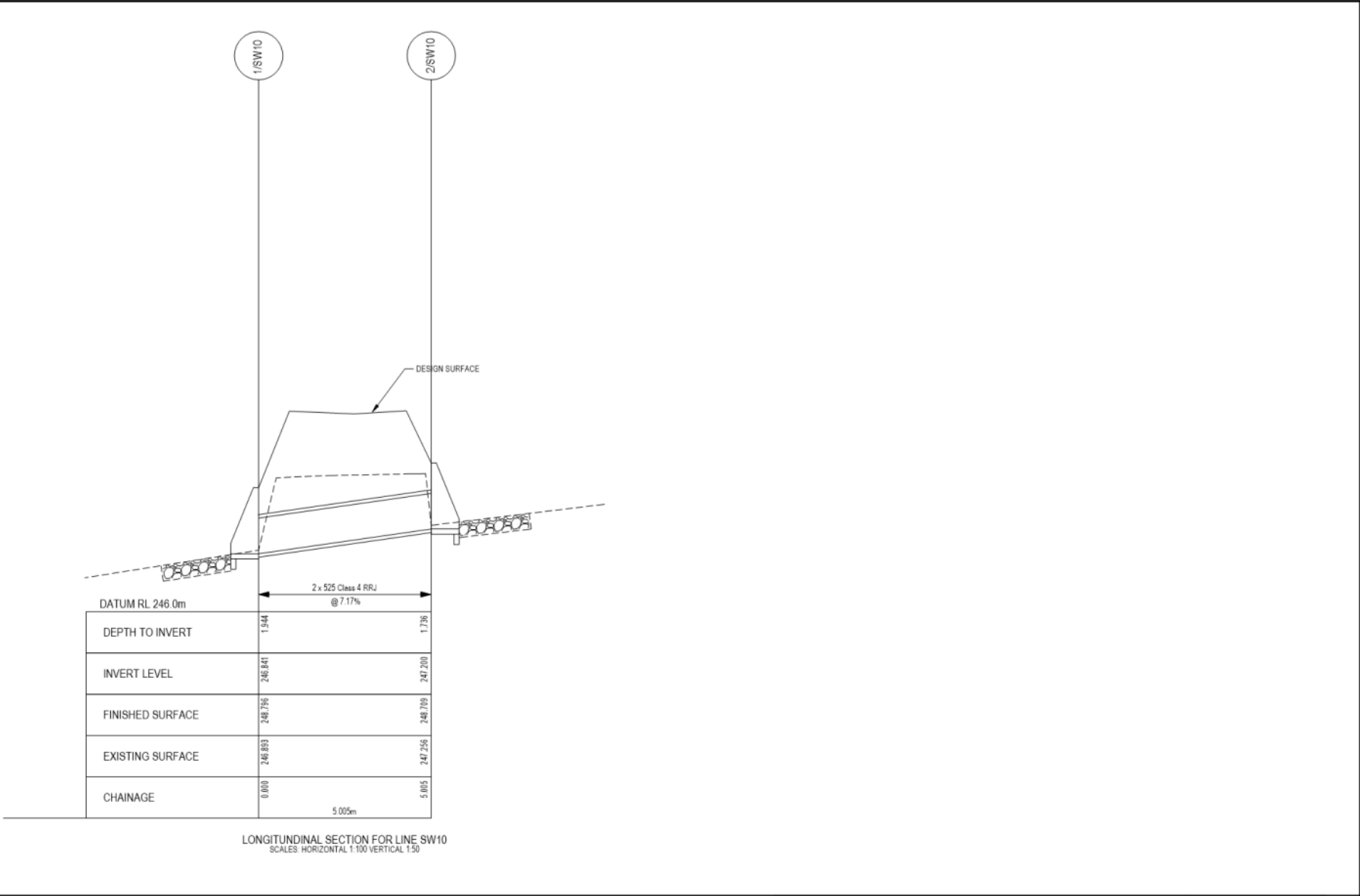
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SCALE: AS SHOWN
DATE: 25-Feb-21
Revision: P2
JOB NUMBER: 20-05
SHEET: C302
Size: A3







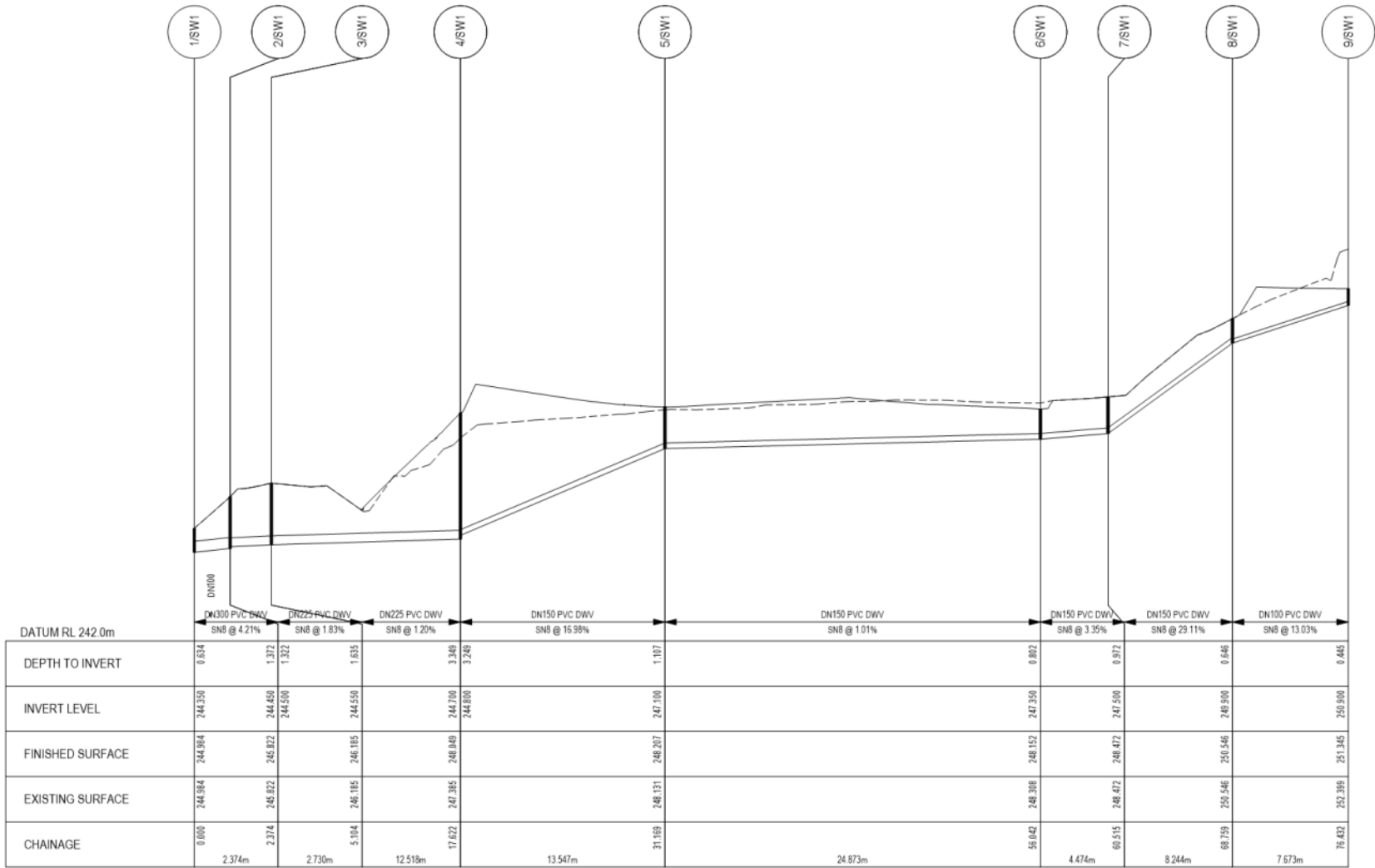




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3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT

JOB NAME:	BRINSMEAD SUBDIVISION	DRAWN BY:	SC	CHECKED BY:	SC
LOCATION:	32A BRINSMEAD ROAD MT NELSON	SCALE:	AS SHOWN	Revision:	P2
DESCRIPTION:	4 LOT SUBDIVISION	DATE:	25-Feb-21	JOB NUMBER:	20-05
DRAWING:	Pipes-SW2-1	SHEET:	C410	Size:	A3



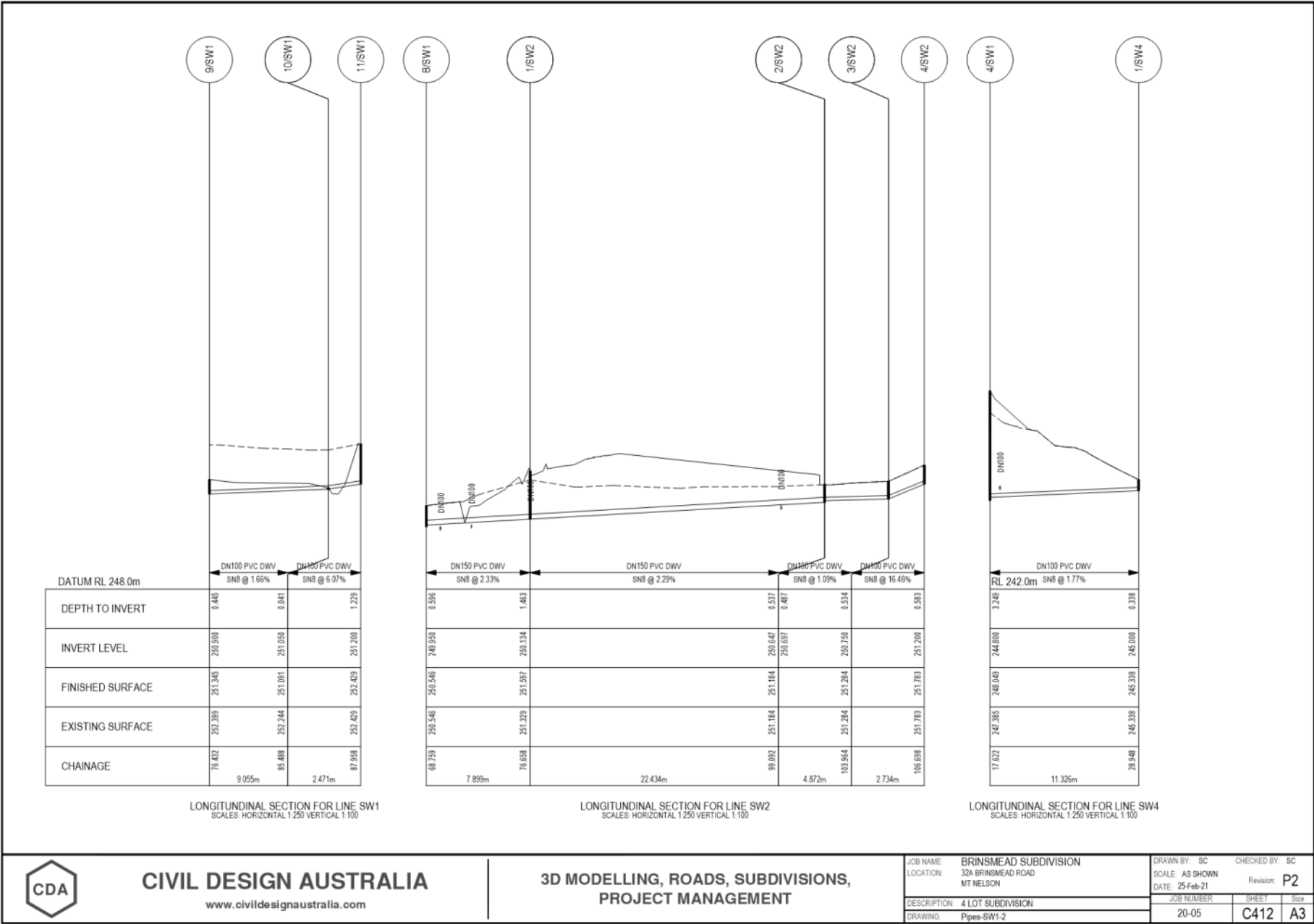
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SCALE: HORIZONTAL 1:250 VERTICAL 1:100

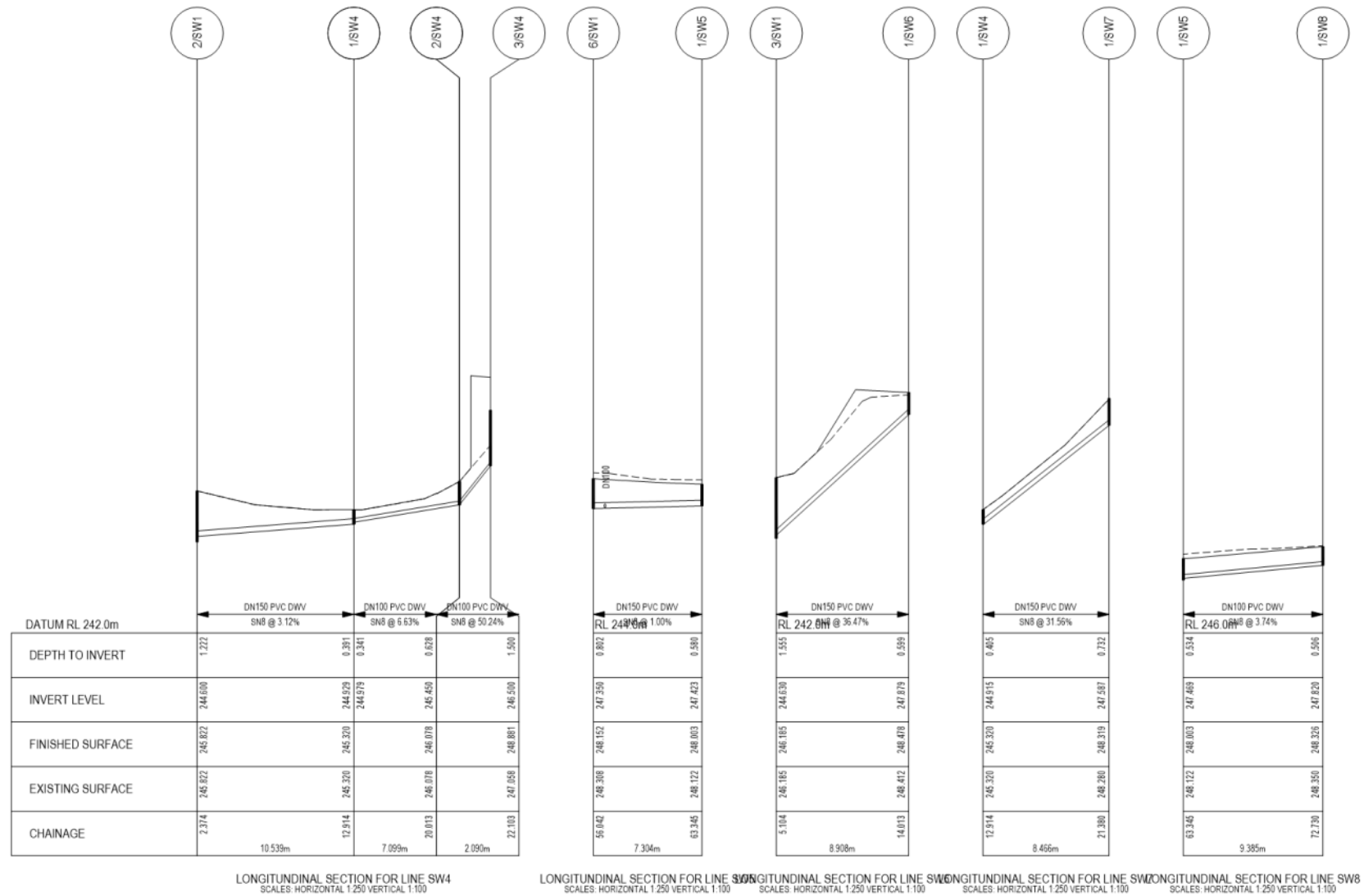


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3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT

JOB NAME:	BRINSMEAD SUBDIVISION	DRAWN BY:	SC	CHECKED BY:	SC
LOCATION:	32A BRINSMEAD ROAD MT NELSON	SCALE:	AS SHOWN	Revision:	P2
DESCRIPTION:	4 LOT SUBDIVISION	DATE:	25-Feb-21	JOB NUMBER:	20-05
DRAWING:	Pipes-SW1-1			SHEET:	C411
				Size:	A3



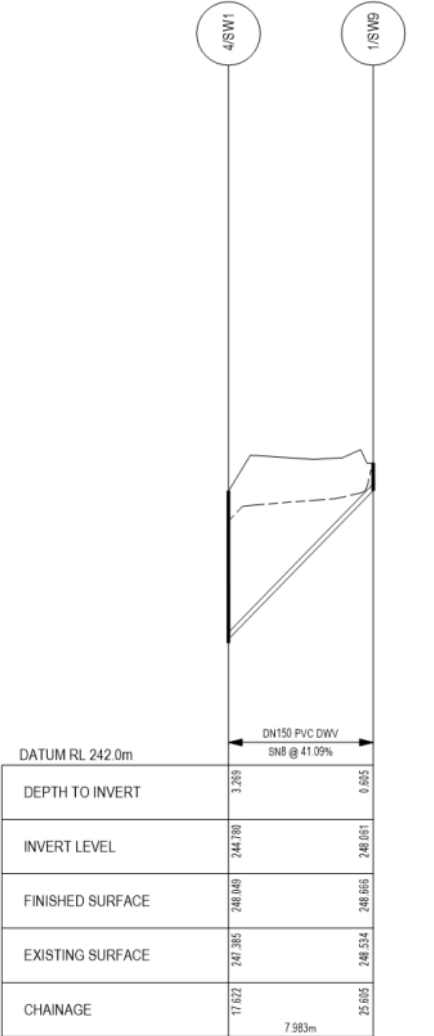


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**3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT**

JOB NAME: BRINSMEAD SUBDIVISION
LOCATION: 32A BRINSMEAD ROAD
MT NELSON
DESCRIPTION: 4 LOT SUBDIVISION
DRAWING: Pipes-SW1-3

DRAWN BY: SC
SCALE: AS SHOWN
DATE: 25-Feb-21
JOB NUMBER: 20-05
SHEET: C413
Revision: P2
Size: A3



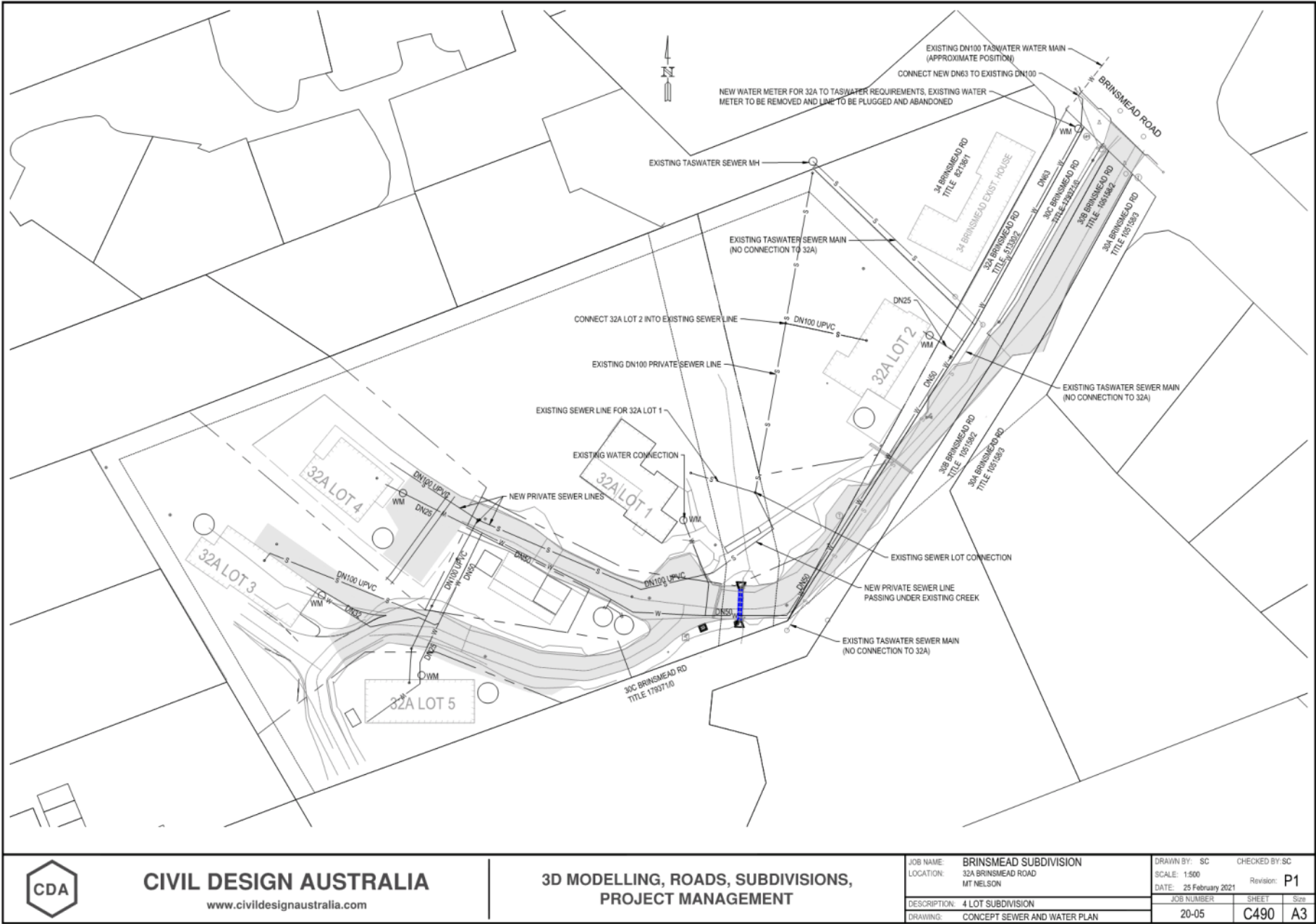
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SCALES: HORIZONTAL 1:250 VERTICAL 1:100

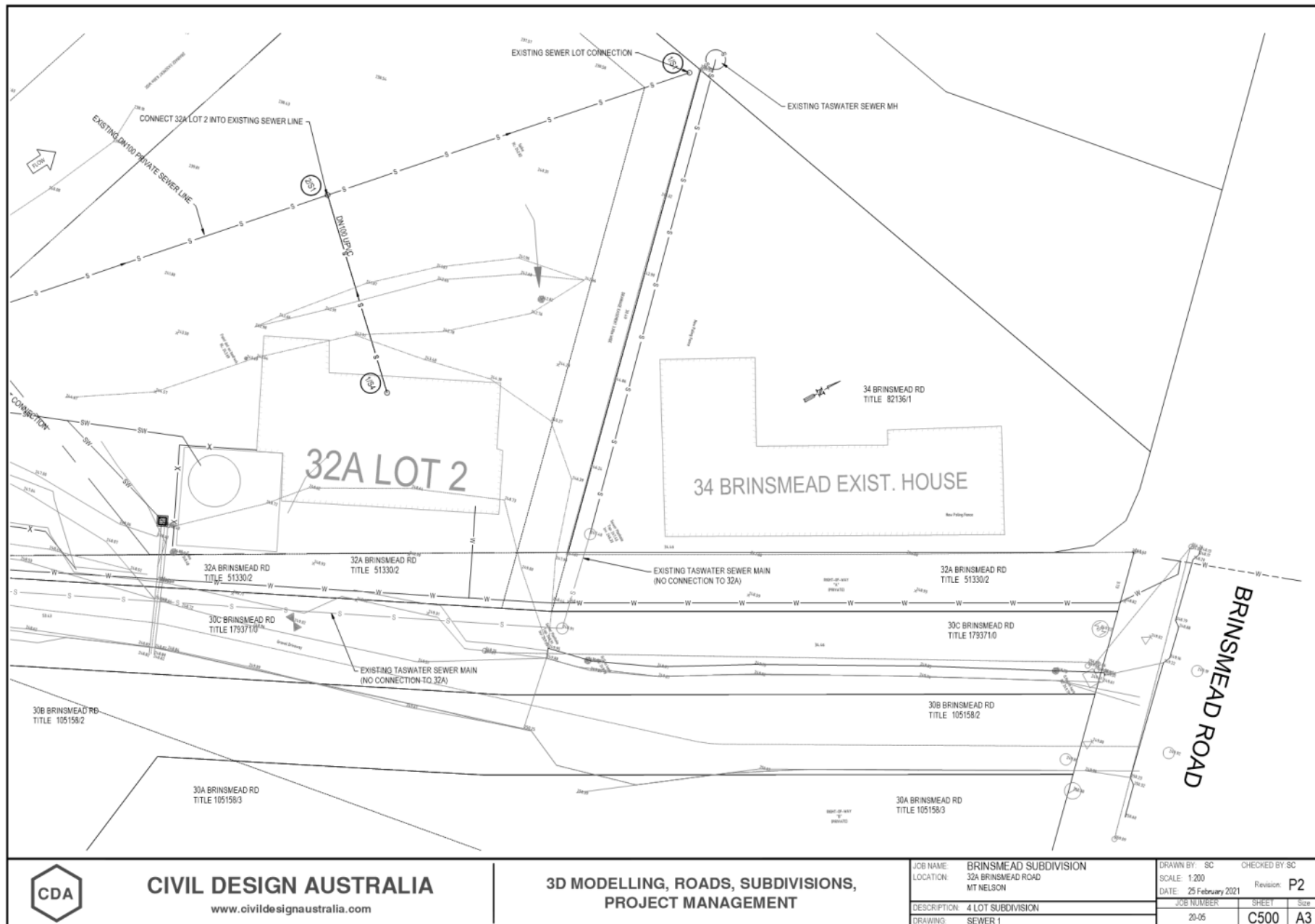


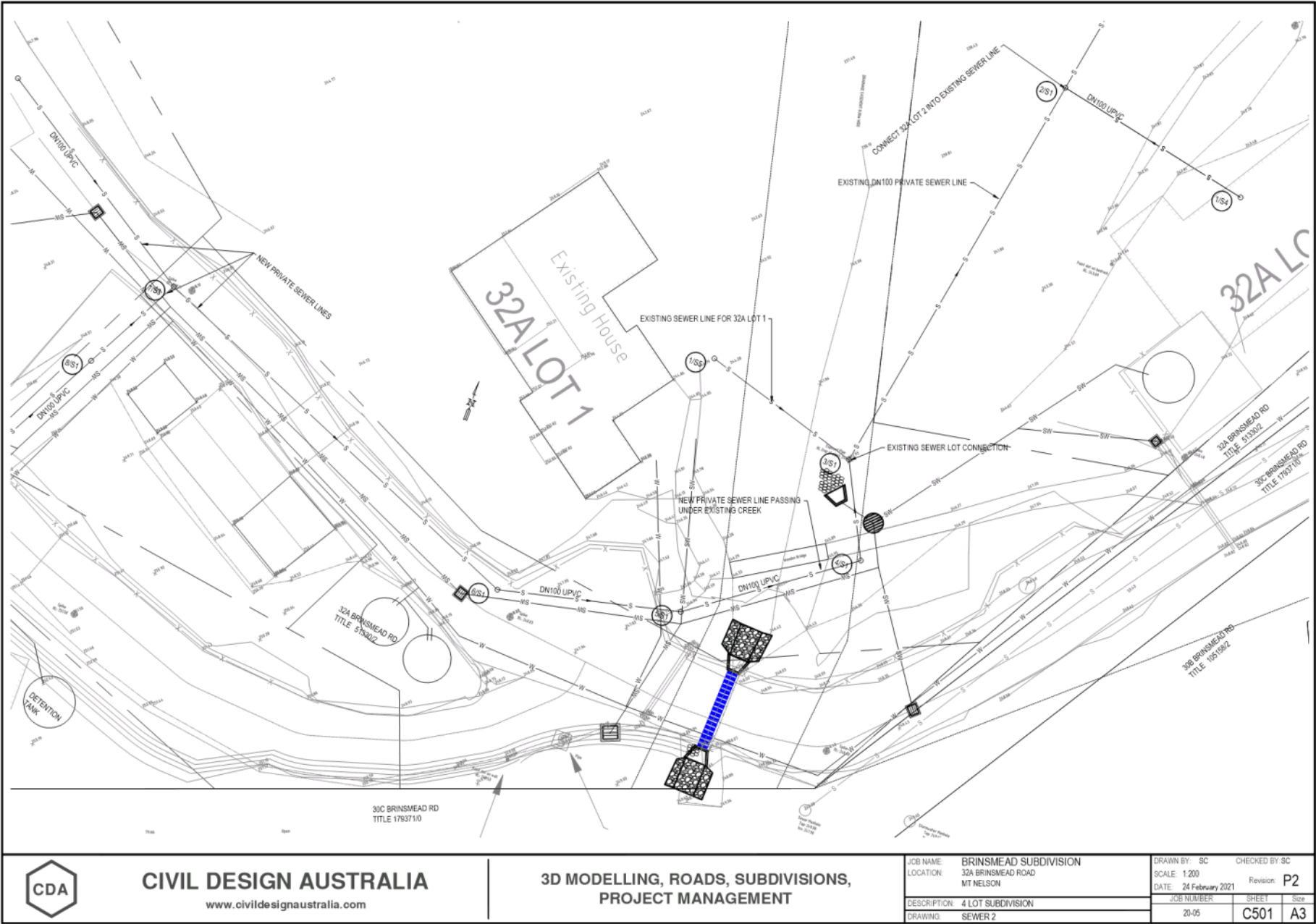
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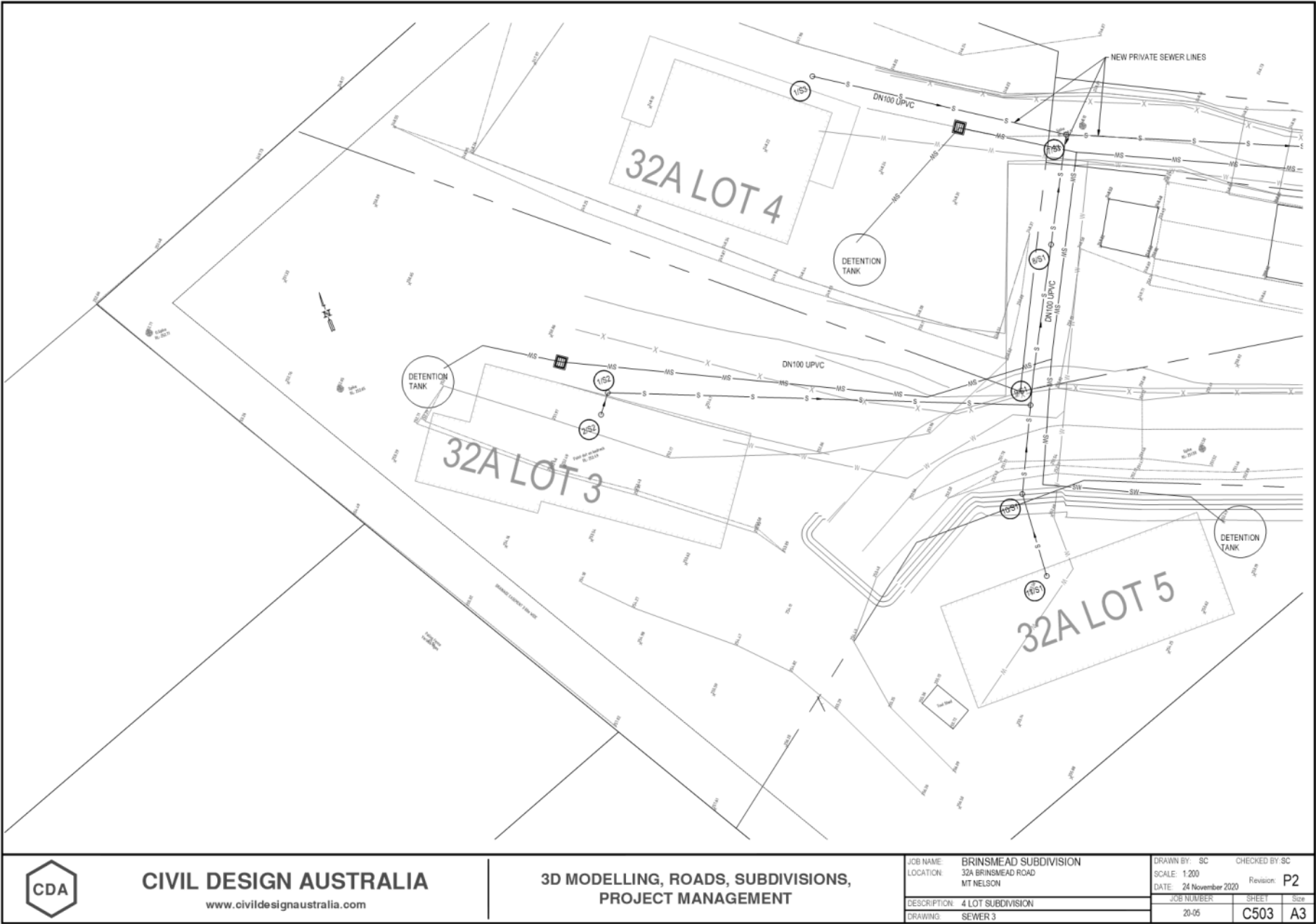
**3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT**

JOB NAME:	BRINSMEAD SUBDIVISION	DRAWN BY:	SC	CHECKED BY:	SC
LOCATION:	32A BRINSMEAD ROAD MT NELSON	SCALE:	AS SHOWN	Revision:	P2
DESCRIPTION:	4 LOT SUBDIVISION	DATE:	25-Feb-21	JOB NUMBER	20-05
DRAWING:	Pipes-SW1-4	SHEET	C414	Size	A3





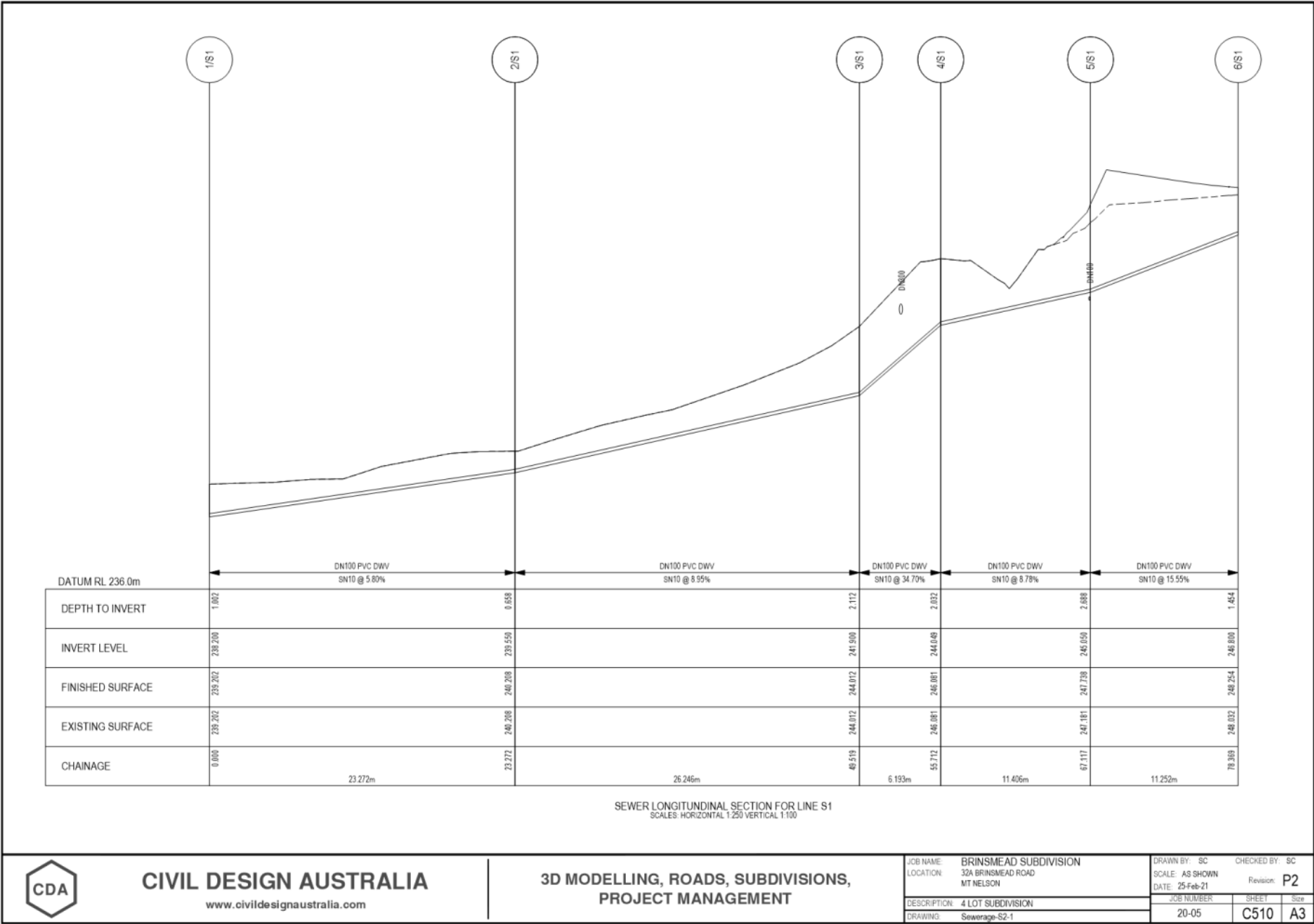


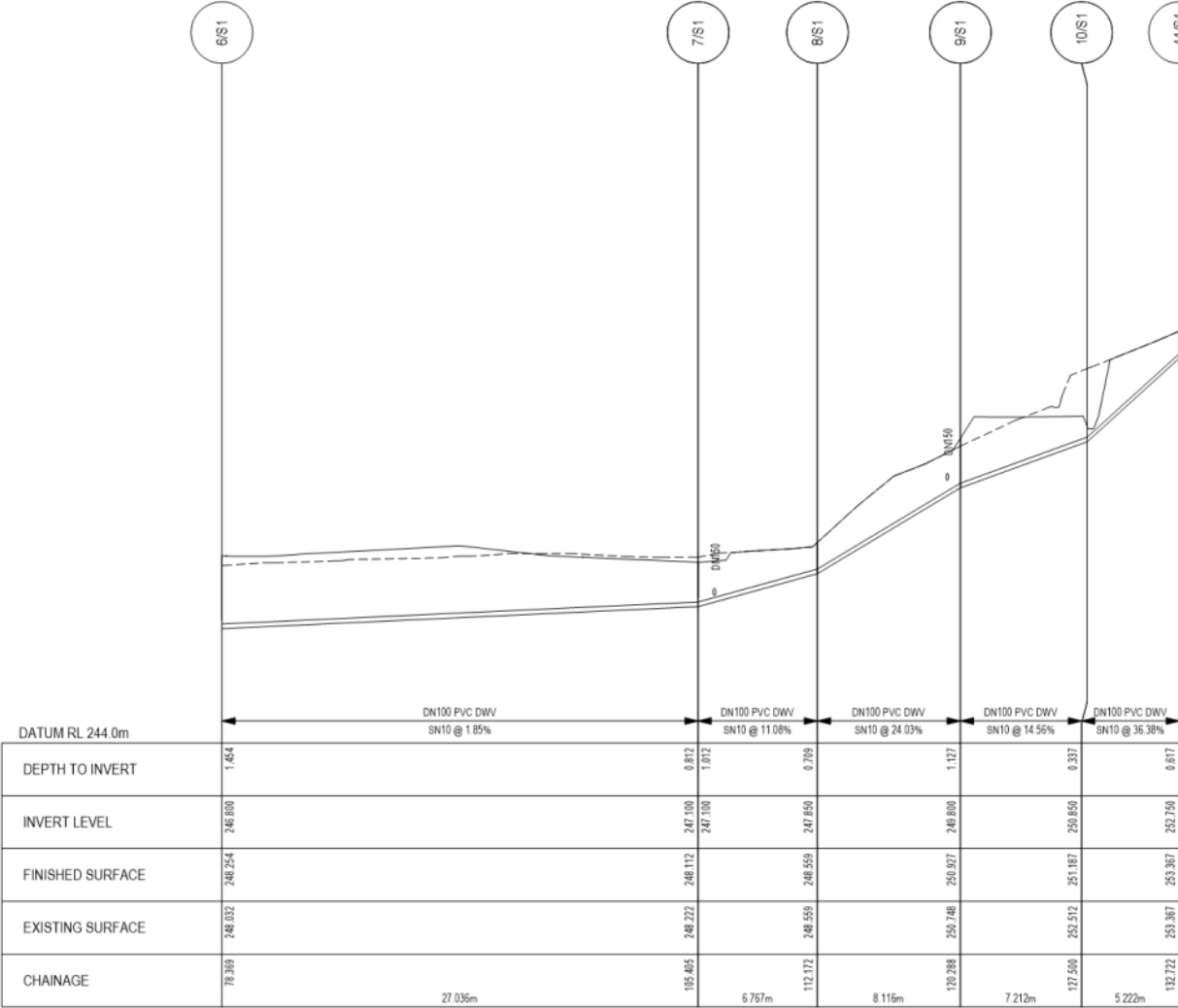


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**3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT**

JOB NAME:	BRINSMEAD SUBDIVISION	DRAWN BY:	SC	CHECKED BY:	SC
LOCATION:	32A BRINSMEAD ROAD MT NELSON	SCALE:	1:200	Revision:	P2
		DATE:	24 November 2020		
DESCRIPTION:	4 LOT SUBDIVISION	JOB NUMBER:	20-05	SHEET:	C503
DRAWING:	SEWER 3			Size:	A3





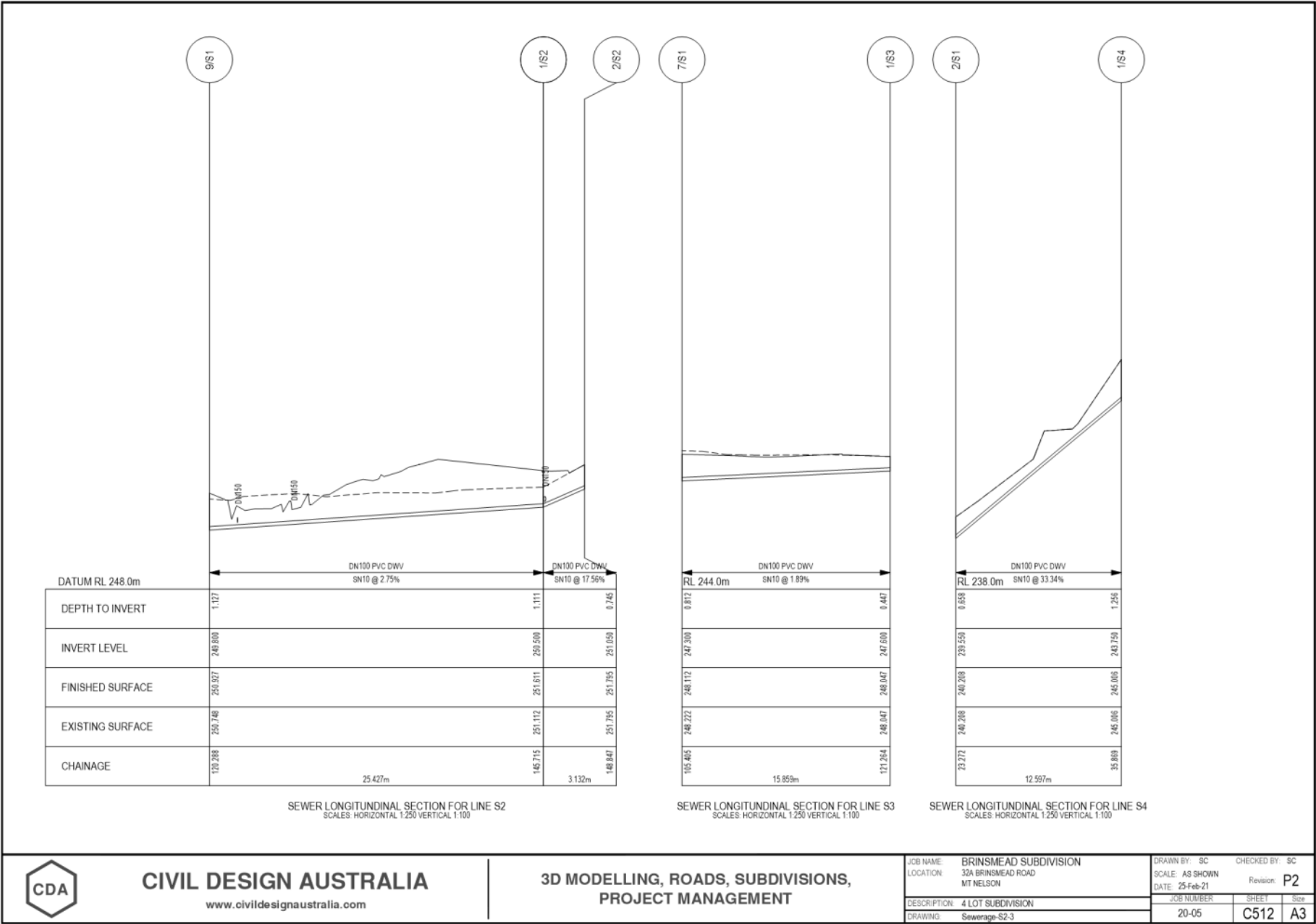
SEWER LONGITUDINAL SECTION FOR LINE S1
SCALES: HORIZONTAL 1:250 VERTICAL 1:100

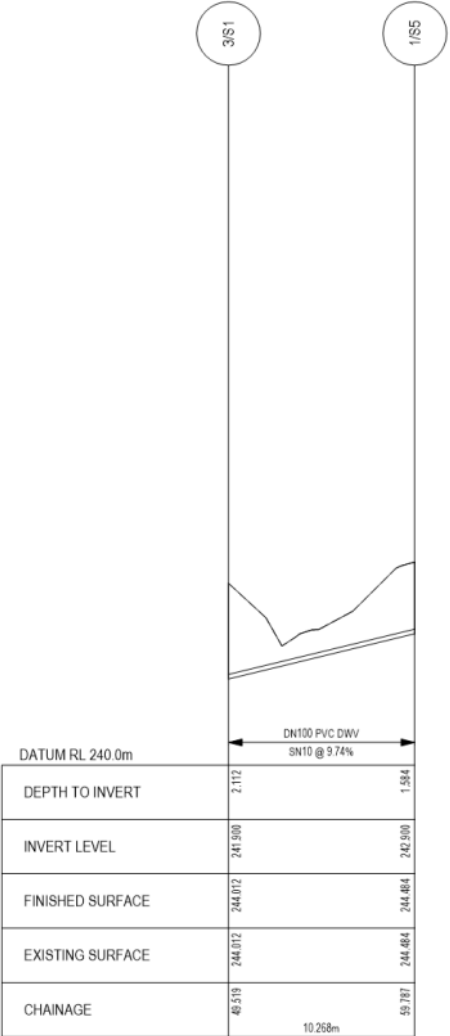


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**3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT**

