



CITY OF HOBART

# AGENDA

## City Planning Committee Meeting

### Open Portion

Monday, 4 April 2022

at 5:00 pm

Council Chamber, Town Hall

## SUPPLEMENTARY ITEM

### ORDER OF BUSINESS

COMMITTEE ACTING AS PLANNING AUTHORITY ..... 3

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

11 7 South Street, Battery Point - Partial Demolition, Alterations and  
Extension ..... 4

**The Chief Executive Officer reports:**

“That in accordance with the provisions of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, these supplementary matters are submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

## **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.

**11 7 SOUTH STREET, BATTERY POINT - PARTIAL DEMOLITION,  
ALTERATIONS AND EXTENSION  
PLN-22-125 - FILE REF: F22/30595**

---

Address: 7 South Street, Battery Point

Proposal: Partial Demolition, Alterations and Extension

Expiry Date: 20 April 2022

Extension of Time: Not applicable

Author: Tristan Widdowson

**RECOMMENDATION**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and extension at 7 South Street Battery Point 7004 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-22-125 - 7 SOUTH STREET BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

**Reason for condition**

To clarify the scope of the permit.

**ENG sw1**

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

**Advice:**

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

**Reason for condition**

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

**ENG sw6**

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

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

1. Prepared by a suitably qualified person; and
2. Meet the requirements of Australian Standard AS 3500 (including pumped system) or a Council approved alternative;
3. Include long section(s)/levels and grades to the point of discharge; and
4. Include gravity discharge to Council's public infrastructure.

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

**Advice:**

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

**Reason for condition**

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

**ENG 1**

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

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

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

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied

upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

#### Reason for condition

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

#### **ADVICE**

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

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

#### **BUILDING PERMIT**

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

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

#### **PLUMBING PERMIT**

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

#### **OCCUPATION OF THE PUBLIC HIGHWAY**

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

#### **NEW SERVICE CONNECTION**

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

#### **STORMWATER**

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

**WORK WITHIN THE HIGHWAY RESERVATION**

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

**WORK PLACE HEALTH AND SAFETY**

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

**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-22-125 - 7 SOUTH STREET BATTERY POINT TAS 7004  
- Planning Committee or Delegated Report ↓ 
- Attachment B: PLN-22-125 - 7 SOUTH STREET BATTERY POINT TAS 7004  
- CPC Agenda Documents ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Delegated  
Delegated: 4 April 2022  
Expiry Date: 20 April 2022  
Application No: PLN-22-125  
Address: 7 SOUTH STREET , BATTERY POINT  
Applicant: Jillian Whitty  
7 South Street  
Proposal: Partial Demolition, Alterations and Extension  
Representations: Three (3)  
Performance criteria: Development Standards, Historic Heritage Code, Stormwater Management Code

---

**1. Executive Summary**

- 1.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 7 South Street Battery Point.
- 1.2 More specifically the proposal includes:
- Demolition of the existing lean-to at the rear of the cottage which comprises the kitchen, bathroom, laundry and toilet.
  - A glazed extension featuring a new kitchen, bathroom, laundry and sunroom.
  - Restoration works and internal alterations to add a walk-in-wardrobe and ensuite to the attic bedroom.
  - Rear facing skylight.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 Inner Residential Zone Standards - Private Open Space
  - 1.3.2 Historic Heritage Code - Heritage Precinct and Heritage Place
  - 1.3.3 Stormwater Management Code - Stormwater Disposal
- 1.4 Three (3) representations were received during the statutory advertising period between 16 and 30 March 2022.



- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee as the application received three representations.

**2. Site Detail**

- 2.1 The subject property is a small conjoined brick cottage, with an entry hall, two rooms coming off the entrance hall, and a series of conjoined rooms at the rear, comprising a living room, kitchen, bathroom and toilet. There is an attic room within the roof space. It is a strata titled dwelling with a site area of 173m2 and located within the central Battery Point Heritage Precinct. site area of



Figure 1: GIS Map Image

2.3



Figure 2: Subject cottage



Figure 3: Rear of site, location of proposed extension and lean to that is being demolished.

### 3. Proposal

3.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 7 South Street Battery Point.

3.2 More specifically the proposal is for:

- Demolition of the existing lean-to at the rear of the cottage which comprises the kitchen, bathroom, laundry and toilet.
- A glazed extension featuring a new kitchen, bathroom, laundry and sunroom.
- Restoration works and internal alterations to add a walk-in-wardrobe and ensuite to the attic bedroom.
- Rear facing skylight.

3.3

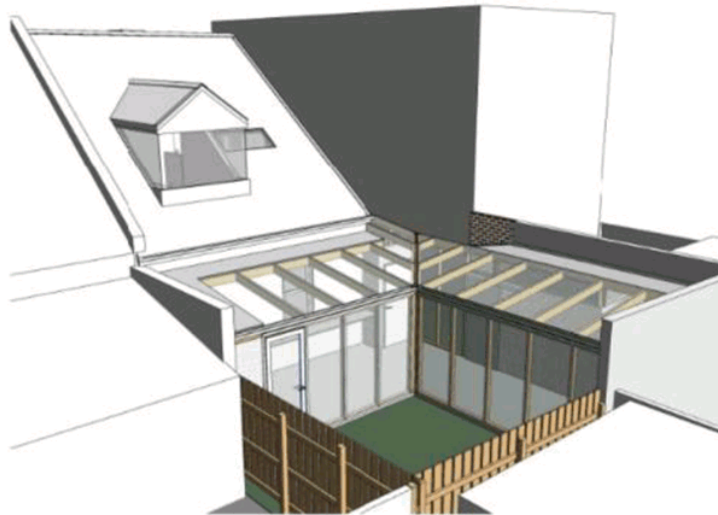


Figure. 4. 3D image of the proposed extension. Source: application documents.



3.4



*Figure. 5. Image of the rear of the dwelling. Source: application documents.*

3.5

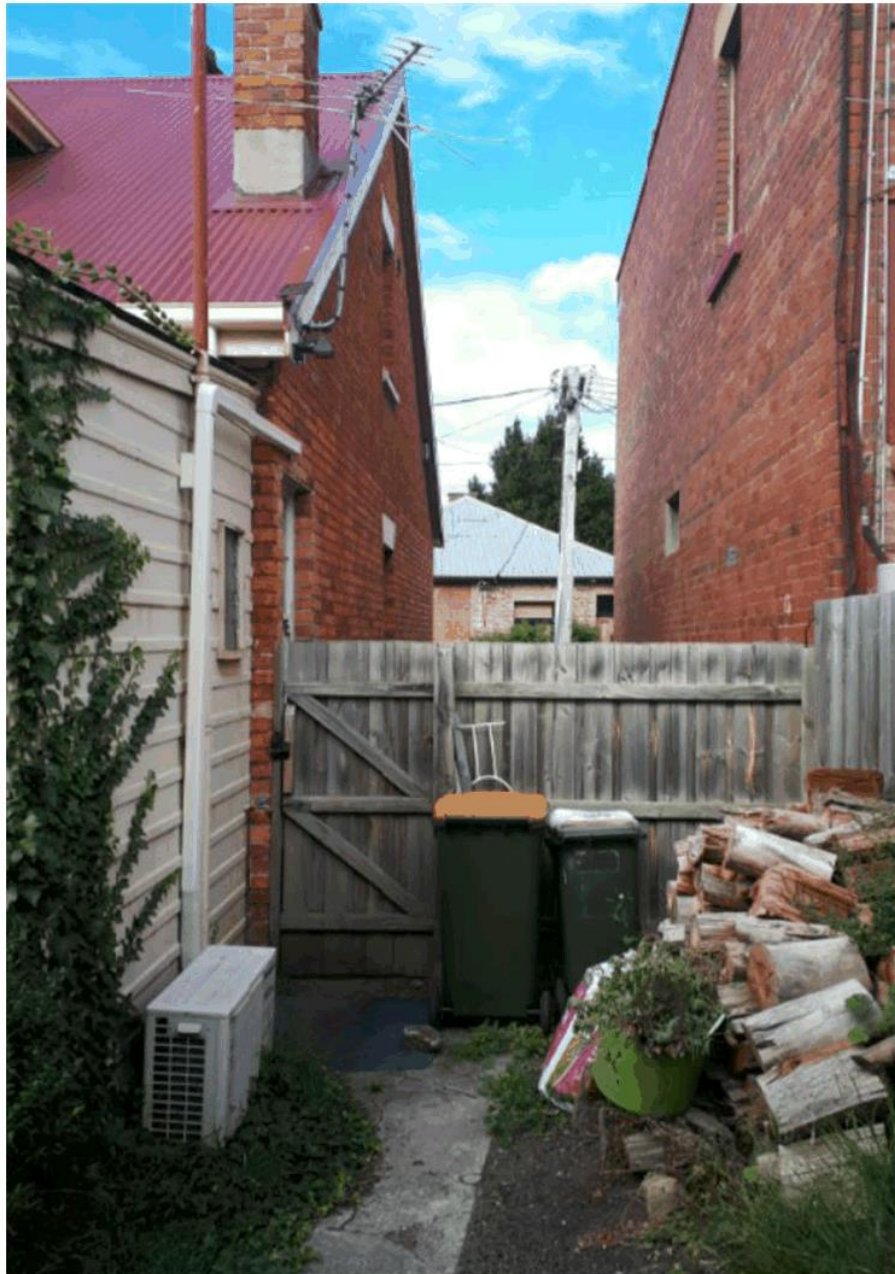


Figure. 6. Image of the side of the dwelling. Source: application documents.

