



CITY OF HOBART

AGENDA

City Planning Committee Meeting

Open Portion

Monday, 16 August 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.

APOLOGIES AND LEAVE OF ABSENCE

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City Planning Committee Meeting (Open Portion) held Monday, 16 August 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*.

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

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, 2 August 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 Chief Executive Officer.

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 Chief Executive Officer 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 Chief Executive Officer is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

7.1.1 29 CAMPBELL STREET, HOBART AND ADJACENT ROAD RESERVE - PARTIAL CHANGE OF USE TO EATING ESTABLISHMENT AND OUTDOOR DINING PLN-21-281 - FILE REF: F21/79174

Address:	29 Campbell Street, Hobart and Adjacent Road Reserve
Proposal:	Partial Change of Use to Eating Establishment and Outdoor Dining
Expiry Date:	23 August 2021
Extension of Time:	Not applicable
Author:	Tristan Widdowson

RECOMMENDATION

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial change of use to eating establishment and outdoor dining at 29 Campbell Street, Hobart 7000 and adjacent road reserve for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-281 29 CAMPBELL STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to

your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

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

BUILDING PERMIT

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

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

OCCUPATION OF THE PUBLIC HIGHWAY

You may require an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click [here](#) for more information.

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

NOISE REGULATIONS




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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

- Attachment A: PLN-21-281 - 29 CAMPBELL STREET HOBART
TAS 7000  Planning Committee or Delegated
Report ↓
- Attachment B: PLN-21-281 - 29 CAMPBELL STREET HOBART
TAS 7000 - CPC Agenda Documents ↓ 
- Attachment C: PLN-21-281 - 29 CAMPBELL STREET HOBART
TAS 7000 - Planning Referral Officer Cultural
Heritage Report ↓ 

**APPLICATION UNDER SULLIVANS COVE PLANNING SCHEME 1997**

Type of Report:	Committee
Council:	16 August 2021
Expiry Date:	23 August 2021
Application No:	PLN-21-281
Address:	29 CAMPBELL STREET , HOBART ADJACENT ROAD RESERVE
Applicant:	Michaela Turner (Liminal Studio) 100 New Town Road
Proposal:	Partial Change of Use to Eating Establishment and Outdoor Dining
Representations:	None
Performance criteria:	Public Urban Space Schedule and Conservation of Cultural Heritage Value Schedule

1. Executive Summary

- 1.1 Planning approval is sought for Partial Change of Use to Eating Establishment and Outdoor Dining at 29 Campbell Street, Hobart.
- 1.2 More specifically the proposal includes:
 - The proposal is for a partial change of use to Eating Establishment relating to an approximately 23m² café space within the existing building and associated outdoor dining located on the Collins Street frontage of the University of Tasmania's Hedberg site. The proposed outdoor dining consists of two 2m x 2m demountable umbrella structures with removable table and chairs. They're to be located either side of the main entry doors and setback a minimum of 1.8m from the face of the building.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Public Urban Space Schedule - Clause 24.5 Commercial and Community Furniture
 - 1.3.2 Conservation of Cultural Heritage Values Schedule - Clause 22.5 Listed Place

- 1.4 No representations were received during the statutory advertising period between 20 July and the 3 August 2021.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council Planning Committee, because it includes works in Council's Road Reservation.

2. Site Detail

- 2.1 The cafe is located within the the Collins Street frontage of the University of Tasmanian's Hedberg site with the outdoor dining to be located either side of the main entry doors. The recently completed Hedberg development is located within the Wapping Precinct

2.2



Figure 1: GIS Map Image 1:2000

2.3

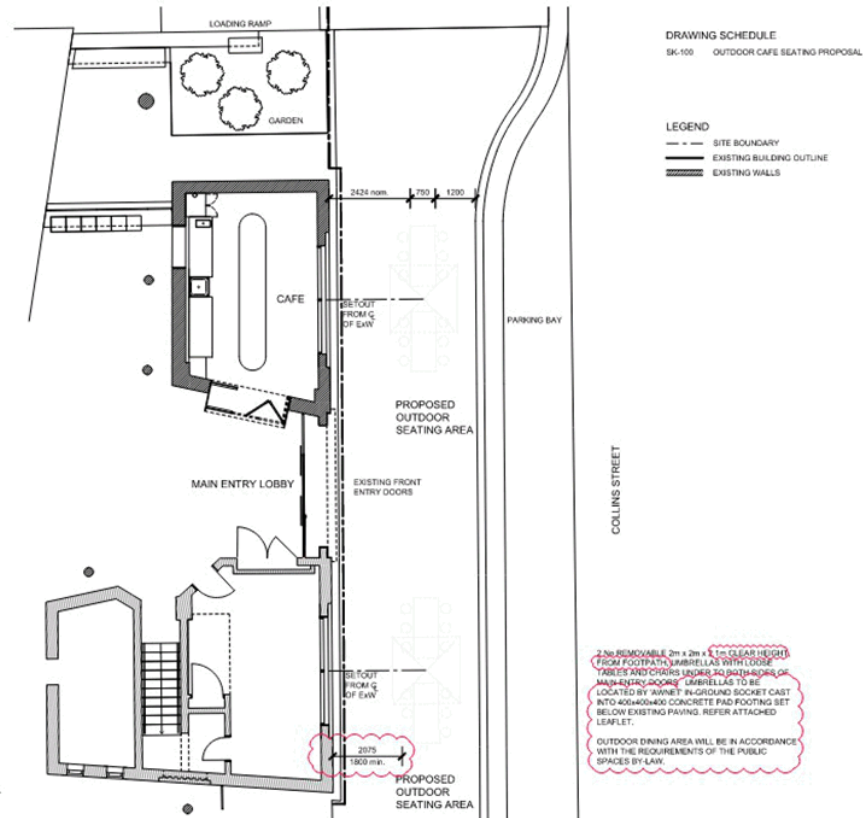


Figure 2: Proposed location of cafe and outdoor dining

3. Proposal

- 3.1 Planning approval is sought for Partial Change of Use to Eating Establishment and Outdoor Dining at 29 Campbell Street, Hobart.
- 3.2 More specifically the proposal is for:
 - The proposal is for a partial change of use to Eating Establishment relating to an approximately 23m² café space within the existing building and associated outdoor dining located on the Collins Street frontage of the University of Tasmania's Hedberg site. The proposed outdoor dining consists of two 2m x 2m demountable umbrella structures with removable table and chairs. They're to be located either side of the main entry doors and setback a minimum of 1.8m from the face of the building.

3.3



4. Background

4.1 There is no relevant background for this application

5. Concerns raised by representors

5.1 No representations were received during the statutory advertising period between 20 July and the 3 August 2021.

6. Assessment

- 6.1 The *Sullivans Cove Planning Scheme 1997* is a performance based planning scheme. This approach recognises that there are in many cases a number of ways in which a proposal can satisfy desired environmental, social and economic standards. In some cases a proposal will be 'permitted' subject to specific 'deemed to comply' provisions being satisfied. Performance criteria are established to provide a means by which the objectives of the planning scheme may be satisfactorily met by a proposal. Where a proposal relies on performance criteria, the Council's ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located in the Inner City Residential 1.0 Activity Area of the *Sullivans Cove Planning Scheme 1997*.
- 6.3 The existing use for Eating Establishment is a permitted use in the Activity Area.
- 6.4 The proposal has been assessed against:
- 6.4.1 Parts A and B – Strategic Framework
 - 6.4.2 Part D – Clause 15 – Activity Area Controls
 - 6.4.3 Part E – Schedule 1 – Conservation of Cultural Heritage Values
 - 6.4.4 Part E – Schedule 3 – Public Urban Space
 - 6.4.5 Part E – Schedule 8 – Environmental Management
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1. Public Urban Space Schedule:-
 - Commercial and Community Furniture - clause 24.5*
 - 6.5.2 Conservation of Cultural Heritage Values Schedule
 - Listed Place – clause 22.5.4*
- 6.6 Each performance criterion is assessed below.
- 6.7 Commercial and Community Furniture - Clause 24.5

- 6.7.1 The proposal includes the installation of outdoor dining furniture. Some of which is temporary (tables and chairs) and some of which is permanent (umbrellas) but removable. The planning scheme at clause 24.5.2A provides that temporary outdoor dining furniture in this location is exempt from requiring planning approval, but permanent outdoor dining furniture is discretionary.
- 6.7.2 The planning scheme provides at clause 24.5.2B as follows:
- An application for a permit under this clause may be approved or refused. Any application must provide for free unobstructed pedestrian carriage as determined by the Council as Highway Authority.*
- 6.7.3 The proposed outdoor dining area permanent elements consist of the two umbrella structures with removable table and chairs which will run parallel to the dominant lines of the building and street. They are also located in two smaller clusters and on a wider section of footpath allowing maximum unobstructed pedestrian movement. It is a low speed vehicle area with the structure not impacting on the existing road network. It will not compromise the efficient movement of pedestrians, and contributes to achieving a comfortable and aesthetically pleasing pedestrian environment.
- 6.7.4 The proposal is considered to satisfy the guidelines for secondary spaces and characteristics of Public Urban Space in the Cove.
- 6.8 Heritage Part E Clause 22.5.4
- 6.8.1 The building associated with the proposal is a Heritage Listed building therefore the Council's Cultural Heritage Officer has provided the following assessment:
- The applicant is proposing an area of outdoor dining associated with the Hedberg, UTAS on the corner of Collins and Campbell Streets which is a place of Cultural Significance under the Sullivans Cove Planning Scheme. Loose tables and chairs are proposed and umbrellas would be attached to a concrete pad set below paver level. All proposed items are of a simple and modest design and are either removable or demountable. 1800mm minimum clear space would separate the furniture from the place of cultural significance and also allow pedestrians to pass.
- The following criteria must be taken into consideration in the assessment

of all proposals to undertake 'building or works' on places of cultural significance:

'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;

'Building or works' must be in compliance with the conservation strategy of an approved Conservation Plan, where required and/or provided;

The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;

'Building or works' must not reduce the apparent authenticity of places of cultural significance by mimicking historic forms;

'Building or works' may be recognisable as new but must not be individually prominent;

The painting of previously unpainted surfaces is discouraged

The proposed cafe furniture and configuration is considered to meet the above objectives. The proposed works are acceptable (22.5.4) and recommended for approval.

- 6.8.2 The proposal is considered to satisfy the relevant provisions of the Heritage Schedule.

7. Discussion

- 7.1 Planning approval is sought for Partial Change of Use to Eating Establishment and Outdoor Dining at 29 Campbell Street, Hobart.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the planning scheme and is considered to satisfy the relevant provisions of the *Sullivan's Cove Planning Scheme 1997* with the cafe and associated outdoor dining considered to be suitable and appropriate whilst not compromising the Heritage values of the site.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Cultural Heritage Officer, and Roads Unit. The officers have raised no objection to the proposal.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Partial Change of Use to Eating Establishment and Outdoor Dining at 29 Campbell Street, Hobart satisfies the relevant provisions of the *Sullivans Cove Planning Scheme 1997*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Partial Change of Use to Eating Establishment and Outdoor Dining at 29 Campbell Street, Hobart and Adjacent Road Reserve for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

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To clarify the scope of the permit.

ADVICE

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(Tristan Widdowson)

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: 10 August 2021

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report



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

18 June 2021

Phillip Cox
C/- 29 Campbell Street
HOBART TAS 7000

mailto: pccox22@gmail.com

Dear Sir/Madam

**29 CAMPBELL STREET, HOBART - WORKS IN ROAD RESERVE NOTICE OF LAND
OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-21-34**

Site Address:

29 Campbell Street, Hobart

Description of Proposal:

Partial Change of Use to Eating Establishment / Outdoor Dining / Works in Road Reserve

Applicant Name:

Phillip Cox

PLN (if applicable):

PLN-21-281

I write to advise that pursuant to Section 52 of the *Land Use Planning and Approvals Act 1993*, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority.

This consent does not constitute an approval to undertake any works and does not authorise

Hobart Town Hall
50 Macquarie Street
Hobart TAS 7000

Hobart Council Centre
16 Elizabeth Street
Hobart TAS 7000

City of Hobart
GPO Box 503
Hobart TAS 7001

T 03 6238 2711
F 03 6234 7109
E coh@hobartcity.com.au
W hobartcity.com.au

CityofHobartOfficial
ABN 39 055 343 428
Hobart City Council

the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

If planning approval is granted by the planning authority, you will be required to seek approvals and permits from the City as both landlord, land manager, or under other statutory powers (such as other legislation or City By-Laws) that are not granted with the issue of a planning permit under a planning scheme. This includes the requirement for you to reapply for a permit to occupy a public space under the City's Public Spaces By-law if the proposal relates to such an area.

Accordingly, I encourage you to continue to engage with the City about these potential requirements.

Yours faithfully

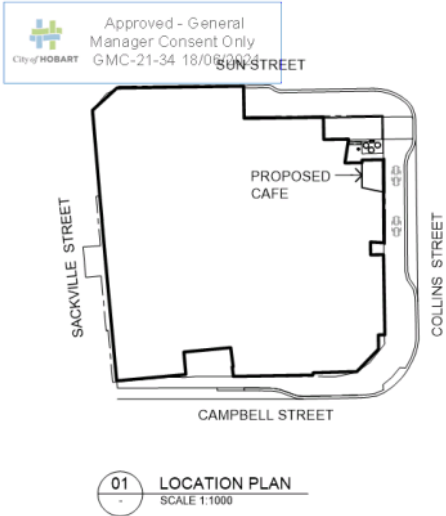


(Kelly Grigsby)

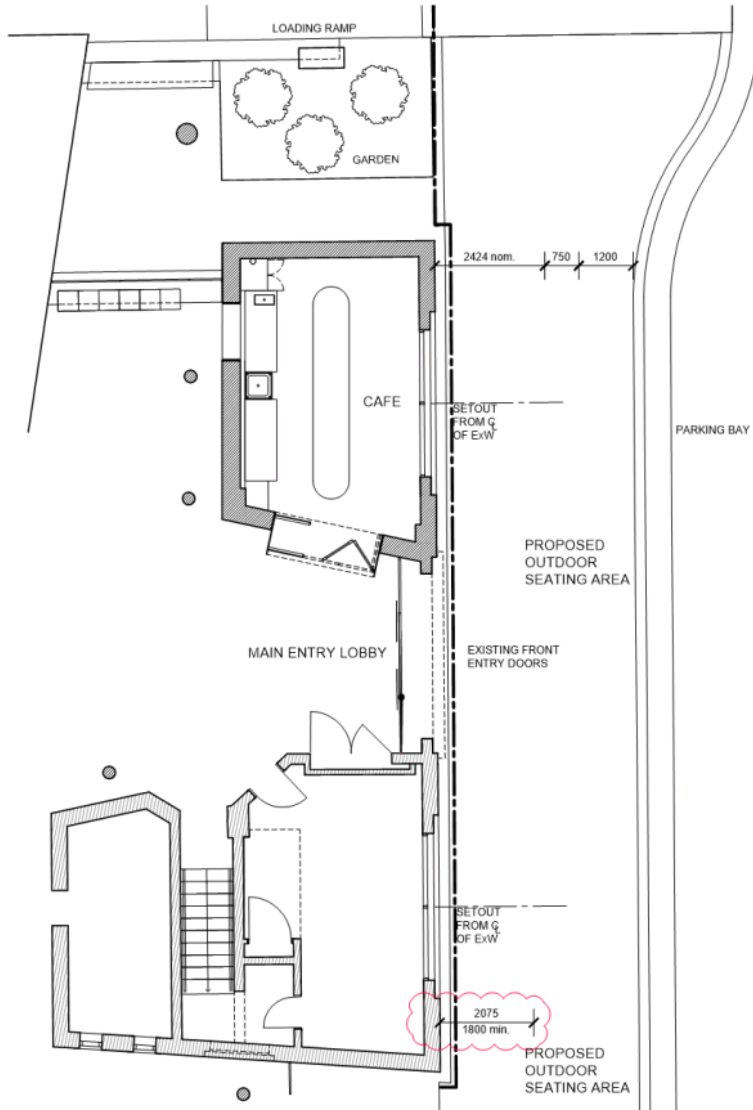
Chief Executive Officer being the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993 (Tas)

Relevant documents/plans:

Plans - Liminal Architecture - The Hedberg Cafe



02 PROPOSED PLAN
SCALE 1:100



DRAWING SCHEDULE
SK-100 OUTDOOR CAFE SEATING PROPOSAL

LEGEND
--- SITE BOUNDARY
--- EXISTING BUILDING OUTLINE
--- EXISTING WALLS

2 No REMOVABLE 2m x 2m x 2.1m CLEAR HEIGHT FROM FOOTPATH UMBRELLAS WITH LOOSE TABLES AND CHAIRS UNDER TO BOTH SIDES OF MAIN ENTRY DOORS. UMBRELLAS TO BE LOCATED BY 'AWNET' IN-GROUND SOCKET CAST INTO 400x400x400 CONCRETE PAD FOOTING SET BELOW EXISTING PAVING. REFER ATTACHED LEAFLET.
OUTDOOR DINING AREA WILL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC SPACES BY-LAW.

REV. No.	DESCRIPTION	DATE
A	NOTATION AMENDED, UMBRELLA LOCATING SOCKET INFORMATION ADDED	01/06/2021

100 New Town Road New Town Tasmania 7008 T +613 62310166
contact@liminalstudio.com.au liminalstudio.com.au
ACD 18/06/2021 11:00 AM 18/06/2021 11:00 AM

LIMINAL
ARCHITECTURE

PROJECT
THE HEDBERG CAFE

CLIENT
PHIL COX

TITLE
OUTDOOR CAFE SEATING PROPOSAL

DRAWING No.	SK-100	REVISION No.	A
DATE	1 June 2021		
SCALE	1:100 & 1:1000 @A3		
PROJECT CODE	THC		
APPROVAL	DEVELOPMENT APPLICATION		

General dimensions take precedence to scale readings. Verify all dimensions on site.
Report any discrepancies to the Architect or Designer before proceeding with the work. Copyright ©
15 25 35M

the **LIST.**DEPARTMENT of PRIMARY INDUSTRIES
and WATER

Land Information Services


RESULT OF SEARCH
 RECORDER OF TITLES, TASMANIA
 Issued pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
198531	1
EDITION	DATE OF ISSUE
1	04-Aug-1995

SEARCH DATE : 17-Mar-2009

SEARCH TIME : 12.14 pm

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Plan 198531

Derivation : Part of 12.1/2Ps Gtd to W Robertson, 12.3/4Ps Gtd to A Bowcher, 5Ps Gtd to C Machlachlan, 11Ps Gtd to The Corporation, 0A-1R-5Ps Gtd to J M Wilson, 24.1/2Ps vested in The Corporation by Notification

Prior CT 3597/37

SCHEDULE 1

HOBART CITY COUNCIL

SCHEDULE 2

Reservations and conditions in the Crown Grant, if any

BURDENING EASEMENT: A right of carriageway (as appurtenant to 0A-1R-21.1/10Ps of land shown in Diagram No. 96/25) over the said land within described

BURDENING EASEMENT: A right of carriageway (appurtenant to 0A-0R-18.3/10Ps of land acquired by Notification No.

A30242) over the Roadway marked A.B.C.D. on Plan No. 198531

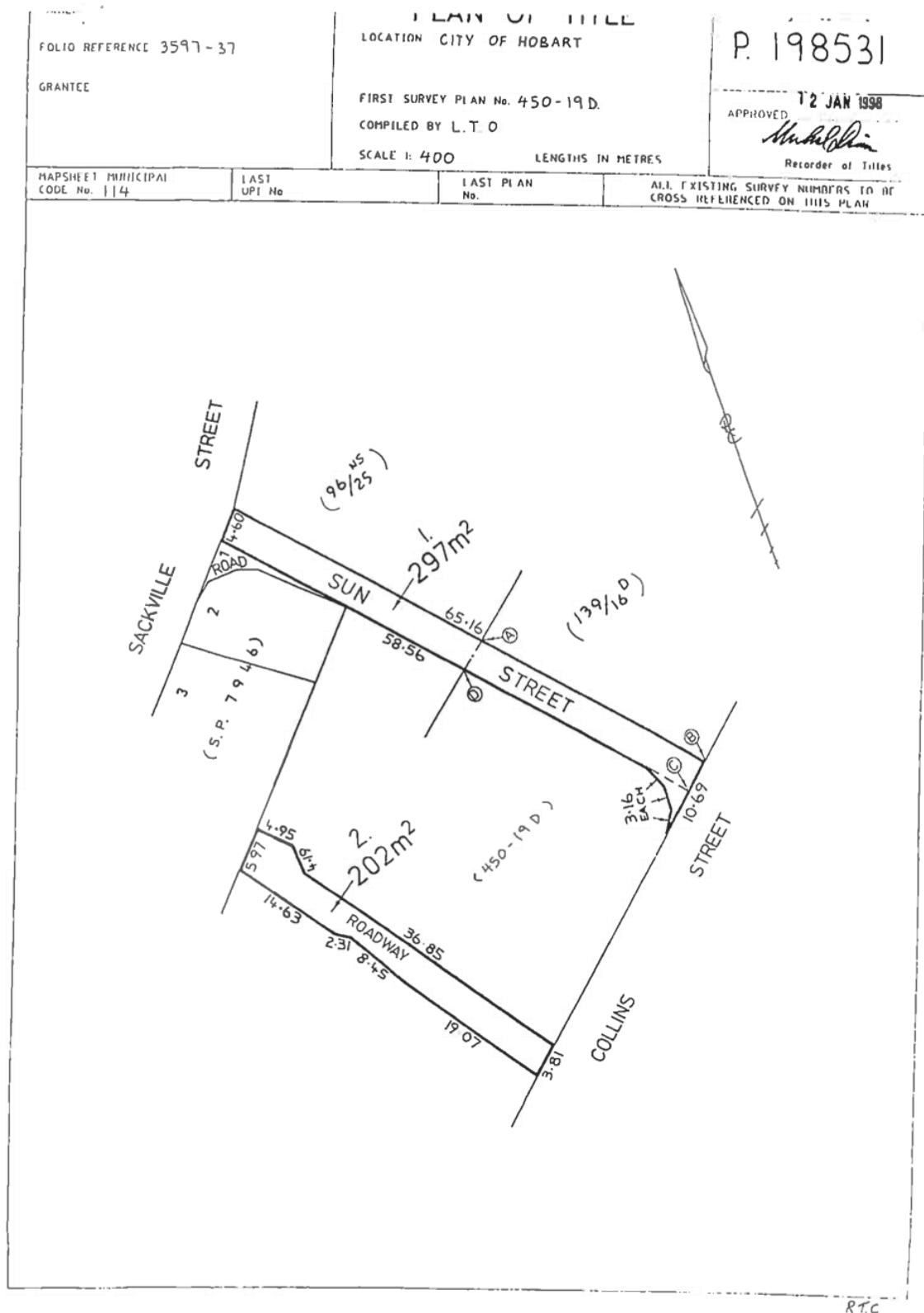
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

END OF SEARCH.

Warning: The information appearing under Unregistered Dealings and Notations has not been formally recorded in the Register.

Putting it all together.



the LIST.

DEPARTMENT of PRIMARY INDUSTRIES
and WATER

Land Information Services

**RESULT OF SEARCH**
RECORDER OF TITLES, TASMANIA
Issued pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
198531	2
EDITION	DATE OF ISSUE
1	04-Aug-1995

SEARCH DATE : 17-Mar-2009
SEARCH TIME : 12.14 pm

DESCRIPTION OF LAND

City of HOBART

Lot 2 on Plan 198531

Derivation : Part of 12.1/2Ps Gtd to W Robertson, 12.3/4Ps Gtd to A
Bowcher, 5Ps Gtd to C Machlachlan, 11Ps Gtd to The Corporation,
0A-1R-5Ps Gtd to J M Wilson, 24.1/2Ps vested in The Corporation by
Notification

Prior CT 3597/37

SCHEDULE 1

HOBART CITY COUNCIL

SCHEDULE 2

Reservations and conditions in the Crown Grant, if any

BURDENING EASEMENT: Full and free right and liberty to and for
Theatre Royal Board, Josiah Charles Eagle Knight

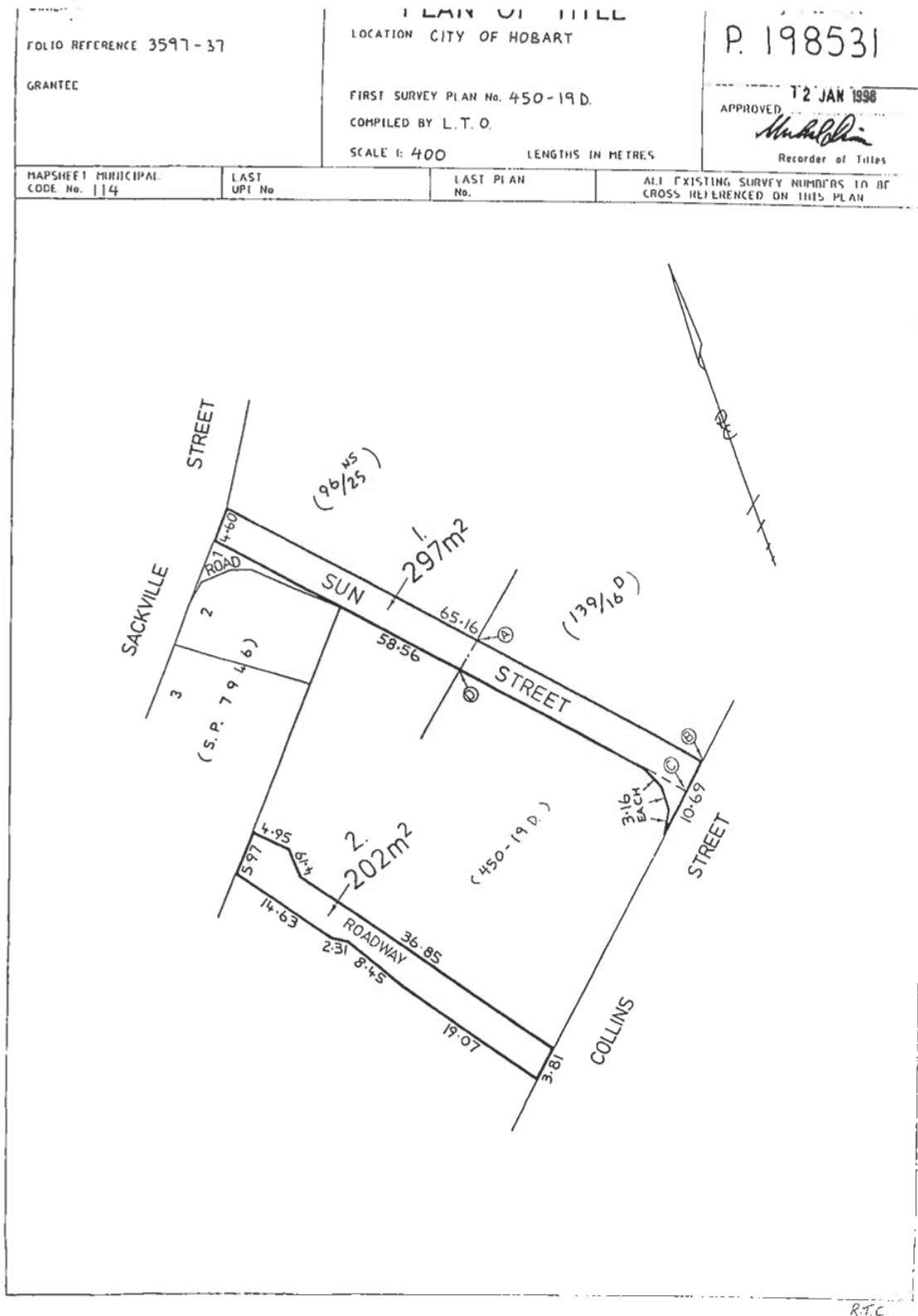
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

END OF SEARCH.

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Putting it all together.



RESULT OF SEARCH

Page 1 of 1

DEPARTMENT of PRIMARY INDUSTRIES
and WATER

Land Information Services

**RESULT OF SEARCH**
RECORDER OF TITLES, TASMANIA
Issued pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 142953	FOLIO 1
EDITION 2	DATE OF ISSUE 09-Jan-2008

SEARCH DATE : 27-Feb-2009
SEARCH TIME : 11.25 amDESCRIPTION OF LANDCity of HOBART
Lot 1 on Sealed Plan 142953
Derivation : For grantees see plan
Prior CT 223332/1SCHEDULE 1

C750567 TRANSFER to THE CROWN - Registered 09-Jan-2008 at 12:00 pm

SCHEDULE 2

Reservations and conditions in the Crown Grant, if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

END OF SEARCH.

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Putting it all together.

Page 1 of 1

OWNER THE TRANSPORT COMMISSION FOLD REFERENCE: C.T.223332/1 GRANTEE WHOLE OF 0-0-11 & 0-0-12 GRANTED TO THE TRANSPORT COMMISSION 'SEE BELOW'	<h2 style="margin: 0;">PLAN OF SURVEY</h2> BY SURVEYOR Anthony Owen Carrick Brooks Lark & Carrick, Surveyors 175 Collins Street Hobart <h3 style="margin: 0;">CITY OF HOBART</h3> (SEC.T) SCALE: 1: 250	REGISTERED NUMBER <h1 style="margin: 0;">SP142953</h1> <div style="border: 1px solid black; padding: 2px;"> APPROVED EFFECTIVE FROM - 8 MAR 2005 <i>Alice Raw</i> Recorder of Titles </div>
MAPSHEET MUNICIPAL CODE No. 114 (5125-42)	LAST UPI No. 2100065	LAST PLAN NO. 450/19D
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		

PART OF 0-1-5 GTD. TO JAMES MILNE WILSON, PART OF 0-0-12 1/2 GTD. TO WILLIAM ROBERTSON, PART OF 0-0-11 & WHOLE OF 0-0-17 1/2 GTD. TO THE MAYOR ETC. OF THE CITY OF HOBART, PART OF 0-0-5 GTD. TO CHARLES MACLACHLAN, PART OF 0-0-12 1/2 GTD. TO ARTHUR ROBERT CROCKER BOWCHER & WHOLE OF 0-0-0 1/10 & 0-0-5 GTD. TO ALEXANDER GEORGE WEBSTER & CHARLES RICHARD LEWIS.

LOT 1 IS COMPILED FROM
 F.R.223332/1 & THIS SURVEY.

11/3/2005
 DATE

COUNCIL DELEGATE

RESULT OF SEARCH

Page 1 of 1

DEPARTMENT OF PRIMARY INDUSTRIES
and WATER

Land Information Services

**RESULT OF SEARCH**
RECORDER OF TITLES, TASMANIA
Issued pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 142953	FOLIO 6
EDITION 1	DATE OF ISSUE 08-Mar-2005

SEARCH DATE : 27-Feb-2009
SEARCH TIME : 11.25 amDESCRIPTION OF LANDCity of HOBART
Lot 6 on Sealed Plan 142953
Derivation : For grantees see plan
Prior CT 223332/1SCHEDULE 1C559191 TRANSFER to HOBART CITY COUNCIL - Registered 08-Mar-2005
at 12:00 pmSCHEDULE 2

Reservations and conditions in the Crown Grant, if any

UNREGISTERED DEALINGS AND NOTATIONS

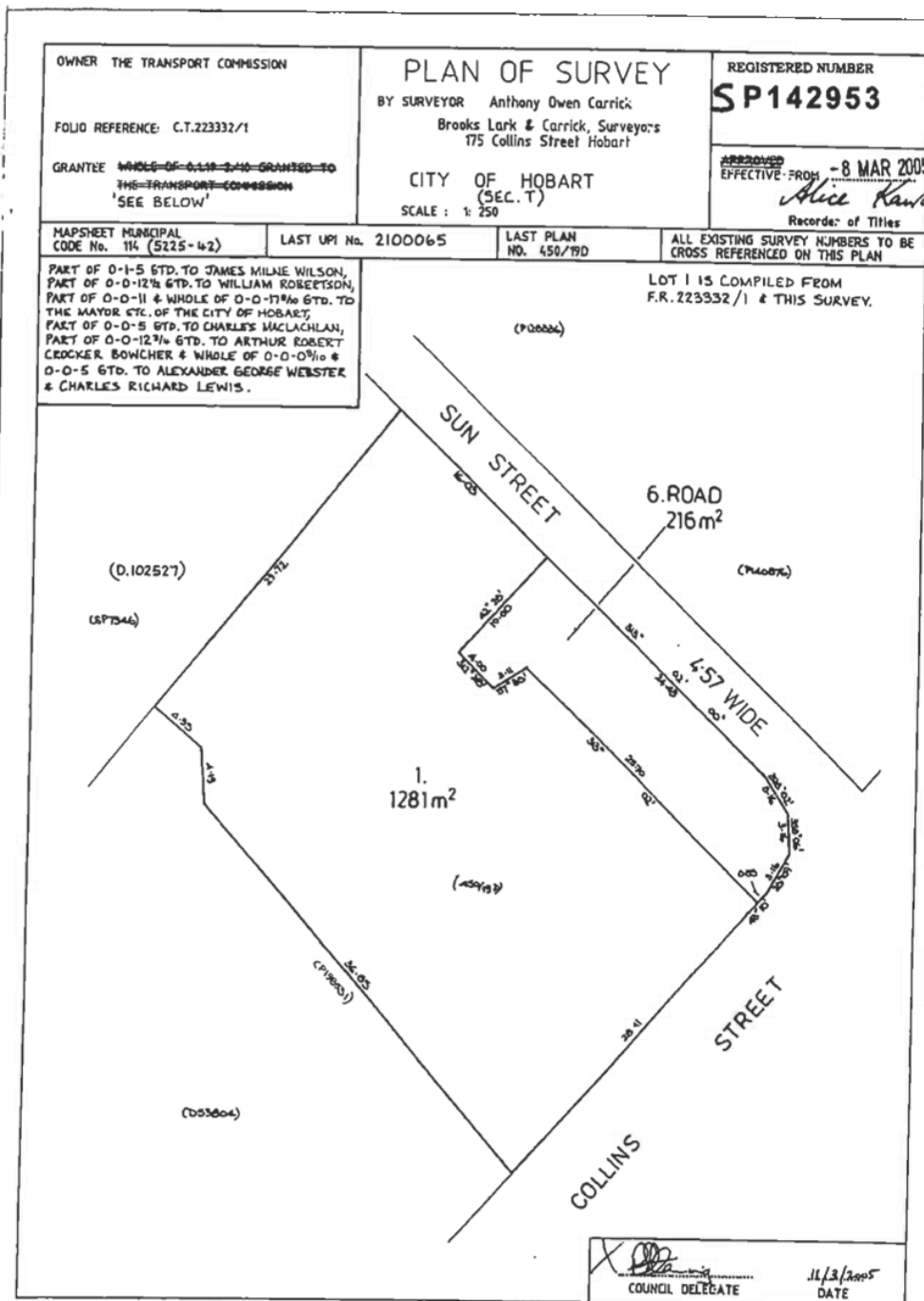
No unregistered dealings or other notations

END OF SEARCH.

Warning: The information appearing under Unregistered Dealings and Notations has not been formally recorded in the Register.

Putting it all together.

Page 1 of 1



the LIST.

DEPARTMENT of PRIMARY INDUSTRIES
and WATER

Land Information Services

**RESULT OF SEARCH**
RECORDER OF TITLES, TASMANIA
Issued pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
53804	1
EDITION	DATE OF ISSUE
2	21-Jun-1999

SEARCH DATE : 03-Mar-2009

SEARCH TIME : 12.48 pm

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Diagram 53804

Derivation : Whole of Lot 1 The Crown (Section 27A of the Land
Titles Act 1980)

Prior CT 4869/28

SCHEDULE 1

THE CROWN

SCHEDULE 2B500195 APPLICATION: Land is limited in depth to 15 metres,
excludes minerals and is subject to reservations relating
to drains sewers and waterways in favour of the CrownUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

END OF SEARCH.

Warning The information appearing under Unregistered Dealings and Notations has not been formally recorded in the Register

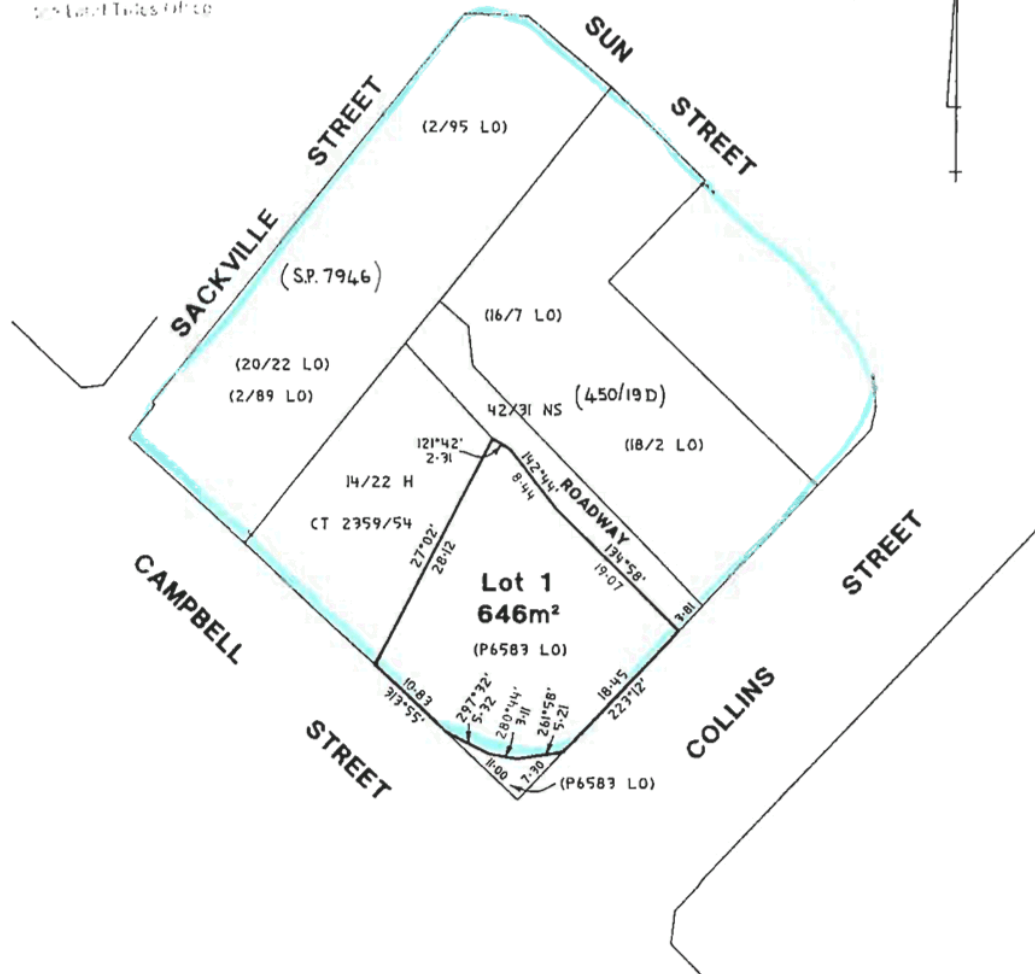
Putting it all together.

Owner: THE CROWN	PLAN OF SURVEY by Surveyor R.C. Heather DEPARTMENT OF ENVIRONMENT AND PLANNING of land situated in the CITY OF HOBART SCALE 1:500 MEASUREMENTS IN METRES	Registered Number: D53804
Title Reference: SECTION 27A (B500195) NOTN. 40/3143		Approved 2- APR 1992
Grantee: (Part of 0-0-26 William Dennett Pur.) WHOLE OF LOT 1 (646m ²) THE CROWN		Effective from: <i>[Signature]</i> Recorder of Titles

This plan was prepared by the Survey Department of the Department of Environment and Planning in the City of Hobart. It is a plan of the whole of Lot 1 (646m²) of the land shown in the plan of the City of Hobart. It is a plan of the whole of Lot 1 (646m²) of the land shown in the plan of the City of Hobart. It is a plan of the whole of Lot 1 (646m²) of the land shown in the plan of the City of Hobart.

COMPILED PLAN

TASHAP MUNICIPAL CODE NO. 21	LAST TASHAP UPI NO. 64	LAST SURVEY PLAN NO.
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		



COMPILED FROM P6583 LO

RESULT OF SEARCH

Page 1 of 1

DEPARTMENT OF PRIMARY INDUSTRIES
AND WATER

Land Information Services

**RESULT OF SEARCH**
RECORDER OF TITLES, TASMANIA
Issued pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
102526	1
EDITION	DATE OF ISSUE
2	25-May-1999

SEARCH DATE : 26-Feb-2009
SEARCH TIME : 04.33 pmDESCRIPTION OF LAND

City of HOBART
Lot 1 on Diagram 102526
Derivation : Part of OA-1R-5Ps. (Section T.) Gtd.to J.M.Wilson and
duly surrendered by Transfer No. A287709.
Prior CT 2359/54

SCHEDULE 1

A287709 THE CROWN

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BENEFITING EASEMENT: The full and free right and liberty to and for
the Crown and to and for it's successors in title and it
and their tenants servants agents workmen and visitors to
go pass and repass at all times hereafter and for all
purposes and either with or without horses or other
animals carts or other carriages or motor vehicles into
and out of the land of the Crown comprised and described
in Certificate of Title Volume 347 Folio 180 or any part
thereof through over and along the Right of Way shown on
Sealed Plan No. 7946 the same right of carriage way to be
appurtenant to the lands described in Certificate of Title
Volume 347 Folio 180.

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations
END OF SEARCH.

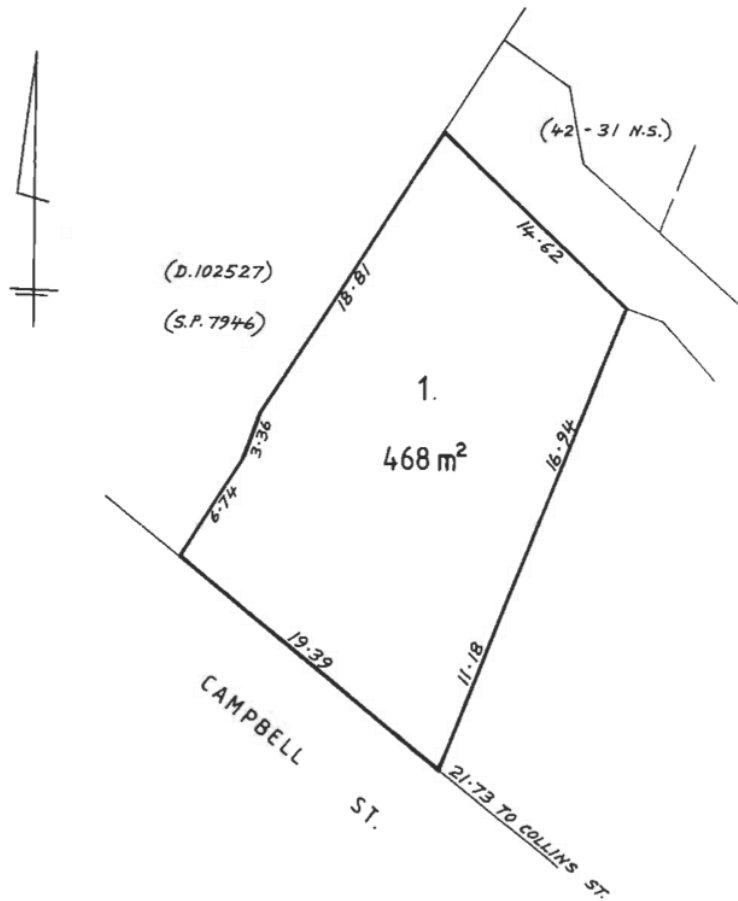
Warning: The Information appearing under Unregistered Dealings and Notations has not been formally recorded in the Register.

Putting it all together.

Owner	PLAN OF TITLE of land situated in the CITY OF HOBART COMPILED FROM SCALE 1 250 MEASUREMENTS IN METRES	REGISTERED NUMBER D.102526
Title Reference 2359-54		Approved 8 OCT 1992 <i>Mark Blin</i>
Grantee		Recorder of Titles

TASHAP MUNICIPAL CODE NO. 21	LAST TASHAP UPI NO. 0064	LAST SURVEY PLAN NO. 14/22 H. & 15/31 H.
---------------------------------	-----------------------------	---

ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



Planning: #223984

Property

29 CAMPBELL STREET HOBART TAS 7000

People

Applicant

*

Liminal Studio
Michaela Turner
100 New Town Road
NEW TOWN TAS 7008
62310166
michaela@liminalstudio.com.au

Owner

*

Department of State Growth
Nick Andrew
Salamanca Building, Parliament Square
4 Salamanca Place
HOBART TAS 7000
6165 5129
nick.andrew@stategrowth.tas.gov.au

Entered By

PHILLIP COX
0418 140 926
pccoxy22@gmail.com

Use

Cafe

Details

Have you obtained pre application advice?

☒ No

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

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

*

☒ No

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

*

☐ 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)?

*

Public/education

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

*

Outdoor seating for adjacent Cafe

Estimated cost of development

*

5000.00

Existing floor area (m2)

Proposed floor area (m2)

81.00

81.00

Site area (m2)

Carparking on Site

N/A

Total parking spaces

Existing parking spaces

☐ Other (no selection chosen)

0

0

Hours of Business

Are the proposed hours of business different from the existing?

☐ Yes

What days and hours of operation are proposed for the business?

Existing

Proposed

Monday to Friday

From

To

Monday to Friday

From

06:00

To

18:00

From

To

Saturday

From

06:00

To

18:00

Saturday

From

To

Sunday

From

06:00

To

06:00

Sunday

Number of Employees

List the total number of people who will be working on the site.

Proposed number of employees

2

Existing number of employees

Goods Deliveries

Will there be any commercial vehicles accessing the site?

☐ No

Type of Vehicle

Trips per Week

Very Large (Semi trailer)

Large

Medium

Small

Outdoor storage / seating / number of beds

Is outdoor storage proposed?

• ☐ No**Other Details**

Does the application include signage?

*

☐ No

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

*

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

• ☐ Yes**Documents****Required Documents**

Title (Folio text and Plan and Schedule of Easements)

*

29 Campbell Street Hobart_Title.pdf

Plans (proposed, existing)

*

29 Campbell Street Hobart_Proposed outdoor seating plan.pdf

GM or Crown consent

29 Campbell Street Hobart_Request for GM consent.pdf

Application Referral Cultural Heritage - Response

From:	Megan Baynes
Recommendation:	Proposal is acceptable without conditions.
Date Completed:	
Address:	29 CAMPBELL STREET, HOBART ADJACENT ROAD RESERVE
Proposal:	Partial Change of Use to Eating Establishment and Outdoor Dining
Application No:	PLN-21-281
Assessment Officer:	Tristan Widdowson,

Referral Officer comments:

The applicant is proposing an area of outdoor dining associated with the Hedberg, UTAS on the corner of Collins and Campbell Streets which is a place of Cultural Significance under the Sullivans Cove Planning Scheme. Loose tables and chairs are proposed and umbrellas would be attached to a concrete pad set below paver level. All proposed items are of a simple and modest design and are either removable or demountable. 1800mm minimum clear space would separate the furniture from the place of cultural significance and also allow pedestrians to pass.

The following criteria must be taken into consideration in the assessment of all proposals to undertake 'building or works' on places of cultural significance:

'Building or works' must complement and contribute to the cultural significance, character and appearance of the place and its setting;

'Building or works' must be in compliance with the conservation strategy of an approved Conservation Plan, where required and/or provided;

The location, bulk and appearance of 'building or works' must not adversely affect the heritage values of any place of cultural significance;

'Building or works' must not reduce the apparent authenticity of places of cultural significance by mimicking historic forms;

'Building or works' may be recognisable as new but must not be individually prominent;

The painting of previously unpainted surfaces is discouraged

The proposed cafe furniture and configuration is considered to meet the above objectives. The proposed works are acceptable (22.5.4) and recommended for approval.

MB
CHO
21
07
2021

7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.2.1 404 PARK STREET, NEW TOWN - PARTIAL DEMOLITION, ALTERATIONS, EXTENSION AND THREE MULTIPLE DWELLINGS (ONE EXISTING, TWO NEW) PLN-21-315 - FILE REF: F21/79118

Address:	404 Park Street, New Town
Proposal:	Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New)
Expiry Date:	27 August 2021
Extension of Time:	Not applicable
Author:	Victoria Maxwell

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension, and three multiple dwellings (one existing, two new) at 404 Park Street New Town TAS 7008 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New) at 404 PARK STREET NEW TOWN TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00752-HCC dated 18/05/2021 as

attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Reason for condition

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

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 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 and in general accordance with Council's departures from the LGAT Tasmanian Standard Drawings, available from [here](#);
3. long-sections of the proposed connection clearly showing relative levels; clearances from any nearby services, poles or crossover wings; cover; size; material and delineation of public and private

infrastructure;

4. connections which are free-flowing gravity driven;

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.

Advice: any proposed kerb connection must point downstream (ie with the flow) and be clear of the crossover wings.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater detention for the site must be installed.

A stormwater management report and design 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). 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 to the kerb and gutter;
 2. the layout and long-section showing the inlet, outlet, tank connections, orifice 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 3a

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

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

Reason for condition

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

ENG 3c

The access driveway and parking module (parking spaces, aisles and manoeuvring areas) must be constructed in accordance with the Oramatis Studio documentation received by the Council on the 21st June 2021.

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 5

The number of car parking spaces approved to be used on the site is four (4).

Parking space "UNIT 2 - P2" must be delineated by means of white or yellow lines 80mm to 100mm wide in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation of either Unit 1 or Unit 2.

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 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.

OPS 3

Pervious areas of the driveway area must be landscaped prior to occupancy.

A landscaping plan prepared by a suitably qualified person detailing the planting of areas of pervious surfaces within the driveway area must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the Building Act 2016.

The Landscaping Plan must include:

1. The species and size at planting of shrubs, trees and ground covers.
2. The location of driveways including vehicle swept paths, pedestrian footpaths and any proposed or existing underground infrastructure
3. watering plan and ongoing arrangements to ensure the plants maintain a healthy state.

All landscaping must be planted and installed in accordance with the approved Landscaping Plan. Prior to occupancy, the person who prepared the Landscaping Plan (or another suitably qualified person), must provide written confirmation that the landscaping has been planted and installed in accordance with the approved Landscaping Plan.

The landscaping must be maintained and if any landscaping is lost, it must be replanted within 30 days of it being lost.

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 the proposal provides a high standard of residential amenity and optimal environmental performance.

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.

OCCUPATION OF THE PUBLIC HIGHWAY

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

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written

consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

PLANNING

In the interests of privacy, the applicant is strongly encouraged to have the side and rear fencing be to a height of 2.1m, except within 4.5m of the frontage.

In the interests of privacy, the applicant is strongly encouraged to have the upstairs side bedroom windows and stair landing window frosted.

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-21-315 - 404 PARK STREET NEW TOWN
TAS 7008 - Planning Committee or Delegated
Report ↓  |
| Attachment B: | PLN-21-315 - 404 PARK STREET NEW TOWN
TAS 7008 - CPC Agenda Documents ↓  |
| Attachment C: | PLN-21-315 - 404 PARK STREET NEW TOWN
TAS 7008 - Planning Referral Officer Development
Engineering Report ↓  |

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report:	Committee
Council:	23 August 2021
Expiry Date:	27 August 2021
Application No:	PLN-21-315
Address:	404 PARK STREET , NEW TOWN
Applicant:	Alexander Hill (Oramatis Pty Ltd) 212 Elizabeth Street
Proposal:	Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New)
Representations:	Twenty seven (27) representations received within the allocated time.
Performance criteria:	Inner Residential Zone Development Standards, Parking and Access Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New) at 404 PARK STREET NEW TOWN TAS 7008.

- 1.2 More specifically the proposal includes:
- demolition of rear garage and shed and chimney on the north western side of the existing dwelling to facilitate access to the rear,
 - retain and upgrade the existing dwelling,
 - construction of two two-storey conjoining units in the rear garden,
 - the units will each have a single internal garage space, bedroom and living area on the ground floor and two bedrooms with walk-in robes and ensuites upstairs,
 - private open space is provided off the living area in a walled deck, squaring off the footprint of the units in the south west and north west corners of the structure, along with a narrow rear garden running between the units and the western boundary,
 - two Juliet balconies are proposed on both the east and western upper floors, enabling the rooms to enjoy cross ventilation in summer,
 - private open space is proposed for the existing dwelling behind that structure and in front to the south east,
 - whilst the garage and part of the living space external walls will abut the side boundaries, the upper floors are setback a minimum of 3.4m from the side boundaries,
 - a new parking space is proposed in the front setback for the existing dwelling and one (1) additional space is proposed behind the dwelling, leaving a deficiency of three (3) parking spaces on site,
 - substantial impervious surfaces are proposed on site for vehicle access and manoeuvring.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Inner Residential Zone - Private open space location
 - 1.3.2 Parking and Access Code - Number of Parking Spaces, Vehicle Access Design, Parking area Layout
- 1.4 Twenty seven (27) representations objecting the proposal were received within the statutory advertising period between 6th and 20th July 2021.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council, because there were more than five objections received.

2. Site Detail

- 2.1 The site is located on the western side of Park Street, between Risdon Road and Cross Street. Surrounding uses are generally single dwellings on larger urban lots. Park Street has a wide road reserve and acts as a secondary collector road in the transport system. It connects Risdon Road and Letitia Street, directing local traffic to these more recognised collector streets.



Figure 1: Location plan (Geo Cortex, 2021)

The subject site is a conventional rectangular lot, containing a brick single storey dwelling and appurtenant outbuildings. The house is located to the front of the lot, with a large rear garden in line with surrounding properties.



Figure 2: Site Plan (Geo Cortex, 2021)

The site slopes down gently northward, across the lot and east towards the road. All sewer, water and stormwater services are located within Park Street road reserve.



Figure 3: View from Park Street (Officer photo, 2021)

Access is from the north east corner, along a concrete driveway to the rear of the dwelling. The single storey dwelling has a minimum eave height of just over 4m in the north west corner of the dwelling. The driveway width adjacent to the house is 3m, except for a projecting chimney breast, which will have to be removed.



Figure 4: Eave height over driveway (Officer photos, 2021)

Adjacent properties contain single dwellings either side of the lot, the neighbour to the south has a garage on the boundary, providing some protection from overlooking by the proposal. the northern neighbour is a two storey dwelling with a large upper floor west facing deck, which will be very visible to the proposal and vice versa. The rear of the lot backs onto 6 Wendover Place, which is an irregular lot near the head of the cul de sac.



Figure 5: View of rear garden (Officer photo, 2021)

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New) at 404 PARK STREET NEW TOWN TAS 7008.

3.2 More specifically the proposal includes:

- demolition of rear garage and shed and chimney on the north western side of the existing dwelling to facilitate access to the rear,
- retain and upgrade the existing dwelling,
- construction of two two-storey conjoining units in the rear garden,
- the units will each have a single internal garage space, bedroom and living area on the ground floor and two bedrooms with walk-in robes and ensuites upstairs,
- private open space is provided off the living area in a walled deck, squaring off the footprint of the units in the south west and north west corners of the structure, along with a narrow rear garden running between the units and the western boundary,
- two Juliet balconies are proposed on both the east and western upper floors, enabling the rooms to enjoy cross ventilation in summer,
- private open space is proposed for the existing dwelling behind that structure and in front to the south east,
- whilst the garage and part of the living space external walls will abut the side boundaries, the upper floors are setback a minimum of 3.4m from the side boundaries,
- a new parking space is proposed in the front setback for the existing dwelling and one (1) additional space is proposed behind the dwelling, leaving a deficiency of three (3) parking spaces on site,
- substantial impervious surfaces are proposed on site for vehicle access and manoeuvring.



Figure 5: Concept images of proposed units (Oramatis, 2021)



Figure 6: Existing and Proposed Site Plan (Oramatis, 2021)

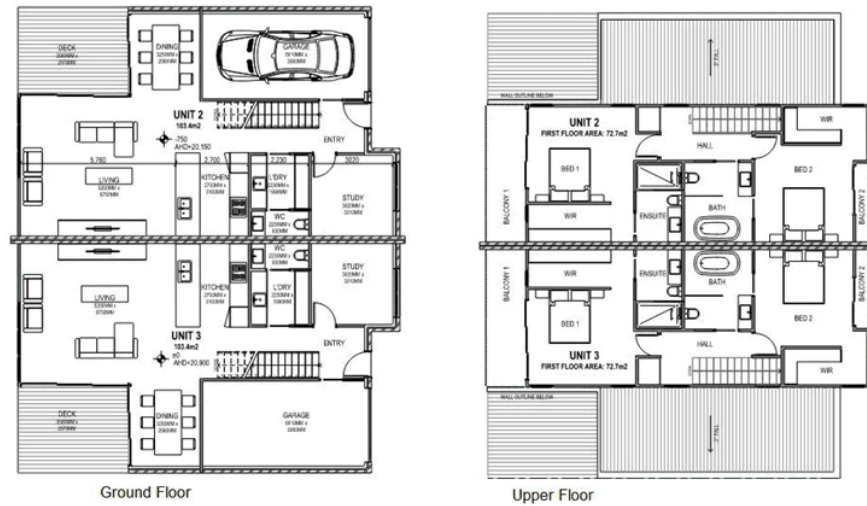


Figure 7: Ground and Upper floors of new units (Oramatis, 2021)

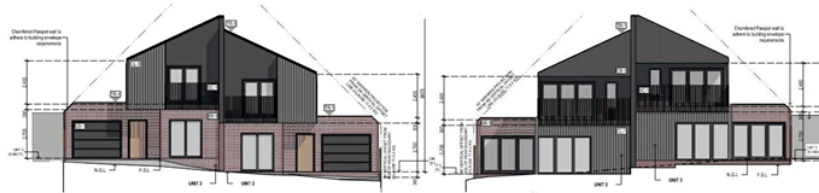


Figure 8: Front and Rear elevations of new units (Oramatis, 2021)



Figure 9: Northern and Southern side elevations of new units (Oramatis, 2021)

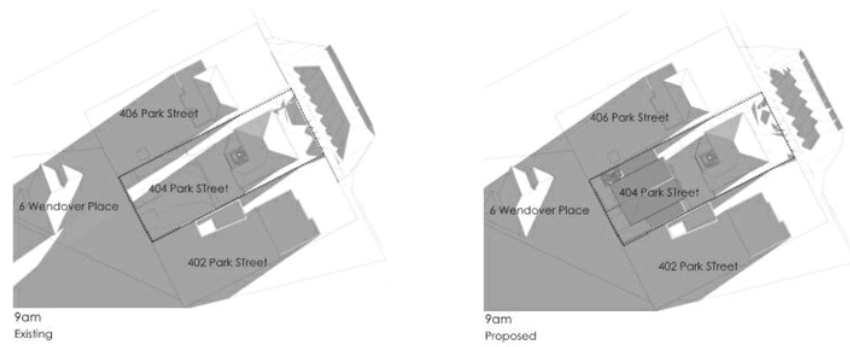


Figure 10: Shadowing 9am on 21st June - (existing and proposed) (Oramatis, 2021)

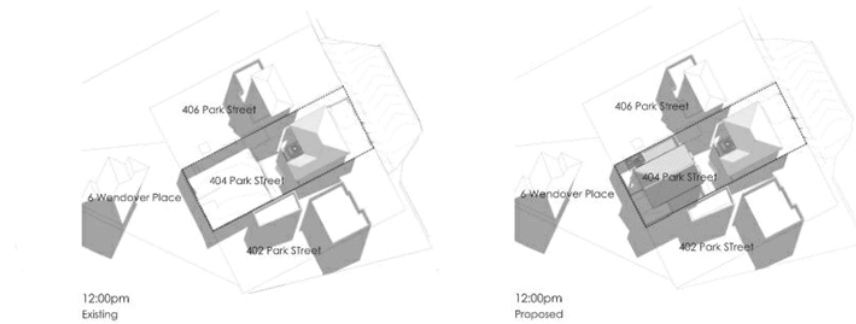


Figure 11: Shadowing 12 noon at 21st June (existing and proposed) (Oramatis, 2021)

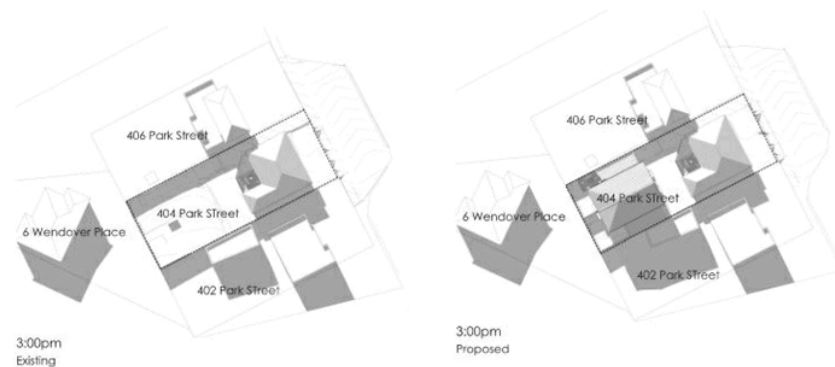


Figure 11: Shadowing 3pm on 21st June (existing and proposed) (Oramatis, 2021)

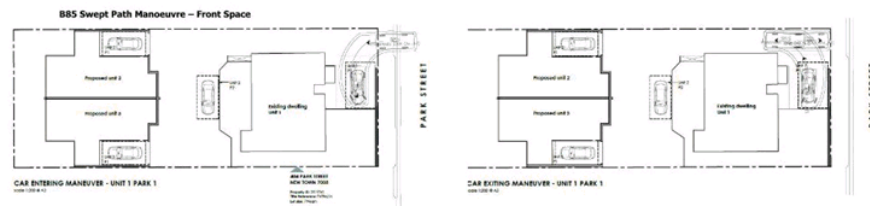


Figure 12: Vehicle swept paths in front of existing dwelling (Oramatis, 2021)



Figure 13: Vehicle swept paths for rear units (Oramatis, 2021)



Figure 14: Longitudinal sections along northern boundary driveway (Oramatis, 2021)

4. Background

- 4.1 PLN-21-177 proposed the same development, but the units extended beyond the building envelope and proposed five onsite parking spaces instead of the current four spaces. This received 45 representations. The application was withdrawn and amended plans submitted retaining the proposed units within the building envelope and reducing onsite parking to assist in better manoeuvring around the site.