JOB NAME:	BRINSMEAD SUBDIVISION	DRAWN BY:	SC	CHECKED BY:	SC
LOCATION:	32A BRINSMEAD ROAD MT NELSON	SCALE:	AS SHOWN	Revision:	P2
DESCRIPTION:	4 LOT SUBDIVISION	DATE:	25-Feb-21	JOB NUMBER:	20-05
DRAWING:	Sewerage-S2-2	SHEET:	C511	Size:	A3





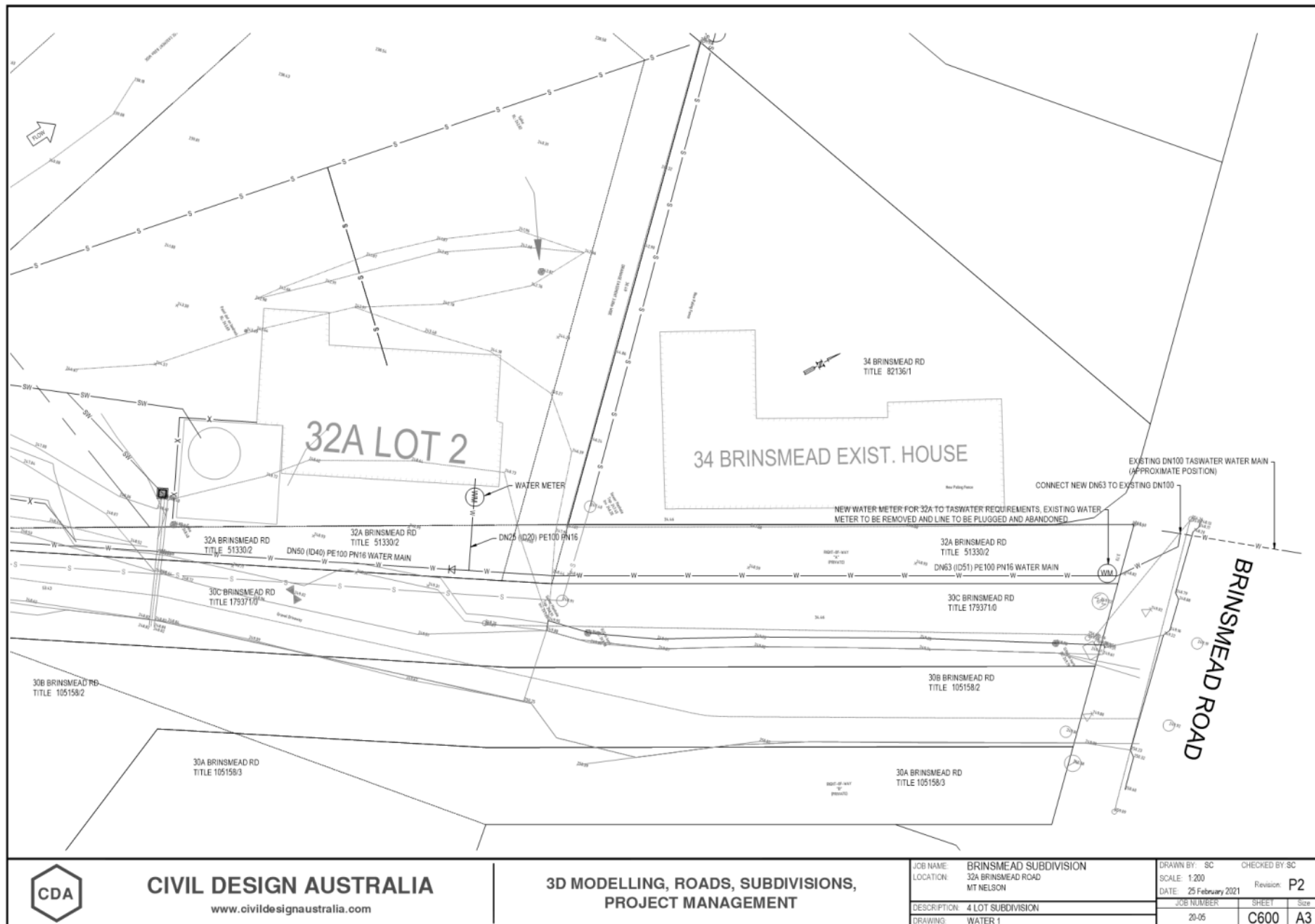
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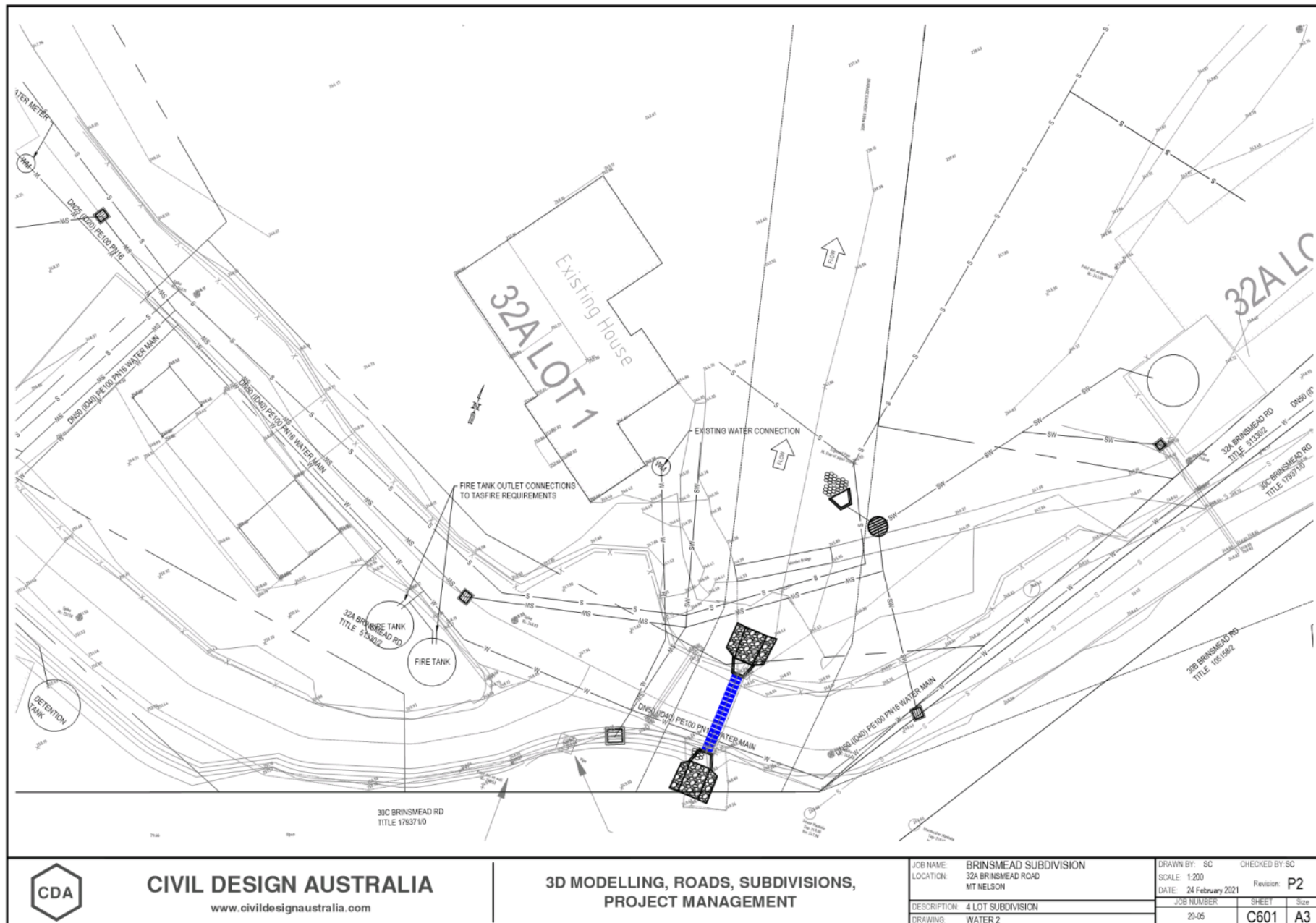


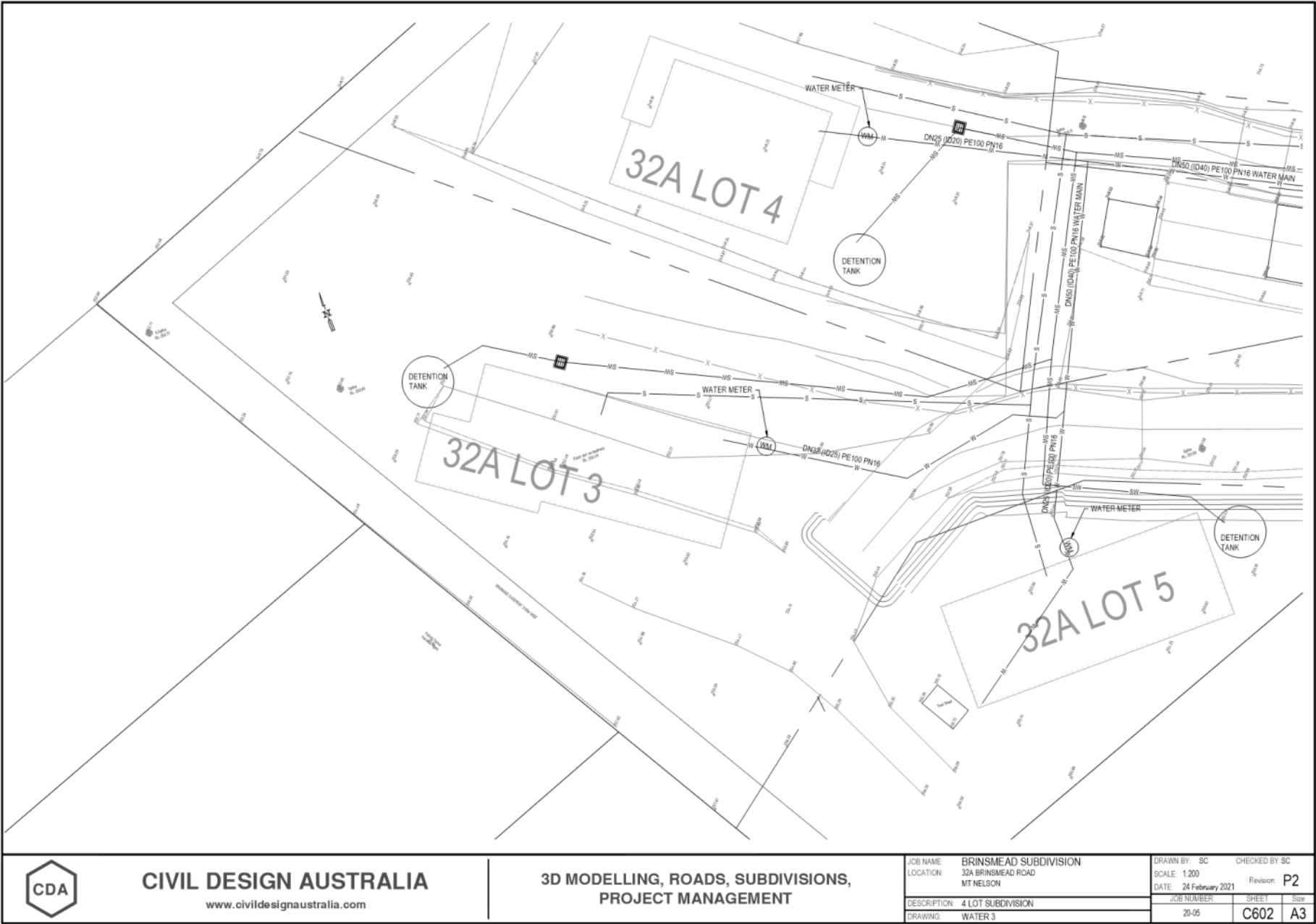
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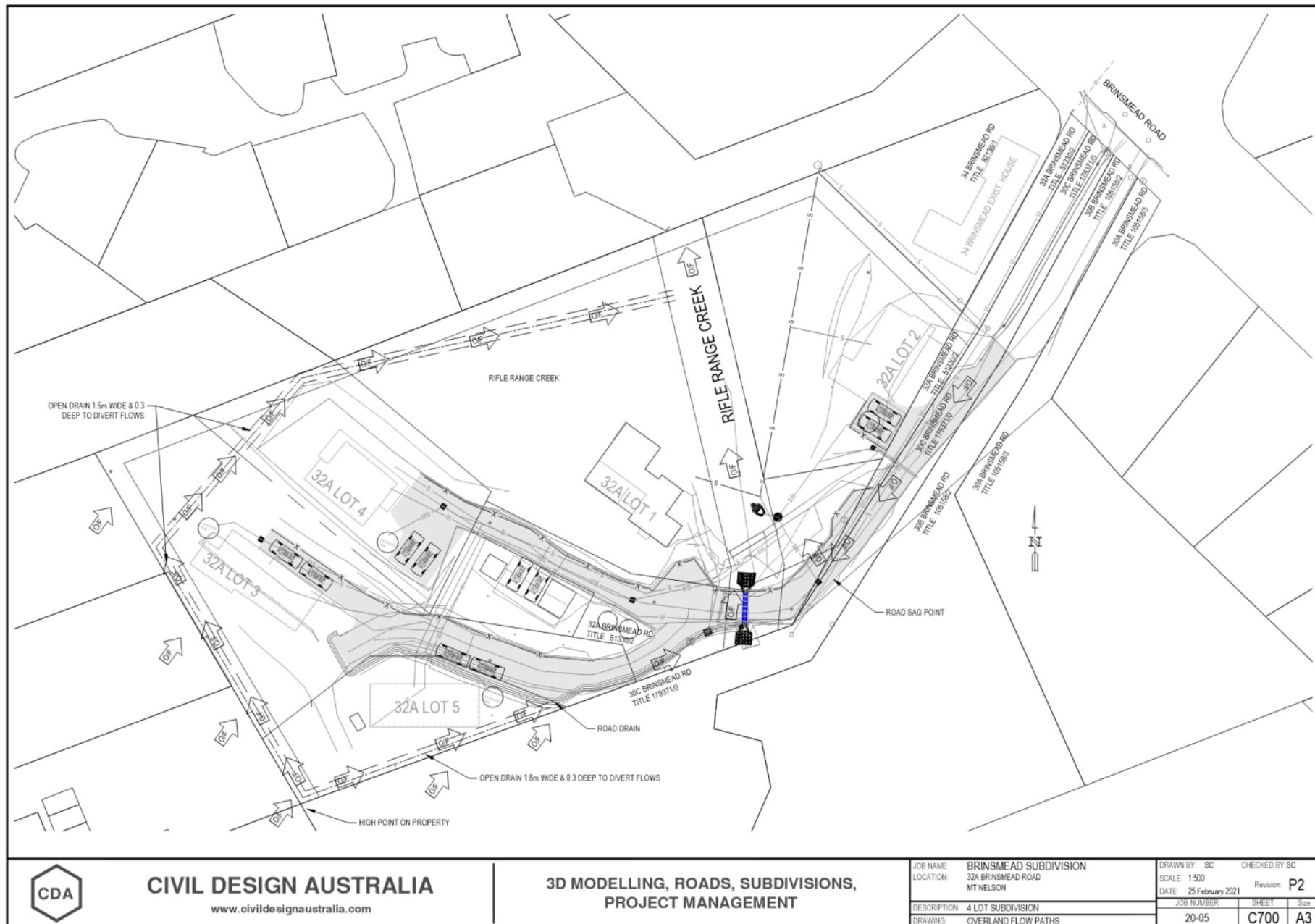
3D MODELLING, ROADS, SUBDIVISIONS,
PROJECT MANAGEMENT

JOB NAME:	BRINSMEAD SUBDIVISION	DRAWN BY:	SC	CHECKED BY:	SC
LOCATION:	32A BRINSMEAD ROAD MT NELSON	SCALE:	AS SHOWN	Revision:	P2
		DATE:	25-Feb-21		
DESCRIPTION:	4 LOT SUBDIVISION	JOB NUMBER	20-05	SHEET	C513
DRAWING:	Sewerage-S2-4			Size	A3









GREEN DESIGN

Green Design Architects Pty. Ltd.

12 March 2021

Dear HCC planning / Michael McClenahan,

PLN 20-496**PROPOSED HOUSES, 32a BRINSMEAD ROAD, MOUNT NELSON****updated architectural drawings**Please find the updated plans for this project :
.brinsmead 2021.0 .11 DA SET revB.pdf

As you will see we have updated the architectural plans to insert the final revised driveway design.
As a result of this you will notice that the siting of house 2E and the perimeter of its lot 5 boundary have been adjusted.

Please don't hesitate to call if you have any queries.

We understand that you have all of the information that you need to restart this planning application.
We look forward to moving ahead.

regards




scott christensen
green design
6224 6810



Submission to Planning Authority Notice

Council Planning Permit No.	PLN-20-496	Council notice date	10/08/2020
TasWater details			
TasWater Reference No.	TWDA 2020/01193-HCC	Date of response	17/08/2020
TasWater Contact	Anthony Cengia	Phone No.	0474 933 293
Response issued to			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
Development details			
Address	32A BRINSMEAD RD, MOUNT NELSON	Property ID (PID)	7795379
Description of development	Multiple Dwellings x 5 (1 existing)		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Green Design	1902 Sheets DA01 to DA13		24/07/2020
Conditions			
<p>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</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>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 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. Advice: The water connection must be made to that portion of the main that is DN100mm in size. 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. 3. Prior to commencing construction/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>DEVELOPMENT ASSESSMENT FEES</p> <ol style="list-style-type: none"> 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 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. 			



Advice			
<p>General</p> <p>For information on TasWater development standards, please visit http://www.taswater.com.au/Development/Development-Standards</p> <p>For application forms please visit http://www.taswater.com.au/Development/Forms</p> <p>Service Locations</p> <p>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.</p> <p>(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</p> <p>(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 for a list of companies</p> <p>(c) TasWater will locate residential water stop taps free of charge</p> <p>(d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.</p>			
Declaration			
<p>The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.</p>			
<p>Authorised by</p>  <p>Jason Taylor Development Assessment Manager</p>			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

Application Referral Environmental Development Planner - Response

From:	
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	32 A BRINSMEAD ROAD, MOUNT NELSON 30 A BRINSMEAD ROAD, MOUNT NELSON 30 B BRINSMEAD ROAD, MOUNT NELSON 30 C BRINSMEAD ROAD, MOUNT NELSON 1/30C BRINSMEAD ROAD, MOUNT NELSON 2/30C BRINSMEAD ROAD, MOUNT NELSON COMMON LAND OF PARENT TITLE
Proposal:	Five Multiple Dwellings (One Existing, Four New) and Associated Works
Application No:	PLN-20-496
Assessment Officer:	Michael McClenahan,

Referral Officer comments:

Codes Applicable:

Code	Applicable	Exempt	Permitted	Discretionary
E1.0 Bushfire-Prone Areas	No			
E3.0 Landslide	No			
E9.0 Attenuation	No			
E10.0 Biodiversity	Yes	No	Yes (E10.7.1 A1(c))	
E11.0 Waterway & Coastal	Yes	Yes (E11.4.1(c) (ii))		
E15.0 Inundation Prone Areas	Yes	No	Yes (assessed by SSU)	
E16.0 Coastal Erosion	No			
E18.0 Wind & Solar Energy	No			
E20.0 Acid Sulfate Soils	No			

Assessment:

The proposal is for multiple dwellings in the low density residential zone.

A Natural Values Assessment submitted in support of the application concludes that the site should be mapped as urban area given that there is little to no native vegetation community present (only a scatter of individual trees). Rather, the site is more accurately described as a

private garden with some native trees. Given that less than 1000m² of native vegetation of low priority biodiversity value is proposed for removal, the application meets the relevant acceptable solutions of the Biodiversity Code.

In addition, given that the site is more accurately defined as a private garden, the application meets the exemption under clause E11.4.1(c)(ii) of the Waterway Code. Despite this exemption, design choices/changes have been made to minimise removal of native trees of value in the waterway. This included relocating and collocating services to preserve a larger E.globulus tree.

Whilst no discretions are triggered under the aforementioned codes, there will be development in proximity to trees proposed for retention which could have a detrimental impact on the long term health and survivability of those trees. It is therefore recommended that adequate tree protection measures be applied during construction to minimise impacts. Retention of vegetation is also important from a broader landscape and visual amenity perspective. Given that development appears partly reliant on retention of vegetation for amenity reasons to satisfy the relevant zone development standards (12.4.3P3; 12.4.9P1), a tree protection condition(s) may be warranted.

Recommended Conditions:

SWMP
Tree protection during construction

Recommended Advice:

NA

Application Referral Development Engineering - Response

From:	Cameron Cecil.
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	32 A BRINSMEAD ROAD, MOUNT NELSON 30 A BRINSMEAD ROAD, MOUNT NELSON 30 B BRINSMEAD ROAD, MOUNT NELSON 30 C BRINSMEAD ROAD, MOUNT NELSON 1/30C BRINSMEAD ROAD, MOUNT NELSON 2/30C BRINSMEAD ROAD, MOUNT NELSON COMMON LAND OF PARENT TITLE
Proposal:	Five Multiple Dwellings (One Existing, Four New) and Associated Works
Application No:	PLN-20-496
Assessment Officer:	Michael McClenahan,

Referral Officer comments:

E5.0 Road and railway access code

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

<p>Clause 5.5.1 Existing road accesses and junctions</p> <p>ACCEPTABLE SOLUTION</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). <u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E5.5.1 (A3). The RTA Guide to Traffic Generating Developments states 5-6.5 vehicle movements per dwelling per day for larger units and townhouse type developments which is similar to the multi dwelling development proposed. Therefore five multi dwellings would generate 25 to 32.5 vehicle movements per day which is less than the 40 vehicle movements per day to meet the acceptable solution.</u></p> <p><u>Acceptable Solution A3:</u> 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. - COMPLIANT</p>
<p>Clause 5.5.2 Existing level crossings</p> <p>NOT APPLICABLE</p>		<p><u>Documentation submitted to date appears not to invoke clause E5.5.2.</u></p> <p>No intensification of an existing level crossings proposed.</p>
<p>Clause 5.6.1 development adjacent to roads and railways</p> <p>NOT APPLICABLE</p>		<p><u>Documentation submitted to date appears not to invoke clause E5.6.1.</u></p> <p>No development adjacent to category 1 or category 2 road proposed.</p>
<p>Clause 5.6.2 road and access junctions</p> <p>ACCEPTABLE SOLUTION</p>		<p>The road and access junctions must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E5.6.2.</u></p> <p><u>Acceptable solution - A1</u> No new access or junction to roads in an area subject to a speed limit of more than 60km/h. - N/A</p> <p><u>Acceptable solution - A2</u> No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less. - COMPLIANT</p>

Clause 5.6.3 new level crossings		Documentation submitted to date appears not to invoke clause E5.6.3.
NOT APPLICABLE		No new level crossings proposed.
Clause 5.6.4 sight distance at access and junctions		Documentation submitted to date appears not to invoke clause E5.6.4.
NOT APPLICABLE		No new accesses (road) and/or junctions proposed.

E 6.0 Parking and Access Code

E6.1 Purpose		E6.1.1
		The purpose of this provision is to:
	Yes	(a) ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;
	Yes	(b) ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;
	Yes	(c) ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;
	Yes	(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	(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	(f) ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards;
	Yes	(g) recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;
	N/A	(h) provide for safe servicing of use or development by commercial vehicles.
E6.2 Application of this Code	YES	— This code applies to all use and development.
Clause for Assessment		Comments / Discussion (in bold)
Clauses 6.6's are all to do with parking number assessment. These will be		The parking number assessment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015

assessed by planner based on DE assessment of the following relevant clauses.

**PERFORMANCE
CRITERIA**

(HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.6.1 (a) and as such, shall be assessed under Performance Criteria. Each dwelling contains two (2) or more bedrooms (including all rooms capable of being used as a bedroom) requires two (2) parking spaces. One visitor parking space per four dwellings is required. There are five dwellings on the site therefore ten (10) parking spaces plus one visitor space is required. The drawings show a total of ten (10) parking spaces (two for each dwelling), however there are no visitor parking spaces shown on the drawings, therefore the proposal is deficient by one parking space.

Acceptable solution - A1:

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

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

Performance Criteria - P1:

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

(a) car parking demand; - **The empirical parking assessment indicates that the provision of ten (10) 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. Observations indicate that there is a large pool of parking that would be available to meet the potential demands of visitor and overflow parking.**

(c) the availability and frequency of public transport within a 400m walking distance of the site; - **Metro Tasmania operate regular bus services 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

		<p>because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; - Not applicable.</p> <p>(g) any car parking deficiency or surplus associated with the existing use of the land; - Not applicable.</p> <p>(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site; - Not applicable.</p> <p>(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity; - Not applicable.</p> <p>(j) any verified prior payment of a financial contribution in lieu of parking for the land; - Not applicable.</p> <p>(k) any relevant parking plan for the area adopted by Council; - Not applicable.</p> <p>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; - Not applicable.</p> <p>(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code. - No impact.</p> <p>Based on the above assessment and given the submitted documentation, the parking provision may be accepted under <i>Performance Criteria P1:E6.6.1</i> of the Planning Scheme. This is particularly due to the actual parking demands that will be generated by the development.</p>
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<p>Clause 6.7.1 number of vehicle accesses</p> <p>ACCEPTABLE SOLUTION</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: 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. - COMPLIANT</p> <p>One (1x) crossover (Brinsmead Road frontage) - Existing, no additional crossover(s) proposed. Access is via a shared right of way.</p>
<p>Clause 6.7.2 design vehicle access</p> <p>NOT APPLICABLE</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 E6.7.2.</u></p> <p>Submitted documentation appears to indicate no vehicle access requirement.</p>
<p>Clause 6.7.3 vehicle passing</p> <p>ACCEPTABLE SOLUTION</p>		<p>Vehicle passing 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 E6.7.3.</u></p> <p>Acceptable solution - A1: - COMPLIANT</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; - Yes</p> <p>(ii) is more than 30 m long; - Yes</p> <p>(iii) it meets a road serving more than 6000 vehicles per day; - No</p> <p>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; - Feasible - As shown</p> <p>(c) have the first passing area constructed at the kerb; - Feasible - As shown</p> <p>(d) be at intervals of no more than 30 m along the access. - Feasible - As shown</p>

<p>Clause 6.7.4 on site turning</p> <p>ACCEPTABLE SOLUTION</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 to satisfy the Acceptable Solution for clause E6.7.4.</u></p> <p>Acceptable solution - A1: On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; - APPLIES (b) it meets a road carrying less than 6000 vehicles per day. - APPLIES</p>
<p>Clause 6.7.5 layout of parking area</p> <p>PERFORMANCE CRITERIA</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 does not satisfy the Acceptable Solution for clause E6.7.5 and as such, shall be assessed under Performance Criteria.</u></p> <p>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.</p> <p>Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A): - Feasible Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side): - Feasible Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance): - Feasible Parking Space Gradient (5%): - Feasible Aisle Width (AS2890.1 Fig 2.2 = 5.8m Class 1A): - Feasible Garage Door Width & Apron (AS2890.1 Fig 5.4 = 2.4m wide => 7m wide apron): - Feasible Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance): - Manoeuvring area shown to be upto 10% gradient but assessed under Performance Criteria Driveway Gradient & Width (AS2890.1 Section 2.6 = 25% and 3m): - Feasible Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag => 2m transition): - Feasible Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope): - Feasible Blind Aisle End Widening (AS2890.1 Fig 2.3 = 1m extra): - N/A</p>

		<p>"Jockey Parking" (Performance Assessment): - YES for dwellings on lot 3 and lot 5 but assessed under Performance Criteria</p> <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. - Feasible</p> <p>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.</p>
<p>Clause 6.7.6 surface treatment</p> <p>ACCEPTABLE SOLUTION</p>		<p>The surface treatment must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). Documentation submitted to date does satisfy the Acceptable Solution for clause E6.7.6.</p> <p>Acceptable Solution - A1: - COMPLIANT 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; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p> <p>Submitted plans indicate a bitumen sealed surface treatment and able to be drained to an approved stormwater system. Condition on Planning Permit to ratify timing.</p>
<p>Clause 6.7.7 Lighting of parking area Planner and health unit to assess</p>	—	Planner to assess
<p>Clause 6.7.8 Landscaping Planner to assess</p>	—	Planner to assess

<p>Clause 6.7.9 motor bike parking</p> <p>NOT APPLICABLE</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>NO REQUIREMENT (<19 car parking spaces).</p>
<p>Clause 6.7.10 bicycle parking</p> <p>NOT APPLICABLE</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: Residential</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>NO REQUIREMENT</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 NOT APPLICABLE			<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).</p> <p><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 ACCEPTABLE SOLUTION			<p>The access to a road 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 E6.7.14.</u></p> <p>Acceptable Solution A1: Access to a road must be in accordance with the requirements of the road authority. - COMPLIANT</p> <p>Performance Criteria - P1: No Performance Criteria</p> <p>Submitted plans indicate existing access to a road with no changes proposed.</p>
Clause 6.7.15 access to Niree Lane NOT APPLICABLE			<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>

E 7.0 Stormwater

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E7.1.1 Purpose		<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>
E7.2 Application of this Code	YES	<p>This code applies to development requiring management of stormwater. This code does not apply to use.</p>
Clause for Assessment		Comments / Discussion (in bold)
<p>A1 (SW disposed to Public SW Inf via Gravity / P1 (onsite/pump))</p> <p>ACCEPTABLE SOLUTION</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: Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p> <p>Submitted plans appear to indicate stormwater from new impervious surfaces being able to be disposed of by gravity to public stormwater infrastructure.</p> <p>To be verified at Plumbing Permit stage.</p>

<p>A2 (WSUD) /P2 (Mechanical Treatment)</p> <p>ACCEPTABLE SOLUTION</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 (A2).</u></p> <p><u>Acceptable Solution A2:</u> 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:</p> <p>(a) the size of new impervious area is more than 600 m2; - No (b) new car parking is provided for more than 6 cars; - YES (c) a subdivision is for more than 5 lots - No</p> <p>Submitted documentation appears to indicate (E7.7.1.R1) - Water Sensitive Urban Design Engineering Procedures for Stormwater Management in Southern Tasmania or the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) from a nationally recognised stormwater modelling software package used to assess land development proposals based on local conditions including rainfall, land use and topography, is recognised as current best practice.</p>

<p>A3 (Minor SW System)</p> <p>ACCEPTABLE SOLUTION</p>		<p>The stormwater drainage and disposal 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 E7.7.1 (A3).</u></p> <p><u>Acceptable Solution A3:</u> A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; - <u>Feasible</u> (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. - <u>Feasible</u></p> <p><u>Performance Criteria – P3:</u> No Performance Criteria.</p> <p>Submitted plans indicate proposed detention.</p> <p>Referred to the Environmental Engineering Unit for determination and conditioning.</p>
<p>A4 (Major SW System accommodates 1:100 ARI)</p> <p>ACCEPTABLE SOLUTION</p>		<p>The stormwater drainage and disposal must satisfy the Acceptable Solutions of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E7.7.1 (A4).</u></p> <p><u>Acceptable Solution A4:</u> A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p> <p><u>Performance Criteria – P4:</u> No Performance Criteria.</p> <p>Referred to the Environmental Engineering Unit for determination and conditioning.</p>

PROTECTION OF COUNCIL INFRASTRUCTURE

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

REPRESENTATIONS:

Representation:

A representation has been received regarding increased traffic on the shared private gravel access including construction traffic.

Response:

The shared private gravel access is within a private right of way and construction traffic is not a planning matter, it is a private matter between the properties that benefit from the shared private right of way, however advice is included in the permit such that the private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times. The developer is required to know the rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction. The RTA Guide to Traffic Generating Developments states 5-6.5 vehicle movements per dwelling per day for larger units and townhouse type developments which is similar to the multi dwelling development proposed. Therefore five multi dwellings would generate 25 to 32.5 vehicle movements per day which is less than the 40 vehicle movements per day to meet the acceptable solution of clause E5.5.1 of the Road and Railway Assets code.

Representation:

A representation has been received regarding the type of surface for the driveway, requesting a rough textured bitumen.

Response:

The acceptable sealing treatment of the surface for driveways and parking areas is concrete, asphalt, bitumen and impervious paving. The developer proposes to seal the driveway and car parking areas with a bitumen seal which is acceptable.

Representation:

A representation has been received regarding the ongoing future maintenance or repair for the planned upgraded road surface, requesting the developer or future newly created lot owners be solely responsible for the maintenance.

Response:

The driveway within the private right of way is not a planning matter, it is a private matter between the properties that benefit from the shared private right of way. Maintenance of the driveway within the private right of way is a matter for the relevant property owners to negotiate.

CONDITIONS:

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

General Conditions:

ENG1: Pay Costs

ENG 2b: Vehicular barriers design

ENG 2c: Vehicular barrier construction certification

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 3b: The access driveway and parking module design

ENG 3c: The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be construction certification.

ENG 4: Surface treatment

ENG 5: The number of car parking spaces approved on the site and linemarking

ENG 5b: Manoeuvre area to be linemarked no parking.

ENV 2: SWMP design

Stormwater conditions by EEU

ADVICE:

- Dial before you dig
- Fees and charges
- Building Permit
- Plumbing Permit
- Right of Way
- Condition endorsement engineering
- Stormwater
- Permit to construct public infrastructure
- New service connection
- Waste disposal

Application Referral Enviro - City Amenity - Response

From:	M.M
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	32 A BRINSMEAD ROAD, MOUNT NELSON 30 A BRINSMEAD ROAD, MOUNT NELSON 30 B BRINSMEAD ROAD, MOUNT NELSON 30 C BRINSMEAD ROAD, MOUNT NELSON 1/30C BRINSMEAD ROAD, MOUNT NELSON 2/30C BRINSMEAD ROAD, MOUNT NELSON COMMON LAND OF PARENT TITLE
Proposal:	Five Multiple Dwellings (One Existing, Four New) and Associated Works
Application No:	PLN-20-496
Assessment Officer:	Michael McClenahan,

Referral Officer comments:

CODE	Applicable	Exempt	Permitted (If acceptable solutions are met)	Discretionary (Identify the relevant performance criteria)
E7.0 Stormwater Management Code	Y	N	A1,A2,A3,A4	
E11.0 Waterway and Coastal Protection Code	N			
E15.0 Inundation Prone Areas Code	N			
Protection of Infrastructure	Y			
Subdivision (LG(BMP) / Zone provisions)				

Please advise REEU at any stage if:

- Changes to the original proposed development are made
- Requested reports are submitted

Stormwater Management Code

Clause E7.7.1	Discussion
A1 – Disposal	Can be discharged to watercourse
A2– Treatment	Proposal includes WSUD
A3– Capacity	Proposal includes detention tanks
A4 – OFP	Proposal included proposed OFP

Waterway and Coastal Protection Code

Clause E7.7.1	Discussion
Exemptions	
E11.7.1 A1/ P1 – Works	
E11.7.1 A4 / P4 – Connection	
E11.8.1 A1/ P1 – Subdivision	

Inundation Prone Areas Code (Riverine)

Clause E7.7.1	Discussion
E15.6 A1/P1 – Use	
E15.7.4 A1/P1 - New Building	
E15.7.4 A3/P3 - Outbuildings	
E15.7.5 A1/P1 - Fill & wall	
E15.7.4 A2/P2 - Extensions	
E15.7.5 A2/P2 - Mitigation	
E15.7.5 A3/P3 - Onsite Sewage	
E15.8.3 A1/P1 - Subdivision	

	Discussion
Protection of Council Infrastructure	
Subdivision	
Other	

Assessment Notes:**Recommended Conditions:****Conditions****1. TASWATER**

- 1.1 The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA2020/01193-HCC dated 17/08/2020 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

2. ENGINEERING

ENG All stormwater from the proposed development (including hardstand runoff, 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 the issue of any consent under the *Building Act 2016* or 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.

SW 5 Construction of the development must not adversely impact the watercourse gully

A construction management plan (CMP) must be submitted and approved prior to commencement of works. The CMP must be prepared by a suitably qualified and experienced engineer and must:

1. detail the proposed construction methodology and identify all potential risks to the existing watercourse gully during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
2. provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks;
3. include a monitoring regime.

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

SW 6 The new stormwater system must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the Building Act 2016 or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved. The detailed engineering design and drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings, and the Local Government Association of Tasmania, Tasmanian Subdivision Guidelines (October 2013);
2. clearly distinguish between public and private infrastructure;
3. include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP event flows as at 2100 (including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP event flows from a fully-developed catchment;
4. demonstrate any excess stormwater runoff from the proposed development can be accommodated within the existing or upgraded public stormwater infrastructure;
5. indicate overland flow paths for 1% AEP storm event can be safely conveyed through/around the site with no adverse impact on third-party land
6. include provision for future development within the catchment to be adequately and efficiently serviced, i.e via appropriate easements;
7. include a construction program demonstrating how services to external land will be maintained.

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

SW 7 Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the Building Act 2016 or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its website and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure;
4. connections which are free-flowing gravity driven;
5. any connections to watercourse must demonstrate adequate erosion and scour control and minimise hydraulic intrusion. The cross-sections must clearly show the top of bank and invert of watercourse.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

SW 8 All stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010.

Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC, 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).

A maintenance management schedule must also be submitted and the facility must be maintained in accordance with this schedule.

SW 9 Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater 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 and supporting calculations of the detention tank showing:
 1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
 2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. the discharge rates and emptying times; and
 4. all assumptions must be clearly stated;
2. 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.

Recommended Advice:

**7.1.3 8A KENNERLEY STREET, 8 KENNERLEY STREET, 8 MELLIFONT STREET, WEST HOBART - ALTERATIONS FOR STUDIO
PLN-20-223 - FILE REF: F21/31739**

Address: 8A Kennerley Street, 8 Kennerley Street, 8 Mellifont Street, West Hobart

Proposal: Alterations for Studio

Expiry Date: 21 April 2021

Extension of Time: Not applicable

Author: Michaela Nolan

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 alterations for studio at 8A Kennerley Street, West Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-223 - 8A KENNERLEY STREET WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The studio roof is not approved as constructed.

Prior to the commencement of use, or within 90 days of the date of this permit, whichever occurs first, the roof of the studio must be altered in accordance with the following:

- It must have a flat roof with a maximum pitch of 2 degrees angling down to the south west; and
- It must have a maximum height at the north west corner of 3.251m; and

- It must have a maximum height of 2.84m at the south east corner; and
- It must have a maximum ceiling height of RL102.38.

Advice:

The plan submitted to Council on 15 March 2021 (plan 02a/04, rev E) is considered to satisfy the above condition.

Reason for condition

To provide consistency in the apparent scale, bulk, massing and proportions of dwellings

PLN s2

All 'in-air' encroachments over the boundary of the property at 8 Mellifont Street are not approved. Such encroachments include:

- The eave and gutter on the north-east elevation; and
- The vent pipe on the north-east elevation; and
- The stormwater downpipe on the north-west elevation.

Prior to the commencement of use, or within 90 days of the date of this permit, whichever occurs first, all 'in-air' encroachments over the boundary with 8 Mellifont Street must be removed, and the roof must finish flush with the north east facing wall of the studio.

Advice:

The plan submitted to Council on 15 March 2021 (plan 02a/04, rev E) is considered to satisfy the above condition.

Reason for condition

To clarify the scope of the permit

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, area drains, retaining wall area 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 1

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

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

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

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

Reason for condition

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

ENV 1

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

Advice:

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

Reason for condition

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

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). 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.

STORM WATER DRAINAGE THROUGH RIGHT OF WAY

A right of drainage in favour of CT 144422/2 (8A Kennerley Street) for the proposed stormwater drainage for the studio on 8A Kennerley Street that passes through the Right of Way Variable Width within CT 144422/1 (8 Kennerley Street) is to be registered on certificate of Title for 8 Kennerley Street prior to the issue of any building consent, building permit and / or plumbing permit pursuant to the *Building Act 2016*. The right of drainage is to be created by Transfer pursuant to section 58 of the *Land Titles Act 1980* and is to be to the satisfaction of Council. All costs associated with the creation of the right of drainage should met by the owner of 8A Kennerley Street.

A plumbing permit for the studio will not be able to issue unless it has a legal connection to a point of discharge.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

ENCROACHMENT OF STUDIO ONTO 8 MELLIFONT STREET





Any remaining encroachments of the studio onto 8 Mellifont Street that are not removed by the proposed modifications of the studio roof and guttering are to be legalised by means of a boundary adjustment between 8A Kennerley Street and 8 Mellifont Street so that the studio building is contained entirely within the boundaries of 8A Kennerley Street.

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-20-223 - 8A KENNERLEY STREET WEST
HOBART TAS 7000  Planning Committee or
Delegated Report ↓
- Attachment B: PLN-20-223 - 8A KENNERLEY STREET WEST
HOBART TAS 7000 - CPC Agenda Documents ↓

- Attachment C: PLN-20-223 - 8A KENNERLEY STREET WEST
HOBART TAS 7000 - Amended Studio Plan ↓ 
- Attachment D: PLN-20-223 - 8A KENNERLEY STREET WEST
HOBART TAS 7000 - Planning Referral Officer
Surveying Services Report ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Committee: 26 April 2021
Expiry Date: 21 April 2021
Application No: PLN-20-223
Address: 8 A KENNERLEY STREET , WEST HOBART
8 KENNERLEY STREET , WEST HOBART
8 MELLIFONT STREET , WEST HOBART
Applicant: Michael Mortyn
17, Namoi place
Proposal: Alterations for Studio
Representations: One (1)
Performance criteria: General Residential Zone Development Standards

1. Executive Summary

- 1.1 Planning approval is sought for Alterations for Studio at 8A Kennerley Street, West Hobart. The studio is partially located on 8 Mellifont Street, West Hobart.
- 1.2 More specifically the proposal includes:
- A studio with kitchenette and bathroom in the dog-leg on the northeastern boundary of 8A Kennerley Street.
 - The studio would have an area of 27m² and a maximum height of 3.783m and would be a Class 10a outbuilding.
 - The north-east and north-west elevations of the studio would sit 0.08m and 0.06m respectively over the boundary with 8 Mellifont Street.
 - Stormwater infrastructure in the right-of-way on 8 Kennerley Street.
 - The studio has already been constructed, and partially encroaches onto the property at 8 Mellifont Street.
- 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

- 1.4 One (1) representation objecting to the proposal was received within the statutory advertising period between 7 July 2020 and 21 July 2020. This representation was withdrawn on 15 March 2021, subject to Council supporting proposed alterations to the as constructed studio.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because the original recommendation for refusal has been changed to approval following discussions between the applicant and representor.

2. Site Detail

- 2.1 The subject site consists of three lots between Kennerley Street and Mellifont Street. The proposed studio would be predominantly located on the lot at 8A Kennerley Street. This is an internal lot sited towards the southern end of Kennerley Street and contains an existing single dwelling accessed over a right of way on 8 Kennerley Street. 8 Kennerley Street is sited at the southern end of Kennerley St and is included as part of the subject site because of stormwater works in the right of way. 8 Mellifont Street is located on the south-western side of Mellifont Street and is included as part of the subject site because the north-eastern elevation of the studio sits over the boundary of, and therefore encroaches onto, this lot.