**4. Background**

- 4.1 The same development was granted a planning permit under PLN-19-221; however that permit was found to be lapsed upon the lodgment of the the Start Work Notice for commencement of the construction of the project.

**5. Concerns raised by representors**

- 5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 16 and 30 March 2022.
- 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 applicant not discussing the proposal with those effected prior to lodgement.
Disappointing no shadow diagrams submitted to determine sunlight lost to adjoining properties.
Council should require shadow diagrams to determine the impact on access to sunshine to the living space and garden area.
The controversial wall length has not been noted on the submitted plans.
Council's Planning Officer providing advice that the application would be recommended for approval prior to reviewing the representations, also that appealing the approval would be difficult to argue.
Part demolition by asbestos removalist was undertaken but without notice and therefore risking exposure.
The proposed construction of the brick wall in combination with the existing trees will result in almost total shadow.
The dramatic reduction the proposed extension will have on the amenity of rear yard due to the towering 3.08m high wall. The residential amenity has been status quo since 1900.
The proposal disregards the Inner Residential Zone Purpose Statements.
Significant increase in site coverage and reduction of private open space outside the Acceptable Solutions for the Zone.
There is a discrepancy of 11m <sup>2</sup> in respect of the proposal in the site calculations.
A plot ratio of over 75 % would not be allowed or even considered under the Hobart Interim Planning Scheme 2015.
Council's Planning Officer pointed out that 3m high walls could be built on all boundaries without having any regard to sunlight and amenity.
The Heritage Tasmania and the Heritage Officer employed by Council have not adequately considered the impact of proposed development on an historical neighbouring and heritage listed property.

## 6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria,



the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.

6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.

6.3 The existing and proposed use is 'multiple dwelling' which 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 Standards

6.4.2 Part E - 7.0 Stormwater Management Code

6.4.3 Part E - 13.0 Historic Heritage Code

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

6.5.1 Inner Residential Zone Standards:

*Private Open Space – Part D 11.4.3 P1 & P2*

6.5.2 Historic Heritage Code:

*Building and Works on a Listed Place - Part E 13.7.1 P1, 13.7.2 P1, P2, P3 & P4*

*Building and Works in a Heritage Precinct - Part E 13.8.1 P1, 13.8.2 P1 & P3*

6.5.3 Stormwater Management Code:

*Stormwater Disposal - Part E 7.7.1 P1*

6.6 Each performance criterion is assessed below.

6.7 Private Open Space - Part D 11.4.3 P1

6.7.1 The acceptable solution at clause 11.4.3 A1 (b) requires, for multiple dwellings, a total area of private open space of not less than 40m<sup>2</sup>.

- 6.7.2 The proposal includes a reduction in private open space from 44.4.5m<sup>2</sup> to 28.3m<sup>2</sup>.
- 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause 11.4.3 P1 provides as follows:
- Dwellings must have:*
- (a) site coverage consistent with that existing on established properties in the area;*
- (b) private open space that is of a size and with dimensions appropriate for the size of the dwelling and is able to accommodate:*
- (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and*
- (ii) operational needs, such as clothes drying and storage; and*
- (c) reasonable space for the planting of gardens and landscaping.*
- 6.7.5 The subject site is small in area with the extension intended to provide areas of significantly improved solar access at the cost of a minor reduction in private open space. Not only will the extension improve the internal liveability of the space, it will create greater connection to and usability of the private open space. It will also still allow for areas suitable for landscaping, the planting of gardens and operational needs such as clothes drying and storage.
- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Private Open Space - Part D 11.4.3 P2
- 6.8.1 The acceptable solution at clause 11.4.3 A2 requires that all dwellings must have an area of private open space that is in one location and is not less than 24m<sup>2</sup> in area, has a minimum horizontal dimension of 4m, is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north, has a gradient not steeper than 1 in 10 and is not used for vehicle access or parking.
- 6.8.2 The proposal includes the directly accessible area of private open space of 21.8m<sup>2</sup>.

- 6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion at clause 11.4.3 P2 provides as follows:
- A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:*
- (a) conveniently located in relation to a living area of the dwelling; and*  
*(b) orientated to take advantage of sunlight.*
- 6.8.5 The courtyard area is an area of the dwelling capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play. It is conveniently located in relation to a living area of the dwelling, and it's orientation is not changing (it is already an area used as private open space). It would receive sunshine from the north and west.
- 6.8.6 The proposal complies with the performance criterion.
- 6.9 Stormwater Management Code (Pumped Stormwater System) - Part E 7.7.1 P1
- 6.9.1 The acceptable solution at clause E.7.7.1 A1 requires that stormwater drains via gravity to public stormwater infrastructure.
- 6.9.2 The proposal includes a pumped stormwater system.
- 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause E.7.7.1 P1 provides as follows:
- Stormwater from new impervious surfaces must be managed by any of the following:*
- (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles*  
*(b) collected for re-use on the site;*  
*(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.*

- 6.9.5 The Council's Senior Development Engineer has advised as follows:

Pump is proposed which is acceptable under the performance criteria. Proposal is to discharge to kerb and channel via new stormwater connection. In a council related engineering context, the proposal can be supported in principal subject to conditions and advice.

- 6.9.6 The proposal complies with the performance criterion.

- 6.10 Historic Heritage Code (Building and Works on a Listed Place & in a Heritage Precinct) - Part E 13.7.1 P1, 13.7.2 P1, P2, P3 & P4 and 13.8.1 P1, 13.8.2 P1 & P3

- 6.10.1 There are no acceptable solutions for extensions and alterations to a listed place or place in a heritage precinct.

- 6.10.2 The proposal includes partial demolition, alterations and extension to a property listed in the planning scheme and with the Tasmanian Heritage Council, and located in heritage precinct Battery Point 1.

- 6.10.3 There are no acceptable solutions; therefore assessment against the performance criterion is relied on.

- 6.10.4 The relevant performance criteria provide as follows:

E.13.7.1 P1

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

*(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*

*(b) there are no prudent and feasible alternatives;*

*(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;*

*(d) significant fabric is documented before demolition.*

E.13.7.2 P1

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

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

E.13.7.2 P2

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

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

E.13.7.2 P3

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

E.13.7.2 P4

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

E.13.8.1 P1

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

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

*greater value to the community than the historic cultural heritage values of the place;*

*(ii) there are no prudent or feasible alternatives;*

*(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.*

E.13.8.2 P1

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

E.13.8.2 P3

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

6.10.5 The Council's Cultural Heritage Officer has advised as follows:

This application appears to be identical to one previously approved which has expired (PLN-19-221). Demolition and works were concluded to be acceptable in the previous application and the Planning Scheme has not changed. The proposed development is likely to be acceptable and is recommended for approval without conditions.

The comments from the previous application (PLN-19-221) follow below:

7 South Street is a small conjoined Victorian cottage constructed of red/orange brick which has never been painted. The cottage has a narrow garden and picket fence at the street edge and a small garden to the rear. The house has been progressively modified over the years but original features such as windows and chimneys remain intact. A small extension to the rear provides a kitchen and bathroom. The proposed development involves internal demolition upstairs and downstairs and the removal of the existing kitchen/bathroom and the construction of a glazed atrium facing northward and onto the rear garden. Changes to the south facing street façade and front garden are not proposed.