5. Concerns raised by representors

- 5.1 Twenty Seven (27) representations objecting the proposal were received within the statutory advertising period between 6th and 20th July 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. The number in brackets following each ground indicates the number of similar representor grounds.

Privacy
The development first floor balconies and the main living space of Unit 2 will significantly overlook neighbouring properties and adjacent private open space areas, rendering this exposed and unusable and will significantly impact on residential privacy and amenity (8).
The proposal is an overdevelopment, however should it be approved, a condition requiring screening of the upper balconies is appropriate (2).
Two large balconies will give neighbours no escape from overlooking.
Mass and Bulk
There are no side boundary setbacks, which means that the block is dominated by buildings for adjacent neighbours (3).
The proposal spans the entire width of the lot, creating a large solid mass with no articulations on the boundaries of 402 and 406 Park St.
There is insufficient space for landscaping and no capacity for canopy trees in the private open space (4).
The bulk of the development is not consistent with the existing character of the area. There is insufficient room for landscaping (11).
Given the traffic report that indicates the deficiency in car parking is acceptable, why not delete the other visitor space and move the development further off the rear boundary to make the development less imposing on neighbours' private open space, reducing the impervious surfaces and increasing private open space for the units (2).
The application should be rejected in favour of a design which compliments the character of the area and is mindful of its surroundings (3).
The proposal looks like a spaceship and is ugly.

Currently residents enjoy a sense of openness and privacy, due to the highly regular development pattern of dwellings closer to their frontage. Residents will suffer a loss of amenity through the two storey multiple dwelling, creating bulk and mass where there is none.

The scale of development exceeds established dwellings in the surrounding area. One would not expect the site if such and imposing two storey building and the resultant visual impact, which is entirely unprecedented in the area (2).

The proposal reflects the Planning Scheme Fig 11.1 building envelope proportions, rather being responsive to the neighbours amenity.

Overshadowing

Unit 3 will not have sufficient sunlight both within the house and especially for the backyard, which will be shaded for much of the day.

The development will overshadow neighbouring houses.

One of the units will get virtually no natural light in their private open space.

The design causes the hardstand vehicle manoeuvring to receive the most solar access of all outdoor areas.

Impervious surfaces

Much of the outdoor space is dedicated to parking, resulting in significant impermeable surfaces, which will not support landscaping. This is not in keeping with the character of the area and a poor outcome for urban heat island issues (4).

A landscape plan should be conditioned for to mitigate against the substantial hardstand coverage.

Devalue surrounding properties

The loss of privacy will devalue adjacent properties.

Character of the Area

The paved area in front of the property is not in keeping with the character of the house or area. No other houses have such large paved concrete area at the frontage for parking.

The development is not in keeping with the heritage of New Town (7).

Not environmentally sympathetic (2).

Construction materials not sympathetic to the area (2).

We bought in the area because of the suburban feel. Whilst more condensed living is appropriate in the city; suburban neighbourhoods are an important part of Australian culture. The backyard represents our connection to our land and space for family and friends. We should preserve this.
Adding dwellings to backyards changes the feel of the space for surrounding residents.
Density
Three dwellings on one lot is excessive for the area (3).
This monstrosity will change the demographic.
The proposal is an overdevelopment of the site with no regard for neighbours' amenity.
Changes from previous application
There is no material change from the previous proposal, so the same concerns still apply (7).
Parking and Access
There is not sufficient off street parking for the number of possible driver occupants (2).
The additional traffic will bring with it the associated noise of opening and closing doors, talking at all hours of the day.
The new parking space in front of the dwelling will force the removal of the one tree on site and is purely to meet parking requirements.
Is the driveway access sufficiently wide for the proposed development to the rear? (2)
The number of vehicles will cause traffic congestion on Park Street (2).
The reduction in parking from the previous application will impact on the on street parking on an already busy street.
General Comments
What is wrong with Council Planners that this even got past the question stage into an actual application?
Town Planners and Councilors are ruining local areas and should be ashamed if they think this is OK.
When considering Council's responsibility as custodians of land and heritage, is this development really necessary?
When was the site surveyed? Council should require accurate location of boundaries as the fences are old and should not be relied upon.

The developers withdrew the previous application to only make minor changes to the buildings and remove one car space.
The developers don't care for anything other than financial gain.
An adjoining neighbour did not receive a letter, as required.
The cost stated to modify the existing house and building two units seems understated.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential - single dwelling. The proposed use is Residential - multiple dwelling. The existing use is a No Permit Required use in the zone. The proposed use is a Permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11 Inner 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 Inner Residential Zone:
 - Private open space - Location – Part D 11.4.4 P1*
 - 6.5.2 Parking and Access Code:
 - Number of Parking Spaces - E6.6.1 P1*
 - Vehicle Access Design - 6.7.2 P1*

Parking area Layout - 6.7.5 P1

6.6 Each performance criterion is assessed below.

6.7 Private Open Space - Location - 11.4.4 P1

6.7.1 The acceptable solution at clause 11.4.4 A1 requires a dwelling to the south of another dwelling on site to receive at least three (3) hours of sunlight to 50% of the private open space between 9am and 3pm on 21st June.

6.7.2 The proposal includes Unit 2 being located directly north of Unit 3 and its private open space. Shadow diagrams shows an area less than 50% of the private open space for Unit 3 gaining direct sunlight between 1pm and 3pm on 21st June.

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 11.4.4 P1 provides as follows:

A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 11.4.3 of this planning scheme.

6.7.5 The private open space for each unit is accessed from the living/ dining area, via large sliding doors onto a deck 3.15 x 4m. From the deck, the rear lawn is accessible and has dimensions of approximately 8.4 x 4.2m. The total area per unit is approximately 46m². The proposed units comply with this overall private open space amount as required by 11.4.3 A2.

The deck areas are directly accessible from the living space of each proposed unit and provide adequate room for outdoor relaxation, dining and children's play.

The Unit 2 open space is located on the north western side of the unit structure and is orientated to take advantage of sunlight. The deck space for Unit 3 is located to the south west of the unit, but has a portion of the lawn area located to the north - north west of the deck and living space providing an area that has unimpeded sunlight between 1 and 3pm on

21st June.

Prior to the introduction of Interim Planning Directive 4 (IPD4) in February 2021, the private open space requirements mandated consideration of solar access to private open space when considering the minimum dimensions. The removal of this and any need to consider solar access into living space of dwellings by IPD4 appears to be aimed at maximising development potential in the Inner Residential zone. Given this change in consideration of access to sunlight, it is hard to argue that the proposed development is unacceptable, as Unit 3 will gain some three hours of sunlight to approximately 35-40% of the site and the area of sunlight is centrally located in the area of private open space, suggesting that it is more likely to be used than a far corner away from living space.

A number of representations noted concerns over solar access, including "one of the units will get virtually no natural light in the private open space" and "the design causes the hardstand area to receive the most solar access of all outdoor areas". Whilst these comments are acknowledged, the planning scheme provides minimal direction in considering the reasonableness of the sunlight to private open space.

Given that shadow diagrams show the solar access at the time of year when the site gains the least sunlight, it is considered acceptable, with the sun angle moving further south and gaining a higher azimuth in to summer, thereby providing a greater area of the open space gaining reasonable sunlight throughout most of the year. Therefore, the solar access to Unit 3 is considered acceptable and the representations relating to this are not supported.

6.7.6 The proposal complies with the performance criterion.

6.8 Parking and Access Code - Number of Parking Spaces E 6.6.1 P1

6.8.1 The acceptable solution at clause 6.6.1 requires the number of parking spaces to comply with table 6.1 of the Parking and Access Code. Table 6.1 requires two (2) parking spaces for two or more bedroom units, plus one (1) visitor space for every four (4) dwellings on site. With three units on site all with two more bedrooms, the proposal requires six spaces, plus one visitor space (7 spaces in total).

6.8.2 The proposal includes four (4) spaces on site.

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 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.*

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

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

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

Acceptable solution - A1: - NON COMPLIANT - Single dwelling containing 2 or more bedrooms (including all rooms capable of being used as a bedroom) = Two (2x), a deficiency of three (3x) car parking spaces proposed.

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; -
As stated by the applicant's traffic engineer;

"Table E6.1 requires 2 spaces per unit plus 1 dedicated visitor parking space per 4 dwellings. This equates to a total of 7 spaces. The provision of 4 spaces is therefore a shortfall of 3 spaces in accordance with the requirements of Acceptable Solution A1 of Clause E6.6.1 of the Planning Scheme." - Submitted documentation does not satisfy this requirement, a deficiency of three (3x) car parking spaces proposed.

Performance Criteria - P1: The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

The applicant's traffic engineer stated the following;

(a) car parking demand; - "The likely car parking demand is 5 spaces (refer to Section 4.2). The parking provision of 4 spaces meets the likely empirical car parking demands when visitor car parking is not included. Visitor car parking demands can be met on-street."

(b) the availability of on-street and public car parking in the locality; -
"There is a large amount of on-street car parking available in Park Street. General observations indicate that there is more than sufficient available on-street parking to cater for the demands associated with any shortfall of parking arising from the development."

(c) the availability and frequency of public transport within a 400m walking distance of the site; - "Metro Tasmania operate a regular bus service along Park Street (south of the Cross Street intersection)."

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

subject site is located within walking distance of a shopping centre as well as New Town shopping precinct. The development will therefore be attractive for walking and cycling modes."

(e) the availability and suitability of alternative arrangements for car parking provision; - "No alternative parking is 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", and

(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code - "Not applicable."

"Based on the above assessment, the development meets the requirements of Performance Criteria P1 of Clause E6.6.1 of the Planning Scheme. This is particularly due to the fact that the parking demands are generally met within the development site with the exception of visitor parking, which can be met in the surrounding network (Park Street)."

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 as stated by the applicant's traffic engineer.

6.8.6 The proposal complies with the performance criterion.

6.9 Parking and Access Code - Vehicle Access Design - 6.7.2 P1

6.9.1 The acceptable solution at clause 6.7.2 A1 requires an access onto a road to have 2m x 2.5m sight triangles of clear unobstructed visibility.

6.9.2 The proposal includes an existing fence that needs to be demolished near the entrance onto the road reserve.

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

6.9.4 The performance criterion at clause 6.7.2 P1 provides as follows:

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

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

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

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

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.2 (a) [sight distance: 2m x 2.5m sight triangles - These areas to be kept clear of obstructions to visibility] and as such, shall be assessed under Performance Criteria.

Submitted plans indicate 2m x 2.5m sight triangle areas abutting the driveway are not kept clear of obstructions to visibility due to the existing but modified front fence ("EXISTING FENCE TO BE DEMOLISHED BY 1000MM FROM EDGE OF CONCRETE DRIVEWAY").

Acceptable Solution - A1: - NON COMPLIANT

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

(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.

Performance Criteria - P1: Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:

(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians; - Acceptable, submitted documentation appears to satisfy this requirement given the statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment

(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads; - Acceptable, submitted documentation appears to satisfy this requirement given the statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment - "The access is a residential driveway that will have a peak of 2 vehicles per hour. This access will cater for these movements without any loss of efficiency."

Submitted plans indicate the access width at the frontage is being increased from 3 metres to 4 metres. This should further assist ingress and egress for both B85 and B99 vehicles.

(c) suitability for the type and volume of traffic likely to be generated by the use or development; - Acceptable, submitted documentation appears to satisfy this requirement given the statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment

"Traffic will be residential in nature."

"The access is a residential driveway that will have a peak of 2 vehicles per hour. This access will cater for these movements without any loss of efficiency."

(d) ease of accessibility and recognition for users. - Acceptable, submitted documentation appears to satisfy this requirement given the statements provided by the applicant's traffic engineer contained within the Traffic Impact Assessment:

"The traffic generation of the development is likely to be 15 vehicles per day with a peak of 2 vehicles per hour. The access can cater for this amount of traffic without any loss of efficiency of the access or Park Street." The location of existing access remains unchanged.

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

Surrounding properties exhibit similar access provisions.

6.9.6 The proposal complies with the performance criterion.

6.10 Parking and Access Code - Layout of Parking area - 6.7.5 P1

6.10.1 The acceptable solution at clause 6.7.5 requires a maximum gradient of 6.25%.

6.10.2 The proposal includes a driveway gradient of 9.6%.

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

6.10.4 The performance criterion at clause 6.7.5 P1 provides as follows:

Performance Criteria - P1: The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site. - Acceptable, submitted documentation appears to satisfy this requirement

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

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

Documentation submitted to date does not satisfy the Acceptable

Solution for clause E6.7.5 and as such, shall be assessed under Performance Criteria.

Acceptable Solution A1: - NON COMPLIANT - The submitted parking module gradient (9.6%) exceeds the permitted maximum gradient of 6.25% to be accepted under the Acceptable Solution

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.

The applicant's traffic engineer stated the following;

In relation to the car parking layout, the Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme states "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".

4.4.1 - Parking Space Dimensions

Australian Standards, AS2890.1 requires the following minimum dimensions for User Class 1A (residential, domestic and employee parking):

- Minimum space width – 2.4 metres
- Minimum space length – 5.4 metres
- Minimum aisle width – 5.8 metres

All car parking spaces and aisle widths exceed these minimum values. The car parking spaces and manoeuvring area therefore meets the requirements of Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme.

4.4.2 - Parking Space Slope

Section 2.4.6 of AS2890.1 states that the maximum grades within a car park shall be:

- Measured parallel to the angle of parking 1 in 20 (5%)

- Measured in any other direction 1 in 16 (6.25%)

The grade of the driveway is shown in Figure 3. It can be seen that the maximum grade of the driveway is 8.4%. The grades of the car parking spaces are effectively level and therefore comply with the requirements of 2.4.6 of AS2890.1.

4.4.3 - Vertical Clearance

AS2890.1 states that the minimum height between the floor and an overhead obstruction shall be 2.2 metres to cater for the access of both cars and light vans. The car parking area is not designed to cater for vehicles larger than cars or vans.

The garage spaces have heights that meet this minimum requirement.

An overhead obstruction is noted along the driveway in the form of an eave. The height of the eave is 3.8m, thus meeting the requirements of AS2890.1. The driveway including the location of the overhanging eave is shown in Figure 4.

Based on the findings of Sections 4.4.1, 4.4.2, and 4.4.3 the requirements of Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme are met.

Performance Criteria - P1: The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site. - Acceptable, submitted documentation appears to satisfy this requirement

The parking module gradient exceeds the permitted maximum gradient of 6.25% to be accepted under the Acceptable Solution, the submitted plans show gradients up to 9.6%. Given the statements provided by the applicant's traffic engineer the parking area may be accepted under Performance Criteria P1:E6.7.5.

- 6.10.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New) at 404 PARK STREET NEW TOWN TAS 7008.
- 7.2 The application was advertised and received twenty seven (27) representations objecting to the proposal. The representations raised concerns including loss of privacy, concerns over the mass and bulk of the new units, overshadowing and density, amount of impervious surface, changes to the character of the area, concerns over parking and access and general comments concerning the planning process.

Whilst the two storey structure will have views into adjacent properties, the window setback from boundaries complies with the minimum privacy standards. In discussions over representation concerns, the applicant has agreed to frost upstairs windows that overlook the neighbouring property to the north, where the setback is 3.5m. As well, the applicant has agreed to install 2.1m high fencing around the rear and side boundaries to improve privacy for these affected neighbours. Council is advised that these are not mandatory requirements under the planning scheme, but alterations agreed to by the applicant to facilitate good relations with the neighbours. Given the proposal complies with the minimum privacy standards, advice will be added to ensure such works at the building stage.

It is noted that the character of the area will be changed by the construction of the two storey structure in the rear garden. This is the first such structure in this area and it will change the generally single storey character with uniform building line and open gardens, to a significant monolithic structure in this area. Whilst there are a couple of two storey dwellings in the area, including the neighbour to the north, these follow a similar building line and fit within the character of the area. However, because the proposed units fit within the building envelope, satisfying that Acceptable Solution, there is no means to require modification to the proposal. As mentioned by some representors, this is the second proposal for this development on site. The first slightly extended beyond the 9 metre side length. Because this invoked the performance criteria discretion, the applicants decided to withdraw and amend the proposal to comply with this development standard. As the proposal complies with the acceptable solution, the representations relating to the bulk and scale, change of character and overshadowing cannot be supported.

The amount of impervious surfaces proposed was a concern for a number of representatives. This is a significant issue that is arguably not satisfactorily addressed in the planning scheme, which regulates 'site coverage' and not 'impervious surfaces'. The permitted site coverage is 65%, which the proposal complies with. However site coverage is defined as the "proportion of the site (excluding access strip) covered by roofed area". Clearly, this definition doesn't include unroofed impervious surfaces, like driveways. If the total area of impervious surfaces proposed is more like 75% of the site. Given the changing climate and increased likelihood of more severe storm events, the fact that the planning scheme allows for a 65% site coverage, and doesn't regulate other impervious surfaces, appears to be at odds with current stormwater management approaches. It is noted that rainwater tanks are proposed to the rear of the two units, to detain stormwater in significant rainfall events and not overwhelm the council system. These however do not detain surface flow from the driveway areas.

The combined roofed areas of the existing and proposed dwellings is 355m², giving a site coverage of 42%. Because the roofed areas comply with the acceptable solution there is no head of power to require reduction in hard surface. The applicant has however agreed to provide a landscape plan and in concert with the vehicle swept paths, design the landscape plan to minimise hard surface and maximise landscaping soft areas. The applicant agreed that this will be a selling point for the units if they can be pleasantly landscaped. Whilst it is unlikely that large trees will be possible, the softening and landscaping of the driveway area will provide some onsite infiltration and detention. Given compliance with the acceptable solution, the representations raising concerns over the amount of impervious surface are not supported.

Parking and Access: - Summary

There is not sufficient off street parking for the number of possible driver occupants (2).

The submitted Traffic Impact Statement stated the following;

The RMS Guide recommends the following car parking provision for medium density residential flat buildings:

- 1 space per unit
- 1 space per 5 x 2-bedroom units
- 1 space per 2 x 3-bedroom units
- 1 space per 5 units visitor parking

This is a requirement for 5 spaces. The provision of 4 spaces is a shortfall of one space. The on-site parking provision therefore meets the RMS requirements if

visitor parking were not included."

and

"The likely car parking demand is 5 spaces. The parking provision of 4 spaces meets the likely empirical car parking demands when visitor car parking is not included. Visitor car parking demands can be met on-street."

and

"There is a large amount of on-street car parking available in Park Street. General observations indicate that there is more than sufficient available on-street parking to cater for the demands associated with any shortfall of parking arising from the development."

Council's view is consistent with the applicant's traffic engineer and does not form a contrary position in relation to this matter. There would appear to be sufficient available on-street parking to cater for the demands associated with any shortfall of parking arising from the development.

The additional traffic will bring with it the associated noise of opening and closing doors, talking at all hours of the day.

The submitted Traffic Impact Statement stated the following;

"Traffic generation rates were sourced from the RMS Guide. The RMS Guide states the following traffic generation rates for medium density residential developments:

- Daily vehicle trips 5 trips per dwelling per day
- Weekday peak hour vehicle trips 0.5 trips per dwelling per hour"

"Based on these trip generation rates, the new traffic generation from the proposed new units is 15 vehicles per day with a peak of 2 vehicles per hour."

"The development does not exceed 40 vehicle movements per day (noting that 40 is greater than 20% of the existing vehicle movements of the single dwelling) and therefore meets the requirements of Acceptable Solution A3 of Clause E5.5.1 of the Planning Scheme."

Noise concerns are not a Development Engineering consideration, this should be addressed by the planner.

The new parking space in front of the dwelling will force the removal of the

one tree on site and is purely to meet parking requirements.

Development engineering does not object to the removal of a tree in order to provide car parking. The tree to be removed is not listed in the Significant Trees Code.

Is the driveway access sufficiently wide for the proposed development to the rear? (2)

The submitted Traffic Impact Statement stated the following;

"The driveway width varies between 3.09m to 3.14 metres and therefore complies with AS2890.1 requirements."

Development Engineering - Meets the requirements of AS/NZ 2890.1:2004.

The number of vehicles will cause traffic congestion on Park Street (2).

The submitted Traffic Impact Statement stated the following;

"The development does not exceed 40 vehicle movements per day (noting that 40 is greater than 20% of the existing vehicle movements of the single dwelling) and therefore meets the requirements of Acceptable Solution A3 of Clause E5.5.1 of the Planning Scheme."

"The traffic generation of the development is likely to be 15 vehicles per day with a peak of 2 vehicles per hour. The access can cater for this amount of traffic without any loss of efficiency of the access or Park Street."

Council's view is consistent with the applicant's traffic engineer and does not form a contrary position in relation to this matter / above statements.

The reduction in parking from the previous application will impact on the on street parking on an already busy street

The submitted Traffic Impact Statement stated the following;

"The likely car parking demand is 5 spaces. The parking provision of 4 spaces meets the likely empirical car parking demands when visitor car parking is not included. Visitor car parking demands can be met on-street.."

"There is a large amount of on-street car parking available in Park Street. General observations indicate that there is more than sufficient available on-street parking

to cater for the demands associated with any shortfall of parking arising from the development."

"The subject site is located within walking distance of a shopping centre as well as New Town shopping precinct. The development will therefore be attractive for walking and cycling modes."

"Metro Tasmania operate a regular bus service along Park Street (south of the Cross Street intersection)."

Council's view is consistent with the applicant's traffic engineer and does not form a contrary position in relation to this matter / above statements.

There were a number of representation grounds questioning the planning system and Council decision making process. The concerns of these representations are acknowledged, however it is not the Council's role as planning authority to direct development; its role is to assess proposed development's for compliance with the planning scheme. As provisions are implemented for the Tasmanian Planning Scheme, it appears that the protections for existing residential amenity are being degraded in favour of intensification of development, especially in the Inner Residential zone. Whilst this is a crucial strategy, given the State's increasing population and desperate demand for housing, the character of specific areas around Hobart and expectations of residents to protect their amenity must also not be forgotten. The grounds of representation for the disgruntled representors are not planning concerns under the planning scheme and cannot force a change to the proposal. However their frustrations are valid and can be expected to increase as developments such as the proposed continue to change neighbourhoods and how residents can use and enjoy their properties.

- 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, Traffic and Stormwater Engineers. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New) at 404 PARK STREET NEW TOWN TAS 7008 satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New) at 404 PARK STREET NEW TOWN TAS 7008 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New) at 404 PARK STREET NEW TOWN TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00752-HCC dated 18/05/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Reason for condition

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

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 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 and in general accordance with Council's departures from the LGAT Tasmanian Standard Drawings, available from [here](#);
3. long-sections of the proposed connection clearly showing relative levels; clearances from any nearby services, poles or crossover wings; cover; size; material and delineation of public and private infrastructure;
4. connections which are free-flowing gravity driven;

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.

Advice: any proposed kerb connection must point downstream (ie with the flow) and be clear of the crossover wings.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater detention for the site must be installed.

A stormwater management report and design 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). 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 to the kerb and gutter;
 2. the layout and long-section showing the inlet, outlet, tank connections, orifice 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 3a

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

Advice:

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

Reason for condition

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

ENG 3c

The access driveway and parking module (parking spaces, aisles and manoeuvring areas) must be constructed in accordance with the Oramatis

Studio documentation received by the Council on the 21st June 2021.

Reason for condition

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

ENG 4

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

Reason for condition

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

ENG 5

The number of car parking spaces approved to be used on the site is four (4).

Parking space "UNIT 2 - P2" must be delineated by means of white or yellow lines 80mm to 100mm wide in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation of either Unit 1 or Unit 2.

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 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.

OPS 3

Pervious areas of the driveway area must be landscaped prior to occupancy.

A landscaping plan prepared by a suitably qualified person detailing the planting of areas of pervious surfaces within the driveway area must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the Building Act 2016.

The Landscaping Plan must include:

1. The species and size at planting of shrubs, trees and ground covers.
2. The location of driveways including vehicle swept paths, pedestrian footpaths and any proposed or existing underground infrastructure
3. watering plan and ongoing arrangements to ensure the plants maintain a healthy state.

All landscaping must be planted and installed in accordance with the approved Landscaping Plan. Prior to occupancy, the person who prepared the Landscaping Plan (or another suitably qualified person), must provide written confirmation that the landscaping has been planted and installed in accordance with the approved Landscaping Plan.

The landscaping must be maintained and if any landscaping is lost, it must be replanted within 30 days of it being lost.

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 the proposal provides a high standard of residential amenity and optimal environmental performance.

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.

OCCUPATION OF THE PUBLIC HIGHWAY

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

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

PLANNING

In the interests of privacy, the applicant is strongly encouraged to have the side and rear fencing be to a height of 2.1m, except within 4.5m of the frontage.

In the interests of privacy, the applicant is strongly encouraged to have the upstairs side bedroom windows and stair landing window frosted.

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.



(Victoria Maxwell)

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 5 August 2021

Attachment(s):

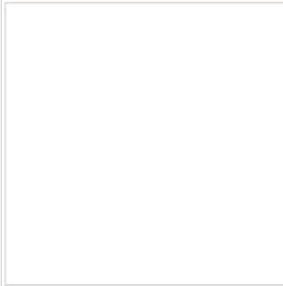
Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Development Engineering Report

Planning: #231652

Property

404 PARK STREET NEW TOWN TAS 7008

**People**

Applicant

*

Oramatis Pty Ltd
Alexander Hill
212 Elizabeth Street
HOBART TAS 7000
0428 854 787
alex@oramatis.com.au

Owner

*

Tas J & C Investment Pty Ltd

404 Park Street
NEW TOWN TAS 7008
0432 410 343
andy0402031@gmail.com

Entered By

ALEXANDER HILL
212 ELIZABETH STREET
HOBART TAS 7000
0428 854 787
alex@oramatis.com.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)

*

x2 New Dwellings

Estimated cost of development

*

499000.00

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)

4

2

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)

*

Folio Plan & Text-74786-16.pdf

Plans (proposed, existing)

*

1105 DA Set - 404 Park St.pdf

Turning Circles

Turning circle diagrams.pdf



Submission to Planning Authority Notice

Council Planning Permit No.	PLN-21-315 see related tab prev referral PLN-21-177	Council notice date	13/05/2021
TasWater details			
TasWater Reference No.	TWDA 2021/00752-HCC	Date of response	18/05/2021
TasWater Contact	Melissa Newell	Phone No.	
Response issued to			
Council name	CITY OF HOBART		
Contact details	coh@hobartcity.com.au		
Development details			
Address	404 PARK ST, NEW TOWN	Property ID (PID)	5519741
Description of development	Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New)		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Oramatis Pty Ltd	DA 3 Proposed Site Plan		18/05/2021
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act</i> 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
<ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections and sewerage system and connections to each unit of the development must be designed and constructed to TasWater's satisfaction and be in accordance with 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 commencing construction of the multiple units 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. 			
DEVELOPMENT ASSESSMENT FEES			
<ol style="list-style-type: none"> 4. The applicant or landowner as the case may be, must pay a development assessment fee of \$211.63 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater. 			
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			

**Declaration**

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

Authorised by

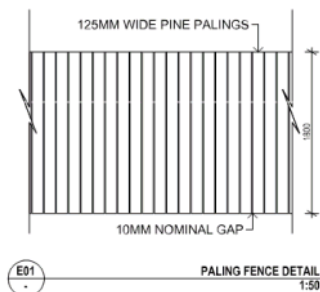
A handwritten signature in black ink, appearing to read "J. Taylor".

Jason Taylor
Development Assessment Manager

TasWater Contact Details

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

REV	DATE	APPROVED BY	REVISION NOTES



UNIT 1:	117.00m ²
UNIT 2:	102.40m ²
UNIT 3:	102.40m ²
CONCRETE SURFACES:	265.60m ²
TOTAL IMPERVIOUS AREA:	589.70m²



REV	DATE	APPROVED BY	REVISION NOTES



ADDRESS
404 Park Street,
New Town
Australia

TITLE

DA 2
Existing Site and Demolition Plan

PROJECT NO: 2101
DRAWN: A.L
CHECKED: A. Hill
SCALE:

DRAWING NO _____ REV _____
CLIENT _____

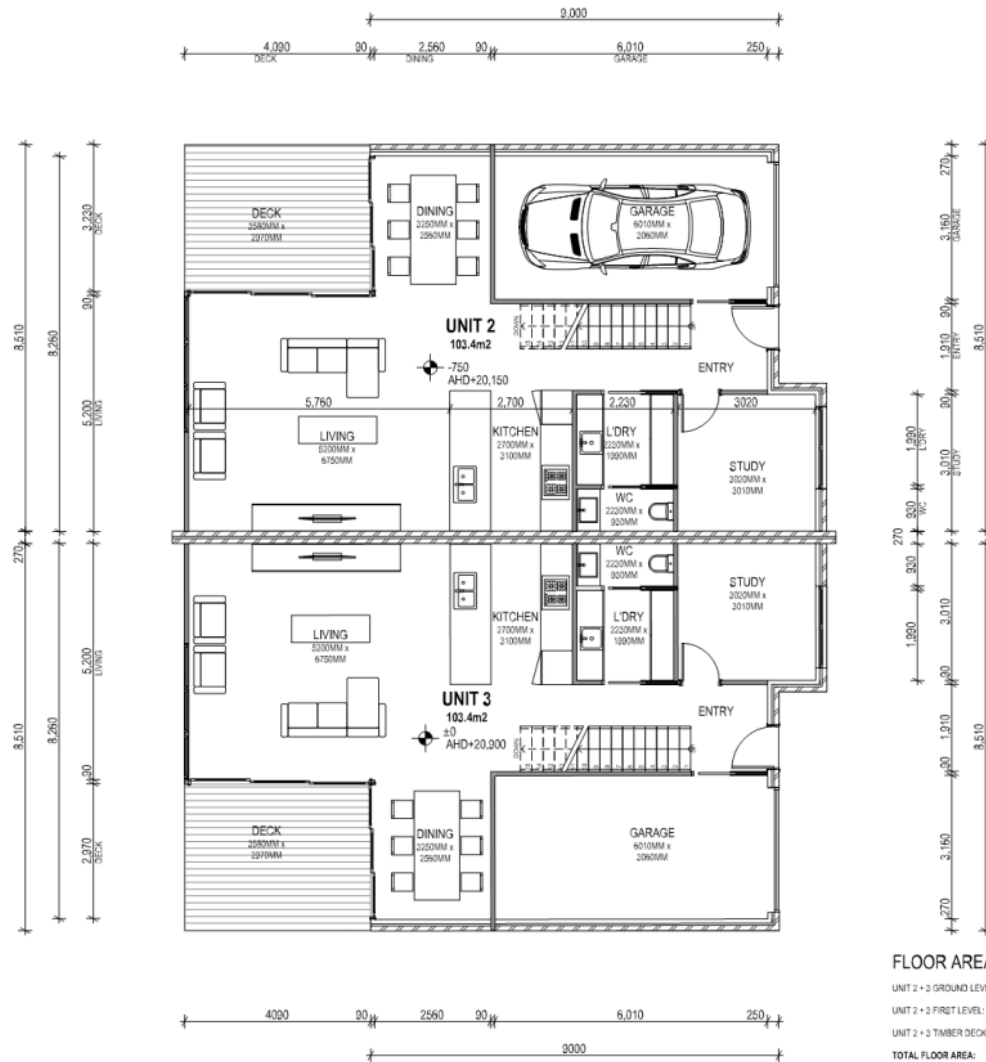
NOTES

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REV	DATE	APPROVED BY	REVISION NOTES



FLOOR AREAS

UNIT 2 + 3 GROUND LEVEL:	206.80m2
UNIT 2 + 3 FIRST LEVEL:	145.40m2
UNIT 2 + 3 TIMBER DECK:	21.30m2
TOTAL FLOOR AREA:	373.50m2



DRAMATIS
STUDIO

212 ELIZABETH STREET, HOBART
ADMIN@ORAMATIS.COM.AU
ORAMATIS PTY LTD
(03) 6286 8440

CLIENT

ADDRESS
404 Park Street,
New Town
Australia

TITLE _____

DA 5
Ground Floor Plan

PROJECT NO: 2101
DRAWN: A.L.
CHECKED: A. Hill
SCALE:

DRAWING NO. _____ REVISION _____

CLIENT

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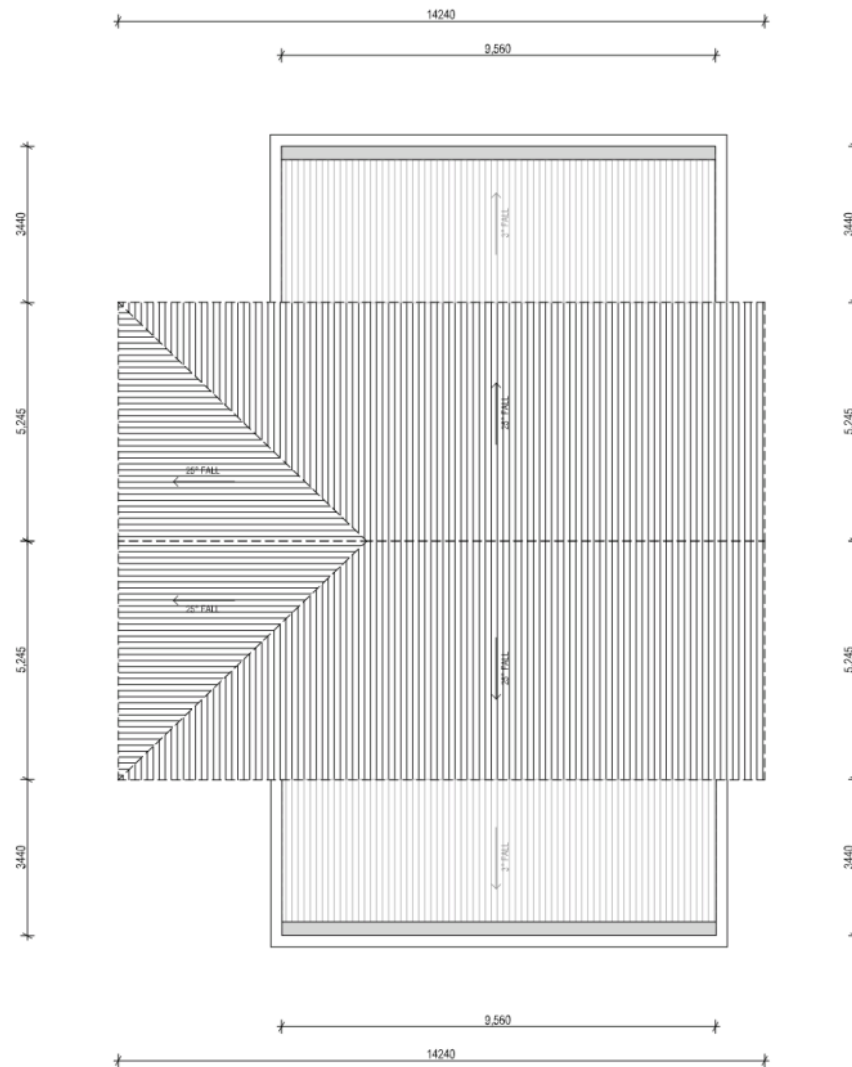
REV	DATE	APPROVED BY	REVISION NOTES

[illegible]



117.20m2
--
12.26m2
120m2

REV	DATE	APPROVED BY	REVISION NOTES

 $\frac{1}{2}$

Roof Plan
1:100



DRAMATIS
STUDIO

212 ELIZABETH STREET, HOBART
ADMIN@ORAMATIS.COM.AU
ORAMATIS PTY LTD
(03) 6286 8440

CLIENT

ADDRESS

404 Park Street,
New Town
Australia

TITLE

DA 9
Roof Plan

PROJECT NO: 2101
DRAWN: A.L
CHECKED: A. Hill
SCALE:

DRAWING NO.

REV

CLIENT

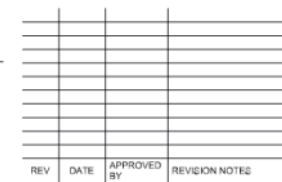
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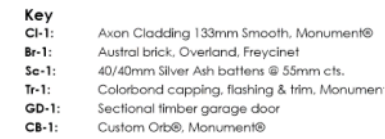
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REV	DATE	APPROVED BY	REVISION NOTES





CLIENT _____

TITLE _____

PROJECT NO: 2101
DRAWN: A.L
CHECKED: A. Hill
SCALE:

DRAWING NO. _____ REVISION _____

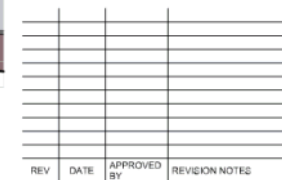
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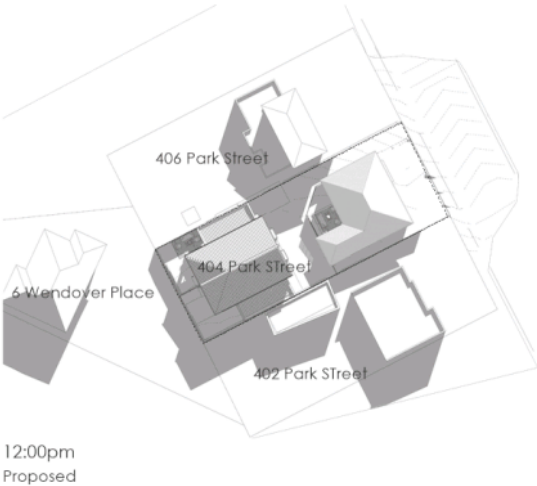
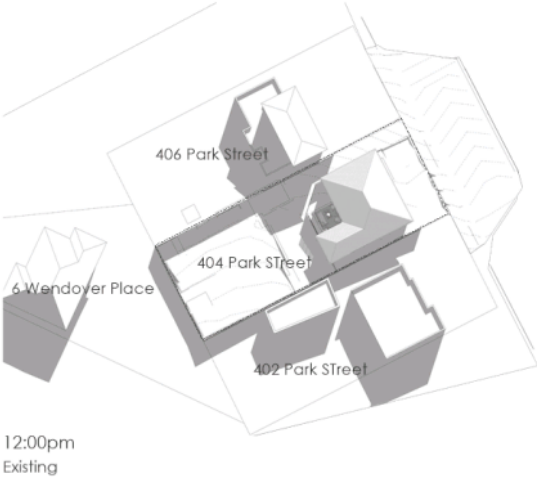
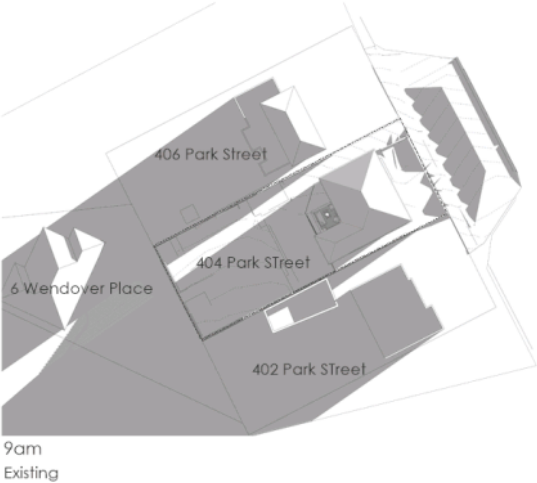
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SHADING DIAGRAMS
PROPOSED MULTIPLE DWELLING DEVELOPMENT, 404 PARK STREET, NEW TOWN

Winter Solstice (21st June)



SHADING DIAGRAMS
PROPOSED MULTIPLE DWELLING DEVELOPMENT, 404 PARK STREET, NEW TOWN

Equinox (20th March)



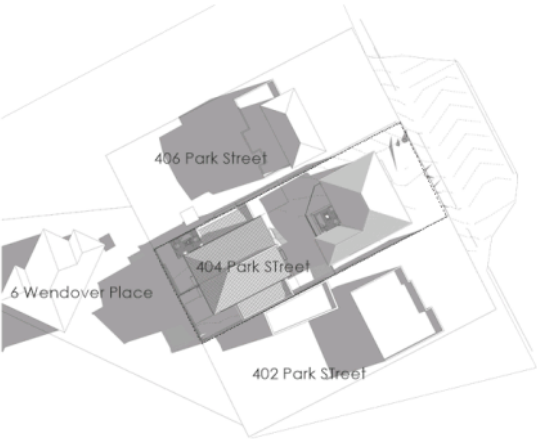
9am
Existing



12:00pm
Existing



3:00pm
Existing



9am
Proposed



12:00pm
Proposed



3:00pm
Proposed



Oramatis Studio
404 Park Street
Traffic Impact Statement
May 2021





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1. Introduction

1.1 Background

Midson Traffic were engaged by Oramatis Studio to prepare a traffic impact assessment for a proposed residential unit development at 404 Park Street, New Town.

1.2 Traffic Impact Assessment/ Traffic Impact Statement

A traffic impact assessment (TIA) is a process of compiling and analysing information on the impacts that a specific development proposal is likely to have on the operation of roads and transport networks. A TIA should not only include general impacts relating to traffic management but should also consider specific impacts on all road users, including on-road public transport, pedestrians, cyclists and heavy vehicles.

A traffic impact statement (TIS) is a reduced form of a TIA, where only specific traffic and/or parking matters are required to be investigated. A TIS is often undertaken when the full traffic and transport impacts associated with a development are not considered necessary.

This TIS has generally been prepared in accordance with the Department of State Growth (DSG) publication, *A Framework for Undertaking Traffic Impact Assessments*, 2007. This TIS has also been prepared with reference to the Austroads publication, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2019.

This TIA also addresses the relevant clauses of E6.0, *Parking and Access Code*, of the Hobart Interim Planning Scheme, 2015. Council have requested that a Traffic Impact Statement be prepared to investigate the parking requirements of the development proposal.

1.3 Statement of Qualification and Experience

This TIA has been prepared by an experienced and qualified traffic engineer in accordance with the requirements of Council's Planning Scheme and The Department of State Growth's, *Traffic Impact Assessment Guidelines*, August 2020, as well as Council's requirements.

The TIA was prepared by Keith Midson. Keith's experience and qualifications are briefly outlined as follows:

- 25 years professional experience in traffic engineering and transport planning.
- Master of Transport, Monash University, 2006
- Master of Traffic, Monash University, 2004
- Bachelor of Civil Engineering, University of Tasmania, 1995
- Engineers Australia: Fellow (FIEAust); Chartered Professional Engineer (CPEng); Engineering Executive (EngExec); National Engineers Register (NER)



1.4 Subject Site

The subject site is located at 404 Park Street, New Town. The site is currently a single residential dwelling. The subject site and surrounding road network is shown in Figure 1.

Figure 1 Subject Site & Surrounding Road Network

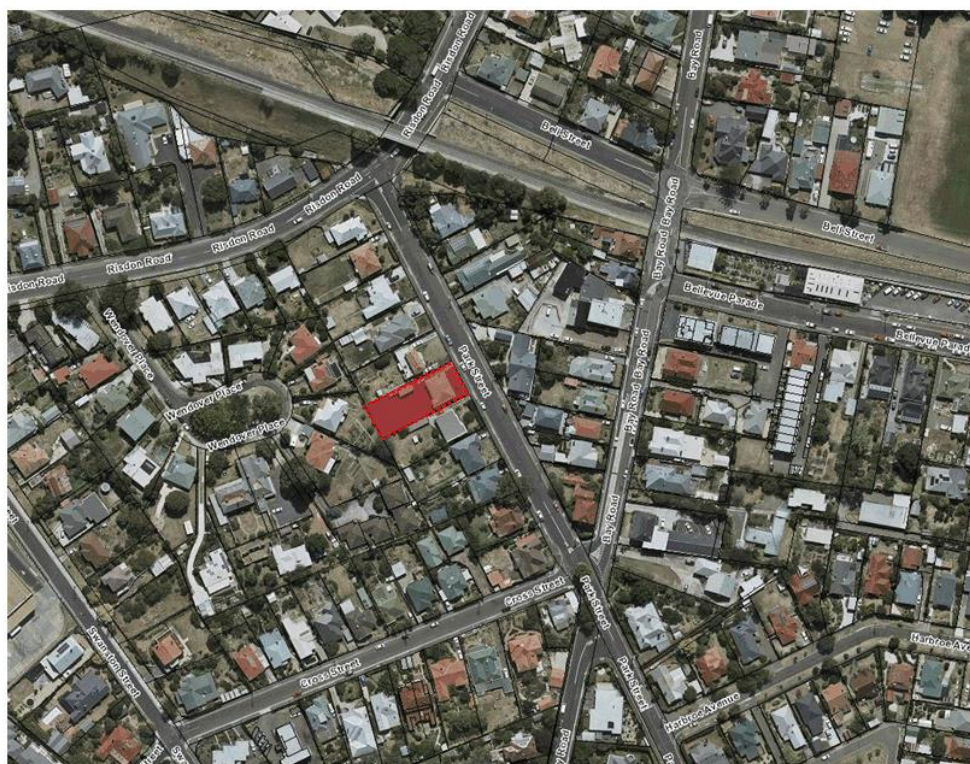


Image Source: LIST Map, DPIPWE

1.5 Reference Resources

The following references were used in the preparation of this TIA:

- Hobart Interim Planning Scheme, 2015 (Planning Scheme)
- Austroads, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2019
- Austroads, *Guide to Road Design*, Part 4A: Unsignalised and Signalised Intersections, 2017
- Department of State Growth, *Traffic Impact Assessment Guidelines*, 2020



-
- Roads and Maritime Services NSW, *Guide to Traffic Generating Developments*, 2002 (RMS Guide)
 - Roads and Maritime Services NSW, *Updated Traffic Surveys*, 2013 (Updated RMS Guide)
 - Australian Standards, AS2890.1, *Off-Street Parking*, 2004 (AS2890.1:2004)

1.6 Transport Network

For the purposes of this report, the transport network consists of Park Street only. Park Street is a minor collector road that connects between Risdon Road and Letitia Street in New Town. It provides access to residential properties along its frontage, as well as numerous side streets.



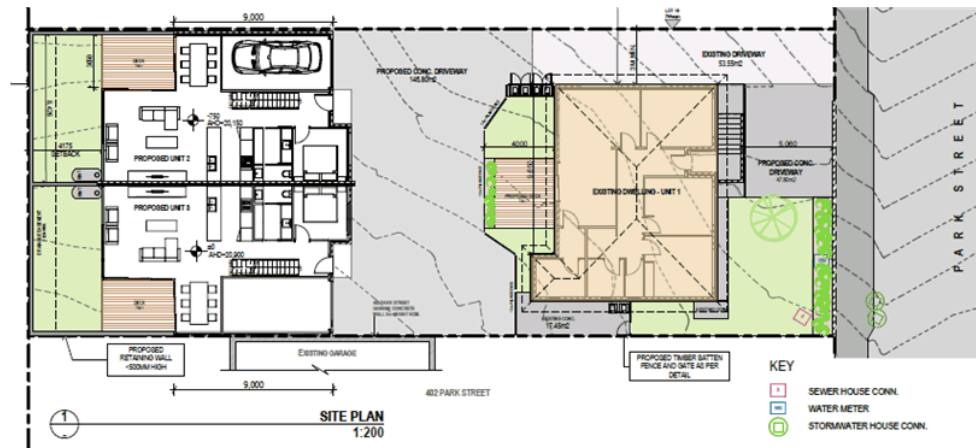
2. Proposed Development

2.1 Development Proposal

The proposed development involves the construction of two residential units at the rear of the existing dwelling. On-site car parking is provided for three car parking spaces, consisting of 2 garages and two on-site spaces.

The proposed development is shown in Figure 2.

Figure 2 Proposed Development Plans





3. Traffic Assessment

3.1 Traffic Generation

Traffic generation rates were sourced from the RMS Guide. The RMS Guide states the following traffic generation rates for medium density residential developments:

- | | |
|-----------------------------------|---------------------------------|
| ▪ Daily vehicle trips | 5 trips per dwelling per day |
| ▪ Weekday peak hour vehicle trips | 0.5 trips per dwelling per hour |

Based on these trip generation rates, the new traffic generation from the proposed new units is 15 vehicles per day with a peak of 2 vehicles per hour.

3.2 Access Impacts

The Acceptable Solution A3 of Clause E5.5.1 of the Planning Scheme states "*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*".

The development does not exceed 40 vehicle movements per day (noting that 40 is greater than 20% of the existing vehicle movements of the single dwelling) and therefore meets the requirements of Acceptable Solution A3 of Clause E5.5.1 of the Planning Scheme.



4. Parking Assessment

4.1 Parking Provision

The proposed development provides 4 on-site car parking spaces. This is in the form of two garage spaces and two on-site spaces.

4.2 Empirical Car Parking Demand

The RMS Guide recommends the following car parking provision for medium density residential flat buildings:

- 1 space per unit
- 1 space per 5 x 2-bedroom units
- 1 space per 2 x 3-bedroom units
- 1 space per 5 units visitor parking

This is a requirement for 5 spaces. The provision of 4 spaces is a shortfall of one space. The on-site parking provision therefore meets the RMS requirements if visitor parking were not included.

4.3 Planning Scheme Requirements

The Acceptable Solution A1 of Clause E6.6.1 of the Planning Scheme states "*The number of on-site car parking spaces must be no less than and no greater than the number specified in Table E6.1*". Table E6.1 requires 2 spaces per unit plus 1 dedicated visitor parking space per 4 dwellings. This equates to a total of 7 spaces. The provision of 4 spaces is therefore a shortfall of 3 spaces in accordance with the requirements of Acceptable Solution A1 of Clause E6.6.1 of the Planning Scheme.

The Performance Criteria P1 of Clause E6.6.1 of the Planning Scheme states:

"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".*

The following is relevant with respect to the development proposal:

- a. Car parking demand. The likely car parking demand is 5 spaces (refer to Section 4.2). The parking provision of 4 spaces meets the likely empirical car parking demands when visitor car parking is not included. Visitor car parking demands can be met on-street.
- b. On-street and public car parking availability. There is a large amount of on-street car parking available in Park Street. General observations indicate that there is more than sufficient available on-street parking to cater for the demands associated with any shortfall of parking arising from the development.
- c. Public transport. Metro Tasmania operate a regular bus service along Park Street (south of the Cross Street intersection).
- d. Other modes of transport. The subject site is located within walking distance of a shopping centre as well as New Town shopping precinct. The development will therefore be attractive for walking and cycling modes.
- e. Alternative parking. No alternative parking is considered necessary.
- f. Shared parking. Not applicable.
- g. Parking deficiency or surplus. Not applicable.
- h. Car parking credit. Not applicable.
- i. Cash in lieu. Not applicable.
- j. Cash in lieu contribution. Not applicable.



- k. Parking plan. Not applicable.
- l. Historic cultural heritage significance. Not applicable.
- m. Significant trees schedule. Not applicable.

Based on the above assessment, the development meets the requirements of Performance Criteria P1 of Clause E6.6.1 of the Planning Scheme. This is particularly due to the fact that the parking demands are generally met within the development site with the exception of visitor parking, which can be met in the surrounding network (Park Street).

4.4 Car Parking Layout

In relation to the car parking layout, the Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme states "*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*".

4.4.1 Parking Space Dimensions

Australian Standards, AS2890.1 requires the following minimum dimensions for User Class 1A (residential, domestic and employee parking):

- Minimum space width – 2.4 metres
- Minimum space length – 5.4 metres
- Minimum aisle width – 5.8 metres

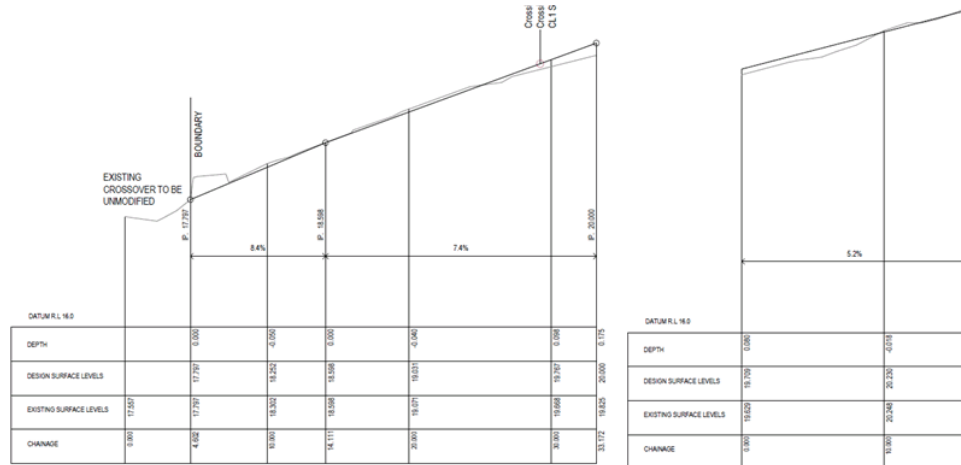
All car parking spaces and aisle widths exceed these minimum values. The car parking spaces and manoeuvring area therefore meets the requirements of Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme.

4.4.2 Parking Space Slope

Section 2.4.6 of AS2890.1 states that the maximum grades within a car park shall be:

- Measured parallel to the angle of parking 1 in 20 (5%)
- Measured in any other direction 1 in 16 (6.25%)

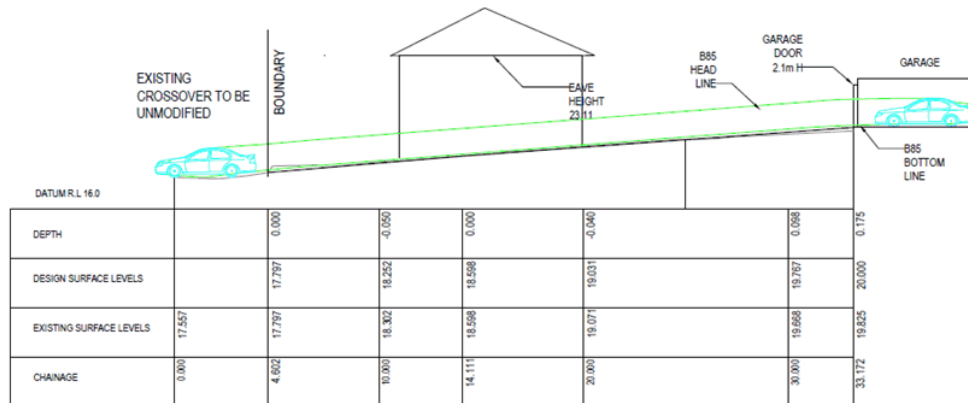
The grade of the driveway is shown in Figure 3. It can be seen that the maximum grade of the driveway is 8.4%. The grades of the car parking spaces are effectively level and therefore comply with the requirements of 2.4.6 of AS2890.1.

**Figure 3 Driveway Grade****4.4.3 Vertical Clearance**

AS2890.1 states that the minimum height between the floor and an overhead obstruction shall be 2.2 metres to cater for the access of both cars and light vans. The car parking area is not designed to cater for vehicles larger than cars or vans.

The garage spaces have heights that meet this minimum requirement.

An overhead obstruction is noted along the driveway in the form of an eave. The height of the eave is 3.8m, thus meeting the requirements of AS2890.1. The driveway including the location of the overhanging eave is shown in Figure 4.

**Figure 4 Driveway and Eaves****4.4.4 Car Parking Layout Summary**

Based on the findings of Sections 4.4.1, 4.4.2, and 4.4.3 the requirements of Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme are met.