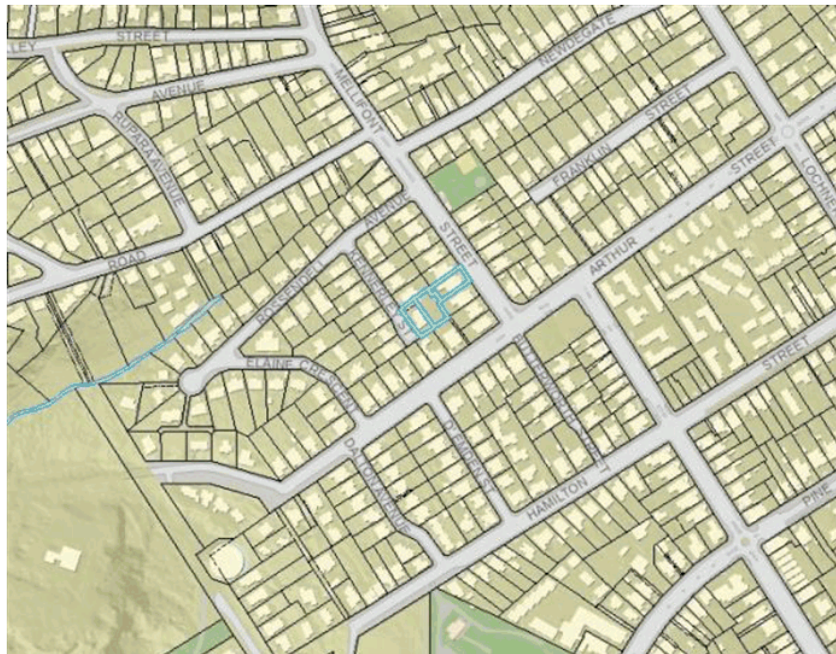


Figure 1: location of the subject site at 8A Kennerley Street, 8 Kennerley Street and 8 Mellifont Street, West Hobart.

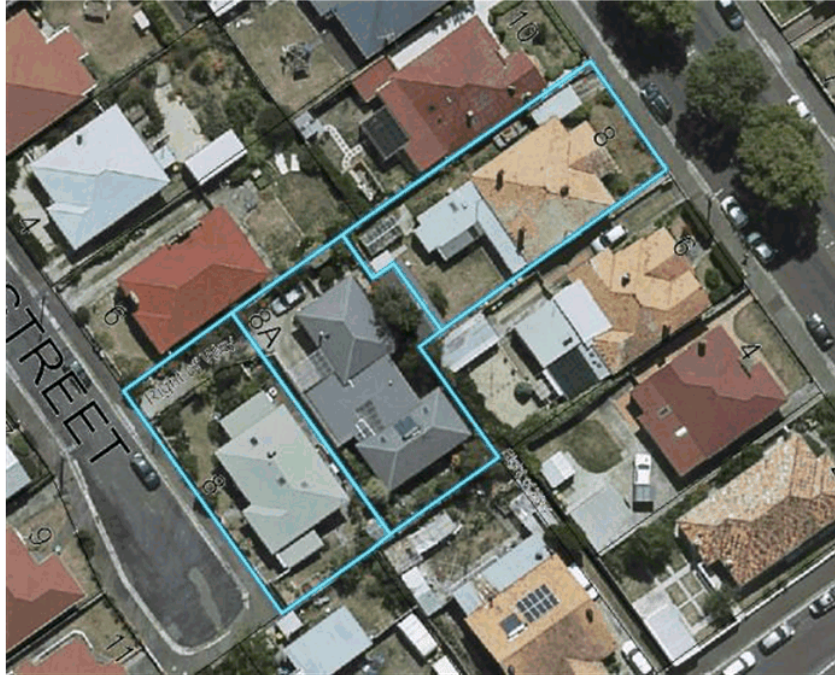


Figure 2: location of the subject site at 8A Kennerley Street, 8 Kennerley Street and 8 Mellifont Street, West Hobart.

3. Proposal

3.1 Planning approval is sought for Alterations for Studio at 8A Kennerley Street, West Hobart. The studio is partially located on 8 Mellifont Street, West Hobart.

3.2 More specifically the proposal is for:

- A studio with kitchenette and bathroom in the dog-leg on the northeastern boundary of 8A Kennerley Street.
- The studio would have an area of 27m² and a maximum height of 3.783m and would be a Class 10a outbuilding.
- The north-east and north-west elevations of the studio would sit 0.08m and 0.06m respectively over the boundary with 8 Mellifont Street.
- Stormwater infrastructure in the right-of-way on 8 Kennerley Street.
- The studio has already been constructed, and partially encroaches onto the property at 8 Mellifont Street.

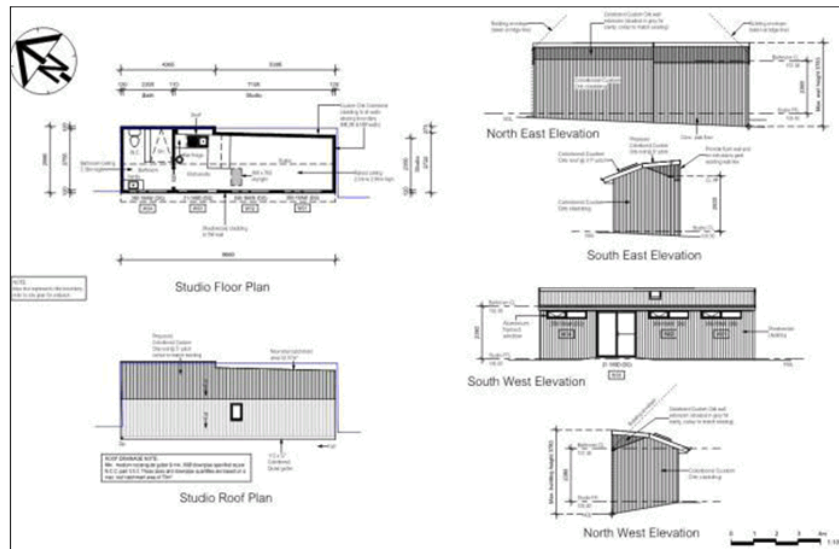


Figure 3: the proposed studio at 8A Kennerley Street, West Hobart.

4. Background

- 4.1 The studio is the subject of enforcement as the building was constructed without the required approvals. As such this application is seeking retrospective planning approval. The originally submitted application sought approval to modify the building to increase its height on the rear boundary with 8 Mellifont Street, from 2.985m to 3.783m, to remove the overhanging gutter on 8 Mellifont Street and have roof slope towards 8A Kennerley Street to facilitate drainage.
- 4.2 There have been discussions with the applicant about the location of the proposed outbuilding and the issues associated with it being located over the boundary and on 8 Mellifont Street. The applicant advised that rather than alter the building to be entirely within 8A Kennerley Street or get an easement on 8 Mellifont Street, they would remove the eaves and keep the encroachment as is. The applicant was advised to contact a private building surveyor as there may be issues obtaining a building permit, for example with achieving fire separation between the lots.
- 4.3 The applicant was also advised that there was no drainage easement on the right of way over 8 Kennerley Street and as such there may be issues obtaining a plumbing permit
- 4.4 A site visit to the adjoining property at 8 Mellifont Street was undertaken on 13 July 2020.

- 4.5 The application as originally submitted was recommended for refusal based on non-compliance with clause 10.4.2.P3(a)(iv) and (b). Assessment of the original plans against these clauses was as follows:

In regards to visual impact of the proposed building, because the studio is sited adjacent to the car port at 6 Mellifont Street, it is not considered that it would have an unreasonable impact on this neighbour. In terms of 8 Mellifont Street, however, the studio would extend across nearly two thirds of the rear of this property and is proposed to have a maximum height on this rear elevation of 3.783m. It is considered that the visual impact of this building would cause an unreasonable loss of amenity for the following reasons:

- The building would extend across a significant proportion of the rear boundary of 8 Mellifont Street, and would entirely occupy the rear boundary adjacent to the main area of private open space for this property.
- Because of the dog-leg in the shared boundary, two sides of the building are entirely visible from 8 Mellifont Street. As such the building appears more prominent on the adjoining lot than if it were a single wall on the boundary. For example, the building has the appearance of being entirely on the property at 8 Mellifont Street.
- Due to the size of the building, its visual appearance is more akin to part of a dwelling rather than a low outbuilding or carport.
- Whilst a boundary fence and outbuilding on the boundary could be exempt under the Hobart Interim Planning Scheme 2015. These structures are limited in height - 2.1m for a fence and 2.4m for an out building. Furthermore, an outbuilding is further restricted in wall length to a maximum of 3m. The proposed building would be higher and longer than these exempt structures and would be very prominent on the adjoining property.
- Whilst loss of view is not a planning consideration, the building would dominate the main view line from the adjoining site, therefore making the visual bulk of the structure appear even more dominant. For example, it is not a building that is off to the side and able to be looked past or over. It is visually a very dominant and imposing structure when viewed from the private open space of the dwelling at 8 Mellifont Street.
- The adjoining property at 8 Mellifont Street slopes gradually up towards its rear boundary. As such, the visual appearance of the outbuilding is greater because it sits at a slightly higher elevation.
- As noted below, the siting, scale and form of the building are out of character with the surrounding area, and this exacerbates the building's visual impact on 8 Mellifont Street.

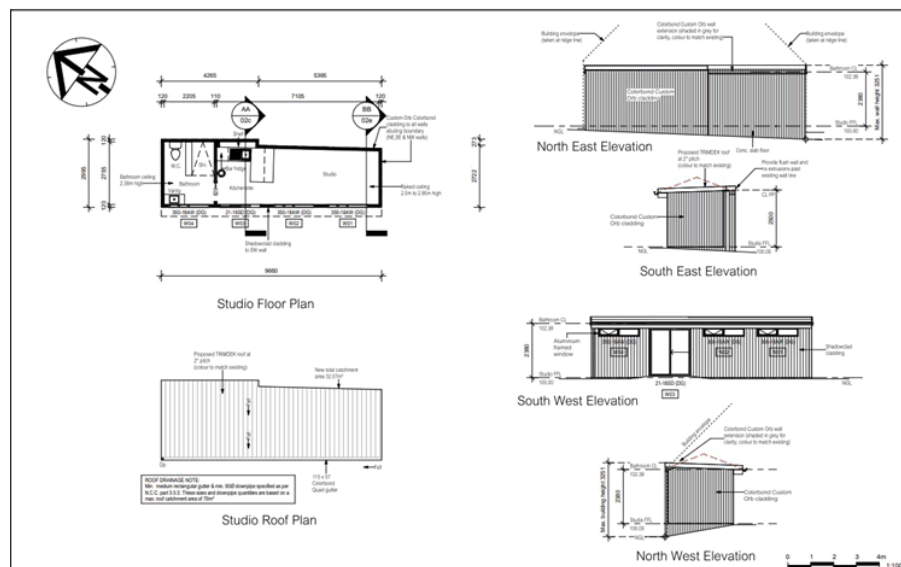
- In terms of establishing what the existing level of amenity was, the existing scenario is depicted in the photos in the 'existing site/demolition plan' (refer also to images 6 and 7 below), and shows a series of three outbuildings in the same location as the proposed studio. One has a gabled roof form, with eaves at a height slightly greater than the existing fence line. The ridge of the gabled roof is the highest point of all the structures, and it is located in the middle of this outbuilding, away from the boundary. The remaining two structures have essentially flat roofs that are the same height as the eaves of the first structure, or substantially lower than that. As a consequence, the visual impact of these structures would have been substantially less than the proposed studio, on the basis that they had a variety of roof heights, a variety of forms, they appear much more as outbuildings rather than as part of a dwelling, and as a small cluster of outbuildings they appear to be much more in keeping with the characteristics of the surrounding area.

In regards to the separation between buildings on adjoining lots, it is considered that the proposed building would not be consistent with that prevailing in the surrounding area. This is due to the following reasons:

- The proposed building would occupy a significant proportion of the shared boundary with 8 Mellifont Street. There are other buildings located on boundaries in the area, however these are often low, flat roofed outbuildings and carports that only occupy part of a shared boundary. The remainder of the shared boundaries are characteristically clear of other structures.
- The structure is sited over the boundary. As such the separation is further reduced beyond that would normally be allowed by lot boundaries.

Finally, the Objective for clause 11.4.2 states that the siting and scale of dwellings must provide reasonably consistent separation between dwellings on adjacent sites and provide consistency in the apparent scale, bulk, massing and proportion of dwellings. It is considered that the proposed building would not be consistent with this objective because it would be appear longer and higher than existing out buildings in the area when viewed from the adjoining lot at 8 Mellifont Street and would not provide adequate separation.

- 4.5 The application was considered by the City Planning Committee on 17 August 2020. At this meeting it was resolved to defer the application to enable the applicant and the owner of the adjoining property at 8 Mellifont Street to negotiate an outcome that would be acceptable for both parties. Negotiations have been held between the parties, with amended plans submitted to the Council on 15 March 2021. The amended plans show a removal of overhanging eaves and other protrusions and a lowering of the roof height. Council was also advised that a future boundary adjustment will be undertaken to ensure the building will be entirely contained within the boundary of 8A Kennerley Street. Council is of the view that the changes shown in the plan below are minor, and able to be conditioned for, if a planning permit is issued.



- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Loss of Amenity:

- The constructed building is substantially different to the original structures, extending across and beyond the footprint and higher.
- The back wall trespasses on the adjoining property and there is no fence to divide the properties.
- The studio has not been constructed in accordance with applicable standards and is dangerous.
- Asbestos cladding, presumably from the former building, has fallen onto the adjoining property.
- The rear of the building does not appear to have been finished.
- The building is not contained within the permitted building envelope. It would also not meet the performance criteria in that the siting and scale would cause an unreasonable loss of amenity by overshadowing and visual impact.
- Believe the property as a whole would also not meet clause 10.4.3 and 10.4.4.
- It is proposed to increase the height of the building. It is already too high and not compliant.
- The increased height will overshadow more of the adjoining property.
- Views of the treeline along Knocklofty Reserve will be lost.
- The significant height blocks the sun
- sewerage pipe for the studio's toilet runs vertically down the studio on the adjoining property.

Encroachment:

- The building has been constructed over the boundary with the adjoining property without the knowledge or consent of the owners of that land.
- A survey was undertaken by the adjoining property. This is now used as part of the application however the applicants did not contribute to it.
- The overhanging gutters have not been maintained and have weeds and leaves. Further trespass will be required for maintenance
- Although the applicant proposes to remove the gutters, the wall would still unacceptably and illegally encroach over the boundary.

Construction of the building:

- The building has been constructed illegally and without a permit.
- Construction required trespass on the adjoining property.
- No notice was given to the owners of the land on which the building encroaches and construction occurred when the tenant was away for work. As such there was no opportunity to object to its construction
- No regard was had to fire safety and asbestos regulations
- No survey of the land was undertaken to determine the location of lot boundaries and no boundary fence is present.
- The applicant falsely advised they had a permit for the works.
- Originally there were three small shed type buildings abutting the boundary.
- The wall height of these buildings were either below or equal to the adjacent fence line (approximately 2.4m) with the apex of the change room slightly higher than that.
- The studio wall is 60mm over the boundary at ground level. The gutter adds a further 70mm. Therefore the total encroachment is 130mm.
- The north east wall is 80mm over the boundary. The gutter adds a further 160mm. Therefore the total encroachment on this elevation is 240mm. There is also vent and sewer pipe that protrudes a further 240mm from the gutter that increases the total encroachment to 32mm.

Additional Concerns:

- A real estate agent has advised that there would be difficulty selling the property with the encroachment of the building and this would also devalue the property.
- The construction materials are not appropriate and are not fitting with the neighbourhood.
- The applicant has not notified the landowner of the intention to make the application.
- The building is not a class 10a outbuilding as stated by the applicant. This type of building are non-habitable and include a garage, carport or shed. This building contains a toilet, shower and kitchenette and therefore is not similar to this type of building.
- The building is not exempt as a minor outbuilding under the planning scheme
- If council were to approve the application the approval would effectively sanction a building which was, amongst other things:
 - Constructed as a result of illegal trespass
 - Illegally constructed without a permit contrary to section 60 of the former building act 2000 (tas)
 - Dangerously constructed, in that asbestos has escaped, and is continuing to escape from the studios cladding onto my land. If this matter is not dealt with as part of the council's determination with respect to the applicant's application, I intend to pursue this matter further.
- Because of the illegal and deceptive conduct of the applicants, I am now deprived of a clear legal boundary to my property. This has put me to unnecessary cost and expense in making this representation. I have to seek legal advice about my rights. If the development application is granted, I will be put to further expense in having to resolve the trespass issue. None of this is as a result of any conduct on my part. Had we the opportunity to comment on the plans or the studio prior to construction, I believe that many of these issues could have been resolved at minimal expense.

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 single dwelling on all three lots. The proposal is for development only, there would be no change of use and no intensification of the existing use - the studio does not constitute an additional or ancillary dwelling. The existing use is a no permit required use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D - 10 General Residential Zone
 - 6.4.2 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
 - Setback and Building Envelope - Part D 10.4.2 P3*
- 6.6 Each performance criterion is assessed below.
- 6.7 Setback and Building Envelope - Part D 10.4.2 P3
 - 6.7.1 The acceptable solution at clause 10.4.2.A3 requires a building to be sited within the prescribed building envelope which includes, among other things a setback of 4m from the rear boundary and a maximum height at that 4m setback of 3m, increasing at an angle of 45 degrees to a maximum height of 8.5m.
 - 6.7.2 The proposal includes an outbuilding with a maximum wall height of 3.783m on the north-east (rear) elevation. The building would be sited on the rear boundary, and would sit partially over the rear boundary onto 8 Mellifont Street.

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

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

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

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

6.7.6 The proposed building would be sited to the south-west of the adjoining dwelling at 8 Mellifont Street. As such it is considered that whilst there may be some overshadowing late in the afternoon, this would not be unreasonable because there would be no overshadowing of habitable rooms or private open space for most of the day throughout the year.

6.7.7 The building would be sited to the north-west of the adjoining property at 6 Mellifont Street, however it would be adjacent to an existing carport. It is considered that the proposed building would not overshadow this lot or impact on solar access to habitable rooms more than that caused by that existing carport.

- 6.7.8 As discussed in the background section of this report, amended plans were submitted to council to address the concerns raised in the representation. The plans showed an amended roofline and removal of eaves and protrusions over 8 Mellifont street. The originally submitted design was considered to not comply with the performance criteria under clause 10.4.2.P3 because of the visual bulk of the structure and the separation not being consistent with the area. The amended plans have addressed these concerns by lowering the maximum height of the roof and removing the parts that further overhang 8 Mellifont Street. The Council has been advised that the issue surrounding the encroachment of the building over the rear boundary will be addressed at a later stage through an application for a boundary adjustment. As such, this issue will not be dealt with here.
- 6.7.9 In regards to the bulk of the building, whilst it is still a high structure that is close to the boundary, the visual bulk would be reduced by removing the roof peak, overhang and gutter. The change in height would have the greatest impact when viewed from inside and nearer to the dwelling as the height would appear to be predominantly below the height of the dwelling roof behind. The changes to the height would be less significant closer to the building as the roof isn't particularly visible from there. However, the removal of the gutter and overhanging eave would have a greater impact when viewed closer to the wall and would also reduce the visual bulk of the building. The proposed amendments would change the appearance of the building to be more in keeping with the scale of an outbuilding or garage and would not be such a departure from the previous buildings on the site.
- 6.7.10 The proposed amendments would also address the concerns in relation to separation between dwellings on adjoining lots. This is due to the flat roof and lower height changing the appearance of the building to an outbuilding rather than a dwelling extension.



Figure 4: North-east elevation of the as constructed building as viewed from 8 Mellifont Street. The height of this building is 2.6m to the top of the gutter on the left side and 3m to the top of the gutter on the right side (hidden by the roof of 8 Mellifont Street). The amended plans propose to remove the overhanging gutter, eave and pipe and to change the roof shape to a flat roof.



Figure 5: North-east elevation of the as constructed building as viewed from 8 Mellifont Street. The height of this building is 2.6m to the top of the gutter on the left side and 3m to the top of the gutter on the right side. The amended plans propose to remove the overhanging gutter, eave and pipe and to change the roof shape to a flat roof. The cream outbuilding and glasshouse in the far right are on 8 Mellifont Street.



Figure 5: Northern corner of the as constructed building as viewed from 8 Mellifont Street. The height of the building at this corner is 3m to the top of the gutter. The amended design would remove the gutter, down pipe and white pipe. The height of the wall would be slightly increased however the peak of the roof would be removed to be replaced with a flat roof sloping towards 8A Kennerley Street. The cream outbuilding is on 8 Mellifont Street.



Figure 6: A 2005 GIS image showing the original outbuildings located in the area where the studio is proposed, bordered in red.



Figure 7: The original outbuildings located where the studio is now proposed. This depicts the existing amenity for the rear neighbour at 8 Mellifont Street.

- 6.7.11 It is also considered that the building with the proposed amendments would not increase detriment to the adjoining property at 6 Mellifont Street.
- 6.7.12 The proposal complies with the performance criterion, subject to a condition requiring the studio to be altered in accordance with the amended plans submitted to Council on 15 March.

7. Discussion

- 7.1 Planning approval is sought for Alterations for Studio at 8A Kennerley Street, West Hobart.
- 7.2 The application was advertised and received one (1) representation. The representation raised concerns including the location, size and construction of the studio. The representation was subsequently withdrawn subject to Council supporting proposed alterations to the as constructed studio.

- 7.3 Whilst the representation has been withdrawn, the concerns from the representor that are related to discretions under the Planning Scheme have been addressed in Section 4 and Section 6 of this report. In relation to the encroachment of the building onto the adjoining property, to be a valid planning application, the applicant must submit a declaration that the owners of the land on which the building is located has been notified. A declaration that meets this requirement has been lodged by the applicant. Nevertheless, separate from the planning process, for construction works to occur on the land where the applicant is not the owner, the consent of the landowner will be required. As such, the owner of 8 Mellifont Street will need to be a signatory to an application for a building permit.
- 7.4 Following discussions between the applicant and the representor, the proposal with the resultant amended plans, has been assessed against the relevant provisions of the planning scheme and is now considered to perform well, subject to conditions.
- 7.5 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Manager Surveying Services. 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 Alterations for Studio at 8A Kennerley Street, West Hobart satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Alterations for Studio at 8A Kennerley Street, West Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-223 - 8A KENNERLEY STREET WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The studio roof is not approved as constructed.

Prior to the commencement of use, or within 90 days of the date of this permit, whichever occurs first, the roof of the studio must be altered in accordance with the following:

- It must have a flat roof with a maximum pitch of 2 degrees angling down to the south west; and
- It must have a maximum height at the north west corner of 3.251m; and
- It must have a maximum height of 2.84m at the south east corner; and
- It must have a maximum ceiling height of RL102.38.

Advice: The plan submitted to Council on 15 March 2021 (plan 02a/04, rev E) is considered to satisfy the above condition.

Reason for condition

To provide consistency in the apparent scale, bulk, massing and proportions of dwellings

PLN s2

All 'in-air' encroachments over the boundary of the property at 8 Mellifont Street are not approved. Such encroachments include:

- **The eave and gutter on the north-east elevation; and**
- **The vent pipe on the north-east elevation; and**
- **The stormwater downpipe on the north-west elevation.**

Prior to the commencement of use, or within 90 days of the date of this permit, whichever occurs first, all 'in-air' encroachments over the boundary with 8 Mellifont Street must be removed, and the roof must finish flush with the north east facing wall of the studio.

Advice: The plan submitted to Council on 15 March 2021 (plan 02a/04, rev E) is considered to satisfy the above condition.

Reason for condition

To clarify the scope of the permit

ENG sw1

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

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

Reason for condition

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

ENG 1

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

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

Council.

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

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

Reason for condition

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

ENV 1

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

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

Reason for condition

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

ADVICE

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). 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.

STORM WATER DRAINAGE THROUGH RIGHT OF WAY

A right of drainage in favour of CT 144422/2 (8A Kennerley Street) for the proposed stormwater drainage for the studio on 8A Kennerley Street that passes through the Right of Way Variable Width within CT 144422/1 (8 Kennerley Street) is to be registered on certificate of Title for 8 Kennerley Street prior to the issue of any building consent, building permit and / or plumbing permit pursuant to the Building Act 2016. The right of drainage is to be created by Transfer pursuant to section 58 of the Land Titles Act 1980 and is to be to the satisfaction of Council. All costs associated with the creation of the right of drainage should met by the owner of 8A Kennerley Street.

A plumbing permit for the studio will not be able to issue unless it has a legal connection to a point of discharge.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

ENCROACHMENT OF STUDIO ONTO 8 MELLIFONT STREET

Any remaining encroachments of the studio onto 8 Mellifont Street that are not removed by the proposed modifications of the studio roof and guttering are to be legalised by means of a boundary adjustment between 8A Kennerley Street and 8 Mellifont Street so that the studio building is contained entirely within the boundaries of 8A Kennerley Street.

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.



(Michaela Nolan)

Development Appraisal Planner

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 3 August 2020

Attachment(s):

Attachment B - CPC Agenda Documents

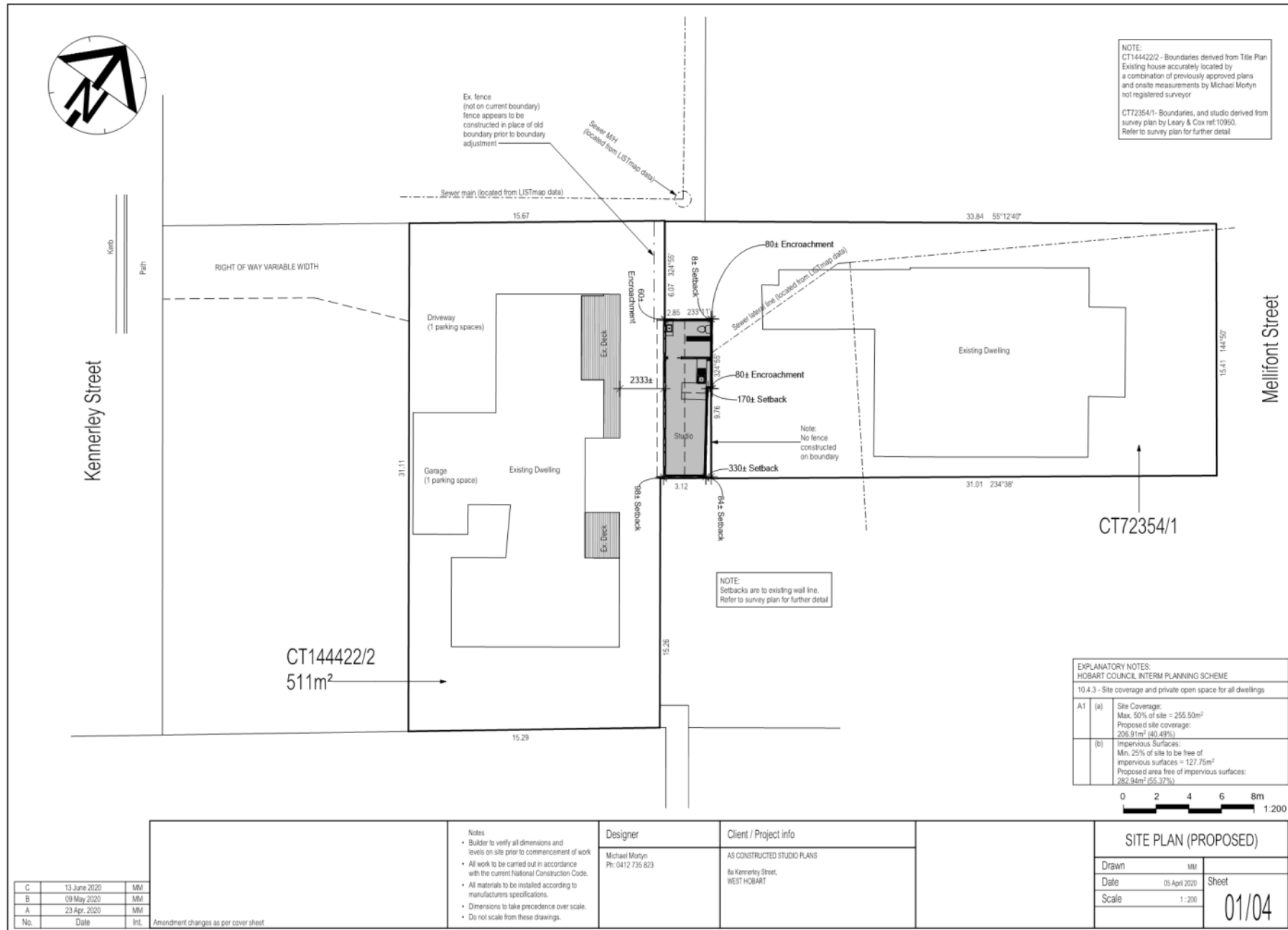
Attachment C - Amended Studio Plans

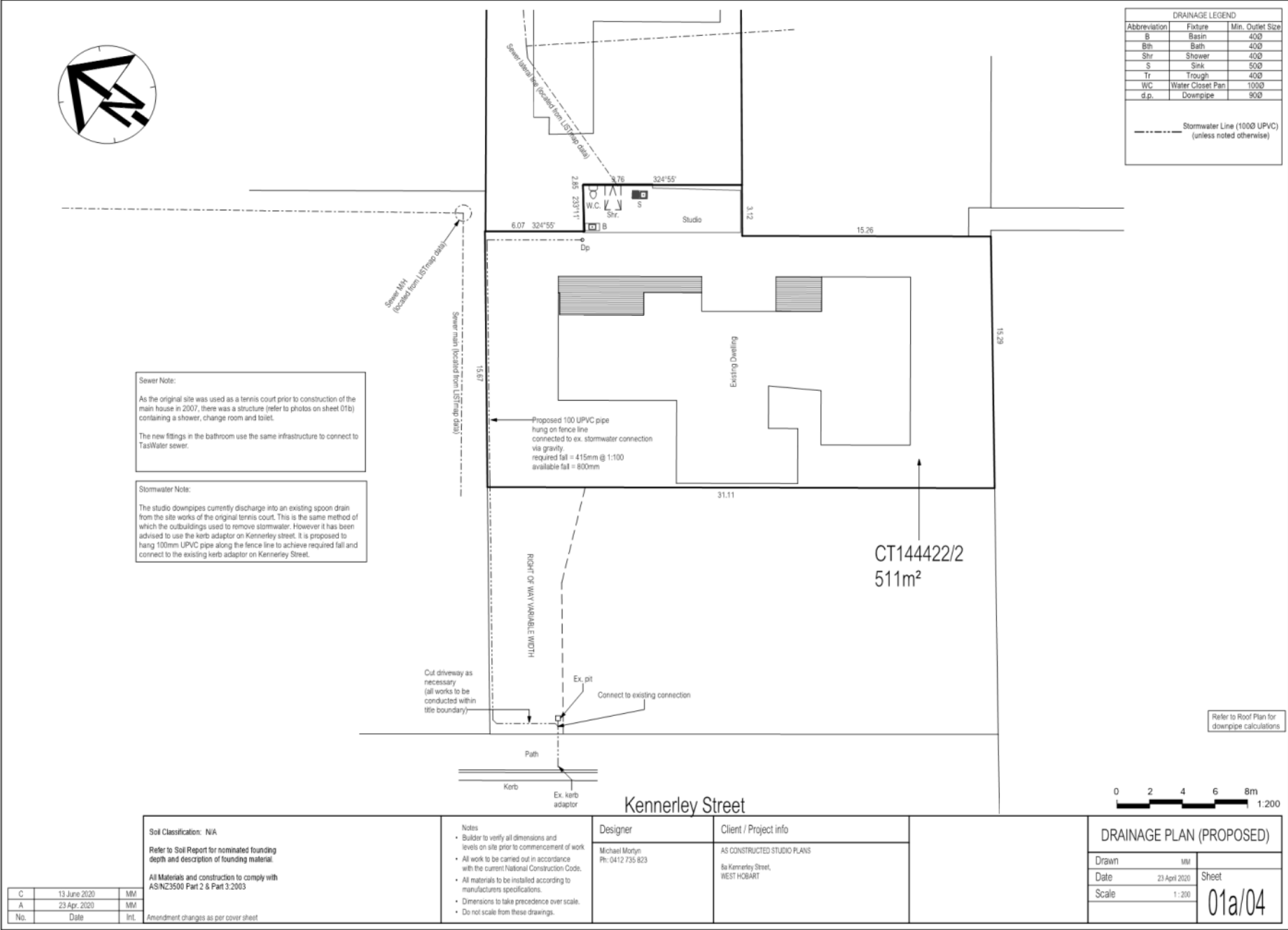
Attachment D- Planning Referral Officer Surveying Services Report

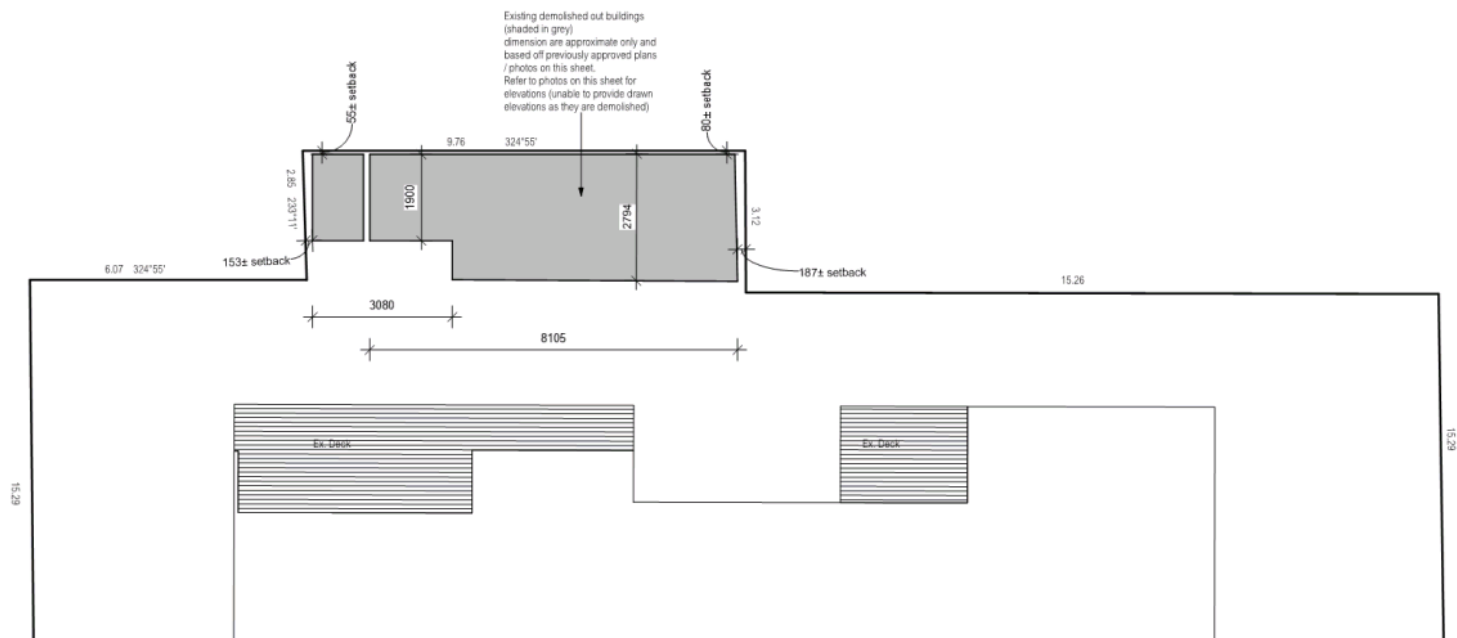
AS CONSTRUCTED STUDIO PLANS
 8a Kennerley Street,
 WEST HOBART

SHEET		DRAWING TITLE
01	C	SITE PLAN (PROPOSED)
01a	C	DRAINAGE PLAN (PROPOSED)
01b	C	EXISTING SITE / DEMOLITION PLAN
02	C	STUDIO PLANS (AS CONSTRUCTED)
02a	C	STUDIO PLANS (PROPOSED)
03		EXTERIOR MONTAGE
04		INTERNAL MONTAGE

C	Council amendment: Include details of 8 Melifont street (CT72354/1) and revise studio location to reflect Leary & Cox site survey. Show boundaries on sheets 02 & 02a	13 June 2020	MM	N/A	01 - 02a	<div>Notes</div> <ul style="list-style-type: none">• Builder to verify all dimensions and levels on site prior to commencement of work.• All work to be carried out in accordance with the current National Construction Code.• All materials to be installed according to manufacturers specifications.• Dimensions to take precedence over scale.• Do not scale from these drawings.	<div>Designer</div> <div>Michael Morlyn Ph: 0412 735 823</div>	<div>Client / Project info</div> <div>AS CONSTRUCTED STUDIO PLANS</div> <div>8a Kennerley Street, WEST HOBART</div>	SITE IS NOT BUSHFIRE PRONE AREA AS PER HOBART INTERIM PLANNING SCHEME OVERLAY 2015. No additional restrictions for construction methods / materials apply.			
B	Provide proposed studio plans to demonstrate how the roof will be modified to contain gutters and eave within the footprint of the building to the north east elevation (i.e. no eave or gutter overhang)	09 May 2020	MM	N/A	01, 02 & 02a				<div>Soil Classification: N/A</div> <div>Title Reference: CT144422/2</div> <div>Refer to floor plan</div> <div>Floor Areas: N/A</div> <div>Porch / Deck Areas: N/A</div> <div>Wind Speed: 7</div> <div>Climate Zone: N/A</div> <div>Alpine Zone: N/A</div> <div>Corrosion Environment: Moderate</div> <div>Certified BAL: Not bushfire prone</div> <div>Designed BAL: Not bushfire prone</div> <div>(Refer to Standard Notes for Explanation)</div>			
A	Council amendment: Provide existing site plan, provide details of existing out buildings, provide details of demolition work, provide studio elevations, provide drainage plan, provide roof plan, provide designer details in site block, provide note on site plan as to who located the existing structures, provide details of number of parking spaces (2 total)	23 Apr. 2020	MM	N/A	01, 01a, 01b & 02				<div>COVER SHEET</div> <div>Date05 April 2020</div> <div>Sheet</div>			
Other Changes: Correct north west boundary table with correct length and provide details of fence on north east boundary									<div>Scale</div> <div>00/04</div>			
DA PLAN SET (as constructed)		05 Apr. 2020	MM	N/A	01 - 03							
No.	Amendment	Date	Drawn	Checked	Sheet							







C	13 June 2020	MM
A	23 Apr. 2020	MM
No.	Date	Int.

Amendment changes as per cover sheet

- Notes
- Builder to verify all dimensions and levels on site prior to commencement of work
 - All work to be carried out in accordance with the current National Construction Code.
 - All materials to be installed according to manufacturers specifications.
 - Dimensions to take precedence over scale.
 - Do not scale from these drawings.

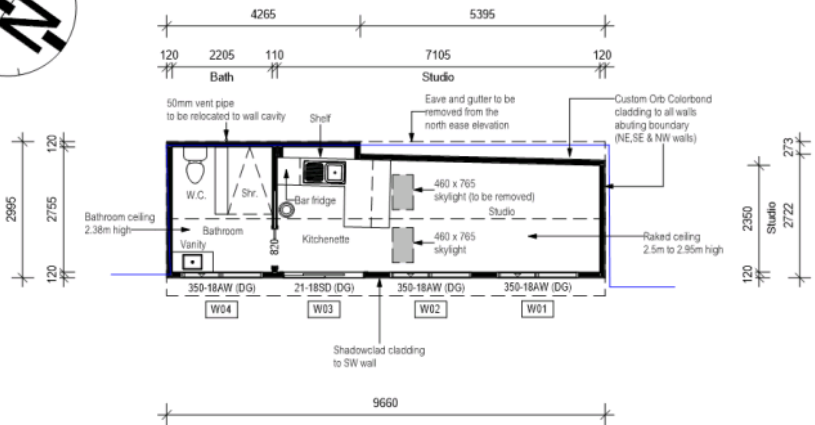
Designer

Michael Morlyn
Ph: 0412 735 823

Client / Project info

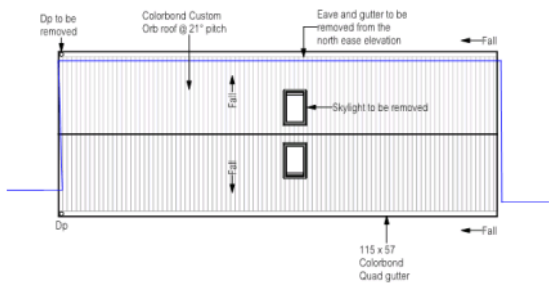
AS CONSTRUCTED STUDIO PLANS
8a Kemmerley Street,
WEST HOBART

EXISTING SITE / DEMOLITION PLAN		
Drawn	MM	
Date	23 April 2020	Sheet
Scale	1 : 100	
		01b/04

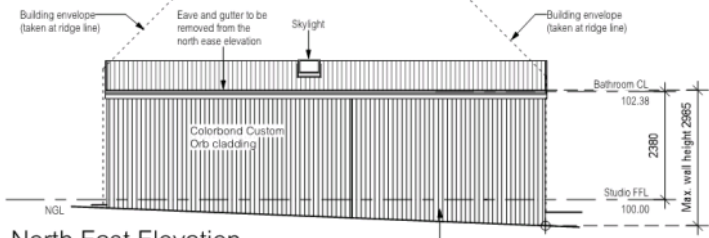


Studio Floor Plan

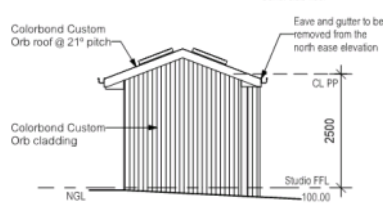
NOTE:
blue line represents title boundary,
refer to site plan for setback



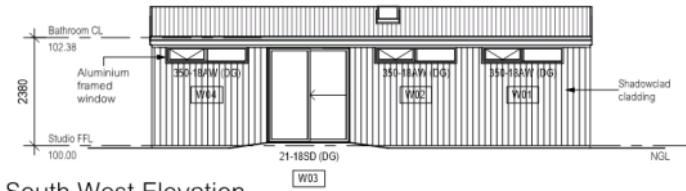
Studio Roof Plan



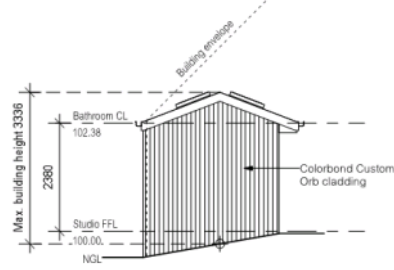
North East Elevation



South East Elevation



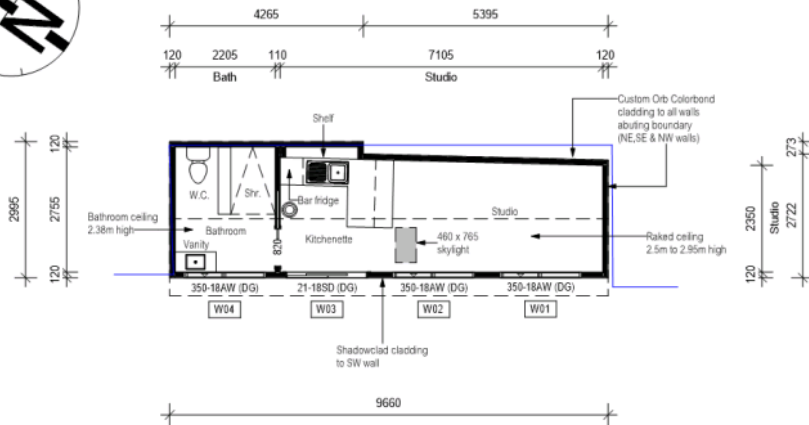
South West Elevation



North West Elevation

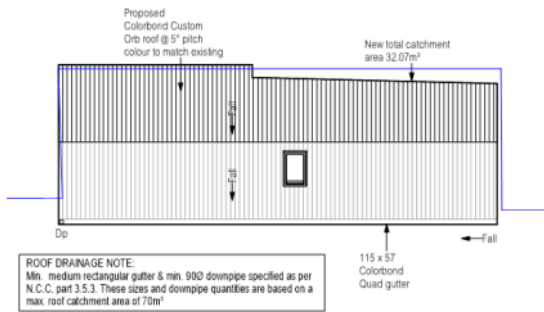


Floor Area = 26.66m²			<div>Notes</div> <ul style="list-style-type: none">• Builder to verify all dimensions and levels on site prior to commencement of work.• All work to be carried out in accordance with the current National Construction Code.• All materials to be installed according to manufacturers specifications.• Dimensions to take precedence over scale.• Do not scale from these drawings.	Designer	Client / Project info	STUDIO PLANS (AS CONSTRUCTED)			
				Michael Morlyn Ph: 0412 735 823	AS CONSTRUCTED STUDIO PLANS 8a Kemmerley Street, WEST HOBART	Drawn	MM	Sheet <div>02/04</div>	
C	13 June 2020	MM					Date		05 April 2020
B	09 May 2020	MM					Scale		1 : 100
A	23 Apr. 2020	MM							
No.	Date	Int.	Amendment changes as per cover sheet						

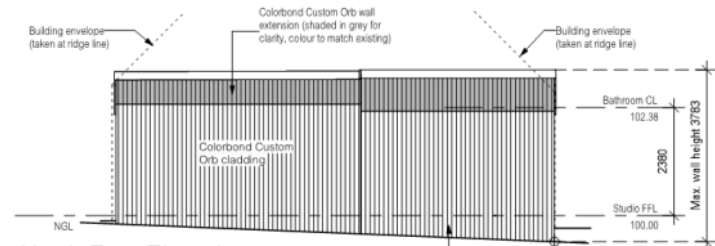


NOTE:
blue line represents title boundary,
refer to site plan for setback

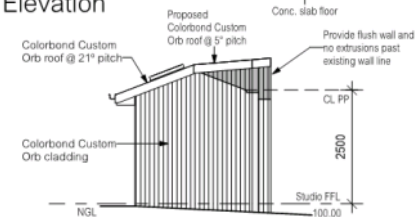
Studio Floor Plan



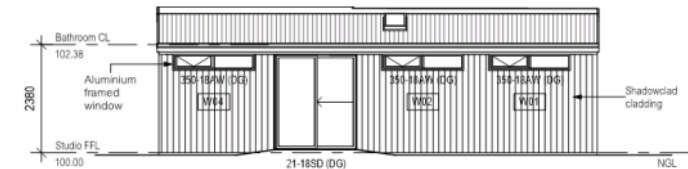
Studio Roof Plan



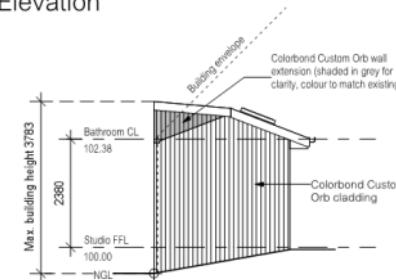
North East Elevation



South East Elevation



South West Elevation



North West Elevation



C	13 June 2020	MM
B	09 May 2020	MM
No.	Date	Int.