7 South Street is a Listed Place (Table E 13.1) and located in Heritage Precinct (E 13.2) and therefore the Heritage Code (E 13.0) needs to be considered.

The Heritage Code can be understood to have two relevant areas in

relation to this application; Demolition and Works. There are Acceptable Solution and Performance Criteria which must be considered in regard to significant values of 7 South Street as both a Listed Place and a house within a Heritage Precinct

Demolition (Demolition at a Listed Place (E 13.7.1) and Demolition in a Heritage Precinct (E 13.8.1)).

Externally, the proposed demolition involves the removal of what is noted as an asbestos clad kitchen and bathroom structure from the rear of the masonry cottage. A fence and gate separating the parking area from the rear garden will also be removed. A site inspection undertaken by the Cultural Heritage Officer confirmed that the rear extension is a cement sheet volume consistent with the drawings submitted. During the site visit, the Cultural Heritage value of the property was confirmed to reside in the original unpainted masonry cottage with its original sash windows, chimneys and front garden and fence. Internally, proposed demolition involves the removal of joinery and fixtures at the lower level and demolition of some internal partition walls to enable a new configuration of bedrooms and ensuite. The double brick walls and fireplaces/ chimneys are not noted on the drawings as having any changes proposed. Original multiplane timber windows are noted as to 'remain untouched'. The proposed demolition includes a proposition to remove paint from the original double brick walls (rear façade) It is possible to damage masonry with inappropriate cleaning methods. It is possible to place a condition to ensure the paint is removed in a manner which meets best practice for Heritage Places. A timber door at the lower level appears to be original fabric. This door, which is included in the area of proposed demolition, should be either retained in its current location (or stored onsite as per Best Practice for Heritage Places).

Subject to conditions regarding paint removal on rear wall and retention of door, the proposed demolition satisfies (E 13.7.1 and E 13.8.1).

Works (Works in a Listed Place (E13.7.2) and Works in a Heritage Precinct (E 13.8.2)

Externally the proposed works involve the construction of a glazed atrium extension with new kitchen and bathrooms. Upstairs the existing volume is to be compartmentalised with new walls to create separate sleeping, ablution and storage areas. The proposed works are sensible modest design interventions. The proposed works satisfy (E 13.7.2 and E 13.8.2).

6.10.6 The proposal complies with the performance criterion.

## 7. Discussion

7.1 Planning approval is sought for Partial Demolition, Alterations and Extension, at 7 South Street.

7.2 The application was advertised and received three (3) representations raising the following concerns:

- *The applicant not discussing the proposal with those effected prior to lodgement.*

The applicant had previously been through planning approval with no objection for the exact same proposal and was about to commence work and only at that point was it found that the previous permit had lapsed.

- *Disappointing no shadow diagrams submitted to determine sunlight lost to adjoining properties.*
- *Council should require shadow diagrams to determine the impact on access to sunshine to the living space and garden area.*
- *The proposed construction of the brick wall in combination with the existing trees will result in almost total shadow.*
- *The controversial wall length has not been noted on the submitted plans.*
- *The dramatic reduction the proposed extension will have on the amenity of rear yard due to the towering 3.08m high wall. The residential amenity has been status quo since 1900.*

Although the Building Setback and Envelope provisions do not apply within the Battery Point Heritage Precinct 1, if they were to apply the only part of the proposed new walls that would be discretionary would be the rear section of the extension within 1.5m of the rear boundary. This section of the proposed building adjoins the building at the rear 9 South Street and the very rear corner of the yard of 22 Kelly Street which is not in close proximity to the properties main private open space areas. Therefore in the case the standards did apply the impact in relation to the discretionary elements would not be considered unreasonable.

- *The proposal disregards the Inner Residential Zone Purpose Statements.*
- *Significant increase in site coverage and reduction of private open space outside the Acceptable Solutions for the Zone.*
- *There is a discrepancy of 11m<sup>2</sup> in respect of the proposal in the site calculations.*
- *A plot ratio of over 75 % would not be allowed or even considered under the Hobart Interim Planning Scheme 2015.*



The Zone Purpose Statements are not part of the assessment in respect of this proposal but in any case the proposed residential extension is not considered to be contrary to them. The proposal complies with site coverage and was measured from the scaled surveyed plan, it is unclear what the mentioned 11m2 discrepancy is referring to. The proposed private open space although marginally reduced is far more useable with direct access from living areas and improved amenity.

- *Council's Planning Officer providing advice that the application would be recommended for approval prior to reviewing the representations, also that appealing the approval would be difficult to argue.*
- *Council's Planning Officer pointed out that 3m high walls could be built on all boundaries without having any regard to sunlight and amenity.*

Council review all representations received. Although unclear of the specifics of the conversations mentioned above with the Planning Officer, planning officers are required to assess the application in respect of the relevant discretions. Therefore it would not be unusual for an officer to advise on the likely acceptability of a proposal in respect of the discretions and furthermore what issues can be raised as relevant grounds if the item was appealed. Also in this case the proposal had already been approved and with no significant variation to the planning provisions it would be assumed that as a matter of consistency the assessment would come to the same conclusions and recommendations.

- *The Heritage Tasmania and the Heritage Officer employed by Council have not adequately considered the impact of proposed development on an historical neighbouring and heritage listed property.*

The Council Heritage Officer's and Heritage Tasmania have assessed the proposal twice now and are supportive of the proposed works in respect of its Heritage listing and also its consistency with the Heritage Precinct.

- *Part demolition by asbestos removalist was undertaken but without notice and therefore risking exposure.*

Although it would be assumed that the asbestos removalists would be aware of the requirements and undertake the work safely, this is a matter for WorkSafe Tasmania and it is noted the representator had contacted them.

- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to satisfy the the performance criteria in respect of its discretions under Private Open Space, Historic Heritage Code and the Stormwater Management Code.

In respect of the private open space, the extension is intended to provide areas of significantly improved solar access at the cost of a minor reduction in private open space. Not only will the extension improve the internal liveability of the space, it will create greater connection to and usability of the private open space. It will also serve as an extension of the dwelling for outdoor relaxation, dining and entertaining.

The Council's Cultural Heritage Officer determined that the proposed works are sensible modest design interventions and satisfy the relevant Performance Criteria in respect being a listed site and located within a Heritage Precinct.

The Council's Development Engineer is also satisfied with the proposed pumped stormwater arrangement.

- 7.4 The proposal has been assessed by the Council's Development Engineer and Cultural Heritage Officer. The officers have raised no objection to the proposal, subject to conditions. The Tasmanian Heritage Council issued a 'Notice of No Interest' in respect of the proposal.

- 7.5 The proposal is recommended for approval.

## 8. Conclusion

- 8.1 The proposed Partial Demolition, Alterations and Extension at 7 South Street 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 and Extension at 7 South Street BATTERY POINT 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-22-125 - 7 SOUTH STREET BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

### ENG sw1

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

*Advice:*

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

Reason for condition

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

### ENG sw6

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

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

1. Prepared by a suitably qualified person; and
2. Meet the requirements of Australian Standard AS3500 (including pumped system) or a Council approved alternative;
3. Include long section(s)/levels and grades to the point of discharge; and
4. Include gravity discharge to Council's public infrastructure.

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

*Advice:*

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

Reason for condition

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

#### **ENG 1**

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

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

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

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be

relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

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

### ADVICE

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

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

### BUILDING PERMIT

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

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

### PLUMBING PERMIT

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

### OCCUPATION OF THE PUBLIC HIGHWAY

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

### NEW SERVICE CONNECTION

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

#### **STORM WATER**

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

#### **WORK WITHIN THE HIGHWAY RESERVATION**

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

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

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

#### **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.



(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.*



(Karen Abey)

**Manager Development Appraisal**

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

Date of Report: 1 April 2022

**Attachment(s):**

Attachment A - Final Planning Documents

**PROPOSAL FOR 7 SOUTH STREET BATTERY POINT**

7 South Street Battery Point is a three bedroom Colonial Georgian conjoined cottage.

The proposal is to demolish the existing lean-to at the rear of the cottage, replacing it with a modest glazed extension incorporating a new kitchen, bathroom, laundry and small sunroom which will significantly improve the overall living experience providing an open, light filled, all weather space.