4.5 On-Site Turning

The Acceptable Solution A1 of Clause E6.7.4 of the Planning Scheme states:

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

- (a) *it serves no more than two dwelling units;*
- (b) *it meets a road carrying less than 6000 vehicles per day".*

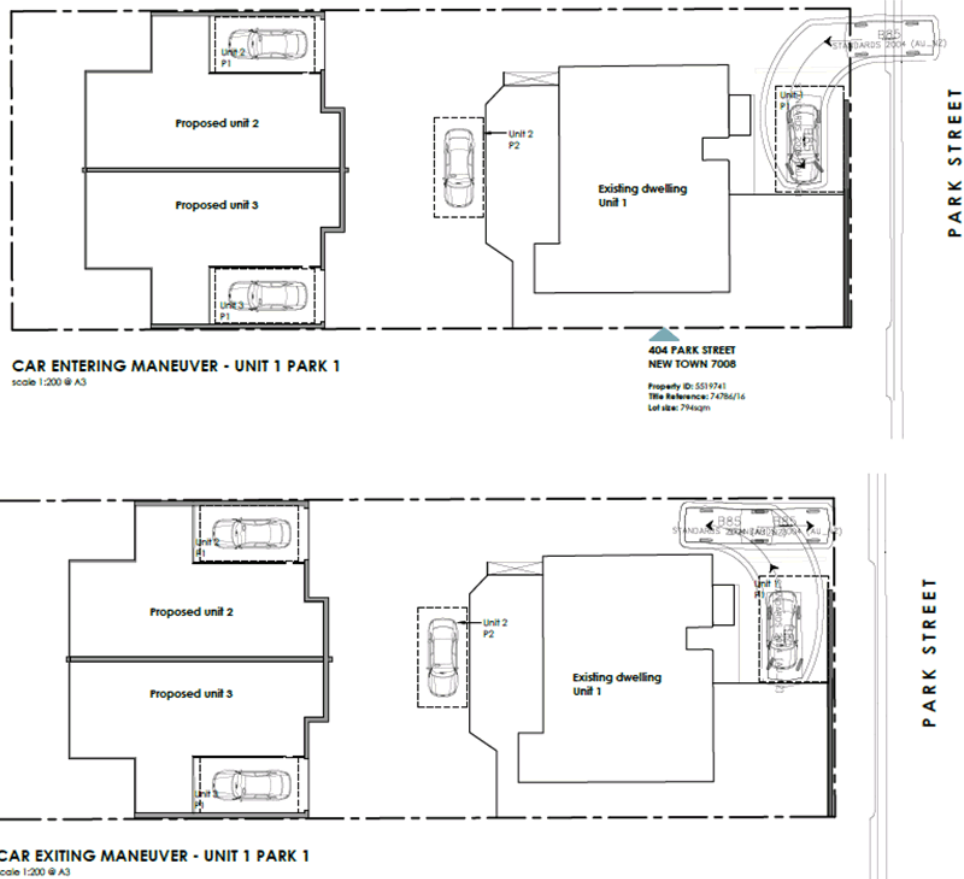
In this case the development serves more than two dwelling and meets a road that has a volume less than 6,000 vehicles per day.

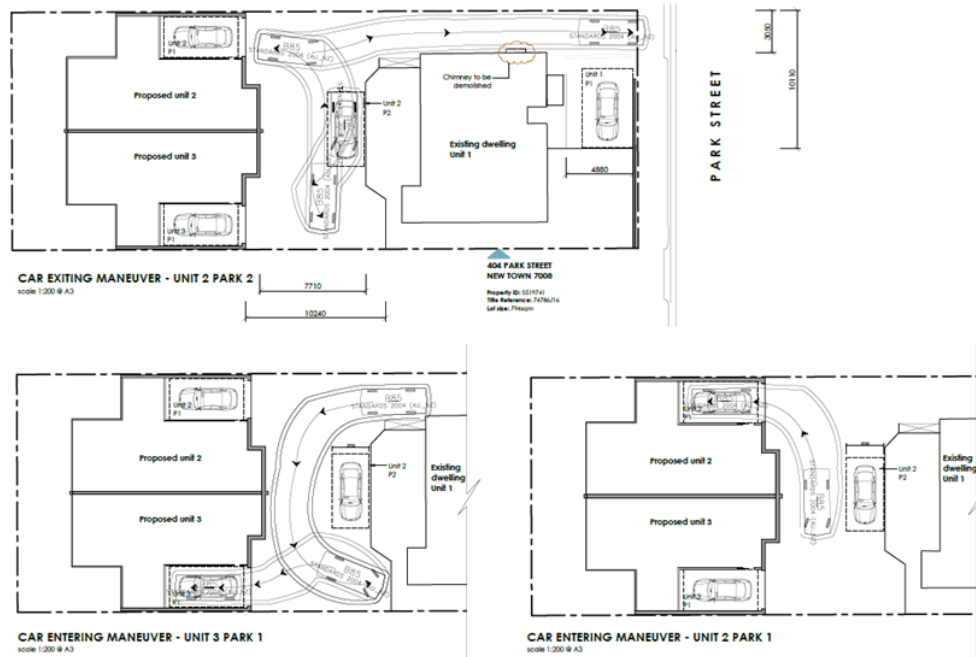
Swept paths for each parking space were assessed using a B85 vehicle template. The results are shown in Figure 5 and Figure 6.

It can be seen that all parking spaces can be accessed via forward entry and forward exit manoeuvres at the Park Street driveway. The Acceptable Solution A1 of Clause E6.7.4 of the Planning Scheme is met.



Figure 5 B85 Swept Path Manoeuvre – Front Space



**Figure 6 B85 Swept Path Manoeuvre – Rear Spaces**



5. Conclusions

This traffic impact statement (TIS) investigated the traffic and parking impacts of a proposed residential unit development at 404 Park Street, New Town.

The key findings of the TIA are summarised as follows:

- The parking provision of 4 on-site spaces meets the requirements of Performance Criteria P1 of Clause E6.6.1 of the Planning Scheme.
- The car parking layout meets the requirements of AS2890.1 and therefore meets the requirements of Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme.
- Vehicles can access all parking spaces of the site in a forward entry and forward exit manoeuvre at the site's driveway with Park Street, thus meeting the requirements of Acceptable Solution A1 of Clause E6.7.4 of the Planning Scheme.

Based on the findings of this report the proposed development is supported on traffic grounds.



Midson Traffic Pty Ltd ABN: 26 133 583 025

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Document Status

Revision	Author	Review	Date
0	Keith Midson	Zara Kacic-Midson	18 May 2021
1	Keith Midson	Zara Kacic-Midson	19 June 2021



Keith Midson
Midson Traffic Pty Ltd
28 Seaview Avenue
Taroona TAS 7053
0437 366 040

18th June 2021

Alexander Hill
Oramatis
212 Elizabeth Street
Hobart TAS 7000

Dear Alex,

404 PARK STREET – RESPONSE TO COUNCIL RFI

Further to our recent discussions this letter provides a formal response to Council's request for further information dated 31st May 2021.

1. PA5.1 – Design Plans

I understand that the revised plans now address all of Council's request for further information. Specifically:

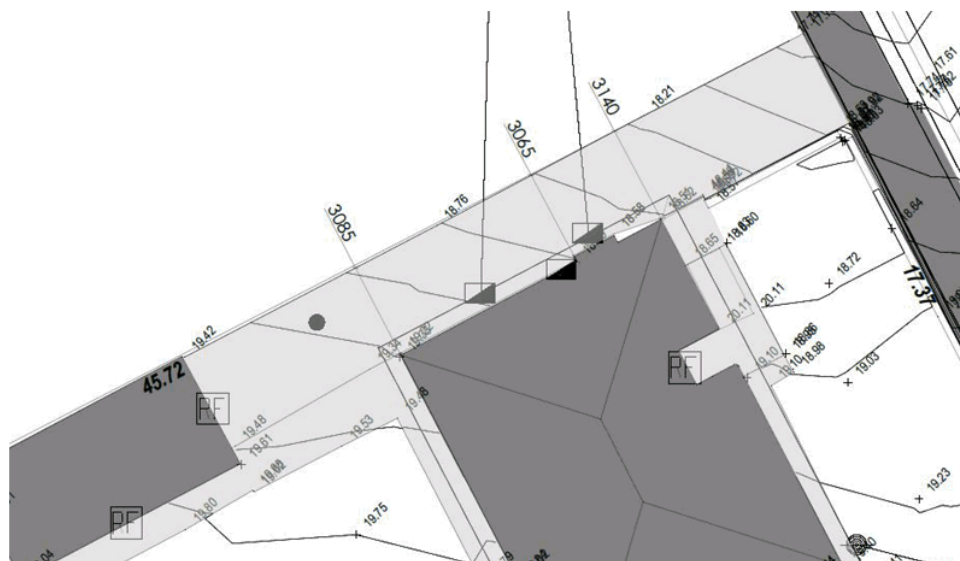
- *"Plan view showing the minimum width of entire driveway (clear width, no eaves overhang)".*
Further advice states *"as required by AS/NZS 2890.1:2004 Section 2.6.1"*.

The driveway plan view is shown in Figure 1. Section 2.6.1 of AS2890.1 states: *"The minimum width of domestic driveways shall be 3.0 m. On curved driveways other than at turns into garages or parking spaces the width shall be increased as given for domestic property in Table 2.2"*.

The driveway width varies between 3.09m to 3.14 metres and therefore complies with AS2890.1 requirements. This is shown in Figure 1.

AS2890.1 does not make reference to the location of eaves for driveway width assessment. The height of the eaves was assessed in the revised TIS.

Figure 1 Driveway and Parking Plan



2. PA7 – Traffic Impact Statement

Council have requested the following:

"A traffic impact statement prepared by a suitably qualified traffic engineer, specifically addressing whether or not the number of onsite car parking spaces is sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand; MET*
- (b) the availability of on street and public car parking in the locality; MET*
- (c) the availability and frequency of public transport within a 400m walking distance of the site; MET*
- (d) the availability and likely use of other modes of transport; MET*
- (e) the availability and suitability of alternative arrangements for car parking provision; MET*
- (f) will not adversely impact the road network and on street parking. MET*
- (g) the increase in traffic caused by the use; NOT MET*
- (h) the nature of the traffic generated by the use; MET*
- (i) the nature and efficiency of the access; NOT MET*
- (j) the nature and category of the road; and NOT MET*
- (k) the speed limit and traffic flow of the road. NOT MET".*

The above request from Council appears to be a hybrid of requirements from Performance Criteria P1:E6.6.1 (points a to f) and P3:E5.5.1 (points g to k relate to points a to e of P3:E5.5.1) of the Planning Scheme.

The TIS has been updated to include a traffic assessment of the access (Code E5.0). The assessment of Clause E5.5.1 of the Planning Scheme noted that the development meets the Acceptable Solution A3. The requirements of g, h, i, and j in Council's request above are therefore not relevant.

For completeness the following is noted with respect to points g to k in Council's request:

- g. Increase in traffic caused by the use. The traffic generation of the development is likely to be 15 vehicles per day with a peak of 2 vehicles per hour. The access can cater for this amount of traffic without any loss of efficiency of the access or Park Street.
- h. Nature of traffic [MET]. Traffic will be residential in nature.
- i. Nature and efficiency of the access. The access is a residential driveway that will have a peak of 2 vehicles per hour. This access will cater for these movements without any loss of efficiency.
- j. Nature and category of road. Park Street is a residential street that provides a minor collector road function for the residential catchment. There is sufficient spare capacity in Park Street to cater for the peak traffic generation of 2 vehicles per hour.
- k. Speed limit and traffic flow of road. The General Urban Speed Limit of 50-km/h applies to Park Street. Park Street carries a volume of approximately 6,000 vehicles per day.

Please contact me on 0437 366 040 if you require any further information.

Yours sincerely,

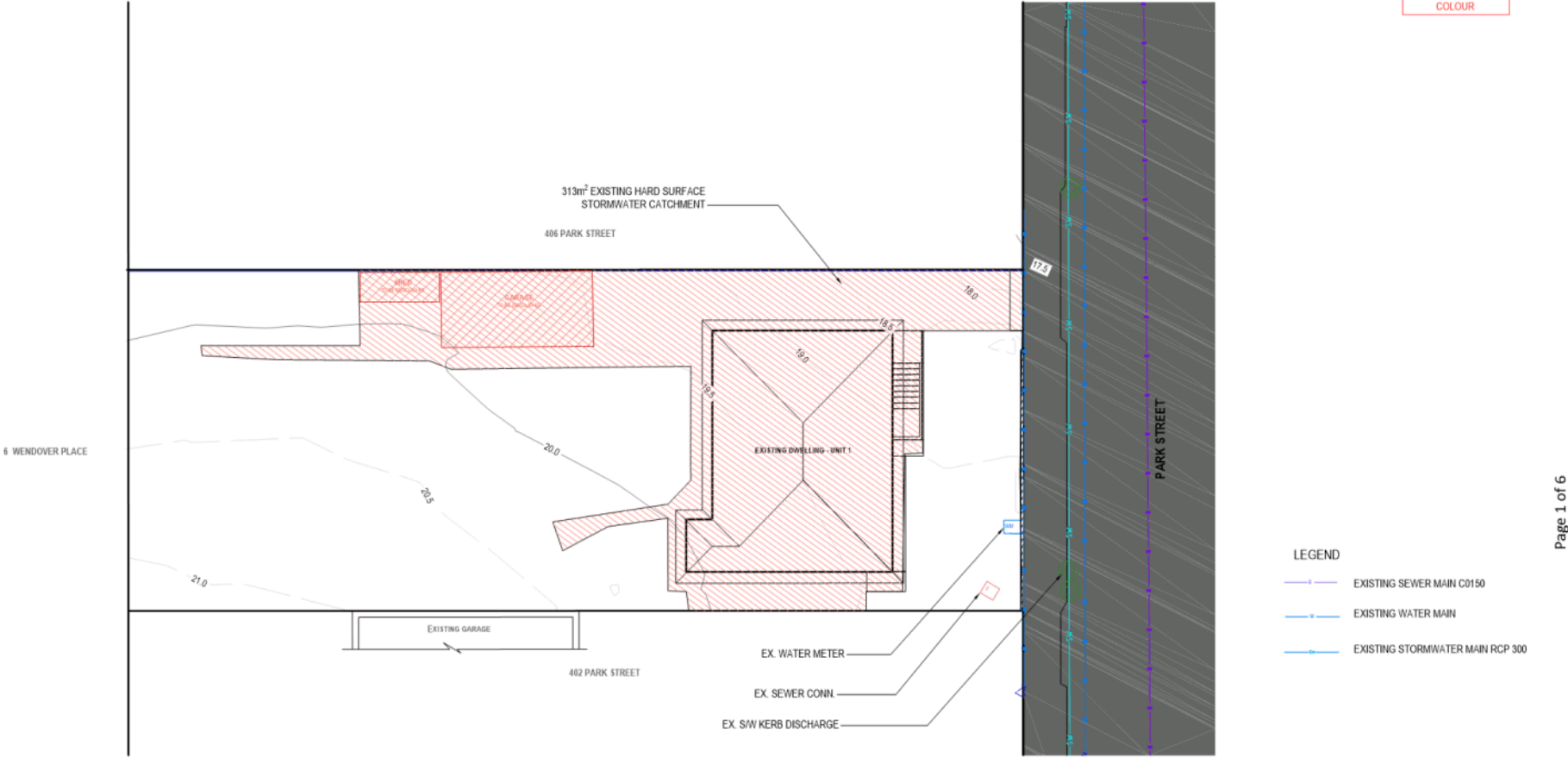


Keith Midson BE MTraffic MTransport FIEAust CPEng EngExec NER

DIRECTOR

Midson Traffic Pty Ltd



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PRINTED & READ IN
COLOUR



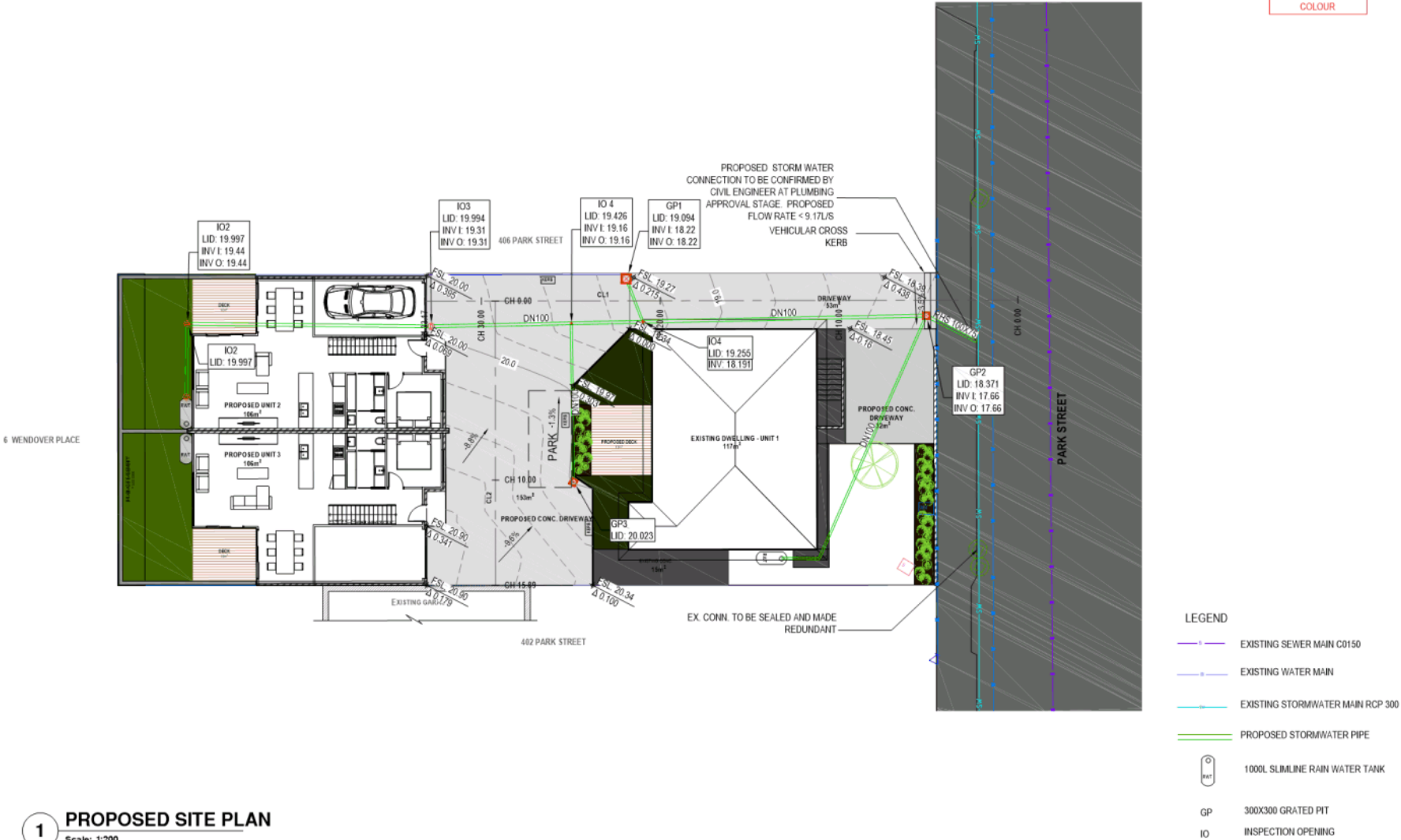
Page 1 of 6



1 EXISTING SITE PLAN

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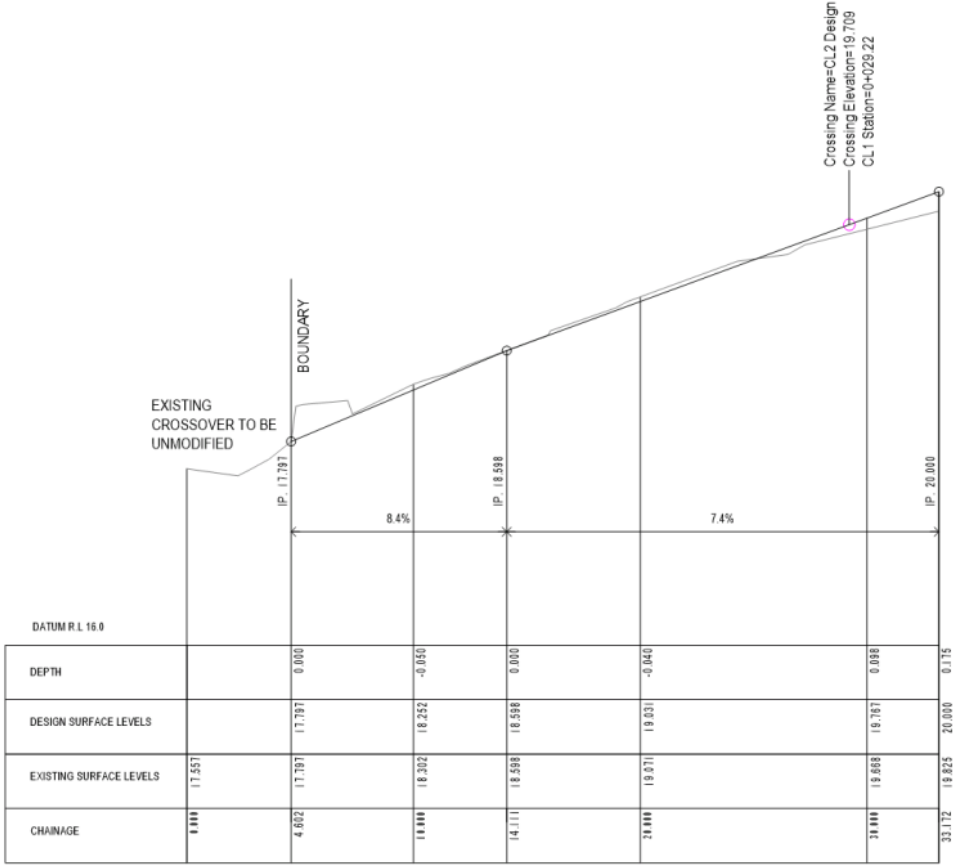
 Oramatis Studio 212 Elizabeth Street, Hobart p: (03) 6286 5440 e: admin@oramatis.com.au ORAMATIS STUDIO Building Practitioner Accreditation: CC6540	GENERAL NOTES Contractors shall verify all dimensions and levels on site before commencement of any work. Contractors shall clearly identify any discrepancies before commencement of any work. Drawings must not be scaled. Contractors shall submit samples and shop drawings before commencing work. All works shall be carried out in accordance with the Building Code of Australia and all relevant Australian Standards. These designs, plans, specifications and the copyright herein are the property of Oramatis Studio and must not be used, reproduced or copied wholly or in part without the written permission of Oramatis Studio.		PROJECT 404 PARK STREET, NEW TOWN, TAS	REVISION A	DATE 25/03/2021	SCALE As shown @ A3	PAGE C01	NORTH 
			CLIENT -	PROJECT ID 2101	CHECKED BY A.Hill	DRAWN BY C. Li	DRAWING EXISTING SITE PLAN	

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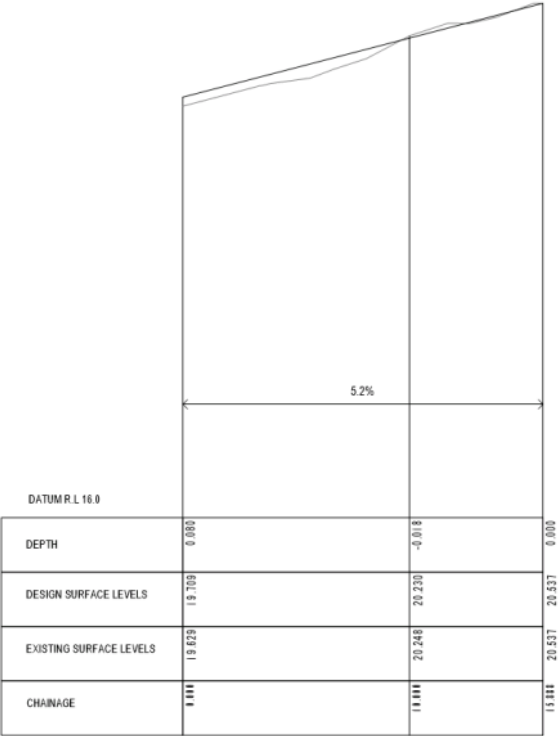


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			CLIENT	PROJECT ID 2101	CHECKED BY A.Hill	DRAWN BY C. Li	DRAWING	
							PROPOSED SITE PLAN	

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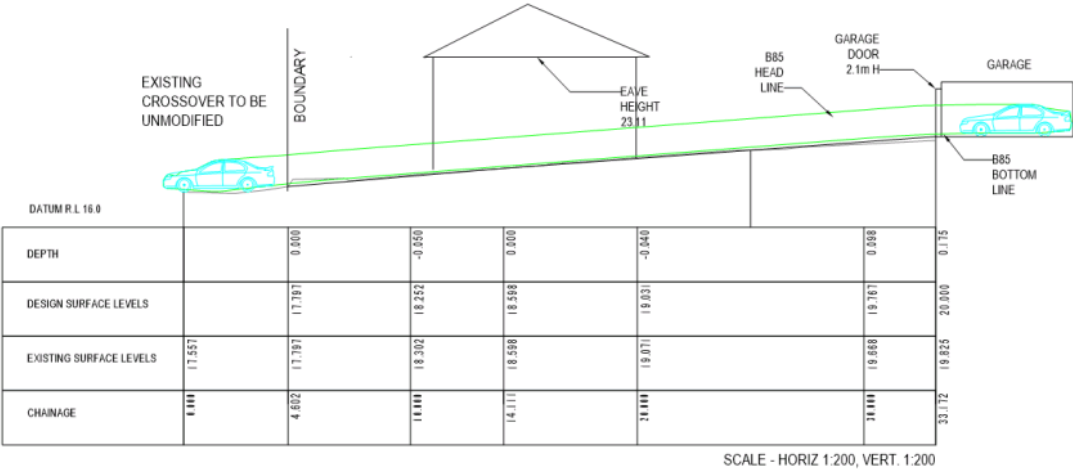


LONGITUDINAL SECTION - CL1
SCALE - HORIZ 1:200.000, VERT. 1:40.000




LONGITUDINAL SECTION - CL2
SCALE - HORIZ 1:200.000, VERT. 1:40.000

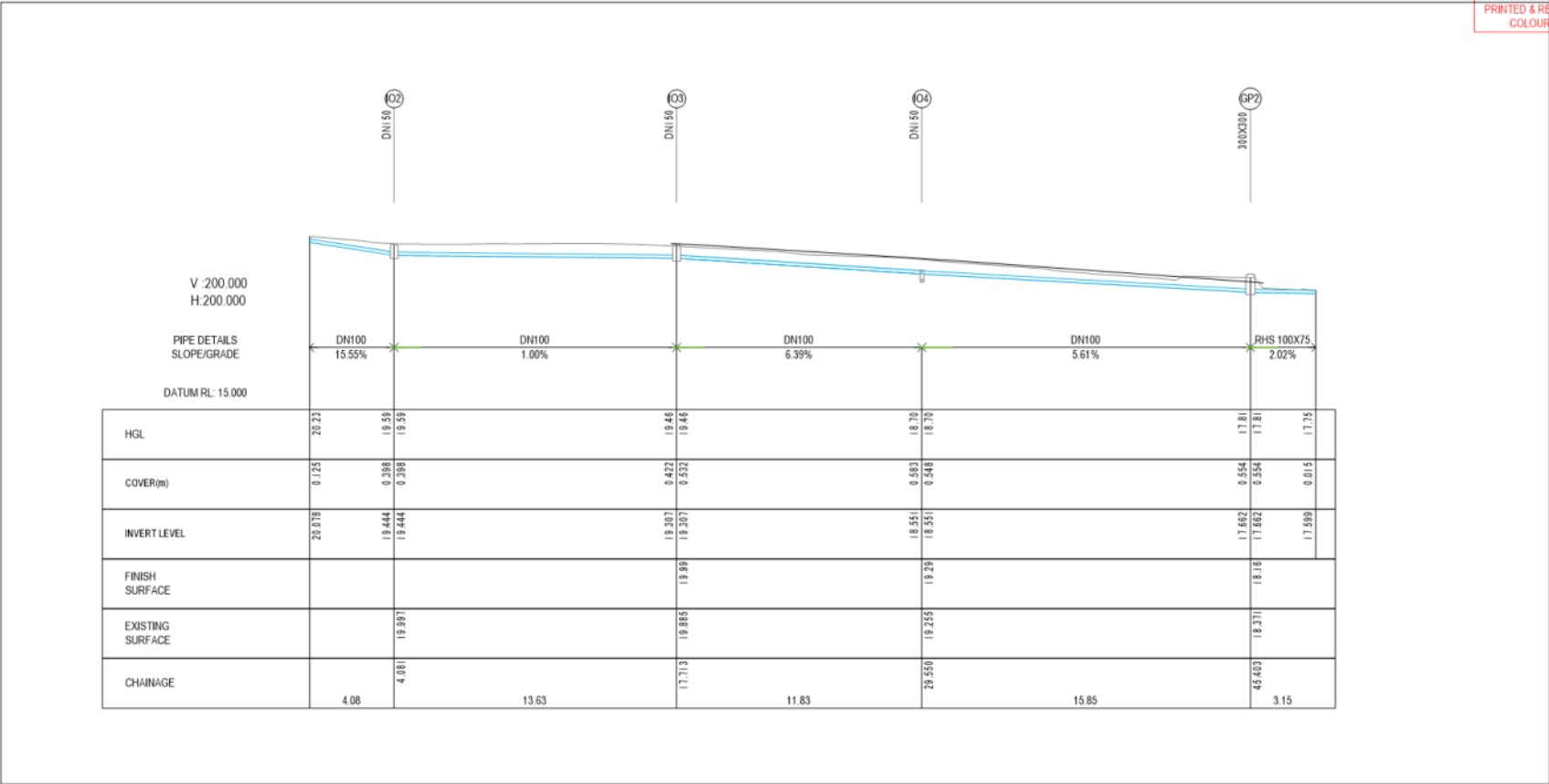
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			CLIENT	PROJECT ID	CHECKED BY	DRAWN BY	DRAWING	
				2101	A.Hill	C. Li	CAR VERTICAL CLEARANCE	

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1 STORMWATER LONGSECTION

Scale: 1:200



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2101

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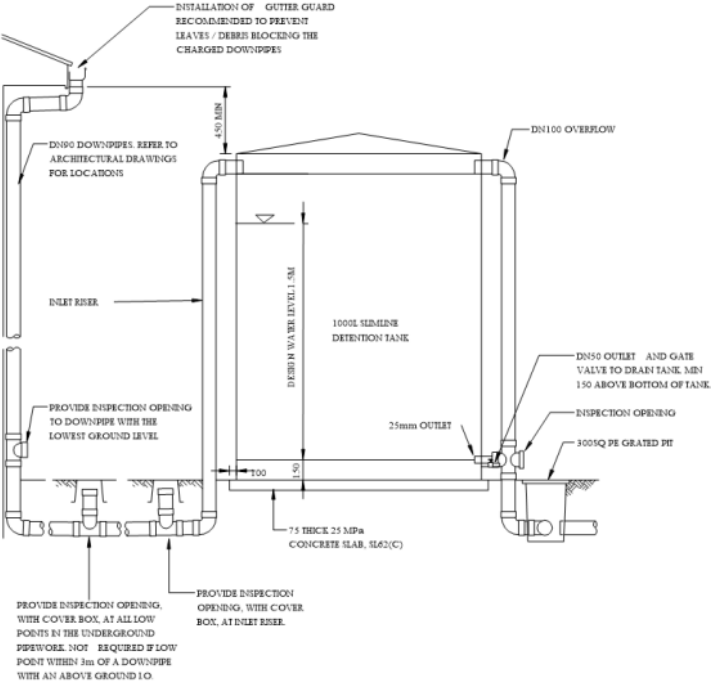
C. Li

DRAWING

STORMWATER LONGSECTION

STORMWATER FLOW CALCULATION

Pre-development				
	A(m ²)	C	Flow(Q _{pre} =CA ^{0.7} ₂₀ /3600) L/s	i ₂₀ =85.3mm/m
ROOF & DRIVEWAY	313	1	7.42	Design Rainfall Data System (2016)
GRASS	481	0.3	3.42	
TOTAL			10.84	
Post-development				
	A(m ²)	C	Flow(Q _{post} =CA ^{0.7} ₂₀ /3600) L/s	i ₂₀ =85.3mm/h
ROOF	329	1	7.80	Design Rainfall Data System (2016)
DRIVEWAY & HARD	253	1	5.99	
DECK(WATER	33	0.5	0.39	
GRASS	179	0.3	1.27	
Total			15.45	
Proposed 1000L water tank for each house, After detention flow:				
After Detention				
	A(m ²)	C	Flow Q _{post} (L/s)	
UNIT 1 TANK	/	/	1.59	TOTAL PIPE FLOW 9.17 L/S DISCHARGE
UNIT 2+3 TANK	/	/	1.59	
DRIVEWAY & HARD	253	1	5.99	
DECK(WATER	33	0.5	0.39	
GRASS	179	0.3	1.27	
Total			10.84	< Q _{pre}
Detention Tank Volume V=Q _{detented} * t= 7.80x60x5=2300L min.				



1 WATER TANK DETAIL NTS.

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 74786	FOLIO 16
EDITION 5	DATE OF ISSUE 15-Jan-2021

SEARCH DATE : 30-Jan-2021

SEARCH TIME : 12.22 PM

DESCRIPTION OF LAND

City of HOBART

Lot 16 on Diagram 74786 (formerly being 208-35D)

Derivation : Part of 157A-1R-20Ps. Gtd. to C Swanston

Prior CT 2641/8

SCHEDULE 1

M864887 TRANSFER to SHANGLING ZHOU Registered 15-Jan-2021
at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

BENEFITING EASEMENT: A right of drainage over the drainage
easement 5 feet wide passing through Lots 11 to 15 on
Diagram 74786

BURDENING EASEMENT: A right of drainage over the drainage
easement 5 feet wide passing through the said Lot 16
in favour of the owners of Lots 17 18 and 19 on
Diagram No. 74786

125883 FENCING CONDITION in Transfer

E244946 MORTGAGE to Westpac Banking Corporation Registered
15-Jan-2021 at 12.01 PM

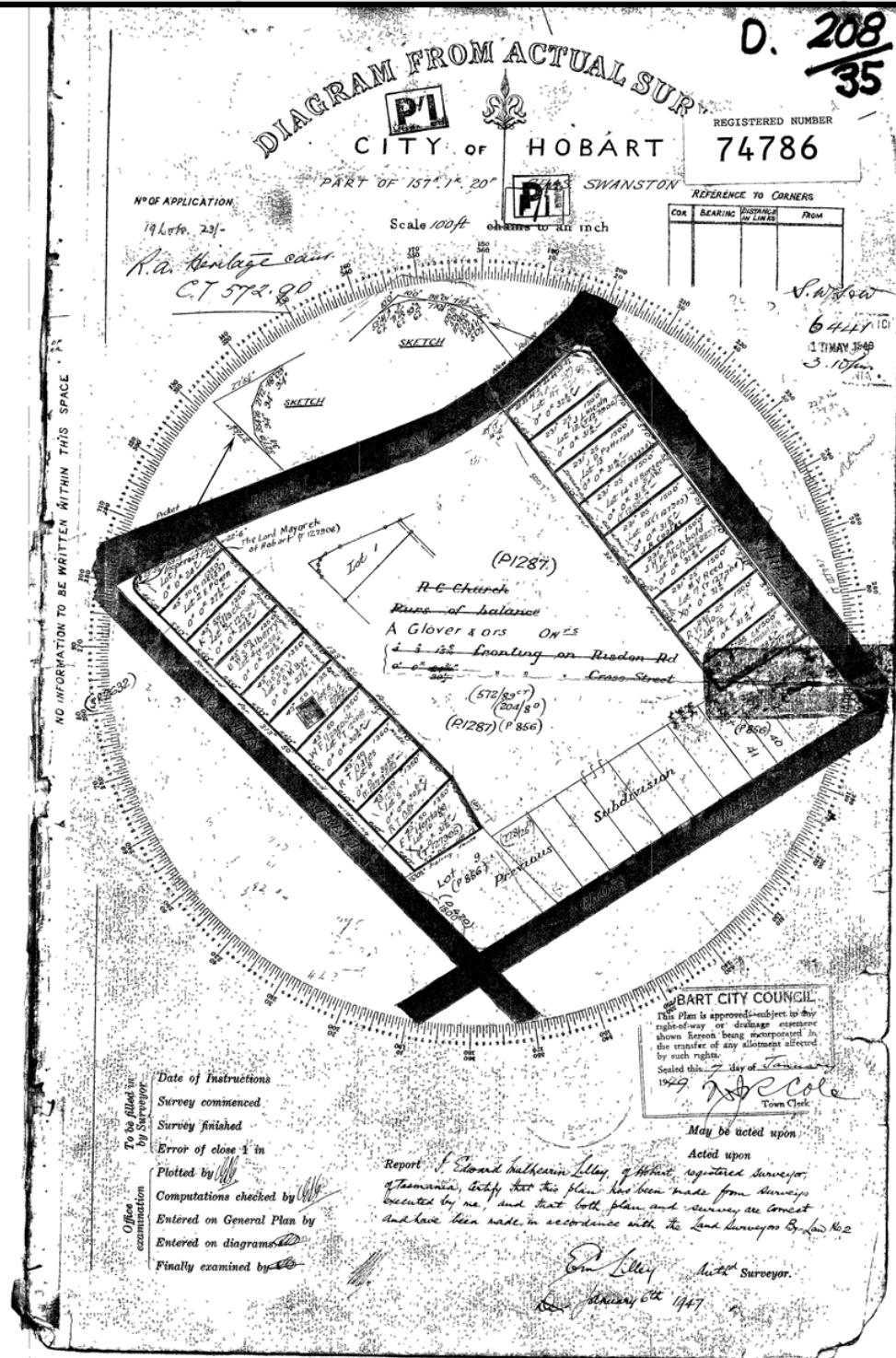
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

FOLIO PLAN

RECORDED OF TITLES

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Application Referral Development Engineering - Response

From:	Stefan Gebka - Development Engineering
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	404 PARK STREET, NEW TOWN
Proposal:	Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New)
Application No:	PLN-21-315
Assessment Officer:	Victoria Maxwell,

Referral Officer comments:

E5.0 Road and railway access code

E5.1 Purpose			E5.1.1 The purpose of this provision is to: (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
E5.2 Application of this Code	YES	NO	
			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)

<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)</u></p> <p><u>Acceptable Solution A3: - COMPLIANT</u></p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p> <p>- As stated by the applicant's traffic engineer;</p> <p><i>"The traffic generation of the development is likely to be 15 vehicles per day with a peak of 2 vehicles per hour. The access can cater for this amount of traffic without any loss of efficiency of the access or Park Street.</i></p> <p><i>Traffic will be residential in nature.</i></p> <p><i>The access is a residential driveway that will have a peak of 2 vehicles per hour. This access will cater for these movements without any loss of efficiency.</i></p> <p><i>Park Street is a residential street that provides a minor collector road function for the residential catchment. There is sufficient spare capacity in Park Street to cater for the peak traffic generation of 2 vehicles per hour.</i></p> <p><i>The General Urban Speed Limit of 50-km/h applies to Park Street. Park Street carries a volume of approximately 6,000 vehicles per day."</i></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>NOT APPLICABLE</p>		<p><u>Documentation submitted to date appears not to invoke clause E5.6.2.</u></p> <p>No new accesses or access junctions proposed.</p>

Clause 5.6.3 new level crossings			<u>Documentation submitted to date appears not to invoke clause E5.6.3.</u>
NOT APPLICABLE			No new level crossings proposed.
Clause 5.6.4 sight distance at access and junctions			<u>Documentation submitted to date appears not to invoke clause E5.6.4.</u>
NOT APPLICABLE			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	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)
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.

Acceptable solution - A1: - **NON COMPLIANT** - Single dwelling containing 2 or more bedrooms (including all rooms capable of being used as a bedroom) = Two (2x), a deficiency of three (3x) car parking spaces proposed.

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;

- **As stated by the applicant's traffic engineer;**

"Table E6.1 requires 2 spaces per unit plus 1 dedicated visitor parking space per 4 dwellings. This equates to a total of 7 spaces. The provision of 4 spaces is therefore a shortfall of 3 spaces in accordance with the requirements of Acceptable Solution A1 of Clause E6.6.1 of the Planning Scheme."

- **Submitted documentation does not satisfy this requirement, a deficiency of three (3x) car parking spaces proposed.**

Performance Criteria - P1:

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

The applicant's traffic engineer stated the following;

(a) car parking demand;

- *"The likely car parking demand is 5 spaces (refer to Section 4.2). The parking provision of 4 spaces meets the likely empirical car parking demands when visitor car parking is not included. Visitor car parking demands can be met on-street."*

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

- *"There is a large amount of on-street car parking available in Park Street. General observations indicate that there is more than sufficient available on-street parking to cater for the demands associated with any shortfall of parking arising from the development."*

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

- *"Metro Tasmania operate a regular bus service along Park Street (south of the Cross Street intersection)."*

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

- *"The subject site is located within walking distance of a shopping centre as well as New Town shopping precinct. The development will therefore be attractive for walking and cycling modes."*

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

- *"No alternative parking is considered necessary."*

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

- *"Not applicable."*

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

- *"Not applicable."*

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

- *"Not applicable."*

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

- *"Not applicable."*

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

- *"Not applicable."*

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

- *"Not applicable."*

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

- *"Not applicable."*

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

- *"Not applicable."*

"Based on the above assessment, the development meets the requirements of Performance Criteria P1 of

		<p><i>Clause E6.6.1 of the Planning Scheme. This is particularly due to the fact that the parking demands are generally met within the development site with the exception of visitor parking, which can be met in the surrounding network (Park Street)."</i></p> <p>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 as stated by the applicant's traffic engineer.</p>
<p>Clause 6.7.1 number of vehicle accesses</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 E6.7.1.</u></p> <p>Submitted documentation appears to indicate no changes proposed to the number of vehicle accesses.</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>Submitted plans indicate 2m x 2.5m sight triangle areas abutting the driveway are not kept clear of obstructions to visibility due to the existing but modified front fence ("EXISTING FENCE TO BE DEMOLISHED BY 1000MM FROM EDGE OF CONCRETE DRIVEWAY").</p> <p>Acceptable Solution - A1: - NON COMPLIANT</p> <p>Design of vehicle access points must comply with all of the following:</p> <p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.</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;

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

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

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

"The access is a residential driveway that will have a peak of 2 vehicles per hour. This access will cater for these movements without any loss of efficiency."

Submitted plans indicate the access width at the frontage is being increased from 3 metres to 4 metres. This should further assist ingress and egress for both B85 and B99 vehicles.

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

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

"Traffic will be residential in nature."

"The access is a residential driveway that will have a peak of 2 vehicles per hour. This access will cater for these movements without any loss of efficiency."

(d) ease of accessibility and recognition for users.

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

"The traffic generation of the development is likely to be 15 vehicles per day with a peak of 2 vehicles per hour. The access can cater for this amount of traffic without any loss of efficiency of the access or Park Street."

Location of existing access remains unchanged.

Based on the above assessment and given the submitted documentation, sight lines that may be

		<p>accepted under <i>Performance Criteria P1:E6.7.2</i> of the Planning Scheme. Given the location of the access and driveway, and the volume of traffic on the road from which the property gains access.</p> <p>Surrounding properties exhibit similar access provisions.</p>
<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><u>Acceptable solution - A1:</u> On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with <u>any</u> of the following: (a) it serves no more than two dwelling units; - NON COMPLIANT (b) it meets a road carrying less than 6000 vehicles per day. - COMPLIES</p> <p>Submitted documentation appears to indicate no facility / requirement for on-site turning.</p> <p>Although not a requirement, on-site turning is feasible given the manoeuvring provisions.</p> <p>The applicant's traffic engineer stated the following;</p> <p><i>"In this case the development serves more than two dwelling and meets a road that has a volume less than 6,000 vehicles per day.</i></p> <p><i>Swept paths for each parking space were assessed using a B85 vehicle template. The results are shown in Figure 5 and Figure 6.</i></p> <p><i>It can be seen that all parking spaces can be accessed via forward entry and forward exit manoeuvres at the Park Street driveway. The Acceptable Solution A1 of Clause E6.7.4 of the Planning Scheme is met."</i></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 submitted parking module gradient (9.6%) exceeds the permitted maximum gradient of 6.25% to be accepted under the Acceptable Solution</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</p>

parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.

The applicant's traffic engineer stated the following;

In relation to the car parking layout, the Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme states *"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 "*.

4.4.1 - Parking Space Dimensions

Australian Standards, AS2890.1 requires the following minimum dimensions for User Class 1A (residential, domestic and employee parking):

- Minimum space width – 2.4 metres
- Minimum space length – 5.4 metres
- Minimum aisle width – 5.8 metres

All car parking spaces and aisle widths exceed these minimum values. The car parking spaces and manoeuvring area therefore meets the requirements of Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme.

4.4.2 - Parking Space Slope

Section 2.4.6 of AS2890.1 states that the maximum grades within a car park shall be:

- Measured parallel to the angle of parking 1 in 20 (5%)
- Measured in any other direction 1 in 16 (6.25%)

The grade of the driveway is shown in Figure 3. It can be seen that the maximum grade of the driveway is 8.4%. The grades of the car parking spaces are effectively level and therefore comply with the requirements of 2.4.6 of AS2890.1.

4.4.3 - Vertical Clearance

AS2890.1 states that the minimum height between the floor and an overhead obstruction shall be 2.2 metres to cater for the access of both cars and light vans. The car parking area is not designed to cater for vehicles larger than cars or vans.

The garage spaces have heights that meet this minimum requirement.

			<p>An overhead obstruction is noted along the driveway in the form of an eave. The height of the eave is 3.8m, thus meeting the requirements of AS2890.1. The driveway including the location of the overhanging eave is shown in Figure 4.</p> <p>Based on the findings of Sections 4.4.1, 4.4.2, and 4.4.3 the requirements of Acceptable Solution A1 of Clause E6.7.5 of the Planning Scheme are met.</p> <p><u>Performance Criteria - P1:</u> The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site. - Acceptable, submitted documentation appears to satisfy this requirement</p> <p>The parking module gradient exceeds the permitted maximum gradient of 6.25% to be accepted under the Acceptable Solution, the submitted plans show gradients up to 9.6%. Given the statements provided by the applicant's traffic engineer the parking area may be accepted under <i>Performance Criteria P1:E6.7.5</i>.</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). <u>Documentation submitted to date does satisfy the Acceptable Solution for clause E6.7.6.</u></p> <p><u>Acceptable Solution - A1: - COMPLIANT</u> Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; and (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p> <p>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 Planner and health unit to assess</p>	—	—	Planner to assess

Clause 6.7.8 Landscaping Planner to assess	—	—	Planner to assess
Clause 6.7.9 motor bike parking NOT APPLICABLE			<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>

Clause 6.7.10 bicycle parking NOT APPLICABLE			<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). <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 NOT APPLICABLE			The access to a road must satisfy the Acceptable Solutions of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.14.</u> Submitted documentation appears to indicate no changes proposed to the existing access to a road.
Clause 6.7.15 access to Niree Lane NOT APPLICABLE			The access to Niree Lane must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E6.7.15.</u> No development proposed within Niree Lane.

E 7.0 Stormwater

E7.1.1 Purpose			E7.1.1 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.
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)
A1 (SW disposed to Public SW Inf via Gravity / P1 (onsite/pump) ACCEPTABLE SOLUTION			The stormwater drainage and disposal must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date does appear to satisfy the Acceptable Solution for clause E7.7.1 (A1).</u> Acceptable Solution A1: - COMPLIANT Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. Submitted plans appear to indicate stormwater from new impervious surfaces being able to be disposed of by gravity to public stormwater infrastructure. To be verified at Plumbing Permit stage.

<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: - COMPLIANT A minor stormwater drainage system must be designed to comply with all of the following:</p> <p>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; and - Acceptable, submitted documentation appears to satisfy this requirement</p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. - Acceptable, submitted documentation appears to satisfy this requirement</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>

A4 (Major SW System accommodates 1:100 ARI)			The stormwater drainage and disposal must satisfy the Acceptable Solution of the Hobart Interim Planning Scheme 2015 (HIPS 2015). <u>Documentation submitted to date appears not to invoke clause E7.7.1 (A4).</u> Submitted documentation does not appear to show any proposal for construction of major stormwater drainage.
NOT APPLICABLE			

PROTECTION OF COUNCIL INFRASTRUCTURE

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

COMMENTS:**Summary:**

Planning approval is sought for Partial Demolition, Alterations, Extension, and Three Multiple Dwellings (One Existing, Two New) at 404 PARK STREET NEW TOWN TAS 7008.

More specifically the proposal includes:

- demolition of rear garage and shed and chimney on the north western side of the existing dwelling to facilitate access to the rear,
- retain and upgrade the existing dwelling,
- construction of two x two storey adjoining units in the rear garden,
- the units will each have a single internal garage space, bedroom and living area on the ground floor and two bedrooms with walk-in robes and ensuites upstairs,
- private open space is provided off the living area in an walled deck, squaring off the footprint of the units in the south west and north west corners of the structure, along with a narrow rear garden running between the units and the western boundary,
- two Juliet balconies are proposed on both the east and western upper floors, enabling the rooms to enjoy cross ventilation in summer,
- private open space is proposed for the existing dwelling behind that structure and in front to the south east,
- whilst the garage and part of the living space external walls will abut the side boundaries, the upper floors are setback a minimum of 3.4m from the side boundaries,
- a new parking space is proposed in front setback for the existing dwelling and one (1) additional space is proposed behind the dwelling, leaving a deficiency of three (3) parking spaces on site,
- substantial impervious surfaces are proposed on site for vehicle access and manoeuvring.

CONDITIONS:

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

General Conditions:

ENG1: Pay Costs

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

ENG 3c: The access driveway and parking module (parking spaces, aisles and manoeuvring areas) must be constructed in accordance with the Oramatis Studio documentation received by the Council on the 21st June 2021

ENG 4: Surface treatment

ENG 5: The number of car parking spaces approved on the site, for use is four (4)

ENG SW 7: Any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense. (Stormwater Unit Report)

ENG SW 9: Stormwater detention for the site must be installed. (Stormwater Unit Report)

ENV1: SWMP

ADVICE:

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

REPRESENTATIONS:

Parking and Access: - Summary

There is not sufficient off street parking for the number of possible driver occupants (2).

The submitted Traffic Impact Statement stated the following;

The RMS Guide recommends the following car parking provision for medium density residential flat buildings:

- 1 space per unit
- 1 space per 5 x 2-bedroom units
- 1 space per 2 x 3-bedroom units
- 1 space per 5 units visitor parking

This is a requirement for 5 spaces. The provision of 4 spaces is a shortfall of one space. The on-site parking provision therefore meets the RMS requirements if visitor parking were not included."

and

"The likely car parking demand is 5 spaces. The parking provision of 4 spaces meets the likely empirical car parking demands when visitor car parking is not included. Visitor car parking demands can be met on-street."

and

"There is a large amount of on-street car parking available in Park Street. General observations indicate that there is more than sufficient available on-street parking to cater for

the demands associated with any shortfall of parking arising from the development."

Council's view is consistent with the applicant's traffic engineer and does not form a contrary position in relation to this matter. There would appear to be sufficient available on-street parking to cater for the demands associated with any shortfall of parking arising from the development.

The additional traffic will bring with it the associated noise of opening and closing doors, talking at all hours of the day.

The submitted Traffic Impact Statement stated the following;

"Traffic generation rates were sourced from the RMS Guide. The RMS Guide states the following traffic generation rates for medium density residential developments:

- Daily vehicle trips 5 trips per dwelling per day*
- Weekday peak hour vehicle trips 0.5 trips per dwelling per hour"*

"Based on these trip generation rates, the new traffic generation from the proposed new units is 15 vehicles per day with a peak of 2 vehicles per hour."

"The development does not exceed 40 vehicle movements per day (noting that 40 is greater than 20% of the existing vehicle movements of the single dwelling) and therefore meets the requirements of Acceptable Solution A3 of Clause E5.5.1 of the Planning Scheme."

Noise concerns are not a Development Engineering consideration, this should be addressed by the planner.

The new parking space in front of the dwelling will force the removal of the one tree on site and is purely to meet parking requirements.

Development engineering does not object to the removal of a tree in order to provide car parking. The tree to be removed is not listed in the Significant Trees Code.

Is the driveway access sufficiently wide for the proposed development to the rear? (2)

The submitted Traffic Impact Statement stated the following;

"The driveway width varies between 3.09m to 3.14 metres and therefore complies with AS2890.1 requirements."

Development Engineering - Meets the requirements of AS/NZ 2890.1:2004.

The number of vehicles will cause traffic congestion on Park Street (2).

The submitted Traffic Impact Statement stated the following;

"The development does not exceed 40 vehicle movements per day (noting that 40 is greater than 20% of the existing vehicle movements of the single dwelling) and therefore meets the requirements of Acceptable Solution A3 of Clause E5.5.1 of the Planning Scheme."

"The traffic generation of the development is likely to be 15 vehicles per day with a peak of 2 vehicles per hour. The access can cater for this amount of traffic without any loss of

efficiency of the access or Park Street."

Council's view is consistent with the applicant's traffic engineer and does not form a contrary position in relation to this matter / above statements.

The reduction in parking from the previous application will impact on the on street parking on an already busy street

The submitted Traffic Impact Statement stated the following;

"The likely car parking demand is 5 spaces. The parking provision of 4 spaces meets the likely empirical car parking demands when visitor car parking is not included. Visitor car parking demands can be met on-street.."

"There is a large amount of on-street car parking available in Park Street. General observations indicate that there is more than sufficient available on-street parking to cater for the demands associated with any shortfall of parking arising from the development."

"The subject site is located within walking distance of a shopping centre as well as New Town shopping precinct. The development will therefore be attractive for walking and cycling modes."

"Metro Tasmania operate a regular bus service along Park Street (south of the Cross Street intersection)."

Council's view is consistent with the applicant's traffic engineer and does not form a contrary position in relation to this matter / above statements.




**7.2.2 34 PROCTORS ROAD, DYNMYRNE - PARTIAL DEMOLITION
PLN-21-149 - FILE REF: F21/64982**

Address: 34 Proctors Road, Dynmyrne
Proposal: Partial Demolition
Expiry Date: 23 August 2021
Extension of Time: Not applicable
Author: Helen Ayers

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition at 34 Proctors Road, Dynmyrne for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because a chimney would be demolished and that chimney is significant and makes a contribution to the historic cultural heritage significance of the precinct. The applicant has not articulated environmental, social economic or safety reasons of greater values to the community than the chimney. A prudent and feasible alternative would have been to retain the chimney.

Attachment A: PLN-21-149 - 34 PROCTORS ROAD DYNMYRNE
TAS 7005 - Planning Committee or Delegated
Report ↓ 
Attachment B: PLN-21-149 - 34 PROCTORS ROAD DYNMYRNE
TAS 7005 - CPC Agenda Documents ↓ 
Attachment C: PLN-21-149 - 34 PROCTORS ROAD DYNMYRNE
TAS 7005 - Planning Referral Officer Cultural
Heritage Report ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Council: 23 August 2021
Expiry Date: 23 August 2021
Application No: PLN-21-149
Address: 34 PROCTORS ROAD , DYNMYRNE
Applicant: Martin Nally
34 Proctors Road
Proposal: Partial Demolition
Representations: None
Performance criteria: Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition, at 34 Proctors Road, Dynmyrne.
- 1.2 More specifically the proposal includes the demolition of the northern chimney of the dwelling.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Historic Heritage Code - Heritage Precinct - Demolition
- 1.4 No representations were received during the statutory advertising period between 8 and 23 June 2021.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council, because the application is recommended for refusal.

2. Site Detail

- 2.1 The subject site is a residential block located on the corner of Proctors Road and View Street. It is developed with a brick double-storey dwelling and accessed by an existing crossover to Proctors Road. The land falls towards the rear (north) of the site and contains prominent hedge landscaping along its southern boundary.
- 2.2 The wider area is largely residential with single and double storey dwellings developed on similarly sized lots. An aerial of the site is below.



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



Figure 2: A site plan of the property with the chimney that has been removed shown circled red.



Figure 3: A Google Streetview image showing the street elevation of the existing dwelling with the chimney that has been removed circled red.

3. Proposal

- 3.1 Planning approval is sought for Partial Demolition, at 34 Proctors Road, Dynnryne.
- 3.2 More specifically the proposal is for the demolition of the northern chimney of the dwelling.

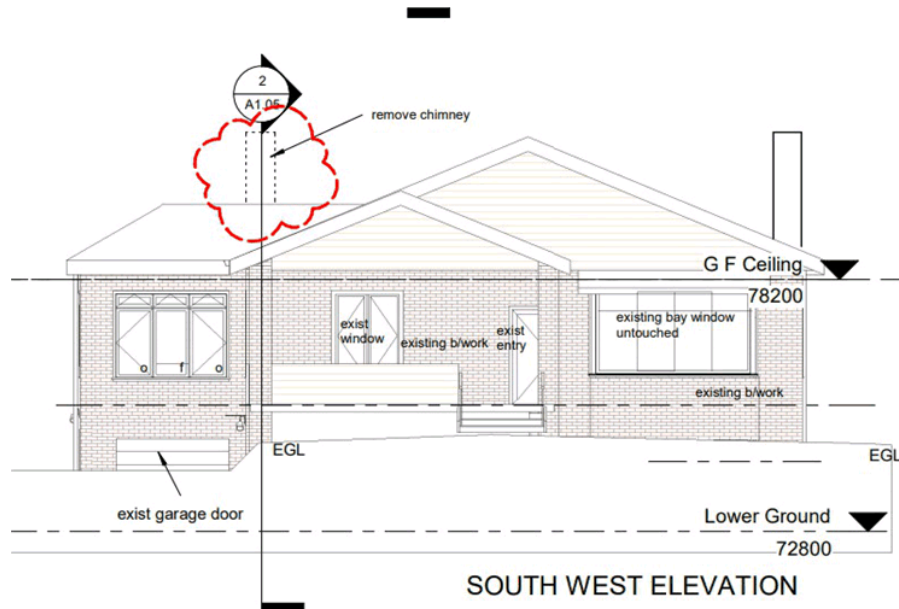


Figure 3: The chimney that has been removed is shown dashed on this front elevation plan.

4. Background

- 4.1 Application was made for works to the dwelling under PLN-19-485. A permit was granted for the proposed works in October 2019 which included a condition requiring that the chimney be retained.
- 4.2 The chimney was removed in March 2020 by the applicant, despite the condition on the planning permit requiring its retention. The applicant has advised that they attempted to contact Council due to safety concerns with the chimney in question during the construction process, but were unsuccessful.

- 4.3 The applicant sought a minor amendment to the permit in October 2020 to gain retrospective approval for the removal of the chimney. The applicant was advised that the amendment could not be supported. The applicant was further advised that Council's Cultural Heritage Officer would be unlikely to support a new application for the removal of the chimney should one be lodged as the works are contrary to the Historic Heritage Code of the Planning Scheme. In light of this advice, the applicant chose to withdraw their minor amendment application.
- 4.4 The current application was lodged in March 2021.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 8 and 23 June 2021.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 There is no proposed change to the existing residential (single dwelling) use of the site. The existing use is a permitted use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 11.0 Inner Residential Zone
- 6.4.2 Part E - E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.3 Historic Heritage Code:

*Development Standards for Heritage Precincts - Demolition - E13.8.1
P1*

- 6.6 Each performance criterion is assessed below.
- 6.7 Development Standards for Heritage Precincts - Demolition - E13.8.1 P1
- 6.7.1 There is no acceptable solution for E13.8.1 A1.
- 6.7.2 The proposal includes demolition of a chimney on a dwelling in a heritage precinct.
- 6.7.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause E13.8.1 P1 provides as follows:
- Demolition must not result in the loss of any of the following:*
- (a) buildings or works that contribute to the historic cultural heritage significance of the precinct;*
- (b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;*
unless all of the following apply;
- (i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (ii) there are no prudent or feasible alternatives;*
- (iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.*
- 6.7.5 The application has been referred to Council's Cultural Heritage Officer, who has provided the following assessment:
- 34 Proctors Road is a red brick Californian Bungalow.