Amendment changes as per cover sheet

- Notes
- Builder to verify all dimensions and levels on site prior to commencement of work
 - All work to be carried out in accordance with the current National Construction Code.
 - All materials to be installed according to manufacturers specifications.
 - Dimensions to take precedence over scale.
 - Do not scale from these drawings.

Designer
Michael Morlyn
Ph: 0412 735 823

Client / Project info
AS CONSTRUCTED STUDIO PLANS
8a Kemmerley Street,
WEST HOBART

STUDIO PLANS (PROPOSED)

Drawn	MM	Sheet
Date	09 May 2020	
Scale	1:100	

02a/04



Material	Colour
Colorbond Wall	Woodland Grey
Colorbond Roof	Woodland Grey
Shedwood	Stained as per photo

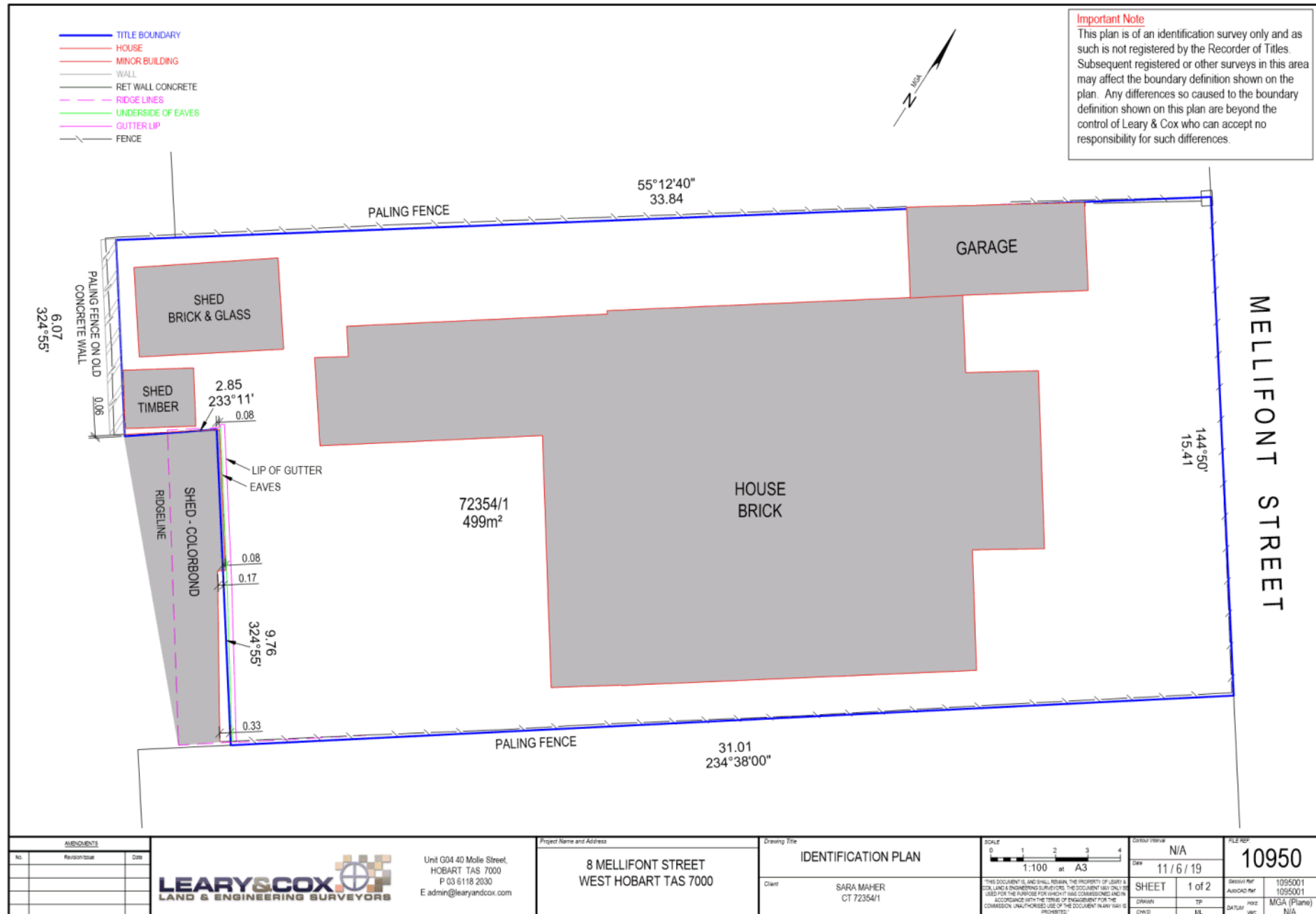
EXTERNAL STUDIO PHOTOS - taken March 2020

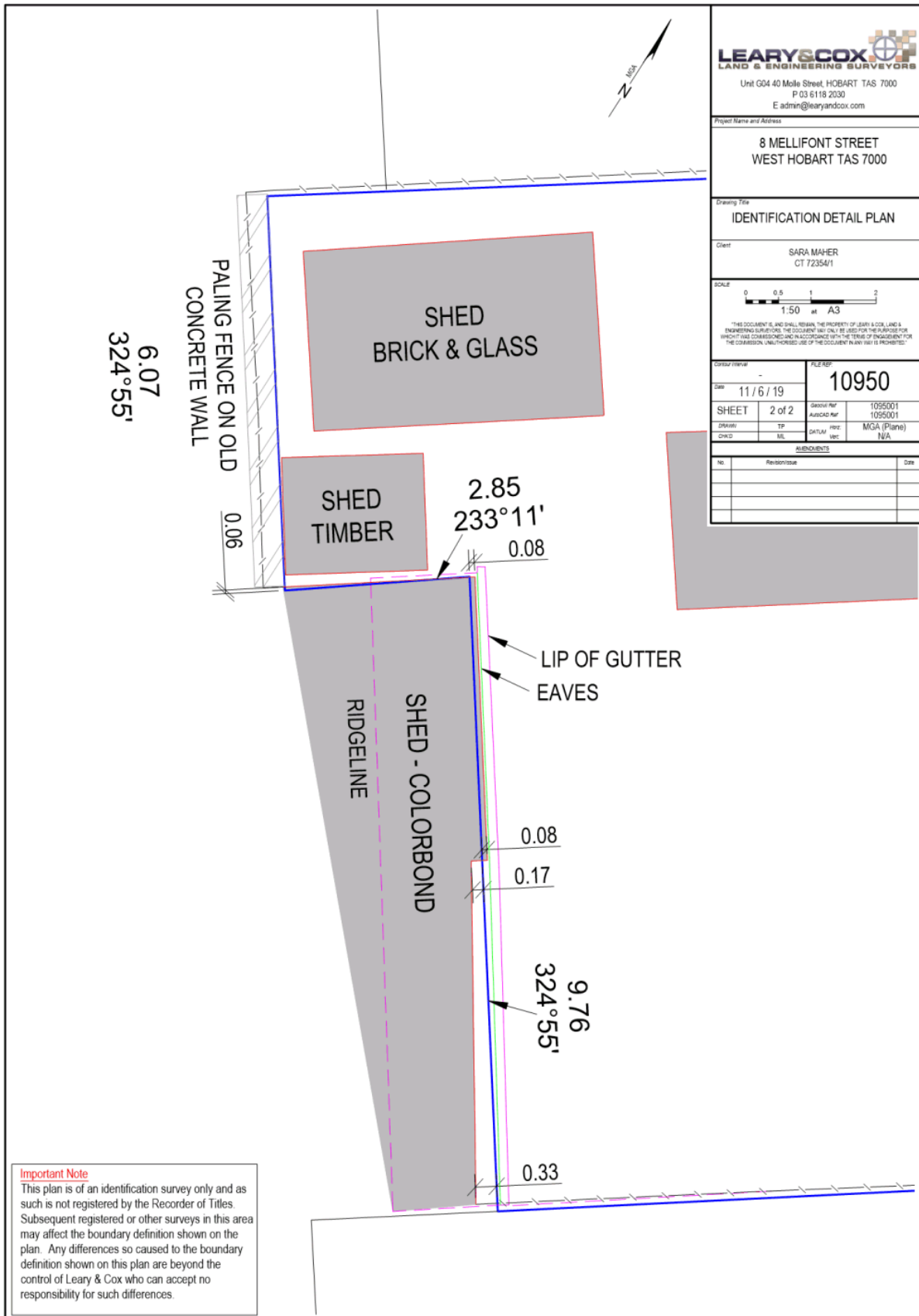
			<div>Notes</div> <ul style="list-style-type: none">• Builder to verify all dimensions and levels on site prior to commencement of work• All work to be carried out in accordance with the current National Construction Code.• All materials to be installed according to manufacturers specifications.• Dimensions to take precedence over scale.• Do not scale from these drawings.	<div>Designer</div> <div>Michael Morlyn Ph: 0412 735 823</div>	<div>Client / Project info</div> <div>AS CONSTRUCTED STUDIO PLANS 8a Kemmerley Street, WEST HOBART</div>	EXTERIOR MONTAGE				
						Drawn	MM			
						Date	05 April 2020			
						Scale	Sheet			
						03/04				
No.	Date	Int.	Amendment charges as per cover sheet							



INTERNAL STUDIO PHOTOS - taken March 2020

			<div>Notes</div> <ul style="list-style-type: none">• Builder to verify all dimensions and levels on site prior to commencement of work• All work to be carried out in accordance with the current National Construction Code.• All materials to be installed according to manufacturers specifications.• Dimensions to take precedence over scale.• Do not scale from these drawings.	Designer	Client / Project info	INTERNAL MONTAGE		
				Michael Morlyn Ph: 0412 735 823	AS CONSTRUCTED STUDIO PLANS 8a Kemmerley Street, WEST HOBART	Drawn	MM	Sheet <div>04/04</div>
						Date	05 April 2020	
						Scale		
No.	Date	Int.	Amendment changes as per cover sheet					





General Manager

Development Compliance

Hobart City Council

Re enforcement no ENF-19-263 / planning no PLN-20-223

Dear Sir/Madam,

I'm writing to you in response to the most recent request for further information dated 21st April 2020. Along with this letter you will find the amended plans addressing all issues outlined.

PLN Fi1:

I have included in the revised plans an existing site / demolition plan at 1:100 which has the floor plan and approximate size of the outbuildings that were demolished along with photos to reference what they looked like in elevation. As I do not have any information of the height of these structures I cannot provide elevations. Also you will see elevations detailed of the as constructed studio.

PLNFi2:

I have included in the revised plans details of who prepared the as constructed plans and located the studio.

Sw1:

I have included in the revised plans a roof and drainage plan demonstrating how the stormwater from the roofed areas will be connected to public stormwater infrastructure via gravity. This solution makes items Sw3 & Sw4 not applicable as discussed with Stefan Gebka.

PAS.1

I can confirm the total number of existing parking spaces on the site is 2 total. 1 parking space in the existing garage and 1 parking space within the existing driveway area. Please note there is no intention to increase the number of parking spaces with this application.

I would also like to bring to your attention the following comments previously provided by the owner:

*"I refer to your letter of October 28th and would like to advise the following information on this matter.
When we purchased this land, which was a tennis court, there were 3 co-joined buildings attached to it:*

- *A male and female toilet block*
- *A shower/change room*
- *A net room and seating/storage space,*
- *All in need of repair.*

In March 2013 we asked a registered builder, who has experience in Heritage renovation and who also built our home, the simplest way to improve the dilapidated sheds on our property. His suggestion was to reduce the toilets to one end and then re-clad the sheds into one usable area, retaining the shower changeroom. As there was no increase in area and the existing plumbing was being retained, this provided the simplest and most economical solution. The recladding and construction was finished in November 2013."

I hope this satisfies your request for further information.

Kind regards,

Michael Mortyn

Wayne Daniel
8A Kennerley St
West Hobart
Tas 7000

13th June 2020

To Hobart City Council,

In response to RFI dated 5th June 2020 PLN-20-223

We are submitting the following information in response to the above RFI. We would like to clarify that this application is for a 10a building not a class 1.


The updated plans now show details of 8 Mellifont Street, and a revised studio location to reflect Leary & Cox site survey. This also acknowledges the 80mm and 60mm encroachments as noted by HCC.

Also included is a declaration as requested by HCC in relation to discussions with the owner's representative on the matter of the encroachment on their property.

We hope this satisfies your concerns and the matter can now proceed.

Signed by

Wayne Daniel on behalf of W and M Daniel, the owners.

A handwritten signature in blue ink, appearing to be 'WD' followed by a stylized flourish.

Wayne Daniel
8A Kennerley St
West Hobart
Tas 7000

8th June 2020

To Hobart City Council,

Declaration by W F Daniel on matter of shed at 8a Kennerley street.

I, Wayne Frederick Daniel of the above address do declare the following true information:

As the Hobart city council has raised the matter of boundary alignment of a shed at the above address, the following events have taken place.

The owner of property at 8 Mellifont street has been informed that a boundary of his property has been encroached by 77mm in one area and by 60mm on another wall due to my shed being reclad on the original boundaries, assuming those original boundaries to be correct.

I have received a reply from the owner's son and his reply is as follows,

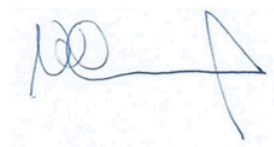
"On advice from our town planner and taking into consideration all the legalities and time required to undertake a boundary adjustment, my father's wishes are that we leave this between yourself and the council to work out a solution to the encroachment".

It would be impractical to move the walls the required amount and therefore we are submitting our planning application with these encroachments being noted, respectfully accepting our neighbours wishes that this is the best solution.

We are now hopeful that this planning application can proceed.

Signed by

Wayne Daniel on behalf of W and M Daniel, the owners.



To Hobart City Council.

I Mrs J Eaton of 8 Kennerley street west Hobart do give permission to W & M Daniel of 8a Kennerley street to use the right of way on their property for the purpose of stormwater drainage as shown in planning application for the shed on their property.

Signed.

A handwritten signature in cursive script, appearing to read "Jennifer Eaton".

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 144422	FOLIO 2
EDITION 7	DATE OF ISSUE 02-Sep-2019

SEARCH DATE : 09-Feb-2020

SEARCH TIME : 01.26 PM

DESCRIPTION OF LAND

City of HOBART
Lot 2 on Plan 144422
Derivation : Part of 10 Acres Gtd to J Simmons
Prior CT 249748/1

SCHEDULE 1

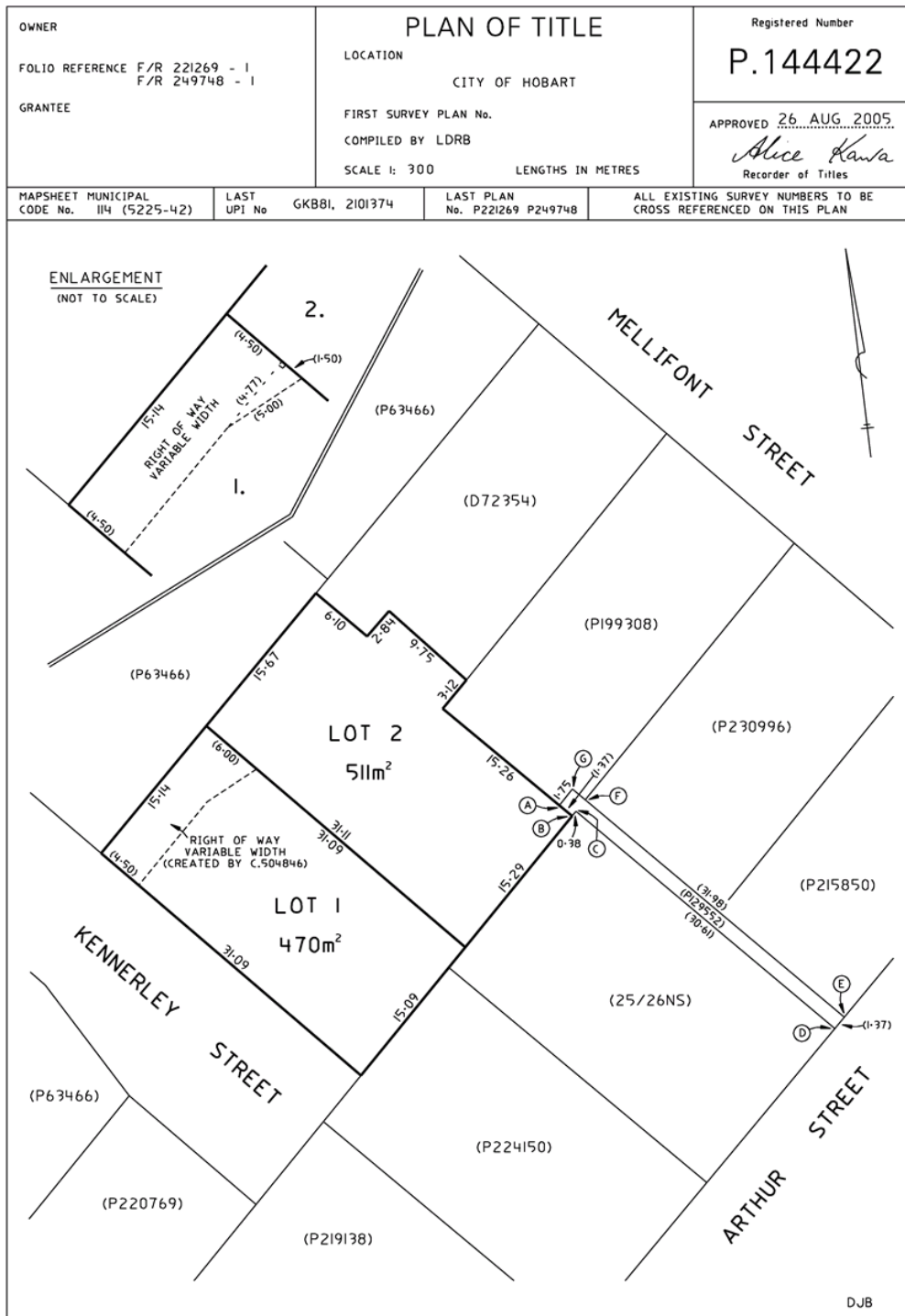
C713987 TRANSFER to WAYNE FREDERICK DANIEL and MOIRE
ALEXANDRA DANIEL Registered 09-Aug-2006 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BENEFITING EASEMENT: Together with a free and unrestricted
right of way over the strip of land marked ABCDEFG on
P.144422
C504846 BENEFITING EASEMENT: A right of carriageway over the
Right of Way (variable width) shown passing through
Lot 1 on P.144422 Registered 23-Sep-2005 at 12.01 PM
C636800 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
22-Apr-2005 at noon
E193894 MORTGAGE to Household Capital Services Pty Limited
Registered 02-Sep-2019 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	FOLIO
72354	1
EDITION	DATE OF ISSUE
3	26-Oct-2005

SEARCH DATE : 10-Jun-2020

SEARCH TIME : 07.31 PM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Diagram 72354 (formerly being 142-5D)
Derivation : Part of 10AC Gtd to J Simmons
Prior CT 2272/77

SCHEDULE 1

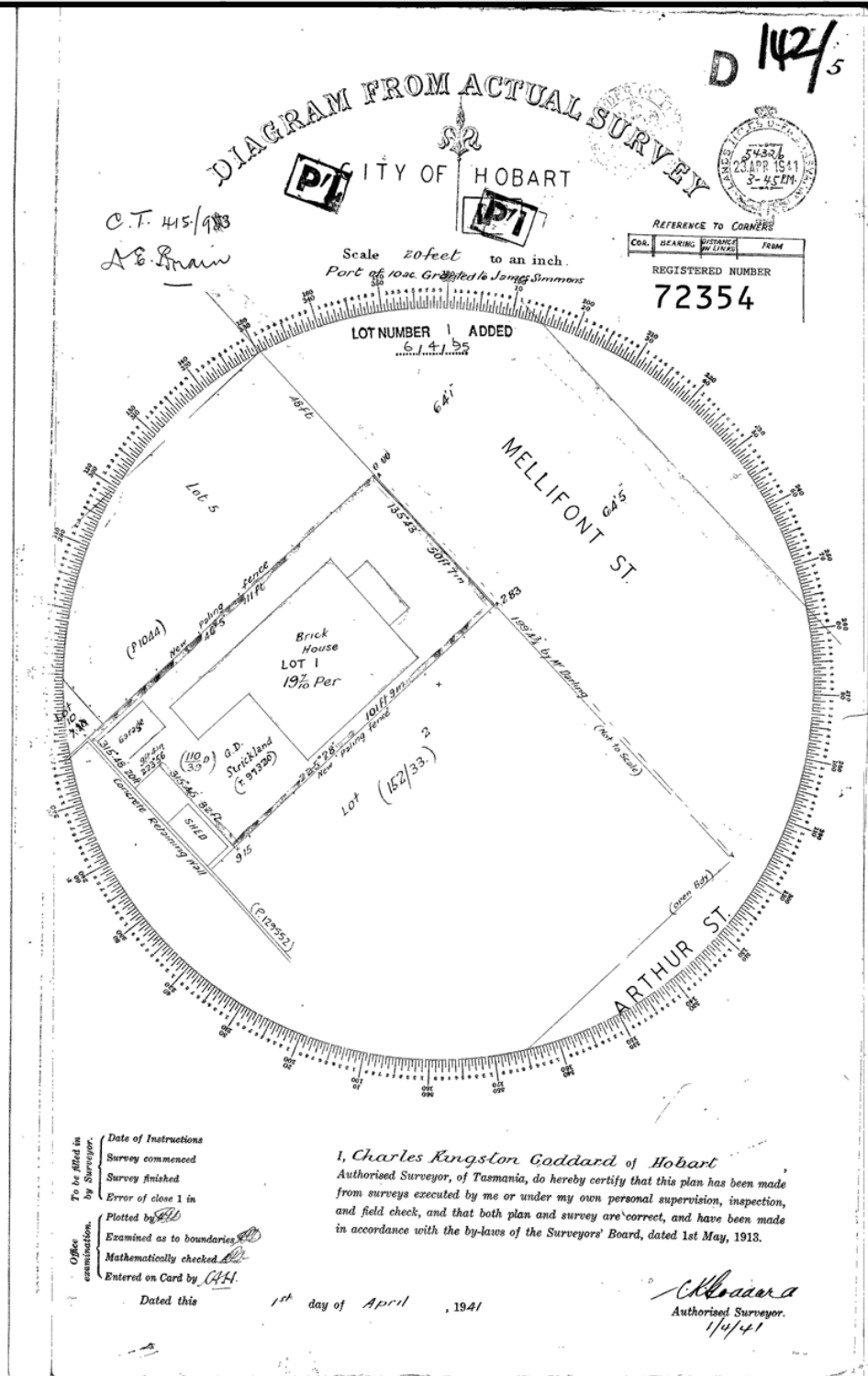
C636250 TRANSFER to REGINALD BEDE MAHER Registered
26-Oct-2005 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

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
144422	1
EDITION	DATE OF ISSUE
2	05-Jun-2015

SEARCH DATE : 30-Jun-2020

SEARCH TIME : 09.46 PM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Plan 144422
Derivation : Part of 10 Acres Gtd to J Simmons
Prior CT 221269/11

SCHEDULE 1

M520204 JENNIFER DORA EDGELL EATON Registered 05-Jun-2015
at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
C504846 BURDENING EASEMENT: A right of carriageway
(appurtenant to Lot 2 on P. 144422) over the Right of
Way (variable width) shown passing through the said
land within described Registered 23-Sep-2005 at 12.
01 PM
C636800 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
22-Apr-2005 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDED OF TITLES

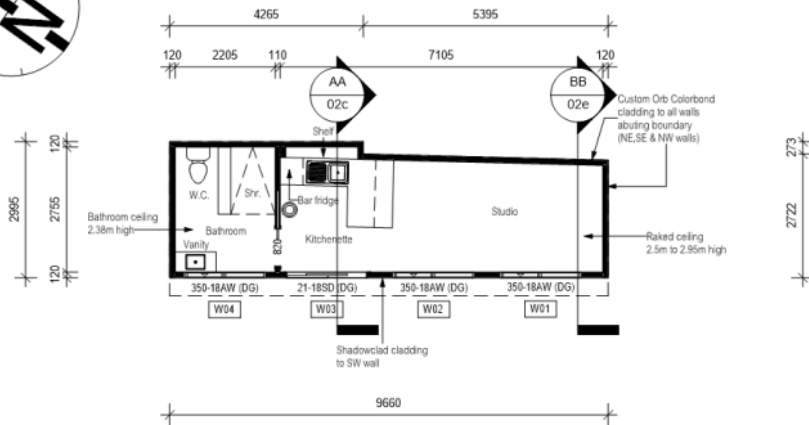
Issued Pursuant to the Land Titles Act 1980



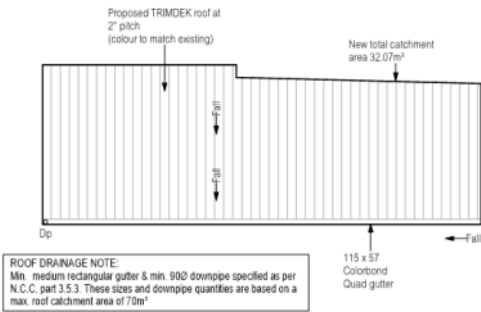
<p>OWNER</p> <p>FOLIO REFERENCE F/R 221269 - 1 F/R 249748 - 1</p> <p>GRANTEE</p>	<h2 style="margin: 0;">PLAN OF TITLE</h2> <p>LOCATION</p> <p>CITY OF HOBABT</p> <p>FIRST SURVEY PLAN No.</p> <p>COMPILED BY LDRB</p> <p>SCALE 1: 300</p> <p>LENGTHS IN METRES</p>	<p>Registered Number</p> <h1 style="margin: 0;">P.144422</h1> <p>APPROVED 26 AUG 2005</p> <p><i>Alice Kawa</i> Recorder of Titles</p>
<p>MAPSHEET MUNICIPAL CODE No. 114 (5225-42)</p>	<p>LAST UPI No GKB81, 2101374</p>	<p>LAST PLAN No. P221269 P249748</p>
<p>ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN</p>		

ENLARGEMENT
(NOT TO SCALE)

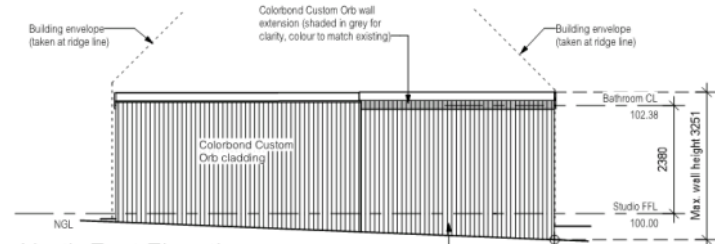
DJB



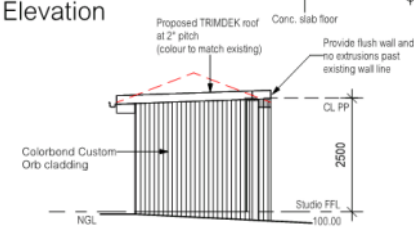
Studio Floor Plan



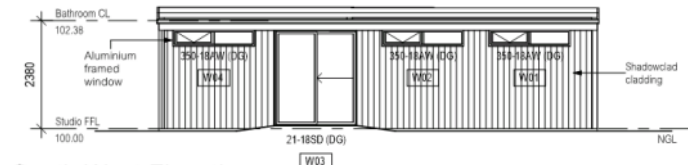
Studio Roof Plan



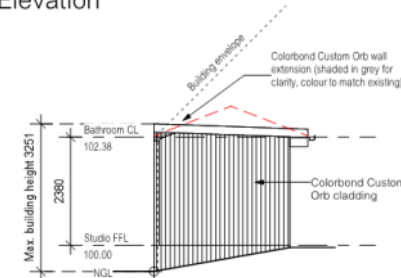
North East Elevation



South East Elevation



South West Elevation



North West Elevation



E	08 Feb. 2021	MM
D	04 Jan. 2021	MM
C	13 June 2020	MM
B	09 May 2020	MM
No.	Date	Int.

Amendment changes as per cover sheet

Notes
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• All work to be carried out in accordance with the current National Construction Code.
• All materials to be installed according to manufacturers specifications.
• Dimensions to take precedence over scale.
• Do not scale from these drawings.

Designer
Michael Mortyn Ph: 0412 735 823

Client / Project info
AS CONSTRUCTED STUDIO PLANS 8a Kemmerley Street, WEST HOBART

STUDIO PLANS (PROPOSED)
Drawn MM
Date 09 May 2020
Scale 1:100

Sheet
02a/04

PAGE SEAGER
LAWYERS

Level 2, 179 Murray St
Hobart Tasmania 7000
GPO Box 1106
Hobart Tasmania 7001
Page Seager Pty Ltd
ABN 68 620 698 286

T 03 6235 5155
F 03 6231 0352
DX 110 Hobart
enquiry@pageseager.com.au
www.pageseager.com.au

MBE 202170

15 March 2021

Ms Karen Abey
Manager, Development Appraisal
Hobart City Council
16 Elizabeth Street
HOBART TAS 7000

By email: abeyk@hobartcity.com.au
copied to: jennifer.o'farrell@doma.com.au

Dear Karen

DEVELOPMENT APPLICATION PLN 20-223 – OUTBUILDING, 8A KENNERLEY STREET, WEST HOBART

As discussed in our teleconference on 9 March 2021, I act for Wayne Daniel and Moire Daniel, registered proprietors of 8A Kennerley Street, West Hobart (the **Site**).

As you know:

- (a) the Site together with a small portion of the rear of 8 Mellifont Street are the subject of DA PLN-20-223 (the **DA**); and
- (b) the DA seeks retrospective planning approval for an outbuilding located at the rear of the Site.

When the DA was publicly notified the owner of 8 Mellifont Street (represented by Ms O'Farrell) lodged a representation against the DA citing various concerns including visual impact. Ultimately, the planning assessment report prepared with respect to the DA (authored by Michaela Nolan) recommended refusal due to non-compliance with the following discretionary planning controls in the *Hobart Interim Planning Scheme 2015*:

- (c) clause 10.4.2 Performance Criteria P3(a)(iv) which is concerned with visual impacts caused by apparent scale and bulk when viewed from adjoining property (Acceptable Solution A3 not being met); and
- (d) clause 10.4.2 Performance Criteria P3(b) which is concerned with separation distance and consistency with properties in the relevant area.

Negotiations between my clients and the owner of 8 Mellifont Street have resulted in agreed modifications to the outbuilding that address the concerns raised in the representation. The modifications are set out in the **enclosed** plans.

In summary, my clients propose to modify the existing roof of the outbuilding in a way that results in a reduction in overall height and bulk, and eliminates the needs for the guttering currently visible from the rear of 8 Mellifont Street. The amendments address the relevant planning concerns raised by the owner of 8 Mellifont Street. Following receipt of a copy of this correspondence, it is my understanding that Ms O'Farrell (cc'd) will formally withdraw the representation on behalf of her client.

I **enclose** a supplementary planning report prepared by Ireneinc which confirms that the outbuilding as amended satisfies the aforementioned discretionary planning controls.

In terms of procedure, per the recent Supreme Court decision of *Tomaszewski v Hobart City Council* (2020) TASSC 48 Council may grant approval to a set of revised or amended plans after the DA has been advertised by imposing conditions requiring the proposal to be undertaken substantially in accordance with the revised or amended plans. The key limitation to this approach is that revised or amended plans cannot change or expand the nature or scale of the proposal in question such that the revised proposal is substantially different from that which was originally applied for; this is an objective test and must be applied on a case-by-case basis.

In this case, I submit that the proposed amendments do not change or expand the nature or scale of the original DA, and do not result in a development that is substantially different to what was originally applied for. Accordingly, Council can lawfully condition the DA to require compliance with the amended plans.

Finally, in due course my clients will be lodging a separate application for a minor boundary adjustment to eliminate the current encroachment of a small portion of the outbuilding on to the rear of 8 Mellifont Street. I expect that the application will have the benefit of clause 9.3 of the *Hobart Interim Planning Scheme 2015*, and therefore be a permitted development.

Please coordinate the determination of the DA by Council amended in accordance with the **enclosed** plans. In circumstances where the sole representor has withdrawn their representation, and the proposal has been modified to comply with the aforementioned discretionary planning controls, planning approval should be granted.

Please do not hesitate to contact me to discuss this matter further if required.

Yours faithfully



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8A KENNERLEY STREET, WEST HOBART



ireneinc & smithstreetstudio
PLANNING & URBAN DESIGN

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8A KENNERLEY STREET, WEST HOBART

Planning Report for Development Application

Last Updated - 3 March 2021

Author - Fiona Davidson

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1. INTRODUCTION

Ireneinc Planning has been engaged to prepare a report by the property owner of 8A Kennerley Street, West Hobart. This report provides an assessment of a proposed development against the setback and building envelope provisions 10.4.2 (P3) (a)(iv) & (P3) (b) of the *Hobart Interim Planning Scheme 2015*.

The location of the subject land is described in the following figure. The proposal is for an ancillary structure (studio) located at 144422/2. The location of the studio on the site is on the boundary of the site and the property at 8 Mellifont Street.



Figure 1: Site location with cadastre & topographic plan. Source: www.the.list.tas.gov.au © The State of Tasmania

1.1 SUBJECT SITE

The site is a 497.8m² lot located to the north east of Kennerley Street, West Hobart. It has a right of way access through, 8 Kennerley Street. The subject site is identified in the following Figure 2.

The site contains an existing dwelling and studio. The studio is the subject of enforcement as the building was constructed without a planning permit. As such the owner is seeking retrospective planning approval including modification to the studio to remove an overhanging gutter and change the roof pitch. An application was lodged in 2020 for the structure as is currently constructed. The application was the subject of a representation, and the current proposal is the result of negotiations between the neighbour and applicant.

Figure 2: Subject site and surrounds, with cadastre, easements & State aerial photo. Source: www.the



list.tas.gov.au © The State of Tasmania

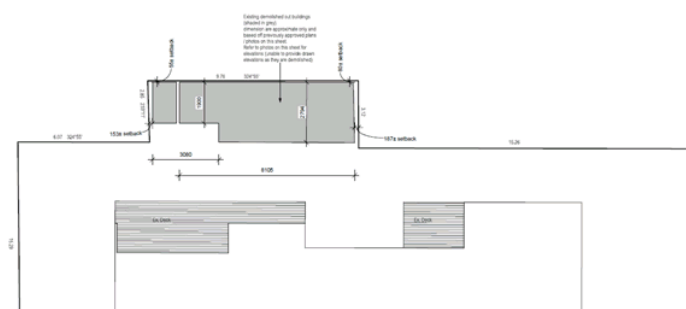


Figure 3 Existing site plan showing now demolished outbuildings (shaded grey)



Figure 4 Existing (demolished) outbuildings on the site (photo dated 2006). Source M Morton 2020

1.2 PROPOSAL

This assessment is for the likely compliance of a studio structure situated on the site, as per the following figures. The studio is sited on the north east (rear) boundary of the property, sharing the boundary with the neighbouring property at 8 Mellifont Street.

The current proposal seeks to address discretionary controls for building envelope height and setback by limiting the height of the roof while eliminating any 'in air' encroachment over the site boundary.

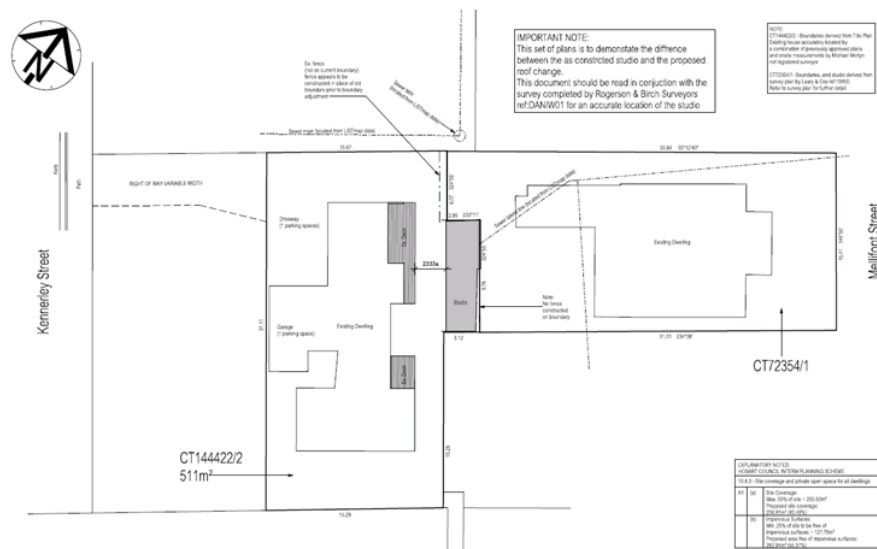


Figure 5 Proposed site plan of 8A Kennerley Street showing proposed location of the studio on the site with proximity to the north east boundary and property at 8 Mellifont Street. Source M Mortyn 2020

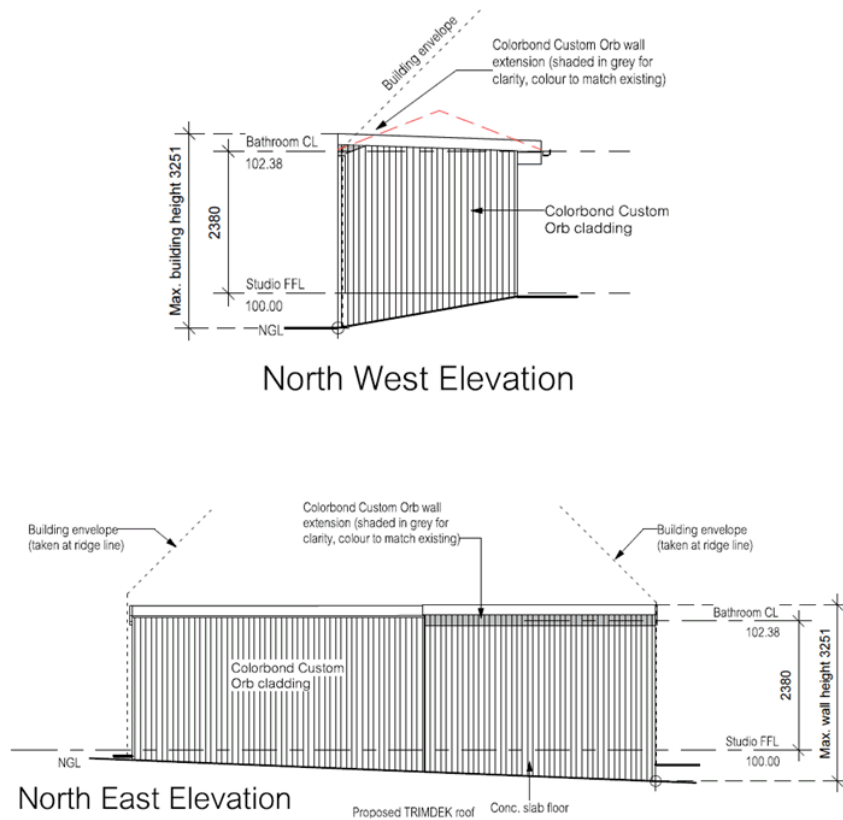


Figure 6: Views of proposed studio building facing north west and north east showing proposed roof form height and pitch. Red line indicates existing roof line of unapproved structure. Source M Mortyn 2020

2. PLANNING SCHEME REQUIREMENTS

This report is limited to an appraisal of the building setback provisions 10.4.2 (P3)(a)(iv) & 10.4.2 (P3)(b) of the *Hobart Interim Planning Scheme 2015* which are relevant to the consideration of the proposal.

2.1 ZONING

The site is in the General Residential Zone as shown in the figure below.



Figure 7: Zone plan with cadastre and zones. Source: www.the.list.tas.gov.au © The State of Tasmania

2.2 DEVELOPMENT STANDARDS

10.4.2 Setbacks and building envelope for all dwellings

Objective: *The siting and scale of dwellings:*

- (a) provides reasonably consistent separation between dwellings and their frontage within a street;
- (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;
- (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and
- (d) provides reasonable access to sunlight for existing solar energy installations.

PERFORMANCE CRITERIA:

P3 *The siting and scale of a dwelling must:*

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: ...

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

(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and

...

RESPONSE:

(P3) (a) (iv). The maximum height of the proposed structure is 3.251m when viewed from the north east elevation (from the adjacent property at 8 Mellifont Street) where the ground level is at its lowest point. The perceived scale of the proposed structure is also minimised by the flat roof which pitches towards the south west which is away from the neighbouring property. The siting and scale of the proposal is not considered to cause loss of amenity to the adjoining properties through visual impact. Therefore the proposal is considered to comply with (P3)(a)(iv).

(P3) (b) The studio is located 9m from the rear of the main portion of the neighbouring house at 8 Mellifont Street, and 2.5m from the end of an L shaped extension. The arrangement indicates that most views would be oriented to the north and south.

This separation distance is not uncharacteristic of that occurring in the surrounding area. 8 Mellifont itself has a shed which is located approximately 1m from their rear extension, and approximately 2.8m from the house at 8a Kennerly Street. The three neighbouring properties to the south of 8 Mellifont (91 Arthur Street, 4 Mellifont Street and 6 Mellifont Street) similarly have shed structures on their rear boundaries, within the 4m setback. Figure 9 below shows the surrounding properties, and the extent of encroachment within the 4m rear boundary setback. Therefore, the proposed structure complies with (P3) (b).



Figure 8 Prevailing dwelling separation. Source: www.the.list.tas.gov.au © The State of Tasmania

3. CONCLUSION

The site at 8A Kennerley Street is zoned General Residential.

The proposed development on the site complies with the performance criteria (P)(a)(iv) and (P)(b) for the development standards *10.4.2 Setbacks and building envelope for all dwellings* of the *Hobart Interim Planning Scheme 2015*.

This report has been completed based off the proposed development plans, elevations, and sections by M Mortyn, Revision E February 2021.

Application Referral Surveying - City Amenity - Response

From:	Mark Anderson
Recommendation:	Advice
Date Completed:	
Address:	8 A KENNERLEY STREET, WEST HOBART 8 KENNERLEY STREET, WEST HOBART 8 MELLIFONT STREET, WEST HOBART
Proposal:	Alterations for Studio
Application No:	PLN-20-223
Assessment Officer:	Michaela Nolan,

Referral Officer comments:

Retrospective Development Application for a studio with bathroom and kitchenette that was illegally built with no planning or building permits. The application has been submitted in response to enforcement application ENF-19-263.

As part of the ENF-19-263 application the adjoining owner at 8 Mellifont Street had an Identification survey undertaken by Leary & Cox Surveyors in June 2019. This shows that a portion of the studio, the gutter and eaves of the studio encroach over the boundary onto 8 Mellifont Street. The encroachment of the studio portion is shown to be 0.08 m and the entire gutter on the north-eastern side of the shed is shown to be over the boundary.

When the DA was publicly notified the owner of 8 Mellifont Street (represented by Ms O'Farrell) lodged a representation against the DA citing various concerns including the encroachments over the boundary. The Development Appraisal Planner's report recommended refusal due to non compliance with two discretionary planning controls in HIPS 2015.