The painted original external wall of the cottage will be restored exposing the red brickwork to form a feature wall for the new extension.

The glazed extension will:

Preserve the character of the home whilst adding a contemporary extension

Significantly increase the amount of natural light to the existing cottage

Create a passive solar heating effect for the whole cottage

Allow for a small, secure courtyard which will add additional green space and allow for cross ventilation of the glazed structure.

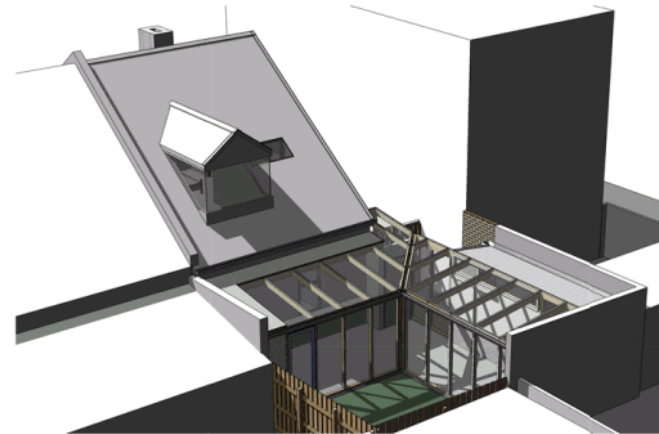
Provide a warm, calming retreat which connects with the outdoor spaces creating a casual gathering place for friends and family.

The proposal also includes adding an ensuite bathroom and walk-in-robe to the upstairs bedroom which will improve the overall functionality of the room.



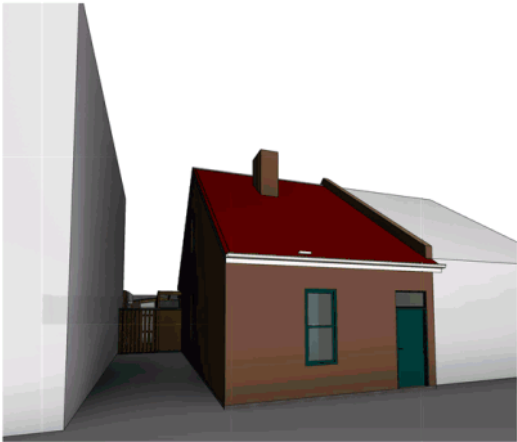
## JILL WHITTY

AREAS --	
LOT SIZE	173m/2
EXISTING HOUSE	80.5m/2
PROPOSED DWELLING	106m/2
PROPOSED SITE COVER	61.27%

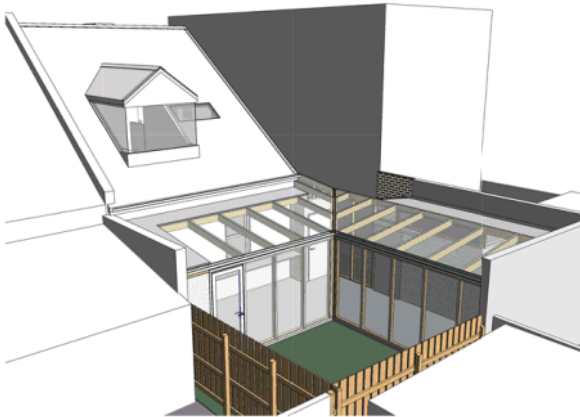


CHRIS LUTTRELL	CC 2675 C	DO NOT SCALE FROM THIS DRAWING. It is to be used to verify all work to the satisfaction of the dimensions before construction. All the building specified in the plans must comply with all Council requirements, engineering specifications, building surveyor recommendations and all Australian Standards that apply in the drawings and specifications. All work, materials & products must comply with the Building Code of Australia	PROJECT CLIENT	RENOVATION & EXTENSION JILL WHITTY	DRAWING NOTES -	COVER SHEET NOTES -	DRAWN BY CHECKED BY AMENDMENT NO	SC DATE DRAWING NO. AA00-01	1/7
chris.luttrell@bigpond.com.au	0417366820		ADDRESS	7 SOUTH STREET, BATTERY POINT, TAS 7004					
PO Box 100	Dodges Ferry	Tasmania							
		7173							

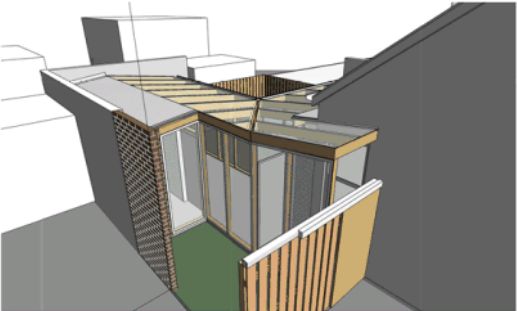




D VIEW



D VIEW



D V



4 D VIEW - BATH OP



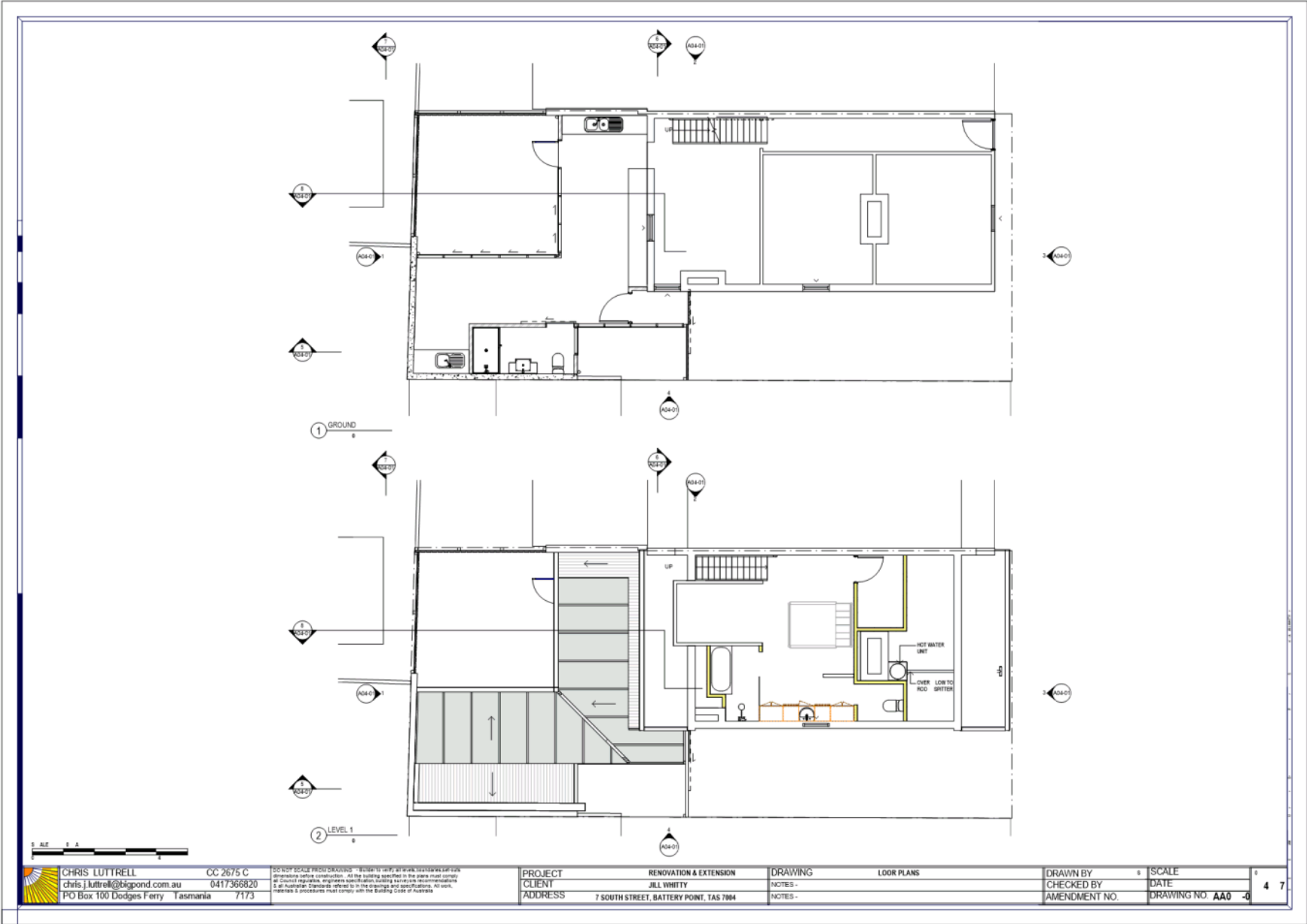
CHRIS LUTTRELL CC 2675 C  
chris.luttrell@bigpond.com.au 0417368820  
PO Box 100 Dodges Ferry Tasmania 7173