Brick Chimney with period details at 34 Proctors Road, 2019.

The house is located in SB6 Golf Links Estate. This precinct is significant for reasons including:

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

The house is single storey facing Proctors Road, and becomes two levels as the land falls away along View Street. The house has a stepped 'cascading' form in plan. Council records note house connections in 1927. The house has many intact period features including architectural and

landscape items. The house makes a positive contribution to the street with its chimneys, shallow pitched gables, heavy verandah piers, original windows, unpainted masonry, and original external timber details. The house is on the intersection of two busy streets and is therefore a high profile site in the precinct.

The house at 34 Proctors Road is located in a Heritage Precinct and the owner previously applied for a permit (PLN-19-485) to extend and renovate the house. This application was approved and the renovations have been undertaken. The application, dating from 2019, also sought approval for the demolition of a chimney. Because the demolition of the chimney failed to satisfy the Heritage Code, Council placed a condition (see below) to ensure its protection.

"HER 11

The chimneys must be retained. Demolition of chimneys is not approved.

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

Reason for condition

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

The applicant proceeded to demolish the chimney, without a planning permit and in contravention of the specific HER 11 condition on the permit. Further advice was given by the Building Surveyor and the Council that the demolition occurred without a Planning Permit. The applicant is now retrospectively seeking approval for this act.

The chimney was a significant part of a Californian Bungalow which makes a positive contribution to the precinct. The demolition is in contravention HER 11 of PLN-19-485 .

From the Historic Heritage Code of the Planning Scheme the following Demolition clause applies:

E 13.8.1 P1 states:

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

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

The chimney is a period feature/fabric of the Californian Bungalow which contributes to the historic cultural heritage significance of the precinct. The applicant has not articulated any environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place. A prudent or feasible alternative would have been to retain and support the chimney as required by HER 11 of PLN-19-485. The replacement portion of the building (without a chimney) is not more complementary to the heritage values of the precinct.

Recommendation

The 'proposed' demolition of the chimney fails to satisfy E 13.8.1 P1 of the Historic Heritage Code of the Scheme. This application is recommended for refusal. The recommendation for refusal is consistent with written advice previously given to the applicant by the Cultural Heritage Unit.

Grounds for refusal

The proposal does not meet the acceptable solution or the performance criteria with respect to clause E 13.8.1P1 (a) to (d) of the Hobart Interim Planning Scheme 2015 because the proposed demolition will result in the loss of buildings and fabric that contribute to the historic cultural heritage significance of the precinct and it has not been reasonably demonstrated that: there are environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; or that there are no prudent or feasible alternatives; or that the new work is more complementary to the heritage values of the precinct

- 6.7.6 The proposal does not comply with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Partial Demolition, at 34 Proctors Road, Dynnryne.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is not considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Cultural Heritage Officer. The officer has raised objection to the proposal.
- 7.5 The proposal is recommended for refusal.

8. Conclusion

- 8.1 The proposed Partial Demolition, at 34 Proctors Road, Dynnryne 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 at 34 Proctors Road, Dynnyrne for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because a chimney would be demolished and that chimney is significant and makes a contribution to the historic cultural heritage significance of the precinct. The applicant has not articulated environmental, social economic or safety reasons of greater values to the community than the chimney. A prudent and feasible alternative would have been to retain the chimney.



(Helen Ayers)

Development Appraisal Planner

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



(Ben Ikin)

Senior Statutory Planner

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

Date of Report: 28 June 2021

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Cultural Heritage Report

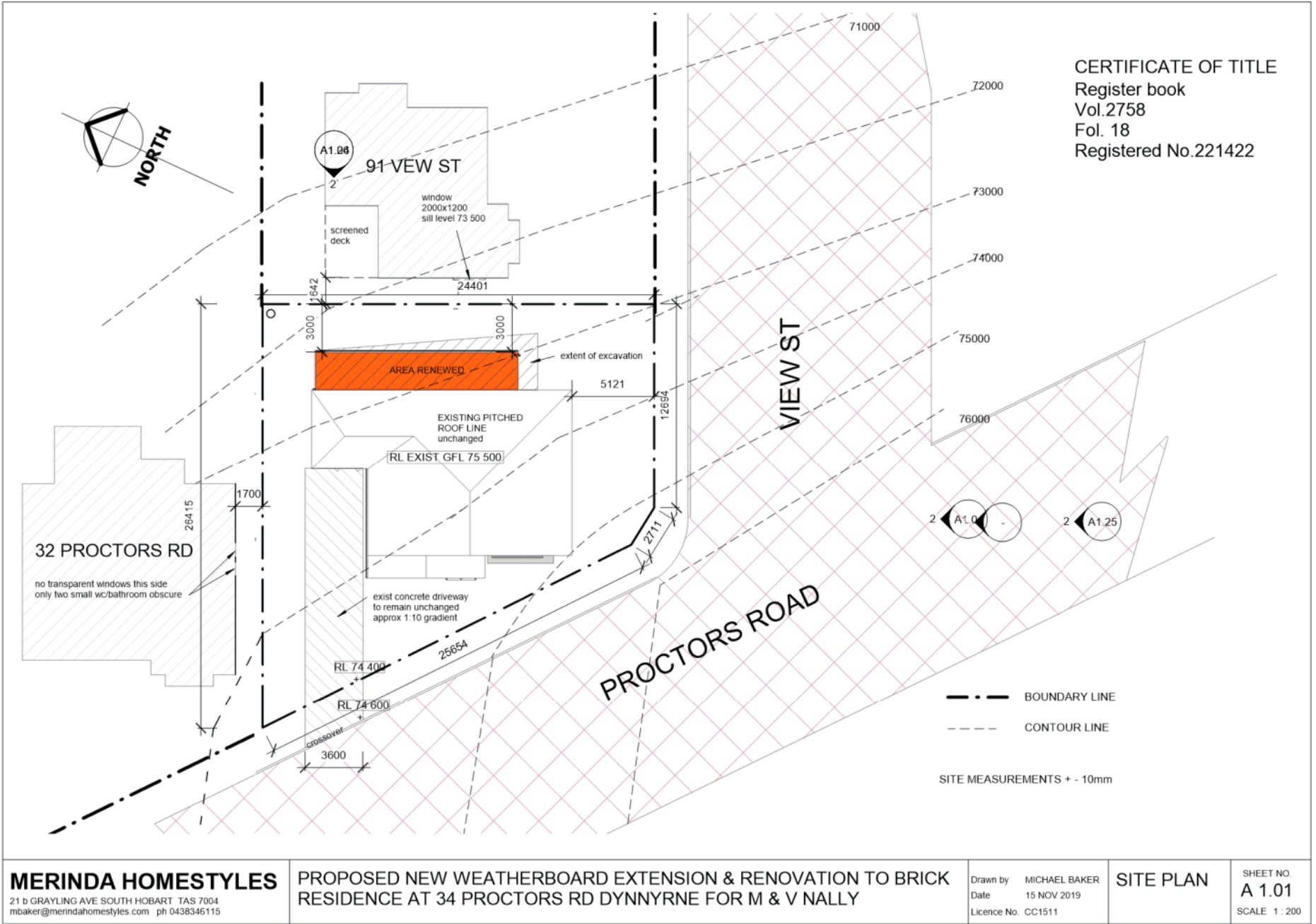
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 SOIL CLASSIFICATION CLASS M



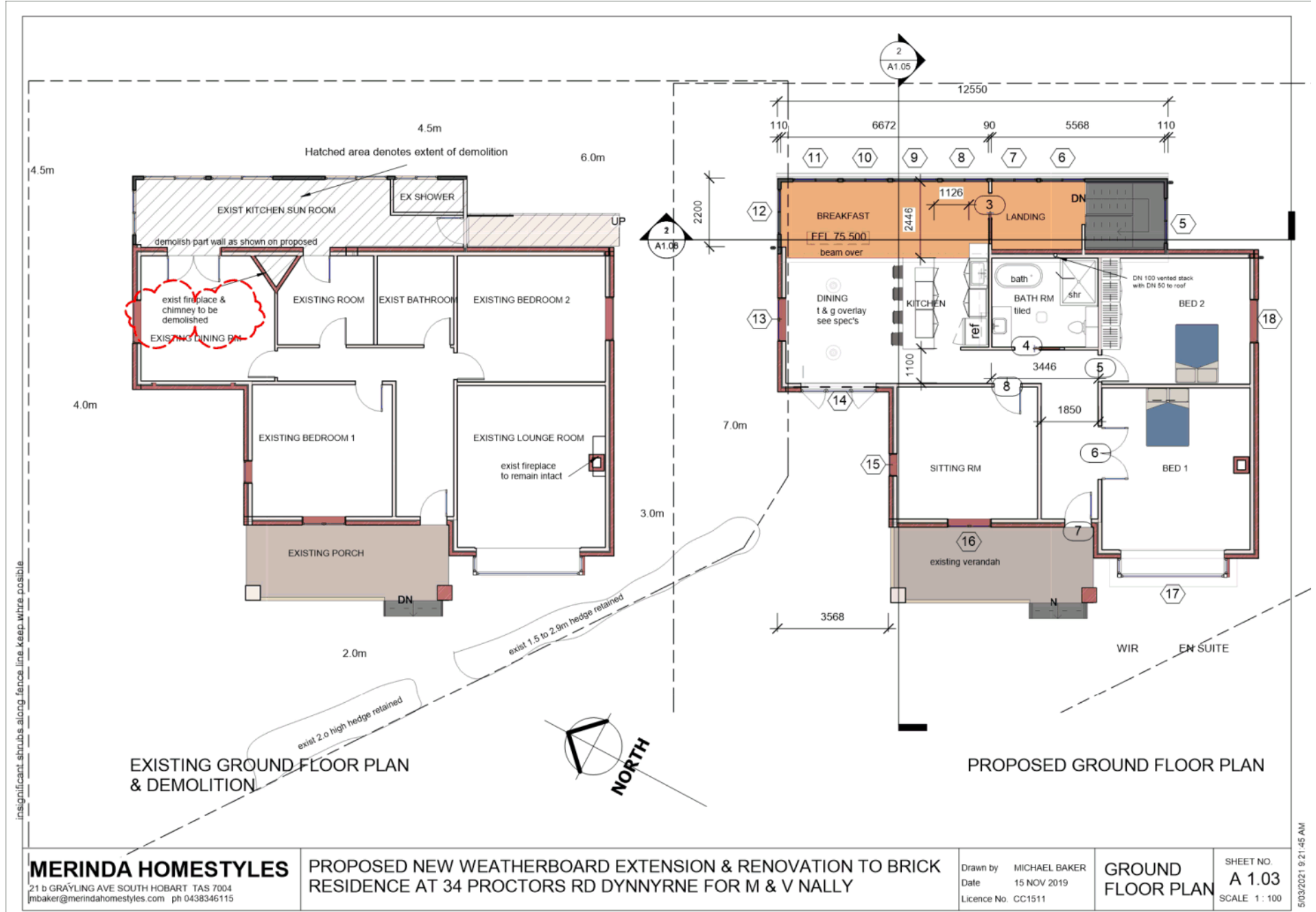
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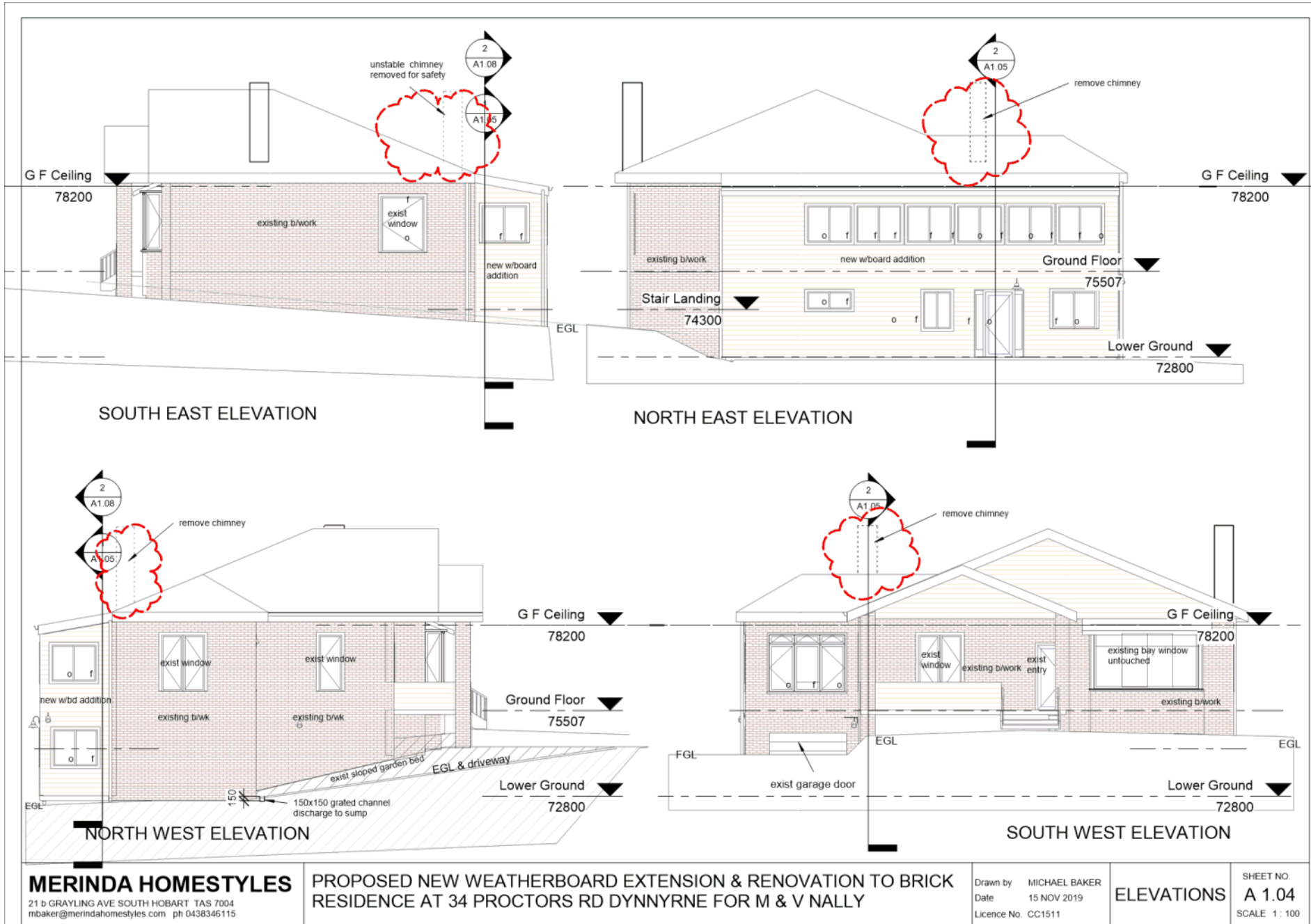
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A1.02	LOWER GROUND FLOOR PLAN		
A1.03	GROUND FLOOR PLAN	3	1/2/21
A1.04	ELEVATIONS	3	1/2/21
A1.05	SECTIONS	3	1/2/21
A1.06	FOOTING / SLAB PLAN		
A1.07	DETAILS		
A1.08	DETAILS 2	1	30/7/20
A1.09	DOOR SCHEDULE		
A1.10	WINDOW SCHEDULE		
A1.11	AREA PLAN		
A1.12	DRAINAGE PLAN	2	1/8/20
A1.13	CEILING PLAN		
A1.14	FRAMING & BRACING PLAN		
A1.15	WATERPROOFING 1		
A1.16	WATERPROOFING 2		
A1.17	WATERPROOFING 3		
A1.18	WATERPROOFING 4		
A1.19	ROOF PLAN	3	1/2/21
A1.20	OHSE		
A1.21	CHIMNEY SUPPORT DETAIL	1	30/7/20
A1.22	EXISTING SITE LANDSCAPE		
A1.23	BUILDING ENVELOPE EXISTING		
A1.24	BUILDING ENVELOPE EXISTING	3	1/2/21
A1.25	BUILDING ENVELOPE PROPOSED		
A1.26	BUILDING ENVELOPE PROPOSED		
A1.27	PROPOSED BOUNDARY ELEVATION		
A1.28	EXIST ELEVATION LANDSCAPE	3	1/2/21
A1.29	EXIST ELEVATION LANDSCAPE	3	1/2/21
A1.30	DEMOLITION DETAILS	3	1/2/21
A1.31	REVISED FOOTING PLAN 1		
A1.32	REVISED FOOTING PLAN 2		
A1.33	REVISED STORMWATER AND GROUND WATER PLAN		
A1.34	CROSSOVER/ STORMWATER OUTLET	1	30/7/20

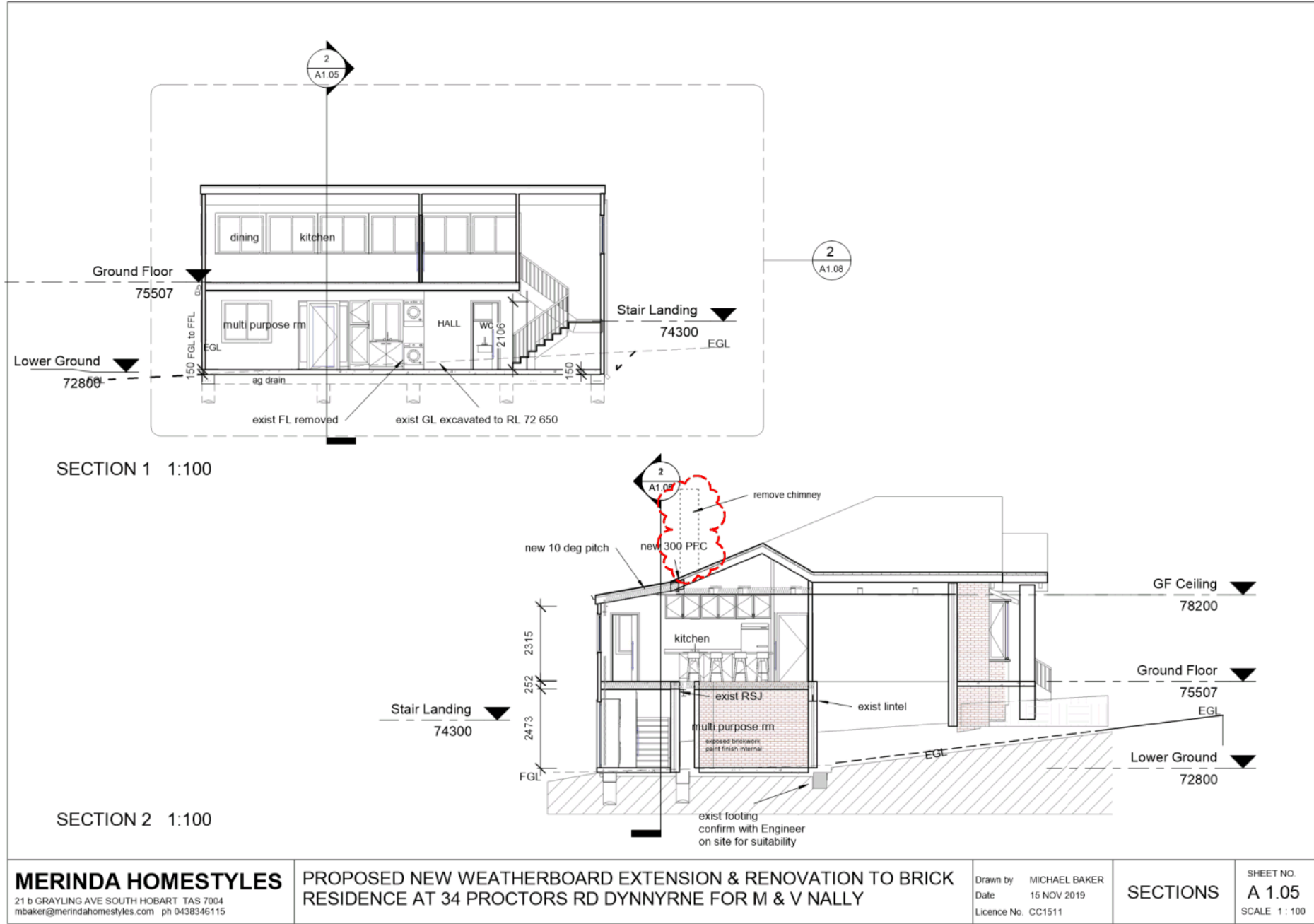
MERINDA HOMESTYLES21 b GRAYLING AVE SOUTH HOBART TAS 7004
mbaker@merindahomestyles.com ph 0438346115PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK
RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLYDrawn by MICHAEL BAKER
Date 15 NOV 2019
Licence No. CC1511COVER
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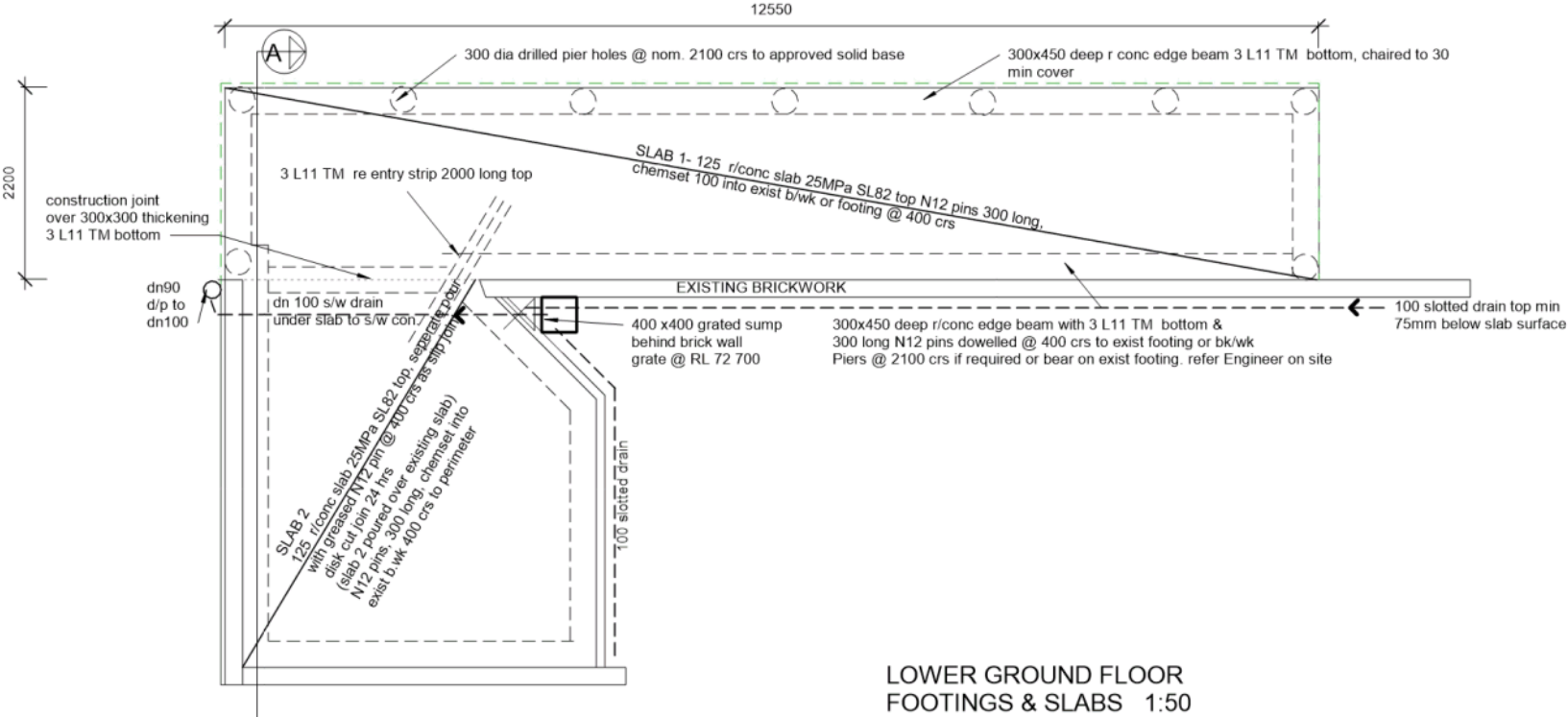












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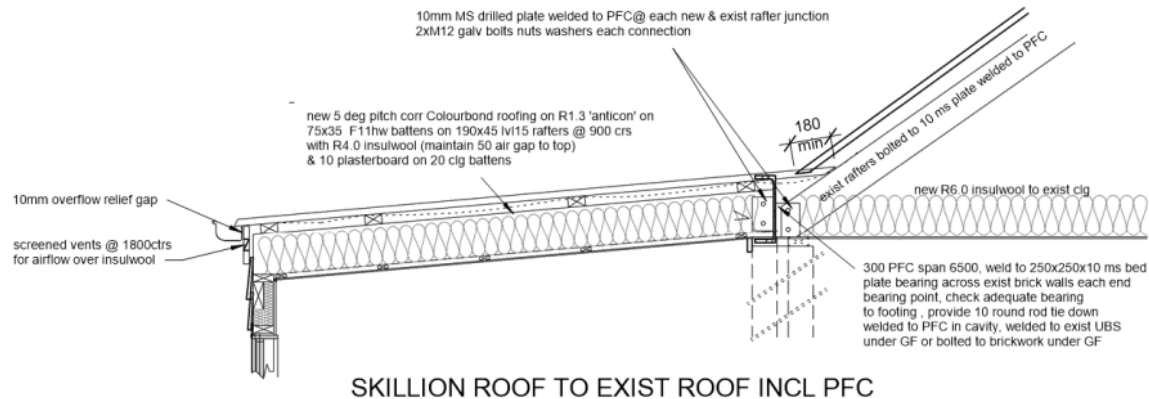
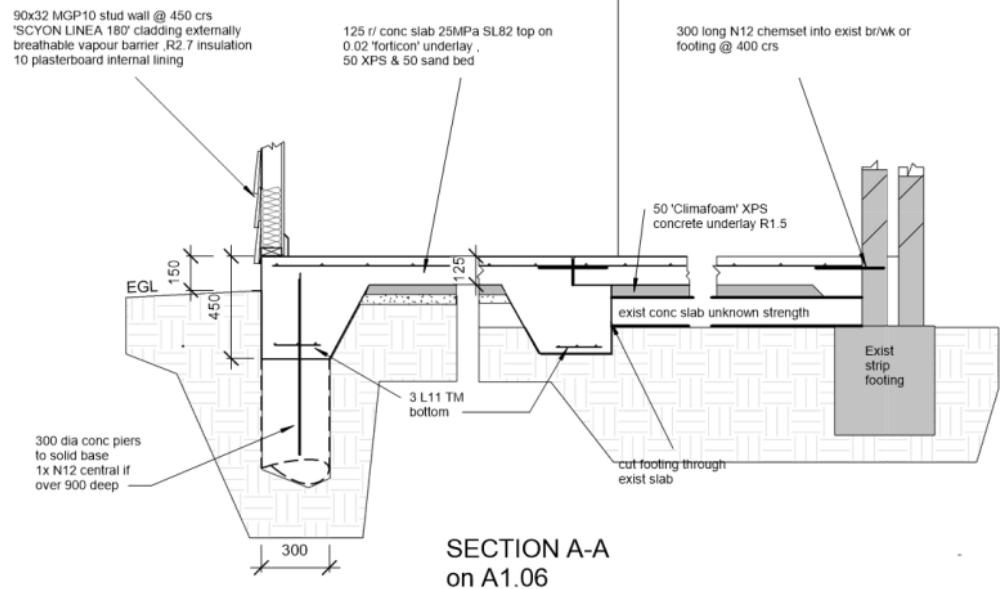
**PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK
RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLY**

Drawn by MICHAEL BAKER
Date 15 NOV 2019
Licence No. CC1511

**FOOTING &
SLAB PLAN**

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**PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK
RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLY**

Drawn by MICHAEL BAKER
Date 15 NOV 2019
Licence No. CC1511

DETAILS

SHEET NO.
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SCALE 1 : 20

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STAIR DETAILS
Stringers 290X32 F17 Tas Oak or painted MDF routed 15mm for treads & risers
Treads 265x32 F17 Tas Oak notched into stringers incl glued wedges
Risers 180 (using 190x19) F17 Tas Oak notched into tread 15mm back from front edge
incl central glue blocks & screwed & glued to lower tread back
Landing 90x45 mgp10 frame with 110x19 Tas Oak T&G flooring
Handrail 65x32 chamfered Tas Oak or "off the shelf" Handrail
Balustrade 32x32 Tas Oak max 125 gap between or "off the shelf" pickets
Anti Slip apply approved anti slip device to tread edges, (tape or textured grit finish)

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PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK
RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLY

Drawn by MICHAEL BAKER
Date 15 NOV 2019
Licence No. CC1511

DETAILS 2

SHEET NO
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SCALE 1 : 50

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Door Schedule EXTERIOR ALUMINIUM FRAMED DOORS. GLASS TO BE 5 CLEAR, 8 ARGON, 5 CLEAR Uw = 4.1 SHGC = 0.59 ('GLASS SUPPLIES' OR SIMILAR)									
Level	Mark	Location	Height	Width	Thickness	Glass Area	Finish	Frame Material	Comments
Lower Ground	1	WC CAVITY SLG	2100	820	35	1.1 m ²	FULL GLAZED LAMINATED SAFETY	TIMBER PAINTED	FROSTED SAFETY GLASS
Lower Ground	2	EXTERIOR DOOR & SIDELIGHTS	2060	860	35	2.1 m ²	FULL GLAZED LAMINATED SAFETY	POWDER COAT ALUM	FROSTED SAFETY GLASS
Lower Ground	2a	SIDE LIGHT	2100	305	35		FULL GLAZED LAMINATED SAFETY	POWDER COAT ALUM	FROSTED SAFETY GLASS
Lower Ground	2b	SIDE LIGHT	2100	305	35		FULL GLAZED LAMINATED SAFETY	POWDER COAT ALUM	FROSTED SAFETY GLASS
Ground Floor	3	LANDING TO KITCHEN	2100	820	35	1.1 m ²	FULL GLAZED LAMINATED SAFETY	TIMBER PAINTED	FROSTED SAFETY GLASS
Ground Floor	4	BATHROOM TO HALL	2100	820	35	1.1 m ²	FULL GLAZED LAMINATED SAFETY	TIMBER STAINED	FROSTED SAFETY GLASS
Ground Floor	5	BED RM 2 TO HALL	2060	860	35		REUSE EXIST DOOR	TIMBER STAINED	REUSE OR MATCH EXIST
Ground Floor	6	BED RM 1 TO HALL	2060	1680	35	2.2 m ²	FULL GLAZED LAMINATED SAFETY	TIMBER STAINED	FROSTED SAFETY GLASS
Ground Floor	7	ENTRY DOOR	2060	860	35		REUSE EXIST DOOR	TIMBER PAINTED	EXISTING
Ground Floor	8	SITTING RM TO HALL	2060	860	35		REUSE EXIST DOOR	TIMBER STAINED	EXISTING
Lower Ground	9	Existing Garage door	1981	2435	51		REUSE EXIST DOOR	TIMBER PAINTED	draft seal & insulate

NOTE ; USE HAND OF DOOR AS ON PLANS ONLY , NOT ELEVATION!
 AMERICAN STYLE OF HAND SHOWN ON ELEVATIONS
 CHECK WITH OWNER BEFORE ORDERING ANY DOORS AND WINDOWS

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PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK
 RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLY

Drawn by MICHAEL BAKER
 Date 15 NOV 2019
 Licence No. CC1511

**DOOR
 SCHEDULE**

SHEET NO.
A1.09
 SCALE

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Window Schedule 4 CLEAR, 10 argon, 4 CLEAR Uw = 3.4 SHGC = 0.54 'GLASS SUPPLIES' SLIDING ALUMINIUM)

Window	Location	Window Style	Width	Height	Area of Glass	Material	Glazing	Remarks
1	LGF WC	SLIDING	1450	600	0.8 m ²	ALUMINIUM	OBSCURE DOUBLE GLAZED	SCREEN
2	LGF LAUNDRY	SLIDING	915	1220	0.6 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	SCREEN
3	M /PURPOSE RM EAST	SLIDING	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	SCREEN
4	M /PURPOSE RM NORTH	SLIDING	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	SCREEN
5	STAIR LANDING	FIXED	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	
6	UPPER LANDING	SLIDING	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	SCREEN
7	UPPER LANDING	FIXED	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	
8	KITCHEN	FIXED	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	
9	KITCHEN	SLIDING	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	SCREEN
10	KITCHEN/BREAKFAST	SLIDING	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	SCREEN
11	KITCHEN/BREAKFAST	SLIDING	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	SCREEN
12	KITCHEN/BREAKFAST	SLIDING	1450	1200	1.5 m ²	ALUMINIUM	CLEAR DOUBLE GLAZED	SCREEN
13	SITTING ROOM	EXISTING	1400	1800	2.3 m ²	EXIST TIMBER	SINGLE GLAZED PLUS RETRO	RETRO DOUBLE GLAZING
14	DINING	CASEMENT	2400	1800	3.9 m ²	TIMBER PAINTED	CLEAR DOUBLE GLAZED	TO MATCH BAY WINDOW PROPORTIONS , SCREENED
15	SITTING ROOM	EXISTING	750	1800	1.1 m ²	TIMBER PAINTED	SINGLE GLAZED PLUS RETRO	RETRO DOUBLE GLAZING
16	SITTING ROOM	EXISTING	1400	1800	2.3 m ²	EXIST TIMBER	SINGLE GLAZED PLUS RETRO	RETRO DOUBLE GLAZING
17	NEW BED RM 1	EXISTING	3312	1824	5.4 m ²	EXIST TIMBER	SINGLE GLAZED PLUS RETRO	RETRO DOUBLE GLAZING
18	NEW BED RM 2 SOUTH	EXISTING	1400	1800	2.2 m ²	EXIST TIMBER	SINGLE GLAZED PLUS RETRO	RETRO DOUBLE GLAZING

NATURAL LIGHT & VENTILATION

ROOM	AREA	WINDOW NO.	DOOR NO.	LIGHT REQUIRED	LIGHT ACHIEVED	VENTILATION REQUIRED	VEVTILATION ACHIEVED
HALL LGF	11 M2	2	2	1.1 m2	2.65 m2	0.5 m2	0.55 m2
MULTI PURPOSE RM	25 M2	3,4		2.5 m2	3.0 m2	1.25 m2	1.5 m2
KITCHEN/ DINING	43 M2	8,9,10,11,12,13,14	3 borrowed light	4.3 m2	12.9 m2 plus borrowed via door	2.15m2	6.45 m2
SITTING RM	20 M2	15,16		2.0 m2	3.8 m2	1.0 m2	1.9 m2
BED 1	16 M2	17		1.6 m2	5.0 m2	0.8 m2	2.1 m2
BED 2	19 M2	18		1.9 m2	2.2 m2	0.95 m2	1.1 m2

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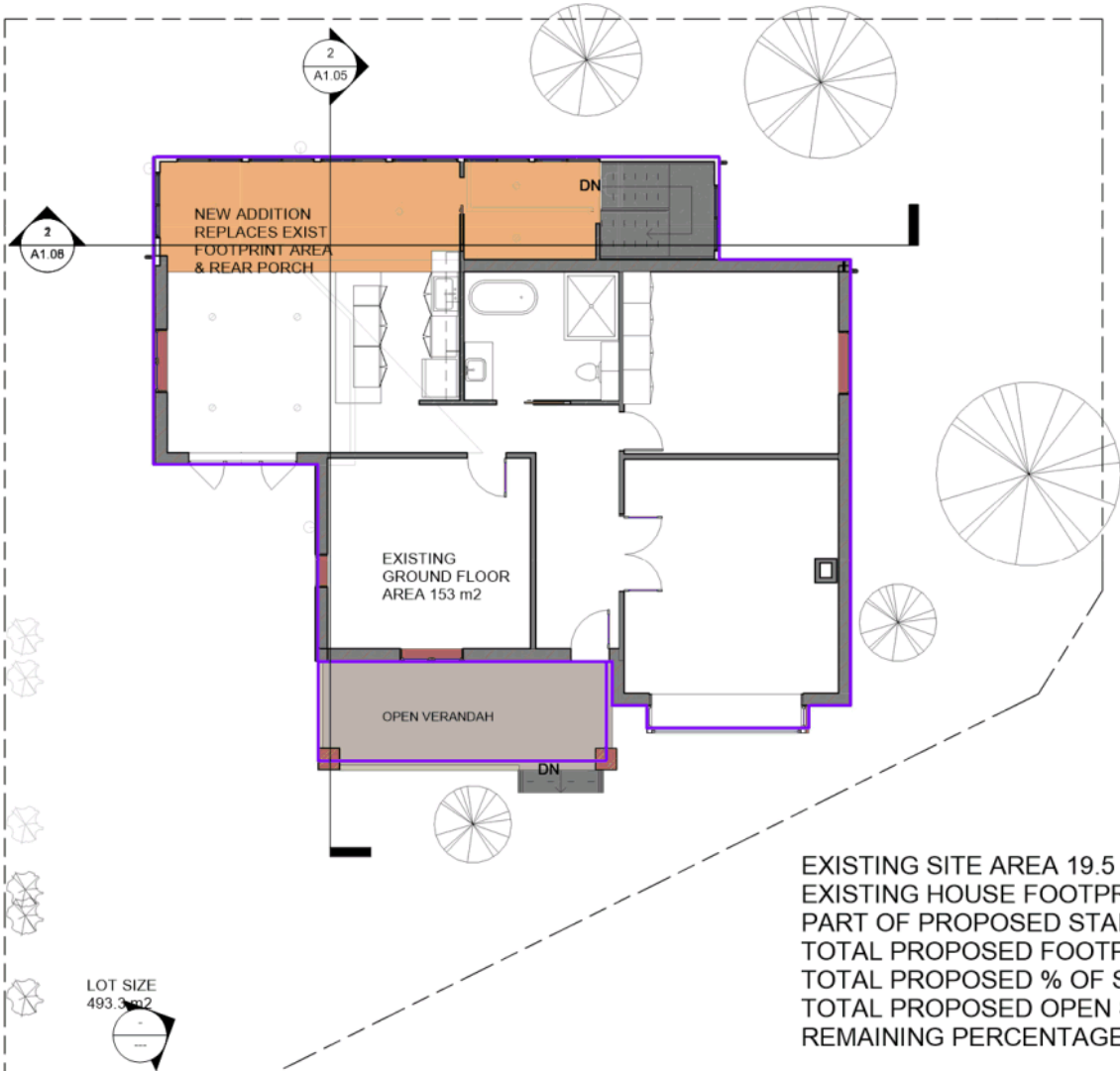
PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK
 RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLY

Drawn by MICHAEL BAKER
 Date 15 NOV 2019
 Licence No. CC1511

WINDOW
 SCHEDULE

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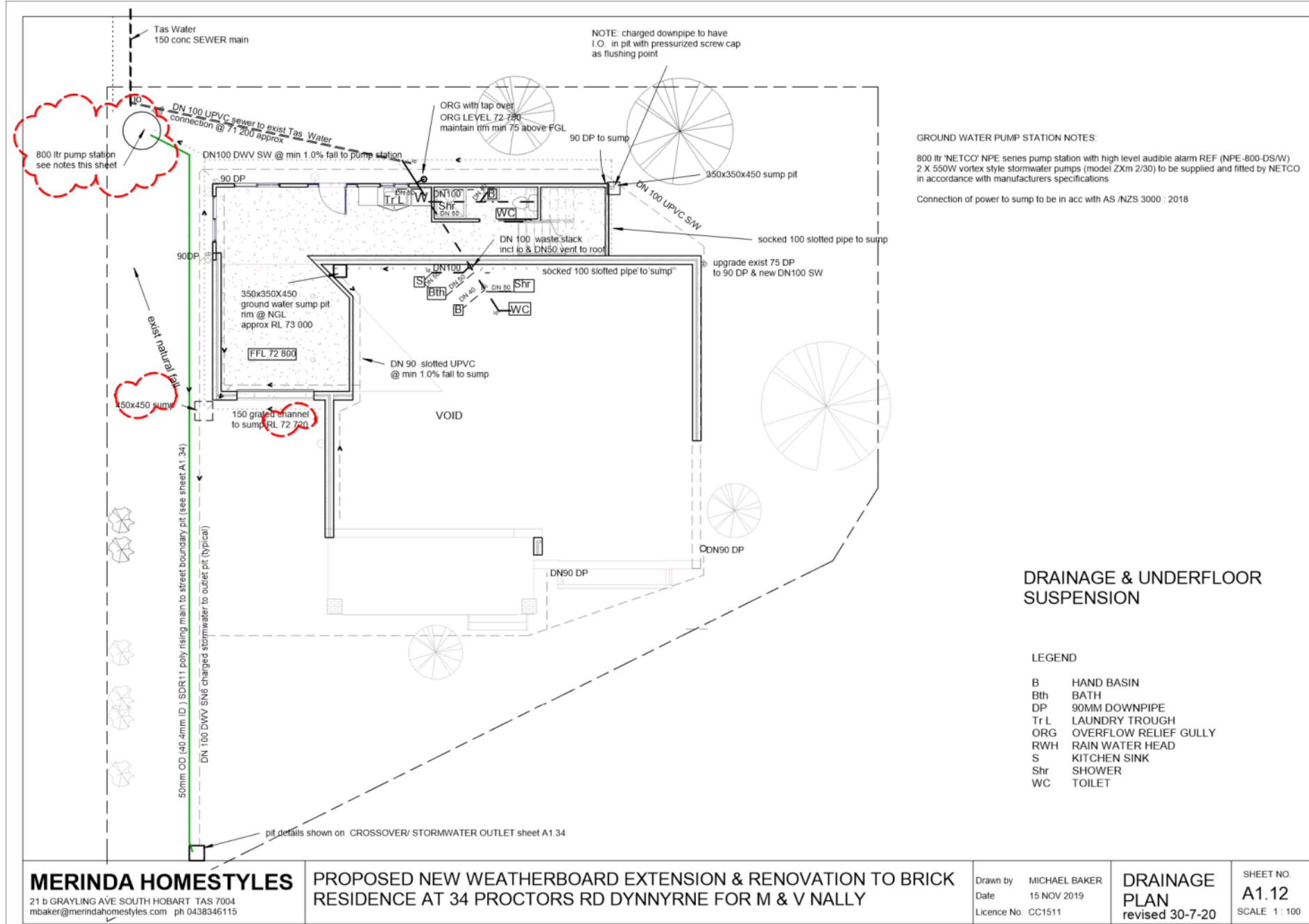
MERINDA HOMESTYLES
21 b GRAYLING AVE SOUTH HOBBART TAS 7004
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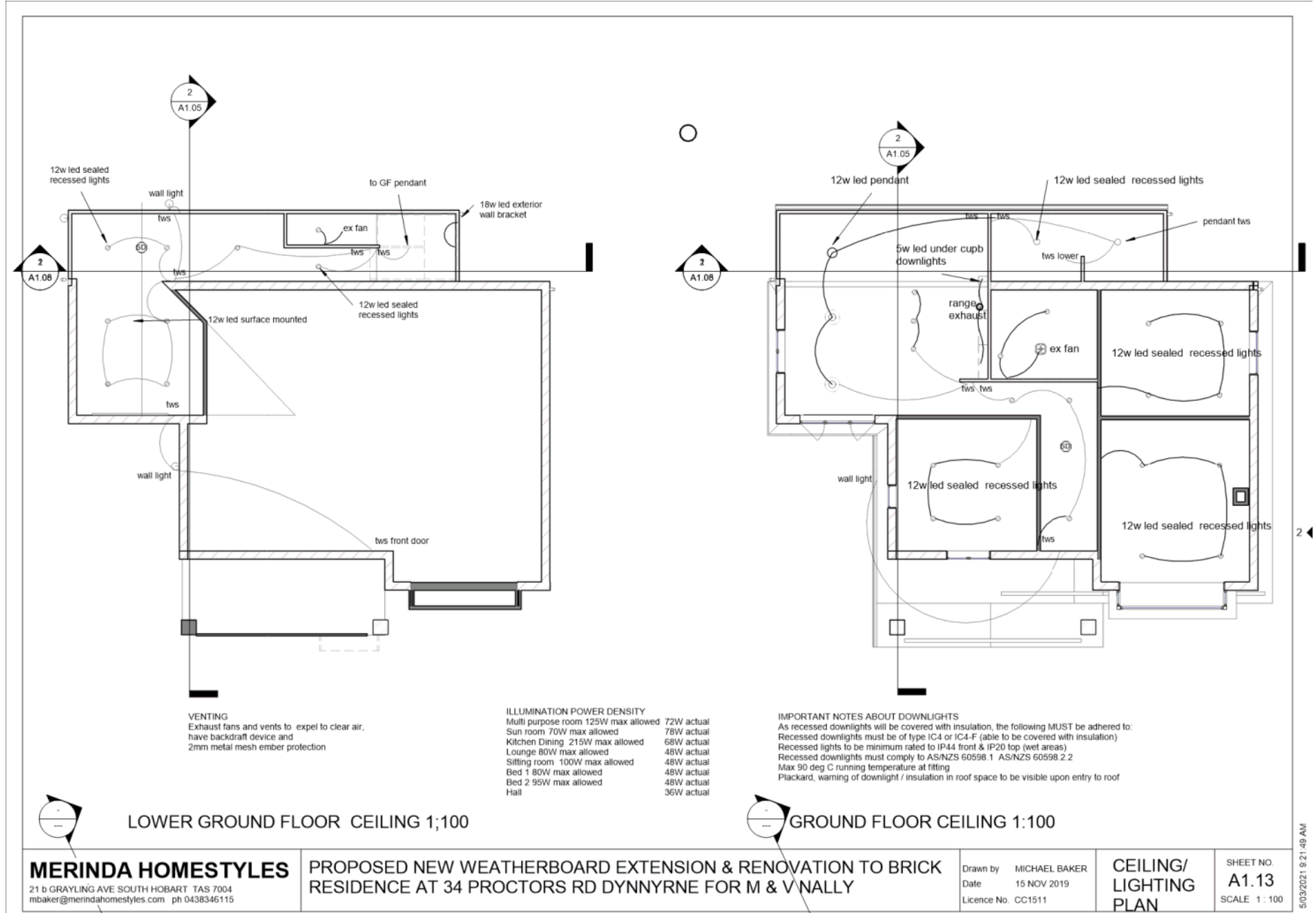
PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK
RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLY

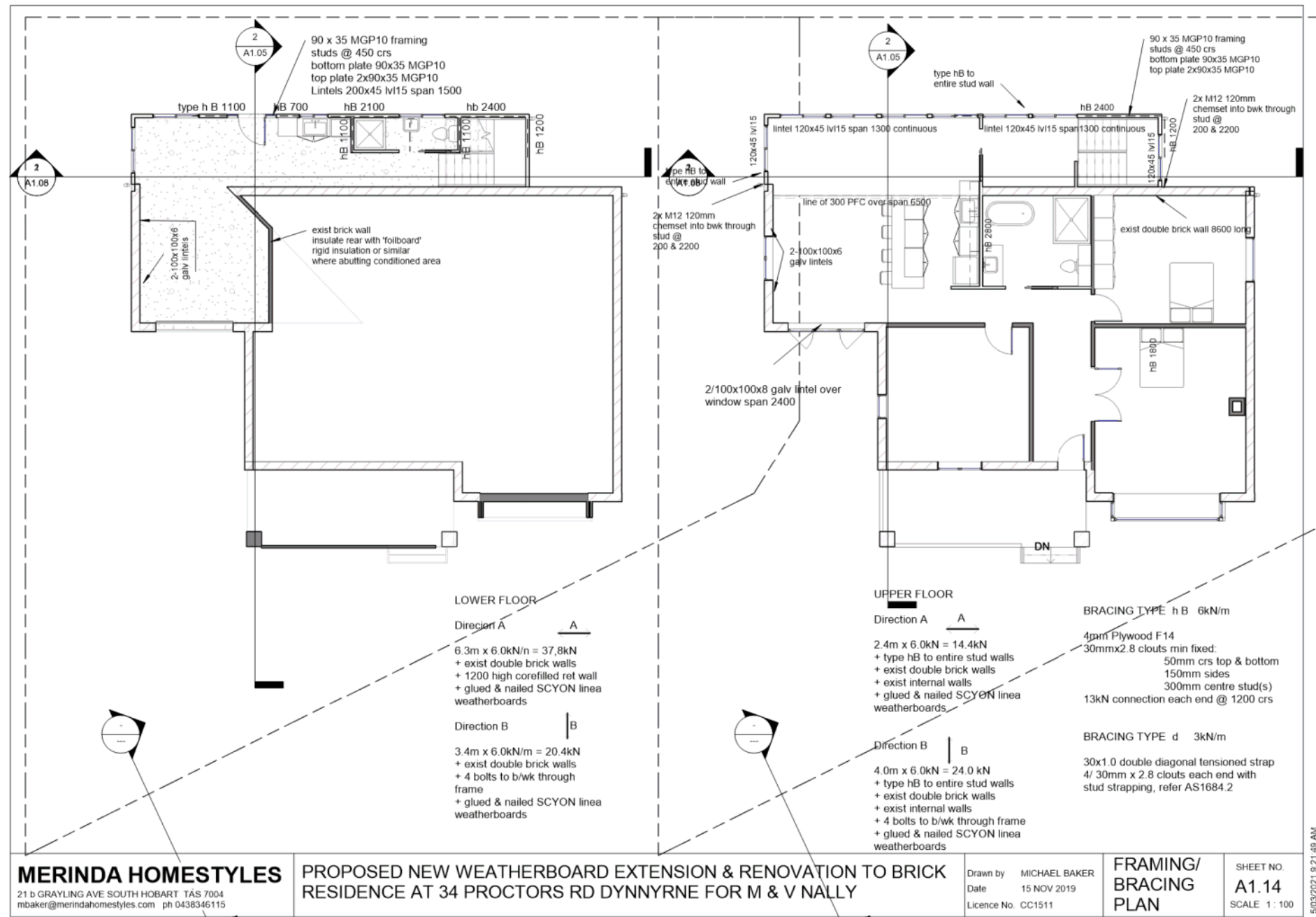
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AREA PLAN

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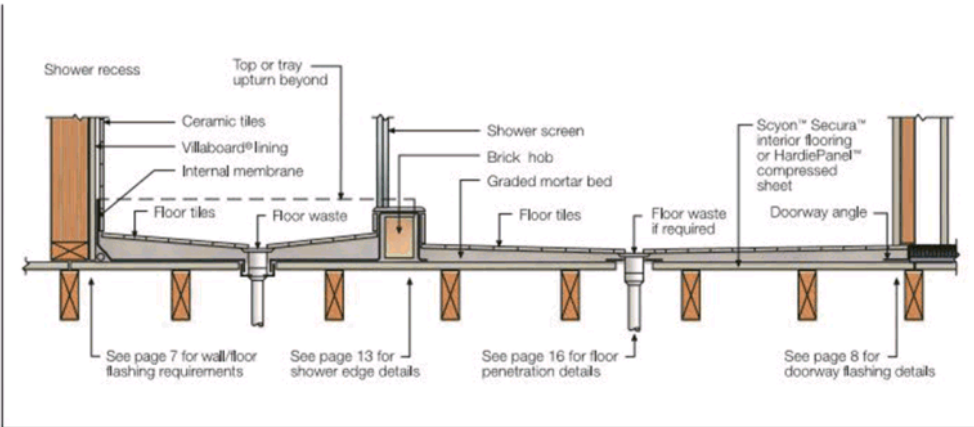


FIGURE 1 TYPICAL BATHROOM CROSS-SECTION

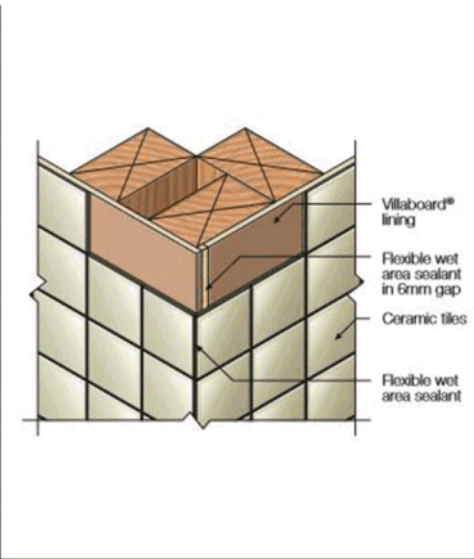


FIGURE 5 EXTERNAL TILED CORNER - NON SHOWER AREA

NOTES

1. Vertical corner flashing is required in shower recess areas.
2. External corners must not be set and plasterer's angles must not be used.

For vertical corner flashing requirements in shower areas, see page 9.
For internal and external tiled corners located in areas not waterproofed, refer to Figures 4 and 5.

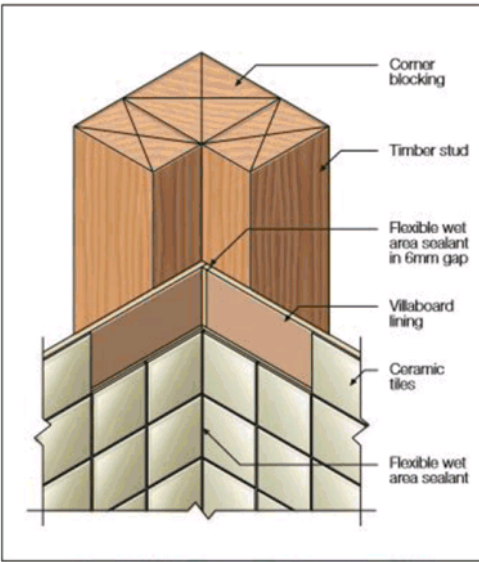


FIGURE 4 INTERNAL TILED CORNER - NON SHOWER AREA

VERTICAL CORNER FLASHING

Vertical corner flashing must be used in shower areas and extended to 1800mm above the finished floor level or base of the bath (where a shower is over the bath).

External vertical corner flashing angles can be used with external membranes only. They must have legs of sufficient width to overlap the wall lining by a minimum of 30mm for external flashing, see Figure 9. The wall lining must be sealed at the flashing with a flexible wet area sealant. At the base of the wall lining there must be an effective drainage gap to allow water on the flashing to drain into the membrane. Vertical corner flashings must overlap the top edge of external membranes by 20mm minimum.

Internal corner flashing angles can be used for both external and internal membranes. They are formed in-situ with fibreglass reinforced plastic, epoxy resin or acrylic emulsion. They must have a minimum overlap onto the wall sheeting of 40mm each side; for internal lining see Figure 10. Internal vertical corner flashings must extend vertically from the top of the membrane upturn.

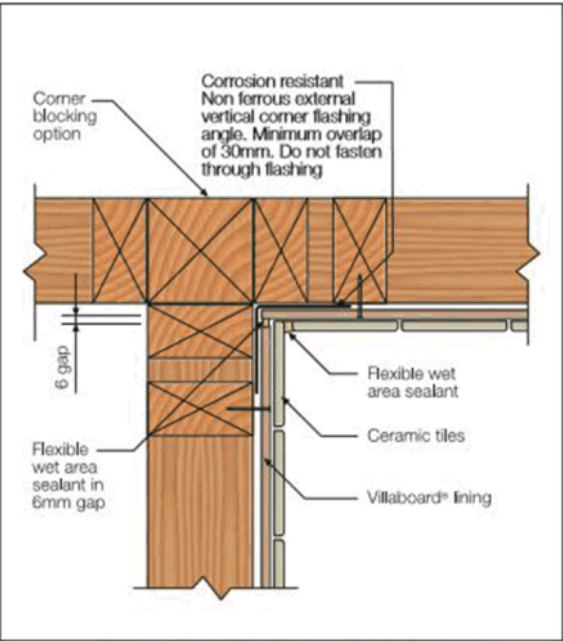


FIGURE 9 VERTICAL CORNER FLASHING FOR EXTERNAL MEMBRANE - SHOWER RECESS

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7 UNENCLOSED SHOWERS

Unenclosed showers are those where the shower fitting(s) are not contained within an enclosure.

Where the shower is unenclosed, you must have waterproof flooring for a distance extending 1500mm from the shower rose, projecting onto the floor, see Figure 20.

Water resistant walling (Villaboard® lining finished with tiles) must also extend 1500mm from the shower rose.

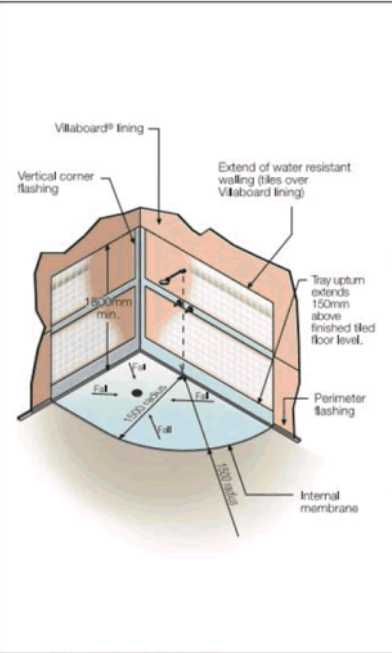


FIGURE 20 UNENCLOSED SHOWERS

Where a shower over a bath is not contained by a shower screen, you must waterproof the floor beyond the bath a distance extending 1500mm from the shower rose projected onto the floor, see Figure 21.

Although the perimeter flashing shown against wall and bath beyond 1500mm of the shower rose is not required, it is shown here because it is often installed for practical reasons.

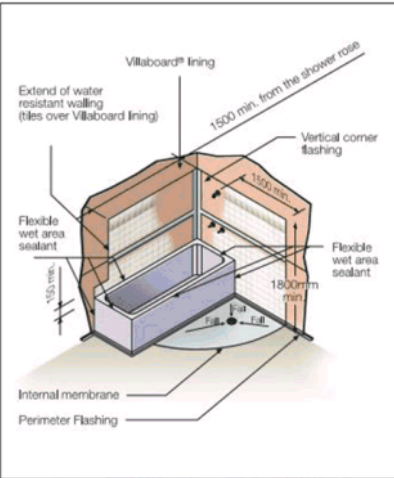


FIGURE 21 SHOWER OVER BATH - NO SHOWER SCREEN

The shower tray (either internal or external membrane) or the waterproofing beyond the bath must be terminated on an angle with its vertical leg finished flush with the tiled surface. The angle would normally be located in the floor tile jointing, see Figure 22.

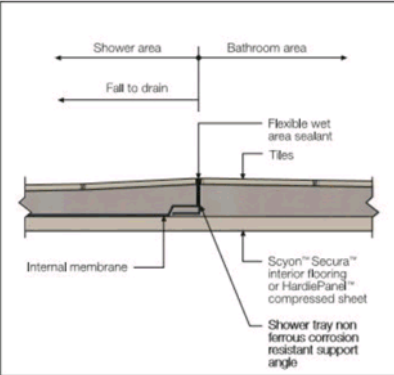


FIGURE 22 UNENCLOSED SHOWER - EDGE FINISHING DETAIL

NOTE
Internal membrane to shower area to extend 1500mm in horizontal distance from the furthest extension of the shower rose.