Negotiations between the owners of 8A Kennerley Street and the owner of 8 Mellifont Street have resulted in agreed modifications to the studio building that address the concerns in the representation and amended plans and planning submission have now been lodged. Modifications are proposed to the roof line of the studio to address the planning concerns and to eliminate the gutter that encroaches over the boundary. There will still be some encroachments of the studio over the boundary remaining.

Included with the lodged documents is a letter from Page Seager Lawyers acting for the owners of 8A Kennerley Street to HCC's Manager Development Appraisal advising that in due course his clients will be lodging a separate application for a minor boundary adjustment to eliminate the encroachment of the studio onto the rear of 8 Mellifont Street.


**7.1.4 33 MARY STREET, NORTH HOBART - EXTENSION AND DECK
PLN-20-750 - FILE REF: F21/31759**



Address: 33 Mary Street, North Hobart
Proposal: Extension and Deck
Expiry Date: 29 April 2021
Extension of Time: Not applicable
Author: Deanne Lang



RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for extension and deck at 33 Mary Street North Hobart for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P1 (a) of the *Hobart Interim Planning Scheme 2015* because it is an incompatible design through its height, scale, bulk, form and siting and results in loss of historic cultural heritage values of the listed place.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P2 (a) and (c) of the *Hobart Interim Planning Scheme 2015* because it will not be subservient and complementary to the listed place due to its bulk, scale, built form and siting with respect to the listed buildings.
- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P4 of the *Hobart Interim Planning Scheme 2015* because it detracts from the historic cultural heritage significance of the place as a consequence of its height, bulk, scale, built form and siting with respect to the listed building.

Attachment A: PLN-20-750 - 33 MARY STREET NORTH
HOBART TAS 7000 - Planning Committee or
Delegated Report ↓ 

Attachment B: PLN-20-750 - 33 MARY STREET NORTH
HOBART TAS 7000 - CPC Agenda Documents 


Attachment C: PLN-20-750 - 33 MARY STREET NORTH
HOBART TAS 7000 - Planning Referral Officer
Cultural Heritage Report  

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	19 April 2021
Expiry Date:	29 April 2021
Application No:	PLN-20-750
Address:	33 MARY STREET , NORTH HOBART
Applicant:	Paul Lan (LSArchitects) 1/27 King
Proposal:	Extension and Deck
Representations:	Five (5)
Performance criteria:	Development Standards - Building and Works - Setbacks and Building Envelope; E13.0 Historic Heritage Code (Heritage Listed Site and Precinct WH2)

1. Executive Summary

- 1.1 Planning approval is sought for an Extension and Deck at 33 Mary Street North Hobart.
- 1.2 More specifically the proposal includes:
 - 26sqm rumpus room at the rear of the dwelling;
 - the windows currently within the rear elevation will remain;
 - covered staircase leading from the rumpus room to the deck;
 - a rooftop deck above the rumpus room which will allow direct access to the existing garden;
 - a 1.7m high privacy with a maximum transparency of 25% will be erected on the northern (side) elevation of the proposed deck which faces the property to the north at 31 Mary Street;
 - the party wall between the subject dwelling and the conjoined dwelling at 35 Mary Street will be increased in height and will form a solid privacy screen of 2595mm above the finished floor level of the proposed deck; and
 - the internal and external works undertaken without approval and are currently the subject of enforcement do not form part of the application
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Inner Residential Zone- Setbacks and Building Envelope
- 1.3.2 Historic Heritage Code - Heritage Precinct and Heritage Place
- 1.4 Five representations objecting to the proposal were received within the statutory advertising period between 23 February - 10 March 2021.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council because the proposal is recommended for refusal.

2. Site Detail

- 2.1 The subject site is a conjoined dwelling which is located in an established residential area many of which, including the subject site are heritage listed under the *Hobart Interim Planning Scheme 2015*. The subject site is located approximately 350 metres from the North Hobart Shopping Precinct.

A site inspection was undertaken together with Council's Compliance Officer, Heritage Officer and Consultant Building Surveyors. The site inspection included an internal and exterior inspection of the existing dwelling and the rear of the property, where the rumpus room and deck is proposed to be constructed.



Fig. 1 - the subject site is bordered in blue

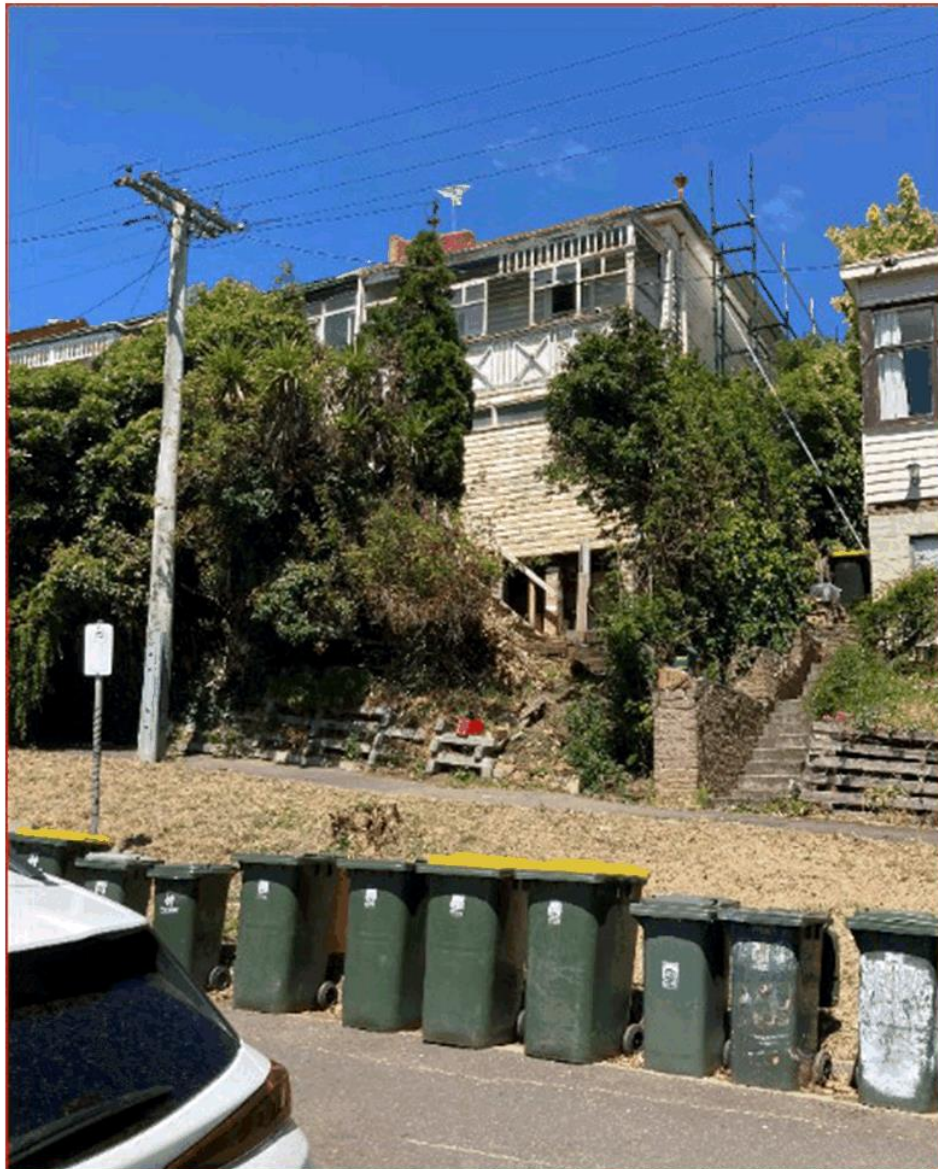


Fig. 2 - the subject dwelling

3. Proposal

3.1 Planning approval is sought for an Extension and Deck at 33 Mary Street.

3.2 More specifically the proposal is for:

- 26sqm rumpus room at the rear of the dwelling;
- the windows currently within the rear elevation and are part of illegal works and enforcement proceedings will remain;
- covered staircase leading from the rumpus room to the deck;
- a rooftop deck above the rumpus room which will allow direct access to the existing garden;
- a 1.7m high privacy with a maximum transparency of 25% will be erected on the northern (side) elevation of the proposed deck which faces the property to the north at 31 Mary Street;
- the party wall between the subject dwelling and the conjoined dwelling at will be increased in height and will form a solid privacy screen of 2595mm above the finished floor level of the proposed deck; and
- the internal and external works undertaken without approval and are currently the subject of enforcement do not form part of the application



Fig.3 - the proposed rumpus room will be constructed at the rear. The existing windows and door will remain



Fig. 4 - the proposed deck will be constructed above the proposed rumpus and will also be accessed from the existing rear yard

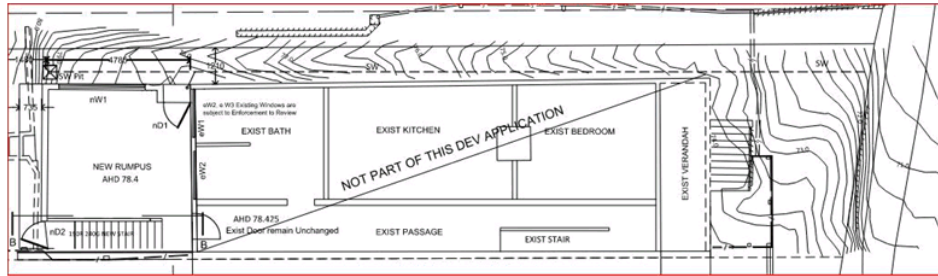


Fig. 5 - proposed ground floor plan (showing the location of the proposed rumpus) The roof of the proposed rumpus room will form the floor of the proposed deck

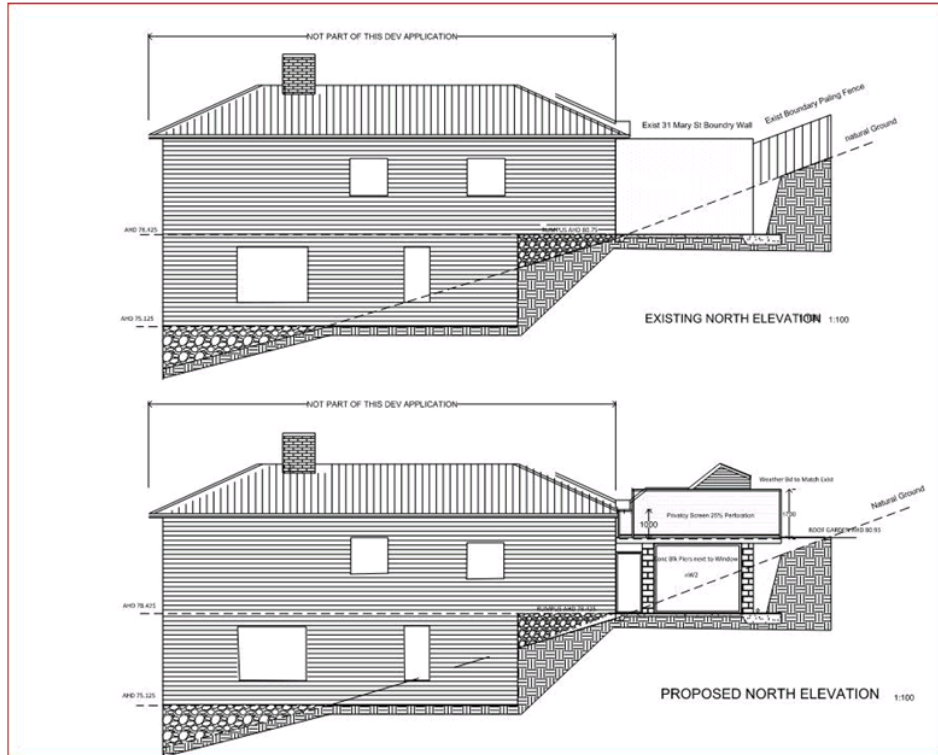


Fig. 6- proposed northern elevation (facing 31 Mary Street)

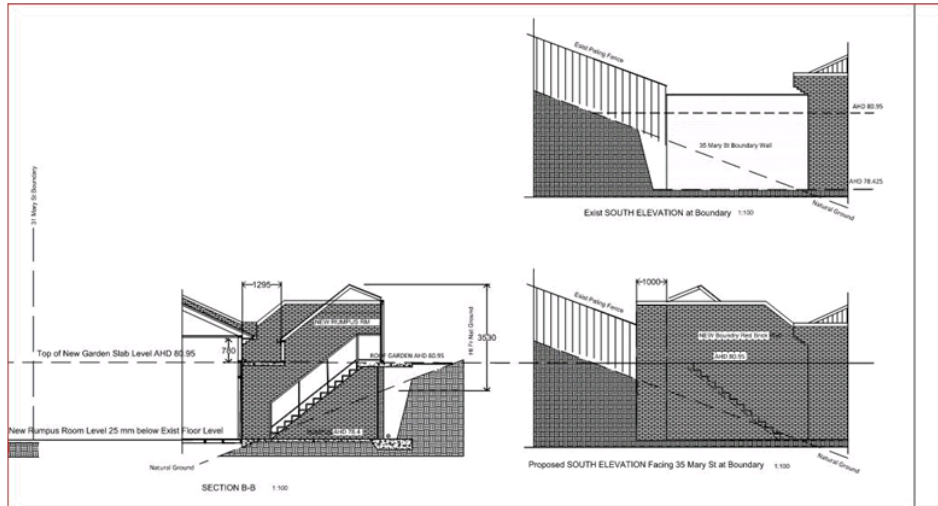


Fig. 7- proposed southern elevation (facing 35 Mary Street)

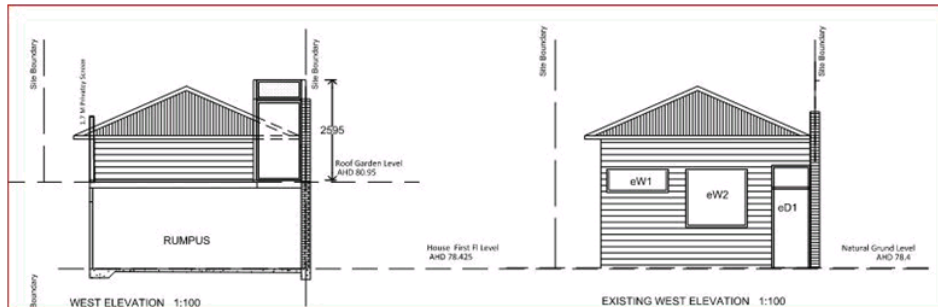


Fig. 8- proposed rear elevation

4. Background

- 4.1 The owner of the dwelling has undertaken internal and external works to the dwelling without approval. The dwelling is individually heritage listed and contained within Heritage Precinct WH2 under *Hobart Interim Planning Scheme 2015* and consequently any works require a planning application to be lodged and a permit granted.

Council have undertaken enforcement proceedings (ENF- 20-115) and issued an Enforcement Notice on 24 June 2020. These works relate to external works and internal works including an additional bathroom and new windows being installed at the rear of the property, new cladding and significant underpinning of the house. Plumbing and Building Orders were also issued on 24 June 2020. An Infringement Notice relating to the works was issued on 5 August 2020. The applicant submitted a request to withdraw the infringement notice on behalf of the owner, which was unsuccessful.

The owner elected to have the matters detailed in the infringement notice determined by the court. Council has subsequently commenced proceedings against both the owner of the property and the builder responsible for the works.

Council undertook a follow up inspection of the property on 13 January 2021 accompanied by Council's appointed building surveyor Pitt & Sherry. Pitt & Sherry formed the view that that the alterations have left the house unsuitable for occupancy and Council has subsequently cancelled the occupancy permit and issued a Building Order requiring that a new occupancy permit be granted by a suitably qualified building surveyor or that the premises be vacated. The owner has appealed Council's Building Order relating to the occupation of the building to the Resource Management and Planning Appeals Tribunal.

- 4.2 The subject application was lodged on 30 October 2020. The application does not include those works which have been carried out without the relevant approvals. The applicant is the building designer, who has provided written confirmation that the proposal is solely for the new rumpus room and deck. To that effect, all windows in the rear elevation which are part of the enforcement proceedings are shown in all plans and will remain insitu should the proposal be approved and constructed.

5. Concerns raised by representors

- 5.1 Five (5) representations objecting to the proposal was received within the statutory advertising period between 23 February - 10 March 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.

<u>Standard and accuracy of plans and documentation submitted with the application</u>
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<p>The application is littered with mistakes, such as the age of the building, the photos depicted, and the percentage increase of the size of the building (1%?). This is inaccurate and misleading. It also appears from the measurements that the building to land ratio allowed will be exceeded.</p>

<p>The architect refers to the picture of the backyard as number 31 Mary Street but is infact number 35 Mary Street and that the age of the building is 1960 rather than 1915.</p>
--

<p>The photograph provided to illustrate the architect's point relating to the amenity of sunlight (solar access)and identified as 35 Mary Street on the document is not 35 Mary Street.</p>
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<p>The overshadowing diagrams and identification of habitable rooms are incorrect. The architect has stated that the only exposed window at the rear of 35 Mary Street seems to be used as storage and over shadowing to the rear façade will be miniscule. The Lean-to Roof at the rear largely prevents any sun to shine on the façade. This is incorrect. The courtyard area does have sunlight and together with the garden area where fruit and vegetables are grown, is an important habitable area, especially so the property is located on the southern side of the conjoined building which limits our access to the sun</p>
--

<p>Such mistakes are indicative of the whole approach of the current owner, who has already caused significant distress and concern for many of the Mary Street residents. The HCC cannot approve applications that reflect such inaccurate and dangerous preparatory design work.</p>
--

Works undertaken on the property without the required approval and permits

This is typical of the trajectory of events that have taken place during the 'renovations' at #33 and I have no faith that the works will follow any of the planning nor will planning approvals be adhered to.

Works to date at 33 Mary Street (plumbing, structural, electrical, building) do not comply with building regulations simply because registered trades people have not carried them out – they have all been done by the 'owner' himself. This puts neighbouring properties at great risk due to potential fire from non-compliant wiring, further movement from illegal plumbing and (further) structural damage in a known land slip area.

Landslip Prone Area and Excavation Associated with the Development

The site of the proposed development is listed as land slip (as is much of the high side of Mary St) and I am well aware of the difficulties that land slip presents. This was brought to council's attention with the works at numbers 25 and 27 Mary Street and the resultant damage to the neighbouring properties.

The extension will require extensive excavations going back 6.5 metres from the rear of the house into reactive clay soil in a designated landslip area. This designation is documented on The List public website. The limited access to this area will make excavation difficult, dangerous and severely impact on the residents of Mary St.

The development will require substantial excavation of rock and clay. The depth of the excavation is unknown as the structure extends back into the hillside, abutting both my property and no 31 Mary St.

The DA has no mention of plans for reinforcement or support for the remaining original height & depth of earth on both of the immediately neighbouring properties. This could be seen as a 'reasonable cause' for subsequent displacement of tons of earth from both neighbouring properties.

The limited access to this area will make excavation difficult, dangerous and severely impact on the residents of Mary St.

The works at number 33 Mary Street require a staggering amount of earth be moved which poses several problems in itself. Access to the rear of this property is difficult, and I am deeply concerned about the magnitude of the impact of these works on the properties at 31 and 33 Mary Street, including noise pollution, disruption to my self and the residents in the street.

The Developers needs to demonstrate (that they have obtained) 3rd Party Insurance to cover damage to 31 & 35 and public land in front of number 33 as the potential for landslip could seriously impact on both neighbouring properties as well as the footpath & nature strip. All are supported by a retaining wall which is raised well above the level of the road. Similar concerns exist relating to the use of the heavy earth moving equipment in and out of No 33.

Structural Issues in adjacent properties as the result of works at 33 Mary Street

Vibration from earth moving equipment is likely to negatively impact on the structural integrity of my home. I will be (and am) directly impacted by missing gutters and poor drainage. I cannot envisage how these works will improve drainage, hence having a lasting negative impact on my home and land. Number 31 Mary Street has suffered ongoing damage related to water run-off from 33's roof draining into the property over a 12 month period. The issue of drainage needs to be addressed as the extra roof catchment capacity on the proposed 'rumpus room' will create a substantial increase in water flow-downhill into this property.

Cracking has already occurred in the internal party wall of the adjoining house following unapproved work carried out by the owner of number 33 Mary Street, prior to submitting this application.

Substantial cracks have appeared in the Party wall at 35 Mary Street since the developer removed the sandstone block foundations and Tas Oak flooring on the ground level. This was replaced with non-structural concrete hand mixed on site by the developers. This was shovelled on top of reactive clay in a landslip precinct without proper engineering or foundation work.

Heritage Assessment

Number 33 and 35 Mary Street are both listed as being 'Classified' and 'Of Interest' to the National Trust and located in a 'Heritage Precinct' designated by HCC as being of 'Cultural Significance'.

The proposed addition is not in keeping with the heritage listed property and the nature of the surrounding area. Many people who are residents of Mary St have been there for many years and decided to live there at least in part because of the pleasant, heritage neighbourhood that was free of such inappropriate developments.

Council has been quite strict in Mary St with developments that were not in keeping with heritage requirements. And rightly so. For example, chimneys were made to be reinstated at 18 Mary St to realign the home with heritage precinct guidelines.

I am most concerned that the Council seems to look only at what is visible from the street.

Impact of the development in terms of reduction of sunlight to habitable areas

The proposed addition will impact significantly on number 35 Mary Street, particularly as it will restrict access to natural sunlight to habitable areas and vegetation gardens and fruit trees at the rear of the house, as well as impact negatively on the amenity of the property. Note that the proposed addition is to the north of 35 Mary Street and that the rear of that building is the only area with access to natural sunlight, being a conjoined property. As such it cannot meet the requirements of the Planning Scheme.

You have a duty to protect the amenity of the area for all the residents, not just those who are viewing from the street affected by such additions or alterations. What about those people who live there, and must look at the completely inappropriate additions, such as I have had to do since the Council allowed a totally inappropriate development at the rear of 25 Mary Street? You have a duty to protect the amenity of the area for all the residents, not just those who are viewing from the street.

Decrease in residential amenity including reduction of privacy

Excavations, building and resultant structure of this size will reduce the quietude and seclusion I currently enjoy from my back yard and will be visually unsettling and impact negatively on the overall spaciousness and privacy that myself and other residents of the area currently value and enjoy.

The building would also affect the privacy of both adjoining houses and possibly because of its height, the privacy of residents of number 27 and 37 Mary Street.

The roof garden and building will overlook, invade and intrude on the privacy of both 31 & 35 Mary Street. Presumably this will be an area for socializing. This will disturb the amenity of 'peaceful enjoyment' of our gardens, particularly if this 'rumpus room' is used as rental accommodation.

Furthermore, the proposed structure impacts not only on those who can view it from the street, but also those with joining properties. Council has a duty of care to protect the amenity of the area for all residents who may be impacted by the look, feel and structural elements of the proposed building.

The impact of these illegal works continues to affect neighbouring properties structurally and visually and has created turmoil and disruption in what was an amazing street to live in. I see the scope of these works causing continued stress to the residents of the top half of Mary Street.

Ongoing construction noise and vibration from earth moving equipment and power tools will impact negatively on quality of life for residents for a substantial period, from at least 41 to 29 Mary St, as well as properties over the road.

Existing and potential parking problems within Mary Street and surrounds

There is already a parking problem for residents, most of which have no offstreet parking. Illegal and inconsiderate parking often add to the difficulties of everyone (including pedestrians) using the street.

Noise and the coming and going and parking of vehicles required for bulldozing, earthworks and building work would also seriously inconvenience all other residents between Burnett St and the Mary Street turning circle, as well as the properties beyond the culdesac at numbers 326, 330 and 334 Murray Street. Vehicles would again block the footpath access in Mary St.

Previous works by the developer saw his van parked for lengthy periods across the footpath & nature strip even into the night, forcing pedestrians to climb down the retaining wall & walk on the road. There is little off-street parking and many of the available spaces are taken by city commuters resulting in a lot of vehicular and pedestrian traffic.

There are many residents who do shift work and others which have professional work commitments. There is no alternative way out if Mary St which is only one lane.

The potential for the 'rumpus room' to become a rental space, would increase the pressure on the untenable parking situation in Mary St whereby residents regularly have to find parking in another street both during the day and at night.

Comments on the proposal

The Architect I consulted to look at the plans advised that the designated 'rumpus room' given these dimensions generally means it will be used for something else.

A concern is that the 'rumpus room' will become a separate accommodation area accessible from the side next to 31. Earlier projects by the developers indicate that this is a probability.

At the rear of the property the developer/builder has built a bathroom in what used to be a bedroom (without planning approval). The DA shows this area will adjoin the 'Rumpus Room'.

The architect has stated that the "privacy issue to 35 Mary Street is addressed with the party wall between the 2 properties.

"Requirements of the BCA for Fire Separation between properties would eliminate any privacy concerns" This will require an approved, legal extension of the fire proof party wall. There is no mention of how this issue will be addressed. Their DA describes this as concrete construction, but gives no detail.

Responsibility of Council

Both council and residents are aware of the non-compliance history of the current 'owner'. Based on the above precedents, I have no faith that any aspect of the design or construction will be adhered to.

The developers at No 33 have so far disregarded Industry Building Regulations, HCC Planning Regulations and Stop work orders. Much of their work does not fit the criteria for The Heritage Precinct, National Trust Classification or Industry Safety Standards.

All electrical and plumbing work in the bathroom was completed by the developer. Aurora, Tas Networks, TechSafe, WorkSafe & CBOS have no record of any work and have not signed off on any electrical or plumbing work. The electrical wires still protrude from the rear of the building, potentially dangerous when the illegal wiring is continued into the extension. CEPU, the Electrical & Plumbing Union, is currently investigating this.

Electrical and plumbing work has been done by the Developers independently of any of the relevant regulatory authorities and in

contravention of the Building Act 2016.

The property is currently unsafe and unsecured, without signage or barriers that would be required at a site operating to Building Industry Standards. Scaffolding erected by the Developers is currently secured with rope, ties and a pole braced against 31. CBOS deemed it illegal.

The current owner has already completed unapproved structural changes to 33 Mary Street that have undermined the building integrity and I have seen the damage this has caused to the adjoining property at 35 Mary Street.

What procedures are in place to protect adjoining properties from movement caused by these works? How will drainage be addressed? Will a dereliction reports be conducted for 31 and 35 Mary Street as well as the subject site? These and other important questions have not been addressed in the application.

HCC has a Duty of Care to Ratepayers to enforce Regulations that uphold due process as well as safe building outcomes.

I am confident HCC would not approve such an ill prepared application which contains such an unacceptable level of inaccuracies. Both the Architect's application and the developers' illegal building works to date are sub-standard and as such are most worrying as precedents for any future works.

In summary, the proposal is inconsistent with various provisions of the Planning Scheme and also with social cultural and environmental aspects of sustainability. It will be an overdevelopment of the site, impose unreasonable impacts on the residents during construction and impose ongoing loss of neighbours' amenity as well as affecting the Heritage character of Mary St.

I trust the Council will uphold its duty to ensure that this application is carefully evaluated, and agrees that this proposal should not be approved.

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. The proposed use is residential. The existing use is a permitted use in the zone. The proposed use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D - 11 Inner Residential Zone
 - 6.4.2 E7.0 Stormwater Management Code
 - 6.4.3 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Inner Residential Zone:
Setbacks and Building Envelope— Part D 11.4.2P3
 - 6.5.3 Historic Heritage Code:
Building and Works on a Listed Place - E13.7.2 P1-P4
- 6.6 Each performance criterion is assessed below.
- 6.7 Setback and Building Envelope Part D 11.4.2 P3
 - 6.7.1 The acceptable solution at clause 11.4.2A3 requires a dwelling to be within the prescribed building envelope. This includes a maximum length of wall of 9m within 1.5m of the side boundary.
 - 6.7.2 The proposal includes a dwelling extension which is outside the prescribed building envelope. The works result in both the northern and southern (side) elevations being approximately 22 metres in length, both of which are constructed within 1.5m of the side 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 11.4.2P3 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 objectives of the setback and building envelope provisions, in this instance, are to control the siting and scale of dwellings and provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage. The objectives also aim to provide consistency in the scale, bulk and massing and proportion of dwellings and provide reasonable opportunity for daylight and sunlight to enter habitable rooms of dwellings and private open space on adjacent lots.

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 rumpus room will be constructed below natural ground level, with the roof of the rumpus room forming the floor of the deck, which will then flow out directly to the existing rear yard. (see figure 9)

The applicant has included a privacy screen on the southern and northern elevations of the deck, facing 35 and 31 Mary Street, respectively. It is proposed to erect a 1.7m high metal privacy screen with a maximum transparency of 25% on the northern elevation facing 31 Mary Street. While the design of the privacy screen meets the privacy provisions, it is outside the building envelope. The plans also show that it is intended to extend the existing party wall between 33 and 35 Mary Street for a distance of 4785mm, reflecting the full length of the proposed deck. (see figure 10) The wall will be a maximum height of 4400mm, an increase of 400mm above the existing brick wall. The proposed staircase leading from the rumpus room to the rooftop deck will sit behind the proposed party wall but will protrude a further 500mm above the wall. Again, extending the length and height of the party wall will meet the privacy provisions but will result in the wall being the building envelope.

The applicant has provided sunshadow and solar access diagrams to support their applications. The applicant wrote to each occupant of the dwellings within the adjoining properties at 31 and 35 Mary Street, requesting confirmation as to the usage of the rooms within the rear of the dwelling. The applicant has advised that they did not receive any information as to the use of the rooms from either occupant.

It is evident that the area facing the extension and deck within each of the adjoining lots is used as private open space. In terms of the adjoining property at the rear (33 Browne Street) the extension and deck will be setback approximately 25 metres from the existing dwelling and 13 metres from the shared rear boundary. The dwelling within 33 Browne Street sits much higher than the proposed extension and deck, which will be screened by an existing shed and mature vegetation along the rear boundary of this property. Consequently, it is considered that there will be no detrimental impact to the property in terms of reduction in sunlight or overshadowing nor visual impact to this property, due separation distance and the fact that the proposal will be screened by an existing shed and mature vegetation within the adjoining property.

The solar access diagrams do not show any windows within the opposite or rear elevations at 31 Mary Street. That said, the proposed deck and rumpus room will be constructed beyond the rear elevation of this dwelling but as it is to the south of the dwelling within 31 Mary Street, any change to

the solar access to these potential habitable rooms would be little if at all. The plans show that there will be a marginal increase in overshadowing to this property, however, this area is not used as private open space. In terms of visual amenity, only the 1.7m perforated metal privacy screen will be visible from this property, however as there is no substantial boundary fence between the two properties, it is considered that the proposed screen will increase the residential amenity of this neighbour and will not result in an unreasonable visual impact when viewed from this property.

The property most affected by the proposal is to the south at 35 Mary Street. As stated above, the applicant wrote to each occupant requesting confirmation as to the usage of the rooms within the rear of the dwelling, however this was not provided. Nevertheless, the designer has shown a portion of a window frame closest to the shared boundary and a further window within the rear elevation of this dwelling on the sunshadow and solar access diagram. The owner of the dwelling was contacted and they confirmed that the use of the rooms were a storage room and a bathroom.

As stated above, the rumpus room will not be visible from this property, as it is below natural ground level and will be screened by an existing structure within the adjoining property at 35 Mary Street, in addition to the proposed extended party wall. As stated above, this wall will be extended by 4785mm in length and 1000mm in height. This is presumably for fire rating purposes, however, the applicant has chosen to also increase the height of the wall so that it will also act as a privacy screen for the roof top deck. As shown in fig. 10 below, there is an existing frame wall located on the shared boundary which is attached to the party wall. This wall is situated in the approximate location of the southern elevation of the proposed rumpus room.

The private open space at 35 Mary Street is located exclusively at the rear and consists of approximately 115sqm. There is a thin timber picket boundary fence between the two properties. A portion of the proposed brick wall forming the privacy screen will also form the boundary wall and will be visible from the rear of this property.

The solar access diagrams provided show that there is some solar access to one of the windows in the rear elevation of the dwelling at 35 Mary Street, however if the brick wall and privacy screen is constructed this is totally lost, resulting in no solar access to this room at any time on the 21 March. The solar access diagrams confirm that there is currently no solar access to this room on the 21 June and this will not change as a result on the proposal. As stated above, the owner of this property has

been contacted and they have confirmed that the use of these rooms are a bathroom and storage room and therefore 11.4.2P3 (a)(i) is not applicable in this instance.

Comparison of the sunshadow diagrams submitted for 21 March confirm that the increase in overshadowing of the private rear open space will be mainly confined to the roof of the lean-to on the shared boundary and a small area directly behind the lean at 3pm on 21 March. Comparison of the sunshadow diagrams submitted for 21 June confirm that there is some further overshadowing of the rear private open space at 12 and 3pm. The increase in overshadowing is considered to be marginal and will not lead to an unreasonable loss of amenity to this property.

The visual impact of the development is largely confined to the increase in the height and length of the proposed solid brick privacy screen on the southern elevation of the deck, opposite 35 Mary Street. While it is acknowledged that it will protrude above the existing party wall by a 400mm of solid wall, with a further 500mm staircase structure behind, this is only for a distance of 4750mm. The remaining 10m of the shared boundary will be bounded by the existing timber picket boundary fence, as shown below in figure 9.

In terms of separation distance, the subject dwelling is a conjoined dwelling and rather than stepping the extension into the site, it follows the existing building line with 35 Mary Street. This is consistent with the other conjoined dwellings at 27-29 and 37-39 Mary Street. The extension and deck largely follows the building line of the existing northern elevation and is setback approximately 1200mm from the shared boundary with 31 Mary Street. This is also consistent with the dwellings within Mary Street, as the majority are narrow lots or have dwellings largely constructed along the full frontage of the lot.

6.7.6 The proposal complies with the performance criterion.



Fig. 9 - the deck will have direct access to the existing rear yard

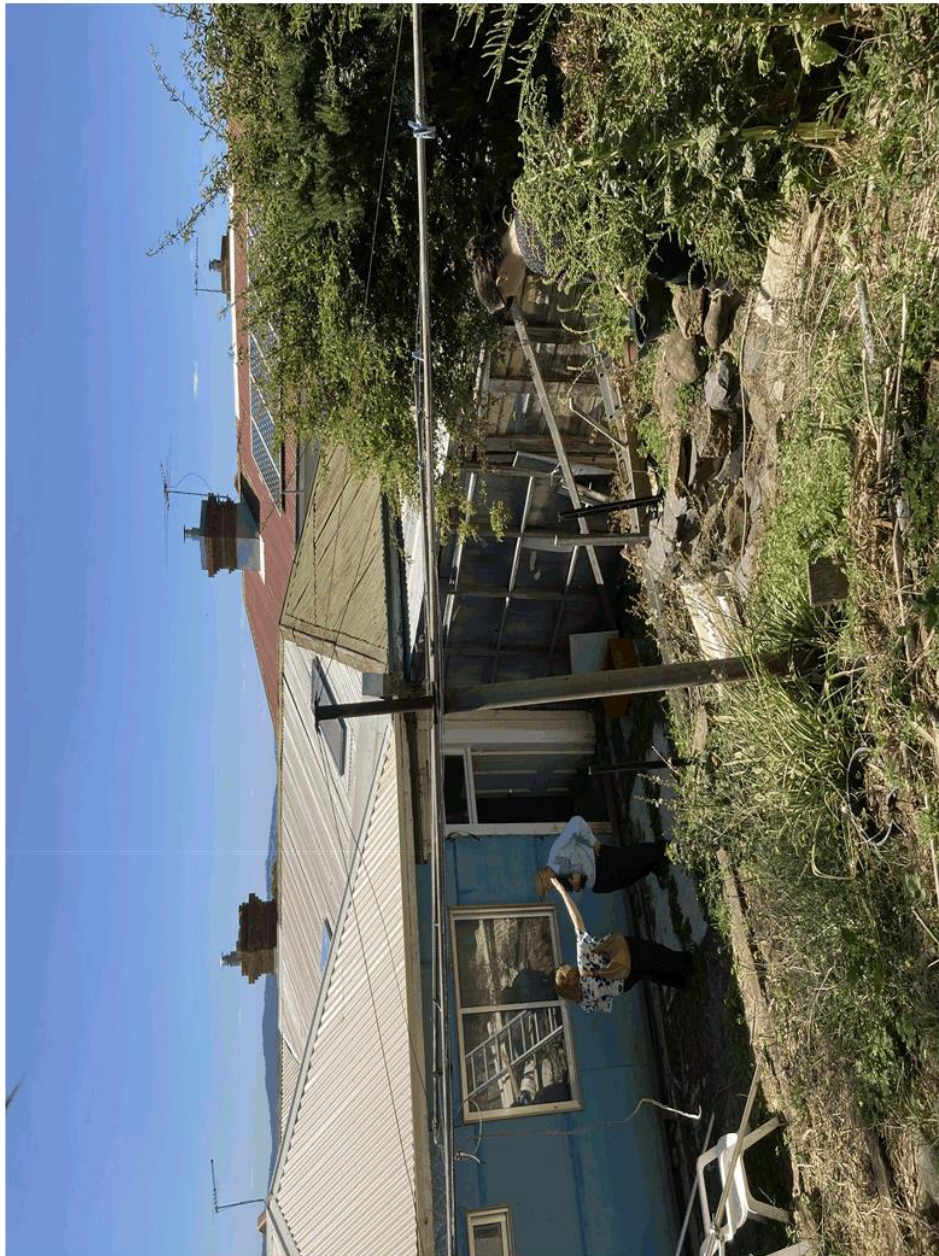


Fig. 10 - proposed wall which will be altered to form the southern elevation of the rumpus room. This proposed brick wall and privacy screen will sit a further 1m above the existing party wall (shown and capped in aluminium)

6.8 Historic Heritage Code Part E 13.7.1P1, E13.7.2P1-P4 and E13.8.1P1 and E.13.8.2P1 and P3

- 6.8.1 There is no acceptable solution for demolition and building and works to a heritage place or place within a heritage precinct.
- 6.8.2 The proposal includes demolition and building and works to a heritage place or place within a heritage precinct.
- 6.8.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause E13.7.1P1, E.13.7.2P1 - P4, E13.8.1P1 and E13.8.2P1 and P3 provides as follows:

Heritage Place Provisions

E13.7.1P1 (demolition)

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

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

E.13.7.2P1 (building and works)

Development must not result in any of the following:

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

E.13.7.2.P2 (building and works)

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

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

E.13.7.2P3 (building and works)

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

E.13.7.2P4 (building and works)

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

Heritage Precinct Provisions

E.13.8.1P1 (demolition)

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.13.8.2P1 (building and works)

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.

E.13.8.2P3 (building and works)

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

- 6.8.5 The objective of the heritage provisions under the HIPS 2015 is to ensure that demolition and development to a heritage place or within a heritage precinct is undertaken in a sympathetic matter, which does not cause a loss of historic cultural heritage significance and is subservient to the historic cultural values of the place and in this case is sympathetic to the character of the precinct.

The proposal was referred to Council's Senior Cultural Heritage Officer, who provided the following report:

This place is heritage listed in table E13.1 of the Historic Heritage Code of the Scheme. It is also located in the West Hobart 2 Heritage Precinct which is ascribed the following statements of significance:

This precinct is significant for reasons including:

- 1. The fine quality and quantity of Victorian/Federation and Inter-War period houses exemplify the economic boom of the early and late nineteenth and early twentieth centuries.*
- 2. A large number of intact individual early and late nineteenth century houses of high quality architectural design, many of which possess landmark qualities.*
- 3. The number of significant groups of late Victorian, Federation and Inter-War houses previously identified as heritage items.*
- 4. The sections of continuous one-storey painted weatherboard and brick late Victorian/Federation facades and the general uniformity of scale create a distinctive visual impression and dramatic streetscape qualities.*
- 5. The front and rear gardens are highly significant aesthetic features, as they reinforce its residential character.*

The heritage listed place is a conjoined weatherboard two storey terrace with a front verandah, c.1885, with a hipped roof sited on a long narrow block on the top side of Mary Street. It is one of three similar properties in Mary Street. Like many of the properties in Mary Street, the house has

sandstone block foundations. Entry into the property is via a partially excavated front yard, to timber steps into the ground floor of the house. Access to the rear of the property is via a side path (see images below) or via the front door at ground level, which is elevated above Mary Street.



Subject property at 33 Mary Street. Source: Council image



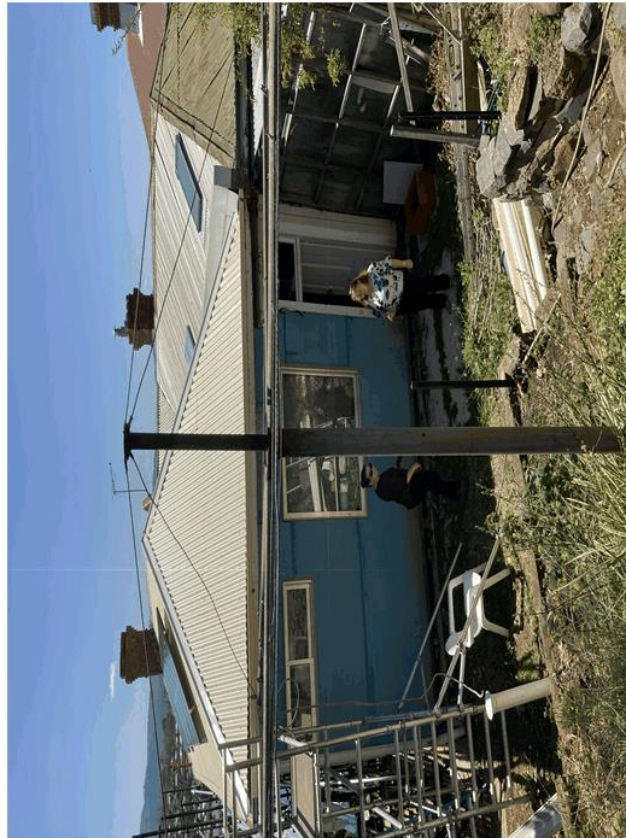
Subject property at 33 Mary Street. Source: Council image

This application is for an extension to the rear of a listed property. Works to the front of the house, (which is the subject of an ongoing enforcement matter) are not part of this development application. These works include internal and external demolition and alterations. This was ascertained from two site visits on 7 May 2020 and 13 January 2021.

As part of that work, in the rear south west facing wall, work has occurred to insert two new windows. The original rear door, door frame and highlight window remains on site. See image below.



South west elevation of 33 Mary Street: Source: Council image 7 May 2020



South west elevation of 33 Mary Street: Source: Council image 13 January 2021.



Original rear door, frame and highlight window. Source: Council image

Representations:

Five (5) representations against the proposal were received during the advertising period. The following heritage related comments include:

- "I believe it is inappropriate in a heritage-listed precinct.."
- "... affecting the Heritage character of Mary St."
- "The application is full of mistakes - such as the age of the building."
- "The proposed addition is not in keeping with the heritage-listed property and the nature of the surrounding neighbourhood. Many people who are residents of Mary St have been there for many years and decided to live there at least in part because of the pleasant, heritage neighbourhood that was free of such inappropriate developments."
- "Council has been quite strict in Mary St with developments that were not in keeping with heritage requirements. And rightly so. For example, chimneys were made to be reinstated at 18 Mary St to realign the home with heritage precinct guidelines."
- "I am most concerned that the Council seems to look only at what is

visible from the street, as if it is only visitors to the area that must not be negatively affected by such additions or alterations. What about those people who live there, and must look at the completely inappropriate additions, such as I have had to do since the Council allowed a totally inappropriate development at the rear of 25 Mary Street? You have a duty to protect the amenity of the area for all the residents, not just those who are viewing from the street."

Response to representations:

The property is located in a heritage precinct, it is also a heritage listed building under the Historic Heritage Code. The relevant provisions relating to heritage listed places and precincts are given below. The are inaccuracies in the application, and these in relation to the dimensions of the proposed rear extension are outlined below. The provisions relating to heritage listed places require consideration of the building in comparison to the built forms. As stated in *Solvyns v Hobart City Council & Ors* [2017] TASRMPAT 8 at 39. "The Heritage Code is aimed at preserving the sanctity of heritage places by preventing the introduction of development which results in the loss of historic cultural heritage significance. Heritage value is derived not just from the facade, but the entirety of the place - including that which is seen, that which is not seen so easily, and that which is not seen at all. ... Therefore, the proposition that "it is not incompatible if it is not seen" must be rejected if the objectives articulated within the Scheme and at the heart of the Heritage Code are to be maintained."

Relevant Provisions:

The following provisions apply:

E13.7.1 P1

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

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

E13.7.2 P1

Development must not result in any of the following:

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

E13.7.2 P2

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

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

E13.7.2 P3

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

E13.7.2 P4

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

E13.8.1 P1

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

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

E13.8.2 P1

Design and siting of buildings and works must not result in detriment to

the historic cultural heritage significance of the precinct, as listed in Table E13.2

E13.8.2 P3

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

The proposal is for the excavation of the rear yard and construction of a single room (rumpus) with enclosed stairs leading up to the rear yard with access to the flat roof which is described as a 'new garden deck'. A 1.7 metre high privacy screen (25% perforation) is proposed for the deck on the north west side of the deck. A brick party wall is proposed along the south east boundary, as an extension to the party wall with the adjacent conjoined property known as 35 Mary Street.