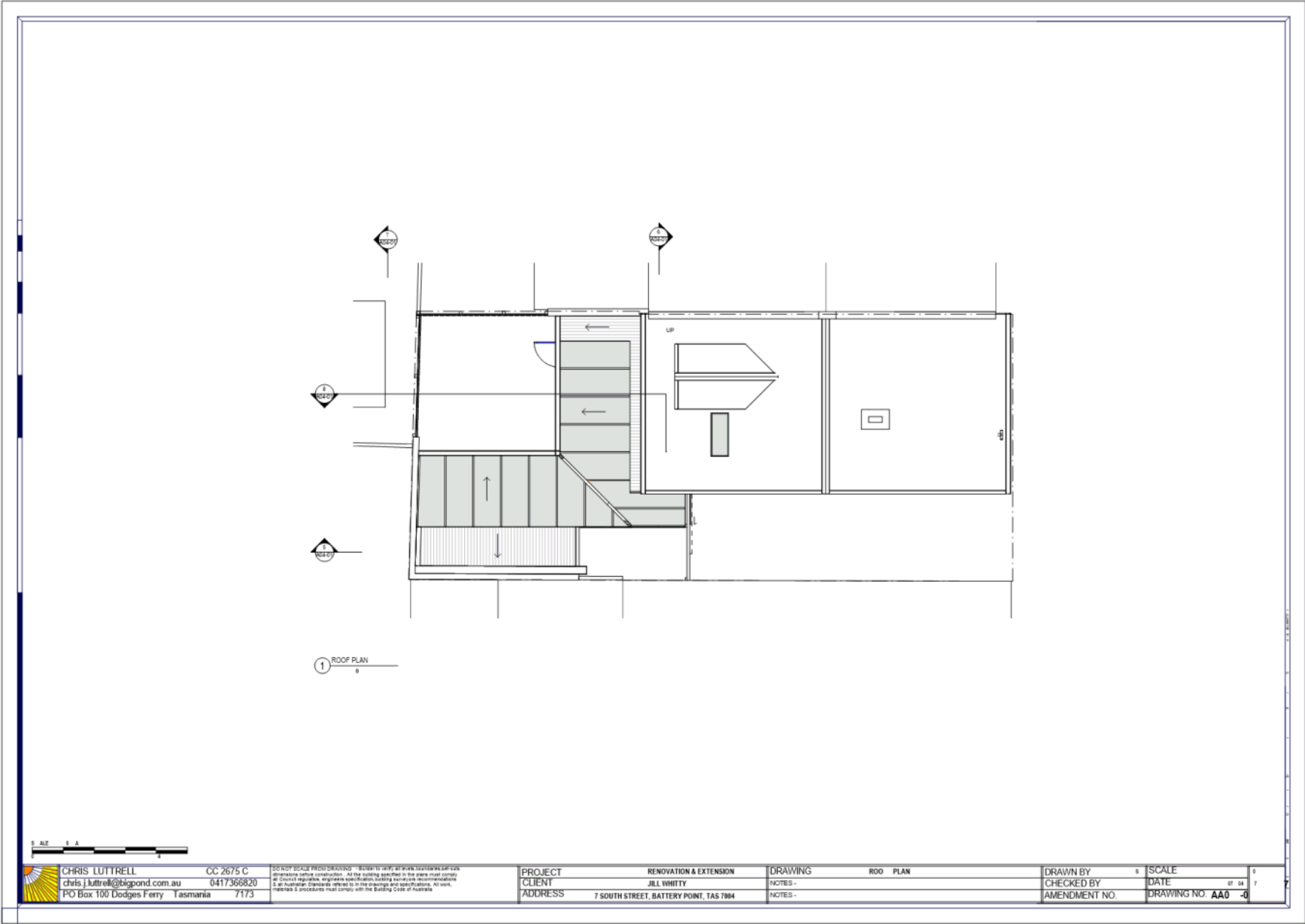
DO NOT SCALE FROM DRAWING - REFER TO ANY DIMENSIONS SPECIFIED  
dimensions before construction. All the building specified in the plans must comply  
with Council regulations, engineering specifications, building services requirements  
& all Australian Standards referred to in the drawings and specifications. All work  
materials & procedures must comply with the Building Code of Australia.

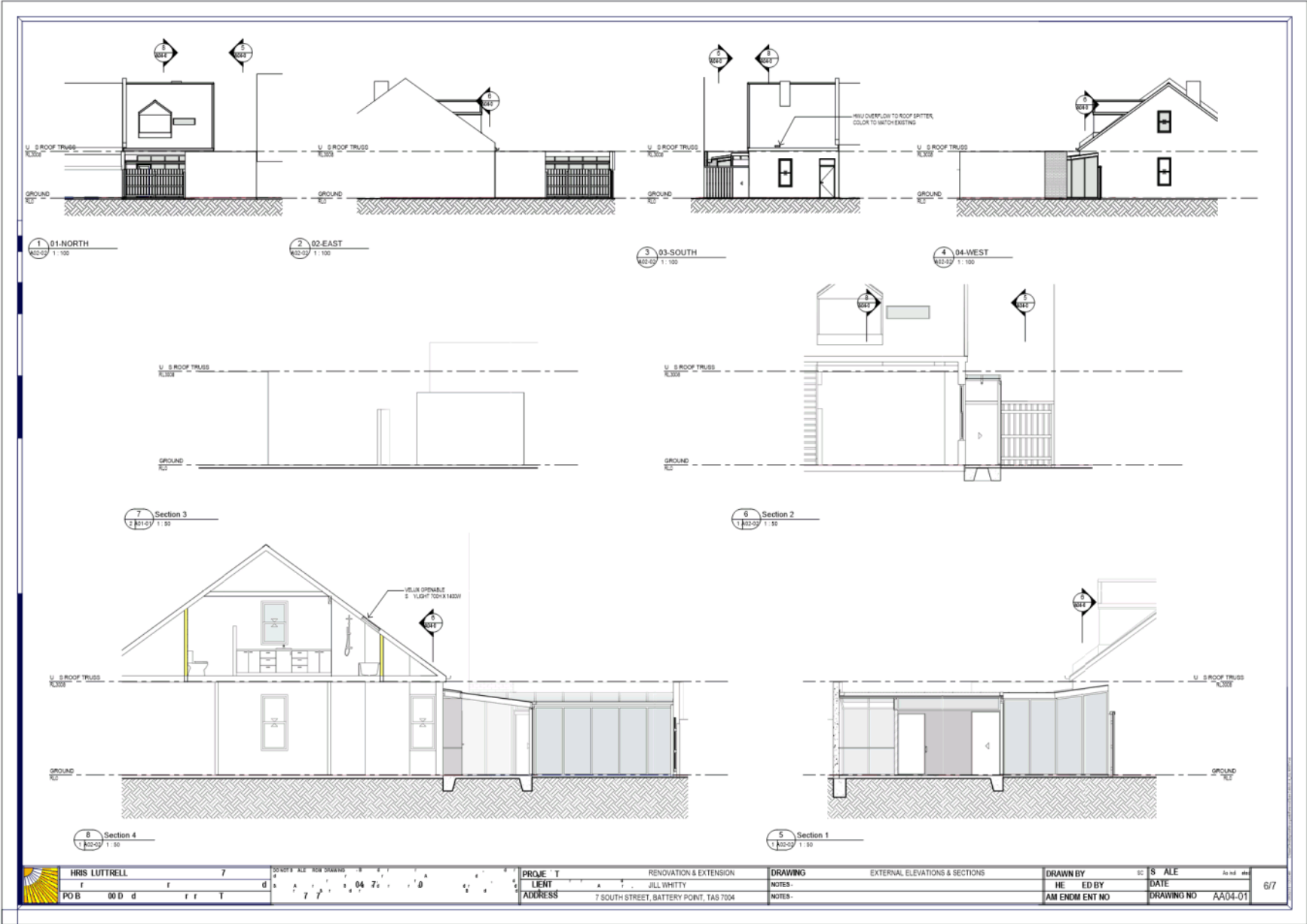
PROJECT RENOVATION & EXTENSION  
CLIENT JILL WHITTY  
ADDRESS 7 SOUTH STREET, BATTERY POINT, TAS 7004