INTERNAL MEMBRANES

Internal in-situ systems are applied to the face of the Villaboard® lining, ie the membrane is on the inside face of the wall lining. Materials commonly used include liquid compounds of rubber, acrylic or epoxy usually reinforced with fibreglass, or sheet products of rubber, plastic or other waterproofing material.

As well as having waterproofing properties, the membrane must be compatible with tile adhesives. Because internal membranes are fixed to the Villaboard® lining, you must allow for frame movement and a bond breaker must be incorporated in the perimeter wall/floor junction before the membrane is installed, see Figures 14 and 15.

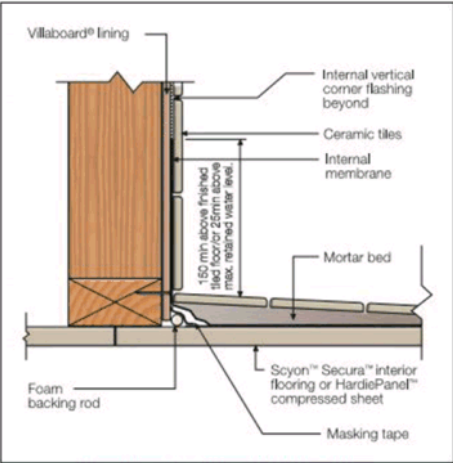


FIGURE 14 IN-SITU APPLIED INTERNAL MEMBRANE

9 PENETRATIONS

WALL PENETRATIONS

Use a hole saw to form a neat cut for plumbing fixtures in Villaboard® lining. Holes should be adequately sealed to maintain the waterproof integrity of the wall, see Figure 23.

For information relating to taps penetrating lin or acoustically rated walls refer to the commercial or residential Jambes lin and acoustically rated walls lin.

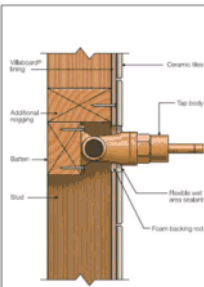


FIGURE 23 TAP PENETRATIONS TO SHOWER WALL

FLOOR PENETRATIONS

You must consider the provision of floor wastes and pipes penetrating the floor. When installing PVC pipes and fittings, a PVC flange must be bonded to the flooring and the waste pipe before grates and other fixtures are fitted. Penetration holes should preferably be sealed out to flat flange surface flush with the sheet surface. This will provide a smooth surface for the tiling in of the membrane into the body of the waste in shower recesses.

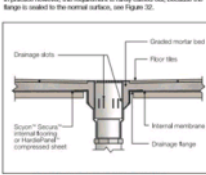


FIGURE 27 PRINCIPLE OF LEAK CONTROL WASTE

NOTES
1. Shower tray to be bonded near drainage flange.
2. Leak control drainage flange supports sanitary drainage plumbing.
3. Waste accepts water from both floor tile surface and shower tray surface.

PREFORMED TRAYS AND BASES

With Villaboard lining that will be tiled, sealing is required around preformed trays and bases, see Figure 13 respectively. These trays and bases are usually manufactured from plastic, fibreglass or stainless steel, in a variety of sizes and configurations. Preformed trays and bases must be installed to manufacturer's instructions.

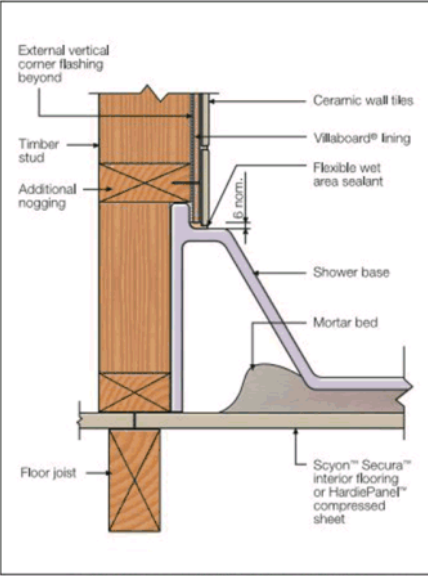


FIGURE 13 PREFORMED TRAY DETAIL FOR VILLABOARD LINING TO BE TILED

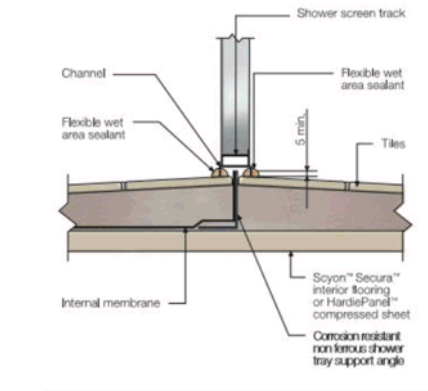


FIGURE 19 HOBLESS SHOWER

DESIGN AND INSTALLATION CRITERIA FOR WET AREA WATERPROOFING (Table 2.1 AS3740-2004)

VESSELS OR AREA WHERE THE FIXTURE IS INSTALLED	LEVEL OF RISK	DESIGN AND INSTALLATION CRITERIA			
		Floor	Walls	Junctions	Penetrations
Shower area	High	Waterproofed and drained.	Water-resistant	Waterproof	Waterproof*
Bathrooms	Medium	Concrete and compressed fibre cement sheet flooring.	N/A	Waterproof†	N/A
		Water-resistant‡			
		Timber floors including particleboard plywood and other materials.	N/A	Waterproof†	N/A
Areas adjacent to baths and spas § (applies to all rooms in which a bath or spa is installed).	Medium	Concrete and compressed fibre cement sheet flooring.	Water-resistant §	Waterproof	Horizontal surface waterproof*
		Water-resistant‡			Vertical surface water-resistant.
		Timber floors including particleboard, plywood and other materials.	Water-resistant §	Waterproof	Horizontal surface waterproof*
Walls adjoining other vessels (e.g. sink, basin or laundry tubs).	Low	N/A	Water-resistant	Waterproof	Horizontal surface waterproof*
					Vertical surface water-resistant.
Laundries and WCs	Low	Water-resistant‡	N/A	Water-resistant†	N/A
Bathrooms and laundries requiring a floor waste in accordance with Volume one of the BCA.	High	Waterproofed and drained.	N/A	Waterproof†	Waterproof where through the floor, otherwise, N/A.

LEGEND:

N/A = Not applicable

* Including mechanical fixings or fastenings through surface materials.

† Wall/floor junctions only.

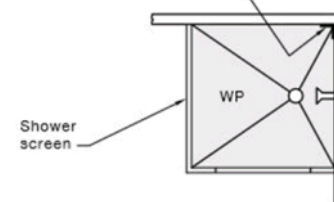
‡ Where a floor waste is provided the floor shall be graded to the waste.

§ If a shower is included in a bath, include the requirements for shower area walls.

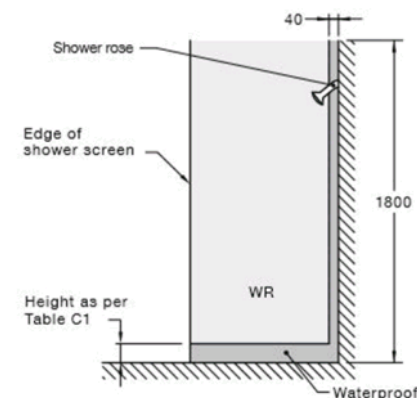
GENERAL REQUIREMENTS FOR EXTENT OF APPLICATION (Table 4.1 AS3740)

VESSELS OR AREA WHERE THE FIXTURE IS INSTALLED	REQUIREMENTS FOR ELEMENTS			
	Floor and horizontal surfaces	Walls	Wall junctions and joints	Penetrations
Inset baths	N/A for floor under the bath.	N/A for wall under the bath.	N/A for wall under the bath*.	Waterproof tap and spout penetrations where they occur in a horizontal surface.
	Waterproof entire shelf area, incorporating a waterstop under the bath lip and project a minimum of 5mm above the tile surface.	Waterproof to 150mm min. above the lip of the bath*.		
Walls adjoining other vessels (e.g. sink, basin or laundry tub)	N/A	Water resistant to a height of 150mm min. above vessel if the vessel is within 75mm min. of the wall	Where the vessel is fixed to a wall, seal edges for extent of vessel.	Waterproof tap and spout penetrations where they occur in a horizontal surface.
Laundries and WCs	Water resistant to entire floor.	Seal all wall to floor junctions with a skirting or flashing to 25mm min. above the finished floor level, sealed to the floor.	Waterproof all wall to floor junctions, where a flashing is used the horizontal leg shall be a minimum of 50mm.	N/A
Bathrooms and laundries requiring a floor waste in accordance with Volume one of the BCA.	Waterproof and drain entire floor.	N/A	Seal all wall to floor junctions with a skirting or flashing to 25mm min. above the finished floor level, sealed to the floor.	Waterproof penetrations where they occur through the floor.

Waterproof corner to 1800 high from finished floor level, minimum width of 40 either side of the junction

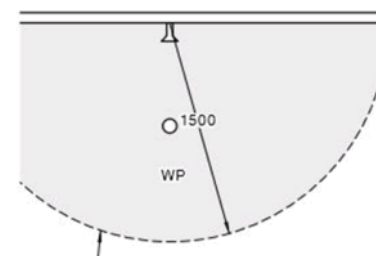


(i) Plan view



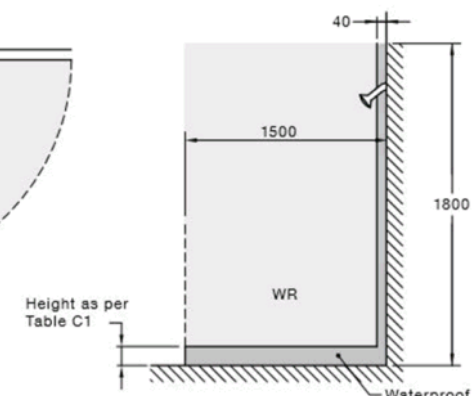
(ii) Side view

(a) Enclosed shower



Minimum extent of waterproofing

(i) Plan view



(ii) Side view

(b) Unenclosed showers—Concrete and compressed fibre cement sheet floors

NOTE: All floor waterproofing to terminate at a waterstop.

DIMENSIONS IN MILLIMETRES

FIGURE C1 EXTENT OF THE TREATMENT FOR SHOWER AREAS—CONCRETE AND COMPRESSED FIBRE-CEMENT SHEET FLOORS

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mbaker@merindahomestyles.com ph 0438346115PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK
RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLYDrawn by MICHAEL BAKER
Date 15 NOV 2019
Licence No. CC1511Waterproofing
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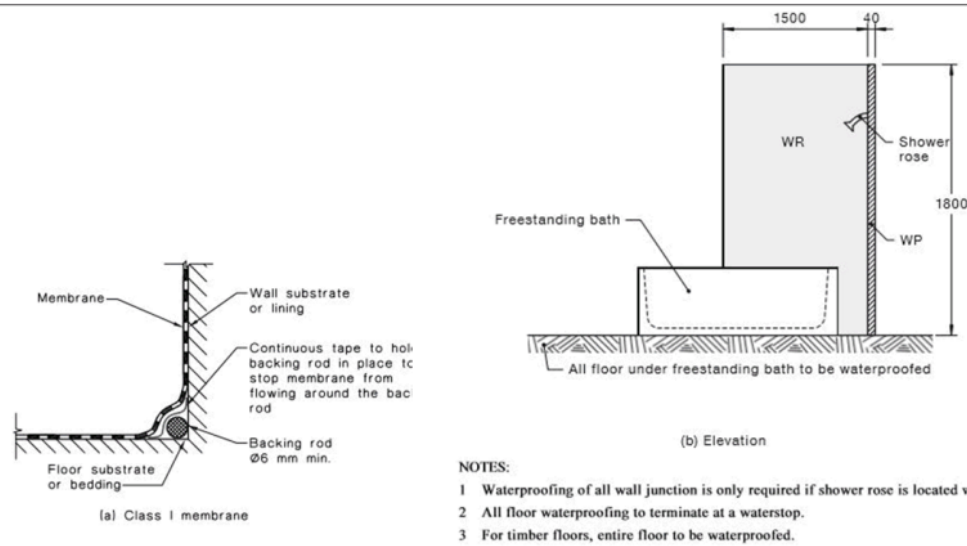


FIGURE 3.1A FREESTANDING BATHS

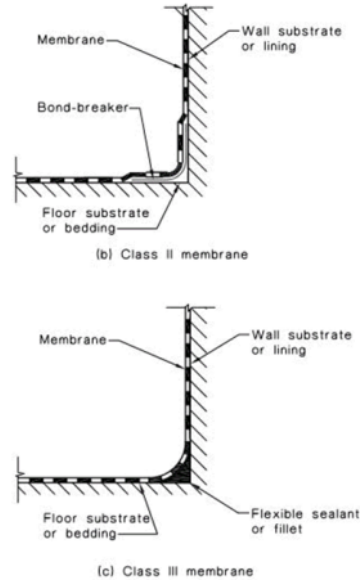
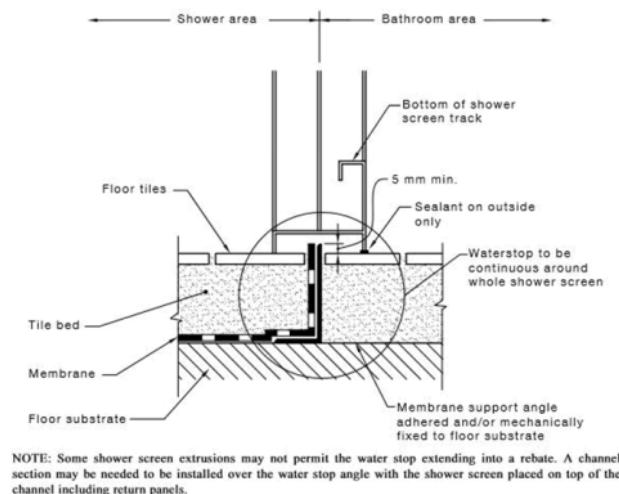


FIGURE 3.7 TYPICAL BOND BREAKER DETAILS



NOTE: Some shower screen extrusions may not permit the water stop extending into a rebate. A channel section may be needed to be installed over the water stop angle with the shower screen placed on top of the channel including return panels.

FIGURE 3.6 TYPICAL HOBLESS CONSTRUCTION

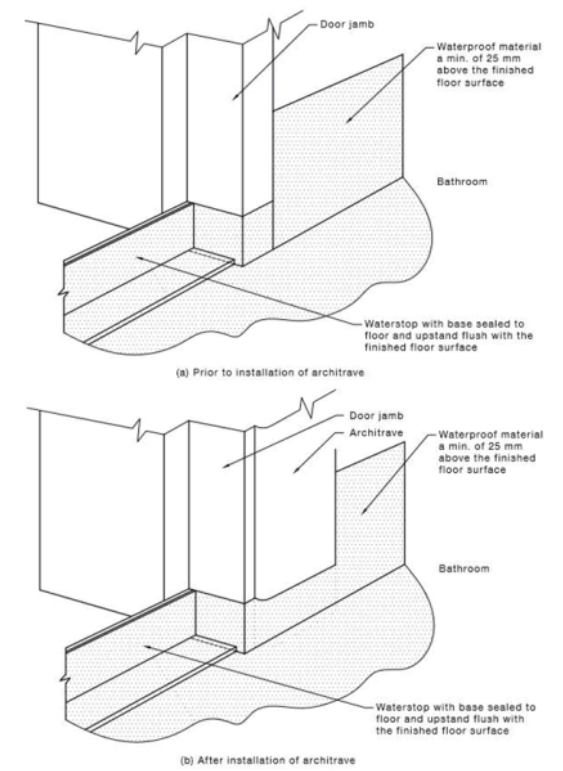


FIGURE 3.3 TYPICAL BATHROOM DOOR DETAIL FOR WHOLE BATHROOM WATERPROOFING

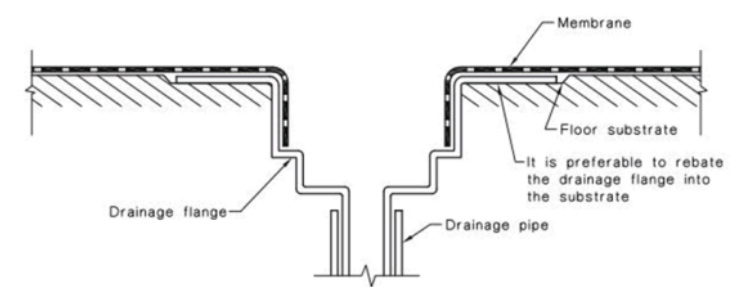
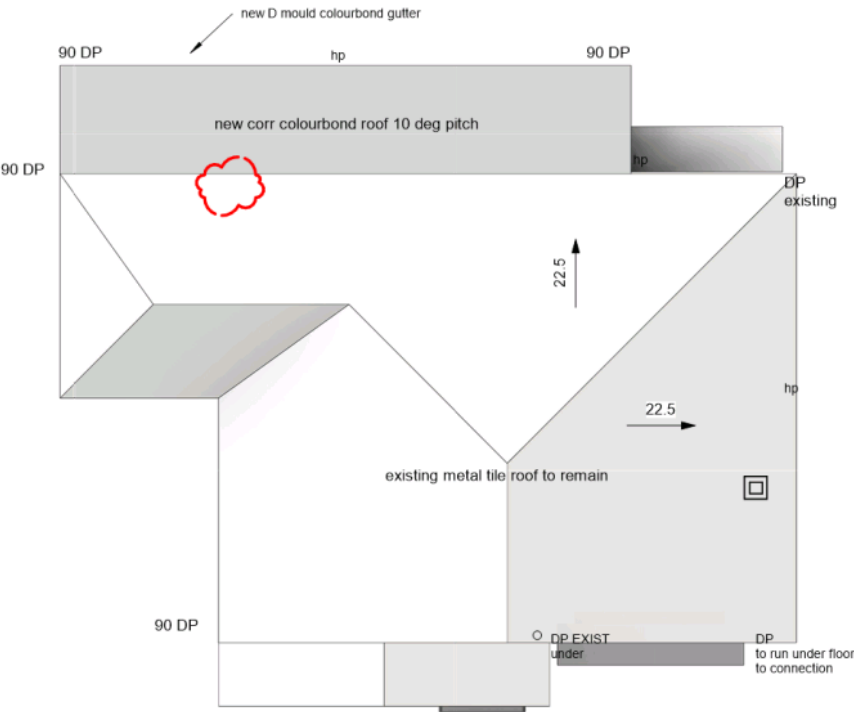


FIGURE 3.8 TYPICAL MEMBRANE TERMINATION AT DRAINAGE FLANGE



ROOF PLAN 1:100

ROOFING DETAILS

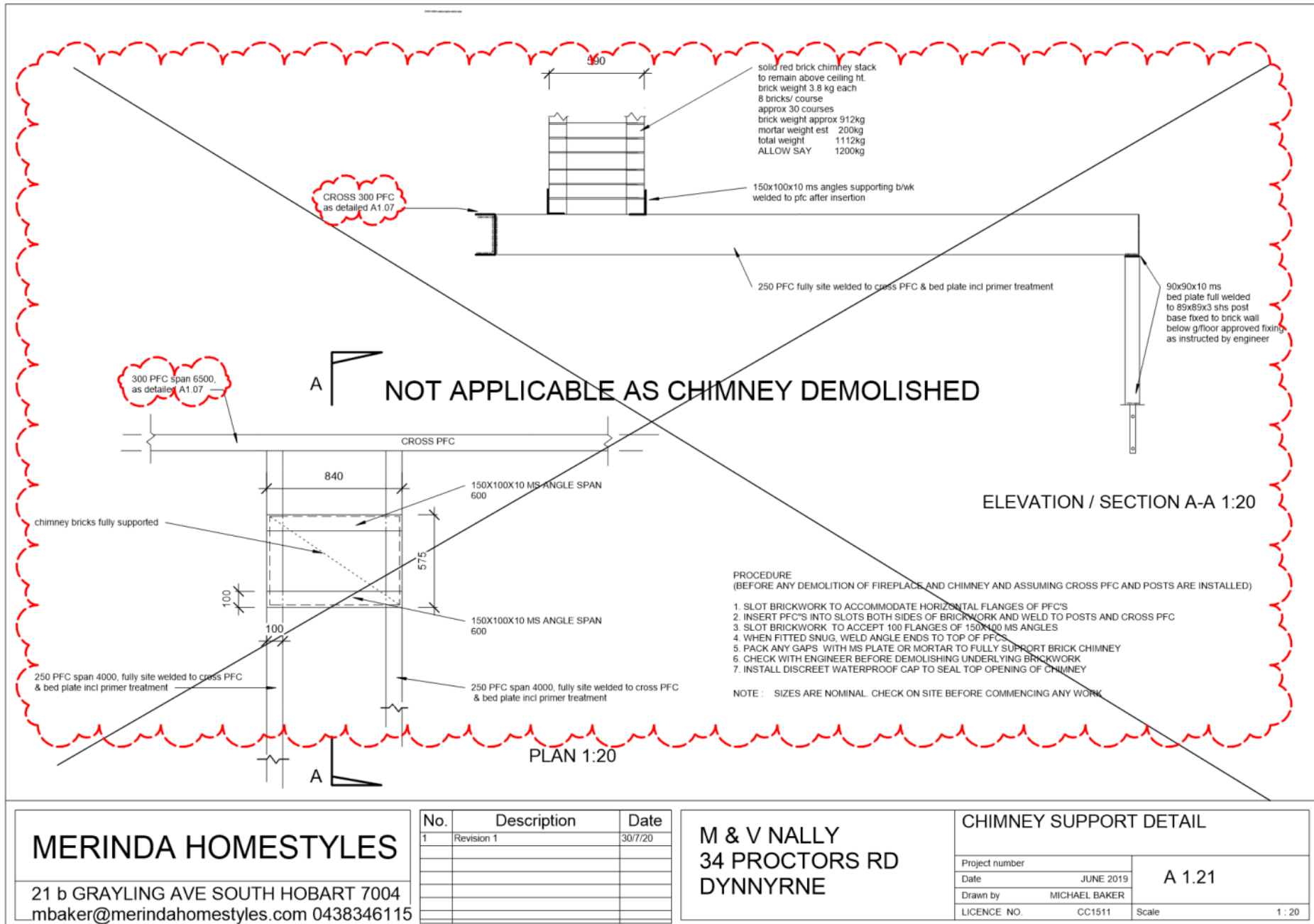
Existing metal roof tile sheeting to remain
Install new R6.0 bulk insulation to all pitched roof ceilings
Install R 4.0 bulk insulation to new skillion roof allowing 50 air gap to roof cladding
R1.5 anticon sarking under all new roof coverings
See detail sheet A1.07 for skillion roof detail in section
Pitched skillion roof over back dining hall stairway as detail
White colourbond D mould gutter to match existing
White painted 90mm UPVC downpipes where shown (replace existing 78mm DP's
Replace gutters as shown or required if deteriorated

<p>Note: In the construction industry, both designers and builders are required to produce OHSE Risk Registers as a standard part of their work but the focus differs for each. This register is not exhaustive.</p> <p>Designers of buildings and structures The designers of buildings and structures have obligations to identify, and control the occupational health, safety and environmental hazards and risks of their design so as not to affect the use, enjoyment, servicing or maintaining their buildings and structures, or the safety of the public accessing the building or structure for lawful purposes.</p> <p>Builders Builders of buildings and structures have obligations to co-ordinate and communicate with the designer(s) so as to identify critical occupational health, safety and environmental hazards and risks inherent in the design and to ensure, during construction, persons involved or affected by the building works are free of the risk of death or injury during construction.</p> <p>We have produced this register to help designers to identify the risks associated with their designed buildings, including the materials they choose to specify.</p> <p>We acknowledge, with appreciation, the help of Mr John Woodford, owner of Woodford Consulting, 0424 144 887 jwoodford@bbbspend.com</p>				
Hazard	Risk	Examples	Controls	References
Structural collapse/ failure of building or structure	Lack of documented building/ structure design criteria for dead and live loads to assist the builder's decisions on construction methodology/ Lack of specific detail about complex componentry or products/ equipment	Construction of conventional formwork system compromises the building stability. Emerging slim and light materials, composites, glues etc.	Document and provide the builder with critical live/ dead loads on structure. Document the sequence of construction/ erection of critical componentry. Provide manufacturer recommendations for use in construction project.	AS1288 Glass in buildings – selection and installation. Manufacturers' Australian Data Sheets.
Trafficable surfaces on a building or structure	A surface on a building or structure that can be accessed and that is not certified as trafficable or a surface that may be trafficable when received from manufacturer but can degrade over time due to exposure to the elements and become non-trafficable.	Concrete and terracotta roof tiles, glass, plastic, fire/glass sheets, membranes, other natural and synthetic materials people may access as they install, service, use or maintain a building or structure.	Ensure materials selected for surfaces that can be accessed on a building or structure are trafficable for the life of its use on a building or structure.	AS1288 Glass in buildings – selection and installation. Manufacturers' Australian Data Sheets.
Locations at height on a building or structure	A surface being accessed at height not provided with compliant edge protection to prevent a person or items falling to below.	Roofs, work platforms, ledgers, slabs or other elevated locations that can be accessed or required to be accessed on a building or structure.	Ensure areas people can access at height are protected by compliant edge protection.	AS1557 Fixed platforms, walkways, stairways and ladders - Design, construction and installation.
Access and egress to a building or structure.	Ladders, ramps, stairs etc. leading to or from a place capable of being accessed by people on a building or structure.	Non-compliant access and egress provided to a location for service maintenance, repair or use.	Ensure any means of access and egress to or from a building or structure is compliant with relevant Australian Standards.	AS1557 Fixed platforms, walkways, stairways and ladders - Design, construction and installation.
Confined spaces that are capable of being accessed on a building or structure.	Asphyxiation.	Coiling space, vat, tank, pit, pipe, duct, flue, chimney, silo, container, pressure vessel, underground sewer, wet or dry well, shaft, trench or tunnel.	Provide compliant access and atmospheres.	AS 2686 Confined Spaces
Applied finishes	Materials and substances selected for a building or structure that are toxic, hazardous or capable of causing a person to be exposed to a disease as a consequence of its selection, use and maintenance.	Mists, dusts, fumes, liquids etc. that are generated or emitted by a substance/ chemical selected in a building or structure.	Select non-toxic or non-hazardous chemicals/ substances in the design of a building or structure.	
Facade	Glass manufactured overseas containing impurities that cause the glass to fall, crack and fall out into public space.	The use of the blue reflective glass in a steel tower fracturing and falling to ground below. Gold reflective glass causing heat shed to adjacent public and buildings. Windscreen have been detached and crashed to the sidewalk.	Select for performance as well as aesthetics.	
Underground structures	Exposure of essential building and community infrastructure exposed to flood and other natural causes.	Brisbane floods affected power, telecommunications and building services operability.	Consider the location of essential and building/ structure services to best protect in predictable disasters.	
Slip resistance of trafficable surfaces.	A person slipping or falling whilst traversing a trafficable surface at a building or structure. The risk should also consider environmental factors that may add to the potential for a person slipping or falling whilst traversing a surface i.e. effects of water during rain, dust as a consequence of inadequate cleaning etc.	The loss of contact with the trafficable surface as a consequence of the coefficient between the surface and the sole of the footwear – losing grip.	Include the effects of floor slip resistance of finishes, i.e. granite, marble, tile and finishes on synthetic or natural materials that diminish to grip (co-efficient) between the surface and footwear. Include the potential for aged and less able people who may traverse a surface in a building or structure.	AS/NZS 3661.1 Slip resistance of pedestrian surfaces. AS/NZS 4588 Slip resistance classification of new pedestrian surface materials. HB 167 Hand book on slip resistance, Australian standard.
Reflection and glare	Unwanted reflected heat or glare from a building or structure, building materials etc.	The increase of heating/ cooling costs as a consequence of reflected heat/ cold on adjacent buildings or structures or impact on others i.e. pedestrian or traffic affected by reflected glare or heat/cold.	Consider the selection of building materials and the impact of their selection and placement on the surrounding buildings, structures and persons exposed to subsequent reflection or glare.	
Hazardous substances/chemicals	Risk to the health of owner, occupier, other persons attending the building or affected as a consequence of the substances/chemicals used	White ant treatment, fire ant treatment, waterproofing, insulation etc.	Review selection to identify substances, chemicals that will not affect the environment or the health and safety of persons at or near the construction site or at or near the construction site or at or near the construction site.	Codes of Practice
Pre cast and Tilt-up	Collapse and falling panels	Collapse or movement of pre-cast or tilt-up panels during installation	Ensure during design process, involving pre-cast or tilt-up, that access and egress is adequate as well as anchorage. Installation procedures include standing, placement (temporary and permanent), has been documented and signed off by competent persons, e.g. structural engineer or geo-technical engineer.	
Material choice, maintenance, cleaning and servicing of external facades and surfaces of building and structures.	The selected product was not compliant with the BCA.	This external cladding material on a 21 storey apartment building was combustible and therefore did not impede the spread of fire but caught fire and severely damaged the building.	Ensure not only the selection but final certification of product used as external cladding for a building or structure is in compliance with the Building Code of Australia	Ensure external cladding products specified comply with AS 1530.1 (R2016) and not just with AS 1530.3.

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mbaker@merindahomestyles.com ph 0438346115**PROPOSED NEW WEATHERBOARD EXTENSION & RENOVATION TO BRICK RESIDENCE AT 34 PROCTORS RD DYNMYRNE FOR M & V NALLY**Drawn by MICHAEL BAKER
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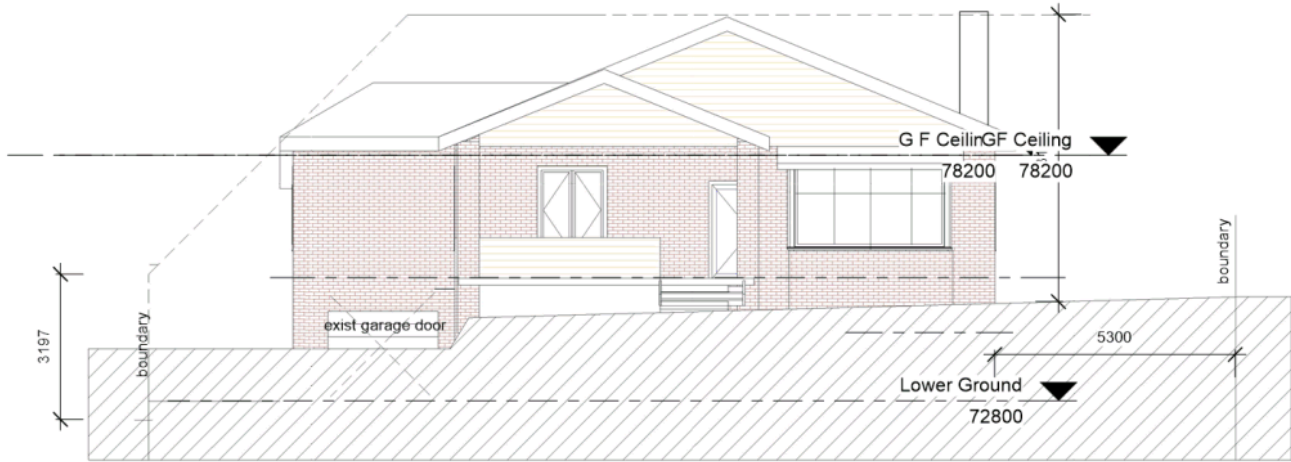
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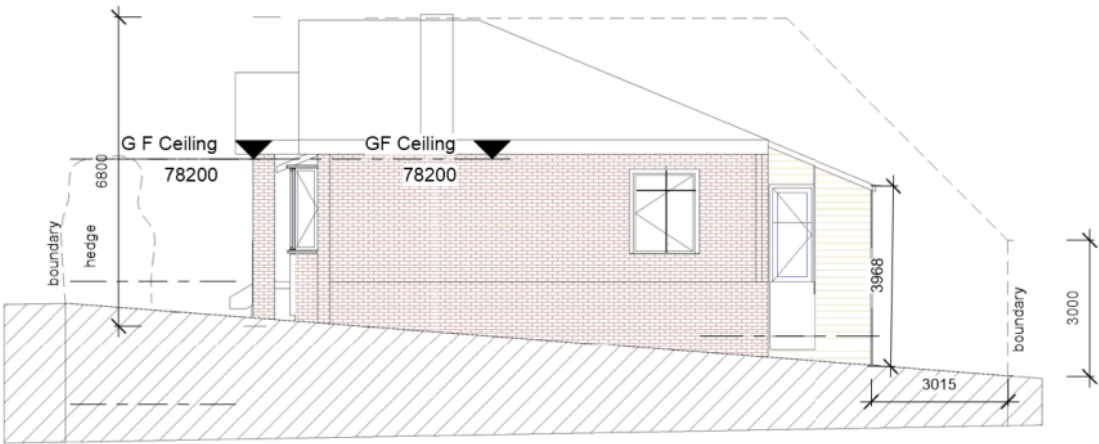
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EXISTING SITE LANDSCAPE			
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SOUTH WEST ELEVATION



SOUTH EAST ELEVATION

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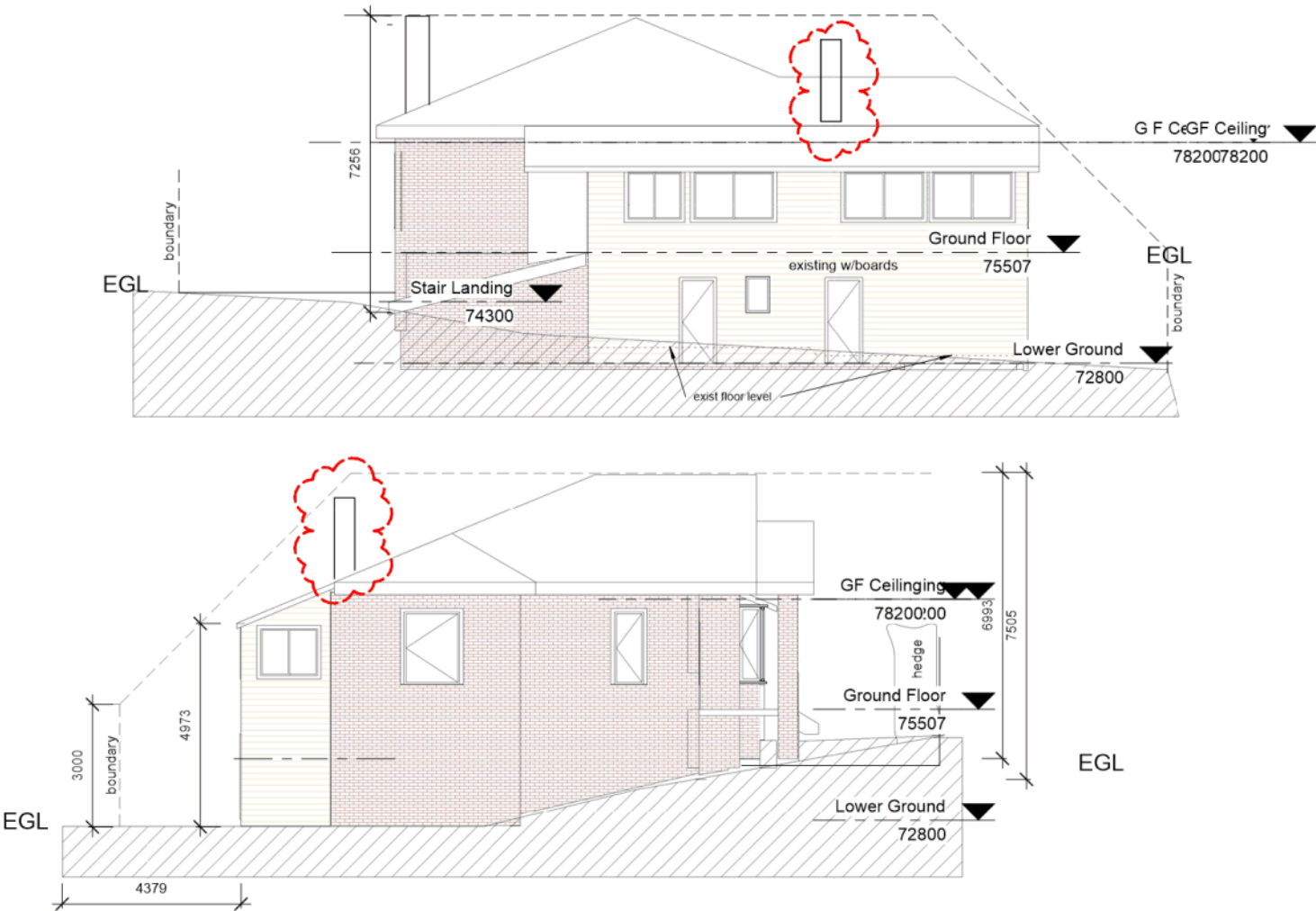
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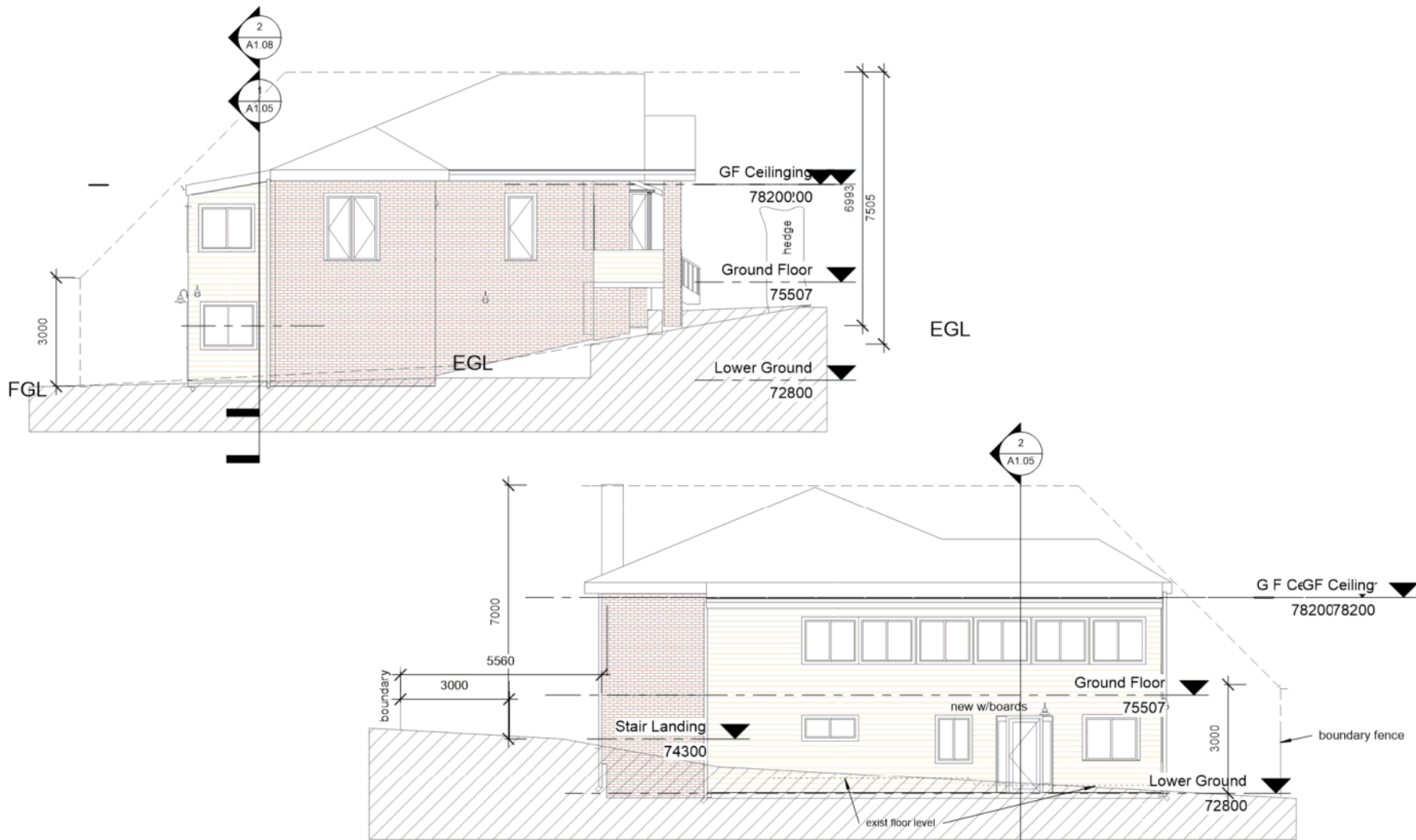
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BUILDING ENVELOPE EXISTING

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LICENCE NO.	CC1511	Scale 1 : 100



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Date JUNE 2019	
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Scale	1 : 100



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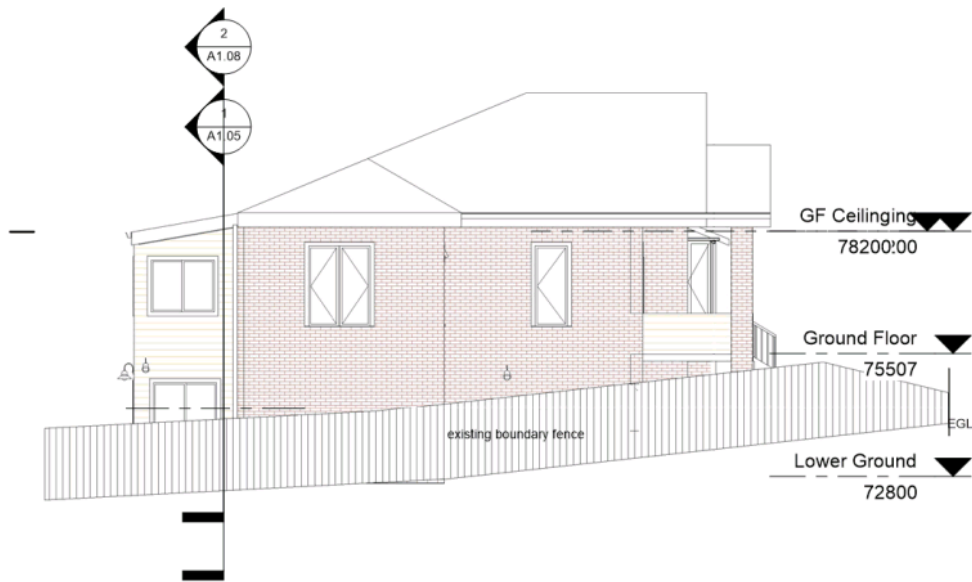
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No.	Description	Date

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BUILDING ENVELOPE PROPOSED

Project number		A 1.26
Date	JUNE 2019	
Drawn by	MICHAEL BAKER	
LICENCE NO.	CC1511	
Scale	1 : 100	



NORTH WEST BOUNDARY ELEVATION

MERINDA HOMESTYLES

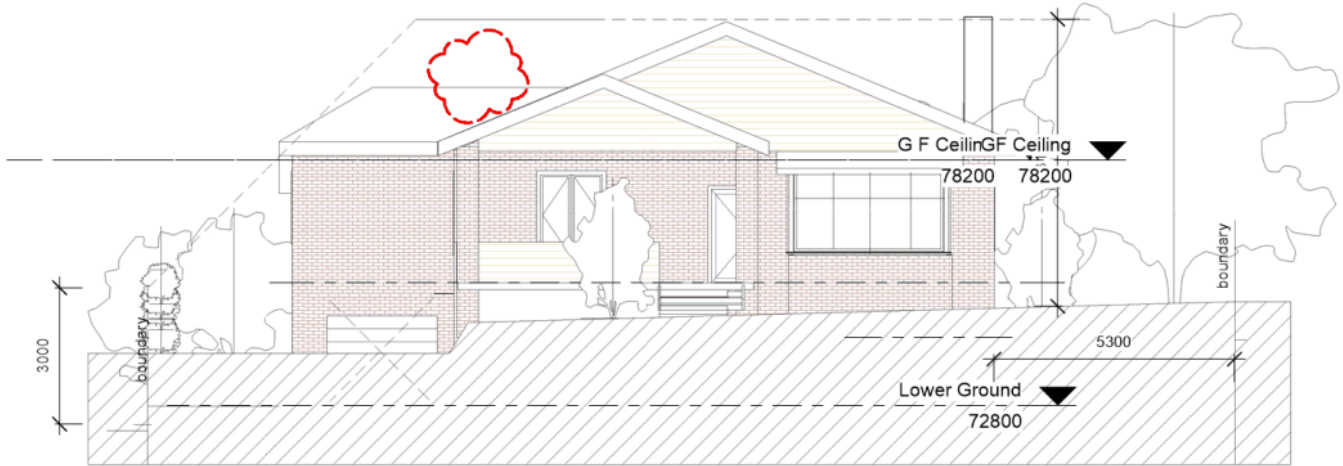
21 b GRAYLING AVE SOUTH HOBART 7004
mbaker@merindahomestyles.com 0438346115

No.	Description	Date

M & V NALLY
34 PROCTORS RD
DYNNYRNE

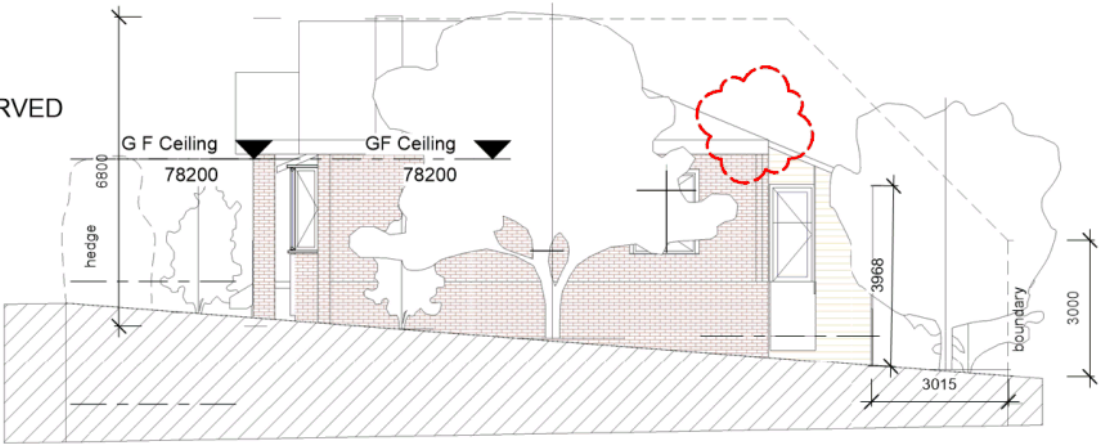
PROPOSED BOUNDARY ELEVATION

Project number		A 1.27
Date	JUNE 2019	
Drawn by	MICHAEL BAKER	
LICENCE NO.	CC1511	Scale 1 : 100



SOUTH WEST ELEVATION

ALL SIGNIFICANT PLANTING TO BE PRESERVED



SOUTH EAST ELEVATION

MERINDA HOMESTYLES

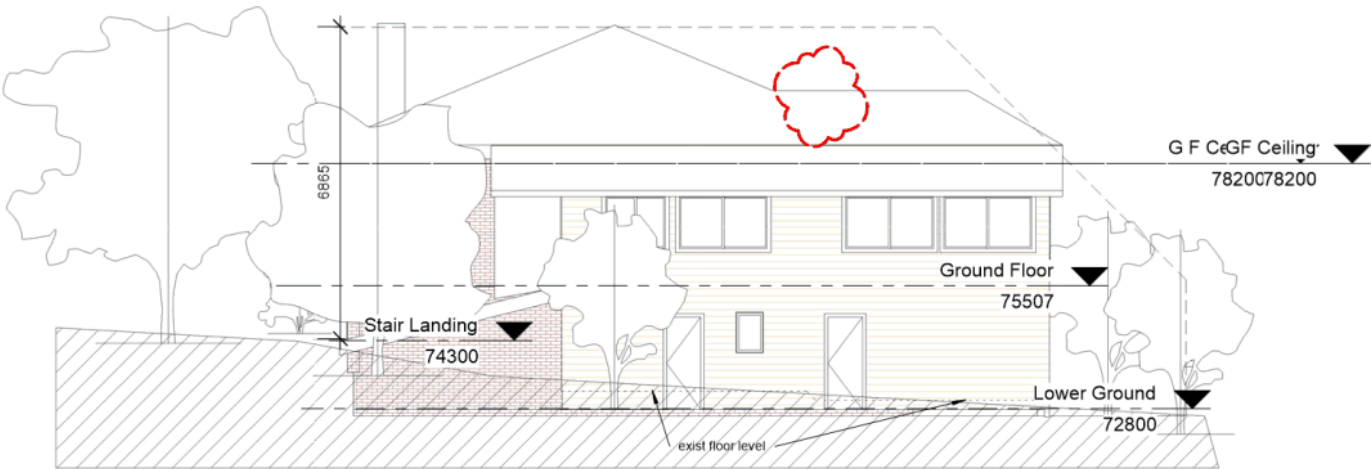
21 b GRAYLING AVE SOUTH HOBART 7004
mbaker@merindahomestyles.com 0438346115

No.	Description	Date
3	demolish chimney	1/2/21

M & V NALLY
34 PROCTORS RD
DYNNYRNE

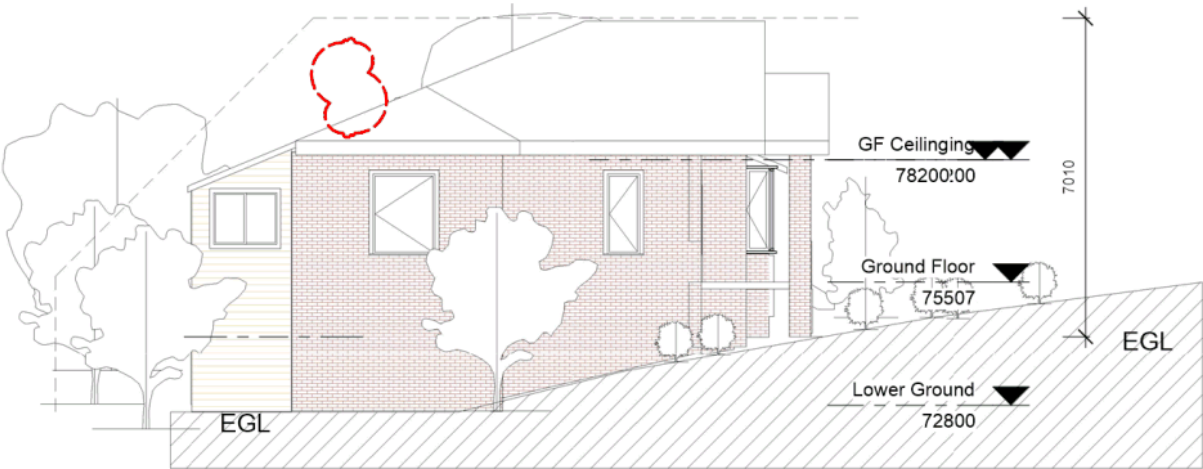
EXIST ELEVATION LANDSCAPE

Project number		A 1.28
Date	JUNE 2019	
Drawn by	MICHAEL BAKER	
LICENCE NO.	CC1511	Scale 1 : 100



NORTH EAST ELEVATION

ALL SIGNIFICANT PLANTING
TO BE PRESERVED



NORTH WEST ELEVATION

MERINDA HOMESTYLES

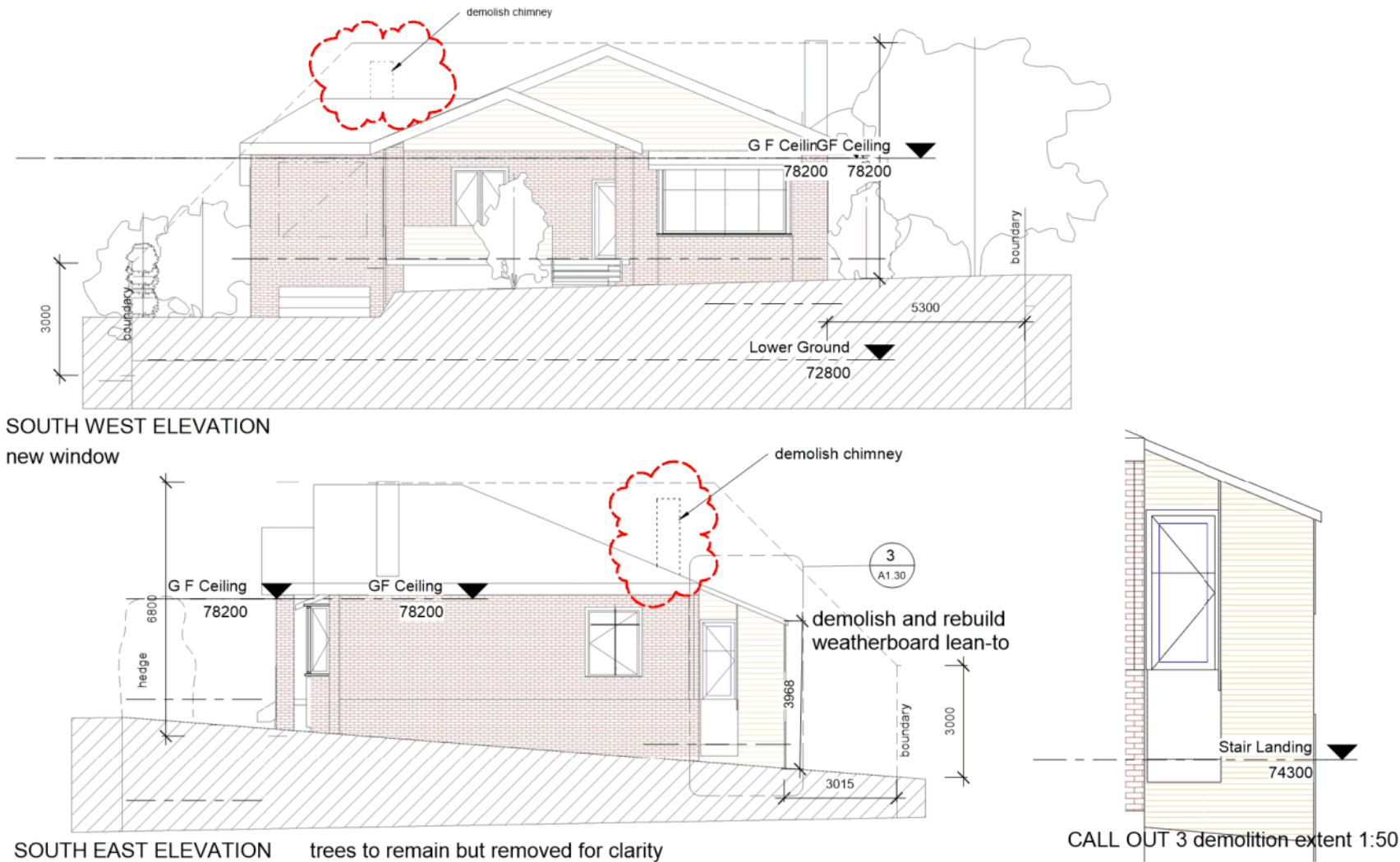
21 b GRAYLING AVE SOUTH HOBART 7004
mbaker@merindahomestyles.com 0438346115

No.	Description	Date
3	demolish chimney	1/2/21

M & V NALLY
34 PROCTORS RD
DYNNYRNE

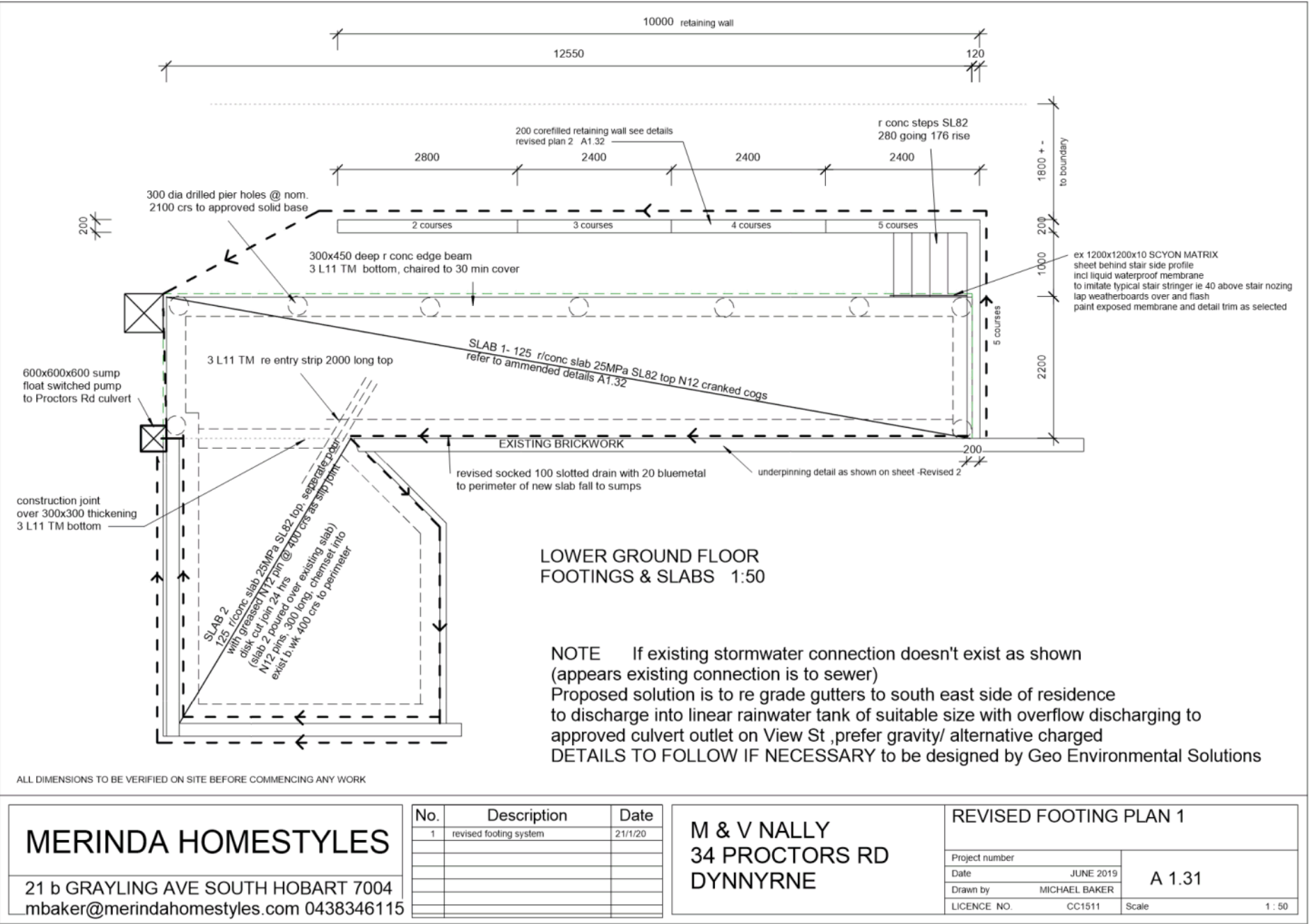
EXIST ELEVATION LANDSCAPE

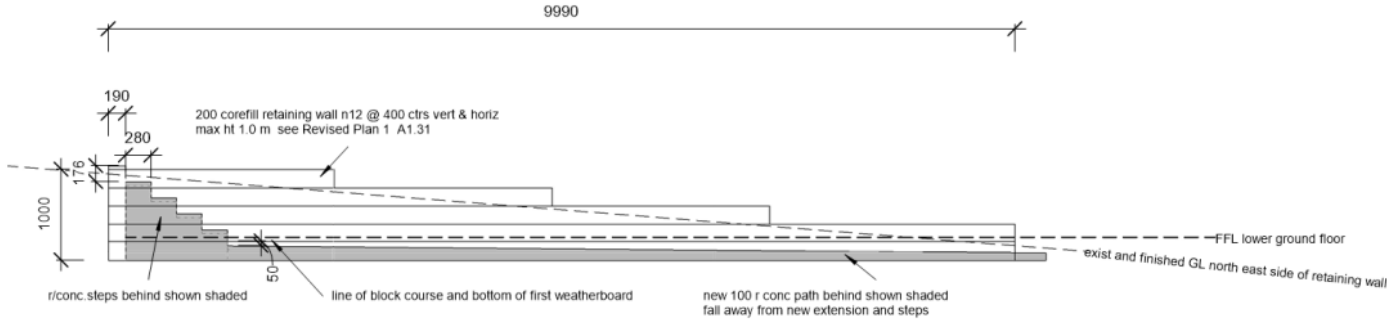
Project number		A 1.29
Date	JUNE 2019	
Drawn by	MICHAEL BAKER	
LICENCE NO.	CC1511	Scale 1 : 100