The drawings of the proposed boundary wall show inconsistent detailing, the elevation showing the extended wall 1.2 metres above the gutter line and 4.5 metres above the floor level, extending beyond the rear corner, ie adjacent to the rear backdoor shown above, by 5.7 metres. Section B-B, on the other hand shows the wall as only being 4.7 metres long. The plans also show the new concrete slab for the upper deck immediately abutting and crossing the original rear back doorframe.

Demolition

The proposed demolition is minor and includes excavation within the rear yard. No fabric associated with the front house is shown to be removed. In fact the aluminium windows to the bathroom and laundry shown in the above images that will look into the rumpus room are to be retained. The back door is shown to be retained, although the plans and the height of the proposed new concrete floor indicate that the rear door will bisect the rear door, perhaps resulting in some demolition. However, in this case, no demolition is shown, and as such the proposal as shown, indicates that demolition will not result in the loss of fabric or significance to the place or precinct. The proposal satisfies E13.7.1 P1 and E13.8.1 P1.

New work

The following new work is proposed:

1. a rumpus room with a concrete deck/roof
2. a side brick boundary wall against the conjoined boundary of 35 Mary Street
3. enclosed stairs from the rumpus room to the deck with door opening to the rear yard similar in form to an enclosed airstair.
4. privacy screen on the north west elevation

The new work for the rumpus room is sited below the eaves, although the level of detail and resolution as to how, and exactly where, the proposed concrete deck/roof abuts the rear wall is poorly resolved and is shown as being at 750 mm below the eaves line which would in effect, overlap the original rear back door with a highlight window, an awkward and incompatible junction.

A new side brick boundary wall is proposed extending approximately 1.4 metres above the existing rear skillion of 35 Mary Street.

The new enclosed stairs extend approximately 1.9 metres above the existing rear skillion of 35 Mary Street. Drawing 05 Proposed North Elevation shows the enclosed rear stair case at, or marginally above the ridge of the existing roof.

The privacy screen is approximately 5.0 metres long and 1.7 metres high, no materials are shown.

The proposal must be considered against E13.7.2 and E13.8.2.

When consideration is given to whether or not the proposed works will be visible from the streetscape, it is unlikely that the screen, boundary brick wall or rear rumpus will be visible. While the rear extension is a poorly resolved design solution, it cannot be argued that the proposal will result in detriment or detract from the given statements of significance for the West Hobart 2 Heritage Precinct. Therefore, E13.8.2 P1 and P3 are considered to be satisfied.

However, this property is heritage listed in table E13.1 of the Historic Heritage Code of the Scheme and the Code provisions for E13.7.2 apply and, as such, a proposal must satisfy a higher level of standards with consideration given to the entirety of the place- including that which is not seen.

When assessed against E13.7.2 P1, the proposal is poorly resolved, lacking in clarity and presents as an incompatible design out of character, scale, design, bulk and form when sited against the weatherboard house. It is also quite at odds with the rear stairs enclosed above the deck, looking not dissimilar to a set of airplane stairs. In addition, the proposed siting of a concrete deck against the rear wall of the house will result in the loss of heritage values through incompatible design, siting and materials. The proposal does not satisfy E13.7.2 P1 (a).

The proposed rumpus, deck, stairs, privacy screen and boundary wall are

not subservient to the heritage listed place through its built form, scale and bulk and siting with respect to the listed building. It is assessed as not satisfying E13.7.2 P2 (a) and (d).

Clause E13.7.2 P3 is considered to be satisfied.

The proposed extension is out of scale and of a form that does not relate to the heritage values of the place. Clause E13.7.2 P4 is therefore, not satisfied.

Had this been an application for a rumpus room, built as a skillion, without the enclosed staircase, and without the concrete deck roof and privacy screen, the proposal would be considered to satisfy all relevant provisions and would be acceptable.

All remaining demolition work and new work to the front of the house remains outstanding and an enforcement matter having not been assessed against the provisions of the Historic Heritage Code of the Scheme.

The proposal is recommended for refusal, no satisfying E13.7.1 P1, E13.7.2 P2 and E13.7.2 P4.

Reasons for refusal.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P1 (a) of the *Hobart Interim Planning Scheme 2015* because it is an incompatible design through its height, scale, bulk, form and siting and results in loss of historic cultural heritage values of the listed place.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P2 (a) and (c) of the *Hobart Interim Planning Scheme 2015* because it will not be subservient and complementary to the listed place due to its bulk, scale, built form and siting with respect to the listed buildings.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P4 of the *Hobart Interim Planning Scheme 2015* because it detracts from the historic cultural heritage significance of the place as a consequence of its height, bulk, scale, built form and siting with respect to the listed building.

- 6.8.6 The proposal does not comply with the performance criterion.

7. Discussion

7.1 Planning approval is sought for an extension and deck at 33 Mary Street North Hobart.

7.2 The application was advertised and received five (5) representations. The representations raised concerns including:

- inaccuracies of the plans and documents submitted with the application;
- detrimental residential impact on adjoining/adjacent properties which may arise if the development was approved;
- existing and potential car parking issues within Mary Street;
- use of the proposed rumpus room;
- building within an area referred to as a landslip area by the representors;
- problems, including structural issues, which have occurred on adjacent properties due to the works undertaken without approval; and
- works previously undertaken by the applicant and issues with the works undertaken without approval.

It is important to note that the application is solely for the proposed rear extension and deck, not a change of use to a multiple dwelling. The application is not for retrospective approval of internal and external works undertaken without approval. These works are currently under enforcement and a further planning application must be submitted for these works.

A number of issues, including structural concerns and the extension of the shared party wall between the subject site and 35 Mary Street are civil in nature and therefore not able to be addressed within the report or under performance criteria.

The extension will require building and plumbing approvals and if a complaint is lodged to Council alleging that the extension is not being constructed as per approved plans, then Council's Compliance Officer will undertake a site inspection to ascertain that the works comply with the approved plans. Should any carparking issues, such as parking over a driveway, eventuate during the construction, this is a matter for Tasmania Police. It is important to note that the property is not included within the Landslip Overlay under E3.0 Landslide Code under the *Hobart Interim Planning Scheme 2015*.

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, Cultural Heritage Officer and Stormwater Services Engineer.

The Senior Cultural Heritage Officer has prepared comprehensive report and has undertaken a number of site meetings to support her assessment. The Senior Cultural Heritage officer has recommended that the proposal be refused based on its design, including the height, scale, bulk, form and siting results in the design being:

- incompatible to the historic cultural heritage values of the listed place;
- not subservient and complementary to the listed place; and
- detracting from the historic cultural heritage significance of the place.

- 7.5 The proposal is recommended for refusal.

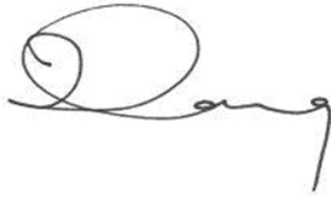
8. Conclusion

- 8.1 The proposed Extension and Deck at 33 Mary Street North Hobart does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Extension and Deck at 33 Mary Street North Hobart for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P1 (a) of the Hobart Interim Planning Scheme 2015 because it is an incompatible design through its height, scale, bulk, form and siting and results in loss of historic cultural heritage values of the listed place.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P2 (a) and (c) of the Hobart Interim Planning Scheme 2015 because it will not be subservient and complementary to the listed place due to its bulk, scale, built form and siting with respect to the listed buildings.
- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P4 of the Hobart Interim Planning Scheme 2015 because it detracts from the historic cultural heritage significance of the place as a consequence of its height, bulk, scale, built form and siting with respect to the listed building.



(Deanne Lang)

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: 9 April 2021

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

7 February 2021

**33 MARY STREET, NORTH HOBART – PARTIAL DEMOLITION, ALTERATIONS AND
EXTENSION****APPLICATION NO. PLN-20-750****ADDITION RUMPUS ROOM & GARDEN DECK****Applicant Response to RFI 12 January 2021**

*Information, size and dimensions provided in this report and associated documents are based on and limited by survey provided by Land Surveyor, site measurement, approximates, photos, publicly available records etc. and as accurate as practicably as available.

Please note this Development Application is confined to the rear of the property for a Rumpus Room and Garden roof Deck.

Other issues relating to the front or other parts of the property is outside the scope and extent of this Application.

\

PLN Fi1 –

1. No proposal to demolish chimney. See Drawing 01 & 05.
Refer letter to each adjoining neighbours for information of rear rooms.
No response to date.
2. No proposal to front section of House in this Development Application.
Refer to Drawing 02. for proposed new works.
3. Existing windows eW1 & eW2 are subject to Enforcement Review.
Refer to this Report above and Drawings 02 & 05.
4. No proposal to alter front access steps. See Drawing 01.
5. Refer to Drawing 05 for existing and proposed Northern Elevation facing 31 Mary St.
6. Refer to Drawing 04 for existing Western (rear) Elevation.
7. Refer to Drawing 03 for existing and proposed Southern Elevation facing 35 Mary St.
8. Refer to Drawing 04 for proposed Western (rear) Elevation.

23 December 2020

**33 MARY STREET, NORTH HOBART – PARTIAL DEMOLITION, ALTERATIONS AND
EXTENSION****APPLICATION NO. PLN-20-750****ADDITION RUMPUS ROOM & GARDEN DECK****Applicant Response to RFI 5 November 2020 ***

*Information, size and dimensions provided in this report and associated documents are based on and limited by survey provided by Land Surveyor, site measurement, approximates, photos, publicly available records etc. and as accurate as practicably as available.

PLN Fi1 – Site Plan to show :

1. Amend Site Plan to show boundaries existing and proposed buildings and include:
 - Identify Skylight & demolition of Chimney.
 - Identify Adjoining Neighbour rear habitable room windows & doors.

1. Response – See Site Plan & pics.

- There is no proposal to demolish chimney.
- See Pics. Taken from 33 Mary St.
There is no public record of neighbour rear habitable rooms.
We have no authority to enter private properties. We would do so if Council authorise us to do so.

2. Amend Floor Plan to show internal doors and demolition of internal fixtures and chimneys.

2. Response - See Floor Plan.

3. Submit separate Floor Plans for Ground Floor and Upper Floor Deck.

3. Response - See Floor Plans.

4. Blank.

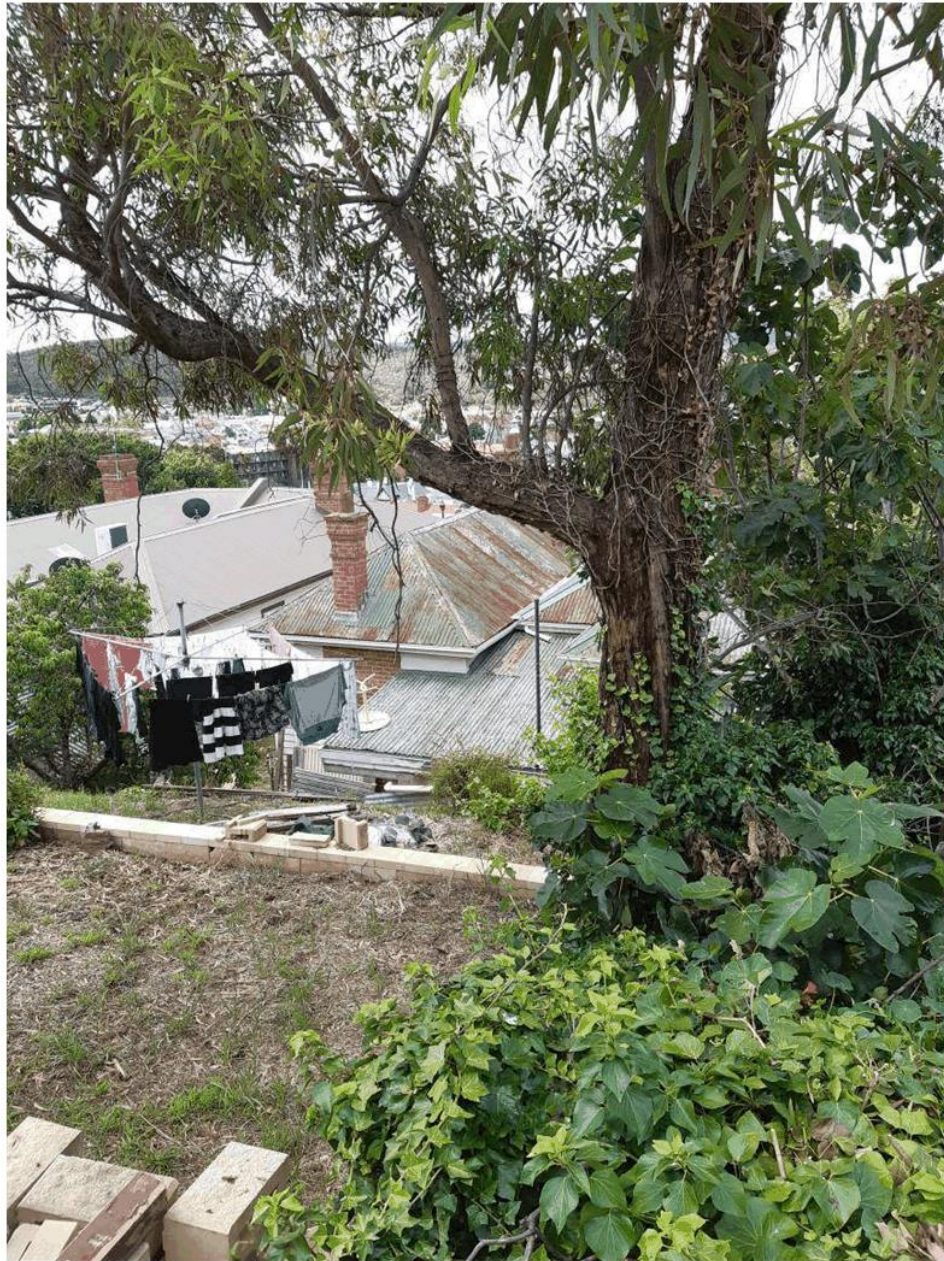
4. Response – Nil.

5. Show Norther Elevation (facing 31 Mary St) and Western (rear (front) Elevation with natural Ground level.

5. Response – See Elevations – See Elevations.



Note roof over rear wall of 31 Mary St. Roof will cast shadows and shield solar access to rooms at rear of house.



35 Mary St Rear wall at 2.15pm December 2929.

Note no shadow or Solar Access inpediment.

6. Submit full Northern, Southern (facing 35 Mary St) and Western elevation.

6. Response – See Elevations.

7. Notate Colours and external materials used on proposed extension.

Response – See Elevations.

PLN Fi6 –

1.
Shadow diagrams at 9.00am, 12.00pm, 3.00pm on March and June 21, cast by proposed & existing development.

1. Response – See Shadow Diagram.

2. Solar Access diagram as for Shadow diagram.

2. Response – See Solar Access Diagram.

Advice:

- Definition of adjoining.
- 3D diagrams are required.

Response – Understood & provided.

PLN Fi7 –:

1. Location of Privacy Screen.

1. Response – See Elevation.

2. Degree of Transparency of screens.

2, Response – See Elevation.

3. Height of Screen.

3, Response – See Elevation.

Accepted TheList Floor area is 147 sqm, Site area is 289 sqm, Proposed Rumpus Floor area is 30.64 sqm. (Our information was largely extracted & converted from Property Title).

SW1 – Site Plan to demonstrate via gravity to public stormwater infrastructure.

Response – See Site Plan.

33 Mary Street North Hobart

28 October 2020

DEVELOPMENT APPLICATION REPORT:

ADDITION RUMPUS ROOM & GARDEN DECK

Location –

- The property is located within the Heritage Precinct of North Hobart.
- The proposal is located at the rear of the Property.
- The house is co-joined with the house at 35 Mary Street, sharing a common boundary wall.

Terrain –

- The site is relatively long at some 40.6 M and narrow at about 7.07 M. It has a steep gradient from the rear to Mary Street at some 12.75 M from AHD 84.5 to AHD 71.75.

Extent & scope –

- Addition of a Rumpus Room at 37.5 Sq M will increase the total House area by a little over 1 % to 337.5 Sq M.
- A concrete Garden Deck of similar size is proposed, as a roof over the Rumpus Room directly linking it to the rear garden area.
- An internal stair at the Co-joined Property Boundary wall will connect the Rumpus Room to the Garden Deck.
- No demolition of the existing house is proposed.
- No alteration to the house is required with its rear door to the new addition remains intact.
- The scope of proposed work is restricted to the rear of the property. It excludes any work relating to the existing house.

Heritage Character – (To be read in conjunction with Elevation Drawing 04)

- Constructed in about 1960s, of Timber framing, it has weatherboard external walls on Sandstone Base and an Iron roof.
- Original Internal wall and ceiling is lathe and plaster.
- The house has high ceiling of some 3 M, leadlight spandrel panels above and side lights around the entrance door.
- It is in poor condition with parts of the wall missing, rusty roof and guttering. A lot of the features is missing with some remnants remaining.
- Archival search showed little documentation indicating the property has little alteration or addition.
- It has a steep front garden area, with no car parking facility.
- There is no proposal to alter the character of the house.

Effects on Neighbouring house –

- 35 Mary Street –
 - The existing floor plan is unknown. The usage of the rear rooms is unknown.
 - As a co-joined house, the adjacent rear area immediately next to the brick boundary wall would be a Passage, Bathroom, same as in 33 Mary street.
 - The only exposed window at the rear seems to be used as storage.
 - The above area is not considered as a 'Habitable rooms or window.
 - Over shadowing to the rear façade will be miniscule.
- The Lean-to Roof at the rear largely prevents any sun to shine on the façade.



Aerial view of 33-35 Mary Street North Hobart.

Note the Lean-to Roof at rear of 35 Mary Street that shades the rear wall from Sun.





Note Rear Window at 35 Mary street indicates rear room is used as Storage.

Privacy issue prevents access to internal area of 35 Mary Street to verify layout and usage.

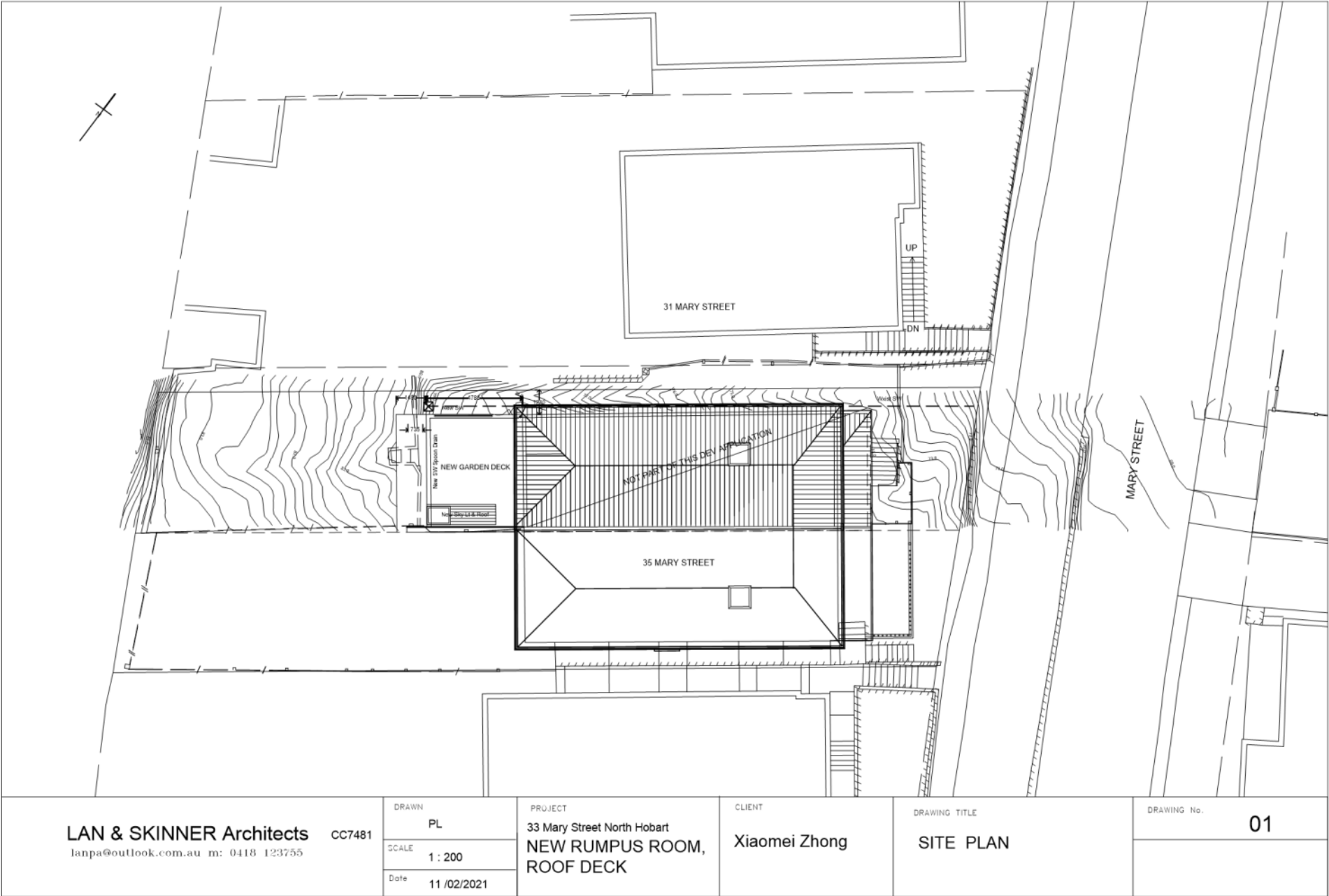
- 31 Mary Street -
The House and the new Rumpus Room/Deck is set back 1.2M from 31 Mary Street.
- A metal Privacy screen wall of 1.8 M high with 75% perforation is proposed at the Garden Deck to shield views into the rear garden area.

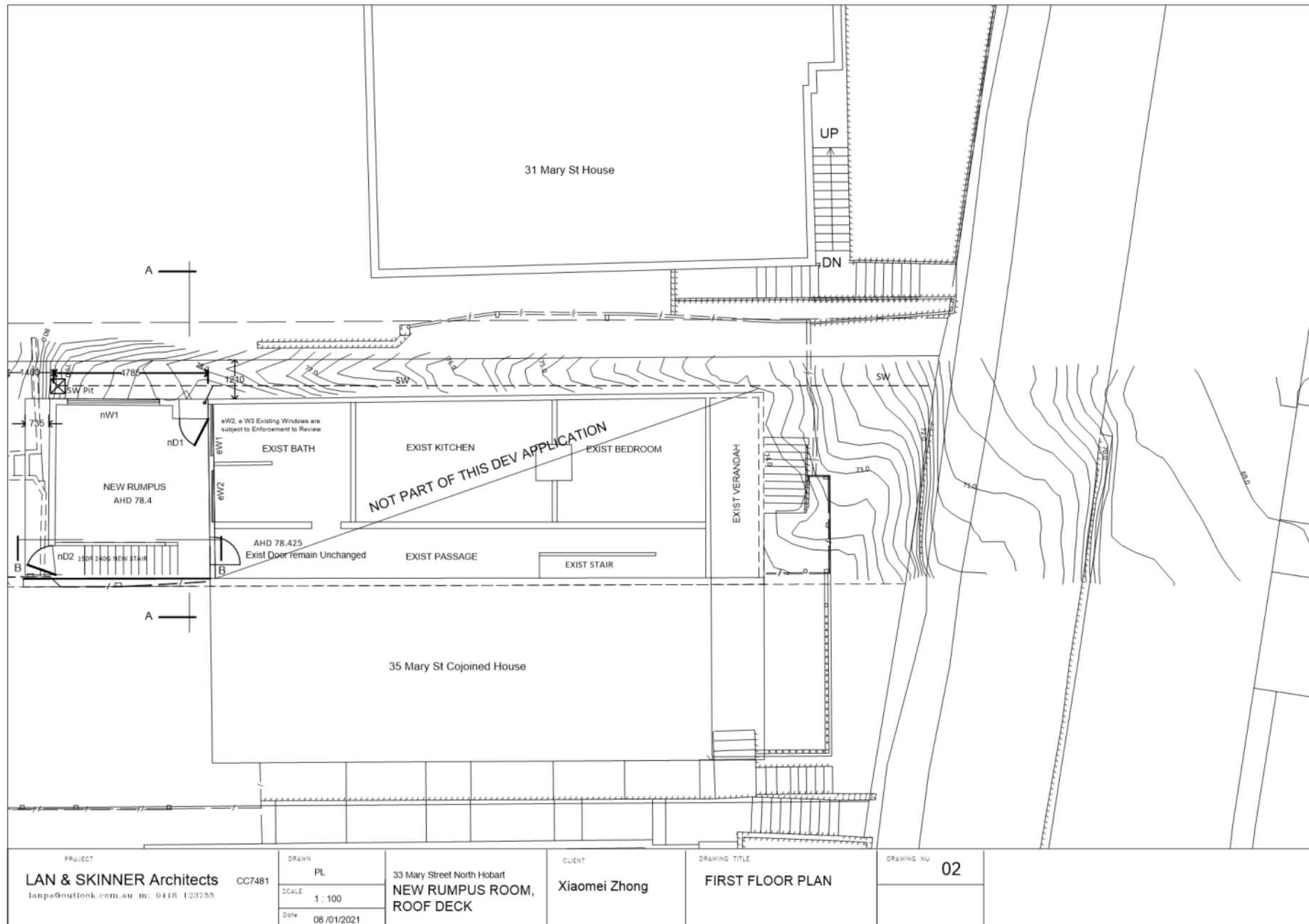
Advice –

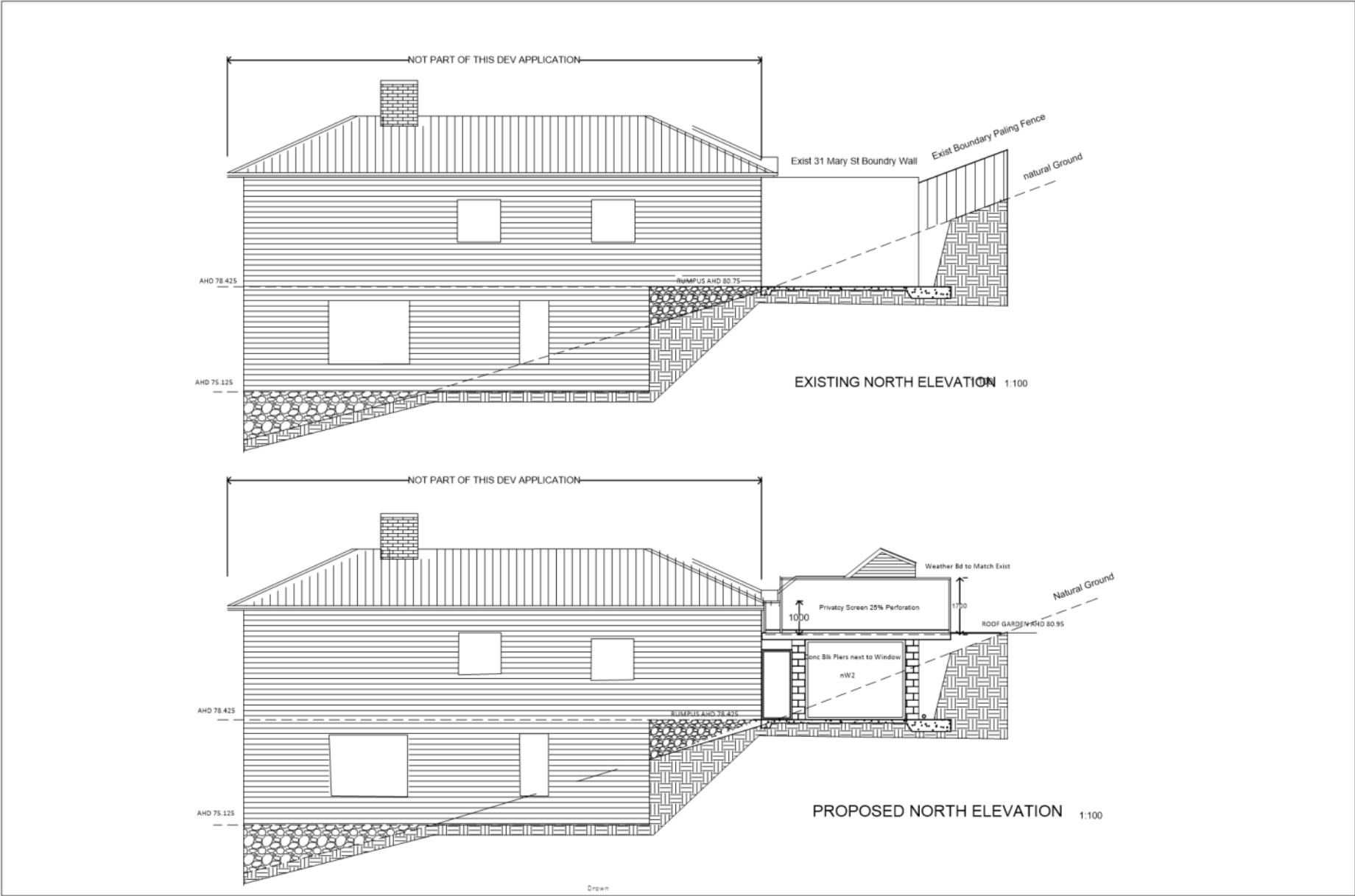
- Privacy issue to 35 Mary St is addressed with the Party wall between the 2 properties. Requirements of BCA for Fire Separation between properties also would eliminate any privacy concerns.

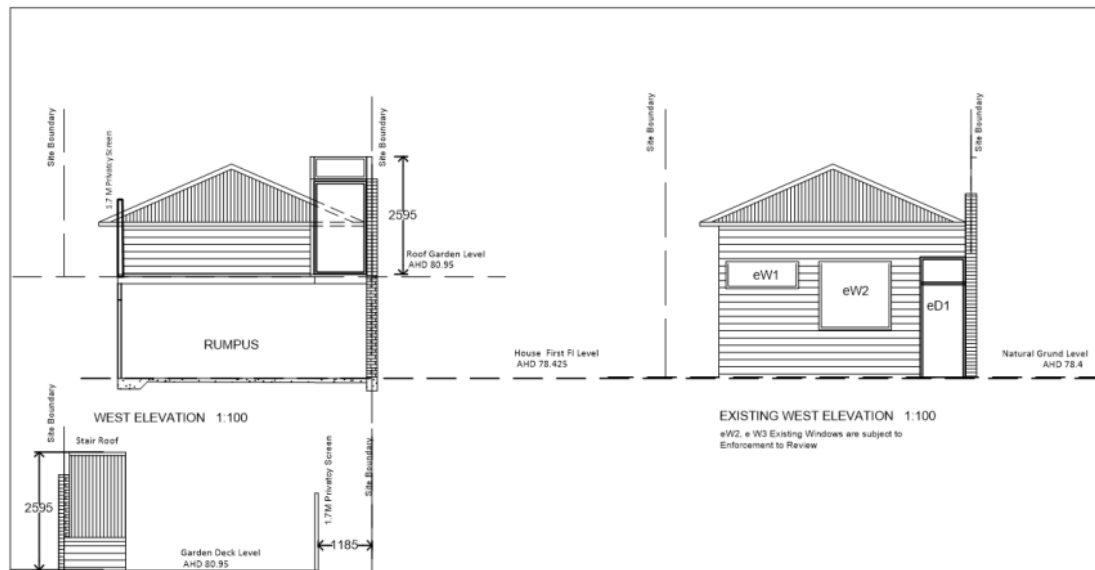
Privacy issue with 31 Mary Street is addressed by the proposed 1.8 M screen wall at the Garden Deck (see dwg 04 ELEVATIONS).

- Storm water from the Deck is discharged to a SW pit at the Rumpus Room external corner and piped connected to existing SW line of the house. (see Dwg 02 FIRST FLOOR PLAN).
- **No** demolition work relating to the house is proposed with this Application. Existing external items of wall, steps remnants , will be left undisturbed buried under ground.









EAST ELEVATIONS
HERITAGE CONSIDERATION: The Mary Street Facade is Maintained. The Exposed Existing Side North Elevation is also Maintained Unaltered.

- **STREET VISIBILITY-**
 Located At The Rear of a Steep site, the Mary Street view only has a Distant gleam of the new Rumpus Room NW Wall. The Roof Deck, SE Stair Structure And Co-joined Boundary Wall at NE are Well Hidden From Street View.
- **PRIVATE VISIBILITY-**
 The New Addition is largely Located Under Ground with only one North External Wall. The Garden Deck Floor Level will join up with the Existing Natural Ground Contour. View to Neighbouring Property From the new Deck is therefore Kept Unchanged from Existing exposure and remains Unaltered.
- **FORM -**
 The Form of the Existing House is kept Intact.
 The Rear NW corner is kept Exposed by Recessing the Entry Porch.
 The View of The Existing House Roof Line is Kept and Original Weather Board Wall is Reinstated to the full Extent of the Original House.
- **CONFIGURATION-**
 There is no proposal to Alter the Existing House Rear Entry Area to the New Addition.
 The Co-joined Nature and Configuration of the Property is Kept in the same manner with the Proposed Co-joined Addition.
 The Internal Layout of the New Rear Internal Access, Stairway location is the same as the Existing House.
- **MATERIAL & COLOUR -**
 New Stair Roof, Rainwater Goods and Fascia will be of the same Profile with its Colour matching the Existing House.
 The only exposed NW Facade with Large Window will differentiate from the Existing Facade to Highlight the Different Period of Construction.
 The Rear Garden remains as Existing.

WINDOW SCHEDULE

nW1 - New Window 2.85 x 2.4 Double Glazed Aluminium, 600 wide Double Hung on Door end.

PLANNING NOTES:

Scope & Extent:
 Addition of a Rumpus Room with its Roof as an Open Garden Deck.

DESIGN APPROACH:

- Increase Amenity area with addition of an Internal Rumpus Room and its Roof as an External Garden Deck.
- Respect the Heritage Listing of the Property by retaining its features and form as much as practicable.
- New Construction to be ded
- Ifferent from Exist, well defined and demarcate from Existing in materials and finishes.
- New Construction method is proposed to reflect today's standard in design (Modern), efficient (modern materials of steel & concrete).

SET BACK-

1.2 M from North Boundary. Nil Setback at South Boundary.
 Nil at Existing House.
 Minimum 13 M from Rear Boundary.

LEVELS-

- Rumpus Floor Level same as Existing House First Floor Level.
- Garden Deck Roof 2.4 M Ceiling Height (min Bldg Code).
- Stair Roof kept at Minimum with 2.1 M Raked Ceiling (min Bldg Code).
 Roof Pitch at 7 Degree (min Pitch for Corrugated Steel).

FLOOR-

- Rumpus Room of Concrete Slab. Same Level as Existing House First Floor.
- Garden Roof Deck of Concrete Construction with Painted (White) Steel Open Balustrating on NW side.

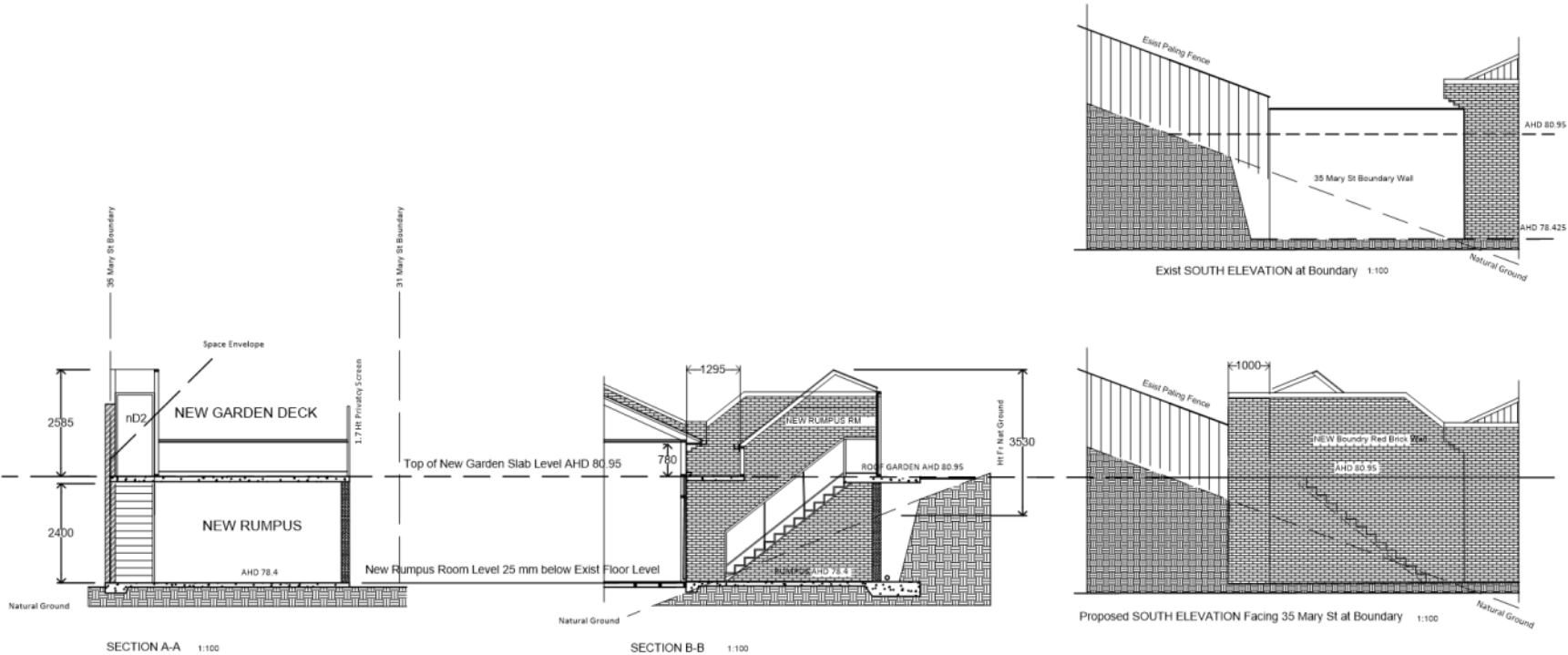
WALL-

- Internal Northern Wall Adjoining House of Cement Sheet, painted White.
- Rear Southern Wall is a Concrete Retaining Wall.
- Boundary Eastern Wall Face Red Brick Wall of Natural Finish.
- External Western Wall of Large 3.6 M Window and Masonry Painted White Supporting Piers.

ROOF-

- Rumpus Room Roof of Concrete Slab with Natural Finish.
- Stair Roof of Colorbond corrugated Steel with Skylight, Colour to match Exist House Roof.

LAN & SKINNER Architects lanpa@outlook.com.au m: 0418 123755	Drawn	PL	CLIENT 33 Mary Street North Hobart NEW RUMPUS ROOM, ROOF DECK	CLIENT Xiaomei Zhong	DRAWING TITLE ELEVATIONS	DRAWING No. 04	
	SCALE	1 : 100					
	Date	11/02/2021					



LAN & SKINNER Architects
lanpa@outlook.com.au m: 0418 123755

CC7481

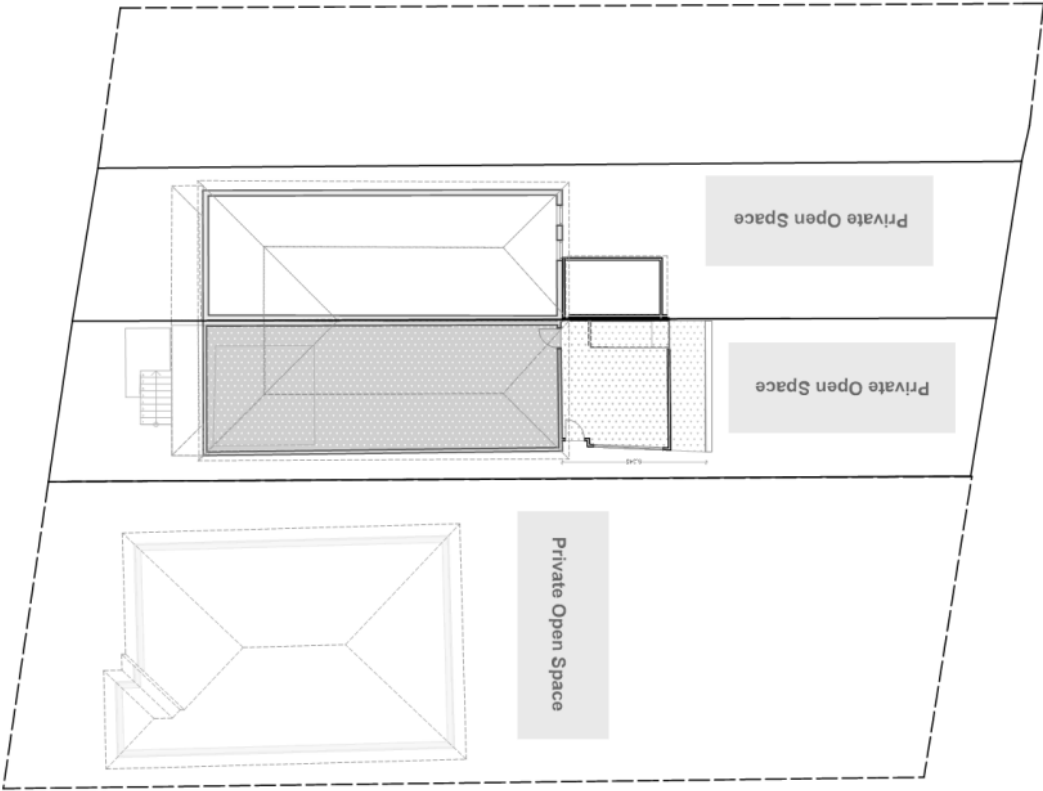
Drawn PL
SCALE 1:100
Date 08/02/2021

Project
33 Mary Street North Hobart
NEW RUMPUS ROOM,
ROOF DECK

CLIENT
Xiaomei Zhong

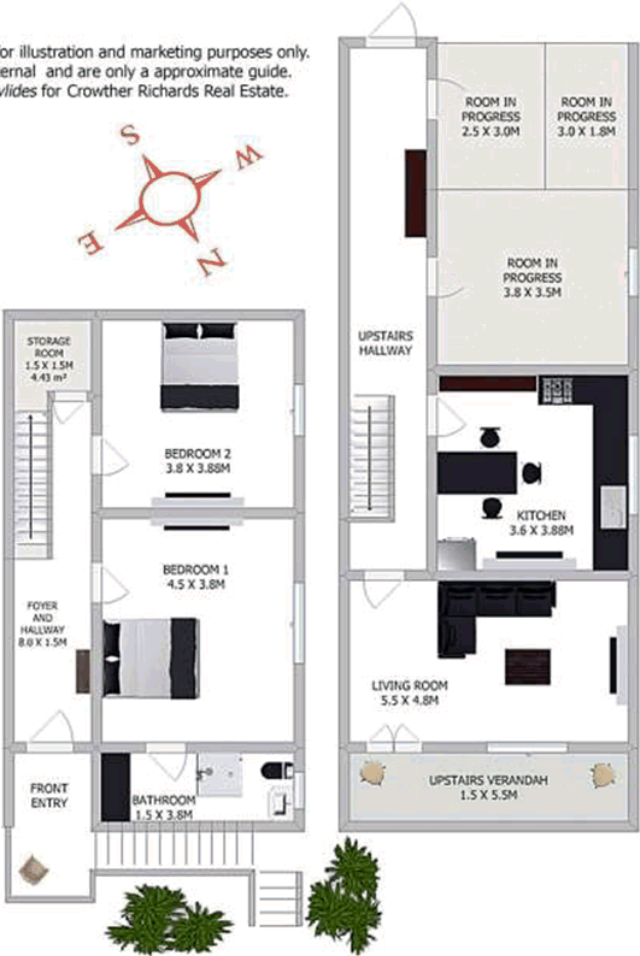
DRAWING TITLE
FIRST FLOOR
SECTIONS

DRAWING NO
03



Plan Private Open Space

This Floor Plan is a sketch for illustration and marketing purposes only.
All measurements are internal and are only a approximate guide.
Produced by *Lambos Pavlides* for Crowther Richards Real Estate.



The Resident
35 Mary Street
North Hobart

 LAN & SKINNER Architects
e: lanpa@outlook.com.au
e : lanpa@outlook.com.au
m: 0418 123 755
a: 1/27 King Street, Sandy Bay Tas 7005
03 February 2021

Development Application PLN – 20-750
33 Mary Street North Hobart
Request For Information Survey

Dear Sir/Madame,

In its letter 5 November 2021, under section 54 of the Land Use Planning and Approval Act 1993, PLN Pi1, Hobart City council seek the usage of your rooms adjacent to the rear garden:

- | | |
|----------------------------|-----|
| • Bed Room; | Y/N |
| • Kitchen; | Y/N |
| • Utility such as Laundry; | Y/N |
| • Storage; | Y/N |
| • Other (pls specify). | Y/N |

Thank you for your cooperation in providing the above information.

Details of the Development Application will be advertised by Council for your comment in due course.

Please contact me if you require further information on the above survey.