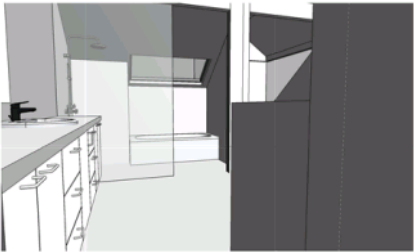
DRAWING SITE 3D VIEWS  
NOTES -  
NOTES -

DRAWN BY BC SCALE  
CHECKED BY DATE  
AMENDMENT NO. DRAWING NO. AA01-20

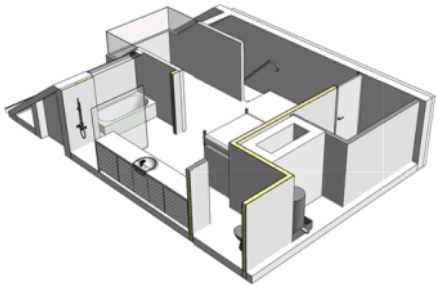




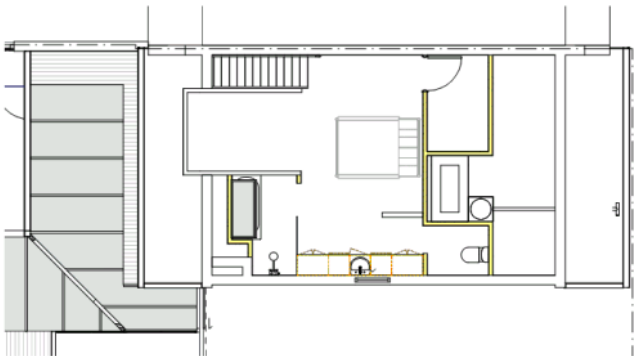




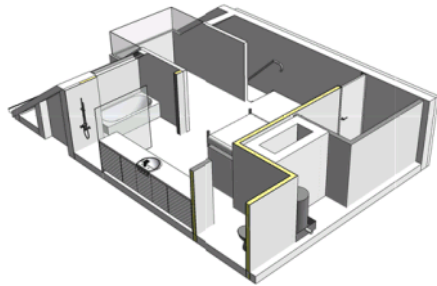
D VIEW -



D SECTION VIEW



4 BATHROOM OPTION  
1:50



D SECTION



CHRIS LUTTRELL  
chris.luttrell@bigpond.com.au  
PO Box 100 Dodges Ferry Tasmania 7173

CC 2675 C

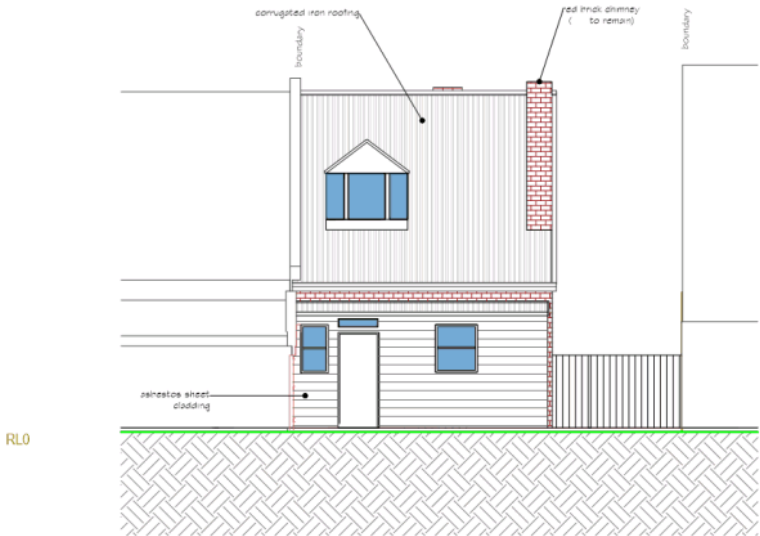
0417368820

DO NOT SCALE FROM DRAWING - REFER TO ANY DIMENSIONS SPECIFIED  
on drawings before construction. All the building specified in the plans must comply  
with Council regulations, engineering specifications, building services requirements  
& all Australian Standards referred to in the drawings and specifications. All work,  
materials & procedures must comply with the Building Code of Australia.

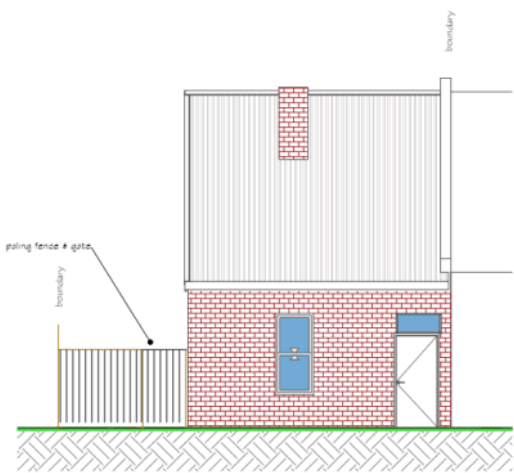
PROJECT	RENOVATION & EXTENSION
CLIENT	JILL WHITTY
ADDRESS	7 SOUTH STREET, BATTERY POINT, TAS 7004

DRAWING	BATHROOM INTERNAL VIEWS
NOTES -	
NOTES -	

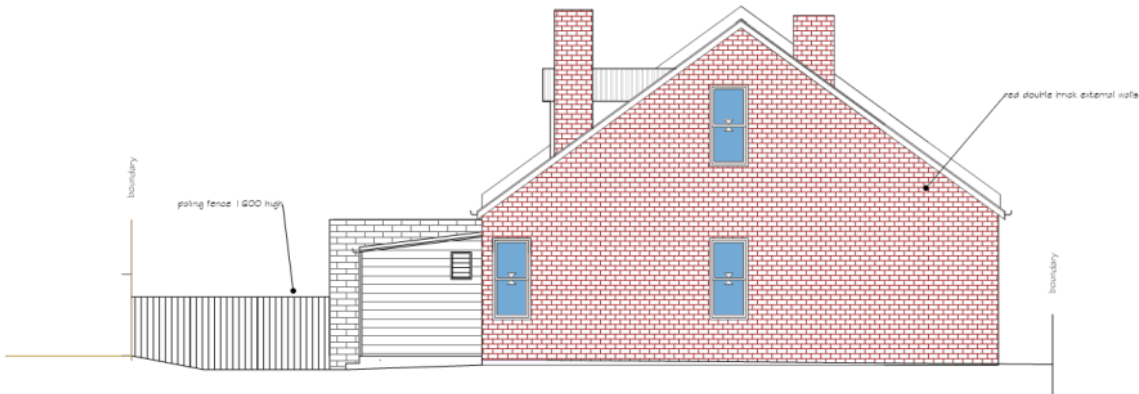
DRAWN BY	SCALE	1:50
CHECKED BY	DATE	
AMENDMENT NO.	DRAWING NO. AA05-10	7/7



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



CHRIS LUTTRELL  
DESIGN & DRAFTING  
CC2675

04 17366820  
chris.luttrell@bigpond.com  
PO Box 100  
Dodges Ferry, TAS, 7173

DO NOT SCALE FROM DRAWING - Builder to verify all levels, boundaries, set outs, dimensions before construction. All the building specified in the plans must comply with all council regulations, engineers specification, building surveyors recommendations & all Australian Standards referred to in drawings and specifications. All work, materials & procedures must comply with the Building Code of Australia

PROJECT: RENOVATION & DEMOLITION  
CLIENT: J WHITTY  
ADDRESS: 7 SOUTH ST, BATTERY POINT

DRAWING: EXISTING ELEVATIONS

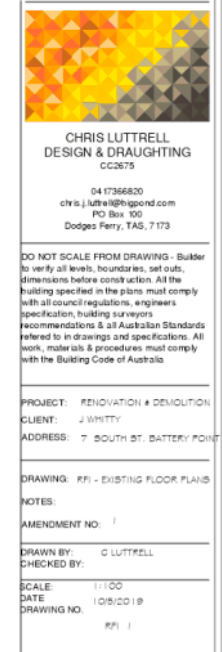
NOTES:

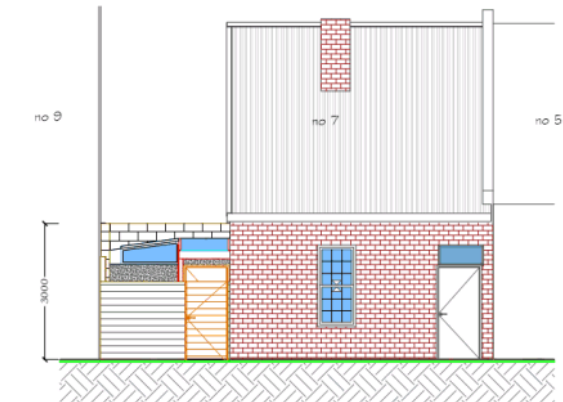
AMENDMENT NO:

DRAWN BY: C LUTTRELL  
CHECKED BY:

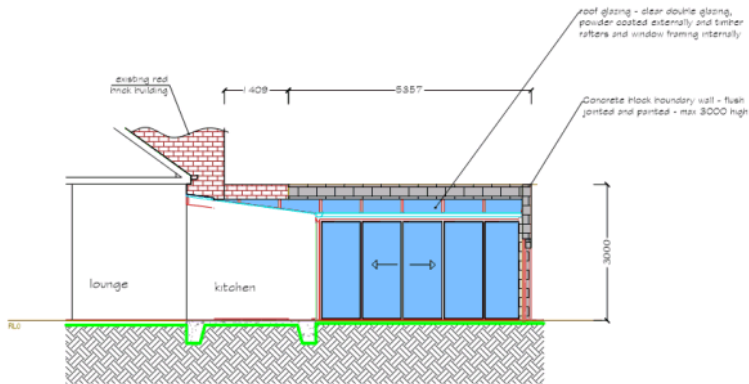
SCALE: 1:100  
DATE: 10/5/2019  
DRAWING NO:



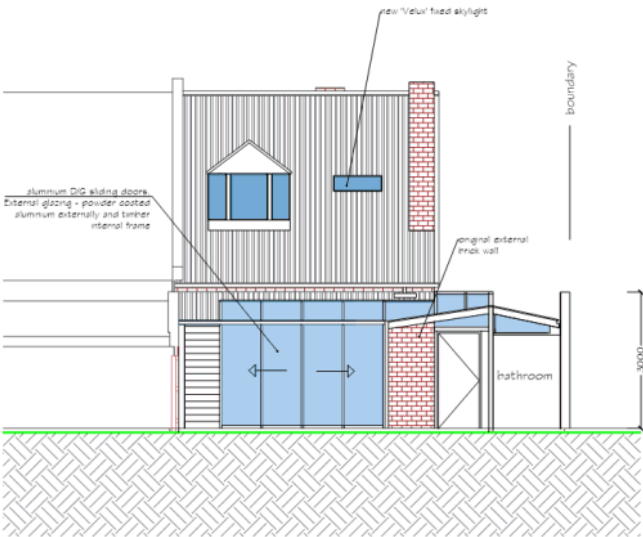




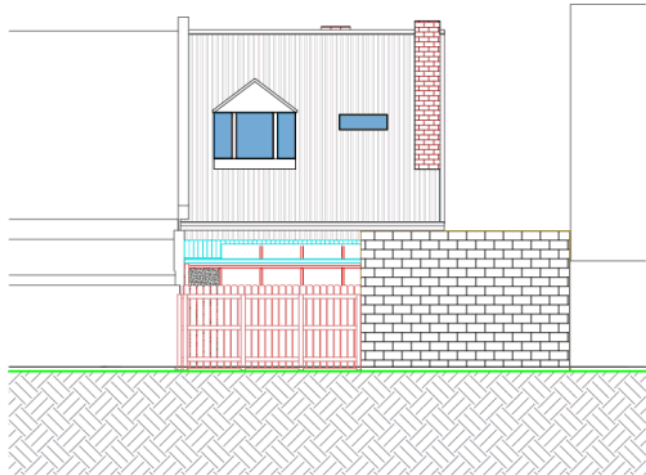
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION + SECTION THROUGH BATHROOM



WEST ELEVATION AS SEEN FROM BOUNDARY



CHRIS LUTTRELL  
DESIGN & DRAFTING  
002678

0417502200  
chris.luttrell@bigpond.com  
PO Box 100  
Doddges Ferry, TAS, 7178

DO NOT SCALE FROM DRAWING -  
Builder to verify all levels, boundaries,  
set outs, dimensions before  
construction. All the building specified in  
the plans must comply with all council  
regulations, engineers specifications,  
building surveyors recommendations & all  
Australian Standards referred to in  
drawings and specifications. All work,  
materials & procedures must comply with  
the Building Code of Australia

PROJECT: RENOVATION & DEMOLITION  
CLIENT: J WHITTY  
ADDRESS: 7 SOUTH ST. BATTERY POINT

DRAWING: PROPOSED ELEVATIONS

NOTES:

AMENDMENT NO:

DRAWN BY: C LUTTRELL

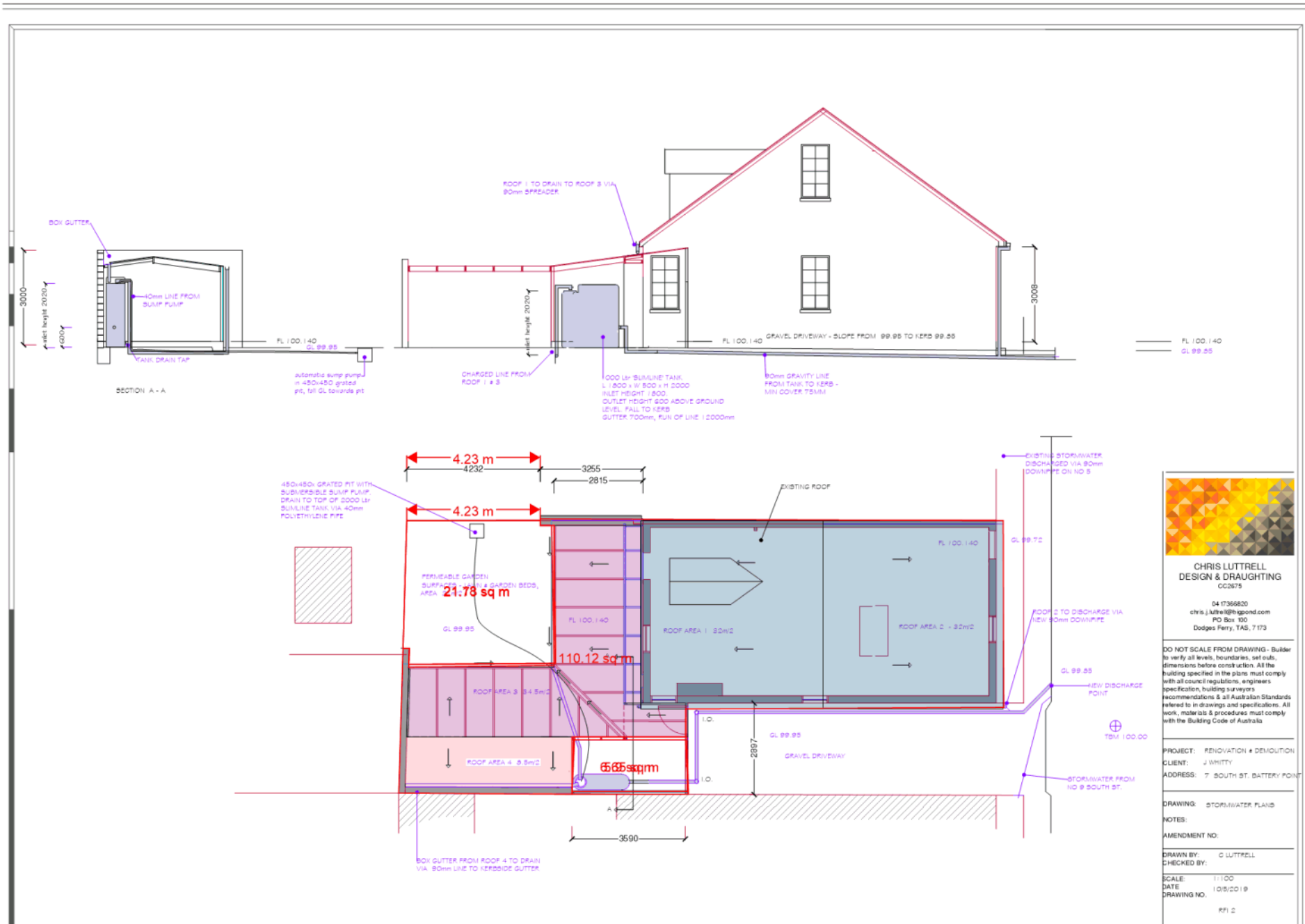
CHECKED BY:

SCALE: 1:100

DATE: 10/05/2019

DRAWING NO.