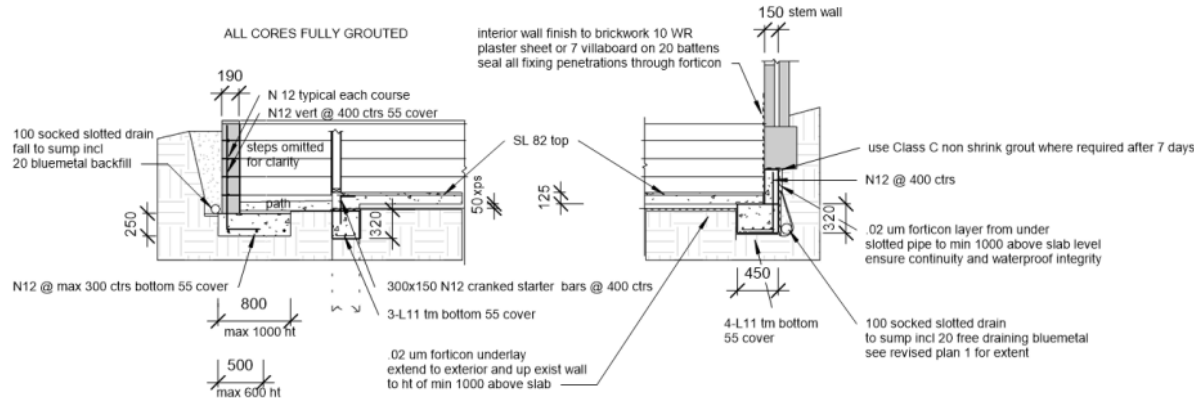
<div>MERINDA HOMESTYLES</div> <div>21 b GRAYLING AVE SOUTH HOBART 7004 mbaker@merindahomestyles.com 0438346115</div>	No.	Description	Date
	3	demolish chimney	1/2/21

<div>M & V NALLY</div> <div>34 PROCTORS RD</div> <div>DYNNYRNE</div>	DEMOLITION DETAILS		
	Project number		A 1.30
	Date JUNE 2019		
	Drawn by MICHAEL BAKER		
	LICENCE NO. CC1511	Scale	As indicated





NORTH EAST ELEVATION 1:50



NORTH WEST SECTION/ ELEVATION 1:50

MERINDA HOMESTYLES

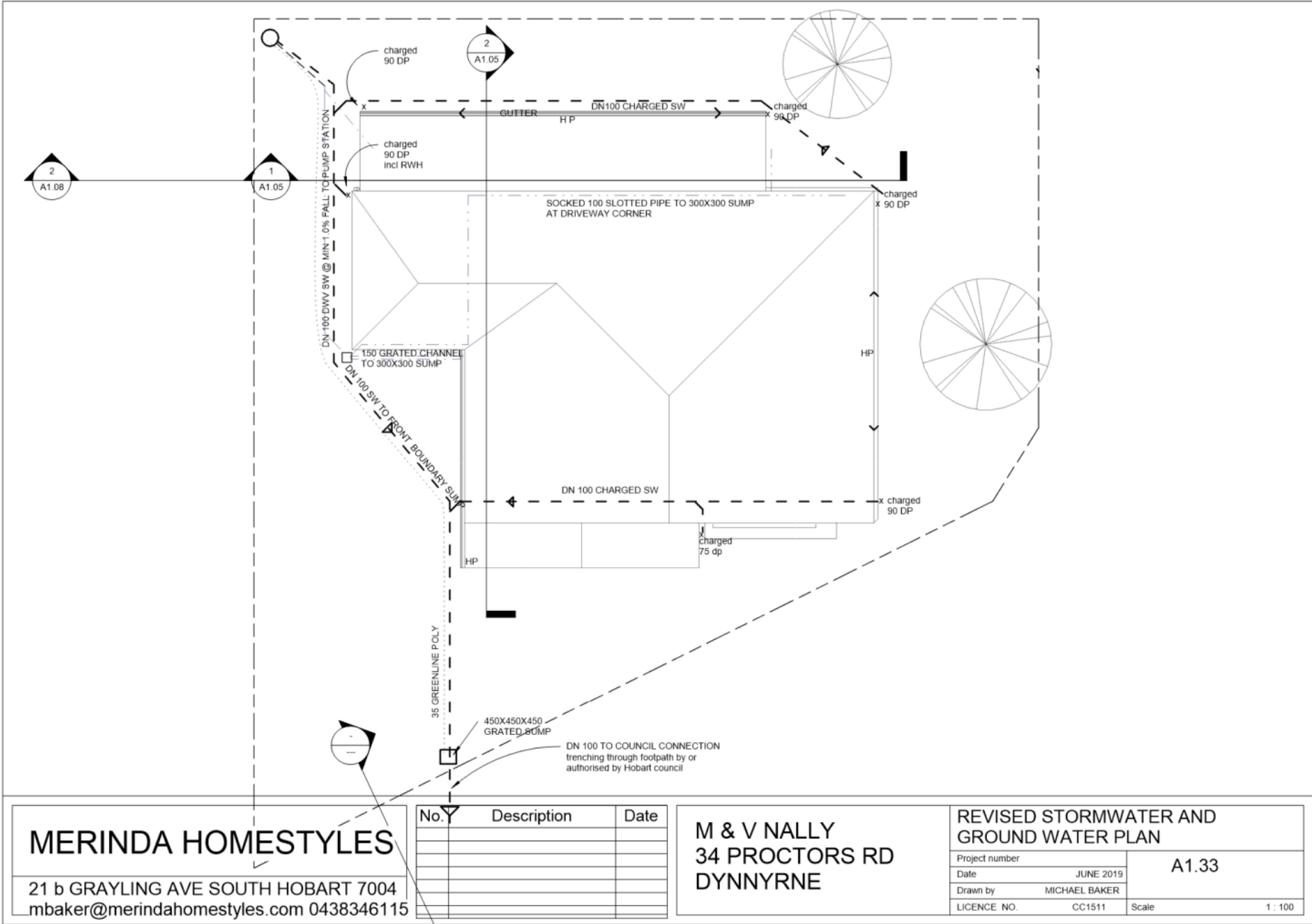
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mbaker@merindahomestyles.com 0438346115

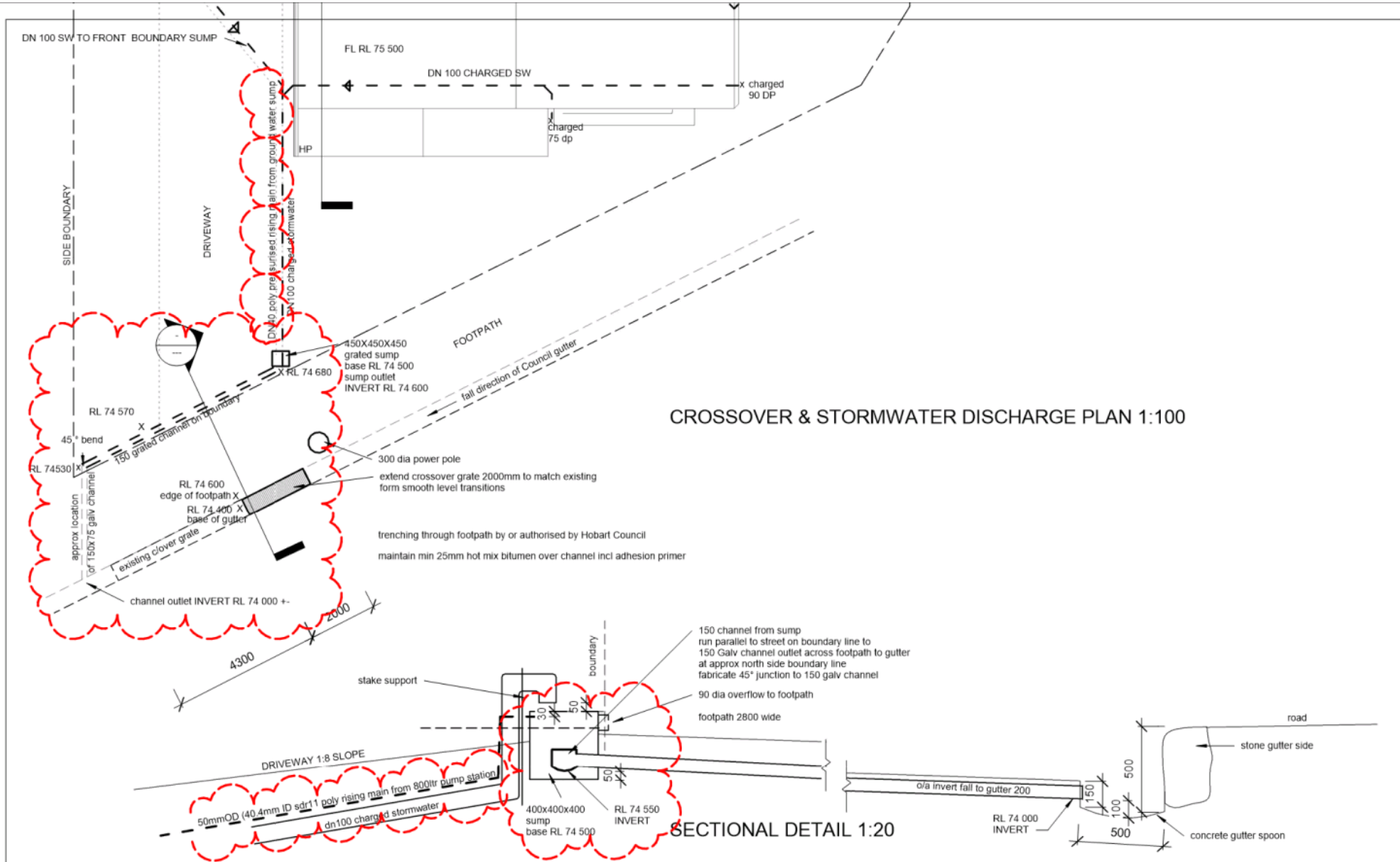
No.	Description	Date
2	revised footing system	21/1/20

M & V NALLY
34 PROCTORS RD
DYNMYRNE

REVISED FOOTING PLAN 2

Project number		A 1.32
Date	JUNE 2019	
Drawn by	MICHAEL BAKER	
LICENCE NO.	CC1511	Scale 1 : 50





MERINDA HOMESTYLES

21 b GRAYLING AVE SOUTH HOBART 7004
mbaker@merindahomestyles.com 0438346115

No.	Description	Date
1	Revision 1	30/7/20

M & V NALLY
34 PROCTORS RD
DYNMYRNE

CROSSOVER/ STORMWATER OUTLET

Project number		A 1.34
Date	JUNE 2020 JUNE 2019	
Drawn by	MICHAEL BAKER	
LICENCE NO.	CC1511	Scale As indicated

To whom it may concern

Re Planning BLD-19-362

Prior to our planning being approved we requested to remove 2 chimneys on our property @34 Proctors Rd Dynnyrne

Our planning was approved when we agreed to retain one fireplace and retain the stack on the other.

We submitted a detailed plan to do so.

During the build it was discovered that the plan that had been submitted was not possible to be delivered safely.

We consulted the Draughtsman and he agreed that it was not feasible to retain the stack.

This was due to the following reasons

- The design was not able to be constructed because it was considered unsafe as the distance between the ceiling and roofline was significantly less than anticipated on the Plan.
- This meant that the plan of constructing a support brace was not possible as there was not enough space.
- Prior to this being determined the adjoining walls has been demolished and the chimney was in danger of collapsing without the support

We were caught with a dangerous situation and it was right in the middle of March 2020.

I then contacted the Council and advised them what we had proposed. I left messages with Jeff Kraftt

I attempted to contact Jeff Kraftt again on several occasions and was eventually a few weeks later advised that he no longer was with the Council

We proceeded to make the site safe and the renovation continued.

I then contacted the Council and advised them what we had done to make the site safe.

I was advised to write and confirm the details.

Under no circumstances did we anticipate this difficult situation.

We did make the decision to continue as we were able to make safe and keep the builders employed during a very strange and very challenging time.

I attach the photos from the front of the house to demonstrate that the stack was not highly visible prior to the renovation commencing and I seek your approval to modify our plan to remove the stack.

I also attach the email relating to the Draughtsman's and Builders view of the Situation.

I maintain that we have complied with all other conditions and request that our case be assessed on its merits in a very difficult time.

Our renovation is in keeping with the streetscape in every respect and has enabled us to maintain the house in a manner that adds value to the neighbourhood.

I respectfully request that we be allowed to vary our plans to accommodate the retention of the one fireplace and the removal of the other fireplace and Chimney as it was deemed unsafe to retain the stack only.

I attach as imbedded items photos and the email correspondence referred to in my letter.

Yours Faithfully

Martin Nally

34 Proctors Rd

Dynnyrne

Please note these two photos below were taken on the same day

- 30 October 2015

The first Photo demonstrates that the LHS back Chimney was not visible from the street.

The second photo demonstrates that the LHS Chimney was only just visible from the street

The RHS Chimney has been retained

The LHS Chimney was not able to be safely retained.



MERINDA HOMESTYLES

21-b-Grayling Ave

South Hobart 7004

abn 19 608 840 040

To whom it may concern

After a lengthy discussion on how to retain the rear northern side chimney as required by Heritage dept, I designed a steel frame support system that appeared to solve the problem of fireplace removal and retention of chimney.

This design was slightly modified by the Structural Engineer, passed his approval and was submitted to Council.

On demolition of the fireplace and surrounding walls it was reportedly found by the Builder that due to the way the chimney flue was build, there was a safety problem if the support structure was built as designed.

The cantilever effect of the chimney height may long term not be stable. I agreed that the stability was now an issue for me.

Further discussions did not resolve the problem, other than of building a false lightweight framed and brick tile clad structure to resemble the existing chimney.

It was always noted that heritage dept. requirements be met , or further discussions be made to the dept on a proposed resolution. Demolition being a possible outcome.

I left the discussion at this point and until now did not know of the outcome.

Michael Baker

Residential Designer

Merinda Homestyles

CC1511

To whom it may concern

In regards to the chimney at 34 Proctors road it had always been the intention of the client and the builder to retain it. The steel and temporary propping had all been allowed for in the contract and the design to support it had been drafted prior to any demolition. However after the internal walls and ceiling had been removed it became evident there was not enough ceiling space in reality to safely carry out the work. A bit like balancing an upright snooker cue on the palm of your hand there was not enough chimney between the ceiling and the roofing iron to continue without the risk of the chimney toppling over. At this point the chimney was freestanding rather than enclosed because the walls adjacent to it had already been removed as per the plan. These walls acted as buttresses and had helped to stabilise the fireplace in its original state. The clients were advised of these concerns.

They consulted their designer to try and find an alternative solution but with such limited space an alternative solution could not be found. The clients then instructed the builder to remove the chimney and eliminate any risk of injury.

regards

OCONBuilt

Charlie Greenwood

Operations Manager

OCON Built

P: 03 6248 4000 M: 0412 550 069

A: 1/8 Stanton Place, Cambridge TAS 7170

PO Box 174, Lindisfarne TAS 7015

W: www.oconbuilt.com.au

E: charlie@oconbuilt.com.au





The photos below demonstrates that from many angles the second chimney was not visible or barely visible from the Procters road aspect



The photo below shows no sign of the second chimney



The next photo shows the smallest glimpse of the chimney

These photos are all taken prior to any renovations commencing and can be substantiated via iPhone records



**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980**SEARCH OF TORRENS TITLE**

VOLUME 221422	FOLIO 1
EDITION 5	DATE OF ISSUE 15-Sep-2010

SEARCH DATE : 26-Apr-2019

SEARCH TIME : 04.15 PM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Plan 221422
Derivation : Part of 167A-2R Gtd. to D. Lord
Prior CT 2758/18

SCHEDULE 1

C607347 TRANSFER to MARTIN PATRICK NALLY of two undivided 1/3 shares and MARTIN PATRICK NALLY of one undivided 1/3 share as tenants in common Registered 05-Jul-2005 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
C982671 MORTGAGE to Westpac Banking Corporation Registered
15-Sep-2010 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Joseph Mamic
Building Surveyor
Accreditation Certificate No CC411N

the List

FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

R.P. 1469

TASMANIA

REAL PROPERTY ACT, 1862, as amended

NOTE—REGISTERED FOR OFFICE
CONVENIENCE TO REPLACE

CERTIFICATE OF TITLE

Register Book

Vol. Fol.

2758 18

Cert. of Title Vol. 428 Fol. 96

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

Recorder of Titles.

DESCRIPTION OF LAND



CITY OF HOBART

NINETEEN PERCHES AND ONE HALF OF A PERCH on the Plan hereon

FIRST SCHEDULE (continued overleaf)

BERNARD FREDERICK REIMERS of Hobart, Hire Car Proprietor

SECOND SCHEDULE (continued overleaf)

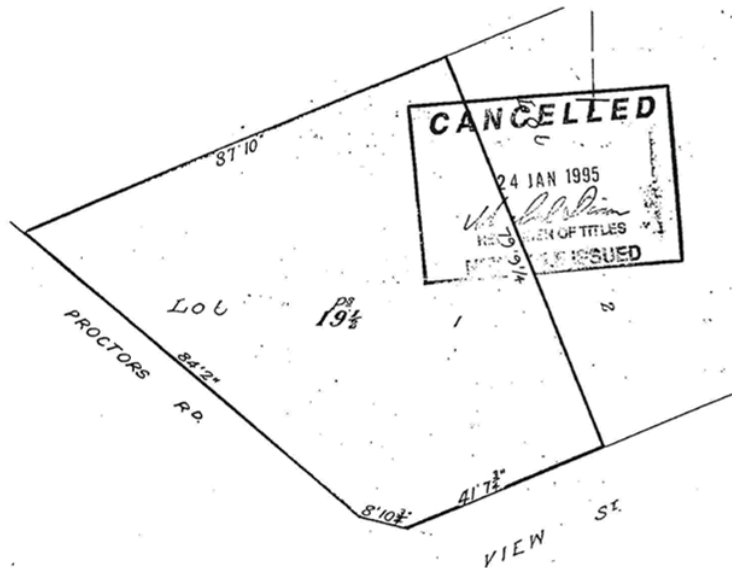
NIL

Lot 1 of this plan consists of all the land comprised in the above-mentioned titles ARE NO LONGER SUBSISTING. cancelled folio of the Register.

CELLED UNDER :

REGISTERED NUMBER

221422



Part of 167acs.2rds. Gtd. to D.Lord Meas. in Ft. & Ins. 48/30NS

FIRST Edition. Registered

14 AUG 1970

Derived from C.T. Vol. 428 Fol. 96 Transfer A10563 The Perpetual Trustees - Executors & Agency Co. of Tas. Ltd.

the List...

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ORIGINAL—NOT TO BE REMOVED FROM TITLES OFFICE

R.P. 1469

TASMANIA

REAL PROPERTY ACT, 1862, as amended

NOTE—REGISTERED FOR OFFICE
CONVENIENCE TO REPLACE



CERTIFICATE OF TITLE

Register Book

Vol.	Fol.
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8	8
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2758 18

Cert.of Title Vol.428 Fol.96

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

Mutikins

Recorder of Titles.

DESCRIPTION OF LAND

CITY OF HOBART

NINETEEN PERCHES AND ONE HALF OF A PERCH on the Plan hereon

FIRST SCHEDULE (continued overleaf)

BERNARD FREDERICK REIMERS of Hobart, Hire Car Proprietor

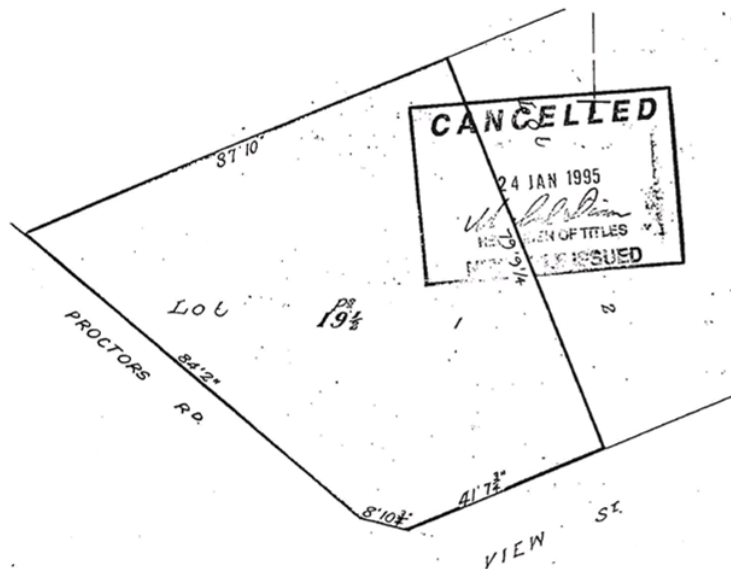
SECOND SCHEDULE (continued overleaf)

NIL

Lot 1 of this plan consists of all the
land comprised in the above-mentioned
cancelled folio of the Register.

REGISTERED NUMBER

221422



Part of 167acs.2rds. Gtd.to D.Lord Meas.in Ft. & Ins. 48/30NS

FIRST Edition. Registered 14 AUG 1970

Derived from C.T.Vol.428 Fol.96 Transfer A10563 The Perpetual Trustees -
Executors & Agency Co.of Tus.Ltd

Planning: #222678

Property

34 PROCTORS ROAD DYNMYRNE TAS 7005

People

Applicant
"Martin Nally
34 Proctors Road
Dynmyrne Tas 7000
0421053733
nallyfam@bigpond.net.au

Owner
"Martin Nally
34 Proctors Road
Dynmyrne Tas 7000
0421053733
nallyfam@bigpond.net.au

Entered By
MARTIN PATRICK NALLY
0421053733
nallyfam@bigpond.net.au

Use

Other

Details

Have you obtained pre application advice?
• Yes
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)?

Domestic

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

Amenity or safety only

Estimated cost of development

2000.00

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?

• No

Documents

Required Documents

Title (Folio text and Plan and Schedule of Easements)

DA-19-38988 PLN-19-485 - 34 PROCTORS ROAD DYNMYRNE TAS 7005 - Title (Folio text and Plan and Schedule of Easements).pdf

Plans (proposed, existing)

D Projects NALLY as built ammdments 1-3-21.pdf

Covering Letter

Chimney.pdf

Supporting Documents

Photos or Montages

Photos.pdf

Application Referral Cultural Heritage - Response

From:	Megan Baynes
Recommendation:	Proposal is unacceptable.
Date Completed:	
Address:	34 PROCTORS ROAD, DYNMYRNE
Proposal:	Partial Demolition
Application No:	PLN-21-149
Assessment Officer:	Helen Ayers,

Referral Officer comments:

34 Proctors Road is a red brick Californian Bungalow.



Brick Chimney with period details at 34 Proctors Road, 2019.

The house is located in SB6 Golf Links Estate. This precinct is significant for reasons including:

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

The house is single storey facing Proctors Road, and becomes two levels as the land falls away along View Street. The house has a stepped 'cascading' form in plan. Council records note house connections in 1927. The house has many intact period features including architectural and landscape items. The house makes a positive contribution to the street with its chimneys, shallow pitched gables, heavy verandah piers, original windows, unpainted masonry, and original external timber details. The house is on the intersection of two busy streets and is therefore a high profile site in the precinct.

The house at 34 Proctors Road is located in a Heritage Precinct and the owner previously applied for a permit (PLN-19-485) to extend and renovate the house. This application was approved and the renovations have been undertaken. The application, dating from 2019, also sought approval for the demolition of a chimney. Because the demolition of the chimney failed to satisfy the Heritage Code, Council placed a condition (see below) to ensure its protection.

'HER 11

The chimneys must be retained. Demolition of chimneys is not approved.

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

Reason for condition

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

The applicant proceeded to demolish the chimney, without a planning permit and in contravention of the specific HER 11 condition on the permit. Further advice was given by the Building Surveyor and the Council that the demolition occurred without a Planning Permit. The applicant is now retrospectively seeking approval for this act.

The chimney was a significant part of a Californian Bungalow which makes a positive contribution to the precinct. The demolition is in contravention HER 11 of PLN-19-485 .

From the Historic Heritage Code of the Planning Scheme the following Demolition clause applies:

E 13.8.1 P1 states:

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

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

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

heritage values of the precinct.

The chimney is a period feature/fabric of the Californian Bungalow which contributes to the historic cultural heritage significance of the precinct. The applicant has not articulated any environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place. A prudent or feasible alternative would have been to retain and support the chimney as required by HER 11 of PLN-19-485. The replacement portion of the building (without a chimney) is not more complementary to the heritage values of the precinct.

Recommendation

The 'proposed' demolition of the chimney fails to satisfy E 13.8.1 P1 of the Historic Heritage Code of the Scheme. This application is recommended for refusal. The recommendation for refusal is consistent with written advice previously given to the applicant by the Cultural Heritage Unit.

Grounds for refusal

The proposal does not meet the acceptable solution or the performance criteria with respect to clause E 13.8.1P1 (a) to (d) of the *Hobart Interim Planning Scheme 2015* because the proposed demolition will result in the loss of buildings and fabric that contribute to the historic cultural heritage significance of the precinct and it has not been reasonably demonstrated that: there are environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; or that there are no prudent or feasible alternatives; or that the new work is more complementary to the heritage values of the precinct.

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06
2021

8. REPORTS

8.1 Short Stay Accommodation - Potential Planning Scheme Amendments File Ref: F21/17902

Report of the Development Planner, Senior Advisor Research and Policy, Manager City Futures and the Director City Planning of 11 August 2021 and attachments.

Delegation: Council

REPORT TITLE: SHORT STAY ACCOMMODATION - POTENTIAL PLANNING SCHEME AMENDMENTS

REPORT PROVIDED BY: Development Planner
Senior Advisor Research and Policy
Manager City Futures
Director City Planning

1. Report Purpose and Community Benefit

- 1.1. The purpose of this report is to consider issues relating to entire home Short Stay Accommodation (SSA), and whether there are any possible planning scheme amendments to address these issues.
- 1.2. The report is in response to two separate Council resolutions on 17 December 2020 and 9 February 2021.
- 1.3. The report will benefit the community by considering possible planning scheme amendments that may help to mitigate negative impacts of SSA.

2. Report Summary

- 2.1. SSA is known to have impacts on the communities where listings are located.
 - 2.1.1. Precise quantification or attribution of the advantages and disadvantages is difficult due to limited access to data and the complexities of housing markets.
 - 2.1.2. Possible benefits include dispersal of visitor spend to neighbourhoods outside tourist centres, income for hosts, and more home-like, cost-effective accommodation for guests.
 - 2.1.3. Possible drawbacks include increasing housing costs, increasingly socially and spatially-fragmented neighbourhoods, noise and privacy issues, and impacts on traffic, parking, waste management and other services.
- 2.2. An impact of SSA that is of particular interest for Hobart is that of housing supply and affordability.
 - 2.2.1. Research conducted by the Australian Housing and Urban Research Institute (AHURI) has shown that Hobart has a higher density of Airbnb listings as a proportion of the overall rental market than any other city in Australia (12 per cent), also one of the highest densities in the world. The concern is that at least some of these properties may be suitable for long-term rentals, an important factor when rental vacancies are low.
 - 2.2.2. The Real Estate Institute of Australia gives 3.0 per cent as a healthy benchmark rate. According to SQM Research, Hobart's

vacancy rate is currently very low, at 0.6 per cent. Vacancy rates have been tight for some time; Hobart's vacancy rate was also at 0.6 per cent three years ago.

- 2.2.3. According to Tasmanian Government (CBOS) January-March 2021 reporting on data required to be provided to them by SSA platform providers, there are 971 total listings in Hobart LGA, 335 of which are not the host's primary residence (second only to Glamorgan-Spring Bay, which has 337 such listings).
- 2.2.4. It is important to note there are limitations to this data, in particular that it is not possible to differentiate between entire home listings that are detached houses or units and those that are ancillary/secondary dwellings (see section 4.31 of this report).
- 2.3. This report examines possible means of regulating SSA through the Tasmanian Planning Scheme (TPS), via Hobart's Local Area Provisions.
- 2.4. There are limited possibilities for regulating SSA under the TPS, but for those options that do exist, their relative merits and issues are described.
- 2.5. Further research would be required to determine the desired impacts of the regulation (for example, on social, affordability, supply or other outcomes) and to ascertain whether pursuing such regulation would likely achieve them.

3. Recommendation

That:

- 1. Council consider the option of inserting one or more specific area plans into the Hobart Local Provisions Schedule that prohibit entire home short stay accommodation use (excluding for 'secondary residences');***
- 2. Council consider advocating to the Minister for Planning to issue a planning directive that immediately prohibits new permits for entire home short stay accommodation within the Hobart Local Government Area;***
- 3. Council consider advocating for statewide regulations, similar to those in NSW, that enable councils to make decisions about properties within their local government area; and***
- 4. Council consider advocating to the Tasmanian Government to form a 'Housing Supply Forecasting Council' in line with Recommendation 5 of the report Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform.***

4. Background

- 4.1. At its meeting on 17 December 2020, the Council resolved *inter alia* that:

A report be prepared on the possible amendments, and their merits, to the planning regulations to more appropriately control the number of private properties being converted to whole home short stay accommodation.

- 4.2. At its meeting on 9 February 2021, the Council resolved *inter alia* that:

(a) A report be prepared on the possible amendments, their merits and potential consequences, to the planning regulations to implement the following recommendations made in the UTAS Report titled: Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform:

Recommendation 3: That the Tasmanian Government amend the current planning scheme to allow consideration of housing market conditions when making planning decisions.

Recommendation 4: That the current planning scheme include provisions so that it can respond to community-level housing needs in a timely manner.

(b) Advice be prepared as to the merits and potential consequences of endorsing Recommendation 5 of the same report:

Recommendation 5: That the Tasmanian Government establish a Housing Supply Forecasting Council to collect and analyse housing supply and demand drivers, including the impact of the SSA sector, and provide policy recommendations.

- 4.3. This report responds to both resolutions, outlining the City's possible regulatory responses under the TPS, as well as providing examples of where similar approaches have been undertaken elsewhere.

- 4.3.1. It first provides background on the impacts of SSA, followed by possible planning scheme approaches and their potential impacts.

IMPACTS OF SHORT-STAY ACCOMMODATION

- 4.4. Gurran and Phibbs (2017) outline the ways that SSA enables new forms of holiday accommodation:

- Individuals can rent out a spare bed in a living area or room within their own house or apartment, remaining present during the visit.
- People might list their homes for rent while they are away.
- Owners of holiday houses might make their property available for others when not in use.

- Investors might use short-stay accommodation platforms to market homes that are solely reserved for short-term tourism accommodation.
- 4.5. The same study outlines key issues and impacts, focusing on the Airbnb platform in particular:
- 4.5.1. **Contentious economic impacts:** Airbnb argues that their guests stay longer, spend more money, and bring business to non-tourist areas, and that Airbnb does not directly compete with hotels. However, studies suggest negative impacts on hotels, especially at the lower end of the market, although independent, empirical evidence of this impact is limited.
 - 4.5.2. **Compliance with regulation:** Although many cities have attempted to regulate SSA, especially entire home listings, enforcement is difficult and the platforms themselves do not require compliance but rather put the onus on hosts to do so voluntarily. Proponents argue the guest/host review system creates a form of self-regulation.
 - 4.5.3. **Management of urban planning issues:** Self-regulation has meant that planning and related systems have limited ability to control impacts on broader issues typically dealt with by regulation of the tourism sector, such as traffic, parking, waste, noise/privacy impacts, safety/emergency/fire/disability access requirements and likely occupancy levels.
 - 4.5.4. **Influence on rental markets:** Vacancy rates are at equilibrium rate when there is no upward or downward pressure on rents. When vacancy rates are lower or closer to the equilibrium rate, even small changes to supply can effect rents and lead to supply shocks. Evidence suggests links between conversion to SSA and rental and housing prices.
 - 4.5.5. **Benefits to hosts:** Some proponents argue that hosting helps earn income to cover otherwise unaffordable housing costs. The ability to do this depends on having extra space, living in a desirable location, and having an aesthetically appealing and comfortable home. Not mentioned in the study but also relevant is the quality of life impact of sharing living space and/or managing a listing if hosts do not want to do so but feel they don't have a choice if they want to keep the property.
- 4.6. Many studies of SSA impacts have been undertaken, by government bodies, academic institutions, peak bodies and SSA platforms themselves.
- 4.6.1. It is outside the scope of this report to provide detailed analysis of this research, however, some key findings are provided here for context.

- 4.7. A body of research exists in relation to the impacts of SSA (focused mainly on Airbnb, which has the greatest market share), and, in particular, implications for regulation and planning policy.

4.7.1. Yeon et al. (2020) found that regulation of Airbnb in New York City led to a decrease in the number of listings and in monthly revenue on the Airbnb platform. The authors acknowledged uncertainty as to whether the regulation was effective in terms of improving social welfare outcomes.

4.7.2. At the same time, Nieuwland and Van Melik (2020) have found that 'most regulations are failing to achieve their goal', because they do not take the 'innovative aspects' of SSA platforms into account. They note that:

'Isolating the effect of Airbnb is ... problematic ...
Neighbourhood changes are often intermingled with already existing problems related to tourism and/or gentrification ...
Hence, attributing both positive and negative externalities to [STRs, or short-term rentals] alone would be ignoring other processes occurring in the neighbourhood.

Measuring policy effects is equally difficult, as quantitative metrics like compliance rates tell little about the actual compliance or the perception of STRs on the ground. It is time-consuming to monitor an increasing number of listings in a very dynamic STR market that is almost completely operating online. Additionally, there is the issue of responsibility that lies with the host who does not operate as a traditional business and thus cannot be regulated in this manner'.

4.7.3. Wegmann and Jiao (2017) study of Boston, Chicago, Austin, San Francisco and Washington, DC found higher densities of listings close to central business districts and, in three of five cities, around rapid transit lines. Listings tended to concentrate in 'modestly-scaled yet lively neighbourhoods, replete with public transit options, walkable streets, and a lack of children'. They offer four guiding principles for regulators:

- 'Web scraping is an imperfect and (hopefully) temporary but nevertheless useful source of data on urban vacation rentals for city governments when alternatives are lacking'.
- 'Regulations limiting concentrations of urban vacation rentals within particular neighbourhoods, and possibly redistributive mechanisms, are worth considering'.
- 'Meaningful enforcement of regulations on urban vacation rentals likely requires dedicated staff, who can be funded via permit fees'.

- ‘Distinguish between “mom-and-pop” and commercial operators’.
- 4.7.4. These studies are only three examples, however they underline the complexity of obtaining accurate and timely data, attributing the causes of community issues (such as housing unaffordability) and enacting and enforcing regulations with the intended effects (i.e. maximising positive impacts and minimising negative impacts of SSA).
- 4.7.5. Some authors (such as Quattrone et al. 2016) have argued for algorithmic regulation, based on ‘the analysis of large sets of data to produce regulations that are responsive to real-time demands’.
- 4.7.6. However, in the absence of comprehensive data from SSA platforms themselves, web-scraping, using sources such as AirDNA and Inside Airbnb, was common amongst these studies. Access to accurate data is a frequently cited issue, and one that New York City, for example, has attempted to address via regulations requiring hosts to share data with the City.
- 4.8. Less research has been undertaken on the benefits of SSA, although there is a body of work on why particular user groups choose SSA over other accommodation options.
- 4.8.1. For example, Amaro et al. (2019) found that the strongest predictors for millennials (from China and Germany) in choosing to book on Airbnb were subjective norms (pressure from a valued social group to engage or not engage in a behaviour), uniqueness/variety of accommodation options and positive attitudes towards online shopping. Although economic benefits had an impact, they found it to be the least important determinant.
- 4.9. In 2017, Airbnb commissioned Deloitte to undertake a study into the economic impacts of Airbnb in Australia.
- 4.9.1. The vast majority of Airbnb guest arrivals for Hobart listings are from Australia (42,103, or 61 per cent of the total).
- 4.9.2. The report says that Airbnb contributes \$38 million in value add and 417 FTE jobs in the regional Hobart economy. These figures are derived from the estimated \$86 million Airbnb guests spent in the economy overall from 2015-16. Tourism expenditure is estimated using survey and booking data provided by Airbnb, and tourism regional expenditure data from TRA. The report does not take into account that guests might spend the same whether staying in a hotel or Airbnb property, so it is questionable whether the value added is a result of the platform or of tourism activity more broadly.

- 4.9.3. The report explains that survey data shows that 46 per cent of guests' daytime spend is within the same suburb as their accommodation, and that 98 per cent of hosts recommend local businesses to guests.
- 4.9.4. In terms of benefits to hosts, the report showed a median annual income of \$7,120 earned by Tasmanian hosts, a somewhat modest sum, especially considering the costs of maintaining a home as a listing.
- 4.10. Many governments have regulated SSA, including the Tasmanian Government.
- 4.10.1. On 22 May 2018, the Legislative Council of Tasmania resolved that a Select Committee be appointed to inquire into the SSA industry in Tasmania, with a focus on:
- the growth of short stay accommodation in Tasmania and the changing character of the market including recent trends in online letting of short stay accommodation
 - the impact of short stay accommodation on the residential housing sector
 - the impact of short stay accommodation on the tourism sector
 - regulatory issues including customer safety, land use planning, neighbourhood amenity and licencing conditions compared to other jurisdictions in Australia and worldwide.
- 4.10.2. By the time submissions closed on 10 August 2018, 192 submissions had been received. A wide range of individuals and organisations provided submissions, including:
- Break O'Day Council
 - Youth Network of Tasmania
 - Battery Point Community Association
 - LGAT
 - Tenants' Union of Tasmania
 - Tourism North Tasmania
 - Restaurant and Catering Industry Association
 - Tasmanian Hospitality Association
 - Australian Institute of Building Surveyors
 - Tasmania Fire Service
 - UTAS
 - TasCOSS
 - Tourism Industry Council Tasmania
 - Tasmanian Government
 - Shelter Tasmania

- 4.10.3. Airbnb, HomeAway (Stayz) and a range of accommodation providers provided submissions.
- 4.10.4. Submissions from individuals included people describing both positive (such as for hosts) and negative impacts (such as on neighbourhood amenity) of SSA.
- 4.10.5. The City of Hobart also provided a submission. The key points of that submission were:
- The impact of short stay accommodation on the private rental housing market and house prices generally should be monitored on an ongoing basis in relation the supply and cost of housing for permanent residents.
 - It is appropriate for planning controls to regulate residential amenity impacts particularly in apartment complexes.
 - It is important that any planning regulations be sufficiently flexible to take account of local circumstances and the character of particular localities with Battery Point being a case in point.
- 4.10.6. In their final report, the Committee made a set of recommendations, to which the Tasmanian Government responded on 11 February 2020 (provided at **Attachment C**):

Recommendation	Government response	Comment
1. An urgent review of safety standards for short term accommodation be undertaken to mitigate risks and address inconsistencies between provider types.	Support	The Director of Building Control will review the Director's Determination – Short or Medium Term Visitor Accommodation during 2020.
2. The State Government goes further than the requirements in the <i>Short Stay Accommodation Act 2019</i> and develops comprehensive data collection and analysis programs, covering both short stay accommodation and the private housing market, to underpin policy and resourcing responses in relation to housing supply and demand.	Support in principle	The Government currently collects data and will continue to develop its data collection and analysis program. For example: the analysis of future housing demand being undertaken by the University of Tasmania as part of AHAP2.
3. For properties other than a principal place of residence, local government authorities be provided with discretionary powers to issue permits regarding short stay accommodation.	Support in principle	Under the Current interim planning schemes and the new Tasmanian Planning Scheme, planning authorities have the discretion to seek amendments to the planning rules for short-stay accommodation where there is a valid planning reason to justify the variation.
4. Local government authorities determine the frequency and rate of permit fees for short stay accommodation.	Not supported	Planning permits are generally issued in perpetuity. The fee is only charged once and not levied annually. The only fee that is capped is the fee applied to a permitted change of use in residential zones, councils have discretion in regard to other fees. Any changes to the current system would only be considered on the basis of evidence, including data that is being collected under the <i>Short Stay Accommodation Act 2019</i> .
5. Short term rental of a person's principal place of residence be exempt from obtaining a short stay accommodation permit but be required to be registered with the local government authority for data collection purposes.	Not supported	The Government's existing data collection program includes the collection of data related to listings on platforms that are exempt from planning permits. The Government does not support registering home sharing that has been deemed to be exempt from planning permits.
6. Short stay accommodation providers be required to have appropriate levels of public liability insurance.	Support	The Government supports short-stay accommodation providers having appropriate insurance. The various booking platforms require accommodation providers to have insurance. The Government will seek legal advice regarding the need for a regulatory requirement for public liability insurance.

- 4.10.7. However, by that time, SSA had already been regulated at the state level through the *Short Stay Accommodation Act 2019*,

which commenced on 4 June 2019. The Act requires booking platform providers to collect and display certain information about SSA premises and to report on that information quarterly. Reports can be found at:

<https://cbos.tas.gov.au/topics/housing/short-stay-accommodation-act>

4.10.8. Full details of the Legislative Council SSA inquiry can be found at:

<https://www.parliament.tas.gov.au/ctee/Council/LC%20Select%20ShortStay.html>

4.11. The primary issue under consideration is the impact of SSA on housing affordability.

4.11.1. Housing availability and affordability is a highly complex issue influenced by a range of factors, only some of which can be influenced by government policy.

4.11.2. The key question is: to what extent can (planning) regulation of SSA improve affordability?

4.11.3. Deriving responses to this question is challenging because of the uneven data landscape.

4.11.4. SSA platforms, such as Airbnb and Stayz, are private companies with control of their data. Government requirements for platforms to share data (such as in Tasmania) provide only a partial solution. The platforms themselves have access to the totality of their data, for all their guests and hosts, for all time, and across the entire world. The scale and reach of these companies provide them with opportunities for sophisticated data collection and analysis.

4.11.5. Equally, absent regulatory requirements, these providers can choose what data they collect, for example, about various types of 'entire home' listings (for example, to differentiate between whole houses vs ancillary dwellings). Given that, when governments do decide to regulate, the data may not have been collected in a usable format, in terms of targeting particular types of listings.

4.11.6. Governments, meanwhile, rely on the limited data the companies have been required to share, in addition to analysis that can be obtained from third-party data scrapers, such as Inside Airbnb and AirDNA.

4.11.7. These limitations make it difficult to fully ascertain the impact of SSA on local housing markets and planning issues, as well as the impacts of regulation.

- 4.11.8. At the same time, regulation of SSA is relatively novel and often undertaken at national, state or large city level, making comparisons with Hobart difficult – in terms of regulatory context and the resourcing required for enforcement.
- 4.11.9. Many of the cities that have acted the most swiftly and strongly have comparatively large and higher-density populations, also limiting comparisons with Hobart. Examples include New York City, Barcelona, Paris and London.
- 4.11.10. Others have different relationships between government levels. For example, Scotland, at the central government level, has empowered local governments to regulate. Edinburgh is a prominent example.
- 4.11.11. Further research would be required to understand how well these approaches have worked in terms of improving housing affordability and to what extent and in what ways lessons learned could be applied in Hobart.
- 4.12. The focus of this report is primarily on entire home listings.
 - 4.12.1. The entire home category can include detached houses, but also apartments, studios, house boats, yurts – essentially any dwelling where guests have the entire place to themselves.
 - 4.12.2. Those entire homes that are in the form of detached houses, apartments and similar are the most suited to longer-term rentals, and thus conversion of entire homes to SSA can impact the private rental market. This type of listing is of primary interest for the purposes of this report.
- 4.13. Hobart's low vacancy rate, increasing rent rates and relatively high proportion of SSA premises in the rental market suggest it is reasonable to investigate increased control of SSA (particularly entire home listings) in the Hobart municipal area.
 - 4.13.1. However, further research and analysis would need to be undertaken to better describe the issues and impacts, as well as the potential effects of pursuing a given regulatory pathway.
 - 4.13.2. Cities that have regulated (such as New York City) have had mixed success with achieving desired impacts, including challenges with enforcement and accurately measuring and monitoring the number of SSA listings, such as for entire homes.

THE TASMANIAN PLANNING SYSTEM

- 4.14. Any regulation of SSA through the planning scheme would need to be within the current limitations of the Tasmanian Planning System.

- 4.15. The SSA provisions of the current planning instruments (the Hobart Interim Planning Scheme 2015 (HIPS) and the Sullivans Cove Planning Scheme 1997 (SCPS)) cannot be changed by planning authorities. This constraint is because of planning directive (PD6), which covers Visitor Accommodation and overrides these planning schemes.
- 4.16. PD6 allows for Visitor Accommodation in existing buildings of up to 200m² (unless part of a strata scheme with existing residential use) as a permitted use in most residential zones (with the exception of those in Battery Point).
- 4.17. Any changes to PD6 would have to be made by the Tasmanian Government.
- 4.18. Although the current planning schemes cannot be amended, there may be an opportunity to introduce new provisions into the Hobart Local Provisions Schedule (LPS) of the TPS, as PD6 would no longer be in force at the time the TPS is operating.
- 4.19. Similar provisions to PD6 will be carried across into the zone use standards of the State Planning Provisions, but these can be overridden by specific provisions of the LPS.
- 4.20. A draft LPS is currently with the Tasmanian Planning Commission (TPC).
- 4.21. The next step is for the TPC to direct public exhibition of the LPS.
- 4.22. Any amendment to the LPS provisions would need to be inserted into the LPS as a separate planning scheme amendment after the Tasmanian Planning Scheme comes into operation.
- 4.23. Any amendment to include new SSA provisions in the LPS will take many months, and therefore the current proportion of SSA may continue to increase.
- 4.24. In the meantime, the City could choose to advocate to the Tasmanian Government that they issue a prohibition for new entire home SSA permits within in the Hobart Local Government Area.
- 4.25. This could be achieved by way of an interim planning directive.
 - 4.25.1. Under the *Land Use Planning and Approvals Act 1993* (LUPAA), the Minister for Local Government and Planning may issue an interim planning directive with immediate effect.
 - 4.25.2. Therefore, the process for an interim planning directive would allow for new SSA restrictions to be in force significantly more quickly than is possible through amendment of the LPS.
 - 4.25.3. In its response to the Legislative Council inquiry, the Tasmanian Government gave 'support in principle' to the recommendation

that local government authorities be provided with discretionary powers to issue permits for SSA. This response was on the basis of local governments already having the power to seek amendments to the planning rules for SSA, where there is a valid planning reason to justify variation.

- 4.25.4. It is noted, however, that the Tasmanian Government has previously expressed disinterest in capping SSA permits.

REGULATORY APPROACHES

- 4.26. This section outlines four planning approaches to regulating SSA, and the possibilities for planning scheme amendments on the basis of each:

- **Planning provisions**
- **Caps**
- **Licence/permit systems**
- **Standards** (health, safety and guest requirements)

- 4.27. These approaches or a combination thereof have been taken in several jurisdictions, both in Australia and overseas.

- 4.27.1. Some are detailed in the report prepared by the University of Tasmania (Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform) (**Attachment A**).

- 4.28. It is important to note that other cities, states and countries have different planning systems, therefore, what works in a given jurisdiction will not necessarily be possible within Hobart's regulatory context.

- 4.29. Many cities have used a combination of approaches, for example, planning zones in addition to licencing in the case of Scotland.

Planning provisions

- 4.30. There is potentially an opportunity to introduce one or more Specific Area Plans (SAP) into the LPS with new requirements for SSA, either more broadly or in specified locations.

- 4.30.1. SAPs are an element of the LPS that allow planning authorities to implement specific provisions in areas with unique characteristics. Provisions in a SAP can override zone and code provisions of the State Planning Provisions.

- 4.30.2. Under the current HIPS, the Battery Point area already only allows for visitor accommodation if it is within an existing building and does not displace a residential use, or is a bed and breakfast establishment. These controls in Battery Point will continue under the LPS.

- 4.30.3. SSA controls, similar to the Battery Point restrictions, could be introduced for other areas in Hobart by way of a SAP.
- 4.30.4. As conversion of entire homes into SSA premises is considered to have the most impact on the housing market, any controls should be primarily focused on these types of operations.
- 4.31. The simplest and most effective option of control would be to prohibit entire homes being used solely as SSA.
- 4.31.1. An entire home would be defined as any dwelling, including apartments, but excluding secondary residences.
- 4.31.2. Under the State Planning Provisions, a dwelling is defined as follows:
- Means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.*
- 4.31.3. A 'secondary residence' is defined as follows:
- An additional residence which is self-contained and:*
- a) has a gross floor area not more than 60m²*
 - b) is appurtenant to a single dwelling;*
 - c) shares with the single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters; and*
 - d) may include laundry facilities.*
- 4.32. The types of SSA that could be excluded from such a prohibition include:
- letting of a primary place of residence while the occupants are temporarily absent
 - letting of rooms in a primary place of residence while the owner or occupier is present
 - letting of 'secondary residences' while the owner or occupier is present on site.
- 4.33. The exemptions of the TPS state that Visitor Accommodation is exempt in a dwelling (including a secondary residence) if:

- a) the dwelling is used by the owner or occupier as their main place of residence, and only let out while the owner or occupier is on vacation; or
 - b) the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than four bedrooms.
- 4.34. The exemptions of the TPS cannot be overridden by provisions of a LPS. A SAP restricting entire home SSA permits would not conflict with this exemption.
- 4.35. It is noted that a SAP could only prohibit new uses. It would not be possible to remove existing permits.
- 4.36. It is further noted it is likely any impact on the housing market would likely be delayed until new dwelling completions 'dilute' the proportion of SSA in the market.
- 4.37. If a SAP were introduced, the extent of the area of application would need to be determined.
 - 4.37.1. It is possible to apply a SAP prohibition to a limited area around central Hobart where there is the highest concentration of SSA, allowing entire home listings to still occur in less-affected suburbs.
 - 4.37.2. A potential effect of this approach, however, is that it would likely push entire home SSA into surrounding Hobart suburbs, and increase rental pressure in suburbs that may be currently slightly more affordable.
- 4.38. **Attachment B** shows the February 2021 distribution of entire home Airbnb listings with availability of more than 60 days per year (data source: Inside Airbnb).
 - 4.38.1. It appears from this map that, while there are areas of concentration around the city centre, Airbnb listings are in fact fairly widely distributed across the whole Hobart LGA.
- 4.39. It would be possible to apply a SAP prohibition on entire home listings over specific zones – for example residential zones – allowing entire home SSA to continue in business/commercial zones.
 - 4.39.1. It is likely that this approach would see SSA listings concentrate within the city centre and surrounding non-residential zones.
 - 4.39.2. This approach, however, is likely to cause negative impacts on the achievement of the intentions for the Central Hobart Precinct Plan project (CHPP).

- 4.39.3. One of the primary expectations of the CHPP is that the density of the residential population in the inner city will increase to account for population growth, enliven the city, reduce car dependency and provide a range of housing typologies currently underrepresented in Hobart.
- 4.39.4. Residential apartment developments in inner city locations are expected to continue to increase, and if demand is high to convert these apartments for SSA use, it will likely displace permanent residents.
- 4.40. The remaining option is to propose a SAP prohibition on entire home SSA premises across the entire Hobart LGA.
 - 4.40.1. This option may allow for a reduction in the concentration of SSA in the Hobart market as new building stock is constructed, and could allow time for further research on the impacts of SSA.
 - 4.40.2. There is a risk, however, that the TPC may not approve a SAP that applies broadly across the municipal area due to the definition of a SAP in LUPAA.
 - 4.40.3. The TPC may accept multiple SAPs that apply to different localities that collectively cover all zones that allow for residential use.
- 4.41. It is noted there are some potential impacts of prohibiting entire homes across the whole LGA being used as SSA.
 - 4.41.1. These impacts may include that entire home SSA demand could shift to other municipal areas and exacerbate affordability issues for adjacent localities. As demand for listings appears to be strongly location-based, it is uncertain whether a high level of demand would persist further from the city centre.
 - 4.41.2. Further, it is possible that preventing new entire home SSA premises could inflate the value of those dwellings that have an existing permit for the use.
 - 4.41.3. It is also unknown what tourism impact the prohibition of new entire home SSA premises might have on Hobart, although it is noted there are already a relatively high number of permits which will not be retrospectively affected.
- 4.42. It is likely there could be a positive impact for hotel operators (who have been heavily impacted by additional factors such as COVID-19) if entire home SSA offerings are limited. This may have flow-on benefits to employment in this sector.
 - 4.42.1. The hotel occupancy report issued by the Tasmanian Hospitality Association in January 2021 showed hotel occupancy rates were down across Tasmania when compared

to previous years. This can be directly attributed to State Government restrictions and a downturn in tourism as a result of COVID-19.

4.42.2. Across Tasmania, quarterly occupancy rates for the period ending January 2021 were at 56.31 per cent, compared to 82.89 per cent in the previous year.

4.42.3. In Southern Tasmania, quarterly occupancy rates for the period ending January 2021 were at 57.88 per cent, compared to 91.45 per cent in the previous year.

Caps

4.43. Setting a 'cap' on SSA could mean limiting the maximum number of nights a property can be used as SSA, a minimum stay requirement, a minimum requirement for the number of nights a primary resident is present, or a numerical cap on the number of SSA permits.

Cap on permitted number of SSA permits

4.44. Setting a cap on the permitted number or percentage of entire home SSA permits is considered to be an unviable option for the planning scheme.

4.45. Under LUPAA, a permit for use is valid until that use has ceased operation for a continuous period of two years.

4.45.1. If a dwelling stopped operating as SSA, the permit would remain valid and could recommence at any time within two years, making it very difficult to determine the number of operating SSA premises at any single point in time.

4.46. The other difficulty with a numerical or percentage cap is determining what the number should be, and how it should be distributed spatially.

Cap on number of nights

4.47. A cap on the number of nights is another option implemented in other jurisdictions.

4.47.1. In London in 2017, Airbnb itself restricted entire home listings to a maximum of 90 days annually, likely in response to increasing pressure on the company to deal with its impacts on housing supply and affordability.

4.47.2. However, research commissioned by London City Hall found that as many as 23 per cent of the 80,000 listings in London remained in breach of the limit.

4.47.3. It is worth noting that Airbnb disputed the findings, which were informed by third-party data scrapers.

- 4.48. Currently, under PD6, properties let as SSA while the owner or occupier is 'temporarily absent' from their main place of residence are exempt. This exemption will continue under the TPS.
- 4.49. There is no definition of many nights of SSA per year an exemption for 'temporary absence' can allow for. Currently, it is considered operationally to mean that the owner or occupier must be present for a longer period than they are absent each year, so the dwelling could be let for up to six months of any year.
 - 4.49.1. It is noted that in recently proposed SSA provisions in NSW, the threshold is also six months (180 days) per year.
- 4.50. The existing exemption for the letting of a main place of residence while an owner is 'temporarily absent' is akin to having a 'cap' on the number of nights an entire home SSA may be available.
- 4.51. The main issue with a 'cap' on the allowable number of nights is that it requires effective compliance. However, given the state-mandated exemptions relating to temporary letting of main places are already in operation and will continue to operate under the TPS, there will be no increase to the current compliance requirements.

Licence / Permit Systems

- 4.52. A planning permit is currently required for entire home SSA listings, unless they are a main place of residence that is let while the owner or occupant is temporarily absent. This will continue under the TPS.
- 4.53. Planning permits cannot be retrospectively altered or removed and, as previously noted, can remain valid for up to two years after a use has ceased operation.
- 4.54. Ongoing or recurring fees (beyond the initial planning application fee) cannot legally be charged under the Tasmanian Planning System.
- 4.55. As such, a more responsive licencing system that could redistribute licences that are no longer being utilised, increase or decrease the number of licences available depending on market conditions and charge yearly fees is not possible through the planning scheme.
- 4.56. A system like this could likely only be implemented by the Tasmanian Government through the building system and would need to be significantly resourced to keep pace with changing market circumstances and to audit and enforce the operation of licenced premises.
- 4.57. A number of jurisdictions have implemented or are implementing regulations relating to licenses or permits for change of use.
 - 4.57.1. On 1 November 2021, the NSW Government will introduce statewide regulations described as the 'toughest in the country'

that require property owners to apply to their local council and meet a range of obligations relating to insurance, safety and evacuation requirements, before their home is deemed compliant for use as SSA. Councils are able to opt-in to a by-law to limit SSA property availability to no more than 180 days per year.

- 4.57.2. The City of Victoria in Canada (approximate population 92,000) enforced a business license valued at \$1,500 for homes that are not a principle place of residence. This resulted in a slight decrease in SSA listings and revenue for the City of more than CA\$800,000, but involved monitoring for compliance and disciplinary action.

Standards – Health, Safety and Guest Requirements

- 4.58. It may be possible to introduce stricter requirements for SSA change of use applications through a SAP, rather than prohibit the use outright.
- 4.59. As described in 4.57.1, the NSW Government, for example, plans to introduce statewide regulations in 2021. These regulations are in addition to an industry Code of Conduct introduced in December 2020, a publicly available exclusion register for non-compliance, and changes to strata legislation that allows strata schemes to opt-in to a by-law that restricts SSA. Councils are also able to opt-in to a by-law to limit SSA property availability to no more than 180 days per year.
- 4.60. It is worth noting these changes were made at a state government level, allowing for a much more flexible and overarching approach. Increased safety and operation regulations are only part of the NSW response.
- 4.61. There are two primary issues with an approach that only increases regulatory requirements in isolation of other measures.
- 4.62. Firstly, it is uncertain what level of impact this approach would have on the SSA market.
- 4.62.1. In terms of whether it is likely to significantly slow the conversion of dwellings, SSA can be a lucrative investment option yielding high returns. Significant research would be required to understand what sort of impact higher requirements might have on deterring investors.
- 4.62.2. Given entire home listings are already at a relatively high proportion of rental stock and are having an impact on the rental market in Hobart, this suggests that facilitating more listings (even at a potentially reduced rate) will not likely alleviate the issue.
- 4.63. The second issue is that higher regulatory requirements will only be successful if effectively enforced. It is likely such requirements would significantly increase the burden on compliance resources.