Yours sincerely,



Paul Lan
Applicant

Registered Tasmania Architect [No. 272](#)
Licenced Tasmania Building Service Provider – Architect [CC7481](#)
Fellow Member ([2978](#)) Australian Institute of Architects
[B.Arch \(U Adelaide\) Grad Dip Bldg Sc \(U Sydney\)](#)

The Resident
31 Mary Street
North Hobart

 LAN & SKINNER Architects
e: lanpa@outlook.com.au
e : lanpa@outlook.com.au
m: 0418 123 755
a: 1/27 King Street, Sandy Bay Tas 7005
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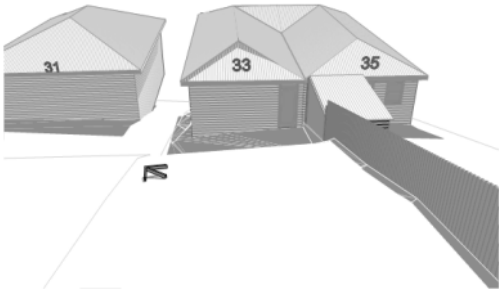
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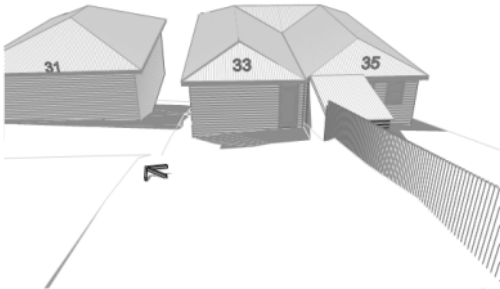


Paul Lan
Applicant

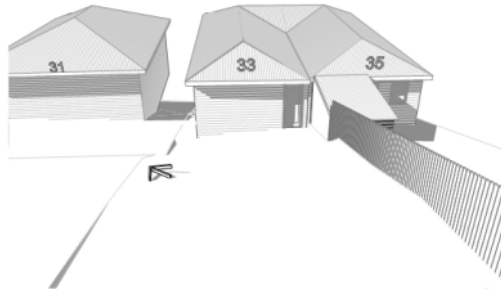
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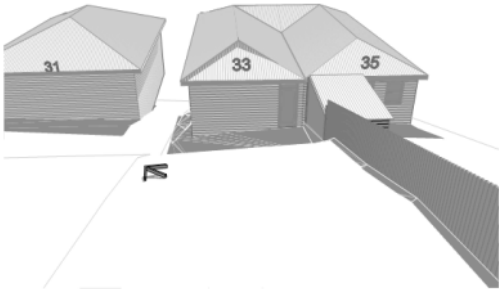
9am March 21 Solar Access Existing



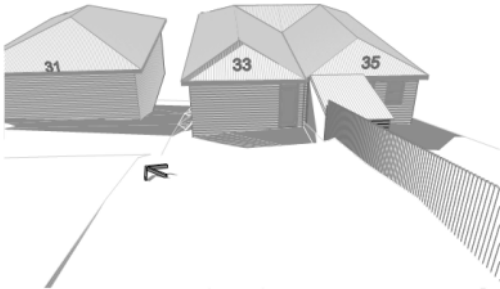
12pm March 21 Solar Access Existing



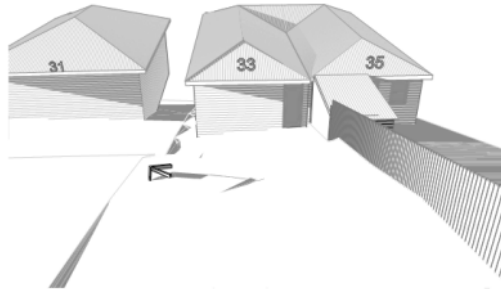
15pm March 21 Solar Access Existing



9am June 21 Solar Access Existing

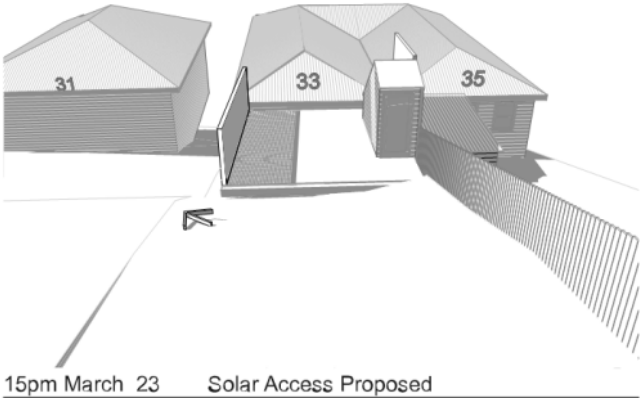
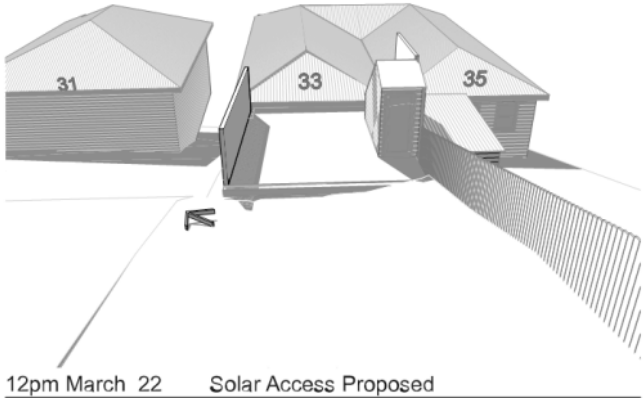
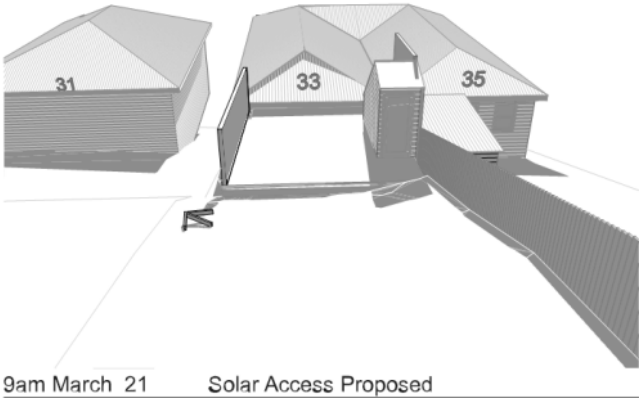


12 pm June 21 Solar Access Existing

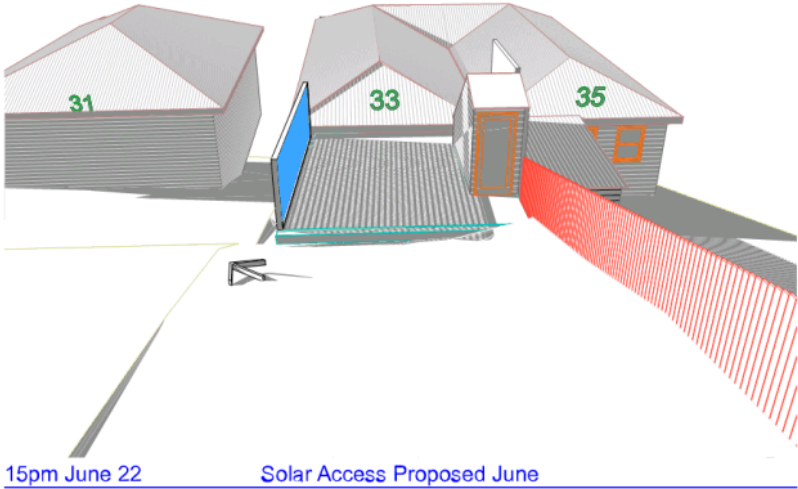
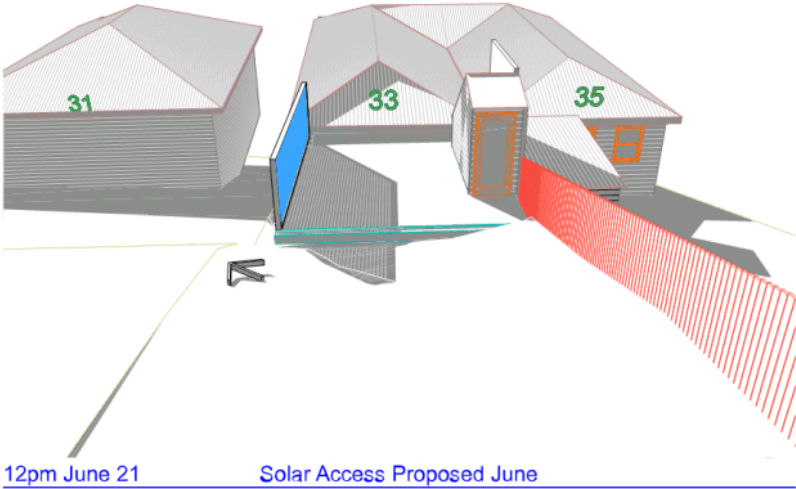
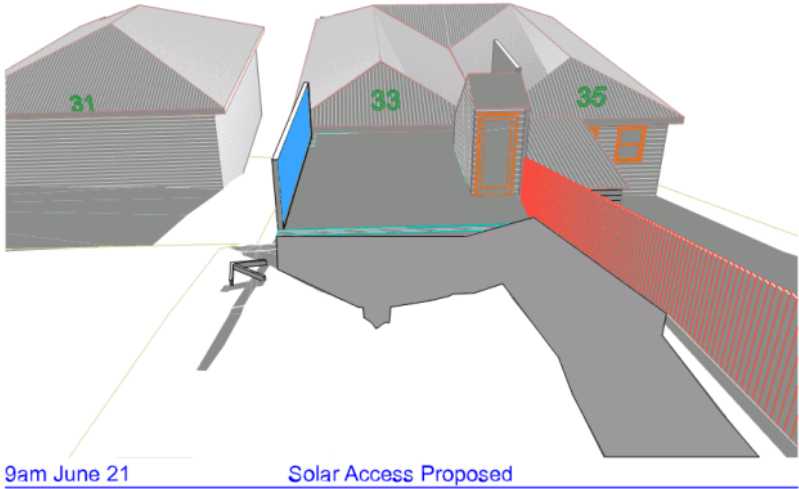


15 pm June 21 Solar Access Existing

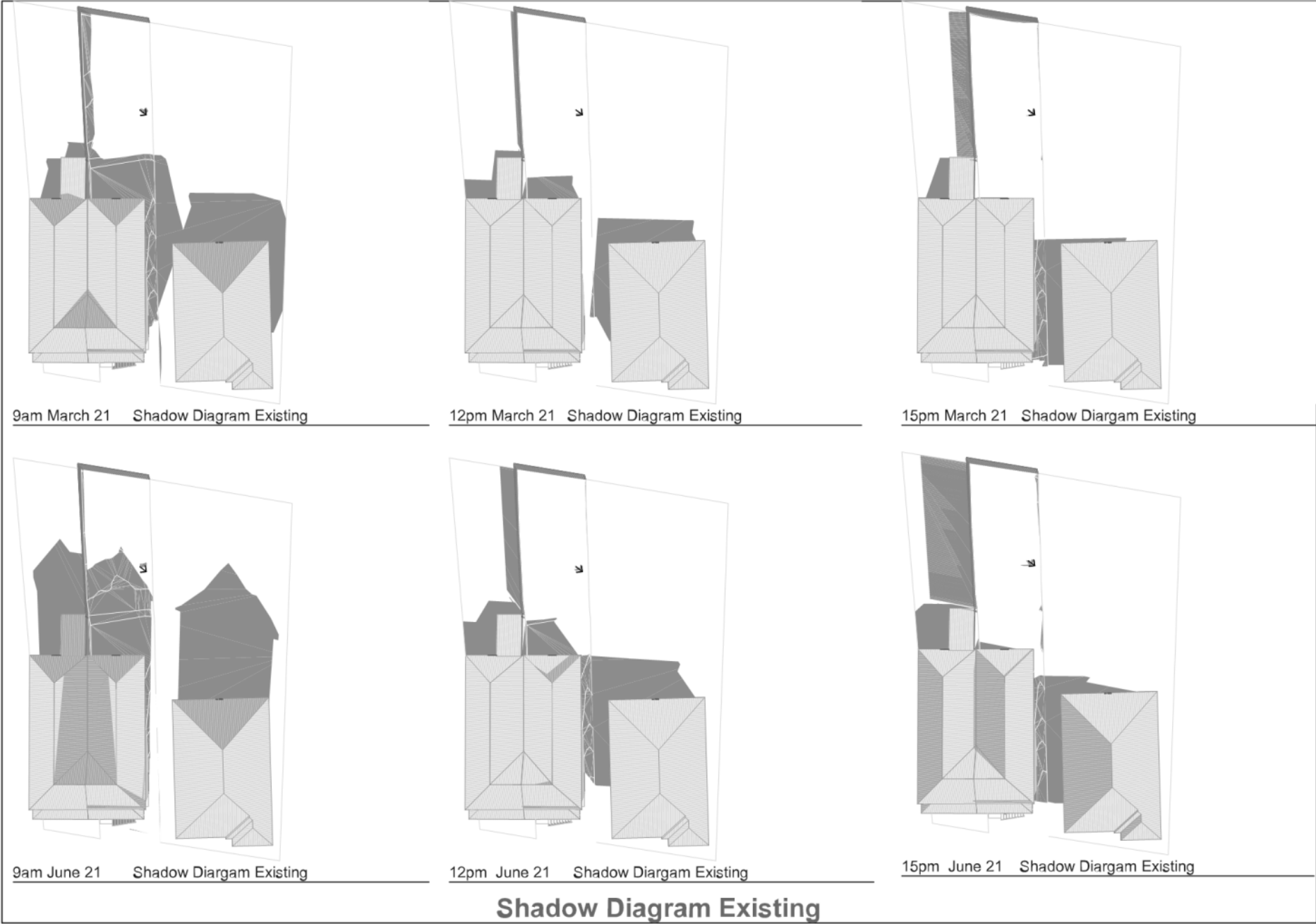
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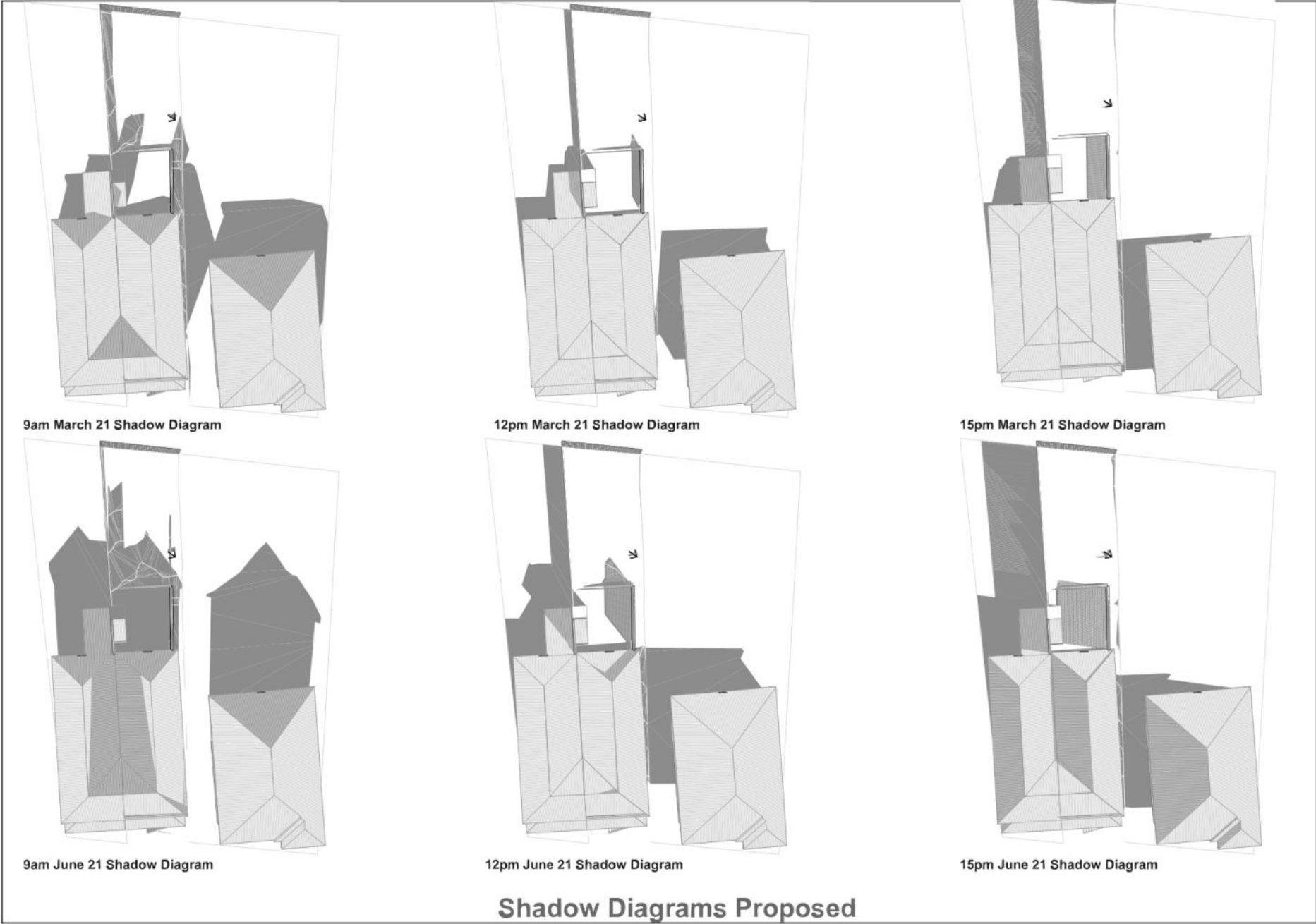


Solar Access Proposed March



June 21 Solar Access Proposed June





Planning: #216736

Property

33 MARY STREET NORTH HOBART TAS 7000

People

Applicant
*
LSArchitects
Paul Lan
1/27 King
SANDY BAY TAS 7005
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lanpa@outlook.com.au

Applicant
*
LSArchitects
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0418123755
lanpa@outlook.com.au

Owner
*
Xiaomei Zhong
33 Mary Street
NORTH HOBART TAS 7000
0466 557066
bcxng@hotmail.com

Entered By
PAUL ANDREW LAN
0418 123 755
lanpa@outlook.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)?

Dwelling

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

Addition of Rumpus Room and Garden Deck

Estimated cost of development

14933.00

Existing floor area (m2) Proposed floor area (m2) Site area (m2)

108.00 15.00

Carparking on Site

Total parking spaces Existing parking spaces N/A

0 0 1) Other (no selection)

Other Details

Does the application include signage?

☐ No

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

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

☐ Yes

Documents

Required Documents

Title (Folio text and Plan and Schedule of Easements)

FolioPlan-57406-1 (1).pdf

Plans (proposed, existing)

DA 28 Oct2020-Site Plan.pdf

Supporting Documents

Planning Report

DA Planning Report 29 Oct2020.pdf

Floor Plan

DA 28 Oct2020-Floor Plan.pdf

Other
Agent Authority.pdf
Property Title
FolioText-57406-1 (1).pdf
Property Title Folio
FolioPlan-57406-1 (1).pdf
Elevations
DA 28a Oct2020-Elevations.pdf
section
DA 28a Oct2020-Sections.pdf

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 57406	FOLIO 1
EDITION 4	DATE OF ISSUE 04-Oct-2019

SEARCH DATE : 17-Jul-2020

SEARCH TIME : 04.37 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Diagram 57406 (formerly being 22-15HOB)

Derivation : Part of Lot 23 Section O.2. Gtd. to R.J. Lucas

Prior CT 2942/96

SCHEDULE 1M782419 TRANSFER to XIAOMEI ZHONG Registered 04-Oct-2019 at
12.01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

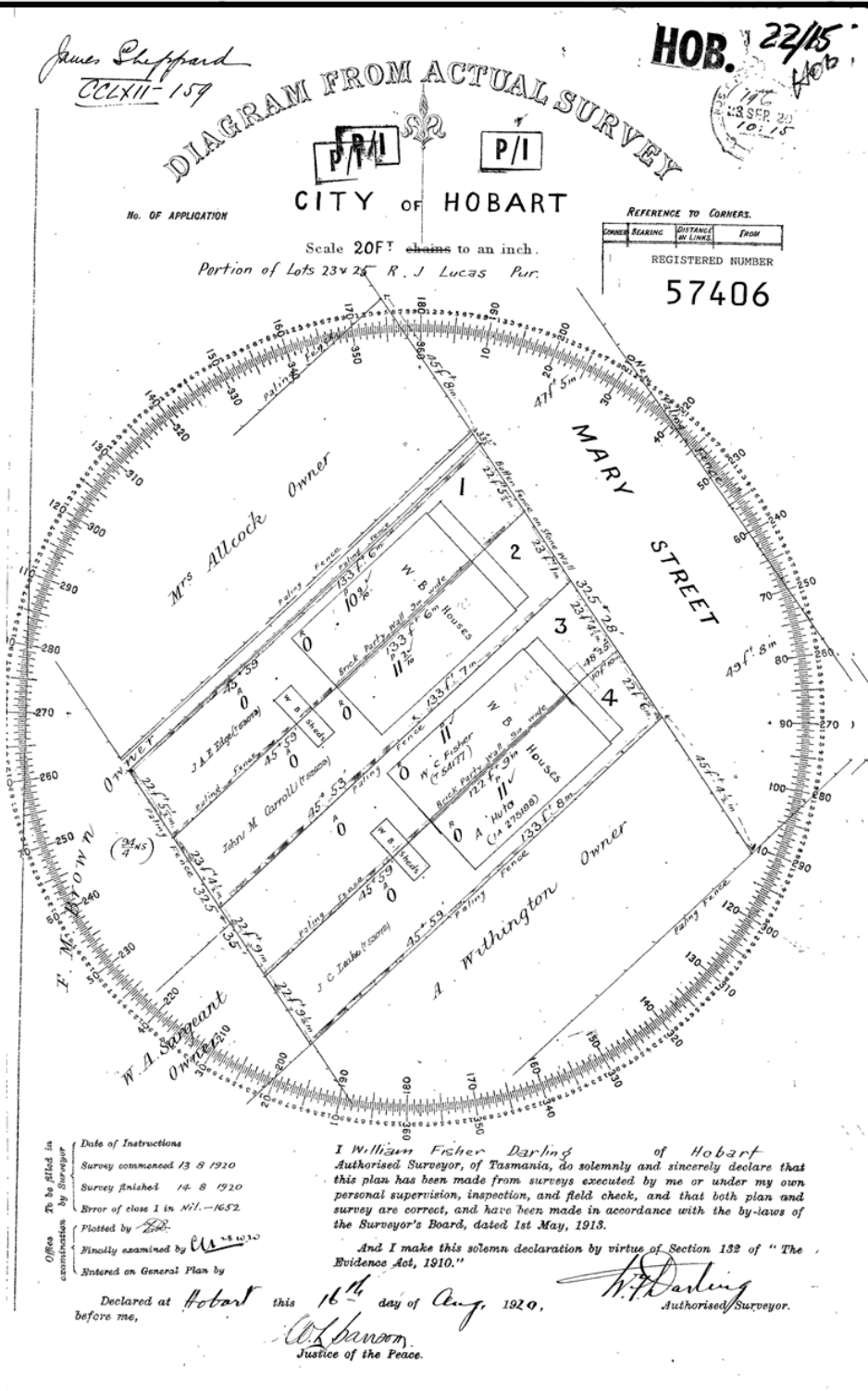
E193789 MORTGAGE to Australia and New Zealand Banking Group
Limited Registered 04-Oct-2019 at 12.02 PMUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



AGENT AUTHORITY FORM
AUTHORISE AN AGENT TO ACT ON THEIR BEHALF v1.0

To Whom It May Concern

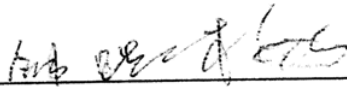
We (Name of Owner/s)

Xiaomei zhong

Hereby, authorise Paul Lan - LAN & SKINNER Architects
To act as our agent in regards to architectural matters & dealings with statutory
authorities in relation to our/my property at:

33 Mary Street North Hobart

Owner/s Signature:



Date:

19/7/2020

Application Referral Cultural Heritage - Response

From:	Sarah Waight
Recommendation:	
Date Completed:	
Address:	33 MARY STREET, NORTH HOBART
Proposal:	Extension and Deck
Application No:	PLN-20-750
Assessment Officer:	Deanne Lang,

Referral Officer comments:

This place is heritage listed in table E13.1 of the Historic Heritage Code of the Scheme. It is also located in the West Hobart 2 Heritage Precinct which is ascribed the following statements of significance:

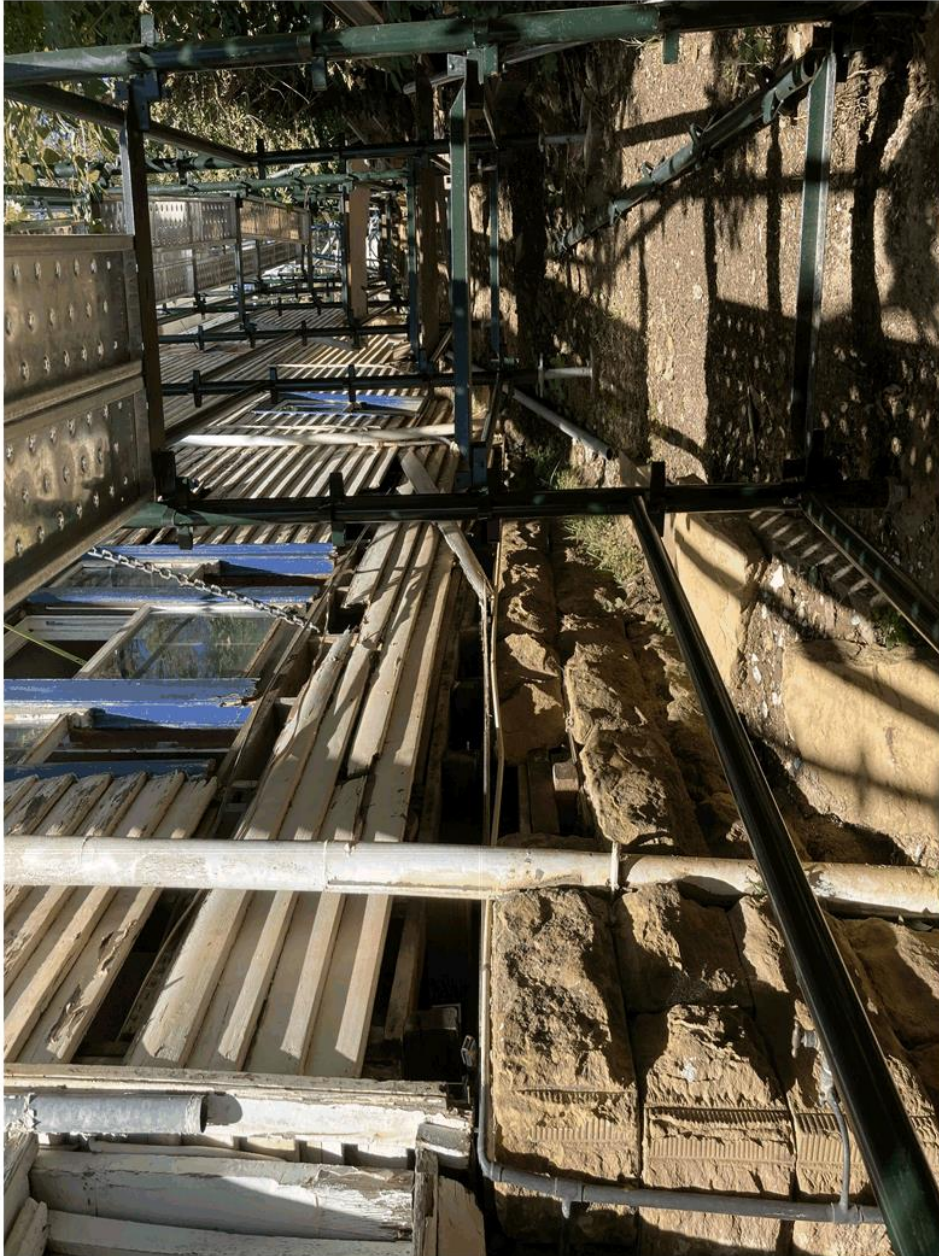
This precinct is significant for reasons including:

- 1. The fine quality and quantity of Victorian/Federation and Inter-War period houses exemplify the economic boom of the early and late nineteenth and early twentieth centuries.*
- 2. A large number of intact individual early and late nineteenth century houses of high quality architectural design, many of which possess land mark qualities.*
- 3. The number of significant groups of late Victorian, Federation and Inter-War houses previously identified as heritage items.*
- 4. The sections of continuous one-storey painted weatherboard and brick late Victorian/Federation facades and the general uniformity of scale create a distinctive visual impression and dramatic streetscape qualities.*
- 5. The front and rear gardens are highly significant aesthetic features, as they reinforce its residential character.*

The heritage listed place is a conjoined weatherboard two storey terrace with a front verandah, c.1885, with a hipped roof sited on a long narrow block on the top side of Mary Street. It is one of three similar properties in Mary Street. Like many of the properties in Mary Street, the house has sandstone block foundations. Entry into the property is via a partially excavated front yard, to timber steps into the ground floor of the house. Access to the rear of the property is via a side path (see images below) or via the front door at ground level, which is elevated above Mary Street.



Subject property at 33 Mary Street. Source: Council image



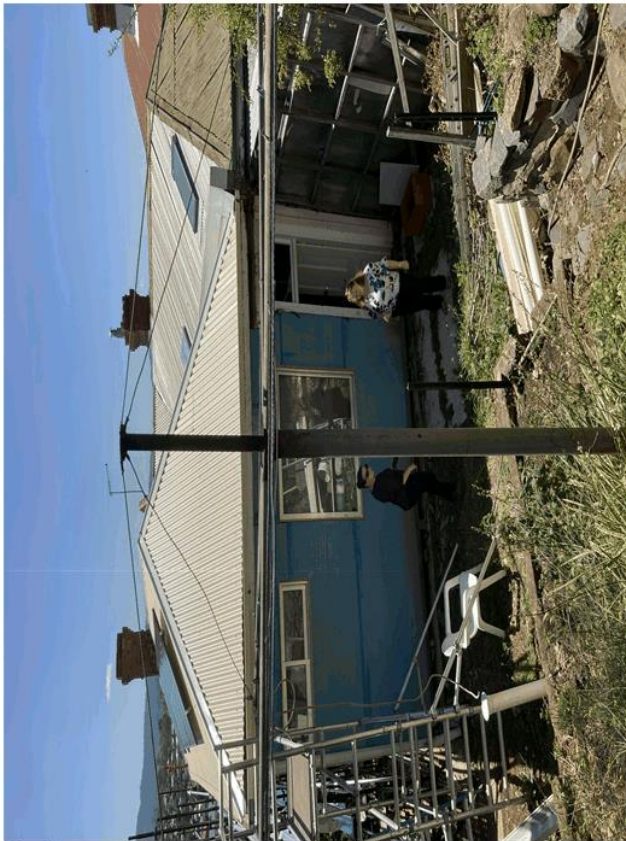
Subject property at 33 Mary Street. Source: Council image

This application is for an extension to the rear of a listed property. Works to the front of the house, (which is the subject of an ongoing enforcement matter) are not part of this development application. These works include internal and external demolition and alterations. This was ascertained from two site visits on 7 May 2020 and 13 January 2021.

As part of that work, in the rear south west facing wall, work has occurred to insert two new windows. The original rear door, door frame and highlight window remains on site. See image below.



South west elevation of 33 Mary Street: Source: Council image 7 May 2020



South west elevation of 33 Mary Street: Source: Council image 13 January 2021.



Original rear door, frame and highlight window. Source: Council image

Representations:

Five (5) representations against the proposal were received during the advertising period. The following heritage related comments include:

- "I believe it is inappropriate in a heritage-listed precinct.."
- "... affecting the Heritage character of Mary St."
- "The application is full of mistakes - such as the age of the building."
- "The proposed addition is not in keeping with the heritage-listed property and the nature of the surrounding neighbourhood. Many people who are residents of Mary St have been there for many years and decided to live there at least in part because of the pleasant, heritage neighbourhood that was free of such inappropriate developments."
- "Council has been quite strict in Mary St with developments that were not in keeping with heritage requirements. And rightly so. For example, chimneys were made to be reinstated at 18 Mary St to realign the home with heritage precinct guidelines."
- "I am most concerned that the Council seems to look only at what is visible from the street, as if it is only visitors to the area that must not be negatively affected by such additions or alterations. What about those people who live there, and must look at the completely inappropriate additions, such as I have had to do since the Council allowed a totally inappropriate development at the rear of 25 Mary Street? You have a duty to protect the amenity of the area for all the residents, not just those who are viewing from the street."

Response to representations:

The property is located in a heritage precinct, it is also a heritage listed building under the

Historic Heritage Code. The relevant provisions relating to heritage listed places and precincts are given below. The are inaccuracies in the application, and these in relation to the dimensions of the proposed rear extension are outlined below. The provisions relating to heritage listed places require consideration of the building in comparison to the built forms. As stated in *Solvyns v Hobart City Council & Ors* [2017] TASRMPAT 8 at 39. "The Heritage Code is aimed at preserving the sanctity of heritage places by preventing the introduction of development which results in the loss of historic cultural heritage significance. Heritage value is derived not just from the facade, but the entirety of the place - including that which is seen, that which is not seen so easily, and that which is not seen at all. ... Therefore, the proposition that "it is not incompatible if it is not seen" must be rejected if the objectives articulated within the Scheme and at the heart of the Heritage Code are to be maintained."

Relevant Provisions:

The following provisions apply:

E13.7.1 P1

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

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

E13.7.2 P1

Development must not result in any of the following:

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

E13.7.2 P2

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

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

E13.7.2 P3

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

E13.7.2 P4

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

E13.8.1 P1

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

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

unless all of the following apply;

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

E13.8.2 P1

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

E13.8.2 P3

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

The proposal is for the excavation of the rear yard and construction of a single room (rumpus) with enclosed stairs leading up to the rear yard with access to the flat roof which is described as a 'new garden deck'. A 1.7 metre high privacy screen (25% perforation) is proposed for the deck on the north west side of the deck. A brick party wall is proposed along the south east boundary, as an extension to the party wall with the adjacent conjoined property known as 35 Mary Street.

The drawings of the proposed boundary wall show inconsistent detailing, the elevation showing the extended wall 1.2 metres above the gutter line and 4.5 metres above the floor level, extending beyond the rear corner, ie adjacent to the rear backdoor shown above, by 5.7 metres. Section B-B, on the other hand shows the wall as only being 4.7 metres long. The plans also show the new concrete slab for the upper deck immediately abutting and crossing the original rear back doorframe.

Demolition

The proposed demolition is minor and includes excavation within the rear yard. No fabric associated with the front house is shown to be removed. In fact the aluminium windows to the bathroom and laundry shown in the above images that will look into the rumpus room are to be retained. The back door is shown to be retained, although the plans and the height of the proposed new concrete floor indicate that the rear door will bisect the rear door, perhaps resulting in some demolition. However, in this case, no demolition is shown, and as such the proposal as shown, indicates that demolition will not result in the loss of fabric or significance to the place or precinct. The proposal satisfies E13.7.1 P1 and E13.8.1 P1.

New work

The following new work is proposed:

1. a rumpus room with a concrete deck/roof
2. a side brick boundary wall against the conjoined boundary of 35 Mary Street
3. enclosed stairs from the rumpus room to the deck with door opening to the rear yard similar in form to an enclosed airstair.
4. privacy screen on the north west elevation

The new work for the rumpus room is sited below the eaves, although the level of detail and resolution as to how, and exactly where, the proposed concrete deck/roof abuts the rear wall is poorly resolved and is shown as being at 750 mm below the eaves line which would in effect, overlap the original rear back door with a highlight window, an awkward and incompatible junction.

A new side brick boundary wall is proposed extending approximately 1.4 metres above the existing rear skillion of 35 Mary Street.

The new enclosed stairs extend approximately 1.9 metres above the existing rear skillion of 35

Mary Street. Drawing 05 Proposed North Elevation shows the enclosed rear stair case at, or marginally above the ridge of the existing roof. The privacy screen is approximately 5.0 metres long and 1.7 metres high, no materials are shown.

The proposal must be considered against E13.7.2 and E13.8.2.

When consideration is given to whether or not the proposed works will be visible from the streetscape, it is unlikely that the screen, boundary brick wall or rear rumpus will be visible. While the rear extension is a poorly resolved design solution, it cannot be argued that the proposal will result in detriment or detract from the given statements of significance for the West Hobart 2 Heritage Precinct. Therefore, E13.8.2 P1 and P3 are considered to be satisfied.

However, this property is heritage listed in table E13.1 of the Historic Heritage Code of the Scheme and the Code provisions for E13.7.2 apply and, as such, a proposal must satisfy a higher level of standards with consideration given to the entirety of the place- including that which is not seen.

When assessed against E13.7.2 P1, the proposal is poorly resolved, lacking in clarity and presents as an incompatible design out of character, scale, design, bulk and form when sited against the weatherboard house. It is also quite at odds with the rear stairs enclosed above the deck, looking not dissimilar to a set of airplane stairs. In addition, the proposed siting of a concrete deck against the rear wall of the house will result in the loss of heritage values through incompatible design, siting and materials. The proposal does not satisfy E13.7.2 P1 (a).

The proposed rumpus, deck, stairs, privacy screen and boundary wall are not subservient to the heritage listed place through its built form, scale and bulk and siting with respect to the listed building. It is assessed as not satisfying E13.7.2 P2 (a) and (d).

Clause E13.7.2 P3 is considered to be satisfied.

The proposed extension is out of scale and of a form that does not relate to the heritage values of the place. Clause E13.7.2 P4 is therefore, not satisfied.

Had this been an application for a rumpus room, built as a skillion, without the enclosed staircase, and without the concrete deck roof and privacy screen, the proposal would be considered to satisfy all relevant provisions and would be acceptable.

All remaining demolition work and new work to the front of the house remains outstanding and an enforcement matter having not been assessed against the provisions of the Historic Heritage Code of the Scheme.

The proposal is recommended for refusal, not satisfying E13.7.1 P1, E13.7.2 P2 and E13.7.2 P4.

Reasons for refusal.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P1 (a) of the *Hobart Interim Planning Scheme 2015* because it is an incompatible design through its height, scale, bulk, form and siting and results in loss of historic cultural heritage values of the listed place.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P2 (a) and (c) of the *Hobart Interim Planning Scheme 2015* because it will not be subservient and complementary to the listed place due to its bulk, scale, built form and siting with respect to the listed buildings.

The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 P4 of the *Hobart Interim Planning Scheme 2015* because it detracts from the historic cultural heritage significance of the place as a consequence of its height, bulk, scale, built form and siting with respect to the listed building.

Sarah Waight
Senior Cultural Heritage Officer
30 March 2021

8. REPORTS

8.1 Planning Statistics - 1 March 2021 - 31 March 2021 File Ref: F21/30878

Memorandum of the Director City Planning of 14 April 2021 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

Planning Statistics - 1 March 2021 - 31 March 2021

Attached is the planning permits statistics for the period 1 March 2021 – 31 March 2021.