RPI 4





















































## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
57719	2
EDITION	DATE OF ISSUE
9	15-May-2014

SEARCH DATE : 18-Jun-2015  
SEARCH TIME : 04.21 PM

DESCRIPTION OF LAND

City of HOBART  
Lot 2 on Strata Plan 57719 (formerly being STR1404) and a  
general unit entitlement operating for all purposes of the  
Strata Scheme being a 1 undivided 1/2 interest  
Derived from Strata Plan 57719  
Derivation : Part of 2A-0R-11Ps. Gtd.to Charles McLachlan.  
Prior CT 3960/78

SCHEDULE 1

M464534 TRANSFER to JILLIAN MARIE WHITTY Registered  
15-May-2014 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
The registered proprietor holds the lot and unit entitlement  
subject to any interest noted on common property  
Folio of the Register volume 57719 folio 0

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 57719	FOLIO 0
EDITION 3	DATE OF ISSUE 22-Nov-2000

SEARCH DATE : 14-Apr-2014  
SEARCH TIME : 12.19 PM

DESCRIPTION OF LAND

City of HOBART  
The Common Property for Strata Scheme 57719 (formerly being STR1404)  
Derivation : Part of 2A-0R-11Ps. Gtd.to Charles McLachlan.  
Prior CT 3954/68

SCHEDULE 1

STRATA CORPORATION NO. 57719, 5-7 SOUTH STREET, HOBART

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

the List

## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyancing and Law of Property Act 1884

## STRATUM PLAN

REGISTERED NUMBER

No. 1404

Sheet 1 of 4 Sheets

City or Town HOBART

57719

Locality BATTERY POINT

Reference to Title C.T. 3954-68

Site comprises the whole portion of Lot 1 on Plan Diagram No. D17804 in the

Lands Titles Office

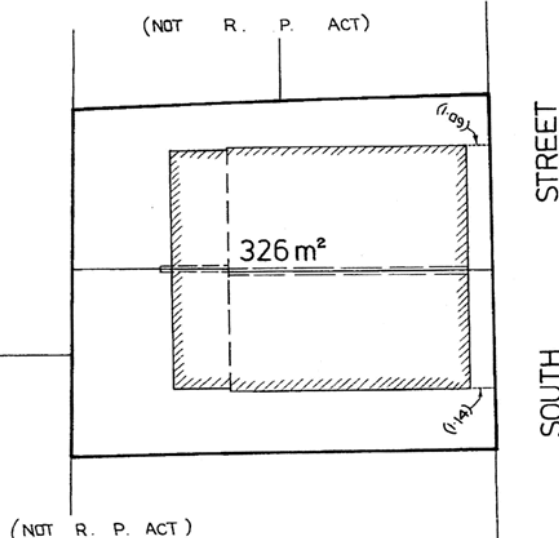
The name of the building is N°5-7 SOUTH STREET - HOBART

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



SITE PLAN  
SCALE 1:200

LENGTHS ARE IN METRES



REGISTERED this 28 day of MAY 1982, No. 1404

This plan is lodged for registration by Finlay Blackmore

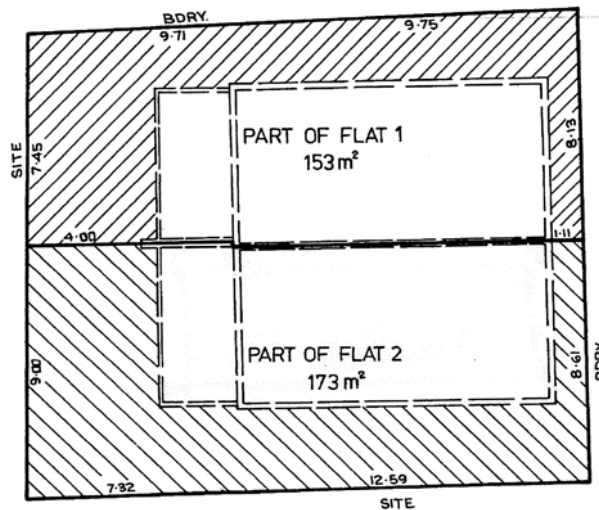
Recorder of Titles

Sheet 2 of 4 Sheets



Town Clerk/Council Clerk

All horizontal flat boundaries are shown by heavy unbroken lines.  
 All horizontal flat boundaries are along the centres of walls unless otherwise stated.  
 The boundaries described by measurement are open.  
 The vertical boundaries are the centres of the floor and ceiling of that portion of that flat unless otherwise stated.  
 The hachured portions of the flats are open and extend vertically from ground level to the prolongation of the centre line of the ceiling of that portion of that flat.

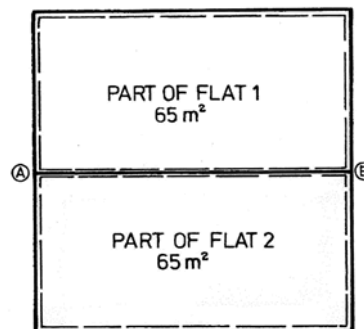

 GROUND FLOOR  
 SCALE 1:150

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

Sheet 3 of 4 Sheets

  
 Town Clerk/Council Clerk

All horizontal flat boundaries are shown by heavy unbroken lines and are along the outer face of walls unless otherwise stated.  
The boundary marked A-B is along the centreline of the wall.  
All flat boundaries extend vertically from the centre of the floor to the centre of the ceiling.



FIRST FLOOR  
SCALE 1:150



## FOLIO PLAN

## RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*



Sheet 4 of 4 Sheets

~~Town Clerk/Council Clerk~~

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

FINLAY, BLACKWOOD,  
32 MURRAY STREET.  
HOBART. 7000.

### UNIT ENTITLEMENTS

[illegible]

### SURVEYOR'S CERTIFICATE

I, Anthony Cripps Peacock  
of Hobart  
a surveyor registered under the *Land Surveyor's Act* 1909, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boundaries of the title stated on sheet 1.

Dated this Fourth day of May 1982...

*MR. [Signature]*  
Registered Surveyor

**COUNCIL CLERK'S CERTIFICATE**

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

Hobart City Council

Dated this 14<sup>th</sup> day of May 19 82

  
Town Clerk/Council Clerk

FOR OFFICE USE ONLY



Planning #252368

**Property**

7 SOUTH STREET BATTERY POINT TAS 7004

**People****Applicant \***

Jillian Whitty  
7 South Street  
BATTERY POINT TAS 7004  
0438 253 643  
jillianwhitty@gmail.com

**Owner \***

Jillian Whitty  
7 South Street  
BATTERY POINT TAS 7004  
0438 253 643  
jillianwhitty@gmail.com

**Entered By**

JILLIAN MARIE WHITTY  
0438 253 643  
jillianwhitty@gmail.com

**Use**

Single dwelling

**Details**

Have you obtained pre application advice?

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

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

☒ No

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

☒ No

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

## Details

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

Dwelling

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

Alteration and addition

Estimated cost of development \*

330000.00

Existing floor area (m2)

137.00

Proposed floor area (m2)

168.40

Site area (m2)

173

## Carparking on Site

Total parking spaces

1

Existing parking spaces

1

N/A

☒ Other (no selection  
chosen)

## Other Details

Does the application include signage? \*

☒ No

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

0

## Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

☒ Yes

## Documents

## Required Documents

Title (Folio text and Plan and PLN-19-221 7 SOUTH STREET BATTERY POINT TAS 7004 - Certificate of Title.pdf  
Schedule of Easements) \*

Plans (proposed, existing) \* PLN-19-221 7 SOUTH STREET BATTERY POINT TAS 7004 - Plans.pdf

Covering Letter PLN-19-221 7 SOUTH STREET BATTERY POINT TAS 7004 - Covering Letter.pdf