- 4.64. In addition, the issues that the standards approach addresses are more related to concerns with the way individual SSA premises operate, rather than concerns around the impact SSA has more broadly on housing affordability.
- 4.65. The new NSW regulations require basic safety standards for all SSA (including part-home listings) such as fire alarms and evacuation plans. Under the Tasmanian planning system, given many part-home SSA listings will be exempt from requiring a planning permit, it would not be possible to enforce these sorts of requirements through the planning scheme.
- 4.66. It is noted that the Tasmanian Government supports a Director of Building Control review of safety standards for short term accommodation in its response to the Legislative Council SSA recommendations (see **Attachment C**).

RESPONSE TO THE RECOMMENDATIONS OF THE REPORT *Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform*

- 4.67. This section of the report responds to the Council resolution of 9 February 2021, which states as follows:
- (a) *A report be prepared on the possible amendments, their merits and potential consequences, to the planning regulations to implement the following recommendations made in the UTAS Report titled: Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform:*
- Recommendation 3: That the Tasmanian Government amend the current planning scheme to allow consideration of housing market conditions when making planning decisions.*
- Recommendation 4: That the current planning scheme include provisions so that it can respond to community-level housing needs in a timely manner.*
- (b) *Advice be prepared as to the merits and potential consequences of endorsing Recommendation 5 of the same report:*
- Recommendation 5: That the Tasmanian Government establish a Housing Supply Forecasting Council to collect and analyse housing supply and demand drivers, including the impact of the SSA sector, and provide policy recommendations.*
- 4.68. Recommendation 3 of the UTAS report suggests that the Tasmanian Government amend the planning system.

- 4.68.1. The view of the UTAS report is that SSA legislation is constrained by traditional planning definitions and requires updating.
 - 4.68.2. This recommendation is intended to be aimed at changes that could be made by the Tasmanian Government, rather than any individual planning authority.
 - 4.68.3. The City of Hobart has no capacity to enact change on the regulatory planning framework. As such, there are no possible amendments at the local government level that can be suggested.
- 4.69. Recommendation 4 of the UTAS report is also aimed at reforms by the Tasmanian Government.
- 4.69.1. This recommendation suggests that as housing markets are dynamic and can be subject to rapid change, a 'nimble, evidence-based regulatory framework that is flexible in the face of changing market conditions at both local and city-wide scales' is necessary.
 - 4.69.2. The report further notes that the amendment and approval process under LUPAA is protracted and not suited to making time-sensitive changes to meet the housing needs of specific communities.
 - 4.69.3. Again, the City of Hobart has no capacity to initiate the amendments that are suggested.
- 4.70. It is noted that neither Recommendation 3 nor 4 of the UTAS report intends to suggest that current planning schemes should be amended to include provisions that address the condition of the housing market when making determinations on individual planning applications for residential developments.
- 4.71. The recommendations of the UTAS report are about changing mechanisms of the planning system to have the capacity to be more responsive to change relating to SSA regulation.
- 4.71.1. Furthermore, it is noted that while the report identifies 'supply constraints' as a factor in the increasing housing pressure being experienced in Hobart, it does not identify planning approvals as a leading factor.
 - 4.71.2. The report states that the market response to housing shortages in 2018 was slow, in part due to a shortage of construction workers, but that 'approvals, commencements and completions' have since been growing.
 - 4.71.3. The report goes on to suggest that if the current number of approvals are translated into completions and sustained over

the medium-term, this should result in enough new dwellings to 'address existing pressures and house the state's growing population'. It is noted the supply chain will, however, take time to address the unmet demand.

- 4.71.4. Statistics from the last two years of planning decisions (up to March 2021) show that 117 applications for new dwellings were approved (or 136 if changes of use within existing buildings are included) and that only 4 applications were refused. The approval rate over this period, therefore, was 96.6% (or 97% if changes of use within existing buildings are included).
- 4.71.5. In terms of individual dwelling numbers, 708 new dwelling units (or 866 if changes of use within existing buildings are included) were approved and 74 were refused. This equates to 90.5% (or 92.1% if changes of use within existing buildings are included) of individual dwelling units approved in this 2-year period.
- 4.71.6. From these figures, it is clear that only a low proportion of dwellings are being refused at the planning stage. This demonstrates a lack of any need to reform the planning provisions relating to residential developments.
- 4.71.7. In addition to this, attempting to include provisions that allow for the consideration of a development's contribution to the housing supply would be problematic operationally and legally, and unlikely to yield positive planning results.
- 4.72. The current planning system is not an ideal tool to address the SSA issue due to the fixed nature of scheme provisions and the time taken to process amendments, however, as stated above, individual planning authorities have no jurisdiction to change the Tasmanian Planning System.
- 4.73. It is possible that further regulation around SSA premises could be more rapidly addressed by an interim planning directive issued by the Minister. However, the Tasmanian Government has previously indicated they are not supportive of capping SSA permits, as reported in the Mercury: <https://www.themercury.com.au/realestate/new-push-to-limit-airbnb-permits-in-hobart-as-data-reveals-the-high-density-of-shortstay-properties-in-the-capital/news-story/419674634b93f17d070803cb990cec75>.
 - 4.73.1. Other opportunities, outside of the planning system, for regulating or otherwise influencing the presence or operation of SSA premises is outside the scope of this report but could be investigated in future work.
 - 4.73.2. Better data collection and analysis, of SSA but also of related issues, could assist in monitoring SSA impacts and more responsively controlling them.

4.74. The State Government currently collects information via the *Short Stay Accommodation Act 2019*. This act requires SSA platforms to provide simple information about SSA operations, including:

- Confirmation that the property has the required planning permit (including the permit number), or that it does not require a planning permit, or has existing use rights;
- Street address of the property;
- Number of bedrooms used for short stay accommodation;
- Whether the property is the host's main place of residence.

4.75. Penalties apply for non-compliance with the Act.

4.76. More detailed information would be useful for determining the impact of SSA on housing markets, such as the number of nights premises are available, the occupancy rate of each listing, the per-night price of listings, information around periods of inactivity for SSA listings, and what former SSA premises are used for when they are not listed.

4.76.1. One potential avenue would be to advocate to the Tasmanian Government for a formal agreement regarding sharing of the raw data SSA providers are required to provide to them.

4.77. If the State Government were to form a 'Housing Supply Forecasting Council' or the like, it would likely be in a better position to implement more responsive and appropriate measures to control the SSA market than is possible within the planning scheme.

4.78. It is noted, however, that such a body would require significant resourcing to be effective, and it is uncertain what level of Local Government input might be required.

4.79. Ultimately, it is uncertain that the Tasmanian Government would have an interest in formulating such a resource-intensive body, particularly given the impact of SSA on the housing market is not uniformly experienced across the state.

5. Proposal and Implementation

5.1. There are only limited available options to control SSA through amending the planning scheme.

5.2. The current Hobart City planning schemes cannot be amended due to a Tasmanian Government Planning Directive.

5.2.1. It would only be possible to include provisions by amendment to the Hobart LPS once it is approved and there is some uncertainty as to whether these will be approved.

- 5.2.2. This means any changes cannot be immediate, and therefore cannot affect SSA applications in the short term.
- 5.2.3. In addition, if additional provisions were to be introduced via the LPS, they would not be able to be immediately responsive to changing market conditions. Removing the provisions would likely take at least 6 months through the normal amendment process.
- 5.3. Ultimately, the planning scheme is not an ideal instrument for controlling SSA due to its inability to be flexible and responsive to rapidly changing conditions.
- 5.4. Noting these constraints, this report proposes that:
 - 5.4.1. Council considers the option of inserting a SAP into the LPS once it is in effect, which prohibits use of dwellings for entire home SSA (excluding for 'secondary residences');
 - 5.4.2. Council considers advocating to the Minister for Planning to issue a planning directive that immediately prohibits new permits for entire home SSA in the Hobart municipal area;
 - 5.4.3. The Council considers advocating for statewide regulations, similar to those in NSW, that enable councils to make decisions about properties within their local government area.
 - 5.4.4. Council considers advocating to the Tasmanian Government to form a 'Housing Supply Forecasting Council' in line with Recommendation 5 of the report Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform;
- 5.5. In pursuit of any of these pathways, further research would need to be undertaken, for example, to review the impact of emerging new regulations and other approaches in other jurisdictions.
 - 5.5.1. Research for this report found a wide range of examples and responses in locations around the world.
 - 5.5.2. As many regulations are new (within the past 5 years), there is currently limited understanding of impacts.
 - 5.5.3. Some cities, such as New York City, have made varied and repeated regulatory attempts to maximise positive and minimise negative impacts of SSA. These regulations have resulted in lawsuits and varying levels of success, and interrogating these examples further could help the City of Hobart frame its own response, commensurate with resourcing, capability and context.
 - 5.5.4. Equally, research, such as that by Nieuwland and van Melik (2020), underlines the importance of pursuing place-based regulatory solutions that are sensitive to local needs and context.

The Legislative Council inquiry could be reviewed in detail to support better understanding of a range of views.

- 5.5.5. There is further emerging research, for example, through AHURI and UTAS, which could be considered in the coming months.
 - 5.5.6. There is likewise a range of other data that could be considered, for example, Tasmanian Government SSA reporting, vacancy rates, tourism trends and so on. These types of data were not considered for this report, given its focus on planning regulation options.
 - 5.5.7. Research could also consider means of managing SSA impacts beyond planning regulations.
- 5.6. However, it is important to note that pursuing this or a comparable research agenda would require adequate resourcing to be done well.

6. Strategic Planning and Policy Considerations

- 6.1. The impacts of SSA are an issue of major strategic importance for the Hobart municipal area.
 - 6.1.1. With tourism as a major contributor to Hobart's economy, the benefits of SSA need to be considered.
 - 6.1.2. At the same time, the impacts of SSA on housing supply and affordability influence quality of life and the ability of Hobart's neighbourhoods to service both residents and the tourist economy. For example, hospitality workers need to be able to afford to live close enough to their employers that they can work early and late shifts.
- 6.2. The impacts of housing affordability have been a community priority for some time, and were a key focus of the community panel discussions informing the community vision in 2018.
 - 6.2.1. This report aligns with several areas of the vision and strategic plan but most particularly vision *Pillar 7.4: We balance local needs with those of visitors and investors*:
 - Pillar 7.4.1: We invite visitors to enjoy our city and recognise their important contributions to city life.*
 - Pillar 7.4.2: We manage visitor accommodation so that it does not negatively affect or infringe on the availability of longer-term housing or reduce neighbourhood safety or cohesion.*
 - 6.2.2. These two points outline the importance balancing to be struck in responding to the impacts of SSA: supporting the tourist economy at the same time as ensuring benefits and quality of life to local communities.

7. Financial Implications

7.1. Funding Source and Impact on Current Year Operating Result

7.1.1. None arise from this report.

7.2. Impact on Future Years' Financial Result

7.2.1. Resources would need to be diverted from other City Planning activities such as the Central Hobart Precinct Plan to prepare an amendment to the LPS once it comes into effect.

7.2.2. Resources would need to be diverted from other research and policy tasks if supporting research were to be undertaken internally. External expertise on specific types of impact (for example, on housing markets) may also be required.

7.3. Asset Related Implications

7.3.1. None arise from this report.

8. Legal, Risk and Legislative Considerations

8.1. Any planning scheme changes would be processed in accordance with the LUPAA.

8.2. LUPAA requires that the LPS provisions must seek to further the objectives of Schedule 1 of the Act, be in accordance with the State Policies, meet the objectives of the Southern Tasmania Regional Land Use Strategy, be consistent with the Council Strategic Plan, be as far as practicable co-ordinated with LPSs applying to adjacent municipal areas and has regard to safety requirements under the *Gas Pipelines Act 2000*.

8.3. A Specific Area Plan may only be included in an LPS if:

- (a) *A use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area;*
- (b) *The area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or addition to, or modification of, the provisions of the SPPs.*

8.4. It is considered that a SAP relating to the restriction of entire home SSA could meet these legislative requirements. However, it is uncertain whether the SAP could apply across the entire municipal area.

8.5. There are additional legal risks to do with regulating SSA. There are several instances where Airbnb, for example, has pursued legal action in response to regulation it found unfavourable (such as in New York City).

- 8.6. At the same time, addressing the issue of SSA impacts, whether through planning regulations or another mechanism(s), could help the City manage risk, for example, by helping the organisation take a more proactive stance on trends in the tourism and housing markets.
- 8.7. There are implications and risks for delivery of other strategic directions of the Council, including the potential objectives of the Central Hobart Precincts Plan. The potential consequences of SSA regulation and policy positioning on these objectives would need to be considered.

9. Environmental Considerations

- 9.1. SSA has an impact on the environment to the extent that it affects the location and distribution of tourism accommodation infrastructure.
 - 9.1.1. Where SSA listings are located outside of city centres, guests are more likely to require cars to reach city centre or tourist destinations.
 - 9.1.2. Where SSA listings affect housing supply in more central neighbourhoods, long-term renters and home buyers are channelled towards more affordable housing in outlying suburbs and municipal areas, influencing car use and traffic congestion, greenfield development, and emissions.
- 9.2. At the same time, SSA often uses existing housing stock to support tourists, which may limit the need for hotel developments but, simultaneously, increase the need for new housing development. All new housing development carries an environmental impact.
- 9.3. Research has also shown that people use more resources when they are travelling. For example, in Bali, tourism reportedly consumes 65 per cent of local water supplies.
 - 9.3.1. Thus, redistribution of tourism accommodation outside normal tourism zones can increase pressure on environmental systems such as water and waste streams.
- 9.4. Approaches to managing the impacts of SSA should factor in these types of environmental impacts.

10. Social and Customer Considerations

- 10.1. There are a range of social and customer considerations to factor into managing the impacts of SSA. More robust regulation of the SSA sector needs to be considered in conjunction with other approaches addressing availability of social housing, housing affordability and tenant welfare.
- 10.2. This report focuses on options for regulation through the planning scheme, but social considerations form a key consideration for

regulation, i.e. to manage social impacts such as housing unaffordability and thus access to employment and services.

- 10.3. These issues also raise social equity concerns, i.e. who stands to benefit from SSA and who feels the negative impacts most strongly.
- 10.4. People already living in more vulnerable situations, for example, renting rather than owning, are in a more precarious position as rents increase and supply drops. That said, as stated previously in this report, many factors influence housing supply and affordability, not only SSA.
- 10.5. At the same time, regulating SSA will have an impact on current and prospective hosts, for example, in terms of whether they can have a listing, changes they need to make to the premises, how much it will cost to maintain it (e.g. for permits and licencing), and the supply of SSA listings in their area.

11. Marketing and Media

- 11.1. Any changes to the LPS or introduction of a new planning directive would be publicly exhibited.
- 11.2. It is likely there would be significant community and media interest in any proposal to restrict SSA operation in Hobart.
 - 11.2.1. Should further regulation be pursued, a comprehensive communications and media plan would need to be created.

12. Community and Stakeholder Engagement

- 12.1. Any changes to the LPS would be publicly exhibited and consulted with the community.
- 12.2. Following consultation, Council would have the opportunity to withdraw support for any changes before it is finally considered by the TPC.

13. Delegation

- 13.1. This matter is delegated to the Council.

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



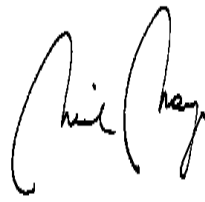
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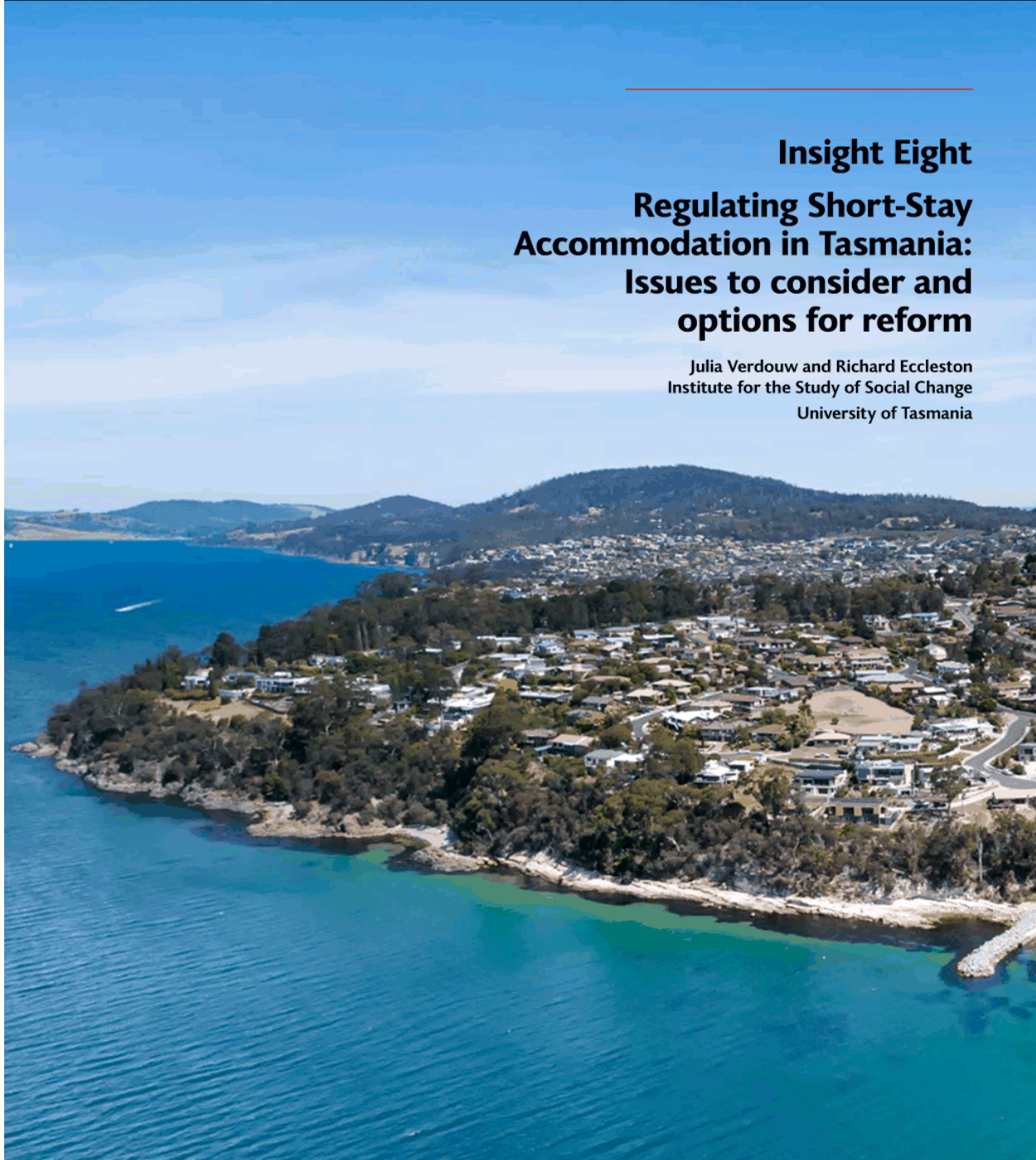
- Attachment A: UTAS Report: Regulating Short-Stay Accommodation in Tasmania: Issues to Consider and Options for Reform ↓ 
- Attachment B: Mapping of Entire Home Airbnb Listings in Hobart ↓ 
- Attachment C: Tasmanian Government response to Legislative Council SSA recommendations ↓ 

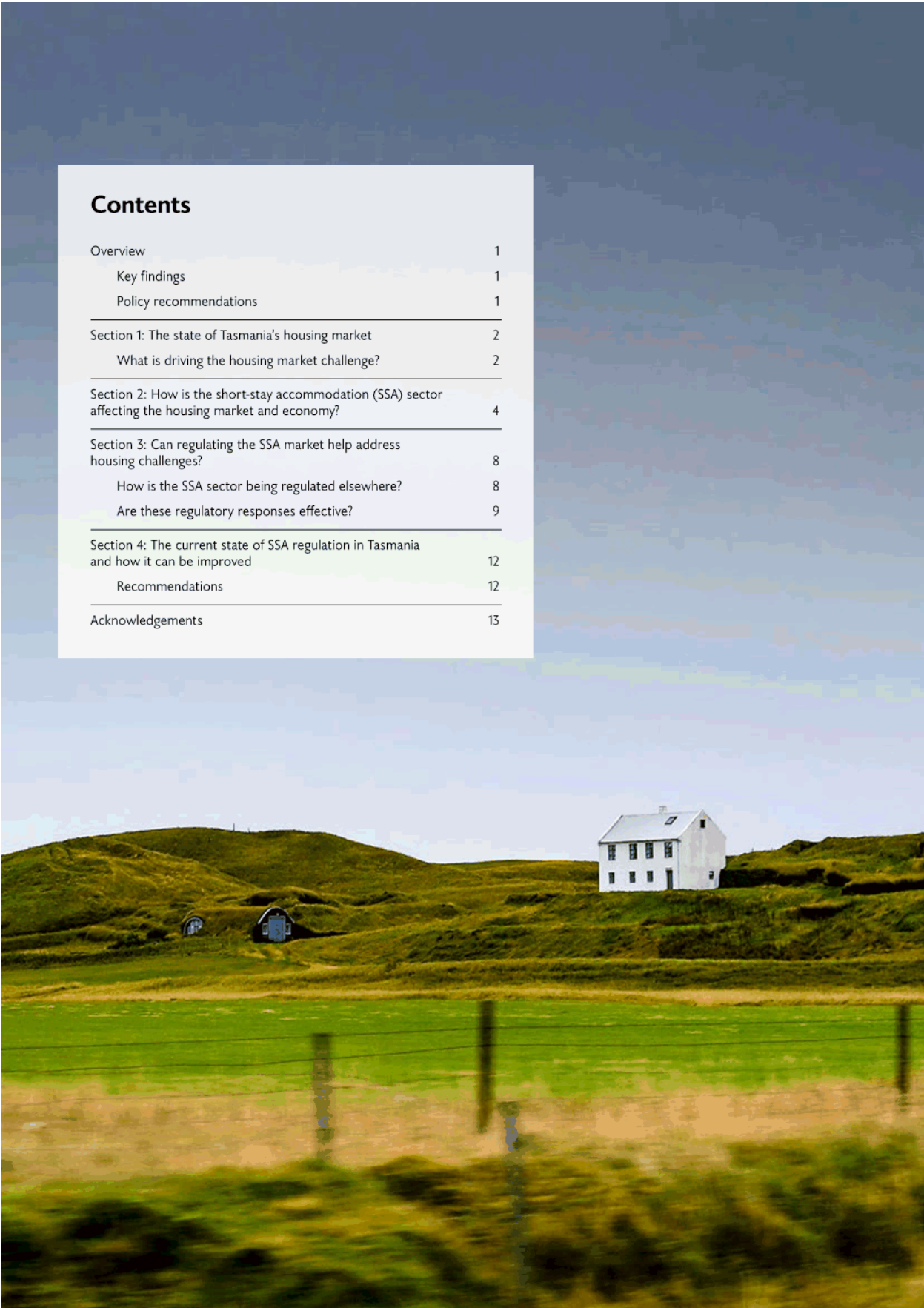


***Institute for the
Study of Social
Change***

Insight Eight Regulating Short-Stay Accommodation in Tasmania: Issues to consider and options for reform

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Overview

As with all new technologies and businesses in the “sharing economy”, the rapid growth of short-stay accommodation (SSA) services has created winners and losers.

Online platforms such as Airbnb now offer more than six million short-term accommodation listings across 191 countries. This can be a win for travellers, property owners and investors and local economies.

In Tasmania, the tourism sector has grown quickly and become increasingly important to the state. In the year to December 2018, the number of international visitors increased by 11%, outstripping the pace of growth in all other states and territories. Total tourist numbers in the state rose by four per cent to 1.32 million. These visitors are, on average, staying longer and spending more: both the number of nights tourists spent in the state and their total spending both increased by 5%.¹

Airbnb-style accommodation, including bed and breakfast establishments, also enjoyed strong growth, with an 8% jump in visitor numbers.

But there have also been losers. Tasmania faces significant housing challenges, including an acute shortage of affordable long-term rental accommodation, particularly in Greater Hobart. Housing shortages have worsened as the short-stay accommodation sector has expanded.

The question facing the state is how to develop an effective regulatory framework that embraces the opportunities the sector offers while dealing with the challenges it has helped create.

There is evidence that carefully designed regulation would have little impact on the growth of the short-stay sector and wider visitor economy but could improve housing outcomes for Tasmanians. By drawing on lessons emerging in other parts of the world, the state can balance the need

for an adequate and affordable rental sector, public housing and a sustainable accommodation industry in private homes.

We aim to make a positive contribution to debate in the Tasmanian community, the deliberations of the Legislative Council Select Committee inquiry into short-stay accommodation and the Short Stay Accommodation Bill 2018 being considered by state parliament.

This Insight Report provides an update on short-stay accommodation in the state, an analysis of national and international trends and debates on its regulation and recommendations on how best to manage the sector for all Tasmanians.

Key findings

- Pressures on Tasmania's housing market have not abated over the past 12 months. In Greater Hobart in particular, steadily rising house prices and rents are creating significant housing affordability and access challenges, especially for low-income renters. A range of factors including strong population growth, supply constraints and growing visitor numbers have contributed to these pressures.
- Short-stay accommodation (SSA) offers many social and economic benefits; however, its continued growth has contributed to housing pressures, especially in Hobart. While the rate of growth in short-stay accommodation is slowing slightly in Hobart, yields remain high and commercial-style activity is on the rise. Our conservative estimate is that almost 400 (393) residential dwellings in the Hobart local government area (LGA), approximately 6% of the private rental stock, have been converted to SSA (667 in Greater Hobart) since 2016. Given the current shortage of rental accommodation in inner Hobart (vacancy rate of 0.4%) we argue more targeted regulation is required.
- Over the past two years, governments around the world have started regulating SSA to address some of its negative consequences and to ensure the sustainable growth of the sector. Five key regulatory tools include the

use of permits, caps (or limitations) on property use, planning zones, health and safety standards, and taxes and fees. Permit systems and caps on SSA property use have been shown to be effective forms of regulation.

- Current and proposed legislation in Tasmania provides an important foundation for the regulation of SSA, but as a priority we need to develop additional community level responses and policy instruments to limit the impact of SSA in communities experiencing acute housing shortages.

Policy recommendations

Detailed policy recommendations are outlined in Section 4 of this report. These include:

Recommendation 1:

That government establish a comprehensive range of SSA permit categories so that all hosts are required to register for a permit on an annual basis.

Recommendation 2:

That permits be better utilised to deter SSA use in high-demand areas through increased application charges or caps outlining the maximum nights a property can be available for bookings per year.

Recommendation 3:

That the Tasmanian Government amend the current planning scheme to allow consideration of housing market conditions when making planning decisions.

Recommendation 4:

That the current planning scheme include provisions so that it can respond to community-level housing needs in a timely manner.

Recommendation 5:

That the Tasmanian Government establish a Housing Supply Forecasting Council to collect and analyse housing supply and demand drivers, including the impact of the SSA sector, and provide policy recommendations.

¹ Tourism Tasmania (2019)

Section 1: The state of Tasmania's housing market

The Tasmanian housing market faces two main challenges: a shortage of dwellings and one of its by-products, declining affordability.

Residential property prices continued to grow over the course of 2018, particularly in Hobart, where they rose 8.7%. This contrasts with a 4.8% fall in prices nationally.

Rental prices in Tasmania increased even more steeply, by 12.9%.² In more than 60% of greater Hobart suburbs, buying a home is more affordable than renting (based on weekly repayments). In December 2017, the top three suburbs in the nation for rental yield were in Hobart's lower socio-economic suburbs (Chigwell, Warrane and Glenorchy).³

According to the Rental Affordability Index, Hobart is the least affordable capital city for renting in Australia.⁴ Nationally, Tasmania had the largest decline in rental affordability over the year to September 2018, with renters needing to pay on average 28.1% of household income,⁵ second only to New South Wales⁶. Rental vacancy rates in Hobart are extremely low (0.4% by our preferred measure⁶). As the Reserve Bank of Australia has recently argued, removing a small number of dwellings from rental supply when vacancy rates are low places upward pressure on rental prices. It is estimated Hobart alone needs at least 3,000 additional properties to meet rental and buyer demand, a shortage which will take years to address.⁷

High house prices and rents are presenting significant barriers to housing access and mean a growing number of lower and middle-income households are facing an increasingly expensive and precarious housing future.

What is driving the housing market challenge?

The pressure being felt in the property market and especially the private rental market is being driven by several factors.⁸

Population growth: Tasmania is experiencing strong population growth, mostly due to increased migration since 2015. In the year to June 2018, the population increased by about 5,800. Growth has been concentrated in Greater Hobart and, to a lesser extent, Launceston.

Construction activity: Until mid-2017, residential housing construction activity was subdued. This has contributed to the supply shortages being felt now. In 2018, the market response to housing shortages was slow, in part due to a shortage of construction workers. But in recent months there has been sustained growth in approvals, commencements and completions (see Figure 1 on page 3, and Appendix 1). New home approvals reached 750 a quarter by September 2018. If these approvals are translated into completions and sustained over the medium-term, this should result in about 3000 new dwellings in Tasmania a year – enough to address existing pressures and house the state's

⁸ Eccleston et al. 2018



² Burke, K (2019)
³ CoreLogic (2017)
⁴ SGC Economics (2018)
⁵ REIA (2018)
⁶ SQM (2019)
⁷ Kock, A (2019)

growing population. There is evidence the number of building and construction workers is rising. Apprentice numbers grew 22 per cent in 2017-2018, aiding the growth in construction activity⁹. This supply response is promising but will take years to address the unmet demand highlighting the need for the targeted regulation of SSA in the near term.

Social and community housing: The social housing system is critically important in times of low supply and high private market prices, as it provides a safety net

for households struggling to meet inflated costs. The Tasmanian Government's Affordable Housing Strategy is contributing to the supply of social housing, but there are concerns this investment is inadequate in the face of high demand and long wait times for people on the housing register. Independent modelling of the likely longer term demand for affordable housing, given household incomes and property prices in Tasmania, suggests more than 14,000 additional permanent social and community dwellings will be required by 2036 (789 a year)¹⁰ but the Affordable Housing Strategy

aims to deliver only 1,151 over eight years (144 a year)¹¹. Combined with pressures in the private housing market, limited supply of social and community housing means vulnerable households will struggle to access the housing support they need.

9 Tasmanian Liberals (2019)

10 Lawson et al. (2018), p. 63.

11 Department of Communities (2019)

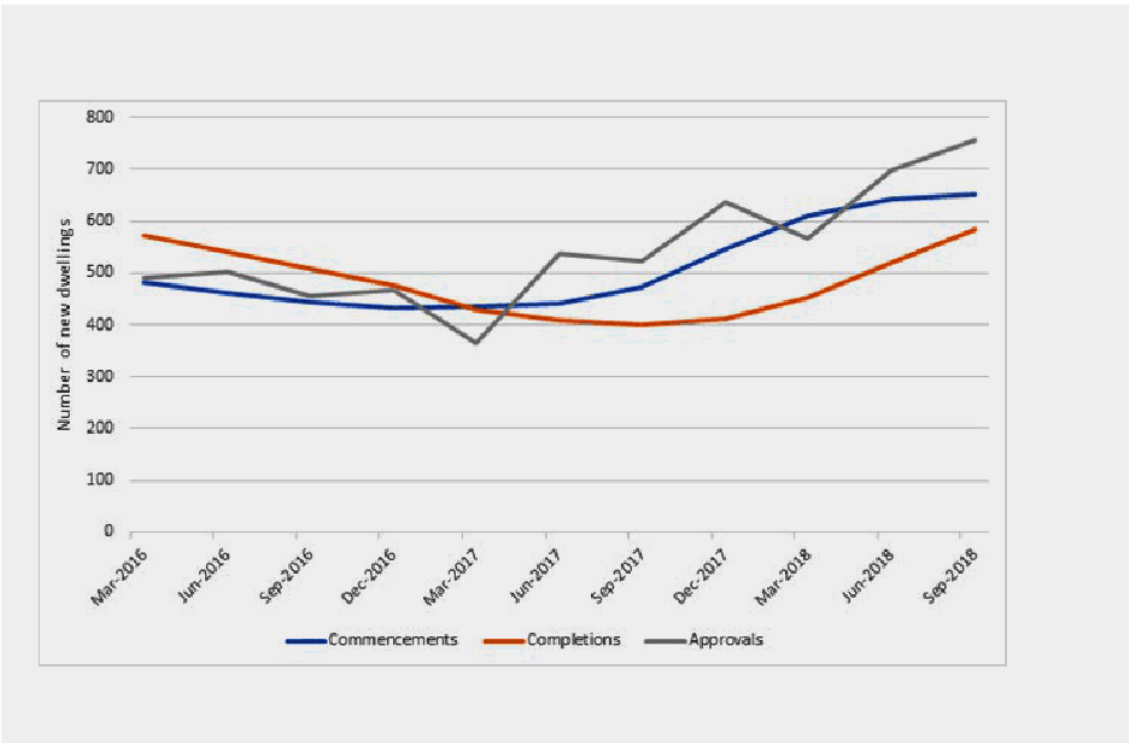


Figure 1: Number of new dwellings (Commencements, completions and approvals), Quarterly March 2016 – September 2018.

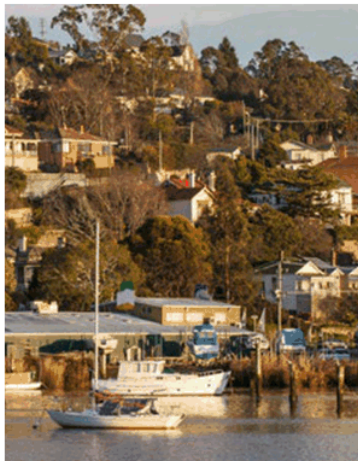
Source: ABS, Building Activity, September 2018, Cat. No. 8752.0, quarterly, trend data

Section 2: How is the short-stay accommodation sector affecting the housing market and economy?

The largest SSA platform in Australia, Airbnb, contributed \$90 million to the Tasmanian economy in 2018. About 450,000 nights' accommodation were booked through the site.¹² The SSA sector increases the range of accommodation available to visitors at a time when shortages of hotel rooms may have limited the growth of the tourism sector. As we have noted previously¹³, SSA options are especially important for regional tourism.

Despite the benefits, the rapid growth of the sector has contributed to housing challenges, especially in inner Hobart. Table 1 highlights key trends since 2016.

The growing concentration of Airbnb in inner city neighbourhoods (see Table 1) raises concerns about the extent to which dwellings are being converted from long-term rental to SSA use. Our conservative estimate (See Table 2 on page 6) is that between 2016 and 2018 SSA growth contributed to a loss of about 393 residential dwellings in the Hobart LGA and 667 dwellings in greater Hobart. This is about 5.6% of the Hobart LGA rental market. It suggests SSA use is having a significant impact on rental supply and housing affordability in Tasmania.



Key short-stay accommodation trends, Tasmania, July 2016 – 2018

Total listings	5,245 total listings statewide (January 2019)	See Appendix 2
	187% increase (since July 2016)	
	Growth in each region of the state; fastest growth in Launceston	
	Growth slowing compared with previous peak season, particularly in the south	
Entire Property Listings	Current peak listings in all areas	See Appendix 2
	288% increase in Hobart LGA (since July 2016)	
	300% increase in Launceston (since July 2016)	
	Hobart LGA listings declined slightly relative to other listings since July 2018	
High Filter* property listings	2,208 listings statewide (as at January 2019)	See Figure 2
	Continued growth statewide and in Launceston, and slight declines in Hobart and Greater Hobart	
	Declines in Hobart LGA and Greater Hobart relative to all listings (since July 2016)	
	Show significant seasonal variation (relative to other listings)	
Multi-listings**	Steadily growing in all regions	See Figure 3
	Comprise 47% of all listings in Hobart LGA	See Appendix 2
	Have increased relative to all listings in Hobart LGA (since 2016)	See Figure 3
	Show less seasonal variation (relative to other listings)	
Yield (price per night)	All regions were at, or near, peak yield	
	Yield is a good indicator of demand for SSA	
	Continued peak yield suggest demand for Airbnb remains strong and that listings numbers may continue to rise	
Urban Concentration	Population centres (e.g. Hobart and Launceston) are experiencing the strongest SSA growth	Appendix 2
	Mirrors wider trends	Crommelin et al.
	59% of high-filter listings and 63% of multi-listings were in Hobart LGA despite it being home to only 23% of the greater Hobart residential population	

* High Filter listings are entire properties only that are frequently booked and highly available (both more than 60 nights per year) and recently booked. They are less likely to be compatible with primary residency.

** Multi-listings are listings with two or more listings for one host; and are properties that are likely to often be commercially operated or professionally managed for investment purposes.

¹² Paynter, J. (2018)

¹³ Eccleston, Verdouw, Flanagan & Denry (2018); Eccleston et al. 2018

Table 1: Key Airbnb trends in Tasmania by listings type, July 2016 – January 2019

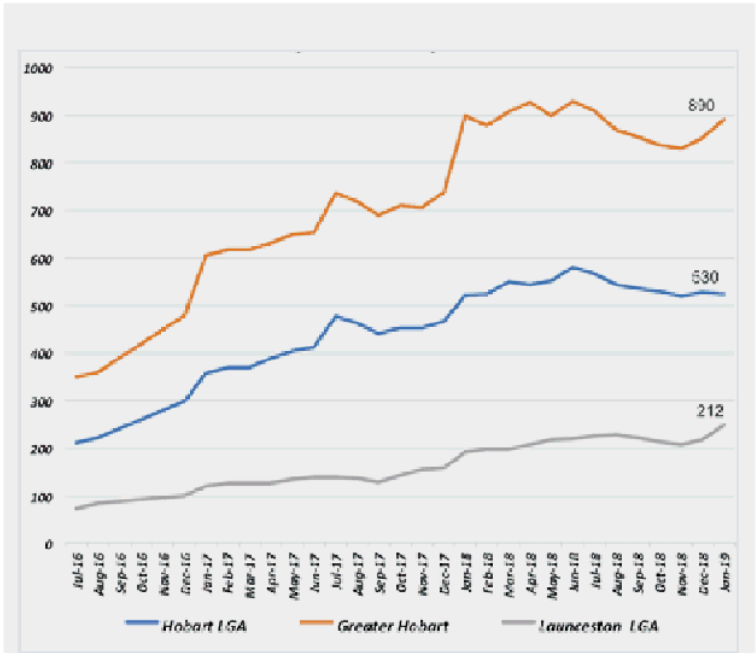


Figure 2: Airbnb high filter property listings, by area and listings type; monthly, July 2016 – June 2018

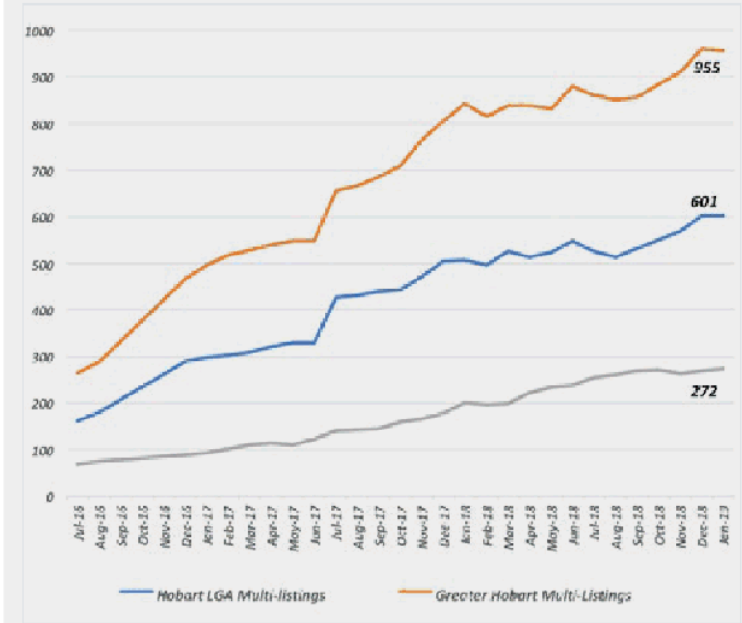


Figure 3: Multi-listings by area, by area (July 2016 – January 2019)

Source: Inside Airbnb; monthly data (July 2016 to January 2019)



Figures 4 (below) and 5 (page 7) highlight the variation in the concentration of Airbnb listings as a percentage of total housing stock by region. The concentration of Airbnb is highest in inner Hobart and popular coastal holiday destinations. However, our analysis suggests the impact on residential markets in coastal towns is not as significant because of the high number of holiday homes that are not used as principle residences. In these communities, SSA platforms allow holiday home owners to market their 'shacks' more effectively.

	Total Airbnb listings	Entire home, high filter Airbnb listings	Estimated stock lost*
Hobart LGA	1,270	524	393
Greater Hobart	2,246	890	667

*Based on estimation of 75% conversion of high-filter properties into SSA

Table 2. Estimates of housing stock lost, Hobart LGA and Greater Hobart, 2016-18

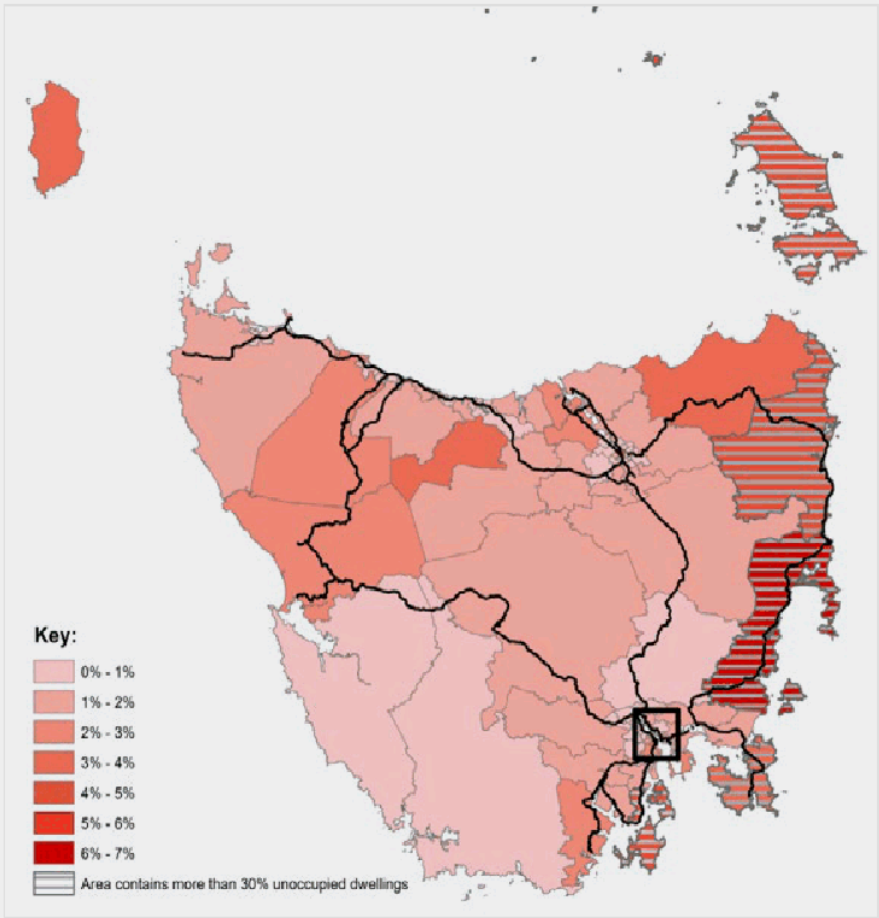
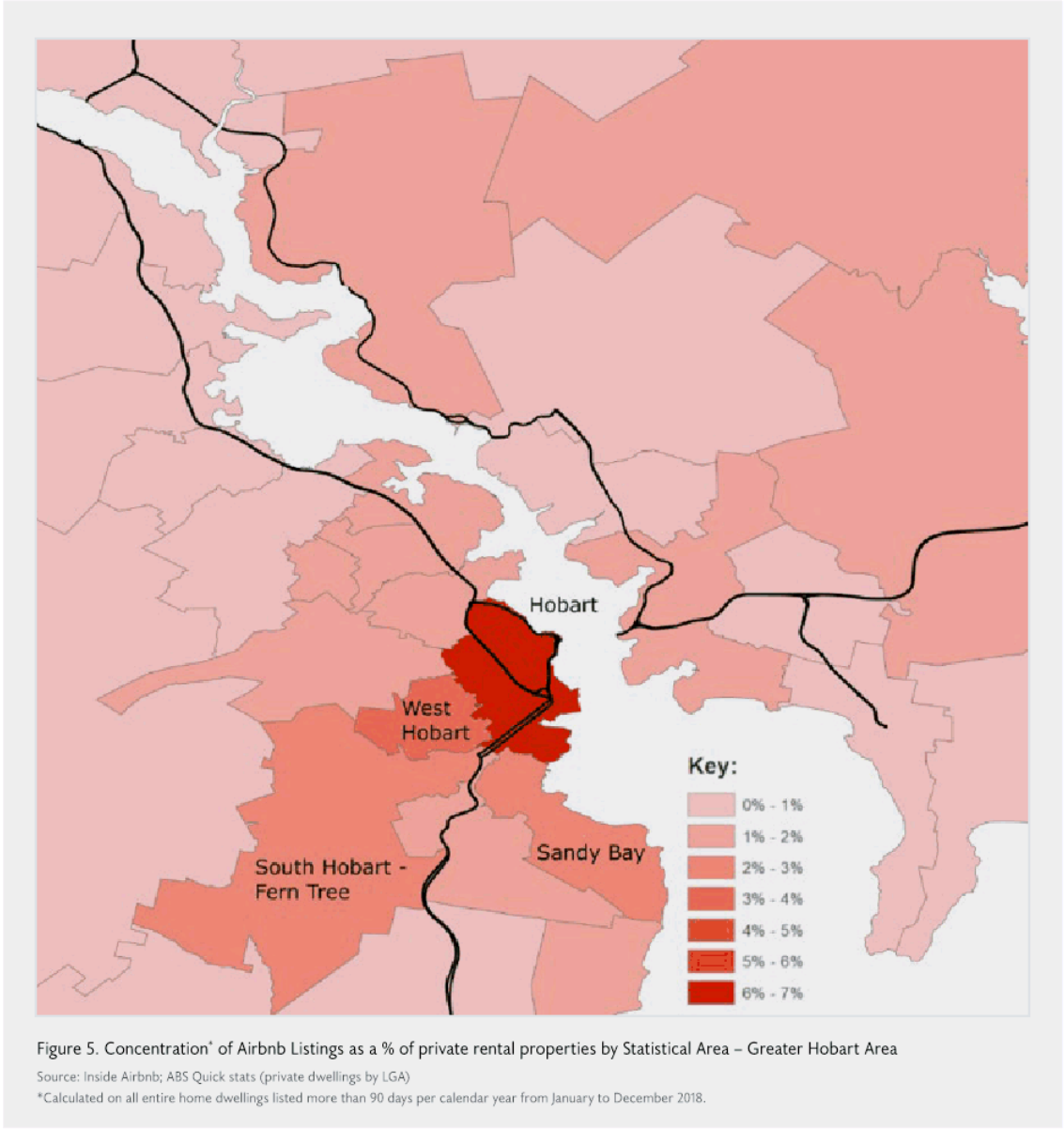


Figure 4: Concentration* of Airbnb Listings as a % of private rental properties by Statistical Area – Tasmania
Source: Inside Airbnb; ABS Quick stats (private dwellings by LGA)
*Calculated on all entire home dwellings listed more than 90 days per calendar year from January to December 2018.





Section 3: Can regulating the SSA market help address housing challenges?

Given the growth of the SSA sector can affect rental supply, a key challenge is to balance its growth and the associated benefits with the housing needs of Tasmanians.

How is the SSA sector being regulated elsewhere?

Where there were only a handful of cases five years ago, many jurisdictions in high-demand tourist areas are now seeking to regulate SSA use. Research indicates governments are responding to pressures from traffic, neighbourhood issues and tourist behaviour. They are also addressing the impacts SSA creates in terms of wealth distribution, the commodification of housing and local housing affordability outcomes.¹⁴

Until recently, the SSA sector in Australia has been largely unregulated. The sharing economy has generally been embraced by governments, with only ad-hoc regulation being introduced in response to acute housing market pressures and related community concerns.¹⁵ Where regulations have been introduced, they have mostly been imposed at a city-scale.¹⁶ Our research identifies five main regulatory responses used in cities across the world. Below we provide a brief overview of

each (See Appendix 3 and 4 for a more comprehensive overview).

- **Licence/Permit:** Effective regulation of the SSA sector requires the establishment of a broad-based and robust permit regime. Hosts must register with local or state authorities for a permit or licence. It allows governments to identify SSA property locations, categories, hosts, listings and occupancy rates. It also allows government to inform permit holders about their rights and responsibilities and provides a baseline for authorities to build systems of compliance. Permits differentiate between genuine home-sharing and commercial-style SSA. This framework allows regulatory mechanisms (whether caps, taxes or zoning) to be applied to specific permit types. SSA platforms are often required to display permit or licence numbers on host listing sites. In most cases, hosts are charged an annual permit or licence fee. It provides governments with income to fund administration and, in some jurisdictions, is designed to temper the conversion of homes to SSA use.
- **Caps:** Caps are used to constrain SSA property availability and limit the impact on local housing markets. Caps can be designed in different ways. They include a maximum number of nights that a property can be used for SSA (London allows 90 nights per annum for entire home listings), a minimum number of nights that a guest is required to stay (New York has a minimum 30-night stay

if the host is not present), a minimum number of nights a primary resident must occupy their home each year (in San Francisco it is 275 days) and complete prohibition (which exists in Berlin). An alternative approach is to cap the total number of permits issued in a community, especially for entire homes. This can help achieve a balance between SSA and the needs of residents. A moratorium on issuing new SSA permits was introduced in New Orleans in 2018¹⁷, and in Amsterdam permit numbers are capped at 10% of the total number of properties in the private housing sector¹⁸.

- **Planning zones:** Adjusting neighbourhood or street-level zoning laws to include provisions for SSA property use enables governments to apply different permit types in different zones. They can then shape the way SSA is used within cities and suburbs. For example, New Orleans has established new zoning laws that prohibit commercial SSA in key tourist areas such as the French Quarter and limit SSA use to non-residential zoning districts. This approach gives governments the authority to take strategic control and 'rest' urban areas experiencing high SSA demand. In Tasmania, a small number of LGA areas (e.g. Battery Point in the City of Hobart) have zoning 'overlays' applied to their planning provisions that further limits SSA use.

¹⁴ Molz (2018)

¹⁵ Ibid.

¹⁶ Gurran & Phibbs (2017); Becker (2017); Davidson & Infranca (2016)

¹⁷ Litten, K (2019)

¹⁸ I am Amsterdam (2019)



- **Standards - health, safety, and guest requirements:** These include requiring hosts to provide basic health and safety and (in some cases) disability access for guests. At a minimum, it includes general liability insurance and fire safety standards. In apartment and strata-style unit developments, in particular, governments are creating regulatory mechanisms to limit crowding and minimise noise and other disruptions for residents in the name of protecting neighbourhood quality (an example is 'party-house' laws introduced in Victoria).¹⁹ Appropriately designed standards help ensure hotels and traditional accommodation providers are not disadvantaged.
- **Taxes and fees:** Taxes can be applied to hosts (through business, personal income or occupancy taxes) or platforms (through business/corporate taxes). In Australia, the Australian Tax Office has established a specific compliance campaign to ensure tax is paid on SSA income. In many jurisdictions, including San Francisco, Paris and Los Angeles, SSA platforms have an agreement with the city to collect and remit taxes on behalf of SSA users. Some jurisdictions, such as Massachusetts in the US, impose a 'community impact fee' that is designed to reduce the size of the SSA sector, with the revenue raised devoted to improving housing affordability and the infrastructure needs of the wider community.

¹⁹ E.g. Wegmann & Jiao (2017: 500)

Are these regulatory responses effective?

While the regulatory approaches outlined above are now being widely implemented, evidence about their efficacy is only just emerging.²⁰ In many ways, the growth of SSA has created a large-scale 'natural experiment'²¹ in how to regulate peer-to-peer businesses. The pace of growth and the associated impacts have forced governments to fast-track regulatory measures to address impacts associated with the SSA.

Despite these challenges, current research demonstrates that:ⁱⁱ

- SSA use is affecting the affordability of private rental properties in key neighbourhoods. A decrease in SSA supply increases long-term housing availability, which lowers long-term rental prices. For buyers in the housing market, losing the option to participate in the SSA market lowers what they are willing to pay, and makes house prices more affordable.²²
- The impacts and benefits of SSA are not equally distributed geographically. SSA hosting has greatest direct benefit (socially and financially) to affluent neighbourhoods and less direct benefit to low-income communities. However, adverse housing outcomes resulting from SSA use are typically experienced

by lower-income groups seeking to access affordable housing. Centrality matters: locations in high-demand urban areas and tourist-intensive coastal regions are over-represented in listings.²³

- Tightening regulations in some neighbourhoods reduces their participation in the SSA market and shifts demand to adjacent neighbourhoods.²⁴
- Requiring SSA operators to have a permit or licence is an effective regulatory tool to limit new listings and increase de-listings in both affluent and non-affluent neighbourhoods.²⁵
- Cap clauses do not affect the number of new listings but increase de-listings. This suggests cap restrictions do reduce hosting incentives to continue listing their property for SSA.²⁶
- Requiring basic standards of health and safety makes a difference, particularly in non-affluent neighbourhoods. It may reduce 'bad apple' hosts in these areas.²⁷
- Regulation is more effective if hosts are targeted for compliance.ⁱⁱ This requires resourcing, collaboration between sectors (including education, planning, enforcement and the courts) and an understanding of the best strategies to promote compliance.²⁸

²³ Gurran & Phibbs (2017: 81); Eccleston et al. (2018); Crommelin et al. (2018); Wegmann & Jiao (2017: 500); Alizadeh et al. (2018); Valentin, M (2019)

²⁴ Valentin, M (2019)

²⁵ Chen et al. (2018) Research into the effectiveness of different regulatory policies across 15 U.S. cities.

²⁶ Ibid.

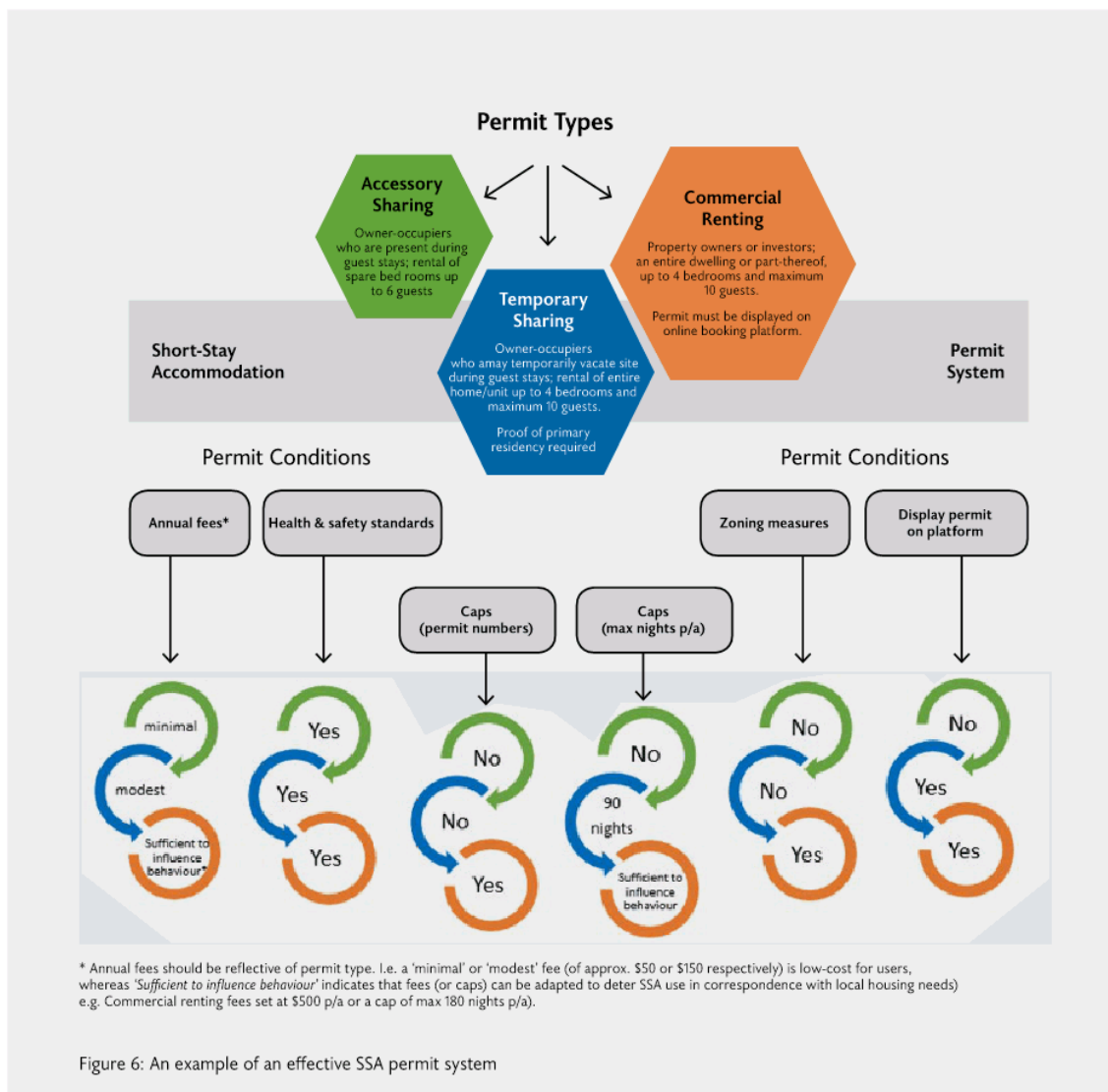
²⁷ Ibid.