RECOMMENDATION

That:

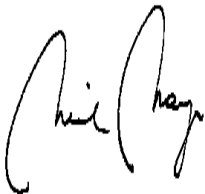
The Director City Planning reports:

Planning Statistical Report:

1. During the period 1 March 2021 to 31 March 2021, 82 permits were issued to the value of \$80,184,807 which included:
 - (i) 36 extensions/alterations to dwellings to the value of \$5,555,250;
 - (ii) 15 extensions/alterations to commercial properties to the value of \$8,863,075;
 - (iii) 8 new single dwellings to the value of \$3,969,482;
 - (iv) 9 multiple dwellings to the value of \$2,470,000;
 - (v) 2 major project:
 - (a) 46 New Town Road, New Town - Demolition, New Building for Hospital Services, Business and Professional Services, and General Retail and Hire, Signage, and Associated Works - \$60,000,000;
 - (b) 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





2. During the period 1 March 2020 to 31 March 2020, 71 permits were issued to the value of \$14,000,573 which included:
- (i) 35 extensions/alterations to dwellings to the value of \$6,349,134;
 - (ii) 6 extensions/alterations to commercial properties to the value of \$671,050;
 - (iii) 11 new single dwellings to the value of \$3,298,388;
 - (iv) 17 multiple dwellings to the value of \$4,799,500;
 - (vi) 1 major project:
 - (a) 9 Star Street, Sandy Bay - 12 Multiple Dwellings, Associated Hydraulic Infrastructure, Road Works (Extension to Star Street), Works in Road Reserve (Star Street and Jersey Street) - \$3,800,000;

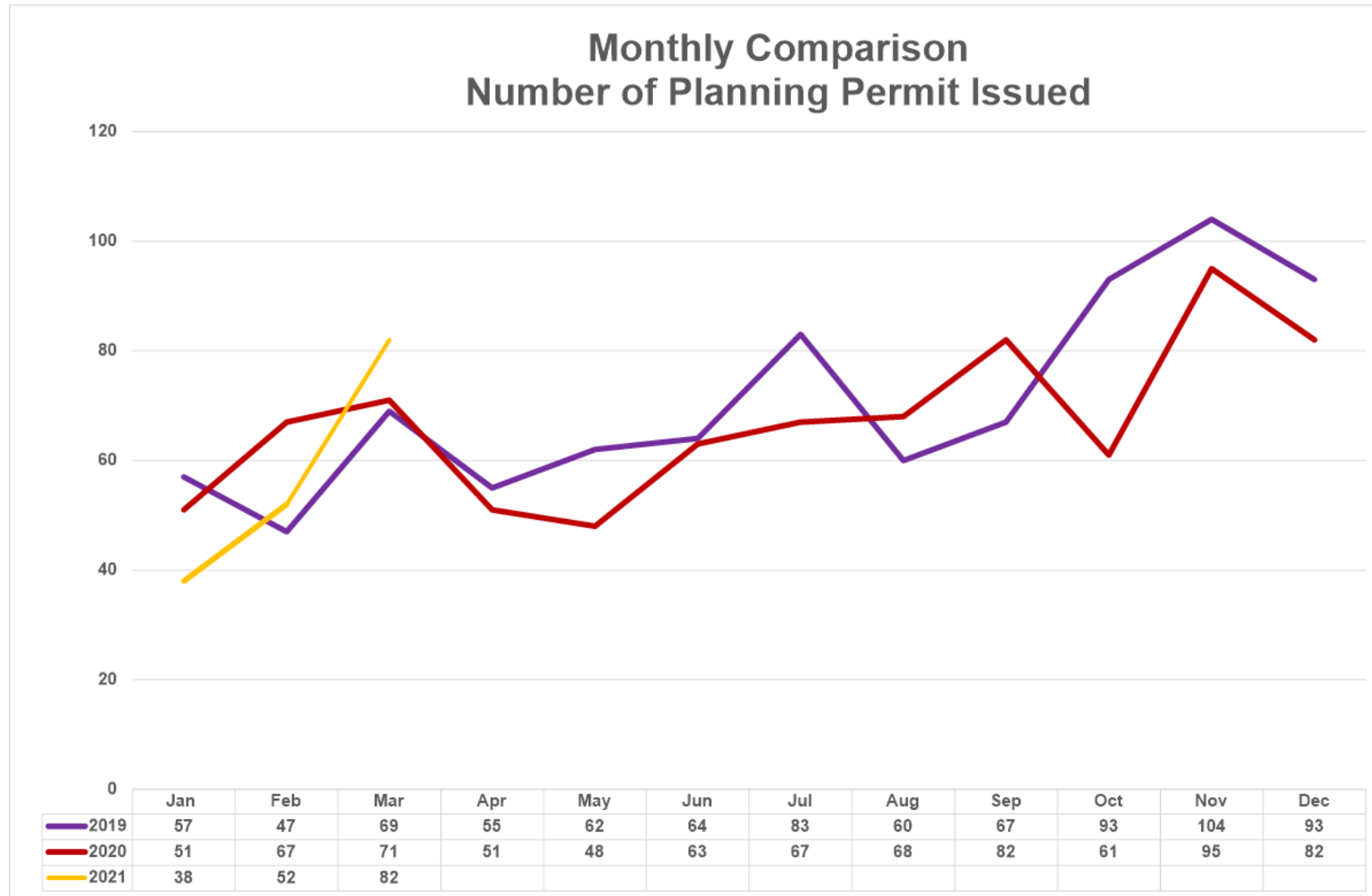
*# This report includes permits issued, exempt and no permit required developments
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*



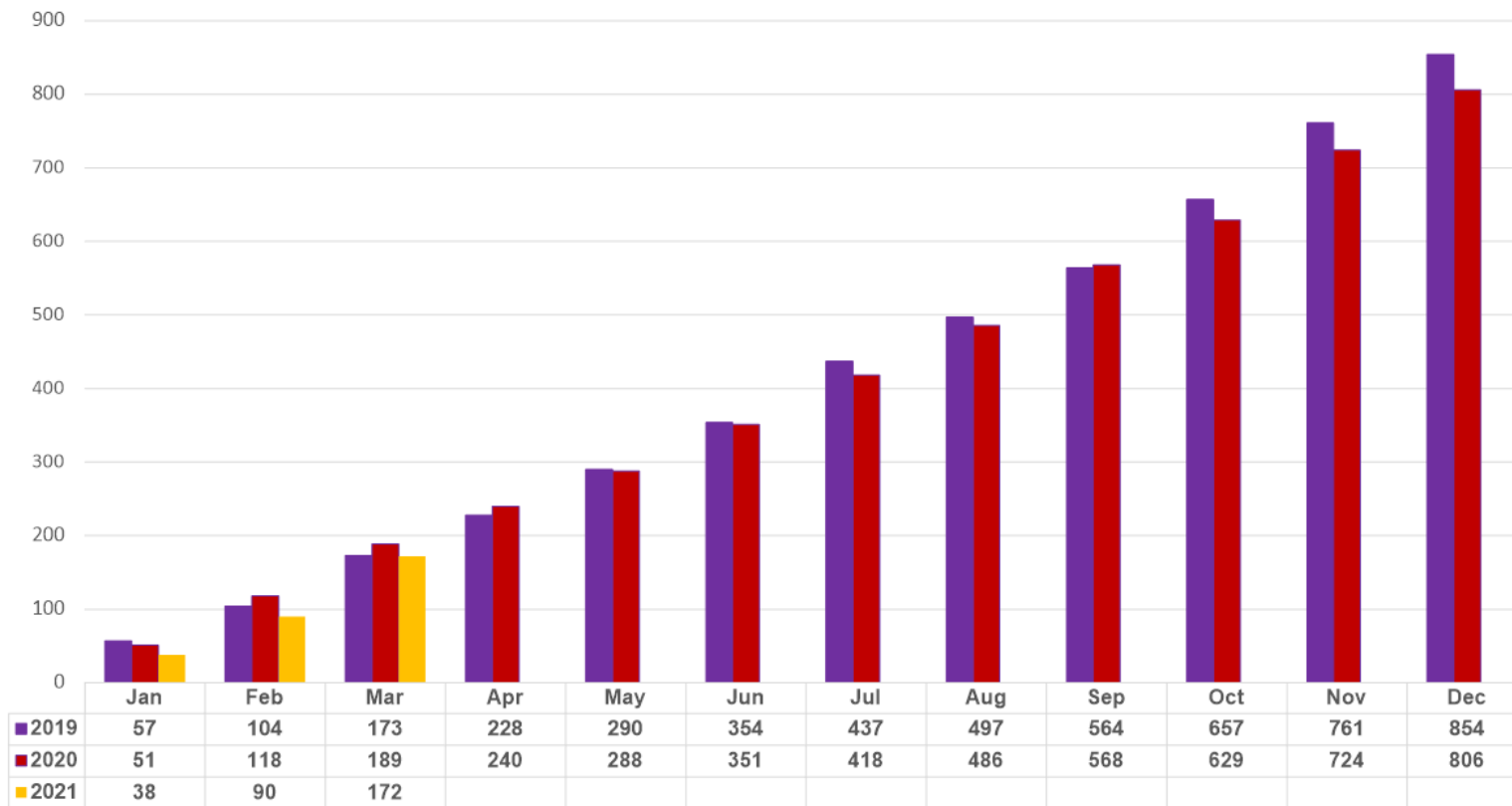
Neil Noye
DIRECTOR CITY PLANNING

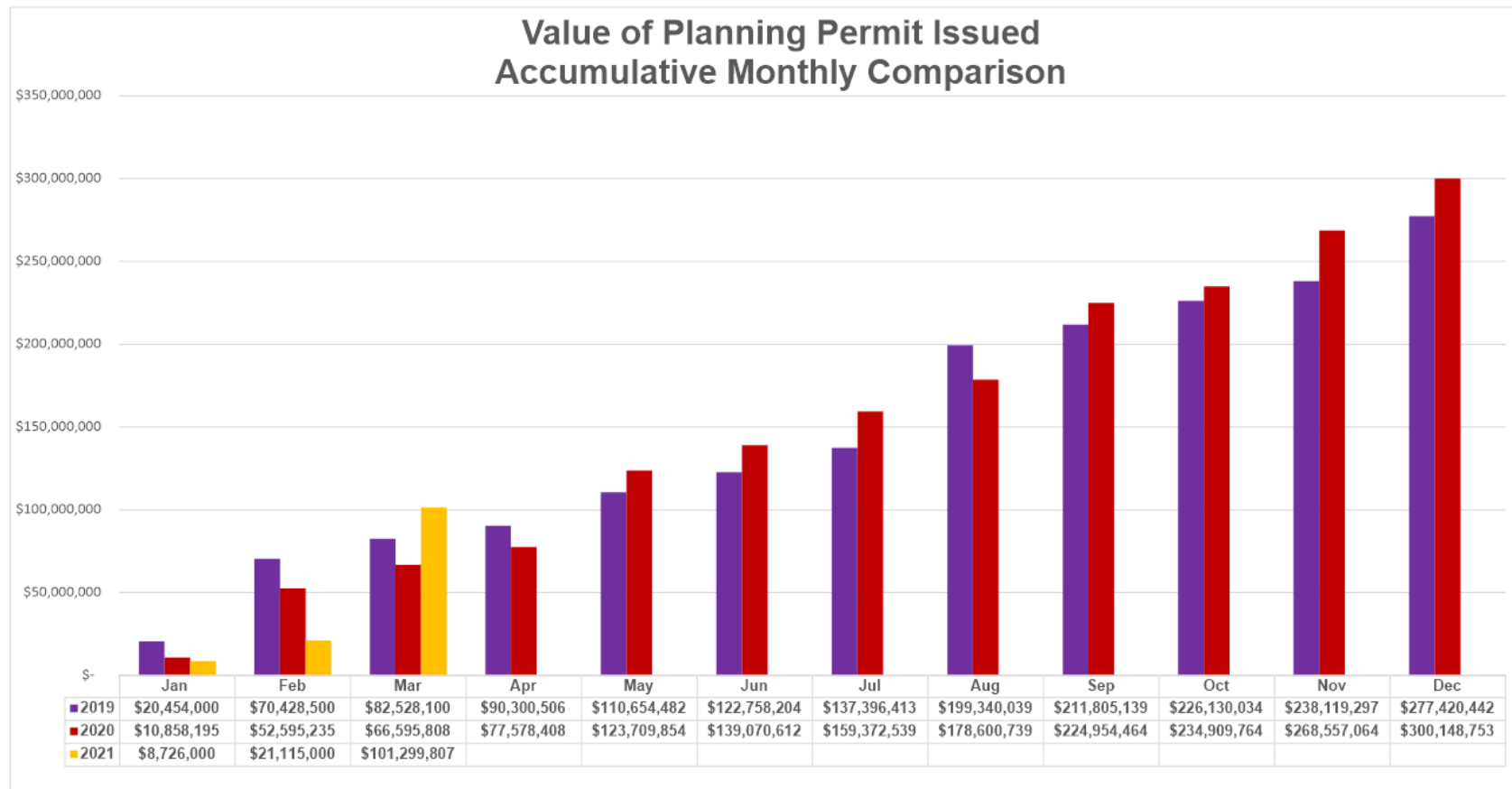
Date: 14 April 2021
File Reference: F21/30878

- Attachment A: Monthly Comparison - Number of Planning Permit Issued Line Graph March 2021 ↓ 
- Attachment B: Monthly Comparison Planning Approvals Value Line Graph March 2021 ↓ 
- Attachment C: Number of Planning Permit Issued Accumulative Monthly Comparison Bar Graph March 2021 ↓ 
- Attachment D: Value of Planning Permit Issued Bar Graph March 2021 ↓ 



Number of Planning Permit Issued Accumulative Monthly Comparison





8.2 Building Statistics - 1 March 2021 - 31 March 2021
File Ref: F21/30902

Memorandum of the Director City Planning of 14 April 2021 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

Building Statistics - 1 March 2021 - 31 March 2021

Attached is the building permits statistics for the period 1 March 2021 – 31 March 2021.

RECOMMENDATION

That:

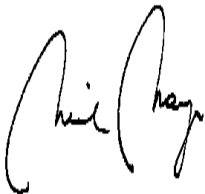
The Director City Planning reports:

Building Statistical Report:

1. During the period 1 March 2021 to 31 March 2021, 68 permits were issued to the value of \$26,243,586 which included:
 - (i) 42 for extensions/alterations to dwellings to the value of \$5,359,380;
 - (ii) 8 new dwellings to the value of \$5,359,380; and
 - (iii) 3 major projects:
 - (a) 40 Melville Street, Hobart - Commercial Internal Alterations - \$5,614,500;
 - (b) 23 Commercial Road, North Hobart - New Commercial Building - \$3,500,000;
 - (c) 284A-284B Argyle Street, North Hobart - Commercial Internal Alterations - \$2,000,000;
2. During the period 1 March 2020 to 31 March 2020, 42 permits were issued to the value of \$20,356,410 which included:
 - (i) 21 for extensions/alterations to dwellings to the value of \$3,214,700





- (ii) 12 new dwellings to the value of \$4,141,395; and
 - (iii) 3 major projects:
 - (a) 254-286 Liverpool Street, Hobart - Commercial Internal Alterations - \$4,200,000;
 - (b) 109-113 Liverpool Street, Hobart - Commercial Internal Alterations - \$2,800,000;
 - (c) 39-41 Davey Street, Hobart - Commercial Internal Alterations - \$2,159,315
3. In the twelve months ending March 2021, 630 permits were issued to the value of \$182,055,284 and
4. In the twelve months ending March 2020, 587 permits were issued to the value of \$250,179,330.

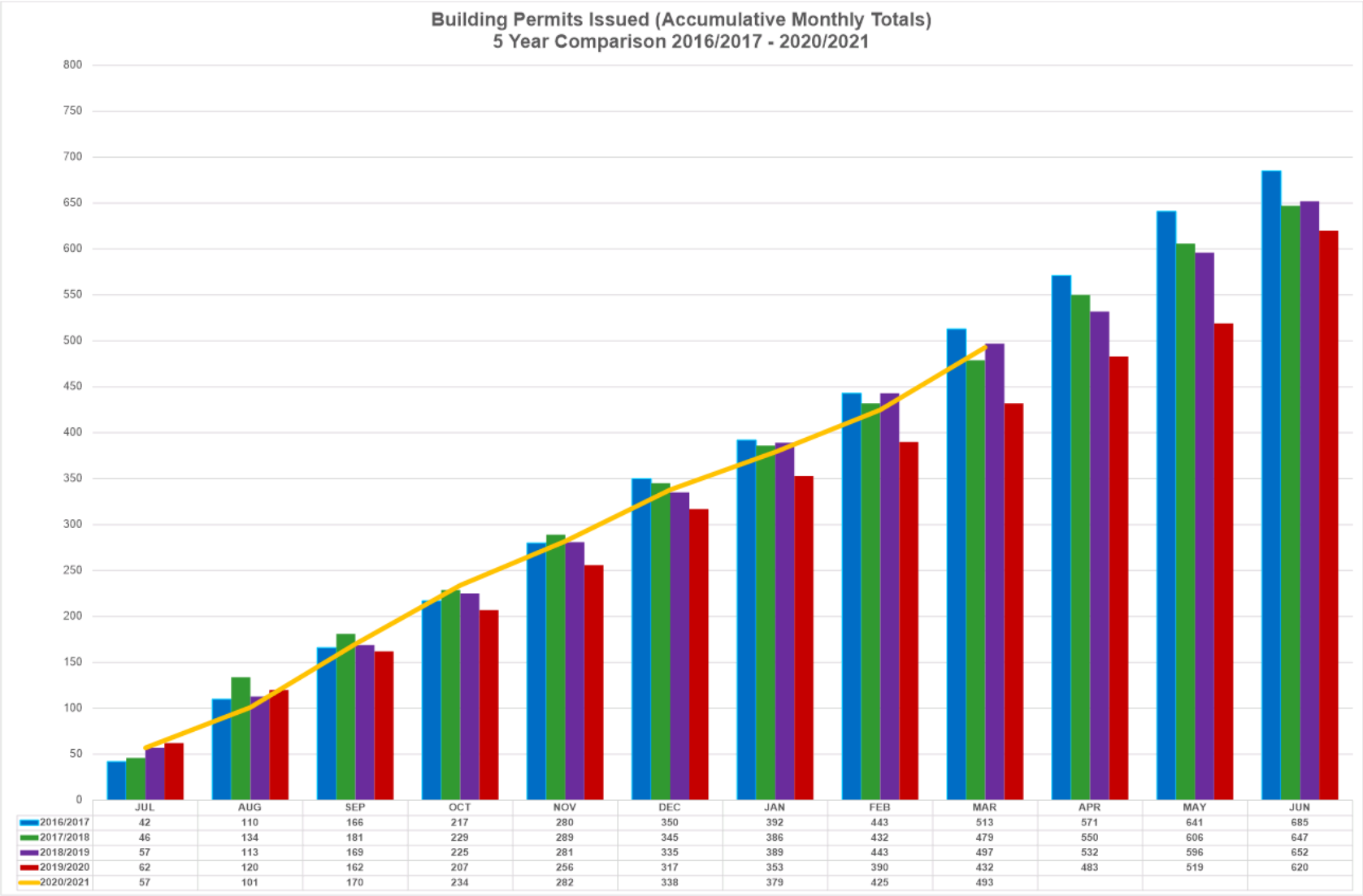
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

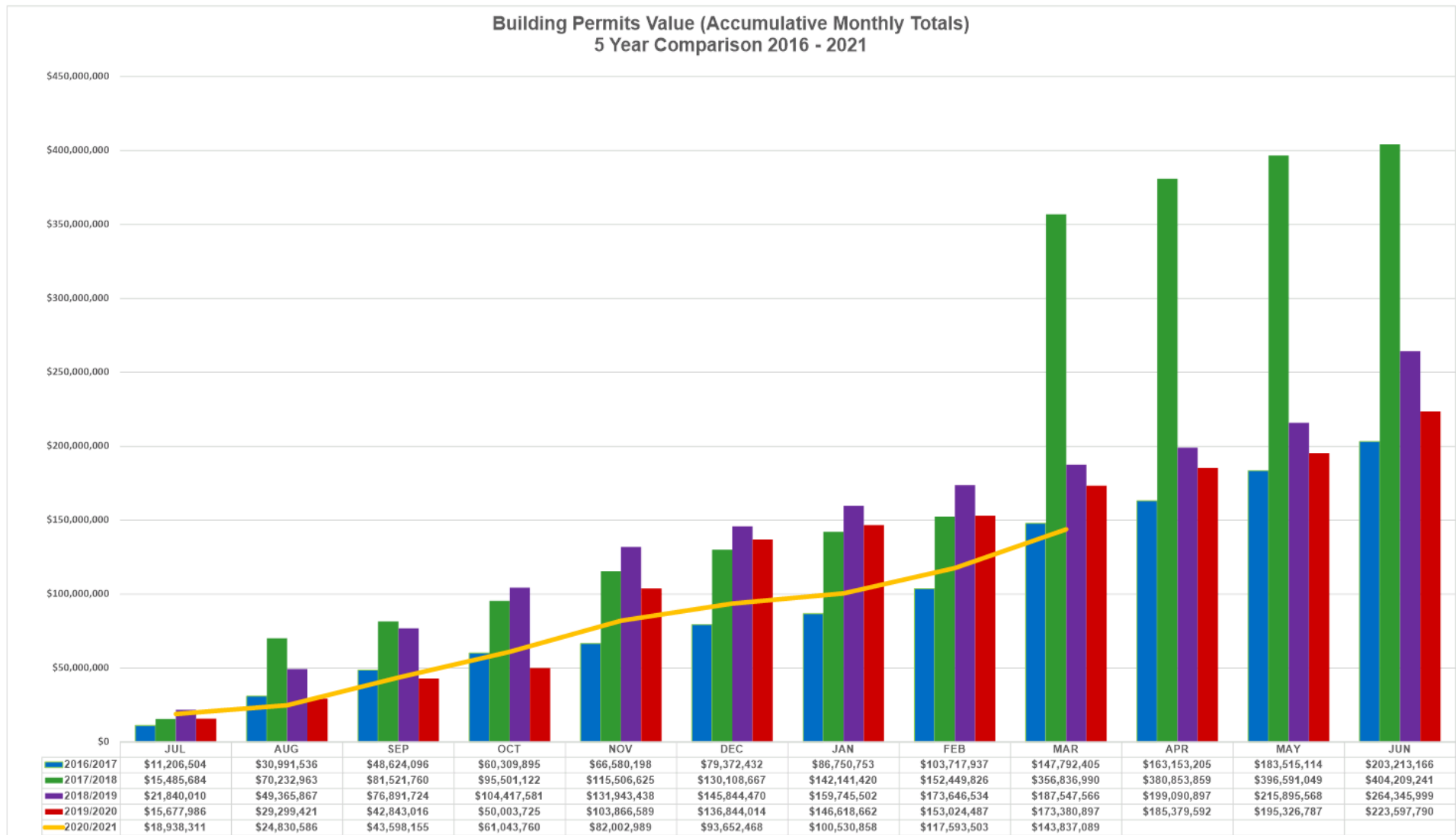


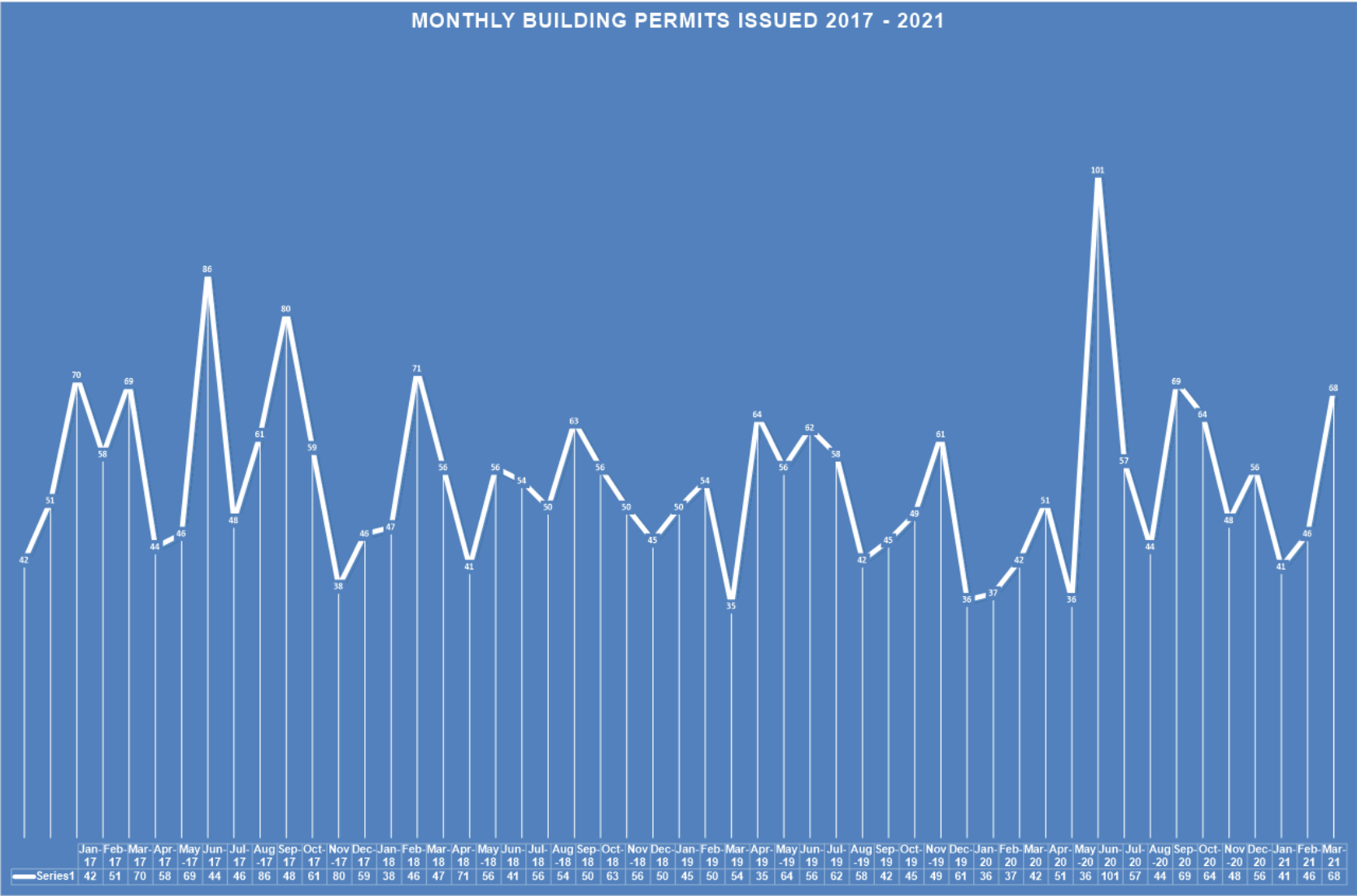
Neil Noye
DIRECTOR CITY PLANNING

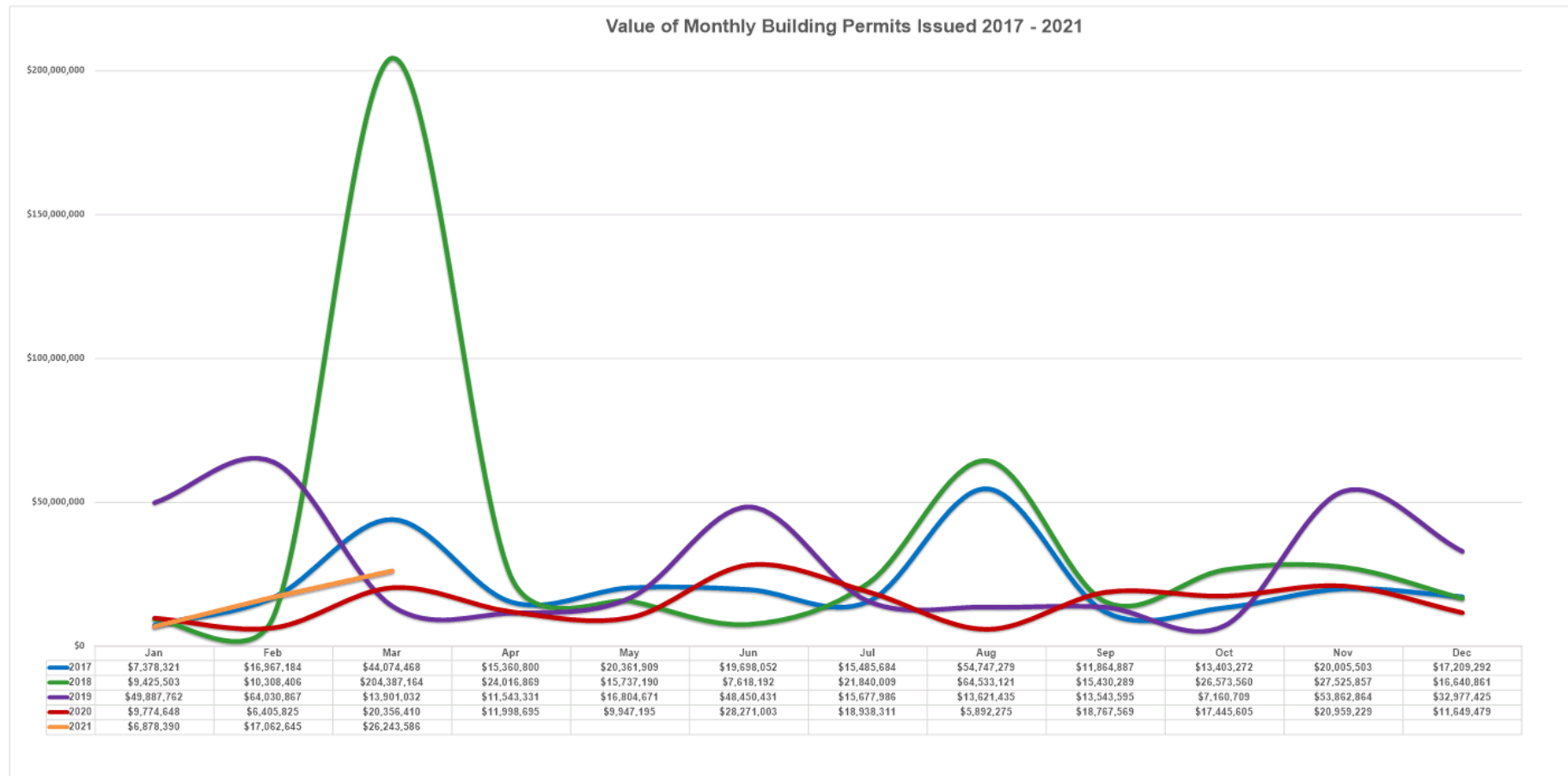
Date: 14 April 2021
File Reference: F21/30902

- Attachment A: Building Permits Issued Accumulative Monthly Totals Bar Graph - March 2021 
- Attachment B: Building Permits Value Accumulative Monthly Bar Graph - March 2021 
- Attachment C: Monthly Building Permits Issued Line Graph 2017 - 2021 - March 2021 
- Attachment D: Value of Monthly Building Permits Issued 2017 - 2021 Line Graph - March 2021 









8.3 Delegated Decision Report (Planning)
File Ref: F21/31294

Memorandum of the Director City Planning of 12 April 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 March 2021 to 9 April 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.

Neil Noye
DIRECTOR CITY PLANNING

Date: 12 April 2021
File Reference: F21/31294

Attachment A: Delegated Decision Report (Planning) ↓

12 April 2021

Delegated Decisions Report (Planning)

41 applications found.

Planning Description	Address	Works Value	Approved	Withdrawn / All Cancelled	All
			Decision	Authority	
PLN-17-783 Change of Use to Visitor Accommodation	6/179 LIVERPOOL STREET HOBART TAS 7000	\$ 0	Withdrawn	Applicant	
PLN-19-144 Subdivision (Boundary Adjustment)	21 SALAMANCA PLACE BATTERY POINT TAS 7004	\$ 5,000	Withdrawn	Applicant	
PLN-20-400 Dwelling	8 HAKEA DRIVE TOLMANS HILL TAS 7007	\$ 535,000	Approved	Delegated	
PLN-20-492 Change of Use to Dwelling	104 HARRINGTON STREET HOBART TAS 7000	\$ 40,000	Approved	Delegated	
PLN-20-617 Partial Demolition, Alterations, Landscaping, Front Fencing, and Alterations to Carparking and Access	200 CAMPBELL STREET NORTH HOBART TAS 7000	\$ 145,000	Approved	Delegated	
PLN-20-657 Partial Demolition, Alterations, and Extension	43 LOWER JORDAN HILL ROAD WEST HOBART TAS 7000	\$ 300,000	Approved	Delegated	
PLN-20-731 Fencing, Pergola, Landscaping, and Car Parking Alterations	30-34 ANGLESEA STREET SOUTH HOBART TAS 7004	\$ 9,500	Withdrawn	Applicant	
PLN-20-743 Partial Demolition, Alterations, Extension & Eight Multiple Dwellings (Six Existing & Two New)	1/263 MACQUARIE STREET HOBART TAS 7000	\$ 850,000	Approved	Delegated	
PLN-20-764 Dwelling	61 ATHLEEN AVENUE LENA VALLEY TAS 7008	\$ 425,000	Approved	Delegated	
PLN-20-776 Dwelling	76 LIVERPOOL CRESCENT WEST HOBART TAS 7000	\$ 0	Withdrawn	Applicant	
PLN-20-851 Dwelling	8 TABART STREET NEW TOWN TAS 7008	\$ 470,000	Approved	Delegated	
PLN-20-860 Partial Demolition, Alterations, Carport, Workshop, and Front Fencing	764 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 80,000	Approved	Delegated	
PLN-20-869 Partial Demolition, Alterations, Extension, Signage, Car Parking and Change of Use to Business and Professional Services	292-294 ELIZABETH STREET (CT 146403/2) NORTH HOBART TAS 7000	\$ 1,000,000	Approved	Delegated	
PLN-20-871 Partial Demolition, Alterations, and Carport	1B BUCHANAN AVENUE SANDY BAY TAS 7005	\$ 50,000	Approved	Delegated	
PLN-20-900 Partial Demolition, Alterations, and Change of Use to Business And Professional Services (Consulting Rooms)	33A NEW TOWN ROAD NEW TOWN TAS 7008	\$ 200,000	Approved	Delegated	
PLN-20-906 Dwelling and Tree Removal	34 HILLCREST ROAD TOLMANS HILL TAS 7007	\$ 380,000	Approved	Delegated	
PLN-21-1 Change of Use to Two Multiple Dwellings (One Existing, One New)	23 LIVERPOOL CRESCENT WEST HOBART TAS 7000	\$ 0	Approved	Delegated	
PLN-21-108 Partial Demolition, Alterations & Extension	8 YORK STREET SANDY BAY TAS 7005	\$ 295,000	Approved	Delegated	
PLN-21-110 Alterations	3/180-184 BATHURST STREET HOBART TAS 7000	\$ 3,000	Approved	Delegated	
PLN-21-113 Partial Demolition, Alterations, Signage and Partial Change of Use to Food Services	118-120A ELIZABETH STREET HOBART TAS 7000	\$ 35,000	Approved	Delegated	
PLN-21-117 Dwelling	76 LIVERPOOL CRESCENT WEST HOBART TAS 7000	\$ 400,000	Withdrawn	Applicant	
PLN-21-122 Partial Demolition, Alterations, Extension and Fencing	15 FORSTER STREET NEW TOWN TAS 7008	\$ 30,000	Approved	Delegated	

CITY OF HOBART

Planning Description	Address	Works Value	Decision	Authority
PLN-21-129 Partial Demolition and Alterations	217 MACQUARIE STREET HOBART TAS 7000	\$ 15,000	Approved	Delegated
PLN-21-131 Outbuilding	40 QUAYLE STREET SANDY BAY TAS 7005	\$ 25,000	Approved	Delegated
PLN-21-18 Partial Demolition, Alterations, Signage, and Change of Use to Food Services, and Business and Professional Services	100-102 CAMPBELL STREET HOBART TAS 7000	\$ 100,000	Withdrawn	Applicant
PLN-21-19 Signage	4-5 MAGNET COURT SANDY BAY TAS 7005	\$ 0	Approved	Delegated
PLN-21-206 Use for Business and Professional Services (Office)	49 TASMA STREET NORTH HOBART TAS 7000	\$ 0	Exempt	Delegated
PLN-21-210 Change of Use to Visitor Accommodation	56 ATHLEEN AVENUE LENA VALLEY TAS 7008	\$ 0	Exempt	Delegated
PLN-21-28 Partial Demolition, Alterations and Extension	11 CANE STREET WEST HOBART TAS 7000	\$ 160,000	Approved	Delegated
PLN-21-37 Partial Demolition, Alterations, Extension and Outbuilding	16 DUKE STREET SANDY BAY TAS 7005	\$ 100,000	Withdrawn	Applicant
PLN-21-54 Subdivision (Consolidation)	254-286 LIVERPOOL STREET HOBART TAS 7000	\$ 0	Approved	Delegated
PLN-21-56 Partial Demolition, Alterations, Extension and Partial Change of Use to Multiple Dwelling (Two Existing, One Additional)	1/222 BATHURST STREET WEST HOBART TAS 7000	\$ 400,000	Approved	Delegated
PLN-21-72 Partial Demolition and Alterations	21 LOWER JORDAN HILL ROAD WEST HOBART TAS 7000	\$ 25,000	Withdrawn	Applicant
PLN-21-74 Partial Demolition, Alterations and Extension	29 TRUMPETER STREET BATTERY POINT TAS 7004	\$ 920,000	Approved	Delegated
PLN-21-77 Partial Demolition, Alterations, Extension and Outbuilding	20 BYRON STREET SANDY BAY TAS 7005	\$ 500,000	Approved	Delegated
PLN-21-8 Public Toilets, Barbecue Shelter and Associated Works	8 OLD PROCTORS ROAD TOLMANS HILL TAS 7007	\$ 450,000	Withdrawn	Applicant
PLN-21-83 Partial Demolition, Alterations & Extension	58 MONTAGU STREET NEW TOWN TAS 7008	\$ 180,000	Approved	Delegated
PLN-21-87 Partial Demolition, Alterations and Change of Use to Educational and Occasional Care	10 EDWARD STREET (ALSO KNOWN AS 2 EDWARD STREET), GLEBE TAS 7000	\$ 5,500,000	Approved	Delegated
PLN-21-89 Partial Demolition, Alterations and Partial Change of Use to Community Meeting and Entertainment (Art & Craft Centre)	16 SMITH STREET NORTH HOBART TAS 7000	\$ 5,000	Approved	Delegated
PLN-21-91 Deck Extension	12 CROSS STREET NEW TOWN TAS 7008	\$ 10,000	Approved	Delegated
PLN-21-95 Partial Demolition, Alterations and Extension	1/65 HAMPDEN ROAD BATTERY POINT TAS 7004	\$ 250,000	Approved	Delegated

8.4 City Planning - Advertising Report
File Ref: F21/31761

Memorandum of the Director City Planning of 13 April 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 March 2021 to 9 April 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.

Neil Noye
DIRECTOR CITY PLANNING

Date: 13 April 2021
File Reference: F21/31761

Attachment A: City Planning - Advertising Report ↓

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-20-224	224 CHURCHILL AVENUE	SANDY BAY	Demolition and Dwelling	\$400,000	17/05/2021	ayersh	Director	30/03/2021	16/04/2021
PLN-20-169	55 - 57 GEORGE STREET	NORTH HOBART	Partial Demolition, Alterations and Extension	\$70,000	30/04/2020	ayersh	Director	01/04/2021	18/04/2021
PLN-21-164	32 CONGRESS STREET	SOUTH HOBART	Parking Deck and Front Fencing	\$8,000	24/04/2021	ayersh	Director	01/04/2021	18/04/2021
PLN-21-169	76 HAMPDEN ROAD	BATTERY POINT	Partial Demolition, Alterations and Front Fencing	\$150,000	05/05/2021	ayersh	Director	08/04/2021	22/04/2021
PLN-21-101	46 BEAUMONT ROAD	LENAH VALLEY	Dwelling	\$375,000	26/04/2021	baconr	Director	22/03/2021	08/04/2021
PLN-21-159	1 / 46 CLARE STREET	NEW TOWN	Change of Use to Visitor Accommodation	\$0	28/04/2021	baconr	Director	22/03/2021	08/04/2021
PLN-21-126	26 GIRRABONG ROAD	LENAH VALLEY	Partial Demolition, Alterations, Extension, and Two Multiple Dwellings (One Existing, One New)	\$250,000	19/04/2021	baconr	Director	24/03/2021	10/04/2021
PLN-21-85	23 - 25 MELVILLE STREET	HOBART	Partial Demolition, Alterations, Signage & Partial Change of Use to Hotel Industry	\$300,000	11/05/2021	baconr	Director	07/04/2021	21/04/2021
PLN-20-806	44 CROSS STREET	NEW TOWN	Four Multiple Dwellings, Partial Demolition, Alterations, Extensions, Outbuildings & Front Fencing	\$100,000	06/05/2021	baconr	Director	08/04/2021	22/04/2021
PLN-21-139	76 LIVERPOOL STREET	HOBART	Partial Demolition, Alterations, and Signage	\$100,000	15/04/2021	langd	Council (Council Land)	23/03/2021	09/04/2021
PLN-21-146	1 FRANKLIN WHARF	HOBART	Extension to Operating Hours	\$0	17/04/2021	langd	Director	23/03/2021	09/04/2021

PLN-21-107	28 RATHO STREET	LENAH VALLEY	Partial Demolition, Alterations & Extension	\$300,000	20/04/2021	langd	Director	26/03/2021	12/04/2021
PLN-21-163	72 SUMMERHILL ROAD	WEST HOBART	Dwelling	\$950,000	22/04/2021	langd	Director	26/03/2021	12/04/2021
PLN-21-52	19 CORBY AVENUE	WEST HOBART	Partial Demolition, Alterations, Extension, Studio and Outbuilding (Garage)	\$200,000	20/04/2021	langd	Director	29/03/2021	15/04/2021
PLN-20-894	2 A CATO AVENUE	WEST HOBART	Partial Demolition, Alterations and Extension	\$150,000	29/04/2021	langd	Director	30/03/2021	16/04/2021
PLN-20-692	53 LANSLOWNE CRESCENT	WEST HOBART	Partial Demolition and Garage	\$20,000	29/04/2021	langd		01/04/2021	18/04/2021
PLN-21-184	61 BEAUMONT ROAD	LENAH VALLEY	Dwelling	\$600,000	05/05/2021	langd	Director	01/04/2021	18/04/2021
PLN-20-850	511 NELSON ROAD	MOUNT NELSON	Partial Demolition, Alterations, and Extension	\$250,000	18/04/2021	maxwellv	Director	23/03/2021	09/04/2021
PLN-21-136	16 ROMILLY STREET	SOUTH HOBART	Partial Demolition, Alterations & Extension	\$400,000	13/05/2021	maxwellv	Council (Objection)	24/03/2021	10/04/2021
PLN-21-158	7 - 9 LEFROY STREET	NORTH HOBART	Partial Demolition, Alterations, and Extension	\$300,000	21/04/2021	maxwellv	Director	26/03/2021	12/04/2021
PLN-21-62	9 STEVENS FARM DRIVE	WEST HOBART	Dwelling	\$750,000	21/04/2021	maxwellv	Director	29/03/2021	15/04/2021
PLN-21-177	404 PARK STREET	NEW TOWN	Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New)	\$300,000	05/05/2021	maxwellv	Director	09/04/2021	23/04/2021
PLN-21-152	6 DOWNIE STREET	SOUTH HOBART	Partial Demolition, Alterations and Extension	\$20,000	21/04/2021	mcclenahan m	Director	25/03/2021	11/04/2021
PLN-21-134	17 - 19 FEDERAL STREET	NORTH HOBART	Demolition and Front Fencing	\$14,000	14/04/2021	mcclenahan m	Director	25/03/2021	11/04/2021

PLN-21-100	112 LIVERPOOL STREET	HOBART	Extension to Operating Hours	\$0	21/04/2021	nolanm	Director	22/03/2021	08/04/2021
PLN-21-125	22 SALAMANCA SQUARE	BATTERY POINT	Signage	\$0	24/04/2021	nolanm	Director	23/03/2021	09/04/2021
PLN-21-94	188 - 192 ARGYLE STREET	NORTH HOBART	Change of Use to Food Services & General Retail and Hire & Signage	\$5,500	24/04/2021	nolanm	Director	24/03/2021	10/04/2021
PLN-21-106	14 PINE STREET	WEST HOBART	Partial Demolition, Alterations & Extension	\$50,000	19/04/2021	nolanm	Director	24/03/2021	10/04/2021
PLN-21-170	1 / 33 NICHOLAS DRIVE	SANDY BAY	Change of Use to Visitor Accommodation	\$2,000	12/05/2021	nolanm	Director	30/03/2021	16/04/2021
PLN-21-189	1 / 85 BARRACK STREET	HOBART	Alterations (Deck)	\$2,000	03/05/2021	nolanm	Director	01/04/2021	18/04/2021
PLN-20-458	100 LIVERPOOL CRESCENT	WEST HOBART	Dwelling	\$800,000	29/04/2021	nolanm	Director	09/04/2021	23/04/2021
PLN-21-157	1 RISDON ROAD	NEW TOWN	Partial Demolition, Alterations, Signage, and Partial Change of Use to Food Services	\$165,000	21/04/2021	sherriffc	Director	22/03/2021	08/04/2021
PLN-20-899	32 DARLING PARADE	MOUNT STUART	Partial Demolition, Alterations and Extension	\$150,000	18/04/2021	sherriffc	Director	25/03/2021	11/04/2021
PLN-21-105	10 EVANS STREET	HOBART	Partial Demolition, Alterations, Signage, Front Fencing and Temporary Partial Change of Use to Light Industry and Hotel (Bar)	\$4,000	04/05/2021	sherriffc	Director	26/03/2021	12/04/2021
PLN-21-73	15 HAKEA DRIVE	TOLMANS HILL	Garden Structure and Deck	\$28,000	01/05/2021	sherriffc	Director	26/03/2021	12/04/2021
PLN-21-150	267 DAVEY STREET	SOUTH HOBART	Partial Demolition, Alterations, Front Fencing, and Ancillary Dwelling	\$700,000	16/04/2021	sherriffc	Director	26/03/2021	12/04/2021

PLN-21-166	2 ERINA PLACE	SANDY BAY	Partial Demolition, Alterations and Extension	\$40,000	23/04/2021	sherriffc	Director	29/03/2021	15/04/2021
PLN-21-99	256 HARRINGTON STREET	HOBART	Partial Demolition, Alterations and Two Multiple Dwellings	\$675,000	02/05/2021	sherriffc	Director	01/04/2021	18/04/2021
PLN-21-1	23 LIVERPOOL CRESCENT	WEST HOBART	Change of Use to Two Multiple Dwellings (One Existing, One New)	\$0	13/04/2021	smeea	Director	22/03/2021	08/04/2021
PLN-21-132	13 BROUGHTON AVENUE	MOUNT NELSON	Partial Demolition and Two Multiple Dwellings	\$1,000,000	23/04/2021	smeea	Director	07/04/2021	21/04/2021
PLN-20-912	3 PIRIE STREET	NEW TOWN	Partial Demolition, Alterations and Extension	\$250,000	28/04/2021	widdowsont	Director	25/03/2021	11/04/2021
PLN-21-130	1 / 8 BINNEY COURT	SANDY BAY	Change of Use to Visitor Accommodation	\$10	04/05/2021	widdowsont	Director	30/03/2021	16/04/2021
PLN-21-127	226 CHURCHILL AVENUE	SANDY BAY	Partial Demolition, Alterations and Extension	\$550,000	06/05/2021	widdowsont	Director	07/04/2021	21/04/2021
PLN-21-151	1 SAYER CRESCENT	SANDY BAY	Alterations (Reroofing)	\$52,000	16/05/2021	widdowsont	Director	09/04/2021	23/04/2021

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

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

The General Manager reports:-

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

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

9.1 Planning Approvals / Building Completions**File Ref: F20/30664; 13-1-10**

Memorandum of the Director City Planning of 14 April 2021.

9.2 Dwelling Approvals**File Ref: F21/9440**

Memorandum of the Director City Planning of 13 April 2021.

9.3 Dwellings - Approval / Refusal**File Ref: F21/18781; 13-1-10**

Memorandum of the Director City Planning of 13 April 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

PLANNING APPROVALS / BUILDING COMPLETIONS

Meeting: City Planning Committee

Meeting date: 2 March 2020

Raised by: Councillor Dutta

Question:

Can the Director advise what percentage of planning approvals move to building and completion stage and if there are factors which affect a project moving to building stage?

Response:

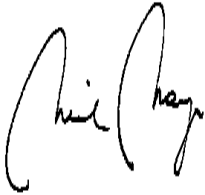
Using the planning applications approved in 2018 and as of 15 January 2021

- there were 892 planning permits issued;
- approximately 139 of those permits did not require building approval (using an assumption that some change of use, signage, artwork, driveway, front fence, application etc)
- 424 or 56.3% of those planning permits (that required building approval) received a building permit;
- therefore 56.3% of planning permits approved in 2018 received or did not require a building permit; and
- of those building permits that were issued, 161 or 38% were issued a Certificate of Completion.

The factors that contribute to a project moving to building stage are many and varied and include the following

- personal circumstances
- financial capacity
- availability of suitable builders
- whether the project was purely a speculative endeavour to then on sell to a second party
- market conditions

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

A handwritten signature in black ink, appearing to read 'Neil Noye', with a stylized, cursive script.

Neil Noye
DIRECTOR CITY PLANNING

Date: 14 April 2021
File Reference: F20/30664; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

DWELLING APPROVALS

Meeting: City Planning Committee

Meeting date: 1 February
2021

Raised by: Alderman Behrakis

Question:

Can the Director advise in 2020 how many dwellings were given planning approval by the Council and how many building permits for dwellings were issued?

Response:

In 2020, 490 new dwellings were given planning approval, which was made up of:

- Council approved 261 new dwellings;
- City Planning Committee approved 51 new dwellings;
- 169 dwellings were approved by Officer Delegation (including 5 Exempt and 5 Not-Required); and
- 9 dwellings were also approved by the Tribunal.

In 2020, 127 new dwellings were issued building approval.

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

Neil Noye

DIRECTOR CITY PLANNING

Date: 13 April 2021
File Reference: F21/9440

City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

DWELLINGS - APPROVAL / REFUSAL

Meeting: City Planning Committee

Meeting date: 1 March 2021

Raised by: Alderman Behrakis

Question:

Can the Director advise how many dwellings have been refused and approved by the Council during this current term?

Response:

Below is the current statistics for dwelling applications between 1 November 2018 until 28 February 2021.

	No of Dwellings	No of Applications
Refused	166	6
Approved	545	196

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

Neil Noye
DIRECTOR CITY PLANNING

Date: 13 April 2021

File Reference: F21/18781; 13-1-10

10. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the General Manager or the General Manager's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, General Manager or General Manager's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
 - (ii) a written response will be provided to all Elected Members, at the appropriate time.
 - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

11. CLOSED PORTION OF THE MEETING

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

- Confirm the minutes of the Closed portion of the meeting
- Questions without notice in the Closed portion

The following items were discussed: -

- | | |
|------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Council Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Questions Without Notice |