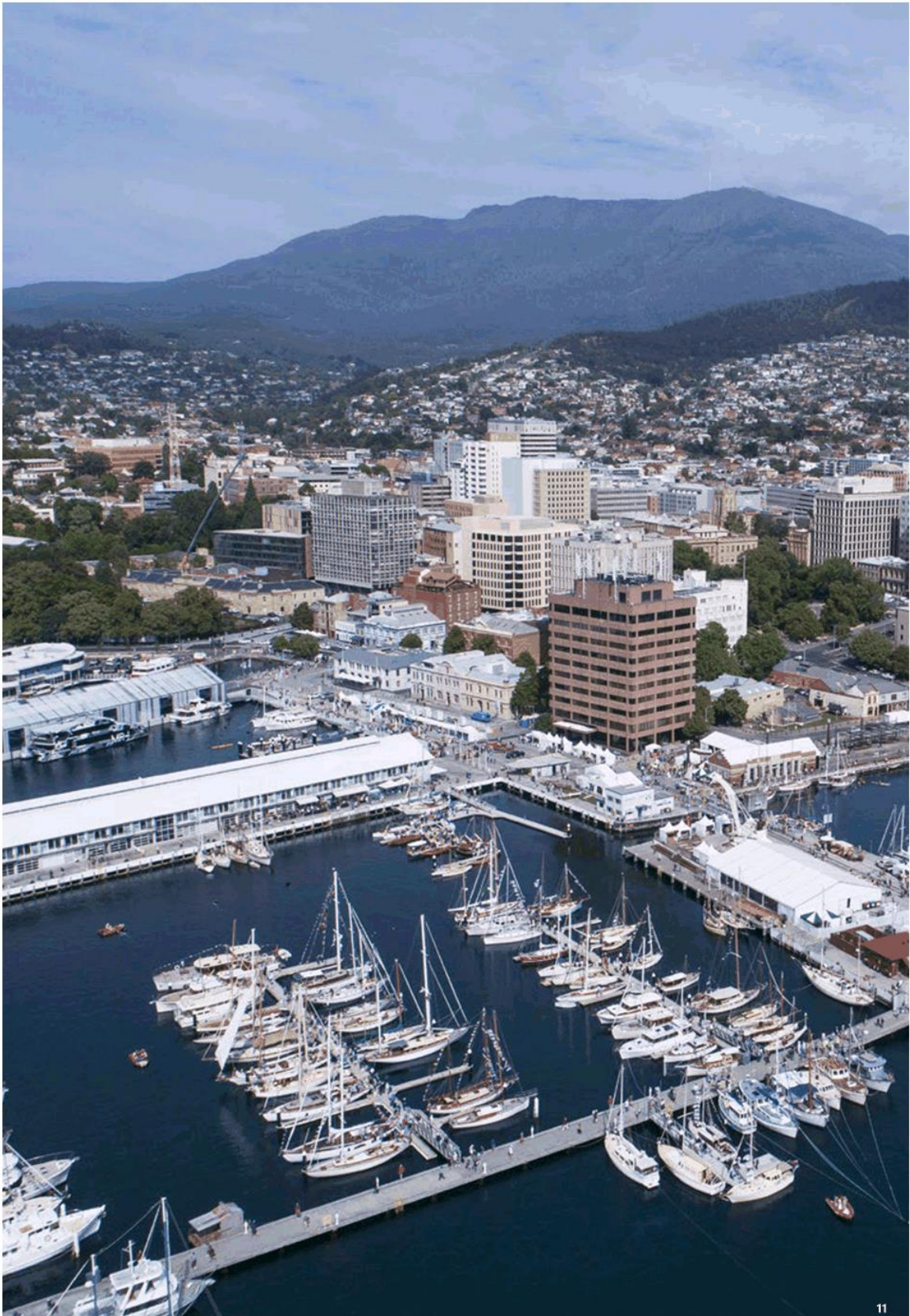
²⁸ Shatford (2017); Leshinsky & Schatz (2018)

In summary, there is a rapidly growing body of evidence that a range of regulatory interventions applied to SSA across the globe are effective. As cities and regions settle into established regulatory regimes a more comprehensive evidence base will emerge.

Our proposed framework for an effective permit system is shown in Figure 6. It includes a comprehensive permit strategy including three different permit types: accessory sharing (green), temporary sharing (blue), and commercial renting (orange).

Building on this foundation, a range of possible permit conditions (such as fees, caps, SSA use standards, data collection and zoning) can be flexibly applied to different permit types as symbolised by the colour-coded circles.





Section 4: The current state of SSA regulation in Tasmania and how it can be improved

Tasmania has a permit scheme for SSA. Known as Planning Directive 6, or PD6, it came into effect in July 2017 and was updated a year later. Home-sharers in two categories – those who live in the house and use SSA in up to four bedrooms while they are at home or temporarily absent – are exempt. Anyone hosting a home that is not their permanent residence needs a permit from their council.

This system was not intended to limit SSA use in Tasmania but, as set out earlier in the report, the sector has grown dramatically and there are concerns about its impact on the State's challenging housing market. These concerns have prompted a Legislative Council inquiry into SSA use that is still underway, and the Tasmanian Government has tabled draft legislation proposing measures to strengthen planning permit requirements. The Draft Short Stay Accommodation Bill²⁹ is designed to improve both compliance and data capture and anticipates the cooperation of the online listings platforms. It includes penalties for accommodation providers and online platforms that do not comply.

The draft legislation is a welcome shift toward regulation that engages with some of the issues highlighted in this report. However, as in many jurisdictions, the measures only partially respond to challenges. It introduces a foundation for a better permit system but could be further expanded into a comprehensive permit framework and complemented with community-specific measures to achieve a better balance between the housing needs of Tasmanians and the SSA sector. Tasmania has an opportunity to become a policy leader in Australia in this area but achieving this will require a strategic approach and clear vision of the role of SSA in the State's visitor economy.

²⁹ Tasmanian Department of Justice (2018)

Recommendations

The Tasmanian Government should consider addressing the following issues in the current (and draft) PD6 legislation.

Establishing a more comprehensive permit system: Currently, key SSA categories such as genuine home-sharing, owner-occupied entire homes and ancillary dwellings are invisible to the State Government. As the government has only partial data on SSA activity, it is missing an opportunity to communicate essential information (including on SSA user rights, responsibilities and consumer health and safety standards) and to ensure hosts comply with permit requirements.

Introducing additional permit categories need not penalise or burden hosts if obligations are tiered and linked to host category type (see Figure 6). For example, registering for permits for genuine home-sharers or owner-occupiers should be an easy, low-cost online process. Permits for commercial users should include greater data capture and higher costs.

Recommendation 1

That government establish a comprehensive range of SSA permit categories so that all hosts are required to register for a permit on an annual basis.

Improve compliance and impose fees in high-demand communities: Permits for secondary or investment SSA use could be designed to deter potential hosts from converting their properties to SSA in areas experiencing housing demand pressures. The City of Hobart currently charges \$250 for a one-off SSA permit.³⁰ Permit fees for commercial renting should be increased and renewal required annually to limit the number of entire homes on SSA platforms and provide a revenue stream to help pay for the regulation of the sector. Other proposed mechanisms include capping the number of nights a secondary SSA property can be available for bookings each year (suggested limits are 120 or 180 nights, which is used in NSW). In communities experiencing acute housing shortages, the number of permits issued could be capped until market conditions ease.

³⁰ Planning Reform Tasmania (2019)

Recommendation 2

That permits be better utilised to deter SSA use in high-demand areas through increased application charges or caps outlining the maximum nights a property can be available for bookings per year.

Inadequate planning mechanisms: The current planning framework is designed to address residential character, amenity and safety of property use. As such, it cannot adequately respond to poor housing outcomes caused by SSA, such as low supply of affordable rental accommodation. Tasmanian SSA legislation is constrained by traditional planning definitions and requires updating.

Recommendation 3

That the Tasmanian Government amend the current planning scheme to allow consideration of housing market outcomes when making planning decisions.

The lack of responsive and appropriately scaled planning scheme provisions: Housing markets are dynamic and can be subject to rapid change. The impact of the rapid growth of the SSA sector, particularly on the Hobart LGA, is a good example of this. An adequate response to these dynamics requires a nimble, evidence-based regulatory framework that is flexible in the face of changing market conditions at both local and city-wide scales. Currently, there is scope to include community specific 'local provisions' in the statewide planning scheme (Battery Point is an example). However, such provisions must be approved by the Tasmanian Planning Commission. Its processes can be protracted and are not suited to making time-sensitive changes to meet the housing needs of specific communities.

Recommendation 4

That the current planning scheme include provisions so that it can respond to community-level housing needs in a timely manner.

Better data and responsive regulation:
There is a growing data asymmetry between SSA platforms and governments. The former has access to detailed user information and use it to maximise profitability. The latter struggle to access data, compromising their ability to regulate in the public interest.³¹

State and local governments should work with industry and housing providers to address this imbalance through the creation of a Housing Supply Forecasting Council. This body should have a mandate to collect detailed and up-to-date data and information on housing supply and demand drivers in Tasmania. Ideally, its data would be drawn from information shared between government agencies, industry, the community sector and SSA platforms.

This council should forecast housing needs in key areas, using emerging software that can track real-time³² housing impacts. It would allow regulations to be developed strategically, based on forecasted needs in the public interest. SSA data would be provided by the platforms for independent analysis, enhancing the capacity of governing bodies to understand and respond to the impacts of the sector. The Tasmanian Government's commitment through the Tasmanian Affordable Housing Action Plan (Part II) to work with stakeholders and produce a more detailed analysis of housing market conditions, will provide a basis for the future regulation of the sector.

Recommendation 5

That the Tasmanian Government establish a Housing Supply Forecasting Council to collect and analyse housing supply and demand drivers, including the impact of the SSA sector, and provide policy recommendations.

³¹ Ranchordas (2019, 37)

Acknowledgements

We would like to thank colleagues from the Housing and Community Research Unit (HACRU) and the Institute for the Study of Social Change (ISC) at the University of Tasmania for their contributions to this report.

We would like to acknowledge the invaluable contributions that a range of researchers and housing policy experts made to a pre-report workshop on regulating short-stay accommodation held in Hobart in September 2018.

Thanks also to Adam Morton and Mark Tocock for their help preparing the final report. Finally we would like to thank the College of Arts, Law and Education at the University of Tasmania for their ongoing financial support of the ISC and our policy research and engagement program.

Dr Julia Verdouw is a housing specialist and research fellow with the Institute for the Study of Social Change at the University of Tasmania.

Professor Richard Eccleston is Director of the Institute for the Study of Social Change and a specialist in economic policy.

i Note that 30% of income spent on rent for the bottom 40% of income distribution is generally considered housing 'stress'.

ii Please note these studies are jurisdiction-specific, and deeper understanding of local contexts must be considered before these findings could be used to justify regulatory policy transfer to other jurisdictions.

iii In the long-term this is not necessarily an ideal compliance solution. Section 4 outlines some of the deeper challenges associated with STR platform interfaces, which includes their capacity to transfer risk and responsibility to the users under a range of liability exemptions. Our municipalities reinforce this reality when compliance is shifted to users (e.g. hosts) rather than building strategic systems of accountability in collaboration with STR digital platforms.

iv For example, see real-time data collection management tools designed to end homelessness, e.g. Community Solutions 'Build for zero': <https://www.joinbuiltforzero.org/>



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Study of Social
Change***

Institute Insights

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Tasmania's workforce (November 2017)

Insight Two:

Tasmania's workforce by industry sector (December 2017)

Insight Three:

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Insight Four:

Planning for the future of aged care (June 2018)

Insight Five:

A snapshot of Media Literacy in Australian Schools
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Insight Six:

Positive signs, but how can we make it last? Tasmania's
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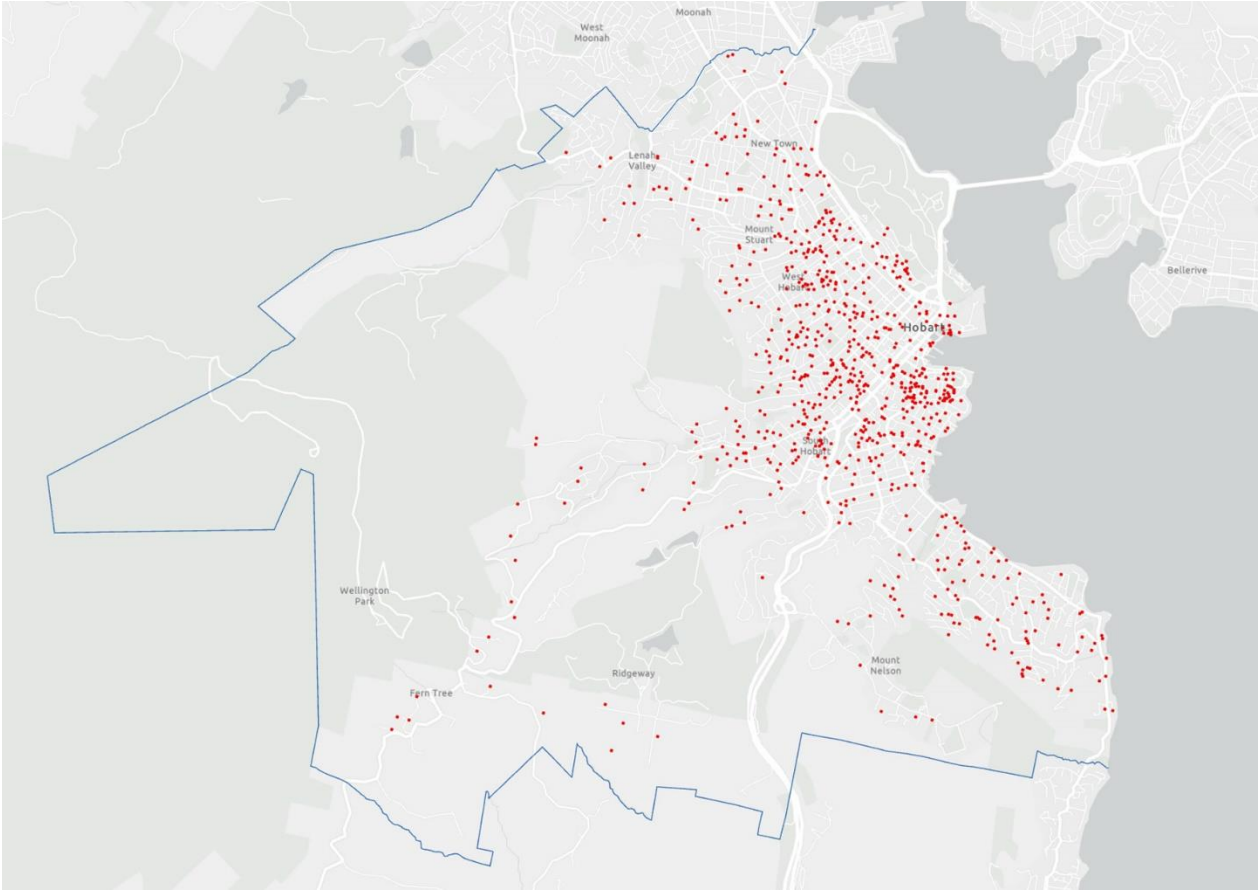
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Minister for Housing
Minister for Environment and Parks
Minister for Human Services
Minister for Aboriginal Affairs
Minister for Planning

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11 FEB 2020

The Hon Rosemary Armitage MLC
Chair
Legislative Council Select Committee
Short Stay Accommodation in Tasmania
By Email: ssa@parliament.tas.gov.au

Dear Ms Armitage

Please find attached the Tasmanian Government's response to the Legislative Council Select Committee Report on Short Stay Accommodation in Tasmania.

I would like to take this opportunity to thank the Select Committee for its detailed report and considered recommendations.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Roger Jaensch", with a long horizontal flourish extending to the right.

Hon Roger Jaensch MP
Minister for Housing
Minister for Planning

Copy to: Mr David Pearce
Clerk
Legislative Council
david.pearce@parliament.tas.gov.au

Government response to the Legislative Council Select Committee Report on Short Stay Accommodation in Tasmania

Recommendation	Government response	Comment
1. An urgent review of safety standards for short term accommodation be undertaken to mitigate risks and address inconsistencies between provider types.	Support	The Director of Building Control will review the Director's Determination – Short or Medium Term Visitor Accommodation during 2020.
2. The State Government goes further than the requirements in the <i>Short Stay Accommodation Act 2019</i> and develops comprehensive data collection and analysis programs, covering both short stay accommodation and the private housing market, to underpin policy and resourcing responses in relation to housing supply and demand.	Support in principle	The Government currently collects data and will continue to develop its data collection and analysis program. For example: the analysis of future housing demand being undertaken by the University of Tasmania as part of AHAP2.
3. For properties other than a principal place of residence, local government authorities be provided with discretionary powers to issue permits regarding short stay accommodation.	Support in principle	Under the Current interim planning schemes and the new Tasmanian Planning Scheme, planning authorities have the discretion to seek amendments to the planning rules for short-stay accommodation where there is a valid planning reason to justify the variation.
4. Local government authorities determine the frequency and rate of permit fees for short stay accommodation.	Not supported	Planning permits are generally issued in perpetuity. The fee is only charged once and not levied annually. The only fee that is capped is the fee applied to a permitted change of use in residential zones, councils have discretion in regard to other fees. Any changes to the current system would only be considered on the basis of evidence, including data that is being collected under the <i>Short Stay Accommodation Act 2019</i> .
5. Short term rental of a person's principal place of residence be exempt from obtaining a short stay accommodation permit but be required to be registered with the local government authority for data collection purposes.	Not supported	The Government's existing data collection program includes the collection of data related to listings on platforms that are exempt from planning permits. The Government does not support registering home sharing that has been deemed to be exempt from planning permits.
6. Short stay accommodation providers be required to have appropriate levels of public liability insurance.	Support	The Government supports short-stay accommodation providers having appropriate insurance. The various booking platforms require accommodation providers to have insurance. The Government will seek legal advice regarding the need for a regulatory requirement for public liability insurance.

8.2 Delivery Vehicles
File Ref: F20/78941; 16/243

Report of the Manager Environmental Health and the Director City Planning of 11 August 2021 and attachment.

Delegation: Committee

REPORT TITLE: DELIVERY VEHICLES

REPORT PROVIDED BY: Manager Environmental Health
Director City Planning

1. Report Purpose and Community Benefit

- 1.1. The purpose of this report is to provide an update to the Committee in relation to matters resolved by Council at the meeting of 19th August 2019 concerning the carriage of food in social food delivery vehicles.
- 1.2. The recommendation that ongoing follow up of any concerns raised by the community will remain an operational matter, ensures Councils regulatory efforts remain targeted at areas of highest risk.

2. Report Summary

- 2.1. At its meeting on 19 August 2019 Council resolved to distribute an information brochure to persons and companies summarising the food safety obligations of social food delivery vehicle drivers, to undertake an audit of social food delivery vehicles operating in North Hobart, and for council staff to continue to monitor and investigate complaints concerning this activity.
- 2.2. Advice received from the Department of Health subsequent to this resolution, was that independent drivers delivering food from restaurants are not food businesses, and the vehicles used for delivery are not considered to be food transport vehicles as defined in the *Food Act 2003*.
- 2.3. The Department advised that they will not be pursuing amendments to the Act to capture this activity for reasons including that this is not a new or high level food safety risk requiring stronger regulatory oversight. The duty of care of drivers providing a delivery service to appropriately handle goods is a police matter.
- 2.4. It is proposed that given this unequivocal response Council continue to focus its regulatory effort on higher risk food activities including food production, processing and sales.

3. Recommendation

That:

1. ***The information be noted***
2. ***The Council continue to focus its regulatory effort on higher risk food activities including food production, processing and sales.***
3. ***Any future complaints received are investigated within operational protocols and legislated powers.***

4. Background

- 4.1. At its meeting on 19 August 2019 Council resolved to distribute an information brochure to persons and companies summarising the food safety obligations of social food delivery vehicle drivers. This brochure, provided as **Attachment A**, was distributed in early 2020 and remains available on Council's website.
- 4.2. It was also resolved that Council's Environmental Health Officers undertake an audit of social food delivery vehicles operating in North Hobart to determine compliance with the *Food Act 2003* and Food Safety Standards.
- 4.3. The proposed audit was based on an understanding that the operation of food delivery / transport vehicles could be regulated by Councils. Advice received from the Department of Health subsequent to this resolution, was that independent drivers delivering food from restaurants are not food businesses, and the vehicles used for delivery are not considered to be food transport vehicles as defined in the Act.
- 4.4. The definition of 'food business' means an activity involving the handling of food intended for sale, or the sale of food. It is the Department's opinion that the sale of the food has already occurred prior to its collection and delivery by the driver, hence the Act does not apply.
- 4.5. In the original report to Council, the nuances in relation to the point of sale of the foods, and the employment status of the drivers under the contracts established between agencies such as Uber, their merchants and drivers, were not fully appreciated. The audit could not proceed as council officers had no powers under the Act to do so.
- 4.6. Further to this, the Department was asked for an opinion as to the likelihood of pursuing amendments to the Act. The Department advised that they will not be pursuing amendments to capture this activity for the following reasons;
 - 4.6.1. As with all Australian jurisdictions, Tasmania focuses regulatory effort on higher risk activities involving food production, processing and sale.
 - 4.6.2. The delivery of food via social delivery services is a lower risk activity noting that food is made by a registered food business, is packaged, and is delivered within safe time periods.
 - 4.6.3. Drivers have a general duty of care to their customers when providing delivery service and any contamination issues resulting from driver action, such as opening containers or packages of food, are police matters relating to food tampering.

- 4.6.4. The Department also undertakes risk analyses to focus limited resources to areas that present heightened food safety risks. It is the Department's position that this issue does not present a new food safety risk requiring a stronger regulatory approach.
- 4.7. The Council also resolved that council staff continue to monitor and investigate complaints concerning this activity and report back to council. No complaints have been received over the period to August 2021.
- 4.8. The Department of Health provided updated advice in August 2021 that they had not received any complaints directly or from local government about poor hygiene, handling, or food safety breaches linked to delivery drivers for some years. The most recent complaint on file lodged in 2018 alleged a truck driver delivering packaged bread had displayed objectionable body odour.
- 4.9. Kingborough Council, Clarence, Glenorchy, and Launceston City Councils were consulted on the matter and each advised that no complaints of this nature have been received.

5. Proposal and Implementation

- 5.1. Since March 2020 Hobart's food businesses have faced unprecedented disruption to their normal activities due to the Covid-19 pandemic. One aspect of business which changed for many was a rapid shift to the sale of takeaway food.
- 5.2. A large number of businesses pivoted their business model and their processes to enable both takeaway and delivery. Environmental Health Officers have been working with many of these food businesses to provide advice around the safe handling and delivery of food in this manner.
- 5.3. It is proposed that the delivery of food by independent drivers is a necessary part of the food movement system, however is a lower risk activity when compared to activities involving food production, processing and sale.
- 5.4. As a result of the State Government response to the Covid-19 pandemic, the whole community including businesses and the general public, is now subject to heightened levels of hygiene, social distancing and overall awareness of the spread of germs and the ease with which items may be contaminated. This raised awareness has given greater publicity to the long standing rules and expectations around food safety.
- 5.5. It is therefore proposed that no additional scrutiny need be given to this activity, and that Council continue to focus its regulatory effort on higher risk food activities.

6. Strategic Planning and Policy Considerations

- 6.1. Pillar 2 Community Inclusion, participation and belonging, Outcome 2.4 Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship, Strategy 2.4.3 Protect and improve public and environmental health.

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result

8. Delegation

- 8.1. This matter is delegated to the City Planning Committee.

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.

Felicity Edwards
**MANAGER ENVIRONMENTAL
HEALTH**

Neil Noye
DIRECTOR CITY PLANNING

Date: 11 August 2021
File Reference: F20/78941; 16/243

Attachment A: Best Practice Food Safety Guide ↓ 

BEST PRACTICE FOOD SAFETY GUIDE

For delivery drivers in Hobart



Picking up the food

It's up to the restaurant to provide the food to you in the right kind of packaging. Talk to them about it if you have any concerns.

- The packaging provided should be suited to the purpose. For example, it should not leak or absorb liquid from the food.
- All food should be inside a container, protected from dirt and contamination.
- Paper napkins, straws and cutlery (eg. knives, forks, chopsticks) should be given to you in a bag along with the food. You should never need to handle them with your bare hands.
- Sometimes food comes pre-packaged from a manufacturer. In this case, it may not need further packaging.

Delivering the food

It's up to you to make sure the food isn't contaminated or spoiled during the journey, even if there are unexpected delays.

Remember:

- Store the food securely to prevent unnecessary movement and spills.
- Keep the food and utensils in their protective packaging and separate from your personal items.
- Where possible, keep the food at the appropriate temperature (ie. hot, cold or frozen). For example, use a thermally insulated bag to keep food hot, or a cooler or ice block to keep food cold.



City of **HOBART**

GENERAL HYGIENE TIPS

Make sure your food handling is always safe and professional.
For example:

1. Think about personal hygiene

Have some hand sanitiser in the vehicle for when needed!

For example, use it if you've just been to the bathroom, if you've filled up at the petrol pump or if you've disposed of rubbish.



Ensure your clothes are always clean.

For example, if you have mud or animal hair on your clothes, get changed before starting your shift.

2. Manage the risk of illness

Don't deliver food if you're unwell, especially if you're suffering from vomiting or diarrhoea. You may have a disease that could contaminate the packaging so wait until you're better to take another job!



Do you have any wounds, lesions, burns, cuts, abrasions or skin diseases? Make sure the affected area is covered while working, such as with a clean bandage.

3. Protect the food

Taking your meal break? Don't eat over or near any food that's awaiting delivery.

Be careful not to sneeze, cough or breathe heavily over food packaging and utensils.



Don't smoke or spit in your food-delivery vehicle.

VEHICLE HYGIENE TIPS

Food delivery vehicles also need to be very clean. A few things to consider:

1. Keep vehicles clean

Store the food somewhere in the vehicle that you can effectively clean and keep in good repair.

Make sure there is no accumulation of old food, rubbish, dirt, dust or mould in the vehicle.

2. Keep food away from contaminants

Don't store the food in the boot or in the tray of a ute. These areas may be contaminated with things like oils, chemicals and tools that have been stored there in the past.

3. No pets in vehicles with food

Never deliver food with a pet in the car with you! And if you have transported animals in the past, make sure the area has been well cleaned since.

4. Beware of insects touching food

Check that the vehicle is free of insects. Ants can be a problem in summer or flies or mosquitos can fly in through the window.

8.3 Monthly Planning Statistics - 1 July - 31 July 2021
File Ref: F21/77580

Memorandum of the Director City Planning of 11 August 2021 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

Monthly Planning Statistics - 1 July - 31 July 2021

Attached is the Planning Permit statistics for the period 1 July 2021 - 31 July 2021

RECOMMENDATION

That:

The Director City Planning reports:

Planning Statistical Report:

During the period 1 July 2021 to 31 July 2021, 61 permits were issued to the value of \$10,800,580 which included:

- (i) 5 new single dwellings to the value of \$1,510,000;
- (ii) 2 multiple dwellings to the value of \$580,000;
- (iii) 27 extensions/alterations to dwellings to the value of \$4,229,000;
- (iv) 7 extensions/alterations to commercial properties to the value of 4,209,980;
- (v) 1 major project;
 - (a) 180 Harrington Street, Hobart - Partial Demolition, Alterations and Extension - \$4,000,000;

During the period 1 July 2020 to 31 July 2020, 67 permits were issued to the value of \$20,301,927 which included:

- (i) 7 new single dwellings to the value of \$3,376,000;
- (ii) 3 multiple dwellings to the value of \$900,000;

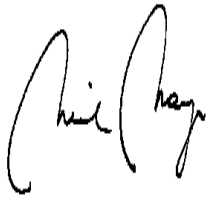
- (iii) 29 extensions/alterations to dwellings to the value of \$12,859,745;
- (iv) 4 extensions/alterations to commercial properties to the value of \$720,000;
- (v) 2 major projects:
 - (a) 11 Swan Street, North Hobart - Partial Demolition, Alterations, Extension, Landscaping (including Tree Removal), and Car Parking - \$8,203,000;
 - (b) 10 Evans Street, Hobart - Land Decontamination - \$2,500,000;

In the twelve months ending July 2021, 833 permits were issued to the value of \$321,235,282; and

In the twelve months ending July 2020, 849 permits were issued to the value of \$293,684,850





This report includes permits issued, exempt and no permit required decisions.

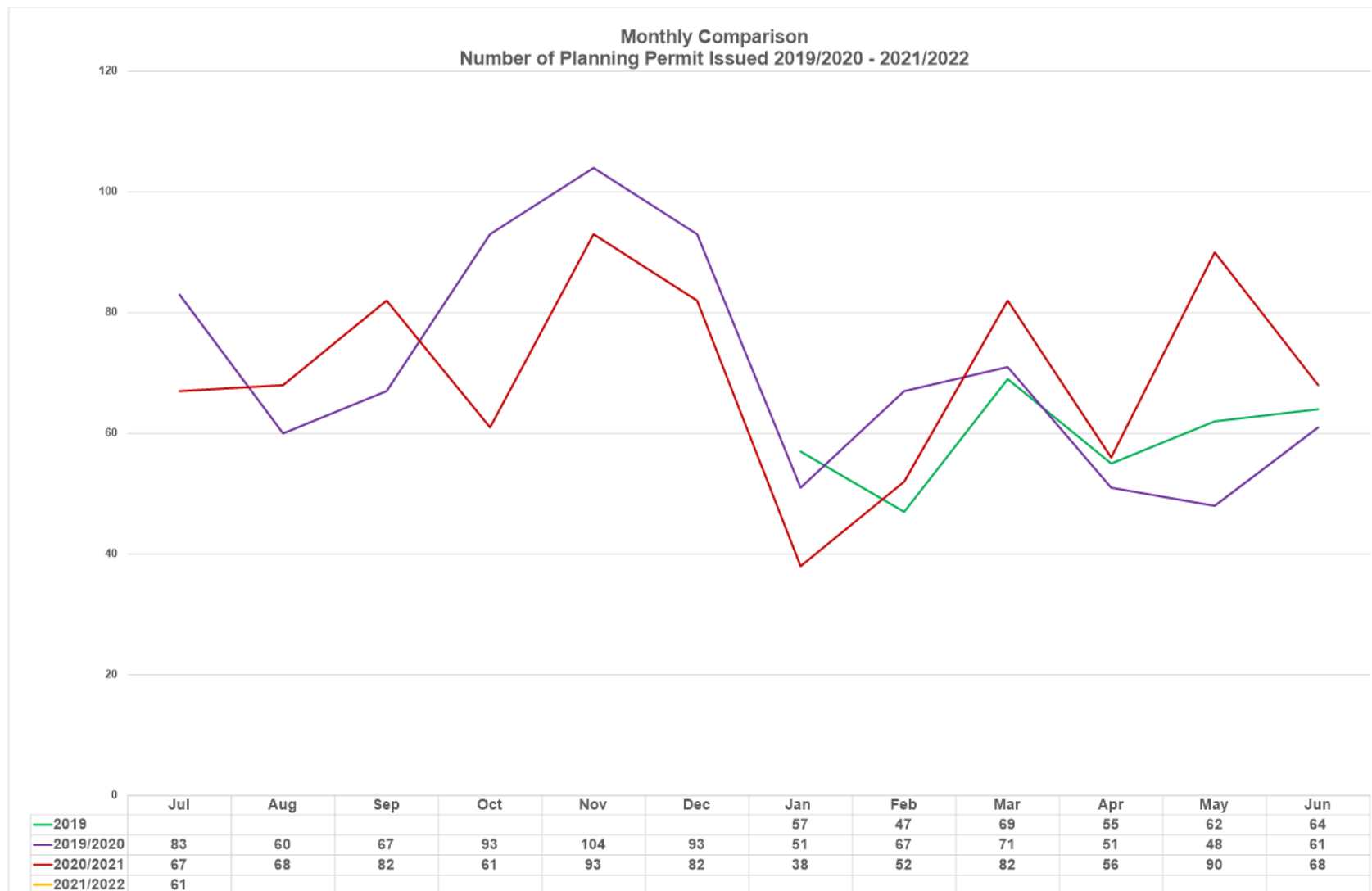
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Neil Noye
DIRECTOR CITY PLANNING

Date: 11 August 2021
File Reference: F21/77580

- Attachment A: Monthly Comparison Number of Planning Permit Issued Line graph July 2021 ↓ 
- Attachment B: Monthly Comparison Planning Approvals Value Line Graph July 2021 ↓ 
- Attachment C: Number of Planning Permit Issued Accumulative Monthly Comparison Bar Graph July 2021 ↓ 
- Attachment D: Value of Planning Permit Issued Bar Graph July 2021 ↓ 



8.4 Monthly Building Statistics - 1 July - 31 July 2021
File Ref: F21/77604

Memorandum of the Director City Planning of 11 August 2021 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

Monthly Building Statistics - 1 July - 31 July 2021

Attached is the Building Permit Statistics for the period 1 July 2021 – 31 July 2021

RECOMMENDATION

That:

The Director City Planning reports:

Building Statistical Report:

During the period 1 July 2021 to 31 July 2021, 50 permits were issued to the value of \$47,662,084 which included:

- (i) 34 for extensions/alterations to dwellings to the value of \$5,595,385;
- (ii) 4 new dwellings to the value of \$1,365,000;
- (iii) 75 new multiple dwellings to the value of \$32,437,499; and
- (iv) 4 major projects:
 - (a) 62 Patrick Street, Hobart - Multiple New Dwellings X 68 Apartments - \$29,195,499;
 - (b) 26 Lower Jordan Hill Road, West Hobart - Multiple New Dwellings X 5 - \$3,212,000;
 - (c) 410 Sandy Bay Road, Sandy Bay - Commercial Internal Alterations - \$2,800,000;
 - (d) 33 Argyle Street - Hobart - Commercial Internal Alterations - \$2,348,000;

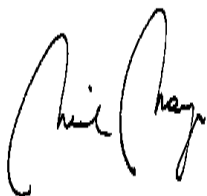
During the period 1 July 2020 to 31 July 2020, 57 permits were issued to the value of \$18,938,311 which included:

- (i) 16 for extensions/alterations to dwellings to the value of \$3,050,575;
- (ii) 20 new dwellings to the value of \$7,395,555;
- (iii) 2 new multiple dwellings to the value of \$900,000; and
- (iv) 3 major projects:
 - (a) 15 Gourlay Street, West Hobart - Commercial Extension - \$4,000,000;
 - (b) 30 Bathurst Street. Hobart - Commercial Internal Alterations - \$2,000,000;
 - (c) 6 Midwood Street, New Town - New Commercial Buildings and Associated Civil Works, Stage 1 - \$1,069,160;

In the twelve months ending July 2021, 655 permits were issued to the value of \$227,681,603; and





In the twelve months ending July 2020, 615 permits were issued to the value of \$226,585,115

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

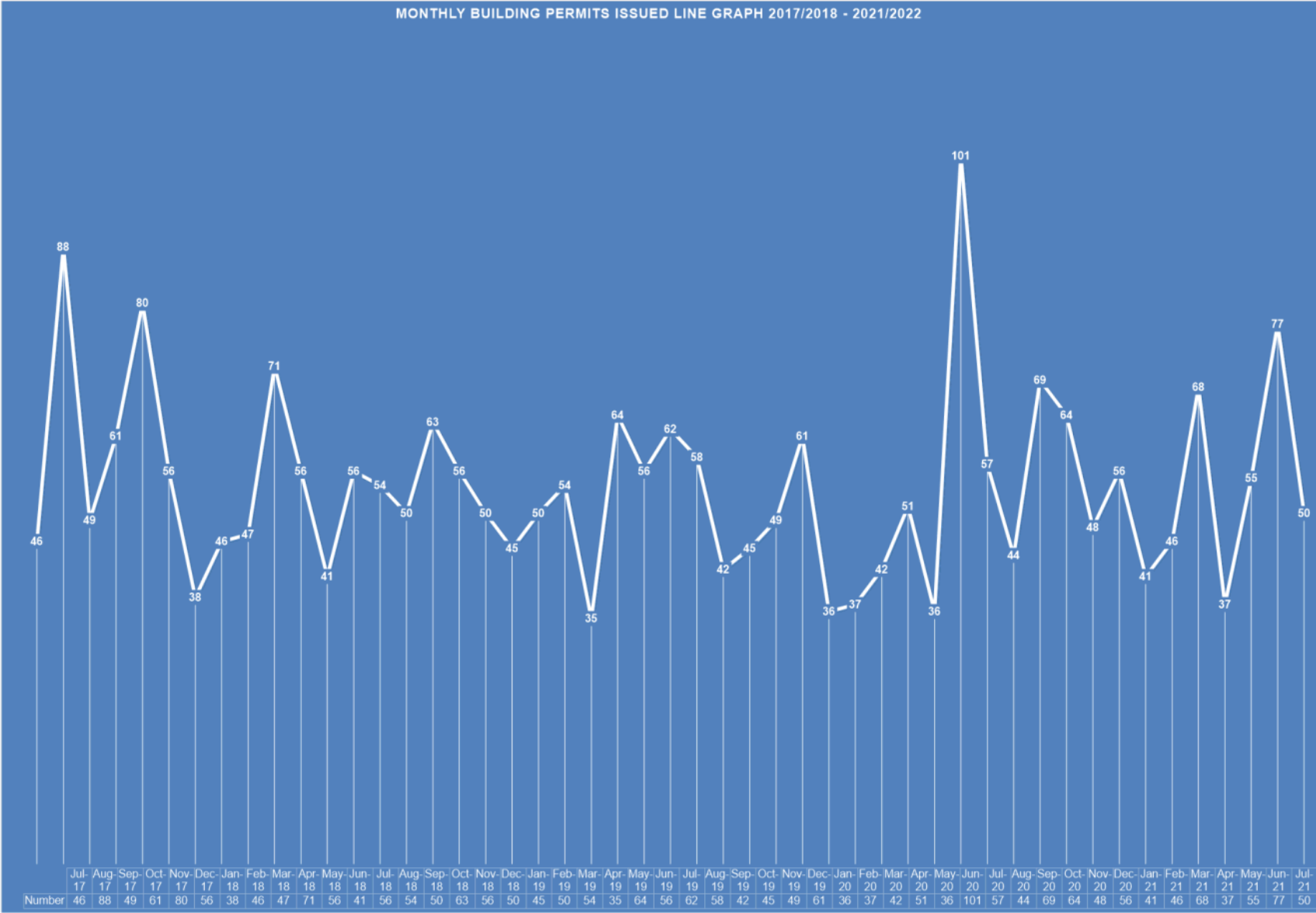
Date: 11 August 2021
File Reference: F21/77604

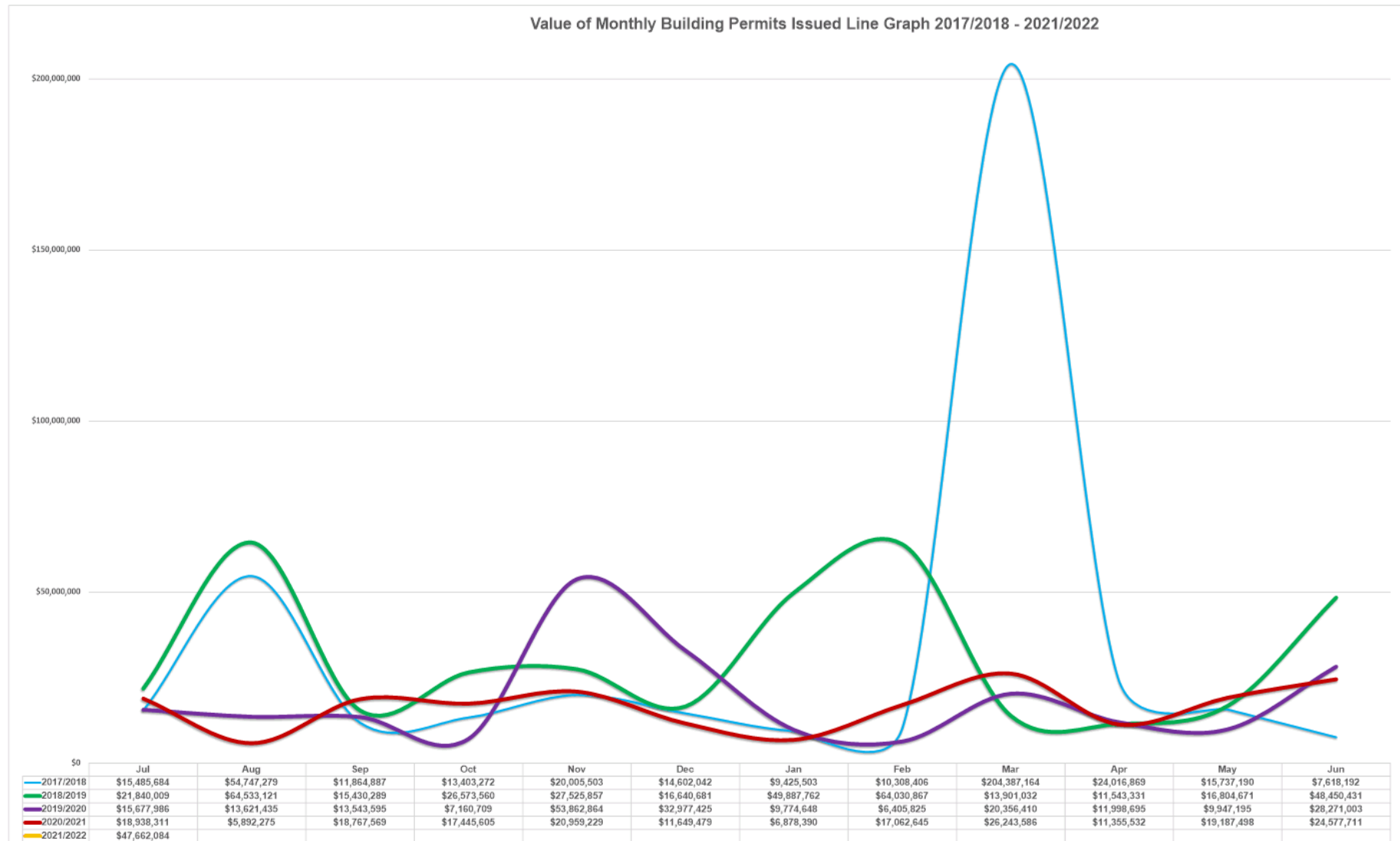
- Attachment A: Building Permits Issued Accumulative Monthly Totals Bar Graph July 2021 ↓ 
- Attachment B: Building Permits Value Accumulative Monthly Bar Graph July 2021 ↓ 
- Attachment C: Monthly Building Permits Issued Line Graph July 2021 ↓ 
- Attachment D: Value of Monthly Building Permits Issued Line Graph July 2021 ↓ 

The chart displays the number of companies in the top 100 of the Spanish stock market from 2007 to 2019, categorized by sector. The Y-axis represents the number of companies, ranging from 0 to 450,000,000. The X-axis represents the years from 2007 to 2019. The legend indicates four sectors: Industrial (blue), Financial (green), Services (purple), and Retail (red). A yellow bar is present in 2007, representing a category not explicitly defined in the legend.

Year	Industrial	Financial	Services	Retail	Other
2007	15	20	15	18	48
2008	70	50	30	25	0
2009	82	75	42	45	0
2010	95	105	50	60	0
2011	115	132	105	82	0
2012	130	145	138	95	0
2013	142	160	148	102	0
2014	152	175	155	118	0
2015	358	188	175	145	0
2016	382	200	185	155	0
2017	398	215	195	175	0
2018	405	265	225	198	0

[illegible]





8.5 Delegated Decision Report (Planning)
File Ref: F21/78021

Memorandum of the Director City Planning of 11 August 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 26 July 2021 to 6 August 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: 11 August 2021
File Reference: F21/78021

Attachment A: Delegated Decision Report (Planning) ↓

9 August 2021

Delegated Decisions Report (Planning)

23 applications found.

					Approved	All
Planning Description	Address	Works Value	Decision	Authority		
PLN-20-663 Signage	3/111 HILL STREET WEST HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-20-718 Partial Demolition, Alterations and Decks	1/276 BATHURST STREET WEST HOBART TAS 7000	\$ 20,000	Approved	Delegated		
PLN-20-760 Partial Change of Use to Caretaker's Dwelling	60 FEDERAL STREET NORTH HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-21-176 Partial Demolition, Alterations, Extension, and Alterations to Driveway	2 PRIMROSE PLACE SANDY BAY TAS 7005	\$ 200,000	Approved	Delegated		
PLN-21-180 Two Multiple Dwellings	85 KING STREET SANDY BAY TAS 7005	\$ 600,000	Approved	Delegated		
PLN-21-308 Partial Demolition, Alterations and Garage	48 MOUNT STUART ROAD MOUNT STUART TAS 7000	\$ 150,000	Approved	Delegated		
PLN-21-311 Partial Demolition, Alterations and Front Fencing	5 FRANCIS STREET BATTERY POINT TAS 7004	\$ 30,000	Approved	Delegated		
PLN-21-363 Partial Demolition, Alteration, Extension, Outbuilding and Front Fencing	5 WILLIAM STREET WEST HOBART TAS 7000	\$ 250,000	Approved	Delegated		
PLN-21-396 Partial Demolition, Alterations, and Signage	152-156 ELIZABETH STREET HOBART TAS 7000	\$ 10,000	Approved	Delegated		
PLN-21-399 Partial Change of Use to Residential (Hostel)	47 DAVEY STREET HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-21-404 Partial Change of Use to Visitor Accommodation	1/1 UNA STREET MOUNT STUART TAS 7000	\$ 0	Approved	Delegated		
PLN-21-411 Partial Demolition, Alterations, and Extension	40 QUEEN STREET SANDY BAY TAS 7005	\$ 165,000	Approved	Delegated		
PLN-21-414 Carport	67 ARTHUR STREET WEST HOBART TAS 7000	\$ 40,000	Approved	Delegated		
PLN-21-423 Partial Demolition, Alterations and Extension	692 SANDY BAY ROAD SANDY BAY TAS 7005	\$ 100,000	Approved	Delegated		
PLN-21-43 Dwelling	9 RUSHWOOD COURT LENA VALLEY TAS 7008	\$ 300,000	Approved	Delegated		
PLN-21-439 Partial Demolition, Alterations, Extension, and Garage	20 DERWENTWATER AVENUE SANDY BAY TAS 7005	\$ 90,000	Approved	Delegated		
PLN-21-445 Partial Demolition and Alterations	18 OSBORNE STREET SANDY BAY TAS 7005	\$ 50,000	Approved	Delegated		
PLN-21-447 Signage	28 LETITIA STREET NORTH HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-21-449 Partial Demolition, Alterations, and Extension	4 BUTTERWORTH STREET WEST HOBART TAS 7000	\$ 100,000	Approved	Delegated		
PLN-21-453 Alterations (Solar Panels)	56 NAPOLEON STREET BATTERY POINT TAS 7004	\$ 12,000	Approved	Delegated		
PLN-21-465 Change of Use to Visitor Accommodation	24 MARLBOROUGH STREET SANDY BAY TAS 7005	\$ 0	Approved	Delegated		
PLN-21-478 Partial Demolition, Alterations, and Extension	30 WILLOWDENE AVENUE SANDY BAY TAS 7005	\$ 300,000	Not Required	Delegated		
PLN-21-483 Ancillary Dwelling and Outbuilding (Shed)	41 LOUDEN STREET SOUTH HOBART TAS 7004	\$ 60,000	Not Required	Delegated		

CITY OF HOBART

8.6 City Planning - Advertising Report
File Ref: F21/78694

Memorandum of the Director City Planning of 11 August 2021 and attachments.

Delegation: Committee



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

City Planning - Advertising Report

Attached is the advertising list for the period 26 July 2021 to 6 August 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: 11 August 2021
File Reference: F21/78694

Attachment A: City Planning - Advertising Report ↓

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-330	170 AUGUSTA ROAD	LENAH VALLEY	Partial Demolition and Alterations	\$10,000	27/08/2021	ayersh	Director	28/07/2021	11/08/2021
PLN-21-450	526 A HUON ROAD	SOUTH HOBART	Alterations and Ancillary Dwelling	\$50,000	31/08/2021	ayersh	Director	29/07/2021	12/08/2021
PLN-21-446	4 - 12 ELIZABETH STREET	HOBART	Partial Demolition and Alterations	\$75,000	23/08/2021	ayersh	Director	29/07/2021	12/08/2021
PLN-21-438	34 WELLESLEY STREET	SOUTH HOBART	Partial Demolition and Ancillary Dwelling	\$160,000	30/08/2021	ayersh	Director	05/08/2021	19/08/2021
PLN-21-473	1 / 42 GOULBURN STREET	HOBART	Partial Change of Use to Visitor Accommodation	\$2,000	07/09/2021	ayersh	Director	05/08/2021	19/08/2021
PLN-21-486	3 GLEN STREET	SOUTH HOBART	Partial Demolition and Alterations to Car Parking	\$5,000	31/08/2021	langd	Director	29/07/2021	12/08/2021
PLN-21-502	5 / 29 WENTWORTH STREET	SOUTH HOBART	Partial Change of Use to Visitor Accommodation	\$0	17/09/2021	langd	Director	04/08/2021	18/08/2021
PLN-21-257	4 WARWICK STREET	HOBART	Partial Demolition, Alterations, and Extension	\$300,000	20/08/2021	maxwellv	Director	30/07/2021	13/08/2021
PLN-21-196	17 BEAUMONT ROAD	LENAH VALLEY	Dwelling	\$400,000	23/08/2021	maxwellv	Director	03/08/2021	17/08/2021
PLN-21-367	339 LENA VALLEY ROAD	LENAH VALLEY	Subdivision (Boundary Adjustment)	\$0	02/09/2021	maxwellv	Council (Refusal)	04/08/2021	18/08/2021
PLN-21-481	12 CRESWELLS ROW	HOBART	Change of Use to Visitor Accommodation	\$0	02/09/2021	mcclenahanm	Director	27/07/2021	10/08/2021
PLN-21-463	59 LORD STREET	SANDY BAY	Partial Demolition, Alterations, Extension, and Front Fencing	\$200,000	22/08/2021	mcclenahanm	Director	02/08/2021	16/08/2021
PLN-21-138	45 B WELLESLEY STREET	SOUTH HOBART	Partial Demolition, Alterations, and Extension	\$100,000	03/09/2021	nolanm	Director	03/08/2021	17/08/2021
PLN-21-182	51 BAY ROAD	NEW TOWN	Two Multiple Dwellings (One Existing, One New)	\$350,000	19/08/2021	sherriffc	Director	27/07/2021	10/08/2021
PLN-21-458	9 RATHO STREET	LENAH VALLEY	Partial Demolition, Alterations, and Extension	\$250,000	24/08/2021	sherriffc	Director	29/07/2021	12/08/2021
PLN-21-434	5 WANDEET PLACE	SANDY BAY	Demolition and Carport	\$30,000	27/08/2021	sherriffc	Director	05/08/2021	19/08/2021
PLN-20-868	2 SAYER CRESCENT	SANDY BAY	Demolition, New Building for 14 Multiple Dwellings, and Associated Works	\$10,000,000	15/08/2021	smeea	Council (Objection)	28/07/2021	11/08/2021

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-470	365 ELIZABETH STREET	NORTH HOBART	Partial Change of Use to Food Services and Signage	\$10,000	24/08/2021	smeea	Director	28/07/2021	11/08/2021
PLN-21-301	229 - 235 ELIZABETH STREET	HOBART	Partial Demolition and Alterations (Entry Access Ramp)	\$30,000	24/08/2021	smeea	Director	30/07/2021	13/08/2021
PLN-21-380	268 MACQUARIE STREET	HOBART	Partial Demolition, Alterations and Extension	\$304,000	25/08/2021	smeea	Director	30/07/2021	13/08/2021
PLN-21-397	2 RED CHAPEL AVENUE	SANDY BAY	Partial Demolition, Alterations, Extension, and Landscaping	\$500,000	27/08/2021	smeea	Director	30/07/2021	13/08/2021
PLN-20-853	207 CAMPBELL STREET	NORTH HOBART	Partial Demolition and Multiple Dwellings (Two Existing, Four Proposed) and associated works	\$860,000	01/09/2021	smeea	Director	02/08/2021	16/08/2021
PLN-21-510	12 NEWCASTLE STREET	BATTERY POINT	Front Fencing	\$12,000	09/09/2021	smeea	Director	05/08/2021	19/08/2021
PLN-21-437	456 MACQUARIE STREET	SOUTH HOBART	Change of Use to General Retail and Hire and Business and Professional Services	\$10,000	23/08/2021	widdowsont	Director	27/07/2021	10/08/2021
PLN-21-477	4 / 160 ELIZABETH STREET	HOBART	Signage	\$20,000	27/08/2021	widdowsont	Director	03/08/2021	17/08/2021

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

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

The Chief Executive Officer 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 Building Compliance in Hobart
File Ref: F21/64978; 13-1-10

Memorandum of the Director City Planning of 10 August 2021.

9.2 City of Hobart Planning Portal
File Ref: F21/53364; 13-1-10

Memorandum of the Director City Planning of 10 August 2021.

9.3 Sandy Bay - Escarpment
File Ref: F21/353

Memorandum of the Director City Planning of 10 August 2021.

9.4 Cable Car Development Application - Bushfire Assessment
File Ref: F21/72248; 13-1-10

Memorandum of the Director City Planning of 10 August 2021.

That the information be received and noted.

Delegation: Committee



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

BUILDING COMPLIANCE IN HOBART

Meeting: City Planning Committee

Meeting date: 28 June 2021

Raised by: Deputy Lord Mayor Burnet

Question:

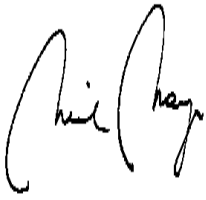
Given the recent revelations of uninhabitable homes in Glenorchy's McGill Rise subdivision, could the Director please provide information as to whether in the past 12 months there have been breaches in building compliance by building service providers in the Hobart municipality? Are there any builders or surveyors being investigated for any approved developments in the Hobart municipality?

Response:

Building services providers are licensed under the *Occupational Licensing Act 2005*. This legislation is administered by the State Government. Any complaints against building services providers are made to and investigated by Consumer, Building and Occupational Services (CBOS), an agency of the Department of Justice. Investigations are confidential and the Council are not notified by CBOS of the commencement of an investigation.

The Council has undertaken action against licensed builders and plumbers via prosecution and/or the issue of an infringement notice for undertaking work in contravention of the *Building Act 2016*. To date, this action has generally related to work undertaken without approval and not defective building or plumbing work.

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'.

Neil Noye
DIRECTOR CITY PLANNING

Date: 10 August 2021
File Reference: F21/64978; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

CITY OF HOBART PLANNING PORTAL

Meeting: City Planning Committee

Meeting date: 31 May 2021

Raised by: Deputy Lord Mayor Councillor Burnet

Question:

Could the Director please advise if there has been any issues or problems raised in relation to access to the City of Hobart planning portal or representations which are being submitted not being directed correctly?

Response:

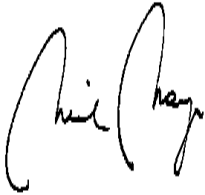
The City requests that applicants lodge all documents via our online development portal. For developers who use the portal regularly, this is not an issue. It is more of an effort to do so compared to sending documents via email, but we do this to ensure that documents are properly recorded and referred to the assessing officer via our assessment system. If documents are only provided by email then this can cause difficulties when the relevant staff member is on leave or out of the office.

For applicants who do not use the portal regularly, there are sometimes concerns raised with us about how to use it. Our City Planning Administration team will talk an applicant through their application, if necessary.

There were some representations earlier this year which were delayed in reaching City Planning. In large part, the issue was caused by a change to the City's email filter. On each occasion we were alerted to this issue, the City Information and Technology team's processes were reviewed and amended to ensure that this error did not reoccur.

For context, the City receives approximately 10,000 to 15,000 emails every day and it took some time to ensure that the correct emails were coming through, without letting through undesirable emails. Each time a representation was delayed, a new permit was issued (where necessary) to ensure that each representation was properly taken into account when making a decision. *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: 10 August 2021
File Reference: F21/53364; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

SANDY BAY - ESCARPMENT

Meeting: City Planning Committee

Meeting date: 28 September
2020

Raised by: Councillor Harvey

Question:

Can the Director advise of the Council's risk and liabilities with regards erosion and potential landslip of the escarpment around the Derwent River foreshore at Sandy Bay?

Response:

Council may incur risk and potential liability from a vast range of sources, for example as land owner or land manager, or by administering particular types of permits under various regulatory regimes.

For the purposes of this question, I will give a brief overview from the perspective of granting planning permission pursuant to the *Land Use Planning and Approvals Act 1993*. The answer can only be given in the abstract and in general form. This response does not purport to represent exhaustive assessment and advice.

There are two primary sources of liability with respect to Council's role as Planning Authority in relation to areas subject to erosion and potential landslip. The *Hobart Interim Planning Scheme 2015* contains codes which control development in particular zones in relation to those specific issues, for example 3.0 Landslide Code and 16.0 Coastal Erosion Hazard Code.

The first potential source of liability arises from the exercise of Council's function as Planning Authority (operational function). Council must not make a decision so unreasonable that no reasonable authority could have made the decision. It should ensure that it makes decisions in consideration of relevant and probative expert

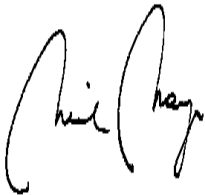
advice where appropriate, and should not take into consideration irrelevant matters. Further, it should exercise its function with reasonable skill and care.

The second potential source of liability arises from the accuracy of various maps utilized pursuant to the Codes above. Council as Planning Authority administers its planning schemes and has a major role to play in preparing and maintaining those schemes (legislative function). An issue may arise where those maps which define the parameters in which risk is managed around areas subject to erosion or landslip hazards are inaccurate, then the resultant output from those regulatory frameworks will suffer. Potentially areas which ought to be subject to specific controls may not be, or else may be subject to less stringent controls than is appropriate given the matters of fact.

That is not to say that there is an obligation for Council to impose risk mitigating controls per se, rather, that if risk mitigating controls are imposed, those controls are appropriately reviewed and administered to ensure that they are appropriately sensitive to the associated risks.

To mitigate against this risk Council should ensure that it adopts a reasonable review process in relation to its hazard mapping under the Scheme to ensure that the controls remain appropriately sensitive to the live risks at play.

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: 10 August 2021
File Reference: F21/353



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

CABLE CAR DEVELOPMENT APPLICATION - BUSHFIRE ASSESSMENT

Meeting: City Planning Committee

Meeting date: 19 July 2021

Raised by: Alderman Briscoe

Question:

Can the Director advise if the Council obtained an independent bushfire assessment for the proposal?

Response:

The Council did not obtain an independent bushfire assessment for the application.

While the land the subject of the application is subject to the Bushfire Prone Areas Overlay in the Hobart Interim Planning Scheme 2015, assessment against the Bushfire Prone Areas Code of the Scheme was not required as the application did not relate to subdivision of land or use that is a vulnerable use or hazardous use.

The Fire Protection Report forming part of the application was provided in order to demonstrate the extent of vegetation clearance required for bushfire management purposes.

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: 10 August 2021

File Reference: F21/72248; 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 Chief Executive Officer or the Chief Executive Officer'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, Chief Executive Officer or Chief Executive Officer'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
- Planning Appeal - Mediation
- 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 Committee Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Planning Authority Items – Consideration of Items with Deputations |
| Item No. 5 | City Acting as Planning Authority |
| Item No. 5.1 | Applications under the Hobart Interim Planning Scheme 2015 |
| Item No. 5.0.1 | PLN-20-827 - 26 Fitzroy Place and 2 Montgomery Court Sandy Bay - partial demolition, extension and alterations to visitor accommodation, car parking and subdivision (boundary adjustment) - Appeal - Mediation
LG(MP)R 15(4)(a) |
| Item No. 6 | Responses to Questions Without Notice |
| Item No. 6.1 | Judicial Review Act 2000 - Building Heights - Planning Scheme Amendment
LG(MP)R 15(2)(i) |
| Item No. 7 | Questions Without Notice |